



REVISED CITY COUNCIL

AGENDA MONDAY, APRIL 21, 2025

SPECIAL MEETING – 6:00 PM

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

CIVIC CENTER MEETING HALL
WILLIAM M. MENDENHALL ROOM
1016 S. LIVERMORE AVENUE

NOTICE IS HEREBY GIVEN that the City Council of the City of Livermore will convene a special joint City Council and Planning Commission meeting on April 21, 2025, beginning at 6:00 pm, in the Civic Center Meeting Hall, William M. Mendenhall Room at 1016 S. Livermore Avenue.

This special meeting is being called by Mayor John Marchand. /s/ John Marchand

CITY COUNCIL

John P Marchand, Mayor
Evan Branning, Vice Mayor
Ben Barrientos, Council Member
Steven Dunbar, Council Member
Kristie Wang, Council Member

PLANNING COMMISSION

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

1. CALL TO ORDER

2. ROLL CALL

City Council

Council Member Ben Barrientos
Council Member Steven Dunbar
Council Member Kristie Wang
Vice Mayor Evan Branning
Mayor John Marchand

Planning Commission

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

3. SPECIAL MEETING ITEM

AN OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL AND PLANNING COMMISSION REGARDING THE SPECIAL MEETING ITEM WILL BE PROVIDED BY THE MAYOR.

- 3.1 **Biannual Biennial** Joint City Council and Planning Commission Municipal Authority Training.

Recommendation:

Staff recommends the City Council and Planning Commission receive the presentation.

Staff Report

4. SUPPLEMENTAL MATERIALS

- 4.1 Supplemental materials received prior to the meeting.

Staff Report

Attachments:

1. Supplemental Materials

5. ADJOURNMENT

To a **Special City Council meeting on Monday, April 28, 2025 at 6:00 pm** and a Regular City Council meeting on Monday, **April 28 May 12**, 2025 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and a Regular Planning Commission meeting on Tuesday, May 6, 2025 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

6. 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).

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 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 4:00 pm the day of the meeting. These items will NOT be read into the record and are viewable by 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 in person, you must complete a speaker card for each item. Speaker cards are available in the Civic Center Meeting Hall lobby. Indicate on the card the item number you wish to comment on and submit the card directly to the City Clerk prior to the start of the item. Please note 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.

If you would like to deliver written materials to the City Council as part of your public comments, and are commenting in person, please provide 10 copies to the City Clerk with your speaker card.

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.



CITY COUNCIL STAFF REPORT

ITEM NO. 3.1

DATE: April 21, 2025

TO: Honorable Mayor and City Council

FROM: Brent Smith, Community Development Director

SUBJECT: **Biannual Biennial** Joint City Council and Planning Commission Municipal Authority Training.

RECOMMENDED ACTION

Staff recommends the City Council and Planning Commission receive the presentation.

SUMMARY

Staff conducts a **biannual biennial** City Council and Planning Commission municipal authority training. The training consists of major land use topics such as the General Plan, state housing and environmental laws, roles and responsibilities of the City Council and Planning Commission, and how state and local standards interact.

DISCUSSION

The City Council and Planning Commission are the primary land use authorities in Livermore and are vested with broad municipal and land use authorities granted by the California Constitution and State Law. In order to ensure the City Council and Planning Commission are adequately trained, City staff conducts a **biannual biennial** municipal authority presentation at a joint City Council and Planning Commission session. The objective of the presentation is to: 1) Refresh the Council and Commission of their municipal and land use authorities and roles; 2) Summarize local land use regulations adopted by the City Council and describe how they fit into the land development and conservation process; and 3) Inform both land use authorities of updates to state land use and environmental laws. More specifically, staff will cover the following major land use topics:

1. Municipal Authority. Overview of Police and Proprietary Powers, protection of public health, safety, and welfare. Relationship of local standards to state laws and the California Constitution.
2. Land Use Authority. Review City authority established through state laws including Planning and Zoning Law, Subdivision Map Act, Permit Streamlining Act, etc.
3. State Housing Laws. Review the Regional Housing Needs Assessment (Allocation) (RHNA), Housing Element requirements, and recent housing legislation.

4. Land Use Regulation. Overview of local land use tools like General Plan, Development Code, Zoning Map, Urban Growth Boundaries, Design Review, etc.
5. Roles and Responsibilities. Summarize City Council and Planning Commission roles and responsibilities; How City Council and advisory bodies interact; and Legislative and Quasi-Judicial roles.
6. Legal Thresholds. Essential legal principles like Nexus and Findings, which are required for project approval.
7. Environmental Review. Brief overview of the California Environmental Quality Act (CEQA), including disclosure and mitigation requirements.
8. Strategic Plan. Livermore's Strategic Plan, including Pillars, Goals, and Objectives. How the Strategic Plan relates to land use and development projects.

ENVIRONMENTAL REVIEW

None required, not a Project under the California Environmental Quality Act (CEQA).

FISCAL AND ADMINISTRATIVE IMPACTS

None. Staff time allocated to this training funded by the General Fund.

COMMUNITY PILLAR

5: A City That Works

GOAL

1: Council Engagement

ATTACHMENTS

Prepared by: Jake Potter
Senior Planner

Approved by:



Marianna A. Burch
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director



CITY COUNCIL STAFF REPORT

ITEM NO. 4.1

DATE: April 21, 2025
TO: Honorable Mayor and City Council
FROM: Marianna A. Burch, 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.

3.1	Biennial Joint City Council and Planning Commission Municipal Authority Training. Material: PowerPoint Presentation
-----	--

DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Ashley Zieba
Assistant City Clerk

Approved by:

A handwritten signature in blue ink, reading "Marianna A. Burch".

Marianna A. Burch
City Manager

Fiscal Review by:

A handwritten signature in blue ink, reading "Tina Olson".

Tina Olson
Administrative Services Director



City Council & Planning Commission Workshop

Land Use Authority & Regulation
April 21, 2025

Steve Riley, Planning Manager
Jake Potter, Senior Planner
Jason Alcala, City Attorney
Katherine Mirassou, Assistant City Attorney



1



Overview

1. Municipal Authority
2. Respective Roles and Responsibilities
3. Land Use Authority
4. Housing Laws, Allocations and Policies
5. Land Use Regulation in Livermore
6. California Environmental Quality Act (CEQA)
7. Five-Year Strategic Plan



2



Municipal Authority

Governmental Authority

- **State Constitution (police power)**

A ... city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws. (Cal. Const. art. XI, § 7.)
- **State Legislation**
- **Inherent Authority as Local Government**



3



Municipal Authority

Limits on Governmental Authority

- **Constitutional Limitations**
 - First Amendment (Expression)
 - Fifth Amendment (Takings)
 - Fourteenth Amendment (Due Process)
- **Competing Authority**
 - Supremacy Clause
 - Pre-emption, conflict with State General Law
- **Precedent** (Equal Protection)



4



Municipal Authority

Exercise of Governmental Authority

- **Legislative**
 - Enacting Laws
 - Adopting Policies
- **Quasi-Judicial**
 - Applying laws and policies
 - Reviewing decisions applying laws and policies
- **Regulatory**
 - Ensuring activities comply with set standards
 - Eg. CEQA



5



Municipal Authority

Proprietary Authority (individual, personal rights)

- Power to act as a private property owner
- City Council authority

Limits on Proprietary Authority

- Parcels, not public rights-of-way
- Restrictions on disposition (sale or lease) of land



6



Land Use Authority

Police power is the legal basis for the City's land use regulation to protect the public health, safety, and welfare of its residents.

Berman v. Parker (1954) 348 U.S. 26, 32-33
Associated Home Builders, Inc. v. City of Livermore
(1976) 18 Cal.3d 582, 600-601.



7



Land Use Authority

State Law

- Planning and Zoning Law (Gov't Code 65000 et seq.) is the framework for local land use regulation
- Specific Legislation
 - Subdivision Map Act
 - Permit Streamlining Act
 - Housing Accountability Act
 - State Density Bonus Law



8



Roles and Responsibilities

Legislative

- City Council – Enacting laws and adopting policies
- Planning Commission – Recommending policy and law to the Council

Quasi-Judicial

- City Council – Applying law and policy to projects (final authority or acting on appeals)
- Planning Commission – Applying law and policy to projects (final authority or making recommendations to Council)



9



Roles and Responsibilities

Nexus, Findings, and Administrative Record

Nexus

- Demonstrate a connection
- Must be roughly proportional

Findings

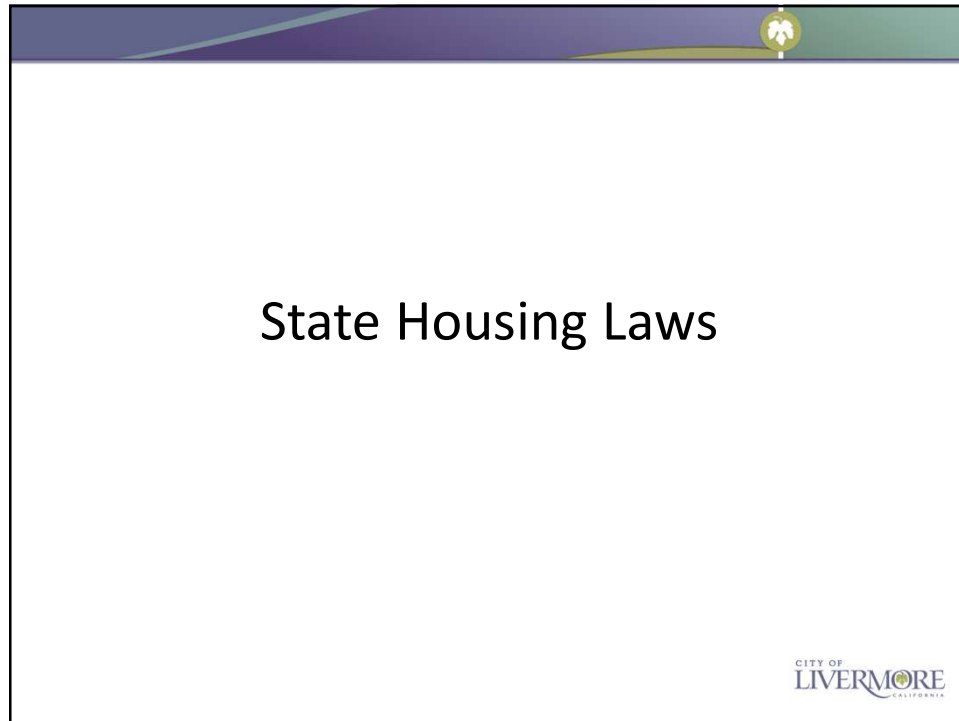
- Required to support decision to approve or deny a project
- Must include information justifying imposition of fees or other exactions

Administrative Record

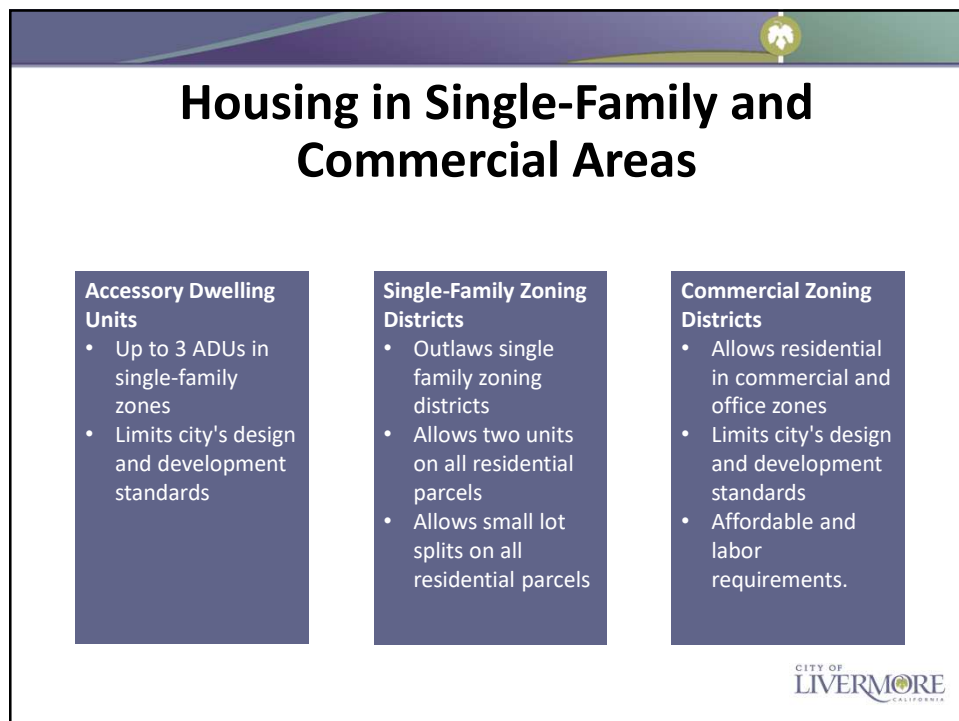
- Written record supporting City's decisions
- Should demonstrate that the decision was reasonable



10



11



12



State Density Bonus Law

Waivers

- Reduction or elimination of development and design standards
- Apply when regulations make the project "physically infeasible" to build
- Number – Unlimited

Parking and Height Modification

- Reduction or elimination of parking standards
- Up to three additional floors of height

Incentives/Concessions

- Reduction or elimination of development and design standards
- Apply when regulations make a project "economically infeasible"
- Number – One to five

Density Increase

- Up to 50% increase in density



13



State Objective Design and Streamlining Laws

Objective Design Requirements

- Senate Bill 330
- Only objective standards can be used in project review.
 - "Means involving no personal or subjective judgment"
- Any subjective standards cannot be used to deny a project.

Streamlining Requirements

- Some projects must be approved within 60 days of consistency determination, or are automatically approved.
- Only permitted to hold 5 hearings.



14

Regional Housing Needs Assessment (RHNA)

State

Region

City

- Housing and Community Development (HCD) - 2.5 million units
- Association of Bay Area Governments (ABAG) – 441,176 units
- Regional Housing Needs Determination (RHND)
- Every local jurisdiction must plan to accommodate its **fair share of the regional housing need**. Livermore was allocated 4,570 units for 6th cycle (2023 – 2031).

CITY OF LIVERMORE CALIFORNIA

15

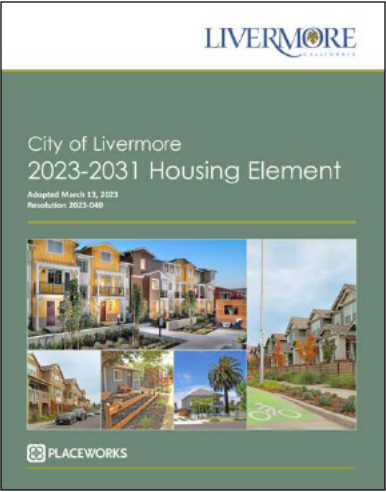
Housing Element and APR

2023 – 2031 Housing Element

- State-approved
- Includes enough sites to accommodate Livermore's RHNA allocation
- Includes other required policies around affordability and housing streamlining

Annual Progress Report

- Annual update to state on quantity of units produced

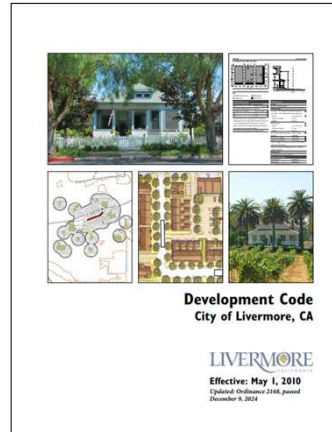


CITY OF LIVERMORE CALIFORNIA

16

Livermore Development Code – Comprehensive Housing Update

- Project Components
 - State Housing Law Compliance
 - Objective Design Standards for Housing Projects
 - Permit Streamlining for Housing Projects
- Next Steps
 - Public Hearings this year



CITY OF
LIVERMORE
CALIFORNIA

17

Land Use Regulation in Livermore

CITY OF
LIVERMORE
CALIFORNIA

18

Land Use Authority

Local Land Use Regulation Hierarchy

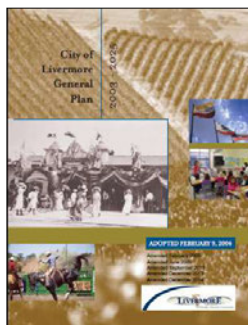
- General Plan
- Specific Plan and Neighborhood Plan
- Livermore Development Code (Zoning)
- Design Standards & Guidelines



19

Land Use Regulation: General Plan

"The Constitution" for Development



- The General Plan land use policies outline how the City will grow and conserve its resources.
- Consistency Doctrine: Zoning and subdivision approvals must be consistent with the General Plan.



20

General Plan Elements

Required:

- Land Use
- Circulation
- Housing
- Open Space and Conservation
- Noise
- Public Safety

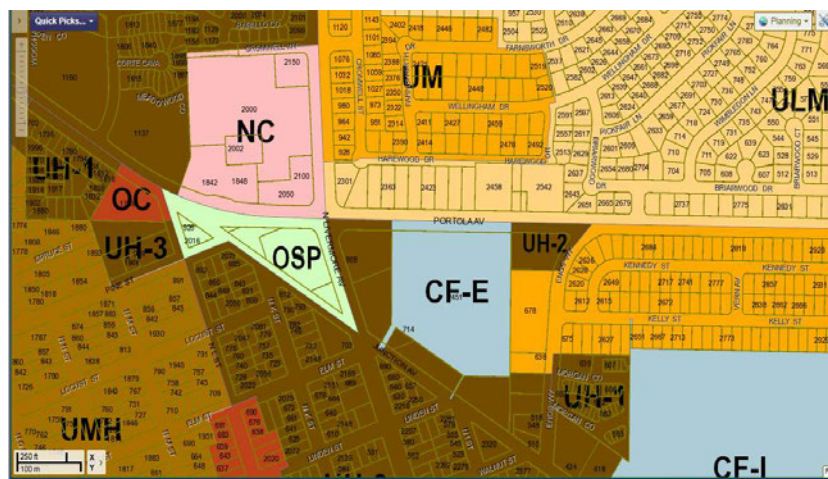
Custom for Livermore:

- Community Character
- Infrastructure and Public Services
- Economic Development
- Climate Change



21

General Plan Land Use Map



22

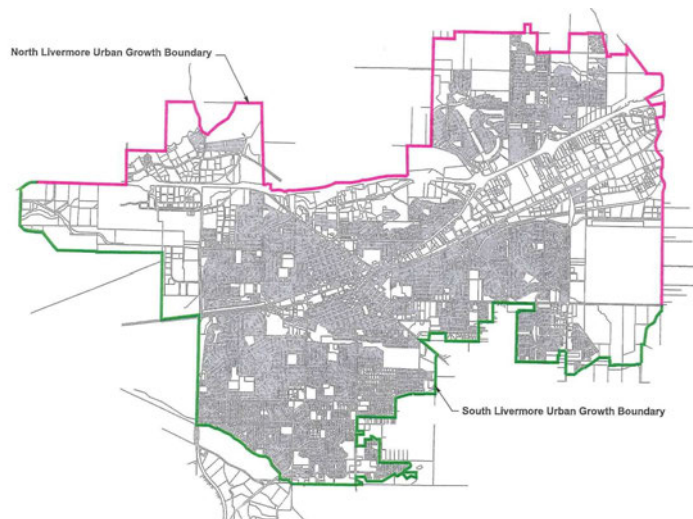
Land Use Regulation

Voter Initiated General Plan Land Use Policies:

- South Livermore Urban Growth Boundary
- North Livermore Urban Growth Boundary
- Measure P: Sewer Service to South Livermore Valley Area Plan planning area



23



24

SR0

2045 General Plan Update

Completed Tasks:

- Visioning
- Research and Analysis
- Housing Element Update
- Land Use Alternatives & Map
- Policy Development

Current and Upcoming Tasks:

- Policy Development
- Draft General Plan & EIR
- Community Review
- Adoption in Spring/Summer 2026



CITY OF LIVERMORE
CALIFORNIA

25

KM0

Specific Plans

Downtown Specific Plan



El Charro Specific Plan



South Livermore Valley Specific Plan



Isabel Neighborhood Specific Plan



CITY OF LIVERMORE
CALIFORNIA

26

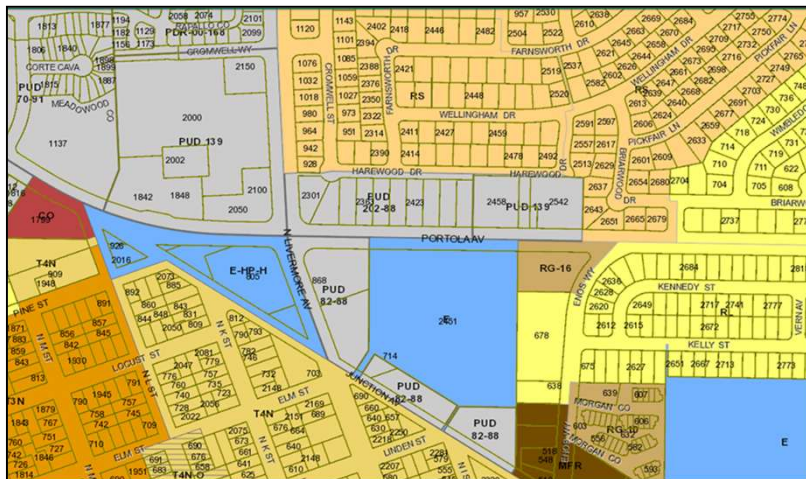
Development Code

The primary **purpose** of the Livermore Development Code is to **implement the General Plan** and includes more detailed development regulations.



27

Development Code Zoning Map



28

Development Code Land Use Table

G. R-L Use Table					
Land Use Type ¹	Specific Use Regulations	Permit Required	Land Use Type ¹	Specific Use Regulations	Permit Required
Agricultural			Retail		
Animal Keeping Facility:	LMC Title 6		Subdivision or Sales Office,		TUP
Limited animal husbandry		CUP	Equipment And Material Yard	6.03.140	
Equestrian Facility		CUP	Services: General		
Community Gardens		P	Child Day Care Facility:	6.02.020	
Recreation, Education & Public Assembly			Small family day care home		P
Commercial Recreation Facility:			Large family day care home		ZUP
Private swim club and recreation center	6.03.110	CUP	Day care center		CUP
Public and Quasi-Public	6.02.090	CUP	Lodging:		
Residential			Bed & Breakfast	6.02.010	CUP
Dwelling: Secondary Unit	6.03.120	ZUP	Transportation, Communications, Infrastructure		
Dwelling: Single-Family		P	Telecommunication Facility	6.02.100	CUP
Dwelling:					
Duplex, Multi-Family ²		P			
Health Facility:	6.02.050				
Residential care, 1 - 6 clients		P			

29

Development Code Standards

- Lot Coverage
- Setbacks from Property Line
- Building Height
- Lot Size
- Number of Parking Spaces
- Open Space

30



Land Use Regulation Review Authority

- Established within Development Code
 - Staff
 - Planning Commission
 - City Council
- Council always has final decision-making authority either directly or by appeal



31



Land Use Regulation Design Review

- Planning Commission and staff review site layout, building architecture and landscaping
- Determine consistency with Adopted Design Standards and Guidelines



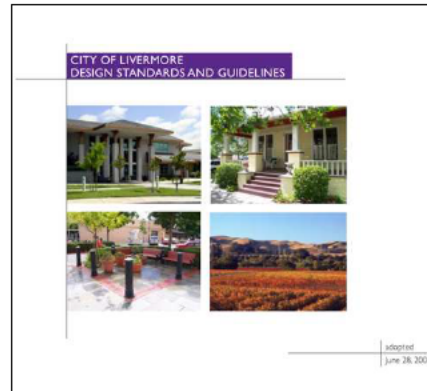
32

5R0

Land Use Regulation Design Standards and Guidelines

Example Design Standards

- Doors at storefronts shall include views into the tenant spaces.
- Long buildings facades shall be architecturally subdivided into shorter segments every 25 to 50 feet.
- Residential entries shall be located on the front façade and directly access the sidewalk.
- Utility cabinets and meters shall be inside or fully screened.



CITY OF
LIVERMORE
CALIFORNIA

33

California Environmental Quality Act (CEQA)

CITY OF
LIVERMORE
CALIFORNIA

34



Objectives of CEQA

Disclose – Disclose the public reasons for agency approval of projects with significant environmental effects

Foster – Foster interagency coordination in review of projects

Enhance – Enhance public participation in the planning process

CEQA Guidelines Sec. 15002



35



Overview of CEQA Process

Step One: Is it a Project?

Step Two: Is the Project Exempt?

Step Three: Will the Project Result in Significant Environmental Impacts?

Step Four:

- * If No Significant Impacts - Negative Declaration or Mitigated Negative Declaration
- * If Significant Impacts - Environmental Impact Report



36



CEQA Exemptions

Categorical	Statutory
• Classes of projects found to not have a significant effect on the environment • Must make findings that none of the exceptions to the exemption apply	• Exemptions to CEQA created by the legislature • Not always in line with the environmental purposes of CEQA • Based in CEQA statute and other statutes

"Common Sense" Exemption – Guidelines 15061(b)(3)



37



Categories of Environmental Review

• Aesthetics • Agriculture & Forestry Resources • Air Quality • Biological Resources • Cultural Resources / Historical Impacts • Geology / Soils • Greenhouse Gas Emissions • Hazards & Hazardous Materials	• Hydrology / Water Quality • Land Use / Planning • Mineral Resources • Noise • Population / Housing • Public Services • Recreation • Transportation / Traffic • Utilities / Service Systems • Mandatory Findings of Significance
---	---



38



39

Discussion & Questions

CITY OF LIVERMORE CALIFORNIA

40