CITY COUNCIL

AGENDA
MONDAY, NOVEMBER 28, 2022

VIRTUAL REGULAR MEETING – 7:00 PM

CLOSED SESSION - 5:45 PM

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

TELECONFERENCE INFORMATION:
ZOOM WEBINAR:
ATTENTION: Zoom update requirements found at the bottom of the agenda
https://us02web.zoom.us/j/81000240606

Zoom dial in phone number:
1 669 900 6833
Meeting ID: 810 0024 0606

CITY OF LIVERMORE YOUTUBE CHANNEL:
https://www.youtube.com/c/CityofLivermoreCalifornia

TV29:
Comcast TV Channel 29
tv29.org

Bob Woerner, Mayor
Regina Bonanno, Vice Mayor
Robert W Carling, Council Member
Brittni Kiick, Council Member
Trish Munro, Council Member

1. CLOSED SESSION - 5:45 PM

- Roll Call
- Opportunity for the Public to Address City Council Regarding Closed Session Items
- Adjourn to Closed Session

Note: This Closed Session may be continued to the end of the Regular Meeting.

1.1 Anticipated Litigation. To meet with the City Attorney pursuant to Government Code section 54956.9(d)(2) because there is significant exposure to litigation against the City based on existing facts and circumstances. (Two claims)

1. Pursuant to Government Code section 54956.9(e)(3) due to the receipt of claim from Northfield, LLC pursuant to the Government Claims Act. A redacted copy of Claim No. LIVE-2022-2023-0021-01 is available for public inspection pursuant to Government Code section 54957.5.
2. Pursuant to Government Code section 54956.9(e)(3) due to the receipt of claim from Ryan's Automotive Services pursuant to the Government Claims Act. A redacted copy of Claim No. LIVE-2022-2023-0021-02 is available for public inspection pursuant to Government Code section 54957.5.

1.2 Conference with Legal Counsel - Existing Litigation. To meet with legal counsel pursuant to Government Code section 54956.9(d)(1) to discuss litigation that has been formally initiated.

1. Conner v. Livermore, et al., Alameda County Superior Court Case No. RG19014344

2. CALL TO ORDER

ROLL CALL

Council Member Robert W. Carling
Council Member Brittni Kiick
Council Member Trish Munro
Vice Mayor Regina Bonanno
Mayor Bob Woerner

PLEDGE OF ALLEGIANCE

REPORT OF ACTION TAKEN IN CLOSED SESSION

3. PROCLAMATIONS AND PRESENTATIONS

4. OPEN FORUM

- In conformance with the Brown Act, no City Council action can occur on items presented during Open Forum.
- Please log into Zoom to provide verbal public comment during the City Council Meeting.
- Comments are limited to a maximum of 3 minutes per person, per item. The Mayor may reduce the amount of time based on the number of persons wishing to speak.
- Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

- Open Forum will conclude after 30 minutes; however, if there are additional speakers, Open Forum will reconvene before the meeting adjourns.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the City Council with a single action. Members of the audience wishing to provide public input must use the raise hand feature. Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

5.1 Approval of draft minutes - October 24, 2022 Regular Meeting.

Recommendation:
Staff recommends the City Council approve the draft minutes.

Staff Report
Attachments:
1. 2022-10-24 Draft Minutes

5.2 **Adoption of an ordinance** amending Livermore Municipal Code Chapter 15.26 Green Building Standards Code to include an onsite exception for non-combustion fuel cells to produce electricity.

Recommendation:
Staff recommends the City Council adopt an ordinance with an effective date of January 1, 2023, to amend Chapter 15.26 (Green Building Standards Code) in The Livermore Municipal Code to include an onsite exception for non-combustion fuel cells to produce electricity.

Staff Report
Attachments:
1. Ordinance

5.3 **Adoption of an Ordinance** amending Development Agreement 18-001 for the Lassen Road Townhomes project to revise the performance schedule to accommodate regulatory permitting of the off-site improvements (DAA 21-002).

Recommendation:
The Planning Commission and Staff recommend the City Council adopt an ordinance amending Development Agreement 18-001 for the Lassen Road Townhomes project (DAA 21-002).

Staff Report
Attachments:
1. Ordinance Development Agreement Amendment 18-001
2. Exhibit A - First Amendment to DA18-001
3. Exhibit B - PC Resolution 22-22

5.4 Resolution authorizing the execution of a five-year agreement with BrightView Landscape

Services, Inc. for landscape maintenance services at both the Brisa Community Facilities District (2015-1) and the El Charro Community Facilities District (2012-1) in an amount not-to-exceed $1,000,000.

Recommendation:
Staff recommends City Council adopt a resolution authorizing execution of a five-year agreement with BrightView Landscape Services to provide landscape maintenance services at both the Brisa Community Facilities District (2015-1) and the El Charro Community Facilities District (2012-1), in an amount not-to-exceed $1,000,000 over the five-year term.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - BrightView Agreement

5.5 Resolution authorizing the execution of an agreement with Peregrine Technologies, Inc. to provide data visualization software and services for the Livermore Police Department's Real-Time Awareness Center (RTAC) and Department Operations Center (DOC) as part of Capital Improvement Project #2019-58 in an amount not-to-exceed $960,000.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a multi-year renewal agreement with Peregrine Technologies, Inc. beginning on December 15, 2022, through July 31, 2027, in an amount not-to-exceed $960,000 to provide visualization software and related technical support services for the Livermore Police Department's Real Time Awareness Center (RTAC) as part of Capital Improvement Project #2019-58.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - Peregrine Technologies Inc.

5.6 Resolution authorizing a general fund supplemental appropriation of $178,436 and execution of a purchase order with Motorola Solutions for the purchase of two radio consoles to support Livermore Police Department's Real Time Awareness Center (RTAC) in an amount not-to-exceed $178,436.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing a general fund supplemental appropriation of $178,436 and execution of a purchase order with Motorola Solutions for the purchase of two radio consoles to support the Livermore Police Department's Real Time Awareness Center (RTAC) in an amount not-to-exceed $178,436.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - Motorola Solutions Scope of Work

5.7 Resolution authorizing a supplemental appropriation in the amount of $26.7 million to Fiscal Year 2023-24; awarding a construction contract with Zovich Construction in an amount not-to-exceed $30,090,000 for Livermore Village Parking Garage (L Street Garage) Construction, Phase 2, Project 586003; awarding an agreement with Quality Assurance Engineering, Inc. in an amount not-to-exceed $474,000 for construction inspection services; and approving the second amendment with Watry Buehler Collaborative, LLP increasing the amount of the agreement by $114,000 to a total not-to-exceed amount of $1,624,000 for additional engineering design and construction support services.

Recommendation:
Staff recommends the City Council adopt a resolution for the Livermore Village Parking Garage (L Street Garage) Construction, Phase 2, Project 586003:

1. Authorizing a supplemental appropriation of $3,700,000 in Fund 320 (2022 COP Debt Construction Fund) from FY 2022-23 to FY 2023-24.
2. Authorizing a supplemental appropriation from issuance of bonds previously approved by Council of $23,000,000 in Fund 320 (2022 COP Debt Construction Fund) in FY 2023-24.
3. Awarding and authorizing execution of an agreement with Zovich Construction, in an amount not-to-exceed $30,090,000, for construction of the Livermore Village Parking Garage Construction, Phase 2 Project 586003.
4. Authorizing execution of an agreement with Quality Assurance Engineering, Inc. in an amount not-to-exceed $474,000, for construction inspections and materials testing services; and
5. Authorizing execution of a second amendment to the agreement with Watry Buehler Collaborative, LLP, increasing the amount of the agreement by $114,000 to a total not-to-exceed amount of $1,624,000, for additional design and construction support services.

Staff Report
Attachments:
1. Site Plan
2. Renderings
3. Contractor Work Areas
4. Resolution
5. Exhibit A - Zovich Contract
6. Exhibit B - Quality Assurance Agreement
7. Exhibit C - Second Amendment Watry Buehler

5.8 Resolution approving the second amendment to the Third Amended and Restated Franchise Agreement approving the assignment of Livermore Sanitation, Inc. to Waste Connections.

Recommendation:
Staff recommends the City Council adopt a resolution approving the Second Amendment to the Third Amended and Restated Franchise Agreement approving the Assignment of Livermore Sanitation, Inc. to Waste Connections.

Staff Report
Attachments:

1. Resolution
2. Exhibit A - Waste Connections, Inc. Letter of Commitment
3. Exhibit B - HFH Assignment Review Report
4. Exhibit C - Second Amendment to Third Amended and Restated Franchise Agreement

5.9 Resolution rescinding the Garaventa Hills Project Approvals and Environmental Impact Report.

Recommendation:
Staff recommends the City Council adopt a resolution rescinding the certification of the Re-Issued Final Environmental Impact Report, Findings and Facts, Mitigation Monitoring and Reporting Program, and approvals of a Vesting Tentative Tract Map and Site Plan Design Review in Resolution Nos. 2019-050 and 2019-051.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - RESO 2019-050
3. Exhibit B - RESO 2019-051

5.10 Resolution authorizing acceptance for permanent maintenance, release of security bonds and execution of a Notice of Completion for the WRP Occupied Building Repairs, Phase 1, Project 2015-19, located at the Water Reclamation Plant.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance and release of the security bonds for the WRP Occupied Building Repairs, Phase 1, Project 2015-19, located at the Water Reclamation Plant, and authorize the City Manager to sign the Notice of Completion.

Staff Report
Attachments:
1. Site Location
2. Resolution
3. Exhibit A - Notice of Completion

5.11 Resolution authorizing the acceptance for permanent maintenance, release of the security bonds, and execution of a Notice of Completion for the Fixed Base Operator Building Flood Proofing, Project 2018-49, at the Livermore Municipal Airport.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance and release of the security bonds for the Fixed Base Operator (FBO) Building Flood Proofing, Project 2018-49, and authorizing the City Manager to sign the Notice of Completion.

Staff Report
Attachments:

1. Site Location Map
2. Resolution
3. Exhibit A - Notice of Completion

5.12 Resolution accepting protest and reducing the weed abatement assessment for the annual fire hazard abatement program for parcel number 099-080200100, located at 3615 Concannon Boulevard, Livermore, California 94550.

Recommendation:
Staff recommends City Council adopt a resolution granting the protest against the weed abatement assessment for parcel number 099-080200100, located at 3615 Concannon Boulevard, Livermore, California 94550; and reducing assessment to $1,800, which has been paid.

Staff Report
Attachments:
1. Resolution

5.13 Resolution establishing the annual Affordable For-Sale Prices, Rental Rates, and Maximum Income Limits for affordable housing units subject to the City's Inclusionary Housing Ordinance.

Recommendation:
Staff recommends the City Council adopt a resolution:

1. Establishing new maximum income limits for extremely low-, very low-, low-, median- and moderate-income households which shall apply to the City's first-time homebuyer and affordable rental programs effective upon adoption by City Council; and,
2. Establishing maximum for-sale housing prices for the Affordable Homeownership Program which will be effective for homes sold through the program beginning January 1, 2023, and establishing updated annual rent limits for City-restricted affordable units effective immediately upon adoption by City Council.

Staff Report
Attachments:
1. 2021 Affordable Sales Prices Rental Rates and Maximum Income Limits
2. Resolution
3. Exhibit A - 2022 Affordable Sales Prices, Rental Rates and Maximum Income Limits

5.14 Resolution declaring the Pacific Avenue Senior housing site to be exempt surplus land pursuant to Government Code Section 54221(f)(1)(A).

Recommendation:
Staff recommends the City Council adopt a resolution declaring the Pacific Avenue Senior housing site to be exempt surplus land pursuant to Government Code Section 54221(f)(1)(A).

Staff Report
Attachments:
1. Resolution

2. Exhibit A - Property Description

5.15 Resolution approving modifications to the wages of the City Manager, City Attorney, Executive Management, and Unclassified Salary Schedules.

Recommendation:
Staff recommends the City Council adopt a resolution approving the City of Livermore Salary Plan as of December 2022, in accordance with California Code of Regulations, Title 2, Section 570.5.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - Salary Plan Effective December 2022

5.16 Resolution accepting the FY 2021-22 year-end Budget Report, allocating the General Fund available balance to various reserves, and designating the June 30, 2022, General Fund Reserves.

Recommendation:
Staff recommends City Council adopt a resolution accepting the FY 2021-22 Year-end Budget Report, allocating the General Fund available balance to various reserves, and designating the June 30, 2022, General Fund reserves.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - FY 2021-22 Year-end report

5.17 Receive Livermore Valley Arts annual update.

Recommendation:
Staff recommends the City Council receive the Livermore Valley Arts annual update.
Staff Report
Attachments:
1. Livermore Valley Arts City Council Annual Report 2022

6. PUBLIC HEARINGS

Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

6.1 Hearing to consider a resolution approving the Housing and Human Services grant priorities for FY 2023-24.

Recommendation:
The Human Services Commission and staff recommend the City Council adopt a resolution approving the Housing and Human Services Grant Priorities for FY 2023-24.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - City of Livermore Housing and Human Services Grant Priorities FY 2023-24

6.2 Hearing to consider a resolution approving the third substantial amendment to the City of Livermore's U.S. Department of Housing and Urban Development Fiscal Year 2019-20 Action Plan, authorizing the City Manager to negotiate and execute any related documents, and approving a supplemental appropriation in the amount of $143,428 for unspent Community Development Block Grant (CDBG) Coronavirus funds to support the Senior Meal Program through Open Heart Kitchen.

Recommendation:
Staff recommends the City Council adopt a resolution approving the third substantial amendment to the City of Livermore's U.S. Department of Housing and Urban Development (HUD) approved Fiscal Year (FY) 2019-20 Action Plan and authorize the City Manager, or her designee, to negotiate and execute any related documents, agreements and modifications with HUD and the sub grantee, Open Heart Kitchen. Staff is also requesting a supplemental appropriation in the amount of $143,428 for unspent Community Development Block Grant Coronavirus third round (CDBG-CV3) funds from Fund 613 in FY 2022-23.

Staff Report
Attachments:
1. Resolution 2019-069 FY 2019-20 HUD Approved Action Plan
2. Resolution 2020-103 First Substantial Amendment to FY 2019-20 Action Plan
3. Resolution 2020-223 Second Substantial Amendment FY 2019-20 Action Plan
4. Resolution
5. Exhibit A - Third Substantial Amendment to FY 2019-20 Annual Action Plan

6.3 Hearing to consider resolutions adopting the Initial Study/Negative Declaration and the 2022 Climate Action Plan (2022 CAP).

Recommendation:
Staff and the Planning Commission recommend the City Council consider the 2022 Climate Action Plan (POLI 20-001) and adopt resolutions:

1. Adopting the October 17, 2022, Initial Study/Negative Declaration (IS/ND) for the Livermore Climate Action Plan Update; and
2. Adopting the 2022 Climate Action Plan.

Staff Report
Attachments:
1. PC Staff Report
2. Draft PC Meeting Minutes
3. CAPAC Letter to City Council
4. Resolution - CEQA
5. Exhibit A - PC Reso 25-22, CEQA
6. Exhibit B - Initial Study Negative Declaration

7. Resolution - Project
8. Exhibit A - PC Reso 26-22, Project
9. Exhibit B - 2022 CAP Final Draft

6.4 Hearing to receive a tracking update on the Isabel Neighborhood Specific Plan (Specific Plan) progress and consider resolutions finding the environmental impacts of the Specific Plan amendments are within the scope of the 2018 and 2020 Environmental Impact Reports and amending the Specific Plan to include new and clarified policies, revised development and design standards, and text clarifications.

Recommendation:
The Planning Commission and staff recommend the City Council receive a tracking update on the Isabel Neighborhood Specific Plan (Specific Plan) progress and consider Specific Plan amendments and adopt resolutions:

1. Finding the Environmental Impacts of the Isabel Neighborhood Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan; and
2. Approving Specific Plan Amendment (SPPA) 22-001.

Staff Report
Attachments:
1. Planning Commission Staff Report
2. Draft Planning Commission Meeting Minutes 11-1-22
3. Tracking Update
4. Specific Plan Amendments
5. Planning Commission Supplemental Materials
6. Resolution - CEQA
7. Exhibit A - Planning Commission Resolution 27-22, SPPA22-001; CEQA
8. Resolution - Project Approval
9. Exhibit A - Planning Commission Resolution 28-22, SPPA22-001
10. Exhibit B - Specific Plan Amendments, SPPA22-001

6.5 THIS ITEM WAS CONTINUED FROM NOVEMBER 14, 2022. Hearing to consider amending the Livermore Development Code regarding temporary signs, including Section 4.06.140, to update regulations relating commercial and non-commercial temporary signs in all zoning districts.

Recommendation:
a) Based on City Council direction, staff recommends the City Council waive the first reading and **introduce an ordinance** approving Development Code Amendment 22-003, Temporary Signs, to update sections relating to the location, time of day, and number of days for commercial and non-commercial temporary signs in all zoning districts.

or

b) As an alternative to the Development Code Amendment requested by the City Council, the

Mayor recommends the City Council waive the first reading and **introduce an ordinance** to prohibit the placement of all temporary signs in the public right-of-way in commercial, industrial, and residential zoning districts.

Staff Report
Attachments:
1. July 27 2020 Staff Report
2. Council Direction LDC - Redline Edits
3. Council Direction Ordinance, DCA 22-003
4. Mayor Alternative LDC - Redline Edits
5. Mayor Alternative Ordinance, DCA 22-003

7. MATTERS FOR CONSIDERATION

Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

7.1 Resolution approving an amended and restated employment contract with the City Attorney.

Recommendation:
Mayor Woerner recommends the City Council adopt a resolution approving an amended and restated employment contract with the City Attorney.
Staff Report
Attachments:
1. 2022 City Attorney Contract Redline
2. Resolution
3. Exhibit A - 2022 Signed City Attorney Contract

7.2 Resolution approving an amended and restated employment contract with the City Manager

Recommendation:
Mayor Woerner recommends the City Council adopt a resolution approving an amended and restated employment contract with the City Manager.

Staff Report
Attachments:
1. 2022 City Manager Contract Redline
2. Resolution
3. Exhibit A - 2022 Signed City Manager Contract

8. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, STAFF, AND COUNCIL MEMBERS

9. ADJOURNMENT

To a Regular City Council meeting on December 12, 2022 at 7:00 p.m., Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

10. SUPPLEMENTAL MATERIALS

10.1 Supplemental materials received prior to the meeting.

Staff Report
Attachments:
1. Supplemental Materials

10.2 Supplemental materials received at the meeting.
Staff Report
Attachments:
1. Item Received at the Meeting

HOW TO PARTICIPATE IN YOUR CITY COUNCIL MEETING

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

Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

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 submit a comment using Zoom, you may use the 'raise hand' feature. You should be aware that the City Council 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 City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

Public Hearings - The topic of the hearing is typically summarized by staff, followed by questions from the City Council and a presentation by the applicant. The Mayor will then open the hearing to the public and offer an opportunity for public comments. You may use the 'raise hand' feature in Zoom and take 3 minutes to make your comments.

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 City Council 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.

Platforms to Participate in Virtual Meetings:

Submission of Comments Prior to the Meeting:

Email Comments may be submitted by the public to the City Clerk's Office (cityclerk@LivermoreCA.gov). Items received no later than 12:00 pm on the day of the meeting will be provided to the City Council 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 4PM the day of the meeting. These items will

NOT be read into the record and are viewable by the the City Council 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 using Zoom, you may use the 'raise hand' feature. You should be aware that the City Council 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 City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

The City will be using YouTube and TV29 as two tools to provide the public access to view City Council meetings. No public comment will be accepted via YouTube.

TV29: tv29live.org or Comcast Channel 29

YouTube: http://youtube.com/c/CityofLivermoreCalifornia

Zoom Webinar: https://us02web.zoom.us/j/81000240606

Zoom dial in phone number: 1 669 900 6833
Meeting ID: 810 0024 0606

If you would like to deliver written materials to the City Council as part of their electronic comments during a meeting, the speaker must identify that intent in his or her comment submitted and immediately email the materials to the City Clerk at cityclerk@LivermoreCA.gov.

The **City Council Agenda and Agenda Reports** are prepared by City staff and are available for public review on Tuesday evening, six days prior to the City Council meeting in the Civic Center Library, 1188 South Livermore Avenue, Livermore, and at the City Clerk's Office, 1052 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 City Council after the posting of this agenda will be available for public review in the City Clerk's Office, 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

CITY COUNCIL STAFF REPORT **ITEM NO. 5.1**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Approval of draft minutes - October 24, 2022 Regular Meeting.

RECOMMENDED ACTION

Staff recommends the City Council approve the draft minutes.

SUMMARY

DISCUSSION

ATTACHMENTS

1. 2022-10-24 Draft Minutes

Prepared by: Marie Weber
City Clerk

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

MINUTES

LIVERMORE
CALIFORNIA

CITY COUNCIL
OCTOBER 24, 2022

REGULAR MEETING

1. CLOSED SESSION – NONE.

2. CALL TO ORDER – The meeting of the City Council was called to order by Mayor Bob Woerner at 7:00 pm, held in person at 1016 S. Livermore Avenue and remotely using Zoom and YouTube.

ROLL CALL – Present: Mayor Bob Woerner, Vice Mayor Regina Bonanno and Council Members Robert W. Carling, Brittni Kiick and Trish Munro.

PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND PRESENTATIONS

3.1 Proclamation recognizing October as National Domestic Violence Awareness Month presented to Maitri Finance & Accounting Manager, Tanuja Hegde.

Recommendation: Staff recommended the City Council recognize October as National Domestic Violence Awareness Month.

Vice Mayor Bonanno presented a proclamation to Tanuja Hedge recognizing October as National Domestic Violence Awareness Month.

3.2 Beautification Committee annual update presented by Vice Chair, Mark Gorallka.

Recommendation: Staff recommended City Council accept the Beautification Committee annual update.

Beautification Committee Vice Chair Mark Gorallka presented the annual update.

3.3 Presentation of the 2022 Beautification Awards.

Recommendation: Staff recommended City Council accept the Beautification Committee Awards presentation.

Council Member Carling presented the 2022 Beautification Awards.

4. CITIZENS FORUM

Mayor Woerner opened the public comment period.

Connie Huang provided comment.

Vladimir Pavlushkin provided comment.

Robin Groth Hill provided comment.

Carol Silva provided comment.

Lisa Tromovitch provided comment.

Paula Campbell provided comment.

Karl Wente provided comment.

Alan Marling provided comment.

Alison Hayden provided comment.

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

5. CONSENT CALENDAR

Mayor Woerner opened the public comment period.

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

ON THE MOTION OF VM BONANNO, SECONDED BY CM KIICK, AND CARRIED ON A 5-0 VOTE, THE CITY COUNCIL APPROVED THE CONSENT CALENDAR.

5.1 Approval of draft minutes - October 10, 2022 Regular Meeting.

Recommendation: Staff recommended the City Council approve the draft minutes.

5.2 **Resolution 2022-169** approving the First Amendment to Subdivision Improvement Agreement with Livermore Associates LLC for the Republic Square Retail Center Development to memorialize a settlement between the parties related to public improvements; and accepting Parcel Map 10525 public improvements for permanent maintenance.

Recommendation: Staff recommended the City Council adopt a resolution:
1. Approving the First Amendment to the Subdivision Improvement Agreement with Livermore Associates LLC for the Republic Square Retail Center Development to memorialize a settlement between the parties related to public

improvements and authorizing the Mayor to execute the agreement;
2. Accepting Parcel Map 10525 (south of Freisman Road between Livermore Outlets Drive and Wolf House Drive) public improvements for permanent maintenance; and
3. Authorizing release of the surety bonds for these public improvements.

5.3 **Resolution 2022-170** authorizing an increase in the construction contract change order allowance with EVRA Construction, Inc. by $10,000, for a total not-to-exceed amount of $60,000, for the Real Time Awareness Center Project 2019-58 within the police building.

Recommendation: Staff recommended the City Council adopt a resolution authorizing an increase in the construction contract change order allowance with EVRA Construction, Inc. by $10,000, to a cumulative not-to-exceed amount of $60,000, for the Real Time Awareness Center Project 2019-58, located within the police building.

5.4 **Resolution 2022-171** approving allocation of the Tourism and Special Event Grant monies for July 1, 2022-June 30, 2023 and authorizing the execution of grant agreements consistent with the City's Tourism and Special Events Grant Program.

Recommendation: Staff recommended City Council adopt a resolution approving allocation of Tourism and Special Event Grant monies for July 1, 2022-June 30, 2023, and authorizing the City Manager to execute the Grant Agreements to Livermore Valley Winegrowers Association, Altamont Cruisers Car Club, Wente Family Foundation for Arts Education and Darcie Kent Winery LLC, and Rotary Club of Livermore in the not-to-exceed amount of $2,000 each.

5.5 **Resolution 2022-172** authorizing execution of a purchase order with CDW-G for the replacement of the City of Livermore's (City) primary data backup system in an amount not-to-exceed $185,000

Recommendation: Staff recommended the City Council adopt a resolution authorizing execution of a purchase order with CDW-G for the replacement of the City's primary data backup system in an amount not-to-exceed $185,000.

5.6 **Resolution 2022-173** authorizing an agreement with Sun Ridge Systems, Inc. for continued software maintenance and support for the Public Safety Computer Aided Dispatch and Records Management software and related public safety software systems in an amount not-to-exceed
$331,396.

Recommendation: Staff recommended the City Council adopt a resolution authorizing the City Manager to sign an agreement with Sun Ridge Systems, Inc. for continued software maintenance and support for the Public Safety Computer Aided Dispatch and Records Management software and related public safety software systems in an amount not-to-exceed $331,396.

5.7 **Resolution 2022-174** authorizing the display of the POW- MIA flag for the week of November 6-13, 2022

Recommendation: Staff recommended the City Council adopt a resolution authorizing the display of the POW-MIA flag on the flagpole at the Civic Center Campus for the week of November 6-13, 2022.

5.8 **Resolution 2022-175** reauthorizing remote or hybrid teleconference meetings for City of Livermore's legislative bodies in accordance with Assembly Bill 361.

Recommendation: Staff recommended City Council adopt a resolution reauthorizing remote or hybrid teleconference meetings for City of Livermore's legislative bodies in accordance with Assembly Bill 361.

6. PUBLIC HEARINGS

6.1 Adoption of an ordinance amending and revising the Building Code, Property Maintenance Code, Fire Code, Electrical Code, Mechanical Code, Plumbing Code, Residential Code, and the Green Building Standards Codes in the City's Municipal Code, to adopt by reference and amend the 2022 California Building Standards Code and the codes set forth therein.

Recommendation: Staff recommended the City Council adopt an ordinance with an effective date of January 1, 2023:

1. Revising and amending Chapter 15.02 (Building Code), 15.04 (Property Maintenance Code), 15.06 (Fire Code), 15.08 (Electrical Code), 15.10 (Mechanical Code), 15.12 (Plumbing Code), 15.14 (Residential Code), and 15.26 (Green Building Standards Code) in The Livermore Municipal Code.
2. Adopting new Chapters 15.02 (Building Code), 15.06 (Fire Code), 15.08 (Electrical Code), 15.10 (Mechanical Code), 15.14 (Residential Code), and 15.26 (Green Building Standards Code) of the Livermore Municipal Code by adopting and amending the 2022 Editions of the California Building, Fire, Electrical, Mechanical, Plumbing, Residential, and Green Building Standards Codes.
3. Adopting new Chapter 15.04 (Property Maintenance Code) of the Livermore Municipal Code by adopting and amending the 2021 edition of the International Property Maintenance Code.

Building Official Franc Moufarrej and Senior Planner Tricia Pontau presented the staff report.

Mayor Woerner opened the public hearing.

Manaal Shafi provided comment.

There were no more speakers and the hearing was closed.

ON THE MOTION OF CM CARLING, SECONDED BY VM BONANNO AND

CARRIED ON A 5-0 VOTE, THE CITY COUNCIL ADOPTED THE FOLLOWING ORDINANCE:

Ordinance 2138 Revising and Amending Chapters 15.02 Building Code, 15.04 Property Maintenance Code, 15.06 Fire Code, 15.08 Electrical Code, 15.10 Mechanical Code, 15.12 Plumbing Code, 15.14 Residential Code, and 15.26 Green Building Standards Code in the Livermore Municipal Code, and adopting by reference, and amending based upon local climatic, geological, and topographical conditions, the 2022 California Building Standards Code set forth in Title 24 of the California Code of Regulations and the following codes adopted therein - the 2021 Editions of the International Building Code, The International Fire Code, The International Property Maintenance Code, the International Residential Code, the Uniform Plumbing Code, the Uniform Mechanical Code, the 2020 Edition Of the National Electrical Code, and the 2022 California Green Building Standards Code

6.2 Hearing to consider approving an Amended and Restated Disposition and Development Agreement with Red Bear Property Management, Inc. for development of downtown commercial uses, authorizing the City Manager to execute the agreement and all other necessary documents to implement that agreement, and to conform the Stockmen's Park easement to this project and others on the park site.

Recommendation: Staff recommended the City Council adopt resolutions and direct the following:
1. Finding that the Amended and Restated Disposition and Development Agreement (DDA) with Red Bear Property Management, Inc., attached hereto as Exhibit A, is within the scope of the 2004 Downtown Specific Plan Environmental Impact Report and the 2009 Downtown Specific Plan Subsequent Environmental Impact Report and the addendums adopted by City Council on September 10, 2018 by Resolution 2018-153, May 13, 2019 by Resolution 2019-064, and October 26, 2020 by Resolution 2020-178, and determining that Assessor Parcel Numbers 098-0289-026 and 098-0289-027 are exempt from the Surplus Land Act as defined in Government Code Section 54234(a)(1); and
2. Authorizing the City Manager to execute the DDA and all other necessary documents to implement that agreement and to conform the Stockmen's Park easement to this project and other projects on the park site.

Planning Manager Steve Steward presented the staff report.

Mayor Woerner opened the public hearing.

Lisa Tromovich provided comment.

Alan Marling provided comment.

There were no more speakers and the hearing was closed.

ON THE MOTION OF M WOERNER, SECONDED BY CM CARLING AND

CARRIED ON A 5-0 VOTE, THE CITY COUNCIL ADOPTED THE FOLLOWING RESOLUTIONS:

Resolution 2022-176 finding the project is consistent with prior environmental review for CEQA and declaring that two city owned parcels are exempt surplus land pursuant to Government Code Section 54221

Resolution 2022-177 finding the commercial project is consistent with prior environmental review for CEQA, and authorizing execution of an Amended and Restated Disposition and Development agreement with Red Bear Property Management, Inc. for development of a downtown commercial project; authorizing the City Manager to execute all other documents necessary to implement that agreement; and authorizing staff to execute all necessary documents to conform the Stockmen's Park easement with the commercial project and for all other projects on the park site (APNs 098-0289-026 and 098-0289-027)

7. MATTERS FOR CONSIDERATION

7.1 Update on the FY 2021-23 City Council Goals and Priorities and Equity and Inclusion workplan.

Recommendation: Staff recommended City Council receive an update on the FY 2021-23 Goals and Priorities and Equity and Inclusion workplan.

City Manager Marianna Marysheva presented the staff report.

Mayor Woerner opened the public comment period.

Alan Burnham provided comment.

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

THE CITY COUNCIL RECEIVED THE REPORT.

7.2 Discussion and direction regarding Livermore Development Code Chapter 4.06 Sign Standards for Temporary Signs.

Recommendation: Staff recommended the City Council discuss the provisions in the Livermore Development Code regarding temporary signs placed on public property and in the designated public right-of-way and direct staff to address ongoing challenges with allowing temporary signs, including vandalism and theft.

Planning Manager Steve Stewart presented the staff report.

Mayor Woerner opened the public comment period.

Kristie Wang provided comment.

Mike Frank provided comment.

Lori Souza, Board Chair of Tri-Valley Conservancy provided comment.

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

ON THE MOTION OF M WOERNER, SECONDED BY CM MUNRO AND CARRIED ON A 3-2 VOTE, THE CITY COUNCIL DIRECTED STAFF TO BRING BACK THE PLANNING COMMISSION'S RECOMMENDATION FOR COUNCIL CONSIDERATION ON NOVEMBER 14, 2022, WITH EXAMPLES OF SUCCESSFUL IMPLEMENTATION IN OTHER AGENCIES.

7.3 Discussion and direction on the City Council Subcommittee's recommended revisions to the City Council's Rules of Procedure and the City Council's Norms, Values and Principles of Governance

Recommendation: The City Council Subcommittee recommended the City Council discuss and provide direction on the Subcommittee's recommended revisions to the City Council's Rules of Procedure and the City Council's Norms, Values, and Principles of Governance.

Assistant City Manager Christine Martin presented the staff report.

Mayor Woerner opened the public comment period.

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

THE CITY COUNCIL DIRECTED STAFF TO BRING THIS ITEM BACK TO COUNCIL ON THE CONSENT CALENDAR ON NOVEMBER 14, 2022

8. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, STAFF AND COUNCIL MEMBERS

THE MAYOR AND CITY COUNCIL MEMBERS PROVIDED THE FOLLOWING SUMMARY OF RECENTLY ATTENDED EVENTS AND MEETINGS IN ADDITION TO THE INFORMATION PROVIDED IN THE SUPPLEMENTAL PACKET.

Civic Appreciation Dinner M Woerner, CM Carling, and CM Kiick noted their attendance at the event.

Influx Art Sculpture Dedication at Springtown Library CM Carling and Munro noted their attendance at the event.

Livermore Valley Chamber of Commerce Business Recognition Lunch M Woerner and CM Carling noted their attendance at the event.

StopWaste Meeting CM Carling noted attendance at the meeting.

Sustainable Wine Growers Event CM Carling, and CM Munro noted attendance at the event.

Bloom Electric Meeting, CM Carling noted attendance at the meeting.

Community Service Day Kick-off Meeting, CM Carling noted attendance at the meeting.

TV30 Mayor's Report CM Carling noted participation in this program.

Tri-Valley Non-Profit Awards CM Carling noted participation in the event.

Youth in Government Working Group meeting CM Munro noted attendance at the meeting.

East Bay Community Energy Board Meeting CM Munro noted attendance at the meeting.

Tour of Form Factors manufacturing facility VM Bonanno noted attendance at this meeting

Alameda County Transportation Commission Clean Fuel Summit VM Bonanno noted attendance at this event.

8. ADJOURNMENT – at 9:22 pm to a Regular City Council meeting on Monday, November 14, 2022 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

APPROVED: _____
BOB WOERNER, MAYOR

ATTEST: _____
MARIE WEBER, CITY CLERK

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.2**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: **Adoption of an ordinance** amending Livermore Municipal Code Chapter 15.26 Green Building Standards Code to include an onsite exception for non-combustion fuel cells to produce electricity.

RECOMMENDED ACTION

Staff recommends the City Council adopt an ordinance with an effective date of January 1, 2023, to amend Chapter 15.26 (Green Building Standards Code) in The Livermore Municipal Code to include an onsite exception for non-combustion fuel cells to produce electricity.

SUMMARY

DISCUSSION

ATTACHMENTS

1. Ordinance

Prepared by: Franc Moufarrej
Building Official

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE REVISING AND AMENDING LIVERMORE MUNICIPAL CODE CHAPTER 15.26 *GREEN BUILDING STANDARDS CODE*

Health and Safety Code Sections 17958 and 17958.5 allow the City of Livermore ("City"), by ordinance, to make modifications or changes to the State Building Standards Code and other regulations adopted pursuant to Health and Safety Code Section 17922.

Health and Safety Code Section 17958.5 requires that such changes be determined to be reasonably necessary because of local climatic, geological, or topographical conditions.

Health and Safety Code Section 17958.7 requires that the City, before making any modifications or changes pursuant to Health and Safety Code Sections 17958 and 17958.5, make an express finding that each such modification or change is needed.

Such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission.

On October 24, 2022, the City Council adopted Ordinance No 2138 to adopt the State Building Standards Code and made findings and amendments to those codes to establish requirements greater than those set forth in the 2022 edition of the California Building Standards Code codified in Title 24 of the California Code of Regulations, as adopted by the City of Livermore and set forth in chapters 15.02 *Building Code*, 15.04 *Property Maintenance Code*, 15.06 *Fire Code*, 15.08 *Electrical Code*, 15.10 *Mechanical Code*, 15.12 *Plumbing Code*, 15.14 *Residential Code*, 15.26 *Green Building Code,* in the Livermore Municipal Code.

On that date, the City Council also made findings and determined that an additional exception to the Green Building Standards Code was appropriate to allow for an onsite exception for non-combustion fuel cells to produce electricity.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES FIND AND ORDAIN AS FOLLOWS:

Section 1. *Findings*. Amendments to the 2022 California Green Building Standards Code an onsite exception for non-combustion fuel cells to produce electricity are necessary to serve the public interest by reducing the risk to life and property of the citizens of Livermore because of the conditions and findings set forth in Section 1 of Ordinance No. 2138 adopted by the City Council on October 24, 2022.

For the above reasons, taken individually and cumulatively, the City Council of the City of Livermore finds that there are building and fire hazards, as well as environmental considerations, peculiar to Livermore that require the increased fire protection, structural design, and green building standards set forth in this ordinance.

Section 2. Section 15.26.200 *GBSC Section 4.106.5.1 added – New Construction* is hereby amended to add the following exception number 4 to read as set forth below to be inserted after section 3 that was adopted by Ordinance 2138. Section 15.26.280 *GBSC Section 5.106.13.1 added – New Construction* is hereby amended to add the following exception number 5 to read as set forth below to be inserted after section 4 that was adopted by Ordinance 2138.The added language is shown with an underline, but the underlines themselves shall not be codified in the Municipal Code, which publication shall only reflect the final language:

15.26.200 GSC Section 4.106.5.1 added – New Construction.

4. non-combustion fuel cells that convert natural gas, biogas, or hydrogen to electricity on-site.

15.26.280 GSBC Section 5.106.13.1. added - New construction

5. non-combustion fuel cells that convert natural gas, biogas, or hydrogen to electricity on-site.

Section 3. *Environmental*. The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

Section 4. *Severability*. If any part of this ordinance is declared invalid by a court, such invalidity shall not affect any of the remaining parts.

Section 5. *Publication*. This ordinance, or a comprehensive summary thereof, shall be published once in a newspaper of general circulation in the City of Livermore within 15 days after its adoption and shall take effect and be in force thirty days after its adoption.

Section 6. *Effective Date*. This ordinance shall take effect 30 days after its adoption, but the revised and amended codes will not take effect for enforcement until 12:01 a.m. on January 1, 2023, when the 2022 California Building Standards Code becomes effective. Until that date and time, the chapters amended and revised by this ordinance will remain in full force and effect for enforcement.

The foregoing ordinance was introduced and its reading waived at the regular meeting of the City Council of the City of Livermore held on November 14, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

The foregoing ordinance was adopted and its reading waived at the regular meeting of the City Council held on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Bob Woerner
Mayor, City of Livermore

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Jason Alcala
Jason Alcala
City Attorney

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.3**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: **Adoption of an Ordinance** amending Development Agreement 18-001 for the Lassen Road Townhomes project to revise the performance schedule to accommodate regulatory permitting of the off-site improvements (DAA 21-002).

RECOMMENDED ACTION

The Planning Commission and Staff recommend the City Council adopt an ordinance amending Development Agreement 18-001 for the Lassen Road Townhomes project (DAA 21-002).

SUMMARY

DISCUSSION

ATTACHMENTS

1. Ordinance Development Agreement Amendment 18-001
2. Exhibit A - First Amendment to DA18-001
3. Exhibit B - PC Resolution 22-22

Prepared by: Andy Ross
Senior Planner

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE APPROVING A FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH LD-FUND III LIVERMORE LAND, LLC FOR THE LASSEN ROAD TOWNHOME PROJECT

(Development Agreement Amendment 21-002)

THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. *Authority*. Pursuant to Government Code Section 65864 et seq., the City Council considers that certain document under City Application No. Development Agreement Amendment (DAA 21-002) and entitled "Development Agreement Amendment for the Lassen Road Townhome Project ("Development Agreement Amendment" or "Project"). The Development Agreement Amendment is attached as Exhibit A.

Section 2. *Recommendation*. The Planning Commission held a duly noticed public hearing on October 4, 2022, to consider adoption of the Development Agreement Amendment (DAA 21-002) and by its Resolution No. 22-22, attached hereto as Exhibit B, recommended that the City Council approve the Development Agreement Amendment.

Section 3. *Public Hearing*. Prior to taking action on the Project, and at a properly noticed public hearing, the City Council of the City of Livermore reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The City Council's determination is based on the Record Evidence, which is incorporated into this ordinance by reference.

Section 4. *Environmental Review.* The environmental impacts of the Project are within the scope of the Lassen Road Townhome Project Initial Study and Mitigated Negative Declaration adopted by the City Council on November 23, 2020.

Section 5. *Consistency*. The Project is consistent with the General Plan, any applicable specific plan, and the Livermore Development Code Chapter 9.04.

Section 6. *Approval*. The City Council has considered the findings made in Planning Commission Resolution No. 22-22, attached hereto as Exhibit B, and hereby adopts the same findings by this reference and incorporates them herein, and based upon the City Council's own independent review of the Record Evidence and considerations, it hereby approves the First Amendment to the Development Agreement(DAA 21-002).

Section 7. *Signing Authority*. The City Manager is hereby authorized to sign the First Amendment to the Development Agreement (DAA 21-002), attached hereto as Exhibit A, on behalf of the City of Livermore.

Section 8. *Publication and Effective Date*. This ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the city of Livermore within 15 days after its adoption and shall take effect and be in force thirty days from and after its adoption.

Section 9. *Filing*. Planning Manager is directed to file a Notice of Determination with the Alameda County Clerk.

Section 10. *Recording*. The City Clerk is directed to record the Development Agreement Amendment within 10 days after the effective date of the Development Agreement Amendment.

Section 11. *Documents*. The documents that constitute the record of proceedings upon which this decision is based on can be found in the City Clerk's Office, 1052 S. Livermore Avenue, Livermore, California.

Section 12. *Severability*. If any part of this ordinance is declared unconstitutional or invalid by a court, such unconstitutionality or invalidity shall not affect any remaining parts.

The foregoing ordinance was introduced and its reading waived at the meeting of the City Council of the City of Livermore held on November 14, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

The ordinance was adopted and its reading waived at the regular meeting of the City Council held on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Mayor, City of Livermore

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – Development Agreement Amendment
Exhibit B – Planning Commission Resolution 22-22

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

City Clerk
City of Livermore
1052 S. Livermore Avenue
Livermore, CA 94550

No fee for recording pursuant to Government Code § 27383

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (DA18-001)
Lassen Road Townhomes

This First Amendment to Development Agreement ("First Amendment") is entered into on _____, 2022 and amends that certain Development Agreement dated January 14, 2021 and recorded on February 22, 2021 as Document No. 2021073480 in the Official Records of Alameda County (the "Agreement" or "Development Agreement") between the CITY OF LIVERMORE, a municipal corporation, ("City") and LD-FUND III LIVERMORE LAND, LLC, a Delaware limited liability company ("Developer"). City and Developer are sometimes referred to herein individually as a "Party" or collectively as the "Parties." Unless otherwise defined herein, all capitalized terms in this Amendment shall have the meaning given those terms in the Agreement.

RECITALS

This Amendment is based on the following facts:

A. Section 2.b.iii of Exhibit C to the Agreement currently requires that the Developer obtain all necessary environmental and regulatory approvals from all applicable public agencies for the Sewer and Trail Improvements prior to Final Map approval. Section 3 of the Agreement identifies the number of building permits that can be issued for the Project based upon the timing of the commencement and completion of the Sewer and Trail Improvements identified in Schedule 1 attached which construction cannot commence until issuance of the regulatory approvals for the Sewer and Trail Improvements.

B. As of November 2020, when the City Council approved the Project Approvals and this Agreement, the Parties anticipated that the sole regulatory approval that would be necessary for construction of the Sewer and Trail Improvements was a streambed alteration agreement under California Fish and Game Code Section 1602 from the California Department of Fish and Wildlife. It is now anticipated that the regulatory approvals required for construction of the Sewer and Trail Improvements will also require

Federal consultation and an incidental take permit under Sections 7 or 10, respectively, of the Federal Endangered Species Act from the U.S. Fish and Wildlife Service, the procurement of a Section 404 permit under the Clean Water Act from the U.S. Army Corps of Engineers, and a Section 401 Water Quality Certification from the Regional Water Quality Control Board, together with review of the Sewer Improvements under CEQA.

C. By reason of the foregoing, the Parties have agreed to amend Exhibit C to the Agreement to permit recordation of the Final Map and the development of the Project during the lengthy regulatory approval process for the Sewer and Trail Improvements subject to Developer's compliance with the Sewer/Trail Security requirements, required City meeting requirements, and all other requirements set forth in Exhibit C attached.

The City and Developer hereby agree that the aforementioned recitals are true and correct and further agree to amend Exhibit C to the Agreement as follows:

1. Exhibit C. Exhibit C of the Agreement is amended as set forth in Exhibit C attached to the First Amendment which shall supersede and replace Exhibit C to the Agreement.

2. Counterparts. This Amendment may be executed in one or more counterparts, each of which shall be deemed an original, but all of which constitute one and the same instrument.

[ALL SIGNATURES ON NEXT PAGE]

IN WITNESS WHEREOF, the Parties have signed this Amendment on the dates indicated below.

DEVELOPER

LD-FUND III LIVERMORE LAND, LLC,
a Delaware limited liability company

By: John M Goodman
Name: John M. Goodman
Its: Management Committee Representative
For: Lewis Livermore Land Member, LLC

Date: September 28, 2022

By: _____
Name: Jon Revells
Its: Management Committee Representative
For: Westgate Ventures Fund III, LLC

Date: _____

CITY OF LIVERMORE

By: _____
Marianna Marysheva , City Manager

Date: _____

Attest:

_____
City Clerk

Approved as to Form:

_____
Assistant/City Attorney

Attachments:

Exhibit C – Off Site Improvements and Schedule of Performance

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of San Bernardino)

On September 28, 2022 before me, Araceli Aguilera, a Notary Public, personally appeared John M. Goodman, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

ARACELI AGUILERA
Notary Public - California
San Bernardino County
Commission # 2351771
My Comm. Expires Mar 16, 2025

Signature A. Aguilera

[SEAL]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____, 20__ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

[SEAL]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____, 20__ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

[SEAL]

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____, 20__ before me, _____, a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

[SEAL]

EXHIBIT C

OFF SITE IMPROVEMENTS AND SCHEDULE OF PERFORMANCE

1. Project Improvements:

a. Springtown Sewer Trunkline Replacement Improvements:

i. The Developer shall acquire the necessary right of way for, and design and construct the Springtown Sewer Trunkline Replacement Improvements ("Sewer Improvements"). The Sewer Improvements shall be constructed in accordance with all applicable environmental regulations and shall include the following:

1. An approximate 3,000 linear foot, 24-inch diameter, sewer line connecting to existing sewer lines at I-580 and Redwood Road Right of Way, in the alignment approved by the City in the Sewer and Trail Improvement plans.

b. Arroyo Las Positas Trail Improvements:

i. The Developer shall acquire the necessary right of way for, and design, and construct, the Arroyo Las Positas Trail Improvements ("Trail Improvements") in substantial conformance with the conceptual alignment as shown in Schedule 1 attached. The Trail Improvements shall be constructed in accordance with all applicable environmental regulations, in the alignment approved by the City in the Sewer and Trail Improvement plans, and shall include the following:

1. A portion of the E1 Segment of the T6 trail, as identified in the City of Livermore, Bicycle, Pedestrian & Trails Active Transportation Plan, generally extending south from the terminus of Redwood Road right-of- way to Las Colinas Road overpass, which includes the construction of a multi-use pedestrian and bicycle bridge over the Arroyo Seco. The term Trail Improvements, as used herein, includes those bridge improvements; and

2. The E2 segment of the T6 trail, as identified in the City of Livermore, Bicycle, Pedestrian & Trails Active Transportation Plan, a trail spur extending from the trail at the Project Site boundary to the intersection of the E1 Segment of the T6 trail described in 1(b)(i)(1) above.

c. Springtown Boulevard Median Improvements:

i. The Developer shall design and construct the Springtown Boulevard Median Improvements ("Median Improvements") in accordance with all applicable City Standards. The Median Improvements shall include the following:

1. Reconstruction of the existing approximately 400 foot long, 8 foot wide Springtown Boulevard Median located south of the Bluebell Drive intersection and north of the First Street Overpass over I-580.

2. Removal of existing concrete and hardscape and replacement with Engineered Soil, subject to the approval of the Community Development Director.

3. Planting of Street Trees, approximately 15 feet on-center, in compliance with City of Livermore Standard Details. Trees shall be planted at minimum 24" box size. Tree species shall be subject to approval of the Community Development Director.

2. Timing and Funding Responsibilities:

a. At or prior to the time of Final Map submittal, the following items shall also be submitted by Developer to the City:

i. Developer shall submit the Sewer, Trail, and Median Improvement plans, subject to City review and approval. The, Sewer, Trail and Median Improvement plans shall be designed in accordance with the City of Livermore ("City") and Livermore Area Recreation and Park District ("LARPD") standards, unless other standards are agreed upon in writing by the Parties. The final sewer and trail alignments shall be subject to review and approval by the Community Development Director.

ii. Developer shall prepare an Engineer's Estimate including the design and construction costs of the Sewer Improvements, subject to City review and approval. The City shall reimburse Developer for actual costs incurred by Developer for the design, permitting, and construction of the Sewer Improvements as set forth Section 4.

iii. Developer shall prepare an Engineer's Estimate for the design and construction cost of Segments E1 and E2 of the T6 Trail Improvements subject to City review and approval. Developer shall pay all of the design and construction costs for the Trail Improvements and receive park-facility impact fee credits for the Project from the City in the amount of such actual design and construction costs up to $1,200,000 (the "**Trail Improvement Park Credits**"). Developer shall receive the Trail Improvement Park Credits in accordance with Section 4(b)(ii) below.

iv. City has provided Developer with a cost estimate prepared by First Carbon Solutions for the preparation of all environmental documents for the Sewer Improvements to be completed by Developer in accordance with the California Environmental Quality Act (CEQA) (the "**CEQA Documents**"). As the lead agency, the City shall retain FCS or another environmental consultant to prepare the CEQA documents for the Sewer Improvements and Developer shall retain the consultant(s) necessary to obtain all of the regulatory approvals for the Sewer and Trail Improvements in accordance with Section 2(c). Developer shall pay all

costs associated with CEQA , provided the City shall reimburse the Developer for all such CEQA costs paid by Developer after completion of the CEQA process for the Sewer Improvements. All CEQA work required for the Trail Improvements has been completed.

v. Developer shall prepare an Engineer's Estimate for the design and construction costs of the Median Improvements, subject to City review and approval. City shall reimburse the Developer for one-half the total costs of the Median Improvements, or $60,000, whichever is less.

b. Prior to Final Map approval, Developer shall complete the following items

i. Developer shall exercise all reasonable efforts to acquire all necessary rights of way from off-site properties to facilitate construction of the Sewer and Trail Improvements. The City shall reimburse the Developer for the acquisition of property necessary for the Sewer Improvements, based on a fair market appraisal and subject to City review and approval. All other acquisition costs shall be the sole responsibility of the Developer.

ii. In the event the Developer is unable to negotiate sufficient title or interest in real property needed to construct the Sewer and Trail Improvements ("Real Property Necessary for Improvements"), the Developer may request that the City acquire the Real Property Necessary for Improvements through eminent domain. Within 60 days of receipt of the Developer's request to condemn, the City shall retain an appraiser to appraise the Real Property Necessary for Improvements and shall proceed with condemnation in a reasonable and timely manner to acquire by condemnation the Real Property Necessary for Improvements. The Developer shall be responsible for all of the legal, appraisal and other necessary costs associated with the City's acquisition of land by condemnation for the Trail Improvements. The City shall be responsible for its legal, appraisal and other necessary costs associated with the acquisition of land by condemnation for the Sewer Improvements.

iii. To the extent feasible, Developer, shall utilize any available open space portions of the Project Site to satisfy any mitigation requirements of the public agencies related to the Sewer and Trail Improvements by preserving these open space areas with a permanent conservation easement (the "Conservation Easement").

iv. The City shall reimburse the Developer for any mitigation costs related to the Sewer Improvements.

v. Any mitigation costs for the Trail Improvements shall be the responsibility of the Developer up to $500,000 and any remaining mitigation costs for the Trail Improvements in excess of $500,000 shall be shared equally between the City and the Developer.

vi. The Developer shall acquire all necessary permits and approvals from any public agencies for the Median Improvements.

vii. In addition to, and concurrent with, the bonding required for the Project's Improvements (Sewer, Trail and Median Improvements), the Developer shall post a cash security for the Sewer and Trail Improvements (collectively the "Cash Security") prior to recordation of the Final Map. The Developer shall provide (1) an Improvement Bond equal to 100% of the estimated cost of the Sewer and Trail Improvements as determined by the engineer's estimate provided by the Developer and approved by the City , plus administrative costs associated with administering the bond, and (2) a Cash Security to secure the timing of Developer's construction of the Sewer and Trail Improvements in accordance with the Improvement milestones in Section 3 below. The amount of the Cash Security shall be equal to 125% of the estimated cost to construct the Sewer and Trail Improvements as determined by the engineer's estimate provided by the Developer and approved by the City. The Cash Security shall be deposited by Developer into an escrow account at a title company acceptable to the City prior to recordation of the Final Map.

c. In addition to Developer's CEQA obligations in Section 2(a)(iv), Developer shall obtain all necessary approvals from all public agencies for the Sewer and Trail Improvements prior to construction of the Sewer and Trail Improvements. Developer is responsible for paying all costs associated with any environmental mitigation required by the public agencies (including acquiring property for mitigation purposes), for the Sewer and Trail Improvements, except for City's limited reimbursement obligations set forth in Sections 2(b)(iv) and (v).

3. **Improvement Milestones:** Developer's construction of the Sewer, Trail and Median Improvements shall occur as follows:

a. Developer agrees to use all commercially reasonable efforts and diligently pursue permitting and construction of the Sewer and Trail Improvements including timely responding to all requests for information and payment of fees by the City and the public agencies. In addition, until the completion of the Sewer and Trail Improvements, Developer agrees to meet and confer with City staff on a monthly basis, or any other reasonable time period determined by the City Manager, or his or her designee, to review the status of the applications for the Sewer/Trail Regulatory Approvals, and of the design and construction of the Sewer and Trail Improvements.. If the City determines that the Developer is not using commercially reasonable efforts to obtain the regulatory approvals or to design or construct the Sewer and Trail Improvements, the City can deliver written notice of default to Developer. If the Developer fails to cure the default within thirty (30) days, or, if the default cannot reasonably be cured within 30 days, Developer fails to diligently and continuously seek to cure the default, then the City in its sole discretion may either (i) withdraw from the Cash Security the applicable portion as set forth in Sections 3(b)(iv), 3(c)(ii) or 3(d)(ii), or (ii) withhold the issuance of further building permits until the default is cured.

b. Prior to issuance of a building permit for the 75th unit, Developer shall (i) complete construction of the Median Improvements and (ii) commence construction of the

Sewer and Trail Improvements. If Developer has not obtained the Sewer/Trail Regulatory Approvals prior to issuance of a building permit for the 75th unit, then Developer may continue to pull building permits up to and including the 114th building permit provided Developer has satisfied the following requirements:

i. Developer has completed the Median Improvements;

ii. Developer has provided evidence acceptable to the City Manager that the public agencies have received completed applications, for the regulatory approvals along with any studies and other materials required for the Applicable Agencies to process the regulatory approvals;

iii. Developer is not in default under Section 3(a); and

iv. Developer has released 10% of the Milestone Security to the City.

c. Prior to issuance of a building permit for the 115th unit, Developer shall have completed 50% of the Sewer and Trail Improvements, subject to review and approval by the City. If Developer is unable to obtain the regulatory approvals for the Sewer and Trail Improvements prior to issuance of a building permit for the 115th unit or if the Sewer and Trail Improvements have commenced but are not 50% complete, then Developer may continue to pull building permits to and including the 164th building permit provided Developer has satisfied the following requirements:

i. Developer is not in default under Section 3(a); and

ii. Developer has released 35% of the Cash Security to the City.

d. Prior to issuance of a building permit for the 165th unit, Developer shall achieve substantial completion of the Sewer and Trail Improvements, as that term is defined in the City's standard plans and specifications, subject to final inspection and acceptance by the City. Upon final inspection and acceptance of the Sewer and Trail Improvements by the City, Developer shall open the Trail Improvements for public use. If Developer is unable to obtain the regulatory approvals for the Sewer and Trail Improvements prior to issuance of a building permit for the 165th unit or if the Sewer and Trail Improvements have commenced but the Developer has not achieved substantial completion, then Developer may continue to pull building permits for the remainder of the Project provided Developer has satisfied the following requirements:

i. Developer is not in default under Section 3(a); and

ii. Developer has released 100% of the Cash Security to the City.

e. The Cash Security drawn by the City, excluding 10% which shall be forfeited by Developer to City for administrative fees and staff costs associated with the monitoring, implementation, and enforcement of this Agreement, will be refunded to Developer by the City, provided the Developer achieves substantial completion of the Sewer and Trail Improvements as that term is defined in the City's standard plans and specifications, and the Sewer and Trail Improvements are ready for inspection by the City not later than the issuance of the 186th building permit. In the event that Developer

fails to achieve substantial completion of the Sewer and Trail Improvements by issuance of the 186th building permit, City shall retain 100% of the Cash Security.

f. In the event that Developer fails to achieve final completion of the Sewer and Trail improvements, as that term is defined in the City's standard plans and specifications, within six months after the City's issuance of the 186th building permit for the Project, Developer shall forfeit its rights to all of the following: 1) 50% of the Cash Security; 2) reimbursement of the Sewer Improvements under Section 4(a) below and 3) the Trail Improvement Park Credits under Sections 2(a)(iii) above and 4(b)(ii) below (up to $1,200,000). In addition to Developer's forfeiture of 50% of the Cash Security, reimbursement of the Sewer Improvements and the Trail Improvement Park Credits, the City may call and enforce the Sewer/Trail Bond.

g. If Developer is delayed in the construction of the Sewer, Trail, or Median Improvements by a Force Majeure Event, Developer shall provide the City with written documentation of such delay and the City Manager may, in his or her sole discretion, execute a written amendment to the Development Agreement on behalf of the City to modify by written amendment the Improvement Schedule set forth in Sections 3(b), (c) and (d) above. A "Force Majeure Event" means a delay caused by any labor disputes or strikes, labor or material shortages or embargoes, pandemic, fire, unusual delay in transportation, earthquakes, floods, tornadoes or extreme wind or other adverse weather conditions not reasonably foreseeable by Developer, or material adverse underground conditions not reasonably foreseeable by Developer.

4. Payment schedule:

a. Sewer Improvements. The City shall reimburse the Developer for the construction costs and soft costs associated with the installation of the Sewer Improvements. Allowable soft costs include Developer funded design costs, sewer easement acquisition costs, environmental mitigation costs, construction management costs which shall not exceed 10% of the construction costs, bonds, construction staking, and City inspection fees. Reimbursement for construction costs and soft costs (collectively, the "Sewer Costs") shall be paid to the Developer by the City in three payments as follows: (1) The first payment, in the amount of one-third of the Sewer Costs at 30% completion of the Sewer Improvements; (2) The second payment, in the amount of one-third of the Sewer Costs at 60% completion the Sewer Improvements; and (3) the third payment, in the amount of one third of the Sewer Costs shall be paid within 45 days after the Sewer Improvements have been accepted by the City for maintenance. In order for Developer to receive any reimbursements for the Sewer Costs, the Developer shall provide the City with the following for the Sewer Costs:

i. A list of allowable soft costs.

ii. Copies of all bids and/or contracts prior to entering into the contracts for construction work, which shall be subject to City review and approval. The City reserves the right to request additional bids and/or negotiated bid prices.

iii. A copy of the City approved construction bids including an itemized bid schedule in a spreadsheet format.

iv. Invoices for design costs and inspection fees for the Sewer Improvements may be submitted for reimbursement after the sewer trunk line plans have been approved by the City. Invoices for the sewer line easement acquisition cost may be submitted for reimbursement after the easement has been recorded.

v. Invoices for work completed for construction costs and allowable soft costs in accordance with the Schedule of Payments set forth in Section 4(a) above. The invoice submittal shall consist of 11x17 plans highlighted to indicate the areas of work completed, and invoices from contractors that correspond to the highlighted work.

vi. Prior to any reimbursement, the City shall verify that all portions of work for which Developer has submitted invoices for reimbursement have been completed in accordance with City Standards and Specifications and the Public Contract Code.

vii. In the event of a dispute between the City and Developer over any reimbursement costs, the City and Developer shall meet and confer to resolve the dispute. If the City and the Developer are unable to resolve the dispute, the City Engineer shall make the final decision on the amount of any reimbursement.

b. Trail Improvements.

i. Assuming Developer has not forfeited its rights to reimbursement of the Trail Improvement Park Credits as set forth in Section 3(f) of this Exhibit C, within 30 days of acceptance of the Trail Improvements, the City shall reimburse Developer the agreed upon mitigation costs for the Trail Improvements as set forth in Section 2(b)(v).

ii. Assuming Developer has not forfeited its rights to reimbursement of the Trail Improvement Park Credits as set forth in Section 3(f) of this Exhibit C, within 30 days of acceptance of the Trail Improvements, Developer shall receive the Trail Improvement Park Credits which shall be applied by City as a credit to Developer's payment of the park-facility impact fees (the "Park Impact Fees") for the remaining building permits for the Project until all of the Trail Improvement Park Credits have been used by Developer. The City shall reimburse Developer an amount equal to the amount of any unused Trail Improvement Park Credits within 30 days after the final building permit is issued by the City for the Project (the "Park Impact Fee Reimbursement"). The City shall hold in a segregated account the initial $1,200,000 in Park Impact Fees paid by Developer for the Project until the earlier of the date that Developer has either (a) used all of the Trail Improvement Park Credits, or (b) received payment of the Park Impact Fee Reimbursement.

c. Median Improvements.

i. Within 30 days of acceptance of the Median Improvements, the City shall reimburse Developer the agreed upon costs for the Median Improvements as set forth in Section 2(a)(v).

SCHEDULE 1
TO EXHIBIT C

SEWER AND TRAIL IMPROVEMENTS

[See Attached]

EXHIBIT A

SPRINGTOWN - ARROYO LAS POSITAS
INFRASTRUCTURE IMPROVEMENT PLANS
CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA

WDID: _____

FOR: LD-FUND II LIVERMORE LAND LLC

BENCHMARK

LEGEND

PROPOSED	DESCRIPTION	EXISTING/FUTURE
	TRACT BOUNDARY	
	LOT LINE	
	RIGHT OF WAY	
	CENTER LINE	
	EASEMENT LINE	
	CURB & GUTTER	
	AC TOE	
	DITCH	
	FIRE HYDRANT	
	FIRE VALVE	
	FIRE DEPARTMENT CONNECT	
	FIRE DEPT	
	STREET LIGHT

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL

Development Agreement Amendment (DAA) 21-002

Authorization of an amendment to Development Agreement 18-001, between the City of Livermore and Westgate Ventures to amend the performance schedule of off-site improvements as part of the Lassen Road Development Project located in the northwest quadrant of the I-580 and First Street interchange

On November 23, 2020, the City Council introduced an ordinance authorizing Development Agreement 18-001, for development of 186 residential dwelling units and related site improvements on approximately 35-acre site consistent with the amended General Plan and Zoning Map.

The City received an application for Development Agreement Amendment (DAA) 21-002 requesting an amendment to Development Agreement 18-001, between the City of Livermore and Westgate Ventures.

A Public Hearing Notice was duly mailed to neighboring property owners and published in a newspaper of local circulation.

The Planning Commission held a public hearing on October 4, 2022, considered the staff recommendation for approval, and heard public testimony.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Livermore finds based upon the information presented that:

1. The Development Agreement provides benefit to the City.

   Basis: The amended Development Agreement secures delivery of an upgraded sewer trunkline, which would ensure conveyance and treatment of wastewater to protect the public health and safety. The amended Development Agreement also includes completion of Trail T-6, identified in the Livermore Active Transportation Plan as a significant gap in the trial network providing a safe and comfortable connection north and south of I-580. For these reasons, the amended Development Agreement provides benefit to the City

2. The Development Agreement is consistent with the purpose, intent, goals, policies, programs, and land use designation of the General Plan, and applicable Specific Plan and the Livermore Development Code.

Basis : The amended Development Agreement upgrades a sewer trunkline, which would ensure conveyance and treatment of wastewater to protect the public health and safety consistent with the purpose, intent, goals, policies, programs, of the General Plan. Further, the amended Development Agreement includes completion of Trail T-6, identified in the Livermore Active Transportation Plan, a significant gap in the trial network. The Trail would provide a safe and comfortable connection north and south of I-580. Completion of this trail segment is consistent with the purpose, intent, goals, policies, and programs, of the General Plan and the Active Transportation Plan to improve bicycle and pedestrian circulation and connectivity.

3. The Development Agreement complies with the requirements of the Government Code section 65864 through 65869.5.

   Basis: Government Code sections 65864 through 65869.5 establish the State procedures by which a City may enter into a development agreement. The proposed amended Development Agreement has been prepared in accordance with the Livermore Development Code Chapter 9.04, Development Agreements, and all applicable State standards.

4. The project is covered under the Lassen Road Residential Development Project Initial Study/Mitigated Negative Declaration previously adopted by City Council on November 23, 2020 (State Clearinghouse Number 2019099018).

BE IT FURTHER RESOLVED by the Planning Commission of the City of Livermore that, based on staff recommendations, public testimony and the above findings, which are necessary to protect the public health safety and general welfare, the amendment to the Development Agreement 18-001 (DAA 21-002), enclosed hereto as Exhibit A, is recommended to the City Council for approval.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends the City Council direct staff to file a Notice of Determination consistent with the provisions of the California Environmental Quality Act finding that the Development Agreement Amendments are within the scope of the previously adopted Mitigated Negative Declaration.

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 Branning, seconded by Commissioner Stein, the foregoing Resolution was adopted at the Planning Commission meeting of October 4, 2022, by the following vote:

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

Steven Dunbar, Chairperson

by Steve Stewart, Planning Manager
Secretary to the Planning Commission

Exhibit A – First Amendment to Lassen Road Development Agreement 18-001

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.4**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Scott Lanphier, Public Works Director

SUBJECT: Resolution authorizing the execution of a five-year agreement with BrightView Landscape Services, Inc. for landscape maintenance services at both the Brisa Community Facilities District (2015-1) and the El Charro Community Facilities District (2012-1) in an amount not-to-exceed $1,000,000.

RECOMMENDED ACTION

Staff recommends City Council adopt a resolution authorizing execution of a five-year agreement with BrightView Landscape Services to provide landscape maintenance services at both the Brisa Community Facilities District (2015-1) and the El Charro Community Facilities District (2012-1), in an amount not-to-exceed $1,000,000 over the five-year term.

SUMMARY

On September 21, 2022, City staff issued a public Request for Proposals for landscape maintenance services for the Brisa Community Facilities District (2015-1) and the El Charro Community Facilities District (2012-1). Three service providers responded and all three were deemed responsive. The proposals included the service providers' qualifications and standard monthly rates. The work includes standard landscape maintenance activities, annual weed abatement, irrigation inspections and repairs, and litter removal.

Staff recommends City Council adopt a resolution authorizing execution of a five-year agreement with BrightView Landscape Services. BrightView Landscape Services, with a total annual bid of $169,900, represents the best value to the city for landscape maintenance services based on total price, qualifications, experience, and overall quality of proposal.

DISCUSSION

The Maintenance Division of the Public Works Department is tasked with providing landscape maintenance services for both the Brisa Community Facilities District (2015-1) and the El Charro Community Facilities District (2012-1). Three service providers submitted proposals and qualifications which included a standard monthly cost for maintaining specified facilities, as well as additional hourly

rates should extra work be necessary. Brightview Landscape Services, Inc. was selected as the best value proposer.

Staff utilized a multi-step process in determining which landscape maintenance company represented the best value as defined by Livermore Municipal Code (LMC) 2.68.040. The credentials and proposals of each of the contractors were evaluated and assessed by staff's contract evaluation team.

The three proposals were as follows:

- BrightView Landscape Services, Inc. - $14,158.38 per month
- New Image Landscape Company - $20,337.66 per month
- Terracare Associates - $16,657 per month

BrightView Landscape Services, with a total annual bid of $169,900, represents the best value to the city for landscape maintenance services based on total price, qualifications, experience, and overall quality of proposal. BrightView has been the contractor managing the landscape maintenance at the Sage CFD and the Shea Center and Shea Business Center Landscape Maintenance Districts since 2018. BrightView has a demonstrated record of providing quality service to public agencies, and has the knowledge, expertise, and staffing to meet the needs of the City of Livermore.

The term of the agreement will be five years. The total anticipated cost for this agreement is approximately $194,000 per year; with the base price for routine maintenance totaling $170,000 per year, and an additional $24,000 available for additional work, as conditions require. The total not-to-exceed cost of the five-year agreement is $1,000,000. The term of the contract includes an agreed upon price change not-to-exceed the Consumer Price Index for all Urban Consumers (CPI-U) in the San Francisco-Oakland-Hayward, California area, from the prior calendar year CPI rate in April.

FISCAL AND ADMINISTRATIVE IMPACTS

The funding for this agreement is provided by both the Brisa Community Facilities District (2015-1) and the El Charro Community Facilities District (2012-1) and is currently budgeted on an ongoing basis.

ATTACHMENTS

1. Resolution
2. Exhibit A - BrightView Agreement

Prepared by: Marisa Gan
Recycling Specialist

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH BRIGHTVIEW LANDSCAPE SERVICES, INC. IN AN AMOUNT NOT-TO-EXCEED $1,000,000 FOR LANDSCAPE MAINTENANCE SERVICES

(Brisa, El Charro Community Facilities Districts)

The Maintenance Division of the Public Works Department is responsible for providing landscape maintenance services to the Brisa (2015-1) and El Charro Community Facilities Districts (2012-1).

On September 21, 2022, staff published a Request for Proposals for landscape maintenance services for the Brisa Community Facilities District and the El Charro Community Facilities District.

Three contractors responded with responsive proposals.

Staff evaluated the proposals and recommends that the City Council award an agreement to BrightView Landscape Services, Inc. as the best value bidder and reject all other bids or proposals.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, as follows:

1. The City Council authorizes the City Manager to sign, on behalf of the City of Livermore, an agreement with BrightView Landscape Services, Inc., attached hereto as Exhibit A and incorporated by this reference, for landscape maintenance services to the Brisa (2015-1) and El Charro Community Facilities Districts (2012-1) for a five-year term in an amount not-to-exceed $1,000,000. If exercised, the percentage increase in cost may not exceed the Consumer Price Index for all Urban Consumers (CPI-U) in the San Francisco-Oakland-Hayward, California area, from the prior calendar year CPI rate in April.

2. The City Council rejects all other bids or proposals.

3. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A – Agreement with Brightview Landscape Services, Inc.

AGREEMENT FOR SERVICES

THIS AGREEMENT is made and entered into this day of , 2022, by and between the City of Livermore ("City"), a municipal corporation, and BrightView Landscape Services, Inc. ("Contractor"), a California corporation.

RECITALS

City requires services to perform landscape maintenance services in the El Charro Community Facilities District and the Brisa Community Facilities District.

Contractor warrants it possesses the distinct skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Contractor acknowledges City has relied upon these warranties to retain Contractor.

AGREEMENT

NOW, THEREFORE, City and Contractor hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. Retention as Contractor. City hereby retains Contractor, and Contractor hereby accepts such engagement, to perform the services described in Section 3 below subject to the terms and conditions in this Agreement.

2. Relationship of Parties – Independent Contractors. The relationship of the parties shall be that of independent contractors. Contractor and its employees are not City officers or employees. Contractor is responsible for the supervision and management of its employees, including any workers compensation insurance, withholding taxes, unemployment insurance, and any other employer obligations associated with the delivery of the services contemplated by this Agreement.

3. Description of Services. Contractor shall provide services to perform landscape maintenance services in both the El Charro Community Facilities District and the Brisa Community Facilities District as more particularly set forth in Exhibit "A" (collectively "the Services").

4. Contractor's Responsibilities. Contractor shall:

(a) Diligently perform the Services in a manner commensurate with industry, professional, and community standards;

(b) Provide the resources necessary to complete the Services in a timely manner;

(c) Obtain a business license from the City of Livermore, and keep it in effect for the term of this Agreement;

(d) Obtain and keep in effect all necessary licenses, permits, qualifications, insurance, and approvals legally and professionally required for Contractor to practice its profession and to provide the Services;

(e) Comply with all laws in effect that are related to Contractor and the Services;

(f) Coordinate the Services with Public Works Supervisor-Landscape ("Project Manager"), or such other person designated as the Project Manager by City;

(g) Be available to the Project Manager, and other parties referred to Contractor by the Project Manager, to answer questions or inquiries related to the Services;

(h) Only invoice City for the Services rendered. Contractor's invoice shall be in writing and describe the Services performed for the payment requested. Contractor shall not submit an invoice to City more frequently than once a calendar month;

(i) Keep and maintain invoices and records related to the Services in an organized manner. At a minimum, the records must be kept for at least 3 years from the date of final payment to Contractor and must include time sheets, work progress reports, and other documentation to adequately explain all the Services invoiced for payment. Contractor shall make the invoices and records immediately available to City upon delivery of a written request to examine, audit, or copy them at City's place of business during normal business hours. Contractor shall give City 30 calendar-days' written notice prior to destroying the invoices and records and allow City an opportunity to take possession. If City wants them, Contractor and City shall coordinate their delivery to City in the most efficient manner possible;

(j) Prepare and submit a written report to the Project Manager, within 3 business-days of the Project Manager's written request, that identifies the Services completed and in progress, the charges incurred to date, and the anticipated cost to complete the remaining Services;

(k) Contractor shall correct, at its own expense, all errors in the Services. Should Contractor fail to make such correction in a timely manner, City may make the correction and charge the cost thereof to Contractor;

(l) If applicable, Contractor shall ensure that all work for compensation is taken in compliance with the requirements of the California Labor Code including but not limited to hours of labor, nondiscrimination, payroll records, apprentices, worker's compensation and prevailing wages. If applicable, Contractor shall comply with all prevailing wage laws, such as sections 1773, 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the California Labor Code and any other applicable wage and hour law. If any violation of prevailing wage law associated with this Agreement is deemed to have occurred by any court or administrative authority, Contractor shall forfeit to the City, as a penalty, the sum of fifty dollars ($50.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the applicable prevailing rates for any work done to accomplish the purposes of this Agreement; and,

(m) Contractor's services provided pursuant to this Agreement shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as applicable regulations and guidelines issued pursuant to the ADA.

5. Compensation and Payment.

(a) The total compensation payable by City to Contractor for the Services **SHALL NOT EXCEED** the sum of $1,000,000 ("not-to-exceed amount"). City shall compensate Contractor for the Services rendered at the hourly rates or task amounts set forth in Exhibit "A" up to the not-to-exceed amount. Except as provided in the body of this Agreement, the hourly rates or task amounts are intended to be Contractor's only compensation for the Services and is inclusive of all costs of labor, licensing, permitting, travel expenses, overhead and administrative costs, and any-and-all other costs, expenses, and charges incurred by Contractor, its agents, and employees to provide the Services.

(b) City shall pay Contractor no later than 30 days after City receives a written invoice from Contractor and verifies the Services were performed for the payment requested.

6. Term. The term of this Agreement commences on December 1, 2022, and terminates upon the completion of the Services or November 30, 2027, whichever occurs first. The hourly rates set forth in Exhibit A for this Agreement may be increased annually beginning in year three commencing December 1, 2025 of this Agreement by mutual written agreement of the parties, provided the not to exceed amount and the hourly rates or task amounts set forth in Exhibit A for compensation are not increased by more than the percentage increase in the Consumer Price Index (CPI) for all urban consumers in the San Francisco – Oakland – Hayward area from the prior calendar year's CPI rate.

7. Termination by City. City may terminate any portion or all of the Services by giving Contractor at least 30 calendar-days written notice. Upon receipt of a termination notice, Contractor shall immediately stop all work in progress on the Services except where necessary to preserve the benefit of the work, and assemble the work on the Services for delivery to City on the termination date. All compensation for Services performed prior to the termination date shall be payable to Contractor in accordance with Section 5.

8. Ownership of Documents. All drawings, designs, data, photographs, reports and other items prepared or obtained by Contractor in the performance of the Services are City's property and Contractor shall deliver them to City upon demand.

9. Copyright and Right of Use. All items created by Contractor for City under this Agreement are works made for hire, and Contractor shall give City the copyright and all intellectual property rights to all items developed, prepared, and delivered as part of the Services. Contractor agrees that all aspects of the Services and items created thereby will be original works of creation and will not use, in whole or in part, any work created by any other party, except when expressly disclosed by Contractor to City and Contractor obtains a license to such items for the benefit of City. All licenses must be perpetual,

world-wide, non-exclusive, and royalty free sufficient in scope to permit City's full use and enjoyment of its ownership rights in the items created by the Services.

10. Confidentiality. Contractor shall not disclose any confidential or proprietary information received from City to anyone except Contractor's employees who require access to the information to perform the Services. This obligation shall survive termination and remain in full force and effect until the information, and any copies thereof, are destroyed or returned to City.

11. Defense, Indemnity, and Hold Harmless. To the fullest extent permitted by law, Consultant shall hold harmless, indemnify, and defend with counsel selected by the City or otherwise acceptable to the City, the City and its elected and appointed officials, officers, directors, employees, agents and designated volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature arising out of or in connection with Consultant's performance of the services contemplated by this Agreement, or in connection with Consultant's failure to comply with any of its obligations contained in this Agreement, except for such Liability caused by the sole active negligence or willful misconduct of City. Consultant's obligations to hold harmless, indemnify, and defend shall not be excused because of Consultant's inability to evaluate Liability or because Consultant evaluates Liability and determines that Consultant is not liable to the claimant. These obligations are independent of, and shall not in any way be limited by, the minimum insurance obligations contained in this Agreement. These obligations shall survive the completion or termination of this Agreement. Consultant must respond within 30 days to the tender of any claim for defense and indemnity by the City.

(a) Modification for Construction Contracts. To the extent this Agreement is a "construction contract" covered by California Civil Code section 2782, then Consultant's duty to indemnify shall not apply in a manner prohibited by California Civil Code section 2782.

(b) Modification for Design Professional Services. To the extent this Agreement is for "design professional services" defined in California Civil Code section 2782.8, then Consultant's duties to defend and indemnify shall only apply to the extent provided for in California Civil Code section 2782.8(a), unless section 2782.8(a) is not applicable for one of the reasons set forth in 2782.8(e).

12. Insurance. Contractor shall procure and maintain insurance during the term of this Agreement in the amounts and under the terms set forth in Exhibit "B" against claims that may arise from or in connection with this Agreement and performance of the Services. Upon reasonable written notice, Contractor shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by City's Risk Manager.

13. Acceptance of Final Payment. Contractor's acceptance of final payment will release City from any and all claims and liabilities for compensation under this Agreement.

14. Acceptance of Work. City's acceptance of, or payment to Contractor for, the Services does not release Contractor from its responsibility for the accuracy, completeness, or competency of the Services, nor do the actions constitute an assumption of Contractor's responsibility or liability by City for any defect or error in the Services.

15. Conflict of Interest. Contractor represents that no City employee or official has a financial interest in Contractor. Contractor shall not offer, encourage, or accept any financial interest in any part of Contractor's business by or from a City employee or official during the term of this Agreement or as a result of being awarded this Agreement. If any of the Services are paid by reimbursement from an agreement between City and a private party, Contractor represents that it has not performed any work for that private party during the 12-month period prior to the execution of this Agreement, and that it shall not negotiate, offer or accept any contract for services from that party during the term of this Agreement.

16. Economic Disclosure. Contractor shall comply with City's local conflict of interest code and the Political Reform Act, and prepare and file an economic disclosure statement if the Services involve making, or participation in making, decisions which may have a material effect on the Contractors' financial interest. While it is Contractor's sole responsibility to evaluate its conflicts of interest, the Contractor nevertheless agrees to prepare and file an economic disclosure statement if requested by City.

17. Non-Exclusive Agreement. This is a non-exclusive agreement. City reserves the right to provide, and to retain other Contractors to provide, services that are the same or similar to the Services described in this Agreement.

18. No Assignment. Contractor shall not assign or subcontract any of the Services without City's prior written consent. For the purposes of this section, a change of fifty-percent or more in the ownership or control of Contractor constitutes an assignment.

19. Remedies. All remedies permitted or available under this Agreement, or at law or in equity, are cumulative and alternative, and the invocation of a right or remedy will not be construed to waive or elect a remedy with respect to any other available right or remedy. As a condition precedent to commencing legal action involving a claim or dispute against City arising from this Agreement, the Contractor must present a written claim to City in accordance with Chapter 3.42 of the Livermore Municipal Code.

20. Construction of Language. The terms and conditions in this Agreement have been arrived at through negotiation and each party had a full and fair opportunity to review and revise this Agreement with legal counsel. Any ambiguity in this Agreement will not be resolved against either party as the drafting party. In the event of an inconsistency or conflict between the language in the body of the Agreement and an attachment hereto, the language in the body of the Agreement controls.

21. Entire Agreement; Modification. This Agreement supersedes all other agreements, whether oral or written, between the parties with respect to the Services. Any modification to this Agreement must be in writing and signed by both parties. In the event the original of this Agreement is lost or destroyed, an archival copy maintained by

City can be used in place of the original for all purposes with the same effect as if it was the original.

22. Notice. Notices under this Agreement must be delivered to the addresses below by deposit in the United States mail or by overnight delivery service, with postage prepaid and delivery confirmation:

TO CITY: Attention: Public Works Supervisor-Landscape
City of Livermore
3500 Robertson Park Road
Livermore, California 94550

TO CONTRACTOR: Attention: Travis Wilson
BrightView Landscape Services, Inc.
7038 Commerce Circle, Suite B
Pleasanton, CA 94558

23. Waiver. Failure to insist upon the strict performance of any term or conditions in this Agreement, no matter how long the failure continues, is not a waiver of the term or condition and does not bar the right to subsequently demand strict performance. To be effective, a waiver must be in writing and signed by the non-breaching party.

24. Severability. If a court of competent jurisdiction determines a provision in this Agreement is invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired in any way.

25. Survival. The terms, conditions, and obligations in Sections 8, 9, 10, and 11 shall survive the completion or termination of this Agreement.

26. Electronic Signatures. By signing this document, you are agreeing that you have reviewed this disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

27. Counterparts. This Agreement may be executed and delivered in one or more counterparts, each of which will be deemed to be an original copy of this Agreement, and all of which, when taken together, will be deemed to constitute one and the same agreement. The facsimile, email, or other electronically delivered signatures of the Parties shall be deemed to constitute original signatures, and facsimile or electronic copies hereof shall be deemed to constitute duplicate originals and shall be valid and effective for all purposes..

28. Prevailing Wage Law and the Labor Code. This Agreement is subject to all applicable Labor Code Requirements.

(a) DIR Registration. City will not enter into Agreement without proof that the Contractor is registered with the California Department of Industrial Relations ("DIR") to perform public work under Labor Code, Section 1725.5, subject to limited legal exceptions. Should the City determine that Contractor is not so registered after the parties have executed this Agreement, the City shall be entitled to void this Agreement with no consideration to Contractor.

(b) DIR Monitoring. This Agreement is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

(c) Prevailing Wages. This Project is subject to the prevailing wage requirements applicable to the locality in which the Services are to be performed for each craft, classification or type of worker needed to perform the Services, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. Copies of these prevailing rates are available online at http://www.dir.ca.gov/DLSR. Each worker performing Services under this Agreement that is a Public Work pursuant to Labor Code, Section 1720, including clean-up at the, must be paid at a rate not less than the prevailing wage as defined in Sections 1771 and 1774 of the Labor Code. Contractor must post a copy of the applicable prevailing rates at any worksite.

(d) Copies of Prevailing Wages. Copies of the prevailing rate of per diem wages applicable to the Services required by this Agreement are on file at the City of Livermore, Livermore City Hall, 1052 S. Livermore Ave, Livermore, CA 94552 in the custody of Leslie Young, which the City shall make available to any interested party on request. The City shall also cause a copy of the determination of the director of the Department of Labor of the prevailing rate of per diem wages to be posted at each job site.

(e) Penalties Under Labor Code, Section 1775. Contractor will forfeit to City, as a penalty, up to $200.00 for each calendar day, or portion of a day, for each worker paid less than the applicable prevailing wage rate. Contractor must also pay each worker the difference between the applicable prevailing wage rate and the amount actually paid to that worker.

(f) Federal Requirements. If this Agreement is subject to Federal prevailing wage requirements in addition to California prevailing wage requirements, Contractor is required to pay the higher of the current applicable prevailing wage rates under federal law, available online at http://www.access.gpo.gov/davisbacon/ca.html, or under California law, available online at http://www.dir.ca.gov/DLSR.

(g) Eight Hour Day and Penalties. Under Labor Code, Section 1810, eight hours of labor constitute a legal day's work under this Contract. Under Labor Code, Section 1813, Contractor will forfeit to City as a penalty, the sum of $25.00 for each worker employed in the execution of this Agreement by the Contractor for each calendar day during which the worker is required or permitted to work more than 8 hours in any one calendar day and 40 hours in any one calendar week in violation of Labor Code, Section 1813, unless the workers are paid overtime under Labor Code, Section 1815 at not less than 1 1/2 times the basic rate of pay.

(h) Apprentices. Contractor is responsible for compliance with the requirements governing employment and payment of apprentices, as set forth in Labor Code, Section 1777.5, which is fully incorporated by reference.

(i) Notices. Under Labor Code, Section 1771.4, Contractor is required to post all job site notices prescribed by law or regulation.

(j) Records.

1) Contractor shall furnish accurate records specified in Labor Code, Section 1776 directly to the Labor Commissioner, in the following manner: (A) At least monthly or more frequently if specified in the contract with the awarding body. (B) In a format prescribed by the Labor Commissioner. Section 1776 requires the Contractor to provide the following information: the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed in connection with the Services performed pursuant to this Agreement. Each payroll record must contain or be verified by a written declaration that it is made under penalty of perjury according to the laws of the State of California, stating both of the following: (i) The information contained in the payroll record is true and correct; and (ii) The Contractor has complied with the requirements of Labor Code, Sections 1771, 1811, and 1815 for any work performed by its employees pursuant to this Agreement.

2) Contractor shall also comply with the requirement of Labor Code, Section 1812, which requires every contractor to keep an accurate record showing the name of and actual hours worked each calendar day and each calendar week by each worker employed by him or her in connection with the public work. The record shall be kept open at all reasonable hours to the inspection of the awarding body and to the Division of Labor Standards Enforcement.

(k) Certified Record. A certified copy of an employee's payroll record must be made available for inspection or furnished to the employee or his or her authorized representative on request, to City, or to the Division of Labor Standards Enforcement, and the Division of Apprenticeship Standards of the Department of Industrial Relations, and as further provided by the Labor Code. Contractor is solely responsible for redacting employee personal information, e.g., name, address and social security number, before disclosure of the certified payroll record, as specified in Labor Code, Section 1776(e).

(l) Enforcement. Upon notice of noncompliance with Labor Code, Section 1776, Contractor has ten days in which to comply with requirements of Section 1776. If Contractor fails to do so within the ten-day period, Contractor will forfeit a penalty of $100.00 per day, or portion of a day, for each worker for whom compliance is required, until strict compliance is achieved. Upon request by the Division of Apprenticeship Standards, or the Division of Labor Standards Enforcement, these penalties will be withheld from payments then due to Contractor.

(m) Workers' Compensation Certification. Under Labor Code, Section 1861, by signing this Contract, Contractor certifies as follows: "I am aware of the provisions of Labor Code, Section 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and that Contractor will comply with such provisions before commencing the performance of this Contract."

(n) Discrimination. Contractor shall not discriminate in the employment of persons on any basis articulated by Labor Code, Section 1735.

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Signatures and Attachment List on the Next Page

In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have executed this Agreement, effective on the date first written above.

CONTRACTOR: **Dated:** 11/9/22

By: ~~Travis Wilson~~ MICHAEL UNDERWOOD
Title: Business Development Executive

CITY OF LIVERMORE: **Dated:**

Marianna Marysheva
City Manager

APPROVED AS TO FORM:

Assistant/City Attorney

APPROVED AS TO INSURANCE:

Risk Manager/Analyst

Attachments:
- Exhibit A – Scope of Work
- Exhibit B – Insurance Requirements
- Exhibit C - DIR Compliance Certification

Exhibit A
Scope of Work

Contractor shall provide all labor, materials, equipment, and supplies to maintain designated areas according to the following specifications.

GENERAL REQUIREMENTS

All planted areas shall receive routine maintenance necessary to maintain plants in a healthy and safe condition. Maintenance activities should promote plants to grow in their natural shape and form of the particular plant species.

Unless otherwise agreed upon, all maintenance activities shall be performed on a routine basis in accordance with these Landscape Maintenance Specifications. It is the Contractor's responsibility to ensure that sufficient resources are committed to achieve all of the maintenance objectives.

After each maintenance service, all areas must be free of litter and debris (dead plant materials, downed limbs, rocks, dirt, glass, rubbish, and trash) at all times. Litter shall not be allowed to remain on the site and shall be removed during each maintenance cycle.

The Contractor shall ensure that Contractor's employees are knowledgeable of the City's landscape maintenance specifications and all maintenance activities are performed consistently with the specifications.

All equipment and transportation are assumed to originate with the Contractor within the City of Livermore. Therefore, the cost of such is contained by the contract. Any exceptions must be approved by the City in writing prior to commencement of any work where extraordinary situations require the use of cranes, rock digging wheels, tractors, or other major equipment and operators.

If any herbicides, insecticides, rodenticides, fertilizers, and other chemical materials are used as part of the maintenance program, they are subject to approval of the City prior to performing any application at any of the sites maintained by the Contractor. A copy of the Monthly County Agricultural and Pesticide Use Report indicating all chemical applications performed by the contractor shall be included with the Contractor's monthly billing sent to the City.

Repairs to landscaped areas caused by vandalism, automobile accidents and natural events not due to the Contractor's negligence shall be conducted on an as-needed basis and approved by the City. The Contractor shall notify the City when conditions require repair and/or replacement. Repair or replacement shall only be performed upon written authorization from the City.

IRRIGATION MAINTENANCE

All irrigation timing shall be controlled and scheduled only by the City unless otherwise specified in writing by the City. The Contractor shall perform an inspection of the irrigation system each month to evaluate its effectiveness. A written report detailing the findings of the investigation and any steps necessary to return the system to its optimal effectiveness shall be provided to the City no later than 10 days after the inspection occurs. Problems that are discovered which might lead to the harming of the landscaping shall be reported to the City immediately.

Accidental damage to the irrigation system or malfunctions should be reported to the City immediately and repaired by the end of the work day. Repairs not completed in a timely manner may be completed by the City. The cost of completing such repairs shall be charged to the Contractor. The Contractor is encouraged to make suggestions and recommendations to the City concerning needed changes or improvements to the operation of the irrigation system.

Repairs to the irrigation system that are not in response to damage by Contractor shall be paid for on a time and materials basis as dictated in the "Compensation" section of this Exhibit. Contractor shall repair irrigation malfunctions in a manner commensurate with industry practices and City of Livermore standards.

PESTS, DISEASE, AND WEED CONTROL

Landscaped areas are to be generally maintained to be free of diseases, insects, weeds, and other pests detrimental to plant growth. Contractor shall treat all landscape areas for pest and disease infestations. Contractor is responsible for reporting any pest or disease infestations observed during routine maintenance operations.

Contractor is responsible for controlling weed growth and removing weeds as part of the routine maintenance program performed by the Contractor. Areas planted with "natural grasses" shall be maintained in a rustic and natural condition. Once the grasses have completely developed seed heads, the areas are to be "dead headed". The timing of this operation should be coordinated with the City's representative. Grasses are to be cut mechanically annually to a height of approximately six (6) inches. Grasses shall be mechanically trimmed.

Contractor shall supply City with a copy of the pesticide/herbicide usage report on a monthly basis.

WEED ABATEMENT IN OPEN SPACES

Weed growth in open space areas and other areas designated by the City shall be mowed and shall conform to weed abatement requirements of the

Livermore/Pleasanton Fire Department. Generally, the areas are to be mowed twice annually, once in May and once in June, and weed growth is abated by the 1st of July.

TURF MAINTENANCE

Turf areas, including areas with Red Fescue, are important aesthetic components of the ornamental landscape, and require regularly scheduled care. A uniform and consistent green appearance that is predominantly free of weeds must be maintained at all times.

MOWING OPERATIONS

Mowing, walking, or using any equipment on turf areas when frost is present is prohibited. Mowing of any turf areas that are saturated with water or if standing water is present is prohibited. Damage to turf areas caused by Contractor's negligence when wet conditions are present will be repaired by the Contractor solely at the expense of the Contractor.

Mowing equipment shall be properly maintained at all times. Mower blades shall be kept sharp so that the turf is cut cleanly and not shredded or torn.

Prior to commencing any mowing activities, all paper, litter and debris shall be removed from the site and disposed of properly.

All mowing operations shall be completed in such a manner as to prevent damage to turf, trees, shrubs, groundcovers, structures, irrigation systems, site fixtures, appurtenances, and vehicles. Contractor is responsible for repairing any damages caused while completing any turf maintenance operations.

The mowing of lawn areas is to be performed twice a month, from the 1st of December through the last day in February, and on a weekly basis from the 1st of March through the last week in November, unless otherwise specified in writing by the City.

If a "mulching" mower is not used, then all mowed clippings shall be removed from the site the same day. If a mulching mower is used, all accumulated clippings shall be dispersed and not allowed to remain on the site overnight and must be dispersed by the end of the workday. During the fall season, if a mulching mower is used, leaves may be removed from turf areas prior to mowing or removed after the mowing operation. The turf area shall have a clean appearance following each mowing operation with no visible signs of clippings or mulched leaves.

Special consideration is to be given to pedestrians and vehicular traffic in the area while mowing. Contractor shall avoid creating a nuisance from noise, dust, and/or debris.

Generally all turf mowing is to be at a height of two and one-half (2 ½) inches. It is desirable to not remove more than one-third (1/3) of the grass blade per each mowing operation.

Riding mowers are not permitted in turf areas that are not conducive to the type and size of the equipment being used. Large riding mowers will not be permitted in narrow turf areas, in turf areas heavily planted with trees or on soft wet turf areas.

The mowing pattern shall be altered from the direction of the previous mowing whenever possible.

Line Trimming and Blade Edging

Line trimming or blade edging shall be performed in a manner that does not scalp the turf, and provides a neat, uniform and straight edge. The height of the grass blades shall be approximately to the same height as the turf following a mowing operation. All clippings shall be removed from the turf surface following each operation.

The base of trees, plants, and site features (light fixtures, statues, railings, etc.) are to be protected or shielded, as necessary, to prevent damaging the trees, plants or site feature. It is not acceptable to leave any visible residue of grass trimmings on buildings, structures sidewalks, curbs or other areas following a line trimming operation. Contractor is responsible for cleaning and removing any residue after each trimming operation. Contractor shall repair or replace any damages to any site feature caused by the Contractor's operations or negligence solely at the expense of the Contractor.

Removal of Clippings

Visible clumps of clippings can cause damage to the turf and must be dispersed or removed, in a manner acceptable to the City, from the site following each mowing operation by the end of the work day and not allowed to be on the site overnight.

TURF EDGING OPERATIONS

All turf boarders shall be regularly edged unless otherwise approved by the City. Upon completion of the edging operation, the turf edge shall be a minimum of 3/8", but not more than 5/8" back from the edge of the paved walkway. All debris shall be removed from turf and pavement upon completion of an edging operation. To ensure a uniform appearance, the entire site shall be edged in one operation.

Edging shall be performed with every mowing in March through the last day in November and every other mowing operation in December through February, or as determined by the City.

Special consideration shall be given to the safety of pedestrians and vehicular traffic in the area while edging.

When straight lines are required, a string line shall be used as a guide. A clean edge no more than two (2) inches in depth shall be maintained.

GROUND COVER EDGING AND TRIMMING OPERATIONS

All ground cover plantings shall be trimmed or removed away from hard surfaces, header boards, shrubs, trees, site furnishings and appurtenances, and utility boxes/structures. Ground cover plantings shall be trimmed in a manner that allows trees, shrubs and other plants to grow in a healthy and vigorous manner. Generally, there shall be clearance of at least twelve (12) inches from the base of a tree and sufficient spacing to allow other plant material to grow vigorously. Ground cover should not be maintained in a manner that allows the plant to grow or climb into shrubs, trees, fences or other areas, unless approved by the City. Ground cover shall not be allowed to mature in height and shall be "headed back" routinely in order to maintain the intended look of the landscaped area.

Ground cover plantings shall be trimmed routinely to maintain a uniform and consistent appearance. Ground cover plantings shall not be allowed to grow onto paved areas or extend over the curb. Ground cover plantings shall be trimmed and edged around irrigation heads to allow uniform irrigation coverage.

Ground cover plantings that go dormant shall be trimmed annually.

SHRUB AND TREE PRUNING

Pruning operations shall promote the desired appearance, natural shape of the plant species and enhance the health of the plant material whenever possible. Note that pruning functions for a manicured area will be different than those for a naturalistic landscape. Also, individual plants or groups of plants within a site may be intended to appear differently. The Contractor is encouraged to confer with the City's representative whenever there is a question about how pruning activities should be completed.

All pruning shall comply with established pruning practices and current International Society of Arboriculture (ISA) standards. Non-compliance with the instructions as set forth by the City or the current ISA standards will result in default inspections and fees.

Any debris generated during pruning operations shall be disposed by the Contractor at the end of the day, each day any pruning is completed.

Shrubs

The Contractor shall provide a complete and properly managed shrub pruning program. Although shearing may be necessary, it is to be completed only if approved by the City. When planted in masses, shrubs shall be allowed to grow together in order to completely fill in the planting area.

Plants should not be sheared into formal shapes either "squared", "gumdrop" or "gumball" shapes. Shearing shall only be done to maintain a neat, uniform appearance and to keep shrubs growing within intended spaces.

If the plants are improperly sheared, the Contractor shall provide selective hand pruning to regenerate new plant parts, eliminate dense plant crowns, and encourage the development of more balanced plant growth.

Trees

Trees shall be pruned to provide ten (10) feet of clearance over sidewalks and walkways and twelve (12) feet over streets and curbs. All pruning shall conform to current ISA standards. Any tree pruning other than the occasional sidewalk and walkway clearance shall be considered Extra Work.

The Contractor is responsible for routinely trimming any "suckers", "water sprouts", or damaged, diseased, or dead tree branches up to a height of eight (8) feet, during routine maintenance cycles.

GENERAL MAINTENANCE REQUIREMENTS

Contractor shall provide a general clean-up of all areas. Contractor shall adhere to the weekly work schedule submitted to the City designating the locations where work will be performed and the activities that will be completed.

Some areas will require specific and unique maintenance due to the nature of the area and the intention of the design and installation. The maintenance activities for these areas should be modified to obtain the desired results. The contractor must confirm these requirements with the City and adjust or modify maintenance activities to achieve the desired results.

Trash and Debris Removal

The Contractor shall provide for regular pick-up and disposal of debris such as litter, grass clippings, leaves, branches, and dead plant materials. Method of cleaning shall be by hand, use of rakes, and where appropriate, aided by blower units. Particular attention shall be given to turf areas, shrub and flower beds, fence lines, parking lots, and

walkways. This operation shall be completed during every site visit unless otherwise stated in "Site-Specific Maintenance Procedures."

Contractor is responsible for removal of debris accumulated over the winter from all shrub beds, turf areas, groundcover beds, gravel beds, and flower beds. Contractor is required to remove all leaf and litter debris that accumulates on the turf and in all shrub, groundcover, and flower beds. All collected litter and debris, as defined in the General Requirements section, shall be disposed following the City's refuse collection guidelines and any municipal, county, or state codes that apply. Contractor shall empty existing and future trash receptacles/doggie stations and provide new liners a minimum of two times per week, unless otherwise stated in "Site-Specific Maintenance Procedures."

Clean-Up of Walks and Curb Lines

The Contractor shall remove all debris that accumulates in and along all walkways, curb lines, gutters and continuous roadways. Method of cleaning may be by hand or vacuum. All debris shall be disposed of properly by the Contractor.

Bike Paths and Trails

Bike paths and trails are to be serviced regularly. Trash and leaves shall be removed during each servicing. Areas are to be generally weed free and debris should be removed from the paths regularly. Decomposed granite paths should be level and free from potholes. Animal waste shall be removed from pathways as needed.

EXTRA WORK

Extra work authorized by City shall be shown as a separate item on Contractor's invoice to City. The invoice item shall identify the exact location of the work, including the name of the Landscape Maintenance Area, and shall identify the written approval for such extra work. The invoice shall also identify the materials used with their unit price and total cost, the amount of time required to do the job and the cost for labor, providing that labor is chargeable to this extra work.

SITE-SPECIFIC MAINTENANCE PROCEDURES

EL CHARRO CFD

1. Interchange Landscaping

Landscaped areas immediately adjacent to El Charro Road and the Interstate-580 on-ramp shall be serviced a minimum of once per week, or more frequently as needed to keep the site free from weeds and litter. The area surrounding the olive trees shall be mowed sufficiently often to prevent weeds from growing higher than six (6) inches.

2. Jack London Blvd. Median and Sidewalk Strips

This area shall be serviced a minimum of twice per week, or more frequently as needed to keep the site free from weeds and litter.

3. Livermore Outlets Drive

This area shall be serviced a minimum of twice per week, or more frequently as needed to keep the site free from weeds and litter.

4. Wolf House Drive

This area shall be serviced a minimum of twice per week, or more frequently as needed to keep the site free from weeds and litter.

5. Pumphouse Landscaping

This area shall be serviced a minimum of twice per week, or more frequently as needed to keep the site free from weeds and litter.

6. Parking Lot

This area shall be serviced a minimum of twice per week, or more frequently as needed to keep the site free from weeds and litter.

7. HMP Basin 2

This area shall be maintained in accordance with the "PESTS, DISEASE, AND WEED CONTROL" section of these specifications. Trash and litter removal shall be performed twice per year at regular intervals.

8. Freisman Park

This area shall be serviced a minimum of three times per week, or more frequently as needed to keep the site free from weeds and litter. Contractor shall empty trash receptacles on each visit and provide new liners.

9. Freisman Road

This area shall be serviced a minimum of twice per week, or more frequently as needed to keep the site free from weeds and litter.

A. Southern Diversion Channel

This area shall be maintained in accordance with the "WEED ABATEMENT" section of these specifications. Trash and litter removal shall be performed a minimum of twice per year at regular intervals.

B. HMP Basin 1

This area shall be maintained in accordance with the "PESTS, DISEASE, AND WEED CONTROL" section of these specifications. Trash and litter removal shall be performed twice per year at regular intervals.

C. El Charro Vines

This area shall be serviced a minimum of twice per week, or more frequently as needed to keep the site free from weeds and litter.

D. Multi-Use Trail
This site shall be serviced a minimum of twice per month. Both sides of the trail shall be mowed sufficiently often to prevent weeds from growing higher than six (6) inches within ten feet of the nearest edge of the trail surface.

E. Mitigation Ditch
This area shall be maintained in accordance with the "WEED ABATEMENT" section of these specifications. Trash and litter removal shall be performed a minimum of twice per year at regular intervals.

F. North Bank Landscaping and Swale
This area shall be maintained in accordance with the "WEED ABATEMENT" section of these specifications. Trash and litter removal shall be performed a minimum of twice per year at regular intervals

G. Jack London Blvd. Roadside Swales
This area shall be mowed sufficiently often to prevent weeds from growing higher than six (6) inches. Trash and litter shall be removed a minimum of once per week.

BRISA CFD
North Park (Map Area 1)
This area shall be serviced a minimum of two times per week, or more frequently as needed in order to keep the site free from weeds and litter. CONTRACTOR shall empty trash and dog waste receptacles on each visit and provide new liners.

Trail (Map Area 2)
This site shall be serviced a minimum of twice per month. Both sides of the trail shall be mowed sufficiently often to prevent weeds from growing higher than six (6) inches within ten feet of the nearest edge of the trail surface.

Brisa Medians (Map Area 3)
This area shall be serviced a minimum of once per week, or more frequently as needed in order to keep the site free from weeds and litter.

South Park (Map Area 4)
This area shall be serviced a minimum of two times per week, or more frequently as needed in order to keep the site free from weeds and litter. CONTRACTOR shall empty trash and dog waste receptacles on each visit and provide new liners.

Vasco Hillside (Map Area 5)
This area shall be maintained in accordance with the "WEED ABATEMENT" section of these specifications. Trash and litter removal shall be performed a minimum of once per month at regular intervals.

Vasco Road Backing Lot (Map Area 6)

This area shall be serviced a minimum of once per week, or more frequently as needed in order to keep the site free from weeds and litter.

Cumulus Street Backing Lot (Map Area 7)
This area shall be serviced a minimum of once per week, or more frequently as needed in order to keep the site free from weeds and litter.

Vasco Walkway (Map Area 8)
This area shall be serviced a minimum of once per week, or more frequently as needed in order to keep the site free from weeds and litter.

GENERAL CONDITIONS OF THE WORK

City Representative(s)
The City's representative(s) shall be any person(s) designated by the City in writing to the Contractor. The City's Representative(s) shall be the only person(s) through whom all communication between the City and the Contractor shall be directed.

Workday

A workday is hereby defined as every calendar day, except Saturdays, Sundays and City holidays on which the Contractor is not prevented by inclement weather, by conditions resulting from inclement weather, or by suspension of work ordered by the City or specifically required by provisions of the Contract, or by acts of God, acts of the public enemy, fire, floods, epidemics, quarantine restrictions, strikes or freight embargoes, from performing work under the Contract with daily productiveness.

The City's Holidays are as follows:
1. New Year's Day (January 1)
2. Martin Luther King, Jr. Day (third Monday in January)
3. President's Day (third Monday in February)
4. Memorial Day (last Monday in May)
5. Independence Day (July 4)
6. Labor Day (first Monday in September)
7. Veteran's Day (November 11)
8. Thanksgiving Day (fourth Thursday in November)
9. Day after Thanksgiving Day (fourth Friday in November)
10. December 24
11. December 25
12. New Year's Eve (December 31)

When a holiday listed above falls on a Saturday, the preceding Friday shall be considered the holiday, and when a holiday listed above falls on a Sunday, the following Monday shall be considered the holiday. The following exceptions are when December 25 and January 1 fall on Saturday, Sunday or Monday, the December 24, 25, 31, and January 1 holidays shall be observed as follows:

(a) When December 25 and January 1 fall on Saturday, the preceding Thursday and Friday shall be considered holidays.

(b) When December 25 and January 1 fall on Sunday, the preceding Friday and the following Monday shall be considered holidays.

(c) When December 25 and January 1 fall on Monday, that Monday and the preceding Friday shall be considered a holiday.

Work Schedule

An annual work schedule delineating when and where the Contractor's crews will be working, shall be provided in writing to the City annually or more frequently if requested by the City. A weekly work schedule shall be submitted to the City, in a format that is acceptable to the City, indicating the locations that work will be performed during the week and a description of the work that will be performed. Changes in work schedules shall be approved by the City in advance of implementing any alteration to the approved annual work plan.

The City's normal/regular working hours are Monday through Friday, from 7:00 a.m. to 3:30 p.m. Generally, all work is to be completed during a regular eight-hour shift, between 7:00 a.m. and 3:30 p.m., Monday through Friday, unless otherwise approved by the City in writing or via email.

Normal working days shall be Monday through Friday, except legal holidays as recognized by the City. Any work done on weekends or holidays must be approved in advance by the City in writing.

Supervision

Work performed by employees within the scope of the Contractor's work shall be directly employed and supervised by the Contractor. The Contractor shall perform management and technical supervision required to complete the work according to the specifications of this agreement. Employee(s) assigned to supervise the work shall be readily available, responsive to the City's representative(s) and capable of speaking and understanding the English language and have the authority to make decisions related to the management of the activities performed by the Contractor's employees.

Traffic Control and Pedestrian Safety

The Contractor shall provide and maintain utilities, fences, barriers, signs, guardrail, warning lights, and other safety devices adjacent to and on the work site as may be necessary to control traffic and prevent accidents to the public. Signs, flags, lights, and other warning and safety devices shall conform to the requirements set forth in the City

of Livermore's Manual of Traffic Controls for Construction and Maintenance Work Zones.

The Contractor shall maintain, at all times through the work area, a safe route for pedestrians that will not direct pedestrians into vehicular traffic. Pedestrian routes and barrier methods are subject to approval by the City.

Additions, Deletions, or Change of Contract Price

The City reserves the right to add, delete, or change areas under this agreement and may do so upon giving written notice to the Contractor. If these changes cause an increase or a reduction in the maintenance costs of this agreement, they shall be readjusted and, when agreed upon, incorporated into the agreement.

Extra Work

Extra Work must be authorized by the City and shall be shown as a separate item on the invoice submitted to the City. The invoice for extra work shall show the exact location of the work. The invoice shall include the materials used with their unit price and total cost, the amount of time required to do the job and the cost for labor, providing that labor is chargeable to this extra work. If labor is allowed, travel time will not be counted. Billings for repairs of site furnishings, irrigation systems, vandalism or other approved work must be clearly marked as such and subtotaled separately from other items on the invoice submitted to the City.

Inspections

The Community Facilities District (CFD) will be inspected regularly by the City. A *Contract Services Inspection Form* may be prepared by the City after each inspection, detailing the condition of the trees, shrubs, turf, groundcovers, and general appearance of the site.

The City may require the Contractor, or the local authorized representative, to accompany the inspector during inspections if the City is not satisfied with the Contractor's maintenance work. The Contractor or the local authorized representative is expected to be capable of understanding the deficiencies and authorized to take remedial action in a manner consistent with the contract requirements and specifications.

Deficiency Corrections

If the City, upon routine inspection, determines that any area has not been maintained according to the specifications, a notice outlining the deficiencies will be mailed in a postal envelope, e-mailed to the company representative or faxed to the Contractor's local office. Payment will not be made for any services not provided by Contractor. All notices of deficiencies will specify the date when the specified work must be completed. The date of completion will be less than ten (10) working days from the date the notice

is issued. Failure to complete the work to the satisfaction of the City by the date specified will result in no payments being made to the Contractor for the missed work.

Failure to Correct Deficiencies

Prior to re-submitting a request for payment, the Contractor must request a re-inspection. A re-inspection request should be completed in writing to the City and either faxed or e-mailed to the City. If the work is deemed satisfactory upon re-inspection, the City will accept a request for payment, minus a one hundred dollar ($100) charge for re-inspection. Any time an additional inspection is required as a result of inadequate performance, the one hundred dollar ($100) re-inspection charge will be assessed for each inspection completed by the City until the specified work is completed.

Traffic Control Deficiencies

If the City, upon routine inspection, determines that the Contractor is not maintaining proper traffic control as described in Traffic Control and Pedestrian Safety section of the Contract Conditions, the Contractor will be notified. When notified, the Contractor shall immediately correct the traffic control deficiency. Failure to do so will result in a suspension of work until the deficiencies are corrected, and the re-inspection charge will be assessed.

General Negligence and Damages

Any damage to the irrigation system, site furnishings or plant material that dies or is damaged due to Contractor's negligence shall be repaired or replaced at the Contractor's sole expense. Any replacements shall be the same type, brand, size and approved by the City. Repairs shall be completed expeditiously. Irrigation system repairs must be completed within twenty-four (24) hours that the deficiency or damage is brought to the attention of the Contractor. Other work must be completed within one week unless otherwise approved by the City. If the work is not completed by the date specified, the work shall be subject to an inspection fee equal to one hundred dollars ($100) per day for each day the repairs are not completed.

Contractor's Vehicles

All vehicles and equipment used by the Contractor and its employees must clearly be distinguished as being operated by the Contractor and may not bear the logo or contact information of any other Contractor.

Sound Control

The noise levels from the Contractor's operations must comply with all City ordinances and regulations. Unless otherwise approve by the City, noise levels between the hours of 6:00 p.m. and 7:00 a.m. shall not exceed 86 DBA from a distance of fifty (50) feet.

The noise level requirements shall apply to all equipment on the job or related to the job including, but not limited to, trucks, blowers, flexible line trimmers, mowers, or other equipment which may or may not be owned by the Contractor. The use of loud sound signals shall be avoided in favor of light warnings, except those required by safety laws for the protection of the public or personnel.

Staff Conduct and Appearance

All employees of the Contractor assigned to work in any of the landscaped areas covered by this agreement shall wear uniform clothing clearly identifying them as employees of the Contractor and shall maintain an appearance acceptable to the City. All employees shall wear the same style, color, and type of uniform while engaged in any activity related to the agreement for providing landscape maintenance services.

The Contractor and all employees shall be courteous and considerate towards the public at all times.

The City shall have the right of reasonable rejection and approval of staff assigned to the work by the Contractor. If the City reasonably rejects staff, the Contractor must provide replacement staff or subcontractors satisfactory to the City in a timely manner and at no additional cost to the City. The day-to-day supervision and the control of the Contractor's employees are the responsibility solely of the Contractor. Supervisors and project managers must be able to fluently read and speak English.

COMPENSATION

Contractor shall be compensated for their services in the following manner:

EL CHARRO CFD

Map Code	Location	Approximate Square Footage	Monthly Cost
1	Interchange Landscaping	161,082	$539.93
2	Jack London Blvd Median/Sidewalk Strips	23,629	$1,073.15
3	Livermore Outlets Drive	16,850	$819.89
4	Wolf House Drive	6,100	$432.45
5	Pumphouse Landscaping	7,987	$308.54
6	Parking Lot	100,320	$815.07
7	HMP Basin 2	235,067	$231.60
8	Freisman Park	301,643	$1,189.36
9	Freisman Road	16,000	$870.59
A	Southern Diversion Channel	1,190,176	$613.93
B	HMP Basin 1	142,088	$198.52
C	El Charro Vines	34,760	$635.06
D	Multi-Use Trail	141,011	$286.75
E	Mitigation Ditch	133,046	$183.81
F	North Bank Landscaping and Swale	459,105	$227.93
G	Jack London Blvd Roadside Swales	349,930	$731.58
		TOTAL MONTHLY COST	$9,158.16

BRISA CFD

Map Code	Location	Approximate Square Footage	Monthly Cost
1	North Park	80,150	$949.30
2	Trail	23,400	$1,254.17
3	Brisa Medians	5,240	$458.18
4	South Park	51,400	$761.55
5	Vasco Hillside	51,000	$330.86
6	Vasco Backing Lot	19,370	$635.02
7	Cumulus Backing Lot	12,400	$500.85
8	Vasco Walkway	3,310	$110.29
		TOTAL MONTHLY COST	$5,000.22

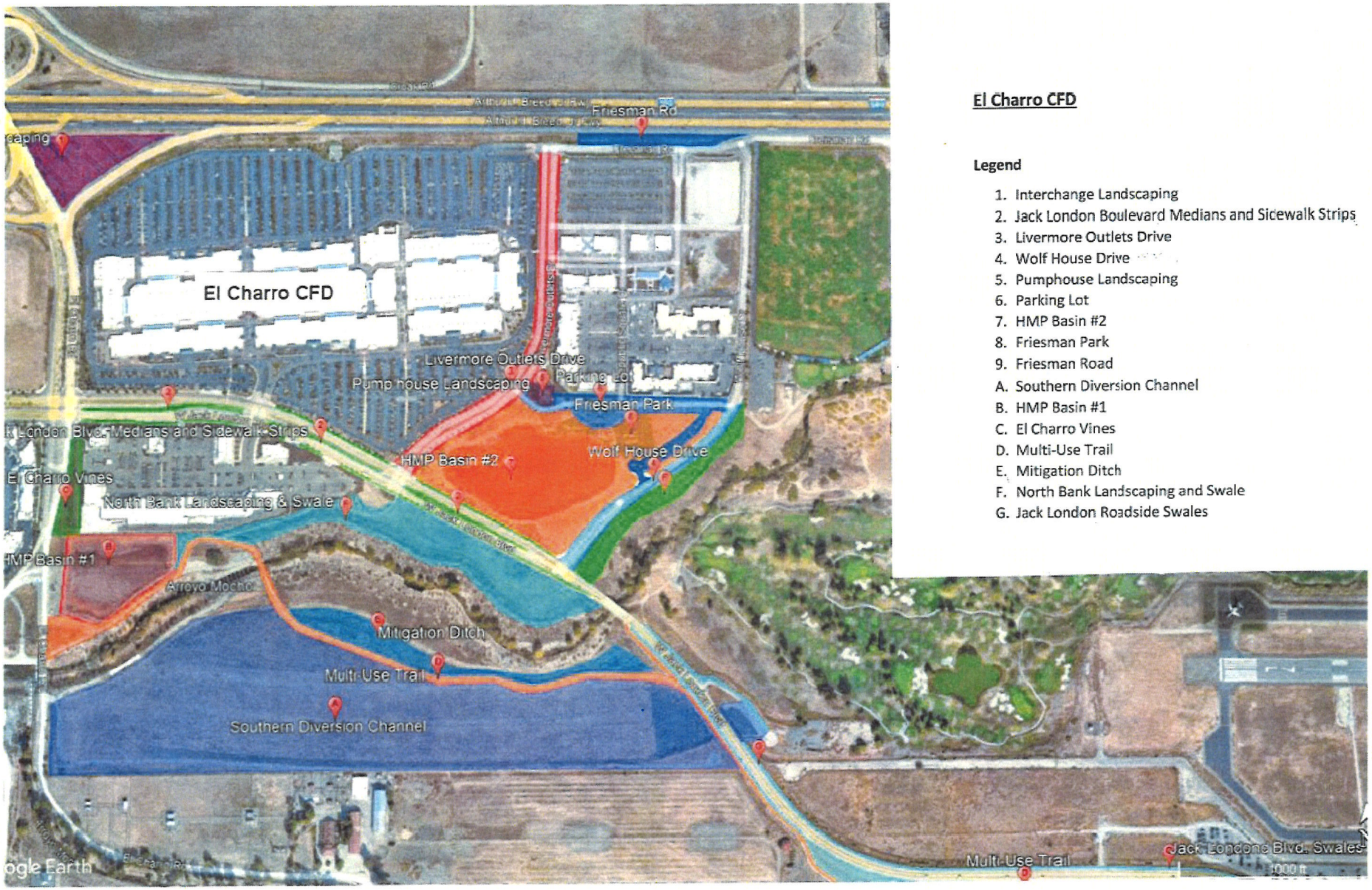
Irrigation repair work will be compensated at the rate of **$90** per hour and documented material cost plus **50%** markup.

Extra work will be compensated at **$75 per hour**.
Extra work completed on Saturdays or Sundays will be compensated at **$112.50 per hour.**
Extra tree maintenance work will be compensated at **$93.50 per hour.**

Weed abatement services beyond the requirements listed in this Exhibit A will be compensated as follows:
- Mowing: **$195.00 per acre** per occurrence
- Discing: **$195.00 per acre** per occurrence.

LOCATION OF WORK AREAS

El Charro CFD Maintenance Areas



El Charro CFD

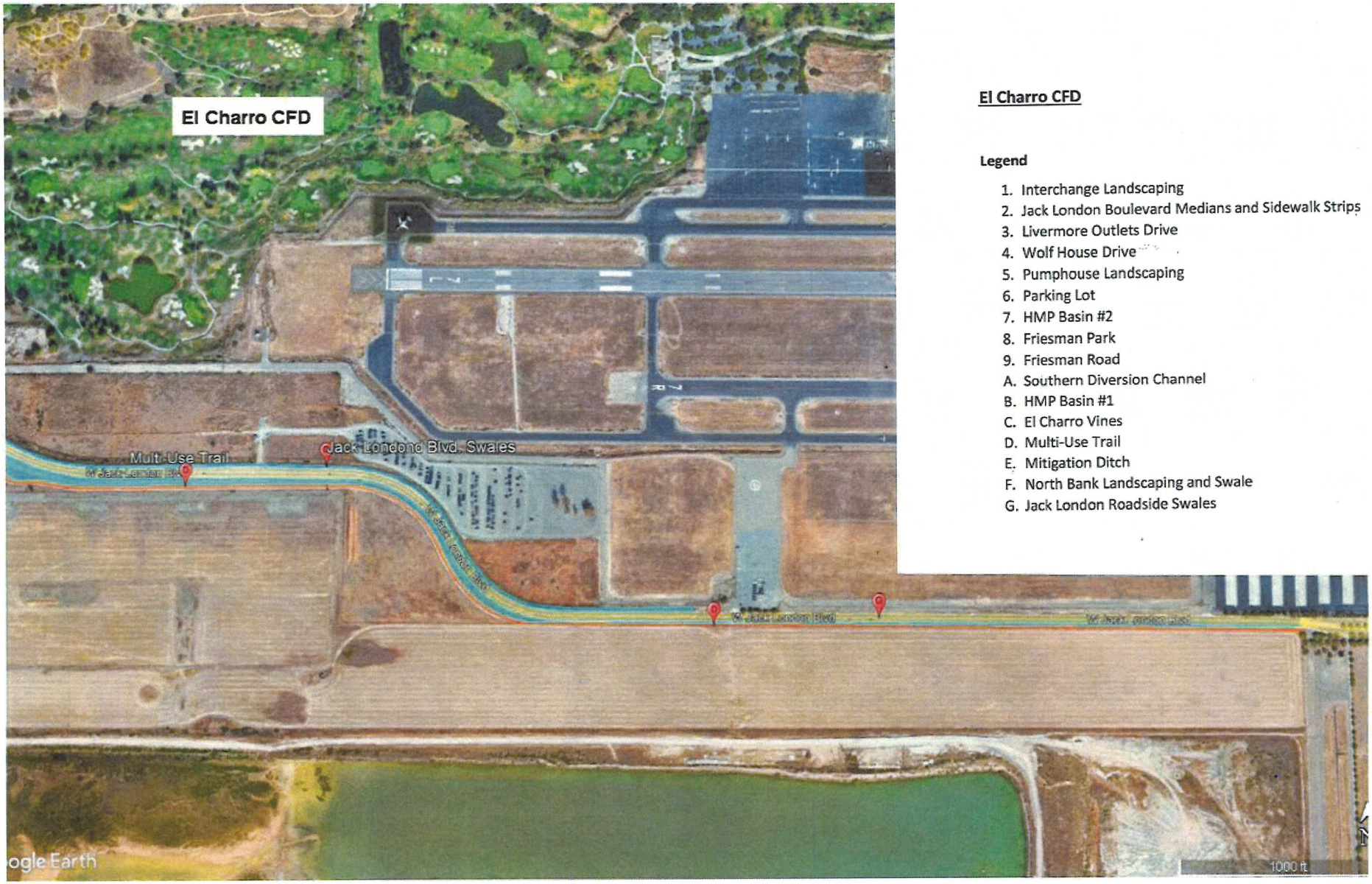
Legend

1. Interchange Landscaping
2. Jack London Boulevard Medians and Sidewalk Strips
3. Livermore Outlets Drive
4. Wolf House Drive
5. Pumphouse Landscaping
6. Parking Lot
7. HMP Basin #2
8. Friesman Park
9. Friesman Road

A. Southern Diversion Channel
B. HMP Basin #1
C. El Charro Vines
D. Multi-Use Trail
E. Mitigation Ditch
F. North Bank Landscaping and Swale
G. Jack London Roadside Swales

EXHIBIT A

El Charro CFD Maintenance Areas



El Charro CFD

Legend

1. Interchange Landscaping
2. Jack London Boulevard Medians and Sidewalk Strips
3. Livermore Outlets Drive
4. Wolf House Drive
5. Pumphouse Landscaping
6. Parking Lot
7. HMP Basin #2
8. Friesman Park
9. Friesman Road

A. Southern Diversion Channel
B. HMP Basin #1
C. El Charro Vines
D. Multi-Use Trail
E. Mitigation Ditch
F. North Bank Landscaping and Swale
G. Jack London Roadside Swales

EXHIBIT A

Brisa CFD Maintenance Areas

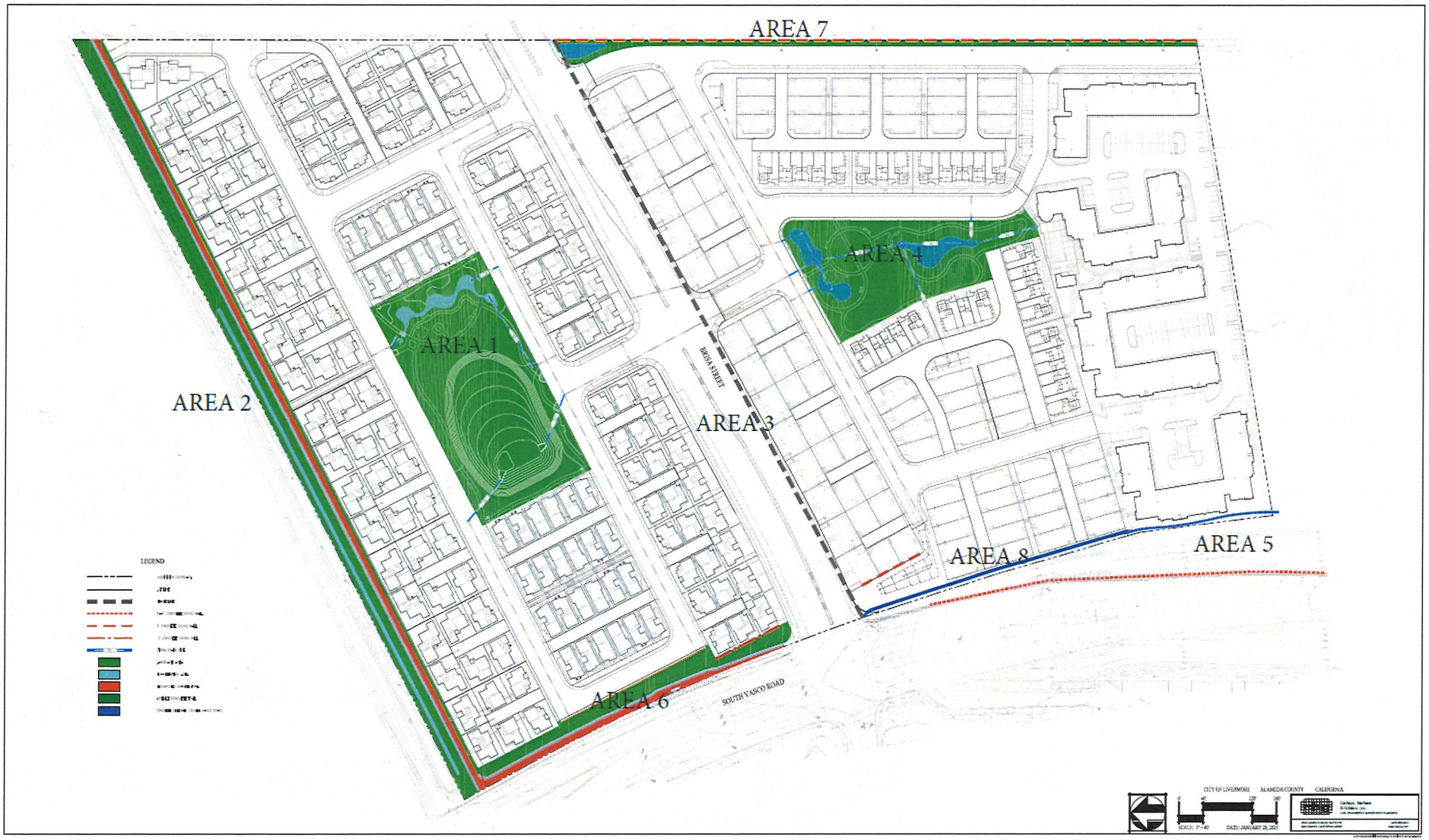


EXHIBIT A

EXHIBIT B

INSURANCE REQUIREMENTS

Minimum Scope and Limits of Insurance

Consultant/Contractor shall maintain limits no less than:

1. Commercial General Liability, including operations, products and completed operations, as applicable:
   $3,000,000 per occurrence/**$6,000,000** aggregate for bodily injury, personal injury, and property damage. If Commercial General Liability or other form of insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:
   $1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation and Employer's Liability:
   Statutory limits as required by the State of California including **$1,000,000** Employers' Liability per accident, per employee for bodily injury or disease. A waiver of subrogation is required for Workers' Compensation insurance. If Consultant/Contractor is a sole proprietor, then they must sign "Contractor Release of Liability."

Deductibles and Self-Insured Retention

All self-insured retentions (SIR) must be disclosed to Risk Management for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide, or be endorsed to provide, that the SIR may be satisfied by either the named insured or the City of Livermore. The City of Livermore reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII and accepted to do business in the State of California, unless otherwise acceptable to the City of Livermore.

Other Insurance Provisions

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Livermore, its officers, officials, employees, and designated volunteers are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the Consultant/Contractor; or automobiles owned, leased, hired or borrowed by the Consultant/Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, or volunteers.
2. The limits of insurance required in this agreement may be satisfied by a

combination of primary and umbrella or excess insurance. The additional insured coverage under the Consultant's/Contractor's policy shall be primary and non-contributory and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as ISO Form CG 20 10 04 13. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City of Livermore before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

3. Any failure to comply with reporting or other provisions of the policy, including breaches of warranties, shall not affect coverage provided to the City of Livermore, its officers, officials, employees, or volunteers.
4. The Consultant's/Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party before expiration of the policy unless notice is delivered in accordance with policy provisions.
6. It shall be a requirement under this agreement that any available insurance proceeds broader than, or in excess of, the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.
7. Certificate Holder section of the insurance certificate should read: City of Livermore, 1052 S. Livermore Avenue, Livermore, CA 94550

Verification of Coverage

Consultant/Contractor shall furnish certificates of insurance and endorsement(s) effecting coverage to the City of Livermore for approval. The endorsements shall be on forms acceptable to the City of Livermore. All certificates and endorsements are to be received and approved by the City of Livermore before work commences. The City of Livermore reserves the right to require complete and certified copies of all insurance policies required by this Agreement.

CITY OF LIVERMORE REQUEST FOR PROPOSALS

DEPARTMENT OF INDUSTRIAL RELATIONS COMPLIANCE CERTIFICATION
Senate Bill 854

• No contractor or subcontractor may be listed on a bid proposal for a public works project (submitted on or after March 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5 [with limited exceptions from this requirement for bid purposes only under Labor Code section 1771.1(a)].

• No contractor or subcontractor may be awarded a contract for public work on a public works project (awarded on or after April 1, 2015) unless registered with the Department of Industrial Relations pursuant to Labor Code section 1725.5.

• This project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

In accordance with California Labor Code as amended through Senate Bill SB 854, prior to commencement of the Contract, all Contractors are required to register, and maintain active registration throughout the duration of the contract with the California Department of Industrial Relations (DIR). For information regarding registration, please go to: http://www.dir.ca.gov/

I, the Bidder, certify that:

> "I am aware of the provisions of Senate Bill SB 854 and subsequent DIR regulations, which require Contractors/Vendors to comply with all labor compliance requirements including but not limited to prevailing wage requirements, Labor Code sections 1725.5, 1771.1(a), 1774-1776, 1777.5, 1813, 1815, Public Works Contractor Registration Program, Electronic Certified Payroll Records to Labor Commissioner, and other requirements described in the DIR website. I will comply with such provisions before commencing the performance of the work of this contract, and maintain compliance throughout the completion of said contract."

Signature	11/9/22 Date
Michael Underwood Print Name	BrightView Landscape Services, Inc. Business Name
Regional Vice President General Manager Title	266211 CSLB License Number
	1000005364 DIR Registration Number

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.5**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Jeramy Young, Police Chief

SUBJECT: Resolution authorizing the execution of an agreement with Peregrine Technologies, Inc. to provide data visualization software and services for the Livermore Police Department's Real-Time Awareness Center (RTAC) and Department Operations Center (DOC) as part of Capital Improvement Project #2019-58 in an amount not-to-exceed $960,000.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a multi-year renewal agreement with Peregrine Technologies, Inc. beginning on December 15, 2022, through July 31, 2027, in an amount not-to-exceed $960,000 to provide visualization software and related technical support services for the Livermore Police Department's Real Time Awareness Center (RTAC) as part of Capital Improvement Project #2019-58.

SUMMARY

On January 11, 2019, the City Council received a presentation from the Livermore Police Department (LPD) proposing to develop a Real-Time Awareness Center (RTAC) that could also function as a departmental operational center (DOC) in support of the City's Emergency Operations Center (EOC) during a disaster. In preparation for the necessary data visualization software and integration of technology systems, the LPD entered into a one-year agreement with Peregrine Technologies on December 15, 2021, to evaluate the benefits of their technology platform in support of the Department's RTAC mission. The initial development performed by Peregrine and support provided to the RTAC and field operations staff has exceeded expectations. The LPD recommends renewing the agreement with Peregrine through July 31, 2027.

DISCUSSION

The Livermore Police Department's (LPD) Real-Time Awareness Center (RTAC), Project No. 2019-58, involved the conversion of a storage area at the Police Department into a RTAC. The RTAC was identified in the City Council's FY 2019-21 Goals and Priorities with construction scheduled to be completed in December 2022. The RTAC will be a state-of-the-art tactical communications and real-time analysis policing center. It will provide real-time, actionable intelligence to dispatchers and officers in the

field and support Emergency Operations in the event of a local or regional disaster or emergency. The RTAC will include a video wall display allowing staff the ability to monitor events in real-time and actively support field activities. The RTAC will also serve as the LPD's departmental operations center (DOC) when the City's EOC is activated.

To support the RTAC's capabilities and technical operations, extensive research was performed to identify an appropriate data visualization software platform that would be capable of integrating a diverse range of informational and visual data sources through one portal. In August 2020, the Fremont Police Department released a Request for Proposals to invite technology providers to propose, implement, and support a data visualization platform for real-time operations for the Police Department. The department's focus was to capitalize on a wide and expanding range of technologies for efficient, effective, and smart policing. The requested solution was expected to integrate all types of data, from incoming 911 calls to community cameras in order to provide a greater awareness and intelligence to responding officers while improving situational awareness and safety. Fremont Police Department's RFP presented the requirements necessary to qualify as the technology provider through a Scope of Services that was developed by gathering input from various internal stakeholders within the Police and Information Technology Departments.

In preparation for standing up the City's RTAC, the LPD entered into a one-year agreement with Peregrine in 2021 to evaluate their capabilities to support the expected needs of the RTAC. During that one-year duration, Peregrine's engineers and project development team have exceeded the Department's expectations for integrating existing Dispatch and Records data alongside the City's Traffic Engineering camera systems and the Livermore Valley Joint Unified School District's campus video systems.

The first-year agreement with Peregrine was from December 15, 2021, to December 14, 2022, for $99,950. With the first-year agreement expiring, the Police Department is recommending a new multi-year renewal agreement to continue developing additional visualization capabilities, services, and additional integrations through July 31, 2027. The total agreement is for $960,000.

FISCAL AND ADMINISTRATIVE IMPACTS

Funding for the Peregrine Technologies, Inc. visualization software and support services agreement is allocated in the Police Department's approved FY 2022-23 budget and will cause no increase to that budget ($100,000). The remaining necessary funds will be included in the Police Department's FY 2023-24 ($215,000), FY 2024-25 ($215,000), FY 2025-26 ($215,000), and FY 2026-27 ($215,000) annual operating general fund budgets for Police Information Technology. The total cost for the Peregrine Technologies software and services agreement is $960,000 for the full term of the agreement.

December 15, 2022 – July 31, 2023, $100,000
August 1, 2023 – July 31, 2024, $215,000
August 1, 2024 – July 31, 2025, $215,000
August 1, 2025 – July 31, 2026, $215,000
August 1, 2026 – July 31, 2027, $215,000

ATTACHMENTS

1. Resolution

2. Exhibit A - Peregrine Technologies Inc.

Prepared by: John Reynolds
Police Captain

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTI-YEAR RENEWAL AGREEMENT WITH PEREGRINE TECHNOLOGIES, INC. IN AN AMOUNT NOT-TO-EXCEED $960,000 TO PROVIDE VISUALIZATION SOFTWARE AND RELATED TECHNICAL SUPPORT SERVICES FOR THE LIVERMORE POLICE DEPARTMENT'S REAL-TIME AWARENESS CENTER (RTAC) AS PART OF CAPITOL IMPROVEMENT PROJECT #2019-58.

On December 15, 2021, the Livermore Police Department entered into a one-year agreement with Peregrine Technologies, Inc. for $99,950 to provide visualization software and related technical support services for the Livermore Police Department's Real-Time Awareness Center. The new software system was successfully implemented with the agreement due to expire on December 14, 2021. Peregrine Technologies, Inc. software system has exceeded the Department's expectations for integrating existing Dispatch and Records data alongside the City of Livermore's Traffic Engineering camera systems and the Livermore Valley Joint Unified School District's campus video systems.

The proposed Peregrine Technologies, Inc. Software License Agreement will cover five years extending the maintenance period to July 31, 2027, to ensure ongoing integration, maintenance, and support for the City's public safety visualization software.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, that the City Manager is authorized to execute an agreement with Peregrine Technologies, Inc., attached hereto as Exhibit A, for continued software integration, maintenance, and support for the public safety visualization software system in an amount not-to-exceed $960,000.

On motion of Council Member_____, seconded by Council Member_____, the foregoing resolution was passed and adopted November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A – Agreement with Peregrine Technologies, Inc.

RESOLUTION NO. _____

EXHIBIT A

AGREEMENT FOR SERVICES

THIS AGREEMENT is made and entered into this day of , 2022, by and between the City of Livermore ("City"), a municipal corporation, and Peregrine Technologies, Inc. ("Contractor"), a Delaware based corporation.

RECITALS

City requires services to provide an integrated software solution and data visualization platform for the Police Department's Real Time Awareness Center (RTAC).

Contractor warrants it possesses the distinct skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Contractor acknowledges City has relied upon these warranties to retain Contractor.

AGREEMENT

NOW, THEREFORE, City and Contractor hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. Retention as Contractor. City hereby retains Contractor, and Contractor hereby accepts such engagement, to perform the services described in Section 3 below subject to the terms and conditions in this Agreement.

2. Relationship of Parties – Independent Contractors. The relationship of the parties shall be that of independent contractors. Contractor and its employees are not City officers or employees. Contractor is responsible for the supervision and management of its employees, including any workers compensation insurance, withholding taxes, unemployment insurance, and any other employer obligations associated with the delivery of the services contemplated by this Agreement.

3. Description of Services. Contractor shall provide services to provide an integrated software solution and data visualization platform for the Police Department's RTAC as more particularly set forth in Exhibit "A" (collectively "the Services").

4. Contractor's Responsibilities. Contractor shall:

(a) Diligently perform the Services in a manner commensurate with industry, professional, and community standards;

(b) Provide the resources necessary to complete the Services in a timely manner;

(c) Obtain a business license from the City of Livermore, and keep it in effect for the term of this Agreement;

(d) Obtain and keep in effect all necessary licenses, permits, qualifications, insurance, and approvals legally and professionally required for Contractor to practice its profession and to provide the Services;

(e) Comply with all laws in effect that are related to Contractor and the Services;

(f) Coordinate the Services with Greg Park, ITC ("Project Manager"), or such other person designated as the Project Manager by City;

(g) Be available to the Project Manager, and other parties referred to Contractor by the Project Manager, to answer questions or inquiries related to the Services;

(h) Only invoice City for the Services rendered. Contractor's invoice shall be in writing and describe the Services performed for the payment requested. Contractor shall not submit an invoice to City more frequently than once a calendar month;

(i) Keep and maintain invoices and records related to the Services in an organized manner. At a minimum, the records must be kept for at least 3 years from the date of final payment to Contractor and must include time sheets, work progress reports, and other documentation to adequately explain all the Services invoiced for payment. Contractor shall make the invoices and records immediately available to City upon delivery of a written request to examine, audit, or copy them at City's place of business during normal business hours. Contractor shall give City 30 calendar-days' written notice prior to destroying the invoices and records and allow City an opportunity to take possession. If City wants them, Contractor and City shall coordinate their delivery to City in the most efficient manner possible;

(j) Prepare and submit a written report to the Project Manager, within 3 business-days of the Project Manager's written request, that identifies the Services completed and in progress, the charges incurred to date, and the anticipated cost to complete the remaining Services;

(k) Contractor shall correct, at its own expense, all errors in the Services. Should Contractor fail to make such correction in a timely manner, City may make the correction and charge the cost thereof to Contractor;

(l) If applicable, Contractor shall ensure that all work for compensation is taken in compliance with the requirements of the California Labor Code including but not limited to hours of labor, nondiscrimination, payroll records, apprentices, worker's compensation and prevailing wages. If applicable, Contractor shall comply with all prevailing wage laws, such as sections 1773, 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the California Labor Code and any other applicable wage and hour law. If any violation of prevailing wage law associated with this Agreement is deemed to have occurred by any court or administrative authority, Contractor shall forfeit to the City, as a penalty, the sum of fifty dollars ($50.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the applicable prevailing rates for any work done to accomplish the purposes of this Agreement; and,

(m) Contractor's services provided pursuant to this Agreement shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as applicable regulations and guidelines issued pursuant to the ADA.

5. Compensation and Payment.

(a) The total compensation payable by City to Contractor for the Services **SHALL NOT EXCEED** the sum of $960,000 ("not-to-exceed amount"). City shall compensate Contractor for the Services rendered at the hourly rates or task amounts set forth in Exhibit "A" up to the not-to-exceed amount. Except as provided in the body of this Agreement, the hourly rates or task amounts are intended to be Contractor's only compensation for the Services and is inclusive of all costs of labor, licensing, permitting, travel expenses, overhead and administrative costs, and any-and-all other costs, expenses, and charges incurred by Contractor, its agents, and employees to provide the Services.

(b) City shall pay Contractor no later than 30 days after City receives a written invoice from Contractor and verifies the Services were performed for the payment requested.

6. Term. The term of this Agreement commences on December 15, 2022, and terminates upon the completion of the Services or July 31, 2027, whichever occurs first.

7. Termination by City. City may terminate any portion or all of the Services by giving Contractor at least 30 calendar-days written notice. Upon receipt of a termination notice, Contractor shall immediately stop all work in progress on the Services except where necessary to preserve the benefit of the work, and assemble the work on the Services for delivery to City on the termination date. All compensation for Services performed prior to the termination date shall be payable to Contractor in accordance with Section 5.

8. Ownership of Documents. All drawings, designs, data, photographs, reports and other items prepared or obtained by Contractor in the performance of the Services are City's property and Contractor shall deliver them to City upon demand.

9. Copyright and Right of Use. All items created by Contractor for City under this Agreement are works made for hire, and Contractor shall give City the copyright and all intellectual property rights to all items developed, prepared, and delivered as part of the Services. Contractor agrees that all aspects of the Services and items created thereby will be original works of creation and will not use, in whole or in part, any work created by any other party, except when expressly disclosed by Contractor to City and Contractor obtains a license to such items for the benefit of City. All licenses must be perpetual, world-wide, non-exclusive, and royalty free sufficient in scope to permit City's full use and enjoyment of its ownership rights in the items created by the Services.

10. Confidentiality. Contractor shall not disclose any confidential or proprietary information received from City to anyone except Contractor's employees who require access to the information to perform the Services. This obligation shall survive termination and remain in full force and effect until the information, and any copies thereof, are destroyed or returned to City.

11. Defense, Indemnity, and Hold Harmless. To the fullest extent permitted by law, Consultant shall hold harmless, indemnify, and defend with counsel selected by the City or otherwise acceptable to the City, the City and its elected and appointed officials, officers, directors, employees, agents and designated volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature arising out of or in connection with Consultant's performance of the services contemplated by this Agreement, or in connection with Consultant's failure to comply with any of its obligations contained in this Agreement, except for such Liability caused by the sole active negligence or willful misconduct of City. Consultant's obligations to hold harmless, indemnify, and defend shall not be excused because of Consultant's inability to evaluate Liability or because Consultant evaluates Liability and determines that Consultant is not liable to the claimant. These obligations are independent of, and shall not in any way be limited by, the minimum insurance obligations contained in this Agreement. These obligations shall survive the completion or termination of this Agreement. Consultant must respond within 30 days to the tender of any claim for defense and indemnity by the City.

(a) Modification for Construction Contracts. To the extent this Agreement is a "construction contract" covered by California Civil Code section 2782, then Consultant's duty to indemnify shall not apply in a manner prohibited by California Civil Code section 2782.

(b) Modification for Design Professional Services. To the extent this Agreement is for "design professional services" defined in California Civil Code section 2782.8, then Consultant's duties to defend and indemnify shall only apply to the extent provided for in California Civil Code section 2782.8(a), unless section 2782.8(a) is not applicable for one of the reasons set forth in 2782.8(e).

12. Insurance. Contractor shall procure and maintain insurance during the term of this Agreement in the amounts and under the terms set forth in Exhibit "B" against claims that may arise from or in connection with this Agreement and performance of the Services. Upon reasonable written notice, Contractor shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by City's Risk Manager.

13. Acceptance of Final Payment. Contractor's acceptance of final payment will release City from any and all claims and liabilities for compensation under this Agreement.

14. Acceptance of Work. City's acceptance of, or payment to Contractor for, the Services does not release Contractor from its responsibility for the accuracy, completeness, or competency of the Services, nor do the actions constitute an assumption of Contractor's responsibility or liability by City for any defect or error in the Services.

15. Conflict of Interest. Contractor represents that no City employee or official has a financial interest in Contractor. Contractor shall not offer, encourage, or accept any financial interest in any part of Contractor's business by or from a City employee or official during the term of this Agreement or as a result of being awarded this Agreement. If any

of the Services are paid by reimbursement from an agreement between City and a private party, Contractor represents that it has not performed any work for that private party during the 12-month period prior to the execution of this Agreement, and that it shall not negotiate, offer or accept any contract for services from that party during the term of this Agreement.

16. Economic Disclosure. Contractor shall comply with City's local conflict of interest code and the Political Reform Act, and prepare and file an economic disclosure statement if the Services involve making, or participation in making, decisions which may have a material effect on the Contractors' financial interest. While it is Contractor's sole responsibility to evaluate its conflicts of interest, the Contractor nevertheless agrees to prepare and file an economic disclosure statement if requested by City.

17. Non-Exclusive Agreement. This is a non-exclusive agreement. City reserves the right to provide, and to retain other Contractors to provide, services that are the same or similar to the Services described in this Agreement.

18. No Assignment. Contractor shall not assign or subcontract any of the Services without City's prior written consent. For the purposes of this section, a change of fifty-percent or more in the ownership or control of Contractor constitutes an assignment.

19. Remedies. All remedies permitted or available under this Agreement, or at law or in equity, are cumulative and alternative, and the invocation of a right or remedy will not be construed to waive or elect a remedy with respect to any other available right or remedy. As a condition precedent to commencing legal action involving a claim or dispute against City arising from this Agreement, the Contractor must present a written claim to City in accordance with Chapter 3.42 of the Livermore Municipal Code.

20. Construction of Language. The terms and conditions in this Agreement have been arrived at through negotiation and each party had a full and fair opportunity to review and revise this Agreement with legal counsel. Any ambiguity in this Agreement will not be resolved against either party as the drafting party. In the event of an inconsistency or conflict between the language in the body of the Agreement and an attachment hereto, the language in the body of the Agreement controls.

21. Entire Agreement; Modification. This Agreement supersedes all other agreements, whether oral or written, between the parties with respect to the Services. Any modification to this Agreement must be in writing and signed by both parties. In the event the original of this Agreement is lost or destroyed, an archival copy maintained by City can be used in place of the original for all purposes with the same effect as if it was the original.

22. Notice. Notices under this Agreement must be delivered to the addresses below by deposit in the United States mail or by overnight delivery service, with postage prepaid and delivery confirmation:

TO CITY: Attention: Robin Morris
City of Livermore
1110 S Livermore Avenue

Livermore, California 94550

TO CONTRACTOR: Attention: Nicholas Noone, Pres. & CEO - Nick@peregrine.io
Peregrine Technologies, Inc.
130 Bush St. 8th Floor
San Francisco, CA 94104

23. Waiver. Failure to insist upon the strict performance of any term or conditions in this Agreement, no matter how long the failure continues, is not a waiver of the term or condition and does not bar the right to subsequently demand strict performance. To be effective, a waiver must be in writing and signed by the non-breaching party.

24. Severability. If a court of competent jurisdiction determines a provision in this Agreement is invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired in any way.

25. Survival. The terms, conditions, and obligations in Sections 8, 9, 10, and 11 shall survive the completion or termination of this Agreement.

26. Electronic Signatures. By signing this document, you are agreeing that you have reviewed this disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

27. Counterparts. This Agreement may be executed and delivered in one or more counterparts, each of which will be deemed to be an original copy of this Agreement, and all of which, when taken together, will be deemed to constitute one and the same agreement. The facsimile, email, or other electronically delivered signatures of the Parties shall be deemed to constitute original signatures, and facsimile or electronic copies hereof shall be deemed to constitute duplicate originals and shall be valid and effective for all purposes.

****

Signatures and Attachment List on the Next Page

EXHIBIT A

In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have executed this Agreement, effective on the date first written above.

CONTRACTOR: **Dated:**

DocuSigned by:
Nicholas Noone
C23E48B6A32B478...

11/21/2022 | 8:31 AM PST

By: Nicholas Noone
Title: President & CEO

CITY OF LIVERMORE: **Dated:**

Marianna Marysheva
City Manager

APPROVED AS TO FORM:

Assistant/City Attorney

APPROVED AS TO INSURANCE:

Risk Manager/Analyst

Attachments:
Exhibit A – Scope of Work
Exhibit B – Insurance Requirements

Exhibit A – Scope of Work

Peregrine

Proposal Presented to the Livermore Police Department

Peregrine Technologies, Inc.

10/27/2022

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Executive Summary

Peregrine is excited to continue to partner with Livermore Police Department (LPD) to deliver a real time data visualization platform to serve as a key component of the Real Time Information Center (RTIC). Our operating model is to continue to work closely with our customers to implement the Peregrine platform, and we will work with Livermore Police Department to develop standard operating procedures to continue Phase 1 and implement Phase 2 of the LPD project with ongoing partnership to deliver success over time.

The Peregrine platform is centered around integrating myriad data sources to provide a current and complete operational picture and maximize situational awareness. We understand the Intelligence-led Policing model and philosophy, and our objective is to help LPD achieve their goals in reducing crime and making their city safer for the communities they serve.

Providing Value for the Livermore Police Department

In continuation of the limited scope Phase 1 implementation, Peregrine will now implement Phase 2 where critical LPD datasets will be integrated to further advance efficiency, previously unknown connections, and access to LPD data with intentional granular security permissions for each user.

Our Software

Peregrine provides a secure, interoperable, CJIS-compliant software platform that empowers government organizations to make faster, more precise, and more informed decisions in real time. Our platform can integrate data of any type, from any source, at any scale to make it immediately useful to users of any level of technical background. The Peregrine platform eliminates hours of manual, error-prone, and complex data processing so that LPD personnel can focus on surfacing accurate insights, accelerating operations, and making confident decisions based on trustworthy data assets. Peregrine does not provide or create new data for its customers—our platform integrates existing data and then makes it available to end users within a single platform.

The platform provides an intuitive user interface that will enable personnel to efficiently leverage data across a variety of use cases, including but not limited to:

- agency-wide search and information retrieval
- real-time situational awareness, alerting, and analysis
- investigations
- resource planning and optimization
- executive reporting, dashboarding, and requests for information
- secure collaboration within and across departments
- transparency and community engagement

Peregrine for the Livermore Police Department

Our Background

Peregrine was founded in 2017 with the goal of empowering organizations like the LPD to make data-driven decisions based on data integrated across otherwise siloed systems. The Peregrine team has decades of experience building enterprise software alongside government and non-government entities. We are based in San Francisco, California and have partnered closely with several municipal Bay Area police departments to bring cutting-edge technologies to vital public servants while recognizing and respecting the critical security, privacy, and transparency principles that communities demand from government agencies.

Our professional support team has extensive experience working directly with officers, analysts, investigators, administrative personnel, executive staff, and senior leaders.

The Peregrine Platform

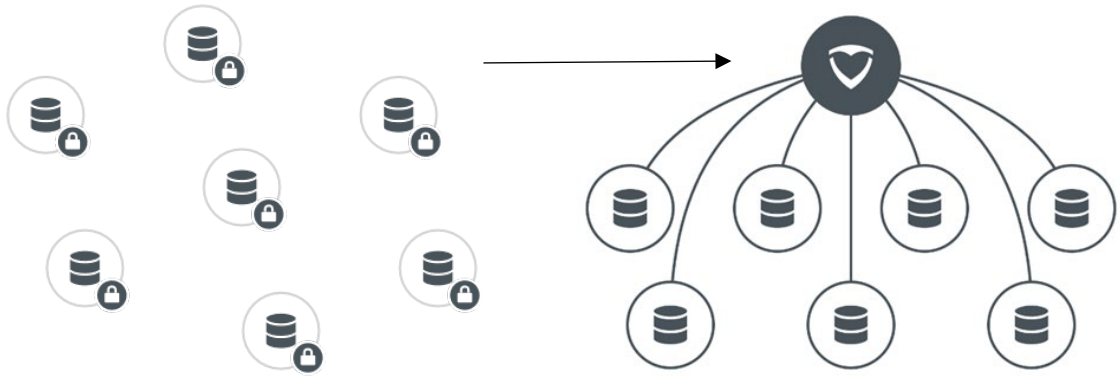
To deliver on the above use cases, Peregrine proposes deployment of the Peregrine platform, a web-based, CJIS-compliant software-as-a-service (SaaS) that provides a single point of access to integrate, discover, view, and analyze data from LPD-defined data sources. We designed the Peregrine platform with police departments in mind, making it uniquely suited to the needs of LPD. The platform performs several critical functions including data integration, search and information retrieval, advanced analytics, data management, reporting, data exchange and sharing, access control, audit logging, and security.

The Peregrine platform provides an efficient method for turning large amounts of raw data into actionable information. Peregrine does not provide nor create new data for its customers—our platform integrates existing data and makes it available to end users in a decision-ready state.

DATA INTEGRATION & MODELING

The LPD has volumes of valuable data, but that value cannot be unlocked because data is scattered across separate systems, siloed in ways that prevent it from being understood and analyzed together. The Peregrine platform is built to rapidly integrate, clean, transform, and model large amounts of raw data from disparate systems and continuously surface actionable information while reducing manual processing needs.

Peregrine Unlocks Data Sources by Integrating Them into a Single, Secure Platform



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The platform securely integrates data in near-real time to ensure that users have the most current and reliable information when and where they need it. As data flows into the platform, granular security controls, retention policies, and changes from underlying systems are continuously monitored and applied.

As soon as data enters the platform, it is mapped to an agency-specific data model that is molded to the unique operations of the LPD. This data model provides a dynamic representation of all data – entities, locations, events, and the links between them. Harmonizing multi-source data into one data model allows users to smoothly analyze data without requiring a technical understanding of the underlying source systems themselves.

The data model is a dynamic layer of the Peregrine platform, one that can evolve and adapt in response to changes in the LPD's underlying data systems, even as those systems are upgraded or swapped out. Most often we find that an agency's data needs are fundamentally dynamic, but the systems that hold the data are static; Peregrine's data model responds dynamically to changes so that LPD can power its operations through the Peregrine platform even as its technology infrastructure and operational needs evolve.

SEARCH & INFORMATION RETRIEVAL

Once data is integrated into the Peregrine platform, it is immediately accessible through front-end applications. Personnel can easily search for data and filter based on criteria relevant for their investigations, analysis, or other workflow. The Peregrine platform is intuitive to use, allowing personnel of varying technical abilities, skillsets, and functions to surface information that is relevant to them and streamline their unique search workflows.

The platform is designed to be walk-up usable; new users of the platform can immediately surface, analyze, and action data by navigating the platform's intuitive user interface and applications. These users have multiple ways to surface and view relevant information, allowing them flexibility to approach questions and decisions in ways that best suit them. These features mean that users arrive at answers more quickly and with greater accuracy, saving time and effort.

EXPLORATION, VISUALIZATION, & REPORTING TOOLS

The Peregrine platform provides a powerful suite of tools for the exploration, visualization, and reporting of data. These tools enable personnel to create dynamic data products and reports—such as interactive maps, network graphs, and dashboards—that automatically update as new data flows into the platform. Personnel can smoothly move data between analytical tools, viewing the same data in different modalities without having to log into different systems or applications. For more information about some of the platform's analysis tools, please see Appendix A: Select Data Analysis Tools.

PERMISSION-BASED COLLABORATION & SHARING

The Peregrine platform provides features for secure collaboration and sharing that will enable the LPD to build deeper, trusting partnerships with local and regional stakeholders, including with city leadership and the broader

community. The platform's granular access and usage control capabilities prevent unauthorized or inappropriate use or sharing of sensitive data while allowing agencies and departments to share information with their partners in a deliberate, precise, and auditable manner. For more information on the platform's auditing capabilities, please see Appendix B: Privacy, Civil Liberties & Security.

Collaboration in the Peregrine platform extends beyond simple data sharing; it also allows for multiple users to work within the same application at the same time across multiple devices and locations. The platform's collaboration features compound the value of users' work by dynamically connecting them in real time with other users who are working with or interested in the same data. In this way, the Peregrine platform generates opportunities for users to improve the quality and speed of their answers by connecting them to users who are asking the same question.

PRIVACY, CIVIL LIBERTIES, & SECURITY AS A FIRST-ORDER PRIORITY

From its founding, Peregrine has held the advancement of privacy, civil liberties, and security as a core value of our company and a core element of our platform's architecture. Robust privacy, security, and audit control features are ingrained in the back-end data integration tools and the front-end applications of Peregrine's platform. These features enable our platform to provide outsized value at agencies like LPD that operate inside a closed network with stringent data security requirements.

Peregrine helps organizations build and maintain trust with their partners and communities by delivering three key platform capabilities:

- granular data security, access, and usage controls
- auditability and logging of user actions
- continuous security and CJIS compliance

For more information, please see Appendix B: Privacy, Civil Liberties & Security.

OPENNESS & INTEROPERABILITY

Openness and interoperability are non-negotiable features for modern organizations. The Peregrine platform was designed for complete system interoperability and supports the integration of any type, format, or volume of data, including data from existing and future systems.

We have extensive experience integrating record management systems (e.g., RIMS), computer aided dispatch systems (e.g., RIMS), body-worn cameras and evidence capture devices (e.g., AXON, Evidence.com), geospatial tools (e.g., Esri), video recording solutions (e.g., Avigilon), automatic license plate readers (e.g., Flock, Vigilant), GPS location data, real-time sensor data, case management systems, evidence management systems, arrest records, search warrant data, subpoenaed data, and unstructured data such as documents, imagery, and video repositories.

Peregrine is also deployed with a suite of powerful Application Programming Interfaces (APIs) that allow the LPD to automatically integrate data from its many software investments.

The Peregrine Delivery & Implementation Program

We engage with each of our customers through a firm-fixed-price annual software license agreement. That license includes all needed support to achieve project objectives.

Implementation team. Peregrine implementation teams consist of software engineering, product development, human-centered design, user engagement, and training experts. The Peregrine implementation team will provide continuous support and collaborate closely with the LPD to provide use case development, data modeling, data integration, training curriculums, use case / workflow development, and continuous support. This team is committed to ensure that the Peregrine platform is quickly deployed, securely configured, and adopted for its intended purpose and generates outsized value for LPD personnel and stakeholders.

Solution timeline. Peregrine's modern data transformation technologies allow our software platform to come online in weeks or months as opposed to years. Once deployed, the LPD's new data system investments can be rapidly integrated and legacy data systems can be sunset without losing legacy data.

Implementation model. Each Peregrine platform implementation consists of four steps to maximize success and impact at the outset of our partnership. These steps typically enable implementation and use within 90 days.

Milestone	Delivery	Deliverable
1 – Kickoff and Scoping	Week 2	1. Determine priority order of data integrations and user groups 2. Facilitate Peregrine team access to data sources and initial users 3. Set up project team and steering committee
2 – Data Integration, Data Modeling, and User Discovery	Month 1	1. Deploy the Peregrine platform 2. Ingest, integrate, transform, model, and validate data sources 3. Configure permission controls 4. Introduce platform to the first set of users 5. Conduct 45-day steering committee review
3 – Real-time Workflows and Analytics	Month 2	1. Initiate user training 2. Develop and implement user and team-specific workflows
4 – Operationalization and Next Steps	Month 3	1. Continue collecting feedback and improve user workflows 2. Validate work based on actionable results 3. Identify next steps 4. Conduct 90-day steering committee review (quarterly thereafter)

Data sources. The Peregrine platform can integrate data of any type and format from any source system. As part of the implementation for LPD, we propose integrating the following data sources:

Type	Vendor	Integration*	Notes
CAD	RIMS	Existing	Database integration
RMS	RIMS	Existing	Database integration
VMS	Avigilon	Existing	Database integration
ALPR	Vigilant	Within 30 days	API
ALPR	Flock	Within 30 days	API
Body-worn camera	Axon	Within 30 days	API
Accident and Citation	Crossroads	Within 30 days	Database integration
Bulletins	APBNet	Within 90 days	LPD user import
Public data	CLEAR	Within 90 days	LPD user import
Public data	FirstTwo	Within 90 days	LPD user import
Ballistic Evidence	NIBIN	Within 30 days	Database integration
Call Detail Records	Major carriers	Within 30 days	LPD user import
County database	CRIMS	Begin August 2023	Federated query (regional project)

* Integration timelines provided are from date of access to data sources

Peregrine's implementation team will work with LPD to get access to appropriate data sources in a timely manner; however, please note that the timeline for implementation is highly dependent on access.

EXHIBIT A

Peregrine

10/27/2022

Project Cost

PLATFORM PRICING

Based on our understanding of the LPD's needs, Peregrine proposes a firm-fixed-price software license fee of $225,00 per year. The standard implementation fee of $225,000 will be waived with a multi-year commitment. This firm-fixed-price license includes all ongoing support, data integration maintenance, workflow development, and user training to ensure that the LPD receives outsized impact from its deployment of Peregrine's software platform. Peregrine does not charge for travel or other miscellaneous expenses.

Thus, the total for years one (1) through five (5) shall not exceed $1,000,000.00, due to Peregrine in five (5) annual payments outlined below in the Detailed Cost Schedule.

The initial payments shall be due net 30 days from receipt of invoice.

[Livermore Police Department]– Detailed Cost Schedule	
Software Licensing – other than or in addition to annual subscription	Not applicable
Up-Front Implementation – training, user adoption, workflow development, initial installation, data conversion, integration, modeling, etc.	~~$225,000~~ (waived)
Annual Subscription, Five (5) Years – includes operating and maintenance, support, data conversion, data integrations to meet project objectives	See the following rows
Year One (POP) December 15, 2022 – July 31, 2023	$100,000
Year Two (POP) August 1, 2023 – July 31, 2024	$215,000
Year Three (POP) August 1, 2024 – July 31, 2025	$215,000
Year Four (POP) August 1, 2025 – July 31, 2026	$215,000
Year Five (POP) August 1, 2026 – July 31, 2027	$215,000

The price quoted in this proposal will be honored for thirty (30) days from the delivery date of 10/20/22. Please note that the pricing outlined above is based on Peregrine's current understanding of the LPD's anticipated scope of work and objectives and may change.

The above licenses for Peregrine's software can be procured directly through an existing, pre-competed contract with the city of Fremont, CA. The Peregrine platform was selected by Fremont after full and open competition. The awarded contract includes a provision allowing other California government entities to utilize this contract vehicle without the need for additional competitive procedures. For more information, please see Appendix C: Selection Criteria for Fremont RFP.

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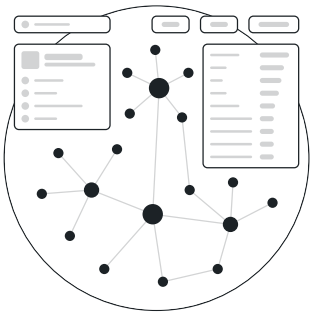
Appendix A: Select Data Analysis Tools

Geospatial Analysis Tool. To better understand geographical assets, events, and trends, the Peregrine platform includes an interactive Map application. The Map allows users to conduct visually intuitive geographical analysis on all agency data, both historical and in real-time. Users can surface trends, make connections, filter to areas of interest, drill into specific events, particular time periods, and add new layers of relevance on top as needed. The Map is designed for next-generation geographic contextual and situational awareness, allowing users to explore and answer specific questions with the most relevant data. The Map is intuitive for all personnel whether they are consuming pre-built analyses, conducting ad-hoc searches, or creating complex geospatial products from scratch.



Link Chart Analysis Tool. The platform's Link Chart aids in the discovery and visualization of connections between otherwise disconnected data. The Link Chart allows users to discover links between people, places, entities, and events across one or multiple degrees of separation. Peregrine's platform also automatically extracts links from both structured and unstructured data to illuminate connections between people, places, events, documents, and media data without requiring manual processing. For example, an address written in narrative form within a scanned document can be automatically linked to a person living at that address or to a vehicle registered there.

Reports & Dashboards. The platform's report and dashboard applications provide configurable, real-time executive summaries to inform situational awareness, statistical analysis, and decision making. Reports and dashboards are configurable to meet the unique needs and visual preferences of individual users. All reports and dashboards are directly connected to real-time data feeds, empowering users to drill down from high-level summary information to the most granular context with a single click. Once a user creates a dashboard, they can continue to use it indefinitely—and share it as needed.

Temporal Analysis Tool. By centralizing data—and all associated metadata—from data systems, users can understand and surface trends over time. Through an intuitive interface, users can analyze how, e.g., calls for service or types of incidents vary by day of week and time of day. Peregrine supports robust search and query capabilities at the day of week and hour of day level, enabling users to conduct analysis over specific units, in specific shifts, at specific locations. As a result, organization can make more informed, data-backed resourcing decisions to more effectively meet mission outcomes.

Real-Time Alerting. With all data centrally located, users can receive real-time notification on new data from any source system. The Peregrine platform's alerting technology can notify specific users if a pre-defined data entity was added or removed, viewed, downloaded, renamed, or shared. This includes geo-fenced areas or user-defined polygons. For instance, if a neighborhood is experiencing a trend in a type of crime, a Peregrine user can create an alert through the platform's "follow" feature. If another similar crime occurs in the defined area, a real-time notification will be sent to all users following this alert via email, SMS, or both.

Peregrine is also delivered with extensive **tabular analysis tools and a variety of other analytical capabilities**. Receive additional information on Peregrine analysis tools by reaching out to the Peregrine support team.

Appendix B: Privacy, Civil Liberties & Security

From its founding, Peregrine has held the advancement of privacy, civil liberties, and security as a core value of our company and a core element of our platform's architecture. Robust privacy, security, and audit control features are engrained in the back-end data integration tools and the front-end applications of Peregrine's platform.

Peregrine helps organizations build and maintain trust with their partners and communities by delivering three key platform capabilities:

- granular data security, access, and usage controls
- auditability and logging of user actions
- continuous security and CJIS compliance

Granular Data Security, Access, and Usage Controls

The Peregrine platform's access and usage control capabilities allow organizations with stringent security requirements to share information with their partners in a deliberate, precise, and auditable manner while preventing unauthorized or inappropriate use of sensitive data.

To accomplish that, the Peregrine platform's security model delivers precision data-handling and multi-level security capabilities that support several vital data security and privacy protections. The platform enables users with multiple and varying access permissions to interact appropriately with data in real-time, seeing only data they are authorized to see and using or sharing it only in ways for which they have authorization.

The Peregrine platform easily integrates with any existing single sign-on provider, ensuring users have a familiar, secure sign-on experience and administrators maintain single-source control over access to multiple applications within the network. The Peregrine platform is out-of-the-box compatible and easy to integrate with most identity providers, including ADFS, Okta, and PingFederate.

Auditability and Logging of User Actions

Peregrine logs all user actions that take place within the platform and maintains granular, permissioned audit trails that allow agency administrators to review and analyze all user activity. This provides organizations with comprehensive visibility, simplifies the enforcement of policies and procedures, and enhances internal reviews and investigations.

In each of these areas the Peregrine platform improves on legacy systems, which are often opaque, lack security, and are cumbersome to audit. The platform thus enables organizations to meet rising public expectations for accountability, privacy, transparency, and proper use of data.

Continuous Security and CJIS Compliance

Peregrine maintains CJIS-compliant policies and procedures for securely storing, handling, and transmitting data. By default, our platform encrypts all data both in transit and at rest and uses secure, government-accredited cloud hosting infrastructure (AWS GovCloud). Peregrine adheres to FIPS 140-2 cryptographic standards.

Peregrine provides modern as-a-service delivery and modernization of its software platform. This means that customers receive regular updates, performance improvements, bug fixes, and security patches on a continuous basis with little to no downtime or systemwide effects.

Testing standards deployed by Peregrine meet industry frameworks such as Microsoft SLDC and are designed to remediate vulnerabilities and security risks.

Appendix C: Selection Criteria for Fremont RFP

BACKGROUND: On August 21, 2020, Fremont Police Department staff issued a Request for Proposals (RFP #21-008) inviting proposals from technology providers to provide, implement and support a data visualization platform for real time operations for the Fremont Police Department. The department sought to capitalize on a wide and expanding range of technologies for efficient, effective, and smart policing. A platform that integrates all data, from incoming 911 calls to nearby community cameras, would provide greater awareness and intelligence to responding officers, improving situational awareness and safety. The RFP presented the requirements necessary to qualify as the technology provider through a Scope of Services that was developed by gathering input from various internal stakeholders within the Police and Information Technology Departments.

DISCUSSION/ANALYSIS: The RFP closed on September 14, 2020. The City of Fremont received ten total proposals. The proposals were evaluated using the following criteria:

1. Review and confirmation of all required submittals with the appropriate authorized signatures, insurance documentation, and potential conflict of interest disclosures;
2. The qualifications of the Provider, including experience and references with California law enforcement agencies.
3. Overall quality and comprehensiveness of responsiveness to the scope of services in the RFP, with an emphasis on functional and technology requirements; and Staff Report (ID # 4278) Meeting of March 2, 2021
4. The total annual cost for a five-year period for the product, implementation, training, service, and maintenance.

Staff reviewed the proposals and determined that numerous vendors were cost prohibitive and thus eliminated from consideration. Three vendors were selected to provide a thorough virtual demonstration of their technology product (Peregrine Technologies, Fusus, and Motorola Solutions). They were selected based on the above criteria, but primarily on the quality and scope of their proposal as it reflected the Fremont Police Department's technology needs. The candidates were asked to: demonstrate their functional requirements, to include video and camera features, connectivity, and analytics; show an optimal workflow example of a police incident utilizing incident information and available data points and resources; explain prominent features and a road map for future capabilities and enhancements; and show specific data search capabilities and investigative tools and resources, if available. The vendors were also asked to satisfied IT requirements, to include data integration, software updates/releases, system availability, customer services protocols, and necessary CJIS and FIPS requirements.

The range of a five-year total cost proposal was from $490,000 to $2,500,000. The three selected candidates listed $490,000-$747,500 (five-year total). The review panel consisted of representatives from PD command staff, business services, patrol, dispatch, crime analysis, and the information technology department. Peregrine Technologies was the vendor with the highest overall score by the review panel. Fremont City staff performed reference checks with the San Pablo (CA) Police Department and the Albuquerque (NM) Police Department. Both law enforcement agencies expressed favorable reviews for Peregrine Technologies for the team's staff performance, technology platform, responsiveness to requests, innovation, and overall value to the departments' future technology goals.

PIGGYBACK CLAUSE: Fremont Police Department included in the RFP and completed Peregrine contract (21-0113 – Section 28) stating:

28.COMPETITIVE PROCUREMENT SELECTION PROCESS. The competitive procurement selection process by which City of Fremont contracts with Consultant may be acknowledged and used by other California government entities to replace their respective competitive procurement selection process for RFP purposes such that other government entities may contract with Consultant for the same or substantially similar product(s) or service(s) without undergoing a separate competitive procurement selection process. Accordingly, the terms, and conditions of this contract executed between City of Fremont and Consultant may be used by other government entities to contract with Consultant for the same or substantially similar product(s) and service(s) under either the same or a separate

contract; provided for clarity that the pricing applicable to other government entities may differ depending on the nature of Consultant's engagement with such government entity.

Appendix D: Peregrine Software License Agreement Terms and Conditions

These Terms and Conditions govern the provision of the services described on the attached Order Form ("**Order Form**") by Peregrine Technologies, Inc. ("**Peregrine**") to you ("**Customer**"). By executing an Order Form with Peregrine, Customer agrees to be bound by these Terms and Conditions.

1. Definitions.

"**CJIS Security Policy**" means the FBI CJIS Security Policy document as published by the FBI CJIS Information Security Officer, currently located at https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center.

"**Criminal Justice Information Services Division**" or "**CJIS**" means the FBI division responsible for the collection, warehousing, and timely dissemination of relevant criminal justice information to the FBI and to qualified law enforcement, criminal justice, civilian, academic, employment and licensing agencies.

"**Customer Data**" means any of Customer's data, information, documents or electronic files that are provided to Peregrine via the Services or otherwise in connection with this Agreement, including any databases Customer procures from third party vendors for Peregrine's integration with the Service.

"**Documentation**" means the materials supplied by Peregrine hereunder, in any media, including any and all installer's, operator's and user's manuals, training materials, guides, functional or technical specifications or other materials for use in conjunction with the Service.

"Professional Services" has the meaning specified in Section 2.2.

"**Service**" means Peregrine's web and iOS mobile applications that assist Users with criminal investigations and police leadership decision making. For purposes of this Agreement, the Service is exclusive of Professional Services that may be rendered upon mutual agreement of the parties in accordance with Section 2.2.

"SOW" has the meaning specified in Section 2.2.

"**Third Party Data**" means any third party databases that Peregrine licenses from third party vendors and makes accessible via the Service. For clarity, Third Party Data does not include any Customer Data.

"**Users**" means the individuals authorized by Customer to use the Service in accordance with the terms in the Order Form (including number and type of individuals who may access the Service) and that have been supplied user identifications and passwords by Peregrine.

2. Provision of the Service and Additional Services.

2.1. Service. During the Term and subject to the terms and conditions of this Agreement, including payment of the fees set forth on the Order Form, Peregrine shall provide Customer with the right to: (a) access and use the Service for up to the number of Users set forth in the Order Form, and (b) to download and reproduce the applicable Documentation solely for internal use in association with the Service. Peregrine shall provide Customer with authentication credentials for individual Users upon written request from authorized personnel of Customer, (ii) onboarding and training services as set forth in the Order Form ("**Onboarding and Training Services**"), and (iii) telephone and standard technical support to Customer during normal business hours ("**Technical Support**"). Except as set forth herein, Peregrine shall, at its sole cost and expense, provide all facilities and equipment that may be necessary for Peregrine to perform the Services.

2.2. Professional Services. Except as set forth in the Order Form, in the event that Customer requests that Peregrine perform data integration, configuration or implementation services regarding the Service, including integration of Customer Data or Third Party Data and creation of specific modifications to the Service (but excluding any Onboarding and Training Services), Peregrine will discuss the scope and fees for such services and, if agreed, such work will be performed pursuant to a statement of work executed by the parties and referencing this Agreement that describe such scope and fees (an "**SOW**," and such services, the "**Professional Services**"). Any fees associated with the Professional Services shall be set forth in the applicable SOW and Customer shall pay such fees in accordance with Section 4.2 below.

2.3. Access and Policies. Customer will permit Peregrine access to Customer's offices and any other facilities necessary for Peregrine to provide the Service, Onboarding and Training Services, Technical Support, and any Professional Services. Peregrine agrees to, and cause its personnel to, abide by Customer's facilities access and use policies as provided by Customer to Peregrine in writing in advance of any on-site visits. Customer will also permit and enable Peregrine to have offsite access to Customer Data and the Customer's production platform for the Service in order to provide the Service, Technical Support and Professional Services. Peregrine agrees to comply with the CJIS Security Policy in connection with its access to Customer Data, including CJIS-defined policies for remote access.

2.4. Compliance with Applicable Laws. Each party and its agents shall comply with all laws applicable to the performance or receipt, as applicable, of the Services hereunder. Peregrine shall also, to the extent required by the California Labor Code, pay not less than the latest prevailing wage rates as determined by the California Department of Industrial Relations.

2.5. Licenses and Permits. Peregrine and its employees, agents, and any subcontractors have, and will maintain at their sole cost and expense, all licenses, permits, qualifications, and approvals of whatsoever nature that are legally required to practice their respective professions. In addition to the foregoing, Peregrine and any subcontractors shall obtain and maintain during the term of this Agreement valid business licenses from Customer as required by law.

2.6. Nondiscrimination and Equal Opportunity. Peregrine shall not discriminate, on the basis of a person's race, religion, color, national origin, age, physical or mental handicap or disability, medical condition, genetic information, marital status, sex, sexual orientation, gender or gender identity, against any employee, applicant for employment, subcontractor, bidder for a subcontract, or participant in, recipient of, or applicant for any services or programs provided by Peregrine under this Agreement. Peregrine shall comply with all applicable federal, state, and local laws, policies, rules, and requirements related to equal opportunity and nondiscrimination in employment, contracting, and the provision of any services that are the subject of this Agreement, including but not limited to the satisfaction of any positive obligations required of Peregrine thereby.

3. Use of Service.

3.1. Users. Customer may grant access to the Service to only the number and type of Users specified on the Order Form. Customers shall ensure that its Users do not share or transfer their User credentials to other Customer employees or any other individuals.

3.2. Customer Responsibilities. Customer is responsible for all activities that occur under User accounts. Customer also shall: (a) ensure it has all rights necessary for Peregrine to integrate the Customer Data with the Service; (b) have sole responsibility for the accuracy, quality, integrity, legality, reliability, and appropriateness of all Customer Data; (c) prevent unauthorized access to, or use of, the Service, and notify Peregrine immediately of any unauthorized access or use; and (d) comply with all applicable laws in using the Service. Customer agrees to provide its Users with the applications necessary to run the Service as set forth in the Documentation.

3.3. Use Restrictions. Customer shall use the Service solely for its internal business purposes in accordance with this Agreement. Customer shall not, and shall ensure Users do not: (a) license, sublicense, sell, resell, rent, lease, transfer, assign, distribute, time share or otherwise commercially exploit or make the Service available to any third party; (b) send spam or otherwise duplicative or unsolicited messages via the Service; (c) send or store infringing or unlawful material; (d) send or store material containing software viruses, worms, Trojan horses or other harmful computer code, files, scripts, agents or programs; (e) interfere with or disrupt the integrity or performance of the Service or the data contained therein; or (f) attempt to gain unauthorized access to the Service or its related systems or networks.

3.4. CJIS Requirements. Customer certifies that it and its Users will comply with the following CJIS requirements: (a) Customer agrees to use training, policy and procedures to ensure Users use proper handling, processing, storing and communication protocols for Customer Data and any Third Party Data; (b) Customer agrees to protect the Service and any Third Party Data by monitoring and auditing staff user activity to ensure that it is only within the purview of system application development, system maintenance and the support roles assigned; (c) Customer will

only provide access to the Service and any Third Party Data through Customer-managed role-based access and applied sharing rules configured by Customer; (d) Customer agrees to create and retain activity transaction logs to enable auditing by Peregrine staff, CJIS and any Third Party Data owners; (e) Customer agrees to perform independent employment background screening for its staff at Customer's own expense; and (f) Customer agrees to reinforce staff policies for creating User accounts with only one Customer domain email address for each User, with exceptions only as granted in writing by Peregrine.

3.5. Operation Restrictions. Under certain circumstances, it may be dangerous to operate a moving vehicle while attempting to operate a laptop, mobile device or other touch screen and any of their applications. Customer agrees that the Users will be instructed to only utilize the interface for the Service at times when it is safe to do so. Peregrine is not liable for any accident caused by a result of distraction such as from viewing the screen while operating a moving vehicle.

3.6. Customer Logo. Peregrine may use Customer's name and logo in Peregrine's lists of customers provided that such use will comply with any standard trademark guidelines provided by Customer to Peregrine.

4. Fees & Payment.

4.1. Fees. Customer shall pay the fees for the Service as specified in the Order Form and in any SOWs.

4.2. Payment Terms. Except as set forth on the Order Form, Customer shall pay all fees within thirty (30) days of Peregrine issuing an invoice.

4.3. Taxes. Peregrine's fees do not include any local, state, federal or foreign taxes, levies or duties of any nature ("**Taxes**"). Customer is responsible for paying all Taxes, excluding only taxes based on Peregrine's income. If Peregrine has the legal obligation to pay or collect Taxes for which Customer is responsible under this section, the appropriate amount shall be invoiced to and paid by Customer unless Customer provides Peregrine with a valid tax exemption certificate authorized by the appropriate taxing authority.

5. Proprietary Rights.

5.1. Peregrine Technology. The Service includes (a) the Peregrine name, the Peregrine logo, and other trademarks and service marks; (b) audio and visual information, documents, software and other works of authorship, including training materials; (c) other technology, including graphical user interfaces, workflows, products, processes, algorithms, know-how and other trade secrets, techniques, designs, inventions and other tangible or intangible technical material or information provided by Peregrine under this Agreement; and (d) the work product or other results of Professional Services (collectively, "**Peregrine Technology**"). Peregrine owns and shall retain all rights in the Peregrine Technology. Other than as expressly set forth Section 5.2 below, no license or other rights in or to the Peregrine Technology or related intellectual property rights are granted to Customer or Users, and all such licenses and rights are hereby expressly reserved to Peregrine. For clarity, "Peregrine Technology" does not include Customer Data.

5.2. License Grant. Peregrine grants Customer, during the term of this Agreement, a worldwide, non-exclusive, non-transferable (except in accordance with Section 12.6), non-sublicenseable right to access and use the Service, and to permit the number and type of Users specified on the Order Form the right to access and use the Service during the terms of the applicable User subscriptions, in each case solely in accordance with the terms of this Agreement.

5.3. License Restrictions. Customer shall not (a) modify, copy or create derivative works based on the Service or Peregrine Technology; (b) create Internet "links" to or from the Service, or "frame" or "mirror" any content forming part of the Service, other than on Customer's own intranets; or (c) disassemble, reverse engineer, or decompile the Service or Peregrine Technology, or (d) access the Service in order to (i) build a competitive product or service, (ii) build a product or service using similar ideas, features, functions or graphics of the Service, or (iii) copy any ideas, features, functions or graphics of the Service.

6. Data Access, Sharing and Security.

6.1. Customer Data. Peregrine may access, reproduce, and use Customer Data to provide the Service, including to provide Technical Support, Onboarding and Training Services and any Professional Services. Customer agrees that Peregrine may generate technical logs, data and insights about Customer's usage of the Service (e.g., frequency of logins) ("**Peregrine Insights**") and may use the Customer Data in aggregated and anonymized form that does not individually identify any person or entity, including Customer or its Users ("**Aggregated Data**") for Peregrine's internal business purposes and to operate and improve Peregrine's proprietary software and services, and that Peregrine shall own the Peregrine Insights and the Aggregated Data. Peregrine shall destroy Peregrine Insights and Aggregated Data on termination of this Agreement. Peregrine may choose to terminate the provision of any Customer Data via the Service if the provision of such data may be harmful to the Service, as determined by Peregrine in its reasonable discretion.

6.2. CJIS Security Policy. Peregrine has implemented procedures to allow for adherence to the CJIS Security Policy. The hosting facility for the Service uses state-of-the-art access control technologies that meet or exceed CJIS requirements. In addition, Peregrine has installed and configured solid network intrusion prevention appliances for adherence to CJIS requirements.

6.3. Third Party Data. Any Third Party Data that Peregrine may provide via the Service is governed by the third party owner's retention policy. Peregrine does not provide any warranties with respect to any Third Party Data and Peregrine may choose to terminate the provision of any Third Party Data via the Service if Peregrine's applicable rights to such Third Party Data terminate or the provision of such data may be harmful to the Service, as determined by Peregrine in its reasonable discretion.

7. Confidentiality.

7.1. Definition of Confidential Information. The term "**Confidential Information**" means all confidential and proprietary information of a party ("**Disclosing Party**") disclosed to the other party ("**Receiving Party**"), whether orally or in writing, that is designated as confidential or that reasonably should be understood to be confidential given the nature of the information and the circumstances of disclosure, the Customer Data, any Third Party Data, the Service, the Documentation, the Peregrine Technology, business and marketing plans, technology and technical information, product designs, and business processes.

7.2. Confidentiality. The Receiving Party shall not disclose or use any Confidential Information of the Disclosing Party except to perform its obligations or exercise its rights under this Agreement, except with the Disclosing Party's prior written permission on a case-by-case basis. Each party agrees to protect the confidentiality of the Confidential Information of the other party in the same manner that it protects the confidentiality of its own proprietary and confidential information of like kind, but in no event with less than reasonable care. If the Receiving Party is compelled by law or a government authority to disclose Confidential Information of the Disclosing Party, it shall provide the Disclosing Party with prior notice of such compelled disclosure (to the extent practicable and legally permitted) and reasonable assistance, at Disclosing Party's cost, if the Disclosing Party wishes to contest the disclosure.

7.3. Exceptions. The parties' obligations in Section 7.2 shall not apply to any information that: (a) is or becomes publicly available without breach of any obligation owed to the Disclosing Party; (b) was known to the Receiving Party prior to its disclosure by the Disclosing Party without breach of any obligation owed to the Disclosing Party; (c) was independently developed by the Receiving Party without breach of any obligation owed to the Disclosing Party; or (d) is received from a third party without breach of any obligation owed to the Disclosing Party.

7.4. California Public Records Act. Peregrine acknowledges that Customer is a public entity governed by the California Public Records Act and that nothing in this Section 7 shall prevent Customer from disclosing Confidential Information for purposes of complying with the California Public Records Act.

7.5. Remedies. If the Receiving Party discloses or uses (or threatens to disclose or use) any Confidential Information of the Disclosing Party in breach of this Section 7, the Disclosing Party shall have the right, in addition to any other remedies available to it, to seek injunctive relief to enjoin such acts, it being specifically acknowledged by the parties that such unauthorized disclosure or use may cause irreparable harm to the Disclosing Party for which any other available remedies are inadequate.

8. Warranties & Disclaimers.

8.1. Warranties. Each party represents and warrants that it has the legal power and authority to enter into this Agreement. Peregrine represents and warrants that (i) it will provide the Service in a professional manner consistent with the standards observed by a competent practitioner of the profession in which Peregrine is engaged, and (ii) the Service will perform in accordance with and otherwise substantially conform to its associated documentation.

8.2. Disclaimer. EXCEPT AS EXPRESSLY PROVIDED IN SECTION 8.1, AND WITHOUT LIMITING PEREGRINE'S OBLIGATIONS SPECIFIED IN THIS AGREEMENT, PEREGRINE MAKES NO WARRANTY OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE WITH RESPECT TO THE SERVICE, THE PEREGRINE TECHNOLOGY, ANY THIRD PARTY DATA AND ANY OTHER PRODUCTS OR SERVICES PROVIDED UNDER THIS AGREEMENT. PEREGRINE HEREBY SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES, INCLUDING ANY WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NON-INFRINGEMENT, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

9. Indemnification.

9.1. General Indemnification by Peregrine. Peregrine shall at its expense defend Customer and its officers, directors, officials, agents, volunteers and employees ("**Customer Indemnified Parties**") against any claim made or brought against any Customer Indemnified Party by a third party (A) arising out of or in connection with Peregrine's negligence or willful misconduct in the performance of the Services under this Agreement, or its failure to comply with any of its obligations contained in this Agreement, or its failure to comply with any applicable law or regulation, except to the extent any such claim is caused by the negligence or willful misconduct of Customer, or (B) alleging that the Service as provided to Customer hereunder infringes any U.S. intellectual property rights of a third party (each, a "**Customer Claim**"), and shall indemnify and hold Customer Indemnified Parties harmless from and against any and all liability, loss, damage, claims, expenses, and costs, including without limitation, attorney's fees, awarded by a court or agreed to by Peregrine in a settlement with respect to such Customer Claim; provided, that Customer (a) promptly gives written notice of the Customer Claim to Peregrine; (b) gives Peregrine sole control of the defense and settlement of the Customer Claim (provided that Peregrine may not agree to any settlement that imposes any liability or obligation on Customer); and (c) provides to Peregrine, at Peregrine's cost, all reasonable assistance. Peregrine shall have no obligation under this Section 9.1 or otherwise regarding claims that arise from or relate to (i) Customer's use of the Service other than as contemplated by this Agreement, (ii) any modifications to the Service made by any entity other than Peregrine, (iii) any combination of the Service with services or technologies not provided by Peregrine, or (iv) Customer's use of the Service or portion thereof after Peregrine has terminated this Agreement or such portion of the Service in accordance with this Section 9.1. If in Peregrine's opinion a Customer Claim is likely to be made, or if an existing Customer Claim may cause Peregrine liability, Peregrine may in its discretion (x) obtain a license to enable Customer to continue to use the potentially infringing portion of the Service, (y) modify the Service to avoid the potential infringement, or (z) if the foregoing cannot be achieved after using reasonable commercial efforts, terminate the Agreement or the license to the infringing portion of the Service and refund the amount of any pre-paid fees applicable to the portion of the terminated Services to be provided after the termination date.

9.2. PERS Indemnification by Peregrine. In the event that Peregrine or any employee, agent, or subcontractor of Peregrine providing services under this Agreement is determined by a court of competent jurisdiction or the California Public Employees Retirement System ("PERS") to be eligible for enrollment in PERS as an employee of Customer, at Peregrine shall indemnify, defend, and hold harmless Customer for the payment of any employee and/or employer contributions for PERS benefits on behalf of Peregrine or its employees, agents, or subcontractors, as well as for the payment of any penalties and interest on such contributions, which would otherwise be the responsibility of Customer..

10. Limitation of Liability.

10.1. Exclusion of Consequential and Related Damages. IN NO EVENT SHALL EITHER PARTY HAVE ANY LIABILITY TO THE OTHER PARTY FOR ANY LOST PROFITS, LOSS OF USE, COSTS OF PROCUREMENT OF SUBSTITUTE GOODS OR SERVICES, OR FOR ANY INDIRECT, SPECIAL, INCIDENTAL, MULTIPLE, EXEMPLARY, PUNITIVE, OR CONSEQUENTIAL

DAMAGES HOWEVER CAUSED AND, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, WHETHER OR NOT THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

11. Term & Termination.

11.1. Term of Agreement. This Agreement commences on the Effective Date and continues for the duration of the term set forth on the Order Form ("**Term**"), unless earlier terminated in accordance with the Order Form or Section 11.2

11.2. Termination for Cause. A party may terminate this Agreement for cause upon thirty (30) days written notice of a material breach to the other party if such breach remains uncured at the expiration of such period. Termination shall not relieve Customer of the obligation to pay any fees accrued or payable to Peregrine prior to the effective date of termination. Notwithstanding the foregoing, if Customer terminates the Agreement pursuant to this Section 11.2 Peregrine will refund pro-rata share of Service Fee.

11.3. Data. Upon expiration or termination of this Agreement, Peregrine shall have no obligation to maintain or provide any Customer Data or Third Party Data. Unless legally prohibited, Peregrine shall delete all Customer Data in its systems or otherwise in its possession or under its control. Notwithstanding the foregoing or any other provision of this Agreement, Peregrine may use in perpetuity any Aggregated Data.

11.4. Survival. The following provisions shall survive termination or expiration of this Agreement: Sections 4, 5 (excluding Section 5.2), 6.1, 6.3, 7, 8, 9, 10, 11.3, 11.4, and 12.

12. General Provisions.

12.1. Insurance. Peregrine shall maintain the insurance coverages described on Appendix D: Insurance

12.2. Relationship of the Parties. This Agreement does not create a partnership, franchise, joint venture, agency, fiduciary or employment relationship between the parties. There are no third-party beneficiaries to this Agreement. At all times during the term of this Agreement, Peregrine shall be an independent contractor and shall not be an employee of Customer. Except as Customer may specify in writing, Consultant shall have no authority, express or implied, to act on behalf of Customer in any capacity whatsoever as an agent. Peregrine shall have no authority, express or implied, pursuant to this Agreement to bind Customer to any obligation whatsoever.

12.3. Conflict of Interest. Peregrine may serve other clients, but none whose activities within the corporate limits of Customer or whose business, regardless of location, would place Peregrine in a "conflict of interest," as that term is defined in the Political Reform Act, codified at California Government Code Section 81000 et seq. Peregrine shall not employ any Customer official in the work performed pursuant to this Agreement. No officer or employee of Customer shall have any financial interest in this Agreement that would violate California Government Code Sections 1090 et seq.

12.4. Peregrine's Books and Records. Peregrine shall maintain any and all records or documents evidencing or relating to charges for services or expenditures and disbursements charged to the Customer under this Agreement for a minimum of 3 years, or for any longer period required by law, from the date of final payment to the Peregrine to this Agreement. All such records shall be maintained in accordance with generally accepted standards and shall be made available for inspection, audit, and/or copying during regular business hours, upon written request of the Customer. Pursuant to Government Code Section 8546.7, the Agreement may be subject to the examination and audit of the State Auditor for a period of 3 years after final payment under the Agreement.

12.5. Force Majeure. Neither party shall be liable by reason of any failure or delay in performance of its obligations under this Agreement (except for the payment of money) on account of events beyond the reasonable control of such party, which may include Internet denial-of-service attacks, strikes, shortages, riots, insurrection, fires, flood, storm, explosions, acts of God, war, terrorism, governmental action, labor conditions, earthquakes, and material shortages (each, a "**Force Majeure Event**"). Upon the occurrence of a Force Majeure Event, the non-performing party will be excused from any further performance of its obligations affected by the Force Majeure Event for so long as the event continues and such party continues to use commercially reasonable efforts to resume performance.

12.6. Federal Government. Any use, copy or disclosure of the Service by the U.S. Government is subject to restrictions as set forth in this Agreement and as provided by DFARS 227.7202-1(a) and 227.7202-3(a)(1995), DFARS 252.227-7013(c)(1)(ii)(October 1998), FAR 12.212(a)(1995), FAR 52.227-19, or FAR 52.227(ALT III), as applicable.

12.7. Notices. All notices under this Agreement shall be in writing and shall be deemed to have been given upon: (a) personal delivery; (b) the second business day after mailing; (c) the second business day after sending by confirmed facsimile; or (d) after confirmed receipt of an email. Notices to Peregrine shall be addressed to the attention of Nick Noone, CEO, Peregrine Technologies, nick@peregrine.io, with a copy to ben@peregrine.io. Notices to Customer are to be addressed to the individual identified in the Order Form.

12.8. Waiver; Cumulative Remedies Severability. No failure or delay by either party in exercising any right under this Agreement shall constitute a waiver of that right. Other than as expressly stated herein, the remedies provided herein are in addition to, and not exclusive of, any other remedies of a party at law or in equity. If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision shall be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement shall remain in effect.

12.9. Assignment. Neither party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior express written consent of the other party. Notwithstanding the foregoing, Peregrine may assign this Agreement, together with all rights and obligations hereunder, without consent of Customer, in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its stock or assets that relate to this Agreement. Any attempt by a party to assign its rights or obligations under this Agreement in breach of this section shall be void and of no effect. Subject to the foregoing, this Agreement shall bind and inure to the benefit of the parties, their respective successors and permitted assigns.

12.10. Governing Law. This Agreement shall be governed by the laws of California. The state courts located in Alameda County, CA or in the United States District Court for the Northern District of California shall have exclusive jurisdiction to adjudicate any dispute arising out of or relating to this Agreement. Each party hereby consents to the exclusive jurisdiction of such courts provided that nothing in this Section 12.10 prohibits either party from seeking or obtaining in any jurisdiction injunctive or similar relief in connection with the enforcement of this Agreement.

12.11. Construction. The division of this Agreement into Sections and the insertion of captions and headings are for convenience of reference only and will not affect the construction or interpretation of this Agreement. The terms "this Agreement," "hereof," "hereunder" and any similar expressions refer to this Agreement and not to any particular Section or other portion hereof. The parties hereto agree that any rule of construction to the effect that ambiguities are to be resolved against the drafting party will not be applied in the construction or interpretation of this Agreement. As used in this Agreement, the words "include" and "including," and variations thereof, will be deemed to be followed by the words "without limitation" and "discretion" means sole discretion

12.12. Entire Agreement. This Agreement constitutes the entire agreement between the parties, and supersedes all prior and contemporaneous agreements, proposals or representations, written or oral, concerning its subject matter. No modification, amendment, or waiver of any provision of this Agreement shall be effective unless in writing and signed by the party against whom the modification, amendment or waiver is to be asserted. Notwithstanding any language to the contrary therein, no terms or conditions stated in a Customer purchase order or in any other Customer order documentation (excluding the Order Form) shall be incorporated into or form any part of this Agreement, and all such terms or conditions are hereby rejected and shall be null and void.

EXHIBIT A

10/27/2022

Peregrine

Appendix E: Customer Order Form

PEREGRINE CUSTOMER ORDER FORM

Customer Information	
Customer Name: Livermore Police Department	**Contact:** Greg Park
Address: 1110 S Livermore Ave., Livermore, CA 94550	**Phone:** 925-371-4900
Email: gpark@cityoflivermore.net	**Fax:** N/A

Peregrine Services
Effective Date: December 15, 2022
Term: From the Effective Date through July 31, 2027 ("Initial Term").
Service Fee: Customer shall pay Peregrine an annual service fee within 30 days of the start of each annual period as follows a. Year 1 – December 15, 2022 - July 31, 2023: $100,000 b. Year 2 – August 1, 2023 – July 31, 2024: $215,000 c. Year 3 – August 1, 2024 – July 31, 2025: $215,000 d. Year 4 – August 1, 2025 – July 31, 2026: $215,000 e. Year 5 – August 1, 2026 – July 31, 2027: $215,000
Users: Customer may allow an unlimited number of employees of the Livermore Police Department to access and use the Service.
Onboarding and Training Services: Peregrine will provide Customer with an introductory training session that provides an overview of the Service, background on accessible data sources as of the Effective Date and an introduction to the analytic capabilities of the Service. Peregrine will provide additional training, including refresher sessions and advanced training modules, from time to time upon mutual agreement of the parties.
Professional Services: The Customer Data sources and systems that Peregrine will integrate with the Service for Customer are: RIMS CAD and RMS (existing), Avigilon VMS (existing), Vigilant ALPR, Flock ALPR,

Axon body-worn camera, Crossroads accident and citations, APBNet bulletins (user import), CLEAR (user import), First Two (user import), NIBIN Ballistics evidence, Call Detail records (major carriers), CRIMS (federated query)

Any additional data integrations or new functionality shall be subject to mutual written agreement of the parties, including with respect to fees. All additional data integration services or new functionality and corresponding fees will be set forth in an SOW.

For clarity, Peregrine will provide any other Professional Services and additional data integration services in accordance with Section 2.2 of the Terms and Conditions.

EXHIBIT B

INSURANCE REQUIREMENTS

Minimum Scope and Limits of Insurance

Consultant/Contractor shall maintain limits no less than:

1. Commercial General Liability, including operations, products, and completed operations, as applicable:
   $2,000,000 per occurrence/**$4,000,000** aggregate for bodily injury, personal injury, and property damage. If Commercial General Liability or other form of insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:
   $1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation and Employer's Liability:
   Statutory limits as required by the State of California including **$1,000,000** Employers' Liability per accident, per employee for bodily injury or disease. A waiver of subrogation is required for Workers' Compensation insurance. If Consultant/Contractor is a sole proprietor, then they must sign "Contractor Release of Liability."
4. Professional Liability/ Cyber Liability/Errors and Omissions:
   $2,000,000 per claim. Consultant/Contractor warrants that any retroactive date under this policy shall precede the effective date of this contract and, either continuous coverage will be maintained, or an extended discovery period will be exercised for a period of two years beginning at the time work under this contract is completed.

Deductibles and Self-Insured Retention

All self-insured retentions (SIR) must be disclosed to Risk Management for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide, or be endorsed to provide, that the SIR may be satisfied by either the named insured or the City of Livermore. The City of Livermore reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII and accepted to do business in the State of California, unless otherwise acceptable to the City of Livermore.

Other Insurance Provisions

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Livermore, its officers, officials, employees, and designated

volunteers are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the Consultant/Contractor; or automobiles owned, leased, hired or borrowed by the Consultant/Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, or volunteers.

2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. The additional insured coverage under the Consultant's/Contractor's policy shall be primary and non-contributory and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as ISO Form CG 20 10 04 13. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City of Livermore before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.
3. Any failure to comply with reporting or other provisions of the policy, including breaches of warranties, shall not affect coverage provided to the City of Livermore, its officers, officials, employees, or volunteers.
4. The Consultant's/Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party before expiration of the policy unless notice is delivered in accordance with policy provisions.
6. It shall be a requirement under this agreement that any available insurance proceeds broader than, or in excess of, the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.
7. Certificate Holder section of the insurance certificate should read: City of Livermore, 1052 S. Livermore Avenue, Livermore, CA 94550

Verification of Coverage

Consultant/Contractor shall furnish certificates of insurance and endorsement(s) effecting coverage to the City of Livermore for approval. The endorsements shall be on forms acceptable to the City of Livermore. All certificates and endorsements are to be received and approved by the City of Livermore before work commences. The City of Livermore reserves the right to require complete and certified copies of all insurance policies required by this Agreement.

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.6**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Jeramy Young, Police Chief

SUBJECT: Resolution authorizing a general fund supplemental appropriation of $178,436 and execution of a purchase order with Motorola Solutions for the purchase of two radio consoles to support Livermore Police Department's Real Time Awareness Center (RTAC) in an amount not-to-exceed $178,436.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing a general fund supplemental appropriation of $178,436 and execution of a purchase order with Motorola Solutions for the purchase of two radio consoles to support the Livermore Police Department's Real Time Awareness Center (RTAC) in an amount not-to-exceed $178,436.

SUMMARY

The RTAC at the Livermore Police Department is currently under construction and will be a state-of-the-art tactical communications and real-time analysis policing facility. When operational, the RTAC will provide real-time, actionable intelligence to dispatchers and officers in the field. The RTAC facility will also serve as the Emergency Operations Center for the police department. The purchase of this equipment is essential to the operation of the RTAC which will enhance the ability of the Department to better serve the community.

DISCUSSION

The RTAC will have video monitors to assist with monitoring areas around the City to better communicate with staff in the field. Having the radio consoles allows the staff to speak directly with officers on the street, responding to incidents as they are happening, as well as being able to update Dispatch with pertinent information in a dynamic format. Additionally, the radio consoles give staff in the RTAC the ability to communicate with outside agencies when the EOC is activated.

Motorola Solutions was chosen as the vendor using the Communications System Agreement (CSA) between East Bay Regional Communications System Authority (EBRCSA) and Motorola Solutions, Inc. dated July 7, 2009, eliminating the need for the competitive bid process. This equipment is compatible

with our existing radio system and provides for seamless integration.

FISCAL AND ADMINISTRATIVE IMPACTS

The total project amount is $178,436. The equipment was originally budgeted in CIP Project 2019-58, but costs have increased substantially for this equipment. In addition, it was determined that two consoles were necessary for the RTAC to function optimally as opposed to the original plan for a single console. Current available funding is $143,006. The balance of the funding required is $35,430 and will be addressed in the FY 2022-23 mid-year budget process through salary savings from vacant positions.

ATTACHMENTS

1. Resolution
2. Exhibit A - Motorola Solutions Scope of Work

Prepared by: John Reynolds
Police Captain

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING A GENERAL FUND APPROPRIATION OF $178,436 AND AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE ORDER TO MOTOROLA SOLUTIONS, INC. FOR THE PURCHASE OF TWO MOTOROLA RADIO CONSOLES FOR THE POLICE DEPARTMENT'S REAL-TIME AWARENESS CENTER IN AN AMOUNT NOT-TO-EXCEED $178,436.

Section 2.68.370 of the Livermore Municipal Code, states that the City Council shall award a contract for the purchase of supplies or equipment or general services of a value greater than $100,000 to the bid representing the best value as defined in LMC 2.68.040, with the exception being where supplies and equipment are purchased through competitive or noncompetitive negotiations pursuant to LMC 2.68.390.

Providing consistent radio communication between officers on the street, the Dispatch center and the Real-Time Awareness Center (RTAC) is a critical concern for the management of law enforcement agencies. Radio communication should be accurate and dispersed in a timely manner to protect the safety of staff as well as citizens alike.

The purchase of two radio consoles to support the RTAC room and staff will afford the ability to relay pertinent information in a real time environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, as follows:

1. The City Council authorizes a General Fund appropriation in an amount not-to-exceed $178,436.

2. The City Council authorizes the City Manager to execute a purchase order, on behalf of the City of Livermore, with Motorola Solutions, Inc. in an amount not-to-exceed $178,436 for the purchase and installation of two Motorola MCC7500 radio consoles.

3. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

On motion of Council Member_____, seconded by Council Member_____, the foregoing resolution was passed and adopted November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

RESOLUTION NO. _____

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

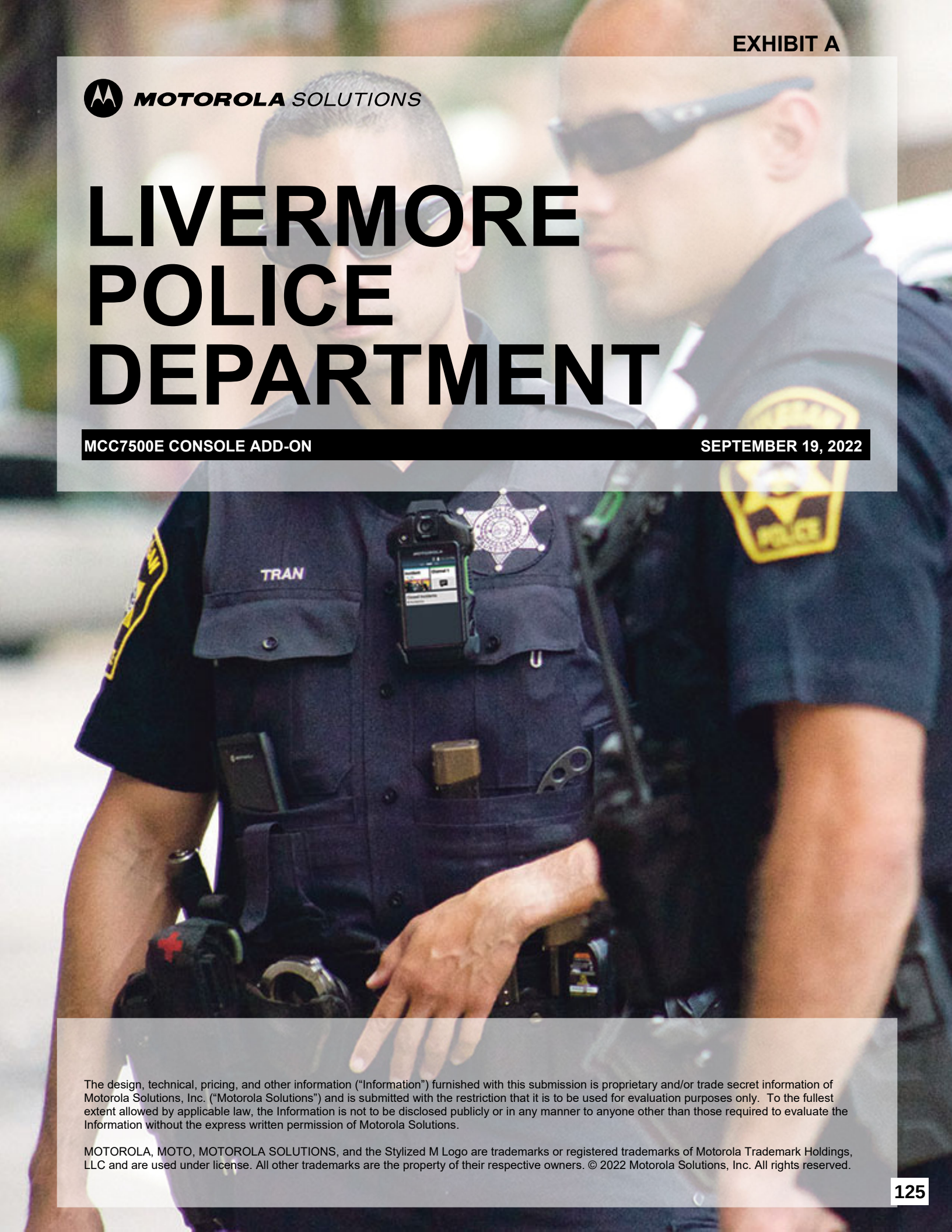
/s/ Tara Mazzanti
_____
Tara Mazzanti
Assistant City Attorney

EXHIBIT A

MOTOROLA SOLUTIONS

LIVERMORE POLICE DEPARTMENT

MCC7500E CONSOLE ADD-ON **SEPTEMBER 19, 2022**



The design, technical, pricing, and other information ("Information") furnished with this submission is proprietary and/or trade secret information of Motorola Solutions, Inc. ("Motorola Solutions") and is submitted with the restriction that it is to be used for evaluation purposes only. To the fullest extent allowed by applicable law, the Information is not to be disclosed publicly or in any manner to anyone other than those required to evaluate the Information without the express written permission of Motorola Solutions.

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SECTION 1

PRODUCT DESCRIPTION

Motorola is pleased to present Livermore Police Department (PD) a firm proposal to provide a console positions at the Real-Time Crime Center. This proposal includes the necessary hardware, software, and optimization services to implement the MCC7500E. Motorola has included its design assumptions to aid in planning your console implementation.

This proposal includes the two new MCC7500E Operator Positions for the Real-Time Crime Center. The proposed design consists of the following hardware at each operator position:

- 19" Non-Touch Monitor
- MCC7500E Operator PC
- MCC7500E Audio Interface Module (AIM)
- Two (2) Headset jacks
- Two (2) Speakers
- One (1) Desktop Microphone
- One (1) Dual Pedal Footswitch
- One (1) Dual Instant Recall Recorder
- One (1) ADP Encryption
- One (1) AES Encryption
- Additional console licensing

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to the restrictions on the cover page.

SECTION 2

STATEMENT OF WORK

2.1 OVERVIEW

This Statement of Work (SOW) describes the deliverables to be furnished to Livermore PD at the Real-Time Crime Center. The tasks described herein will be performed by Motorola Solutions and Livermore PD to implement the solution described in the System Description. It describes the actual work involved in installation, identifies the installation standards to be followed, and clarifies the responsibilities for both Motorola Solutions and Livermore PD during the project implementation. Specifically, this SOW provides:

- A summary of the phases and tasks to be completed within the project lifecycle.
- A list of the deliverables associated with the project.
- A description of the responsibilities for both Motorola Solutions and Livermore PD.
- The qualifications and assumptions taken into consideration during the development of this project.

This SOW provides the most current understanding of the work required by both parties to ensure a successful project implementation. It is understood that this SOW is a working document, and that it will be revised as needed to incorporate any changes associated with contract negotiations, Contract Design Review (CDR), and any other change orders that may occur during the execution of the project.

The Livermore PD console project consists of two MCC7500E Operator Positions, loading of MCC7500 licenses at the EBRCSA Master Site to support the new MCC7500E Operator Positions, and ADP and AES algorithms for the operator positions.

2.2 ASSUMPTIONS

Motorola has based the system design on information provided by Livermore PD and an analysis of the system requirements. Assumptions have been listed below for review. Should Motorola's assumptions be deemed incorrect or not agreeable to Livermore PD, a revised proposal with the necessary changes and adjusted costs may be required. Changes to the equipment or scope of the project after contract may require a change order.

- Motorola is making the assumptions that there are vacant ports in the dispatch LAN switches and that the new MCC7500Es will be installed within 300ft of the LAN switches.
- Alameda County Radio Shop will perform the cold installation of the consoles and cabling to backroom equipment (existing switches) according to the R56 installation guidelines. Cold installation includes racking, stacking, cabling, grounding, and powering up.
- Alameda County Radio Shop will program the dispatch operator positions for dispatch operation.
- Motorola has included ST technical support for the creation of the configuration of the consoles and optimization effort.
- All existing and new sites or equipment locations will have sufficient space available for the system described as required/specified by R56.

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- The Real-Time Crime Center location has the necessary space and power to accommodate the new equipment.
- Any site/location upgrades or modifications are the responsibility of the Livermore PD.
- Equipment removal/disposal from the site will be the responsibility of Livermore PD.
- The power demarcation point is the Motorola-provided equipment.
- AC power with UPS and/or battery backup for the equipment will be provided by Livermore PD if required.
- Console spares are not included in this proposal.
- Necessary EBRCSA Master Site licenses are included in this proposal.
- Any required system interconnections not specifically outlined here will be provided by Livermore PD. These may include dedicated phone circuits, microwave links or other types of connectivity.
- Logging is the responsibility of the Livermore PD. No logging scope is included in this proposal.
- The Livermore PD will be responsible for any Logging Recorder, CAD, etc. interface configurations, licenses, and or upgrades for the new dispatch console.
- Union labor and Prevailing Wage labor are not requirements.
- No performance bond is required.

Motorola Solutions will optimize the proposed equipment. The following table describes the tasks involved with installation and configuration.

Tasks	Motorola Solutions	Customer
PROJECT INITIATION		
Contract Finalization and Team Creation		
Execute contract and distribute contract documents.	X	X
Assign a Project Manager as a single point of contact.	X	X
Assign resources.	X	X
Schedule project kickoff meeting.	X	X
Deliverable: Signed contract, defined project team, and scheduled project kickoff meeting.		
Project Administration		
Ensure that project team members attend all meetings relevant to their role on the project.	X	X
Set up the project in the Motorola Solutions information system.	X	
Record and distribute project status meeting minutes.	X	
Maintain responsibility for third-party services contracted by Motorola Solutions.	X	

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Tasks	Motorola Solutions	Customer
Complete assigned project tasks according to the project schedule.	X	X
Submit project milestone completion documents.	X	
Upon completion of tasks, approve project milestone completion documents.		X
Conduct all project work Monday thru Friday, 7:30 a.m. to 5:00 p.m.).	X	
Deliverable: Completed and approved project milestones throughout the project.		
Project Kickoff		
Introduce team, review roles, and decision authority.	X	X
Present project scope and objectives.	X	
Review SOW responsibilities and project schedule.	X	X
Schedule Design Review.	X	X
Deliverable: Completed project kickoff and scheduled Design Review.		
Design Review		
Review the Customer's operational requirements.	X	X
Present the system design and operational requirements for the solution.	X	
Present installation plan.		X
Present preliminary cutover plan and methods to document final cutover process.	X	
Present configuration and details of sites required by system design.	X	
Validate that Customer sites can accommodate proposed equipment.	X	X
Provide approvals required to add equipment to proposed existing sites.		X
Review safety, security, and site access procedures.	X	
Present equipment layout plans and system design drawings.	X	
Provide backhaul performance specifications and demarcation points.	X	
Provide heat load and power requirements for new equipment.	X	
Provide information on existing system interfaces.		X
Provide console template for the dispatch site.		X
Assume liability and responsibility for proving all information necessary for complete installation.		X
Assume responsibility for issues outside of Motorola Solutions' control.		X
Review and update design documents, including System Description, Statement of Work, Project Schedule, and Acceptance Test Plan, based on Design Review agreements.	X	

Tasks	Motorola Solutions	Customer
Provide minimum acceptable performance specifications for customer provided hardware, software, LAN, WAN and internet connectivity.	X	
Execute Change Order in accordance with all material changes to the Contract resulting from the Design Review.	X	
Deliverable: Finalized design documentation based upon "frozen" design, along with any relevant Change Order documentation.		
SITE PREPARATION AND DEVELOPMENT		
Site Access		
Provide site owners/managers with written notice to provide entry to sites identified in the project design documentation.		X
Maintain access roads in order to provide clear and stable entry to sites for heavy-duty construction vehicles, cement trucks and cranes. Ensure that sufficient space is available at the site for these vehicles to maneuver under their own power, without assistance from other equipment.		X
Obtain site licensing and permitting, including site lease/ownership, zoning, permits, regulatory approvals, easements, power, and telco connections.		X
Deliverable: Access, permitting, and licensing necessary to install system equipment at each site.		
Site Planning		
Provide necessary buildings and/or equipment shelters for installation of system equipment.		X
Provide the R56 requirements for space, power, grounding, HVAC, and connectivity requirements at each site.	X	
Provide adequate electrical power in proper phase and voltage at sites.		X
Confirm that there is adequate utility service to support the new equipment and ancillary equipment.		X
Modify towers or other structures, or relocate sites in the system, to ensure that they are capable of supporting proposed and future antenna loads.		X
Conduct site walks to collect pertinent information (e.g. location of telco, power, structures, etc.)	X	
Ensure that each site meets the R56 standards for space, grounding, power, HVAC, and connectivity requirements.		X
Conduct one three-point ground resistance test of each site.	X	
Ensure that required space is available for installation of the new equipment.		X
Deliverable: Information and permitting requirements completed at each site.		
General Facility Improvements		
Provide adequate HVAC, grounding, lighting, cable routing, and surge protection based upon Motorola Solutions' Standards and Guidelines for Communication Sites (R56)		X
Ensure the resolution of environmental and hazardous material issues at each site including, but not limited to,		X

Tasks	Motorola Solutions	Customer
asbestos, structural integrity (tower, rooftop, water tank, etc.), and other building risks.		
Ensure that electrical service will accommodate installation of system equipment, including isolation transformers, circuit breakers, surge protectors, and cabling.		X
Provide obstruction-free area for the cable run between the demarcation point and system equipment.		X
Provide structure penetrations (wall or roof) for transmission equipment (e.g. antennas, microwave radios, etc.).		X
Supply interior building cable trays, raceways, conduits, and wire supports.		X
Transport removed site equipment to a location designated by Customer and within Customer's jurisdiction.		X
Deliverable: Sites meet physical requirements for equipment installation.		
SYSTEM INSTALLATION		
Equipment Order and Manufacturing		
Create equipment order and reconcile to contract.	X	
Manufacture Motorola Solutions-provided equipment necessary for system based on equipment order.	X	
Procure non-Motorola Solutions equipment necessary for the system.	X	
Deliverable: Equipment procured and ready for shipment.		
Equipment Shipment and Storage		
Provide secure location for solution equipment.		X
Pack and ship solution equipment to the identified, or site locations.	X	
Receive solution equipment.		X
Inventory solution equipment.	X	
Deliverable: Solution equipment received and ready for installation		
General Installation		
Deliver solution equipment to installation location.	X	
Coordinate receipt of and inventory solution equipment with designated contact.	X	
Install all proposed fixed equipment as outlined in the System Description based upon the agreed-upon floor plans, connecting audio, control, and radio transmission cables to connect equipment to the power panels or receptacles, and audio/control line connection points. Installation performed in accordance with R56 standards and state/local codes.		X
Provide system interconnections that are not specifically outlined in the system design, including dedicated phone circuits, microwave links, or other types of connectivity.		X

Tasks	Motorola Solutions	Customer
Install and terminate all network cables between site routers and network demarcation points, including microwave, leased lines, and Ethernet.		X
Ensure that Type 1 and Type 2 AC suppression is installed to protect installed equipment.		X
Connect installed equipment to the provided ground system.		X
Label equipment, racks, and cables.		X
Perform preliminary audit of installed equipment to ensure compliance with requirements and R56 standards.	X	
Note any required changes to the installation for inclusion in the "as-built" system documentation.	X	
Remove, transport, and dispose of old equipment.		X
Deliverable: Equipment installed.		
Console Installation and Configuration		
Identify circuits for connection to console and a demarcation point located within 25 feet of the console interface.		X
Connect console to circuit demarcation points.		X
Install PC workstation w/ keyboard and mouse, and monitor.		X
Install an Audio Interface Module (AIM) and purchased peripheral console equipment in accordance with R56 standards and state/local codes.		X
Develop templates for console programming.		X
Perform console programming and configuration.		X
Deliverable: Console equipment installation completed.		
SYSTEM OPTIMIZATION AND TESTING		
R56 Site Audit		
Perform R56 site-installation quality-audits, verifying proper physical installation and operational configurations.	X	
Create site evaluation report to verify site meets or exceeds requirements, as defined in Motorola Solutions' R56 Standards and Guidelines for Communication Sites.	X	
Deliverable: R56 Standards and Guidelines for Communication Sites audits completed successfully.		
Solution Optimization		
Verify that all equipment is operating properly and that all electrical and signal levels are set accurately.	X	
Verify that all audio and data levels are at factory settings.	X	
Verify communication interfaces between devices for proper operation.	X	
Ensure that functionality meets manufacturers' specifications and complies with the final configuration established during design review or system staging.	X	
Deliverable: Completion of System Optimization.		

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Tasks	Motorola Solutions	Customer
Functional Acceptance Testing		
Verify the operational functionality and features of the solution supplied by Motorola Solutions, as contracted.	X	
Witness the functional testing.		X
Document all issues that arise during the acceptance tests.	X	
If any major task for the system as contractually described fails during the Customer acceptance testing or beneficial use, repeat that particular task after Motorola Solutions determines that corrective action has been taken.	X	
Resolve any minor task failures before Final System Acceptance.	X	
Document the results of the acceptance tests and present for review.	X	
Review and approve final acceptance test results.		X
Deliverable: Completion of functional testing and approval by Customer.		
PROJECT TRANSITION		
Transition to Warranty		
Review the items necessary for transitioning the project to warranty support and service.	X	
Motorola Solutions to provide services during year 1 warranty which align with the proposed services.	X	
Provide a Customer Support Plan detailing the warranty support associated with the contract equipment.	X	
Participate in the Transition Service/Project Transition Certificate (PTC) process.		X
Deliverable: Service information delivered and approved by Customer		
Finalize Documentation and System Acceptance		
Provide manufacturer's installation material, part list and other related material to Customer upon project completion.	X	
Provide an electronic as-built system manual on CD or other Customer preferred electronic media. The documentation will include the following: - Site Block Diagrams. - Functional Acceptance Test Plan Test Sheets and Results. - Equipment Inventory List. - Console Programming Template (where applicable). - Maintenance Manuals (where applicable). - Technical Service Manuals (where applicable). Drawings will be delivered in Adobe PDF format.	X	
Receive and approve documentation.		X
Execute Final Project Acceptance.	X	X

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Tasks	Motorola Solutions	Customer
Deliverable: All required documents are provided and approved. Final Project Acceptance.		

SECTION 3

EQUIPMENT LIST

BLOCK	LIM	O	QTY	NOMENCLATURE	DESCRIPTION
CORE	1	-	1	SQM01SUM0323	MASTER SITE CONFIGURATION
CORE	1	a	1	CA03517AB	ADD: CORE EXPANSION
CORE	1	b	1	UA00156AA	ADD: MCC7500 CONSOLE LICENSES (QTY 5)
OP_POSIT	2	-	1	B1948	MCC 7500E DISPATCH POSITION LICENSES
OP_POSIT	2	a	2	UA00653AA	ADD: BASIC CONSOLE OPERATION
OP_POSIT	2	b	2	UA00654AA	ADD: ASTRO 25 TRUNKING OPERATION
OP_POSIT	2	c	2	UA00655AA	ADD: ADVANCED CONVENTIONAL OPERATION
OP_POSIT	2	d	2	UA00659AA	ADD: ADP/AES/DES-OFB ENCRYPTION
OP_POSIT	2	e	2	UA00658AA	ADD: SECURE OPERATION
OP_POSIT	2	f	2	UA00652AA	ADD: 160 RADIO RESOURCES LICENSE
OP_POSIT	2	g	2	UA00660AA	ADD: OTEK OPERATION
OP_POSIT	2	h	2	UA00661AA	ADD: ENHANCED IRR
OP_POSIT	3	-	1	B1949	MCC 7500E SOFTWARE DVD
OP_POSIT	4	-	2	DSTG191B	TECH GLOBAL EVOLUTION SERIES 19INCH NON TOUCH
OP_POSIT	5	-	2	TT3903A	Z2 G5 MINI WORKSTATION NON RETURNABLE
OP_POSIT	6	-	4	B1952	SPEAKER, DESKTOP, USB
OP_POSIT	6	a	4	CA03405AA	ADD: POWER SUPPLY WITH DC CORD
OP_POSIT	6	b	4	CA03406AA	ADD: AC LINE CORD, NORTH AMERICA
OP_POSIT	6	c	4	CA03413AA	ADD: USB CABLE, TYPE A TO TYPE C, 4.5M
OP_POSIT	7	-	2	B1941	USB AUDIO INTERFACE MODULE
OP_POSIT	8	-	2	B1951	MICROPHONE, DESKTOP, USB
OP_POSIT	8	a	2	CA03413AA	ADD: USB CABLE, TYPE A TO TYPE C, 4.5M
OP_POSIT	9	-	4	B1913	MCC SERIES HEADSET JACK
OP_POSIT	10	-	2	DSTWIN6328A	PROVIDES ONE DUAL PEDAL FOOTSWITCH FOR USE WITH MOTOROLA MCC 7500 DISP
OP_POSIT	11	-	1	DSF2B56AA	USB EXTERNAL DVD DRIVE
OP_POSIT	12	-	2	DSST7300U3M	STARTECH 7 PORT USB 3.0 HUB
OP_POSIT	13	-	2	T7449	WINDOWS SUPPLEMENTAL TRANS CONFIG
OP_POSIT	16	-	2	T7885	MCAFEE WINDOWS AV CLIENT
OP_POSIT	14	-	2	DSLOGITECHZ130	LOGITECH Z130 SPEAKERS
OP_POSIT	15	-	2	DSRMP615A	SPD, TYPE 3, 120V RACK MOUNT, 15A PLUG-IN W/ (6) 15A NEMA 5-15 OUTLETS

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to the restrictions on the cover page.

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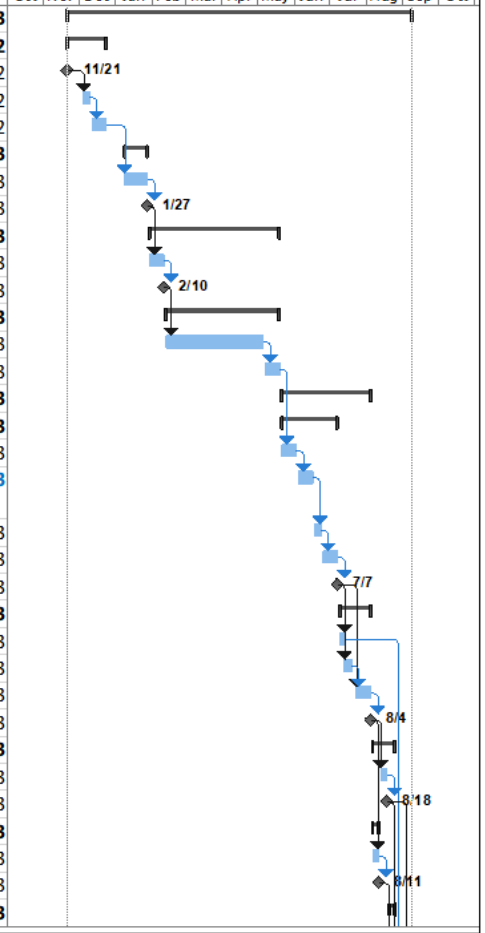
EXHIBIT A

SECTION 5

PROJECT SCHEDULE

The estimated time for completion of the project is approximately 10 months from Project Kickoff through Final Project Acceptance. A final project schedule will be developed based upon mutual agreement between Motorola Solutions and Livermore PD at the Detailed Design Review (DDR). Below is a preliminary example of the schedule.

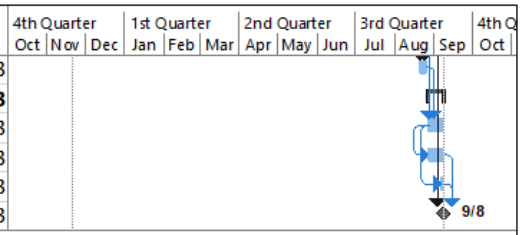
ID	Task Name	Duration	Start	Finish
1	**Implementation Project**	**210d**	**Mon 11/21/22**	**Fri 9/8/23**
2	**Contract**	**25d**	**Mon 11/21/22**	**Fri 12/23/22**
3	Contract Award	0d	Mon 11/21/22	Mon 11/21/22
4	Contract Administration	5d	Mon 12/5/22	Fri 12/9/22
5	Project Kick-Off	10d	Mon 12/12/22	Fri 12/23/22
6	**Contract Design Review**	**15d**	**Mon 1/9/23**	**Fri 1/27/23**
7	Review Contract Design	15d	Mon 1/9/23	Fri 1/27/23
8	Design Approval	0d	Fri 1/27/23	Fri 1/27/23
9	**Order Processing**	**80d**	**Mon 1/30/23**	**Fri 5/19/23**
10	Process Equipment list	10d	Mon 1/30/23	Fri 2/10/23
11	Order Bridged	0d	Fri 2/10/23	Fri 2/10/23
12	**Manufacturing and Staging**	**70d**	**Mon 2/13/23**	**Fri 5/19/23**
13	Manufacture Motorola FNE	60d	Mon 2/13/23	Fri 5/5/23
14	Ship Equipment to Field	10d	Mon 5/8/23	Fri 5/19/23
15	**Installation**	**55d**	**Mon 5/22/23**	**Fri 8/4/23**
16	**Console Installation**	**35d**	**Mon 5/22/23**	**Fri 7/7/23**
17	Receive and Inventory	10d	Mon 5/22/23	Fri 6/2/23
18	**Install Console Equipment <Customer Responsibility>**	**10d**	**Mon 6/5/23**	**Fri 6/16/23**
19	UO: Match Current Version	5d	Mon 6/19/23	Fri 6/23/23
20	Program Console	10d	Mon 6/26/23	Fri 7/7/23
21	Installation Acceptance	0d	Fri 7/7/23	Fri 7/7/23
22	**System Optimization**	**20d**	**Mon 7/10/23**	**Fri 8/4/23**
23	Perform R-56 Audit	5d	Mon 7/10/23	Fri 7/14/23
24	Link Verification	5d	Thu 7/13/23	Wed 7/19/23
25	Optimize System FNE	10d	Mon 7/24/23	Fri 8/4/23
26	Optimization Complete	0d	Fri 8/4/23	Fri 8/4/23
27	**Audit and Acceptance Testing**	**15d**	**Mon 8/7/23**	**Fri 8/25/23**
28	Perform System Testing	5d	Mon 8/14/23	Fri 8/18/23
29	SATP Acceptance	0d	Fri 8/18/23	Fri 8/18/23
30	**Training**	**5d**	**Mon 8/7/23**	**Fri 8/11/23**
31	Perform Training	5d	Mon 8/7/23	Fri 8/11/23
32	Training Complete	0d	Fri 8/11/23	Fri 8/11/23
33	**Cutover**	**5d**	**Mon 8/21/23**	**Fri 8/25/23**



Page 1

EXHIBIT A

ID	Task Name	Duration	Start	Finish
34	Cut-Over	5d	Mon 8/21/23	Fri 8/25/23
35	**Finalize**	**10d**	**Mon 8/28/23**	**Fri 9/8/23**
36	Resolve Punchlist	10d	Mon 8/28/23	Fri 9/8/23
37	Finalize Documentation	10d	Mon 8/28/23	Fri 9/8/23
38	Transition Service/PTC	2d	Thu 9/7/23	Fri 9/8/23
39	Final Acceptance	0d	Fri 9/8/23	Fri 9/8/23



SECTION 6

ACCEPTANCE TEST PLAN

LIVERMORE POLICE DEPARTMENT

Livermore PD MCC7500E Console Position

In-Field Draft

6.1 MCC 7500 TRUNKED RESOURCES

6.1.1 Instant Transmit

1. DESCRIPTION

The instant transmit switch provides immediate operator access to a channel, independent of its select status (selected or unselected). It provides priority over other dispatcher transmit bars or optional footswitches.

SETUP

RADIO-1 - TALKGROUP 1
CONSOLE-1 – TALKGROUP 1 (Selected), TALKGROUP 2 (Unselect mode)

VERSION #1.010

2. TEST

Step 1. Using CONSOLE-1, press the Instant Transmit button on TALKGROUP 1.

Step 2. Verify that the Transmit indicator is lit.

Step 3. Verify RADIO-1 can monitor and respond to the call on TALKGROUP 1.

Step 4. On RADIO-1 change to TALKGROUP 2.

Step 5. Using CONSOLE-1, press the Instant Transmit button on the TALKGROUP 2 radio resource.

Step 6. Verify RADIO-1 can monitor and respond to the call on TALKGROUP 2.

Pass____ Fail____

6.1.2 Talkgroup Selection and Call

1. DESCRIPTION

The Talkgroup Call is the primary level of organization for communications on a trunked radio system. Dispatchers with Talkgroup Call capability will be able to communicate with other members of the same talkgroup. This provides the effect of an assigned channel down to the talkgroup level. When a Talkgroup Call is initiated from a subscriber unit, the call is indicated on each dispatch operator position that has a channel control resource associated with the unit's channel/talkgroup.

SETUP

RADIO-1 - TALKGROUP 1
RADIO-2 - TALKGROUP 2
RADIO-3 - TALKGROUP 1
RADIO-4 - TALKGROUP 2
CONSOLE-1 - TALKGROUP 1
CONSOLE-2 - TALKGROUP 2

VERSION #1.010

2. TEST

Step 1. Initiate a wide area call from CONSOLE-1 on TALKGROUP 1.

Step 2. Observe that RADIO-1 and RADIO-3 will be able to monitor the call. Dekey the console and have either radio respond to the call.

Step 3. Observe that all consoles with TALKGROUP 1 can monitor both sides of the conversation.

Step 4. Initiate a wide area call from CONSOLE-2 on TALKGROUP 2.

Step 5. Observe that RADIO-2 and RADIO-4 will be able to monitor the call. Dekey the console and have either radio respond to the call.

Step 6. Observe that all consoles with TALKGROUP 2 can monitor both sides of the conversation.

Pass____ Fail____

MCC 7500 Trunked Resources

6.1.3 Emergency Alarm and Call Display Description

1. DESCRIPTION

Users in life threatening situations can use the emergency button on the radio to send an audible alarm and a visual alarm signal to a console operator in order to request immediate system access to a voice channel for an emergency call.
An emergency alarm begins after the radio user presses the radio's emergency button. Pressing the emergency button places the radio in "emergency mode". To begin an emergency call, the radio user must press the radio's PTT button while in "emergency mode." The assigned voice channel will be dedicated to the emergency caller's talkgroup for an extended period of time, equal to the Message Hang Time plus the Emergency Hang Time. As with other call types, emergency calls can operate across sites as well as within the same site.

SETUP

RADIO-1 - TALKGROUP 1
CONSOLE-1 - TALKGROUP 1
CONSOLE-2 - TALKGROUP 1

VERSION #1.010

2. TEST

Step 1. Initiate an Emergency Alarm from RADIO-1.

Step 2. Observe the Emergency from RADIO-1 is received at CONSOLE-1 for TALKGROUP 1.

Step 3. Acknowledge the Emergency at the operator position. Verify CONSOLE-2 receives notification that the call has been acknowledged.

Step 4. Initiate a call with RADIO-1 to initiate an Emergency call.

Step 5. Observe CONSOLE-1 and CONSOLE-2 can monitor RADIO-1

Step 6. Clear the Emergency from CONSOLE-1 on TALKGROUP 1.

Step 7. End the Emergency Alarm from RADIO-1.

Pass____ Fail____

6.1.4 Multigroup Call

1. DESCRIPTION

This trunking feature allows an equipped console operator position to transmit an announcement to several different talkgroups simultaneously. As with Talkgroup Calls, multigroup calls operate across sites as well as within the same site.

SETUP

RADIO-1 - TALKGROUP 1
RADIO-2 - TALKGROUP 2
RADIO-3 - RANDOM
CONSOLE-1 - ATG 1

Note: TALKGROUP 1 and TALKGROUP 2 are members of ATG 1. RANDOM is any talkgroup not a member of ATG 1.

VERSION #1.010

2. TEST

Step 1. Using CONSOLE-1, select the ATG 1 resource.

Step 2. Initiate the Multigroup Call from CONSOLE-1.

Step 3. Observe that RADIO-1 and RADIO-2 receive the Multigroup Call.

Step 4. Verify that RADIO-3 does not receive the Multigroup Call because it is not a member of ATG 1.

Step 5. Answer the Multigroup Call using RADIO-1 and observe CONSOLE-1 receives the response.

Step 6. Verify that if the call is answered within the repeater hang time, the console will receive the call on the ATG 1 resource tile, otherwise the console will receive the call on the TALKGROUP 1 tile.

Step 7. Verify that if the call is answered within the repeater hang time, RADIO-2 will monitor the call.

Pass____ Fail____

MCC 7500 Trunked Resources

6.1.5 Multi-Select Operation

1. DESCRIPTION

Multi-Select (Msel) allows the console operator to group a number of channels/talkgroups together such that when the general transmit bar is depressed, all of the multi-selected channels/talkgroups will transmit at the same time with the same information. Multi-Select is one way communication call. If a radio user responds to a Multi-Select call the talkgroup the user is affiliated to will be the only one to hear the call. There is no super-group formed, so radio communication is still at the single talkgroup level. Multi-Select is utilized to send an APB to several channels/talkgroups. A Multi-Select has a limit of twenty (20) trunking/conventional resources

SETUP

RADIO-1 - TALKGROUP 1
RADIO-2 - TALKGROUP 2
CONSOLE-1 - TALKGROUP 1, TALKGROUP 2

VERSION #1.010

2. TEST

Step 1. From CONSOLE-1, create an Msel group with TALKGROUP 1 and TALKGROUP 2.

Step 2. Transmit on the Msel using the Msel instant transmit button.

Step 3. Verify that RADIO-1 and RADIO-2 hear the call.

Step 4. Initiate a call with RADIO-1.

Step 5. Verify the call is heard on CONSOLE-1 but not on RADIO-2.

Step 6. Initiate a call with RADIO-2.

Step 7. Verify the call is heard on CONSOLE-1 but not on RADIO-1.

Step 8. On CONSOLE-1 dissolve the Msel.

Pass____ Fail____

6.1.6 Talkgroup Patch

1. DESCRIPTION

Talkgroup Patch allows a dispatcher to merge several talkgroups together on one voice channel to participate in a single conversation. This can be used for situations involving two or more talkgroups that need to communicate with each other.
Using the Patch feature, the console operator can talk and listen to all of the selected talkgroups grouped; in addition, the members of the individual talkgroups can also talk or listen to members of other talkgroups. Patched talkgroups can communicate with the console dispatcher and other members of different talkgroups because of the "supergroup" nature of the Patch feature.

NOTE : If "secure" and "clear" resources are patched together, one repeater for each mode may be assigned per site.

SETUP

RADIO-1 - TALKGROUP 1
RADIO-2 - TALKGROUP 2
RADIO-3 - TALKGROUP 1
RADIO-4 - TALKGROUP 2
CONSOLE-1 - TALKGROUP 1 and TALKGROUP 2

Note: All 4 Radios must have the same home zone.

VERSION #1.010

2. TEST

Step 1. Using CONSOLE-1 create a patch between TALKGROUP 1 and TALKGROUP 2.

Step 2. Initiate a patch call from CONSOLE-1.

Step 3. Verify RADIO-1, RADIO-2, RADIO-3, and RADIO-4 can monitor the call.

Step 4. Initiate several calls between the radios and verify successful communication.

Step 5. Dissolve the patch created in step 1.

Pass____ Fail____

6.1.7 Alert Tones - Talkgroup

1. DESCRIPTION

Pre-defined alert tones can be transmitted on the selected Radio Resource to subscribers which can alert members of a channel / talkgroup to a particular event or signify to radio users special instructions are to follow. The Console has the ability to send an Alert-Tone signal on selected conventional or talkgroup resources.

SETUP

RADIO-1 - TALKGROUP 1
RADIO-2 - TALKGROUP 1
CONSOLE-1 - TALKGROUP 1

VERSION #1.040

2. TEST

Step 1. Select TALKGROUP 1 on CONSOLE-1.

Step 2. Select Alert Tone 1 and depress the Alert Tone button.

Step 3. Verify that RADIO-1 and RADIO-2 hear Alert Tone 1.

Step 4. Repeat Steps 2-3 for Alert Tone 2 and 3.

Pass____ Fail____

MCC 7500 Trunked Resources

6.1.8 Call Alert

1. DESCRIPTION

Call Alert Page allows a subscriber/dispatcher to selectively alert another radio unit. The initiating subscriber/console will receive notification as to whether or not the call alert was received. Units receiving a Call Alert will sound an alert tone and show a visual alert indication. The display will also show the individual ID of the initiating subscriber/console unit.

SETUP

RADIO-1 - TALKGROUP 1
CONSOLE-1 - TALKGROUP 1

VERSION #1.030

2. TEST

Step 1. Using CONSOLE-1, select the call alert button in the "Private Call" resource window.

Step 2. Enter the ID of RADIO-1 and send the call alert to RADIO-1.

Step 3. Verify that RADIO-1 receives the alert and that the ID or alias of the console is shown.

Step 4. Turn off RADIO-1.

Step 5. Using CONSOLE-1, send the call alert to RADIO-1 again.

Step 6. Verify that after trying to page RADIO-1, the console displays "Can not send call alert - target not found" in the summary/status list.

Pass____ Fail____

MCC 7500 Trunked Resources

6.1.9 Console Initiated Private Call to Subscriber

1. DESCRIPTION

Private Conversation is a selective calling feature which allows a dispatcher or radio user to carry on one-to-one conversation that is heard only by the two parties involved. Subscriber units receiving a private call will sound an alert tone. As with other call types, Private Calls operate across sites as well as within the same site.

SETUP

RADIO-1 - TALKGROUP 1
RADIO-2 - TALKGROUP 1
CONSOLE-1 - TALKGROUP 1

VERSION #1.020

2. TEST

Step 1. Using CONSOLE-1, select the "PRIVATE-CALL" tile and click the Private Call function.

Step 2. Select the unit to be Private Called, in this case RADIO-1. (or select the numeric keypad and enter the Unit ID to be Private Called.)

Step 3. Click the Send button.

Step 4. Answer the Private Call with RADIO-1 and respond to the console.

Step 5. Verify RADIO-2 does not hear the private conversation.

Step 6. After completing the Private Call, return to the normal talkgroup mode.

Pass____ Fail____

6.1.10 Console Priority

1. DESCRIPTION

Console Operator Positions have ultimate control of transmitted audio on an assigned voice channel resource. The Console Position has the capability to take control of an assigned voice channel for a talkgroup call so that the operator's audio overrides any subscriber audio. Console priority is a feature that enables dispatchers to gain immediate access to an assigned voice channel so that a central point of audio control exists.

SETUP

RADIO-1 - TALKGROUP 1
RADIO-2 - TALKGROUP 1
CONSOLE-1 - TALKGROUP 1

VERSION #1.020

2. TEST

Step 1. Initiate a Talkgroup call from RADIO-1 on TALKGROUP 1. Keep this call in progress until the test has completed.

Step 2. Observe that RADIO-2 receives the call.

Step 3. While the call is in progress, key up CONSOLE-1 on TALKGROUP 1.

Step 4. Observe that RADIO-2 is now receiving audio from CONSOLE-1 on TALKGROUP 1.

Step 5. De-key CONSOLE-1.

Step 6. Verify RADIO-2 now receives RADIO-1 audio.

Step 7. End the TALKGROUP 1 call from RADIO-1.

Pass____ Fail____

MCC 7500 Trunked Resources

6.1.11 Activity Log

1. DESCRIPTION

The Console activity log will show all traffic for the resource assigned to that console to include the time, radio alias, TG, PTT ID and Emergency Call.

The dispatcher has the capability of selecting a logged call within in the "Activity Log Window" for instant transmit on the corresponding logged resource.

This activity log can be logged to a text file for archival purposes.

Note: The log file in the ops will only be seen if you first check Log Activity in Elite Admin application then in folder options uncheck hide hidden system files. The location will be c:\Program Data\MCC7500\MessageMonitorLogs.

SETUP

RADIO-1 – TALKGROUP 1
RADIO-2 – TALKGROUP 2
RADIO-3 – TALKGROUP 3
RADIO-4 – TALKGROUP 4
CONSOLE-1 – TALKGROUP 1, TALKGROUP 2, TALKGROUP 3, TALKGROUP 4

VERSION #1.020

2. TEST

Step 1. On CONSOLE-1 select the "Show Activity Log" button on the tool bar to open the Activity Log Window.

Step 2. Initiate calls on RADIO-1, RADIO-2, RADIO-3 and RADIO-4 to log call information and verify calls are displayed in the activity log window.

Step 3. Select a logged call in the Activity Log Window and verify that the Channel Control Window (CCW) at the top of the Activity log window changes to the corresponding resource. Verify the dispatcher is capable of responding via the instant transmit button.

Step 4. Open the text file created by the Activity Log and verify call traffic has been archived to the document file.

Pass____ Fail____

6.2 MCC 7500 CONVENTIONAL RESOURCES

6.2.1 Console Priority

1. DESCRIPTION

Console Operator Positions have ultimate control of transmitted audio on an assigned resource. The Console Position has the capability to take control of an assigned voice channel for a channel/talkgroup call so that the operator's audio overrides any subscriber audio. Console priority is a feature that enables dispatchers to gain immediate access to an assigned voice channel so that a central point of audio control exists.

SETUP

RADIO-1 - CONVENTIONAL CHANNEL 1
RADIO-2 - CONVENTIONAL CHANNEL 1

CONSOLE-1 - CONVENTIONAL CHANNEL 1

VERSION #1.040

2. TEST

Step 1. Initiate a call from RADIO-1 on CONVENTIONAL CHANNEL 1. Keep this call in progress until the test has completed.

Step 2. Observe that RADIO-2 receives the call.

Step 3. While the call is in progress, key up CONSOLE-1 on CONVENTIONAL CHANNEL 1.

Step 4. Observe that RADIO-2 is now receiving audio from CONSOLE-1 on CONVENTIONAL CHANNEL 1

Step 5. De-key CONSOLE-1.

Step 6. Verify RADIO-2 now receives RADIO-1 audio.

Step 7. End the CONVENTIONAL CHANNEL 1 call from RADIO-1.

Pass____ Fail____

6.2.2 Alert Tones - Conventional Channel

1. DESCRIPTION

Pre-defined alert tones can be transmitted on the selected Radio Resource to subscribers which can alert members of a channel / talkgroup to a particular event or signify to radio users special instructions are to follow. The Console has the ability to send an Alert-Tone signal on selected conventional or talkgroup resources.

SETUP

RADIO-1 - CONVENTIONAL CHANNEL 1
RADIO-2 - CONVENTIONAL CHANNEL 1
CONSOLE-1 - CONVENTIONAL CHANNEL 1

VERSION #1.030

2. TEST

Step 1. Select CONVENTIONAL CHANNEL 1 on CONSOLE-1.

Step 2. Select Alert Tone 1 and depress the Alert Tone button.

Step 3. Verify that RADIO-1 and RADIO-2 hear Alert Tone 1.

Step 4. Repeat Steps 2-3 for Alert Tone 2 and 3.

Pass____ Fail____

MCC 7500 Conventional Resources

6.2.3 Activity Log - Conventional

1. DESCRIPTION

The MCC7500 Console activity log will show all traffic for the resource assigned to that console to include the time, radio alias, Channel, PTT ID and Emergency Call.
The dispatcher has the capability of selecting a logged call within in the "Activity Log Window" for instant transmit on the corresponding logged resource.
This activity log can be logged to a text file for archival purposes.

Note: The log file in the ops will only be seen if you first check Log Activity in Elite Admin application then in folder options uncheck hide hidden system files. The location will be c:\Program Data\MCC7500\MessageMonitorLogs.

SETUP

RADIO-1 – CONVENTIONAL CHANNEL 1
RADIO-2 – CONVENTIONAL CHANNEL 2
RADIO-3 – CONVENTIONAL CHANNEL 3
RADIO-4 – CONVENTIONAL CHANNEL 4

CONSOLE-1 – CONVENTIONAL CHANNEL 1, CONVENTIONAL CHANNEL 2, CONVENTIONAL CHANNEL 3, CONVENTIONAL CHANNEL 4

VERSION #1.060

2. TEST

Step 1. On CONSOLE-1 select the "Show Activity Log" button on the tool bar to open the Activity Log Window.

Step 2. Initiate calls on RADIO-1, RADIO-2, RADIO-3 and RADIO-4 to log call information and verify calls are displayed in the activity log window.

Step 3. Select a logged call in the Activity Log Window and verify that the Channel Control Window (CCW) at the top of the Activity log window changes to the corresponding resource. Verify the dispatcher is capable of responding via the instant transmit button.

Step 4. Open the text file created by the Activity Log and verify call traffic has been archived to the document file.

Pass____ Fail____

MCC 7500 Conventional Resources

6.2.4 ID Stacking

1. DESCRIPTION

During normal call operation radio IDs are displayed in the resource window for a particular resource. These IDs are saved in a "Stack" and can be viewed to determine which radios made the previous calls. The stack size can be up to 10 IDs. This test is applicable to the Digital Conventional feature.

SETUP

RADIO-1 - CONVENTIONAL CHANNEL 1
RADIO-2 - CONVENTIONAL CHANNEL 1
RADIO-3 - CONVENTIONAL CHANNEL 1

CONSOLE-1 - CONVENTIONAL CHANNEL 1

VERSION #1.020

2. TEST

Step 1. At CONSOLE-1 view the CONVENTIONAL CHANNEL 1 Resource Window.

Step 2. Initiate calls from RADIO-1, RADIO-2 then RADIO-3 on CONVENTIONAL CHANNEL 1.

Step 3. Scroll through the stack to see that the radio IDs are displayed in the order received.

Step 4. Repeat steps 1-3 for a sample of the remaining OPs as needed.

Pass____ Fail____

6.3 SIGNOFF CERTIFICATE

By their signatures below, the following witnesses certify they have observed the system Acceptance Test Procedures.

Signatures

WITNESS: _____Date: _____

Please Print Name: _____ _____

Initials:

Please Print Title: _____

WITNESS: _____Date: _____

Please Print Name: _____ _____

Initials:

Please Print Title: _____

WITNESS: _____Date: _____

Please Print Name: _____ _____

Initials:

Please Print Title: _____

SECTION 7

WARRANTY AND MAINTENANCE

7.1 WARRANTY SERVICES EBRCSA MCC7500E CONSOLE ADD ONS

Motorola Solutions will provide warranty services per our standard warranty terms and conditions as outlined within the Contract Documentation section within this proposal. In addition to the Standard Commercial Warranty, Post-Warranty Services for this MCC 7500E two Console Add On project will be included to match the current East Bay Regional Communications System Authority (EBRCSA) Maintenance and System Upgrade Agreements.

7.2 POST-WARRANTY MAINTENANCE SERVICES FOR LIVERMORE PD MCC7500E TWO CONSOLE ADD-ON

Motorola Solutions will add maintenance services for Livermore PD's MCC 7500E Dispatch Console Operator Positions to the existing EBRCSA maintenance contract for the following amounts.

EBRCSA Livermore PD MCC 7500E Dispatch Console Ops Annual Maintenance

Year 1	Year 2
Included	$5,510

7.3 POS- WARRANTY NETWORK UPDATES (SUA II) ANNUAL SERVICES COST EBRCSA 2 MCC7500 CONSOLE ADD-ONS

Motorola Solutions will add SUA II services for Livermore PD MCC 7500E Dispatch Console Operator Position to the existing EBRCSA SUA II contract for the following amounts.

EBRCSA Livermore PD Add-On Position MCC 7500E Dispatch Console Op Post Warranty SUA II

Year 1	Year 2
Included	$6,524

Use or disclosure of this proposal is subject to the restrictions on the cover page.

Motorola Solutions Confidential Restricted

SECTION 8

PRICING SUMMARY

8.1 PROPOSAL PRICING

Motorola is pleased to provide the following equipment and services to Livermore Police Department. This pricing is valid for 90 days.

Description	Price (USD)
Equipment: - MCC7500 Consoles - Master System Licenses	$125,340
Contra Costa County Contract Equipment Discount	-$21,105
Equipment Total	$104,235
Project Services: - Project Management - Engineering Support - Detailed Design Review - Equipment Ordering, Manufacturing and Shipment - Optimization - Functional Acceptance Testing	$63,517
Estimated Tax on Equipment (10.25%)	$10,684
Project Total	**$178,436**

8.2 SYSTEM PAYMENT MILESTONES

1. 50% of the Contract Price due upon contract execution (due upon effective date);
2. 50% of the Contract Price due upon Final Acceptance.

8.3 WARRANTY AND MAINTENANCE SERVICES TERMS

Motorola will invoice Customer annually in advance of each year of the plan.

The chart below outlines the hourly labor rates for Motorola System Integration resources to be used. The staffing requirements shall be multiplied by the appropriate rate per resource in the table below. The hourly labor rates are fully burdened. The hourly rates per resource type and level are listed in Table 1.

	Resource Types			
Levels	Project Management	System Engineering	System Technologist	Project Administration
4	$ 290.00	$ 300.00	$ 280.00	$ 200.00
3	$ 240.00	$ 250.00	$ 240.00	$ 180.00
2	$ 220.00	$ 220.00	$ 220.00	$ 170.00
1	$ 190.00	$ 210.00	$ 210.00	$ 160.00

Table 1 - Hourly Rates

These rates apply to ordinary days and times (Monday to Friday during the hours 8am to 5pm). Additional surcharges may apply to work done outside these timeframes. The minimum charge for any resource will be 4 hours. Travel expenses are not included in these rates and may be charged separately. The qualifications of each type and level of resource are defined in the tables found at https://www.motorolasolutions.com/content/dam/msi/secure/services/labor-rates-exhibit-160408.pdf. All Motorola System Integration personnel assigned to this project will be classified according these levels. Project Administrative roles are varied and their specific duties and qualifications will be determined by the complexity and requirements of each project.

8.4 MATERIALS AND LABOR PRICE INCREASE

In the event that there are significant increases in the prices that Motorola pays for materials and supplies for the work to be performed between the date the Agreement is signed and the date that materials are purchased for the work to be performed, Motorola shall be entitled to additional compensation from Customer as described herein. A significant increase in price is defined herein as an increase as to any specific items of materials of three percent (3%) or more from original proposal. In such a case, Customer shall pay to Motorola, on request, all sums by which the cost to Motorola for any such items of materials has increased beyond 3%. This would apply, but not be limited to price increases in any components included in the Bill of Materials or Scope of Work as well as manufactured products and equipment or third party manufactured products and equipment. Motorola shall not be responsible for increased prices of materials when caused by delays, shortages or unavailability of materials due to conditions not caused by Contractor. Any pricing change would be documented in a change order executed with the Customer.

SECTION 9

PROPOSAL CLOSE AND SIGNATURE

This quotation shall remain valid for 90 days from the date of this proposal. Acceptance of this proposal may be made by issuing a Purchase Order that specifically refers to the existing "July 7, 2009, CSA and the Motorola Solutions proposal. Any questions Livermore PD has regarding this proposal can be directed to Michael Larson, Senior Account Manager, at (530) 333-7584, michael.larson@motorolasolutions.com.

Our goal is to provide Livermore PD with the best products and services available in the communications industry. We thank you for the opportunity to present our proposed solution, and we hope to strengthen our relationship by implementing this project.

Sincerely,

Gordon Poole

Area Sales Manager

Motorola Solutions, Inc.

SECTION 10

CONTRACTUAL DOCUMENTATION

10.1 TERMS AND CONDITIONS

This Proposal is subject to the terms and conditions of the existing Communications System Agreement (CSA) between EBRCSA and Motorola, dated July 7, 2009, as amended, and the attached Maintenance, Support and Lifecycle Addendum.

10.2 MAINTENANCE, SUPPORT AND LIFECYCLE MANAGEMENT ADDENDUM

This Addendum to the Communications System and Services Agreement or other previously executed Agreement currently in force, as applicable ("Primary Agreement") provides additional or different terms and conditions to govern the sale of Maintenance, Support and Lifecycle Management services. The terms in this Addendum are integral to and incorporated into the Primary Agreement signed by the Parties.

1. DEFINITIONS

All capitalized terms not otherwise defined herein shall have the same meaning as defined in the Primary Agreement.

"MUA" means Microwave Upgrade Agreement (MUA).

"NUA" means Network Upgrade Agreement (NUA).

"SUA" or "SUA II" means Motorola's Software Upgrade Agreement program for Motorola's P25 radio system.

2. SCOPE

Motorola will provide Maintenance and Support Services and/or Lifecycle Management as further described in the applicable Statement of Work, or attachment to Motorola's proposal for additional services.

3. TERMS AND CONDITIONS

The terms of the Primary Agreement combined with the terms of this Addendum will govern the products and services offered pursuant to this Addendum. To the extent there is a conflict between the terms and conditions of the Primary Agreement and the terms and conditions of this Addendum, this Addendum takes precedence.

3.1 MAINTENANCE AND SUPPORT SERVICES

3.1.1 PURCHASE ORDER ACCEPTANCE. Purchase orders for additional, continued, or expanded maintenance and software support, during the Warranty Period or after the Warranty Period, become binding only when accepted in writing by Motorola.

3.1.2 START DATE. The "Start Date" for Maintenance and Support Services will be indicated in the proposal or a cover page entitled "Service Agreement".

3.1.3 AUTO RENEWAL. Unless the cover page or SOW specifically states a termination date or one Party notifies the other in writing of its intention to discontinue the Services, this Agreement will renew for an additional one (1) year term on every anniversary of the Start Date. At the anniversary date, Motorola may adjust the price of the Services to reflect the renewal rate.

3.1.4 TERMINATION. Written notice of intent to terminate must be provided thirty (30) days or more prior to the anniversary date. If Motorola provides Services after the termination or expiration of this Addendum, the terms and conditions in effect at the time of termination or expiration will apply to those Services and Customer agrees to pay for those services on a time and materials basis at Motorola's then effective hourly rates.

Use or disclosure of this proposal is subject to the restrictions on the cover page.

3.1.5 EQUIPMENT DEFINITION. For maintenance and support services, Equipment will be defined to mean the hardware specified in the applicable SOW or attachments to the maintenance and support proposal.

3.1.6 ADDITIONAL HARDWARE. If Customer purchases additional hardware from Motorola that becomes part of the System, the additional hardware may be added to this Addendum and will be billed at the applicable rates after the warranty period for that additional equipment expires. Such hardware will be included in the definition of Equipment.

3.1.7 MAINTENANCE. Equipment will be maintained at levels set forth in the manufacturer's product manuals and routine procedures that are prescribed by Motorola will be followed. Motorola parts or parts of equal quality will be used for Equipment maintenance.

3.1.8 EQUIPMENT CONDITION. All Equipment must be in good working order on the Start Date or when additional equipment is added to the Addendum. Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment. Customer must promptly notify Motorola in writing when any Equipment is lost, damaged, stolen or taken out of service. Customer's obligation to pay maintenance and support fees for this Equipment will terminate at the end of the month in which Motorola receives the written notice. If Equipment cannot, in Motorola's reasonable opinion, be properly or economically maintained for any reason, Motorola may modify the scope of Services related to that Equipment; remove that Equipment from the Agreement; or increase the price to maintain that Equipment.

3.1.9 EQUIPMENT FAILURE. Customer must promptly notify Motorola of any Equipment failure. Motorola will respond to Customer's notification in a manner consistent with the level of Service purchased as indicated in this Addendum and applicable SOW.

3.1.10 INTRINSICALLY SAFE. Customer must specifically identify any Equipment that is labeled intrinsically safe for use in hazardous environments.

3.1.11 EXCLUDED SERVICES.

a) Service excludes the repair or replacement of Equipment that has become defective or damaged from use in other than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

b) Unless specifically included in this Addendum, Service excludes items that are consumed in the normal operation of the Equipment, such as batteries or magnetic tapes.; upgrading or reprogramming Equipment; accessories, belt clips, battery chargers, custom or special products, modified units, or software; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no obligations for any transmission medium, such as telephone lines, computer networks, the internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

3.1.12 TIME AND PLACE. Service will be provided at the location specified in this Addendum and/or the SOW. When Motorola performs maintenance, support, or installation at Customer's location, Customer will provide Motorola, at no charge, a non-hazardous work environment with adequate shelter, heat, light, and power and with full and free access to the Equipment. Waivers of liability from Motorola or its subcontractors will not be imposed as a site access requirement. Customer will provide all information pertaining to the hardware and software elements of any system with which the Equipment is interfacing so that Motorola may perform its Services. Unless otherwise stated in this Addendum or applicable SOW, the hours of Service will be 8:30 a.m. to 4:30 p.m., local time, excluding weekends and holidays. Unless otherwise stated in this Addendum or applicable SOW, the price for the Services exclude any charges or expenses associated with helicopter or other unusual access requirements; if these charges or expenses are

reasonably incurred by Motorola in rendering the Services, Customer agrees to reimburse Motorola for those charges and expenses.

3.1.13 CUSTOMER CONTACT. Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available twenty-four (24) hours per day, seven (7) days per week, and an escalation procedure to enable Customer's personnel to maintain contact, as needed, with Motorola.

3.2 LIFECYCLE MANAGEMENT SERVICES

3.2.1 The Software License Agreement included as Exhibit A to the Primary Agreement applies to any Motorola Software provided as part of the Lifecycle Management transactions.

3.2.2 The term of this Addendum is 2 years, commencing on _____, 2024. The Lifecycle Management Price for the 2 years of services is $12,034, excluding applicable sales or use taxes but including discounts as more fully set forth in the pricing pages. Because the Lifecycle Management is a subscription service as more fully described in the applicable Lifecycle Management Statement of Work, payment from Customer is due in advance and will not be in accordance with any Payment Milestone Schedule.

3.2.3 The System upgrade will be scheduled during the subscription period and will be performed when Motorola's system upgrade operation resources are available. Because there might be a significant time frame between when this Addendum is executed and when a System upgrade transaction is performed, Motorola may substitute any of the promised Equipment or Software so long as the substitute is equivalent or superior to the initially promised Equipment or Software.

3.2.4 Acceptance of a Lifecycle Management transaction occurs when the Equipment (if any) and Software are delivered and the Lifecycle Management services are fully performed; there is no Acceptance Testing with a Lifecycle Management transaction.

3.2.5 The Warranty Period for any Equipment or Motorola Software provided under a Lifecycle Management transaction will commence upon shipment and not on System Acceptance or Beneficial Use, and is for a period of ninety (90) days rather than one (1) year. The ninety (90) day warranty for Lifecycle Management services is set forth in the Lifecycle Management Statement of Work.

3.2.6 In addition to the description of the Lifecycle Management services and exclusions provided in the Lifecycle Management Statement of Work, the following apply:

a) Upon reasonable request by Motorola, Customer will provide a complete serial and model number list of the Equipment.

b) Lifecycle Management services exclude the repair or replacement of Equipment that has become defective or damaged from use in other than the normal, customary, intended, and authorized manner; use not in compliance with applicable industry standards; excessive wear and tear; or accident, liquids, power surges, neglect, acts of God or other force majeure events.

c) Unless specifically included in this Addendum or the Lifecycle Management Statement of Work, Lifecycle Management services exclude items that are consumed in the normal operation of the Equipment; accessories; and repair or maintenance of any transmission line, antenna, microwave equipment, tower or tower lighting, duplexer, combiner, or multicoupler. Motorola has no obligations for any transmission medium, such as telephone lines, computer networks, the internet or the worldwide web, or for Equipment malfunction caused by the transmission medium.

d) Customer will provide Motorola with designated points of contact (list of names and phone numbers) that will be available during the performance of the Lifecycle Management services.

3.2.7 The Lifecycle Management annualized price is based on the fulfillment of the two year cycle. If Customer terminates this service during a two year cycle, except for Motorola's default, then Customer will be required to pay for the balance of payments owed for the two year cycle if a major system release has been implemented before the point of termination.

3.2.8 If Customer terminates this service and contractual commitment before the end of the 2 year term, for any reason other than Motorola's default, then the Customer will pay to Motorola a termination fee equal to the discount applied to the last three years of service payments related to the 2 year commitment.

4. PAYMENT

4.1 Unless alternative payment terms are stated in this Agreement, Motorola will invoice Customer in advance for each payment period. All other charges will be billed monthly, and the Customer must pay each invoice in U.S. dollars within thirty (30) days of the invoice date. Customer will reimburse Motorola for all property taxes, sales and use taxes, excise taxes, and other taxes or assessments that are levied as a result of Services rendered under this Agreement (except income, profit, and franchise taxes of Motorola) by any governmental entity.

4.2 INFLATION ADJUSTMENT. For multi-year agreements, at the end of the first year of the Agreement and each year thereafter, a CPI percentage change calculation shall be performed using the U.S. Department of Labor, Consumer Price Index, all Items, Unadjusted Urban Areas (CPI-U). Should the annual inflation rate increase greater than 3% during the previous year, Motorola shall have the right to increase all future maintenance prices by the CPI increase amount exceeding 3%. All items, not seasonally adjusted shall be used as the measure of CPI for this price adjustment. Measurement will take place once the annual average for the new year has been posted by the Bureau of Labor Statistics. For purposes of illustration, if in year 5 the CPI reported an increase of 8%, Motorola may increase the Year 6 price by 5% (8%-3% base).

5. ENTIRE AGREEMENT. This Addendum, any related attachments, and the Primary Agreement, constitutes the entire agreement of the Parties regarding the subject matter of this Addendum and supersedes all previous agreements, proposals, and understandings, whether written or oral, relating to this subject matter. This Addendum may be amended or modified only by a written instrument signed by authorized representatives of both Parties. The preprinted terms and conditions found on any Customer purchase or purchase order, acknowledgment or other form will not be considered an amendment or modification of this Addendum, even if a representative of each Party signs that document.

END

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.7**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution authorizing a supplemental appropriation in the amount of $26.7 million to Fiscal Year 2023-24; awarding a construction contract with Zovich Construction in an amount not-to-exceed $30,090,000 for Livermore Village Parking Garage (L Street Garage) Construction, Phase 2, Project 586003; awarding an agreement with Quality Assurance Engineering, Inc. in an amount not-to-exceed $474,000 for construction inspection services; and approving the second amendment with Watry Buehler Collaborative, LLP increasing the amount of the agreement by $114,000 to a total not-to-exceed amount of $1,624,000 for additional engineering design and construction support services.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution for the Livermore Village Parking Garage (L Street Garage) Construction, Phase 2, Project 586003:

1. Authorizing a supplemental appropriation of $3,700,000 in Fund 320 (2022 COP Debt Construction Fund) from FY 2022-23 to FY 2023-24.
2. Authorizing a supplemental appropriation from issuance of bonds previously approved by Council of $23,000,000 in Fund 320 (2022 COP Debt Construction Fund) in FY 2023-24.
3. Awarding and authorizing execution of an agreement with Zovich Construction, in an amount not-to-exceed $30,090,000, for construction of the Livermore Village Parking Garage Construction, Phase 2 Project 586003.
4. Authorizing execution of an agreement with Quality Assurance Engineering, Inc. in an amount not-to-exceed $474,000, for construction inspections and materials testing services; and
5. Authorizing execution of a second amendment to the agreement with Watry Buehler Collaborative, LLP, increasing the amount of the agreement by $114,000 to a total not-to-exceed amount of $1,624,000, for additional design and construction support services.

SUMMARY

The Livermore Village Parking Garage (L Street Garage) Construction Project involves constructing a garage and associated site improvements at the southwest corner of the Livermore Village site. As

shown in Attachment 1, the project is being constructed in two phases. The first phase is under construction and consists of reconfiguring the surface parking lot south of Veterans Way and east of the future garage and constructing a trash enclosure and electrical infrastructure for future electric vehicle charging stations. The second phase involves building the four-level, 452 space garage, constructing a new pedestrian path between First Street and the garage, and extending the pedestrian path on the east side of the surface lot. Additional Phase 2 improvements include an access road south of the garage, landscaping north of the garage on Veterans Way, surface lot improvements connecting the garage to the Phase 1 lot, installing a crosswalk at Veterans Way and L Street, and improvements along the property lines between the businesses and the garage.

Three bids for the Phase 2 project were received on October 26, 2022. Staff recommends the City Council award and authorize a construction contract with Zovich Construction, the lowest responsible and responsive bidder, and authorize the City Manager to sign the agreement. Staff also recommends the City Council authorize a Professional Services agreement with Quality Assurance Engineering, Inc. to provide inspection and materials testing during construction. Staff further recommends the City Council authorize an amendment to the engineering services agreement with Watry Buehler Collaborative to provide additional design and construction support services. Finally, staff recommends the City Council authorize supplemental appropriations in the amount of $26,700,000 from Fund 320 (2022 COP Debt Construction Fund) to Fiscal Year 2023-24 to coincide with anticipated construction expenditures and to fully fund the project.

DISCUSSION

On January 30, 2018, the City Council approved the locations for open space, housing, parking and circulation systems, cultural facilities, commercial uses, and a hotel for the downtown catalyst sites. The approved plan includes additional parking on the northwest side of the existing Livermore Valley Parking Garage located at I Street and Railroad Avenue (I Street Garage) and additional parking at the southwest corner of the Livermore Village Site (L Street Garage). City Council directed staff to maintain the existing parking supply during all phases of downtown development and to provide adequate parking for all existing and new development. The new Livermore Village Parking Garage (L Street Garage) will help the city meet these objectives.

Parking in the downtown core has primarily been in large surface parking lots. In order to provide room for new development and amenities such as parks, pathways, cultural facilities, businesses, restaurants, housing, and a hotel, parking needs to be consolidated into parking structures. Upon completion of the L Street Garage there will be a total of 1,225 parking spaces in the Livermore Valley Center Garage (Railroad Ave Garage), I Street Garage, and the L Street Garage. The surface lot next to the L Street Garage will provide an additional 40 parking spaces. The garages will provide a number of benefits compared to the current surface parking. New green spaces will be developed as parks, pathways, and landscaping that provide percolation and treatment for stormwater. Exposed stormwater runoff from the garages will be treated in bioswales and interior drainage will be run through sand oil separators and then into the sewer system. Soil containing trace amounts of the dry-cleaning solvent tetrachloroethylene (PCE) will be removed during construction of the L Street Garage. Additionally, soil vapor extraction wells will be constructed. These wells will help clean the soil vapor at the Livermore Village Site.

The Planning Commission reviewed the project on August 21, 2018. The Planning Commission determined that the project is consistent with the Livermore General Plan and related polices and recommended that the City Council approve the project. On September 10, 2018, the City Council

approved Downtown Design Review 18-006 for the project subject to the Conditions of Approval. The City Council also directed staff to prepare and file a Notice of Determination for the project. On July 11, 2022, City Council extended Downtown Design Review 18-006 for the Livermore Village Parking Garage (L Street Garage) Construction Project 586003 to December 31, 2022, due to the 2018 Referendum and COVID-19 pandemic in accordance with Livermore Development Code Section 9.12.070.

As shown in Attachment 1, the L Street Garage will be located at the southeast corner of Veterans Way and L Street. The main entrance/exit will be along Veterans Way. There will be an additional entrance/exit from the southern end of the surface parking lot east of the garage. An access road will be constructed south of the garage. This access road will be for deliveries, garbage trucks, and emergency vehicles. A new pedestrian pathway will be constructed between First Street and the elevator towers of the garage. Landscaping will be installed north of the garage along Veterans Way. Crosswalks will be constructed at L Street and Veterans Way and also across Veterans Way near the interior of the block. A small plaza and landscaping will be constructed east of the garage. The surface lot east of the garage will be completed and will contain 40 spaces. The existing pedestrian pathway will be renovated and extended at the east end of the site between First Street and the surface parking lot.

The rear building at 2048 First Street was demolished in 2020 to facilitate construction of the L Street Garage. The Historic Preservation Commission inspected the building prior to demolition and requested that the City salvage the brick arch at the northern end of the building. The project involves reconstructing the brick arch south of the elevator towers. A historical plaque will be installed next to the arch that explains the history of the demolished building. The plaque text was approved at the October 6, 2022 Historic Preservation Commission meeting.

The garage will be 4 levels and contain 452 parking spaces. Attachment 2 contains renderings and elevations of the garage. Each level of the garage will have a pedestrian walkway on the southern side. Pedestrians will be able to walk through the garage on the bottom level between the access road and Veterans Way. There will be bioswale in the middle of the parking garage between the two parking bays. A total of 50 spaces at the site will be equipped with electric vehicle chargers. Sixteen of these spaces will be Level 3 fast charging spaces in the surface lot east of the garage. An additional 16 Level 3 fast charging spaces will be constructed inside the garage. These fast-charging spaces will be operated and maintained by East Bay Community Energy Authority per the requirements of the license agreement that was approved by the City Council on September 12, 2022. The City will install and maintain an additional 18 Level 2 electric vehicle charging spaces inside the garage.

A parking technology system will be installed in the garage that monitors whether each space is available or occupied. Signs will be installed at the entrance/exits and at each floor indicating how many spaces are available. The same vendor will be used that installed the parking technology in the Livermore Valley Center Garage and the I Street Garage. The vendor has an application that can be used to monitor available parking in the garages. The "Livermore Parking" application is available and can be downloaded for use.

Security cameras will be installed in the garage and also at the outside corners of the garage. These cameras will be able to monitor activity inside the garage and also at the surrounding Livermore Village site. Thirty bike lockers will be installed on the bottom level. Conduits and supports for future solar panels will also be installed. Requests for Proposals will be issued for a solar power purchase agreement after the garage is constructed, to add solar panels to the roof of the garage. Requests for proposals for a mural on the eastern wall of the garage will also be issued after the garage is constructed. The mural

work will be coordinated with the Commission for the Arts.

Construction activities from the L Street Garage will impact businesses in the downtown. Staff has met with Livermore Downtown Inc. and downtown businesses to discuss the project and means of mitigating impacts. These mitigation measures have been incorporated into the project. Additionally, the completion of other projects has been coordinated to reduce the impacts of the L Street Garage Project. Buildings were demolished and replaced with temporary parking north of Veterans Way to increase the amount of parking at the Livermore Village site. SpeeDee Oil Change was also demolished and replaced with temporary parking at the southeast corner of Railroad Avenue and Livermore Avenue. The I Street garage was constructed and contains 274 new parking spaces. A surface lot was also constructed at the northeast corner of Railroad and K Street which provides over 80 parking spaces. Additionally, the L Street Garage Project was split into two phases so that the first phase can be completed before the second phase begins. The first phase will provide a trash enclosure for businesses that are most impacted by the garage construction and will provide access for deliveries during construction of the second phase. In summary, the required total number of parking spaces in the Downtown Core will be maintained during construction of the garage; however, the spaces will be further from the businesses on First Street. Once the L Street Garage is completed, parking will be available closer to the First Street businesses compared to current conditions.

Attachment 3 shows the areas that will be impacted during construction of the L Street Garage. As shown, the western half of Veterans Way will need to be fenced off to provide room for construction materials and a crane. Garage construction requires significant storage of materials because each level needs to be formed and poured. The forms and construction material require a large staging area outside the garage footprint. Adequate room for the crane will also be required. The crane will be approximately 60 feet in length and will operate along the north side of the garage. The contractor will repair the road and complete the landscaping at the end of the project.

Mitigation measures include rerouting traffic on Veterans Way north and west through the surface parking lot to L Street. "Public Parking" and "Business Open" signs will be posted at the remaining four entrances/exits to Livermore Village. Pedestrians will be able to access First Street from the parking area north of Veterans Way through the completed Phase 1 surface parking lot area. The Contractor is required to provide pedestrian access to the businesses south of the garage. Additionally, the contractor needs to leave the alley between Murphy's Paws and Caratti Jewelers open to the public until the access road is completed south of the garage.

Additional engineering and professional services are required to support construction of this major project. These additional services include construction inspection, materials testing, and additional design and construction engineering support. Staff has negotiated the attached professional services agreement and scope of services with Quality Assurance Engineering, Inc. in the amount of $474,000 for inspection and materials testing. Quality Assurance Engineering recently completed the same services for the I Street Garage. Their inspectors have experience with garage construction and are familiar with City construction procedures. The inspection and materials testing contract of $474,000 represents 1.6 percent of the $30,090,000 construction cost. This is within industry standards.

Staff has also negotiated the attached Second Amendment to the Engineering Services Agreement with Watry Buehler Collaborative, LLP for additional design and construction support services. This amendment will increase the amount of the agreement by $114,000 to a not-to-exceed amount of $1,624,000. These services are required for items not in the original scope of work such as the trash

enclosure for businesses south of the garage, two kiosks in the pathways next to the garage, modifying the parking technology design for single space detection, redesigning grades around the Alehouse back patio, and designing supports and electrical connections for future vehicle license plate readers that will be installed by the Police Department.

Three bids were received and opened for this project on October 26, 2022. The lowest responsible and responsive bidder was Zovich Construction from Brentwood. Satisfactory references were provided for Zovich Construction by the City of Fremont and County of Monterey for their work as the general contractor on major building infrastructure projects.

One of the contractors tied for the second low bid, C. Overaa & Co, submitted a bid protest. Staff responded with a letter rejecting the bid protest.

The following is a list of the bids received and the Engineer's Estimate for the project.

Livermore Village Parking Garage Construction, Phase 2- Bid Results

Contractor	City	Bid Amount
Zovich Construction.	Brentwood	$30,090,000
C. Overaa & Co.	Richmond	$30,402,000
F&H Construction	Lodi	$30,402,000
Engineer's Estimate		$32,000,000

In accordance with Livermore Municipal Code Section 2.68.560, Change Order authorization of 10% of the contract value is allowed.

FISCAL AND ADMINISTRATIVE IMPACTS

The City Council approved the issuance of up to $47 million in bonds (2022 COP Debt Construction Fund 320) for the Livermore Village Parking Garage (L Street Garage) Construction, Project 586003, on September 12, 2022. Based on the bids received, the total amount of the bonds will be $41,060,000. These bonds will cover the cost of this construction contract, professional services agreement, engineering agreement amendment, other project costs, and issuance costs. Other project costs include Phase 1 construction, change order allowances, design, inspection, materials testing, construction management, project management, and building permit fees. Total estimated expenditures of for Project 586003 are $11.7 million in FY 2022-23 and $26.7 million FY 2023-24. The bonds will also cover prior year expenditures for Project 586003, expenditures for Livermore Village Remediation Project 2021-18, and Livermore Village Joint Trench Project 2021-19 that are associated with the garage construction.

Currently there is $15.4 million budgeted for this project in FY 2022-23 in the FY 2021-23 Capital Improvement Plan. Staff recommends reducing the budget by $3.7 million to match the estimated expenditures of $11.7 million in FY 2022-23. Staff recommends moving this $3.7 million to FY 2023-24 along with an additional appropriation of $23 million so that the total budget in FY 2023-24 is $26.7 million.

Phase 2 construction is anticipated to start in January 2023 and be completed by June 2024.

Annual operations and maintenance costs for the new garage are estimated at $130,000 per year and annual replacement costs are estimated at $160,000 per year. These costs will be funded from the operating budget with Facilities Rehabilitation Program Fees (Fund 740).

ATTACHMENTS

1. Site Plan
2. Renderings
3. Contractor Work Areas
4. Resolution
5. Exhibit A - Zovich Contract
6. Exhibit B - Quality Assurance Agreement
7. Exhibit C - Second Amendment Watry Buehler

Prepared by: Joel Waxdeck
Assistant City Engineer

Approved by:

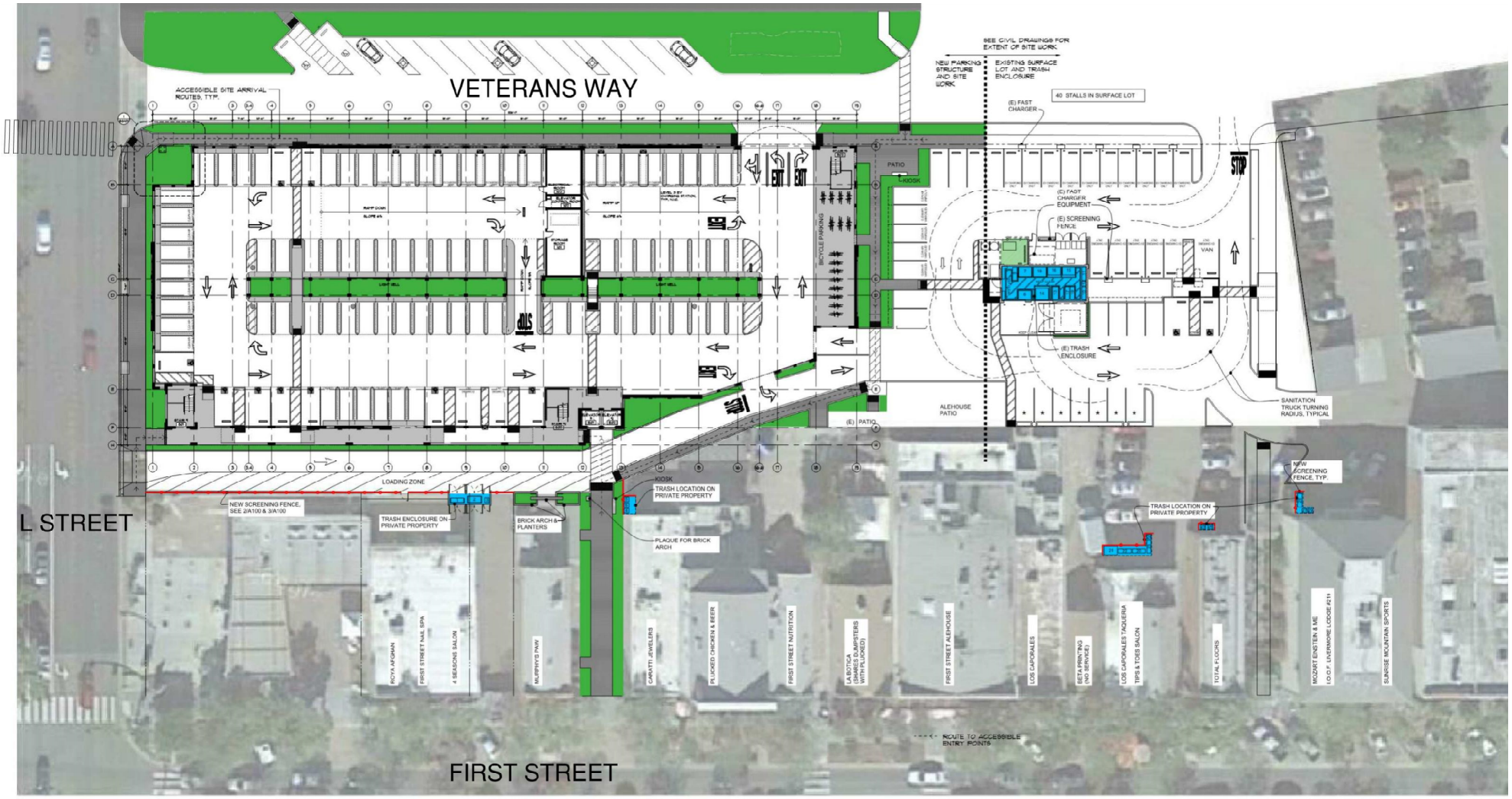
Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

Livermore Village Garage

Site Plan



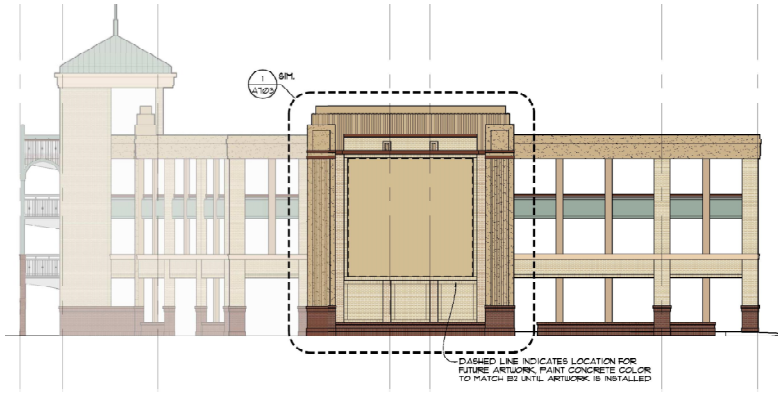
LIVERMORE CALIFORNIA

Livermore Village Garage

Renderings

North Rendering

Northwest Rendering



East Elevation

Southwest Rendering

LIVERMORE
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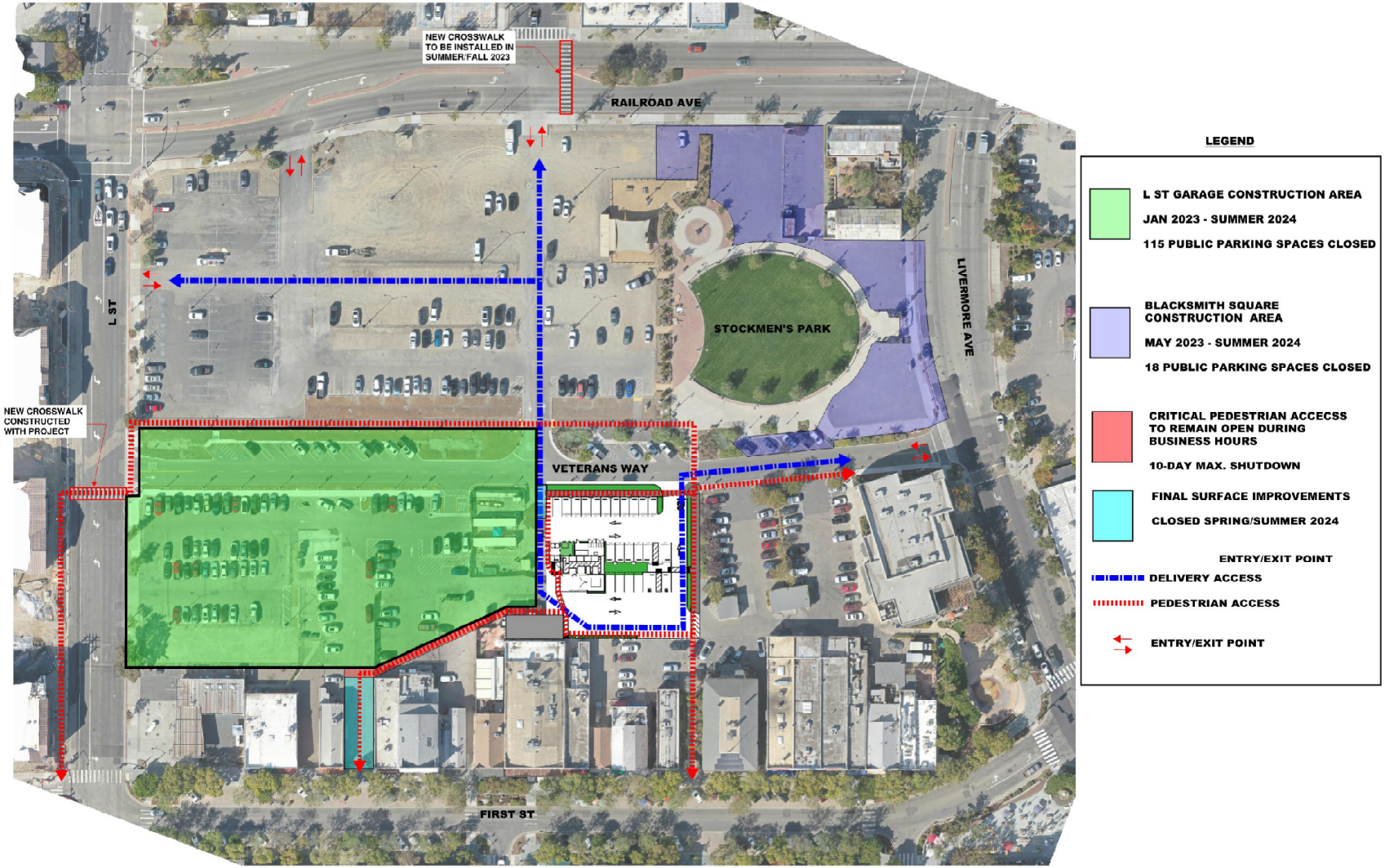
Livermore Village Garage

Contractor Work Areas



LIVERMORE CALIFORNIA

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION IN THE AMOUNT OF $26,700,000, AWARDING A CONSTRUCTION CONTRACT WITH ZOVICH CONSTRUCTION IN AN AMOUNT NOT-TO-EXCEED $30,090,000 FOR THE LIVERMORE VILLAGE PARKING GARAGE (L STREET GARAGE) CONSTRUCTION, PHASE 2, PROJECT 586003, AWARDING AN AGREEMENT WITH QUALITY ASSURANCE ENGINEERING, INC. IN AN AMOUNT NOT TO EXCEED $474,000 FOR CONSTRUCTION INSPECTION SERVICES AND MATERIAL TESTING, AND APPROVING THE SECOND AMENDMENT TO THE AGREEMENT WITH WATRY BUEHLER COLLABORATIVE, LLP INCREASING THE AMOUNT OF THE AGREEMENT BY $114,000 TO A TOTAL NOT-TO-EXCEED AMOUNT OF $1,624,000 FOR ADDITIONAL ENGINEERING DESIGN AND CONSTRUCTION SUPPORT SERVICES

(Livermore Village Parking Garage Construction, Phase 2, Project 586003)

The Livermore Village Parking Garage (L Street Garage) Construction Project involves constructing a garage and associated site improvements at the southwest corner of the Livermore Village site.

The project is being constructed in two phases. The first phase is under construction and consists of reconfiguring the surface parking lot south of Veterans Way and east of the future garage and constructing a trash enclosure and electrical infrastructure for future electric vehicle charging stations. The second phase involves building the four-level, 452 space garage, constructing a new pedestrian path between First Street and the garage, and extending the pedestrian path on the east side of the surface lot.

Additional Phase 2 improvements include an access road south of the garage, landscaping north of the garage on Veterans Way, surface lot improvements connecting the garage to the Phase 1 lot, installing a crosswalk at Veterans Way and L Street, and improvements along the property lines between the businesses and the garage. Phase 2 construction is anticipated to start in January 2023 and be completed by June 2024.

Three bids for the Phase 2 project were received on October 26, 2022.

After a thorough review of all bid submittals by the three bidders, staff recommends the City Council award and authorize a construction contract with Zovich Construction, which has been determined to be the lowest responsible and responsive bidder and authorize the City Manager to sign the agreement.

Staff also recommends the City Council approve a professional services agreement with Quality Assurance Engineering, Inc. to provide inspection and materials testing during construction.

RESOLUTION NO. _____

Staff further recommends the City Council approve a second amendment to the engineering services agreement with Watry Buehler Collaborative, LLP to provide additional design and construction support services.

It is recommended that the City Council authorize supplemental appropriations in the amount of $26,700,000 from Fund 320 (2022 COP Debt Construction Fund) to Fiscal Year 2023-24 to coincide with anticipated construction expenditures and to fully fund the project.

On September 12, 2022, the City Council approved the issuance of up to $47 million in bonds (2022 COP Debt Construction Fund 320) for the Livermore Village Parking Garage Construction, Project 586003. Based on the bids received, the total amount of the bonds will be $41,060,000 to cover the cost of this construction contract, professional services agreement, engineering agreement amendment, other project costs, and issuance costs.

Annual operations and maintenance costs for the new garage are estimated at $130,000 per year and annual replacement costs are estimated at $160,000 per year. These costs will be funded from the operating budget with Facilities Rehabilitation Program Fees (Fund 740).

The project is in conformance with the City's General Plan. On September 12, 2018, a Notice of Determination for the project was filed with Alameda County in compliance with Section 21152 of the Public Resources Code. The environmental effects of the project were previously evaluated in the certified Downtown Specific Plan Amendments and Regional Performing Arts Theater Subsequent EIR (State Clearing House Number 2008092085), dated March 30, 2009.

Since adoption of the Previous EIR, there have been no substantial changes in the project or in the circumstances under which the project is being undertaken which would require changes in the Previous EIR, nor has any significant new information become available which would require changes in the Previous EIR, as stated in the "Addendum for the Specific Plan Amendment Project" document prepared by the City, dated August 2, 2018, and adopted on September 10, 2018. The record of project approval is available to the General Public at: City of Livermore, 1052 South Livermore Avenue, Livermore, CA 94550.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livermore:

1. Authorizes a supplemental appropriation of $3,700,000 in Fund 320 (2022 COP Debt Construction Fund) from Fiscal Year 2022-23 to Fiscal Year 2023-24 for the Livermore Village Parking Garage Construction, Phase 2, Project 586003.
2. Authorizes a supplemental appropriation of $23,000,000 in Fund 320 (2022 COP Debt Construction Fund) to Fiscal Year 2023-24 for the Livermore Village Parking Garage Construction, Phase 2, Project 586003.

3. Awards a construction contract to Zovich Construction for the Livermore Village Parking Garage construction in an amount not-to-exceed $30,090,000 for the Phase 2, Project 586003, and authorizes the City Manager to sign the agreement, attached hereto as Exhibit A and incorporated by this reference.

4. Rejects all other bids or proposals;

5. Authorizes the City Manager to sign on behalf of the City of Livermore, the Professional Services Agreement with Quality Assurance Engineering, Inc., attached hereto as Exhibit B and incorporated by this reference, in an amount not-to-exceed $474,000 for construction inspections and materials testing services for the Livermore Village Parking Garage Construction, Phase 2, Project 586003.

6. Authorizes the City Manager to sign on behalf of the City of Livermore, the Second Amendment to the Engineering Services Agreement with Watry Buehler Collaborative, LLP, attached hereto as Exhibit C and incorporated by this reference, increasing the amount of the agreement by $114,000 to a total not-to-exceed amount of $1,624,000 for additional design and construction support services for the Livermore Village Parking Garage Construction, Phase 2, Project 586003; and

7. Authorizes the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution, including approving minor changes to the proposed agreement.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

*/s/ Tara Mazzanti*_____
Tara Mazzanti
Assistant City Attorney

Exhibit A – Construction Contract with Zovich Construction
Exhibit B – Professional Services Agreement with Quality Assurance Engineering, Inc.
Exhibit C – Second Amendment to Engineering Design Agreement with Watry Buehler Collaborative, Inc.

CONTRACT

This public works contract ("Contract") is entered into by and between the City of Livermore, a California Municipal Corporation ("City") and Zovich Construction a California corporation("Contractor") for work on the Livermore Village Parking Garage Construction, Phase 2 Project 586003 ("Project").

The Parties Agree as Follows:

1. Award of Contract.

In response to the Notice Inviting Bids, Contractor has submitted a Bid Proposal to perform work on the Project, and on _____, 20___, as part of Resolution No. _____, City authorized award of this Contract to Contractor for the amount of Contractor's bid.

2. Contract Documents.

This Contract consists of all of the written representations and submissions made by Contractor as part of the Bid process and the following numbered and un-numbered component documents, as detailed on the table of contents of this Agreement:

a. Bidding requirements (consisting of the Notice Inviting Bids; Instructions to Bidders; Bid Proposal; Bid Schedule, Subcontractor List, Noncollusion Declaration, Bid Bond, Bidder's Questionnaire, Payment Bond, Performance Bond, Warranty Bond);

b. General Conditions;

c. Special Conditions;

d. Division One Technical Specifications;

e. Appendix;

f. Index of Defined Terms;

g. Project Drawings and Specifications;

h. Bid Addenda, if any;

i. Change Orders, if any;

j. ALB Notice;

k. Notice to Proceed;

l. City Standard Specifications and Details;

m. And the following: No other documents

3. Contractor's Obligations.

Contractor agrees to perform all of the Work required for the Project, as specified in the Contract Documents. Contractor must provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including all necessary labor, materials, equipment, transportation, and utilities, unless otherwise specified in the Contract Documents. Contractor must use its best efforts to complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents.

4. Payment.

As full and complete compensation for Contractor's timely performance and completion of the Work in strict accordance with the terms and conditions of the Contract Documents, City will pay Contractor Thirty Million Ninety Thousand Dollars ($30,090,000) (the "**Contract Price**"), in accordance with the payment provisions in the General Conditions.

5. Time for Completion.

5.1. Substantial Completion

Contractor must achieve Substantial Completion, as that term is defined in the General Conditions, of the Project Work within 340 Working Days from the commencement date stated in the Notice to Proceed. ("**Substantial Completion Deadline**."). For this project, the Contractor shall also incorporate an additional 30 inclement Weather Days into their bid estimate. Contractor shall be solely responsible for the extended overhead and profit for these weather days and shall not be compensated by the City in any way, reference Section 10.3 of the General Conditions and Section 013200-4.3 Contract Schedules for additional weather day information.

5.2. Final Completion

Contractor must achieve Final Completion, as that term is defined in the General Conditions, of the Project Work within 25 Working Days after the date of substantial completion. ("**Final Completion Deadline**.")

5.3. Early Completion.

By signing below, Contractor expressly waives any claim for delayed early completion.

6. Liquidated Damages.

If Contractor fails to meet either the Substantial Completion Deadline or the Final Completion Deadline, City may assess liquidated damages according the provisions in the General Conditions of the Contract Documents in the following amounts for each day of Unexcused Delay, and the Contract Price shall be reduced accordingly.

6.1. Substantial Completion Deadline: Two Thousand ($ 3,000) per day.

6.2. Final Completion Deadline: One Thousand ($ 2,000) per day.

7. Labor Code Compliance.

This Contract is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the California Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance.

7.1. Prevailing Wages.

This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. The general prevailing wage rates for each craft, classification or type of covered work are available online at http://www.dir.ca.gov/DLSR.

7.2. DIR Registration.

City will not accept a Bid Proposal from or enter into the Contract with a bidder without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations to perform public work under Labor Code, Section 1725.5, subject to limited legal exceptions allowed by the Labor Code.

8. Workers' Compensation Certification.

Under Labor Code, Section 1861, by signing this Contract, Contractor certifies as follows: "I am aware of the provisions of Labor Code, Section 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract."

The successful bidder previous to the entering of the contract to do the said work shall take out and maintain in full force and effect worker's compensation insurance with an insurance carrier authorized to transact business in the State of California, covering the bidder's full liability for compensation to any persons employed who may be injured in the carrying out of said contract or the dependents thereof. Evidence of such worker's compensation insurance shall be furnished to the City of Livermore by certificate and waiver of subrogation in the City's electronic insurance certificate tracking system (PINS) prior to the commencement of the work and said certificate shall contain a provision that the coverage thereunder will not be canceled until at least thirty (30) days prior written notice has been given to the City.

9. Notice.

Any notice, billing, or payment required by the Contract Documents must be made in writing, and sent to the other party by personal delivery, U.S. Mail, a reliable overnight delivery service, facsimile, or by email as a PDF (or comparable) file. Notice is deemed effective upon delivery unless otherwise specified. Notice for each party must be given as follows:

	City	Contractor
Name	Bob Vinn	Zovich Construction
Address	1052 South Livermore Avenue	103 Technology Court, #A
City/state/zip	Livermore, CA 94550	Brentwood, CA 94513
Phone	925-960-4516	925-775-4227
Fax		
Attention	City Engineer	Ante Zovich
Email	bgvinn@livermoreca.gov	zovich@zovichconstruction.com
Copy to	eireyes@livermoreca.gov	

10. General Provisions.

The following items are repeated here as stated as part of Part 2, General Conditions, for emphasis:

10.1. Assignment and Successors.

Contractor may not assign its rights or obligations under this Contract, in part or in whole, without City's written consent. This Contract is binding on Contractor's successors and permitted assigns. A consolidation or merger of Contractor or a change in ownership of 25% or more of Contractor's capital stock constitutes an assignment by Contractor requiring the City's written consent.

10.2. Third Party Beneficiaries.

There are no intended third party beneficiaries to this Contract except as expressly provided in the General Conditions or Special Conditions.

10.3. Governing Law and Venue.

This Contract will be governed by California law and venue will be in the Superior Court of the County in which the Project is located, and no other place.

10.4. Amendment.

No amendment or modification of this Contract will be binding unless it is in a writing duly authorized and signed by the parties to this Contract.

10.5. Integration; Severability.

This Contract and the Contract Documents incorporated herein, including authorized amendments or Change Orders thereto, constitute the final, complete, and exclusive

terms of the agreement between City and Contractor. If any provision of the Contract Documents, or portion of a provision, is determined to be illegal, invalid, or unenforceable, the remaining provisions of the Contract Documents will remain in full force and effect.

11. Authorization.

Each individual signing below warrants that he or she is authorized to do so by the party that he or she represents, and that this Contract is legally binding on that party. If Contractor is a corporation, signatures from two officers of the corporation are required under California Corporation Code, Section 313.

The parties agree to this Contract as witnessed by the signatures below:

CITY City of Livermore, a California Municipal Corporation s/_____ Marianna Marysheva, City Manager Date: _____ Approved as to form: _____ City of Livermore City Attorney	CONTRACTOR Zovich & Sons Inc. s/ Ante Zovich Name/Title: Ante Zovich,President Date: 10/28/22 s/_____ Name/Title [print] Date: _____ 287113 Contractor's Calif. License Number(s) Seal: 7/31/2023 Expiration Date(s)

END OF DOCUMENT

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this __day of _____, 2022, by and between the City of Livermore ("City"), a municipal corporation, and Quality Assurance Engineering, Inc. dba Consolidated Engineering Laboratories ("Consultant"), a California corporation.

RECITALS

City requires professional services to provide construction inspection, special inspections, and materials testing services for the Livermore Village Parking Garage Construction Project 586003.

Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges City has relied upon these warranties to retain Consultant.

AGREEMENT

NOW, THEREFORE, City and Consultant hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. Retention as Consultant. City hereby retains Consultant, and Consultant hereby accepts such engagement, to perform the services described in Section 3 below subject to the terms and conditions in this Agreement.

2. Relationship of Parties – Independent Contractors. The relationship of the parties shall be that of independent contractors. Consultant and its employees are not City officers or employees. Consultant is responsible for the supervision and management of its employees, including any workers compensation insurance, withholding taxes, unemployment insurance, and any other employer obligations associated with the delivery of the services contemplated by this Agreement.

3. Description of Services. Consultant shall provide the following professional services as more particularly set forth in Exhibit "A" (collectively "the Services"):

Construction inspection, special inspections, and materials testing services for the Livermore Village Parking Garage Construction Project 586003.

4. Consultant's Responsibilities. Consultant shall:

(a) Diligently perform the Services in a manner commensurate with industry, professional, and community standards;

(b) Provide the resources necessary to complete the Services in a timely manner;

(c) Obtain a business license from the City of Livermore, and keep it in effect for the term of this Agreement;

(d) Obtain and keep in effect all necessary licenses, permits, qualifications, insurance, and approvals legally and professionally required for Consultant to practice its profession and to provide the Services;

(e) Comply with all laws in effect that are related to Consultant and the Services;

(f) Coordinate the Services with Edward Reyes ("Project Manager"), or such other person designated as the Project Manager by City;

(g) Be available to the Project Manager, and other parties referred to Consultant by the Project Manager, to answer questions or inquiries related to the Services;

(h) Only invoice City for the Services rendered. Consultant's invoice shall be in writing and describe the Services performed for the payment requested. Consultant shall not submit an invoice to City more frequently than once a calendar month;

(i) Keep and maintain invoices and records related to the Services in an organized manner. At a minimum, the records must be kept for at least 3 years from the date of final payment to Consultant and must include time sheets, work progress reports, and other documentation to adequately explain all the Services invoiced for payment. Consultant shall make the invoices and records immediately available to City upon delivery of a written request to examine, audit, or copy them at City's place of business during normal business hours. Consultant shall give City 30 calendar-days' written notice prior to destroying the invoices and records and allow City an opportunity to take possession. If City wants them, Consultant and City shall coordinate their delivery to City in the most efficient manner possible;

(j) Prepare and submit a written report to the Project Manager, within 3 business-days of the Project Manager's written request, that identifies the Services completed and in progress, the charges incurred to date, and the anticipated cost to complete the remaining Services;

(k) Consultant shall correct, at its own expense, all errors in the Services. Should Consultant fail to make such correction in a timely manner, City may make the correction and charge the cost thereof to Consultant;

(l) If applicable, Consultant shall ensure that all work for compensation is provided in compliance with the requirements of the California Labor Code including but not limited to hours of labor, nondiscrimination, payroll records, apprentices, worker's compensation and prevailing wages. If applicable, Consultant shall comply with all prevailing wage laws, such as sections 1773, 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the California Labor Code and any other applicable wage and hour law. If any violation of prevailing wage law associated with this Agreement is deemed to have occurred by any court or administrative authority, Consultant shall forfeit to the City, as a

penalty, the sum of fifty dollars ($50.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the applicable prevailing rates for any work done to accomplish the purposes of this Agreement; and,

(m) Consultant's services provided pursuant to this Agreement shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

5. Compensation and Payment.

(a) The total compensation payable by City to Consultant for the Services **SHALL NOT EXCEED** the sum of $474,000.00 ("not-to-exceed amount"). City shall compensate Consultant for the Services rendered at the hourly rates, task amounts or travel expenses set forth in Exhibit "A" up to the not-to-exceed amount. Except as provided in the body of this Agreement, the hourly rates, task amounts or travel expenses are intended to be Consultant's only compensation for the Services and is inclusive of all costs of labor, licensing, permitting, overhead and administrative costs, and any-and-all other costs, expenses, and charges incurred by Consultant, its agents, and employees to provide the Services.

(b) City shall pay Consultant no later than 30 days after City receives a written invoice from Consultant and verifies the Services were performed for the payment requested.

6. Term. The term of this Agreement commences on December 12, 2022, and terminates upon the completion of the Services or December 31, 2024, whichever occurs first.

7. Termination by City. City may terminate any portion or all of the Services by giving Consultant at least 30 calendar-days written notice. Upon receipt of a termination notice, Consultant shall immediately stop all work in progress on the Services except where necessary to preserve the benefit of the work, and then assemble the work on the Services for delivery to City on the termination date. All compensation for Services performed prior to the termination date shall be payable to Consultant in accordance with Section 5.

8. Ownership of Documents. All drawings, designs, data, photographs, reports and other items prepared or obtained by Consultant in the performance of the Services are City's property and Consultant shall deliver them to City upon demand.

9. Copyright and Right of Use. All items created by Consultant for City under this Agreement are works made for hire, and Consultant shall give City the copyright and all intellectual property rights to all items developed, prepared, and delivered as part of the Services. Consultant agrees that all aspects of the Services and items created thereby will be original works of creation and will not use, in whole or in part, any work created by any other party, except when expressly disclosed by Consultant to City and Consultant obtains a license to such items for the benefit of City. All licenses must be perpetual, world-wide, non-exclusive, and royalty free sufficient in scope to permit City's full use and enjoyment of its ownership rights in the items created by the Services.

10. Confidentiality. Consultant shall not disclose any confidential or proprietary information received from City to anyone except Consultant's employees who require access to the information to perform the Services. This obligation shall survive termination and remain in full force and effect until the information, and any copies thereof, are destroyed or returned to City.

11. Defense, Indemnity, and Hold Harmless. To the fullest extent permitted by law, Consultant shall hold harmless, indemnify, and defend with counsel selected by the City or otherwise acceptable to the City, the City and its elected and appointed officials, officers, directors, employees, agents and designated volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature arising out of or in connection with Consultant's performance of the services contemplated by this Agreement, or in connection with Consultant's failure to comply with any of its obligations contained in this Agreement, except for such Liability caused by the sole active negligence or willful misconduct of City. Consultant's obligations to hold harmless, indemnify, and defend shall not be excused because of Consultant's inability to evaluate Liability or because Consultant evaluates Liability and determines that Consultant is not liable to the claimant. These obligations are independent of, and shall not in any way be limited by, the minimum insurance obligations contained in this Agreement. These obligations shall survive the completion or termination of this Agreement. Consultant must respond within 30 days to the tender of any claim for defense and indemnity by the City.

(a) Modification for Construction Contracts. To the extent this Agreement is a "construction contract" covered by California Civil Code section 2782, then Consultant's duty to indemnify shall not apply in a manner prohibited by California Civil Code section 2782.

(b) Modification for Design Professional Services. To the extent this Agreement is for "design professional services" defined in California Civil Code section 2782.8, then Consultant's duties to defend and indemnify shall only apply to the extent provided for in California Civil Code section 2782.8(a), unless section 2782.8(a) is not applicable for one of the reasons set forth in 2782.8(e).

12. Insurance. Consultant shall procure and maintain insurance during the term of this Agreement in the amounts and under the terms set forth in Exhibit "B" against claims that may arise from or in connection with this Agreement and performance of the Services. Upon reasonable written notice, Consultant shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by City's Risk Manager.

13. Acceptance of Final Payment. Consultant's acceptance of final payment will release City from any and all claims and liabilities for compensation under this Agreement.

14. Acceptance of Work. City's acceptance of, or payment to Consultant for, the Services does not release Consultant from its responsibility for the accuracy, completeness, or competency of the Services, nor do the actions constitute an

assumption of Consultant's responsibility or liability by City for any defect or error in the Services.

15. Conflict of Interest. Consultant represents that no City employee or official has a financial interest in Consultant. Consultant shall not offer, encourage, or accept any financial interest in any part of Consultant's business by or from a City employee or official during the term of this Agreement or as a result of being awarded this Agreement. If any of the Services are paid by reimbursement from an agreement between City and a private party, Consultant represents that it has not performed any work for that private party during the 12-month period prior to the execution of this Agreement, and that it shall not negotiate, offer or accept any contract for services from that party during the term of this Agreement.

16. Economic Disclosure. Consultant shall comply with City's local conflict of interest code and the Political Reform Act, and prepare and file an economic disclosure statement if the Services involve making, or participation in making, decisions which may have a material effect on the Consultants' financial interest. While it is Consultant's sole responsibility to evaluate its conflicts of interest, the Consultant nevertheless agrees to prepare and file an economic disclosure statement if requested by City.

17. Non-Exclusive Agreement. This is a non-exclusive agreement. City reserves the right to provide, and to retain other consultants to provide, services that are the same or similar to the Services described in this Agreement.

18. No Assignment. Consultant shall not assign or subcontract any of the Services without City's prior written consent. For the purposes of this section, a change of fifty-percent or more in the ownership or control of Consultant constitutes an assignment.

19. Remedies. All remedies permitted or available under this Agreement, or at law or in equity, are cumulative and alternative, and the invocation of a right or remedy will not be construed to waive or elect a remedy with respect to any other available right or remedy. As a condition precedent to commencing legal action involving a claim or dispute against City arising from this Agreement, the Consultant must present a written claim to City in accordance with Chapter 3.42 of the Livermore Municipal Code.

20. Construction of Language. The terms and conditions in this Agreement have been arrived at through negotiation and each party had a full and fair opportunity to review and revise this Agreement with legal counsel. Any ambiguity in this Agreement will not be resolved against either party as the drafting party. In the event of an inconsistency or conflict between the language in the body of the Agreement and an attachment hereto, the language in the body of the Agreement controls.

21. Entire Agreement; Modification. This Agreement supersedes all other agreements, whether oral or written, between the parties with respect to the Services. Any modification to this Agreement must be in writing and signed by both parties. In the event the original of this Agreement is lost or destroyed, an archival copy maintained by City can be used in place of the original for all purposes with the same effect as if it was the original.

22. Notice. Notices under this Agreement must be delivered to the addresses below by deposit in the United States mail or by overnight delivery service, with postage prepaid and delivery confirmation:

TO CITY: Attention: City Engineer, cc Project Manager
City of Livermore
1052 S Livermore Avenue
Livermore, California 94550

TO CONSULTANT: Attention: Rob Morse, Senior Vice President
Consolidated Engineering Laboratories
2001 San Ramon Rd, Suite 200
San Ramon, CA 94583

23. Waiver. Failure to insist upon the strict performance of any term or conditions in this Agreement, no matter how long the failure continues, is not a waiver of the term or condition and does not bar the right to subsequently demand strict performance. To be effective, a waiver must be in writing and signed by the non-breaching party.

24. Severability. If a court of competent jurisdiction determines a provision in this Agreement is invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired in any way.

25. Survival. The terms, conditions, and obligations in Sections 8, 9, 10, and 11 shall survive the completion or termination of this Agreement.

26. Electronic Signatures. By signing this document, you are agreeing that you have reviewed this disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

27. Counterparts. This Agreement may be executed and delivered in one or more counterparts, each of which will be deemed to be an original copy of this Agreement, and all of which, when taken together, will be deemed to constitute one and the same agreement. The facsimile, email, or other electronically delivered signatures of the Parties shall be deemed to constitute original signatures, and facsimile or electronic copies hereof shall be deemed to constitute duplicate originals and shall be valid and effective for all purposes.

****

Signatures and Attachment List on the Next Page

In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have executed this Agreement, effective on the date first written above.

CONSULTANT:

R. Morse

By: Rob Morse
Title: Senior Vice President

Dated:

10/28/2022

CITY OF LIVERMORE:

Marianna Marysheva
City Manager

Dated:

APPROVED AS TO FORM:

Assistant/City Attorney

APPROVED AS TO INSURANCE:

Risk Manager/Analyst

Attachments:
Exhibit A – Scope of Work
Exhibit B – Insurance Requirements

EXHIBIT B

THIS FORM IS TO BE COMPLETED BY CITY STAFF ONLY

CITY OF LIVERMORE
DETERMINATION OF CONFLICT OF INTEREST REPORTING FOR CONSULTANTS

Consultant Name (include name of specific person doing work if known).

Contract/Project Title.

Brief Description of work to be done, or final product, and how it will be used.

Is the Consultant making, participating in making, or influencing a governmental decision?	Yes ☐ No ☐
Is the Consultant performing work that could or would be done by an employee identified in the City of Livermore Conflict of Interest Code?	Yes ☐ No ☐ If YES, please identify the title for the designated employee:

Completed by Department Head
Signature: _____ Date: _____

City Attorney Determination:
Disclosure: [_] None [_] Category 1 [_] Category 2 [_] Category 3 [_] Category 4

Name and address of each individual subject to reporting requirements:

Comments:

Assistant/City Attorney
Signature: _____ Date: _____

22-0090 JKS/TMM

EXHIBIT A

CONSTRUCTION INSPECTION SCOPE OF SERVICES

Construction Inspection Scope of Services
The scope of services includes the professional construction support services necessary to successfully complete the project in compliance with the state and local requirements (CBC 2019). Our approach is to divide the scope of services into four tasks:

1. Full-time Project Inspection
2. Construction Support
3. Materials Testing
4. Special Inspections

The City of Livermore will issue a Notice to Proceed, in writing, to authorize work.

Task 1
Attend a pre-construction meeting.
Prepare updated proposal with scope of services and fees estimate.

Task 2
Full-Time Project Inspection
Project inspector shall be full-time by qualified personnel throughout the duration of the project. Inspector shall have relevant asphalt pavement and concrete construction inspection experience. Inspector will include construction observation and acceptance of testing as specified in contract specifications. Digital still photos and video records shall be taken of work progress to document the Contractor's work. The inspector shall conduct periodic worker interviews to ensure compliance with the City's Labor Standards Program. All construction activities will be monitored with the GC CPM schedule activities and bid item number.

The project inspector will maintain inspection records for all work performed as part of the project in accordance with CBC and project plans and specification requirements including the preparation of daily reports and timely submission of same. The project inspector will assist the CM with document control. The project inspector will help to ensure the performance of the work is in accordance with the approved contract documents.

Project inspector will assist with the Contractor's temporary installation including, but not limited to traffic controls, material storage, and work areas are provided and maintained in accordance with approved plans, City Standards, industry practices, and OSHA guidelines, and the site is safely accessible by both vehicles and pedestrians as intended.

Task 3
Construction Support
Provide support to ensure the City of Livermore assistance policies and procedures are met for the duration of construction and during post-construction. Review project documentation. Assist the City of Livermore closeout package and post-construction review.

Attend all construction meetings and other construction related meets/site visits (as scheduled per specifications). Prepare agenda and provide meeting minutes/action items.

Project inspector will verify that Contractor maintains and updates a mark-up of all changes to the project drawings to be used as an as-built reference (includes all in-progress inspections with an NCI log).

Task 4

Materials Testing

Assist in coordinating testing services, either directly or through appropriately qualified subconsultants (CEL). All testing procedures, frequencies, and documentation will be in accordance with the local code and City Standard requirements for this parking garage construction project. Testing will include, but not be limited to:

1. Site utility compaction testing (soils field and lab testing).
2. Asphalt concrete testing (if needed).
3. Concrete slump and strength testing.
4. Other material testing as required by project specifications (i.e., CMU, grout, bolting, reinforcing steel, and post-tensioning).
5. Epoxy dowel and epoxy anchor observation and testing.
6. Review and confirm completion with the Laboratory of Record (LOR) CEL.

CI ACTION ITEMS LIST

1. Coordinate with the subs on City (review and submit IR's).
2. Confirm and closeout all Daily Inspection Requests (IR's)
3. Review daily reports and forward report as directed.
4. Review the approved details and set the level of expectations for IR.
5. At the end of day, give brief update to the CM of the day's progress.
6. Prepare in-progress inspection/action items list (update as needed).
7. Prepare and update punch list inspection items.
8. Work with the CM and testing lab engineer to finalize and submit final affidavit.

SPECIAL INSPECTION SCOPE OF SERVICES

Adhere to the Special Inspection requirements contained in Attachment 1.

SOILS COMPACTION

Testing will be performed during site grading, parking area baserock placement and utility trench backfill.

Field testing will be performed using a nuclear gauge to determine the relative compaction of the soil in conformance with American Society for Testing and Materials (ASTM) D6938.

REINFORCED CONCRETE

Mix Design Review

We will review the proposed concrete mixes in our laboratory for conformance with the specifications.

Reinforcing Steel Placement

Prior to the pours, our inspector will inspect the reinforcing steel placement to determine that it is according to plans and specifications. Our inspector will check:

- Size and spacing of bars;
- Location and length of splices;
- Clearances;
- Cleanliness of bars;
- Spacing tolerances;
- Proper support of steel with ties.

Concrete Placement and Sampling

During the pours, our inspector will be on-site continuously, as required by Code, to monitor the placement. Our inspector will:

- Determine that no bars are displaced during pouring;
- Observe cleanliness of steel;
- Determine adequacy of placement and vibratory equipment;
- Determine proper delivery rate of concrete and monitor batch times;
- Determine the correct mix is being utilized;
- Monitor slump of each truck;
- Record temperature of air and concrete;
- Cast five (4x8) cylinders for compression tests per 150 cubic yards;
- Perform air checks, if required by specifications, during concrete placement;
- Observe anchor bolt/dowel installation operations to determine hole depth, embedment and cleanliness, as well as materials and workmanship. We will inspect to determine all dowels are installed in accordance with contract documents and/or manufacturer's requirements.

Concrete Compression Testing

We will transport all samples to our laboratory for compression testing in strict accordance with the American Society for Testing and Materials (ASTM) requirements. Compression test reports will be distributed to the appropriate parties.

POST-TENSIONED CONCRETE

Mix Design Review

We will review the proposed concrete mixes in our laboratory for conformance with the specifications.

Tendon and Reinforcing Placement

The day before a scheduled pour, we will dispatch a qualified inspector to check the tendon and reinforcing placement for conformance to the drawings and good construction practices. Our inspector will determine that the path of strands is the same as on the approved plans, and that tendons are securely tied and placed.

Concrete Placement and Sampling

During the pours, our inspector will be on-site continuously, as required by Code, to monitor the placement. Our inspector will:

- Determine that no bars are displaced during pouring;
- Observe cleanliness of steel;
- Determine adequacy of placement and vibratory equipment;
- Determine proper delivery rate of concrete and monitor batch times;
- Determine the correct mix is being utilized;
- Monitor slump of each truck;
- Record temperature of air and concrete;
- Cast six cylinders for compression tests per 150 cubic yards;
- Perform air checks, if required by specifications, during concrete placement;
- Observe anchor bolt/dowel installation operations to determine hole depth, embedment and cleanliness, as well as materials and workmanship. We will inspect to determine all dowels are installed in accordance with contract documents and/or manufacturer's requirements.

Stressing

Continuous inspection will be required during the stressing operations. All elongations and jacking forces will be recorded as the work proceeds. Elongation measurements not within the five percent (5%) tolerance will be noted and immediately brought to the attention of the contractor, engineer and owner.

Compression Testing

We will transport all samples to our laboratory for compression testing in strict accordance with ASTM requirements. Reports of compression tests will be distributed to the appropriate parties.

STRUCTURAL MASONRY

Our inspector's duties will include the following:

- Review mill test certifications of block and reinforcing steel;
- Inspect to determine size and spacing of dowels;
- Inspect to determine that cleanouts are provided for high-lift grouting methods;
- Inspect reinforcing steel prior to grouting;
- Inspect dowels, anchor bolts and inserts, to make sure they are in place and properly secured prior to grouting;
- Inspect to determine proper consolidation of grout;
- Check that curing requirements are being followed;
- Cast samples of grout for compression testing.

STRUCTURAL STEEL

Shop Inspection

- Review of welding procedure specifications;
- Material identification and mill certificate review;
- Observe the utilization of certified welders and approved welding procedures;
- Visual inspection of welding to determine compliance with contract documents;
- Nondestructive testing of moment welds and column splices;
- Confirm approximate preheat temperature;
- Continuous inspection of multi-pass fillet welds, groove welds and reinforcing steel welding.

Field Inspection

- Observe the utilization of certified welders and approved procedures;
- Confirm approximate preheat temperature;
- Nondestructive testing of moment welds and column splices;
- Inspect to determine and observe proper installation and tightening of high strength bolts;
- Visual inspection of welding to determine compliance with contract documents;
- Continuous inspection of multi-pass fillet welds, groove welds and reinforcing steel welding.

Metal Deck|Shear Studs

Intermittent visual inspection will be conducted for metal deck and shear stud welding.

High Strength Bolting

Prior to installation, our inspector will confirm that fastener components are properly stored. Our inspector will perform pre-installation verification testing daily where applicable to confirm the suitability of the completed fastener assembly and confirm the procedure and proper use by the bolting crew of the pretensioning method to be used. A representative sample of not fewer than three complete fastener assemblies of each combination of diameter, length, grade and lot to be used shall be checked to confirm the proper pretension is achieved. Our inspector will then observe the pretensioning methods used are in accordance with the specifications and that joints are brought to a snug tight condition and then tightened systematically from the most rigid part of the joint. Our inspector will document the testing and observations performed and locations of accepted and rejected connections.

MISCELLANEOUS STEEL WELDING

Shop Inspection

- Material identification and mill certificate review;
- Pre-qualification of welders and procedures;
- Visual inspection of welding to determine compliance with contract documents;
- Continuous inspection of multi-pass fillet welds, full penetration welds, and reinforcing steel welding.

Field Inspection

- Pre-qualification of welders and procedures;
- Visual inspection of all welds;
- Torque testing of high-strength bolts using a calibrated torque wrench;
- Visual inspection of welding to determine compliance with contract documents;
- Continuous inspection of reinforcing steel welds, multi-pass fillet welds, and full penetration welds.

EPOXY DOWELS AND ANCHORS

As required, we will perform visual examination of dowel/anchor placement to determine dowel/anchor holes are clean, of the proper depth and diameter, and installed as specified by the manufacturer. In addition, we will perform proofload testing of the epoxy dowels/anchors at the percentage defined by the plans and specifications.

NOTE: These estimates assume that adequate access will be provided for performing the work at maximum production, i.e., scaffolding. Should any dowel/anchor fail, additional tests will be required per plans.

SOILS FOUNDATIONS AND ROOF STRUCTURE SYSTEMS

Soils: Shallow foundation and fill subgrade, excavation depth and fill material.
Wind Resistance: Roof coverings, roof framing connections, exterior wall coverings and connections.

COST DRIVERS AND ASSUMPTIONS

We assembled this proposal based on the following assumptions:

- **Construction Inspection and Special Inspection:**
  - We have estimated 16-18 months of full-time inspection support services.
- **Special Inspections:**
  - *Reinforced Concrete:* 40-44 pours.
    - Garage Levels with foundations:
      - Footings, Spread Footings: 6-7 pours.
      - Perimeter Walls: 6-8 pours.
      - Columns: 10-12 pours.
      - SOG: 3-4 pours.
      - Elevator Pit: 3-4 pours.
      - Concrete Walls: 10-12 pours.
      - Miscellaneous/Site: 6-8 pours.
    - Elevated Slabs:
      - PT Decks: 8-10 pours.
  - *Concrete Sampling:*
    - As needed per above. Testing lab to provide number of samples and compression tests.
  - *Post-Tensioned Inspection per Deck:*
    - Number of visits: 20-25 for rebar, cables, concrete placement, and stressing.
    - Approximate inspections: 2 prior to pour, 2 at pour time, and 1 at stressing.
  - *Structural and Miscellaneous Steel Welding:*
    - Subcontractor has not been selected yet; shop welding location is unknown.
    - Approximate shop welding inspections: 10-15 days.
    - Approximate field welding inspections: 15-18 days.
      - Structural/Miscellaneous Steel Locations:
        - Welded Embeds.
        - Steel Stairs.
        - Elevator Rail Supports.
        - Stair/Elevator Tower Roof Steel.
        - Metal Studs where applicable.
        - HSS Steel Connections.
        - Birely Arch Wall/Angle Support.
        - Trash Enclosure Frames, Walls/Roof

Project Team

- Owner: City of Livermore
- CM: City of Livermore
- CM/PM: CPM Associates
- Architect: Komorous & Towey
- Structural Engineer: Watry & Buehler Collaborative
- GC: TBD
- Testing Lab: CEL
- Civil Engineer: Kier & Wright
- Geotechnical Engineer: Atlas Technical Consultants

Project Schedule

- Start: November 2022
- Site Excavation/Grading: December 2022 – January 2023
- Foundation and Concrete Work (Superstructure): February 2023 – February 2024
- Garage Topout: February 2024
- Completion: April/May 2024

CITY OF LIVERMORE L STREET PARKING GARAGE
LIVERMORE, CALIFORNIA
CEL #10-63862PW
PRICING

Description	*Quantity*	*Unit Rate*	*Subtotals*	
CONSTRUCTION INSPECTION (CI)				
On-Site Construction Services Support (16-18 months)				
Construction Inspections (280 working days + 45 days for closeout x 8 hours/day)	2600 Hours	$ 99.00	$ 257,400.00	
SUBTOTAL:				**$ 257,400.00**
SOILS COMPACTION				
Soils Technician with a Nuclear Gauge	96 Hours	$ 99.00	$ 9,504.00	
Engineering Support	12 Hours	$ 185.00	$ 2,220.00	
Lab, Max Density/Opt Moisture	5 Each	$ 325.00	$ 1,625.00	
SUBTOTAL:				**$ 13,349.00**
REINFORCED CONCRETE				
Mix Design Review	5 Each	$ 235.00	$ 1,175.00	
Reinforcing Steel	208 Hours	$ 99.00	$ 20,592.00	
Concrete Placement/Sampling Inspections	196 Hours	$ 99.00	$ 19,404.00	
ACI Concrete Sampling Technician	124 Hours	$ 87.00	$ 10,788.00	
Drying Shrinkage Test (Sets of 3)	2 Sets	$ 400.00	$ 800.00	
Concrete Compression Tests	300 Cylinders / 60 Sets	$ 30.00	$ 9,000.00	
Sample Pick-Ups	45 Trips	$ 80.00	$ 3,600.00	
SUBTOTAL:				**$ 65,359.00**
POST-TENSIONED CONCRETE				
PT Placement Inspection	160 Hours	$ 99.00	$ 15,840.00	
Concrete Placement	96 Hours	$ 99.00	$ 9,504.00	
PT Stressing Inspection	144 Hours	$ 99.00	$ 14,256.00	
ACI Concrete Sampling Technician	96 Hours	$ 87.00	$ 8,352.00	
Concrete Compression Tests	195 Each / 33 sets	$ 30.00	$ 5,850.00	
Sample Pick-Ups	12 Trips	$ 80.00	$ 960.00	
SUBTOTAL:				**$ 54,762.00**
MASONRY				
Masonry Placement Inspection	80 Hours	$ 99.00	$ 7,920.00	
Composite Prisms	8 Each	$ 125.00	$ 1,000.00	
Grout Compression Tests	24 Each	$ 40.00	$ 960.00	
Mortar Compression Tests	24 Each	$ 35.00	$ 840.00	
Sample Pick-Ups	10 Trips	$ 80.00	$ 800.00	
SUBTOTAL:				**$ 11,520.00**
STRUCTURAL STEEL				
Welding Procedure Specification Review	2 Each	$ 235.00	$ 470.00	
Shop Fabrication Inspection	80 Hours	$ 99.00	$ 7,920.00	
Field Welding Inspection	80 Hours	$ 99.00	$ 7,920.00	
SUBTOTAL:				**$ 16,310.00**

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CITY OF LIVERMORE L STREET PARKING GARAGE
LIVERMORE, CALIFORNIA
CEL #10-63862PW
PRICING

Description	*Quantity*	*Unit Rate*	*Subtotals*	
MISCELLANEOUS STEEL WELDING				
Shop Fabrication Inspection	48 Hours	$ 99.00	$ 4,752.00	
Field Welding Inspection	48 Hours	$ 99.00	$ 4,752.00	
SUBTOTAL:				**$ 9,504.00**
EPOXY DOWELS AND ANCHORS				
Placement Inspection	96 Hours	$ 99.00	$ 9,504.00	
SUBTOTAL:				**$ 9,504.00**
MISCELLANEOUS				
Final Affidavit, 1 per Permit	2 Each	$ 500.00	$ 1,000.00	
Project Engineering and Management 8%			$ 35,096.64	
SUBTOTAL:				**$ 36,096.64**
MAN-HOURS	**4164**		**GRAND TOTAL:**	**$ 473,804.64**

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CITY OF LIVERMORE L STREET PARKING GARAGE
LIVERMORE, CALIFORNIA
CEL #10-63862PW
PRICING

Basis of Charges: The proposed unit rates will be in effect through June 30, 2023. Thereafter, the unit rates are subject to an annual increase of five and one-half percent (5.5%) per year to mitigate the annual operating cost increases:

Work over 8 Hours per day	Time and One-Half
Work over 12 Hours, Monday through Friday	Double Time
Work on Saturdays	Time and One-Half
Work over 8 Hours on Saturdays	Double Time
Work on Sundays/Holidays	Double Time
Swing or Graveyard Shift Premium	$12.50 per Hour
Work from 0-4 Hours	4-Hour Minimum Billing
Work from 4-8 Hours	8-Hour Minimum Billing
Same-Day Service Call Requests	$200.00/each
Show-Up Time	2-Hour Minimum Billing
Sample Pick-Up	$80.00/Trip
Laboratory Testing – Rush Fee	Add 50% to Testing Cost
Technician with Nuclear Gauge	Portal-to-Portal
Final Affidavit (per permit number) (request six working days advanced notice)	$500.00
Extra Copies (over four per issue date) of Inspection Reports and Final Affidavit	$20.00/each
Project Engineering and Management	8% of Fees
Credit Card Payment of Fees	2.5% Premium
Reimbursables	Cost + 15%
QA/QC Plan Written Procedures	Quotation upon Request
Out of Area Services (beyond 40-mile radius)	As Listed Below:
Travel Time	Basic Hourly Rate
Mileage	$0.625/Mile
Per-Diem, including lodging	$120.00/Day

QUANTITY DISCLAIMER:

This quote outlined herein was based on the following sources:

- Our recent Microsoft Teams meeting with you and your staff during the week of August 8, 2022.
- E-mailed request for proposal received earlier this month.
- General Notes on Plan Check Set project plans, dated May 23, 2022.
- The 2019 CBC.
- Prior work history on projects of similar size and type.
- Recent similar experience with projects in the Bay Area.
- Our previous experience with the City of Livermore I Street Parking Garage.

This proposal is limited to the scope of services, the number of inspection hours, and the number of associated tests identified herein. Any estimated quantities contained herein are estimates only and Client agrees to payment for services rendered in excess of the estimated quantities and/or cost figures as described herein.

It is recognized that additional services rendered herein under this proposal are schedule driven and are mandated by the scheduling and staffing of the contractor(s). Should items and quantities alter from estimates outlined herein, CEL shall be entitled to compensation for services rendered.

In addition, Client recognizes that, on occasion, due to the schedule of the contractor or relevant subcontractors, occasional overtime may be required. CEL typically will have no notice of this until the day the said overtime occurs. Client agrees to compensate CEL for such overtime.

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STATEMENT OF SPECIAL INSPECTION FORM

Project Title: L Street Parking Garage Plan Check #: CB220003

Project Address: 2023 Veteran Way

This Statement of Special Inspections is submitted in fulfillment of the requirements of the 2016 California Building Code Chapter 17.

Special Inspections and Testing will be performed in accordance with the approved plans and specifications, this statement and California Building Code Sections 1704 and 1705.

The attached Summary of Special Inspections lists the special inspections and tests required. Special inspectors will refer to the approved plans and specifications for detailed special inspection requirements.

Any additional tests and inspections required by the approved plans and specifications will also be performed.

BEFORE A PERMIT CAN BE ISSUED:

The owner or his representative, on the advice of the registered design professional in responsible charge, shall complete, sign by all parties, and submit two (2) copies of this package to this Division for review and approval.

STATEMENT OF SPECIAL INSPECTION FORM, CONTINUED

1. The Owner recognizes his or her obligation to ensure that the construction complies with the approved permit documents and to implement this program of special inspections.
2. Contractor is responsible for proper notification to the Inspection or Testing agency for items listed.
3. Only the testing laboratory should take samples and transport them to their laboratory.
4. Copies of all laboratory reports and inspections are to be sent directly to this Division and to the registered design professional in responsible charge by the testing agency on a weekly basis.
5. Inspection agency to submit names and qualifications of on-site special inspectors to this Division for approval. Submission of qualifications is not required when the agency utilizes the inspectors who are pre-approved by the City. See Item #10 below.

   The agency must provide each special inspector with an identification badge that indicates the following:

   - Name of inspector.
   - Photo of inspector.
   - The specific areas in which the inspector is qualified to inspect.
   - An authorization signature by the registered engineer who is a full-time employee of the agency.
   - The special inspector shall display his/her badge whenever performing the function of an inspector.
6. The special inspector is responsible to the Chief Building Official for immediate notification of any concerns and/or problems encountered.
7. It is the responsibility of the contractor to review the Building Division approved plans for additional inspection or testing requirements that may be noted. A pre-construction conference at the job site is recommended to review special inspection procedures.
8. The special inspector shall use only Building Division approved drawings.
9. BEFORE AN OCCUPANCY PERMIT CAN BE ISSUED: A final report of special inspections documenting required special inspections, tests and correction of any discrepancies noted in the inspections shall be submitted prior to issuance of a Certificate of Use and Occupancy (California Building Code Section 1704.2.4). The final report will document:

   - Required special inspections.
   - Correction of discrepancies noted in inspections.

   A copy of final report to be maintained at the job site for the Building Inspector's review prior to final inspections.
10. Attach a City approved matrix list from the Special Inspection Agency for all special inspectors showing inspection areas for which they are qualified by experience and appropriate certifications (see enclosed). This will be cross checked with the list currently residing in our office, to make sure all special inspectors are approved by the City.

ACKNOWLEDGEMENT:

Print: Donald Lee Pursell Sign: Donald L. Pursell Date: 09/16/2022
Registered Design Professional in Responsible Charge

Print: _____ Sign: _____ Date: _____
Owner's Authorization

Print: _____ Sign: _____ Date: _____
Contractor

Print: Rob Morse Sign: R. Morse Date: 10/28/2022
Special Inspection Agency

Print: _____ Sign: _____ Date: _____
Building Official's Acceptance

SPECIAL INSPECTION AND TESTING AGENCIES

The following are the testing agencies and special inspectors that will be retained to conduct tests and inspection on this project.

Responsibility	Firm Name	Address, Telephone and E-mail
Special Inspection		
Material Testing		

CONTRACTOR'S STATEMENT OF RESPONSIBILITY

Per Section 1704.4 of the California Building Code, the contractor responsible for the construction of a main wind or seismic force resisting system, designated seismic system or a wind or seismic resisting component listed in the statement of special inspections (structural tests and inspection schedule and as noted on the Building Division approved plans) shall submit a written statement of responsibility to the Building Official and the owner prior to the commencement of work on the system or component.

To comply with the requirements of California Building Code Section 1704.4 of the California Building Code, the contractor acknowledges that they are aware of the special requirements contained in the statements of special inspections (structural tests and inspection schedule and as noted on the Building Division approved plans) prepared by the engineer of record or the registered design professional per the requirements of California Building Code Section 1704.3.

ACKNOWLEDGMENT:

Print: _____ Sign: _____ Date: _____
Contractor

SEISMIC AND WIND RESISTANCE

SEISMIC REQUIREMENTS (California Building Code Section 1704.3.2)

Description of seismic-force-resisting system and designated seismic systems subject to special inspections on accordance with California Building Code Section 1705.12 or 1705.13:

The lateral-force-resisting system is a special reinforced concrete shear wall building frame system. The items subject to special inspections are:
Concrete Shear Walls
Concrete PT Slabs
Concrete foundations which include footings and grade beams

The extent of the seismic-force-resisting system is defined in more detail in the construction documents.

WIND REQUIREMENTS (California Building Code Section 1704.3.3)

Description of main wind-force-resisting system and designated wind resisting components subject to special inspections in accordance with Section 1705.11:

The lateral-force-resisting system is a special reinforced concrete shear wall building frame system. The items subject to special inspections are:
Concrete Shear Walls
Concrete PT Slabs
Concrete foundations which include footings and grade beams

The extent of the main wind-force-resisting system and wind resisting components is defined in more detail in the construction documents.

SUMMARY OF SPECIAL INSPECTION

Complete the following form to indicate the types of special inspection required on this project. List the required inspections from the California Building Code Chapter 17; indicate Continuous or Periodic or both as required by code. **Reference California Building Code Chapter 17 for a complete list of inspections.**

Construction Type Requiring Inspection	List of Required Inspections	C	P
Alternate Materials and Systems – Section 1705.1.1			
Steel – Section 1705.2	welding, material, fit up of welds, K-area	X	
	bolting		X
Concrete – Section 1705.3	Reinforcement, required design mix, curing, formwork		X
	Cast and Adhesive Anchors, concrete test specimens, prestressing force	X	
Masonry – Section 1705.4 Level B – TMS 402 / ACI 530 / ASCE 5 Table 1.19.2 Level C – TMS 402 / ACI 530 / ASCE 5 Table 1.19.3			
Wood – Section 1705.5			
Soils – Section 1705.6	Shallow foundation and fill subgrade, excavation depth, fill material		X
	Placement and compaction of fill	X	
Deep Foundations Driven Piles – Section 1705.7 Cast-In-Place Piers – Section 1705.8 Helical Piles – Section 1705.9			
Wind Resistance – Section 1705.11	Roof covering, roof framing connections, exterior wall covering and connections		X
Seismic Resistance – Section 1705.12	Concrete Shear Wall Construction		X
Testing for Seismic Resistance – Section 1705.13			
Sprayed Fire-Resistant Materials – Section 1705.14			
Mastic and Intumescent Coatings – Section 1705.15			
Exterior Insulation and Finish Systems – Section 1705.16			
Fire-Resistant Penetrations and Joints – Section 1705.17			
Smoke Control Systems – Section 1705.18			
Specify other tests, inspections, or special instructions as required:	Post-installed Anchors: Adhesive Anchors installed horizontally or upwardly resisting sustained tension loads	X	
	Post-installed Anchors: Mechanical Anchors and other Adhesive Anchors not listed above		X

EXHIBIT B

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SPECIAL INSPECTION AND TESTING AGENCIES RECOGNIZED BY THE CITY OF LIVERMORE

UPDATED June 30 2021

Legend			
RC = Reinforced Concrete	PC = Prestressed Concrete	SM = Structural Masonry	FP = Fire proofing
HSB = High Strength Bolting	NDT = Non Destructive Testing	SWC = Structural Wood Construction	SW = Steel Welding

AGENCY NAME	ADDRESS	PHONE/FAX	RC	PC	SM	SW	HSB	NDT	SWC	FP	EXPIRATION DATE
ACE Quality Control	1830 Vernon St #7 Roseville CA 95678	916-742-5096 530-241-5935	X	X	X	X	X			X	9/4/2021
Achievement Engineering Corp	2455 Autumnvale Dr #E San Jose CA 95131	408-217-9174 408-217-9632	X	X	X	X	X	X	X		3/6/2022
Advanced Testing & Inspection ATI	540 Brunken Ave Suite B Salinas, CA 93901	831-422-2272 831-597-2004	X	X	X	X	X			X	10/1/2022
Apex Testing Labs Inc	1790 Yosemite Ave San Francisco, CA 94124	415-550-9800 415-550-9880	X	X	X	X	X	X		X	10/11/2021
Applied Materials & Engineering	980 41st ST Oakland, CA 94608	510-420-8190 510-420-8186	X	X	X	X	X	X	X	X	8/2/2022
Aries Engineering	5357 Persimmon Grove Ct San Jose, CA 95123	408-634-0087	X			X	X		X		9/3/2023
B.S.K. Associates	399 Lindbergh Ave Livermore, CA 94551	925-315-3151 925-315-3152	X	X	X	X	X	X		X	2/14/2021
Baez Geotechnical Group BGG	1686 Second St Suite 205 Livermore, CA 94550	925-766-1616	X	X	X						4/22/2022
BAGG Engineers	138 Charcot Ave San Jose, CA 95131	925-484-0220 925-846-9645	X	X	X	X	X	X	X	X	7/6/2023
Berlogar Stevens & Associates	5587 Sunol Blvd Pleasanton, CA 94566	925-484-0220 925-846-9645	X	X	X	X	X			X	1/14/2024
Biggs Cardosa Associates Inc	865 The Alameda San Jose, CA 95126	408-296-5515 408-296-8114	X	X	X	X	X				1/14/2024
Consolidated Engineering Labs	2001 Crow Canyon Rd #100 San Ramon, CA 94583	925-314-7100 925-855-7140	X	X	X	X	X	X	X	X	10/18/2021
Construction Testing Services CTS	2118 Rheem Dr Pleasanton, CA 94588	925-462-5151 925-462-5183	X	X	X	X	X	X	X	X	12/15/2022

EXHIBIT B

AGENCY NAME	ADDRESS	PHONE/FAX	RC	PC	SM	SW	HSB	NDT	SWC	FP	EXPIRATION DATE
CTE Cal, Inc	46716 Fremont Blvd Fremont, CA 94538	510-573-6362 510-573-6684	X	X	X	X	X			X	10/1/2022
Earth System Pacific	48511 Warm Springs Blvd #210 Fremont, CA 94539	408-217-9174 408-217-9632	X	X	X	X	X	X	X		3/3/2024
ENGEO Inc	2010 Crow Canyon Pl #250 San Ramon, CA 94583	925-866-9000 888-279-2698	X	X	X	X	X	X	X	X	8/7/2022
Geissler Engineering	83E Beach Road Belvedere, CA 94920	415-992-9393	X			X	X		X		10/5/2023
Geocon Consultants Inc	6671 Brisa St Livermore, CA 94550	925-371-5900 925-371-5915	X	X	X	X	X		X	X	10/7/2023
HP Inspections	690 Sunol St Bldg H San Jose, CA 95126	408-288-8460 408-271-0902	X	X	X	X	X	X		X	1/27/2024
Inspection Consultants Inc	1515 North C St Sacramento, CA 95814	916-321-5580 916-321-5590	X	X	X	X	X			X	1/20/2020
Inspection Services Inc	1798 University Ave Berkeley, CA 94703	415-243-3265 415-243-3266	X	X	X	X	X	X	X	X	6/25/2022
KC Engineering Co	865 Cotting Lane Suite A Vacaville, CA 95688	707-447-4025 707-447-4143	X	X	X	X	X			X	11/7/2020
Kleinfelder Inc	2601 Barrington Ct Hayward, CA 94545	925-484-1700	X	X	X	X	X	X		X	2/2/2024
Korbmacher Engineering Inc	480 Preston Ct Suite B Livermore, CA 94551	925-454-9033 925-454-9564	X	X	X	X	X		X	X	2/2/2024
Krazan & Associates	1061 Serpentine Ln Suite F Pleasanton, CA 94566	925-307-1160 925-307-1161	X	X	X	X	X	X	X	X	3/2/2024
Matriscope Engineering Labs Inc	6244 Preston Ave Livermore, CA 94551 601 Bercut Dr Sacramento, CA 95811	510-763-3601 916-375-6700	X	X	X	X	X	X	X	X	1/1/2022
Mid Pacific Engineering Inc MPE	4200 North Freway Blvd Suite 5 Sacramento, CA 95834	916-927-7000	X	X	X	X	X	X		X	3/12/2023
Moore Twinning Associates Inc	2527 Fresno St Fresno, CA 93721	559-268-7021 559-268-0740	X	X	X	X	X			X	8/8/2021

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EXHIBIT B

AGENCY NAME	ADDRESS	PHONE/FAX	RC	PC	SM	SW	HSB	NDT	SWC	FP	EXPIRATION DATE
Nicholas Engineering Consultants	6743 Dublin Blvd #15 Dublin, CA 94568	925-829-8090 925-829-0235	X	X	X	X	X		X	X	5/7/2022
NORCON LLC	1661 Tennesse St Suite 201 San Francisco, CA 94107	415710-1155	X	X	X	X	X	X	X	X	9/1/2023
Pacific Crest Engineering Inc	444 Airport Blvd Suite 106 Watsonville, CA 95076	831-722-9446 831-722-9158	X		X		X				1/7/2022
Picot Inspection	2162 62nd Ave Oakland, CA 94621	510-847-8990	X	X	X	X	X			X	3/10/2023
PJC & Associates Inc	600 Martin Ave Suite 210 Rohnert Park, CA 94928	707-584-4804	X		X	X					7/30/2022
Professional Service Industries Inc	300 Tennant Ave Suite 3 Morgan Hill, CA 95037	408-669-5500	X		X	X	X			X	3/26/2022
RES Engineers Inc	1250 Missouri St Suite 207 San Francisco, CA 94107	925-866-9000 888-279-2698	X	X	X	X	X	X	X	X	8/7/2022
RMA Group	130 Archer St San Jose, CA 95112	408-362-4920 408362-4926	X	X	X	X	X	X	X	X	4/2/2022
Salem Engineering Group Inc	4055 West Shaw Ave Suite 110 Fresno, CA 93722	559-271-9700 559-275-0827	X	X	X	X	X	X	X	X	7/25/2021
Signet Testing Laboratries	3526 Breakwater Ct Hayward, CA 94545	510-887-8484	X	X	X	X	X	X	X	X	12/19/2020
Smith Emery Company	PO Box 880550 Hunters Point Shipyard Bldg 114 San Francisco, CA 94188	415-642-7326 415-642-7055	X	X	X	X	X	X	X	X	8/17/2023
Stevens Ferrone & Bailey	1600 Willow Pass Ct Concord, CA 94520	925-688-1001 925-688-1005	X	X	X	X	X		X	X	3/6/2022
Structure Groups	2352 Research Dr Livermore, CA 94550	925-447-9900 925-447-9901	X	X	X	X	X		X	X	2/2/2021
Summit Associates	2300 Clayton Rd Suite 1380 Concord, CA 94520	925-363-5560 925-363-5511	X	X	X	X	X	X	X	X	12/12/2022
Terracon Consultants	5075 Commercial Cir Suite E Concord, CA 94520	925-348-9057	X	X	X	X	X	X		X	10/31/2021
Testing Engineers Inc	2811 Teagarden St San Leandro, CA 94577	510-835-3142 510-834-3477	X	X	X	X	X	X	X	X	3/9/2021

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EXHIBIT B

INSURANCE REQUIREMENTS

Minimum Scope and Limits of Insurance

Consultant/Contractor shall maintain limits no less than:

1. Commercial General Liability, including operations, products, and completed operations, as applicable:
   $5,000,000 per occurrence/**$10,000,000** aggregate for bodily injury, personal injury, and property damage. If Commercial General Liability or other form of insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:
   $2,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation and Employer's Liability:
   Statutory limits as required by the State of California including **$1,000,000** Employers' Liability per accident, per employee for bodily injury or disease. A waiver of subrogation is required for Workers' Compensation insurance. If Consultant/Contractor is a sole proprietor, then they must sign "Contractor Release of Liability".
4. Professional Liability/Errors and Omissions:
   $2,000,000 per claim. Consultant/Contractor warrants that any retroactive date under this policy shall precede the effective date of this contract and, either continuous coverage will be maintained, or an extended discovery period will be exercised for a period of two years beginning at the time work under this contract is completed.

Deductibles and Self-Insured Retention

All self-insured retentions (SIR) must be disclosed to Risk Management for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide, or be endorsed to provide, that the SIR may be satisfied by either the named insured or the City of Livermore. The City of Livermore reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII and accepted to do business in the State of California, unless otherwise acceptable to the City of Livermore.

Other Insurance Provisions

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Livermore, its officers, officials, employees, and designated

volunteers are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the Consultant/Contractor; or automobiles owned, leased, hired or borrowed by the Consultant/Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, or volunteers.

2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. The additional insured coverage under the Consultant's/Contractor's policy shall be primary and non-contributory and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as ISO Form CG 20 10 04 13. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City of Livermore before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.
3. Any failure to comply with reporting or other provisions of the policy, including breaches of warranties, shall not affect coverage provided to the City of Livermore, its officers, officials, employees, or volunteers.
4. The Consultant's/Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party before expiration of the policy unless notice is delivered in accordance with policy provisions.
6. It shall be a requirement under this agreement that any available insurance proceeds broader than, or in excess of, the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.
7. Certificate Holder section of the insurance certificate should read: City of Livermore, 1052 S. Livermore Avenue, Livermore, CA 94550

Verification of Coverage

Consultant/Contractor shall furnish certificates of insurance and endorsement(s) effecting coverage to the City of Livermore for approval. The endorsements shall be on forms acceptable to the City of Livermore. All certificates and endorsements are to be received and approved by the City of Livermore before work commences. The City of Livermore reserves the right to require complete and certified copies of all insurance policies required by this Agreement.

SECOND AMENDMENT TO ENGINEERING SERVICES AGREEMENT

THIS SECOND AMENDMENT, is made and entered into this ____ day of _____, 2022, by and between the City of Livermore, a municipal corporation ("City"), and Watry Buehler Collaborative, LLP, a California Corporation ("Consultant").

RECITALS

On December 14, 2021, City and Consultant entered into an agreement for Consultant to provide engineering design services to design a parking garage and site improvements and provide engineering services during construction in connection with Livermore Village Parking Garage Construction Project 586003 for City ("Original Agreement"). Section 21 of the Original Agreement requires that any modifications to it must be in writing and signed by the parties.

On May 16, 2022, City and Consultant amended the Original Agreement to add additional design services for the Phase 1 and Phase 2 projects and a constructability review of the Phase 2 50% construction documents ("First Amendment").

City and Consultant desire to amend the Original Agreement to and the First Amendment to add additional design services for the final Phase 2 bid package. This is the Second amendment to the Original Agreement.

AGREEMENT

NOW, THEREFORE, City and Consultant hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. The Original Agreement is amended as follows:

   A. Section 3 of the Original Agreement is amended to read as follows:

      Description of Services. Consultant shall provide engineering services to design a parking garage and site improvements and provide engineering services during construction in conjunction with Livermore Village Parking Garage Construction Project 586003 ("Project"), as more particularly set forth in Exhibit "A" to the Original Agreement, Exhibit "A-1" to this First Amendment, and Exhibit "A-2" to this Second Amendment (collectively "the Services").

   B. Section 6(a) of the Original Agreement is amended to read as follows:

      Compensation and Payment. The total compensation payable by City to Consultant for the Services SHALL NOT EXCEED the sum of $1,624,000

("not-to-exceed amount").

1. The compensation payable by the City to the Consultant for the Services required by Exhibit "A" of the Original Agreement SHALL NOT EXCEED the sum of $1,410,000.

2. The compensation payable by the City to the Consultant for the Services required by Exhibit "A-1" of the First Amendment SHALL NOT EXCEED the sum of $100,000.

3. The compensation payable by the City to the Consultant for the Services required by Exhibit "A-2" of the Second Amendment SHALL NOT EXCEED the sum of $114,000.

City shall compensate Consultant for the Services rendered at the hourly rates or task amounts set forth in Exhibit "A" to the Original Agreement, Exhibit "A-1" to the First Amendment, and "Exhibit "A-2" to the Second Amendment up to the not-to-exceed amount. Except as provided in the body of the Agreement, the hourly rates or task amounts are intended to be Consultant's only compensation for the Services and is inclusive of all costs of labor, licensing, permitting, overhead, and administrative costs, and any-and-all other costs, expenses, and charges incurred by Consult, its agents, and employees to provide the Services.

2. These amendments are prospective and only apply to the Services rendered by Consultant after the execution of this Amendment. Unless otherwise stated herein, this Amendment does not relieve the parties of the terms and conditions of the Original Agreement as written and in effect at the time the Services were rendered.

3. Except as amended above, the Original Agreement remains in full force and effect.

[SIGNATURES ON FOLLOWING PAGE]

In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have executed this Agreement effective on the date first written above.

CONSULTANT:

_____

By: John D Harvey
Title: Principal

Dated:

10/25/22

CITY OF LIVERMORE:

_____

Marianna Marysheva
City Manager

Dated:

_____

APPROVED AS TO FORM:

_____

Assistant/City Attorney

APPROVED AS TO INSURANCE:

_____

Risk Manager/Analyst

Attachments:
Exhibit A-2 – Scope of Work

Exhibit A-2
Scope of Work
Second Amendment
Livermore Village Parking Garage Construction Project 586003

The City of Livermore has requested the following additional Scope of Work pertaining to the design of the 'L' Street Trash Enclosure and Parking Structure. The additional design team scope of work is summarized below.

Additional Scope of Work Items

Design of New Trash Enclosure along South Alley (Additional Fee = $44,000.00)

- Design a new 180 square foot trash enclosure to be located along the alley of the 'L' Street Parking Structure south property line. The roof of the enclosure will consist of metal decking supported by steel beams. The beams will be supported by cantilevering columns which extend to the foundations below. Light Gauge metal wall framing, with stucco finish, will be installed along the two transverse walls. Steel gates will be provided both longitudinal sides to allow access to the trash bins. The architecture will complement the nearby 'L' Street Trash Enclosure building.
- Revisions to the grading and hardscape improvements surrounding the enclosure will be provided as required.
- Revising site plans to incorporate the new enclosure elements.
- Updating specifications, as required.
- Potentially adding fire sprinklers and a hose bib to the trash enclosure. The design team will be directed by the City to provide these elements
- Provide light fixture within enclosure
- Incorporating the new Trash Enclosure and fence into the 'L' Street Parking Structure cost estimate. Three (3) cost estimate options will be provided:
    - Option 1: Trash Enclosure with No Roof or Drain
    - Option 2: Trash Enclosure with Roof and Drain
    - Option 3: Trash Enclosure with Roof, Drain, and Wash Down
- During Construction Administration Phase, reviewing shop drawing submittals provided by the contractor.
- Reviewing Request-For-Information's submitted by the contractor.

As-Directed Services (Additional Fee = $70,000.00)

- Consultant shall provide as-directed services to the City. A budget allowance of $70,000.00 has been included. Any use of this budget allowance shall require written authorization from the City that includes scope of as-directed services and an agreed upon not-to-exceed limit. As-directed services could include the following services:
    - Design of Information Kiosks
    - Additional Civil Potholing
    - Site changes requested by City

Our compensation for these services will be the following:

(New Trash Enclosure)

Watry Buehler Collaborative	$9,000.00
Komorous Towey Architects	$21,000.00
Guttmann & Blaevoet	$10,000.00
Mack5	$4,000.00
Total	**$44,000.00**
(As-Directed Services)	**$70,000.00**
TOTAL FOR SECOND AMENDMENT	**$114,000.00**

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.8**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Scott Lanphier, Public Works Director

SUBJECT: Resolution approving the second amendment to the Third Amended and Restated Franchise Agreement approving the assignment of Livermore Sanitation, Inc. to Waste Connections.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution approving the Second Amendment to the Third Amended and Restated Franchise Agreement approving the Assignment of Livermore Sanitation, Inc. to Waste Connections.

SUMMARY

In the fall of 2021, Livermore Sanitation, Inc. (LSI) staff notified the City that they planned to sell LSI to another company, Waste Connections, along with their holdings in San Jose and Milpitas, and parts of eastern Alameda County served by LSI.

Section 12.5 of the Franchise Agreement with LSI requires City Council approval of any assignment and reserves the right for the City to conduct an Assignment Review (Review). The Review was performed by HF&H Consultants and the final report is attached as Exhibit B to the Resolution.

The Review of Waste Connections demonstrated that they have the requisite qualifications, experience, and performance record to be considered for the Assignment and reference checks to other agencies were generally positive.

Waste Connections has outlined their commitment to adhering to the terms of the Franchise Agreement, including maintaining the same quality of services that the Livermore community has come to expect from LSI and retaining all full-time staff. They will continue to operate locally at the offices on National Drive in Livermore.

Staff recommends the City Council consider and approve the Assignment of LSI to Waste Connections, Inc.

DISCUSSION

BACKGROUND

In June 2008, because the term of the contract with Waste Management was ending, the City Council directed staff to release a Request for Proposals (RFP) in order to procure a franchise agreement to collect solid waste and recyclable materials from the Livermore community. In response to the RFP, the City received proposals from three companies in April of 2009; Waste Management declined to submit a proposal to continue to serve the community.

In September 2009, the Livermore City Council selected Livermore Sanitation, Inc. because the company offered enhanced services at the best price compared to other proposers.

On April 27, 2020, the City Council adopted a resolution authorizing the execution of the Third Amended and Restated Agreement with Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials, and Compostable Materials Services (Franchise Agreement). This action extended the Franchise Agreement term for a minimum period of 10 years, until June 30, 2030, and included new trucks and other equipment, and enhanced services for the Livermore rate payers.

The Franchise Agreement extension also included responsibilities for compliance with Senate Bill 1383, the Short-Lived Climate Pollutant Reduction Act of 2016, which established aggressive targets to achieve a 75 percent reduction in the statewide disposal of organic waste beginning in 2025.

DISCUSSION

In the fall of 2021, LSI staff notified the City that they planned to sell LSI to another company, Waste Connections, along with their holdings in San Jose and Milpitas, and parts of eastern Alameda County served by LSI. Waste Connections is a national solid waste company with headquarters in The Woodlands, Texas and Vaughan, Ontario.

Section 12.5 of the Franchise Agreement with LSI requires City Council approval of any assignment and reserves the right for the City to conduct an Assignment Review (Review). The Franchise Agreement also requires LSI to provide the City with a non-refundable payment of $100,000 to cover the costs of the Assignment evaluation. These funds have been received and used to cover costs related to consultant services and outside counsel.

The Review was performed by HF&H Consultants and the final report is attached to the Resolution as Exhibit B. The areas of evaluation included:

- Compliance Review - An audit of LSI's compliance and performance under the current Agreement.
- Assignment Term - A review of the financial and other terms of the change in control between the Franchisee and the Assignee.
- Financial Condition - A review and determination of the financial health and stability of both the Franchisee and Assignee.
- Experience and Qualification - A review of information regarding the experience, qualifications, and the performance of the Assignee to assess their ability to perform at or above the levels of the current Franchisee.

- Compliance Review

As a result of the Review, it was determined that Waste Connections meets the minimum criteria for the consideration of the Assignment based on the information provided. The only concern resulting from the Review was that Waste Connections initially failed to disclose certain information related to Liquidated Damages, as the penalty amounts were considered insignificant by the Securities and Exchange Commission. However, after a second request, Waste Connections did provide all information related to Liquidated Damages assessed in other California jurisdictions.

These Liquidated Damages related to missed pickups by Waste Connections in one other community, which represented a small (approximately 0.05%) proportion of all pickups. Liquidated Damages during the past 5 years for these issues totaling up to $10,000 annually, and represent an immaterial amount (0.03%) of overall company revenue.

The City discussed these service-related concerns with Waste Connections and was assured of the company's commitment to provide excellent uninterrupted service. Overall, the Review found that Waste Connections has the requisite qualifications, experience, and performance record to perform the services described by the Franchise Agreement.

The Review of LSI's past performance identified certain minor shortfalls and discrepancies in services described by the Franchise Agreement, but these were promptly resolved and never resulted in Liquidated Damages or findings of default.

It is important to note that the transition to Waste Connections ownership should be seamless since Waste Connections has agreed to maintain the same LSI trucks, logos, staff, and outreach for the foreseeable future. Waste Connections has stated that the current employees will retain their roles, including the current general manager. Also, additional accounts receivable and accounts payable staff will be retained and housed at the facility on National Drive.

Given the change in ownership, there will be some differences. Currently, all LSI owners are local, familiar with the community, and decisions are made quickly. Since Waste Connections is a larger, nationwide company with a corporate board of directors, major decisions may take longer and will involve regional managers and senior management.

<u>Assignment Terms</u>
Upon Review of the terms of the Assignment, Waste Connections should be able to make a reasonable return on investment without creating undue risk to the rate payers. The City will continue to monitor the Franchise Agreement requirements and Waste Connections' performance to ensure that staffing is adequate and operational service levels are maintained. This is a stock buy out and there will be no change to the LSI management structure; LSI will become a wholly-owned subsidiary of Waste Connections.

<u>Financial Condition</u>
Calculations based on financial statements provided by both Waste Connections and LSI show favorable returns based on industry standards and services should not be compromised in order to maintain profitability. More detail on the financial analysis can be found in the Review report labeled Exhibit B to the Resolution.

Experience and Qualifications

Reference checks were performed for the communities currently served by Waste Connections. Of the references that responded to feedback requests, most comments were positive, as detailed in the Review report. All responsive references stated that they would be willing to extend the contract with Waste Connections if given the opportunity, and any criticisms offered related to the intermittent disconnect between corporate and local teams for approvals and decision-making.

As mentioned previously, the sale also included the assignment of contracts with Garden City Sanitation in San Jose and Milpitas Sanitation in Milpitas, along with the LSI services to some areas of eastern unincorporated Alameda County. City staff contacted staff from San Jose and Milpitas to find out if the transition to Waste Connections proceeded smoothly or if there were any difficulties encountered during the change.

San Jose staff administratively approved the Assignment to Waste Connections in 2021, per the terms of their franchise agreement. San Jose has multiple franchise collection contracts, and Garden City Sanitation provided garbage collection service only (not recycling or organics) to approximately 130,000, or 2/3 of single-family homes in San Jose. In addition, Green Team, a Waste Connections subsidiary, has served the City of San Jose since 1993. Therefore, San Jose staff were already familiar and satisfied with Waste Connections and their services/staff. According to San Jose staff, the transition from Garden City to Waste Connections was seamless because most the staff is the same, branding is the same, there have been no complaints from residents about service deficiencies, and no special rate increase requests.

Similar to Livermore, the Milpitas franchise agreement terms required their City Council to consider approval or rejection of the Assignment. In December 2021, the Milpitas Council initially voted to reject the Assignment, but after further negotiations, in May 2022, Milpitas approved the Assignment request. The Assignment transition occurred in late July and early August, and Milpitas now has one franchise agreement with Milpitas Sanitation, owned by Waste Connections. According to Milpitas staff, the changeover has been seamless, and there have been no complaints from residents or businesses about service quality issues. Uniforms and branding have remained the same, and staffing is the same.

At this time, Alameda County has not yet acted on the Assignment request. After speaking with Alameda County staff, it appears they will consider the City of Livermore's decision prior to any Board of Supervisors' action.

Letter of Commitment

In response to staff's request and the findings of the Review, Waste Connections has written a letter of commitment attached to the Resolution as Exhibit A. They have committed to maintain the same level of services that the Livermore community has come to expect from LSI, and there will be no immediate changes to logos or branding, and Waste Connections has agreed to notify the City in advance if it intends to make any changes in the long term.

Waste Connections has agreed to retain all full-time staff, keep comparable compensation and benefits for LSI staff, and honor collective bargaining and union agreements. They will continue to operate locally at the offices on National Drive in Livermore.

Waste Connections has committed to remedy any remaining shortfalls identified by the Review and are

committed to adhering to the requirements of the Franchise Agreement in its entirety. They have also committed to retain ownership of LSI for a minimum of five years.

Waste Connections has committed to assist the City in meeting its obligations under Senate Bill 1383, including using existing funding sources to purchase compost and host two compost giveaways annually. Waste Connections has also agreed to consider purchasing zero-emission collection vehicles as improved technology becomes available and when the price is comparable to current fleet costs.

Public Engagement and Outreach

LSI has mailed a postcard to each account on file announcing the proposed change of ownership and notifying the community that no changes to the quality and consistency of collection services are anticipated. The final Review report and Waste Connections' commitment letter have been posted to the City's Environmental Services Division webpage, along with a frequently asked questions document and City staff contact information if residents or businesses have additional questions.

Staff recommends the City Council consider and approve the Assignment of Livermore Sanitation, Inc. to Waste Connections.

FISCAL AND ADMINISTRATIVE IMPACTS

No fiscal impacts are anticipated because Waste Connections has committed to continuing to honor the terms of the current Franchise Agreement. Waste Connections will continue to follow the rate adjustment methodology as described by the Franchise Agreement, and is prohibited from passing the Assignment transaction cost to the ratepayers.

ATTACHMENTS

1. Resolution
2. Exhibit A - Waste Connections, Inc. Letter of Commitment
3. Exhibit B - HFH Assignment Review Report
4. Exhibit C - Second Amendment to Third Amended and Restated Franchise Agreement

Prepared by: Judy Erlandson
Public Works Manager

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING THE SECOND AMENDMENT TO THE THIRD AMENDED AND RESTATED FRANCHISE AGREEMENT

On September 28, 2009, the Livermore City Council adopted Resolution No. 2009-189 approving a franchise agreement for solid waste collection services: *Agreement between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services* (the "Original Agreement").

On May 9, 2011, the City Council adopted Resolution No. 2011-069 approving the *Amended and Restated Agreement between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services.*

On September 8, 2014, the City Council adopted Resolution No. 2014-141 approving the *Second Amended and Restated Agreement between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services*.

On June 8, 2015, the City Council adopted Resolution No. 2015-075 approving the Special Rate Review Amendment to the Franchise Agreement.

On November 9, 2015, the City Council adopted Resolution No. 2015-157 approving the Second Amendment to the Franchise Agreement.

On April 27, 2020, the City Council adopted Resolution No. 2020-051 approving the *Third Amended and Restated Agreement between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services* (the "Original Franchise Agreement").

On May 9, 2022, the City Council adopted Resolution No. 2022-076 approving the First Amendment to Agreement for Services amending the Original Franchise Agreement (the Original Franchise Agreement as amended by such First Amendment being referred to as the "Franchise Agreement").

On October 19, 2021, LSI staff notified the City that they planned to sell all shares of LSI to another company, Waste Connections US, Inc. ("Waste Connections").

On October 21, 2022, Waste Connections submitted a final letter of commitment to the City which is attached hereto as Exhibit A.

Section 12.5 of the Franchise Agreement with LSI requires City Council approval of any assignment and reserves the right for the City to conduct an assignment review.

On September 28, 2022, HF&H Consultants finalized their Assignment Report which is attached hereto as Exhibit B.

As a result of the review, City staff determined that Waste Connections meets the minimum criteria for the consideration of the Assignment based on the information provided.

At a public City Council meeting, the City Council agreed to the assignment and the associated amendments to the Franchise Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. Waste Connections provided the Letter of Intent, dated October 21, 2022, outlining its commitments to the City and its residents, which is attached hereto as Exhibit A and incorporated by this reference. The City has relied on the commitments and warranties in that letter and the Assignment Report for the adoption of this Resolution and its approval of the Second Amendment to the Franchise Agreement as set forth below.

2. The City Manager is authorized to sign on behalf of the City of Livermore, the Second Amendment to the Franchise Agreement, attached hereto as Exhibit C. A copy of the Franchise Agreement is on file in the Office of the City Clerk.

3. Authorizes the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution, including approving minor changes to the proposed Second Amendment.

4. This Resolution is not subject to the requirements of California Environmental Quality Act ("CEQA"). This Resolution is not a "project" within the meaning of Section 15378 of Title 14 of the California Code of Regulations ("State CEQA Guidelines") because it has no potential for resulting in direct or indirect physical change in the environment. The amendment of the franchise agreement is exempt from CEQA review because it does not constitute a project under CEQA pursuant to Section 15378(b)(5) of the State CEQA Guidelines, which provides that organizational and administrative activities of governments that will not result in physical changes in the environment are not considered projects for CEQA purposes. The documents and materials that constitute the record of proceedings on which these findings have been based are located at the City Clerk's office. The custodian for these records is the City Clerk of the City.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Jason Alcala
Jason Alcala
City Attorney

Attachments:
Exhibit A - Waste Connections, Inc. Letter of Commitment
Exhibit B – HF&H Assignment Review Report
Exhibit C - Second Amendment to Third Amended and Restated Franchise Agreement

EXHIBIT A

WASTE CONNECTIONS, INC.
Connect with the Future®

Ronald J. Mittelstaedt
Executive Chairman

October 21st, 2022

Ms. Judy Erlandson
Public Works Manager, City of Livermore
City Hall
1052 S. Livermore Ave.
Livermore, CA 94550

via email: jaerlandson@LivermoreCA.gov

Re: **Letter of Commitment 10/21/22**

Dear Ms. Erlandson,

This letter is in response to our discussion with you on October 12TH which follows your email correspondence on October 11th. Our goal is to address your remaining concerns and provide Staff with additional support to continue moving our proposed transaction forward. All elements of our previous commitments dated September 27th and October 10th have been added to this letter for ease.

Waste Connections commits as follows:

1. Retaining current staff and related compensation:

    a. Our plan is to retain all full-time staff members of LSI.

    b. Regarding compensation, non-union employees will continue to receive base compensation/wages at or above current base amounts and exempt employees will have the opportunity to earn bonus or incentive compensation greater than they previously received by participating in Waste Connections' incentive compensation programs.

    c. We will honor existing union collective bargaining agreements and the compensation arrangements set forth in those agreements.

2. Medical Benefits transition:

    a. For Teamster and Machinist Union employees, we will continue to offer union healthcare benefits that include coverage through Kaiser Permanente. For non-union employees, we will offer a very competitive healthcare benefit package through Blue Cross Blue Shield. We will not be offering non-union medical coverage through Kaiser Permanente.

    b. Health and Benefit Plans – at this point we haven't had an opportunity to speak with the Livermore Sanitation employees (union or non-union) about their existing plans or coverage. Our objective, as it always is, is to make the transition as smooth as possible for our employees. There will be no benefit change for the union employees which represents the majority of the employees at LSI. For the non-union employees there could be a change, but we believe it will be received favorably with enhanced benefit packages for the employees to choose from. Our intent for the non-union employees will be to keep them as financially whole as possible for comparable coverage. If they choose to select a more comprehensive benefit package it may result in an out-of-pocket expense for the employee.

3. Consistency of services and honoring franchise agreement:

    a. We are prepared to continue to provide the same quality of service that LSI currently provides.

    b. We will comply with all franchise agreement requirements, including but not limited to: (i) providing reports required by the agreement, (ii) adhering to the rate adjustment methodology set forth in the agreement, (iii) utilizing local billing and customer service staff, and (iv) abiding by the liquidated damages provisions set forth in the agreement.

4. EV and zero emission: As "zero-emission" collection vehicles become a viable alternative in their production capacity, cost, and durability, we will use commercially reasonable efforts to deploy them for service in the City of Livermore if that is the direction the City desires to pursue at that time. As we discussed, it will likely take several years before any such deployment commences.

5. WCN Corporate structure: Please see the attached Organization Chart.

6. References from City Staff with San Jose and Milpitas:

    a. For San Jose, please contact Jeff Anderson at (408) 975-2518.

    b. For Milpitas, please contact Elaine Marshall at (408) 586-2603.

7. Legal:

    a. We agree that that we will not assign the franchise agreement to a third party for at least five years and at any time an assignment would require the City of Livermore's approval.

b. We agree that we will prepare a guarantee form.

c. We agree that we will assume any potential liabilities from Livermore Sanitation, Inc.

8. SB1383- Waste Connections will partner with the City of Livermore to follow the requirements of SB 1383. Our goal is to spend the contracted $100,000 on SB 1383 to satisfy the wishes of the City of Livermore which currently exist in the rate structure. We propose the following with the understanding that the costs are covered in the rate structure and any amount above what is currently in the franchise agreement would require reimbursement through the rate structure. It is not anticipated the below events will exceed the contracted amount at this time.

   a. Host two (2) compost giveaway events per year at the Livermore Sanitation facility at 7000 National Drive in Livermore or elsewhere within the City at locations designated by City. Attendees at each event may pick up to two (2) 1 or 1.5 cubic yard bags of compost per event. Contractor shall provide at least 3,000 bags of compost for each event.

   b. Deliver up to one hundred (100) cubic yards of bulk compost to a location (e.g., Compost Hub) designated by City up to once each month. Compost can be picked up at each location

   These compost events and the existing $100,000 will be completed in the calendar year. We will provide the city with an outline of what we've spent related SB 1383 to encourage maximum participation.

9. Response to HF&H report – it is our commitment to adhere to the Franchise Agreement. This includes addressing the following items laid out in the HF&H report.

   a. Including a single-family search feature on the website.
   b. Participation in City community events.
   c. Visits to schools.
   d. Maintaining a local call center with sufficient staffing.
   e. Adhering to customer service call wait times.
   f. Commitment to avoid missed pickups.
   g. Commitment to perform periodic billing audits.

10. LSI will remain a wholly owned subsidiary of Waste Connections US, Inc. as Waste Connections will be acquiring the common stock in the purchase of Livermore Sanitation, Inc.

11. Logos and Branding – it is our plan to keep the existing logo and name for Livermore Sanitation, Inc. once we close on the acquisition; this is typically what we do. For example, we acquired Green Team in San Jose more than 20 years ago and they have continued under the name and logo to this day. This does not mean we will remove our right or ability to change our name or logo if we feel there is a benefit to our organization

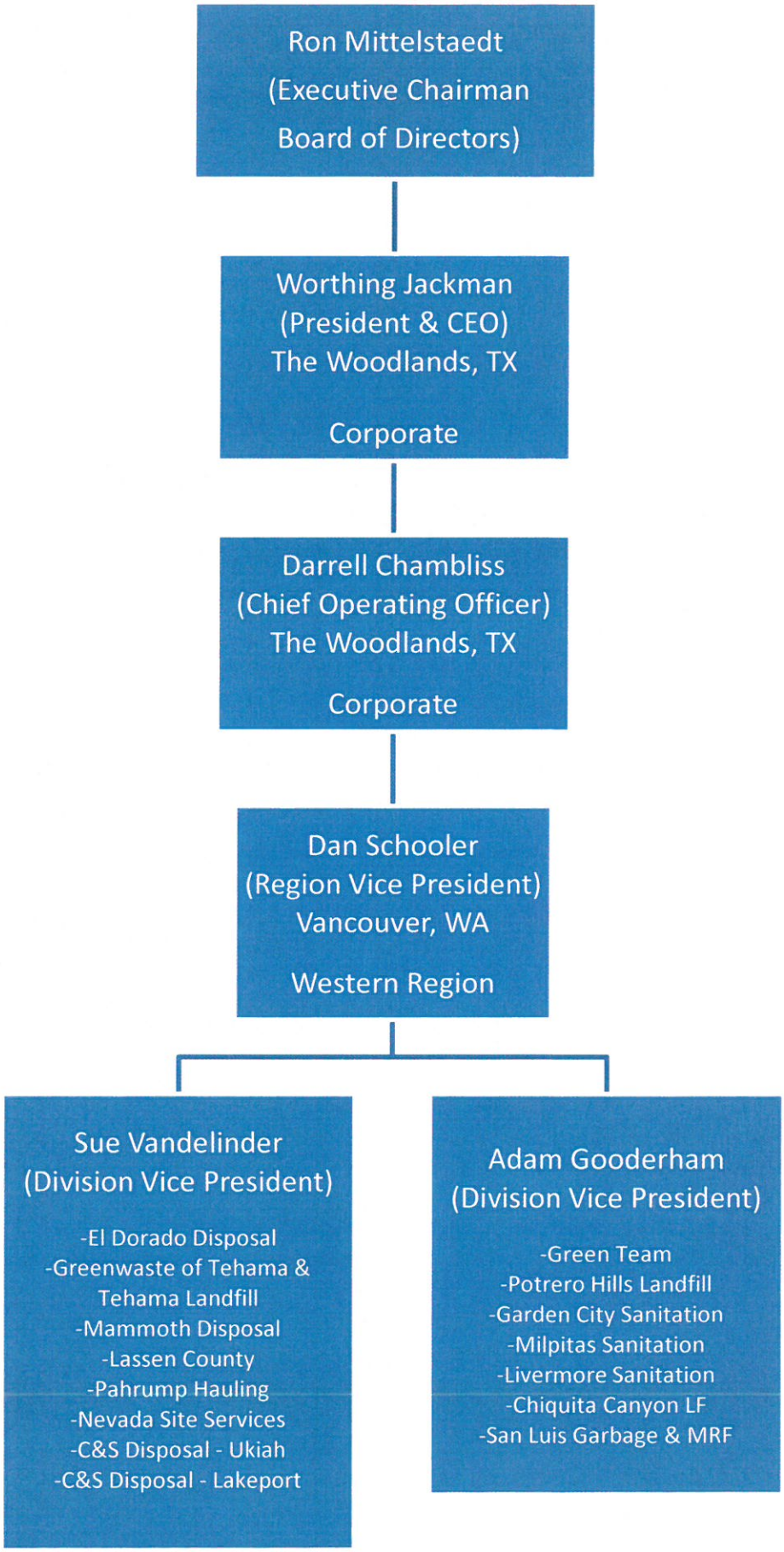
or communities we serve in the future, and we would notice the City of such intent should it ever occur.

12. Outreach plan- The Waste Connections team is working with Livermore Sanitation, Inc. team on submitting a proposed post card following the request of the City of Livermore, and posting a Frequently Asked Questions document on the Livermore Sanitation website. City staff will have a proposal draft very soon to approve before we go to print.

We acknowledge that both the HF&H report and this letter will be made public. If you have any questions about the matters discussed above, please call me directly at (916)-931-0020.

Sincerely,

Ron Mittelstaedt
Executive Chairman
Waste Connections, Inc
4359 Town Center Blvd, Suite 215
El Dorado Hills, CA 95762


Ron Mittelstaedt
(Executive Chairman
Board of Directors)
Worthing Jackman
(President & CEO)
The Woodlands, TX
Corporate
Darrell Chambliss
(Chief Operating Officer)
The Woodlands, TX
Corporate
Dan Schooler
(Region Vice President)
Vancouver, WA
Western Region
Sue Vandelinder
(Division Vice President)
-El Dorado Disposal
-Greenwaste of Tehama &
Tehama Landfill
-Mammoth Disposal
-Lassen County
-Pahrump Hauling
-Nevada Site Services
-C&S Disposal - Ukiah
-C&S Disposal - Lakeport
Adam Gooderham
(Division Vice President)
-Green Team
-Potrero Hills Landfill
-Garden City Sanitation
-Milpitas Sanitation
-Livermore Sanitation
-Chiquita Canyon LF
-San Luis Garbage & MRF

September 28, 2022

Ms. Judy Erlandson
Public Works Manager
Environmental Services Division
Public Works Department
City of Livermore
jaerlandson@cityoflivermore.net

Transmitted via email

Subject: Solid Waste Franchise Assignment – Livermore Sanitation Inc. – FINAL REPORT

Dear Ms. Erlandson:

HF&H Consultants, LLC (HF&H) provides the enclosed report on our due diligence review (Review) of the assignment of the City of Livermore's Solid Waste, Recyclable Materials, and Compostable Materials Services Agreement (Agreement) with Livermore Sanitation Incorporated (LSI). This report presents the scope of our Review, the findings of our Review, proposed conditions to the assignment of the Agreement based on our Review, and our recommendations.

Sincerely,
HF&H CONSULTANTS, LLC

Rob Hilton
President

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GLOSSARY

Agreement – Solid Waste, Recyclable Materials, and Compostable Materials Services Agreement between LSI and the City.

Assignee – See WC

Assignment – a change in control that falls under the definition of Assignment pursuant to the terms of the Agreement.

CSR – Customer Service Representative

Franchisee – see LSI

City – City of Livermore

LSI – Livermore Sanitation Inc, the hauler for the City.

PEOP – Public Education and Outreach Plan.

RDRS – Recycling and Disposal Reporting System

Review – Assignment Review.

WC – Waste Connections, INC.

EXECUTIVE SUMMARY

LSI has proposed an Assignment of its Agreement with the City. An assignment, as defined in the franchise agreement, means any material change in the ownership of the company. In this case, LSI has proposed to sell all of the stock of LSI to Waste Connections. This report presents the City with the results of HF&H's Review to support the City in determining whether it is in its best interest to accept the terms of the proposed Assignment.

HF&H was engaged to perform a Review of LSI in accordance with Section 12.5 of the Agreement. In general, the review found that the transaction will result in a change in control and governance of LSI. Waste Connections (the acquiring company) appears to meet the minimum criteria for the consideration of the Assignment from our review of provided documents.

Waste Connections has stated that the current management and employees will be retained, however each of those employees has the ultimate discretion about their choice to remain employed and it is important that Waste Connections maintains a work environment that encourages those valued employees to stay.

Our Review of Waste Connections demonstrated that they have the requisite qualifications, experience, and performance record to be considered for the assignment and reference checks to other agencies were generally positive. The only concern raised in the review of Waste Connections relates to their failure to disclose certain information related to the assessment of liquidated damages against them. The particular issue was discussed with Waste Connections and a revised disclosure was provided.

Our Review of LSI identified certain shortfalls in performance that are documented herein. The specific issues were relatively minor in nature, were promptly resolved, and never resulted in the contractor being subject to liquidated damages or found in default of the Agreement.

HF&H recommends that the City review and consider the specific findings of this report prior to approving any Assignment of the Agreement. Should the City wish to proceed with Assignment, HF&H recommends conditioning the approval of the Assignment on LSI's agreement to implement the various recommendations contained in this report.

In addition to its obligations under the Agreement, Waste Connections has provided written assurances regarding their commitments to:

- Retain current staff and notify the City in writing regarding open and new staff positions;
- Keep the current rate-adjustment methodology as outlined in the Franchise Agreement so as to maintain modest annual rate increases;
- Provide quality service in accordance with standards spelled out in the Franchise Agreement;
- Continued community engagement; and,
- Comply with section 12.5.2 of the Franchise Agreement.

SECTION 1 OVERVIEW

A. Background

The Agreement between LSI and the City provides LSI with the exclusive right to collect residential, multi-family, and commercial discarded materials in the City, subject to the limitations of that Agreement and applicable law or where other current programs provide for collection of household hazardous waste. In 2011, the Agreement was amended to adjust certain revenue and related monetary credits due to the City, provisions of services in portions of unincorporated Alameda County, and to establish rates for drop box and compactors organics material services. The Agreement was further amended in 2015 to account for a new collective bargaining agreement and a special rate review for an increased Recyclable Materials processing fee. The Third amendment in 2020 extended the term of the agreement, allowed for additional capital purchases, and prepared for new state legislature (e.g., SB 1383).

In October 2021, LSI notified the City of its intent to sell their company to WC, Inc., a publicly-traded, waste management company. Section 12.5 of the Agreement governs this type of transaction and reserves the right for the Franchising Agency to conduct an Assignment Review (Review). The Review was performed by HF&H Consultants, in accordance with the process outlined in the Agreement, and identified a few performance gaps related to program implementation, reporting, and public education (see "Section 2: Findings and Recommendations").

The issue areas covered in this Review are as follows:

Compliance Issue Areas

- Implementation of all collection services and recycling programs
- Public education and outreach
- Performance consistent with the standards of performance defined in the Agreement
- Billing review
- Delivery of material to the correct facilities
- Provision of operating assets that meet the requirements of the Agreement
- Reporting
- Payment of fees
- Insurance and performance sureties required by the Agreement
- Liquidated damages

Assignment Term Issue Areas

- Financial condition of Franchisee and Assignee
- Risk to Franchising Agency and/or rate payers

Financial Condition Issue Areas

- Financial health and stability
- Return on investment

- Ability to maintain ongoing operating costs without compromising performance

Experience and Qualification Issue Areas

- Experience
- Qualifications
- Performance of Assignee
    - Litigation History
    - Regulatory violations

B. Techniques

HF&H's Review team conducted the following activities:

- Initial and follow-up information requests to LSI, WC, and the City.
- Phone interviews with LSI's operations and management staff.
- Review of monthly, quarterly, and annual reports and other requested financial and operational data.
- Sample testing of LSI collection customers invoices.
- Review of tonnage and facility reports.
- Review and calculation and payment of fees.
- Calls and meetings with LSI.

C. Limitations of the Analysis

The scope of HF&H's analysis was limited as follows:

- The Review covered a wide range of performance areas in the Agreement. Therefore, the recommendations include several areas for suggested follow-up monitoring related to specific issues.
- The information used in the Review is, to the best of our understanding, accurate based on the data and information as provided by LSI, WC and/or the City, and was reviewed for reasonableness within industry standards.
- The Review did not entail independent verification of the accuracy or completeness of all of the source documents provided by LSI, WC, and the City.
- While the recommendations identify potential areas for improvement, the scope of work for the Review did not include development of specific remedies. The City may wish to meet and confer with LSI and WC to implement solutions to the issues identified in this report.
- Other matters might have come to our attention that would have been reported to the City had we addressed additional topic areas, additional issues within topic areas, and/or performed additional procedures.

SECTION 2: FINDINGS & RECOMMENDATIONS

HF&H performed review and analysis of LSI's performance and compliance with the Agreement, the terms under which the Assignee intends to purchase the Franchisee, the financial health and stability of the Franchisee and its operations, and the experience and qualifications of the Assignee in relation to its ability to perform its obligations at or above the standards defined within the Agreement. The findings of this Review are documented in this section and provide documentation of all instances of non-compliance with the Agreement, as well as other potential areas of concern.

Generally, LSI has been found to be compliant with the terms and conditions of its Agreement with the City, with some exceptions noted in the findings below. For each area where non-compliance was documented, LSI has been notified and has attempted to remedy the situation and/or HF&H has made recommendations to prevent future failures to meet compliance. Particular areas of concern are related to public education, outreach, and reporting.

HF&H believes that the recommendations below should be implemented regardless of the approval of a change in control and that these recommendations should help to ensure that the City's Agreement needs are better met.

A. Compliance Review

A-1. Implementation of Collection and Recycling Programs Required Under Agreement

The Agreement establishes specific collection services, documented in Section 5 of the Agreement, which must be performed by LSI. HF&H reviewed all requirements of Section 5.2 – Solid Waste Services, 5.3 - Recycling Services, 5.4 – Compostable Materials Program, 5.5 – City Facilities and Events Collection, 5.6 – Provision of Service to Schools, 5.7 – Construction and Demolition Debris Collection, 5.8 – Abandoned Solid Waste Collection, 5.9 Community Garage Sale Event, and 5.10 – E-Waste and U-Waste Collection.

HF&H collected evidence of LSI's compliance with collection services through materials on their website, rate sheets, monthly reports, quarterly reports, and annual reports as well as discussions with City staff. Where services could not be verified though documentation, HF&H contacted LSI and/or City staff to verify compliance. It is important to note that only a sample of information from this material was examined during this review.

Findings

HF&H found that LSI is generally compliant with the core collection services for solid waste, recycling, compostable materials, City facilities, schools, C&D, abandoned waste, garage sale events, e-waste and u-waste, and the bulky / on-call cleanup program, with the following exception:

- Multi-family customers subscribed to carts are not offered used oil recovery kit collection, as prescribed in the Agreement. LSI confirmed our assessment and informed us that COVID restrictions and the challenges of getting property manager approval delayed this program.

Recommendations

- HF&H recommends that LSI and the City meet and confer about how to address the above issue now that COVID related restrictions have largely been lifted.

A-2. Public Education and Outreach Analysis

The Agreement establishes specific public education and outreach requirements to be performed by LSI, in accordance with Exhibit C of the Agreement. This part of the Review was broken into five separate sections: 1) single family; 2) multi-family; 3) commercial; 4) schools; and, 5) special events. For each section, HF&H reviewed printed collateral, Public Education and Outreach Annual Plans (PEOPs), and monthly / quarterly / annual reports from Rate Year 10 and Rate Year 11 that were submitted by LSI on behalf of the City. Printed collateral was reviewed for the inclusion of specified educational topics outlined in the Agreement and included newsletters, posters, recycling guides, postcards, and bill inserts. Reports were used to identify the number of engagements LSI had with customers to offer educational and/or technical support.

Findings

Single Family Education and Outreach Activities

HF&H found that LSI is generally compliant with the single-family education and outreach activities, with the following exceptions:

Non-Compliance

- Corrective action notices for use in instances where the resident sets out inappropriate materials were not available nor provided to customers until Rate Year 11.
- Technical information related to home composting was not provided in brochures and newsletters. The only information provided to residents was a link in the Q&A section of the LSI website.
- Annual clean-ups were not advertised to residents through bill inserts in Rate Year 10 or Rate Year 11. One of two required newspaper advertisement was provided in Rate Year 11.
- LSI's website does not include a single-family customer address look-up feature that shows collection dates or up to date information on the City's ranks relative to its 75% diversion goal.

Partial Compliance

- Bill inserts contained service-related announcements (e.g., new services, proper HHW handling, holiday tree collection) instead of the information being printed on the bills themselves.
- LSI has not advertised on the local radio or cable television broadcasts in the last 5 years. However, LSI recently participated in a commercial that will air on the local channel along with Livermore Recycles.

Multi Family Education and Outreach Activities

HF&H found that LSI is generally compliant with the multi-family education and outreach activities, with the following exceptions:

Partial Compliance

- Bill inserts contained service-related announcements (e.g., new services, proper HHW handling, holiday tree collection) instead of the information being printed on the bills themselves.
- LSI has not advertised on the local radio or cable television broadcasts in the last 5 years. However, LSI recently participated in a commercial that will air on the local channel along with Livermore Recycles.

- LSI's website included a list of 'green' complexes in Livermore. However, the list is not searchable or ranked, as required in the Agreement.

Commercial Education and Outreach Activities

HF&H found that LSI is generally compliant with Commercial education and outreach activities, with the following exceptions:

Non-Compliance

- Corrective action notices for use in instances where the resident sets out inappropriate materials were not available nor provided to customers. LSI stated that they are working on notices that will be ready in September 2022.

Partial Compliance

- Newsletters contained general information on re-use, recycled products, and donation locations. However, the newsletters contained either limited or no specific vendor names, numbers, or contacts.
- Bill inserts contained service-related announcements (e.g., new services, proper HHW handling, holiday tree collection) instead of the information being printed on the bills themselves.

Schools Education and Outreach Activities

LSI is required to provide approximately 170 classroom presentations to public school children about recycling and composting at school and at home. LSI provided a list of schools visited in Rate Year 10 and informed HF&H that no schools were visited or requested virtual presentations in Rate Year 11 due to COVID restrictions. HF&H's review of the number of classroom visits in Rate Year 10 estimated 58 classroom presentations, which is below the requested level in the Agreement.

Special Events Education and Outreach Activities

LSI is required to participate in exhibit booths at special events, assist the City with sponsored events, and assist with the Arroyo Clean-Up. LSI confirmed that while the clean-up did not occur in Rate Year 11, likely due to complications related to COVID, they are still the sponsor for the Arroyo Clean-Ups. LSI's documentation confirms attendance and participation at these events. The City also informed HF&H that they do see LSI attending community workshops and feel that LSI is actively assisting the City with sponsored events.

Recommendation

- HF&H recommends LSI update their website to include the Single-Family address search feature and the multi-family 'green' complex search feature. additional information related to home composting should be included directly on the website under the Single-Family pages.
- HF&H recommends LSI include service-related announcements on bills for single-family, multi-family, and commercial customers and include annual clean-up information on single-family bill inserts.
- HF&H recommends that the City condition the Assignment on an agreement that if WC's educational materials are not of a quality acceptable to the City, WC will fund a third-party education contractor to work with the City to design and produce the collateral required by the Agreement.
- HF&H recommends that LSI and the City meet and confer regarding the use of local television and radio for promotional activities and adjust outreach material based on the results of this discussion.

- The commercial corrective action notice should be approved by the City, when complete, and used as appropriate to educate Commercial customers.

A-3. Performance Standards Analysis

The Agreement establishes specific performance standards for LSI's drivers and customer service representatives (CSR), as documented in Sections 5.18 and 6.11. The performance standards focused around consistent and frequent trainings on safety and upcoming customer-related programs. CSRs are also required to periodically call commercial food scrap customers to confirm their understanding of the program.

HF&H reviewed the monthly driver safety training records, the CSRs' quarterly training material, and the technical assistance logs to verify that LSI was meeting the requirements as specified in the Agreement. The driver training records provided sufficient detail on the topic and attendance of the meetings. The CSR quarterly training material included City-specific collection program updates and internal system updates for new organics programs or fees.

HF&H referenced materials and reports gathered as part of its role as Executive Director for the West Valley Solid Waste Management Authority (WVSWMA) where a Waste Connection affiliate (WVC&R) is the service provider. In reviewing reports related to driver and CSR performance, it was found that WVC&R has frequently had long wait times for customer calls. From January 2021 to August 2022, HF&H has performed 175 "secret shopper" calls to log WVC&R call response times for the WVSWMA jurisdictions. The average response time for these calls was over 7 minutes, more than triple the current contractually obligated 2 minutes referenced in section 6.9.4 of the Agreement with LSI. HF&H also found that WVC&R had an average of 200 to 250 missed collection pickups per month over the past five years in their contract with WVSWMA. A double missed pick-up is defined as the failure to collect material that was properly set out from the same customer on two consecutive scheduled pickup days. WVC&R incurred 30 instances of a double missed pick-ups in FY 21-22 alone. Liquidated Damages assessments have been made for these missed pick-ups and for "double-misses" annually, with over $7,000 of assessments made in the past year.

Findings

LSI has met performance standards related to driver safety training and CSR training or activities. While reference checks with the contacts WC provided did not yield complaints about customer service or missed collections, HF&H's personal experience as contract manager for districts WC serves demonstrates that this has been an issue for WC.

Recommendations

HF&H recommends that LSI maintain a local, bay area call center and retain the number of CSRs required in the agreement in order to help ensure that call response times do not increase and negatively impact customer experience should assignment be granted. HF&H also recommends that new CSR**s continue with the training protocols currently in place and that new CSR hires take "ride-alongs" with drivers in Livermore to familiarize themselves with the service area and meet with City staff periodically to get the City's perspective on community concerns, programs, and services.

A-4. Billing Analysis

HF&H reviewed 35 invoices selected from LSI's April billing database to test for billing errors. Of the 35 selections, 15 were from residential customers, 15 were from commercial and multi-family customers, and 5 were from roll-off customers. The selections included a variety of service levels and miscellaneous charges.

Each invoice was compared to the current rate sheet published on LSI's website. Charges were checked against the rate sheet items for corresponding customer types and service levels. HF&H noted the amount LSI billed for each charge, and the correct charge for each line item.

Findings

There were no systemic issues found in LSI's billing review and all reviewed invoices were correct.

Recommendation

HF&H recommend that in addition to third-party billing audits, LSI perform periodic audits of their billing system to ensure customers are charged according to the rate sheet.

A-5. Facilities Use Analysis

The City approved specific disposal, recyclable processing, composting, and C&D processing sites for LSI to deliver the City's material. The approved disposal and C&D processing site is Republic Service's Vasco Sanitary Landfill in unincorporated Alameda County. The approved recyclables processing site is Alameda County Industries LLC in San Leandro. The approved composting facility is Blossom Valley Organics North Composting Site in Vernalis. HF&H confirmed LSI was using the approved disposal site by reviewing LSI's Recycling and Disposal Reporting System (RDRS) export detailing disposal by facility for 2020 and 2021. HF&H confirmed that LSI uses the approved processing facilities for the City through review of weight tickets for trucks on recyclable materials, compostable materials, and C&D routes.

Findings

LSI is in compliance with delivery of materials to the approved facilities listed in the Agreement.

WC has recently been noticed of an intent to assess liquidated damages for delivering commercial organic material collected in the WVSWMA service area to the residential composting facility, resulting in disposal of more than 60 loads of commercial and multi-family organic materials. WC self-reported the error and indicated that it was done in an effort to save costs. The issue was immediately corrected, and WC was fully cooperative in supplying records and reports evidencing the matter.

Recommendation

It is recommended that LSI add a tonnage reconciliation by facility table to quarterly and annual tonnage reports for the City. HF&H also recommends that tonnage audits be performed periodically to ensure that material continues to be sent to the approved facilities should assignment be approved.

A-6. Asset Analysis

HF&H conducted a detailed review of LSI's vehicle capital. Current vehicle inventory data was provided by LSI and compared to the vehicle capital proposed in Exhibit G2 Form 4 of the Agreement.

Findings

Livermore Vehicle Capital

LSI proposed 39 total vehicles to service the City in the Agreement signed in 2008 and added an additional 3 vehicles during the Rate Period 8 cost-based review. As of the 2022 inventory listing, LSI owns 56 vehicles, which is more than the minimum requirements to service the City. Additionally, HF&H confirmed that the collection vehicles are operating on compressed natural gas (CNG), as required in the Agreement, by reviewing fuel purchases during the most recent cost-based rate adjustment and noting the continuation of the CNG index in the rate adjustment methodology. A summary of the vehicles is provided in Figure 1 below.

Figure 1: LSI Vehicle Inventory Capital

LSI Vehicle Inventory Capital				
Vehicle Type	**Total Vehicles Proposed**	**Revised Proposed Vehicles**	**Total Vehicle Inventory***	**Difference (Inventory - Proposed)**
Side Loader	18	18	18	0
Front & Rear Loader	7	8	16	8
Roll-Off	4	5	6	1
Utility	10	11	16	5
Total Vehicles	**39**	**42**	**56**	**14**
**Total per 2022 Inventory Listing*				

The third amendment to the Agreement required LSI to provide a fleet of new collection vehicles sufficient in number and capacity to efficiently perform the work required in the Agreement. Based on LSI's inventory listing, the overall number of new collection vehicles is above the minimum required per Exhibit G2. However, there are two few side loaders and four additional front and rear loaders. LSI is likely using the additional front and rear loading vehicles instead of the originally proposed side loaders based on the account types within the City. The findings are summarized in the table below.

Figure 2: LSI New Vehicle Inventory Capital

LSI Vehicle Inventory- New Collection Capital				
Vehicle Type	**Total Vehicles Proposed**	**Revised Proposed Vehicles**	**New Vehicle Inventory***	**Difference (Inventory - Proposed)**
Side Loader	18	18	16	-2
Front & Rear Loader	7	8	12	4
Roll-Off	4	5	5	0
Total Vehicles	**29**	**31**	**33**	**2**
**Vehicles purchased in 2021 or 2022, as detailed in the 2022 Inventory Listing*				

Recommendation

- No recommendations

A-7. Reporting Standards Analysis

LSI's monthly, quarterly, and annual reports are subject to the information requirements described in Section 6.3 and Section 6.4 of the Agreement. While none of the reports included documentation related

to submission dates in order to verify timely submission to the City, in our conversations with the City they did not indicate to HF&H that any of LSI's reports were submitted late. When reviewing annual, quarterly, and monthly reports, HF&H noted any inaccuracies or missing information and included them in the findings below.

Findings

Monthly Reporting

HF&H found that LSI was generally compliant with the monthly reporting requirements, with the following exceptions:

Non-Compliant

- A list of accounts that are sixty (60) days past due, including information related to the account or the methods of collection of the bad debt, was not included in the monthly reports.
- The annual community garage sale event, which only occurred in Rate Year 11 (2021), was not documented in the June or July 2021 monthly report.

Partial Compliance

- The monthly reports did not include sufficient detail related to the marketable tonnage or residual tonnage of compostable materials or C&D materials.
- The monthly reports did not include sufficient detail related to new multi-family and commercial recyclable and compostable material accounts for cart, bin, and drop box service.

Quarterly Reporting

HF&H found that LSI's quarterly reports were incomplete or missing key information, as further described below:

Non-Compliance

- Quarterly reports did not include current or historical quarterly averages of data for comparison.
- No information was provided on participation percentages by service type and material stream or on the percentage of commercial service volume that is recyclable material and compostable material.
- No information was provided related to pilot and new programs or a summary assessment of the overall solid waste, recyclable materials, and compostable materials programs from LSI's perspective.
- Neither a vehicle inventory nor an education plan for the coming rate period were included in the quarterly reports.

Partial Compliance

- Account information, tonnage data, and diversion levels included in the quarterly reports were described in insufficient detail.
- While the customer service representative trainings were provided in quarterly reports, the reports did not include the date and time of the next quarter's meeting.
- A revenue report summarizing monthly revenue was included in the quarterly reports, but it did not compare the revenues with the compensation and gross rate revenue expectations.

Annual Reporting

HF&H found that LSI's annual reports were incomplete or missing key information, as further described below:

Non-Compliance

- The annual reports did not include LSI's annual financial statements, an equipment inventory, sufficient personnel details, material revenues, a recyclable materials market plan, a commercial and multi-family program performance report, or the income-based subscription report.

Partial Compliance

- Route information, productivity statistics, operational changes, and historical tonnage were provided in the annual report, but it did not include all details as required in the Agreement.

Recommendation

- LSI should compare the reporting requirements as described in Sections 6.3 and 6.4 and ensure all future monthly, quarterly, and annual reports to include all reports, documents, and detail as required in the Agreement. Due to issues identified with regard to public education in section 2.A.2 of this report above, particular focus should be placed on provision of public education plans that should be provided as part of reports to the City.

A-8. Fee Payment Review

HF&H reviewed a random selection of LSI's fee remittances for the City for accuracy and completeness.

Findings

- HF&H recalculated the 11% franchise fee for May 2021 through November 2021 and tied the monthly remittance to the receipts received by the City. No variances in calculation were found in our selection.
- LSI remitted the complete Franchise Monitoring and Enforcement Fee, Street Sweeping Fee, Vehicle Impact Fee, and Neighborhood Preservation Fee for Rate Year 9, Rate Year 10, and Rate Year 11. HF&H's recalculation of the annual increase of the various fee yielded small variances from the total remitted by LSI due to rounding. The variance is insignificant in comparison to the total remittance.
- LSI remitted the complete SB 1383 Fee for Rate Year 10 and Rate Year 11. HF&H's recalculation of the SB 1383 Fee's annual increase yielded small variances from the total remitted by LSI due to rounding. The variance is insignificant in comparison to the total remittance.

Recommendation

HF&H recommends that both the City and LSI continue to review fee payments to make sure that they are in compliance with the Agreement. That includes making sure fees are escalated appropriately each year where allowed by the Agreement.

A-9. Insurance and Performance Bonds Review

HF&H reviewed the insurance and performance bond requirements listed in Section 9.5 of the Agreement. A summary of LSI's insurance requirements is provided in Figure 3 below. LSI provided copies of current

insurance certificates and the performance bond for HF&H to review. A summary of documents provided by LSI is included in Figure 3 as well.

Figure 3: Summary of Insurance Requirements per Agreement

Insurance Requirement	Coverage of Insurance	Provided by LSI
Comprehensive General Liability	$10,000,000 combined single limit per occurrence for bodily injury, personal injury, and property damage.	Certificate of Liability Insurance for Commercial General Liability of $1,000,000 per occurrence, including injury and property damage.
Automotive Liability	$10,000,000 combined single limit per accident for bodily injury and property damage.	Certificate of Liability Insurance for Automobile Liability of $1,000,000 combined single limit.
Worker's Compensation and Employer's Liability	Limit of $1,000,000 per accident.	Certificate of Liability Insurance for Workers Compensation and Employer's Liability of $1,000,000 each accident
Employee Blanket Fidelity Bond	$50,000 per Employee covering dishonesty, forgery, alternation, theft, disappearance, and destruction	Certificate of Liability for Crime of $1,000,000
Environmental Impairment Liability	$10,000,000 covering liability arising from release of pollution at the Approved Disposal Facility	Certificate of Liability for Pollution of $1,000,000
Performance Bond	$3,000,000 adjusted every three years to equal three (3) months of annual Gross Revenue.	Performance Bond of $5,000,000 with an increase to $7,250,000 in July 2020.
		Umbrella Liability of $10,000,000 each occurrence and in aggregate.
		Certificate of Property Insurance of $5,000,000 blanket building and personal property coverage, and $7,000,000 Equipment Breakdown.

Findings

HF&H has found that LSI's insurance requirements do not conform exactly to the requirements in the Agreement. As shown above, the titles of the insurance, the coverage levels and the use of an umbrella policy do not appear to be in line with the minimum insurance requirements. While the umbrella policy may provide financial coverage to insurance areas with deficient coverage, HF&H is not an insurance expert and cannot assert an opinion on the completeness of coverage through alternative insurance mechanisms. HF&H recommends that the City's Risk Manager review the documents provided to HF&H and determine whether LSI has satisfied the minimum insurance requirements and continues to update and meet the minimum performance bond amount.

Recommendation

HF&H recommends LSI review the minimum requirements of the Agreement and obtain revised insurance coverage that meets the qualitative and quantitative requirements of the Agreement. HF&H also recommends the City's Risk Manager follow-up with LSI in the coming months to confirm LSI has obtained revised insurance coverage and annually to confirm LSI is maintaining sufficient coverage.

A-10. Liquidated Damages Assessment

HF&H requested information from LSI and the City to determine whether any liquidated damages have ever been assessed against LSI. LSI claims that no liquidated damages have been assessed or paid to customers or local governments within the past five years. The City has confirmed LSI has not breached contract or been assessed liquidated damages in the past five years.

HF&H inquired about liquidated damages and breaches of contract assessed against WC during reference checks. No respondents noted that liquidated damages had been assessed. WC represented to HF&H staff through a request for information that no liquidated damages had been assessed in the past five years. As the Executive Director for WVSWMA, HF&H is aware that over the past five years WVC&R (WC affiliate) has been assessed liquidated damages annually in an average amount exceeding $10,000 each year.

Findings

WC stated that they had not paid liquidated damages to customers or local governments related to solid waste operations when, in fact, they had. HF&H reached out to WC to inquire why these liquidated damages were not reported in the request for information. WC stated that as a publicly traded company they are overseen by the Securities and Exchange Commission (SEC) and the Financial Accounting Standards Board (FASB) and had no liquidated damages that met the materiality threshold for reporting requirements of those two entities, and therefore did not report those damages as they did not believe them to be relevant. Upon a second request for all liquidated damages assessed upon WC, the company provided liquidated damages assessed by the WVSWMA as a result of performance standards violations and facilities use violations as described in sections A.3 and A.5 of this report.

Recommendation

HF&H recommends that the City, LSI, and WC review the performance obligations to ensure that operations are in compliance, and continue to be in compliance with the Agreement. The City has similar performance standards and liquidated damage thresholds to the WVSWMA agreement, and the City should continue to monitor the reports and service provided by LSI or the acquiring company should

Assignment be granted. Should changes in collection quality or reliability against the performance standards of the Agreement degrade, the City should work with its contractor to add resources to remedy those issues.

B. Review of Assignment Terms

HF&H reviewed the proposed terms of the change in control between the Franchisee and Assignee, which included the information required by Section 12.5 of the Agreement. This review, along with the review performed in Section 2.C Review of Financial Condition of Franchisee and Assignee (below), is intended to assess whether the proposed sale would create undue risk to the City and/or ratepayers resulting from the transaction.

Findings

Upon review of the terms of Assignment (and the review of the financial condition of the Franchisee and Assignee seen in Section 2.C below), HF&H has concluded that the Assignee should be able to make a reasonable return on investment without creating undue risk to the City and/or ratepayers resulting from the transaction. Calculations based on the financial statements provided by the Franchisee show the Franchisee is in good health and meets, and should continue to meet, favorable returns based on industry standards. Additionally, the return-on-investment calculation has been demonstrated to fall within reasonable industry ranges.

Additionally, the acquisition of this book of business will allow for WC to potentially benefit from extension of the Agreement, along with the strategic benefit of being the incumbent service provider should the City wish to go out to a competitive request for proposal.

Recommendation

HF&H recommends that the City continue to monitor operations and ensure that the Assignee continues to provide operations that meet the obligations of the Agreement throughout the remaining term of the Agreement. LSI should maintain the current customer service/outreach manager position, and three outreach/public education positions, along with its four customer service representatives, currently staffed to serve the City exclusively. LSI also should maintain its current accounting/billing staffing levels of 0.5 FTE controllers, 1 FTE staff accountant, and 2 FTE accounting clerks. These recommendations are essential to maintaining the level of customer service that the City currently receives. The robust reporting requirements, performance and billing reviews, along with the scheduled cost-based rate adjustments, should be sufficient to monitor and ensure that the Assignee is continuing to operate in accordance with the Agreement.

C. Review of Financial Condition of Franchisee and Assignee

HF&H reviewed financial statements and other financial materials from both the Franchisee and Assignee to determine the financial health and stability of both. This included reviewing LSI's and WC's income statement and balance sheet for two full years and documenting key financial ratios. HF&H compared these financial ratios to benchmarks for companies of a similar size within the solid waste industry. Based on this review and the information obtained during Section 2.B (above), HF&H has provided the results of this analysis and its opinion on whether the individual financial performance of the company is adequate to recover a reasonable return on the investment of the Assignee, and to maintain ongoing operating costs of the Franchisee without compromising operational performance under the Agreement. As appropriate, HF&H worked with WC, the proposed Assignee, to determine the confidentiality of various

documents provided by the Franchisee and Assignee and established appropriate procedures in maintaining that confidentiality.

HF&H calculated five financial ratios as described below:

Current Ratio: The current ratio roughly measures a company's ability to pay its current obligations. It is a measure of liquidity; the higher the ratio, the more liquid. It is calculated as the Total Current Assets / Total Current Liabilities.

Quick Ratio: The quick ratio is a more conservative measure than the current ratio to measure a company's ability to pay its obligations using only the most liquid assets. The higher the ratio, the more liquid. It is calculated as (Cash + Accounts Receivable) / Total Current Liabilities.

Debt to Equity Ratio: The debt to equity ratio measures the relationship between capital contributed by creditors and capital contributed by owners. A low ratio indicates greater financial safety and borrowing flexibility. It is calculated as Total Liabilities / Owners Equity.

Current Debt to Worth Ratio: The current debt to worth ratio expresses the relationship between capital contributed by owners and current capital contributed by creditors. The lower the ratio, the more easily it can cover or meet its debt obligation without having to sell a lot of assets. It is calculated as Current Liabilities / Net Worth

Profit Margin: The profit margin calculation measures a company's return on total sales. The higher the margin, the more return on its operations. It is calculated as Profit Before Taxes / Total Sales.

Findings

As summarized in the table below, WC and LSI are in equal standing in 2020 as compared to the industry benchmarks, but WC is slightly more favorable in 2021. The financial performance of WC is adequate to recover a reasonable return on the investment and maintain ongoing operating costs without compromising operational performance under the Agreement.

Figure 4: Financial Ratio Benchmarking – LSI

		Reporting Year				Ratios as Compared to Industry	
Type of Ratio	Measurement	2021	Industry 2021-22[1]	2020	Industry 2020-21[1]	2021	2020
Liquidity	Current Ratio	0.81	**1.20**	2.39	**1.10**	Less Favorable	More Favorable
	Quick Ratio	0.32	**1.00**	0.43	**0.90**	Less Favorable	Less Favorable
Capital Structure	Debt to Equity Ratio	2.52	**2.00**	1.57	**2.50**	Less Favorable	More Favorable
	Current Debt to Worth	0.45	**0.79**	0.34	**0.59**	More Favorable	More Favorable
Operating	Profit Margin	18.10%	**6.90%**	13.59%	**6.00%**	More Favorable	More Favorable

[1] *LSI RMAU Benchmark ID: 562111 Solid Waste Collection Financial Ratio Benchmarks for annual sales equal to or greater than $25million.*

# of **More** Favorable	2	4
# of **Less** Favorable	3	1
# of **Even**	0	0

Figure 5: Financial Ratio Benchmarking – WC

Type of Ratio	Measurement	Reporting Year 2021	Industry 2021-22[1]	2020	Industry 2020-21[1]	Ratios as Compared to Industry 2021	2020
Liquidity	Current Ratio	0.84	**1.20**	1.37	**1.10**	Less Favorable	More Favorable
	Quick Ratio	0.70	**1.00**	1.21	**0.90**	Less Favorable	More Favorable
Capital Structure	Debt to Equity Ratio	1.10	**2.00**	1.04	**2.50**	More Favorable	More Favorable
	Current Debt to Worth	0.18	**0.79**	0.15	**0.59**	More Favorable	More Favorable
Operating	Profit Margin	12.53%	**6.90%**	4.66%	**6.00%**	More Favorable	Less Favorable

[1WC] *RMAU Benchmark ID: 562111 Solid Waste Collection Financial Ratio Benchmarks for annual sales equal to or greater than $25million.*

# of **More** Favorable	3	4
# of **Less** Favorable	2	1
# of **Even**	0	0

Recommendation

LSI and WC appear to be in good financial standing. No Recommendation.

D. Review of Experience and Qualifications of Assignee

HF&H reviewed information regarding the experience, qualifications, and performance of the Assignee to assess their ability to perform at or above the levels of the current Franchisee. The experience and qualifications review included an evaluation of biographies, case studies, organizational charts, and reference checks. The performance evaluation included a review of WC's regulatory violations and litigation history.

Findings

Experience and Qualifications

WC represents that it "will continue to utilize the same personnel, vehicles and other equipment as exists today to fulfill all components of the Franchise Agreement." Bernadette Camara will continue to manage day to day operations, and will report to Paul Nelson, who will in turn report to Dan Schooler. Furthermore, it does not appear that any lower-level staff will be affected by the change in control.

Reference checks were performed with regard to WC and other communities it serves. Of the references who were responsive to our calls and emails for discussion, half rated their overall experience with Waste connections a 10/10, with no respondent giving lower than an 8/10. While there may be some bias in reference checks, as it is unlikely a service provider would list a reference they are aware they have a bad relationship with, the results were overwhelmingly positive. Criticism of WC was related to disconnect between the local team and the corporate approval process and discussion about the process the local teams needed to undergo in order to get approval from corporate in order to resolve issues. All references stated they would extend their contracts with WC if given the opportunity, some went as far as saying they would extend up to 25 years.

Litigation and Regulatory Performance

HF&H found that LSI had no liquidated damages of breaches of contract assessed. LSI did have one settlement with a former employee, the settlement amount of which would likely be considered immaterial against LSI's balance sheet.

HF&H has reviewed WC's litigation history for the past five years, and there are only a few material things to note:

- In 2017, WC's subsidiary Chiquita Canyon, LLC filed an appeal to a decision from the Los Angeles County Department of Regional Planning with regard to conditions, fees and exactions that reduced their landfill operations and represented a large increase in taxes and fees. Litigation is ongoing.
- In 2017, WC was issued a notice of violation related to a failure to pay fees. WC maintains that this fee was being contested in litigation noted above.

Recommendation

Experience and Qualifications

HF&H recommends that the City require WC to notify them if, and when, any key staff, reporting, accounting, outreach and education, or CSR positions become vacant. If and when vacancies occur, the Assignee should provide the City with updates about attempts to fill the position so that the current staffing metrics are maintained. Additionally, HF&H believes that a performance review should be performed within the first two years of Assignment should it be granted in order to ensure the quality of service rate payers receive is maintained and that all positions remain filled.

Litigation and Regulatory Performance

None of the litigation and regulatory issues identified are directly related to WC's operations. The City may wish to periodically monitor WC's compliance with applicable laws through the periodic performance and billing reviews that are allowed under the Agreement.

SECOND AMENDMENT TO THIRD AMENDED AND RESTATED FRANCHISE AGREEMENT

THIS SECOND AMENDMENT TO THIRD AMENDED AND RESTATED FRANCHISE AGREEMENT, AS AMENDED (this "Amendment") is made this 28th day of November 2022, by and between the CITY OF LIVERMORE, a municipal corporation (the "City"), LIVERMORE SANITATION, INC., a California corporation (the "Contractor"), and WASTE CONNECTIONS US, INC., a Delaware corporation ("Waste Connections"), collectively, "the Parties," with reference to the following:

A. The City and the Contractor are parties to that certain *Third Amended and Restated Agreement Between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services*, dated April 27, 2020, as amended (the "Franchise Agreement");

B. The Contractor, Waste Connections and other parties have entered a Stock Purchase Agreement, dated as of April 27, 2022, as amended (the "Purchase Agreement");

C. At a closing (the "Closing") to be held on or about December 1, 2022, in accordance with the Purchase Agreement, the current shareholders of Contractor will sell all the common stock in the Contractor (the "Contractor Shares") to Waste Connections, which will result in a change in majority control of the Contractor from the current owners of the Contractor; and

D. The Parties wish to document the terms and conditions upon which the City relies in consenting to the sale of Contractor Shares to Waste Connections (the "Assignment") as set forth in the Purchase Agreement and to amend the Franchise Agreement as permitted by Section 13.5 thereof and as set forth below.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants hereinafter set forth and other consideration the receipt and adequacy of which are hereby acknowledged, the Parties hereby agree as follows:

1. Consent to Assignment. From and after the Closing, the Contractor shall continue to possess all of its right, title and interest in the Franchise Agreement. The Contractor hereby agrees to keep, perform, fulfill and be bound by all of the terms, covenants and conditions required to be kept, performed, and/or fulfilled under the Franchise Agreement from and after the Closing.

2. Condition to Approval. As a condition of the City's approval of the Assignment of the Franchise Agreement, Waste Connections, the Contractor and the City agree as follows.

(a) Waste Connections' Acquisition Costs. Waste Connections agrees that amounts it pays to the current owners of the Contractor under the Purchase Agreement or any other costs incurred by the Contractor or Waste Connections in acquiring or selling stock or real property under the Purchase Agreement shall not, in calculating Rates or adjustments to Rates, be considered as an expense or otherwise affect Rates charged by the Contractor for performing services in the City pursuant to the Franchise Agreement.

(b) Payment of Costs. Contractor paid the City an advance against the City's costs to review the Assignment equal to $100,000 as required by Section 12.5.1 A. of the Franchise Agreement.

(c) Payment of Assignment Fee. Contractor shall pay the City an assignment fee equal to 1% of Contractor's Gross Revenues for the most recently completed fiscal year as required by Section 12.5.1 B. of the Franchise Agreement. Such fee shall be paid prior to, but conditioned upon, the Closing.

(d) Contractor Employees. Waste Connections shall provide non-union employees of Contractor with base compensation, salary, and wages at or above the current amounts as of the effective date of the Amendment. Non-union exempt employees shall be eligible for bonus or incentive compensation at amounts and levels greater than provided as of the effective date of the Amendment. Non-union employees shall receive health and other benefits that are substantially similar to those provided by Contractor. Waste Connections shall comply with the terms and conditions of any collective bargaining or similar agreements applicable to Contractor's union employees, including salaries and wages and health and other benefits.

(e) Guaranty. Waste Connections shall execute and deliver a guaranty in the form set forth in Exhibit A, subject to any edits as to form as approved by the City Attorney, guarantying Contractor's performance of the Franchise Agreement, as it may be amended. Such executed guaranty shall be provided prior to the Closing.

(f) Other Terms and Conditions. As material consideration for the City's approval of the Assignment, the Parties agree to amend the Franchise Agreement as otherwise set forth in this Amendment.

3. Additional Obligations. Waste Connections and the Contractor hereby represent, affirm and warrant to City:

(a) that Waste Connections has at least ten (10) years of Solid Waste, Recyclable Material, and Organic Materials management experience on a scale equal to or exceeding the scale of operations conducted by the Contractor under the Franchise Agreement;

(b) that in the last five (5) years, Waste Connections has not been the subject of any administrative or judicial proceedings initiated by a federal, State or local agency having jurisdiction over its operations due to an alleged failure to comply with federal, State or local Applicable Law;

(c) that Waste Connections conducts its operations in a safe and environmentally conscientious manner; and

(d) that Waste Connections conducts its Solid Waste, Recyclable Material, and Organic Materials management practices in accordance with sound management practices in full compliance with all federal, State and local laws regulating the handling of Solid Waste, Recyclable Material, and Organic Materials including Hazardous Substances.

(e) that Waste Connections' financial resources are sufficient to ensure its ability to meet all of Contractor's obligations under the Franchise Agreement in a timely and efficient manner.

4. Limitation of Future Assignments. The first paragraph of Section 12.5.1 of the Franchise Agreement shall be amended to read in full as follows:

> "Contractor shall not enter into negotiations to assign its rights, or delegate, subcontract or otherwise transfer any of Contractor's obligations under this Agreement, which shall include any Assignment under Section 12.5, to any other Person for a period of five (5) years from the Closing as defined in the Amendment."

5. Compost Events. Sections 5.23 and 5.24 are hereby added to the Franchise Agreement to read in full as follows:

> "5.23 Compost Giveaway Event
> Contractor shall host two (2) compost giveaway events per year at the Livermore Sanitation facility at 7000 National Drive in Livermore or elsewhere within the City at locations designated by City. Attendees at each event may pick up to two (2) 1 or 1.5 cubic feet bags of Compost Product per event. Contractor shall provide at least 3,000 bags of Compost Product for each event.
>
> 5.24 Compost Delivery
> Deliver up to one hundred (100) cubic yards of bulk Compost Product to a location (e.g. a Compost Hub) designated by City up to once each month. Compost Product can be picked at each location.

6. Defined Terms. Except as otherwise indicated in this Amendment, any capitalized terms shall have the definition ascribed to them in the Franchise Agreement.

7. Franchise Agreement in Effect. The Franchise Agreement remains in full force and effect and, except as provided herein, has not been modified, altered or amended in any respect and contains the entire agreement between the City and the Contractor with respect to the subject matter thereof. Going forward, the Franchise Agreement shall mean the Franchise Agreement as amended by this Amendment. In the event the Closing does not occur on or before December 31, 2022, this Amendment shall be null and void and the Franchise Agreement shall remain in effect pursuant to its terms and conditions.

8. Counterparts. This Amendment may be signed in three (3) or more counterparts, each of which shall be deemed an original but when taken together shall constitute one and the same instrument. Counterparts may be sent for signature by email. Signatures on PDF copies thereof shall be deemed original signatures for all purposes and such PDF copies shall be admissible as evidence of the agreement in any and all administrative or judicial proceedings.

Exhibit C

IN WITNESS WHEREOF, the Parties have executed this Amendment effective as of the day and year first above written.

CITY OF LIVERMORE

By: _____
Name:
Title:

Date: _____

LIVERMORE SANITATION, INC.

By: _____
Name: Louie Pellegrini
Title: President

Date: 11-16-2022

APPROVED AS TO FORM:

By: _____
Name:
Title:

Date: _____

WASTE CONNECTIONS US, INC.

By: _____
Name:
Title:

Date: _____

APPROVED AS TO INSURANCE:

By: _____
Risk Manager/Analyst

Date: _____

Exhibit C

IN WITNESS WHEREOF, the Parties have executed this Amendment effective as of the day and year first above written.

CITY OF LIVERMORE

By: _____
Name:
Title:

Date: _____

LIVERMORE SANITATION, INC.

By: _____
Name:
Title:

Date: _____

APPROVED AS TO FORM:

By: _____
Name:
Title:

Date: _____

WASTE CONNECTIONS US, INC.

By: _____
Name: RONALD J. MITTELSTAEDT
Title: Executive Chairman

Date: 11-16-22

APPROVED AS TO INSURANCE:

By: _____
Risk Manager/Analyst

Date: _____

EXHIBIT A

GUARANTY

EXHIBIT A

THIS GUARANTY (the "Guaranty") is given as of the [___] day of [_____], 2022, by Waste Connections US, Inc., a Delaware corporation, ("GUARANTOR"), to the City of Livermore, a California municipal corporation and general law city ("CITY").

THIS GUARANTY is made with reference to the following facts and circumstances:

A. Livermore Sanitation, Inc., a California corporation (the "CONTRACTOR") and CITY have executed that *Third Amended and Restated Agreement Between the City of Livermore and Livermore Sanitation, Inc. for Solid Waste, Recyclable Materials and Compostable Materials Services*, dated April 27, 2020, as amended ("Agreement"), which is incorporated herein by this reference.

B. Section 12.5 and 12.5.2(B) of the Agreement require the CITY's approval of any assignment of the Agreement, which may be conditioned on the assignee's provision of a guaranty to guarantee the performance of the Agreement.

C. Guarantor has proposed acquiring the common stock of CONTRACTOR as acknowledged that certain First Amendment to the Agreement, which constitutes an assignment under the Agreement.

D. CITY is willing to consent to the assignment of the Agreement as set forth in the First Amendment to the Agreement provided that GUARANTOR executes this Guaranty.

E. GUARANTOR is providing this Guaranty to induce CITY to approve the assignment of the Agreement.

NOW, THEREFORE, in consideration of the foregoing, GUARANTOR agrees as follows:

1. Guaranty of the Agreement. GUARANTOR hereby irrevocably and unconditionally guarantees to the CITY the complete and timely performance, satisfaction and observation by CONTRACTOR of each and every term and condition of the Agreement which CONTRACTOR is required to perform, satisfy or observe. In the event that CONTRACTOR fails to perform, satisfy or observe any of the terms or conditions of the Agreement, GUARANTOR will promptly and fully perform, satisfy or observe them in the place of the CONTRACTOR. GUARANTOR hereby guarantees prompt payment to CITY of each and every sum due from CONTRACTOR to CITY under the Agreement, as and when due from time to time, and the prompt performance of every other task and duty required to be performed by the CONTRACTOR under the Agreement.

2. GUARANTOR's Obligations Are Absolute. The obligations of the GUARANTOR hereunder are direct, immediate, absolute, continuing, unconditional and unlimited and, with respect to any payment obligation of CONTRACTOR under the Agreement, shall constitute a guarantee of payment and not of collection, and are not conditioned upon the genuineness, validity, regularity or enforceability of the Agreement.

3. Waivers and Subordination. The GUARANTOR shall have no right to terminate this Guaranty or to be released, relieved, exonerated or discharged from its obligations under Section 1 hereof for any reason whatsoever, including, without limitation: (1) the insolvency, bankruptcy, reorganization or cessation of existence of the CONTRACTOR; (2) any amendment,

modification or waiver of any provision of the Agreement or the extension of its Term (as defined in the Agreement); (3) the actual or purported rejection of the Agreement by a trustee in bankruptcy, or any limitation on any claim in bankruptcy resulting from the actual or purported termination of the Agreement; (4) any waiver, extension, release or modification with respect to any of the obligations of the Agreement guaranteed hereunder or the impairment or suspension of any of CITY's rights or remedies against CONTRACTOR; or (5) any merger or consolidation of the CONTRACTOR with any other organization, or any sale, lease or transfer of any or all the assets of the CONTRACTOR.

The GUARANTOR hereby waives any and all rights, benefits and defenses under California Civil Code Sections 2809, 2815, 2819, 2845, 2849, 2850, 2899 and 3433 and under or based upon, directly or directly, California Code of Civil Procedure Sections 580a, 580b, 580d and 726, if applicable, and all other rights permitted to be waived by California Civil Code Section 2856(a) including, without limitation, the right to require CITY to (a) proceed against CONTRACTOR, (b) proceed against or exhaust any security or collateral CITY may hold now or hereafter hold, or (c) pursue any other right or remedy for GUARANTOR's benefit, and agree that CITY may proceed against GUARANTOR for the obligations guaranteed herein without taking any action against CONTRACTOR or any other guarantor or pledgor and without proceeding against or exhausting any security or collateral CITY may hold now or hereafter hold. CITY may unqualifiedly exercise in its sole discretion any or all rights and remedies available to it against CONTRACTOR or any other guarantor or pledgor without impairing CITY's rights and remedies in enforcing this Guarantee. The GUARANTOR hereby waives and agrees to waive at any future time at the request of CITY, to the extent now or then permitted by applicable law, any and all rights which the GUARANTOR may have or which at any time hereafter may be conferred upon it, by statute, regulation or otherwise, to avoid any of its obligations under, or to terminate, cancel, quit or surrender this Guaranty. Without limiting the generality of the foregoing, it is agreed that the occurrence of any one or more of the following shall not affect the liability of the GUARANTOR hereunder: (a) at any time or from time to time, without notice to the GUARANTOR, the time for CONTRACTOR's performance of or compliance with any of its obligations under the Agreement is extended, or such performance or compliance is waived; (b) the Agreement is modified or amended in any respect; (c) any other indemnification with respect to CONTRACTOR's obligations under the Agreement or any security therefor is released or exchanged in whole or in part or otherwise dealt with; (d) any assignment of the Agreement is effected which does not require CITY's approval; or (e) any termination or suspension of the Agreement arising by reason of a default by CONTRACTOR.

The GUARANTOR hereby expressly waives diligence, presentment, demand for payment or performance, protest and all notices whatsoever, including, but not limited to, notices of non-payment or non-performance, notices of protest, notices of any breach or default, and notices of acceptance of this Guaranty. If all or any portion of the obligations guaranteed hereunder are paid or performed, GUARANTOR's obligations hereunder shall continue and remain in full force and effect in the event that all or any part of such payment or performance is avoided or recovered directly or indirectly from CITY as a preference, fraudulent transfer or otherwise, irrespective of (a) any notice of revocation given by GUARANTOR or CONTRACTOR prior to such avoidance or recovery, or (b) payment in full of any obligations then outstanding.

The GUARANTOR expressly subordinates and waives its rights to subrogation, reimbursement, contribution or indemnity with respect to performance by GUARANTOR of the obligations of CONTRACTOR guaranteed hereby, until such time as CITY receives payment or performance in full of all such obligations.

4. **Term**. This Guaranty is not limited to any period of time, but shall continue in full force and effect until all of the terms and conditions of the Agreement have been fully performed by CONTRACTOR, and GUARANTOR shall remain fully responsible under this Guaranty without regard to the acceptance by CITY of any performance bond or other collateral to assure the performance of CONTRACTOR's obligations under the Agreement. GUARANTOR shall not be released of its obligations hereunder so long as there is any claim by CITY against CONTRACTOR arising out of the Agreement based on CONTRACTOR's failure to perform which has not been settled or discharged.

5. **No Waivers by CITY**. No delay on the part of CITY in exercising any rights under this Guaranty or failure to exercise such rights shall operate as a waiver of such rights. No notice to or demand on GUARANTOR shall be a waiver of any obligation of GUARANTOR or right of CITY to take other or further action without notice or demand. No modification or waiver by CITY of any of the provisions of this Guaranty shall be effective unless it is in writing and signed by CITY and by GUARANTOR, nor shall any waiver by CITY be effective except in the specific instance or matter for which it is given.

6. **Attorney's Fees**. In addition to the amounts guaranteed under this Guaranty, GUARANTOR agrees to pay reasonable attorney's fees and all other reasonable costs and expenses incurred by CITY in enforcing this Guaranty, or in any action or proceeding arising out of or relating to this Guaranty, including any action instituted to determine the respective rights and obligations of the parties hereunder.

7. **Governing Law; Jurisdiction**. This Guaranty is and shall be deemed to be a contract entered into in and pursuant to the laws of the State of California and shall be governed and construed in accordance with the laws of California without regard to its conflicts of laws rules for all purposes, including, but not limited to, matters of construction, validity and performance. As the Agreement is made and performed in Alameda County, GUARANTOR agrees that any action brought by CITY to enforce this Guaranty may be brought in Alameda Superior Court or the Northern District of California as applicable. GUARANTOR appoints the following person as its agent for service of process in California:

Corporation Service Company
DBA CSC – Lawyer Incorporating Service
2710 Gateway Oaks Dr., Ste. 150N
Sacramento, California 95833

8. **Severability**. If any portion of this Guaranty is held to be invalid or unenforceable, such invalidity shall have no effect upon the remaining portions of this Guaranty, which shall be severable and continue in full force and effect.

9. **Binding on Successors**. This Guaranty shall inure to the benefit of CITY and its successors and shall be binding upon GUARANTOR and its successors, including a successor entity formed by a merger or consolidation, a transferee of substantially all of its assets, and its shareholders in the event of its dissolution or insolvency.

10. **Authority**. GUARANTOR represents and warrants that it has the corporate power to give this guaranty, that its execution of this Guaranty has been authorized by all necessary action under its Articles of Incorporation and by-laws, and that the person signing this Guaranty on its behalf has authority to do so.

Exhibit C

11. **Notices**. Notice shall be given in writing, deposited in the U.S. mail, registered or certified, first class postage prepaid, addressed as follows:

To CITY: City of Livermore
Attn: City Manager
1052 S. Livermore Ave
Livermore, CA 94550 1052

To GUARANTOR: Ron Mittelstaedt
Executive Chairman
Waste Connections, Inc
4359 Town Center Blvd, Suite 215
El Dorado Hills, CA 95762

with a copy to:

Waste Connections US, Inc.
3 Waterway Square Place, Suite 110
The Woodlands, TX 77380
Attention: Senior Vice President, Deputy General Counsel

The parties may change the address to which notice is to be sent by giving the other party notice of the change.

IN WITNESS WHEREOF, GUARANTOR has executed this Guaranty on the day and year first above written.

Waste Connections US, Inc.

By:_____
_____{Insert name}
RONALD J. MITTELSTAEDT
Executive Chairman

By:_____
_____ {Insert name}

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.9**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution rescinding the Garaventa Hills Project Approvals and Environmental Impact Report.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution rescinding the certification of the Re-Issued Final Environmental Impact Report, Findings and Facts, Mitigation Monitoring and Reporting Program, and approvals of a Vesting Tentative Tract Map and Site Plan Design Review in Resolution Nos. 2019-050 and 2019-051.

SUMMARY

On April 22, 2019, the City Council certified a Re-Issued Final Environmental Impact Report (RFEIR) pursuant to the California Environmental Quality Act (CEQA) and adopted Findings and Facts and a Mitigation Monitoring and Reporting Program, approval of a Vesting Tentative Tract Map and Site Plan Design Review for the Garaventa Hills residential project. The RFEIR reviewed the impacts of the implementation of the proposed 47-unit Garaventa Hills Project.

On May 23, 2019, Save The Hill Group filed a lawsuit challenging the RFEIR certification and approval of the project. The Superior Court of the County of Alameda denied the group's challenge. Save The Hill Group appealed, and the Court of Appeal reversed the Superior Court's decision. On September 26, 2022, the Superior Court then specifically directed the City to rescind the certification of the RFEIR and approval of the subdivision and site plan design review within 60 days (November 25). The City must demonstrate compliance with the rescission order to the Superior Court within 75 days (December 10).

DISCUSSION

On April 22, 2019, the City Council adopted Resolution No. 2019-050 certifying the RFEIR and Resolution No. 2019-051 approving Vesting Tentative Tract Map 8094 and Site Plan Design Review for the Garaventa Hills project. The project was for 38 detached single-family units, six attached, affordable single-family residential units, an open space buffer around the perimeter of the site, two open space knolls, public trails, and a privately owned street.

On May 23, 2019, Save The Hill Group filed a lawsuit against the City of Livermore and the project applicant Lafferty Communities challenging the RFEIR certification and the approval of the project. On September 23, 2020, the Superior Court for the County of Alameda denied the group's petition for writ of mandate, finding they failed to exhaust their administrative remedies by raising their claims that the no-project alternative analyzed in the RFEIR was inadequate, and denying the remainder of their claims that the RFEIR was inadequate.

Save the Hill Group appealed, and the Court of Appeal for the First Appellate District reversed the trial court, finding the group's members sufficiently exhausted their claims by asserting that the City should vote to preserve the project site permanently as open space, instead of developing it, using potential funding from the Altamont Landfill Settlement Agreement and Dougherty Valley Settlement Agreement. The Court ruled that the City failed to comply with CEQA by disclosing the potential availability of funding for open space acquisition and discussing the potential feasibility of this option in the no-project alternative analysis. The Court upheld the trial court's denial of the remainder of the group's claims challenging the adequacy of the City's compliance with CEQA.

In a Writ of Mandamus issued on September 26, 2022, the trial court specifically directed that the City: (1) vacate and set aside its certification of the RFEIR and approval of the project within 60 days of the service of the writ; and (2) to make an initial return to the writ demonstrating compliance with this first command of the writ within 75 days of service of the writ. Staff recommends the Council adopt the attached Resolution to accomplish the first step. If adopted, the City Attorney will direct outside counsel to file the required return with the court to document the completion of this step of compliance with the writ.

The applicant and property owner have the right to bring the project back for re-review by the City in the future, which would include revising the RFEIR to analyze the no-project alternative to address the inadequacies identified by the Court of Appeal. This step would involve a re-review of the project and environmental document by the City Council. The applicant has indicated an interest in pursuing this step but has not submitted an application at this time.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no significant fiscal or administrative impacts associated with adopting the proposed Resolution. Staff time and resources will be used to provide documentation demonstrating compliance to the Superior Court by December 10, 2022.

ATTACHMENTS

1. Resolution
2. Exhibit A - RESO 2019-050
3. Exhibit B - RESO 2019-051

Prepared by: Steve Stewart
Planning Manager

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RESCINDING THE VESTING TENTATIVE TRACT MAP, SITE PLAN DESIGN REVIEW, RE-ISSUED FINAL ENVIRONMENTAL IMPACT REPORT, FINDINGS OF FACT, AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE GARAVENTA HILLS PROJECT

On April 22, 2019, the City Council of the City of Livermore, California, adopted Resolution No. 2019-050, certifying the Re-Issued Final Environmental Impact Report (RFEIR) and adopting Findings and Facts and a Mitigation Monitoring and Reporting Program for the Garaventa Hills Project.

Also on April 22, 2019, the City Council of the City of Livermore, California, adopted Resolution No. 2019-051, approving a Vesting Tentative Tract Map (8094) and Site Plan Design Review (13-005) for the Garaventa Hills Project.

On May 23, 2019, an unincorporated association called Save The Hill Group filed a petition for writ of mandate pursuant to the California Environmental Quality Act (CEQA) in Alameda County Superior Court.

On September 23, 2020, the Alameda County Superior Court filed a judgment denying Save The Hill Group's petition.

On November 23, 2020, Save the Hill Group appealed the superior court's judgment to the Court of Appeal for the First Appellate District.

On March 31, 2022, the First Appellate District Court of Appeal issued a decision reversing the superior court's judgment, finding Save the Hill Group adequately exhausted its claims regarding the inadequacy of the "no project" alternative analyzed in the RFEIR and that the City violated CEQA by failing to consider and analyze in the no project alternative the feasibility of permanently preserving the Garaventa Hills Project site as open space using funds from either the Altamont Landfill Settlement Agreement or the Dougherty Valley Settlement Agreement.

On September 26, 2022, the Alameda County Superior Court issued a writ of mandate commanding the City to (1) vacate and set aside its certification of the RFEIR and approval of the project within 60 days of the service of the writ and (2) to make an initial return to the writ demonstrating compliance with this first command of the writ within 75 days of service of the writ.

Also on September 26, 2022, the Alameda County Superior Court entered an amended order and judgment in favor of Save The Hill Group as to the need to analyze potential preservation of the Project site as open space in the revised EIR's no project alternative analysis before considering whether to reapprove the Garaventa Hills Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, that Resolution Nos. 2019-050 and 2019-051 are hereby rescinded.

BE IT FURTHER RESOLVED that the documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's Office, 1052 S. Livermore Avenue, in Livermore California.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly D. Cilley
Kimberly D. Cilley
Senior Assistant City Attorney

Exhibit A – Resolution 2019-050
Exhibit B – Resolution 2019-051

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION CERTIFYING THE RE-ISSUED FINAL ENVIRONMENTAL IMPACT REPORT AND INSTRUCTING STAFF TO FILE A NOTICE OF DETERMINATION WITH THE ALAMEDA COUNTY CLERK FOR THE GARAVENTA HILLS PROJECT

(Vesting Tentative Tract Map 8094, Site Plan Design Review 13-005)

On July 27, 2011, the City received an application to develop a single-family residential subdivision on the site located east of North Vasco Road, North of Garaventa Ranch Road/Altamont Creek Drive, and West of Laughlin Road. The application included a General Plan Amendment to change the designation to Urban Low Medium Residential (2-3 dwelling units per acre) in order to enable the continued density transfer envisioned under the Maralisa development, a Vesting Tentative Tract Map to subdivide the site, and Site Plan Design Review for the landscaping, architecture, and improvements (the "Project").

The City determined that an Environmental Impact Report ("EIR") would be prepared for the aforementioned applications for the Project in accordance with the California Environmental Quality Act ("CEQA").

On November 18, 2011, the City issued a Notice of Preparation pursuant to CEQA to obtain comments on the proposed scope of the EIR for the Project.

On December 7, 2011, the City held a public scoping meeting for public agencies, organizations, and members of the public to review the proposed project and provide comments on the scope of the environmental review process.

On November 8, 2012, a Notice of Availability of the Draft EIR was issued, including notices to interested groups and individuals for a 45-day public comment period. A Notice of Completion of the Draft EIR, public comment period, and hearing date was published in a newspaper of general circulation pursuant to CEQA.

On December 4, 2012, the Planning Commission held a public hearing to receive comments on the Draft EIR for the initial proposal. The initial proposal was for 76 homes with a second access via an extension of Hawk Street and new bridge across Altamont Creek. The proposal included a General Plan Amendment to change the land use designation from Urban Low Residential, at 1-1.5 dwelling units per acre, to Urban Low Medium Residential, at 2-3 dwelling units per acre.

On December 26, 2012, the public comment period on the Draft EIR was closed.

The applicant made the changes listed below to the Project before review and consideration by the Planning Commission:

- Reduction in the number of units from 76 to 47;
- Elimination of the Hawk Street connection and bridge over Altamont Creek;
- Preservation of the rock outcrop in the northwest corner of the site; and
- Provision of an additional 1-story floor plan and a 1½-story floor plan.

The Draft EIR included two alternatives to the original proposal: Alternative A: No Project, No Development Alternative; and Alternative B: Reduced Density, Current General Plan Allowance Alternative. Alternative A assumes no development of the site. Alternative B assumes development of the site consistent with the current General Plan designation of Urban Low Density (UL-1) at 1-1.5 dwelling units per acre. After considering public comments on the Draft EIR and the statements given by neighboring homeowners during the Citizens Forums at a number of Planning Commission and City Council meetings, the applicant chose to proceed with developing the site generally consistent with Alternative B.

On June 11, 2014, a Final EIR was distributed consisting of copies of all written and oral comments, a list of commenters, all responses to oral and written comments, and an appendix containing minor corrections of the Draft EIR. A notice of the Final EIR availability and certification recommendation hearing date was published in a newspaper of general circulation.

On July 1, 2014, the Planning Commission recommended the City Council deny the Project. Generally, the Commission's recommendation was due to the Project's extensive grading, unknown aesthetic context, and concern from the Livermore Area Recreation and Park District regarding compatibility with the adjacent Garaventa Preserve.

On June 3, 2015, the City received revised plans for the Garaventa Hills Project that included the following:

- Replacing a portion of roadway with an Emergency Vehicle Access in order to reduce grading;
- Eliminating new landscaping between the Project site and the Garaventa Wetlands Preserve to preserve the natural grassland condition;
- Providing a drain system to collect all runoff from the residential lots and convey it to the treatment basin to protect the soil chemistry in the Garaventa Wetlands Preserve;
- Constructing a pedestrian/bicycle path that connects to the existing trail south of Bear Creek Drive to link the Project to Altamont Creek Park; and
- Providing visual simulations of the Project in context with the surrounding developed and natural environments.

On August 18, 2015, the Planning Commission conducted a public hearing to consider a recommendation to the City Council to certify the Final EIR. The Livermore Planning Commission found that the Final EIR had been completed in compliance with the intent and requirements of the CEQA statute, CEQA Guidelines, and the City's local CEQA requirements and the Final EIR reflect the independent judgment and analysis of

the Planning Commission of the City of Livermore. Based on the above findings, the Planning Commission recommended certification of the Garaventa Hills Final EIR, subject to final review and consideration to the City Council for approval.

On September 14, 2015, the City Council directed the project be returned to the Planning Commission and staff with direction for the project to be more subordinate to the natural landforms and provide alternatives for emergency vehicle and pedestrian circulation. The City Council took no action concerning the Final EIR.

On August 25, 2018, a Re-Issued Final Environmental Impact Report was made available for public review at City Hall and on the City's website, along with the Final EIR and Draft EIR. Two (2) public notices concerning the documents' availability were provided via mail for properties located within 1,320 feet of the project site, and published in a local distribution newspaper, on August 25, 2018 and on November 24, 2018. The 2018 Re-Issued Final EIR contains an assessment of the 2018 Revised Project. The responses to comments were reassessed in light of the 2018 Revised Project and revisions to the responses are provided as appropriate. None of the revisions or other information contained in the Re-Issued Final EIR would be considered "significant new information" under section 15088.5 of the CEQA Guidelines and therefore no recirculation of the Draft EIR is required.

On December 4, 2018, the Planning Commission conducted a public hearing to consider a recommendation to the City Council to certify the Re-Issued Final EIR. The Livermore Planning Commission found that the Re-Issued Final EIR has been completed in compliance with the intent and requirements of the CEQA statute, CEQA Guidelines, and the City's local CEQA requirements and the Final EIR reflect the independent judgment and analysis of the Planning Commission of the City of Livermore. Based on the above findings, the Planning Commission recommended certification of the Garaventa Hills Re-Issued Final EIR, subject to final review and consideration to the City Council for approval.

The City Council held a public hearing on April 22, 2019, considered the Planning Commission recommendations for certification of the Re-Issued Final Environmental Impact Report for the Garaventa Hills project, along with documents and testimony. The City Council incorporates herein by reference the information comprising its and the Planning Commission's record, and adopts the same in support of its finding as outlined below:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that the Re-Issued Final EIR (SCH No. 2011112045) has been completed in compliance with the intent and requirements of the CEQA statute, CEQA Guidelines, and the City's local CEQA requirements, including the Findings and Facts in Support of Findings Regarding the Final Environmental Impact Report, attached hereto as Exhibit A. The City Council thus approves and adopts the Re-Issued Final EIR, the Findings, and the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B. The Re-Issued Final EIR and the Mitigation Monitoring and Reporting Program reflect the independent judgment and analysis of the City Council of the City of Livermore.

BE IT FURTHER RESOLVED by the City Council of the City of Livermore that, based on the above findings, the Garaventa Hills Re-Issued Final EIR is certified as compliant with the intent and requirements of the CEQA statute, CEQA Guidelines, and the City's local CEQA requirements.

BE IT FURTHER RESOLVED by the City Council of the City of Livermore that, after approval of the application, staff is hereby directed to file the Notice of Determination, attached hereto as Exhibit C, with the Alameda County Clerk.

On motion of Vice Mayor Carling, seconded by Council Member Coomber, the foregoing resolution was passed and adopted on April 22, 2019, by the following vote:

AYES: Council Members Coomber, Munro, Woerner, Vice Mayor Carling, Mayor Marchand
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

Sarah Bunting
City Clerk

APPROVED AS TO FORM:

Catrina Fobian
Assistant City Attorney

Date: April 23, 2019

Exhibit A - Findings and facts in support of findings regarding the Final Environmental Impact Report
Exhibit B – Project Mitigation Monitoring and Reporting Program
Exhibit C – Notice of Determination

EXHIBIT A

FINDINGS AND FACTS IN SUPPORT OF FINDINGS REGARDING
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE

GARAVENTA HILLS PROJECT

(SCH NO. 2011112045)

The following Findings, the mitigation measures specified herein, and the Mitigation Monitoring Program attached hereto are hereby adopted by the Livermore City Council in accordance with California Environmental Quality Act ("CEQA"), Public Resources Code ("PRC") Sections 21081, 21081.5, 21081.6, and 21166, and the CEQA Guidelines, Title 14, California Code of Regulations, Sections 15091 through 15093, and Section 15162 for the Garaventa Hills Project (Vesting Tentative Tract Map 8094 (SUB13-001) and Site Plan Design Review (SPDR) 13-005).

A. ENVIRONMENTAL REVIEW PROCESS

The Project is comprised of the following:

1. The Project is is a 44-unit single-family residential subdivision on a vacant, approximately 32-acre site. A westerly extension of Bear Creek Drive provides access to the internal residential street circumscribing the site's two prominent knolls. Single-family detached lot sizes range from 8,740 square feet to 13,160 square feet with homes between 2,390 to 3,150 square feet in size, excluding garage. The duet lots range in size from 4,370 square feet to 5,375 square feet with homes of either 1,380 or 1,690 square feet in size, excluding garage. The duet units are attached along one wall, but each unit is on an individual lot with a property line located in the center of the shared wall. Lots and roadways will comprise approximately 40 percent of the site, with the remaining land reserved for open space buffers on the site's edges, undeveloped knolls with pedestrian trails, and a storm water detention basin with outfall pipe to Altamont Creek.

The City determined that an Environmental Impact Report ("EIR") would be prepared for the Project. The requirements for an EIR, under CEQA, are set forth in PRC 21100 and 21100.1 and State CEQA Guidelines Section 15120 et. seq.

On November 18, 2011, the City issued a Notice of Preparation (NOP) pursuant to CEQA to obtain comments on the proposed scope of the EIR for the Garaventa Hills project. On December 7, 2011, the City held a public scoping meeting for public agencies, organizations, and members of the public to review the proposed project and provide comments on the scope of the environmental review process. On November 8, 2012, a Notice of Availability of the Draft EIR was issued, including notices to interested groups and individuals for a 45-day public comment period. A Notice of Completion of the Draft EIR, public comment period, and hearing date was published in a newspaper of general circulation pursuant to CEQA. On December 4, 2012, the Planning Commission held a public hearing to receive comments on the Draft Environmental Impact Report (Draft EIR) for initial proposal. The initial proposal was for 76 homes with a second access via an extension of Hawk Street and new bridge across Altamont Creek. The proposal included a General Plan Amendment to change the land use designation from

Urban Low Residential, at 1-1.5 dwelling units per acre, to Urban Low Medium Residential, at 2-3 dwelling units per acre. On December 26, 2012, the public comment period on the Draft EIR was closed. On June 11, 2014, the Final EIR was distributed consisting of copies of all written and oral comments, a list of commenters, all responses to oral and written comments, and an appendix containing minor corrections of the Draft EIR. A notice of the Final EIR availability and certification recommendation hearing date was published in a newspaper of general circulation. The analysis and conclusions contained in the Final EIR reflect the independent judgment of the City.

On August 25, 2018, a Re-Issued Final Environmental Impact Report was made available for public review at City Hall and on the City's website, along with the Final EIR and Draft EIR. Two (2) public notices concerning the documents' availability were provided via mail for properties located within 1,320 feet of the project site, and published in a local distribution newspaper, on August 25, 2018 and on November 24, 2018. The 2018 Re-Issued Final EIR contains an assessment of the 2018 Revised Project. The responses to comments were reassessed in light of the 2018 Revised Project and revisions to the responses are provided as appropriate. None of the revisions or other information contained in the Re-Issued Final EIR would be considered "significant new information" under section 15088.5 of the CEQA Guidelines and therefore no recirculation of the Draft EIR is required.

B. PROJECT DESCRIPTION

The 2018 Re-Issued Final Environmental Impact Report, together with the Draft EIR published in November 2012, and the Final EIR published in June 2014 shall constitute the Environmental Impact Report (EIR) prepared pursuant to the California Environmental Quality Act (CEQA). A detailed description of the Project is included in the Environmental Impact Report ("EIR"). The project analyzed within the Re-Issued Final EIR is comprised of the following components described below.

Vesting Tentative Tract Map (Subdivision). The Vesting Tentative Tract Map will subdivide the site into 47 individual parcels, including 38 detached single-family residential lots, 6 attached single-family residential lots, and 3 homeowners association (HOA) parcels that include an open space buffer around the perimeter of the site, a storm water detention basin, the two knolls, public trails, and a private road.

Site Plan Design Review. Site Plan Design Review provides for review of the site plan, streetscape, architecture, and landscaping details.

C. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

Per the analysis of environmental aspects in the Draft EIR, the proposed Project would not result in significant and unavoidable adverse impacts.

D. SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES INCORPORATED INTO THE PROJECT

The following significant impacts have been identified that would be reduced to less than significant with mitigation measures incorporated into the Project. The significant impacts identified below are presented in summary form. For a detailed description of the significant impacts and mitigation measures, see the appropriate text in the EIR.

1. Air Quality

Impact Air-1: Construction Period Dust, Emissions and Odors. Construction of the Project would result in temporary emissions of dust, diesel exhaust and odors that may result in both nuisance and health impacts. Without appropriate measures to control these emissions, these impacts would be considered significant.

Mitigation Measure Air-1: Basic Construction Management Practices. The Project shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures".

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

2. Biological Resources

Impact Bio-1: Loss of Annual Grasslands. The Project will result in the permanent removal of up to 31.78 acres of non-native annual grassland habitat. An additional up to 1.18 acres will be temporarily disturbed for construction of the pedestrian bridge and EVA access road over Altamont Creek. Non-native annual grasslands are common throughout the region and removal of this plant community is not considered a significant impact unless special status species are known to use the habitat. Because the site has the potential to support several special status species, this impact would be considered potentially significant.

Mitigation Measures Bio-3a, 3b, 3c, 4a, 4b, 4c, 5a, 5b, and 5c would reduce this impact to less than significant levels through mitigation specific to the special status species that the site could support.

Impact Bio-2: Loss of Designated Critical Habitat for Vernal Pool Fairy Shrimp. The Project will result in the permanent loss of up to 31.78 acres of grassland that is included

within designated VPFS critical habitat. This is a potentially significant impact.

Mitigation Measure Bio-2: Construction-Period Protection of Offsite Wetlands and Vernal Pools. The applicant shall implement the following measures to minimize the potential impact to off-site wetlands and vernal pools resulting from construction activities on the Project site.

a) Stormwater Best Management Practices shall be implemented during construction activities to avoid the potential for sediments and other pollutants to enter the offsite wetland areas.
b) Install fencing and signage identifying the limits of the wetlands and providing a physical barrier to keep construction equipment and personnel out of the sensitive habitat areas.
c) Schedule grading in close proximity to offsite vernal pools during the non-rainy season in order to minimize potential for sedimentation of the pools.
d) Stabilize the natural vegetated buffer between the grading area and the offsite wetlands during the early phases of construction so that it serves as a protective barrier for the wetlands. Stabilization can be accomplished through establishment of vegetation and/or temporary Best Management Practices to prevent erosion and sedimentation from occurring, such as erosion control mats, silt fences, fiber rolls, and/or soil binders.

Mitigation Measure Geo-5, which requires implementation of a construction-period stormwater pollution prevention plan including Best Management Practices for preventing construction-period stormwater pollution through soil stabilization, sediment control, wind erosion control, soil tracking control, non-storm water management, and waste management and materials pollution control, would also help to mitigate Impact Bio-2.

Impact Bio-3: Potential Take of Vernal Pool Fairy Shrimp. The Project will result in the permanent loss of approximately 0.004 acre of seasonal wetland that could be occupied by VPFS. This is a potentially significant impact.

Mitigation Measure Bio-3a: Conduct surveys to determine presence/absence of VPFS. Complete surveys following protocol deemed acceptable by the USFWS to determine presence/absence of VPFS in the seasonal wetland on the Project site prior to initiation of construction. The presence of VPFS can be assumed instead of implementing the surveys required by this measure. If no VPFS are found, no further mitigation is required. If VPFS are found or assumed to be present, implement Mitigation Measures 3b and 3c.

Mitigation Measure Bio-3b: Obtain Authorization from USFWS for take of VPFS. If VPFS are found as a result of directed surveys or are assumed to be present, the Project applicant shall obtain authorization from USFWS for take of VPFS prior to filling or disturbance of the seasonal wetland. USFWS authorization may be obtained through Section 7 of the ESA as a component of the USACE permitting process (see wetland impacts below).

Mitigation Measure Bio-3c: Obtain offsite compensatory habitat for loss of VPFS habitat if determined to be present. If VPFS are found as a result of directed surveys or are assumed to be present, compensatory habitat shall be provided for loss of this habitat at a 9:1, 10:1 or 11:1 mitigation ratio depending on the location of the mitigation site, as recommended in the East Alameda County Conservation Strategy (EACCS). Final replacement ratios shall be based on the assessed functions and values of an

agency approved mitigation site.

Impact Bio-4: The Project will result in the permanent loss of up to 31.78 acres and temporary disturbance of up to 0.08 acre of potential upland aestivation habitat for CTS. In addition, loss of the 0.004 acre seasonal wetland could result in loss of onsite breeding habitat for CTS. This is a potentially significant impact.

Mitigation Measure Bio-4a: Obtain Authorization from USFWS and CDFG for potential take of CTS. The Project applicant shall obtain authorization from USFWS and CDFW for potential take of CTS prior to initiation of any ground disturbance activities.

Mitigation Measure Bio-4b: Obtain Offsite Compensatory Habitat for Loss/Disturbance of Potential Upland Aestivation Habitat for CTS. The compensatory habitat shall be provided at a 2.5:1 to 3:1 ratio for acres permanently lost and at a 1.5:1 ratio for areas temporarily disturbed, as recommended in the EACCS. Final replacement ratios shall be based on the assessed functions and values of an agency approved mitigation site. The mitigation site should be of sufficient quality and quantity to fully offset the permanent loss of habitat and should be permanently protected and managed in perpetuity with sufficient funding to maintain and enhance the quality of the site for CTS.

Mitigation Measure Bio-4c: Implement Appropriate Measures during Construction to Minimize Potential Take of CTS. Minimization measures specified in the authorizations obtained from USFWS and CDFW shall be implemented prior to and during construction: Such measures could include the following:

- Project applicant shall contract with a Designated Biologist approved by USFWS and CDFW to monitor construction activities.
- All earthwork in the construction area shall be confined to the period of June 15 to October 31, or as approved by USFWS and CDFW.
- A barrier with one-way ramps shall be constructed around the limits of grading in the fall prior to the initiation of construction. This barrier will allow CTS to move out of the construction area during the fall/winter and keep them from returning in the spring.
- Before any construction activities begin, the Designated Biologist will conduct a training session with construction personnel to describe the CTS and its habitat, the specific measures being implemented to minimize effect to the species, and boundaries of the construction area.
- The Designated Biologist shall complete walking surveys of the construction area prior to initiation of ground-disturbing activities each day during the construction period. If any CTS are discovered, the Designated Biologist shall move the animal to a safe, nearby location as predetermined through consultation with USFWS and CDFW.

Impact Bio-5: Loss of Habitat for and Potential Take of Individual California Red-Legged Frogs. The Project will result in the permanent loss of up to 31.78 acres and temporary disturbance of up to 0.08 acre of potential upland habitat for CRLF. This is a potentially significant impact.

Mitigation Measure Bio-5a: Obtain Authorization from USFWS for Potential Take of CRLF. The Project applicant shall obtain authorization from USFWS for potential take of CRLF prior to initiation of any ground disturbance activities.

Mitigation Measure Bio-5b: Obtain Offsite Compensatory Habitat for Loss/Disturbance

of Potential Upland Habitat for CRLF. The compensatory habitat shall be provided at a 2.5:1 to 3:1 ratio for the acres permanently lost and at a 1.5:1 ratio for areas temporarily disturbed, consistent with the EACCS recommendations for the species. Final replacement ratios shall be based on the assessed functions and values of an agency approved mitigation site. The mitigation site can be the same as that obtained for Mitigation Measure Bio 4b, as long as there is sufficient area to provide habitat for both CRLF and CTS.

Mitigation Measure Bio-5c: Implement Appropriate Measures during Construction to Minimize Potential Take of CRLF. Minimization measures specified in the authorizations obtained from USFWS shall be implemented prior to and during construction. Such measures are expected to be similar to those described for Mitigation Measure 4c.

Impact Bio-6: Loss of burrowing owl habitat and potential harm to individual burrowing owls. The Project will result in the permanent loss of up to 31.78 acres of grasslands that provide habitat for the burrowing owl. Additionally, individual owls could be harmed during construction activities if they are occupying burrows on the site. This is a potentially significant impact.

Mitigation Measure Bio-6a: Obtain Offsite Compensatory Habitat for Loss/Disturbance of potential burrowing owl habitat. The compensatory habitat to be obtained as described for Mitigation Measures Bio-4b and 5b should also be determined as occupied or suitable for burrowing owls in order to compensate for potential habitat loss resulting from the Project.

Mitigation Measure Bio-6b: Conduct a Pre-Construction Burrowing Owl Survey. A pre-construction survey shall be conducted by a qualified biologist within 30 days prior to initiation of any ground-disturbing activities to ensure individual owls are not harmed. If the survey occurs during the breeding season (February 1 to August 31) and owls are observed on or within 250 feet of the area of disturbance, a 250-foot buffer should be established around the occupied burrow with construction fencing. The fenced area should remain in place for the duration of the breeding season while construction activities are occurring. If the survey is conducted outside of the breeding season and owls are observed, owl eviction may be allowed if authorized by CDFG.

Impact Bio-7: Loss of Potential Habitat and Potential Harm to Individual American Badgers. The Project will result in the permanent loss of up to 31.78 acres of grassland that could provide suitable habitat for American badger. American badgers are a State Species of Special Concern and are typically found in grasslands where there is sufficient food (burrowing rodents), friable soils, and relatively open, uncultivated ground. Badgers have large home ranges, typically from about 395 to 2,100 acres, and are generally solitary aside from temporary family groups, transient mating bonds, and overlapping home ranges. No badgers or signs of badger use have been observed on the Project site. Although not observed on the Project site, there is potential for American badgers to use burrows on the property. Project construction activities could also harm individual badgers if they occupy the site when grading begins. This is a *potentially significant* impact.

Mitigation Measure Bio-7a: Obtain Offsite Compensatory Habitat for Loss/Disturbance of Potential American Badger Habitat. The compensatory habitat to be obtained as described for Mitigation Measures Bio-4b and 5b will also be determined as occupied or suitable for American badger to compensate for potential habitat loss resulting from the Project.

Mitigation Measure Bio-7b: Conduct a Pre-Construction American Badger Survey. A pre-construction survey shall be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any Project activity likely to impact potential burrows. If occupied burrows are found, one of the following actions shall be implemented by the applicant:

1. Initiate an on-site passive relocation program, through which badgers are excluded from occupied burrows by installation of a one-way door in burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued, and hand excavation and collapse of the burrow to prevent reoccupation; or
2. Have a qualified biologist actively trap and relocate badgers to suitable off-site habitat in coordination with the CDFW.

Impact Bio-8: Loss of potential foraging habitat and potential harm to individual San Joaquin Kit Fox: The Project will result in the permanent loss of up to 31.78 acres of grassland within the historical range of SJKF. Additionally, there is a slight potential for kit fox to forage or den on the site. This is a potentially significant impact.

Mitigation Measure Bio-8a: Obtain Offsite Compensatory Habitat for Loss/Disturbance of potential SJKF habitat. The compensatory habitat to be obtained as described for Mitigation Measures Bio-4b and 5b should also be determined as occupied or suitable for SJKF in order to compensate for potential habitat loss resulting from the Project.

Mitigation Measure Bio-8b: Conduct pre-construction surveys for San Joaquin kit fox: The pre-construction survey should be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any Project activity likely to impact the San Joaquin kit fox.

- If potential dens are present, their disturbance and destruction will be avoided.
- If potential dens are located within the proposed work area and cannot be avoided during construction, qualified biologist will determine if the dens are occupied or were recently occupied using methodology coordinated with the USFWS and CDFG.
- If unoccupied, the qualified biologist will collapse these dens by hand in accordance with USFWS procedures (U.S. Fish and Wildlife Service 1999).
- Exclusion zones will be implemented following USFWS procedures (U.S. Fish and Wildlife Service 1999) or the latest USFWS procedures available at the time. The radius of these zones will follow current standards or will be as follows: Potential Den—50 feet; Known Den—100 feet; Natal or Pupping Den—to be determined on a case-by-case basis in coordination with USFWS and CDFG.
- Pipes will be capped and trenches will contain exit ramps to avoid direct mortality while construction area is active.

Impact Bio-9: Loss of Potential Habitat for and Potential Harm to Western Spadefoot Toad: The Project will result in the permanent loss of 0.004 acre of potential breeding habitat for western spadefoot toad and up to about 31 acres of potential burrowing habitat. Additionally, there is a slight potential for individual western spadefoot toads to be harmed during construction activities. This is a potentially significant impact.

Mitigation Measure Bio-9: Conduct a pre-construction survey for western spadefoot toad. A survey for western spadefoot toad shall be conducted by a qualified biologist a

maximum of one week prior to construction. The survey should include the potential breeding habitat and an area within 50 feet of that habitat. If a western spadefoot toad is found, the biologist shall move it to suitable habitat in a safe location outside of the construction zone. In the event that a western spadefoot toad is observed within an active construction zone, the contractor shall temporarily halt construction activities until a biologist has moved the toad to a safe location outside the construction zone, within similar habitat.

Impact Bio-10: Disturbance of Nesting Birds. Construction activities could adversely affect nesting birds protected by the Migratory Bird Treaty Act and/or Fish and Game Code of California. This is a potentially significant impact.

Mitigation Measure Bio-10: Conduct a Pre-Construction Nesting Bird Survey. Pre-construction surveys for nesting birds protected by the Migratory Bird Treaty Act of 1918 and/or Fish and Game Code of California shall be conducted within 30 days of initiation of construction activities. The survey area shall include the Project site and areas within 100 feet of the site. If active nests are found, the Project shall follow recommendations of a qualified biologist regarding the appropriate buffer in consideration of species, stage of nesting, location of the nest, and type of construction activity. The buffer shall be maintained until after the nestlings have fledged and left the nest. If there is a complete stoppage in construction activities for 30 days or more, a new nesting-survey shall be completed prior to re-initiation of construction activities.

Impact Bio-11: Fill of Jurisdictional Wetlands: The proposed activity will permanently impact approximately 0.004 acre of seasonal wetland habitat. This area is jurisdictional waters/wetlands. This is a potentially significant impact.

Mitigation Measure Bio11a: Obtain authorization from USACE, CDFG and RWQCB for fill of wetlands and alteration of Altamont Creek. The applicant shall obtain the necessary permits from the USACE, CDFG and RWQCB pursuant to §404 of the Clean Water Act, §1602 of the California Fish and Game Code, and §401 of the Clean Water Act, respectively.

Mitigation Measure Bio-11c: Re-creation of 0.004 Acre of Seasonal Wetland. The applicant shall create a minimum of 0.004 acre of seasonal wetland habitat either onsite or offsite to replace the area lost through Project construction. Creation of this habitat shall be done in consultation with USFWS if the existing seasonal wetland is found to support VPFS (see Mitigation Measure Bio-4c).

3. Cultural Resources

Impact Culture-1: Disturbance of Unidentified Archaeological Resources, Paleontological Resources, Tribal Resources, or Human Remains. During earth-moving activities at the Project site, it is possible that unidentified archaeological resources, paleontological resources, tribal resources, or human remains could be uncovered and disturbed. This is a potentially significant impact.

Mitigation Measure Culture-1a: Halt Construction Activity, Evaluate Find and Implement Mitigation. In the event that previously unidentified archaeological or tribal resources are uncovered during site preparation, excavation or other construction activity, all such activity within 25 feet of the discovery shall cease until the resources have been

evaluated by a qualified archaeologist and/or Native American specialist, and specific mitigation measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code.

Mitigation Measure Culture-1b: Prepare Mitigation Plan, Halt Construction Activity, Evaluate Find and Implement Mitigation. Because of the high potential for unique paleontological resources within the Project area, a qualified professional Paleontologist shall prepare a Paleontological Mitigation Plan outlining a paleontological monitoring plan and a salvage plan to be implemented during construction excavation and other ground-disturbing activities for the Project. The Paleontological Mitigation Plan should include the following: in the event that previously unidentified paleontological resources are uncovered during site preparation, excavation or other construction activity, all such activity within 25 feet of the discovery shall cease until the resources have been evaluated by a qualified Paleontologist, and specific mitigation measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code.

Mitigation Measure Culture-1c: Halt Construction Activity, Evaluate Remains and Take Appropriate Action in Coordination with Native American Heritage Commission. In the event that human remains are uncovered during site preparation, excavation or other construction activity, all such activity within 25 feet of the discovery shall cease until the remains have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission, in accordance with section of the California Health and Safety Code or, if the remains are Native American, section 5097.98 of the California Public Resources Code.

4. Geology and Soils

Impact Geo-2: Seismic Hazards. The Project is located in a seismically active region and likely to be subject to strong seismic shaking during the life of the improvements. The potential for liquefaction is considered to be low, though densification and lateral spreading is possible. The impact related to seismic hazards would be potentially significant.

Mitigation Measure Geo-2: Compliance with a design-level Geotechnical Investigation report prepared by a Registered Geotechnical Engineer and with Structural Design Plans as prepared by a Licensed Professional Engineer. Proper slope and foundation engineering and construction shall be performed in accordance with the recommendations of a Registered Geotechnical Engineer and a Licensed Professional Engineer. The structural engineering design, with supporting Geotechnical Investigation, shall incorporate seismic parameters compliant with the California Building Code.

Impact Geo-3: Unstable Soils and Slope Stability. The topography and soils at the Project site represents a concern for unstable soils and landslides if not properly mitigated. The impact related to unstable soils and landslides would be potentially significant.

Mitigation Measure Geo-2 would also serve to mitigate Impact Geo-3 through requiring compliance with a design-level geotechnical investigation and recommendations.

Impact Geo-4: Expansive Soils. The Project proposes deep fill in some locations that could result in swell/settlement if not properly mitigated. The impact related to expansive soils would be potentially significant.

Mitigation Measure Geo-2 would also serve to mitigate Impact Geo-4 through requiring compliance with a design-level geotechnical investigation and recommendations.

Impact Geo-5: Construction-Period Soil Erosion. Grading and construction activities will expose soil to the elements, which would be subject to erosion during storm events. This is a potentially significant impact.

Mitigation Measure Geo-5: Construction-Period Stormwater Pollution Prevention Plan (SWPPP). The Project applicant shall prepare and implement a SWPPP for the proposed construction period. The SWPPP and Notice of Intent (NOI) must be submitted to the State Water Resources Control Board to receive a Construction General Permit. The plan shall address National Pollutant Discharge Elimination System (NPDES) requirements, include applicable monitoring, sampling and reporting, and be designed to protect water quality during construction. The Project SWPPP shall include "Best Management Practices" (BMPs) as required by the State and the Regional Water Quality Control Board for preventing stormwater pollution through soil stabilization, sediment control, wind erosion control, soil tracking control, non-storm water management, and waste management and materials pollution control.

The SWPPP shall take into account the following considerations recommended by the preliminary geotechnical report:

- Ponding of stormwater, other than within engineered detention basins, should not be permitted at the site, particularly during work stoppage for rainy weather. Before the grading is halted by rain, positive slopes should be provided to carry surface runoff to storm drainage structures in a controlled manner to prevent erosion damage.
- The tops of fill or cut slopes should be graded in such a way as to prevent water from flowing freely down the slopes. Due to the nature of the site soil and bedrock, graded slopes may experience severe erosion when grading is halted by heavy rain. Therefore, before work is stopped, a positive gradient away from the tops of slopes should be provided to carry the surface runoff away from the slopes to areas where erosion can be controlled. It is vital that no completed slope be left standing through a winter season without erosion control measures having been provided.
- Because the existing bedrock is relatively nutrient-poor, it may be difficult for vegetation to become properly established, resulting in a potential for slope erosion. Revegetation of graded slopes can be aided by retaining the organic-rich strippings and spreading these materials in a thin layer (approximately 6 inches thick) on the graded slopes prior to the winter rains and following rough grading. When utilizing this method, it is sometimes possible to minimize hydroseeding.

5. Greenhouse Gas Emissions

Impact GHG-1:Increased GHG Emissions. Construction and operation of the proposed Project would be additional sources of GHG emissions, primarily through consumption of

fuel for transportation and energy usage on an ongoing basis. This is a potentially significant impact.

Mitigation Measure GHG-1: Increased Energy Efficiency. The Project shall demonstrate proposed energy efficiency at least 16% greater than Title 24 requirements prior to issuance of building permits.

Impact GHG-2: Compliance with Livermore Climate Change Element. The Project plans are not detailed enough at this stage to determine consistency with best management practices included in the Climate Change Element of the Livermore General Plan. This is a potentially significant impact.

Mitigation Measure GHG-2: GHG Emissions Reduction Best Management Practices (BMPs). The Project shall demonstrate proposed compliance with City of Livermore General Plan Climate Change Element BMPs prior to issuance of building permits, including the following. If the City's Climate Action Plan is approved prior to issuance of permits, requirements of the Climate Action Plan can be substituted for the BMPs below.

- Climate BMP No. 1 – Energy-efficient buildings in compliance with the Livermore Green Building Ordinance.
- Climate BMP No. 2 – Use of energy-efficient appliances that meet Energy Star standards.
- Climate BMP No. 3 – Incorporate solar roofs into commercial development. Residential development to be "solar-ready" including proper solar orientation (south facing roof area sloped at 20° to 55° from the horizontal),clear access on the south sloped roof (no chimneys, heating vents, plumbing vents, etc.), electrical conduit installed for solar electric system wiring, plumbing installed for solar hot water system, and space provided for a solar hot water storage tank.
- Climate BMP No. 4 – Incorporate transit and bicycle/pedestrian connections into development.
- Climate BMP No. 5 – has been omitted as it applies only to Commercial/Industrial projects.
- Climate BMP No. 6 – has been omitted as it applies to parking lots and structures.
- Climate BMP No. 7 – In compliance with the Construction and Demolition Ordinance, recycle construction materials and divert construction waste from disposal as feasible.
- Climate BMP No. 8 – Include recycling facilities to provide for commercial and/or community recycling of plastic, paper, green waste, and food waste.
- Climate BMP No. 9 –Incorporate "heat island" treatments including cool roofs, cool pavements, and strategically placed shade trees.
- Climate BMP No. 10 –Use landscaping that meets the City's Water Efficient Landscape Ordinance.

6. Hazards and Hazardous Materials

Impact Haz-2: Oil Seepage Possibility. Because there are oil seepage issues on a nearby site, it is possible, though unlikely, that near-surface oil could exist on the Project site. The possibility of future oil seepage from near-surface oil is a potentially significant impact.

Mitigation Measure Haz-2: Confirm Absence of Near Surface Oil or Implement Overexcavation. The absence of naturally occurring oil should be confirmed during grading of the site. If oil is encountered during grading, the following overexcavation shall be implemented:

- The area where naturally occurring near surface oil is encountered shall be overexcavated a minimum of 10 feet below proposed finish grade and replaced with engineered fill. This will provide a low permeable fill cap to prevent the upward migration of oil.
- Where proposed storm drain lines cross areas where naturally occurring near surface oil is encountered, the area shall be overexcavated a minimum of 5 feet beyond the outside diameter of the proposed storm drain line. The excavation should be backfilled with engineered fill and the storm drain line trenched through the fill. The storm drain trench within the previously overexcavated and backfilled area should be lined with 20 mil visqueen prior to placement of shading and the storm drain line

7. Hydrology and Water Quality

Impact Hydro-1: Construction-Period Erosion and Siltation. Construction of the proposed Project would involve grading activities that would disturb soils at the site. Such disturbance would present a threat of soil erosion by subjecting unprotected bare soil areas to runoff during construction, which could result in siltation to receiving waters. This is a potentially significant impact.

Mitigation Measure Geo-5, which requires implementation of a construction-period stormwater pollution prevention plan including Best Management Practices for preventing construction-period stormwater pollution through soil stabilization, sediment control, wind erosion control, soil tracking control, non-storm water management, and waste management and materials pollution control, would also mitigate Impact Hydro-1.

8. Traffic/Transportation

Impact Traf-5: Hazards Due to Design Features or Incompatible Uses. The proposed Project includes installation of new internal roadways, trail access to open space areas, provision of a pedestrian and EVA bridge and a new vehicle access points from an existing streets, and a roadway crossing of the Altamont Creek Trail that could result in hazards if the details are not properly designed. This is a potentially significant impact.

Mitigation Measure Traf-5: Hazards Due to Design Features or Incompatible Uses. The Project's on-site transportation elements, such as sight distances, driveway locations, and marked crosswalk locations, have been reviewed by the Livermore staff with design-level project approvals and meet applicable local regulations. The following design details are recommended, though final details will be determined through consultation with Livermore staff, taking into consideration constraints of the site:

a) The stem of each intersection should be stop-controlled or contain other intersection controls.

b) Livermore thoroughfare standards should be followed, which could involve narrowed vehicle lanes, widened sidewalks, reduced corner radii, and installation of corner bulb-outs. Narrower vehicle travel lanes and tighter corner radii with bulb-outs are associated with lower vehicle travel speeds, increased visibility between pedestrians and motorists, and reduce pedestrian roadway exposure.

c) All mid-block trail crossings should be marked with warning signs and a high-visibility crosswalk and include bulb-outs and lighting to enhance pedestrian visibility.
d) According to Livermore's Municipal Code 3-15-050, driveways should be located more than 20 feet from the corners.

Impact Traf-6: Emergency Access. The proposed Project includes a new internal roadway system that connects with existing roadways that could result in inadequate emergency access if the details are not properly designed. This is a potentially significant impact.

Mitigation Measure Traf-6: Emergency Access. The Livermore-Pleasanton Fire Department has reviewed the 2018 Revised Project. Conditions of approval for the Vesting Tentative Tract Map include additional design features and measures necessary for emergency response.

Impact Traf-7: Construction. Construction-related impacts generally would not be considered significant due to their temporary and limited duration. However, depending on the construction phasing and truck activity, this is a potentially significant impact.

Mitigation Measure Traf-7: City Review of Construction Plan. It is expected that the construction plan will be reviewed by the City of Livermore and designed to meet applicable regulations.

Impact Traf-10: Laughlin Road & Northfront Road Intersection. The addition of Project trips would have a cumulatively considerable impact on the delay at an intersection already projected to operate below acceptable levels (an increase of 8.9 seconds of average delay during the PM peak hour under Cumulative Plus Project conditions). This is a significant impact.

Mitigation Measure Traf-10: Laughlin Road & Northfront Road Intersection Improvements. The Project shall contribute a fair share amount to improvements at this intersection, as determined by the City of Livermore Community Development Department. The improvements shall consist of either A) or B) below, again as determined in coordination with the City of Livermore Community Development Department:

a) Roundabout. Install a roundabout with yield-control at all three intersection legs. The current vehicle lane configuration would remain, but right-of-way may need to be expanded to accommodate traffic movements through the intersection.

Or

b) Signal Control. Signalize the intersection. The current vehicle lane configuration would need to be altered from the existing one lane in each direction to include a left-turn pocket in the eastbound direction and a right-turn pocket in the westbound direction. Right-of-way may need to be expanded to accommodate the turn-pocket lanes at the intersection.

E. <u>LESS THAN SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR</u>

The Final EIR identifies the following less than significant impacts. The less than significant impacts identified below are presented in summary form. For a detailed description of the less than significant impacts, see the appropriate text in the EIR.

The analysis in this EIR identifies the following environmental effects to be less than significant.

1. Aesthetics
2. Agricultural, Forest and Mineral Resources
3. Cultural Resources
4. Land Use and Planning
5. Noise
6. Population, Public Services and Recreation
7. Utilities/Service Systems

F. OTHER CEQA-REQUIRED ASSESSMENTS

1. Growth-Inducing Impacts

There are two types of growth-inducing impacts that a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project's characteristics that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated (CEQA Guidelines Section 15126.2(d)).

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community by directly inducing population growth, or by leading to the construction of additional developments in the same area. Also included in this category are projects that remove physical obstacles to population growth (such as a new road into an undeveloped area or a wastewater treatment plant with excess capacity that could allow additional development in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they facilitate and serve. Projects that physically remove obstacles to growth, or projects that indirectly induce growth may provide a catalyst for future unrelated development in an area such as a new residential community that requires additional commercial uses to support residents.

The Garaventa Hills Project would develop 44 dwelling units. Using the City of Livermore's 2013 persons per housing rate of 2.81 (as reported by the California Department of Finance), the Garaventa Hills project would add 123 persons. The City of Livermore's 2013 population was reported to be 83,325 by the California Department of Finance; thus, the addition of 123 persons would represent an increase of 0.15 percent. This amount of population growth is considered negligible; therefore, direct population growth would be less than significant. Additionally, the project sites are currently served by urban infrastructure and utilities; thus, development of the proposed projects would not remove a physical barrier to growth. No impacts would occur.

2. Cumulative Impacts

CEQA defines cumulative impacts as "two or more individual effects, which, when considered together, are considerable, or which can compound or increase other environmental impacts." Section 15130 of the *CEQA Guidelines* requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. These impacts can result from the proposed project alone, or together with other projects. The *CEQA Guidelines* state: "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

The proposed projects' cumulative impacts were considered in conjunction with other proposed and approved projects in the Livermore area. Based on the analyses in the Draft EIR, the proposed project will not result in cumulatively significant impacts, with implementation of identified mitigation measures, in the following areas: air quality/greenhouse gas emissions; biological resources; geology, soils, and seismicity; hazards and hazardous materials; hydrology and water quality; noise; and utility systems.

G. MITIGATION MONITORING AND REPORTING PROGRAM

When making findings, the lead agency must adopt a reporting or monitoring program for the mitigation measures it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The City hereby adopts the Mitigation Monitoring and Report program for the Project included as Exhibit A to these findings. The mitigation measures identified in the Final EIR to reduce significant impacts and adopted and incorporated in to the Project will be monitored pursuant to this monitoring program.

H. ALTERNATIVES

The Final EIR includes two alternatives to the original proposal: Alternative A: No Project, No Development Alternative; and Alternative B: Reduced Density, Current General Plan Allowance Alternative. Alternative A assumes no development of the site. Alternative B assumes development of the site consistent with the current General Plan designation of Urban Low Density (UL-1) at 1-1.5 dwelling units per acre. After considering public comments on the Draft EIR and the statements given by neighboring homeowners at a number of Planning Commission and City Council meetings, the applicant has chosen to proceed with developing the site generally consistent with the Alternative B.

Project Objectives. The objectives for the proposed project include:

1. Complete implementation of current Planned Development zoning designation that reflects the Project site's inclusion in the Planned Unit Development Permit (PUD 115-A) for the Maralisa development, which indicated development with a maximum of 76 single-family homes.
2. Contribute to housing availability to accommodate Livermore's growing population and to help satisfy Livermore's share of regional housing needs.
3. Provide housing near Livermore and Tri-Valley employment centers within the existing City Boundary and North Livermore Urban Growth Boundary.
4. Provide a high-quality residential neighborhood that is compatible and integrated with existing nearby residential, park, school and open space uses.
5. Provide adequate access to the site for safety purposes while minimizing environmental impacts and satisfying natural resource and flood control regulatory agencies.
6. Provide buffers as a separation and natural transition from adjacent open space and habitat to urban development.
7. Conserve the two prominent knolls as visual resources for the community.
8. Retain public access to trails around the knolls as a public amenity for hiking and vista views.

Alternatives. The following alternatives to the proposed project are considered in the EIR:

Alternative A: No Project, No Development Alternative. Alternative A is a "no project" alternative. It assumes the proposed Project is not approved and the site would remain in an undeveloped state, with no development of roadways or residences.

Alternative B: Reduced Density, Current General Plan Allowance Alternative. Alternative B assumes the Project site is developed consistent with the current "UL-1" (Urban Low Residential 1-1.5 dwelling units per acres) General Plan designation. Given this current General Plan designation, the Project site could be developed with another residential project, which could result in the same or greater impacts than the proposed project. Specifically, this alternative assumes 44 residential units would be constructed on the 31.7-acre site (at approximately 1.5 units per acre). This is 58% of the units proposed under the Project. A residential development at these lower densities would likely be comprised of larger lots covering a similar area as under the Project.

Conclusion on Alternatives

No significant and unavoidable impacts were identified under the proposed Project. All Project impacts are either less than significant or can be reduced to those levels through implementation of the mitigation contained in this Draft EIR. Because of the low impact of the proposed Project, differences between it and the Alternatives are marginal and limited to reductions in already less than significant impacts.

The Draft EIR identifies the No Project, No Development Alternative as the environmentally superior alternative since it proposes no changes to the site. However, this alternative would not advance any project objectives, including the contribution of homes to accommodate Livermore's growing population and regional housing needs, and to provide housing near Tri-Valley employment centers within the existing City Boundary and North Livermore Urban Growth Boundary.

The CEQA Guidelines also require that "if the environmentally superior alternative is the 'no project' alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives" (CEQA Guidelines Section 15126.6(e)(2)). In general, the environmentally superior alternative minimizes adverse impacts to the environment, while still achieving the basic project objectives.

The Reduced Density, Current General Plan Density Alternative is the next most environmentally superior alternative with the lower density contributing to reduced impacts related to both the construction period and operational period. Alternative B would result in marginal reductions in already less than significant impacts, requiring mostly the same mitigation. The Reduced Density, Current General Plan Allowance Alternative meets all of the Project Objectives.

In light of the foregoing discussion, the City Council sees no reason to turn down the project as proposed, as it is consistent with the General Plan and consistent with stated project objectives. The No Project Alternative does not meet the objectives of proposed project.

I. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth above, there are no significant adverse environmental impacts which are identified in the Final EIR. Therefore, a statement of overriding considerations is not required for approval of the proposed project.

J. RECIRCULATION NOT REQUIRED

No new or substantial changes to the EIR were proposed as a result of the public comment process. The Re-Issued Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the EIR. The minor changes, clarifications, and additions to the EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts. Therefore, recirculation of the EIR is not required.

K. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the City Council base their findings and decisions contained herein.
Documents related to this Project are located in the Livermore Community Development Department, Planning Division, 1052 South Livermore Avenue, Livermore, CA.

L. SUMMARY

1. Based on the foregoing Findings and the information contained in the record, the City has made one or more other following findings with respect to each of the significant effects of the Project:

a. Changes or alternations have been required in, or incorporated into, the Project, which mitigate or avoid the significant effects on the environment.

b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that agency.

c. Specific economic, legal, social, technological, economic or other considerations made infeasible the mitigation measures or alternatives identified in the Final EIR.

2. Based on the foregoing Findings and the information contained in the record, it is determined that all significant effects on the environmental due to the approval of the proposed project have been eliminated or substantially lessened.

LIVERMORE GARAVENTA HILLS PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
Air-1: Basic Construction Management Practices. The Project shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD "Basic Construction Mitigation Measures." • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.	Prior to issuance of demolition, building or grading permits	Applicant / Developer	Verify requirements are included in construction contracts and are met during construction	Livermore Community Development Department	
Bio-2: Construction-Period Protection of Offsite Wetlands and Vernal Pools. The applicant shall implement the following measures to minimize the potential impact to off-site wetlands and vernal pools resulting from construction activities on the Project site.	Prior to issuance of demolition, building or grading permits	Applicant / Developer	Verify requirements are included in construction contracts and are	Livermore Community Development Department	

EXHIBIT A
EXHIBIT B

Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
a) Stormwater Best Management Practices shall be implemented during construction activities to avoid the potential for sediments and other pollutants to enter the offsite wetland areas. b) Install fencing and signage identifying the limits of the wetlands and providing a physical barrier to keep construction equipment and personnel out of the sensitive habitat areas. c) Schedule grading in close proximity to offsite vernal pools during the non-rainy season in order to minimize potential for sedimentation of the pools. d) Stabilize the natural vegetated buffer between the grading area and the offsite wetlands during the early phases of construction so that it serves as a protective barrier for the wetlands. Stabilization can be accomplished through establishment of vegetation and/or temporary Best Management Practices to prevent erosion and sedimentation from occurring, such as erosion control mats, silt fences, fiber rolls, and/or soil binders.			met during construction		
Bio-3a: Conduct surveys to determine presence/absence of VPFS. Complete surveys following protocol deemed acceptable by the USFWS to determine presence/absence of VPFS in the seasonal wetland on the Project site prior to initiation of construction. The presence of VPFS can be assumed instead of implementing the surveys required by this measure. If no VPFS are found, no further mitigation is required. If VPFS are found or assumed to be present, implement Mitigation Measures 3b and 3c. Bio-3b: Obtain Authorization from USFWS for take of VPFS. If VPFS are found as a result of directed surveys or are assumed to be present, the Project applicant shall obtain authorization from USFWS for take of VPFS prior to filling or disturbance of the seasonal wetland. USFWS authorization may be obtained through Section 7 of the ESA as a component of the USACE permitting process (see wetland impacts below). Bio-3c: Obtain offsite compensatory habitat for loss of VPFS habitat if determined to be present. If VPFS are found as a result of directed surveys or are assumed to be present, compensatory habitat shall be provided for loss of this habitat at a 9:1, 10:1 or 11:1 mitigation ratio depending on the location of the mitigation site, as recommended in the East Alameda County Conservation Strategy (EACCS). Final replacement ratios shall be based on the assessed functions and values of an agency	Prior to initiation of site disturbance	Applicant / Developer	Verify survey was performed and, if VPFS present, verify USFWS authorization and compensatory habitat decided.	Livermore Community Development Department	

EXHIBIT A

Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
approved mitigation site.					
Bio-4a: Obtain Authorization from USFWS and CDFG for potential take of CTS. The Project applicant shall obtain authorization from USFWS and CDFW for potential take of CTS prior to initiation of any ground disturbance activities. Bio-4b: Obtain Offsite Compensatory Habitat for Loss/Disturbance of Potential Upland Aestivation Habitat for CTS. The compensatory habitat shall be provided at a 2.5:1 to 3:1 ratio for acres permanently lost and at a 1.5:1 ratio for areas temporarily disturbed, as recommended in the EACCS. Final replacement ratios shall be based on the assessed functions and values of an agency approved mitigation site. The mitigation site should be of sufficient quality and quantity to fully offset the permanent loss of habitat and should be permanently protected and managed in perpetuity with sufficient funding to maintain and enhance the quality of the site for CTS. Bio-4c: Implement Appropriate Measures during Construction to Minimize Potential Take of CTS. Minimization measures specified in the authorizations obtained from USFWS and CDFW shall be implemented prior to and during construction: Such measures could include the following: • Project applicant shall contract with a Designated Biologist approved by USFWS and CDFW to monitor construction activities. • All earthwork in the construction area shall be confined to the period of June 15 to October 31, or as approved by USFWS and CDFW. • A barrier with one-way ramps shall be constructed around the limits of grading in the fall prior to the initiation of construction. This barrier will allow CTS to move out of the construction area during the fall/winter and keep them from returning in the spring. • Before any construction activities begin, the Designated Biologist will conduct a training session with construction personnel to describe the CTS and its habitat, the specific measures being implemented to minimize effect to the species, and boundaries of the construction area. • The Designated Biologist shall complete walking surveys of the construction area prior to initiation of ground-disturbing activities each day during the construction period. If any CTS are discovered, the Designated Biologist shall move the animal to a safe, nearby location as predetermined through consultation with USFWS and CDFW.	Prior to initiation of site disturbance	Applicant / Developer	Verify USFWS and CDFG authorization and compensatory habitat decided and construction minimization measures included in construction contracts.	Livermore Community Development Department	

EXHIBIT A

Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
Bio-5a: Obtain Authorization from USFWS for Potential Take of CRLF. The Project applicant shall obtain authorization from USFWS for potential take of CRLF prior to initiation of any ground disturbance activities. Bio-5b: Obtain Offsite Compensatory Habitat for Loss/Disturbance of Potential Upland Habitat for CRLF. The compensatory habitat shall be provided at a 2.5:1 to 3:1 ratio for the acres permanently lost and at a 1:1 ratio for areas temporarily disturbed, consistent with the EACCS recommendations for the species. Final replacement ratios shall be based on the assessed functions and values of an agency approved mitigation site. The mitigation site can be the same as that obtained for Mitigation Measure Bio 4b, as long as there is sufficient area to provide habitat for both CRLF and CTS. Bio-5c: Implement Appropriate Measures during Construction to Minimize Potential Take of CRLF. Minimization measures specified in the authorizations obtained from USFWS shall be implemented prior to and during construction. Such measures are expected to be similar to those described for Mitigation Measure 4c.	Prior to initiation of site disturbance	Applicant / Developer	Verify USFWS authorization and compensatory habitat decided and construction minimization measures included in construction contracts.	Livermore Community Development Department	
Bio-6a: Obtain Offsite Compensatory Habitat for Loss/Disturbance of potential burrowing owl habitat. The compensatory habitat to be obtained as described for Mitigation Measures Bio-4b and 5b should also be determined as occupied or suitable for burrowing owls in order to compensate for potential habitat loss resulting from the Project. Bio-6b: Conduct a Pre-Construction Burrowing Owl Survey. A pre-construction survey shall be conducted by a qualified biologist within 30 days prior to initiation of any ground-disturbing activities to ensure individual owls are not harmed. If the survey occurs during the breeding season (February 1 to August 31) and owls are observed on or within 250 feet of the area of disturbance, a 250-foot buffer should be established around the occupied burrow with construction fencing. The fenced area should remain in place for the duration of the breeding season while construction activities are occurring. If the survey is conducted outside of the breeding season and owls are observed, owl eviction may be allowed if authorized by CDFW.	Within 30 days prior to initiation of site disturbance	Applicant / Developer	Verify survey was performed and verify compensatory habitat decided and, if required, appropriate buffers are included in construction contracts.	Livermore Community Development Department	
Bio-7a: Obtain Offsite Compensatory Habitat for Loss/Disturbance of Potential American Badger Habitat. The compensatory habitat to be	14 to 30 days prior to initiation of site	Applicant / Developer	Verify survey was performed and	Livermore Community	

EXHIBIT A

Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
obtained as described for Mitigation Measures Bio-4b and -5b will also be determined as occupied or suitable for American badger to compensate for potential habitat loss resulting from the Project. Bio-7b: Conduct a Pre-Construction American Badger Survey. A pre-construction survey shall be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any Project activity likely to impact potential burrows. If occupied burrows are found, one of the following actions shall be implemented by the applicant: 1. Initiate an on-site passive relocation program, through which badgers are excluded from occupied burrows by installation of a one-way door in burrow entrances, monitoring of the burrow for one week to confirm badger usage has been discontinued, and hand excavation and collapse of the burrow to prevent reoccupation; or 2. Have a qualified biologist actively trap and relocate badgers to suitable off-site habitat in coordination with the CDFW.	disturbance		verify compensatory habitat decided and, if required, relocation has occurred.	Development Department	
Bio-8a: Obtain Offsite Compensatory Habitat for Loss/Disturbance of potential SJKF habitat. The compensatory habitat to be obtained as described for Mitigation Measures Bio-4b and 5b should also be determined as occupied or suitable for SJKF in order to compensate for potential habitat loss resulting from the Project. Bio-8b: Conduct pre-construction surveys for San Joaquin kit fox: The pre-construction survey should be conducted by a qualified biologist no less than 14 days and no more than 30 days prior to the beginning of ground disturbance and/or construction activities or any Project activity likely to impact the San Joaquin kit fox. • If potential dens are present, their disturbance and destruction will be avoided. • If potential dens are located within the proposed work area and cannot be avoided during construction, qualified biologist will determine if the dens are occupied or were recently occupied using methodology coordinated with the USFWS and CDFW. • If unoccupied, the qualified biologist will collapse these dens by hand in accordance with USFWS procedures (U.S. Fish and Wildlife Service 1999). • Exclusion zones will be implemented following USFWS procedures (U.S. Fish and Wildlife Service 1999) or the latest USFWS procedures	14 to 30 days prior to initiation of site disturbance	Applicant / Developer	Verify survey was performed and verify compensatory habitat decided and, if required, that avoidance or exclusion zones are included in construction contracts.	Livermore Community Development Department	

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Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
available at the time. The radius of these zones will follow current standards or will be as follows: Potential Den—50 feet; Known Den—100 feet; Natal or Pupping Den—to be determined on a case-by-case basis in coordination with USFWS and CDFW. • Pipes will be capped and trenches will contain exit ramps to avoid direct mortality while construction area is active.					
Bio-9: Conduct a pre-construction survey for western spadefoot toad. A survey for western spadefoot toad shall be conducted by a qualified biologist a maximum of one week prior to construction. The survey should include the potential breeding habitat and an area within 50 feet of that habitat. If a western spadefoot toad is found, the biologist shall move it to suitable habitat in a safe location outside of the construction zone. In the event that a western spadefoot toad is observed within an active construction zone, the contractor shall temporarily halt construction activities until a biologist has moved the toad to a safe location outside the construction zone, within similar habitat.	Within one week prior to initiation of site disturbance	Applicant / Developer	Verify survey was performed and, if required, relocation has occurred. Verify training of construction workers and halt requirement is included in construction contracts.	Livermore Community Development Department	
Bio-10: Conduct a Pre-Construction Nesting Bird Survey. Pre-construction surveys for nesting birds protected by the Migratory Bird Treaty Act of 1918 and/or Fish and Game Code of California shall be conducted within 30 days of initiation of construction activities. The survey area shall include the Project site and areas within 100 feet of the site. If active nests are found, the Project shall follow recommendations of a qualified biologist regarding the appropriate buffer in consideration of species, stage of nesting, location of the nest, and type of construction activity. The buffer shall be maintained until after the nestlings have fledged and left the nest. If there is a complete stoppage in construction activities for 30 days or more, a new nesting-survey shall be completed prior to re-initiation of construction activities.	Within 30 days prior to initiation or resumption of construction activities	Applicant / Developer	Verify survey was performed and, if required, buffer zones are included in construction contracts.	Livermore Community Development Department	
Bio11a: Obtain authorization from USACE, CDFW and RWQCB for fill of wetlands and alteration of Altamont Creek. The applicant shall obtain the necessary permits from the USACE, CDFW and RWQCB pursuant to §404 of the Clean Water Act, §1602 of the California Fish and Game Code, and §401 of the Clean Water Act, respectively. Bio-11c: Re-creation of 0.004 Acre of Seasonal Wetland. The applicant shall create a minimum of 0.004 acre of seasonal wetland habitat either	Prior to initiation of site disturbance	Applicant / Developer	Verify USFWS/ CDFG/ RWQCB authorization and wetland re-creation.	Livermore Community Development Department	

EXHIBIT A

Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
onsite or offsite to replace the area lost through Project construction. Creation of this habitat shall be done in consultation with USFWS if the existing seasonal wetland is found to support VPFS (see Mitigation Measure Bio-4c).					
Culture-1a: Halt Construction Activity, Evaluate Find and Implement Mitigation. In the event that previously unidentified archaeological or tribal resources are uncovered during site preparation, excavation or other construction activity, all such activity within 25 feet of the discovery shall cease until the resources have been evaluated by a qualified archaeologist and/or Native American specialist, and specific mitigation measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code. Culture-1b: Prepare Mitigation Plan, Halt Construction Activity, Evaluate Find and Implement Mitigation. Because of the high potential for unique paleontological resources within the Project area, a qualified professional Paleontologist shall prepare a Paleontological Mitigation Plan outlining a paleontological monitoring plan and a salvage plan to be implemented during construction excavation and other ground-disturbing activities for the Project. The Paleontological Mitigation Plan should include the following: in the event that previously unidentified paleontological resources are uncovered during site preparation, excavation or other construction activity, all such activity within 25 feet of the discovery shall cease until the resources have been evaluated by a qualified Paleontologist, and specific mitigation measures can be implemented to protect these resources in accordance with sections 21083.2 and 21084.1 of the California Public Resources Code. Culture-1c: Halt Construction Activity, Evaluate Remains and Take Appropriate Action in Coordination with Native American Heritage Commission. In the event that human remains are uncovered during site preparation, excavation or other construction activity, all such activity within 25 feet of the discovery shall cease until the remains have been evaluated by the County Coroner, and appropriate action taken in coordination with the Native American Heritage Commission, in accordance with section 7050.5 of the California Health and Safety Code or, if the remains are Native American, section 5097.98 of the California Public Resources Code.	Prior to issuance of demolition, building or grading permits then during construction if triggered	Applicant / Developer	Verify requirements are included in construction contracts and track outcome if triggered	Livermore Community Development Department	
Geo-2: Compliance with a design-level Geotechnical Investigation report	Prior to issuance of	Applicant /	Verify completion	Livermore	

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Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
prepared by a Registered Geotechnical Engineer and with Structural Design Plans as prepared by a Licensed Professional Engineer. Proper slope and foundation engineering and construction shall be performed in accordance with the recommendations of a Registered Geotechnical Engineer and a Licensed Professional Engineer. The structural engineering design, with supporting Geotechnical Investigation, shall incorporate seismic parameters compliant with the California Building Code.	building or grading permits	Developer	of report and adherence of structural design plans to the report	Community Development Department	
Geo-5: Construction-Period Stormwater Pollution Prevention Plan (SWPPP). The Project applicant shall prepare and implement a SWPPP for the proposed construction period. The SWPPP and Notice of Intent (NOI) must be submitted to the State Water Resources Control Board to receive a Construction General Permit. The plan shall address National Pollutant Discharge Elimination System (NPDES) requirements, include applicable monitoring, sampling and reporting, and be designed to protect water quality during construction. The Project SWPPP shall include "Best Management Practices" (BMPs) as required by the State and the Regional Water Quality Control Board for preventing stormwater pollution through soil stabilization, sediment control, wind erosion control, soil tracking control, non-storm water management, and waste management and materials pollution control. The SWPPP shall take into account the following considerations recommended by the preliminary geotechnical report: • Ponding of stormwater, other than within engineered detention basins, should not be permitted at the site, particularly during work stoppage for rainy weather. Before the grading is halted by rain, positive slopes should be provided to carry surface runoff to storm drainage structures in a controlled manner to prevent erosion damage. • The tops of fill or cut slopes should be graded in such a way as to prevent water from flowing freely down the slopes. Due to the nature of the site soil and bedrock, graded slopes may experience severe erosion when grading is halted by heavy rain. Therefore, before work is stopped, a positive gradient away from the tops of slopes should be provided to carry the surface runoff away from the slopes to areas where erosion can be controlled. It is vital that no completed slope be left standing through a winter season without erosion control measures having been provided. • Because the existing bedrock is relatively nutrient-poor, it may be	Prior to issuance of building or grading permits and ongoing during construction	Applicant / Developer	Verification of Construction General Permit from the State Water Resources Control Board and inclusion of BMPs in construction contracts.	Livermore Community Development Department	

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Mitigation Measures	Timing	Implementation Responsibility	Verification		
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difficult for vegetation to become properly established, resulting in a potential for slope erosion. Revegetation of graded slopes can be aided by retaining the organic-rich strippings and spreading these materials in a thin layer (approximately 6 inches thick) on the graded slopes prior to the winter rains and following rough grading. When utilizing this method, it is sometimes possible to minimize hydroseeding.					
GHG-1: Increased Energy Efficiency. The Project shall demonstrate proposed energy efficiency at least 16% greater than Title 24 requirements prior to issuance of building permits.	Prior to issuance of construction permits	Applicant / Developer	Verify energy efficiency calculations for construction plans.	Livermore Community Development Department	
GHG-2: GHG Emissions Reduction Best Management Practices (BMPs). The Project shall demonstrate proposed compliance with City of Livermore General Plan Climate Change Element BMPs prior to issuance of building permits, including the following. If the City's Climate Action Plan is approved prior to issuance of permits, requirements of the Climate Action Plan can be substituted for the BMPs below. • Climate BMP No. 1 – Energy-efficient buildings in compliance with the Livermore Green Building Ordinance. • Climate BMP No. 2 – Use of energy-efficient appliances that meet Energy Star standards. • Climate BMP No. 3 – Incorporate solar roofs into commercial development. Residential development to be "solar-ready" including proper solar orientation (south facing roof area sloped at 20° to 55° from the horizontal),clear access on the south sloped roof (no chimneys, heating vents, plumbing vents, etc.), electrical conduit installed for solar electric system wiring, plumbing installed for solar hot water system, and space provided for a solar hot water storage tank. • Climate BMP No. 4 – Incorporate transit and bicycle/pedestrian connections into development. • Climate BMP No. 5 – has been omitted as it applies only to Commercial/Industrial projects. • Climate BMP No. 6 – has been omitted as it applies to parking lots and structures. • Climate BMP No. 7 – In compliance with the Construction and Demolition Ordinance, recycle construction materials and divert	Prior to issuance of construction permits	Applicant / Developer	Verify inclusion of BMPs in construction plans.	Livermore Community Development Department	

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Mitigation Measures	Timing	Implementation Responsibility	Verification		
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construction waste from disposal as feasible. • Climate BMP No. 8 – Include recycling facilities to provide for commercial and/or community recycling of plastic, paper, green waste, and food waste. • Climate BMP No. 9 –Incorporate "heat island" treatments including cool roofs, cool pavements, and strategically placed shade trees. • Climate BMP No. 10 –Use landscaping that meets the City's Water Efficient Landscape Ordinance.					
Haz-2: Confirm Absence of Near Surface Oil or Implement Overexcavation. The absence of naturally occurring oil should be confirmed during grading of the site. If oil is encountered during grading, the following overexcavation shall be implemented: • The area where naturally occurring near surface oil is encountered shall be overexcavated a minimum of 10 feet below proposed finish grade and replaced with engineered fill. This will provide a low permeable fill cap to prevent the upward migration of oil. • Where proposed storm drain lines cross areas where naturally occurring near surface oil is encountered, the area shall be overexcavated a minimum of 5 feet beyond the outside diameter of the proposed storm drain line. The excavation should be backfilled with engineered fill and the storm drain line trenched through the fill. The storm drain trench within the previously overexcavated and backfilled area should be lined with 20 mil visqueen prior to placement of shading and the storm drain line. • In every case the utility lines shall be designed to be airtight to prevent potential oil from entering the utility lines. • Any stormwater underdrains shall be shallow or eliminated in areas of potential oil seepage. • If oil is encountered then an oil/water separator shall be installed to treat stormwater prior to entering the creek. • A Community Facilities District, or other funding mechanism approved by the City, shall be formed in order to fund remedies to public infrastructure and utilities in the event oil seepage occurs after construction of the Project.	Prior to issuance of grading permits and during grading	Applicant / Developer	Verify measures to be implemented in the event of near surface oil encounters are included in construction contracts.	Livermore Community Development Department	
Traf-5: Hazards Due to Design Features or Incompatible Uses. The Project's on-site transportation elements, such as sight distances,	Prior to issuance of construction permits.	Applicant/ Developer in	Verify recommended	Livermore Community	

EXHIBIT A

Mitigation Measures	Timing	Implementation Responsibility	Verification		
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driveway locations, and marked crosswalk locations, have been reviewed by the Livermore staff with design-level project approvals and meet applicable local regulations. The following design details are recommended, though final details will be determined through consultation with Livermore staff, taking into consideration constraints of the site: a) The stem of each intersection should be stop-controlled or contain other intersection controls. b) Livermore thoroughfare standards should be followed, which could involve narrowed vehicle lanes, widened sidewalks, reduced corner radii, and installation of corner bulb-outs. Narrower vehicle travel lanes and tighter corner radii with bulb-outs are associated with lower vehicle travel speeds, increased visibility between pedestrians and motorists, and reduce pedestrian roadway exposure. c) All mid-block trail crossings should be marked with warning signs and a high-visibility crosswalk and include bulb-outs and lighting to enhance pedestrian visibility. d) According to Livermore's Municipal Code 3-15-050, driveways should be located more than 20 feet from the corners.		Coordination with Livermore Community Development Department	design features are included in final designs.	Development Department	
Traf-6: Emergency Access. The Livermore-Pleasanton Fire Department has reviewed the 2018 Revised Project. Conditions of approval for the Vesting Tentative Tract Map include additional design features and measures necessary for emergency response.	Prior to issuance of construction permits	Applicant / Developer	Verify inclusion of conditions of approval in plans.	Livermore Community Development Department	
Traf-7: City Review of Construction Plan. It is expected that the construction plan will be reviewed by the City of Livermore and designed to meet applicable regulations.	Prior to issuance of construction permits.	Applicant/ Developer in Coordination with Livermore Community Development Department	Review construction-period traffic plan.	Livermore Community Development Department	
Traf-10: Laughlin Road & Northfront Road Intersection Improvements. The Project shall contribute a fair share amount to improvements at this intersection, as determined by the City of Livermore Community Development Department. The improvements shall consist of either A) or B) below, again as determined in coordination with the City of Livermore	Prior to issuance of certificate of occupancy permits for residences.	Applicant / Developer in Coordination with Livermore Community Development	Verify improvements have been implemented.	Livermore Community Development Department	

Mitigation Measures	Timing	Implementation Responsibility	Verification		
			Monitoring Action	Monitoring Responsibility	Date/Initials
Community Development Department: A) Roundabout. Install a roundabout with yield-control at all three intersection legs. The current vehicle lane configuration would remain, but right-of-way may need to be expanded to accommodate traffic movements through the intersection. OR B) Signal Control. Signalize the intersection. The current vehicle lane configuration would need to be altered from the existing one lane in each direction to include a left-turn pocket in the eastbound direction and a right-turn pocket in the westbound direction. Right-of-way may need to be expanded to accommodate the turn-pocket lanes at the intersection.		Department			

Notice of Determination

Appendix D

To:

☐ Office of Planning and Research

U.S. Mail:	*Street Address:*
P.O. Box 3044	1400 Tenth St., Rm 113
Sacramento, CA 95812-3044	Sacramento, CA 95814

☒ County Clerk
County of: Alameda
Address: 1106 Madison Street, First Floor
Oakland, CA 94607

From:
Public Agency: City of Livermore
Address: 1052 South Livermore
Livermore, CA 94550
Contact: Planning Division
Phone: 925-960-4450

Lead Agency (if different from above):
Address:
Contact:
Phone:

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2011112045

Project Title: Garaventa Hills project

Project Applicant: Lafferty Communities

Project Location (include county): Livermore, Alameda County

Project Description:
Development of an approximately 31.7 acre vacant site with 44 residential units, consisting of 38 single-family detached units and 6 duet/couplet units. A proposed westerly extension of Bear Creek Drive would provide access to the internal residential street, and an emergency vehicle access (EVA), pedestrian, and bicycle bridge is proposed at Hawk Street.

This is to advise that the City of Livermore has approved the above
(☒ Lead Agency or ☐ Responsible Agency)

described project on 4/22/2019 and has made the following determinations regarding the above
(date)
described project.

1. The project [☐ will ☒ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
   ☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☐ was ☒ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the negative Declaration, is available to the General Public at:
City of Livermore Planning Division, 1052 South Livermore, Livermore, CA 94550

Signature (Public Agency): _____ Title: _____

Date: _____ Date Received for filing at OPR: _____

Authority cited: Sections 21083, Public Resources Code.
Reference Section 21000-21174, Public Resources Code.

Revised 2011

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING VESTING TENTATIVE TRACT MAP 8094 (SUBDIVISION 13-001) AND SITE PLAN DESIGN REVIEW (SPDR) 13-005, AUTHORIZING THE ALLOCATION OF 44 HOUSING IMPLEMENTATION PROGRAM UNITS FOR THE PROJECT, AND AUTHORIZING THE APPLICANT TO PROVIDE SIX DUET UNITS AS PROPOSED AND TO MAKE A CASH PAYMENT EQUIVALENT TO 3.15 AFFORDABLE UNITS TO SATISFY THE AFFORDABLE HOUSING OBLIGATION

(Garaventa Hills)

At a public hearing on December 4, 2018, the Planning Commission considered an application by Lafferty Communities for the development of 44 residential units on a vacant approximately 32-acre parcel (the "project").

On September 14, 2015, the City Council denied approval of a prior version of the project, determining that it could not make the findings necessary to support the project. In Resolution No. 2015-127, the City Council stated it could not make the following findings: (1) that the project was consistent with the General Plan because the proposed project was not subordinate to the existing landforms and due to the extensive amount of proposed grading for the Project; and (2) that the project site was suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access.

The City Council encouraged the applicant to revise the project to make it both physically and aesthetically more subordinate to the natural landforms/knolls and reduce overall grading, while providing a secondary emergency vehicle and pedestrian access. To do so, the City Council suggested several project modifications in Resolution No. 2015-127 including: (1) reducing the number of units; (2) reducing the size of the units; (3) reducing the height of the units; (4) narrowing street widths; (5) reducing wall heights; and/or (6) providing high quality visual simulations/videos that accurately represent the project in context with the natural environment and neighborhood.

The proposed project specifically addresses each of the six items the City Council outlined in Resolution No. 2015-127. The proposed project (1) reduced the number of units from 47 to 44 (including six affordable duet units) and overall structures from 47 to 41; (2) reduced the size of the units from 2,530 - 3,530 ft^2 to 2,390 - 3,150 ft^2; (3) lowered building pad elevations and altered roof forms to reduce unit heights; (4) narrowed street widths by making the project road private instead of public; (5) lowered retaining wall heights by reducing grading; and (6) the applicant provided new or revised visual simulations, in a format that mimics human sight, showing the project in context from several vantage points. In addition, the proposed project provides an emergency vehicle access (EVA), pedestrian, and bicycle bridge from Hawk Street.

The Planning Commission reviewed the proposed project, and determined that

the project is consistent with the Livermore General Plan and related policies.

After the public hearing, the Planning Commission, by its Resolution No. 44-18, approved Vesting Tentative Tract Map 8094 (SUB 13-001) and Site Plan Design Review 13-005 (SPDR13-005), subject to the Conditions of Approval, attached hereto as Exhibit A.

The City Council held a public hearing on April 22, 2019, and considered the recommendations of the Planning Commission, along with pertinent drawings, documents, and testimony. The City Council incorporates herein by reference, the information comprising its and the Planning Commission's record, and adopts the same in support of its findings and decisions concerning this project, as outlined below.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore as follows:

1. The City Council approves and adopts the recommendations and findings of the Planning Commission contained in Planning Commission Resolution No. 44-18 as its own.

2. The City Council finds the proposed development consistent with the General Plan and approves Vesting Tentative Tract Map 8094 (SUB 13-001) and Site Plan Design Review 13-005 (SPDR 13-005), subject to the attached Conditions of Approval. The City Council also adopts the Conditions of Approval for Vesting Tentative Tract Map 8094 (SUB 13-001) and Site Plan Design Review 13-005 (SPDR 13-005), attached hereto as Exhibit A.

3. By separate Resolution No. 2019-___, the City Council considered, made findings, approved and certified the Re-Issued Final Environmental Impact Report (SCH No. 2011112045) for the Vesting Tentative Tract Map 8094 (SUB 13-001) and Site Plan Design Review 13-005 (SPDR 13-005).

4. The documents that constitute the record of proceedings upon which this decision is based can be found in the Office of the City Clerk, 1052 S. Livermore Avenue, in Livermore, California.

5. The City Clerk is directed to file a Notice of Determination with the Alameda County Clerk.

BE IT FURTHER RESOLVED that the City Council authorizes the allocation of 44 Housing Implementation Program (HIP) units for the project.

BE IT FURTHER RESOLVED that the City Council authorizes the Applicant to provide six affordable duet units as proposed and to make a cash payment equivalent to 3.15 affordable units to satisfy the affordable housing requirement, subject to City Council approval of a Housing Agreement before adoption of the final map.

On motion of Vice Mayor Carling, seconded by Council Member Coomber, the foregoing resolution was passed and adopted on April 22, 2019, by the following vote:

AYES: Council Members Coomber, Munro, Woerner, Vice Mayor Carling, Mayor Marchand
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

Sarah Bunting
City Clerk

APPROVED AS TO FORM:

Catrina Fobian
Assistant City Attorney

Date: April 23, 2019

Exhibit A – Conditions of Approval

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.10**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution authorizing acceptance for permanent maintenance, release of security bonds and execution of a Notice of Completion for the WRP Occupied Building Repairs, Phase 1, Project 2015-19, located at the Water Reclamation Plant.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance and release of the security bonds for the WRP Occupied Building Repairs, Phase 1, Project 2015-19, located at the Water Reclamation Plant, and authorize the City Manager to sign the Notice of Completion.

SUMMARY

On October 12, 2020, the City Council awarded the contract for construction of the WRP Occupied Building Repairs, Phase 1, Project 2015-19, to S&H Construction, Inc. This project modified a building at the Water Reclamation Plant. The contract is now substantially complete and can be accepted for permanent maintenance. The process to release the contractor's bonds can begin.

DISCUSSION

The WRP Occupied Building Repairs, Phase 1, Project No. 2015-19, involved converting the old Reverse Osmosis building into offices at the Water Reclamation Plant. The main project components included:

- removing existing process treatment equipment, piping, and appurtenances
- infilling concrete process piping trenches
- replacing windows, doors, and storefront assemblies
- framing and finishing new interior office spaces and installing cabinetry and flooring
- installing new mechanical systems, including HVAC and plumbing for new bathrooms
- installing new electrical and low voltage systems to support lighting, outlets, data/communication, and security
- modifying the existing fire sprinkler system

- replacing the boiler system at the Laboratory building and updating the EMS system at the RO, laboratory, and water buildings
- commissioning all building systems.

The project was completed in accordance with the contract documents in a manner acceptable to the City Engineer. At time of award, the contractor provided a faithful performance bond guaranteeing completion of the project, and that bond must now be released. Six months after the date of the resolution accepting the project, the labor and materials bond guaranteeing the improvements should be reduced to an amount equal to any claims filed and of which notice has been given. The balance of the bond will be released upon the settlement of all claims and obligations for which the security was given. There are no known claims at this time. The security for the guarantee and warranty of work shall remain in effect for one year from the date of the resolution.

FISCAL AND ADMINISTRATIVE IMPACTS

The original construction contract amount was $2,168,000 plus a 10 percent contingency. The final project amount was $2,238,890, which is 3.3 percent above the original contract based on final bid item quantities and 5 change orders. The total value of change orders was $70,890, which consisted primarily of unforeseen conditions and equipment mounting requirements. The final bid quantities were equal to anticipated amounts.

Staff estimates that ongoing operation and maintenance costs for these improvements will be $30,000 per year and ongoing replacement costs will average $30,000 per year. Wastewater customer user fees will cover these additional ongoing costs.

ATTACHMENTS

1. Site Location
2. Resolution
3. Exhibit A - Notice of Completion

Prepared by: Mike Stamm
Construction Inspection Manager

Approved by:

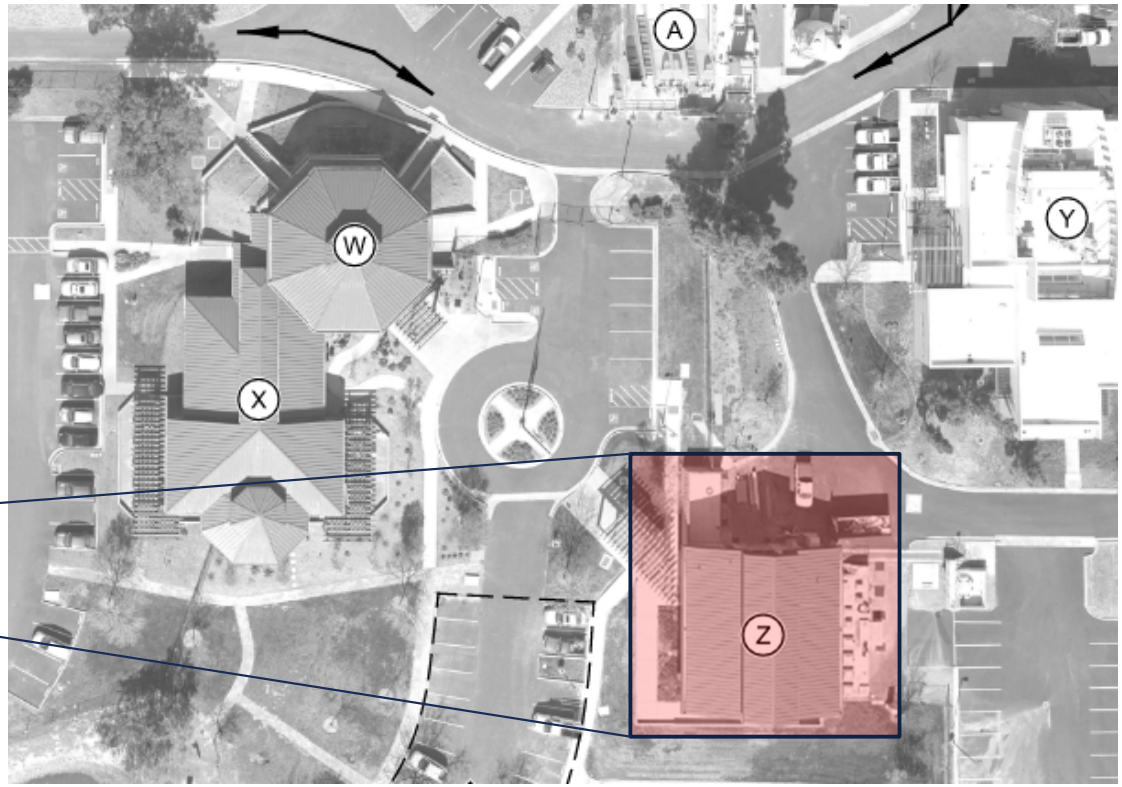
Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

SITE PLAN WITH BUILDING HIGHLIGHTED

Vicinity Map



Site Plan

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING ACCEPTANCE FOR PERMANENT MAINTENANCE AND RELEASE OF SECURITY BONDS

(WRP Occupied Building Repairs, Phase 1, Project No. 2015-19)

The City Engineer of the City of Livermore ("City") has filed with the City Clerk a report in writing that all work on the Water Reclamation Plant Occupied Building Repairs, Phase 1, Project 2015-19 ("Project"), has been completed to City standards. The Project is ready for acceptance by the City of Livermore for routine maintenance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. The faithful performance bond guaranteeing the Project is hereby released;

2. The labor and materials bond guaranteeing the Project shall, six months after the date of this resolution, be reduced to an amount equal to the amount of all claims filed and of which notice has been given. The balance of the bond shall be released upon the settlement of all such claims and obligations for which the security was given;

3. The security for the guarantee and warranty of work shall remain in effect for one year from the date of this resolution. The contractor is required to reconstruct any deficiencies that occur and to repair or replace defective materials during the maintenance period;

4. The City hereby accepts the improvements; and

5. The City Manager is authorized to sign the Notice of Completion, a copy of which is attached hereto as Exhibit A and incorporated by this reference.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A – Notice of Completion

RESOLUTION NO. _____

EXHIBIT A

NOTICE OF COMPLETION

City's Project No. 2015-19 Date: Novmber 29, 2022

Project: WRP Occupied Building Repairs – Phase 1

Contractor: S&H Construction, Inc.

Contract for Construction of: WRP Occupied Building Repairs – Phase 1
Project No. 2015-19

Project or Specified Part Shall Include: All that work as set forth in the Bid Schedule(s) on the Bid Forms, as awarded by the City of Livermore pursuant to the Contract Documents for Public Works Project No. 2015-19

Document located at: 1052 S. Livermore Ave., Livermore, CA 94550 Contract Date: October 12, 2020

The work performed under this contract has been inspected by authorized representatives of the City, Contractor, and Engineer, and the Project (or specified part of the Project, as indicated above) is hereby accepted by the City and declared to be substantially completed on the above date.

> Completion of the Work shall be the date of such acceptance of the Work by the City, as provided under California Civil Code Section 3086. Completion shall mean substantial performance of the Contract as such is defined in Black's Law Dictionary, Revised Fourth Edition, West Publishing Company.

A list of all items remaining to be completed or corrected has been sent to the Contractor in the City's letter dated August 19, 2022. All such work shall be completed or corrected to the satisfaction of the City prior to the release of the Contractor's retention and within 30 calendar days following the date of the Notice of Completion, otherwise the Contractor does hereby waive any and all claims to all monies withheld by the City under the Contract to cover the value of such uncompleted or uncorrected items.

ENGINEERING DIVISION
Engineer

By
Mike Stamm, Const. Insp. Manager

The Contractor hereby accepts the above Notice of Completion and agrees to complete and correct all of the items as outlined in the City's letter to the Contractor dated 8-19-22 or waives all rights to any monies withheld therefor.

S&H Construction, Inc.
Contractor

By
Harmeet Anand, Project Manager

The City accepts the project or specified area of the project as substantially completed and will assume full possession of the Project or specified area of the Project at 8:00 am (time), on 11-29-2022 (date). The responsibility for heat, utilities, security, and insurance under the Contract Documents will be assumed by the City after that date. Nature of interest of owner: Fee

I certify (declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Owner:
City of Livermore
1052 S. Livermore Ave.
Livermore, CA 94550

FOR THE CITY OF LIVERMORE

By
Marianna Marysheva, City Manager Date

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.11**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution authorizing the acceptance for permanent maintenance, release of the security bonds, and execution of a Notice of Completion for the Fixed Base Operator Building Flood Proofing, Project 2018-49, at the Livermore Municipal Airport.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the acceptance for permanent maintenance and release of the security bonds for the Fixed Base Operator (FBO) Building Flood Proofing, Project 2018-49, and authorizing the City Manager to sign the Notice of Completion.

SUMMARY

On October 25, 2021, the City Council awarded the contract for construction of the FBO Flood Proofing, Project 2018-49, located at the Livermore Municipal Airport, to RK & Associates Inc, DBA Escon Builders. The project was substantially completed on September 26, 2022, and can now be accepted for permanent maintenance and the security bonds can be released.

DISCUSSION

On October 25, 2021, the City Council awarded the contract for construction of the FBO Flood Proofing, Project 2018-49, located at the Livermore Municipal Airport, to RK & Associates Inc, DBA Escon Builders. The contractor's work consisted of flood proofing the utility connections to the FBO building, striping around the building to designate where to place a flood water barrier, and installing flood protection for the airport's electrical generator building near the control tower. The project was completed in accordance with the contract documents in a manner acceptable to the City Engineer. The contract is now substantially complete and can be accepted for permanent maintenance.

At the time of award, the contractor provided a faithful performance bond guaranteeing completion of the project, and that bond must now be released. Six months after the date of the resolution accepting the project, the labor and materials bond guaranteeing the improvements should be reduced to an amount equal to any claims filed and of which notice has been given. The balance of the bond will be released upon the settlement of all claims and obligations for which the security was given (there are no known

claims at this time). The security for the guarantee and warranty of work shall remain in effect for one year from the date of the resolution.

FISCAL AND ADMINISTRATIVE IMPACTS

The original construction contract amount was $265,000 plus a $50,000 contingency. The final project amount was $265,000.00, which is 0% percent above the original contract based on final bid item quantities and one change order. The change order was at no cost and consisted primarily of substituting building flood barrier materials. The final bid quantities were equal to anticipated amounts.

Ongoing operations and maintenance costs for this project are estimated at $4,000 per year which includes one day per year for inspections and training every four years on deployment of the flood barrier. Airport operating funds will cover these additional ongoing costs.

ATTACHMENTS

1. Site Location Map
2. Resolution
3. Exhibit A - Notice of Completion

Prepared by: Mike Stamm
Construction Inspection Manager

Approved by:

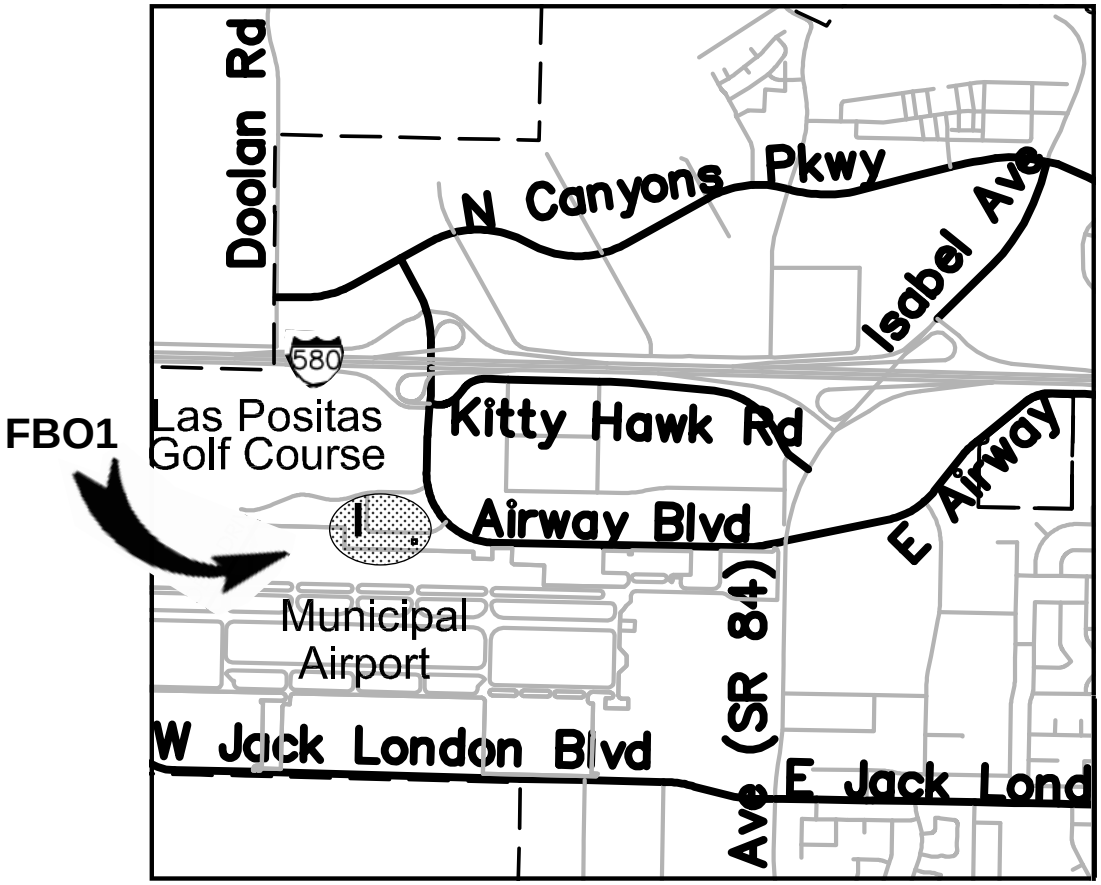
Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

FBO-1
FLOODPROOFING
CIP# 201849

LIVERMORE **CALIFORNIA**



VICINITY MAP

NOT TO SCALE

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING ACCEPTANCE FOR PERMANENT MAINTENANCE AND RELEASE OF SECURITY BONDS

(FBO Building Flood Proofing, Project 2018-49)

The City Engineer of the City of Livermore ("City") has filed with the City Clerk a report in writing that all work on the FBO Building Flood Proofing, Project 2018-49 ("Project"), has been completed to City standards. The Project is ready for acceptance by the City of Livermore for routine maintenance.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. The faithful performance bond guaranteeing the Project is hereby released;

2. The labor and materials bond guaranteeing the Project shall, six months after the date of this resolution, be reduced to an amount equal to the amount of all claims filed and of which notice has been given. The balance of the bond shall be released upon the settlement of all such claims and obligations for which the security was given;

3. The security for the guarantee and warranty of work shall remain in effect for one year from the date of this resolution. The contractor is required to reconstruct any deficiencies that occur and to repair or replace defective materials during the maintenance period;

4. The City hereby accepts the improvements; and

5. The City Manager is authorized to sign the Notice of Completion, a copy of which is attached hereto as Exhibit A and incorporated by this reference.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Tara M. Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A – Notice of Completion

RESOLUTION NO. _____

NOTICE OF COMPLETION

City's Project No. 2018-49 Date: November 29, 2022

Project: FBO Building Flood Proofing

Contractor: RK & Associates, Inc DBA Escon Builders

Contract For Construction of: FBO Building Flood Proofing

Project or Specified Part Shall Include: All that work as set forth in the Bid Schedule(s) of the Bid Forms, as awarded by the City of Livermore pursuant to the Contract Documents for Public Works Project No. 2018-49.

Document located at: 1052 S. Livermore Ave., Livermore, CA 94550 Contract Date: October 25, 2021

The work performed under this contract has been inspected by authorized representatives of the City, Contractor, and Engineer, and the Project (or specified part of the Project, as indicated above) is hereby accepted by the City and declared to be substantially completed on the above date.

> Completion of the Work shall be the date of such acceptance of the Work by the City, as provided under California Civil Code Section 3086. Completion shall mean substantial performance of the Contract as such is defined in Black's Law Dictionary, Revised Fourth Edition, West Publishing Company.

A list of all items remaining to be completed or corrected has been sent to the Contractor in the City's letter dated October 25, 2022. All such work shall be completed or corrected to the satisfaction of the City prior to the release of the Contractor's retention and within 30 calendar days following the date of the Notice of Completion, otherwise the Contractor does hereby waive any and all claims to all monies withheld by the City under the Contract to cover the value of such uncompleted or uncorrected items.

ENGINEERING DIVISION
Engineer

By
Mike Stamm, Const Insp Manager

The Contractor hereby accepts the above Notice of Completion and agrees to complete and correct all of the items as outlined in the City's letter to the Contractor dated 10-25-22 or waives all rights to any monies withheld therefor.

RK & Associates, Inc DBA Escon Builders
Contractor

By
Reza Khorami, President

The City accepts the project or specified area of the project as substantially completed and will assume full possession of the Project or specified area of the Project at 8:00 am (time), on 11-29-2022 (date). The responsibility for heat, utilities, security, and insurance under the Contract Documents will be assumed by the City after that date. Nature of interest of owner: Fee

I certify (declare) under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Owner:
City of Livermore
1052 S. Livermore Ave.
Livermore, CA 94550

FOR THE CITY OF LIVERMORE

By
Marianna Marysheva, City Manager Date

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.12**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Joe Testa, Fire Chief

SUBJECT: Resolution accepting protest and reducing the weed abatement assessment for the annual fire hazard abatement program for parcel number 099-080200100, located at 3615 Concannon Boulevard, Livermore, California 94550.

RECOMMENDED ACTION

Staff recommends City Council adopt a resolution granting the protest against the weed abatement assessment for parcel number 099-080200100, located at 3615 Concannon Boulevard, Livermore, California 94550; and reducing assessment to $1,800, which has been paid.

SUMMARY

On October 10, 2022, the City Council conducted a public hearing to consider confirming the 2022 weed abatement assessments. At that hearing, the City Council accepted the protest for parcel number 099-080200100, 3615 Concannon Boulevard, Livermore, California 94550, provided the property owner paid the reduced amount of $1,800 to the Livermore-Pleasanton Fire Department forthwith. That reduced payment has been received, so staff now requests the City Council adopt a resolution confirming the acceptance of the protest and the reduction of the assessment.

DISCUSSION

On March 14, 2022, the City Council passed and adopted Resolution No. 2022-026 declaring that there exist conditions of growing weeds, accumulated refuse, rubbish, or dirt on private property streets, parkways and/or sidewalks adjacent to each parcel of real property described in the resolution, are public nuisances and should be abated.

On April 25, 2022, the City Council adopted Resolution No. 2022-065 which ordered the abatement public nuisances on the properties described in the resolution and declared that the abatement costs (including administrative costs incurred by the City) are the responsibility of the property owner.

On October 10, 2022, the City Council held a public hearing to consider protests and confirm assessments for costs to abate the public nuisances. At that meeting, Makarand Shinde identified

himself as the property owner for the delinquent parcel number 099-080200100, 3615 Concannon Boulevard, Livermore, California 94550 ("Protested Property"). Mr. Shinde protested the assessment, arguing that he acquired the property after the nuisance abatement commenced but the noticing was sent to the prior owner. Mr. Shinde asserted that he just recently learned of the assessment and had taken steps to abate a portion of the nuisance on his own accord but acknowledged he did not complete all the work on the Protested Property.

The City Council expressed sympathy for Mr. Shinde and reduced the assessment for the Protested Property from $5,292 to $1,800, provided Mr. Shinde paid that amount to the Livermore-Pleasanton Fire Department forthwith. The City Council also directed Livermore-Pleasanton Fire Department staff to review its noticing for public nuisance abatements to ensure in addition to sending notices to the property owner of record consistent with the applicable statutes, that the notices also be addressed to "or current owner."

FISCAL AND ADMINISTRATIVE IMPACTS

Total cost of weed abatement work for the Protested Property was $5,292 which included administrative costs incurred by the City based on Resolution No. 2022-065.

The City Council's acceptance of the protest reduced the assessment from $5,292 to $1,800.

ATTACHMENTS

1. Resolution

Prepared by: Shin Oh
Administrative Assistant

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION ACCEPTING PROTEST AND REDUCING ASSESSMENT FOR APN 099-080200100 – 3615 CONCANNON BOULEVARD – FIRE HAZARD ABATEMENT

Pursuant to Government Code sections 39560, et seq., the City of Livermore completed proper notice, hearings, and all required proceedings as described in Resolution Nos. 2022-026 and 2022-065 to abate fire hazards**.**

On March 14, 2022, the City Council passed and adopted Resolution No. 2022-026 declaring that there exist conditions of growing weeds, accumulated refuse, rubbish, or dirt on private property streets, parkways and/or sidewalks adjacent to each parcel of real property described in the resolution, are public nuisances and should be abated.

On April 25, 2022, the City Council adopted Resolution No**.** 2022-065 which ordered the abatement public nuisances on the properties described in the resolution and declared that the abatement costs (including administrative costs incurred by the City) are the responsibility of the property owner.

On October 10, 2022, the City Council held a public hearing to consider protests and confirm assessments for costs to abate the public nuisances. At that meeting, Makarand Shinde identified himself as the property owner for the delinquent parcel number 099-080200100, 3615 Concannon Boulevard, Livermore, California 94550 ("Protested Property"). Mr. Shinde protested the assessment for the Protested Property, arguing that he acquired it after the nuisance abatement commenced but the noticing was sent to the prior owner. Mr. Shinde asserted that he just recently learned of the assessment and had taken steps to abate a portion of the nuisance on his own accord but acknowledged he did not complete all the work on the Protested Property.

The City Council expressed sympathy for Mr. Shinde and reduced the assessment for the Protested Property from $5,292 to $1,800, provided Mr. Shinde paid that amount to the Livermore Fire Department forthwith. The City Council also directed Livermore-Pleasanton Fire Department staff to review its noticing for public nuisance abatements to ensure in addition to sending notices to the property owner of record consistent with the applicable statutes, that the notices also be addressed to "or current owner."

The City Council then adopted resolution no. 2022-168 to levy the public nuisance assessments, but excluded the Protested Property, pending the payment for the Protested Property.

The Livermore-Pleasanton Fire Department received the payment from Mr. Shinde.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that on October 10, 2022, it accepted the protest for the assessment for the Protested Property, and reduced the assessment from $5,292.00 to $1,800, provided the payment is made forthwith.

RESOLUTION NO. _____

BE IT FURTHER RESOLVED, that the City Council hereby acknowledges that the payment of the reduced assessment in the amount of $1,800 has been received for the Protested Property and that a lien is no longer necessary and is not authorized for the Protested Property.

On motion of Councilmember _____, seconded by Councilmember _____, the foregoing Resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

APPROVED AS TO FORM:

_____
Marie Weber
City Clerk

/s/ Jason Alcala
Jason Alcala
City Attorney

RESOLUTION NO. _____

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.13**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution establishing the annual Affordable For-Sale Prices, Rental Rates, and Maximum Income Limits for affordable housing units subject to the City's Inclusionary Housing Ordinance.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution:

1. Establishing new maximum income limits for extremely low-, very low-, low-, median- and moderate-income households which shall apply to the City's first-time homebuyer and affordable rental programs effective upon adoption by City Council; and,
2. Establishing maximum for-sale housing prices for the Affordable Homeownership Program which will be effective for homes sold through the program beginning January 1, 2023, and establishing updated annual rent limits for City-restricted affordable units effective immediately upon adoption by City Council.

SUMMARY

The City's Inclusionary Housing Ordinance states that the City Council shall annually adopt maximum income limits for use in determining eligibility in the City's affordable housing programs. These limits are based on data published annually by the California Department of Housing and Community Development. Updated income limits are used to compute adjustments to the City's Affordable Homeownership Program Sales Prices and City-restricted unit rents. Staff recommends the City Council adopt the proposed updated income limits for the City's affordable housing programs and adopt updated Affordable Homeownership Program Sales Prices and Rent limits.

DISCUSSION

Each year, the California Department of Housing and Community Development (State HCD) provides a schedule of income limits based on data published by the U.S. Department of Housing and Urban Development (HUD) that is used to determine eligibility for most State and Federal housing programs. The City's Affordable Housing Ordinance references the State HCD's numbers as the basis for qualifying participant eligibility and calculating sales prices and rent limits for extremely low-, very low-, low-,

median-, and moderate-income households applying to the City's Affordable Homeownership and Rental Programs (Inclusionary Housing), and the Density Bonus Program. Adoption of State HCD's limits ensures consistent requirements across all the City's programs and with the requirements of other public lenders. State HCD establishes their income limits based on median income data calculated and provided by the U.S. Department of Housing and Urban Development (HUD), adjusted by household size.

In 2022, the HUD Area Median Income (AMI) for a four-person household in Alameda County is $142,800; this is approximately a 13% increase over the previous year. Maximum income categories are defined by HUD as percentages of median income as follows: "extremely low-income" households are defined as those with incomes up to 30% of the AMI; "very low-income" households are defined as those with incomes up to 50% of the AMI; "low-income" households are defined as those with incomes up to 80% of the AMI; "median-income" households defined as those with incomes up to 100% of the AMI; and "moderate-income households" are defined as those with incomes up to 120% of the AMI. It's important to note that the calculation of maximum income as a percentage of the median is not exact, and HUD adjusts each income category by high-cost factors and family size. In addition, the State has adopted a "hold-harmless" policy which prevents income levels in any category from decreasing from the prior year, should HUD's formula result in in a decrease. This is done to ensure that an unexpected drop in rental income does not jeopardize the financial feasibility of an affordable rental unit.

The City's Affordable For-Sale housing prices are calculated based on a commonly adopted standard, shared by many other jurisdictions and State housing agencies that a household can afford no more than 30 percent of its gross income for housing costs. For homeownership, this includes mortgage principal and interest payments, property taxes, homeowner's insurance and homeowner's association fees. Incomes generally increased across all categories except for low-income, however, the sharp increase in interest rates offset those increases and has resulted in a significant decrease in the purchase prices that low- and moderate-income households can afford. The average interest rate for CalHFA's first-time homebuyer mortgage loan products have increased over 2.5%, thereby reducing the amount of monthly principal payments affordable for low- and moderate-income homebuyers. The resulting affordable sales prices reflect between a five and 22 percent reduction over current prices. If approved, the new sales prices will be used for homes sold during the 2023 Affordable Homeownership Program year.

The City's Affordable Rental Rates are also based on an affordability standard that tenants pay no more than 30 percent of their household income for rent and utilities. Developers with affordability restrictions are instructed to deduct tenant utility allowances as appropriate based on project amenities and unit size. A schedule of these allowances is adopted by the Livermore Housing Authority for its HUD-funded programs. Utility allowances are not included in the maximum rents. The affordable rents would go into effect upon approval by City Council.

FISCAL AND ADMINISTRATIVE IMPACTS

Adjustments to the Affordable Sales Prices and Rental Rates schedule have no fiscal impact to City General Fund revenues.

ATTACHMENTS

1. 2021 Affordable Sales Prices Rental Rates and Maximum Income Limits
2. Resolution

3. Exhibit A - 2022 Affordable Sales Prices, Rental Rates and Maximum Income Limits

Prepared by: Fran Reisner
Housing Programs Manager

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

LIVERMORE CALIFORNIA

City of Livermore
Affordable For-Sale Prices and Rental Rates (2021)

For-Sale Housing

No. Bed-rooms	Size House-hold	Very-Low Income (50%)		Low-Income (80%)		Median-Income (100%)		Moderate-Income (120%)	
		Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price
Studio	1	$47,950	$131,798	$76,750	$264,441	$87,900	$315,794	$105,500	$396,853
1	2	$54,800	$163,347	$87,700	$314,873	$100,500	$373,825	$120,550	$466,168
2	3	$61,650	$194,896	$98,650	$365,305	$113,050	$431,626	$135,650	$535,714
3	4	$68,500	$226,444	$109,600	$415,736	$125,600	$489,427	$150,700	$605,029
4	5	$74,000	$251,775	$118,400	$456,266	$135,650	$535,714	$162,750	$660,527

Rental Housing

No. Bed-rooms	Size House-hold	Ext. Low-Income (30%)		Very-Low Income (50%)		Lower-Income (60%)		Low-Income (80%)		Median-Income (100%)		Moderate-Income (120%)	
		Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent
Studio	1	$28,800	$720	$47,950	$1,199	$57,540	$1,439	$76,750	$1,919	$87,900	$2,198	$105,500	$2,638
1(*)	1.5	$30,850	$771	$51,375	$1,284	$61,650	$1,541	$82,225	$2,056	$94,200	$2,355	$113,025	$2,826
1	2	$32,900	$823	$54,800	$1,370	$65,760	$1,644	$87,700	$2,193	$100,500	$2,513	$120,550	$3,014
2	3	$37,000	$925	$61,650	$1,541	$73,980	$1,850	$98,650	$2,466	$113,050	$2,826	$135,650	$3,391
3	4	$41,100	$1,028	$68,500	$1,713	$82,200	$2,055	$109,600	$2,740	$125,600	$3,140	$150,700	$3,768
4	5	$44,400	$1,110	$74,000	$1,850	$88,800	$2,220	$118,400	$2,960	$135,650	$3,391	$162,750	$4,069

NOTES: These limits are based on income data from the California Department of Housing and Community Development (HCD) for 2021. The 2021 Area Median Income for a 4-person household of $125,600 published by State HCD is derived from the U.S. Department of Housing and Urban Development for Alameda County (Oakland-Fremont Metro Region) for the Section 8 Program. The Affordable Sales Prices are effective for the 2022 Affordable Homeownership Program year and thereafter until updated by City Council. Rental Rates are effective upon the adoption by City Council (below).

(*) Low Income Housing Tax Credit (LIHTC) Household size

Sales Prices: assume a 3.75% interest rate, 30-year mortgage, and housing payments (PITI) which do not exceed 30% of the household's monthly income.
The Rental Housing limits effective October 25, 2021 and thereafter until updated by City Council. Rental affordability based on 30% of the household's monthly income and do not include tenant utility allowances. Utility allowances should be deducted from the maximum rents based on the Livermore Housing Authority's utility allowance schedule for the Section 8 Program.

Adopted by Livermore City Council: October 25, 2021

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION ESTABLISHING THE ANNUAL AFFORDABLE FOR-SALE PRICES, RENTAL RATES, AND MAXIMUM INCOME LIMITS

The City of Livermore's affordable housing program and implementing ordinances in the Livermore Municipal Code (Chapter 3.26) and Livermore Development Code (Section 10.06.050) provide that the City will annually revise the maximum income limits for extremely low-, very low-, low-, median-, and moderate-income households, as well as the affordable for-sale prices and rental rates, for use in connection with the City's Affordable Homeownership Program (Inclusionary Housing), the Density Bonus Program, Mortgage Assistance Program and for City Housing Trust Fund assisted projects. The revised income limits are based on those adopted annually by the California Department of Housing and Community Development, which are derived from those published by the U.S. Department of Housing and Urban Development. The revised Affordable Sales Prices and Rental Rates are based on the adjustments to annual income and other market factors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that the Affordable Rental Rates and Maximum Income Limits are hereby established and set forth as described in the attached Exhibit A effective and for implementation upon the adoption of this resolution.

BE IT FURTHER RESOLVED by the City Council for the City of Livermore that the Affordable Sales Prices are hereby established and set forth as described in the attached Exhibit A effective and for implementation commencing on January 1, 2023.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Jason R. Alcala
Jason Alcala
City Attorney

Exhibit A – 2022 Affordable Sales Prices, Rental Rates, and Maximum Income Limit

RESOLUTION NO. _____

LIVERMORE

City of Livermore
Affordable For-Sale Prices and Rental Rates (2022)

For-Sale Housing									
		Very-Low Income (50%)		Low-Income (80%)		Median-Income (100%)		Moderate-Income (120%)	
No. Bed-rooms	Size House-hold	Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price	Maximum Income	Maximum Purchase Price
Studio	1	$50,000	$109,099	$76,750	$204,264	$99,950	$286,800	$119,950	$357,952
1	2	$57,150	$134,536	$87,700	$243,220	$114,250	$337,673	$137,100	$418,964
2	3	$64,300	$159,972	$98,650	$282,175	$128,500	$388,369	$154,200	$479,799
3	4	$71,400	$185,231	$109,600	$321,131	$142,800	$439,242	$171,350	$540,811
4	5	$77,150	$205,687	$118,400	$352,437	$154,200	$479,799	$185,050	$589,550

Rental Housing													
		Ext. Low-Income (30%)		Very-Low Income (50%)		Lower-Income (60%)		Low-Income (80%)		Median-Income (100%)		Moderate-Income (120%)	
No. Bed-rooms	Size House-hold	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent	Maximum Income	Maximum Rent
Studio	1	$30,000	$750	$50,000	$1,250	$60,000	$1,500	$76,750	$1,919	$99,950	$2,499	$119,950	$2,999
1(*)	1.5	$34,300	$858	$53,575	$1,339	$64,290	$1,607	$82,225	$2,056	$107,100	$2,678	$128,525	$3,213
1	2	$38,600	$965	$57,150	$1,429	$68,580	$1,715	$87,700	$2,193	$114,250	$2,856	$137,100	$3,428
2	3	$42,850	$1,071	$64,300	$1,608	$77,160	$1,929	$98,650	$2,466	$128,500	$3,213	$154,200	$3,855
3	4	$46,300	$1,158	$71,400	$1,785	$85,680	$2,142	$109,600	$2,740	$142,800	$3,570	$171,350	$4,284
4	5	$49,750	$1,244	$77,150	$1,929	$92,580	$2,315	$118,400	$2,960	$154,200	$3,855	$185,050	$4,626

NOTES: These limits are based on income data from the California Department of Housing and Community Development (HCD) for 2022. The Affordable Sales Prices are effective for the 2023 Affordable Homeownership Program year and thereafter until updated by City Council. The 2022 Area Median Income for a 4-person household of $142,800 published by State HCD is derived from the U.S. Department of Housing and Urban Development for Alameda County (Oakland-Fremont Metro Region) for the Section 8 Program.

(*) Low Income Housing Tax Credit (LIHTC) Household size

Sales Prices: assume a 6% interest rate, 30-year mortgage, and housing payments (PITI) which do not exceed 30% of the household's monthly income.
The Rental Housing limits are effective upon adoption by City Council and thereafter until updated by City Council. Rental affordability based on 30% of the household's monthly income and do not include tenant utility allowances. Utility allowances should be deducted from the maximum rents based on the Livermore Housing Authority's utility allowance schedule for the Section 8 Program.

Date Adopted by Livermore City Council:

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.14**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution declaring the Pacific Avenue Senior housing site to be exempt surplus land pursuant to Government Code Section 54221(f)(1)(A).

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution declaring the Pacific Avenue Senior housing site to be exempt surplus land pursuant to Government Code Section 54221(f)(1)(A).

SUMMARY

On September 13, 2021, the City Council approved the execution of a Disposition, Development and Loan Agreement (DDLA) with Satellite Affordable Housing Associates (SAHA) and Interfaith Housing (IFH), initiating the development of a two-phased, 100% affordable senior project with 140 housing units on a 3.56-acre site on Pacific Avenue ("Pacific Avenue Senior Apartments").

Pursuant to the Surplus Land Act set forth in Government Code Section 54220 et. seq., local agencies are required to follow certain procedures to dispose of “surplus land” or declare land to be “exempt surplus land” at a regular public meeting prior to disposition. Surplus land that is transferred pursuant to Government Code Section 37364, which authorizes cities to sell, lease, or otherwise dispose of real property to provide housing affordable to persons and families of low- or moderate-income, qualifies as “exempt surplus land.” Staff recommends the City Council adopt a resolution declaring the Pacific Avenue Senior housing site to be exempt surplus land under Government Code Section 54221(f)(1)(A) as property transferred pursuant to Government Code Section 37364.

DISCUSSION

On September 13, 2021, the Livermore City Council approved the execution of a Disposition, Development and Loan Agreement (DDLA) with Satellite Affordable Housing Associates (SAHA) and Interfaith Housing (IFH), initiating the development of an affordable senior housing project ("Pacific Avenue Senior Apartments") on a 3.56-acre site on Pacific Avenue. The DDLA memorialized the role of SAHA as the lead developer of the project, established expectations for the development of the site,

outlined financial considerations needed from the City to support development of the project, and established site control necessary for financing commitments.

On November 16, 2021, the Livermore Planning Commission approved entitlements to develop the two-phased, 100% affordable senior project with 140 housing units. The first phase will consist of approximately 79 units and the second phase will consist of approximately 61 units. SAHA and IFH will develop the Pacific Avenue housing site with a village-like concept consisting of two four-story buildings that are cohesively integrated with Arbor Vista and Vineyard Village, which are neighboring senior properties owned by IFH.

Pacific Avenue Senior Apartments will be affordable to senior households earning less than 60% of the Area Median Income (AMI) for Alameda County. In 2022, the maximum annual income for a one-person household earning 60% of the AMI is $60,000. The city is also requiring the project to include preferences for seniors residing in Livermore, veterans, and seniors experiencing homelessness.

SAHA will take possession of the site through a ninety-nine (99) year ground lease with the City once all development financing for Phase 1 is secured and upon completion of the City's property disposition process. SAHA hopes to begin construction on Phase 1 in 2024 and proposes to commence construction on the second phase of the project after Phase 1 is completed.

Pursuant to the Surplus Land Act set forth in Government Code Section 54220 et. seq., local agencies are required to follow certain procedures to dispose of "surplus land" or declare land to be "exempt surplus land" at a regular public meeting prior to disposition. Government Code Section 54221(f)(1)(A) defines "exempt surplus land" to include surplus land that is transferred pursuant to Government Code Section 37364. Government Code Section 37364 authorizes a city to sell, lease, exchange, quitclaim, convey, or otherwise dispose of real property to provide housing affordable to persons and families of low or moderate income provided that the following conditions are met:

(a) Not less than 80 percent of the area of the parcel will be used for the development of housing; and
(b) Not less than 40 percent of the total number of those housing units developed on the parcel shall be affordable to households whose incomes are equal to, or less than, 75 percent of the maximum income of lower income households, and at least half of which shall be affordable to very low-income households; and
(c) Dwelling units produced for persons and families of low or moderate income under Government Code Section 37364 shall be restricted by regulatory agreement to remain continually affordable to those persons and families for the longest feasible time, but not less than 30 years, with such regulatory agreement recorded in the office of the county recorder in which the housing development is located.

Because the City intends to ground lease the Property for the development of a 100% affordable housing project, the transfer meets the criteria for "exempt surplus land" under Government Code Section 54221(f)(1)(A).

On September 29, 2022, staff notified the California Department of Housing and Community Development ("State HCD") of the City's intent to declare the Pacific Avenue Senior housing site to be exempt surplus land under Government Code Section 54221(f)(1)(A) as property transferred pursuant to Government Code Section 37364. On October 10, 2022, State HCD confirmed that the attached resolution meets requirements of the Surplus Land Act. Once the resolution has been adopted and signed, staff will formally notify State HCD of the declaration.

ENVIRONMENTAL REVIEW

The resolution before the Council is not subject to the California Environmental Quality Act ("CEQA") because it is not a project as defined by Public Resources Code Section 21065 and CEQA Guidelines Section 15378(b). The proposed action finds the Property to meet the requirements of Government Code Section 37364 and declare the Property exempt surplus land pursuant to Government Code Section 54221(f)(1)(A) which are administrative activities of the government which will not result in direct or indirect physical changes to the environment.

FISCAL AND ADMINISTRATIVE IMPACTS

There is no direct fiscal impact to the City resulting from this action, and it does not change previous financial commitments made by the City to support the project. The financial commitments already approved by the City to support development of Pacific Avenue Senior Apartments are limited to a funding commitment of up to $7,157,000 plus a land dedication of the project site through a 99-year ground lease.

ATTACHMENTS

1. Resolution
2. Exhibit A - Property Description

Prepared by: Grace Streltzov
Management Analyst II

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION DECLARING THE CITY OWNED PACIFIC AVENUE SENIOR HOUSING SITE TO BE EXEMPT SURPLUS LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(A)

The City of Livermore ("City") is the owner of that certain real property within the City limits at the eastern terminus of Pacific Avenue, consisting of approximately 3.56 acres, and more particularly described in Exhibit A, attached hereto ("Property").

In 2018, the City initiated a process for development of the Property as an affordable senior housing project, by issuing a Request for Proposals, and in April 2018, the City selected Satellite Affordable Housing Associates (SAHA), in partnership with Interfaith Housing, Inc. (IFH), to develop the Property as an affordable senior housing project under a long-term ground lease.

In July 2018, the City, IFH and SAHA entered into an Exclusive Negotiating Rights Agreement ("ENRA") for the purpose of negotiating terms for a Disposition, Development, and Loan Agreement ("DDLA") for the site, conducting predevelopment site analysis, project scoping and determining a preliminary site plan. The ENRA was subsequently amended on July 24, 2019, to extend the time period for negotiations.

In September 2021, the City Council approved a DDLA with SAHA and IFH. The DDLA provides for the development of the Property with up to 140 units of senior, multi-family rental housing over two phases of development, and requires the residential units to be affordable for households with incomes no greater than 60% of Area Median Income for Alameda County ("AMI"). The DDLA defines development expectations and timelines, outlines a financing plan for the project, describes City loan funding and ground lease terms, and includes a form of regulatory agreement that will be recorded against the Property to impose the affordability restrictions.

The Surplus Land Act (Government Code Section 54220 *et. seq.*) (the "Act") was enacted to promote affordable housing development on unused or underutilized public land throughout the State to respond to the affordable housing crisis. Recent amendments to the Act, and Guidelines published by the California Department of Housing and Community Development (HCD), require public agencies, including charter cities, to follow certain procedures to dispose of "surplus land" or declare land to be "exempt surplus land" at a regular public meeting prior to disposition.

Pursuant to Government Code Section 54221(f)(1)(A), surplus land that is transferred pursuant to Government Code Section 37364 qualifies as "exempt surplus land."

Government Code Section 37364 authorizes cities to sell, lease, or otherwise dispose of real property to provide housing affordable to persons and families of low- or

moderate-income provided that (i) at least 80% of the area of the property will be used for development of housing, (ii) at least 40% of the housing units developed on the property will be affordable to households whose income is not greater than 60% AMI (75% of the upper limit for “lower income households”), of which at least one-half will be affordable to households of very low-income (50% AMI) and (iii) the dwelling units are restricted by a regulatory agreement to remain continually affordable for at least 30 years.

The DDLA requires the Property to be developed for residential uses consistent with the affordability restrictions set forth in Government Code Section 37364. City staff has worked with HCD and HCD has reviewed a draft of this resolution and found that it contains the necessary elements of the SLA exemption found in Government Code Section 54221(f)(1)(A).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. The City Council adopts the recitals set forth above as findings of fact.

2. The City Council has determined, and hereby affirms, that pursuant to the DDLA, the Property will be used to provide housing affordable to persons and families of low- and very low-income, that this use is in the City’s best interests, and that development of the Property in accordance with the requirements of the DDLA will satisfy the requirements of Government Code Section 37364.

3. The City Council further makes the following findings, pursuant to Government Code Section 37364:

    a. Consistent with the requirements set forth in the DDLA, the entirety (100%) of the Property will be developed for affordable housing consisting of approximately 79 units in a first phase and approximately 61 units in a second phase.

    b. Consistent with the requirements of the DDLA and a separate regulatory agreement that will be recorded against the Property substantially in the form attached as an exhibit to the DDLA (“Regulatory Agreement”), the residential units developed on the Property will be restricted for occupancy at affordable rents by seniors with household incomes between 20% and 60% of Area Median Income.

    c. Pursuant to Section 9.1 of the DDLA and the Regulatory Agreement, at least 69 of the residential units developed on the Property (at least 49% of the total) will be restricted for occupancy at affordable rents to households whose incomes are not greater than 50% AMI.

d. The affordability restrictions will be set forth in both the Ground Lease which will have a term of 99 years, and in the Regulatory Agreement that will be recorded against the Property in the official records of Alameda County. The Regulatory Agreement will be binding upon successors in interest, and will require compliance with the foregoing rent and household income restrictions for a term of not less than 55 years.

4. Based upon the foregoing, the City Council hereby declares the Property to be exempt surplus land under Government Code Section 54221(f)(1)(A) as property transferred pursuant to Government Code Section 37364.

5. The City Council directs the Housing Programs Manager to submit a copy of this Resolution to HCD in accordance with the Surplus Land Act Guidelines.

6. The City Council finds that its actions are not subject to the California Environmental Quality Act ("CEQA") because they are activities that are excluded from the definition of a project by Public Resources Code Section 21065 and CEQA Guidelines Section 15378(b). These actions find that the ground lease of the Pacific Avenue Housing Site satisfies the requirements of Government Code Section 37364, declare the Site to be exempt surplus land, and direct staff to effectuate the purpose of this Resolution. These are administrative activities of government which will not result in direct or indirect physical changes to the environment.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – Legal Description of the Property

EXHIBIT A

PARCEL MAP 10858

A SUBDIVISION OF PARCEL 1 AS SHOWN ON PARCEL MAP 6574, FILED IN BOOK 205 OF MAPS AT PAGE 80, ALAMEDA COUNTY RECORDS

CITY OF LIVERMORE
ALAMEDA COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
MAY 2021

OWNER'S STATEMENT:

THE UNDERSIGNED HEREBY STATE THAT IT IS THE OWNER OF ALL THE LANDS DELINEATED AND EMBRACED WITHIN THE TRACT BOUNDARY LINES OF THIS MAP ENTITLED, "PARCEL MAP 10858, CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA", CONSISTING OF TWO (2) SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF; THAT IT HAS CAUSED SAID MAP TO BE PREPARED FOR RECORD AND DO CONSENT TO THE MAKING AND RECORDATION OF SAID MAP, AND THAT SAID MAP DOES PARTICULARLY SET FORTH AND DESCRIBE ALL PARCELS OF LAND BY THEIR BOUNDARY COURSES AND EXTENT.

THE REAL PROPERTY DESCRIBED BELOW IS DEDICATED IN FEE FOR PUBLIC PURPOSES: THE AREA DESIGNATED AS "PACIFIC AVENUE DEDICATION" FOR PUBLIC STREET PURPOSES.

THIS MAP SHOWS OR NOTES ALL EASEMENTS, EXISTING OR OF RECORD, WITHIN THE BOUNDARY LINES OF THIS MAP.

IN WITNESS WHEREOF, THE UNDERSIGNED HAVE EXECUTED THIS STATEMENT ON THE _____ DAY OF _____, 2021.

OWNER: CITY OF LIVERMORE, A MUNICIPAL CORPORATION

BY: _____
MARC ROBERTS
CITY MANAGER, CITY OF LIVERMORE,
ALAMEDA COUNTY, CALIFORNIA

OWNER'S ACKNOWLEDGEMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF _____) SS

ON _____, 2021, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC FOR THE STATE OF CALIFORNIA, PERSONALLY APPEARED _____, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/ SHE/ THEY EXECUTED THE SAME IN HIS/ HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS /HER /THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY ON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND,

SIGNATURE: _____

PRINT NAME: _____

MY COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

PRINCIPAL COUNTY OF BUSINESS: _____

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF THE CITY OF LIVERMORE IN APRIL 2018.

LICENSED LAND SURVEYOR
SCOTT A. SHORTLIDGE
No. 6441
STATE OF CALIFORNIA

_____
SCOTT A. SHORTLIDGE, L.S. 6441 DATE

CITY ENGINEER'S STATEMENT:

I, CHERI RENE SHEETS, CITY ENGINEER OF THE CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "PARCEL MAP 10858, CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA", THAT ALL PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL HAVE BEEN COMPLIED WITH. THIS MAP WAS PROCESSED UNDER THE CITY'S PARCEL MAP WAIVER PROCEDURES.

REGISTERED PROFESSIONAL ENGINEER
CHERI R. SHEETS
C 38751
CIVIL
STATE OF CALIFORNIA

_____
CHERI RENE SHEETS, R.C.E. NO. 38751 DATE
REGISTRATION EXPIRES: MARCH 31, 2023
CITY ENGINEER, CITY OF LIVERMORE,
ALAMEDA COUNTY, CALIFORNIA

I, LAWRENCE K. SAMPSON, A LICENSED LAND SURVEYOR FOR THE CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "PARCEL MAP 10858, CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA", AND THAT I AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT.

LICENSED LAND SURVEYOR
LAWRENCE K. SAMPSON
No. 4238
STATE OF CALIFORNIA

_____
LAWRENCE K. SAMPSON, L.S. 4238

COMMUNITY D

PARCEL MAP 1(AP
(IF ANY), AND
SECTION 66428

_____ ___
PAUL SPENCE
COMMUNITY DE
CITY OF LIVER

CITY CLERK'S STATEMENT:

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) S.S.

ON THIS _____ DAY OF _____, 2021, BEFORE ME, SUSAN M. NEER, CITY CLERK OF THE CITY OF LIVERMORE, ALAMEDA COUNTY, PERSONALLY APPEARED STEPHAN KIEFER, KNOWN TO ME TO BE THE "COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR" OF THE CITY OF LIVERMORE, AND IS THE PERSON AUTHORIZED BY THE CITY OF LIVERMORE MUNICIPAL CODE TO APPROVE THIS MAP.

I FURTHER CERTIFY THE INTEREST IN ALL THOSE PARCELS OF LANDS, EASEMENTS AND OTHER LEGAL INTERESTS (IF ANY) OFFERED FOR PUBLIC USE IN CONFORMANCE WITH TERMS OF THE HEREIN OFFER, IS HEREBY ACCEPTED BY THE UNDERSIGNED CITY CLERK ON BEHALF OF THE CITY COUNCIL PURSUANT TO AUTHORIZATION CONFERRED BY RESOLUTION NO. 1–65 OF THE CITY COUNCIL ADOPTED ON JANUARY 4, 1965.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS ___ DAY OF _____ 2021.

_____
SARAH BUNTING
CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE
CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA

CLERK OF THE BOARD OF SUPERVISORS' STATEMENT:

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) S.S.

I, ANIKA CAMPBELL–BELTON, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, HEREBY STATE, AS CHECKED BELOW THAT:

☐ AN APPROVED CASHIERS CHECK HAS BEEN FILED WITH THE SUPERVISORS OF THE SAID COUNTY AND STATE IN THE AMOUNT OF $_____ CONDITIONED FOR THE PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOW A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE, AND WAS DULY APPROVED BY SAID BOARD IN SAID AMOUNT.

☐ ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID, AS CERTIFIED BY THE TREASURER–TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS ___ DAY OF _____, A.D., 2021.

_____
ANIKA CAMPBELL–BELTON
CLERK OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

BY: _____
DEPUTY COUNTY CLERK

COUNTY RECORDER'S STATEMENT:

FILED THIS _____ DAY OF _____, 2021, AT _____M., IN BOOK _____ OF MAPS AT PAGES _____ INCLUSIVE, RECORDER'S SERIES NO. _____ AT THE REQUEST OF THE CITY OF LIVERMORE.

FEE: $_____ PAID

_____
MELISSA WILK
COUNTY RECORDER IN AND FOR THE
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

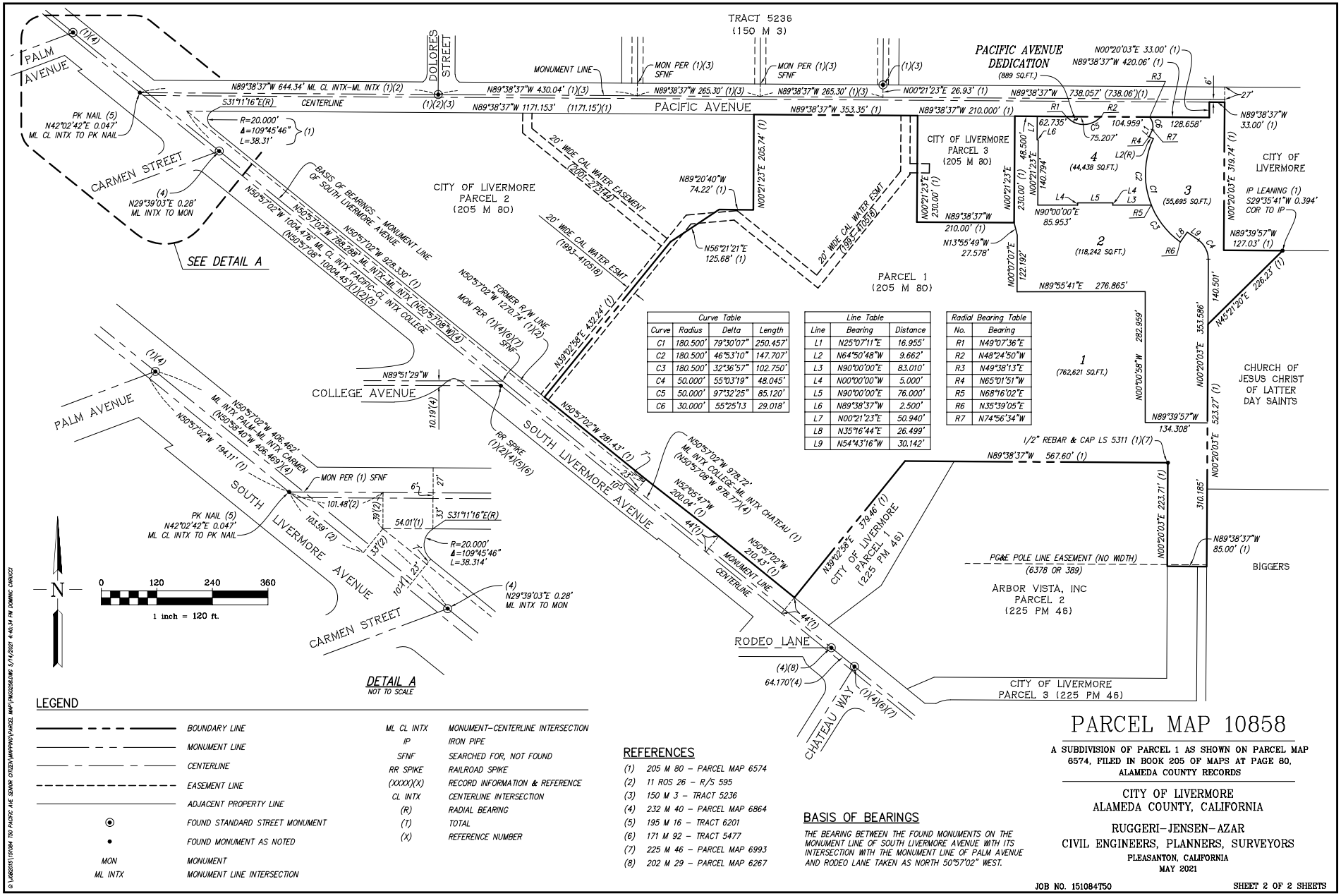
BY: _____
DEPUTY COUNTY RECORDER

JOB NO. 151084T50

SHEET 1 OF 2 SHEETS

G:\JOBS2015\151084 750 PACIFIC AVE SENIOR CITIZEN\MAPPING\PARCEL MAP\PM2015LONG 5/14/2021 1:17:12 PM ALAN MULLEN

EXHIBIT A



Curve Table			
Curve	Radius	Delta	Length
C1	180.500'	79°30'07"	250.457'
C2	180.500'	46°53'10"	147.707'
C3	180.500'	32°36'57"	102.750'
C4	50.000'	55°03'19"	48.045'
C5	50.000'	97°32'25"	85.120'
C6	30.000'	55°25'13	29.018'

Line Table		
Line	Bearing	Distance
L1	N25°07'11"E	16.955'
L2	N64°50'48"W	9.662'
L3	N90°00'00"E	83.010'
L4	N00°00'00"W	5.000'
L5	N90°00'00"E	76.000'
L6	N89°38'37"W	2.500'
L7	N00°21'23"E	50.940'
L8	N35°16'44"E	26.499'
L9	N54°43'16"W	30.142'

Radial Bearing Table	
No.	Bearing
R1	N49°07'36"E
R2	N48°24'50"W
R3	N49°38'13"E
R4	N65°01'51"W
R5	N68°16'02"E
R6	N35°39'05"E
R7	N74°56'34"W

LEGEND

BOUNDARY LINE	
MONUMENT LINE	
CENTERLINE	
EASEMENT LINE	
ADJACENT PROPERTY LINE	
FOUND STANDARD STREET MONUMENT	
FOUND MONUMENT AS NOTED	
MON	MONUMENT
ML INTX	MONUMENT LINE INTERSECTION
ML CL INTX	MONUMENT–CENTERLINE INTERSECTION
IP	IRON PIPE
SFNF	SEARCHED FOR, NOT FOUND
RR SPIKE	RAILROAD SPIKE
(XXXX)(X)	RECORD INFORMATION & REFERENCE
CL INTX	CENTERLINE INTERSECTION
(R)	RADIAL BEARING
(T)	TOTAL
(X)	REFERENCE NUMBER

REFERENCES

(1) 205 M 80 – PARCEL MAP 6574
(2) 11 ROS 26 – R/S 595
(3) 150 M 3 – TRACT 5236
(4) 232 M 40 – PARCEL MAP 6864
(5) 195 M 16 – TRACT 6201
(6) 171 M 92 – TRACT 5477
(7) 225 M 46 – PARCEL MAP 6993
(8) 202 M 29 – PARCEL MAP 6267

BASIS OF BEARINGS

THE BEARING BETWEEN THE FOUND MONUMENTS ON THE MONUMENT LINE OF SOUTH LIVERMORE AVENUE WITH ITS INTERSECTION WITH THE MONUMENT LINE OF PALM AVENUE AND RODEO LANE TAKEN AS NORTH 50°57'02" WEST.

PARCEL MAP 10858

A SUBDIVISION OF PARCEL 1 AS SHOWN ON PARCEL MAP 6574, FILED IN BOOK 205 OF MAPS AT PAGE 80, ALAMEDA COUNTY RECORDS

CITY OF LIVERMORE
ALAMEDA COUNTY, CALIFORNIA

RUGGERI–JENSEN–AZAR
CIVIL ENGINEERS, PLANNERS, SURVEYORS
PLEASANTON, CALIFORNIA
MAY 2021

JOB NO. 151084T50

SHEET 2 OF 2 SHEETS

G:\JOBS2015\151084 T50 PACIFIC AVE SENIOR CITIZEN\MAPPING\PARCEL MAP\PM2022SLDWG 5/14/2021 4:40:34 PM DOMINIC CARUCCI

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.15**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Tina Olson, Administrative Services Director

SUBJECT: Resolution approving modifications to the wages of the City Manager, City Attorney, Executive Management, and Unclassified Salary Schedules.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution approving the City of Livermore Salary Plan as of December 2022, in accordance with California Code of Regulations, Title 2, Section 570.5.

SUMMARY

A summary of the changes to the Salary Plan are as follows:

- Provide a salary adjustment for the City Manager of 4% effective December 5, 2022.
- Provide a salary adjustment for the City Attorney of 4% effective December 5, 2022.
- Provide a salary adjustment for the Executive Management employees (excluding the Police Chief) of 4% effective December 5, 2022 in alignment with the 4% wage increase granted to the Livermore Management Group (LMG) on July 4, 2022.
- Provide a salary adjustment for the Police Chief of 4.5% effective December 5, 2022 in alignment with the 4.5% wage increase granted to the Livermore Police Management Group (LPG) on July 4, 2022.
- Provide adjustments to the Unclassified Salary Plan effective December 19, 2022.

DISCUSSION

The new contract with the City Manager grants a 4% salary increase effective December 5, 2022.

The new contract with the City Attorney grants a 4% salary increase effective December 5, 2022.

Executive Management (Department Heads and Assistant City Manager, excluding the Police Chief) are at-will employees and serve at the pleasure of the City Manager. Salary and benefit adjustments for these employees are granted at the discretion of the City Manager with the concurrence of the City Council and have historically been designed to reflect the market for those positions as well as to avoid

salary compaction with positions that Executive Managers supervise. The Livermore Management Group (LMG) (management employees, excluding department heads) received a 4% (including medical cost increase) wage adjustment on July 4, 2022. This wage adjustment for LMG was the second increase of the multi-year contract established with that group. The recommendation is for the Executive Management Group to receive a 4% wage adjustment effective December 5, 2022, in alignment with LMG, to keep the Executive Management Group's compensation in proper relationship to the management group.

The Police Chief is an at-will employee and serves at the pleasure of the City Manager. Salary and benefit adjustments for the Police Chief are granted at the discretion of the City Manager with the concurrence of the City Council and have historically been designed to reflect the market for this position as well as to avoid salary compaction with positions the Police Chief supervises. The Livermore Police Management Group (LPM) received a 4.5% (include medical cost increase) wage adjustment on July 4, 2022. This wage adjustment for LPM was the second increase of the multi-year contract established with that group. The recommendation is for the Police Chief to receive a 4.5% wage adjustment effective December 5, 2022, in alignment with the LPM, to keep the Police Chief's compensation in proper relationship to the Police management group.

On July 27, 2022, the California Director of the Department of Finance certified that based on the annual inflation rate from 7/1/2021 to 6/20/2022, under Labor Code section 1182.12(c)(3)(A), the state hourly minimum wage must be increased effective January 1, 2023 to $15.50 an hour. The minimum salaries for the classifications of Department Assistant, Field/Maintenance Aide, Law Clerk, Library Aide, and Police Cadet will increase from $15.00 to $15.50 an hour effective December 19, 2022: There are currently 28 employees affected by this increase.

FISCAL AND ADMINISTRATIVE IMPACTS

The total increase in cost with the proposed changes is approximately $95,000 from the General Fund. No additional appropriations are required at this time.

ATTACHMENTS

1. Resolution
2. Exhibit A - Salary Plan Effective December 2022

Prepared by: Kaylin Larson
HR Analyst II

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION ADOPTING THE CITY OF LIVERMORE SALARY PLAN DATED DECEMBER 2022, IN ACCORDANCE WITH CALIFORNIA CODE OF REGULATIONS, TITLE 2, SECTION 570.5

The proposed City of Livermore Salary Plan, attached as Exhibit A, is intended to make the following amendments:

- Salary adjustment for the City Manager of 4% effective December 5, 2022;
- Salary adjustment for the City Attorney of 4% effective December 5, 2022;
- Salary adjustment for the Executive Management employees (excluding the Police Chief) of 4% effective December 5, 2022.
- Salary adjustment for the Police Chief of 4.5% effective December 5, 2022;
- Adjustments to the Unclassified Salary Plan effective December 19, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that the amended Salary Plan attached as Exhibit A is hereby approved and effective December 5, 2022, in accordance with California Code of Regulations, Title 2, Section 570.5.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

__///s// Jason Alcala_____
Jason Alcala
City Attorney

Exhibit A – Salary Plan dated December 2022

LIVERMORE
CALIFORNIA

Salary Plan

December 2022

CITY OF LIVERMORE
ASSOCIATION OF LIVERMORE EMPLOYEES
EFFECTIVE 10/10/2022

CLASS CODE	RANGE	CLASSIFICATION	SALARY RANGE @ ANNUAL, MONTHLY, WEEKLY, HRLY RAT STEP A	STEP B	STEP C	STEP D	STEP E
221	01	ACCOUNT CLERK	64,431.69	67,587.79	70,891.90	74,361.23	78,004.03
	Sch=M22		5,369.31	5,632.32	5,907.66	6,196.77	6,500.34
			1,239.07	1,299.77	1,363.31	1,430.02	1,500.08
			30.97677	32.49413	34.08264	35.75059	37.50194
225	02	ACCOUNT CLERK, JUNIOR	58,340.20	61,181.95	64,165.78	67,298.80	70,588.46
	Sch=M22		4,861.68	5,098.50	5,347.15	5,608.23	5,882.37
			1,121.93	1,176.58	1,233.96	1,294.21	1,357.47
			28.04817	29.41440	30.84893	32.35519	33.93676
222	03	ACCOUNT CLERK, SENIOR	70,146.83	73,578.90	77,182.57	80,966.43	84,939.48
	Sch=M22		5,845.57	6,131.58	6,431.88	6,747.20	7,078.29
			1,348.98	1,414.98	1,484.28	1,557.05	1,633.45
			33.72444	35.37447	37.10700	38.92617	40.83629
223	05	ACCOUNTANT, JUNIOR	83,917.12	88,075.24	92,441.28	97,025.61	101,839.17
	Sch=M22		6,993.09	7,339.60	7,703.44	8,085.47	8,486.60
			1,613.79	1,693.75	1,777.72	1,865.88	1,958.45
			40.34477	42.34387	44.44292	46.64693	48.96114
224	04	ACCOUNTING TECHNICIAN	74,530.90	78,182.19	82,016.02	86,041.55	90,268.37
	Sch=M22		6,210.91	6,515.18	6,834.67	7,170.13	7,522.36
			1,433.29	1,503.50	1,577.23	1,654.65	1,735.93
			35.83216	37.58759	39.43078	41.36613	43.39825
213	14	ADMINISTRATIVE	78,111.89	81,942.22	85,964.06	90,187.00	94,621.08
	Sch=M22	ASSISTANT	6,509.32	6,828.52	7,163.67	7,515.58	7,885.09
			1,502.15	1,575.81	1,653.16	1,734.37	1,819.64
			37.55379	39.39530	41.32888	43.35913	45.49090
206	06	ADMINISTRATIVE	78,111.89	81,942.22	85,964.06	90,187.00	94,621.08
	Sch=M22	TECHNICIAN	6,509.32	6,828.52	7,163.67	7,515.58	7,885.09
			1,502.15	1,575.81	1,653.16	1,734.37	1,819.64
			37.55379	39.39530	41.32888	43.35913	45.49090
471	01	AIRPORT SERVICE	68,255.30	71,592.81	75,097.18	78,776.77	82,640.34
	Sch=PS1	ATTENDANT	5,687.94	5,966.07	6,258.10	6,564.73	6,886.70
			1,312.60	1,376.78	1,444.18	1,514.94	1,589.24
			32.81505	34.41962	36.10441	37.87345	39.73093
473	02	AIRPORT SERVICE	73,266.77	76,854.85	80,622.32	84,578.18	88,731.82
	Sch=PS1	ATTENDANT SENIOR	6,105.56	6,404.57	6,718.53	7,048.18	7,394.32
			1,408.98	1,477.98	1,550.43	1,626.50	1,706.38
			35.22441	36.94945	38.76073	40.66259	42.65953
290	07	ANIMAL CONTROL	77,492.10	81,291.44	85,280.74	89,469.50	93,867.70
	Sch=M22	OFFICER	6,457.68	6,774.29	7,106.73	7,455.79	7,822.31
			1,490.23	1,563.30	1,640.01	1,720.57	1,805.15
			37.25582	39.08242	41.00036	43.01418	45.12870
465	66	ASSET MANAGEMENT	104,624.76	109,780.74	115,194.51	120,878.97	126,847.64
	Sch=M22	SPECIALIST	8,718.73	9,148.40	9,599.54	10,073.25	10,570.64
			2,012.01	2,111.17	2,215.28	2,324.60	2,439.38
			50.30037	52.77920	55.38198	58.11489	60.98444

CITY OF LIVERMORE
ASSOCIATION OF LIVERMORE EMPLOYEES
EFFECTIVE 10/10/2022

CLASS CODE	RANGE	CLASSIFICATION	SALARY RANGE @ ANNUAL, MONTHLY, WEEKLY, HRLY RAT STEP A	STEP B	STEP C	STEP D	STEP E
281	08	BUILDING INSPECTOR I	91,922.97	96,443.85	101,190.77	106,175.04	111,408.53
	Sch=M22		7,660.25	8,036.99	8,432.56	8,847.92	9,284.04
			1,767.75	1,854.69	1,945.98	2,041.83	2,142.47
			44.19374	46.36724	48.64941	51.04569	53.56179
282	09	BUILDING INSPECTOR II	98,829.37	103,695.57	108,805.08	114,170.07	119,803.30
	Sch=M22		8,235.78	8,641.30	9,067.09	9,514.17	9,983.61
			1,900.56	1,994.15	2,092.41	2,195.58	2,303.91
			47.51412	49.85364	52.31013	54.88946	57.59774
277	56	BUILDING INSPECTOR III	101,742.42	106,754.27	112,016.71	117,542.27	123,344.12
	Sch=M22		8,478.54	8,896.19	9,334.73	9,795.19	10,278.68
			1,956.59	2,052.97	2,154.17	2,260.43	2,372.00
			48.91463	51.32417	53.85419	56.51071	59.30006
288	10	BUILDING INSPECTOR,	106,754.27	112,016.71	117,542.27	123,344.12	129,436.06
	Sch=M22	SENIOR	8,896.19	9,334.73	9,795.19	10,278.68	10,786.34
			2,052.97	2,154.17	2,260.43	2,372.00	2,489.16
			51.32417	53.85419	56.51071	59.30006	62.22888
249	11	CIVIL ENGINEER,	109,758.92	115,171.60	120,854.90	126,822.38	133,088.24
	Sch=M22	ASSISTANT	9,146.58	9,597.63	10,071.24	10,568.53	11,090.69
			2,110.75	2,214.84	2,324.13	2,438.89	2,559.39
			52.76871	55.37096	58.10332	60.97230	63.98473
254	12	CIVIL ENGINEER,	118,917.90	124,788.54	130,952.70	137,425.07	144,221.06
	Sch=M22	ASSOCIATE	9,909.83	10,399.05	10,912.73	11,452.09	12,018.42
			2,286.88	2,399.78	2,518.32	2,642.79	2,773.48
			57.17207	59.99449	62.95803	66.06975	69.33705
247	13	CIVIL ENGINEER, JUNIOR	96,460.59	101,208.34	106,193.49	111,427.90	116,924.03
	Sch=M22		8,038.38	8,434.03	8,849.46	9,285.66	9,743.67
			1,855.01	1,946.31	2,042.18	2,142.84	2,248.54
			46.37528	48.65786	51.05456	53.57111	56.21348
292	17	COMMUNITY	68,338.90	71,680.57	75,189.35	78,873.54	82,741.96
	Sch=M22	SERVICE SPECIALIST	5,694.91	5,973.38	6,265.78	6,572.80	6,895.16
			1,314.21	1,378.47	1,445.95	1,516.80	1,591.19
			32.85524	34.46181	36.14873	37.91997	39.77979
294	19	CRIME & INTELLIGENCE	89,140.17	93,521.91	98,122.73	102,953.61	108,026.02
	Sch=M22	ANALYST*	7,428.35	7,793.49	8,176.89	8,579.47	9,002.17
			1,714.23	1,798.50	1,886.98	1,979.88	2,077.42
			42.85585	44.96246	47.17439	49.49693	51.93559
296	62	CRIME PREVENTION	73,797.05	77,411.64	81,206.95	85,192.03	89,376.36
	Sch=M22	SPECIALIST	6,149.75	6,450.97	6,767.25	7,099.34	7,448.03
			1,419.17	1,488.69	1,561.67	1,638.31	1,718.78
			35.47935	37.21713	39.04180	40.95771	42.96940
208	21	DIVISION CLERK	65,983.39	69,207.30	72,592.40	76,146.74	79,878.83
	Sch=M22		5,498.62	5,767.28	6,049.37	6,345.56	6,656.57
			1,268.91	1,330.91	1,396.01	1,464.36	1,536.13
			31.72278	33.27274	34.90019	36.60901	38.40328

CITY OF LIVERMORE
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CLASS CODE	RANGE	CLASSIFICATION	SALARY RANGE @ ANNUAL, MONTHLY, WEEKLY, HRLY RAT STEP A	STEP B	STEP C	STEP D	STEP E
234	64	ECONOMIC DEVELOPMENT	85,772.49	89,985.85	94,409.89	99,055.11	103,932.59
	Sch=M22	SPECIALIST	7,147.71	7,498.82	7,867.49	8,254.59	8,661.05
			1,649.47	1,730.50	1,815.57	1,904.91	1,998.70
			41.23677	43.26243	45.38937	47.62265	49.96759
467	38	ELECTRICIAN	92,057.69	96,622.84	101,416.26	106,449.34	111,734.08
	Sch=PS1		7,671.47	8,051.90	8,451.36	8,870.78	9,311.17
			1,770.34	1,858.13	1,950.31	2,047.10	2,148.73
			44.25850	46.45329	48.75782	51.17757	53.71831
255	23	ENGINEER, ASSISTANT	104,624.75	109,780.73	115,194.50	120,878.96	126,847.63
	Sch=M22		8,718.73	9,148.39	9,599.54	10,073.25	10,570.64
			2,012.01	2,111.17	2,215.28	2,324.60	2,439.38
			50.30036	52.77920	55.38197	58.11488	60.98444
256	24	ENGINEER, JUNIOR	91,938.91	96,460.60	101,208.35	106,193.50	111,427.91
	Sch=M22		7,661.58	8,038.38	8,434.03	8,849.46	9,285.66
			1,768.06	1,855.01	1,946.31	2,042.18	2,142.84
			44.20140	46.37529	48.65786	51.05457	53.57111
273	63	ENGINEERING SPECIALIST	104,624.75	109,780.73	115,194.50	120,878.96	126,847.63
	Sch=M22		8,718.73	9,148.39	9,599.54	10,073.25	10,570.64
			2,012.01	2,111.17	2,215.28	2,324.60	2,439.38
			50.30036	52.77920	55.38197	58.11488	60.98444
284	25	ENGINEERING	89,921.74	94,342.55	98,984.41	103,858.37	108,976.02
	Sch=M22	TECHNICIAN, ASSIST	7,493.48	7,861.88	8,248.70	8,654.86	9,081.34
			1,729.26	1,814.28	1,903.55	1,997.28	2,095.69
			43.23161	45.35700	47.58866	49.93191	52.39232
275	26	ENGINEERING	96,460.59	101,208.34	106,193.49	111,427.90	116,924.03
	Sch=M22	TECHNICIAN, ASSOC	8,038.38	8,434.03	8,849.46	9,285.66	9,743.67
			1,855.01	1,946.31	2,042.18	2,142.84	2,248.54
			46.37528	48.65786	51.05456	53.57111	56.21348
279	28	ENGINEERING	100,226.56	105,162.62	110,345.48	115,787.49	121,501.60
	Sch=M22	TECHNICIAN, SENIOR	8,352.21	8,763.55	9,195.46	9,648.96	10,125.13
			1,927.43	2,022.36	2,122.03	2,226.68	2,336.57
			48.18585	50.55895	53.05071	55.66706	58.41423
410	40	FACILITIES MAINTENANCE	58,019.99	60,845.72	63,812.74	66,928.11	70,199.25
	Sch=PS1	TRAINEE	4,835.00	5,070.48	5,317.73	5,577.34	5,849.94
			1,115.77	1,170.11	1,227.17	1,287.08	1,349.99
			27.89423	29.25275	30.67920	32.17698	33.74964
411	41	FACILITIES MAINTENANCE	65,027.09	68,203.17	71,538.05	75,039.69	78,716.41
	Sch=PS1	WORKER I	5,418.92	5,683.60	5,961.50	6,253.31	6,559.70
			1,250.52	1,311.60	1,375.73	1,443.07	1,513.78
			31.26302	32.78999	34.39329	36.07677	37.84443
412	42	FACILITIES MAINTENANCE	69,767.56	73,180.67	76,764.44	80,527.40	84,478.50
	Sch=PS1	WORKER II	5,813.96	6,098.39	6,397.04	6,710.62	7,039.88
			1,341.68	1,407.32	1,476.24	1,548.60	1,624.59
			33.54210	35.18301	36.90598	38.71510	40.61466

CITY OF LIVERMORE
ASSOCIATION OF LIVERMORE EMPLOYEES
EFFECTIVE 10/10/2022

CLASS CODE	RANGE	CLASSIFICATION	SALARY RANGE @ ANNUAL, MONTHLY, WEEKLY, HRLY RAT STEP A	STEP B	STEP C	STEP D	STEP E
413	43	FACILITIES MAINTENANCE	73,266.77	76,854.85	80,622.32	84,578.18	88,731.82
	Sch=PS1	WORKER, SENIOR	6,105.56	6,404.57	6,718.53	7,048.18	7,394.32
			1,408.98	1,477.98	1,550.43	1,626.50	1,706.38
			35.22441	36.94945	38.76073	40.66259	42.65953
414	20	FACILITIES MAINTENANCE	82,509.20	86,559.39	90,812.09	95,277.43	99,966.04
	Sch=PS1	WORKER, SUPERVISING	6,875.77	7,213.28	7,567.67	7,939.79	8,330.50
			1,586.72	1,664.60	1,746.39	1,832.26	1,922.42
			39.66788	41.61509	43.65966	45.80646	48.06060
950	18	FAMILY THERAPIST	90,466.04	94,914.08	99,584.52	104,488.47	109,637.63
	Sch=M22		7,538.84	7,909.51	8,298.71	8,707.37	9,136.47
			1,739.73	1,825.27	1,915.09	2,009.39	2,108.42
			43.49329	45.63177	47.87717	50.23484	52.71040
444	51	FLEET SERVICES WORKER	58,020.03	60,845.77	63,812.79	66,928.16	70,199.30
	Sch=PS1		4,835.00	5,070.48	5,317.73	5,577.35	5,849.94
			1,115.77	1,170.11	1,227.17	1,287.08	1,349.99
			27.89425	29.25277	30.67923	32.17700	33.74966
274	59	GIS SPECIALIST	104,624.75	109,780.71	115,194.49	120,878.95	126,847.62
	Sch=M22		8,718.73	9,148.39	9,599.54	10,073.25	10,570.64
			2,012.01	2,111.17	2,215.28	2,324.60	2,439.38
			50.30036	52.77919	55.38197	58.11488	60.98443
420	11	GROUNDSKEEPER	58,019.99	60,845.72	63,812.73	66,928.10	70,199.24
	Sch=PS1	TRAINEE	4,835.00	5,070.48	5,317.73	5,577.34	5,849.94
			1,115.77	1,170.11	1,227.17	1,287.08	1,349.99
			27.89423	29.25275	30.67920	32.17697	33.74963
421	12	GROUNDSKEEPER I	65,027.09	68,203.17	71,538.05	75,039.69	78,716.41
	Sch=PS1		5,418.92	5,683.60	5,961.50	6,253.31	6,559.70
			1,250.52	1,311.60	1,375.73	1,443.07	1,513.78
			31.26302	32.78999	34.39329	36.07677	37.84443
422	13	GROUNDSKEEPER II	69,767.56	73,180.68	76,764.44	80,527.40	84,478.50
	Sch=PS1		5,813.96	6,098.39	6,397.04	6,710.62	7,039.88
			1,341.68	1,407.32	1,476.24	1,548.60	1,624.59
			33.54210	35.18302	36.90598	38.71510	40.61466
423	14	GROUNDSKEEPER III	73,266.77	76,854.85	80,622.32	84,578.18	88,731.82
	Sch=PS1		6,105.56	6,404.57	6,718.53	7,048.18	7,394.32
			1,408.98	1,477.98	1,550.43	1,626.50	1,706.38
			35.22441	36.94945	38.76073	40.66259	42.65953
424	04	GROUNDSKEEPER,	82,509.20	86,559.39	90,812.09	95,277.43	99,966.04
	Sch=PS1	SUPERVISING	6,875.77	7,213.28	7,567.67	7,939.79	8,330.50
			1,586.72	1,664.60	1,746.39	1,832.26	1,922.42
			39.66788	41.61509	43.65966	45.80646	48.06060
228	16	INFORMATION	77,929.16	81,787.89	85,839.56	90,093.81	94,560.77
	Sch=M22	TECHNOLOGY TECHNICIAN	6,494.10	6,815.66	7,153.30	7,507.82	7,880.06
			1,498.64	1,572.84	1,650.76	1,732.57	1,818.48
			37.46594	39.32110	41.26902	43.31433	45.46191

CITY OF LIVERMORE
ASSOCIATION OF LIVERMORE EMPLOYEES
EFFECTIVE 10/10/2022

CLASS CODE	RANGE	CLASSIFICATION	SALARY RANGE @ ANNUAL, MONTHLY, WEEKLY, HRLY RAT STEP A	STEP B	STEP C	STEP D	STEP E
271	57	INFORMATION TECHNOLOGY	85,583.00	89,824.42	94,277.91	98,954.08	103,864.05
	Sch=M22	TECHNICIAN, SENIOR	7,131.92	7,485.37	7,856.49	8,246.17	8,655.34
			1,645.83	1,727.39	1,813.04	1,902.96	1,997.39
			41.14567	43.18482	45.32592	47.57408	49.93464
426	52	LANDSCAPE MAINTENANCE	78,376.20	82,219.74	86,255.45	90,492.96	94,942.33
	Sch=PS1	SPECIALIST	6,531.35	6,851.65	7,187.95	7,541.08	7,911.86
			1,507.23	1,581.15	1,658.76	1,740.25	1,825.81
			37.68087	39.52872	41.46897	43.50623	45.64535
263	29	LIBRARIAN I	70,548.38	74,000.54	77,625.29	81,431.29	85,427.58
	Sch=M22		5,879.03	6,166.71	6,468.77	6,785.94	7,118.97
			1,356.70	1,423.09	1,492.79	1,565.99	1,642.84
			33.91749	35.57718	37.31985	39.14966	41.07095
260	30	LIBRARIAN II	78,264.55	82,102.51	86,132.36	90,363.71	94,806.62
	Sch=M22		6,522.05	6,841.88	7,177.70	7,530.31	7,900.55
			1,505.09	1,578.89	1,656.39	1,737.76	1,823.20
			37.62719	39.47236	41.40979	43.44409	45.58011
242	32	LIBRARY ASSISTANT	66,391.61	69,635.92	73,042.45	76,619.31	80,375.01
	Sch=M22		5,532.63	5,802.99	6,086.87	6,384.94	6,697.92
			1,276.76	1,339.15	1,404.66	1,473.45	1,545.67
			31.91904	33.47881	35.11656	36.83621	38.64183
243	33	LIBRARY ASSISTANT,	74,530.90	78,182.19	82,016.02	86,041.55	90,268.37
	Sch=M22	SUPERVISING	6,210.91	6,515.18	6,834.67	7,170.13	7,522.36
			1,433.29	1,503.50	1,577.23	1,654.65	1,735.93
			35.83216	37.58759	39.43078	41.36613	43.39825
241	34	LIBRARY CLERK	58,340.24	61,181.99	64,165.82	67,298.84	70,588.51
	Sch=M22		4,861.69	5,098.50	5,347.15	5,608.24	5,882.38
			1,121.93	1,176.58	1,233.96	1,294.21	1,357.47
			28.04819	29.41442	30.84895	32.35521	33.93678
400	16	MAINTENANCE	58,019.99	60,845.72	63,812.73	66,928.10	70,199.24
	Sch=PS1	TRAINEE	4,835.00	5,070.48	5,317.73	5,577.34	5,849.94
			1,115.77	1,170.11	1,227.17	1,287.08	1,349.99
			27.89423	29.25275	30.67920	32.17697	33.74963
401	17	MAINTENANCE	65,027.09	68,203.17	71,538.05	75,039.69	78,716.41
	Sch=PS1	WORKER I	5,418.92	5,683.60	5,961.50	6,253.31	6,559.70
			1,250.52	1,311.60	1,375.73	1,443.07	1,513.78
			31.26302	32.78999	34.39329	36.07677	37.84443
402	18	MAINTENANCE	69,767.56	73,180.67	76,764.44	80,527.40	84,478.50
	Sch=PS1	WORKER II	5,813.96	6,098.39	6,397.04	6,710.62	7,039.88
			1,341.68	1,407.32	1,476.24	1,548.60	1,624.59
			33.54210	35.18301	36.90598	38.71510	40.61466
403	19	MAINTENANCE	73,266.77	76,854.85	80,622.32	84,578.18	88,731.82
	Sch=PS1	WORKER III	6,105.56	6,404.57	6,718.53	7,048.18	7,394.32
			1,408.98	1,477.98	1,550.43	1,626.50	1,706.38
			35.22441	36.94945	38.76073	40.66259	42.65953

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442	22	MECHANIC	80,877.34	84,845.94	89,012.96	93,388.34	97,982.50
	Sch=PS1		6,739.78	7,070.50	7,417.75	7,782.36	8,165.21
			1,555.33	1,631.65	1,711.79	1,795.93	1,884.28
			38.88334	40.79132	42.79469	44.89824	47.10697
440	23	MECHANIC SENIOR	87,869.09	92,187.28	96,721.37	101,482.18	106,481.02
	Sch=PS1		7,322.42	7,682.27	8,060.11	8,456.85	8,873.42
			1,689.79	1,772.83	1,860.03	1,951.58	2,047.71
			42.24475	44.32081	46.50066	48.78951	51.19280
251	15	NEIGHBORHOOD	96,460.59	101,208.34	106,193.49	111,427.90	116,924.03
	Sch=M22	PRESERVATION OFFICER	8,038.38	8,434.03	8,849.46	9,285.66	9,743.67
			1,855.01	1,946.31	2,042.18	2,142.84	2,248.54
			46.37528	48.65786	51.05456	53.57111	56.21348
407	03	PARTS AND INVENTORY	68,080.60	71,409.36	74,904.56	78,574.52	82,427.98
	Sch=PS1	CONTROL WORKER	5,673.38	5,950.78	6,242.05	6,547.88	6,869.00
			1,309.24	1,373.26	1,440.47	1,511.05	1,585.15
			32.73106	34.33142	36.01181	37.77621	39.62884
287	37	PERMIT TECHNICIAN	69,342.84	72,734.71	76,296.19	80,035.73	83,962.25
	Sch=M22		5,778.57	6,061.23	6,358.02	6,669.64	6,996.85
			1,333.52	1,398.74	1,467.23	1,539.15	1,614.66
			33.33790	34.96861	36.68086	38.47872	40.36647
291	60	PERMIT TECHNICIAN II	74,091.44	77,720.74	81,531.52	85,532.82	89,734.19
	Sch=M22		6,174.29	6,476.73	6,794.29	7,127.74	7,477.85
			1,424.84	1,494.63	1,567.91	1,644.86	1,725.66
			35.62088	37.36574	39.19785	41.12155	43.14144
252	38	PLAN CHECK ENGINEER	118,817.52	124,683.13	130,842.01	137,308.86	144,099.04
	Sch=M22		9,901.46	10,390.26	10,903.50	11,442.41	12,008.25
			2,284.95	2,397.75	2,516.19	2,640.56	2,771.14
			57.12381	59.94381	62.90481	66.01388	69.27838
258	41	PLANNER, ASSISTANT	96,166.84	100,899.92	105,869.65	111,087.87	116,566.99
	Sch=M22		8,013.90	8,408.33	8,822.47	9,257.32	9,713.92
			1,849.36	1,940.38	2,035.95	2,136.31	2,241.67
			46.23406	48.50958	50.89887	53.40763	56.04182
257	42	PLANNER, ASSOCIATE	111,087.87	116,566.99	122,320.07	128,360.81	134,703.58
	Sch=M22		9,257.32	9,713.92	10,193.34	10,696.73	11,225.30
			2,136.31	2,241.67	2,352.31	2,468.48	2,590.45
			53.40763	56.04182	58.80773	61.71193	64.76134
261	22	PLANNER, SENIOR	116,567.01	122,320.09	128,360.83	134,703.60	141,363.51
	Sch=M22		9,713.92	10,193.34	10,696.74	11,225.30	11,780.29
			2,241.67	2,352.31	2,468.48	2,590.45	2,718.53
			56.04183	58.80774	61.71194	64.76135	67.96323
231	43	POLICE CLERK	64,187.93	67,322.05	70,612.90	74,068.28	77,696.42
	Sch=M22		5,348.99	5,610.17	5,884.41	6,172.36	6,474.70
			1,234.38	1,294.65	1,357.94	1,424.39	1,494.16
			30.85958	32.36637	33.94851	35.60975	37.35405

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229	20	POLICE CLERK,	67,322.13	70,612.97	74,068.35	77,696.49	81,506.06
	Sch=M22	SENIOR	5,610.18	5,884.41	6,172.36	6,474.71	6,792.17
			1,294.66	1,357.94	1,424.39	1,494.16	1,567.42
			32.36641	33.94854	35.60978	37.35408	39.18561
230	52	POLICE CLERK,	79,619.04	83,524.73	87,625.70	91,931.73	96,453.04
	Sch=M22	SUPERVISING	6,634.92	6,960.39	7,302.14	7,660.98	8,037.75
			1,531.14	1,606.24	1,685.11	1,767.92	1,854.87
			38.27838	40.15612	42.12774	44.19795	46.37165
237	55	POLICE IDENTIFICATION	81,135.81	85,117.33	89,297.93	93,687.56	98,296.68
	Sch=M22	TECHNICIAN	6,761.32	7,093.11	7,441.49	7,807.30	8,191.39
			1,560.30	1,636.87	1,717.27	1,801.68	1,890.32
			39.00760	40.92179	42.93170	45.04210	47.25802
215	36	PROPERTY AND EVIDENCE	68,338.90	71,680.57	75,189.35	78,873.54	82,741.96
	Sch=M22	SPECIALIST	5,694.91	5,973.38	6,265.78	6,572.80	6,895.16
			1,314.21	1,378.47	1,445.95	1,516.80	1,591.19
			32.85524	34.46181	36.14873	37.91997	39.77979
236	54	PROPERTY AND EVIDENCE	77,343.90	81,135.83	85,117.35	89,297.95	93,687.58
	Sch=M22	SPECIALIST, SUPERVISING	6,445.33	6,761.32	7,093.11	7,441.50	7,807.30
			1,487.38	1,560.30	1,636.87	1,717.27	1,801.68
			37.18457	39.00761	40.92180	42.93171	45.04211
235	44	PUBLIC SAFETY	79,619.04	83,524.73	87,625.70	91,931.73	96,453.04
	Sch=M22	DISPATCHER	6,634.92	6,960.39	7,302.14	7,660.98	8,037.75
			1,531.14	1,606.24	1,685.11	1,767.92	1,854.87
			38.27838	40.15612	42.12774	44.19795	46.37165
245	31	PUBLIC SAFETY	83,524.69	87,625.66	91,931.68	96,453.00	101,200.39
	Sch=M22	DISPATCHER, SENIOR	6,960.39	7,302.14	7,660.97	8,037.75	8,433.37
			1,606.24	1,685.11	1,767.92	1,854.87	1,946.16
			40.15610	42.12772	44.19792	46.37163	48.65403
238	45	PUBLIC SAFETY	91,983.74	96,507.67	101,257.78	106,245.40	111,482.40
	Sch=M22	DISPATCHER, SUPERVISING	7,665.31	8,042.31	8,438.15	8,853.78	9,290.20
			1,768.92	1,855.92	1,947.27	2,043.18	2,143.89
			44.22295	46.39792	48.68163	51.07952	53.59731
220	46	PURCHASING SPECIALIST	75,373.88	79,067.31	82,945.40	87,017.41	91,293.02
	Sch=M22		6,281.16	6,588.94	6,912.12	7,251.45	7,607.75
			1,449.50	1,520.53	1,595.10	1,673.41	1,755.64
			36.23744	38.01313	39.87760	41.83529	43.89088
233	65	RECYCLING SPECIALIST	85,772.48	89,985.83	94,409.87	99,055.09	103,932.57
	Sch=M22		7,147.71	7,498.82	7,867.49	8,254.59	8,661.05
			1,649.47	1,730.50	1,815.57	1,904.91	1,998.70
			41.23677	43.26242	45.38936	47.62264	49.96758
214	49	SENIOR CLERK	62,583.31	65,637.20	68,843.79	72,210.72	75,745.98
	Sch=M22		5,215.28	5,469.77	5,736.98	6,017.56	6,312.17
			1,203.53	1,262.25	1,323.92	1,388.67	1,456.65
			30.08813	31.55635	33.09798	34.71669	36.41634

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405	39	TRAFFIC SIGNAL	70,584.08	74,038.02	77,664.65	81,472.62	85,470.99
	Sch=PS1	TECHNICIAN TRAINEE	5,882.01	6,169.84	6,472.05	6,789.39	7,122.58
			1,357.39	1,423.81	1,493.55	1,566.78	1,643.67
			33.93465	35.59520	37.33877	39.16953	41.09182
406	24	TRAFFIC SIGNAL	75,419.60	79,115.31	82,995.82	87,070.34	91,348.60
	Sch=PS1	TECHNICIAN	6,284.97	6,592.94	6,916.32	7,255.86	7,612.38
			1,450.38	1,521.45	1,596.07	1,674.43	1,756.70
			36.25942	38.03621	39.90184	41.86074	43.91760
408	53	TRAFFIC SIGNAL	82,509.20	86,559.39	90,812.09	95,277.43	99,966.04
	Sch=PS1	TECHNICIAN, SENIOR	6,875.77	7,213.28	7,567.67	7,939.79	8,330.50
			1,586.72	1,664.60	1,746.39	1,832.26	1,922.42
			39.66788	41.61509	43.65966	45.80646	48.06060
248	53	TRANSPORTATION	118,917.90	124,788.54	130,952.70	137,425.07	144,221.06
	Sch=M22	ENGINEER, ASSOCIATE	9,909.83	10,399.05	10,912.73	11,452.09	12,018.42
			2,286.88	2,399.78	2,518.32	2,642.79	2,773.48
			57.17207	59.99449	62.95803	66.06975	69.33705
211	50	TYPIST CLERK	58,340.24	61,181.99	64,165.82	67,298.84	70,588.51
	Sch=M22		4,861.69	5,098.50	5,347.15	5,608.24	5,882.38
			1,121.93	1,176.58	1,233.96	1,294.21	1,357.47
			28.04819	29.41442	30.84895	32.35521	33.93678
396	44	WASTEWATER COLLECTIONS	58,019.99	60,845.72	63,812.73	66,928.10	70,199.24
	Sch=PS1	SYSTEMS TRAINEE	4,835.00	5,070.48	5,317.73	5,577.34	5,849.94
			1,115.77	1,170.11	1,227.17	1,287.08	1,349.99
			27.89423	29.25275	30.67920	32.17697	33.74963
397	45	WASTEWATER COLLECTIONS	67,138.85	70,458.06	73,943.24	77,602.67	81,445.07
	Sch=PS1	SYSTEMS WORKER I	5,594.90	5,871.51	6,161.94	6,466.89	6,787.09
			1,291.13	1,354.96	1,421.99	1,492.36	1,566.25
			32.27829	33.87407	35.54963	37.30898	39.15628
398	46	WASTEWATER COLLECTIONS	73,767.25	77,417.88	81,251.05	85,275.87	89,501.94
	Sch=PS1	SYSTEMS WORKER II	6,147.27	6,451.49	6,770.92	7,106.32	7,458.50
			1,418.60	1,488.81	1,562.52	1,639.92	1,721.19
			35.46502	37.22013	39.06300	40.99801	43.02978
399	47	WASTEWATER COLLECTIONS	81,095.37	85,112.41	89,330.30	93,759.09	98,409.31
	Sch=PS1	SYSTEMS WORKER III	6,757.95	7,092.70	7,444.19	7,813.26	8,200.78
			1,559.53	1,636.78	1,717.89	1,803.06	1,892.49
			38.98816	40.91943	42.94726	45.07649	47.31217
445	15	WATER DISTRIBUTION	61,975.99	64,999.53	68,174.24	71,507.69	75,007.81
	Sch=PS1	OPERATOR TRAINEE	5,164.67	5,416.63	5,681.19	5,958.97	6,250.65
			1,191.85	1,249.99	1,311.04	1,375.15	1,442.46
			29.79615	31.24977	32.77608	34.37870	36.06145
446	32	WATER DISTRIBUTION	69,474.38	72,872.82	76,441.19	80,187.99	84,122.12
	Sch=PS1	OPERATOR I	5,789.53	6,072.74	6,370.10	6,682.33	7,010.18
			1,336.05	1,401.40	1,470.02	1,542.08	1,617.73
			33.40114	35.03501	36.75057	38.55192	40.44333

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447	33	WATER DISTRIBUTION	79,669.72	83,577.94	87,681.57	91,990.38	96,514.62
	Sch=PS1	OPERATOR II	6,639.14	6,964.83	7,306.80	7,665.87	8,042.89
			1,532.11	1,607.27	1,686.18	1,769.05	1,856.05
			38.30275	40.18170	42.15460	44.22614	46.40126
448	34	WATER DISTRIBUTION	85,922.85	90,143.72	94,575.65	99,229.17	104,115.35
	Sch=PS1	OPERATOR III	7,160.24	7,511.98	7,881.30	8,269.10	8,676.28
			1,652.36	1,733.53	1,818.76	1,908.25	2,002.22
			41.30906	43.33833	45.46906	47.70633	50.05546
470	05	WATER DISTRIBUTION	90,143.74	94,575.67	99,229.19	104,115.37	109,245.88
	Sch=PS1	SENIOR OPERATOR	7,511.98	7,881.31	8,269.10	8,676.28	9,103.82
			1,733.53	1,818.76	1,908.25	2,002.22	2,100.88
			43.33834	45.46907	47.70634	50.05547	52.52206
469	06	WATER DISTRIBUTION	99,007.59	103,882.71	109,001.57	114,376.38	120,019.94
	Sch=PS1	SUPERVISING OPERATOR	8,250.63	8,656.89	9,083.46	9,531.37	10,001.66
			1,903.99	1,997.74	2,096.18	2,199.55	2,308.08
			47.59980	49.94361	52.40460	54.98864	57.70189
456	37	WATER RESOURCES	92,975.04	97,586.06	102,427.64	107,511.29	112,849.13
	Sch=PS1	COORDINATOR	7,747.92	8,132.17	8,535.64	8,959.27	9,404.09
			1,787.98	1,876.66	1,969.76	2,067.52	2,170.18
			44.69954	46.91638	49.24406	51.68812	54.25439
454		WATER RESOURCES	96,622.84	101,416.26	106,449.34	111,734.08	117,283.06
	Sch=PS1	COORDINATOR - ELECTRIAL &	8,051.90	8,451.36	8,870.78	9,311.17	9,773.59
		INSTRUMENTATION	1,858.13	1,950.31	2,047.10	2,148.73	2,255.44
			46.45329	48.75782	51.17757	53.71831	56.38609
463	25	WR INSTRUMENT	87,830.69	92,184.50	96,756.00	101,556.07	106,596.14
	Sch=PS1	CONTROL TECHNICIAN	7,319.22	7,682.04	8,063.00	8,463.01	8,883.01
			1,689.05	1,772.78	1,860.69	1,953.00	2,049.93
			42.22629	44.31947	46.51731	48.82503	51.24814
462	26	WR LABORATORY	83,894.09	88,051.07	92,415.90	96,998.96	101,811.18
	Sch=PS1	TECHNICIAN	6,991.17	7,337.59	7,701.33	8,083.25	8,484.27
			1,613.35	1,693.29	1,777.23	1,865.36	1,957.91
			40.33370	42.33225	44.43072	46.63412	48.94768
458	27	WR MECHANIC I**	78,352.15	82,269.76	86,383.25	90,702.41	95,237.53
	Sch=PS1		6,529.35	6,855.81	7,198.60	7,558.53	7,936.46
			1,506.77	1,582.11	1,661.22	1,744.28	1,831.49
			37.66930	39.55277	41.53041	43.60693	45.78727
459	28	WR MECHANIC II**	88,466.37	92,889.69	97,534.18	102,410.89	107,531.43
	Sch=PS1		7,372.20	7,740.81	8,127.85	8,534.24	8,960.95
			1,701.28	1,786.34	1,875.66	1,969.44	2,067.91
			42.53191	44.65851	46.89143	49.23600	51.69780
451	29	WR OPERATOR - GRADE I	79,139.17	83,020.85	87,096.63	91,376.19	95,869.72
	Sch=PS1		6,594.93	6,918.40	7,258.05	7,614.68	7,989.14
			1,521.91	1,596.55	1,674.94	1,757.23	1,843.65
			38.04768	39.91387	41.87338	43.93086	46.09121

CITY OF LIVERMORE
ASSOCIATION OF LIVERMORE EMPLOYEES
EFFECTIVE 10/10/2022

CLASS CODE	RANGE	CLASSIFICATION	SALARY RANGE @ ANNUAL, MONTHLY, WEEKLY, HRLY RAT STEP A	STEP B	STEP C	STEP D	STEP E
453	48	WR OPERATOR - GRADE II	83,010.44	87,085.69	91,364.71	95,857.67	100,575.29
	Sch=PS1		6,917.54	7,257.14	7,613.73	7,988.14	8,381.27
			1,596.35	1,674.72	1,757.01	1,843.42	1,934.14
			39.90887	41.86812	43.92534	46.08542	48.35350
452	30	WR OPERATOR - GRADE III	89,644.93	94,051.91	98,679.24	103,537.93	108,639.55
	Sch=PS1		7,470.41	7,837.66	8,223.27	8,628.16	9,053.30
			1,723.94	1,808.69	1,897.68	1,991.11	2,089.22
			43.09852	45.21726	47.44194	49.77785	52.23055
455	31	WR OPERATOR - TRAINEE	66,769.31	70,032.51	73,458.87	77,056.55	80,834.11
	Sch=PS1		5,564.11	5,836.04	6,121.57	6,421.38	6,736.18
			1,284.03	1,346.78	1,412.67	1,481.86	1,554.50
			32.10063	33.66948	35.31676	37.04642	38.86255
457	49	WR SENIOR OPERATOR	94,065.51	98,693.53	103,552.93	108,655.31	114,012.81
	Sch=PS1		7,838.79	8,224.46	8,629.41	9,054.61	9,501.07
			1,808.95	1,897.95	1,991.40	2,089.53	2,192.55
			45.22380	47.44881	49.78506	52.23813	54.81385
461	35	WR SOURCE CONTROL	88,182.89	92,554.31	97,144.29	101,963.78	107,024.24
	Sch=PS1	INSPECTOR	7,348.57	7,712.86	8,095.36	8,496.98	8,918.69
			1,695.82	1,779.89	1,868.16	1,960.84	2,058.16
			42.39562	44.49726	46.70399	49.02105	51.45396
460	36	WR SOURCE CONTROL	82,983.27	87,057.17	91,334.76	95,826.22	100,542.26
	Sch=PS1	TECHNICIAN	6,915.27	7,254.76	7,611.23	7,985.52	8,378.52
			1,595.83	1,674.18	1,756.44	1,842.81	1,933.51
			39.89580	41.85441	43.91094	46.07030	48.33763
464	50	WR SUPERVISING	103,314.73	108,405.19	113,750.18	119,362.42	125,255.27
	Sch=PS1	OPERATOR	8,609.56	9,033.77	9,479.18	9,946.87	10,437.94
			1,986.82	2,084.72	2,187.50	2,295.43	2,408.76
			49.67054	52.11788	54.68759	57.38578	60.21888
952	51	YOUTH SERVICES CASE	82,573.15	86,626.54	90,882.61	95,351.47	100,043.79
	Sch=M22	COORDINATOR	6,881.10	7,218.88	7,573.55	7,945.96	8,336.98
			1,587.95	1,665.90	1,747.74	1,833.68	1,923.92
			39.69863	41.64738	43.69356	45.84205	48.09798

*Retitled effective 10/10/2022

**Market Equity Adjustment effective 11/21/2022

CITY OF LIVERMORE
POLICE OFFICER'S ASSOCIATION
EFFECTIVE 05/09/2022

Schedule = P14

CLASS CODE	RANGE	CLASSIFICATION	SALARY RANGE @ ANNUAL, MONTHLY, WEEKLY, HRLY RATES STEP A	STEP B	STEP C	STEP D	STEP E
604	01	POLICE OFFICER	102,065.14	107,168.40	112,526.82	118,153.16	124,060.82
			8,505.43	8,930.70	9,377.24	9,846.10	10,338.40
			1962.79	2060.93	2163.98	2272.18	2385.79
			49.06978	51.52327	54.09943	56.80440	59.64463
603	02	POLICE SERGEANT	127,003.32	133,353.49	140,021.16	147,022.22	154,373.33
			10,583.61	11,112.79	11,668.43	12,251.85	12,864.44
			2442.37	2564.49	2692.71	2827.35	2968.72
			61.05929	64.11225	67.31787	70.68376	74.21795
606	03	POLICE TRAINEE (Non-Sworn)	35.75003	-	-	-	-

CITY OF LIVERMORE
MANAGEMENT SALARY SCHEDULE
$7,504 - $17,106/month
Effective July 4, 2022

Class Code	Classification	Monthly Salary Range		
		$13,684.77	-	$17,105.96
119	Assistant Administrative Services Director			
100	Assistant City Attorney			
132	Assistant Community Development Director			
129	Assistant Public Works Director			
124	City Engineer			
		$12,730.29	-	$15,912.86
250	Assistant City Engineer			
289	Building Official			
218	Finance Manager			
125	Maintenance and Golf Operations Manager			
118	Planning Manager			
449	Water Resources Division Manager			
		$12,102.02	-	$15,127.53
123	Housing & Human Services Manager			
		$11,975.92	-	$14,969.90
246	Senior Transportation Engineer			
		$11,491.86	-	$14,364.82
283	Permit Center Manager			
		$11,468.74	-	$14,335.93
253	Senior Civil Engineer			
		$10,895.92	-	$14,164.69
269	Cyber Security Manager			
268	Information Technology Manager			
		$11,145.89	-	$13,932.36
127	Risk Manager			
		$11,001.70	-	$13,752.13
472	Airport Manager			
136	City Clerk			
134	Housing Programs Manager			
135	Human Services Programs Manager			
297	Police Support Services Manager			
259	Principal Planner			
951	Youth and Family Services Manager - Clinical			
		$10,387.14	-	$12,983.93
137	Assistant Finance Manager			
130	Assistant Library Director			
120	Economic Development Manager			
278	Inspection & Neighborhood Preservation Manager			
450	Water Resources Operations Manager			
474	Water Resources Technical Programs Manager			
953	Youth and Family Services Manager - Programs			

EXHIBIT A

CITY OF LIVERMORE
MANAGEMENT SALARY SCHEDULE
$7,504 - $17,106/month
Effective July 4, 2022

Class Code	Classification	Monthly Salary Range		
		$9,873.94	-	$12,342.42
217	Accounting Supervisor*			
232	Information Technology Coordinator			
148	Management Analyst, Senior			
133	Public Works Manager			
270	Systems Administrator			
468	Water Distribution Operations Manager			
		$9,769.14	-	$12,211.42
272	Construction Inspection Manager			
		$9,724.54	-	$12,155.68
128	Deputy City Attorney			
295	Police Business Services Manager			
293	Police Facility & Equipment Manager			
		$9,228.46	-	$11,535.57
131	Assistant City Clerk			
150	Management Analyst II			
298	Police Media & Community Relations Analyst			
126	Public Works Supervisor			
		$7,504.89	-	$9,381.11
207	Deputy City Clerk			
152	Management Analyst I			
264	Supervising Librarian			
466	Water Resources Communications Representative			

*Accounting Supervisor - Market Equity Adjustment - effective October 10, 2022

EXHIBIT A

CITY OF LIVERMORE
MANAGEMENT CONFIDENTIAL SALARY SCHEDULE
$7,504 - $18,443/month
Effective July 4, 2022

Class Code	Classification	Monthly Salary Range		
113	Assistant City Attorney, Senior (Confidential)	$14,754.08	-	$18,442.60
104	Assistant to the City Manager (Confidential)	$12,102.02	-	$15,127.53
122	Human Resources Manager (Confidential)	$12,730.29	-	$15,912.86
154	Human Resources Analyst, Senior (Confidential)	$9,873.94	-	$12,342.42
155	Human Resources Analyst II (Confidential)	$9,228.46	-	$11,535.57
156	Human Resources Analyst I (Confidential)	$7,504.89	-	$9,381.11
149	Management Analyst, Senior (Confidential)	$9,873.94	-	$12,342.42
151	Management Analyst II (Confidential)	$9,228.46	-	$11,535.57
153	Management Analyst I (Confidential)	$7,504.89	-	$9,381.11

EXHIBIT A

CITY OF LIVERMORE
POLICE MANAGEMENT SALARY SCHEDULE
$12,830 - $19,891/month
Effective July 4, 2022

Class Code	Classification	Salary Range		
605	Police Captain	$16,628.44	-	$20,785.55
602	Police Lieutenant	$13,408.46	-	$16,760.58

EXHIBIT A

CITY OF LIVERMORE
CONFIDENTIAL SALARY SCHEDULE
$4,970 - $10,355/month
Effective July 4, 2022

Class Code	Classifications	Monthly Salary Range		
216	Administrative Receptionist	$4,970.89	-	$6,213.61
203	Administrative Specialist I	$5,753.66	-	$7,192.07
227	Administrative Specialist II	$6,471.02	-	$8,088.77
200	Executive Assistant	$8,283.88	-	$10,354.85
226	Human Resources Clerk I	$5,753.66	-	$7,192.07
212	Human Resources Clerk II	$6,329.66	-	$7,912.08
219	Human Resources Technician	$6,945.30	-	$8,681.63
201	Law Office Supervisor	$8,283.88	-	$10,354.85
204	Legal Assistant	$6,879.30	-	$8,599.12

EXHIBIT A

CITY OF LIVERMORE
EXECUTIVE MANAGEMENT SALARY SCHEDULE
$13,684 - $23,501/month
Effective December 5, 2022

Class Code	Classification	Monthly Salary Range		
109	Administrative Services Director	$15,956.73	-	$19,945.91
103	Assistant City Manager	$17,212.88	-	$21,516.10
105	Community Development Director	$15,956.73	-	$19,945.91
106	Deputy City Manager	$13,684.77	-	$17,105.96
114	Innovation and Economic Development Director	$15,956.73	-	$19,945.91
121	Library Services Director	$15,956.73	-	$19,945.91
107	Police Chief	$18,800.54	-	$23,500.68
111	Public Works Director	$15,956.73	-	$19,945.91

EXHIBIT A

CITY OF LIVERMORE
APPOINTED MANAGEMENT

Class Code	Classification	Annual Salary	Effective
102	City Manager	$317,200	12/5/2022
112	City Attorney	$290,170	12/5/2022

EXHIBIT A

CITY OF LIVERMORE
UNCLASSIFIED AND HOURLY SALARY SCHEDULE

Class Code	Classification	Salary Range	Effective Date
210	Department Assistant	$15.50 - $25.25 Hourly	12/19/22
438	Field/Maintenance Aide	$15.50 - $25.25 Hourly	12/19/22
240	Law Clerk	$15.50 - $25.00 Hourly	12/19/22
915	Temporary Librarian	$19.00 - $23.50 Hourly	05/11/07
916	Temporary Library Assistant	$17.00 - $22.50 Hourly	05/11/07
917	Temporary Library Clerk	$15.75 - $19.00 Hourly	05/11/07
920	Library Aide	$15.50 Hour	12/19/22
961	Police Cadet	$15.50 - $19.00 Hourly	12/19/22
963	Reserve Police Officer	Hourly equivalent to Police Officer Step A	
956	Special Projects Coordinator	$20.00 - $100.00 Hourly	12/20/21

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.16**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Tina Olson, Administrative Services Director

SUBJECT: Resolution accepting the FY 2021-22 year-end Budget Report, allocating the General Fund available balance to various reserves, and designating the June 30, 2022, General Fund Reserves.

RECOMMENDED ACTION

Staff recommends City Council adopt a resolution accepting the FY 2021-22 Year-end Budget Report, allocating the General Fund available balance to various reserves, and designating the June 30, 2022, General Fund reserves.

SUMMARY

The Finance division is introducing a new year-end budget report to Council. The report summarizes the unaudited actual results of the financial activities from the prior fiscal year and details changes in and proposed allocations to General Fund reserves.

DISCUSSION

The Finance division is introducing a year-end budget report that summarizes the financial activities as related to budgeted numbers. This is a new report that will be presented each year after City staff close the books.

The year-end budget report attached to the resolution as Exhibit A, presents the results of operations from the FY 2021-22 Budget and recommends designations of the General Fund balance to various reserves. The combined unaudited General Fund balance is $74.6 million. Of that, $36.3 million are the operating reserves equal to 30% of operating expenses consistent with the City's General Fund Reserve Policy. In addition, as described in more detail below, staff is recommending allocating the FY 2021-22 General Fund savings of $8.3 million to the Infrastructure Repair and Replacement Reserve for a total of $22.3 million and $14 million from the Unassigned Fund Balance to a newly created Capital Improvement Program (CIP) Reserve. These allocations occur before the final audit to incorporate the reserves into the City's balance sheet and ACFR. Historically, the ending balances have not materially changed as a result of the audit.

As noted above, this information is unaudited. The audited information will be included in the City's Annual Comprehensive Financial Report (ACFR) and will be presented to Council once the City's independent auditor has issued its opinion on the ACFR which is expected to happen by December 31, 2022. If there are any differences in the financial information presented in this report and the ACFR because of the audit, those changes will be highlighted for the Council at the time the ACFR is presented to the Council for acceptance.

FISCAL AND ADMINISTRATIVE IMPACTS

There is no direct fiscal impact in accepting the annual budget report for the year ended June 30, 2022.

ATTACHMENTS

1. Resolution
2. Exhibit A - FY 2021-22 Year-end report

Prepared by: Erik Peterson
Finance Manager

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION ACCEPTING THE FY 2021-22 YEAR-END BUDGET REPORT AND ALLOCATING THE GENERAL FUND BALANCE TO VARIOUS RESERVES AND DESIGNATING THE JUNE 30, 2022, GENERAL FUND RESERVES

The Administrative Services Department's Finance Division prepared and submitted to the City Council for its review the year-end budget report for Fiscal Year 2021-22, attached hereto as Exhibit A.

The attached report states that the General Fund FY 2021-22 year-end balance of $74.6 million will be allocated to various reserves. $36.3 million are the operating reserves equal to 30% of operating expenses consistent with the City's General Fund Reserve Policy. Staff is recommending allocating the FY 2021-22 General Fund savings of $8.3 million to the Infrastructure Repair and Replacement Reserve for a total of $22.3 million as reflected in the table below.

In addition, Administrative Services Department's Finance Division staff reports that there is an estimated $14 million Unassigned Fund Balance illustrated in the table below that they prepared:

General Fund Balances and Reserve Allocations

	2020-21 Actual	2021-22 Budgeted	2021-22 Estimated Actual
Ending Total Fund Balance:	**$ 80,721,847**	**$ 73,145,595**	**$ 80,258,962**
Nonspendable:	5,609,833	5,609,833	5,609,833
Committed (Catastrophic Reserve 15%)	17,419,222	18,740,986	18,137,383
Assigned (Economic Reserve 13.5%)	15,677,300	16,866,888	16,323,645
Unassigned (Cashflow Reserve 1.5%)	1,741,922	1,874,099	1,813,738
Subtotal Operating Reserves (30%of Operating Expenses and Debt Service)	**$ 34,838,444**	**$ 37,481,973**	**$ 36,274,766**
Infrastructure Repair & Replacement Reserve	12,000,000	14,000,000	22,325,000
NEW CIP Reserves			14,049,363
ERP (Included in FY 2022-23 budget)	2,000,000	2,000,000	2,000,000
Subtotal Other Reserves	**$ 14,000,000**	**$ 16,000,000**	**$ 38,374,363**
Total Reserves	**$ 48,838,444**	**$ 53,481,973**	**$ 74,649,129**
Remaining Unassigned Fund Balance	**$ 26,273,570**	**$ 14,053,789**	**$ -**

Staff is recommending allocating the estimated FY 2021-22 General Fund Unassigned Fund Balance of $14 million be allocated to a newly created Capital Improvement Program (CIP) Reserve, as reflected in the table above.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. The Fiscal Year 2021-22 year-end Budget Report, attached hereto as Exhibit A, is accepted along with the designation of the General Fund balanced identified therein.

2. The General Fund savings, which is anticipated to be $8.3 million be allocated to the Infrastructure Repair and Replacement Reserves; and,

3. The unassigned General Fund balance that is estimated to be $14 million be allocated to a newly created Capital Improvement Program (CIP) Reserve.

On motion of Councilmember _____, seconded by Councilmember _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

_____
Jason Alcala
City Attorney

RESOLUTION NO._____

City of Livermore
FY 2021-22 Year End Budget Report

SUMMARY

This report presents the results of operations from the FY 2021-22 Budget (Budget) and recommends designations of the General Fund ending fund balance into various reserves. This information is unaudited. The audited information will be included in the City's Annual Comprehensive Financial Report (ACFR) and will be presented to Council once the City's independent auditor has issued its opinion on the ACFR which is expected to happen by December 31, 2022. If there are any differences in the financial information presented in this report and the ACFR as a result of the audit, those changes will be highlighted for the Council at the time the ACFR is presented to the Council for acceptance.

FINANCIAL STATEMENT

The recommendation ratifies Council's actions since the last approved budget adjustment (on June 13, 2022) and designates the June 30, 2022, General Fund Balances to various reserves as outlined in this report. The combined unaudited General Fund balance is $74.6 million. Of that, $36.3 million are the operating reserves equal to 30% of operating expenses consistent with the City's General Fund Reserve Policy. In addition, as described in more detail below, staff is recommending allocating the FY 2021-22 General Fund savings of $8.3 million to the Infrastructure Repair and Replacement Reserve for a total of $22.3 million and $14 million from the Unassigned Fund Balance to a newly created Capital Improvement Program (CIP) Reserve. These designations occur before the final audit to incorporate the reserves into the City's balance sheet and ACFR. Historically, the ending balances have not materially changed as a result of the audit.

BACKGROUND

The year-end financial report (Report) summarizes the actual results of the financial activities for FY 2021-22 and details changes in reserves. The City's Annual Comprehensive Financial Report (ACFR) is still in progress; therefore, the financial information included in this Report is based on unaudited figures. The audited information will be included in the ACFR once the City's independent auditor has issued its opinion. Any changes to the information presented in this Report as a result of the audit will be brought to Council's attention at that time.

DISCUSSION

The following discussion addresses the General Fund followed by a summary of all other funds.

General Fund

As shown in Table 1, FY 2021-22 actual revenues were greater than the amended budget by $2.3 million or 1.7%. Transfers in/out (net transfers) were $6,901 or 0.1% less than the amended budget and operating expenditures were $4.0 million or 3.3% less than the amended budget. Overall, inflows of cash exceeded outflows of cash by $6.3 million. In addition, capital expenditures were approximately $800,000 less than budget and the addition to reserves were $1.2 less than budget based on actual operating expenditures. The net result of the operating surplus plus reduced capital expenditures and reduced transfers to reserves is a $8.3 million

savings. A detailed explanation of these variances is included in Tables 2, 3, 4 and 5 in this Report.

Table 1. General Fund Amended Budget to Actual Revenues, Expenditures, and Transfers

General Fund	FY 2020-21 Actuals	FY 2021-22 Amended Budget	FY 2021-22 Actual	FY 2021-22 Variance
Revenues	$ 128,102,944	$ 132,648,846	$ 134,938,553	$ 2,289,707
Net Transfers	(3,652,554)	(5,589,211)	(5,582,310)	6,901
Operating Expenditures	(109,359,867)	(121,058,888)	(117,039,539)	4,019,349
Operating Surplus (Deficit)	**$ 15,090,523**	**$ 6,000,747**	**$ 12,316,704**	**$ 6,315,957**
Capital Expenditures	(4,367,190)	(13,577,000)	(12,774,297)	802,703
Addition to Reserves	(2,007,559)	(4,643,528)	(3,436,322)	1,207,206
Total	**$ 8,715,774**	**$ (12,219,781)**	**$ (3,893,915)**	**$ 8,325,866**

Estimated General Fund Savings: The table above shows the sources and uses for the General Fund. At the end of FY 2021-22, the unaudited numbers show an estimated savings of $8.3 million of actual revenues less expenses. Staff is recommending that this $8.3 million savings be allocated to the Infrastructure Repair and Replacement Reserve to be available to help fund repair and replacement of the City's infrastructure and facilities.

General Fund Revenues: As described in Table 2 below, General Fund actual revenues were greater than the amended budget by $2.3 million or 1.7%. Table 2 presents the major revenue categories with a comparison of the amended budget versus actual revenues and the variance between the two. The following describes the significant variances.

Property Tax revenues are the General Fund's largest revenue source, accounting for approximately 30% of total actual revenues. In FY 2021-22 actual property tax collections including all categories of property related taxes were $290,800 more than the projected amount of $40.5 million adopted during the budget update.

Sales and Use Tax revenue is the General Fund's second largest revenue source accounting for approximately 29.4% of the total actual revenues. FY 2021-22 actual sales and use tax revenue was $2.4 million greater than the estimated amount of the revised budget, as sales tax overall recovered from the pandemic better than anticipated. Sales tax in the following major industry groups showed the following increases from FY 2020-21 to FY 2021-22:

- Fuel and Service Stations 40.4%
- Restaurants and Hotels 31.7%
- General Consumer Goods 20.4%
- Building and Construction 10.3%
- Business and Industry 10.1%

Other Taxes revenue category decreased by $1.1 million, which is primarily related to the Industrial Construction Tax and Business License Construction Tax categories that combined were budgeted at $1 million and received $81,974 or only 8.2% of the budget. The City collects

these fees at the time a building permit is pulled for construction of an industrial or residential unit. Building projects that were expected to happen in FY 2021-22 are expected to occur in FY 2022-23.

Charges for Current Services decreased by $1.2 million due to changing the allocation of the Veterans Administration (VA) Hospital revenues from the City of Livermore's General Fund to the Livermore Pleasanton Fire Department's (LPFD) fund since the VA Hospital is funding LPFD services.

Table 2. General Fund Revenues - Amended Budget vs. Actual

General Fund	FY 2020-21 Actuals	FY 2021-22 Amended Budget	FY 2021-22 Actual	FY 2021-22 Variance
Property Taxes	$ 38,874,958	$ 40,464,176	$ 40,754,976	$ 290,800
Sales & Use Taxes	35,441,550	37,550,000	39,907,361	2,357,361
Franchise Taxes	5,686,312	5,827,371	5,912,100	84,729
Business License Taxes	6,804,846	7,370,000	7,676,341	306,341
Other Taxes	3,651,054	5,862,930	4,793,369	(1,069,561)
Licenses & Permits	2,587,449	3,315,100	4,236,642	921,542
Fines & Forfeitures	395,011	345,000	444,025	99,025
Use of Money and Property	7,952,228	4,075,607	5,175,436	1,099,829
Intergovernmental Revenue	15,307,657	17,030,373	17,019,720	(10,653)
Other Taxes in Lieu	7,990	7,980	7,783	(197)
Charges for Current Services	7,954,985	8,694,048	7,454,417	(1,239,631)
Other Revenue	3,438,904	2,106,261	1,556,383	(549,878)
Total Operating Revenue	**128,102,944**	**132,648,846**	**134,938,553**	**2,289,707**
Transfers In	537,023	705,275	790,117	84,842
Total All Revenue	**$ 128,639,967**	**$ 133,354,121**	**$ 135,728,670**	**$ 2,374,549**

General Fund Expenditures. Actual General Fund operating expenditures were less than the budget by $4.0 million or 3.4%. Overall expenditures, including capital expenditures and transfers out show an overall reduction of expenses by $4.7 million or 3.5%

Table 3 shows the major expenditure categories with a comparison of anticipated expenses from the amended budget to actual expenditures and the variance between the two. The following describes the significant variances.

Personnel expenses were less than the budget by $1.3 million or 3.7% due to attrition savings.

Supplemental Personnel expenses were less than the budget by $439,000 or 1.6% due to attrition savings. However, those savings do not track with Personnel expenses due to an error when calculating the pension budget for vacant positions.

Services and Supplies were $2.3 million or 4.3% less than the budget. Savings came from contractual services which was $1.6 million less than budgeted across all General Fund programs particularly contracts related to projects in the downtown that were expenses in FY 2022-23. Issuance of grant funds were less than budget by $1.0 million due to delay in the Vineyard 2.0 project start date. Claims expense was higher than expected by $875,000

because of a single settlement with Civic Center Meeting Hall project contractor. The remaining $575,000 in net savings includes $80,000 savings from public outreach contracts, $71,000 in repairs and maintenance of equipment, and $424,000 net savings in various accounts.

Capital Outlay expenses increased by $48,383 due to the purchase of seven new copier/printers used throughout the City to replace older models that were not originally planned. Staff concluded the replacements were necessary given the condition of the City's copier/printers.

Capital Expenditures were $802,703 less than anticipated due to completion of the I Street Garage and the Civic Center Meeting Hall projects that realized less actual expenses in the final stages of the projects than was budgeted.

Table 3. General Fund Expenditures - Amended Budget vs. Actual

Expenditure Categories	FY 2020-21 Actuals	FY 2021-22 Amended Budget	FY 2021-22 Actual	FY 2021-22 Variance
Personnel	$ 33,724,109	$ 36,424,489	$ 35,114,333	$ (1,310,156)
Supplemental Personnel	26,407,327	27,985,199	27,545,930	(439,269)
Services and Supplies	49,130,697	56,649,200	54,330,893	(2,318,307)
Capital Outlay	97,734	-	48,383	48,383
Total Operating Expenditures	**109,359,867**	**121,058,888**	**117,039,539**	**(4,019,349)**
Capital Expenditure	4,367,190	13,577,000	12,774,297	(802,703)
Transfers Out	4,189,577	6,294,486	6,372,427	77,941
Total all Expenditures	**$ 117,916,634**	**$ 140,930,374**	**$ 136,186,263**	**$ (4,744,111)**

Transfer of Funds. As shown in Table 4, net transfers were $6,901 or 0.1% less than the anticipated revised budget.

Table 4. Transfers In and Transfers Out - Amended Budget vs. Actual

Operating Transfers	FY 2020-21 Actuals	FY 2021-22 Revised Budget	FY 2021-22 Actual	FY 2021-22 Variance
OPERATING TRANSFERS IN - From:				
Traffic Impact Fee	$ -	$ 62,435	$ 60,965	(1,470)
Downtown Revitalization Fee	-	-	-	-
Low Income Housing Fund	273,167	249,340	387,880	138,540
Maintenance District L&LD	246,707	234,000	206,206	(27,794)
Used Oil Grant	-	-	5,351	5,351
Federal Grant	1,009	-	-	-
BJA - Bullet Proof Vest Reimbursement	1,080	-	-	-
CASP Cert & Training Fund	6,494	4,500	10,970	6,470
Gas Taxes	-	107,000	110,560	3,560
HHS - Federal Home Program	8,566	8,000	8,185	185
Library Foundation Grant	-	40,000	-	(40,000)
OPERATING TRANSFERS OUT - To:				
Stormwater	$ (1,767,363)	$ (1,767,363)	$ (1,767,363)	-
2020 COPs Series B (Debt Service)	(1,076,684)	(3,881,018)	(3,875,985)	5,033
2022 COPs (Debt Service)	-	-	-	-
Horizons	(638,749)	(450,558)	(450,558)	-
Maintenance District L&LD	(118,985)	(195,547)	(278,521)	(82,974)
Federal Grant	(587,797)	-	-	-
Net Transfers	**$ (3,652,555)**	**$ (5,589,211)**	**$ (5,582,310)**	**$ 6,901**

General Fund Balances and Reserve Allocations. Table 5 presents the proposed allocations to and changes in the General Fund Reserves from the General Fund balance. Actual Operating Reserves ended at $36.3 million or 30% of actual expenditures. The City's policy is to maintain General Fund reserves equal to 30% of operating expenses. As previously discussed, staff recommends allocating the $8.3 million General Fund FY 2021-22 savings to the Infrastructure Repair and Replacement Reserve. In addition, staff recommends allocating the $14 million Unassigned Reserve to a newly created CIP Reserve to from which staff will allocate to future CIP projects. With these allocations, the General Fund remaining unassigned fund balance will be zero.

Table 5. General Fund Balances and Reserve Allocations

	2020-21 Actual	2021-22 Budgeted	2021-22 Estimated Actual
Ending Total Fund Balance:	**$ 80,721,847**	**$ 73,145,595**	**$ 80,258,962**
Nonspendable:	5,609,833	5,609,833	5,609,833
Committed (Catastrophic Reserve 15%)	17,419,222	18,740,986	18,137,383
Assigned (Economic Reserve 13.5%)	15,677,300	16,866,888	16,323,645
Unassigned (Cashflow Reserve 1.5%)	1,741,922	1,874,099	1,813,738
Subtotal Operating Reserves (30% of Operating Expenses and Debt Service)	**$ 34,838,444**	**$ 37,481,973**	**$ 36,274,766**
Infrastructure Repair & Replacement Reserve	12,000,000	14,000,000	22,325,000
NEW CIP Reserves			14,049,363
ERP (Included in FY 2022-23 budget)	2,000,000	2,000,000	2,000,000
Subtotal Other Reserves	**$ 14,000,000**	**$ 16,000,000**	**$ 38,374,363**
Total Reserves	**$ 48,838,444**	**$ 53,481,973**	**$ 74,649,129**
Remaining Unassigned Fund Balance	**$ 26,273,570**	**$ 14,053,789**	**$ -**

The following tables include all the City's other funds in their respective categories. Fund balances are based on unaudited actual revenues and expenditures. The Budgeted ending fund balance is from the FY 2021-22 budget update adopted by City Council in June 2022.

Enterprise Funds As described in Table 6 below, the City's Enterprise Funds showed an overall increase in total fund balances of $6.0 million or 4.9% compared to the budget. The following are the funds with significant variations.

The Airport Grant Fund (F212) was anticipated to receive $430,000 in revenue this year that revenue was not received. The fund did not have any activity this year. At the end of the year, this fund ended with zero fund balance.

The Stormwater Fund (F220) was estimated to have a budgeted ending fund balance of $134,251 but finished with a negative fund balance of ($20,219) because engineering and inspection service expenditures were greater than anticipated by $48,850. Staff will propose additional allocations to the Stormwater fund as part of the FY 2023-24 and 2024-25 budget eliminate the negative fund balance.

The FEMA Storm Reimbursement Fund (F222) ended the year with a fund balance of $3.2 million or $737,724 greater than the estimated budgeted fund balance. Revenue increased by $745,440 over the estimated budget due to increased reimbursements from the State and Federal government.

The Sewer Fund (F230) ended the year with a fund balance of $21.2 million or $1.1 million greater than the budget. Revenues came in higher than expected by $452,275 and expenditures were less than anticipated by $690,484. The expenditure savings were mainly in the following expense categories:

- Supplies and Equipment primarily items related to WRP Chemicals, coagulants, and disinfection items of $135,047.
- Contract services of $188,330
- Repairs and Maintenance specifically related to equipment of $130,608
- Miscellaneous primarily Biosolids Disposal savings of $212,041

The Water Fund (F250) ended the year with a fund balance of $11.2 million or $1.6 million greater than estimated. Revenues from sales of water and recycled water were higher than anticipated by $152,887 and $295,631 respectively as a result of the drought. Expenditure savings of $684,242 in the contractual services category primarily related to the construction of a joint-use residential recycled water fill station that was delayed to late August 2022. In addition, there were $123,596 savings in the repairs and maintenance category. Finally, the City budgets debt service principal as an expense to ensure there is sufficient funding available to cover debt service, however when the payment is recorded, it shows as a reduction on the balance sheet and not as an expense resulting in less expenses, totaling $235,656.

Table 6: Enterprise Funds

Fund Number	Fund Name	Beginning Fund Balance FY 2021-22	Operating Revenue	Net Transfers	Operating Expenditure	Capital Expenditure	Unaudited Ending Fund Balance FY 2021-22	Budgeted Ending Fund Balance FY 2021-22	Variance Budget vs Actual
210	Airport	5,457,827	4,151,408	-	(2,885,953)	(429,181)	6,294,101	5,562,737	731,365
212	Airport Grant	-	-	-	-	-	-	430,000	(430,000)
220	Storm Water	162,308	1,145,490	1,767,363	(3,041,867)	(53,512)	(20,219)	134,251	(154,470)
221	Storm Drain	7,018,889	200,292	-	(123,621)	-	7,095,560	7,118,545	(22,985)
222	FEMA Storm Reimbursement	2,617,834	865,292	-	-	(237,716)	3,245,410	2,507,686	737,724
230	Sewer	19,593,144	27,997,622	(10,633,634)	(15,774,832)	-	21,182,301	20,039,541	1,142,759
239	Sewer Replacement	30,395,733	334,941	8,000,000	(395,806)	(2,378,028)	35,956,839	35,389,810	567,029
241	Sewer Connection Fees	14,059,911	852,176	(1,171,623)	(45,369)	(585,419)	13,109,676	12,795,539	314,137
242	LAVWMA	5,279,130	703,700	3,805,256	(3,805,256)	-	5,982,830	4,956,072	1,026,758
250	Water	10,649,060	17,812,262	(1,758,743)	(15,524,672)	-	11,177,907	9,572,887	1,605,020
251	Water Connection Fees	1,263,410	16,898	(241,257)	(4,435)	(55,614)	979,002	1,048,878	(69,876)
259	Water Replacement	21,809,995	246,661	2,000,000	(243,327)	(150,931)	23,662,398	23,087,679	574,719
	Enterprise Funds Total	**118,307,241**	**54,326,742**	**1,767,362**	**(41,845,137)**	**(3,890,401)**	**128,665,807**	**122,643,625**	**6,022,181**

Capital Project Funds as described in the table below, there was an overall decrease in total fund balances of $1.5 million or -3.3% compared to the budgeted total fund balances. The following are the funds with significant variances.

2022 Certificates of Participation (COPs) Construction Fund (F320) expenditures of $1.8 million that the City incurred prior to issuing the 2022 COPs leaving a negative fund balance of $1.8 million. These expenditures have subsequently been covered with the recently issued 2022 COPs.

The Parking in Lieu Fee Fund (F335) did not receive the revenues of $3 million that were anticipated during the budget due to the timing of projects pulling permits resulting in a $3 million reduction to ending fund balance. However, the fund balance remains positive with $71,891.

Table 7. Capital Project Funds

Funds	Fund Name	Beginning Fund Balance FY 2021-22	Operating Revenue	Net Transfers	Operating Expenditure	Capital Expenditure	Unaudited Ending Fund Balance FY 2021-22	Budgeted Ending Fund Balance FY 2021-22	Variance Budget vs Actual
302	Developers Deposit	-	(5,900)	-	-	-	(5,900)	6,176	(12,076)
304	Vasco Ace - Connector Rd	69,145	87	-	-	-	69,232	69,345	(113)
306	Traffic Impact Fee (TIF)	23,419,899	1,146,232	(60,965)	-	(906,365)	23,598,801	23,906,404	(307,603)
320	2022 COP Construction Fund	-	-	-	-	(1,807,055)	(1,807,055)	(1,675,000)	(132,055)
321	TVTC 20% Fee	3,878,759	84,848	-	-	(602,772)	3,360,836	2,517,921	842,915
331	Downtown Revitlization Fee	(3,874,396)	-	-	-	-	(3,874,396)	(3,874,396)	-
333	HHS - Human Services Facilities Fee	2,584,411	18,896	-	-	(422,357)	2,180,949	2,214,411	(33,462)
335	Parking In Lieu Fee	162,065	-	-	-	(90,174)	71,891	3,090,065	(3,018,174)
337	Park Fee - AB1600	7,712,466	1,611,924	-	-	(6,131,935)	3,192,456	2,060,037	1,132,419
340	El Charro Infrastructure	-	887	33,849	-	(33,849)	888	21,468	(20,580)
341	El Charro Specific Plan	33,849	-	(33,849)	-	-	-	33,849	(33,849)
344	Solid Waste & Recycling Impact Fee	3,491,739	1,305,828	-	-	(505,348)	4,292,219	4,247,567	44,652
	Capital Projects Total	**52,035,689**	**4,162,802**	**(60,965)**	**-**	**(10,499,854)**	**45,637,672**	**47,175,599**	**(1,537,927)**

Debt Service Funds as described in the table below were approximately equal between budget estimates and actual amounts.

Table 8. Debt Service Funds

Funds	Fund Name	Beginning Fund Balance FY 2021-22	Operating Revenue	Net Transfers	Operating Expenditure	Capital Expenditure	Unaudited Ending Fund Balance FY 2021-22	Budgeted Ending Fund Balance FY 2021-22	Variance Budget vs Actual
416	2020 COPs Series A	-	-	475,000	(475,000)	-	-	-	-
417	2020 COPs Series B	-	32	3,875,985	(3,876,017)	-	-	-	-
	Debt Service Total	**-**	**32**	**4,350,985**	**(4,351,017)**	**-**	**-**	**-**	**-**

Permanent Fund [i] showed a decrease of $153,673 compared to the budgeted fund balance. This was due to an investment loss on this money held in escrow over the 2021-22 Fiscal Year.

Table 9. Permanent Fund

Funds	Fund Name	Beginning Fund Balance FY 2021-22	Operating Revenue	Net Transfers	Operating Expenditure	Capital Expenditure	Unaudited Ending Fund Balance FY 2021-22	Budgeted Ending Fund Balance FY 2021-22	Variance Budget vs Actual
500	Doolan Canyon Preservation Endomen	692,717	(69,252)	(8,494)	(37,683)	-	577,288	730,961	(153,673)
	Permanent Funds Total	**692,717**	**(69,252)**	**(8,494)**	**(37,683)**	**-**	**577,288**	**730,961**	**(153,673)**

Special Revenue Funds as described in the Table 10 below, showed an overall increase in total fund balances by $5.8 million or 9.8% compared to the budgeted total fund balances. The following are the funds with significant variations.

Housing Successor Agency fund (F609) actual expenditures were $395,484 less than the budget due to the timing of the Vineyard 2.0 Development payments.

Low Income Housing fund (F611) actual expenditures for contracts for services for housing developments were $757,533 less than anticipated budget due to extended timing of payments for Vineyard 2.0 Development.

Asset Seizure Fund (F619) was only used for capital expenses this year. The actual expenses for capital projects were about half of the original budget. No operating expenses occurred this year while focusing efforts on the two projects: Police Facilities Interior Renovation and Expansion and the Real Time Awareness Center, which had combined savings of $390,191 causing a higher actual fund balance than was anticipated in the budget.

Open Space Fund (F642) revenue from sale of surplus property came in lower than expected from the budget by approximately $631,000 which caused a lower actual fund balance.

Gas Tax Fund (F650) year-end fund balance was higher than anticipated during the budget update by $412,418. This was the result of actual revenues exceeding the budget from the increased price of fuel as well as actual capital expenditures less than budget by $208,363. Project 201721 Bluebell Drive Bridge Repair at Altamont Creek only included staff time totaling $5,500 or $94,497 less the $100,000 budget.

Gas Tax SB1 Fund (F651) actual revenues came in about $500,000 greater than the budget from the increased price of fuel and the actual expenditures for capital improvements were less than budget by $549,624 resulting in an ending fund balance of $1.1 million greater than originally projected. Project 200827 Downtown Streetscape Phase II, 202001 Street Resurfacing 2020, and Project 202133 Stanley Blvd at Isabel Connector Ramp Crossing Improvements had expenditure savings of $739,895, $88,787, and $98,849 respectively.

Measure B Local Street and Road Fund (F678) actual revenues were greater than the budget by $148,167 related to increased sale tax receipts county-wide and the actual expenditures for capital were less than the budget by $239,913 respectively resulting in an increase in fund balance of $412,000.

Measure BB Local Street and Road Fund (F688) ended with an increase to fund balance by $2.6 million due to actual revenues greater than the budget by $778,297 related to increased sale tax receipts county-wide and the capital expenditures budget of $520,000 mostly not spent in this fiscal year. The unused budget will be available for the FY 2023-25 capital budget.

Table 10. Special Revenue Funds

Funds	Fund Name	Beginning Fund Balance FY 2021-22	Operating Revenue	Net Transfers	Operating Expenditure	Capital Expenditure	Unaudited Ending Fund Balance FY 2021-22	Budgeted Ending Fund Balance FY 2021-22	Variance Budget vs Actual
600	Host Community Impact Fee	1,345,373	526,940	(475,000)	(40,829)	-	1,356,484	1,369,869	(13,385)
602	City Street Sweeping	101,833	672,090	-	(725,374)	-	48,550	55,808	(7,259)
603	LPD - Cops Ahead AB 3229	622,751	231,581	-	(183,157)	(345,000)	326,175	312,810	13,365
604	So Livermore Valley Specific Plan	340,389	-	-	-	(41,127)	299,262	240,389	58,873
605	State Grant - HHS	-	-	-	(61,375)	-	(61,375)	-	(61,375)
607	State Grant	270	189,168	-	(228,083)	(100,000)	(138,644)	1,372	(140,016)
608	Public Art Fee	840,635	125,679	-	(143,850)	(34,690)	787,773	588,795	198,978
609	Housing Successor Agency	3,360,352	165,565	-	(604,561)	-	2,921,356	2,509,345	412,011
610	LPD - Horizons	91,564	650,339	450,558	(947,995)	-	244,466	81,032	163,434
611	Low Income Housing Fund	19,362,918	1,923,088	(903,915)	(4,874,377)	(464,431)	15,043,283	13,498,421	1,544,862
612	Alameda County - Measure D	305,311	262,381	-	(313,635)	-	254,057	255,121	(1,064)
613	CDBG	474,379	807,815	516,035	(1,273,621)	-	524,608	1,101,093	(576,485)
614	Landscape Maintenance District	8,614,182	3,609,313	72,316	(2,865,012)	-	9,430,798	9,416,910	13,889
617	Used Oil Recycling Grant	-	11,801	(5,351)	(6,450)	-	-	-	-
619	Asset Seizure	1,399,709	26,069	-	-	(186,489)	1,239,289	850,396	388,893
620	Social Opportunity Endowment	170,789	1,766	-	(65,418)	-	107,137	84,596	22,541
621	BJA - Bulletproof Vest Reimb	-	17,691	-	(17,691)	-	-	-	-
622	Calhome Reuse	431,211	61,638	-	(21,019)	-	471,831	422,859	48,972
626	CHFA Homebuyer Assistance	57,700	2,429	-	(93)	-	60,036	58,495	1,541
628	Mortgage Assitance	1,223,796	108,552	-	(2,357)	-	1,329,991	1,203,221	126,770
630	Ca Beverage Container Grant	-	49,845	-	(27,019)	-	22,826	-	22,826
633	HUD EDI Special Grant Fed	98,037	28,336	-	(3,971)	-	122,401	98,637	23,764
635	LPD - Federal Grants	(24,442)	122,077	-	(53,776)	-	43,859	19,454	24,406
637	Calif Begin Program	60,653	60,701	-	(10,498)	-	110,856	30,553	80,303
641	Vehicle Impound Program	143,161	30,175	-	(6,772)	-	166,564	152,871	13,693
642	Open Space Acquis & Mgmt	2,561,124	36,161	8,494	(24,576)	-	2,581,203	3,181,954	(600,751)
645	CASP Cert & Training Fund	-	14,295	(10,970)	(3,325)	-	-	-	-
650	Gas Taxes	6,225,858	2,020,604	(110,561)	(48,504)	(280,733)	7,806,665	7,394,247	412,418
651	Gas Tax - SB1	3,281,078	1,861,736	-	-	(1,119,801)	4,023,013	2,911,653	1,111,360
656	Federal Street Grants	(104,740)	104,740	-	-	-	-	-	-
665	PEG Capital Fees	1,065,783	250,634	-	(44,739)	-	1,271,678	1,183,690	87,988
666	Import Mitigation	49,570	-	-	(22,805)	-	26,765	22,727	4,038
667	Solid Waste & Recycling	116,189	240,128	-	(285,879)	-	70,439	66,190	4,248
671	Federal Home Prgram	58,739	62,528	(8,185)	(122,426)	-	(9,344)	42,156	(51,500)
672	Library Donations Fund	298,580	58,192	-	(78,205)	-	278,567	226,853	51,714
673	Library Foundation Grant	77,579	73,986	-	(22,579)	-	128,986	73,332	55,654
676	Livermore's School Grant	-	28,238	-	(28,238)	-	-	-	-
677	Measure B-Bike/Pedestrian	374,306	281,544	-	(161,458)	(46,159)	448,233	344,880	103,353
678	Measure B-Local St & Rd	2,484,636	1,056,115	-	(70,600)	(1,290,662)	2,179,490	1,767,009	412,481
679	Measure B Isabel Interchange	32,865	-	-	-	-	32,865	32,865	-
681	Local Vehicle Reg Fee	834,809	415,522	-	(1,500)	(72,859)	1,175,973	986,736	189,237
683	Police Donations Fund	47,845	2,881	-	(4,304)	-	46,422	31,492	14,930
687	Measure BB-Bike/Ped	474,453	385,378	-	(780)	(85,600)	773,451	697,061	76,390
688	Measure BB-Local St & Rd	2,386,744	1,586,005	-	(48,471)	(297)	3,923,982	2,624,452	1,299,530
696	El Charro Maint CFD 2012-1	2,017,218	425,138	-	(174,015)	-	2,268,341	2,059,553	208,788
697	Other Maint CFD's	1,497,361	329,238	-	(174,979)	-	1,651,621	1,575,630	75,991
698	Surplus - Ad Closeout	2,349,218	9,044	-	-	(352,497)	2,005,765	2,005,262	503
	Special Revenue Funds Total	**65,149,786**	**18,927,148**	**(466,579)**	**(13,794,314)**	**(4,420,346)**	**65,395,696**	**59,579,789**	**5,815,907**

Internal Service Funds as described in Table 11 below there was an overall increase in total fund balances of $6.7 million or 28.1% compared to the budgeted total fund balances. The following are the funds with significant variations.

Information Technology Fund (F720) ended with a fund balance greater than anticipated by approximately $1.7 million due to timing of contracts and payments for goods and services.

Cyber Security Fund (F725) ended with an actual fund balance greater than anticipated by $336,044 mainly due to a few anticipated contracts with vendors for scanning and multi-factor authentication that did not get finalized in FY 2021-22

Fleet and Equipment Services (F730) had an increase in the actual fund balance of $2.6 million due to actual expenditures less than budget by $2.4 million primarily related to delayed shipment of vehicle orders that were affected by supply chain issues.

Facilities Rehabilitation Program (F740) had an increase in the actual fund balance by approximately $1.6 million caused by the debt service budget and capital expenditures. As previously noted, the City budgets for debt service principal as an expense to ensure there is funding available to cover the debt service payment, however when the payment is recorded, it shows on the balance sheet and not as an expense resulting in less expenses. Capital expenditures were less than budget mainly due to two projects: Carpet Replacement at City Hall and City Hall HVAC Central Chiller replacement, both of which were delayed due to supply chain issues.

Table 11. Internal Services Funds

Funds	Fund Name	Beginning Fund Balance FY 2021-22	Operating Revenue	Net Transfers	Operating Expenditure	Capital Expenditure	Unaudited Ending Fund Balance FY 2021-22	Budgeted Ending Fund Balance FY 2021-22	Variance Budget vs Actual
700	Liab Insurance Reserve	2,201,619	4,074,823	-	(3,932,492)	-	2,343,950	1,796,081	547,869
710	Risk Management-W/C Insurance	2,232,720	1,012,242	-	(2,069,227)	-	1,175,735	1,293,544	(117,808)
720	Information Technology	2,867,921	5,470,000	-	(3,520,806)	-	4,817,115	3,076,656	1,740,459
725	Cyber Security	(39,903)	1,115,000	-	(718,737)	-	356,360	20,316	336,044
730	Fleet & Equipment Services	9,858,375	4,873,873	-	(3,747,922)	-	10,984,326	8,371,189	2,613,137
740	Facilities Rehab Program	10,793,005	2,488,238	-	(1,932,730)	(431,642)	10,916,871	9,327,152	1,589,719
	Internal Services Total	**27,913,737**	**19,034,177**	**-**	**(15,921,915)**	**(431,642)**	**30,594,357**	**23,884,938**	**6,709,419**

FISCAL AND ADMINISTRATIVE IMPACT

There is no direct fiscal impact in accepting the annual Budget Report for the year ended June 30, 2022.

[i] Permanent Fund Definition: Fund used to report resources that are legally restricted to the extent that only earnings, not principal, may be used for purposes that support the government's programs. In Livermore's case, the Doolan Canyon Endowment Fund is used to account for an endowment restricted for items related to the mitigation of the burrowing owl habitat.

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.17**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Christine Martin, Assistant City Manager

SUBJECT: Receive Livermore Valley Arts annual update.

RECOMMENDED ACTION

Staff recommends the City Council receive the Livermore Valley Arts annual update.

SUMMARY

Consistent with the requirements in the Livermore Valley Performing Arts Center (now known as Livermore Valley Arts) Sublease and Operating Agreement an annual report is attached for City Council to receive. This report is for information only, no action is required.

DISCUSSION

Consistent with the requirements in the Livermore Valley Performing Arts Center (now known as Livermore Valley Arts) Sublease and Operating Agreement an annual report is attached for City Council to receive. This report is for information only, no action is required.

FISCAL AND ADMINSTRATIVE IMPACTS

There are no fiscal or administrative impacts associated with receiving the annual report.

ATTACHMENTS

1. Livermore Valley Arts City Council Annual Report 2022

Prepared by: Christine Martin
Assistant City Manager

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

LIVERMORE VALLEY
arts

Annual City Council Report

Introduction

I am happy to report that even under the uncertainty of the Covid-19 pandemic, the 2021-2022 fiscal year for Livermore Valley Performing Arts Center (doing business as Livermore Valley Arts) was a productive and successful one. Our first live event inside the Bankhead Theater in 14 months was a sold-out concert featuring AJ Croce, and we were able to remain open from that point on.

The mission of LVA is to offer a broad range of arts opportunities and experiences to engage our diverse community. I have outlined the highlights of the most recent season below.

Livermore Valley Arts By the Numbers

- 1,014 Member households (donors giving $125 or more), our highest number ever.
- 87 Bankhead Presents Performances, the most ever.
- 12 Sold-out shows.
- 37 Resident company performances and events.
- 7 Community celebrations made free to the public including:
    - Taste of Africa
    - Filipino Barrio Fiesta
    - ArtWalk!
    - Lunar New Year
    - Native Art Celebration
    - Juneteenth
- 6 Weeks of Art Camps offered to students ages 5-17.
- 6 Art classes offered to the community each week.

Investing in the Bankhead

- During the last year, we took the opportunity to make some upgrades to the Bankhead Theater with the installation of a state-of-the-art sound system. The new L'Acoustics brand public address system replaces the one that was installed when the Bankhead was constructed 15 years ago, and meets the demands of current touring artists.
- The Founders room was remodeled with new furniture, lighting and paint, to make for a more comfortable and casual space for events.
- With a donation of slightly used office furniture from the Hertz Foundation, we were able to update all the administrative offices with new desks and chairs for the staff to make a more comfortable work environment.

Uncle Credit Union Art Gallery

Thanks to their generous support, the lobby gallery was newly named as the Uncle Credit Union Art Gallery. This support will allow us to keep the gallery open for the public outside of performance hours, and to raise the quality of the art that is on display. We made a conscious decision to invest more in the gallery prior to the naming, and started with the very successful 50 Faces Mosaic exhibit that ran at the end of the 2021 calendar year.

Bankhead Presents Programming

The last season was our biggest yet, and featured several new high-profile artists and returning favorites including:

- Vanessa Williams at the season opening gala
- Robert Cray
- Branford Marsalis
- John Mayall and Walter Trout
- Pink Martini
- Nochebuena
- Bessie, Billie and Nina: Pioneering Women of Jazz
- Joan Osborne
- The Five Browns
- Al Franken
- Crystal Gayle
- Mariachi Reyna De Los Angeles

New Leadership

Two new directors were added the board leadership.

- **Catherine Ndungu-Case:** Founder and CEO of Pleasanton-based Cheza Nami Foundation, a 501 (c) 3 organization whose mission is to promote cultural diversity through the African traditional arts. Catherine has a passion to uncover the symbiotic connections within all of humanity. With over a decade of fieldwork that promotes cultural education and diversity awareness to learning institutions, corporations and communities focused on fostering a more congenial relationship among its members, Catherine advocates that music, dance, and an open mind are the essential ingredients for common ground and joyful exchange among people from all walks of life. She holds a masters in cell and molecular biology and is currently employed as the Director of Precision Medicine Portfolio at a large pharmaceutical company. By unifying her passions for science, community, and the arts, she has successfully brought together hundreds of master musicians and dancers, community partners, volunteers, and participants to deliver cultural education programming to communities, schools and organizations. She is regarded as an expert when it comes to catalyzing cultural connection, and has been recognized for her ongoing contributions to the community. Accolades include being named to the 40 under 40 list - Diablo Magazine, and featured in Oakland Magazine, Contra Costa newspaper, as well as many other media publications. She has delivered keynote addresses (graduation/corporate), participated on numerous panels related to cultural diversity and global citizenship, and provided a cultural

inclusion presentation for TEDxLivermore in 2015. In 2017, she was awarded the CBS/KPIX Jefferson Award, which is considered the Nobel Prize for community service, as well as the Alameda County Arts Leadership Award. She is most well-known for organizing the annual Taste of Africa festival in the Tri-Valley, and "The Essence" showcase, a celebration of oneness of humankind through traditional African music and dance. She also serves on several other local boards and along with her husband enjoy traveling and playing a myriad of sports with their 14 year old twins, when they allow it!

- **Dr. Dyrell Foster:** Dr. Dyrell Foster has been an administrator in the California Community College system for over 20 years. He is a student-centered leader, with a proven track record of advancing educational access, equity, student retention and success. He is collaborative in his approach to implementing institutional practices, behaviors, and policies that provide a positive climate on campus and effectively addresses the diverse needs of students. Being the first in his family to attend college, Dr. Foster received his Ed.D. in Higher Education Administration from the University of Southern California, his Master of Science in Counseling: Student Development in Higher Education from California State University, Long Beach, and his Bachelor of Science in Applied Behavioral Science from the University of California, Davis, where he served as co-captain of the UC Davis Aggies football team. He and his wife, Tami, have two children, Maylea and Daylen.

Diversity, Equity and Inclusion

Last year, the LVA management and the board of directors crafted the following statement on diversity, equity and inclusion which can be found on our website:

The mission of Livermore Valley Arts is "to offer a broad range of arts opportunities and experiences to engage our diverse community." We agree that a diverse, inclusive, and equitable workplace is one where all employees, volunteers, and patrons, whatever their gender, race, ethnicity, national origin, age, sexual orientation or identity, education or disability, feels valued and respected. We are committed to a nondiscriminatory approach and providing equal opportunity for employment and advancement in all areas.

Livermore Valley Arts strives to:

- See diversity, inclusion, and equity as connected to our mission and critical to ensure the well-being of our staff and the communities we serve.

- Commit time and resources to expand more diverse leadership within our board, staff, committee, and advisory bodies.

- Acknowledge and dismantle any inequities within our policies, systems, programs, and services, and continually update and report organization progress.

- Support board-level thinking about how systemic inequities impact our organization's work, and how best to address that in a way that is consistent with our mission.

- Help to challenge assumptions about what it takes to be a strong leader at our organization, and who is well-positioned to provide leadership.

- Lead with respect and tolerance. We expect all employees to embrace this notion and to express it in workplace interactions and through everyday practices.

Livermore Valley Arts will support the following action items:
Pursue cultural competency by creating substantive learning opportunities and formal, transparent policies.

- Improve our cultural leadership pipeline by creating programs and policies that foster leadership reflecting the diversity of our region.

- Expand offerings for underrepresented constituents in partnership with organizations committed to diversity and inclusion efforts.

- Develop and present sessions on diversity, inclusion, and equity for staff and volunteers.

- Develop a system for being more intentional and conscious of bias during the hiring, promoting, or evaluating process.

Arts Education, Community Support and Access to the Arts

LVA continues to make efforts to celebrate and give access to the arts for all members of the community and support arts education. The following programs from last year, all of which were underwritten by LVA are a demonstration of that commitment:

- Free Cultural Celebrations on the Bankhead Plaza
- ArtWalk!
- Art Camps at the Bothwell (held during the summer, Thanksgiving break, winter break and spring break)
- $20 Student tickets for all performances
- $8 tickets to performances for students and families participating the Music Pathways program
- Free family concert with Livermore-Amador Symphony
- Scholarships for art camps and classes
- A 50% discount on rental rates for all resident company performances
- Sponsor for the Quest Innovation Fair
- 21 Affordable studio spaces for visual artists at the Bothwell Arts Center

Financials

Thanks to a combination special grants for arts venues and some additional major gifts, LVPAC had one of its biggest fundraising years to date. We also reached more than 1,000 members for the first time in the history of the organization.

As shown below, LVA showed a net profit of $968,153 before depreciation and amortization. I am pleased to report that we have established an investment policy, and set aside $1,000,000 for operating reserve which is managed by Altamont Wealth Management, a Livermore based advising company.

(unaudited)
Revenue:
$2,686,574 - Contributions
$145,085 – In-kind
$1,740,213 - Earned Revenue

$4,571,872 - Total

Expenses:
$2,848,082 - Programming
$593,320 - Admin
$162,317 - Fundraising

$3,603,719 - Total

$968,153 - Net Profit before Depreciation and Amortization

Conclusion

With a passionate and dedicated staff and board, along with the support of the community, LVA managed to come back strong from the pandemic closure. We continue to remain committed to serving the community through the Arts and being a partner with other organizations to continue the mission. As the executive director, I am always looking for new ways to advance the Arts in service of Livermore. Please feel free to contact me with any questions or thoughts you may have.

Respectfully submitted,

Chris Carter
Executive Director
Livermore Valley Arts

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 6.1**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Hearing to consider a resolution approving the Housing and Human Services grant priorities for FY 2023-24.

RECOMMENDED ACTION

The Human Services Commission and staff recommend the City Council adopt a resolution approving the Housing and Human Services Grant Priorities for FY 2023-24.

SUMMARY

The Human Services Commission and staff recommend the City Council adopt a resolution approving the Housing and Human Services Grant priorities as set forth in Exhibit A to the Resolution. These priorities are based on input from Livermore's non-profit service providers and community members about their most pressing housing and human services needs and will inform the next Housing and Human Services Grant application process to select projects serving low-income, senior, youth, homeless, and disabled Livermore residents.

DISCUSSION

Each year, the City of Livermore brings together multiple funding sources to support capital projects and public service programs benefiting low-income Livermore households that are consistent with the City's goals and priorities. These funding sources include Community Development Block Grant (CDBG) funds and HOME Investment Partnerships Program (HOME) funds, which the U.S. Department of Housing and Urban Development (HUD) provides. The City leverages federal dollars with local resources including the Affordable Housing Trust Fund (Fund 611), the Social Opportunity Endowment (SOE) Fund (Fund 620), the Social and Human Services Facility Fee Fund (Fund 333), and the General Fund (Fund 001).

In FY 2022-23, the City received $383,624 in CDBG funds and $152,413 in HOME funds. The City leveraged these federal dollars with $80,000 of Social Opportunity Endowment (SOE) Funds, $20,000 of General Funds, $209,000 of Affordable Housing Trust Funds and $119,700 of Social and Human Services Facility Fee Funds. These six funding sources deliver vital services to Livermore residents by providing 17 grants to 12 public and non-profit agencies. Examples of projects include food programs for

seniors, domestic violence counseling, and emergency shelter for people experiencing homelessness. As of this date, the City of Livermore has not received its funding allocation for FY 2023-24. Staff anticipates this year's CDBG and HOME allocation will be similar to last year.

On June 22, 2020, the City adopted the FY 2020-24 Five-Year Consolidated Plan, which sets forth broad policy goals and the City's plan for addressing identified priority needs through the use of CDBG and HOME funds, as well as the Citizen Participation Plan, which is a federally required plan describing the City's policies and procedures for public involvement in the grants process. According to the City of Livermore Citizen Participation Plan, a public hearing on housing and human services needs is required prior to each grant cycle.

In September 2020, the Human Services Commission and staff launched a community outreach process, which is required by the Citizen Participation Plan, to identify priority housing and human services needs in Livermore. This process involved digital community meetings conducted in English and Spanish, a forum with community-based organizations, and a multilingual survey with 145 respondents. The City partnered with the Livermore Housing Authority, Livermore Valley Joint Unified School District, and numerous service providers to ensure that low-income families, people experiencing homelessness, seniors, and non-English speakers could participate.

The Housing and Human Services Grant community outreach process provided valuable information on current safety net service needs, which align closely with the projects currently being funded by this grant program. The top social service needs that community members identified are mental health services, affordable housing, and homeless services. Other priority needs included assistance for people with disabilities, food security, and services for seniors. The need for more support accessing and navigating existing services, particularly for those with language and technology barriers, was another common theme throughout the outreach process.

In addition to the above outreach, under the direction of the Human Services Commission, in September of 2021 and September of 2022, staff sent an additional survey to local non-profit service providers.

On October 11, 2022, the Human Services Commission considered the results of the September 2022 survey and the past community outreach results and recommended a set of four funding priorities for the next Housing and Human Services Grant cycle. Those four priorities are: Public Health, Housing, Homeless Services, and Social Safety Net Access. Each priority is described in Exhibit A to the Resolution. As required by the Citizen Participation Plan, the City published a public notice regarding the November 28, 2022 public hearing on November 14, 2022.

The Housing and Human Services grant priorities adopted by City Council will inform how the Human Services Commission will evaluate and score all grant applications submitted to the City by non-profit and public agencies in FY 2023-24. The Human Services Commission will review submitted grant applications during their regular February and March 2023 Human Services Commission meetings and make funding recommendations for the City Council to consider at a future City Council meeting.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no fiscal impacts other than staff time associated with the community outreach process. The priorities adopted by City Council will inform funding decisions made during the next Housing and Human Services Grant cycle.

ATTACHMENTS

1. Resolution
2. Exhibit A - City of Livermore Housing and Human Services Grant Priorities FY 2023-24

Prepared by: Amy Walker
Management Analyst 1

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING THE HOUSING AND HUMAN SERVICES GRANT PRIORITIES FOR FISCAL YEAR 2023-24

Each year, the City of Livermore (City) brings together multiple funding sources to support capital projects and public service programs benefiting low-income Livermore households that are consistent with the City's goals and priorities as outlined in the City's Five-Year Consolidated Plan. These funding sources include federal Community Development Block Grant (CDBG) funds as well as HOME Investment Partnership Program (HOME) funds, which are leveraged with City sources including the General Fund, Social Opportunity Endowment Fund, Affordable Housing Trust Fund, and Social and Human Services Facility Fee Fund.

The City has traditionally allocated these federal and local funds to eligible public and nonprofit agencies that provide housing and social services through the Housing and Human Services Grant Program. For Fiscal Year (FY) 2022-23, the City's Housing and Human Services Grant program by providing 17 grants to 12 public and nonprofit agencies.

The City of Livermore Citizen Participation Plan requires a community outreach process and public hearing on housing and human services needs prior to each Housing and Human Services grant cycle. As part of an update to this year's priorities, staff, under the direction of the Human Services Commission, conducted a survey of local nonprofit service providers to confirm the continuing need of these priorities.

The Human Services Commission and City staff recommend the City Council adopt a resolution approving the Housing and Human Service Grant priorities as set forth in the attached Exhibit A for FY 2023-24. These priorities will inform the Housing and Human Service Grant application process to select projects serving low-income, senior, youth, homeless, and disabled Livermore residents.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that it hereby approves the Housing and Human Service Grant priorities for FY 2023-24 as recommended in the attached Exhibit A, which will inform the Housing and Human Services Grant application process for the next Housing and Human Services grant cycle.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A - City of Livermore Housing and Human Services Grant Priorities FY 2023-24

Housing and Human Services Grant Priorities

Fiscal Year 2023-24

1) Public Health

- Navigation of Mental Health Services and Substance Use Programs for low-income, unsheltered community members, and seniors.
- Support Services for people with disabilities, seniors, low-income families, and survivors of domestic violence.
- Medical and Dental Services

2) Housing Services

- Affordable Housing units for low-income families, people experiencing homelessness, and seniors
- Rental Assistance
- Housing Services to keep low-income families, people with disabilities, and seniors housed

3) Homeless Services

- Emergency Shelter and Temporary/Transitional Housing
- Basic Needs such as showers/restrooms and storage
- Employment Services
- Supportive Services such as service navigation and counseling

4) Safety Net Access

- Access Critical Safety Net Services for non-English speakers, people with disabilities, seniors, low-income families, and youth
- Access and Navigation to Social Services and Government Sponsored Programs.
- Food security
- Transportation

Revision 10/11/22

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 6.2**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Hearing to consider a resolution approving the third substantial amendment to the City of Livermore's U.S. Department of Housing and Urban Development Fiscal Year 2019-20 Action Plan, authorizing the City Manager to negotiate and execute any related documents, and approving a supplemental appropriation in the amount of $143,428 for unspent Community Development Block Grant (CDBG) Coronavirus funds to support the Senior Meal Program through Open Heart Kitchen.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution approving the third substantial amendment to the City of Livermore's U.S. Department of Housing and Urban Development (HUD) approved Fiscal Year (FY) 2019-20 Action Plan and authorize the City Manager, or her designee, to negotiate and execute any related documents, agreements and modifications with HUD and the sub grantee, Open Heart Kitchen. Staff is also requesting a supplemental appropriation in the amount of $143,428 for unspent Community Development Block Grant Coronavirus third round (CDBG-CV3) funds from Fund 613 in FY 2022-23.

SUMMARY

In November 2020, Open Heart Kitchen was granted $125,000 in City CDBG-CV3 funds to distribute food at the Alameda County Fairgrounds in response to the COVID-19 Pandemic. Prior to receiving the City's CDBG-CV3 funds, Open Heart Kitchen received funding from Alameda County to distribute food at the Fairgrounds. Due to the ongoing pandemic, Alameda County extended their contract and provided additional funding to Open Heart Kitchen to continue distributing food at the Fairgrounds. The food distribution site at the Fairgrounds closed in December 2021.

Open Heart Kitchen was unable to utilize the City's CDBG-CV3 grant funds for the food distribution program at the Fairgrounds prior to its closing in December 2021 and is requesting to amend their scope of work to support the Senior Meal Program. Due to the ongoing pandemic, providing meals to Livermore seniors continues to be a priority, and additional resources are needed to meet the growing demand.

In accordance with the City's Citizen Participation Plan, and in order to facilitate Open Heart's Kitchen's

request to use the CDBG-CV3 grant funds to support their Senior Meal Program, a third substantial amendment is required to update the approved FY 2019-20 Action Plan to include the new activity.

DISCUSSION

The City submits an Annual Action Plan to HUD for their Community Development Block Grant Program (CDBG). The action plan describes how the City will leverage the CDBG funds for a given fiscal year. On May 13, 2019, the City Council adopted resolution 2019-069 approving the Annual Action Plan for the FY 2019-20 CDBG program (Attachment 1).

On March 27, 2020, The Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) was signed into law. The bill provided $5 billion to the CDBG program to rapidly respond to the COVID-19 pandemic. HUD informed the City that it had been allocated $256,869 of Community Development Block Grant Coronavirus (CDBG-CV) funds that the City may use for activities to support infectious diseases response, specifically for COVID-19. As a condition of receiving the funds, on June 22, 2020, the City Council adopted resolution 2020-103 approving the first amendment to the HUD-approved FY 2019-20 Annual Action Plan (Attachment 2). This allocation of CDBG-CV funds was spent in FY 2020-21 to support programs that included food distribution, COVID-19 testing and tele-health medical services and assisted 8,561 seniors, unsheltered and low-income families in Livermore.

On September 11, 2020, HUD informed staff the City had received an additional $549,388 of CDBG-CV3 funds. As a condition of receiving the funds, on November 23, 2020, the City Council adopted resolution 2020-223, thereby approving the second amendment to the HUD-approved FY 2019-20 Annual Action Plan (Attachment 3). Below is a chart of the activities and amounts that were approved for the CDBG-CV3 funds:

Grantee	Activity	Amount
Administration	Administration of CDBG-CV3 Funds	$24,388
Axis Medical Services	Health Response and Prevention	$100,000
CityServe of the Tri-Valley	Emergency Assistance Payment	$150,000
CityServe of the Tri-Valley	Case Management for the Unsheltered	$150,000
Open Heart Kitchen/Tri-Valley Haven* *Open Heart Kitchen is the fiscal agent for the grant funds	Food Distribution at the Alameda County Fairgrounds	$125,000
Total		**$549,388**

As of June 30, 2022, $405,960 of the CDBG-CV3 funds has been spent, providing assistance to 8,665 low-income Livermore residents. The remaining $143,428 of unspent funds for this grant is comprised of $18,428 for administration and $125,000 for the Open-Heart Kitchen's Food Distribution Program at the Alameda County Fairgrounds.

On November 5, 2020, Open Heart Kitchen assumed operation of the emergency food distribution site that originally began at the Alameda County Fairgrounds. The distribution site was moved to the

Pleasanton Senior Center, and then to the Workday parking lot in Pleasanton. Prior to receiving the City's CDBG-CV3 funds, Open Heart Kitchen received funding from Alameda County to distribute food at the Fairgrounds. Due to the ongoing pandemic, Alameda County extended their contract and provided additional funding to Open Heart Kitchen to continue distributing food at the Fairgrounds. The food distribution site at the Fairgrounds closed in December 2021. It served 11,746 people to help with the food insecurity caused by the COVID-19 pandemic.

Open Heart Kitchen was unable to utilize the City's CDBG-CV3 grant funds for the food distribution program at the Fairgrounds prior to its closing in December 2021 and is requesting to amend their scope of work to support the Senior Meal Program. Due to the ongoing pandemic, providing meals to Livermore seniors continues to be a priority, and additional resources are needed to meet the growing demand.

Throughout the pandemic, Open Heart Kitchen continued to serve prepared and nutritious meals to seniors at the Robert Livermore Community Center (RLCC) without disruption. Open Heart Kitchen still has a high demand in their Senior Meal Program because of the ongoing nature of the pandemic. In the year leading up to the pandemic,13,433 meals were served during the Senior Meal Program lunch service at RLCC. Service has since increased by 148% to 33,406 meals served to seniors at RLCC in the past year (October 2021-September 2022).

This increase in demand for nutrition assistance means that Open Heart Kitchen is purchasing more food and during a time of high inflation. Open Heart Kitchen has also incurred the cost of hiring additional staff needed to prepare and serve these meals (as opposed to a volunteer workforce) as well as incurred the cost of purchasing single use to-go food containers for diners who take meals to-go in order to maintain social distancing (versus participating in congregate dining in an onsite community dining hall).

In accordance with the City's Citizen Participation Plan, the City is required to do a substantial amendment anytime the City makes a significant change in the purpose, scope, location or beneficiaries of an activity included in the approved Action Plan. To facilitate Open Heart Kitchen's request to use the CDBG-CV3 grant funds to support their Senior Meal Program, a third substantial amendment is required to update the approved FY 2019-20 Action Plan to include the new activity.

The Substantial Amendment has been available for public review for a 15-day public comment period beginning on November 14, 2022, as required by HUD under a current waiver regarding public comment and hearings which normally require a 30-day public comment period.

Staff recommends that City Council review the third substantial amendment, provide comments as deemed appropriate, hold a public hearing to solicit any public testimony on the substantial amendment, and authorize the City Manager to negotiate and execute related documents, agreements, and modifications with HUD and the sub-grantee Open Heart Kitchen.

FISCAL AND ADMINISTRATIVE IMPACTS

The CDBG-CV3 funds were originally included in the FY 2021-22 budget. A supplemental appropriation of $143,428 is requested for FY 2022-23 in Fund 613, the CDBG special revenue fund, for the unspent CDBG-CV3 funds.

ATTACHMENTS

1. Resolution 2019-069 FY 2019-20 HUD Approved Action Plan
2. Resolution 2020-103 First Substantial Amendment to FY 2019-20 Action Plan
3. Resolution 2020-223 Second Substantial Amendment FY 2019-20 Action Plan
4. Resolution
5. Exhibit A - Third Substantial Amendment to FY 2019-20 Annual Action Plan

Prepared by: Amy Walker
Management Analyst 1

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING THE FY 2019-20 ANNUAL ACTION PLAN AND AUTHORIZING SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Each year, the City of Livermore receives federal Community Development Block Grant ("CDBG") funds as an entitlement City, and HOME Partnership Investment ("HOME") funds as part of the Alameda County HOME Consortium, from the U.S. Department of Housing and Urban Development ("HUD") for allocation to eligible non-profit and public service organizations whose mission is to serve low-income residents in Livermore

A requirement of receiving federal CDBG and HOME funds is the submittal of the City's Five Year Consolidated Plan (FY's 2015-19), and submittal of an Annual Action Plan update each year to HUD, which identifies the City's goals, priorities, and plans of implementation to serve Livermore's low-income residents as outlined in the Five Year Consolidated Plan.

Based on historical allocations, staff estimated conservatively that the City would receive approximately $440,642 in CDBG funds and $137,639 in HOME funds.

Congress has not approved a federal budget for the current fiscal year (FY 2018-19).The federal budget for FY 2018-19 is the source of funds for the CDBG/HOME program during City's FY 2019-20. HUD issued written guidance to all entitlement jurisdictions regarding the preparation of Action Plans for the coming year. The guidance states that jurisdictions may follow the ordinary public hearing process and assume level funding from the prior year, but the approval must acknowledge a potential budget decrease in CDBG/HOME funding and a statement of how a reduced funding amount will be budgeted.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livermore authorizes:

1. Approval of the FY 2019-20 Annual Action Plan, attached hereto as Exhibit A, and its inclusion into the Alameda County HOME Consortium Report for submittal to HUD;

2. The City Manager, or his designee, to execute all related Annual Action Plan documents on behalf of the City for submittal to HUD and make minor adjustments to the Action Plan as needed based on the actual HUD allocation.

On motion of Vice Mayor Carling, seconded by Council Member Munro, the foregoing resolution was passed and adopted on May 13, 2019, by the following vote:

AYES: Council Members Coomber, Munro, Woerner, Vice Mayor Carling, Mayor Marchand
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

Sarah Bunting
City Clerk

Date: May 15, 2019

APPROVED AS TO FORM:

Catrina Fobian
Assistant City Attorney

Exhibit A – FY 2019-20 Annual Action Plan

ACTION PLAN

FY 2019-2020

LIVERMORE
CALIFORNIA

MEMBER OF THE ALAMEDA COUNTY

HOME CONSORTIUM

OMB Control No: 2506-0117 (exp. 06/30/2018)

EXHIBIT A

Executive Summary

AP-05 Executive Summary - 91.200(c), 91.220(b)

1. Introduction

The City of Livermore's Fiscal Year (FY) 2019-2020 Annual Action Plan identifies Federal, State, and local resources the City of Livermore will utilize to meet its goals and priorities related to affordable housing and community development activities as outlined in the FY 2015-2019 Five-Year Consolidated Plan for the Alameda County HOME Consortium, of which the City of Livermore is a member jurisdiction. The Five-year Consolidated Plan and associated Annual Action Plan are the required planning documents completed by entitlement jurisdictions to receive federal funding through the United States Department of Housing and Urban Development (HUD).

The Annual Action Plan identifies the proposed goals, activities, outcomes, and budget for the new fiscal year; and the funding resources allocated to the Housing and Community Development projects to meet its established goals.

In FY 2019-2020, the City of Livermore anticipates receiving approximately $440,642 of Community Development Block Grant (CDBG) entitlement funding from the US Department of Housing and Urban Development, and $137,639 of federal HOME Investment Partnerships Program (HOME) funds through the Alameda County HOME Consortium. HUD finalized the federal budget allocations on April 15, 2019. All activities funded through the CDBG and HOME programs have been increased or decreased from the estimated funding levels to match the actual CDBG/HOME grant amounts appropriated by Congress.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

City programs will address the three main CDBG program goals of 1) creating Economic Opportunities 2) Creating Suitable Living Environments, and 3) Providing Decent Affordable Housing. Additionally, as required by HUD, City funded activities and programs will meet one of the three CDBG national objectives of 1) Benefiting low-and moderate-income (LMI) persons; 2) Assisting in the prevention and/or elimination of slums and blight; and/or 3) Meeting an urgent need.

The FY 2019-2020 Livermore Action Plan includes activities to be undertaken by the City of Livermore to implement the Five-year (FY 2015-19) Consolidated Plan. The City anticipates allocating $578,281, in federal CDBG and HOME Programs; $229,216 of prior years' 2015, 2016, and 2017 CDBG unallocated funds, and approximately $326,000 in local funding from sources.

1) Support and develop a continuum of housing resources that will increase access for low-income, seniors and disabled persons.

a. Provide affordable rehabilitation services to low-income homeowners.

b. Reduce housing discrimination and promote fair housing practices.

2) Provide assistance to persons or households who are on the verge of becoming homeless and those who are currently experiencing homelessness.

a. Provide the appropriate level of housing intervention to meet the specific individual's or household's needs.

b. Provide supportive services to increase positive outcomes and maintain housing.

3) Support initiatives that increase a low-income individual's ability to increase their household income.

4) Improve community health and access to basic and specialty care including dental and optometric care, substance abuse, behavioral and mental health care services for low-income, uninsured and under-insured residents.

5) Support a wide range of services that increase or maintain stability for limited English speaking persons, persons with disabilities, youth, seniors, at-risk persons or households, and other underserved populations.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

The City's Housing and Human Services Division annually monitors Subrecipient agencies that are recipients of Housing and Human Services Grant (HHSG) funds. Staff reviews the agencies programmatic, fiscal management and performance goals. This information is factored into the Human Service Commission's discussion and evaluation of the agencies' future request for funding through the annual grant application process. The Commission also uses this information to recommend grant funding to the City Council.

The City's performance relative to its annual objectives can be reviewed in the Consolidated Annual Performance and Evaluation Report (CAPER) that is prepared following the completion of the fiscal year. In September, a public hearing is held for Subrecipient agencies to discuss their contract performance for the prior fiscal year and to review and hear comments on the City's CAPER. The Human Services

Commission hearing provides an opportunity for public comment in addition to the City Council's public hearing on the CAPER in September.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The FY 2019-2020 Action Plan goals and priorities were developed through a series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan FY 2015-2019. The Human Services Commission convened two-community focus workshops; one on Housing and Homelessness held on October 9, 2018, and another on Seniors, Youth, Health, Employment, and Education held on November 13, 2018. These workshops were convened to collect community input to contribute to the development of the FY 2019-2020 Action Plan. City staff organized a Homeless Community Listening focus group on November 7, 2018, to gather input from Livermore's homeless community. The three Community meetings had a combined 88 participants.

Prior needs analysis and focus group meetings to solicit community input were conducted in 2012, 2014 and 2015. In October 2015, the City conducted a survey of person's experiencing homelessness in Livermore that were not accounted for in the Point-in-Time Count held biannually. The survey results documented a higher than expected number of homeless persons residing in Livermore. The City continues to use information gathered from that Survey to implement and enhance its services to persons experiencing homelessness.

In 2012, the City of Livermore, Pleasanton, and Dublin completed an analysis of Human Service Needs for the Tri-Valley region. Consultants reviewed and incorporated information from the 2010 Census, held 14 focus groups with 103 participants and surveyed 300 people that were considered "hard to reach" (homeless, and spoke English as a second language). In April 2014, Livermore's Mayor hosted a Summit on Homelessness. The summit documented a lack of affordable housing and ever-increasing service demands that are continuing to keep families living on the edge and falling into homelessness. An additional survey of service providers and clients, conducted by Alameda County in July 2015, of each of the cities confirmed the findings of the Needs Assessment and Summit on Homelessness. The City's Housing Element was also used in the establishment of the City's priorities and goals.

The City held two joint application workshops in collaboration with the cities of Pleasanton and Dublin in December 2018. Notices regarding the workshops were emailed directly to agencies on the Human Services Commission agenda list, the City's Housing and Human Services (HHS) program interest list, and published in the local newspaper before the workshops.

The public will have two opportunities to review the proposed FY 2019-2020 Action Plan. A 30-day public review period on the draft FY 2019-2020 Action Plan is occurring from March 21, 2019, through May 13, 2019. The draft Action Plan will be reviewed at a public hearing at the

May 13, 2019 City Council meeting. The public hearing was noticed to the public in the Valley Times as well as the local Spanish newspaper, El Mensajero. The draft Livermore Action Plan was made available for public review at the City Clerk's Office in City Hall and at the Livermore Multi-Service Center.

5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

A summary of the public comments to the Annual Action Plan will be included as an attachment to this Plan after the Public review period on May 13, 2019. It will consist of any public comments received at the Livermore City Council's Public Hearing held on May 13, 2019.

6. Summary of comments or views not accepted and the reasons for not accepting them

All comments were received and documented.

7. Summary

In responding to HUD's policy priorities, the City of Livermore and the Livermore Human Services Commission Action Plan goals for FY 2019-2020 focusing on serving low- and very low-income residents of Livermore and providing opportunities for them to achieve self-sufficiency, are in alignment with the City and HUD goals and priorities.

The next sections of the Action Plan include an overview of the consultation and coordination efforts made by the City of Livermore in developing its annual Action Plan. Section AP-10 consists of a summary of the citizen participation process implemented for the City's annual Housing and Human Services Grants (HHSG) Program. Section AP-12 has a review of expected federal and local resources available to implement the HHSG Program including a description of leveraging plans and uses of publicly owned land. Section AP-15 is a description of the City's annual goals and objectives related to the implementation of the HHSG Program and a description of activities to undertake during FY 2019-2020. Sections AP-20, AP-38, and AP-35 describe the geographical distribution of assistance and Section AP-50 through AP85 describe the City's affordable housing actions, public housing, homeless, special needs, reducing barriers to affordable housing to meet underserved needs, reducing lead-based paint hazards, and reducing the number of families living in poverty.

PR-05 Lead & Responsible Agencies - 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	LIVERMORE	
CDBG Administrator	LIVERMORE	Community Development Department

Table 1 – Responsible Agencies

Narrative

The City of Livermore Housing and Human Services Division within the Community Development Department is responsible for preparing the Five-Year Consolidated Plan, Annual Action Plan, Consolidated Annual Performance and Evaluation Report (CAPER), and additional related documents. The City of Livermore is a CDBG Entitlement jurisdiction. The City is a member jurisdiction of the Alameda County HOME Consortium and receives HOME Program funds through Alameda County as a member city of the Consortium. Alameda County serves as the entitlement jurisdiction for the Alameda County HOME Consortium.

Consolidated Plan Public Contact Information

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AP-10 Consultation - 91.100, 91.200(b), 91.215(l)

1. Introduction

The FY 2019-2020 Annual Action Plan for the City of Livermore was created through a coordinated effort that included input from a variety of citizens, community organizations, agencies, the Livermore Human Services Commission, the Livermore City Council, and other stakeholders. The goals and priorities of the City's Five-Year 2015-2019 Consolidated Plan, from which the City's annual FY 2019-2020 goals and objectives are established, were approved upon recommendation of the Human Services Commission to the Livermore City Council.

In October and November 2018, the Human Services Commission convened two-community focus workshops one on Housing and Homelessness and one on Seniors, Youth, Health, Employment, and Education. These workshops were organized to discuss the various issues and conditions that contribute to people experiencing homelessness and those that are marginalized and at risk of homelessness. Community input was used to contribute to the development of the FY 2019-2020 Action Plan. City staff also convened a Homeless Community Listening Outreach workshop on November 7, 2018, to gather input directly from Livermore's homeless community.

The FY 2019 – 2020 HOME Consortium Action Plan was prepared in consultation with other public and private entities. The HOME Consortium Technical Advisory Committee, composed of staff from all jurisdictions in the HOME Consortium, provides policy input into the Action Plan planning process. The Alameda County Lead Poisoning Prevention Program offered valuable information on the number of households at risk of lead poisoning and the programs are currently operating or planned to mitigate lead-based paint hazards. The three public housing authorities operating in the HOME Consortium (the City of Alameda, City of Livermore, and Alameda County, which includes the City of Dublin) were consulted to obtain current data on Public Housing and Section 8 housing needs, public housing improvements, and other activities. Other contributing agencies include, Livermore Valley Joint Unified School District, Livermore Area Recreation and Parks District (LARPD), Livermore Police Department, Zone 7 Water, Everyone HOME, Alameda County Housing and Community Development Department, Alameda Health Care for the Homeless, Alameda County Social Services, Alameda County Public Health, and Alameda County Center for Healthy Schools and Community.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).

There are many non-profit organizations, whose activities relate to the provision of affordable housing and human service programs in the City of Livermore. The City actively works with the following groups: Hello Housing, Mid-Peninsula Housing, ECHO Housing, Tri-Valley Haven, Shepherd's Gate, Habitat for Humanity, CityServe of the Tri-Valley (CityServe), Open Heart Kitchen, Abode Services, East Bay Innovations, Center for Healthy Schools and Community, Spectrum Community Services, Tri-City Health

Center, Kaiser Permanente Community Grant Program, Community Resources for Independent Living, Child Care Links, Kaleidoscope/Easter Seals Bay Area, Axis Community Health, Alameda County Housing and Community Development, Livermore Area Recreation and Park District (LARPD), Livermore Valley Joint Unified School District (LVJUSD), Community Association for Preschool Education (CAPE), CALICO Center, Legal Assistance for Seniors, Alameda County EveryOne Home, Alameda County Health Care for the Homeless, Alameda County Care Connect, Alameda County Social Services, City of Livermore Police Department, and Senior Support Program of the Tri-Valley.

Activities to address the housing needs of the homeless, and extremely low-income persons with severe mental illness and those living with HIV/AIDS center on the implementation of the EveryOne Home Plan throughout Alameda County. Planning efforts began in 2004 as a unique collaboration among community stakeholders, cities, and Alameda County government agencies representing three separate care systems: homeless services, HIV/AIDS services, and mental health services that share overlapping client populations. Each of the stakeholders recognize that stable housing is a critical cornerstone to the health and well-being of the homeless and those at-risk of homelessness, and our communities.

The City supports the activities of the Alameda County Continuum of Care, known as EveryOne Home. Over the next five years, EveryOne Home aims to reduce the number of people experiencing homelessness in Alameda County from 5,200 to less than 2,200 people. If we achieve this goal, no one will have to sleep outside.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The landscape of homelessness continues to evolve throughout the State of California and is becoming increasingly visible in the suburbs of the Tri-Valley, primarily in Livermore. In the past few years, Livermore has seen an increase in the number of residents experiencing poverty and a decrease in the availability of affordable housing rentals, which in turn contributes to the rise in homelessness. The lack of affordable housing coupled with rising housing costs continues to be an ongoing challenge. The City committed local funds and dedicated staff to carry out the strategies and begin to address the growing number of sheltered and unsheltered homeless families and individual.

EveryOne Home coordinates local efforts to address homelessness, seeks to maintain the existing service capacity, build new partnerships that generate greater resources for the continuum of housing, services, and employment, and establish inter-jurisdictional cooperation. EveryOne Home leverages substantial federal, state, and local resources for homeless housing and services, standardize data collection and facilitate a year-round process of collaboration.

The EveryOne Home plan is structured around five primary goals: **1) Prevent homelessness and other housing crises.** The most effective way to end homelessness is to prevent it in the first place by making

appropriate services accessible at the time they are needed. In particular, people leaving institutions such as foster care, hospitals, jails, and prisons need interventions and planning that will prevent them from exiting into homelessness. **2) Increase housing opportunities for the plan's target populations.** Increasing affordable and supportive housing opportunities requires creative use of existing resources, developing new resources, and using effective models of housing and services. This plan identifies a need for 15,000 units of housing for people who are homeless or living with HIV/AIDS or mental illness over the next 15 years. **3) Deliver flexible services to support stability and independence.** Culturally competent, coordinated support services must accompany housing. Direct service providers in all systems throughout the county must have a degree of knowledge about and access to a range of housing resources and supportive services. **4) Measure success and report outcomes.** Evaluating outcomes will allow systems and agencies to identify successful programs and target resources toward best practices. **5) Develop long-term leadership and build political will**. The goals of EveryOne Home will only be achieved by developing a long-term leadership structure that can sustain systems change activities. Implementation of this plan will also require building, maintaining political, and community support for its vision and activities.

The only exception is the domestic violence shelter beds. Currently, Tri-Valley Haven Sojourner House is expected to assign 13 beds to the Coordinated Entry System (CES). The new shelter management standards implemented by the County require that shelters not have a limit on the number of days a client can stay at the shelter. The goal is to exit clients once they have secured permanent housing.

The Cities of Dublin, Pleasanton, and Livermore submitted a regional request for County Immediate Impact funds in December of 2017. CityServe was identified as the provider for case management and emergency motel vouchers. In June of 2018, CityServe contracted with the County to provide services to unsheltered homeless in the Tri-Valley.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate Emergency Solutions Grant (ESG) funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of Homeless Management Information System (HMIS)

Alameda County Housing and Community Development Department through HMIS and the EveryOne Home Performance Management Committee is supportive of the EveryOne Home initiatives to establish system-wide outcomes and to evaluate the effectiveness of programs against those outcomes. These outcomes include shortening the period of homelessness and reducing the recidivism rates for homeless people.

Consultation with EveryOne Home, the Alameda Countywide Continuum of Care, on the use of Emergency Solutions Grant (ESG) funds, began early in 2012. During these consultations, representatives from the City of Berkeley, the City of Oakland, Alameda County Housing and Community Development

Department (Urban County grantee), and the Executive Director of EveryOne Home worked together in consultation with the broader EveryOne Home Leadership Board (Livermore is represented by Human Services staff) to implement the new ESG requirements. The goal of the consultation was to implement the new regulations in a manner that is consistent throughout Alameda County and would continue a collaboration that began in 2009 with American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Re-housing (HPRP) funds. This collaboration resulted in the creation of Priority Home Partnership (PHP), which was a single countywide program to implement HPRP. To learn from the best practices established by PHP, the group agreed to meet regularly to prepare for the submission of this Substantial Amendment and to coordinate around the use of future ESG funding via regular meetings and discussions with EveryOne Home. Subsequent to those calls, on March 1, 2012, EveryOne Home held a community-wide meeting at which additional consultation and public input into the use of ESG funds were solicited. A series of meetings with EveryOne Home and the ESG grantees continued through the year, and a coordinated ESG program was established and implemented in early 2013. This coordinated program will use this same structure for FY 2017 ESG funding.

The Mayors' Summit on Homelessness, held in April 2014, was an essential initial step to creating a coordinated response to the issue of homelessness in Livermore. Staff from Alameda County attended and participated in the discussions.

City leaders recognized that to obtain the necessary information regarding Livermore homeless a local survey needed to be conducted that provided a more comprehensive and in-depth assessment than Alameda County's Point-in-Time Homeless Count that was completed for HUD survey of persons experiencing homelessness in October 2015. A survey planning committee, that included representatives from the City of Livermore, public agencies and nonprofit organizations and EveryOne Home, was convened to develop the survey instrument and select the sites to survey. The survey results were released in May 2016, at which time the City began to engage service providers, the faith-based community, EveryOne Home staff, and interested community members to collaborate and to determine the actions needed to address the issues that contribute to homelessness and to assist those experiencing homelessness.

2. Agencies, groups, organizations and others who participated in the process and consultations

Table 2 – Agencies, groups, organizations who participated

1	**Agency/Group/Organization**	AXIS COMMUNITY HEALTH
	Agency/Group/Organization Type	Services - Children Services - Elderly Persons Services - Persons with Disabilities Services - Persons with HIV/AIDS Services - Homeless Services - Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in the fall 2018 in preparation of the annual action plan. Improved coordination of health care services for the underinsured and those with no health care benefits.
2	**Agency/Group/Organization**	ABODE SERVICES
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy

OMB Control No: 2506-0117 (exp. 06/30/2018)

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. The anticipated outcomes include improved coordination of housing homeless persons and the prevention of those at risk of homelessness not becoming homeless.
3	**Agency/Group/Organization**	ECHO HOUSING: FAIR HOUSING COUNSELING
	Agency/Group/Organization Type	Housing Services - Housing Services - Homeless Service - Fair Housing
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan.
4	**Agency/Group/Organization**	ALAMEDA COUNTY HOMELESS ACTION CENTER
	Agency/Group/Organization Type	Services - Housing Services - Elderly Persons Services - Homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy

OMB Control No: 2506-0117 (exp. 06/30/2018)

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan.
5	**Agency/Group/Organization**	ALAMEDA COUNTY HOUSING & COMMUNITY DEVELOPMENT
	Agency/Group/Organization Type	Housing Services - Housing Services- Homeless
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination and funding availability for Housing and Human Services needs in the Tri-Valley.
6	**Agency/Group/Organization**	COMMUNITY RESOURCES FOR INDEPENDENT LIVING (CRIL)
	Agency/Group/Organization Type	Services - Elderly Persons Services - Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of services and resources targeting disabled persons.
7	**Agency/Group/Organization**	Easter Seals Bay Area
	Agency/Group/Organization Type	Services - Persons with Disabilities Services - Education
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, three focus workshops were held in fall 2018 in preparation of the annual action plan. It is resulting in improved coordination of services targeting disabled persons.
8	**Agency/Group/Organization**	OPEN HEART KITCHEN
	Agency/Group/Organization Type	Services - Health Food and nutrition
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, three focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of food services targeting homeless persons and the elderly.
9	**Agency/Group/Organization**	Tri-Valley Haven
	Agency/Group/Organization Type	Housing Services - Victims of Domestic Violence Services - Homeless
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of homeless shelter services and case management.
10	**Agency/Group/Organization**	LEGAL ASSISTANCE FOR SENIORS
	Agency/Group/Organization Type	Services - Elderly Persons Services - Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of senior services to assist seniors in aging in place.

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11	**Agency/Group/Organization**	Spectrum Community Services
	Agency/Group/Organization Type	Services - Elderly Persons Services - Persons with Disabilities Services - Health
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of food services and wellness checks provided to homebound frail seniors.
12	**Agency/Group/Organization**	Senior Support Program of the Tri Valley
	Agency/Group/Organization Type	Services - Elderly Persons Services - Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of support services and case management for seniors to provide interventions and outcomes.
13	**Agency/Group/Organization**	EDEN INFORMATION AND REFERRAL
	Agency/Group/Organization Type	Services - Housing Services - Children Services - Elderly Persons

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	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of linkages to services and resources for Livermore homeless and low-income families.
14	**Agency/Group/Organization**	City of Livermore Human Services Commission
	Agency/Group/Organization Type	Other Government - Local Civic Leaders
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan.
15	**Agency/Group/Organization**	Child Care Links
	Agency/Group/Organization Type	Services-Children Services-Education
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan.
16	**Agency/Group/Organization**	TRI-CITY HEALTH CENTER
	Agency/Group/Organization Type	Services - Elderly Persons Services - Persons with Disabilities Services - Homeless Services - Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan.
17	**Agency/Group/Organization**	Livermore School District
	Agency/Group/Organization Type	Services - Education Other Government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Non-Homeless Special Needs

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	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan.
18	**Agency/Group/Organization**	City of Livermore Housing Authority
	Agency/Group/Organization Type	Housing PHA Services - Housing Services - Children Services - Elderly Persons Services - Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan.
19	**Agency/Group/Organization**	Livermore Police Department
	Agency/Group/Organization Type	Services - Homeless Other Government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Participate in Homeless Task Force with Homeless Services Providers and Human Services Staff to identify needs and streamline referrals.

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20	**Agency/Group/Organization**	Alameda County Everyone HOME
	Agency/Group/Organization Type	Services - Housing Services - Homeless Other government - County
	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of linkages to services and resources for Livermore homeless and low-income families.
21	**Agency/Group/Organization**	Center for Healthy Schools and Community
	Agency/Group/Organization Type	Services - Children Services - Health Services - Education
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of linkages to services and resources for Livermore homeless and low-income families.

22	**Agency/Group/Organization**	Livermore Area Recreation and Park District (LARPD)
	Agency/Group/Organization Type	Services - Children Services - Elderly Persons Services - Persons with Disabilities Services - Homeless Other Government - Local
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of linkages to services and resources for Livermore homeless and low-income families.
23	**Agency/Group/Organization**	Livermore Zone 7 Water Agency
	Agency/Group/Organization Type	Services - Homeless Other Government - Local
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of linkages to services and resources for Livermore homeless and low-income families.
24	**Agency/Group/Organization**	Alameda County Care Connect
	Agency/Group/Organization Type	Services - Homeless

	What section of the Plan was addressed by Consultation?	Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of linkages to services and resources for Livermore homeless and low-income families.
25	**Agency/Group/Organization**	Alameda County Social Services
	Agency/Group/Organization Type	Services - Children Services - Elderly Persons Services - Persons with Disabilities Services - Persons with HIV/AIDS Services - Victims of Domestic Violence Services - Homeless Services - Health Services - Education Services - Employment Other Government - County
	What section of the Plan was addressed by Consultation?	Homelessness Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of linkages to services and resources for Livermore homeless and low-income families.

26	**Agency/Group/Organization**	Housing Authority of Alameda County
	Agency/Group/Organization Type	Housing Services - Housing
	What section of the Plan was addressed by Consultation?	*Housing* Need Assessment Public Housing Needs
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	A series of public hearings and outreach conducted by the City and the Human Services Commission when developing the Five-Year Consolidated Plan 2015-2019, and most recently, focus workshops held in fall 2018 in preparation of the annual action plan. Improved coordination of linkages to services and resources for Livermore homeless and low-income families.

Identify any Agency Types not consulted and provide rationale for not consulting

All applicable agencies were consulted.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Alameda County Everyone Home	

Table 3 - Other local / regional / federal planning efforts

AP-12 Participation - 91.401, 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation

Summarize citizen participation process and how it impacted goal-setting

The City consulted internally with staff, as well as with its elected officials, commissions, and committees, and externally with each of the public agencies, groups, and non-profit organizations who were initially involved in the development of the City's FY 2015-19 Consolidated Plan. In addition, the City consulted with those who are providing direct housing and human service related activities during FY 2019-20 to implement the Consolidated Plan goals and objectives. Public notices were placed in both English and local Spanish newspapers, notifying the public of the hearing held at the Livermore City Council meeting.

The cities of Livermore, Dublin, and Pleasanton hired a consultant to implement the Tri-Valley Human Services Needs Assessment. To create the Needs Assessment, the consultants conducted 14 focus groups, 18 interviews with regional stakeholders, a social service provider survey, a "hard to reach" client survey in both English and Spanish, and three community meetings. The surveys and meetings with clients were conducted in English and Spanish. The Community Meetings had an interpreter for the deaf. The discussions from all of the public outreach created the Needs Assessment that was adopted in early 2012. This document is guiding the funding decisions that expand current services or fill specific gaps in housing and human service programs for FY 2019-2020.

Recent surveys and public outreach confirm the findings of the 2012 Needs Assessment and continue to be priorities in Livermore and the region. In October and November 2018, the Human Services Commission convened two-community focus workshops one on Housing and Homelessness and one on Seniors, Youth, Health, Employment, and Education. These workshops were organized to discuss the various issues and conditions that contribute to people experiencing homelessness and to receive community input to contribute to the development of the FY 2019-2020 Action Plan. City staff also convened a Homeless Community Listening Outreach workshop on November 7, 2018, to gather input directly from Livermore's homeless community. Recognizing the impacts of homelessness in our community, on December 10, 2018, the City Council appointed Vice Mayor Carling and Council Member Munro to a Subcommittee on Homelessness. The intent of this Subcommittee is to evaluate issues and identify potential alternatives in response to the homeless crisis in Livermore. The first community meeting was held on March 14, 2019, and included 47 community members and presentations from City of Livermore Housing and Human Services staff, CityServe of the Tri-Valley, Union City CAREvan Safe Parking Program, and Block by Block.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Meeting	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/ broad community	10/9/18, 11/7/18 and 11/13/18: Members of the Human Services Commission, Community Based Organizations and the public attended.	Comments included housing of homeless persons and the prevention of homelessness for those at risk of homelessness. A need to increase and preserve affordable housing. A need to increase affordable homeownership opportunities for low-income households. The provision of support for basic needs such as food, shelter, and access to healthcare. The support of initiatives that improve low-income household's ability to increase their household income. The need for improved community health and access to primary and specialty care including dental and optometric care, substance abuse, behavioral and mental health care services for uninsured and under-insured low-income residents.	All comments were accepted.	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
2	Public Hearing	Minorities Non-English Speaking - Specify other language: Spanish Persons with disabilities Non-targeted/ broad community	May 13, 2019: Community Based Organizations and the public were in attendance.	Comments included housing of homeless persons and the prevention of homelessness for those at risk of homelessness.	All comments were accepted	

Table 4 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

Introduction

The City of Livermore is anticipating receiving an award of $578,281 in U.S. Housing & Urban Development (HUD)/Community Planning Department (CPD) funds allocated under the 2019 Community Development Block Grant (CDBG), HOME Investments Partnership (HOME) programs.

The City of Livermore anticipates receiving $2,400 of program income and approximately $60,000 of rental income from the City's 141-149 North Livermore property purchased with Section 108 loan guarantee funds. Other funds anticipated to be made available as a match or leveraging include but are not limited to $326,000 in local funding sources; approximately $80,000 in SOE funds, roughly $226,000 local in-lieu funds and $19,694 in City General Funds. Additionally, the City anticipates allocating $229,716 of prior CDBG entitlement funds for a combined federal and local city sources of funding allocation of $1,133,997.

Each year of the 2015-2019 Consolidated Plan, the City will continue to leverage its federal CDBG and HOME allocations with local funding from the Housing and Human Services Grants (HHSG) Program. This program allocates funding from the City's In-lieu Housing Funds to support housing programs, the Social Opportunity Endowment to leverage public services, and the Human Service Facility Fee to support capital projects. In addition to the HHSG Program, the City provides general funds to subsidize the operation of the Livermore Multi-Service Center, homeless

services and pay a share of the 2-1-1 service.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan $	Narrative Description
			Annual Allocation: $	Program Income: $	Prior Year Resources: $	Total: $		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	440,642	0	229,716	670,358	0	The City of Livermore anticipates receiving at minimum $440,642 of CDBG allocation for each year remaining of the Five-Year Consolidated Plan and an additional $60,000 of Section 108 program income. In addition, $229,216 of prior years' 2015, 2016, 2017 funds will be allocated to capital improvement activities.

Table 5 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City leverages its CDBG entitlement funding and HOME Investment Partnership program funding with City funding sources derived from local development fees. Local funding sources include: Housing In-lieu (In-lieu) funds that are allocated solely for housing projects and/or programs; Social and Human Service Facility Fees (HSFF) that are exclusively allocated to capital projects that support human services projects that target very-low and low-income persons; and Social Opportunity Endowment (SOE) funds that are allocated to public service programs that assist very-low and low-income persons. HOME Investment Partnership funds are earmarked for projects that provide tenant-based rental

assistance to formerly homeless persons and those at risk of homelessness. The allocation of HOME funds is offered through the Alameda County HOME Consortium, which the City of Livermore is a member. City General funds are used for specific projects such as the operation of the Multi-Service Center and 2-1-1, and homeless services.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

The City of Livermore has acquired several vacant parcels for the future development of affordable housing that is consistent with the City's goals and priorities as outlined in the City's Five-Year Consolidated Plan and the City's General Plan Housing Element.

2047 First Street – In September 2005, the former Redevelopment Agency used $485,000 in HELP funds from the State for the acquisition of the vacant parcel

241 North M Street - In June 2008 the former Redevelopment Agency used $400,000 in HELP funds from the State for the acquisition of this parcel, currently a machine shop.

242 North N Street – This site was deeded to the City of Livermore by a residential developer to satisfy part of the City's Inclusionary Housing ordinance requirements.

1625-1635 and 1763 Chestnut Street - This site was assembled through two acquisitions facilitated by the former Redevelopment Agency and City. The City invested $2.8 million from the City's Local Housing Trust Fund and negotiated a land dedication as part of an Inclusionary Housing agreement to acquire the total 5 +/- acre site. The site, currently under development by MidPen Housing will provide 72 senior and 42 family affordable apartments, and a 44-unit market rate townhouse project by Warmington Residential.

2121 & 2139 Railroad Avenue – In May 2009 the former Redevelopment Agency using $2,100,000 in City Housing Trust Funds, along with State Housing Trust Funds purchased these two sites. This site will be repurposed and redeveloped as part of the Downtown Plan adopted by City

Council in 2018.

2093 Railroad Avenue – June 2008 the City acquired this site using City and State affordable housing funds for $14,500,000. The property will be developed in accordance with the Downtown Plan adopted by the City Council in 2018 and will include 130 affordable workforce housing units. The remainder of the affordable housing obligation was approved to be developed off-site on City-owned property located on Pacific Avenue near the Civic Center campus.

153 Gillette Place #110 – In February 2019 the City approved the disposition of a City-owned 3-bedroom townhouse to Tri-Valley REACH, a non-profit housing provider for very low-income persons with developmental disabilities.

Pacific Avenue at Civic Center (approx. 3800 Pacific Avenue) – In 2018, City Council tentatively approved, subject to final land use approval, the dedication of an approximately 3.5-acre parcel adjacent to the Civic Center complex for the development of senior housing, including Veterans.

Discussion

The City is addressing the lack of affordable housing by supporting and funding the development of new construction and the rehabilitation of affordable rental housing developments targeting households with incomes at or below 50 percent of the area median income (AMI). The City also provides funding through its City Housing In-lieu funds and other local resources to nonprofit organizations to implement programs that promote and maintain affordable housing. Funded organizations include ECHO Housing, which provides Fair Housing Counseling and Landlord Tenant Mediation Services programs; and, Abode Services that implements its Tenant-Based Rental Assistance (TBRA) programs for homeless persons and youth ages 18-24 that are aging out of the Foster Care System.

The City also prioritizes the development of units and implementation of housing programs that address the needs of special user groups, i.e., individuals with disabilities, transitional age ("TAY") youth, large families, and senior's and persons with disabilities and homeless persons. Through its Livermore Housing First initiative, the City is focused on developing permanent housing opportunities for homeless residents. The City also continues to support and further explore the provision of emergency and transitional housing for the homeless.

Current City-funded Affordable Housing Projects Under Development:

Sunflower Hill Livermore (4260 First Street) - In June 2017 the City approved a proposal to develop a 44-unit services-enriched housing development, targeted to persons with developmental disabilities. The City provided a loan of City Housing Trust funds in an amount up to $4,300,000 for site acquisition and development.

Vineyard Housing and Services (460 N. Livermore Avenue) – In 2018, the City provided a predevelopment and acquisition loan to Housing Consortium of the East Bay (HCEB) to acquire, preserve and expand an existing food and homeless services site, along with developing up to 24 new permanent, affordable housing opportunities that address the City's Housing First Initiative for persons experiencing homelessness.

Ageno Apartments – Through the City's Inclusionary Housing ordinance, a new 171-unit multi-family rental housing development currently under construction will provide 34 affordable units for 55 years to households with incomes up to 50% of the Area Median Income.

The City promotes affordable homeownership for low and moderate-income households through the City's mortgage assistance and Below Market Rate (Inclusionary) purchase programs. In 2019, the City will continue to offer affordable purchase opportunities and low-interest, down payment and closing cost loan assistance to an estimated 5-10 first-time homebuyers. The City leverages its local Housing Trust Funds (In-lieu housing funds) with other private and public sources. Layering sources of funding provides affordability to low-income purchasers at 80% AMI. In addition to new homebuyers, the City's Loan and Grant Rehabilitation Program will provide low-interest, deferred payment loans to existing low-income homeowners, and grants up to $10,000 for very low-income homeowners whose homes need repairs and or improvements.

The City is addressing its housing affordability crisis by collaborating with agencies such as the Livermore Housing Authority (LHA) to establish an incentive program(s) that pools local and federal resources in order to provide Section 8 Housing Choice Voucher (HCV) participants greater opportunities of success to secure affordable housing in Livermore from landlords' resistant to participating in the HCV program.

Annual Goals and Objectives

AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Affordable Housing Resources	2015	2019	Affordable Housing Public Housing	City-wide	Housing	CDBG: $160,395	Rental units rehabilitated: 1 Household Housing Unit Homeowner Housing Rehabilitated: 9 Household Housing Unit
2	Homeless and Homeless Diversion	2015	2019	Homeless	City-wide	Homeless Prevention and housing existing homeless	CDBG: $107,531	Tenant-based rental assistance / Rapid Rehousing: 33 Households Assisted
3	Public Services	2015	2019	Non-Homeless Special Needs Non-Housing Community Development CDBG Program Administration	City-wide	Need for additional public services	CDBG: $67,310	Public service activities other than Low/Moderate Income Housing Benefit: 240 Persons Assisted
4	Access to Health Services	2015	2019	Non-Homeless Special Needs Non-Housing Community Development Mental Health Services	City-wide	Need for additional public services	CDBG: $4,799	Public service activities other than Low/Moderate Income Housing Benefit: 94 Persons Assisted

Table 6 – Goals Summary

Goal Descriptions

1	**Goal Name**	Affordable Housing Resources
	Goal Description	Support and develop a continuum of housing resources that will provide affordable rehabilitation services to low-income homeowners, and increase and preserve affordable rental housing.
2	**Goal Name**	Homeless and Homeless Diversion
	Goal Description	Assist persons or households who are on the verge of becoming homeless and those who are currently experiencing homelessness. Provide the appropriate level of housing intervention to meet the specific individual's or household's needs and to provide supportive services to increase positive outcomes and maintain housing.
3	**Goal Name**	Public Services
	Goal Description	Support a wide range of services that increase or maintain stability for limited English-speaking persons, persons with disabilities, youth, seniors, at-risk persons or households and other underserved populations. This outreach will include increasing awareness and access to these services.
4	**Goal Name**	Access to Health Services
	Goal Description	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit.

AP-35 Projects - 91.420, 91.220(d)

Introduction

This section of the Livermore Action Plan includes the proposed projects and activities to be undertaken by the City of Livermore that will implement its Housing and Community Development Strategic Plan contained in the FY 2015-19 Consolidated Plan. The projects described in this section are funded with FY 2019-2020 federal funding from the Community Development Block Grant Program (CDBG) and the HOME Investment Partnerships Program (HOME). A number of projects that the City funds through its Housing and Human Services Grants (HHSG) Program utilize local funding sources, such as the Livermore Social Opportunity Endowment (SOE) funds, In-Lieu Housing Funds, and Human Service Facility Fee Funds (HSFF), and are not included in this projects list.

#	Project Name
1	Abode-Tenant Based Rental Assistance (TBRA)
2	CALICO - Child Abuse Intervention Program
3	CRIL - Housing & Independent Living Services for Disabled Persons
4	Senior Support Services - Senior Case Management Program
5	Hope Hospice Grief and Volunteer Support Program
6	ECHO - TBRA
7	Habitat for Humanity - Housing Rehabilitation Program
8	Legal Assistance for Seniors- Free Legal Services
9	Spectrum Community Services - Meals on Wheels
10	Tri-Valley Haven - TBRA
11	Tri-Valley REACH - Housing Preventative Maintenance and Repair
12	Administration: Support and Expand Community Services

Table 7 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City of Livermore allocates its annual Housing and Human Services Grants Program funds to support a wide range of underserved needs in the community as identified in the City's 2011 Eastern Alameda County Human Services Needs Assessment and the 2014 Mayor's Summit on Homelessness. The funding is allocated to a variety of housing and public service projects/programs and activities to help address the priority needs identified in the City's Five-Year Consolidated Plan. Federal funding is leveraged by local funds such as the City's Social Opportunity Endowment funds, Human Service Facility Fee, and the In-Lieu Housing Fund. The main obstacle to addressing underserved needs is the lack of available resources, i.e., funding. There has been a downward trend of funding availability on the county, state

and federal levels, which has forced local jurisdictions to bridge the gap.

Barriers to addressing underserved needs include:

1. Reduced levels of federal CDBG and HOME funding; A shortage of affordable housing targeting the working class, compared to the growing demand; Significant increases in the cost of fair market rents; Increased demand for services due to significant population growth between 1990 and 2010 in Eastern Alameda County, particularly in the low-income Hispanic population of Livermore; A substantial decrease in community resources that resulted in declining and stagnating supply of services; The tripling number of seniors over the age of 85 between 1990 and 2010.

AP-38 Project Summary

Project Summary Information

1	**Project Name**	Abode-Tenant Based Rental Assistance (TBRA)
	Target Area	City-wide
	Goals Supported	Affordable Housing Resources Homeless and Homeless Diversion
	Needs Addressed	Housing Homeless Prevention and housing existing homeless
	Funding	CDBG: $38,927
	Description	Abode-Tenant Based Rental Assistance (TBRA) (Independence/Rapid Re-housing) Case Management
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Abode is estimated to provide housing and case management services to 15 extremely low-income and very low-income homeless Livermore residents.
	Location Description	Citywide.
	Planned Activities	Abode TBRA offers youth housing subsidies, case management, mental health, educational/employment assistance, financial literacy, children/parenting services, and connections to community resources, for up to two years. CDBG funds will pay for Case Management.
2	**Project Name**	CALICO - Child Abuse Intervention Program
	Target Area	City-wide
	Goals Supported	Public Services
	Needs Addressed	Need for additional public services

OMB Control No: 2506-0117 (exp. 06/30/2018)

	Funding	CDBG: $13,437
	Description	CALICO conducts forensic interviews with children who have been sexually abused, physically hurt, severely neglected or witnessed a homicide or severe violence in their home. The agency provides on-site and follow-up support services to caregivers and facilitates multi-agency responses to child abuse allegations.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	CALICO anticipates serving 65 low-income Livermore families.
	Location Description	City-wide.
	Planned Activities	CALICO conducts forensic interviews with children who have been sexually abused, physically hurt, severely neglected or witnessed a homicide or severe violence in their home. The agency provides on-site and follow-up support services to caregivers and facilitates multi-agency responses to child abuse allegations.
3	**Project Name**	CRIL - Housing & Independent Living Services for Disabled Persons
	Target Area	City-wide
	Goals Supported	Public Services
	Needs Addressed	Need for additional public services
	Funding	CDBG: $10,174
	Description	CRIL connects disabled Livermore residents with a variety of services including peer counseling, independent living skills, personal assistant/homecare worker referrals, employment assistance, benefits advocacy, assistive technology, housing search assistance, and travel training.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	CRIL is estimated to provide services to 75 low-income disabled Livermore residents.
	Location Description	City-wide.
	Planned Activities	CRIL connects disabled Livermore residents with a variety of services including peer counseling, independent living skills, personal assistant/homecare worker referrals, employment assistance, benefits advocacy, assistive technology, housing search assistance, and travel training.
4	**Project Name**	Senior Support Services - Senior Case Management Program
	Target Area	City-wide
	Goals Supported	Public Services
	Needs Addressed	Need for additional public services
	Funding	CDBG: $14,109
	Description	Senior Support is providing case management services that will connect seniors with their health, and human service needs to provide quality and cost-effective interventions and outcomes. Case management is the critical link between seniors in need and resources and assistance available.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Senior Support estimates providing services to 70 low-income Livermore seniors.
	Location Description	City-wide.
	Planned Activities	Senior Support is providing case management services that will connect seniors with their health, and human service needs to provide quality and cost-effective interventions and outcomes. Case management is the critical link between seniors in need and resources and assistance available.

OMB Control No: 2506-0117 (exp. 06/30/2018)

5	**Project Name**	Hope Hospice Grief and Volunteer Support Program
	Target Area	City-wide
	Goals Supported	Access to Health Services
	Needs Addressed	Need for additional public services
	Funding	CDBG: $4,799
	Description	Hope Hospice will provide grief support and volunteer services that address intervention, transition, and stabilization.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	94 persons
	Location Description	City-wide.
	Planned Activities	Hope Hospice will provide grief support and volunteer services that address intervention, transition, and stabilization.
6	**Project Name**	ECHO - TBRA
	Target Area	City-wide
	Goals Supported	Affordable Housing Resources Homeless and Homeless Diversion Public Services
	Needs Addressed	Homeless Prevention and housing existing homeless
	Funding	CDBG: $34,302
	Description	ECHO TBRA Homeless Prevention Program and case management will provide tenant rental assistance to formerly homeless individuals and those at risk of homelessness.

	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Four homeless families or individuals are estimated to benefit from the proposed activities.
	Location Description	City-wide.
	Planned Activities	ECHO TBRA Homeless Prevention Program and case management will provide 3 tenant rental assistance to formerly homeless individuals and those at risk of homelessness.
7	**Project Name**	Habitat for Humanity - Housing Rehabilitation Program
	Target Area	City-wide
	Goals Supported	Affordable Housing Resources
	Needs Addressed	Housing
	Funding	CDBG: $160,395
	Description	Housing Rehabilitation Program for low-income Livermore homeowners in need of home repairs.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	Ten Livermore homeowners are estimated to receive rehabilitation services.
	Location Description	City-wide.
	Planned Activities	Housing rehabilitation activities for low-income Livermore homeowners in need of home repairs to maintain habitability.
8	**Project Name**	Legal Assistance for Seniors (LAS) - Free Legal Services
	Target Area	City-wide

OMB Control No: 2506-0117 (exp. 06/30/2018)

	Goals Supported	Public Services
	Needs Addressed	Need for additional public services
	Funding	CDBG: $5,567
	Description	LAS will provide free, on-site (Livermore Senior Center or client's home) legal services to help seniors resolve issues including denial of medical coverage, problems with Social Security, scams or frauds, elder abuse, potential eviction, obtaining citizenship, or becoming the legal guardian of a grandchild or minor in their care.
	Target Date	*6/30/2020*
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that 30 seniors and families will benefit from this activity.
	Location Description	City-wide.
	Planned Activities	LAS will provide free, on-site (Livermore Senior Center or client home) legal services to help seniors resolve issues including denial of medical coverage, problems with Social Security, scams or frauds, elder abuse, potential eviction, obtaining citizenship, or become the legal guardian of a grandchild or minor in their care.
9	**Project Name**	Spectrum Community Services - Meals on Wheels
	Target Area	City-wide
	Goals Supported	Public Services
	Needs Addressed	Need for additional public services
	Funding	CDBG: $24,024

OMB Control No: 2506-0117 (exp. 06/30/2018)

	Description	Spectrum Community Services provides Meals on Wheels program in Livermore, ensuring the delivery of nutritious meals and safety checks for homebound, elderly Livermore residents. Funding will pay for one Meals on Wheels Driver's salary and benefits and the mileage for one of the four Meals on Wheels routes in Livermore.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that 150 homebound Livermore seniors will benefit from the proposed activities.
	Location Description	City-wide.
	Planned Activities	Spectrum Community Services requests funding to support Meals on Wheels in Livermore, ensuring the delivery of nutritious meals and safety checks for homebound, elderly Livermore residents. Funding will pay for one Meal on Wheels Drivers salary and benefits and the mileage for one of the four Meals on Wheels routes in Livermore.
10	**Project Name**	Tri-Valley Haven - Tenant-Based Rental Assistance
	Target Area	City-wide
	Goals Supported	Affordable Housing Resources Homeless and Homeless Diversion Public Services
	Needs Addressed	Housing Homeless Prevention and housing existing homeless
	Funding	CDBG: $34,302
	Description	Assist clients of domestic violence with case management and tenant rental assistance for housing to promote self-sufficiency.
	Target Date	6/30/2020

	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that 15 Livermore domestic violence clients and families will benefit from the proposed activities.
	Location Description	City-wide.
	Planned Activities	Assist clients of domestic violence with case management and tenant rental assistance for housing to promote self-sufficiency.
11	**Project Name**	Tri-Valley REACH - Housing Preventative Maintenance and Repair
	Target Area	City-wide
	Goals Supported	Affordable Housing Resources
	Needs Addressed	Housing
	Funding	CDBG: $12,477
	Description	REACH has an established Preventative Maintenance and Repair Program for each of its nine developmentally disabled affordable housing developments to ensure that the units meet established Housing Quality standards.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that 11 low-income Livermore disabled persons will benefit from the proposed activities.
	Location Description	Corte Cava and Colgate Avenue, Livermore

	Planned Activities	REACH has an established Preventative Maintenance and Repair Program for each of its nine developmentally disabled affordable housing developments to ensure that the units meet established Housing Quality standards.
12	**Project Name**	Administration: Support and Expand Community Services
	Target Area	City-wide
	Goals Supported	Affordable Housing Resources Homeless and Homeless Diversion Access to Health Services Public Services
	Needs Addressed	Housing Homeless Prevention and housing existing homeless Need for additional public services
	Funding	CDBG: $88,129
	Description	Administration: Support and expand community services.
	Target Date	6/30/2020
	Estimate the number and type of families that will benefit from the proposed activities	It is estimated that over 7,000 low-income Livermore families and individuals will benefit from the proposed activites.
	Location Description	City-wide
	Planned Activities	Administration: Support and expand community services.

AP-50 Geographic Distribution - 91.420, 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

CDBG public service and capital funds will be made available throughout the City of Livermore; funds will be distributed through the City of Livermore's Housing and Human Services Grant division. Organizations that are awarded program and project funding may have their headquarter offices located in other cities within Alameda county (such as Dublin, Pleasanton, Fremont, Oakland, and Hayward). Services may be provided in neighboring jurisdictions, such as the cities of Pleasanton and Dublin, where funded agencies serve Livermore residents as part of services provided within the greater Tri-Valley area. However, all Livermore funded activities are required to serve only the City of Livermore eligible households. The Down-payment Assistance Program funded with City In-lieu dollars is targeted to all first-time homebuyers throughout the City earning less than 80% of area median income. In 2019-2020, City Down-Payment Assistance funds will be used to leverage Regional Down-Payment Funds for low-income households purchasing homes in Livermore.

Geographic Distribution

Target Area	Percentage of Funds
City-wide	100

Table 8 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

For many programs and projects funded with CDBG funds, the exact location of the activity is not determined before funding the program as a whole. Some agencies provide services to the City of Livermore and to the Tri-Valley area, which is comprised of the cities of Livermore, Dublin, and Pleasanton. To leverage and maximize federal funding resources the Tri-Valley cities collaborate to ensure the coverage of needed services for the area. Examples of geographic investments and collaboration between the Tri-Cities include the allocation of funds to organizations such as Open-Heart Kitchen, which provides hot meals to seniors and homeless individuals in Livermore, Dublin, and Pleasanton, and Axis Community Health Facility, located in Pleasanton delivers medical services to Livermore, Dublin, and Pleasanton residents to accommodate the geographic need.

Livermore, in collaboration with its community partners, will continue to provide services to its residents citywide. In response to the 2011

Eastern Alameda County Human Services Needs Assessment Report, and Livermore's most recent community needs workshops held in 2018, Livermore will continue to focus on the changing demographics and needs stated in the Needs Assessment Report. Priority needs include the special needs populations such as seniors, youth aging out of foster care, residents experiencing homelessness and those with developmental disabilities and health needs.

AP-75 Barriers to affordable housing -91.420, 91.220(j)

Introduction

The City of Livermore utilizes a variety of its federal and local funding sources to incentivize affordable housing development in Livermore. The City maintains an Affordable Housing Fund to assist in the development and preservation of affordable housing and to help fund other housing related programs that assist lower income residents. The City typically generates an average of $500,000 per year from its impact fees that are placed in the Affordable Housing Fund to cover costs related to the acquisition, construction and permanent financing of affordable housing units.

Actions planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City of Livermore has adopted three local ordinances to assist in addressing the adverse effects of public policies that can serve as barriers to affordable housing. The ordinances require developers of both new residential and new non-residential developments to contribute specifically to the City's need for affordable housing, and to contribute to the development of infrastructure and facilities needed for service providers to deliver supportive services such as childcare, community care, and senior services; and to contribute to the delivery of human services in an effort to improve and expand the delivery of quality human services to low-income Livermore residents. In addition to local funded programs to assist in the provision of housing and services, the City's Inclusionary Housing Ordinance, updated in 2013, requires that 15 percent of all units in a residential development within General Plan areas be set aside as affordable (7.5 percent affordable to moderate- and 7.5 percent to low-income households in for-sale projects). Rental projects are exempt from the Inclusionary Ordinance except for designated neighborhood plan areas. In the Downtown Specific Plan Area, at least 10 percent of the units in each project must be affordable to low-income households. Residential projects of 10 units or less are not required to construct affordable housing units but must pay the affordable housing fee. Housing units produced as part of the State density bonus requirements are not subject to the City's inclusionary housing requirement. This ordinance effectively helps to overcome market constraints to the provision of affordable housing by requiring developers to build a percentage of

affordable units as part of their projects. The City will continue to implement the ordinance to facilitate the production of affordable housing.

The Ordinance also has a "must build" requirement that affordable units be constructed on-site, which helps offset past market trends towards creating more expensive, low-density homes on available land. This requirement augments the City's affordable housing stock (as almost all residential properties in Livermore are under private ownership, and even with the inclusionary housing fees, the City and nonprofit agencies have difficulty competing in the private market for land on which to develop affordable housing) and provides an opportunity for lower-income households to enter the home ownership market. Additionally, the Ordinance promotes mixed-income housing dispersed throughout the city, rather than concentrating affordable housing in specific locations, consistent with goals to achieve a balanced community, and provides residents within affordable housing units with the same access to public services such as parks, transit, and schools that are available in or near market-rate subdivisions.

Discussion

The administration of the City's local and federal funds, in concert with our community partners, has created a network of services to help individuals and families to access resources that help move them to self-sufficiency. The goal is to alleviate poverty by improving individual and family economic opportunities that help them to find and maintain affordable housing and jobs.

The Mayors Summit on Homelessness, held in April 2014, was an essential initial step to creating a coordinated response to the issue of homelessness in Livermore. As City leaders listened to constituents, service providers and persons experiencing homelessness, they realized that it would be necessary to gather additional information regarding the complex, interrelated causes that contribute to a person becoming homeless in Livermore. City leaders recognized that to obtain the information required regarding Livermore's homeless population, a more localized survey was needed. A local survey was conducted in October 2015 that provided a more comprehensive and in-depth assessment of Livermore's homeless population. Since the Homeless Summit and survey, the City has expanded its homeless services and outreach to include more focused case management services and the allocation of more eviction prevention resources.

<u>The City funds the following services to reduce the number of persons experiencing homelessness.</u>

The City most recently has contracted with CityServe of the Tri-Valley, an agency that works with homeless persons and families and those at risk of becoming homeless to find suitable housing and/or to help those at imminent risk of losing their housing to keep their housing. Additionally, the City has contracted with Abode Services to establish a Homeless Street Outreach Team (HSOT) that engages chronically homeless persons

experiencing homelessness in a variety of street encampments. Since beginning their work in July of 2014, the HSOT team has interacted and assisted over 130 persons experiencing homelessness.

Livermore was selected as one of five cities in Alameda County to participate in the AC Impact program; a program that targets chronic homeless persons who access our emergency and Police services with a permanent housing voucher coupled with support services. To leverage the funding, the City entered into a contract with Abode Services in FY 2019-2020 to allocate $16,000 in local In-Lieu funding for the provision of case management services to chronically homeless individuals.

The City of Livermore has provided in-kind staff support to the Planning Committee for the HOPE Van since 1999. This program, funded with US Department of Housing and Urban Development Supportive Housing Program funds through the City of Fremont, provides psychiatric and case management to homeless persons where they congregate in the community. The program provides services to the Fremont/Tri-City area four days per week and in Livermore one day per week.

In FY 2019-2020, the City will contract with Abode Services, Tri-Valley Haven and Eden Council for Hope and Opportunity (ECHO) to implement its Tenant-Based Rental Assistance (TBRA) Homeless Prevention Programs (HPP). The City has allocated $129,775 in HOME Investment Partnerships Program funding for TBRA and $107,531 in CDBG funding to support case management services for program participants.

AP-85 Other Actions - 91.420, 91.220(k)

Introduction

This section describes actions that the City of Livermore plans to undertake in FY 2019-2020 and during the Consolidated Plan period (FY 2015-2019) to meet the identified goals and priorities to address the obstacles and barriers to meeting the needs of the underserved residents of Livermore.
Consolidated Plan priorities include: 1) developing and maintaining affordable housing for low-income families, seniors, and disabled persons; 2) providing assistance to persons or households that are at risk of homelessness and those who are currently experiencing homelessness; 3) supporting initiatives that increase a low-income individual's ability to increase their household income; 4) improving community health and access to primary and specialty care including dental and optometric care, substance abuse, behavioral and mental health care services for low-income, uninsured and underinsured residents; and 5) supporting services that increase or maintain stability for limited English speaking persons through increased outreach and access to services.

The Human Services Commission convened two-community focus workshops one on Housing and Homelessness held on October 9, 2018, and another on Seniors, Youth, Health, Employment, and Education held on November 13, 2018. These workshops were convened to collect community input to contribute to the development of the FY 2019/2020 Action Plan. City staff organized a Homeless Community Listening focus group on November 7, 2018, to gather input from Livermore's homeless community. The three focus workshops had a combined 88 participants.

Actions planned to address obstacles to meeting underserved needs

The City of Livermore has adopted three local ordinances to assist in addressing the challenges to bridging the gaps and barriers to needed services by Livermore's underserved residents. The ordinances require developers of both new residential and new non-residential developments to contribute specifically to the City's need for affordable housing; to contribute to the development of infrastructure and facilities needed for service providers for the delivery of supportive services such as childcare, community care, and senior services; and to contribute to the delivery of human services in an effort to improve and expand the delivery of quality human services to low-income Livermore residents. These ordinances are in addition to local funded programs to assist in the provision of housing and services.

The City of Livermore is committed to creating affordable housing opportunities and providing social services that meet the needs of a variety of income levels and household types for all Livermore residents. The City continues to work proactively to implement its housing goals, policies, and programs that include addressing and mitigating potential obstacles, both market and governmental, to housing. To achieve this goal, the City will continue partnerships with other Cities in eastern Alameda County, San Ramon and Danville in Contra Costa County, government agencies, and non-profits to

continue to produce and maintain supportive services and housing that is affordable for all household types and income groups.

Actions planned to foster and maintain affordable housing

The City is addressing the lack of affordable housing by supporting and funding the development of new construction and the rehabilitation of affordable rental housing developments targeting households with incomes at or below 50 percent of the area median income (AMI). The City provides funding through its City Housing Trust Funds (In-lieu housing funds) and other funding sources for programs that promote and maintain affordable housing, such as ECHO Housing's Fair Housing Counseling and Landlord Tenant Mediation Services; and Abode Services for continued implementation if its Tenant-Based Rental Assistance (TBRA) programs for homeless persons, and youth ages 18-24 that are aging out of the Foster Care System. Within the next five years, the City of Livermore will support the development of nearly 400 new affordable housing units.

The City prioritizes the development of housing units and the implementation of affordable housing programs that address the needs of special user groups, i.e., individuals with disabilities, transitional age youth ("TAY"), large families, seniors, persons with disabilities, and homeless individuals. Through its Livermore Housing First initiative, the City focuses on developing permanent, supportive housing opportunities for homeless residents and those at risk of homelessness. The City continues to support and further explore the provision of emergency and transitional housing for homeless individuals and families.

The City promotes affordable homeownership for low and moderate-income households through the City's Mortgage Assistance and Below Market Rate (Inclusionary) purchase programs. In 2019, the City will continue to offer affordable purchase opportunities and low-interest, down payment and closing cost loan assistance to approximately 10 first-time homebuyers. The City leverages its local Housing Trust Funds (In-lieu housing funds) with other private and public sources. Layering sources of funds provides affordability to serve low-income purchasers at 80% AMI. In addition to new homebuyers, the City's Loan and Grant Rehabilitation Program will provide low-interest, deferred payment loans to existing low-income homeowners and grants of up to $10,000 for very low-income homeowners, whose homes need repairs and or improvements

The City is further addressing its housing affordability crisis by collaborating with agencies such as the Livermore Housing Authority (LHA) to establish incentive programs that pool local and federal resources to provide (Section 8) Housing Choice Voucher (HCV) participants' greater opportunities of success in securing housing in Livermore. Livermore landlords' have become resistant to renting to HCV participant households. The LHA addresses a large segment of the City's ongoing affordable housing needs through the Section 8 HCV program, which provides rental subsidies to approximately 725 very low- and low-income participants. To further address the unmet need for affordable housing in Livermore, LHA has committed 91 Project-Based Vouchers (PBV) to new and existing affordable housing developments that

target extremely low- and very low-income households in Livermore.

Actions planned to reduce lead-based paint hazards

Incidences of lead paint that come to the City's attention are addressed for low-income residents through the City's Housing Rehabilitation Program, currently administered by Habitat for Humanity of the East Bay.

Actions planned to reduce the number of poverty-level families

The mission of Livermore's Housing and Human Services (HHS) Division is to produce, preserve and support affordable housing to help low-income, homeless, senior and disabled populations; and to administer contracts with community organizations to assist low-income residents in obtaining necessary supportive services for youth, disabled, singles, families, and seniors.

The City places value on the efforts and services that focus on preventing those in poverty and those at-risk of becoming rooted in poverty. The City and its partners coordinate a diverse range of programs and services funded through multiple sources to help low-income families and individuals that are homeless, unemployed and populations with special needs. Not only does Livermore utilize HUD CDBG and HOME funds to improve the lives of low-income individuals and families through the provision of services such as employment job readiness, fair housing counseling, rental assistance, and legal resources for seniors, the City also contributes local funds annually to provide health and human services. Local funding sources include Affordable Housing In-lieu fees, Social Opportunity Endowment funds, and Human Services Facility fees.

Livermore's General Fund provides funding for its own Multi-Service Center (MSC), a one-stop facility where Livermore and other Tri-Valley residents can access services from a variety of non-profit and public agencies. The agencies housed at the MSC include:

- Alameda County Social Services Department where families and individuals can apply for MediCal, Cal Works, Cal Fresh, and General Assistance
- State Department of Rehabilitation, which provides work and life skills assistance to disabled persons
- Axis community health center, which provides primary medical care and mental health care services to uninsured individuals
- Abode Services Homeless Street Outreach Team, which offers housing programs linked to support services for low-income and homeless families and individuals. Housing options include transitional housing and permanent supportive housing. Support services include case management, primary and mental health care, substance recovery services, job counseling and placement, life skills classes, financial literacy training, and practical tenancy training.
- Community Resources for Independent Living (CRIL), which is a peer-based disability resource

organization that advocates and provides resources for people with disabilities to improve lives and make communities fully accessible.

The administration of the City's local and federal CDBG/HOME/Section 108 funds, in concert with other City departments' efforts and our community partners, has developed a network of services that have evolved as followed:

1. Assist individuals and families to access resources that help move them to self-sufficiency;

2. Prevent poverty for Livermore's low-income children, youth, young adults with developmental disabilities and those aging out of foster care through multiple education efforts, life skills training and comprehensive case management services; and

3. Alleviate poverty by improving individual and family economic opportunities that help them to find and maintain affordable housing and jobs.

Actions planned to develop institutional structure

The Human Services Program Specialist serves as the staff liaison to the Human Services Commission and assists in the implementation of the annual housing and human services grants program. The Housing and Human Services Division is part of the Community Development Department (CDD).

CDD includes the Housing and Human Services, Planning, Engineering, and Building Divisions. The Housing and Human Services Division is responsible for managing the City's Social Opportunity Endowment, Human Service Facility Fee, In-Lieu Low-Income Housing Fund, federal CDBG and HOME funds, and in developing housing initiatives including the Affordable Homeownership Opportunities and Mortgage Assistance Programs.

The Housing and Human Service Division works closely with staff in the Cities of Pleasanton and Dublin and other cities in the region to coordinate human service and housing initiatives. The Human Services Commissions of Livermore, Dublin, and Pleasanton hold joint meetings at least two times per year. The joint Commissions also collaborate to improve visibility and community support for local non-profits.

Actions planned to enhance coordination between public and private housing and social service agencies

There are many non-profit organizations whose activities are related to the provision of affordable housing and human service programs in the City of Livermore. The City actively works with the following groups: Interfaith Housing; Tri-Valley REACH, Inc.; MidPen Housing; Housing Consortium of the East Bay (HCEB); AID Employment; Eden Housing; BRIDGE Housing; Hello Housing; ECHO Housing; Tri-Valley Haven; Shepherd's Gate; Twin Valley Learning Center; Allied Housing; Habitat for Humanity; Open Heart Kitchen; Valley Care Hospital; Abode Services; East Bay Innovations; Futures Explored, Inc.; GRID

Alternatives; Spectrum Community Services; Tri-Valley Interfaith Poverty Forum; Alameda County Food Bank; Tri-City Health Center; Live Well: Livermore Healthy City Partnership; Kaiser Permanente, Community Grant Program; Community Resources for Independent Living; Child Care Links; Law Center for Families; Kidango; Kaleidoscope/Easter Seals Bay Area; Anthropos Counseling Center; Axis Community Health; Alameda County Housing and Community Development; Livermore Area Recreation and Park District (LARPD); Livermore Valley Joint Unified School District (LVJUSD); Tri-Valley Housing Opportunity Center (TVHOC); Community Association for Preschool Education (CAPE); CALICO; Legal Assistance for Seniors; Senior Support Program of the Tri- Valley; and Tri-Valley Haven.

Within the private industry, for-profit developers and lenders have assisted the development of affordable housing. For-profit developers have provided affordable single-family and multi-family housing units in compliance with the City's inclusionary housing program.

Lastly, the City's one-stop Multi-Service Center houses at least six major non-profit agencies, three Alameda County social service departments and California's Department of Rehabilitation, and Medi-Cal which conduct outreach and provide information and referral and other direct services to those with various needs. Community agencies are welcome to host regular meetings at the Multi-Service Center.

Discussion

The administration of the City's local and federal funds, in concert with our community partners, has created a network of services to help individuals and families to access resources that help move them to self-sufficiency. The goal is to alleviate poverty by improving individual and family economic opportunities that help them to find and maintain affordable housing and jobs.

The Mayors Summit on Homelessness, held in April 2014, was an essential initial step to creating a coordinated response to the issue of homelessness in Livermore. As City leaders listened to constituents, service providers and persons experiencing homelessness, they realized that it would be necessary to gather additional information regarding the complex, interrelated causes that contribute to a person becoming homeless in Livermore. City leaders recognized that to obtain the information required regarding Livermore's homeless population, a more localized survey was needed. A local survey was conducted in October 2015 that provided a more comprehensive and in-depth assessment of Livermore's homeless population.

<u>The City funds the following services to reduce the number of persons experiencing homelessness.</u>

The City contracted with Abode Services to establish a Homeless Street Outreach Team that engages chronically homeless persons experiencing homelessness in a variety of street encampments. Since beginning their work in July of 2014, the team has interacted and assisted over 130 persons experiencing homelessness.

Livermore was selected as one of five cities in Alameda County to participate in the AC Impact program;

a program that targets the chronic homeless persons that access our emergency and Police services with permanent housing vouchers coupled with support services. To leverage the funding, the City entered into a contract with Abode Services in FY 2019-2020 to allocate $16,000 in local In-lieu funding for the provision of case management services to chronically homeless individuals.

The City of Livermore has provided in-kind staff support to the Planning Committee for the HOPE Van since 1999. This program, funded with US Department of Housing and Urban Development Supportive Housing Program funds through the City of Fremont, provides psychiatric and case management to homeless persons where they congregate in the community. The program provides services to the Fremont/ Tri-City area four days per week and in Livermore one day per week.

In FY 2019-2020, the City will contract with Abode Services, Tri-Valley Haven and Eden Council for Hope and Opportunity (ECHO) to implement its Tenant-Based Rental Assistance (TBRA) Homeless Prevention Programs (HPP). The City has allocated $129,775 in HOME Investment Partnerships Program funding for TBRA and $107,531 in CDBG funding to support case management services for program participants.

Program Specific Requirements

AP-90 Program Specific Requirements - 91.420, 91.220(l)(1,2,4)

Introduction

Program income is anticipated from the City of Livermore Housing Rehabilitation Loan Program repayments, and rental income generated from the 141-149 North Livermore Avenue property that was acquired with Section 108 loan proceeds.

The City will allocate all program income to repay the Section 108 loan guarantee for 141-149 North Livermore Avenue property and to pay for ongoing operating and maintenance expenses for the property.

Community Development Block Grant Program (CDBG)
Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	$60,000
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	**$60,000**

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - *A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.*	80.00%

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING SUBSTANTIAL AMENDMENTS TO THE FISCAL YEAR 2019-2020 ANNUAL ACTION PLAN AND CITIZEN PARTICIPATION PLAN; APPROVING PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS (CDBG-CV) FUNDS PROGRAM IN THE AMOUNT OF $256,869 AND ALLOCATING THE CDBG-CV FUNDS TO RESPOND TO COVID-19; AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS

On March 27, 2020, *The Coronavirus Aid, Relief, and Economic Security* (CARES) Act (H.R. 748) was signed into law. The bill provided $5 billion to the Community Development Block Grant ("CDBG") program to rapidly respond to the COVID-19 pandemic. The U.S. Department of Housing and Urban Development ("HUD") informed the City that it was allocated $256,869 of Community Development Block Grant Coronavirus ("CDBG-CV") funds that the City may use for activities to support infectious disease response, specifically for COVID-19.

As a condition of receiving the CDBG-CV funds, the City was required to amend the HUD-approved FY 2019-2020 Annual Action Plan and Citizen Participation Plan to identify proposed activities for the expenditure of the CDBG-CV funds to address the COVID-19 crisis.

Staff proposed the Substantial Amendment to the FY 2019-2020 Annual Action Plan allocated CDBG-CV funds to eligible activities that prevent and respond to the spread of COVID-19. Citizen Participation Plan amendments were proposed to streamline the funding allocation process and reduce delays in accessing HUD funding during a state of emergency. HUD waived the requirements under 24 CFR 91.105(c)(2) and (k), 91.115(c)(2) and (l), provided that no less than five (5) days were provided for public comments on each Substantial Amendment. HUD also removed the requirement to hold in-person public meetings in order to comply with national and local social gathering restrictions.

The public service category and the eligible activities under the criteria were intended to increase the capacity and availability of targeted health services for infectious disease response within existing health facilities, and to provide for the delivery of meals to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.

Staff recommended allocating funding to the following eligible activities:

1. Axis Community Health – Medical Services ($100,000)
2. Open Heart Kitchen – Hot Meal and Homeless Encampment Meals ($75,000)
3. Spectrum Community Services – Meals on Wheels ($50,000)
4. Tri-Valley Haven – Mobile Food Pantry Program ($31,869)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livermore:

1. Approves the Substantial Amendments to the Fiscal Year 2019-2020 Annual Action Plan and Citizen Participation Plan, attached hereto as Exhibit A; and

2. Approves participation in the Community Development Block Grant Coronavirus (CDBG-CV) Funds Program in the amount of $256,869 and authorizes the allocation of funds as follows:

Axis Community Health – Medical Services ($100,000)

Open Heart Kitchen – Hot Meal and Homeless Encampment Meals ($75,000)

Spectrum Community Services – Meals on Wheels ($50,000)

Tri-Valley Haven – Mobile Food Pantry Program ($31,869).

BE IT FURTHER RESOLVED that the City Council of the City of Livermore authorizes the City Manager, or his designee, to sign, on behalf of the City of Livermore, all documents related to the issuance of CDBG-CV grant funds with agencies receiving allocations of funds from the City of Livermore and the U.S. Department of Housing and Urban Development.

On motion of Council Member Carling, seconded by Council Member Munro, the foregoing resolution was passed and adopted on June 22, 2020 by the following vote:

AYES: Council Members Carling, Coomber, Munro, Vice Mayor Woerner, Mayor Marchand
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

Marie Weber
City Clerk

Date: June 25, 2020

APPROVED AS TO FORM:

Kelly Trujillo
Assistant City Attorney

Exhibit A – Substantial Amendments to FY19-21 Action Plan and Citizen Participation Plan

EXHIBIT A

Substantial Amendments to HUD FY 2019-2020 Annual Action Plan & Citizen Participation Plan

The substantial amendments to the City of Livermore's HUD-approved FY 2019-2020 Annual Action Plan and Citizen Participation Plan addresses the community needs resulting from the COVID-19 pandemic. The City of Livermore, as an entitlement jurisdiction, is required by the U.S. Department of Housing and Urban Development (HUD) to submit an Annual Action Plans in order to receive annual federal Community Development Block Grant (CDBG) funds that the City uses to address community development needs throughout the city. The City's Citizen Participation Plan is critical in ensuring that Livermore residents are provided the opportunity to provide input and comment on the Action Plans.

The Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (H.R. 748), which provided $5 billion to the CDBG program to rapidly respond to the COVID-19 pandemic, was signed into law on March 27, 2020. With the passage of the CARES Act, the City of Livermore has been allocated $256,869 in CDBG Coronavirus (CDBG-CV) funds for COVID-19 response activities. To access these CDBG-CV funds, HUD is requiring the City to substantially amend its FY2019-2020 Annual Action Plan (Action Plan) as well as its corresponding Citizen Participation Plan. The substantial amendments to these documents are provided in details below.

The CARES Act, in order to prevent the spread of COVID-19 and mitigate its health and economic impacts, also provided specific waivers and permitted flexibility in CDBG program requirements that include suspending the 15 percent cap on funding for public services, reducing the public comment period from 30 days to 5 days, and allowing the option of virtual meetings in lieu of in- person public hearings in order to comply with national and local social gathering requirements.

Citizen Participation

The 5-day public comment period for the Substantial Amendments is June 15, 2020 through June 19, 2020. The Substantial Amendments are posted on the City's website to solicit Livermore residents' input and comments. A public hearing will be held at the June 22, 2020 "virtual" City Council meeting to further solicit public comments and to review and approve the submission of the Substantial Amendments to HUD. Written comments or inquiries may be submitted to Claudia Young, Human Services Program Manager, at cmyoung@cityoflivermore.net or at 925-960-4586.

Substantial Amendment
FY 2019-2020 Annual Action Plan

The FY 2019-2020 Annual Action Plan is substantially amended to allocate CDBG-CV funds to the following eligible activities that prevent and respond to the spread of COVID-19.

The following new language is added to the Annual Action Plan:
AP-35 Expected Resources
$256,869 in CDBG-CV funds is identified as additional financial resources.
AP-20 Goals
A new Action Plan goal is added support disaster response and recovery activities in the event of a local, state, or national disaster or emergency, such as the COVID-19 pandemic.
AP-35 Projects
The following COVID-19-related activities are proposed to be funded with the City's CDBG-CV funds. The proposed activities meet one of the three National Objectives as required by CDBG regulations:

- Benefit low-and-moderate income persons.
- Aid in the prevention or elimination of slums or blight, and
- Meet an urgent need.

Provider	COVID-19 Eligible Activity	National Objective	CDBG Matrix Code*	CDBG-CV Funds FY20-21
Axis Community Health	Response and Prevention	LMC**	05M Health Services	$ 100,000
Open Heart Kitchen	Meals for Seniors and Unsheltered	LMC	05Z Other Public Services	$ 75,000
Spectrum	Meals for Seniors and Disabled	LMC	05Z Other Public Services	$ 50,000
Tri Valley Haven	Meals for Seniors	LMC	05Z Other Public Services	$ 31,869
		Total	**$ 305,870**	**$ 256,869**

*Matrix codes are used to indicate—but do not establish—activity eligibility, in accordance with the CDBG program regulations at 24 CFR 570.201 – 570.207.
**LMC is Low/Mod Limited Clientele Benefit.

Substantial Amendment
Citizen Participation Plan

A new section: *Citizen Participation Requirements in State of Emergency* with the following language will be added to the City of Livermore current Citizen Participation Plan in order to streamline the funding allocation process and reduce delays in accessing HUD funding during a state of emergency.

The City of Livermore shall comply with all U.S. Department of Housing and Urban Development (HUD) memorandums and notices that transmit citizen participation requirements in the event of a local, state, or national emergency or disaster. In order to secure and access new HUD funding and/or re-allocate existing HUD funding to allow the City to respond to the state of emergency in the most expeditious manner, such HUD memorandums and notices automatically supersede any conflicting provisions of the Citizen Participation Plan, and therefore no formal amendment is required when such emergency memorandums and notices are in effect.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING A SECOND SUBSTANTIAL AMENDMENT TO THE FISCAL YEAR 2019-2020 ANNUAL ACTION PLAN; APPROVING PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS ROUND 3 (CDBG-CV3) FUNDS PROGRAM IN THE AMOUNT OF $549,388; ALLOCATING THE CDBG-CV3 FUNDS TO RESPOND TO COVID-19; APPROPRIATING $806,257 FROM FUND 613; AND AUTHORIZING THE EXECUTION OF ALL RELATED DOCUMENTS

On March 27, 2020, The Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) was signed into law. The bill provided $5 billion to the CDBG program to rapidly respond to the COVID-19 pandemic. The U.S. Department of Housing and Urban Development ("HUD") informed the City that it has been allocated $256,869 of Community Development Block Grant Coronavirus ("CDBG-CV") funds that the City may use for activities to support infectious disease response, specifically for COVID-19. As a condition of receiving the CDBG-CV funds, on June 22, 2020, the City Council approved the required amendment to the HUD-approved FY 2019-2020 Annual Action Plan and Citizen Participation Plan to streamline the funding allocation process and reduce delays in accessing HUD funding during a state of emergency.

On September 11, 2020, HUD informed the City that it has been allocated an additional $549,388 as a part of a third round of CDBG-CV funds. The Second Substantial Amendment to the FY 2019-2020 Annual Action Plan, attached as Exhibit A, allocates CDBG-CV3 funds to eligible activities that prevent and respond to the spread of COVID-19. The Council-approved Citizen Participation Plan was amended to allow for the HUD-waived requirements under 24 CFR 91.105(c)(2) and (k), and 91.115(c)(2) and (l), provided that no less than five (5) days are provided for public comments on each Substantial Amendment. HUD also removed the requirement to hold in-person public meetings in order to comply with national and local social gathering restrictions. The total of $806, 257 of CDBG-CV funds from the first and third round now need to be appropriated.

Staff recommended allocating the third round funding to the following eligible activities:

1. CityServe of the Tri-Valley – Case Management for Unsheltered ($150,000)
2. Axis Community Health – Health Response & Prevention ($100,000)
3. Open Heart Kitchen/Tri-Valley Haven – Food Distribution Program ($125,000)
4. CityServe of the Tri- Valley – Emergency Assistance ($150,000)
5. City of Livermore – Administration ($24,388)

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Livermore:

1. Approves the Second Substantial Amendment to the FY 2019-2020 Annual Action Plan, attached hereto as Exhibit A;

2. Approves participation in the Community Development Block Grant Coronavirus Round 3 ("CDBG-CV3") Funds Program in the amount of $549,388;

3. Authorizes the City Manager, or his designee, to sign, on behalf of the City of Livermore, all documents related to the issuance of CDBG-CV3 grant funds with agencies receiving allocations of funds from the City of Livermore and the U.S. Department of Housing and Urban Development; and

4. Appropriates $806,257 of CDBG-CV funds from Fund 613 to implement the $256,869 Community Development Block Grant Coronavirus ("CDBG-CV") award and the $549,388 CDBG-CV3 award.

On motion of Council Member Munro, seconded by Vice Mayor Woerner, the foregoing resolution was passed and adopted on November 23, 2020, by the following vote:

AYES: Council Members Carling, Munro, Vice Mayor Woerner, Mayor Marchand
NOES: None
ABSENT: Council Member Coomber
ABSTAIN: None

ATTEST:

Marie Weber
City Clerk

Date: December 3, 2020

APPROVED AS TO FORM:

Kelly Trujillo
Assistant City Attorney

Exhibit A – Second Substantial Amendment to FY2019-2021 Action Plan

Substantial Amendment
FY 2019-2020 Annual Action Plan

The FY 2019-2020 Annual Action Plan is substantially amended to allocate CDBG-CV3 funds to the following eligible activities that prevent and respond to the spread of COVID-19.

The following new language is added to the Annual Action Plan:

AP-35 Expected Resources
$549,388 in CDBG-CV3 funds is identified as additional financial resources.

AP-20 Goals
A new Action Plan goal is added.

Support disaster response and recovery activities in the event of a local, state, or national disaster or emergency, such as the COVID-19 pandemic.

AP-35 Projects
The following COVID-19-related activities are proposed to be funded with the City's CDBG-CV funds. The proposed activities meet one of the three National Objectives as required by CDBG regulations:

- Benefit low-and-moderate income persons.
- Aid in the prevention or elimination of slums or blight, and
- Meet an urgent need.

Provider	COVID-19 Eligible Activity	National Objective	CDBG Matrix Code	CDBG-CV 3 Funds FY20-21
CityServe	Prepare, Response, Prevention Case Management for Unsheltered	LMC	05Z Other Public Services	$ 150,000
Axis Community Health	Health Response and Prevention	LMC	05M Health Services	$ 100,000
Open Heart Kitchen/Tri-Valley Haven	Food Distribution Response and Prevention	LMC	05Z Other Public Services	$ 125,000
CityServe	Emergency Assistance Response and Prevention	LMC	05Z Other Public Services	$ 150,000
City	Administration-Prepare respond and prevent	N/A	N/A	$ 24,388
Total CDBG-CV-3				**$ 549,388**

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING THE THIRD SUBSTANTIAL AMENDMENT TO THE CITY OF LIVERMORE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROVED FISCAL YEAR (FY) 2019-20 ACTION PLAN; AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL RELATED DOCUMENTS; AND APPROVING A SUPPLEMENTAL APPROPRIATION OF $143,428 FROM FUND 613

The City submits an Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD) for their Community Development Block Grant Program (CDBG). On May 13, 2019, the City Council adopted resolution 2019-069 approving the Annual Action Plan for the FY 2019-20 CDBG program.

On March 27, 2020, The Coronavirus Aid, Relief, and Economic Security (CARES) Act (H.R. 748) was signed into law. The bill provided $5 billion to the CDBG program to rapidly respond to the COVID-19 pandemic. HUD informed the City that it had been allocated $256,869 of Community Development Block Grant Coronavirus (CDBG-CV) funds that the City could use for activities to support infectious diseases responses, specifically for COVID-19. As a condition of receiving the funds, on June 22, 2020, the City Council adopted resolution 2020-103 approving the first amendment to the HUD-approved FY 2019-20 Annual Action Plan.

On September 11, 2020, HUD informed staff that the City had received an additional $549,388 of CDBG-CV3 funds. As a condition of receiving the funds, on November 23, 2020, the City Council adopted resolution 2020-223, thereby approving the second amendment to the HUD-approved FY 2019-20 Annual Action plan. One of the approved activities for the CDBG-CV3 funds was for Open Heart Kitchen to run a food distribution site at the Alameda County Fairgrounds.

Open Heart Kitchen was unable to utilize the City's CDBG-CV3 grant funds for the food distribution program at the Fairgrounds prior to its closing in December 2021 and is requesting to amend their scope of work to support the Senior Meals Program. Due to the ongoing pandemic, providing meals to Livermore seniors continues to be a priority, and additional resources are needed to meet the growing demand.

In accordance with the City's Citizen Participation Plan, the City is required to do a substantial amendment anytime the City decides to substantially change the purpose, scope, location or beneficiaries of an activity included in the approved Action Plan. To facilitate Open Heart's Kitchen's request to use the CDBG-CV3 grant funds to support their Senior Meal Program, a third substantial amendment (Exhibit A to the resolution) is required to update the approved FY 2019-20 Action Plan to include the new activity.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore to:

1. Approve the Third Substantial Amendment to the City of Livermore's HUD approved FY 2019-20 Annual Action Plan, attached hereto as Exhibit A;
2. Authorize the City Manager to negotiate and execute related documents, agreements and modifications with the U.S Department of Housing and Urban Development (HUD) and the subgrantee Open Heart Kitchen;
3. Approve a supplemental appropriation in the amount of $143,428 in unspent CDBG-CV3 funds from Fund 613 for FY 2022-23.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Jason R. Alcala
Jason R. Alcala
City Attorney

Exhibit A – Third Substantial Amendment to the FY 2019-20 Annual Action Plan

Third Substantial Amendment
FY 2019-20 Annual Action Plan

The FY 2019-20 Annual Action Plan is substantially amended in the following area:

AP-35 Projects
The following COVID-19 related activity is updated from Open Heart Kitchen/Tri Valley Haven, Food Distribution Response and Prevention to the following proposed activity:

Provider	COVID-19 Eligible Activity	National Objective	CDBG Matrix Code*	CDBG-CV3 Funds
Open Heart Kitchen	Meals for Seniors	LMC**	05Z- Other Public Services	$125,0000

The proposed activity meets one of the three National objectives as required by CDBG regulations:
- Benefit low-and moderate-income persons.
- Aid in the prevention or elimination of slums or blight, and
- Meet an urgent need.

*Matrix codes are used to indicate, but do not establish, activity eligibility, in accordance with the CDBG program regulations at 24 CFR 570.201-570.207.
**LMC is Low/Mod Limited Clientele Benefit

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 6.3**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Hearing to consider resolutions adopting the Initial Study/Negative Declaration and the 2022 Climate Action Plan (2022 CAP).

RECOMMENDED ACTION

Staff and the Planning Commission recommend the City Council consider the 2022 Climate Action Plan (POLI 20-001) and adopt resolutions:

1. Adopting the October 17, 2022, Initial Study/Negative Declaration (IS/ND) for the Livermore Climate Action Plan Update; and
2. Adopting the 2022 Climate Action Plan.

SUMMARY

The 2022 Climate Action Plan (CAP) outlines a roadmap for the City of Livermore (the City) to prepare the community for climate impacts and establish a pathway to achieve carbon neutrality by 2045, consistent with State law. The strategies and actions in the 2022 CAP address impacts from climate hazards including extreme heat, wildfire smoke, flooding, and drought. Additionally, it identifies actions to reduce greenhouse gas emissions from the transportation, energy, water, and wastewater sectors. The CAP actions are evidence-based, ambitious but realistic, and supported by an implementation plan to keep the City on track to achieve its goals. Reducing greenhouse gas emissions and building resilience to the impacts of climate change will improve quality of life, public health, and the local economy now and for future generations of Livermore residents. The 2022 CAP builds from efforts in the City's first CAP, which was adopted in 2012. The 2022 CAP Final Draft is Attachment 9.

DISCUSSION

BACKGROUND

The City's leading documents on climate change are the General Plan Climate Change Element and the Climate Action Plan (CAP). Incorporated into the City's General Plan in 2009, the Climate Change Element includes policies aimed at reducing local contributions to climate change and encouraging

sustainable practices. The City Council adopted the first CAP in November 2012 (2012 CAP), which provided a framework to reduce community greenhouse gas (GHG) emissions consistent with the State's 2020 reduction goals and the City's Climate Change Element policies.

The 2012 CAP established a GHG emissions reduction goal of 15 percent below 2008 levels by 2020. Strategies included both municipal and community actions that addressed a variety of emission sources including building energy use, transportation and land use, water conveyance, wastewater treatment, solid waste generation, and urban forestry. The City's adherence to and participation in federal, state, and regional strategies also contributed to reductions in community GHG emissions. The City achieved the 2020 emissions reduction goal established in the 2012 CAP through a combination of local, regional, and State strategies.

The Climate Change Element calls for revisions to the CAP as appropriate. The City initiated an update to the CAP to establish new reduction targets consistent with new state goals. In 2016, the State adopted Senate Bill 32, which establishes new greenhouse gas emissions targets for 2030 (40% below 1990 levels) and 2050 (80% below 1990 levels). In 2018, Governor Jerry Brown signed Executive Order B-55-18, which sets a State goal to achieve carbon neutrality by 2045. In addition to reducing emissions, referred to as climate mitigation, the State passed Senate Bill 379, which requires cities to address climate adaptation and effectively plan for the impacts of climate change.

On January 13, 2020, the City Council adopted Resolution 2020-001 authorizing a Professional Services Agreement with Rincon Consultants (Rincon) and a scope of work for the updated Climate Action Plan. In addition to Rincon, the consultant team included subconsultants specializing in community engagement and climate action funding and financing. The scope included the following major components:

1. Update the community GHG emissions inventory to determine the sources of emissions in Livermore.
2. Establish new GHG reduction targets consistent with State goals.
3. Prepare a vulnerability analysis to assess the climate change impacts threatening Livermore.
4. Identify mitigation and adaptation strategies that will achieve the emissions reduction targets and prepare the city for climate change impacts.
5. Develop an implementation and monitoring strategy, including funding and financing mechanisms.
6. Engage the community throughout the process, including surveys, workshops, focus groups, and a citizens advisory committee.

On June 8, 2020, City Council established the Climate Action Plan Advisory Committee (CAPAC), which currently includes nine Livermore residents. The role of the CAPAC was to provide input and feedback to staff on key deliverables throughout the CAP update project. The CAPAC is a limited duration committee and will serve until City Council adopts the 2022 CAP.

The Planning Commission and City Council reviewed the vulnerability analysis, greenhouse gas emissions inventory, and new reduction targets on December 1, 2020, and January 11, 2021, respectively. On May 18, 2021, and June 28, 2021, respectively, the Planning Commission and City Council reviewed and provided feedback on the draft CAP strategies and actions.

At the same meeting, the City Council appointed Vice Mayor Gina Bonanno and Council Member Bob Carling to the City Council Climate Change Subcommittee. The Subcommittee provided feedback on the

2022 CAP with a focus on the CAP actions and implementation priorities. The Subcommittee has also provided feedback to staff on CAP implementation efforts already underway.

The Draft 2022 CAP was released for public review on October 14, 2022. The Climate Action Plan Advisory Committee reviewed the draft on October 26, 2022, provided overwhelmingly positive feedback, and recommended minor changes. CAPAC commended the document's tone, accessibility, and high-quality graphic design. On November 16, 2022, CAPAC voted unanimously to recommend City Council adopt the 2022 CAP. At the same meeting, CAPAC directed staff to provide the CAPAC Letter to City Council (Attachment 3) for review with the 2022 CAP.

The Planning Commission reviewed the 2022 CAP on November 1, 2022, and echoed CAPAC's comments on the document's overall accessibility, clarity, and appearance. The Planning Commission voted unanimously to recommend the City Council adopt the plan, with recommendations to add more emphasis on active transportation, transit, water conservation, and fire-safe development into the near-term priorities. A more detailed description of the Planning Commission's comments and staff responses are in the *Planning Commission Review* section below.

2022 CLIMATE ACTION PLAN

The 2022 CAP Final Draft (Exhibit B) combines information from technical analyses and feedback from the Climate Action Plan Advisory Committee (CAPAC), the City Council Climate Change Subcommittee, community stakeholders, and Livermore residents.

The document is organized into four main chapters, summarized below, which provide background on climate change in Livermore, detail Livermore's climate action strategy, and outline methods for effective implementation. In addition to the main chapters, the document includes an executive summary and appendices detailing the technical analyses that informed the climate action strategies in the plan, such as the emissions inventory and vulnerability analysis.

Chapter 1 - Introduction

Chapter 1 provides an overview of climate change and climate legislation in California. It also summarizes the City's past climate action efforts and the process of developing the 2022 CAP. For example, in between 2005 and 2017 Livermore's total GHG emissions have decreased by 17 percent, achieving the 2020 reduction target adopted by the City's previously adopted 2012 CAP.

Chapter 2 - Climate Change in Livermore

This chapter analyzes existing and anticipated future conditions related to climate change in Livermore. Livermore is likely to experience impacts from extreme heat and weather events, drought, and statewide wildfires. These impacts will have cascading effects on Livermore's residents, businesses, infrastructure, environment, and economy.

Livermore's GHG inventory measured emissions from residential and commercial energy usage, on-road passenger and commercial transportation, off-road transportation, landfilled waste, water, and wastewater. Total GHG emissions for 2017 were estimated to be 535,566 MT CO2e. The largest source of GHG emissions in Livermore was from on-road passenger and commercial transportation, which accounted for 59 percent of total emissions. The second largest amount of GHG emissions was from

natural gas usage in both residential and nonresidential buildings, which combined accounted for 23 percent of Livermore's total GHG emissions.

To be consistent with State goals, the 2022 CAP set emission reduction targets of 40% below 1990 levels by 2030 and carbon neutrality by 2045. For 2030, this translates to mass emission reductions of 128,238 MT CO2e in 2030, and 430,965 MT CO2e in 2045 based on current population projections.

The City's climate action strategy was informed by extensive community engagement. Over the course of the project, the City hosted the Climate Action Plan Advisory Committee meetings, an online survey, an open house, a public workshop, targeted focus groups, presentations to community groups, and pop-ups at the farmers market.

Many residents expressed concern over climate change impacts such as water availability, extreme heat, and poor air quality. Residents supported efforts to expand renewable energy sources, water conservation, alternative transportation modes, and improve resiliency in public infrastructure. Overall, most residents wanted the City to act on climate, but with cost effective and equitable strategies that preserve Livermore's status as a place where people can live, work, and raise families.

Chapter 3 - Livermore's Climate Action Strategy

Chapter 3 outlines the City's strategy to adapt to climate change impacts in Livermore and to continue to reduce local emissions that contribute to climate change. The strategy builds upon Livermore's previous efforts with actions that are equitable, achievable, and implementable.

The City developed a suite of adaptation strategies to increase Livermore's resilience to climate change impacts, prioritizing vulnerable communities and vital public facilities. The 2022 CAP includes adaptation strategies and actions including:

- Energy Resilience – Adding distributed energy resources like solar and batteries and working with partners to improve electrical grid reliability and capacity will be key to the City's energy resilience strategy.

- Drought – The City's drought strategy uses a range of policy and planning strategies to support water efficiency and on-site water re-use.

- Flooding – The City will implement a suite of natural (green) and engineered (grey) stormwater solutions to capture and infiltrate water while protecting infrastructure.

- Extreme Heat – Cooling urban areas via expanded shade structures and the urban tree canopy, ensuring energy resilience at cooling centers, building partnerships with trusted community-serving organizations and facilities, and incorporating emergency heat response into emergency operations.

- Wildfires – The City's wildfire adaptation strategy includes updated planning initiatives in the wildland/urban interface to protect infrastructure from potential fires as well as retrofitting existing buildings to protect occupants against poor air quality.

As the City works to protect the community from climate impacts, it will continue its efforts to reduce community-wide emissions. With full implementation of the CAP, Livermore expects to exceed the 2030 reduction target by 692 MT CO2e and provide substantial progress towards carbon neutrality by 2045. The following four sectors form the core of Livermore's GHG reduction strategy:

- Buildings and Energy – Building electrification will shift energy use from natural gas to electricity, maximizing GHG reductions from increasingly clean electricity, while also being cost-effective and improving indoor air quality for residents and businesses.

- Transportation and Land Use – Emissions reductions will come from increased adoption of electric vehicles (EVs), as well as increasing alternative transportation usage, such as transit, biking, and walking.

- Waste and Materials – These strategies focus on implementing the requirements of Senate Bill 1383, which will decrease the amount of organic waste that is landfilled and in turn reduce methane in landfills.

- Carbon Sequestration – New management practices on natural lands and protecting existing open spaces will help reduce net emissions.

The CAP includes important actions the City will take to lead the community by example to address climate change. The City will reduce emissions and improve resilience in its own operations, dedicate resources to implement the CAP, and develop equitable outreach programs to educate the community on ongoing climate initiatives. Additionally, the City will track and assess CAP implementation progress on a regular basis and adjust its strategies to account for future changes to technology and State law. By taking action, the City can build meaningful momentum in the community and achieve its goals.

Chapter 4 - Implementation Plan

Chapter 4 outlines a plan for CAP implementation to ensure tangible progress in the near-term. The implementation plan highlights priorities for the next five years, funding and financing options, tracking and reporting processes, and future CAP updates.

The CAP identifies nine priority areas on which the City will focus during the first five years of CAP implementation. These priority areas were identified because of their feasibility and ability to reduce GHG emissions, improve resilience, spark innovation and collaboration, and meaningfully engage the community. These priority areas include:

1. Lay the Groundwork: The City will create a brand for its climate efforts, establish an online resource hub, build a CAP tracking tool, and hire a Climate Action Manager to jumpstart CAP implementation.

2. Decarbonize Electricity and Materials: The City will enroll community East Bay Community Energy (EBCE) accounts into 100% renewable electricity and expand awareness of low-carbon and recycled building materials.

3. Electrify Buildings and Vehicles: The City will require new buildings to be all-electric, incentivize electrification retrofits in existing buildings, and expand requirements for EV charging.

4. Partner with Livermore's National Laboratories: The City will collaborate with Lawrence Livermore and Sandia National Labs on projects related to microgrids, soil carbon farming, and hydrogen fuel.

5. Engage with the Community Regularly: The City will engage with and educate the community through a variety of communication channels and events, highlight steps residents and businesses can take themselves and report implementation progress to the public.

6. Support City Related Efforts: The City will integrate climate mitigation and adaptation into other City plans and efforts like the General Plan, Active Transportation Plan, and Tri-Valley Hazard Mitigation Plan.

7. Utilize Assistance Programs and Funding: The City will maximize resources to implement the CAP by utilizing funding and technical assistance programs from partners such as East Bay Community Energy and StopWaste.

8. Study Heat and Drought Strategies: The City will conduct additional studies to identify opportunities to mitigate heat, conserve water resources, and expand the urban forest.

9. Develop a Neighborhood Retrofit Program: The City will develop a holistic neighborhood retrofit program that will provide information and resources for the community to upgrade their buildings to be more resilient, healthy, and decarbonized.

As strategies and actions are implemented, it is imperative to track and evaluate the overall impact of each effort. The City will track CAP implementation in its CAPDash tracking tool, report progress annually to City Council, and update the CAP every 5 years. If the City determines specific actions are not achieving the anticipated emissions reductions or resilience improvement, the City will revise its strategy to stay on track to meet its goals.

Chapter 4 concludes with a Community Activation Guide with actions that residents can take to help the City achieve its climate action goals. The City is currently building an online resource hub that will provide ongoing and up-to-date information on community actions.

PLANNING COMMISSION REVIEW

The Planning Commission reviewed the 2022 CAP on November 1, 2022, and voted unanimously to recommend the City Council adopt the plan. The Planning Commission commended the document's overall accessibility, clarity, and appearance, and stated that it should serve as an example for the City's future planning documents (see Attachments 1 and 2 - PC staff report draft PC minutes).

In general, the Planning Commission indicated that the priority actions in Chapter 4 were appropriate. However, the Commissioners discussed adding more emphasis on active transportation, transit, and jobs-housing balance in the near-term transportation priorities, in addition to electric vehicles and charging infrastructure. The Commissioners discussed how to find the right balance (e.g. not too much duplication) between the content in this document and related City documents like the Active Transportation Plan and General Plan.

The Commission also expressed support for actions related to water conservation, incentives for tenants and multifamily property owners, and fire-safe development in the near-term. The Commissioners appreciated the commitment to tracking implementation progress, annual reporting, and regular CAP updates.

Based on the Planning Commission's feedback, staff added actions to the near-term priorities related to rental and multifamily property owners, promoting jobs-housing balance, and facilitating complete and walkable neighborhoods.

ENVIRONMENTAL DETERMINATION

An Initial Study Negative Declaration (ISND) was prepared for the Project (Attachment 5) in accordance with the provisions of the California Environmental Quality Act (CEQA). The ISND finds that there is no substantial evidence that the project will have a significant impact on the environment. The City accepted public comments on the draft ISND from October 20 to November 18, 2022, and it was sent to the State Clearinghouse for review.

NEXT STEPS

After City Council adopts the 2022 CAP, the City will launch a community outreach program to promote the plan and encourage residents to get involved. Individuals, businesses, and community groups all have a critical role to play in achieving the City's climate action goals. Reducing greenhouse gas emissions and building resiliency to the impacts of climate change will improve quality of life, public health, and the local economy now and for future generations of Livermore residents.

FISCAL AND ADMINISTRATIVE IMPACTS

The City Council approved a contract for consultant services with Rincon on January 13, 2020 with a budget of $215,000. The costs for both consultant and staff time on this project were covered under the existing Fiscal Years 2020-21 and 2021-22 General Fund budget. The fiscal and administrative impacts of CAP implementation will be considered separately on a project-by-project basis.

ATTACHMENTS

1. PC Staff Report
2. Draft PC Meeting Minutes
3. CAPAC Letter to City Council
4. Resolution - CEQA
5. Exhibit A - PC Reso 25-22, CEQA
6. Exhibit B - Initial Study Negative Declaration
7. Resolution - Project
8. Exhibit A - PC Reso 26-22, Project
9. Exhibit B - 2022 CAP Final Draft

Prepared by: Tricia Pontau
Senior Planner

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

LIVERMORE
CALIFORNIA

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

DATE: November 1, 2022

TO: Chairperson and Members of the Planning Commission

FROM: Steve Stewart, Planning Manager

SUBJECT: Consideration of the 2022 Climate Action Plan.

RECOMMENDED ACTION

Staff recommends the Planning Commission consider the 2022 Climate Action Plan (POLI 20-001) and adopt resolutions recommending the City Council adopt resolutions:

1. Adopting the October 17, 2022, Initial Study/Negative Declaration (IS/ND) for the Livermore Climate Action Plan Update; and
2. Adopting the 2022 Climate Action Plan

The Planning Commission's action is a recommendation to City Council.

SUMMARY

The 2022 Climate Action Plan (CAP) outlines a roadmap for the City of Livermore (the City) to prepare the community for climate impacts and establish a pathway to achieve carbon neutrality by 2045, consistent with State law. The strategies and actions in the 2022 CAP address impacts from climate hazards including extreme heat, wildfire smoke, flooding, and drought. Additionally, it identifies actions to reduce greenhouse gas emissions from the transportation, energy, water, and wastewater sectors. The CAP actions are evidence-based, ambitious but realistic, and supported by an implementation plan to keep the City on track to achieve its goals. Reducing greenhouse gas emissions and building resilience to the impacts of climate change will improve quality of life, public health, and the local economy now and for future generations of Livermore residents. The 2022 CAP builds from efforts in the City's first CAP, which was adopted in 2012.

DISCUSSION

BACKGROUND

The City's leading documents on climate change are the General Plan Climate Change Element and the Climate Action Plan (CAP). Incorporated into the City's General Plan in 2009, the Climate Change Element includes policies aimed at reducing local contributions to climate change and encouraging

sustainable practices. The City Council adopted the first CAP in November 2012 (2012 CAP), which provided a framework to reduce community greenhouse gas (GHG) emissions consistent with the State's 2020 reduction goals and the City's Climate Change Element policies.

The 2012 CAP established a GHG emissions reduction goal of 15 percent below 2008 levels by 2020. Strategies included both municipal and community actions that addressed a variety of emission sources including building energy use, transportation and land use, water conveyance, wastewater treatment, solid waste generation, and urban forestry. The City's adherence to and participation in federal, state, and regional strategies also contributed to reductions in community GHG emissions. The City achieved the 2020 emissions reduction goal established in the 2012 CAP through a combination of local, regional, and State strategies.

The Climate Change Element calls for revisions to the CAP as appropriate. The City initiated an update to the CAP to establish new reduction targets consistent with new state goals. In 2016, the State adopted Senate Bill 32, which establishes new greenhouse gas emissions targets for 2030 (40% below 1990 levels) and 2050 (80% below 1990 levels). In 2018, Governor Jerry Brown signed Executive Order B-55-18, which sets a State goal to achieve carbon neutrality by 2045. In addition to reducing emissions, referred to as climate mitigation, the State passed Senate Bill 379, which requires cities to address climate adaptation and effectively plan for the impacts of climate change.

On January 13, 2020, the City Council adopted Resolution 2020-001 authorizing a Professional Services Agreement with Rincon Consultants (Rincon) and a scope of work for the updated Climate Action Plan. In addition to Rincon, the consultant team included subconsultants specializing in community engagement and climate action funding and financing. The scope included the following major components:

- Update the community GHG emissions inventory to determine the sources of emissions in Livermore.
- Establish new GHG reduction targets consistent with State goals.
- Prepare a vulnerability analysis to assess the climate change impacts threatening Livermore.
- Identify mitigation and adaptation strategies that will achieve the emissions reduction targets and prepare the city for climate change impacts.
- Develop an implementation and monitoring strategy, including funding and financing mechanisms.
- Engage the community throughout the process, including surveys, workshops, focus groups, and a citizens advisory committee.

On June 8, 2020, City Council established the Climate Action Plan Advisory Committee (CAPAC), which currently includes nine Livermore residents. The role of the CAPAC was to provide input and feedback to staff on key deliverables throughout the CAP update project. The CAPAC is a limited duration committee and will serve until City Council adopts the 2022 CAP.

The Planning Commission and City Council reviewed the vulnerability analysis, greenhouse gas emissions inventory, and new reduction targets on December 1, 2020, and January 11, 2021, respectively. On May 18, 2021, and June 28, 2021, respectively, the Planning Commission and City Council reviewed and provided feedback on the draft CAP strategies and actions.

At the same meeting, the City Council appointed Vice Mayor Gina Bonanno and Council Member Bob Carling to the City Council Climate Change Subcommittee. The Subcommittee provided feedback on the

2022 CAP with a focus on the CAP actions and implementation priorities. The Subcommittee has also provided feedback to staff on CAP implementation efforts already underway.

The Draft 2022 CAP was released for public review on October 14, 2022. The Climate Action Plan Advisory Committee reviewed the draft on October 26, 2022, and provided overwhelmingly positive feedback with minor recommended changes. CAPAC stated that the document conveys the appropriate tone, is accessible and not overly technical, and has a high quality graphic design. More details about CAPAC's review will provided during staff's presentation at the Planning Commission meeting. CAPAC will make its final recommendation to City Council at its November 16, 2022, meeting.

DRAFT 2022 CLIMATE ACTION PLAN

The Draft 2022 CAP (Attachment 2, Exhibit A) combines information from technical analyses and feedback from the Climate Action Plan Advisory Committee (CAPAC), the City Council Climate Change Subcommittee, community stakeholders, and Livermore residents.

The document is organized into four main chapters, summarized below, which provide background on climate change in Livermore, detail Livermore's climate action strategy, and outline methods for effective implementation. In addition to the main chapters, the document includes an executive summary and appendices detailing the technical analyses that informed the climate action strategies in the plan, such as the emissions inventory and vulnerability analysis.

Chapter 1 - Introduction

Chapter 1 provides an overview of climate change and climate legislation in California. It also summarizes the City's past climate action efforts and the process of developing the Draft 2022 CAP. For example, in between 2005 and 2017 Livermore's total GHG emissions have decreased by 17 percent, achieving the 2020 reduction target adopted by the City's previously adopted 2012 CAP.

Chapter 2 - Climate Change in Livermore

This chapter analyzes existing and anticipated future conditions related to climate change in Livermore. Livermore is likely to experience impacts from extreme heat and weather events, drought, and statewide wildfires. These impacts will have cascading effects on Livermore's residents, businesses, infrastructure, environment, and economy.

Livermore's GHG inventory measured emissions from residential and commercial energy usage, on-road passenger and commercial transportation, off-road transportation, landfilled waste, water, and wastewater. Total GHG emissions for 2017 were estimated to be 535,566 MT CO2e. The largest source of GHG emissions in Livermore was from on-road passenger and commercial transportation, which accounted for 59 percent of total emissions. The second largest amount of GHG emissions was from natural gas usage in both residential and nonresidential buildings, which combined accounted for 23 percent of Livermore's total GHG emissions.

To be consistent with State goals, the 2022 CAP set emission reduction targets of 40% below 1990 levels by 2030 and carbon neutrality by 2045. For 2030, this translates to mass emission reductions of 128,238 MT CO2e in 2030, and 430,965 MT CO2e in 2045 based on current population projections.

The City's climate action strategy was informed by extensive community engagement. Over the course of the project, the City hosted the Climate Action Plan Advisory Committee meetings, an online survey, open house, public workshop, targeted focus groups, presentations to community groups, and pop-ups at the farmers market.

Many residents expressed concern over climate change impacts such as water availability, extreme heat, and poor air quality. Residents supported efforts to expand renewable energy sources, water conservation, alternative transportation modes, and improve resiliency in public infrastructure. Overall, most residents wanted the City to act on climate, but with cost effective and equitable strategies that preserve Livermore's status as a place where people can live, work, and raise families.

Chapter 3 - Livermore's Climate Action Strategy

Chapter 3 outlines the City's strategy to adapt to climate change impacts in Livermore and to continue to reduce local emissions that contribute to climate change. The strategy builds upon Livermore's previous efforts with actions that are equitable, achievable, and implementable.

The City developed a suite of adaptation strategies to increase Livermore's resilience to climate change impacts, prioritizing vulnerable communities and vital public facilities. The 2022 CAP includes adaptation strategies and actions including:

- Energy Resilience – Adding distributed energy resources like solar and batteries and working with partners to improve electrical grid reliability and capacity will be key to the City's energy resilience strategy.

- Drought – The City's drought strategy uses a range of policy and planning strategies to support water efficiency and on-site water re-use.

- Flooding – The City will implement a suite of natural (green) and engineered (grey) stormwater solutions to capture and infiltrate water while protecting infrastructure.

- Extreme Heat – Cooling urban areas via expanded shade structures and the urban tree canopy, ensuring energy resilience at cooling centers, building partnerships with trusted community-serving organizations and facilities, and incorporating emergency heat response into emergency operations.

- Wildfires – The City's wildfire adaptation strategy includes updated planning initiatives in the wildland/urban interface to protect infrastructure from potential fires as well as retrofitting existing buildings to protect occupants against poor air quality.

As the City works to protect the community from climate impacts, it will continue its efforts to reduce community-wide emissions. With full implementation of the CAP, Livermore expects to exceed the 2030 reduction target by 692 MT CO2e and provide substantial progress towards carbon neutrality by 2045. The following four sectors form the core of Livermore's GHG reduction strategy:

- Buildings and Energy – Building electrification will shift energy use from natural gas to electricity, maximizing GHG reductions from increasingly clean electricity, while also being cost-effective and

improving indoor air quality for residents and businesses.

- Transportation and Land Use – Emissions reductions will come from increased adoption of electric vehicles (EVs), as well as increasing alternative transportation usage, such as transit, biking, and walking.

- Waste and Materials – These strategies focus on implementing the requirements of Senate Bill 1383, which will decrease the amount of organic waste that is landfilled and in turn reduce methane in landfills.

- Carbon Sequestration – New management practices on natural lands and protecting existing open spaces will help reduce net emissions.

The CAP includes important actions the City will take to lead the community by example to address climate change. The City will reduce emissions and improve resilience in its own operations, dedicate resources to implement the CAP, and develop equitable outreach programs to educate the community on ongoing climate initiatives. Additionally, the City will track and assess CAP implementation progress on a regular basis and adjust its strategies to account for future changes to technology and State law. By taking action, the City can build a meaningful momentum in the community and achieve its goals.

Chapter 4 - Implementation Plan

Chapter 4 outlines a plan for CAP implementation to ensure tangible progress in the near-term. The implementation plan highlights priorities for the next five years, funding and financing options, tracking and reporting processes, and future CAP updates.

The CAP identifies nine priority areas on which the City will focus during the first five years of CAP implementation. These priority areas were identified because of their feasibility and ability to reduce GHG emissions, improve resilience, spark innovation and collaboration, and meaningfully engage the community. These priority areas include:

1. Lay the Groundwork: The City will create a brand for its climate efforts, establish an online resource portal, build a CAP tracking tool, and hire a Climate Action Manager to jumpstart CAP implementation.

2. Decarbonize Electricity and Materials: The City will enroll community East Bay Community Energy (EBCE) accounts into 100% renewable electricity and expand awareness of low-carbon and recycled building materials.

3. Electrify Buildings and Vehicles: The City will require new buildings to be all-electric, incentivize electrification retrofits in existing buildings, and expand requirements for EV charging.

4. Partner with Livermore's National Laboratories: The City will collaborate with Lawrence Livermore and Sandia National Labs on projects related to microgrids, soil carbon farming, and hydrogen fuel.

5. Engage with the Community Regularly: The City will engage with the community through a variety of communication channels and events and report implementation progress to the public.

6. Support City Related Efforts: The City will integrate climate mitigation and adaptation into other City plans and efforts like the Active Transportation Plan and Tri-Valley Hazard Mitigation Plan.

7. Utilize Assistance Programs and Funding: The City will maximize resources to implement the CAP by utilizing funding and technical assistance programs from partners such as East Bay Community Energy and StopWaste.

8. Study Heat and Drought Strategies: The City will conduct additional studies to identify opportunities to mitigate heat, conserve water resources, and expand the urban forest.

9. Develop a Neighborhood Retrofit Program: The City will develop a holistic neighborhood retrofit program that will provide information and resources for the community to upgrade their buildings to be more resilient, healthy, and decarbonized.

As strategies and actions are implemented, it is imperative to track and evaluate the overall impact of each effort. The City will track CAP implementation in its CAPDash tracking tool, report progress annually to City Council, and update the CAP every 5 years. If the City determines specific actions are not achieving the anticipated emissions reductions or resilience improvement, the City will revise its strategy to stay on track to meet its goals.

Chapter 4 concludes with a Community Activation Guide with actions that residents can take to help the City achieve its climate action goals. The City is currently building an online resource hub that will provide ongoing and up-to-date information on community actions.

ENVIRONMENTAL DETERMINATION

An Initial Study Negative Declaration (ISND) was prepared for the Project (Attachment 1, Exhibit A) in accordance with the provisions of the California Environmental Quality Act (CEQA). The ISND finds that there is no substantial evidence that the project will have a significant impact on the environment. The City is accepting public comments on the draft ISND until November 18, 2022 and it has been sent to the State Clearinghouse for review. The City Council will consider adopting the final draft ISND on November 28.

NEXT STEPS

The Climate Action Plan Advisory Committee will review the final draft and make a recommendation to City Council on November 16, 2022. The final Draft 2022 CAP will be considered by the City Council on November 28, 2022. After City Council adopts the 2022 CAP, the City will launch a community outreach effort to promote the plan and encourage residents to get involved. Individuals, businesses, and community groups all have a critical role to play in achieving the City's climate action goals. Reducing greenhouse gas emissions and building resiliency to the impacts of climate change will improve quality of life, public health, and the local economy now and for future generations of Livermore residents.

ATTACHMENTS

1. Resolution - CEQA
2. Exhibit A - CEQA IS-ND

3. Resolution - Project Approval
4. Exhibit A - 2022 CAP

Prepared by: Tricia Pontau
Senior Planner

ATTACHMENT 2

PLANNING COMMISSION
REGULAR MEETING MINUTES

November 1, 2022

1. CALL TO ORDER – The meeting of the Planning Commission was called to order by Chairperson Steven Dunbar at 7:00 p.m., via Zoom teleconferencing.

2. ROLL CALL – Present were Chairperson Steven Dunbar, Vice Chairperson Daniel Leary, CM Jacob Anderson, CM Evan Branning, and CM John Stein.

Also present were: Planning Manager Steve Stewart, Senior Assistant City Attorney Kim Cilley, Senior Planner Tricia Pontau, Associate Planner Ashley Vera, Principal Planner Stephen Riley, Senior Civil Engineer Debbie Salgado, Division Clerk Michele Donley.

PLEDGE OF ALLEGIANCE – Led by Chairperson Dunbar.

2. CITIZENS FORUM – None.

3. CONSENT CALENDAR – None.

4. PROJECT REVIEW – None.

5. PUBLIC HEARINGS

5.1 Consideration of the 2022 Climate Action Plan.

Recommendation:

Staff recommends the Planning Commission consider the 2022 Climate Action Plan (POLI 20-1 and adopt resolutions recommending the City Council adopt resolutions:

1. Adopting the October 17, 2022, Initial Study/Negative Declaration (IS/ND) for the Livermore Climate Action Plan Update; and

2. Adopting the 2022 Climate Action Plan

The Planning Commission's action is a recommendation to City Council.

Senior Planner Tricia Pontau gave the staff report and overview of the matter.

Chairperson Dunbar opened the public comment period.

Alan Marling spoke about priorities for the plan in transportation and the potential for war for lithium to charge electric vehicles. Instead, he suggested prioritization of mass public transit needs, asked why the Action Plan has such a low potential for Valley Link, thinks highway lanes should be reserved for buses, promoted trains, suggested all public transportation should be free, supported expansion of safe bike paths, encourage working from home, and funding public transport like the Livermore Wine Trolley. He asked that the Commission approve the CAP with an amended prioritization on transportation.

Chairperson Dunbar suggested the Commission first review 1) the consistency in the EIR and CEQA analysis; 2) priorities; and 3) general comments.

EIR and CEQA Analysis:

Chairperson Dunbar asked and confirmed all Commissioners were supportive of the EIR and CEQA analysis.

Regarding priorities, he asked for comments and all Commissioners prefaced their comments by indicating how well the document was prepared, how refined, easy to read, and educational it is, and thanked staff.

Priorities:

CM Anderson referred to the transportation priority or action plan priority, said Commissioners had emphasized bicycling, active transportation, and he questioned why the active transportation goal shrunk down from the first draft the Commission received.

Ms. Pontau explained that the Council subcommittee wants the actions in the plan to be realistic and there was concern about how realistic some of the goals were for VMT shift, and if those were defensible. This is also related to the CEQA defensibility of the GHG reductions and whether the State would believe that the City could achieve that amount of reductions from VMT shift. The City must be clear about what it has influence on, what it does not, and be realistic about what it can accomplish. For example, the City does not control the transit system but it can adopt land use policies that facilitate more transit use.

There was also some concern about having too much detail about specific active transportation actions when those may belong in the Active Transportation Plan (ATP) and getting things out of sync with what they say in that plan versus this plan. The City is coming up on another update to the ATP soon and will try to strike the right balance between what should be in this document and in other related documents like the ATP or the Hazard Mitigation Plan.

CM Anderson referred to Action T-3.1; Accelerate the Implementation of the Livermore ATP. He feels this action is doing too many things they want out of this strategy, suggested it be flushed out to three actions; 1) focusing on the short-term like things they can do for free or low cost and easy to implement; 2) one long-term and higher costs, and 3) something like grant-writing items and getting funding to implement larger scale projects. He knows these are things they already do, but he wants to make sure they can solidify this in the plan.

Chairperson Dunbar asked staff to display the priority slide.

CM Stein said he looked at priorities differently. The three priorities he saw were transportation, electricity, and water. Regarding transportation, they will be rapidly moving towards electric vehicles which have several advantages and these should be much lower maintenance and a longer lifespan which equals less consumption of resources and reduction of GHGs. He was surprised with figures of population and the ratio of electric vehicles, revealing almost one vehicle for every adult in the City which is high. He then spoke about a reliance on public transit and BART's current and expected future ridership figures, but questioned how mass transit would be funded without ridership.

It seems it was also assumed that electrical power costs will not go up significantly and reliability will remain constant. Instead, this will require massive investments involving movement towards renewables, storage, batteries, and hydrogen. The grid will need to be enlarged, homeowners will need to transition from natural gas to electric for all uses, and the question is how to fund this and maintain reliability.

Regarding water, he thinks this was passed over. He spoke about the municipal water and sewer system adequacy, suggested lobbying for on and off stream water storage and conservation, maximizing recharge, ensuring new growth provides additional water, and looking at increased wells in the area.

Lastly, one time use will probably not be possible and they should be looking at river osmosis. The problems there are not technical but psychological and how to convince the population that the water is high quality water.

Electric vehicles and electrification of households will solve many problems. He looks at priorities as focusing on the economics of providing the money to provide power, water, and mass transit because it all costs money. As federal funds dry up, MTC tends to focus on maintaining the dense urban transit such as BART, AC Transit, Muni, and LAFTA has always been at the tail end.

CM Branning thinks water is something very important to highlight and this is covered under number 8 on the list. However, given the impact they are already seeing with drought, it is not strong enough language and action. He suggested wording it in a way that shows the City is acting on it and not just looking into it and possibly splitting out water as a specific priority.

He also agrees with the speaker that there is not enough included about trying to get people out of cars and was not sure where promoting active transportation would fall under the nearer term implementation priorities, particularly getting improved mass transit and public transit.

He disagreed with CM Anderson about expanding on the mention of the ATP. He thinks given what they are doing with the General Plan, ATP, Housing Element, Climate Action Plan, and many others being rewritten, making sure the different plans generally are working with each other is important. On priorities, he would like to see more mention of active transportation and mass transit but does not think it needs to be defined as clearly as was mentioned.

Lastly, one of the things missing is a lot related to condos and apartments which have few incentives for an HOA to make improvements while individual condo owners and apartment renters might have reasons they want to improve. The HOA is often not incentivized to do that, and he thinks making sure they look at that as one of the priorities of the study areas going forward will be a very important part of the priorities for this plan.

Vice Chairperson Leary said many of the questions he had did not come forth until Appendix A. He liked the way the captions were used throughout the early part of the document and asked for more of this as well as having local photographs rather than stock photos.

He then referred to Chapter 3 and page 31 which gets into discussion about adaptation. Under the section, “Wildfire” there are 5 bullets. He did not see undergrounding overhead power lines given this was the cause of some fires. In Alameda County, emergency evacuation routes are established so everybody knows where they are. He suggested some adaptation in terms of fire breaks and work with the Fire District on this.

On the same page there are bullets under Adaptation under Drought items. He suggested water-efficient landscape requirements to help get there. On Page 34, Table 3-3, he was intrigued by waste and the materials and how much that contributed to CO2. Transitioning to electric vehicles will reduce the megatons by 93,000 but reducing waste will reduce it by 22,00 and he asked if there was more to it than sorting garbage.

Ms. Pontau explained that most emission reductions associated with waste actions will be the result of SB 1383 which is aimed at getting organic waste out of the landfill, requirements for municipalities to procure a lot of compost or mulch, and applying that through many programs. It moves beyond recycling to focusing on organic waste from the landfills.

Vice Chairperson Leary referred to page 41 and said it is a good idea to expand the deployment of microgrids and having a pilot microgrid in a vulnerable community. Those are areas where people are more affected because they are more likely to work outside or not have the same access to air conditioning, so maybe this is a possibility.

He referred to page 54 which gets into the electrification ordinance and retrofitting existing buildings. He interpreted this as being studied in the future. Ms. Pontau said yes, there will be a cost analysis and feasibility study for existing building electrification which will be something in the future.

Vice Chairperson Leary referred to SB 1383 and thinks it would be a good idea to have more information about that bill on page 67.

Lastly, in Chapter 4, page 88 talks about in 2026 they will try to establish resources having to do with retrofitting homes and a list of manufacturers and contractors with information to community members. It might be better to start this sooner because if someone gave him a list, he thinks people would do it sooner than 2026.

Chairperson Dunbar said there are three things when thinking about priorities. There are priority themes, things people care about day to day, priority actions in terms of what staff does, and there are top actions of the highest value for reductions both community facing and staff facing. It is either vehicle reductions or communications to encourage people to take those reductions. He thinks the plan covers them but delineating those three ideas in the plan earlier might be helpful because people may take it in different ways.

In terms of priorities here, those in front of the Commission are good in that all of them are laying the groundwork based on current staff resources so the list is very helpful. Even the EV part of this in 2024 is really a cost estimate and standards for EV charging that get developed after that point. So, he thinks they are at a good place for staff actions.

To CM Anderson, public comment tonight, and CM Branning's point about active transportation, in splitting the difference here they do not want to make this inconsistent with other plans. The way he views the document is direction to the staff member they hire in the future and making it easier for that person to be accountable and hold others accountable through this document. So, the plan will not try to change any design standards of the ATP. But, what it can do if broken out a bit more is to hold the right group of people accountable to the ATP at the right time.

The breakdown in active transportation could apply to public transit, as well. It is memorializing things they are already trying to do, letting that staff person know that they need to make sure the resources available when the opportunities come up, and that the current staff be empowered to stop on a different project to work on this high priority item. He thinks this is the kind of direction he will look to staff to implement when this goes to the City Council. It is to break both the active transportation and the transit part into both short-term and long-term steps with some sort of reference.

One thing he did notice that is missing from transit is a reference to the Wheel's current plans. He thinks it should be in the bibliography and having a reference that they already have a plan and he asked to make sure they are already implementing it.

Lastly, the staff report covers very well about what happens if they need to change and they are not hitting the targets. They will review the plan in 5 years, someone is held accountable, and he suggested thinking about what is the trigger that causes it to come back or how far do they need to be off before they realize they need to make a change. Having some concept will help them re-think or review these priorities if they are behind.

General Comments:

Chairperson Dunbar then asked for more general comments from Commissioners

CM Branning commented that they are going through many plans right now and making sure this and others are consistent with each other. Going forward, they do not have those general issues. When they get to working on retrofitting buildings he thinks incentives are a great starting point and it is important to get the message out and are marketing the incentives.

For the plans not budgeted currently, of concern are some of the higher dollar investments which will require a higher level of investment which almost always requires federal or State money. He is also a bit concerned with the 5-year plan update cycle in that their first major milestone is 2030. If they have a 5-year update in 2027 this will be problematic if they find issues so it might be worth shifting the 5-year update to maybe 2, 4-year updates between now and 2030, and once they hit 2030, he suggested switching to a 5-year so this adds an extra year of lead time.

Then one of the things SB 1383 legalized was the donation of food from restaurants, but because of the way it used to be implemented, most people in the restaurant industry would say it is illegal to donate prepared food after closing. It is not a common practice. Therefore, he thinks they should focus on an education effort to restaurants and commercial kitchens. Non-profits are often looking for more food, restaurants are still throwing away a lot of food, so he thinks people do not understand the new rules around food disposal and what they can do with it.

Lastly, he is very concerned about condos and apartments and how investments can work for them. He thinks it will be very expensive to install EV charging stations because some wiring is so old and the HOA is typically not able to afford it. He again thanked staff for the document and thinks it should serve as a model for its ease of reading, use of actions, statements, and visuals.

CM Stein thanked staff and Rincon Consultants, the subcommittee, and two Councilmembers who did the work. The plan is an easy and an enjoyable document to read. In regards to the implementation, two areas he would have liked to see more focus on were the tree canopy. One of the priorities might be to do a survey of the current status with drones or satellites, and there is a lot of information available such as the infrared temperature and canopy coverage. Some programs can identify broadly what species of trees are present. He suggested doing bulk installations or putting in smaller trees but this is very important for climate.

Overall, everyone will live in a world that is hotter and dryer and as there will be less land to grow food, changes, disease outbreaks, rising sea level, and some areas of the planet may become unlivable. Regarding implementation, for flooding they should look at upstream storage and more in-valley storage for water supply, and to try and locate structures further from the centerline of the Arroyos.

He suggested looking at building setbacks and at wider allowances for stream flows. For wildfires, a clear delineation between wildlands and urban lands is one advantage Livermore has with its growth boundary, but perhaps fire breaks and fire-resistant landscaping should be considered. They should look at passive ways to cooling versus air conditioning, submerging parts of structures and parking structures which could serve as refuges, and cleaning up the fringe basins for more water sources.

Regarding energy, they should look at recharge stations and encouraging private uses which might require legislative changes. Electricity is a utility, but he thinks private gas stations could also look to make money having EV charging stations. Also, finding funding for Valley Link is important and having automated buses which reduce operating costs. Trails are also important especially with the increase in electric bikes and scooters.

Finally, one of the missing things is people live in nature and there should be a section on maintaining and enhancing local bio-diversity, augmenting stream flow for amphibians, revegetating areas, limiting feral cats and dogs, avoiding fragmentation of habitat of roads by providing under/overpasses, encouraging native plants to provide food, and nesting and breeding sites.

CM Anderson echoed comments about the great document, asked to look at areas where there are certain words that are somewhat vague, such as “identify, consider, explore” so he asked to go through and check there is strong supporting language around them.

Vice Chairperson Leary referred to the Purpose Statement in the beginning. He was happy it is included in the beginning of the plan. Something which is another concept in addition to the three reasons which he recited are: Promoting Livermore as a climate action leader in California to be part of the Purpose Statement, and he confirmed the logo is the City’s official branding.

He then referred to Public Outreach on page 27. It had a question of, “How important is it to you that the City take action on climate change?” 47% say it is very important, and 15% say it is quite important. 62% of people feel strongly they want to do more, and page 28 talks about the jobs housing balance where they can improve upon this with the General Plan.

Chairperson Dunbar called out the specific things he loved about the plan which are: Figure 4-3 which shows the steps to consider, plan, implement, evaluate, and move forward. He loves the connections to the other plans for usability, loves the finance map, the approachability of the report, and the Venn diagram which Ms. Pontau created.

Regarding trees, the City is doing a tree study and something could be added to that to address CM Stein’s comments. Ms. Pontau said the PWD did do a tree survey recently and this focused on trees in the public rights-of-way or City property. They have also talked with folks at Google Environmental Insights Explorer Team that has been working on a tree canopy coverage map, as well. Between this and the City’s recent inventory, they should have a good understanding of tree canopy coverage in the City.

Chairperson Dunbar said in addressing the public commenter he would like to see the City blow the VMT goals out of the water and this is just a question about staff resources to get there. He thinks the plan is appropriately balanced and thinks the City needs to address climate in its entirety immediately via every method available.

Lastly, regarding other agencies, Wheels is a different agency. While City Council members serve on that agency, they are not in charge of them. So, the Council should hold those agencies accountable for the plan and determine whether they are achieving the plan’s goals.

MOTION BY DUNBAR, SECONDED BY ANDERSON, TO ADOPT A RESOLUTION RECOMMENDING THE CITY RECOMMENDING THE CITY COUNCIL ADOPT RESOLUTIONS: 1) ADOPTING THE OCTOBER 17, 2022, INITIAL STUDY/NEGATIVE DECLARATION (IS/ND) FOR THE LIVERMORE CLIMATE ACTION PLAN UPDATE; AND 2) ADOPTING THE 2022 CLIMATE ACTION PLAN.

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

5.2 Hearing to receive a tracking update on the Isabel Neighborhood Specific Plan progress and consider amendments to the Specific Plan including new and clarified policies, revised development and design standards, and text clarifications.

Recommendation:

Staff recommends the Planning Commission receive a tracking update on the Isabel Neighborhood Specific Plan (Specific Plan) progress and consider Specific Plan amendments and adopt resolutions recommending that the City Council adopt resolutions:

1. Finding the Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan; and
2. Approving Specific Plan Amendment (SPPA) 22-001.

The Planning Commission's action is a recommendation to City Council.

Associate Planner Ashley Vera gave the staff report and overview of the matter.

Chairperson Dunbar opened the public comment period.

Sblend Sblendorio stated he is here for the owner of the 45-acre parcel that is the northwest quadrant of Isabel and I-580, bordered north by Portola and on the west by Lamb Research. Bill Meyers is here who is the project lead. This is a substantial project which will provide 1/3 of the dwelling units called the Neighborhood Center, a major park in the area and retail, and they have taken a strong interest and have been working with the City.

Their design team saw a few things to comment on and he provided the following ideas: 1) They hired a consultant for the office study. The market is dead so they suggested looking other ways to incentivize office development within the plan area and hope they can come up with some other ideas and possibly consider co-options; 2) Design guidelines where they suggest some of the design could be too expensive or difficult to implement. The “curing of buildings” or “the wedding cake”, especially in the interior facades where they could be more relieved in order to maximize the number of dwelling units so they can activate the retail and office better; 3) One proposal was to create a pedestrian access and, while every building would have an access, they did not understand why one is proposed every 400 feet; and 4) There is a requirement on Portola and Isabel for double rows of trees, so the Fire Marshal wants landings and not a tree where a ladder might be needed so they will work these through.

Chairperson Dunbar called on Commissioners to provide comments.

CM Anderson thanked staff for the thorough report. He is thankful for the ability for the Commission to update and add clarification to the documents. He asked staff to further explain the 400 foot question.

Ms. Vera explained that staff came to that number based on analysis for more walkable block sizes. They particularly looked at some of the block sizes of the downtown and it ranged from 300 to 400 feet.

CM Stein said there is a comment about “polished” metal and he suggested it be changed to “brushed” metal. Another is that “all glass buildings” seem contrary to the Climate Action Plan, as they are solar ovens. He also asked if the maximum hydrology for Collier Canyon Creek been taken care of. He thinks one of the projects is adjacent to it that needs to be set in place to accommodate maximum flows.

Ms. Vera stated there was a restoration project for Collier Canyon Creek and Ms. Salgado can talk about this.

Senior Civil Engineer Debbie Salgado stated this was a restoration project that was worked on and is in the process of being implemented, especially after the 2017 storms.

CM Stein said he really likes the architectural design features and thinks they will be more in keeping with the character of Livermore. Lastly, with all the affordable housing, child care, schools, and social services being met, he asked if there will be library services and a fire station close by with equipment suitable for fighting fires in these types of structures.

Ms. Vera said the plan has policies that talk about encouraging child care centers or providing tenant supportive services into developments, so staff is working with developers as they come in and let them know that they be conceptually integrated ahead of time.

With regards to the library services, staff conducted outreach during the Isabel Neighborhood Plan process, and the library requested a future opportunity to look at a satellite facility in the Isabel neighborhood. Currently, the demands are met so it would be something they could work with the library in the future. Similarly, this is the case with the fire department. They would look to add an additional smaller facility to support the Isabel neighborhood.

CM Stein commented that it might be good to have an integrated facility that provides all City services in one structure. His other major concern is transportation. It was designed as a transit-oriented neighborhood and parking and street designs were designed to accommodate that. It currently looks like this is developing somewhat faster than the Valley Link, and Wheels may not be able to accommodate such a large increase in service for the area. The route also does not go to many services like medical, dental, shopping, etc., so it might be worthwhile to put in temporary parking or a shuttle service.

Ms. Vera said staff has been coordinating with LAFTA with the 45-acre development alluded to earlier. They route all plans to them for their review, and they are looking at increased service surrounding the area to account for the new development coming in.

CM Stein asked about bus service to schools. Ms. Vera said this is something they are also looking into more.

CM Stein said otherwise, he thinks these are worthwhile changes and he voiced support.

CM Branning asked what qualifies as a garden flat or apartment. Ms. Vera explained there is a courtyard space that these types of apartments surround, so it envisions the space as a central area where tenants can use as a common area. The defining characteristic is that the primary entry door of each dwelling unit opens into the common stairwell.

Under Item 5-P there is a limited number of architectural styles that are listed. One concern he has is he does not think Sage or the new Shea development would fit under those guidelines. He is worried about them standing out too much from other development going forward. Most recommended styles lend themselves to whites and tans. He did not think they wanted the entire neighborhood to be these shades and recommended a variety of colors.

He referred to infrastructure and he said one item addressed is there is no need for pumps but he has heard complaints from residents about low water pressure. He does not know the details but he wants to be sure they monitor water pressure. Telecom equipment was mentioned and he wants to make sure there are high speed telecommunications for all buildings going in. He has also heard multiple times about purple pipes going out there for irrigation, and Ms. Salgado confirmed there is currently a main in North Canyons.

CM Branning commended staff for projecting 25% affordable housing and he wanted to address the speaker's comments about tiering of the buildings. It looked like the rules changed the tiering to be less than originally in the plan. He asked if staff has worked with the applicants to identify impacts.

Ms. Vera stated staff has worked with applicants on the tiering approach, and the first level is set at zero feet, the second at 5 feet and so forth. They have found some applicants preferred to start their initial setback at the upper level requirement so the third story and above must be set back 10 feet. The tiering itself is not the actual requirement. It is that additional setback when getting higher to reduce the effects of massing.

CM Branning thanked staff and said he believes he can make the findings.

Vice Chairperson Leary referred to Chapter 2, Item B.3 talks about scenic corridors. He asked if this is changing the corridor in any way. Ms. Vera confirmed there are no changes to the scenic corridor. That statement is reconfirming and making developments aware there are three view corridors set forth in the General Plan, and developments cannot interfere with those corridors. She also noted this language exists in the plan in some of the other table references, so staff is adding it to one of the tables where it was previously missing.

Vice Chairperson Leary referred to Chapter 2, Item E.3. He asked and confirmed the change from 40 to 50 was made to make the height limits consistent in the Isabel neighborhood. What this change relates to is that the properties in the Isabel neighborhood must be consistent with a 50-foot height limit or the scenic corridor, whichever is more restrictive.

Vice Chairperson Leary referred to Chapter 2, Item I. At the top of the page is a scenic corridor phrase struck out and he asked why it was being deleted. Ms. Vera clarified this is being deleted for brevity purposes.

Vice Chairperson Leary referred to Chapter 2, Item L regarding the two product types. He asked what would happen with a smaller project and asked if there is a threshold to allow for one product type. Ms. Vera said she does not believe this is something they have considered. Most developments come in with over 100 units and above, and this has been the threshold marker.

Principal Planner Stephen Riley said the City does have a provision in the Specific Plan that allows the Community Development Director to make some limited exceptions to the plan, so there is some flexibility to look at it for a smaller project but they want a variety of unit types for all projects, even the smaller ones.

Vice Chairperson Leary referred to Chapter 5, Item L, and asked about the roofing of tile and slate and said it also allows for a flat roof with sheet metal shingles which he was concerned about, given the wide range of quality.

Mr. Riley said applicants are required to submit color and material samples. Staff ensures it is the quality level that meets objectives of the plan, and there have been changes based on those submittals.

Vice Chairperson Leary referred to Chapter 5, Item V, and said the double row of trees seemed like an old standard. Ms. Vera said the idea behind the double rows of trees along major streets was to provide that tree canopy along the street and aesthetically make that through-way nice for pedestrians, bicyclists, and drivers. If staff finds there are conflicts with other treatments they need to incorporate into that right-of-way space like a bike lane, they would look at the new standard that allows the Director for that standard to be waived.

Chairperson Dunbar said there is reference to the 400 feet block by block, maintaining access to adjacent sidewalks and adjacent trails. He saw some examples of trails being gated by developments after the fact, and he asked if anything can be added as a standard to ensure there is still some degree of access such as a key card for residents and full access for public rights-of-way when developers are providing trails.

Ms. Vera said they want trails to be accessible. Perhaps this is something staff could look at conditioning as part of the general conditions of approval for the project.

Planning Manager Stewart said there is a similar situation with the Legacy development downtown where there is along the western boundary a pedestrian accessway that connects Railroad to First Street. This will be operated by a fob or key after hours, so it is a challenge between maintaining security and public access.

He said the idea behind access for every 400 feet was to provide that access to the public trail at increments that are walkable and generally will break up any larger block. Appropriately, reviewing those on a case-by-case project basis is probably the best way to approach it rather than a blanket standard.

Chairperson Dunbar referred to the “wedding cake” or articulation requirements the speaker talked about and reminded him there is a trade-off. He thinks the change in grade is not necessarily required and could be struck, even if it is not a legal ADA problem.

With regards to the bike parking, he was happy to see some standards related to within 30 feet of the main entrance and thinks this could be cleaned up more. The Lucky on Portola and North Livermore has bike parking within 30 feet of the prior main entrance, but now it is closed and on the other side. He asked that the standard state bike parking be at least within 50 feet of every business entrance and require it be moved if the entrance is changed. Also, the first ADA space should be as close as the first bike space for most circumstances.

Similarly, for the live/work units it states customer parking must be provided in a publicly accessible location within one block of the unit, and he suggested a standard in feet.

He then referred to Chapter 5.B and said there was a requirement about rear yard fences “shall not face or be visible from external public streets or primary entranceways”, and asked for staff to speak about this.

Ms. Vera said this was related to a previous project staff was working on in this neighborhood. The idea was to not have that blanket plain wall of a fence facing the external public streets. Chairperson Dunbar suggested cleaning this up in some way, if possible.

Chairperson Dunbar voiced support for the new design standards for base treatments. Lastly, one concern he still has from when the project was passed was the comfort level of the Class 2 and Class 3 bike facilities within the center area of the project and throughout. The ATP refers to all ages and abilities guidelines as one standard they can use. He thinks this is more appropriate here to use rather than Class 2 or Class 3 classification because this area is going to have situations with very high parking turn-over, the ATP on each street may change wildly as other projects develop, and they should ensure the comfort level is maintained for bicyclists. He recommended looking at whether those could be applied here as this goes up to the Council at a broad level, considering they are in the ATP.

When a major project comes in he thinks it was either a traffic impact fee specific to this area or establish a facilities district for transportation.

Ms. Vera said they previously talked about looking at fee reductions like the traffic impact fee for this area to be like the downtown area. It could also be the transportation management authority or association, and this is an item staff is working on as a follow-up implementation item and still in progress.

Chairperson Dunbar suggested a pilot project for the elementary school shuttle bus and see what the costs and ridership levels are.

Lastly, he asked what is the next barrier for taking them east on purple pipe from this area. Ms. Salgado said it is most likely funding and identifying a new project. Right now, it ends at the plant and the City does not have any identified projects yet.

Mr. Stewart commented that in 2004 they reviewed an agricultural water study that looked at opportunities to expand water supply for recycled and potable water through North Livermore, and it was just not feasible at that time. Circumstances have not changed there to make it a viable option so it would need to go south and east through the existing street network which is always a challenge. Over time and as water resources become scarcer, that will be something they need to continue to look at.

Chairperson Dunbar stated he can make the findings and said it has been helpful to step back and review where they have been so far, and he asked for a motion.

CM Stein moved staff recommendation and referred to Chapter 5, Item V. He recommended where it states, “At the Director’s discretion, the Sycamore trees can be replaced.” To replace it to state, “large, long-lived trees” given climate action goals.

Mr. Stewart confirmed that the motion also includes the new recommendation by staff regarding the elevation change.

CM Branning asked and confirmed the build-out for the Isabel Neighborhood Plan is roughly 2040 which staff used in its environmental analysis.

MOTION BY STEIN, SECONDED BY ANDERSON, TO ADOPT A RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT RESOLUTIONS RECOMMENDING THAT THE CITY COUNCIL ADOPT RESOLUTIONS: 1) FINDING THE SPECIFIC PLAN AMENDMENTS ARE WITHIN THE SCOPE OF THE 2018 ENVIRONMENTAL IMPACT REPORT AND 2020 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE ISABEL NEIGHBORHOOD SPECIFIC PLAN; AND 2) APPROVING SPECIFIC PLAN AMENDMENT (SPPA) 22-001.

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

6. MATTERS FOR CONSIDERATION

6.1 Planning Manager Steve Stewart reported that the National Planning Conference in Philadelphia will be held April 1-4, 2023 and those interested should contact staff.

6.2 Mr. Stewart said there may not be a meeting on November 15, 2022 because there are currently no items.

7. MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

7.1 Chairperson Dunbar referred to all three bike access behind Autumn Springs, off Portola to the north connecting to where the Chick-fil-A Trail will be extended are gated and are all locked. He also reported there is a gate going up the trail on Isabel & Vineyard, and accessing Vineyard to the west is blocked by a gate, and a gate has been installed at the access point to the trail directly across from Starbuck's on Vineyard, as well.

8. ADJOURNMENT – 9:32 p.m. to the next Regular Planning Commission meeting on Tuesday, November 15, 2022 at 7:00 p.m., Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

Minutes prepared by:
Lisa Harper Consulting

LIVERMORE
CALIFORNIA

To: Livermore City Council November 16, 2022
From: Livermore Climate Action Plan Advisory Committee

We, the undersigned members of Livermore's Climate Action Plan Advisory Committee (CAPAC), are pleased to share with City Council this summary of recommendations associated with our work over the last two years in collaboration with City staff, consultants, and community members. With gratitude and appreciation to City Council for establishing the CAPAC, we are eager to see the adoption of an updated Climate Action Plan (CAP) for Livermore.

In addition to supporting the updated CAP, this letter is intended to highlight insights we have gained over the course of our committee's engagement with consultants and City staff, as well as Livermore citizens through CAPAC's regular meetings, various community and targeted stakeholder events, and online via the CAP website.

- We strongly support a City resolution/proclamation that commits the City to addressing the impacts of climate change and acknowledging the importance of both mitigation and adaptation efforts to achieving climate goals. We also encourage execution of the CAP to be integrated across City departments, leveraging staff, funding, and opportunities.
- We recommend that City Council adopt the revised CAP and commit appropriate resources to realize the city-wide carbon-neutrality target already recommended by this committee and adopted by Council.
- We support the establishment of a dedicated staff position to oversee successful execution of the CAP and are grateful for the steps the City has taken to achieve this goal. All the measures laid out in the revised CAP will require resources, and many will require capital. Securing funding or financing and making the case for investments that support CAP objectives will be critical to the long-term realization of Livermore's climate-related goals.
- The City should consider costs to both residents and the City in addition to effectiveness when prioritizing action items. Additionally, the City should consider equity to ensure all members of the community are a part of the solution and beneficiaries of the plan.
- Of equal importance to mitigation and adaptation efforts is the need to educate and engage Livermore citizens regarding the risks and impacts of climate change. Being proactive in continuous communications can help build citizen trust, mobilize community members to support the City's plan, and ensure its success.
- We further encourage Council and staff to build coalitions with community partners. Community partners could include, but are not limited to, the national labs, local schools, other municipalities, and groups of interested citizen volunteers to help in the execution of the plan.

In closing, we support the updated CAP, appreciate the opportunity to be involved with this important effort, and are eager to see the phased execution of the plan that balances impact on climate, the city, and our citizens.

Respectfully,

Daniel Lieberman, Chairperson
Peg Folta, Vice Chairperson
Ann Brown, Committee Member
Peter Caldwell, Committee Member
David Dawson, Committee Member
Tony Green, Committee Member
Jennifer Hayes, Committee Member
Madeline Lovdahl, Committee Member
Naomi Siu, Committee Member

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION ADOPTING THE LIVERMORE CLIMATE ACTION PLAN UPDATE (2022 CAP) INITIAL STUDY AND NEGATIVE DECLARATION

Policy Proposal (POLI) 20-001

The City initiated an application for Policy Proposal (POLI) 20-001 ("Project") to consider the 2022 Climate Action Plan (2022 CAP). The 2022 CAP outlines a roadmap for the City of Livermore (the City) to prepare the community for climate impacts and establish a pathway to achieve carbon neutrality by 2045, consistent with State law. The strategies and actions in the 2022 CAP address impacts from climate hazards including extreme heat, wildfire smoke, flooding, and drought. Additionally, it identifies actions to reduce greenhouse gas emissions from the transportation, energy, water, and wastewater sectors. The 2022 CAP builds from efforts in the City's first CAP, which was adopted in 2012.

On November 1, 2022, the Planning Commission held a duly noticed public hearing to consider the Project and staff recommendation, heard public testimony, made the necessary findings, and adopted Planning Commission Resolution No. 25-22 recommending the City Council adopt the Initial Study and Negative Declaration in accordance with the provisions of the California Environmental Quality Act ("CEQA").

On November 28, 2022, the City Council held a duly noticed public hearing to consider the Project, Planning Commission and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIVERMORE that it hereby finds, determines, and directs as follows:

1. The City Council finds that prior to taking action on the Project, and at a properly noticed public hearing, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The City Council's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

2. The City Council of the City of Livermore, has considered the findings made in Planning Commission Resolution No. 25-22, attached hereto as Exhibit A and incorporated by this reference, and hereby adopts the same findings by this reference and incorporates them as their own findings as part of this resolution. Based upon the City Council's own independent review of the Record Evidence and considerations, the City Council also hereby finds the initial study shows that there is no substantial evidence, in light of the whole record, that the Project may have a significant effect on the environment, and hereby adopts the Livermore

Climate Action Plan Update (2022 CAP) Initial Study and Negative Declaration, attached hereto as Exhibit B and incorporated by this reference, in accordance with the California Environmental Quality Act ("CEQA").

3. The City Council of the City of Livermore directs the Planning Manager to file a Notice of Determination with the Alameda County Clerk, if the Project is approved.

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

On the motion by Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted at the City Council meeting of November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

//s// Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A – Planning Commission Resolution No. 25-22
Exhibit B – Initial Study and Negative Declaration

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING ADOPTION OF THE INITIAL STUDY NEGATIVE DECLARATION FOR THE LIVERMORE CLIMATE ACTION PLAN UPDATE (2022 CAP)

Policy Proposal (POLI) 20-001

Hearing to consider the 2022 Climate Action Plan (2022 CAP). The 2022 CAP outlines a roadmap for the City of Livermore (the City) to prepare the community for climate impacts and establish a pathway to achieve carbon neutrality by 2045, consistent with State law. The strategies and actions in the 2022 CAP address impacts from climate hazards including extreme heat, wildfire smoke, flooding, and drought. Additionally, it identifies actions to reduce greenhouse gas emissions from the transportation, energy, water, and wastewater sectors. The 2022 CAP builds from efforts in the City's first CAP, which was adopted in 2012.

Location: Citywide

The City initiated an application for Policy Proposal (POLI) 20-001 ("Project") to update the Livermore Climate Action Plan.

An Initial Study Negative Declaration was prepared for the Project, attached hereto as Exhibit A, in accordance with the provisions of the California Environmental Quality Act (CEQA).

On November 1, 2022, the Planning Commission held a duly noticed public hearing to consider the Project, 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 hearing, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project and 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 on its own independent review and considerations, finds that there is no substantial evidence that the project will have a significant impact on the environment and hereby recommends the City Council adopt the Initial Study Negative Declaration attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore recommends that the City Council direct staff to file a Notice of Determination with the Alameda County Clerk, if the Project is approved.

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

On the motion by Commissioner Dunbar, seconded by Commissioner Anderson, the foregoing Resolution was adopted at the Planning Commission meeting of November 1, 2022, by the following vote:

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

Steven Dunbar, Chairperson

by Steve Stewart, Planning Manager
Secretary to the Planning Commission

Exhibit A – Initial Study Negative Declaration

Livermore Climate Action Plan Update

Draft Initial Study – Negative Declaration

prepared for

City of Livermore
Community Development Department
1052 South Livermore Avenue
Livermore, California 94550
Contact: Tricia Pontau, Senior Planner

prepared by

Rincon Consultants, Inc.
449 15th Street, Suite 303
Oakland, California 94612

October 17, 2022

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

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Initial Study

Proposed Plan Title

Livermore Climate Action Plan (CAP) Update

Lead Agency/Plan Sponsor and Contact

Lead Agency/Plan Sponsor

City of Livermore
Community Development Department
1052 South Livermore Avenue
Livermore, CA 94550

Contact Person

Tricia Pontau, Senior Planner
(925) 960-4471
pepontau@cityoflivermore.net

Plan Location and Physical Setting

The CAP Update applies to all areas and plans/projects within the City of Livermore limits. Figure 1 shows the regional location, and Figure 2 shows the plan location. The plan location includes all of Livermore's incorporated lands.

Regional Location and Setting

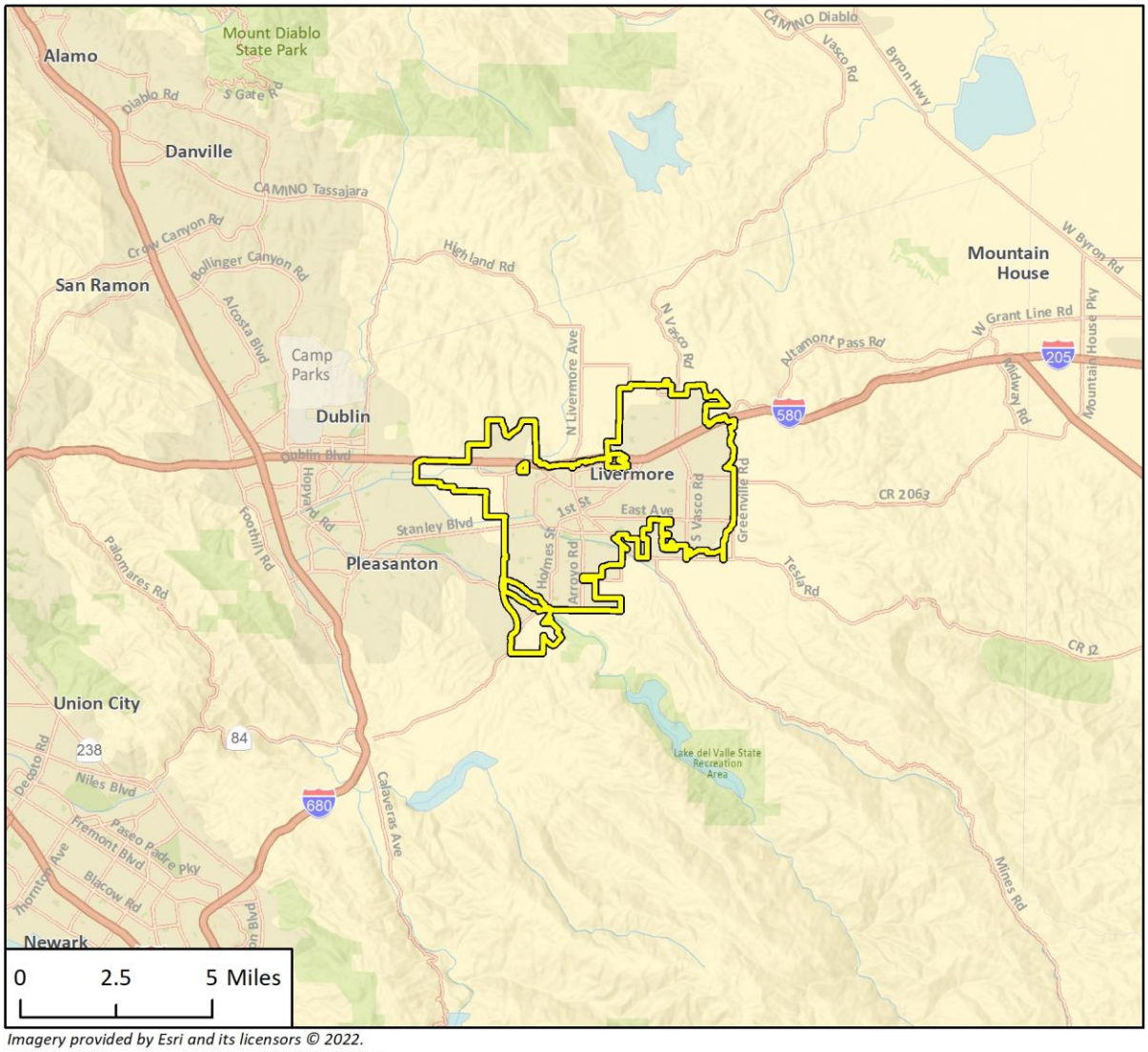
The City of Livermore is approximately 26 square miles within Alameda County in the San Francisco Bay Area.[1] Livermore lies within the Tri-Valley area, which also includes the cities of Pleasanton, Dublin, and San Ramon, the Town of Dublin, and unincorporated portions of Alameda and Contra Costa Counties. The City is generally bordered by the east-west Interstate 580 (I-580) thoroughfare and unincorporated areas of Alameda County to the north, unincorporated Alameda County to the east and south, and the City of Pleasanton to the west.

Regional vehicular access to Livermore is primarily provided by I-580, which connects to I-680 to the west. Livermore is also served by public transit facilities, including the Altamont Corridor Express (ACE) train and Livermore Amador Valley Transit Authority Wheels bus routes.[2] There are two ACE stations in Livermore, the Vasco Road station at 575 Vasco Road and the Livermore station in the Livermore Transit Center at 2500 Railroad Avenue.

[1] Livermore, City of. 2022. About Livermore. Available: <https://www.cityoflivermore.net/our-community/about-livermore>. Accessed April 8, 2022.

[2] Livermore, City of. 2022. Transportation. Available: <https://www.cityoflivermore.net/government/innovation-economic-development/starting-and-growing-your-business/transportation>. Accessed April 8, 2022.

Figure 1 Regional Location



Imagery provided by Esri and its licensors © 2022.
Altamont & Livermore quadrangles. T02S R01E S36 & T02S R02E S25-28,31,33-36 & T03S R01E S01-03,10-12 & T03S R02E S01-22,27-32.

City of Livermore

N

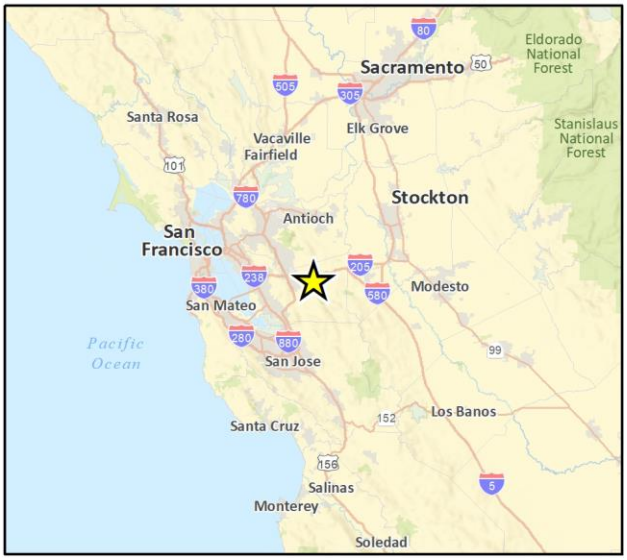
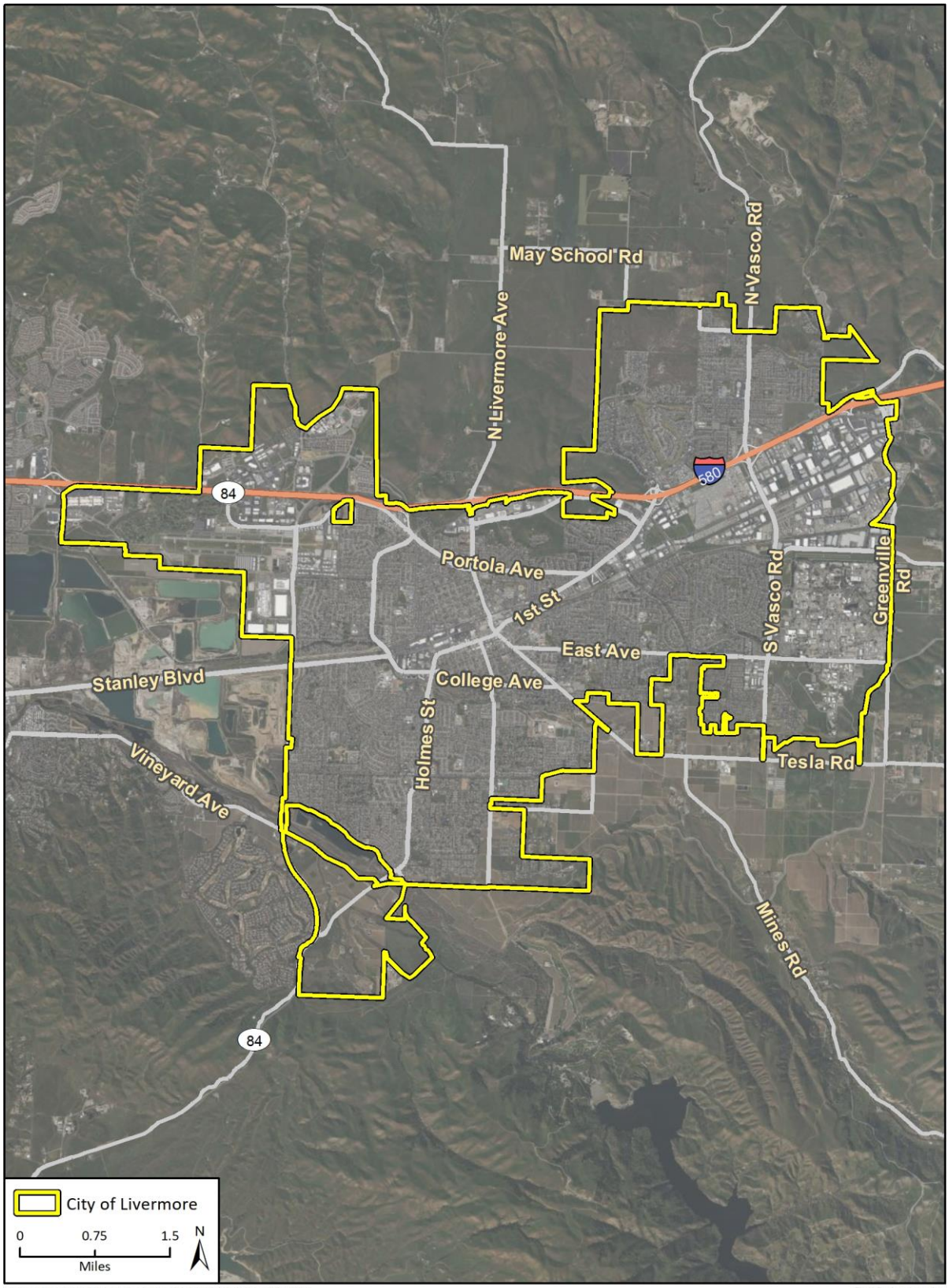


Figure 2 Plan Location



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Livermore is also served by the following Wheels bus routes:

- Route 10R connecting the Livermore Transit Center to downtown Pleasanton and the East Dublin/Pleasanton Bay Area Rapid Transit (BART) Station.
- Route 11 connecting the Livermore Transit Center to the Vasco Road ACE Station.
- Route 14 connecting the East Dublin/Pleasanton BART Station to the Livermore Transit Center.
- Route 15 connecting the Livermore Transit Center to Las Positas, Wal-Mart, and Springtown.
- Route 20X connecting East Dublin/Pleasanton BART Station to the Lawrence Livermore National Laboratory and the Livermore Transit Center.
- Route 30R connecting the West Dublin BART and East Dublin/Pleasanton BART Stations, Lawrence Livermore National Laboratory, Livermore Transit Center, Las Positas College, and the Dublin Civic Center.
- Route 580X connecting East Dublin/Pleasanton BART Station and Livermore Transit Center via I-58 and North Livermore Avenue.[3]

The city is also accessible by the Livermore Municipal Airport, located in the western portion of Livermore and San Francisco International Airport, which is located approximately 45 driving miles to the west of Livermore.

Local Setting

Livermore is the sixth most populous city in Alameda County, with a population of 87,955 according to the 2020 U.S. Census.[4] Low-density residential uses comprise the largest portion of existing land uses within Livermore. In addition, Livermore contains areas of multifamily residential, retail, and office uses along major transportation corridors, as well as in the downtown area. Industrial uses are located primarily on the eastern side of Livermore near I-580. Additional industrial uses are found in the western part of Livermore near the Livermore Municipal Airport. Neighborhood and community parks are interspersed throughout Livermore, with larger open space areas near the fringes of Livermore such as Brushy Peak Regional Preserve, Sycamore Grove Park, and Robertson Park.[5] The city supports a diverse range of industries, including agriculture, science and technology, tourism, and a variety of retail, office, and commerce.[6]

Livermore is located within an alluvial valley. The city is located approximately 350 feet above mean sea level, and its topography is generally flat with elevations increasing to 500 to 1,200 feet above mean sea level in the hills at the northern, eastern, and southern fringes of Livermore.[7] The city is characterized by a Mediterranean climate with dry summers and wet winters. The warmest months of the year in Livermore are July and August, and the coldest months of the year are December and January. The annual average daily high temperature is 73.1 degrees Fahrenheit (°F), while the

[3] Amador Valley Transit Authority. Wheels System Map. Available: <https://www.wheelsbus.com/wp-content/uploads/2018/02/93025_SystemMap_1000_proofLR.pdf>. Accessed April 8, 2022.

[4] U.S. Census Bureau. Quick Facts: Livermore City, California. Available: <https://www.census.gov/quickfacts/fact/table/livermorecitycalifornia/PST045221 >. Accessed April 8, 2022.

[5] Livermore, City of. 2003. General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed April 8, 2022.

[6] Livermore, City of. 2003. General Plan Economic Development and Fiscal Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1369/637643624644930000>. Accessed April 8, 2022.

[7] Livermore, City of. 2003. Livermore Draft General Plan and Downtown Specific Plan Environmental Impact Report. Volume I: Master Environmental Assessment. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/7287/637587704102770000>. Accessed April 12, 2022.

annual average daily minimum temperature is 47.7°F. Average monthly rainfall measured in the local area since 1977 varies from to 0 inch in July to 2.81 inches in February.[8]

Existing Sustainability Setting

Livermore Sustainability and Greenhouse Gas Emissions Reduction Efforts

The City has actively implemented a variety of environmental programs since 2009 contributing to greenhouse gas (GHG) emissions reductions. The following is a listing of the City's primary sustainable and climate protection programs:

- General Plan Climate Change Element adopted (2009)
- Polystyrene Ban Ordinance adopted (2011)
- Climate Action Plan adopted (2012)
- Tri-Valley Local Hazard Mitigation Plan prepared (2018)
- Active Transportation Plan adopted (2018)
- East Bay Community Energy (EBCE) Community Choice Aggregation authorized (2018)
- Livermore Municipal Code (LMC) Chapter 15.26 adopts the 2019 California Green Building Standards Code (2019)
- Green Infrastructure Plan adopted (2019)
- 2020 Urban Water Management Plan completed (2021)

Regional Sustainability and GHG Emissions Reduction Efforts

In coordination with Alameda County, the State of California, and the federal government, the City of Livermore has committed to implementing regional and State policies related to GHG emissions reduction. As follows is a summary of the regional GHG emissions reduction efforts, which the Livermore CAP Update is intended to be consistent with or exceed.

Plan Bay Area: Strategy for a Sustainable Region

The Metropolitan Transportation Commission (MTC) adopted the Plan Bay Area 2050 in October 2021, which identifies how the Bay Area will meet its GHG emission reduction targets. Plan Bay Area is also considered the Association of Bay Area Governments (ABAG)/MTC Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). In accordance with SB 743, the Plan Bay Area included elements designed to encourage the type of land-use development to meet three primary objectives. First, Roadway Level of Service (LOS) could not be considered an environmental impact under the California Environmental Quality Act (CEQA). Second, it introduced changes to Vehicle Miles Traveled (VMT) per capita as a determinant of environmental impact. Third, the use of VMT as an environmental impact in CEQA is considered a mechanism for achieving State and regional GHG reduction goals.

Bay Area Air Quality Management District CEQA GHG Guidelines and Thresholds

On April 20, 2022, the Bay Area Air Quality Management District (BAAQMD) adopted the CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans and is in the process of updating their 2017 CEQA Guidelines (BAAQMD 2022a). The CEQA Thresholds for Evaluating the Significance of Climate Impacts from Land Use Projects and Plans include

[8] Iowa State University. 2022. Iowa Environmental Mesonet: Livermore Station. Available: <https://mesonet.agron.iastate.edu/sites/monthlysum.php?station=LVK&network=CA_ASOS>. Accessed April 12, 2022.

requirements for projects and plans in jurisdictions that do not have an adopted local GHG reduction strategy that meets the criteria of CEQA Guidelines Section 15183(b). In addition, according to the BAAQMD, if a project is consistent with a local GHG reduction strategy, then it can be presumed that the project will not have significant GHG impacts (BAAQMD 2022b). This approach is consistent with CEQA Guidelines, Section 15183.5:

> Lead agencies may analyze and mitigate the significant impacts of GHG emissions at a programmatic level, such as…a plan to reduce GHG emissions. Later project-specific environmental documents may tier from and/or incorporate by reference that existing programmatic review. Project-specific environmental documents may rely on an [Environmental Impact Report] containing a programmatic analysis of GHG emissions.

Alameda County Countywide Transportation Plan

In 2020, The Alameda County Transportation Commission adopted the Countywide Transportation Plan (CTP) to provide the County with a long-range plan for establishing the vision and priorities for transportation over a 30-year planning horizon. The CTP seeks to enhance and expand public transit, bicycle facilities, and pedestrian access within the County in order to improve mobility and access for all segments of the population and promote public health, environmental sustainability, and climate resiliency. The plan identifies 93 projects across the county including greenways and trails, transit capacity improvements, sea level rise adaptation, and multimodal corridors. Priority projects identified for Livermore include the I-580 First Street and Vasco Road Interchange Modernizations, Tesla Road Multimodal Corridor Project, and the Iron Horse Trail Extension.[9]

Alameda County Climate Protection Project and Cities for Climate Protection Campaign

In 2009, the Alameda County Climate Protection Project and Cities for Climate Protection Campaign organized a coordinated effort by all 14 cities in Alameda County, including Livermore, to reduce the emissions that cause global warming as well as improve air quality, reduce waste, cut energy use, and save money. Participants work together across jurisdictions focusing on key action areas, such as energy efficiency, transportation, and waste reduction, and on specific projects best addressed by a regional effort, such as collaborative grant applications and electric vehicle related infrastructure.

East Bay Community Energy Community Choice Aggregation Program

East Bay Community Energy (EBCE) is a public agency based in Oakland and governed by a Board of local elected officials from each of the participating jurisdictions. In 2018, EBCE began supplying East Bay communities, including Livermore, with the option for 100 percent renewable energy-sourced electricity. Renewable energy is energy that comes from resources that are naturally replenished, create no carbon emissions, and include small hydroelectric, solar, wind, biomass, biowaste, and geothermal sources. At EBCE, renewable energy is specifically provided by solar and wind sources. Purchasing electricity from EBCE is a way to reduce GHG emissions and meet community climate action goals.

[9] Alameda County Transportation Commission (ACTC). 2020. Countywide Transportation Plan. Available: <https://www.alamedactc.org/wp-content/uploads/2021/02/2020_CTP_Final.pdf>. Accessed May 6, 2022.

State Sustainability and GHG Emissions Reduction Efforts

As follows is a summary of the State GHG emissions reduction efforts, which the Livermore CAP Update is intended to be consistent with or exceed.

California Executive Order S-3-05

In 2005, the California governor issued Executive Order (EO) S-3-05, which identifies Statewide GHG emissions reduction targets to achieve long-term climate stabilization as follows:

- Reduce GHG emissions to 1990 levels by 2020
- Reduce GHG emissions to 80 percent below 1990 levels by 2050

In response to EO S-3-05, California Environmental Protection Agency (CalEPA) created the Climate Action Team (CAT), which in March 2006 published the Climate Action Team Report (the "2006 CAT Report"). The *2006 CAT Report* identified a recommended list of strategies that the State could pursue to reduce GHG emissions. These are strategies that could be implemented by various State agencies to ensure that the emission reduction targets in EO S-3-05 are met and can be met with existing authority of the State agencies. The strategies include the reduction of passenger and light duty truck emissions, the reduction of idling times for diesel trucks, an overhaul of shipping technology/infrastructure, increased use of alternative fuels, increased recycling, and landfill methane capture, among others.

California Assembly Bill 32, California Global Warming Pollution Solutions Act

In 2006, the California legislature signed Assembly Bill (AB) 32 – the Global Warming Solutions Act – into law, requiring a reduction in Statewide GHG emissions to 1990 levels by 2020 and California Air Resources Board (CARB) preparation of a Scoping Plan that outlines the main State strategies for reducing GHGs to meet the 2020 deadline. In addition, AB 32 required CARB to adopt regulations to require reporting and verification of Statewide GHG emissions. Based on this guidance, CARB approved a 1990 Statewide GHG level and 2020 limit of 427 metric tons (MT) of carbon dioxide equivalent (CO_2e).

California Senate Bill 375, Sustainable Communities and Climate Protection Act

In 2008, Senate Bill (SB) 375) enhanced the State's ability to reach AB 32 targets by CARB to develop regional GHG emissions reduction targets to be achieved from passenger vehicles for 2020 and 2035. In addition, SB 375 directs each of the State's 18 major Metropolitan Planning Organizations (MPO) to prepare a sustainable community's strategy (SCS) that contains a growth strategy to meet such regional GHG emissions reduction targets for inclusion in the respective regional transportation plan (RTP).

On March 22, 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. ABAG was assigned targets of a ten percent reduction in per capita GHG emissions from passenger vehicles by 2020 and a nineteen percent reduction in per capita GHG emissions from passenger vehicles by 2035.

California Climate Change Scoping Plan

In 2008, CARB approved the original California Climate Change Scoping Plan, which included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in

the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted and implemented since approval of the Scoping Plan.

California Climate Change Scoping Plan Update (2013)

In 2013, CARB approved the first update to the California Climate Change Scoping Plan. The 2013 Scoping Plan Update defined CARB climate change priorities for the next five years and set the groundwork to reach post-2020 Statewide GHG emissions reduction goals. The 2013 Scoping Plan Update highlighted California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the State's longer-term GHG reduction strategies with other State policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use.

California Executive Order B-30-15

In 2015, the California governor issued Executive Order B-30-15, which established a Statewide mid-term GHG reduction target of 40 percent below 1990 levels by 2030.

California Senate Bill 32, California Global Warming Pollution Solutions Act Update

In 2016, the California legislature signed Senate Bill 32 (SB 32) into law, extending AB 32 by requiring further reduction in Statewide GHG emissions to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged). On December 14, 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 target. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently adopted policies and policies, such as SB 350 and SB 1383 (see below).

California Climate Change Scoping Plan Update (2017)

In 2017, CARB approved the second update to the California Climate Change Scoping Plan. The 2017 Scoping Plan put an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2013 Scoping Plan Update, the 2017 Scoping Plan Update does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally-appropriate quantitative thresholds consistent with Statewide per-capita goals of six MT of CO_2e by 2030 and two MT of CO_2e by 2050. As stated in the 2017 Scoping Plan Update, these goals may be appropriate for plan-level analyses (city, county, subregional, or regional level), but not for specific individual projects, because they include all GHG emissions sectors in the State.[10]

California Executive Order B-55-18

In 2018, the California governor issued Executive Order B-55-18, which established a new Statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing Statewide GHG reduction targets established by SB 32.

For more information on the Senate and Assembly Bills, Executive Orders, and Scoping Plans discussed above, and to view reports and research referenced above, please refer to the following websites: www.climatechange.ca.gov and www.arb.ca.gov/cc/cc.htm.

[10] California Air Resources Board (CARB). 2017. California's 2017 Climate Change Scoping Plan. Available: <https://ww2.arb.ca.gov/sites/default/files/classic//cc/scopingplan/scoping_plan_2017.pdf>. Accessed May 16, 2022.

Assembly Bill 1493, Pavley Bill Vehicle Efficiency Standards

In 2002, the California State Legislature enacted Assembly Bill 1493 (aka “the Pavley Bill”), which directs the CARB to adopt standards that will achieve "the maximum feasible and cost-effective reduction of GHG emissions from motor vehicles," taking into account environmental, social, technological, and economic factors. In September 2009, CARB adopted amendments to the “Pavley” regulations to reduce GHG emissions in new passenger vehicles from 2009 through 2016. The Pavley Bill is considered to be the national model for vehicle emissions standards. In January of 2012, CARB approved a new emissions control program for vehicle model years 2017 through 2025. The program combines the control of smog, soot, and GHGs and the requirement for greater numbers of zero emission vehicles into a single package of standards called Advanced Clean Cars.

California Energy Efficiency Strategic Plan of 2008

In September 2008, the California Public Utilities Commission (CPUC) adopted California’s first Long Term Energy Efficiency Strategic Plan, presenting a single roadmap to achieve maximum energy savings across all major groups and sectors in California. The Strategic Plan was subsequently updated in January 2011 to include a lighting chapter. The Strategic Plan sets goals of all new residential construction and all new commercial construction in California to be zero net energy (ZNE) by 2020 and 2030, respectively. In 2018, the California Energy Commission voted to adopt a policy requiring all new homes in California to incorporate rooftop solar. This change went into effect in January 2020 with the adoption of the 2019 California Code of Regulations (CCR) Title 24 Code and is a step towards the State achieving its goal of all residential new construction being ZNE by 2020. Additionally, the Strategic Plan sets goals of 50 percent of existing commercial building to be retrofit to ZNE by 2030 and all new State buildings and major renovations to be ZNE by 2025.

California Code of Regulations Title 24 (California Building Code)

Updated every three years through a rigorous stakeholder process, Title 24 of the CCR requires California homes and businesses to meet strong energy efficiency measures, thereby lowering their energy use. Title 24 contains numerous subparts, including Part 1 (Administrative Code), Part 2 (Building Code), Part 3 (Electrical Code), Part 4 (Mechanical Code), Part 5 (Plumbing Code), Part 6 (Energy Code), Part 8 (Historical Building Code), Part 9 (Fire Code), Part 10 (Existing Building Code), Part 11 (Green Building Standards Code), Part 12 (Referenced Standards Code). The California Building Code is applicable to all development in California. (Health and Safety Code §§ 17950 and 18938(b).)

The regulations receive input from members of industry, as well as the public, with the goal of "[r]educing of wasteful, uneconomic, inefficient, or unnecessary consumption of energy." (Pub. Res. Code § 25402.) These regulations are carefully scrutinized and analyzed for technological and economic feasibility (Pub. Res. Code § 25402(d)) and cost effectiveness (Pub. Res. Code § 25402(b)(2) and (b)(3)).

PART 6 – BUILDING ENERGY EFFICIENCY STANDARDS

CCR Title 24 Part 6 is the Building Energy Efficiency Standards. This code, originally enacted in 1978, establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California’s energy demand. The Building Energy Efficiency Standards is updated periodically to incorporate and consider new energy-efficiency technologies and methodologies as they become available. New construction and major renovations must demonstrate their compliance with the current Building Energy Efficiency Standards through submission and approval of a Title 24

Compliance Report to the local building permit review authority and the CEC. Under the 2019 standards, nonresidential buildings will be 30 percent more energy efficient compared to the 2016 standards, and residential homes will be 7 percent more energy efficient. When accounting for the electricity generated by the solar photovoltaic system, residences would use 53 percent less energy compared to homes built to the 2016 standards.

The 2019 Building Energy Efficiency Standards, adopted on May 9, 2018, became effective on January 1, 2020. The 2019 Standards move toward cutting energy use in new homes by more than 50 percent and will require installation of solar photovoltaic systems for single-family homes and multi-family buildings of three stories and less. The 2019 Standards focus on four key areas: 1) smart residential photovoltaic systems; 2) updated thermal envelope standards (preventing heat transfer from the interior to exterior and vice versa); 3) residential and nonresidential ventilation requirements; 4) and nonresidential lighting requirements. Under the 2019 Standards, nonresidential buildings will be 30 percent more energy-efficient compared to the 2016 Standards, and single-family homes will be seven percent more energy-efficient. When accounting for the electricity generated by the solar photovoltaic system, single-family homes would use 53 percent less energy compared to homes built to the 2016 standards.

PART 11 – CALIFORNIA GREEN BUILDING STANDARDS

The California Green Building Standards Code, referred to as CALGreen, was added to CCR Title 24 as Part 11 first in 2009 as a voluntary code, which then became mandatory effective January 1, 2011 (as part of the 2010 CBC). The 2016 CALGreen institutes mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures. It also includes voluntary tiers (I and II) with stricter environmental performance standards for these same categories of residential and non-residential buildings. Local jurisdictions must enforce the minimum mandatory Green Building Standards and may adopt additional amendments for stricter requirements.

The mandatory standards require:

- 20 percent reduction in indoor water use relative to specified baseline levels;
- 50 percent construction/demolition waste diverted from landfills;
- Inspections of energy systems to ensure optimal working efficiency;
- Low-pollutant emitting exterior and interior finish materials such as paints, carpets, vinyl flooring, and particleboards;
- Dedicated circuitry to facilitate installation of EV charging stations in newly constructed attached garages for single-family and duplex dwellings; and
- Installation of EV charging stations at least three percent of the parking spaces for all new multi-family developments with 17 or more units.

Similar to the compliance reporting procedure for demonstrating Building Energy Efficiency Standards compliance in new buildings and major renovations, compliance with the CALGreen water-reduction requirements must be demonstrated through completion of water use reporting forms for new low-rise residential and non-residential buildings. Buildings must demonstrate a 20 percent reduction in indoor water use by either showing a 20 percent reduction in the overall baseline water use as identified in CALGreen or a reduced per-plumbing-fixture water use rate.

Senate Bill 97, CEQA Guidelines for Addressing GHG Emissions

The California Environmental Quality Act (CEQA) requires public agencies to review the environmental impacts of proposed projects, including General Plans, Specific Plans, and specific kinds of development projects. In February 2010, the California Office of Administrative Law approved the recommended amendments to the State CEQA Guidelines for addressing GHG emissions. The amendments were developed to provide guidance to public agencies regarding the analysis, mitigation, and effects of GHG emissions in draft CEQA documents.

Assembly Bill 117, Community Choice Aggregation

Assembly Bill 117 establishes the creation of Community Choice Aggregation (CCA) that fosters clean and renewable energy markets. CCA allows cities and counties to aggregate the buying power of individual jurisdictions. The California CCA markets were created as an answer to the brownouts and energy shortages of the early 2000's. AB 117 was passed in 2002 as an answer to California's increased energy independency by incorporating more alternative and renewable energy sources into its energy portfolio. With AB 117, municipalities can provide alternative energy choices to their local carrier (e.g. the Pacific Gas and Electric Company, PG&E). Marin Clean Energy was the first CCA in the State of California to go online with a 50 percent to 100 percent clean energy portfolio in 2010. In 2018, EBCE began supplying East Bay communities, including Livermore, with options for 100 percent renewable energy-sourced electricity or electricity from a mix of renewable and non-renewable sources. CCAs are governed by the California Public Utilities Commission (CPUC). SB 790 further ensures fair and transparent competition by creating a code of conduct and guiding principles for entrants into the CCA field.

Senate Bill 1275, Charge Ahead Initiative

In 2014, Senate Bill 1275 established a State goal of one million zero-emissions and near-zero-emissions vehicles in service by 2020 and directed CARB to develop a long-term funding plan to meet this goal. SB 1275 also established the Charge Ahead California Initiative requiring planning and reporting on vehicle incentive programs and increasing access to and benefits from zero-emissions vehicles for disadvantaged, low- and moderate-income communities and consumers.

Senate Bill 350, Clean Energy and Pollution Reduction Act of 2015

In 2015, SB 350 established new clean energy, clean air, and GHG reduction goals for 2030 and beyond. SB 350 codified Governor Brown's aggressive clean energy goals and established the State 2030 GHG reduction target of 40 percent below 1990 levels. To achieve this goal, SB 350 increases California's renewable electricity procurement goal from 33 percent by 2020 (legislation originally enacted in 2002) to 50 percent by 2030. Renewable resources include wind, solar, geothermal, wave, and small hydroelectric power. In addition, SB 350 requires the State to double State-wide energy efficiency savings in electricity and natural gas end uses by 2030 from a base year of 2015.

Assembly Bill 197, State Air Resources Board GHGs Regulations

In 2016, the California legislature approved AB 197, a bill linked to SB 32, which increases legislature oversight over CARB and directs CARB to prioritize disadvantaged communities in its climate change regulations, and to evaluate the cost-effectiveness of measures it considers. AB 197 requires CARB to protect the State's most impacted and disadvantaged communities [and] consider the social costs of the emissions of GHGs when developing climate change programs. The bill also adds two new

legislatively appointed non-voting members to CARB, increasing the Legislature's role in CARB's decisions.

Senate Bill 100, The 100 Percent Clean Energy Act of 2018

In September 2018, Governor Brown signed SB 100, requiring that the State's load serving entities (including energy utilities and community choice energy programs) must procure energy generated 100 percent from Renewables Portfolio Standard for eligible renewable resources by 2045.

Description of the Plan (CAP Update)

Livermore's CAP Update incorporates the many climate protection programs noted above and establishes new actions that will continue to reduce GHG emissions and increase resilience to climate change impacts. The CAP Update provides an update to Livermore's first Climate Action Plan adopted in 2012; upon its adoption the CAP Update will reflect Livermore's ongoing and active engagement through the 2045 planning horizon in addressing climate change, sustainability, and reductions in GHG emissions.

The City has developed the CAP Update in order to achieve several objectives, including reducing GHG emissions, improving quality of life and public health, enhancing community resilience and adaptability, and promoting thriving ecosystems and a thriving economy. The CAP Update establishes a new target and goal for reducing GHG emissions by 2030 and 2045, respectively. The CAP Update also provides a foundation for future sustainable development efforts in Livermore. It is anticipated that environmental documents for future development projects will identify and incorporate applicable GHG reduction strategies and actions from the CAP Update.

The CAP Update addresses communitywide GHG emissions and includes a goal of achieving carbon neutrality by 2045. It also includes a discrete target for Livermore to reach maximum emissions of 3.09 MT of CO_2e per capita (or 327,539 MT of CO_2e in total emissions) by 2030. This corresponds to a 68 percent reduction in per-capita GHG emissions below 1990 levels by 2030 (or a 40 percent reduction in communitywide GHG emissions below 1990 levels), meeting the California Senate Bill 32 target for 2030 to reduce total GHG emissions 40 percent below 1990 levels. The CAP Update assessed herein is based upon community-level inventories developed in 2005, 2010, 2015 and 2017, contains a list of strategies and respective supporting actions to achieve Livermore's sustainability goals and focuses on actions through 2030 for purposes of meeting the Livermore 2030 GHG emissions target and establishing significant progress towards meeting the 2045 carbon neutrality target.

The 2005 GHG emissions inventory provides an important foundation for the CAP Update, providing the basis for an emissions back-cast to 1990 to serve as the reference year from which the City's target to reduce per capita emissions to 68 percent below 1990 levels by 2030 has been developed. Approximately 9.62 MT of CO_2e per person (545,898 MT of CO_2e total) and 9.21 MT of CO_2e per person (718,358 MT of CO_2e total) were emitted in Livermore in 1990 and 2005, respectively. The 2017 inventory also provided the basis for the GHG emissions forecast, against which progress toward Livermore's 2030 target and 2045 goal can be measured. Approximately 5.92 MT of CO_2e per person (535,566 MT of CO_2e total) were emitted in Livermore in 2017. GHG emissions in the 2005 and 2017 inventories were emitted from the residential and commercial energy, transportation, water, wastewater, and waste sectors. The residential and commercial energy sector represents emissions that result from electricity and natural gas used in both private and public sector buildings and facilities. The transportation sector includes emissions from on-road passenger

and commercial vehicles within Livermore, as well as off-road vehicles and equipment. The transportation sector was the largest contributor to Livermore's GHG emissions in both 2005 and 2017, followed by energy and waste. Table 1 provides the Livermore community GHG emissions in 2017 by sector.

Table 1 2017 Livermore GHG Emissions Inventory Summary

Sector	Activity Data	Emission Factors	Units	MT CO_2e
Residential Electricity (kWh)	205,232,521	0.00009635	MT CO_2e/kWh	19,775
Nonresidential Electricity (kWh)	288,894,815	0.00009635	MT CO_2e/kWh	27,836
Direct Access Electricity (kWh)	32,283,926	0.0002027	MT CO_2e/kWh	6,545
Residential Gas (therms)	12,408,537	0.00531	MT CO_2e/therms	65,896
Adjusted Nonresidential Gas (therms)	10,820,445	0.00531	MT/CO_2e/therms	57,462
Passenger On-Road Transportation (VMT)	538,932,050	0.000338	MT CO_2e/mile	181,900
Commercial On-Road Transportation (VMT)	96,824,903	0.001366	MT CO_2e/mile	132,254
Off-Road Transportation[1]	N/A	N/A	-	18,002
Waste (tons)	81,766	0.2860	MT CO_2e/ton	23,052
Wastewater (kWh)	N/A	N/A	MT CO_2e/kWh	1,366
Water (kWh)	15,344,462	0.00009635	MT CO_2e/kWh	1,479
Total Emissions				**535,566**

MWh: megawatt hours; kWh: kilowatt hours; CO_2e: carbon dioxide equivalent; MT: metric tons; VMT: vehicle miles traveled; ADC: Alternative Daily Cover

[1] Off-road emissions calculated using CARB's OFFROAD 2021 model, as a proportion of total emissions in Alameda County based on changes in population, and thus does not have activity data or emission factors.

Source: Draft Livermore CAP Update

As shown in Table 1, the largest sectors of GHG emissions are related to transportation (specifically on-road passenger and commercial vehicles) and building energy use (specifically residential and commercial electricity and natural gas use).

The 2030 GHG emissions goal is selected to be consistent with SB 32 State emissions targets and ABAG regional passenger vehicle emissions targets, to be consistent with CEQA for a qualified GHG emissions reduction strategy, and to be achievable by City-supported strategies and actions identified in the CAP Update. The CAP Update includes a business-as-usual (BAU) forecast and an adjusted BAU (ABAU) forecast of GHG emissions, based on the 2017 inventory, that will enable Livermore to estimate the amount of emissions reductions needed to meet its per capita reduction targets.

The CAP Update includes actions to achieving, or making progress towards achieving, Livermore's 2030 target and 2045 goal. Key among these, the CAP Update includes strategies and actions to electrify new and existing residential, commercial, and municipal buildings and increase the amount of renewable energy and storage for new buildings. It recommends increasing electric vehicle (EV) charging stations to encourage greater EV adoption in the community, and development patterns that emphasize complete streets that allow people to go about their business on foot, by bicycle, or

via public transportation. It also offers ways to reduce water use and divert organic and inorganic waste that would otherwise go to landfills. In addition, the CAP Update includes strategies and actions to increase urban greenspace and trees for carbon sequestration, improve climate adaptation and resilience, and to provide community education and outreach regarding the CAP Update and local sustainability efforts. The CAP strategies and actions are organized by the core climate vulnerabilities and emissions sources that the CAP Update addresses, including energy resilience (E), drought (D), flooding (F), extreme heat (H), and wildfires (WF), as well as strategies for buildings and energy (B), transportation and land use (T), materials and waste (W), carbon sequestration (S), municipal operations (M) and implementation (I).

Table 2 includes a complete list of the CAP Update strategies and descriptions of respective supporting actions as well as anticipated annual GHG reductions in 2030 and 2045.

Table 2 Livermore CAP Update Strategies and Actions

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
Strategy E-1: Enhance community energy resilience.		
E-1.1	**Increase local and regional grid reliability:** Work with EBCE, PG&E, other Tri-Valley cities, and the Lawrence Livermore National Laboratory to create a regional grid reliability strategy, with the goal of assessing vulnerabilities to maximize local resilience.	Supportive
E-1.2	**Expand microgrid deployment:** Based on the results of the municipal pilot (M-1.2) expand microgrid deployment to provide resilience at critical facilities (fire, police, city hall) and in vulnerable communities. Partner with the Lawrence Livermore National Laboratory on microgrid projects and identify opportunities to obtain state and federal funding.	Supportive
E-1.3	**Improve resilience of residential buildings:** Implement a Neighborhood Retrofit Program to improve resilience in residential buildings (i.e., on-site power generation and storage, weatherization, air conditioning, etc.), with an emphasis on connecting incentives and resources with rental property owners and low-income residents. Partner with community organizations to leverage existing resources.	Supportive
E-1.4	**Improve resilience of non-residential buildings:** Develop an equitable incentive program to improve resilience in non-residential buildings to prevent disruptions in the local economy during power outages.	Supportive
Strategy D-1: Improve water conservation and reuse.		
D-1.1	**Study on-site water reuse:** Partner with Zone 7, Cal Water, large water users, and other stakeholders to study on-site water reuse to maximize utilization of local water supplies. This study should explore a broad range of strategies for on-site stormwater capture, wastewater treatment, and re-use in both commercial and residential settings.	Supportive
D-1.2	**Establish standards for on-site water reuse:** Based on the findings of the On-Site Water Reuse Study, establish standards to expand on-site water reuse. These standards could require new developments and major renovations to meet toilet, urinal, and irrigation demands through available greywater, stormwater, or other onsite sources.	Supportive
D-1.3	**Continue implementing the Water Efficient Landscape Ordinance:** Improve enforcement of the Water Efficient Landscape Ordinance during plan check and inspection of new and renovated landscaping.	Supportive
D-1.4	**Develop a water efficient demonstration program:** Collaborate with residents, businesses, and agency partners to promote native, drought-tolerant landscaping through water-efficient landscape demonstration projects. Identify and promote incentives and financing opportunities.	Supportive
D-1.5	**Continue to provide water efficiency devices and encourage residential water capture and reuse:** Continue working with Zone 7 and Cal Water to provide free or subsidized water conservation devices to residents with a focus on low-income communities. Encourage the installation of cisterns and other water storage devices for single-family homes to capture rainwater for irrigation uses.	Supportive

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
Strategy F-1: Improve stormwater management.		
F-1.1	**Prioritize wetland restoration:** Implement projects in the Stream Maintenance Plan that will revitalize urban creeks and floodplains, encourage groundwater recharge, and use native plant species to reduce flood risk and restore riparian habitats. Support and promote local programs such as Living Arroyos.	Supportive
F-1.2	**Prioritize flood resiliency projects:** Implement stormwater management projects identified in Livermore's Storm Drain Master Plan, Green Infrastructure Plan, and Capital Improvement Program that improve flood resilience from future storms. Ensure new infrastructure and retrofits are adequately sized to handle future flows exacerbated by climate change.	Supportive
F-1.3	**Expand passive rain capture standards**: Expand the requirements for passive rain capture features, such as vegetative swales and planting trees, in new infrastructure and development projects, particularly in areas of Livermore that are vulnerable to flooding.	Supportive
F-1.4	**Provide incentives to increase passive rain capture:** Work with water and wastewater providers to create and promote incentivizes for existing landscapes to incorporate passive rain capture features.	Supportive
F-1.5	**Require new hardscape to be permeable:** Update standards to new development hardscape to be consistent with CALGreen Tier 1 and/or increase the current fee for installation of new impervious surfaces.	Supportive
F-1.6	**Combine tree planting and stormwater management:** Include stormwater management strategies like bioswales when implementing tree planting and other urban greening programs, with a focus on low-income communities.	Supportive
Strategy H-1: Increase resilience to extreme heat events.		
H-1.1	**Study heat vulnerability:** Building off efforts in the 2023 Tri-Valley Local Hazard Mitigation Plan, create a Heat Vulnerability Index to identify and map heat-vulnerable areas and populations in Livermore. Explore actions to reduce urban heat and prepare for higher temperatures and more frequent extreme heat events.	Supportive
H-1.2	**Expand tree canopy cover in Livermore:** Utilize the City's new street tree inventory and other available tools to identify areas of Livermore with low tree canopy cover. Focus tree planting in areas with underserved and vulnerable populations.	Supportive
H-1.3	**Create a neighborhood cooling program:** As part of a Neighborhood Retrofit Program (E-1.3), implement cooling strategies consistent with Action H-1.1. Strategies could include planting trees, using heat-resistant materials, and installing heat pump HVAC units. Partner with local nonprofits and organizations to provide resources to low-income residents for retrofits. Partner with manufacturers or installers to make bulk purchases and installations in the community.	Supportive
H-1.4	**Establish shade standards:** Establish shade standards to encourage continuous shade for human movement in areas with high public transit use to protect public transit riders from extreme heat and precipitation events. Standards may encourage shade-providing building features, such as galleries, arcades, and awnings, bus and train shelters, and tree planting.	Supportive
H-1.5	**Install additional shade structures:** Build shade structures at public destinations that lack adequate tree cover, major transit stops, and along non-motorized transportation corridors, such as those identified in the City's Active Transportation Plan. Prioritize communities with high heat vulnerability.	Supportive
H-1.6	**Increase resilience at cooling centers:** Ensure cooling centers have backup power systems in place to operate during power shutoffs. Explore the use of public libraries and other trusted community-serving facilities as additional cooling centers.	Supportive
H-1.7	**Enhance heat response in emergency planning:** Integrate an emergency heat plan into the City of Livermore's Emergency Operations Plan that provides an emergency notification and well-being checks to protect the most vulnerable populations, such as Livermore's unsheltered population, low-income families, speakers of non-English languages, and older adults.	Supportive
Strategy WF-1: Mitigate wildfire risk and improve preparedness.		

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
WF-1.1	**Update hazard planning for wildfires:** Update the General Plan Safety Element and Tri-Valley Local Hazard Mitigation Plan to reflect the changing risk profile for wildfire including emergency response capabilities and evacuation plans.	Supportive
WF-1.2	**Create fire-safe landscaping standards:** Adopt fire-safe landscaping standards for new construction and major renovations that are based on the risk profile.	Supportive
WF-1.3	**Facilitate building retrofits:** As part of the Neighborhood Retrofit Program, incentivize building retrofits that help maintain indoor air quality during wildfires, including ventilation, filtration, and cooling, with an emphasis on connecting incentives and resources with low-income residents.	Supportive
WF-1.4	**Continue to implement community fire fuel load reduction programs:** Continue to update and implement the annual Vegetation Management Program and Weed Abatement Program to remove and thin vegetation.	Supportive
WF-1.5	**Continue to conduct outreach on fire prevention measures:** Continue to conduct multilingual public education programs to raise awareness of the new standards and best practices for fire-safe buildings and landscape management. This should include information about maintaining defensible space and implementing low-cost fire prevention measures, such as vegetation management and screening attic vents.	Supportive
WF-1.6	**Operate clean air centers:** Ensure cooling centers can also function as clean air centers. Maintain temperature/air quality thresholds that dictate when these facilities become available. Gather input from users to determine how these facilities can continue to be improved and support daily life, such as by offering indoor exercise and recreation activities/spaces.	Supportive
WF-1.7	**Stockpile personal protective equipment:** Stockpile masks and other personal protective safety equipment for community use during wildfire and/or smoke events and prioritize distribution to vulnerable communities.	Supportive
WF-1.8	**Encourage use of the Alameda County (AC) Alert system:** Promote the AC Alert system to residents and business owners through multilingual, proactive, and culturally relevant outreach methods, with a focus on boosting enrollment in vulnerable communities.	Supportive
Strategy B-1: Require new buildings to be all-electric and incentivize electrification retrofits.		
B-1.1	**Require new construction to be all-electric:** Adopt an electrification ordinance which requires all new construction to be all-electric. Conduct a cost effectiveness study to develop an ordinance that facilitates both construction and on-bill cost savings. Minimize the number of exemptions associated with the ordinance to limit the number of stranded natural gas lines in Livermore. Allow case by case allowances for certain site development standards when an applicant can demonstrate infeasibility. Leverage partnerships with the Building Decarbonization Coalition, EBCE, StopWaste, and others, to engage with local building industry stakeholders in development of the ordinance.	2030: 10,839 2045: 28,056
B-1.2	**Incentivize electric retrofits in existing buildings:** Incentivize voluntary electrification of existing buildings through incentives, rebates, permit streamlining, and education. Develop a suite of equity strategies to limit displacement and promote equitable distribution of electrification benefits like resilience, improved health and safety, and reduced energy cost burden. Partner with stakeholders such as EBCE and PG&E to establish funding pathways to ease community costs for electrification upgrades.	2030: 13,704 2045: 93,437
B-1.3	**Conduct a cost analysis and feasibility study for existing building electrification requirements:** Conduct an existing building electrification feasibility and cost study to understand the potential for, and associated costs of, electrification retrofitting requirements. This would include an analysis for implementing requirements for newly permitted heating and cooling systems, hot water heaters, and other electric appliances.	Supportive

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
B-1.4	**Partner with stakeholders to conduct electrification outreach, promotion, and education:** Leverage partnerships with stakeholders to conduct multilingual outreach, promotion, and education around building electrification, including: ▪ Creating a list of water heater, space heating, and appliance (electric stove/dryers) replacement programs and incentives. ▪ Hosting an induction/electric stove cooking competition to demonstrate the benefits of electric stoves. ▪ Organizing events to educate the public on the potential health and cost benefits of replacing gas stoves with electric. ▪ Offering workforce development trainings for installers and building owners/operators to discuss benefits and technical requirements of electrification. ▪ Conducting internal trainings with planners and building officials on state decarbonization goals and incentives available for electric homes. ▪ Conducting targeted outreach to rental property owners to facilitate upgrades that benefit renters.	Supportive
Strategy B-2: Decarbonize electricity from the grid and increase local renewable energy generation.		
B-2.1	**Opt-up community EBCE accounts to 100 percent renewable electricity:** Opt-up EBCE accounts in Livermore to 100 percent renewable electricity by 2024. Achieve an opt-out rate lower than 4 percent from 100 percent renewable. Conduct public outreach and education to highlight the benefits of 100 percent renewable energy. Partner with community-based organizations to ensure low/moderate income households are aware of EBCE's CARE program to receive decreased electricity rates.	2030: 24,865 2045: 0
B-2.2	**Coordinate with stakeholders to provide local energy generation and storage incentives:** Work with PG&E, EBCE, and/or other community partners to support and incentivize local on-site energy generation and storage. This could include: ▪ Connecting home and business owners, particularly those in vulnerable communities, to incentives for renewable energy and storage projects. ▪ Promoting installation of storage technology in concert with renewable energy infrastructure through multilingual education programs, outreach, and information provided via City platforms. ▪ Installing a co-located community solar and storage facility to demonstrate the benefits.	Supportive
B-2.3	**Establish renewable energy facility standards and permitting requirements:** Establish renewable energy facility standards and permit requirements, including solar arrays and battery storage systems, to allow for easier implementation of these technologies in Livermore.	Supportive
B-2.4	**Explore hydrogen and renewable fuel opportunities**: Support hydrogen and renewable fuel projects, particularly in the transportation and industrial sectors.	Supportive

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
Strategy T-1: Facilitate a transition to electric vehicles		
T-1.1	**Expand EV infrastructure to support EV adoption:** Expand EV infrastructure to support EV adoption in the community by doing the following: ▪ Establishing standards for EV chargers in new development that expand requirements for EV-Capable, EV-Ready, and/or EV-Installed spaces; Introduce preferential parking for EVs near building entrances at popular destinations; Require all new gas stations and major remodels to install an EV charger; Establish universal, accessible, and multilingual EV signage and marking requirements for EV parking spaces. ▪ Partnering with stakeholders, like EBCE, BayREN, and affordable housing providers, to coordinate incentives and/or rebates for at-home electric circuits, panel upgrades, and Level 2 chargers, with a focus on supporting EV upgrades for low-income households. Provide multilingual education and outreach to the community on available programs. ▪ Working with the Livermore Valley Chamber of Commerce, Livermore Downtown Inc, and major employers (e.g., Lawrence Livermore National Lab, Kaiser Permanente, GILLIG, Topcon, LARPD, and LVJUSD) to encourage EV adoption and improvements to EV infrastructure. ▪ Promoting the availability of public chargers on social media and the City website.	Supportive
T-1.2	**Identify barriers to EV adoption:** Assess EV infrastructure needs and challenges, strategies to increase EV infrastructure and EV adoption, particularly in underserved communities, and identify funding for charging infrastructure.	2030: 39,599 2045: 93,458
T-1.3	**Electrify retail delivery vehicles:** Establish licensing fees for vehicles making deliveries, such as online retail deliveries, to provide funding for new active transportation and EV charging infrastructure, and/or provide discount licensing fees for delivery companies which utilize electric vehicles.	
T-1.4	**Reduce sources of idling emissions:** Adopt an ordinance limiting new drive thru businesses and other sources of idling emissions.	
T-1.5	**Develop an EV car share pilot program:** Work with stakeholders to develop an EV car share pilot program to provide access to a low cost and emission free mobility option in low-income communities.	Supportive
Strategy T-2: Facilitate a transition to transit and shared mobility services.		
T-2.1	**Improve transit and shared mobility services:** Improve transit and shared mobility services to reduce single-occupancy vehicle travel by doing the following: ▪ Supporting efforts by transit providers to offer more frequent and reliable transit service; improve service/communication through multilingual interactive service maps, mobile payments, and real-time arrival info; improve active transportation access to transit stops; and provide enhanced, comfortable stops and stations. ▪ Conducting a shared mobility services (e.g., car-share, bike-share, scooter-share) feasibility study, possibly in coordination with neighboring communities Pleasanton and Dublin. ▪ Based on the feasibility study, establish standards for shared mobility services to operate in Livermore. ▪ Consider a pilot program downtown, ideally with e-bikes or scooters. ▪ Identify local equity issues and remove barriers for people of color, low-income, people experiencing homelessness, and senior populations to take transit, walk, bike, use rideshare, or carshare.	2030: 3,033 2045: 4,656
T-2.2	**Conduct a local transportation survey:** Include multilingual National Citizens Survey questions related to transportation to better understand the community's needs and motivation for travelling by car versus other alternatives such as by bike or bus. Use the survey results to inform transportation projects.	Supportive
T-2.3	**Establish ride-share loading/unloading zone requirements:** Establish requirements for ride-share parking and loading/unloading zones in new non-residential development.	Supportive

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
Strategy T-3: Improve active transportation infrastructure.		
T-3.1	**Accelerate implementation of the Livermore Active Transportation Plan:** Implement 50 percent of the Livermore Bicycle, Pedestrian, and Trails Active Transportation Plan (ATP) by 2030 in accordance with its goals, objectives, and policies so that the City adds approximately 77 miles to the active transportation network. Continually improve methods for engaging the community, gathering input, and utilizing it to prioritize projects that implement the ATP. Review all ATP projects to ensure ATP projects are deployed equitably across all Livermore neighborhoods with an emphasis on connecting low-income communities to downtown and public transportation.	2030: 2,127 2045: 2,111
T-3.2	**Conduct an ATP fee study:** Conduct a fee study and adopt an ordinance requiring development projects to pay fees that will be dedicated to implementing active transportation routes and infrastructure citywide.	Supportive
T-3.3	**Promote active transportation through car-free events:** Identify areas of town to periodically close streets to cars, potentially coupled with the Farmer's Market or other large and regular events.	Supportive
Strategy T-4: Support sustainable land use practices.		
T-4.1	**Promote a jobs-housing match:** Update the General Plan to promote a housing supply that meets the needs of Livermore's workforce.	Supportive
T-4.2	**Maximize infill development**: Update the Development Code and specific plans to maximize opportunities for infill development.	Supportive
T-4.3	**Revise parking standards for developments:** Adjust parking minimums and establish parking maximums where appropriate, such as near transit.	Supportive
T-4.4	**Facilitate complete and walkable neighborhoods:** Identify opportunities to update zoning in neighborhoods lacking amenities like grocery stores and parks. Work with community partners to focus these efforts in low-income communities.	Supportive
Strategy W-1: Reduce the amount of waste that is landfilled.		
W-1.1	**Implement the requirements of Senate Bill 1383:** Implement SB 1383, which includes expanded organics collection, edible food recovery, municipal compost procurement, outreach and education programs, and an inspection and compliance program.	2030: 7,556 2045: 7,834
W-1.2	**Maintain or exceed the City's solid waste diversion goal:** Maintain or exceed the City Council mandated goal of 75 percent diversion every year.	Supportive
W-1.3	**Reduce landfill waste at public events:** Increase reuse, recycling, and composting and encourage reduction/reuse at temporary public events by mandating the use of recycling and organics collection co-located at every garbage can; encourage reusable food ware, when relevant, according to the California State Retail Food Code.	Supportive
W-1.4	**Improve waste management in commercial industries:** Develop policies to reduce waste and increase reuse in the food industry (e.g., restaurants, facilities serving prepared food and prepackaged food; home meal delivery services), hospitality industry, and other commercial industries. Efforts may include adopting ordinances for compostable food ware, a ban on single-use individual toiletry bottles in hotels/motels, grant/discount programs for switching to reusables, and working with home meal delivery services (e.g., Blue Apron), etc. to reduce single-use packaging and encourage reuse. Provide resources for multilingual technical assistance and financial incentives for low-income entrepreneurs.	Supportive
W-1.5	**Reduce construction waste:** Require construction sites to separate waste for proper diversion and reuse or recycling, consistent with CALGreen voluntary requirements.	Supportive
W-1.6	**Improve reuse and repair:** Partner with State and other public institutions to develop and implement programs that improve reuse and repair such as Fix it Clinics and tool lending libraries. Work with retailers to develop programming around reuse and repair**.**	Supportive
W-1.7	**Work with community partners to recover food:** Support community partners such as the Alameda County Community Food Bank and Tri-Valley Haven to divert edible food waste and support food insecure community members.	Supportive

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
Strategy W-2: Expand use of low-carbon and recycled building materials.		
W-2.1	**Raise awareness for low-carbon and recycled building materials:** Work with local, regional, and State partners to expand the awareness, availability, and cost-effectiveness of low-carbon and/or recycled construction materials.	Supportive
W-2.2	**Explore standards for new construction that limit embodied carbon emissions:** Consider implementing embodied carbon performance standards including materials and material-efficient building practices, with exemptions for cost barriers as needed to prevent these changes from directly increasing housing or rent costs.	Supportive
Strategy S-1: Maximize local carbon sequestration.		
S-1.1	**Expand tree canopy cover in Livermore:** Consistent with Action H-1.2, utilize the City's new street tree inventory and other available tools to identify areas of Livermore with low tree canopy cover. Conduct tree planting efforts in these areas, with a focus on underserved and vulnerable populations. Update the City's Tree Preservation Ordinance to promote increased canopy coverage and climate-ready tree species in developments. Additionally, identify strategies to repurpose timber waste (rather than incineration or chipping).Livermore	2030: 58 2045: 58
S-1.2	**Implement carbon farming projects using SB 1383-compliant organic materials:** SB 1383 requires Livermore to procure approximately 7,297 tons of compost or other organic material annually. Work with agricultural and public agency stakeholders to partner on carbon farming projects to apply SB 1383-compliant organic material locally.	Supportive
S-1.3	**Update the City's landscaping standards:** Update City standards to expand requirements for shade trees and plant species that sequester a high amount of carbon.	Supportive
S-1.4	**Preserve open spaces:** Continue the City's open space preservation efforts to preserve open space as conservation land or working land to maintain carbon sequestration and other benefits.	Supportive
S-1.5	**Explore technology-based carbon capture and storage opportunities.** Partner with carbon restoration leaders, including the National Laboratories, to explore opportunities for technology-based carbon capture and storage projects.	Supportive
Strategy M-1: Enhance resilience at public facilities.		
M-1.1	**Demonstrate the feasibility of community wide energy resilience through a municipal pilot project:** Through the development of a municipal microgrid project at a critical facility, the City will demonstrate the feasibility of expanding local electricity generation and storage to improve community resilience.	Supportive
M-1.2	**Expand renewable energy and battery storage projects:** Install renewable energy and battery back-up systems at municipal facilities (city hall, police department, water reclamation plant) to increase energy independence and reliability during blackouts, extreme heat events, and other emergency incidents.	Supportive
M-1.3	**Retrofit municipal facilities to withstand climate-related hazard conditions:** Ensure that City facilities are sufficiently hardened to withstand climate-related hazard conditions, such as weatherization for extreme storm events and better seals to outdoor air during wildfire smoke days.	Supportive
Strategy M-2: Electrify municipal facilities and operations.		
M-2.1	**Opt-up municipal EBCE accounts to 100 percent renewable electricity:** Opt-up municipal accounts to 100% renewable electricity by 2023.	Supportive
M-2.2	**Conduct energy audits of City facilities and evaluate life cycle costs of energy upgrades:** Complete energy audits for all City facilities and implement feasible recommendations for fuel switching and efficiency upgrades. Develop a policy for the City which would require all new building upgrades to include life cycle costing over 30 years and tie this directly to energy consumption and building electrification. This would include the building's operational and maintenance costs and ensure that the City has the most cost effective (and sustainable) building possible.	Supportive

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
M-2.3	**Electrify existing buildings and increase energy efficiency:** Adopt retrofitting policy for City-owned buildings such that electrification and energy efficiency retrofits are incorporated into City buildings as part of building upgrades and repairs identified in the Capital Improvement Program.	Supportive
M-2.4	**Replace gas-powered landscaping equipment:** Transition to all-electric landscaping equipment, including leaf blowers, for municipal operations. Use this to promote all-electric equipment in the community, providing information on the City website outlining available incentives for residents and businesses.	Supportive
Strategy M-3: Electrify the City's vehicle fleet and encourage City employees to utilize alternative transportation and teleworking opportunities.		
M-3.1	**Prepare a Fleet Electrification Plan:** Prepare a Fleet Electrification Plan that outlines the transition of the municipal fleet to electric vehicles where possible.	Supportive
M-3.2	**Expand EV charging at public facilities:** Install new public and employee EV chargers at City-owned facilities.	Supportive
M-3.3	**Increase bike facilities at public buildings:** Establish bike lockers at City Hall that are usable to the public. Add bike locker facilities at off-street parking lots.	Supportive
M-3.4	**Increase teleworking opportunities:** Adopt an internal policy to allow City employees to work from home on a regular basis, as specific job positions allow.	Supportive
Strategy M-4: Conserve water in municipal landscaping and improve on-site stormwater management.		
M-4.1	**Conserve water in City landscaping:** Implement water conservation measures, such as increasing efficiency and use of recycled water, in City landscaping and grounds maintenance procedures.	Supportive
M-4.2	**Convert existing turf areas on municipal sites:** Reduce water use by converting existing turf areas to drought tolerant and/or native landscaping.	Supportive
M-4.3	**Convert impermeable surfaces on municipal sites:** Identify City-owned impermeable surfaces that can be targeted for a transition to increased infiltration.	Supportive
Strategy M-5: Purchase more sustainable products to reduce waste from City operations.		
M-5.1	**Adopt a green purchasing policy:** Adopt an Environmentally Preferable Purchasing Policy for municipal operations.	Supportive
Strategy M-6: Utilize public lands to increase local carbon sequestration and reduce urban heat island effect.		
M-6.1	**Expand open space management:** Expand management of City-owned public lands and landscaping to improve carbon sequestration; evaluate and ensure that landscaping plans utilize native species where feasible.	Supportive
M-6.2	**Coordinate with other public agencies and stakeholders on carbon sequestration:** Coordinate with other public agencies and stakeholders on carbon sequestration efforts, including soil carbon farming and carbon capture and storage.	Supportive
Strategy I-1: Make climate impacts and resilience a standard consideration during planning and development processes.		
I-1.1	**Evaluate climate impacts and risk in development review:** Implement an internal process to consider climate change impacts and risks during development review. Amend the standard City Council agenda report template to include a statement on how the project or program supports or addresses CAP goals.	Supportive
I-1.2	**Consider climate impacts and risk in Capital Improvement Program projects:** Ensure that new infrastructure will be designed with forecasted changes in climate (precipitation, temperature, wildfire) in mind. Utilize the Livermore Vulnerability Tool, as well as Google Environmental Insights Explorer tools and data, to evaluate the potential climate impacts when assessing new public infrastructure projects. Utilize materials that reduce environmental impact, such as low-carbon concrete and drought tolerant plants.	Supportive
I-1.3	**Conduct a carbon fee study:** Conduct a study and explore an ordinance requiring development fees from projects that exceed a determined threshold of carbon emissions. Dedicate revenues to implement CAP programs.	Supportive

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
I-1.4	**Evaluate the financial risks of climate impacts:** Evaluate existing and potential financial risks posed by climate change to both the City and community. Recommend strategies to mitigate these risks as available and appropriate, including options for insurance products, green infrastructure bonds, real estate strategy and other appropriate mechanisms.	Supportive
I-1.5	**Integrate mitigation and adaptation planning in other City plans:** Coordinate mitigation and adaptation planning with other City plans, including the Tri-Valley Local Hazard Mitigation Plan, General Plan, Active Transportation Plan, Green Infrastructure Plan, Emergency Response Plan, and zoning land use codes.	Supportive
Strategy I-2: Dedicate City resources to CAP implementation and consistently monitor progress.		
I-2.1	**Designate a Climate Action Manager:** Create a Climate Action Manager position responsible for implementing CAP measures and actions by drafting ordinances, managing technical studies, leading outreach efforts, updating the online portal, networking with partners and stakeholders, and pursuing grant opportunities.	Supportive
I-2.2	**Establish local incentives, rebates, and streamlined permitting to facilitate CAP implementation:** Establish local incentive and rebate programs to assist residents and businesses in areas such as building electrification, weatherization, and EV charging. Streamline permitting processes to further incentivize implementation of CAP efforts.	Supportive
I-2.3	**Create a CAP tracking program:** Develop a tracking program for CAP efforts to track annual implementation progress.	Supportive
I-2.4	**Report implementation progress:** Report progress on CAP implementation annually to the City Council to measure progress and ensure accountability in achieving CAP goals. Report GHG emissions and CAP information to a Public Disclosure Program, such as the Carbon Disclosure Program and SEEC Clear Path.	Supportive
I-2.5	**Prioritize equitable implementation:** Implement CAP measures and actions through an equity lens. Work to ensure that communities who are most impacted by climate change, including people of color, low-income families, and people experiencing homelessness, benefit the most from adaptation and mitigation efforts.	Supportive
I-2.6	**Utilize Assistance Programs and Pursue Funding Opportunities:** Pursue funding opportunities to implement CAP actions. Utilize guidance, resources, and technical expertise from partners like EBCE and StopWaste. Expand staff capacity through programs like Civic Spark and Climate Corps.	Supportive
Strategy I-3: Create a public outreach campaign to educate the community about CAP initiatives.		
I-3.1	**Create a brand and identity:** Develop a consistent brand for all climate action campaign activities, which may be used in logos and hashtags.	Supportive
I-3.2	**Promote transparency to the public:** Communicate the City's climate action goals and progress to the public regularly, with information displayed prominently on physical and digital outlets citywide.	Supportive
I-3.3	**Engage with the community regularly:** Hold regular climate action outreach events, such as workshops, presentations, focus groups targeted at specific community groups, public contests or challenges, and an annual event such as Earth Day or New Year's Green Resolutions. Inform the community on potential climate change impacts, as well as weatherization and other actions that community members can take to increase resilience in their home or business.	Supportive
I-3.4	**Target commercial stakeholders and private institutions:** Develop workforce trainings and information that is specifically targeted to large commercial stakeholders in Livermore. This may include businesses in the agriculture and viticulture sector, contractors, realtors, restaurants, retail stores, and landscapers. Encourage climate change resilience planning and strategies in private companies, institutions, and systems essential to a functioning Livermore.	Supportive
I-3.5	**Target rental and multi-family property owners:** Conduct targeted outreach to rental and multi-family property owners to incentivize upgrades for tenants, including electrification and weatherization.	Supportive

Action ID#	Strategies and Respective Supporting Actions	Anticipated GHG Emissions Reduction (MT of CO_2e)
I-3.6	**Expand outreach and education to Livermore's youth:** Expand on current outreach targeted towards students within Livermore to provide opportunities for education and action implementation.	Supportive
I-3.7	**Establish an online resource portal:** Develop an online portal that provides climate action information and resources for all stakeholders and community members. Content may include resources on rebates and regulations, guides for reducing individual GHG emissions and preparing for climate emergencies, and a calendar of upcoming climate action events.	Supportive
I-3.8	**Increase social resilience:** Increase community resilience/social capacity by supporting Neighbors Helping Neighbors programs. These programs enable neighbors to exchange contact information, acquire supplies, and establish a neighborhood plan to assist each other, particularly vulnerable residents, during climate emergencies.	Supportive
Strategy I-4: Foster green innovation in Livermore.		
I-4.1	**Expand the local green economy:** Coordinate economic development efforts identified in the 2021-2025 Economic Development Strategy with CAP actions. Attract companies and organizations to Livermore that will expand the local green economy and are innovators in sectors related to climate action and resilience.	Supportive
I-4.2	**Coordinate with the National Laboratories:** Coordinate with Lawrence Livermore National Laboratory and Sandia to identify new technologies and potential pilot projects.	Supportive

MT of CO_2e = metric tons of carbon dioxide equivalent
Source: Compiled by Rincon based on information contained in the Livermore CAP Update.

The strategies and actions included in CAP Update (shown above in Table 2), combined with Statewide legislation and City initiatives, will enable Livermore to meet its GHG emissions reduction target pathway, a linear pathway to achieving a 68 percent reduction in per capita GHG emissions and 40 percent reduction in communitywide emissions from 1990 levels by 2030, which meets the State's goal of 40 percent below 1990 levels by 2030. Table 3 shows the contribution of the Statewide and City initiatives in conjunction with CAP Update strategies and actions to reduce Livermore's projected total emissions in 2030.

Table 3 Livermore 2030 GHG Emissions Reductions from 2030 BAU levels

State Initiative	Sector	GHG Emissions Reduction (MT of CO_2e)
Advanced Clean Cars Program	On-road Transportation	94,871
Renewable Portfolio Standard	All electricity	27,286
Title 24	Residential Energy	3,080
A. Total State Initiative Emissions Reductions		125,238
B. Total CAP Update Emissions Reductions		128,929
C. Total Expected Emissions Reductions (A+B)		**254,167**
D. Livermore Emissions Reduction Requirement per SB 32 (State Goal)		**128,238**
E. Meets/exceeds State Goal? (C > D)		**Yes**

MT of CO_2e = metric tons of carbon dioxide equivalent
Note: Totals may not add up due to rounding

Table 4 shows the 2030 GHG emissions and targets for Livermore, including the expected emissions once the strategies and actions listed in Table 2 are implemented.

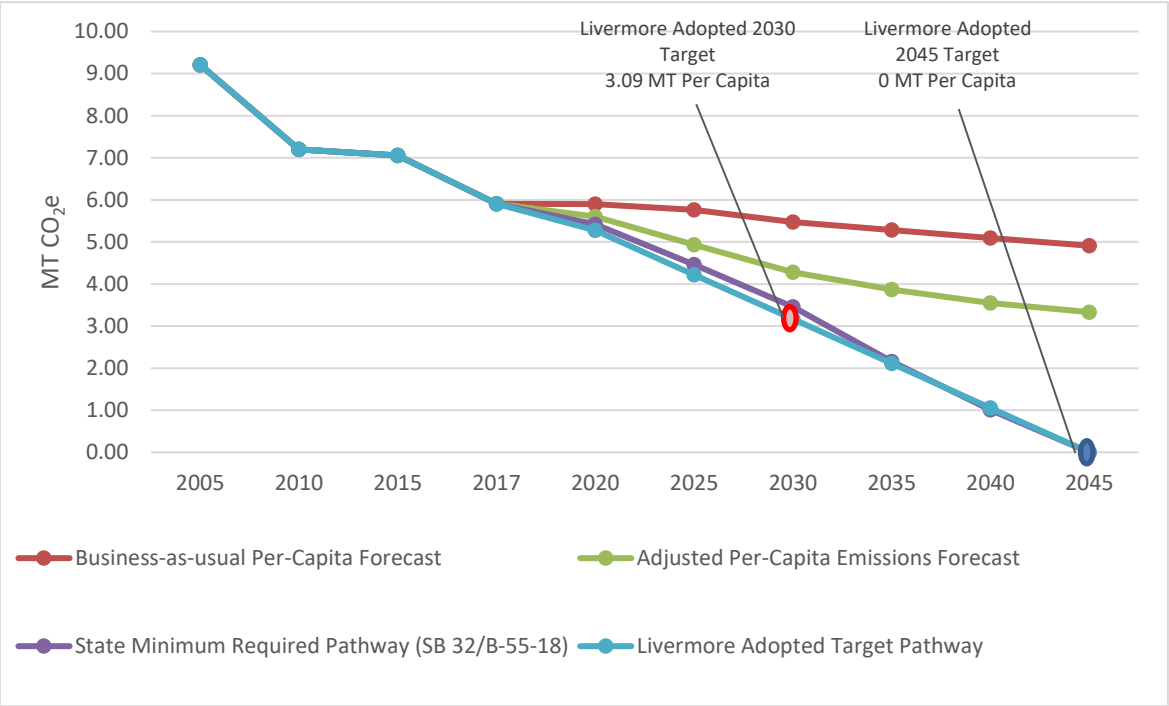
Table 4 Livermore GHG Emissions Projections by Target Year

Description	Emissions (MT of CO_2e/person)	Emissions (MT of CO_2e total)
1990 Emissions	9.62	545,898
2030 BAU Emissions	5.48	581,014
2030 ABAU Emissions (including ongoing local actions)	4.30	455,776
2030 Target Emissions (40% below 1990)	3.09	327,539
2030 Expected Emissions with Implementation of CAP Update Primary Actions	**3.08**	**326,847**

MT of CO_2e = metric tons of carbon dioxide equivalent

Figure 3 depicts 2030 and 2045 GHG emissions and targets for Livermore, including the expected emissions once the strategies and actions listed in Table 2 are implemented. Figure 3 illustrates, for per capita emissions, the forecasted BAU emissions (in red) as well as the forecasted ABAU emissions (in green), after State-level and existing City-level initiatives are accounted for. Figure 3 also shows the minimum per-capita emissions reductions needed to meet State goals (in purple). Finally, Figure 3 depicts the emissions target/goal pathway trajectory and the emissions reductions needed after all State-and City-level actions and Livermore CAP Update actions are applied (in blue).

Figure 3 Livermore Per Capita GHG Emissions Projections and Targets



General Plan Designation and Zoning

The CAP Update would be implemented throughout Livermore and would occur in all City General Plan designations and zoning designations. The CAP Update includes Strategy T-4, which directs the City to update the General Plan to promote a better balance of jobs and housing within Livermore and to update the development code to maximize opportunities for infill development. However, the CAP Update would not alter existing land use designations or zoning itself. The City's

implementation of this strategy would include a future technical update to the other elements of the General Plan and the rezoning of some sites to achieve the City's GHG reduction targets.

It is important to note that the approval of the CAP Update does not grant approval of potential land use designation or zoning changes but rather indicates that some land use parcels may need redesignation or rezoning in the future to help achieve the City's GHG reduction targets. The rezoning process and any amendments to the General Plan land uses would require discretionary review by the City Planning Commission, with the future changes ultimately adopted by the City Council. With that additional discretionary approval required, appropriate CEQA review of those land use parcels that require zone and/or General Plan designation changes would be necessary at the time those parcels are being considered for rezoning and/or redesignation. Therefore, the City's land use designation updates and potential rezoning program would be a separate project under CEQA and evaluated in accordance with CEQA at the time of its review. Prior to the approval of any changes in land use, the City would evaluate the potential environmental impacts from the rezoning or changes in the General Plan Land Use Element.

Environmental Review Context

Implementation of the CAP strategies and actions listed in Table 2 could result in physical changes to the environment that could potentially have an impact on the environment. While individual projects resulting from these measures have not been identified, for the purposes of this document, the types of actions that could result from realization of the CAP Update are taken into account in considering potential environmental impacts that could occur through implementation of the CAP Update. For example, projects or actions requiring ministerial approval, such as installation of electric vehicle charging stations and supporting infrastructure, as well as new bicycle or pedestrian facilities, would introduce physical changes related to the temporary presence and operation of construction vehicles and equipment during installation of required facilities and the long-term presence of new facilities such as bike and pedestrian facilities, solar arrays, and electric vehicle charging stations, which could alter pedestrian and vehicular traffic patterns. Future plans or projects (including potential changes to land use designations or zoning) requiring discretionary approval would be subject to environmental review under CEQA, and individual impact analyses would identify required plan- or project-specific mitigation measures where applicable.

Cumulative Scenario

For purposes of CEQA cumulative impacts analysis of the CAP Update, the cumulative scenario is buildout of the 2025 Livermore General Plan plus Livermore population projections through 2030 and 2045. The Livermore 2025 General Plan assumes a total of 40,160 housing units, 105,077 residents, and 87,960 jobs by the general plan horizon year in 2025.[11] In addition, Livermore projects a population of 105,967 persons and 49,372 jobs by the CAP Update planning horizon year of 2030 and 137,951 persons and 53,243 jobs by the horizon year of 2045.[12] These are slightly

[11] Livermore, City of. 2003. General Plan and Downtown Specific Plan EIR. Available: < https://www.livermoreca.gov/home/showpublisheddocument/7289/637587704118730000>. Accessed April 13, 2022.

[12] Livermore, City of. 2022. Draft Climate Action Plan Update.

higher than ABAG's 2018 population and jobs projections for 2030 but are utilized to provide a conservative analysis.[13]

Required Approvals

City of Livermore

Required approvals include:

- City Council adoption of the CAP Update Initial Study-Negative Declaration; and
- City Council adoption of CAP Update.

Although individual plans or projects may be implemented later under the umbrella of the CAP Update, each individual plan or project would be subject to separate environmental review under CEQA once project details and location specifics are known.

Other Public Agencies

The City of Livermore has sole approval authority regarding the CAP Update. There are no other public agencies whose approval is required.

[13] Association of Bay Area Governments (ABAG). 2018. Plan Bay Area Projections. Available: <http://projections.planbayarea.org/>. Accessed April 13, 2022.

Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is "Potentially Significant" or "Less than Significant with Mitigation Incorporated" as indicated by the checklist on the following pages.

☐	Aesthetics	☐	Agriculture and Forestry Resources	☐	Air Quality
☐	Biological Resources	☐	Cultural Resources	☐	Energy
☐	Geology/Soils	☐	Greenhouse Gas Emissions	☐	Hazards & Hazardous Materials
☐	Hydrology/Water Quality	☐	Land Use/Planning	☐	Mineral Resources
☐	Noise	☐	Population/Housing	☐	Public Services
☐	Recreation	☐	Transportation	☐	Tribal Cultural Resources
☐	Utilities/Service Systems	☐	Wildfire	☐	Mandatory Findings of Significance

Determination

Based on this initial evaluation:

■ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "less than significant with mitigation incorporated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potential significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Lead Agency Representative Signature	Date
Lead Agency Representative Printed Name	Title

Environmental Checklist

1 Aesthetics

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect on a scenic vista?	☐	☐	■	☐
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	☐	☐	■	☐
c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	■	☐
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	☐	☐	■	☐

a. Would the project have a substantial adverse effect on a scenic vista?

b. Would the project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?

The Livermore General Plan and General Plan Environmental Impact Report (EIR) identify scenic resources and vistas within and nearby Livermore as the hillsides and ridgelines surrounding Livermore to the north and south, Mount Diablo to the northwest, Brushy Peak to the northeast, major arroyos and creeks (e.g., Cottonwood Creek, Collier Canyon Creek, Cayetano Creek, Valle Dry Creek, Kellogg Creek, Altamont Creek, Arroyo Las Positas, Arroyo Mocho, Arroyo Seco, and Arroyo Del Valle), and the Del Valle Reservoir to the south of Livermore. Scenic vistas are primarily available from the urban edges of Livermore, where development is less dense, and from major transportation arterials. I-580 is eligible for designation as a State scenic highway and runs east-west through the northern portion of Livermore. I-580 offers views of the wooded hillsides, Brushy Peak, Mount Diablo, and surrounding valleys. A portion of SR-84 approximately five miles to the southwest of Livermore is also eligible for designation as a State scenic highway. The nearest officially designated State Scenic Highway is I-680, which runs north-south and is located

approximately four miles west of Livermore in the City of Pleasanton.[14] The Livermore General Plan identifies I-580 as a locally-designated Scenic Corridor and lists portions of several roads as Major Scenic Streets including Tassajara Road, Dolan Road, Collier Canyon, Harford Avenue, North Livermore Avenue, and Altamont Pass Road, amongst others.[15]

As a policy document, the CAP Update would not result in impacts related to scenic vistas and scenic highways. However, implementation of some CAP Update strategies promote infrastructure development that may alter the visual setting of future project sites. CAP Update Strategies E-1, B-2, and M-1 promote installation of small-scale solar PV systems, microgrid projects, and battery energy storage systems at both municipal facilities and in private development to provide greener renewable electricity. CAP Update Strategies T-2 and T-3 involve actions to reduce vehicle miles traveled (VMT) and improve the multi-modal circulation system, including the installation of new bicycle, pedestrian, and public transit infrastructure such as bike lanes and a new electric trolley service. CAP Update Strategy T-1 encourages the installation of electric vehicle charging stations and supporting infrastructure. Additionally, CAP Update Strategy F-1 would expand green stormwater management infrastructure in Livermore, including wetland restoration and flood resiliency projects, and CAP Update Action H-1.2 and Strategy S-1 would result in new tree planting and greenspace throughout Livermore.

The CAP Update would promote infrastructure development and redevelopment that is complimentary to existing development and land uses and would primarily be concentrated in the existing urbanized areas. Though the implementation of the CAP Update may result in future development, CAP Update-related projects and actions, including those identified above, would be required to adhere to City development zoning, regulations, and guidelines, including the Livermore Design Standards and Guidelines, which establish criteria for the aesthetic qualities of new and retrofitted development in Livermore including design, architecture, lighting, landscaping, and signage.[16] Future CAP Update-related projects would also undergo design review by the Planning Commission or Administrative Design Review by the Planning Division as applicable.[17] Compliance with the LMC and Livermore Design Standards and Guidelines would ensure that potential future infrastructure development and redevelopment related to the CAP Update would be carefully integrated with the existing character of the Livermore community, minimizing potential aesthetic impacts. In addition, CAP Update projects and actions would be reviewed for consistency with the Livermore General Plan policies related to scenic resources prior to approval. As such, the CAP Update would not result in adverse impacts related to scenic vistas or State scenic highways within Livermore. Therefore, the CAP Update would result in ***less-than-significant impacts*** related to scenic vistas and scenic resources within State scenic highways.

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[14] California Department of Transportation (Caltrans). 2022. California State Scenic Highway System Map. Available: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa>. Accessed April 14, 2022.

[15] Livermore, City of. 2003. Livermore General Plan Update Environmental Impact Report. Volume I: Master Environmental Assessment. Available: <http://dev.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?blobid=23819>. Accessed April 14, 2022.

16 Livermore, City of. 2004. Design Standards and Guidelines. Available: <https://www.cityoflivermore.net/government/community-development/planning/design-standards-and-guidelines>. Accessed April 18, 2022.

17 Livermore, City of. 2009. Design Review. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1007/637175931583270000>. Accessed April 18, 2022.

c. Would the project in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Livermore is an urbanized area with the following applicable visual character/quality Goals and Policies in the Livermore General Plan Land Use and Community Character Element:

Land Use Element

- **Goal LU-1:** Protect the unique qualities of Livermore, which include a historic Downtown, a variety of residential neighborhoods, vineyards, ranches, natural habitats and open space.
- **Objective LU-1.3:** Utilize the transferring of density in order to preserve environmentally and aesthetically sensitive areas.[18]

Community Character Element

- **Goal CC-1:** Preserve and enhance Livermore's natural setting.
- **Objective CC-1.1:** Use open space to protect and enhance local community character and identity, to preserve rural characteristics, and to provide an edge to urban growth.
- **Objective CC-1.2:** The intensity of land use in woodland areas shall reflect the density of the trees so as to perpetuate the woodland character.
- **Objective CC-1.3:** Minimize obtrusive glare and wasted energy from excessive nighttime lighting and preserve views of the nighttime sky.
- **Goal CC-2:** Maintain high standards of urban design in Livermore.
- **Goal CC-4:** Protect and enhance public views within and from established scenic routes, including views of arroyos.
- **Objective CC-4.16:** Preserve and enhance natural scenic qualities in areas beyond scenic routes.[19]

The CAP Update would promote sustainable infrastructure development and redevelopment through strategies and actions related to the building energy, transportation, solid waste, and water sectors. Implementation of some CAP Update actions related to transportation and renewable energy may alter the visual setting of future project sites and could impact visual character and scenic quality. Specifically, CAP Update Strategies E-1, B-2, and M-1 promote installation of microgrid projects, such as rooftop solar panels, and associated battery energy storage systems and CAP Update Strategies T-1 through T-3 encourage improvements to the multimodal and public transit systems and the installation of EV charging stations.

Implementation of small-scale solar panels and battery storage and introduction of EV charging, public transit and bike and pedestrian infrastructure may slightly change the scenic character of the Livermore community. However, future CAP Update-related projects would be located and designed to be complimentary to existing land uses and would be required to adhere to the City regulations described under *Responses 1a. and b.*, above, that seek to preserve the character of Livermore and minimize environmental impacts. In addition, the CAP Update contains strategies and actions to

[18] Livermore, City of. 2003. General Plan Land Use Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/5557/637643621508500000>. Accessed April 19, 2022.

[19] Livermore, City of. 2003. General Plan Community Character Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1379/637643622125630000>. Accessed April 19, 2022.

increase the planting of trees, add new green stormwater infrastructure such as wetlands, increase greenspace in the community, and preserve open space, which would positively contribute to the visual environment in Livermore and align with General Plan goals and objectives such as Goal CC-1, and Objective CC-1.2. Finally, CAP Update projects and actions would be reviewed for consistency with the Livermore General Plan policies highlighted above and other applicable regulatory land use actions prior to approval. Therefore, the CAP Update would not conflict with applicable zoning and other regulations governing scenic quality and would result in a ***less than significant impact***.

d. Would the project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

The CAP Update would promote sustainable infrastructure development and redevelopment that is complimentary to existing development and land uses. As a policy document, the CAP Update would not directly result in impacts related to light and glare. However, implementation of CAP Strategies E-1, B-2, M-1 promote installation of small-scale solar PV systems, microgrid projects, and battery energy storage systems throughout Livermore. These Strategies emphasize placement of microgrid and battery storage systems in locations such as municipal buildings, hospitals, fire and police stations, and residential buildings. Solar panels have the potential to result in new sources of glare within Livermore if not thoughtfully designed and located. However, the design and location of proposed solar infrastructure would be complimentary to existing development, such as the addition of small-scale rooftop solar panels to reduce potential glare impacts. Furthermore, CAP Update projects and actions would be reviewed for consistency with the CCR Title 24 lighting standards (CCR Title 24 Part 6) and Livermore Design Standards and Guidelines, and undergo design review by the Planning Commission or Administrative Design Review by the Planning Division as applicable.[20,21,22] In addition, CAP Update projects or actions would be reviewed for consistency with the Livermore General Plan and other applicable regulatory land use actions prior to approval. Compliance with these regulations would minimize environmental impacts related to light and glare by limiting the use of highly reflective materials and requiring the shielding of exterior lighting. Thus, the CAP Update would result in a ***less-than-significant impact*** related to light and glare.

Cumulative Impacts

For purposes of CEQA cumulative impacts analysis of the CAP Update, the cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Cumulative impacts related to scenic resources, visual character, and increased light and glare would generally be site-specific, and cumulative projects are not anticipated to contribute to cumulative aesthetic impacts with adherence to Livermore General Plan policies, the LMC, and the Livermore Design Standards and Guidelines. Because of the developed nature of Livermore, future infrastructure projects under the CAP Update, in combination with other cumulative projects anticipated under Livermore General Plan buildout, would not adversely impact the visual character of the Livermore community. In addition, future development in Livermore would be required to comply with the City's Design Review process and be reviewed against applicable Livermore General Plan policies and City's design standards for

[20] California Energy Commission (CEC). 2019. 2019 Building Energy Efficiency Standards for Residential and Nonresidential Buildings. Available: <https://www.energy.ca.gov/sites/default/files/2021-06/CEC-400-2018-020-CMF_0.pdf>. Accessed April 18, 2022.
21 Livermore, City of. 2004. Design Standards and Guidelines. Available: <https://www.cityoflivermore.net/government/community-development/planning/design-standards-and-guidelines>. Accessed April 18, 2022.
22 Livermore, City of. 2009. Design Review. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1007/637175931583270000>. Accessed April 18, 2022.

design quality and compatibility with adjacent land uses. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to aesthetics.

2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	■	☐
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	☐	☐	■	☐
c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	■
d. Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	■	☐

a. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b. Would the project conflict with existing zoning for agricultural use or a Williamson Act contract?

e.1. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?

Livermore is characterized primarily by urban and suburban development. However, Livermore contains a few scattered pockets of farmland in the northwest and several vineyards in the southwestern portion of the city. In addition, there are vineyards and orchards to the south and southeast of Livermore, as well as areas of grazing land to the north, east, and south of Livermore in unincorporated Alameda County. The California Farmland Mapping and Monitoring Program classifies the majority of Livermore as urban and built-up land not suitable for farming, with the vineyards and scattered agricultural areas in Livermore identified as a mix of Prime Farmland,

Farmland of Statewide Importance, and Unique Farmland.[23] Livermore contains properties under Williamson Act contract in its northwest and southeast portions. Areas of unincorporated Alameda County surrounding Livermore, particularly to the north, east, and south, include vineyards, orchards, grazing land and passive open space, some of which include Williamson Act contracts.[24] The Livermore General Plan Land Use Element contains goals, objectives, and policies related to the protection and preservation of agricultural resources, such as:

- **Objective LU-5.1**:aintain an urban growth boundary to protect open space and agricultural uses in North Livermore.
- **Goal LU-14**: protect, enhance, and increase viticulture and other cultivated agriculture within Livermore.
- **Objective LU-15.1**: permanently protect agricultural lands in the South Livermore Valley.[25]

The majority of CAP Update strategies and actions focus on electrification of buildings, improving active and public transportation, EV infrastructure, grid decarbonization, and water use and waste reduction. These CAP Update strategies and actions would primarily involve activities in the urbanized portions of Livermore and would not involve projects that would result in impacts related to conversion or loss of farmland or a conflict with Williamson Act contracts. However, CAP Update Action S-1.2 would seek to support carbon farming on agricultural lands that could in turn affect farming operations within Livermore. Common agricultural uses, including driving a tractor, tilling the soil, over-grazing, using fossil fuel-based fertilizers, pesticides and herbicides result in CO_2 release. Alternatively, carbon can be stored long term (decades to centuries or more) beneficially in soils in a process called soil carbon sequestration. Carbon farming involves implementing practices, such as applying compost, that are known to improve the rate at which carbon dioxide is removed from the atmosphere and converted to plant material and/or soil organic matter. Physical implementation of carbon farming could include compost application on existing agricultural and grazeland areas. As such, carbon farming could result in minor disruption to the use of agricultural lands. However, carbon farming would be beneficial to agricultural uses, because it can help increase rangeland and crop productivity and ensure those existing agricultural uses in Livermore remain in use rather than be converted to non-agriculture uses or result in the loss of agricultural lands.

In addition, the CAP Update includes Action S-1.4 to preserve open space uses, including rangelands and passive agriculture, and Action T-4.2 to maximize infill development that would encourage preservation of open spaces and agricultural land surrounding Livermore while concentrating development in the central, urbanized areas. CAP Update actions would not involve projects or policies that would result in impacts related to conversion or loss of farmland. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to conversion of agricultural land to non-agriculture uses and conflicts with existing zoning, Williamson Act contracts, and Livermore General Plan land use designations.

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[23] California Department of Conservation. 2022. California Important Farmland Finder Map. Available: <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed April 18, 2022.

[24] Livermore, City of. 2003. Livermore General Plan Update Environmental Impact Report. Volume I: Master Environmental Assessment. Available: <http://dev.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?blobid=23819>. Accessed April 14, 2022.

[25] Livermore, City of. 2003. General Plan Land Use Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/5557/637643621508500000>. Accessed April 19, 2022.

c. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)); timberland (as defined by Public Resources Code Section 4526); or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

d. Would the project result in the loss of forest land or conversion of forest land to non-forest use?

e.2. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of forest land to non-forest use?

Livermore is primarily urbanized, and forested areas are limited to riparian corridors along arroyos and the higher elevation slopes near the northern and eastern boundaries.[26] Livermore does not contain areas designated for forest land or Timberland Production.[27] LMC Chapter 12.20, Street Trees and Tree Preservation, establishes policies, regulations, and standards to ensure tree protection within Livermore.[28] In addition, the Livermore General Plan contains a number of goals, objectives, and policies such as Objective OSC-1.2, minimize impacts to riparian vegetation and woodland forest, that illustrate the City's commitment to managing and preserving Livermore's urban forest.

The CAP Update aligns with the Livermore General Plan by including strategies and actions such as Actions F-1.6, H-1.2, S-1.1, and S-1.3 that seek to facilitate increased tree canopy throughout Livermore. As such, the CAP Update would increase planting of trees within Livermore and be consistent with the Livermore Tree Preservation Regulations and General Plan. The CAP Update does not include actions that would result in the loss of forest land or the conversion of forest land to non-forest use, nor would it conflict with or cause the rezoning of forest, timber land, or Timberland Production areas. Therefore, the CAP Update would result in a ***no impact*** related to degradation of forestry resources or conversion of forest land to non-forest uses, nor would there be a conflict with existing zoning or Livermore General Plan land use designations.

Cumulative Impacts

For purposes of CEQA cumulative impacts analysis of the CAP Update, the cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. As the Livermore population grows and development intensifies in the future, in combination with other cumulative projects anticipated under Livermore General Plan buildout, CAP Update Actions S-1.4 and T-4.2 would encourage the protection of open space and passive agricultural uses and the concentration of development within the urbanized areas of Livermore, while Actions F-1.6, H-1.2, S-1.1, and S-1.3 would ensure that the urban forest is maintained and that additional trees are planted throughout Livermore. As discussed above, the CAP Update would not include any strategies or actions that would significantly impact agricultural or forest resources. In addition, the CAP Update would not involve land use or zoning changes that could result in cumulative impacts related to conversion or loss of farmland or forest land.

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[26] Livermore, City of. 2003. General Plan Conservation and Open Space Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed April 19, 2022.

[27] Livermore, City of. 2022. Zoning Map. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/8701/637825898811970000>. Accessed April 19, 2022.

[28] Livermore, City of. 2022. Livermore Municipal Code Chapter 12.20. Available: <https://www.codepublishing.com/search/?cmd=getdoc&DocId=744&Index=%2fvar%2flib%2fdtsearch%2fhtml%2fCA%2fLivermore&HitCount=2&hits=1357+1358+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CLivermore%5CLivermore_form.html>. Accessed April 19, 2022.

Therefore, implementation of CAP Update would result in a ***less-than-significant cumulative impact*** related to agricultural and forestry resources.

3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	■
b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	■	☐
c. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
d. Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☐	■

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The federal Clean Air Act (CAA) governs air quality in the United States and is administered by the U.S. EPA at the federal level. The Federal Clean Air Act Amendments (CAAA) mandate that states submit and implement a State Implementation Plan (SIP) for areas not meeting air quality standards. The SIP includes pollution control measures to demonstrate how the standards will be met through those measures. The SIP is established by incorporating measures established during the preparation of Air Quality Management Plans (AQMP) and adopted rules and regulations by each local Air Pollution Control District (APCD) and AQMD, which are submitted for approval to CARB and the U.S. EPA.[29] The goal of an AQMP is to reduce pollutant concentrations below the NAAQS through the implementation of air pollutant emissions controls.

Air quality in California is also governed by regulations under the California CAA, which is administered by CARB at the State level. At the regional and local levels, local air districts typically administer the federal and California CAA. As part of implementing the federal and California CAA, the U.S. EPA and CARB have established ambient air quality standards for major pollutants at thresholds intended to protect public health. Livermore is located within the San Francisco Bay Area Air Basin (the Air Basin), which includes the nine Bay Area counties (Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma). The Air Basin is under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD).

As the local air quality management agency, BAAQMD is required to monitor air pollutant levels to ensure that State and federal air quality standards are met and, if they are not met, to develop strategies to meet the standards. Depending on whether or not the standards are met or exceeded,

[29] CARB. 2017. Revised Proposed 2016 State Strategy for the State Implementation Plan. Available: <https://ww3.arb.ca.gov/planning/sip/2016sip/2016sip.htm>. Accessed May 16, 2022.

the Air Basin is classified as being in "attainment" or "nonattainment." Under State law, air districts are required to prepare a plan for air quality improvement for pollutants for which the district is in non-attainment. BAAQMD is in non-attainment for the State and federal ozone standards, the State and federal $PM_{2.5}$ (particulate matter up to 2.5 microns in size) standards, and the State PM_{10} (particulate matter up to 10 microns in size) standards and is required to prepare a plan for improvement.[30] The sources, health effects, and typical controls associated with criteria pollutants are described in Appendix A.

The Bay Area 2017 Clean Air Plan provides a plan to improve Bay Area air quality and protect public health as well as the climate. The legal impetus for the Clean Air Plan is to update the most recent ozone plan, the 2010 Clean Air Plan, to comply with State air quality planning requirements as codified in the California Health and Safety Code. Although steady progress has been made toward reducing ozone levels in the Bay Area, the region continues to be designated as non-attainment for both the one-hour and eight-hour State ozone standards as noted previously. In addition, emissions of ozone precursors in the Bay Area contribute to air quality problems in neighboring air basins. Under these circumstances, State law requires the Clean Air Plan to include all feasible measures to reduce emissions of ozone precursors and reduce transport of ozone precursors to neighboring air basins.[31]

The 2017 Clean Air Plan focuses on two paramount goals:

- Protect air quality and health at the regional and local scale by attaining all state and national air quality standards and eliminating disparities among Bay Area communities in cancer health risk from toxic air contaminants (TACs); and
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

Under BAAQMD's methodology, a determination of consistency with the 2017 Clean Air Plan should demonstrate that a project:

- Supports the primary goals of the 2017 Clean Air Plan;
- Includes applicable control measures from the 2017 Clean Air Plan; and
- Would not disrupt or hinder implementation of any control measures in the 2017 Clean Air Plan.[32]

The CAP Update includes a suite of strategies and actions that would reduce natural gas use and VMT and increase the use of EVs, active transportation, and public transit within Livermore. The primary purpose and intended effect of the CAP Update is to reduce GHG emissions generated in Livermore to help reduce the effects of climate change, which aligns with goal of the 2017 Clean Air Plan to protect the climate and reduce Bay Area GHG emissions to 40 percent below 1990 levels by 2030. In addition, many of the CAP Update strategies and actions would also reduce criteria pollutant emissions. CAP Update Strategies B-1 and M-2 involve increased energy efficiency and building electrification and CAP Update Strategies T-1 through T-4, M-3, and Action B-2.4 seek to

[30] Bay Area Air Quality Management District (BAAQMD). 2017. Air Quality Standards and Attainment Status. Available: <http://www.baaqmd.gov/research-and-data/air-quality-standards-and-attainment-status>. Accessed April 19, 2022.

[31] BAAQMD. 2017. Final Clean Air Plan: Spare the Air Cool the Climate: A Blueprint for Clean Air and Climate Protection in the Bay Area. Final 2017 Clean Air Plan. Available: <http://www.baaqmd.gov/~/media/files/planning-and-research/plans/2017-clean-air-plan/attachment-a_-proposed-final-cap-vol-1-pdf.pdf?la=en>. Accessed April 19, 2022.

[32] ibid

reduce VMT in and through Livermore, improve active transportation and public transit facilities, and increase the adoption of zero emission vehicles. These energy- and transportation-related measures would reduce air pollutant emissions and align with the goal of the 2017 Clean Air Plan to improve air quality in the Bay Area, meet State and national air quality standards, and reduce exposure of sensitive receptors to TACs. Furthermore, the CAP Update does not contain any policies that would conflict with or hinder implementation of any control measures in the 2017 Clean Air Plan. Therefore, the CAP Update is consistent with the 2017 Clean Air Plan and would have ***no impact*** related to a conflict with or obstruction of the applicable air quality plan.

b. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

The CAP Update would promote sustainable infrastructure development and redevelopment. As policy documents, the CAP Update would not result in impacts related to criteria pollutants. However, implementation of the following CAP Update strategies and actions may promote construction activities that would temporarily generate criteria pollutants during the construction phase.

CAP Update Strategies E-1, B-2, and M-1 promote installation of small-scale solar PV systems, microgrid projects, and battery energy storage systems at both municipal facilities and in private development to provide greener renewable electricity. CAP Update Actions F-1.2, F-1.3, and M-4.3 would result in new green stormwater infrastructure projects in Livermore including wetland restoration, bioswales, passive rain capture systems, and replacement of impermeable pavement with permeable surfaces. CAP Update Actions F-1.6, H-1.2, S-1.1, and S-1.3 would seek to plant additional trees throughout Livermore. CAP Update Strategies B-1 and M-2 and Action I-2.2 promote electrification and energy efficiency upgrades to existing buildings. CAP Update Strategy T-1 and Actions B-2.4 and M-3.2 would result in the construction of new EV and alternative-fuel vehicle infrastructure throughout Livermore. CAP Update Action T-2.1 may include an installation of a new electric trolley service and Strategy T-3 would add new bicycle and pedestrian infrastructure throughout Livermore. CAP Action S-1.5 may include construction of a carbon capture and storage facility or climate restoration pilot project. Implementation of these strategies and actions would involve temporary construction activities.

Construction-related air quality impacts are generally associated with fugitive dust/particulate matter (specifically, PM_{10} and $PM_{2.5}$) and exhaust emissions from heavy construction vehicles and soil hauling trucks, in addition to reactive organic gases (ROG) that would be released during the drying phase upon application of architectural coatings. However, implementation of proposed CAP Update strategies would not include large-scale construction within Livermore and would involve temporary and short-term criteria pollutant emissions. As such, the CAP Update would result in low-level criteria pollutant emissions and negligible impacts to air quality. Future CAP Update projects would also be reviewed for consistency with BAAQMD air quality regulations and other applicable local, State, and federal regulations once project details and locations are known. Thus, the construction required for implementation of the CAP Update would result in a less-than-significant impact related to the net increase of criteria pollutants.

With respect to operational emissions, many of the CAP Update actions would have the secondary benefit of reducing criteria pollutant emissions, such as CAP Strategies B-1, M-2, and T-1 through T-4, which include measures aiming to increase building energy efficiency and electrification, promote

EV and zero emission vehicle adoption, and reduce VMT. Implementation of the CAP Update would be beneficial by helping Livermore meet applicable air quality plan goals. In addition, future CAP Update projects would be required to comply with local, regional, and State air quality regulations. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to criteria pollutant emissions.

c. Would the project expose sensitive receptors to substantial pollutant concentrations?

Implementation of the CAP Update strategies and actions as described under *Response 3b.*, above, promote infrastructure development and redevelopment that may result in temporary construction activities. Construction-related air quality impacts are generally associated with PM_{10} and $PM_{2.5}$ and exhaust emissions from heavy construction vehicles and soil hauling trucks, in addition to ROG that would be released during the drying phase upon application of architectural coatings. However, implementation of CAP Update strategies and actions would not include large-scale construction, and construction-related emissions would be minor and temporary. As such, implementation of the CAP Update would result in low-level toxic air contaminant emissions associated with construction.

While the CAP Update could result in construction-related impacts related to toxic air contaminants and exposure to sensitive receptors, CAP Update projects or actions would be reviewed for consistency with BAAQMD air quality regulations and other applicable local, State, and federal regulations once project details and locations are known to ensure compliance. Thus, construction associated with implementation of the CAP Update would not result in substantial emissions of toxic air contaminants and exposure to sensitive receptors. No operational toxic air contaminant emissions are anticipated with implementation of the CAP Update strategies and actions. Therefore, the CAP Update would have a ***less-than-significant impact*** related to exposure of sensitive receptors to toxic air contaminants.

d. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The CARB 2005 *Air Quality Land Use Handbook: A Community Health Perspective* identifies land uses associated with odor complaints which include: sewage treatment plants, landfills, recycling facilities, waste transfer stations, petroleum refineries, biomass operations, auto body shops, coating operations, fiberglass manufacturing, foundries, rendering plants, and livestock operations.[33] CAP Update Strategy W-1 encourages increased organic waste diversion and CAP Action S-1.2 promotes carbon farming, as described in Section 2, *Agriculture and Forestry Resources*. As such, the CAP could result in minor odors related to organic waste processing and compost application. However, the design and location of future projects related to new or expanded organic waste collection and processing and carbon farming would be complimentary to existing development in the city and would be reviewed for potential odor impacts to ensure that projects implemented in accordance with the CAP and GPCE would not adversely affect a substantial number of people. Therefore, the CAP Update would not facilitate development that could create adverse odors, and there would be ***no impact*** related to odors exposure.

Cumulative Impacts

For purposes of CEQA cumulative impacts analysis of the CAP Update, the cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs

[33] California Air Resources Control Board (CARB). 2005. Air Quality and Land Use Handbook: A Community Health Perspective. Available: <https://ww3.arb.ca.gov/ch/handbook.pdf>. Accessed April 28, 2022.

projections through 2030 and 2045. The CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, could exceed applicable BAAQMD thresholds or be inconsistent with the 2017 Clean Air Plan. However, implementation of the CAP Update would have a less-than-significant contribution related to potential cumulative air quality impacts within the air basin and on sensitive receptors within Livermore, given that the CAP Update would result in community-wide reductions of GHG emissions, air pollutant emissions from vehicle use, energy use, water use, and waste generation. As such, implementation of the CAP Update would not result in adverse impacts related to contribution of criteria pollutants to the air basin and exposure of sensitive receptors to toxic air contaminants. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to air quality.

4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	■	☐
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☐	☐	■	☐
c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	■	☐
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	■
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	■
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?	☐	☐	☐	■

a. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service?

Livermore is a primarily urbanized community with neighborhood parks, community parks, and recreational and open spaces located throughout Livermore. LMC Chapter 12.20 and the Livermore General Plan Open Space and Conservation Element incorporate goals and policies to protect biological resources, such as plants, trees, wildlife habitats, wetlands and rivers, and rare and endangered species in Livermore.[34, 35] There is no mapped critical habitat for threatened and endangered species within Livermore, but critical habitat for California red-legged frog, California tiger Salamander, and vernal pool fairy shrimp exist in undeveloped areas near Livermore northern, eastern, and southern boundaries.[36]

The CAP Update would instead promote sustainable infrastructure development and redevelopment. The CAP Update strategies and actions would not conflict with the LMC or objectives and policies of the Livermore General Plan related to wildlife but would rather be consistent with and promote those policies. CAP Update strategies and actions would generally apply to the urbanized areas of Livermore, with little application to parks, open spaces area, or the undeveloped portions outside of Livermore boundaries where sensitive habitat and related species may be present. In addition, CAP Update Action F-1.1 would include wetland restoration and Actions H-1.2, S-1.1, and S-1.3 facilitate increased tree canopy and landscaping throughout Livermore that could serve as additional habitat for special status species and migratory and nesting birds. Furthermore, CAP Update Action S-1.4 would seek to preserve open space in Livermore that may serve as habitat for wildlife. As such, the CAP Update would not have a substantial adverse effect on candidate, threatened, or endangered wildlife species either directly through individual take or indirectly through species habitat modification.

As a policy document, the CAP Update would not directly result in impacts related to wildlife species of special status. However, implementation of some CAP Update actions may promote infrastructure development within the urbanized portions of Livermore and could result in impacts to species through construction activities. CAP Update Strategies E-1, B-2, and M-1 promote installation of small-scale solar PV systems, microgrid projects, and battery energy storage systems at both municipal facilities and in private development to provide greener renewable electricity. CAP Update Actions F-1.2, F-1.3, and M-4.3 would result in new green stormwater infrastructure projects in Livermore including wetland restoration, bioswales, passive rain capture systems, and replacement of impermeable pavement with permeable surfaces. CAP Update Actions F-1.6, H-1.2, S-1.1, and S-1.3 would seek to plant additional trees throughout Livermore. CAP Update Strategies B-1 and M-2 and Action I-2.2 promote electrification and energy efficiency upgrades to existing buildings. CAP Update Strategy T-1 and Actions B-2.4 and M-3.2 would result in the construction of new EV and alternative-fuel vehicle infrastructure throughout Livermore. CAP Update Action T-2.1 may include an installation of a new electric trolley service and Strategy T-3 would add new bicycle

[34] Livermore, City of. 2022. Livermore Municipal Code Chapter 12.20. Available: <https://www.codepublishing.com/search/?cmd=getdoc&DocId=744&Index=%2fvar%2flib%2fdtsearch%2fhtml%2fCA%2fLivermore&HitCount=2&hits=1357+1358+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CLivermore%5CLivermore_form.html>. Accessed April 19, 2022.

[35] Livermore, City of. 2003. General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed April 19, 2022.

[36] U.S. Fish and Wildlife Service (USFWS). 2022. Critical Habitat for Threatened and Endangered Species Map. Available: <https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77>. Accessed April 20, 2022.

and pedestrian infrastructure throughout Livermore. CAP Action S-1.5 may include construction of a carbon capture and storage facility or climate restoration pilot project.

Implementation of these strategies and actions would involve temporary construction activities that have the potential to disturb nesting habitat for birds and raptors protected under Sections 3503, 3503.5, and 3513 of the California Fish and Game Code (CFGC) and under the Migratory Bird Treaty Act (MBTA). However, construction activities for future CAP Update projects would be required to comply with the provisions of the MBTA and CFGC Sections 3503, 3503.5, and 3513 in order to avoid impacts to protected birds and would be reviewed for consistency with City, State, and federal policies related to protected species. As such, the CAP Update would not have a substantial adverse effect on special-status wildlife species. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to special-status wildlife species.

b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

According to the Livermore General Plan Open Space and Conservation Element, Arroyo del Valle and Arroyo Mocho provide riparian corridors within Livermore. Other special habitat resources in Livermore include streams, wetlands, alkali springs, and vernal pools, although these habitats are limited due to the developed nature of Livermore. The Livermore General Plan Open Space and Conservation Element contains:

- **Goal OSC-1**:Conserve the value and function of open spaces within Livermore as a biological resource
- **Objective OSC-1.2**: Protect sensitive natural habitats including wetlands and riparian habitat
- **Goal OSC-2**: Conserve Livermore's waterways and associated riparian habitat.[37]

The CAP Update strategies and actions would generally apply to the urbanized areas of Livermore, with little application to parks, open spaces area, or other locations where riparian and wetland habitat is located. CAP Update Action F-1.1 would include wetland restoration and Actions H-1.2, S-1.1, and S-1.3 facilitate increased tree canopy and landscaping throughout Livermore. Furthermore, CAP Update Action S-1.4 would seek to preserve open space in Livermore that may contain sensitive habitats such as riparian corridors and wetlands. These actions align with the Livermore General Plan goals to protect and enhance special habitats within Livermore as a biological resource. In addition, future CAP Update-related projects would be required to adhere to City development regulations and Livermore General Plan policies, including the City of Livermore Street Tree and Tree Preservation Ordinance, to retain urban forestry and minimize environmental impacts.[38] In addition, the location and details of future CAP Update projects would be reviewed for consistency with applicable local, regional, and State regulations related to sensitive habitat prior to approval. As

[37] Livermore, City of. 2003. General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed April 19, 2022.

[38] Livermore, City of. 2022. Livermore Municipal Code Chapter 12.20. Available: <https://www.codepublishing.com/search/?cmd=getdoc&DocId=744&Index=%2fvar%2flib%2fdtsearch%2fhtml%2fCA%2fLivermore&HitCount=2&hits=1357+1358+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CLivermore%5CLivermore_form.html>. Accessed April 19, 2022.

such, the CAP Update would not have a substantial adverse effect on riparian habitat or sensitive natural community, such as wetlands. Therefore, the CAP Update would have a ***less-than-significant impact*** related to sensitive natural plant communities.

d. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

According to the Livermore General Plan Open Space and Conservation Element, arroyos and associated riparian corridors within Livermore may serve as movement corridors and migratory stopovers for many species, as well as habitat for aquatic species. Arroyos within Livermore also connect to open space areas within and beyond Livermore limits, which further enhances their importance for wildlife movement.[39]

The CAP Update would promote sustainable infrastructure development and redevelopment within urbanized portions of Livermore. CAP Update projects would not involve components that harm Livermore's arroyos. Rather, the CAP Update includes Action F-1.1 that would revitalize urban creeks and flood plains and promote local programs such as Living Arroyos and Action S-1.4 to conserve open space within Livermore, which would enhance and protect Livermore's arroyos and open space areas that may serve as migratory corridors or nurseries. Future CAP Update projects would also be required to adhere to City development regulations and Livermore General Plan policies, and would be reviewed for consistency with applicable local, regional, and State regulations to retain biological resources and minimize environmental impacts. Therefore, the CAP Update would result in ***no impact*** related to interference with species movement or wildlife nursery use.

e. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Livermore is a primarily urbanized community with neighborhood parks, community parks, and recreational spaces throughout Livermore. LMC Chapter 12.20 and the Livermore General Plan Open Space Element and Conservation Element incorporate goals and policies to protect biological resources, such as plants, trees, wildlife habitats, wetlands and rivers, and rare and endangered species in Livermore.[40, 41]

The CAP Update would promote sustainable infrastructure development and redevelopment within the urbanized portion of Livermore. The purpose and intended effect of the CAP Update is to decrease GHG emissions generated in Livermore and build communitywide resilience to help reduce the effects of climate change. Implementation of proposed CAP Update actions would be beneficial by helping Livermore meet applicable local policies and ordinances for protecting biological resources, including the General Plan Open Space and Conservation Element and LMC Chapter 12.20. Specifically, CAP Update Action F-1.1 would include stream and wetland restoration and protection and Actions H-1.2, S-1.1, and S-1.3 facilitate increased tree canopy and landscaping throughout Livermore that serve as habitat. Furthermore, CAP Update Action S-1.4 would seek to

[39] Livermore, City of. 2003. General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed April 19, 2022.

[40] Livermore, City of. 2022. Livermore Municipal Code Chapter 12.20. Available: <https://www.codepublishing.com/search/?cmd=getdoc&DocId=744&Index=%2fvar%2flib%2fdtsearch%2fhtml%2fCA%2fLivermore&HitCount=2&hits=1357+1358+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CLivermore%5CLivermore_form.html>. Accessed April 19, 2022.

[41] Livermore, City of. 2003. General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed April 19, 2022.

preserve open space in Livermore, an important biological resource. As such, the CAP Update would not conflict with or obstruct implementation of the applicable policies for preserving biological resources and would not affect the City's ability to attain goals and policies that protect biological resources. Therefore, the CAP Update would result in ***no impact*** related to consistency with local biological resources protection policies.

f. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?

No portion of Livermore is currently subject to a Habitat Conservation Plan or Natural Community Conservation Plan, although a Habitat Conservation Plan is currently under development as part of the Aramis Renewable Energy Project within unincorporated Alameda County approximately 5,000 feet to the northwest of Livermore boundaries.[42, 43] LMC Chapter 12.20 and the Livermore General Plan Open Space and Conservation Element incorporate goals and policies to protect natural resources, such as plant and wildlife habitats in Livermore.[44, 45] The CAP Update would not facilitate specific development projects, nor would it add or enable new development that would conflict with the LMC, Livermore General Plan, or the future Aramis Renewable Energy Habitat Conservation Plan. Rather, the CAP Update prioritizes the preservation of open space and sensitive habitat with Livermore and improvements to buildings, renewable energy generation and storage, waste reduction, carbon sequestration, and the transportation system in order to reduce GHG emissions and related impacts to the environment. Therefore, the CAP Update would have ***no impact*** related to consistency with an adopted habitat or natural community conservation plan.

Cumulative Impacts

For purposes of CEQA cumulative impacts analysis of the CAP Update, the cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Implementation of CAP Update projects, in combination with other cumulative projects anticipated under General Plan buildout, could result in impacts to biological resources during infrastructure construction. However, as described in *Responses 4a.* through *4f.*, above, infrastructure development or redevelopment resulting from implementation of the CAP Update would be required to comply with applicable Livermore General Plan policies and State and federal regulatory requirements regarding avoidance of special wildlife species and habitat. In addition, the CAP Update would not result in new building construction and contains actions that prioritize the preservation of trees and open space and improvements to streams, wetlands, and riparian habitat within Livermore. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to biological resources.

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[42] California Department of Fish and Wildlife (CDFW). 2019. Natural Community Conservation Plan Summaries. Available: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>. Accessed April 28, 2022.

[43] Intersect Power. 2021. Intersect Power to Implement Habitat Conservation Plan at Aramis Renewable Energy Project in North Livermore. Available: <https://www.intersectpower.com/intersect-power-to-implement-habitat-conservation-plan-at-aramis-renewable-energy-project-in-north-livermore/>. Accessed April 28, 2022.

[44] Livermore, City of. 2022. Livermore Municipal Code Chapter 12.20. Available: <https://www.codepublishing.com/search/?cmd=getdoc&DocId=744&Index=%2fvar%2flib%2fdtsearch%2fhtml%2fCA%2fLivermore&HitCount=2&hits=1357+1358+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CLivermore%5CLivermore_form.html>. Accessed April 19, 2022.

[45] Livermore, City of. 2003. General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed April 19, 2022.

5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	■	☐
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☐	■	☐
c. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	■	☐

a. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?

The Livermore Historic Resources Survey Update identifies six properties that are designated as historical resources, 30 properties that appear to be eligible for listing as historical resources in the National Register and California Register, 14 properties that contribute to a historical district that appears to be eligible for listing as a historical resource in the National Register and California Register, 22 properties that appear to be eligible for listing as a local historical resource, and an additional 216 properties that are potential historic resources.[46] The General Plan Community Character Element includes goals and policies for the protection of cultural resources, including Goal CC-3 to preserve and enhance Livermore's cultural and historic resources and Objective CC-3.1 to establish and maintain a preservation program for cultural and paleontological resources.[47] In addition, Livermore Development Code Chapter 9.02 and Chapter 9.13 establish requirements for the preservations of historical resources within Livermore.[48, 49]

The CAP Update would promote infrastructure development and redevelopment that would be complimentary to existing development. CAP Update projects would be required to comply with Livermore General Plan Community Character goals, policies, and programs and Livermore Development Code Chapter 9.02 for the preservation of historical resources. These programs require the identification and protection of sites and structures within Livermore of architectural, historical, archaeological, and cultural significance and the review and approval of projects with the potential to impact historical resources by the Historic Preservation Commission. This includes sites,

[46] Livermore, City of. 2021. Historic Resources Survey Update. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/7622/637635147928700000#:~:text=The%20City%20of%20Livermore%20Historic,closures%20and%20restrictions%20on%20gathering.>. Accessed April 28, 2022.

[47] Livermore, City of. 2003. General Plan Community Character Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/7289/637587704118730000>. Accessed April 28, 2022.

[48] Livermore, City of. 2022. Livermore Development Code Chapter 9.02. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed April 28, 2022.

[49] Livermore, City of. 2022. Livermore Development Code Chapter 9.13. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed April 28, 2022.

structures, and areas that are associated with a historic event, activity, or persons that contribute to the historic character of districts, neighborhoods, landmarks, historic structures, and artifacts. CAP Update projects and actions would be reviewed for compliance with applicable local, regional, and State regulations regarding cultural resources and the Livermore General Plan Community Character Element to avoid adverse impacts to historical resources. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to historical resources.

b. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The Livermore General Plan Community Character Element acknowledges that the Livermore-Amador Valley has been inhabited for 6,000 to 12,000 years, and there may be scattered archeological sites throughout Livermore. Known archaeological sites in the area have been primarily concentrated along creeks and streams and that there are likely to be additional areas of buried archaeological resources that have not been previously identified, especially in areas near water features.[50] Hence, there is a possibility for archaeological sites not previously recorded to be present in areas where CAP Update projects could occur. In particular, CAP Update Strategies E-1, B-1, B-2, T-1, T-3, M-1, and M-2 and Actions F-1.2, F-1.3, F-1.6, H-1.2, S-1.1, S-1.3, S-1.5, I-2.2, B-2.4, M-3.2, M-4.3, and T-2.1 would result in small-scale construction that may expose previously undiscovered archaeological resources during ground disturbing activities. In addition, CAP Update Action F-1.1 may include stream and wetland restoration activities, which could involve ground disturbance in areas known to be sensitive for archaeological resources.

The CAP Update projects would be located and designed strategically to reduce ground disturbance to the maximum extent possible. In addition, CAP Update projects and actions would be reviewed for consistency with applicable local, regional, and State archeological regulations prior to final siting and construction and would be required to comply with the Livermore General Plan Community Character Element Goal CC-3 and its associated policies and programs and Livermore Development Code Chapter 9.02 and Chapter 9.13.[51, 52, 53] These policies include a requirement for archaeological testing and monitoring for projects in areas when there is evidence of archaeological resources and a requirement during all ground disturbing activities that if potential archaeological resources are unearthed, construction must be halted and a qualified professional must be hired to investigate and make recommendations. As such, archeological resources would be protected prior to and/or upon discovery and, thus, impacts would be reduced to a minimal level. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to archaeological resources.

c. Would the project disturb any human remains, including those interred outside of formal cemeteries?

There is a possibility of encountering unknown buried human remains throughout Livermore where CAP Update projects could occur. CAP Update Strategies E-1, B-1, B-2, T-1, T-3, M-1, and M-2 and Actions F-1.1, F-1.2, F-1.3, F-1.6, H-1.2, S-1.1, S-1.3, S-1.5, I-2.2, B-2.4, M-3.2, M-4.3, and T-2.1 would

[50] Livermore, City of. 2003. General Plan Community Character Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/7289/637587704118730000>. Accessed April 28, 2022.

[51] Livermore, City of. 2003. General Plan Community Character Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/7289/637587704118730000>. Accessed April 28, 2022.

[52] Livermore, City of. 2022. Livermore Development Code Chapter 9.02. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed April 28, 2022.

[53] Livermore, City of. 2022. Livermore Development Code Chapter 9.13. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed April 28, 2022.

result in small-scale construction that may expose unknown human burial sites ground disturbing activities. CAP Update projects and actions would be reviewed for compliance with applicable local, regional, and State regulations regarding cultural resources and human remains to avoid impacts related to unknown human interments. In addition, CAP Update projects would be required to comply with State coroner requirements related to burial findings, including assessment and mitigation incorporation once project details and locations are known. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to human remains.

Cumulative Impacts

For purposes of CEQA cumulative impacts analysis of the CAP Update, the cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Implementation of the CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, would include infrastructure that could have an impact on cultural resources during construction. Additionally, there is a possibility of encountering buried archaeological deposits and human remains throughout Livermore. Impacts to historic and archaeological resources and human remains are generally site-specific. Accordingly, potential impacts associated with cumulative developments would be addressed on a case-by-case basis. In addition, future projects in Livermore, including those associated with implementation of the CAP Update, would be required to comply with the Livermore General Plan Community Character Element policies and programs and Livermore Development Code Chapters 9.02 and 9.13 that require the identification and protection of sites and structures of architectural, historical, archaeological, and cultural significance in order to avoid impacts related to cultural resources. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to cultural resources.

6 Energy

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☐	■
b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☐	■

a. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

California is the second lowest per-capita energy user in the United States due to its energy efficiency programs and mild climate.[54] California consumed approximately 279,510 gigawatt-hours (GWh) of electricity and 12.3 billion therms of natural gas in 2020.[55,56] The single largest end-use sector for energy consumption in California is transportation (39.3 percent), followed by industry (23.2 percent), commercial (18.8 percent), and residential (18.7 percent).[57] Adopted in 2018, SB 100 accelerates the State's Renewable Portfolio Standards Program, codified in the Public Utilities Act, by requiring electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

The City of Livermore has demonstrated its commitment to energy efficiency and renewable energy through many efforts, as described in the *Existing Sustainability Setting* section above. The City has adopted the California Green Building Standards Code, pursuant to LMC Chapter 15.26, that requires efficiency measures to reduce energy use, and provide energy reduction benefits.[58] In addition, the City authorized the EBCE Community Choice Aggregation in 2018 to provide renewable energy to residents and businesses in Livermore. The City has also completed a communitywide GHG emissions inventory for 2017, which is summarized in Table 1. Transportation (specifically on-road passenger and commercial vehicles) and building energy use (specifically residential and

[54] U.S. Energy Information Administration. 2022. "California - Profile Overview." Last modified: March 17, 2022. Available: <https://www.eia.gov/state/?sid=CA> Accessed April 29, 2022.

[55] California Energy Commission (CEC). 2020. Electricity Consumption by County. Available: <http://www.ecdms.energy.ca.gov/elecbycounty.aspx>. Accessed April 29, 2022.

[56] CEC. 2020. Gas Consumption by County. Available: <http://www.ecdms.energy.ca.gov/gasbycounty.aspx>. Accessed April 29, 2022.

[57] U.S. Energy Information Administration. 2022. "California - Profile Overview." Last modified: March 17, 2022. Available: <https://www.eia.gov/state/?sid=CA> Accessed April 29, 2022.

[58] Livermore, City of. 2022. Livermore Municipal Code Chapter 15.26. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed April 29, 2022.

commercial electricity and natural gas use) were responsible for the most GHG emissions within the Livermore community in 2017. Passenger and commercial vehicles in Livermore accounted for 635,756,953 vehicle miles traveled (VMT) in 2017. Residential, non-residential, and direct access electricity use in Livermore totaled 526,411,262 kWh in 2017. Residential and non-residential natural gas use in Livermore totaled 23,228,982 therms in 2017.

The CAP Update is a policy document containing climate action strategies to reduce communitywide GHG emissions. The CAP Update would encourage energy efficiency in existing residential, commercial, and municipal building stock through new policies and educational campaigns as well as new requirements for proposed new and remodeled buildings through Strategies B-1 and M-2 and Action I-2.2. CAP Update Strategy B-1 also seeks to decrease natural gas consumption in new and existing buildings by requiring electrification. The CAP Update would also incentivize increased renewable energy production and storage within Livermore through Strategies E-1, B-2, and M-1. Additionally, the CAP Update would reduce transportation-related energy consumption by increasing active transportation and public transit use and reducing VMT through Strategies T-2, T-3, and T-4.

Implementation of some CAP Update strategies and actions involving physical projects would require small-scale construction. However, energy use for the construction of such projects would be temporary in nature, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, construction contractors would be required to comply with the provisions of CCR Title 13 Sections 2449 and 2485, which would minimize unnecessary fuel consumption. Construction equipment would be subject to the United States Environmental Protection Agency (USEPA) Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. Furthermore, per applicable regulatory requirements such as 2019 California's Green Building Standards Code (CALGreen), which is the CCR Title 24, Part 11, future infrastructure projects would comply with construction waste management practices to divert a minimum of 65 percent of construction and demolition debris. These practices would result in efficient use of energy necessary to construct CAP Update-related projects. Upon completion of construction for any CAP Update-related infrastructure development and redevelopment, non-renewable energy use would be reduced by increasing renewable energy production and storage, increasing building energy efficiency, and reducing VMT within Livermore.

The purpose and intended effect of the CAP Update is to reduce GHG emissions generated within the Livermore community to minimize the effects of climate change, including those emissions generated by energy demand and supply. The CAP Update would not result in the use of non-renewable resources in a wasteful or inefficient manner; rather, it would assist in reducing use of non-renewable energy resources and increasing the production of local renewable energy. Therefore, the CAP Update would result in ***no impact*** related to the wasteful, inefficient, or unnecessary consumption of energy.

b. Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?

Relevant plans and policies that aim to increase energy efficiency and the production of renewable energy include SB 100, the 2019 California Green Building Standards Code (CALGreen or Title 24 Part 11), and the 2019 California Building Energy Efficiency Standards (Title 24 Part 6). SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the California Renewables Portfolio Standard Program and requires electricity providers to increase procurement

from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045. CALGreen (Title 24 Part 11) institutes mandatory minimum environmental performance standards for all ground-up new construction of non-residential and residential structures. In addition, the California Building Energy Efficiency Standards (Title 24 Part 6) establishes energy-efficiency standards for residential and non-residential buildings in order to reduce California's energy demand. CCR Title 24 (Parts 6 and 11) is updated periodically to incorporate and consider new energy-efficiency technologies and methodologies as they become available. New construction and major renovations must demonstrate their compliance with the current Building Energy Efficiency Standards through submission and approval of a Title 24 Compliance Report to the local building permit review authority and the CEC.

Livermore is part of the EBCE community choice aggregate, which provides electricity primarily from clean, renewable sources. Livermore would continue to reduce its use of nonrenewable energy resources as the electricity generated by renewable resources provided by EBCE continues to increase to comply with State requirements through SB 100, which requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045. The CAP Update includes Strategy B-2 to increase local renewable energy generation and decarbonize the electrical grid by opting EBCE accounts in Livermore to 100 percent renewable electricity by 2023. The CAP Update includes strategies and actions to reduce electricity use and improve energy efficiency, as discussed further below, and would therefore align with the overall intent of SB 100.

In addition, the City of Livermore has adopted CALGreen (Title 24 Part 11) and the California Building Energy Efficiency Standards (Title 24 Part 6) pursuant to LMC Chapter 15.26.[59] Therefore, construction and operation associated with infrastructure projects stemming from the CAP Update would be designed to comply with the energy source standards of the CALGreen and the California Building Energy Efficiency Standards. Future CAP Update projects would be required to demonstrate compliance with the CALGreen and the California Building Energy Efficiency Standards by implementing sustainability and energy efficiency measures such as high-efficiency lighting and HVAC systems, low-flow water fixtures, dual-paned windows, and water efficient landscaping and irrigation systems. Compliance with these regulations would minimize potential conflicts with adopted energy conservation plans

As discussed under *Response 6a*., above, Strategies B-1 and M-2 and Action I-2.2 seek to decrease natural gas and energy consumption in new and existing buildings by requiring electrification and incentivizing or requiring energy-efficient retrofits, while Strategies E-1, B-2, and M-1 encourage the production and storage of local renewable energy. These actions are consistent with the goals and policies established by SB 100, CALGreen, and the California Building Energy Efficiency Standards. Thus, the CAP Update would not conflict with adopted renewable energy or energy conservation plans, and there would be ***no impact***.

Cumulative Impacts

For purposes of CEQA cumulative impacts analysis of the CAP Update, the cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Implementation of the CAP Update would result in reducing use of non-renewable energy resources across the community, particularly with retrofitted buildings and new infrastructure. Implementation of the CAP Update would also increase the production and

[59] Livermore, City of. 2022. Livermore Municipal Code Chapter 15.26. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed April 29, 2022.

storage of renewable energy within Livermore by incentivizing the inclusion of small-scale solar projects in new and existing development. Additionally, the CAP Update includes strategies to increase the use of active transportation and public transit and reduce VMT within Livermore, which would reduce transportation fuel use. As Livermore's population grows and development intensifies in the future, actions contained within the CAP Update would ensure that planned new development not related to the CAP Update is constructed to strict energy efficiency standards and that VMT is reduced. As the CAP Update would result in decreased non-renewable energy use within Livermore and would align with existing plans and policies related to renewable energy and energy efficiency, implementation of the CAP Update would result in ***no cumulative impact*** related to energy.

7 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:				
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	■
2. Strong seismic ground shaking?	☐	☐	☐	■
3. Seismic-related ground failure, including liquefaction?	☐	☐	☐	■
4. Landslides?	☐	☐	☐	■
b. Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	■	☐
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	■	☐
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	■
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐

a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

1. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?*
2. *Strong seismic ground shaking?*
3. *Seismic-related ground failure, including liquefaction?*
4. *Landslides?*

The Livermore area is classified as seismic hazard Zone 4 (the highest risk category), and there are five major active faults within the vicinity of Livermore that could cause seismic-related impacts: the Calaveras, Greenville, Hayward, Mount Diablo, and San Andreas Faults. The Greenville Fault is the closest fault and runs through the northeastern portion of Livermore. There are also a number of smaller faults in the vicinity of Livermore, including the Las Positas Fault, which crosses the southeastern portion.[60, 61] According to the Livermore General Plan Public Safety Element, the only area at risk of fault rupture within Livermore is in the northeastern portion of along the Greenville Fault. In addition, earthquakes occurring on the nearby faults have the potential to generate severe to violent ground shaking within Livermore.[62] The majority of Livermore is at very low to medium susceptibility for liquefaction, with areas of high and very high liquefaction potential concentrated around the arroyos, such as Arroyo Las Positas and Arroyo Mocho. There is low potential for landslides throughout most of Livermore, except for in the hillside areas at the northern and southern fringes.[63, 64] In 2018, the Tri-Valley Cities (Livermore, Pleasanton, and Dublin), adopted a Local Hazard Mitigation Plan (LHMP) to assess hazards and reduce risks prior to a disaster event and fully cover the necessity to address seismic and geological hazards. According to the LHMP, Livermore is at high risk of earthquake impacts and low risk of other geologic hazards such as landslides.[65]

Although Livermore is at risk of earthquake-induced ground shaking and associated hazards, the CAP Update is a policy document containing climate strategies and supporting actions to reduce GHG emissions and is consistent with the Livermore General Plan, LHMP, and other regional and State seismic regulations. The CAP Update does not propose habitable development or policies that could result in exposure of people to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure including liquefaction, or landslides. Therefore, the CAP Update would result in ***no impact*** related to seismic- and landslide-related hazards.

b. Would the project result in substantial soil erosion or the loss of topsoil?

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[60] Pleasanton, Livermore, and Dublin, Cities of. 2018. Tri-Valley Local Hazard Mitigation Plan. Available: <http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=35090>. Accessed May 5, 2022.

[61] California Geological Survey. 2022. Earthquake Zones of Required Investigation. Available: <https://maps.conservation.ca.gov/cgs/EQZApp/app/>. Accessed May 5, 2022.

[62] Livermore, City of. 2003. Livermore General Plan Public Safety Element. Available: <https://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=23899>. Accessed May 6, 2022.

[63] Ibid

[64] Pleasanton, Livermore, and Dublin, Cities of. 2018. Tri-Valley Local Hazard Mitigation Plan. Available: <http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=35090>. Accessed May 5, 2022.

[65] Pleasanton, Livermore, and Dublin, Cities of. 2018. Tri-Valley Local Hazard Mitigation Plan: Planning Partner Annexes. Available: <https://dublin.ca.gov/DocumentCenter/View/20468/2018-09-04_HMP-Volume-2-_Tri-Valley_FINAL>. Accessed May 5, 2022.

The CAP Update would promote sustainable infrastructure development and redevelopment. As a policy document, the CAP Update would not directly require ground-disturbing activities. However, implementation CAP Update Strategies E-1, B-1, B-2, T-1, T-3, M-1, and M-2 and Actions F-1.2, F-1.3, F-1.6, H-1.2, S-1.1, S-1.3, S-1.5, I-2.2, B-2.4, M-3.2, M-4.3, and T-2.1 may result in small-scale construction activities that could cause soil erosion or the loss of topsoil during construction.

CAP Update projects and actions would be reviewed for consistency with Livermore General Plan, LMC, and other local, regional, and State erosion and grading regulations prior to final siting and construction. The potential for CAP Update project construction activities involving soil disturbance to result in increased erosion and sediment transport by stormwater to surface waters would be minimized, because future projects would be required to comply with the Livermore Standard Specifications that include erosion and sediment control standards, LMC Chapter 13.45, Stormwater Management and Control Program, and/or the National Pollutant Discharge Elimination System (NPDES) Construction General Permit provided by the Regional Water Quality Control Board.[66, 67] These regulations require utilization of best management practices (BMPs) such as the covering of graded slopes and stockpiled materials, storm drain protection, and use of fiber rolls and silt fences to reduce erosion and topsoil loss from stormwater runoff. Compliance with the Livermore Standard Specifications, LMC Chapter 13.45, and/or Construction General Permit would ensure that BMPs are implemented during construction and minimize substantial soil erosion or the loss of topsoil. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to soil erosion and loss of topsoil.

c. *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?*

d. *Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

According to the Livermore General Plan Public Safety Element and LHMP, the majority of Livermore is at very low to medium susceptibility for liquefaction, with areas of high and very high liquefaction potential concentrated around the arroyos, such as Arroyo Las Positas and Arroyo Mocho. Areas surrounding the arroyos also have the potential for lateral spreading. There is low potential for landslides throughout most of Livermore, except for in the hillside areas at the northern and southern fringes of Livermore.[68, 69] Expansive soils are known to be present throughout Livermore, particularly in the foothills.[70] The Livermore General Plan Public Safety Element, LMC, and California Building Code (CBC) contain policies that limit development on areas of unstable soils and

[66] Livermore, City of. 2015. Livermore Standard Specifications. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/721/637165720821730000>. Accessed May 6, 2022.

[67] Livermore, City of. 2022. Livermore Municipal Code Chapter 13.45. Available: <https://www.codepublishing.com/search/?cmd=getdoc&DocId=606&Index=%2fvar%2flib%2fdtsearch%2fhtml%2fCA%2fLivermore&HitCount=1&hits=63a+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CLivermore%5CLivermore_form.html>. Accessed May 6, 2022.

[68] Livermore, City of. 2003. Livermore General Plan Public Safety Element. Available: <https://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=23899>. Accessed May 6, 2022.

[69] Pleasanton, Livermore, and Dublin, Cities of. 2018. Tri-Valley Local Hazard Mitigation Plan. Available: <http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=35090>. Accessed May 5, 2022.

[70] Livermore, City of. 2003. Livermore General Plan Public Safety Element. Available: <https://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=23899>. Accessed May 6, 2022.

regulations for structural design and soil hazards in order to mitigate potential impacts related to unstable soils.

The CAP Update is a policy document containing programs that are consistent with the Livermore General Plan. Some of the proposed policies in the CAP Update would support small-scale construction projects, such as EV charging stations and microgrid projects. However, CAP Update projects and actions would be reviewed for consistency with local and State geotechnical regulations prior to final siting and construction. New structures would be required to comply with LMC Chapter 15.02, Building Code, which adopts the latest CBC, including measures to address unstable soil conditions.[71] Therefore, the CAP Update would result in a ***less-than-significant impact*** related to risks associated with location on unstable geologic unit or soil or on expansive soils.

e. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

The CAP Update would not involve the development of habitable structures and, thus, no use of septic tanks or alternative wastewater disposal systems. Therefore, ***no impact*** would occur related to soil capability support of alternative wastewater disposal systems.

f. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

There are four deposits within and in the vicinity of Livermore likely to contain paleontological resources: the Livermore Formation in the foothills, the Sycamore Formation in the northern portion of Livermore, the San Pablo Group located throughout the Livermore area, and the Great Valley Complex and Franciscan Complex in the southeast of Livermore.[72] The Livermore General Plan Community Character Element includes goals and policies for the protection of paleontological resources, including Objective CC-3.4 and its associated policies to provide for the identification, evaluation and protection of paleontological resources.[73]

As a policy document, the CAP Update would not directly result in impacts related to paleontological resources or unique geologic features. CAP Update policies that would involve construction activities, such as the policies related to building energy-efficiency and renewable energy retrofits and EV charging infrastructure, would involve work within existing, previously graded and disturbed areas where the likelihood of encountering intact and previously undiscovered paleontological resources would be minimal. Nonetheless, there is a possibility that these small-scale construction projects may expose paleontological resources during ground disturbing activities. To reduce such risks, CAP Update projects and actions would be reviewed for consistency with geotechnical and paleontological regulations prior to final siting and construction. CAP Update projects would be required to implement BMPs in accordance with the Livermore General Plan Community Character Element Objective CC-3.4 Policies P2. and P3. that require a survey by a qualified professional in project areas known to contain paleontological resources as part of the environmental assessment process and the halting of construction and investigation of

[71] Livermore, City of. 2022. Livermore Municipal Code Chapter 15.02. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed May 6, 2022.

[72] Livermore, City of. 2003. Livermore General Plan Update Environmental Impact Report. Volume I: Master Environmental Assessment. Available: <http://dev.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?blobid=23819>. Accessed April 14, 2022.

[73] Livermore, City of. 2003. General Plan Community Character Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/7289/637587704118730000>. Accessed April 28, 2022.

any paleontological resources unearthed during ground disturbing activities. In addition, the CAP Update projects would be located and designed strategically to reduce ground disturbance to the maximum extent possible. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to paleontological resources and unique geologic features.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. CAP Update projects, in combination with other cumulative projects anticipated under General Plan buildout, could expose additional people and property to the low to moderate seismic and geologic hazards that are present in the region. The magnitude of geologic hazards for individual projects, including those associated with implementation of the CAP Update, would depend upon the location, type, and size of development and the specific hazards associated with individual sites. Specific geologic hazards associated with individual project sites would be limited to those sites without affecting other areas. Similarly, potential impacts to paleontological resources associated with each individual site would be limited to that site without affecting other areas, and impacts related to these resources would be minimized on a case-by-case basis. Compliance with existing regulations, including CBC requirements, City-issued permit requirements, the Livermore General Plan, the Livermore Standard Specifications, and/or Construction General Permit requirements, would minimize potential cumulative seismic and geologic impacts. Seismic and geologic hazards would be addressed on a case-by-case basis and would not result in cumulative impacts. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to geology and soils.

8 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	■	☐
b. Conflict with any applicable plan, policy, or regulation adopted to reduce the emissions of greenhouse gases?	☐	☐	☐	■

a. Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

The greenhouse effect is a natural occurrence that helps regulate the temperature of the Earth. The majority of radiation from the sun hits Earth's surface and warms it. The surface in turn radiates heat back towards the atmosphere, known as infrared radiation. Gases and clouds in the atmosphere trap and prevent some of this heat from escaping into space and re-radiate it in all directions. This process is essential to support life on Earth because it warms the planet by approximately 60°F. Emissions from human activities since the beginning of the industrial revolution (approximately 270 years ago) have been adding to the natural greenhouse effect by resulting in increased gases in the atmosphere that trap heat and contribute to an average increase in Earth's temperature. Global warming is the observed increase in the average temperature of the Earth's surface, and climate change is the resultant change in wind patterns, precipitation, and storms over an extended period.

GHGs produced by human activities include CO_2, methane (CH_4), nitrous oxide (N_2O), hydroflourocarcons, perfluorinated compound, and sulfur hexafluoride (see Appendix B for more details related to these GHG gases).[74] Combustion of fossil fuels (gasoline, natural gas, and coal), deforestation, and decomposition of waste release carbon into the atmosphere that had been locked underground and stored in oil, gas, and other hydrocarbon deposits or in the biomass of surface vegetation. Since 1750, estimated concentrations of CO_2, CH_4, and N_2O in the atmosphere have increased by over 36 percent, 148 percent, and 18 percent respectively, primarily due to human activity. Emissions of GHGs affect the atmosphere directly by changing its chemical composition.

Changes to the land surface also indirectly affect the atmosphere by changing the way in which Earth absorbs gases from the atmosphere. Potential impacts in California due to climate change include sea level rise, more extreme-heat days and high-ozone days, larger and more frequent

[74] The CAP Update only considers emissions of CO_2, CH_4, and N_2O, because these are the GHGs most relevant to local government policymaking. These gases comprise a large majority of GHG emissions at the community level. The remaining gases are emitted primarily in private sector manufacturing and electricity transmission and are the subject of regulation at the State level. Therefore, these gases were omitted from the CAP Update.

forest fires, and more frequent and severe drought years.[75] Although GHG emissions do not typically cause direct health impacts at a local level, GHG emissions can result in indirect health impacts by contributing to climate change, which can have public health implications. The primary public health impacts of climate change include the following:

- Increased incidences of hospitalization and deaths due to increased incidences of extreme heat events;
- Increased incidences of health impacts related to ground-level ozone pollution due to increased average temperatures that facilitate ozone formation;
- Increased incidences of respiratory illnesses from wildfire smoke due to increased incidences of wildfires;
- Increased vector-borne diseases due to the growing extent of warm climates; and
- Increased stress and mental trauma due to extreme events and disasters, economic disruptions, and residential displacement.[76]

Livermore has completed a communitywide GHG emissions inventory for 2017, which is summarized in Table 1. The transportation sector was the largest contributor to Livermore's GHG emissions, followed by the energy sector. Figure 3 and Table 4 summarize the communitywide GHG emissions forecast under three scenarios: 1) business-as-usual projections, 2) business-as-usual projections with adjustment for implementation of State measures, and 3) the City of Livermore target reduction path along with implementation of State measures. As shown therein, under the business-as-usual scenario, communitywide GHG emissions are forecasted to increase to approximately 581,014 MT of CO_2e (5.48 MT of CO_2e per capita) by the year 2030, based on anticipated economic and population growth. However, with implementation of State laws and programs, communitywide GHG emissions would decline to approximately 455,776 MT of CO_2e (4.30 MT of CO_2e per capita) by 2030. Furthermore, implementation of the local actions included in the CAP Update alongside State laws and programs would reduce communitywide GHG emissions to approximately 326,847 MT of CO_2e (3.08 MT of CO_2e per capita) by 2030.

The strategies included in the CAP Update combined with Statewide legislation and initiatives and Countywide transportation programs will enable the City of Livermore to meet its per capita emissions reduction target of 68 percent below 1990 levels (a 40 percent reduction in communitywide emissions) by 2030, meeting the California SB 32 target for 2030 to reduce total GHG emissions 40 percent below 1990 levels. The City needs to achieve a GHG emissions reduction from 2030 BAU levels of 128,238 MT of CO_2e to meet the SB 32 target. The total estimated GHG reductions from 2030 business-as-usual levels that would be achieved by implementation of local actions under the CAP Update along with Statewide legislation and initiatives total 254,167 MT of CO_2e by 2030 and would meet the SB 32 requirements. Because SB 32 is considered an interim target toward meeting the longer-term State goal of carbon neutrality by 2045, implementation of the CAP Update would also be considered demonstration of substantial progress toward meeting the California 2045 goal. Avoiding interference with and rather making substantial progress toward this longer-term State target is important, because this target has been set at a level that achieves

[75] CARB and California Environmental Protection Agency (CalEPA). 2009. Environmental Health and Equity Impacts from Climate Change and Mitigation Policies in California: A Review of the Literature. Available: <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.386.4605&rep=rep1&type=pdf>. Accessed May 6, 2022.

[76] State of California. 2018. California's Fourth Climate Change Assessment Statewide Summary Report. Available: <http://www.climateassessment.ca.gov/state/>. Accessed May 16, 2022.

California's fair share of international emissions reduction targets that will stabilize global climate change effects and help lessen the associated adverse environmental consequences.

The CAP Update includes a list of 24 strategies, each containing identified actions, intended to reduce communitywide GHG emissions and/or vulnerability to the effects of climate change. Implementation of the CAP Update would result in the reduction of communitywide operational GHG emissions, while only generating temporary GHG emissions during construction of infrastructure such as EV charging stations, microgrid projects, and building energy efficiency upgrades. Additionally, the CAP Update would serve as a pathway to reduce GHG emissions and introduce other beneficial environmental and sustainability effects. These benefits include reduction in building energy consumption, vehicle miles traveled (and thus air pollution), and solid waste generation. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to generation of GHG emissions.

b. Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

The CARB 2017 Climate Change Scoping Plan outlines a pathway to achieving the 2030 reduction targets set under SB 32 and are considered interim targets toward meeting the longer-term 2045 carbon neutrality goal established by EO B-55-18. The CAP Update is a policy-level document that sets strategies to reduce Livermore GHG emissions in an effort to also comply with State regulations. As discussed under *Response 8a*. above, the CAP Update includes strategies to reduce Livermore GHG emissions from forecasted business-as-usual levels to approximately 326,847 MT of CO_2e (3.08 MT of CO_2e per capita) by 2030. The purpose of the CAP Update is to meet Livermore's proportionate fair share of the Statewide GHG emissions reduction target set by SB 32 and work toward the California longer-term target of carbon neutrality by 2045 identified in EO B-55-18.

The CAP Update would not conflict with any applicable GHG reduction plans, including the CARB 2017 Climate Change Scoping Plan. The CAP Update identifies how Livermore would achieve consistency with the Statewide GHG emissions limit. The CAP Update would serve as a pathway to reduce GHG emissions and introduce other beneficial environmental and sustainability effects. These benefits include reduction in building energy consumption, vehicle miles traveled (and thus air pollution), and solid waste generation. Therefore, the CAP Update would result in a ***no impact*** related to consistency with applicable GHG emissions reduction plans, policies, and regulations.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Analyses of GHG emissions and climate change are cumulative in nature, as they affect the accumulation of GHG emissions in the atmosphere. Cumulative projects anticipated under Livermore General Plan buildout that exceed the thresholds discussed above would have a significant impact related to GHG emissions and climate change, both individually and cumulatively. The CAP Update creates a GHG emissions reduction strategy (consistent with Section 15183.5 of the CEQA Guidelines) for Livermore. The CAP Update also includes a series of actions that are intended to reduce per capita GHG emissions by approximately 68 percent below 1990 levels (a 40 percent reduction in communitywide emissions) by 2030, which provides substantial progress toward Livermore meeting State goals. As such, the CAP Update would result in the reduction of GHG emissions rather than generating GHG emissions. Some GHG emissions would occur during construction of CAP Update-specific infrastructure projects; however, these emissions would be temporary and minor in nature. Therefore,

implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to GHG emissions.

9 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	■	☐
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	☐	☐	■	☐
d. Be located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	■	☐
e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☐	■
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	■

a. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

The CAP Update is a policy document containing strategies and actions to reduce GHG emissions. The CAP Update does not involve identified site-specific development and, for the most part, it would not facilitate new development that would involve the routine use of hazardous materials. Implementation of some of the CAP Update actions, such as energy and water efficiency retrofits and installation of EV charging stations, would require construction activities. Construction would involve the temporary use of hazardous materials such as vehicle fuels and fluids that could be released should an accidental leak or spill occur. However, these types of materials are not considered acutely hazardous, and storage, handling, and disposal of these materials are regulated by the California Department of Toxic Substances Control, U.S. EPA, and Occupational Safety & Health Administration. In addition, standard construction BMPs for the use and handling of such materials would avoid or reduce the potential for such conditions to occur. Any use of potentially hazardous materials during construction of projects would comply with all local, State, and federal regulations regarding the handling of potentially hazardous materials, including Title 49 of the Code of Federal Regulations and Title 22, Division 4.5 of the CCR. Risk of spills would cease after construction is completed. Therefore, construction activities related to CAP Update actions would not be anticipated to create upset and accident conditions involving the release of hazardous materials, and operation of the majority of CAP Update actions would not involve the routine transport, use, or disposal of hazardous materials during operation.

Operation of the majority of CAP Update-related projects would not involve the routine transport, use, or disposal of hazardous materials. However, CAP Update Strategies E-1, B-2, and M-1 would increase renewable energy generation and storage within Livermore to provide clean energy sources by establishing micro-grid projects, small-scale renewable energy infrastructure such as rooftop solar panels on new and existing buildings, and battery energy storage. Hazardous materials used in battery energy storage systems would generally consist of the lithium-ion batteries. Lithium-ion technology is a common battery storage medium and is considered one of the most efficient methods of energy storage on the market. During normal operation, lithium-ion batteries do not represent a risk to off-site receptors, and safety standards applicable to energy storage facilities and safety certification tests established by independent bodies, such as Underwriters Laboratories, National Fire Protection Association, and International Electrotechnical Commission would prevent any reasonable possibility of a substantial adverse effect on the environment related to the lithium-ion batteries. However, in the unlikely event of a fire, there is a risk of the accidental release of hazardous materials associated with battery energy storage systems. Any future proposed battery energy storage facilities would, therefore, be carefully reviewed for appropriate locations, safety measures, and consistency with the Livermore General Plan and LMC, as well as the applicable local, State, and federal regulations. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to creating a significant hazard through the routine transport, use, or disposal of hazardous materials and reasonably foreseeable upset and accident conditions involving the release of hazardous materials.

c. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?

The CAP Update is a policy document containing strategies to reduce GHG emissions and build communitywide resilience. The CAP Update does not include site-specific proposals and development, nor would it emit or handle hazardous materials. Implementing some CAP Update actions may require future development or improvements, such as EV charging stations, new active transportation and public transit facilities, and microgrid projects. However, CAP Update projects and actions would be reviewed to ensure the appropriate location of projects in relation to existing development in Livermore and would be reviewed for consistency with the Livermore General Plan, LMC, and applicable local, State, and federal regulations when specific projects and locations are identified. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to handling of hazardous materials in proximity to schools.

d. Would the project be located on a site included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

The CAP Update is a policy document containing strategies and supporting actions to reduce GHG emissions and build communitywide resilience. The proposed CAP Update does not include site-specific proposals and development, implementation of the CAP Update could result in future projects that could be located on listed hazardous materials sites. However, CAP Update projects and actions would be reviewed for consistency with the Livermore General Plan and LMC and would be required to comply with applicable local, State, and federal regulations related to hazardous materials sites. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to location on a listed hazardous materials site.

e. For a project located in an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

The Livermore Municipal Airport is located in the northwesternmost portion of Livermore, adjacent to Las Positas Golf Course. The safety goals and policies associated with the Livermore Municipal Airport area are included in the Livermore Municipal Airport Land Use Compatibility Plan.[77] The CAP Update is a policy document that would not increase airport activity or result in additional habitable development or commercial development that could increase potential exposure of residents and employees to aircraft-related hazards. Additionally, CAP Update-related projects would be reviewed for consistency with the Livermore Municipal Airport Land Use Compatibility Plan and other applicable local and State regulations related to airport noise and safety. Therefore, the CAP Update would result in ***no impact*** related to risks associated with location proximate to a public airport.

f. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The CAP Update is a policy document intended to reduce GHG emissions and build communitywide resilience. The CAP Update does not involve site-specific development, nor would it facilitate new development that would interfere with adopted emergency plans. Implementation of some CAP Update strategies and actions, such as the addition of new pedestrian, bicycle, and public transit

[77] Alameda County Airport Land Use Commission. 2012. Livermore Municipal Airport Land Use Compatibility Plan. Available: <https://www.acgov.org/cda/planning/generalplans/documents/LVK_ALUCP_082012_FULL.pdf>. Accessed May 6, 2022.

facilities, would require construction on local roadways. Such projects would generally occur on local roads and not affect major highways typically used for emergency evacuation. Nonetheless, construction activities have the potential to require lane closures and may impact traffic and vehicle speeds on the affected roadways; however, these impacts would be temporary, and access to roadways would generally be maintained throughout project construction. Furthermore, future projects involving work in the public right-of-way would be required to coordinate with the City to ensure appropriate construction staging and adequate vehicular and pedestrian access on adjacent roadways, pursuant to LMC Chapter 12.08, Encroachments.[78] In addition, CAP Update Action E-1.2 would expand microgrid deployment to provide resilience at critical facilities such as police and fire departments, which would improve the City's ability to respond in emergency events. Therefore, the CAP Update would result in ***no impact*** related to impairment or interference with implementation of an emergency response or evacuation plan.

g. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

According to LHMP and Livermore General Plan Public Safety Element, the majority of Livermore, which is urbanized, is at low risk of wildfire. Areas susceptible to wildfire are limited to those portions of Livermore at the urban-wildland fringe. These areas are concentrated along the northern, eastern, and southwestern boundaries of Livermore, where areas of moderate- and high-fire hazard severity are mapped by the California Department of Forestry and Fire Protection (CAL FIRE).[79,80, 81] Although portions of Livermore are subject to wildland fire risk, the CAP Update does not propose specific development or new residential or commercial land uses that could be subject to wildland fire. In addition, the CAP Update includes Strategy WF-1 that aims to reduce the risk of wildfire in the community and improve wildfire preparedness. Therefore, the CAP Update would result in ***no impact*** related to risks associated with exposure to wildland fires.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Hazards and hazardous materials impacts are typically site-specific in nature. CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, are not anticipated to contribute to cumulative hazards and hazardous materials impacts with adherence to applicable Livermore General Plan policies and applicable local, State, and federal regulatory requirements. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to hazards and hazardous materials.

[78] Livermore, City of. 2022. Livermore Municipal Code Chapter 12.08. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed May 6, 2022.

[79] Livermore, City of. 2003. Livermore General Plan Public Safety Element. Available: <https://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=23899>. Accessed May 6, 2022.

[80] Pleasanton, Livermore, and Dublin, Cities of. 2018. Tri-Valley Local Hazard Mitigation Plan. Available: <http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=35090>. Accessed May 5, 2022.

[81] California Department of Forestry and Fire Protection (CAL FIRE). 2022. FHSZ Viewer. Available: <https://egis.fire.ca.gov/FHSZ/>. Accessed May 6, 2022.

10 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	☐	☐	■	☐
b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☐	■
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☐	■
(i) Result in substantial erosion or siltation on- or off-site;	☐	☐	☐	■
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☐	■
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☐	■
(iv) Impede or redirect flood flows?	☐	☐	☐	■
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	■	☐
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☐	■

a. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

The CAP Update is a policy document containing actions intended to reduce GHG emissions and build communitywide resilience in Livermore. CAP Update Strategies E-1, B-2, and M-1 promote installation of small-scale solar PV systems, microgrid projects, and battery energy storage systems at both municipal facilities and in private development to provide greener renewable electricity. CAP Update Actions F-1.2, F-1.3, and M-4.3 would result in new green stormwater infrastructure projects in Livermore including wetland restoration, bioswales, passive rain capture systems, and replacement of impermeable pavement with permeable surfaces. CAP Update Actions F-1.6, H-1.2, S-1.1, and S-1.3 would seek to plant additional trees throughout Livermore. CAP Update Strategies B-1 and M-2 and Action I-2.2 promote electrification and energy efficiency upgrades to existing buildings. CAP Update Strategy T-1 and Actions B-2.4 and M-3.2 would result in the construction of new EV and alternative-fuel vehicle infrastructure throughout Livermore. CAP Update Action T-2.1 may include an installation of a new electric trolley service and Strategy T-3 would add new bicycle and pedestrian infrastructure throughout Livermore. CAP Action S-1.5 may include construction of a carbon capture and storage facility or climate restoration pilot project. These actions may result in small scale construction activities in the future that could result in temporary water quality impacts due to soil erosion and ground disturbance, as further discussed under *Response 10c* in Section 7, *Geology and Soils*.

However, CAP Update projects and actions would be reviewed for consistency with local and State regulations, including the NPDES permitting program that requires implementation of Stormwater Pollution Prevention Plans (SWPPPs), Livermore Standard Specifications, and LMC Chapter 13.45, Stormwater Management and Control Program.[82, 83] These regulations require BMPs to reduce water quality impacts from construction activities. Compliance with the Livermore Standard Specifications, LMC, and NPDES permitting program would ensure that BMPs are implemented during construction to minimize potential impacts to surface and groundwater quality. As such, the CAP Update's related infrastructure and retrofit projects would not result in new or different wastewater discharge that would violate water quality standards, waste discharge requirements, or otherwise degrade surface or groundwater quality. Therefore, the CAP Update would result in ***less-than-significant impacts*** related to surface or groundwater water quality in Livermore.

b. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

The CAP Update is a policy document containing strategies intended to reduce GHG emissions and increase sustainability. CAP Update Strategy D-1 seeks to decrease community water use through water efficiency retrofits, water reuse, and sustainable landscaping. Reduced water use within Livermore would aid in maintaining groundwater supplies. In addition, CAP Update Strategy F-1 is intended to improve sustainable stormwater management by developing green stormwater infrastructure and completing wetland restoration projects. Increased green stormwater infrastructure would improve groundwater infiltration and recharge within Livermore. Furthermore,

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[82] Livermore, City of. 2015. Livermore Standard Specifications. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/721/637165720821730000>. Accessed May 6, 2022.

[83] Livermore, City of. 2022. Livermore Municipal Code Chapter 13.45. Available: <https://www.codepublishing.com/search/?cmd=getdoc&DocId=606&Index=%2fvar%2flib%2fdtsearch%2fhtml%2fCA%2fLivermore&HitCount=1&hits=63a+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CLivermore%5CLivermore_form.html>. Accessed May 6, 2022.

implementation of other CAP Update strategies, such as improved EV charging infrastructure and building energy efficiency retrofits, would not substantially degrade groundwater quality or recharge or result in increased groundwater demand. Therefore, the CAP Update would result in ***no impact*** related to impedance of sustainable groundwater management.

c. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- *Result in substantial erosion or siltation on- or off-site?*
- *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- *Impede or redirect flood flows?*

Implementation of several CAP Update strategies and actions may promote infrastructure development and small-scale construction activities within Livermore. Implementation CAP Update Strategies E-1, B-1, B-2, T-1, T-3, M-1, and M-2 and Actions F-1.2, F-1.3, F-1.6, H-1.2, S-1.1, S-1.3, S-1.5, I-2.2, B-2.4, M-3.2, M-4.3, and T-2.1 may result in small-scale construction activities throughout Livermore. Implementation of these CAP Update actions would primarily occur within previously developed areas and would not result in substantial alterations to Livermore's existing drainage pattern and amount of impervious surface. Construction of CAP Update projects could result in erosion as discussed in Section 7, *Geology and Soils*. However, impacts to drainage and water quality during construction would be minimized through the implementation of BMPs as required by the Livermore Standard Specifications, LMC Chapter 13.45, Stormwater Management and Control Program, and the NPDES Construction General Permit program.[84, 85] In addition, CAP Update projects would be in accordance with the Livermore General Plan, which includes goals and policies for the protection and preservation of creeks, streams, and groundwater within Livermore.[86] Furthermore, CAP Update Strategy F-1 and Actions M-4.3 and S-1.3 would seek to add new green stormwater infrastructure, restore Livermore's wetlands and arroyos, and decrease the amount of impermeable surface within Livermore, all which would improve drainage and water quality. Therefore, the CAP Update would result in a ***no impact*** related to the alteration of existing drainage patterns.

d. Would the project result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Livermore is not located within designated seiche or tsunami zones. Portions of Livermore are within the 100- and 500-year flood zones defined by Federal Emergency Management Agency, and Livermore could also become flooded in the event of a catastrophic failure at the Del Valle Dam or Patterson Dam located approximately 2.2 miles south and 3,600 feet east of Livermore,

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[84] Livermore, City of. 2015. Livermore Standard Specifications. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/721/637165720821730000>. Accessed May 6, 2022.

[85] Livermore, City of. 2022. Livermore Municipal Code Chapter 13.45. Available: <https://www.codepublishing.com/search/?cmd=getdoc&DocId=606&Index=%2fvar%2flib%2fdtsearch%2fhtml%2fCA%2fLivermore&HitCount=1&hits=63a+&SearchForm=D%3A%5Cinetpub%5Cwwwroot%5Cpublic_html%5CCA%5CLivermore%5CLivermore_form.html>. Accessed May 6, 2022.

[86] Livermore, City of. 2003. General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed April 19, 2022.

respectively.[87] Therefore, areas of Livermore are at risk of flooding. As described under *Response 10c.*, CAP Update projects would not impede or redirect flood flows, and as discussed under *Response 9a. and 9b.* in Section 9, *Hazards and Hazardous Materials*, CAP Update projects would generally not involve the regular use or storage of hazardous materials with the exception of battery energy storage facilities that include the storage of lithium-ion batteries. Future CAP Update projects, such as battery energy storage facilities, would be reviewed for compliance with the applicable local and State regulations related to flooding and hazardous materials use and storage, including LMC Chapter 16.04, Hazardous Materials Release and Response Plans, LMC Chapter 16.12, Flood Control Regulations, and CBC standards for construction within flood-prone areas.[88, 89] Therefore, the CAP Update would result in a ***less-than-significant impact*** related to flooding and inundation resulting in release of pollutants.

e. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

The CAP Update strategies and actions would not include activities that would result in the direct extraction of groundwater. Rather, the CAP Update encourages reduced water consumption and expanded green stormwater infrastructure within Livermore, which would aid in groundwater recharge and reduced surface water runoff and related water quality issues. The CAP Update would not interfere with or obstruct implementation of water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Therefore, the CAP Update would result in ***no impact*** related to consistency with a water quality control plan or sustainable groundwater management plan.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, are not anticipated to contribute to cumulative hydrology and water quality impacts with adherence to applicable Livermore General Plan policies and local, State, and federal regulatory requirements. Implementation of the CAP Update would not contribute to an increase in growth and development in Livermore but could result in small-scale infrastructure development and building retrofit projects, including new EV charging infrastructure, microgrid projects, and energy and water efficiency upgrades. As such, implementation of the CAP Update and other cumulative projects could have incremental impacts related to hydrology and water quality, such as erosion and sedimentation due to construction activities. However, the CAP Update's contribution to such impacts would be minor and temporary, and the CAP Update would have the long-term effect of reducing water use and improving sustainable stormwater management. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to hydrology and water quality.

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[87] Livermore, City of. 2003. Livermore General Plan Update Environmental Impact Report. Volume I: Master Environmental Assessment. Available: <http://dev.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?blobid=23819>. Accessed May 10, 2022.

[88] Livermore, City of. 2022. Livermore Municipal Code Chapter 16.04. Available: <https://www.codepublishing.com/CA/Livermore/Municipal/Livermore16/Livermore1604.html#16.04/>. Accessed May 10, 2022.

[89] Livermore, City of. 2022. Livermore Municipal Code Chapter 16.12. Available: <https://www.codepublishing.com/CA/Livermore/Municipal/Livermore16/Livermore1612.html#16.12>. Accessed May 10, 2022.

11 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	☐	☐	☐	■
b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	■

a. Would the project physically divide an established community?

The CAP Update is a policy document containing strategies that are consistent with the Livermore General Plan and does not include actions or specific development projects that would divide an established community. CAP Update Strategies T-2 and T-3 facilitate the provisioning of new bicycle and pedestrian infrastructure and amenities and improved public transit connectivity. Such actions would help to increase connectivity within the Livermore community. Therefore, the CAP Update would result in ***no impact*** related to division of an established community.

b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

The CAP Update is a policy document containing strategies that are consistent with the Livermore General Plan and that are designed to reduce adverse environmental impacts associated with climate change. Nonetheless, implementing the CAP Update would require some modification of existing policies, including developing and implementing new programs, and projects, or modifying existing ones. For example, CAP Update Actions D-1.2, F-1.5, B-1.1, T-1.4, T-4.1, T-4.2, and S-1.3 may include adoptions of new ordinances, General Plan updates, or updates to the existing municipal and development codes to require water reuse, permeable hardscaping, building electrification, EV charging infrastructure, and updated landscaping requirements and to encourage a jobs-housing balance and infill development in Livermore. In order to implement these measures, the LMC, Livermore General Plan, and other applicable City documents may need to be amended to reflect new or modified requirements. However, where modifications of existing policies are needed, such as updates to policies related to energy, EV infrastructure, and active transportation, the CAP Update strategies and actions would result in greater avoidance or reduction of environmental effects. In addition, future plans or projects (including potential changes to the General Plan or zoning) requiring discretionary approval would be subject to environmental review under CEQA, and individual impact analyses would identify required plan- or project-specific mitigation measures where applicable. Therefore, the CAP Update would result in ***no impact*** related to consistency with current land use plans or policies.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. The CAP Update is a policy document containing strategies that are consistent with the Livermore General Plan. Nonetheless, implementing the CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, would require some modification of existing land use policies, including developing and implementing new programs and projects, or modifying existing ones. The proposed policy changes are consistent with the intent of the goals and policies established within the Livermore General Plan and Zoning Regulations and would not cumulatively contribute to the division of the Livermore community or conflicts with land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect. Future plans or projects (including potential changes to the General Plan or zoning) requiring discretionary approval would be subject to environmental review under CEQA, including an analysis of potential cumulative growth impacts. Cumulative projects, including the CAP Update, would be required to adhere to City development regulations and Livermore General Plan policies to retain land use character and minimize environmental impacts. Future CAP Update projects and actions would be reviewed for consistency with the Livermore General Plan and other applicable regulatory land use actions prior to approval. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to land use.

12 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	☐	☐	☐	■

a. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b. Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Livermore is underlain by alluvial deposits that contain sand and gravel resources. The Livermore General Plan and General Plan EIR identify the quarries to the southwest of Livermore boundary, between Livermore and Pleasanton, as an aggregate resource area of Statewide significance. These areas are within unincorporated Alameda County and are exclusively for mineral resources extraction and other compatible uses. The CAP Update would not conflict with or alter these land uses. Most of Livermore south of I-580 is classified as either Mineral Resource Zone (MRZ)-2, areas where significant mineral deposits are present, or MRZ-3, areas where mineral deposits are present but the significance of the deposits is unknown.[90, 91] Although mineral deposits are present throughout Livermore, Livermore is largely urbanized, which limits the potential for mineral resources extraction. The Livermore General Plan Conservation and Open Space Element includes Goal OSC-4 to preserve and utilize mineral resources in Livermore. The CAP Update would not conflict with this policy or otherwise impact operations in the active quarry area.[92] Furthermore, the CAP Update would not facilitate additional urban growth or infrastructure development projects within Livermore that could result in the loss of availability of known mineral resources. Therefore, the CAP Update would result in ***no impact*** related to mineral resource.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Although Livermore is underlain by mineral resources, the potential for mineral resources extraction is limited due to the urbanized nature of

[90] Livermore, City of. 2003. Livermore General Plan Update Environmental Impact Report. Volume I: Master Environmental Assessment. Available: <http://dev.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?blobid=23819>. Accessed May 10, 2022.

[91] Livermore, City of. 2003. Livermore General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed May 10, 2022.

[92] Ibid

Livermore. Mineral resource recovery sites in the vicinity of Livermore include the quarries to the southwest of Livermore boundary. These areas are within unincorporated Alameda County and are exclusively for mineral resources extraction and other compatible uses. The CAP Update would not conflict with or alter these land uses. CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, are not anticipated to contribute to cumulative impacts to mineral resources with adherence to the Livermore General Plan policies related to conservation of such resources. Therefore, implementation of the CAP Update would result in ***no cumulative impact*** related to mineral resources.

13 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	■	☐
b. Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

a. Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Noise is unwanted sound that disturbs human activity. Environmental noise levels typically fluctuate over time, and different types of noise descriptors are used to account for this variability. Noise level measurements include intensity, frequency, and duration, as well as time of occurrence. Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). Because of the way the human ear works, a sound must be about 10 dBA greater than the reference sound to be judged as twice as loud. In general, a 3 dBA change in community noise levels is noticeable, while 1-2 dBA changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40-50 dBA, while arterial streets are in the 50-60+ dBA range. Normal conversational levels are in the 60-65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

Noise levels typically attenuate (or drop off) at a rate of 6 dBA per doubling of distance from point sources (such as construction equipment). Noise from lightly traveled roads typically attenuates at a rate of about 4.5 dBA per doubling of distance. Noise from heavily traveled roads typically attenuates at about 3 dBA per doubling of distance, while noise from a point source typically attenuates at about 6 dBA per doubling of distance. Noise levels may also be reduced by the introduction of intervening structures. For example, a single row of buildings between the receptor

and the noise source reduces the noise level by about 5 dBA, while a solid wall or berm that breaks the line-of-sight reduces noise levels by 5 to 10 dBA.

The Livermore General Plan Noise Element identifies roadway traffic, trains, aircraft, industrial plant equipment, and activities associated with neighborhoods and schools as major noise sources in Livermore. The Livermore Noise Element aims to ensure appropriate noise levels considered compatible for community noise environments.[93] The City's normally acceptable exterior noise exposure standards for various land uses are shown in Table 5. Consistent with State noise insulation standards (CCR Title 24 Part 11), the Livermore General Plan Noise Element states that the maximum acceptable interior noise level for residential uses is 45 dBA.

Table 5 Livermore General Plan Noise Element Normally Acceptable Noise Levels

Land Use	Exterior Noise Exposure (L_{dn}, dBA)
Residential Low-Density, Single Family, Duplex, Mobile Homes	60
Multi-family Residential	65
Transient Lodging, Hotels, and Motels	65
School, Library, Church, Hospital, Nursing Home	70
Auditorium, Concert Hall, Amphitheater	n/a
Sports Arena, Outdoor Spectator Sports	n/a
Playground, Neighborhood Park	70
Gold Course, Water Recreation, Cemetery	75
Office Building, Business Commercial, Professional, and Retail	70
Industrial, Manufacturing, Utilities, Agricultural	75

dBA = A-weighted decibels; L_{dn} = day/night average sound level; n/a = not applicable

Source: Livermore General Plan Noise Element

In addition, LMC Chapter 9.36, Noise, establishes noise regulations for loud noises, noises adjacent to schools, courts, churches and hospitals, and construction noise.[94] Construction noise is regulated by LMC Section 9.36.080, which prohibits construction between the hours of 8:00 pm and 7:00 am Monday through Friday, 6:00 pm and 9:00 am on Saturday, and on Sundays and holidays. [95]

The CAP Update is a policy document containing programs that are consistent with the Livermore General Plan. Some of the CAP Update actions would support small scale construction projects that could result in temporary noise. CAP Update Strategies E-1, B-2, and M-1 promote installation of small-scale solar PV systems, microgrid projects, and battery energy storage systems at both municipal facilities and in private development to provide greener renewable electricity. CAP Update Actions F-1.2, F-1.3, and M-4.3 would result in new green stormwater infrastructure projects in Livermore including wetland restoration, bioswales, passive rain capture systems, and replacement of impermeable pavement with permeable surfaces. CAP Update Actions F-1.6, H-1.2, S-1.1, and S-1.3 would seek to plant additional trees throughout Livermore. CAP Update Strategies

[93] Livermore, City of. 2003. General Plan Noise Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1387/637643623484130000>. Accessed May 12, 2022.

[94] Livermore, City of. 2022. Municipal Code Chapter 9.36. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed May 12, 2022.

[95] Ibid

B-1 and M-2 and Action I-2.2 promote electrification and energy efficiency upgrades to existing buildings. CAP Update Strategy T-1 and Actions B-2.4 and M-3.2 would result in the construction of new EV and alternative-fuel vehicle infrastructure throughout Livermore. CAP Update Action T-2.1 may include installation of a new electric trolley service and Strategy T-3 would add new bicycle and pedestrian infrastructure throughout Livermore. CAP Action S-1.5 may include construction of a carbon capture and storage facility or climate restoration pilot project. These strategies and measures would include short term construction activities; however, CAP Update projects and actions would be reviewed for consistency with the Livermore General Plan and LMC, and construction activities would be required to comply with the provisions of the LMC Chapter 9.36, including the permitted construction hours and noise limits. Therefore, the CAP Update would not result in significant construction noise related impacts.

The CAP Update does not include future projects that would result in substantial operational noise. Rather, the CAP Update encompasses a suite of GHG-reduction opportunities that affect the transportation sector and its associated noise. For example, CAP Update Strategies T-1 through T-4 encourage adoption of EVs, which are quieter than gas-powered alternatives, facilitate improvements to bicycle, pedestrian, and public transit circulation to increase active transportation and transit ridership, and create sustainable land use patterns to decrease VMT. These strategies would reduce VMT and traffic-related noise in Livermore. Therefore, the CAP Update would not generate excessive operational noise levels and would result in a ***less-than-significant impact*** related to noise exposure.

b. Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

While people have varying sensitivities to vibrations at different frequencies, in general they are most sensitive to low-frequency vibration. Vibration in buildings, such as from nearby construction activities, may cause windows, items on shelves, and pictures on walls to rattle. Vibration of building components can also take the form of an audible low-frequency rumbling noise, referred to as groundborne noise.[96] Although groundborne vibration is sometimes noticeable in outdoor environments, it is almost never annoying to people who are outdoors. The primary concern from vibration is that it can be intrusive and annoying to building occupants and vibration-sensitive land uses. Vibration amplitudes are usually expressed in peak particle velocity (PPV) or Root Mean Square (RMS) vibration velocity. The PPV and RMS velocity are normally described in inches per second (in/sec). PPV is defined as the maximum instantaneous positive or negative peak of a vibration signal. PPV is often used in monitoring of blasting vibration because it is related to the stresses that are experienced by buildings.[97] Vibration significance ranges from approximately 50 vibration decibels (VdB), which is the typical background vibration-velocity level, to 100 VdB, the general threshold where minor damage can occur in fragile buildings. The general human response to different levels of groundborne vibration velocity levels is described in Table 6.[98]

[96] California Department of Transportation (Caltrans). 2020. Transportation and Construction Vibration Guidance Manual (CT-HWANP-RT-13-069.25.3). Available: <https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/tcvgm-apr2020-a11y.pdf>. Accessed May 12, 2022.

[97] Federal Highway Administration (FHWA). 2006. FHWA Highway Construction Noise Handbook. (FHWAHEP-06-015; DOT-VNTSC-FHWA-06-02). Available: <https://www.fhwa.dot.gov/Environment/noise/construction_noise/handbook/handbook00.cfm>. Accessed May 12, 2022.

[98] Federal Transit Administration. 2018. Transit Noise and Vibration Impact Assessment Manual. <https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/research-innovation/118131/transit-noise-and-vibration-impact-assessment-manual-fta-report-no-0123_0.pdf>. Accessed May 12, 2022.

Table 6 Human Response to Different Levels of Groundborne Vibration

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day

VdB = vibration decibels
Source: Federal Transit Administration 2018

The CAP Update is a policy document containing actions consistent with the Livermore General Plan. Some CAP Update actions would support small-scale construction projects, such as EV charging station construction and building energy and water efficiency retrofits that may result in a temporary, minor increase in groundborne vibration. However, CAP Update projects and actions would be reviewed for consistency with the Livermore General Plan and LMC, and construction activities would be required to comply with applicable local, State, and federal regulations to ensure temporary construction impacts related to groundborne vibration would not occur. Furthermore, CAP Update projects would not include operational sources of groundborne vibration. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to groundborne vibration.

c. For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

The Livermore Municipal Airport is located in the northwestern portion of Livermore. The safety goals and policies associated with the Livermore Municipal Airport area are included in the Livermore Municipal Airport Land Use Compatibility Plan.[99] The CAP Update is a policy document that would not increase airport activity or result in additional habitable or commercial development that could increase potential exposure of residents and employees to aircraft-related noise. Therefore, the CAP Update would result in ***no impact*** related to aviation-related noise exposure.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. The CAP Update is a policy document containing programs that are consistent with the Livermore General Plan, including the Noise Element. Nonetheless, future CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, would support construction projects, such as EV charging station construction, that may result in a temporary increase in groundborne vibration or noise levels. However, cumulative projects, including CAP Update projects, would be subject to review by the City for compliance with the Livermore General Plan and LMC and would be required to comply with applicable regulations governing noise and vibration. The CAP Update also includes GHG-reduction opportunities that would decrease VMT and related noise. As such, implementation of the CAP Update would not generate permanent, excessive groundborne vibration or noise levels. Therefore, the CAP Update would result in a ***less-than-significant cumulative impact*** related to noise.

[99] Alameda County Airport Land Use Commission. 2012. Livermore Municipal Airport Land Use Compatibility Plan. Available: <https://www.acgov.org/cda/planning/generalplans/documents/LVK_ALUCP_082012_FULL.pdf>. Accessed May 6, 2022.

14 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	■
b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

a. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

The CAP Update is a policy document containing programs that are consistent with Livermore General Plan. Implementation of the CAP Update strategies and policies would not facilitate specific development projects, such as new housing or employment opportunities, that could directly result in population growth. Nor does the CAP Updates include strategies and actions that would displace existing residents or housing. CAP Actions T-4.1 and T-4.2 encourage future modifications to the GP and Development Code to promote a jobs-housing balance and infill development. However, the CAP Update would not alter land use designations or zoning. Future plans or projects (including potential changes to land use designations or zoning) requiring discretionary approval would be subject to environmental review under CEQA, and individual impact analyses would identify required plan- or project-specific mitigation measures where applicable.

The CAP Update strategies and actions would serve to reduce VMT and urban sprawl, rather than result in substantial new housing or development that could result in unplanned population growth. In addition, new active transportation and public transit facility infrastructure that could result from implementation of the CAP Update would be for purposes of replacing existing single-occupancy vehicle use rather than extending infrastructure to support a growth in population. Therefore, the CAP Update would not directly increase the population, indirectly induce additional unplanned population growth, or displace people or housing. Therefore, the CAP Update would result in ***no impact*** related to population and housing.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, are not anticipated to displace people or housing nor induce substantial unplanned population growth within Livermore. Specifically, the CAP Update would not contribute to person or housing displacement in Livermore nor result in population growth beyond that already assumed and planned for in the Livermore General Plan and in accordance with Livermore 2030 population projections. Therefore, the CAP Update would result in ***no cumulative impact*** related to population and housing.

15 Public Services

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1. Fire protection?	☐	☐	☐	■
2. Police protection?	☐	☐	☐	■
3. Schools?	☐	☐	☐	■
4. Parks?	☐	☐	☐	■
5. Other public facilities?	☐	☐	☐	■

a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- *Fire protection?*
- *Police protection?*
- *Schools?*
- *Parks?*
- *Other public facilities?*

The CAP Update is a policy document containing programs that are consistent with the Livermore General Plan. Implementation of the CAP Update and its proposed strategies and actions would not result in increases in population or new employment opportunities that could induce population growth, as further discussed in Section 14, *Population and Housing*. As such, the CAP Update would not require the construction of new or physically altered governmental facilities to serve additional population, the construction of which could cause significant environmental impacts. CAP Update Strategies E-1, H-1, WF-1, M-1, and I-1 and Actions F-1.1, F-1.2, and B-2.2 would help to increase community resiliency and reduce vulnerability to the climate change-related hazards and issues

such as flooding, extreme heat, wildfire and electrical grid instability, thereby reducing the burden on local public services related to such natural disasters. Furthermore, future CAP Update projects and actions would be reviewed for consistency with the Livermore General Plan and other applicable local and State regulations related to public services. Therefore, the CAP Update would result in ***no impact*** related to public services in terms of need for the construction of new or altered governmental facilities.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Implementation of CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, would not result in increases in population or induce additional population growth beyond that assumed under the Livermore General Plan and in accordance with Livermore 2030 population projections. Therefore, implementation of the CAP Update would not result in substantial cumulative need to expand public services facilities. Therefore, the CAP Update would result in a ***no significant cumulative impact*** related to public services.

16 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	■
b. Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	■

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Livermore is a primarily urbanized community with parks and recreational spaces incorporated throughout Livermore, including 51 parks and open space areas, as shown in Figure 8-4 of the Livermore General Plan Open Space and Conservation Element. The Livermore General Plan Open Space and Conservation Element incorporates goals and policies to protect open space/recreational resources in Livermore including Goal OSC-5 to develop a full complement of parks and other recreational lands for public use and enjoyment.[100]

The CAP Update is a policy document containing programs that are consistent with Livermore's General Plan, including the recreation and open space policies established in the Livermore Open Space and Conservation Element. CAP Update Action S-1.4 seeks to preserve open space in Livermore, while Action WF-1.4 would reduce wildland fire risks that could result in damage to recreational open space amenities within the city. Additionally, as described in Section 14, *Population and Housing*, the CAP Update would not result in substantial population growth or direct land use changes. As such, implementation of the CAP Update would not result in a substantial physical deterioration of parks or other recreational facilities or result in the need to expand recreational facilities. Therefore, the CAP Update would result in ***no impact*** related to the need for construction of new or altered recreational facilities.

[100] Livermore, City of. 2003. General Plan Open Space and Conservation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1385/637643623283170000>. Accessed May 12, 2022.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Implementation of CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, would not result in increases in population or induce additional population growth beyond that assumed under the Livermore General Plan and in accordance with 2030 population projections. Therefore, implementation of the CAP Update would not result in increased demand for parks or substantial cumulative physical deterioration of parks or other recreational facilities or result in the cumulative need to expand recreational facilities. In addition, the CAP Update includes strategies to preserve open space within the community and reduce wildland fire risk, which aligns with the Livermore General Plan goals. Therefore, implementation of the CAP Update would result in ***no cumulative impact*** related to recreation.

17 Transportation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	☐	☐	☐	■
b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	☐	☐	☐	■
c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	☐	☐	■	☐
d. Result in inadequate emergency access?	☐	☐	■	☐

a. Would the project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

b. Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

The Livermore General Plan Circulation Element includes the following goals:

- **CIR-1:** Provide safe, efficient, comfortable, and convenient mobility for all users.
- **CIR-2:** Promote multi-modal transportation.
- **CIR-3:** Identify and develop a circulation system consistent with the Land Use Element.
- **CIR-4:** Provide a local roadway system for the safe, efficient, and convenient movement of vehicular traffic.
- **CIR-5:** Maintain relatively free-flowing traffic, except where the City has identified intersections or areas of Livermore that are exempt from the citywide standard.
- **CIR-6:** Protect neighborhood quality and community character through circulation planning.
- **CIR-7:** Develop a Downtown circulation system that is pedestrian-oriented and supports Downtown as a destination.
- **CIR-8:** Ensure a well-coordinated regional transportation system that serves Livermore and the surrounding region.
- **CIR-9:** Support and protect safe and efficient aviation operations at the Municipal Airport.
- **CIR-10:** Provide adequate safe and convenient short-and long-term vehicle and bicycle parking for all land uses in Livermore.

- **CIR-11:** Support goods movement within Livermore.[101]

Additionally, the City adopted the Active Transportation Plan in 2018 to make active transportation a safe and pleasant option within Livermore by providing a dedicated bicycle and pedestrian network. The Livermore Active Transportation Plan also implements the Livermore General Plan goals, policies, and programs related to complete streets and multi-modal transportation by building the blueprint for a system of bikeways, walking paths, and trails.[102]

The CAP Update is a policy document containing strategies and policies that are consistent with the Livermore General Plan Circulation Element and Active Transportation Plan. CAP Update Strategy T-2 seeks to improve public transit connections to destinations within and nearby Livermore to make public transit a more attractive mobility option, as well as to expand shared mobility and micro-mobility options in accordance with the Livermore Active Transportation Plan. CAP Update Strategy T-3 includes actions to expand bicycle and pedestrian infrastructure by implementing 50% of the Active Transportation Plan by 2030, promote car-free events, and secure funding for Active Transportation Plan projects. These CAP Update actions would advance active transportation and public transit within Livermore and decrease VMT and associated air pollutants and GHG emissions.

These CAP Update actions would be consistent with the Livermore General Plan Circulation Element and Active Transportation Plan goals to create complete streets, improve multi-modal facilities, reduce VMT and single-occupancy vehicles, encourage active transportation, and reduce vehicle congestion within Livermore. Furthermore, the CAP Update would seek to reduce VMT within Livermore, consistent with CEQA Guidelines section 15064.3, subdivision (b). Therefore, the CAP Update would result in ***no impact*** related to consistency with plans addressing the transportation circulation system and CEQA Guidelines section 15064.3, subdivision (b).

c. Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?

d. Would the project result in inadequate emergency access?

The CAP Update is a policy document containing strategies that are consistent with the Livermore General Plan and would not facilitate development beyond that allowed under the Livermore General Plan. Implementation of some CAP Update strategies and actions, such as CAP Strategies F-1 and T-3, that would provide for improvements to multi-modal transportation, new green stormwater infrastructure, may involve construction within the local right-of-way. Construction activities have the potential to require lane closures and, thus, vehicle access and speeds on the affected roadways; however, these impacts would be temporary and access to roadways would generally be maintained throughout project construction. Furthermore, future projects involving work in the public right-of-way would be required to coordinate with the City to ensure appropriate construction staging and adequate vehicular and pedestrian access on adjacent roadways pursuant to LMC Chapter 12.08, Encroachments.[103] Compliance with the LMC would ensure that significant impacts to the circulation system design, including safety impacts and emergency access, would not occur during construction. Upon completion of construction, roadways would continue to serve the

[101] Livermore, City of. 2003. General Plan Circulation Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/1381/637643622447500000>. Accessed May 12, 2022.
[102] Livermore, City of. 2018. Active Transportation Plan. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/4529/637229929948370000>. Accessed May 12, 2022.
[103] Livermore, City of. 2022. Livermore Municipal Code Chapter 12.08. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed May 6, 2022.

needs of emergency responders, vehicles, pedestrians, public transit users, and bicycles. Additionally, the CAP Update does not include projects that would construct new roadways, alter existing roadways, or build new incompatible uses that would result in safety hazards within Livermore. As such, construction of CAP Update projects would not create transportation design hazards or result in inadequate emergency access. Furthermore, the CAP Update would facilitate increased active transportation and public transit use and decreased VMT within Livermore, which in turn would reduce potential transportation hazards and congestion conditions that can hinder emergency response. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to transportation hazards and emergency access.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Cumulative projects anticipated under Livermore General Plan buildout could result in increases in VMT or changes affecting roadway design safety and emergency access. However, the CAP Update is a policy document containing programs that are consistent with the Livermore General Plan and does not propose new development that would increase VMT, require the provisioning of new roadways, or result in roadway safety or emergency access concerns. Rather, the CAP Update strategies and actions promote alternative modes of transportation and reduction of VMT throughout Livermore, consistent with goals contained in the Livermore General Plan Circulation Element and Active Transportation Plan. Therefore, the CAP Update would result in a ***less-than-significant cumulative impact*** related to transportation.

18 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	☐	☐	■	☐
e. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 2024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significant of the resource to a California Native American tribe?	☐	☐	■	☐

a. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1 (k)?

b. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 2024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significant of the resource to a California Native American tribe?

On August 31, 2022, the ten following Native American Heritage Commission (NAHC)-identified local Native American tribal groups were formally notified that the City initiated environmental review of the CAP Update and were invited to provide consultation:

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Muwekma Ohlone Inidian Tribe of the San Francisco Bay Area
- Costanoan Rumsen Carmel Tribe
- North Valley Yokuts Tribe
- Tamien Nation
- Indian Canyon Mutsun Band of Costanoan
- The Confederate Villages of Lisjan
- The Ohlone Indian Tribe
- Wilton Rancheria
- Wuksache Indian Tribe/Eshom Valley Band

Under AB 52, Native American tribes have 30 days to respond and request further project information and formal consultation. As of the date of publication of this Draft IS-ND, no responses have been received, and no formal consultation has been requested. However, any AB 52 responses received from the aforementioned tribes within 30 days of August 31, 2022, will be addressed prior to finalization of this IS-ND.

The CAP Update would not involve land use or zoning changes that would increase development within Livermore but would instead promote sustainable infrastructure development within the urbanized area of Livermore. As a policy document, the CAP Update would also not directly entail ground disturbing activities. Implementation of the CAP Update actions related to building energy efficiency and electrification retrofits, renewable energy production and storage, green stormwater management, transportation, carbon sequestration, and tree planting may include minor construction activities.

CAP Update Strategies E-1, B-1, B-2, M-1, and M-2 and Action I-2.2 promote electrification of existing buildings, energy efficiency upgrades, and installation of renewable energy systems and battery storage facilities to reduce energy use and provide greener renewable electricity within the Livermore. Electrification retrofits and new renewable energy infrastructure may change the physical environment through the need for upgraded service and electrical panels, branch circuit upgrades, and installation of condensate drains to facilitate the installation of electric heat pumps for water and space heating. The physical changes that these upgrades and additions would entail are dependent on the year of building construction and location of electrical and service panels and plumbing connection of condensate drains, which sometimes may include modifications to the interior and/or exterior of buildings for wiring and panel replacement and minor excavation for connection of drainage to sewer systems.

CAP Update Strategies T-1 and T-3 and Actions B-2.4, M-3.2, and T-2.1 encourage the installation of EV charging stations and bicycle, pedestrian, and public transit infrastructure throughout Livermore to increase the use of EVs, public transit, and active transportation. These projects would primarily impact previously disturbed areas within the public right-of-way or within existing parking lots and developments. However, the physical changes these installations and enhancements would entail are dependent on the location of construction for the electric vehicle charging connections, active transportation pathways, and public transit facilities, which in some cases may include minor temporary excavation.

In addition, CAP Update Strategy S-1 and Actions F-1.6 and H-1.2 would increase the planting of urban trees and may include construction of carbon capture and storage facilities to provide

important benefits including carbon sequestration, shade, and stormwater management, while CAP Update Strategy F-1 would include construction of green stormwater infrastructure within the community. These actions could result in ground disturbance related to the construction of new stormwater infrastructure and carbon capture and storage facilities and planting new trees. However, the physical changes these installations and enhancements would entail are dependent on the location of construction.

CAP Update-related projects would be located and designed strategically to reduce ground disturbance to the maximum extent possible. Nonetheless, implementation of these CAP strategies and actions could impact unknown tribal cultural resources during construction that involves below-grade activities in previously undisturbed soils. Future CAP Update-related projects and actions would be reviewed for consistency with applicable local, regional, and State regulations related to tribal cultural resources prior to final siting and construction. Future CAP Update projects would be required to implement BMPs in accordance with Livermore General Plan Community Character Element Goal CC-3 and its associated policies and programs, as well as Livermore Development Code Chapter 9.02 and Chapter 9.13.[104, 105, 106] These policies include a requirement for archaeological testing and monitoring for projects in areas when there is evidence of cultural resources and a requirement during all ground disturbing activities that if potential archaeological resources, including tribal cultural resources, are unearthed, construction must be halted and a qualified professional must be hired to investigate and make recommendations. As such, tribal cultural resources would be protected prior to and/or upon discovery and, thus, impacts would be reduced to a minimal level. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to tribal cultural resources.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. CAP Update projects, in combination with other cumulative projects anticipated under Livermore General Plan buildout, could increase the potential for adverse effects to unknown tribal cultural resources in Livermore. However, impacts to tribal cultural resources are site-specific; accordingly, as required under applicable laws and regulations, potential impacts associated with cumulative developments would be addressed on a case-by-case basis as cumulative project details and locations become known. CAP Update projects and other cumulative projects would be required to comply with the Livermore General Plan and LMC requirements for the halting of construction and proper treatment of any resources discovered during ground disturbance. Therefore, the CAP Update would result in a ***less-than-significant cumulative impact*** related to tribal cultural resources.

[104] Livermore, City of. 2003. General Plan Community Character Element. Available: <https://www.cityoflivermore.net/home/showpublisheddocument/7289/637587704118730000>. Accessed April 28, 2022.

[105] Livermore, City of. 2022. Livermore Development Code Chapter 9.02. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed April 28, 2022.

[106] Livermore, City of. 2022. Livermore Development Code Chapter 9.13. Available: <https://www.codepublishing.com/CA/Livermore/?LivermoreOT.html&?f>. Accessed April 28, 2022.

19 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	■	☐
b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☐	■
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	■
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☐	■
e. Comply with federal, State, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☐	■

a. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

The CAP Update is a policy document that includes strategies to reduce solid waste production and energy and water consumption and does not include site-specific infrastructure designs or project proposals. Implementing the CAP Update would not result in an increase in population and housing nor would it facilitate growth beyond that anticipated by the Livermore General Plan. As such, implementing the CAP Update would not result in new land uses that would require new or expanded water, wastewater, stormwater drainage, natural gas power, or telecommunications

facilities or infrastructure. However, projects resulting from implementation of the CAP Update could include new or expanded electrical power facilities and infrastructure, as well as new local renewable energy generation and storage and green stormwater infrastructure projects. Potential impacts related to these strategies are discussed further below.

Water Supply Facilities/Infrastructure

California Water Service Company (Cal Water) and the City of Livermore are the retail water suppliers for development within Livermore. The Cal Water Livermore District (the District) and City of Livermore obtain their municipal water supply from a mix groundwater and surface water purchased from Zone 7 of the Alameda County Flood Control and Water Conservation District (Zone 7). According to the Livermore District Urban Water Management Plan (UWMP) and City of Livermore UWMP, the District purchases approximately 70 percent of its water from Zone 7 and the remaining 30 percent is produced from the City's groundwater wells. Zone 7 uses a combination of water supplies to meet water demand which include imported surface water from the State Water Project, imported surface water transferred from the Byron Bethany Irrigation District, local surface water runoff captured in Del Valle Reservoir, and local groundwater.[107,108] Livermore's distribution system consists of 162 miles of pipelines serving approximately 10,800 properties and 1,500 fire hydrants.[109]

Issues of water supply are addressed in the District UWMP, which is a long-range planning document used to assess current and projected water usage, water supply planning, and conservation and recycling efforts. According to the UWMP, the District has analyzed three different hydrological conditions to determine the reliability of water supplies: average/normal water year, single dry water year, and multiple, dry water year periods. The UWMP indicates that water supplies under the three hydrological conditions will be sufficient to meet demand through 2045. In addition, the UWMP includes a Water Shortage Contingency Plan.[110]

CAP Update Strategy D-1 seeks to decrease community water use by promoting water efficiency retrofits, sustainable landscaping, efficient landscaping irrigation, and increased water reuse. In addition, CAP Update Strategy F-1 and Action M-4.3 would increase green stormwater management infrastructure and permeable surfaces throughout Livermore, improving water infiltration and groundwater recharge. Furthermore, the CAP Update would not result in new land uses, such as increased residential or commercial development, that would contribute to an increase in water use compared to existing conditions or that would require relocation or construction of new water infrastructure. Therefore, the CAP Update would have ***no impact*** related to the need for construction or expansion of water supply facilities and infrastructure.

Wastewater Treatment Facilities/Infrastructure

The Livermore Water Resources Division collects wastewater within Livermore. The sanitary sewer system consists of over 300 miles of sewer mains, four lift stations, and the Livermore Water

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[107] California Water Service Company. 2021. Livermore Water District 2020 Urban Water Management Plan. Available: <https://www.calwater.com/docs/uwmp2020/LIV_2020_UWMP_FINAL.pdf>. Accessed May 16, 2022.

[108] Livermore, City of. 2021. Livermore 2020 Urban Water Management Plan. Available: https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/941062/Resolution_Exhibit_A_2020_UWMP-PUBLIC_DRAFT_05262021.pdf. Accessed October 5, 2022.

[109] Livermore, City of. 2022. Livermore Municipal Water. Available: <https://www.cityoflivermore.net/government/public-works/water-resources/livermore-municipal-water>. Accessed May 16, 2022.

[110] California Water Service Company. 2021. Livermore Water District 2020 Urban Water Management Plan. Available: <https://www.calwater.com/docs/uwmp2020/LIV_2020_UWMP_FINAL.pdf>. Accessed May 16, 2022.

Reclamation Plant.[111] Sewage treatment for the collected wastewater is provided by the Livermore Water Reclamation Plant located at 101 West Jack London Boulevard in Livermore. The Livermore Water Reclamation Plant treats approximately 2.3 billion gallons per year, 1.5 billion gallons of which is discharged into the San Francisco Bay and 0.8 billion gallons of which is reused as recycled water.[112]

The CAP Update would not result in new land uses that would generate sanitary wastewater or otherwise contribute to an increase in wastewater treatment requirements. Rather, CAP Update Strategy D-1 would expand incentives for water fixture retrofits, such as low-flow faucets and toilets, that could help reduce the production and treatment of wastewater within Livermore. Furthermore, the CAP Update would not require relocation or construction of new wastewater treatment infrastructure. Therefore, ***no impact*** related to need for construction or expansion of wastewater treatment facilities and infrastructure would occur.

Stormwater Drainage Facilities/Infrastructure

The City of Livermore maintains a system of storm drains, gutters, ditches, and arroyos to convey stormwater generated during rain events. As discussed in Section 10, *Hydrology and Water Quality*, implementation of CAP Update Actions related to building electrification and energy and water efficiency upgrades, renewable energy production and storage, transportation, green stormwater infrastructure, carbon sequestration, and urban trees may promote infrastructure development that would involve small-scale construction. Construction of projects implemented in accordance with the CAP Update could result in erosion and potential changes to drainage patterns. However, as described in Section 7, *Geology and Soils*, and Section 10, *Hydrology and Water Quality*, CAP Update projects would be required to comply with local, State, and federal requirements during construction that would control stormwater runoff, erosion, and potential impacts to the stormwater drainage system. Furthermore, CAP Update Strategy F-1 and Action M-4.3 would increase green stormwater management infrastructure and permeable surfaces within the community, that would help to reduce stormwater flows to the City of Livermore storm drainage facilities. Therefore, ***no impact*** related to the need for construction or expansion of stormwater drainage facilities and infrastructure would occur.

Electric Power Facilities/Infrastructure

Electric power service in Livermore is provided by EBCE using transmission infrastructure operated and maintained by PG&E. The CAP Update would encourage energy efficiency and building electrification in existing residential, commercial, and municipal building stock through new policies and educational campaigns as well as new requirements for proposed new and remodeled buildings through Strategies B-1 and M-2 and Action I-2.2. The CAP Update would also incentivize increased renewable energy production and storage within Livermore through Strategies E-1, B-2, and M-1. In addition, CAP Update Strategy T-1 encourages new EV infrastructure throughout Livermore. These CAP Update strategies and actions may slightly alter electricity demand and, thus electricity facilities/infrastructure development need within Livermore. However, the CAP Update would serve as a pathway to reduce GHG emissions, including emissions related to energy consumption, and other beneficial environmental and sustainability operational effects. These benefits include a

[111] Livermore, City of. 2022. Wastewater Service. Available: < https://www.cityoflivermore.net/government/public-works/water-resources/wastewater-service>. Accessed May 16, 2022.

[112] Livermore, City of. 2022. Livermore Water Reclamation Plant. Available: <https://www.cityoflivermore.net/government/public-works/water-resources/wastewater-service/livermore-water-reclamation-plant>. Accessed May 16, 2022.

reduction in energy consumption. Furthermore, programmatic air quality, energy, GHG emissions, noise, biological resources, and cultural resources impacts related to the implementation of the CAP Update, including construction of new or expanded renewable electrical power generation facilities (i.e., solar arrays and wind turbines), are anticipated to be less than significant (see Section 3, *Air Quality*, Section 4, *Biological Resources*, Section 5, *Cultural Resources*, Section 6, *Energy*, Section 8, *Greenhouse Gas Emissions*, and Section 13, *Noise*). In addition, future CAP Update projects would undergo project-level CEQA review when site locations and details are known and would need to incorporate identified project-level mitigation as applicable. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to construction, expansion, or relocation of electric power facilities and infrastructure.

Natural Gas Power Facilities/Infrastructure

PG&E provides natural gas services to Livermore. The CAP Update would not involve new land uses that require new or additional natural gas service that could require the construction of new or expanded natural gas facilities. CAP Update Strategy B-1 would encourage building electrification in new and existing buildings to reduce natural gas consumption within Livermore. Implementation of these actions could involve minor alterations to existing natural gas infrastructure as natural gas use is reduced. However, the CAP Update would serve as a pathway to reduce GHG emissions, including emissions related to energy consumption, and other beneficial environmental and sustainability effects. These benefits include a reduction in natural gas consumption. Furthermore, implementation of the CAP Update would not entail future projects related to new or expanded natural gas facilities or infrastructure, Therefore, the CAP Update would result in ***no impact*** related to construction, expansion, or relocation of natural gas facilities and infrastructure.

Telecommunications Facilities/Infrastructure

Livermore is served by existing telecommunications companies such as AT&T and Comcast. The CAP Update would not alter existing telecommunications facilities and infrastructure and would not involve new land uses or development that would require new telecommunications infrastructure. Therefore, the CAP Update results in ***no impact*** related to need for construction or expansion of telecommunication facilities and infrastructure.

b. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

c. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

The CAP Update is a policy-level document that does not include site-specific infrastructure designs or project proposals, nor does it grant entitlements for development that would have the potential to increase demand for water supply or wastewater treatment. Rather the CAP Update contains strategies and actions to reduce water use and wastewater production, such as Strategy D-1, that encourage water efficiency retrofits to existing buildings and landscaping and water efficiency and reuse requirements for new buildings, that would reduce water demand and wastewater production. Thus, the CAP Update would result in ***no impact*** related to water supply and wastewater treatment.

d. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

e. Would the project comply with federal, State, and local management and reduction statutes and regulations related to solid waste?

Livermore Sanitation provides solid waste services for residential and commercial uses within Livermore. Municipal solid waste generated in Livermore is primarily disposed of at the Vasco Road Sanitary Landfill in unincorporated Alameda County just north of Livermore. The Vasco Road Sanitary Landfill has a maximum permitted throughput of 2,518 tons of solid waste per day and has a remaining capacity of 7,379,000 cubic yards.[113]

The CAP Update focuses on sustainable infrastructure development and does not include land use or other policy changes that would result in increased residential, commercial, or other development that would increase solid waste generation within Livermore. CAP Update Strategies W-1 and M-5 seek to reduce the amount of waste produced within Livermore by reducing consumption and increasing diversion in residential, commercial, construction, and municipal operations. These CAP Update strategies align with federal, State, and local regulations aimed at reducing solid waste disposal and increase organic waste diversion, such as Senate Bill 1383. Additionally, because the CAP Update is a policy document that would not facilitate growth beyond that anticipated by the Livermore General Plan, it would not generate solid waste in excess of State or local standards. Therefore, the CAP Update would result in ***no impact*** related to solid waste.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. Cumulative projects anticipated under Livermore General Plan buildout could result in increases in population and additional use of or need for utilities and service systems. However, implementation of the CAP Update and related infrastructure projects would not contribute to increases in population or induce additional population growth that would require additional use of existing utilities or service systems. Rather, implementation of the CAP Update would result in reduced energy and water consumption and solid waste and wastewater production. Therefore, implementation of the CAP Update would result in a ***less-than-significant cumulative impact*** related to utilities and service systems.

[113] California Department of Resources Recovery and Recycling (CalRecycle). 2022. SWIS Facility/Site Activity Details: Vasco Road Sanitary Landfill. Available: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/9?siteID=8>. Accessed May 16, 2022.

20 Wildfire

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a. Substantially impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■
b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	■
c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	■
d. Expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	■

a. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

b. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

c. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

d. If located in or near State responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslopes or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

According to Tri-Valley LHMP and Livermore General Plan Public Safety Element, the majority of Livermore, which is primarily urbanized, is at low risk of wildfire. Areas susceptible to wildfire are limited to those portions of Livermore at the urban-wildland fringe. These areas are concentrated along the northern, eastern, and southwestern boundaries, where areas of moderate- and high-fire hazard severity are mapped by the California Department of Forestry and Fire Protection (CAL FIRE). Livermore does not contain and is not adjacent to any areas mapped by CAL FIRE as a very high fire hazard severity zone.[114,115, 116]

Though there are areas within and surrounding Livermore that are at risk of wildfires, the CAP Update is a policy-level document that does not propose new residential, commercial, or institutional development that could be at risk from wildfire, nor does it grant entitlements for development that would have the potential to directly cause or increase the likelihood of wildfire. In addition, the CAP Update includes Strategy WF-1 that aims to reduce the risk of wildfire in the community and improve wildfire preparedness through developing new fire-safe landscaping standards and fire hazard plans, implementing fire fuel load reduction programs, stockpiling personal protective equipment, increasing awareness through public outreach, and operating clean air centers. Thus, the CAP Update would result in ***no impact*** related to wildfire.

Cumulative Impacts

The cumulative projects scenario is buildout of the 2025 Livermore General Plan plus Livermore population and jobs projections through 2030 and 2045. The CAP Update does not include new habitable development that could be at risk from wildfire, nor does it grant entitlements for development that would have the potential to cause wildfire. Rather, the CAP Update includes Strategy WF-1 to reduce the risk of wildfire and increase wildfire emergency preparedness in Livermore. Therefore, the CAP Update would result in ***no cumulative impact*** related to wildfire.

[114] Livermore, City of. 2003. Livermore General Plan Public Safety Element. Available: <https://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=23899>. Accessed May 6, 2022.

[115] Pleasanton, Livermore, and Dublin, Cities of. 2018. Tri-Valley Local Hazard Mitigation Plan. Available: <http://www.cityofpleasantonca.gov/civicax/filebank/blobdload.aspx?BlobID=35090>. Accessed May 5, 2022.

[116] California Department of Forestry and Fire Protection (CAL FIRE). 2022. FHSZ Viewer. Available: <https://egis.fire.ca.gov/FHSZ/>. Accessed May 6, 2022.

21 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	■	☐
b. Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	■	☐
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

a. Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

The intent of the CAP Update is to reduce GHG emissions and build communitywide resilience through implementation of strategies and actions related to energy use, renewable energy, water consumption, transportation, solid waste, carbon sequestration, drought, flooding, wildfire, extreme heat, and community education and outreach. The CAP Update strategies and actions are consistent with the Livermore General Plan, prepare the community for the impacts of climate change, and encourage residents, businesses, and municipal operations to reduce energy, fuel, and water use, VMT, and solid waste generation and the associated GHG emissions. The CAP Update would not facilitate development that would eliminate or threaten wildlife habitats or eliminate important examples of the major periods of California history or prehistory. Therefore, as discussed

in more detail in Section 4, *Biological Resources*, Section 5, *Cultural Resources*, and Section 18, *Tribal Cultural Resources*, the CAP Update would result in a ***less-than-significant impact*** related to biological and cultural resources.

b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Implementation of the CAP Update would result in a cumulatively beneficial reduction of GHG and air pollutant emissions across Livermore. In addition, as discussed throughout the respective cumulative impacts discussions within this document, the CAP Update would not result in significant cumulative impacts. Rather, implementation of the CAP Update would be consistent with Livermore General Plan policies aimed at protecting the community from climate hazards, like wildfire and flooding, and at reducing emissions of GHGs and air pollutants, VMT, energy and water supply demands on utilities, and solid waste generation. Therefore, the CAP Update would result in an overall ***less-than-significant cumulative impact*** related to all CEQA topics addressed within this document.

c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

In general, impacts related to air quality, GHG emissions and climate change, hazards and hazardous materials, noise, and transportation can result in adverse effects on human beings. As detailed in the preceding sections, the CAP Update would not result, either directly or indirectly, in substantial adverse effects related to air quality, GHG emissions, hazards, and noise. As discussed in more detail in Section 3, *Air Quality*, Section 13, *Noise*, and Section 17, *Transportation*, the CAP Update could cause temporary construction impacts related to transportation, air quality, and noise that could, in turn, affect human beings but would not result in substantial adverse effects. However, as discussed throughout this document, the CAP Update would serve as a pathway to reduce GHG emissions, build communitywide resilience, and would result in other positive environmental and sustainability effects. These benefits include reduction in building energy and water consumption, VMT, and solid waste generation as well as improved air quality. Therefore, the CAP Update would result in a ***less-than-significant impact*** related to potential for adverse effects on human beings.

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Appendix A

Sources, Health Effects, and Typical Controls Associated with Criteria Pollutants

Sources, Health Effects, and Typical Controls Associated with Criteria Pollutants

Pollutant	Sources	Health Effects	Typical Controls
Ozone (O_3)	Formed when reactive organic gases (ROG) and nitrogen oxides react in the presence of sunlight. ROG sources include any source that burns fuels (e.g., gasoline, natural gas, wood, oil); solvents; petroleum processing and storage.	Breathing difficulties, lung tissue damage, vegetation damage, damage to rubber and some plastics.	Reduce motor vehicle reactive organic gas (ROG) and nitrogen oxide (NO_X) emissions through emission standards, reformulated fuels, inspections programs, and reduced vehicle use. Limit ROG emissions from commercial operations, gasoline refueling facilities, and consumer products. Limit ROG and NO_X emissions from industrial sources such as power plants and manufacturing facilities.
Carbon monoxide (CO)	Any source that burns fuel such as automobiles, trucks, heavy construction and farming equipment, residential heating.	Chest pain in heart patients, headaches, reduced mental alertness.	Control motor vehicle and industrial emissions. Use oxygenated gasoline during winter months. Conserve energy.
Nitrogen dioxide (NO_2)	See Carbon Monoxide.	Lung irritation and damage. Reacts in the atmosphere to form ozone and acid rain.	Control motor vehicle and industrial combustion emissions. Conserve energy.
Sulfur dioxide (SO_2)	Coal or oil burning power plants and industries, refineries, diesel engines.	Increases lung disease and breathing problems for asthmatics. Reacts in the atmosphere to form acid rain.	Reduce use of high sulfur fuels (e.g., use low sulfur reformulated diesel or natural gas). Conserve energy.
Respirable particulate matter (PM_{10})	Road dust, windblown dust, agriculture and construction, fireplaces. Also formed from other pollutants (NO_X, SO_X, organics).	Increased respiratory disease, lung damage, cancer, premature death, reduced visibility, surface soiling.	Control dust sources, industrial particulate emissions, woodburning stoves and fireplaces. Reduce secondary pollutants which react to form PM_{10}. Conserve energy.
Fine particulate matter ($PM_{2.5}$)	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning. Also formed from reaction of other pollutants (NO_X, SO_X, organics, and NH_3).	Increases respiratory disease, lung damage, cancer, and premature death, reduced visibility, surface soiling. Particles can aggravate heart diseases such as congestive heart failure and coronary artery disease.	Reduce combustion emissions from motor vehicles, equipment, industries, and agricultural and residential burning. Precursor controls, like those for ozone, reduce fine particle formation in the atmosphere.
Lead	Metal smelters, resource recovery, leaded gasoline, deterioration of lead paint.	Learning disabilities, brain and kidney damage. Control metal smelters.	No lead in gasoline or paint.
Sulfur Dioxide (SO_2)	Coal or oil burning power plants and industries, refineries, diesel engines.	Increases lung disease and breathing problems for asthmatics. Reacts in the atmosphere to form acid rain.	Reduce use of high sulfur fuels (e.g., use low sulfur reformulated diesel or natural gas). Conserve energy.
Sulfates	Produced by reaction in the air of SO_2, (see SO_2 sources), a component of acid rain.	Breathing difficulties, aggravates asthma, reduced visibility.	See SO_2

Pollutant	Sources	Health Effects	Typical Controls
Hydrogen Sulfide	Geothermal power plants, petroleum production and refining, sewer gas.	Nuisance odor (rotten egg smell), headache and breathing difficulties (higher concentrations).	Control emissions from geothermal power plants, petroleum production and refining, sewers, and sewage treatment plants.
Visibility Reducing Particulates	See $PM_{2.5}$	Reduced visibility (e.g., obscures mountains and other scenery), reduced airport safety.	See $PM_{2.5}$
Vinyl Chloride	Exhaust gases from factories that manufacture or process vinyl chloride (construction, packaging, and transportation industries).	Central nervous system effects (e.g., dizziness, drowsiness, headaches), kidney irritation, liver damage, liver cancer.	Control emissions from plants that manufacture or process vinyl chloride, installation of monitoring systems.
Toxic Air Contaminant (TAC)	Combustion engines (stationary and mobile), diesel combustion, storage and use of TAC-containing substances (i.e., gasoline, lead smelting, etc.)	Depends on TAC, but may include cancer, mutagenic and/or teratogenic effects, other acute or chronic health effects.	Toxic Best Available Control Technologies (T-BACT), limit emissions from known sources.

Source: Compiled by Rincon Consultants, Inc. in April 2022.

Appendix B

Description of Greenhouse Gases of California Concern

Description of Greenhouse Gases of California Concern

Greenhouse Gas	Physical Description and Properties	Global Warming Potential (100 years)	Atmospheric Residence Lifetime (years)	Sources
Carbon dioxide (CO_2)	Odorless, colorless, natural gas.	1	50–200	Burning coal, oil, natural gas, and wood; decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; oceanic evaporation; volcanic outgassing; cement production; land use changes
Methane (CH_4)	Flammable gas and is the main component of natural gas.	28	12	Geological deposits (natural gas fields) extraction; landfills; fermentation of manure; and decay of organic matter
Nitrous oxide (N_2O)	Nitrous oxide (laughing gas) is a colorless GHG.	298	114	Microbial processes in soil and water; fuel combustion; industrial processes
Chloro-fluoro-carbons (CFCs)	Nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (level of air at the Earth's surface); formed synthetically by replacing all hydrogen atoms in methane or ethane with chlorine and/or fluorine atoms.	3,800–8,100	45–640	Refrigerants aerosol propellants; cleaning solvents
Hydro-fluoro-carbons (HFCs)	Synthetic human-made chemicals used as a substitute for CFCs and contain carbon, chlorine, and at least one hydrogen atom.	140 to 11,700	1–50,000	Automobile air conditioners; refrigerants
Per-fluoro-carbons (PFCs)	Stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface.	6,500 to 9,200	10,000–50,000	Primary aluminum production; semiconductor manufacturing
Sulfur hexafluoride (SF_6)	Human-made, inorganic, odorless, colorless, and nontoxic, nonflammable gas.	22,800	3,200	Electrical power transmission equipment insulation; magnesium industry, semiconductor manufacturing; a tracer gas
Nitrogen trifluoride (NF_3)	Inorganic, is used as a replacement for PFCs, and is a powerful oxidizing agent.	17,200	740	Electronics manufacture for semiconductors and liquid crystal displays

Source: Compiled by Rincon Consultants, Inc. in April 2022.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION ADOPTING POLICY PROPOSAL (POLI) 20-001 FOR THE 2022 CLIMATE ACTION PLAN

The City initiated an application for Policy Proposal (POLI) 20-001 ("Project") the 2022 Climate Action Plan (2022 CAP). The 2022 CAP outlines a roadmap for the City of Livermore (the City) to prepare the community for climate impacts and establish a pathway to achieve carbon neutrality by 2045, consistent with State law. The strategies and actions in the 2022 CAP address impacts from climate hazards including extreme heat, wildfire smoke, flooding, and drought. Additionally, it identifies actions to reduce greenhouse gas emissions from the transportation, energy, water, and wastewater sectors. The 2022 CAP builds from efforts in the City's first CAP, which was adopted in 2012.

At a duly noticed public hearing on November 1, 2022, the Planning Commission considered the Project and staff recommendation, heard public testimony, made the necessary findings and adopted Planning Commission Resolution No. 26-22, attached hereto as Exhibit A, containing the Public Commission's actions and/or recommendations thereon.

On November 28, 2022, the City Council held a duly noticed public hearing to consider the Project, Planning Commission and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIVERMORE that it hereby finds, determines, and directs as follows:

1. The City Council finds that prior to taking action on the Project, and at a properly noticed public hearing, it reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The City Council's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

2. The City Council finds that it has considered the Record Evidence and adopted a resolution adopting an Initial Study and Negative Declaration for the Project.

3. The City Council finds that it has considered the findings made in the Planning Commission Resolution No. 26-22, attached hereto as Exhibit A and incorporated by this reference, and therefore the City Council hereby adopts the same findings by this reference and incorporates them as their own findings as part of the Record Evidence and considerations.

4. The City Council approves Policy Proposal (POLI) 20-001 for the 2022 Climate Action Plan attached hereto as Exhibit B and incorporated by this reference.

5. The City Council directs the Planning Manager to file a Notice of Determination with the Alameda County Clerk.

6. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

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 Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted at the City Council meeting of November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

_____//s// Tara Mazzanti_
Tara Mazzanti
Assistant City Attorney

Exhibit A – Planning Commission Resolution No. 26-22
Exhibit B – 2022 Climate Action Plan

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING ADOPTION OF THE 2022 CLIMATE ACTION PLAN

Policy Proposal (POLI) 20-001

Hearing to consider the 2022 Climate Action Plan (2022 CAP). The 2022 CAP outlines a roadmap for the City of Livermore (the City) to prepare the community for climate impacts and establish a pathway to achieve carbon neutrality by 2045, consistent with State law. The strategies and actions in the 2022 CAP address impacts from climate hazards including extreme heat, wildfire smoke, flooding, and drought. Additionally, it identifies actions to reduce greenhouse gas emissions from the transportation, energy, water, and wastewater sectors. The 2022 CAP builds from efforts in the City's first CAP, which was adopted in 2012.

Location: Citywide

The City initiated an application for Policy Proposal (POLI) 20-001 ("Project") to update the Livermore Climate Action Plan. The 2022 CAP is attached hereto as Exhibit A;

On November 1, 2022, the Planning Commission considered all public comments and testimony and adopted a resolution recommending the City Council adopt the Initial Study Negative Declaration for the Project.

On November 1, 2022, the Planning Commission held a duly noticed public hearing to consider the Project, staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED, with respect to the Project, the Planning Commission finds based upon the information presented that:

1. The Project is consistent with the General Plan.

   Response: The Project advances several goals in Livermore's 2003-2025 General Plan including:

   - Goal CLI-1 - Reduce greenhouse gas emissions to support State implementation of Assembly Bill 32
   - Goal PS-2 - Reduce hazards related to flooding
   - Goal PS-3 – Protect lives and property from wildland fire hazard
   - Goal OCS-1 – Conserve the value and function of Livermore's open space as a biological resource

- Goals OSC-6 – Protect and improve Livermore's air quality
- Goals OSC-7 – Minimize Livermore's energy consumption
- Goal LU-4 – Ensure that new development mitigates significant environmental, design, and infrastructure impacts
- Goal CIR-1 – Provide safe, efficient, comfortable, and convenient mobility for all users
- Goal CIR-2 – Promote multi-modal transportation

The Project includes actions consistent with General Plan goals aimed at protecting the environment and the community from climate hazards, like wildfire and flooding, protecting open space, and goals aimed at reducing emissions and air pollutants, vehicle miles travelled (VMT), energy and water supply demands on utilities, and solid waste generation.

2. The Project will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

   Response: The Project will reduce greenhouse gas (GHG) emissions and build communitywide resilience through implementation of actions related to energy use, renewable energy, water consumption, transportation, solid waste, carbon sequestration, drought, flooding, wildfire, extreme heat, and community education and outreach. The actions are consistent with the Livermore General Plan, prepare the community for the impacts of climate change, and encourage residents, businesses, and municipal operations to reduce energy, fuel, and water use, VMT, and solid waste generation and the associated GHG emissions. Therefore, the Project would result in positive public health, environmental, and sustainability effects.

NOW, THEREFORE, BE IT RESOLVED, the Livermore Planning Commission, based on the above findings, recommends the City Council adopt Policy Proposal (POLI) 20-001, attached hereto as Exhibit A.

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 Dunbar, seconded by Commissioner Anderson, the foregoing Resolution was adopted at the Planning Commission meeting of November 1, 2022, by the following vote:

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE
ABSENT: NONE.

Steven Dunbar, Chairperson

by Steve Stewart, Planning Manager
~~Secretary to the Planning~~ Commission

Exhibit A – 2022 CAP

EXHIBIT B

LIVERMORE
CALIFORNIA

City of Livermore

2022 CLIMATE ACTION PLAN

Final Draft
November 2

THERE'S
MORE
HERE

EXHIBIT B

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Acknowledgments

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Bob Carling, Council Member, Climate Change Subcommittee Member

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Photo Credits

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Quest

Livermore Farmers Market

Letter From The Climate Change Subcommittee

It has been a pleasure working with City of Livermore staff to create this Climate Action Plan (CAP) for you, residents of Livermore.

Climate change poses an existential threat globally, and is already presenting a number of serious risks to Livermore and the Tri-Valley. It is incumbent on all of us to play our part to reduce our carbon footprint and to adapt to near-term and localized risks such as extreme heat events here in Livermore. We hope you find this CAP informative and useful.

The plan summarizes the current state in Livermore and what we are trying to achieve in the future to make Livermore resilient. It articulates what the City is doing, what you can do as an individual, family or business, and what we can do together.

Please take the time to identify how you can participate at this critical time for our community and planet earth. We can all work together to make a difference.

If you have questions or feedback please do not hesitate to contact either one of us. We look forward to hearing from you.

Gina Bonanno (left) and Bob Carling (Right)

Vice Mayor
Gina Bonanno

Council Member
Bob Carling

Acronyms and Abbreviations

Term	Definition
AB	Assembly Bill
Caltrans	California Department of Transportation
CAP	Climate Action Plan
CARB	California Air Resources Board
CDC	Centers for Disease Control and Prevention
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CH_4	Methane
CO_2	Carbon dioxide
CO_2e	Carbon dioxide equivalent
COVID-19	Coronavirus disease 2019
EO	Executive Order
EV	Electric Vehicle
GHG	Greenhouse Gas
GWP	Global Warming Potential
ICLEI	International Council for Local Environmental Initiatives
IPCC	United Nations Intergovernmental Panel on Climate Change
kW	Kilowatt
kWh	Kilowatt hour
MT	Metric ton
MT CO_2e	Metric ons of carbon dioxide equivalent
NASA	National Aeronautics and Space Administration
N_2O	Nitrous oxide
PV	Photovoltaic
RPS	Renewable Portfolio Standard
SB	Senate Bill
U.S. EPA	United States Environmental Protection Agency
VMT	Vehicle Miles Traveled
ZEV	Zero Emission Vehicle

EXECUTIVE SUMMARY

Quest Science Center's Science @ Stockmen's Park event. Photo Credit: Mike Carter

CLIMATE ACTION PLAN GOALS

1 Prepare the community for climate impacts.

The Climate Action Plan outlines actions to build communitywide resilience to climate impacts in Livermore, including drought, extreme heat, and flooding. Preparing for expected climate impacts is known as adaptation.

2 Establish a pathway to carbon neutrality by 2045.

The Climate Action Plan includes updated actions that build off of existing GHG reduction efforts in Livermore. Implementing these actions will set Livermore on a path to carbon neutrality by 2045. Reducing GHG emissions within the community is known as mitigation.

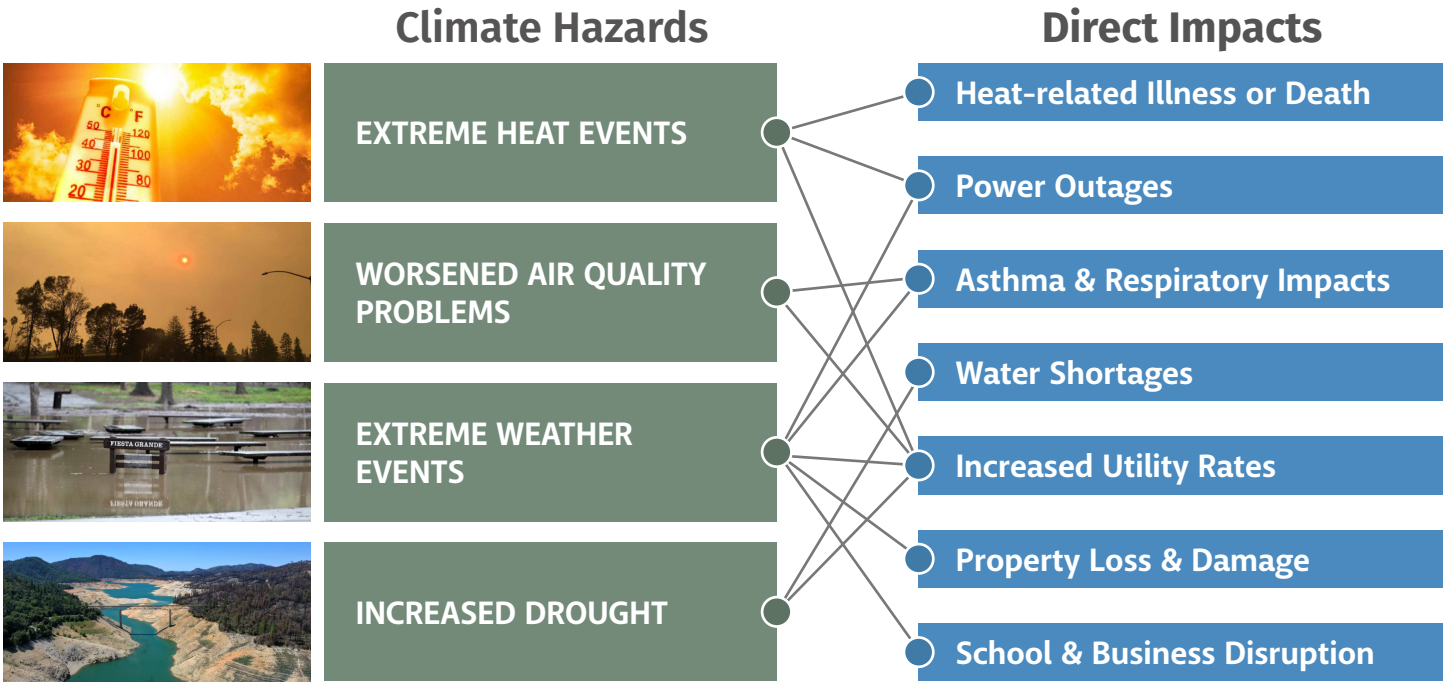
3 Establish the City as a climate leader

The Climate Action Plan outlines specific actions the City will take to address climate change in its own operations. The City will set an example for other cities to follow.

Purpose Statement

The purpose of the 2022 Climate Action Plan (CAP) is to protect public health and the environment, foster a green economy, and improve the quality of life for all Livermore residents. The 2022 CAP is a roadmap to reduce greenhouse gas (GHG) emissions, adapt to extreme weather, deploy reliable and renewable energy, conserve habitat and biodiversity, and ensure equitable access to the benefits of a sustainable city. Livermore will leverage the community's greatest strengths, including cutting edge research facilities, technical and agricultural expertise, and an engaged network of residents, businesses, and institutions, to establish itself as a climate leader and implement the actions outlined in the plan.

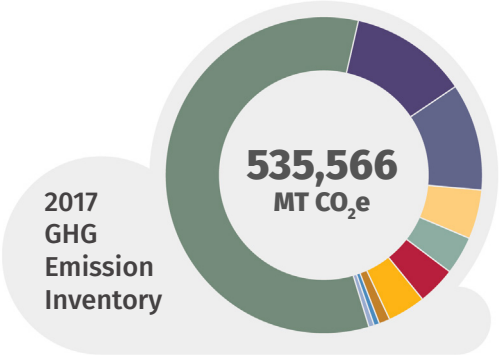
CLIMATE IMPACTS IN LIVERMORE



LIVERMORE'S GHG EMISSIONS

The City completed a community-wide GHG inventory to measure emissions from various sources within Livermore. The GHG inventory helped the City identify strategies to reduce its emissions and will help the City monitor progress reducing GHG emissions and achieving reduction goals.

Livermore's GHG inventory includes emissions from residential and commercial energy use in buildings, on-road passenger and commercial transportation, off-road transportation, landfilled waste, water, and wastewater. The majority of Livermore's emissions come from transportation and building energy.



- **59%** On-Road Transportation
- **12%** Residential Gas
- **11%** Nonresidential Gas
- **5%** Nonresidential Electricity
- **4%** Off-Road Transportation*
- **4%** Waste
- **4%** Residential Electricity
- **1%** Direct Access Electricity**
- **<1%** Water
- **<1%** Wastewater

* *Offroad includes mobile emissions from construction, recreation, agriculture, lawn and garden, and others.*

** *Direct Access Electricity - Electricity purchased directly by an organization/facility from the wholesale market.*

GHG REDUCTION TARGETS

The City established a goal to reach carbon neutrality by 2045, consistent with State legislation.

2017	2030	2045
5.92 MT CO_2e per person	**3.09 MT CO_2e per Person**	**0 MT CO_2e per Person**

California Climate Legislation

Assembly Bill 32 (2006)
Set a statewide goal to reduce GHG emissions to 1990 levels by 2020.

Senate Bill 32 (2006)
Set a statewide goal to reduce GHG emissions 40 percent below 1990 levels by 2030, extending upon the 2020 goal established by AB 32.

Executive Order B-55-18 (2018)
Set a statewide goal to achieve carbon neutrality by 2045 and maintain net negative emissions afterwards.

LIVERMORE'S CAP STRATEGIES AND OBJECTIVES

	STRATEGY	2030 OBJECTIVES
ADAPTATION	**Extreme Heat**	• Increase resilience to extreme heat events • Cool neighborhoods by expanding the urban canopy • Identify vulnerable areas and populations • Develop cooling centers that are energy-resilient
ADAPTATION	**Wildfire**	• Mitigate wildfire risk • Facilitate building retrofits and operate clean air centers • Stockpile personal protective equipment • Reduce fire risk through fire-safe landscaping standards • Improve emergency alert systems
ADAPTATION	**Flooding**	• Improve stormwater management • Harness Livermore's natural landscapes to improve stormwater management • Reduce the expansion of urban hardscapes
MITIGATION & ADAPTATION	**Drought**	• Improve water conservation • Develop on-site water and water reuse standards • Provide-water efficiency devices • Develop water-efficient demonstration programs
MITIGATION & ADAPTATION	**Energy Resilience**	• Enhance community energy resilience • Expand microgrid deployment • Increase local and regional grid reliability • Improve building resiliency
MITIGATION & ADAPTATION	**Buildings and Energy** *↓19,379 MT CO_2e*	• Provide 100% renewable electricity by 2024 • Require all-electric new construction by 2023 • Incentivize electric retrofits in 12% of existing buildings • Develop equitable funding and financing • Incentivize local on-site energy generation
MITIGATION & ADAPTATION	**Carbon Sequestration** *↓1,950 MT CO_2e*	• Plant 1,000 trees by 2030 • Update City landscaping standards to expand shade trees • Provide free or reduced cost-trees to residents • Preserve open space • Implement carbon farming projects • Explore technology-based carbon capture and storage
MITIGATION	**Transportation and Land Use** *↓49,494 MT CO_2e*	• Add 1,283 publicly available chargers • Reduce VMT by 2% • Achieve a 10% bike mode share • Support sustainable land use practices
MITIGATION	**Waste and Materials** *↓19,379 MT CO_2e*	• Reduce the amount of organic waste that is landfilled by 75% • Maintain or exceed 75% waste diversion each year • Improve local re-use and repair programs • Expand the use of low-carbon and recycled building materials

EVALUATING THE ACTIONS

The City evaluated the costs, benefits, and readiness of each strategy and action. Additionally, the City assessed the GHG reductions associated with mitigation actions.

Benefits

Resilience + GHG Reduction
Achieving adaptation and mitigation goals concurrently. For example, a building that installs rooftop solar with battery backup can reduce emissions and protect against grid power outages.

Community Connectivity
Promoting a strong sense of community by facilitating complete neighborhoods that are accessible by multiple modes of travel, connecting residents to each other and the City, and connecting historically underserved communities to resources.

Public Health
Creating a cleaner and healthier community by improving air quality and active transportation and protecting against extreme heat and weather events.

Environmental Quality
Improving natural environments within the city to enhance and protect biodiversity and ecosystem services like cleaner air and water.

Green Economy
Diversifying local economic opportunities by attracting high-quality jobs in sustainability industries, such as those developing renewable energy and battery storage technologies.

Readiness

Short-Term
Actions that are ready to be implemented today.

Mid-Term
Actions that require additional study, funding, or partnerships to be completed before implementation.

Long-Term
Actions that require long lead times to fully implement.

Ongoing
Efforts that are currently underway and ongoing.

Costs

No-Cost
Actions that are expected to have zero costs to the community or City.

Low-Cost
Relatively low upfront costs or City staff time, (e.g., policy ordinances or outreach).

Moderate-Cost
Intermediate level of costs such as consultant work or moderate infrastructure changes, (e.g., feasibility studies, program development, and retrofitting existing infrastructure).

High-Cost
Longer term projects requiring substantial investments into major infrastructure or technology over time, (e.g., energy storage, bike lanes, or other infrastructure changes).

GHG Reductions by Source

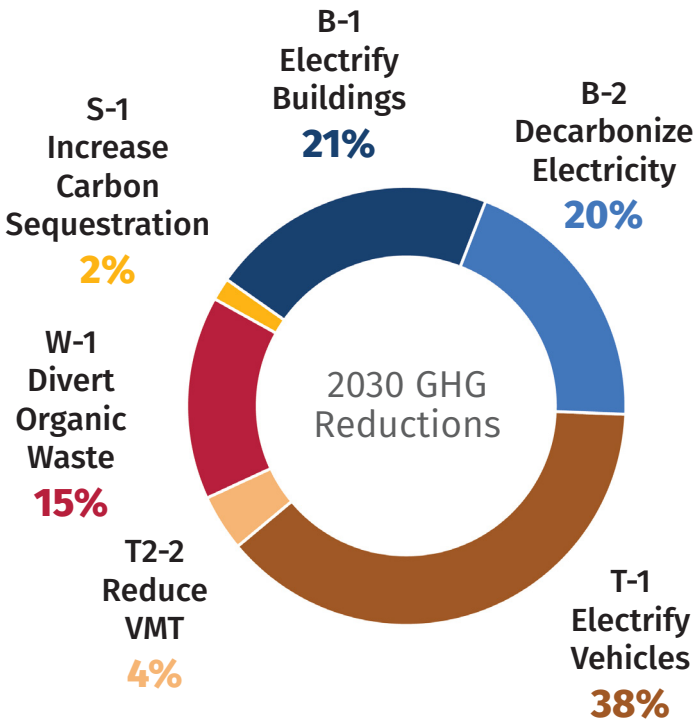


EXHIBIT B

IMPLEMENTING THE PLAN

The CAP includes an implementation plan to ensure that the City stays on track to meet its goals. The City identified the following priority efforts for the first five years of CAP implementation. Additionally, the City will monitor its progress and regularly update the CAP to adjust its strategy as needed.

1. **Lay the groundwork**
   Hire a Climate Action Manager, create a brand and identity for the City's climate action program, establish a tracking program for CAP implementation, and create an online resource hub for the community.
2. **Decarbonize electricity & materials**
   Enroll community-wide electricity accounts into East Bay Community Energy's Renewable 100 service option, promote low-carbon building materials.
3. **Electrify buildings & vehicles**
   Require new buildings in Livermore to be all-electric, incentivize electrification retrofits in existing buildings, expand requirements for EV charging.
4. **Partner with the national labs**
   Collaborate with Lawrence Livermore and Sandia National Labs on projects related to microgrids, soil carbon farming, and hydrogen fuel.
5. **Engage with the community regularly**
   Engage regularly with the community through a variety of channels and events.
6. **Support related City efforts**
   Identify synergies with other City plans and efforts, including the General Plan, Tri-Valley Local Hazard Mitigation Plan, and Active Transportation Plan.
7. **Utilize assistance programs & funding**
   Maximize resources to implement the CAP by utilizing funding and technical assistance programs from partners such as East Bay Community Energy and StopWaste.
8. **Study heat & drought strategies**
   Conduct additional studies to identify opportunities to mitigate heat, conserve water resources, and expand the urban forest.
9. **Develop a neighborhood retrofit program.**
   Develop a holistic retrofit program for healthy and resilient building upgrades. Upgrades could include weatherization, air filtration, solar and battery backup systems, and drought tolerant landscaping.

It Takes a Village!

Addressing climate change will require more than just action from the City of Livermore itself. Individuals, businesses, and community groups all have a critical role to play in achieving the City's climate action goals. The quality of life in Livermore for future generations depends on the actions we take today. The City of Livermore looks forward to building a healthier and more resilient Livermore together.

Staying on Track

- Implementation Tracking Tool
- Annual Progress Reports to City Council
- 5-year Plan Updates

You can help create a healthy and resilient Livermore!

VISIT:

LivermoreResilientHub.com

CHAPTER 1.
Introduction

Photo credit: Glen Florey

EXHIBIT B

1-1. Climate Action Plan Overview

The City of Livermore (City) adopted its first Climate Action Plan (CAP) in 2012, which established a greenhouse gas (GHG) emissions reduction goal of reducing emissions by 15% by 2020. The City exceeded the 2020 GHG reduction goal identified in the 2012 CAP by achieving a 17 percent reduction three years early in 2017. The reductions achieved through implementation of the CAP reflect local actions, behavior change, and state initiatives.

This updated CAP establishes new GHG reduction goals consistent with new State legislation. Reducing GHG emissions is known as **climate mitigation**. In addition, the CAP includes strategies and actions to prepare Livermore for the impacts of climate change, which have become increasingly apparent. Preparing for climate impacts is known as **climate adaptation** and is a primary focus of Livermore's overall climate strategy.

2022 CLIMATE ACTION PLAN PURPOSE STATEMENT

The purpose of the 2022 Climate Action Plan (CAP) is to protect public health and the environment, foster a green economy, and improve quality of life for all Livermore residents. The 2022 CAP is a roadmap to reduce greenhouse gas (GHG) emissions, adapt to extreme weather, deploy reliable and renewable energy, conserve habitat and biodiversity, and ensure equitable access to the benefits of a sustainable city. Livermore will leverage the community's greatest strengths, including cutting edge research facilities, technical and agricultural expertise, and an engaged network of residents, businesses, and institutions, to establish itself as a climate leader and implement the actions outlined in the plan.

1-2. Climate Change

The mechanisms that drive climate change have been well understood since the middle of the nineteenth century.[1] The greenhouse effect is the natural process by which gases in the atmosphere trap heat, acting as a blanket and making the temperature habitable for life on earth, shown below in Figure 1-1.

However, since the beginning of the industrial revolution in the eighteenth century, human activities like burning fossil fuels and deforestation have caused large amounts of additional GHGs to be released into the atmosphere.

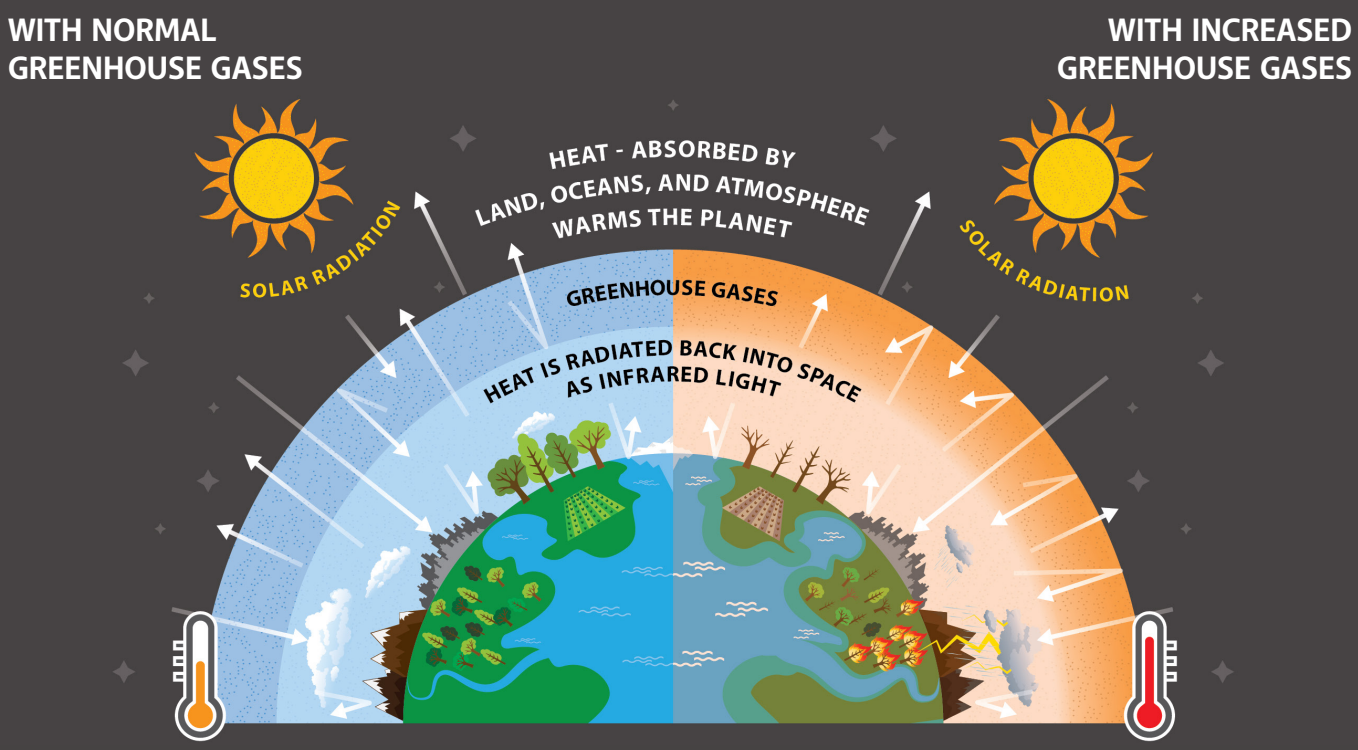
Specifically, atmospheric carbon has increased from a historical range of 200–280 parts per million to over 400 parts per million during the past century. This represents an atmospheric carbon content which is higher than at any point over the past 800,000 years.[2] These additional GHGs cause more heat to be trapped in the atmosphere, and as a result, global temperatures have been rising. Anthropogenic (human-caused) climate change has been the scientific consensus for several decades, with over 97 percent of climate scientists agreeing that the planet is warming due to human activities.[3]

1. *https://climate.nasa.gov/evidence/*
2. Lindsey, Rebecca. September 19, 2019. Climate Change: Atmospheric Carbon Dioxide. *https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide*
3 *https://www.ipcc.ch/report/ar2/wg1/*

Figure 1-1. Greenhouse Gas Effect

In the last century, human activities such as burning fossil fuels and deforestation have caused a jump in the concentration of greenhouse gases in the atmosphere.

THE RESULT: Extra trapped heat and higher global temperatures.



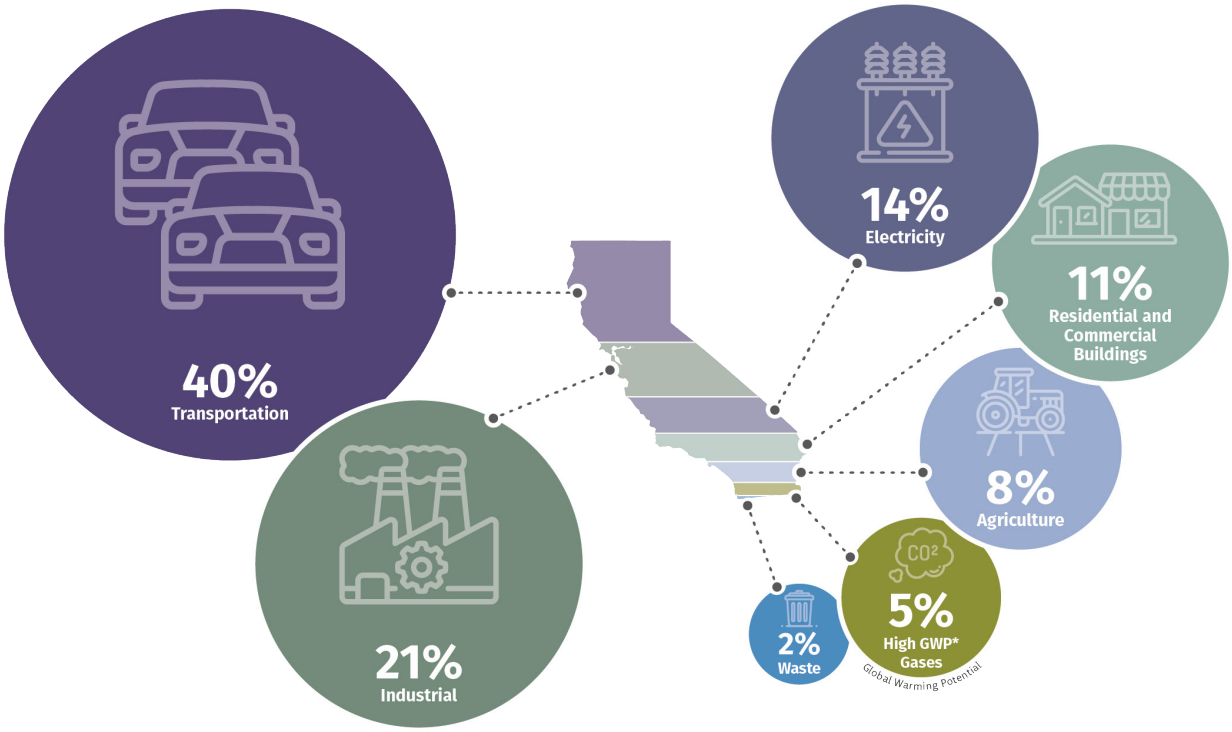
SOURCES OF GHGs

GHGs listed by the United Nations Intergovernmental Panel on Climate Change (IPCC) include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O), as well as chloro-fluorocarbons, hydrochlorofluorocarbons, hydro-fluorocarbons, perfluorocarbons, and sulfur hexa-fluoride, which are collectively called fluorinated gases. Fluorinated gases are man-made gases that can stay in the atmosphere for centuries and contribute to the GHG effect. Ninety-seven percent of the annual GHG emissions generated in the United States consists of CO_2, CH_4, and N_2O, while fluorinated gases result in the remaining three percent of emissions.

Each GHG has a differing ability to trap terrestrial radiation, called its global warming potential (GWP).[4] Because of its dominance in terms of total emissions, CO_2 is used as the reference GWP and given a value of 1. CH4 causes 28 times more warming per unit mass than CO_2, so it has a GWP of 28. N2O has a GWP of 265. Fluorinated gases also serve as GHGs and have even larger GWPs, but their occurrence is so small that their impact is negligible. Due to its large rate of emissions, CO_2 is the most important GHG despite its relatively weak GWP.

Anthropogenic GHG emissions stem primarily from the burning of fossil fuels (including gasoline, natural gas, and coal), decomposition of organic waste in landfills, methane emissions from agriculture, and deforestation. California's GHG emission by source are summarized in Figure 1-2.

Figure 1-2. GHG Emission Sources in California



4. *https://www.ipcc.ch/assessment-report/ar5/*

EFFECTS OF CLIMATE CHANGE

Climate change is a global phenomenon that is already linked to a number of changes that will have a dramatic impact on humans, wildlife, and ecosystems. Scientists have measured shrinking ice sheets, warming oceans, increasing global temperatures, less snow cover, higher precipitation variability, sea level rise, and species extinction.[5] As the planet continues to warm, effects like flooding in low-lying areas, drinking water shortages, severe weather, wildfires, and adverse impacts to public health and ecosystems will become more severe.

Globally, a warming trend is exceedingly clear, with all the top seven hottest years on record happening since 2014. The 10 hottest years on record have all occurred since 1998.[6] According to the IPCC, the total increase in global temperature should be limited to below 1.5° Celsius (C) in order to prevent "rapid, far-reaching and unprecedented changes in all aspects of society."[7] If current global trends persist and GHG emissions are not significantly reduced, the World Resources Institute (WRI) projects that the most likely warming scenario is an increase in global temperature by 3.7 °C. This level of warming would produce significant changes by the 2080s.[8]

Reduced water availability for about 32 percent more of the projected global population compared to the 1980s

Approximately seven times more people expected to be exposed annually to a 100-year flood event compared to the 1980s

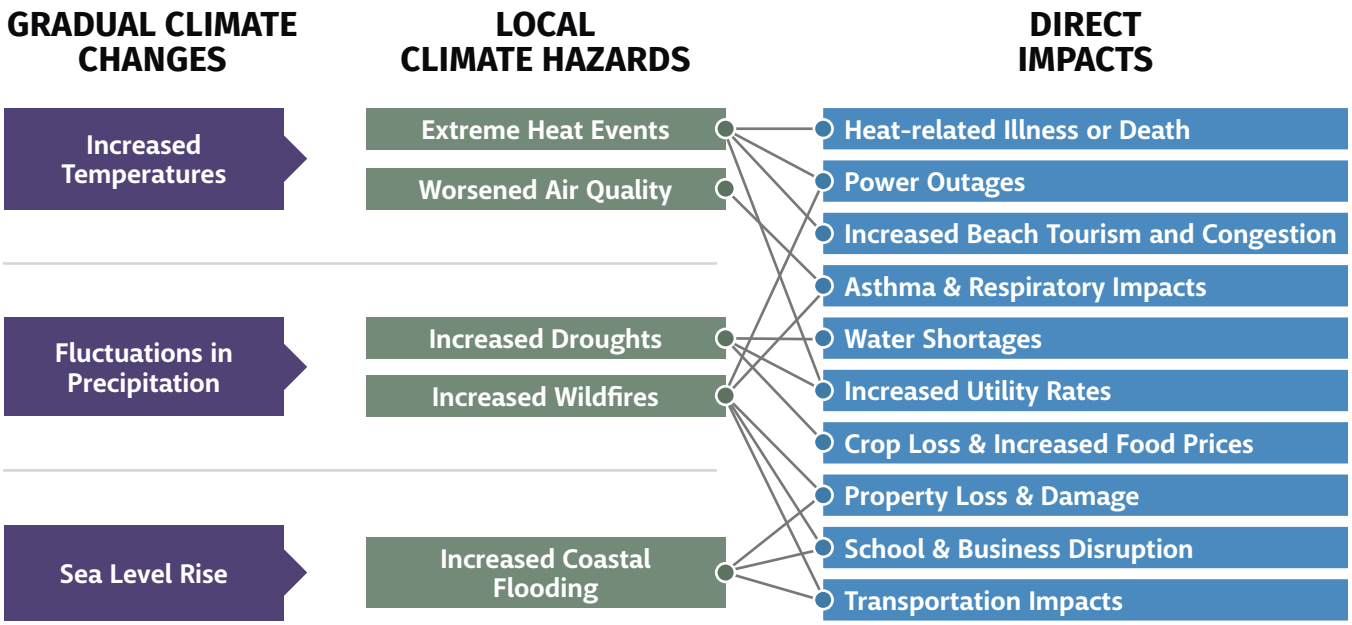
More than a 50 percent decrease in the ranges of the many plant and animal species around the world

Large-scale negative impacts to agricultural production and global food security

5. *https://www.ipcc.ch/site/assets/uploads/2018/02/SYR_AR5_FINAL_full.pdf*
6. *https://www.scientificamerican.com/article/2020-will-rival-2016-for-hottest-year-on-record/*
7. *https://www.ipcc.ch/2018/10/08/summary-for-policymakers-of-ipcc-specialreport-on-global-warming-of-1-5c-approved-by-governments/*
8. *https://www.wri.org/ipcc-infographics-emissions*

In California, the impacts of climate change are already being felt and will continue to become more severe throughout the twenty-first century. Higher temperatures, more extreme heat events and wildfires, and rising sea levels are all effects of climate change experienced in California. The California Office of Environmental Health Hazard Assessment reported in 2018 that despite annual variations in weather patterns, California has seen a trend of increased average temperatures, more extreme heat days, higher acidity in the Pacific Ocean, earlier snowmelt, and less rainwater runoff.[9] From 1895 to 2011, average temperatures have increased by about 1 °C statewide, and a smaller proportion of annual precipitation is falling as snow instead of rain. During 1972-2018, California experienced a fivefold increase in the annual area burned, very likely due to increased atmospheric temperatures caused by climate change.[10] Over the last century sea levels have risen by more than 5.9 inches along Central and Southern California coast, which has accelerated coastal erosion, disrupted wetlands and natural habitats, and threatened levee systems and other coastal infrastructure.[11] Many of these hazards caused by climate change could have direct effects on Livermore and other communities throughout California, including water shortages, power outages, and property damage. An overview of climate hazards and their impacts is shown below in Figure 1-3 and a detailed vulnerability assessment for the City of Livermore is summarized in Chapter 2 and included in detail in Appendix B.

Figure 1-3. Climate Hazards and Impacts in California



9. https://oehha.ca.gov/media/downloads/climate-change/report/2018indicatorssummary.pdf
10. https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2019EF001210
11. https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf

1-3. Legislative Context

CLIMATE LEGISLATION IN CALIFORNIA

California is recognized globally as a leader on climate change, having established a variety of ambitious GHG-reduction targets and associated strategies. The primary legislation that has driven statewide GHG-emissions reductions are Assembly Bill (AB) 32, Senate Bill (SB) 32, and most recently, Executive Order (EO) B-55-18. Aligning with State targets is one of the requirements of the California Environmental Quality Act (CEQA) Guidelines for streamlining. Livermore's CAP meets the requirements of a CEQA Qualified CAP and can be used to streamline new development which is consistent with the CAP's measures and actions. More information on the CEQA requirements can be found in Appendix D.

AB 32 – Global Warming Solutions Act (2006)

AB 32 set a statewide goal for reducing GHG emissions to 1990 levels by 2020 and required the California Air Resources Board (CARB) to prepare a Scoping Plan to outline the main strategies California would take to achieve this goal. The first Scoping Plan was adopted in 2008.[12]

SB 32 (2016)

SB 32 set a new statewide goal for reducing GHG emissions 40 percent below 1990 levels by 2030, extending upon the 2020 goal already established by the Global Warming Solutions Act. In 2017, CARB adopted an update to the Scoping Plan which provided a framework for achieving the 2030 target.

A qualified CAP allows Livermore to streamline new developments that meet our climate goals, decreasing costs and effectively incentivizing climate smart development.

EO B-55-18 (2018)

Governor Jerry Brown's Executive Order (EO) B-55-18 (2018) set a new statewide GHG-emission reduction goal to achieve carbon neutrality by 2045 and maintain net negative emissions afterwards. While not yet codified into law, it is generally seen as superseding the previous statewide goal of reducing GHG emissions 80 percent from 1990 levels by 2050.

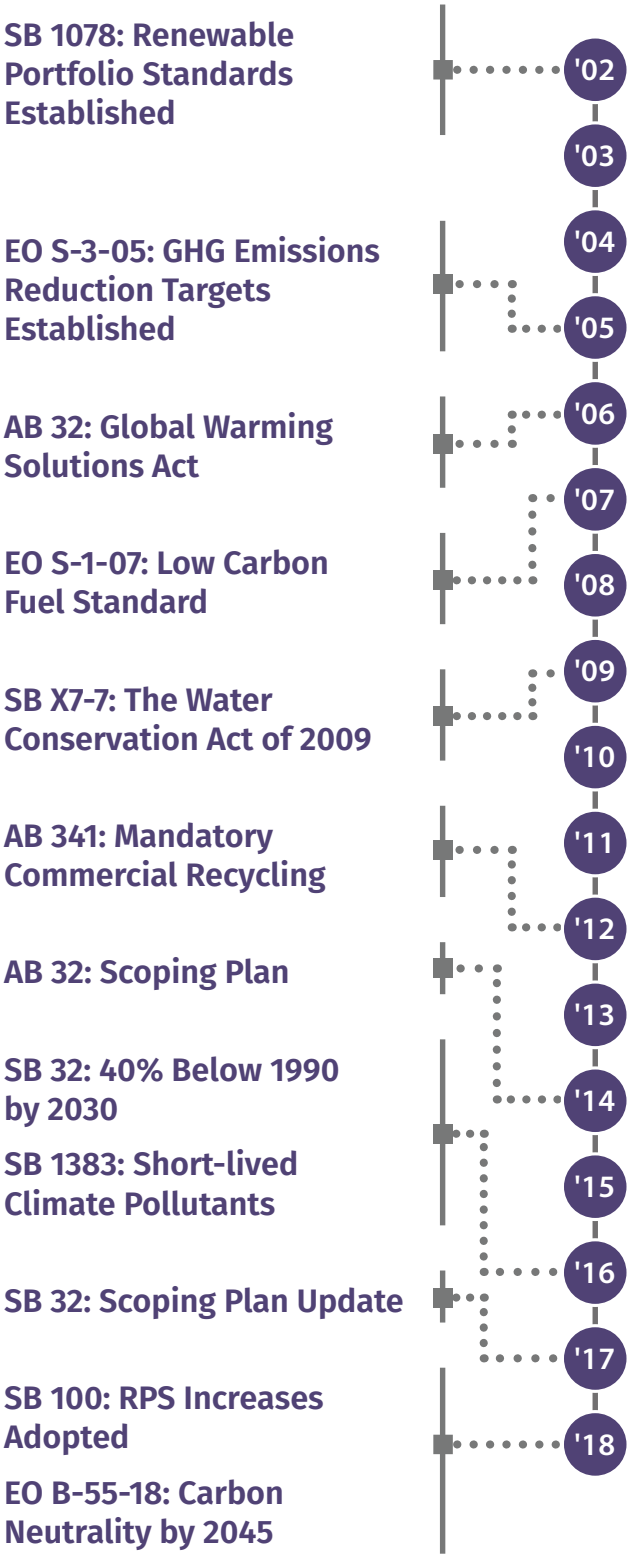
Other Key Legislation

California's GHG-emissions-reduction strategies that will help achieve these reduction targets are developed through its Scoping Plan and various Sustainable Communities Strategies passed by local Metropolitan Planning Organizations. Other important climate legislation that will help California achieve its GHG-reduction targets include the state's green building code (Title 24), SB 1383, which set targets for reducing organic waste to landfills, and SB 100, which mandated 100 percent carbon-free electricity by 2045. A timeline of major California climate legislation is shown in Figure 1-4. For a complete list of California's climate change regulations please see Appendix E.

12. Both the State of California and the City of Livermore exceeded this goal as of 2017.

EXHIBIT B

Figure 1-4. California Climate Legislation Timeline



1-4. Livermore's Past Climate Action Success

Solar array on the City of Livermore Civic Center Campus.

The City of Livermore (City) is no stranger to taking bold, progressive action on climate change. The City adopted a Climate Change Element into its General Plan in 2009 that established policies for addressing climate change in Livermore. The Climate Change Element called for the City to adopt a CAP to set forth strategies to reduce GHG emissions. The City adopted its first CAP in 2012, which established a target to reduce emissions 15 percent below 2008 levels by 2020. This target was in accordance Assembly Bill (AB) 32. The City conducted a 2017 GHG emissions inventory that revealed Livermore had surpassed the 2020 target by 2017, three years ahead of schedule. More details about the 2017 inventory and the City's emissions reductions are included in Chapter 2.

Since adopting the CAP, the City has adopted additional plans that help implement key components of its overarching sustainability strategy, including an Active Transportation Plan, Green Infrastructure Plan, and Tri-Valley Local Hazard Mitigation Plan. The most relevant plans referenced in the CAP Update are highlighted below in more detail.

Livermore was a founding member of East Bay Community Energy, a Community Choice Energy service which has provided the city with clean electricity options for both residents and businesses since 2018.[13] In 2017, Livermore was awarded the Gold Level Spotlight Award for Sustainability Best Practices by the Institute of Local Governments, as a part of the Beacon Program.[14] Livermore has also been recognized by the Arbor Day Association, which awarded Livermore the Sterling City USA designation in 2018 for achievements in urban forestry education, partnerships, tree planting, and maintenance.

There are currently 96 electric vehicle chargers available to the public in Livermore, and the City has over a dozen electric and hybrid vehicles as a part of its public fleet.[15] Livermore also holds annual electronic waste recycling events, reuses damaged asphalt, and purchases recycled materials for City operations.[16] In 2011, Livermore banned the use of Styrofoam to-go containers for food service businesses, reducing

13. *https://ebce.org/about/*
14. *https://www.ca-ilg.org/award/city-livermore-sustainability-best-practice-activities-0*
15. *https://www.plugshare.com/directory/us/california/livermore*
16. *https://www.livermoreca.gov/departments/community-development/planning/climate-action-plan*

litter and water pollution.[17] The City also utilizes a recycled water system for irrigation, fire protection, and other uses to conserve water.

Since adopting the first CAP, Livermore, like many communities in California, has increasingly felt the impacts of climate change. In recent years wildfires have become more severe, degrading air quality and impacting residents with smoke that can last weeks, such as during the SCU Lightning Complex Fire in 2020. The extended drought of the 2010s was one of the most intense in California's history, straining water supplies and putting the local agriculture and wine industry at risk. Extreme heat events have become more common, worsening public health risks for vulnerable communities and those with existing health conditions. These climate impacts have only reinforced the City of Livermore's commitment to taking meaningful climate action, in order to ensure a prosperous and livable climate for future generations. The City's past efforts provide the foundation for Livermore's CAP Update and will be key to its successful implementation.

Click on the plan name or image below to view the document.

General Plan Climate Change Element
2009

Climate Action Plan
2012

Tri-Valley Local Hazard Mitigation Plan
2018

Bicycle, Pedestrian, & Trails Active Transportation Plan
2018

Stormwater Green Infrastructure Plan 2019

Urban Water Management Plan
2020

Storm Drain Master Plan
2022

FACT: Livermore reached their 2020 GHG reduction goal in 2017, exceeding the goals set by the 2012 Climate Action Plan.

17. *https://www.livermoreca.gov/departments/public-works/environmental-services.*

1-5. CAP Goals and Development Process

Quest Science Center's Science @ Stockmen's Park event. Photo credit: Mike Carter

The Climate Action Plan creates a roadmap to prepare the community for climate impacts and establish a pathway to carbon neutrality by 2045. Implementation and funding strategies are a key consideration of the plan to ensure that strategies are actionable and lead to meaningful improvements in resilience and reductions in GHG emissions. Additionally, implementation of the CAP will be based upon inclusivity, focusing on equity, youth involvement, and open dialogue with local leaders in vulnerable communities.

The CAP update leveraged several unique characteristics of the city including its active and engaged community, the technological prowess of Livermore's two National Laboratories, and its strong agricultural heritage. Additionally, Livermore's neighboring communities of Dublin and Pleasanton have both recently updated their own CAPs, setting GHG reduction and climate adaptation goals that are in-line with those of Livermore. This presents an opportunity to work together on regional implementation efforts, whether through the passage of unified codes, joint funding of regional infrastructure projects, or cooperative resilience planning. The risks posed by climate change do not occur in a vacuum and neither should climate mitigation or adaptation planning. Together, Livermore and other Tri-Valley communities can help create a better more sustainable East Bay. The Livermore CAP development process is shown in Figure 1-5.

Figure 1-5. Livermore CAP Update Development Process

1. **Complete a Climate Change Vulnerability Analysis.** The first step of the CAP Update was to identify the climate change impacts that are expected in Livermore and analyze how those changes would affect the community.

2. **Complete a GHG Inventory and Forecast and Establish Reduction Targets.** At the same time, the City quantified existing GHG emissions to create a baseline, used growth factors to estimate future emissions, and established targets for reducing GHG emissions that align with established state goals.

3. **Conduct Community and Stakeholder Engagement.** The City engaged with the community and stakeholders and incorporated feedback and input into the CAP. This engagement included a Climate Action Plan Advisory Committee made up of Livermore residents.

4. **Establish a GHG Reduction and Adaptation Strategy.** The CAP includes community-specific strategies and actions that will achieve Livermore's GHG emissions reduction targets, build community resilience to climate impacts, and protect vulnerable communities.

5. **Complete CAP Document and California Environmental Quality Act (CEQA) Environmental Review.** The City combined the data and strategies into an accessible, implementable document and completed CEQA review.

6. **Implement the Strategies in the Plan.** Following City Council adoption, the City will take action and implement the CAP strategies in the community.

7. **Monitor and Track Progress.** The City will monitor implementation progress to ensure that it is on-track to meet its goals, and make adjustments to the CAP as needed.

BENEFITS OF CLIMATE ACTION

The City is committed to creating a more sustainable, equitable, and healthy community that balances the needs of a growing population and economy. Through implementing the CAP Livermore expects to see several important benefits. Together, the CAP's measures and actions will contribute to the creation of a stronger community based upon:

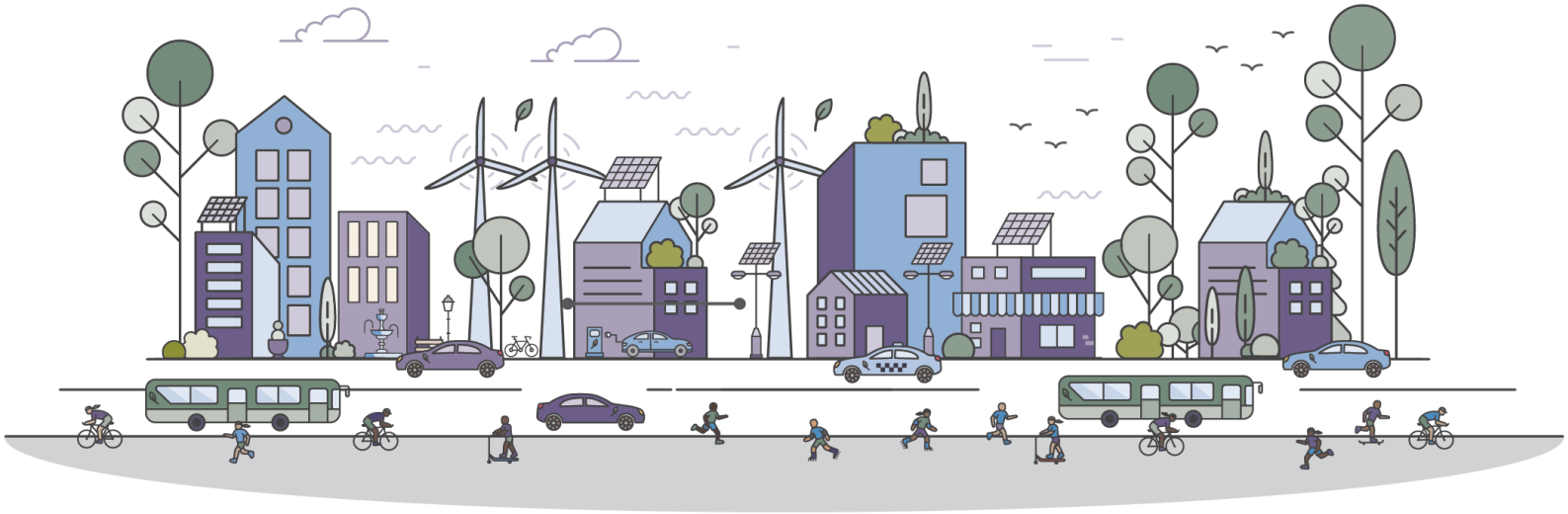
Public Health – Creating a healthier community by improving air quality and active transportation.

Community Connectivity – Promoting a strong sense of community by creating complete, accessible neighborhoods, opportunities to engage, and resources for underserved communities.

Resilience + GHG Reduction – Some GHG reduction strategies can have resilience benefits as well, and vice versa. For example, increasing local energy storage and power generation can increase energy resilience while decarbonizing the grid.

Environmental Quality – Improving natural environments within the city to protect biodiversity and ecosystem services like cleaner air and water.

Green Economy – Diversifying local economic opportunities by attracting high-quality jobs in sustainability industries such as those focused on developing zero emission vehicles or battery storage technologies.



CHAPTER 2.
Climate Change in Livermore

2-1. Climate Change Impacts in Livermore

As a part of Livermore's CAP Update, a Vulnerability Analysis was conducted to evaluate the potential impacts of climate change on community assets and populations. This analysis provides a deeper understanding of Livermore's vulnerabilities to the impacts of climate change that served as a foundation for the climate adaptation strategies and actions included in the CAP to increase resilience. The main findings of Livermore's Vulnerability Analysis are summarized here with additional information provided in Appendix B.

A SUMMARY OF CLIMATE CHANGE IN LIVERMORE

Extreme Heat: Maximum and minimum temperatures are expected to increase by the mid-to-late twenty-first century. The extent of these increases and the associated impacts have a high degree of uncertainty in the near-term.

Wildfires and Air Quality: Wildfire risk will decrease within the city limits, but smoke from increased wildfires statewide will continue to have adverse effects on public health and quality of life in Livermore.

Precipitation Variability: Precipitation variability is expected to increase throughout the twenty-first century with larger flashier storms and less consistent precipitation in between. This is expected to result in both flooding and drought conditions.

Vulnerable Populations and Infrastructure: Vulnerable populations, vital community infrastructure, and the city's transportation system are most sensitive and at-risk to climate impacts. Livermore currently has a low-to-medium adaptive capacity rating due to the high number of existing measures but low overall implementation rates.

INCREASED TEMPERATURES AND EXTREME HEAT EVENTS

By the end of the twenty-first century, average annual temperatures in the Bay Area are projected to increase anywhere from 4.2 °F to 7.2 °F depending on the emissions scenario, when compared to the historic baseline period of 1950 to 2005.[1] Inland areas like Livermore are expected to experience the most significant changes. The Vulnerability Analysis found that temperature projections for Livermore show a consistent increasing trend through the end of the century, with average annual maximum temperatures projected to increase between 4.5 °F to 8.7 °F when compared with 1990. Average annual minimum temperatures are also projected to increase between 3.2 °F and 8 °F by the end of the century, which indicates less cooling off at night.[2] In a medium-to-high emissions scenario, rising temperatures could also cause 75 percent to 85 percent more days with weather conducive to ozone formation when compared to today.[3] Ozone is a compound that when inhaled can cause both short-term and long-term adverse health effects.[4]

The frequency and duration of extreme heat events are also projected to increase in Livermore by the end of the century. Under a high emissions scenario, Livermore is expected to experience 25 extreme heat days annually (defined as days with temperatures over 102.7 °F) by the end of the century, compared to four in 1990. The annual number of heat waves (defined as four or more extreme heat days in a row) is expected to be from 0 to 3 under the same scenario, with the longest duration of consecutive extreme heat days increasing from 2.2 days in 1990 to just over 7 days.[5]

1. *https://barc.ca.gov/sites/default/files/documents/2020-12/20190116-sanfranciscobayarea.pdf*
2. *https://cal-adapt.org/*
3. *https://www.ucsusa.org/resources/california-global-warming-impacts*
4. *https://www.epa.gov/ozone-pollution-and-your-patients-health/health-effects-ozone-general-population*
5. *https://cal-adapt.org/*

INCREASED HUMAN HEALTH IMPACTS FROM LARGE WILDFIRES

Wildfire risk is determined by multiple factors, including climate variability, local topography, land cover, and human activity. Increasing acreage burned by wildfire is being driven by increasing air temperatures and periods of drought.[6] Statewide, the mean area burned is projected to increase by 77 percent by the end of the century under a high-emissions scenario when compared to 1961-1990.[7] Livermore's Vulnerability Analysis, however, found that the annual average of acres burned in Livermore is projected to decrease through the end of the century. This is likely due to wildfires throughout the century reducing the amount of vegetation available to burn, changes in plant communities due to the local warming climate, and the low number of CAL FIRE Very High Fire Hazard Severity Zones within the city. There is a strong connection between human activity and wildfires, with fire activity peaking in wildland-urban interface areas due to increased ignitions. Future land use patterns and development will thus heavily impact wildfire risk throughout the twenty-first century.[8]

While wildfires may not pose a direct threat to life and property within Livermore, smoke from wildfires throughout the state continues to have detrimental effects on quality of life and public health in Livermore. Wildfires have the potential to cause smoky days thousands of miles beyond the areas that they burn, worsening air quality and putting vulnerable populations at risk. The particulates that make up wildfire smoke are pollutants that present a substantial public health risk. This could result in increases in eye and respiratory tract irritation, reduced lung function, pulmonary inflammation, bronchitis, asthma and other lung diseases, cardiovascular disease, and premature death by the end of the century.[9]

6. https://www.energy.ca.gov/sites/default/files/2019-11/20180827_Summary_Brochure_ADA.pdf
7. https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf
8. https://barc.ca.gov/sites/default/files/documents/2020-12/20190116-sanfranciscobayarea.pdf
9. https://www.cdc.gov/disasters/wildfires/smoke.html

77%
Increase in Mean Area Burned Statewide
Compared to 1961-1990

Photo credit: Glen Florey

CHANGES IN PRECIPITATION PATTERNS

Average annual precipitation in Livermore will increase slightly by the end of the century.[10] Precipitation will likely be more variable and unpredictable overall, resulting in more whiplash events where extremely dry periods are followed by extremely wet periods.[11] This could pose difficulties for local drinking water supplies and the agricultural industry, both of which rely on the predictability of annual precipitation patterns.

The frequency and intensity of extreme precipitation events (successive days where the total two-day rainfall is above 1 inch) is expected to increase in the Bay Area region through the end of the twenty-first century.

However, this trend is not as clear in Livermore.[12] Projections show the number of extreme precipitation events increasing from three in 1990 to five to seven by mid-century, depending on the emissions scenario. If extreme precipitation events increase, Livermore can expect more flooding in low-lying areas.

Increase of 3-7 Extreme Precipitation Events Annually
From 1990 to Mid-century

▲ *2017 storm damage along the Arroyo Mocho in Livermore.*

REDUCTION IN THE SIERRA NEVADA SNOWPACK

The state's average snow water is anticipated to decline to less than two-thirds of its historical average by 2050,[13] likely to lead to water supply challenges statewide. The snowpack in the Sierra Nevada Mountains is responsible for about 30 percent of the state's annual water supply[14] and provides roughly 75 percent of statewide agricultural water.[15] Wineries and other agricultural businesses in Livermore are highly sensitive to changes in water availability, which could lead to decreased agricultural output from the Tri-Valley region. Reduced water runoff from snowpack may also reduce the amount of electricity that can be produced from hydropower.

Sierra Nevada Mountain Snowpack Provides ~30%
State's Annual Water Supply

10. *https://cal-adapt.org/*
11. *https://barc.ca.gov/sites/default/files/documents/2020-12/20190116-sanfranciscobayarea.pdf*
12. *https://www.energy.ca.gov/sites/default/files/2019-11/20180827_Summary_Brochure_ADA.pdf*
13. *https://www.energy.ca.gov/sites/default/files/2019-11/Statewide_Reports-SUM-CCCA4-2018-013_Statewide_Summary_Report_ADA.pdf*
14. *https://www.sacbee.com/news/california/water-and-drought/article240394281.html*
15. *https://www.climate.gov/news-features/featured-images/warming-winters-and-dwindling-sierra-nevada-snowpack-will-squeeze#:~:text=Snowmelt%20from%20the%20Sierra%20Nevada,of%20Southern%20California's%20water%20resources.&text=Based%20on%20the%20new%20study,in%20average%20winter%20air%20temperature*.

SENSITIVE STRUCTURES, FUNCTIONS, AND POPULATIONS

Sensitivity describes aspects of Livermore that will be most affected by the identified stressors and hazards that the community will be exposed to as a result of climate change. These can generally be broken down between community structures and functions, and populations. Community structures and functions that were identified include:

- Essential facilities are needed for the health and welfare of the population of Livermore and are especially important following climate-influenced hazard events. Essential Facilities include City of Livermore municipal buildings, healthcare facilities, schools, and senior living facilities
- Sensitive facilities are those places where damage would have large environmental, economic, or public safety consequences, are also considered particularly vulnerable to climate change. These include water collection, storage, and distribution infrastructure, the Livermore Water Reclamation Plant, and Lawrence Livermore and Sandia National Laboratories
- Community functions include the energy delivery system, emergency services such as police and fire, recreation spaces, and agricultural businesses and facilities
- Transportation systems include roads and freeways, bike and trail network, and public transit systems, such as the Altamont Corridor Express and Wheels Bus (also known as the Livermore Amador Valley Transit Authority)

Sensitive populations in Livermore include its senior citizens, chronically ill individuals (e.g., heart and lung disease, diabetes), socially or economically disadvantaged populations, and outdoor workers, such as those in the agriculture industry. Sensitive community structures, functions, and populations may be the most affected by climate impacts, particularly in areas where multiple or compounding vulnerabilities exist.

Adaptive capacity describes Livermore's ability to cope with extreme events and make changes in the community to moderate potential damage. The City has a variety of both reactive and proactive adaptation measures included in its General Plan Climate Change Element, Emergency Operations Plan, Tri-Valley Local Hazard Mitigation Plan, and others. An analysis conducted for the CAP found that while Livermore has over 200 sustainability and adaptation measures, there is a relatively low level of implementation of these measures, resulting in an overall low-to-medium adaptive capacity rating for the community.

The ability of a community to withstand an extreme climate event is called Adaptive Capacity

Livermore Water Reclamation Plant

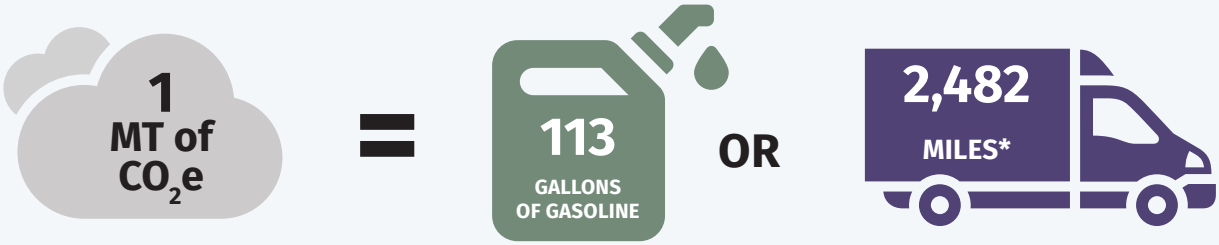
2-2. Livermore's GHG Emissions

An important part of the climate action planning process is the development of a GHG inventory. GHG inventories measure emissions from various sources or sectors within a jurisdiction and allow for monitoring progress, reducing GHG emissions, and achieving established GHG-reduction targets.

Livermore's CAP includes community-wide GHG emissions inventories for 2010, 2015, and 2017, as well as an updated 2005 baseline GHG inventory (originally conducted for the 2012 CAP). Emissions from municipal operations are included as part of the community emissions. They were not calculated separately from community-wide emissions due to their relatively small contribution to Livermore's overall emissions.

Due to CO_2, CH_4, and N_2O comprising the large majority of GHG emissions in Livermore, this CAP focuses on these three gases for its GHG emissions inventory, forecast, and reduction strategy, consistent with the ICLEI – Local Governments for Sustainability's U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions. All emissions are converted to the equivalent of one metric ton of carbon dioxide, or MT CO_2e.

One MT CO_2e is the equivalent of using 113 gallons of gasoline or driving 2,492 miles in a standard combustion vehicle.[16]



** in a standard combustion vehicle*

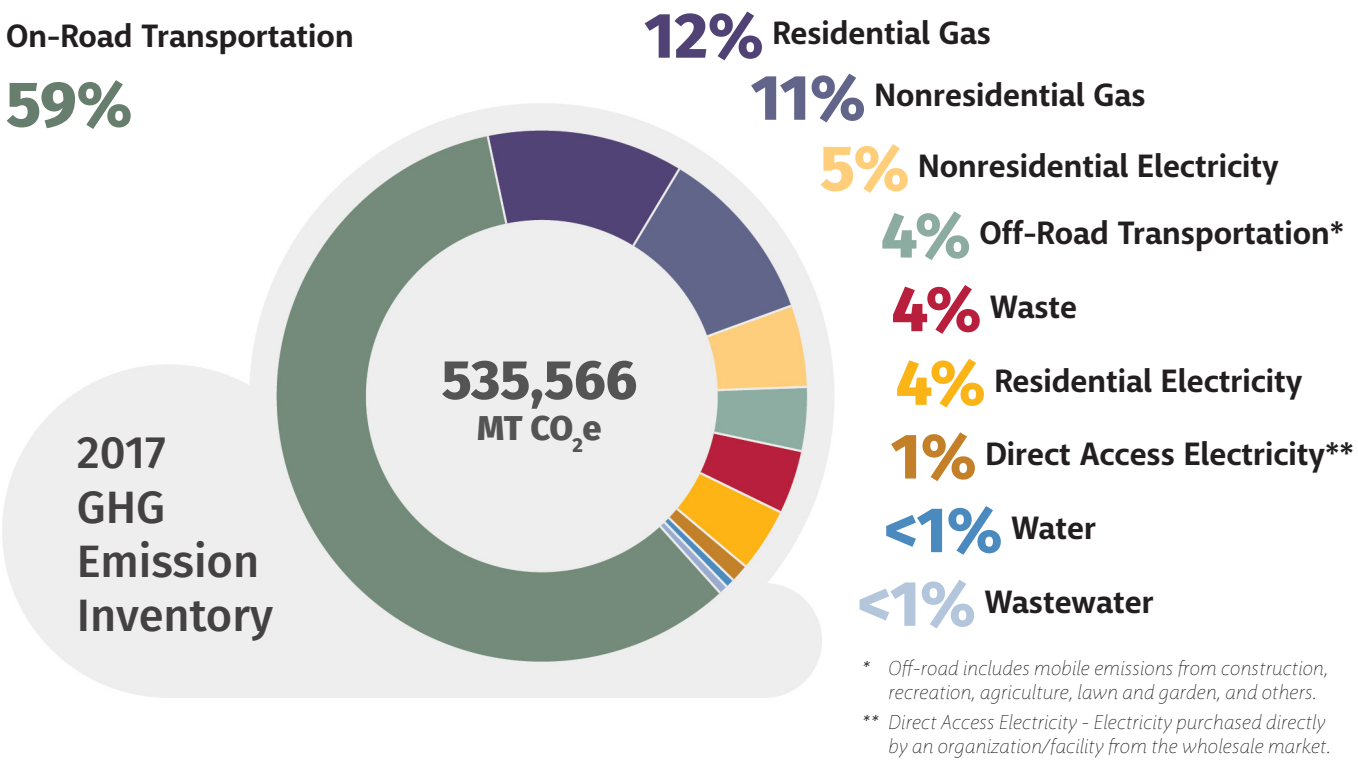
16. *https://developer.epa.gov/greenhouse-gas-equivalencies-calculator-widget/*

2017 GHG INVENTORY

The 2017 GHG inventory was utilized to track progress reducing GHG emissions and to develop updated forecasts and GHG emissions reduction targets for the CAP through 2045. Emissions from residential and commercial energy usage, on-road passenger and commercial transportation, off-road transportation, landfilled waste, water, and wastewater are all included in the inventory. Livermore's total GHG emissions for 2017 were estimated to be 535,566 MT CO_2e, as depicted below in Figure 2-1. More information on the data and methodologies used can be found in Appendix A.

According to the results of the 2017 GHG inventory, the largest source of GHG emissions in Livermore was from on-road passenger and commercial transportation, which accounted for 59 percent of total emissions. This is primarily related to single-passenger automobiles, as well as commercial trucks and delivery vehicles within the city.[17] The second largest amount of GHG emissions was from natural gas usage in both residential and nonresidential buildings, which combined accounted for 23 percent of Livermore's total GHG emissions. Natural gas is used to heat water, homes, and businesses, as well to run natural gas-powered appliances. Electricity usage accounted for the third largest source of emissions, with residential and nonresidential sectors combining for nine percent of total emissions in Livermore.

Figure 2-1. GHG Emissions Summary for Livermore, 2017



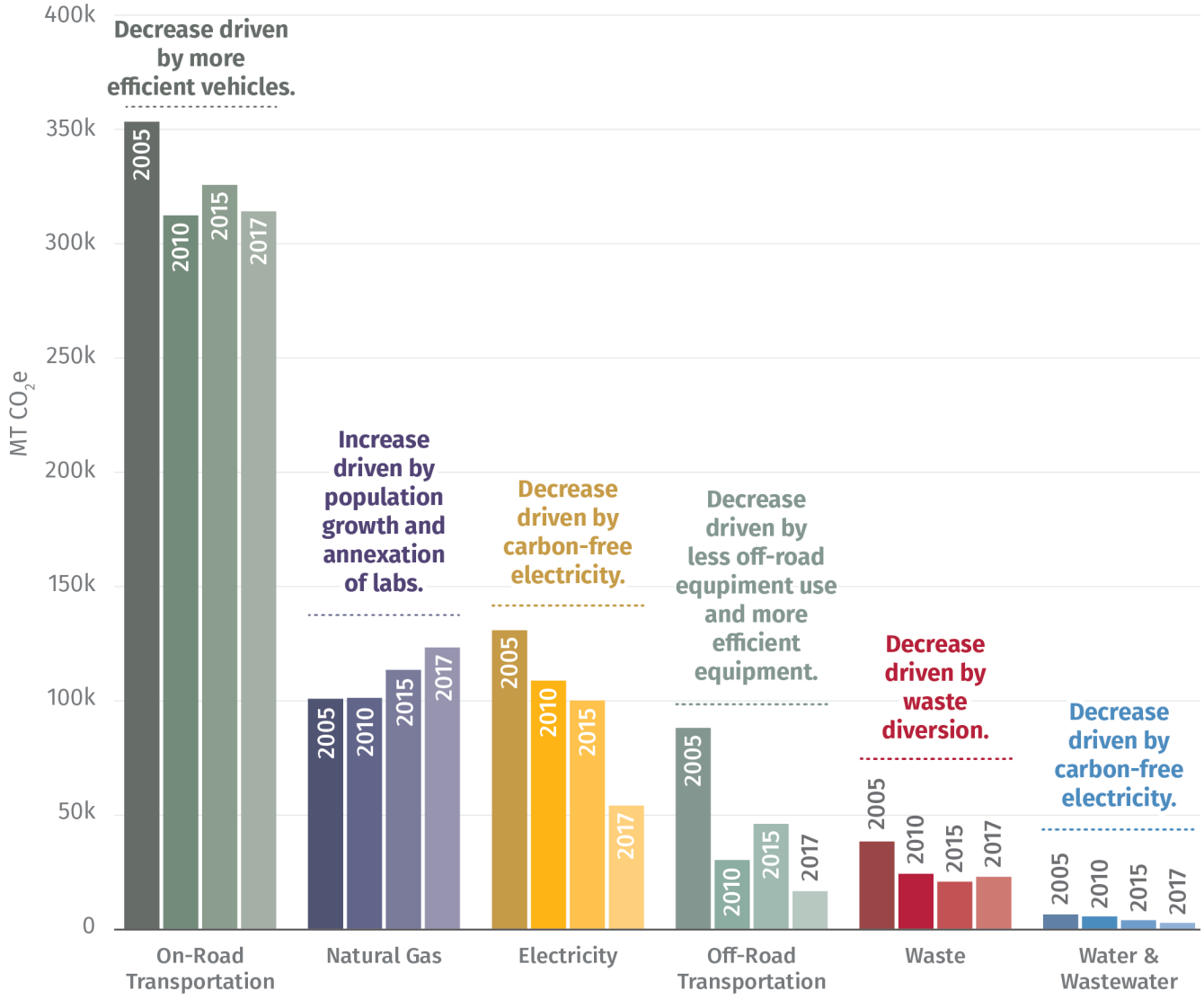
17. On-road vehicle emissions were calculated using vehicle miles travelled (VMT) that was adjusted using recommended methods from the Senate Bill 375 Regional Targets Advisory Committee (RTAC) and converted to GHGs using emissions factors from CARB's Emissions Factor (EMFAC) model.

LIVERMORE'S GHG EMISSIONS OVER TIME

Between 2005 and 2017 Livermore's total GHG emissions have decreased by 17 percent, achieving the 2020 reduction target adopted by the City's previously adopted 2012 CAP. GHG emissions decreased across all sectors from 2005 to 2017, except for nonresidential gas and off-road transportation, which likely increased due to the addition of the Lawrence Livermore National Laboratory and Sandia National Laboratory to the City's boundary in 2012 as well as growth of the commercial sector within the city and offroad vehicles. Additional details including emission factors and activity data for all inventory years can be found in Appendix A.

During the time period that these GHG emission reductions took place, Livermore experienced a population increase of 16 percent. Despite this population growth, Livermore still achieved an overall reduction in GHG emissions (Figure 2-2).

Figure 2-2. Historic Emissions in Livermore, 2005–2017



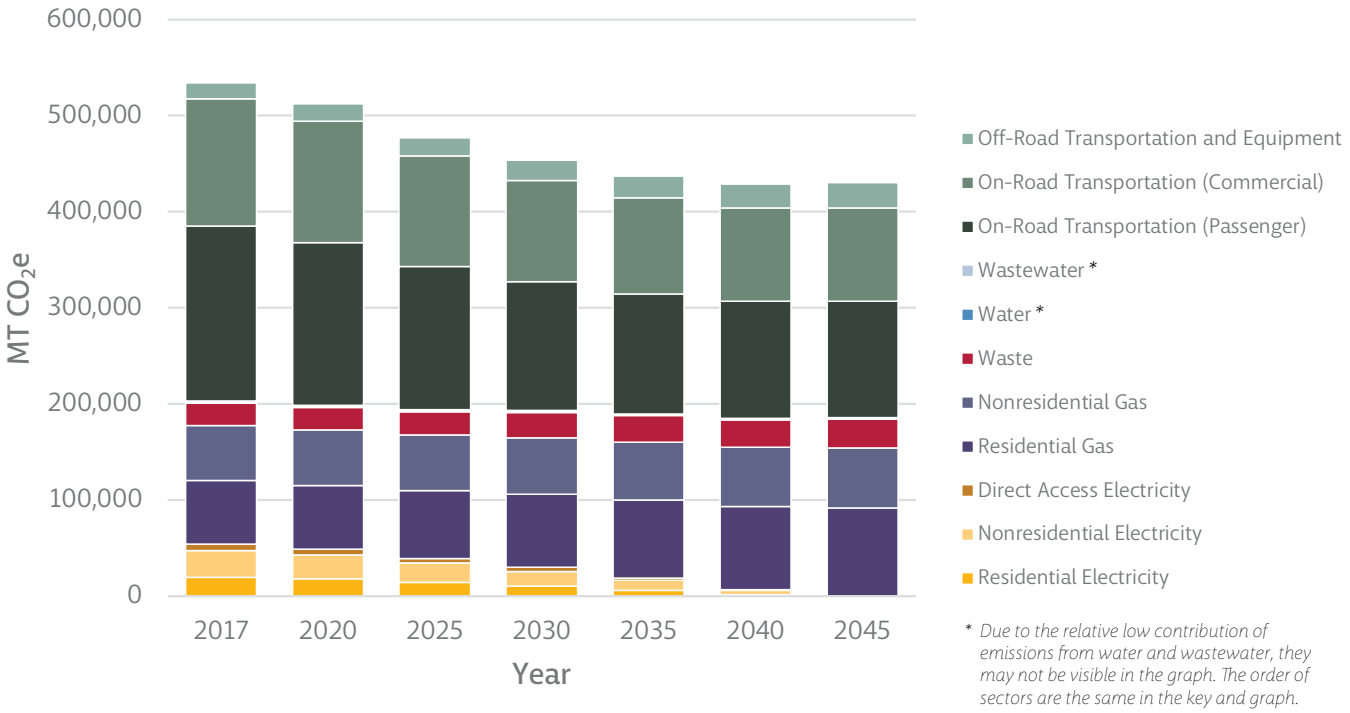
GHG EMISSIONS FORECAST

While GHG inventories provide data on Livermore's current emissions, GHG emissions forecasts estimate the city's projected GHG emissions into the future. Forecasts are developed from the most recent GHG inventory and provide an estimate of how Livermore's emissions might change over time based on demographic projections including population, employment, housing, and transportation activity. Forecasts also include future State legislation that will help lower Livermore's emissions over time.

A GHG emissions forecast was developed to quantify future GHG emissions within the city through 2045. It was developed based off future demographic forecasts from the Association of Bay Area Government's Plan Bay Area 2040 and Livermore's 2003-2025 General Plan. The forecast provides a projection of how GHG emissions are likely to change over time due to the implementation of State regulations described in Chapter 1. The forecast includes several regulations including SB 100 and Advanced Clean Fleets. More information on these regulations and how they were accounted for in the forecast can be found in Appendix A.

Livermore's forecast projects that the City's GHG emissions will decrease through 2030, and continue to decrease, but at a slower rate, through 2045. The slower reduction in GHG emissions after 2030 is due to current State legislation, including Title 24 and California's GHG vehicle emission standards, being fully phased in and then being offset by population and job growth. Potential new State legislation could be adopted in the future to continue driving down emissions statewide. A summary of Livermore's forecast through 2045 is shown below in Figure 2-3.

Figure 2-3. GHG Emissions Forecast for Livermore, 2017–2045

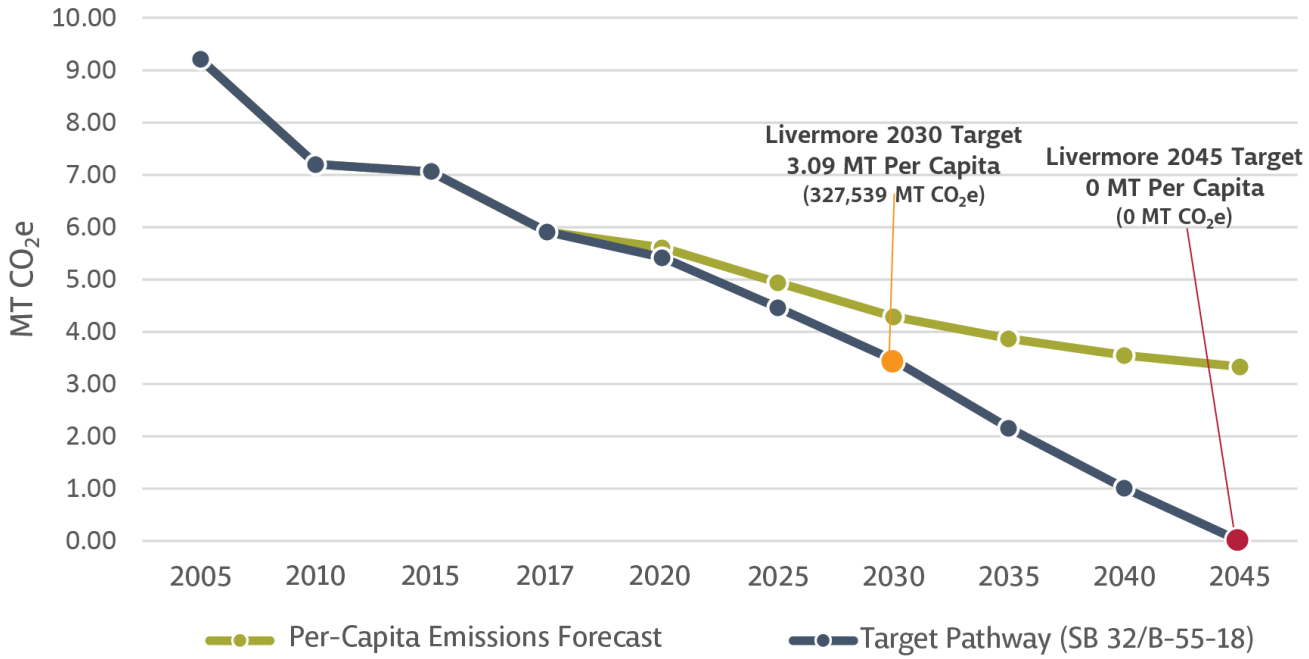


LIVERMORE'S GHG EMISSION REDUCTION TARGETS FOR 2030 AND 2045

By defining specific reduction targets, Livermore can track its progress towards meeting its goals and measure the success of its CAP. Livermore's CAP includes GHG reduction targets for 2030 and 2045, calculated based on the GHG emissions forecast and State requirements set forth by SB 32 and EO B-55-18. These GHG reduction targets were established to be consistent with the State's climate goals, which would result in Livermore's "fair share" of emissions reductions in support of California's overall statewide reductions.[18] Additionally, the City established per-capita targets for 2030 and 2045 instead of mass emissions targets, as recommended by CARB in the 2017 Scoping Plan, due to per-capita target's flexibility in the event of greater than expected population growth or decline. The pathway to achieve Livermore targets is shown below in Figure 2-4. The emissions gap between the forecast and the target pathway represents the amount of GHG emissions that Livermore will need to reduce through locally adopted GHG reduction strategies and actions. For 2030, this translates to mass emission reductions of 128,238 MT CO_2e in 2030, and 430,965 MT CO_2e in 2045 based on current population projections.

Livermore will reduce GHG Emissions by 40% below 1990 by 2030 and achieve carbon neutrality by 2045.

Figure 2-4. Per-Capita GHG Emission Reduction Targets Summary for Livermore



18. Association of Environmental Professionals, Final White Paper, Beyond 2020 and Newhall, October 18, 2016. *https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf*

2-3. Community Perspectives on Climate Action

In addition to the Vulnerability Analysis and the GHG inventory and forecast, the City's climate action strategy was informed by extensive community engagement. The City provided an open and inclusive community engagement process with ample opportunities to welcome residents, businesses, and other partners into the CAP process and inspire them to be a part of Livermore's climate-resilient future. The engagement process brought community members into the project early and often, keeping a pulse on their level of support and being responsive to their concerns. The engagement process was driven by three primary goals.

GOAL A

Cultivate a shared understanding of the purpose, motivation, and value of the CAP to the City and individuals and the process of developing the CAP.

GOAL B

Gather community perspectives and feedback on the CAP that are representative of the makeup of the community to inform CAP development.

GOAL C

Build community- wide support for advancing CAP priorities and implementing mitigation and adaptation actions.

ENGAGEMENT ACTIVITIES

Due to the project's timing and the impacts of COVID-19, the initial outreach and engagement scope shifted away from traditional in-person events to more virtually based approaches. The City held a variety of virtual events that provided wide-reaching public engagement.

Climate Action Plan Advisory Committee Meetings (8/20–11/22)

The Climate Action Plan Advisory Committee (CAPAC) was made up of nine Livermore residents selected by the City Council to provide input and feedback to City staff throughout the development of the CAP. Each meeting offered opportunities for members of the public to submit comments in writing.

Online Survey (4–8/20)

The City released a bilingual (English-Spanish) online survey that included questions regarding community perspectives about climate action, priorities for climate action focus areas, and levels of concern about climate impacts.

Online Open House (1/21)

The City developed interactive pages on the project website to mimic an in-person open house. The pages contained information in both English and Spanish about the GHG inventory, vulnerability analysis, and broad strategies the City could take to address climate change in Livermore. They also contained survey questions and comment boxes for members of the public to write their ideas and reactions to the content on each page. The City concluded the online open house engagement with a live Zoom event that gave community members an opportunity to discuss the content directly with representatives from the City and the Climate Action Plan consultant team.

Online Workshop (3/21)

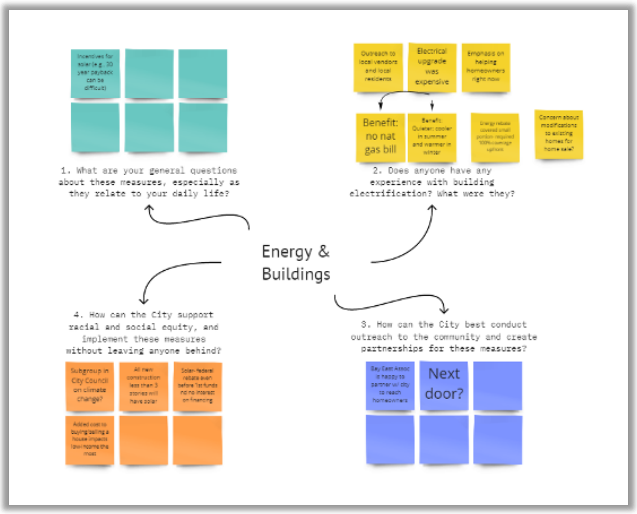
The City hosted an interactive workshop to gather community feedback on the preliminary list of CAP strategies and actions.

Targeted Focus Groups and Presentations (4–8/21)

The City hosted focus groups and presentations to targeted groups that were underrepresented in the engagement activities above. The City met with members of the local business community, stakeholders in the winegrowers and open space community, students from Livermore High School and Junction Avenue School, and service providers such as La Familia and Partners for Change.

Farmers Market (4/21)

As COVID-19 restrictions eased towards the end of the outreach process, City staff were able to host a table at the Livermore Farmers Market.

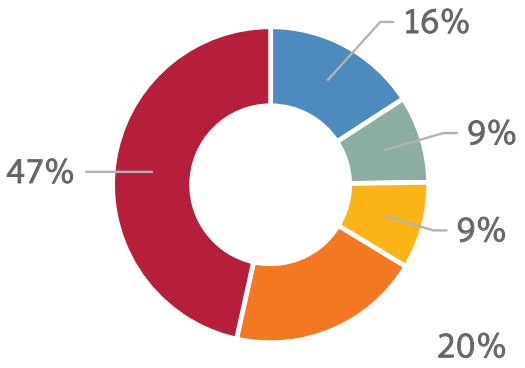


Interactive Mural Board from the Online Workshop

OVERARCHING FEEDBACK FROM ENGAGEMENT

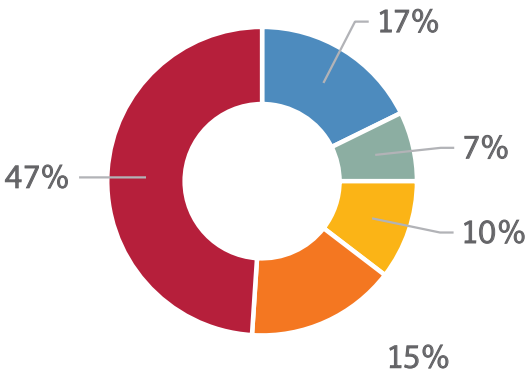
The overall response to Livermore's climate goals and strategies was positive. Over 75 percent of the community has at least some concern over the impacts of climate change. In addition, a strong majority of Livermore's community ranked taking action on climate change as important. The quotes below were received from Livermore community members during outreach events or submitted through surveys.

How worried are you about climate change?



- Not at all Worried (54)
- Not Very Worried (31)
- Slightly Worried (29)
- Quite Worried (68)
- Very Worried (159)

How important is it to you that the City of Livermore community take action on climate change?



- Not Important (57)
- Not Very Important (25)
- Slightly Important (35)
- Quite Important (52)
- Very Important (171)

Livermore resident responses to online survey.

"I believe that the health and safety of all Livermore residents will be impacted."

"I'm concerned about long periods of drought and blackouts during hot weather months."

"I'm very concerned that climate change will have the worst impact on the most vulnerable people."

"We will reap the benefits from important actions taken in 2021 to ensure nobody's livelihood is threatened by climate change."

Throughout the outreach process several key themes developed. Many residents expressed concern over climate change impacts such as water availability, extreme heat, and poor air quality. Residents supported efforts related to expanding renewable energy sources, water conservation, alternative transportation modes, and improving resiliency in public infrastructure. Overall, most residents wanted the City to act on climate, but with cost effective and equitable strategies that preserve Livermore's status as a place where people can live, work, and raise families. These themes and how they were included in the CAP development are summarized in Table 2-5.

Table 2-5. Summarized Community Feedback by Theme

Theme	Community Feedback	Where to Find it in the CAP
Affordability	Participants encouraged the City to provide incentives and financial assistance to property owners and expressed concern that appliance replacements and ongoing electricity costs will be expensive.	Economics and cost effectiveness were made a top priority through the inclusion of the economics guiding principle (Chapter 3). Many actions are no or low cost for the community.
Community Connectivity	Participants value the feeling of community in Livermore and want it to continue to be a place where people want to live, work, raise families, and visit. The ability to move around the City easily through active transportation was also identified.	Community connectivity was made a key benefit in action development. This benefit is reflected throughout Chapter 3.
Outreach and Partnerships	Participants were interested in continued outreach and education to residents and had ideas for partnerships with the local laboratories, homeowners associations, local businesses, transit agencies, and schools.	Partnerships were included as a guiding principle of the CAP and many actions including Priority Area 4 and Strategy I-3 are dedicated to partnerships and outreach.
Awareness and Action	Many participants feel that the City is not acting urgently enough and urge Livermore to be a leader in climate action.	The CAP provides a clear implementation section, funding and financing strategies, and a dedicated implementation action section to spur progress (Chapter 4).
Quality of Life Decline	Participants expressed concern about the decline in quality of life that will be caused by climate change impacts like extreme heat, drought, and wildfire smoke. The impacts on lower income communities was of particular concern.	The CAP focuses heavily on adaptation strategies and actions related to Livermore's most pressing climate issues. A summary of Livermore's adaptation strategy is found on page 33.
Housing and Jobs Balance	Participants are concerned about the availability of housing and jobs in Livermore and want to ensure that there is enough affordable housing to support everyone who works in Livermore.	Through the CAP transportation and land use section (Chapter 3) and the General Plan update, the City is working to increase housing in the city and manage the jobs/housing balance.
Equity	Participants noted that people who are low-income, experiencing homelessness, or have recently secured housing don't have the resources to consider their carbon footprints or the ability to adapt to climate change.	Equity was made a guiding principle and benefit of the CAP. Actions with specific equity benefits are noted throughout Chapter 3.

CHAPTER 3.
Livermore's Climate Action Strategy

3-1. Strategy Overview

Livermore's climate action strategy outlines a plan for how the City can prepare for climate change impacts while reducing GHG emissions to meet its 2030 and 2045 targets. This CAP builds upon Livermore's previous efforts with actions that are equitable, achievable, and implementable. The strategies and actions in the CAP were developed through a collaborative process between City staff, the Climate Action Plan Advisory Committee, Planning Commission, City Council, key stakeholders, and the community (as described in Chapter 2).

HOW TO READ THIS SECTION

The strategies are organized by adaptation and mitigation topic (e.g., Wildfire, Flooding, Buildings and Energy, Transportation and Land Use). Each topic identifies primary objectives the City will use to measure success. The City will aim to complete these objectives before 2030.

Each strategy includes a summary that details why the strategy was chosen and major considerations for implementation. The mitigation topics include a breakdown of the total GHG emissions reductions expected from each strategy. The strategies identify specific actions the City will take to achieve its objectives. Each action includes a table with the following additional detail:

ACTION NUMBER AND ACTION DESCRIPTION

Identifies and defines what the City will do.

GHG REDUCTIONS

The expected GHG reductions from completing this action in 2030 and 2045. Adaptation actions do not have this data.

B-2 ACTIONS

B-2.1 Opt-up community EBCE accounts to 100 percent renewable electricity

Opt-up community EBCE accounts in Livermore to 100 percent renewable electricity by 2024. Achieve an opt-out rate lower than 4 percent from 100 percent renewable. Conduct public outreach and education to highlight the benefits of 100 percent renewable energy. Partner with community-based organizations to ensure low/moderate income households are aware of EBCE's CARE program to receive decreased electricity rates.

GHG Reduction	Benefits					City Cost	Timeline
2030: 25,505 MT CO_2e **2045:** 0 MT CO_2e	Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Env. Quality	$	Short-term

BENEFITS

Beyond GHG reductions or increasing resilience, many actions provide additional community benefits. If an icon is highlighted, the action provides that benefit. A definition of each benefit is included under Strategy Benefits.

CITY COST

Identifies the city cost as high, moderate, low, or no cost.

TIMELINE

Identifies the implementation timeline as short-term, mid-term, long-term, or ongoing.

LIVERMORE CAP STRATEGY OVERVIEW

Table 3-1. Working Towards Climate Resilience and Carbon Neutrality

	STRATEGY	2030 OBJECTIVES
ADAPTATION	**Extreme Heat**	• Increase resilience to extreme heat events • Cool neighborhoods by expanding the urban canopy • Identify vulnerable areas and populations • Develop cooling centers that are energy-resilient
ADAPTATION	**Wildfire**	• Mitigate wildfire risk • Facilitate building retrofits and operate clean air centers • Stockpile personal protective equipment • Reduce fire risk through fire-safe landscaping standards • Improve emergency alert systems
ADAPTATION	**Flooding**	• Improve stormwater management • Harness Livermore's natural landscapes to improve stormwater management • Reduce the expansion of urban hardscapes
MITIGATION & ADAPTATION	**Drought**	• Improve water conservation • Develop on-site water and water reuse standards • Provide-water efficiency devices • Develop water-efficient demonstration programs
MITIGATION & ADAPTATION	**Energy Resilience**	• Enhance community energy resilience • Expand microgrid deployment • Increase local and regional grid reliability • Improve building resiliency
MITIGATION & ADAPTATION	**Buildings and Energy** *↓19,379 MT CO_2e*	• Provide 100% renewable electricity by 2024 • Require all-electric new construction by 2023 • Incentivize electric retrofits in 12% of existing buildings • Develop equitable funding and financing • Incentivize local on-site energy generation
MITIGATION & ADAPTATION	**Carbon Sequestration** *↓1,950 MT CO_2e*	• Plant 1,000 trees by 2030 • Update City landscaping standards to expand shade trees • Provide free or reduced cost-trees to residents • Preserve open space • Implement carbon farming projects • Explore technology-based carbon capture and storage
MITIGATION	**Transportation and Land Use** *↓49,494 MT CO_2e*	• Add 1,283 publicly available chargers • Reduce VMT by 2% • Achieve a 10% bike mode share • Support sustainable land use practices
MITIGATION	**Waste and Materials** *↓19,379 MT CO_2e*	• Reduce the amount of organics that is landfilled by 75% • Maintain or exceed 75% waste diversion each year • Improve local re-use and repair programs • Expand the use of low-carbon and recycled building materials

ADAPTATION STRATEGY SUMMARY

Even if all GHG emissions sources stopped emitting today, the current concentration of GHGs in the atmosphere would continue to change California's climate and directly impact Livermore.[1] Specifically, as described earlier in Chapter 2, Livermore is likely to experience impacts from extreme heat and weather events, drought, and statewide wildfires. These impacts will have cascading effects on Livermore's residents, businesses, infrastructure, environment, and economy. The City developed a suite of adaptation strategies to increase Livermore's resilience to climate change impacts, prioritizing vulnerable communities and vital public facilities.

- **ENERGY RESILIENCE** – Adding distributed energy resources like solar and batteries and working with partners to improve electrical grid reliability and capacity will be key to the City's energy resilience strategy.
- **DROUGHT** – The City's drought strategy uses a range of policy and planning strategies to support water efficiency and on-site water reuse.
- **FLOODING** – The City will implement a suite of natural (green) and engineered (grey) stormwater solutions to capture and infiltrate water while protecting infrastructure.
- **EXTREME HEAT** – Cooling urban areas via expanded shade structures and the urban tree canopy, ensuring energy resilience at cooling centers, and building partnerships with trusted community-facing facilities, as well as incorporating emergency heat response into emergency operations.
- **WILDFIRES** – The City's wildfire adaptation strategy includes updated planning initiatives in the wildland/urban interface to protect infrastructure from potential fires as well as retrofitting existing buildings to protect occupants against poor air quality.

Table 3-2. Adaptation Strategies

Strategy #	Strategy
Energy Resilience	
E-1	Enhance community energy resilience
Drought	
D-1	Improve water conservation and reuse
Flooding	
F-1	Improve stormwater management
Extreme Heat	
H-1	Increase resilience to extreme heat events
Wildfire	
WF-1	Mitigate wildfire risk and improve preparedness

1 *https://earthobservatory.nasa.gov/features/HeatBucket/heatbucket4.php*

MITIGATION STRATEGY SUMMARY

As the City works to protect the community from climate impacts, it will continue its efforts to reduce community-wide emissions. With full implementation of the CAP, Livermore expects to exceed the 2030 reduction target by 692 MT CO_2e and provide substantial progress towards carbon neutrality by 2045 (see Appendix D for more information regarding the calculated emission reductions anticipated from each strategy and action, including substantial evidence). The following four sectors form the core of Livermore's GHG reduction strategy to achieve the 2030 target and establish a pathway to carbon neutrality by 2045:

- **BUILDINGS AND ENERGY** – Building electrification will shift energy use from natural gas to electricity, maximizing GHG reductions from increasingly clean electricity, while also being cost-effective and improving indoor air quality for residents and businesses.
- **TRANSPORTATION AND LAND USE** – Emissions reductions will come from increased adoption of electric vehicles (EVs), as well as increasing alternative transportation usage, such as transit, biking, and walking
- **WASTE AND MATERIALS** – These strategies focus on implementing the requirements of SB 1383, which will decrease the amount of organic waste that is landfilled and in turn reduce methane in landfills.
- **CARBON SEQUESTRATION** – New management practices on natural lands and protecting existing open spaces will help reduce net emissions.

Figure 3-2 details the GHG-reduction trajectory established by the 2022 CAP. Table 3-3 includes a summary of the strategies and their estimated GHG emissions reduction potential.

Figure 3-2. Livermore's GHG Reduction Pathway

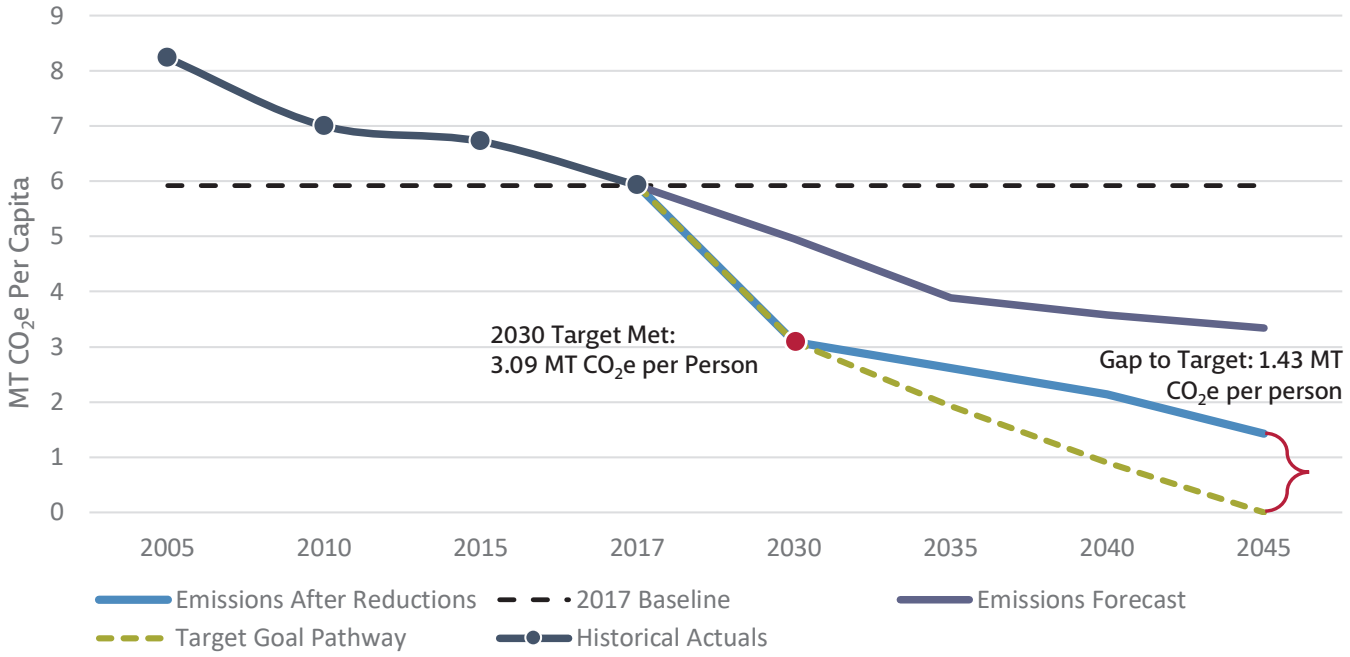


Table 3-3. GHG Mitigation Strategies

Strategy #	Strategy	2030 Emissions Reduction (MT CO_2e)	2045 Emissions Reduction (MT CO_2e)
Buildings and Energy			
B-1	Require new buildings to be all-electric and incentivize electrification retrofits of existing buildings	27,383	121,493
B-2	Decarbonize electricity from the grid and increase local renewable energy generation	25,505	0
Transportation and Land Use - 42% of Total Reductions			
T-1	Facilitate a transition to electric vehicles	49,494	93,458
T-2	Facilitate a transition to transit and shared mobility services	3,033	4,656
T-3	Improve and expand active transportation infrastructure	2,127	2,111
T-4	Support sustainable land use practices	Not Quantified	Not Quantified
Waste and Materials			
W-1	Reduce the amount of waste that is landfilled	19,379	22,646
W-2	Expand use of low-carbon and recycled building materials	Not Quantified	Not Quantified
Carbon Sequestration			
S-1	Maximize local carbon sequestration	2,008	2,434
OVERALL REDUCTIONS			
Emissions Reduction Needed to Achieve State Targets		128,238	430,965
Estimated Reduction Achieved by Full Implementation of Strategies		128,929	246,798
Absolute Emissions Reduction from 1990 (%)[1, 2]		-40%	-66%
Per Capita Emissions Reduction from 1990 (%)		-68%	-85%
Gap to SB 32 Target		(692)[3]	184,167

MT CO_2e = metric ton of carbon dioxide equivalent
1 Emissions reductions go to zero by 2045 due to Senate Bill 100 and the Renewable Portfolio Standard.
2 Absolute emissions reduction values are estimated based on current population projections and are for reference. Actual progress toward the 2030 target will be determined by comparison to the per capita GHG emissions target of 3.08 MT of CO_2e per person pursuant to guidance in the 2017 Scoping Plan.
3 Parentheses denote a negative number or an exceedance of the target.
Note: Quantitative GHG emissions reduction values were rounded to the nearest tenth to reflect the level of estimation involved in calculations.

MUNICIPAL OPERATIONS AND PLAN IMPLEMENTATION STRATEGY SUMMARY

The CAP includes important actions the City will take to lead the community by example to address climate change. The City will reduce emissions and improve resilience in its own operations, dedicate resources to implement the CAP, and develop equitable outreach programs to educate the community on ongoing climate initiatives. Additionally, the City will track and assess CAP implementation progress on a regular basis and adjust its strategies every 5 years (as outlined in Chapter 4) to account for future changes to technology and State law. By taking action, the City can build a meaningful momentum in the community and achieve its goals.

Table 3-4. Municipal Operations and Plan Implementation Strategies

Strategy #	Strategy
Municipal	
M-1	Enhance resilience at public facilities
M-2	Electrify municipal facilities and operations
M-3	Electrify the City's vehicle fleet and encourage employees to utilize alternative transportation and teleworking opportunities
M-4	Conserve water in municipal landscaping and improve on-site stormwater management
M-5	Purchase more sustainable products to reduce waste from City operations
M-6	Utilize public lands to increase local carbon sequestration and reduce urban heat island effect
Implementation	
I-1	Make climate impacts and resilience a standard consideration during planning and development processes
I-2	Dedicate City resource to CAP implementation and consistently monitor progress
I-3	Create a public outreach campaign to educate the community about CAP initiatives
I-4	Foster green innovation in Livermore

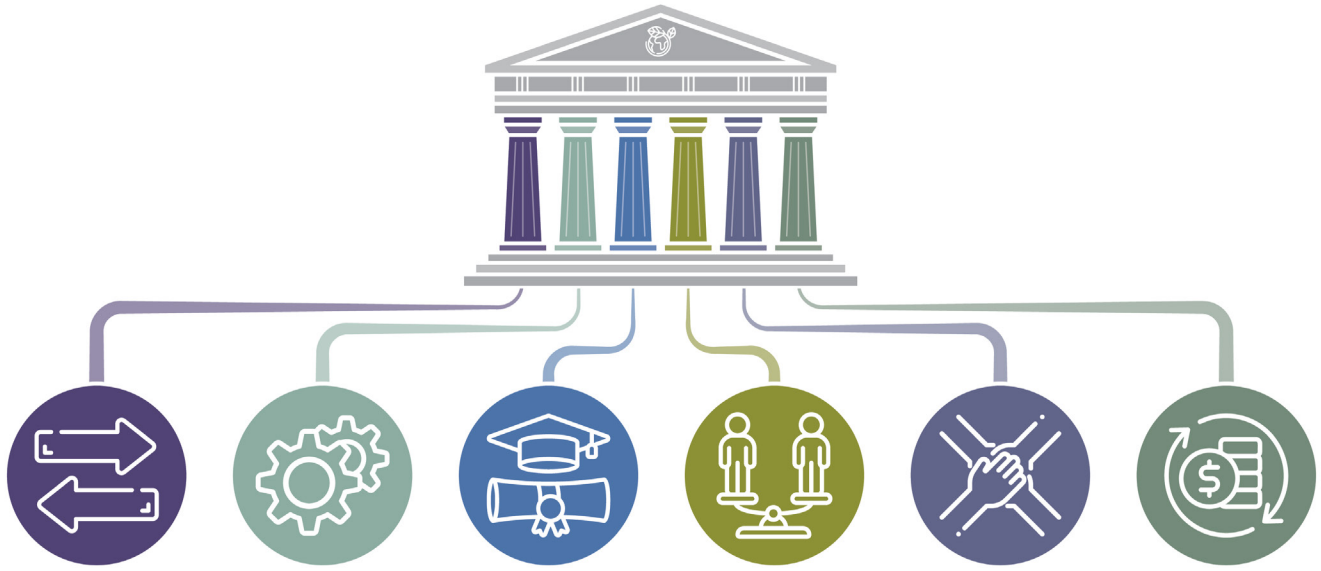
STRATEGY DEVELOPMENT CONSIDERATIONS

To develop the strategies and action in the CAP, the City utilized guiding principles and considered factors such as costs, benefits, and readiness. Each of these elements is described in more detail below.

Guiding Principles

The CAP lays out a comprehensive approach to meeting the City's climate goals through a range of strategies and actions. Each strategy was developed by carefully considering a set of guiding principles. The guiding principles are highlighted below in Figure 3-2. Additional information on how the guiding principles shaped the strategy and action development can be found in Appendix D.

Figure 3-2. Guiding Principles



Mitigation and/or adaptation benefit: Strategies should achieve measurable reductions in GHG and/or improvements in resilience.

Structural change: Strategies should establish institutional and policy framework to facilitate long-term change.

Education: Strategies should include community engagement and empower residents and stakeholders to take action.

Equity: Strategies should promote inclusive participation in decision making and equitable access to benefits.

Partnerships: Strategies should utilize partnerships with outside agencies and community organizations to leverage expertise and resources and maximize the City's capacity.

Economics: Strategies should strive to be cost-effective for the City and the community.

Strategy Costs

Each CAP strategy was categorized as either no-cost, low-cost, moderate-cost, or high-cost based on its costs to both the City and the community. The descriptions for these categories are included in Table 3-5. Implementing CAP strategies and actions can be extremely variable in cost, as strategies range from outreach and education (low-cost) to major investments in new infrastructure such as microgrids and bike lanes (high-cost). While it is tempting to consider just the upfront costs of new policies or actions, there are many other cost considerations that should be part of the decision-making process. For a complete description of the cost considerations for CAP strategies please see Appendix D.

DID YOU KNOW?

1. *A new electric vehicle may cost more upfront than its gas-powered counterpart. However, an electric vehicle can cost less over the lifetime of the vehicle once the costs for gas, oil changes, and other maintenance requirements for gas-powered vehicles are taken into account.*

2. *Investing in climate action pays off. The World Resources Institute found that every dollar invested in resilience and adaptation will result in $2 to $10 dollars' worth of benefit in the future.*

Table 3-5. Cost Framework Summary

Cost Segment	Description
No-Cost	Actions that have zero costs to the community or City. This includes actions that will save money both upfront and over time.
Low-Cost	Actions with relatively low upfront costs or city staff time, (e.g., policy ordinances or outreach). For community members, this represents costs between $1 and $100 per year.
Moderate-Cost	Actions involving consultants or moderate infrastructure changes, (e.g., feasibility studies, program development, and retrofitting existing infrastructure). For community members, this represents costs between $100 per year and $500 per year.
High-Cost	Longer term projects requiring substantial investments into major infrastructure or technology over time, (e.g., energy storage, bike lanes, or other infrastructure changes). For community members, this represents costs between $500 per year and $1,000 per year.

Strategy Readiness

It is important to understand the overall readiness or speed at which a strategy can be deployed. Some policies and actions are ready to be implemented today with existing resources and community support, while others will need additional feasibility studies, community engagement, or funding before implementation can occur. Each CAP strategy was categorized as short-term, mid-term, long-term, or ongoing. The description of each readiness category in included in Table 3-6.

Table 3-6. Readiness Framework Summary

Readiness Timeframe	Description
Short-term	Actions that are ready to be implemented today such as certain ordinances and community outreach efforts. This can also include studies and pilot projects that will set up implementation of longer term actions.
Mid-term	Actions that require additional study, funding, or partnerships to be completed before implementation.
Long-term	Actions that require longer lead times to fully implement.
Ongoing	Actions that are underway and ongoing.

To see a full breakdown of the methods to assess cost, benefit, and readiness, please refer to Appendix D.

STRATEGY BENEFITS

Public Health

Creating a healthier community by improving air quality and active transportation. Reducing fossil fuel use in Livermore will improve public health in the community. Natural gas-powered appliances like gas stoves are a major source of indoor air pollution which worsen health conditions like asthma.[2] Fossil-fuel powered vehicles emit carcinogens and air pollutants that negatively impact public health. All-electric buildings, electric vehicles, and a well-connected active transportation network, residents will provide residents with cleaner air and more opportunities for physical activity.[3]

Community Connectivity

Promoting a strong sense of community by creating complete, accessible neighborhoods, opportunities to engage, and resources for historically underserved communities. Facilitating a city where community members can participate in public life and build deep ties to their neighbors is foundational to building a sustainable Livermore. Research indicates that this type of community cohesion is also important for community mental and physical health outcomes.[4]

Resilience and GHG Reduction

Some GHG reduction strategies can have resilience benefits as well, and vice versa. For example, increasing local energy storage and power generation can increase energy resilience while decarbonizing the grid. Urban greening harnesses the carbon sequestration potential of natural land, while providing shade and urban cooling during extreme heat events.

Environmental Quality

Improving natural environments within the city to protect biodiversity and ecosystem services, like cleaner air and water. Healthy ecosystems can reduce pollutants in the air and local waterways, provide species habitat, and offer natural areas for community recreation. Healthy ecosystems can help alleviate extreme weather impacts as well, passively absorbing rainwater and relieving the burden on Livermore's built infrastructure. Finally, increasing green and natural space within Livermore contributes to increased quality of life for the community.

Green Economy

Diversifying local economic opportunities by attracting high-quality jobs in sustainability industries, such as those focused on developing zero emission vehicles or battery storage technologies. As Livermore decarbonizes, nearly every sector from energy to waste management will experience a green jobs transition, and many will experience green job growth. A recent study by the UCLA Luskin Center for Innovation found that 100,000 full-time equivalent jobs would be created across various sectors of the economy as the result of electrifying all of California's new and existing buildings by 2045. In the waste and materials sector, the process of re-using materials was found to create 200 times as many jobs as sending those materials to landfills and incinerators while recycling increased jobs by a factor of 60.[5]

2 https://www.nationalasthma.org.au/living-with-asthma/resources/patients-carers/factsheets/gas-stoves-and-asthma-in-children
3. Potential of active transport to improve health, reduce healthcare costs, and reduce greenhouse gas emissions: a modeling study, 2019, *https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6636726/#:~:text=Increasing%20active%20transport%20by%20switching,also%20reduce%20greenhouse%20gas%20emissions*.
4. *https://www.vtpi.org/cohesion.pdf*
5. *https://ilsr.org/new-report-from-global-anti-incineration-alliance-zero-waste-creates-200-times-more-jobs-than-landfills-and-incinerators/*

3-2. Adaptation Strategies and Actions

Energy Resilience

2030 Objectives

- Enhance community energy resilience
- Increase local and regional grid reliability
- Expand microgrid deployment
- Improve residential and non-residential building resiliency

Windmill at the Scott Haggerty Wind Energy Center just outside Livermore.

Strategy E-1: Enhance community energy resilience

As natural gas-powered appliances are replaced with electric appliances as part of climate change mitigation, and heating and cooling become increasingly important to adapt to extreme heat and high-smoke days, it is more important than ever to have uninterrupted carbon-free energy generation. Strengthening community energy resilience in Livermore also contributes to Livermore's carbon neutrality goals through increased generation of local renewable energy in addition to implementing a microgrid pilot project. Energy resilience also is foundational for achieving heat and wildfire smoke adaptation actions, which involve cooling and filtering indoor air to increase the health and wellbeing of Livermore residents during these events. Energy resilience also means developing and implementing strategies to reduce the impacts from Public Safety Power Shutoffs which have become more common due to climate change.

Building grid resiliency will rely on a multifaceted approach of assessing existing grid vulnerabilities, building-out local energy generation and storage, and implementing energy efficiency strategies. Improving building resiliency will also emphasize incentives and resources for rental property owners and low-income residents so that energy resilience at the individual-building level is implemented for all. Benefits from this strategy could include the generation of local green jobs as the City promotes on-site power generation and green retrofits. As residential and nonresidential buildings continue to pursue weatherization, both residents and businesses will see long-term savings on energy bills because of more efficient heating and cooling.

Implementing actions for energy resiliency will require strong partnerships and leveraging new sources of funding. Actions that require partnership with other cities, and stakeholders like East Bay Community Energy (EBCE) and Lawrence Livermore National Laboratory will be relatively low-cost to the City, as most costs will stem from staff time spent on partnership development and coordination. Other actions will require new infrastructure investments. Microgrids, which allow a grid to function autonomously even during power outages, have relatively large upfront costs. The best strategy of the cost of microgrids is the cost per unit capacity ($/megawatt [MW]). In California, the average cost per MW of storage added is $3.5 Million.[6] However, these costs can be financed or even completed through public private partnerships and can significantly increase resilience in the City.

6. Asmus, Peter, Adarm Forni, and Laura Vogel. Navigant Consulting, Inc. 2017. Microgrid Analysis and Case Study Report. California Energy Commission. Online at *https://ww2.energy.ca.gov/2018publications/CEC-500-2018-022/CEC-500-2018-022.pdf*. Accessed June 1, 2021.

E-1 ACTIONS

E-1.1 Increase local and regional grid reliability

Work with EBCE, PG&E, other Tri-Valley cities, and the Lawrence Livermore National Laboratory to create a regional grid reliability strategy, with the goal of assessing vulnerabilities to maximize local resilience.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Long-term

E-1.2 Expand microgrid deployment

Based on the results of the municipal pilot (M-1.2) expand microgrid deployment to provide resilience at critical facilities (fire, police, city hall) and in vulnerable communities. Partner with the Lawrence Livermore National Laboratory on microgrid projects and identify and pursue opportunities to obtain state and federal funding.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$$	Mid-term

E-1.3 Improve resilience of residential buildings

Implement a Neighborhood Retrofit Program to improve resilience in residential buildings (i.e., on-site power generation and storage, weatherization, air conditioning, etc.), with an emphasis on connecting incentives and resources with rental property owners and low-income residents. Partner with community organizations to leverage existing resources.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

E-1.4 Improve resilience of non-residential buildings

Develop an equitable incentive program to improve resilience in nonresidential buildings to prevent disruptions in the local economy during power outages.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

Drought

2030 Objectives

- Improve water conservation and reuse
- Study and establish standards for on-site water reuse
- Develop a water-efficient demonstration program
- Continue to provide water-efficiency devices and encourage residential water capture and reuse

Winners of the City of Livermore's Beautification Committee Award.

Strategy D-1: Improve water conservation and reuse

Drinking water in Livermore is a combination of local groundwater and imported water from the State Water Project. Water availability in Livermore is variable and is dependent on rainfall and snowpack in the Sierra Mountains, both of which are expected to be negatively impacted by climate change.[7] As the City's water supplies fluctuate and shrink, it is critical to build-up resilience and reserves of water that can be used during droughts that are sourced independently of the State Water Project and leverage on-site water reuse and recycling.

Livermore's water resilience strategy levies multiple actions for on-site water reuse and water conservation. Actions to bolster drought resiliency will transform the way Livermore currently uses water, from implementing water efficient landscaping to updating wastewater treatment methods to increase recycled water availability. A keystone part of Livermore's drought resilience strategy will be to develop on-site water reuse standards. Implementing drought resiliency actions will also depend on showing businesses and residents ways to reduce water demand in landscaping through a water-efficient demonstration program, and the continued provision of free or subsidized water conservation devices to residents in collaboration with Zone 7 and Cal Water.

Costs associated with strategy D-1 include staff and consultant time to develop and implement new plans and standards for water reuse as well as costs for subsidized water-use reduction devices. Community costs include upfront costs for developing on-site water reuse systems for new development and retrofit costs for drought tolerant landscaping and water capture devices. However, these upfront costs will be offset by long-term water savings and the priceless value of a reliable water supply.

7. *www.livermoreca.gov/water*

D-1 ACTIONS

D-1.1 Study on-site water reuse

Partner with Zone 7, Cal Water, large water users, and other stakeholders to study a broad range of strategies for on-site stormwater capture, wastewater treatment, and reuse in commercial and residential settings.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

D-1.2 Establish standards for on-site water reuse

Establish standards to expand on-site water reuse, such as requiring new developments and major renovations to meet certain plumbing and irrigation demands with greywater or stormwater

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

D-1.3 Continue implementing the Water Efficient Landscape Ordinance

Continue implementing the Water Efficient Landscape Ordinance during plan check and inspections of new and renovated landscaping.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

D-1.4 Develop a water-efficient demonstration program

Collaborate with residents, businesses, and agency partners to promote native, drought-tolerant landscaping through demonstration projects. Identify and promote incentives and financing opportunities.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

D-1.5 Continue to provide water-conservation devices and encourage residential water capture and reuse

Continue working with Zone 7 and Cal Water to provide free or subsidized water-conservation devices to residents with a focus on low-income communities. Encourage the installation of cisterns and other water-storage devices for single-family homes to capture rainwater for irrigation uses.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Ongoing

Flooding

2030 Objectives

- Improve stormwater management
- Harness Livermore's natural landscapes to improve stormwater management through wetland restoration and tree planting
- Update standards to expand permeable hardscapes and passive rain capture

Strategy F-1: Improve stormwater management

Floods are among the deadliest and most common type of natural disaster in the United States.[8] They are caused by an overflow of inland waters (like rivers or streams) or accumulation of water from heavy rains. As an inland city, Livermore is most vulnerable to urban flooding, where heavy rainfall overwhelms the local stormwater drainage capacity due to runoff from roads, parking lots, and other impervious surfaces.[9] As storm events increase in duration and intensity, Livermore will need to increase local capacity to absorb and channel stormwater while not having it overwhelm the local management system.

Actions to reduce flood risk harness existing ecosystems in Livermore to passively absorb rainwater in the urban environment through green spaces like vegetative swales and tree planting. Policies and incentives will also be levered to improve stormwater management through expanded standards for passive rainwater capture in new infrastructure and development projects and new incentives for passive rain capture features in existing landscapes developed in partnership with water and wastewater providers. Hardscapes like impervious parking lots and buildings will be reduced in future developments, ensuring that flood-vulnerable hardscapes do not expand as a result of local economic development. Implementing these actions for resiliency will require staff time and cost and maintenance of permeable surfaces.

On the community side, businesses will need to consider the cost of incorporating pervious materials. However, benefits may also be seen from savings associated with decreased flood damage. Wetland restoration and tree planting as part of this adaptation strategy will deliver benefits in increased environmental quality as the urban canopy expands and urban creeks and floodplains are revitalized with native plant species. The expansion of green spaces, particularly the urban canopy, will also bring down the temperature and help Livermore adjust to rising temperatures. Finally, flood reduction actions can also help to capture rainwater for future reuse, increasing drought resiliency.

8. *https://www.fbiic.gov/public/2010/mar/FloodingHistoryandCausesFS.PDF*
9. *https://www.nrdc.org/stories/flooding-and-climate-change-everything-you-need-know*

F-1 ACTIONS

F-1.1 Prioritize wetland restoration

Implement projects in the Stream Maintenance Plan that will revitalize urban creeks and floodplains, encourage groundwater recharge, and use native plant species to reduce flood risk and restore riparian habitats. Support and promote local programs such as Living Arroyos.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Long-term

F-1.2 Prioritize flood-resiliency projects

Implement stormwater management projects identified in Livermore's Storm Drain Master Plan, Green Infrastructure Plan, and Capital Improvement Program that improve flood resilience from future storms. Ensure new infrastructure and retrofits are adequately sized to handle future flows exacerbated by climate change.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$$	Long-term

F-1.3 Expand passive rain capture standards

Expand the requirements for passive rain capture features, such as vegetative swales and planting trees, in new infrastructure and development projects, particularly in areas of the city that are vulnerable to flooding.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

F-1.4 Provide incentives to increase passive rain capture

Work with water and wastewater providers to create and promote incentives for existing landscapes to incorporate passive rain capture features.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

F-1.5 Require new hardscape to be permeable

Update standards for new development hardscape to be consistent with CALGreen Tier 1 and/or increase the current fee for installation of new impervious surfaces.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

F-1.6 Combine tree planting and stormwater management

Include stormwater management strategies like bioswales when implementing tree planting and other urban greening programs, with a focus on low-income communities.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Long-term

Extreme Heat

2030 Objectives

- **Increase resilience to extreme heat events**
- **Cool neighborhoods by expanding the urban canopy and sources of shade**
- **Identify heat vulnerable areas and populations and enhance equity-focused heat response in emergency planning**
- **Develop cooling centers that are energy-resilient**

Shade structures at May Nissen Park

Strategy H-1: Increase resilience to extreme heat events

Adapting to rising temperatures, extreme heat events, and longer, more frequent heat waves will become a fixture of life in Livermore. Without resiliency strategies, extreme heat can be fatal, and disproportionately affects community members who are elderly, children, have pre-existing physical or mental health conditions, and do not have access to indoor air conditioning. Ensuring that Livermore's vulnerable populations have access and awareness of indoor cooling options and reducing the heat in Livermore's urban areas through expanded shade and urban greening will be critical to ensuring that Livermore's community can stay comfortable and healthy during a hotter future.

Actions to address heat events will rely partially on planning efforts. Specifically, the development of a heat vulnerability index to identify Livermore's most heat-vulnerable areas and populations and developing a heat mitigation plan to reduce urban heat and prepare for higher temperatures. Syncing with actions for carbon sequestration, heat planning also connects with the implementation of an Urban Forest Management Plan, which will expand tree canopy shade, reducing the urban heat island effect. These urban greening efforts will contribute to environmental quality and biodiversity in Livermore, while providing key cooling benefits. The cost to the City of implementing these actions will be moderate, entailing staff time, tree planting costs, shade structure implementation, and retrofit program implementation. The community is not expected to incur any mandatory costs but will certainly experience the benefits of cooler neighborhoods and robust heat emergency strategies. Residents who participate in heat resilience strategy implementation in their homes may see some costs if they decide to participate.

The City will also improve energy resilience in cooling centers, ensuring that they are not vulnerable to power outages and are also using carbon-free electricity to provide indoor cool air to the populations that need them most. Finally, actions to help the Livermore community withstand higher temperatures include integrating heat into Livermore's Emergency Operations Plan and providing well-being checks to vulnerable populations including low-income families, older adults, speakers of non-English languages, and Livermore's unsheltered population. These outreach efforts are both low-cost and have high levels of positive public health impact.

H-1 ACTIONS

H-1.1 Study heat vulnerability

Building off efforts in the 2023 Tri-Valley Local Hazard Mitigation Plan, create a Heat Vulnerability Index to identify and map heat-vulnerable areas and populations in the city. Explore actions to reduce urban heat and prepare for higher temperatures and more frequent extreme heat events.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

H-1.2 Expand tree canopy cover in the city

Utilize the City's new street tree inventory and other available tools to identify areas of the city with low tree canopy cover. Focus tree planting in areas with underserved and vulnerable populations.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

H-1.3 Create a neighborhood cooling program

As part of a Neighborhood Retrofit Program (E-1.3), implement cooling strategies consistent with the Heat Mitigation Plan. Strategies could include planting trees, using heat-resistant materials, and installing heat pump HVAC units. Partner with local nonprofits and organizations to provide resources to low-income residents for retrofits. Partner with manufacturers or installers to make bulk purchases and installations in the community.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

H-1.4 Establish shade standards

Establish and implement shade standards to encourage continuous shade for human movement in areas with high public transit use to protect public transit riders from extreme heat and precipitation events. Standards may encourage shade-providing building features, such as galleries, arcades, and awnings, bus and train shelters, and tree planting.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

H-1.5 Install additional shade structures

Build shade structures at public destinations that lack adequate tree cover, major transit stops, and along non-motorized transportation corridors, such as those identified in the City's Active Transportation Plan. Prioritize communities with high-heat vulnerability.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$$	Long-term

H-1.6 Increase resilience at cooling centers

Ensure cooling centers have backup power systems in place to operate during power shutoffs. Explore the use of public libraries and other trusted community-serving facilities as additional cooling centers.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Short-term

H-1.7 Enhance heat response in emergency planning

Integrate an emergency heat plan into the City of Livermore's Emergency Operations Plan that provides an emergency notification and well-being checks to protect the most vulnerable populations, such as Livermore's unsheltered population, low-income families, speakers of non-English languages, and older adults.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

Wildfire

2030 Objectives

- **Mitigate wildfire risk and improve preparedness**
- **Facilitate building retrofits, operate clean air centers, and stockpile personal protective equipment to protect the community during wildfire smoke events**
- **Reduce fire risk through fire-safe landscaping standards and fire fuel-load reduction programs**
- **Improve emergency alert systems through updated hazard planning and outreach**

The City and LARPD use goats for weed abatement to prevent wildfires.

Strategy WF-1: Mitigate wildfire risk and improve preparedness

Although wildfire events are not expected to increase within Livermore's city limits, vulnerable populations will still be affected by wildfire smoke, and experience negative health outcomes due to decreased air quality during smoke events. Livermore is also surrounded by natural and working lands that are vulnerable to wildfire. Livermore's wildfire resilience strategy combines updated hazard planning, fire prevention, and increased supports and infrastructure for maintaining public health and indoor air quality during smoke events.

A major part of the CAP strategy for wildfire resilience is reducing the potential for wildfires to occur. The City will continue to implement the community fire and fuel-load reduction programs while conducting outreach for fire-safe landscape management in multiple languages.

These planning and outreach strategies are relatively low-cost but contribute significantly to Livermore community preparedness, safety, and fire reduction.

Planning for the changing risk profile for wildfire will be updated in the General Plan Safety Element and Tri-Valley Local Hazard Mitigation Plan. This updated planning will be combined with encouraged use of the Alameda County (AC) Alert system to let business owners and residents know about wildfire and smoke events via multilingual and culturally appropriate outreach. Finally, the City will strengthen resiliency for indoor air quality during smoke events by stockpiling personal protective equipment and operating energy-resilient clean air centers. Implementing these strategies across the community may entail a small increase in development cost as new fire standards are adopted. However, the City will bear most of the cost of implementation to adapt to wildfires.

WF-1 ACTIONS

WF-1.1 Update hazard planning for wildfires

Update the General Plan Safety Element and Tri-Valley Local Hazard Mitigation Plan to reflect the changing risk profile for wildfire including emergency response capabilities and evacuation plans.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Short-term

WF-1.2 Create fire-safe landscaping standards

Adopt fire-safe landscaping standards for new construction and major renovations that are based on the risk profile.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

WF-1.3 Facilitate building retrofits that maintain indoor air quality

As part of the Neighborhood Retrofit Program, incentivize building retrofits that help maintain indoor air quality during wildfires, including ventilation, filtration, and cooling, with an emphasis on connecting incentives and resources with low-income residents.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Short-term

WF-1.4 Continue to implement community fire fuel-load reduction programs

Continue to update and implement the annual Vegetation Management Program and Weed Abatement Program to remove and thin vegetation.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Ongoing

WF-1.5 Continue to conduct outreach on fire prevention measures

Continue to conduct multilingual public education programs to raise awareness of the new standards and best practices for fire-safe buildings and landscape management. This should include information about maintaining defensible space and implementing low-cost fire prevention measures, such as vegetation management and screening attic vents.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Ongoing

WF-1.6 Operate clean air centers

Ensure cooling centers can also function as clean air centers. Maintain temperature/air quality thresholds that dictate when these facilities become available. Gather input from users to determine how these facilities can continue to be improved and support daily life, such as by offering indoor exercise and recreation activities/spaces.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

WF-1.7 Stockpile personal protective equipment

Stockpile masks and other personal protective safety equipment for community use during wildfire and/or smoke events and prioritize distribution to vulnerable communities.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

WF-1.8 Encourage use of the AC Alert system

Promote the AC Alert system to residents and business owners through multilingual, proactive, and culturally relevant outreach methods, with a focus on boosting enrollment in vulnerable communities.

Benefits					City Cost	Timeline
Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

EXHIBIT B

3-3. Mitigation Strategies & Actions

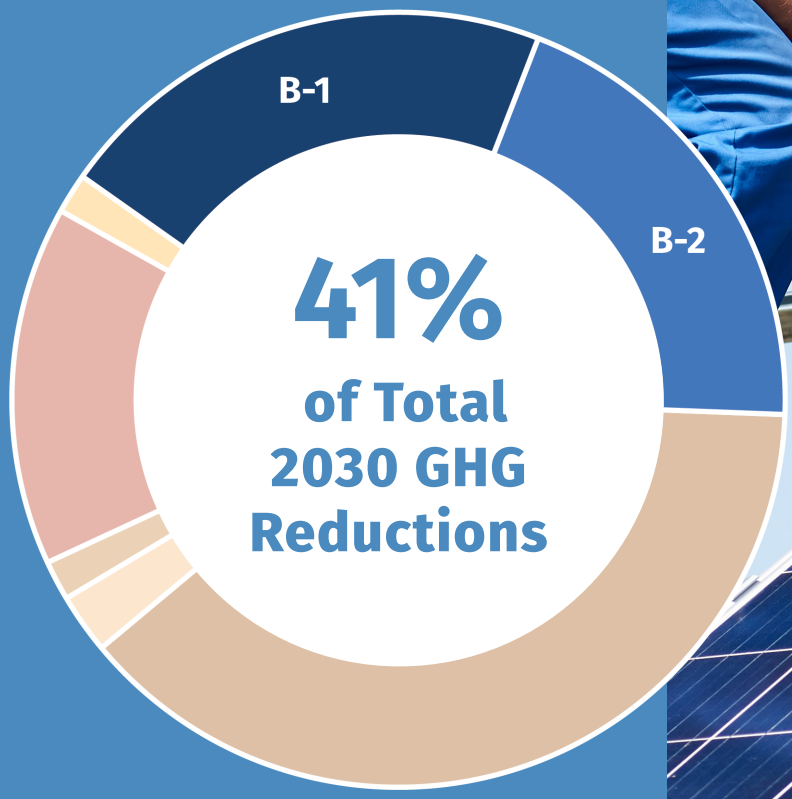
Buildings and Energy

2030 Objectives

- Provide 100 percent renewable electricity by 2024
- Require all-electric new construction by 2023
- Incentivize electric retrofits in 12% of existing buildings by 2030
- Develop equitable funding and financing for building electrification
- Incentivize local on-site energy generation and storage

GHG Reductions

- Strategy B-1 = 27,383 MT CO_2e
- Strategy B-2 = 25,505 MT CO_2e



Strategy B-1: Require new buildings to be all-electric and incentivize electrification retrofits of existing buildings.

Electrification is the most feasible and reliable way that Livermore can meaningfully reduce its GHG emissions to meet its 2030 target.

With the adoption of SB 100 (which requires 100 percent carbon free electricity), all-electric buildings will be carbon neutral by 2045, while buildings with natural gas systems will continue to produce GHG emissions. Buildings generated 33 percent of Livermore's total GHG emissions in 2017. As the grid decarbonizes, electricity used in buildings will become carbon-free, leaving natural gas used for cooking, water, and space heating as the remaining significant sources of emissions. Reducing future natural gas use by preventing it in new construction and making strides towards electric retrofits of natural gas-powered appliances will be essential in achieving Livermore's carbon-neutrality goals.

Building new all-electric buildings in Livermore is more cost-effective than building traditional mixed-fuel buildings, mostly due to cost savings resulting from not needing to install natural gas infrastructure. All-electric homes are also more efficient than those that use natural gas in Livermore's climate zone, reducing lower utility bills for low-income families. Electrification will further relieve the expected future energy burden on low-income families, as natural gas prices are projected to increase significantly due to decreased gas consumption and aging infrastructure.[10] Switching to electric appliances also has the benefit of improving public health, as burning natural gas in poorly ventilated buildings can significantly increase harmful indoor air pollutants that are linked with a higher risk of respiratory illnesses, particularly in vulnerable populations. Peer reviewed studies have documented that residences with gas stoves have a 50 to 400 percent higher average nitrogen dioxide concentrations than homes with electric stoves.[11] Living in a home with a gas stove may increase children's risk of asthma by 42 percent.[12] Given that Californians spend 70 percent of a given day indoors,[13] and potentially more given the context of the COVID pandemic, indoor air quality is an important health consideration for many. Gas usage that occurs within our buildings also causes outdoor air pollution and generates six times more nitrogen oxides emissions than all in-state power plants combined.[14] Outdoor air pollution from buildings has been linked to pre-mature deaths in California.[15]

This strategy, and its resulting actions will be predominantly implemented through City ordinance and partnerships, which tend to be cost-effective to implement while providing long-term climate benefits. Passing an electrification ordinance will include staff time spent by existing personnel, in addition to consultant time. Livermore residents will experience cost savings as well: cost-effectiveness studies show that new building electrification costs less to build than mixed-fuel buildings, particularly when built with heat pumps instead of resistance heating. Though electrifying existing buildings to reduce natural gas consumption can have higher upfront costs, retrofitting existing buildings also provides significant long-term climate benefits. Community costs include retrofitting existing infrastructure, which varies depending on the appliance. Providing financing and incentives from the City could significantly reduce the cost burden on communities to replace non-electric appliances. More information on costs related to building electrification can be found in the Cost Technical Appendix.

10. *https://gridworks.org/initiatives/cagas-system-transition/*
11. U.S. EPA. Integrated Science Assessment (ISA) for Oxides of Nitrogen – Health Criteria (Final Report, Jul 2008). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-08/071, 2008. *https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=194645*.
12. Weiwei, L., Brunekreef, B., & Gehring, U. (2013). Meta-analysis of the effects of indoor nitrogen dioxide and gas cooking on asthma and wheeze in children. International Journal of Epidemiology, 42(6), 1724–1737. *https://doi.org/10.1093/ije/dyt150*.
13. Klepeis, N. E., Nelson, W. C., Ott, W. R., Robinson, J. P., Tsang, A. M., Switzer, P., ... & Engelmann, W. H. (2001). The National Human Activity Pattern Survey (NHAPS): a resource for assessing exposure to environmental pollutants. Journal of Exposure Science & Environmental Epidemiology, 11(3), 231–252.
14. California Air Resources Board. 2016 SIP Emission Projection Data: 2012 Estimated Annual Average Emissions. *https://www.arb.ca.gov/ei/emissiondata.htm*
15. Dedoussi, I. C., Eastham, S. D., Monier, E., & Barrett, S. R. (2020). Premature mortality related to United States cross-state air pollution. Nature, 578(7794), 261–265.

B-1 ACTIONS

B-1.1 Require new construction to be all-electric

Adopt an electrification ordinance which requires all new construction to be all-electric. Conduct a cost-effectiveness study to develop an ordinance that facilitates both construction and on-bill cost savings. Minimize the number of exemptions associated with the ordinance to limit the number of stranded natural gas lines in the city. Allow case by case allowances for certain site development standards when an applicant can demonstrate infeasibility. Leverage partnerships with the Building Decarbonization Coalition, EBCE, StopWaste, and others, to engage with local building industry stakeholders in development of the ordinance.

GHG Reduction	Benefits					City Cost	Timeline
2030: 10,891 MT CO_2e **2045:** 28,056 MT CO_2e	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

B-1.2 Incentivize electric retrofits in existing buildings

Incentivize voluntary electrification of existing buildings through incentives, rebates, permit streamlining, and education. Develop a suite of equity strategies to limit displacement and promote equitable distribution of electrification benefits like resilience, improved health and safety, and reduced energy cost burden. Partner with stakeholders such as EBCE and PG&E to establish funding pathways to ease community costs for electrification upgrades.

GHG Reduction	Benefits					City Cost	Timeline
2030: 16,492 MT CO_2e **2045:** 93,437 MT CO_2e	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

B-1.3 Conduct a cost analysis and feasibility study for existing building electrification requirements

Conduct an existing building electrification feasibility and cost study to understand the potential for, and associated costs of, electrification retrofitting requirements. This would include an analysis for implementing requirements for newly permitted heating and cooling systems, hot water heaters, and other electric appliances.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

B-1.4 Partner with stakeholders to conduct electrification outreach, promotion, and education

Leverage partnerships with stakeholders to conduct multilingual outreach, promotion, and education around building electrification, including:

- Creating a list of water heater, space heating, and appliance (electric stove/dryers) replacement programs and incentives.
- Hosting an induction/electric stove cooking competition to demonstrate the benefits of electric stoves.
- Organizing events to educate the public on the potential health and cost benefits of replacing gas stoves with electric.
- Offering workforce development trainings for installers and building owners/operators to discuss benefits and technical requirements of electrification.
- Conducting internal trainings with planners and building officials on state decarbonization goals and incentives available for electric homes.
- Conducting targeted outreach to rental property owners to facilitate upgrades that benefit renters.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

Strategy B-2: Decarbonize electricity from the grid and increase local renewable energy generation.

In order for Livermore to reach its 2030 reduction target and 2045 carbon-neutrality target, the majority of energy utilized in the City will need to be carbon-free. Renewable electricity procurement is essential for decarbonizing the communities emissions from electricity and will create the foundation for a carbon-free future. The focus of Livermore's energy strategy is procuring 100 percent carbon-free electricity for both residents and businesses as soon as possible. Decarbonizing electricity works hand-in-hand with building electrification and EVs to achieve carbon neutrality in both the building and transportation sectors in Livermore.

One of the primary actions in the energy decarbonization strategy is opting all community accounts into a 100 percent carbon-free or renewable electricity tier through EBCE. As this is a one-time action by City Council, the major costs are staff time (preparing staff reports and conducting community outreach). The community may experience a marginal increase in electricity costs as a result of this action. However, increased electricity cost is dependent on the rate plans used by the household or business: certain plans will experience no increase, and others may experience a marginal on-bill cost. Other actions under B-2 include conducting outreach to low/moderate income households to increase awareness about EBCE's CARE Program, which provides a discounted rate for electricity to qualifying low-income households.

Other actions within Strategy B-2 provide important benefits including increased energy-system resilience through storage and continued analysis of other energy opportunities like hydrogen. Geographic diversification of energy generation reduces the impact of a single event, like a storm or technology failure, on central location. Increasing generation and storage of local renewable energy is considered to be high-cost, as specific financing and funding opportunities have not yet been identified. However, these actions yield long-term substantial climate impacts and can provide long-term savings.

Stakeholder collaboration between the City, PG&E, EBCE, and other community partners will be key to increasing local energy generation and storage incentives. Promoting energy storage at the same time as increased local renewable energy, like community solar, will be an essential strategy for success.

B-2 ACTIONS

B-2.1 Opt-up community EBCE accounts to 100 percent renewable electricity

Opt-up community EBCE accounts in Livermore to 100 percent renewable electricity by 2024. Achieve an opt-out rate lower than 4 percent from 100 percent renewable. Conduct public outreach and education to highlight the benefits of 100 percent renewable energy. Partner with community-based organizations to ensure low/moderate income households are aware of EBCE's CARE program to receive decreased electricity rates.

GHG Reduction	Benefits					City Cost	Timeline
2030: 25,505 MT CO_2e **2045:** 0 MT CO_2e	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

B-2.2 Coordinate with stakeholders to provide local energy generation and storage incentives

Partner with PG&E, EBCE, and/or other community partners to support and incentivize local on-site energy generation and storage. This could include:

- Connecting home and business owners, particularly those in vulnerable communities, to incentives for renewable energy and storage projects.
- Promoting installation of storage technology in concert with renewable energy infrastructure through multilingual education programs, outreach, and information provided via City platforms.
- Installing a co-located community solar and storage facility to demonstrate the benefits.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

B-2.3 Establish renewable energy facility standards and permitting requirements

Establish renewable energy facility standards and permit requirements, including solar arrays and battery storage systems, to allow for easier implementation of these technologies in the city.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

B-2.4 Explore hydrogen and renewable fuel opportunities

Seek assistance from Sandia National Laboratory to identify opportunities to expand hydrogen and renewable fuel projects, particularly in the transportation and industrial sectors.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

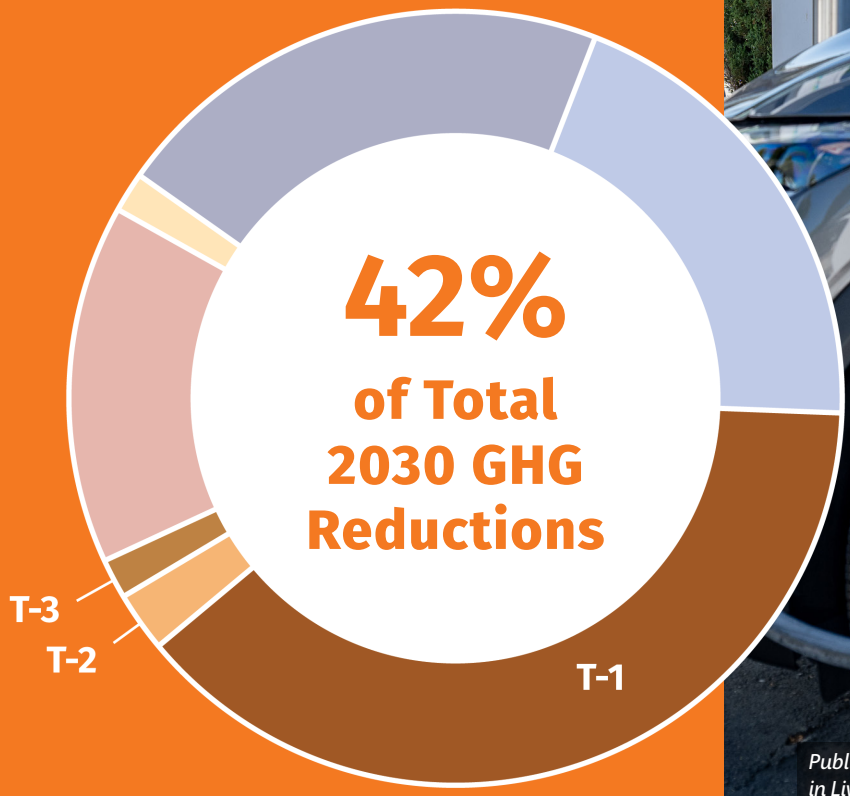
Transportation and Land Use

2030 Objectives

- Add 1,283 publicly accessible electric vehicle chargers
- Reduce Vehicle Miles Traveled (VMT) by 2%
- Achieve 10% bike mode share
- Support sustainable land use practices

GHG Reductions

- Strategy T-1 = 49,494 MT CO_2e
- Strategy T-2 = 3,033 MT CO_2e
- Strategy T-3 = 2,127 MT CO_2e



Public electric vehicle chargers at the San Francisco Premium Outlets in Livermore

Strategy T-1: Facilitate a transition to electric vehicles

Reducing transportation GHG emissions will require reducing the number of miles driven by on-road fossil fuel-powered vehicles, from both passenger and commercial vehicles. On-road transportation accounts for almost 59 percent of total GHG emissions in Livermore, with 58 percent of those emissions coming from passenger vehicles, and 42 percent coming from commercial vehicles (see Appendix A). It is important to electrify the transportation sector so it can benefit from increasingly clean electricity as a result of SB 100. Additionally, reducing tailpipe air pollution through EV adoption provides public health benefits as it reduces a major source of outdoor air pollution.

Actions under Strategy T-1 expand the adoption of EVs across the residential and commercial sectors, primarily through electrification infrastructure installation and ordinances for new construction which will require lifecycle cost saving steps like installation of conduit and panel capacity.

Costs to the City in implementing actions to promote EV adoption include the development of an EV Readiness Plan. A key part of this plan will be identifying funding sources for installing chargers. Implementing these actions rides heavily on effective outreach and education, as well as partnership development with major employers like the Lawrence Livermore National Lab to expand employer adoption of EV use and charging infrastructure. On the community side, developers may see increased costs of conduit and panel capacity for EV capable charging spaces in new development as well as the costs of charger installation. The long-term cost savings of owning an EV could offset the purchase of an internal combustion vehicle.

T-1 ACTIONS

T-1.1 Expand EV infrastructure to support EV adoption

Expand EV infrastructure to support EV adoption in the community by doing the following:

- Establishing standards for EV chargers in new development that expand requirements for EV-Capable, EV-Ready, and/or EV-Installed spaces; Introduce preferential parking for EVs near building entrances at popular destinations; Require all new gas stations and major remodels to install an EV charger; Establish universal, accessible, and multilingual EV signage and marking requirements for EV parking spaces;
- Partnering with stakeholders, like EBCE, BayREN, and affordable housing providers, to coordinate incentives and/or rebates for at-home electric circuits, panel upgrades, and Level 2 chargers, with a focus on supporting EV upgrades for low-income households. Provide multilingual education and outreach to the community on available programs.
- Working with the Livermore Valley Chamber of Commerce, Livermore Downtown Inc, and major employers (e.g., Lawrence Livermore National Lab, Kaiser Permanente, GILLIG, Topcon, LARPD, and LVJUSD) to encourage EV adoption and improvements to EV infrastructure.
- Promoting the availability of public chargers on social media and the City website.

GHG Reduction	Benefits					City Cost	Timeline
2030: 49,494 MT CO_2e **2045:** 93,458 MT CO_2e	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Short-term

T-1.2 Identify barriers to electric vehicle adoption

Assess EV infrastructure needs and challenges, strategies to increase EV infrastructure and EV adoption, particularly in underserved communities, and identify funding for charging infrastructure.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Short-term

T-1.3 Electrify retail delivery vehicles

Establish licensing fees for vehicles making deliveries, such as online retail deliveries, to provide funding for new active transportation and EV charging infrastructure, and/or provide discount licensing fees for delivery companies which utilize electric vehicles.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

T-1.4 Reduce sources of idling emissions

Adopt an ordinance limiting new drive thru businesses and other sources of idling emissions.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

T-1.5 Develop an EV car-share pilot program

Work with stakeholders to develop an EV car-share pilot program to provide access to a low-cost and emission-free mobility option in low-income communities.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

Strategy T-2: Facilitate a transition to transit and shared mobility services

Providing expanded access to mobility programs and transit service will be a vital part of reducing transportation emissions for Livermore, as well as improving transportation equity in the region.

Livermore will support regional transit providers, including the Altamont Corridor Express (ACE), Bay Area Rapid Transit (BART), and the Livermore Amador Valley Transit Authority (LAVTA)[16], to expand service lines and increase the convenience of transit by reducing the time it takes to reach a destination via transit as well as reducing wait times (headways) for transit. Improving shared mobility and transit programs and infrastructure will also help to shift mode share to public transit. Working with the recently created Tri-Valley – San Joaquin Valley Regional Rail Authority will also be key to achieving greater use of public transportation, specifically on the proposed Valley Link project which would connect the existing BART station in Dublin/Pleasanton to the approved ACE North Lathrop Station in San Joaquin County.[17]

Most City costs associated with implementation of this action involve developing partnerships to expand and improve transit systems, as well as outreach and education. If the City chooses to pursue a pilot program for e-bikes or scooters, installation and implementation would entail additional city costs. Members of the Livermore community would experience minimal costs and expanded wallet-friendly options to get between destinations in the city. Improving transportation equity is also a critical part of this strategy and involves identifying and removing barriers for Livermore's vulnerable communities to take public transit, walk, bike, or use rideshare/carshare.

T-2 ACTIONS

T-2.1 Improve transit and shared mobility services.

Improve transit and shared mobility services to reduce single-occupancy vehicle travel by doing the following:

- Supporting efforts by transit providers to offer more frequent and reliable transit service; improve service/communication through multilingual interactive service maps, mobile payments, and real-time arrival info; improve active transportation access to transit stops; and provide enhanced, comfortable stops and stations.
- Consider a pilot program downtown, ideally with e-bikes or scooters.
- Conducting a shared mobility services (e.g., car-share, bike-share, scooter-share) feasibility study, possibly in coordination with neighboring communities Pleasanton and Dublin.
- Based on the feasibility study, establish standards for shared mobility services to operate in Livermore.
- Identify local equity issues and remove barriers for people of color, low-income, people experiencing homelessness, and senior populations to take transit, walk, bike, use rideshare, or carshare.

GHG Reduction	Benefits					City Cost	Timeline
2030: 3,033 MT CO_2e **2045:** 4,656 MT CO_2e	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

16 *https://www.wheelsbus.com/wp-content/uploads/2015/08/FINAL-SRTP.pdf*
17. *https://www.valleylinkrail.com/valleylink-project*

T-2.2 Conduct a local transportation survey

Include multilingual National Citizens Survey questions related to transportation to better understand the community's needs and motivation for travelling by car versus other alternatives such as by bike or bus. Use the survey results to inform transportation projects.

GHG Reduction	Benefits					City Cost	Timeline
Not Quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-term

T-2.3 Establish ride-share loading/unloading zone requirements

Establish requirements for ride-share parking and loading/unloading zones in new nonresidential development.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

Strategy T-3: Improve active transportation infrastructure

Tailpipe emissions are a major source of Livermore's GHG emissions. Reducing the number of miles driven by fossil fuel-powered vehicles, particularly when replaced with public-health boosting active modes of transportation, provides a critical way to reduce GHG reductions while connecting communities and keeping Livermore residents healthy. As part of the CAP strategy, Livermore will prioritize active transportation by expanding access to safe, low-stress, and convenient biking and pedestrian infrastructure. Expanding active transportation infrastructure will increase quality of life and public health through increased exercise and increased community connectivity.

A key part of this strategy, and the largest quantified contribution to GHG reduction comes from Implementing the Livermore Bicycle, Pedestrian, and Trails Active Transportation Plan (ATP). This is projected to add around 77 miles to the active transportation network in Livermore by 2030. An ATP fee study will explore potential funding mechanisms for implementing the ATP.

City costs associated with the expansion of active transportation include staff time devoted towards the implementation of the City's ATP. Developing bike lanes and boulevards will require costs to install (estimated $10,000 per mile), while separated bike lane cost between $1.5 and $3 million per mile. Community costs will be minimal, though may include potential funding mechanisms including sales taxes, or revenues generated through an ATP fee for new development. For more information on City and community cost, please refer to Appendix D.

T-3 ACTIONS

T-3.1 Accelerate implementation of the Livermore ATP

Implement 50 percent of the Livermore Bicycle, Pedestrian, and Trails ATP by 2030 in accordance with its goals, objectives, and policies so that the City adds approximately 77 miles to the active transportation network. Continually improve methods for engaging the community, gathering input, and utilizing it to prioritize projects that implement the ATP. Work with local active transportation organizations like Bike East Bay to identify projects and funding to accelerate implementation of the ATP. Review all ATP projects to ensure ATP projects are deployed equitably across all Livermore neighborhoods with an emphasis on connecting low-income communities to downtown and public transportation.

GHG Reduction	Benefits					City Cost	Timeline
2030: 2,127 MT CO_2e **2045:** 2,111 MT CO_2e	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$$	Long-term

T-3.2 Conduct an ATP fee study

Conduct a fee study and adopt an ordinance requiring development projects to pay fees that will be dedicated to implementing active transportation routes and infrastructure citywide.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

T-3.3 Promote active transportation through car-free events

Identify areas of town to periodically close streets to cars, potentially coupled with the Farmer's Market or other large and regular events.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

Strategy T-4: Support sustainable land use practices

Livermore's climate strategy includes supporting land use practices that promote sustainable development. Auto-oriented, low-density development increases vehicle miles traveled, destroys natural lands, and increases impervious surfaces that cause polluted stormwater runoff, affecting local waterways. Sustainable land use practices increase density, promote a jobs-housing match, encourage development of vacant and underutilized urban sites, and facilitate walkable and transit-oriented neighborhoods. These strategies will preserve the carbon-sequestration potential of Livermore's surrounding natural lands and reduce total driving and energy consumption. Though these actions do not have quantified GHG reductions, they lay the foundation for sustainable development in Livermore by creating a denser, better-connected, less car-dependent city.

T-4 ACTIONS

T-4.1 Promote a jobs-housing match

Update the General Plan to identify and plan for a housing supply that meets the needs of Livermore's workforce.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

T-4.2 Maximize infill development

Update the Development Code and Specific Plans to maximize opportunities for infill development.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

T-4.3 Revise parking standards for developments

Adjust parking minimums and establish parking maximums where appropriate, such as near transit.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

T-4.4 Facilitate complete and walkable neighborhoods

Update zoning in neighborhoods lacking amenities like grocery stores and parks. Work with community partners to focus these efforts in low-income communities.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Long-term

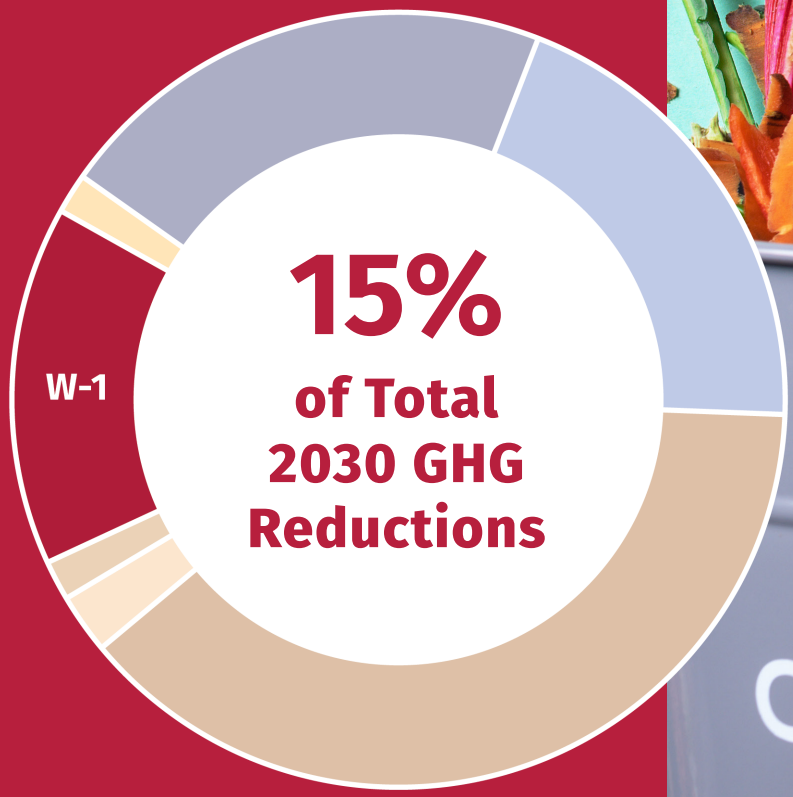
Waste and Materials

2030 Objectives

- Reduce the amount of organic waste that is landfilled 75% from 2014 levels by 2025
- Maintain or exceed 75% solid waste diversion each year
- Improve local reuse and repair programs
- Expand the use of low-carbon and recycled building materials

GHG Reductions

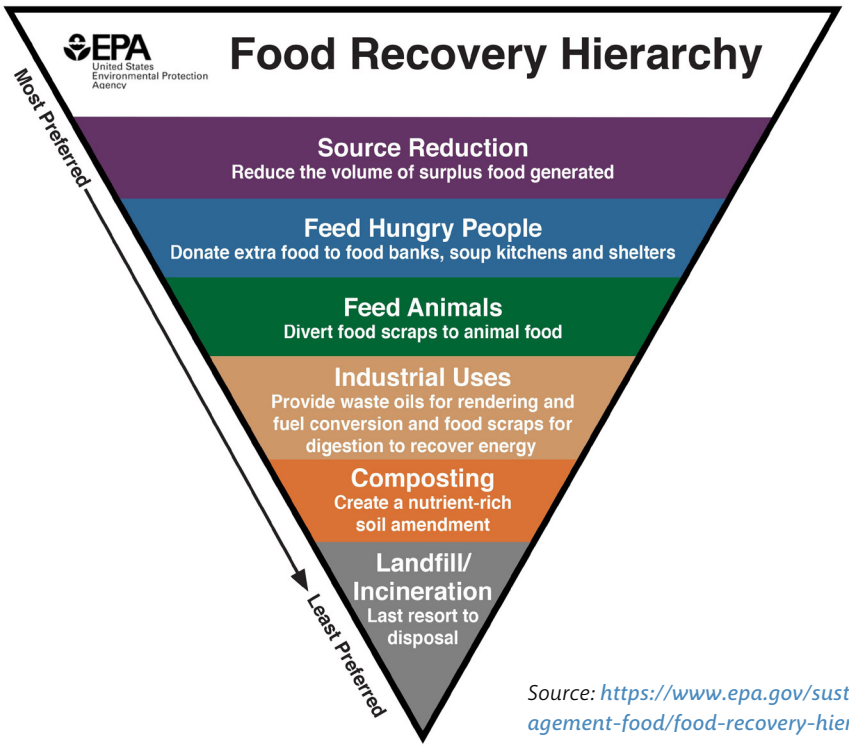
☐ Strategy W-1 = 19,379 MT CO_2e



Strategy W-1: Reduce the amount of waste that is landfilled

Emission reductions in the waste sector will be driven through compliance with SB 1383, which requires all jurisdictions in California to reduce organic waste disposal by 75 percent and increase edible food recovery by 20 percent relative to 2014 levels by 2025. SB 1383 also requires Livermore to procure 7,297 tons of compost or organic material per year. When organic materials like food scraps and yard waste get sent to landfills, they emit methane as they decompose. Methane is considered a climate super pollutant and is 28 times more potent than carbon dioxide. Landfills are the third largest source of methane emissions in California and also emit air pollutants, including $PM_{2.5}$ which are detrimental to human health.[18] Furthermore, analysis from the Natural Resources Defense Council argues that when we landfill edible food, we also should consider the lifetime emissions of getting food from farm to fork to landfill, including water inputs, fertilizer, packaging, labor, and GHGs emitted during shipping.[19] Reducing food waste by prioritizing human consumption and increasing options for composting are critical for mitigating methane emissions.

CalRecycle has provided a suite of recommendations and requirements for jurisdictions to comply with SB 1383. Livermore primarily plans to meet the requirements of SB 1383 by a holistic strategy of expanding organics collection, edible food recovery, conducting outreach and education programs, and ensuring that stakeholders comply through an inspection program. Partnership with stakeholders like Tri-Valley Haven will be critical to the success of Livermore's food recovery strategy, which ties into SB 1383 implementation as well. SB 1383 is state law and therefore, must be implemented by the City. The costs to the City are expected to include planning and implementation costs while each household is expected to see an increase of waste costs of approximately $17 per year. More information is available in Appendix C.



Source: https://www.epa.gov/sustainable-management-food/food-recovery-hierarchy

18. *https://calrecycle.ca.gov/organics/slcp/*
19. *https://www.nrdc.org/food-waste*

W-1 ACTIONS

W-1.1 Implement the requirements of SB 1383

Implement SB 1383, which includes expanded organics collection, edible food recovery, municipal compost procurement, outreach and education programs, and an inspection and compliance program.

GHG Reduction	Benefits					City Cost	Timeline
2030: 19,379 MT CO_2e **2045:** 22,646 MT CO_2e	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Short-Term

W-1.2 Maintain or exceed the City's solid waste diversion goal

Maintain or exceed the City Council mandated goal of 75 percent solid waste diversion every year.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Short-Term

W-1.3 Reduce landfill waste at public events

Increase reuse, recycling, and composting and encourage reduction/reuse at temporary public events by mandating the use of recycling and organics collection co-located at every garbage can; encourage reusable food ware, when relevant, according to the California State Retail Food Code.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

W-1.4 Improve waste management in commercial industries

Develop policies to reduce waste and increase reuse in the food industry (e.g., restaurants, facilities serving prepared food and prepackaged food, home meal delivery services), hospitality industry, and other commercial industries. Efforts may include adopting ordinances for compostable food ware, a ban on single-use individual toiletry bottles in hotels/motels, grant/discount programs for switching to reusables, and working with home meal delivery services (e.g., Blue Apron), etc. to reduce single-use packaging and encourage reuse. Provide resources for multilingual technical assistance and financial incentives for low-income entrepreneurs.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-Term

W-1.5 Reduce construction waste

Require construction sites to separate waste for proper diversion and reuse or recycling, consistent with CALGreen voluntary requirements.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Mid-term

W-1.6 Improve reuse and repair

Partner with state and other public institutions to develop and implement programs that improve reuse and repair, such as Fix-it-Clinics and tool-lending libraries. Work with retailers to develop programming around reuse and repair.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-Term

W-1.7 Work with community partners to recover food

Support community partners such as the Alameda County Community Food Bank and Tri-Valley Haven to divert edible food waste and support food insecure community members.

GHG Reduction	Benefits					City Cost	Timeline
Not quantified	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$	Short-Term

Strategy W-2: Expand use of low-carbon and recycled building materials

Embodied carbon, which can be defined as the GHGs emitted to construct a building, is a significant source of carbon emissions in the building and materials sector and comprises 11 percent of global GHG emissions.[20] Embodied carbon emissions for buildings in Livermore are not included in the GHG inventory for this CAP, as the manufacturing of building materials takes place outside of Livermore's boundaries. Nonetheless, the CAP includes actions to reduce embodied carbon emissions in construction.

This strategy takes place at the local, regional, and statewide level, as construction practices and norms happen beyond the bounds of a single jurisdiction. As part of Livermore's CAP actions, the City will explore standards for embodied carbon performance in new buildings, while ensuring that housing and rent costs would not be negatively impacted. The costs associated with moving towards low-carbon building materials includes outreach and engagement costs to the City, while new construction could see marginal costs increases of around 1 percent.[21]

W-2 ACTIONS

W-2.1 Raise awareness for low-carbon and recycled building materials

Work with local, regional, and state partners to promote the availability and cost-effectiveness of low-carbon and/or recycled construction materials.

GHG Reduction	Benefits	City Cost	Timeline
Not quantified	Public Health; Resilience and GHG Reduction; Community Connectivity; **Green Economy**; Environmental Quality	$	

W-2.2 Explore standards for new construction that limit embodied carbon emissions

Consider implementing embodied carbon performance standards and material-efficient building practices, with exemptions for cost barriers as needed to prevent these changes from directly increasing housing or rent costs.

GHG Reduction	Benefits	City Cost	Timeline
Not quantified	Public Health; Resilience and GHG Reduction; Community Connectivity; **Green Economy**; Environmental Quality	$	

20. *https://www.buildinggreen.com/feature/urgency-embodied-carbon-and-what-you-can-do-about-it*
21. *https://rmi.org/insight/reducing-embodied-carbon-in-buildings*

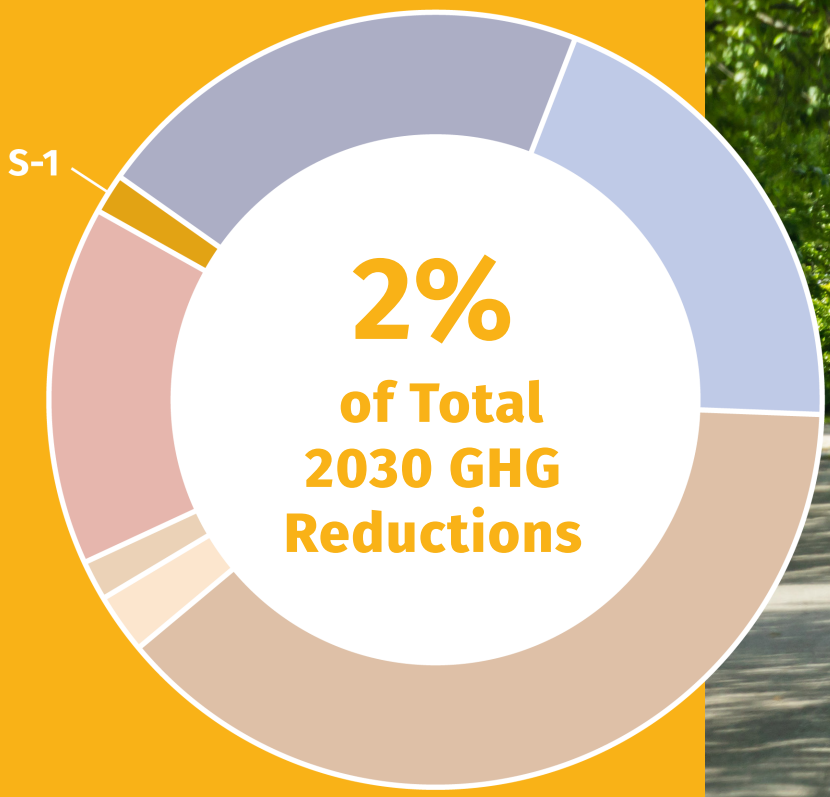
Carbon Sequestration

2030 Objectives

- Maximize local carbon sequestration
- Plant 200 trees by 2025 and 1,000 trees by 2030
- Update City landscaping standards to expand shade tree requirements for new development
- Provide free or reduced cost-trees to residents in Livermore
- Preserve open spaces
- Implement carbon-farming projects
- Explore technology-based carbon capture and storage opportunities

GHG Reductions

Strategy S-1 = 2,008 MT CO_2e



Strategy S-1: Maximize local carbon sequestration

Livermore's carbon neutrality strategy includes carbon sequestration or "negative emissions" mechanisms that remove carbon from the atmosphere. Lawrence Livermore National Laboratory (LLNL) is a leader in developing pathways to achieve carbon neutrality and eventually a carbon negative future. LLNL recent report, "Getting to Neutral: Options for Negative Carbon Emissions in California" cites three key ways California can sequester enough carbon to reach carbon neutrality:

- Capture and store carbon through natural and working lands (lowest cost)
- Convert waste biomass to fuels and store carbon dioxide (moderate cost)
- Implement direct air capture and carbon dioxide storage (highest cost)

The CAP prioritizes nature-based actions such as increasing the urban tree canopy, updating landscaping standards, preserving existing open space, and implementing soil carbon farming projects that maximize the carbon sequestration potential of natural lands. Nature-based solutions provide relatively small amounts of sequestration but maximize other benefits and minimize costs. Over time, the City will track opportunities to cost-effectively sequester carbon through biomass conversion and direct air capture.

Nature-based actions for carbon sequestration have numerous benefits, including improving environmental quality, reducing urban heat through increased shade, and improving quality of life through expanded green spaces and access to open spaces and natural landscapes. Costs for these actions include staff time for planning and implementation and the cost of materials for new tree planting and urban greening initiatives. Partnerships will be essential for implementing carbon farming projects and exploring technology-based carbon capture opportunities.

S-1 ACTIONS

S-1.1 Expand tree canopy cover in the city

Consistent with Action H-1.2, utilize the City's new street tree inventory to identify areas of the city with low tree canopy cover. Conduct tree planting efforts in these areas, with a focus on underserved and vulnerable populations. Update the City's Tree Preservation Ordinance to expand canopy coverage and climate-ready tree species. Additionally, identify strategies to repurpose timber waste (rather than incineration or chipping).

GHG Reduction	Benefits					City Cost	Timeline
2030: 58 MT CO_2e **2045:** 58 MT CO_2e	Public Health	Resilience and GHG Reduction	Community Connectivity	Green Economy	Environmental Quality	$$	Mid-term

S-1.2 Implement carbon farming projects using SB 1383-compliant organic materials

SB 1383 requires Livermore to procure approximately 7,297 tons of compost or other organic material annually. Partner with agricultural and public agency stakeholders, including the parks district and school district, on carbon farming projects to apply SB 1383-compliant organic material locally.

GHG Reduction	Benefits	City Cost	Timeline
2030: 1,950 MT CO_2e **2045:** 2,376 MT CO_2e	Public Health; Resilience and GHG Reduction; Community Connectivity; ~~Green Economy~~; Environmental Quality	$$$	Mid-term

S-1.3 Update the City's landscaping standards

Update standards to expand requirements for shade trees and plant species that sequester a high amount of carbon. Ensure that the new trees are native and/or low or very low water needs per Water Use Classification of Landscape Species (WUCOLS).

GHG Reduction	Benefits	City Cost	Timeline
Not quantified	Public Health; Resilience and GHG Reduction; Community Connectivity; ~~Green Economy~~; Environmental Quality	$	Mid-term

S-1.4 Preserve open spaces

Continue the City's open space preservation efforts to preserve open space as conservation or working land to maintain carbon sequestration and other benefits.

GHG Reduction	Benefits	City Cost	Timeline
Not quantified	Public Health; Resilience and GHG Reduction; ~~Community Connectivity~~; Green Economy; Environmental Quality	$$	Ongoing

S-1.5 Explore technology-based carbon capture and storage opportunities

Partner with carbon-restoration leaders, including the national laboratories, to explore opportunities for technology-based carbon capture and storage projects.

GHG Reduction	Benefits	City Cost	Timeline
Not quantified	~~Public Health~~; ~~Resilience and GHG Reduction~~; ~~Community Connectivity~~; Green Economy; ~~Environmental Quality~~	$	Long-term

3-4. Municipal Strategies & Actions

The CAP includes several municipal strategies that complement the other mitigation and adaptation strategies within the plan. Municipal operations contribute a relatively small proportion of overall community GHG emissions. However, actions to reduce these emissions are important to show community leadership and promote more sustainable uses of local resources. GHG-emissions reductions from municipal strategies and actions were not quantified to avoid double counting with reductions from other strategies.

The municipal strategies and actions include electrification of municipal buildings, vehicle fleets, and reductions in energy usage, water, and waste. The municipal strategies also include utilization of public lands for local carbon sequestration and improving the resilience at critical municipal facilities. Each of the strategies builds on adaptation and mitigation strategies already outlined in the plan and represent a key part of the City's plan to achieve its climate goals.

Strategy M-1: Enhance resilience at public facilities.

M-1 ACTIONS

M-1.1 Demonstrate the feasibility of community wide energy resilience through a municipal pilot project

Through the development of a municipal microgrid project at a critical facility, the City will demonstrate the feasibility of expanding local electricity generation and storage to improve community resilience.

M-1.2 Expand renewable energy and battery storage projects

Install renewable energy and battery back-up systems at municipal facilities (City Hall, Police Department, Water Reclamation Plant) to increase energy independence and reliability during blackouts, extreme heat events, and other emergency incidents

M-1.3 Retrofit municipal facilities to withstand climate-related hazard conditions

Ensure that City facilities are sufficiently hardened to withstand climate-related hazard conditions, such as weatherization for extreme storm events and better seals to outdoor air during wildfire smoke days.

Strategy M-2: Electrify municipal facilities and operations.

M-2 ACTIONS

M-2.1 Opt-up municipal EBCE accounts to 100 percent renewable electricity

Opt-up municipal accounts to 100 percent renewable electricity by 2023.

M-2.2 Conduct energy audits of City facilities and evaluate life cycle costs of energy upgrades

Complete energy audits for all City facilities and implement feasible recommendations for fuel switching and efficiency upgrades. Develop a policy for the City which would require all new building upgrades to include lifecycle costing over 30 years and tie this directly to energy consumption and building electrification. This would include the building's operational and maintenance costs and ensure that the City has the most cost-effective (and sustainable) buildings possible.

M-2.3 Electrify existing buildings and increase energy efficiency

Adopt a retrofitting policy for City-owned buildings such that electrification and energy efficiency retrofits are incorporated into City buildings as part of building upgrades and repairs identified in the Capital Improvement Program.

M-2.4 Replace gas-powered landscaping equipment

Transition to all-electric landscaping equipment, including leaf blowers, for municipal operations. Use this to promote all-electric equipment in the community, providing information on the City website outlining available incentives for residents and businesses.

Strategy M-3: Electrify the City's vehicle fleet and encourage City employees to utilize alternative transportation and teleworking opportunities.

M-3 ACTIONS

M-3.1 Prepare a Fleet Electrification Plan

Prepare a Fleet Electrification Plan that outlines the transition of the municipal fleet to EVs where possible.

M-3.2 Expand EV charging at public facilities

Install new public and employee EV chargers at City-owned facilities.

M-3.3 Increase bike facilities at public buildings

Establish bike lockers at City facilities that are usable by employees and the public. Add bike locker facilities at off-street parking lots.

M-3.4 Increase teleworking opportunities

Adopt an internal policy to allow City employees to work from home on a regular basis, as specific job positions allow.

Strategy M-4: Conserve water in municipal landscaping and improve on-site stormwater management.

M-4 ACTIONS

M-4.1 Conserve water in City landscaping

Implement water conservation strategies, such as increasing efficiency and use of recycled water, in City landscaping and grounds maintenance procedures.

M-4.2 Convert existing turf areas on municipal sites

Reduce water use by converting existing turf areas to drought tolerant and/or native landscaping.

M-4.3 Convert impermeable surfaces on municipal sites

Identify impermeable surfaces that can be targeted for a transition to increased infiltration.

Strategy M-5: Purchase more sustainable products to reduce waste from City operations.

M-5 ACTION

M-5.1 Adopt a green purchasing policy

Adopt an Environmentally Preferable Purchasing Policy for municipal operations.

Strategy M-6: Utilize public lands to increase local carbon sequestration and reduce urban heat island effect.

M-6 ACTIONS

M-6.1 Expand open space management

Expand management of City-owned public lands and landscaping to improve carbon sequestration; evaluate and ensure that landscaping plans utilize native species where feasible.

M-6.2 Coordinate with other public agencies and stakeholders on carbon sequestration

Coordinate with other public agencies, including the parks district and school district, and other stakeholders on carbon-sequestration efforts including soil-carbon farming and carbon capture and storage.

3-5. Implementation Strategies & Actions

The most important facet of Livermore's CAP is how the strategies and actions are implemented in the community and how success is monitored over time. Dedicating City resources to climate efforts, tracking implementation progress, considering climate change in all City plans and processes, and communicating important initiatives to residents and business will be key to the successful implementation of the CAP. This section includes a framework for ensuring successful implementation of the strategies and actions listed in the CAP. Implementation actions like hiring or designating a climate action manager will be important drivers for the CAP's overall success.

Strategy I-1: Make climate impacts and resilience a standard consideration during planning and development processes.

The City can facilitate consistent implementation of the CAP by building climate mitigation and resilience into its regular decision-making structures. Since climate will touch nearly all of the community in one way or another, it makes sense to make climate a core decision-making variable.

I-1 ACTIONS

I-1.1 Evaluate climate impacts and risk in development review

Implement an internal process to consider climate change impacts and risks during development review. Amend the standard Planning Commission and City Council agenda report template to include a statement on how the project or program supports or addresses CAP goals.

I-1.2 Consider climate impacts and risk in Capital Improvement Program projects

Ensure that new infrastructure will be designed with forecasted changes in climate (precipitation, temperature, wildfire) in mind. Utilize the Livermore Vulnerability Tool, as well as Google Environmental Insights Explorer tools and data, to evaluate the potential climate impacts when assessing new public infrastructure projects. Utilize materials that reduce environmental impact, such as low-carbon concrete and drought tolerant plants.

I-1.3 Conduct a carbon fee study

Conduct a study and explore an ordinance requiring development fees from projects that exceed a determined threshold of carbon emissions. Dedicate revenues to implement CAP programs.

I-1.4 Evaluate the financial risks of climate impacts

Evaluate existing and potential financial risks posed by climate change to both the City and community. Recommend strategies to mitigate these risks as available and appropriate, including options for insurance products, green infrastructure bonds, real estate strategy and other appropriate mechanisms.

I-1.5 Integrate mitigation and adaptation planning in other City plans

Coordinate mitigation and adaptation planning with other City plans, including the Tri-Valley Local Hazard Mitigation Plan, General Plan, ATP, Green Infrastructure Plan, Emergency Operations Plan, Development Code, and Specific Plans.

Strategy I-2: Dedicate City resources to CAP implementation and consistently monitor progress.

While most of the strategies and actions developed for the CAP are cost effective and feasible, it will still take resources to implement. By designating a climate action manager, tracking progress, and prioritizing equitable implementation, the City can better implement the CAP for everyone in the community.

I-2 ACTIONS

I-2.1 Designate a Climate Action Manager

Create a new Climate Action Manager position responsible for implementing CAP strategies and actions by drafting ordinances, managing technical studies, leading outreach efforts, updating the online portal, networking with partners and stakeholders, and pursuing grant opportunities.

I-2.2 Establish local incentives, rebates, and streamlined permitting to facilitate CAP implementation

Establish local incentive and rebate programs to assist residents and businesses in areas such as building electrification, weatherization, water conservation, and EV charging. Streamline permitting processes to further incentivize implementation of CAP efforts.

I-2.3 Create a CAP tracking program

Develop a tracking program for CAP efforts to track annual implementation progress.

I-2.4 Report implementation progress

Report progress on CAP implementation annually to the City Council on strategy progress and establish accountability in achieving CAP goals. Report GHG emissions and CAP information to a Public Disclosure Program, such as the Carbon Disclosure Program and SEEC Clear Path.

I-2.5 Prioritize equitable implementation

Implement CAP strategies and actions through an equity lens. Work to ensure that communities who are most impacted by climate change, including people of color, low-income families, and people experiencing homelessness, benefit the most from adaptation and mitigation efforts.

I-2.6 Utilize Assistance Programs and Pursue Funding Opportunities

Pursue funding opportunities to implement CAP actions. Utilize guidance, resources, and technical expertise from partners like East Bay Community Energy and StopWaste. Expand staff capacity through programs like Civic Spark and Climate Corps.

Strategy I-3: Create a public outreach campaign to educate the community about CAP initiatives.

Many of the strategies and actions in the CAP Update can only be initiated by the City. In the end, it will take the entire community to make behavioral changes, ranging from the appliances the community buys to how the community moves around the City. However, the community cannot make these changes without the right information. The City will take a leadership role in communicating with the public, listening to hurdles, and making corrections along the way.

I-3 ACTIONS

I-3.1 Create a brand and identity

Develop a consistent brand for all climate action campaign activities, which may be used in logos and hashtags.

I-3.2 Promote transparency to the public

Communicate the City's climate action goals and progress to the public regularly, with information displayed prominently on physical and digital outlets citywide.

I-3.3 Engage with the community regularly

Hold regular climate action outreach events, such as workshops, presentations, focus groups targeted at specific community groups, public contests or challenges, and an annual event such as Earth Day or New Year's Green Resolutions. Inform the community on potential climate change impacts, as well as weatherization and other actions that community members can take to increase resilience in their home or business.

I-3.4 Target commercial stakeholders and both public and private institutions

Develop workforce trainings and information that is specifically targeted to large commercial stakeholders in the city. This may include businesses in the agriculture and viticulture sector, parks district, contractors, realtors, restaurants, school district, retail stores, and landscapers. Encourage climate change resilience planning and strategies in private companies, institutions, and systems essential to a functioning Livermore.

I-3.5 Target rental and multifamily property owners

Conduct targeted outreach to rental and multifamily property owners to incentivize upgrades for tenants, including electrification and weatherization.

I-3.6 Expand outreach and education to Livermore's youth

Partner with the school district to expand on current outreach targeted towards students within Livermore to provide opportunities for education and action implementation.

I-3.7 Establish an online resource portal

Develop an online portal that provides climate action information and resources for all stakeholders and community members. Content may include resources on rebates and regulations, guides for reducing individual GHG emissions and preparing for climate emergencies, and a calendar of upcoming climate action events.

I-3.8 Increase social resilience

Increase community resilience/social capacity by supporting Neighbors Helping Neighbors programs. These programs enable neighbors to exchange contact information, acquire supplies, and establish a neighborhood plan to assist each other, particularly vulnerable residents, during climate emergencies.

Strategy I-4: Foster green innovation in Livermore.

The future of the economy is green. Green job growth has accelerated in recent years, regularly outperforming other sectors.[22] Livermore is already at the forefront of these types of jobs and with the Lawrence Livermore National Laboratory and other local institutions, the City is in prime position to be at the forefront of green technology and other industries. These actions will help support this growth into the future.

I-4 ACTIONS

I-4.1 Expand the local green economy

Coordinate economic development efforts identified in the 2021–2025 Economic Development Strategy with CAP actions. Attract companies and organizations to Livermore that will expand the local green economy and are innovators in sectors related to climate action and resilience.

I-4.2 Partner with the national laboratories

Partner with Lawrence Livermore National Laboratory and Sandia to identify new technologies and potential pilot projects.

22. *https://www.epi.org/publication/bp349-assessing-the-green-economy/#:~:text=Greener%20industries%20grow%20faster%20than,was%200.034%20percentage%20points%20higher.*

Livermore Farmers Market

EXHIBIT B

CHAPTER 4.
Implementation Plan

4-1. Implementation Plan Overview

The City of Livermore developed the CAP to be a visionary yet feasible roadmap to both decrease GHG emissions and improve overall resilience to climate change. The timelines, costs, legislative environment, and benefits assumed in this plan will continue to evolve as new information and opportunities become available. Therefore, this CAP should be viewed as a strategic framework that will be reevaluated over time.

This chapter describes the nine priority areas on which the City will focus during the first five years of CAP implementation. While other actions will likely be implemented as opportunities arise, the City will focus its resources on these foundational actions. Together, these actions will significantly reduce GHG emissions, improve resilience, spark innovation and collaboration, and engage the community.

The implementation plan also outlines the City's approach to funding and financing the priority actions, tracking and reporting implementation progress, and updating the CAP to respond to changes in legislation, technologies, and priorities.

TEAM LIVERMORE

Making meaningful progress towards reducing Livermore's GHG emissions and improving resilience starts with City leadership. The City's efforts can act as catalysts for change throughout the wider community, however, successful implementation of the CAP also depends on participation from community partners, residents, and businesses. Figure 4-1 describes the communitywide efforts that will be required transition to a resilient and carbon-free Livermore.

Figure 4-1. Team Livermore

CITY: The City can adopt ordinances, build infrastructure, streamline permitting, and connect the community to resources.

BUSINESS: Businesses can adopt new technologies and behaviors, utilize programs and incentives, and promote the benefits of adopting more sustainable business practices.

PARTNERS: Partners like EBCE, Quest, and the national labs provide education, leadership, financial assistance, and technical expertise.

RESIDENT: Residents can adopt new technologies and behaviors, utilize programs and incentives, and promote the benefits of living more sustainably.

4-2. Five-year Priority Areas

The City identified nine priority areas on which to focus for the first 5 years of CAP implementation. These priority areas were selected, because they are critical to jumpstart and sustain CAP implementation, are cost-effective and feasible steps to significantly reduce emissions, and improve resilience and align with existing efforts and available resources in the city, region, and state. This section includes more detailed costs, responsible departments, implementation timelines, and budget availability for the actions in these priority areas. The nine priority areas for the next five years are summarized in Figure 4-2.

Figure 4-2. Livermore's Five-year Priority Areas

1. **Lay the Groundwork**
2. **Decarbonize Electricity and Materials**
3. **Electrify Buildings and Vehicles**
4. **Partner with Livermore's National Laboratories**
5. **Engage with the Community Regularly**
6. **Support Related City Efforts**
7. **Utilize Assistance Programs and Funding**
8. **Study Heat and Drought Strategies**
9. **Develop a Neighborhood Retrofit Program**

FUNDING AND FINANCING

While some of the City's priority areas are already budgeted for and in some cases already underway, other actions will need additional funding or financing to be implemented. Action costs vary widely throughout the CAP and while many actions are low or no cost, other infrastructure related projects like microgrids and bike lanes can require significant upfront funding. However, many tools exist for cities to cover upfront costs including federal and state grants, low interest financing, bonds, and public/private partnerships. For a complete description of the costs and funding approaches the City can deploy as well as several case studies for specific measures see Appendix C.

PRIORITY AREA 1: Lay the Groundwork

The City's first step is to lay the groundwork required to jumpstart implementation. As part of this focus area, the City will establish a brand and identity for the City's ongoing climate efforts, create an online resource hub for residents to learn about climate actions, build a tool to track and communicate implementation progress, and hire a Climate Action Manager to spearhead CAP implementation and drive change throughout the city. These foundational actions will be completed within the first year.

Action		Responsible Department	Action Start Date	Community Cost	City Costs	Budgeted
I-3.1	Create a brand and identity	CDD - Planning	In progress	$$$	$$$	Yes
I-3.7	Establish an online resource portal	CDD - Planning	In progress	$$$	$$$	Yes
I-2.3	Create a CAP tracking program	CDD - Planning	Q4 -2022	$$$	$$$	Yes
I-2.1	Designate a Climate Action Manager	CDD - Planning	Q1 - 2023	$$$	$$$	Yes

CMO - City Manager's Office
CDD - Community Development Department
PWD - Public Works Department

PRIORITY AREA 2: Decarbonize Electricity and Materials

A foundational aspect of Livermore's carbon-neutrality strategy is to use carbon-free electricity. Once Livermore's electricity is carbon-free, not only will emissions from electricity drop significantly, but also will transform fossil fuel uses that are electrified by ultimately making them carbon-free.

Action		Responsible Department	Action Start Date	Community Cost	City Costs	Budgeted
M-2.1	Opt-up municipal EBCE accounts to 100% renewable electricity	CDD - Planning	Complete	$$$	$$$	Yes
M-5.1	Adopt a green purchasing policy	PWD - Environmental Services	Complete	$$$	$$$	Yes
B-2.1	Opt-up community EBCE accounts to 100% renewable electricity	CDD - Planning	Q1 -2023	$$$	$$$	Yes
W-2.1	Expand awareness of low-carbon and recycled building materials	CDD - Planning	Q1-2024	$$$	$$$	No
W-2.2	Explore standards for new construction that limit embodied carbon emissions	CDD – Planning, Engineering, Building	Q1 - 2024	$$$	$$$	No

PRIORITY AREA 3: Electrify Buildings and Vehicles

Once Livermore's electricity is carbon-free, the next priority will be to electrify buildings and vehicles to reduce GHG emissions and improve air quality.

Action		Responsible Department	Action Start Date	Community Cost	City Cost	Budgeted
B-1.1	Require new construction to be all-electric	CDD – Planning	In progress	$$$	$$$	Yes
T-1.4	Establish standards for EV charging	CDD - Planning	In progress	$$$	$$$	Yes
B-1.3	Conduct a cost analysis and feasibility study for existing building electrification requirements	CDD – Planning, Building	Q1 - 2024	$$$	$$$	No
M-3.1	Prepare a Fleet Electrification Plan	PWD – Maintenence	In progress	$$$	$$$	Yes
M-3.2	Expand EV charging at public facilities	CDD – Planning, Engineering	In progress	$$$	$$$	Yes

PRIORITY AREA 4: Partner with Livermore's National Laboratories

Livermore is home to two national laboratories that conduct cutting edge research and hold a wealth of knowledge and expertise in the fields of energy and climate change. The City will deepen its collaboration with the labs to field pilot projects on cutting edge technologies. Specifically, the City will partner with Lawrence Livermore National Laboratory on carbon farming and other sequestration technologies, microgrids and energy resilience, and opportunities to utilize biogas from the City's wastewater treatment facility. The City will also pursue a partnership with Sandia National Laboratory to identify opportunities to expand the use of hydrogen fuels. The City will pursue these efforts throughout the first 5 years. However, actual projects will largely rely on the ability to secure grant funding.

Action		Responsible Department	Action Start Date	Community Cost	City Cost	Budgeted
I-4.2	Partner with the National Laboratories	CDD - Planning	In progress	$$$	$$$	Yes
E-1.2	Expand microgrid deployment	CDD – Planning, Engineering PWD	Q1 - 2023	$$$	$$$	No
B-2.5	Explore hydrogen and renewable fuel opportunities	CDD - Planning	Q1 - 2023	$$$	$$$	Yes

PRIORITY AREA 5: Engage with the Community Regularly

While the City can take meaningful action to reduce emissions and improve resilience, partnership and collaboration with the community is imperative to successful CAP implementation. Therefore, the City will prioritize engagement with the community, including Livermore's youth, through a variety of communication channels and community events. The City will also explore opportunities to establish an ongoing community advisory or working group to assist with climate efforts. Additionally, the City will regularly report implementation progress to the community.

Action		Responsible Department	Action Start Date	Community Cost	City Cost	Budgeted
I-3.2	Promote transparency to the public	CDD – Planning, CMO	Q4 -2022	$$$	$$$	Yes
I-3.3	Engage with the community regularly	CDD – Planning, CMO	Q4-2022	$$$	$$$	Yes
I-3.6	Expand outreach and education to Livermore's youth	CDD – Planning	Q1-2023	$$$	$$$	Yes
I-2.4	Report implementation progress	CDD - Planning	Q4-2023	$$$	$$$	Yes

PRIORITY AREA 6: Support Related City Efforts

Many existing City efforts are supported by the CAP and vice versa. Combining these efforts and identifying synergies is a major priority of the City. In the first 5 years, the City will integrate climate mitigation and adaptation into other City plans, such as the General Plan Update and Local Hazard Mitigation Plan Update, implement SB 1383 and the Active Transportation Plan, and replace gas-powered landscaping equipment.

Action		Responsible Department	Action Start Date	Community Cost	City Cost	Budgeted
W-1.1	Implement the requirements of Senate Bill 1383	PWD – Environmental Services	In progress	$$$	$$$	Yes
I-1.5	Integrate mitigation and adaptation planning in other City plans	CDD – Planning; PWD	In progress	$$$	$$$	Yes
T-3.1	Accelerate implementation of the Livermore Active Transportation Plan	CDD – Planning, Engineering	Q4-2022	$$$	$$$	Partial
M-2.4	Replace gas-powered landscaping equipment	PWD - Maintenance	Q1-2023	$$$	$$$	No
T-4.1	Promote a jobs housing match	CDD – Planning	In Progress	$$$	$$$	Yes
T-4.4	Facilitate complete and walkable neighborhoods	CDD – Planning	In Progress	$$$	$$$	Yes

PRIORITY AREA 7: Utilize Assistance Programs and Funding

The major limiting factors of Livermore's previous CAP was funding and staff time. For the CAP Update, Livermore will focus on securing additional funding from both the State and other sources (as defined in Appendix C). Additionally, partners like East Bay Community Energy and StopWaste provide both guidance and resources, in areas such as building electrification and energy resilience, that the City will utilize to maximize its capacity. The City is not alone in its efforts to reduce emissions and improve resilience for the community.

Action		Responsible Department	Action Start Date	Community Cost	City Cost	Budgeted
I-2.6	Utilize assistance programs and pursue funding opportunities	CDD – Planning, Engineering PWD	In progress	$$$	$$$	Yes
I-3.5	Target rental and multifamily property owners for outreach and education related to incentive programs	CDD	In progress	$$$	$$$	Partial

PRIORITY AREA 8: Study Heat and Drought Strategies

Two of Livermore's most pressing climate challenges are extreme heat and drought. Within the first 5 years, the City will begin additional planning efforts to better define strategies that mitigate heat, conserve water resources, and expand the urban forest.

Action		Responsible Department	Action Start Date	Community Cost	City Cost	Budgeted
H-1.1	Study heat vulnerability	CDD – Planning PWD – Maintenance	Q1 - 2025	$	$$	Partial
D-1.1	Study on-site water reuse	CDD – Planning PWD – Water Resources	Q1 - 2025	$	$$	No

PRIORITY AREA 9: Develop a Neighborhood Retrofit Program

The City will coordinate with partners to develop a holistic neighborhood retrofit program that will provide the information and resources needed for Livermore's community members to upgrade their buildings to be more resilient, healthy, and decarbonized. The program will include solutions to weatherize homes and businesses, expand solar and battery systems, convert natural gas to electric equipment, improve air quality, plant trees and drought friendly landscaping, and reuse on-site water.

Action		Responsible Department	Action Start Date	Community Cost	City Cost	Budgeted
B-1.2	Incentivize electric retrofits in existing buildings	CDD PWD	Q1 - 2026	$	$$	No
E-1.3	Improve resilience of residential buildings	CDD PWD	Q1 - 2026	$	$$	No
H-1.3	Create a neighborhood cooling program	CDD PWD	Q1 - 2026	$	$$	No
WF-1.3	Facilitate building retrofits that maintain indoor air quality	CDD PWD	Q1 - 2026	$	$$	No

4-3. Progress Tracking and Reporting

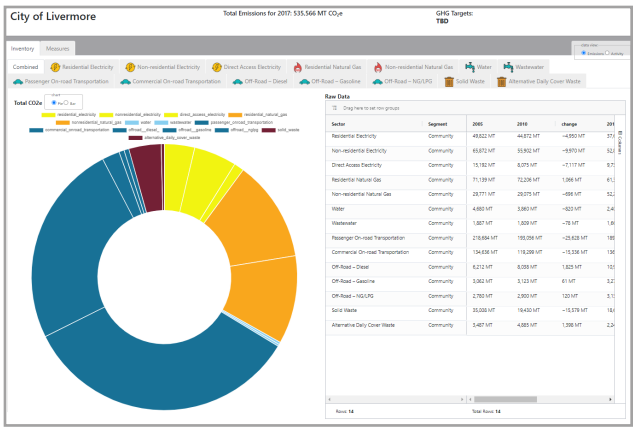
Climate action planning is infinitely iterative, as shown in Figure 4-3. As strategies and actions are implemented, it is imperative to track and evaluate the overall impact of each effort. The City will track CAP implementation in its CAPDash tracking tool, report progress annually to City Council, and update the CAP every 5 years. If the City determines specific actions are not achieving the anticipated emissions reductions or resilience improvement, the City will revise its strategy to stay on track to meet its goals.

Figure 4-3. CAP Implementation and Monitoring Process

CAPDASH

CAP implementation will be tracked in CAPDash, which is a customizable, web-based dashboard developed by Rincon Consultants, Inc. that allows Livermore to track the implementation of each strategy. See Figure 4-4 for an example of the CAPDash dashboard. The City will also conduct GHG-emissions inventories on a bi-annual basis, which will be available for the community to review via CAPDash.

Figure 4-4. CAPDash



ANNUAL REPORTS

City staff will report implementation progress to the City Council every year, beginning in 2024. The annual reports will help hold the City accountable to the commitments in the plan and identify barriers to implementation that may need additional focus.

FIVE-YEAR CAP UPDATES

As technology evolves and the State adopts new mandates, the City may need to revise its existing strategies and actions or develop new ones. The City will update the CAP every 5 years to adjust its approach as necessary. The next CAP update should be completed by the end of 2027.

4-4. Community Activation Guide

YOU CAN HELP CREATE A HEALTHY AND RESILIENT LIVERMORE.

Addressing climate change will require more than just action from the City of Livermore itself. Individuals, businesses, and community groups all have a critical role to play in achieving the City's climate action goals. You can help create a healthy and resilient Livermore by taking individual actions today.

Purchase renewable electricity

East Bay Community Energy (EBCE) provides electricity to customers in Livermore. Enroll your account in the Renewable 100 service option to support locally generated renewable energy.

Install solar panels & batteries

Solar and battery systems reduce your electricity emissions and allow you to store solar energy for use at night or during power outages.

Weatherize your home or business

Weatherize your home or business to save energy, lower your utility bills, stay cool during heat waves, and maintain indoor air quality during smoke events.

Install a heat pump & electric appliances

Install electric, energy-efficient appliances when your old appliance breaks or is no longer working efficiently.

Plant trees in your neighborhood

Plant trees in your neighborhood to reduce heat, sequester carbon, absorb stormwater, and provide habitat.

Install water-wise & fire-safe landscaping

Reduce your water use by replacing your lawn with drought-tolerant landscaping and use water-efficient irrigation. Additionally, adopt fire-safe landscaping practices if you live in an area at risk for wildfires.

Bike, walk, or take transit

Biking, walking, skateboarding, scootering, taking public transit, and carpooling are all good alternative transportation options to reduce your transportation footprint.

Drive an electric vehicle

Purchase or rent an electric vehicle to reduce emissions when you do need to drive.

Compost your yard & food waste

Divert organic waste from the landfill by composting your yard and food waste. Livermore Sanitation provides composting to garbage pickup subscribers for residential use at no charge.

Install a water conservation kit

Taking advantage of water conservation kits from Cal Water and the City that provide free or subsidized water-efficient showerheads, faucet aerators, and toilet leak detection tabs is a great way to start.

Use permeable hardscapes

Install permeable hardscape alternatives like loose gravel, permeable asphalt, grass pavers, and permeable interlocking pavers to prevent flooding.

Looking for more ideas?

The City is building an online resource hub to help the community identify and implement climate actions. The resource hub will be available by the end of 2022 at ***LivermoreResilientHub.com***

Closing Remarks

EXHIBIT B

While climate change may seem like an overwhelming challenge and we may not all agree on the solutions, we can all agree that everyone wants a safe and healthy climate for Livermore's future. Thinking about what we can do locally can also be daunting in the context of a global threat. One thing is for certain and that is while one city can't solve the problem alone, without action at the local level the problem won't be solved.

California is a leader in climate action in the U.S. and Livermore can be a leader in California—environmental stewardship is in Livermore's DNA. There is a role for all of us in this climate action plan—the actions we take individually and collectively can make a difference.

The quality of life in Livermore for future generations depends on the actions we take today.

In 2050, Livermore will be a place where...

"all citizens benefit from the foresight & courageous actions of past community leaders, who drove through proven solutions to mitigate the larger effects of climate change."

"we are safe and sustainable."

"we respect our neighbors, our guests, and our planet."

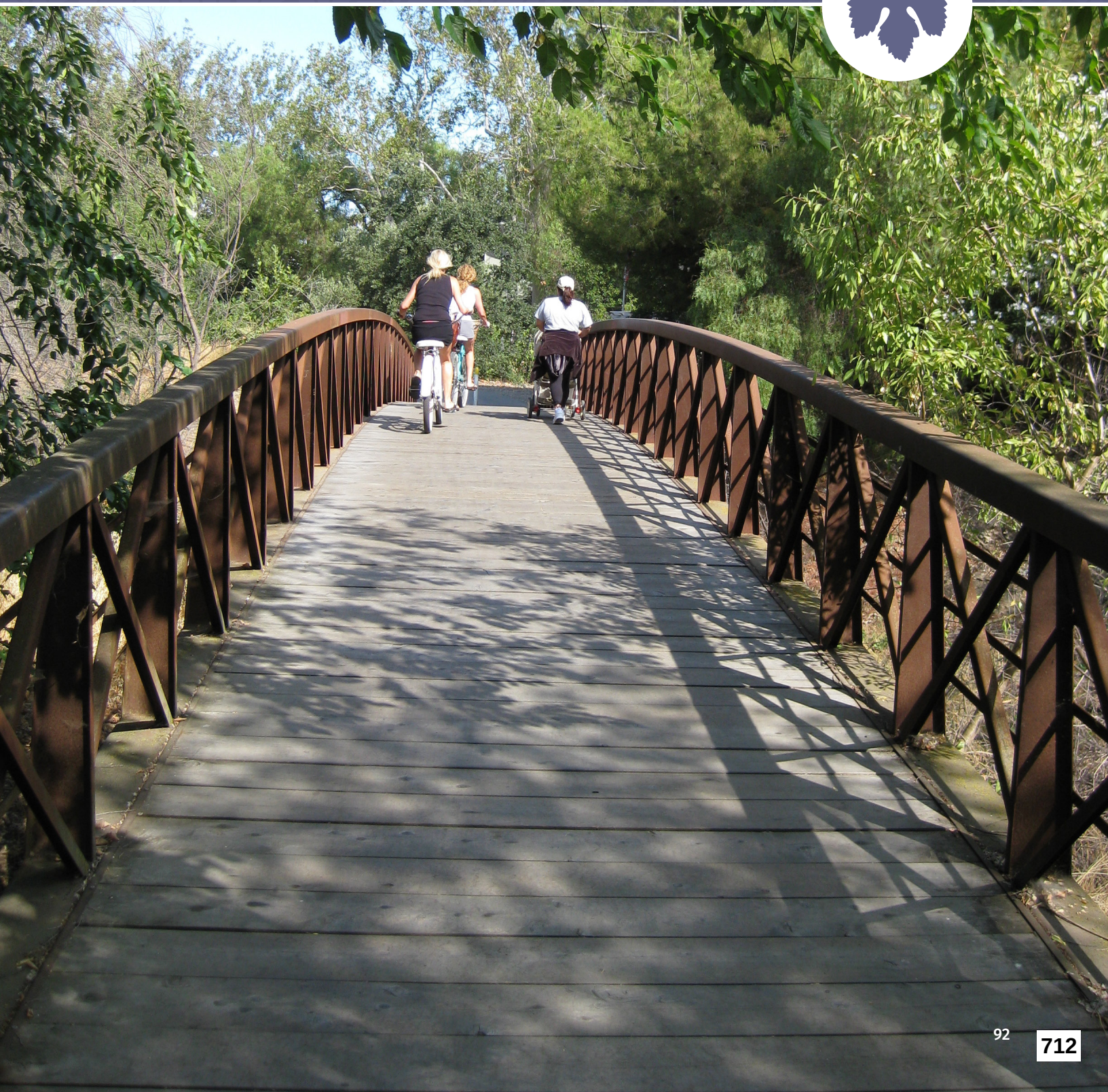
"residents, agriculture, open spaces/wildlife, and businesses co-exist in a healthy ecosystem."

"we are prepared for resulting natural disasters."

"the air is clean and healthy; residents and visitors easily move around by walking, riding bikes, and driving electric vehicles; more well-designed housing is available for workers and families to live closer to jobs and schools, and City facilities and equipment are environmentally appropriate."

▲ Livermore resident responses to Climate Action Plan survey.

Appendices



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Livermore Climate Action Plan Update

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1 Introduction

California considers greenhouse gas emissions (GHG) emissions and the impacts of climate change to be a serious threat to the public health, environment, economic well-being, and natural resources of the state and has taken an aggressive stance to mitigate the impact of climate change at the state-level through the adoption of legislation and policies. Many cities and counties within California have developed local climate action plans and aligned goals to correspond with state emissions reduction targets. The two major state GHG emissions-related goals are established by Assembly Bill (AB) 32 and Senate Bill (SB) 32. AB 32 required state agencies reduce California GHG emissions to 1990 levels by 2020, whereas SB 32 requires a 40 percent reduction below 1990 levels by 2030. The goals set by AB 32 were achieved even earlier by the state in 2016,[1] and many California jurisdictions are completing updated GHG inventories to quantify progress toward their specific 2020 goals as well as develop targets to align with the requirements of SB 32. Additionally, Executive Order (EO) B-55-18, which was passed in 2018 by Governor Jerry Brown, establishes a goal for achieving carbon neutrality statewide by 2045. Executive Orders are only required by law for state agencies, but future climate legislation and goals are anticipated to be passed by the California legislature in the future[2].

This technical appendix to Livermore's Memorandum Detailing GHG Emissions Inventory, Forecast, and Provisional Targets for Livermore Climate Action Plan Update (2020) details the results of the GHG emissions inventories completed for Livermore (2005, 2010, 2015 and 2017) and forecasts of future GHG emissions (2020, 2025, 2030, 2035, 2040 and 2045). This technical appendix also quantifies the reduction impact that state regulations will have on Livermore's *business-as-usual forecast*[3] and presents the results in an *adjusted forecast.*[4]

This technical appendix covers GHG emissions inventories[5] prepared for 2010, 2015 and 2017 and updates made to the original 2005[6] baseline GHG inventory which was completed to fix discrepancies in the calculation methodologies and align the inventory with current standards. This allows for comparisons between all inventory years and provides accurate measurement of the City's progress towards the 2020 GHG reduction goals established in the first Livermore Climate Action Plan (CAP)[7] in 2012. All inventory years now use the most recent population, employment, and emissions factor data allowing for consistent and comparable methodologies across all inventory years and between Bay Area jurisdictions that are also using the GHG emissions inventories completed by East Bay Energy Watch (EBEW). These various inventories will assist in the

[1] California Air Resources Board. California Greenhouse Gas Emissions Inventory. Available: https://ww3.arb.ca.gov/cc/inventory/inventory.htm. Accessed: April 14, 2020

[2] AB 2832 and SB 1362 were both introduced to the California state legislature in February 2020, which would codify the 2045 carbon neutrality target set out by Executive Order B-55-18 in 2018 into law.

[3] Forecasts emissions based on population and job growth, with no reduction measures from federal, state, or local governments.

[4] The adjusted forecast scenario incorporates expected federal, state, and local GHG reduction measures into the emissions forecast to develop a more accurate forecast of emissions through 2045.

[5] Note that all reference to inventories, forecasts, and targets in this memorandum are in reference to communitywide GHG emissions.

[6] The Updated 2005 GHG Emissions Inventory is an update of the previously prepared 2005 inventory that informed the first City CAP. This was done to use the most recent methodology, emissions factors, and data sources available, as well as for consistency between other inventory years. The original updated 2005 inventory was created by East Bay Energy Watch, and then updated by Rincon (for more information on these updates, refer to Section 2.3 of this Technical Appendix).

[7] City of Livermore. 2012. City of Livermore Climate Action Plan. Available: http://www.cityoflivermore.net/civicax/filebank/documents/9789/ Accessed: April 12, 2020.

preparation of the Livermore CAP Update by clearly tracking progress in specific GHG emissions sectors and to forecast future GHG emissions and develop a respective GHG target gap analyses that will assist in developing CAP Update policies structured to achieve Livermore's GHG emissions targets.

1.1 Regulatory Background

The state of California has adopted a variety of legislation and policies to mitigate and adapt to the effects of climate change. This includes legislation that sets clear targets for the state reducing GHG emissions which cause climate change, as well as directing state agencies such as the California Air Resources Board (CARB) to develop implementation plans for achieving these targets. The most relevant of the climate legislation passed in California are summarized below.

- **Executive Order S-3-05 (2005),** signed by former Governor Schwarzenegger in 2005, establishes statewide GHG emissions reduction goals to achieve long-term climate stabilization as follows: by 2020, reduce GHG emissions to 1990 levels and by 2050, reduce GHG emissions to 80 percent below 1990 levels. The 2050 goal was accelerated by the 2045 carbon neutral goal established by Executive Order (EO) B-55-18, as discussed below.[8]
- **Assembly Bill 32 (2006),** known as the Global Warming Solutions Act of 2006, requires California's GHG emissions be reduced to 1990 levels by the year 2020 (approximately a 15 percent reduction from 2005 to 2008 levels). The AB 32 Climate Change Scoping Plan, first published in 2008, identifies mandatory and voluntary measures to achieve the statewide 2020 emissions limit, and encourages local governments to reduce municipal and community GHG emissions proportionate with state goals.[9]
- **Climate Change Scoping Plan (2008),** the original California Climate Change Scoping Plan, includes measures to address GHG emissions reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards, and Cap-and-Trade) have been adopted and implemented since approval of the Scoping Plan.
- **Climate Change Scoping Plan Update (2013),** the first update to the California Climate Change Scoping Plan, defines CARB climate change priorities for the next five years and set the groundwork to reach post-2020 statewide GHG emissions reduction goals. The Scoping Plan Update highlighted California's progress toward meeting the 2020 GHG emissions goals defined in the original Scoping Plan. The Plan Update also evaluated how to align the state's longer-term GHG reduction strategies with other state policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use.
- **Executive Order B-30-15 (2015)**, establishes statewide GHG emissions reduction goals of reducing GHG emissions to 40 percent below 1990 levels by 2030.
- **Senate Bill 32 (2016),** signed by former Governor Brown in 2016, establishes a statewide mid-term GHG reduction goal of 40 percent below 1990 levels by 2030.

[8] Executive Orders are binding only unto State agencies. Accordingly, EO S-03-05 will guide State agencies' efforts to control and regulate GHG emissions but will have no direct binding effect on local government or private actions.

[9] Specifically, the AB 32 Climate Change Scoping Plan states CARB, "encourages local governments to adopt a reduction goal for municipal operations emissions and move toward establishing similar goals for community emissions that parallel the State commitment to reduce GHG emissions by approximately 15 percent from current levels by 2020" (p. 27). "Current" as it pertains to the AB 32 Climate Change Scoping Plan is commonly understood as between 2005 and 2008.

- **Second Climate Change Scoping Plan (2017),** formally adopted by CARB in December 2017, updated the state Scoping Plan to include the GHG reduction goal of 40 percent below 1990 levels by 2030 set forth by SB 32. The Scoping Plan outlines the roadmap to achieve this goal and gives guidance on how to achieve substantial progress towards 2050 state goals.
- **Executive Order B-55-18 (2018),** signed by former Governor Brown in 2018, expanded upon EO S-3-05 by creating a statewide GHG goal of carbon neutrality by 2045. EO B-55-18 identifies CARB as the lead agency to develop a framework for implementation and progress tracking toward this goal in the next Climate Change Scoping Plan Update, which is expected in 2021 or 2022.

CEQA Guidelines Section 15183.5

The California Environmental Qualified Act (CEQA) has established specific requirements for climate action plans to qualify for project specific CEQA analysis streamlining. According to CEQA Guidelines Section 15183.5, project-specific environmental documents can tier from, or incorporate by reference, the existing programmatic review in a qualified GHG emissions reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG emissions reduction strategy included in the qualified GHG emissions reduction plan. To meet the requirements of CEQA Guidelines Section 15183.5, a qualified GHG emissions reduction plan must include the following:

1. Quantify existing and projected GHG emissions within the plan area;
2. Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable;
3. Identify and analyze sector specific GHG emissions within the plan's geographic area;
4. Specify measures or a group of measures, including performance standards, that if implemented, would collectively achieve the specified emissions level;
5. Establish a tool or mechanism to monitor progress and to require amendment if the plan is not achieving specified levels; and
6. Be adopted in a public process following environmental review.

The state of California, via CARB, has issued several guidance documents concerning the establishment of GHG emissions reduction targets for local climate action plans to comply with legislated GHG emissions reductions goals and CEQA Guidelines Section 15183.5(b). In the first California *Climate Change Scoping Plan,*[10] CARB encouraged local governments to adopt a reduction target for community emissions paralleling the state commitment to reduce GHG emissions. In 2016, the state adopted SB 32 mandating a reduction of GHG emissions by 40 percent from 1990 levels by 2030 and in 2017 CARB published *California's 2017 Climate Change Scoping Plan* (hereafter referred to as the Scoping Plan Update) outlining the strategies the state will employ to reach these targets.[11] With the release of the Scoping Plan Update, CARB recognized the need to balance population growth with emissions reductions and in doing so, provided a new methodology for proving consistency with state GHG reduction goals through the use of per capita efficiency targets.

[10] California Air Resources Board. 2008. Climate Change Scoping Plan. Available: https://www.arb.ca.gov/cc/scopingplan/document/adopted_scoping_plan.pdf. Accessed: April 16, 2020

[11] California Air Resources Board. California's 2017 Climate Change Scoping Plan. Accessed at: https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf. Accessed: April 16, 2020

These targets are generated by dividing a jurisdiction's GHG emissions for each horizon year by the jurisdiction's total population for that target year and are discussed further in Section 5.

1.2 Greenhouse Gas Emissions Inventory Introduction

The Livermore GHG emissions inventories serve to detail progress towards Livermore's GHG emissions reduction targets. Each inventory provides the total community GHG emissions in carbon dioxide equivalents (CO_2e).[12] Data for 2005, 2010, 2015, and 2017 inventories was originally gathered by EBEW and then reviewed and updated by Rincon for consistency with the latest methodology available in the International Council for Local Environmental Initiative (ICLEI) U.S. Community Protocol[13] and California Supplement[14]. In order to maintain consistency across all years, the updated 2005 inventory will replace the existing 2005 baseline inventory used in Livermore's 2012 CAP. Changes to the 2005 inventory methodology include adding emissions from the water and wastewater inventory sectors and removal of the Bay Area Rapid Transit (BART) emissions, because the City of Livermore does not have direct control over BART and is unable to reduce these emissions and because reliable BART data was not available for the subsequent inventories.

Emissions for each inventory year were calculated using the principles and methods from these protocols. Emissions from nitrous oxide (N_2O), methane (CH_4), and carbon dioxide (CO_2) are included in this assessment. Each GHG has a different capability of trapping heat in the atmosphere, known as its global warming potential (GWP), which is normalized relative to CO_2 and expressed as carbon dioxide equivalent, or CO_2e. The CO_2e values for these gases are derived from the Fifth Assessment Report (AR5) of the Intergovernmental Panel on Climate Change GWP values for consistency with the yearly CARB GHG inventory, as shown in Table 1.[15,16]

Table 1 Global Warming Potentials of Greenhouse Gases

Greenhouse Gas	Molecular Formula	Global Warming Potential (CO_2e)
Carbon Dioxide	CO_2	1
Methane	CH_4	28
Nitrous Oxide	N_2O	265

MT CO_2e: metric tons of carbon dioxide equivalent

[12] Carbon dioxide equivalent is a term for describing GHG emissions in a common unit, signifying for any GHG the amount of CO_2 that would have the equivalent global warming impact. The equivalent amount of CO_2 is calculated based on the GHG global warming potential value.

[13] ICLEI. 2012. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions. Available: <https://icleiusa.org/publications/us-community-protocol/>. Accessed: April 23, 2020.

[14] Association of Environmental Professionals. 2013. The California Supplement to the United States Communitywide GHG Protocol. Available: <https://califaep.org/docs/California_Supplement_to_the_National_Protocol.pdf>. Accessed: April 23, 2020.

[15] Intergovernmental Panel on Climate Change. 2014. Fifth Assessment Report: Climate Change. Direct Global Warming Potentials.

[16] All calculations use Intergovernmental Panel on Climate Change Fifth Assessment Report GWP values.

Greenhouse Gas Emissions Sectors

Each of the community inventories for the City of Livermore include estimated emissions for the following sectors:

- Energy (electricity, natural gas, direct access electricity)
- On-road Transportation (passenger, commercial)
- Off-road Transportation
- Waste (solid waste, alternative daily cover)
- Water
- Wastewater (direct, indirect)

Excluded Emissions

The following emissions sectors were excluded from Livermore's 2012 CAP baseline inventory for 2005 and are also excluded from the updated 2005, 2010, 2015, and 2017 inventories. Additional updates were also made to the 2005, 2010, and 2015 inventories in order to maintain consistent sources and emissions factors between all inventory years. These changes are summarized in Sections 2.2 and 2.3.

Consumption-based Emissions

GHG emissions from consumption of goods within the city are excluded from the inventory and forecast of future emissions. Consumptive based inventories for municipal jurisdiction are a relatively new the climate planning practice and standardized factors and methodologies are currently being developed. Without consistent methods, factors and established boundaries, the data provided from these inventories is limited and could negatively impact a jurisdictions ability to detail their progress with future GHG reductions.

Natural and Working Lands Emissions

GHG emissions from carbon sinks and sources in natural and working lands are not included in this inventory and forecast due to the lack the specific data necessary to estimate their contribution to the jurisdictions overall GHG emissions. CARB has included a state-level inventory of natural and working lands in the 2017 Scoping Plan Update[17] GHG inventory; however, at the time of this City of Livermore community-wide inventory, sufficient data was not available to conduct a jurisdiction-specific working lands inventory. CARB has developed the Natural and Working Lands Implementation Plan[18] and the Nature Conservancy and California Department of Conservation[19] have developed an inventory tool (TerraCount) which may be able to perform these inventories for Alameda County.

[17] California Air Resources Board. 2017. California's Climate Change Scoping Plan Update.

[18] California Air Resources Board. 2019. California 2030 Natural and Working Lands Climate Change Implementation Plan. Available: https://ww2.arb.ca.gov/sites/default/files/2019-06/draft-nwl-ip-040419.pdf. Accessed: April 12, 2020.

[19] California Department of Conservation. TerraCount Scenario Planning Tool. Accessed: https://maps.conservation.ca.gov/terracount/. Accessed: April 6, 2020.

Agricultural Emissions

Emissions from agricultural activities are not included in this inventory as the Community Protocol and California Supplement[20] both note agricultural activity is not a required component of Community Protocol inventories and should be included only if relevant to the community conducting the inventory. Agricultural emissions are generally inventoried at a County scale, and data is difficult to allocate to local municipal jurisdictions. Regulations exist to encourage urban agriculture within the City boundaries. Many of the emissions from these activities (e.g. energy) are covered under other sectors included in this inventory and no major commercial-scale livestock activity is noted within the city boundaries.

High GWP Emissions

High GWP emissions, including chlorofluorocarbons (CFCs) and hydrofluorocarbons (HFCs) used as substitutes for ozone-depleting substances are not included in this inventory as it is not a required component of the Community Protocol and the California Supplement notes these emissions are not generally included in California inventories, including in Livermore. Furthermore, many of these emissions are from industrial manufacturing sources and are already accounted for in the California Cap-and-Trade program.

[20] Association of Environmental Professionals. 2013. The California Supplement to the United States Community-Wide Greenhouse Gas (GHG) Emissions Protocol. Available: https://califaep.org/docs/California_Supplement_to_the_National_Protocol.pdf. Accessed: April 8, 2020.

2 Previous GHG Emissions Inventories

2.1 1990 Reference-Year Inventory

The state of California uses 1990 as a reference year to remain consistent with AB 32 and SB 32, which codified the state's 2020 and 2030 GHG emissions targets by directing CARB to reduce statewide emissions to 1990 levels by 2020 and 40 percent below 1990 levels by 2030. The City of Livermore's initial inventory was conducted for the year 2005. The state indicated in the first Climate Change Scoping Plan in 2008 that local governments wishing to remain consistent with state targets could use a 15 percent reduction from 2005-2009 levels as a proxy for a 1990 baseline.[21] The updated 1990 proxy baseline used for target setting by the City of Livermore is 610,604 MT CO_2e.[22]

2.2 2005 Baseline Inventory

In 2008, Livermore collaborated with ICLEI to develop a 2005 community GHG emissions inventory. The 2005 inventory quantified community emissions and forecast business-as-usual (BAU) conditions to 2020 based on expected population, employment, and growth. It included emissions from the residential energy, commercial/industrial energy, on-road transportation (using data from the Metropolitan Transportation Commission (MTC) for VMT data), and waste sectors. This inventory was used to inform the development of the City's General Plan Climate Change Element, which includes a goal to reduce GHG emissions by 15% below 2008 levels by 2020.

In 2010, ICF International updated this 2005 inventory to include additional sectors (referred to here as the 2012 CAP baseline inventory), developed an estimate of 2008 emissions based on the 2005 inventory, and updated the 2020 forecast using current socioeconomic factors. The 2012 CAP baseline inventory added emissions from water consumption and wastewater treatment and utilized the Alameda County CMA Travel Demand Model (now known as Alameda CTC) for VMT estimates. These changes led to an overall 40% decrease in GHG emissions for the 2005 baseline inventory year compared to the original 2005 inventory completed by ICLEI.

The 2012 CAP baseline inventory was updated again by Rincon as part of this current 2020 inventory and forecast effort for the CAP Update, using the most recent methodology, data, and emissions factors. As part of the CAP Update, GHG inventories for 2010, 2015, and 2017 that were originally developed by East Bay Energy Watch in 2019 were also updated by Rincon (see Section 2.3 below for more details on changes made by Rincon to these inventories).

Table 2 compares changes in emissions by sector between the original 2012 CAP baseline inventory and the updated CAP 2.0 2005 inventory. Overall, emissions in the updated CAP 2005 inventory increased by 5 percent, mainly due to an increase in emissions from the off-road transportation sector.

[21] Due to lack of 1990 inventory data for local governments, page 27 of the 2008 Climate Change Scoping Plan identifies 15 percent below "current" (2005-2008) levels by 2020 as consistent with the State goals of 1990 levels by 2020, allowing local governments to back-cast to develop 1990 baselines for future GHG reduction targets.

[22] Calculated using updated 2005 CAP 2.0 inventory created by EBEW and completed by Rincon.

Table 2 GHG Emissions Comparison Between the 2012 CAP Baseline Inventory and the CAP 2.0 Update 2005 Inventory

Sector	2012 CAP Baseline GHG Emissions ($MT\ CO_2e$)[23]	CAP 2.0 Updated 2005 GHG Emissions ($MT\ CO_2e$)	Percent Change
Residential Energy[1]	121,572	120,961	-0.50%
Nonresidential Energy[1]	104,183	95,643	-8.20%
Direct Access Electricity	N/A[2]	15,192	+100%
On-road Transportation	147,327	353,319	+139.82%
Off-road Transportation	N/A[2]	88,179	+100%
Solid Waste Disposal	32,783	38,495	-17.42%
Water and Wastewater	6,072	6,567	-8.15%
Municipal Operations	7.095	N/A[3]	-100%
Total	**411,937**	**718,358**	**+74.39%**

kWh: kilowatt hours; mgy: million gallons per year; N/A: not applicable; MT CO_2e: metric tons of carbon dioxide equivalent; VMT: vehicle miles traveled

[1] The electricity and gas sectors were not separated in the 2005 CAP 1.0 inventory.

[2] Direct access electricity data not separated from nonresidential electricity in inventory. Off-road emissions not included.

[3] Municipal operations are a subset of community emissions in the updated 2005 CAP 2.0 inventory and were not calculated separately.

2.3 Summary of 2005, 2010, 2015, and 2017 East Bay Energy Watch Inventories

In 2019, East Bay Energy Watch (EBEW) developed GHG inventories for jurisdictions across the Bay Area. GHG inventories for 2005, 2010, 2015, and 2017 were established for the City of Livermore as part of this effort (referred to from here as the EBEW inventories). Although the EBEW inventories use slightly different methodologies than the 2005 inventory, due to the availability of data, the consistency of the new methodology between all inventory years and between other local jurisdictions, and the use of the most recent emissions factors and data sources, the City has adopted the EBEW inventories and will incorporate updated versions into the CAP process.

Several updates were performed by Rincon as part of the current effort to adjust the EBEW inventories to create a consistent methodology across the 2005, 2010, 2015, and 2017 inventories. These included adding natural gas emissions from the industrial sector in 2015 and 2017 (due to the data being unavailable from PG&E reporting due to CPUC energy data access rules[24]), adding activity and emissions data for both water and wastewater sectors into the inventories, and updating off-road transportation sector emissions calculations to utilize the most recently available data.

The following section outlines the changes made to the EBEW inventories for consistency with the ICLEI U.S. Community Protocol[25] and inventory years.

23 Original 2005 CAP 1.0 inventory here refers to the 2012 CAP 1.0 inventory, which had previously been updated from ICLEI's 2005 inventory (completed in 2008 for use in Livermore's 2012 CAP 1.0).

24 California Public Utilities Commission Decision (D.14-05-016) establishes the Data Request and Response Process, a protocol for investor owned utilities to follow when providing customer usage data to eligible third-party requesters.

25 ICLEI. 2013. U.S. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions, Version 1.1.

Natural Gas

When examining the available PG&E natural gas data for Livermore (obtained via PG&E's Green Communities portal) it was determined that an unknown, large natural gas facility came online in Livermore between 2011 and 2012 and triggered the CPUC 15-15 rule[26] starting in 2014. This prevented PG&E from reporting industrial natural gas emissions in 2015 and 2017 as a part of the data request for Livermore's energy data, which was listed as 'Fail-Dropped'. In other years, industrial natural gas emissions were included with commercial emissions.

To allow for accurate comparison and better consistency of energy sector emissions between all four EBEW inventory years, however, the calculated activity data from Lawrence Livermore National Lab (LLNL) was added into the nonresidential natural gas sector for 2015 and 2017 to account for industrial natural gas emissions. CARB reports Cap-and-Trade emissions data to the public as a part of California's Regulations for the Mandatory Reporting of Greenhouse Gases[27], which covers all entities that emit over 10,000 MT CO_2e in a given year. Rincon examined this data for large facilities in Livermore to determine the source of the large increase in natural gas usage. By comparing Cap-and-Trade data to the available PG&E data, it was determined that LLNL, which began reporting as a part of the Cap-and-Trade program in 2012, was largely responsible for the new natural gas usage. This was confirmed by calculating the activity data for LLNL's emissions, using the calculated emissions factor for PG&E natural gas[28], which matched the increase in natural gas usage shown in Livermore's PG&E data for 2012 and 2013.

Other industrial emissions were not added into the inventories, as they are under the purview of the CARB Cap-and-Trade Program for emissions reductions and are, therefore, already accounted for in the 2017 Scoping Plan Update. The California Supplement does not recommend including these sources unless they are under the direct jurisdictional control of the reporting agency.[29]

Direct Access Electricity

Direct Access is an option that allows eligible customers to purchase their electricity directly from third party Electric Service Providers. Direct access electricity[30] was not reported by PG&E for the 2017 reporting year due to the CPUC's data access rules, specifically what is known as the 15-15 rule. It was determined by examining the available PG&E data for Livermore (obtained via PG&E's Green Communities portal) that direct access electricity users triggered the 15-15 rule in 2017. This prevented PG&E from reporting 2017 direct access electricity activity data as part of the data request for Livermore's energy data. In all other years, including the 2005, 2010, and 2015 inventory years, this direct access electricity data was reported.

To allow for accurate comparison of energy sector emissions between inventory years, direct access electricity usage and emissions were estimated for 2017. This was done by using the average ratio

[26] The 15/15 rule states no data can be provided if there are less than 15 users in any sector or if one user makes up more than 15 percent of the total usage. This applies to natural gas and electricity consumption.

[27] Cap-and-Trade emissions data obtained from the California Air Resource Board's Mandatory Reporting of Greenhouse Gas (MRR) data portal. Available: https://ww2.arb.ca.gov/mrr-data. Accessed May 7, 2020.

[28] Emissions factor for natural gas = .00531051, as calculated and used in the 2017 baseline inventory and GHG forecast for CAP 2.0. See Section 3.1 for more details on energy emissions factors.

[29] Association of Environmental Professionals. 2013. The California Supplement to the United States Community-Wide Greenhouse Gas (GHG) Protocol. Page 10.

[30] Direct access electricity is retail electric service where customers purchase electricity from a competitive provider called an Electric Service Provider (ESP), instead of from a regulated electric utility. An ESP is a non-utility entity that offers electric service to customers within the service territory of an electric utility. The utility delivers electricity that the customer purchases from the ESP to the customer over its distribution system.

of direct access electricity usage to commercial electricity based off 2015 and 2016, the closest available years with data. Direct access electricity usage was estimated in this way for 2017 also to provide direct access electricity emissions across all four inventory years.

Water and Wastewater

The EBEW inventories did not include data or emissions from water or wastewater, which are standard sectors in the ICLEI U.S. Community Protocol. Activity data for these sectors was obtained from the City in April 2020 for 2005, 2010, 2015, and 2017, and added into the inventories for all years. Water data was provided in millions of gallons supplied by CalWater and Livermore Municipal Water, and emissions were calculated by determining the amount of electricity used as a part of processing and distribution[31], and multiplying by PG&E emissions factors for electricity. Wastewater data was provided in millions of gallons from the Livermore Water Reclamation Plant, and emissions were calculated using the following ICLEI Community Protocol methods (determined based on facility information gathered by Rincon): WW.2, WW.8, and WW.12. For more detail on these calculations, see Section 3.3.

BART

The EBEW inventories originally included emissions from Bay Area Rapid Transit (BART). It was decided by Rincon and City staff to ultimately remove these emissions from the four EBEW inventory years (2005, 2010, 2015, and 2017). This was due to a lack of emissions data available for years after 2013, which prevented emissions from being accurately calculated and forecasted. Additionally, all four inventory years originally used the same emissions factor, calculated based off of 2013 data, leading to inaccurate estimation of emissions. The City of Livermore ultimately does not have control over reducing these emissions, and BART already has its own GHG emissions reduction goals in place over the next decade. These emissions also represented a small percentage of Livermore's overall emissions (0.22% in 2017). For these reasons, these emissions were ultimately removed.

Off-road Transportation

The EBEW inventories originally calculated GHG emissions from off-road equipment using the CARB OFFROAD2007 model. In late 2021, CARB released OFFROAD2021 as a replacement for previous off-road inventory models, which included more up-to-date off-road equipment inventories and activity estimates.[32] Rincon updated the 2005, 2010, 2015, and 2017 inventories to use off-road transportation activity data from the CARB OFFROAD2021 model database.

[31] Electricity usage was determined via methods outlined in the California Energy Commission's Refining Estimates of Water-related Energy Use in California, 2006. https://www.energy.ca.gov/2006publications/CEC-500-2006-118/CEC-500-2006-118.PDF.

[32] CARB. 2021. Mobile Source Emissions Inventory – Modeling Tools. https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/msei-modeling-tools.

Summary of GHG Inventory Data by Year

A summary of emissions for the 2005, 2010, 2015, and 2017 GHG inventories by sector for Livermore can be found below in Table 3, as well as back-casted emissions for 1990.

Table 3 Livermore GHG Inventories Emissions Summary

Sector	1990[1] (MT CO_2e)	2005 (MT CO_2e)	2010 (MT CO_2e)	2015 (MT CO_2e)	2017 (MT CO_2e)
Residential Electricity	42,349	49,822	44,872	37,602	19,775
Residential Gas	60,468	71,139	72,206	61,334	65,896
Nonresidential Electricity	55,991	65,872	55,902	52,865	27,836
Nonresidential Gas	25,305	29,771	29,075	52,236	57,462
Direct Access Electricity	12,913	15,192	8,075	9,734	6,545
On-Road Transportation	300,322	353,320	312,355	325,691	314,154
Off-Road Transportation	10,246	12,055	14,061	17,394	18,002
Waste	32,721	38,495	24,315	20,859	23,052
Wastewater	1,604	1,887	1,809	1,661	1,366
Water	3,978	4,680	3,860	2,400	1,479
Total Emissions	**545,898**	**642,233**	**566,530**	**581,776**	**535,567**
Emissions per capita	9.62	8.23	7.00	6.72	5.92

$MTCO_2e$: metric tons of carbon dioxide equivalent

[1] All 1990 inventory data calculated as a 15 percent reduction from CAP 2.0 2005 inventory levels per California Air Resources Board Scoping Plan. The original 2012 CAP used this same methodology for calculating 1990 emissions, although a 2008 inventory was developed as a baseline.

[2] Includes emissions from direct access electricity.

[3] Nonresidential natural gas emissions adjusted to include estimated emissions from industrial sources, which were not reported by PG&E due to CPUC privacy rules.

The updated activity data, emissions factors, and total emissions for the 2005, 2010, 2015, and 2017 inventories for Livermore are summarized below in Table 4, Table 5, Table 6, and Table 7. All of the inventory years utilize the same methodology, except for changes made to the original EBEW inventories by Rincon to specific inventory years (as identified in this section).

Table 4 Livermore 2005 GHG Inventory Data

	Activity Data	Emissions Factors	Emissions (MT CO_2e)
Residential Electricity (kWh)	223,251,790	0.000223	49,822
Residential Gas (therms)	13,395,923	0.00531	71,139
Nonresidential Electricity (kWh)	295,174,279	0.000223	65,872
Nonresidential Gas (therms)	5,606,070	0.00531	29,771
Direct Access Electricity (kWh)	39,378,526	0.000386	15,192
Passenger On-road Transportation (VMT)	548,153,828	0.000399	218,684
Commercial On-Road Transportation (VMT)	91,610,896	0.00147	134,636
Off-Road – Diesel (Gallons)	600,655	0.0103	6,212
Off-Road – Gasoline (Gallons)	338,135	0.00905	3,062
Off-Road – NG/LPG (Gallons)	477,673	0.00582	2,780
BART (Passenger Miles)	Removed	Removed	Removed
Solid Waste (tons)	119,384	0.293	35,008
Alternative Daily Cover Waste (tons)	14,193	0.246	3,487
Wastewater (mgy)	2,640	0.000223	1,887
Water (mgy)	5,879	0.000223	4,680
Total			**642,233**

kWh: kilowatt hours; mgy: million gallons per year; N/A: not applicable; MT CO_2e: metric tons of carbon dioxide equivalent; VMT: vehicle miles traveled; NG: natural gas; LPG: liquefied petroleum gas

Table 5 Livermore 2010 GHG Inventory Data

	Activity Data	Emissions Factors	Emissions (MT CO_2e)
Residential Electricity (kWh)	221,110,304	0.000203	44,872
Residential Gas (therms)	13,596,747	0.00531	72,206
Nonresidential Electricity (kWh)	275,465,613	0.000203	55,902
Nonresidential Gas (therms)	5,475,062	0.00531	29,075
Direct Access Electricity (kWh)	28,367,259	0.000285	8,075
Passenger On-road Transportation (VMT)	493,823,032	0.000391	193,056
Commercial On-Road Transportation (VMT)	80,288,169	0.00149	119,299
Off-Road – Diesel (Gallons)	777,146	0.0103	8,038
Off-Road – Gasoline (Gallons)	344,849	0.00905	3,123
Off-Road – NG/LPG (Gallons)	498,303	0.00582	2,900
BART (Passenger Miles)	Removed	Removed	Removed
Solid Waste (tons)	65,600	0.296	19,430
Alternative Daily Cover Waste (tons)	19,881	0.246	4,885
Wastewater (mgy)	2,586	0.000203	1,809
Water (mgy)	5,324	0.000203	3,860
Total			**566,528**

kWh: kilowatt hours; mgy: million gallons per year; N/A: not applicable; MT CO_2e: metric tons of carbon dioxide equivalent; VMT: vehicle miles traveled; NG: natural gas; LPG: liquefied petroleum gas

Table 6 Livermore 2015 GHG Inventory Data

	Activity Data	Emissions Factors	Emissions (MT CO_2e)
Residential Electricity (kWh)	203,689,656	0.000185	37,602
Residential Gas (therms)	11,549,521	0.00531	61,334
Nonresidential Electricity (kWh)	286,367,883	0.000185	52,865
Nonresidential Gas (therms)[1]	9,836,396	0.00531	52,236
Direct Access Electricity (kWh)	32,760,434	0.000297	9,734
Passenger On-road Transportation (VMT)	534,438,400	0.000355	189,523
Commercial On-Road Transportation (VMT)	95,769,686	0.00142	136,168
Off-Road – Diesel (Gallons)	1,061,791	0.0103	10,982
Off-Road – Gasoline (Gallons)	362,052	0.00905	3,278
Off-Road – NG/LPG (Gallons)	538,354	0.00582	3,134
BART (Passenger Miles)	Removed	Removed	Removed
Solid Waste (tons)	65,091	0.286	18,619
Alternative Daily Cover Waste (tons)	9,118	0.246	2,240
Wastewater (mgy)	2,179	0.000185	1,661
Water (mgy)	3,708	0.000185	2,400
Total			**581,777**

kWh: kilowatt hours; mgy: million gallons per year; N/A: not applicable; MT CO_2e: metric tons of carbon dioxide equivalent; VMT: vehicle miles traveled; NG: natural gas; LPG: liquefied petroleum gas

[1] Data for 2015 industrial natural gas was unavailable due to the CPUC's 15-15 privacy rule. Emissions from industrial natural gas for 2015 were estimated using reported emissions from the Livermore Lawrence National Laboratory as a part of California's Cap-and-Trade program.

Table 7 Livermore 2017 GHG Inventory Data

	Activity Data	Emissions Factors	Emissions (MT CO_2e)
Residential Electricity (kWh)	205,232,521	0.000096	19,775
Residential Gas (therms)	12,408,537	0.00531	65,896
Nonresidential Electricity (kWh)	288,894,815	0.000096	27,836
Nonresidential Gas (therms) [1]	10,820,445	0.00531	57,462
Adjusted Direct Access Electricity (kWh)[2]	32,283,926	0.000203	6,545
Passenger On-road Transportation (VMT)	538,932,050	0.000338	181,900
Commercial On-Road Transportation (VMT)	96,824,903	0.001422	132,254
Off-Road – Diesel (Gallons)	1,104,596	0.0103	11,425
Off-Road – Gasoline (Gallons)	371,061	0.00905	3,360
Off-Road – NG/LPG (Gallons)	552,683	0.00582	3,217
BART (Passenger Miles)	Removed	Removed	Removed
Solid Waste (tons)	73,437	0.286	21,006
Alternative Daily Cover Waste (tons)	8329	0.246	2046
Wastewater (mgy)	2,132	0.000096	1,366
Water (mgy)	4,378	0.000096	1,479
Total			**535,566**

kWh: kilowatt hours; mgy: million gallons per year; N/A: not applicable; MT CO_2e: metric tons of carbon dioxide equivalent; VMT: vehicle miles traveled

[1] Data for 2017 industrial natural gas was unavailable due to the CPUC's 15-15 privacy rule. Emissions from industrial natural gas for 2017 were estimated using reported emissions from the Livermore Lawrence National Laboratory as a part of California's Cap-and-Trade program.

[2] Data for 2017 direct access electricity was unavailable due to the CPUC's 15-15 privacy rule. Emissions from direct access electricity for 2017 were estimated using the average ratio of direct access electricity to commercial electricity between 2015 and 2016.

3 2017 GHG Emissions Inventory

The methodologies, data sources, calculations, and results associated with the Livermore community-wide 2017 GHG emissions inventory update are included in this section. This section focuses on the 2017 inventory since it is the most recent inventory, but the methodologies used for the 2017 inventory were also utilized for the 2005, 2010, and 2015 inventories. The 2017 Livermore GHG emissions inventory serves as the inventory to inform development of future GHG emissions forecasts that will assist the City in setting GHG emissions targets that are consistent with state-level goals and the Livermore General Plan 2003-2025.

The 2017 GHG inventory is structured based on emissions sectors. The ICLEI Community Protocol recommends local governments examine their emissions in the context of the sector responsible for those emissions. Many local governments will find a sector-based analysis more directly relevant to policy making and project management, as it assists in formulating sector-specific reduction measures for climate action planning. The reporting sectors are made up of multiple subsectors to allow for easier identification of sources and targeting of reduction policies.

The 2017 inventory reports all Basic Emissions Generating Activities[33] required by the Community Protocol[34] by the following main sectors:

- Energy (electricity and natural gas)
- Transportation
- Water and Wastewater
- Solid Waste

The data used to complete this inventory and forecast came from multiple sources, as summarized in Table 8. Data for the 2017 water and wastewater sector calculations were provided by the City via personal communication with Tricia Pontau.

[33] Required emissions generating activities include: use of electricity by the community, use of fuel in residential and commercial stationary combustion equipment, on-road passenger and freight motor vehicle travel, use of energy in potable water and wastewater treatment and distribution, and generation of solid waste by the community.

[34] ICLEI. 2012. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions. Section 2.2.

Table 8 Inventory and Forecast Data Sources

Sector	Activity Data	Unit	Source
Inventory			
Energy	Electricity Consumption Natural Gas Consumption	kWh Therms	Pacific Gas and Electric; CARB Mandatory GHG Reporting (Cap-and-Trade)
On-road Transportation	Annual Mileage	VMT	Metropolitan Transportation Commission Vehicle Miles Traveled Data Portal; EMFAC2017 Model
Off-road Transportation	Annual Fuel Consumption	Gallons	OFFROAD2021 Model
Water	Water Pumping Electricity Usage	AF kWh	Tricia Pontau; Livermore Municipal Water; California Water Service
Wastewater	Electricity Consumption, Water Treated	kWh MGD	Tricia Pontau; Community Protocol Estimates; Livermore Water Reclamation Plant
Solid Waste	N/A	N/A	CalRecycle; California Air Resources Board Landfill Emissions Tool Version 1.3
Forecast Growth Indicators			
Population	Residents	Persons	California Department of Finance E4 and E5 demographic datasets; Association of Bay Area Governments Plan Bay Area Projections 2040
Commerce	Jobs	Number of Jobs	California Department of Finance E4 and E5 demographic datasets; U.S. Census OnTheMap tool; Association of Bay Area Governments Plan Bay Area Projections 2040
Transportation	Annual Mileage, Emissions	N/A	EMFAC2017 Model; Metropolitan Transportation Commission Vehicle Miles Traveled Data Portal
Off-road Transportation	Annual Fuel Consumption	Gallons	OFFROAD2021 Model
Building Efficiency	Title 24 Efficiency Increases	Percent	California Energy Commission
Electricity Emissions	Renewable Portfolio Standard	Percent	Renewable Portfolio Standard; Senate Bill 100

kWh; kilowatt hours; VMT: vehicle miles traveled; AF: acre-foot; MGD: million gallons per day; N/A: not applicable;

GHG Inventory data was originally gathered by EBEW and then reviewed and updated by Rincon for consistency with the latest methodology available in the Community Protocol[35] and California Supplement[36]. The updated 2005 GHG Inventory added emissions from the water and wastewater inventory sectors and removed the Bay Area Rapid Transit (BART) emissions, because the City of Livermore does not have direct control over BART and is unable to reduce these emissions and because BART data was not available for the subsequent inventories. Information regarding updates to the original EBEW 2005, 2010, 2015, and 2017 inventories is in Section 2.3 and information relating to the emissions forecast are located in Section 4 of this technical appendix.

[35] ICLEI. 2012. Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions. Available: <https://icleiusa.org/publications/us-community-protocol/>. Accessed: April 23, 2020.

[36] Association of Environmental Professionals. 2013. The California Supplement to the United States Communitywide GHG Protocol. Available: <https://califaep.org/docs/California_Supplement_to_the_National_Protocol.pdf>. Accessed: April 23, 2020.

3.1 Energy Emissions

The energy sector includes GHG emissions resulting from the consumption of electricity and natural gas. Both energy sources are used in residential and nonresidential (commercial and industrial) buildings and for other power needs throughout the City of Livermore. The following subsections describe the data sources, emissions factors and calculation methodologies associated with electricity and natural gas.

Overall, residential energy emissions were about equal to non-residential (commercial and industrial) in their contribution to energy emissions in 2017, at approximately 50.11 percent and 49.89 percent respectively, as shown in Figure 1. It should be noted that, due to data availability issues in reporting years after 2013, large industrial gas data was not provided by PG&E and was instead estimated for 2015 and 2017 to allow for more accurate comparisons between inventory. Direct access electricity usage was also estimated for 2017 as data from PG&E was not available. Additional information on why this change was made as well as the methodologies used to estimate 2017 commercial gas data are provided in Section 2.3.

Electricity

Emissions resulting from electricity consumption were estimated by multiplying annual electricity consumed by an emissions factor representing the average emissions associated with generation of one megawatt hour (MWh) of electricity. Electricity is supplied to the City by PG&E. In its 2017 report to the verification body, The Climate Registry, PG&E reported an electricity carbon intensity factor of 210 pounds CO_2e per MWh.[37] PG&E also reported to the California Energy Commission, an average of 33 percent renewable energy in its portfolio in 2017.[38] From 2005, residential electricity use decreased by 18,019 MWh while nonresidential electricity decreased by 6,279 MWh for a total net decrease of 24,298 MWh. Therefore, the 83,275 MT CO_2e reduction in GHG emissions from electricity between 2005 and 2017 was due to a decrease in electricity usage and an approximately 57 percent reduction in the PG&E electricity emissions factor.

In 2017, a total 47,611 $MTCO_2e$ was generated within the community due to residential and commercial electricity use. Table 7 show the breakdown of emissions from electricity by both category (residential, nonresidential) and by source.

Direct access electricity was also calculated using the same methodology, but with a calculated emissions factor of 0.203 MT CO_2e/MWh. This is equivalent to the California state grid (CAMX) average carbon intensity of electricity (reported by the California Energy Commission), as direct access electricity is not provided by PG&E.[39] Direct access electricity data was not provided by PG&E due to CPUC privacy regulations, and so was estimated based off the average of 2015 and 2016 direct access activity data. Direct access electricity accounted for 32,284 MWh of electricity use in 2017, which resulted in 6,545 MT CO_2e of emissions.

[37] The Climate Registry. 2019 Default Emissions Factors. Available: https://www.theclimateregistry.org/wp-content/uploads/2019/05/The-Climate-Registry-2019-Default-Emission-Factor-Document.pdf. Accessed: April 15, 2020

[38] California Energy Commission. Sacramento Municipal Utility District 2016 Power Content Label. Available: https://ww2.energy.ca.gov/pcl/labels/2017_labels/PG_and_E_2017_PCL.pdf Accessed April 15, 2020

[39] California Energy Commission. Total System Electric Generation. Available: https://ww2.energy.ca.gov/almanac/electricity_data/system_power/2017_total_system_power.html. Accessed: May 7, 2020.

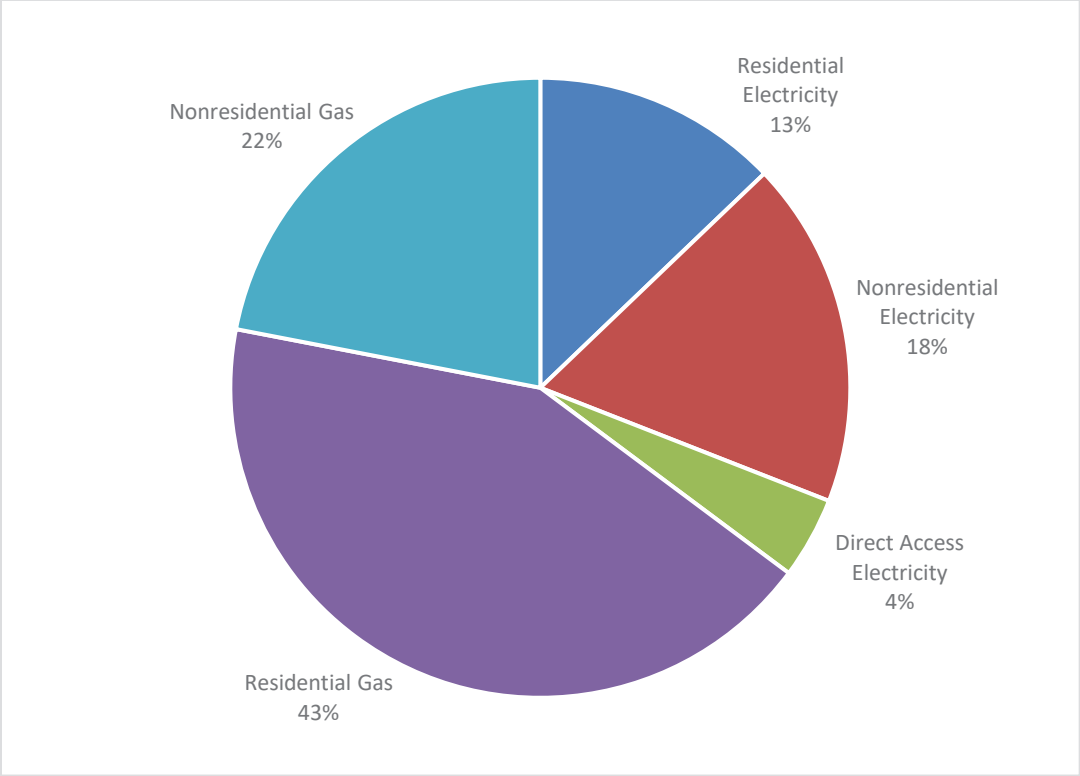
Natural Gas

In order to calculate emissions from natural gas consumption, the total therms consumed is multiplied by the PG&E reported emissions factor of .00531 MT CO_2/therm. Due to CPUC privacy regulations, data regarding the therms of natural gas consumed in 2017 was not provided by PG&E. Emissions were instead estimated based on the most recently available data for this category, which was 2013. [40]

Residential natural gas usage decreased from 13.4 million therms in 2005 to 12.4 million therms in 2017, and nonresidential natural gas usage increased from 5.6 million therms to 10.8 million therms Overall, this resulted in a 5,243 MT CO_2e reduction in emissions from the natural gas sector in 2005 compared to 2017.

In 2017, the residential and nonresidential sectors consumed a total of 23,228,982 therms of natural gas, which, based on the emissions factor of 0.00531 MT CO_2/therms, generated 123,358 MTCO_2e. A complete breakdown of natural gas use by category and sector is provided in Table 9.

Figure 1 Energy Emissions by Category for Year 2017



[40] Emissions were added based on reported emissions from the Lawrence Livermore Laboratory to CARB as a part of California's Cap-and-Trade program. For more information on this calculation and adjustment, see Section 2.3.

Table 9 Energy Emissions by Category for Year 2017

Source	Activity Data	Emissions Factor	Total Emissions ($MTCO_2e$)
Residential			**85,671**
Natural Gas	12,408537 therms	0.00531 MT CO_2e/therms	65,896
Electricity	205,233 MWh	0.09635 MT CO_2e/MWh	19,775
Nonresidential			**85,298**
Natural Gas[1]	10,820,445 therms	0.00531 MT CO_2e/therms	57,462
Electricity	288,895 MWh	0.09635 MT CO_2e/MWh	27,836
Direct Access Electricity			**6,545**
Natural Gas	32,284 MWh	0.2027 MT CO_2e/MWh	6,545
Total			**177,514**

MWh: megawatt hours; MT CO_2e: metric tons of carbon dioxide equivalent

[1] Large industrial natural gas has been estimated for 2017 due to CPUC privacy rules.

3.2 Transportation Emissions

On-Road

Transportation modeling for VMT attributed to the City of Livermore was obtained using the Bay Area Metropolitan Transportation Commission (MTC) VMT data model. The emissions associated with on-road transportation were then calculated by multiplying the estimated daily VMT and the average vehicle emissions rate established by CARB EMFAC2017 modeling for vehicles within the region. The MTC model does not directly provide VMT projections for 2017, so VMT was estimated by interpolating for years between 2015 and 2020 (for which VMT data is directly available from the MTC model).

The MTC VMT modeling results allocate the total VMT derived from the activity-based model to the City of Livermore using the Origin-Destination (O-D) method. The O-D VMT method is the preferred method recommended by the U.S Community Protocol in on-road methodology TR.1 and TR.2 to estimate miles traveled based on trip start and end locations. Under these recommendations, all trips that start and end within the City are attributed to the City. Additionally, one half of the trips that start internally and end externally and vice versa are attributed to the City, and no “pass through” trips are accounted for.

Due to the MTC model not being able to provide VMT for unincorporated county areas, data was used from the Highway Performance Monitoring System,[41] which is published annually by Caltrans. This data provides VMT counts on local roads for each jurisdiction, as well as County-level VMT for all other roads (state highways, roads on land under state or federal jurisdiction such as military bases or state parks, etc.). This data includes all vehicle types and is allocated using the geographic boundary method.

[41] Caltrans. 2019. Highway Performance Monitoring System. Available: https://dot.ca.gov/programs/research-innovation-system-information/highway-performance-monitoring-system. Accessed: May 25, 2020

Commercial VMT for heavy-duty vehicles is also provided by MTC, but separately from light-duty vehicles VMT.[42] Commercial VMT includes heavy-duty freight trucks, motor homes, public and private buses, and other commercial vehicles. Commercial VMT was assigned to individual communities by MTC using a method called "Longitudinal Employer-Household Dynamics" (LEHD). Under this method, MTC first models the county-wide VMT of heavy-duty vehicles using an approach called a geographical boundary method. In this method, all the heavy-duty VMT that occurs within a county's geographic limits is assigned to that county, regardless of where the trip begins or ends. MTC next looks at the number of jobs in specific economic sectors that generate heavy-duty vehicle trips (such as agriculture, construction, retail trade, and manufacturing) for the entire county and for each jurisdiction in the county. The US Census provides the number of jobs in these sectors through its online OnTheMap tool.[43] MTC sums the number of jobs in these sectors, and uses the percent of each community's share of jobs in these sectors, relative to the number of Alameda County jobs in the sectors, to allocate heavy-duty VMT. In 2017, Livermore was attributed 7.52 percent of commercial VMT in Alameda County, which was 3,553,565.

In 2017 on-road transportation attributed to the City of Livermore resulted in 314,154 MT CO_2e. This resulted in a 39,165 MT CO_2e reduction compared to 2005. During this time VMT decreased by 0.6 percent or 4 million miles traveled, and the emissions reductions in this sector were driven by an increase in average vehicle efficiency and adoption of electric vehicles. These changes drove the 12 percent decrease in average vehicles emissions per mile.

A summary of the VMT results can be found in Table 10.

Table 10 Estimated On-Road Transportation Emissions for 2017

Source	Activity Data (VMT)[2]	Emissions Factor (MT CO_2e per VMT)	Total Emissions ($MTCO_2e$)
Internal-Internal Daily VMT	319,968	0.000445	142
½ Internal-External Daily VMT	608,864	0.000445	271
½ External-Internal Daily VMT	615,276	0.000445	274
Total Passenger Daily VMT	1,544,108	0.000338	522
Total Adjusted Passenger Daily VMT[3]	1,553,118	0.000338	525
Total Commercial Daily VMT	267,057	0.001366	365
Total Adjusted Commercial Daily VMT[3]	279,034	0.001366	381
Yearly Passenger VMT[1]	**538,932,050**	**0.000338**	**181,900**
Yearly Commercial VMT[1]	**96,824,903**	**0.001366**	**132,254**
Yearly VMT[1]	**635,756,952**	**0.000852**	**314,154**

MT CO_2e: metric tons of carbon dioxide equivalent; VMT: vehicle miles traveled

[1] Weekday to annual conversion of 347 is used per CARB guidance on VMT modeling

[2] The origin-destination methodology for VMT calculation attributes 100 percent of internal to internal daily trips, 50 percent of internal-external and external-internal daily trips and excludes all pass-through trips. This sum is then multiplied by 347 to get an annual VMT number.

[3] Motorcycle, motor homes, and bus VMT not included in original data, and were estimated based on average prevalence of these vehicles in Alameda County, which is approximately 1 percent.

[42] East Bay Energy Watch. 2019. Regional Greenhouse Gas Inventory Methodological Summary. Available: https://static1.squarespace.com/static/53fe4fcfe4b070b8a2eb623b/t/5c36664b21c67c309508c0ff/1547069004776/EBEW-RegionalGHGTool-Methodological-Summary.pdf. Accessed: May 25, 2020.

[43] United States Census Bureau. 2018. OnTheMap Version 6. Available: https://onthemap.ces.census.gov/. Accessed: April 2020.

Transportation emissions are generated by the community of Livermore through on-road transportation, including passenger, commercial, and heavy machinery. Emissions factors are established using the latest CARB and EPA-approved emissions modeling software, 2017 State EMissions FACtors (EMFAC) Model. Carbon dioxide, nitrous oxide, and methane emissions from engine combustion are multiplied by their GWP to determine CO_2e per VMT. Emissions for both passenger and commercial vehicles were established using the EMFAC2017 GHG module and weighted by VMT to establish an average emissions factor per VMT for the City. Emissions from electricity used by charging of electric vehicles are captured under the electricity sector. In 2017, the average emissions factor for cars on the road in the County of Alameda was 0.000435 $MTCO_2e$ per VMT as calculated using the EMFAC2017 model.[44] Technical details on the EMFAC2017 modeling tool can be found on the EMFAC Mobile Source Emissions Inventory Technical Support Documentation Portal.[45]

Off-Road

Off-road emissions were calculated using the California Air Resources Board's OFFROAD2021 modeling tool.[46] Some categories of off-road equipment are included in the datasets, but were not present in the Alameda County OFFROAD2021 output, and so were not included[47]. These categories are commercial harbor craft, locomotives, and forestry equipment.. OFFROAD2021 output for Alameda County fuel consumption is shown below in Table 11. This data was supplemented by various demographic, land use, and infrastructure data. Population and household data are from the California Department of Finance's E5 dataset and jobs data comes from the U.S. Census. The Metropolitan Transportation Commission supplied land use data, and the California Department of Conservation provided necessary data on oil wells. EBEW also used data on road miles in each community, which was obtained from Caltrans.

Since the off-road emissions data is available at a County level, a portion of emissions had to be allocated to the City of Livermore. These allocation methods were developed by EBEW and modified by Rincon for each category, which look at how much of a certain activity or indicator occurs in each community as a percent of how much of that activity or indicator occurs county-wide. These allocations by equipment category are shown below in Table 12. Total emissions from off-road transportation in 2017 was 58,852 MT CO_2e, shown in Table 13.

[44] California Air Resources Board. 2017. EMFAC2017. Base year 2017, County of Alameda model run. Available: https://www.arb.ca.gov/emfac/ Accessed: April 5, 2020

[45] California Air Resources Board. EMFAC Software and Technical Support Documentation. Available: https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/road-documentation/msei-modeling-tools-emfac Accessed: April 5, 2020.

[46] California Air Resources Board. 2021. OFFROAD2021 version 1.0.2 Emissions Inventory. Available: https://arb.ca.gov/emfac/. Accessed: April 1, 2022.

[47] East Bay Energy Watch. January 2019. Regional Greenhouse Gas Inventory Methodological Summary. Available: https://static1.squarespace.com/static/53fe4fcfe4b070b8a2eb623b/t/5c36664b21c67c309508c0ff/1547069004776/EBEW-RegionalGHGTool-Methodological-Summary.pdf. Accessed: June 1, 2020.

Table 11 Estimated Off-Road Activity Data for Alameda County 2017

Source	Diesel	Gasoline	Natural Gas/LPG
Agricultural Equipment	391,247	0	0
Airport Ground Support Equipment	197,062	968,520	113,373
Cargo Handling Equipment	3,867,750	338,177	65,565
Construction and Mining Equipment	6,020,196	239,270	0
Industrial Equipment	985,121	2,803,920	5,052,615
Lawn and Garden Equipment	56	2,936	0
Light Commercial Equipment	446,969	794,877	630,231
Ocean Going Vessels	12,631,094,402	0	0
Oil Drilling	8,108	0	0
Other Portable Equipment	5,690,698	0	0
Pleasure Craft	0	23,333	0
Recreational Equipment	0	404,075	0
Transport Refrigeration Units	4,607,216	0	0
Total	**12,653,308,824**	**5,575,110**	**5,861,784**

Notes: LPG: liquefied petroleum gas
All data is presented in gallons per year.

Since the off-road emissions data is available at a County level, a portion of emissions had to be allocated to the City of Livermore. These allocation methods were developed by EBEW and modified by Rincon for each category, which look at how much of a certain activity or indicator occurs in each community as a percent of how much of that activity or indicator occurs county-wide. These allocations by equipment category are shown below in Table 12.

Table 12 Allocation Method for Off-Road Equipment Categories

Source	Allocation Method
Agricultural Equipment	Percent of agricultural acres
Airport Ground Support Equipment	Excluded – No airport facilities in Livermore
Cargo Handling Equipment	Excluded – No port facilities in Livermore
Construction and Mining Equipment	Percent of service population[2]
Industrial Equipment	Percent of industrial acres
Lawn and Garden Equipment	Percent of service population[2]
Light Commercial Equipment	Percent of jobs
Ocean Going Vessels	Excluded – No port facilities in Livermore
Oil Drilling	Percent of active wells
Other Portable Equipment	Percent of service population[2]
Pleasure Craft	Excluded – No docking facilities in Livermore
Recreational Equipment	Percent of population

Transport Refrigeration Units	Percent of service population[2]

[1] EBEW allocated all airport ground support equipment emissions to Oakland because it is the only included community with commercial airport operations. Although charter service and general aviation is available at airports in Concord, unincorporated Contra Costa, Hayward, and Livermore, activity and emissions at these facilities is considered insignificant.

[2] Service population is the sum of residents plus jobs, or people who live in the community plus people who work in the community. Someone who both lives and works in the community is counted as two people under this method.

After applying the above attribution metrics to the fuel consumption outputs from OFFROAD2021 Alameda County, GHG emission factors were applied to the fuel totals to obtain total GHG emissions. The GHG emission factors used were 0.0103, 0.00905, and 0.00582 MT CO_2e per gallon of fuel; for diesel, gasoline, and natural gas/liquefied petroleum gas, respectively. Total emissions from off-road transportation in 2017 was 58,852 MT CO_2e, shown in Table 13.

Table 13 Estimated Off-Road Transportation Emissions for 2017

Source	Fuel Consumption (Gallons)	GHG Emissions (MT CO_2e)
Diesel	1,104,596	11,425
Gasoline	371,061	3,360
Natural Gas/Liquefied Petroleum Gas	552,683	3,217
Total	**2,028,314**	**18,002**

Notes: MT CO_2e: metrics tons of carbon dioxide equivalent

3.3 Water and Wastewater Emissions

Water

Water is supplied to Livermore by Livermore Municipal Water and the California Water Service (CalWater), primarily sourced from the State Water Project in the Central Valley. The Livermore Municipal Water receives treated water from Zone 7 Water Agency and serves about one-third of the City, while central and southern parts of the City are served by CalWater. Water supplied to the community contributes emissions through the use of energy to extract, convey, treat, and deliver water. The amount of energy required for community water usage was calculated using embodied energy data emissions factors based on the processes used, taken from the California Energy Commission's 2007 Refining Estimates of Water-Related Energy Use in California report. It was determined that in 2017 Livermore Municipal Water provided water at an average of 3,808 kWh per million gallons, while CalWater provides water at an average of 3,305 kWh per million gallons. This resulted in Livermore Municipal Water using 6,608 MWh and CalWater using 8,736 MWh to provide the City water in 2017. A breakdown of all water emissions by source are shown below in Table 14.

PG&E is the electricity provider for the City; therefore, PG&E's energy emissions factor of 210 pounds CO_2e/MWh was applied to the calculated electricity used for water consumption in the city. Energy consumption related to water use in the city of Livermore resulted in the generation of approximately 1,479 MTCO_2e in 2017, or 52 percent of total water and wastewater emissions. In 2005, the City used 5,879 million gallons of water. In 2017, Livermore used 4,378 million gallons of water, or about 26 percent less overall. Emissions overall decreased by 3,200 MT CO_2e, due to this decrease in water usage as well as the reduction in PG&E's electricity emissions factor.

Wastewater

The wastewater generated by community residents and businesses creates GHG emissions during the treatment processes, including process, stationary, and fugitive emissions. The sources and magnitude of emissions depend on the type of wastewater treatment plant and the treatment processes utilized.

Wastewater generated in the City of Livermore is collected in local sewer lines which ultimately discharge into the Livermore Water Reclamation Plant managed by Water Resources Division of the Livermore Public Works Department. The wastewater treatment plant treated 2132 million gallons of sewage from Livermore in 2017, according to data obtained from the City. Emissions were calculated using Community Protocol Methodology WW.2, WW.8, and WW.12 based on processes used at the treatment facility (Figure 2). In 2017, a total of 3.32 MT N_2O and 1.88 MT CH_4 were emitted from the effluent discharge, process and stationary sources at the treatment plant. The wastewater treatment plant also used 3,671,304 kWh of electricity in 2017, which resulted in emissions of 354 MT CO2e. As shown in Table 14 the total process emissions and electricity usage for Livermore wastewater treatment and disposal resulted in emissions of 1,366 MT CO_2e per year, or 48 percent of the water and wastewater emissions.

Table 14 Water and Wastewater Emissions for Year 2017

Source	Activity Data	Kilowatts per Million Gallons[1]	Kilowatt Hours	Emissions Factor (MT CO_2e/ MWh)	Total Emissions (MT CO_2e)
Water Use					
Livermore Municipal Water	1,735 MG	3,808	6,608,374	0.09635	637
California Water Service	2,643 MG	3,305	8,736,088	0.09635	842
Total					**1,479**
Wastewater Generation					
Livermore Water Reclamation Plant[2]	2,132 MG	1,722	3,671,304	0.09635	354
Process Nitrous Oxide Emissions	0.3034 MT N_2O	–	–	1 N_2O to 265 CO_2e	80
Stationary Methane Emissions	1.88 MT CH_4	–	–	1 CH_4 to 28 CO_2e	53
Effluent Discharge	3.32 MT N_2O	–	–	1 N_2O to 265 CO_2e	879
Total					**1,366**

MWh: megawatt hours; MT: metric tons; CO_2e: carbon dioxide equivalent; CH_4: methane; N_2O: nitrous oxide

[1] Calculated based off of the data regarding the processes used for water and wastewater generation. Water factors included: average depth of groundwater wells (160 ft), and sources of water (surface water, groundwater, state water project, recycled water). Wastewater factors included: type of wastewater treatment technology (activated sludge and digesters), use of pumps to dispose of wastewater, wastewater discharge into the San Francisco Bay, and number of septic tanks in Livermore (144 in 2017)

[2] Indirect emissions from electricity use during the wastewater generation process.

Figure 2 Wastewater Methodology

Box WW.2.(alt)	**Example Calculation of N_2OEmissions from Combustion when only Population Served by System is Known**	
A centralized wastewater facility serves a city with a population of 100,000 people. No other data is available. Based on this scenario the N_2O emissions from the combustion of digester biogas can be calculated as follows		
Description		Value
N_2O emissions	= Total N_2O emitted by combustion ($mtCO_2e$)	Result
P	= Population served by anaerobic digester	100,000
Digester gas	= Measured standard cubic feet of digester gas produced per person per day (std ft^3/person/day)	1.0
fCH_4	= Fraction of CH_4 in biogas	0.65
BTU_{CH4}	= Default BTU content of CH_4, higher heating value (BTU/ft^3)	1028
10^{-6}	= Conversion from BTU to 1 MMBTU	10^{-6}
EF_{N2O}	= N_2O emission factor (kg N_2O/MMBTU)	6.3 X 10^{-4} kg N_2O per MMBTU
365.25	= Conversion factor (day/year)	365.25
10^{-3}	= Conversion from kg to mt (mt/kg)	10^{-3}
GWP_{N_2O}	= Global Warming Potential; conversion from mt of N_2O into mt of CO_2 equivalents	GWP[11]
Sample Calculation:		
Annual N_2O *emissions* $= (100{,}000 \times 1 \times 0.65 \times 1028 \times 10^{-6} \times (6.3 \times 10^{-4}) \times 365.25 \times 10^{-3}) \times 310$		
$= 4.8\ mtCO_2e$		

Equation WW.8 **N_2O Process Emissions from Wastewater Treatment Plants (or aeration basin) without nitrification or denitrification**		
Annual N_2O *emissions* $= ((P \times F_{ind\text{-}com}) \times EF \times 10^{-6}) \times GWP$		
Where:		
Description		Value
Annual N_2O emissions	= Total annual N_2O emitted by WWTP processes ($mtCO_2e$)	Result
P	= Population served by the WWTP	User input
$F_{ind\text{-}com}$	= Factor for high nitrogen loading of industrial or commercial discharge	1.25
$F_{ind\text{-}com}$	= Factor for insignificant industrial or commercial discharge	1
$EF_{w/o\ nit/denit}$	= Emissions factor for a WWTP without nitrification or denitrification(g N_2O/ person / year)	3.2
10^{-6}	= Conversion from g to mt (mt/g)	10^{-6}
GWP_{N_2O}	= Global Warming Potential; conversion from mt of N_2O into mt of CO_2 equivalents	GWP[25]
Source: *As listed in LGO protocol Equation 10.7 from EPA Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1890-2007, Chapter 8, 8-13 (2009)*		

Equation WW.12.(alt) **N_2O Emission from Effluent Conversion when only Population Served by Wastewater Treatment Plant is Known**		
Annual N_2O emissions = $((P \times F_{ind\text{-}com}) \times$ (Total N load - N uptake x BOD5 load) $\times$ EF effluent $\times$ 44/28 $\times$ (1 – Fplant nit/denite) $\times$ 365.25 $\times 10^{-3}) \times$ GWP		
Where:		
Description		Value
N_2O emissions	= Total annual N_2O emitted by effluent (mtCO2e)	Result
P	= Population	User input
$F_{ind\text{-}com}$	= Factor for industrial or commercial discharge	1.25 (if applicable)
Total N-Load	= Average total nitrogen per day (kg N/person/day)	0.026[34]
N uptake	= Nitrogen uptake for cell growth in *aerobic* systems (kg N/kg BOD_5)	0.05
<u>OR</u>		
N uptake	= Nitrogen uptake for cell growth in *anaerobic or lagoon* systems(kg N/kg BOD_5)	0.005
BOD_5	= Amount of BOD_5 produced per person per day (kg BOD_5/person/day)	0.090
EF	= Emission factor (kg N_2O-N/kg sewage-N discharged)	0.005 for river or stream discharge, 0.0025 for direct ocean discharge[35]
44/28	= Molecular weight ratio of N_2O to N_2	1.57
F*plant nit/denit*	= Fraction of nitrogen removed from the WWTP with nitrification/denitrification	0.7
<u>OR</u>		
F*plant*	= Fraction of nitrogen removed from the WWTP without nitrification/denitrification	0.0
365.25	= Conversion factor (day/year)	365.25
10^{-3}	= Conversion from kg to mt (mt/kg)	10^{-3}
GWP	= Global Warming Potential; conversion from mt of N_2O into mt of CO_2 equivalents	GWP[36]
Source: *As listed in LGO protocol Equation 10.10 from EPA Inventory of U.S. Greenhouse Gas Emissions and Sinks: 1990-2007, Chapter 8, 8-13 (2009); except Grady, C.P. L., Jr., G. T. Daigger, and H. C. Lim, Biological Wastewater Treatment p. 108-109, 644 2nd Edition (1999)*		

3.4 Solid Waste Emissions

GHG emissions result from management and decay of organic material solid waste. Community waste was calculated by determining lifetime methane emissions from solid waste generated by the community in the year of the inventory, using Community Protocol method SW.4[48]. This

[48] ICLEI. 2012. US Community Protocol. Available: https://icleiusa.org/publications/us-community-protocol/. Accessed: April 24, 2020.

methodology attributes 100 percent of lifetime GHG emissions from the tonnage reported in the inventory year.

Waste from the City of Livermore went to 20 landfills in 2017 according to waste data obtained from CalRecycle. Data for the inventory was split between instate solid waste and alternative daily cover waste, 73,437 tons and 8,329 tons respectively. Small quantities of 'transform' and 'AIC' waste data from two landfill sites were not included in the inventory (Covanta Stanislaus, Inc. and Fink Road Landfill), because only reported in-state waste and alternative daily cover waste were included in the inventory. Activity data for the waste sector of the GHG inventory is shown below in Table 15 by landfill destination.

Table 15 Summary of Solid Waste Activity Data by Landfill for Year 2017

Source	Solid Waste (tons)	ADC Waste (tons)
Landfills	–	–
Altamont Landfill & Resource Recovery	9,047	699
Azusa Land Reclamation Co. Landfill	13	0
Corinda Los Trancos Landfill (Ox Mtn)	26	0
Fink Road Landfill	362	0
Foothill Sanitary Landfill	93	0
Forward Landfill, Inc.	861	0
Keller Canyon Landfill	383	88
Kirby Canyon Recycl. & Disp. Facility	1	0
L and D Landfill	0	1
Monterey Peninsula Landfill	191	0
Newby Island Sanitary Landfill	113	0
North County Landfill & Recycling Center	3	0
Potrero Hills Landfill	204	0
Recology Hay Road	686	0
Redwood Landfill	3	1
Sacramento County Landfill (Kiefer)	1	0
Vasco Road Sanitary Landfill	61,443	7,535
Yolo County Central Landfill	1	0
Zanker Material Processing Facility	6	4
Total Tons of Waste Disposal	**73,437**	**8,329**

Communities are required to estimate the emissions resulting from waste disposed by the community (SW.4.1)[39], regardless of whether the receiving landfill(s) are located inside or outside of the community boundary. Community Protocol Method SW.4.1[39] is summarized in Figure 3, utilizing mass of waste being disposed, organic content of waste, methane capture ability of the landfill, oxidation rate, and methane GWP. The 2017 emissions factor for generated solid waste and ADC waste in Livermore was derived from the California Air Resources Board California Landfill Emissions Tool Version 1.3, shown in Table 16 and Table 17, respectively.

Figure 3 Waste Generation Methodology

Equation SW.4.1 Methane Emissions

$$CH_4\ Emissions = GWP_{CH4} * (1 - CE) * (1 - OX) * M * \sum_i P_i * EF_i$$

Where:

Term	Description	Value
CH_4 emissions	= Community generated waste emissions from waste M ($mtCO_2e$)	Result
GWP_{CH4}	= CH_4 global warming potential	
M	= Total mass of waste entering landfill (wet short ton)	User Input
P_i	= Mass fraction of waste component i	User Input
EF_i	= Emission factor for material i ($mtCH_4$/wet short ton)	Table SW.5
CE	= Default LFG Collection Efficiency	No Collection, 0 Collection, 0.75
OX	= Oxidation rate	0.10

Source: As developed by ICLEI staff and Solid Waste Technical Advisory Committee. Emissions factors from U.S. EPA Municipal Solid Waste Publication (2008) available at http://www.epa.gov/epawaste/nonhaz/municipal/pubs/msw2008data.pdf

In 2017, Livermore produced 73,437 tons of solid waste and 8,329 of ADC waste.[49] A CO_2e emissions factor for mixed-waste of 0.286 MT CO_2e/ton was established and multiplied by the total solid waste disposed of from the community to calculate emissions from waste generated in 2017 of 21,006 MT CO_2e. For ADC waste, a CO_2e emissions factor of 0.246 MT CO_2e/ton was established and multiplied by the total ADC waste disposed of from the community to calculate emissions from waste generated in 2017 of 2046 MT CO_2e. These emissions factors include the expected lifetime emissions associated with the specified tonnage of waste sent to landfill. The emissions factors were developed using SW 4.1 as well as the relative waste stream percentages of different organic materials as shown in Table 16 and Table 17 to establish a methane emissions factor. From 2005 to 2017 GHG emissions from community waste decreased by 15,442 MT of CO_2e. This was due to a combination of factors including a reduced solid waste emissions factor as well as an overall reduction in waste generation of 51,812 tons. Total waste emissions for 2017 are summarized in Table 18.

[49] CalRecycle. 2017. Local Government Information Center. Available: https://www.calrecycle.ca.gov/LGCentral/MyLoGIC/. Accessed: April 18, 2020.

Table 16 California Default Solid Waste Characterization[1]

Waste Type	WIPFRAC	TDOC	DANF	ANDOC	Weighted MT CO_2e/ton
Newspaper	1.44%	47.09%	15.05%	0.12%	0.279029616
Office Paper	0.73%	38.54%	87.03%	0.62%	1.320583313
Corrugated Boxes	3.13%	44.84%	44.25%	0.95%	0.781203158
Coated Paper	12.10%	33.03%	24.31%	0.72%	0.316139414
Food	18.12%	14.83%	86.52%	1.99%	0.505176074
Grass	1.84%	13.30%	47.36%	0.12%	0.247998153
Leaves	3.52%	29.13%	7.30%	0.07%	0.083723708
Branches	3.27%	44.24%	23.14%	0.20%	0.403054324
Lumber	11.91%	43.00%	23.26%	1.45%	0.393788725
Textiles	5.85%	24.00%	50.00%	0.66%	0.472461427
Diapers	4.29%	24.00%	50.00%	0.52%	0.472461427
Construction/Demolition	2.31%	4.00%	50.00%	0.11%	0.078743571
Medical Waste	0.11%	15.00%	50.00%	0.00%	0.295288392
Sludge/Manure	0.57%	5.00%	50.00%	0.00%	0.098429464
MSW Total				**7.52%**	**0.28604673**

[1] The static values here are from the California Landfill Emissions Tool Version 1.3

Table 17 Alternative Daily Cover Waste Characterization[1]

Waste Type	WIPFRAC	TDOC	DANF	ANDOC	Weighted MT CO_2e/ton
Newspaper	0.00%	47.09%	15.05%	0.12%	0.003580198
Office Paper	0.00%	38.54%	87.03%	0.62%	0.00861393
Corrugated Boxes	0.00%	44.84%	44.25%	0.95%	0.021806282
Coated Paper	0.00%	33.03%	24.31%	0.72%	0.034152408
Food	0.00%	14.83%	86.52%	1.99%	0.081728001
Grass	50.00%	13.30%	47.36%	0.12%	0.004081975
Leaves	25.00%	29.13%	7.30%	0.07%	0.002627254
Branches	25.00%	44.24%	23.14%	0.20%	0.011770174
Lumber	0.00%	43.00%	23.26%	1.45%	0.041876495
Textiles	0.00%	24.00%	50.00%	0.66%	0.024668962
Diapers	0.00%	24.00%	50.00%	0.52%	0.018088588
Construction/Demolition	0.00%	4.00%	50.00%	0.11%	0.001622068
Medical Waste	0.00%	15.00%	50.00%	0.00%	0.000298201
Sludge/Manure	0.00%	5.00%	50.00%	0.00%	0.000497751
MSW Total				**7.25%**	**0.245693584**

[1] The static values here are from the California Landfill Emissions Tool Version 1.3

Table 18 Summary of Solid Waste Activity Data for Year 2017

Source	Tons	Emissions Factor (MT CO_2e/ton)	Total Emissions (MT CO_2e)
Solid Waste	73,437	0.286	21,006
ADC Waste	8,329	0.246	2,046
Total Waste Emissions	**–**	**–**	**23,052**

MT CO2e: metric tons of carbon dioxide equivalent

3.5 2017 GHG Emissions Inventory Results Summary

Overall the City of Livermore's GHG emissions were estimated to be 535,566 MT CO_2e in 2017. The on-road transportation sector (passenger and commercial vehicles) was the largest emissions sector with 55 percent of total baseline inventory emissions, followed by natural gas use in the energy sector at 18 percent. Off-road transportation emissions were estimated to be 3 percent of emissions, and waste accounted for 4 percent. The smallest emissions sector was water and wastewater, which combine to account for less than 1 percent of total 2017 emissions for the City of Livermore. Emissions are summarized in Table 19 and Figure 4.

Table 19 2017 GHG Inventory

Sector	Activity Data	Emissions Factors	Units	MT CO_2e
Residential Electricity (kWh)	205,232,521	0.00009635	MT CO_2e/kWh	19,775
Nonresidential Electricity (kWh)	288,894,815	0.00009635	MT CO_2e/kWh	27,836
Direct Access Electricity[5] (kWh)	32,283,926	0.0002027	MT CO_2e/kWh	6,545
Residential Gas (therms)	12,408,537	0.00531	MT CO_2e/therms	65,896
Adjusted Nonresidential Gas (therms)	10,820,445[1]	0.00531	MT/CO_2e/therms	57,462[1]
Passenger On-Road Transportation (VMT)	538,932,050	0.000338	MT CO_2e/mile	181,900
Commercial On-Road Transportation (VMT)	96,824,903	0.001366	MT CO_2e/mile	132,254
Off-Road – Diesel (Gallons)	1,104,596	0.0103	MT CO_2e/gallon	11,425
Off-Road – Gasoline (Gallons)	371,061	0.00905	MT CO_2e/gallon	3,360
Off-Road – NG/LPG (Gallons)	552,683	0.00582	MT CO_2e/gallon	3,217
Waste (tons)[6]	81,766	0.2860	MT CO_2e/ton	23,052
Wastewater (kWh)	N/A[4]	N/A[4]	MT CO_2e/kWh	1,366
Water (kWh)	15,344,462	0.00009635	MT CO_2e/kWh	1,479
Total Emissions				**535,566**

MWh: megawatt hours; kWh: kilowatt hours; CO_2e: carbon dioxide equivalent; MT: metric tons; VMT: vehicle miles traveled; ADC: Alternative Daily Cover

[1] No natural gas usage was reported by PG&E for large industrial users after 2013 due to California Public Utilities Commission privacy rules. Natural gas emissions reported by the Lawrence Livermore National Laboratory to the California Air Resources Board as a part of the Cap-and-Trade program were added to allow for accurate comparison of emissions from nonresidential gas in previous inventory years. Data reported as a part of the Cap-and-Trade program can be found here: https://ww2.arb.ca.gov/mrr-data

[2] Off-road emissions calculated as a proportion of total emissions in Alameda County based on changes in population and does not have activity data.

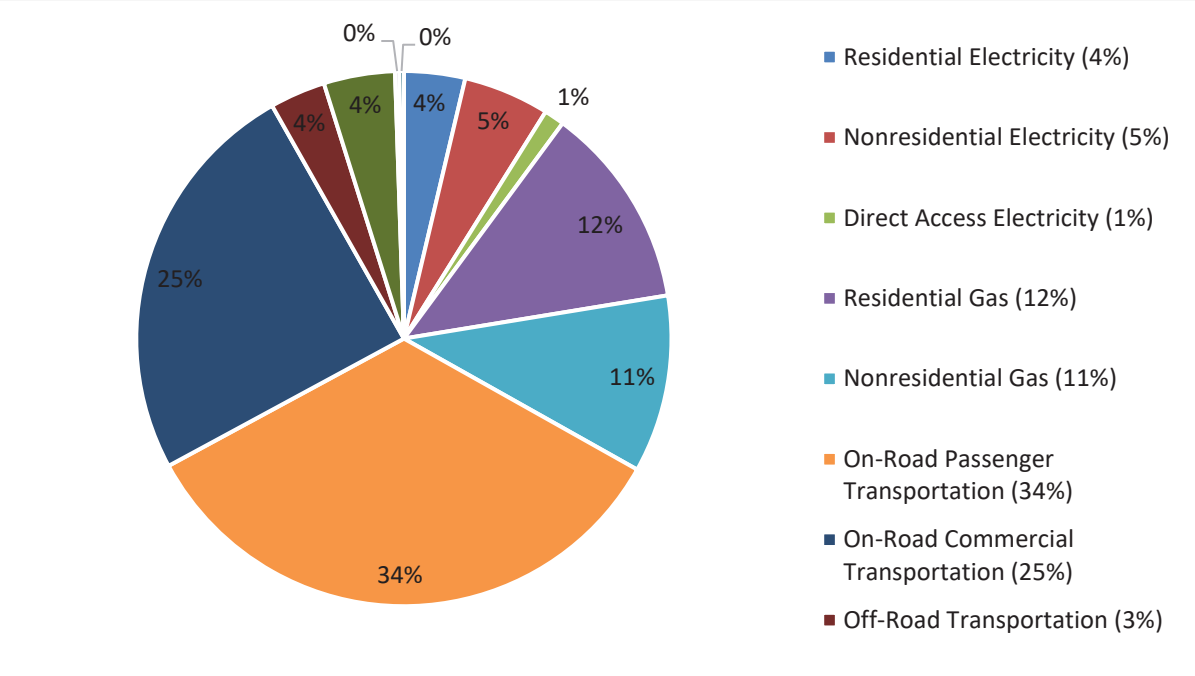
[3] Off-road emissions calculated as a proportion of total emissions in Alameda County based on Livermore's percentage of population and jobs within the County, as well as the effective change in service population, which was defined as on the sum of new population and jobs in Livermore divided by the total sum of new jobs and population in Alameda County for each inventory year.

[4] Wastewater is a combination of stationery and process emissions, further detail is Section 3.3.

[5] Direct access service is retail electric service where customers purchase electricity from a competitive provider called an Electric Service Provider instead of from a regulated electric utility. An Electric Service Provider is a non-utility entity that offers electric service to customers within the service territory of an electric utility.

[6] Includes 8329 tons of Alternative Daily Cover Waste for which a different emissions factor was used (.246 $MTCO_2e$/ton). This emissions factor was calculated using data from the CARB California Landfill Emissions Tool Version 1.3.

Figure 4 2017 City of Livermore Community Emissions by Sector



Between 2005 and 2017, Livermore was able to reduce total GHG emissions by 17 percent from 2005 to 2017, or 106,667 $MTCO_2e$, and experienced a population increase of approximately 16 percent which led to a per-capita emissions reduction of 38 percent. The 17 percent decrease in total GHG emissions from 2005 levels meets the 2020 AB 32 goal of reducing emissions by 15 percent (1990 levels), as well as the 2020 emissions reduction target set forth by Livermore's 2012 CAP. Table 20 summarizes GHG emissions changes in Livermore from 2005 to 2017, and Table 21 summarizes changes in activity data.

Between 2005 and 2017, Livermore reduced GHG emissions in every sector except for nonresidential gas and off-road transportation, which may have increased due to growth in development of the commercial and industrial sectors within the City. Major GHG emissions reductions were achieved in the waste sector and wastewater sectors, although these sectors make up smaller proportions of Livermore's overall emissions as shown in Figure 4. It is worth noting that large GHG emissions reductions from electricity usage were driven largely by PG&E's electricity fuel mix, which saw a significant decrease in carbon intensity[50] from 2005 to 2017. Although there was an increase in commercial vehicle miles traveled (VMT), GHG emissions associated with the commercial on-road transportation sector declined because of the increased fuel efficiency of vehicles as detailed in Table 20 and Table 21.

[50] Carbon intensity is the amount of carbon by weight emitted per unit of energy consumed. For example, as the percentage of renewable energy sources used to produce electricity increases, the carbon intensity of that electricity decreases.

Table 20 Summary of Livermore GHG Emissions Changes from 2005 to 2017

GHG Emissions Sources	2005 (MT CO_2e)	2017 (MT CO_2e)	Percent Change
Residential Electricity	49,822	19,775	-60%
Nonresidential Electricity	65,872	27,836	-58%
Direct Access Electricity	15,192	6,545[2]	-57%
Residential Gas	71,139	65,896	-7%
Nonresidential Gas	29,771	57,462[1]	+93%
Solid Waste	35,008	21,006	-40%
Alternative Daily Cover Waste	3,487	2,046	-41%
Water	4,680	1,479	-68%
Wastewater	1,839	1,366	-28%
On-Road Passenger Transportation	218,684	181,900	-17%
On-Road Commercial Transportation	134,636	132,254	-2%
Off-Road Transportation	88,179	58,852	+49%
Total Emissions	**642,233**	**535,566**	**-17%**
Emissions Per Capita	**9.62**	**5.92**	**-38%**

MT CO_2e: metric tons of carbon dioxide equivalent

[1] PG&E did not report data for industrial natural gas usage in Livermore for 2015 and 2017 due to the CPUC's 15-15 privacy rule. Industrial natural gas usage was estimated for these years using the reported GHG emissions from the Livermore Lawrence National Laboratory for those years as a part of California's Cap-and-Trade program. (see Section 2.3 for more details on this calculation).

[2] PG&E did not report data for direct access electricity usage in Livermore for 2017 due to the CPUC's 15-15 privacy rule and was estimated using the average of 2015 and 2016 data as they were the closest available years (see Section 2.3 for more details on this calculation).

Table 21 Summary of Livermore Activity Data and Emissions Factor Changes from 2005 to 2017

Raw Activity Data	2005 Activity Data	2017 Activity Data	Percent Change
Population	78,019	90,454	+16%
Residential Electricity (kWh)	223,251,790	205,232,521	-8%
Residential Gas (therms)	13,395,923	12,408,537	-7%
Nonresidential Electricity (kWh)	295,174,279	288,894,815	-2%
Adjusted Nonresidential Gas (therms)	5,606,070	10,820,445[1]	+93%
Direct Access Electricity (kWh)	39,378,526	32,283,926[2]	-18%
Wastewater (kWh)	4,546,080	3,671,304	-19%
Water (kWh)	20,975,856	15,344,462	-27%
Solid Waste (tons)	119,384	73,437	-38%
Alternative Daily Cover Waste (tons)	14,193	8,329	-41%
Passenger VMT	548,153,828	538,438,400	-2%
Commercial VMT	91,610,896	95,769,686	+5%
Passenger VMT Emissions Factor (MT CO_2e/VMT)	0.000399	0.000338	-15%
Commercial VMT Emissions Factor (MT CO_2e/VMT)	0.001470	0.001366	-7%
Off-Road D**iesel (gallons)**	600,655	1,104,596	+84%
Off-Road Gasoline (gallons)	338,135	371,061	+10%
Off-Road NG/LPG (gallons)	477,673	552,683	+16%
PG&E Elec Factor (MT CO_2e/MWh)	0.000223	0.000096	-57%

MT CO_2e: Metric tons of carbon dioxide equivalent; kWh: Thousand watt hours; MWh: Million watt hours; ADC: Alternative Daily Cover; NG: natural gas; LPG: liquefied petroleum gas

[1] Includes activity data from Lawrence Livermore National Laboratory, calculated using reported emissions to CARB as a part of the Cap-and-Trade Mandatory GHG Reporting program and the natural gas emissions factor of 0.00531.

[2] Activity data for 2017 direct access electricity unavailable from PG&E due to CPUC privacy rules and was estimated for consistency with other inventory years based on an average of 2015 and 2016 direct access electricity data.

4 Future GHG Emissions Forecasts

A GHG emissions inventory sets a reference point for a single year. However, annual emissions change over time due to factors such as population and job growth as well as new technologies and policies. A GHG emissions forecast accounts for projected growth and presents an estimate of GHG emissions in future years. Calculating the difference between the GHG emissions forecast and the GHG emissions reduction targets set by a jurisdiction determines the GHG emissions reduction gap that needs to be closed through the jurisdiction's climate action plan policies. This section calculates an emissions forecast for the City of Livermore through a 2045 in a *business-as*-usual (BAU) scenario, and then quantifies the reduction impact that state regulations will have on the City of Livermore GHG emissions forecast and presents the results in an *adjusted scenario* forecast. The *adjusted scenario* incorporates the impact of state regulations which would reduce the City of Livermore's GHG emissions to provide a more accurate picture of future emissions growth and the responsibility of the City and community for GHG reductions once state regulations to reduce GHG emissions have been implemented.

Several indicator growth rates were developed and applied to the various emissions sectors to forecast emissions as shown in Table 22. The growth rates were applied to the most recent inventory year (2017) data to obtain projected activity data (e.g., energy use, waste production). Growth rates were developed from the Association of Bay Area Government's Plan Bay Area Projections 2040, EMFAC Modeling, OFFROAD2021 modeling, Livermore 2025 General Plan demographic projections methodology, and California Department of Finance demographic estimates for the City of Livermore and Alameda County. As the Applicable state and federal regulatory requirements, including Corporate Average Fuel Economy standards, Advanced Clean Car Standards, Renewable Portfolio Standard, and Title 24 efficiencies were then incorporated to accurately reflect expected reductions from state programs.

Plan Bay Area Projections 2040 has demographic projections starting with 2010 and was the primary source for forecast projections.[51] In comparison with demographic data from the California Department of Finance E4 and E5 datasets[52] (which are updated year-to-year based on census data and jurisdictional data on population changes). However, Plan Bay Area Projections 2040 underestimates population and job growth in Livermore for 2015. This was due to the use of "modeled" rather than "observed" data used in the projections.[53] Therefore, subsequent forecast years are lower than those provided by Department of Finance. For this reason, these demographic projections were corrected to better reflect real-world population changes that occurred in Livermore up until 2017, using the calculated percent difference between the Plan Bay Area Projections 2040 and the Department of Finance data in 2015 and 2020. The result is a set of adjusted population and job projections through 2045 that reflect the greater increase in growth experienced by the City of Livermore between 2015 and 2020.

[51] Association of Bay Area Governments; Metropolitan Transportation Commission. 2018. Plan Bay Area Projections 2040. Available: http://projections.planbayarea.org/. Accessed April 22, 2020.

[52] California Department of Finance. 2020. Available: http://www.dof.ca.gov/Forecasting/Demographics/Estimates/. Accessed: April 22, 2020.

[53] http://mtcmedia.s3.amazonaws.com/files/Projections_2040-ABAG-MTC-web.pdf

4.1 Business-as-Usual Forecast Scenario

The City of Livermore business-as-usual scenario forecast provides an estimate of how GHG emissions would change in the forecast years if consumption trends continue as in 2017, absent any new regulations which would reduce local emissions. Several indicator growth rates were developed from 2017 activity levels and applied to the various emissions sectors to project future year emissions. Table 22 contains a list of growth factors used to develop the business-as-usual scenario forecast. The BAU growth factors were then multiplied by the population or service person growth rates to develop the BAU emissions forecast.

Table 22 Business-as-Usual Growth Factors

Sector	Activity Data
Emissions per capita (MT CO2e/capita)	6.4
Residential electricity per capita (kWh/capita)	2,268.9
Commercial electricity use per job (kWh/employment)	6,002.0
Residential gas per capita (therm/capita)	137.2
Commercial gas use per job (therm/job)	224.8
Solid Waste per service person (tons/SP)	0.53
ADC Waste per service person (tons/SP)	0.06
Wastewater Process GHG per service population (MT CO_2e/SP)	0.01
CO_2e per ton solid waste (MT CO_2e/ton)	0.29
CO_2e per ton ADC waste (MT CO_2e/ton)	0.25
Water electricity per service person (kWh/SP)	110.7
Wastewater electricity per service person (kWh/SP)	26.5
Total VMT per service person (VMT/SP)	4,587.4

kWh: kilowatt hour; SP: service person (sum of population and employment) MT CO_2e: metric tons of carbon dioxide equivalent; VMT: vehicle miles traveled

Under the BAU forecast scenario, the City of Livermore's GHG emissions are projected to continue increasing through 2045. This increase is led primarily by a strong commercial and residential development trend. After the current General Plan horizon year of 2025, major increases in in emissions are largely attributed to the increased population and vehicular traffic from the greater Alameda County Area traveling into the city. By 2045, the City is expected to produce 99,286 MT CO_2e more under the business-as-usual projections, an increase of 19 percent over 2017 emissions. Per capita emissions are projected to go down, however, from 5.92 in 2017 to 4.92 in 2045. The BAU forecast is summarized below in Table 23.

Table 23 Business-as-usual Forecast by Sector

	2017 (MT CO_2e)	2020 (MT CO_2e)	2025 (MT CO_2e)	2030 (MT CO_2e)	2035 (MT CO_2e)	2040 (MT CO_2e)	2045 (MT CO_2e)
Population	90,454	91,474	96,699	105,967	113,218	120,925	129,158
Jobs	48,133	48,340	48,686	49,372	50,649	51,499	52,364
Residential Electricity	19,775	19,998	21,140	23,167	24,752	26,437	28,237
Nonresidential Electricity	27,836	27,956	28,156	28,553	29,291	29,783	30,283
Direct Access Electricity	6,545	6,618	6,996	7,667	8,192	8,749	9,345
Residential Gas	65,896	66,639	70,445	77,197	82,479	88,094	94,091
Nonresidential Gas	57,462	57,709	58,123	58,941	60,465	61,481	62,513
Waste	23,052	23,256	24,183	25,839	27,257	28,681	30,194
Water	1,479	1,492	1,551	1,657	1,748	1,840	1,937
Wastewater	1,366	1,378	1,433	1,531	1,615	1,699	1,789
On-Road Passenger Transportation	181,900	184,250	191,175	198,101	201,095	204,090	207,084
On-Road Commercial Transportation	132,254	132,641	134,445	136,248	138,355	140,462	142,568
Off-Road Transportation	18,002	18,951	20,532	22,114	23,680	25,245	26,811
Total Emissions	**535,566**	**540,888**	**558,181**	**581,014**	**598,930**	**616,560**	**634,852**
Emissions Per Capita	**5.92**	**5.91**	**5.77**	**5.48**	**5.29**	**5.10**	**4.92**

MT CO_2e: metric tons of carbon dioxide equivalent

4.2 Adjusted Forecast Scenario

Adjustments Due to State Legislation

The adjusted scenario estimates future City of Livermore emissions including adopted GHG reduction strategies currently being implemented at the state and federal level. The 2017 Scoping Plan Update identified several existing state programs and targets, or known commitments required by statute which can be assumed to achieve GHG reductions without City action, such as increased fuel efficiency standards of mobile vehicles. The following known commitments are factored into the adjusted scenario projection and a summary of the programs can be found in Table 24.

Table 24 Summary of Legislative Reductions

Legislation	2020 (MT CO_2e)	2025 (MT CO_2e)	2030 (MT CO_2e)	2035 (MT CO_2e)	2040 (MT CO_2e)	2045 (MT CO_2e)
Senate Bill 100	6,003	16,514	28,314	41,250	55,159	70,265
Title 24	82	1,157	3,080	4,776	6,448	2,281
Transportation (Pavley, etc.)	21,344	62,120	94,871	114,488	125,512	131,342
Total	**27,429**	**79,790**	**125,265**	**160,514**	**187,119**	**203,887**

MT CO_2e: metric tons of carbon dioxide equivalent

State programs will lead to an estimated reduction of approximately 203,887 MT CO_2e in GHG emissions by 2045 in Livermore. The increasing decarbonization of the electricity supply due to SB 100 and the Renewable Portfolio Standard (RPS) will lead to GHG emissions reductions in Livermore and avoid over 70,265 MT CO_2e by 2045. The transportation sector will experience the largest GHG reductions, with over 131,342 MT CO_2e reduced by 2045 through state and federal fuel efficiency and tailpipe emissions standards. A description of the GHG reduction policies for each sector are included below.

Transportation Legislation

The CARB EMFAC2017 transportation modeling program incorporates legislative requirements and regulations including Advanced Clean Cars program (Low Emissions Vehicles III, Zero Emissions Vehicles program, etc.), and Phase 2 federal GHG Standards. Signed into law in 2002, AB 1493 (Pavley Standards) required vehicle manufactures to reduce GHG emissions from new passenger vehicles and light trucks from 2009 through 2016, with a target of 30 percent reductions by 2016, while simultaneously improving fuel efficiency and reducing motorists' costs.[54]

Prior to 2012, mobile emissions regulations were implemented on a case-by-case basis for GHG and criteria pollutant emissions separately. In January 2012, CARB approved a new emissions-control program (the Advanced Clean Cars program) combining the control of smog, soot causing pollutants, and GHG emissions into a single coordinated package of requirements for passenger cars and light trucks model years 2017 through 2025. The Advanced Clean Cars program coordinates the goals of the Low Emissions Vehicles, Zero Emissions Vehicles, and Clean Fuels Outlet programs. However, in 2019 the federal government issued a final action entitled the One National Program on Federal Preemption of State Fuel Economy Standards Rule, which finalized Part I of the Safer, Affordable, Fuel-Efficient (SAFE) Vehicles Rule and stated that federal law preempts state and local tailpipe GHG emissions standards as well as zero emissions vehicle mandates. While still in flux, under the SAFE Rule discussed above, fuel economy and GHG emissions standards for new vehicles may not improve beyond model year 2020. According to CARB, the federal rollback proposal of the remaining Advanced Clean Cars Program standards would increase global warming emissions by 14 million metric tons per year by 2025.[55]

[54] California Air Resources Board. 2013. Clean Car Standards – Pavley, Assembly Bill 1493.

[55] California Air Resources Board. 2018. California moves to ensure vehicles meet existing state greenhouse gas emissions standards. Available: https://ww2.arb.ca.gov/news/california-moves-ensure-vehicles-meet-existing-state-greenhouse-gas-emissions-standards-0. Accessed: April 17, 2020.

Reductions in GHG emissions from the above referenced standards were calculated using the CARB EMFAC2017 model for Alameda County. The EMFAC2017 model integrates the estimated reductions into the mobile source emissions portion of the model.[56]

Note: As of the time of this writing, the federal Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part 2 has been posted in the Federal Register but will not take effect until June 29, 2020. This new rule rolls back California fuel efficiency standards for on-road passenger vehicles, so that cars and trucks will now only achieve a 40.4 mpg industry average by 2026 compared to the 46.7 mpg projected requirement under the previous California Advanced Clean Car Program/federal Corporate Average Fuel Economy (CAFE) standards. No methodology currently exists for extracting or altering the on-road passenger vehicles fuel efficiency standard aspect of the Emissions Factors (EMFAC) model[57] used to calculate forecasted vehicle GHG emissions. In addition, the California Climate Change Scoping Plan does not yet address or provide guidance related to this pending change in fuel efficiency standards with regard to GHG emissions determination. Furthermore, California is currently challenging this new rule in the court system. Therefore, the Livermore adjusted forecasts have not been modified to reflect the new SAFE Rule Part 2.

Title 24

Although it was not originally intended to reduce GHG emissions, California Code of Regulations Title 24, Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was adopted in 1978 in response to a legislative mandate to reduce California's energy consumption, which in turn reduces fossil fuel consumption and associated GHG emissions. The standards are updated triennially to allow consideration and possible incorporation of new energy-efficient technologies and methods. Starting in 2020, new residential developments will include on-site solar generation and near-zero net energy use. For projects implemented after January 1, 2020, the California Energy Commission estimates the 2019 standards will reduce consumption by seven percent for residential buildings and 30 percent for commercial buildings, relative to the 2016 standards. These percentage savings relate to heating, cooling, lighting, and water heating only and do not include other appliances, outdoor lighting not attached to buildings, plug loads, or other energy uses. The calculations and GHG emissions forecast assume all growth in the residential and commercial/industrial sectors is from new construction.

The 2017 Scoping Plan Update calls for the continuation of ongoing triennial updates to Title 24 which will yield regular increases in the mandatory energy and water savings for new construction. Future updates to Title 24 standards for residential and non-residential alterations past 2023 are not taken into consideration due to lack of data and certainty about the magnitude of energy savings realized with each subsequent update.

Renewables Portfolio Standard & Senate Bill 100

Established in 2002 under SB 1078, enhanced in 2015 by SB 350, and accelerated in 2018 under SB 100, California's Renewable Portfolio Standard (RPS) is one of the most ambitious renewable energy

[56] Additional details are provided in the EMFAC2017 Technical Documentation, July 2018. Available: https://www.arb.ca.gov/msei/downloads/emfac2017-volume-iii-technical-documentation.pdf. Accessed: April 15, 2020. The Low Carbon Fuel Standard (LCFS) regulation is excluded from EMFAC2017 because most of the emissions benefits due to the LCFS come from the production cycle (upstream emissions) of the fuel rather than the combustion cycle (tailpipe). As a result, LCFS is assumed to not have a significant impact on CO_2 emissions from EMFAC's tailpipe emissions estimates.

[57] The EMFAC model is developed and used by CARB to assess emissions from on-road vehicles including cars, trucks, and buses in California and to support CARB regulatory and planning efforts to meet Federal Highway Administration transportation planning requirements.

standards in the country. The RPS program requires investor-owned utilities, publicly owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 50 percent of total procurement by 2026 and 60 percent of total procurement by 2030. The RPS program further requires these entities to increase procurement from GHG-free sources to 100 percent of total procurement by 2045.

PG&E provides electricity in Livermore and is subject to the RPS requirements. PG&E forecast emissions factors include reductions based on compliance with RPS requirements through 2045. In 2017, PG&E reported an emissions factor of 210 pounds CO_2e per MWh.

Direct access electricity accounted for 6.1 percent of total electricity usage in 2017, which is provided by third party electricity providers instead of traditional energy utilities. Emissions factors for the carbon intensity of direct access electricity was assumed to be equal to the state average, calculated to equal .203 MT CO_2e/MWh in 2017. RPS requirements were used to adjust this emissions factor for forecasted emissions through 2045.

Assembly Bill 939 & Assembly Bill 341

In 2011, AB 341 set the target of 75 percent recycling, composting, or source reduction of solid waste by 2020 calling for the California Department of Resources Recycling and Recovery (also known as CalRecycle) to take a statewide approach to decreasing California's reliance on landfills. This target was an update to the former target of 50 percent waste diversion set by AB 939.

Actions beyond the projected waste diversion target of 5.9 pounds per person per day set under AB 939 for the City of Livermore will be quantified and credited to the City during the Climate Action Plan measure development process. As of 2017, Livermore is meeting both the 5.9 pounds per person per day and 9.5 pounds per job per day diversion targets set by CalRecycle under AB 341.

Senate Bill 1383

SB 1383 established a methane emissions reduction target for short-lived climate pollutants in various sectors of the economy, including waste. Specifically, SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025.[58] Additionally, SB 1383 requires a 20 percent reduction in "current" edible food disposal by 2025. Although SB 1383 has been signed into law, compliance at the jurisdiction-level has proven to be difficult. For example, Santa Clara County suggests the 75 percent reduction in organics is not likely achievable under the current structure; standardized bin colors are impractical; and the general requirement is too prescriptive.[59] As such, SB 1383 is not included as part of the adjusted forecast. Instead measures addressing compliance with SB 1383 will be addressed through newly identified GHG reduction measures included in the Climate Action Plan.

Adjusted Forecast Results

The adjusted scenario is based on the same information as the business-as-usual scenario but also includes the legislative actions and associated emissions reductions occurring at the state and federal levels. These actions include regulatory requirements to increase vehicle fuel efficiency or standards to reduce the carbon intensity of electricity. The difference between the emissions

[58] CalRecycle. April 16, 2019. Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions (General Information). Available: https://www.calrecycle.ca.gov/climate/slcp. Accessed: April 16, 2020

[59] Santa Clara County. June 20, 2018. SB 1383 Rulemaking Overview. Available: https://www.sccgov.org/sites/rwr/rwrc/Documents/SB%201383%20PowerPoint.pdf. Accessed: April 16, 2020

projected in the adjusted scenario and the GHG reduction targets established for each horizon year is the amount of GHG reductions which are the responsibility of the City. This “gap analysis” provides the City with the total GHG emissions reduction required as well as information on the emissions sectors and sources which have the most GHG reduction opportunities.

The electricity and water/wastewater sectors all experience a strong downward trend, approaching near-zero in 2045 due to extremely stringent RPS from SB 100. Natural gas emissions are expected to continue an upward trajectory until the 2045 due to strong population growth projections in the city. This trend is partially offset due to the increasingly stringent efficiency requirements for new homes in the upcoming Title 24 code cycles. Commercial growth will also lead commercial natural gas emissions on a similar trajectory. Transportation emissions are expected to decrease significantly in the next 10 to 15 years due to existing fuel efficiency requirements and fleet turnover rates. As most current regulations expire in 2025 or 2030, emissions standards will experience diminishing returns while VMT continues to increase, leading to lower rates of emissions reduction in the transportation sector.

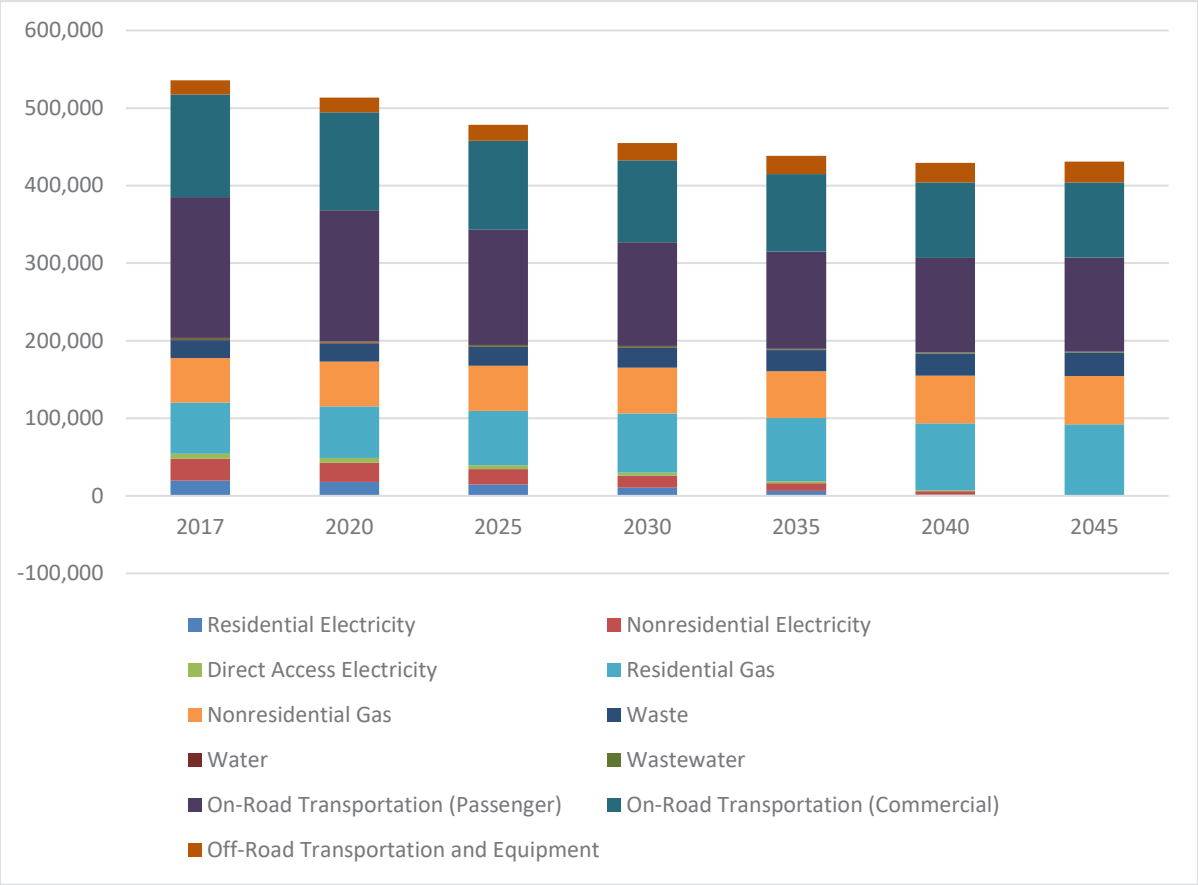
A summary of Livermore’s projected emissions by sector and year through 2045 can be found in Figure 5 and Table 25. Further details on the growth rates and emissions for each sector can be found in the corresponding discussion sections.

Table 25 Adjusted Forecast Summary by Sector by Year

	2017 (MT CO_2e)	2020 (MT CO_2e)	2025 (MT CO_2e)	2030 (MT CO_2e)	2035 (MT CO_2e)	2040 (MT CO_2e)	2045 (MT CO_2e)
Population	90,454	91,474	96,699	105,967	113,218	120,925	129,158
Jobs	48,133	48,340	48,686	49,372	50,649	51,499	52,364
Residential Electricity	19,775	17,816	14,455	10,692	6,281	1,269	0
Nonresidential Electricity	27,836	24,949	20,040	15,105	10,049	4,758	0
Direct Access Electricity	6,545	5,944	4,996	3,997	2,597	996	0
Residential Gas	65,896	66,621	70,161	76,440	81,353	86,575	92,152
Nonresidential Gas	57,462	57,703	58,088	58,849	60,267	61,211	62,171
Waste	23,052	23,256	24,183	25,839	27,257	28,681	30,194
Water	1,479	1,332	1,108	888	624	328	0
Wastewater	1,366	1,340	1,327	1,347	1,346	1,338	1,326
On-Road Passenger Transportation	181,900	169,242	148,578	133,987	125,081	121,771	121,487
On-Road Commercial Transportation	132,254	126,305	114,922	105,492	99,881	97,268	96,823
Off-Road Transportation	18,002	18,951	20,532	22,114	23,680	25,245	26,811
Total Emissions	**535,566**	**513,465**	**478,628**	**455,776**	**440,625**	**433,262**	**430,965**
Emissions Per Capita	**5.92**	**5.61**	**4.95**	**4.30**	**3.89**	**3.58**	**3.34**

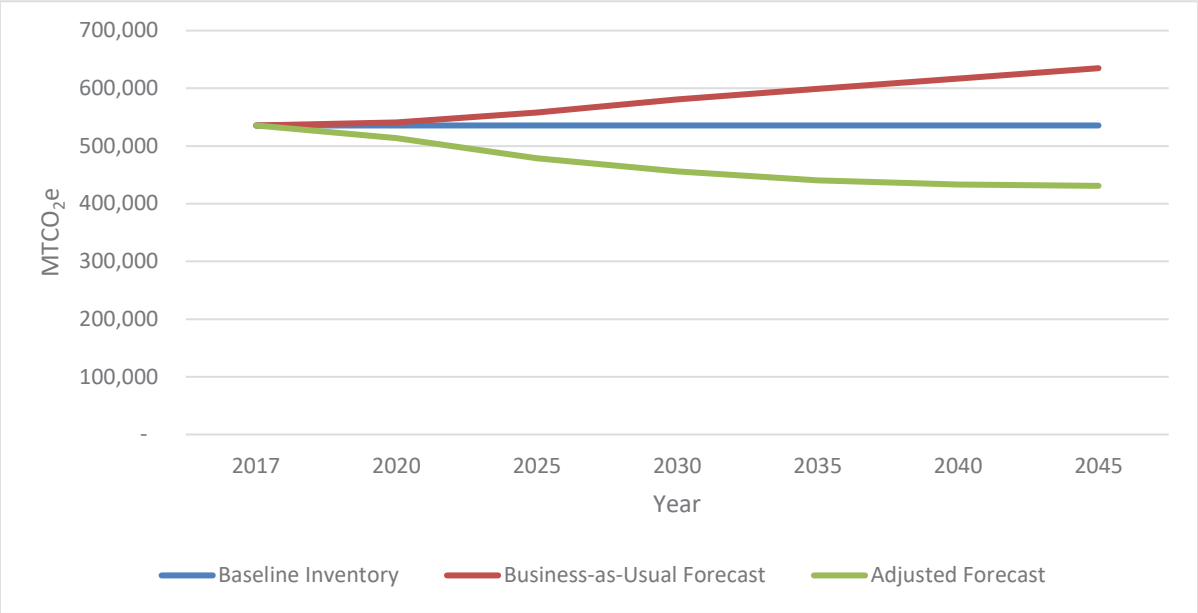
MT CO_2e: metric tons of carbon dioxide equivalent

Figure 5 Adjusted GHG Emissions Forecast Results by Sector and Forecast Year



As shown in Figure 6, without legislative reductions, Livermore's emissions would increase proportionally with population and economic growth. In reality, several existing legislative reductions would limit the Livermore's emissions growth, causing projected emissions to decrease. This scenario is depicted by the Adjusted Forecast. The legislative reductions for each sector and scaling methods used to project emissions are discussed in detail below.

Figure 6 BAU Scenario and Adjusted Scenario Forecast



Electricity Emissions

Between 2017 and 2045, electricity emissions for residential and nonresidential buildings in the City of Livermore are assumed to decrease from 51,735 MT CO_2e to 0 MT CO_2e in 2045 despite steady growth in Livermore's population and employment levels due to the adoption of SB 100 and the renewable portfolio standard

Emissions from future electricity use were forecasted by projecting anticipated growth in residential and commercial sectors and multiplying by expected electricity emissions factors. Anticipated growth in the residential sector was projected as a function of population growth within the city while commercial sector electricity use was projected as a function of employment projections. Legislative adjustments included in the electricity sector forecast include RPS of 60 percent by 2030 and 100 percent GHG-free by 2045. Additionally, Title 24 building code efficiency increases for the 2019 code cycle were applied to all new growth within the city. The methodologies for the electricity sector which were forecasted in the adjusted scenario are summarized in Table 26 and Table 27.

Table 26 Electricity Sector Adjusted Scenario Forecast Methodology

Source Category	Forecasted Activity Data (Scaling Factor)	Emissions Factor	Applied Legislative Reductions
Residential Electricity	Population growth in Livermore	Assumes an electricity mix of 44 percent, 60 percent, and 100 percent GHG-free by 2025, 2030, and 2045, respectively, for PG&E emissions factors per RPS requirements.	Title 24 standards for new construction in 2019 (53 percent residential, 30 percent commercial), RPS requirements
Commercial & Industrial Electricity	Employment growth in Livermore		

RPS: Renewable Portfolio Standard; GHG: greenhouse gas; PG&E: Pacific Gas and Electric

Table 27 Electricity Adjusted Scenario Forecast Results by Forecast Year

Activity Data	2020	2025	2030	2035	2040	2045
Residential Electricity						
Population	91,474	96,699	105,967	113,218	120,925	129,158
BAU total kWh	207,546,359	219,401,455	240,429,720	256,881,190	274,369,398	293,048,186
BAU per capita kWh	2,268.92	2,268.92	2,268.92	2,268.92	2,268.92	2,268.92
Adjusted kWh (Title 24)	207,136,052	212,707,947	222,591,232	230,323,423	238,542,881	247,321,911
Adjusted per capita kWh (Title 24)	2,264.46	2,264.46	2,264.46	2,264.46	2,264.46	2,264.46
Adjusted emissions factor (MT CO_2e/MWH)	0.0860312	0.0688249	0.0516187	0.0344125	0.0172062	0
MT CO_2e	**17,816**	**14,527**	**10,692**	**6,281**	**1,269**	**0**
Nonresidential Electricity						
Employment	48,340	48,686	49,372	50,649	51,499	52,364
BAU total kWh	290,135,098	292,216,547	296,328,536	303,994,718	309,098,544	314,288,060
BAU per job kWh	6,002.01	6,002.01	6,002.01	6,002.01	6,002.01	6,002.01
Adjusted kWh (Title 24)	290,010,745	291,467,760	294,346,152	299,712,479	303,285,158	306,917,819
Adjusted per job kWh	5,999.44	5,999.44	5,999.44	5,999.44	5,999.44	5,999.44
Adjusted emissions factor (MT CO_2e/MWh)	0.08603	0.06882	0.05162	0.03441	0.01721	0
MT CO_2e	**24,949**	**20,040**	**15,105**	**10,049**	**4,758**	**0**
Direct Access Electricity						
Population	91,474	96,699	105,967	113,218	120,925	129,158
BAU total kWh	32,647,902	34,512,758	37,820,591	40,408,476	43,159,443	46,097,694
BAU per capita kWh	357	357	357	357	357	357
Adjusted kWh (Title 24)	32,611,369	33,916,768	36,232,251	38,043,770	39,969,447	42,026,223
Adjusted per capita kWh	357	357	357	357	357	357
Adjusted emissions factor (MT CO_2e/MWh)	0.1823	0.1483	0.1142	0.07614	0.03807	0
MT CO_2e	**5,944**	**4,996**	**3,997**	**2,597**	**996**	**0**

MT CO_2e: metric ton of carbon dioxide equivalent; kWh: kilowatt hour; MWh: megawatt hour; BAU: business-as-usual

Natural Gas Emissions

Emissions from projected natural gas use were forecast using a similar methodology to the electricity sector. Anticipated natural gas use was projected for the residential and commercial sectors separately using population change and employment increase as growth indicators respectively. These results were multiplied by a natural gas emissions factor of 0.00531 MT CO_2e per therms of natural gas.[60] Unlike electricity, the natural gas emissions factor is based on the quality of the gas and remains relatively constant over time. As there are no legislative requirements related to renewable natural gas at this time, this analysis did not consider any shift to renewable gas which may become more common over time and the use of which may affect future natural gas emissions

[60] The Climate Registry. 2019 Default Emissions Factors. Accessed: https://www.theclimateregistry.org/wp-content/uploads/2019/05/The-Climate-Registry-2019-Default-Emission-Factor-Document.pdf. Accessed: April 15, 2020

factors. The methodologies and data used to calculate natural gas emissions over time are summarized in Table 28 and Table 29.

Legislative adjustments applied for the natural gas sector include efficiency increases from Title 24 building code updates for new construction after the 2019 code cycle begins. Specific efficiency increases for new buildings over the previous triennial cycle are discussed in Section 4.3.

Table 28 Natural Gas Adjusted Scenario Forecast Methodology

Source Category	Forecasted Activity Data (Scaling Factor)	Emissions Factor	Applied Legislative Reductions
Residential Natural Gas	Population growth in Livermore	0.00531 MT CO_2e/therms[1]	Title 24 standards for efficiency in new construction in 2019 (7 percent residential, 30 percent commercial over 2016 Title 24)
Commercial & District Natural Gas	Employment growth in Livermore		

MT CO_2e: metric ton of carbon dioxide equivalent

[1] Reported directly by PG&E for 2017 in their data delivery forms and greenhouse gas emissions data to The Climate Registry.

Table 29 Natural Gas Adjusted Scenario Forecast Results by Forecast Year

Activity Data	2020	2025	2030	2035	2040	2045
Residential Gas						
BAU therms	12,548,434	13,265,203	14,536,590	15,531,261	16,588,613	17,717,949
Title 24 adjusted therms	12,545,157	13,211,753	14,394,143	15,319,186	16,302,524	17,352,806
Emissions factor (MT CO_2e/therms)	0.00531	0.00531	0.00531	0.00531	0.00531	0.00531
MT CO_2e	**66,621**	**70,161**	**76,440**	**81,353**	**86,575**	**92,152**
Nonresidential Gas						
BAU therms	10,866,899	10,944,859	11,098,872	11,386,006	11,577,168	11,771,539
Title 24 adjusted therms	10,865,813	10,938,315	11,081,547	11,348,582	11,526,362	11,707,128
Emissions factor (MT CO_2e/therms)	0.00531	0.00531	0.00531	0.00531	0.00531	0.00531
MT CO_2e	**57,703**	**58,088**	**58,849**	**60,267**	**61,211**	**62,171**

MT CO_2e: metric ton of carbon dioxide equivalent; BAU: business-as-usual

Waste Emissions

The forecast used a baseline emissions rate of 0.530 tons of solid waste per service population and 0.0601 tons of ADC waste per service population, calculated using 2017 inventory data for tons of waste divided by the 2017 service population, along with projected growth in Livermore service population from Plan Bay Area Projections 2040 to establish the estimated tonnage of waste being disposed yearly through 2045. A 2017 solid waste emissions factor of 0.286 MT CO_2e and a 2017 ADC waste emissions factor of 0.246 MT CO_2e, calculated using 2017 waste characterization data from CARB's California Landfill Emissions Tool, were used to project emissions consistent with service population growth. Emissions from the waste sector will likely be less than the projected totals due to decreasing rates of organic material in the waste stream and recent legislation such as SB 1383 discussed in previous sections. At this time no mandate exists for individual cities and the

waste reductions from these bills are incorporated into the Climate Action Plan through City reduction measures to avoid double counting. A summary of the methodologies and data used to model waste emissions over time are provided in Table 30 and Table 31.

Table 30 Solid Waste Adjusted Scenario Forecast Methodology

Source Category	Forecasted Activity Data (Scaling Factor)	Emissions Factor[1]	Applied Legislative Reductions
Solid Waste	Service population growth	0.5778 tons solid waste per service person, 0.286 MT CO_2e/ton of solid waste	N/A
ADC Waste	Service population growth	0.0655 tons ADC waste per service person, 0.246 ADC MT CO_2e/ton ADC waste	N/A

MT CO_2e: metric ton of carbon dioxide equivalent; N/A: not applicable

[1] Waste per service person growth factors calculated using 2017 inventory data for tons of waste, divided by total service population in 2017. Emissions factors calculated using 2017 waste characterization data from CARB's California Landfill Emissions Tool.

Table 31 Waste Emissions Adjusted Scenario Forecast Results by Forecast Year

Activity Data	2020	2025	2030	2035	2040	2045
Service Population	139,813	145,385	155,338	163,866	172,424	181,522
Ton Solid Waste per Service Population	0.53	0.53	0.53	0.53	0.53	0.53
Ton ADC Waste per Service Population	0.06	0.06	0.06	0.06	0.06	0.06
Total Tons Solid Waste	74,087	77,039	82,313	86,833	91,367	96,188
Solid Waste Factor (MT CO_2e/ton)	0.286	0.286	0.286	0.286	0.286	0.286
Total Tons ADC Waste	8,402	8,737	9,335	9,848	10,362	10,909
ADC Waste Factor (MT CO_2e/ton)	0.246	0.246	0.246	0.246	0.246	0.246
MT CO_2e	**23,256**	**24,183**	**25,839**	**27,257**	**28,681**	**30,194**

MT CO_2e: metric ton of carbon dioxide equivalent

Transportation Emissions

Transportation emissions forecasts were developed consistent with the inventory methodology, through the determination of on-road annual VMT multiplied by a year-specific weighted emissions factor for emissions per mile travelled. VMT forecasts for the City of Livermore were obtained from the Bay Area MTC VMT data portal.[61] MTC's Traffic Demand Model was utilized to model VMT through 2045. Emissions factors were established for each year through the use of the EMFAC2017 GHG module, which established VMT and total emissions for each vehicle type in the County. These respective emissions factors were applied in each year to establish transportation emissions forecasts as shown in Table 32 and Table 33.

[61] Bay Area Metropolitan Transportation Commission (MTC) VMT Model. 2020. Available: http://capvmt.us-west-2.elasticbeanstalk.com/data. Accessed: April 19, 2020.

Table 32 Transportation Adjusted Scenario Forecast Methodology

Source Category	Forecasted Scaling Factor	Emissions Factor	Applied Legislative Reductions
On-road Transportation	MTC VMT Modeling[1]	EMFAC2017 model analyzing light duty (LDA, LDT1, LDT2, MDV, MCY) and heavy duty (LHD, T6, T7, PTO, MH, SBUS, UBUS, OBUS, Motor Coach, All Other Buses) vehicles.	EMFAC emissions factors account for legislative reductions from Advanced Clean Cars, Pavley Clean Car Standards, Tractor-Trailer Greenhouse Gas Regulation, and adopted fuel efficiency standards for medium- and heavy-duty vehicles.
Off-Road Transportation	OFFROAD2007 Model[2]	OFFROAD2007 Model	N/A

MT CO_2e: metric ton of carbon dioxide equivalent; VMT: vehicle miles traveled

[1] MTC VMT data portal incorporates data from the MTC's large-scale simulation model of daily travel behavior, used for its regional planning efforts and in Plan Bay Area. More information can be found on the MTC VMT Data Portal website at http://capvmt.us-west-2.elasticbeanstalk.com/about. Accessed: May 5, 2020.

[2] California Air Resources Board. OFFROAD2007. Available: https://ww2.arb.ca.gov/our-work/programs/mobile-source-emissions-inventory/msei-road-archives. Accessed: April 1, 2020.

Table 33 Transportation Adjusted Scenario Forecast Results by Forecast Year

Activity Data	2020	2025	2030	2035	2040	2045
Population	91,474	96,699	105,967	113,218	120,925	129,158
Passenger VMT	545,893,360	566,412,825	586,932,289	595,803,761	604,675,234	613,546,706
Commercial VMT	97,108,456	98,428,891	99,749,326	101,291,552	102,833,778	104,376,005
Passenger EMFAC Emissions Factor (g CO_2e/mile)	310	262	228	210	201	198
Commercial EMFAC Emissions Factor (g CO_2e/mile)	1,301	1,168	1,058	986	946	928
Passenger MT CO_2e	**169,242**	**148,578**	**133,987**	**125,081**	**121,771**	**121,487**
Commercial MT CO_2e	**126,305**	**114,922**	**105,492**	**99,881**	**97,268**	**96,823**
Off-Road MT CO_2e	**62,867**	**69,559**	**76,252**	**84,025**	**91,799**	**99,572**
Total MT CO_2e	**560,632**	**529,879**	**510,512**	**499,456**	**495,646**	**502,737**

MT CO_2e: metric ton of carbon dioxide equivalent; VMT: vehicle miles traveled

Water and Wastewater Emissions

Due to the increased use of the water system attributed to increases in job and population growth in Livermore, service population was used as a scaling metric to determine water and wastewater service emissions through 2045, as shown in Table 34. Projections for water used a baseline activity factor of 110.7 kWh per service population per year, calculated using 2017 inventory data for electricity used for water processing and distribution divided by the 2017 service population based on Plan Bay Area Projections 2040. This emissions factor was multiplied by service population growth through 2045 to find total kWh usage. The RPS for electricity generation was then applied to water emissions, as described in the Legislative Adjustment Section, to determine final MT CO_2e emissions as shown in Table 35 and Table 36.

As wastewater emissions are calculated from both direct and process emissions sources. Wastewater projections used an emissions factor of 0.00693 MT CO_2e per service population per

year, calculated using wastewater process emissions data from the 2017 inventory divided by the total service population in 2017 based on Plan Bay Area Projections 2040, and a growth indicator of service population to determine future wastewater emissions.

Table 34 Water and Wastewater Adjusted Scenario Forecast Methodology

Forecasted Activity Data (Scaling Factor)	Emissions Factor[1]	Applied Legislative Reductions
Service population (population and employment growth)	PG&E electricity emissions factors, 110.7 kWh per service population per year	Assumes an electricity mix of 44 percent, 60 percent, and 100 percent GHG-free by 2025, 2030, and 2045 respectively for PG&E emissions factors per RPS requirements.
Service population (population and employment growth)	0.00693 MT CO_2e per service person per year for wastewater	N/A

MT CO_2e: metric ton of carbon dioxide equivalent; kWh: kilowatt hour; PG&E: Pacific Gas and Electric; N/A: not applicable

[1] Growth factors based on 2017 inventory data, divided by the total service population in 2017 based on Plan Bay Area Projections 2040 data.

Table 35 Water Adjusted Scenario Forecast Results by Forecast Year

Activity Data	2020	2025	2030	2035	2040	2045
Service Population	139,813	145,385	155,338	163,866	172,424	181,522
kwh/Service Person	110.7	110.7	110.7	110.7	110.7	110.7
Total kWh	15,480,255	16,097,168	17,199,181	18,143,417	19,090,975	20,098,213
RPS Electricity Factor (MT CO_2e/MWh)	0.08603	0.06882	0.05162	0.03441	0.01721	0
MT CO_2e	**1,332**	**1,108**	**888**	**624**	**328**	**0**

MT CO2e: metric ton of carbon dioxide equivalent; kWh: kilowatt hour; RPS: renewable portfolio standard

Table 36 Wastewater Adjusted Scenario Forecast Results by Forecast Year

Activity Data	2020	2025	2030	2035	2040	2045
Service Population	139,813	145,385	155,338	163,866	172,424	181,522
MT CO_2e/Service Population	0.00693	0.00693	0.00693	0.00693	0.00693	0.00693
MT CO_2e	1,340	1,327	1,347	1,346	1,338	1,326

MT CO_2e: metric ton of carbon dioxide equivalent; kWh: kilowatt hour;

Appendix B – Vulnerability Analysis

Livermore Climate Action Plan Update

prepared for

City of Livermore
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September 2020

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9/10/2020
Project No: 19-08435

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Subject: City of Livermore Climate Action Plan Update, Vulnerability Analysis

Executive Summary

This report provides a climate change vulnerability analysis for the City of Livermore which evaluates the potential impacts of climate change on community assets and populations. The most recent report from the Intergovernmental Panel on Climate Change (IPCC), the Fifth Assessment Report, defines vulnerability as "the propensity or predisposition to be adversely affected." It adds that vulnerability "encompasses a variety of concepts and elements including sensitivity or susceptibility to harm and lack of capacity to cope and adapt" (IPCC, 2013). Understanding the vulnerabilities that the City may face due to climate change provides a foundation to prepare the Climate Action Plan Update (CAP) that includes climate adaptation programs and policies to increase Livermore's resilience to climate change.

This analysis includes the following components:

- Objectives of the analysis
- Methodology used
- Vulnerability Components
    1. Exposure to changes in temperature, precipitation, and wildfire
    2. Sensitivity of community structures, community functions, and populations to exposures
    3. Potential Impacts of each exposure on community structures, community function, and populations
    4. Adaptive Capacity – Livermore's ability to cope with climate change impacts
    5. Risk and Onset – the likeliness and expected timing of events

The major findings of this analysis are:

- maximum and minimum temperatures are expected to increase;
- precipitation variability is expected to increase over the century;
- increased temperature and associated impacts have a high certainty of occurring in the near-term;
- intense rainstorms and changes in seasonal patterns are expected to occur in the near-term
- Livermore has a low to medium adaptive capacity rating due to the variety of sustainability and adaptation measures developed yet low implementation rate of these measures.

Objectives

The effects of climate change such as increased wildfire intensity, rising temperatures and reduced water resources are becoming increasingly present therefore Livermore's Climate Action Plan must be updated to reflect these impacts and adapt the City's mitigation practices. This Climate Action Plan will include measures to reduce Greenhouse Gas (GHG) emissions to reduce future climate change impacts while also addressing the existing events Livermore experiences related to climate change. To develop effective adaptation measures we must first understand the local impacts related to climate change. This vulnerability assessment is intended to help develop an understanding of the primary impacts of climate change on the community of Livermore and was completed to begin to evaluate the degree to which physical, socioeconomic, and natural factors are susceptible to, or unable to accommodate, the effects of climate change. Consistent with the California Adaptation Planning Guide (CEMA & CNRA 2020) the assessment is comprised of the following five vulnerability components:

1. **Exposure** – the nature and degree to which the community experiences a stress or hazard;
2. **Sensitivity** – the aspects of the community (i.e., people, structures, and functions) most affected by the identified exposures;
3. **Potential Impacts** – the nature and degree to which the community is affected by a given stressor, change, or disturbance;
4. **Adaptive Capacity** – the ability to cope with extreme events, to make changes, or to transform to a greater extent, including the ability to moderate potential damages and to take advantage of opportunities; and
5. **Risk and Onset** – the likeliness and expected timing of impacts.

Together these components help contribute to an understanding of the overall vulnerability of a community and the specific aspects within that community that are most vulnerable to climate change. Climate change will have the greatest impact on those people, structures, and functions that have the greatest exposure and sensitivity to climate change impacts, as well as the lowest adaptive capacity.

Methodology

For this vulnerability assessment, the years 1990, 2030, 2050, and 2100[1] were examined. The year 1990 provides recorded historic data, while the years 2030, 2050 and 2100 present projections of expected change in the future. The 2030 future year was selected to examine near-term climate impacts, and the years 2050 and 2100 serve as benchmark years to measure rates of change over time.

This report was completed using infrastructure data provided by the City, including the location of trails, public facilities, and streets, and Cal-Adapt climate projection data. Cal-Adapt is an interactive, online platform developed by the University of California Berkeley to synthesize climate change projections and climate impact research for California's scientists and planners. Cal-Adapt is consistent with State guidance to use the "best available science" for assessing climate change vulnerability at the local level. This analysis uses Cal-Adapt to study potential future changes in average and extreme temperatures, precipitation, drought, wildfire, and storms under two greenhouse gas (GHG) emissions scenarios: Representative Concentration Pathway (RCP) 4.5 and RCP 8.5. RCP 4.5 describes a scenario in which emissions peak around 2040, decline over the next 30 years and then stabilize by 2100 while RCP 8.5 is the scenario in which emissions continue to rise through the middle of the century before leveling off around 2100. The climate projections used in this report are from four models selected by California's

[1] When 2100 projections were not available, 2099 projections were used (e.g. Cal-Adapt projections)

Climate Action Team Research Working Group and the California Department of Water Resources as priority models for research in California. These models include:

- A *warm/dry* simulation (HadGEM2-ES)
- A *cooler/wetter* simulation (CNRM-CM5)
- An *average* simulation (CanESM2)
- The model that presents a simulation most unlike these three, for full representation of possible forecasts (MIROC5)[2]

The average of the model projections is used in this report. Technical Appendix 1. Cal-Adapt provides a detailed explanation of the tool and how it was used for this analysis. As previously introduced, the California Adaptation Planning Guide defines five components to be analyzed in a vulnerability assessment. Each vulnerability component is analyzed with respect to Livermore in the proceeding sections of this memo.

Vulnerability Components

Vulnerability Component 1 - **Exposure**

Exposure is the nature and degree to which the community experiences a stress or hazard. Climate change is a global phenomenon that has the potential to impact local health, natural resources, agriculture, infrastructure, emergency response, tourism, and many other facets of society. The direct changes projected for Livermore include increases in temperature, and potential changes in precipitation patterns. Secondary impacts occur as a result of primary impacts, as shown in Table 1. Projected changes to climate are dependent on location. According to climate change projections provided by Cal-Adapt, climate change could lead to increasing temperatures and temperature extremes, and changes in precipitation in Livermore.[3] These conditions could lead to an increased exposure to drought, wildfires, and flooding in the region.

Table 1 Primary and Secondary Climate Change Impacts in Livermore

Primary Impact	Associated Secondary Impacts
Changed temperature and/or precipitation patterns	Changed seasonal patterns
Increased temperature	Heat waves
Increased temperature and/or changed precipitation	Intense rainstorms
Wildfire and/or increased precipitation	Landslides
Increased temperature and/or reduced precipitation	Drought, wildfire

[2] There were 10 California GCM models that were ranked from 1-10 by California's Climate Action Team Research Working Group and the California Department of Water Resources for different temperature and precipitation factors. The models ranged from the "warm/dry" model which had all metrics closest to 1 to the "cool/wet" model which had all metrics closest to 10. The MIROC5 displays a pattern of ranking that is most unlike the other 3 models and therefore, is included to represent the full spread of all 10 model simulations.

[3] Cal-Adapt provides projections for temperature, precipitation, and wildfire, and these projections will be discussed in the Exposure section of the document. Drought, which does not have associated Cal-Adapt projections is addressed under temperature and precipitation exposure, as well as in the Potential Impacts and Risk and Onset sections.

Source: Modified from CEMA & CNRA 2012

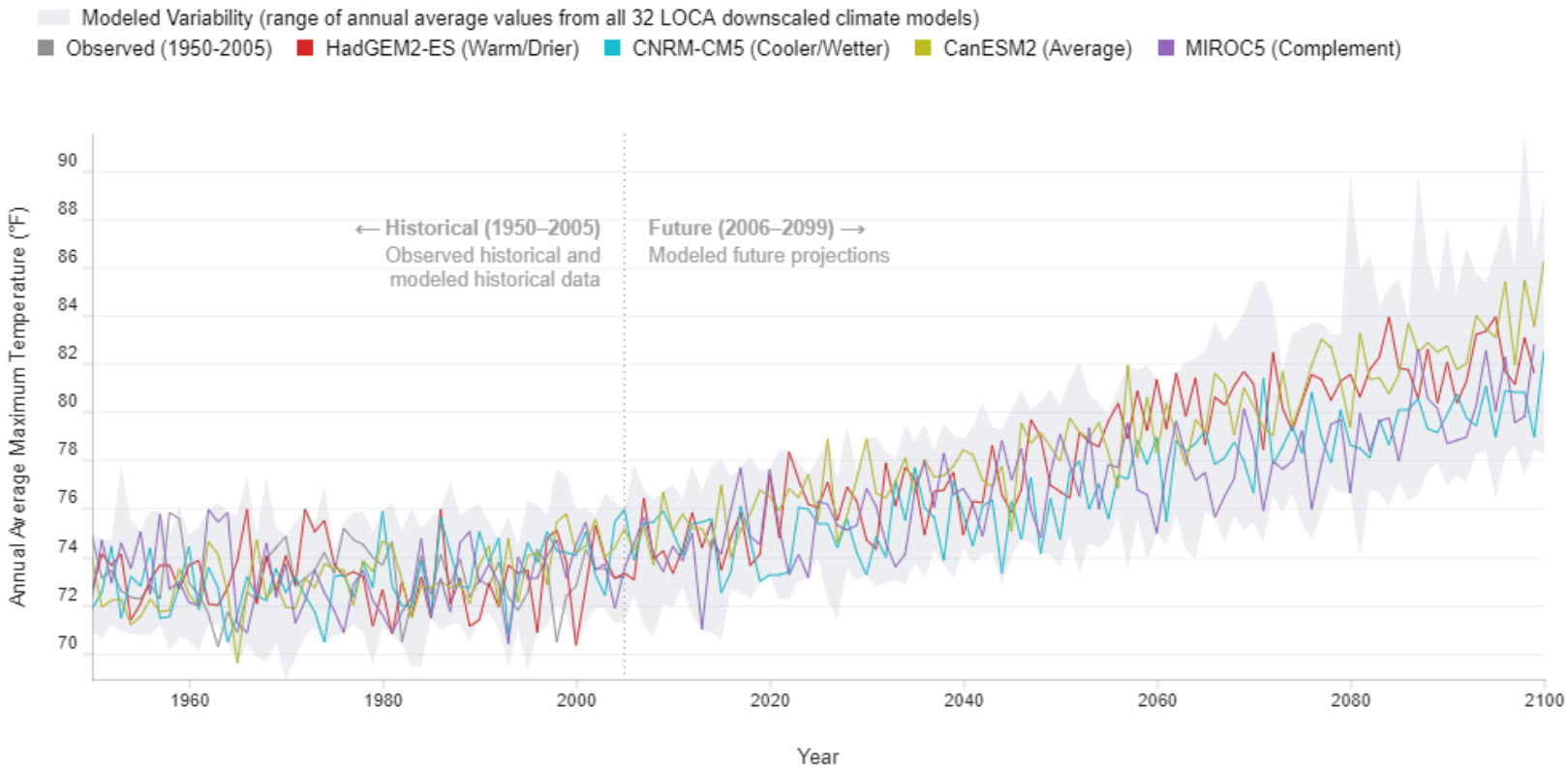
Temperature

Since 1901, average temperatures across the country have increased with eight of the top ten warmest years on record having occurred over the past 30 years (EPA n.d.) Average trends are increasing at both the local scale and the global scale.

Figure 1 below shows observed and projected annual average maximum temperature in Livermore (UC Berkeley & CEC n.d.) Below is a summary of key observations from Figure 1.

- **Projected temperature trends** in Livermore display consistent increases over time. Compared to 1990, annual average maximum temperatures in Livermore are expected to rise between 4.5°F and 8.7°F by the end of the century, depending on the GHG emissions scenario (UC Berkeley & CEC n.d.)
- **Annual average minimum temperatures** are expected to rise between 3.2°F and 8°F by the end of the century. Increasing annual average minimum temperatures trends also indicate less cooling off at night.

Figure 1 Historical and Projected Annual Average Maximum Temperature in Livermore[4]



[4] Chart shows annual average maximum temperature for Livermore (Grid Cell 37.65625 -121.78125) under RCP 8.5 (emissions continue to rise strongly through 2050 and plateau around 2100)

Table 2 depicts observed and projected temperature changes in Livermore for both RCP 4.5, the "stabilizing" scenario[5], and RCP 8.5, the "high emissions" scenario[6]. Below is a summary of key observations from Table 2.

- **Annual number of heat waves,** defined as four or more days over 102.7°F, is projected to increase from 0 to 3 heat waves by the end of the century, based on RCP 8.5 (UC Berkeley & CEC n.d.)
- **Annual number of extreme heat days,** defined as temperatures greater than 102.7°F, is projected to increase from 4 in 1990 to about 25 by the end of the century, based on RCP 8.5 (UC Berkeley & CEC n.d.)
- **Warm nights,** described as nights when daily minimum temperature is above the extreme heat threshold of 62.1°F, are expected to increase substantially from 11 in 1990 to about 101 by 2100 based on RCP 8.5 (UC Berkeley & CEC n.d.)
- **Longer heat waves** could occur due to the combination of temperature changes. Between 1950 and 1990, the longest stretch of consecutive extreme heat days per year in Livermore was 2.2 days, by the end of the century the average heat wave is projected to last just over 7 days under RCP 8.5 (UC Berkeley & CEC n.d.)

Table 2 Temperature Changes

Effect	1990 (Observed)	2030 (RCP 4.5 | RCP 8.5)	2050 (RCP 4.5 | RCP 8.5)	2099 (RCP 4.5 | RCP 8.5)
Annual average maximum temperature	73°F	76.1°F | 75.9°F	77.1°F | 77.1°F	77.5°F | 81.7°F
Annual average minimum temperature	47.1°F	48.1°F | 48.6°F	49.4°F | 50.3°F	50.3°F | 55.1°F
Average extreme heat days per year[1]	4	11 | 11	17 | 13	13 | 25
Average warm nights per year[2]	11	18 | 15	18 | 33	42 | 101
Average heat waves per year[3]	0	0.8 | 1.0	2.8 | 0.8	0.8 | 3.0
Max duration of heat wave (days)[4]	2	4.0 | 5.3	7.5 | 3.8	4.3 | 7.3

[1] Number of days in a year when daily maximum temperature is greater than heat threshold of 102.7° F
[2] Number of nights in a year when daily minimum temperature is above extreme heat threshold of 62.1° F
[3] Number of 4-day heat waves (daily maximum temperatures above extreme heat threshold of 102.7° F) by year
[4] Longest stretch of consecutive extreme heat (> 102.7° F) days by year
Source: UC Berkeley & CEC n.d.

[5] RCP 4.5: Scenario in which emissions peak around 2040 and then decline
[6] RCP 8.5: Scenario in which emissions continue to rise throughout the 21st century before leveling off

Precipitation

Total annual precipitation in the United States and globally has increased since 1901 (EPA n.d.) However, shifts in weather patterns have led to substantial decreases in precipitation in certain locations, such as the Southwest of the United States (EPA n.d.)

The Cal-Adapt projections show little change in total annual precipitation in Livermore with no clear or consistent trend during the next century, as illustrated in Figure 2. However, even small changes in precipitation can lead to significant impacts such as altered water availability throughout the year, decreased agricultural output in the region, and altered seasonal patterns which could cause increased droughts and/or flooding. Below is a summary of key observations from Table 3.

- **Annual average precipitation,** is projected to increase by the end of the century, based on both RCP 4.5 and RCP 8.5 (UC Berkeley & CEC n.d.)
- **Extreme precipitation events,** defined as the number of days in a water year (October-September of the following year) with 2-day rainfall totals above extreme threshold of 1 inch, is projected to increase from 3 in 1990 to about 5 mid-century, before dropping to 0 by the end of the century, based on RCP 8.5 (UC Berkeley & CEC n.d.)
- **Max duration of consecutive extreme precipitation events,** defined as the longest stretch of consecutive days in a water year (October-September) with 2-day rainfall totals above extreme threshold of 1 inch, is projected to increase slightly midcentury from 1 to 1.5 and decrease to 0 at the end of the century, based on RCP 8.5 (UC Berkeley & CEC n.d.)

Figure 2 Historical and Projected Annual Average Precipitation in Livermore[7]

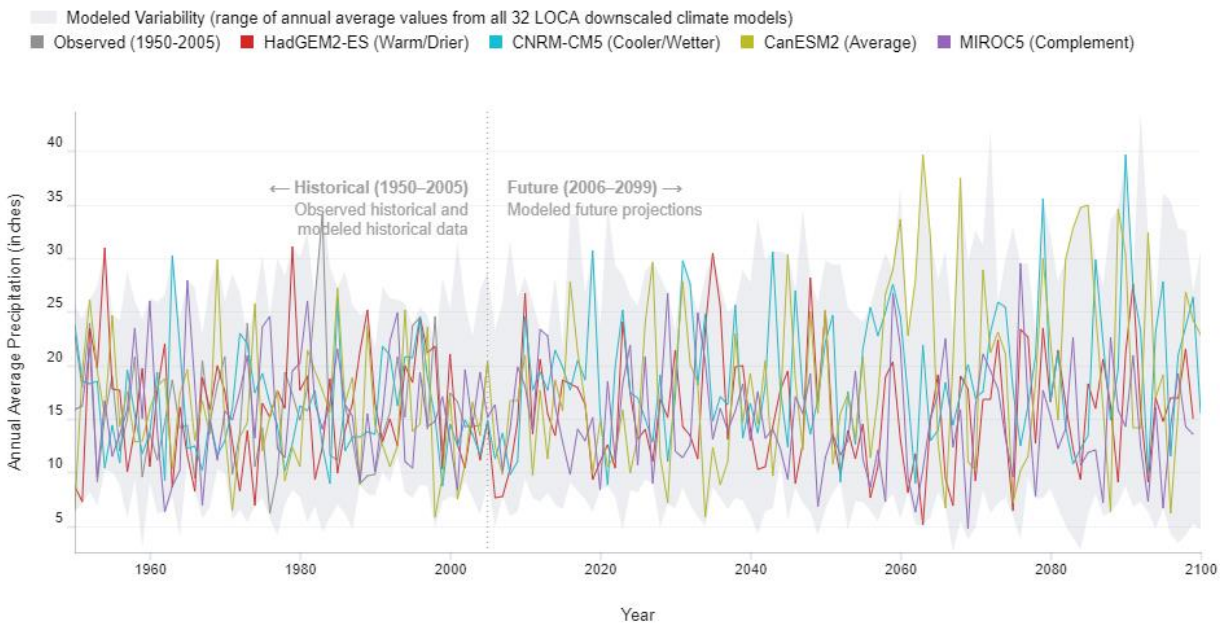


Table 3 Precipitation Changes

Effect	1990 (Observed)	2030 (RCP 4.5 | RCP 8.5)	2050 (RCP 4.5 | RCP 8.5)	2099 (RCP 4.5 | RCP 8.5)
Annual average precipitation (inches)	9.7	15.9 | 17.3	23.2 | 21.0	17.6 | 19.8
Extreme precipitation events by water year[1]	3	5 | 5	7 | 5	0 | 0
Max duration of consecutive extreme precipitation events by year[2]	1	2 | 1.3	2.8 | 1.5	0 | 0

[1] Number of days in a water year (Oct-Sep) with 2-day rainfall totals above extreme threshold of 1 inch

[2] Longest stretch of consecutive days in a water year (Oct-Sep) with 2-day rainfall totals above extreme threshold of 1 inch

Source: UC Berkeley & CEC n.d.

Precipitation Extremes

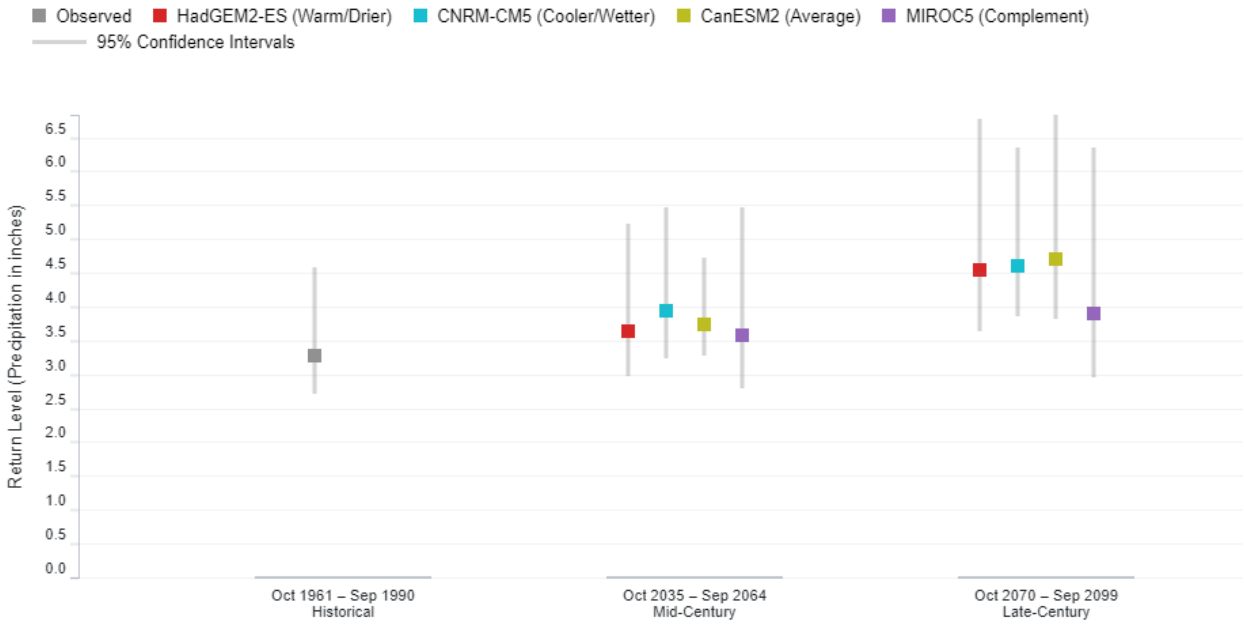
A warming climate is likely to influence the frequency and intensity of precipitation events. Heavy precipitation events have been on the rise in the United States since the 1980s. Across the country, nine of the top ten years for extreme one-day precipitation events have occurred since 1990 with the occurrence of abnormally high annual precipitation totals also increasing (EPA n.d.).

Both increased temperatures and altered precipitation patterns can lead to altered seasons and intense rainstorms in Livermore. As depicted in Figure 3, there is a high degree of variability in these extreme precipitation event projections, with some models projecting little to no change while others project

[7] Chart shows annual average maximum temperature for Livermore (Grid Cell 37.65625 -121.78125) under RCP 8.5 (emissions continue to rise strongly through 2050 and plateau around 2100)

potentially increased intensity (UC Berkeley & CEC n.d.) These projections further vary depending on the return period[8] selected. Based on the 20 year return period select in Figure 3, the estimated intensity of extreme precipitation events (return level) may increase slightly by the end of the century. The Average (CanESM2) model, for example, is projecting an increase to 4.71 inches of precipitation compared to 3.28 historically (1961 – 1990), based on RCP 8.5 (UC Berkeley & CEC n.d.) Despite this projected increase, it is important to consider the confidence intervals provided, which describe 95% confidence that the true mean of precipitation extremes will fall within the given range (grey bars). Given that the confidence intervals for all projections overlap with the confidence interval for the historical data, it is not clear whether the intensity of storms will increase or decrease in Livermore. However, increasing intensity of rainstorms could result in more flooding, which could impact human health and safety in Livermore and should be considered as part of planning efforts.

Figure 3 Changes in Intensity of Extreme Precipitation Events in Livermore[9]



Wildfire

Wildfire is determined by climate variability, local topography, land cover and human activity. Climate change has the potential to affect multiple elements of the wildfire system including fire behavior, ignitions, fire management, and vegetation fuels. Hot dry spells create the highest fire risk and increased temperatures may intensify wildfire danger by warming and drying out vegetation.

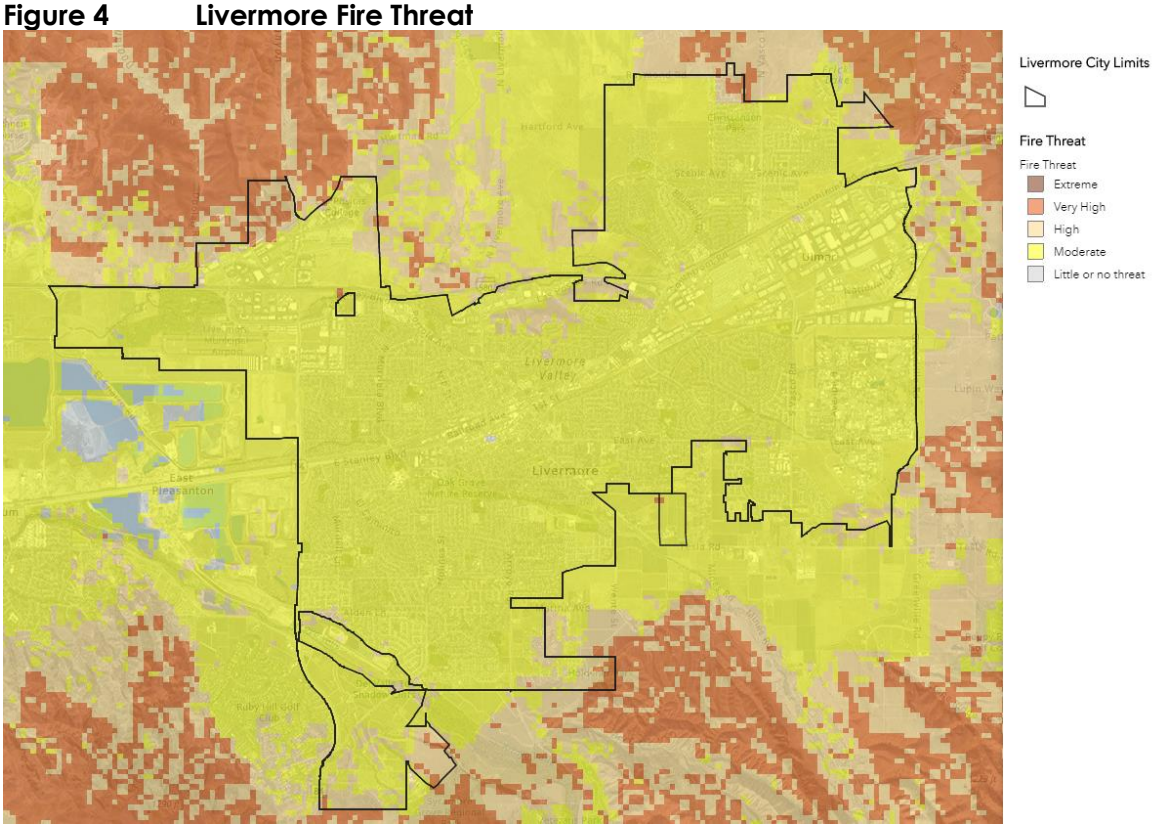
The California Department of Forestry and Fire Protection (CAL FIRE) has determined that there are no Very High Fire Hazard Severity Zones in Livermore. Though there are no Very High Fire Hazard Severity

[8] Average time between extreme events (e.g. "1 in 100 year event")
[9] Chart shows estimated intensity (*Return Level*) of Extreme Precipitation events which are exceeded on average once every 20 years (*Return Period*) for Livermore (Grid Cell 37.65625, -121.78125) under RCP 8.5 emissions scenario. Extreme precipitation events are described as days during a water year (Oct-Sept) with 2-day rainfall totals above an extreme threshold of 0.67 inches.

Zones in Livermore, there are Moderate and High Fire Hazard Severity Zones to the north, east, and south of Livermore. Figure 4 shows that there is moderate wildfire threat in the entire city, and some very high fire threats in the north and south of the city. Government Code §51181 requires CAL FIRE to periodically reassess and update the Very High Fire Hazard Severity Zones as needed. Due to amount and extent of the wildfires recently, the fire hazard severity zones are currently being reassessed throughout the State.

Not only do wildfires pose a threat to life and property in the communities in which they burn, their smoke can threaten the health of communities up to thousands of miles beyond the areas in which they burn (TIME 2018). Wildfire smoke is comprised of air pollutants including particulate matter, known to be a public health risk (CDC 2013). The effects of exposure to these pollutants range from eye and respiratory tract irritation to reduced lung function, pulmonary inflammation, bronchitis, exacerbation of asthma, other lung diseases, and cardiovascular disease, and premature death (CDC 2013). The increasing number and extent of wildfires in the Western United States may pose a substantial risk to public health in Livermore.

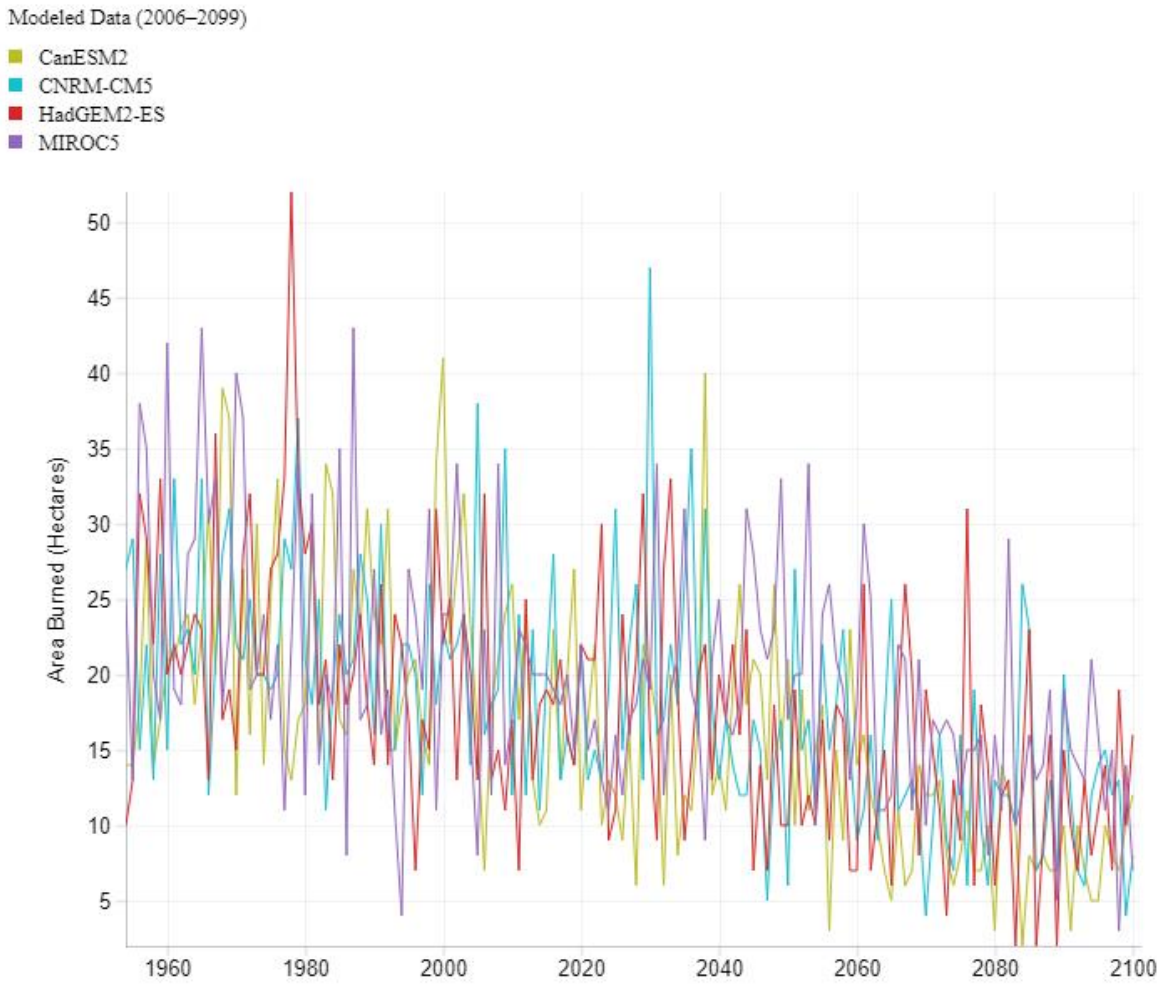
Figure 4 Livermore Fire Threat



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community | Esri, NASA, NGA, USGS, FEMA | Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA | California Department of Forestry and Fire Protection | Alameda County Registrar of Voters, 2011

Cal-Adapt fire hazard maps project a decrease in acres burned by the end of the century (Figure 5). Average annual hectares burned is projected to decrease from 19.3 in 2020 to approximately 9.5 by the end of the century. Research has shown that there is great spatial variability in wildfire risk based on climate variability and trends, and in some regions vegetation may be reduced by drought conditions and thus reduce fuel available to burn (Westerling 2018). It is unclear whether this is the scenario applicable to Livermore, so despite the projected decline in wildfire risk for the Livermore area, it is recognized that wildfire is a serious hazard to public health and safety that may increase with climate change in other parts of the state (UC Berkeley & CEC n.d.)

Figure 5 Annual Average of Area Burned in Livermore[10]



Vulnerability Component 2 - **Sensitivity**

[10] Chart shows annual average area burned for Livermore (Grid Cell 37.65625, -121.78125) under RCP 8.5 emissions scenario.

Sensitivity describes the aspects of the community (i.e., people, structures, and functions) most affected by the identified exposures. As described in the exposure section above, Livermore may experience a variety of impacts from climate change, including rising temperatures and variable precipitation, which could impact community structures, functions, and populations. This section of the Vulnerability Analysis lists potentially affected community resources using the Sensitivity Checklist provided in the California Adaptation Planning Guide (CEMA & CNRA 2020). The Potential Impacts section of the analysis estimates how the impacts will occur and their projected severity. The points of sensitivity, or potentially affected community resources (community structure, community functions, and populations) in Livermore, are described below.

Livermore Community Overview

The City of Livermore is the easternmost city in the San Francisco Bay Area, making it the gateway to the Central Valley. The City encompasses an area of approximately 26.44 square miles and has a population of approximately 91,411 (City of Livermore n.d.). Livermore is home to prominent science and technology centers, Lawrence Livermore National Laboratory and Sandia National Laboratory, making it a science and technology hub. These labs along with the Livermore Valley Joint Unified School District and Valley Care Health System Lifestyle Rx Fitness Center are the economic foundation of the City, providing a large portion of employment opportunities in Livermore (City of Livermore 2019).

Community Structures

The following community structures can be potentially affected by exposure to climate change impacts such as extreme heat and flooding:

- Residential
- Commercial
- Industrial
- Government
- Institutions (schools, churches, hospitals, etc.)
- Parks and open space
- Recreational facilities
- Transportation facilities and infrastructure
- Communication infrastructure
- Water treatment plant and delivery infrastructure
- Wastewater treatment plant and collection infrastructure

Essential facilities such as medical facilities, police and fire stations, emergency operations centers, evacuation shelters, and schools are essential to the health and welfare of the population of Livermore and are especially important following climate-influenced hazard events. The following community structures within Livermore would be particularly sensitive to climate change impacts such as flooding and wildfire:

- Municipal buildings, including the three Livermore Public Library branches
- Hospitals, doctor's offices, and other medical entities, including Kaiser Permanente and the Stanford Health Care ValleyCare
- Educational facilities including the 19 schools in Livermore Valley Joint Unified School District and Las Positas Community College

- Childcare facilities
- Senior living facilities
- Livermore Police Department and Livermore – Pleasanton Fire Stations #5 through #10

Sensitive facilities, such as water and wastewater treatment plants, where damage would have large environmental, economic, or public safety consequences, are also considered particularly vulnerable to climate change. These sensitive facilities include:

- City water system including groundwater wells and distribution pipelines
- Wastewater systems such as the Livermore Water Reclamation Plant, and approximately 286 miles of sanitary sewer lines.
- Lawrence Livermore National Laboratory and Sandia National Laboratories

Community Functions

Community functions that may be disrupted by climate change in Livermore include:

- Government continuity
- Water, sewer, and solid waste
- Energy delivery
- Emergency services
- Public health and safety
- Emotional and mental health
- Business continuity
- Housing access
- Employment and job access
- Food security
- Mobility, transportation, and access
- Quality of life
- Social services
- Ecological function
- Tourism
- Recreation
- Agriculture, including farms and vineyards
- Industrial operations

Transportation systems such as roads, bridges, overpasses, rail, bikeways and trail networks, and the Livermore Transit Center may be particularly threatened by the impacts of climate change such as floods, landslides, severe winds, and wildfires. The City maintains a variety of roadways ranging from a freeway and highway to local streets and special rural routes which travel through City-identified vineyard lands. Roadways play a critical role in how people and goods are transported throughout the city. The major roads running through the city are Interstate 580 (I-580) and State Route 84 (SR-84). Local public transit, provided by Livermore Amador Valley Transit Authority (LAVTA), is an important component of the City's transportation network, providing the community with alternatives to automobile travel. Rail freight through Livermore is served by the Union Pacific Railroad, which is an east-west route originating in

Oakland and tying into two major north-south routes in the San Joaquin Valley. Additionally, the City provides a comprehensive, safe network of bikeways and trails for transportation and recreational purposes for a variety of non-vehicular users. In 2003, the city had a total of 66.5 miles of multi-use trails (Class I) and bike lanes (Class II). Impacts to the regional transportation system could critically impact mobility, transportation, and access in Livermore.

Lifeline utility systems such as potable water, wastewater, fuel, natural gas, electric power, and communication systems in Livermore may also be particularly sensitive to increased climate related events such as flooding, drought, wildfires, and landslides. These lifeline utility systems are essential to the health and safety of the Livermore community.

Populations

Populations that may be sensitive to climate change exposures described above include:

- Seniors
- Children
- Individuals with disabilities
- Individuals with compromised immune systems
- Individuals who are chronically ill
- Individuals without access lifelines (e.g., car or transit, phones)
- Disadvantaged communities
- Low-income, unemployed, or underemployed communities
- Individuals with limited English skills
- Renters
- Students
- Seasonal residents
- Individuals uncertain about available resources because of citizenship status

Vulnerable populations are more susceptible than others to climate related exposures such as people who may require special response assistance or special medical care after a climate-influenced disaster. The disproportionate effects of climate change on vulnerable populations are caused by physical, social, political, and/economic factors which are further exasperated by climate impacts. In the event of a climate-influenced disaster such as wildfire, flood, or landslide, vulnerable populations may have less access to emergency response information and lack the resources needed to cope with and recover from climate impacts. The 2009 California Climate Adaptation Strategy identifies those most at risk and vulnerable to climate-related illness as the elderly; individuals with chronic conditions such as heart and lung disease, diabetes, and mental illnesses; infants; the socially or economically disadvantaged; and those who work outdoors (CNRA 2009). According to the Census, Livermore residents under 65 that reported no insurance was 4.1% and the proportion of people living in poverty is about 4.6%.

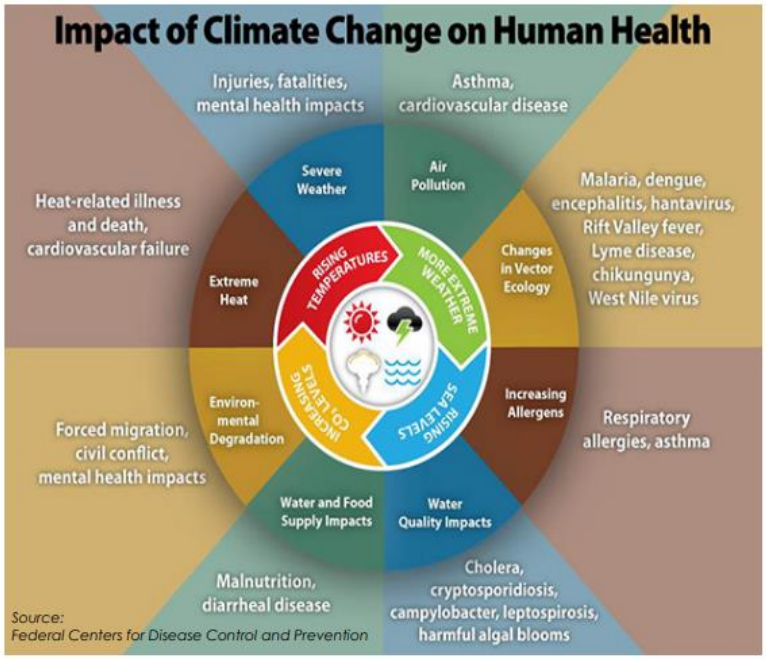
Moreover, the Census estimates that in 2019, 12.9% of the population was 65 years or older and 23.5% of the population was under the age of 18. These individuals may face unique impacts related to climate change. According to the findings from a United Nations Children's Fund (UNICEF) study, children are "physiologically and metabolically less able than adults at adapting to heat." The study recognizes that geography plays a role on the impacts of climate change that may affect specific populations and acknowledges the fact that those with fewer resources have a more difficult time adapting (UNICEF 2011).

Financial wellbeing also impacts climate change sensitivity, as well as preparation, because those with greater access to resources have a greater ability to prepare and adapt. In addition, more than 20% of Livermore residents speak a language other than English at home, which may result in language barriers in dissemination of information related to climate change preparation and emergency response (Census n.d.)

Vulnerability Component 3 - **Potential impacts**

Potential impacts are the nature and degree to which the community is affected by a given stressor, change, or disturbance. As climate change continues to progress, increased stress to vulnerable populations and sectors of society are expected. In the City of Livermore, the most likely primary impacts of climate change include increasing temperatures and altered precipitation patterns. Climate change impacts may damage infrastructure, reduce economic viability, influence water supply, and decrease public health and safety (Figure 6). The potential impacts of increasing temperature extremes, altered precipitation, and increasing wildfire in Livermore and the greater San Francisco Bay Area are discussed below.

Figure 6 Impact of Climate Change on Human Health



Temperature

As describe in the Exposure section above, Livermore may experience a variety of impacts from climate change, which include an increase of average annual maximum temperature between 5.3°F and 9.3°F by the end of the century (UC Berkeley & CEC n.d.) This increase in temperature may result in changes in seasonal patterns, possible heat waves, drought, and potentially increased storm frequency and intensity. The potential impacts to community structures, functions, and populations are described below.

Community Structures – Potential Temperature Impacts

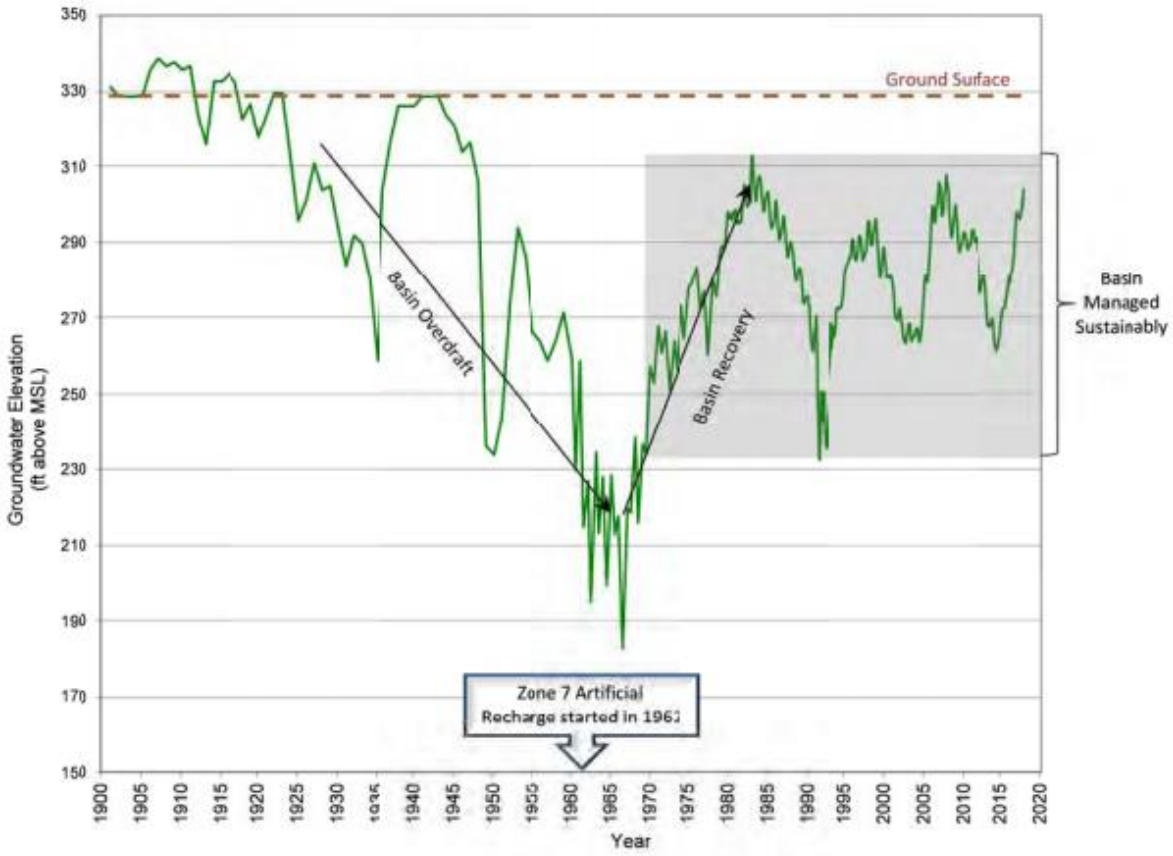
Community infrastructure and the City's transportation system may be impacted by increased temperatures. Long periods of intense heat may result in increased use of electricity for home cooling purposes that could tax the system and result in electricity restrictions or black-outs. In addition, cyclists and active commuters could be impacted by increased temperatures and could suffer from heat related illnesses making them less inclined to ride their bikes for transportation if the temperatures continue to rise. This would increase demand on other aspects of the transportation system including public transit and roadways, which may exacerbate worsening air quality conditions.

Community Functions – Potential Temperature Impacts

As mentioned above in the Sensitivity section, increases in temperature could also have a substantial impact on the City's economy. Vineyards and farms are an essential part of the City's community and economy and could be affected by climate change through crop failure, transportation system issues, and decreased labor from heat exposure.

High temperatures may also contribute to a reduced water supply. For instance, higher temperatures will melt the Sierra snowpack earlier and drive the snowline higher. Higher temperatures in addition to a reduction in precipitation falling as snow, would result in less snowpack to supply water to California users (CNRA 2009). Increased temperatures could therefore result in decreased potable water supply for the City which relies on local groundwater, surface water, and imported water (Cal Water 2016). Zone 7 Water Agency (Zone 7) has managed and imported local surface water and groundwater resources for beneficial uses in the Livermore Valley Groundwater Basin for more than 55 years. According to the Annual Report for the Sustainable Groundwater Management Program and as shown in Figure 7, Zone 7 replenished the groundwater basin in 1962 after decades of basin overdraft. Since then, Zone 7 has been sustainably managing the Livermore Valley Groundwater Basin (Zone 7 2019). With temperatures expected to increase and snowpack expected to decrease, there may be an increase in the reliance on the Livermore Valley Groundwater Basin, putting pressure on local water supply.

Figure 7 Bernal Key Well Hydrograph

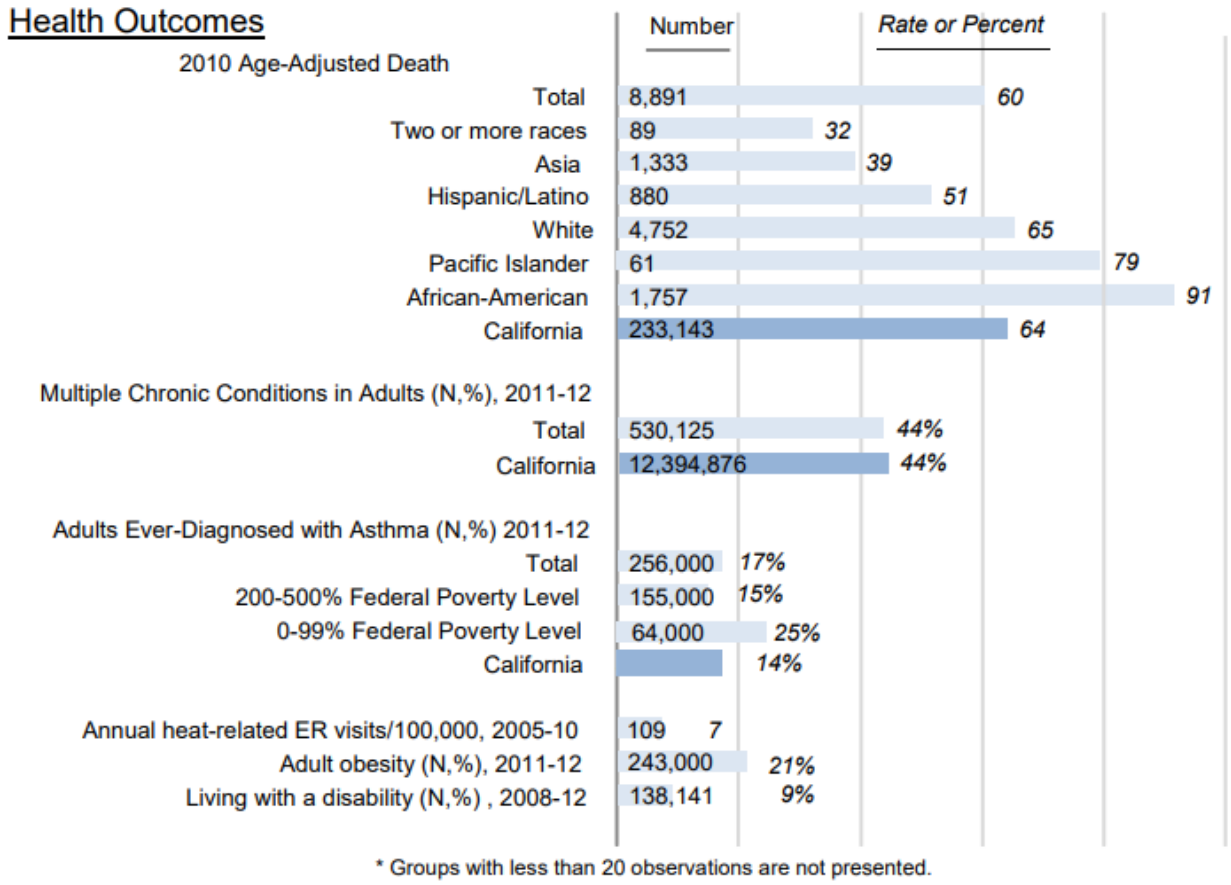


Vulnerable Populations – Potential Temperature Impacts

Public health may be negatively impacted by a changing climate as a result of changing environmental conditions (e.g., extreme weather events; changes in temperature and rainfall that decrease water supply; worsening air quality; and increases in allergens and air pollutants). This could lead to hazardous conditions, such as heat stroke and respiratory ailments for individuals with disabilities or compromised immune systems, children playing outdoors, tourists, farm workers and others working outdoors. Potential impacts to public health include cardiovascular disease; exacerbation of asthma, allergies, and chronic obstructive pulmonary disease; increased risk of skin cancer and cataracts; premature death; cardiovascular stress and failure; and heat-related illnesses such as heat stroke, heat exhaustion, and kidney stones (CEMA & CNRA 2012). Figure 8 shows a profile of health outcomes and inequities specific to Alameda County, the number of people in the County, or state of California, and the relative percentage for the County or State (Maizlish et al. 2017). Disparities among race/ethnicity groups and poverty groups are apparent, as is the heightened vulnerability of obese and disabled individuals to heat effects. Those in Livermore without health insurance (4.1%) and living in poverty (4.6%) are particularly vulnerable. Figure 9 displays the profile of social vulnerabilities and climate risks in Alameda County (Maizlish et al. 2017). There is currently one census tract within Livermore (Census Tract 4514.04,

Figure **10**) that is designated as an Opportunity Zone[11] (CA.gov) or economically distressed community where new investments in Caltrans transportation projects, Air Resources Board low carbon projects, and High-Speed rail investments are a priority (State of California n.d.) Additionally, three block groups have been identified as disadvantaged communities by the State, as shown in Figure 11 (DWR n.d.) With anticipated increases in minimum and maximum temperatures, economically disadvantaged residents may find it more difficult or impossible to afford the additional costs of cooling their homes. Consequently, many low-income households, especially those of seniors and individuals with disabilities will be particularly vulnerable to the effects of extreme heat events.

Figure 8 Profile of Health Outcomes and Inequities in Alameda County



[11] Census tract defined by the Internal Revenue Service (IRS) as "economically-distressed community where new investments, under certain conditions, may be eligible for preferential tax treatment."

Figure 9 Profile of Social Vulnerabilities and Climate Risks in Alameda County

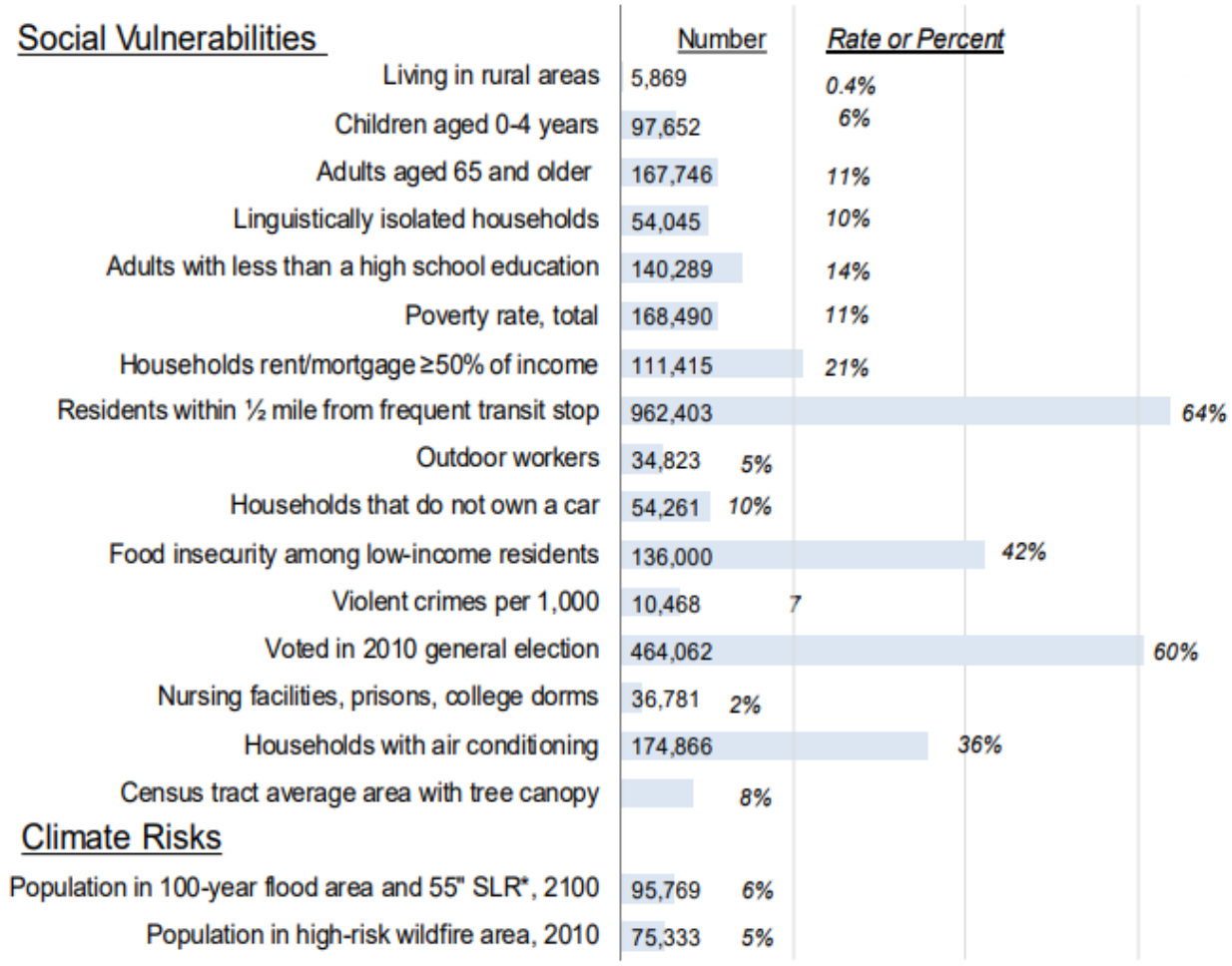


Figure 10 Opportunity Zone

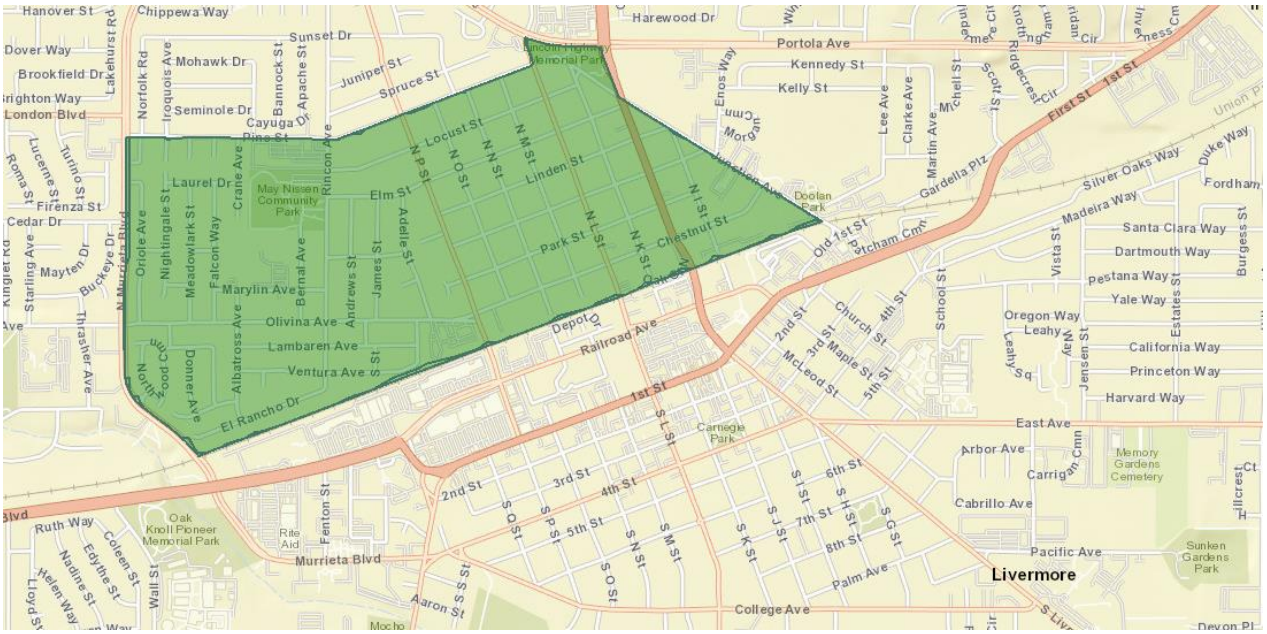
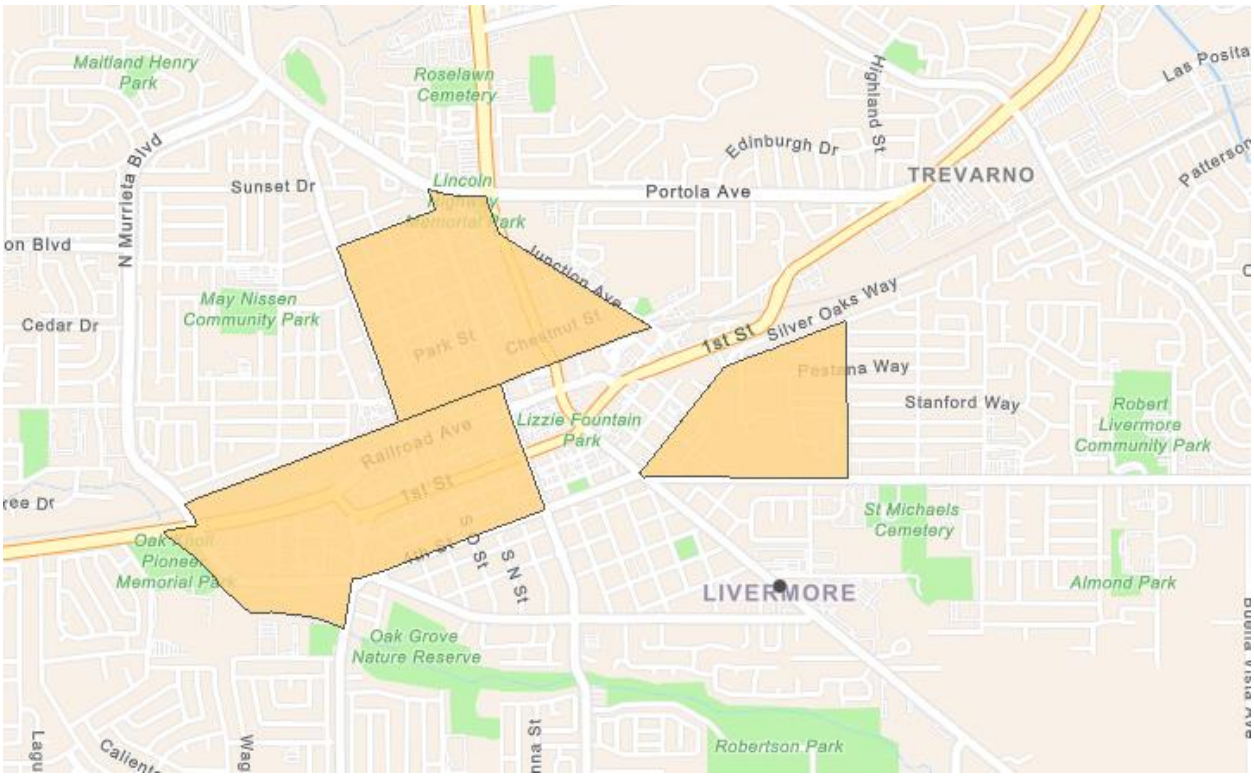


Figure 11 Disadvantaged Communities



Increasing temperatures may also impact vulnerable youth populations. Due to their less-developed physiology and immune system, children are especially vulnerable to air and water quality, temperature, humidity and vector-borne infections. These health concerns are not just physical; children can be

impacted psychologically as well, which could result in a loss of self-confidence, nervousness, and insomnia (UNICEF 2011). This additional stress on children's systems could affect them into adulthood and result in lifelong ailments.

Additionally, rising temperature may also indirectly impact human health through impacts to biological species and natural habitat, such as increases in the incidence of vector borne disease (WHO 2018). Insects have no internal control over their body temperature, and as ambient temperatures rise, the distribution of insects may expand through increased reproductive rate, biting behavior, and survival. Moreover, the incubation period for pathogens within vectors is also temperature-dependent, and the period often becomes shorter as conditions warm (WHO 2018). This will result in pathogens developing and spreading more quickly; susceptibility to disease may increase.

As rising temperature impacts public health, community resources such as hospitals and various doctors' offices and medical entities may be impacted by an increased need for various health care services including heat and respiratory care.

Precipitation

The precipitation projections show variability over time. Periods of decreased precipitation may result in more frequent and persistent droughts, especially in combination with increased temperatures which would result in decreased water supply, water quality and public health; reduced viability of natural landscapes; and increased risk of wildfires in the region. As mentioned in the Exposure section above, the frequency and severity of storm events could increase with climate change. This could result in impacts to community structure, functions and human health and safety, particularly related to flooding.

Community Structures – Potential Precipitation Impacts

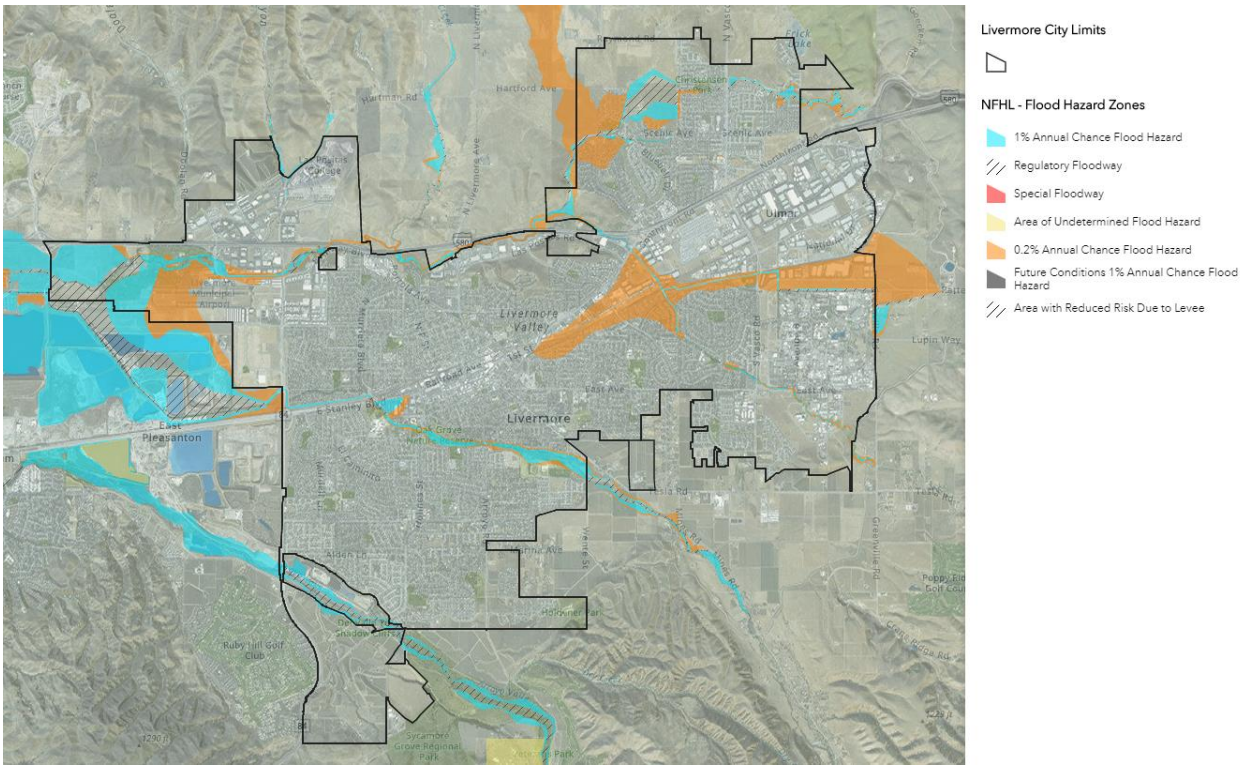
Increased flooding may result in water and wastewater treatment plants being unable to handle increases in intense rainfall events and associated runoff. This could impede the proper functioning of on-site septic systems or overwhelm sewers and centralized sewage treatment plants. As a result, untreated water, with a full load of toxics and organic waste could enter streams and the ocean. Flooding may also impact the City's transportation network inhibiting movement of people and goods. Emergency response systems would similarly be affected by flooding through restricted access to and from emergency response systems, increasing wait times for these crucial services. Communication to these entities may also be impacted if electricity transmission is interrupted or if water and other natural resources are unavailable.

The Tri-Valley Local Hazard Mitigation Plan assessed the flood loss potential to critical facilities exposed to flood risk. Critical facilities include medical and health services, emergency services, educational facilities, government facilities, utilities, transportation facilities, and hazardous materials. Both Lawrence Livermore National Laboratory and Sandia National Laboratory are considered high profile critical facilities because they house hazardous materials. The plan estimated the following flood-related risks:

- **A 10-percent annual chance flood event (i.e. flood of a magnitude historically expected every 10 years on average)** would affect 12 facilities and on average the facilities would receive a 4.12 percent damage to the structure and 27.03 percent damage to the contents.
- **A 1-percent annual chance flood event** (i.e. flood of this magnitude historically expected every 100 years on average) would affect 21 facilities and on average the facilities would receive a 7.33 percent damage to the structure and 27.78 percent damage to the contents.

- **A 0.2-percent annual chance flood event** (i.e. flood of this magnitude historically expected every 500 years on average) would affect 66 facilities and on average the facilities would receive a 15.18 percent damage to the structure and 39.94 percent damage to the contents.

Figure 12 Livermore Flood Hazard Zones



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community | Esri, NASA, NGA, USGS, FEMA | Esri Community Maps Contributors, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA | Alameda County Registrar of Voters, 2011

Community Functions – Potential Precipitation Impacts

During intense storms and precipitation events, the local economy may be impacted through more frequent disruption to community services, such as power outages. Additionally, a flooded structure or agricultural field could result in increased expenses and disruption to work.

Populations – Potential Precipitation Impacts

Public health and safety may be directly impacted by injury and or death of community members resulting from large floods. Public health may also be indirectly impacted by reduced access to emergency response and health centers resulting from infrastructure impacts discussed above.

Wildfire

Community Structures – Potential Wildfire Impacts

The Cal-Adapt projections for wildfire risk in Livermore is projected to decrease over this century. Because of this, the direct impact of wildfire to community structures in the City are expected to remain low.

Community Functions – Potential Wildfire Impacts

Similar to community structures, direct impacts of wildfire to the economy in Livermore are unlikely. However, secondary impacts of decreased air quality could indirectly affect the economy by impacting vulnerable workers, reducing tourism, and directly impacting health of community members as noted below.

Populations – Potential Wildfire Impacts

Despite the low risk of direct wildfire impacts to Livermore, the potential of increasing wildfires in the greater San Francisco Bay Area and Central Valley could impact populations through increasing secondary impacts such as poor air quality, changes in water quality, and erosion. Vulnerable populations such as individuals with compromised immune systems, seniors, children, and outdoor workers are likely to be impacted most by these secondary impacts.

Vulnerability Component 4 - **Adaptive Capacity**

Adaptive capacity is the ability to cope with extreme events, to make changes, or to transform to a greater extent, including the ability to moderate potential damages and to take advantage of opportunities. Adaptive capacity is the current ability to address the potential impacts of climate change and includes adjustments in behavior, resources, and technologies (CEMA & CNRA 2012). The City of Livermore has actively taken steps to increase the City's adaptive capacity, which include promoting hazard mitigation, disaster preparedness, and proactive planning through stream and stormwater management programs. Table 4 lists the City's guiding documents and programs that have an underlying emphasis on adaptive capacity.

Table 4 Livermore Planning Documents and Programs

Document	Year Established
Climate Action Plan	2012
General Plan Climate Change Element	2009
Bicycle, Pedestrian, and Trails Active Transportation Plan	2018
East Alameda County Conservation Strategy	2010
Stream and Stormwater Management Programs	Ongoing
Tri-Valley Local Hazard Mitigation Plan	2018
2005 GHG inventory Report	2007
EBEW GHG Inventory Reports	2005, 2010, 2015, 2017
Green Infrastructure Plan	2018
Livermore Emergency Operations Plan	2018

The City has approximately 200 sustainability and adaptation related measures from the existing planning documents listed above. Most of these measures can be grouped into four major categories: energy, water, transportation, waste, and land use. The two major exposures expected in Livermore are higher temperatures and potentially increasing frequency and intensity of storms, and a variety of measures address these exposures indirectly. Many energy measures have been developed which could increase the City's adaptive capacity related to increased temperatures, however, most of these have been determined to be low quality (due to the lack of a clear objective, strategy to obtain objective, funding,

metrics to measure progress, and/or lead responsible party). Furthermore, few of these measures have been implemented. The same is true for sustainability measures related to water and land use.

The City has developed both reactive and proactive measures to addressing climate change adaptation. The Stream and Stormwater Management Programs is a collaborative effort between the City, Parks District, and Water Agency to provide habitat enhancements around stream and flood channels. This form of stream maintenance and repair increases the City's adaptive capacity related to higher precipitation rates and the potential for flooding.

Though the City has a vast number of sustainability measures developed, few have been successfully implemented, giving the City a low to medium adaptive capacity rating. While the City does have some level of emergency preparedness, such as through the Livermore Emergency Operations Plan, there are few implemented measures in place to address long-term effects of climate change such increased heat and decreased air quality.

Vulnerability Component 5 - **Risk and Onset**

Risk is defined as the likelihood or probability that a certain magnitude, extent, or scale of potential impact will occur (CEMA & CNRA 2012). For each impact, a level of uncertainty, based on the probability of the primary or secondary exposures is assigned (
Table ***5***). According to the Intergovernmental Panel on Climate Change, temperature changes have a greater than 90% probability of occurring, providing a high certainty rating for this impact. Precipitation changes have a greater than 66% probability of occurring, providing a medium certainty rating.

Table 5 Probability of Global Primary Impacts

Driver	% Probability (IPCC)	Certainty Rating
Temperature Change	>90%	High
Precipitation Change	>66%	Medium

Source: Adapted from CEMA & CNRA 2012, IPCC 2007

For each associated secondary impact (e.g., heat waves, intense rainstorms, drought, etc.), a certainty rating and timeline for expected impacts to Livermore were assessed based on the conservative estimates from

Table ***5*** and secondary impacts explored in the Exposure section of this assessment (Table 6). Expected near-term secondary climate impacts to Livermore include changed seasonal patterns, heat waves, and intense rainstorms. These impacts may occur in the near-term (2020 – 2040) because they occur, in part, as a result of increased temperature, which has a high certainty rating globally and high exposure risk in Livermore. Drought and wildfire are expected to occur in the mid-term largely due to the variability of precipitation projections in Livermore.

Table 6 Probability of Secondary Impacts Based on Global Models

Primary Impact	Associated Secondary Impacts	Certainty Rating	Timeline for Expected Impacts to Livermore[1]
Changed temperature and/or precipitation patterns	Changed seasonal patterns	Medium	Near-term
Increased temperature	Heat wave	High	Near-term
Increased temperature and/or changed precipitation	Intense rainstorms	Medium	Near-term
Increased temperature and/or reduced precipitation	Drought and wildfire	Medium	Mid-term

[1] *Near-term: 2020 – 2040; Mid-term: 2040-2070; and Long-term: 2070-2100*

Source: CEMA & CNRA 2012

Conclusion

Climate change will affect populations throughout the state, nation, and world differently based on their actual and perceived vulnerabilities. This assessment serves as an assessment to better understanding Livermore's vulnerability to climate change impacts and inform the development of additional adaptive measures. The major findings of this analysis are:

- maximum and minimum temperatures are expected to increase
- precipitation variability is expected to increase over the century
- increased temperature and associated impacts have a high certainty of occurring in the near-term
- intense rainstorms and changes in seasonal patterns are expected to occur in the near-term
- Livermore has a low to medium adaptive capacity rating due to the variety of sustainability and adaptation measures developed yet low implementation rate of these measures

The City has a variety of planning documents and programs that provide a low to medium rating in adaptive capacity. There are opportunities to further improve adaptive capacity to climate change exposure described in this analysis. In addition to focusing on the implementation of high priority measures that address effects of increasing temperatures and storms, it will be important to focus these efforts in vulnerable communities such as in the opportunity zone and disadvantaged communities highlighted in Figure 10 and Figure 11. Some examples of measures that could be implemented to improve adaptive capacity include:

- Encouraging green building practices in new and redevelopment with a focus on disadvantaged communities
- Provide infrastructure improvements such as cool pavements, green roofs, and planting trees and vegetation in disadvantaged communities
- Communicate heat warning information and appropriate responses to the public, especially to the most vulnerable members of the community, and provide community cooling centers in areas with low-income, elderly, and young populations
- Incentivize and/or require the installation of heat pump HVAC units which provide energy efficient heating and cooling

- Increase distributed energy resources and therefore electricity security through the implementation of microgrids and battery storage
- Strengthen water supply systems to meet forecasted demands of residents, businesses, and visitors as variability in water resources increases

The Climate Action Plan will provide the framework for Livermore to prepare for and adapt to the impacts of climate change that may affect the city and focus efforts on vulnerable populations, structures, and functions to minimize the residual effects of climate change and prepare Livermore for long term climate resiliency. The CAP will work in unison with the City's planning documents (Table 4) to provide strategies for the City to prepare, adapt, and mitigate the impacts of climate change.

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Appendix C - Cost Technical Appendix

Livermore Climate Action Plan Update

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Introduction

As part of its updated Climate Action Plan, the City of Livermore – in coordination with Rincon Consultants, Inc. (Rincon), the Livermore Climate Action Plan Advisory Committee, and the community of Livermore – has developed a comprehensive strategy to improve resiliency to climate change and for reducing community-wide GHG emissions to net carbon neutrality by 2045. However, achieving carbon neutrality requires significant, strategic investments into many elements of the community including new policies, infrastructure, technology, and behavior change on the part of the community. In order to develop transparency around the prioritization of these investments, Rincon has assembled a technical appendix detailing the estimated cost associated with the implementation of each of the 20 identified strategies based on cost data derived from past projects, case studies, and available research and academia.

Climate Action Plans exhibit high variability in implementation costs depending on the strategies identified, their level of specificity, and the accompanying funding and financing strategies, which may vary depending on the scope of the project. For example, costs may vary from capital-intensive investments like the installation of a microgrid to enhance energy resiliency in the event of climate disasters to setting up bike infrastructure to encourage alternative means of transportation. Furthermore, depending on the type of desired bike infrastructure, costs may vary from $10,000 to $1M per mile.[1] [2] Each reporting entity exhibits their own priorities and funding mechanisms based on the needs of its local community, in addition to having unique backdrops of political climate, land use practices, social equity concerns, and more. Simply put, one size does not fit all. The intent of this appendix is to distill these highly variable cost/benefit considerations into a document that provides a clear understanding of the potential costs and the primary variables that effect cost and provide a replicable pathway towards net carbon neutrality based on the strategies provided.

The strategies listed below have been broken down into 4 cost segments which include:

1. **Low-Cost:** The low-hanging fruit for the community or City, generally delineated as strategies associated with relatively low upfront costs or city staff time, (e.g., policy ordinances or outreach). For community members, this represents costs between $1 and $100 per year.
2. **Moderate-Cost:** Intermediate level of costs associated with consultant and moderate infrastructure changes, (e.g., feasibility studies, program development, and retrofitting existing infrastructure). For community members, this represents costs between $100 per year and $500 per year.
3. **High-Cost:** Longer term projects requiring substantial investments into major infrastructure or technology over time, (e.g., energy storage, bike lanes, or other infrastructure changes). For community members, this represents costs between $500 per year and $1,000 per year.

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[1] 2018 Livermore Active Transportation Plan https://www.cityoflivermore.net/civicax/filebank/documents/18254

[2] 2018 Livermore Active Transportation Plan Appendices Table includes estimated cost per project. https://www.cityoflivermore.net/civicax/filebank/documents/18253

Table 1 Strategy Cost Summary

Strategy #	Strategy	Cost Categorization	City Cost Variables	Community Cost Variables	2030 MT CO_2e Reduction or Adaptive Capacity	2045 MT CO_2e Reduction or Adaptive Capacity
Adaptation Strategies						
E-1	Enhance community energy resilience.	High Cost	• Staff time • Microgrid costs Weatherization upgrades	N/A	High Adaptive Capacity	High Adaptive Capacity
D-1	Improve water conservation and reuse.	Low Cost	• Staff time • Ordinance/resolution/plan development • Staff time to develop partnerships	• Cost of water conservation efforts • On-bill water savings	High Adaptive Capacity	High Adaptive Capacity

F-1	Improve stormwater management.	Moderate Cost	• Size of project (acreage) • Staff time • Ordinance development (hardscape)	• Runoff rate • Parcel size • Runoff factor for user type (commercial, industrial, institutional) • Fee increases for new impervious surfaces	Moderate Adaptive Capacity	Moderate Adaptive Capacity
H-1	Increase resilience to extreme heat events.	Moderate Cost	• Staff time • Heat Mitigation Plan cost • Tree planting costs • Shade structure implementation • Backup power at cooling stations	• N/A	High Adaptive Capacity	High Adaptive Capacity
WF-1	Mitigate wildfire risk and improve preparedness.	Low Cost	• Staff time • Cost of personal protective equipment • Creation of fire safe development standards • Creation of community fire fuel load reduction program • Creation and operation of clean air centers • Building retrofits to improve indoor air quality	• Increased development costs	Low	Low

Mitigation Strategies						
B-1	Require new buildings to be all-electric and incentivize electrification retrofits of existing buildings.	Low Cost	• Staff and consultant time required to develop and pass an ordinance • Staff and consultant time required for outreach and education • Staff and consultant time required for conducting a cost analysis and feasibility study	• Cost savings of all electric home compared to fuel mix • Long-term savings on energy bills	27,383	121,559
B-2	Decarbonize electricity from the grid and increase local renewable energy generation.	Moderate Cost	• Staff time • Outreach and education	• Electricity costs per rate plan	25,505	0
T-1	Facilitate a transition to electric vehicles.	Moderate Cost	• Grant or financing availability for EV Readiness Plan • Staff and/or consultant time for ordinance development, outreach, and partnership development • Infrastructure costs for new chargers at municipal locations • Use of public/private partnerships • Electricity and charging rates	• Cost of charging infrastructure • Marginal cost of EV selected (Cost of combustion vehicle compared to EV alternative) • Lifecycle cost of EV ownership • Lifecycle costs of combustion vehicle ownership	49,494	93,458

T-2	Facilitate a transition to transit and shared mobility.	Moderate Cost	• Staff time • Bike share costs (pilot program) • Ordinance development costs	• TDM support actions • Transit Passes	3,033	4,656
T-3	Improve active transportation infrastructure.	High Cost	• Planning and consultant costs • Construction cost • Ongoing maintenance costs	• Costs associated with funding mechanism, e.g., sales tax or parcel tax	2,127	2,111
T-4	Support sustainable land use practices.	Low Cost	• Staff time • Consultant time	None Identified	Supportive	Supportive
W-1	Reduce the amount of waste that is landfilled.	Low Cost	• Staff time to develop an ordinance • Staff time for outreach and education • Development of High Diversion Plan • Staff time for partnership development for food recovery	• Increased cost of food items served in reusable/ compostable food ware • Cost to businesses to implement waste diversion techniques • Cost to residents to implement home composting • Cost to businesses to implement composting	19,379	22,646
W-2	Expand use of low-carbon and recycled building materials	Low Cost	• Staff time for outreach and education • Development of carbon performance standards and material-efficient building practices for new construction	• Increased cost of building material	Supportive	Supportive

S-1	Maximize local carbon sequestration.	High Cost	• Staff time • New trees • Operating and maintenance cost of trees • Carbon farming study and pilot project • Landscaping standards update • Urban Forest Management Plan preparation & implementation	• Cost of trees • Cost of water/maintenance of trees	58	58
Municipal Strategies						
M-1	Enhance resilience at public facilities.	High Cost	• Cost of microgrid/battery storage • Cost of energy efficiency and AQ upgrades selected • Energy Cost Savings	N/A	Supportive	Supportive
M-2	Electrify municipal facilities and operations.	Moderate Cost	• Staff time • Type of units electrified • Number of facilities	N/A	Supportive	Supportive
M-3	Electrify the City's vehicle fleet and encourage City employees to utilize alternative transportation and teleworking opportunities.	Moderate Cost	• Staff time • Number and type of vehicles electrified • EV charging infrastructure • Alternative transportation incentives	N/A	Supportive	Supportive

M-4	Conserve water in municipal landscaping and improve on-site stormwater management.	Low Cost	• Cost of new fixtures • Cost of new landscaping • Water savings offsets	N/A	Supportive	Supportive
M-5	Purchase more sustainable products to reduce waste from City operations.	Moderate Cost	• Staff time • Update Environmentally Preferable Purchasing Policy • Marginal cost of new products	N/A	Supportive	Supportive
M-6	Utilize public lands to increase local carbon sequestration and reduce urban heat island effect.	Moderate Cost	• Staff time • Open space/landscaping maintenance costs	N/A	Supportive	Supportive
Implementation Strategies						

I-1	Make climate impacts and resilience a standard consideration during planning and development processes.	Low Cost	• Staff time • Consultant time for carbon nexus study • Consultant time for financial risk analysis	N/A	Supportive	Supportive
I-2	Dedicate City resources to CAP implementation and consistently monitor progress.	Moderate Cost	• Staff time	N/A	Supportive	Supportive
I-3	Create a public outreach campaign to educate the community about CAP initiatives.	Moderate Cost	• Staff time	N/A	Supportive	Supportive
I-4	Foster green innovation in Livermore.	Low Cost	• Staff time	N/A	Supportive	Supportive

Cost Considerations

For each strategy, the cost description focuses on both internal costs (municipal-focus) and external costs (community-focus) and provides insight into the variability of these costs including the primary variables that may affect cost effectiveness including several primary considerations:

Upfront versus Lifecycle Costs

When discussing how much a strategy or action costs it is important to differentiate between the upfront costs, the cost of an LED light bulb, versus the lifecycle costs of purchasing, operating, maintaining, and ultimately disposing of that lightbulb. While LED lightbulbs may be more expensive up front when compared to an incandescent bulb, the lifecycle costs of owning an LED lightbulb are significantly lower, providing a significant return on investment.

Incremental or Marginal Costs

When discussing costs, it is important to specify the difference between how much a strategy costs overall and what the incremental or marginal cost is. The incremental or marginal cost is the difference in cost between the new action and the old or standard action. For example, purchasing a new electric vehicle could cost $30,000 which should be considered a high cost. However, the marginal cost of purchasing an electric vehicle versus purchasing a new internal combustion vehicle may be zero or near zero because of reduced long-term operating and maintenance costs including no fluids to replace, fewer moving parts like transmissions, and less brake wear. It is important to consider what the incremental/marginal costs are for each strategy by keeping in mind what the alternative costs are. In many cases, the difference is negligible.

Financing

One of the major financial tools available to make large investments into infrastructure, vehicles, or buildings is financing. Financing allows us to leverage the time value of money and put future expected money flows to use today. For example, a solar array may cost $20,000 and result in an energy bill that is $200 less per month. The cost of the solar array could be considered high. However, the loan for the solar array requires a monthly payment of $150 dollars, resulting in a net monthly savings of $50 dollars. Under this scenario the solar array does not carry a high cost, rather it provides an overall savings. The ability to finance can make seemingly high-cost investments low to no cost over time.

Understanding the ranges of cost savings and revenue streams, and how those costs and revenues accrue over time into a payback or ROI calculation, are prudent factors to structuring partnerships, engaging stakeholders, and making optimal financial decisions. For example, energy efficiency retrofits can generate cost savings of more than 30% for 15 to 20 years. If external partners are involved, such as with an energy savings performance contract (ESPC), cities may not need to provide any upfront capital, but the project's cost savings would accrue with a private third party and be lost by the city. An anaerobic digester may need $5M to $10M in upfront capital but could also generate $1 to $2M annually in natural gas delivery revenue. Over 20 years, which can be an attractive financial investment for a city. Cities must consider the estimated return on investment (ROI), how project costs and

revenues balance out over the useful life of the project, and whether they are willing to forego long-term cost savings or revenue generation capacity by partnering with a private third party.

The Cost of Doing Nothing

Finally, it's also important to keep in mind that doing nothing to prepare for and mitigate climate change will also carry a cost. The alternative to implementing these strategies is not zero. One immediate example is the cost to install conduit and panel capacity for electric vehicle chargers for all new construction. While this action increases upfront construction costs by a few hundred dollars, doing that same work after the building is completed can be an order of magnitude higher (~$3,000). Given the move towards electric vehicles, the cost of not installing EV infrastructure today could cost the community significantly more in the future. In a similar vein, adaptation strategies will cost the city and the community today. Planting trees, installing microgrids, and setting up cooling centers all have upfront costs. However, it's imperative that we weight these costs against the costs of a future without these adaptive strategies given what we know about the climate. Research published in the journal Nature predict the cost of not decreasing emissions to carbon neutrality by mid-century could range between $149.78 trillion to $791.98 trillion by the end of the century.[3] That same study found that if we mitigate climate change and achieve carbon neutrality by mid-century the world could see a $127-to-$616 trillion-dollar economic benefit after considering the cost of mitigation. The humanitarian impact is also significant. The Red Cross and Red Crescent Societies estimate that the number of people in need of humanitarian aid each year could double to $200 million annually by 2050 due to climate change costing $20 billion per year.[4] Furthermore, the World Resources Institute has found that investing in adaptation and resilience provides a benefit-cost ratio ranging from 2:1 to 10:1, meaning that for every dollar invested in resilience and adaptation we stand to see $2 to $10 dollars' worth of benefits.

Funding and Financing Considerations

There are three major categories of financial pathways available for climate action: funding, financing, and revenue generation. For the purposes of this project, **funding** refers to repayment-free capital that is available from third-parties, **financing** refers to borrowed capital including loans, bonds, and other cost- sharing mechanisms that ultimately require the borrower to pay back the capital in full (typically with interest), and revenue generation from new charges, fees, or taxes, to citizens, beneficiaries, or customers, which can be placed on specific project users or applied to every resident or business in a given area. In some cases, **revenue generation** includes capturing cost savings that accrue from the project. Funding, financing, and revenue generation are often used together to implement major capital

[3] Wei, Yi-Ming et al. Nature Communications. 2020. Self-preservation strategy for approaching global warming targets in the post-Paris Agreement era. Accessed at https://www.nature.com/articles/s41467-020-15453-z. Accessed June 9, 2021.

[4] International Federation of Red Cross and Red Crescent Societies. 2019. The Cost of Doing Nothing: The Humanitarian Price of Climate Change and How it Can be Avoided. Accessed at https://reliefweb.int/report/world/cost-doing-nothing-humanitarian-price-climate-change-and-how-it-can-be-avoided. Accessed June 9, 2021.

projects. While funding can support a capital project as a stand-alone mechanism, financing usually requires identifying a funding or revenue stream that will be used to repay borrowed capital.

Six Major Types of Funding & Financial Mechanisms
This list is ordered by the increasing amount of debt load that would be incurred by the city (or other project lead): starting with free capital from grants and partnerships, continuing to capital borrowed from loans and bonds, and concluding with city funding from budget, taxes, and fees.

1. **Grants** can provide a substantial source of 'repayment-free' capital if cities have the staff capacity to invest in grant management. Grants make the most sense for cities with the necessary staff capacity (1-2 full-time equivalents, either internal or external experts) to track grant opportunities, craft meaningful proposals that link to the goals and mission of the donors, submit applications, and track results required for ongoing reporting.

    - **Pros:**
        - Grants do not have to be repaid
        - Grants can support purchases that enable cities to be the sole owner and operator of a project, and maintain city control over project details
        - Can attract media and generate credibility and prestige when awarded by national institutions, which helps promote cities' climate leadership and innovative projects

    - **Cons**:
        - Often competitive
        - Effort spent applying not always rewarded
        - Grants from federal, state, and other government sources tend to have strict limitations on what funds can be spent on, as well as burdensome reporting requirements
        - Not sustainable, have to reapply often with uncertain outcomes
        - Can sometimes come with 'match' requirements, where the grantee has to come up with ~10-50% of the project budget and the grant will cover the rest

2. **Partnerships** often tap resources, and secure capital, from non-governmental and corporate actors, which can spread the financial risk of a project across multiple public, private, and/or nonprofit entities. Partnerships are well-suited for cities who cannot or do not want to own their project outright, and who are willing to share possible cost savings and revenue generation with a third-party. Examples of partnerships include Energy Savings Performance Contracts (ESCOs), Sponsorships, Public-Private Partnerships, and Power Purchase Agreements.

    - **Pros**:
        - Private partners can expedite project design, initial implementation, and ongoing management
        - Can leverage private sector expertise to spark innovation, and better design, build, and manage projects

    - Can enable public sector to capture tax incentives and other private-market benefits
    - Private actors may fully fund the initiative

- **Cons**:
    - City may not have ultimate ownership of project, and may lose operational control
    - City may not have access to cost savings or revenue generated from project
    - Negotiations can be complex, lengthy, and difficult, and tensions can arise between parties given their divergent operational speeds, with public parties prioritizing safety and durability, and private partners preferring quick decision making and maximizing efficiency and profits.
    - Partnerships are less transparent than budget, bonds, and other mechanisms

3. **Loans** give cities access to upfront capital, whose principal and interest must be repaid over the duration of the loan. While cities should first consider grants and private partners that can provide repayment-free capital, when those pathways are unavailable loans are a dependable alternative. In many cases, municipal borrowers and impact-driven projects can find financing with low-interest rates. Loans can also include Lease-Purchase Agreements which defer upfront costs but require more total capital over the life of the payment.

    - **Pros**:
        - Provides upfront capital on short notice with predictable terms and contracts
        - Spreads the cost of a project across the useful life of the asset, and thus allocates costs to current and future users

    - **Cons**:
        - Loans add debt to the balance sheet
        - Lenders may have stipulations on what the borrowed capital can be spent on (assets vs. wages, etc.)
        - Private investor and bank loans are usually offered with higher interest rates than municipal bonds
        - Loans are less transparent than budget, bonds, and grants, unless cities pursue extraordinary levels of disclosure

4. **Bonds** provide dependable, predictable financing for cities looking to capitalize large infrastructure projects ranging from the millions to billions of dollars. A city can issue a bond directly or apply for funds from a state bonding program. These bonds can be backed either by general city funds, or specific revenue sources. There are multiple types of bond structures including general obligation, revenue, and conduit bonds, as well as certifications like “green” bonds for climate and sustainability that communicate what types of projects bond proceeds are being used for.

- **Pros**:
    - Bonds enable cities to borrow large amounts of up-front capital with fixed low-interest rates and long repayment periods
    - Bonds spread out costs over useful life of project, which can be decades, and allocates costs to current and future users of the project
    - Tax-exempt municipal bonds can attract capital from high-net-worth investors, especially local wealthy individuals and families who benefit from tax deductions on bond's interest if they live in your city's county or state.

- **Cons**:
    - Issuing general obligation bonds can be a politically charged process if your city requires voter approval
    - Bonds cannot be repaid through cost savings from a project, they must be repaid through additional topline revenues coming from a project or from reallocated funds within the municipal budget.
        - If a third party is generating revenues from the installation or operation of a project, those revenues can be used to support the bond. When combined with an Energy Savings Performance Contract, this is called a Morris Model Bond.
    - City bond ratings affect the interest rates of municipal bonds, with poorly rated cities having to pay higher interest rates on their bonds. This can pose as a challenge to lower income cities, and in cities that face frequent flooding, fires and other climate threats that threaten financial solvency — as all of these factors can depress city bond ratings.

5. **Budget** refers to using money in a city's general fund to capitalize projects. Every year cities collect tax revenue and other fees to populate their general funds, portions of which are appropriated to new capital projects and infrastructure investments. As the inability of city budgets to cover the expansive list of new costly climate projects in CAPs is a primary motivation for this project, financial mechanisms beyond budget must begin covering a larger share of the load, and other financial mechanisms should be fully explored before cities turn to budget funding. Yet, opportunities remain for climate action to take higher priority in cities' budgeting processes and for city budgets to fund appropriate climate-related expenditures. If using city budget is an option, well-suited projects tend to have total costs that are small enough to fit into 1 to 3 years of the city's budget, and/or have costs incurred in a dispersed manner, ideally evenly distributed over several years or decades, like the costs of staffing for a new program.

    - **Pros**:
        - City budget funds are available immediately, and thus can respond to pressing time-sensitive funding needs
        - City budget funds come with few restrictions, and can be tailored to match project needs exactly

    - Funding from the city budget does not increase debt burden, and frees up future budget that would otherwise be spent servicing debt payments with interest
    - Budget funding utilizes existing contractual relationships, and does not require creating new partnerships or entering into new legal arrangements

- **Cons**:
    - The amount of funding available each year is limited, so large projects can exhaust an agency's entire capital budget for the year.
    - Similarly, it can take decades to accumulate enough to pay upfront costs of major infrastructure projects. If cities do save portions of the budget for several years in order to have enough capital to cover the upfront costs of a project, cities can end up paying more for the project due to inflation.

6. **New taxes and fees**, as well as cost savings and other revenues, can create new flows of capital to fund climate action. Most often, however, ongoing revenue generation is not earmarked for a particular project and accumulated in a savings account. Rather, new revenue flows are funneled into cities' general funds, or leveraged through financing, as is the case with revenue bonds. Revenue generation via new taxes and fees makes sense for cities that have not significantly raised taxes or fees on residents in the past year or two, for projects that do not need immediate upfront capital, or for cities pursuing a revenue bond that needs a source of project-based revenues.

    - **Pros**:
        - New or raised taxes and fees provide cities with stable sources of ongoing revenue that can provide consistency and budget flexibility for decades
        - With adequate political support and restrictive legislation, revenues from taxes and fees can be set aside to create funds for very specific purposes, with revenues generated from specific stakeholder groups

    - **Cons**:
        - New or raised taxes and fees require significant political capital and community support to implement
        - There may be state-level regulation affecting which tax and fee structures a city can use
        - Certain tax structures can be regressive, placing a higher burden on low-income communities
        - Revenues generated from specific taxes and fees can fluctuate based on economic conditions and personal behavior, which can create last minute budget shortfalls

Strategy Cost Benefit Analysis

The following section discusses the primary variables impacting costs for each of the strategies as well as information on the potential costs to the City and community based on the cost considerations listed above. Strategies are organized into 4 categories: Adaptation, Mitigation, Municipal, and Implementation.

Adaptation Strategies

The strategies listed in this section aim to increase Livermore's resilience to climate change impacts, prioritizing vulnerable communities and vital public facilities. These strategies cover Energy Resilience, Drought, Flooding, Extreme Heat, and Wildfire.

Energy Resilience

Strategy E-1: Enhance community energy resilience

City Costs

City Cost Variables

- Staff time
- Microgrid costs
- Weatherization upgrades

City Cost Discussion

The climate resiliency of buildings is a primarily a factor of its capacity to withstand intense weather disasters. Municipal costs associated with E-1 include enhancing and promulgating microgrid resiliency, including staff time allocated towards developing partnerships, seeking grants, and conducting weatherization upgrades, the latter of which can reduce the energy consumption of buildings by up to 35%, resulting in long-term savings from reduced operating and maintenance costs.[5] The City costs associated with this strategy range from low costs (for staff time), to moderate costs (for facilitating weatherization upgrades) to high costs (micro grid expansion). The best strategy of the cost of microgrids is the cost per unit capacity ($/MW). In California, the average cost per MW of storage added is $3.5M.[6]However, these costs can be financed or even completed through public private partnerships. Furthermore, a single microgrid would help meet the goals of several strategies.

Community Costs

Community Cost Variables

- N/A

[5] Statewide Energy Efficiency Collaborative. Weatherization Guide for Local Governments. Accessed at https://californiaseec.org/wp-content/uploads/2017/01/Weatherization-Guide-for-Local-Governments.pdf. Accessed June 1, 2021.

[6] Asmus, Peter, Adarm Forni, and Laura Vogel. Navigant Consulting, Inc. 2017. Microgrid Analysis and Case Study Report. California Energy Commission. Accessed at https://ww2.energy.ca.gov/2018publications/CEC-500-2018-022/CEC-500-2018-022.pdf. Accessed June 1, 2021.

Community Cost Discussion

Costs incurred by the community for E-1 are focused largely on weatherization and other building upgrades. Costs will remain highly variable for existing buildings depending on their existing infrastructure and capacity to retrofit or enhance their surrounding environment, such as including fire safe or stormwater best management practices in their outdoor landscaping, reducing energy demand on the grid, converting to electric heating and cooling, construction of rooftop solar, and more. However, single family homes can make significant weatherization progress for <$1000.[7] Several weatherization assistance programs are currently available and more may be developed by the City.[8] Furthermore, weatherization has been found to pay back over $2 for every $1 invested over time.[9]

Drought

Strategy D-1: Improve water conservation and reuse

City Costs

City Cost Variables

- Staff time
- Ordinance/resolution development
- Staff time to develop and maintain partnerships for demonstration program and efficiency devices subsidy

City Cost Discussion

Promoting water efficiency is one of the most cost-effective means to not only conserve water but reduce GHG emissions. As opposed to retrofitting infrastructure or creating new programs to reduce emissions, promoting behavioral change requires little investment for immediate benefits of avoided emissions and costs associated with water treatment and delivery. Municipal costs to promote efficient water use, develop policies, and implement the water efficient landscape ordinance will require additional staff time.

Community Costs

Community Cost Variables

- Cost of water conservation efforts
- On-bill water savings

Community Cost Discussion

Using less water means lower water bills for the community. Community costs may include investment into smarter watering practices, like the City's water efficient lawn conversion rebate, weather-based irrigation controller rebate, or high-efficiency clothes washer rebate. Costs incurred by the community are relatively low compared to other strategies and added incentives provided by the City lead to

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[7] https://www.homeyou.com/ca/weatherization-livermore-costs

[8] https://www.benefits.gov/benefit/1844

[9] https://www.energy.gov/eere/wap/about-weatherization-assistance-program

quicker returns on investment, saving money on their bills in the long-term. Depending on the property, more efficient outdoor watering practices may reduce bills by 50%. When considering lifecycle costs, many water conservation actions provide a return on investment especially when considering rebates and incentives. Costs for onsite water reuse systems vary greatly from hundreds to hundreds of thousands of dollars depending on the size and complexity. However, these costs are offset over time based on water and wastewater savings.[10]

Flooding

Strategy F-1: Improve stormwater management

City Costs

City Cost Variables

- Size of project (acreage)
- Type of retrofit
- Staff time
- Staff time
- Cost and maintenance of permeable surfaces

City Cost Discussion

Increasing permeable surfaces effectively reduces urban runoff and returns water to the ecosystem, offsetting marginal costs associated with wastewater treatment. The cost of different permeable retrofit projects is dependent on the scale of the project and the costs associated with design, permitting and construction. The most effective method of assessing cost for permeable projects is notated on a dollar per acre of pervious surface basis. Project costs with a scope of less than ½ acre of pervious cover tend to be two orders of magnitude more expensive than storage retrofit practices. Costs may range depending on the type of pervious surface desired. Porous surfaces like gravel are relatively much cheaper alternatives to more expensive urban solutions like permeable concrete. On the low end, constructed wetlands and basic retention systems may cost as low as $2,200 while urban on-site retrofits may cost as high as $150,000.[11] Lifecycle considerations include cost savings associated with the method of pervious surface selected, such as a simple greenspace, or the avoidance of paving areas that would otherwise be paved and instead covered with porous material, such as gravel.

Municipal costs associated with this strategy involve staff time allocated towards the ongoing programmatic implementation of the City's Stormwater Management Plan, Green Infrastructure Plan, and Capital Improvement Program. Direct costs include expenses for maintaining infrastructure, constructing new devices, or monitoring water quality. Costs vary widely depending on the type of infrastructure installed. However, it's important to understand the savings that can be gained by using low impact development and green infrastructure.

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[10] https://living-future.org/wp-content/uploads/2022/05/2019-Water-System-Financial-Case-Studies-1.pdf

By improving flood resiliency from future storms, the City can expect to save money in the long-term by avoiding reconstruction resulting from the damage of these storms under a business-as-usual approach. Urban trees also reduce stormwater runoff and water pollutants, improving ecosystem health, and provide barriers to urban flooding as a pervious surface.[12] A meta-analysis of green infrastructure systems found that green infrastructure can be less expensive than standard infrastructure alone even before taking into account lifecycle benefits.[13] A study of tree planting in five US cities found that "The five cities reported here spent $13– 65 annually per tree, but benefits returned for every dollar invested in management ranged from $1.37 to $3.09."

Community Costs

Community Cost Variables

- Runoff rate
- Parcel size
- Runoff factor for user type (commercial, industrial, institutional)
- Cost of incorporating pervious materials
- Savings associated with decreased flood damage

Community Cost Discussion

With the requirement of passive rain capture features for new infrastructure and development projects, the community may expect costs to rise for new construction projects. However, these costs covered by developers may lead to savings by the community at-large because of reduced damage to nearby communities vulnerable to flood risks. While most of the costs associated with stormwater management are accrued by the City, homeowners would receive monetary benefits through higher property values as a result of an improved quality of life.[14] Currently, under the City's Stormwater System Enterprise Fund, every resident owning property within the incorporated City limits but discharging stormwater to a collection and conveyance system owned and operated by the City shall pay a service charge calculated in accordance with Municipal Code Section 13.46.050. The annual service charge is dependent on the parcel size, runoff factor associated with user type, and the runoff rate per acre.[15]

Similar to the costs incurred by the City, community costs vary depending on pervious material chosen and the marginal cost of the impervious material that would be selected under a business-as-usual approach. These costs would only be applicable to new construction or replacement projects. Some simple solutions like bioswales or simply less hardscapes like concrete or paving can be low to no cost.

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[12] United States Environmental Protection Agency. 2013. Stormwater to Street Trees: Engineering Urban Forests for Stormwater Management. Accessed at https://www.epa.gov/sites/production/files/2015-11/documents/stormwater2streettrees.pdf. Accessed June 1, 2021.

[13] https://www.epa.gov/sites/production/files/2015-10/documents/lid-gi-programs_report_8-6-13_combined.pdf

[14] Sacramento State University, Environmental Finance Center. 2019. Estimating Benefits and Costs of Stormwater Management. Accessed at https://www.efc.csus.edu/reports/efc-cost-project-part-1.pdf. Accessed June 10, 2021.

[15] City of Livermore Stormwater System Enterprise Fund. Municipal Code 13.46.010. Accessed at https://www.codepublishing.com/CA/Livermore/Municipal/Livermore13/Livermore1346.html#13.46.050. Accessed June 1, 2021.

Extreme Heat

Strategy H-1: Increase resilience to extreme heat events

City Costs

City Cost Variables

- Staff time
- Tree planting costs
- Shade structure implementation
- Backup power at cooling stations

City Cost Discussion

This strategy includes several actions that would incur upfront and ongoing City costs. Municipal costs included in this strategy involve staff time allocated towards the development of a heat vulnerability index and mitigation plan which could be completed by existing staff or creating a full-time Climate Action Program Manager for a cost of approximately $150,000. Conducting tree canopy surveys to identify shade deficient areas in the City would be completed by a consultant for a cost between $75,000 and $150,000, which is also included under actions for sequestration. The cost of implementing additional shade structures at bus stops are likely between $10,000 and $15,000 per stop.[16] Backup power at cooling stations could be completed through the development of a microgrid system that would provide backup power to several buildings. Microgrids costs are significant. However, these costs can be financed or even completed through public private partnerships. Tree planting and maintenance costs can average around $1,300 per tree for installation, watering, maintenance, and reporting.[17]

Community Costs

Community Cost Variables

- N/A

Community Cost Discussion

Due to the actions of this strategy in the development of a heat pump retrofit program, community members may opt-in to the financial incentive offered by the City to retrofit their own homes and improve indoor air quality. This cost would be incurred on a voluntary basis for the benefit of the community. Otherwise, there are no more costs to the community associated with this strategy.

Wildfire

Strategy WF-1: Mitigate wildfire risk and improve preparedness

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[16] Wesoff, Eric. 2011. Solar Bus Shelters From GoGreenSolar. Accessed at https://www.greentechmedia.com/articles/read/solar-bus-shelters-from-gogreensolar#:~:text=A%20traditional%20bus%20stop%20costs%20anywhere%20from%20%2410%2C000%20to%20%2412%2C000. Accessed June 9, 2021.

[17] Ainsworth, Greg. 2021. RE: Medea Tree Estimate. Email. Message to Ryan Gardner and Camila Bobroff.

City Costs

City Cost Variables

- Staff time
- Cost of personal protective equipment
- Creation of fire safe development standards
- Creation of community fire fuel load reduction program
- Creation of clean air centers
  Building retrofits to improve indoor air quality

City Cost Discussion

Municipal costs associated with this strategy can be largely covered with the onboarding of a Climate Action Program Manager to manage the supportive actions therein. Additional costs may include the purchase of additional reserves of personal protective equipment, staff time dedicated to outreach and education associated with the use of AC alert systems, the creation of fire safe development and landscaping standards, such as a Fire Safe Garden Program, updating hazard planning for wildfires, establishing a community fire fuel load reduction program, and the creation of clean air centers.

Community Costs

Community Cost Variables

- Additional cost for new construction in fire zones
- Savings associated with reduced fire damage

Community Cost Discussion

Due to the actions of this strategy falling on the responsibility of the City, there are no direct costs incurred by the community for this strategy. However, additional considerations may be made for including fire safe construction practices into new construction projects. Variables within these costs are dependent on the marginal cost of implementing fire safe practices versus a business-as-usual approach. Long-term savings from reduced fire damage are difficult to quantify but could equal the cost of each structure hardened against fire.

Mitigation Strategies

As the City works to protect the community from climate impacts, it will continue its efforts to reduce community-wide emissions across all sectors. These strategies cover Buildings and Energy, Transportation and Land Use, Waste and Materials, and Carbon Sequestration.

Buildings and Energy

Strategy B-1: Require new buildings to be all-electric and incentivize electrification retrofits of existing buildings

City Costs

City Cost Variables

- Staff and consultant time required to develop and pass an ordinance

- Staff and consultant time required for outreach and education
- Staff and consultant time required for conducting a cost analysis and feasibility study

City Cost Discussion

This strategy would predominately be implemented through an ordinance. A benefit to ordinances is that they tend to be relatively cost-effective to implement, while providing effective long-term change for the benefit of the community in accordance with the City's CAP. Passing the electrification ordinance would include staff time to be covered by existing staff as well as consultant time. Variability within these costs are dependent staff or consultant time dedicated to ordinance development and outreach but are estimated below $30,000 total. Therefore, the upfront costs to the City are considered low and the lifecycle costs to the city are also low due to the need for a one-time investment.

Community Costs

Community Cost Variables

- Cost savings of all electric home compared to fuel mix
- Long-term savings on energy bills

Community Cost Discussion

Cost effectiveness studies completed for Livermore's climate zone show that new building electrification costs less to build than mixed fuel buildings.[18] Single family homes are $6,171 dollars less expensive to build all-electric compared to a mixed fuel home. When built with heat pumps instead of resistance heating, homes are both cheaper to construct and cheaper to live in offering up to $177 per year of on bill savings while saving approximately $4,613 in construction costs. Therefore, this strategy is considered low cost, but will be a significant cost savings for community members purchasing new homes.

Strategy B-2: Decarbonize electricity from the grid and increase local renewable energy generation

City Costs

City Cost Variables

- Staff time
- Outreach and education

City Cost Discussion

The primary action in this strategy is opting up the City of Livermore into a 100% carbon free or renewable electricity tier through East Bay Community Choice Energy. This is a one-time action by City Council and therefore, the major costs are staff time to prepare staff reports and conduct community outreach. Other substantial strategies include amending the building code to include major remodels in energy efficiency upgrades and solar requirements. Staff time will also be required to conduct outreach and generate staff reports prior to City Council adoption.

[18] City of Livermore. 2019. Existing Low-Rise Residential Buildings. Accessed at https://explorer.localenergycodes.com/livermore-city/forecast/12-PGE/studies/1,2,3. Accessed June 9, 2021.

Community Costs

Community Cost Variables

- Electricity Costs per Rate Plan

Community Cost Discussion

Externally, B-2 may cost the community a marginal increase in money spent per kWh. However, this increased electricity cost depends on the rate plans used by the household/business. Based on the rate schedule of Strategy B-1 (Require new buildings to be all-electric and incentivize electrification retrofits) and an average monthly usage of 416 kWh, monthly bills would not increase under the East Bay Community Energy (ECBE) Brilliant 100 rate plan and would increase by approximately $4 per month under the ECBE Renewable 100 rate plan for both standard and CARE rates.[19]

Transportation and Land Use

Strategy T-1: Expand electric vehicle infrastructure to support zero emission vehicles

City Costs

City Cost Variables

- Grant or financing availability for EV Readiness Plan
- Staff and/or consultant time for ordinance development, outreach, and partnership development
- Infrastructure costs for new chargers at municipal locations
- Use of public/private partnerships
- Electricity and charging rates

City Cost Discussion

Costs associated with improving electric vehicle (EV) infrastructure include the development of an EV Readiness Plan to promote sustainable, equitable charging infrastructure deployment. EV readiness ordinance costs are wrapped into the electric building ordinance calculated in Strategy B1. Costs to develop an EV Readiness plan are estimated to cost $70,000.[20] Needs of staff managing this project, such as outreach and education, partnership development, and more, may result in additional staff time. The City has several options for installing public chargers. The first option is for the City to own and operate a charger. Under this scenario the City should expect EV chargers to cost between $1200 and $3,000 per charger for level 2 charges.[21] The City would then charge for the rate of electricity and

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[19] PG&E – EBCE Joint Rate Comparisons. Accessed at https://www.pge.com/pge_global/common/pdfs/customer-service/other-services/alternative-energy-providers/community-choice-aggregation/ebce_rateclasscomparison.pdf. Accessed June 1, 2021.

[20] City of Berkeley. 2018. RFP for Electric Vehicle Roadmap: Strategies for Transitioning from Fossil Fuel Vehicles. Accessed at https://www.cityofberkeley.info/uploadedFiles/Finance/Level_3_-_General/RFP%2018-11229-C%20EV%20Roadmap%20Strategic%20Plan%207-10-18.pdf. Accessed June 10, 2021.

[21] Nicholas, Michael. 2019. International Council of Clean Transportation. Estimating Electric Vehicle Charging Infrastructure Costs Across Major US Metropolitan Areas. Accessed June 1, 2021. Accessed at https://theicct.org/sites/default/files/publications/ICCT_EV_Charging_Cost_20190813.pdf

maintenance for charging. These costs may be financed through the CalCAP program.[22] Another option is a public/private partnership where the City contracts with a third party to own and operate the infrastructure.[23] This could help the City decrease its upfront costs. Finally, the City may be able to support/encourage local businesses and building owners to install additional chargers by educating them on the benefits such as increased customer satisfaction or by connecting them to funding/financing or third-party vendors.

Community Costs

Community Cost Variables

- Cost of charging infrastructure
- Marginal cost of EV selected (Cost of combustion vehicle compared to EV alternative)
- Lifecycle costs of EV ownership
- Lifecycle costs of combustion vehicle ownership

Community Cost Discussion

Externally, the community may see increased costs of new construction because of new requirements to include EV capable charging spaces in new lots. Community members should expect to pay between $400-$800 per space for added conduit and panel capacity.[24] This is compared to $2,500-$6,000 to install EV capable spaces as a retrofit depending on the type of parking space (surface, structure, etc..).[25] The cost to install a EV charger that is ready to use is approximately $1000 per charger for non-networked Level II chargers.

The cost to purchase an EV is another major consideration on the success of this strategy. The cost of an electric vehicle varies significantly depending on the EV chosen. Since the purchase of an EV will likely offset the purchase of an internal combustion vehicle, the marginal cost should be considered here. EVs also offer considerable opportunities for lifecycle cost savings compared to their internal combustion (ICE) or hybrid vehicle counterparts since they do not need oil changes, transmission fluid changes, spark plugs etc. For example, the electric MINI cooper emits approximately half of the greenhouse gas emissions than that of its ICE and hybrid models while costing considerably less per month in fuel, maintenance, and total vehicle costs per month.[26] In general, new electric vehicles may or may not cost more upfront, but generally cost less over their lifetime compared to combustion vehicles.

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[22] https://www.treasurer.ca.gov/cpcfa/calcap/evcs/summary.asp

[23] https://www.pge.com/en_US/large-business/solar-and-vehicles/clean-vehicles/ev-charge-network/program-participants/approved-program-vendors.page

[24] California Air Resources Board. 2019. EV Charging Infrastructure: Nonresidential Building Standards. Accessed at https://ww2.arb.ca.gov/sites/default/files/2020-08/CARB_Technical_Analysis_EV_Charging_Nonresidential_CALGreen_2019_2020_Intervening_Code.pdf. Accessed June 10, 2021.

[25] Property Manager Insider. 2019. How Much do EV Charing Stations Cost? Accessed at https://www.propertymanagerinsider.com/how-much-do-ev-charging-stations-cost/. Accessed June 10, 2021.

[26] MIT Trancik Lab. Carbon Counter. Accessed at https://www.carboncounter.com/#!/explore?cars=35870;35756;36427. Accessed June 1, 2021.

Strategy T-2: Improve shared mobility programs and transit service

City Costs

City Cost Variables

- Staff time
- Bike share costs
- Ordinance development costs

City Cost Discussion

Many of the costs associated with implementation for this strategy involve partnership development to expand and improve City transit systems and outreach and education to promote innovative new programs. While building new transit infrastructure and running more buses and more routes can be expensive, this is largely outside the City's responsibility. The City will need staff time to work with LAVTA, ACE, and others to promote the expansion of transit within the City.

Developing a bike share program is estimated to cost as much as $4,000 per bicycle, which covers the cost of docking stations and kiosks.[27] However, many mobility as service options are available that could provide these options at no cost to the city such as scooters and electric mopeds. Staff time needs may be better managed with the onboarding of a full-time Climate Action Program Manager to manage the implementation of these projects, programs and ordinances, shared ride services ordinance, and more. Variable costs include staff time dedicated to TDM implementation, work with partners, and consultant and/or staff time required for surveys and ordinance development.

Community Costs

Community Cost Variables

- Transit Passes
- TDM Compliance

Community Cost Discussion

Variable costs to the community lie largely in new requirements resulting from future ordinances that consider a shift away from single-occupancy vehicles, such as parking reductions or minimums, bike parking requirements, parking pricing, and more. No specific community costs were identified as part of this strategy and is therefore considered no to low cost.

Strategy T-3: Improve and expand active transportation infrastructure

City Costs

City Cost Variables

- Planning and consultant costs
- Construction costs

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[27] Beitsch, Rebecca. 2016. PEW Trusts. Despite Popularity, Bike Share Programs Often Need Subsidies. Accessed at https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2016/03/24/despite-popularity-bike-share-programs-often-need-subsidies. Accessed June 10, 2021.

- Ongoing maintenance costs

City Cost Discussion

Costs associated with T-3 include staff time dedicated towards the implementation of the City's Active Transportation Plan, which may include the development of bike lanes, bike boulevards, separate and mixed-use paths, and separated bikeways, the latter of which could cost between a range of $1.5M-$3M per mile. On the other hand, designated bike lanes and bike boulevards may cost as low as $10,000 per mile.[28] The Active Transportation Plan identifies capital and maintenance cost per unit and per project. Additionally, the Active Transportation Plan identifies implementation strategies to construct bicycle and pedestrian improvements as part of private development and public capital improvements such as the resurfacing or streets.

In addition, costs may include staff time dedicated towards partnership development, outreach and education, workshops, and community events. Variable costs depend largely on the type of infrastructure the City believes is best suited to address the needs of its local community, while best enabling diversion from passenger vehicles within the greater context of lowering greenhouse gas (GHG) emissions.

Community Cost

Community Cost Variables

- Costs associated with funding mechanism, e.g., sales tax or parcel tax

Community Cost Discussion

Additional community costs may include potential funding mechanisms for this infrastructure, such as a parcel tax, sales tax, and more. However, substantial cost savings opportunities exist within diverting drivers from the road to improve health and quality of life. Furthermore, the institution of car-free days downtown can enable more active transportation, and more pedestrian friendly events, like farmers markets.

Strategy T-4: Support sustainable land use practices

City Costs

City Cost Variables

- Staff and consultant time required to develop and pass an ordinance
- Required outreach and education
- Staff time to update City planning and zoning documents
- Staff time to review and approve infill development applications

City Cost Discussion

The cost of this measure would require additional staff time by expanding opportunities for infill development within City planning and zoning documents. In addition, various CEQA exemptions and

[28] Melanie Curry. Streets Blog 2019. Breaking Down CalTrans' Cost Estimate of the Complete Streets Bill. Accessed at https://cal.streetsblog.org/2019/08/30/breaking-down-caltrans-cost-estimate-of-the-complete-streets-bill/#:~:text=On%2Dstreet%20bike%20lanes%2C%20buffered,use%20paths%3A%20%241M%2Fmile. Accessed June 1, 2021.

streamlining provisions have been provided for infill projects located near transit, including SB 375 and SB 743. These exemptions would reduce staff time required to conduct the necessary operations for this measure. Additional actions would be accomplished through rezoning and the general plan update which is currently underway.

Community Costs

Community Cost Variables

- Infill development costs compared to green field development

Community Cost Discussion

With the costs of this strategy being fully absorbed by the City, no direct costs incurred by the community were identified. However, indirect costs should be considered as infill development to support sustainable land use practices, compared to green field development, could increase development costs and overall building costs.

Waste and Materials

Strategy W-1: Reduce the amount of waste that is landfilled

City Costs

City Cost Variables

- Staff time
- Staff time to develop ordinance
- Staff time for outreach and education
- Development of High Diversion Plan

City Cost Discussion

Implementation and compliance with SB 1383 are required by state law. Municipal costs to implement this strategy are dependent on rate increases, current and future infrastructure requirements, and potential need for the onboarding of new staff to manage and implement programs, including coordination with partners like StopWaste and waste haulers. Variables within the cost of implementation include staff time required to update waste hauler contracts, estimate capacity planning for organic food waste and edible food recovery, conduct outreach and education, and more. In addition, the integration of waste management practices to enable better composting programs for the City may result in savings, while improving the health and resiliency of local soils.

To effectively reduce the amount of waste that is landfilled, it is critical to understand what feasible opportunities exist for waste diversion with more granular waste data. The development of a High Diversion Plan can help inform this strategy, which, including the cost of staff time set aside to draft the RFP and implement the Plan, is estimated to cost approximately $100,000.[29,30] Additional costs include

[29] City of Los Banos. 2020. RFP for Residential and Commercial Garbage, Recyclable Material and Organic Waste Collection Services. Accessed at https://sjc.granicus.com/MetaViewer.php?view_id=3&clip_id=1524&meta_id=87614. Accessed June 10, 2021.

[30] City of San Juan Capistrano. 2017. RFP for Sustainable Waste Diversion Projects. Accessed at http://www.losbanos.org/wp-content/uploads/2020/03/Los-Banos-Solid-Waste-RFP-Package-Final.pdf. Accessed June 10, 2021.

staff time dedicated to outreach and education, as well as $10,000[31] for the development of a compostable food ware ordinance, which would create an upstream, systemic change in how waste is processed in the City. Variables within these costs include staff or consultant time dedicated to developing a High Diversion Plan, staff time dedicated to plan implementation and education, and additional time allocated towards the passing of the food ware ordinance.

Community Costs

Community Cost Variables

- Cost to implement composting at home
- Cost to businesses to implement composting
- Increased cost of food items served in reusable/compostable food ware
- Cost to businesses to implement waste diversion techniques

Community Cost Discussion

To satisfy the requirement of SB 1383, CalRecycle estimates the cost to the community to be $17 per household per year after full implementation, and $662 annually for small businesses.[32] However, the costs for individuals will vary significantly, as the cost is dependent on the amount of waste that is currently disposed and the ability of the business to reduce the amount of organic disposal.

As for the community, costs incurred are relatively low while providing great benefit to the City's emissions reduction. Ordinances are known to be an effective means to influence consumer behavior. For example, after the passing of the 2013 Alameda County Reusable Bag Ordinance, which charged $0.10/bag, bag purchases by affected retail stores declined 85%.[33] For businesses, costs include the marginal cost of providing compostable food ware compared to the cost of food ware already in practice. In Alameda County, the *Rethink Disposable* program, in partnership with StopWaste, demonstrated that several businesses that voluntarily minimized single-use food ware saw net cost savings of $1,000-$22,000 per year.[34] Developers may see additional operating costs associated with the separation of waste for proper reuse and recycling for better rates of waste diversion and consumers may see variable cost increases to food items as a result of these food items being provided in new compostable food ware.

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[31] Estimated cost for staff/consultants to complete ordinance

[32] CalRecycle. 2016. Proposed Regulation for Short-Lived Climate Pollutants: Organic Waste Methane Emissions. Accessed at https://www.dof.ca.gov/Forecasting/Economics/Major_Regulations/Major_Regulations_Table/documents/Final_Sria_11-16%20.pdf#search=%22SB%201383%20Economic%20Analysis%22. Accessed June 1, 2021.

[33] City of Berkeley Zero Waste Department. 2020. Passing a Single-Use Food ware and Litter Reduction Ordinance in Berkeley, CA. Accessed at https://zwconference.org/wp-content/uploads/presentations/nrc-nzwc_detournay_c.pdf. Accessed June 1, 2021.

[34] City of Berkeley. 2018. Single Use Disposable Food ware and Litter Reduction Ordinance. Accessed at https://ecologycenter.org/wp-content/uploads/2018/11/Disposable-Free-Dining-Ordinance.pdf. Accessed June 10, 2021.

Strategy W-2: Expand use of low-carbon and recycled building materials

City Costs

City Cost Variables

- Staff time for outreach and education
- Staff time for development of carbon performance standards and material-efficient building practices

City Cost Discussion

Costs to expand the use of low-carbon and recycled building materials may include staff time to raise awareness for low-carbon and recycled building materials, and staff time required to develop standards for new construction that limit embodied carbon emissions. Working with local, regional, and state partners to raise awareness around the availability and cost-effectiveness of low-carbon and recycled building materials will ensure that best practices and the most up-to-date information is incorporated in communitywide efforts to reduce embodied carbon emissions in construction.

Community Costs

Community Cost Variables

- Potential for increased cost of building material

Community Cost Discussion

With the expansion of low-carbon and recycled building material, there is potential for increased building costs due to higher material costs. More and more studies are finding, however, that embodied carbon reductions in new construction result in little to no cost premiums. Optimizing concrete mix, using high recycled content rebar, and selecting low- or no-embodied-carbon insulation products are shown to reduce embodied carbon significantly at little to no cost premiums. [35] In instances where embodied carbon performance standards and material-efficient building practices implemented by the City do increase costs, exemptions for cost barriers will be included as needed to prevent these changes from directly increasing housing or rent costs.

[35] https://rmi.org/insight/reducing-embodied-carbon-in-buildings.

Carbon Sequestration

Strategy S-1: Maximize local carbon sequestration

City Costs

City Cost Variables

- Staff time
- New trees
- Operating and maintenance cost of trees
- Carbon farming study and pilot project
- Green scaping ordinance

City Cost Discussion

Costs to maximize local carbon sequestration may include staff and/or consultant time dedicated towards the development and implementation of an Urban Forest Revitalization Program, the preservation of open spaces, the development of a carbon farming study and pilot project, and the adoption of a green scaping ordinance. Unbeknownst to many, trees are one of the few assets of a city than increase in value over time. Investment in a healthy urban forest can provide greater returns on investment for the City and its citizens. Over the lifetime of the project, costs to fully implement an urban canopy program for a large city like San Francisco costs as much as $2.4M towards the purchase of vegetation and $3.2M towards operating and maintenance.[36] However, smaller programs are likely to be significantly less. In addition to the benefits of carbon sequestration, an urban canopy would provide co-benefits in cooling urban areas and providing healthier, more equitable, and higher quality air.

Community Costs

Community Cost Variables

- Cost of trees
- Cost of water/maintenance of trees

Community Cost Description

Community costs associated with local carbon sequestration focus on new construction, which may expect increased development costs associated with including more urban trees, shading, and permeable surfaces in proposed projects for the benefit of the overall community. Community members may also choose to plant their own trees. The cost of a new tree varies by species and size but could be anywhere from $25 to $200. Watering and other maintenance is likely to be minimal (a few dollars a summer) while trimming costs may increase in the future once the tree is larger. Co-benefits of carbon sequestration projects to the community include more open spaces, savings on electricity bills if trees help shade your home, more greenery in the surrounding environment, and enhanced climate resiliency against natural disasters, like flooding, urban wildfires, and drought, improving the overall health and well-being of the community.

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[36] AECOM. 2012. Financing San Francisco's Urban Forest. Accessed at https://healthyplacesindex.org/wp-content/uploads/2018/02/san_francisco_cost_benefits_comprehensive_municipal_street_tree_program.pdf. Accessed June 10, 2021.

Municipal Strategies

Because municipal strategies are intended to reduce emissions that are a subset of larger community emissions, the municipal strategies provided have been grouped into their own category below in this appendix, rather than integrating municipal strategies with community strategies grouped into low, moderate, or high-cost categories. Each strategy is still assigned a cost category, but this accommodation for municipal strategies is intended to centralize all information required to reduce emissions internally and make it easily accessible to the City.

Strategy M-1: Enhance resilience at public facilities

City Costs

City Cost Variables

- Cost of microgrid/battery storage
- Cost of energy efficiency and AQ upgrades selected
- Energy Cost Savings

City Cost Discussion

Municipal costs incurred to enhance energy resiliency at public facilities would include the infrastructure costs associated with new energy generation technologies like solar PV or fuel cells as well as the cost of batteries to store energy. As described in Strategy H-1 and E-4, microgrid costs are significant. The best strategy of the cost of microgrids is the cost per unit capacity ($/MW). In California, the average cost per MW of storage added is $3.5M.[37]However, these costs can be financed or even completed through public private partnerships. Furthermore, a single microgrid would help meet the goals of several strategies including H-1 and E-4.

Strategy M-2: Electrify municipal facilities and operations

City Costs

City Cost Variables

- Staff time
- Types of units electrified
- Number of facilities

City Cost Discussion

Municipal costs incurred to electrify facilities and operations, while increasing energy efficiency and renewable energy, include staff time dedicated towards the installment of a new policy banning natural gas infrastructure, regular energy audits of existing facilities, costs of LED bulbs for streetlight retrofit projects and more. Costs are highly variable depending on the types of units electrified, the number of facilities, and marginal costs between existing infrastructure and appliances selected. However, there exist several opportunities to engage in energy service contracts, which significantly decrease upfront

[37] Asmus, Peter, Adarm Forni, and Laura Vogel. Navigant Consulting, Inc. 2017. Microgrid Analysis and Case Study Report. California Energy Commission. Accessed at https://ww2.energy.ca.gov/2018publications/CEC-500-2018-022/CEC-500-2018-022.pdf. Accessed June 1, 2021.

costs. Overall, the return on investment from this strategy will result in significant long-term savings over the lifecycle of the project as result of lower operating and maintenance costs, while exemplifying leadership in the community. One example are heat pumps, the dominant technology for electric heating and cooling, which are significantly more efficient than their natural gas counterparts, leading to bill savings that typically outweigh any higher upfront costs.[38] The expansion of renewable energy will require additional staff time dedicated towards engagement with PGE and staff and/or consultant time dedicated towards battery storage project development.

Strategy M-3: Electrify the City's vehicle fleet, and encourage City employees to utilize alternative transportation and teleworking opportunities

City Costs

City Cost Variables

- Staff time
- Number and type of vehicles electrified
- EV charging infrastructure
- Alternative transportation incentives

City Cost Discussion

Costs to electrify the City's vehicle fleet include the addition of new EV chargers on municipal grounds and staff time dedicated towards the development of a policy that requires electrification of the City fleet. In addition, costs may include the establishment of bike lockers for public use across the City, such as at City Hall and off-street parking lots for resident use. Cost variability is dependent on the number and type of electrified vehicles selected for deployment, new EV charging infrastructure, and additional savings incurred through the utilization of alternative transportation. The long-term trend of EVs points towards lower upfront costs and higher returns on investment through significantly decreased operating and maintenance costs.[39] As in M-1, there exist several opportunities for low energy service contracts, which would further decrease upfront costs of the project.

Strategy M-4: Conserve water in municipal landscaping and improve on-site stormwater management

City Costs

City Cost Variables

- Staff time
- Low flow water fixtures
- Low water use landscaping

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[38] Energy, Environment, Economics (E3). 2019. Residential Building Electrification in California. Accessed at https://www.ethree.com/e3-quantifies-the-consumer-and-emissions-impacts-of-electrifying-california-homes/. Accessed June 1, 2021.

[39] Heisel, Rebecca. 2020. Consumer Reports Study Finds Electric Vehicle Maintenance Costs are 50% Less than Gas-Powered Cars. Accessed at https://www.betterenergy.org/blog/consumer-reports-study-finds-electric-vehicle-maintenance-costs-are-50-less-than-gas-powered-cars/. Accessed June 10, 2021.

City Cost Discussion

Municipal costs associated with this strategy are embedded in new staff time allocated towards costs associated with reviewing existing water use and identifying low water use alternatives for fixtures and municipal landscaping. Other costs include fixture costs and landscaping costs associated with the chosen upgrades. However, water savings and increased resiliency benefits should also be included in the decision-making process.

Strategy M-5: Purchase more sustainable products to reduce waste from City operations

City Costs

City Cost Variables

- Staff time
- Update Environmentally Preferable Purchasing Policy
- Marginal cost of new products

City Cost Discussion

Municipal costs associated with the reduction of landfilled waste include staff time, such as the work of the City's Green Team, to employ an Environmentally Preferable Purchasing Policy to integrate upstream strategies to reduce waste by the City. By selecting work with vendors who use more environmentally friendly materials, the City maintains a considerable opportunity to lower its operating costs and environmental footprint, decreasing demand for downstream strategies such as waste organization, diversion, and recycling.[40] Variable costs depend on program implementation, education and outreach, and the marginal cost of using more environmentally sustainable materials versus a business-as-usual approach. This strategy expects long-term savings associated with reduced operating costs and more durable and reusable materials.

Strategy M-6: Utilize public lands and open spaces to increase local carbon sequestration and reduce urban heat island effect.

City Costs

City Cost Variables

- Staff time
- Open space/landscaping maintenance costs

City Cost Discussion

Costs to better utilize public lands and open spaces include staff time dedicated towards the development of a map or database identifying public spaces that can be converted to green spaces, including parking spaces and freeways, and walls and rooftops for gardens. The US EPA notes the use of trees, vegetation, and open spaces can considerably lower urban heat island effects, deflecting radiation

[40] Little, Shelley. 2021. 10 Reasons You Should Use Sustainable Building Materials. Accessed at https://www.mymove.com/home-renovation/guides/reasons-you-should-use-sustainable-building-materials/. Accessed June 10, 2021.

from the sun, and releasing moisture into the atmosphere.[41] Where applicable, the City may also consider evaluating landscaping plans to improve the utilization of native species. The USDA encourages use of native species to strengthen wildlife populations, boost conservation benefits, and improve the value of ecosystem services.[42] Variable costs include the number and type of flora selected, planting time, and ongoing operating and maintenance costs of the green spaces.

Implementation Strategies

Important to meeting the objectives of Livermore's CAP is how the strategies and actions will be implemented in the community and how success or hurdles are monitored and discussed over time. Dedicating City resources to climate efforts, tracking implementation progress, considering climate change in all City plans and processes, and communicating important initiatives to residents and business will be key to the successful implementation of the CAP. This section includes strategies for ensuring successful implementation of all the strategies and actions listed in the CAP.

Strategy I-1: Make climate impacts and resilience a standard consideration during planning and development processes

City Costs

City Cost Variables

- Staff time

City Cost Discussion

Municipal costs associated with this strategy are embedded in new staff time allocated towards climate planning considerations for future construction projects as well as the integration of climate considerations into City plans. The opportunity for integration of adaptation planning with other City plans includes the Local Hazard Mitigation Plan, General Plan, Active Transportation Plan, Green Infrastructure Plan, Emergency Response Plan, and zoning land use codes are additional variables to project costs. Additional costs may include outreach and education to the community on local and regional climate impacts.

Community Costs

Community Cost Variables

- N/A

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[41] United States Environmental Protection Agency. Reduce Urban Heat Island Effect. Accessed at https://www.epa.gov/green-infrastructure/reduce-urban-heat-island-effect#:~:text=Trees%2C%20green%20roofs%2C%20and%20vegetation,releasing%20moisture%20into%20the%20atmosphere.. Accessed June 10, 2021.

[42] Taylo, Ciji. United States Department of Agriculture. Accessed at https://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/home/?cid=STELPRDB1166100. Accessed June 10, 2021.

Community Cost Discussion

There are little to no community costs associated with this strategy. Costs may include additional operating expenditures associated with including climate consideration into future construction projects, but the community will largely receive a net benefit in value as a result of being part of a more resilient, socially equitable community.

Strategy I-2: Dedicate City resources to CAP implementation and consistently monitor progress

City Costs

City Cost Variables

- Staff time

City Cost Discussion

The internal cost of implementing this strategy would be optimally accounted for by creating a Climate Action Program Manager position for an estimated annual cost of approximately $150,000. This could be achieved by creating a new position or redesignating an existing staff position. Costs include staff time dedicated to regular progress reports on CAP strategy updates and work with stakeholders to implement the Climate Action Plan actions. Variability within this internal cost depends on staff time allocated to the project, and the cost of onboarding new staff.

Community Costs

Community Cost Variables

- N/A

Community Cost Discussion

Given that the focus of this strategy is to provide transparency on CAP progress to the community, there are relatively few community costs. In fact, the City would benefit from employing a more open and transparent approach to the reporting of their CAP data, enabling better engagement with the community.

Strategy I-3: Create a public outreach campaign to educate the community about CAP initiatives

City Costs

City Cost Variables

- Staff time
- Outreach Platform

City Cost Discussion

Internal costs implementing I-3 are strongly dependent on the outreach platform selected, which range from $100-$10,000 annually depending on the City's needs for basic outreach software or complete software with insights provided.[43] The City should seek to dedicate staff time towards developing a suite

[43] Capterra. 2020. Marketing Automation Software Pricing Guide and Comparison. Accessed at https://www.capterra.com/marketing-automation-software/pricing-guide/. Accessed June 10, 2021.

LIVERMORE CALIFORNIA

Climate Action Finance Map

Pathways to Capital for Projects in Livermore's 2021 Climate Action Plan

September 2021

Livermore Climate Action Measures	Capital Types	Top Funding and Finance Pathways	Programs and Partners	Case Examples
BUILDINGS **Measure B-2** Affordable Electrification and Efficiency Retrofits — Explore Electrifying existing buildings to reduce natural gas consumption 10% by 2030 and 61% by 2045	GRANT	State Grant via CA Energy Commission	Building Initiative for Low-Emissions Development (BUILD)	N/A: New Program
	GRANT	State Grant via CA Strategic Growth Council	Affordable Housing + Sustainable Communities (AHSC)	2019 Awardees
	GRANT	Federal and State Grants	LIHEAP or Spectrum Community Services	CA WAP
	PARTNER	Utility-Led Incentives	PG&E Rebate Program	CA CPUC
	LOAN	On-Bill Financing (Tariff)	PG&E, East Bay Community Energy	Kansas City, MO - P&L
	LOAN	PACE or C-PACE Financing	PACENation	Greenville, MI - Cambridge Court Apts
	LOAN	Green Bank or Revolving Loan Fund	Coalition For Green Capital	CT Green Bank
	LOAN	Federal or State Loan Program	GoGreen Financing	CAEATFA - REEL
	LOAN	HomeStyle Energy Mortgage	Fannie Mae	Portland, OR
	LOAN	Federal Loan Guarantee	DOE Loan Program	Project Portfolio
BUILDINGS **Measure B-2-3** Tariff On-Bill Financing, Green Bank, and/or Revolving Loan Fund (RLV) — Partner with stakeholders to develop funding pathways for electrification upgrades	GRANT	Government and Foundation Grants	Building Decarb Coalition	Baltimore, MD
	PARTNER	Local Economic Development Corporation Partnership	Office of Innovation and Economic Development	NYC RLF (eg. of PPP, but for development)
	LOAN	Program Related Investment or Endowments	Coalition for Green Capital	CT Green Bank + MacArthur
	LOAN	Private Investment or Bank Loan	Coalition for Green Capital	Colorado Clean Energy Fund
	BOND	Green or Revenue Bonds	California iBank	CT Green Bank - Green Liberty Bond
	FEE	Ratepayer Surcharge	PG&E, East Bay Community Energy	CT Green Bank
BUILDINGS **Measure B-4** Residential and/or Commercial Solar and Battery — Increase generation and storage of local renewable energy	PARTNER	State-Led Utility Incentive Program	Solar on Multifamily Affordable Housing - SOMAH	Eligible Properties
	PARTNER	Community-Owned Solar Partnership	Solar in Your Community Challenge	Yale University
	PARTNER	Utility Rebates and Incentives	California PUC via PG&E	PG&E Solar Incentives
	LOAN	On-Bill Financing (Tariff)	PG&E, East Bay Community Energy	Fort Collins Utilities
	LOAN	PACE or C-PACE Financing	CaliforniaFIRST	Saratoga, CA
	LOAN	Green Bank or Revolving Loan Fund	Coalition For Green Capital	PosiGen - Solar Lease
	LOAN	CA State Loan Program	GoGreen Financing	CAEATFA - REEL
	LOAN	HomeStyle Energy Mortgage	Fannie Mae	Portland, OR
	LOAN	Federal Loan Guarantee	DOE Loans Program	DOE Project Portfolio
	FEE	Ratepayer Surcharge or Utility Fee	PG&E, East Bay Community Energy	CT Green Bank

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pathways highlighted in darker gray are particularly applicable and/or accessible to Livermore

LIVERMORE CALIFORNIA

Climate Action Finance Map

September 2021

Pathways to Capital for Projects in Livermore's 2021 Climate Action Plan

Livermore Climate Action Measures

BUILDINGS
Measure B-4-1
Community Solar and Storage

Coordinate with stakeholders to provide local energy generation and storage support and incentives. This could include a co-located community solar and storage facility.

Capital Types	Top Funding and Finance Pathways	Programs and Partners	Case Examples
GRANT	Federal Grant via FEMA Hazard Mitigation Assistance	Building Resilient Infrastructure and Communities (BRIC)	St. Croix, U.S.
GRANT	State Grants via CA Public Utilities Commission or CA Energy Commission	CPUC - SGIP, EPIC Grant	Fremont, CA
PARTNER	Community Choice Aggregation	East Bay Community Energy	Silicon Valley Clean Energy (SVCE)
PARTNER	Utility Rebates and Incentives	PG&E Community Microgrid Enablement Program	Redwood Coast, CA
PARTNER	Power Purchasing Agreement	ENGIE, Ameresco	Enovity EE in CA
PARTNER	Collaborative Community Ownership	Clean Energy Co.	Boardman Hill, VT
PARTNER	Collaborative Purchasing	R-REP Bay Area	SV-REP
LOAN	Tax-Exempt Lease Purchase Agreement	GS $mart	DGS Building Retrofits
LOAN	On-Bill Financing	PG&E, East Bay Community Energy	EESI Case Studies Grand Valley, CO
LOAN	Green Bank or Revolving Loan Fund	Coalition For Green Capital	San Antonio, TX
LOAN	Federal or State Loan Program	NREL	Orange County Library
LOAN	Private Investment Firm Loan	Generate Capital	NYC Hudson, Hillsborough, FL
BOND	General Obligation Bond (Green)	California iBank	Lakeport, CA
FEE	Ratepayer Surcharge or Utility Fee	PG&E, East Bay Community Energy	Hawaii Microgrid Tariff
TAX	Enhanced Infrastructure Financing District	Office of Innovation and Economic Development	New Orleans, LA

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Pathways to Capital for Projects in Livermore's 2021 Climate Action Plan

Livermore Climate Action Measures	Capital Type	Top Funding and Finance Pathways	Programs and Partners	Case Examples
TRANSPORTATION **Measure T-1** Bike and Pedestrian Improvements — Improve active transportation infrastructure to achieve greater than 7% mode shift away from passenger vehicles by 2030 and maintain that through 2045 — Active Transportation Funding Resource: https://catc.ca.gov/-/media/ctc-media/documents/programs/atp/2020/funding-programs-that-fund-active-transportation-a11y.pdf	GRANT	State Grant via Caltrans	Active Transportation Program	Santa Barbara, CA
	GRANT	State Grant via CA Strategic Growth Council	Transformative Climate Communities (TCC)	Ontario, CA
	GRANT	State Grant via CA Natural Resources Agency	Urban Greening Program	2020 Awardees
	GRANT	Foundation Grants	People for Bikes, Outride	Santa Cruz, CA
	PARTNER	PPP or Sponsorship (ex: Adopt-a-Roadway)	Livermore Chamber of Commerce	Google and Mountain View, CA
	LOAN	State Government Loan Program	ISRF Loan Program	Santa Cruz, CA
	LOAN	Federal Government Loan Program	TIFIA Loan	State of Maryland
	BOND	General Obligation Bond	CA Transportation Finance Authority	San Diego County, CA
	FEE	Transportation Fee	Dept. of Transportation	Chicago, IL
	FEE	Developer Impact Fee	Dept. of Transportation	Santa Monica, CA
	TAX	Enhanced Infrastructure Financing District	Office of Innovation and Economic Development	Santa Rosa, CA
TRANSPORTATION **Measure T-2** Privately-Owned EV Charging Infrastructure — Improve electric vehicle infrastructure to achieve passenger vehicle shift to zero emission vehicles greater than 25% by 2030 and 50% by 2045, and commercial vehicle shift greater than 10% by 2030 and 50% by 2045	GRANT	Government Grants *see this federal incentives list*	CEC CTP, Federal Transit Administration	Santa Clara, CA
	PARTNER	Public Private Partnership	Blink, ChargePoint	Laguna Beach, CA
	PARTNER	State Infrastructure Incentive Program	CALeVIP	Current Projects
	PARTNER	Utility Incentives or Rebates	PG&E	EV Charge Network
	LOAN	State Loan (with Loan Loss Reserve)	CalCAP (current lender list)	Los Angeles + Noodoe
TRANSPORTATION **Measure T-3** Public Transportation Infrastructure — Improve shared mobility programs and transit infrastructure to reduce passenger VMT 2% by 2030, and 4% by 2045	GRANT	Federal or State Grants	CalTrans Transit + Intercity Rail Capital Program (TIRCP)	SamTrans + more
	PARTNER	PPP or Sponsorship	Livermore Chamber Of Commerce	San Diego, CA Metro Transit System
	PARTNER	PPP with Transportation Operator	Livermore Amador Valley Transit Authority	Los Angeles Transportation Electrification Partnership
	LOAN	Federal or State Loan Programs	TIFIA Loan	San Luis Obispo, CA
	BOND	Green Bond or Revenue Bond	CAEATFA, CA Transportation Finance Authority	Ventura County, CA
	FEE	Transportation Fee	Livermore Amador Valley Transit Authority	Chicago, IL
	TAX	Enhanced Infrastructure Financing District	Office of Innovation and Economic Development	Los Angeles County

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Climate Action Finance Map

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Pathways to Capital for Projects in Livermore's 2021 Climate Action Plan

Livermore Climate Action Measures	Capital Types	Top Funding and Finance Pathways	Programs and Partners	Case Examples
FLOODING **Measure F-2** Stormwater Management Improve stormwater management to reduce flood risk	GRANT	Federal Grant via National Fish and Wildlife Foundation (NFWF)	Five Star and Urban Waters Restoration	2020 Awardees
	LOAN	Federal Loan via Environmental Protection Agency (EPA)	Clean Water State Revolving Fund	Brookhaven, GA
	BOND	Environmental Impact Bond (defined here)	Quantified Ventures	Washington DC Water
	FEE	Developer Impact Fee or Stormwater Utility Fee	California Stormwater Quality Association	Los Altos, CA
	TAX	Enhanced Infrastructure Financing District	Office of Innovation and Economic Development	Chicago, IL
SEQUESTRATION + RESTORATION **Measure S-1** Urban Forestry Maximize local carbon sequestration by increasing urban canopy cover by at least 10% by 2030, preserving existing open spaces, and developing carbon farming projects	GRANT	Federal Grant via National Park Service	River, Trails, and Conservation Assistance Program	Los Angeles, CA
	GRANT	Federal Grant via National Fish and Wildlife Foundation (NFWF)	Resilient Communities Program	2020 Awardees
	GRANT	State Grant via California Natural Resources Agency	Urban Greening Program	2020 Awardees
	GRANT	State Grant via CAL FIRE	Urban and Community Forestry Program	2020 Awardees
	GRANT	State Grant via California Strategic Growth Council	Transformative Climate Communities (TCC)	San Fernando, CA
	PARTNER	Federal Partnership with Department of Agriculture Forest Service (USDA)	Urban and Community Forestry Program	2020 Awardees
	LOAN	Federal Loan via Environmental Protection Agency (EPA)	Clean Water State Revolving Fund	Yurok Tribe, CA
	BOND	Environmental Impact Bond (defined here)	Quantified Ventures	SW Colorado
	FEE	Developer Impact Fee or Stormwater Utility Fee	TreePAC	Portland, OR
	TAX	Enhanced Infrastructure Financing District	Office of Innovation and Economic Development	West Carson, LA (consideration)

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Climate Action Finance Map

Pathways to Capital for Projects in Livermore's 2021 Climate Action Plan

September 2021

Livermore Climate Action Measures	Capital Types	Top Funding and Finance Pathways	Programs and Partners	Case Examples
MUNICIPAL **Measure M-1** Municipal Energy Efficiency — Electrify municipal facilities and operations, while increasing energy efficiency and renewable energy	GRANT	State and Foundation Grants	EPIC Grant, CPUC-SGIP	Fremont, CA
	PARTNER	Utility Energy Services Contract (UESC)	PG&E Sustainable Solutions Turnkey Program	Cal Poly University
	PARTNER	Energy Savings Performance Contracts	ENGIE, Ameresco	Enovity EE
	PARTNER	Collaborative Purchasing	Sourcewell	MAPC
	LOAN	Tax-Exempt Lease Purchase Agreement	GS $mart	DGS Building Retrofits
	LOAN	On-Bill Financing	PG&E, East Bay Community Energy	Mass Saves
	LOAN	Green Bank or Revolving Loan Fund	Coalition For Green Capital	San Antonio, TX
	LOAN	Government Loan Program	CA CLEEN	Huntington Beach, CA
	LOAN	Investment Firm	Generate Capital	Hillsborough, FL
	BOND	General Obligation Bond (Green)	California iBank	Lakeport, CA
MUNICIPAL **Measure M-2** City-Owned EV Charging Infrastructure — Electrify the City's vehicle fleet, and encourage City employees to utilize alternative transportation and teleworking opportunities	PARTNER	Utility Incentive	PG&E EV Fleet Program	Pittsburg Unified School District, CA
	PARTNER	Public Private Partnership	Charge Point	Alameda, CA
	PARTNER	Collaborative Purchasing	Sourcewell	Chula Vista, CA, and Encinitas, CA
	PARTNER	State Infrastructure Incentives Program	CaleVIP - Inland Counties	Current Project List
	LOAN	State Loan Program	CA CLEEN Loans	Fresno, CA Airport
	BOND	General Obligation or Conduit Bond (Green)	California iBank	Westchester, NY

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Appendix D - Measure Quantification and Substantial Evidence

Livermore Climate Action Plan Update

prepared for

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September 2022

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1 Introduction

This document presents the technical quantification and evidence supporting the greenhouse gas (GHG) emission reduction potential of the City of Livermore's Climate Action Plan (CAP) Update. Section 15183.5(b)(1) of the California Environmental Quality Act (CEQA) guidelines establishes several criteria which must be met in order to allow for CEQA streamlining and to be considered a "qualified GHG reduction plan". This document provides the information substantiating the GHG reductions identified for the CAP strategies pursuant to Subsection (D) which states, "strategies or a group of strategies, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level."

As part of the CAP Update process, the City of Livermore – in coordination with Rincon Consultants, Inc. (Rincon), the Livermore Climate Action Plan Advisory Committee and the community of Livermore – has developed a comprehensive strategy for reducing community-wide GHG emissions over time. The strategies, actions, and steps in this appendix are consistent with the Climate Action Plan. In addition, steps are also identified in this document. These implementation steps will directly drive GHG emission reductions and direct day to day implementation of the CAP.

The Climate Action Plan's claimed GHG emission reductions are organized around three levels which include:

1. **Sectors.** Sectors define the category in which the GHG reductions will take place and include Energy, Transportation, Waste, Carbon Sequestration, Municipal, Implementation and Outreach, and Carbon Restoration.
2. **Strategies.** Strategies define core strategies within each sector that will result in substantial reductions in GHG emissions
3. **Actions.** Each strategy is driven by sets of actions that together support the GHG emissions reduction necessary to achieve the City's targets
4. **Steps.** This document also identifies steps which are specific policies, ordinances, and other approaches that will directly drive GHG emission reductions.

Strategies and steps can be either quantitative or supportive and are defined as follows:

- **Quantitative.** These strategies and steps are supported by case studies, scientific articles, calculations, or other third-party substantial evidence that demonstrate that the implementation of said strategy/action will achieve the identified measurable GHG reduction. Quantitative strategies/steps can be summed to quantify how the City of Livermore will meets its 2030 target and show substantial progress towards the 2045 emission target. These targets exceed the state goal set by Senate Bill 32 (SB32) of 40% below 1990 by 2030, and carbon neutrality by 2045 as set by Executive Order B-55-18.[1] The GHG reductions were calculated using published evidence provided through adequately controlled investigations, studies, and articles carried out by qualified experts that establish the effectiveness of the reduction

[1] The Association of Environmental Professionals recommends limiting CEQA GHG Analysis to the State GHG Planning Horizon based on a State Legislatively Mandated Target (i.e., SB 32). Therefore, at this time, it is recommended that cities demonstrate quantitatively how they plan to achieve GHG reductions that align with SB 32, but are not required to do the same for the 2045 carbon neutrality goal established by EO-B-55-18, as this goal has not yet been adopted by the State Legislature. Rather, it is recommended that cities demonstrate "substantial progress" towards the 2045 carbon neutrality goal. See *Final White Paper Beyond 2020 and Newhall: A Field Guide to New CEQA Greenhouse Gas Thresholds and Climate Action Plan Targets for California* (Association of Environmental Professionals, 2016).

strategies and steps. Further, the strategies and steps were developed to achieve the 2030 target established by the City of Livermore and make substantial progress towards the 2045 target. The estimates and underlying calculations, provided in this report, include substantial evidence and a transparent approach to achieving the City's shot term GHG emissions reduction target and substantial progress towards achieving the long-term target.

- **Supportive.** These strategies and steps may also be quantifiable and have substantial evidence to support their overall contribution to GHG reduction. However, due to one of several factors – including a low/no direct GHG reduction benefit, indirect GHG reduction benefit, potential for double-counting, or simply a high level of difficulty in quantifying accurate GHG reductions – they have not been quantified and do not contribute directly to the expected GHG reduction target and consistency with the state goals. Despite not being quantified, supportive strategies/steps are nevertheless critical to the implementation of other strategies and action and generally the overall success of the CAP.

Together, the quantitative and supportive strategies and steps listed herein provide Livermore with the GHG emissions reduction necessary to achieve the identified target of reducing per capita emissions by 40% below 1990 levels by 2030 to an estimated 3.17 MT CO_2e per person. Based on current population projections this per capita target translates to a 67% reduction below 1990 GHG emission reduction levels by 2030, exceeding the requirements of SB32.[2] Per capita emission targets were identified by the California Air Resources Board (CARB) and explained in the 2017 Scoping Plan Update provided .[3] The City has also established a target consistent with Executive Order (EO) B-55-18 to achieve carbon neutrality by 2045.[4] The strategies identified in this CAP will lead to a substantial progress in GHG emissions by 2045, providing a foundation for achieving net carbon neutrality. However, the strategies reasonably available to the city and included in this CAP do not provide enough GHG emissions reduction to meet the long term 2045 GHG emissions goal. Achieving carbon neutrality will require significant changes to the technology and systems currently in place. This CAP aims to establish new systems that are resilient and equitable in the face of change that will allow for a transition to carbon neutrality in the future. This includes carbon neutral electricity (which will also lower water and wastewater emissions from local electricity use), electrification of building and transportation systems and increased shift to shared and active mobility, waste reduction and diversion, and carbon sequestration. As the current strategies and steps are implemented, the City will gain more information, new technologies will emerge, and identified pilot projects and programs will scale to the size needed to reach carbon neutrality. Furthermore, the State is expected to continue providing updated regulations and support once the 2030 target is achieved. Future CAP updates will make necessary adjustments and outline new strategies needed to reach Livermore's long-term target of carbon neutrality.[5]

The quantification in this report is intended to illustrate one of several viable paths to pursue as the strategies and steps of the CAP are implemented at full scale. As required in CEQA Guidelines Section 15183.5(b)(e), mechanisms to monitor the CAP's progress toward achieving the GHG emission reductions provided in this report have been established through the CAP development

[2] The percent reduction target is calculated as a reduction in projected absolute emissions from 1990 levels. However, total projected emissions, emission targets, and emission reductions in 2030 and 2045 are dependent on population levels and the targets established in this CAP are efficiency targets. Therefore, while absolute emissions in 2030 and 2045 may differ due to differences between the projected population and actual population, per capita emission targets and per capita emissions reductions will remain stable.

[3] https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf

[4] The goal of carbon neutrality is also consistent with the Paris Agreement and the International Panel on Climate Change's target of carbon neutrality by mid-century.

[5] Association of Environmental Professionals, 2016.

process. If, based on the tracking of community GHG emissions, the City is found to not be on target to reach the GHG reduction levels specified here for meeting SB 32 targets, the CAP as a whole or specific strategies and steps will be required to be amended and a CAP update will be prepared that includes altered or additional strategies and steps and evidence that upon implementation can achieve the City's targets.

Avoiding interference with and making substantial progress toward the state's 2030 and long-term goals is important as these have been set at levels that achieve California's fair share of international emissions reduction targets established by the Paris Agreement and the International Panel on Climate Change that will stabilize global climate change effects and avoid the adverse environmental consequences described under EO B-55-18 Section 3.1.3, Potential Effects of Climate Change.

The strategies and steps laid out in the CAP were driven by a development framework that considered the costs and benefits of each action (Appendix C). In addition, a set of guiding principles were developed that reflected the City's and the community's values. Each strategy and action was developed by carefully considering these guiding principles. The guiding principles are highlighted below in Table 1.

Table 1 Guiding Principles

Principles	Description
Mitigation and/or adaptation benefit	Strategies should achieve measurable reductions in GHG and/or improvements in resilience.
Structural change	Strategies should establish institutional and policy framework to facilitate long-term change.
Education	Strategies should include community engagement and empower residents and stakeholders to take action.
Equity	Strategies should promote inclusive participation in decision making and equitable access to benefits.
Partnerships	Strategies should utilize partnerships with outside agencies and community organizations to leverage expertise and resources and maximize the City's capacity.
Economics	Strategies should strive to be cost-effective for the City and the community.

2 CEQA Qualified CAP

Livermore's CAP aligns with the requirements set forth in CEQA Guidelines Section 15183.5(b) for development of a qualified GHG reduction plan. This includes setting GHG emissions reduction targets which align with those set by the State of California (described above). As a qualified GHG Reduction Plan, development projects that are consistent with the strategies in the CAP can streamline their GHG analysis under CEQA by presuming that the project's GHG emissions are not significant. The requirements set forth in CEQA Guidelines Section 15183.5(b) are as outlined below:

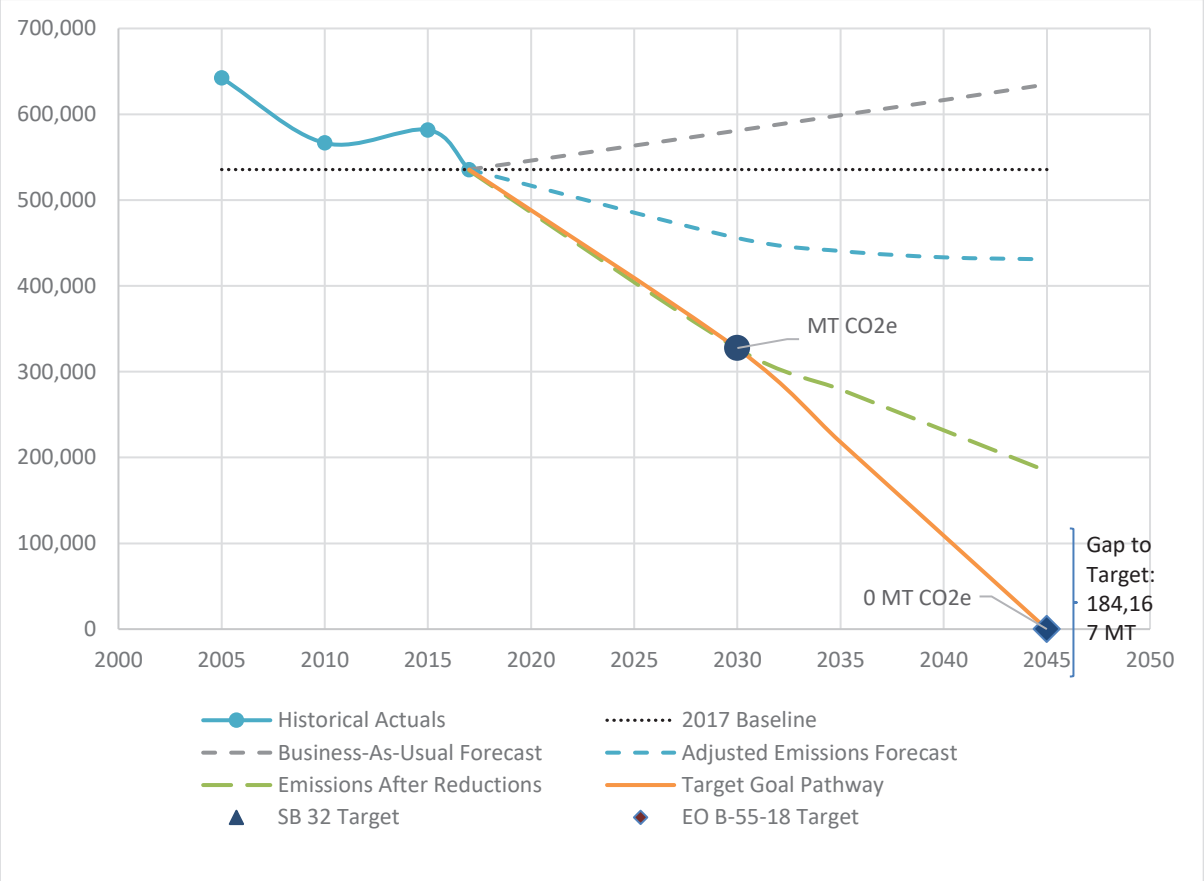
- Quantify GHG emissions, both existing and projected over a specified time period, resulting from activities within a defined geographic area; (Chapter 2)
- Establish a level, based on substantial evidence, below which the contribution to GHG emissions from activities covered by the plan would not be cumulatively considerable; (Chapter 2)
- Identify and analyze the GHG emissions resulting from specific actions or categories of actions anticipated within the geographic area; (Chapter 2)
- Specify measures or a group of measures, including performance standards, that substantial evidence demonstrates, if implemented on a project-by-project basis, would collectively achieve the specified emissions level; (Chapter 3)
- Establish a mechanism to monitor the plan's progress toward achieving the level and to require amendment if the plan is not achieving specified levels; (Chapter 4)
- Be adopted in a public process following environmental review. (Associated CEQA Analysis)
- A qualified CAP allows Livermore to streamline new development that meets our climate goals, decreasing costs, and incentivizing climate smart development.

3 Emission Reduction Summary

The strategies, actions, and steps established by Livermore's CAP Update are expected to reduce per capita emissions below 1990 levels by 68% in 2030 and 85% by 2045. The reductions expected in 2030 exceed the requirements of SB32, but reductions expected in 2045 fall short of the carbon neutrality goal established by EO B-55-18 (

Figure 1). However, as described above, this Climate Action Plan puts Livermore on the pathway to achieve carbon neutrality by 2045.

Figure 1 Estimated GHG Emissions Reduction



A breakdown of the GHG emissions reduction calculated for each strategy is included in Table 2. A complete description of each strategy and its contributing actions and steps is included in the sections that follow.

Table 2 Estimated Emission Reduction Potential of CAP Strategies

Strategy Number	Strategy	2030 Emissions Reduction (MT CO_2e)	2045 Emissions Reduction (MT CO_2e)
Buildings and Energy			
B-1	Require new buildings to be all-electric and incentivize electrification retrofits of existing buildings	27,383	121,493
B-2	Decarbonize electricity from the grid and increase local renewable energy generation	25,505	0
Transportation and Land Use			
T-1	Facilitate a transition to electric vehicles	49,494	93,458
T-2	Facilitate a transition to transit and shared mobility services	3,033	4,656
T-3	Improve and expand active transportation infrastructure	2,127	2,111
T-4	Support sustainable land use practices	Not quantified	Not quantified
Waste and Materials			
W-1	Reduce the amount of waste that is landfilled	19,379	22,646
W-2	Expand use of low-carbon and recycled building materials	Not quantified	Not quantified
Carbon Sequestration			
S-1	Maximize local carbon sequestration	2,008	2,434
Overall Reductions			
Emissions Reduction Needed to Achieve State Targets		128,238	430,965
Estimated Reduction Achieved by Full Implementation of Strategies		128,929	246,798
Absolute Emissions Reduction from 1990 (%)[1, 2]		(40%)	(66%)
Per Capita Emissions Reduction from 1990 (%)		(68%)	(85%)
Gap to SB 32 Target		(692)[3]	184,167

MT CO_2e = metric ton of carbon dioxide equivalent

[1] Emissions reductions go to zero by 2045 due to Senate Bill 100 and the Renewable Portfolio Standard.

[2] Absolute emissions reduction values are estimated based on current population projections and are for reference. Actual progress toward the 2030 target will be determined by comparison to the per capita GHG emissions target of 3.08 MT of CO_2e per person pursuant to guidance in the 2017 Scoping Plan.

[3] Parentheses denote a negative number or an exceedance of the target.

Note: Quantitative GHG emissions reduction values were rounded to the nearest tenth to reflect the level of estimation involved in calculations.

As shown in Table 2, the strategies adopted in Livermore's CAP Update have the ability when fully implemented to reduce GHG emissions below the City of Livermore's 2030 GHG reduction target and make substantial progress towards a 2045 carbon neutrality target. However, a gap still remains to reach the goal of carbon neutrality in 2045. As new technologies develop, and the state consolidates around the 2045 carbon neutrality goal, the City of Livermore will monitor progress and adopt new strategies to achieve this long-term goal. Furthermore, the strategies, actions, and steps in this CAP will create the basis for long-term carbon neutrality when implemented, including electrified buildings and vehicles coupled with decarbonized electricity, improved active transportation, decreased waste generation, and increased carbon sequestration.

The following sections contain the substantial evidence and quantification methodology intended to provide reasonable assurance that the GHG reduction strategies adopted in the City of Livermore's CAP Update will lead to the GHG emissions reduction necessary to achieve the City's ambitious 2030 emission target.

4 Buildings and Energy

4.1 2030 Objectives

- Provide 100 percent renewable electricity by 2024
- Require all-electric new construction by 2023
- Incentivize electric retrofits in 12% of existing buildings by 2030
- Develop equitable funding and financing for building electrification
- Incentivize local on-site energy generation and storage

Strategy B-1 Require New Buildings to be All-electric and Incentivize Electrification Retrofits of Existing Buildings

Livermore's building stock currently relies heavily on natural gas and retrofitting existing buildings to be all-electric will be a substantial task. To ensure new buildings won't need to be retrofitted later, Action B-1.1 will require new buildings and major retrofits be built to utilize only electricity as an energy source through an electrification ordinance. Meanwhile, Action B-1.2 and B-1.3 will provide a framework of updated regulations, incentives, rebates, and outreach to drive the electrification of existing buildings. The details of each action, including their implementation steps and evidence of their GHG reduction potential, are included below.

- **Action B-1.1**: Require new construction to be all-electric
- **Action B-1.2**: Incentivize electric retrofits in existing buildings
- **Action B-1.3**: Conduct a cost analysis and feasibility study for existing building electrification requirements
- **Action B-1.4**: Partner with stakeholders to conduct electrification outreach, promotion, and education

Action B-1.1 Require New Construction to be All-electric by 2023

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
1	GHG Reductions/ Structural Change	**Require new construction to be all-electric:** Adopt an electrification reach code by 2023 which bans the use of natural gas in all new construction where electrification is cost effective. Additionally, require major retrofits to be electric ready (i.e., install a 200-amp electric panel and prewire for electric vehicles and appliances).	2030: 10,891 2045: 28,056
2	Economical	Minimize the number of exemptions associated with the ordinance to limit the number of stranded assets in the City. Allow case by case allowances for certain site development standards when an applicant can demonstrate infeasibility.	
3	Equity	Conduct a cost effectiveness study to ensure no cost increases for low/medium income housing	
4	Education	Conduct outreach and engagement around new building electrification with the community and key stakeholders prior to adopting an electrification ordinance. A strong understanding of the benefits of electrification will be key to avoiding exceptions.	
5	Connectivity	Establish a partnership with the Building Decarbonization Coalition, or a similar organization, to engage with local building industry stakeholders in development of an Electrification Reach Code.	

Continuing to allow natural gas in new buildings would result in an increase in GHG emissions through 2045, due to increases in the population and residential construction in the City projected through 2045 (see adjusted forecast in Appendix A). Conversely, GHG emissions from electricity generation are expected to decrease to almost zero by 2025 due to Action B-2 (emissions from electricity would otherwise decrease to zero in 2045, due to SB 100). Requiring new construction to be all-electric would lead to a mandatory reduction in natural gas consumption compared to adjusted forecast projections by replacing natural gas with electricity.

Emission reductions for Action 1 were calculated separately for residential and commercial construction. It was assumed that with full implementation of the ordinance, no increases in residential and commercial natural gas demand would occur after 2022. Natural gas saved after ordinance implementation was converted to electricity usage (i.e., therms converted to kWh), with the assumption that a modern electric heat pump is on average three time more efficient than natural gas heater.[6] The emission factor for electricity was calculated based on the assumption that Action B-2 would be fully implemented by 2025 (more details on how this emission factor was calculated are included in the section for Strategy E-3). Total emissions saved are equivalent to emissions saved from eliminating natural gas in new construction, minus emissions from increased electricity usage.

Population forecast data based upon MTC projections reflect a steady increase in population between 2017 and 2045 (see Appendix A). The forecast for natural gas usage mirrors this pattern, along with projections for new housing units, which is expected to increase in Livermore through 2045. Residential natural gas from new construction was therefore, calculated based on housing estimates from MTC. Commercial gas usage avoided by electrification was calculated based on the

[6] https://help.leonardo-energy.org/hc/en-us/articles/203047881-How-efficient-is-a-heat-pump-

therms projections from commercial buildings in the adjusted forecast which considers the jobs growth over time. Minimizing the number of exemptions will be a key factor in the success of the ordinance and the reductions claimed as part of the Climate Action Plan. More exemptions, especially for a specific appliance like gas stoves would result in the same amount of natural gas infrastructure being deployed. Under this worst case scenario, the cost of natural gas infrastructure would remain the same, but the amount of natural gas consumed would decrease, significantly increasing the cost of each therm.[7] Therefore, the City will undergo a robust outreach campaign prior to adoption to ensure the community understands the importance of electrification and the long term cost increases expected for natural gas. Emission reduction calculation for Action B-1.1 are shown below in Table 3.

Table 3 Action B-1.1 Calculations

Year	2030	2045
Residential Reductions		
Housing units[1]	37,573	44,026
NG usage (therms)[2]	14,394,143	17,352,806
NG usage per housing unit (therms per house)	383	394
Additional housing units since implementation year[1]	4,853	11,306
NG usage avoided (therms)	1,859,101	4,456,315
Emissions from NG usage avoided (MT CO_2e)[3]	9,873	23,665
Electricity usage from converting to electric (kWh)[4]	18,157,278	43,523,493
Electricity EF (MT CO_2e/kWh)[5]	0.0000026	0
Emissions from converted electricity usage (MT CO_2e)	47	0
Emission reductions (MT CO_2e)	9,826	23,665
Commercial Reductions		
NG usage (therms)[1]	11,081,548	11,707,129
NG usage avoided (therms)	201,276	826,856
Emissions from NG usage avoided (MT CO_2e)[3]	1,069	4,391
Electricity usage from converting to electric (kWh)[4]	1,965,799	8,075,656
Electricity EF (MT CO_2e/kWh)[5]	0.0000021	0
Emissions from converted electricity usage (MT CO_2e)	4	0
Emission reductions (MT CO_2e)	1,065	4,391
Total reductions (MT CO_2e)	**10,891**	**28,056**

[1] MTC Plan Bay Area Projections 2040 long-term growth forecasts (2018), adjusted for population growth in Livermore observed from 2015-2017.

[2] Values from GHG Emissions Forecast. See Appendix A.

[3] Based on an emission factor of 0.00531051 MT CO_2e/therms, as established in Appendix A.

[4] Based on a conversion factor of 29.3001 kWh/therms and the assumption that electric appliances are generally three time more efficient than gas appliances. https://help.leonardo-energy.org/hc/en-us/articles/203047881-How-efficient-is-a-heat-pump-

[5] The residential and commercial electricity emission factors were calculated based on opt-out rates for different CCA customers. See Strategy E-3 for further details on this calculation.

[7] https://gridworks.org/initiatives/cagas-system-transition/

Action B-1.2 Incentivize electric retrofits in existing buildings to Reduce Natural Gas Consumption 12% by 2030 and 61% by 2045

Step Number	Guiding Principles	Implementation Step	Anticipated Reduction (MT CO_2e)
1	Economics	**Perform an electrification feasibility study/existing building analysis** in order to understand the potential for, and associated costs of, electrification retrofitting in the City of Livermore and establish a plan for eliminating natural gas from existing buildings. This would include an analysis for implementing requirements for newly permitted HVAC/hot water heaters and other appliances to be electric. At minimum, the plan would identify a pathway to reduce natural gas use by 12% by 2030.	2030: 16,492 2045: 93,437
2	Partnerships	**Identify and partner with stakeholders to develop resident-level funding pathways for implementing electrification ordinance:** Leverage partnerships with stakeholders and establish funding pathways to ease community members' costs when complying with the electrification ordinance, including: ▪ Partner with East Bay Community Energy and other stakeholders such as PG&E to create or expand electrification/retrofit programs and incentives (e.g., PACE program), especially for low-income residents to support the electrification ordinances. These could include on-bill financing, metered energy efficiency, providing rebates for residential replacement of natural gas-powered air and water heating appliances with electric-powered models, or providing rebates for replacement of antiquated wiring and windows in historic homes and buildings.	
3	Structural Change	**Develop a permit tracking program** for existing building electrification to track annual progress in achieving the targeted electrification goal(s), possibly through the City's existing Accela platform.	
4	Equity	**Develop a suite of Equity Guardrails** with input from the community to ensure existing building electrification improves equity in the community by limiting displacement and promoting equitable distribution of electrification benefits like resiliency, improved health outcomes, and reduced energy burden.	
5	Education	**Identify and partner with stakeholders to conduct electrification outreach, promotion, and education:** Leverage partnerships with stakeholders to conduct outreach, promotion, and education around new and existing building electrification, including: ▪ Induction/electric stove cooking competition to demonstrate the competitiveness of electric stoves for replacing gas stoves. ▪ Information sessions/events that educate the public on safety concerns around gas stoves and health benefits of replacing with electric, as well as potential cost benefits. ▪ Promote water heater, space heating, and appliance (electric stove/dryers) replacement programs and incentives (residential) at time of construction permit. ▪ Work with partners to develop financial and technical resources, including hosting workforce development trainings for installers and building owners/operators to discuss benefits and technical requirements of electrification and move towards all-electric requirements.	

Step Number	Guiding Principles	Implementation Step	Anticipated Reduction (MT CO_2e)
		▪ Conduct internal trainings with planners and building officials on state decarbonization goals and incentives available for electric homes. ▪ Work with partners and stakeholders to establish a comprehensive, coordinated education campaign for property owners and occupants for reducing the use of natural gas in homes and businesses. This could include keeping an updated list of rebates and incentives available for residents who would like to electrify their buildings, and providing multilingual education on the potential savings and benefits of electric heat pumps for water heating and space heating.	

Natural gas usage from existing buildings accounted for about 23% of emissions in Livermore in 2017. The City of Livermore will begin by promoting electrification through education, outreach, and incentives. Performing an electrification feasibility study will support implementation of Action B-1.2 contributing to achieving the GHG reduction benefits of those steps. The feasibility study will help determine which buildings in Livermore can be electrified, how to make electrification cost effective in specific cases, clarify the timeline on which electrification will happen, and investigate more concretely how to implement electrification equitably. The feasibility study will further determine if mandatory actions will need to be take and the cost effectiveness of those actions. While the City will begin implementation of Action B-1.2 through voluntary actions a mandatory requirement may be required in the future based on the results of the electrification study and the community progress. The impacts associated with promotional and educational outreach for electrification have not been well documented due to the cutting-edge nature of the strategy. Electrification as a GHG reduction strategy has only begun to gain traction in California mostly due to the implementation of SB 100 and the expansion of community choice aggregations. While it is not clear how the community will respond to electrification, energy efficiency outreach has been conducted since as early as the 1970's and some research has been conducted on the effects of outreach and education on energy. One study in New York showed that out of the 8,991 people who participated in informational programs, 69% implemented the recommended practices.[8] Another research meta-analysis reviewed dozens of papers covering various energy efficiency, water efficiency, and waste outreach and found that education-only campaigns could produce between 10-12% energy savings.[9]

Electrification is a new idea and not well understood by the community. The education associated with this action as well as the Climate Action Plan itself will facilitate adoption of all-electric technologies. The City will conduct a CAP update after 5 years to check progress and adopt more voluntary or potentially mandatory strategies if necessary.

Approximately 34% of residential natural gas usage is used for water heaters, while 40% is used for space heating.[10] The average life-span for water heaters and HVAC systems is 10 years and 18 years, respectively, and the ordinance would be fully implemented by 2025.[11] As a backstop to voluntary steps and pending the results of the electrification study the City of Livermore could no longer

[8] https://www.joe.org/joe/2009december/pdf/JOE_v47_6a6.pdf

[9] https://aceee.org/files/proceedings/2000/data/papers/SS00_Panel8_Paper10.pdf

[10] https://www.synapse-energy.com/sites/default/files/Decarbonization-Heating-CA-Buildings-17-092-1.pdf

[11] https://www.lowes.com/n/how-to/when-to-replace-a-water-heater, https://www.thisoldhouse.com/ideas/how-long-things-last

accept permits to replace natural gas HVAC and hot water heaters starting in 2025, especially if voluntary efforts have not been successful. These units have been selected due to their large contribution to natural gas use and their cost effectiveness.[12] Based on a 2025 implementation date and the assumed life span of the covered equipment natural gas usage in existing buildings should decrease 12% by 2030, and 61% by 2045. This timeline would be expedited along the way by Action 3, which updates the Green Building Standards Code to encourage electrification at time-of-retrofit or at time-of-sale, including the installation of new 200-amp panels or requiring demonstration of electrification feasibility with an existing panel.

Similar to calculations used for Strategy B-1, avoided natural gas usage was assumed to be replaced by additional electricity usage, and electric appliances were assumed to be three times more efficient than their natural gas counterparts. The emission factor for electricity is assumed to be consistent with Strategy B-3. Emission reduction calculations for Strategy B-2 are shown below in Table 4.

Table 4 Strategy B-2 Calculations

Year	2030	2045
Residential Buildings		
Residential NG usage (therms)[1]	14,394,143	17,352,806
Residential NG usage after new building electrification is implemented (therms)[2]	12,535,042	12,896,491
Percentage of homes with replaced water heaters[3]	18%	100%
NG reduction from water heater replacement (%)[4]	6%	34%
NG saved from water heater replacement (therms)	767,145	4,384,807
Percentage of homes with replaced HVAC[5]	18%	100%
NG reduction from HVAC replacement (%)[6]	7%	40%
NG saved from HVAC replacement (therms)	902,523	5,158,596
Total NG saved (therms)	1,669,668	9,543,403
Emissions from total NG saved (MT CO_2e)[7]	8,867	50,680
Electricity usage from converting to electric (kWh)[8]	16,307,143	93,207,557
Electricity EF (MT CO_2e/kWh)[9]	0.0000026	0
Emissions from converted electricity usage (MT CO_2e)	42	0
Commercial Buildings		
Commercial NG usage (therms)	11,081,548	11,707,129
Commercial NG usage after new building electrification is implemented (therms)	10,880,273	10,880,273
Percentage of commercial with replaced water heaters	18%	100%
NG reduction from water heater replacement (%)	6%	34%
NG saved from water heater replacement (therms)	665,873	3,699,293
Percentage of commercial with replaced HVAC	18%	100%
NG reduction from HVAC replacement (%)	7%	40%
NG saved from HVAC replacement (therms)	783,380	4,352,109
Total NG saved (therms)	1,449,252	8,051,402
Emissions from total NG saved (MT CO_2e)	7,696	42,757

[12] https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf

Year	2030	2045
Electricity usage from converting to electric (kWh)	14,154,413	78,635,625
Electricity EF (MT CO_2e/kWh)	0.0000021	0
Emissions from converted electricity usage (MT CO_2e)	29	0
Total reductions (MT CO_2e)	**16,492**	**93,437**

[1] Values from forecast. See Appendix A.

[2] Forecasted natural gas minus natural gas lost to new building electrification

[3] Assumes 100% of homes replace their water heaters incrementally over 10 years after ordinance is first passed. Based on average water heater lifetime of 10 years. https://www.lowes.com/n/how-to/when-to-replace-a-water-heater.

[4] Assume 34% of natural gas usage goes to water heaters. https://www.synapse-energy.com/sites/default/files/Decarbonization-Heating-CA-Buildings-17-092-1.pdf. Multiply by percentage of homes with replaced water heaters to derive total percentage of natural gas reduction from water heater replacement.

[5] Assume 100% of homes replace their HVAC 18 years after ordinance is first passed. Based on average HVAC lifetime of 18 years. https://www.thisoldhouse.com/ideas/how-long-things-last.

[6] Assume 40% of natural gas usage goes to heating/cooling. https://www.synapse-energy.com/sites/default/files/Decarbonization-Heating-CA-Buildings-17-092-1.pdf. Multiply by percentage of homes with replaced water heaters to derive total percentage of natural gas reduction from HVAC replacement.

[7] Based on an emission factor of 0.00531051 MT CO_2e/therm, as established in Appendix A.

[8] Based on a conversion factor of 29.3001 kWh/therm and the assumption that electric appliances are generally three time more efficient than gas appliances. https://help.leonardo-energy.org/hc/en-us/articles/203047881-How-efficient-is-a-heat-pump-

[9] The residential electricity emission factor was calculated based on opt-out rates for different CCA customers. See Strategy E-3 for further details on this calculation.

This action would also focus on building the funding pathway to make existing building electrification possible, particularly for low-income residents of Livermore. The largest barrier to existing building electrification is higher up-front capital costs compared to natural gas. [13] Utility-offered incentives to offset these costs for the end-user are therefore among the most promising opportunities for updating this technology.[14] Once up-front costs are financed, long term savings can be used to achieve cash flow positive retrofits and/or acceptable ROI's. Demonstrating cost effective pathways for existing building electrification will be a key step before mandatory requirements can be set. Examples of funding/financing strategies include:

Low-income Electrification/Retrofit Programs

Electrification programs that target low-income residents are the most cost-effective and potentially successful approach for equitable decarbonization to combat climate change.[15] For example, the Low-Income Weatherization Program (LIWP) is the state's first energy efficiency program that targets low-income Californians and has reduced energy bills in participating multifamily buildings by 30% and overall energy usage by an average of 40%.[16] A case study on a major energy retrofit in a Lancaster 100-unit low income multifamily complex resulted in a one-third reduction in natural gas use (approximately 145 therms per apartment).[17] The study also showed that such retrofits can

[13] California Center for Sustainable Energy. 2009. Solar Water Heating Pilot Program: Interim Evaluation Report. https://www.ethree.com/wp-content/uploads/2019/04/E3_Residential_Building_Electrification_in_California_April_2019.pdf

[14] https://www.synapse-energy.com/sites/default/files/Decarbonization-Heating-CA-Buildings-17-092-1.pdf

[15] http://greenlining.org/wp-content/uploads/2019/10/Greenlining_EquitableElectrification_Report_2019_WEB.pdf

[16] California Housing Partnership Corporation and Association for Energy Affordability (2018). California's Cap-and-Trade-Funded Low Income Weatherization Program Multifamily: Impact Report, 3.

[17] https://ww2.energy.ca.gov/2019publications/CEC-500-2019-021/CEC-500-2019-021.pdf

result in increased tenant retention, improved health and comfort, and better ability to afford necessities like food, medicine, health care, and rent.

On-bill Financing

A case study from affordable multi-family residential complexes in Santa Monica showed that electricity savings from the program ranged from 1,811-17,712 kWh and natural gas savings ranged from 914-2,567 therms, with overall energy improvement ranging from 10-35%.[18]

Energy Efficiency Retrofit Programs (e.g., PACE, PG&E's Low-income Weatherization Program, Million Watt Challenge, Metered Energy Efficiency)

While the use of carbon neutral electricity by 2045 due to SB100 ensures all-electric buildings have zero energy emissions, there is still a need to reduce energy consumption within Livermore. Reducing energy consumption will reduce stress on the electricity grid, require less renewable energy generation to meet needs thereby saving resources, and help reduce energy bills within the community.

The best mechanism the City will have for tracking electrification progress – and accurately measuring its GHG reduction benefit as it happens – is through a permit tracking program. Tracking electrification progress on a yearly schedule will allow the City to adjust its electrification approach and respond to potential obstacles as they occur and as new information about electrification becomes available. Utilizing the already existing Accela platform to do this would help to further increase effectiveness and integrate into City efforts.

One of the best ways the City can ensure that electrification has a positive impact on equity in the community is by developing a suite of equity guardrails. These would help to establish what equitable implementation would look like in Livermore, with input from the community. Goals of these guardrails include limiting displacement and promoting the equitable distribution of benefits like resiliency, improved health outcomes, and reduced energy burden.

Strategy B-2 Decarbonize Electricity from the Grid and Increase Local Renewable Energy Generation

In order for Livermore to reach its 2030 reduction target and 2045 carbon-neutrality target, the majority of energy utilized in the City will need to be carbon-free. Renewable electricity procurement is essential for decarbonizing the City's emissions from electricity and will create the foundation for a carbon-free future. The focus of Livermore's energy strategy is procuring 100 percent carbon-free electricity for both residents and businesses as soon as possible. Decarbonizing electricity works hand-in-hand with building electrification and EVs to achieve carbon neutrality in both the building and transportation sectors in Livermore. To reach this objective, the City of Livermore has developed the following actions:

- Action B-2.1: Opt-up community EBCE accounts to 100 percent renewable electricity
- Action B-2.2: Coordinate with stakeholders to provide local energy generation and storage incentives
- Action B-2.3: Establish renewable energy facility standards and permitting requirements
- Action B-2.4: Explore hydrogen and renewable fuel opportunities

[18] https://1p08d91kd0c03rlxhmhtydpr-wpengine.netdna-ssl.com/wp-content/uploads/2017/03/Santa-Monica-Test-Web.pdf

Action B-2.1 Opt-up community EBCE accounts to 100 percent renewable electricity by 2024

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
1	GHG Reductions/ Structural Change/ Economical	**Provide carbon neutral electricity to the community:** Opt-up East Bay Community Energy community accounts in Livermore to 100% carbon-free/renewable electricity by 2024 with an opt-out option	2030: 25,505 2045: 0
2	Education	**Conduct outreach to lower the community opt-out rate:** Maximize the usage of renewable power within the community after all accounts are opted-up, by continuing to achieve an opt-out rate lower than 5% for EBCE 100% renewable power. Monitor progress and perform public outreach and education campaigns highlighting the benefits of 100% renewable energy, including: ▪ Monitoring opt-out rates on an annual basis ▪ Tabling at community events ▪ Establishing a multilingual informational resource page on the City website ▪ Regular social media posts in multiple languages ▪ Energy bill inserts	Supportive
3	Equity/Connectivity	Partner with community organizations to ensure low/medium income households are aware of EBCE's CARE program to receive decreased electricity rates and provide technical assistance as needed.	Supportive

Electricity in Livermore is currently supplied by PG&E, which provides a power mix with 39% renewable resources, and 89% GHG free overall (including nuclear and large hydro).[19] While the portion of renewables in PG&E's grid mix is relatively high compared to other utility providers in the state, the emission factor associated with its electricity is not expected to decrease to zero until the state-mandated year of 2045. In order to reduce GHG emissions in the short-term, the City will provide 100% carbon free electricity to the community through EBCE, Livermore's CCA energy provider by 2024. In general, CCAs use the purchasing power of the community to procure electricity directly from electricity generators. This allows the community to choose its own grid mix, with an option to procure electricity from 100% carbon free renewable generation sources. PG&E will continue to deliver power, maintain lines and infrastructure, and coordinate billing. EBCE currently provides three power mix options[20] for residents to choose from:

- **Bright Choice:** Base option with 60% eligible renewable energy, with prices one percent below PG&E rates
- **Brilliant 100:** 100% carbon-free option that includes hydroelectric power. Same price as PG&E
- **Renewable 100:** 100% renewable option. Price is one cent per kilowatt hour above PG&E rates

To maximize the GHG reduction opportunity this presents, the City will automatically enroll all community accounts in a 100% carbon free option, as many cities in California have already done

[19] https://www.pge.com/en_US/about-pge/environment/what-we-are-doing/clean-energy-solutions/clean-energy-solutions.page?WT.mc_id=Vanity_cleanenergy
[20] https://ebce.org/compare-plans-residential/

today.[21] Customers will have the option to opt-out of the CCA back to PG&E or opt-down to another grid mix option. Currently, about 11% of Livermore residential customers and 4% of commercial customers currently choose to opt-out.[22] Livermore's residential opt-out rate is relatively high compared to other cities, and Action 2 will focus on conducting outreach and educating citizens about the benefits of opting in to EBCE electricity. Based on the added outreach the opt-out rate was assumed to be 5% for residential and 4% for commercial which is more in line with other EBCE communities. The GHG reduction quantification below is based on the forecasted electricity consumption under the adjusted forecast as well as the forecasted electricity emission factor in each year. The increases in electrification and comensurate reduction from a near zero emission factor resulting from other steps are not included in this strategy. It is assumed in all other electrification strategies that the City completes this strategy by 2025.

These actions also have the benefit of making all municipal electricity 100% emission-free, as municipal accounts will have 0% op-out. This includes local electricity usage from the water and wastewater sector from distribution, processing, and transportation. These water/wastewater emission reductions were estimated to be approximately 389 MT CO2e in 2030. However, this reduction is a subset of the community emissions (municipal electricity use is included in the overall community electricity use), and was not added to the community reductions to avoid double counting. The finding of this calculation is included here only for supportive purposes. Calculations for quantified emission reductions from Strategy E-3 are shown below in Table 5.

Purchasing 100% carbon free electricity through EBCE is one of the most cost-effective actions the City can take to meaningfully reduce GHG emissions within the City. The cost of opting up into carbon free electricity with EBCE is approximately the same as the PG&E rate and 100% renewable rates with both PG&E and EBCE are only a few dollars a month extra for most residential rate schedules.[23] However, even a small increase on monthly bills can make a big difference for the most vulnerable populations. Both PG&E and EBCE provides a CARE rate schedule for low-income households. As part of this outreach, the City would partner with community partners to ensure that qualifying community members know about and are able to enroll in CARE to further reduce their energy burden on a monthly basis.

[21] https://innovation.luskin.ucla.edu/2019/09/04/50-cities-are-quietly-leading-the-nations-100-clean-energy-wave/

[22] Opt-out rates based on data received directly via email from Gabrielle Ruxin at EBCE. February 8th, 2021.

[23] https://www.pge.com/pge_global/common/pdfs/customer-service/other-services/alternative-energy-providers/community-choice-aggregation/ebce_rateclasscomparison.pdf

Table 5 Action B-2.1 Calculations

Year	2030	2045
Residential electricity usage (kWh)[1]	222,591,232	247,321,911
Commercial electricity usage (kWh)[1]	294,346,152	306,917,819
PG&E Electricity EF (MT CO_2e/kWh)[3]	0.0000516	0
Emissions from electricity usage before CCA (MT CO_2e)	26,684	0
CCA Electricity EF (MT CO_2e/kWh)[4]	0	0
Weighted residential electricity EF after accounting for opt-out (MT CO_2e/kWh)[5]	0.0000026	0
Weighted commercial electricity EF after accounting for opt-out (MT CO_2e/kWh)[6]	0.0000021	0
Emissions from electricity usage after CCA (MT CO_2e)	1,178	0
Total reductions (MT CO_2e)	**25,505**	**0**

[1] Values from forecast. See Appendix A. Additional electricity load expected from Strategies E-1 and E-2 not included here due to CCA reductions for the added electricity being accounted for in each strategy's respective quantification. Municipal electricity usage subtracted from total commercial electricity usage for independent modelling. See note 2 for details on municipal electricity usage data.

[2] Based on electricity data provided by PG&E. Municipal usage not expected to change substantially between 2020 and 2045.

[3] Values from forecast. See Appendix A.

[4] All community accounts to be automatically enrolled in 100% renewable electricity package with an opt-out option.

[5] Assume 11% residential account opt-out such that 11% of accounts continue to have a PG&E emission factor, while 89% of accounts continue with the CCA-provided emission factor of 0 MT CO_2e/kWh. Opt-out rate provided by Gabrielle Ruxin at EBCE via email on February 8th, 2021.

[6] Assume 4% commercial account opt-out. Opt-out rate provided by Gabrielle Ruxin at EBCE via email on February 8th, 2021.

5 Transportation and Land Use

5.1 2030 Objectives

- Add 1,284 publicly accessible electric vehicle chargers by 2030
- Reduce Vehicle Miles Traveled (VMT) by 2.3%
- Achieve 10% bike mode share
- Support sustainable land use practices

Strategy T-1 Facilitate a Transition to Electric Vehicles

On-road transportation accounts for almost 59% of total GHG emissions in Livermore, with 58% of those emissions coming from passenger vehicles, and 42% coming from commercial vehicles (see Appendix A). It is important to electrify the transportation sector so it can benefit from increasingly clean electricity as a result of SB 100.

While the City cannot require its residents to buy ZEVs and electrify remaining passenger vehicle trips, Strategy T-1 will ensure the infrastructure and support is present in the City to begin to remove present barriers to ZEV adoption. All of the actions and steps in Strategy T-1 support the overall goal and therefore, have been quantified together below.

Action T-1.1 Expand EV Infrastructure to Support 28% Passenger and 16% Commercial EV Adoption by 2030

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
1	Education	**Develop an EV[1] Readiness Plan:** Develop an EV Readiness Plan that is consistent with the Alameda County EV Readiness Guide and Livermore 2003-2025 General Plan transportation policies and actions. This plan should establish a path forward to increase EV infrastructure within the City, promote equitable mode shift to EVs, and identify funding for implementation of public charging infrastructure in key locations. In conjunction with an EV Readiness Plan, conduct a community EV Feasibility Study to assess infrastructure needs and challenges, particularly in frontline communities.	2030: 49,494 2045: 93,458
2	Partnerships	**Increase privately owned EV charging infrastructure:** Work with public and private partners to increase publicly accessible DCFC and Level 2 EV chargers around the City, with a focus on providing access to low-income households and affordable housing by 2030.	
3	Structural Change	**Require EV capable charging spaces:** Amend the Livermore Development and Municipal Code to promote EV chargers in both existing and new development, requiring Cal Green Tier 2 EV Charging levels or equivalent.	
4	Structural Change	**Streamline EV charger permitting:** Streamlining the permitting process for EV infrastructure and alternative fuel stations, including allowing independent charging stations to be erected in the right-of-way or any zoning district or land use type.	

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
5	Partnerships	**Identify and partner with stakeholders to develop EV-related rebates:** Investigate partnerships with public and private partners for rebates on at-home electric circuits, panel upgrades, and Level 2 chargers, with a focus on supporting EV purchases for low-income households in frontline communities.	
6	Equity Education	**Encourage EV adoption amongst residents:** Providing multi-lingual education and outreach to the community on new and existing rebates, incentives, and programs for installation of Level 2 chargers on private property and availability of public charging, through the use of City events, social media, and the City website.	
7	Partnerships	**Increase business EV adoption:** Working with major employers (e.g., Lawrence Livermore National Lab, Kaiser Permanente, GILLIG, Topcon) to encourage EV adoption and improvements to EV infrastructure.	
8	Structural Change	**Establish electrical and technical standards for EVSE[2]:** Establish electrical and technical standards for Electric Vehicle Supply Equipment (EVSE), including construction of equipment, wiring methods, and safety protection consistent with the California Electrical Code and the Underwriter's Laboratories guidance on EVSE. The EVSE inspection process should be streamlined by: ▪ Removing the need for inspection or conducting spot inspections for simpler installations. ▪ Condensing inspections for more complex installations that do not include panel upgrades or underground conduit. ▪ Establish a 24-hour, flexible inspection request program online or with voicemail ▪ Providing shorter inspection windows. ▪ Remolding requirement for electricity to be present during inspection to decrease consumer costs.	
9	Education	**Promote the use of electric construction equipment:** Requiring construction projects to comply with BAAQMD best management practices, including alternative-fueled vehicles and equipment	
10	Education	**Establish universal EV signage:** Establish universal, accessible, and multi-lingual EV signage and marking requirements for EV parking spaces.	
11	Structural Change	**Establish preferential EV parking:** Introduce preferential parking for EVs throughout the City, with a focus on downtown and other busy locations identified around the City.	
12	Structural Change	**Require EV charging infrastructure at new gas stations:** Pass an ordinance to require all new gas stations and major remodels to install electric vehicle charging as space allows.	
13	Economics Structural Change	**Electrify retail delivery vehicles:** Charging licensing fees for UPS, FEDEX, and USPS trucks making online retail deliveries to provide funding for new active transportation and EV charging infrastructure, and/or provide discount licensing fees for delivery companies which utilize electric vehicles.	

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
14	Structural Change	**Adopt an ordinance:** limiting new drive thru businesses and other sources of idling emissions.	

[1] EV = electric vehicle

[2] EVSE = electric vehicle supply equipment

Together the actions and steps within Strategy T-1 will encourage electric vehicle (EV) adoption within the community. The state has established a goal of putting 5 million EVs on the road by 2030.[24] However, the recent passing of executive order N-79-20 calls for 100% of passenger vehicles sold to be all electric by 2035.[25] This new executive order puts the total number of EV's on the road by 2035 at approximately 15 million.[26] Based on the current number of vehicles registered in California and a 2% growth rate per year, 15 million EV's accounts for 35% of total vehicles in 2035. Interpolating between todays EV percentage (5%) gives us an expected EV adoption rate of 25%. As a part of this strategy, the City has established its own goal in line with this and aims to reach 28% passenger EV adoption by 2030 and 50% by 2045. Livermore currently has 1,026 electric vehicles and 766 plug-in hybrid vehicles out of 84,243 vehicles currently registered, together accounting for 2.1% of the vehicles registered within the City.[27]

The City has also adopted commercial EV adoption goals, with 16% by 2030 and 50% by 2045. This is backed by new regulations that CARB adopted in June 2020, requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024, and establishing a target for every new truck sold in California to be zero-emission by 2045.[28] Companies in the commercial sector are already moving to electrify their fleets, with Amazon planning to have 100,000 electric delivery vehicles on the road by 2030.[29] If both passenger and commercial EV adoption rates are outpacing EV charging infrastructure, adjustments can be made over time to reflect total EVs as well as charging technologies and consumer behaviors.

While the City cannot require residents or businesses to buy and use EVs rather than gas-powered vehicles, the City will take actions to incentivize this behavior change and support this level of EV adoption. As a part of this strategy, the City's primary target will be to provide one public EV charger for every 20 EV's and ensure as many privately owned chargers are installed in new development as practicable, in line with the leading Cities in California (San Francisco, Los Angeles, and San Jose) and recent charging infrastructure studies. Since the City of Livermore already has 82 existing public charging stations, there is currently one public EV charger for every 22 EVs, and the City will need to have 1,138 new public chargers installed to meet the forecasted demand from passenger vehicles by 2030. The actual number and ideal locations for these EV charging stations would need to be further investigated through an EV Readiness Plan and Feasibility Study, including analysis of greater fast charging infrastructure needed to power the 19 zero-emission commercial truck models set to

[24] https://www.cpuc.ca.gov/zev/

[25] https://ww2.arb.ca.gov/resources/fact-sheets/governor-newsoms-zero-emission-2035-executive-order-n-79-20

[26] https://spectrumnews1.com/ca/la-west/transportation/2020/10/05/what-it-will-take-to-sell-100--evs-in-california

[27] https://www.dmv.ca.gov/portal/uploads/2020/09/MotorVehicleFuelTypes_City_01012020.pdf

[28] https://ww2.arb.ca.gov/news/california-takes-bold-step-reduce-truck-pollution#:~:text=SACRAMENTO%20%E2%80%93%20Today%2C%20the%20California%20Air,California%20will%20be%20zero%2Demission.

[29] https://www.businessinsider.com/amazon-creating-fleet-of-electric-delivery-vehicles-rivian-2020-2

come to the North American market over the next three years (Action 1).[30] Increasing the amount of EV charging infrastructure overall will support these vehicles operating in Livermore. As the need for charging infrastructure changes over time depending on new technologies such as smart chargers, megawatt-scale charging systems tailored specifically to medium- and heavy-duty electric trucks, and trends in personal EV adoption, it will be important for the City to continue updating its long-term goals as necessary.[31]

Steps 2-4 will account for the majority of the targeted number of EV chargers in 2025 and 2030. A 2015 report by Idaho National Laboratory, *Plugged In: How Americans Charge Their Electric Vehicles*, found that nearly 98% of all EV charging events occurred at home or work.[32] In support of these findings, and to address the challenges faced by those who may not be able to install their own home chargers, adoption of an EV Readiness Reach Code would support increased infrastructure at new and existing commercial and multi-family residential developments. EV-ready building codes are one of the most effective and low-cost strategies for states and local governments to encourage consumers to buy or lease electric vehicles and can save consumers thousands of dollars in installation costs.[33]

The City of Livermore currently has EV charging stations installed at City Hall, the Livermore Municipal Airport, and the Maintenance Service Center, both for electric City Trucks and employees with electric cars.[34] Public charging stations in the City are clustered north of I-580 near Las Positas College and Costco Wholesale, as well as high-power chargers (eight 150 kW and two 350 kW charging stations) at San Francisco Premium Outlets. There are also a number of chargers along Discovery Drive to the west of Isabel Avenue, including two stations near the Tesla Warehouse. Other locations in Livermore are scattered throughout central and eastern parts of the City, mainly along Las Positas Road and south of I-580.[35] City-owned EV charging units currently cost a fee to charge per kilowatt hour, which are used to maintain the charging units and to cover electricity costs. While not directly quantifiable, EV charging fees increase turnover at charging stations, helping to promote equitable access to EV charging infrastructure and encourage widespread EV adoption across a greater demographic range.

Title 24, Part 11, Chapter 5 of the California Green Building Standards Code requires all new construction to provide parking spaces and electrical infrastructure sufficient to support future installation of EVSE.[36] Relevant standards can be found in the California Electrical Code and the Underwriter's Laboratories guidance on EVSE, including the construction of equipment, wiring methods, and safety protection. This strategy ensures that Livermore will have clear guidelines and standards in place for installing EVSE infrastructure. It also calls for creating a streamlined permitting and inspection procedure for EVSE ensures reduced wait times and costs for new EV owners. Applying for a permit and waiting for an inspector can be time intensive and costly – as many as three separate visits by the installer may be required to apply for the permit, perform the work, and complete the inspection, and a fourth visit may be needed if the utility requires a separate inspection. To avoid this, the City will streamline the EVSE permitting and inspection process to further ease the burden on new EV owners and support the goals of the strategy.

[30] https://www.greenbiz.com/article/we-should-be-talking-about-charging-infrastructure-heavy-duty-trucks
[31] https://www.nrel.gov/transportation/medium-heavy-duty-vehicle-charging.html
[32] https://www.osti.gov/biblio/1369632-plugged-how-americans-charge-electric-vehicles
[33] https://www.swenergy.org/cracking-the-code-on-ev-ready-building-codes
[34] https://www.cityoflivermore.net/citygov/cdd/planning/cap/default.htm
[35] https://www.plugshare.com/directory/us/california/livermore
[36] https://codes.iccsafe.org/content/CAGBSC2016/chapter-5-nonresidential-mandatory-strategys

Requiring new gas stations in the City to install EV charging stations will help support steps 2-4, and further promote increased EV adoption. Germany announced in 2020 that all of its gas stations would soon be required to provide EV charging, to help remove recharging concerns and boost consumer demand for the vehicles.[37]

The next phase for electric vehicle supply equipment (EVSE) expansion will provide additional publicly accessible charging. Emission reductions from the actions and steps in Strategy T-1 were calculated together as emissions saved by meeting EV adoption goals in 2030 and 2045. Emission reduction calculations are shown below in Table 6.

Promoting the use of electric vehicles for retail deliveries will also help support steps 2-4, and decrease emissions from the commercial transportation sector. This would provide additional funding for the City to install additional EV charging infrastructure. The retail delivery sector is already trending in this direction, with Amazon revealing its first electric vehicle delivery van in 2020, which began making deliveries in 2021. The company has ordered 100,000 electric delivery vehicles already from electric vehicle maker Rivian.[38]

[37] https://www.reuters.com/article/us-health-coronavirus-germany-autos/germany-will-require-all-petrol-stations-to-provide-electric-car-charging-idUSKBN23B1WU

[38] https://www.businessinsider.com/amazon-creating-fleet-of-electric-delivery-vehicles-rivian-2020-2

Table 6 Action T-1.1 Calculations

Year	2030	2045
Passenger Vehicles		
Passenger VMT after mode shift to bikes and transit [1]	577,613,999.81	602,887,641.34
Passenger Vehicle Emission Factor ($MTCO_2e$/mile) (EMFAC)[3]	0.00022828	0.00019801
Emissions from Passenger VMT (MT CO_2e)	131,859.42	119,376.32
EV adoption[2]	28%	50%
Emissions reduced from EV adoption (MT CO_2e)	34,115.75	57,148.81
Additional EV miles from new EV adoption (VMT)	149,445,032.16	288,619,317.11
Additional kWh from new EV miles	53,800,211.58	103,902,954.16
Electricity EF (MT CO_2e/kWh)[4]	0.000002581	0
Emissions from electricity usage for EVs	138.85	0
Commercial Vehicles		
Commercial VMT after mode shift to bikes and transit (VMT)[1]	91,769,379.83	78,282,003.56
Commercial Vehicle Emission Factor ($MTCO_2e$/mile) (EMFAC)[3]	0.00105757	0.00092764
Emissions from Commercial VMT (MT CO_2e)	97,052.48	72,617.62
EV adoption	16%	50%
Emissions reduced from EV adoption (MT CO_2e)	15,528.40	36,308.81
Additional EV miles from new EV adoption (VMT)	14,683,100.77	39,141,001.78
Additional kWh from new EV miles	5,285,916.28	14,090,760.64
Electricity EF (MT CO_2e/kWh)[4]	0.000002052	0
Emissions from electricity usage for EVs	10.85	0
Total reductions (MT CO_2e)	49,494.45	93,457.62

[1] VMT from forecast (see Appendix A) minus VMT avoided from mode shift to bikes in Strategy T-1

[2] Based on executive order N-79-20 100% of passenger vehicle sales will electric by 2035. Assuming 15 million EV's by 2035 due to N-79-20 and a 2% growth rate from current vehicle registrations (32,000,000) and a 5% current share of EV's California would be projected to have 25% EV's by 2030. 25% is in line with State goals. (https://spectrumnews1.com/ca/la-west/transportation/2020/10/05/what-it-will-take-to-sell-100--evs-in-california)

[3] Derived from EMFAC model output for Alameda County 2030 and 2045

[4] The residential electricity emission factor was calculated based on opt-out rates for Livermore as according to EBCE. See Strategy E-3 for further details on this calculation.

The number of new public chargers needed to support Livermore's passenger EV adoption goals were also calculated, shown below in Table 7. This was based on 2020 vehicle registration data from the DMV and the assumption that one public charger should be available for every 20 EVs. The 82 publicly-available EV charging stations already availble in the City were also taken into account. Commercial EVs were not included in this calculation due to the lack of data on current heavy duty trucks registered in the Livermore area. Total registered vehicles were forecasted based on the 2020 ratio of registered vehicles to population.

Table 7 EV Charger Count for Passenger Vehicles Calculations

Year	2030	2045
Population[1]	105,967	129,158
Total registered vehicles[2]	97,590	118,948
Registered EV goal[3]	24,398	59,474
EV's per charger[4]	20	20
New publicly available EV chargers needed[5]	1,138	2,892

[1] Values from forecast. See Appendix A.

[2] Based on a calculated value for cars for capita (0.921) derived by dividing the total number of registered vehicles in Livermore in 2020 (https://www.dmv.ca.gov/portal/uploads/2020/09/MotorVehicleFuelTypes_City_01012020.pdf) by the 2020 population of Livermore as established in Appendix A.

[3] Calculated as total registered vehicles multiplied by EV adoption percentage in above table

[4] https://theicct.org/sites/default/files/publications/US_charging_Gap_20190124.pdf

[5] Based on the assumption that approximately one public EV charger is needed per 20 EVs, taking into account the existing 82 EV chargers already in Livermore. This assumption may change over time due to better technology, changes to consumer behavior, or both. The total number of chargers especially in 2045 will need to be revisited to ensure the numbers reflect the current EV landscape[39]

Strategy T-2 Facilitate a transition to transit and shared mobility services

Improving shared mobility and transit programs and infrastructure through Strategy T-2 will help to shift mode share to public transit. To do this the City must work with regional stakeholders, including the Altamont Corridor Express (ACE), Bay Area Rapid Transit (BART), and the Livermore Amador Valley Transit Authority (LAVTA), to expand service lines and increase the convenience of transit by reducing the time it takes to reach a destination via transit as well as reducing wait times (headways) for transit. Working with the recently created Tri-Valley – San Joaquin Valley Regional Rail Authority will also be key to implement Strategy T-2, specifically on the proposed Valley Link project which would connect the existing BART station in Dublin/Pleasanton to the approved ACE North Lathrop Station in San Joaquin County.[40] By making transit more convenient and making decisions to prioritize transit over single occupancy vehicles, Livermore will begin to shift towards shared transit. Like Strategy T-1 the actions and steps within Strategy T-2 have been quantified together.

[39] https://theicct.org/sites/default/files/publications/US_charging_Gap_20190124.pdf

[40] https://www.valleylinkrail.com/valleylink-project

Action T-2.1 Improve Transit and Shared Mobility Services to Reduce Passenger VMT 2% by 2030, and 4% by 2045

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
1	Partnerships	**Partner with Valley Link, ABAG, LAVTA, BART, and ACE to improve and expand transit within the City.** This could include: ▪ Expanded transit service, especially along transit priority corridors surrounding the downtown core ▪ More frequent and reliable transit service ▪ Improved and/or more efficient technology ▪ Improved service/communication through multi-lingual interactive service maps, app ▪ payments, and real time arrival info ▪ Increase active transportation access to transit stops ▪ Provide enhanced, comfortable stops and stations ▪ Provide multi-lingual education and outreach to the community on new and existing shared transit options ▪ Subsidized transit passes ▪ Provide transit service within ½ mile of all residents in the city where and when the gross density surrounding or adjacent to feasible transit routes meets or exceeds 10-12 units/acre	2030: 3,033 2045: 4,656
2	Mitigation/Adaptation Benefit Partnerships	**Promote Tri-Valley Wheels:** Promote the use of Tri-Valley Wheels, particularly for downtown transit. This could include bus open houses and promoting use of the Transit app	
3	Education	**Prepare for shared bike programs:** Conduct a bike share (e.g., bike-share, scooter-share) feasibility study, in accordance with the Active Transportation Plan and possibly in coordination with Pleasanton and Dublin.	
4	Structural Change	**Adopt a shared-ride services ordinance:** Adopt an ordinance to allow shared-ride services (car/bike/scooter share) to operate in Livermore, possibly in coordination with Pleasanton and Dublin. Seek to establish a pilot bike sharing program downtown, ideally with e-bikes. Ensure access to frontline communities.	
5	Equity	**Improve local transportation equity:** Facilitate transportation equity through multi-lingual programs that identify local equity issues and seek to remove barriers for people of color, low-income, people experiencing homelessness, and senior populations to take transit, walk, bike, use rideshare, or carshare.	
6	Economics	**Conduct a local transportation survey:** Include multi-lingual National Citizens Survey questions related to transportation to better understand the community's needs and motivation for travelling by car versus other alternatives such as by bike, light rail, or bus. Use survey results to inform transit expansion and improvement projects.	
7	Structural Change	**Reduce idling emissions from drive thru restaurants:** Adopt an ordinance banning new drive thru restaurants within in the City to reduce idling emissions.	

In general, increases and improvements to public transportation systems reduce a city's dependence on fossil fuels and reduce VMT. The best ways to improve a transit system and reduce driving is to expand its geographical reach and increase the frequency and reliability of transit service. Approximately 1% increase in transit frequency saves 0.5% in VMT.[41] Bus Rapid Transit can also yield a corridor-level VMT reduction of 1-2%.[42] Mode shift of 2% to transit in Livermore by 2030 and 4% by 2045 was calculated based on new construction being largely transit-oriented development, supported by the two new Valley Link transit stops other actions included in this strategy including lower parking requirements for new developments (see Action 3 below).

In addition, effective communication, especially communication that takes advantage of new and emerging technologies to accurately and easily disseminate trip planning and real-time status information, is a strong factor in helping customers decide to use transit for business or leisure trips.[43] Further, improving transit access has the potential to shift trips from cars to transit, which may reduce vehicle trips, VMT, and GHG emissions, with time spent getting to a transit stop being the key indicator of transit access.[44]

By working with regional stakeholders and partners, Livermore will see significant expansion of transit usage by 2030, which will result in decreases in VMT from passenger vehicles. Most important is the proposed Valley Link rail project, which is a new 42-mile, 7-station passenger rail project that will connect the existing Dublin/Pleasanton BART Station to the approved ACE North Lathrop Station in San Joaquin County. This project will loosely follow I-580, and includes two stations in Livermore, at Isabel and Greenville. The Tri-Valley-San Joaquin Valley Regional Rail Authority, which was established in 2018 through the enactment of Assembly Bill 758, adopted the proposed project plan in October 2019, and is currently undergoing further design and environmental review. The project is scheduled to be finalized by 2025, with the Livermore segment of the project being a part of Phase I construction. Overall VMT reduction from the project is estimated at 99.4 million per year by 2040.[45] As a member agency, along with ACE, BART, and LAVTA (Tri-Valley Wheels), the City of Livermore will continue to work with regional transportation stakeholders to ensure that the new Valley Link rail project is supported by local transit-oriented development through 2030.

A 2019 report from the City of Santa Monica found that 49% of shared rideable trips replaced vehicle trips based on answers to survey questions.[46] A 2014 study from Utrecht University suggests that the car substitution rate of shared rideables is dependent on what proportion of trips are already taken by car in a city. [47] In the study, Minneapolis and Melbourne had between 70% and 76% vehicle mode share in 2014 and showed high rates of car mode substitution (19% to 21%) after shared rideables were introduced. On the other hand, London and Washington DC had between 36% and 46% vehicle mode share in 2014 and showed much lower rates of car mode substitution where shared rideables were introduced (2% to 7%). Sacramento and Santa Monica both had high vehicle mode share (83% and 72% respectively) before shared rideables were introduced, suggesting that the City of Livermore would see a similar if not higher car substitution rate of shared

[41] https://www.smartgrowthamerica.org/app/legacy/documents/smartgrowthclimatepolicies.pdf

[42] https://www.smartgrowthamerica.org/app/legacy/documents/smartgrowthclimatepolicies.pdf

[43] https://transitleadership.org/docs/TLS-WP-Improving-the-Customer-Experience.pdf

[44] https://ww3.arb.ca.gov/cc/sb375/policies/transitaccess/transit_access_brief120313.pdf

[45] https://adobeindd.com/view/publications/434ac81e-84bf-4f0a-868d-a386dce975d2/1/publication-web-resources/pdf/Valley_Link_Project_Over_View_202102.pdf

[46] https://www.smgov.net/uploadedFiles/Departments/PCD/Transportation/SantaMonicaSharedMobilityEvaluation_Final_110419.pdf

[47] http://mobility-workspace.eu/wp-content/uploads/Bike-shares-impact-on-car-use-3.pdf

rideables as Santa Monica and Sacramento. Both studies previously mentioned suggest that average trip duration of shared rideable trips is about 2 miles (this is seen consistently across the six diverse cities mentioned above) and appears to be largely independent of other city metrics. An e-bike ride share program has the potential to see the most successful, as e-bike riders can go longer distances and are more accessible to non-riders. A study in Portland, OR found that a 15% e-bike mode share could result in a 12% reduction in transportation-related emissions.[48]

Performing a bike share feasibility study would assess whether or not Livermore has the density and demand required to support a bike share program, which are an increasingly popular means of transportation in the United States. Bike share programs allow people to rent both traditional and electric bicycles for short periods of time. This study would support Transportation Strategy 3 and implement Livermore's Active Transportation Plan which recommended the City research bike share program options. Conducting this study in collaboration with Dublin and Pleasanton could increase the value of the study overall, and possibly enable the City to enter into a joint bike share program agreement with these two other cities.

Based on the inclusion of shared rideables and the extension of the Valley Link as well as the other coordination and transit improvements listed above, Livermore conservatively assumes a 2% VMT reduction through 2030. The GHG emissions savings associated with this transition is calculated in Table 8.

Table 8 Action T-2.1 Calculations

Year	2030	2045
Passenger miles after mode shift to bikes (VMT)	577,613,999.81	602,887,641.34
Emissions from passenger VMT (MT CO2e)	131,859.42	119,376.32
Decrease in VMT from measure	2%	4%
Adjusted VMT	564,328,878	579,375,023
Emission reductions from VMT avoided (MT CO2e)	**3,033**	**4,656**

[1] VMT from forecast (see Appendix A) minus VMT avoided from mode shift to bikes

Strategy T-3 Improve Active Transportation Infrastructure

Tailpipe emissions are a major source of Livermore's GHG emissions. Reducing the number of miles driven by fossil fuel-powered vehicles, particularly when replaced with public-health boosting active modes of transportation, provides a critical way to reduce GHG reductions while connecting communities and keeping Livermore residents healthy. As part of the CAP strategy, Livermore will prioritize active transportation by expanding access to safe, low-stress, and convenient biking and pedestrian infrastructure. Expanding active transportation infrastructure will increase quality of life and public health through increased exercise and increased community connectivity. Like the other transportation and land use strategies the actions and steps within Strategy T-2 have been quantified together.

[48] https://www.sciencedirect.com/science/article/pii/S1361920920306696

Action T-3.1 Accelerate implementation of the Livermore ATP to Achieve Greater than 10% Mode Shift Away from Passenger Vehicles by 2030, and Maintain that Percentage through 2045

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
1	Structural Change	**Implement Livermore Active Transportation Plan:** Fully implement the Livermore Bicycle, Pedestrian, and Trails Active Transportation Plan adopted in 2018 by 2030 in accordance with the Plan's goals, objectives, and policies so that the City adds approximately 154 miles to the active transportation network. Implementation of the Plan will prioritize frontline communities and: ▪ Improve existing crossings for on-road vehicles, and provide for future crossings of creeks, railroads, and roadways. ▪ Require new facilities be built in conjunction with road reconstruction or re-striping projects, subdivision development, and related off-site improvements, unless a significant cost/feasibility issue is shown. ▪ Construct Class I or Class 4 bikeways in undeveloped areas prior to or concurrent with the development of these areas. ▪ Provide for, and maintain, shaded routes where possible. ▪ Connect neighborhoods, schools, workplaces, transit facilities, and other destinations with on-street facilities and/or separated trails. ▪ Support and participate in Federal, State, Regional, and Local programs, such as countywide Safe Routes to School efforts. ▪ Coordinate with other agencies, adjacent jurisdictions, and regional partners to plan and implement projects that improve Livermore's network and connections to the region. ▪ Continue to provide convenient bicycle parking in the downtown core, either on the street or in public or private parking lots. If demand exists, remove vehicle parking in favor of bicycle parking. Provide adequate bicycle parking facilities at local recreation areas. ▪ Regularly update the City's Bicycle, Pedestrian, and Trails Map and share throughout City and stakeholder partnership platforms, ensuring that the maps are accessible for people with disabilities and speakers of non-English languages.	2030: 2,127 2045: 2,111
2	Economics	**Perform a nexus study:** Conduct a nexus study, and develop an ordinance requiring payment of fees from development projects to implement safe active transportation routes and infrastructure citywide.	Supportive
3	Partnerships	**Identify and partner with stakeholders on active transportation education:** Support and promote local bike community organizations in hosting workshops and classes on bike riding, safety, and maintenance by certified instructors for all ages and skill levels. Also, subsidize safety equipment, such as headlights and helmets, for low-income residents.	Supportive
4	Economics Education Structural Change	**Establish car-free days downtown:** Institute car-free days downtown potentially coupled with the Farmer's Market or other large and regular events.	Supportive
5	Education	**Promote active transportation:** Establish multilingual Citywide events, outreach, educational programs, or platforms to promote active transportation in the community.	Supportive

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
6	Structural Change	**Incorporate outreach into prioritization of active transportation projects:** Continually improve methods for engaging the community, gathering their input, and utilizing it to help prioritize the implementation of projects and actions in the Active Transportation Plan.	Supportive
7	Economics	**Explore new funding opportunities:** Explore new opportunities to generate funding for active transportation projects, such as by implementing a local gas tax used to fund bike and pedestrian improvement projects, prioritizing those in frontline communities.	Supportive

The overall goal of the Livermore Active Transportation Plan is to provide a long-term vision for improving the active transportation network in Livermore and enhance connections to transit facilities, employment, retail and commercial centers, and public facilities. Implementing the Livermore Active Transportation Plan will consist of coordinating City departments with stakeholders (e.g., Bike East Bay, Las Positas College, National Laboratories, other Tri-Valley cities, Alameda County, and frontline communities) to accomplish the following:

- Adding approximately 77 miles to the bikeway network based on a list of prioritized infrastructure and citywide projects developed through a community outreach process with the goal of improving school access, downtown access, I-580 crossings, and other connectivity issues throughout Livermore
- Developing and implementing an effective network-wide wayfinding system that reflects the character of Livermore
- Adding streetscape amenities in the downtown core, along major corridors, and near transit stops, including providing additional waste receptacles near pathways
- Improving safety on bike paths with improved pedestrian-scale lighting, developing e-bike regulations with the Livermore Police Department and Alameda County, and requiring adequate temporary traffic control that considers bicyclists and pedestrians during construction or maintenance activities
- Seek opportunities to include bicycle infrastructure at the time of major road upgrades or major development projects, as this significantly decreases the cost of installation. This action is included as a best practice to decrease the cost burden on the City and further facilitate timely implementation of the Active Transportation Plan
- Improving comfort on bike paths by providing for and maintaining shaded routes where possible
- Improve and increase end-of-trip facilities such as secure, shaded, and well-lit bicycle parking by working with partners/stakeholders and using the permitting process for new development. This includes short term and long-term bicycle parking, including bike racks, bike lockers, and secure parking areas
- Working with ACE, BART, LAVTA, and Tri-Valley – San Joaquin Valley Regional Rail Authority to integrate with transit and other transport modes to address the first/last mile challenge
- Partnering with stakeholders (e.g., Bike East Bay, Las Positas College, National Laboratories) to promote and encourage biking in Livermore.

- Identifying and competing for available funding sources for bicycle projects, including from the California Active Transportation Program, Caltrans Transportation Planning Grants, and Highway Safety Improvement Program

A complete description of the goals, strategy, policy, and implementation framework for expanding and improving Livermore's bikeway network is included in the Livermore Active Transportation Plan as adopted in 2018. The Plan will be updated every five years to identify new projects for implementation, and ensure that improvement projects are correctly prioritized and meet the plan's guiding principles.

Accelerating implementation of the Active Transportation Plan is expected to increase pedestrian and bicycle mode share from 2.3% in 2018 to 10% in 2030. Full implementation of the Active Transportation Plan would increase the length of Livermore's active transportation network by 22.9%. In order to estimate the mode shift potential associated with implementing the Active Transportation Plan, other cities with similar buildouts were compared. Currently the City of Davis has a bike network similar to what Livermore would have at full implementation. Davis currently has a 20% mode share.[49] Similar to Livermore's Active Transportation Plan, the City of Santa Cruz's 2017 Active Transportation Plan establishes a set of projects and programs to increase the mode share of active transportation, from 19.6% in 2014 to 27% in 2030.[50] Therefore, an increase in mode share from 2.3% to 10% is considered conservative. Emission reduction calculations assumed the average bike trip length was 1.5 miles[51] and used model results from EMFAC to characterize VMT in Livermore.

Improving active transportation networks is an important part of building Complete Streets – streets that accommodate bikes, cars, shared transit, and pedestrians in an accessible way. Livermore's Active Transportation Plan implements the City's Complete Streets Policy.[52] Nationally, 48% of all vehicle trips were three mile or less in 2019, a distance easily travelled by foot, bicycle, or other micro mobility platforms.[53] An improved and expanded pedestrian network is the most effective and direct approach for shifting those shorter vehicle trips to walking, and studies show that distance to destinations is one of the strongest predictors of walking as a mode choice. However, not much research has been conducted to determine quantitatively how improving the pedestrian network translates to increased pedestrian mode share. This is further complicated by the fact that while improved pedestrian networks almost always have a positive correlation with increased walking, that does not always translate to decreased VMT. In other words, increased walking does not mean that walking trips are replacing driving trips. Therefore, although Livermore's Active Transportation Plan calls for projects that would increase its active transportation network by 22.9%, the mode shift associated with this was estimated more conservatively. Emission reduction calculations are shown below in Table 9.

[49] https://www.theguardian.com/cities/2015/aug/03/davis-california-the-american-city-which-fell-in-love-with-the-bicycle

[50] https://www.cityofsantacruz.com/home/showpublisheddocument?id=60966

[51] Caltrans California Household Travel Survey (2013)/CARB Bike Path Reductions Technical Documentation (2019)

[52] Livermore Active Transportation Plan (2018), Page 4. https://www.cityoflivermore.net/civicax/filebank/documents/18254

[53] https://inrix.com/blog/2019/09/managing-micromobilty-to-success/

Table 9 Action T-3.1 Calculations

Year	2030	2045
Mode share shift[1]	2%	10%
Passenger Vehicle VMT[3]	586,932,289	613,546,706
Estimated trips/passenger vehicle mile (EMFAC)[2]	0.13746	0.15041
Estimated passenger vehicle trips	80,677,829	92,286,277
New bike trips substituted for vehicle trips[4]	6,212,193	7,106,043
New bike miles substituted for passenger vehicles (miles)	9,318,289	10,659,065
Passenger Vehicle Emission Factor ($MTCO_2e$/mile) (EMFAC)	0.00022828	0.00019801
Total reductions (MT CO_2e)	**2,127**	**2,111**

[1] Livermore Active Transportation Plan Update (2018) proposes projects that will increase total active transportation network length by 22.9% assuming the fully implemented. As Livermore is currently at 2.3% bicycle mode share, the remaining mode share shift in 2030 and 2045 is expected to be 10%.

[2] Derived from EMFAC model output for Alameda County 2030 and 2045

[3] Values from forecast. See Appendix A.

[4] Assume the average bicycle trip is 1.5 miles. Caltrans California Household Travel Survey (2013)/CARB Bike Path Reductions Technical Documentation (2019)

Additional steps such as performing a nexus study will provide the necessary information to develop an active transportation in lieu fee on new development projects to fund additional active transportation infrastructure projects in the future. This study would meet the requirements of the California Mitigation Fee Act for local agencies to charge development impact fees, and could be similar to those conducted by other cities for active transportation purposes, including the City of Oakland and City of San Diego.[54] [55]

Providing education on the benefits of active transportation as well as technical information such as trip planning, safety best practices, incentives and other programs will help generate momentum around active transportation and support the overall strategy. The City has collaborated with Bike East Bay, the National Laboratories, and Wheels bus service to hold Bike to Work Day activities to promote commuting to work by bicycle.[56] The additional promotional activities identified under this action, including establishing car free days downtown and holding bike safety workshops, will continue to build an active transportation community and culture in Livermore.

Finding new funding sources to fund additional active transportation projects are an important part of implementing priority projects identified in Livermore's Active transportation Plan. By exploring new avenues to generate funding, such as by establishing a local gas tax that goes directly to new active transportation efforts, Livermore can increase its ability to implement a wide array of projects.

[54] http://www2.oaklandnet.com/government/o/PBN/OurOrganization/PlanningZoning/s/ImpactFee/index.htm

[55] https://www.sandiego.gov/sites/default/files/6_mobility_choices_nexus_study.pdf

[56] https://www.llnl.gov/news/labs-promote-pedal-power-bike-work-day

6 Waste and Materials

6.1 2030 Objectives

- Reduce the amount of organic waste that is landfilled 75% from 2014 levels by 2025
- Maintain or exceed 75% solid waste diversion each year
- Improve local re-use and repair programs
- Expand the use of low-carbon and recycled building materials

Strategy W-1 Reduce the Amount of Waste that is Landfilled

Emission reductions in the waste sector are driven by compliance with SB 1383, which requires all jurisdictions in California to reduce organic waste disposal 75% and increase edible food recovery 20% relative to 2014 levels by 2025. CalRecycle has provided a suite of recommendations and requirements for complying with SB 1383, including the following:

- Conduct capacity planning and ensure there is adequate capacity and collection services to comply with SB 1383 requirements
- Increase organic waste collection services for all residents and businesses
- Implement an edible food recovery program for commercial edible food generators, with compliance beginning between 2022 and 2024.
- Adopt enforceable ordinances prior to 2022 to ensure that all organics generators and edible food generators are compliant
- Procure organic waste to meet or exceed organic waste product procurement targets for the City, as notified by CalRecycle by 2022
- Conduct education and outreach to all businesses, residents, and commercial edible food generators by 2022
- Monitor compliance beginning in 2022, conduct enforcement beginning in 2024, and maintain records of implementation

The main mechanism through which Livermore will comply with SB 1383 is by updating waste hauler contracts and identifying and partnering with appropriate stakeholders to ensure requirements for organic waste reduction and edible food recovery are met (Strategy W-1). The details of the strategy, including its supporting steps and evidence of its GHG reduction potential, are included below.

Action W-1.1 Implement the Requirements of SB 1383 and Achieve 75% Reduction (from 2014 levels) in Organic Waste by 2025

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
1	Structural Change	**Require residential and commercial organic waste collection through updated waste hauler contracts:** Update waste hauler contracts to include expanded organic waste collection that meets the requirements of SB 1383. Conduct multilingual outreach and education regarding these changes throughout the community.	2030: 19,379 2045: 22,646
2	Equity	**Require edible food recovery:** Adopt an edible food recovery ordinance or similarly enforceable mechanism to ensure edible food generators, food recovery services, and food recovery organizations comply with requirements to increase recovery rates. Work with local food security groups on ordinance design and implementation.	Supportive
3	Structural Change	**Increase the City's recycled product procurement:** Procure and use compost to meet California Model Water Efficient Landscape Ordinance (WELO) requirement for incorporating compost into new and renovated permitted landscapes (at least four cubic yards per 1,000 sq. ft. to a depth of six inches of compost).	Supportive
4	Structural Change	**Conduct capacity planning for organic waste collection:** Engage in organic waste collection capacity planning by executing the following: ▪ Estimate Livermore's disposal of organic waste in tons ▪ Identify and verify amount of available organic waste recycling infrastructure ▪ Estimate the amount of new or expanded capacity needed to process organic waste ▪ Develop and submit an implementation schedule highlighting planning effort to provide enough new or expanded organics capacity, including timelines and relevant milestones by the end of the report period ▪ Identify proposed new or expanded facilities that could be used for additional capacity	Supportive
5	Structural Change Equity	**Conduct capacity planning for edible food recovery:** Engage in edible food recovery capacity planning by executing the following actions: ▪ Estimate the amount of edible food that will be disposed by organics generators in Livermore ▪ Work with commercial food generators to reduce excess edible food generation ▪ Work regionally to establish a full list of food recovery organizations that can receive edible food from Livermore businesses • Identify proposed new or expanded food recovery capacity ▪ Identify the minimum capacity required to recover 20% of edible food that is estimated to be disposed, through a Feasibility Study if necessary ▪ If existing and planned capacity is insufficient based on the above process, the City of Livermore must develop and submit an implementation schedule highlighting the planning effort to provide enough new or expanded capacity for increasing edible food donations and identify proposed new or expanded facilities to be used to for additional capacity	Supportive

Step Number	Guiding Principles	Implementation Steps	Anticipated Reduction (MT CO_2e)
6	Education Partnerships	**Develop and implement a partnered education and outreach program:** Develop and implement a multi-lingual education and outreach program that provides compliance assistance to organics and edible food generators, including: ▪ Identify percentage of organics generators who are "limited English-Speaking households" or "linguistically isolated." If more than five percent (5%) of Livermore's organics generators are defined as "limited English-speaking households" or linguistically isolated," provide education and outreach in a language or languages that will assure the information is understood by that community ▪ Prior to February 2022 and annually thereafter, provide organics generators with information regarding requirements to properly separate materials, organic waste prevention and on-site recycling, and implementing organic waste collection services. ▪ Provide edible food generators with information about methane reduction benefits and information related to edible food donation. ▪ Consider providing in-person technical assistance to generators to set up donation programs and donate appropriate types of edible food	Supportive
7	Education	**Educate the community:** Conduct multi-lingual outreach and education at schools on composting, recycling, waste reduction, nutrition education, and the importance of edible food recovery. Partner with StopWaste on outreach programs if possible.	Supportive
8	Structural Change	**Develop and implement an inspection and compliance program:** Implement an equitable inspection and compliance program for the edible food recovery program and organics procurement program with equitable and clearly defined enforcement mechanisms and penalties, as required by Article 16 in SB 1383.	Supportive
9	Structural Change	**Keep SB 1383 compliance records:** Maintain records, including an initial compliance report, annual report, and implementation record as required by Articles 3, 14, and 16 of SB 1383 for (1) the organic waste collection program, (2) the edible food recovery program, and (3) the organics procurement program.	Supportive
10	Structural Change	**Require organics collection programs:** Pass an ordinance with equitable enforcement mechanisms requiring organics generators to subscribe to organics collection programs or alternatively report organics self-hauling and/or backhauling.	Supportive
11	Structural Change	**Require composting services at businesses:** Pass an ordinance, with equitable enforcement mechanisms and technical assistance for low-income entrepreneurs, that requires composting services at businesses, including front-of-house (FOH) composting collection at most food service businesses.	Supportive

Requiring residential and commercial organic waste generators to subscribe to an organics collection program (provided through updated waste hauler contracts) is expected to provide the level of composting required to reduce Livermore's organic waste disposal 75% below 2014 levels by 2025, one of the primary goals of SB 1383. StopWaste and Livermore Sanitation have been preparing for implementation of SB 1383, and are in the process of assessing local composting

capacity and facilities. This action will capitalize on those efforts and expand them to meet the necessary composting capacity.

Livermore is projected to produce 82,313 tons of waste in 2030, with the majority if not all emissions from this waste coming from organics. Calculations assumed that emission reductions would come from diverting that waste to compost, decreasing the disposal emission factor to zero. In fact, the emission factor for composting those materials is negative, due to the carbon sequestration potential of compost, but these negative emissions were not credited to the City of Livermore as carbon sequestration of the compost would occur at the location of procurement. For the purposes of emission calculations, landfill emissions were assumed to come entirely from organic materials so that a 75% reduction in organics results in a 75% reduction in waste emissions.[57] Emission reduction calculations are shown below in Table 10.

Table 10 Action W-1.1 Calculations

Year	2030	2045
Waste Emissions	25,839	30,194
Organics reduction from SB 1383[1]	75%	75%
Total reductions (MT CO_2e)	**19,379**	**22,646**

[1] SB 1383 requires 75% reduction in organic waste from 2014 levels by 2025.

Other steps like the edible food recovery ordinance will provide an enforceable mechanism through which the City can help organics generators meet the edible food recovery requirements of SB 1383. Jurisdictions are responsible for implementing an edible food recovery program for commercial edible food generators. This means ensuring that there are edible food recovery organizations that have enough capacity and collection services, which will be accomplished through implementation of Action 5. Commercial edible food generators must recover for human consumption the maximum amount of their edible food that they would otherwise dispose of in landfills by making written agreements with food recovery organizations or services to accept this food instead. “Tier One” food generators — supermarkets and large grocery stores, food services providers, food distributors and wholesale food vendors — must comply beginning January 1, 2022. “Tier Two” food generators — large restaurants, hotels with an on-site food facility and 200 or more rooms, health facilities with an on-site food facility and 100 or more beds, large venues and large events, state agencies with large cafeterias and local educations agencies with on-site food facilities — have until January 1, 2024 to comply.

CalRecycle currently does not have an estimate for what percentage of the California waste stream is edible, therefore the effects of this action have not been quantified but characterized as supportive. However, CalRecycle estimates that every 2 ½ tons of edible food recovered is the equivalent of taking one car off the road for a year.[58]

Increasing recycled product procurement will lower the City’s consumption-based emissions – emissions attributed to the production of materials brought into the City – and provide a local market for recycled products, including recycled paper and compost.

[57] Method for Estimating Greenhouse Gas Emission Reductions from Diversion of Organic Waste from Landfills to Compost Facilities (CARB, 2017)

[58] https://www.calrecycle.ca.gov/blogs/in-the-loop/in-the-loop/2020/03/02/yolo-county-edible-food-recovery-kick-off

- **Recycled Paper.** Over 30 years, recycled paper can deliver 1.1 to 1.95 gigatons of carbon dioxide emission reductions.[59] This is because recycled paper produces about 25% fewer total emissions than conventional paper. A particular piece of paper can be reprocessed roughly five to seven times, before fibers are no longer viable, avoiding methane emissions from landfilling each time. Recycling paper has the added benefit of saving trees and reducing water waste.
- **Compost.** Composting avoids methane production in landfills, with the added benefit of carbon sequestration ability, which actively removes carbon from the atmosphere. Additional benefits to using compost are improved soil health, reduced soil loss, increased water filtration and storage, and reduction of other inputs.[60]

SB 1383 requires jurisdictions to conduct capacity planning around SB 1383 to ensure organics recovery and edible food recovery targets can be reasonably met. Conducting capacity planning will help the City develop an implementation plan for SB 1383 and provide information for discussions with waste haulers and other stakeholders, providing support for the GHG reductions expected from overall strategy implementation.

Conducting inspection and compliance activities around the requirements of SB 1383 will help ensure the community is doing its best to achieve the desired organics waste reduction and edible food recovery targets, thereby supporting the GHG emission reductions inherent to Steps 1 and 2.

[59] https://www.drawdown.org/solutions/recycled-paper
[60] https://www.sanjoseca.gov/home/showdocument?id=198

7 Carbon Sequestration

7.1 2030 Objectives

- Maximize local carbon sequestration
- Plant 200 trees by 2025 and 1,000 trees by 2030
- Update City landscaping standards to expand shade tree requirements for new development
- Provide free or reduced cost-trees to residents in Livermore
- Preserve open spaces
- Implement carbon-farming projects
- Explore technology-based carbon capture and storage opportunities

Strategy S-1 Maximize Local Carbon Sequestration

A carbon neutral future includes carbon sequestration mechanisms which take carbon out of the atmosphere. The best technology cities have for achieving higher rates of carbon sequestration is through increasing the urban tree canopy by planting more trees and greenscaping. The CAP strategy supporting this goal will do just that – increase carbon sequestration through greenscaping programs. The primary action under this strategy is implementing an Urban Forest Revitalization Program, which would establish tree planting goals for the future. The details of each action supporting the carbon sequestration strategy, and evidence of their GHG reduction potential, are included below.

Action S-1.1 and S-1.2 Increase Carbon Sequestration by Planting 1,000 New Trees and Meeting the Procurement Requirements of SB 1383

Action Number	Action	Anticipated Reduction (MT CO_2e)
1	**Implement an Urban Forest Revitalization Program:** Implement an Urban Forest Revitalization Program to plant 200 trees by 2025 and 1000 trees by 2030. Focus on areas of City with low tree canopy cover and the highest socioeconomic need based on the development of a canopy map. Identify opportunities for green walls and green roofs in priority locations.	2030: 58 2045: 58
2	**Meet the procurement requirements of SB 1383:** Procure and apply compost to promote carbon sequestration and other benefits.	2030: 1,950 2045: 2,367
3	**Preserve open spaces:** Avoid conversion of open lands to urban areas - achieve carbon and other benefits by keeping the landscape as conservation land or working land.	Supportive
4	**Conduct a carbon farming study and pilot project:** Work with agricultural stakeholders to find a partner for a carbon farming study and pilot project.	Supportive
5	**Improve urban forest management to maximize carbon sequestration:** Prepare and adopt an Urban Forest Management Plan for the City that includes an inventory of existing trees, and the identification of both future tree planting opportunities and a climate-ready tree palette, as well as ongoing operations and maintenance needs.	Supportive
6	**Adopt a Greenscaping Ordinance:** Adopt a Greenscaping Ordinance that has a street tree requirement for all zoning districts, has a shade tree requirement for new development, requires greening of parking lots, and increases permeable surfaces in new development.	Supportive
7	**Establish urban canopy and vegetative barrier best practices:** Adopt a standard policy and set of practices for expanding urban tree canopy and placing vegetative barriers between busy roadways and developments to reduce exposure to air pollutants from traffic.	Supportive

Livermore should develop and implement an Urban Forest Revitalization Program that identifies the goal of planting 200 trees by 2025 and 1000 trees by 2030, prioritizing low-income communities with low tree canopy cover. As of December 2016, the City had approximately 2,500 trees under its management.[61] As a part of the Urban Forest Revitalization Program, the total number of planting locations in the City's Right-of-Way should be identified, to inform a higher tree planting goal that could be set for 2045. Emission reduction calculations associated with this action assume that both the 2025 and 2030 tree planting goals will be met, and that the carbon sequestration potential for seedlings averaged over 40 years is about 0.058 MT CO_2e per tree per year. This number is an average of the 40-year carbon sequestration potential for four common tree species already being planted in Livermore: red oak, black tupelo, valley/white oak, and red maple.[62] Emission reduction calculations are shown below in Table 11.

[61] https://www.eastbaytimes.com/2016/12/16/livermore-assesses-ways-to-keep-tree-stands-alive/
[62] https://planting.itreetools.org/app/report/

Table 11 Action S- 1.1 Tree Planting Calculations

Year	2030	2045
Trees Planted[1]	1,000	1,000
Total reductions (MT CO_2e)[2]	**58**	**58**

[1] Per goals to be set in Livermore's Urban Forest Revitalization Program

[2] Assuming a carbon sequestration potential of 0.057979 MT CO_2e/tree/year; an average of four common municipal tree types (red oak – 0.05268 MT CO_2e/tree/year, black tupelo – 0.03816 MT CO_2e/tree/year, valley/white oak – 0.08466 MT CO_2e/tree/year, and red maple – 0.05641 MT CO_2e/tree/year). https://planting.itreetools.org/app/report/

In addition to the concrete tree planting goals the City has established under Step 1, other steps will help create additional carbon sequestration potential for the City. However, emission reductions from these steps are not quantified, due to the difficulty in determining the exact impact these steps will have on GHG emissions in Livermore. Seeking partnerships with local agriculture stakeholders and the National Laboratories can help the city to pilot innovative carbon farming studies and pilot projects which will help further the City's vision for carbon restoration in the future. Livermore can look to the Marin Carbon Project as a model for carbon farming projects, which has assisted in the development and implementation of over a dozen carbon farm plans in Marin County.[63] A Greenscaping Ordinance which includes increased street tree requirements will help to support these steps and improve the local tree canopy. As the City moves forward in implementing these steps, an updated inventory will be developed to help quantify their impacts.

SB 1383 requires Livermore to procure approximately 7,297 tons of compost or other organic material annually. Livermore's responsibility based on the 2022 population is 7,297 tons based on a 2022 population of 91,216 people and the reported CalRecycle procurement targets.[64] Based on CARB methodologies applying one ton of compost results in carbon sequestration of 0.23 MT CO_2e.[65] The overall GHG emissions savings are calculated in Table 12.

Table 12 Action S-1.2 Compost Application Calculations

Year	2030	2045
Population	105,967	129,158
Estimated procurement requirement[2]	8,477	10,332
MT CO_2e/Ton Compost[1]	0.23	0.23
Total Sequestration (MT CO2e)	1,950	2,376

[1] METHOD FOR ESTIMATING GREENHOUSE GAS EMISSION REDUCTIONS FROM DIVERSION OF ORGANIC WASTE FROM LANDFILLS TO COMPOST FACILITIES DRAFT (ca.gov)

[2] Estimated based on current per capita procurement requirements and projected population data. https://calrecycle.ca.gov/organics/slcp/procurement/recoveredorganicwasteproducts/

[63] https://www.marincarbonproject.org/carbon-farming

[64] https://calrecycle.ca.gov/organics/slcp/procurement/recoveredorganicwasteproducts/

[65] METHOD FOR ESTIMATING GREENHOUSE GAS EMISSION REDUCTIONS FROM DIVERSION OF ORGANIC WASTE FROM LANDFILLS TO COMPOST FACILITIES DRAFT (ca.gov)

Appendix E - CAP Regulatory Context

Livermore Climate Action Plan Update

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Regulatory Context

As the impacts of climate change are becoming clearer, strategies to address climate change are emerging at all levels of government. This section provides an overview of the regulatory context at the international, state, and local levels relative to Sacramento's actions toward reducing greenhouse gas (GHG) emissions.

International Climate Action Guidance

1992 United Nations Framework Convention on Climate Change

The primary international regulatory framework for GHG reduction is the United Nations Framework Convention on Climate Change (UNFCCC). The UNFCCC is an international treaty adopted in 1992 with the objective of stabilizing atmospheric GHG concentrations to prevent disruptive anthropogenic climate change. The framework established non-binding limits on global GHG emissions and specified a process for negotiating future international climate-related agreements.[1]

1997 Kyoto Protocol

The Kyoto Protocol is an international treaty that was adopted in 1997 to extend and operationalize the UNFCCC. The protocol commits industrialized nations to reduce GHG emissions per country-specific targets, recognizing that they hold responsibility for existing atmospheric GHG levels. The Kyoto Protocol involves two commitment periods during which emissions reductions are to occur, the first of which took place between 2008-2012. The second commitment period set new targets and other changes but has not been entered into force (meaning it has not gone into effect).[2]

2015 The Paris Agreement

The Paris Agreement is the first universal, legally binding global climate agreement that was adopted in 2015 and has been ratified by 191 countries worldwide.[3] The Paris Agreement establishes a roadmap to keep the world under 2 degrees Celsius (°C) of warming with a goal of limiting an increase of temperature to 1.5°C. The Paris Agreement does not dictate one specific reduction target, instead relying on individual countries to set nationally determined contributions (NDCs) or reductions based on gross domestic product and other factors. According to the International Panel on Climate Change (IPCC), limiting global warming to 1.5°C will require global emissions to reduce through 2030 and hit carbon neutrality by mid-century.[4]

[1] United Nations Framework Convention on Climate Change (UNFCCC). United Nations Framework Convention on Climate Change. https://unfccc.int/files/essential_background/background_publications_htmlpdf/application/pdf/conveng.pdf
[2] UNFCCC. What is the Kyoto Protocol? https://unfccc.int/kyoto_protocol
[3] UNFCCC. Paris Agreement - Status of Ratification. https://unfccc.int/process/the-paris-agreement/status-of-ratification
[4] IPCC. Global Warming of 1.5 C. https://www.ipcc.ch/sr15/

California Regulations and State GHG Targets

California remains a global leader in the effort to reduce GHG emissions and combat climate change through its mitigation and adaptation strategies. By the early 2000's, California was passing climate change bills including Senate Bill (SB) 1078 and Executive Order (EO) S-3-05 which began to require state agencies and utilities to address climate change. With the passage of Assembly Bill (AB) 32 in 2006, California became the first state in the nation to mandate GHG emission reductions across its entire economy. To support AB 32, California has enacted legislation, regulations, and executive orders (EO) that put it on course to achieve robust emission reductions and address the impacts of a changing climate. The following is a summary of executive and legislative actions most relevant to the Climate Action Plan.

2002 Senate Bill 1078

In 2002, Senate Bill (SB) 1078 established the California Renewables Portfolio Standards (RPS) Program which requires that 20 percent of retail electricity sales be composed of renewable energy sources by 2017 and was accelerated in 2006 by SB 107,[5] which requires that 20 percent of retail electricity sales be composed of renewable energy sources by 2010, instead of 2017. EO S-14-08 was signed in 2008 to further streamline California's renewable energy project approval process and increase the state's RPS to the most aggressive in the nation requiring 33 percent renewable power by 2020.[6] SB 350, discussed further below, further accelerated the program which mandated a 50% RPS by 2030.

2002 Assembly Bill 1493

In 2002, AB 1493, also known as the Pavley Regulations, directed the California Air Resources Board (CARB) to establish regulations to reduce GHG emissions from passenger vehicles to the maximum and most cost-effective extent feasible. CARB approved the first set of regulations to reduce GHG emissions from passenger vehicles in 2004, with the regulations initially taking effect with the 2009 model year.

2005 Executive Order S-3-05

EO S-3-05 was signed in 2005, establishing statewide GHG emissions reduction targets for the years 2020 and 2050. The EO calls for the reduction of GHG emissions in California to 2000 levels by 2010, 1990 levels by 2020, and 80 percent below 1990 levels by 2050. The 2050 emission reductions target would put the state's emissions in line with the worldwide reductions needed to reach long-term climate stabilization as concluded by the IPCC *2007 Fourth Assessment Report*.

2006 Assembly Bill 32

California's major initiative for reducing GHG emissions is outlined in AB 32, the "California Global Warming Solutions Act of 2006," which was signed into law in 2006. AB 32 codifies the statewide goal of reducing GHG emissions to 1990 levels by 2020 and requires CARB to prepare a Scoping Plan

[5] California Public Utilities Commission.2021. Renewables Portfolio Standard (RPS) Program. https://www.cpuc.ca.gov/General.aspx?id=6442463710
[6] Executive Order S-14-08. http://www.climatestrategies.us/library/library/view/292

that outlines the main state strategies for reducing GHG emissions to meet the 2020 deadline. In addition, AB 32 requires CARB to adopt regulations to require reporting and verification of statewide GHG emissions.

Based on this guidance, CARB approved a 1990 statewide GHG baseline and 2020 emissions limit of 427 million metric tons of CO_2 equivalent (MMT CO_2e). The Scoping Plan was approved by CARB on December 11, 2008 and included measures to address GHG emission reduction strategies related to energy efficiency, water use, and recycling and solid waste, among other measures. Many of the GHG reduction measures included in the Scoping Plan (e.g., Low Carbon Fuel Standard, Advanced Clean Car standards,[7] and Cap-and-Trade) have been adopted since approval of the Scoping Plan.

In May 2014, CARB approved the first update to the AB 32 Scoping Plan. The 2014 Scoping Plan update defined CARB's climate change priorities for the next five years and set the groundwork to reach post-2020 statewide goals. The update highlighted California's progress toward meeting the "near-term" 2020 GHG emission reduction goals defined in the original Scoping Plan. It also evaluated how to align the state's longer-term GHG reduction strategies with other state policy priorities, including those for water, waste, natural resources, clean energy, transportation, and land use (CARB 2014).

2007 Executive Order S-1-07

Also known as the Low Carbon Fuel Standard, EO S-1-07, issued in 2007, established a statewide goal that requires transportation fuel providers to reduce the carbon intensity of California's transportation fuels by at least 10 percent by 2020. EO S-1-07 was readopted and amended in 2015 to require a 20 percent reduction in carbon intensity by 2030, the most stringent requirement in the nation. The new requirement aligns with California's overall 2030 target of reducing climate changing emissions 40 percent below 1990 levels by 2030, which was set by SB 32 and signed by the governor in 2016.

2007 Senate Bill 97

Signed in August 2007, SB 97 acknowledges that climate change is an environmental issue that requires analysis in California Environmental Quality Act (CEQA) documents. In March 2010, the California Natural Resources Agency adopted amendments to the State CEQA Guidelines for the feasible mitigation of GHG emissions or the effects of GHG emissions. The adopted guidelines give lead agencies the discretion to set quantitative or qualitative thresholds for the assessment and mitigation of GHG and climate change impacts.

2008 Senate Bill 375

SB 375, signed in August 2008, enhances the state's ability to reach AB 32 goals by directing CARB to develop regional GHG emission reduction targets to be achieved from passenger vehicles by 2020 and 2035. In addition, SB 375 directs each of the state's 18 major Metropolitan Planning

[7] On September 19, 2019, the National Highway Traffic Safety Agency and the U.S. Environmental Protection Agency issued a final action entitled the One National Program on Federal Preemption of State Fuel Economy Standards Rule. This action finalizes Part I of the Safer, Affordable, Fuel-Efficient (SAFE) Vehicles Rule. This rule states that federal law preempts State and local tailpipe GHG emissions standards as well as zero emission vehicle (ZEV) mandates. The SAFE Rule withdraws the Clean Air Act waiver it granted to California in January 2013 as it relates to California's GHG and zero emission vehicle programs.

Organizations (MPOs), to prepare a Sustainable Communities Strategy" that contains a growth strategy to meet these emission targets for inclusion in the MPO's Regional Transportation Plan.

In March 2018, CARB adopted updated regional targets for reducing GHG emissions from 2005 levels by 2020 and 2035. Each region was assigned a target for 2020 and 2035.8

2009 California Green Building Code

The California Green Building Standards Code (CALGreen) is Part 11 of the California Building Standards Code or Title 24 and is the first statewide "green" building code in the nation. The purpose of CALGreen is to improve public health, safety, and general welfare by enhancing the design and construction of buildings. Enhancements include higher energy efficiency, better air quality, and improved daylighting. The first CALGreen Code was adopted in 2009 and has been updated in 2013, 2016, and 2019. The CALGreen Code will have subsequent, and continually more stringent, updates every three years.

2009 Senate Bill X7-7

In 2009, SB X7-7, also known as the Water Conservation Act, was signed, requiring all water suppliers to increase water use efficiency. This legislation sets an overall goal of reducing per capita urban water use by 20 percent by2020.

2011 Senate Bill 2X

In 2011, SB 2X was signed, requiring California energy providers to buy (or generate) 33 percent of their electricity from renewable energy sources by 2020.

2012 Assembly Bill 341

AB 341 directed the California Department of Resources Recycling and Recovery (CalRecycle) to develop and adopt regulations for mandatory commercial recycling. As of July 2012, businesses are required to recycle, and jurisdictions must implement a program that includes education, outreach, and monitoring. AB 341 also set a statewide goal of 75 percent waste diversion from landfill by the year 2020.

2014 Assembly Bill 32 Scoping Plan Update

In 2014, CARB approved the first update to the Scoping Plan. This update defines CARB's climate change priorities and sets the groundwork to reach the post-2020 targets set forth in EO S-3-05. The update highlights California's progress toward meeting the near-term 2020 GHG emissions reduction target, defined in the original Scoping Plan. It also evaluates how to align California's longer-term GHG reduction strategies with other statewide policy priorities, such as water, waste, natural resources, clean energy, transportation, and land use.

8 https://ww2.arb.ca.gov/sites/default/files/2020-06/SB375_Final_Targets_2018.pdf

2014 Assembly Bill 1826

AB 1826 was signed in 2014 to increase the recycling of organic material. GHG emissions produced by the decomposition of these materials in landfills were identified as a significant source of emissions contributing to climate change. Therefore, reducing organic waste and increasing composting and mulching are goals set out by the AB 32 Scoping Plan. AB 1826 specifically requires jurisdictions to establish organic waste recycling programs by 2016, and phases in mandatory commercial organic waste recycling over time.

2015 Senate Bill 350

SB 350, the Clean Energy and Pollution Reduction Act of 2015, has two objectives: to increase the procurement of electricity from renewable sources from 33 percent to 50 percent by 2030 and to double the energy efficiency of electricity and natural gas end users through energy efficiency and conservation.

2015 Executive Order B-30-15

EO B-30-15 was signed in 2015, establishing an interim GHG emissions reduction target to reduce emissions to 40 percent below 1990 levels by 2030. The EO also calls for another update to the CARB Scoping Plan to provide a pathway to achieve this goal.

2016 Senate Bill 32

In September 2016, the governor signed SB 32 into law, extending AB 32 by requiring the state to further reduce GHGs to 40 percent below 1990 levels by 2030 (the other provisions of AB 32 remain unchanged).

2016 Senate Bill 1383

Adopted in September 2016, SB 1383 requires CARB to approve and begin implementing a comprehensive strategy to reduce emissions of short-lived climate pollutants. SB 1383 requires achievement of the following reduction targets by 2030:

- Methane – 40 percent below 2013 levels
- Hydrofluorocarbons – 40 percent below 2013 levels
- Anthropogenic black carbon – 50 percent below 2013 levels

SB 1383 also requires CalRecycle, in consultation with CARB, to adopt regulations that achieve specified targets for reducing organic waste in landfills. SB 1383 further requires 20% of edible food disposed of at the time to be recovered by 2025.

2017 Scoping Plan Update

In December 2017, CARB adopted the 2017 Scoping Plan, which provides a framework for achieving the 2030 goal set by SB 32. The 2017 Scoping Plan relies on the continuation and expansion of existing policies and regulations, such as the Cap-and-Trade Program, as well as implementation of recently approved legislation, such as SB 350 and SB 1383.

The 2017 Scoping Plan also puts an increased emphasis on innovation, adoption of existing technology, and strategic investment to support its strategies. As with the 2014 Scoping Plan Update, the 2017 Scoping Plan does not provide project-level thresholds for land use development. Instead, it recommends that local governments adopt policies and locally appropriate quantitative thresholds consistent with statewide per capita goals of six metric tons (MT) CO_2e by 2030 and two MT CO_2e by 2050 (CARB 2017). As stated in the 2017 Scoping Plan, these goals may be appropriate for plan-level analyses (i.e., city, county, subregional, or regional level), but not for specific individual projects because they include all emissions sectors in the state (CARB 2017).

CARB is currently developing the 2022 Scoping Plan Update, which will focus on continuing to work towards the SB 32 target and lay out a path for achieving carbon neutrality by 2045.

2018 Senate Bill 100

Adopted in September 2018, SB 100 supports the reduction of GHG emissions from the electricity sector by accelerating the state's RPS Program, which was last updated by SB 350 in 2015. SB 100 requires electricity providers to increase procurement from eligible renewable energy resources to 33 percent of total retail sales by 2020, 60 percent by 2030, and 100 percent by 2045.

2018 Executive Order B-55-18

In September 2018, the governor issued Executive Order B-55-18, which established a new statewide goal of achieving carbon neutrality by 2045 and maintaining net negative emissions thereafter. This goal is in addition to the existing statewide GHG reduction targets established by SB 375, SB 32, SB 1383, and SB 100.

2022 Scoping Plan Draft

Though still in draft form the CARB's 2022 Scoping Plan Update assesses progress toward the statutory 2030 target, while laying out a path to achieving carbon neutrality no later than 2045. The 2022 Scoping Plan Update focuses on outcomes needed to achieve carbon neutrality by assessing paths for clean technology, energy deployment, natural and working lands, and others, and is designed to meet the State's long-term climate objectives and support a range of economic, environmental, energy security, environmental justice, and public health priorities.

2022 California Climate Crisis Act

This bill, the California Climate Crisis Act, declared that the policy of the state is to achieve net zero greenhouse gas emissions as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter, and to ensure that by 2045, statewide anthropogenic greenhouse gas emissions are reduced to at least 85% below the 1990 levels.

EXHIBIT B

City of Livermore

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CITY COUNCIL STAFF REPORT **ITEM NO. 6.4**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Hearing to receive a tracking update on the Isabel Neighborhood Specific Plan (Specific Plan) progress and consider resolutions finding the environmental impacts of the Specific Plan amendments are within the scope of the 2018 and 2020 Environmental Impact Reports and amending the Specific Plan to include new and clarified policies, revised development and design standards, and text clarifications.

RECOMMENDED ACTION

The Planning Commission and staff recommend the City Council receive a tracking update on the Isabel Neighborhood Specific Plan (Specific Plan) progress and consider Specific Plan amendments and adopt resolutions:

1. Finding the Environmental Impacts of the Isabel Neighborhood Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan; and
2. Approving Specific Plan Amendment (SPPA) 22-001.

SUMMARY

Tracking Update

The Isabel Neighborhood Specific Plan was re-adopted by City Council in November 2020 to reflect the change in rail transit from BART to Valley Link. Specific Plan Policy P-IMP-5 requires review of the progress of the Specific Plan every two years following adoption, including an evaluation of the public infrastructure to ensure continued public health and safety. This is the first tracking update on the progress of Specific Plan buildout.

Proposed Specific Plan Amendments

The Planning Commission and staff recommend Specific Plan amendments including new and clarified policies, revised development and design standards, and text clarifications. These amendments are

informed by implementing approved and proposed projects in the Isabel Neighborhood.

DISCUSSION

The Specific Plan guides development in the northwestern part of Livermore. It seeks to create a complete neighborhood with a mix of uses that is walkable, bikeable, and served by transit. The City Council certified the Supplemental Environmental Impact Report and adopted the Specific Plan in November 2020.

Tracking Update

Approved projects include one non-residential entitlement for approximately 56,000 square feet of warehouse industrial space and two residential entitlements for a total of 411 units including townhomes, apartments, and garden flats. The residential projects are currently in the building permit review process. Five additional projects in the Isabel Neighborhood are currently proposed and under review. This includes one application for an approximately 85,000 square-foot hotel with 130 rooms, three residential applications, and one mixed-use application. These five applications include a combined total of 1,999 residential units, five acres of open space, 70,000 square feet of retail space, and 51,000 square feet of office space.

Altogether, approximately 262,000 square feet of non-residential uses and approximately 2,410 residential units are approved or proposed in the Isabel Neighborhood since its adoption in 2020. The residential units include a mix of townhomes, condominiums, apartments, and garden flats.

Approximately 23 percent of the approved and proposed residential units will be offered at below-market rates. This exceeds the Specific Plan requirement that each project provide 20 percent of the total units at below-market rates and strives towards achieving Specific Plan Goal G-LU-6 for 25 percent of all new units to be offered at below-market rates. Again, these values include proposed projects and are subject to change as refinements are made to the proposed site plans.

Public Infrastructure Evaluation

Development of the Planning Area will increase demand on existing infrastructure and generate new demand for new facilities and services. Implementation of the Specific Plan requires the construction of new infrastructure and upgrades to existing infrastructure. New infrastructure consists of approximately 27,000 lineal feet of public streets; utility connections in the public right-of-way; approximately five linear miles of multi-use trails; and three new neighborhood parks totaling six and a half acres.

Upgrades to existing infrastructure include improvements to water, sanitary sewer and storm drain systems and to existing major streets for signals, crosswalks, bike lanes and striping, signage, and landscaping. Development of the Isabel Neighborhood does not directly trigger the need to expand other citywide utility and service systems, such as water distribution and wastewater treatment.

Developers will continue to be responsible for the direct costs of building new streets, utility connections, and frontage improvements at the time of construction. Most of the maintenance costs for the new public infrastructure (public streets, parks, and plazas) will be funded by the new development, except for major arterial roadway maintenance, which is funded by gas taxes and countywide sales taxes. Sewer and water infrastructure maintenance will be funded by user fees.

Staff is currently working on forming a Maintenance Community Facilities Districts (CFD) for the Isabel Neighborhood. This CFD will be assessed on developing properties to fund the remaining infrastructure maintenance costs, including capital replacement.

The utility infrastructure capacities and demands associated with development considered in the Isabel Neighborhood were assessed in the 2017 Water Master Plan and the 2017 Sewer Master Plan. Based on the sewer flow projections for the Isabel Neighborhood land uses, the analysis recommended additional gravity main improvements (beyond those required for buildout conditions independent of the Isabel Neighborhood) crossing Interstate 580 and along Clubhouse Drive to serve development under the Specific Plan. Subsequent refinement of the hydraulic sewer analysis in 2021 indicates that the additional gravity main improvements are not required to serve future planned development under the Specific Plan.

Proposed Specific Plan Amendments

The Planning Commission and staff recommend Specific Plan amendments including new and clarified policies, revised development and design standards, and text clarifications based on Specific Plan implementation with approved and pending projects. Recommended amendments are to the following Specific Plan chapters: Land Use; Transportation; Parks, Public Facilities, and Infrastructure; Urban Design; and Implementation and Financing Strategies. These amendments do not change current Specific Plan land use designations on any parcels. The following sections include a summary of the proposed amendments by chapter. Refer to Attachment 4 for a complete list of amendments.

Chapter 2, Land Use

This Chapter of the Specific Plan describes the framework for regulating land use development and redevelopment in the Isabel Neighborhood. The land use diagram includes four residential designations, eight non-residential land use designations, and three overlays. These land use designations are unique to the Isabel Neighborhood.

Proposed Amendments to Chapter 2, Land Use

Amendments to this chapter include figure revisions to align with existing language in the Specific Plan; clarifications to existing footnote references and the application of height limits; modified interior (side/rear) residential setback standards along alleyways to better accommodate the type of housing envisioned in the Plan; a new policy defining residential product types which reinforces the vision for a variety of housing types and designs; and clarifying text amendments to the existing inclusionary housing policy.

Chapter 3, Transportation

This chapter describes the street and trail networks serving the Isabel Neighborhood. In addition to the existing major streets, the Isabel Neighborhood includes new neighborhood, pedestrian, and bicycle oriented streets. The Specific Plan will close gaps in the trail system, which would link to regional routes and provide access to natural areas and current and future amenities likes parks, neighborhood retail and the Valley Link station.

Proposed Amendments to Chapter 3, Transportation

Amendments to this chapter include new language describing the Class IV bike lane along Portola Avenue between Collier Canyon Road and Isabel Avenue; new and modified bicycle parking standards; and text revisions to align with existing language in the Specific Plan. As amended, guest bicycle parking standards are required for all residential projects and must be in a publicly accessible location. In addition, if a main building entrance is relocated, then bicycle parking must be relocated to remain within 30 feet of the main building entrance.

Chapter 4, Parks, Public Facilities, and Infrastructure

This chapter summarizes the Specific Plan's future demand for parks and open space, public services (schools, library, fire, police, and solid waste), and utilities (water, wastewater, stormwater, electricity, and telecommunications) under buildout conditions.

Proposed Amendments to Chapter 4, Parks, Public Facilities and Infrastructure

Amendments to this chapter include revisions to an existing policy and addition of a new policy related to natural gas prohibition that reinforces the requirement for all-electric new dwelling units and new nonresidential buildings. These amendments are consistent with the EIR documents for the Isabel Neighborhood and the City's draft Climate Action Plan policies.

Chapter 5, Urban Design

This chapter articulates Design Standards and Guidelines. Standards are requirements, while Guidelines provide more general direction on intended design features. Together, the Standards and Guidelines ensure that new development and public improvement projects are in harmony with the Specific Plan's vision for high-quality design that are also compatible and integrated with the surrounding neighborhoods.

Proposed Amendments to Chapter 5, Urban Design

Amendments to this chapter include clarifications to existing design standards related to building orientation and pedestrian access and new design standards related to building orientation, façade treatments, parking, landscaping, retaining walls, and contemporary design.

Chapter 7, Implementation and Financing Strategies

This chapter provides an infrastructure cost assessment, financing strategy, and tools for implementing the Isabel Neighborhood. This chapter also includes policies related to monitoring and tracking the progress of the Specific Plan and the Valley Link rail project.

Proposed Amendments to Chapter 7, Implementation and Financing Strategies

Amendments to this chapter include removal of policies P-IMP-6 and P-IMP-7 related to the Transferable Development Credit program and introduction of a new policy P-IMP-6 to clarify application of the Transferable Development Credit (TDC) program in the Isabel Neighborhood. The baseline density shall be zero for all residential designations within the Isabel Neighborhood, which means all the approved

and proposed residential units will still be subject to TDC fees, with the exception of affordable units.

PLANNING COMMISSION

The Planning Commission held a public hearing on November 1, 2022, to review the project. Refer to Attachment 1 for the Planning Commission staff report. One member of the public spoke and provided a letter to the Planning Commission (Attachment 5). This member of the public is also representing an applicant for a project under review in the Isabel Neighborhood. The applicant requested the City consider incentivizing office development by permitting residential development in the Office and Office Core land use designations. In addition, the applicant expressed concern regarding the revisions made to interior setback standards, a new design standard requiring accessible pedestrian access through residential development, a new design standard requiring a transition from the public street to the private residence, and a new design standard requiring development to provide a double row of trees along Major Streets.

Staff reviewed the requests and recommended one modification to Planning Commission related to Design Standard DS-76. As originally amended and presented to Planning Commission, DS-76 requires a transition from the public street to the private residence including a change in grade between the public right-of-way and private residences. The applicant requested the provision related to the change in grade be removed to facilitate residential density consistent with the Specific Plan. Planning Commission and staff recommend that this provision be removed consistent with the applicant’s request. The other requests from the applicant are project specific and will be addressed in the applicant's Development Agreement. The remaining staff recommended design standard amendments are still proposed, including the requirement for other design cues to create a transition from the public street to the private residences such as raised stoops or open porches.

The Planning Commission discussed pedestrian access between buildings, public access to trails, bicycle parking near main building entrances, the possibility of a library and fire station in the Isabel Neighborhood, and the need for high quality telecommunication equipment in the area. In addition, the Planning Commission suggested modifications to design standards related to building materials, double row of trees along major streets, and bicycle facilities. Staff has modified design standards related to building materials and the double rows of trees consistent with Planning Commission comments. The Planning Commission also noted that the City's Active Transportation Plan (ATP) includes the National Association of City Transportation Officials’ Designing for All Ages and Abilities (2017) as a reference for combining traffic calming tools and roadway design to create high-comfort bicycle facilities. Staff will continue to reference this document when evaluating mobility design and would evaluate including its provisions in the ATP more formally in the next ATP update, which will commence later next year. The revision to DS-76 and the additional revisions made between Planning Commission and City Council hearings are shown in red in Attachment 4.

The draft meeting minutes (Attachment 2) include the summarized testimony and discussion. The Planning Commission voted unanimously to recommend finding the Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan and approve the Specific Plan amendments, including the revisions to Design Standard DS-76 described above.

ENVIRONMENTAL DETERMINATION

As described in the CEQA resolution, the amendments are within the scope of the 2018 EIR and 2020 Supplemental EIR for the Isabel Neighborhood Specific Plan. No subsequent or supplemental EIR is required.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no significant fiscal or administrative impacts associated with the project. Staff time and resources will be used to make all amendments to the Specific Plan.

ATTACHMENTS

1. Planning Commission Staff Report
2. Draft Planning Commission Meeting Minutes 11-1-22
3. Tracking Update
4. Specific Plan Amendments
5. Planning Commission Supplemental Materials
6. Resolution - CEQA
7. Exhibit A - Planning Commission Resolution 27-22, SPPA22-001; CEQA
8. Resolution - Project Approval
9. Exhibit A - Planning Commission Resolution 28-22, SPPA22-001
10. Exhibit B - Specific Plan Amendments, SPPA22-001

Prepared by: Ashley Vera
Associate Planner

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

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

DATE: November 1, 2022

TO: Chairperson and Members of the Planning Commission

FROM: Steve Stewart, Planning Manager

SUBJECT: Hearing to receive a tracking update on the Isabel Neighborhood Specific Plan progress and consider amendments to the Specific Plan including new and clarified policies, revised development and design standards, and text clarifications.

RECOMMENDED ACTION

Staff recommends the Planning Commission receive a tracking update on the Isabel Neighborhood Specific Plan (Specific Plan) progress and consider Specific Plan amendments and adopt resolutions recommending that the City Council adopt resolutions:

1. Finding the Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan; and
2. Approving Specific Plan Amendment (SPPA) 22-001.

The Planning Commission's action is a recommendation to City Council.

SUMMARY

Tracking Update

Isabel Neighborhood Specific Plan Goal G-IMP-4 states that the city will monitor and track the Specific Plan progress. Specifically, Policy P-IMP-5 requires review of the progress of the Specific Plan every two years following adoption, including an evaluation of the public infrastructure to ensure continued public health and safety.

The Specific Plan was re-adopted by City Council in November 2020 to reflect the change in rail transit from BART to Valley Link. Since Specific Plan adoption, one non-residential project and two residential projects have been approved by the Planning Commission and City Council, respectively. Five additional projects in the Isabel Neighborhood are currently proposed and under review. Approximately 56,000 square feet of non-residential uses and 411 new residential units have been approved and approximately 208,000 square feet of non-residential uses and 2,002 residential units are proposed in the Isabel Neighborhood. Approximately 26 percent of the approved and proposed residential units will be offered

at below-market rates. These numerical values include proposed projects and are subject to change. Refer to Attachment 1 for a list of all approved and proposed projects by Specific Plan subarea.

Public Infrastructure Evaluation

The Isabel Neighborhood currently has significant public infrastructure in place, as it is already developed with major roadways and utilities. New public infrastructure and upgrades to existing public infrastructure will be funded by development. An updated hydraulic analysis concluded that gravity main improvements, which were initially recommended to support the Isabel Neighborhood, are no longer required.

Proposed Specific Plan Amendments

Staff recommends Specific Plan amendments including new and clarified policies, revised development and design standards, and text clarifications. These amendments are informed by implementing projects in the Isabel Neighborhood.

DISCUSSION

The Specific Plan guides development in the northwestern part of Livermore. It seeks to create a complete neighborhood with a mix of uses that is walkable, bikeable, and served by transit. The City Council certified the Supplemental Environmental Impact Report and adopted the Specific Plan in November 2020.

Tracking Update

Since Specific Plan adoption, one non-residential project and two residential projects have been approved by the Planning Commission and City Council, respectively. This includes one non-residential entitlement for an approximately 56,000 square feet of warehouse industrial space and two residential entitlements for a total of 411 units including townhomes, apartments, and garden flats that have been approved and are currently in the building permit review process.

Five additional projects in the Isabel Neighborhood are currently proposed and under review. This includes one application for an approximately 85,000 square-foot hotel with 130 rooms, three residential applications, and one mixed-use application. These five applications include a combined total of 2,002 residential units, five acres of open space, 70,000 square feet of retail space, and 53,000 square feet of office space.

Altogether, approximately 264,000 square feet of non-residential uses and approximately 2,413 residential units are approved or proposed in the Isabel Neighborhood since its adoption in 2020. The residential units include a mix of townhomes, condominiums, apartments, and garden flats. Approximately 26 percent of the approved and proposed residential units will be offered at below-market rates. This exceeds the Specific Plan requirement that each project provide 20 percent of the total units at below-market rates and exceeds Specific Plan Goal G-LU-6 for 25 percent of all new units to be offered at below-market rates. Again, these values include proposed projects and are subject to change as refinements are made to the proposed site plans. Refer to Attachment 1 for a list of all approved and pending projects by Specific Plan subarea.

Public Infrastructure Evaluation

The Isabel Neighborhood currently has significant public infrastructure in place, as it is already

developed with major roadways and utilities. Development of the Planning Area, however, will increase demands on existing infrastructure and generate demand for new facilities and services.

Implementation of the Isabel Neighborhood Specific Plan requires the construction of new infrastructure and upgrades to existing infrastructure.
New infrastructure consists of approximately 27,000 lineal feet of public streets; utility connections in the public right-of-way; approximately five linear miles of multi-use trails; and three new neighborhood parks totaling six and a half acres.

Upgrades to existing infrastructure include improvements to water, sanitary, and storm drain systems and to existing major streets, for signals, crosswalks, bike lanes and striping, signage, and landscaping. Development of the Isabel Neighborhood does not directly trigger the need to expand other citywide utility and service systems, such as water distribution and wastewater treatment. Developers will continue to be responsible for the direct costs of building new streets, utility connections, and frontage improvements at the time of construction. Most of the maintenance costs for the new public infrastructure (public streets, parks, and plazas) will be funded by the new development, except for major arterial roadway maintenance, which is funded by gas taxes, countywide sales taxes, and sewer and water infrastructure maintenance, funded by user fees.

Staff is currently working on forming a Community Facilities Districts (CFD) that will be incorporated into the citywide CFD. This CFD will be assessed on developing properties to fund the remaining infrastructure maintenance costs, including capital replacement.

The utility infrastructure capacities and demands associated with development considered in the Isabel Neighborhood were assessed in the 2017 Water Master Plan and the 2017 Sewer Master Plan. Based on the sewer flow projections for the Isabel Neighborhood land uses, the analysis recommended additional gravity main improvements (beyond those required for buildout conditions independent of the Isabel Neighborhood) crossing Interstate 580 and along Clubhouse Drive to serve development under the Specific Plan.

Subsequent refinement of the hydraulic sewer analysis in 2021 indicates that the additional gravity main improvements are not required to serve future planned development under the Specific Plan.

<u>Proposed Specific Plan Amendments</u>

Staff recommends Specific Plan amendments including new and clarified policies, revised development and design standards, and text clarifications based on Specific Plan implementation with approved and pending projects.

Staff recommends amendments to the following Specific Plan chapters: Land Use; Transportation; Parks, Public Facilities, and Infrastructure; Urban Design; and Implementation and Financing Strategies. The following sections include a summary of the proposed amendments by chapter. Refer to Attachment 2 for a complete list of amendments.

Chapter 2, Land Use

This Chapter of the Specific Plan describes the framework for regulating land use development and redevelopment in the Isabel Neighborhood. The land use diagram includes four residential designations,

eight non-residential land use designations, and three overlays. These land use designations are unique to the Isabel Neighborhood.

Proposed Amendments to Chapter 2 Land Use

Amendments to this chapter include figure revisions to align with existing language in the Specific Plan; clarifications to existing footnote references and the application of height limits; modified residential setback standards to better accommodate the type of housing envisioned in the Plan; a new policy defining residential product types which reinforces the vision for a variety of housing types and designs; and clarifying text amendments to the existing inclusionary housing policy.

Chapter 3, Transportation

This chapter describes the street and trail networks serving the Isabel Neighborhood. In addition to the existing major streets, the Isabel Neighborhood includes new neighborhood, pedestrian, and bicycle-oriented streets. The Specific Plan will close gaps in the trail system, which would link to regional routes and provide access to natural areas and current and future amenities likes parks, neighborhood retail the Valley Link station.

Proposed Amendments to Chapter 3, Transportation
Amendments to this chapter include new language describing the Class IV bike lane along Portola Avenue between Collier Canyon Road and Isabel Avenue; new and modified residential bicycle parking standards; and text revisions to align with existing language in the Specific Plan.

Chapter 4, Parks, Public Facilities, and Infrastructure

This chapter summarizes the Specific Plan's future demand for parks and open space, public services (schools, library, fire, police, and solid waste), and utilities (water, wastewater, stormwater, electricity, and telecommunications) under buildout conditions.

Proposed Amendments to Chapter 4, Parks, Public Facilities and Infrastructure

Amendments to this chapter include revisions to an existing policy and addition of a new policy related to natural gas prohibition that reinforces the requirement for all-electric new dwelling units and new non-residential buildings. These amendments are consistent with the EIR documents for the Isabel Neighborhood and the City's draft Climate Action Plan policies.

Chapter 5, Urban Design

This chapter articulates Design Standards and Guidelines. Standards are requirements, while Guidelines provide more general direction on intended design features. Together, the Standards and Guidelines ensure that new development and public improvement projects are in harmony with the Specific Plan's vision for high-quality design that is also compatible and integrated with the surrounding neighborhoods.

Proposed Amendments to Chapter 5, Urban Design

Amendments to this chapter include clarifications to existing design standards related to building

orientation and pedestrian access and new design standards related to building orientation, façade treatments, parking, landscaping, retaining walls, and contemporary design.

Chapter 7, Implementation and Financing Strategies

This chapter provides an infrastructure cost assessment, financing strategy, and tools for implementing the Isabel Neighborhood. This chapter also includes policies related to monitoring and tracking the progress of the Specific Plan and the Valley Link rail project.

Proposed Amendments to Chapter 7, Implementation and Financing Strategies

Amendments to this chapter include removal of policies P-IMP-6 and P-IMP-7 related to the Transferable Development Credit program and introduction of a new policy P-IMP-6 to clarify application of the Transferable Development Credit program in the Isabel Neighborhood. The baseline density shall be zero for all residential designations within the Isabel Neighborhood, which means all new residential units will be subject to TDC fees (except affordable units).

REQUIRED FINDINGS

As discussed in the resolution recommending approval (Attachment 4), the required findings to authorize a Specific Plan Amendment can be made in accordance with Development Code section 9.08.090.

SUMMARY

Since adoption of the Isabel Neighborhood Specific Plan, the City has approved three projects and five additional projects are proposed and under review. These projects informed the development of the proposed amendments. The proposed amendments to the Specific Plan will reinforce the vision and goals for the Isabel Neighborhood. Staff will continue to monitor and track the progress of the Isabel Neighborhood and evaluate public infrastructure to ensure continued public health and safety.

ENVIRONMENTAL DETERMINATION

As described in the CEQA resolution (Attachment 3), the amendments are within the scope of the 2018 EIR and 2020 Supplemental EIR for the Isabel Neighborhood Specific Plan. No subsequent or supplemental EIR is required.

RECOMMENDATION

Staff recommends the Planning Commission receive a tracking update on the Specific Plan progress and consider Specific Plan amendments and adopt resolutions recommending that the City Council adopt resolutions:

1. Finding the Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan; and
2. Approving Specific Plan Amendment (SPPA) 22-001.

ATTACHMENTS

1. Tracking Update
2. Proposed Specific Plan Amendments
3. Resolution - CEQA
4. Resolution - Project Approval

Prepared by: Ashley Vera
Associate Planner

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PLANNING COMMISSION
REGULAR MEETING MINUTES

November 1, 2022

1. **CALL TO ORDER** – The meeting of the Planning Commission was called to order by Chairperson Steven Dunbar at 7:00 p.m., via Zoom teleconferencing.

2. **ROLL CALL** – Present were Chairperson Steven Dunbar, Vice Chairperson Daniel Leary, CM Jacob Anderson, CM Evan Branning, and CM John Stein.

   Also present were: Planning Manager Steve Stewart, Senior Assistant City Attorney Kim Cilley, Senior Planner Tricia Pontau, Associate Planner Ashley Vera, Principal Planner Stephen Riley, Senior Civil Engineer Debbie Salgado, Division Clerk Michele Donley.

   PLEDGE OF ALLEGIANCE – Led by Chairperson Dunbar.

2. **CITIZENS FORUM** – None.

3. **CONSENT CALENDAR –** None.

4. **PROJECT REVIEW** – None.

5. **PUBLIC HEARINGS**

5.1 Consideration of the 2022 Climate Action Plan.

Recommendation:

Staff recommends the Planning Commission consider the 2022 Climate Action Plan (POLI 20-1 and adopt resolutions recommending the City Council adopt resolutions:

1. Adopting the October 17, 2022, Initial Study/Negative Declaration (IS/ND) for the Livermore Climate Action Plan Update; and

2. Adopting the 2022 Climate Action Plan

The Planning Commission's action is a recommendation to City Council.

Senior Planner Tricia Pontau gave the staff report and overview of the matter.

Chairperson Dunbar opened the public comment period.

Alan Marling spoke about priorities for the plan in transportation and the potential for war for lithium to charge electric vehicles. Instead, he suggested prioritization of mass public transit needs, asked why the Action Plan has such a low potential for Valley Link, thinks highway lanes should be reserved for buses, promoted trains, suggested all public transportation should be free, supported expansion of safe bike paths, encourage working from home, and funding public transport like the Livermore Wine Trolley. He asked that the Commission approve the CAP with an amended prioritization on transportation.

Chairperson Dunbar suggested the Commission first review 1) the consistency in the EIR and CEQA analysis; 2) priorities; and 3) general comments.

EIR and CEQA Analysis:

Chairperson Dunbar asked and confirmed all Commissioners were supportive of the EIR and CEQA analysis.

Regarding priorities, he asked for comments and all Commissioners prefaced their comments by indicating how well the document was prepared, how refined, easy to read, and educational it is, and thanked staff.

Priorities:

CM Anderson referred to the transportation priority or action plan priority, said Commissioners had emphasized bicycling, active transportation, and he questioned why the active transportation goal shrunk down from the first draft the Commission received.

Ms. Pontau explained that the Council subcommittee were a little concerned about how realistic some of the goals for VMT shift and the percentages were, and if those were defensible. When looking at GHG reductions some of this relates to CEQA defensibility and whether the CPUC would believe that the City could achieve these reductions. The City must be clear on what it is going to do, what they have influence on, and what they do not. The City does not control the transit system so it can adopt land use policies that facilitate more transit use, but it must be careful about what it says it will be able to accomplish.

There was also some concern about having too much detail about specific active transportation actions when those may belong in the Active Transportation Plan (ATP) and getting things out of sync with what they say in that plan versus this plan. So, they are coming up on another update to the ATP soon and will try to strike the right balance between what should be in this document and in other documents like the ATP or the Hazard Mitigation Plan.

CM Anderson referred to Action T-3.1; Accelerate the Implementation of the Livermore ATP. He feels this action is doing too many things they want out of this strategy, suggested it be flushed out to three actions; 1) focusing on the short-term like things they can do for free or low cost and easy to implement; 2) one long-term and higher costs, and 3) something like grant-writing items and getting funding to implement larger scale projects. He knows these are things they already do, but he wants to make sure they can solidify this in the plan.

Chairperson Dunbar asked staff to display the priority slide.

CM Stein said he looked at priorities differently. The three priorities he saw were transportation, electricity, and water. Regarding transportation, they will be rapidly moving towards electric vehicles which have several advantages and these should be much lower maintenance and a longer lifespan which equals less consumption of resources and reduction of GHGs. He was surprised with figures of population and the ratio of electric vehicles, revealing almost one vehicle for every adult in the City which is high. He then spoke about a reliance on public transit and BART's current and expected future ridership figures, but questioned how mass transit would be funded without ridership.

It seems it was also assumed that electrical power costs will not go up significantly and reliability will remain constant. Instead, this will require massive investments involving movement towards renewables, storage, batteries, and hydrogen. The grid will need to be enlarged, homeowners will need to transition from natural gas to electric for all uses, and the question is how to fund this and maintain reliability.

Regarding water, he thinks this was passed over. He spoke about the municipal water and sewer system adequacy, suggested lobbying for on and off stream water storage and conservation, maximizing recharge, ensuring new growth provides additional water, and looking at increased wells in the area.

Lastly, one time use will probably not be possible and they should be looking at river osmosis. The problems there are not technical but psychological and how to convince the population that the water is high quality water.

Electric vehicles and electrification of households will solve many problems. He looks at priorities as focusing on the economics of providing the money to provide power, water, and mass transit because it all costs money. As federal funds dry up, MTC tends to focus on maintaining the dense urban transit such as BART, AC Transit, Muni, and LAFTA has always been at the tail end.

CM Branning thinks water is something very important to highlight and this is covered under number 8 on the list. However, given the impact they are already seeing with drought, it is not strong enough language and action. He suggested wording it in a way that shows the City is acting on it and not just looking into it and possibly splitting out water as a specific priority.

He also agrees with the speaker that there is not enough included about trying to get people out of cars and was not sure where promoting active transportation would fall under the nearer term implementation priorities, particularly getting improved mass transit and public transit.

He disagreed with CM Anderson about expanding on the mention of the ATP. He thinks given what they are doing with the General Plan, ATP, Housing Element, Climate Action Plan, and many others being rewritten, making sure the different plans generally are working with each other is important. On priorities, he would like to see more mention of active transportation and mass transit but does not think it needs to be defined as clearly as was mentioned.

Lastly, one of the things missing is a lot related to condos and apartments which have few incentives for an HOA to make improvements while individual condo owners and apartment renters might have reasons they want to improve. The HOA is often not incentivized to do that, and he thinks making sure they look at that as one of the priorities of the study areas going forward will be a very important part of the priorities for this plan.

Vice Chairperson Leary said many of the questions he had did not come forth until Appendix A. He liked the way the captions were used throughout the early part of the document and asked for more of this as well as having local photographs rather than stock photos.

He then referred to Chapter 3 and page 31 which gets into discussion about adaptation. Under the section, “Wildfire” there are 5 bullets. He did not see undergrounding overhead power lines given this was the cause of some fires. In Alameda County, emergency evacuation routes are established so everybody knows where they are. He suggested some adaptation in terms of fire breaks and work with the Fire District on this.

On the same page there are bullets under Adaptation under Drought items. He suggested water-efficient landscape requirements to help get there. On Page 34, Table 3-3, he was intrigued by waste and the materials and how much that contributed to CO2. Transitioning to electric vehicles will reduce the megatons by 93,000 but reducing waste will reduce it by 22,00 and he asked if there was more to it than sorting garbage.

Ms. Pontau explained that most emission reductions associated with waste actions will be the result of SB 1383 which is aimed at getting organic waste out of the landfill, requirements for municipalities to procure a lot of compost or mulch, and applying that through many programs. It moves beyond recycling to focusing on organic waste from the landfills.

Vice Chairperson Leary referred to page 41 and said it is a good idea to expand the deployment of microgrids and having a pilot microgrid in a vulnerable community. Those are areas where people are more affected because they are more likely to work outside or not have the same access to air conditioning, so maybe this is a possibility.

He referred to page 54 which gets into the electrification ordinance and retrofitting existing buildings. He interpreted this as being studied in the future. Ms. Pontau said yes, there will be a cost analysis and feasibility study for existing building electrification which will be something in the future.

Vice Chairperson Leary referred to SB 1383 and thinks it would be a good idea to have more information about that bill on page 67.

Lastly, in Chapter 4, page 88 talks about in 2026 they will try to establish resources having to do with retrofitting homes and a list of manufacturers and contractors with information to community members. It might be better to start this sooner because if someone gave him a list, he thinks people would do it sooner than 2026.

Chairperson Dunbar said there are three things when thinking about priorities. There are priority themes, things people care about day to day, priority actions in terms of what staff does, and there are top actions of the highest value for reductions both community facing and staff facing. It is either vehicle reductions or communications to encourage people to take those reductions. He thinks the plan covers them but delineating those three ideas in the plan earlier might be helpful because people may take it in different ways.

In terms of priorities here, those in front of the Commission are good in that all of them are laying the groundwork based on current staff resources so the list is very helpful. Even the EV part of this in 2024 is really a cost estimate and standards for EV charging that get developed after that point. So, he thinks they are at a good place for staff actions.

To CM Anderson, public comment tonight, and CM Branning's point about active transportation, in splitting the difference here they do not want to make this inconsistent with other plans. The way he views the document is direction to the staff member they hire in the future and making it easier for that person to be accountable and hold others accountable through this document. So, the plan will not try to change any design standards of the ATP. But, what it can do if broken out a bit more is to hold the right group of people accountable to the ATP at the right time.

The breakdown in active transportation could apply to public transit, as well. It is memorializing things they are already trying to do, letting that staff person know that they need to make sure the resources available when the opportunities come up, and that the current staff be empowered to stop on a different project to work on this high priority item. He thinks this is the kind of direction he will look to staff to implement when this goes to the City Council. It is to break both the active transportation and the transit part into both short-term and long-term steps with some sort of reference.

One thing he did notice that is missing from transit is a reference to the Wheel's current plans. He thinks it should be in the bibliography and having a reference that they already have a plan and he asked to make sure they are already implementing it.

Lastly, the staff report covers very well about what happens if they need to change and they are not hitting the targets. They will review the plan in 5 years, someone is held accountable, and he suggested thinking about what is the trigger that causes it to come back or how far do they need to be off before they realize they need to make a change. Having some concept will help them re-think or review these priorities if they are behind.

General Comments:

Chairperson Dunbar then asked for more general comments from Commissioners

CM Branning commented that they are going through many plans right now and making sure this and others are consistent with each other. Going forward, they do not have those general issues. When they get to working on retrofitting buildings he thinks incentives are a great starting point and it is important to get the message out and are marketing the incentives.

For the plans not budgeted currently, of concern are some of the higher dollar investments which will require a higher level of investment which almost always requires federal or State money. He is also a bit concerned with the 5-year plan update cycle in that their first major milestone is 2030. If they have a 5-year update in 2027 this will be problematic if they find issues so it might be worth shifting the 5-year update to maybe 2, 4-year updates between now and 2030, and once they hit 2030, he suggested switching to a 5-year so this adds an extra year of lead time.

Then one of the things SB 1383 legalized was the donation of food from restaurants, but because of the way it used to be implemented, most people in the restaurant industry would say it is illegal to donate prepared food after closing. It is not a common practice. Therefore, he thinks they should focus on an education effort to restaurants and commercial kitchens. Non-profits are often looking for more food, restaurants are still throwing away a lot of food, so he thinks people do not understand the new rules around food disposal and what they can do with it.

Lastly, he is very concerned about condos and apartments and how investments can work for them. He thinks it will be very expensive to install EV charging stations because some wiring is so old and the HOA is typically not able to afford it. He again thanked staff for the document and thinks it should serve as a model for its ease of reading, use of actions, statements, and visuals.

CM Stein thanked staff and Rincon Consultants, the subcommittee, and two Councilmembers who did the work. The plan is an easy and an enjoyable document to read. In regards to the implementation, two areas he would have liked to see more focus on were the tree canopy. One of the priorities might be to do a survey of the current status with drones or satellites, and there is a lot of information available such as the infrared temperature and canopy coverage. Some programs can identify broadly what species of trees are present. He suggested doing bulk installations or putting in smaller trees but this is very important for climate.

Overall, everyone will live in a world that is hotter and dryer and as there will be less land to grow food, changes, disease outbreaks, rising sea level, and some areas of the planet may become unlivable. Regarding implementation, for flooding they should look at upstream storage and more in-valley storage for water supply, and to try and locate structures further from the centerline of the Arroyos.

He suggested looking at building setbacks and at wider allowances for stream flows. For wildfires, a clear delineation between wildlands and urban lands is one advantage Livermore has with its growth boundary, but perhaps fire breaks and fire-resistant landscaping should be considered. They should look at passive ways to cooling versus air conditioning, submerging parts of structures and parking structures which could serve as refuges, and cleaning up the fringe basins for more water sources.

Regarding energy, they should look at recharge stations and encouraging private uses which might require legislative changes. Electricity is a utility, but he thinks private gas stations could also look to make money having EV charging stations. Also, finding funding for Valley Link is important and having automated buses which reduce operating costs. Trails are also important especially with the increase in electric bikes and scooters.

Finally, one of the missing things is people live in nature and there should be a section on maintaining and enhancing local bio-diversity, augmenting stream flow for amphibians, revegetating areas, limiting feral cats and dogs, avoiding fragmentation of habitat of roads by providing under/overpasses, encouraging native plants to provide food, and nesting and breeding sites.

CM Anderson echoed comments about the great document, asked to look at areas where there are certain words that are somewhat vague, such as “identify, consider, explore” so he asked to go through and check there is strong supporting language around them.

Vice Chairperson Leary referred to the Purpose Statement in the beginning. He was happy it is included in the beginning of the plan. Something which is another concept in addition to the three reasons which he recited are: Promoting Livermore as a climate action leader in California to be part of the Purpose Statement, and he confirmed the logo is the City’s official branding.

He then referred to Public Outreach on page 27. It had a question of, “How important is it to you that the City take action on climate change?” 47% say it is very important, and 15% say it is quite important. 62% of people feel strongly they want to do more, and page 28 talks about the jobs housing balance where they can improve upon this with the General Plan.

Chairperson Dunbar called out the specific things he loved about the plan which are: Figure 4-3 which shows the steps to consider, plan, implement, evaluate, and move forward. He loves the connections to the other plans for usability, loves the finance map, the approachability of the report, and the Ven diagram which Ms. Pontau created.

Regarding trees, the City is doing a tree study and something could be added to that to address CM Stein’s comments. Ms. Pontau said the PWD did do a tree survey recently and this focused on trees in the public rights-of-way or City property. They have also talked with folks at Google Environmental Insights Explorer Team that has been working on a tree canopy coverage map, as well. Between this and the City’s recent inventory, they should have a good understanding of tree canopy coverage in the City.

Chairperson Dunbar said in addressing the public commenter he would like to see the City blow the VMT goals out of the water and this is just a question about staff resources to get there. He thinks the plan is appropriately balanced and thinks the City needs to address climate in its entirety immediately via every method available.

Lastly, regarding other agencies, Wheels is a different agency. While City Council members serve on that agency, they are not in charge of them. So, the Council should hold those agencies accountable for the plan and determine whether they are achieving the plan’s goals.

MOTION BY DUNBAR, SECONDED BY ANDERSON, TO ADOPT A RESOLUTION RECOMMENDING THE CITY RECOMMENDING THE CITY COUNCIL ADOPT RESOLUTIONS: 1) ADOPTING THE OCTOBER 17, 2022, INITIAL STUDY/NEGATIVE DECLARATION (IS/ND) FOR THE LIVERMORE CLIMATE ACTION PLAN UPDATE; AND 2) ADOPTING THE 2022 CLIMATE ACTION PLAN.

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

5.2 Hearing to receive a tracking update on the Isabel Neighborhood Specific Plan progress and consider amendments to the Specific Plan including new and clarified policies, revised development and design standards, and text clarifications.

Recommendation:

Staff recommends the Planning Commission receive a tracking update on the Isabel Neighborhood Specific Plan (Specific Plan) progress and consider Specific Plan amendments and adopt resolutions recommending that the City Council adopt resolutions:

1. Finding the Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan; and
2. Approving Specific Plan Amendment (SPPA) 22-001.

The Planning Commission's action is a recommendation to City Council.

Associate Planner Ashley Vera gave the staff report and overview of the matter.

Chairperson Dunbar opened the public comment period.

Sblend Sblendorio stated he is here for the owner of the 45-acre parcel that is the northwest quadrant of Isabel and I-580, bordered north by Portola and on the west by Lamb Research. Bill Meyers is here who is the project lead. This is a substantial project which will provide 1/3 of the dwelling units called the Neighborhood Center, a major park in the area and retail, and they have taken a strong interest and have been working with the City.

Their design team saw a few things to comment on and he provided the following ideas: 1) They hired a consultant for the office study. The market is dead so they suggested looking other ways to incentivize office development within the plan area and hope they can come up with some other ideas and possibly consider co-options; 2) Design guidelines where they suggest some of the design could be too expensive or difficult to implement. The “curing of buildings” or “the wedding cake”, especially in the interior facades where they could be more relieved in order to maximize the number of dwelling units so they can activate the retail and office better; 3) One proposal was to create a pedestrian access and, while every building would have an access, they did not understand why one is proposed every 400 feet; and 4) There is a requirement on Portola and Isabel for double rows of trees, so the Fire Marshal wants landings and not a tree where a ladder might be needed so they will work these through.

Chairperson Dunbar called on Commissioners to provide comments.

CM Anderson thanked staff for the thorough report. He is thankful for the ability for the Commission to update and add clarification to the documents. He asked staff to further explain the 400 foot question.

Ms. Vera explained that staff came to that number based on analysis for more walkable block sizes. They particularly looked at some of the block sizes of the downtown and it ranged from 300 to 400 feet.

CM Stein said there is a comment about “polished” metal and he suggested it be changed to “brushed” metal. Another is that “all glass buildings” seem contrary to the Climate Action Plan, as they are solar ovens. He also asked if the maximum hydrology for Collier Canyon Creek been taken care of. He thinks one of the projects is adjacent to it that needs to be set in place to accommodate maximum flows.

Ms. Vera stated there was a restoration project for Collier Canyon Creek and Ms. Salgado can talk about this.

Senior Civil Engineer Debbie Salgado stated this was a restoration project that was worked on and is in the process of being implemented, especially after the 2017 storms.

CM Stein said he really likes the architectural design features and thinks they will be more in keeping with the character of Livermore. Lastly, with all the affordable housing, child care, schools, and social services being met, he asked if there will be library services and a fire station close by with equipment suitable for fighting fires in these types of structures.

Ms. Vera said the plan has policies that talk about encouraging child care centers or providing tenant supportive services into developments, so staff is working with developers as they come in and let them know that they be conceptually integrated ahead of time.

With regards to the library services, staff conducted outreach during the Isabel Neighborhood Plan process, and the library requested a future opportunity to look at a satellite facility in the Isabel neighborhood. Currently, the demands are met so it would be something they could work with the library in the future. Similarly, this is the case with the fire department. They would look to add an additional smaller facility to support the Isabel neighborhood.

CM Stein commented that it might be good to have an integrated facility that provides all City services in one structure. His other major concern is transportation. It was designed as a transit-oriented neighborhood and parking and street designs were designed to accommodate that. It currently looks like this is developing somewhat faster than the Valley Link, and Wheels may not be able to accommodate such a large increase in service for the area. The route also does not go to many services like medical, dental, shopping, etc., so it might be worthwhile to put in temporary parking or a shuttle service.

Ms. Vera said staff has been coordinating with LAFTA with the 45-acre development alluded to earlier. They route all plans to them for their review, and they are looking at increased service surrounding the area to account for the new development coming in.

CM Stein asked about bus service to schools. Ms. Vera said this is something they are also looking into more.

CM Stein said otherwise, he thinks these are worthwhile changes and he voiced support.

CM Branning asked what qualifies as a garden flat or apartment. Ms. Vera explained there is a courtyard space that these types of apartments surround, so it envisions the space as a central area where tenants can use as a common area. The defining characteristic is that the primary entry door of each dwelling unit opens into the common stairwell.

Under Item 5-P there is a limited number of architectural styles that are listed. One concern he has is he does not think Sage or the new Shea development would fit under those guidelines. He is worried about them standing out too much from other development going forward. Most recommended styles lend themselves to whites and tans. He did not think they wanted the entire neighborhood to be these shades and recommended a variety of colors.

He referred to infrastructure and he said one item addressed is there is no need for pumps but he has heard complaints from residents about low water pressure. He does not know the details but he wants to be sure they monitor water pressure. Telecom equipment was mentioned and he wants to make sure there are high speed telecommunications for all buildings going in. He has also heard multiple times about purple pipes going out there for irrigation, and Ms. Salgado confirmed there is currently a main in North Canyons.

CM Branning commended staff for projecting 25% affordable housing and he wanted to address the speaker's comments about tiering of the buildings. It looked like the rules changed the tiering to be less than originally in the plan. He asked if staff has worked with the applicants to identify impacts.

Ms. Vera stated staff has worked with applicants on the tiering approach, and the first level is set at zero feet, the second at 5 feet and so forth. They have found some applicants preferred to start their initial setback at the upper level requirement so the third story and above must be set back 10 feet. The tiering itself is not the actual requirement. It is that additional setback when getting higher to reduce the effects of massing.

CM Branning thanked staff and said he believes he can make the findings.

Vice Chairperson Leary referred to Chapter 2, Item B.3 talks about scenic corridors. He asked if this is changing the corridor in any way. Ms. Vera confirmed there are no changes to the scenic corridor. That statement is reconfirming and making developments aware there are three view corridors set forth in the General Plan, and developments cannot interfere with those corridors. She also noted this language exists in the plan in some of the other table references, so staff is adding it to one of the tables where it was previously missing.

Vice Chairperson Leary referred to Chapter 2, Item E.3. He asked and confirmed the change from 40 to 50 was made to make the height limits consistent in the Isabel neighborhood. What this change relates to is that the properties in the Isabel neighborhood must be consistent with a 50-foot height limit or the scenic corridor, whichever is more restrictive.

Vice Chairperson Leary referred to Chapter 2, Item I. At the top of the page is a scenic corridor phrase struck out and he asked why it was being deleted. Ms. Vera clarified this is being deleted for brevity purposes.

Vice Chairperson Leary referred to Chapter 2, Item L regarding the two product types. He asked what would happen with a smaller project and asked if there is a threshold to allow for one product type. Ms. Vera said she does not believe this is something they have considered. Most developments come in with over 100 units and above, and this has been the threshold marker.

Principal Planner Stephen Riley said the City does have a provision in the Specific Plan that allows the Community Development Director to make some limited exceptions to the plan, so there is some flexibility to look at it for a smaller project but they want a variety of unit types for all projects, even the smaller ones.

Vice Chairperson Leary referred to Chapter 5, Item L, and asked about the roofing of tile and slate and said it also allows for a flat roof with sheet metal shingles which he was concerned about, given the wide range of quality.

Mr. Riley said applicants are required to submit color and material samples. Staff ensures it is the quality level that meets objectives of the plan, and there have been changes based on those submittals.

Vice Chairperson Leary referred to Chapter 5, Item V, and said the double row of trees seemed like an old standard. Ms. Vera said the idea behind the double rows of trees along major streets was to provide that tree canopy along the street and aesthetically make that through-way nice for pedestrians, bicyclists, and drivers. If staff finds there are conflicts with other treatments they need to incorporate into that right-of-way space like a bike lane, they would look at the new standard that allows the Director for that standard to be waived.

Chairperson Dunbar said there is reference to the 400 feet block by block, maintaining access to adjacent sidewalks and adjacent trails. He saw some examples of trails being gated by developments after the fact, and he asked if anything can be added as a standard to ensure there is still some degree of access such as a key card for residents and full access for public rights-of-way when developers are providing trails.

Ms. Vera said they want trails to be accessible. Perhaps this is something staff could look at conditioning as part of the general conditions of approval for the project.

Planning Manager Stewart said there is a similar situation with the Legacy development downtown where there is along the western boundary a pedestrian accessway that connects Railroad to First Street. This will be operated by a fob or key after hours, so it is a challenge between maintaining security and public access.

He said the idea behind access for every 400 feet was to provide that access to the public trail at increments that are walkable and generally will break up any larger block. Appropriately, reviewing those on a case-by-case project basis is probably the best way to approach it rather than a blanket standard.

Chairperson Dunbar referred to the “wedding cake” or articulation requirements the speaker talked about and reminded him there is a trade-off. He thinks the change in grade is not necessarily required and could be struck, even if it is not a legal ADA problem.

With regards to the bike parking, he was happy to see some standards related to within 30 feet of the main entrance and thinks this could be cleaned up more. The Lucky on Portola and North Livermore has bike parking within 30 feet of the prior main entrance, but now it is closed and on the other side. He asked that the standard state bike parking be at least within 50 feet of every business entrance and require it be moved if the entrance is changed. Also, the first ADA space should be as close as the first bike space for most circumstances.

Similarly, for the live/work units it states customer parking must be provided in a publicly accessible location within one block of the unit, and he suggested a standard in feet.

He then referred to Chapter 5.B and said there was a requirement about rear yard fences “shall not face or be visible from external public streets or primary entranceways”, and asked for staff to speak about this.

Ms. Vera said this was related to a previous project staff was working on in this neighborhood. The idea was to not have that blanket plain wall of a fence facing the external public streets. Chairperson Dunbar suggested cleaning this up in some way, if possible.

Chairperson Dunbar voiced support for the new design standards for base treatments. Lastly, one concern he still has from when the project was passed was the comfort level of the Class 2 and Class 3 bike facilities within the center area of the project and throughout. The ATP refers to all ages and abilities guidelines as one standard they can use. He thinks this is more appropriate here to use rather than Class 2 or Class 3 classification because this area is going to have situations with very high parking turn-over, the ATP on each street may change wildly as other projects develop, and they should ensure the comfort level is maintained for bicyclists. He recommended looking at whether those could be applied here as this goes up to the Council at a broad level, considering they are in the ATP.

When a major project comes in he thinks it was either a traffic impact fee specific to this area or establish a facilities district for transportation.

Ms. Vera said they previously talked about looking at fee reductions like the traffic impact fee for this area to be like the downtown area. It could also be the transportation management authority or association, and this is an item staff is working on as a follow-up implementation item and still in progress.

Chairperson Dunbar suggested a pilot project for the elementary school shuttle bus and see what the costs and ridership levels are.

Lastly, he asked what is the next barrier for taking them east on purple pipe from this area. Ms. Salgado said it is most likely funding and identifying a new project. Right now, it ends at the plant and the City does not have any identified projects yet.

Mr. Stewart commented that in 2004 they reviewed an agricultural water study that looked at opportunities to expand water supply for recycled and potable water through North Livermore, and it was just not feasible at that time. Circumstances have not changed there to make it a viable option so it would need to go south and east through the existing street network which is always a challenge. Over time and as water resources become scarcer, that will be something they need to continue to look at.

Chairperson Dunbar stated he can make the findings and said it has been helpful to step back and review where they have been so far, and he asked for a motion.

CM Stein moved staff recommendation and referred to Chapter 5, Item V. He recommended where it states, “At the Director’s discretion, the Sycamore trees can be replaced.” To replace it to state, “large, long-lived trees” given climate action goals.

Mr. Stewart confirmed that the motion also includes the new recommendation by staff regarding the elevation change.

CM Branning asked and confirmed the build-out for the Isabel Neighborhood Plan is roughly 2040 which staff used in its environmental analysis.

MOTION BY STEIN, SECONDED BY ANDERSON, TO ADOPT A RESOLUTION RECOMMENDING THE CITY COUNCIL ADOPT RESOLUTIONS RECOMMENDING THAT THE CITY COUNCIL ADOPT RESOLUTIONS: 1) FINDING THE SPECIFIC PLAN AMENDMENTS ARE WITHIN THE SCOPE OF THE 2018 ENVIRONMENTAL IMPACT REPORT AND 2020 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE ISABEL NEIGHBORHOOD SPECIFIC PLAN; AND 2) APPROVING SPECIFIC PLAN AMENDMENT (SPPA) 22-001.

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

6. MATTERS FOR CONSIDERATION

6.1 Planning Manager Steve Stewart reported that the National Planning Conference in Philadelphia will be held April 1-4, 2023 and those interested should contact staff.

6.2 Mr. Stewart said there may not be a meeting on November 15, 2022 because there are currently no items.

7. MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

7.1 Chairperson Dunbar referred to all three bike access behind Autumn Springs, off Portola to the north connecting to where the Chick-fil-A Trail will be extended are gated and are all locked. He also reported there is a gate going up the trail on Isabel & Vineyard, and accessing Vineyard to the west is blocked by a gate, and a gate has been installed at the access point to the trail directly across from Starbuck's on Vineyard, as well.

8. ADJOURNMENT – 9:32 p.m. to the next Regular Planning Commission meeting on Tuesday, November 15, 2022 at 7:00 p.m., Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

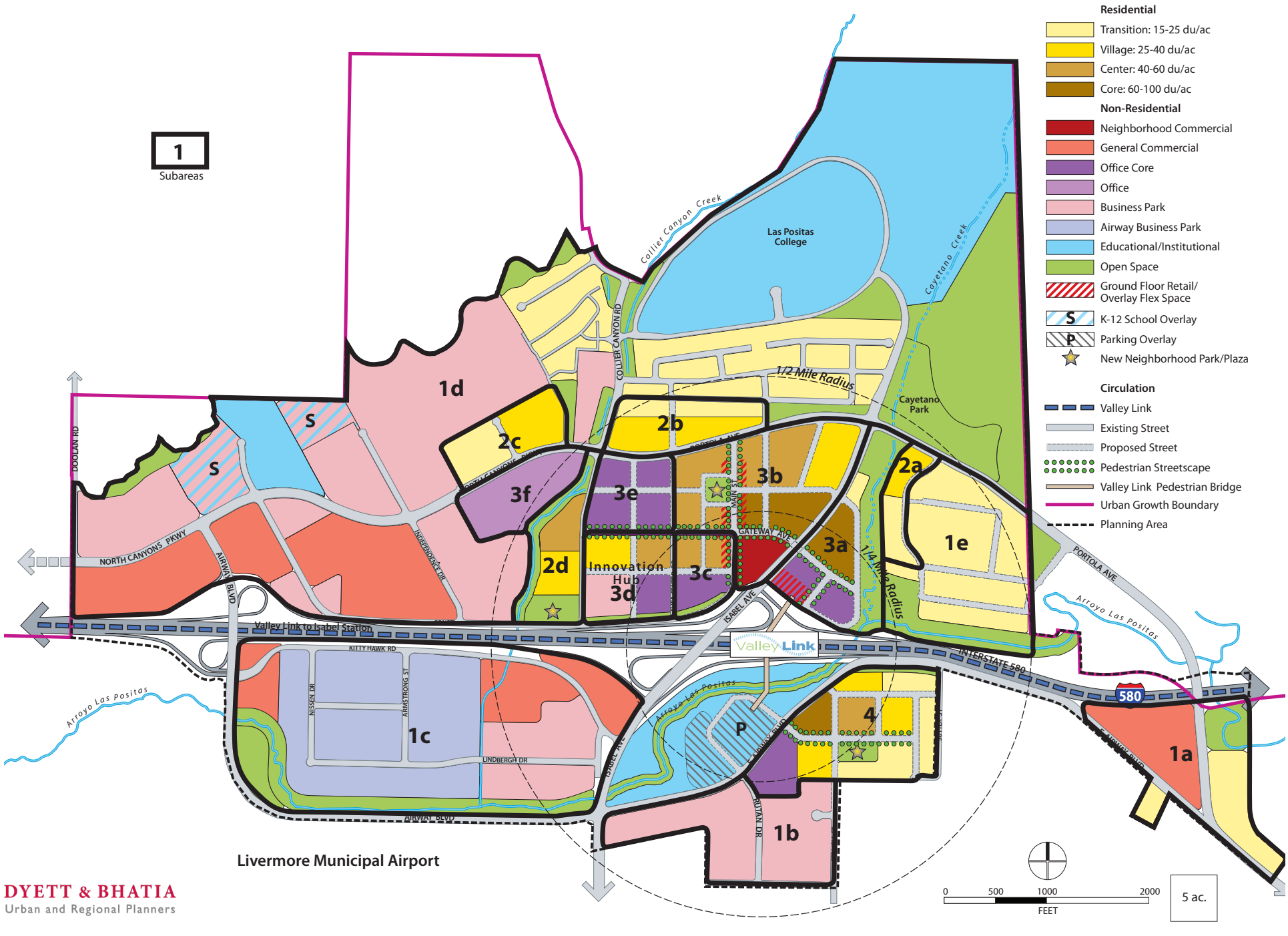
Minutes prepared by:
Lisa Harper Consulting

Isabel Neighborhood Specific Plan Tracking Update

Subarea*	Applicant	Status	Permitted Residential Density Range	Approved and Proposed Residential Units	Approved and Proposed Affordable Units	Product type	Additional Project Components
1c	TJ Rose Warehouse	**Approved -** Application for an approximately 56,000 square foot industrial building, in Building Permit phase	N/A	N/A	N/A	N/A	N/A
1d	Michael Chui	**Proposed -** Application to demolish an existing Residence Inn Hotel and construct an approximately 85,000 square foot Hyatt House hotel with 130 rooms	N/A	N/A	N/A	N/A	N/A
2a	Shea Homes	**Proposed -** Pending Senate Bill 330 application resubmittal anticipated fall 2022	163-240	163*	32**	For-sale townhomes**	Installation of a Class IV bike lane along project frontage
2b	Shea Homes	**Approved -** Senate Bill 330 application approved by City Council 7/25/22, in Building Permit phase	299-422	299	60	For-sale townhomes and rental apartments	Installation of a Class IV bike lane along project frontage
2c - eastern half only	DeNova Homes	**Proposed -** Senate Bill 330 application under review	268-386 (range includes all of subarea 2c)	172	34	For-sale condominiums including townhome and garden flat units	Installation of a Class IV bike lane along project frontage
2c - western half only	DeNova Homes	**Approved -** Senate Bill 330 application approved by City Council 5/9/22, in Building Permit phase	268-386 (range includes all of subarea 2c)	112	22	For-sale townhomes and flats	Installation of a Class IV bike lane along project frontage
2d	Pacific West Communities, Inc.	**Proposed -** Senate Bill 330 preliminary application complete, awaiting complete application submittal	200-286	248	109	For-sale townhomes and rental apartments	Approximately 3-acres of public park space and a new public trail along the western property boundary with a connection at Gateway Avenue
3b/3c	Harridge Development Group	**Proposed -** Pending application submittal anticipated fall 2022	1,236-1,717	1,416	294	For-sale townhomes, condos, and flats; rental apartments	Approximately 70,000 square feet of retail including a grocery store, approximately 51,000 square feet of office, a 1.5-acre public park, and installation Class II, III, and IV bike lanes within development and along project frontages
Total units			**2,166-3,051**	**2,410**	**551**		
Percent of affordable units					**22.9%**		

Notes:
* Refer to Exhibit A for the INSP Subarea Diagram
** Based on preliminary discussions with applicant and aligns with minimum INSP requirements

FIGURE 2-3: SUBAREA DIAGRAM



DYETT & BHATIA
Urban and Regional Planners

Attachment 4
Staff-recommended Specific Plan Amendments

Staff recommends the following amendments to the Specific Plan. These amendments include new and clarified policies, revised development and design standards, and text clarifications. Text additions are shown in underline and text deletions are shown in ~~strikeout~~.

Chapter 2 – Land Use

a. Figure 2-2: Land Use Diagram – Change Areas (see Exhibit A)
    i. Revise figure to include outline of Neighborhood Core Area and corresponding symbol in map key
b. Table 2-2: Development Standards – Residential Categories
    i. Building Heights:
        i. Maximum Stories: Add a reference to note 2 which defines the term "story"
    ii. Building Setbacks:
        i. Remove existing note #3 on "Front Setback facing Main Street" as it is repetitive of the existing language in the table.
        ii. Create a new note #3 and add a reference to this note to the "Building Setbacks" header: Unless stated otherwise, street setbacks are measured from the property line.
        iii. Create a new note #4 and add a reference to this note to the "Building Setbacks" header: Along Collier Canyon Road, Independence Drive, and Doolan Road, existing General Plan policies relating to the Collier Canyon, Triad, and Doolan scenic corridors apply as depicted in Figure 2-4.
        iv. Setback facing all other Streets
            1. Remove reference to note #4
            2. Interior Setback (Side/Rear)
                a. Transition/Village: Min. 15 ft. where abutting existing residential uses; otherwise, Min. 0 ft. setback for all stories along alleyways and for first story not along alleyways; Min. 5 ft. for ~~first and~~ second ~~stories~~ story; Min. 10 ft. for third story and above
                b. Center/Core: Min. 0 ft. side setback along Main Street, alleyways, and for first story not along alleyways; otherwise Min. 5 ft. for ~~first and~~ second ~~stories~~ story; Min. 10 ft. for third story and above
    iii. Remove all statements with asterisks beneath Table 2-2 as they have already been incorporated into policy text or table notes.
c. Table 2-3: Development Standards – Commercial Categories
    i. Building Setbacks: Front Setbacks facing Isabel Avenue and E Airway Blvd and Airway Blvd: Remove reference to note #6 as note #6 does not exist
d. Table 2-4: Development Standards – Public Categories

i. Revise existing note #1: Along Collier Canyon Road, Independence Drive, and Doolan Road, existing General Plan policies relating to the Collier Canyon, Triad, and Doolan scenic corridors apply as depicted in Figure 2-4.
ii. Revise existing note #3: The 6.4-acre property located at the bend of Airway Boulevard across from the Livermore Municipal Airport is within the floodplain and covered by a Zone 7 Flood Control Easement. Any development on this parcel cannot hinder the purpose, intent and use of the easement for flood control purposes. Interim uses such as surface parking and temporary sales with no permanent buildings ~~can be considered by approval~~ require approval by the City and Zone 7. The large oak tree shall also be preserved in good health as part of any physical change on the property.
iii. Move the text in note #4 to be note #1 and add a new note #1 reference to the "Table 2-4: Development Standards – Public Categories" header
iv. Update remaining note numbers

e. Table 2-6: Performance Measures by Subarea
   i. In subareas 1a through 3a and subareas 3c and 3d, revise performance measure a: Provide at least two residential product types consistent with policy P-LU-29.
   ii. In subareas 3b and 4, revise performance measure a: Provide at least three residential product types consistent with policy P-LU-29.
   iii. In subarea 3d, revise performance measure b: For sites outside of the Scenic Corridor exception area, limit building heights to ~~40~~ 50 feet above existing grade (or Scenic Corridor limit, whichever is stricter).
   iv. In subarea 3b, revise performance measure c: With the exception of Gateway Avenue~~,~~ and Shea Center Drive, ~~and Main Street,~~ the exact location of the new streets is flexible.

f. Page 2-28, Scenic Corridor Policy and Amendment Areas – Remove the following references to Figure 8-2 as this figure was removed during the Draft Specific Plan process and was not included in the adopted Specific Plan document:
   i. ~~The existing view angles and exceptions are shown on Figure 8-2 in Chapter 8, Policy and Code Amendments.~~
   ii. The Amendment Areas to the Scenic Corridor Policy, outlined on Figure~~s~~ 2-3 ~~and 8-2~~, include the following…

g. Figure 2-4: Isabel Neighborhood Scenic Corridor Amendment Areas (see Exhibit B):
   i. Revise figure to include 200-foot width of Doolan Scenic Corridor and clarify height regulations in areas outside of the Scenic Corridor Amendment areas.
   ii. In the map key, add the following language: Remains Subject to Scenic Corridor Policies or 50 feet, whichever is more restrictive.
   iii. Add "Area" to East Airway and Portola labels

h. Page 2-34, P-LU-4: Remove bullet point #3 as Live/Work units within residential areas are only permitted on Main Street - ~~Live/work units located within residential areas not located on Main Street must be located adjacent to a public street and may not be converted entirely to a commercial use. These units must remain in residential use, with the option to also operate a business within the unit.~~

i. Page 2-36, revise Policy P-LU-13: The Core, East Airway, and Portola areas, as identified on Figure 2-4, are exempt from the City's existing Scenic Corridor policies as defined in the Community Character Element of the Livermore General Plan. Maximum building height above mean sea level for these three areas are established by Figure 2-

4. ~~All other buildings proposed on this site remain subject to the Scenic Corridor Policy.~~ Any buildings outside of the exception areas remain subject to the Scenic Corridor Policy, or ~~the prescribed height limits in the Plan area~~50 feet in height, whichever is more restrictive.

j. Page 2-39, Retail Commercial: update lettering list to begin with "a."

k. Page 2-43, Figure 2-7, Airway Business Park Parcels with CS Sign Standards and Figure 2-8, Airway Business Park Parcels with Access to Freeway Sign: Revise figures to remove references to former PD-17 zoning, which was replaced with adoption of the Specific Plan (see Exhibit C).

l. Page 2-48, Add new policy: Residential developments less than or equal to 500 units shall provide at least two residential product types. Residential developments greater than 500 units shall provide at least three residential product types. For the purposes of this policy, distinct residential product types include but are not limited to duplexes, multi-plexes, townhomes, flats, garden apartments, condominiums, and other apartment buildings. Interior floor plan variations with the same exterior elevations do not constitute a different product type. Modifications to this requirement may be approved by the Director.

m. Page 2-48, P-LU-33: Revise Policy P-LU-33 as follows: P-LU-33: All new residential development shall comply with the City's Inclusionary Ordinance (Section 10.06.050 of the Livermore Development Code), ~~except that~~ including at least 20 percent of units for each project shall be affordable (i.e., offered at below-market rates) in the Isabel Neighborhood. The affordable housing units for for-sale residential subdivisions must be sold to moderate- and median-income house- holds. Of the total number of for-sale dwelling units (20 percent) set aside, at least five percent (5%) shall be reserved for sale to median-income households with the balance set aside for moderate-income households. Whenever the inclusionary requirement results in a fractional unit(s), the fractional unit(s) shall be combined and provided as median-income units. Whenever the total number of affordable units required to be constructed includes a fraction of a unit, the payment of a proportional in-lieu fee shall satisfy that partial unit requirement.

Example: Calculation of the number of inclusionary units required for a 110-unit for-sale residential development:

Required units reserved for moderate-income households
110 units x 15% = 16.5 units

Required units reserved for median-income households
110 units x 5% = 5.5 units

Combined fractional units
0.5 unit + 0.5 unit = 1 unit

Required Units to be provided
Moderate-income households = 16 units
Median-income households = 6 units

~~For example, a 110- unit for-sale residential development would be required to provide 15 percent, or 16.5 units, at the moderate-income level and 5 percent, or 5.5 units, at the median-income level. Therefore, 16 units shall be provided at the moderate-income level and 6 units shall be provided at the median-income level.~~

Example: Calculation of the number of inclusionary units required for a 112-unit for-sale residential development:

Required units reserved for moderate-income households
112 units x 15% = 16.8 units

Required units reserved for median-income households
110 units x 5% = 5.6 units

Combined fractional units
0.8 unit + 0.6 unit = 1.4 units

Required Units to be provided
Moderate-income households = 16 units
Median-income households = 6 units
Remaining fractional unit to be paid in-lieu = 0.4 unit

The affordable housing units for rental residential projects must be designated or reserved for rent to very-low-, low-, median, and moderate- income households. Of the total number of rental dwelling units (20 percent) set aside, at least six percent (6%) shall be reserved for rental to very-low-income households, seven percent (7%) shall be reserved for rental to low-income households, four percent (4%) shall be reserved for rental to median-income households, and three percent (3%) shall be reserved for rental to moderate- income households. Whenever the inclusionary requirements result in a fractional unit(s), the fractional unit(s) shall be combined and provided as very-low-income units. Whenever the total number of affordable units required to be constructed includes a fraction of a unit, the payment of a proportional in-lieu fee shall satisfy that partial unit requirement.

Example: Calculation of the number of inclusionary units required for a 110-unit rental residential development:

Required units reserved for very-low-income households
110 units x 6% = 6.6 units

Required units reserved for low-income households
110 units x 7% = 7.7 units

Required units reserved for median-income households
110 units x 4% = 4.4 units

Required units reserved for moderate-income households
110 units x 3% = 3.3 units

Combined fractional units

0.6 unit + 0.7 unit + 0.4 unit + 0.3 unit = 2 units

Required Units to be provided
Very-low-income households = 8 units
Low-income households = 7 units
Median-income households = 4 units
Moderate-income households = 3 units

~~For example, a 110-unit rental residential development would be required to provide 6 percent, or 6.6 units, at the very-low income level; 7 percent, or 7.7 units, at the low-income level; 4 percent, or 4.4 units at the median-income level; and 3 percent, or 3.3 units, at the moderate-income level. The combined fractional units equates to two units that shall be provided as very-low-income units. Therefore, 8 units shall be provided at the very-low income level, 7 units shall be provided at the low-income level, 4 units shall be provided at the median-income level, and 3 units shall be provided at the moderate-income level.~~

Example: Calculation of the number of inclusionary units required for a 112-unit rental residential development:

Required units reserved for very-low-income households
112 units x 6% = 6.72 units

Required units reserved for low-income households
112 units x 7% = 7.84 units

Required units reserved for median-income households
112 units x 4% = 4.48 units

Required units reserved for moderate-income households
112 units x 3% = 3.36 units

Combined fractional units
0.72 unit + 0.84 unit + 0.48 unit + 0.36 unit = 2.4 units

Units provided
Very-low-income households = 8 units
Low-income households = 7 units
Median-income households = 4 units
Moderate-income households = 3 units
Remaining fractional unit to be paid in-lieu = 0.4 unit

Under the City's Inclusionary Ordinance, affordable housing units shall be built on site and integrated within new residential developments unless the City Council approves an alternative method of compliance. For projects that utilize land dedication as a compliance method, the dedicated land must be located within the Isabel Neighborhood area and equivalent in actual value to the affordable units it is replacing.

m. Page 2-53, P-LU-50: Revise the policy as follows: Utilize the latest communication infrastructure in the Innovation Hub.

n. Page 2-53, remove policies P-LU-51 through P-LU-54 as they are repeat policies already stated under P-LU-44 through P-LU-48.
o. Page 2-53, remove goal G-LU-10 as it is identical to goal G-LU-9.
p. Page 2-53, remove policy P-LU-56 as it is identical to policy P-LU-50.
q. Renumber all subsequent policies.

Chapter 3 – Transportation

a. Page 3-11, Major Street: Isabel Avenue will also provide… bicycle lanes and the vehicular travel lanes. Portola Avenue between Collier Canyon Road and Isabel Avenue will be reduced from 6 vehicle travel lanes to 4 vehicle travel lanes to accommodate a Class IV protected bicycle lane. The Class IV bike lane will continue west, on North Canyons Parkway between Collier Canyon Road and Doolan Road and east along Portola Avenue (see Figure 3-15). These improvements to existing Major Streets…
b. Page 3-27, Table 3-3: Bicycle Parking Ratios for the Isabel Neighborhood

Land Use	Bicycle Parking Minimum	Format/Location
Residential		
Transition and Village (includes ADUs)	1 space per unit for resident parking; 1 visitor parking space per 20 units for guest parking	Resident parking ~~M~~must be secured and covered, such as within garages for individual units (minimum dimension of 2x6 ft. in a garage or other indoor area) or in a common area Visitor parking must be in a publicly accessible location
Center and Core	1 space per 4 bedrooms for resident parking; 1 visitor parking space per ~~5~~ 20 units for guest parking	Resident parking must be secured and covered; such as within garages for individual units (minimum dimension of 2x6 ft. in a garage or other indoor area) or in a common area Visitor parking must be in a publicly accessible location
Live/Work Units	1 space per unit; Refer to Ground Floor Retail/Flex Space Overlay for customer parking ratio	Resident/employee space must be secured and covered; Customer parking must be provided in a publicly accessible location, within one block of the unit
Non-Residential		
Neighborhood Commercial and Ground Floor Retail/Flex Space Overlay	1 space per 1,400 square feet	Provided within 30 feet of the main building entrance. If the main building entrance is relocated, then bicycle parking shall be relocated to be consistent with this standard.
General Commercial	1 space per 2,800 square feet	At least 25% of the bicycle parking shall be secured for employee use and at least 25% shall be open for public use
Office-Core	1 space per 1,600 square feet	
Office and Business Park	1 space per 3,200 square feet	

c. Page 3-28, revise Policy P-TRA-1: Create a walkable street grid within a half-mile radius of the Valley Link station ~~(Neighborhood core area)~~…

d. Page 3-30, revise Policy P-TRA-22: With the exception of business park and general commercial users outside of the Neighborhood Core Area (generally bound by I-580, Collier Canyon Road, Portola Avenue, and the seasonal drainage running south from Cayetano Park), require property owners, residents, and tenants…

Chapter 4 – Parks, Public Facilities, and Infrastructure

a. Revise Policy P-PF-41: Ensure that utilities (i.e., electricity, ~~natural gas,~~ telecommunications, and cable) are available to serve new development in an environmentally responsible, aesthetically acceptable, and safe manner. However, the ultimate responsibility for ensuring that the utilities are available to support new development rests on the sponsor of proposed projects.
b. Add new Policy P-PF-42: All new development must install electric-only appliances and HVAC (e.g. no natural gas heating, cooling, or cooking).
c. Renumber all subsequent policies.

Chapter 5 – Urban Design

a. Page 5-1, Introduction: For all topics…and Infrastructure. Deviations from any design standard in this Chapter may be authorized by the Director.
b. Page 5-21, Revise Design Standard DS-26: Buildings shall be built to and oriented such that frontages and entrances are visible and accessible from the public right-of-way, on-site common areas, pedestrian pathways, parks, and/or plazas. Rear yard fences and walls, garages, and backs of buildings shall not face or be visible from external public streets or primary entryways into the development.
c. Page 5-22, Revise Design Standard DS-27: Development shall include accessible, direct, and well-lit pedestrian links between buildings, sidewalks, parking areas, trails, and any on-site or nearby public spaces such as bus stops and the Valley Link Station. New residential development shall provide at least one accessible pedestrian access point to any adjacent public sidewalk or trail and additional access points shall be provided a minimum of every 400 linear feet.
d. Add new Design Standard: Facades facing all streets, sidewalks, and pathways shall include windows and/or doors.
e. Page 5-25, remove the following header: ~~The Core~~
f. Page 5-25: Outreach revealed some concern about…For example, all ~~but one~~ of the blocks designated for Core or Center housing are located adjacent to a park ~~or~~ , open space area, or includes a pedestrian streetscape treatment which helps foster a sense of openness.
g. Page 5-28, Revise DG-25 to a Design Standard: ~~Articulate~~ ~~b~~Building volumes and surfaces shall be articulated with three-dimensional elements ~~that create a visual play of light and~~ including eaves, plane changes, and trim elements that create shadow and reduce the apparent bulk of buildings.
    a. Eaves shall extend at least 12 inches from the wall plane.
    b. Plane changes shall be consistent with DS-40.
    c. Trim elements shall be ½-inch to 1-inch in depth.
h. Add new Design Standard: Additional architectural features shall be incorporated to create articulated facades such as architectural trim and detail, window boxes, brackets, overhangs, trellises and lattice. Trim shall be ½-inch to 1-inch in depth and applies to windows, doors, and between floors. Overhangs shall be a minimum of 18 inches. At

least 30 percent of all windows on a façade shall have a design feature including a planter box, bracket, or trellis as appropriate to the architectural style.

i. Page 5-28, Revise DG-26 to a Design Standard: ~~Employ v~~ Variations in building and roof heights, façade plane changes, ~~roof styles, architectural details,~~ colors, and materials shall be incorporated into buildings~~. Use these elements in a mutually reinforcing manner to break up the appearance of large buildings as viewed from nearby (e.g., at the street level) and from far (e.g., from several hundred feet away)~~.

j. Add new Design Standard: Awnings, overhangs, or covered porches shall be provided on all commercial and mixed-use buildings and at all primary residential building entries to provide shelter and shade. Porches shall be consistent with Section 4.03, Frontage Standards, of the Livermore Development Code, as they exist today or are amended.

k. Page 5-28, Revise Design Guideline DG-27 to a Design Standard: ~~Avoid f~~False fronts, applied mansard forms, and other artificial rooflines are not permitted~~ Instead consider special treatment of the upper story (e.g. in color, texture, material, and/or fenestration pattern) to provide a legible "top" to the building~~. All flat roof buildings shall include a defined cornice that varies in color and/or material from the adjacent wall plane. The cornice shall be at least 12 inches in height that projects at least 12 inches from the wall plane. For all buildings three stories and above, the top story shall be de-emphasized through an additional minimum 3-foot setback.

l. Add new Design Standard: For all buildings that do not include a flat roof, roofing materials shall consist of tile, slate, shingles, ~~sheet metal shingles,~~ and standing metal seam.

m. Add new Design Standard: Rooflines above primary entrances shall extend a minimum of 5 feet above adjacent roof heights to demarcate primary building entrances.

n. Add new Design Standard: Roof overhangs shall be incorporated into the building design and include brackets, corbels, soffits, or other overhang details, consistent with the architectural style.

o. Page 5-30, Revise Design Standard DS-51: Reflective glazing is prohibited to avoid bird deaths from impacts. Applied films are prohibited in favor of other window treatments to reduce sun and light intrusion such as awnings or shades. Deep window tinting that does not allow visibility into the interior is prohibited except in limited amounts as an accent when found necessary to implement a particular building design. ~~Light window tinting is permitted.~~ Ground floor windows may be lightly tinted for energy efficiency purposes, but shall allow for clear visibility into the building interior. Widows on the second floor and above may use more tinting for solar efficiency. If tinted glazing is used, light tints and green, gray or blue hues shall be used.

p. Page 5-30, Revise DG-32 to a Design Standard: ~~No single architectural style is required in the Planning Area~~ Architectural styles for residential buildings that are three stories or less in height shall be limited to traditional or contemporary variations on the following traditional architectural styles: Farmhouse, Craftsman, Folk Victorian, Spanish Eclectic, Mission and Prairie. Contemporary architectural styles are encouraged, although traditional styles are also acceptable for any building four stories or more in height. The architectural style must be defined for all projects in the Isabel Neighborhood.

q. Add new Design Standard: Retaining walls may not exceed six (6) feet in height. Retaining walls that are greater than three (3) feet in height shall maintain a minimum three (3) foot setback from public sidewalks along a project frontage and side or rear property lines. Installation and maintenance of landscaping in the ground area between

retaining walls and between retaining walls and sidewalks, structures and/or parking lots is required for retaining walls of any height. For sloped areas where multiple retaining walls are proposed, the retaining walls shall maintain a minimum separation width equal to the height of the tallest adjacent retaining wall. The ground area between the retaining walls may have a maximum slope of 3:1.

r. Add new Design Standard: Retaining walls and sound walls shall be faced with natural materials, such as natural stone or wood. Landscaping shall be incorporated to minimize adverse visual impacts, with planting in front of walls, within stepped recesses and/or overhanging the wall.

s. Page 5-33, Revise Design Standard DS-63: Fences ~~and walls~~ shall not exceed three feet in height in or along setbacks from streets or pedestrian-only pathways~~, unless a sound wall is required for noise mitigation purposes~~. Fences up to 6 feet tall may be allowed along the property lines of side and rear yards in Transition and Village areas.

t. Page 5-35, Revise Design Standard DS-76: Primary building entries, either individual or shared, shall~~:~~ be prominent, ~~and~~ easy to identify~~;~~, and face an external public street or pedestrian path~~; and incorporate a projection (porch, stoop, etc.) recess or combination.~~ Design cues shall create a transition from the public street to the private residence including raised stoops, open porches, and/or entrance vestibules that correspond to the vertical modules of attached building units.

u. Add new Design Standard: Open, visible parking is not permitted between the external public street and adjacent residential buildings.

v. Add new Design Standard: New development shall include broad branching double rows of trees along Major Streets. Permitted tree species include London Plane, California Sycamore, and Sawleaf Zelkova. Alternative broad branching and long-lived tree species may be approved by the Director.

w. Add new Design Standard: New development shall utilize engineered soil, root barriers, and adequate irrigation to ensure proposed trees reach full potential for height and spread. A detail of the proposed landscape treatments and specifications shall be shown on plans submitted for Building Permits.

x. Page 5-31, Revise existing Design Standard DS-53: All building facades shall include durable accent materials such as stone, brick, tile, wood, ~~glass,~~ and metal ~~and other durable quality materials~~. Office buildings may consist of glass as a primary building material. Glass and ceramic tile may be used as an accent cladding material on all buildings.

    a. Durable accent materials, as described above, must be applied at a minimum 15 percent of the total elevation surface area and 35 percent for elevations facing public streets or project entries.
    b. A variety of materials shall be used to create a coordinated hierarchy of primary, secondary and accent materials, textures, and colors that support the building's overall architecture.
    c. Durable materials, as described above, shall be provided within the first floor of building façade above the ground level.

y. Add new Design Standard: Trim materials shall be stucco, ceramic tile, or ~~polished~~ brushed metal. Multiple trim materials may be used consistent with the architectural style.

z. Page 5-34, Revise Design Standard DS-54: ~~Primary colors and bright colors shall be used as accent colors only.~~ At least three colors shall be used on all building facades

consisting of a primary, secondary, and accent color. The secondary color shall be used on individual building elements for emphasis and accent colors shall be used on doors, windows, and/or trim elements. All primary and secondary colors shall be complimentary and analogous to one another consistent with the color wheel.

aa. Add new Design Standard: Base treatments shall be provided to visually anchor buildings to the ground and establish a human scale for passersby.
    a. Base treatments shall extend around all visible sides of a building.
    b. A building base shall project a minimum of 3 inches from the adjacent wall plane such that it is visibly thicker compared to the area above. The building base shall be continuous and include at least one of the following:
        i. A material and/or color change of the base wall relative to the building wall above. The base material shall be designed to appear heavier than portions of the building above by employing darker colors and/or bulkier materials; and/or
        ii. A horizontal architectural feature at or below the first story mark, such as an intermediate cornice line or protruding horizontal band.

bb. Page 5-30, Revise DG-31 to a Design Standard: For residential buildings using traditional architecture, or contemporary variations on traditional architecture, window openings shall have a height greater than or equal to their width.

cc. Add new Design Standard: Window shapes shall be simple and rectangular but may have angled or arched tops if consistent with the architectural design. Round windows are prohibited.

dd. Add new Design Standard: For residential buildings using traditional architecture, windows shall be of the double- or single-hung type, casement, or sliders.

ee. Page 5-35, Revise Design Standard DS-75: ~~Where typical of an architectural style, w~~ For buildings three stories or less in height, windows shall ~~be recessed~~ be recessed from the exterior wall surface to create a an inset depth of at least 2 inches. For buildings taller than three stores in height, windows may either be recessed or include a reveal, of at least two inches, from the exterior wall surface that creates a legible shadow to provide relief. This standard does not apply to plate glass windows that extend the entire length of a building façade.

ff. Page 5-36, Remove Design Standard DS-77 as Live/Work units are only permitted in Ground Floor Retail/Flex Overlay zones: ~~For developments not located within the Ground floor Retail/Flex overlay, any Live/work units shall be located adjacent to a public street.~~
    - ~~Only the commercial space is required to be on the ground floor adjacent to the street; the residential space may Be located above or to the rear of the commercial space.~~
    - ~~Live/work units shall be designed to have direct access between the residential and commercial spaces, although the primary entries to the various spaces may be separate.~~

gg. Page 5-39, Combine Design Standard DS-87 and DS-88 into one new Design Standard 87 as follows: Live/work units located along Main Street shall be designed to require commercial spaces adjacent to Main Street, subject to the design standards and guidelines for the Ground floor Retail/Flex overlay and Building Code standards for retail uses.

~~− Only the c~~Commercial space is required ~~to be~~ on the ground floor adjacent to the street. ~~t~~The residential space may be located above or to the rear of the commercial space.

− Live-work units must have their own individual entry.

− Live/work units shall be designed to have direct access between the residential and commercial spaces.

hh. Page 5-39, Revise Design Standard DS-89: The ground floor should have a minimum of 60 percent transparency (glass) between 2.5 feet and 7 feet above the street ~~level~~ level. Refer to Figure 5-18. ~~Revise all subsequent DS numbers.~~

Chapter 7 – Implementation & Financing Strategies

a. Remove and replace Policy P-IMP-6 as follows:
~~P-IMP-6: The City shall modify the Transferable Development Credits In-Lieu Fee Program to establish new multi-family housing rates to facilitate the development of the densities and building types identified within the Specific Plan. The new rates shall apply to developments that build at or above 25 dwelling units per acre and that meet or exceed the target housing unit count by subarea shown in Table 2-6, Performance Measures by Subarea. The new multi-family housing rates shall apply to the Isabel Neighborhood Specific Plan area only.~~

P-IMP-6: Transferable Development Credit (TDC) regulations shall be applied to the Specific Plan consistent with Livermore Development Code Section 4.02.060, as it exists today or as amended in the future. The baseline density shall be zero for all residential designations within the Isabel Neighborhood. Modifications to the TDC regulations may be made through a Development Agreement on a project-specific basis as recommended by the Director and approved by City Council if such modifications are shown to be necessary to meet Specific Plan density, design policies, and/or goals.

b. Remove Policy P-IMP-7: ~~P-IMP-7: The City shall consider a Transferable Development Credits In-Lieu Fee credit program to encourage residential development to meet or exceed the target housing unit count by subarea shown in Table 2-6, Performance Measures by Subarea. The credit program shall apply to the Isabel Neighborhood Specific Plan area only and take effect upon compliance with Master Planned subareas consistent with P-LU-8.~~

c. Update subsequent policy numbering for P-IMP-8 and P-IMP-9.

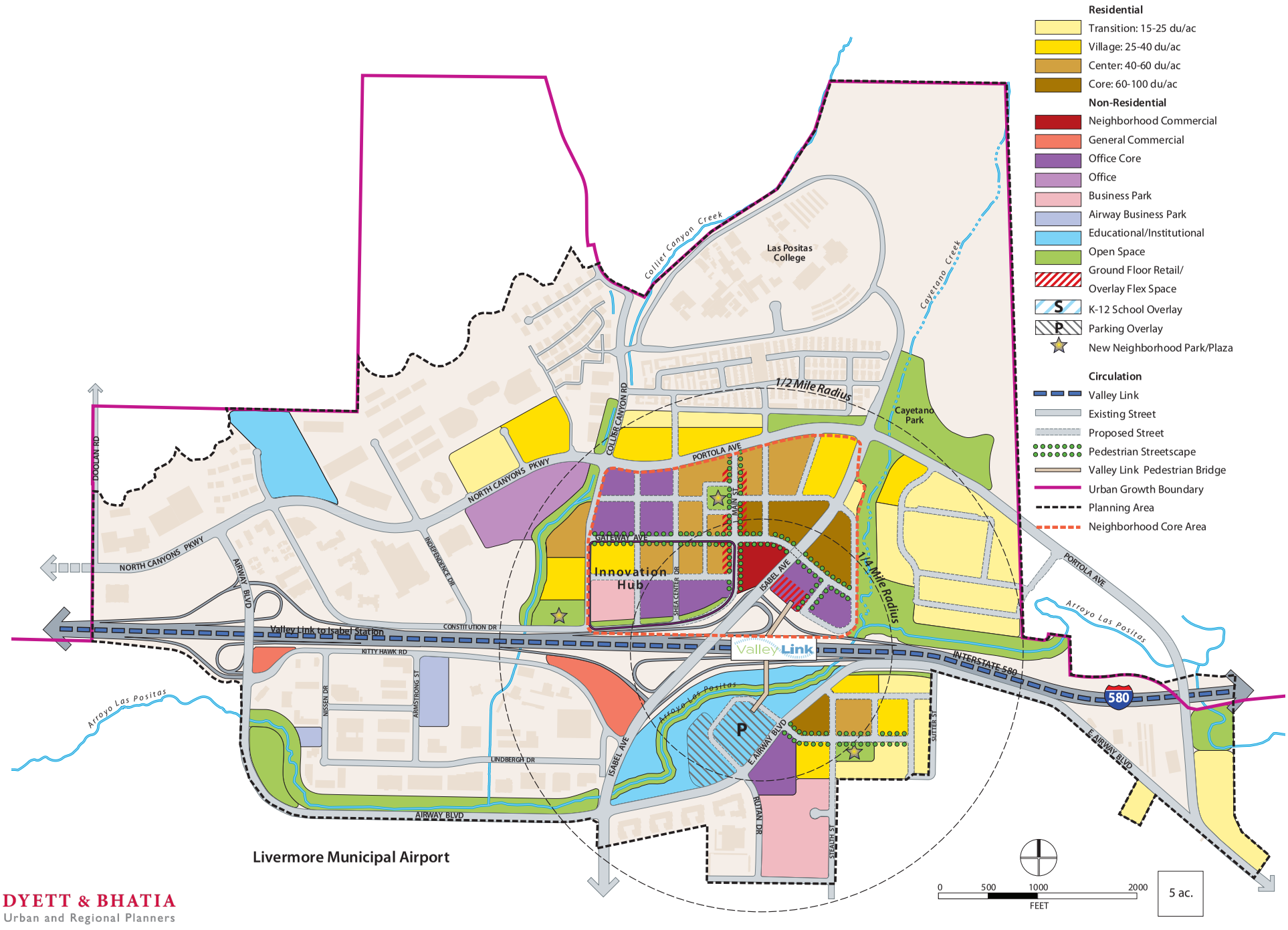
Appendices

1. Create new appendix section and include the following new appendices:
    a. Isabel Neighborhood Specific Plan Policies
    b. Isabel Neighborhood Specific Plan Design Standards and Guidelines

Exhibits:

A. Figure 2-2: Land Use Diagram – Change Areas
B. Figure 2-4: Isabel Neighborhood Scenic Corridor Amendment Areas
C. Figure 2-7, Airway Business Park Parcels with CS Sign Standards and Figure 2-8, Airway Business Park Parcels with Access to Freeway Sign

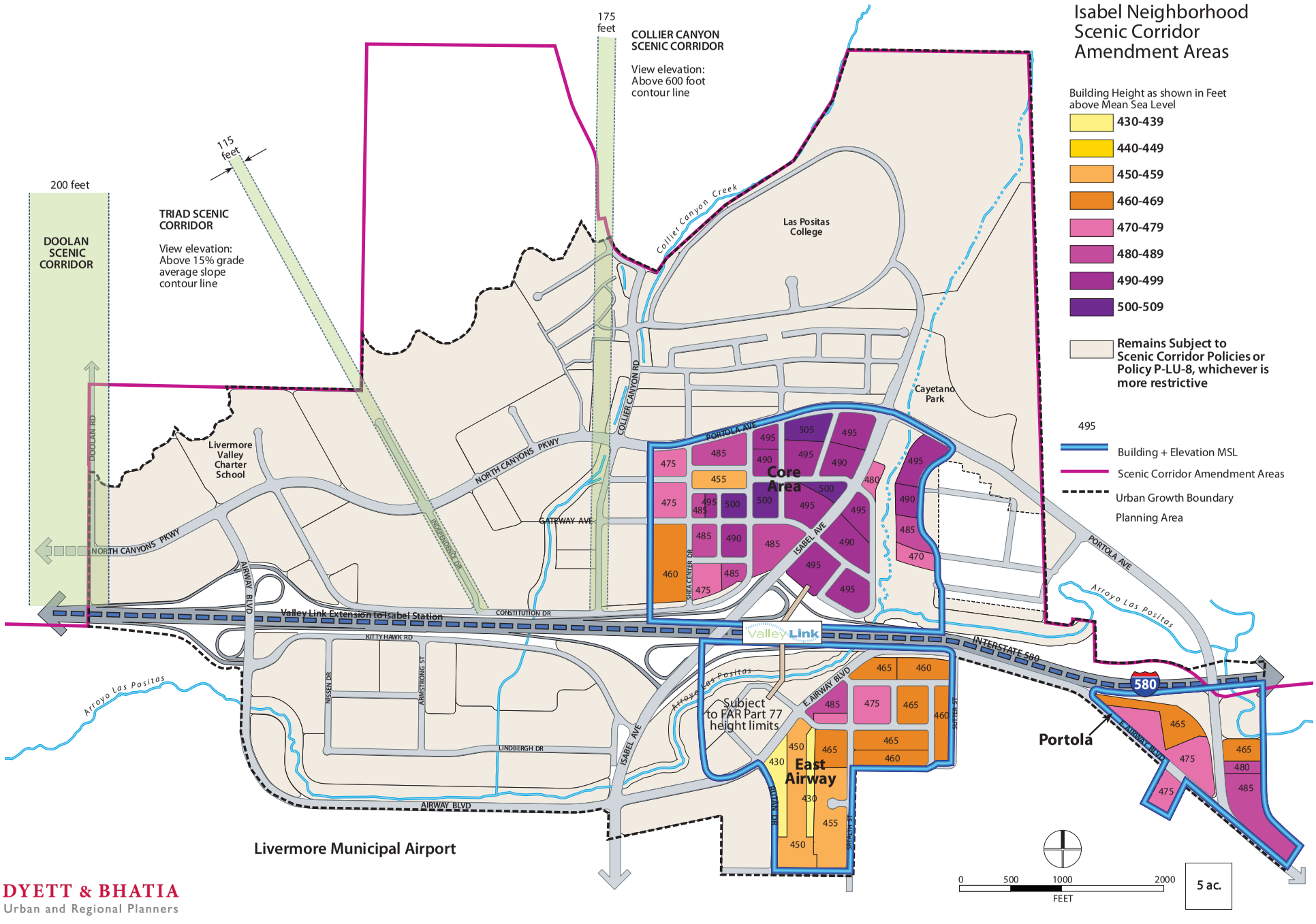
FIGURE 2-2: LAND USE DIAGRAM — CHANGE AREAS



DYETT & BHATIA
Urban and Regional Planners

ATTACHMENT 4
EXHIBIT A

FIGURE 2-4: ISABEL NEIGHBORHOOD SCENIC CORRIDOR AMENDMENT AREAS



DYETT & BHATIA
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ATTACHMENT 4
EXHIBIT B

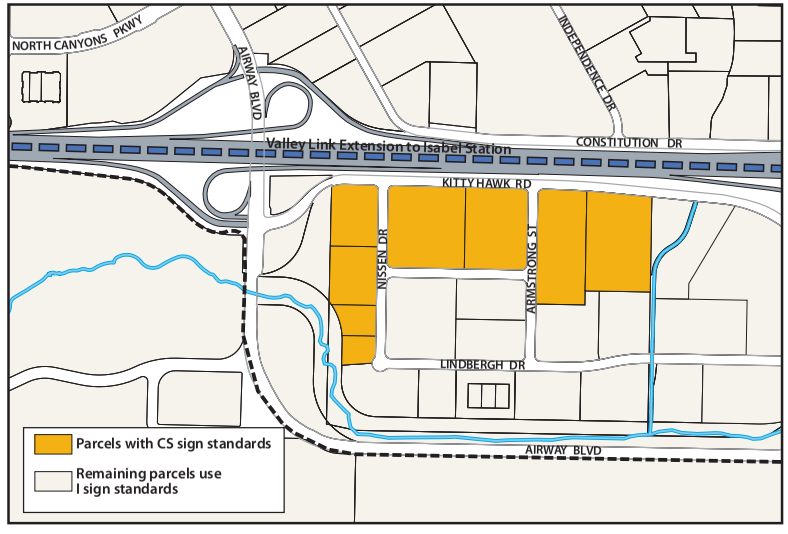

FIGURE 2-7: AIRWAY BUSINESS PARK PARCELS WITH CS SIGN STANDARDS

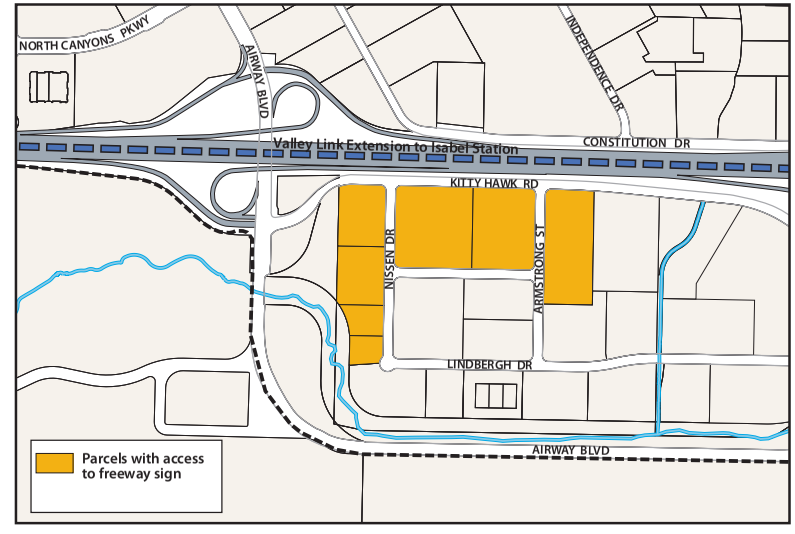

FIGURE 2-8: AIRWAY BUSINESS PARK PARCELS WITH ACCESS TO FREEWAY SIGN

ATTACHMENT 4
EXHIBIT C

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 10.1**

DATE: November 1, 2022

TO: Chairperson and Members of the Planning Commission

FROM: Steve Stewart, Planning Manager

SUBJECT: Supplemental materials received at the meeting.

RECOMMENDED ACTION

SUMMARY

DISCUSSION

ATTACHMENTS

1. Items Received at the Meeting

Prepared by: Michele Donley
Division Clerk

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November 1, 2022

Via Electronic Mail
Planning Commission of the City of Livermore
Civic Center Meeting Hall
City Council Chambers
1016 S. Livermore Avenue
Livermore, CA
planning@livermoreca.gov

Re: Proposed Amendments to Isabel Neighborhood Specific Plan,
Planning Commission Meeting, November 1, 2022

Planning Commissioners:

On behalf of Isabel Portola Owner, LLC ("Owner"), we respectfully submit these comments with regard to the City's proposed amendments to the Isabel Neighborhood Specific Plan ("INSP"). The Owner has applied for a Development Agreement and Large Lot Vesting Tentative Tract Map and Conceptual Master Plan for its mixed-use development project located at the Isabel / Portal site as further described in the Owner's formal project submittal dated September 21, 2022.

The Commission has been presented proposed amendments to the INSP recommended by City Planning Staff. As Owner of the 45-acre property at Isabel and Portola, the core of the INSP, for the past year, we have worked cooperatively with City staff to develop the above-referenced Conceptual Master Plan which meets the goals and objectives of the INSP. We would like to take this opportunity to participate in the discussion to clarify aspects of the INSP as they pertain to future projects within the Planning Area.

We note the relatively brief period of time between the date we received notice of the proposed amendments on Friday, October 28, 2022, and the Commission meeting scheduled for November 1, 2022. Please consider the following our initial comments with the intent to continue discussion of the proposed INSP amendments prior to the Commission's final review.

1. Consider Current Market Conditions to Activate "Office Core" Sub-areas.

The Owner engaged consultants to gauge the office and retail potential within the INSP in light of current market conditions and they provided City staff with its

consultant's (Gruen + Associates) market studies for potential office uses within the INSP (attached). Gruen concludes that the office market is, at best, poor and decades away.

In this regard we note that the INSP office use projections were based on the most aggressive growth assumptions set forth in the base studies underlying the INSP. Unfortunately, such growth patterns have not been realized.

The Owner requests that the City consider incentivizing office development by allowing residential development over office uses in the Office and Office Core land use categories. The Owner has proposed ground floor commercial uses with residential above potential office uses. We note that co-location of work and residential uses in this manner would contribute to both the attractiveness of office uses to potential users, while at the same time lessening environmental impacts.

Finally, we note that such a revision to the INSP fits the goals and objectives of the specific plan as allowing residential use within these categories are of the same general character of surrounding land uses as envisioned in the INSP (see Footnote 1, LU Page 2-18).

2. Consider the Impact of Certain Proposed Amendments to INSP Land Use and Urban Design Standards

Based upon our initial review, certain amendments to the Urban Design Standards may result in a reduction of the number of housing units that may be built by (i) introducing physical constraints that make development of the density targeted by the INSP very difficult and prohibitively expensive, and (ii) requiring facades and finishes that are not economically viable based on market conditions (e.g., requiring 35% façade coverage with durable accent materials (Page 5-31, Revise existing Design Standard DS-53)). Specific examples of our concerns follow.

While we appreciate the intent of the revisions to relax the tiered, "wedding cake" interior setback requirements (additional setbacks by floor) (see Attachment 2-Staff Recommended Specific Plan Amendments, Chapter 2-Land Use, (ii) (iv)(2)), we express our general concern that such tiered setback requirements reduce achievable density targets and substantially increase construction costs. We will continue our studies and work cooperatively with staff to assure that the INSP objectives are met in this regard.

We also do not fully understand the proposed revisions to Chapter 5 Urban Design, Page 5-22, Revise Design Standard DS-27, stated as: "<u>New residential development shall provide at least one accessible pedestrian access point to any adjacent public sidewalk or trail and additional access points shall be provided a minimum of every 400 linear feet</u>." We are concerned that requiring multiple pedestrian access points in this manner may also reduce the number and/or size of

housing units. Again, we will continue to work with City Staff to better understand this new proposed requirement.

While we also appreciate the proposed limitation of change in grade standards to "public" streets only (See proposed amendment to 5-35, Design Standard DS-76: Primary building entries) we continue to have concern that requiring such grade separation between the public roadway and residences will make reaching the INSP's target densities much more difficult if not impossible due to existing height limitations. This Urban Design Guideline, while arguably increasing the aesthetics of the streetscape, requires the height of the buildings to be increased, which can be only remedied by losing one floor of housing which, again, reduces resident foot traffic in retail and commercial uses.

We also appreciate the added value of a double-row of trees (Attachment 2-Staff Recommended Specific Plan Amendments, Ch. 5 – Urban Design, (v)), we note that the City Fire Marshal generally requires the placement of rescue window ladder pads. The second row of trees may interfere with the placement of rescue pads. We suggest reconciling the Fire requirements with the placement of the trees.

Thank you for your consideration of these issues. We invite a continued discussion.

Regards,

HOGE, FENTON, JONES & APPEL, INC.

Sblend Sblendorio
Attorney

SAS:JJC

EVALUATION OF THE TRI-VALLEY OFFICE SPACE MARKET AND THE POTENTIAL DEMAND FOR OFFICE SPACE IN LIVERMORE AND OFFICE SPACE DEVELOPMENT AT THE PORTOLA AND ISABEL SITE IN LIVERMORE

To

HARRIDGE DEVELOPMENT GROUP

From

GRUEN GRUEN + ASSOCIATES
Urban Economists, Market Strategists & Land Use/Public Policy Analysts

October 2022

C1607.1

Gruen Gruen + Associates

EVALUATION OF THE TRI-VALLEY OFFICE SPACE MARKET AND THE POTENTIAL DEMAND FOR OFFICE SPACE IN LIVERMORE AND OFFICE SPACE DEVELOPMENT AT THE PORTOLA AND ISABEL SITE IN LIVERMORE

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APPLYING KNOWLEDGE
CREATING RESULTS
ADDING VALUE

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MEMORANDUM REPORT

Date: October 10, 2022
To Harridge Development Group
From: Gruen Gruen + Associates
Subject: C1607.1 Evaluation of the Tri-Valley Office Space Market and the Potential Demand for Office Space in Livermore and Office Space Development at the Isabel and Portola Site in Livermore

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INTRODUCTION

This report summarizes the research and analysis Gruen Gruen + Associates (GG+A) completed to evaluate the Tri-Valley office space market conditions and trends and the potential demand for office space in Livermore. The assessment of the potential demand for office space at the Isabel and Portola site reflected consideration of:

- the broader office space market conditions;
- the existing office vacant office space in Livermore (and the vacancy rates in the broader Tri-Valley and East Bay markets);
- Livermore and the Isabel and Portola site's comparative advantages and disadvantages as a location for office space;
- the potential employment growth in office space using economic sectors in Livermore; and
- the relationship between forecast potential office space demand in Livermore and the supply of existing vacant office space in Livermore.

This report also presents an identification of the real estate economics of office space development.

PRINCIPAL FINDINGS AND CONCLUSIONS

TRADITIONAL PROFESSIONAL AND CORPORATE OFFICE SPACE MAY NOT BE MARKET RESPONSIVE OR FINANCIALLY FEASIBLE BECAUSE THE SITE LACKS THE CHARACTERISTICS OF SUCCESSFUL OFFICE SPACE DEVELOPMENTS, AMPLE OFFICE SPACE ALTERNATIVES ARE AVAILABLE, AND OFFICE SPACE RENTS ARE LOW

Characteristics of Successful Office Space Developments

To succeed office projects must be located and built with or near other activities that will enhance productivity and attract and hold talented labor. Successful corporate and professional office space developments typically must meet the following criteria:

- A central or highly accessible location to major transportation nodes and other activity centers in the region. GG+A's past survey research and review of the literature on locational factors and corporate site selection clearly suggests for offices devoted to administrative, corporate control and research and development functions or professional service industries (e.g., advertising, accounting and auditing, management consulting, public relations and legal services) that most intensively sell to customers outside their local area, access to commercial air service and other key transportation links is critical;

- A large commute shed providing access to a significant concentration of a highly skilled and well educated workforce;

- Proximity to a diverse set of housing uses;

- Proximity to retail, lodging, and other support services and amenities, including eating and drinking establishments and day-care and fitness facilities;

- Market responsive product types with appropriate technology capabilities; and as indicated above, most important,

- Locations within agglomerations or a "critical mass cluster" that help businesses attract and retain labor and operate cost effectively and productively. Spatially concentrated development gives cost and revenue advantages to a geographic area's expanding and new firms. These advantages related to knowledge spillover, labor exchange, and specialized support services and amenities are "external to the firm". They benefit all the companies within a particular place, without firms having to shell out extra dollars for these advantages.

Evaluation of Site Characteristics

The Site is not part of a well-established preferred corporate and professional office concentration. The area around the Site does not contain a critical mass of office space users, contemporary high quality office space inventory, and proximate amenities and services.

Livermore's location at the eastern edge of the East Bay results in the Site not being as centrally located to other activity centers and as conveniently located to the San Francisco Airport[1] (the major airport serving business travelers) as other established office concentrations.

According to a technical memorandum "Valley Link Ridership, Revenue, and Benefits" dated July 2, 2020 (https://www.valleylinkrail.com/_files/ugd/95df9a_f84d07557d7c4d93963cddbcd83afc70.pdf) prepared by AECOM, only 454 riders commuting to the Isabel Valley Link station for work are expected in the initial years. By 2040 only 1,000 riders commuting to the Isabel Valley Link station for work are forecast. The ridership forecasts do not suggest that the enhanced transportation service will significantly impact the demand for office space near the Valley Link station.

Office Rents and Occupancy Rates Are Too Low to Support New Speculative Office Space Development

The local and regional office market is characterized by increasing vacancy rates, negative space absorption, and stagnant or declining office space rents. As reviewed below, obtainable rents for office space are not high enough to feasibly support new speculative office development at the site.

[1] The Site is approximately 25 miles to the closer Oakland Airport.

Tri-Valley Office Space Market Conditions

Table 1 summarizes current office space market conditions for the Tri-Valley office market, including Pleasanton, Dublin, San Ramon, and Livermore.

TABLE 1

Tri-Valley Office Market Conditions: 2022

	Total Space in Square Feet #	Total Availability %	Asking Rental Rate Monthly Per Square Foot $	Net Absorption in Square Feet Year to Date #
Pleasanton				
Class A	6,798,072	19.0	3.08	24,823
Class B	2,874,983	16.7	2.56	(31,793)
Flex	2,972,429	5.4	2.77	13,734
Total	12,645,484	15.3	2.91	6,764
Dublin				
Class A	1,670,792	9.8	3.27	121,982
Class B	347,447	35.5	1.92	3,366
Flex	806,717	6.0	2.32	(11,948)
Total	2,824,956	11.9	2.21	113,400
San Ramon				
Class A	7,179,306	20.9	3.18	(137,054)
Class B	888,329	14.2	2.50	(12,564)
Flex	707,371	7.5	1.60	840
Total	8,775,006	19.1	3.12	(148,778)
Livermore				
Class A	0	-	-	-
Class B	963,502	29.6	2.21	(26,315)
Flex	2,047,031	10.9	1.83	2,540
Total	3,010,533	16.9	2.02	(23,775)
Total Tri-Valley				
Class A	15,648,170	18.9	3.14	9,751
Class B	5,074,261	20.0	2.37	(67,306)
Flex	6,533,548	7.4	2.21	5,166
Total	27,255,979	16.3	2.83	(52,389)

Sources: Colliers Second Quarter 2022 I-680/Tri-Valley Office Market Statistics; Gruen Gruen + Associates.

Including flex space, the Tri-Valley office market includes nearly 27.3 million square feet of office space and over 16 percent of the space is vacant. Excluding flex space, the Tri-Valley market includes 20.7 million square feet of Class A and Class B office space of which an extremely high 19.2 percent is vacant. Including flex space, space absorption in 2022 has been negative at over 52,000 square feet. Excluding flex space, space absorption has been worse at a negative 115,110 square feet of space.

Livermore is not a well-established office submarket. Livermore contains no Class A office space. It contains only approximately 963,500 square feet of traditional (Class B) office space or less than four percent of the total Tri-Valley office market inventory. Nearly 30 percent of the Class B office space is vacant. Only the even smaller Dublin office submarket has a higher vacancy rate. The nearly 347,500 square feet of office space in Dublin is 35.5 percent vacant. Unlike Livermore, Dublin has a small inventory of Class A office space of almost 1,671,000 square feet with a vacancy rate of nearly 10 percent; the lowest of any submarket. The Dublin Class A vacancy declined by 6.5 percentage points due to the expansion of a local software company leasing 113,000 square feet at the Dublin Corporate Center.

Average rent for Livermore office space is the lowest of any Tri-Valley submarket at $2.21 per square foot per month for Class B space. Average rent for flex space in Livermore is the second lowest in the Tri-Valley market at $1.83 per square foot per month. Absorption of Class B office space year to date in Livermore has been negative at over 26,300 square feet.

Class A office space in Pleasanton comprises over 43 percent of the total Class A space in the Tri-Valley market. The vacancy rate for that space is extremely high at 19 percent. The nearly 2,875,000 square feet of Class B space in Pleasanton is nearly 17 percent vacant. Absorption of Class B space has been negative in Pleasanton.

Class A office space in San Ramon comprises nearly 46 percent of the total Class A space in the Tri-Valley market. The vacancy rate is extremely high at nearly 21 percent. Space absorption year to date in San Ramon has been highly negative at nearly 149,000 square feet of space.

East Bay Office Space Market Conditions

Table 2 summarizes current office space market conditions for the Oakland/East Bay market.

TABLE 2

Oakland/East Bay Office Market Conditions: 2022

	Total Space in Square Feet #	Total Availability %	Asking Rental Rate Monthly Per Square Foot $	Net Absorption in Square Feet Year to Date #
Alameda	3,447,731	9.7	2.61	77,192
Berkeley	3,472,553	14.5	3.53	7,309
Emeryville	4,496,875	23.2	6.44	108,726
Oakland	14,606,941	26.2	4.19	-323,431
Greater Oakland	27,912,945	18.1	4.56	-91,199

Source: Newmark Greater Oakland Office Report Second Quarter 2022

The Newmark Greater Oakland Office Report for the Second Quarter 2002 indicates that net absorption of space year to date has been negative. The largest submarket, Oakland has a vacancy rate of over 26 percent. Emeryville, the next largest submarket, has a vacancy rate of over 23 percent. Vacancy rates continue to increase. As leases expire space has been returned to the market and companies have frequency reduced the amount of space renewed or to which they relocate. The shift to life sciences space accounts for higher asking rents for Emeryville.

The review of broader office market conditions indicate ample supply of vacant office space in many markets. Businesses requiring a large amount of space have many locations to consider including those with more of the characteristics associated with beneficial office space locations.

Office Space Development Financially Infeasible

Table 3 summarizes the real estate economics of office space development.

TABLE 3 Feasibility Gap of Office Space Development	
	Per Square Foot of Space
Annual Rent Per Square Foot at Top of Market	$39.24
Capitalization Rate	6%
Capitalized Development Value	$654
Development Costs @ $600 Per Foot Excluding Land	$600
Tenant Improvements, Leasing Commissions, and Return on Cost, Excluding Land	$90
Total Cost Before Land Costs and Excluding Carrying Costs, Lease Turnover, Reserves	$690
Feasibility Gap (Value Minus Cost) Before Land and Other Costs	**-$36**
Sources: Colliers, Gensler; Gruen Gruen + Associates.	

The analysis assumes a top of the Tri-Valley market office space rent that would be higher than the rent obtainable in the Livermore submarket at over $39 per square foot per annum. The capitalization rate or yield on investment is estimated at six percent. Given the assumed rent of $39 per square foot and the six percent capitalization rate, the value of the space is estimated at $654 per square foot. Excluding land costs, office space development costs are at least $600 per square foot and could range up to $800 per square foot. Tenant improvements, leasing commission fees, and a required margin on cost or profit are estimated to total at least $90 per square foot. Excluding land costs, development costs are estimated to total $690 per square foot. The estimated costs exceed the estimated value by $36 per square foot. Therefore, the development would not be financially feasible, even before considering land costs or carrying costs.

Ample High Quality Office Supply Alternatives are Available Within the Tri-Valley Market

The intensely competitive office space market conditions and downward shifts in the Tri-Valley market is illustrated by the 585-acre Bishop Ranch office park in San Ramon. Bishop Ranch has large concentration of companies and office space previously totaling 10 million square feet of space before recently demolishing office buildings and replacing the office space with multi-family and single-family housing units (6,000 housing units are planned). This office park has added a major shopping, dining, and entertainment venue (City Center), a conference center and food court (itself an adaptive reuse of

a former office building for ATT), and an on-site hotel, and other shopping options. Because of its large scale, the development offers complimentary shuttle service to and from the Walnut Creek and Pleasanton Bart stations.

Even with the advantages of a large base of office space and office space users, a full array of amenities and services, and transportation access, based on a search of office space listings for the development, Bishop Ranch includes approximately 140 available office spaces ranging from 210 square feet to three vacant offices spaces over 100,000 square feet.

Adjoining the Bishop Ranch office park is the 92-acre San Ramon corporate headquarters of Chevron, which has announced plans to sell the facility and relocate from the 13 buildings containing 1.4 million square feet of office space accommodating more than 2,000 workers. The availability of this former corporate headquarters adds more space to the competitive Tri-Valley market office space inventory than the total amount of office space built in Livermore.

The 833-acre Hacienda Business Park in Pleasanton served by the Dublin/Pleasanton BART station has also shifted to a mixed-use development including housing, retail, and hotel uses. According to the Hacienda Owners Association, the development includes 5,484,875 square feet of built office space which is nearly 15 percent vacant. An additional 153,000 square feet of office space is approved for development. The Hacienda Business Park includes 2,299 residential units with an additional 304 residential units approved. According to a search of office listings, over 801,000 square feet of office space is available ranging in size from 466 square feet to over 64,000 square feet. A build-to-suit building for an existing owner-occupant which required expansion was completed in 2015. No office space has been built since 2015 in the Hacienda Business Park. A review of records and interview with the General Manager of the Hacienda Business Park suggest no new multi-tenant speculative office space has been built at the Hacienda Business Park for 20 or more years. While the presence of the BART station is an advantage and extends the labor draw area, and the Hacienda Business Park has advantages related to a critical mass of building space, space users (including many owner-occupants), amenities and services, as noted above, speculative multi-tenant office space has not been built in over two decades.

According to the General Manager of the Hacienda Business Park, the presence of the BART station may be a more significant advantage for residential uses. Ten residential projects have been built and another residential development is in the pipeline. According to the General Manager, two owners of major Class A office buildings are considering putting the buildings or sites to uses other than office space. Given the oversupply of office space and the behavioral changes causing a reduction in workspace demand due to the effects of the Covid 19 pandemic, residential, light manufacturing and logistics space, and lab space are replacing traditional office spaces uses at Hacienda Business Park.

Consistent with the large amount of Class A and Class B office space available in well-established locations for office space using businesses, no office space development is underway in the Tri-Valley market. According to the real estate market data vendor CoStar, since 2010, only 4.5 million square feet of office space has been added in the entire East Bay market.

HISTORICAL LIVERMORE EMPLOYMENT BY ECONOMIC SECTOR

Table 4 summarizes wage and salary employment for the city of Livermore for the period 2009 to 2019. The data is drawn from the U.S. Census Bureau, Longitudinal Employer-Household Dynamics.

TABLE 4

City of Livermore Employment by Industry Sector, 2009-2019

Industry Sector	2009 #	2019 #	Change 2009-2019 #	Average Annual Growth Rate 2009-2019 %
Agriculture & Natural Resources	12	73	61	19.7
Utilities	132	43	(89)	(10.6)
Construction	4,335	6,841	2,506	4.7
Manufacturing	3,344	6,229	2,885	6.4
Wholesale Trade	3,187	3,411	224	0.7
Retail Trade	3,400	6,196	2,796	6.2
Transportation & Warehousing	686	1,033	347	4.2
Information	1,964	1,413	(551)	(3.2)
Finance, Insurance & Real Estate	989	1,533	544	4.5
Professional & Business Services[1]	12,055	15,639	3,584	2.6
Education & Healthcare	5,516	5,362	(154)	(0.3)
Leisure & Hospitality	3,307	5,121	1,814	4.5
Other Services	996	1,099	103	1.0
Public Administration	600	578	(22)	(0.4)
TOTAL[2]	**40,523**	**54,571**	**14,048**	**3.0**

[1] Professional services include scientific and technical services.
[2] Total includes unclassified jobs

Sources: U.S. Census Bureau, Longitudinal Employer-Household Dynamics; Gruen Gruen + Associates.

From 2009 to 2019, total employment in the city of Livermore increased by an estimated 14,000 jobs, from about 40,500 jobs in 2009 to approximately 54,600 jobs in 2019. This equates to a healthy average annual growth rate of 3.0 percent. All industry sectors except for Utilities and Public Administration have added employment within Livermore over the past 10 years. Manufacturing is estimated to have added nearly 2,900 jobs and expanded rapidly at an annual rate of 6.4 percent. The Retail Trade sector is estimated to have added approximately 2,800 jobs over the period and expanded rapidly at an annual rate of 6.2 percent. The Construction sector added about 2,500 jobs and accounted for the third largest source of job growth over the period. The Leisure & Hospitality sectors added about 1,800 jobs, accounting for the fourth largest source of job growth.

Livermore's largest industry sectors, Professional & Business Services, added the largest number of jobs of approximately 3,600 jobs over the 2009-2019 period, albeit at a slower annual growth rate of 2.6 percent. According to the City's Annual Comprehensive Financial Report for Fiscal Year 2020-

21, Lawrence Livermore National Laboratory, Sandia National Lab, and LAM Research are in the top four of the city's employers and collectively employ about 11,500 workers in Livermore, or nearly three-quarters of the 2019 employment in the Professional & Business Services sectors (which includes scientific and technical services). Excluding employment from these largest employers in the professional & business services sectors suggests Livermore's employment in these sectors approximated about 4,100 jobs in 2019.

The traditional office space using sectors of the local economy - including Finance, Insurance & Real Estate - although a much smaller sector, added 544 jobs over the 10-year period, growing at a high rate of 4.5 percent annually.

EMPLOYMENT FORECAST AND OFFICE SPACE DEMAND IMPLICATIONS

Alameda County Employment Growth Rates

To quantify the potential scale of future office space demand within Livermore, GG+A relied on a 2021 County-Level Economic Forecast prepared by Caltrans for Alameda County summarized in Table 5.

TABLE 5

Alameda County Employment Forecast

	2022 Jobs #	2032 Jobs #	Jobs Added #	Annual Rate of Growth %
Information	20,500	24,400	3,900	1.8
Financial Activities	27,600	28,700	1,100	0.4
Professional Services	139,500	168,300	28,800	1.9
Total Office Sectors	**187,600**	**221,400**	**33,800**	**1.7**

Sources: Caltrans; Gruen Gruen + Associates.

Caltrans forecasts countywide modest employment growth in the traditional office space-using sector financial activities including finance, real estate and insurance, of less than one percent annual growth. As indicated above, employment in financial activities Livermore experienced a higher rate of growth off a very low base from 2009 to 2019. Information employment in Alameda County is forecast to increase at an annual rate of 1.8 percent. As indicated above, the information sector in Livermore experienced a decline in employment from 2009 through 2019.

These sectors in Livermore employment currently represents just under four percent of countywide employment in these sectors; these sectors comprise over 23 percent of total Alameda County employment. The underweighting in employment in office space prone sectors in Livermore is consistent with the limited office space development since 2003. The total deliveries of office space in Livermore since 2003 of 142,000 square feet equates to average annual growth of office space supply less than 9,000 square feet per year.

Forecast of Office Space Demand in Livermore

Table 6 presents a forecast of office space demand in Livermore assuming growth of employment in office space prone sectors consistent with growth rates forecast for Alameda County and based on estimates of those jobs being housed in traditional office space as opposed to flex space, lab space or offices in industrial buildings, educational and healthcare facilities etc.

TABLE 6

Livermore Office Employment Forecast and Office Space Demand: 2022-2032

	2022	2032	Increase 2022-2032
Employment:	Jobs #	Jobs #	Jobs #
Information	1,489	1,772	283
Financial Activities	1,551	1,613	62
Professional Services[1]	4,379	5,283	904
Total Employment	7,419	8,668	1,249
Office Space Demand			Office Space # Square Feet
Demand for Office Space Assuming: 100% of Financial Jobs, 20% of Jobs in Information & Professional Services in Traditional Office Space[2]			74,816

[1] Professional services estimate excludes employment estimate for Livermore National Laboratory, Sandia National Lab, and LAM Research.
[2]Assumes space demand of 250 square feet per job.

Source: Gruen Gruen + Associates

Employment growth in the information, financial activities, and professional services sectors is forecast to increase by 1,249 jobs, from 7,419 jobs in 2022 to 8,668 jobs in 2032. We estimate that Livermore National Laboratory, Sandia National Lab, and LAM Research make up a high share of employment in the Professional & Business Services sector in Livermore. If 100 percent of financial activities jobs are housed in traditional office space and 20 percent of jobs in the information and professional services are housed in office space and each job is associated with the consumption of office space, the employment growth forecast translates into potential demand of nearly 75,000 square feet of office space.

COMPARISON OF POTENTIAL OFFICE SPACE DEMAND TO SUPPLY OF VACANT OFFICE SPACE IN LIVERMORE

Table 7 presents a comparison of the forecast office space demand in Livermore to the supply of vacant office space (excluding flex space) in Livermore.

TABLE 7

Relationship Between Potential Office Space Demand and Vacant Office Space in Livermore

	Office Space # Square feet
Office Space Demand	74,816
Vacant Office Space Excluding Flex Space	285,197
Excess Supply of Vacant Space Relative to Potential Demand	(210,381)
Source: Gruen Gruen + Associates	

The potential office space demand of nearly 75,000 square feet is estimated to be approximately 210,000 square feet less than the supply of over 285,000 square feet of vacant office space. Even with the net positive absorption of 75,000 square feet, the vacancy rate would be over 21 percent.

The relationship between potential demand and supply of office space suggest even if office space demand is much higher than forecast, the Livermore submarket and entire Tri-Valley office space market can be expected to be intensely competitive for the foreseeable future. Obtainable rents will be constrained by the ample availability of existing office space. Given the constraints on rents rising and the high costs of construction, and the continuing effects of the Covid 19 pandemic, it is unlikely that speculative multi-tenant office space development at the Isabel and Portola site will be supported by demand and financially feasible in the foreseeable future.

Gruen Gruen + Associates (GG+A) is a firm of economists, sociologists, statisticians and market, financial and fiscal analysts. Developers, public agencies, attorneys and others involved in real estate asset management utilize GG+A research and consulting to make and implement investment, marketing, product, pricing and legal support decisions. The firm's staff has extensive experience and special training in the use of demographic analysis, survey research, econometrics, psychometrics and financial analysis to describe and forecast markets for a wide variety of real estate projects and economic activities.

Since its founding in 1970, GG+A has pioneered the integration of behavioral research and economic analysis to provide a sound foundation for successful land use policy and economic development actions. GG+A has also pioneered the use of economic, social and fiscal impact analysis. GG+A impact studies accurately and comprehensively portray the effects of public and private real estate developments, land use plans, regulations, annexations and assessments on the affected treasuries, taxpayers, consumers, other residents and property owners.

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Isabel Neighborhood Specific Plan

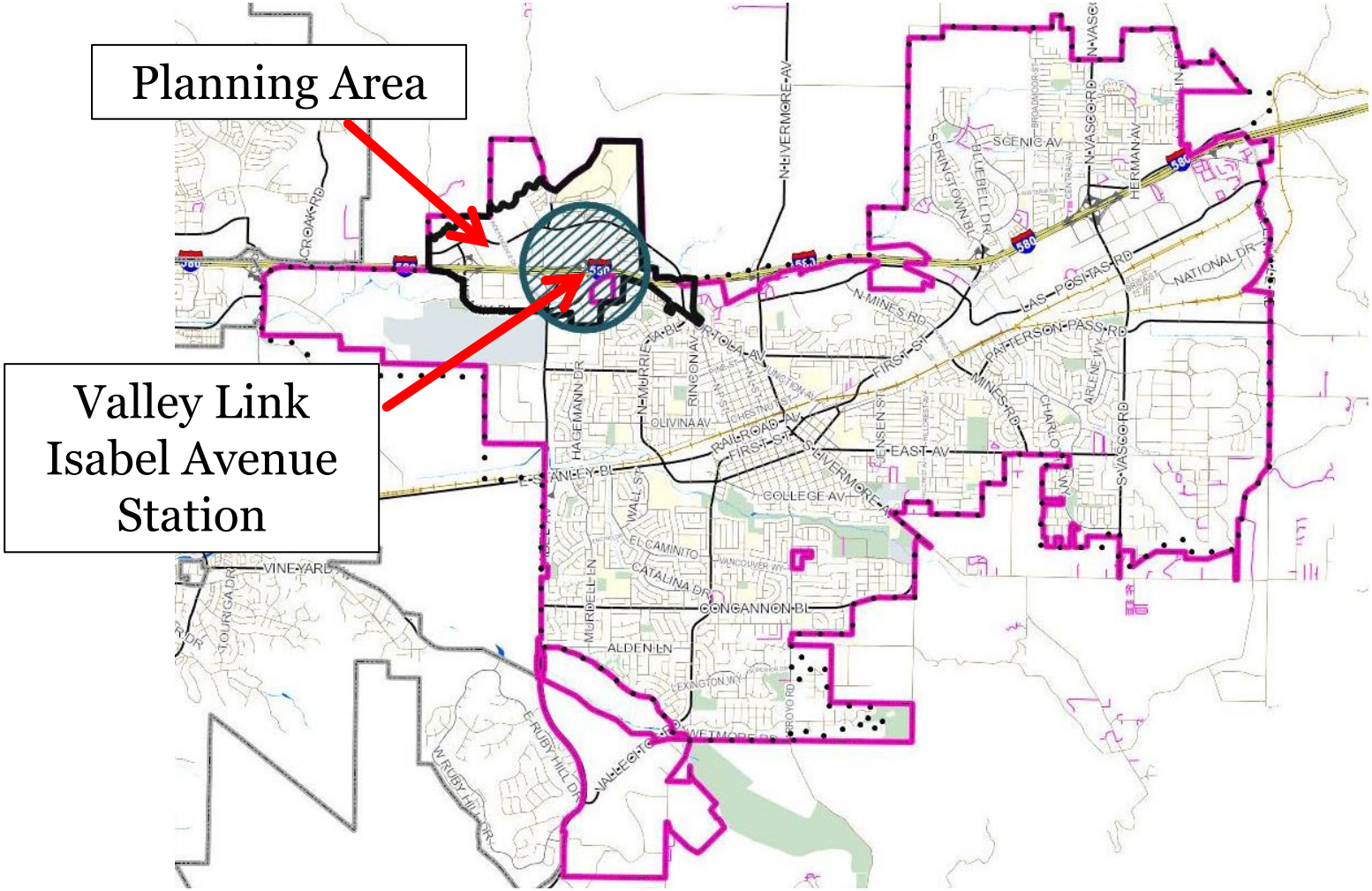
Tracking Update (PT22-004)
Specific Plan Amendments (SPAA22-001)

Planning Commission

November 1, 2022

LIVERMORE CALIFORNIA

Isabel Neighborhood Specific Plan



Isabel Neighborhood Specific Plan

Land Use	Planning Area Total
Residential	4,095 housing units
Office[1]	1,730,500 sf
Business Park	180,390 sf
Neighborhood Commercial[2]	167,185 sf
General Commercial	159,700 sf
General Industrial[3]	(270,175 sf)
Total	1,967,600 sf
Jobs	9,200 jobs

1. Includes existing Lam Research property
2. Includes Ground Floor Retail/Flex Space
3. As build out of the Planning Area occurs, General Industrial uses will be replaced with Office, Business Park, Neighborhood Commercial, and General Commercial uses.

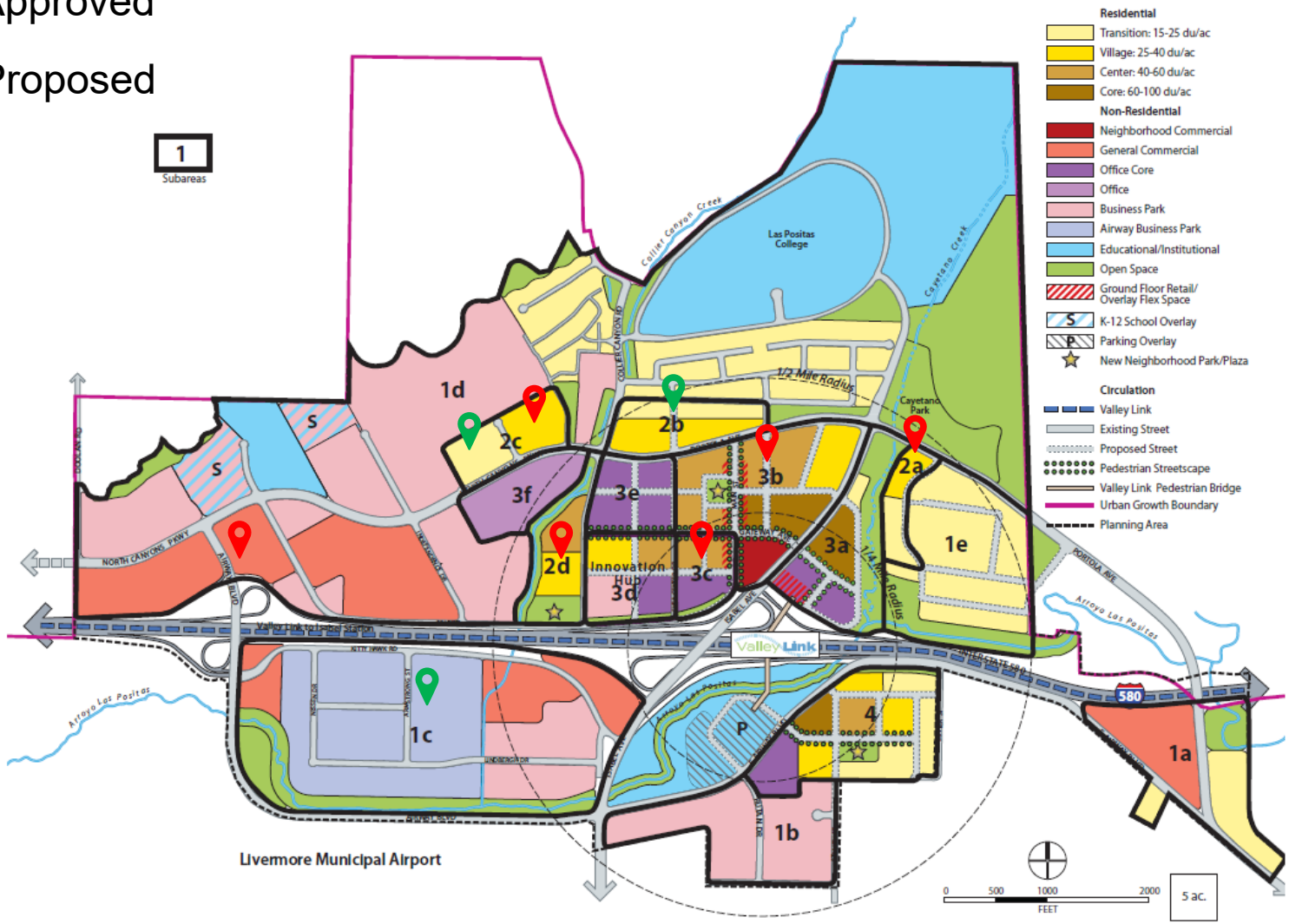
Tracking Update

P-IMP-5: The City shall review the progress of the Specific Plan every two years, starting from the date of its adoption. This review shall include an evaluation of the public infrastructure to ensure continued public health and safety.

Tracking Update

Approved

Proposed



Note: Subareas 3b and 3c are being processed under one application.

Tracking Update

Land Use	Approved	Proposed	Combined Total
Residential[1]	411 units	2,002 units	2,413 units
Affordable residential	82 units	555 units	637 units
Non-residential	56,000 sf	208,000 sf	264,000 sf

1. Includes affordable residential units

Public Infrastructure

New infrastructure consists of:

- 27,000 lineal feet of public streets
- Utility connections in the public right-of-way
- Approximately five linear miles of multi-use trails
- Three neighborhood parks totaling six and a half acres

Upgrades to existing infrastructure consist of:

- Water, sanitary sewer, and storm drain systems
- Major streets - signals, crosswalks, bike lanes, striping, signage, and landscaping

No changes to:

- Other citywide utility and service systems (e.g. water distribution or wastewater treatment)

Public Infrastructure

- Developers responsible for the direct costs of building new streets, utility connections, and frontage improvements at the time of construction
- Most of the maintenance costs for the new public infrastructure (public streets, parks, and plazas) will be funded by new development
- Major arterial roadway maintenance will be funded by gas taxes, countywide sales taxes
- Sewer and water infrastructure maintenance will be funded by user fees
- Maintenance Community Facilities District in progress to fund the remaining infrastructure maintenance costs, including capital replacement

Public Infrastructure

- Hydraulic sewer analysis prepared in 2017 recommended additional gravity main improvements for the Isabel Neighborhood

- Further analysis in 2021 determined that additional gravity main improvements are no longer required for the Isabel Neighborhood

Proposed Amendments
Land Use

Amendments to this chapter include:

- Figure revisions to align with existing language in the Specific Plan
- Clarifications to existing footnote references and the application of height limits
- Modified residential setback standards to better accommodate the type of housing envisioned in the Plan
- A new policy defining residential product types; and
- Clarifying text amendments to the existing inclusionary housing policy

Proposed Amendments
Transportation

Amendments to this chapter include:

- New language describing the Class IV bike lane along Portola Avenue between Collier Canyon Road and Isabel Avenue;
- New and modified residential bicycle parking standards; and
- Text revisions to align with existing language in the Specific Plan

Proposed Amendments
Parks, Public Services, and Infrastructure

Amendments to this chapter include:

- Revisions to an existing policy and addition of a new policy related to natural gas prohibition

Proposed Amendments
Urban Design

Amendments to this chapter include:

Clarifications to existing design standards related to:

- Building orientation
- Pedestrian access

New design standards related to:

- Architecture
- Building orientation
- Parking
- Landscaping
- Retaining walls

Proposed Amendments
Urban Design: DS-76

Original recommendation:

DS-76: Primary building entries, either individual or shared, shall be prominent, easy to identify, and face an external public street or pedestrian path.~~; and incorporate a projection (porch, stoop, etc.), recess, or combination.~~

Design cues shall create a transition from the public street to the private residence including:

1. *Raised stoops, open porches, and/or entrance vestibules that correspond to the vertical modules of attached building units.*
2. *A change in grade (of two to three feet) from the public roadway to the residence*

Proposed Amendments
Urban Design: DS-76

Revised recommendation:

DS-76: Primary building entries, either individual or shared, shall be prominent, easy to identify, and face an external public street or pedestrian path.~~; and incorporate a projection (porch, stoop, etc.), recess, or combination.~~

Design cues shall create a transition from the public street to the private residence including:

1. *Raised stoops, open porches, and/or entrance vestibules that correspond to the vertical modules of attached building units.*
2. ~~*A change in grade (of two to three feet) from the public roadway to the residence*~~

Proposed Amendments
Implementation and Financing Strategies

Amendments to this chapter include:

- Removal of policies P-IMP-6 and P-IMP-7 related to the Transferable Development Credit program
- Introduction of a new policy P-IMP-6 to clarify application of the Transferable Development Credit program in the Isabel Neighborhood

Recommendation

Staff recommends the Planning Commission receive a tracking update on the Specific Plan progress and consider Specific Plan amendments and adopt resolutions recommending that the City Council adopt resolutions:

1. Finding the Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan; and
2. Approving Specific Plan Amendment (SPPA) 22-001.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION FINDING THE ENVIRONMENTAL IMPACTS OF THE ISABEL NEIGHBORHOOD SPECIFIC PLAN AMENDMENTS ARE WITHIN THE SCOPE OF THE 2018 ENVIRONMENTAL IMPACT REPORT AND 2020 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE ISABEL NEIGHBORHOOD SPECIFIC PLAN

On May 18, 2018, the City of Livermore certified the 2018 Environmental Impact Report for the Isabel Neighborhood Specific Plan (State Clearing House No. 2016042039). On November 9, 2020, the City of Livermore certified the 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan.

On November 9, 2020, the City of Livermore adopted the Isabel Neighborhood Specific Plan.

The City initiated an application for a Specific Plan Amendment (SPPA) 22-001 ("Project").

On November 1, 2022, the Planning Commission held a duly noticed public hearing to consider the Project and staff recommendation, heard public testimony, made the necessary findings, and adopted Planning Commission Resolution No. 27-22 recommending the City Council find the environmental impacts of the Isabel Neighborhood Specific Plan Amendments within the scope of the 2018 Environmental Impact Report ("2018 EIR") and 2020 Supplemental Environmental Impact Report ("2020 Supplemental EIR") for the Isabel Neighborhood Specific Plan.

On November 28, 2022, the City Council held a duly noticed public hearing to consider the Project, Planning Commission and staff recommendations, and all public comments and testimony, and findings.

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

BE IT FURTHER RESOLVED that the City Council of the City of Livermore, has considered the findings made in Planning Commission Resolution No. 27-22, attached hereto as Exhibit A, and hereby adopts the same findings by this reference and incorporates them as their own findings as part of this resolution. Based upon the City Council's own independent review of the Record Evidence and considerations, the City Council finds the environmental impacts of the Isabel Neighborhood Specific Plan Amendments are within the scope of the 2018 EIR and 2020 Supplemental EIR for the Isabel Neighborhood Specific Plan in accordance with the California Environmental Quality Act ("CEQA").

BE IT FURTHER RESOLVED that the City Council of the City of Livermore directs the Planning Manager to file a Notice of Determination with the Alameda County Clerk, if the project is approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's Office, 1052 S. Livermore Avenue, in Livermore, California. This resolution shall be effective upon adoption by the City Council.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – Planning Commission Resolution No. 27-22

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE STATE OF CALIFORNIA

A RESOLUTION FINDING THAT THE PROJECT IS WITHIN THE SCOPE OF THE 2018 ENVIRONMENTAL IMPACT REPORT AND 2020 SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR THE ISABEL NEIGHBORHOOD SPECIFIC PLAN

Specific Plan Amendment (SPPA) 22-001

Hearing to consider amendments to the Isabel Neighborhood Specific Plan including new and clarified policies, revised development and design standards, and text clarifications.

Location: Northwest Livermore, bisected by Interstate 580 in an area developed primarily with industrial and commercial uses, residential uses, Las Positas College, and several large undeveloped sites

The City initiated an application for Specific Plan Amendment (SPPA) 22-001 ("Project");

The Planning Commission held a meeting on November 1, 2022, considered the staff recommendations for approval, and heard public testimony.

NOW THEREFORE BE IT RESOLVED, with respect to the California Environmental Quality Act (CEQA), the Planning Commission of the City of Livermore, based on its own independent review and considerations, finds that the Project is within the scope of the 2018 Environmental Impact Report ("2018 EIR") and 2020 Supplemental Environmental Impact Report ("2020 Supplemental EIR") for the Isabel Neighborhood Specific Plan ("Specific Plan").

Specific Plan Policy P-IMP-5 requires the City to monitor and track the progress of the Isabel Neighborhood Specific Plan and the Valley Link Rail project. Three development projects have been approved in the Isabel Neighborhood and five additional development projects are under review. Through project implementation, Specific Plan amendments including new and clarified policies, revised development and design standards, and text clarifications are recommended. The amendments are consistent with the vision of the Specific Plan. Specifically, the amendments are related to the following vision themes: access to open space, arroyos, and scenic views; well-connected pedestrian and bicycle network; high quality design; and compatibility with existing uses.

No events described in CEQA Guidelines Section 15162 have occurred. The 2018 EIR and 2020 Supplemental EIR for the Isabel Neighborhood Specific Plan that were certified by City Council on May 18, 2018 and November 9, 2020, by Resolutions

2018-063 and 2020-201, respectively, adequately covers the project and no subsequent or supplemental EIR is required.

1. Findings: No substantial project changes are proposed which would require major revisions to the 2018 EIR or 2020 Supplemental EIR. The Specific Plan is to establishes a new regulatory framework for guiding private and public development within the Isabel Neighborhood over the next 20 years. The amendments to the Specific Plan further clarify the regulatory framework through new and clarified policies, revised development and design standards, and text clarifications based on Specific Plan implementation with approved and pending projects.

2. Findings: There were no substantial changes in environmental circumstances that would result in new or more severe significant environmental effects than were identified and evaluated in the 2018 EIR and 2020 Supplemental EIR.

3. Findings: There is no new information of substantial importance that would result in more severe impacts or require modifications to the existing mitigation measures.

NOW THEREFORE BE IT RESOLVED, that Livermore Planning Commission, based on the above findings, recommends the City Council find the project is within the scope of the 2018 EIR and 2020 Supplemental EIR and no subsequent or supplemental EIR is required under California Environmental Quality Act (CEQA) Guidelines Section 15162.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends that the City Council direct staff to file a Notice of Determination if the Project is approved.

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

On the motion by Commissioner Stein, seconded by Commissioner Anderson, the foregoing Resolution was adopted at the Planning Commission meeting of November 1, 2022, by the following vote:

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

Steven Dunbar, Chairperson

by Steve Stewart, Planning Manager
Secretary to the Planning Commission

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING SPECIFIC PLAN AMENDMENT (SPAA) 22-001 FOR THE ISABEL NEIGHBORHOOD SPECIFIC PLAN

The City initiated an application Specific Plan Amendment (SPPA) 22-001 for the Isabel Neighborhood Specific Plan. The amendments to the Specific Plan further clarify the regulatory framework through new and clarified policies, revised development and design standards, and text clarifications based on Specific Plan implementation with approved and pending projects. ("Project").

At a duly noticed public hearing on November 1, 2022, the Planning Commission considered the Project and staff recommendation, heard public testimony, made the necessary findings and adopted Planning Commission Resolution No. 28-22, attached hereto as Exhibit A, containing the Planning Commission's actions and/or recommendations thereon.

On November 28, 2022, the City Council held a duly noticed public hearing to consider the Project, Planning Commission and staff recommendations, all public comments and testimony, and findings.

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

BE IT FURTHER RESOLVED that the City Council of the City of Livermore has considered the Record Evidence and adopted a resolution finding the environmental impacts of the Isabel Neighborhood Specific Plan Amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan

BE IT FURTHER RESOLVED that the City Council of the City of Livermore has considered the findings made in Planning Commission Resolution No. 28-22, attached hereto as Exhibit A, and the City Council hereby adopts the same findings by this reference and incorporates them as their own findings as part of this resolution. Based upon the City Council's own independent review of the Record Evidence and considerations, the City Council hereby approves SPPA 22-001, attached hereto as Exhibit B, for the Isabel Neighborhood Specific Plan.

BE IT FURTHER RESOLVED that the City Council of the City of Livermore directs the Planning Manager to file a Notice of Determination with the Alameda County Clerk.

The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's Office, 1052 S. Livermore Avenue, in Livermore California.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – Planning Commission Resolution No. 28-22
Exhibit B – Specific Plan Amendments

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL

SPECIFIC PLAN AMENDMENT (SPPA) 22-001

Hearing to consider amendments to the Isabel Neighborhood Specific Plan including new and clarified policies, revised development and design standards, and text clarifications.

Location: Northwest Livermore, bisected by Interstate 580 in an area developed primarily with industrial and commercial uses, residential uses, Las Positas College, and several large undeveloped sites

The City initiated an application for a Specific Plan Amendment (SPPA) 22-001;

The Planning Commission held a meeting on November 1, 2022, considered the staff recommendations for approval, and heard public testimony.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission finds based upon the information presented and public testimony regarding SPPA22-001 that:

1. The Specific Plan Amendment is consistent with the General Plan in compliance with Government Code Section 65454.

   Response: The Specific Plan amendments include new and clarified policies, revised development and design standards, and text clarifications. The amendments continue to advance several General Plan goals including protecting the unique qualities of Livermore, which include a historic Downtown, a variety of residential neighborhoods, vineyards, ranches, natural habitats and open space (General Plan Goal LU-1); maintaining high standards of urban design in Livermore (General Plan Goal CC-2); protecting and enhancing public views within and from established scenic routes, including views of arroyos (General Plan Goal CC-4); providing safe, efficient, comfortable, and convenient mobility for all users (General Plan Goal CIR-1); and promoting multi-modal transportation (General Plan Goal CIR-2).

NOW, THEREFORE, BE IT RESOLVED, the Livermore Planning Commission, based on staff presentation, public testimony and the above findings, recommends that the City Council approve Specific Plan Amendment (SPPA) 22-001.

BE IT FURTHER RESOLVED, the Livermore Planning Commission recommends that the City Council instruct staff to file a Notice of Determination with the Alameda County Clerk.

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 Stein, seconded by Commissioner Anderson, the foregoing Resolution was adopted at the Planning Commission meeting of November 1, 2022, by the following vote:

AYES: ANDERSON, BRANNING, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

Steven Dunbar, Chairperson

by Steve Stewart, Planning Manager
Secretary to the Planning Commission

Staff-recommended Specific Plan Amendments

Staff recommends the following amendments to the Specific Plan. These amendments include new and clarified policies, revised development and design standards, and text clarifications. Text additions are shown in underline and text deletions are shown in ~~strikeout~~.

Chapter 2 – Land Use

a. Figure 2-2: Land Use Diagram – Change Areas (see Exhibit A)
    i. Revise figure to include outline of Neighborhood Core Area and corresponding symbol in map key
b. Table 2-2: Development Standards – Residential Categories
    i. Building Heights:
        i. Maximum Stories: Add a reference to note 2 which defines the term "story"
    ii. Building Setbacks:
        i. Remove existing note #3 on "Front Setback facing Main Street" as it is repetitive of the existing language in the table.
        ii. Create a new note #3 and add a reference to this note to the "Building Setbacks" header: Unless stated otherwise, street setbacks are measured from the property line.
        iii. Create a new note #4 and add a reference to this note to the "Building Setbacks" header: Along Collier Canyon Road, Independence Drive, and Doolan Road, existing General Plan policies relating to the Collier Canyon, Triad, and Doolan scenic corridors apply as depicted in Figure 2-4.
        iv. Setback facing all other Streets
            1. Remove reference to note #4
            2. Interior Setback (Side/Rear)
                a. Transition/Village: Min. 15 ft. where abutting existing residential uses; otherwise, Min. 0 ft. setback for all stories along alleyways and for first story not along alleyways; Min. 5 ft. for ~~first and~~ second ~~stories~~ story; Min. 10 ft. for third story and above
                b. Center/Core: Min. 0 ft. side setback along Main Street, alleyways, and for first story not along alleyways; otherwise Min. 5 ft. for ~~first and~~ second ~~stories~~ story; Min. 10 ft. for third story and above
    iii. Remove all statements with asterisks beneath Table 2-2 as they have already been incorporated into policy text or table notes.
c. Table 2-3: Development Standards – Commercial Categories
    i. Building Setbacks: Front Setbacks facing Isabel Avenue and E Airway Blvd and Airway Blvd: Remove reference to note #6 as note #6 does not exist
d. Table 2-4: Development Standards – Public Categories
    i. Revise existing note #1: Along Collier Canyon Road, Independence Drive, and Doolan Road, existing General Plan policies relating to the Collier Canyon, Triad, and Doolan scenic corridors apply as depicted in Figure 2-4.

ii. Revise existing note #3: The 6.4-acre property located at the bend of Airway Boulevard across from the Livermore Municipal Airport is within the floodplain and covered by a Zone 7 Flood Control Easement. Any development on this parcel cannot hinder the purpose, intent and use of the easement for flood control purposes. Interim uses such as surface parking and temporary sales with no permanent buildings ~~can be considered by approval~~ require approval by the City and Zone 7. The large oak tree shall also be preserved in good health as part of any physical change on the property.

iii. Move the text in note #4 to be note #1 and add a new note #1 reference to the "Table 2-4: Development Standards – Public Categories" header

iv. Update remaining note numbers

e. Table 2-6: Performance Measures by Subarea

i. In subareas 1a through 3a and subareas 3c and 3d, revise performance measure a: Provide at least two residential product types consistent with policy P-LU-29.

ii. In subareas 3b and 4, revise performance measure a: Provide at least three residential product types consistent with policy P-LU-29.

iii. In subarea 3d, revise performance measure b: For sites outside of the Scenic Corridor exception area, limit building heights to ~~40~~ 50 feet above existing grade (or Scenic Corridor limit, whichever is stricter).

iv. In subarea 3b, revise performance measure c: With the exception of Gateway Avenue~~,~~ and Shea Center Drive, ~~and Main Street,~~ the exact location of the new streets is flexible.

f. Page 2-28, Scenic Corridor Policy and Amendment Areas – Remove the following references to Figure 8-2 as this figure was removed during the Draft Specific Plan process and was not included in the adopted Specific Plan document:

i. ~~The existing view angles and exceptions are shown on Figure 8-2 in Chapter 8, Policy and Code Amendments.~~

ii. The Amendment Areas to the Scenic Corridor Policy, outlined on Figure~~s~~ 2-3 ~~and 8-2~~, include the following…

g. Figure 2-4: Isabel Neighborhood Scenic Corridor Amendment Areas (see Exhibit B):

i. Revise figure to include 200-foot width of Doolan Scenic Corridor and clarify height regulations in areas outside of the Scenic Corridor Amendment areas.

ii. In the map key, add the following language: Remains Subject to Scenic Corridor Policies or 50 feet, whichever is more restrictive.

iii. Add "Area" to East Airway and Portola labels

h. Page 2-34, P-LU-4: Remove bullet point #3 as Live/Work units within residential areas are only permitted on Main Street - ~~Live/work units located within residential areas not located on Main Street must be located adjacent to a public street and may not be converted entirely to a commercial use. These units must remain in residential use, with the option to also operate a business within the unit.~~

i. Page 2-36, revise Policy P-LU-13: The Core, East Airway, and Portola areas, as identified on Figure 2-4, are exempt from the City's existing Scenic Corridor policies as defined in the Community Character Element of the Livermore General Plan. Maximum building height above mean sea level for these three areas are established by Figure 2-4. ~~All other buildings proposed on this site remain subject to the Scenic Corridor Policy.~~ Any buildings outside of the exception areas remain subject to the Scenic Corridor

Policy, or ~~the prescribed height limits in the Plan area~~50 feet in height, whichever is more restrictive.

j. Page 2-39, Retail Commercial: update lettering list to begin with "a."

k. Page 2-43, Figure 2-7, Airway Business Park Parcels with CS Sign Standards and Figure 2-8, Airway Business Park Parcels with Access to Freeway Sign: Revise figures to remove references to former PD-17 zoning, which was replaced with adoption of the Specific Plan (see Exhibit C).

l. Page 2-48, Add new policy: Residential developments less than or equal to 500 units shall provide at least two residential product types. Residential developments greater than 500 units shall provide at least three residential product types. For the purposes of this policy, distinct residential product types include but are not limited to duplexes, multi-plexes, townhomes, flats, garden apartments, condominiums, and other apartment buildings. Interior floor plan variations with the same exterior elevations do not constitute a different product type. Modifications to this requirement may be approved by the Director.

m. Page 2-48, P-LU-33: Revise Policy P-LU-33 as follows: P-LU-33: All new residential development shall comply with the City's Inclusionary Ordinance (Section 10.06.050 of the Livermore Development Code), ~~except that~~ including at least 20 percent of units for each project shall be affordable (i.e., offered at below-market rates) in the Isabel Neighborhood. The affordable housing units for for-sale residential subdivisions must be sold to moderate- and median-income house- holds. Of the total number of for-sale dwelling units (20 percent) set aside, at least five percent (5%) shall be reserved for sale to median-income households with the balance set aside for moderate-income households. Whenever the inclusionary requirement results in a fractional unit(s), the fractional unit(s) shall be combined and provided as median-income units. Whenever the total number of affordable units required to be constructed includes a fraction of a unit, the payment of a proportional in-lieu fee shall satisfy that partial unit requirement.

Example: Calculation of the number of inclusionary units required for a 110-unit for-sale residential development:

Required units reserved for moderate-income households
110 units x 15% = 16.5 units

Required units reserved for median-income households
110 units x 5% = 5.5 units

Combined fractional units
0.5 unit + 0.5 unit = 1 unit

Required Units to be provided
Moderate-income households = 16 units
Median-income households = 6 units

~~For example, a 110- unit for-sale residential development would be required to provide 15 percent, or 16.5 units, at the moderate-income level and 5 percent, or 5.5 units,~~

~~at the median-income level. Therefore, 16 units shall be provided at the moderate-income level and 6 units shall be provided at the median-income level.~~

Example: Calculation of the number of inclusionary units required for a 112-unit for-sale residential development:

Required units reserved for moderate-income households
112 units x 15% = 16.8 units

Required units reserved for median-income households
110 units x 5% = 5.6 units

Combined fractional units
0.8 unit + 0.6 unit = 1.4 units

Required Units to be provided
Moderate-income households = 16 units
Median-income households = 6 units
Remaining fractional unit to be paid in-lieu = 0.4 unit

The affordable housing units for rental residential projects must be designated or reserved for rent to very-low-, low-, median, and moderate- income households. Of the total number of rental dwelling units (20 percent) set aside, at least six percent (6%) shall be reserved for rental to very-low-income households, seven percent (7%) shall be reserved for rental to low-income households, four percent (4%) shall be reserved for rental to median-income households, and three percent (3%) shall be reserved for rental to moderate- income households. Whenever the inclusionary requirements result in a fractional unit(s), the fractional unit(s) shall be combined and provided as very-low-income units. Whenever the total number of affordable units required to be constructed includes a fraction of a unit, the payment of a proportional in-lieu fee shall satisfy that partial unit requirement.

Example: Calculation of the number of inclusionary units required for a 110-unit rental residential development:

Required units reserved for very-low-income households
110 units x 6% = 6.6 units

Required units reserved for low-income households
110 units x 7% = 7.7 units

Required units reserved for median-income households
110 units x 4% = 4.4 units

Required units reserved for moderate-income households
110 units x 3% = 3.3 units

Combined fractional units
0.6 unit + 0.7 unit + 0.4 unit + 0.3 unit = 2 units

Required Units to be provided
Very-low-income households = 8 units
Low-income households = 7 units
Median-income households = 4 units
Moderate-income households = 3 units

~~For example, a 110-unit rental residential development would be required to provide 6 percent, or 6.6 units, at the very-low income level; 7 percent, or 7.7 units, at the low-income level; 4 percent, or 4.4 units at the median-income level; and 3 percent, or 3.3 units, at the moderate-income level. The combined fractional units equates to two units that shall be provided as very-low-income units. Therefore, 8 units shall be provided at the very-low income level, 7 units shall be provided at the low-income level, 4 units shall be provided at the median-income level, and 3 units shall be provided at the moderate-income level.~~

Example: Calculation of the number of inclusionary units required for a 112-unit rental residential development:

Required units reserved for very-low-income households
112 units x 6% = 6.72 units

Required units reserved for low-income households
112 units x 7% = 7.84 units

Required units reserved for median-income households
112 units x 4% = 4.48 units

Required units reserved for moderate-income households
112 units x 3% = 3.36 units

Combined fractional units
0.72 unit + 0.84 unit + 0.48 unit + 0.36 unit = 2.4 units

Units provided
Very-low-income households = 8 units
Low-income households = 7 units
Median-income households = 4 units
Moderate-income households = 3 units
Remaining fractional unit to be paid in-lieu = 0.4 unit

Under the City's Inclusionary Ordinance, affordable housing units shall be built on site and integrated within new residential developments unless the City Council approves an alternative method of compliance. For projects that utilize land dedication as a compliance method, the dedicated land must be located within the Isabel Neighborhood area and equivalent in actual value to the affordable units it is replacing.

m. Page 2-53, P-LU-50: Revise the policy as follows: Utilize the latest communication infrastructure in the Innovation Hub.
n. Page 2-53, remove policies P-LU-51 through P-LU-54 as they are repeat policies already stated under P-LU-44 through P-LU-48.

o. Page 2-53, remove goal G-LU-10 as it is identical to goal G-LU-9.
p. Page 2-53, remove policy P-LU-56 as it is identical to policy P-LU-50.
q. Renumber all subsequent policies.

Chapter 3 – Transportation

a. Page 3-11, Major Street: Isabel Avenue will also provide… bicycle lanes and the vehicular travel lanes. Portola Avenue between Collier Canyon Road and Isabel Avenue will be reduced from 6 vehicle travel lanes to 4 vehicle travel lanes to accommodate a Class IV protected bicycle lane. The Class IV bike lane will continue west, on North Canyons Parkway between Collier Canyon Road and Doolan Road and east along Portola Avenue (see Figure 3-15). These improvements to existing Major Streets…
b. Page 3-27, Table 3-3: Bicycle Parking Ratios for the Isabel Neighborhood

Land Use	Bicycle Parking Minimum	Format/Location
Residential		
Transition and Village (includes ADUs)	1 space per unit for resident parking; 1 visitor parking space per 20 units for guest parking	Resident parking ~~M~~must be secured and covered, such as within garages for individual units (minimum dimension of 2x6 ft. in a garage or other indoor area) or in a common area Visitor parking must be in a publicly accessible location
Center and Core	1 space per 4 bedrooms for resident parking; 1 visitor parking space per ~~5~~ 20 units for guest parking	Resident parking must be secured and covered; such as within garages for individual units (minimum dimension of 2x6 ft. in a garage or other indoor area) or in a common area Visitor parking must be in a publicly accessible location
Live/Work Units	1 space per unit; Refer to Ground Floor Retail/Flex Space Overlay for customer parking ratio	Resident/employee space must be secured and covered; Customer parking must be provided in a publicly accessible location, within one block of the unit
Non-Residential		
Neighborhood Commercial and Ground Floor Retail/Flex Space Overlay	1 space per 1,400 square feet	Provided within 30 feet of the main building entrance. If the main building entrance is relocated, then bicycle parking shall be relocated to be consistent with this standard.
General Commercial	1 space per 2,800 square feet	At least 25% of the bicycle parking shall be secured for employee use and at least 25% shall be open for public use
Office-Core	1 space per 1,600 square feet	
Office and Business Park	1 space per 3,200 square feet	

c. Page 3-28, revise Policy P-TRA-1: Create a walkable street grid within a half-mile radius of the Valley Link station ~~(Neighborhood core area)~~…
d. Page 3-30, revise Policy P-TRA-22: With the exception of business park and general commercial users outside of the Neighborhood Core Area (generally bound by I-580,

Collier Canyon Road, Portola Avenue, and the seasonal drainage running south from Cayetano Park), require property owners, residents, and tenants…

Chapter 4 – Parks, Public Facilities, and Infrastructure

a. Revise Policy P-PF-41: Ensure that utilities (i.e., electricity, ~~natural gas,~~ telecommunications, and cable) are available to serve new development in an environmentally responsible, aesthetically acceptable, and safe manner. However, the ultimate responsibility for ensuring that the utilities are available to support new development rests on the sponsor of proposed projects.
b. Add new Policy P-PF-42: All new development must install electric-only appliances and HVAC (e.g. no natural gas heating, cooling, or cooking).
c. Renumber all subsequent policies.

Chapter 5 – Urban Design

a. Page 5-1, Introduction: For all topics…and Infrastructure. Deviations from any design standard in this Chapter may be authorized by the Director.
b. Page 5-21, Revise Design Standard DS-26: Buildings shall be built to and oriented such that frontages and entrances are visible and accessible from the public right-of-way, on-site common areas, pedestrian pathways, parks, and/or plazas. Rear yard fences and walls, garages, and backs of buildings shall not face or be visible from external public streets or primary entryways into the development.
c. Page 5-22, Revise Design Standard DS-27: Development shall include accessible, direct, and well-lit pedestrian links between buildings, sidewalks, parking areas, trails, and any on-site or nearby public spaces such as bus stops and the Valley Link Station. New residential development shall provide at least one accessible pedestrian access point to any adjacent public sidewalk or trail and additional access points shall be provided a minimum of every 400 linear feet.
d. Add new Design Standard: Facades facing all streets, sidewalks, and pathways shall include windows and/or doors.
e. Page 5-25, remove the following header: ~~The Core~~
f. Page 5-25: Outreach revealed some concern about…For example, all ~~but one~~ of the blocks designated for Core or Center housing are located adjacent to a park ~~or~~ , open space area, or includes a pedestrian streetscape treatment which helps foster a sense of openness.
g. Page 5-28, Revise DG-25 to a Design Standard: ~~Articulate~~ ~~b~~Building volumes and surfaces shall be articulated with three-dimensional elements ~~that create a visual play of light and~~ including eaves, plane changes, and trim elements that create shadow and reduce the apparent bulk of buildings.
    a. Eaves shall extend at least 12 inches from the wall plane.
    b. Plane changes shall be consistent with DS-40.
    c. Trim elements shall be ½-inch to 1-inch in depth.
h. Add new Design Standard: Additional architectural features shall be incorporated to create articulated facades such as architectural trim and detail, window boxes, brackets, overhangs, trellises and lattice. Trim shall be ½-inch to 1-inch in depth and applies to windows, doors, and between floors. Overhangs shall be a minimum of 18 inches. At least 30 percent of all windows on a façade shall have a design feature including a planter box, bracket, or trellis as appropriate to the architectural style.

i. Page 5-28, Revise DG-26 to a Design Standard: ~~Employ v~~ Variations in building and roof heights, façade plane changes, ~~roof styles, architectural details,~~ colors, and materials shall be incorporated into buildings~~. Use these elements in a mutually reinforcing manner to break up the appearance of large buildings as viewed from nearby (e.g., at the street level) and from far (e.g., from several hundred feet away)~~.

j. Add new Design Standard: Awnings, overhangs, or covered porches shall be provided on all commercial and mixed-use buildings and at all primary residential building entries to provide shelter and shade. Porches shall be consistent with Section 4.03, Frontage Standards, of the Livermore Development Code, as they exist today or are amended.

k. Page 5-28, Revise Design Guideline DG-27 to a Design Standard: ~~Avoid f~~False fronts, applied mansard forms, and other artificial rooflines are not permitted~~ Instead consider special treatment of the upper story (e.g. in color, texture, material, and/or fenestration pattern) to provide a legible "top" to the building~~. All flat roof buildings shall include a defined cornice that varies in color and/or material from the adjacent wall plane. The cornice shall be at least 12 inches in height that projects at least 12 inches from the wall plane. For all buildings three stories and above, the top story shall be de-emphasized through an additional minimum 3-foot setback.

l. Add new Design Standard: For all buildings that do not include a flat roof, roofing materials shall consist of tile, slate, shingles, ~~sheet metal shingles,~~ and standing metal seam.

m. Add new Design Standard: Rooflines above primary entrances shall extend a minimum of 5 feet above adjacent roof heights to demarcate primary building entrances.

n. Add new Design Standard: Roof overhangs shall be incorporated into the building design and include brackets, corbels, soffits, or other overhang details, consistent with the architectural style.

o. Page 5-30, Revise Design Standard DS-51: Reflective glazing is prohibited to avoid bird deaths from impacts. Applied films are prohibited in favor of other window treatments to reduce sun and light intrusion such as awnings or shades. Deep window tinting that does not allow visibility into the interior is prohibited except in limited amounts as an accent when found necessary to implement a particular building design. ~~Light window tinting is permitted.~~ Ground floor windows may be lightly tinted for energy efficiency purposes, but shall allow for clear visibility into the building interior. Widows on the second floor and above may use more tinting for solar efficiency. If tinted glazing is used, light tints and green, gray or blue hues shall be used.

p. Page 5-30, Revise DG-32 to a Design Standard: ~~No single architectural style is required in the Planning Area~~ Architectural styles for residential buildings that are three stories or less in height shall be limited to traditional or contemporary variations on the following traditional architectural styles: Farmhouse, Craftsman, Folk Victorian, Spanish Eclectic, Mission and Prairie. Contemporary architectural styles are encouraged, although traditional styles are also acceptable for any building four stories or more in height. The architectural style must be defined for all projects in the Isabel Neighborhood.

q. Add new Design Standard: Retaining walls may not exceed six (6) feet in height. Retaining walls that are greater than three (3) feet in height shall maintain a minimum three (3) foot setback from public sidewalks along a project frontage and side or rear property lines. Installation and maintenance of landscaping in the ground area between retaining walls and between retaining walls and sidewalks, structures and/or parking lots is required for retaining walls of any height. For sloped areas where multiple retaining

walls are proposed, the retaining walls shall maintain a minimum separation width equal to the height of the tallest adjacent retaining wall. The ground area between the retaining walls may have a maximum slope of 3:1.

r. Add new Design Standard: Retaining walls and sound walls shall be faced with natural materials, such as natural stone or wood. Landscaping shall be incorporated to minimize adverse visual impacts, with planting in front of walls, within stepped recesses and/or overhanging the wall.

s. Page 5-33, Revise Design Standard DS-63: Fences ~~and walls~~ shall not exceed three feet in height in or along setbacks from streets or pedestrian-only pathways~~, unless a sound wall is required for noise mitigation purposes~~. Fences up to 6 feet tall may be allowed along the property lines of side and rear yards in Transition and Village areas.

t. Page 5-35, Revise Design Standard DS-76: Primary building entries, either individual or shared, shall~~:~~ be prominent, ~~and~~ easy to identify~~;~~, and face an external public street or pedestrian path~~; and incorporate a projection (porch, stoop, etc.) recess or combination.~~ Design cues shall create a transition from the public street to the private residence including raised stoops, open porches, and/or entrance vestibules that correspond to the vertical modules of attached building units.

u. Add new Design Standard: Open, visible parking is not permitted between the external public street and adjacent residential buildings.

v. Add new Design Standard: New development shall include broad branching double rows of trees along Major Streets. Permitted tree species include London Plane, California Sycamore, and Sawleaf Zelkova. Alternative broad branching and long-lived tree species may be approved by the Director.

w. Add new Design Standard: New development shall utilize engineered soil, root barriers, and adequate irrigation to ensure proposed trees reach full potential for height and spread. A detail of the proposed landscape treatments and specifications shall be shown on plans submitted for Building Permits.

x. Page 5-31, Revise existing Design Standard DS-53: All building facades shall include durable accent materials such as stone, brick, tile, wood, ~~glass,~~ and metal ~~and other durable quality materials~~. Office buildings may consist of glass as a primary building material. Glass and ceramic tile may be used as an accent cladding material on all buildings.

    a. Durable accent materials, as described above, must be applied at a minimum 15 percent of the total elevation surface area and 35 percent for elevations facing public streets or project entries.
    b. A variety of materials shall be used to create a coordinated hierarchy of primary, secondary and accent materials, textures, and colors that support the building's overall architecture.
    c. Durable materials, as described above, shall be provided within the first floor of building façade above the ground level.

y. Add new Design Standard: Trim materials shall be stucco, ceramic tile, or ~~polished~~ brushed metal. Multiple trim materials may be used consistent with the architectural style.

z. Page 5-34, Revise Design Standard DS-54: ~~Primary colors and bright colors shall be used as accent colors only.~~ At least three colors shall be used on all building facades consisting of a primary, secondary, and accent color. The secondary color shall be used on individual building elements for emphasis and accent colors shall be used on doors,

windows, and/or trim elements. All primary and secondary colors shall be complimentary and analogous to one another consistent with the color wheel.

aa. Add new Design Standard: Base treatments shall be provided to visually anchor buildings to the ground and establish a human scale for passersby.
   a. Base treatments shall extend around all visible sides of a building.
   b. A building base shall project a minimum of 3 inches from the adjacent wall plane such that it is visibly thicker compared to the area above. The building base shall be continuous and include at least one of the following:
      i. A material and/or color change of the base wall relative to the building wall above. The base material shall be designed to appear heavier than portions of the building above by employing darker colors and/or bulkier materials; and/or
      ii. A horizontal architectural feature at or below the first story mark, such as an intermediate cornice line or protruding horizontal band.

bb. Page 5-30, Revise DG-31 to a Design Standard: For residential buildings using traditional architecture, or contemporary variations on traditional architecture, window openings shall have a height greater than or equal to their width.

cc. Add new Design Standard: Window shapes shall be simple and rectangular but may have angled or arched tops if consistent with the architectural design. Round windows are prohibited.

dd. Add new Design Standard: For residential buildings using traditional architecture, windows shall be of the double- or single-hung type, casement, or sliders.

ee. Page 5-35, Revise Design Standard DS-75: ~~Where typical of an architectural style, w~~ For buildings three stories or less in height, windows shall ~~be recessed~~ be recessed from the exterior wall surface to create a an inset depth of at least 2 inches. For buildings taller than three stores in height, windows may either be recessed or include a reveal, of at least two inches, from the exterior wall surface that creates a legible shadow to provide relief. This standard does not apply to plate glass windows that extend the entire length of a building façade.

ff. Page 5-36, Remove Design Standard DS-77 as Live/Work units are only permitted in Ground Floor Retail/Flex Overlay zones: ~~For developments not located within the Ground floor Retail/Flex overlay, any Live/work units shall be located adjacent to a public street.~~
   - ~~Only the commercial space is required to be on the ground floor adjacent to the street; the residential space may Be located above or to the rear of the commercial space.~~
   - ~~Live/work units shall be designed to have direct access between the residential and commercial spaces, although the primary entries to the various spaces may be separate.~~

gg. Page 5-39, Combine Design Standard DS-87 and DS-88 into one new Design Standard 87 as follows: Live/work units located along Main Street shall be designed to require commercial spaces adjacent to Main Street, subject to the design standards and guidelines for the Ground floor Retail/Flex overlay and Building Code standards for retail uses.

   ~~= Only the c~~Commercial space is required ~~to be~~ on the ground floor adjacent to the street. ~~t~~The residential space may be located above or to the rear of the commercial space.

− Live-work units must have their own individual entry.

− Live/work units shall be designed to have direct access between the residential and commercial spaces.

hh. Page 5-39, Revise Design Standard DS-89: The ground floor should have a minimum of 60 percent transparency (glass) between 2.5 feet and 7 feet above the street ~~level~~ level. Refer to Figure 5-18. ~~Revise all subsequent DS numbers.~~

Chapter 7 – Implementation & Financing Strategies

a. Remove and replace Policy P-IMP-6 as follows:
~~P-IMP-6: The City shall modify the Transferable Development Credits In-Lieu Fee Program to establish new multi-family housing rates to facilitate the development of the densities and building types identified within the Specific Plan. The new rates shall apply to developments that build at or above 25 dwelling units per acre and that meet or exceed the target housing unit count by subarea shown in Table 2-6, Performance Measures by Subarea. The new multi-family housing rates shall apply to the Isabel Neighborhood Specific Plan area only.~~

P-IMP-6: Transferable Development Credit (TDC) regulations shall be applied to the Specific Plan consistent with Livermore Development Code Section 4.02.060, as it exists today or as amended in the future. The baseline density shall be zero for all residential designations within the Isabel Neighborhood. Modifications to the TDC regulations may be made through a Development Agreement on a project-specific basis as recommended by the Director and approved by City Council if such modifications are shown to be necessary to meet Specific Plan density, design policies, and/or goals.

b. Remove Policy P-IMP-7: ~~P-IMP-7: The City shall consider a Transferable Development Credits In-Lieu Fee credit program to encourage residential development to meet or exceed the target housing unit count by subarea shown in Table 2-6, Performance Measures by Subarea. The credit program shall apply to the Isabel Neighborhood Specific Plan area only and take effect upon compliance with Master Planned subareas consistent with P-LU-8.~~

c. Update subsequent policy numbering for P-IMP-8 and P-IMP-9.

Appendices

1. Create new appendix section and include the following new appendices:
    a. Isabel Neighborhood Specific Plan Policies
    b. Isabel Neighborhood Specific Plan Design Standards and Guidelines

Exhibits:

A. Figure 2-2: Land Use Diagram – Change Areas
B. Figure 2-4: Isabel Neighborhood Scenic Corridor Amendment Areas
C. Figure 2-7, Airway Business Park Parcels with CS Sign Standards and Figure 2-8, Airway Business Park Parcels with Access to Freeway Sign

FIGURE 2-2: LAND USE DIAGRAM — CHANGE AREAS

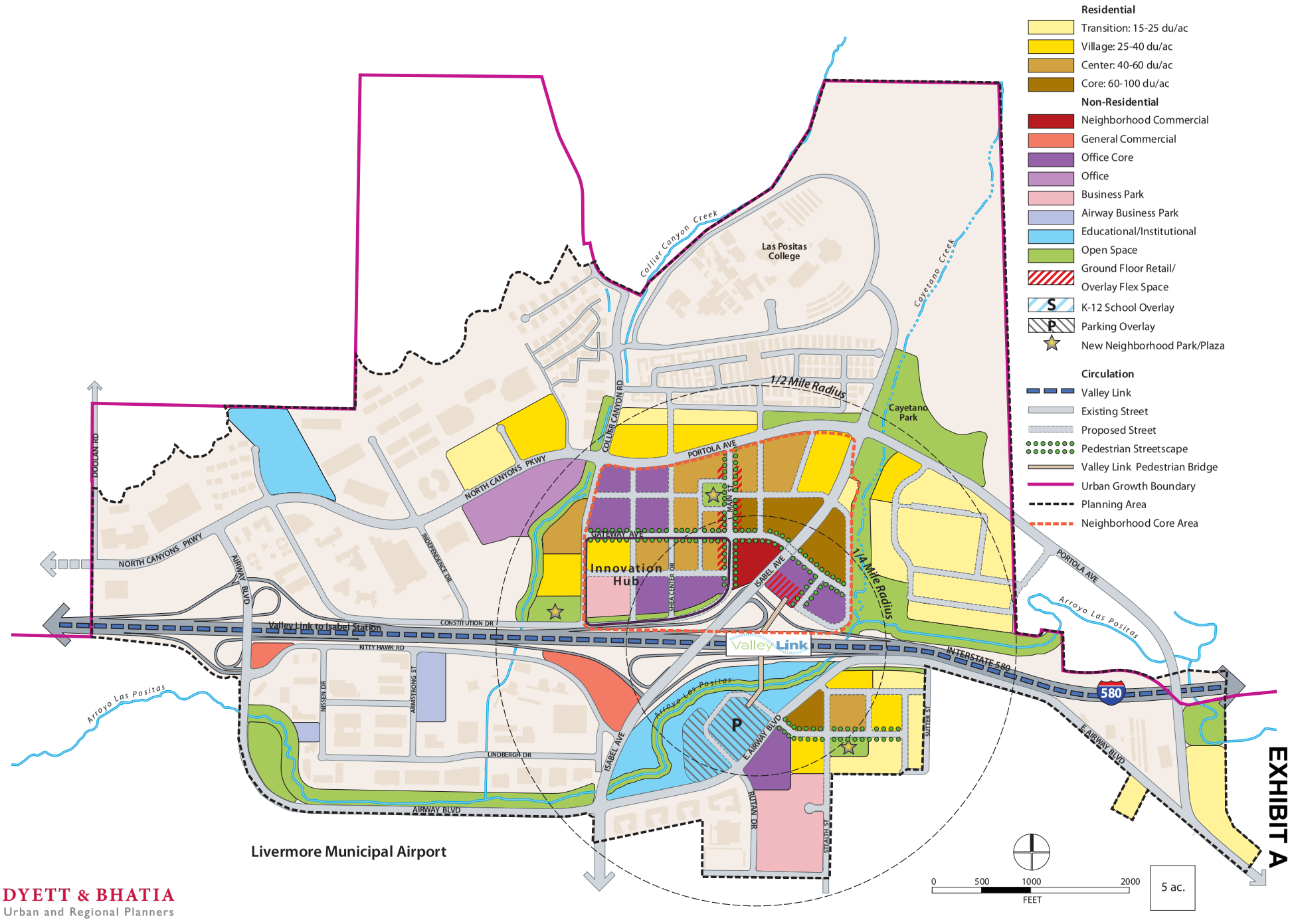
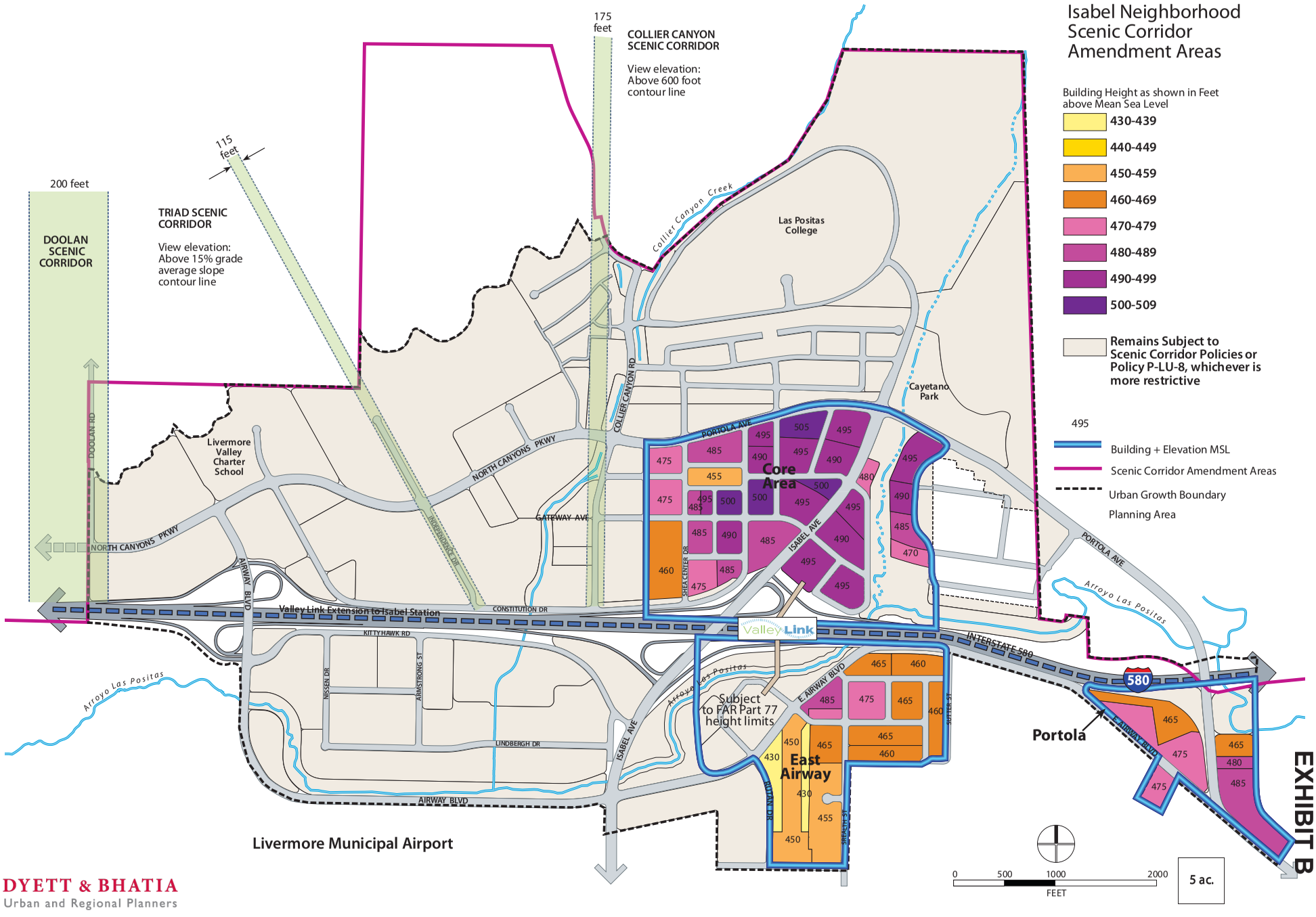


EXHIBIT B
EXHIBIT A

DYETT & BHATIA
Urban and Regional Planners

FIGURE 2-4: ISABEL NEIGHBORHOOD SCENIC CORRIDOR AMENDMENT AREAS



DYETT & BHATIA
Urban and Regional Planners

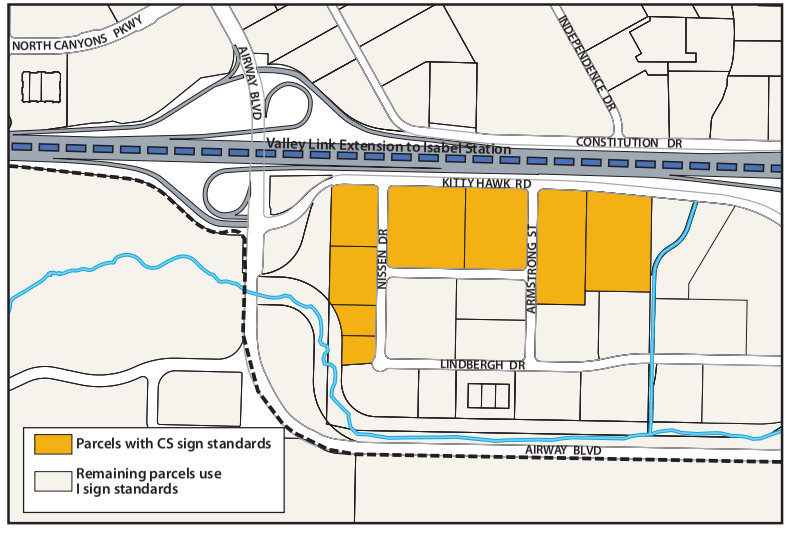


FIGURE 2-7: AIRWAY BUSINESS PARK PARCELS WITH CS SIGN STANDARDS

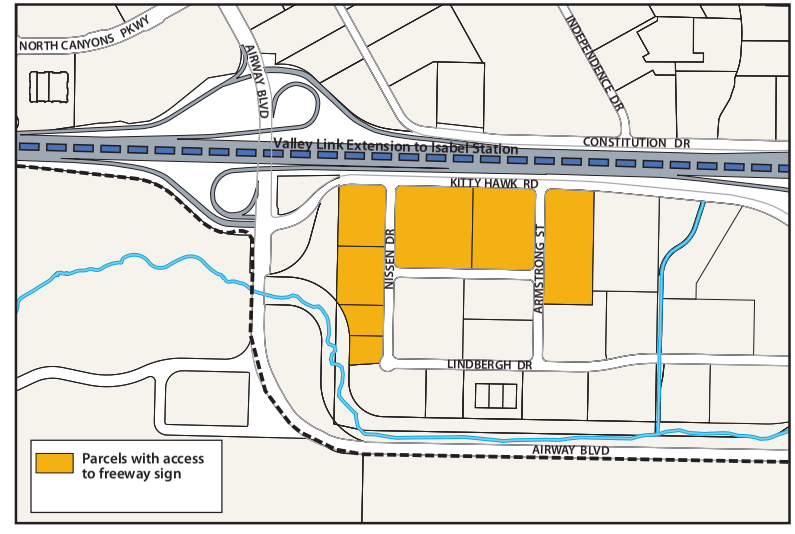


FIGURE 2-8: AIRWAY BUSINESS PARK PARCELS WITH ACCESS TO FREEWAY SIGN

EXHIBIT B
EXHIBIT C

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 6.5**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: THIS ITEM WAS CONTINUED FROM NOVEMBER 14, 2022. Hearing to consider amending the Livermore Development Code regarding temporary signs, including Section 4.06.140, to update regulations relating commercial and non-commercial temporary signs in all zoning districts.

RECOMMENDED ACTION

a) Based on City Council direction, staff recommends the City Council waive the first reading and **introduce an ordinance** approving Development Code Amendment 22-003, Temporary Signs, to update sections relating to the location, time of day, and number of days for commercial and non-commercial temporary signs in all zoning districts.

or

b) As an alternative to the Development Code Amendment requested by the City Council, the Mayor recommends the City Council waive the first reading and **introduce an ordinance** to prohibit the placement of all temporary signs in the public right-of-way in commercial, industrial, and residential zoning districts.

SUMMARY

Council Direction:

The City Council and staff have received complaints that campaign signs were being vandalized, stolen, installed inconsistent with the City's existing sign regulations and that components of the signs are littering the cityscape. On October 24, 2022, the City Council discussed the matter and directed staff to return with the development code amendments for temporary signs previously recommended for approval in 2020 by the Planning Commission. On that date, the City Council reaffirmed the 60 day time period for the display of noncommercial temporary signs in the public right-of-way, but directed staff to clarify how the date of an event is determined for the display of a noncommercial temporary sign in the public right-of-way. Lastly, on that date the City Council reaffirmed that temporary signs placed in the

public right-of-way in violation of the ordinance are subject to removal and confiscation.

Relevant amendments previously recommended to the City Council by the Planning Commission include the following regulations:

- Restrict the placement of commercial and non-commercial temporary signs in the right-of-way to daylight hours between 9:00 a.m. and 5:00 p.m. Signs could only be placed after 9:00 a.m. and would need to be removed before 5:00 p.m. each day.
- Signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 30 days before that event.

On July 27, 2020, the City Council considered the recommendation from the Planning Commission, directed revisions, and subsequently adopted Ordinance No. 2099 on August 24, 2020. The Council removed the restriction on displaying temporary signs to certain hours of the day, and set the duration of display to 60 days before an event. Attachment 1 is the July 27, 2020 staff report.

Staff recommends the City Council introduce an ordinance establishing the daily limitations on displaying commercial and non-commercial signs in the right-of-way previously recommended by the Planning Commission. Staff is also clarifying that the event date would be the actual election date for an election event, or the opening day for other events. The Amendment is intended to support and provide for free speech in the community through temporary signs while addressing concerns with vandalism, theft, aesthetics and public safety.

Mayor Alternative:

The City Council directed staff to amend the Development Code to prohibit the placement of temporary signs on the public right-of-way to the hours of 9:00 a.m. to 5:00 p.m. in commercial, industrial, and residential zoning districts.

As Mayor, I recommend the City Council consider an alternative amendment to the Development Code to prohibit the placement of all temporary signs in the public right-of-way in commercial, industrial, and residential zoning districts.

DISCUSSION

Council Direction:

Staff is recommending Development Code amendments to address the challenges associated with the display of temporary signs (Attachment 2). The Development Code includes the following provisions addressing commercial and noncommercial signs in commercial and industrial zones other than the Downtown Specific Plan, and residential zoning districts:

Noncommercial temporary signs are currently permitted in the designated public right-of-way, but not in the street, street median, or sidewalk, subject to the following:

a. The signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 60 days before that event;
b. Signs must be stake signs with a maximum size of four square feet;

c. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;
d. Corner properties may have two of the same sign at the corner; and,
e. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

The size and placement restrictions listed above and already in the Development Code would be preserved with the following key additional requirement:

- Restrict the placement of commercial and non-commercial temporary signs in the public right-of-way to daylight hours between 9:00 a.m. and 5:00 p.m. in all designated zones.

This approach allows signs to be displayed during the most active times of the day and increases responsibility for those wishing to display temporary signs. Removing signs before nightfall would significantly reduce vandalism and theft.

Temporary sign regulations in the Downtown Specific Plan area will not be changed by the proposed amendment. In the Downtown Specific Plan only, commercial and non-commercial temporary signs would remain prohibited in the designated public right-of-way with the exception of A-frame signs.

Regarding determining the date of an event, staff is recommending that, for events like an election the event date for the purposes of the ordinance is the actual election date and not the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the fair opens to the public.

Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of these provisions would be subject to removal by the City. Current enforcement practice is to make every attempt to notify identified contacts, if any, and/or property owners of improperly placed signs, allow 24 hours to correct violations, and retrieve removed signs. If this amendment is approved, Neighborhood Preservation staff will develop enforcement protocols to remove and confiscate signs violating the provisions.

The proposed Development Code amendment is exempt from review under the California Environmental Quality Act (CEQA) under Section 15061(b)(3) - the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no direct initial costs other than printing new public information flyers. The revised flyers would continue to describe prohibited locations and how to install signs properly. Neighborhood Preservation staff currently spends significant time policing the public right-of-way for sign violations. Staff may need to adjust shift start and stop times for Neighborhood Preservation employees during certain periods in order to enforce the time limits. This Code amendment will also initially require additional staff time to explain and enforce the new standards.

Mayor Alternative:

At the regular City Council meeting on October 24, 2022, I joined a majority of the City Council that directed staff prepare amendments to the temporary sign ordinance to restrict the placement of temporary signs on the public right-of-way to the hours of 9:00 a.m. to 5:00 p.m. in commercial, industrial, and residential zoning districts. However, I believe a better course of action is to prohibit the placement of all temporary signs in the public right-of-way for those zoning districts.

I believe a blanket prohibition against the placement of all temporary signs in the public right-of-way in commercial, industrial, and residential zoning districts is a better course of action because it is simpler in concept and more straightforward to enforce. This approach is also consistent with the legal advice we received at the regular meeting on October 24, 2022, that it is best for the regulations to be content neutral. I recommend the City Council discuss my proposal at the meeting on November 14, 2022, and introduce the ordinance I have proposed.

The Mayor also instructed that the enforcement date for either ordinance, if adopted, should be delayed until July 1, 2023, to allow staff to research and development of any additional amendments directed by the City Council.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no fiscal or administrative impacts associated with this item.

ATTACHMENTS

1. July 27 2020 Staff Report
2. Council Direction LDC - Redline Edits
3. Council Direction Ordinance, DCA 22-003
4. Mayor Alternative LDC - Redline Edits
5. Mayor Alternative Ordinance, DCA 22-003

Prepared by: Steve Stewart
Planning Manager

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT ITEM 5.01

DATE: July 27, 2020

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Development Code Amendment 20-003, Temporary Signs

RECOMMENDED ACTION

Staff recommends the City Council introduce an ordinance approving Development Code Amendment 20-003, Temporary Signs.

SUMMARY

In January and February 2020, the City Council received several complaints that campaign signs were being vandalized, stolen, and installed inconsistent with the City's existing regulations for commercial and non-commercial temporary signs. On March 9, 2020, the City Council directed staff to develop options for an ordinance to limit the placement of campaign signs in the public right of way.

Staff reviewed several approaches to regulating temporary signs to avoid potential theft or vandalism including: prohibiting temporary signs in the public right-of-way; limiting the placement of temporary signs to certain hours of the day; and limiting the placement of temporary signs to a specific time in advance of an event. The options and staff recommendation are discussed below.

DISCUSSION

First Amendment jurisprudence recognizes a distinction between commercial and noncommercial speech, and that governmental officials must place a message into one or the other category for the purposes of regulation. While the First Amendment protects both commercial and noncommercial speech, it affords noncommercial speech a greater degree of protection. Therefore, care must be taken when crafting a sign ordinance to avoid imposing greater restrictions on noncommercial signs in favor of commercial signs.

The proposed amendments respect that jurisprudence and are intended to further the City's existing interests for sign regulations and its new interests to add additional

requirements to help address the vandalism and theft of signs, which primarily occurs at night, while preserving the opportunity to place signs in the designated public right-of-way.

The Livermore Development Code (LDC) in Section 4.06.140 regulates commercial and non-commercial temporary signs. Commercial temporary signs are sponsored by a commercial entity with prevailing messages that propose a commercial transaction (real estate leasing and selling activities, temporary retail sales or “now opening” signs). Non-commercial temporary signs provide commentary or advocacy on topics of public debate or concern. Political or campaign signs are non-commercial temporary signs.

Non-commercial temporary signs are currently and will continue to be allowed on private property in all zoning districts. Non-commercial and commercial signs are generally not allowed on any public property except in the public right-of-way as explained below.

Currently non-commercial temporary signs may be placed in the public right-of-way. The public right-of-way includes the street and an area about ten feet wide behind the curb. These signs are typically located adjacent to sidewalks in landscaped areas but are prohibited on street medians, sidewalks or streets, traffic signals, streetlight poles, and utility poles. In addition, temporary signs are prohibited within school sites, parks and other public property and have minimum spacing requirements (see Attachments 1 and 3 for existing temporary sign regulations). Commercial and non-commercial A-frame signs are also permitted in the public right of way in the Downtown area per the requirements of the Downtown Specific Plan.

Staff is recommending Development Code amendments to address the challenge of allowing temporary signs and addressing vandalism and theft. The size and placement restrictions in the existing ordinance summarized above would generally be preserved with the following key additional requirements (see Attachment 2 – redline version of Code changes):

- Restrict the placement of commercial and non-commercial temporary signs in the right-of-way to daylight hours between 9:00 a.m. and 5:00 p.m. Signs could only be placed after 9:00 a.m. and would need to be removed before 5:00 p.m. each day.

- Signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 90 days before that event. Signs must still be removed within five days following the associated event.

- Stake signs shall be constructed of paper or plastic mounted on a wood or metal stick that is pushed or hammered into the ground, and signs shall be no taller than 36 inches above the ground.

- In the Downtown Specific Plan (DSP) area only, commercial and non-commercial temporary signs are not permitted in the designated public right-of-way with the exception of A-frame signs. A-frame signs must be:
    - No larger than 30 inches wide by 48 inches tall,
    - Displayed only between 9 a.m. to 7 p.m.,
    - Located within five feet of a front building entrance of commercial uses,
    - Allow for adequate ADA and public access on the sidewalk, and
    - Subject to DSP Chapter 6 design standards, including standards for portable signs.

- Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section would be subject to removal by the City. If this amendment is approved, Neighborhood Preservation staff will develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

This approach allows signs to be displayed during the most active times of the day. Removing signs during nighttime hours would significantly reduce vandalism and theft. Additionally, this approach requires increased responsibility for those wishing to display temporary signs within the public right-of-way.

Less significant temporary sign Development Code changes are also proposed for formatting and internal consistency (see Attachment 2).

The proposed Development Code amendment is exempt from review under the California Environmental Quality Act (CEQA) under Section 15061(b)(3) - the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on the proposed project at its meeting of July 7, 2020. The Planning Commission expressed concern regarding the time of day limitations (i.e. 9 a.m. to 5 p.m.) for temporary signs. Such limitations could create an undue burden on persons wishing to display temporary signs. They were generally in agreement with limiting temporary signs to a specified time period prior to an event, but some thought 90 days may be too long.

The Planning Commission voted 2-1 (two Commissioners were absent) to recommend denial of the Development Code amendment as proposed. The Commission did, however, recommend on a 2-1 vote that the City Council consider allowing non-commercial and commercial temporary signs only up to 30 days before a scheduled event, instead of the 90 days that staff is recommending. See Attachments 4, 5 and 6 for the Planning Commission staff report, draft minutes and resolution.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no direct initial costs other than printing new public information flyers. Neighborhood Preservation staff currently spends significant time policing the public right-of-way for sign violations. This Code amendment will initially require additional staff time to explain and enforce the new standards. The proposed Code amendments would better describe a violation and allow City staff to develop enforcement protocols for the removal, storage and retrieval of those signs.

ATTACHMENTS

1. Current Livermore Development Code Section 4.06.140
2. Redline Edits of Livermore Development Code
3. City's Existing Public Information Political Campaign Flyer
4. Planning Commission Staff Report July 7, 2020
5. Planning Commission Draft Meeting Minutes July 7, 2020
6. Planning Commission Resolution

Prepared by:

Susan Frost,
Special Projects Coordinator

Approved by:

Marc Roberts
City Manager

Fiscal Review by:

Douglas Alessio
Administrative Services Director

B. Each sign, including a sign located on a temporary or portable building, shall be subject to the requirements of this chapter.

C. No wall sign shall project more than one foot from a building. A sign which projects more than four inches from a building shall be placed no less than 10 feet above the ground.

D. Each sign shall be faced parallel to the street (or frontage if the building does not face a street) on which the sign is located, except that:

1. A freestanding sign may be faced perpendicular to the street on which the sign is located.
2. A freeway-oriented sign may be perpendicular to the freeway.
3. A projecting wall or icon sign may be faced perpendicular to the street on which the sign is located.
4. In the case of a corner lot, freestanding signs may be diagonal at the corner.

E. A freeway, freestanding or temporary sign is permitted within a required setback area, provided it is:

1. Located within a permanently maintained landscaped planter area having an area at least twice that of the sign area;
2. Not closer than 10 feet from any property line and 10 feet from any access driveway; and
3. Not within a radius of 20 feet of the intersection of the rights-of-way of two intersecting streets.

F. The area of a freestanding sign is deducted from the allowable area on the nearest comparable building frontage.

G. A freestanding sign up to eight feet in height shall be a monument style sign. A freestanding pole sign is only permitted for a sign in excess of eight feet in height.

H. Each sign containing commercial sign copy must be located on-site, except for a sign authorized pursuant to *Civil Code Section 713*, which advertises that a property is for sale, lease or exchange by the owner or his agent, and gives directions to the property and the owner's or agent's name, address and telephone number.

I. The area of a supporting structure of a monument sign may not exceed the area of its approved sign face.

4.06.060 Signs on Public Property

No signs are allowed on public property, except for the following:

A. A public sign erected by or on behalf of the City or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

B. An informational sign of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes.

C. An emergency warning sign erected by the City or other public entity, a public utility company, or contractor doing authorized or permitted work on public property.

D. A temporary sign in a residential zoning district as authorized under Section 4.06.140.B (Temporary Signs in Residential Zoning Districts).

E. Signs constructed by the City to direct persons to specific districts, regions, or public facilities.

F. A single banner sign over Fourth Street between South J Street and South K Street and over North Livermore Avenue between Chestnut Street and Railroad Avenue. All such signs are subject to the following regulations:

1. The permitted sign shall be:

   a. Noncommercial; or

   b. Associated with a civic, community, educational, or cultural event.

2. The sign applicant must apply for an encroachment permit with the City engineer or his or her designee.

3. The City engineer upon review and approval by the planning division shall allow such signs on a first-come, first-served basis for a period not to exceed 14 days per sign.

4. A reservation for installation of a sign is not transferable. The sign locations shall be reserved for use by the City of Livermore during the three weeks prior to any local election.

5. The sign must be installed by the City.

6. The City may charge a reasonable fee to cover the cost of installing the sign, as determined by a resolution of the City Council. Livermore Unified School District and the Livermore area recreation and park district shall each be granted two free banner installations in a calendar year.

G. A sign constructed by a public agency on its property, which is permitted in the zoning district in which the property is located. (Ord. 1942 § 1, 2011)

4.06.070 Measurement of Sign Area and Height

A. The area of a sign shall be measured by enclosing the shape in the simplest regularly shaped geometric figure, such as a circle, triangle, diamond, square, rectangle, or other figure having not more than six sides. Where one or more messages consist of letters, panels, or symbols attached to a surface, then the sign area shall be the sum of the areas of each message.

B. The area of a sphere shall be computed as 50 percent of its surface.

C. The area of a multi-sided sign shall be the total of each exposed sign face, except where signs are parallel back-to-back and attached to opposite sides of a supporting structure. The area of a motor fuel price sign shall be the total of each exposed face, regardless of the orientation of each face.

D. The height of a freestanding or temporary sign shall be measured from the top of curb of the nearest street to the uppermost part of the sign or its supporting structure.

E. The height of a freestanding freeway sign shall be measured from the basic grade of the lot on which the sign is placed to the uppermost part of the sign or its supporting structure.

C. Each sign shall manifest balanced scale and proportions in its design and in its visual relationship to nearby buildings, its site, and surrounding land uses.

D. Each permanent sign shall complement the architecture of the building with which it is principally associated, by incorporating compatible materials, colors, and shapes of the building. In addition, each permanent sign shall generally display restrained and harmonious colors, type, styles, and lighting, and shall be constructed of durable materials.

E. Each sign shall be compatible with the general appearance of other signs visible from its site, and shall not compete for attention in a manner taking advantage of extreme, disharmonious, or clashing colors, shapes, locations, or materials.

4.06.130 Master Sign Program

A. The owners of a commercial or industrial complex and any joint freeway sign shall submit a master sign program for approval by the Planning Commission.

B. A master sign program shall include the sign locations, sign types, colors, designs, faces, materials, restrictions, prohibitions, and other general criteria for signs. A sign which is consistent with an approved master sign program is not subject to further design review.

4.06.140 Temporary Signs

A. **Temporary signs in commercial and industrial zoning districts.**
In addition to the permanent signs allowed in this chapter, temporary signs are permitted in the following zoning districts designated as Neighborhood Business Commercial (CNB), Commercial Service (CS), Highway Service Commercial (CHS), Commercial Office (CO), Professional Office (CP), Research and Development (I-1), Light Industrial (I-2), Heavy Industrial (I-3), T4 Neighborhood-Open, and Neighborhood Mixed Use (NMU), subject to the following:

1. Only the following types of temporary signs are permitted:
   a. A freestanding A-frame sign;
   b. A window painting;
   c. A banner sign;
   d. A beacon;
   e. A stake sign constructed of paper or plastic mounted on a wood or metal stick.
2. Prior to displaying a temporary sign which contains commercial sign copy, the owner of such a sign shall register the sign with the planning division by completing a form provided by the City. The form shall include the owner's name, address and telephone number, as well as dates the owner intends on displaying the sign. The City may charge a reasonable registration fee to cover the cost of inspection and enforcement, as determined by resolution of the City Council.
3. A freestanding A-frame sign, window painting or banner sign shall be displayed no more than 35 days in any three-month period on private property.
4. Each parcel shall have no more than one freestanding A-frame sign, window painting or banner sign.

5. For commercial and noncommercial signs on developed parcels, the maximum sign area of a freestanding A-frame sign, stake, or banner sign is one-half of the sign area permitted for a permanent sign in the district in which the parcel is located. For vacant parcels, no commercial signs are permitted. Noncommercial signs are permitted as long as the signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other.
6. A temporary sign may not be illuminated.
7. A window painting may cover only up to 50 percent of the window area.
8. A temporary freestanding A-frame sign is subject to the following requirements:
   a. Maximum size of temporary freestanding A-frame signs is 30 inches wide by 48 inches tall; and
   b. A temporary freestanding A-frame sign must be placed on private property or in a landscaped area.
9. Each parcel shall have no more than one beacon, subject to the following requirements:
   a. A beacon may be displayed no more than 10 days per year;
   b. A beacon must be located on-site;
   c. A beacon may not create a hazard to pedestrians, vehicles, or aircraft due to its location or movement; and
   d. A beacon may only operate during the business hours of the use being identified.
10. Public property and public right-of-way signs located on public property or the designated public right-of-way are subject to the following regulations:
    a. No commercial or noncommercial signs are permitted on public property; and
    b. No commercial signs are permitted on the designated public right-of-way. Non-commercial signs are permitted in all zoning districts; provided, signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other, per street frontage. Corner properties may have two of the same sign at the corner.

B. **Temporary signs in residential zoning districts.**
In addition to permanent signs allowed in this chapter, temporary signs are permitted in zoning districts designated as Downtown Specific Plan (DSP), Suburban Multiple Residential (RG), Multi-Family Residential (MFR), Suburban Residential (RS), Low Density Residential (RL), Rural Residential (R-R), T3 Neighborhood, and T4 Neighborhood, subject to the following:

1. A temporary sign may be placed on private property subject to the following:
   a. Noncommercial signs.
      (1) Maximum four square feet per sign;
      (2) No limit on the number of signs permitted; and
      (3) Signs must be a stake sign.
   b. Commercial signs.
      (1) Signage pursuant to *Civil Code Section 713* may be freestanding or wall-mounted; and

(2) Signs pursuant to a master sign program associated with a residential development are exempt; except they may not exceed 32 square feet and may not exceed one per parcel.

2. A temporary sign may be placed in the designated public right-of-way subject to the following:

a. Noncommercial signs.

(1) Signs must be stake signs with a maximum size of four square feet;

(2) No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;

(3) Corner properties may have two of the same sign at the corner;

(4) All temporary noncommercial signs shall be removed within five days after the event to which they pertain.

b. Commercial signs (including garage sale signs and real estate signs).

(1) Signs must relate to an activity permitted within a residential zoning district;

(2) Signs are only allowed on Thursdays, Saturdays and Sundays;

(3) Signs are limited to four square feet;

(4) Only one sign per each advertised activity (e.g., a house for sale, etc.) may be placed at each street intersection leading from the two nearest major streets (reflecting two independent access routes) to the site of the advertised activity.

(5) Only one sign per each advertised activity, up to a maximum of three signs, may be placed at any street intersection corner; and

(6) The sign must be placed so that a minimum of four and one-half feet remains clear on the sidewalk for pedestrians.

3. All temporary commercial signs are permitted for a total of 35 days per a calendar quarter.

4. No temporary commercial or noncommercial signs are permitted on public property or to be placed in the street or median areas.

4.06.150 Transect Zones (T4 Neighborhood-Open,T4 Main Street-Open,T4 Main Street)

In a Transect zone (T4N-O, T4MS-O, T4MS) permanent signs are permitted as follows:

A. **Lighting.** Signage shall be externally illuminated.

B. **Permitted signs.** Only the following types of signs are permitted and shall follow the following regulations:

1. Projecting wall sign. See Subsection 4.06.150.C
2. Awning/Canopy. See Subsection 4.06.150.D
3. Wall. See Subsection 4.06.150.E
4. Free-standing sidewalk sign. See Subsection 4.06.150.F
5. Window sign. See Subsection 4.06.150.G

Livermore Development Code

4.06.060 Signs on Public Property and in the Designated Public Right-of-Way

No signs are allowed on public property or in the designated public right-of-way, except for the following:

A. A public sign erected by or on behalf of the City or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.
B. An informational sign of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes.
C. An emergency warning sign erected by the City or other public entity, a public utility company, or contractor doing authorized or permitted work on public property.
D. ~~A c~~Commercial and noncommercial temporary signs ~~in a residential zoning district as authorized under~~ that satisfy the requirements in Section 4.06.140~~.B~~ (Temporary Signs ~~in Residential Zoning Districts~~).
E. Signs constructed by the City to direct persons to specific districts, regions, or public facilities.
F. A single banner sign over Fourth Street between South J Street and South K Street and over North Livermore Avenue between Chestnut Street and Railroad Avenue. All such signs are subject to the following regulations:
   1) The permitted sign shall be:
      a) Noncommercial; or
      b) Associated with a civic, community, educational, or cultural event.
   2) The sign applicant must apply for an encroachment permit with the City engineer or his or her designee.
   3) The City engineer upon review and approval by the planning division shall allow such signs on a first-come, first-served basis for a period not to exceed 14 days per sign.
   4) A reservation for installation of a sign is not transferable. The sign locations shall be reserved for use by the City of Livermore during the three weeks prior to any local election.
   5) The sign must be installed by the City.
   6) The City may charge a reasonable fee to cover the cost of installing the sign, as determined by a resolution of the City Council. Livermore Valley Joint Unified School District and the Livermore ~~a~~Area ~~r~~Recreation and ~~p~~Park ~~d~~District shall each be granted two free banner installations in a calendar year.

4.06.140 Temporary Signs

A. Temporary signs in commercial and industrial zoning districts. In addition to the permanent signs allowed in this chapter, temporary signs are permitted in Specific Plans, Planned Unit Development (PUD) and Planned Development (PD) district areas that allow commercial and industrial uses and the following zoning districts designated as Neighborhood Business Commercial (CNB), Commercial Service (CS), Highway Service Commercial (CHS), Commercial Office (CO), Professional Office (CP), Research and Development (I-1), Light Industrial (I-2), Heavy Industrial

(I-3), T4 Neighborhood-Open, and Neighborhood Mixed Use (NMU), subject to the following:

1) Only the following types of temporary signs are permitted:
   a) A freestanding A-frame sign;
   b) A window painting;
   c) A banner sign;
   d) A beacon;
   e) A stake sign ~~constructed of paper or plastic mounted on a wood or metal stick~~.
2) Prior to displaying a temporary sign which contains commercial sign copy, the owner of such a sign shall register the sign with the Planning Division by completing a form provided by the City. The form shall include the owner's name, address and telephone number, as well as dates the owner intends on displaying the sign. The City may charge a reasonable registration fee to cover the cost of inspection and enforcement, as determined by resolution of the City Council.
3) A freestanding A-frame sign, window painting or banner sign shall be displayed no more than 35 days in any three-month period on private property.
4) Each parcel shall have no more than one freestanding A-frame sign, window painting or banner sign.
5) For commercial and noncommercial signs on developed parcels, the maximum sign area of a freestanding A-frame sign, stake, or banner sign is one-half of the sign area permitted for a permanent sign in the district in which the parcel is located. For vacant parcels, no commercial signs are permitted. Noncommercial signs are permitted as long as the signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other.
6) A temporary sign may not be illuminated.
7) A window painting may cover only up to 50 percent of the window area.
8) A temporary freestanding A-frame sign is subject to the following requirements:
   a) Maximum size of temporary freestanding A-frame signs is 30 inches wide by 48 inches tall; and
   b) A temporary freestanding A-frame sign must be placed on private property or in a landscaped area.
9) Each parcel shall have no more than one beacon, subject to the following requirements:
   a) A beacon may be displayed no more than 10 days per year;
   b) A beacon must be located on-site;
   c) A beacon may not create a hazard to pedestrians, vehicles, or aircraft due to its location or movement; and
   d) A beacon may only operate during the business hours of the use being identified.
10) Commercial and noncommercial temporary signs are not permitted on public property. For clarification, the term public property for this prohibition means both real property owned by a public entity as well as physical property, including but not limited to, traffic lights, street lights, and utility infrastructure.

11) In the Downtown Specific Plan (DSP) area only, commercial and non-commercial temporary signs are not permitted in the designated public right-of-way with the exception of A-frame signs, which must be:
   a) No larger than 30 inches wide by 48 inches tall;
   b) Displayed only between 9 a.m. to 7 p.m.;
   c) Located within five feet of a front building entrance of only commercial uses;
   d) Allows for adequate ADA and public access on the sidewalk; and
   e) Subject to DSP Chapter 6 design standards, including standards for portable signs.

~~10)~~ Noncommercial temporary signs (including campaign and political signs) are permitted i~~Public property and public right-of-way signs located on public property or the designated public right-of-way are subject to the following regulations:~~

~~a) No commercial or non-commercial signs are permitted on public property; and~~

~~11)~~12) ~~No commercial signs are permitted i~~n the designated public right-of-way, but not in the street, street median, ~~. Non-commercial signs are permitted in all zoning districts;~~or sidewalk in commercial and industrial zones other than the DSP, subject to the following: ~~provided, signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other, per street frontage. Corner properties may have two of the same sign at the corner.~~

   ~~a) No commercial or noncommercial signs are permitted on public property; and~~
   ~~b) No commercial signs are permitted on the designated public right-of-way. Non commercial signs are permitted in all zoning districts; provided signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other, per street frontage. Corner properties may have two of the same sign at the corner.~~
   a) The signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 90 days before that event;
   b) May only be displayed between the hours of 9 a.m. and 5 p.m. each day;
   c) Signs must be stake signs with a maximum size of four square feet;
   d) No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;
   e) Corner properties may have two of the same sign at the corner; and,
   f) All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

B. Temporary signs in residential zoning districts. In addition to permanent signs allowed in this chapter, temporary signs are permitted in Specific Plans, Planned Unit Development (PUD) and Planned Development (PD) district areas that allow residential uses and in zoning districts designated as Downtown Specific Plan (DSP), Suburban Multiple Residential (RG), Multi-Family Residential (MFR), Suburban Residential (RS), Low Density Residential (RL), Rural Residential (R-R), T3 Neighborhood, and T4 Neighborhood, subject to the following:
   1) A temporary sign may be placed on private property subject to the following:
      a) Noncommercial signs.

(1) Maximum four square feet per sign;
(2) No limit on the number of signs permitted; and
(3) Signs must be a stake sign.

b) Commercial signs.
(1) Signage pursuant to Civil Code Section 713 may be freestanding or wall mounted; and
(2) Signs pursuant to a master sign program associated with a residential development are exempt; except they may not exceed 32 square feet and may not exceed one per parcel.
(3) A temporary commercial sign shall not be displayed for more than 35 days in any three- month period on private property.

2) A noncommercial temporary sign (including campaign and political signs) may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:
~~a) Noncommercial signs;~~
a) Signs must related to an event scheduled for ra specific date and shall not be installed sooner than 90 days before that event;
b) Signs shall only be displayed in the public right-of-way between the hours of 9:00 a.m. and 5:00 p.m. each day;
~~b)~~c) Signs must be stake signs with a maximum size of four square feet;
~~c)~~d) No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;
~~d)~~e) Corner properties may have two of the same sign at the corner;
~~e)~~f) All ~~temporary~~ noncommercial temporary signs shall be removed within five days after the event to which they pertain.

3) A ~~C~~commercial temporary sign~~s~~ (including garage sale signs and real estate signs) may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:
~~a) A temporary commercial sign shall not be displayed for more than 35 days in any three-month period on private property.~~
~~b)~~a) Signs must relate to an activity permitted within a residential zoning district;
~~c)~~b) Signs are only allowed on Thursdays, Saturdays and Sundays between the hours of 9:00 a.m. and 5:00 p.m.;
~~d)~~c) Signs are limited to four square feet;
~~e)~~d) Only one sign per each advertised activity (e.g., a house for sale, etc.) may be placed at each street intersection leading from the two nearest major streets (reflecting two independent access routes) to the site of the advertised activity;
~~f)~~e) Only one sign per each advertised activity, up to a maximum of three signs total, may be placed at any street intersection corner; and
~~g)~~f) The sign must be placed so that a minimum of four and one-half feet remains clear on the sidewalk for pedestrians if not other location is possible.

~~4) All temporary commercial signs are permitted for a total of 35 days per a calendar quarter.~~

~~5)~~4) Commercial and non-commercial temporary signs are not permitted on public property. For clarification, the term public property for this prohibition means

both real public property and physical public property, including but not limited to traffic lights, street lights, and utility infrastructure

~~6) No temporary commercial or noncommercial signs are permitted on public property or to be placed in the street or median areas.~~

C. Enforcement. Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section shall be subject to removal by the City and enforcement using the remedies in Chapters 1.20, 8.14, and 8.15 in the Municipal Code, and such other remedies the City may have. The Neighborhood Preservation staff shall develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

Section 11.01.020 Definitions of Specialized Terms and Phrases

Stake sign. A sign constructed of paper or plastic mounted on a wood or metal stick that is pushed or hammered into the ground, and the top of which is less than 36 inches above the ground.

Enforcement and Filing a Complaint

Signs found to be in violation of the Livermore Municipal Code may be removed and/or discarded. City staff will make every attempt to notify campaigns of improperly placed signs. Campaigns or property owners will have 24 hours to correct the signs. A citation may be issued to a campaign or property owner for improperly placed signs on private or public property.

All campaign signs shall be removed within five days after the election to which they pertain.

Complaints concerning sign violations may be reported by calling (925) 960-4444, or by visiting our website at www.cityoflivermore.net and providing the address or location of the violation along with your name, address and phone number.

All complaint information will be kept confidential.

Reference Guide to Political Campaign Signs

Information contained in this brochure is a brief summary of Livermore's sign ordinance (Livermore Development Code § 4.06.140 — Temporary Signs) and reflects our commitment to ensuring a safe community free from visual distractions and obstructions.

This reference guide is intended to provide information on the permissible location and size of political campaign signs in compliance with the Livermore Development Code.

Complete information on Livermore's sign ordinance is located on the City's website: www.cityoflivermore.net

For additional assistance or information regarding campaign signs, please contact the following Building Division staff:

Doug Martin, (925) 960-4422
Paul Spence, (925) 960-4474

LIVERMORE
CALIFORNIA

1052 South Livermore Avenue
Livermore, CA 94550-4899

phone: (925) 960-4437
fax: (925) 960-4429
TDD: (925) 960-4104

www.cityoflivermore.net

Reference Guide to Political Campaign Signs

ATTACHMENT 1
ATTACHMENT 3

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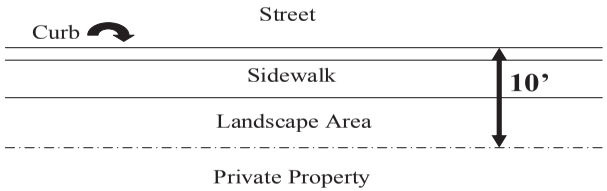
Join In Keeping Livermore A Beautiful Place

Definitions

"Stake Signs" are mounted on a wooden or metal stick and placed in the ground:

"Public Property" is any property publicly owned outside of the public right-of-way, including parks, City Hall, the Civic Center area, libraries, Police and Fire Departments, and schools.

"Public Right-of Way" is the area within ten feet of the curb face (see drawing below):



LIVERMORE CALIFORNIA

Signs on Private Property (Greater than ten feet from curb)

Campaign signs placed on private properties must meet the following requirements:

- Maximum size of four square feet per sign
- Signs must be stake signs
- No limit to number of signs

Signs in the Public Right-of-Way (Within ten feet of the curb)

Campaign signs placed in the public right-of-way must meet the following requirements:

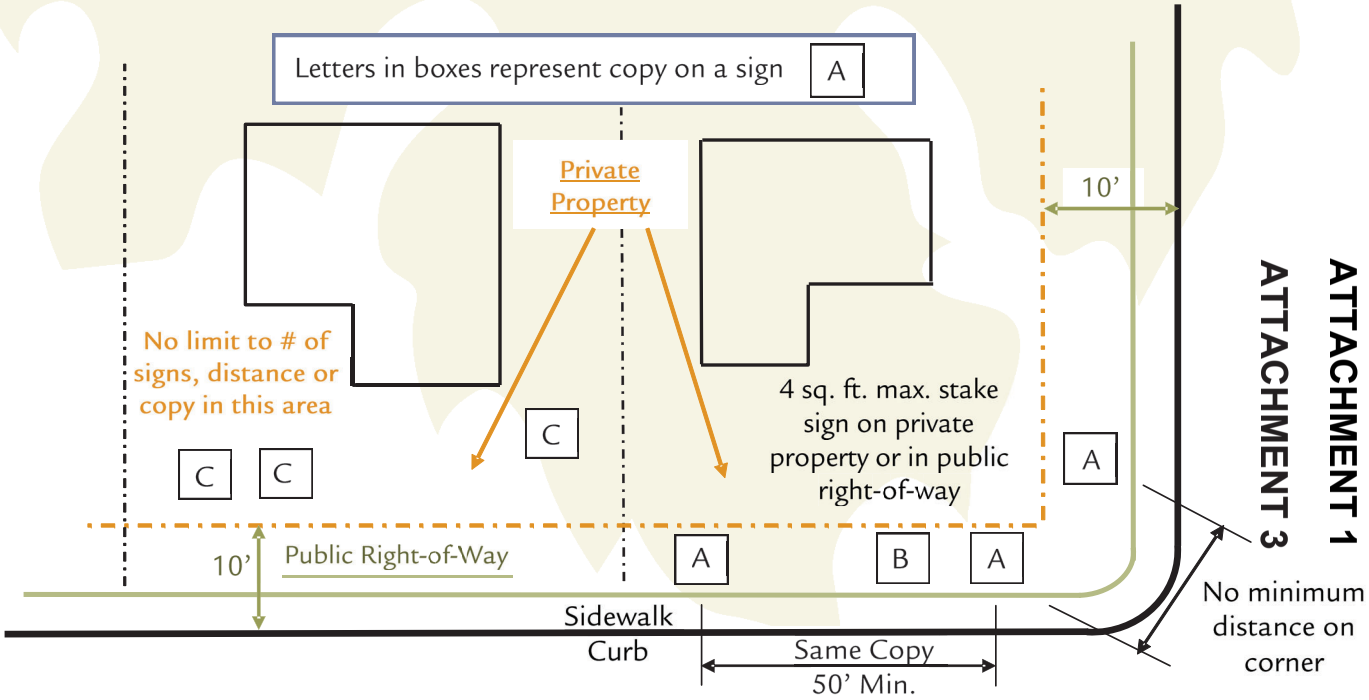
- Maximum size of four square feet per sign
- Signs must be stake signs
- No two signs with the same copy may be closer than fifty feet from each other
- Corner properties may have identical signs on both corners

Prohibited Sign Locations

For the safety of drivers and pedestrians, the following areas are prohibited from sign placement:

- Street Medians
- Sidewalks or Streets
- Traffic Signals
- Street Light Poles
- Power Poles
- Schools
- Parks
- Public Property

Signs placed in these areas will be removed and discarded.



ATTACHMENT 1
ATTACHMENT 3

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT

TO: Chairperson Fagundes and
Members of the Planning Commission

PREPARED BY: Susan Frost, Special Projects Coordinator

REVIEWED BY: Steve Stewart, Planning Manger
Steve Riley, Principal Planner

DATE: July 7, 2020

SUBJECT: Development Code Amendment 20-003, Temporary Signs

SUMMARY RECOMMENDATION

Staff recommends that the Planning Commission adopt a resolution recommending the City Council instruct staff to file a Notice of Exemption and approve Development Code Amendment (DCA) 20-003 to implement stricter limitations on temporary signs relating the location, time of day, number of days for commercial and non-commercial temporary signs in the public right of way in all zoning districts.

BACKGROUND

In January and February 2020, the City Council received several complaints that campaign signs were being vandalized, stolen, and installed inconsistent with the City's existing regulations for commercial and non-commercial temporary signs. On March 9, 2020, the City Council directed staff to develop options for an ordinance to limit the placement of campaign signs in the public right of way.

Campaign signs are vandalized or stolen in nearly every election. Many are inadvertently placed in locations that are inconsistent with the City's existing regulations. This problem impacts nearly every candidate and ballot measure, as well as the campaigns advocating for or against them. Those activities are illegal, but the high number of campaign signs placed during an election make it problematic to enforce compliance and identify responsible parties.

The problem is magnified in Livermore since its ordinances allow campaign signs to the placed in the public right of way. Unlike campaign signs on private property that are generally supervised by people at those locations, campaign signs placed in the public

right are left largely unattended. The absence of regular oversight makes those signs vulnerable to vandalism and theft.

Earlier this year, the campaigns participating in Livermore's March 2020 election expressed a shared complaint that the problem was more rampant than ever before, and that reactions and accusations were becoming increasing hostile. For example, there were allegations that campaign signs were repeatedly stolen from certain locations, that signs were cut to pieces in a threatening manner, and that signs were marred by graffiti to alter their meaning. That experience added to the natural tension inherent in every election.

Many community members expressed concern that the activities were unnecessarily dividing the community. Rather than focusing the campaign conversation on the merits of the measure, the campaigns for and against the measure exchanged accusations against each other that their supporters were engaged in illegal activities.

Staff has identified the following options to amend the City's sign ordinance to address campaign sign theft and vandalism, and the constitutional requirements to respect the hierarchy of non-commercial and commercial speech.

STAFF ANALYSIS

First Amendment jurisprudence recognizes a distinction between commercial and noncommercial speech, and that governmental officials must place a message into one or the other category for the purposes of regulation. While the First Amendment protects both commercial and noncommercial speech, it affords noncommercial speech a greater degree of protection. Therefore, care must be taken when crafting a sign ordinance to avoid imposing greater restrictions on noncommercial signs in favor of commercial signs.

The City has exercised its authority to adopt a sign ordinance to regulate signs in Livermore to implement its interest in community aesthetics through the control of visual clutter, for pedestrian and driver safety, and based upon the findings and determinations when the ordinance was first adopted.

The proposed amendments respect that jurisprudence and are intended to further the City's existing interests for its sign regulations and its new interests to add additional requirements to help address the vandalism and theft of signs, which primarily occurs at night, while preserving the opportunity to place signs in the designated public right-of-way.

The Livermore Development Code (LDC) in Section 4.06.140 regulates commercial and non-commercial temporary signs and the City summarizes these regulations in a public flyer (see Attachments 1 and 2). Commercial temporary signs are sponsored by a commercial entity with prevailing messages that propose a commercial transaction (real estate leasing and selling activities, temporary retail sales or "now opening" signs). Non-

commercial temporary signs provide commentary or advocacy on topics of public debate or concern. Political or campaign signs are non-commercial temporary signs.

Generally, the City cannot create or enforce stricter regulations on temporary non-commercial signage, than for temporary commercial signage. The City can consider different regulations for different parts of the City if the regulations within that geographic area do not favor commercial signs over non-commercial signs.

Non-commercial temporary signs are currently allowed on private property in all zoning districts. Non-commercial temporary signs may also be placed in the public right-of-way (ROW) (generally within 10 feet of back of curb (but varies some older parts of City) and must meet the following restrictions among others:

- maximum of four square feet per sign;
- signs must be stake signs;
- no two signs with the same copy may be closer than 50 feet of each other per street frontage;
- corner properties may have two of the same signs at the corner; and
- signs must be removed within five days following the associated event (e.g. after the election date)

These signs are typically located adjacent to sidewalks in landscaped areas but are prohibited on street medians, sidewalks or streets, traffic signals, streetlight poles, utility poles, schools, parks and public property.

Commercial and non-commercial A-frame signs are also permitted in the public ROW in the downtown area per the requirements of the Downtown Specific Plan.

As discussed above, the primary concern with temporary campaign signs is vandalism and theft, particularly signs placed in the ROW. Potential solutions include:

1. prohibiting placement of all temporary signs in the ROW (except governmental public information and traffic safety signs);
2. prohibiting the placement of commercial and non-commercial temporary signs in the ROW during certain hours of the day; and
3. prohibiting placement of commercial and non-commercial temporary signs in the ROW during a specific time in advance of standard election dates.

The first option above would prohibit both commercial and non-commercial temporary signs in the ROW. This would limit campaign signs to private property only (with property owner's permission) and have little effect on campaign signs on private residential property. However, it would require that campaign signs be placed on private commercial property with property owner permission and outside of the public ROW. It may be more difficult to get a commercial property owner to agree to signage and time consuming to find the right person to get said permission.

The second option would be to allow commercial and non-commercial temporary signs in the ROW only during certain hours of the day, for example, 9 a.m.- 5 p.m., or 6 a.m. to 8 p.m. to allow more exposure to daily commuters. With this approach, temporary signs would be placed in the morning and removed in the evening each day. While this approach would likely decrease potential problems with vandalism and theft, it would require additional effort and possibly cost for those wishing to display temporary signs. It may also present enforcement challenges for the City's Neighborhood Preservation staff.

The third option is prohibiting the placement of commercial and non-commercial temporary signs in the ROW during a specific time in advance of standard election dates, such as 60 or 90 days and letting signs stay out all day and night with no time restrictions.

A fourth option is to create a hybrid amendment that includes elements from the different options above. One option would be to allow temporary signs during certain hours and establishing a specific time they are out, 60 or 90 days before the election.

RECOMMENDATON

Staff is recommending Development Code amendments as shown in Attachment 3 to address the challenge of allowing temporary signs and addressing vandalism and theft. The size and placement restrictions in the existing ordinance described above would generally be preserved with the following key additional requirements:

- Restrict the placement of commercial and non-commercial temporary signs in the ROW to daylight hours between 9:00 a.m. and 5:00 p.m. Signs could only be placed after 9:00 a.m. and would need to be removed before 5:00 p.m. each day.

- Signs must relate to an event scheduled for a specific date and shall not displayed sooner than 90 days before that event. Signs must still be removed within five days following the associated event.

- Stake signs shall be constructed of paper or plastic mounted on a wood or metal stick that is pushed or hammered into the ground, and signs shall be no taller than 36 inches above the ground.

- Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section shall be subject to removal by the City. Neighborhood Preservation staff shall develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

This approach allows signs to be displayed during the most active times of the day. Removing signs during nighttime hours would significantly reduce vandalism and theft.

Additionally, this approach requires increased responsibility for those wishing to display temporary signs within the ROW.

Neighborhood Preservation currently spends significant time policing the ROW for sign violations. The ordinance amendments would better describe a violation and allow City staff to develop enforcement protocols for the removal and storage of those signs.

In addition to the amendments summarized above, less significant changes are proposed for formatting and internal consistency.

SUMMARY

The proposed Development Code amendment revises the regulations for the placement of temporary commercial and non-commercial signs in the public right-of-way. The revisions are intended to support and provide for free speech in the community through temporary signs while addressing concerns with vandalism, theft, aesthetics and public safety.

OTHER AGENCY/DEPARTMENT COMMENTS

None

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from review under the California Environmental Quality Act (CEQA) under Section 15061(b)(3) - the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Staff finds that the proposed amendments to the Development Code would not result in significant effect on the environmental as the ordinance addresses temporary signs and not permanent alternations to the environment.

ATTACHMENTS

1. Development Code Temporary Sign Section 4.06.140
2. Flyer for current regulations of campaign signs
3. Draft Ordinance showing redline changes to Development Code
4. Planning Commission Resolution

LIVERMORE CALIFORNIA

PLANNING COMMISSION
DRAFT MEETING MINUTES

JULY 7, 2020

5. PUBLIC HEARINGS

5.03 Hearing to consider amending the Livermore Development Code regarding, Temporary Signs, including Section 4.06.140, to update sections relating the location, time of day, number of days for commercial and non-commercial temporary signs in all zoning districts.

- Location: Citywide
- Site Area: Not applicable
- Applicant: City of Livermore
- Application Number: Development Code Amendment (DCA) 20-003
- Public improvements: Not applicable
- Zoning: Various
- General Plan: Various
- Historic Status: Not applicable
- CEQA: Recommend finding the project is exempt from the California Environmental Quality Act under Section 15061(b)(3) that the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
- Project Planner: Susan Frost, Special Projects Coordinator

Recommendation: Staff recommends the Planning Commission adopt a resolution recommending the City Council instruct staff to file a Notice of Exemption with the Alameda County Clerk and approve Development Code Amendment (DCA) 20-003.

Susan Frost, Special Projects Coordinator, presented the staff report.

Chairperson Fagundes opened the public hearing. No one came forward and the public hearing was closed.

Commissioner Bonanno asked and confirmed that the A-frame signs similar to the ones seen on First Street in front of restaurants in the evening would still be allowed and the ordinance amendment allows them to be displayed between 9AM and 7PM or 2 hours longer than the cut-off in other areas other than the downtown.

Commissioner Bonanno said she supports the ordinance change but worries about businesses downtown that hold evening business, such as Aviation who has an A-frame that directs people in the evening. She asked if these would not be allowed after 7PM, and Ms. Frost confirmed.

Commissioner Bonanno asked and confirmed with staff that the Planning Commission is making a recommendation to the City Council. She believed there were parts of the City where it is an undue restriction on places that are active after 7PM.

Commissioner Stein asked if it was possible to distinguish between commercial and campaign signs in any way and asked how this will be enforced given it is outside of normal working hours, noting it may be hazardous if people are putting up and taking down signs in the dark.

He also asked how regional campaign signs will be managed if non-City agencies do not read the City's ordinance. Lastly, this tends to favor incumbents and one of the major uses of signs is to get the candidate s' names before the public.

Principal Planner Steve Riley responded that the City must allow commercial and non-commercial signs under the same regulations and cannot impose restrictions on one and not the other.

Ms. Frost added that the ordinance specifically relates to commercial signs and non-commercial and not just campaign signs which are a form of non-commercial signs but the distinction is really commercial and non-commercial. They are being treated similarly.

She said staff wanted to do something less restrictive than prohibiting all signs altogether in the public right-of-way, so this was a compromise as a way to achieve goals while still providing some form of restrictions.

Mr. Stewart said in terms of enforcement it is always a challenge with these types of signs during any time of the year. Enforcement would be through the City's Neighborhood Preservation Department and the Police Department and their employees. It does offer enforcement opportunities around the clock, but it is difficult on weekends, given higher priorities. He stated Doug Martin, Neighborhood Preservation Manager, is present and can add to his comments.

Neighborhood Preservation Manager Doug Marin referred to enforcement outside of normal working hours and said staff most likely would not be doing any enforcement in the evenings past 5PM and staff starts at 7AM so the 9AM timing provides the opportunity for staff to monitor those areas and remove any signs. This also could have some influence on the downtown A-frame signs if those needed to go a little later.

Again, he said they would monitor in the morning when they are not likely to be out, and an extension of hours in the evening is much less of a burden to staff than the earlier morning hours would be.

Mr. Riley said in regards to getting information out to the different campaigns, when folks file to run in the local elections they must review rules and procedures relating to signs with the City Clerk. The City Clerk would convey the new code amendments to those running for office to ensure they know the rules.

Chairperson Fagundes re-opened the public hearing to accept two comments that came in during the public hearing.

Evan wrote: After the vandalism from the last campaign season, he encouraged the Commission to pass this ordinance and encourage the time to be extended by about 2 hours on each end.

Chad wrote: What is the goal of restriction of campaign signs the Commission intends to achieve?

Chairperson Fagundes closed the public hearing.

Chairperson Fagundes said he has concerns with the risk associated with installing signs along the roadway which causes hazards as well as having them gathered after the election. He thinks enforcement will be difficult and does not know how practical the timeframe is.

Commissioner Bonanno said she would support increasing the time to make it more open, cited issues with campaign signs which have been defaced, destroyed, thrown into the landscape, and thinks this is primarily what this is intended to address.

She said she still finds signs from over a year ago when walking and thinks this addresses the issue and would like to see the window expanded so as not to penalize businesses. She also appreciates Mr. Martin's comments, and thinks the hazards of people pulling signs out of the right-of-way will not happen often. And, while unfortunate to take this action, she completely supports it.

Commissioner Stein said he generally is opposed to vandalism but it is a balance between free speech and over-regulation and said he will probably oppose the recommendation. He thinks the campaign signs for individuals are generally less often vandalized than the initiative where feelings run high but overall, it is a balance between free speech and regulation and he is willing to tolerate the vandalism. He wished people would remove signs at the end of a campaign but stated he will probably not support the change in the sign ordinance.

Chairperson Fagundes agreed and if a sign is seen lying in a ditch the City should be enforcing fines if they are not picked up within five days past the event. But, when putting out signs, unfortunately there are vandals and these are just some of the things that happen. This is the risk someone takes for putting signs out in the public right-of-way and he does not think there is anything stopping people from picking up their signs, so he thinks this is a bit stiff.

He could support something where the window to put signs out before an election or event for a 60 to 90 day period, but if anything is changed they should establish a window of days rather than hours. Enforcing it will be difficult as well and thinks this causes more enforcement and hazards and could not support the change. He could support narrowing down the days to between 60 and 90 days.

Commissioner Bonanno said she thought there was already a restriction of when signs can be put up.

Mr. Martin stated there currently is no time limit preceding an election.

Chairperson Fagundes stated he would not mind making a recommendation to indicate between 75 days or 90 days.

Commissioner Stein asked if the Commission could separate the motion and asked if 60 days had any support.

Commissioner Bonanno said she thinks people do not put signs out before 60 days anyway so she did not think it would make much of a difference.

Chairperson Fagundes agreed and thinks it has been around 60 days. He said he could not support the recommendation but also was not sure there was a motion.

Commissioner Bonanno made a motion for approval. There was no second and the motion died.

Senior Assistant Attorney Kim Cilley stated there is some case law on regulating a certain number of days prior to an election. If this is something staff would like her to look into, she would need additional time because this was not considered.

Mr. Stewart stated the Commission would need to make a recommendation to the City Council and stated in the staff report there is a provision that states, “Signs shall not be displayed sooner than 90 days before the event” so this would be a new one. He assumes this has been vetted against any law in place now. Therefore, the Commission could add that back in, but staff would need a recommendation to the City Council.

Ms. Cilley added that it would be for non-commercial and not just political signs.

AMENDING MOTION BY STEIN, SECONDED BY FAGUNDES, TO APPROVE THE 90-DAY LIMITATION ON COMMERCIAL AND NON-COMMERCIAL SIGNS WITH NO TIME LIMITS.

VOTE ON AMENDING MOTION:

AYES: FAGUNDES, STEIN.
NOES: BONANNO
ABSENT: ANDERSON, BJORKLUND.

Mr. Stewart clarified that the Commission needs to be clear that there is an amending motion for the 90 day limitation and the main motion would need to reflect the Commission's recommendation to the City Council.

Commissioner Stein stated if the Commission votes down the main motion, he asked if this means the amending motion is voted down, given they were not separating them.

Ms. Cilley stated the main motion would be either to recommend the City Council approve or deny. The Commission can make a recommendation of approval and then have amending motions of what the Commission would want changed from what the Resolution is recommending to the Council. Or, the Commission could recommend denial of the Resolution and provide follow-up direction to the Council.

Commissioner Stein stated his intent is that there be a limitation on days before an event for commercial or non-commercial signs, but no limitations as to time of day.

Ms. Cilley stated this would be a recommendation that the City Council approve the change in the ordinance as modified. The Planning Commission resolution would either recommend approval or not and then amending motions to make changes to that proposed ordinance, how the Commission would like it to be different, and to handle those in amending motions.

Commissioner Bonanno asked Mr. Martin when signs usually go up. She thinks the 90-day restriction may be a red herring, so the Commission might be making this more complicated than it needs to be.

Mr. Martin stated 30 days is very typical but staff did receive a complaint of signs going up in the Springtown area already. So, this is very unusual to see them that early.

MOTION BY STEIN, SECONDED BY FAGUNDES, TO DENY STAFF'S RECOMMENDATIONS AND ADOPT RESOLUTION NO. 21-20, RECOMMENDING THE CITY COUNCIL DENY DEVELOPMENT CODE AMENDMENT (DCA) 20-003.

AMENDING MOTION BY STEIN, SECONDED BY BONANNO, TO LIMIT COMMERCIAL AND NON-COMMERCIAL SIGNS TO A FIXED PERIOD OF 30 DAYS BEFORE THE EVENT.

VOTE ON AMENDING MOTION:

AYES: BONANNO AND STEIN.
NOES: FAGUNDES.
ABSENT: ANDERSON AND BJORKLUND.

VOTE ON MAIN MOTION:

AYES: FAGUNDES AND STEIN.
NOES: BONANNO.
ABSENT: ANDERSON AND BJORKLUND.

Chairperson Fagundes stated the main motion passes by a vote of 2-1 and he confirmed with Mr. Stewart that staff had direction to recommend to the City Council.

ATTACHMENT 1

ATTACHMENT 6

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE STATE OF CALIFORNIA

A RESOLUTION RECOMMENDING DENIAL

DEVELOPMENT CODE AMENDMENT 20-003 TEMPORARY SIGNS

The City initiated an application to amend Livermore Development Code Section 4.06.140 to implement stricter limitations on temporary signs relating to the location, time of day, and number of days for commercial and non-commercial temporary signs in the public right of way in all zoning districts

A Public Hearing Notice was duly published in a newspaper of local circulation.

The Planning Commission held a public hearing on July 7, 2020, considered the staff recommendation for approval, and heard public testimony.

The Planning Commission could not make the appropriate findings and recommended the City Council deny the subject application.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that, Development Code Amendment 20-003, as shown in Exhibit A, is recommended to the City Council for denial.

On the motion by Commissioner Stein, seconded by Commissioner Fagundes, the foregoing Resolution was adopted at the Planning Commission meeting of July 7, 2020, by the following vote:

AYES: FAGUNDES AND STEIN.
NOES: BONANNO.
ABSENT: ANDERSON AND BJORKLUND.

Bryan Fagundes, Chairperson

by Steve Stewart, Planning Manager
Secretary to the Planning Commission

Exhibit A – Livermore Development Code Temporary Signs

EXHIBIT A

Livermore Development Code

4.06.060 Signs on Public Property and in the Designated Public Right-of-Way

No signs are allowed on public property or in the designated public right-of-way, except for the following:

A. A public sign erected by or on behalf of the City or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.

B. An informational sign of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes.

C. An emergency warning sign erected by the City or other public entity, a public utility company, or contractor doing authorized or permitted work on public property.

D. Commercial and noncommercial temporary signs that satisfy the requirements in Section 4.06.140 (Temporary Signs).

E. Signs constructed by the City to direct persons to specific districts, regions, or public facilities.

F. A single banner sign over Fourth Street between South J Street and South K Street and over North Livermore Avenue between Chestnut Street and Railroad Avenue. All such signs are subject to the following regulations:

1. The permitted sign shall be:

   a. Noncommercial; or

   b. Associated with a civic, community, educational, or cultural event.

2. The sign applicant must apply for an encroachment permit with the City engineer or his or her designee.

3. The City engineer upon review and approval by the planning division shall allow such signs on a first-come, first-served basis for a period not to exceed 14 days per sign.

4. A reservation for installation of a sign is not transferable. The sign locations shall be reserved for use by the City of Livermore during the three weeks prior to any local election.

5. The sign must be installed by the City.

6. The City may charge a reasonable fee to cover the cost of installing the sign, as determined by a resolution of the City Council. Livermore Valley Joint Unified School District and the Livermore Area Recreation and Park District shall each be granted two free banner installations in a calendar year.

4.06.140 Temporary Signs

A. Temporary signs in commercial and industrial zoning districts.

In addition to the permanent signs allowed in this chapter, temporary signs are permitted in Specific Plans, Planned Unit Development (PUD) and Planned Development (PD) district areas that allow commercial and industrial uses and the following zoning districts designated as Neighborhood Business Commercial (CNB), Commercial Service (CS), Highway Service Commercial (CHS), Commercial Office (CO), Professional Office (CP), Research and Development (I-1), Light Industrial (I-2), Heavy Industrial (I-3), T4 Neighborhood-Open, and Neighborhood Mixed Use (NMU), subject to the following:

1. Only the following types of temporary signs are permitted:

   a. A freestanding A-frame sign;

   b. A window painting;

   c. A banner sign;

   d. A beacon;

   e. A stake sign.

2. Prior to displaying a temporary sign which contains commercial sign copy, the owner of such a sign shall register the sign with the Planning Division by completing a form provided by the City. The form shall include the owner's name, address and telephone number, as well as dates the owner intends on displaying the sign. The City may charge a reasonable registration fee to cover the cost of inspection and enforcement, as determined by resolution of the City Council.

3. A freestanding A-frame sign, window painting or banner sign shall be displayed no more than 35 days in any three-month period on private property.

4. Each parcel shall have no more than one freestanding A-frame sign, window painting or banner sign.

5. For commercial and noncommercial signs on developed parcels, the maximum sign area of a freestanding A-frame sign, stake, or banner sign is one-half of the sign area permitted for a permanent sign in the district in which the parcel is located. For vacant parcels, no commercial signs are permitted. Noncommercial signs are permitted as long as the signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other.

6. A temporary sign may not be illuminated.

7. A window painting may cover only up to 50 percent of the window area.

8. A temporary freestanding A-frame sign is subject to the following requirements:

   a. Maximum size of temporary freestanding A-frame signs is 30 inches wide by 48 inches tall; and

b. A temporary freestanding A-frame sign must be placed on private property or in a landscaped area.

9. Each parcel shall have no more than one beacon, subject to the following requirements:

a. A beacon may be displayed no more than 10 days per year;

b. A beacon must be located on-site;

c. A beacon may not create a hazard to pedestrians, vehicles, or aircraft due to its location or movement; and

d. A beacon may only operate during the business hours of the use being identified.

10. Commercial and noncommercial temporary signs are not permitted on public property. For clarification, the term public property for this prohibition means both real property owned by a public entity as well as physical property, including but not limited to, traffic lights, street lights, and utility infrastructure.

11. In the Downtown Specific Plan (DSP) area only commercial and non-commercial temporary signs are not permitted in the designated public right-of-way with the exception of A-frame signs which are permitted only if no larger than 30 inches wide by 48 inches tall, displayed only between 9 a.m. to 7 p.m., shall be within five feet of a front building entrance of only commercial uses, allows for adequate ADA and public access on the sidewalk, and subject to DSP Chapter 6 design standards, including standards for portable signs

12. Noncommercial temporary signs (including campaign and political signs) are permitted in the designated public right-of-way, but not in the street, street median, or sidewalk, subject to the following:

a. The signs must relate to an event scheduled for a specific date and shall not displayed sooner than 90 days before that event;

b. May only be displayed between the hours of 9 a.m. and 5 p.m. each day;

c. Signs must be stake signs with a maximum size of four square feet;

d. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;

e. Corner properties may have two of the same sign at the corner; and,

f. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

B. Temporary signs in residential zoning districts.

In addition to permanent signs allowed in this chapter, temporary signs are permitted in Specific Plans, Planned Unit Development (PUD) and Planned Development (PD) district areas that allow residential uses and in zoning districts designated as Downtown Specific Plan (DSP), Suburban Multiple Residential (RG), Multi-Family Residential (MFR), Suburban Residential (RS), Low Density Residential (RL), Rural Residential (R-R), T3 Neighborhood, and T4 Neighborhood, subject to the following:

1. A temporary sign may be placed on private property subject to the following:

a. Noncommercial signs.

(1) Maximum four square feet per sign;

(2) No limit on the number of signs permitted; and

(3) Signs must be a stake sign.

b. Commercial signs.

(1) Signage pursuant to Civil Code Section 713 may be freestanding or wall mounted; and

(2) Signs pursuant to a master sign program associated with a residential development are exempt; except they may not exceed 32 square feet and may not exceed one per parcel.

(3) A temporary commercial sign shall not be displayed for more than 35 days in any three- month period on private property

2. A noncommercial temporary sign (including campaign and political signs) may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:

a. Signs must relate to an event scheduled for a specific date and shall not be installed sooner than 90 days before that event;

b. Signs shall only be displayed in the public right-of-way between the hours of 9 a.m. and 5 p.m. each day;

c. Signs must be stake signs with a maximum size of four square feet;

d. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;

e. Corner properties may have two of the same sign at the corner; and,

f. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

3. A commercial temporary sign (including garage sale signs and real estate signs) may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:

a.

b. Signs must relate to an activity permitted within a residential zoning district;

b. Signs are only allowed on Thursdays, Saturdays and Sundays between the hours of 9 a.m. and 5 p.m.;

c. Signs are limited to four square feet;

d. Only one sign per each advertised activity (e.g., a house for sale, etc.) may be placed at each street intersection leading from the two nearest major streets (reflecting two independent access routes) to the site of the advertised activity;

e, Only one sign per each advertised activity, up to a maximum of three signs total, may be placed at any street intersection corner; and

f. The sign must be placed so that a minimum of four and one-half feet remains clear on the sidewalk for pedestrians if no other location is possible..

4. Commercial and non-commercial temporary signs are not permitted on public property. For clarification prohibition, the term public property for this prohibition means both real public property and physical public property, including but not limited to traffic lights, street lights, and utility infrastructure

C. Enforcement. Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section shall be subject to removal by the City and enforcement using the remedies in Chapters 1.20, 8.14, and 8.15 in the Municipal Code, and such other remedies the City may have. The Neighborhood Preservation staff shall develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

11.01.020 Definitions of Specialized Terms and Phrases.

Stake sign. A sign constructed of paper or plastic mounted on a wood or metal stick that is pushed or hammered into the ground, and the top of which is less than 36 inches above the ground.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE AMENDING THE LIVERMORE DEVELOPMENT CODE, AS AMENDED, OF THE CITY OF LIVERMORE, BY AMENDING PART 4 (GENERAL TO ZONES), CHAPTER 4.06 (SIGN STANDARDS), SECTION 4.06.060 (SIGNS ON PUBLIC PROPERTY) AND SECTION 4.06.140 (TEMPORARY SIGNS); AND PART 11 (DEFINITIONS), CHAPTER 11.01 (DEFINITIONS), SECTION 11.01.020 (DEFINITIONS OF SPECIALIZED TERMS AND PHRASES)

THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. Section 4.06.060 (Signs on Public Property) of the Livermore Development Code is amended to read as follows:

4.06.060 Signs on Public Property and in the Designated Public Right-of-Way

No signs are allowed on public property or in the designated public right-of-way, except for the following:

A. A public sign erected by or on behalf of the City or other public entity to post legal notices, identify public property, convey public information, or direct or regulate pedestrian or vehicular traffic.
B. An informational sign of a public utility or transit company regarding its poles, lines, pipes, facilities, or routes.
C. An emergency warning sign erected by the City or other public entity, a public utility company, or contractor doing authorized or permitted work on public property.
D. Commercial and noncommercial temporary signs that satisfy the requirements in Section 4.06.140 (Temporary Signs).
E. Signs constructed by the City to direct persons to specific districts, regions, or public facilities.
F. A single banner sign over Fourth Street between South J Street and South K Street and over North Livermore Avenue between Chestnut Street and Railroad Avenue. All such signs are subject to the following regulations:
    1) The permitted sign shall be:
        a) Noncommercial; or
        b) Associated with a civic, community, educational, or cultural event.
    2) The sign applicant must apply for an encroachment permit with the City engineer or his or her designee.
    3) The City engineer upon review and approval by the planning division shall allow such signs on a first-come, first-served basis for a period not to exceed 14 days per sign.

4) A reservation for installation of a sign is not transferable. The sign locations shall be reserved for use by the City of Livermore during the three weeks prior to any local election.
5) The sign must be installed by the City.
6) The City may charge a reasonable fee to cover the cost of installing the sign, as determined by a resolution of the City Council. Livermore Valley Joint Unified School District and the Livermore Area Recreation and Park District shall each be granted two free banner installations in a calendar year.

Section 2. Section 4.06.140 (Temporary Signs) of the Livermore Development Code is amended to read as follows:

4.06.140 Temporary Signs

A. Temporary signs in commercial and industrial zoning districts. In addition to the permanent signs allowed in this chapter, temporary signs are permitted in Specific Plans, Planned Unit Development (PUD) and Planned Development (PD) district areas that allow commercial and industrial uses and the following zoning districts designated as Neighborhood Business Commercial (CNB), Commercial Service (CS), Highway Service Commercial (CHS), Commercial Office (CO), Professional Office (CP), Research and Development (I-1), Light Industrial (I-2), Heavy Industrial (I-3), T4 Neighborhood-Open, and Neighborhood Mixed Use (NMU), subject to the following:
   1) Only the following types of temporary signs are permitted:
      a) A freestanding A-frame sign;
      b) A window painting;
      c) A banner sign;
      d) A beacon;
      e) A stake sign.
   2) Prior to displaying a temporary sign which contains commercial sign copy, the owner of such a sign shall register the sign with the Planning Division by completing a form provided by the City. The form shall include the owner's name, address and telephone number, as well as dates the owner intends on displaying the sign. The City may charge a reasonable registration fee to cover the cost of inspection and enforcement, as determined by resolution of the City Council.
   3) A freestanding A-frame sign, window painting or banner sign shall be displayed no more than 35 days in any three-month period on private property.
   4) Each parcel shall have no more than one freestanding A-frame sign, window painting or banner sign.
   5) For commercial and noncommercial signs on developed parcels, the maximum sign area of a freestanding A-frame sign, stake, or banner sign is one-half of the sign area permitted for a permanent sign in the district in which the parcel is located. For vacant parcels, no commercial signs are

permitted. Noncommercial signs are permitted as long as the signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other.

6) A temporary sign may not be illuminated.
7) A window painting may cover only up to 50 percent of the window area.
8) A temporary freestanding A-frame sign is subject to the following requirements:
   a) Maximum size of temporary freestanding A-frame signs is 30 inches wide by 48 inches tall; and
   b) A temporary freestanding A-frame sign must be placed on private property or in a landscaped area.
9) Each parcel shall have no more than one beacon, subject to the following requirements:
   a) A beacon may be displayed no more than 10 days per year;
   b) A beacon must be located on-site;
   c) A beacon may not create a hazard to pedestrians, vehicles, or aircraft due to its location or movement; and
   d) A beacon may only operate during the business hours of the use being identified.
10) Commercial and noncommercial temporary signs are not permitted on public property. For clarification, the term public property for this prohibition means both real property owned by a public entity as well as physical property, including but not limited to, traffic lights, street lights, and utility infrastructure.
11) In the Downtown Specific Plan (DSP) area only, commercial and non-commercial temporary signs are not permitted in the designated public right-of-way with the exception of A-frame signs, which must be:
   a) No larger than 30 inches wide by 48 inches tall;
   b) Displayed only between 9 a.m. to 7 p.m.;
   c) Located within five feet of a front building entrance of only commercial uses;
   d) Allow for adequate ADA and public access on the sidewalk; and
   e) Subject to DSP Chapter 6 design standards, including standards for portable signs.
12) Noncommercial temporary signs (including campaign and political signs) are permitted in the designated public right-of-way, but not in the street, street median, or sidewalk, in commercial and industrial zones other than the DSP, subject to the following:
   a) The signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 90 days before that event;
   b) May only be displayed between the hours of 9 a.m. and 5 p.m. each day;
   c) Signs must be stake signs with a maximum size of four square feet;
   d) No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;
   e) Corner properties may have two of the same sign at the corner; and,

f) All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

B. Temporary signs in residential zoning districts. In addition to permanent signs allowed in this chapter, temporary signs are permitted in Specific Plans, Planned Unit Development (PUD) and Planned Development (PD) district areas that allow residential uses and in zoning districts designated as Downtown Specific Plan (DSP), Suburban Multiple Residential (RG), Multi-Family Residential (MFR), Suburban Residential (RS), Low Density Residential (RL), Rural Residential (R-R), T3 Neighborhood, and T4 Neighborhood, subject to the following:

1) A temporary sign may be placed on private property subject to the following:
   a) Noncommercial signs.
      (1) Maximum four square feet per sign;
      (2) No limit on the number of signs permitted; and
      (3) Signs must be a stake sign.
   b) Commercial signs.
      (1) Signage pursuant to Civil Code Section 713 may be freestanding or wall mounted; and
      (2) Signs pursuant to a master sign program associated with a residential development are exempt; except they may not exceed 32 square feet and may not exceed one per parcel.
      (3) A temporary commercial sign shall not be displayed for more than 35 days in any three- month period on private property.

2) A noncommercial temporary sign (including campaign and political signs) may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:
   a) Signs must relate to an event scheduled for a specific date and shall not be installed sooner than 90 days before that event;
   b) Signs shall only be displayed in the public right-of-way between the hours of 9 a.m. and 5 p.m. each day;
   c) Signs must be stake signs with a maximum size of four square feet;
   d) No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;
   e) Corner properties may have two of the same sign at the corner; and,
   f) All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

3) A commercial temporary sign (including garage sale signs and real estate signs) may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:
   a) Signs must relate to an activity permitted within a residential zoning district;
   b) Signs are only allowed on Thursdays, Saturdays and Sundays between the hours of 9 a.m. and 5 p.m.;
   c) Signs are limited to four square feet;

d) Only one sign per each advertised activity (e.g., a house for sale, etc.) may be placed at each street intersection leading from the two nearest major streets (reflecting two independent access routes) to the site of the advertised activity;
e) Only one sign per each advertised activity, up to a maximum of three signs total, may be placed at any street intersection corner; and
f) The sign must be placed so that a minimum of four and one-half feet remains clear on the sidewalk for pedestrians if no other location is possible.

4) Commercial and non-commercial temporary signs are not permitted on public property. For clarification, the term public property for this prohibition means both real public property and physical public property, including but not limited to traffic lights, street lights, and utility infrastructure

C. Enforcement. Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section shall be subject to removal by the City and enforcement using the remedies in Chapters 1.20, 8.14, and 8.15 in the Municipal Code, and such other remedies the City may have. The Neighborhood Preservation staff shall develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

Section 3. Section 11.01.020 (Definitions of Specialized Terms and Phrases), Subsection S. (Definitions) of the Livermore Development Code is amended as follows:

Section 11.01.020 Definitions of Specialized Terms and Phrases

Stake sign. A sign constructed of paper or plastic mounted on a wood or metal stick that is pushed or hammered into the ground, and the top of which is less than 36 inches above the ground.

Section 4. The City Council finds that the proposed project is exempt from review pursuant to California Environmental Quality Act (CEQA) Section 15061(b)(3) - the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment, and the City Clerk is directed to file a Notice of Determination with the Alameda County Clerk.

Section 5. This ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the City of Livermore within fifteen days after its adoption and shall take effect and be in force thirty days from and after its adoption.

The foregoing ordinance was introduced at the meeting of the City Council of the City of Livermore City Council held on July 27, 2020, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

The ordinance was adopted at the regular meeting of the City Council held on _____, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
MAYOR, CITY OF LIVERMORE

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

_____
Jason Alcala
City Attorney

4.06.140 Temporary Signs

A. **Temporary signs in commercial and industrial zoning districts.**

In addition to the permanent signs allowed in this chapter, temporary signs are permitted in Specific Plans, Planned Unit Development (PUD) and Planned Development (PD) district areas that allow commercial and industrial uses and the following zoning districts designated as Neighborhood Business Commercial (CNB), Commercial Service (CS), Highway Service Commercial (CHS), Commercial Office (CO), Professional Office (CP), Research and Development (I-1), Light Industrial (I-2), Heavy Industrial (I-3), T4 Neighborhood-Open, and Neighborhood Mixed Use (NMU), subject to the following:

1. Only the following types of temporary signs are permitted:

    a. A freestanding A-frame sign;

    b. A window painting;

    c. A banner sign;

    d. A beacon;

    e. A stake sign.

2. Prior to displaying a temporary sign which contains commercial sign copy, the owner of such a sign shall register the sign with the Planning Division by completing a form provided by the City. The form shall include the owner's name, address and telephone number, as well as dates the owner intends on displaying the sign. The City may charge a reasonable registration fee to cover the cost of inspection and enforcement, as determined by resolution of the City Council.

3. A freestanding A-frame sign, window painting or banner sign shall be displayed no more than 35 days in any three-month period on private property.

4. Each parcel shall have no more than one freestanding A-frame sign, window painting or banner sign.

5. For commercial and noncommercial signs on developed parcels, the maximum sign area of a freestanding A-frame sign, stake, or banner sign is one-half of the sign area permitted for a permanent sign in the district in which the parcel is located. For vacant parcels, no commercial signs are permitted. Noncommercial signs are permitted as long as the signs do not exceed four square feet per sign and no two signs with the same copy are located closer than 50 feet from each other.

6. A temporary sign may not be illuminated.

7. A window painting may cover only up to 50 percent of the window area.

8. A temporary freestanding A-frame sign is subject to the following requirements:

    a. Maximum size of temporary freestanding A-frame signs is 30 inches wide by 48 inches tall; and

b. A temporary freestanding A-frame sign must be placed on private property or in a landscaped area.

9. Each parcel shall have no more than one beacon, subject to the following requirements:

   a. A beacon may be displayed no more than 10 days per year;

   b. A beacon must be located on-site;

   c. A beacon may not create a hazard to pedestrians, vehicles, or aircraft due to its location or movement; and

   d. A beacon may only operate during the business hours of the use being identified.

10. Commercial and noncommercial temporary signs are not permitted on public property. For clarification, the term public property for this prohibition means both real property owned by a public entity as well as physical property, including but not limited to, traffic lights, street lights, and utility infrastructure.

11. In the Downtown Specific Plan (DSP) area only, commercial and noncommercial temporary signs are not permitted in the designated public right-of-way with the exception of A-frame signs, which must be:

    a. No larger than 30 inches wide by 48 inches tall;

    b. Located within five feet of a front building entrance of only commercial uses;

    c. Allow for adequate ADA and public access on the sidewalk; and

    d. Subject to DSP Chapter 6 design standards, including standards for portable signs.

12. Noncommercial temporary signs are permitted in the designated public right-of-way, but not in the street, street median, or sidewalk, in commercial and industrial zones other than the DSP, subject to the following:

    a. The signs must relate to an event scheduled for a specific date and shall not displayed sooner than 60 days before that event. For events like an election, the event date for the purpose of the ordinance is the specific election date and not the start of the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the fair is open to the public;

    b. May only be displayed between the hours of 9 a.m. and 5 p.m. each day;

    ~~b.~~c. Signs must be stake signs with a maximum size of four square feet;

    ~~c.~~d. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;

    ~~d.~~e. Corner properties may have two of the same sign at the corner; and,

    f. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

B. **Temporary signs in residential zoning districts.**

In addition to permanent signs allowed in this chapter, temporary signs are permitted in Specific Plans, Planned Unit Development (PUD) and Planned Development (PD) district areas that allow residential uses and in zoning districts designated as Downtown Specific Plan (DSP), Suburban Multiple Residential (RG), Multi-Family Residential (MFR), Suburban Residential (RS), Low Density Residential (RL), Rural Residential (R-R), T3 Neighborhood, and T4 Neighborhood, subject to the following:

1. A temporary sign may be placed on private property subject to the following:

a. Noncommercial signs.

(1) Maximum four square feet per sign;

(2) No limit on the number of signs permitted; and

(3) Signs must be a stake sign.

b. Commercial signs.

(1) Signage pursuant to Civil Code Section 713 may be freestanding or wall mounted; and

(2) Signs pursuant to a master sign program associated with a residential development are exempt; except they may not exceed 32 square feet and may not exceed one per parcel.

(3) A temporary commercial sign shall not be displayed for more than 35 days in any three- month period on private property

2. A noncommercial temporary sign may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:

a. Signs must relate to an event scheduled for a specific date and shall not be installed sooner than 60 days before that event. For events like an election, the event date for the purpose of the ordinance is the specific election date and not the start of the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the fair is open to the public;

~~a.~~b. May only be displayed between the hours of 9 a.m. and 5 p.m. each day;

~~b.~~c. Signs must be stake signs with a maximum size of four square feet;

~~c.~~d. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;

~~d.~~e. Corner properties may have two of the same sign at the corner; and,

~~e.~~f. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

3. A commercial temporary sign (including garage sale signs and real estate signs) may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:

   a. Signs must relate to an activity permitted within a residential zoning district;

   b. Signs are only allowed on Thursdays, Saturdays and Sundays;

   c. Signs are limited to four square feet;

   d. Only one sign per each advertised activity (e.g., a house for sale, etc.) may be placed at each street intersection leading from the two nearest major streets (reflecting two independent access routes) to the site of the advertised activity;

   e. Only one sign per each advertised activity, up to a maximum of three signs total, may be placed at any street intersection corner; and

   f. The sign must be placed so that a minimum of four and one-half feet remains clear on the sidewalk for pedestrians if no other location is possible.

4. Commercial and non-commercial temporary signs are not permitted on public property. For clarification, the term public property for this prohibition means both real public property and physical public property, including but not limited to traffic lights, street lights, and utility infrastructure.

C. Enforcement. Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section shall be subject to confiscation and removal by the City and subject to enforcement using the remedies in Chapters 1.20, 8.14, and 8.15 in the Municipal Code, and such other remedies the City may have. The Neighborhood Preservation staff shall develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE REVISING AND AMENDING SECTION 4.06.140 (TEMPORARY SIGNS) CHAPTER 4.06 (SIGN STANDARDS) IN THE LIVERMORE DEVELOPMENT CODE TO RESTRICT THE DISPLAY OF TEMPORARY SIGNS IN THE PUBLIC RIGHT-OF-WAY TO THE HOURS OF 9 A.M. TO 5 P.M., CLARIFY THE EVENT DATE, AND REAFFIRM THAT SIGNS VIOLATING THE ORDINANCE WILL BE REMOVED AND CONFISCATED

On July 7, 2020, the Planning Commission held a public hearing on proposed amendments to the Livermore Development Code regarding temporary signs. The Commission recommended that the City Council restrict the placement of commercial and non-commercial temporary signs in the right-of-way to daylight hours between 9:00 a.m. and 5:00 p.m. and that signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 30 days before that event.

On August 24, 2020, the City Council considered the recommendation from the Planning Commission and adopted Ordinance No. 2099. However, the Council removed the restriction on displaying temporary signs to certain hours of the day and set the duration of display to 60 days before an event.

The City Council and staff continued to receive complaints that campaign signs were being vandalized, stolen, installed inconsistent with the City's existing regulations for commercial and non-commercial temporary signs, and components of the signs are littering the cityscape.

On October 24, 2022, the City Council discussed the provisions in the Livermore Development Code regarding temporary signs placed on public property and in the designated public right-of-way and directed staff to return with the Development Code Amendment previously recommended by the Planning Commission to address ongoing challenges with allowing temporary signs, including vandalism and theft. The City Council directed staff to prepare amendments to the temporary sign ordinance to restrict the placement of temporary signs on the public right-of-way to the hours of 9:00 a.m. to 5:00 p.m.

On that date, the City Council reaffirmed the 60 day time period for the display of noncommercial temporary signs in the public right-of-way, but directed staff to clarify how the date of an event is determined for the display of a noncommercial temporary sign in the public right-of-way. For events like an election the event date for the purposes of the ordinance is the actual election date and not the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the fair opens to the public.

Lastly, on that date the City Council reaffirmed that temporary signs placed in the public right-of-way in violation of the ordinance are subject to confiscation and removal.

THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection 12 in Subsection A "*Temporary signs in commercial and industrial zoning districts" in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

12. Noncommercial temporary signs are permitted in the designated public right-of-way, but not in the street, street median, or sidewalk, in commercial and industrial zones other than the DSP, subject to the following:

    a. The signs must relate to an event scheduled for a specific date and shall not displayed sooner than 60 days before that event. For events like an election, the event date for the purpose of the ordinance is the specific election date and not the start of the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the event is open to the public;

    b. May only be displayed between the hours of 9 a.m. and 5 p.m. each day;

    ~~b.~~ c. Signs must be stake signs with a maximum size of four square feet;

    ~~c.~~ d No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;

    ~~d.~~ e. Corner properties may have two of the same sign at the corner; and,

    ~~e.~~ f. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

Section 2. Subsection 2 in Subsection B "*Temporary signs in residential zoning districts" in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

2. A noncommercial temporary sign may be placed in the designated public right-of-way, but not the street, street median, or sidewalk, subject to the following:

a. Signs must relate to an event scheduled for a specific date and shall not be installed sooner than 60 days before that event. For events like an election, the event date for the purpose of the ordinance is the specific election date and not the start of the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the event is open to the public;

b. May only be displayed between the hours of 9 a.m. and 5 p.m. each day;

~~b.~~ c. Signs must be stake signs with a maximum size of four square feet;

~~c.~~ d No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;

~~d.~~ e. Corner properties may have two of the same sign at the corner; and,

~~e.~~ f. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.

Section 3. Subsection B "*Enforcement" in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

C. Enforcement. Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section shall be subject to confiscation and removal by the City and subject to enforcement using the remedies in Chapters 1.20, 8.14, and 8.15 in the Municipal Code, and such other remedies the City may have. The Neighborhood Preservation staff shall develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

Section 4. *Environmental*. The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

Section 5. *Severability.* If any part of this ordinance is declared invalid by a court, such invalidity shall not affect any of the remaining parts.

Section 6. *Publication*. This ordinance, or a comprehensive summary thereof, shall be published once in a newspaper of general circulation in the City of Livermore within 15 days after its adoption and shall take effect and be in force thirty days after its adoption.

Section 7. *Effective Date*. This ordinance shall take effect 30 days after its adoption, but the revised and amendment code sections shall not take effect for enforcement until 12:10 a.m. on July 1, 2023. Until that date and time, the sections amended and revised by this ordinance will remain in full force and effect.

The foregoing ordinance was introduced and its reading waived at the meeting of the City Council of the City of Livermore City Council held on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

The ordinance was adopted and its reading waived at the regular meeting of the City Council held on _____, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Bob Woerner
Mayor, City of Livermore

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

_____
Jason Alcala
City Attorney

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE REVISING AND AMENDING SECTION 4.06.140 (TEMPORARY SIGNS) CHAPTER 4.06 (SIGN STANDARDS) IN THE LIVERMORE DEVELOPMENT CODE TO RESTRICT THE DISPLAY OF TEMPORARY SIGNS IN THE PUBLIC RIGHT-OF-WAY TO THE HOURS OF 9 A.M. TO 5 P.M., CLARIFY THE EVENT DATE, AND REAFFIRM THAT SIGNS VIOLATING THE ORDINANCE WILL BE REMOVED AND CONFISCATED

On July 7, 2020, the Planning Commission held a public hearing on proposed amendments to the Livermore Development Code regarding temporary signs. The Commission recommended that the City Council restrict the placement of commercial and non-commercial temporary signs in the right-of-way to daylight hours between 9:00 a.m. and 5:00 p.m. and that signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 30 days before that event.

On August 24, 2020, the City Council considered the recommendation from the Planning Commission and adopted Ordinance No. 2099. However, the Council removed the restriction on displaying temporary signs to certain hours of the day and set the duration of display to 60 days before an event.

The City Council and staff continued to receive complaints that campaign signs were being vandalized, stolen, installed inconsistent with the City's existing regulations for commercial and non-commercial temporary signs, and components of the signs are littering the cityscape.

On October 24, 2022, the City Council discussed the provisions in the Livermore Development Code regarding temporary signs placed on public property and in the designated public right-of-way and directed staff to return with the Development Code Amendment previously recommended by the Planning Commission to address ongoing challenges with allowing temporary signs, including vandalism and theft. The City Council directed staff to prepare amendments to the temporary sign ordinance to restrict the placement of temporary signs on the public right-of-way to the hours of 9:00 a.m. to 5:00 p.m.

On that date, the City Council reaffirmed the 60 day time period for the display of noncommercial temporary signs in the public right-of-way, but directed staff to clarify how the date of an event is determined for the display of a noncommercial temporary sign in the public right-of-way. For events like an election the event date for the purposes of the ordinance is the actual election date and not the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the fair opens to the public.

Lastly, on that date the City Council reaffirmed that temporary signs placed in the public right-of-way in violation of the ordinance are subject to confiscation and removal.

On November 14, 2022, the City Council considered an alternative ordinance proposed by Mayor Woerner to prohibit the placement of all temporary signs in the public right-of-way in commercial, industrial, and residential zoning districts

THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection 12 in Subsection A "*Temporary signs in commercial and industrial zoning districts" in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

12. ~~Noncommercial temporary~~ Temporary signs are not permitted in the designated public right-of-way, ~~but~~ and are not permitted in the street, street median, or sidewalk, in commercial and industrial zones other than the DSP.~~, subject to the following;~~

~~a. The signs must relate to an event scheduled for a specific date and shall not displayed sooner than 60 days before that event.~~

~~b. Signs must be stake signs with a maximum size of four square feet;~~

~~c. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;~~

~~d. Corner properties may have two of the same sign at the corner; and,~~

~~e. All noncommercial temporary signs shall be removed within five days after the event to which they pertain~~

Section 2. Subsection 2 in Subsection B "*Temporary signs in residential zoning districts" in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

2. ~~A noncommercial temporary~~ Temporary signs ~~may be placed~~ are not permitted in the designated public right-of-way, ~~but~~ and are not permitted in the street, street median, or sidewalk~~, subject to the following:~~ in residential zones.

~~a. Signs must relate to an event scheduled for a specific date and shall not be installed sooner than 60 days before that event~~

~~b. Signs must be stake signs with a maximum size of four square feet;~~

~~c. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;~~

~~d.. Corner properties may have two of the same sign at the corner; and,~~

~~e. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.~~

Section 3. Subsection B "*Enforcement" in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

C. Enforcement. Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section shall be subject to confiscation and removal by the City and subject to enforcement using the remedies in Chapters 1.20, 8.14, and 8.15 in the Municipal Code, and such other remedies the City may have. The Neighborhood Preservation staff shall develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

Section 4. *Environmental*. The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

Section 5. *Severability*. If any part of this ordinance is declared invalid by a court, such invalidity shall not affect any of the remaining parts.

Section 6. *Publication*. This ordinance, or a comprehensive summary thereof, shall be published once in a newspaper of general circulation in the City of Livermore within 15 days after its adoption and shall take effect and be in force thirty days after its adoption.

Section 7. *Effective Date and Enforcement Date*. This ordinance shall take effect 30 days after its adoption, but the revised and amendment code sections shall not take effect for enforcement until 12:10 a.m. on July 1, 2023. Until that date and time, the sections amended and revised by this ordinance will remain in full force and effect.

The foregoing ordinance was introduced and its reading waived at the meeting of the City Council of the City of Livermore City Council held on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

The ordinance was adopted and its reading waived at the regular meeting of the City Council held on _____, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Bob Woerner
Mayor, City of Livermore

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

_____
Jason Alcala
City Attorney

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE REVISING AND AMENDING SECTION 4.06.140 (TEMPORARY SIGNS) CHAPTER 4.06 (SIGN STANDARDS) IN THE LIVERMORE DEVELOPMENT CODE TO RESTRICT THE DISPLAY OF TEMPORARY SIGNS IN THE PUBLIC RIGHT-OF-WAY TO THE HOURS OF 9 A.M. TO 5 P.M., CLARIFY THE EVENT DATE, AND REAFFIRM THAT SIGNS VIOLATING THE ORDINANCE WILL BE REMOVED AND CONFISCATED

On July 7, 2020, the Planning Commission held a public hearing on proposed amendments to the Livermore Development Code regarding temporary signs. The Commission recommended that the City Council restrict the placement of commercial and non-commercial temporary signs in the right-of-way to daylight hours between 9:00 a.m. and 5:00 p.m. and that signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 30 days before that event.

On August 24, 2020, the City Council considered the recommendation from the Planning Commission and adopted Ordinance No. 2099. However, the Council removed the restriction on displaying temporary signs to certain hours of the day and set the duration of display to 60 days before an event.

The City Council and staff continued to receive complaints that campaign signs were being vandalized, stolen, installed inconsistent with the City's existing regulations for commercial and non-commercial temporary signs, and components of the signs are littering the cityscape.

On October 24, 2022, the City Council discussed the provisions in the Livermore Development Code regarding temporary signs placed on public property and in the designated public right-of-way and directed staff to return with the Development Code Amendment previously recommended by the Planning Commission to address ongoing challenges with allowing temporary signs, including vandalism and theft. The City Council directed staff to prepare amendments to the temporary sign ordinance to restrict the placement of temporary signs on the public right-of-way to the hours of 9:00 a.m. to 5:00 p.m.

On that date, the City Council reaffirmed the 60 day time period for the display of noncommercial temporary signs in the public right-of-way, but directed staff to clarify how the date of an event is determined for the display of a noncommercial temporary sign in the public right-of-way. For events like an election the event date for the purposes of the ordinance is the actual election date and not the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the fair opens to the public.

Lastly, on that date the City Council reaffirmed that temporary signs placed in the public right-of-way in violation of the ordinance are subject to confiscation and removal.

On November 14, 2022, the City Council considered an alternative ordinance proposed by Mayor Woerner to prohibit the placement of all temporary signs in the public right-of-way in commercial, industrial, and residential zoning districts

THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. Subsection 12 in Subsection A "*Temporary signs in commercial and industrial zoning districts" in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

12. ~~Noncommercial temporary~~ Temporary signs are not permitted in the designated public right-of-way, ~~but~~ and are not permitted in the street, street median, or sidewalk, in commercial and industrial zones other than the DSP.~~, subject to the following;~~

~~a. The signs must relate to an event scheduled for a specific date and shall not displayed sooner than 60 days before that event.~~

~~b. Signs must be stake signs with a maximum size of four square feet;~~

~~c. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;~~

~~d. Corner properties may have two of the same sign at the corner; and,~~

~~e. All noncommercial temporary signs shall be removed within five days after the event to which they pertain~~

Section 2. Subsection 2 in Subsection B "*Temporary signs in residential zoning districts" in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

2. ~~A noncommercial temporary~~ Temporary signs ~~may be placed~~ are not permitted in the designated public right-of-way, ~~but~~ and are not permitted in the street, street median, or sidewalk~~, subject to the following:~~ in residential zones.

~~a. Signs must relate to an event scheduled for a specific date and shall not be installed sooner than 60 days before that event~~

~~b. Signs must be stake signs with a maximum size of four square feet;~~

~~c. No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;~~

~~d.. Corner properties may have two of the same sign at the corner; and,~~

~~e. All noncommercial temporary signs shall be removed within five days after the event to which they pertain.~~

Section 3. Subsection B "*Enforcement*" *in* Section 4.06.140 "*Temporary Signs"* in Chapter 4.06 "*Sign Standards"* in the Livermore Development Code is hereby amended to read as set forth below. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language:

C. Enforcement. Any commercial or noncommercial temporary sign placed in the public right-of-way or public property in violation of this section shall be subject to confiscation and removal by the City and subject to enforcement using the remedies in Chapters 1.20, 8.14, and 8.15 in the Municipal Code, and such other remedies the City may have. The Neighborhood Preservation staff shall develop enforcement protocols for the removal and storage of those signs, as well as for their retrieval and possible destruction if not retrieved.

Section 4. *Environmental*. The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

Section 5. *Severability*. If any part of this ordinance is declared invalid by a court, such invalidity shall not affect any of the remaining parts.

Section 6. *Publication*. This ordinance, or a comprehensive summary thereof, shall be published once in a newspaper of general circulation in the City of Livermore within 15 days after its adoption and shall take effect and be in force thirty days after its adoption.

Section 7. *Effective Date and Enforcement Date*. This ordinance shall take effect 30 days after its adoption, but the revised and amendment code sections shall not take effect for enforcement until 12:10 a.m. on July 1, 2023. Until that date and time, the sections amended and revised by this ordinance will remain in full force and effect.

The foregoing ordinance was introduced and its reading waived at the meeting of the City Council of the City of Livermore City Council held on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

The ordinance was adopted and its reading waived at the regular meeting of the City Council held on _____, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Bob Woerner
Mayor, City of Livermore

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

_____
Jason Alcala
City Attorney

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 7.1**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Tina Olson, Administrative Services Director

SUBJECT: Resolution approving an amended and restated employment contract with the City Attorney.

RECOMMENDED ACTION

Mayor Woerner recommends the City Council adopt a resolution approving an amended and restated employment contract with the City Attorney.

SUMMARY

The City Attorney's contract stipulates under Section V.A. that the City Council shall conduct an annual performance review of the City Attorney and determine any modifications to the terms and conditions of employment including any salary increase, bonus, or other benefit changes.

DISCUSSION

The previous City Attorney's employment contract effective December 6, 2021, indicates the City Council shall review the performance of the City Attorney annually and may make modifications to terms and conditions of employment as deemed appropriate based on performance of duties. As such, the City Council met in Closed Session with the City Attorney on November 21, 2022 to discuss his performance evaluation. Prior to that discussion, the City Attorney, via memo to the City Council, requested modifications to terms and conditions relevant to his employment contract. At the Closed Session, the City Council discussed the City Attorney's request and directed that the City Attorney's draft employment contract be placed upon this agenda for City Council consideration. Council approval would amend and replace the previous contract dated December 6, 2021, with a new contract that reflects the following material changes; (1) provide a compensation adjustment of 4% bringing the City Attorney's annual base salary to $290,170, (2) provide a one time merit bonus of $7,500, and (3) increase the City’s contribution by $150.82 a month from $549.18 to $700 a month into a City deferred compensation program to the extent that such contribution is matched by employee's contribution. The new contract will be effective December 5, 2022.

FISCAL AND ADMINISTRATIVE IMPACTS

The additional net salary, benefits, and merit bonus of approximately $21,600 will be paid from the General Fund. No additional appropriation is required at this time.

ATTACHMENTS

1. 2022 City Attorney Contract Redline
2. Resolution
3. Exhibit A - 2022 Signed City Attorney Contract

Prepared by: Tina Olson
Administrative Services Director

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

CITY ATTORNEY EMPLOYMENT CONTRACT
(Amended and Restated November ____, 2022)

Deleted: December 13, 2021

This contract, dated _____, is made between the City of Livermore ("City") a California municipal corporation, and Jason R. Alcala ("Employee"), and upon its effective date amends and replaces the previous employment contract between these parties dated December 17, 2021.

Deleted: November 9, 2020

RECITALS

City desires to employ the services of Employee as City Attorney of the City of Livermore and to provide certain compensation and establish certain conditions of employment of the City Attorney.

Employee desires to accept employment as City Attorney under the conditions contained in this contract.

In consideration of the mutual covenants contained in this contract, the parties agree as follows:

I. TERM

The term of this contract shall begin on, and its effective date shall be, December 5, 2022, and shall continue indefinitely subject only to the Termination and Severance (section IV) and Resignation (section VIII) provisions of this contract. Both City and Employee understand that Employee's employment is at the will of both parties. Thus, Employee serves at the pleasure of the City Council, subject only to the Termination and Severance (section IV) and Notices (section VII) provisions contained in this contract. In a like manner, nothing in this contract shall interfere with the right of Employee to resign at any time subject to the Resignation (section VIII) and Notices (section VII) provisions of this contract.

Deleted: December 06, 2021

II. DUTIES

City agrees to employ Employee as City Attorney to perform the duties specified in Livermore Municipal Code Chapter 2.12 and the laws of the State of California, as well as other duties assigned by the City Council, which reasonably relate to the position of City Attorney.

Employee agrees to remain in the exclusive employment of City except that City acknowledges that Employee may engage in other professional activities (including teaching, writing, legal representation of family members in matters unrelated to the City of Livermore, and the like) so long as these activities do not interfere or conflict with Employee's duties as City Attorney.

III. COMPENSATION

A. Salary. City agrees to pay Employee a salary of $290,170.00 per year, payable at the same time as other City employees are paid.

Deleted: $279,010

B. Benefits. Employee shall be entitled to receive the same benefits as are provided for all City Department Heads. Employee shall also maintain the earned benefits, such as sick leave and vacation leave, that Employee has accumulated in his employment previously for the City. Additionally, Employee shall receive:

(1) A car allowance of $400 per month.

(2) City contribution of $700.00/month into a City deferred compensation program to the extent that such contribution is matched by Employee's contribution. This contribution is in addition to the City's contribution of $265/month into a City deferred compensation program provided to City Department Heads to the extent that the Employee contributes $162.50 per month. The total City deferred compensation contribution would equal $965/month and the total Employee deferred compensation contribution would equal $862.50/month.

(3) Retiree health reimbursement benefit – The City Council acknowledges that, prior to promotion to City Attorney, Employee was eligible to receive this benefit upon retirement and the purpose of this section to preserve Employee's previously earned eligibility for this benefit. Employee shall be eligible upon retirement for a retiree health reimbursement benefit up to a cap of $1,950 per month.

IV. TERMINATION AND SEVERANCE

A. City may terminate, without cause, this contract and the employment of Employee by providing written notice of such termination to Employee in a manner set forth in the Notices (section VII) provisions of this contract.

B. If the City Council acts in a manner such that the California Rules of Professional Conduct of lawyers require Employee to withdraw from representing the City of Livermore, then that mandatory withdrawal will be treated as a termination without cause for the purposes of this contract. The California Rules of Professional Conduct of lawyers are adopted by the Board of Trustees of the State Bar of California and approved by the California Supreme Court to protect the public, the courts, the legal profession, and the integrity of the legal system. Examples of City Council actions that require mandatory withdrawal are set forth in Rule of Professional Conduct 1.16(a)(1) and include scenarios where a client brings an action, conducts a defense, asserts a position in litigation, or takes an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person. Other scenarios include situations where a client persists in instructing the lawyer to act contrary to professional ethics or the law. If there is a disagreement whether the City Council's conduct warrants the Employee's mandatory or permissive withdrawal, the question will be presented to a either the State Bar of California, or to a court of competent jurisdiction, to evaluate and determine whether that conduct requires the Employee's mandatory withdrawal, which determination shall then be applied for the purpose of implementing this section in the contract.

C. In the event of such termination without cause as set forth in this Section IV, while Employee is willing and able to perform the duties of City Attorney, City shall pay Employee's salary and benefits (in the amounts as of the date of termination) for a period of 12 months from the date of termination subject to, and such payment shall be interpreted to comply with, the limitations set forth in California Government Code Sections 53260 and 53261. This provision

Deleted: $549.18

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shall not apply if termination is for cause. For the purpose of this contract, termination for cause shall mean that Employee is terminated for:

(1) willful misconduct;
(2) abuse of drugs or alcohol which materially affects the performance of his duties;
(3) repeated and protracted unexcused absences from the City Attorney's office;
(4) conviction of any felony;
(5) conviction of a misdemeanor involving moral turpitude;
(6) acceptance of employment from another source inconsistent with this contract; or
(7) any material breach of this contract.

V. PERFORMANCE EVALUATION

A. Each October, the City Council shall review Employee's performance to determine, among other things, entitlement to any salary increase (including merit and/or cost of living) or whether to award any one-time special merit award, or bonus, for the accomplishment of the City Council's specific goals, or for exceptional results or performance above the expected fulfillment of Employee's job obligations.

B. Each year as part of the Employee's evaluation process, Employee and City Council shall meet to discuss establishing performance objectives for Employee. Evaluations shall be primarily based upon the mutually developed and agreed upon performance goals and objectives for that year's evaluation as well as upon the performance of the full range of duties required of Employee as the City Attorney by the laws of the State of California, the Livermore Municipal Code, and the Council goals and policies. The City Council and Employee shall also assess the quality and effectiveness of their working relationship. After reviewing Employee's performance based upon the agreed upon goals and objectives, the City Council shall notify City Attorney in writing whether the City Attorney has performed, in the Council's judgment, satisfactorily or unsatisfactorily.

C. Merit Increases. City may increase the Employee's base salary and/or other benefits in an amount and to the extent as the City may determine that is desirable to do so on the basis of an annual performance evaluation and salary review. In addition, a lump-sum merit payment may be awarded in the City Council's sole judgment and discretion if it finds that the Employee's job performance exemplifies excellence in a unique program or activity having a significant positive impact on City operations or the community, but such award shall not be added to the Employee's salary. The City Council hereby awards Employee a merit bonus in the amount of $7,500, which shall be paid in a lump sum in the pay period that ends December 18, 2022.

VI. PROFESSIONAL DEVELOPMENT

City acknowledges its mutual interest in the continuing professional development of Employee. Thus, City agrees to allow and pay all expenses associated with membership fees as well as employment-related conferences, including meals, subscriptions, and professional development costs associated with professional organizations, such as the California Bar Association, the League of California Cities, the Bay Area City Attorney's Association, the Contra Costa City and County Attorney's Association, and the East Alameda County Bar Association. This may include activities such as serving as an officer or board member of such organizations. Professional

development activities will not distract Employee from his other duties as City Attorney.

VII. NOTICES

The notices pursuant to this contract shall be by certified registered mail return receipt requested addressed as follows:

A. City:

City Council
City of Livermore
1052 South Livermore Avenue
Livermore, California 94550

B. Employee:

Jason R. Alcala
City Attorney
City of Livermore
1052 South Livermore Avenue
Livermore, California 94550

VIII. RESIGNATION

Employee may resign, retire, or terminate, without cause, this contract by providing written notice of such event to City in a manner set forth in the Notices (section VII) section of this contract. Employee shall provide the written notice at least 60 days in advance of such event. During the period following notice and until the date the resignation, retirement, or termination of this contract becomes effective, all rights and obligations of City and Employee under this contract will remain in effect. Upon separation, Employee will be paid for all benefits and earned, accrued, and unused leave in the same manner as City Department Heads upon separation.

IX. GENERAL PROVISIONS

A. This written contract shall constitute the entire agreement between the parties, and they have drafted it jointly. No representations, except for those herein, have been made or relied upon.

B. This contract shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. If any provisions or any portion thereof contained in this contract is held invalid by a court of competent jurisdiction, the remainder of this contract shall be deemed severable and shall not be affected and shall remain in full force and effect.

D. This contract may be modified or extended only upon the written consent of City and Employee.

E. Employee will provide the City at least 60 days written notice of the effective date of his resignation or retirement.

F. It is recognized that the position of City Attorney is an executive management position which often requires more than a conventional 40 hour-per-week to provide the desired level of professional service. It is further recognized that to properly fulfill his duties and responsibilities, Employee will devote a considerable amount of time outside normal office hours to the business of the City. Therefore, Employee will not be required to maintain a strict 40 hour-per-week on-site presence at City Hall, and may occasionally be absent from City Hall during normal business hours as is reasonable and appropriate. This flexibility in work schedule shall not be abused. In this regard, Employee is required to maintain a regular on-site presence during normal business hours that is sufficient to properly administer and oversee the activities of the City Attorney's office and its employees, to provide accessibility to City Council members, Department Heads, citizens, and other persons or firms who have business with the City and to generally ensure that the City Attorney's office functions appropriately on a day-to-day basis. Excessive absences during regular business hours will be a matter of concern to the City. Employee is expected to be available at all times, except for the time taken on personal matters, such as vacations. City expects Employee to make prudent and reasonable arrangements for such personal time off, such as reasonable notice and arrangements, for example, for acting City Attorneys.

It is one of the duties of the City Attorney of the City of Livermore to serve as the primary legal advisor to the City for the implementation, support, and articulation of the City Council's policies and objectives. As such, Employee is expected to maintain a reasonably high level of community involvement, and should become an active participant in community activities including those conducted or sponsored by City and its departments and those conducted or sponsored by various community organizations.

G. City and Employee agree to fully comply with AB 1344 that became effective on January 1, 2012, and to fully comply with other applicable law as it exists on the date of this contract. In that regard, the following Government Code Sections are hereby incorporated into this contract:

Section 53243 *Reimbursement of paid leave salary required upon conviction of crime involving office or position*

Section 53243.1 *Reimbursement of legal criminal defense upon conviction of crime involving office or position*

Section 53243.2 *Reimbursement of cash settlement upon conviction of crime involving office or position*
Section 53243.3 *Reimbursement of noncontractual payments upon conviction or crime involving office or position.*

Section 53243.4 *"Abuse of office or position" defined*, and

Section 53244 *Forfeiture of rights to pension or retirement benefits by local public officer upon conviction of felony for conduct arising out of, or in the performance of, official duties.*

H. Employee understands and agrees that the term of his employment is governed only by this contract and that no right of regular employment for any specific term is created by this contract. Employee further understands that he acquires no property interest in his employment

Deleted: In accordance with

Deleted: 53243, 53243.1, and 53243.2

Deleted: (1) In the event Employee is placed on paid leave pending an investigation, Employee shall reimburse such pay to City if he is subsequently convicted of a crime involving an abuse of his office or position;¶
(2) In the event City pays for Employee's legal criminal defense, he shall fully reimburse such funds to the City if he is subsequently convicted of a crime involving an abuse of his office or position; and,¶
(3) If this contract is terminated, any cash settlement related to the termination that Employee may receive from City must be fully reimbursed to City if he is subsequently convicted of a crime involving an abuse of his office or position.¶
¶
For the purposes of this section, "abuse of office or position" shall be as defined in Government Code Section 53243.4.

by virtue of this contract, and that the employment is "at will" as defined in the laws of the State of California (meaning that she can be terminated at any time for any reason or for no reason), and that she is not entitled to any pre- or post-deprivation administrative hearing or other due process upon termination or any disciplinary action, except those specifically set forth in Government Code section 54957(b)(2).

In witness whereof, City has caused this contract to be signed on its behalf by its Mayor, and duly attested by its City Clerk, Employee has signed this document on or before the date written above.

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ATTEST:	CITY:
_____	_____
Marie Weber City Clerk	Bob Woerner Mayor
APPROVED AS TO FORM	EMPLOYEE:
_____	_____
Kim Cilley Senior Assistant City Attorney	Jason R. Alcala City Attorney

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING AN AMENDED AND RESTATED EMPLOYMENT CONTRACT WITH THE CITY ATTORNEY

On December 13, 2021, the City Council entered into an employment contract with City Attorney Jason Alcala. Pursuant to the employment contract, the City Council conducted the City Attorney's annual performance evaluation on November 21, 2022 and evaluated modifications to terms and conditions of employment presented by the City Attorney subsequent to the performance evaluation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that it hereby:

1. Approves modifications to the terms and conditions of the employment contract for the City Attorney, effective December 5, 2022, as described more fully in the Amended and Restated City Attorney Employment Contract, attached hereto as Exhibit A; and

2. Authorizes the Mayor, on behalf of the City of Livermore, to execute the Amended and Restated City Attorney Employment Contract.

On motion of Council Member_____, seconded by Council Member _____the foregoing resolution was passed and adopted on November 28, 2022, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

____//s// Kim Cilley_____
Kim Cilley
Senior Assistant City Attorney

Exhibit A – Agreement

RESOLUTION NO. _____

DocuSign Envelope ID: A9D19FBE-6953-40E5-9C38-71E89D858910

EXHIBIT A

CITY ATTORNEY EMPLOYMENT CONTRACT
(Amended and Restated November ____, 2022)

This contract, dated _____, is made between the City of Livermore ("City") a California municipal corporation, and Jason R. Alcala ("Employee"), and upon its effective date amends and replaces the previous employment contract between these parties dated December 17, 2021.

RECITALS

City desires to employ the services of Employee as City Attorney of the City of Livermore and to provide certain compensation and establish certain conditions of employment of the City Attorney.

Employee desires to accept employment as City Attorney under the conditions contained in this contract.

In consideration of the mutual covenants contained in this contract, the parties agree as follows:

I. TERM

The term of this contract shall begin on, and its effective date shall be, December 5, 2022, and shall continue indefinitely subject only to the Termination and Severance (section IV) and Resignation (section VIII) provisions of this contract. Both City and Employee understand that Employee's employment is at the will of both parties. Thus, Employee serves at the pleasure of the City Council, subject only to the Termination and Severance (section IV) and Notices (section VII) provisions contained in this contract. In a like manner, nothing in this contract shall interfere with the right of Employee to resign at any time subject to the Resignation (section VIII) and Notices (section VII) provisions of this contract.

II. DUTIES

City agrees to employ Employee as City Attorney to perform the duties specified in Livermore Municipal Code Chapter 2.12 and the laws of the State of California, as well as other duties assigned by the City Council, which reasonably relate to the position of City Attorney.

Employee agrees to remain in the exclusive employment of City except that City acknowledges that Employee may engage in other professional activities (including teaching, writing, legal representation of family members in matters unrelated to the City of Livermore, and the like) so long as these activities do not interfere or conflict with Employee's duties as City Attorney.

III. COMPENSATION

A. Salary. City agrees to pay Employee a salary of $290,170.00 per year, payable at the same time as other City employees are paid.

B. Benefits. Employee shall be entitled to receive the same benefits as are provided for all City Department Heads. Employee shall also maintain the earned benefits, such as sick leave and vacation leave, that Employee has accumulated in his employment previously for the City. Additionally, Employee shall receive:

(1) A car allowance of $400 per month.

(2) City contribution of $700.00/month into a City deferred compensation program to the extent that such contribution is matched by Employee's contribution. This contribution is in addition to the City's contribution of $265/month into a City deferred compensation program provided to City Department Heads to the extent that the Employee contributes $162.50 per month. The total City deferred compensation contribution would equal $965/month and the total Employee deferred compensation contribution would equal $862.50/month.

(3) Retiree health reimbursement benefit – The City Council acknowledges that, prior to promotion to City Attorney, Employee was eligible to receive this benefit upon retirement and the purpose of this section to preserve Employee's previously earned eligibility for this benefit. Employee shall be eligible upon retirement for a retiree health reimbursement benefit up to a cap of $1,950 per month.

IV. TERMINATION AND SEVERANCE

A. City may terminate, without cause, this contract and the employment of Employee by providing written notice of such termination to Employee in a manner set forth in the Notices (section VII) provisions of this contract.

B. If the City Council acts in a manner such that the California Rules of Professional Conduct of lawyers require Employee to withdraw from representing the City of Livermore, then that mandatory withdrawal will be treated as a termination without cause for the purposes of this contract. The California Rules of Professional Conduct of lawyers are adopted by the Board of Trustees of the State Bar of California and approved by the California Supreme Court to protect the public, the courts, the legal profession, and the integrity of the legal system. Examples of City Council actions that require mandatory withdrawal are set forth in Rule of Professional Conduct 1.16(a)(1) and include scenarios where a client brings an action, conducts a defense, asserts a position in litigation, or takes an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person. Other scenarios include situations where a client persists in instructing the lawyer to act contrary to professional ethics or the law. If there is a disagreement whether the City Council's conduct warrants the Employee's mandatory or permissive withdrawal, the question will be presented to a either the State Bar of California, or to a court of competent jurisdiction, to evaluate and determine whether that conduct requires the Employee's mandatory withdrawal, which determination shall then be applied for the purpose of implementing this section in the contract.

C. In the event of such termination without cause as set forth in this Section IV, while Employee is willing and able to perform the duties of City Attorney, City shall pay Employee's salary and benefits (in the amounts as of the date of termination) for a period of 12 months from the date of termination subject to, and such payment shall be interpreted to comply with, the limitations set forth in California Government Code Sections 53260 and 53261. This provision

shall not apply if termination is for cause. For the purpose of this contract, termination for cause shall mean that Employee is terminated for:

(1) willful misconduct;
(2) abuse of drugs or alcohol which materially affects the performance of his duties;
(3) repeated and protracted unexcused absences from the City Attorney's office;
(4) conviction of any felony;
(5) conviction of a misdemeanor involving moral turpitude;
(6) acceptance of employment from another source inconsistent with this contract; or
(7) any material breach of this contract.

V. PERFORMANCE EVALUATION

A. Each October, the City Council shall review Employee's performance to determine, among other things, entitlement to any salary increase (including merit and/or cost of living) or whether to award any one-time special merit award, or bonus, for the accomplishment of the City Council's specific goals, or for exceptional results or performance above the expected fulfillment of Employee's job obligations.

B. Each year as part of the Employee's evaluation process, Employee and City Council shall meet to discuss establishing performance objectives for Employee. Evaluations shall be primarily based upon the mutually developed and agreed upon performance goals and objectives for that year's evaluation as well as upon the performance of the full range of duties required of Employee as the City Attorney by the laws of the State of California, the Livermore Municipal Code, and the Council goals and policies. The City Council and Employee shall also assess the quality and effectiveness of their working relationship. After reviewing Employee's performance based upon the agreed upon goals and objectives, the City Council shall notify City Attorney in writing whether the City Attorney has performed, in the Council's judgment, satisfactorily or unsatisfactorily.

C. Merit Increases. City may increase the Employee's base salary and/or other benefits in an amount and to the extent as the City may determine that is desirable to do so on the basis of an annual performance evaluation and salary review. In addition, a lump-sum merit payment may be awarded in the City Council's sole judgment and discretion if it finds that the Employee's job performance exemplifies excellence in a unique program or activity having a significant positive impact on City operations or the community, but such award shall not be added to the Employee's salary. The City Council hereby awards Employee a merit bonus in the amount of $7,500, which shall be paid in a lump sum in the pay period that ends December 18, 2022.

VI. PROFESSIONAL DEVELOPMENT

City acknowledges its mutual interest in the continuing professional development of Employee. Thus, City agrees to allow and pay all expenses associated with membership fees as well as employment-related conferences, including meals, subscriptions, and professional development costs associated with professional organizations, such as the California Bar Association, the League of California Cities, the Bay Area City Attorney's Association, the Contra Costa City and County Attorney's Association, and the East Alameda County Bar Association. This may include activities such as serving as an officer or board member of such organizations. Professional

development activities will not distract Employee from his other duties as City Attorney.

VII. NOTICES

The notices pursuant to this contract shall be by certified registered mail return receipt requested addressed as follows:

A. City:

City Council
City of Livermore
1052 South Livermore Avenue
Livermore, California 94550

B. Employee:

Jason R. Alcala
City Attorney
City of Livermore
1052 South Livermore Avenue
Livermore, California 94550

VIII. RESIGNATION

Employee may resign, retire, or terminate, without cause, this contract by providing written notice of such event to City in a manner set forth in the Notices (section VII) section of this contract. Employee shall provide the written notice at least 60 days in advance of such event. During the period following notice and until the date the resignation, retirement, or termination of this contract becomes effective, all rights and obligations of City and Employee under this contract will remain in effect. Upon separation, Employee will be paid for all benefits and earned, accrued, and unused leave in the same manner as City Department Heads upon separation.

IX. GENERAL PROVISIONS

A. This written contract shall constitute the entire agreement between the parties, and they have drafted it jointly. No representations, except for those herein, have been made or relied upon.

B. This contract shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. If any provisions or any portion thereof contained in this contract is held invalid by a court of competent jurisdiction, the remainder of this contract shall be deemed severable and shall not be affected and shall remain in full force and effect.

D. This contract may be modified or extended only upon the written consent of City and Employee.

E. Employee will provide the City at least 60 days written notice of the effective date of his resignation or retirement.

F. It is recognized that the position of City Attorney is an executive management position which often requires more than a conventional 40 hour-per-week to provide the desired level of professional service. It is further recognized that to properly fulfill his duties and responsibilities, Employee will devote a considerable amount of time outside normal office hours to the business of the City. Therefore, Employee will not be required to maintain a strict 40 hour-per-week on-site presence at City Hall, and may occasionally be absent from City Hall during normal business hours as is reasonable and appropriate. This flexibility in work schedule shall not be abused. In this regard, Employee is required to maintain a regular on-site presence during normal business hours that is sufficient to properly administer and oversee the activities of the City Attorney's office and its employees, to provide accessibility to City Council members, Department Heads, citizens, and other persons or firms who have business with the City and to generally ensure that the City Attorney's office functions appropriately on a day-to-day basis. Excessive absences during regular business hours will be a matter of concern to the City. Employee is expected to be available at all times, except for the time taken on personal matters, such as vacations. City expects Employee to make prudent and reasonable arrangements for such personal time off, such as reasonable notice and arrangements, for example, for acting City Attorneys.

It is one of the duties of the City Attorney of the City of Livermore to serve as the primary legal advisor to the City for the implementation, support, and articulation of the City Council's policies and objectives. As such, Employee is expected to maintain a reasonably high level of community involvement, and should become an active participant in community activities including those conducted or sponsored by City and its departments and those conducted or sponsored by various community organizations.

G. City and Employee agree to fully comply with AB 1344 that became effective on January 1, 2012, and to fully comply with other applicable law as it exists on the date of this contract. In that regard, the following Government Code Sections are hereby incorporated into this contract:

Section 53243 *Reimbursement of paid leave salary required upon conviction of crime involving office or position*

Section 53243.1 *Reimbursement of legal criminal defense upon conviction of crime involving office or position*

Section 53243.2 *Reimbursement of cash settlement upon conviction of crime involving office or position*
Section 53243.3 *Reimbursement of noncontractual payments upon conviction or crime involving office or position,*

Section 53243.4 *"Abuse of office or position" defined*, and

Section 53244 *Forfeiture of rights to pension or retirement benefits by local public officer upon conviction of felony for conduct arising out of, or in the performance of, official duties*.

H. Employee understands and agrees that the term of his employment is governed only by this contract and that no right of regular employment for any specific term is created by this contract. Employee further understands that he acquires no property interest in his employment

by virtue of this contract, and that the employment is “at will” as defined in the laws of the State of California (meaning that she can be terminated at any time for any reason or for no reason), and that she is not entitled to any pre- or post-deprivation administrative hearing or other due process upon termination or any disciplinary action, except those specifically set forth in Government Code section 54957(b)(2).

In witness whereof, City has caused this contract to be signed on its behalf by its Mayor, and duly attested by its City Clerk, Employee has signed this document on or before the date written above.

ATTEST:

Marie Weber
City Clerk

CITY:

Bob Woerner
Mayor

APPROVED AS TO FORM

DocuSigned by:
Kimberly Cilley
70AABF2D2EAC450...

Kim Cilley
Senior Assistant City Attorney

EMPLOYEE:

DocuSigned by:
Jason Alcala
ACD00D4E252C458...

Jason R. Alcala
City Attorney

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 7.2**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Tina Olson, Administrative Services Director

SUBJECT: Resolution approving an amended and restated employment contract with the City Manager

RECOMMENDED ACTION

Mayor Woerner recommends the City Council adopt a resolution approving an amended and restated employment contract with the City Manager.

SUMMARY

The City Manager's contract stipulates under Section V.A. that the City Council shall conduct an annual performance review of the City Manager and determine any modifications to the terms and conditions of employment including any salary increase, bonus, or other benefit changes.

DISCUSSION

The previous City Manager employment contract effective May 16, 2022, indicates the City Council shall review the performance of the City Manager annually and may make modifications to terms and conditions of employment, as deemed appropriate based on performance of duties. As such, the City Council met in Closed Session with the City Manager on November 21, 2022, to discuss her performance evaluation. Prior to that discussion, the City Manager, via memo to the City Council, requested modifications to terms and conditions relevant to her employment contract. At the Closed Session, the City Council discussed the City Manager's request and directed that the City Manager's draft employment contract be placed on this agenda for City Council consideration.

Council approval would amend and replace the previous contract dated May 16, 2022, with a new contract that reflects the following material changes: provide a compensation adjustment of 4% bringing the City Manager's annual base salary to $317,200.

FISCAL AND ADMINISTRATIVE IMPACTS

The additional net salary, benefits, and costs of roughly $13,450 will be paid from the General Fund. No

additional appropriation is required at this time.

ATTACHMENTS

1. 2022 City Manager Contract Redline
2. Resolution
3. Exhibit A - 2022 Signed City Manager Contract

Prepared by: Tina Olson
Administrative Services Director

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

CITY MANAGER EMPLOYMENT CONTRACT

This contract, dated _____, is made between the City of Livermore ("City"), a California municipal corporation, and Marianna Marysheva ("Employee").

RECITALS

City desires to employ the services of Employee as City Manager of the City of Livermore and to provide certain compensation and establish certain conditions of employment of the City Manager.

Employee desires to accept employment as City Manager under the conditions contained in this contract.

In consideration of the mutual covenants contained in this contract, the parties agree as follows:

I. TERM

The term of this contract shall begin on, and its effective date shall be, December 5, 2022, and shall continue indefinitely subject only to the Termination and Severance (section IV) and Resignation (section VIII) provisions of this contract. Both City and Employee understand that Employee's employment is at the will of both parties. Thus, Employee serves at the pleasure of the City Council, subject only to the Termination and Severance (section IV) and Notices (section VII) provisions contained in this contract. In a like manner, nothing in this contract shall interfere with the right of Employee to resign at any time subject to the Resignation (section VIII) and Notices (section VII) provisions of this contract.

Deleted: May 16, 2022

Deleted: for a period of five (5) years through May 15, 2027,

II. DUTIES

City agrees to employ Employee as City Manager to perform the duties specified in Livermore Municipal Code section 2.08, as well as other duties assigned by the City Council which reasonably relate to the position of City Manager.

Employee agrees to remain in the exclusive employment of City except that City acknowledges that Employee may engage in other professional activities (including teaching, writing, and the like) so long as these activities do not interfere or conflict with Employee's duties as City Manager.

III. COMPENSATION

A. Salary. City agrees to pay Employee a salary of $305,000 per year, payable at the same time as other City employees are paid. Beginning December 5, 2022, the Employee salary will be automatically adjusted annually for cost of living at the same rate granted by the City to the Livermore Management Group.

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B. Benefits. Employee shall be entitled to receive the same benefits as are provided for all City Department Heads. Employee shall also receive: 80 hours vacation leave when the contract commences, and shall thereafter accrue vacation leave in an amount that is equivalent

to City Department Heads with 20+ years of experience. Employee shall also receive 128 hours of administrative leave and shall thereafter receive administrative leave in an amount that is equivalent to City Department Heads at the same time and in the same manner that administrative leave is provided to City Department Heads. Employee also shall receive the following.

1. A car allowance of $550 per month.

2. A City contribution of $185 per pay period into a City-recognized deferred compensation program provided to City Department Heads with a required matching employee contribution of $75 per pay period.

3. Vacation cash-out – Employee shall be eligible to cash out any amount of accrued vacation leave each year and any portion of which may be applied to deferred compensation.

4. Retirement health savings benefit – Employee is eligible for the retirement health savings benefit, with the City contributing 4% of Employee's annual base pay into the Employee's account.

IV. TERMINATION AND SEVERANCE

A. City may terminate, without cause, the employment of Employee by providing written notice of such termination to Employee in a manner set forth in the Notice (section VII) provisions of contract.

B. In the event of such termination without cause as set forth in Section IV, while Employee is willing and able to perform the duties of City Manager, City shall pay Employee's salary and benefits (in the amounts as of the date of termination) for a period of 12 months from the date of termination. This provision shall not apply if termination is for cause. For the purpose of this contract, termination for cause shall mean that Employee is terminated for:

1. willful misconduct;
2. abuse of drugs or alcohol which materially affects the performance of his duties;
3. repeated and protracted unexcused absences from the City Manager's office;
4. conviction of any felony;
5. conviction of a misdemeanor involving moral turpitude;
6. acceptance of employment from another source inconsistent with this contract; or
7. any material breach of this contract.

V. PERFORMANCE EVALUATION

A. Each October, the City Council shall review Employee's performance to determine, among other things, entitlement to any salary increase (such as merit) or whether to award any one-time special merit award, or bonus, for the accomplishment of the City Council's specific goals, or for exceptional results or performance above the expected fulfillment of Employee's job obligations.

B. Each year as a part of the Employee's evaluation process, Employee and City Council shall meet to discuss establishing performance objectives for Employee. These

Deleted: C. One Time Benefits. Employee shall also be entitled to the following one-time benefits for costs incurred to relocate from southern California, which shall be reimbursed by the City up to the specified amounts based upon receipts for actual costs incurred:¶
1. Reimbursement of moving expenses from Irvine to Livermore up to a total amount not to exceed $15,000;¶
2. Reimbursement for the travel expenditures for airfare, hotel, mileage, and car up to a total amount not to exceed $5,000 for Employee and two family members from travel from southern California to locate housing accommodations within the Livermore region; and¶
3. Reimbursement for up to 6 months temporary housing accommodations up to a total amount not to exceed $25,000.¶

Deleted: including

Deleted: and/or cost of living

performance objectives, in combination with any adopted Council goals for the operational period, shall become the bases for Employee's subsequent performance review.

VI. PROFESSIONAL DEVELOPMENT

City acknowledges its mutual interest in the continuing professional development of Employee. Thus, City agrees to allow and pay all expenses associated with membership fees as well as employment-related conferences, including meals, subscriptions, and professional development costs associated with professional organizations, such as the International City Management Association, the League of California Cities, and the California City Managers Association. This may include activities such as serving as an officer or board member of such organizations. Professional development activities will not distract Employee from his other duties as City Manager.

VII. NOTICES

The notices pursuant to this contract shall be by certified registered mail return receipt requested addressed as follows:

A. City:

City Council
City of Livermore
1052 South Livermore Avenue
Livermore, California 94550

B. Employee:

Marianna Marysheva
City Manager
City of Livermore
1052 South Livermore Avenue
Livermore, California 94550

VIII. RESIGNATION

Employee may resign, retire, or terminate without cause, this contract by providing written notice of such event to City in a manner set forth in Notices section (section VII) of this contract. Employee shall provide the written notice at least 60 days in advance of such event. During the period following notice and until the date of resignation, retirement, or termination of this contract becomes effective, all rights and obligations of City and Employee under this contract will remain in effect. Upon separation, Employee will be paid for all benefits earned and accrued, including unused leave, in the same manner as City Department Heads upon separation.

IX. GENERAL PROVISIONS

A. This written contract shall constitute the entire contract between the parties, and they have drafted it jointly. No representations, except for those herein, have been made or relied upon.

B. This contract shall be binding upon and inure to the benefit of the heirs at law and executors of Employee.

C. If any provisions or any portion thereof contained in this of contract is held invalid by a court of competent jurisdiction the remainder of this contract shall be deemed severable and shall not be affected and shall remain in full force and effect.

D. This contract may be modified or extended only upon the written consent of City and Employee.

E. Employee will provide the City at least 60 days written notice of the effective date of his resignation or retirement.

F. It is recognized that the position of City Manager is an executive management position which often requires more than a conventional forty-hour week to provide the desired level of professional service. It is further recognized that to properly fulfill his duties and responsibilities, Employee will devote a considerable amount of time outside normal office hours to the business of the City. Therefore, Employee will not be required to maintain a strict forty (40) hour-per-week on-site presence at City Hall and may occasionally be absent from City Hall during normal business hours as is reasonable and appropriate. This flexibility in work schedule shall not be abused. In this regard, Employee is required to maintain a regular on-site presence during normal business hours that is sufficient to properly administer and oversee the activities of the City and its employees, to provide accessibility to City Council members, Department Heads, citizens, and other persons or firms who have business with the City and to generally ensure that the City functions appropriately on a day-to-day basis. Excessive absences during regular business hours will be a matter of concern to the City. Employee is expected to be available at all times, except for the time taken on personal matters, such as vacations. City expects Employee to make prudent and reasonable arrangements for such personal time off, such as reasonable notice and arrangements, for example, for acting City Managers.

It is one of the duties of the City Manager of the City of Livermore to implement, support, and articulate the policies and objectives of the Livermore City Council and to serve as the primary administrative official of the City. As such, Employee is expected to maintain a reasonably high level of community involvement, and should become an active participant in community activities including those conducted or sponsored by City and its departments and those conducted or sponsored by various community organizations.

G. City and Employee agree to fully comply with AB 1344 that became effective on January 1, 2012, and to fully comply with all other applicable law as it exists on the date of this contract. In that regard, the following Government Code sections are hereby incorporated into this contract:

Section 53243 *Reimbursement of paid leave salary required upon conviction of crime involving office or position*

Section 53243.1 *Reimbursement of legal criminal defense upon conviction of crime involving office or position*

Section 53243.2 *Reimbursement of cash settlement upon conviction of crime involving office or position*

Section 53243.3 *Reimbursement of noncontractual payments upon conviction or crime involving office or position,*

Section 53243.4 *"Abuse of office or position" defined*, and

Section 53244 *Forfeiture of rights to pension or retirement benefits by local public officer upon conviction of felony for conduct arising out of, or in the performance of, official duties*.

H. Employee understands and agrees that the term of her employment is governed only by this contract and that no right of regular employment for any specific term is created by this contract. Employee further understands that she acquires no property interest in her employment by virtue of this contract, that the employment is "at will" as defined by the laws of the State of California (meaning that she can be terminated at any time for any reason or for no reason), and that she is not entitled to any pre- or post-deprivation administrative hearing or other due process upon termination or any disciplinary action, except those specifically set forth in Government Code section 54957(b)(2).

In witness whereof, City has caused this contract to be signed on its behalf by its Mayor, and duly attested by its City Clerk. Employee has signed this document on or before the date written above.

ATTEST:	CITY:
_____	_____
Marie Weber City Clerk	Bob Woerner Mayor
APPROVED AS TO FORM:	EMPLOYEE:
_____	_____
Jason Alcala City Attorney	Marianna Marysheva City Manager

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING THE 2022 AMENDMENT TO THE EMPLOYMENT CONTRACT WITH THE CITY MANAGER

On May 16, 2022, the City Council entered into an employment contract with City Manager Marianna Marysheva. Pursuant to the employment contract, the City Council conducted the City Manager's annual performance evaluation on November 21, 2022, and evaluated modifications to terms and conditions of employment presented by the City Manager subsequent to the performance evaluation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that it hereby:

1. Approves modifications to the terms and conditions of the employment contract for the City Manager, effective December 5, 2022, as described more fully in the 2022 Amendment to the City Manager Employment Contract, attached hereto as Exhibit A; and

2. Authorizes the Mayor, on behalf of the City of Livermore, to execute the 2022 Amendment to the City Manager Employment Contract.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on November 28, 2022 by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

____//s// Jason Alcala_____
Jason Alcala
City Attorney

Exhibit A - Agreement

RESOLUTION NO. _____

EXHIBIT A

CITY MANAGER EMPLOYMENT CONTRACT

This contract, dated _____, is made between the City of Livermore ("City"), a California municipal corporation, and Marianna Marysheva ("Employee").

RECITALS

City desires to employ the services of Employee as City Manager of the City of Livermore and to provide certain compensation and establish certain conditions of employment of the City Manager.

Employee desires to accept employment as City Manager under the conditions contained in this contract.

In consideration of the mutual covenants contained in this contract, the parties agree as follows:

I. TERM

The term of this contract shall begin on, and its effective date shall be, December 5, 2022, and shall continue indefinitely subject only to the Termination and Severance (section IV) and Resignation (section VIII) provisions of this contract. Both City and Employee understand that Employee's employment is at the will of both parties. Thus, Employee serves at the pleasure of the City Council, subject only to the Termination and Severance (section IV) and Notices (section VII) provisions contained in this contract. In a like manner, nothing in this contract shall interfere with the right of Employee to resign at any time subject to the Resignation (section VIII) and Notices (section VII) provisions of this contract.

II. DUTIES

City agrees to employ Employee as City Manager to perform the duties specified in Livermore Municipal Code section 2.08, as well as other duties assigned by the City Council which reasonably relate to the position of City Manager.

Employee agrees to remain in the exclusive employment of City except that City acknowledges that Employee may engage in other professional activities (including teaching, writing, and the like) so long as these activities do not interfere or conflict with Employee's duties as City Manager.

III. COMPENSATION

A. Salary. City agrees to pay Employee a salary of $305,000 per year, payable at the same time as other City employees are paid. Beginning December 5, 2022, the Employee salary will be automatically adjusted annually for cost of living at the same rate granted by the City to the Livermore Management Group.

B. Benefits. Employee shall be entitled to receive the same benefits as are provided for all City Department Heads. Employee shall also receive: 80 hours vacation leave when the contract commences, and shall thereafter accrue vacation leave in an amount that is equivalent

to City Department Heads with 20+ years of experience. Employee shall also receive 128 hours of administrative leave and shall thereafter receive administrative leave in an amount that is equivalent to City Department Heads at the same time and in the same manner that administrative leave is provided to City Department Heads. Employee also shall receive the following.

1. A car allowance of $550 per month.

2. A City contribution of $185 per pay period into a City-recognized deferred compensation program provided to City Department Heads with a required matching employee contribution of $75 per pay period.

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4. Retirement health savings benefit – Employee is eligible for the retirement health savings benefit, with the City contributing 4% of Employee's annual base pay into the Employee's account.

IV. TERMINATION AND SEVERANCE

A. City may terminate, without cause, the employment of Employee by providing written notice of such termination to Employee in a manner set forth in the Notice (section VII) provisions of contract.

B. In the event of such termination without cause as set forth in Section IV, while Employee is willing and able to perform the duties of City Manager, City shall pay Employee's salary and benefits (in the amounts as of the date of termination) for a period of 12 months from the date of termination. This provision shall not apply if termination is for cause. For the purpose of this contract, termination for cause shall mean that Employee is terminated for:

1. willful misconduct;
2. abuse of drugs or alcohol which materially affects the performance of his duties;
3. repeated and protracted unexcused absences from the City Manager's office;
4. conviction of any felony;
5. conviction of a misdemeanor involving moral turpitude;
6. acceptance of employment from another source inconsistent with this contract; or
7. any material breach of this contract.

V. PERFORMANCE EVALUATION

A. Each October, the City Council shall review Employee's performance to determine, among other things, entitlement to any salary increase (such as merit) or whether to award any one-time special merit award, or bonus, for the accomplishment of the City Council's specific goals, or for exceptional results or performance above the expected fulfillment of Employee's job obligations.

B. Each year as a part of the Employee's evaluation process, Employee and City Council shall meet to discuss establishing performance objectives for Employee. These

performance objectives, in combination with any adopted Council goals for the operational period, shall become the bases for Employee's subsequent performance review.

VI. PROFESSIONAL DEVELOPMENT

City acknowledges its mutual interest in the continuing professional development of Employee. Thus, City agrees to allow and pay all expenses associated with membership fees as well as employment-related conferences, including meals, subscriptions, and professional development costs associated with professional organizations, such as the International City Management Association, the League of California Cities, and the California City Managers Association. This may include activities such as serving as an officer or board member of such organizations. Professional development activities will not distract Employee from his other duties as City Manager.

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Livermore, California 94550

B. Employee:

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City Manager
City of Livermore
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C. If any provisions or any portion thereof contained in this of contract is held invalid by a court of competent jurisdiction the remainder of this contract shall be deemed severable and shall not be affected and shall remain in full force and effect.

D. This contract may be modified or extended only upon the written consent of City and Employee.

E. Employee will provide the City at least 60 days written notice of the effective date of his resignation or retirement.

F. It is recognized that the position of City Manager is an executive management position which often requires more than a conventional forty-hour week to provide the desired level of professional service. It is further recognized that to properly fulfill his duties and responsibilities, Employee will devote a considerable amount of time outside normal office hours to the business of the City. Therefore, Employee will not be required to maintain a strict forty (40) hour-per-week on-site presence at City Hall and may occasionally be absent from City Hall during normal business hours as is reasonable and appropriate. This flexibility in work schedule shall not be abused. In this regard, Employee is required to maintain a regular on-site presence during normal business hours that is sufficient to properly administer and oversee the activities of the City and its employees, to provide accessibility to City Council members, Department Heads, citizens, and other persons or firms who have business with the City and to generally ensure that the City functions appropriately on a day-to-day basis. Excessive absences during regular business hours will be a matter of concern to the City. Employee is expected to be available at all times, except for the time taken on personal matters, such as vacations. City expects Employee to make prudent and reasonable arrangements for such personal time off, such as reasonable notice and arrangements, for example, for acting City Managers.

It is one of the duties of the City Manager of the City of Livermore to implement, support, and articulate the policies and objectives of the Livermore City Council and to serve as the primary administrative official of the City. As such, Employee is expected to maintain a reasonably high level of community involvement, and should become an active participant in community activities including those conducted or sponsored by City and its departments and those conducted or sponsored by various community organizations.

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Section 53243.3 *Reimbursement of noncontractual payments upon conviction or crime involving office or position,*

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Section 53244 *Forfeiture of rights to pension or retirement benefits by local public officer upon conviction of felony for conduct arising out of, or in the performance of, official duties*.

H. Employee understands and agrees that the term of her employment is governed only by this contract and that no right of regular employment for any specific term is created by this contract. Employee further understands that she acquires no property interest in her employment by virtue of this contract, that the employment is "at will" as defined by the laws of the State of California (meaning that she can be terminated at any time for any reason or for no reason), and that she is not entitled to any pre- or post-deprivation administrative hearing or other due process upon termination or any disciplinary action, except those specifically set forth in Government Code section 54957(b)(2).

In witness whereof, City has caused this contract to be signed on its behalf by its Mayor, and duly attested by its City Clerk. Employee has signed this document on or before the date written above.

ATTEST:

_____
Marie Weber
City Clerk

CITY:

_____
Bob Woerner
Mayor

APPROVED AS TO FORM:

DocuSigned by:
Jason Alcala
ACD00D4E252C458...
Jason Alcala
City Attorney

EMPLOYEE:

DocuSigned by:
Marianna Marysheva
67FE33A39740458...
Marianna Marysheva
City Manager

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 10.1**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Supplemental materials received prior to the meeting.

RECOMMENDED ACTION

SUMMARY

These materials were posted online and made available to the public at the same time that they were distributed to the City Council.

6.1	Hearing to consider a resolution approving the Housing and Human Services grant priorities for FY 2023-24. Material: PowerPoint Presentation
6.2	Hearing to consider a resolution approving the third substantial amendment to the City of Livermore's U.S. Department of Housing and Urban Development Fiscal Year 2019-20 Action Plan, authorizing the City Manager to negotiate and execute any related documents, and approving a supplemental appropriation in the amount of $143,428 for unspent Community Development Block Grant (CDBG) Coronavirus funds to support the Senior Meal Program through Open Heart Kitchen. Material: PowerPoint Presentation
6.3	Hearing to consider resolutions adopting the Initial Study/Negative Declaration and the 2022 Climate Action Plan (2022 CAP). Material: Public Comment Received and PowerPoint Presentation
6.4	Hearing to receive a tracking update on the Isabel Neighborhood Specific Plan (Specific Plan) progress and consider resolutions finding the environmental impacts of the Specific Plan amendments are within the scope of the 2018 and 2020 Environmental Impact Reports and amending the Specific Plan to include new and clarified policies, revised development and design standards, and text clarifications. Material: PowerPoint Presentation

6.5	THIS ITEM WAS CONTINUED FROM NOVEMBER 14, 2022. Hearing to consider amending the Livermore Development Code regarding temporary signs, including Section 4.06.140, to update regulations relating commercial and non-commercial temporary signs in all zoning districts. Material: PowerPoint Presentation
8.0	Council Committee Reports and Matters Initiated by City Manager, City Attorney, Staff, and Council Members Material: Council Reports

DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Debbie Elam
Deputy City Clerk

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

Housing and Human Services Grant Program Priorities Fiscal Year (FY) 2023-24

Public Hearing

November 28, 2022

Presented by Amy Walker, Human Services Management Analyst I

LIVERMORE CALIFORNIA

Federal Grant Requirements

- The City is an entitlement recipient of Community Development Block Grant (CDBG) funds from the federal Department of Housing and Urban Development (HUD)
- HUD defines the process by which community needs are identified and resources are allocated
- The City is required to conduct a public hearing and solicit input from community members about pressing housing and human services needs
- In September 2022, City Staff sent a survey to Social Services Providers in Livermore to solicit input regarding the current grant priorities and needs in the Community
- All responses and comments were shared with the Human Services Commission

LIVERMORE CALIFORNIA

Housing & Human Services Grant Priorities for FY 2023-24

1. Public Health

- Navigation of Mental Health Services and Substance Use Programs for low-income, unsheltered community members, and seniors
- Support Services for people with disabilities, seniors, low-income families, and survivors of domestic violence
- Medical and Dental Services

2. Housing Services

- Affordable Housing units for low-income families, people experiencing homelessness, and seniors
- Rental Assistance
- Housing Services to keep low-income families, people with disabilities, and seniors housed

LIVERMORE CALIFORNIA

Housing & Human Services Grant Priorities for FY 2023-24

3. Homeless Services

- Emergency Shelter and Temporary/Transitional Housing
- Basic Needs such as showers/restrooms and storage
- Employment Services
- Supportive Services such as service navigation and counseling

4. Safety Net Access

- Access Critical Safety Net Services for non-English speakers, people with disabilities, seniors, low-income families, and youth
- Access and Navigation to Social Services and Government Sponsored Programs
- Food security
- Transportation

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Recommendation

The Human Services Commission and staff recommend the City Council:

- Adopt a Resolution approving the Housing and Human Services Grant Priorities for FY 2023-24

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Third Substantial Amendment

to the City's HUD Approved
Fiscal Year (FY) 2019-20 Action Plan
Public Hearing

November 28, 2022

Presented by Amy Walker, Human Services Management Analyst I

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1

Action Plan Overview

- Submittal of an Annual Action Plan to HUD is required to receive federal funding
- The City is an entitlement recipient of Community Development Block Grant (CDBG) funds from the Federal Department of Housing and Urban Development (HUD)
- A Substantial Amendment to an Action Plan is required when an activity's purpose, scope, location, or beneficiaries are substantially changed

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2

Third Substantial Amendment

- Third Round of CDBG-CV funds- $549,388
- $405,960 of the funds were spent in FY 2021-22 and it served 8,665 low-income Livermore residents
- $143,428 of CDBG-CV3 funds remain unspent
- Update the activity for CDBG-CV3 for Open Heart Kitchen/Tri Valley Haven, Food Distribution Response and Prevention to the following proposed activity:

Provider	COVID-19 Eligible Activity	CDBG-CV3 Funds
Open Heart Kitchen	Meals for Seniors	$125,0000

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3

Recommendation

Staff recommends the City Council

- Adopt a resolution approving the Third Substantial Amendment to the City of Livermore's HUD approved FY 2019-20 Annual Action Plan
- Authorize the City Manager to negotiate and execute related documents, agreements, and modifications with the U.S Department of Housing and Urban Development (HUD) and the subgrantee Open Heart Kitchen;
- Approve a supplemental appropriation in the amount of $143,428 in unspent CDBG-CV3 funds from Fund 613 for FY 2022-23.

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4

Reply all Delete Report ...

FW: Comments on Climate Action Plan

Flag for follow up.

Marie Weber
To: Debbie Elam

Wed 11/23/2022 3:01 PM

Livemore climate action plan...
117 KB

From: Alan Burnham[redacted] >
Sent: Wednesday, November 23, 2022 2:40 PM
To: Bob Woerner <bwoerner@cityoflivermore.net>; Gina Bonanno <rebonanno@cityoflivermore.net>; Robert Carling <rwcarling@cityoflivermore.net>; Brittni Kiick <bkiick@cityoflivermore.net>; Patricia (Trish) Munro <pkmunro@cityoflivermore.net>
Cc: Paul Spence <prspence@cityoflivermore.net>; Brandon Cardwell <bwcardwell@cityoflivermore.net>; Marie Weber <mcweber@cityoflivermore.net>
Subject: Re: Comments on Climate Action Plan

Exercise Caution: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Sorry, but I attached the CAP, not my comments. Here are the comments.

On Wednesday, November 23, 2022 at 01:29:47 PM PST, Alan B [redacted] > wrote:

The CAP is not yet posted as part of the packet for November 28 that I could find, but I did find it in the November agenda for the Climate Action Committee. I think it is generally very good but does need some minor improvements, which I have described in the the attached comments.
Alan Burnham

Reply Forward

Livermore CAP Comments
Alan Burnham
November 23, 2022

I am glad to see a well-crafted Climate Action Plan. The comments I give below might sometimes seem critical, but they address a relatively small portion of the overall plan.

I am also glad to see that the report includes getting ready to mitigate impacts as well as reaching carbon neutrality for our City. What I did not find is a clear acknowledgment that Livermore along cannot solve the global warming problem. Our emissions are a microliter in the bucket of the problem. I am not quite sure how to say it, but I think the message needs to be that we must do our part to reduce emissions as citizens of the world, but emissions from around the world will still impact us negatively even if we went to zero tomorrow.

The picture of the car exhaust on page ES-3 is misleading to the point of being dishonest, confusing smoke and steam. This is clearly a modern car, from which the emissions are water vapor and CO2. The visible plume is obviously condensed water vapor, and such emissions are not the problem. Hydrogen fuel cells also expel water. The problem is what you don't see—the CO2. An infrared image of the CO2 plume would be more interesting as well as more accurate.

Page 6. "very likely due to" should be replaced with "aggravated" or "largely caused by" or some other descriptor. Temperature is a major factor, but how much burns is due to a variety of factors, including built-up fuel loads from fire suppression activities in the past. The current wording sounds like you don't know the reason but think it is mostly due to temperature.

I am concerned about the statement on page ES-3 about providing 100% renewable electricity by 2024.

Buildings and Energy *↓19,379 MT CO_2e*	• Provide 100% renewable electricity by 2024 • Require all-electric new construction by 2023 • Incentivize electric retrofits in 12% of existing buildings • Develop equitable funding and financing • Incentivize local on-site energy generation

Unlike other areas of the report that emphasizes carbon-free electricity, the first line here implies no carbon-free nuclear power. It has fewer lifetime carbon emissions than rooftop solar because of the energy cost of building solar, and solar energy can be considered as a way of exporting GHG to other locations, including China. And how will renewable only be accomplished without being able to stop frivolous lawsuits against the cheapest form of solar energy—industrial solar. Most of the electricity will not be generated within city limits, so will the City of Livermore get involved in opposing such lawsuits? Furthermore, we cannot effectively use a lot more solar energy until we develop more storage capacity, which is certainly acknowledged. The City could actually do something about that issue by fostering storage facilities, even if only for its own use. This is mentioned on page 74 but might warrant being in the executive summary.

On page 4, I am glad to see a more accurate accounting for the sources of GHG emissions than in the 2012 CAP, which had some significant errors.

On page 5, end of first paragraph should read, “adverse impacts will become more **widespread an**d severe.” That said, shortages of drinking water are not simply due to temperature increases. There are other factors, such as population growth and past unsustainable mining of groundwater. Furthermore, there is a local mindset that we will have less precipitation in the future. That may or may not be true locally, but it oversimplifies the issue and is not true in all areas of the US, let alone the world.

On page 17, line 7, I think you mean that the area burned each year will increase by 77%. It is not a one-time conversion of unburned land to burned land.

On page 23, the use of the word “clean energy” is a political term excluding nuclear energy. It implies that there is no pollution associated with the construction of renewable energy facilities, which is delusional. Furthermore, even the California governor understood that closing current nuclear facilities will increase emissions, so it is shooting ourselves in the foot.

On page 31, there is a statement about reducing fire risk through landscaping, and page 30 discusses mitigating wildfire risk. Robertson Park may not have been in mind, but there is a lot of dead wood in that area. Even though the grass is mitigated via goats, I suspect that is not the greatest fuel load. I have been told by an expert that biochar produced by pyrolysis and used as a soil amendment is a more effective way of sequestering carbon long term than natural decay. It that is true, what facilities might be considered to pursue that method. I don’t see it considered anywhere in this document, although it appears in other strategy documents for GHG reduction.

Page 40 mentions working with LLNL. Although LLNL does have some solar energy on its property, it is a small fraction of what it uses, even though it has the largest potential area (parking lots and northern buffer) for increasing solar production. I understand that such power would merge into the grid outside Livermore, and I understand that installing more solar is a DOE, hence congressional, decision, but it won’t happen with a lot of pushing. Livermore officials should work with Lab officials to push this installation.

Page 42 mentions water recycling. This is very important. Not mentioned is the relative merits (or the study thereof) of purple pipe versus recharge as a way of recycling more water and working with Zone 7 on that issue. Another issue that should be mentioned explicitly is the use of French drains (implied by water capture?), particularly in areas that have highly permeable ground. We installed one during our remodeling 8 years ago.

On Page 57, I am again concerned about the lack of inclusion of nuclear power as a carbon-free option. While there certainly have been careless practices in the past with nuclear materials, there have also been substantial environmental issues with production of solar facilities. It is hard to say how future sources might evolve, but I think allowing EBCE dictate how Livermore achieves carbon-free electricity is not a good idea. Perhaps the City should also partner with PG&E to achieve low-cost carbon-free electricity.

On page 60, there is a statement about the long-term cost savings of an EV. A recent report said that hybrid vehicles are more reliable than electric vehicles, and my 11-yr-old hybrid vehicle has been the most reliable vehicle of the dozen or so vehicles I’ve owned. EV’s are still on the learning curve. I suspect they will eventually become more cost effective, but it should be clear that this page addresses a long-term strategy.

I agree with the implication on page 62 that public transit options are abysmal and largely useless to the majority of the population. I agree that the City should be encouraging this area to improve, but I am not hopeful that it will ever be a major factor. Within the city, having some sort of advantage for small EVs (maybe not even highway worthy) might have a larger impact.

On page 70, low-carbon concrete should be mentioned explicitly. Portland cement is a major source of GHG, and Livermore needs to help the industry evolve to better production methods.

On page 75, I cannot agree more with the need to replace gasoline-powered blowers. They are annoying on so many levels, and GHG emissions are not at the top of the list.

On page 78, action I-2.5 mentions actions that preferentially benefit those impacted the most. This is contrary to current policies for roof-top solar, for example, that are designed to benefit rich people the most through tax credits. However, rich people generally generate the most GHG and are needed to drive the learning curve for new technologies. The area that has the greatest potential to achieve the desired equity is to find a way to identify those cases of high energy by low-income communities and upgrade the facilities at little to no cost to those customers.

2022 Climate Action Plan

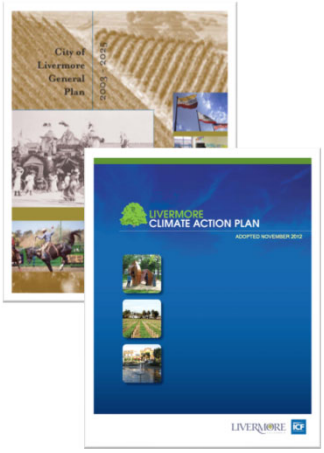
November 28, 2022

Tricia Pontau, Senior Planner

1

Background

- Livermore climate change policies
  - General Plan Climate Change Element – 2009
  - Climate Action Plan – 2012
- Achieved 2012 CAP GHG reduction goal
  - 15 percent below 2008 levels by 2020
- New State legislation
  - Senate Bill 32 – 2030 target
  - Executive Order B-55-18 – carbon neutrality by 2045
- City Council directed staff to update the CAP
- City Council approved contract with Rincon Consultants in January 2020



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2

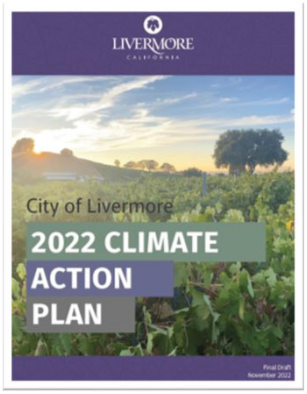
CAP Update Process

Technical Analysis
- GHG Inventory and Targets
- Vulnerability Analysis

Advisory/Decision-Making Bodies
- Climate Action Plan Advisory Committee (CAPAC)
- Community Asset Management Committee (CAMP)
- Livermore Area Youth Advisory Committee (LAYAC)
- Planning Commission
- City Council
- City Council Climate Change Subcommittee

Community Engagement
- Project Website
- Survey
- Public Workshop
- Open House
- Focus Groups
- Presentations

Strategy & Action Evaluation
- Adaptation
- Mitigation
- Municipal Operations
- Implementation & Tracking



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3

2022 CAP Outline

Executive Summary

High-level overview of the CAP document

Chapter 1 - Introduction
- CAP purpose, goals, and process
- Climate change
- Legislative context
- Climate action progress to date

Chapter 2 – Climate Change in Livermore
- Climate impacts in Livermore
- Livermore's GHG emissions & reduction targets
- Community outreach

Chapter 3 – Livermore's Climate Action Strategy
- Adaptation
- Mitigation
- Municipal operations & implementation

Chapter 4 – Implementation Plan
- Near-term priorities
- Tracking and reporting progress
- CAP updates

Appendices
- GHG Inventory & Forecast
- Vulnerability analysis
- Costs
- Others

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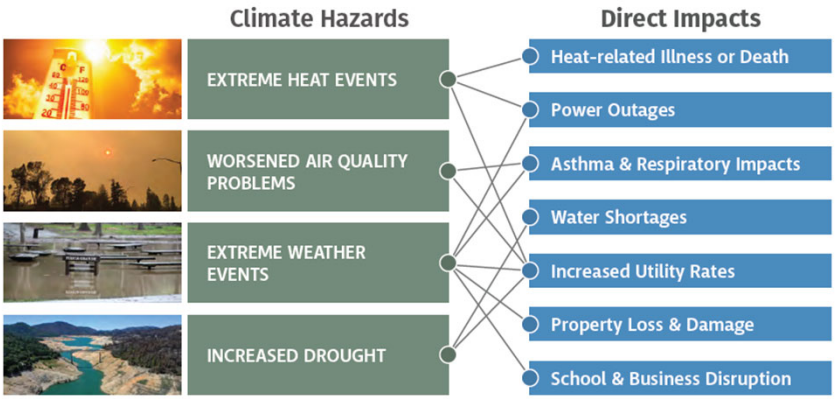
4

Climate Change in Livermore



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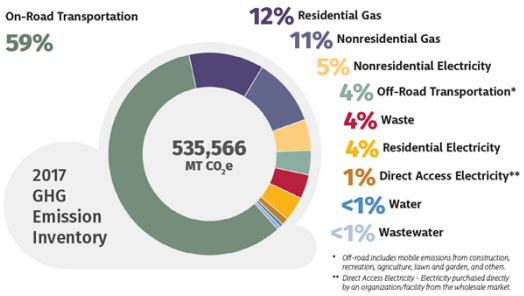
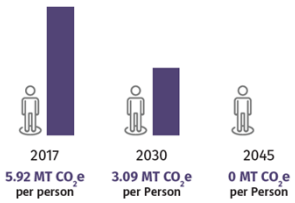
5

Climate Change in Livermore

GHG Inventory



GHG Reduction Targets



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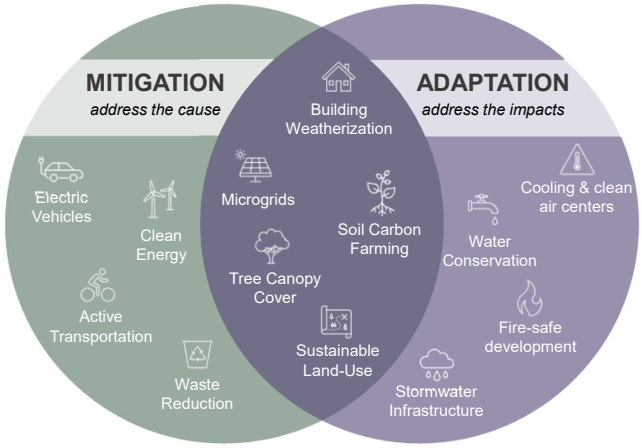
6

Livermore's Climate Strategy



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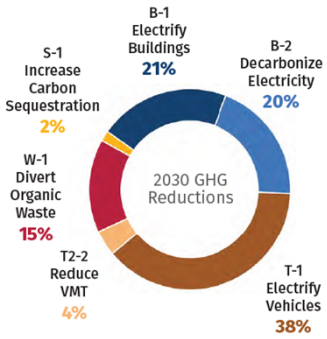
7

Near-term Implementation Priorities

1. Lay the Groundwork
2. Decarbonize Electricity and Materials
3. Electrify Buildings and Vehicles
4. Partner with Livermore's National Laboratories
5. Engage with the Community Regularly
6. Support Related City Efforts
7. Utilize Assistance Programs and Funding
8. Study Heat and Drought Strategies
9. Develop a Neighborhood Retrofit Program

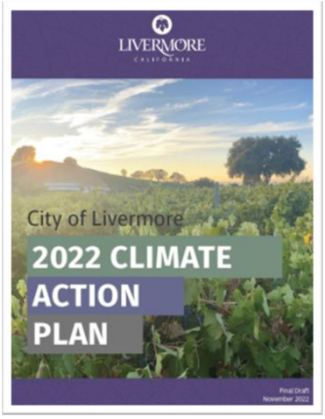


Staying on Track

- Implementation Tracking Tool
- Annual Progress Reports to City Council
- 5-year Plan Updates

8

CAP Review and Next Steps



- October 14 – Draft CAP released for public review
- November 1 – Planning Commission recommended adoption
- November 16 – CAPAC recommended adoption
- **TONIGHT** – City Council review for adoption
- Community Launch
  - Media – press release, social media, e-newsletter
  - Online resource hub
  - Presentations – LAYAC on December 5
  - Community events
  - Winter newsletter – "Planning for the Future"

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9

Recommendation

Staff and the Planning Commission recommend the City Council consider the 2022 Climate Action Plan (POLI 20-001) and adopt resolutions:

1. Adopting the October 17, 2022, Initial Study/Negative Declaration (IS/ND) for the Livermore Climate Action Plan Update; and
2. Adopting the 2022 Climate Action Plan

LIVERMORE

10

Isabel Neighborhood Specific Plan

Tracking Update (PT22-004)
Specific Plan Amendments (SPAA22-001)

City Council
November 28, 2022
Ashley Vera, Associate Planner

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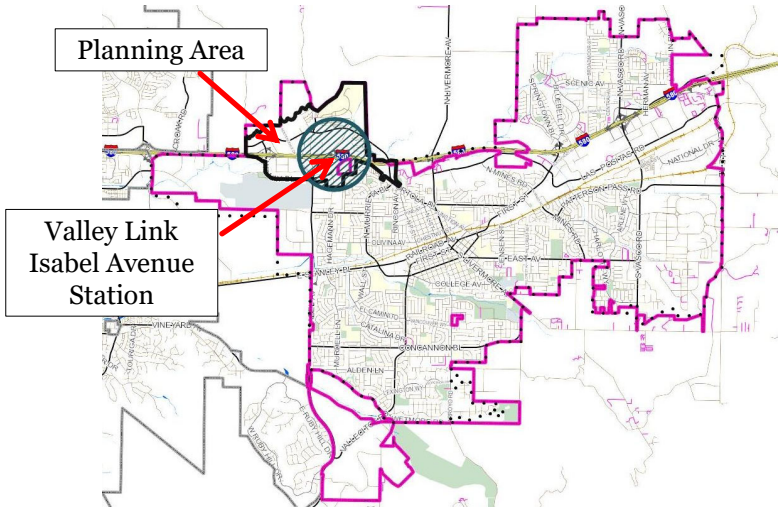
1

Isabel Neighborhood Specific Plan



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2

Isabel Neighborhood Specific Plan

Land Use	Planning Area Total
Residential	4,095 housing units
Office[1]	1,730,500 sf
Business Park	180,390 sf
Neighborhood Commercial[2]	167,185 sf
General Commercial	159,700 sf
General Industrial[3]	(270,175 sf)
Total	1,967,600 sf
Jobs	9,200 jobs

1. Includes existing Lam Research property
2. Includes Ground Floor Retail/Flex Space
3. As build out of the Planning Area occurs, General Industrial uses will be replaced with Office, Business Park, Neighborhood Commercial, and General Commercial uses.

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3

Tracking Update

P-IMP-5: The City shall review the progress of the Specific Plan every two years, starting from the date of its adoption. This review shall include an evaluation of the public infrastructure to ensure continued public health and safety.

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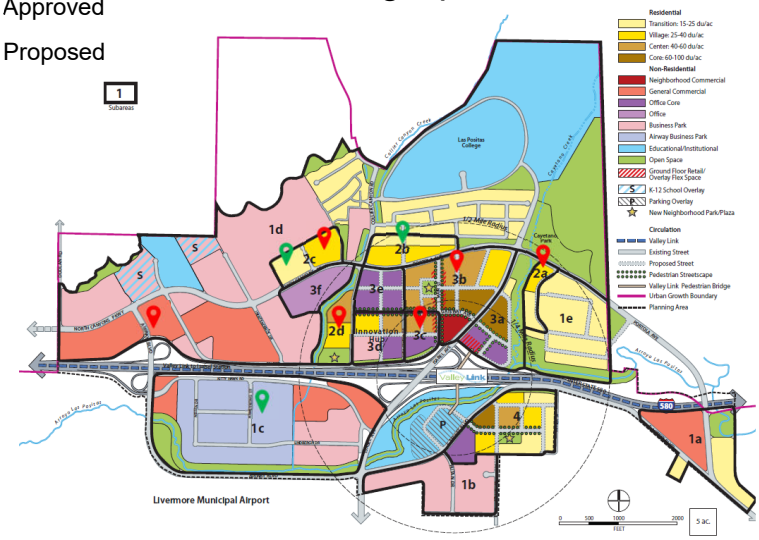
4

Tracking Update

Approved

Proposed



Note: Subareas 3b and 3c are being processed under one application.

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5

Tracking Update

Land Use	Approved	Proposed	Combined Total
Residential[1]	411 units	1,999 units	2,410 units
Affordable residential	82 units	469 units	551 units
Non-residential	56,000 sf	206,000 sf	262,000 sf

1. Includes affordable residential units

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6

Public Infrastructure

New infrastructure consists of:
- 27,000 lineal feet of public streets
- Utility connections in the public right-of-way
- Approximately five linear miles of multi-use trails
- Three neighborhood parks totaling six and a half acres

Upgrades to existing infrastructure consist of:
- Water, sanitary sewer, and storm drain systems
- Major streets - signals, crosswalks, bike lanes, striping, signage, and landscaping

No changes to:
- Other citywide utility and service systems (e.g. water distribution or wastewater treatment)

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7

Public Infrastructure

- Developers responsible for the direct costs of building new streets, utility connections, and frontage improvements at the time of construction
- Most of the maintenance costs for the new public infrastructure (public streets, parks, and plazas) will be funded by new development
- Major arterial roadway maintenance will be funded by gas taxes, countywide sales taxes
- Sewer and water infrastructure maintenance will be funded by user fees
- Maintenance Community Facilities District in progress to fund the remaining infrastructure maintenance costs, including capital replacement

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8

Public Infrastructure

- Hydraulic sewer analysis prepared in 2017 recommended additional gravity main improvements for the Isabel Neighborhood
- Further analysis in 2021 determined that additional gravity main improvements are no longer required for the Isabel Neighborhood

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9

Proposed Amendments

- Chapter 2 - Land Use
- Chapter 3 - Transportation
- Chapter 4 - Parks, Public Services, and Infrastructure
- Chapter 5 - Urban Design
- Chapter 7 - Implementation and Financing Strategies

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10

Proposed Amendments

Land Use:

- Figure revisions to align with existing language in the Specific Plan;
- Clarifications to existing footnote references and inclusionary housing policy;
- Clarifications to the application of height limits;
- Modified residential setback standards; and
- A new policy defining residential product types

Transportation:

- New language describing the Class IV bike lane along Portola Avenue between Collier Canyon Road and Isabel Avenue;
- New and modified residential bicycle parking standards; and
- Text revisions to align with existing language in the Specific Plan

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11

Proposed Amendments

Parks, Public Services, and Infrastructure:

- Revisions to an existing policy and addition of a new policy related to natural gas prohibition

Urban Design:

- Clarifications to existing design standards related to building orientation and pedestrian access
- New design standards related to architecture, building orientation, parking, landscaping and retaining walls

Implementation and Financing Strategies:

- Removal of existing Transferable Development Credit program policies
- Introduction of a new policy to clarify application of the Transferable Development Credit program in the Isabel Neighborhood

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12

Recommendation

The Planning Commission and staff recommend the City Council receive a tracking update on the Isabel Neighborhood Specific Plan progress and consider Specific Plan amendments and adopt resolutions:

1. Finding the Environmental Impacts of the Isabel Neighborhood Specific Plan amendments are within the scope of the 2018 Environmental Impact Report and 2020 Supplemental Environmental Impact Report for the Isabel Neighborhood Specific Plan; and
2. Approving Specific Plan Amendment (SPPA) 22-001.

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13

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Discussion and direction regarding Livermore Development Code Chapter 4.06 Sign Standards for Temporary Signs

City Council

November 28, 2022

Presented by Steve Stewart, Planning Manager

1

Planning Commission Recommended Regulations

- Restrict the placement of temporary signs in the right-of-way to daylight hours between 9:00 a.m. and 5:00 p.m. Signs could only be placed after 9:00 a.m. and would need to be removed before 5:00 p.m. each day.
- Signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 30 days before that event. Signs must be removed within five days following the associated event.

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2

Current Regulations

Noncommercial temporary signs are permitted in the designated public right-of-way, but not in the street, street median, or sidewalk, in commercial and industrial zones, other than the DSP, subject to the following:

- The signs must relate to an event scheduled for a specific date and shall not be displayed sooner than 60 days before that event;
- Signs must be stake signs with a maximum size of four-square feet;
- No two signs with the same copy shall be placed closer than 50 feet from each other per street frontage;
- Corner properties may have two of the same signs at the corner; and
- Signs shall be removed within five days after the event to which they pertain.
- In the Downtown Specific Plan area only, commercial and non-commercial temporary signs would not be permitted in the designated public right-of-way with the exception of A-frame signs.

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3

Recommendation

Waive the first reading and introduce an ordinance approving Development Code Amendment 22-003, Temporary Signs adding the following provisions:

- Restrict the placement of temporary signs in the right-of-way to daylight hours between 9:00 a.m. and 5:00 p.m. Signs could only be placed after 9:00 a.m. and would need to be removed before 5:00 p.m. each day.
- The signs must relate to an event scheduled for a specific date and shall not displayed sooner than 60 days before that event. For events like an election, the event date for the purpose of the ordinance is the specific election date and not the start of the voting period for the run-up to the election, and for multi-day events like a county fair the event date is the first day the event is open to the public.
- Signs place in violation of this section shall be subject to confiscation and removal.
- Delay enforcement for either ordinance until July 1, 2023, to allow staff to research and develop any additional amendments directed by the City Council.

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4

Recommendation - Mayor Alternative

Waive the first reading and introduce an ordinance approving Development Code Amendment 22-003, Temporary Signs adding the following provisions:

- Prohibit the placement of all temporary signs in the public right-of-way in commercial, industrial, and residential zoning districts.
- Delay enforcement for either ordinance until July 1, 2023, to allow staff to research and develop any additional amendments directed by the City Council.

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5

Council Member	Committee Meeting Date	Committee	Agenda Link	Meeting Type
Mayor Woerner	11/17/2022	Fire JPA Board		Board Meeting
Mayor Woerner	11/28/2022	East Bay Regional Communications System Authority	http://www.ebrcsa.org/meetings.page	Board Meeting

Council Member	Committee Meeting Date	Committee	Agenda Link	Meeting Type	Committee Report: Summary
Vice Mayor Bonanno	11/15/2022	Livermore Downtown Inc		Board Meeting	
Vice Mayor Bonanno	11/16/2022	Discussion on low carbon concrete with CNCA			With CM Carling and staff met with California Nevada Cement Association (CNCA) representatives about low carbon concrete options for construction
Vice Mayor Bonanno		Livermore Amador Valley Water Management Agency Joint Powers Authority		Board	
Vice Mayor Bonanno	11/28/2022	Livermore-Amador Valley Transit Authority		Projects and Services Committee	

Council Member	Committee Meeting Date	Committee	Agenda Link	Meeting Type
Council Member Carling	11/16/2022	Stop Waste		board meeting
Council Member Carling	11/16/2022	Livermore Amador Valley Water Management Agency Joint Powers Authority		board meeting
Council Member Carling	11/18/2022	Altamont Open Space Committee		board meeting

Council Member	Committee Meeting Date	Committee	Agenda Link	Meeting Type
Council Member Munro	11/15/2022	Groundbreaking Ceremony		Horticulture Building Ribbon-Cutting Ceremony and the Viticulture Building, Las Positas
Council Member Munro	11/16/2022	East Bay Community Choice Energy Joint Powers Authority	https://ebce.org/meetings/board-of-directors-meeting-11-16-22/	Board of Directors' Meeting

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CITY COUNCIL STAFF REPORT **ITEM NO. 10.2**

DATE: November 28, 2022

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Supplemental materials received at the meeting.

RECOMMENDED ACTION

SUMMARY

DISCUSSION

ATTACHMENTS

1. Item Received at the Meeting

Prepared by: Debbie Elam
Deputy City Clerk

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

Item 6.5
Public Comment Received

Reply all Delete Report ...

FW: Amending the Livermore Development Code regarding temporary signs

Flag for follow up.

You replied on Mon 11/28/2022 5:47 PM

Marianna Marysheva

To: Paul Spence; Jason Alcala; Christine Martin; Clay James; Marie Weber; Debbie Mon 11/28/2022 5:42 PM

FYI.

Marianna Marysheva
City Manager | City of Livermore
1052 South Livermore Avenue, Livermore, CA 94550
(925) 960-4040
mmarysheva@livermoreca.gov

LIVERMORE CALIFORNIA

From: Kyoko Takayama [redacted]
Sent: Monday, November 28, 2022 5:10 PM
To: Livermore City Council <LivermoreCityCouncil@cityoflivermore.net>
Cc: Marianna Marysheva <mmarysheva@livermoreca.gov>
Subject: Amending the Livermore Development Code regarding temporary signs

You don't often get email from [redacted]. Learn why this is important

Exercise Caution: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear city council members,

I know this would not be considered official input since it is after the deadline, but I wanted to tell my support for Mayor's recommendation to introduce an ordinance to prohibit the placement of all temporary signs in the public right-of-way in commercial, industrial, and residential zoning districts.

I put yard signs in my front yard to show our neighbors what I support. It is my speech so to speak. However yard signs on the streets show simply how deep the candidates and their supporters pockets are. Adding the out of control vandalism in last few cycles of elections. I agree that it is time to remove them from our streets.

Thank you.

Respect, Empower, Include, Organize!

Kyoko Takayama
Community Organizer (she/her)
Alameda County Coalition for Fair Redistricting Facebook/Instagram