LIVERMORE
CALIFORNIA

PLANNING COMMISSION

AGENDA
TUESDAY, JULY 7, 2026

PLANNING COMMISSION REGULAR MEETING – 7:00 PM

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

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

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

1. CALL TO ORDER

ROLL CALL

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

PLEDGE OF ALLEGIANCE

2. OPEN FORUM

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

3. CONSENT CALENDAR

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

3.1 Approval of the June 16, 2026 Planning Commission Draft Meeting Minutes.

Recommendation:
Staff recommends the Planning Commission approve the draft minutes.
Staff Report
Attachments:
1. 06-16-2026 Draft Meeting Minutes

4. PROJECT REVIEW

5. PUBLIC HEARINGS

5.1 Hearing to consider a resolution recommending certification of the General Plan Environmental Impact Report, approval of the Livermore General Plan 2045, and approval of conforming Zoning Map Amendments establishing a long-term vision, goals, policies, implementation actions and land use designations to guide future decision-making related to growth, development, and resource conservation through 2045.

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

- Certify the General Plan 2045 Final Environmental Impact Report (EIR)
- Adopt Livermore General Plan 2045, subject to the revisions identified in the Errata Sheet dated July 7, 2026 (GPA 21-003)
- Adopt an ordinance making conforming amendments to the Livermore Zoning Map (ZMA 26-001)
- Retain Existing General Plan Scenic Corridor Policy (under separate cover) until new Scenic Resources policies are considered at a future date (POL 26-002)

The Planning Commission's action is a recommendation to City Council.

Staff Report

Attachments:

1. CC May 11 GPU Staff Report
2. Resolution CEQA
3. Exhibit A - Link to General Plan 2045 Final EIR
4. Exhibit B - Findings of Fact and Statement of Overriding Considerations
5. Exhibit C - Mitigation Monitoring and Reporting Program
6. Resolution recommending General Plan adoption
7. Exhibit A - Link to Livermore Draft General Plan 2045
8. Exhibit B Errata Sheet
9. Resolution Zoning Map Amendment
10. Exhibit A - Existing Zoning Map
11. Exhibit B - Proposed Zoning Map
12. Exhibit C - Proposed Change Areas
13. Resolution - Scenic Resources Policy
14. Exhibit A - Scenic Resources Policy

5.2 Hearing to consider an ordinance authorizing Development Agreement 24-004 to establish a framework and secure vested rights for a future residential project on approximately 50 developable acres within a 122-acre property at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1). The Development Agreement does not propose or authorize a specific development project or physical development, and future implementation actions would be subject to subsequent approvals.

Recommendation:

Staff recommend the Planning Commission adopt the following resolutions recommending the City Council:

1. Find that the Development Agreement is within the scope of the certified General Plan 2045 Environmental Impact Report (EIR) pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183 and that the Agreement itself has no potential to cause a significant environmental effect and is therefore exempt under CEQA Guidelines Section 15061(b)(3). No additional environmental review is required;
2. Adopt an Ordinance authorizing Development Agreement (DA) 24-004.

Staff Report

Attachments:

1. Location Map
2. Resolution CEQA
3. Resolution Development Agreement
4. Exhibit A Development Agreement 24-004

5.3 Hearing to consider a request for the first amendment to Development Agreement 08-002 ("Agreement") with McGrath RentCorp (DAA 26-002). The Agreement term would be extended 30 years to 2059, the Agreement boundary would be adjusted, and the Property Owner obligations would be modified to: 1) effectuate a commercial land transfer to a high-revenue commercial user; and 2) secure support for 2045 General Plan and Midtown Area planning objectives.

Recommendation:
Staff recommends the Planning Commission adopt the following resolutions, recommending the City Council:

1. Find that the first amendment to Development Agreement 08-002 with McGrath RentCorp is exempt under CEQA; and
2. Adopt an Ordinance to approve the first amendment to Development Agreement 08-002 with McGrath RentCorp (DAA 26-002).

Staff Report
Attachments:
1. Location Map
2. Original Development Agreement
3. Resolution CEQA
4. Resolution Development Agreement
5. Exhibit A - Amended Agreement

6. MATTERS FOR CONSIDERATION

7. MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

8. SUPPLEMENTAL MATERIALS

8.1 Supplemental materials received prior to the meeting.
Staff Report
Attachments:
1. Supplemental Materials

8.2 Supplemental materials received at the meeting.
Staff Report
Attachments:
1. Supplemental Materials

9. ADJOURNMENT

To a regular Planning Commission meeting on Tuesday, July 21, 2026 at 7:00 pm, Civic Center Meeting Hall, City Council Chamber, 1016 S. Livermore Avenue.

10. HOW TO PARTICIPATE IN THE MEETING

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

Open Forum is an opportunity for the public to speak regarding items not listed on the agenda. Speakers are limited to a maximum of 3 minutes per person. To address the Planning

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

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

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

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

Submission of Comments Prior to the Meeting:

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

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

Submission of Comments During the Meeting:

Speakers are limited to a maximum of 3 minutes per person. To submit a comment in person, you must complete a speaker card for each item. Speaker cards are available in the Civic Center Meeting Hall lobby. Indicate on the card the item number you wish to comment on and submit the card directly to the Planning Commission Liaison prior to the start of the item. Please note that the Planning Commission is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the Planning Commission may place it on a future agenda or direct staff to work with you and/or report to the Planning Commission on the issue.

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

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

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

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

LIVERMORE
CALIFORNIA

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

DATE: July 7, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Approval of the June 16, 2026 Planning Commission Draft Meeting Minutes.

RECOMMENDED ACTION

Staff recommends the Planning Commission approve the draft minutes.

SUMMARY

DISCUSSION

ATTACHMENTS

1. 06-16-2026 Draft Meeting Minutes

Prepared by: Michele Donley
Division Clerk

DRAFT MINUTES

LIVERMORE
CALIFORNIA

PLANNING COMMISSION
JUNE 16, 2026

REGULAR MEETING

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

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

ABSENT - Commissioner Nadine Horner.

PLEDGE OF ALLEGIANCE

Chairperson Krozak led the Pledge of Allegiance.

2. OPEN FORUM

Chairperson Krozak opened the public comment period.

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

3. CONSENT CALENDAR

3.1 Approval of the May 19, 2026 Planning Commission Draft Meeting Minutes.

Chairperson Tracy Krozak opened the public comment period.

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

ON THE MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER FINTSCHENKO, AND CARRIED ON A 3-0-1 VOTE, WITH CHAIRPERSON KRONZAK ABSTAINING DUE TO ABSENCE, THE PLANNING COMMISSION APPROVED THE CONSENT CALENDAR ITEM 3.1, DIRECTING STAFF TO REVIEW THE MOTION TO CONFIRM WHETHER THE DIRECTION FOR STAFF TO WORK WITH THE APPLICANT ON EXTENDED STAYS WAS INCLUDED IN THE MOTION.

4. PROJECT REVIEW - NONE

5. PUBLIC HEARINGS

5.1 Hearing to consider a request for Conditional Use Permit (CUP) 26-004 to establish an indoor pickleball facility operated under the brand of Pickleball Kingdom in an existing, vacant commercial building located at 4650 Arroyo Vista.

Recommendation:
Staff recommends the Planning Commission:

1. Adopt a resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Existing Facilities;
2. Adopt a resolution approving Conditional Use Permit (CUP) 26-004, subject to the attached Conditions of Approval;
3. Direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk; and
4. Advise the applicant that the Project approval is subject to a 15-day appeal period.

Jesse Garcia, Assistant Planner, presented the staff report.

Abhimanyu Dhariwal, applicant, discussed the proposed Pickleball facility.

Chairperson Krozak opened the public comment period.

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

In response to Commissioner Fintschenko, Assistant Planner Garcia explained the procedure for dealing with complaints of noise disturbance. Abhimanyu Dhariwal confirmed that there would be managers onsite and that no alcohol would be served.

Commissioner Fintschenko confirmed that the findings could be made.

Commission Anderson stated the letter regarding concerns about alcohol was related to Item 5.2.; that the noise concerns had been addressed; and indicated support for the proposed project.

Vice Chair Steele concurred with the other Commissioners and indicated support for the project.

Chairperson Kronzak thanked the applicant for the sound insulation on the roof and indicated the findings for CEQA and the CUP could be made.

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

Resolution 07-26 Finding that the Conditional Use Permit (CUP) 26-004 for Pickleball Kingdom is exempt from the provisions of The California Environmental Quality Act (CEQA).

Resolution 08-26 Approving Conditional Use Permit (CUP) 26-004 to authorize Pickleball Kingdom to establish a Commercial Recreation Facility at 4650 Arroyo Vista.

5.2 Hearing to consider a request for Conditional Use Permit (CUP) 25-005 authorizing the use of 180 South Livermore Avenue as an indoor-outdoor event space featuring a rooftop bar and flexible event areas designed for weddings, corporate events, private gatherings, and community-oriented programming.

Recommendation:
Staff recommends the Planning Commission:
1. Adopt a resolution finding the project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Existing Facilities;
2. Adopt a resolution approving Conditional Use Permit (CUP) 25-005 to allow the operation of an event center (Blanco Modern Venue) at 180 South Livermore Avenue, subject to the attached Conditions of Approval.
3. Direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk; and
4. Advise the applicant that the Project approval is subject to a 15-day appeal period.

Jennifer Ackerman, Associate Planner, presented the staff report.

Johnathan Vasquez and Mike Messinger, property owners, discussed the proposed project; and experience at the San Jose facility.

Chairperson Krozak opened the public comment period.

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

Commissioner Anderson discussed the value of the project in Downtown and expressed the need to ensure proper conditions upon approval. In response to Commissioner Anderson, Mr. Vasquez and Mr. Messinger explained the allowable occupancy and event guests.

In response to Commissioner Anderson, Associate Planner Ackerman and Planning Manager Riley explained the conditions related to peak hours; and the valet location and queuing. Commissioner Anderson discussed project related and future modifications to the intersection.

In response to Commissioner Fintschenko, Associate Planner Ackerman and Planning Manager Riley clarified that the occupancy came from the business

plan; the condition regulating the peak hour restriction, based on city-wide traffic studies; valet parking services; hours of operation; noise concerns; condition to provide a map to the venue and parking; and neighborhood notice. The applicants discussed the onsite management and usual wedding hours. Commissioner Fintschenko requested the condition be modified to "Outdoor entertainment conclude by 11 pm."

In response to Vice Chair Steele, Mr. Vasquez and Mr. Messinger explained the process when valet was full.

Chairperson Kronzak discussed concerns with sound management; and confirmed the 11 pm cutoff time for outdoor entertainment, consistency with the Downtown Specific Plan and presence of security.

Commissioner Anderson suggested one parking spot on 2nd Street be converted to 15 minutes parking; and confirmed that the applicant was willing to consider a reservation system for valet parking. Planning Manager Riley suggested encouraging the applicant to use a valet reservation system.

In response to Commissioner Fintschenko, Associate Planner Ackerman explained the process of dealing with issues related to traffic and neighborhood concerns; and condition to submit event plans. The applicant reiterated their long tenure as a Downtown property owner and ensured any issues would be addressed.

Commissioner Anderson suggested signage regarding the parking location. Planning Manager Riley referenced internal discussions on wayfinding kiosks. Director of Innovation, Economic Development Brandon Cardwell clarified consideration of wayfinding and access to parking; and Staff efforts to communicate parking accommodations. Commissioner Anderson suggested adding direction for staff to work with the applicant on temporary A-frame signage and proactive monitoring.

ON THE MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER FINTSCHENKO AND CARRIED ON A 4-0 VOTE, THE PLANNING COMMISSION ADOPTED THE FOLLOWING RESOLUTIONS, AMENDED TO DIRECT STAFF TO WORK WITH APPLICANTS TO PROVIDE TEMPORARY SIGNAGE TO FIND PARKING (IN PARTICULAR, THE GARAGES) WHEN THE VALET IS FULL; FOR STAFF TO MONITOR IMPLEMENTATION OF THE PARKING PLAN FOR SIX MONTHS INCLUDING TWO VALET EVENTS; AND ALLOWING STAFF TO MAKE NECESSARY ADJUSTMENTS TO THE PARKING OPERATION PLAN; TO MODIFY CONDITION B.3 AS SHOWN IN HIGHLIGHT AND UNDERLINE:

Exterior noise levels shall not exceed 70 dBA at the property line between 7 a.m. and 11 p.m. No outdoor music or amplified sound is permitted after 11 p.m. Exterior noise levels shall not exceed 65 dBA at the property line between 11 p.m. and 7 a.m.

Resolution 09-26 Finding the use of 180 South Livermore Avenue as an indoor-outdoor event space is exempt from the provisions of The California Environmental Quality Act (CEQA).

Resolution 10-26 Approving Conditional Use Permit (CUP) 25-005, authorizing the use of 180 South Livermore Avenue as an indoor-outdoor event space for The Blanco Modern Venue Event Center Project.

6. MATTERS FOR CONSIDERATION - NONE

7. MATTERS INITIATED BY PLANNING COMMISSION STAFF

Commissioner Anderson requested that the intersection of South Livermore and 2nd be looked at for pedestrian safety. Chair Kronzak and Commissioner Fintschenko concurred.

Planning Manager Riley introduced Assistant City Attorney Molly O'Toole. Planning Manager Steve Riley also mentioned the upcoming APA Conference.

8. ADJOURNMENT – at 9:05 pm to a Regular Planning Commission Meeting on Tuesday, July 7, 2026 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

LIVERMORE
CALIFORNIA

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

DATE: July 7, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Hearing to consider a resolution recommending certification of the General Plan Environmental Impact Report, approval of the Livermore General Plan 2045, and approval of conforming Zoning Map Amendments establishing a long-term vision, goals, policies, implementation actions and land use designations to guide future decision-making related to growth, development, and resource conservation through 2045.

RECOMMENDED ACTION

Staff recommends the Planning Commission adopt separate resolutions recommending the City Council:

- Certify the General Plan 2045 Final Environmental Impact Report (EIR)
- Adopt Livermore General Plan 2045, subject to the revisions identified in the Errata Sheet dated July 7, 2026 (GPA 21-003)
- Adopt an ordinance making conforming amendments to the Livermore Zoning Map (ZMA 26-001)
- Retain Existing General Plan Scenic Corridor Policy (under separate cover) until new Scenic Resources policies are considered at a future date (POL 26-002)

The Planning Commission's action is a recommendation to City Council.

SUMMARY

The Livermore General Plan 2045 (General Plan) establishes a long-term vision, goals, policies, and implementation actions to guide decision-making over the next 20 years. Developed through an extensive public engagement process from 2021 to 2026, the General Plan addresses State-required and locally significant topics such as land use, housing, mobility, infrastructure, and economic development. The General Plan builds on longstanding priorities such as open space, Downtown and South Livermore vitality, and multimodal transportation, while introducing new emphasis on climate resilience, environmental justice, and healthy communities.

In May 2026, the City Council reviewed the Draft General Plan, approved revisions recommended by the Planning Commission, and directed staff to proceed with adoption with additional minor revisions. Since that time, staff prepared minor amendments to the Land Use Map and policy language to provide greater

clarity and respond to needs of property owners. The proposed General Plan is supported by a Final Environmental Impact Report (EIR) and is intended to provide a balanced decision-making framework while accommodating state-mandated housing requirements, managing community resources, and advancing Livermore's long-term vision. The General Plan and Final EIR are available at www.ImagineLivermore2045.org. Staff recommend the Planning Commission recommend Council certify the General Plan EIR, adopt the General Plan with the proposed revisions, and amend the Livermore Zoning Map for consistency.

DISCUSSION

GENERAL PLAN 2045 OVERVIEW

The General Plan includes a Vision, description of key community issues, and goals and policies that guide how the City will address those issues and is supported by maps and diagrams. The General Plan covers all State-required topics and additional locally important themes identified by the community. The document also includes an Implementation Plan, which identifies specific actions the City can take to prioritize work programs, allocate resources, and ensure decisions are aligned with the community's long-term vision. Together the General Plan's goals, policies, and actions provide guidance and manage resources over the next 20 years. A Link to the General Plan is included in Attachment 7.

COUNCIL DIRECTION ON DRAFT GENERAL PLAN 2045

On May 11, 2026, the City Council received a presentation on the Draft General Plan 2045, including a summary of the community feedback and General Plan Advisory Committee (GPAC) and Planning Commission recommendations. For a summary, please refer to May 11, 2026, City Council Staff Report, Attachment 1. The City Council directed staff to incorporate the Planning Commission recommended revisions in addition to additional Council edits, into General Plan 2045, which are summarized in Attachment 8. (General Plan Errata Sheet)

STAFF RECOMMENDED CHANGES

In addition to the revisions directed by Council on May 11, Attachment 8 also includes new staff recommended revisions to the General Plan.

Midtown Land Use Designation and Policy

On February 24, 2025, the City Council authorized staff to proceed with the Draft Land Use Map and heard concerns from a large Midtown property owner, McGrath Rent Corps, located on Southfront and Las Positas Roads, regarding potential impacts of proposed land use and zoning changes on their ongoing operations. Recognizing both the area's suitability for future housing and the need to support a large, profitable business during any transition, the Council directed staff to work with the property owner to identify a balanced approach that provides flexibility until relocation is desired and feasible and the City is prepared to pursue a specific plan. Since then, staff have collaborated with the property owner to revise the land use designation to provide greater certainty, clarify policy language related to zoning in the absence of an adopted specific plan, and negotiate a First Amendment to an existing Development Agreement.

Midtown Land Use Designation. Staff recommend revising the General Plan Land Use Map to designate

an approximately 37-acre portion of the Midtown area as Service Commercial (SC), which is owned by McGrath Rent Corps and fronts onto Southfront Road, to maintain clarity and certainty regarding permitted and legal land uses. The approximate 40 acres represent a portion of the Midtown area envisioned for service oriented and industrial operations, providing the property owner flexibility to pursue new uses compatible with the SC designation. See attached Errata Sheet that reflects this General Plan Map change.

Midtown Policy Language. It has long been the intent that under the Midtown Designation the current zoning would remain in effect until such time the City adopted a new Specific Plan for the area. Confusion remains among property owners and members of the real estate brokerage community regarding permitted land uses. Therefore, staff recommend adding the following policy to the General Plan Land Use Element:

- **Policy LU-15.8 Midtown Land Use Consistency** To provide clarity, ensure a smooth transition, and avoid ambiguity, the zoning districts in effect at the time of adoption shall remain in place until a Midtown Specific Plan is adopted.

Development Agreement (DA). Additional terms and conditions are expressed in an Amendment to the existing DA with McGrath Rent Corps that allow for continued ongoing operations in addition to property owner support for future residential land use changes. Staff will present the Draft Amendment to the Development Agreement to Planning Commission as a separate item for consideration.

Los Colinas/Adventus Land Use Designation

On February 24, 2025, the City Council authorized staff to negotiate terms for a Development Agreement (DA 24-004) with Adventus Corporation to secure community benefits associated with requested land use designation changes to be considered as part of the General Plan Update. The subject 122-acre property is vacant and located at 3658 Las Colinas Road between I-580 and Springtown south of the Redwood Road terminus.

Through a year-long negotiation, staff recommends revising the General Plan Land Use Map by adjusting the floating Medium Density Residential (MDR) 3 designation to a dual MDR 2/MDR 3 floating designation and adding the High Density Residential (HDR) 1 designation on the southern portion of the site. This adjustment provides greater flexibility and range of housing product types, improved compatibility with surrounding development, and opportunities to achieve deeper affordability levels. General Plan policies require a future Neighborhood Plan to define site layout, building form, design, and circulation, which is anticipated to be part of a larger entitlement package. Staff will present a Draft Development Agreement under a separate item for Planning Commission's consideration. See attached Errata Sheet that reflects this General Plan Map change.

305 South Vasco Road and 5958 Brisa Street Land Use Designations

Staff recommends updating the General Plan land use designation from Neighborhood Commercial to General Industrial for a 3.6 acre vacant site located at the northwest corner of Brisa Street and South Vasco Road (it is comprised of two parcels that are addressed 305 South Vasco Road and 5958 Brisa Street). Due to the site's size and location within an established industrial area, neighborhood-serving retail and commercial uses are unlikely to be viable at this location. The site is better suited for industrial and employment-generating uses that complement the surrounding development pattern. See attached

Errata Sheet that reflects this General Plan Map change.

In addition, residential uses are prohibited on this site through existing agreements among property owners within the industrial park, further limiting opportunities for mixed-use development. Redesignation to General Industrial would support the City's economic development objectives, reinforce the integrity of the industrial employment area, improve compatibility with surrounding uses, and facilitate coordinated use and development of adjacent industrial properties.

Camden Commons/Cole Commons Designation

Staff observed a mapping error and recommends correcting the land use designation of an existing townhome development located at the intersection of Camden Commons and Cole Commons, in Springtown, from Neighborhood Mixed-Use High Density (NMH) to Medium Density Residential 3 (MDR3) to reflect the existing residential use. The existing NMH designation does not reflect site conditions and resulted from a mapping error associated with the site's previous dual designation of Neighborhood Commercial (NC) and Urban High Density Residential (UH3). The attached errata sheet reflects this General Plan map change.

CONFORMING AMENDMENTS TO LIVERMORE ZONING MAP

Staff recommends conforming amendments to the Zoning Map to maintain consistency between the City's Zoning Map and the General Plan upon its adoption, as required by State law.

The proposed amendments are based on the Draft General Plan Land Use Map authorized by the City Council in February 2025, which included updated land use categories, property owner requests, and staff-recommended adjustments to better align land use designations with existing uses. In addition, the proposed Zoning Map amendments incorporate the land use map refinements described above and identified in the Errata Sheet (e.g. Midtown, Las Colinas, and 305 Vasco Road). Attachments 10 and 11 illustrate the current and proposed Zoning Maps, respectively, and Attachment 12 identifies the areas where zoning alignments are proposed.

Further, Staff anticipate presenting subsequent Livermore Development Code conforming amendments to Planning Commission and City Council for review and consideration following the adoption phase of the General Plan Update process. Future amendments to the Livermore Development Code include updates to purpose statements, clarification of permitted uses, and adjustment to nonresidential development standards in conventional Zoning Districts in alignment with new General Plan policy.

SCENIC RESOURCES IMPLEMENTATION

General Plan 2045 includes policies that support the protection of scenic resources while balancing community and economic development objectives. During the General Plan update process, the Planning Commission recommended, and the City Council directed, that the General Plan retain high-level policy statements and that implementing regulations be removed from the General Plan and incorporated into the appropriate planning documents such as the Livermore Development Code. The Scenic Resources Policies and Actions identify future amendments to the Development Code to establish scenic overlay districts and implementing regulations. Until such time as a Scenic Corridor Overlay or other implementing regulations are adopted, staff recommend maintaining the existing Scenic Corridor Policies as a separate document (Attachment 14).

FINAL ENVIRONMENTAL IMPACT REPORT

As required by the California Environmental Quality Act (CEQA), staff have prepared a Final Environmental Impact Report (Final EIR) (Attachment 3) for General Plan 2045, in response to public and agency comments received on the Draft EIR.

On March 3, 2026, the City issued a Notice of Availability and circulated the Draft EIR for public review and comment. The Draft EIR was distributed to local, regional, and State agencies, as well as interested parties, published in a newspaper of general circulation, and made available for review on the General Plan 2045 website at www.ImagineLivermore2045.org. On March 17, 2026, the Planning Commission held a public hearing to receive comments on the Draft EIR. Written comments were accepted throughout the 53-day public review period, which concluded on April 24, 2026.

In addition to oral comments received at the public hearing, the City received 13 comment letters during the public review period, including four from government agencies and nine from members of the public. The Final EIR includes revisions to the Draft EIR and responses to all comments received. To address recurring issues, the Final EIR includes master responses on (1) Standards for Responses and Focus of Review and (2) Population Growth. The Standards for Responses and Focus of Review master response explains that CEQA requires responses to comments on environmental issues, but does not require responses to comments on the merits of the project. The Population Growth master response clarifies that the population assumptions used in the Draft EIR are not growth targets or forecasts, but rather a conservative buildout scenario based on the amount of growth the City must plan for under State law and regional planning requirements.

Chapter 3 of the Final EIR includes revisions to the Draft EIR that consist primarily of clarifications, corrections, and updated information, including:

- Revisions to tribal cultural resources mitigation measures
- Clarifications to proposed General Plan policies and Land Use Map
- Updated references for regional planning documents
- Updated school enrollment and capacity information from the Livermore Valley Joint Unified School District
- Addition of transportation regulations
- Correction of a typographical error in the projected water demand table
- Clarification of projected buildout under the proposed project and Alternative A

Under CEQA Guidelines Section 15088.5, recirculation is required only when a Draft EIR contains “significant new information,” such as a new significant impact, a substantial increase in the severity of an impact, a feasible but unadopted alternative or mitigation measure that would clearly reduce impacts, or when the Draft EIR is so inadequate that meaningful public review is precluded. The revisions included in the Final EIR do not meet these thresholds, and recirculation is not required.

The EIR identifies significant and unavoidable impacts related to Agricultural Resources, Air Quality, Greenhouse Gas Emissions, Mineral Resources, and Noise that cannot be mitigated to a less-than-significant level. Accordingly, certification of the EIR includes adoption of a Statement of Overriding Considerations (Attachment 4). The Statement of Overriding Considerations concludes that the benefits

of General Plan 2045 outweigh these unavoidable environmental impacts. Key benefits include extending the City's planning horizon and updating policies to meet State requirements; supporting infill development to accommodate future housing needs and economic growth; protecting resources while providing adequate infrastructure and public services; promoting long-term fiscal sustainability through efficient development patterns; and fostering a diverse and resilient local economy.

Finally, the Final EIR includes a Mitigation Monitoring and Reporting Program to identify the timing and responsible party for each mitigation measure in the EIR.

IMPLEMENTATION AND FUTURE WORK PROGRAMS

Following the adoption of the General Plan 2045 Update, staff anticipate bringing forward the following implementation work programs for Planning Commission and City Council review and consideration:

- Scenic Resources Overlay District: create associated development standards to protect scenic resources in balance with other city objectives and new General Plan policies.
- Business Ready Initiative: support business attraction, retention, and growth through improved permitting and fee processes and strategic partnerships.
- Vasco Row District Plan and Downtown and South Livermore Valley Specific Plan updates: expand economic development opportunities, support local businesses, increase visitation, and encourage investment.
- Missing Middle Housing standards and incentives: broaden housing options while maintaining neighborhood compatibility.
- Active Transportation Plan and Standard Details updates: codify bicycle and pedestrian facility design standards among other ATP updates.
- Noise Ordinance: revisions to improve clarity and implementation.
- Development Impact Fees update: respond to infrastructure needs identified in General Plan 2045.

Staff anticipate commencing these implementation initiatives in late 2026 and early 2027, pending City Council direction.

ATTACHMENTS

1. CC May 11 GPU Staff Report
2. Resolution CEQA
3. Exhibit A - Link to General Plan 2045 Final EIR
4. Exhibit B - Findings of Fact and Statement of Overriding Considerations
5. Exhibit C - Mitigation Monitoring and Reporting Program
6. Resolution recommending General Plan adoption
7. Exhibit A - Link to Livermore Draft General Plan 2045
8. Exhibit B Errata Sheet
9. Resolution Zoning Map Amendment
10. Exhibit A - Existing Zoning Map
11. Exhibit B - Proposed Zoning Map

12. Exhibit C - Proposed Change Areas
13. Resolution - Scenic Resources Policy
14. Exhibit A - Scenic Resources Policy

Prepared by: Andy Ross
Principal Planner

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 8.1**

DATE: May 11, 2026

TO: Honorable Mayor and City Council

FROM: Brent Smith, Community Development Director

SUBJECT: Comprehensive General Plan Update – Draft General Plan 2045

RECOMMENDED ACTION

Staff recommends the City Council:

- Receive a presentation on the Draft General Plan 2045;
- Consider community, General Plan Advisory Committee (GPAC), and Planning Commission feedback on the Draft General Plan 2045; and
- Provide direction on any changes or revisions that should be incorporated into the Draft General Plan 2045.

SUMMARY

The Draft Livermore General Plan 2045 (Draft General Plan) updates the City's existing 2003 General Plan to reflect current community priorities, address key challenges, and guide decision-making over the next 20 years. Shaped by extensive public engagement from 2021 to 2026, the Draft General Plan establishes a comprehensive framework of goals, policies, and implementation actions across State-required and locally significant topics such as land use, housing, mobility, infrastructure, and economic development.

The Draft General Plan builds on long-standing priorities like preserving open space, supporting downtown and South Livermore vitality, and promoting multimodal transportation, while introducing new emphasis on climate resilience, environmental justice, and healthy communities. Supported by an Environmental Impact Report and ongoing public input, the Draft General Plan is intended to ensure consistent and balanced decision-making in alignment with Livermore's long-term vision, while addressing state-mandated requirements, such as planning for future housing growth.

The Draft General Plan is available at www.ImagineLivermore2045.org.

Staff recommends the City Council review the Draft General Plan and provide direction on revisions that should be incorporated into the Draft General Plan.

DISCUSSION

DRAFT GENERAL PLAN 2045 PROCESS

The Draft General Plan updates the 2003 General Plan to reflect community priorities, address key issues facing the City, support future decision-making, and improve overall organization and clarity. The Draft General Plan is shaped by input received through more than 50 community events (a combination of workshops, staff presentations, property owner meetings, pop-up events, and a communitywide survey), 36 General Plan Advisory Committee (GPAC) meetings, seven Planning Commission meetings, and eight City Council meetings from 2021 through 2026. The Draft General Plan is a culmination of community, GPAC, and Planning Commission feedback and, ultimately, City Council direction.

DRAFT GENERAL PLAN 2045 OVERVIEW

The Draft General Plan includes a Vision, description of key community issues, goals and policies that guide how the City will address those issues, and it is supported by maps and diagrams. The Draft General Plan covers all State-required topics and additional locally important themes identified by the community. The document also includes an Implementation Plan, which identifies specific actions the City can take to prioritize work programs, allocate resources, and ensure decisions are aligned with the community's long-term vision. Together, the Draft General Plan's goals, policies, and actions provide guidance to the City on how to direct change and manage resources over the next 20 years.

The Draft General Plan is made up of the following elements (an asterisk "*" indicates the element is State required):

- **Land Use*:** Determines the types and locations of future uses and development of land in Livermore and establishes policy guidance more broadly for land uses within the Sphere of Influence (SOI) and Planning Area.
- **Community Identity:** Provides information about the unique qualities of Livermore, including civic life and governance, social interactions, arts and culture, the natural setting, urban design, scenic resources and gateways, lighting and glare, cultural and historic resources, and establishes policy guidance to identify, protect, and enhance these systems and features.
- **Mobility (Circulation)*:** Establishes policy guidance for transportation systems and the movement of people and goods within the community, including roadway safety, public transit systems, bicycle and pedestrian facilities, parking facilities, air transportation, goods movement, emerging transportation technology, and identifies system improvements necessary to meet existing and projected needs.
- **Housing*:** Identifies housing needs for residents of all income levels and establishes an action program to meet those needs, including planning for and requiring new affordable housing, preserving existing affordable housing, ensuring equal opportunity to access housing, collaborating regionally to address housing needs, and supporting energy efficiency in existing and new homes. The Housing Element is updated on a separate schedule from the rest of the General Plan to meet the requirements of State housing laws. The current 2023-2031 Housing Element is available under separate cover on the City of Livermore's website and will not be modified as part of the General Plan 2045.
- **Infrastructure:** Establishes policy guidance to maintain adequate infrastructure service levels, including water facilities and delivery, wastewater collection and treatment, and stormwater

capture and management.
- **Community Services:** Establishes policy guidance to support adequate access to services such as schools, childcare, solid waste disposal, healthcare and healthy food, libraries, and programs intended to support aging adults.
- **Open Space and Conservation*:** Establishes policy guidance to conserve and protect open space and natural and agricultural resources, including park and recreation facilities in Livermore.
- **Noise*:** Quantifies current and projected noise levels from a variety of sources, explains impacts associated with noise, and establishes policies to inform land use decision-making to address current and foreseeable noise impacts.
- **Safety*:** Establishes law enforcement, emergency preparedness, and emergency response policies to ensure a safe community and protection from risks associated with the effects of seismic hazards, other geologic hazards, flooding, and wildland and urban fires.
- **Economic Development:** Establishes policy guidance to facilitate and maintain a balanced mix of economic activity and a variety of economic sectors throughout the community to support the fiscal vitality of Livermore.

The Draft General Plan carries forward important ideas and concepts in Livermore's current General Plan and other long-standing planning efforts:

- Maintaining and strengthening Downtown as the heart of the community
- Facilitating Infill Development consistent with the Urban Growth Boundary
- Protecting the natural environment and preservation of open space
- Promoting agricultural conservation and economic vitality of South Livermore
- Supporting bicycling, walking, and public transit as modes of travel

The Draft General Plan 2045 also introduces new approaches and areas of emphasis to General Plan topics and opportunities:

- *Climate Resilience and Sustainability* addresses climate change adaptation, greenhouse gas reduction, water conservation, and sustainable development through policies integrated throughout the Draft General Plan and denoted with an icon.
- *Environmental Justice* ensures all residents have access to services and safe and healthy places to live and play. Policies are woven into all elements of the Draft General Plan and denoted with an icon.
- *Economic Development* emphasizes Livermore’s diverse economy by strengthening existing businesses and facilitating the growth of an innovation, visitation, and craft economy.
- *Community Identity* celebrates Livermore's unique qualities shaped by science, agriculture, and arts.
- *Healthy Communities* addresses access to healthcare, healthy food, childcare, and services for aging adults.

COUNCIL POLICY DIRECTION

On April 28, 2025, the City Council directed that General Plan policy language should remain at a higher level of abstraction, and detailed strategies should be incorporated into the appropriate implementation documents (such as the Development Code). Following Council direction, staff prepared the complete set of draft goals and policies, which are published as part of the Draft General Plan 2045.

COMMUNITY FEEDBACK ON THE DRAFT GENERAL PLAN 2045

Following publication of the Draft General Plan on February 20, 2026, City staff have undertaken outreach efforts to inform the community and gather feedback, as summarized in Table 1. As of April 30, 2026, approximately 181 people have provided feedback on the Draft General Plan 2045. (Some have provided comments more than once). Attachment 1 provides a summary of community input received to date. Based on the open house, online tool, and written comments, some of the emerging themes from the community feedback on the Draft General Plan include:

- Maintain and protect retail and industrial uses.
- Protect open space and agricultural resources.
- Provide a variety of housing types affordable to different incomes.
- Plan for a multimodal transportation system.
- Projected population growth appears higher than expected.

Table 1: Draft General Plan 2045 Outreach Activities and Comments

Outreach Activity	**Date**	**Number of Participants**
Draft General Plan 2045 Online Commenting Tool at www.ImagineLivermore2045.org	Published February 20, 2026	4
Public Hearing on the General Plan 2045 Environmental Impact Report	March 17, 2026	3
Open House at Robert Livermore Community Center	March 18, 2026	30
Draft General Plan 2045 Informational Video	Published March 18, 2026	n/a
Draft General Plan 2045 Executive Summary	Published March 19, 2026	4
GPAC Meeting on Draft General Plan 2045	April 1, 2026	4
Pop-up Events at Farmers' Market	April 9, 2026	15
Bilingual Intercept Outreach by La Familia (local Community Based Organization)	March and April 2026	100
Planning Commission Meeting on Draft General Plan 2045	April 21, 2026	7
Emails	February through April 2026	14

GPAC FEEDBACK ON THE DRAFT GENERAL PLAN 2045

On April 1, 2026, the GPAC provided a range of comments and recommended adoption of the General Plan 2045. A summary of the GPAC meeting and feedback is included as Attachment 2. Some of the overarching themes that emerged from the GPAC's discussion included:

- Clarification that no new land uses are proposed for the east of Greenville future study area.
- Emphasized planning a future Midtown Specific Plan area that would not be dependent upon future Valley Link service.
- Expressed the importance of keeping the General Plan at a high level to maintain flexibility in responding to evolving needs and technologies.

- The General Plan highlights the importance of South Livermore and identifies policy direction and actions to implement the continued vitality of the visitor serving region.

PLANNING COMMISSION FEEDBACK ON THE DRAFT GENERAL PLAN 2045

On April 21, the Planning Commission reviewed the Draft General Plan and received a presentation from staff. The Commission received public comments related to population growth and preservation of the Urban Growth Boundary. The Commission did not see the need for major revisions to the documents and accepted staff's minor modifications:

- Add new statement to clarify that the Floor Area Ratios (FARs) in the Land Use Element represent maximum allowable intensities. (Planning Commission did not recommend adjusting the the FAR identified in the Draft General Plan).
- Add a new policy establishing an open space separation in the Doolan Canyon area, similar to existing policies for South Livermore Valley.
- Make minor land use map adjustments to reflect current conditions and support existing businesses, including maintaining a dual designation in the First Street Transition Area and restoring a General Industrial designation for the Las Positas/Contractor's Place area.

Further, the Commission recommended minor adjustments to mobility policies and suggested clarifying that any study of the East of Greenville area would not be required under any circumstance, that the City retains full discretion, and that neither the policies nor a future study would alter the Urban Growth Boundary (Attachment 3). Similarly, Attachment 3 also includes additional administrative edits staff recommends making to the Draft General Plan.

THE DRAFT GENERAL PLAN 2045 ENVIRONMENTAL IMPACT REPORT

As required by the California Environmental Quality Act (CEQA), the City has prepared a Draft Environmental Impact Report (EIR) to address the environmental effects associated with adoption and implementation of the Draft General Plan 2045. The public review period for the Draft EIR began on March 7, 2023, and will end at 5:00 pm on April 24, 2026. (The Draft EIR can be found at the Imagine Livermore 2045 project website). The Draft EIR discloses the environmental impacts expected to result from implementation of the General Plan 2045 including the effects of potential future maximum buildout.

On March 17, 2026, the Planning Commission held a public hearing on the Draft EIR to receive public comments. Public comments received pertained to population assumptions included in the Draft EIR, remarking that the projections anticipate more population growth than will actually occur. The population assumptions included in the Draft EIR are not a projection or a forecast. The General Plan identifies a density range for each developable residential parcel. Whether to build new housing and at what density to build within the permitted range is at the discretion of the property owner. The Draft EIR is required to evaluate maximum potential impacts. The population numbers identified reflect the population growth that could occur with the maximum possible development capacity, as identified in the General Plan to accommodate future state housing requirements. The Draft EIR plans for a maximum of 16,610 net new housing units by the horizon year 2045 which would house approximately 43,820 net new people based on Livermore's current average household size.

Livermore's state housing requirement (the Regional Housing Needs Assessment, or RHNA) for 2023-2031 is 4,570 housing units, distributed among four income categories that range from Very Low Income to Above Moderate Income. However, the Draft General Plan extends beyond the end of the 6th Housing Element cycle (2023-2031). Assuming continued 8-year housing allocation cycles, and that the General Plan's expected horizon year is 2045, the updated General Plan designates sufficient residential land to accommodate the future 7th cycle (January 2031 to January 2039) and possibly the 8th cycle (January 2039 to January 2047), depending on the RHNA housing allocation numbers required.

The scale of future RHNA housing allocations is unknown and difficult to predict. Housing requirement numbers are ultimately determined by the State and Association of Bay Area Governments (ABAG) based on statewide demographics. Hypothetically, if the 7th cycle of state Housing requirements is in the same proportion to the existing number of homes as the 6th cycle, it would call for approximately 5,100 new units. Similarly, if the 8th cycle continues that trend, it could be expected to call for an additional 5,900 new units. The combined total would be approximately 11,000 new units over the 7th and 8th cycles (2031 to 2047). This does not include any additional "buffer" for the two future housing requirement cycles. A buffer is necessary to ensure that if the sites listed in the housing opportunity sites inventory are developed without housing or are developed with less than the full amount of housing claimed in the inventory, there is remaining capacity to ensure an ongoing supply of sites for the full allocation during the eight years of the Housing Element cycle. The State recommends a buffer of least 15% to 30%.

If the City does not designate adequate residential sites to meet the future requirements as part of this Draft General Plan 2045, the next Housing Element, which must be adopted in January 2031, and could begin preparation in 2028 or 2029, the City may need to revisit the General Plan land use map and include a process to identify and change the designations on additional sites to accommodate more future housing.

The Draft EIR provides an analysis of future housing and population growth that aligns with future state housing requirements and reflects the residential capacity that would be available from the land use designations on the Draft General Plan land use map. The City of Livermore is obligated to plan for sufficient housing sites and have policies in place to support housing production, but ultimately market conditions and the decisions of private landowners and project applicants will determine the amount of housing that is built over the next 20 years. The population assumptions used for the Draft EIR are not a target or a forecast and do not commit the City to approving or constructing any specific project.

FISCAL IMPACT ANALYSIS

Assuming that actual population growth would likely be lower than the maximum zoning capacity and determined by market conditions and developer/property owner decisions, staff prepared the Fiscal Impact Analysis based on a feasible development scenario. The purpose of the Fiscal Analysis is to confirm that future growth will be fiscally sustainable, public services can be maintained, and to evaluate the fiscal health of the City through the horizon year 2045. (Attachment 4).

The fiscal analysis uses the City's budget documents and forecasting methods to assess how the General Plan 2045 may affect General Fund revenues and expenditures. It is based on a realistic development scenario informed by past growth trends, assuming less residential and non-residential development than the full theoretical buildout considered in the Draft EIR. The analysis estimates 7,500 net new housing units by 2045, consistent with trends under the current General Plan. During the 2003

General Plan cycle, the City planned for about 11,800 housing units but developed approximately 5,400, an overall buildout rate of about 46%. Rather than projecting actual revenues, the analysis evaluates the relative fiscal value of different land use types.

The fiscal analysis evaluates the value associated with different land use types; it does not forecast expected City revenues. Existing deficiencies in City services, depreciation of public facilities, and new infrastructure that may be required by new development are outside of the scope of the fiscal analysis. Overall, the fiscal analysis found that the assumed buildout of the General Plan 2045 is projected to generate annual General Fund revenues that exceed the costs of providing public services under existing service standards.

NEXT STEPS

Following this Council meeting, staff will revise the Draft General Plan 2045 based on Council direction and prepare the following steps to finalize the Draft General Plan 2045:

- July 2026: Planning Commission and City Council will hold public hearings to provide recommendations and consider adoption of the General Plan 2045 and conforming Livermore Development Code amendments and certification of the EIR.
- August 2026: Finalize and publish the adopted General Plan 2045 per Council direction.

FISCAL AND ADMINISTRATIVE IMPACTS

The Draft General Plan envisions a 20-year buildout to the horizon year 2045. Based on the feasible development scenario analyzed, the General Plan 2045 is anticipated to provide sufficient resources to cover the cost of public services under existing service standards. A detailed Fiscal Impact Analysis is provided in Attachment 4.

COMMUNITY PILLAR:

4. Inclusive and Inviting Spaces and Places

GOAL:

4. Continue to complete the General Plan Update

ATTACHMENTS

1. Community Feedback on Draft General Plan 2045
2. Summary of GPAC Feedback on Draft General Plan
3. Recommended Revisions to Draft General Plan 2045
4. Livermore GPU 2045 Fiscal Impact Analysis

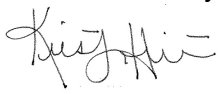
Prepared by: Andy Ross
Principal Planner

Approved by:



Marianna A. Burch
City Manager

Fiscal Review by:



Kristen Hilton
Acting Administrative Services Director

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE GENERAL PLAN 2045 AND ZONING MAP AMENDMENT AND ADOPT CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM

The City of Livermore is considering adoption of the General Plan 2045, a comprehensive update to the City's 2003–2025 General Plan. General Plan 2045 revises long-range goals, policies, actions, and land use designations to reflect current conditions and community priorities, comply with State and regional requirements, and guide future decision-making through the year 2045 ("Project"). The Project addresses emerging issues such as climate resiliency, transportation technology, and State housing obligations, and includes all State-mandated elements along with elements tailored to Livermore's needs. The previously adopted 2023–2031 Housing Element remains a standalone document and is not part of the Project. The Project also includes a conforming Zoning Map amendment necessary to maintain consistency between the updated General Plan land use designations and the City's zoning ordinance.

The City determined that the Project is subject to the California Environmental Quality Act ("CEQA") (Public Resources Code section 21000 et seq.) and the CEQA Guidelines (Title 14, sections 15000 et seq. of the California Code of Regulations), and that an Environmental Impact Report ("EIR") is required. Given the long-term planning horizon and the interconnected nature of future planning and development actions under the Project, the EIR was prepared as a Program EIR pursuant to CEQA Guidelines section 15168.

On March 7, 2023, pursuant to CEQA section 21092 and CEQA Guidelines section 15082, the City issued a Notice of Preparation to obtain comments on the proposed scope of the EIR for the Project and provided for a 30-day review period through April 6, 2023.

On March 21, 2023, the Planning Commission held a public hearing to allow members of the public and other interested parties to comment on environmental issues early in the process. Comments received were considered and incorporated, as appropriate, into the Draft EIR.

On March 3, 2026, the Draft EIR (State Clearinghouse No. 2023030225) was published and made available for review by the public and interested parties, agencies, and organizations for a 53-day public comment period ending April 24, 2026.

On March 17, 2026, the Planning Commission held a duly noticed public hearing to consider the adequacy of the Draft EIR at which time oral and written comments were presented to the Planning Commission. Members of the public and other interested parties were invited by formal public notice to testify on the adequacy of the Draft EIR at the public hearing.

On April 24, 2026, at 5:00 p.m. the public comment period on the Draft EIR was closed. The City received thirteen written comment letters and six oral comments at the March 17, 2026, public hearing.

On June 26, 2026, 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 revisions to the Draft EIR in response to comments. A notice of the Final EIR availability and certification recommendation hearing date was published in a newspaper of general circulation.

On July 7, 2026, the Planning Commission held a duly noticed public meeting to consider the Project and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, the Final EIR (including all appendices), the Findings of Fact, and all other documents, reports, studies, memoranda, maps, oral and written testimony, and materials in the City's file for the Project, 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 upon its own independent review of the Record Evidence and considerations, finds that the Final EIR has been completed in compliance with the intent and requirements of the CEQA Guidelines and the City's local CEQA requirements, and has considered the information contained in the Final EIR and the record prior to taking any action on the Project, other related Project actions, or any of the alternatives. The Planning Commission hereby recommends the City Council certify the Final EIR, attached hereto as Exhibit A, and approve and adopt the Findings, Facts in Support of Findings and Statement of Overriding Considerations Regarding the Environmental Impact Report, attached hereto as Exhibit B.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore hereby recommends the City Council adopt the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit C, which is incorporated into the conditions of approval for the Project.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore recommends that the City Council direct 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 Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of July 7, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

by Stephen Riley, Planning Manager
Secretary to the Planning Commission

Exhibit A – Final Environmental Impact Report for the General Plan 2045

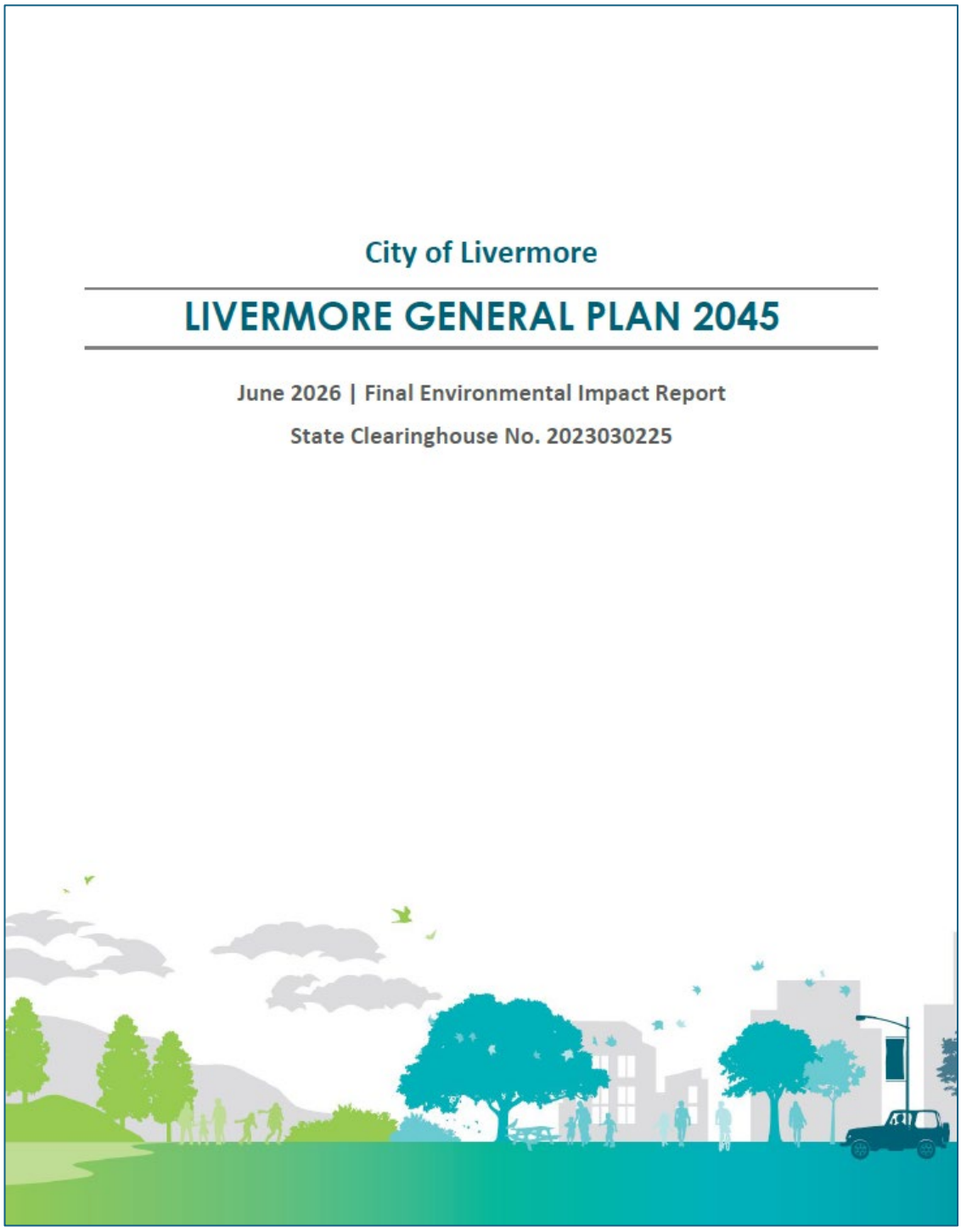
Exhibit B – Findings, Facts in Support of Findings and Statement of Overriding Considerations Regarding the Environmental Impact Report for the General Plan 2045

Exhibit C – Mitigation Monitoring and Reporting Program for the General Plan 2045

Livermore General Plan 2045 Final Environmental Impact Report

Available online at: https://imaginelivermore2045.org/documents/

Publish Date: June 26, 2026



FINDINGS, FACTS IN SUPPORT OF FINDINGS, AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE LIVERMORE GENERAL PLAN 2045 (SCH NO. 2023030225)

On behalf of the City of Livermore (City) and pursuant to the California Environmental Quality Act (CEQA; Pub. Res. Code Sections 21000 et seq.) and the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations), the City has prepared an Environmental Impact Report (EIR) for Livermore General Plan 2045 (the proposed Project). The City is the lead agency for the EIR.

Public Resources Code (PRC) Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute provides that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to provide that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

CEQA Guidelines Section 15091(a) states that "no public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding." The possible findings are:

1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

To support its certification of the EIR and approval of the proposed Project, the City Council of the City of Livermore makes the following findings of fact and statement of overriding considerations (collectively, the Findings). These Findings contain the City Council's written analysis and conclusion regarding the Project's environmental effects, mitigation measures, alternatives to the proposed Project, and the overriding considerations which, in the City Council's view, justify the approval of the proposed Project despite its potential environmental effects. These Findings are based upon the entire record of proceedings for the EIR, as described below.

A. ENVIRONMENTAL REVIEW PROCESS

On March 7, 2023, the City issued a Notice of Preparation pursuant to CEQA to obtain comments on the proposed scope of the EIR for the proposed Project. The City released the Draft EIR on March 3, 2026, for a 53-day public comment period. The City made the Draft EIR available to the Planning Commission; City Council; State Clearinghouse; State, regional, and local agencies and special districts; and interested groups and individuals. On March 17, 2026, the Planning Commission conducted a public hearing on the Draft EIR. Members of the public and other interested parties were invited by formal public notice to provide comments on the scope and content of the Draft EIR at the public hearing. On April 24, 2026, at 5:00 p.m., the 53-day public comment period on the Draft EIR closed. There were 19 written and oral comments received during the public comment period.

The City released the Final EIR for public review on June 26, 2026. The Final EIR consists of copies of all written or oral comments received on the Draft EIR, a list of commenters, all responses to written and oral comments, and proposed revisions to the Draft EIR. Section 21081.6 of CEQA requires lead agencies to adopt a mitigation monitoring or reporting program (MMRP) for any project for which it has made mitigation findings pursuant to Section 21081. The City has prepared an MMRP for the Project, which has been made available to the public with the FEIR. The EIR that is the subject of these Findings and presented for City Council certification consists of the DEIR, the FEIR, and the MMRP.

B. PROJECT DESCRIPTION

Chapter 2, *Project Description*, of the Draft EIR, includes a detailed description of the proposed Project. Since publication of the Draft General Plan and Draft EIR, the Planning Commission and City Council have held several public hearings and provided direction to revise certain proposed General Plan policies and actions. These revisions clarify and refine the Draft General Plan, including minor typographical corrections, and do not result in any new or substantially more severe environmental impacts than those analyzed in the Draft EIR, nor do they change the conclusions of the environmental analysis. These minor modifications include the following:

Land Use Element

- **Floor Area Ratio:** Add new statement to clarify that the Floor Area Ratios (FARs) in the Land Use Element represent maximum allowable intensities.
- **Doolan Canyon Open Space**: Add a new policy establishing an open space separation in the Doolan Canyon area, similar to existing policies for South Livermore Valley.
- **East of Greenville:** Clarification in Policy LU-18.1 that any future study of the East of Greenville area would be at the City's discretion and is not required by General Plan policy.
- **Midtown Zoning:** Clarification that the zoning districts in effect at the time of adoption shall remain in place until a Midtown Specific Plan is adopted.
- **Los Positas/Contractor's Place**: Make minor Land Use Map adjustments to reflect current conditions and support existing businesses, including maintaining a dual designation in the First Street Transition Area and restoring a General Industrial designation for the Las Positas/Contractor's Place area.

- **First Street Transition Area** (Southwestern corner): Make minor Land Use Map adjustment to maintain as a dual Medium Density Residential 3 (MDR3)/Service Commercial (SC) designation.
- **Midtown Specific Plan:** Make minor Land Use Map adjustment to designate an approximately 37-acres of the Midtown area as Service Commercial (SC) to provide clarity on permitted uses and support continued service-oriented and industrial operations, while allowing the property owner to pursue new uses consistent with the SC designation.
- **Vasco Road at Brisa:** Update the Neighborhood Commercial designation to General Industrial, consistent with surrounding uses.
- **Los Colinas:** Refine the Land Use Map to convert the floating MDR-3 designation to a dual MDR-2/MDR-3 floating designation and apply an HDR-1 designation to the southern portion of the site, allowing greater flexibility in housing types, improved compatibility with surrounding development, and opportunities for deeper affordability.

Minor Revisions to Goals, Policies, and Programs

- **Revised Goals and Policies:** Minor adjustments to policies and implementation programs in Mobility, Community Identity, Infrastructure and Safety Elements.

The boundary for the city limit encloses the incorporated territory where the City currently has jurisdictional authority. All land outside of the city limit is part of unincorporated Alameda County and is under the County's jurisdiction. The city limit covers approximately 17,000 acres (about 27 square miles). The urban growth boundary (UGB) is intended to preserve open space and agricultural land outside the UGB. The UGB covers approximately 16,600 acres (about 26 square miles)[1] and was established through two initiatives. The South Livermore Urban Growth Boundary Initiative, passed by local voters in March 2000, established the UGB around the southern edge of the city. The North Livermore Urban Growth Boundary Initiative, passed by City Council in December 2002, completed the UGB around the northern edge of the city. While both UGBs share goals of preserving agriculture and open space and preventing urbanization, the policies regarding development beyond each UGB and changes to each UGB are different.

The Livermore Sphere of Influence (SOI) is the area outside of the city limit designated by the Alameda Local Agency Formation Commission (LAFCO) to indicate land that has the potential to be annexed into the city. The Planning Area encompasses land in Alameda County surrounding the city extending up to four miles beyond the city limit to the north and south. The EIR Study Area includes all land within the city limit, UGB, and SOI. The EIR Study Area does not include the land outside the SOI but within the Planning Area.

The proposed Project updates the current 2003-2025 General Plan goals, policies, and actions, and makes changes to land use designations to reflect current conditions, issues, resources, and community perspectives. For example, changes are needed to address the evolving state of the city and region and to address State housing needs and cover issues such as climate change resiliency and emerging transportation technologies. The proposed update also incorporates regional forecasts for 2045 that extend the planning horizon by approximately 20 years from the current 2025 horizon. The proposed General Plan 2045 includes an introduction, overview of Livermore, nine

[1] The UGB is slightly smaller than the City Limit primarily because the rural residential and vineyard area along Vallecitos Road, Vineyard Avenue, and Kalthoff Common is within the City Limit but outside of the South Livermore UGB.

separate chapters that identify the goals and policies for each given topic, an implementation plan that identifies the actions that help achieve the goals and policies, a glossary, and appendices. Each chapter of the proposed General Plan 2045 contains background information and a series of goals supported by policies and actions.

The proposed General Plan 2045 Land Use Map shows the land use designations that establish the uses, density ranges, and development intensities allowed on each parcel of land. Horizon year (2045) buildout assumptions in the EIR Study Area include 49,640 total housing units, 131,750 total residents, and 63,330 total jobs.

As part of the process of updating the General Plan, the City identified targeted procedural revisions to the Livermore Municipal Code (LMC), additional regulatory language to be located in the Livermore Development Code (LDC), and conforming amendments to the Zoning Map to implement General Plan policies and maintain consistency between the planning documents.

The proposed Project would require adoption by Livermore City Council. The Planning Commission will review the proposed Project and make recommendations to the City Council. While other agencies may be consulted during the General Plan update process, their approval is not required for the adoption of the proposed General Plan 2045. However, subsequent development under the proposed Project may require approval of State, federal, responsible, and trustee agencies that may rely on the programmatic EIR for decisions in their areas of permitting.

Project approvals required include:

- Certification of the General Plan 2045 EIR
- Adoption of the Findings of Fact and Statement of Overriding Considerations
- Adoption of the Mitigation Monitoring and Reporting Program
- Adoption of the General Plan 2045
- Adoption of the amendments to the LMC and LDC

C. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS AND DISPOSITION OF RELATED MITIGATION MEASURES

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the proposed Project. For reasons set forth in the Statement of Overriding Considerations, Section I, the City has determined that overriding economic, social, and other considerations outweigh the following significant, unavoidable effects of the proposed Project.

1. Agricultural Resources Impact AGR-1: Implementation of the proposed Project could result in the conversion of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to nonagricultural uses.

Implementation of the proposed Project would designate Farmland to nonagricultural land uses. As described in Draft EIR Section 3.2, pages 3.2-11 through 3.2-15, this includes small portions of Farmland of Statewide Importance north of Tesla Road that would be redesignated from Agriculture/Viticulture (AGVT) to Wine Country Commercial (WCC), resulting in the potential

conversion of Farmland to nonagricultural uses. Existing regulations, such as the LMC Chapter 3.27 and the proposed General Plan 2045 goals and policies, would reduce impacts associated with the potential conversion of Farmland. Specifically, proposed Policy LU-12.2 requires the City to encourage the establishment and permanent protection of existing and new cultivated agricultural lands through use of conservation easements, land acquisition, and partnerships with organizations. Proposed Policy LU-12.2 limits urban development outside the South Livermore Valley to generate substantial investment in the long-term viability of South Livermore's agricultural economy. Proposed Policy OS-4.1 and Policy OS-4.6 requires the City to preserve undeveloped lands that have agricultural or open space designation, as well as valuable agricultural soils. Proposed Policy OS-4.4 would promote permanent conservation easements. Proposed Policy OS-4.7 and Policy OS-4.8 require the City to identify funding mechanisms to support the preservation of agricultural lands and work with conservation groups and water purveyors to preserve agricultural uses outside the UGB. Because the significance criterion considered in this analysis is the conversion of any qualifying Farmland (Prime Farmland, Unique Farmland, or Farmland of Statewide Importance), the only way to fully avoid a significant impact would be to not allow the conversion of such Farmland to a nonagricultural use. However, doing so is not feasible or practical as the City has a responsibility to meet other obligations, including increasing the number and types of jobs available and reducing the need for residents to commute to high-quality jobs, reducing single-occupant vehicle travel to and from Livermore, and permitting residential development. As evaluated in Draft EIR Section 3.2.4, potential mitigation measures, including agricultural land replacement, transfer of development rights, and topsoil relocation, were determined to be infeasible due to lack of suitable replacement land, inability to avoid net loss of Farmland, and substantial secondary environmental impacts.. Therefore, impacts would remain significant and unavoidable. The City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

2. Agricultural Resources Impact AGR-2: Implementation of the proposed Project could conflict with existing zoning for agricultural use and Williamson Act contracts.

Implementation of the proposed Project would rezone land currently zoned for agriculture to nonagricultural uses and designate agricultural land under the Williamson Act contract to nonagricultural land uses. As described in Draft EIR Section 3.2.4, pages 3.2-15 through 3.2-18, this includes small portions of land north of Tesla Road just within the City Limit under a Williamson Act contract with an existing zoning designation of South Livermore Valley Agricultural that would be redesignated from AGVT to WCC, which would result in the development of land currently zoned for agricultural uses under a Williamson Act contract with nonagricultural uses. Existing regulations, such as the Alameda County Agricultural Preserve Program, LMC, LDC, as well as the proposed General Plan 2045 goals and policies would reduce impacts associated with potential conflicts. Specifically, proposed Policies LU-7.1 through LU-7.3 would require regular review of and flexibility in development standards for agricultural zoning and uses to support agricultural production and operational needs. Proposed Policy LU-12.7 requires the City to discourage the non-renewal or early termination of Williamson Act contracts in the South Livermore Valley. Proposed Policy OS-4.5 requires the City to recruit landowners to enter the agricultural preserve program established under the Williamson Act. Proposed Policy OS-4.9 requires the City to advocate (at the State level) for the expansion of incentives, including Williamson Act contracts, to allow for economically viable agricultural operations. For proposed Policies OS-4.5 and OS-4.9 to effectively

reduce impacts related to conflict with the Williamson Act Contract, landowners would need to agree to the Williamson Act contract, which would only be determined on a case-by-case basis. However, avoiding such conflicts completely is not feasible or practical as the City has a responsibility to meet other obligations, including increasing the number and types of jobs available and reducing the need for residents to commute to high-quality jobs, reducing single-occupant vehicle travel to and from Livermore, and permitting residential development. With respect to Williamson Act contracts, the City considered a mitigation measure that would result in the replacement of Williamson Act land that would place other agricultural land under Williamson Act contract. Even if feasible, the placing of alternative farmland under Williamson Act contract would establish a commitment to retain that alternative farmland for agricultural use. The length of time that the alternative land would remain in agricultural use would depend on the terms of the Williamson Act contract. However, the Williamson Act contract would only reduce the potential that the alternative land would convert to nonagricultural use. The individual and cumulative loss of agricultural land allowed by the proposed Project would still occur. Therefore, this mitigation measure would not reduce the proposed Project's impacts on agricultural land under Williamson Act contracts to below the level of significance. For these reasons, placing alternative privately held land under permanent restriction through Williamson Act contracts is considered infeasible. Therefore, no feasible mitigation measures have been identified, and impacts would remain significant and unavoidable. The City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

3. Agricultural Resources Impact AGR-3: Implementation of the proposed Project could involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to nonagricultural use.

As evaluated in Draft EIR Section 3.2.4, pages 3.2-18 through 3.2-21, the proposed General Plan 2045 includes proposed changes in land use designations that could increase development pressure on land currently used for agriculture. Due to their location and proximity to planned urban uses, these changes could result in the conversion of farmland to nonagricultural use over time. Implementation of the proposed General Plan 2045 goals and policies identified would serve to reduce potential impacts related to other changes in the existing environment, which due to their location or nature, could result in conversion of farmland to nonagricultural uses by prohibiting future developments adjacent to agricultural areas that would substantially interfere with existing agricultural production and through collaboration with Alameda County and Alameda County LAFCO to protect existing land uses from development inappropriate for rural areas. Specifically, proposed Policies LU-7.4 and LU-7.5 would work to protect agricultural land from conflicts with adjacent existing or proposed nonagricultural land uses that may threaten or interfere with agricultural production. Proposed Policies LU-7.6 and LU-7.7 would require coordination with Alameda County to limit land uses to agricultural and open spaces and protect existing land uses from development inappropriate for rural areas. While compliance with existing LMC and LDC regulations, standards, and guidelines in the South Livermore Valley Specific Plan, and proposed General Plan 2045 goals and policies would reduce land use conflicts, they would not reduce impacts to a less-than-significant level. Avoiding such impacts entirely would require prohibiting development in or near land under agricultural uses, which would not be feasible nor practical, given the City's obligation to meet State housing law, increase the number and types of jobs available, and reduce the need for residents to commute to high-quality jobs. Therefore, impacts would remain

significant and unavoidable. The City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

4. Agricultural Resources Impact AGR-4: Implementation of the proposed Project could result in a significant cumulative impact with respect to the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), existing zoning for agricultural uses, and Williamson Act properties, and farmland to nonagricultural uses.

Agricultural lands throughout the region face ongoing development pressure due to population growth, housing demand, and the economic incentives associated with converting agricultural lands to urban uses. As such, the region and the State have been experiencing a decline of agricultural acreages. As described in Draft EIR Section 3.2.5, pages 3.2-21 and 3.2-22, the proposed Project would allow conversion of agricultural lands to various types of residential and job-generating development. Agricultural lands throughout the region face ongoing development pressure due to population growth, housing demand, and the economic incentives associated with converting agricultural lands to urban uses. As such, the region and the State have been experiencing a decline of agricultural acreages. With implementation of the proposed Project in combination with agricultural impacts identified throughout surrounding incorporated and unincorporated lands, the region, and the state, the proposed Project could contribute to cumulative impacts to agricultural resources. The proposed Project could allow conversion of Farmland to nonagricultural uses, would redesignate land zoned for agricultural to nonagricultural uses, and would allow land under Williamson Act contract to be converted to nonagricultural uses, and, due to location and proximity to planned urban uses, could result in the conversion of farmland to nonagricultural use over time. Given the programmatic nature of this analysis, it is unknown at this time to what extent, the rate at which, or if this conversion would occur. However, avoiding such impacts entirely would require prohibiting development in or near land with agricultural uses, which would not be feasible nor practical, given the City's obligation to meet State housing law, increase the number and types of jobs available, and reduce the need for residents to commute to high-quality jobs. As such, the proposed Project may contribute to the cumulative impacts of overall conversion of these lands in the surrounding incorporated and unincorporated lands, the region, and the state. Although existing regulations such as those required per the LMC and the proposed General Plan 2045 goals and policies would reduce potential impacts, they would not reduce them to less than significant. There are no feasible mitigation measures available to reduce potential impacts. The only way to fully avoid the agricultural impact is to not allow development on Farmland, rezoning of agricultural land to nonagricultural uses, or redesignation of land such that conflicts with Williamson Act contracts occur. However, doing so would be infeasible and inconsistent with the City's planning goals and objectives. Therefore, this cumulative impact would remain significant and unavoidable. The City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

5. Air Quality Impact AQ-2: Implementation of the proposed Project could 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 during construction and operation.

Future development would result in short-term construction-related criteria pollutant emissions that have the potential to have an adverse effect on air quality. As discussed in Draft EIR Section 3.3.4, page 3.3-59 through 3.3-63, although the exact coverage, location, and duration of future construction projects is unknown at the time of preparation of the program-level Draft EIR, short-term criteria pollutant emissions would occur during demolition, site preparation, grading, building construction, paving, and architectural coating activities associated with individual development projects. Proposed General Plan 2045 Policy OS-6.7 would require future development to implement the Air District's basic construction measures, which would reduce construction fugitive dust impacts during construction to be less than significant. Proposed Policies OS-6.8 and OS-6.19 would require future development to minimize construction air quality impacts in compliance with the Air District's regulations. While proposed General Plan 2045 goals and policies have the potential to reduce construction emissions for individual projects, future development could still exceed the Bay Area Air District's (Air District) significance thresholds for construction and cumulatively contribute to the nonattainment designations of the San Francisco Bay Area Air Basin (SFBAAB) because site-specific details concerning development schedules, areas of disturbance, distance to sensitive receptors, overlapping equipment use, type of equipment, and overall intensity of development across the EIR Study Area is currently unknown. Therefore, implementation of the proposed Project could result in significant and unavoidable construction-related regional air impacts at the program level. Further, as discussed in Draft EIR Section 3.3.4, pages 3.3-63 through 3.3-72, implementation of the proposed Project would generate operational emissions that would exceed the Air District's regional significance thresholds for reactive organic gases and particulate matter (PM2.5 and PM10). The proposed General Plan 2045 includes goals and policies to reduce these long-term regional criteria air pollutant emissions. Specifically, proposed Policy OS-6.19 identifies requirements for future developments that exceed the Air District screening criteria to prepare and submit a technical assessment evaluating potential project operational air quality impacts to the City for review and approval prior to project approval by the City. Where the technical assessment determines the Air District-adopted thresholds are exceeded, the applicants for new development projects would be required to incorporate mitigation measures to reduce air pollutant emissions during operational activities. At the programmatic level, it is not possible to identify additional measures that can be assured to reduce the impacts of temporary construction activities on air quality of all future development projects to less-than-significant levels. Therefore, this impact is significant and unavoidable. As such, the City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

6. Air Quality Impact AQ-5: Implementation of the proposed Project could result in cumulative air quality impacts with respect to generation of criteria pollutants and exposure of substantial pollutant concentrations at sensitive receptors.

Air quality impacts are regional in nature as no single project generates enough emissions that would cause an air basin to be designated as a nonattainment area. As discussed in Draft EIR Section 3.3.5, pages 3.3-77 through 3.3-79, criteria air pollutant emissions generated by cumulative development would exceed the Air District's project-level significance thresholds during construction and operation and would contribute to the nonattainment designations of the SFBAAB. Therefore, this impact is cumulatively considerable. Due to the programmatic nature of cumulative projects and uncertainty of site-specific details concerning development schedules, areas of disturbance, distance to sensitive receptors, overlapping equipment use, type of equipment, and overall intensity of development, no feasible mitigation measures are available that would ensure adequate reduction of emissions on a future project-level basis. Therefore, air pollutant emissions associated with the proposed Project would result in a cumulatively considerable contribution to air quality impacts and remain significant and unavoidable at the program level. The City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

7. Greenhouse Gas Emissions Impact GHG-1: Implementation of the proposed Project could generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment.

As evaluated in Draft EIR Section 3.8.4, pages 3.8-24 through 3.8-26, it is anticipated that year 2045 conditions would result in an overall decrease in emissions compared to the existing baseline. However, the proposed Project's emissions would not achieve the 2022 CAP's long-term per-capita efficiency target of zero $MTCO_2e$ per person per year and would not be considered consistent with the long-term year goals under AB 1279. Implementation of General Plan 2045 Policy OS-7.1 would require the City to monitor the Climate Action Plan (CAP) and ensure that the CAP aligns with the GHG reduction targets of AB 1279 and the latest applicable statewide legislative GHG emission reduction standards. It would also require the City to track and monitor GHG emissions. In addition, CAP measures and General Plan policies that increase energy efficiency, reduce water use, and offset electricity use through solar panels would reduce GHG emissions to the extent feasible. However, given the projected growth in population and employment within the EIR Study Area, the reductions needed from existing land uses, and the magnitude of reductions required to achieve the State's long-term GHG targets, it cannot be determined with certainty that goals and policies of General Plan 2045 related to GHG reduction and related CAP measures would achieve the substantial reductions necessary to meet Assembly Bill (AB) 1279 targets. Achieving these statewide targets relies, in part, on future technological advancements and statewide actions that are outside the City's authority and cannot be imposed as feasible mitigation at the General Plan program level. No additional feasible mitigation measures are available that would reduce emissions to a level consistent with the long-term State targets until the 2022 CAP is updated pursuant to Policy OS-7.1. Therefore, because no feasible mitigation is available and the proposed Project would not meet State GHG reduction targets, GHG emissions under the proposed Project would remain significant and unavoidable. The City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

8. Greenhouse Gas Emissions Impact GHG-2: Implementation of the proposed Project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

As discussed in Draft EIR Section 3.8.4, pages 3.8-36 through 3.8-43, the proposed Project would be consistent with the applicable 2022 CAP Strategies, the 2020 Scoping Plan, and Plan Bay Area 2050+. However, implementation of the proposed Project would not achieve the 2022 CAP long-term per-capita efficiency target of zero $MTCO_2e$ per person per year and, therefore, conflicts with the 2022 CAP. Implementation of CAP measures would increase energy efficiency, reduce water use, and offset electricity use through solar panels and would reduce GHG emissions to the extent feasible. However, given the growth in population and employment within the EIR Study Area, the reductions needed from existing land uses, the magnitude of emissions reductions needed to achieve the long-term efficiency threshold, and federal legal constraints on the implementation and effectiveness of State actions for emission reduction, it is uncertain whether consistency with the 2022 CAP and implementation of goals and policies of General Plan 2045 would achieve the substantial reductions needed to achieve the long-term efficiency threshold. Because the proposed Project would conflict with the underlying goal of the 2022 CAP, this impact is significant and unavoidable. The City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

9. Greenhouse Gas Emissions Impact GHG-3: Implementation of the proposed Project could result in a significant cumulative impact with respect to generation of GHG emissions that may have a significant impact on the environment and conflict with an applicable plan adopted for the purpose of reducing GHG emissions.

As discussed in Draft EIR Section 3.8.5, because GHG emissions are cumulative in nature and not confined to a particular air basin, impacts described previously under Greenhouse Gas Emissions Impacts GHG-1 and GHG-2 are not project-specific impacts, but the proposed Project's contribution to this cumulative impact. As described previously, various proposed General Plan 2045 goals and policies would help minimize GHG emissions. However, as described under Greenhouse Gas Emissions Impact GHG-1 on Draft EIR pages 3.8-24 through 3.8-26, the proposed Project would not achieve the long-term year 2045 reduction goal and State's carbon neutrality goal set by AB 1279. As described under Greenhouse Gas Emissions Impact GHG-2 on Draft EIR pages 3.8-36 through 3.8-43, the proposed Project aligns with plans and regulations aimed at reducing their cumulative environmental impacts, such as the City's 2022 CAP strategies, the California Air Resources Board's Scoping Plan, or Plan Bay Area 2050+. However, the proposed Project would not achieve the City's 2022 underlying per-capita goal for year 2045. Proposed General Plan 2045 Policy OS-7.1 would require the City to monitor the CAP to align GHG emissions targets in the city with the state's carbon neutrality goal set by AB 1279. This policy would also ensure that the City is tracking and monitoring GHG emissions. However, given the projected growth in population and employment, the reductions needed from existing land uses, and the magnitude of reductions required to achieve the State's long-term GHG targets, it is uncertain whether consistency with the 2022 CAP and implementation of goals and policies of General Plan 2045 would achieve the substantial reductions necessary to meet AB 1279 targets. Achieving these statewide targets relies, in part, on future technological advancements and statewide actions that are outside the City's authority

and cannot be imposed as feasible mitigation at the General Plan program level. No additional feasible mitigation measures are available that would reduce emissions to a level consistent with the long-term State targets until the 2022 CAP is updated. Therefore, implementation of the proposed Project would contribute to cumulative GHG impacts, and the proposed Project would have a significant and unavoidable cumulative impact. As such, the City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

10. Mineral Resources Impact MIN-1: Implementation of the proposed Project could result in the loss of availability of known mineral resources that would be of value to the region and the residents of the State.

As discussed in Draft EIR Section 3.12.4, pages 3.12-5 and 3.12-6, most of the central and western portions of the EIR Study Area, including existing developed neighborhoods and commercial areas, have been classified as Mineral Resource Zone (MRZ)-2, where the land is underlain by demonstrated mineral resources considered important to the region or the State. The proposed General Plan 2045 land use map would designate lands classified as MRZ-2 as a mix of compatible and incompatible land uses. Future development would be required to comply with the Surface Mining and Reclamation Act (SMARA), which aims to protect significant mineral resources from the intrusion of incompatible land uses. Additionally, development on lands classified as MRZ-2 and MRZ-3 would be subject to the provisions of SMARA Section 2762(e), which requires an evaluation of the site to ascertain the significance of the mineral deposit in the area. The results of the evaluation would be submitted to the State Geologist and the California State Mining and Geology Board (SMGB) for review. Further, the proposed General Plan 2045 contains a policy that requires the City to preserve mineral resources. Specifically, proposed Policy OS-9.1 requires the City to consider potentially available mineral resources on the property or in the vicinity when considering land use proposals. In addition, the provisions of the SMARA would reduce impacts to aggregate mineral resources to the extent possible by requiring site-specific evaluations to discover the presence of mineral resources. However, the only way to fully avoid the impact to mineral resources from implementation of the proposed Project is to not allow incompatible land uses in areas classified as MRZ-2, thereby eliminating the impact. The City has a responsibility to meet other obligations, including increasing the number and types of jobs available and reducing the need for residents to commute to high-quality jobs. These measures are critical to reducing single-occupant vehicle travel and meeting State targets for GHG reduction. Therefore, the City needs to continue to allow development within areas classified as MRZ-2 with incompatible uses, as appropriate, to promote future economic development and corresponding residential development, as required by State housing law, within its adopted UGB. Accordingly, there are no feasible mitigation measures to reduce impacts, and impacts would remain significant and unavoidable. As such, the City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

11. Mineral Resources Impact MIN-3: Implementation of the proposed Project could result in a significant cumulative impact with respect to the loss of availability of known mineral resources that are of value to the region and the residents of the State.

As discussed in Draft EIR Section 3.12.5, pages 3.12-7 through 3.12-9, existing mineral extraction in Eastern Alameda County is mainly in unincorporated Alameda County to the west of the EIR Study Area and outside of the Pleasanton City Limit. This land is designated as MRZ-2 and regionally significant construction aggregate resources areas. Future development in the region would be subject to the applicable jurisdiction's mineral resources regulations, including applicable municipal codes, as well as SMARA Section 2762(e), which requires an evaluation of the site to ascertain the significance of the mineral deposit in the area to be submitted to the SMGB for review. However, there are undeveloped areas classified as MRZ-2 that may develop over the horizon of the proposed Project with incompatible uses. The only way to fully avoid this impact is to not allow incompatible land uses in areas classified as MRZ-2, thereby eliminating the impact. The City has a responsibility to meet other obligations, including increasing the number and types of jobs available in Livermore and reducing the need for residents to commute to high-quality jobs. These measures are critical to reduce single-occupant vehicle travel and meeting State targets for GHG reduction. Therefore, the City needs to continue to allow development within areas classified as MRZ-2 with incompatible uses, as appropriate, to promote future economic development and corresponding residential development, as required by State housing law, within its adopted UGB. Although the proposed General Plan 2045 goals and policies would reduce and partially offset cumulative impacts, the proposed Project would contribute to the loss of significant mineral resources impact in the region. Therefore, this cumulative impact would remain significant and unavoidable. Therefore, the City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

12. Noise Impact NOI-1: Implementation of the proposed Project could generate 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.

As evaluated in Draft EIR Section 3.13.4, pages 3.13-36 through 3.13-40, the primary source of temporary noise within the EIR Study Area would be demolition and construction activities associated with development projects All future projects would be required to comply with the City's Noise Ordinance (LMC Chapter 9.36). Additionally, proposed Policy N-4.4 requires the minimization of excessive noise and vibration levels from construction-related activity to meet acceptable levels, as established by the Federal Transit Administration (FTA) or the City. Adherence to the City's Noise Ordinance and compliance with the proposed General Plan 2045 goals and policies would ensure that operational noise sources, including traffic, stationary, and railroad noise, would not exceed established noise standards. Implementation of the proposed General Plan 2045 goals and policies would reduce potential noise impacts during construction to the extent feasible. Implementation of one or a combination of construction best management practices (BMPs) would provide between 3 A-weighted decibels (dBA) and 10 dBA of noise reduction. Because the proposed General Plan 2045 is a long-term planning document with no specific projects identified, specific, project-level information is inherently not available, and it is not possible to quantify the estimated construction noise levels at specific sensitive receptors due to a given project. In most cases, construction of individual developments consistent with the proposed Project would temporarily increase the environment's ambient noise in the vicinity of each individual project, potentially affecting existing and future nearby sensitive uses, such as residences, parks, and schools. However,

due to the potential for proximity of construction activities to sensitive uses, the number of construction projects occurring simultaneously, and the potential duration of construction activities, implementation of the proposed Project could result in a temporary substantial increase in noise levels above ambient conditions. Since the proposed Project is a long-term planning document with no specific projects identified, specific project-level information is inherently not available, and it is not possible to quantify the estimated construction noise levels at specific sensitive receptors related to an individual development. At the programmatic level, it is not possible to identify additional measures that can be assured to reduce the impacts of temporary construction noise of all future development projects to less-than-significant levels. Therefore, impacts related to temporary construction noise would remain significant and unavoidable. The City makes the finding that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

13. Noise Impact NOI-4: Implementation of the proposed Project could generate 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, resulting in a significant cumulative impact.

As discussed in Draft EIR Section 3.13-5, pages 3.13-54 through 3.13-57, noise and vibration impacts tend to be localized; therefore, noise impacts for traffic and stationary noise sources are limited to approximately 500 feet from the source and 50 feet from the source for typical heavy-duty construction equipment and 100 feet from pile-driving activities for groundborne vibration. While compliance with the City's Noise Ordinance and the proposed General Plan 2045 goals and policies would reduce construction noise impacts, construction activities associated with cumulative buildout may occur simultaneously and near noise-sensitive receptors, and, depending on the project type, distance to nearest noise-sensitive receptor, equipment list, time of day, phasing, and overall construction durations, noise disturbances may occur for prolonged periods of time or during the more sensitive nighttime hours. Implementation of the proposed General Plan 2045 goals and policies, specifically proposed Policy N-4.4, would reduce potential noise impacts during construction to the extent feasible, and implementation of one or a combination of construction BMPs would provide between 3 dBA and 10 dBA of noise reduction. However, due to the potential for proximity of construction activities to sensitive uses, the number of construction projects that could occur simultaneously, and the potential duration of construction activities, construction of cumulative projects could result in a temporary substantial increase in noise levels above ambient conditions. Since the proposed Project is a long-term planning document with no specific projects identified, specific project-level information is inherently not available, and it is not possible to quantify the estimated construction noise levels at specific sensitive receptors. At the programmatic level, it is not possible to identify additional measures that can be assured to reduce the impacts of temporary construction noise of cumulative projects to less-than-significant levels. Therefore, impacts related to temporary construction noise would remain significant and unavoidable and could result in a cumulative increase in noise. The City makes the findings that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make mitigation measures or project alternatives identified in the EIR infeasible (CEQA Guidelines Section 15091[a][3]).

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 Final EIR identifies the following significant impacts associated with the proposed Project that are reduced to a less-than-significant level by mitigation measures identified in the Draft EIR. It is hereby determined that the following environmental impacts will be mitigated to a less-than-significant level or avoided by incorporation of the mitigation measures into the proposed Project:

1. Biological Resources Impact BIO-4: Implementation of the proposed Project would not substantially interfere 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, with incorporation of the following mitigation measures: MM BIO-4.

As discussed in Section 3.4.4, pages 3.4.41 through 3.4-43, the proposed Project promotes infill development and encourages higher density in already-developed areas, which greatly minimizes potential impacts to wildlife movement corridors; however, future development (especially on undeveloped land) could occur on the peripheral portions of the EIR Study Area that provide function as corridors. Future development would be required to comply with existing federal, State, and local regulations, including requirements to implement the strategies of the East Alameda County Conservation Strategy (EACCS) and the BMPs of the City's Stream Maintenance Program (SMP) to conserve wildlife movement corridors. Further, proposed Policy OS-2.5 would require the City to work with project applicants to cluster new development to preserve space for habitat and wildlife connectivity. Proposed Policy OS-2.10 would require coordination with other agencies to plan for the safe travel of wildlife across Interstate 580 and secure easements that protect wildlife corridors. Proposed Policy OS-2.11 would require the maintenance of aquatic movement corridors. However, future development could include the development of buildings, reflective glass, and artificial lighting. These structures and lighting could disrupt movement or foraging behavior of native birds, including migratory and special-status species, and potentially increase collision-related mortality. MM BIO-4 requires bird-safe design measures by project applicants to reduce potential impacts on migratory and resident birds. These measures would minimize collision-related mortality and maintain functional wildlife movement through riparian, wetland, and open-space habitats. Therefore, implementation of the proposed Project would not substantially interfere 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, with incorporation of MM BIO-4. The City makes the finding, pursuant to CEQA Guidelines Section 15091(a)(1), that MM BIO-4 has been required, and incorporated into, the proposed Project, and that this measure will be implemented and enforced through the MMRP, thereby avoiding or substantially lessening the significant environmental effect identified in the Final EIR.

2. Cultural and Tribal Cultural Resources Impact CUL-2: Implementation of the proposed Project would not cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5, with implementation of MM CUL-2.

As discussed in Draft EIR Section 3.5.4, pages 3.5-34 through 3.5-36, the proposed General Plan 2045 would not directly result in new development; however, it is a regulatory document that includes proposed changes in land use designation that would allow redevelopment and increased density on certain parcels within the EIR Study Area. While the proposed Project promotes infill development and encourages higher density in already-developed areas, which greatly minimizes potential impact on existing archaeological resources, it is still possible to encounter previously unknown resources, especially on undeveloped sites. Future development would be subject to PRC Section 5097.5(a), which specifies that a person shall not knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any archaeological sites without the express permission of the public agency having jurisdiction over the lands. In addition, proposed General Plan 2045 policies are designed to protect archeological resources; specifically. proposed Policy CI-5.1 would require investigations by a qualified professional where development is proposed in areas of cultural and paleontological sensitivity. Proposed Policy CI-5.2 requires immediate suspension of work in the area if cultural or paleontological resources are discovered during construction and, if the resource is significant, prioritize preservation in place or implement appropriate mitigation. While future development would be required to comply with federal and State laws and regulations, as well as the proposed General Plan 2045 goals and policies, compliance with such regulations alone cannot be assumed to fully avoid or eliminate impacts to unknown archaeological resources associated with site-specific development. MM CUL-2 would ensure that archaeological resources identified during construction would be evaluated and protected or appropriately treated. Therefore, implementation of the proposed Project would not cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5, with implementation of MM CUL-2. The City makes the finding, pursuant to CEQA Guidelines Section 15091(a)(1), that MM CUL-2 has been required, and incorporated into, the proposed Project, and that this measure will be implemented and enforced through the MMRP, thereby avoiding or substantially lessening the significant environmental effect identified in the Final EIR.

3. Cultural and Tribal Cultural Resources Impact CUL-4: Implementation of the proposed Project would not cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5, with implementation of MM CUL-4.

As discussed in Draft EIR Section 3.5.4, pages 3.5-38 through 3.5-39, future development, especially on undeveloped sites, could affect known or previously unidentified tribal cultural resources (TCRs). In addition, the potential for additional undiscovered eligible TCRs to be present within the future sites exists but varies by location. Proposed Policy CI-5.4 requires the protection of TCRs and consultation with tribal representatives as required by State law. Proposed Policy CI-6.7 would require historical resource evaluations and impact analysis prepared by a qualified professional for projects that could affect a known or potential historic resource and Policy CI-5.1 would require investigations by a qualified professional where development is proposed in areas of cultural and paleontological sensitivity. Proposed Policy CI-5.2 requires immediate suspension of work in the area if cultural or paleontological resources are discovered during construction and, if the resource is significant, prioritize preservation in place or implementation of appropriate mitigation. While future development would be required to comply with existing federal, State, and local laws and regulations, as well as implementation of the proposed General Plan 2045 goals and policies, compliance with such regulations alone cannot be assumed to fully avoid or eliminate impacts to TCRs associated with site-specific development. Mitigation Measure CUL-4 would ensure that TCRs are identified, evaluated, and protected or appropriately treated during

construction. Therefore, implementation of the proposed Project would not cause a substantial adverse change in the significance of a TCR listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources, as defined in PRC Section 5020.1(k), with incorporation of MM CUL-4. The City makes the finding, pursuant to CEQA Guidelines Section 15091(a)(1), that MM CUL-4 has been required, and incorporated into, the proposed Project, and that this measure will be implemented and enforced through the MMRP, thereby avoiding or substantially lessening the significant environmental effect identified in the Final EIR.

4. Cultural and Tribal Cultural Resources Impact CUL-5: Implementation of the proposed Project would not cause a substantial adverse change in the significance of 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 PRC Section 5024.1, with incorporation of MM CUL-4.

As discussed in Draft EIR Section 3.5.4, pages 3.5-40, the City, in its capacity as lead agency, has not identified or determined any known TCRs to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. Although there is the possibility that previously undiscovered TCRs could be encountered by subsurface earthwork activities associated with construction of future development projects. While future development would be required to comply with existing federal, State, and local laws and regulations, as well as the proposed General Plan 2045 goals and policies, compliance with such regulations alone cannot be assumed to fully avoid or eliminate impacts to unknown TCRs associated with site-specific development. Implementation of Mitigation Measure CUL-4, which outlines the procedures for discovery of previously unknown TCRs, would ensure that impacts to resources significant under PRC Section 5024.1(c) are adequately mitigated. Therefore, implementation of the proposed Project would not cause a substantial adverse change in the significance of 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 PRC Section 5024.1, with incorporation of MM CUL-4. The City makes the finding, pursuant to CEQA Guidelines Section 15091(a)(1), that MM CUL-4 has been required, and incorporated into, the proposed Project, and that this measure will be implemented and enforced through the MMRP, thereby avoiding or substantially lessening the significant environmental effect identified in the Final EIR.

E. LESS-THAN-SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR

Although findings pursuant to CEQA Guidelines Section 15091(a) are not required for impacts that would not result in significant environmental effect, the City finds that the proposed Project would result in less-than-significant impacts with respect to the following environmental resource categories, as described below:

1. Aesthetic Resources Impact AES-1: Implementation of the proposed Project would not have a substantial adverse effect on a scenic vista.

As discussed in Draft EIR Section 3.1.4, pages 3.1-11 through 3.1-13, the EIR Study Area contains many scenic views featuring natural landscape, rolling hills, and ridgelines, especially as seen from the I-580 scenic corridor. For the purposes of this analysis, these scenic views are considered scenic vistas under this threshold. The proposed Project promotes infill development and

encourages higher density in already-developed areas, where it would be expected to have less of an impact on existing scenic vistas and/or corridors. Proposed Policies CI-10.1 through CI-10.4 would preserve views of scenic vistas and promote views from key public vantage points by implementing design standards that would ensure future development would be designed such that scenic vistas are maintained. Proposed Policy CI-12.1 would ensure that the visual qualities along the I-580 scenic corridor are protected. Proposed Policies CI-9.1 through CI-9.6 would ensure that natural features that make up scenic views are preserved through the protection of hills, ridgelines, and waterbodies, the requirement of a grading permit for the alteration of natural or artificial contours as well as the identification and mapping of natural amenities throughout the City. The proposed Project would also include updates to the LDC to introduce the Scenic Resources Overlay District. The proposed Scenic Resources Overlay District would include specific development and design standards to protect scenic views and establish inviting gateways into Livermore. Therefore, as confirmed through design review (required by the LDC and proposed General Plan 2045 Policy CI-13.1), project consistency with the Design Standards and Guidelines, Livermore Mixed-Use and Multifamily Objective Design Standards (MODS), any applicable Specific Plan, as well as the proposed General Plan 2045 goals and policies and the proposed Scenic Resources Overlay District, would ensure that future development would not cause a substantial adverse effect on a scenic vista, including those of hillsides, ridgelines, and water bodies. Therefore, implementation of the proposed Project would not have a substantial adverse effect on a scenic vista.

2. Aesthetic Resources Impact AES-2: Implementation of the proposed Project would not substantially degrade the view from a State scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.

As discussed in Draft EIR Section 3.1.4, pages 3.1-14 and 3.1-15, there is not an “officially designated” State scenic highway in the EIR Study Area; however, Caltrans has assigned the entire section of I-580 that spans the EIR Study Area as being “eligible” to be designated as a State scenic highway. The proposed General Plan 2045 would not directly result in new development; however, it is a regulatory document that includes proposed changes in land use designation that would allow for redevelopment and increased density on certain parcels within the EIR Study Area. As the City receives development applications for future development, those applications would be reviewed by the City through the Site Plan and Design Review process for compliance with the Design Standards and Guidelines, MODS, any applicable Specific Plan, as well as the proposed General Plan 2045 goals and policies and the proposed Scenic Resources Overlay District; compliance with these standards would ensure development would not substantially damage scenic resources within view of a scenic highway. Specifically, proposed Policy CI-12.1 would ensure that the visual qualities along the I-580 scenic corridor are protected by limiting highway commercial development to areas immediately adjacent to freeway interchanges. Therefore, implementation of the proposed Project would not substantially degrade the view from a State scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.

3. Aesthetic Resources Impact AES-3: Implementation of the proposed Project would not conflict with applicable zoning and other regulations governing scenic quality in an urbanized area.

As discussed in Draft EIR Section 3.1.4, pages 3.1-15 through 3.1-19, all future development would be required to undergo a Site Plan and Design Review, as required by LDC Chapter 9.07, to ensure consistency with General Plan policies, any applicable Specific Plan, Design Standards and Guidelines, and LDC standards. Future mixed-use and multifamily development would be subject to the design standards outlined in the MODS, which ensures that new development is designed to be compatible with adjacent uses as well as existing and future development. Furthermore, future development would also be subject to the regulations of the various planning documents, including the Downtown Specific Plan, Isabel Neighborhood Specific Plan, El Charro Specific Plan, and South Livermore Valley Specific Plan. Further, the proposed Policy CI-13.1 would require all new development and redevelopment to be subject to design review and would require the City to regularly update the City's Design Standards and Guidelines. Proposed Policy CI-13.3 would require new development and redevelopment to consider the context and character of surrounding land uses. Proposed Actions CI-A-14.1 and CI-A-14.2 would further support these policies by developing objective design standards and updating the LDC to ensure visually pleasing and compatible development that reflects current best practices in planning and design. Additionally, the proposed Project would involve updates to the LDC to introduce the Scenic Resources Overlay District. Future development would be required to undergo the Site Plan and Design Review process to ensure adherence to existing regulations, along with the proposed General Plan 2045 goals and policies, as well as the proposed Scenic Resources Overlay District. Therefore, implementation of the proposed Project would not conflict with applicable zoning and other regulations governing scenic quality in an urbanized area.

4. Aesthetic Resources Impact AES-4: Implementation of the proposed Project would not expose people on- or off-site to substantial light or glare that would adversely affect day or nighttime views in the area.

As discussed in Draft EIR Section 3.1.4, pages 3.1-19 and 3.1-20, compliance with existing lighting standards to reduce light spill and glare and implementation of the proposed General Plan 2045 goals and policies, to be confirmed through Site Plan and Design Review, would ensure future development does not generate excessive light levels or glare. Proposed Policy CI-11.2 would require developments to minimize obtrusive glare and wasted energy from excessive nighttime lighting and preserve views of the nighttime sky. Proposed Action CI-A-11.1 would further support this policy by requiring the City to update the LDC and Standard Details to include design standards that regulate lighting quantity, intensity, and design, minimizing glare, light trespass, and sky glow. Therefore, implementation of the proposed Project would not expose people on- or off-site to substantial light or glare that would adversely affect day or nighttime views in the area.

5. Aesthetic Resources Impact AES-5: Implementation of the proposed Project would not have a cumulative effect related to aesthetic resources.

As discussed in Draft EIR Section 3.1.5, pages 3.1-20 and 3.1-22, future development would be subject to the design review processes of the individual jurisdiction, and the applicable land use plans containing policies and implementing programs to preserve visual character, land use compatibility, and views and minimize light and glare in those jurisdictions. As such, the proposed Project, in conjunction with cumulative projects, would result in a less than significant cumulative impact with respect to aesthetics.

6. Air Quality Impact AQ-1: Implementation of the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.

As discussed in Draft EIR Section 3.3.4, pages 3.3-39 through 3.3-59, the proposed Project would not exceed the Plan Bay Area 2050+ regional growth projections, would be consistent with the current AQMP (2017 Clean Air Plan) control measures, and would decrease VMT per service population with implementation of applicable goals and policies of the Land Use Element of the General Plan 2045. Therefore, implementation of the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.

7. Air Quality Impact AQ-3: Implementation of the proposed Project would not expose sensitive receptors to substantial pollutant concentrations.

As discussed in Draft EIR Section 3.3.4, pages 3.3-72 through 3.3-76, with incorporation of proposed General Plan 2045 goals and policies, including proposed Policies OS-6.2 through OS-6.5, construction and long-term operation of the proposed Project would not result in a substantial increase in criteria air pollutants and toxic air contaminants in the EIR Study Area. Additionally, permitted sources of emissions would be regulated by the Air District to ensure that, on a project-by-project basis, emissions achieve their permit thresholds. Proposed Policies OS-6.2, OS-6.4, and OS-6.5 would require project applicants to prepare a health risk assessment and identify appropriate mitigation (e.g., buffer distances, filters) to reduce health risk from major sources of toxic air pollution. These proposed General Plan 2045 policies would ensure future development would identify project-specific mitigation measures to reduce potential health risks and protect sensitive receptors from poor air quality from nonpermitted sources associated with development of industrial and commercial land uses. Therefore, implementation of the proposed Project would not expose sensitive receptors to substantial pollutant concentrations.

8. Air Quality Impact AQ-4: Implementation of the proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

As discussed in Draft EIR Section 3.3.4, pages 3.3-76 and 3.3-77, compliance with proposed General Plan 2045 goals and policies, as well applicable Air District rules and regulations, would prevent odor emissions from adversely affecting a substantial number of people in the EIR Study Area. Specifically, proposed Policy OS-6.6 would require adequate buffer distances or incorporation of filters or other equipment/solutions into the new odor-generating development to reduce nearby receptors' exposure to acceptable levels. Furthermore, nuisance odors are regulated under Air District Regulation 7, *Odorous Substances*, which requires abatement of any nuisance generating an odor complaint, and Air District Regulation 1, Rule 1-301, *Public Nuisance*. Compliance with these Air District regulations would ensure that odor impacts associated with the proposed Project are minimized. Therefore, implementation of the proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

9. Biological Resources Impact BIO-1: Implementation of the proposed Project would not have a substantial 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 California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS).

As discussed in Draft EIR Section 3.4.4, pages 3.4-34 through 3.4-37, while the potential for adverse impacts on special-status species is relatively low, there remains a potential for loss or disruption due to conversion of areas of natural habitat, removal of trees and other vegetation, increases in light and noise, and other modifications and disturbance, especially where future development occurs on undeveloped land. Grading and other construction disturbance to existing natural habitat could include the direct loss of special-status plants and animal species or further isolate them from other occurrences where urbanization creates barriers between the remaining areas of natural habitat. This includes possible loss or disturbance to bird nests in active use. Future development would be subject to the local, regional, State, and federal regulations outlined in Draft EIR Section 3.4.1, including the requirements of USFWS and CDFW, the strategies of the EACCS, and the BMPs of the SMP to protect specifical-status species. Additionally, the General Plan 2045 contains goals and policies designed to address potential impacts to special-status species. Specifically, proposed Policies OS-2.5 and OS-2.6 would serve to protect sensitive species and their habitats through project design by clustering development and avoiding areas that support wildlife and plan habitats that contribute to ecological connectivity. Proposed Policies OS-1.6 and OS-1.10 require the City to work with local stakeholders and agencies to preserve sensitive habitats. Proposed Policies OS-2.2 and OS-2.3 would require the City to implement the EACCS and future, proposed Livermore Habitat Conservation Plan (HCP), which include further strategies and BMPs to minimize impacts to sensitive species and their habitats. A key strategy of the EACCS is the conservation of core habitat areas that support sensitive and special-status species, and the EACCS provides technical guidance for focal sensitive species, including recommendations for survey approaches, buffers, and mitigation to reduce disturbance. Implementation of these recommendations would be required for applicable projects per OS-2.2. Proposed Actions OS-A-1.3, OS-A-1.4, and OS-A-2.1 would further support these policies by developing a program to manage City-owned open space lands using sustainable practices and to identify, prioritize, and implement conservation easements on these lands to support habitat values and collaborating with other agencies to preserve natural and near-natural landscape communities. Therefore, implementation of the proposed Project would not have a substantial 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 CDFW or USFWS.

10. Biological Resources Impact BIO-2: Implementation of the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

As discussed in Draft EIR Section 3.4.4, pages 3.4-37 through 3.4-39, the proposed Project promotes infill development and encourages higher density in already-developed areas, which greatly minimizes potential impacts to riparian habitats and sensitive communities; however, future development (especially on undeveloped land) could occur within riparian habitat or other sensitive communities. Future development would be subject to the local, regional, State, and federal regulations, including requirements of USFWS, CDFW, the strategies of the EACCS, and the BMPs of the SMP to protect sensitive natural communities. Future development would also undergo review through the City's entitlement process and, as applicable, CEQA to ensure consistency with federal, State, and local regulations intended to protect sensitive biological resources, including riparian habitats and sensitive natural communities. Further, implementation of proposed Policy OS-2.9 would ensure development adjacent to riparian habitats supports the protection, enhancement, and restoration of riparian vegetation and Policy OS-2.7 would require habitat mitigation as a tool to

protect sensitive natural habitats. Proposed Policies OS-1.6 and OS-1.10 require the City to work with local stakeholders and agencies to preserve sensitive habitats. A key strategy of the EACCS is the conservation of core habitat areas that support sensitive and special-status species, and the EACCS provides technical guidance for focal sensitive species, including recommendations for survey approaches, buffers, and mitigation to reduce disturbance. Implementation of these recommendations would be required for applicable projects per proposed Policy OS-2.2. Therefore, implementation of the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS.

11. Biological Resources Impact BIO-3: Implementation of the proposed Project would not 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.

As discussed in Draft EIR Section 3.4.4, pages 3.4-39 and 3.4-40, future development would comply with adopted State, federal, and local regulations for the protection of wetlands and waters of the United States and/or State. In addition, future projects would comply with requirements of the proposed General Plan 2045 goals and policies related to the protection of these biological resources. Specifically, proposed Policy OS-2.6 and Policy OS-3.2 would require the City to protect wetlands by avoiding development in areas that support wildlife and plant habitats and maintaining and enhancing Livermore's creeks, arroyos, and wetlands. Proposed Policy 2.14 would require the City to work with natural resource agencies and organizations to develop programs to fund preservation of sensitive biological resources, including arroyos, wetlands, riparian areas, and grasslands. Implementation of these regulations would reduce impacts on State or federally protected wetlands and waters by emphasizing avoidance, minimization, and mitigation of impacts, including finding that there is "no net loss" of wetlands or other adverse effects on wetlands through hydromodification, filling, diversion, or change in water quality before approving development permits. Therefore, implementation of the proposed Project would not 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.

12. Biological Resources Impact BIO-5: Implementation of the proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

As discussed in Draft EIR Section 3.4.4, page 3.4-43, future development would be subject to the LMC requirements pertaining to tree preservation and the BMPs of the SMP. The location and nature of development considered under the proposed Project would continue to be guided by the General Plan and Development Code. Future development would continue to be reviewed through the City's entitlement process and, as applicable, CEQA to ensure consistency with local regulations intended to protect biological resources. Future development would be required to comply with the proposed General Plan 2045 goals and policies related to biological resources. Therefore, implementation of the proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

13. Biological Resources Impact BIO-6: Implementation of the proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or State habitat conservation plan.

As discussed in Draft EIR Section 3.4.4, page 3.4-44, there are currently no adopted local, regional, or State HCPs that cover the EIR Study Area. Proposed Policy OS-2.3 requires the adoption and implementation of the Livermore HCP. Adoption is anticipated in 2028. The Livermore HCP would serve to protect covered species and their habitats while streamlining environmental permitting for covered activities, including the City's Capital Improvement Projects, ongoing operations and maintenance, the SMP, and implementation of conservation strategies. When the HCP is adopted, covered activities would be required to comply with these measures, adhere to defined mitigation ratios, and account for authorized take of species resulting from covered project activities. Therefore. implementation of the proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan; Natural Community Conservation Plan; or other approved local, regional, or State habitat conservation plan.

14. Biological Resources Impact BIO-7: Implementation of the proposed Project would not have a cumulative effect related to biological resources.

As discussed in Draft EIR Section 3.4.5, page 3.4-45, future development, as well as other future projects in the eastern Alameda County region, would be required to comply with federal, State, and local laws and policies and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts on sensitive biological resources. Environmental review of specific development proposals, as applicable, would serve to ensure that important biological resources are identified, avoided, or adequately mitigated for where potential impacts exist. Therefore, implementation of the proposed Project would not have a cumulative effect related to biological resources.

15. Cultural and Tribal Cultural Resources Impact CUL-1: Implementation of the proposed Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, Section 15064.5.

As discussed in Draft EIR Section 3.5.4, pages 3.5-31 through 3.5-34, implementation of the proposed General Plan 2045 goals and policies in conjunction with the City's existing design standards and guidelines, regulations, and procedures outlined in the LMC and LDC, and compliance with relevant State and federal laws would ensure that approval of future development consistent with proposed Project is contingent on avoiding or minimizing impacts to historical resources. Specifically, proposed Policy CI-6.3 and CI-6.4 would require the City to maintain and update the Historic Resources Inventory and designate and protect historic resources and potential historic resources in accordance with the Historic Preservation Ordinance. Proposed Policy CI-6.7 would require historical resource evaluations and impact analysis prepared by a qualified professional for projects that could affect a known or potential historic resource. Therefore, implementation of the proposed Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, Section 15064.5

16. Cultural and Tribal Cultural Resources Impact CUL-3: Implementation of the proposed Project would not disturb any human remains, including those interred outside of dedicated cemeteries.

As discussed in Draft EIR Section 3.5.4, pages 3.5-37 and 3.5-38, compliance with the procedures of conduct following the discovery of human remains that are mandated by CEQA Section 15064.5(e), PRC Section 5097.98, and Health and Safety Code Section 7050.5 are standard protocol for qualified professionals and would be adhered to for the proper treatment of discovered human remains. Therefore, compliance with mandatory regulatory procedures and the proposed General Plan 2045 goal and policies would minimize impacts related to the potential discovery or disturbance of any human remains accidentally unearthed during construction activities associated with future development. Specifically, proposed General Plan Policy CI-16.2 requires the immediate suspension of work in the area where resources are discovered during construction and evaluation of the resource by a qualified professional. Therefore, implementation of the proposed Project would not disturb any human remains, including those interred outside of dedicated cemeteries.

17. Cultural and Tribal Cultural Resources Impact CUL-6: Implementation of the proposed Project would not have a cumulative effect related to cultural and tribal cultural resources.

As discussed in Draft EIR Section 3.5.5, pages 3.5-41 and 3.5-42, future projects would be required to be consistent with the goals and policies of the proposed General Plan 2045 and adopted regulations pertaining to archaeological resources, human remains, and TCRs in Livermore, as described under impact discussions (b) through (e) in the Draft EIR. While development associated with the proposed Project may have the potential to result in adverse change to archaeological resources, human remains, and TCRs, the proposed General Plan 2045 includes extensive goals and policies designed to protect such resources. Additionally, Mitigation Measure CUL-2 would require a cultural resources records search and sensitivity assessment. Mitigation Measures CUL-4 and CUL-5 would require procedures for discovery of previously unknown resources. Furthermore, any potentially significant cumulative impacts are related to site-specific impacts to cultural resources and tribal cultural resources in the eastern Alameda County region and would be mitigated, as necessary, on a project-by project basis. In addition, cumulative projects would be required to comply with applicable federal, State, and local laws and regulations, including, among others, the provisions of SB 18 and AB 52, Section 15064.5 of the CEQA Guidelines, and Sections 5024.1 and 5097 of the PRC. Therefore, implementation of the proposed Project would not have a cumulative effect related to cultural and tribal cultural resources.

18. Energy Impact ENG-1: Implementation of the proposed Project would not result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

As discussed in Draft EIR Section 3.6.4, pages 3.6.18 through 3.6-28, with implementation of the proposed General Plan 2045 goals and policies, in conjunction with and complementary to regulatory requirements, energy demand associated with growth under the proposed Project is expected to result in an overall decrease in per-capita energy consumption, decreased reliance on fossil fuels, and increased reliance on renewable energy, consistent with the CEQA Guidelines Appendix F, *Energy Conservation*, energy conservation goals. Specifically, proposed Policy OS-8.1 would require implementation of the CAP strategies to improve energy efficiency and conservation, promote carbon-free energy sources, and reduce energy-related GHG emissions. Proposed Policy OS-8.5 would require the City to consider the energy efficiency of proposed development when making land use and development review decisions. As such, energy consumption under the proposed Project would not be considered inefficient, wasteful, or unnecessary. Therefore, implementation of the proposed Project would not result in potentially significant environmental

impacts due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.

19. Energy Impact ENG-2: Implementation of the proposed Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

As stated in Draft EIR Section 3.6.4, page 3.6.29, future projects would be required to comply with the current and future iterations of the California Building Standards Code (CBSC), as applicable. Furthermore, proposed General Plan 2045 goals and policies would support the statewide goal of transitioning the electricity grid to renewable sources. Specifically, proposed Policy OS-8.6 would require the City to consider solar access during the design review process. As discussed in Draft EIR Section 3.17, the net increase in energy demand associated with implementation of the proposed Project would be within the service capabilities of PG&E and Ava Energy and would not impede the provider's ability to implement California's renewable energy goals. In addition, as discussed in Draft EIR Section 3.8, the proposed Project would be consistent with the mitigation strategies of the 2022 CAP, which aim to improve alternative modes of transportation, renewable energy resource integration in new development, and energy efficiency in new development design. Therefore, implementation of the proposed Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

20. Energy Impact ENG-3: Implementation of the proposed Project would not have a cumulative effect related to energy.

As included in Draft EIR Section 3.6.5, pages 3.6-29 and 3.6-30, all projects developed within the Pacific Gas and Electric Company (PG&E) and Ava Energy service area would implement the requirements of the CBSC and CALGreen and other federal, State, and local regulations, as applicable. Furthermore, new buildings would use new energy-efficient appliances and equipment, pursuant to the Appliance Efficiency Regulations. Future cumulative development could also increase annual vehicle miles traveled (VMT), and thus fuel consumption. However, vehicles would be subject to the U.S. Environmental Protection Agency Corporate Average Fuel Economy standards for vehicular fuel efficiency, and average corporate fuel economy continues to increase as a result of State and federal laws, including the Pavley Advanced Clean Cars program. Vehicle turnover also improves the overall fuel economy of California's vehicle fleets. In addition, implementation of the proposed General Plan 2045 goals and policies would serve to reduce energy use as well as aligning with the state's goals for carbon neutrality, Therefore, implementation of the proposed Project would not have a cumulative effect related to energy.

21. Geology and Soils Impact GEO-1: Implementation of the proposed Project would not subject residents or occupants, visitors, etc. to potential seismic-related hazards, including the risk of loss, injury, or death involving: (i) 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; (ii) Strong seismic ground shaking; (iii) Seismic-related ground failure, including liquefaction; or (iv) Landslides.

As discussed in Draft EIR Section 3.7.4, pages 3.7-16 through 3.7-19, compliance with State, regional, and local regulations, as well as implementation of the proposed General Plan 2045 goals and policies, pertaining to structural safety regarding fault rupture, ground shaking, liquefaction, and landslides would ensure that future development would not directly or indirectly cause or worsen the likelihood of or substantial adverse effects from seismic hazards related to earthquakes, including the risk of loss, injury, or death. Specifically, proposed Policy S-6.2 would require a site-specific geotechnical investigation for new urban development approval in Alquist-Priolo Earthquake Fault Zones. Proposed Policy S-6.3 would prohibit new structures proposed for human occupancy across the trace of any active or potentially active fault. Proposed Policy S-6.4 would require the City to continue to enforce and identify unreinforced masonry buildings and other buildings that would be at risk during seismic events and strengthen these buildings. Proposed Policy S-6.5 would require a site-specific geotechnical investigation for all critical facilities that would mitigate site-specific challenges, including fault rupture. Compliance with these requirements would minimize structural damage and the exposure of people to risk of injury or death from structural failure in the event of surface fault rupture during an earthquake. Proposed Action S-A-6.1 would further support these policies by requiring detailed fault shear zone studies to define building setback requirements. Therefore, implementation of the proposed Project would not subject residents or occupants, visitors, etc. to potential seismic-related hazards, 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; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; or (iv) landslides.

22. Geology and Soils Impact GEO-2: Implementation of the proposed Project would not result in substantial soil erosion or the loss of topsoil.

As discussed in Draft EIR Section 3.7.4, pages 3.7-19 and 3.7-20, implementation of the proposed General Plan 2045 goals and policies, as well as adherence to existing regulatory requirements that include, but are not limited to, the California Building Code (CBC) and LMC grading and drainage requirements for new developments, would reduce potential soil erosion and loss of topsoil from soil disturbance. Specifically, proposed Policy S-6.8 would require applicants to implement control site preparation procedures and construction phasing to reduce erosion and exposure of soils to the maximum extent possible. Proposed Policy S-6.7 would prohibit construction in areas with severe erosion unless a geotechnical engineering analysis can demonstrate that the project will not contribute to increased erosion. Therefore, implementation of the proposed Project would not result in substantial soil erosion or the loss of topsoil.

23. Geology and Soils Impact GEO-3: Implementation of the proposed Project would not cause substantial hazards associated with future development on unstable geologic units or unstable soils, such as landslides, subsidence, liquefaction, lateral spreading, settlement, or collapse.

As discussed in Draft EIR Section 3.7.4, pages 3.7-20 through 3.7-22, implementation of the proposed General Plan 2045 goals and policies, as well as adherence to existing regulatory requirements that include, but are not limited to, the CBC, LMC, and LDC would ensure future development would not cause substantial hazards associated with development on unstable geologic units or unstable soils, such as landslides, subsidence, liquefaction, lateral spreading, settlement, or collapse. Specifically, proposed Policies S-6.2 and S-6.5 would require a site-specific geotechnical

investigation for new urban development approval in areas subject to high or moderate geologic hazard, as well as critical facilities, so that structures are constructed in a manner that mitigates site-specific geotechnical challenges and minimizes risk from unstable soils. Therefore, implementation of the proposed Project would not cause substantial hazards associated with future development on unstable geologic units or unstable soils, such as landslides, subsidence, liquefaction, lateral spreading, settlement, or collapse.

24. Geology and Soils Impact GEO-4: Implementation of the proposed Project would not directly or indirectly cause substantial adverse effects, including the risks to life or property, from expansive soils, as defined in Table 18-1B of the Uniform Building Code (1994).

As stated in Draft EIR Section 3.7.4, pages 3.7-22 and 3.7-23, implementation of the proposed General Plan 2045 goals and policies, as well as compliance with existing State, regional, and local regulations, such as the CBC, LMC, and LDC, would ensure that future development would not directly or indirectly cause substantial adverse effects, including the risks to life or property from expansive soils. Specifically, proposed Policy S-6.9 would require geotechnical evaluations to confirm that development on expansive soils would not post risks of structural damage and to propose any additional design measures in foothill areas required to address topographic and sols movement concerns. Therefore, implementation of the proposed Project would not directly or indirectly cause substantial adverse effects, including the risks to life or property, from expansive soils, as defined in Table 18-1B of the Uniform Building Code (1994).

25. Geology and Soils Impact GEO-5: Implementation of the proposed Project would not result in development on 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.

As stated in Draft EIR Section 3.7.4, pages 3.7-23 and 3.7-24, proposed General Plan 2045 Policy INF-3.1 would require structures with plumbing in the City Limit to connect to the public wastewater collection system area, which is coterminous with the UGB. Therefore, future development in the EIR Study Area is not anticipated to result in the use of septic tanks or alternative wastewater disposal systems. In the event septic tanks or alternative wastewater disposal systems are required, LMC Chapter 13-32 would allow for the construction of septic tanks or alternative wastewater disposal systems provided that a special permit is granted by the City Council. Therefore, implementation of the proposed Project would not result in development on 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.

26. Geology and Soils Impact GEO-6: Implementation of the proposed Project would not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature.

As discussed in Draft EIR Section 3.7.4, pages 3.7-24 and 3.7-25, compliance with federal, State, regional, and local regulations and implementation of the proposed General Plan 2045 goal and policies pertaining to paleontological resources would ensure that future development would not directly or indirectly cause substantial adverse effects to paleontological resources. Specifically, proposed Policy CI-5.2 requires that if resources, including paleontological resources, are discovered

during construction, the immediate suspension of work in the area and a qualified professional shall evaluate the resource. Therefore, implementation of the proposed Project would not directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature.

27. Geology and Soils Impact GEO-7: Implementation of the proposed Project would not have a cumulative effect related to geological resources.

As stated in Draft EIR Section 3.7.5, pages 3.7-25 and 3.7-26, future cumulative development would be constructed utilizing current design and construction methodologies for earthquake resistant design as required by relevant regulations, such as the CBC, in addition to any local requirements, including the applicable policies and programs included in the applicable general plans and the applicable municipal codes. They would also be required to comply with Society of Vertebrate Paleontology standards, when and if required, which would ensure the protection of unique paleontological resources. Compliance with these requirements would reduce cumulative, development-related impacts that pertain to seismic events, erosion and loss of topsoil, unstable geologic units, expansive soils, use of septic tanks or other alternative wastewater disposal systems, or destruction of a unique paleontological unit. Therefore, implementation of the proposed Project would not have a cumulative effect related to geological resources.

28. Hazards and Hazardous Materials Impact HAZ-1: Implementation of the proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

As discussed in Draft EIR Section 3.9.4, pages 3.9-20 and 3.9-22, future development that would introduce hazardous materials to a site, or that would generate or result in the transportation of hazardous waste, would be regulated pursuant to federal, State, regional, and local laws, including the proposed General Plan 2045 goals and policies. Specifically, proposed Policy S-11.3 requires measures that promote the safe transport of hazardous materials, and Policy S-11.4 requires coordination with nearby jurisdictions for the transportation of hazardous materials and hazardous materials release response across jurisdictional boundaries. Proposed Policies S-11.7 and S-11.11 would promote the reduction of hazardous waste production and provide convenient access for disposal, which would reduce hazardous waste entering the waste stream. Proposed Policy 11.2 would ensure hazardous waste is only managed in areas with a land use designation of High Intensity Industrial, which would ensure it is managed in places where it would not expose residents or sensitive populations to hazardous waste. Policy S-11.10 would implement processing procedures and local siting criteria consistent with the Alameda County hazardous materials and waste management plans. Therefore, implementation of the proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

29. Hazards and Hazardous Materials Impact HAZ-2: Implementation of the proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

As discussed in Draft EIR Section 3.9.4, pages 3.9-22 through 3.9-24, compliance with the federal, State, regional, and local laws, as well as implementation of the proposed General Plan 2045 goals and policies, would ensure future development would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Specifically, proposed Policy S-11.5 would require facilities subject to the City's hazardous materials regulations to submit an emergency response plan. Proposed Policies S-11.6 and S-11.8 require investigations and remediation to ensure that soils, groundwater, and buildings affected by hazardous material releases from prior land uses, and lead and asbestos potentially present in building materials, would not have the potential to affect the environment or the health and safety of future property owners or users, consistent with State and Alameda County regulations. Therefore, implementation of the proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment

30. Hazards and Hazardous Materials Impact HAZ-3: Implementation of the proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school.

As discussed in Draft EIR Section 3.9.4, page 3.9-25, compliance with existing applicable local, State, and federal regulatory requirements and proposed General Plan 2045 goals would minimize the potential release of hazardous materials associated with development. Specifically, proposed Policies S-11.2 and S-11.10 would consider the siting of hazardous waste management facilities and implement processing procedure and local siting criteria consistent with the Alameda County hazardous materials and waste management plans. Proposed Policies S-11.6 and S-11.8 require investigations and remediation to ensure that soils, groundwater, and buildings affected by hazardous material releases from prior land uses, and lead and asbestos potentially present in building materials, would not have the potential to affect the environment or the health and safety of future users, such as a school, consistent with State and Alameda County regulations. Therefore, implementation of the proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substance, or waste within one-quarter mile of an existing or proposed school.

31. Hazards and Hazardous Materials Impact HAZ-4: Implementation of the proposed Project would not result in future development to be located on a site that is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

As discussed in Draft EIR Section 3.9.4, pages 3.9-25 and 3.9-26, compliance with applicable federal, State, and local laws and regulations regarding cleanup and reuse of a listed hazardous materials site, as well as proposed General Plan 2045 goals and policies, would ensure future development would not create a significant hazard to the public or the environment. Specifically, proposed Policy S-11.6 requires investigations and remediation to ensure that soils, groundwater, and buildings affected by hazardous material releases from prior land uses, and lead and asbestos potentially present in building materials, would not have the potential to affect the environment or the health and safety of future property owners or users. Therefore, implementation of the proposed Project would not result in future development to be located on a site that is included on a list of hazardous materials compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.

32. Hazards and Hazardous Materials Impact HAZ-5: Implementation of the proposed Project would not result in a safety hazard or excessive noise for people residing or working in the project area.

As discussed in Draft EIR Section 3.9.4, pages 3.9-27 and 3.9-28, compliance with the requirements of the Alameda County Airport Land Use Commission (ALUC) as well as the proposed General Plan 2045 goals and policies would ensure that future development would not result in a safety hazard or excessive noise for people residing or working in the project area. Specifically, proposed Policy S-12.1 would define, maintain, and enforce airport safety zones to minimize potential hazards associated with airport operations, and Policy S-12.2 would prohibit noise-sensitive or safety-sensitive uses in airport influence areas. Proposed Policy N-1.3 would require evaluation of potential noise impacts and recommend mitigation measures for development within the 2030 Airport Community Noise Equivalent Level Noise Contours, and Policy N-4.5 would encourage voluntary compliance with noise abatement procedures. Therefore, implementation of the proposed Project would not result in a safety hazard or excessive noise for people residing or working in the project area.

33. Hazards and Hazardous Materials Impact HAZ-6: Implementation of the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

As discussed in Draft EIR Section 3.9.4, pages 3.9-28 through 3.9-30, compliance with applicable federal, State, and local laws and regulations regarding emergency response or emergency evacuation and proposed General Plan 2045 goals and policies would ensure future development would not interfere with an adopted emergency response plan or emergency evacuation plan. Specifically, proposed Policy S-1.1 would require coordination with regional partners to conduct periodic mock exercises to ensure effective emergency preparedness and response, and Policy S-1.2 would support reliable emergency communication systems that provide timely warnings and updates to facilitate efficient evacuation during an emergency. Proposed Policy S-1.3 and S-2.4 would ensure adequate evacuation routes are provided for new development and throughout the EIR Study Area. Proposed Actions S-A-1.2 through S-A-1.4 would further support these policies by working with other agencies to increase access to and participation in emergency response systems, conducting an evaluation study to identify evacuation routes and constraints, and coordinating with transit providers to develop evacuation plans for those with special access or functional needs. Therefore, implementation of the proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

34. Hazards and Hazardous Materials Impact HAZ-7: Implementation of the proposed Project would not have a cumulative effect related to hazards and hazardous materials.

As discussed in Draft EIR Section 3.9.5, pages 3.9-30 and 3.9-31, while impacts resulting from hazardous materials tend to be site specific rather than cumulative in nature, other future projects in the eastern Alameda County region would be required to comply with federal, State, and local laws and policies, including the Tri-Valley Local Hazard Mitigation Plan (LHMP), and all applicable permitting requirements of the regulatory and oversight agencies intended to address potential impacts related to hazards and hazardous materials. Environmental review of specific development proposals, as applicable, would serve to reduce potential impacts. With respect to airport safety or noise hazards, only properties within designated airport influences areas are subject

to airport land use compatibility requirements, and development within these areas must comply with the Alameda County ALUC. Other jurisdictions in the region are subject to a similar regulatory framework. Therefore, implementation of the proposed Project would not have a cumulative effect related to hazards and hazardous materials.

35. Hydrology and Water Quality Impact HYD-1: Implementation of the proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

As discussed in Draft EIR Section 3.10.4, pages 3.10-21 through 3.10-25, compliance with State and local regulations, including the State Water Resources Control Board (SWRCB) Construction General Permit (CGP), the City's BMPs, CALGreen, the LMC, and the proposed General Plan 2045 goals and policies would ensure that future development does not violate water quality standards or waste discharge requirements. Implementation of a stormwater pollution prevention plan (SWPPP) and construction BMPs would minimize pollutant discharges from soil disturbance and construction activities, while operational BMPs would reduce long-term pollutant loading from urban runoff. Specifically, proposed Policies INF-4.3 and INF-4.4 encourage minimizing impervious surfaces and installation of green stormwater infrastructure and other natural stormwater management infrastructure. Proposed Policies OS-3.1 and OS-3.3 would require the City to maintain and improve water quality by regulating runoff from urban uses. Proposed Actions INF-A-4.1 and OS-A-3.1 would further support these policies by installing green stormwater infrastructure to reduce runoff and improve water quality and coordinating with other agencies to study areas potentially suitable for groundwater recharge. Therefore, implementation of the proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.

36. Hydrology and Water Quality Impact HYD-2: Implementation of the proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed Project would impede sustainable groundwater management of the basin.

As discussed in Draft EIR Section 3.10.4, pages 3.10-25 and 3.10-26, compliance with the LMC, requirements for new construction and water-efficient landscaping, and the proposed General Plan 2045 goals and policies would ensure that the proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge, such that it may impede sustainable groundwater management of the basin. Specifically, proposed Policy OS-3.1 would require the City to maintain and improve the quality and quantity of groundwater and groundwater recharge areas. Proposed Policy OS-3.4 would require the City to coordinate with relevant agencies to support the sustainable management, protection, and recharge of the Livermore Valley Groundwater Basin and study areas potentially suitable for groundwater recharge to inform planning and land use development decisions. Therefore, implementation of the proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the proposed Project would impede sustainable groundwater management of the basin.

37. Hydrology and Water Quality Impact HYD-3: Implementation of the proposed Project would not 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 a 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.

As discussed in Draft EIR Section 3.10.4, pages 3.10-26 through 3.10-30, through compliance with existing State and local regulations and BMPs, as well as implementation of the proposed General Plan 2045 goals and policies, development would not result in substantial erosion, siltation, or flooding on or off site; create or contribute runoff water which would exceed capacity of stormwater drainage systems; or impede or redirect flood flows. Specifically, proposed Policy S-6.8 would require developers to implement control site preparation procedures and construction phasing that would reduce erosion and exposure of soils to the maximum extent possible. Proposed Policy S-6.7 and S-6.9 would require geotechnical engineering analysis to ensure that projects in areas with severe erosion or expansive soils would not contribute to increased erosion, sedimentation, or runoff. Proposed Policy INF-4.1 and INF-4.6 requires the City to design public storm drainage improvements to carry appropriate design-year flows and coordinate with Zone 7 and other responsible agencies to maintain and improve the regional flood protection system. Proposed Policies INF-4.3 and INF-4.4 encourage minimizing impervious surfaces and installation of green stormwater infrastructure to reduce runoff. Proposed Policy INF-4.2 would require future development to evaluate how stormwater runoff would affect local and regional flood systems and requires projects to include plans for detention and drainage facilities to prevent increased flood risk. Therefore, implementation of the proposed Project would not 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 a 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.

38. Hydrology and Water Quality Impact HYD-4: Implementation of the proposed Project would not result in the release of pollutants due to project inundation resulting from flood, tsunami, or seiche.

As discussed in Draft EIR Section 3.10.4, pages 3.10-30 through 3.10-33, future development would be subject to the requirements of the LMC and the Tri-Valley LHMP, among other existing, applicable regulations, which would reduce the risks of inundation. Furthermore, as previously described, in coordination with the city, California Department of Water Resources is responsible for maintaining flood protection features in the EIR Study Area. Additionally, all future development would be evaluated on a project-by-project basis to assess impacts related to risk of pollutant release associated with flooding and inundation and would be required to address those impacts through compliance with applicable regulations. In addition, future projects would be required to comply with the proposed General Plan 2045 policies. Specifically, proposed Policy S-7.3 would require new development in the 100-year flood zone to avoid obstructing flood flows, increasing erosion, flood risks, pollutant loads, or degrading water quality, and proposed Policy S-

7.2 would limit modifications to designated floodways for the purpose of accommodating new development. Proposed Policies S-7.4 and S-7.5 would prohibit the construction of new critical facilities in the 100-year flood zone and require new public and private service facilities in flood zones to be floodproofed to or above the base flood elevation. Proposed Policies S-7.8 and S-7.9 would require collaboration with regional partners to identify and mitigate regional flood risks and coordination for post-flood recovery resources. Proposed Policy S-8.1 would ensure that the evacuation plan or dam inundation areas are accurate and up to date. Proposed Policy S-8.2 would ensure there is adequate funding for the inspections of Del Valle and Patterson dams and ensure that required maintenance is being carried out. Therefore, implementation of the proposed Project would not result in the release of pollutants due to project inundation resulting from flood, tsunami, or seiche.

39. Hydrology and Water Quality Impact HYD-5: Implementation of the proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

As discussed in Draft EIR Section 3.10.4, pages 3.10-33 and 3.10-34, adherence to the existing regulatory framework, including the SWRCB CGP, regional Municipal Separate Storm Sewer Systems (MS4) Permit, and LMC, would ensure that both surface and groundwater quality are protected during construction and ongoing development of future projects. The CGP requires preparation of a SWPPP, which incorporates BMPs to control sediment, erosion, and hazardous materials contamination of runoff during construction. Pursuant to the regional MS4 Permit, future development would be required to comply with stormwater permit requirements under Provision C.3. Future development would be required to comply with LMC Chapter 13.25 and implement the water-efficient requirements specified in the CALGreen and California Plumbing Codes and the MWELO requirements for water-efficient landscaping outline in LMC Chapter 13.25. In addition, proposed Policy OS-3.1 would require the City to maintain and improve the quality and quantity of groundwater and groundwater recharge areas. Proposed Policy OS-3.4 would require the City to coordinate with relevant agencies to support the sustainable management, protection, and recharge of the Livermore Valley Groundwater Basin and study areas potentially suitable for groundwater recharge to inform planning and land use development decisions. Therefore, implementation of the proposed Project is consistent with and supports the objectives of both the San Francisco Bay RWQCB Basin Plan and the Alternative Groundwater Sustainability Plan (GSP), and implementation of the proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

40. Hydrology and Water Quality Impact HYD-6: Implementation of the proposed Project would not have a cumulative effect related to hydrology and water quality.

As discussed in Draft EIR Section 3.10.5, pages 3.10-34 through 3.10-36, because future development in both the EIR Study Area and regional watersheds would be required to comply with existing regulatory requirements described under Hydrology and Water Quality Impact HYD-1 through HYD-5, cumulative development would be consistent with and support the objectives of the San Francisco Bay RWQCB Basin Plan and the applicable GSP. Therefore, implementation of the proposed Project would not have a cumulative effect related to hydrology and water quality.

41. Land Use and Planning Impact LUP-1: Implementation of the proposed Project would not physically divide an established community.

As discussed in Draft EIR Section 3.11.4, pages 3.11-5 through 3.11-7, implementation of the proposed Project would not result in a change in land use or zoning that would cause the construction or removal of any physical features or means of access throughout the EIR Study Area or the region. The proposed Project promotes infill development and encourages higher density in already-developed areas. Additionally, the proposed Project would maintain the existing roadway patterns and would not include any new major roadways or other physical features through existing neighborhoods that would create new physical barriers in the EIR Study Area. The proposed General Plan 2045 contains goals and policies that are designed to promote orderly growth. Specifically, proposed Policy LU-1.5 would require new development to be designed to complement existing surroundings. Proposed Policy LU-1.7 and 1.9 would promote infill development in major commercial and transit-supportive development area and efficient use of land and infrastructure resources. Therefore, implementation of the proposed Project would not physically divide an established community.

42. Land Use and Planning Impact LUP-2: Implementation of the proposed Project would not 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.

As discussed in Draft EIR Section 3.11.4, pages 3.11-8 through 3.11-15, the proposed General Plan 2045 is the primary planning document for the City of Livermore. The proposed Project is intended to ensure consistency between the General Plan, LDC, regional plans, and federal and State laws and ensure there are no conflicts with these land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect that would result in a significant environmental impact. Therefore, implementation of the proposed Project would not 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.

43. Land Use and Planning Impact LUP-3: Implementation of the proposed Project would not have a cumulative effect related to land use.

As discussed in Draft EIR Section 3.11.4, page 3.11-15, cumulative development would be governed by the applicable plans, programs, policies, and land use planning regulations which would ensure logical and orderly development and require discretionary review to ensure that projects do not divide an established community or result in environmental impacts due to inconsistency with applicable land use planning regulations including, but not limited to, the applicable general plans or any applicable Specific Plans. Cumulative development would also adhere to policies of the applicable municipal codes. Conformance with these land use planning regulations would be confirmed during project approval. For these reasons, cumulative projects would have a less than significant cumulative effect and the proposed Project would not result in a cumulatively considerable contribution. Therefore, implementation of the proposed Project would not have a cumulative effect related to land use.

44. Mineral Resources Impact MIN-2: Implementation of the proposed Project would not 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.

As discussed in Draft EIR Section 3.12.4, pages 3.12-6 and 3.12-7, the EIR Study Area consists of regionally significant construction aggregate resource areas. The proposed General Plan 2045 Land Use Map retains the Open Space/Sand and Gravel (OSP/S&G) land use designation for most of the lands as designated in the existing General Plan as Resource Area Sector A-2. Some of the Resource Area Sectors and land that was designated Open Space/Sand and Gravel under the existing General Plan would be redesignated for agricultural, industrial office, and open space and park uses under the proposed General Plan 2045 land use map. The proposed redesignations to agricultural, industrial office, and open space and park uses would be compatible uses that would not result in the loss of availability of a locally important mineral resources recovery site. As such, there would be no permanent obstruction of the mineral resources designated as OSP/S&G, as shown on the proposed General Plan 2045 land use map, and there would be no loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Therefore, implementation of the proposed Project would not 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.

45. Noise Impact NOI-2: Implementation of the proposed Project would not generate excessive groundborne vibration or groundborne noise levels.

As discussed in Draft EIR Section 3.13.4, pages 3.13-49 through 3.13-52, because specific project-level information is not available at this time, it is not possible to quantify future vibration levels at vibration-sensitive receptors that may be near future operational vibration sources. However, adherence to the FTA vibration standards as part of permit issuance for future projects and implementation of the proposed General Plan 2045 goals and policies would ensure impacts related to excessive groundborne vibration or groundborne noise levels are less than significant. Specifically, proposed Policy N-4.7 would require new projects that have the potential to generate substantial vibration to provide a vibration study that include attenuation measures to reduce such vibration to adhere to applicable standards. Therefore, implementation of the proposed Project would not generate excessive groundborne vibration or groundborne noise levels.

46. Noise Impact NOI-3: Implementation of the proposed Project would not expose people residing or working in the project area to excessive aircraft noise levels.

As discussed in Draft EIR Section 3.13.4, pages 3.13-52 through 3.13-54, compliance with the proposed General Plan 2045 goals and policies would ensure future development would not be exposed to unacceptable aircraft noise impacts. Specifically, proposed Policy N-1.3 would require the City to apply the Noise Compatibility policies of the Livermore Airport Land Use Compatibility Plan and evaluate potential noise impacts and recommend mitigation measures through discretionary review procedures such as environmental review, design review, and evaluation of use permits. Therefore, implementation of the proposed Project would not expose people residing or working in the project area to excessive aircraft noise levels.

47. Population and Housing Impact PH-1: Implementation of the proposed Project would not 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).

As discussed in Draft EIR Section 3.14.4, pages 3.14-5 through 3.14-8, the General Plan is the policy document that plans ahead to accommodate the amount of reasonably foreseeable growth for population, housing, and jobs given past growth trends and the ability of existing services and infrastructure to support future growth. Additionally, buildout of the proposed Project would be able to accommodate the potential 7th Regional Housing Needs Allocation (RHNA) cycle and most of the potential 8th RHNA cycle, which extends beyond the buildout horizon of the proposed Project. The Land Use Element of the proposed General Plan 2045 contains goals and polies that are designed to minimized unplanned population growth. Specifically, proposed Policy LU-19.3 requires the City to remain engaged in current and future long-range plans, such as those prepared by Association of Bay Area Government and Metropolitan Transportation Commission, to influence and be aware of projected growth assumptions. Proposed Policy LU-1.3 requires the City to use this General Plan EIR as a foundation for future discretionary action and to require additional environmental reviews to evaluate the impacts of continued growth if development exceeds projected buildout. Proposed Action LU-A-1.1 would further support these policies by preparing development monitoring reports to track growth in the EIR Study Area. Consequently, while buildout under with the proposed Project would serve to accommodate expected population, housing, and job growth in the EIR Study Area, this growth would not represent unplanned population growth for which inadequate planning has occurred. Therefore, implementation of the proposed Project would not 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).

48. Population and Housing Impact PH-2: Implementation of the proposed Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

As discussed in Draft EIR Section 3.14.4, pages 3.14-9 and 3.14-10, the proposed Project is anticipated to result in a net increase in density and utilization of infill or underutilized sites in existing urban areas. Therefore, displacement of people or housing would be temporary as redevelopment occurs. While the proposed General Plan 2045 focuses on infill development which may occur as redevelopment, identified infill areas are predominantly non-residential, and the proposed Project does not call for any large-scale development that would result in substantial displacement of existing housing. The scale of temporary removal of housing would be typical for urban development projects. Further, redevelopment in the EIR Study Area would occur largely on sites that are underutilized and/or with older structures that are past their useful life, and small levels of displacement that may occur would be addressed through compliance with the LMC and proposed General Plan goals and policies. Specifically, proposed Policies LU-1.2 and LU-3.1 would require the City to provide for a range of housing types, sizes, and affordability levels and Policies LU-8.5 and LU-8.6 would encourage the City to acquire property for public uses, such as housing, and allow residential development on quasi-public sites. Therefore, implementation of the proposed Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

49. Population and Housing Impact PH-3: Implementation of the proposed Project would not have a cumulative effect related to unplanned population growth or displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

As discussed in Draft EIR Section 3.14.5, pages 3.14-10 through 3.14-12, implementation of the proposed Project would not induce a substantial amount of unplanned population growth or growth for which inadequate planning has occurred, or displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. The proposed General Plan 2045 goals and policies, as described under Population and Housing Impact PH-1 and Impact PH-2, would provide adequate planning to accommodate the proposed new increase in growth in the EIR Study Area. Therefore, cumulative development would not induce substantial unplanned population growth, either directly or indirectly or result in the displacement of substantial numbers of existing people our housing, necessitating the construction of replacement housing elsewhere.

50. Public Services, Recreation Impact PS-1: Implementation of the proposed Project would not 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 to maintain acceptable service ratios, response times, or other performance objectives for any of the public services, including fire protection, police protection, schools, parks, or other public facilities, the construction of which could cause significant environmental impacts.

As discussed in Draft EIR Section 3.15.4, pages 3.15-19 through 3.15-28, it is expected that new growth under the proposed Project would most likely occur incrementally over the next 20 years. The potential need for new or physically altered governmental facilities would be assessed as development occurs. Mandatory adherence to the proposed General Plan 2045 goals and policies would minimize impacts to public services and governmental facilities and ensure facilities and staffing for public services keep pace with development. Specifically, proposed Policies S-4.4 and S-4.5 would require the City to strive to improve performance and efficiency of the Livermore-Pleasanton Fire Department (LPFD) by monitoring traffic conditions, call volume, and development to determine if any fire stations need to be relocated, or if there is a need for a new station(s), and provide firefighting equipment, facilities, and staffing sufficient to maintain adequate response times and meet performance standards. Proposed Policy S-3.2 would require annual review of the Livermore Police Department (LPD) staffing levels and development trends to determine whether additional police staffing or facilities are needed. A three-phase project was recommended to meet the LPD facilities and equipment deficiencies. Proposed Policy CS-1.1 would require coordination with Livermore Valley Joint Unified School District to allow the district with opportunities to review and comment on future development projects and identify the type of school facilities that may be needed to serve the anticipated population growth. Proposed Policy OS-5.7 would require implementation of parkland standards that are consistent with the Livermore Area Recreation and Park District (LARPD) standards. Proposed Policy OS-5.9 would require developers to provide land or in-lieu fees for parks, which would help facilitate the construction of parks. Proposed Policies OS-5.8 and OS-5.10 would require coordination with LARPD to identify sites to maintain park service standards, prioritize new parks and park improvements in park-deficient neighborhoods, and identify funding sources for park acquisition and improvements and to update the in-lieu park fee ordinance and park facility fees to ensure they reflect current needs and support the development of parks, trails, and recreational facilities, which would ensure new residents have access to parks, stopping potential over usage of existing parks and recreational facilities. Proposed Policy CS-4.3 requires the maintenance of City funding of library operations or expansion of funding, as the City budget allows, to meet the community's needs; this funding would allow the expansion of staffing and facilities to serve future buildout, as needed. Therefore, implementation of the proposed Project

would not 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 to maintain acceptable service ratios, response times, or other performance objectives for any of the public services, including fire protection, police protection, schools, parks, or other public facilities, the construction of which could cause significant environmental impacts.

51. Public Services, Recreation Impact PS-2: Implementation of the proposed Project would not 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.

As discussed in Draft EIR Section 3.15.4, pages 3.15-28 and 3.15-29, as the City receives development applications for future development, those applications will be reviewed by the City for compliance with the policies of the General Plan to ensure that parks and recreational facilities keep pace with new development. Specifically, proposed Policies OS-5.1 and OS-5.3 require coordination with LARPD to provide a comprehensive system of parks and recreation facilities that are efficient, accessible to all users, well-maintained, and equitably distributed throughout the community and to develop adequate neighborhood, community, and other appropriate park space and facilities in Livermore to serve foreseeable population increases. In addition, future development would be required to pay in-lieu fees in accordance with LMC Chapter 12.60. Therefore, implementation of the proposed Project would not 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.

52. Public Services, Recreation Impact PS-3: Implementation of the proposed Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

As discussed in Draft EIR Section 3.15.4, page 3.15-29, the proposed General Plan 2045 Open Space and Conservation Element includes goals and policies to ensure adequate parks and recreational facilities are available to serve the community and keep pace with development. Specifically, proposed Policies OS-5.1 and OS-5.3 require coordination with LARPD to provide a comprehensive system of parks and recreation facilities that are efficient, accessible to all users, well-maintained, and equitably distributed throughout the community and to develop adequate neighborhood, community, and other appropriate park space and facilities in Livermore to serve foreseeable population increases. Construction or expansion of recreational facilities would require permitting and review in accordance with City standards, which would ensure that any environmental impacts are disclosed and mitigated. Therefore, implementation of the proposed Project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

53. Public Services, Recreation Impact PS-4: Implementation of the proposed Project would not have a cumulative effect related to public services or recreation.

As discussed in Draft EIR Section 3.15.5, pages 3.15-30 through 3.15-32, future development would be required to undergo project review at the time of project application, and each proposed development would be assessed for impacts to fire protection services, police services, school services, library services, and park and recreation services. Construction or alteration of public service facilities would also be reviewed for compliance with the policies and

programs of the General Plan and Municipal Code of the appropriate jurisdiction, and such construction would be subject to separate project-level environmental review pursuant to CEQA, as required, to identify potential environmental impacts and mitigation measures, if needed. With adequate planning in place in both the EIR Study Area and the areas served by the service providers, the proposed Project would not result in a cumulatively considerable impact on public services, parks, or recreation. Therefore, implementation of the proposed Project would not have a cumulative effect related to public services or recreation.

54. Transportation Impact TRANS-1: Implementation of the proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and pedestrian facilities.

As discussed in Draft EIR Section 3.16.4, pages 3.16-11 through 3.16-21, the proposed Project supports public transit and improvements to bicycle and pedestrian facilities. It would promote and direct the City to expand the pedestrian and bicycle network, close gaps in the transportation network, and coordinate with regional agencies to improve the transit network. Implementation of these proposed General Plan 2045 goals and policies would support plans and programs to increase travel by transit. Specifically, proposed Policy MO-2.2 promotes safe and feasible alternative transportation facilities to encourage ridership, and proposed Policies MO-4.2, MO-4.3, and MO-4.4 encourage collaboration with other transit providers to improve and expand transit connections. Proposed Actions MO-A-4.1 and MO-A-4.2 would further support these policies by providing strategies to spur the development of transit-supportive infrastructure and regional transportation improvements. Implementation of proposed General Plan 2045 goals and policies would also support programs to reduce overall vehicle usage and VMT, as well as support programs, plans, ordinances, pr policies addressing the roadway network. Specifically, proposed Policy MO-2.2 would provide safe and feasible alternative transportation, and Policy MO-2.4 would promote implementation of transportation demand management to reduce VMT. Proposed Actions MO-A-2.1, MO-A-5.1, and MO-A-8.4 would further support these policies through the adoption of a transportation demand management ordinance for new developments, which would incorporate tiered trip reduction and VMT reduction targets; implementation of the City's Vision Zero Plan to make roadways safer through street, speed management, and safe crossings; and amending the LMC to establish curbside management requirements. Implementation of proposed General Plan 2045 goals and policies would also improve the bicycle and pedestrian network and support programs to increase bicycle and pedestrian travel. Specifically, proposed Policy MO-3.2 aims to improve connectivity for bicycle and pedestrians, and Policy MO-3.7 encourages multimodal street design that integrates bike lanes, bus stops, crosswalks, curb ramps, and other roadway features. Proposed Actions MO-A-5.1, MO-A-7.1, and MO-A-8.3 further support these policies by implementing the City's Vision Zero Plan to make roadways safer through street design, speed management, and safe crossings; developing and implementing a parking strategy for the downtown area; and installing bicycle racks and bicycle storage facilities in areas where more bicycle parking would be beneficial. Overall, implementation of proposed General Plan 2045 goals and policies would generally improve the circulation system. Specifically, proposed Policy MO-6.1 would ensure consistency between circulation and land uses, and Policy MO-6.3 would develop transportation impact guidelines to mitigate transportation impacts of future projects. Proposed Policies MO-12.1 and MO-12.3 require coordination with other transportation agencies and neighboring jurisdictions to align transportation planning. Therefore, implementation of the proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, and pedestrian facilities.

55. Transportation Impact TRANS-2: Implementation of the proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

As discussed in Draft EIR Section 3.16.4, pages 3.16-22 through 3.16-24, the anticipated changes in VMT from the baseline conditions to the projected 2045 conditions indicate that future development, especially mixed-use projects, could be successful in reducing VMT by increasing access to job opportunities and essential services within shorter distances. As a result of the reduced distances, there would be a decrease in VMT per capita. Moreover, these shorter trips would also reduce VMT by promoting the use of alternative modes of transportation such as bicycling and walking. In addition, the same proposed General Plan 2045 goals and policies identified under Transportation Impact TRANS-1 would promote alternative modes of transportation, such as public transit, bicycling, and walking, encouraging more individuals to choose non-auto modes of transportation, decreasing their reliance on private vehicles. Therefore, implementation of the proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b).

56. Transportation Impact TRANS-3: Implementation of the proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

As discussed in Draft EIR Section 3.16.4, page 3.16-24, implementation of the proposed General Plan 2045 goals and policies would promote improvements to the transportation network that are designed to be safe for all modes of travel. Compliance with State regulations on roadway and facility design, materials, and signage would further minimize the potential for impact. Specifically, proposed Policy MO-5.8 would require the City to maintain engineering design standards for each street classification. Therefore, implementation of the proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

57. Transportation Impact TRANS-4: Implementation of the proposed Project would not result in inadequate emergency access.

As discussed in Draft EIR Section 3.16.4, page 3.16-25, the proposed Project recommends various transportation and green infrastructure improvements. Future development would be subject to the requirements in the LDC, which includes requirements for emergency access, and would be reviewed by public safety officials for compliance with applicable safety, fire, and building codes as part of the City's standard entitlement process. Furthermore, proposed General Plan 2045 policies discussed under Transportation Impact TRANS-1 would also ensure adequate emergency access. The provision of adequate emergency access would be accomplished by considering access routes, developing and updating emergency response plans, and incorporating emergency access considerations in the design of future street improvements. Therefore, implementation of the proposed Project would not result in inadequate emergency access.

58. Transportation Impact TRANS-5: Implementation of the proposed Project would not have a cumulative effect related to transportation.

As discussed in Draft EIR Section 3.16.5, pages 3.16-25 and 3.16-26, compliance with existing federal, State, and local regulations, as well as implementation of the proposed General Plan 2045 goals and policies, as described in Transportation Impact TRANS-1 through Impact TRANS-4, would ensure that the proposed Project would not have a cumulatively significant impact related to transportation. Therefore, implementation of the proposed Project would not have a cumulative effect related to transportation.

59. Utilities and Service Systems Impact USS-1: Implementation of the proposed Project would not 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.

As discussed in Draft EIR Section 3.17.4, pages 3.17-48 through 3.17-62, compliance with existing federal, state, and local regulatory requirements, including the proposed General Plan 2045 goals and policies would ensure that the proposed Project would not 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 beyond what has already been planned. Proposed Policies INF-2.6, INF-2.8, and INF-2.9 require new development projects to in the City Limit to connect to the water system and be responsible for constructing adequate potable water distribution system and paying water connection fees to construct additional necessary storage, pumping, and distribution facilities and require the City to condition the approval of new development on the availability of sufficient water supply, storage, and pressure requirements from the City or other water purveyors. Specifically, proposed Policies INF-2.6, INF-2.8, and INF-2.9 require new development projects in the City Limit to connect to the water system and be responsible for constructing adequate potable water distribution systems and paying water connection fees to construct additional necessary storage, pumping, and distribution facilities and require the City to condition the approval of new development on the availability of sufficient water supply, storage, and pressure requirements from the City or other water purveyors. Proposed Policy INF-3.1 would require new development projects to in the City Limit to connect to the public wastewater system. Proposed Policy INF-3.2 would require the City to condition the approval of new development on the availability of adequate long-term capacity of wastewater treatment, conveyance, and disposal sufficient to serve the proposed development areas. Proposed Policy INF-4.2 and INF-4.3 would require new development and major redevelopment projects to evaluate how stormwater runoff will affect local and regional drainage and flood systems and minimize impervious surfaces and integrate green infrastructure to assist in stormwater management. Proposed Policy INF-4.1 would require the City to design public storm drainage improvements to carry appropriate design-year flows to accommodate large storm events. Proposed Policy OS-8.1 would require implementation of the CAP strategies to improve energy efficiency and conservation, promote carbon-free energy sources, and reduce energy-related GHG emissions. Proposed Policy OS-8.5 would require the City to consider the energy efficiency of proposed development when making land use and development review decisions. Therefore, implementation of the proposed Project would not 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

60. Utilities and Service Systems Impact USS-2: Implementation of the proposed Project would not result in a shortage of water supply, and future development would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

As discussed in Draft EIR Section 3.17.4,. pages 3.17-62 and 3.17-63, both Cal Water and Livermore Municipal Water have sufficient water supplies available during normal years and a five-year drought period to accommodate future development. In addition, compliance with the LMC requirements for new construction and adherence to the proposed General Plan 2045 goals and policies would reduce water demand. Specifically, proposed Policy INF-2.2 would require increased water efficiency in all new development and existing building stock and proposed Policy INF-2.4 and INF-2.5 promote recycling and reusing water where appropriate. Therefore, implementation of the proposed Project would not result in a shortage of water supply, and future development would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

61. Utilities and Service Systems Impact USS-3: Implementation of the proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the proposed Project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

As discussed in Draft EIR Section 3.17.4, page 3.17-63, with continued compliance with all applicable regulations, wastewater generated by the proposed Project would not exceed the capacity of Livermore Water Reclamation Plant. In addition, implementation of the proposed General Plan 2045 goals and policies would further reduce demand. Specifically, proposed Policy 3.2 would require the City to condition the approval of new development on the availability of adequate long-term capacity of wastewater treatment, conveyance, and disposal sufficient to serve the proposed development areas. Therefore, implementation of the proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the proposed Project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

62. Utilities and Service Systems Impact USS-4: Implementation of the proposed Project would not 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.

As discussed in Draft EIR Section 3.17.4, pages 3.17-64 through 3.17-66, with continued compliance with the applicable regulations, leading to increased recycling and waste diversion, and implementation of the proposed 2045 General Plan goals and policies, the proposed Project would not generate solid waste in excess of local standards, in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Specifically, proposed Policy INF-5.2 would require the City to meet or exceed State and County waste diversion and recycling requirements and implement efforts that will aid in minimizing waste. Therefore, implementation of the proposed Project would not 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.

63. Utilities and Service Systems Impact USS-5: Implementation of the proposed Project would comply with federal, state, and local statutes and regulations related to solid waste.

As discussed in Draft EIR Section 3.17.4, page 3.17-66, the Vasco Road Landfill and Altamont Landfill together provide sufficient permitted capacity to meet the County's AB 939 requirement to maintain a minimum of 15 years of available landfill capacity. Compliance with AB 1826 would be achieved through organic waste recycling and surplus food recovery programs, including the donation of edible food to local food banks. LMC Chapter 8.08 establishes local requirements for organics recycling for residential, commercial, and institutional uses. Future development would be required to comply with Division 4.4 of the most current CALGreen Code, which requires that a minimum of 65 percent of nonhazardous construction and demolition debris from nonresidential construction be recycled and/or salvaged for reuse. New development and redevelopment would also be required to comply with AB 341, which mandates recycling for residential, commercial, and multifamily land uses. In addition, the INF Element of the proposed General Plan 2045 contains goals and policies that require local planning and development decisions to reduce solid waste generation by promoting diversion and recycling. Specifically, proposed Policy INF-5.2 would require the City to meet or exceed State and County waste diversion and recycling requirements and implement efforts that will aid in minimizing waste. Therefore, implementation of the proposed Project would comply with federal, state, and local statutes and regulations related to solid waste.

64. Utilities and Service Systems Impact USS-6: Implementation of the proposed Project would not have a cumulative effect related to utilities and service systems.

As discussed in Draft EIR Section 3.17.5, pages 3.17-66 through 3.17-69, all cumulative projects would be required to comply with existing federal, state, and other local regulatory requirements as well as proposed General Plan goals and policies described under Utilities and Service Systems Impact USS-1 through Impact USS-5. Therefore, implementation of the proposed Project would not have a cumulative effect related to utilities and service systems.

65. Wildfire Impact WF-1: Implementation of the proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

As discussed in Draft EIR Section 3.18.4, pages 3.18-20 through 3.18-22, future development would be required to comply with adopted State, regional, and local plans and regulations addressing emergency access, response, and evacuation, including the CBC, CFC, LMC, and applicable proposed General Plan 2045 goals and policies. Specifically, proposed Policy S-1.2 would require the expansion and maintenance of reliable emergency communication systems that provide timely warnings and updates, which would help facilitate evacuation in case of emergency. Proposed Policy S-1.3 would require the City to maintain and improve designated evacuation routes and coordinate with regional transportation agencies to ensure the safety and integrity of State-owned evacuation routes. Proposed Actions S-A-1.2 through S-A-1.4 would further support these policies by working with other agencies to increase access to and participation in emergency response systems, conducting an evaluation study to identify evacuation routes and constraints, and coordinating with transit providers to develop evacuation plans for those with special access or functional needs. Compliance with these regulations would ensure future development can be adequately served by emergency response systems operating under the Livermore Emergency

Operations Plan and the Tri-Valley LHMP. Therefore, implementation of the proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

66. Wildfire Impact WF-2: Implementation of the proposed Project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

As discussed in Draft EIR Section 3.18.4, pages 3.18-22 through 3.18-26, compliance with existing State and local regulatory requirements such as the CBC, CFC, California Wildland-Urban Interface Code (CWUIC), PRC Section 4291, and the LMC, as well as implementation of the proposed General Plan 2045 goals and policies, would ensure future development would not expose people to the uncontrolled spread of wildfire or pollutant concentrations due to slope, prevailing winds, or other factors. Specifically, proposed Policy S-5.3 would prohibit development in areas where exposure of slopes cannot be suitably revegetated to substantially reduce fire hazards. Proposed Policies S-5.5 and S-5.8 would require review of development proposals in fire hazard severity zone (FHSZ) for site design criteria and appropriate preventative and self-protective measures as well as adherence to the California Fire Safe Regulations and the Fire Hazard Reduction Around Buildings and Structures Regulations. Proposed Policies S-5.5 and S-5.8 would require review of development proposals in FHSZ for site design criteria and appropriate preventative and self-protective measures as well as adherence to the California Fire Safe Regulations and the Fire Hazard Reduction Around Buildings and Structures Regulations. Proposed Policy S-1.4 requires the City to establish a network of equitably located resilience hubs that offer refuge from poor air quality due to regional wildfire smoke. Proposed Policy S-5.10 would require regular debris and brush clearing along public and private roads and implementation of the Annual Vegetation Management Program through the LPFD to remove hazardous vegetation on unimproved and undeveloped lots to ensure they are maintained in a fire-safe manner. Therefore, implementation of the proposed Project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

67. Wildfire Impact WF-3: Implementation of the proposed Project would not 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.

As discussed in Draft EIR Section 3.18.4, pages 3.18-26 and 3.18-27, infrastructure and maintenance activities would be required to comply with the adopted State regulations, CBC, CFC, CWUIC, LMC, and the proposed General Plan 2045 policies, as applicable, which would reduce exacerbating wildfire risks associated with the installation or maintenance of such infrastructure. Specifically, proposed General Plan 2045 Policy S-1.3 would require the City to maintain and improve designated evacuation routes, including roadway repairs and vegetation management, and coordinate with regional transportation agencies to ensure the safety and integrity of State-owned evacuation routes. Proposed Policy S-5.11 would require regular debris and brush clearing along public and private roads. These policies would serve to ensure such roadways are properly maintained, including removal of vegetation, as necessary, to reduce wildfire risk. Policies S-4.8 would ensure that existing and future development have sufficient water supplies for fire-fighting purposes and structural suppression. Policy S-10.10 would require undergrounding of existing

electrical utilities throughout the EIR Study Area, consistent with LMC Chapter 13.48, which would reduce the ignition risk of such infrastructure. Therefore, implementation of the proposed Project would not 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.

68. Wildfire Impact WF-4: Implementation of the proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

As discussed in Draft EIR Section 3.18.4, pages 3.18-28 and 3.18-29, future development would be required to comply with adopted State, regional, and local plans and regulations addressing wildfire prevention, including the CBC, LMC, Tri-Valley LHMP, Livermore Emergency Operations Plan (EOP), and proposed General Plan 2045 goals and policies, which would minimize risks of postfire hazards, such as slope instability or drainage changes. Specifically, proposed Policies S-6.2 and S-6.7 would require site-specific geotechnical investigation for development approval in areas of high landslides susceptibility and prohibit construction in areas susceptible to slope failure, unless it can be clearly demonstrated through geotechnical engineering analysis that the project will not contribute to increased erosion, sedimentation, or runoff. Proposed Policy S-7.3 would require new development in the 100-year flood zone to avoid obstructing flood flows, increasing erosion, flood risks, pollutant loads, or degrading water quality. Proposed Action S-A-6.1 would further support these policies by requiring detailed fault shear zone studies to define building setback requirements. Therefore, implementation of the proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

69. Wildfire Impact WF-5: Implementation of the proposed Project would not have a cumulative effect related to wildfire.

As discussed in Draft EIR Section 3.18.5, page 3.18-30, future potential development in the EIR Study Area and the surrounding region would be required to consider potential impairment to any applicable emergency response plan or evacuation plan as approved under that applicable authority. Additionally, future development in the EIR Study Area and the surrounding region would be required to comply with the same State and regional regulations as discussed in Wildfire Impact WF-1 through Wildfire Impact WF-5, as applicable, such as PRC Section 4291, CBC, CFC, CWUIC and the Tri-Valley LHMP. Lands throughout eastern Alameda County would also implement wildfire reduction strategies through implementation of the Alameda County CWPP, Alameda County EOP, the Alameda County LHMP, applicable goals and policies in the Alameda County General Plan, and the Alameda County Municipal Code. These provisions establish requirements for ignition-resistant building materials, ember-resistant attic vents, enclosed eaves, fire-resistant decking, and the maintenance of defensible space consistent with PRC Section 4291. Compliance with these regulations would reduce the potential for structure ignition and wildfire spread and associated postfire hazards. Therefore, implementation of the proposed Project would not have a cumulative effect related to wildfire.

F. NO IMPACT DETERMINATIONS IDENTIFIED IN THE EIR

CEQA Guidelines Section 15128, *Effects Not Found to be Significant*, allows environmental issues for which there is no likelihood of significant impact to be "scoped out" and not analyzed further in the Draft EIR. The Draft EIR identified the following No Impact determinations:

1. Agriculture and Forestry Resources Impact AGR-5: Implementation of the proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

As discussed in Draft EIR Section 5.1, page 5-1, the EIR Study Area does not contain any national- or State-designated forestland and the woodland/forest communities do not qualify as forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). Therefore, implementation of the proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

2. Agriculture and Forestry Resources Impact AGR-6: Implementation of the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.

As discussed in Draft EIR Section 5.1, page 5-1, the EIR Study Area does not contain any national- or State-designated forestland and the woodland/forest communities do not qualify as forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). Therefore, implementation of the proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use.

3. Agriculture and Forestry Resources Impact AGR-7: Implementation of the proposed Project would not 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.

As discussed in Draft EIR Section 5.1, page 5-1, the EIR Study Area does not contain any national- or State-designated forestland and the woodland/forest communities do not qualify as forest land (as defined in PRC Section 12220(g)), timberland (as defined by PRC Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)). Therefore, implementation of the proposed Project would not 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.

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 to mitigate or avoid significant effects on the environment. The City hereby adopts the MMRP for the proposed Project, included as an attachment to these findings. The mitigation measures identified in the EIR to reduce

significant impacts are adopted and incorporated into the proposed Project and will be monitored pursuant to the MMRP.

H. ALTERNATIVES

The Draft EIR evaluated two alternatives to the proposed Project. The City Council has reviewed the significant unavoidable impacts associated with each alternative as compared with the proposed Project and has also considered each alternative's feasibility, considering a range of economic, environmental, social, and legal factors. Overall, the City Council concludes that the two alternatives to the proposed Project are infeasible and less desirable than the proposed Project. The City Council's analysis and conclusions are described below.

1. Alternative A: No Project Alternative (Existing General Plan): Under the No Project Alternative (Alternative A), future development would continue to be subject to existing policies, regulations, development standards, and land use designations of the existing 2003 General Plan. Alternative A would not implement the LMC and LDC amendments associated with the proposed General Plan 2045. Therefore, Alternative A would not incorporate new topics that are now required by State law, such as those related to Housing, Safety, and Environmental Justice Elements, and would not revise relevant goals and policies to meet those requirements.

   Alternative A would not establish an updated policy framework to guide Livermore's physical development, protect its resources, or provide adequate infrastructure and public services to accommodate future development and population increases through 2045. Therefore, Alternative A would not provide for orderly growth within the city. Further, Alternative A would not plan for diverse housing or meet the State-mandated Regional Needs Allocation requirements for the current and estimated future housing cycles through 2045. Alternative A would not plan for future circulation or infrastructure improvements. Further, Alternative A would only partially meet other project objectives related to the provision of mixed-use, infill development intended to promote fiscal sustainability within Livermore. Alternative A would also not meet the project objectives to promote Livermore's long-term fiscal sustainability.

2. Alternative B: Reduced Industrial and Concentrated Residential Alternative: The Reduced Industrial and Concentrated Residential Alternative (Alternative B) assumes that like the proposed Project, the General Plan would be updated and the associated amendments to the LMC and LDC would be adopted. However, its primary objective is to avoid development on lands with important agricultural or mineral resource value. This alternative would not be able to fully accommodate the square footage allowed under the industrial designations as proposed in the General Plan 2045 land use map because there is not sufficient industrial land available within the UGB. Therefore, Alternative B would result in less industrial square footage and accordingly result in fewer jobs when compared to the proposed Project, which could result in a jobs-to-housing imbalance and residents commuting to other communities for work. In addition, by reducing the amount of industrial square footage, Alternative B would provide for less tax-generating land uses. Therefore, this alternative does not meet the project objectives to the same degree as the proposed Project.

I. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth herein, there are significant adverse environmental impacts to agricultural resources, air quality, GHG emissions, mineral resources, and noise, which were identified in the Final EIR, but cannot be mitigated to a less-than-significant level at the programmatic level. CEQA requires the decision makers to balance the benefits of a project against its unavoidable environmental risks in determining to approve a project. The City Council has independently reviewed and considered the information in the Draft and Final EIR and the administrative record and makes the following overriding considerations based on its independent judgment.

Although alternatives have been identified that would reduce the severity of significant and unavoidable impacts, due to the programmatic nature of the proposed Project, it is not feasible to determine if the alternatives would result in full avoidance of the significant and unavoidable impacts. Further, the alternatives would undermine key Project objectives including accommodating required housing capacity, supporting economic development, and reducing VMT (see Section 2.5 in Chapter 2, *Project Description*, of the Draft EIR for the list of Project objectives).

Therefore, the City of Livermore finds that the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, and that these benefits, on an individual basis and collectively, outweigh each of the significant and unavoidable impacts identified in the Final EIR. These social, economic, legal, and other benefits are supported by substantial evidence in the administrative record and constitute overriding considerations justifying approval of the proposed Project:

1. Approval of the proposed Project advances key Project objectives to achieve the City's planning vision into horizon year 2045, updating goals, policies, and actions so that they meet current State requirements and community priorities (Objective 1).
2. Approval of the proposed Project advances key Project objectives to promote infill development to allow for housing and job growth within the UGB, also supporting the development of diverse housing choices for all individuals and meeting the State-mandated Regional Housing Needs Allocation requirements for the current and estimated future housing cycles through 2045 (Objectives 2 and 4).
3. Approval of the proposed Project would proactively plan for projected population growth and development within the city through horizon year 2045, allowing for sustainable buildout by adopting goals and policies to protect natural resources, safeguard residents against natural and human-caused hazards, and provide adequate public services and infrastructure (Objectives 1, 8, 9, and 10).
4. Approval of the proposed Project would support key Project objectives to plan for vibrant, mixed-use districts that have access to an enhanced circulation system and multi-modal transportation opportunities, including regional rail and local transit services (Objectives 3 and 7).
5. Approval of the proposed Project would advance key Project objectives to promote Livermore's long-term fiscal sustainability by identifying development types, intensities, and locations that generate sufficient public revenues to fund infrastructure, services, and maintenance over time (Objective 6).
6. Approval of the proposed Project would allow a diverse range of jobs and businesses to support a thriving and resilient economy and to increase the opportunity for Livermore residents to work in Livermore (Objective 5).

J. RECIRCULATION NOT REQUIRED

No new significant impacts, substantial increases in impact severity, or new feasible mitigation measures were identified during the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications, or additions to the Draft EIR. The minor revisions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts. The revisions are for clarification purposes only and do not change the conclusions of the Draft EIR. The City has independently reviewed these revisions and determined that none of the conditions requiring recirculation under CEQA Guidelines Section15088.5 have been met. Therefore, recirculation of the Draft 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. The record includes, but is not limited to:

- The EIR, which consists of the Draft and Final EIR, technical appendices, staff reports, documents, studies, memoranda, maps, testimony, and other materials related thereto;
- All public notices issued by the City in connection with the Project and the preparation of the Draft and Final EIR;
- All written comments and oral communications submitted by agencies or interested members of the general public during the public review periods for the Draft and Final EIR including oral communications made at public hearings;
- All matters of common knowledge to the members of the City's Planning Commission and City Council, including but not limited to: (i) the City's existing General Plan, zoning ordinance, and other applicable policies and ordinances; (ii) information regarding the City's fiscal status and economic and development patterns and trends; (iii) federal, state and local laws, regulations, guidelines and publications applicable to or affecting the Project; and (iv) reports, projections, documents and other materials regarding statewide, regional, and local planning and development matters within and outside of the City; and
- All other documents and materials relating to the Project as described in PRC Section 21167.6, as applicable.

Documents related to this Project can be found at the Livermore Community Development Department, Planning Division, 1052 South Livermore Avenue, Livermore, CA during normal business hours.

L. FINDINGS REGARDING PREPARATION AND CONSIDERATION OF THE EIR

The City Council finds, with respect to the City's preparation, review and consideration of the EIR, that:

- The City exercised its independent judgment in accordance with PRC Section 21082.1(c) in retaining the independent consulting firm Placeworks to prepare the EIR, and Placeworks prepared the EIR under the supervision and at the direction of the City, and the EIR reflects the City's independent judgment and analysis.

- The City circulated the Draft EIR for review by responsible and trustee agencies and the public, and submitted it to the State Clearinghouse for review and comment by state agencies, as required by CEQA and the CEQA Guidelines.
- The EIR and the proposed Project were presented to the City's Planning Commission, which reviewed and considered, and conducted a public hearing thereon. The Planning Commission determined that the EIR was adequate and sufficient, and prepared in compliance with CEQA and the CEQA Guidelines, and recommended to the City Council that the City Council certify the EIR and approve the Project.
- The EIR and the proposed Project were presented to the City Council of the City, with the recommendation of the City's Planning Commission. The City Council reviewed and considered, and conducted a public hearing on, the EIR and proposed Project.
- The EIR has been completed in compliance with CEQA and the CEQA Guidelines and reflects the City's independent judgment and analysis.

M. SUMMARY

Based on the foregoing Findings and the information contained in the record, it is determined that:

- All significant effects on the environment due to the approval of the Livermore General Plan 2045 Project have been eliminated or substantially lessened where feasible.
- Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section I.

City of Livermore

LIVERMORE GENERAL PLAN 2045

June 2026 | Mitigation Monitoring and Reporting Program



June 2026 | Mitigation Monitoring and Reporting Program

LIVERMORE GENERAL PLAN 2045

For City of Livermore

City of Livermore
Contact Shannon Pagan, Senior Planner
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Prepared by:

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MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Livermore General Plan 2045 pursuant to the requirements of California Environmental Quality Act (CEQA) Guidelines Section 15097, *Mitigation Monitoring or Reporting*. The purpose of this MMRP is to ensure the implementation of mitigation measures identified as part of the environmental review for the proposed Project. The lead agency may choose whether its program will monitor mitigation, report on mitigation, or both. This MMRP includes the following information:

- The full text of the mitigation measures;
- The party responsible for implementing the mitigation measures;
- The timing for implementation of the mitigation measures; and
- The agency responsible for monitoring the implementation.

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring
BIOLOGICAL RESOURCES			
Mitigation Measure BIO-4: Prior to the issuance of entitlements for a project, applicants or sponsors of projects on sites where migratory or nesting birds are present shall implement bird-safe design measures for all development projects where a qualified biologist, approved by the City of Livermore (City), determines that migratory or resident birds could be affected. This requirement shall apply to projects adjacent to or incorporating riparian corridors, wetlands, open-space areas, or other natural habitat features, or as otherwise determined by the qualified biologist. Bird-safe design considerations and management strategies shall include avoiding the use of highly reflective glass that appears to reproduce natural habitat and may attract birds; limiting reflectivity and using non-attractive surface treatments; applying low-reflectivity glass or other glazing treatments across the entirety of the building's glass surfaces, not only at lower levels; reducing interior light during evening hours through lighting control systems for commercial buildings; directing exterior lighting downward and screening it to minimize night-time illumination of the building exterior, except as needed for safety and security; avoiding glass skyways, freestanding glass walls, and transparent building corners; eliminating transparent glass at rooflines, including in conjunction with green roofs; and covering roof mechanical equipment with low-profile angled roofing to minimize obstacles to bird flight. Project applicants shall demonstrate incorporation of bird-safe design measures in project plans and provide documentation of biologist review during entitlement or permitting stages. The City shall verify compliance before issuance of building or grading permits.	Project applicant or sponsor	Prior to issuance of building or grading permits, or other entitlements	City of Livermore

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring
CULTURAL RESOURCES			
Mitigation Measure CUL-2: If any buried historical or archaeological resources are discovered during construction, operations shall stop within a 100-foot radius of the find and the qualified archaeologist shall be consulted to determine whether the resource requires further study. If it is determined that the find is significant, then the qualified archaeologist shall make recommendations to the Lead Agency (City of Livermore) on the feasible measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant historical or archaeological resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. If the discovered resource is determined or suspected to be of Native American origin, Mitigation Measure CUL-4 shall apply, and consultation with a representative from the consulting Tribe(s) shall be conducted in accordance with that measure. Any previously undiscovered resources found during construction within a project site shall be recorded on appropriate California Department of Parks and Recreation forms and evaluated for significance in terms of CEQA Guidelines. If the relevant resources (if any) are determined to be historical resources as defined under Section 15064.5 of the CEQA Guidelines or a unique archaeological resource in Section 21083.2 of the Public Resources Code, feasible mitigation measures and an archaeological treatment plan shall be developed by the qualified archaeologist and recommended to the project applicant or sponsor and the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the find(s) as detailed in the archaeological treatment plan. No further grading or ground disturbance	Project applicant or sponsor; Construction contractor; Qualified archaeologist	During construction upon discovery of buried historical or archaeological resources	City of Livermore

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring
shall occur within 100 feet of the discovery of a significant historical or archaeological resource until the relevant mitigation measures are approved by the Lead Agency and implemented by the project applicant or sponsor to protect these resources. Work may proceed on other parts of the project site while mitigation for unique archaeological resources is being carried out.			
Mitigation Measure CUL-4: If any buried TCRs are discovered, or are suspected to be of Native American origin, during grading or excavation, the construction contractor shall halt all ground-disturbing activities within a 100-foot radius of the find. The contractor shall immediately notify the Lead Agency (City of Livermore). The City shall notify and consult with a representative from the consulting Tribe(s), consistent with applicable confidentiality provisions under the California Environmental Quality Act (CEQA). If the City, in consultation with the consulting Tribe(s), determines that the resource is a TCR and significant pursuant to CEQA, the City shall require the retention of a Tribal representative and, if appropriate, a qualified archaeologist, at the applicant's expense, to prepare a mitigation plan. The mitigation plan shall be developed and implemented in consultation with the consulting Tribe(s) and shall prioritize avoidance of the resources. If avoidance is not feasible, the plan shall identify appropriate culturally sensitive treatment measures in coordination with the consulting Tribe(s). Such measures may include, but are not limited to, protection of the cultural character and integrity of the resources, protection of traditional uses, confidentiality of sensitive information, or heritage recovery. The City/Tribe(s) may require tribal or other qualified cultural resource monitors during construction to ensure that resources are properly identified and protected.	Project applicant or sponsor; Construction contractor	During construction upon discovery of buried tribal cultural resources	City of Livermore; Consulting Tribe(s)

Mitigation Measures	Party Responsible for Implementation	Implementation Timing	Agency Responsible for Monitoring
Documentation of consultations, treatment measures, and resource protection actions shall be maintained in the project record. Ground-disturbing activities within the buffer area shall not resume until the resource has been evaluated and appropriate treatment measures, developed in consultation with the Tribe(s), have been approved by the City and implemented. Work may proceed on other parts of the project site while mitigation for TCRs is being carried out.			

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IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE LIVERMORE GENERAL PLAN 2045

Livermore General Plan 2045 updates the City's 2003-2025 General Plan and establishes a long-term vision, goals, policies, implementation actions and land use designations to guide future decision making related to growth, development, and resource conservation through horizon year 2045 (referred to herein as the "Project" or "General Plan"). The General Plan addresses State required elements as well as locally important topics, including land use, housing, mobility, infrastructure, economic development, climate resilience, healthy communities, open space protection, and Downtown and South Livermore vitality.

In 2021, City Council identified the Project as a priority and authorized the formation of a General Plan Advisory Committee and a multi-year work program to prepare a revised General Plan document and conduct environmental review.

The City initiated a General Plan Amendment Application (GPA21-003) to comprehensively update the City's General Plan by replacing the existing 2003–2025 General Plan with the General Plan 2045.

Between 2021 and 2026 preparation of the General Plan included an extensive community engagement process including 36 General Plan Advisory Committee Meetings, that helped shape the Project's priorities and policy direction.

In February 2026, the Draft General Plan was released for public review and is attached hereto as Exhibit A.

On April 1, 2026, the General Plan Advisory Committee reviewed the Draft General Plan, provided feedback for Planning Commission and City Council consideration, and recommended adoption of the General Plan.

On April 21, 2026, the Planning Commission reviewed the Draft General Plan, considered the General Plan Advisory Committee feedback, and provided recommended revisions and clarification to policies and the Land Use Map.

On May 11, 2026, the City Council reviewed the Draft General Plan, considered the General Plan Advisory Committee and Planning Commission's recommendations, approved modifications to improve clarity and strengthen policy direction, and directed staff to proceed with finalizing the draft document for adoption.

Following Council direction, staff incorporated additional refinements, including minor updates to the Land Use Map and edits to General Plan policies and actions as shown in Exhibit B attached hereto.

The proposed General Plan is supported by a Final Environmental Impact Report prepared in accordance with the California Environmental Quality Act and provides a balanced and comprehensive framework for future decision making.

On July 7, 2027, the Planning Commission held a duly noticed public hearing to consider the Project and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, 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, with respect to General Plan 2045, the Planning Commission of the City of Livermore finds based on the information presented:

1. The proposed General Plan is internally consistent with all other provisions of the General Plan.

   Response: Livermore General Plan 2045 provides an updated cohesive, integrated, and internally consistent policy framework that guides Livermore's long-term physical, environmental, social, and economic development over the next 20-year time horizon. All the General Plan elements have been developed concurrently and aligned around shared themes including sustainability, public health, climate resilience, equitable access, multimodal mobility, open space conservation, and Downtown and South Livermore vitality.

   Policies and implementation actions reinforce one another across all the elements, ensuring that operation, work programs, development patterns, infrastructure investments, transportation improvements, environmental stewardship, and community considerations move in parallel toward the City's long-term vision for 2045. This coordinated structure confirms that the General Plan is internally consistent across goals, policies, land use designations, and implementation actions.

2. The proposed General Plan will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

   Response: The General Plan is explicitly crafted to improve the public interest, health, safety, convenience, and welfare. The proposed policy direction is intended to strengthen community well-being by:

   - providing a balanced land use pattern that supports job creation, open space, commercial activity and sense of place, and housing.

- ensuring public safety and hazard resilience through updated wildfire, seismic, flooding, and emergency response and management policies;
- promoting active transportation, transit, and safe streets to provide a range of mobility choices for all ages, skills, and abilities;
- enhancing access to parks, recreation, and community amenities;
- supporting economic vitality, local businesses, and agritourism.

The General Plan modernizes the City's policy framework to comply with State law, address climate adaptation, ensure long term infrastructure reliability, and support equitable access to services. Adoption will not create conditions detrimental to the public; rather, it advances a policy direction that aims towards a healthier, safer, more connected, inclusive, and more resilient Livermore.

3. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

   Response: The General Plan is a programmatic planning document that establishes a citywide framework for future growth and development rather than approving site-specific projects. At this level, the General Plan evaluates the overall suitability of land use patterns, infrastructure capacity, environmental constraints, public service availability, and emergency access to ensure that planned land uses can be safely accommodated throughout the city.

   The General Plan incorporates policies and implementation actions addressing mobility, public safety, water supply, wastewater and stormwater infrastructure, parks, schools, and other public facilities to ensure that future development is supported by adequate services and infrastructure. It also includes policies requiring that future development consider site-specific characteristics and constraints including access, topography, environmental resources, geologic conditions, flood hazards, wildfire risk, and other health and safety considerations to ensure that individual projects are designed and constructed in a manner that protects public health and safety and is compatible with surrounding development.

   Because the General Plan does not authorize specific development projects, future development proposals will remain subject to project-level review, including compliance with CEQA, applicable development standards, engineering and design requirements, and review by City departments and service providers. This subsequent review will ensure that individual projects are physically suitable for their sites, that adequate public services and emergency access are provided, and that development will not endanger surrounding properties or constitute a hazard to the public.

Therefore, the Livermore General Plan 2045 provides a planning framework that ensures future development is directed to appropriate locations physically suitable to development and further subject to site-specific review to ensure the protection of public health, safety, and surrounding properties.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the Record Evidence and adopted a resolution recommending the City Council certify an Environmental Impact Report.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based upon the Planning Commission's independent review of the Record Evidence and considerations, the Planning Commission recommends that the City Council approve General Plan 2045 attached as Exhibit A, and subject to the revisions identified in Errata Sheet dated (July 7, 2026) and attached hereto as Exhibit B.

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

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of July 7, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

by Stephen Riley, Planning Manager
Secretary to the Planning Commission

Exhibit A – Livermore General Plan 2045
Exhibit B – Livermore General Plan Errata Sheet

Livermore Draft General Plan 2045 is available online using the link below

Publish Date: February 20, 2026

Draft General Plan 2045 | imaginelivermore2045.org



Livermore General Plan 2045

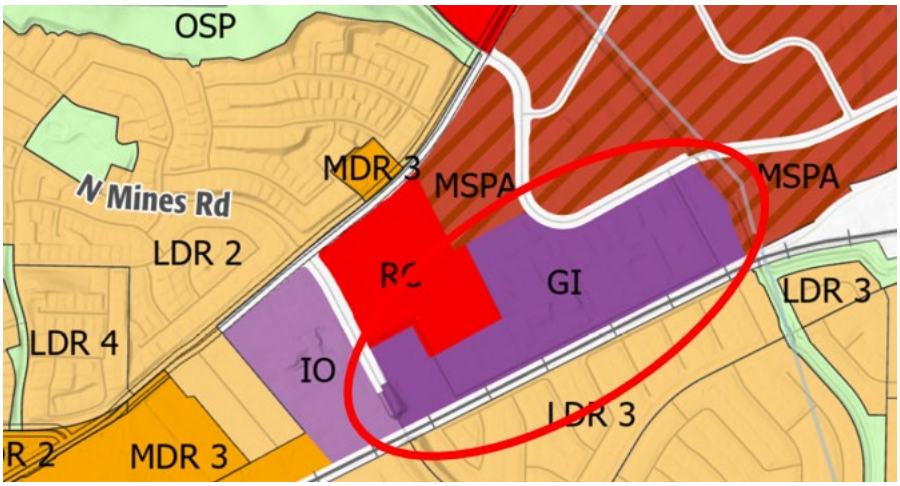
LIVERMORE
CALIFORNIA

City of Livermore | Public Review Draft | February 2026

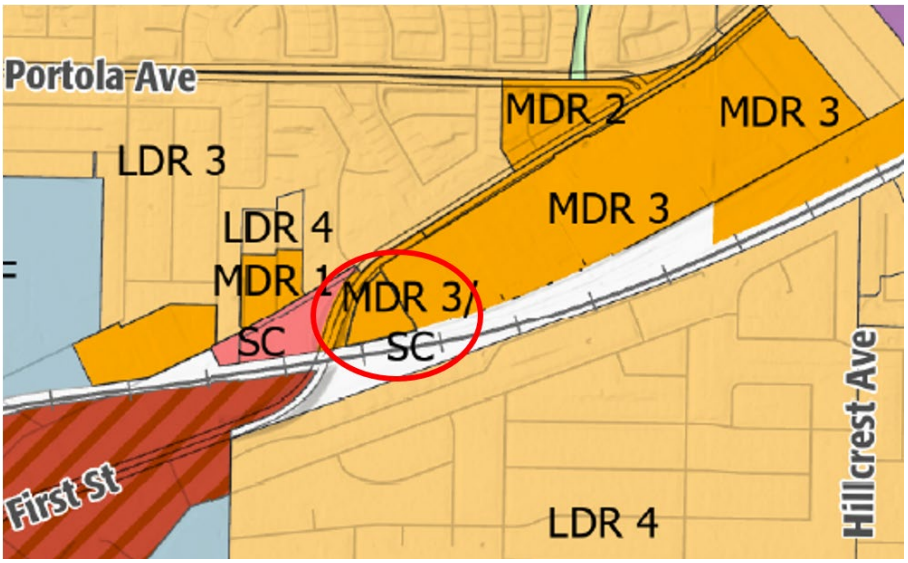
General Plan 2045 – Errata Sheet (July 7, 2026)

This errata describes revisions to General Plan 2045 that will be incorporated into the final General Plan upon adoption. Edits are shown in underline and strikethrough.

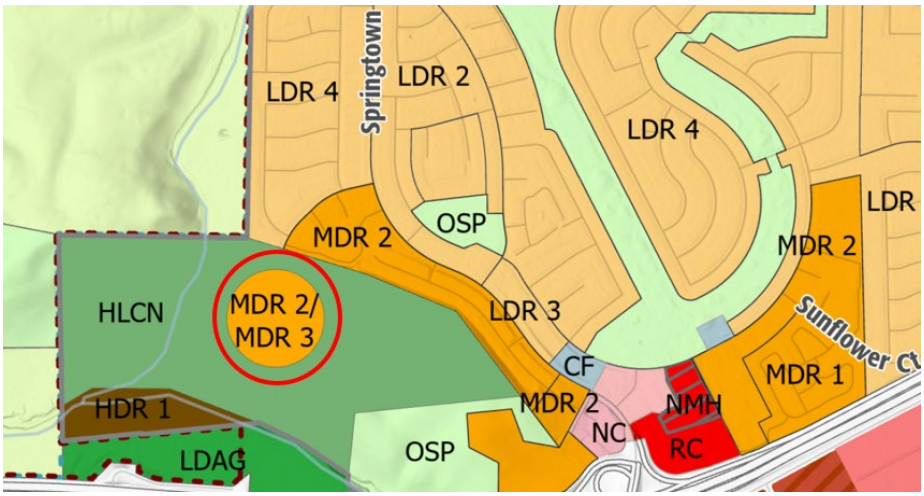
General Plan Land Use Map



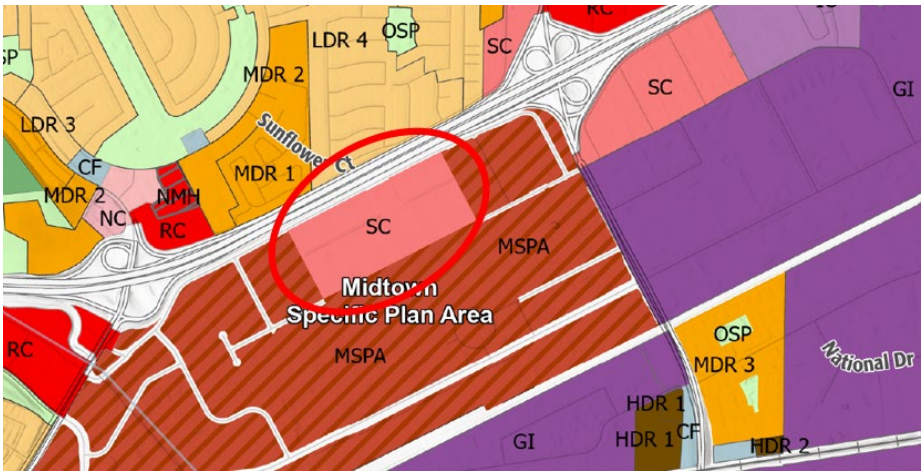
<u>Las Positas/Contractors Place Area</u>: Remove new Service Commercial (SC) designation and keep existing General Industrial (GI) designation to align with the current uses and facilities and reduce non-conformities.



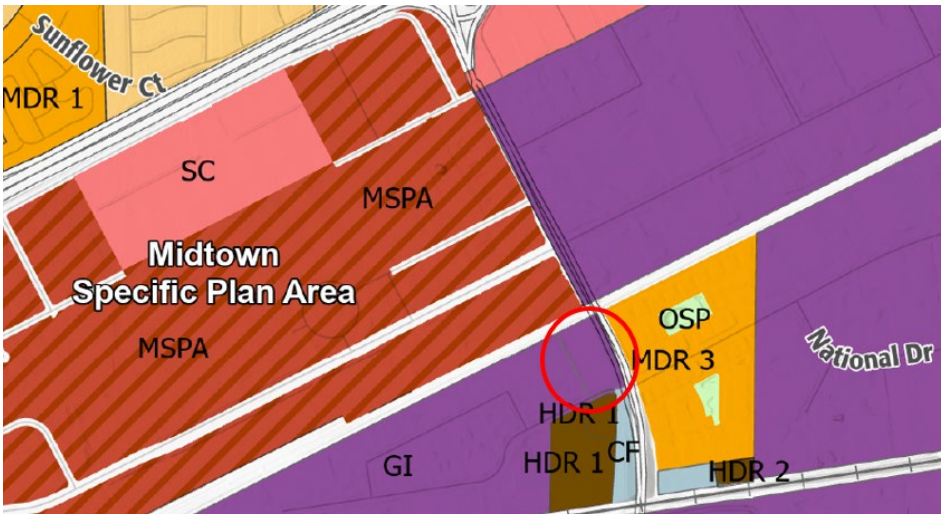
<u>First Street Transition Area (Southwestern corner)</u>: maintain as a dual Medium Density Residential 3 (MDR3)/Service Commercial (SC) designation.



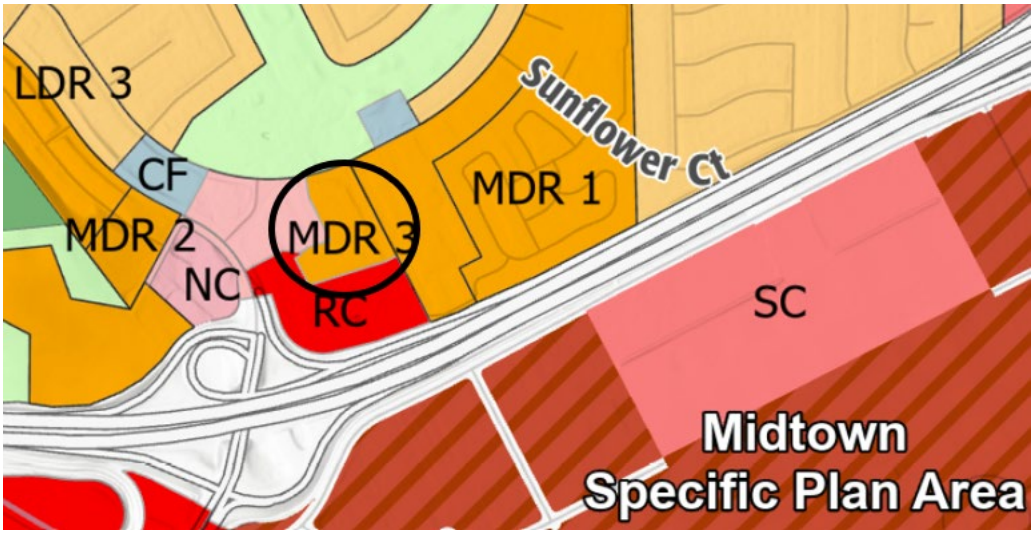
22-acre site near 3658 Las Colinas Road: update the MDR-3 floating designation to a floating MDR-2/MDR-3 designation to allow a wider range of residential densities and product types.



Midtown Specific Plan Area: update a portion of the Midtown Specific Plan designation to Service Commercial.



305 South Vasco Road: Update the Neighborhood Commercial designation to General Industrial.



Camden Commons/Cole Commons: Update the Neighborhood Mixed Use – High Density (NMH) designation to Medium Density Residential 3 (MDR 3) to reflect the existing townhome development.

Land Use Element

- Floor Area Ratio (FAR) - Clarify FAR identified in the Land Use Element is the maximum allowed, not a build to amount. (There are no changes to the FAR numbers in General Plan 2045).

- **Midtown Specific Plan Area**

  The Midtown Specific Plan Area (MSPA) designation applies to the area comprising most of the Metropolitan Transportation Commission (MTC) Southfront Priority Development Area (PDA) in Livermore and incorporates existing development including local shopping districts and the Arroyo Vista Neighborhood Plan. The MSPA designation is intended to create a mixed-use, transit-supportive neighborhood that balances housing, commercial, office, and industrial uses and creates a complete community independent of whether or when a future transit station is developed. Land uses, circulation, development standards, design requirements, infrastructure and service needs, and other specifications for the Midtown Specific Plan Area will be determined through a specific plan. (Current zoning districts shall remain in effect until such time as a midtown specific plan is adopted).

- **Policy LU-2.8: Doolan Canyon Open Space Greenbelt.** Maintain and protect Doolan Canyon's visual, environmental, ecological, and habitat values by establishing a permanent open space greenbelt between the natural Cottonwood Creek riparian corridor and the western City boundary. Continue coordination with the City of Dublin to support preservation, management, and any future planning efforts affecting the area.

- **Policy LU-4.3: ~~Flexible~~ Adaptive and Responsive Development Standards.** Allow ~~flexibility in~~ diversity of use types, densities, and development standards within mixed-use districts to encourage innovation, adaptability to market conditions, and responsiveness to community needs.

- **Policy LU-7.4: Interference with Agriculture.** ~~Prohibit~~ Discourage proposed projects adjacent to agricultural areas that would substantially interfere with existing agricultural production.

- **Policy LU-15.8 Midtown Land Use Consistency** To provide clarity, ensure a smooth transition, and avoid ambiguity, the zoning districts in effect at the time of adoption shall remain in place until a Midtown Specific Plan is adopted.

- **Policy LU-17.1: Transitional Area Project Design.** ~~Require~~ Ensure future development ~~to~~ is designed ~~projects~~ in context with the surrounding land uses and facilitates a mix of housing types.

- **Policy LU-18.1: East of Greenville Possible Conditions for Further Study.** Consider and, at the City's sole discretion, evaluate potential Urban Growth Boundary and land use changes in the East of Greenville Road area under the following conditions. (Nothing in this policy requires the City to initiate or complete a study, or implement the findings

of a study; the City retains full discretion to determine if, when, and where any analysis may occur).

- Service and Infrastructure Challenges. If regular monitoring concludes that the City cannot maintain essential services or infrastructure due to operational or financial issues.
- Jobs-Housing Imbalance. If monitoring reveals a mismatch in land uses that prevents the City from:
    - Supporting new job-generating or high-revenue businesses, or
    - Meeting state housing targets (Regional Housing Needs Assessment) without redesignating other areas.
- Strategic Opportunities. If a unique opportunity arises to meet a strategic goal or deliver community benefits that cannot be achieved through existing plans or monitoring.
- Land Use Conflicts. If land outside the Urban Growth Boundary is being misused or poorly managed in ways that conflict with City goals or negatively impact:
    - Livermore wine country
    - The National Laboratories
    - Nearby industrial or business parks

Community Identity Element

- **Policy CI-11.2 Glare from Developments.** Require developments to minimize obtrusive glare and wasted energy from excessive nighttime lighting and preserve views of the nighttime sky and minimize intrusive lighting impacts on adjacent land uses.
- **Policy CI-13.10 Legislative Advocacy.** Support State legislation that enhances local discretion over design review ~~and~~, discretionary design decisions, and building code or other regulatory updates to ensure high-quality standards that represent Livermore's unique identity and allow for architectural flexibility based on site context and community needs. Oppose State legislation that reduces local authority to preserve high-quality urban design, and architecture, and context sensitive development.
- **Policy CI-15.3: Street Corridors.** Identify, map, design, and implement major street corridors throughout the city. Each major street corridor ~~shall~~ should include high-quality urban design features like generously landscaped medians and backing lots, quality and consistent backing lot walls and fences, large shade tree species, separated

sidewalks, and consistent and artistic public facilities like light poles, pedestrian benches, and litter bins.

Mobility Element

- **Figure on page 5-7** Graph showing the different travel modes of Livermore residents. Updated Figure. (Will be updated periodically as data is collected and minor adjustment made).
- **Policy MO-1.5 Complete Streets Outreach** Involve residents, merchants, and other stakeholders early in the process of evaluating the design and implementation of Complete Streets plans. Use timely and cost-effective outreach and engagement methods that are culturally sensitive and encourage broad representation.
- **Goal MO-4**: Make transit a more convenient and viable option by supporting frequent, reliable, cost-efficient, and connected service.
- **Policy MO-5.7: Level of Service Improvements.** Improve intersections that are allowed to exceed the City's established Level of Service, as established in the City's Transportation Impact Analysis Guidelines, to the extent feasible to improve design, minimize impacts, increase safety for all users, and maintain efficient circulation support the community character.
- **Policy MO-6.3 Local Transportation Analysis Guideline.** Develop a Local Transportation Analysis Guideline to evaluate the transportation impacts from new development, including to vehicular, transit, bicycle, and pedestrian modes, and identify acceptable mitigation measures. The guideline should include both Vehicle Miles Traveled, and Level of Service, Bicycle Level of Traffic Stress (LTS), Pedestrian Level of Stress (PLS) analysis, as well as a Vehicle Miles Traveled reduction toolbox.
- **Policy MO-8.4: Bicycle Parking.** Require on- and off-street bicycle parking facilities near places of work, residential, commerce, education, recreation, and other destinations. Ensure safety and convenience of the bicycle parking accommodating a range of bicycle types.
- **Policy MO-11.4: Level 3 Electric Vehicle Chargers.** ~~Require all new and significantly remodeled gas stations to include a Level 3 electric vehicle charger at a minimum~~. Integrate EV charging stations into new and significantly remodeled commercial developments, and other strategic locations, to improve public accessibility and support expanded EV use.
- **Policy MO-12.2 Interstate 580 High-Occupancy Vehicle/Toll Lanes.** ~~Preserve~~ Evaluate right-of-way preservation needs adjacent to Interstate 580 to support a flexible

range of future regional transportation improvements, which may include allow widening for High-Occupancy Vehicle/Toll lanes, auxiliary lanes, and Valley Link, and other multimodal or emerging mobility options that enhance regional connectivity, improve travel reliability, and expand access to convenient transportation choices.

Infrastructure

- **Policy INF-1.8 Infrastructure Improvement Decision Process** Deliver a consistent and transparent decision-making process for infrastructure improvement prioritization. Use guiding principles, such as resilience, environmental sustainability, equity, safety, cost effectiveness, and fiscal responsibility to guide the prioritization of infrastructure improvements.

Community Services Element

- **Policy CS-3.3: Healthy Food Access.** Remove ~~any~~ regulatory barriers that would discourage healthy food retailers from locating in areas with low access to healthy food. Work with transit providers to improve transit access to healthy food retailers.

Safety Element

- **Policy S-2.4: Two Evacuation Routes.** Require that new major residential and nonresidential developments have access to at least two points of ingress and egress in high severity zones.

- **Policy S-6.3: New Construction on Faults.** ~~Prohibit~~ Avoid new structures proposed for human occupancy across the trace of any active or potentially active fault. The Greenville Fault and Las Positas Fault shall be assumed active, and the Livermore Fault shall be assumed potentially active, unless and until demonstrably shown otherwise by the U.S. Geological Survey (USGS) or the California Geological Survey (CGS) or similar credible authority.

- **Policy S-6.5: Geotechnical Investigations for Critical Facilities.** Require a site-specific geotechnical investigation for all new municipal and critical facilities in the city (schools, hospitals, fire stations, and police stations) so that these facilities are constructed in a manner that mitigates site-specific geotechnical challenges and minimizes the risk to the public from seismic hazards.

- **Policy S-6.6: Utility Lines Across Faults.** ~~Require~~ Coordinate with utility line operators to ensure that major utility lines ~~be~~ are accessible for rapid repair, include safety features such as automatic shutoff valves, switches and expansion joints, and cross faults at right angles or as close to a right angle as physically feasible. Require utility line operators to provide additional equipment to ensure minimal adverse impact on adjacent and

surrounding areas and to facilitate restoration of service in the event of fault displacement.

- **Policy S-11.1: Residual Repositories.** ~~Prohibit~~ Residual repositories are not appropriate in city limits. This includes facilities used for the long-term storage or disposal of residual waste materials such as industrial byproducts, contaminated soils, or treated sludge.

Implementation Chapter

Monitoring Progress and Measuring Success

- To ensure the General Plan remains a living, responsive document, the City will use a monitoring and tracking framework that includes Key Performance Indicators (KPIs). These indicators will help evaluate the effectiveness of policies and City actions over time and guide adjustments as needed. Monitoring will focus on:
    - Housing Production and Affordability: Checking progress toward meeting Regional Housing Needs Allocation (RHNA) targets and providing housing across income levels.
    - Jobs-Housing Balance and Match: Tracking the ratio of jobs to housing and the alignment between local wages and housing costs.
    - Economic Vitality: Monitoring vacancy rates, business growth, and fiscal health indicators such as revenue generation and infrastructure maintenance costs.
    - Infrastructure and Public Services: Ensuring that growth is matched by adequate capacity in transportation, utilities, parks, schools, and emergency services.
    - Environmental Sustainability: Measuring greenhouse gas emissions, vehicle miles traveled, waste diversion, and renewable energy adoption.
    - Multimodal Transportation and Safety: Tracking performance across all travel modes, including transit ridership, bicycle and pedestrian activity, roadway operations, and accessibility. Monitoring traffic safety data such as collision rates, severity, and locations for all users to support safer street design and implementation of Vision Zero–type strategies.
    - Quality of Life: Evaluating access to neighborhood amenities, open space, cultural resources, and community services
- **Action MO-A-8.5: Bicycle Parking Standards.** Update the Development Code (or Standard Details) to establish bicycle parking standards that require the use of rack types

capable of accommodating a variety of bicycle styles and sizes, and that are designed to allow secure attachment of the bicycle frame.

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONING MAP AMENDMENT 26-001 TO CONFORM WITH THE GENERAL PLAN 2045

Livermore General Plan 2045 updates the City's 2003-2025 General Plan and establishes a long-term vision, goals, policies, implementation actions and land use designations to guide future decision making related to growth, development, and resource conservation through horizon year 2045. The General Plan addresses State required elements as well as locally important topics, including land use, housing, mobility, infrastructure, economic development, climate resilience, healthy communities, open space protection, and Downtown and South Livermore vitality.

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

The City initiated an application to amend the Zoning Map to implement the Livermore General Plan 2045 and maintain consistency between the City's zoning districts and General Plan land use designations ("Project").

The environmental effects of the Project have been evaluated in the Livermore General Plan 2045 Environmental Impact Report, prepared in accordance with the California Environmental Quality Act (CEQA).

On July 7, 2026, the Planning Commission held a duly noticed public hearing to consider the Project and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public 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, with respect to the Zoning Map Amendment, attached hereto as Exhibit A, the Planning Commission of the City of Livermore finds based on the information presented:

1. Findings required for all Development Code and Zoning Map Amendments.
    a. The proposed amendment is consistent with the General Plan and any applicable Specific Plan; and

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

Response: The Project implements the Livermore General Plan 2045 Land Use Element by aligning zoning districts with the General Plan Land Use Map designations and associated policies. The proposed zoning districts correspond to existing or comparable zones that implement the same General Plan land use designations applied throughout the City, ensuring consistency between zoning regulations and the General Plan. The Project supports orderly development in accordance with adopted citywide policies and applicable State law by consistently applying zoning districts that reflect the General Plan's planned land use pattern. The Zoning Map Amendment does not introduce new or incompatible zoning designations and instead reaffirms the City's adopted land use framework. For these reasons, the proposed Zoning Map Amendment is consistent with the General Plan and will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, as it maintains a coherent and implementable regulatory structure for future development.

2. Additional finding for Zoning Map Amendments. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

   Response: The Zoning Map Amendment implements the Livermore General Plan 2045, which establishes a citywide framework for the location, intensity, and pattern of future development based on analysis of infrastructure capacity, environmental constraints, public service availability, and emergency access. The General Plan identifies appropriate land use designations that reflect these conditions at a programmatic, citywide level.

   The Zoning Map Amendment implements these land use designations through corresponding zoning districts that regulate specific use types and development standards, directing future development to areas intended to accommodate such uses and intensities. In doing so, the Zoning Map Amendment maintains consistency between the General Plan Land Use Map and the City's zoning regulations.

   Future development facilitated by the amended zoning districts will remain subject to project-level review, including compliance with applicable development standards, engineering requirements, and review by City departments and service providers to ensure adequate infrastructure, access, and adherence to health and

safety requirements. Therefore, the proposed Zoning Map Amendment provides a planning framework that ensures future development is directed to appropriate locations physically suitable to development to ensure the protection of public health, safety, and surrounding properties.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the Record Evidence and adopted a resolution recommending the City Council certify an Environmental Impact Report.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based on the Planning Commission's own independent review of the Record Evidence and Considerations, the Planning Commission recommends the City Council adopt an ordinance approving Zoning Map Amendment 26-001, replacing the existing Zoning Map attached hereto as Exhibit A with the revised Zoning Map attached hereto as Exhibit B, which change areas are reflected in Exhibit C.

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

On the motion by Commissioner _____ , seconded by Commissioner _____, the foregoing Resolution was adopted at the Planning Commission meeting of July 7, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

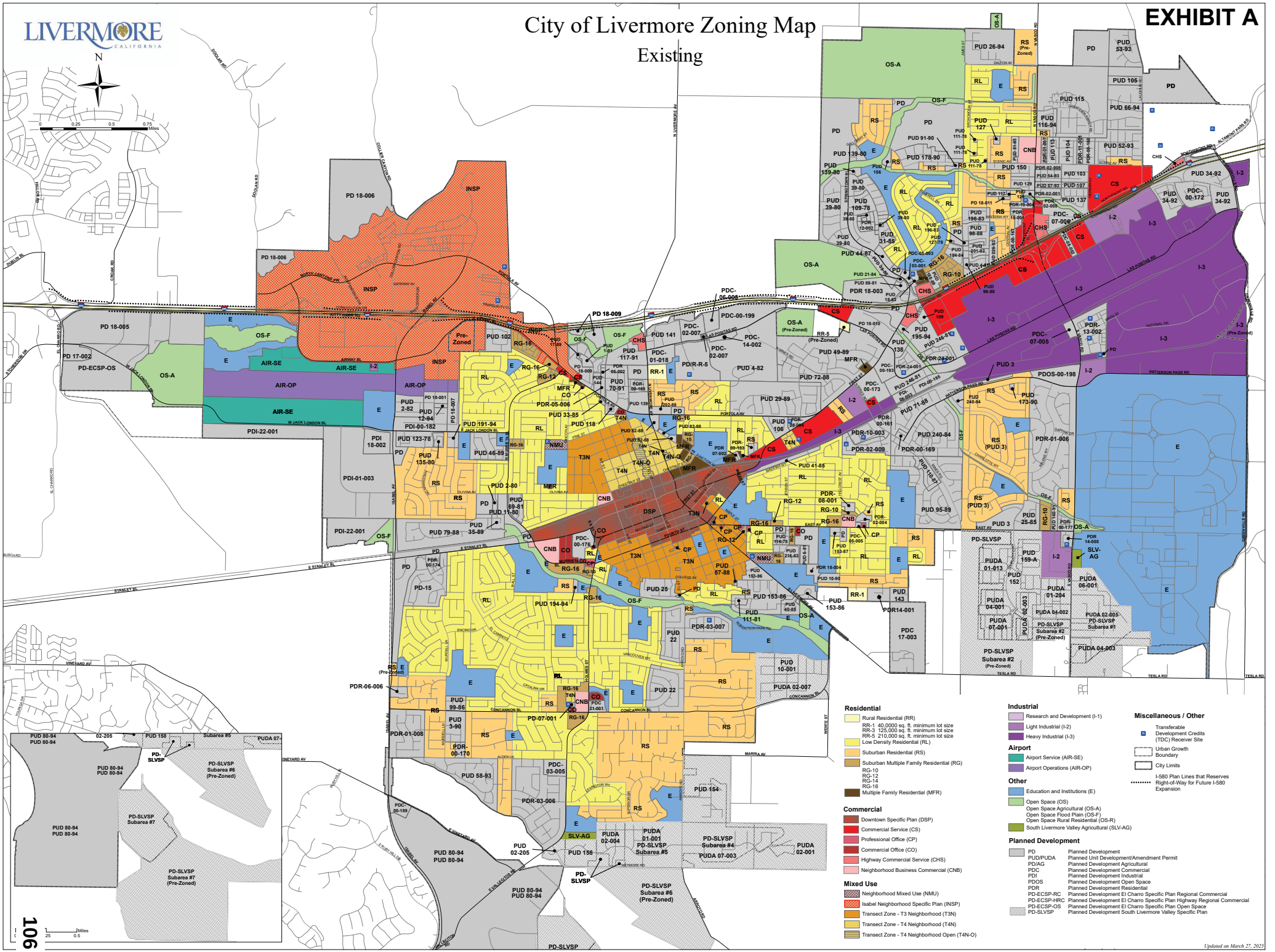
by Stephen Riley, Planning Manager
Secretary to the Planning Commission

Attachments:
Exhibit A – Existing Zoning Map
Exhibit B – Revised Zoning Map
Exhibit C – Proposed Change Areas

City of Livermore Zoning Map

Existing

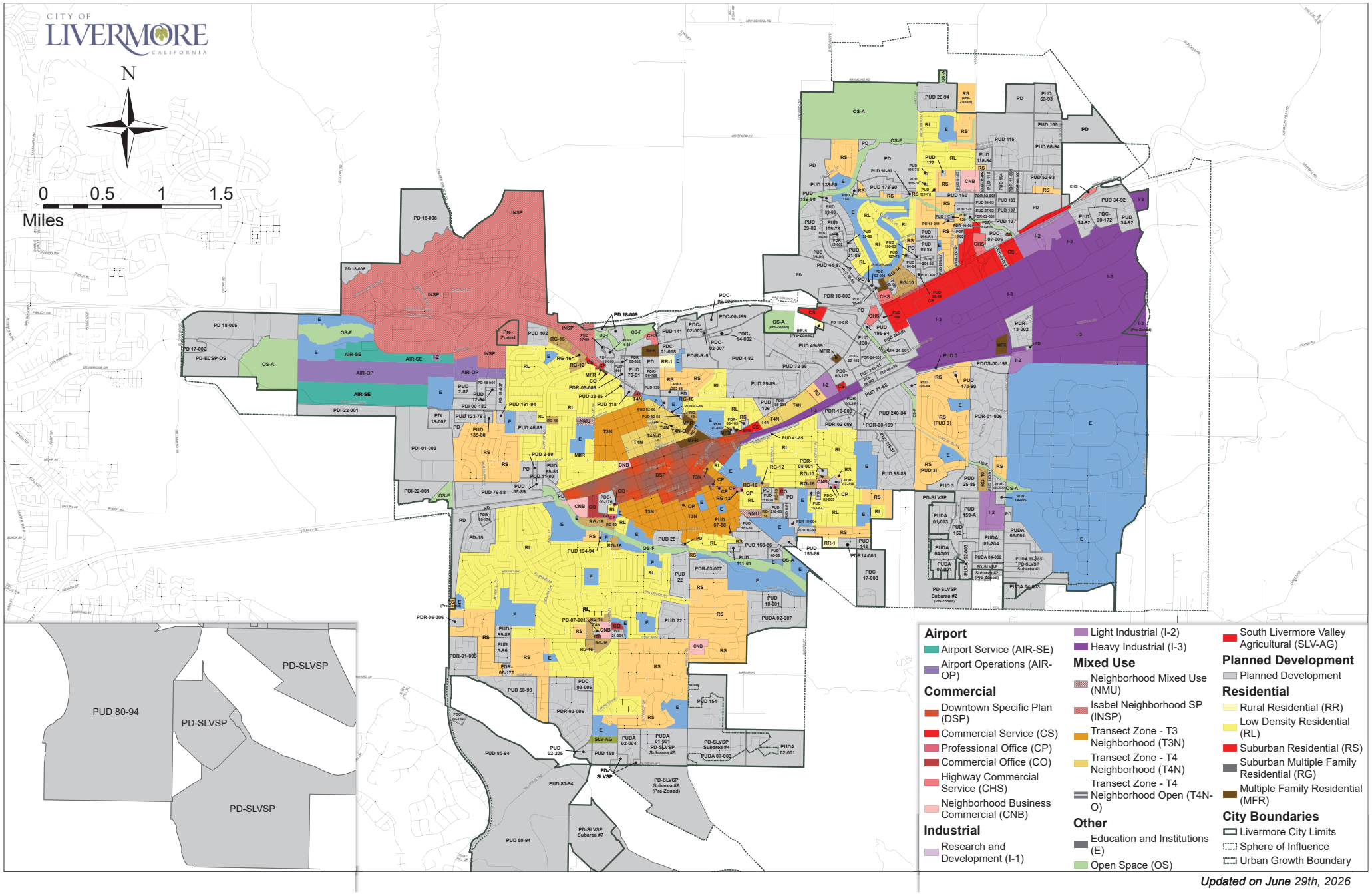
EXHIBIT A



City of Livermore Zoning Map

Proposed

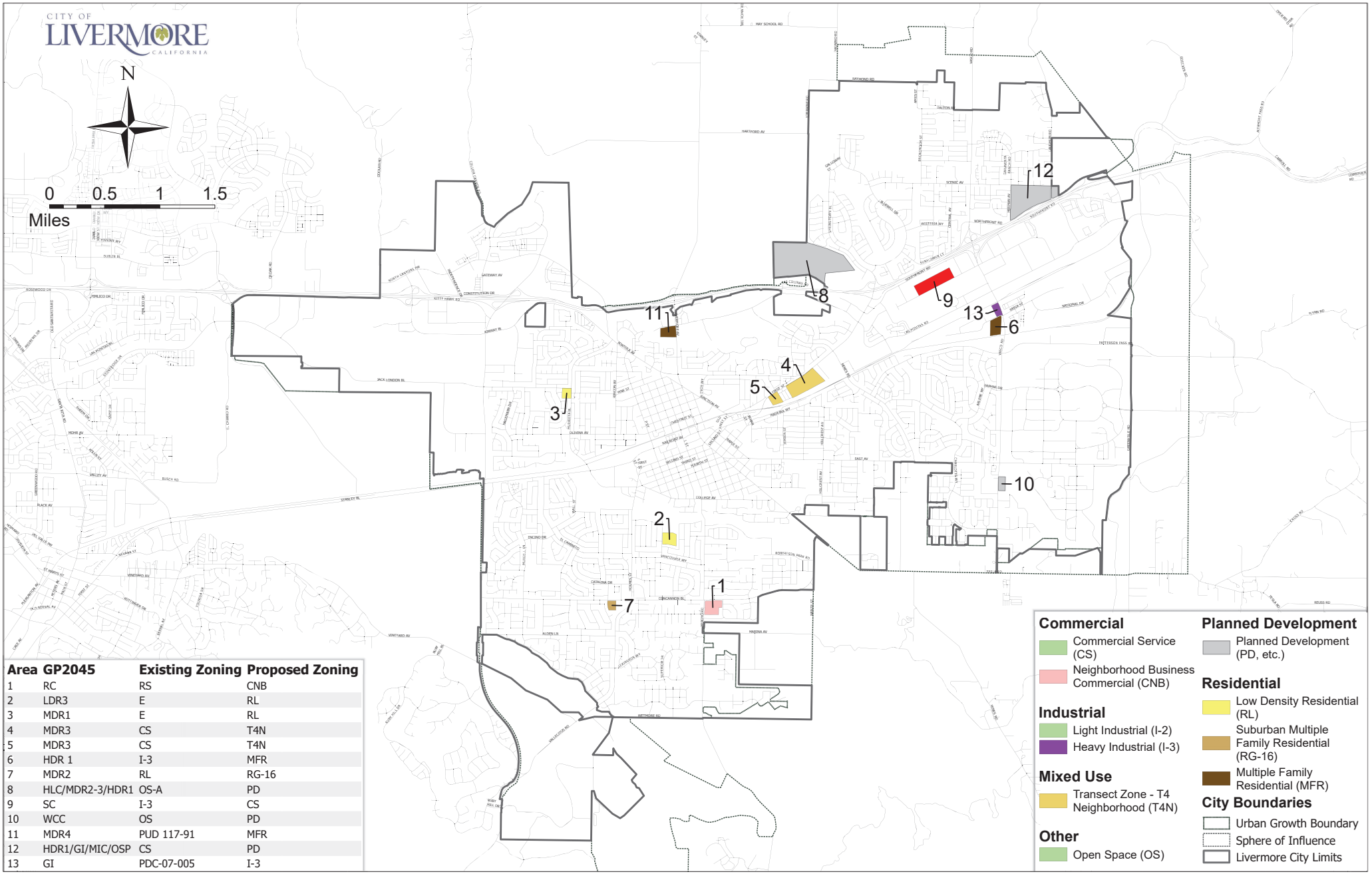
EXHIBIT B



Updated on June 29th, 2026

Proposed Change Areas

EXHIBIT C



Area	GP2045	Existing Zoning	Proposed Zoning
1	RC	RS	CNB
2	LDR3	E	RL
3	MDR1	E	RL
4	MDR3	CS	T4N
5	MDR3	CS	T4N
6	HDR 1	I-3	MFR
7	MDR2	RL	RG-16
8	HLC/MDR2-3/HDR1	OS-A	PD
9	SC	I-3	CS
10	WCC	OS	PD
11	MDR4	PUD 117-91	MFR
12	HDR1/GI/MIC/OSP	CS	PD
13	GI	PDC-07-005	I-3

Updated on June 22nd

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL OF POLICY PROPOSAL (POL) 26-002 FOR THE SCENIC RESOURCES POLICY TO IMPLEMENT THE GENERAL PLAN 2045 COMMUNITY IDENTITY ELEMENT

Livermore General Plan 2045 updates the City's 2003-2025 General Plan and establishes a long-term vision, goals, policies, implementation actions and land use designations to guide future decision making related to growth, development, and resource conservation through horizon year 2045. The General Plan addresses State required elements as well as locally important topics, including community identity.

The 2003-2025 General Plan establishes regulatory scenic corridor development standards through the application of view angles.

The Livermore General Plan 2045 establishes a higher level policy framework to promote scenic resources in balance with other community and economic development goals through high-quality architectural and landscape design within Scenic Resource Areas and context-sensitive development within Scenic View Areas to preserve and enhance scenic views by ensuring that new development is compatible with the community.

Livermore General Plan 2045 includes Action CI-A-10.1, which calls for the establishment of Scenic Overlay Districts to ensure development preserves views of Livermore's scenic resources, remains subordinate to natural landforms, and reflects the City's urban aesthetic qualities and implements the Scenic Resources policies.

The City initiated an application for Policy Proposal (POL) 26-002 to implement the 2045 General Plan Community Identity Element by maintaining existing Scenic Corridor standards (the "Project") under separate cover until such time as a new Scenic Overlay District (and other applicable standards) are created and adopted to regulate the Scenic View Areas based on local context.

The environmental effects of the Project have been evaluated in the Livermore General Plan 2045 Environmental Impact Report, prepared in accordance with the California Environmental Quality Act (CEQA).

On July 7, 2026, the Planning Commission held a duly noticed public hearing to consider the Project and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, 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, with respect to Policy Proposal (POL) 26-002, the Planning Commission of the City of Livermore finds based on the information presented:

1. The policy is internally consistent with all other provisions of the General Plan; and

   Response: This Project implements the General Plan Community Identity Element, which establishes a framework to preserve local history, cultural heritage, and the city's distinctive physical setting. The General Plan identifies Scenic View Areas, which provide opportunities to experience views of the city's scenic resources including rolling hills, ridgelines, prominent peaks, and other natural features that form the backdrop to the Livermore Valley.

   The Scenic Resources Policy serves as an interim implementation document until applicable Specific Plans and the Livermore Development Code are amended to implement the Community Identity Element and apply context-sensitive design and development standards to new development within Scenic View Areas through the implementation of the Scenic Corridor, to protect and enhance scenic resources and protect views of designated scenic vistas, while supporting the City's broader goals for housing, economic vitality, and sustainable growth, consistent with General Plan.

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

   Response: This Project maintains the City's existing scenic resources regulations until such time as new standards are adopted, as contemplated by the Livermore General Plan 2045. The Project serves as an interim policy document that ensures development within the Scenic Resource Areas is consistent with the Community Identity Element, which establishes policies that celebrate Livermore's uniqueness, strengthen community connections, and preserve the features of the natural and built environment that shape the City's identity. The Project retains the existing Scenic Corridor Policies to guide development in protecting scenic resources until applicable Specific Plans and the Livermore Development Code chapters are amended to implement the Community Identity Element.

   In addition to the Scenic Resource Policy standards, future development will remain subject to project-level review for compliance with applicable zoning standards, engineering requirements, and review by City departments and service providers to ensure adequate infrastructure, access, and adherence to health and safety requirements. Therefore, the Project will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the Record Evidence and adopted a resolution recommending the City Council certify an Environmental Impact Report.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based upon the Planning Commission's independent review of the Record Evidence and considerations, the Planning Commission recommends that the City Council approve Policy Proposal (POL) 26-002, for the Scenic Resources Policy, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, the Planning Commission of the City of Livermore recommends that the City Council direct 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 Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of July 7, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

by Steve Riley, Planning Manager
Secretary to the Planning Commission

EXHIBIT A – Scenic Resources Policy

Scenic Resources Policy

General Plan Figure CI-2 illustrates locations that provide opportunities to experience a variety of views or partial views of the city's scenic resources. These include the rolling hills, ridgelines, prominent peaks, and other natural features that form the backdrop to the Livermore Valley. From these vantage points, visitors and residents can appreciate the visual character that defines Livermore's identity. The Scenic Resource Policy intends to regulate the Scenic View Areas shown in General Plan Figure CI-2 through the implementation of the Scenic Corridor.

The Scenic Corridor is defined as the area which is within 3,500 feet on each side of the centerline of I-580, and visible from the I-580 roadway. Development in the Scenic Resource Policy Areas must preserve, to the largest degree feasible, the view of the ridgelines as seen from the roadway. To that end, no development, structures or man-made objects except plantings erected for landscaping purposes may obscure any portion of the ridgeline as seen from the I-580 roadway, except as provided in this Policy Document. Landscaping, including trees, shall be planted in a manner such that when mature, it does not create a wall-like effect that substantially obscures views of the ridgeline.

1. Exceptions/Exemptions to I-580 Scenic Corridor Development Requirements

Development in the I-580 Scenic Corridor may only take place outside of the view angle envelopes and/or within established view corridors on parcels created before August 14, 2000, consistent with the North Livermore Growth Boundary Initiative, as follows (NLUGBI):

a. Where application of the regulations contained in the *Scenic Route Goals, Objectives, Policies, and Actions* would, based on the legal opinion of the City Attorney, deprive a private property owner of substantially all reasonable economic use of the lot, and where the City Council finds both of the following:

   (1) That the development is spaced sufficiently on the lot so as not to create the effect of a wall between the viewer and the ridgeline; and

   (2) That the development on the lot does not detract from the scenic value of the corridor; or,

b. Where it is determined that new public works projects or elements render the development no longer visible from a view point along I-580; or,

c. Where the development consists of public works projects and facilities of public necessity; or,

d. Where the development consists of reconstructing a structure which existed prior to August 14, 2000, and where the height and area of the new structure does not exceed that of the pre-existing structure; or,

e. Where the development does not exceed a view angle created by an existing structure. The view angle is measured from the roofline of the existing structure closest to the freeway as viewed at a 90-degree angle to the freeway. Only that portion of the proposed development located directly in front of the existing structure may exceed the adopted view angle.

2. I-580 Scenic Corridor Zones – Limitations on Ground Contour Changes

In the I-580 Scenic Corridor, to the extent consistent with the North Livermore Urban Growth Boundary Initiative, the following limits apply to changes in the natural ground contours (NLUGBI):

(a) Zone I: Within 2,000 feet of the center line of I-580, alterations are allowed in slope areas to ten percent, defined as the lowest lying ten percent slope at the base of the hill area. In addition, an area equal to five percent of the overall Zone I area within the property to be developed can be altered above the ten percent slope. This additional area shall be distributed evenly along the ten percent slope but shall not intrude into the adjacent fifteen percent slope.

(b) Zone II: Between 2,000 feet and 2,500 feet of the centerline of I-580, alterations are allowed in slope areas to fifteen percent, defined as the lowest lying fifteen percent slope at the base of the hill area. In addition, an area equal to seven and one-half percent of the overall Zone II area within the property to be developed can be altered above the fifteen percent slope. This additional area shall be distributed evenly along the fifteen percent slope but shall not intrude into the adjacent twenty percent slope.

(c) Zone III: Between 2,500 and 3,500 feet of the centerline of I-580, alterations are allowed in the slope areas to twenty percent defined as the lowest lying twenty percent slope at the base of the hill area. In addition, an area equal to seven and one-half percent of the overall Zone III area within the property to be developed can be altered above the twenty percent slope. This additional area shall be distributed evenly along the adjacent twenty percent slope but shall not intrude into a twenty-five percent slope.

(d) Exceptions: The following exceptions apply to the area north of North Canyons Parkway, and bounded on the east by Independence Drive, and on the west by Doolan Road (as shown on Figure 4-1.1) and described as Parcels B (PM 7522), C, D, and E (PM 7640).

i. In addition, an area equal to five percent of the overall Zone 1 area within the property to be developed can be altered above the 10-percent slope and may be calculated based on the entire site area and redistributed as indicated on Figure 4-1.1. Total area of additional alteration above the 10-percent slope is not to exceed 3.1 acres, as shown on Figure 4-1.1.

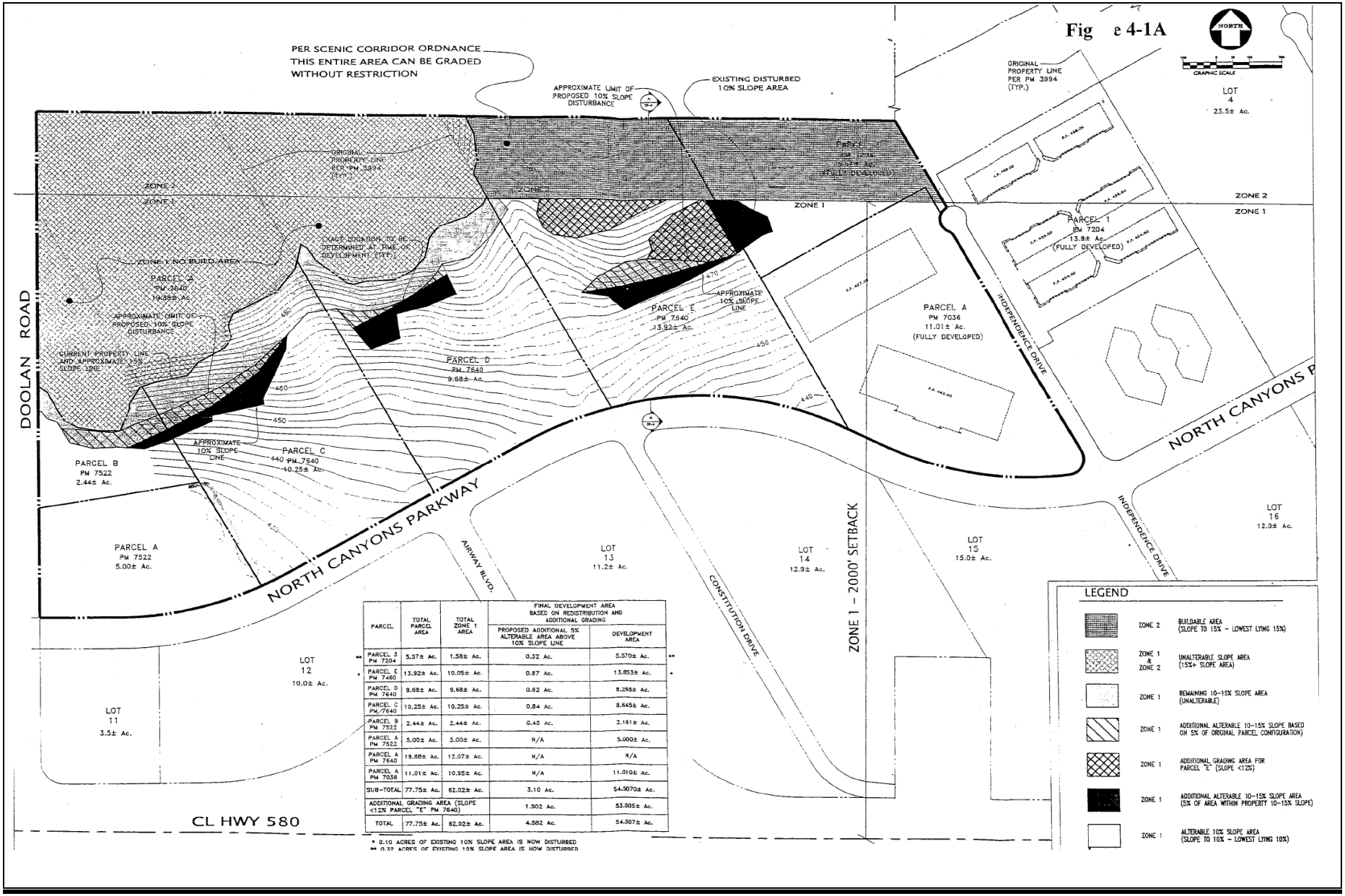
ii. In addition, two knoll areas (as identified on Figure 4-1.1) within the Zone 1 area of existing Parcel E may also be altered. Total area of additional alteration of knoll area on Parcel E is not to exceed 1.5 acres.

iii. In order to ensure above provisions (i) and (ii) are implemented as approved, and that potential future purchasers of property affected by the above restrictions are made aware of the contour alteration exceptions and restrictions on the specific affected parcels within the subject site (parcels E, D, C of PM 7640, and B of PM 7522): a) the implementing zoning district (PDI-00-181) shall be amended to reflect the above contour alteration exceptions and restrictions as shown on Figure 4.1.1 and to include a 100-foot building setback from the rear property line of existing Parcel E; b) the current owner shall record a notice or deed restriction for the affected parcels which outlines the contour alteration exceptions and restrictions governing the affected parcels, as shown on Figure 4-1.1.

(e) Exemptions: In Subarea 1, Subpart C, exemptions to limitations on slope alterations may be granted by the City Council for public works projects and facilities of public necessity, which include the extension of Portola Avenue from Isabel Avenue to I-580, the Community College access road from Portola Avenue to the southern boundary of the College property, and a

neighborhood park located northeast of the Portola Avenue/Isabel Avenue intersection. The City shall find that the necessary public facilities provide broader regional, community, or neighborhood benefits. Grading shall utilize slope contouring or other appropriate methods to avoid the use of terracing and/or retaining walls, to the extent feasible, which would result in undesirable geometric landforms.

Figure 4-1.1 – TKG Grading Exception



PARCEL	TOTAL PARCEL AREA	TOTAL ZONE 1 AREA	FINAL DEVELOPMENT AREA BASED ON REDISTRIBUTION AND ADDITIONAL GRADING	
			PROPOSED ADDITIONAL 5% ALTERABLE AREA ABOVE 10% SLOPE LINE	DEVELOPMENT AREA
PARCEL 3 PM 7204	5.57± Ac.	1.58± Ac.	0.32 Ac.	5.570± Ac. **
PARCEL E PM 7460	13.92± Ac.	10.05± Ac.	0.87 Ac.	13.853± Ac. *
PARCEL D PM 7640	9.68± Ac.	9.68± Ac.	0.82 Ac.	8.288± Ac.
PARCEL C PM 7640	10.25± Ac.	10.25± Ac.	0.84 Ac.	8.645± Ac.
PARCEL B PM 7522	2.44± Ac.	2.44± Ac.	0.45 Ac.	2.181± Ac.
PARCEL A PM 7522	5.00± Ac.	5.00± Ac.	N/A	5.000± Ac.
PARCEL A PM 7640	19.88± Ac.	12.07± Ac.	N/A	N/A
PARCEL A PM 7036	11.01± Ac.	10.95± Ac.	N/A	11.010± Ac.
SUB-TOTAL	77.75± Ac.	62.02± Ac.	3.10 Ac.	54.5070± Ac.
ADDITIONAL GRADING AREA (SLOPE <12% PARCEL "E" PM 7640)			1.502 Ac.	53.005± Ac.
TOTAL	77.75± Ac.	62.02± Ac.	4.582 Ac.	54.507± Ac.

* 0.10 ACRES OF EXISTING 10% SLOPE AREA IS NOW DISTURBED
** 0.32 ACRES OF EXISTING 10% SLOPE AREA IS NOW DISTURBED

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
1233 Quarry Lane, Suite 145 (925) 249-6755
Pleasanton, California 94566 Fax (925) 249-0585

FIGURE 4 - 1.1
(Reso. 04-178)
NORTH CANYONS PARKWAY EXCEPTIONS

3. Grading

(a) Grading shall be limited so as to preserve natural features where large stands of vegetation, scenic natural formations, or natural watercourses exist.

(b) Any contour altered by grading should be restored by means of land sculpturing in such a manner as to minimize run-off and erosion problems and should be planted with low-maintenance plant materials that are compatible with the existing environment and the intent of the Scenic Route goals, objectives, policies, and actions.

(c) Neither (a) nor (b) above shall preclude the restorations identified within Subparts 5A and 5B of Subarea 5.

4. I-580 Scenic Corridor Subareas

The I-580 Scenic Corridor is divided into six subareas, as shown in Figure 4-2. Policies and development standards are identified for each subarea that reflect the unique visual resources in each area. *Development is not permitted if it is inconsistent with the North Livermore Urban Growth Boundary Initiative (NLUGBI).* The policies and development standards (such as identified view angles) are intended to preserve views to ridgelines and hillsides as seen from I-580. Development within each Subarea shall also be subject to the general Scenic Corridor design standards contained in Objective CC-4.10 and related policies, except as otherwise expressly provided.

Subarea 1- Development Requirements

a. Subarea 1 is located on the north side of the I-580 freeway. The west boundary of Area 1 is approximately 200 feet west of Doolan Canyon Road; the east boundary is approximately one-mile west of North Livermore Avenue. Figure 4-3 establishes the boundary of Subarea 1.

b. The following criteria shall be implemented through project specific conditions contained in all Planned Development and Site Plan Approvals for development within Subarea 1:

Figure 4-2 – Scenic Route Subareas

EXHIBIT A

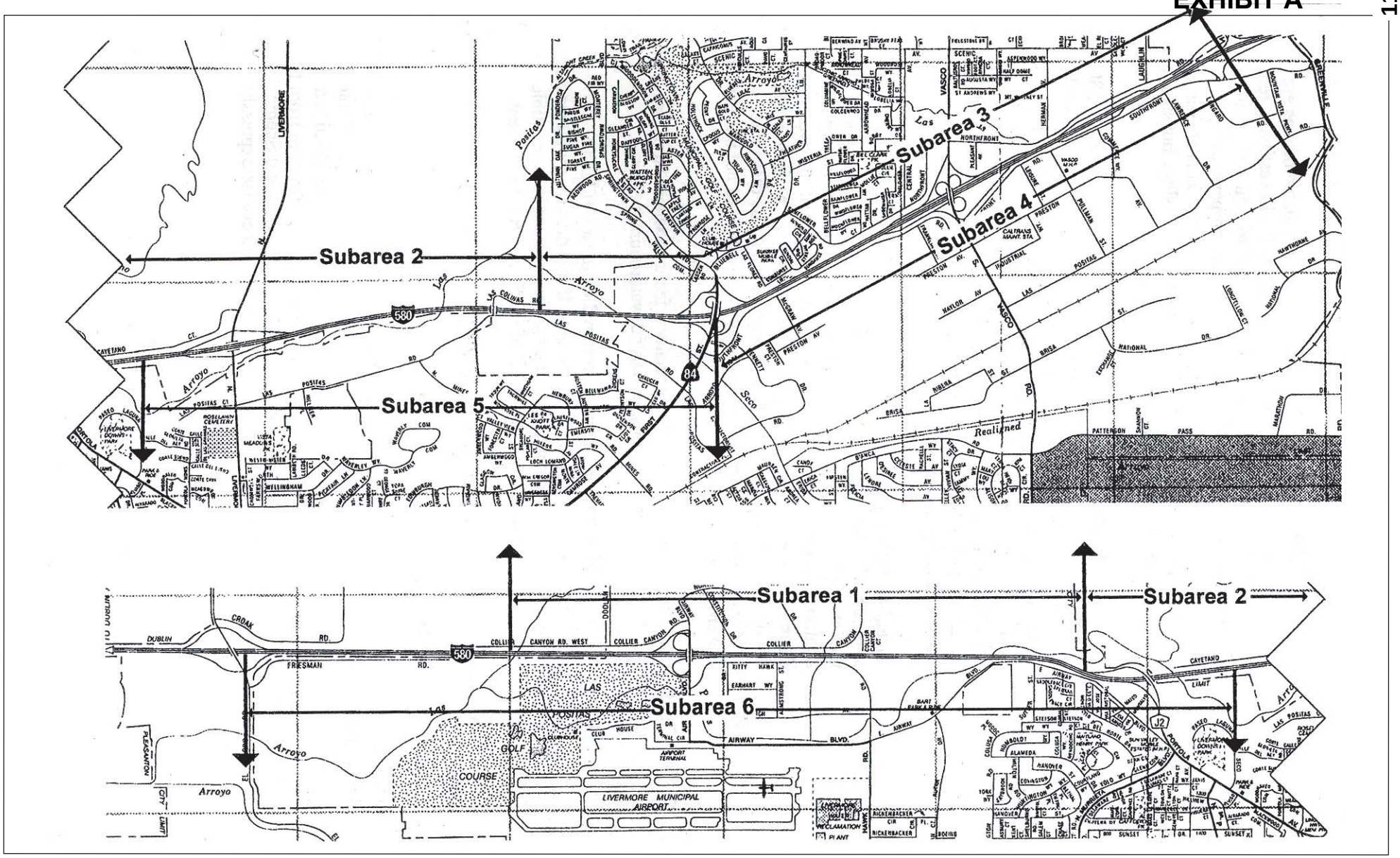


FIGURE 4 - 2

SCENIC ROUTE SUBAREAS

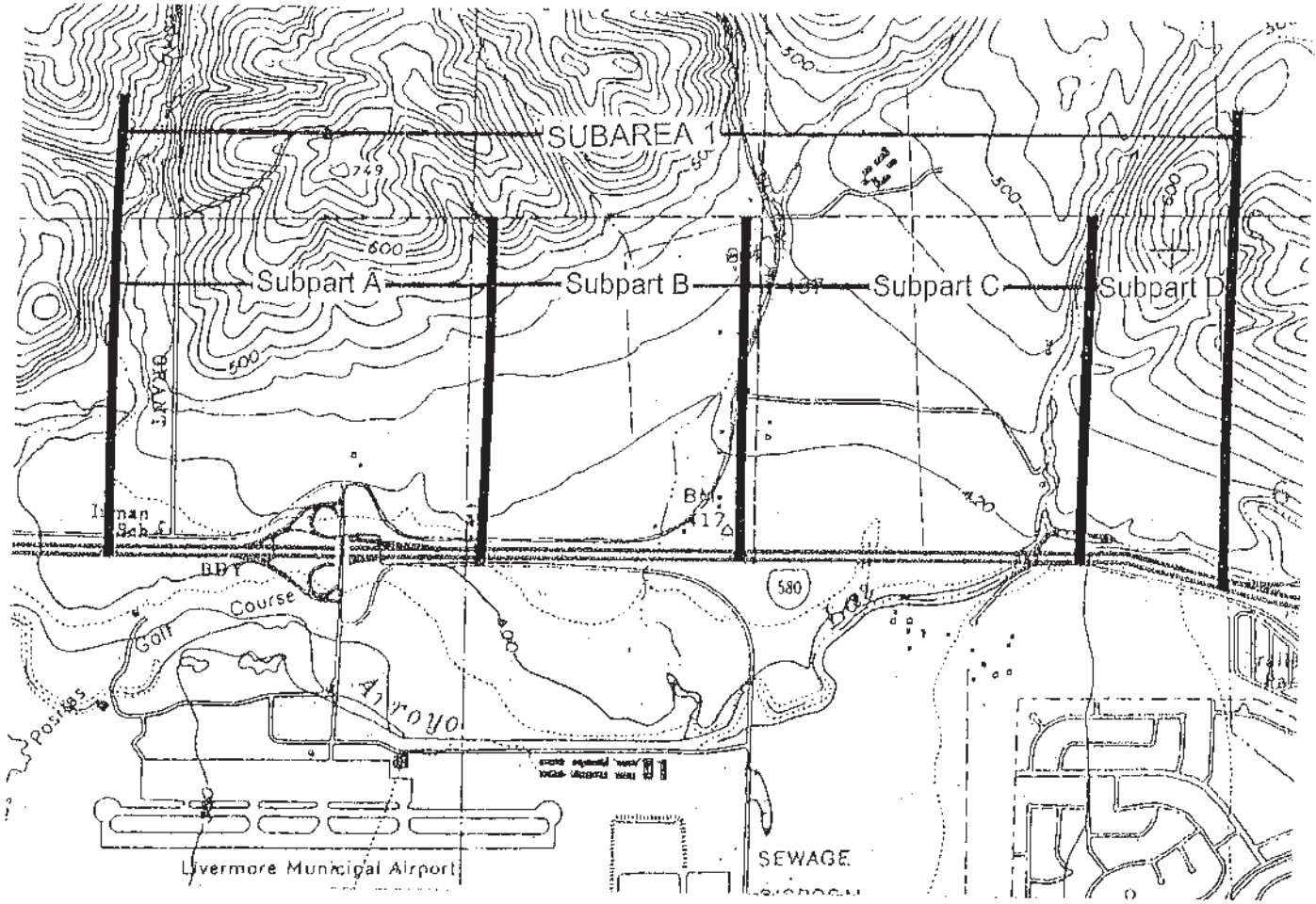
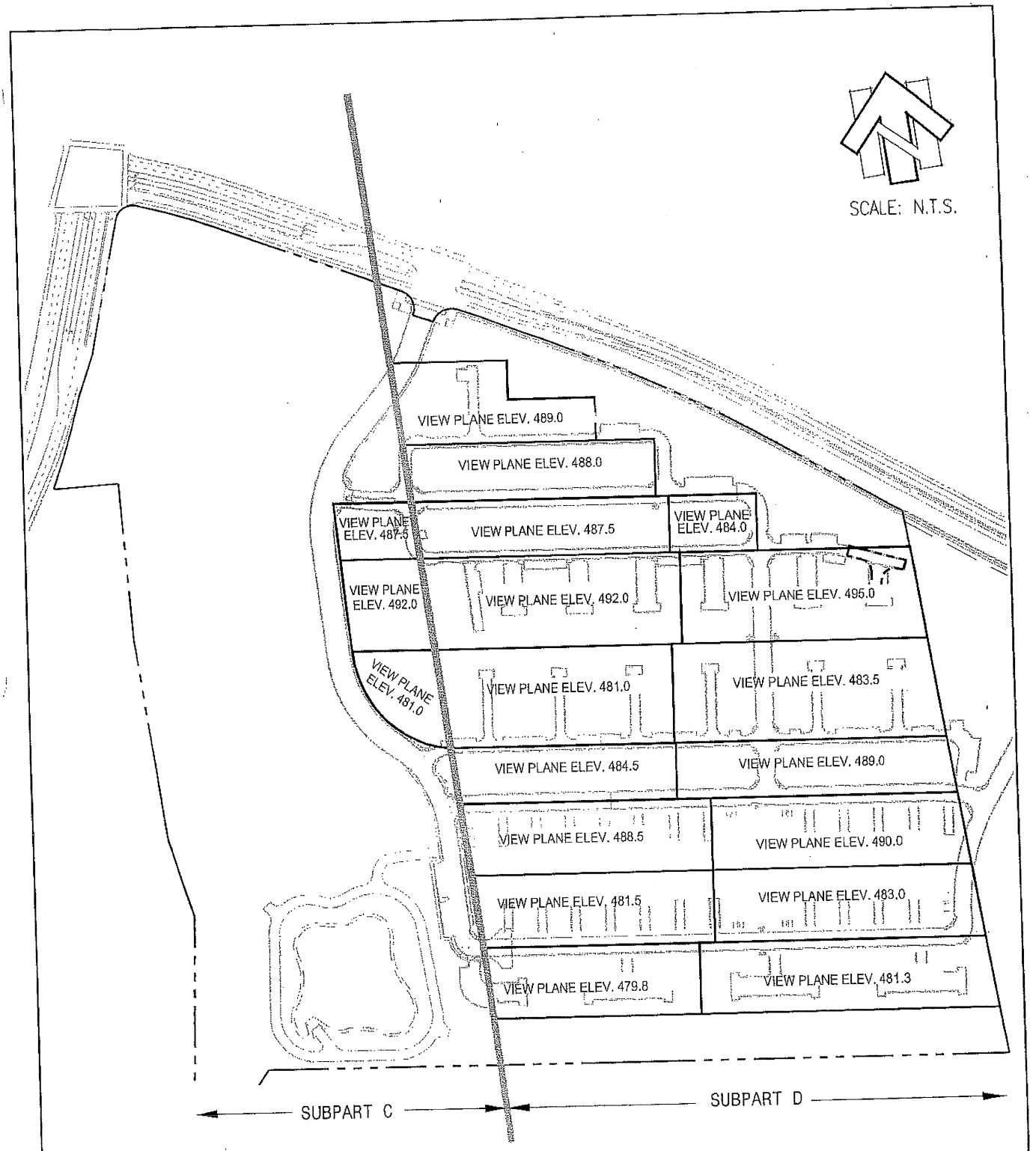


FIGURE 4 - 3
(Reso. 2005-178)
SCENIC ROUTE SUBAREA I

EXHIBIT A



MACKAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
PLEASANTON, CA (925)225-0690

EXHIBIT 4-3a - VIEW ANGLE / HEIGHT LIMITS
SUBAREA 1, SUBPARTS C AND D OF SCENIC CORRIDOR ELEMENT
LIVERMORE, CALIFORNIA

DRAWN BY: CWG	JOB NO:19302.000	DATE: 2015.09.28	REV. DATE: –	PHASE: –

09-28-2015 9:16am Chris Guenther P:\19302\DES\EXH-3\GPEXH4-3A(2015.09.23).DWG

EXHIBIT A

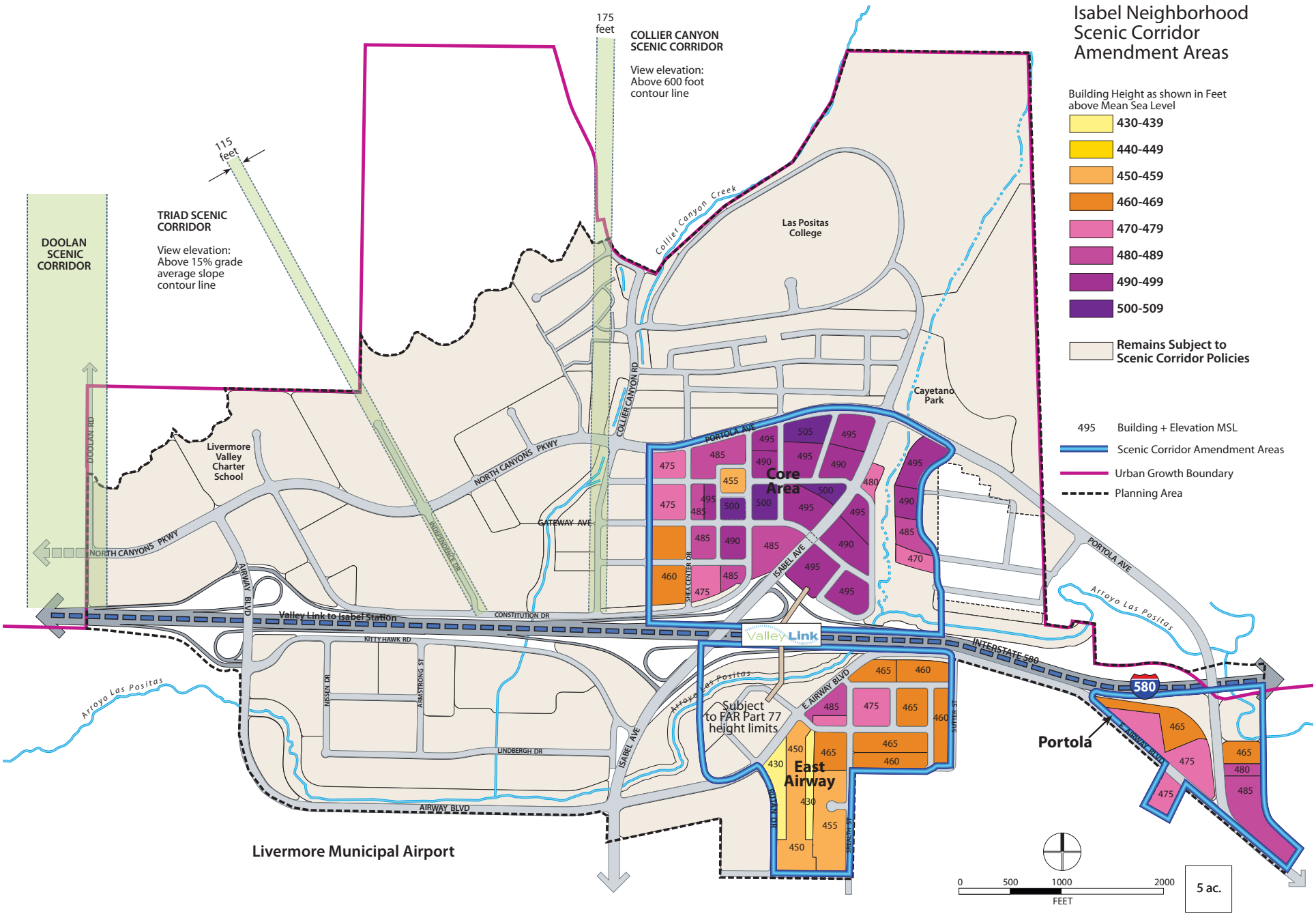


FIGURE 4-3.B

(1) *View Corridors*

View corridors shall be provided as listed below:

(a) Doolan Canyon: Provide 200 +/- wide view corridor at approximately 90 degrees from I-580. (Most of this corridor is presently outside City limits.) This corridor would require clear areas at approximately I-580 viewing elevation.

(b) Triad: Provide a view corridor at approximately 60 degrees to west I-580 lanes. Views are to the 15 percent grade average slope contour line at view corridor terminus. The view corridor shall be 115 +/- feet wide. The location of the view corridor, as identified on Figure 4-4, shall generally follow the right-of-way of Independence Drive.

(c) Collier Canyon: Provide a 175 +/- foot wide view corridor to Collier Canyon generally at 90 degrees to I-580 and centered on Collier Canyon Road (Figure 4-4). This corridor would require clear areas which maintain views above the 600-foot contour line of the hills at the canyon mouth.

(2) *View Angles*

Development within Subarea 1 shall take place within the view angle envelopes created by using the view angles designated below. For the purposes of establishing these view angles, Subarea 1 has been divided into 3 subparts. These subparts reflect differing terrain, visual resources, subdivision configuration, freeway/view relationships, and regulatory histories within each part.

Figure 4-3 identifies the subparts of Subarea 1. Subpart A (commonly referred to as Triad-west) includes the westerly ¼ +/- of Subarea 1. Subpart B (commonly referred to as Triad-east) covers the next easterly approximate ¼ of Subarea 1 to Collier Canyon Road. Subpart C (commonly referred to as Shea Properties) involves the easterly ½ of Subarea 1.

Within each subpart, view angles are established as follows using the criteria outlined in Section C.5 (*I-580 Scenic Corridor Implementation*):

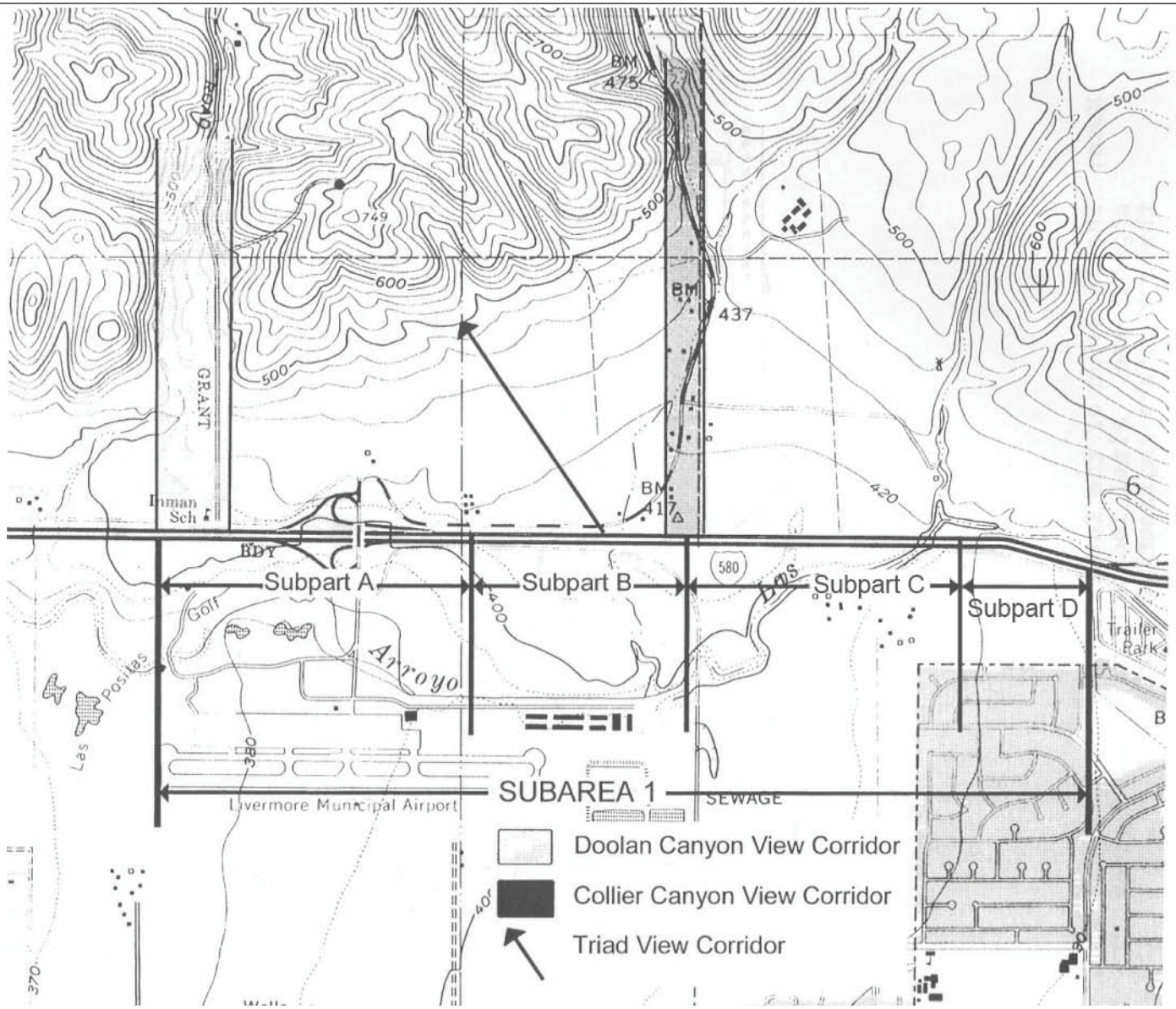


FIGURE 4-4

(Reso. 2005-178)

SUBAREA 1 VIEW CORRIDORS

- Subpart A (Triad West) = 3.6 degrees
- Subpart B (Triad East) = 3.2 degrees
- Subpart C (Shea Properties West) = 2.45 degrees, except as shown on Figure 4-3A
- Subpart D (Shea Properties East) = As shown on 4-3A.

These view angles shall be applied at any point at 90 degrees to I-580. The view surface created by this application shall establish a proposed building's compliance with the height envelope maximum determined for preservation of ridgeline and hillside views in Subarea 1 of the I-580 Scenic Corridor.

(3) *View Angle and View Corridor Exceptions*

In addition to the exceptions outlined in Section C, Exceptions/Exemptions to I-580 Scenic Corridor Development Requirements, development may take place outside of the view angle envelope where it is located within the Isabel Neighborhood Specific Plan Scenic Corridor exemption areas as shown in the Specific Plan and on Figure 4.3.b.

Subarea 2

Subarea 2 is located on the north side of I-580 approximately 5,000 feet west and 6,500 feet east of the North Livermore Avenue interchange. This area is located outside the North Livermore Urban Growth Boundary, except in the area of Las Colinas Road.

Subarea 3

a. Subarea 3 is located on the north side of the I-580 freeway. The west boundary of Subarea 3 is approximately one-half mile west of the Springtown Boulevard interchange;
the east boundary is the I-580 Greenville Road on-ramp. Figure 4-6 establishes the boundary of Subarea 3.
b. Subarea 3 is further divided into four subparts. These subparts reflect different terrain, visual resources, freeway/view relationships, and degrees of existing development and view obstruction.

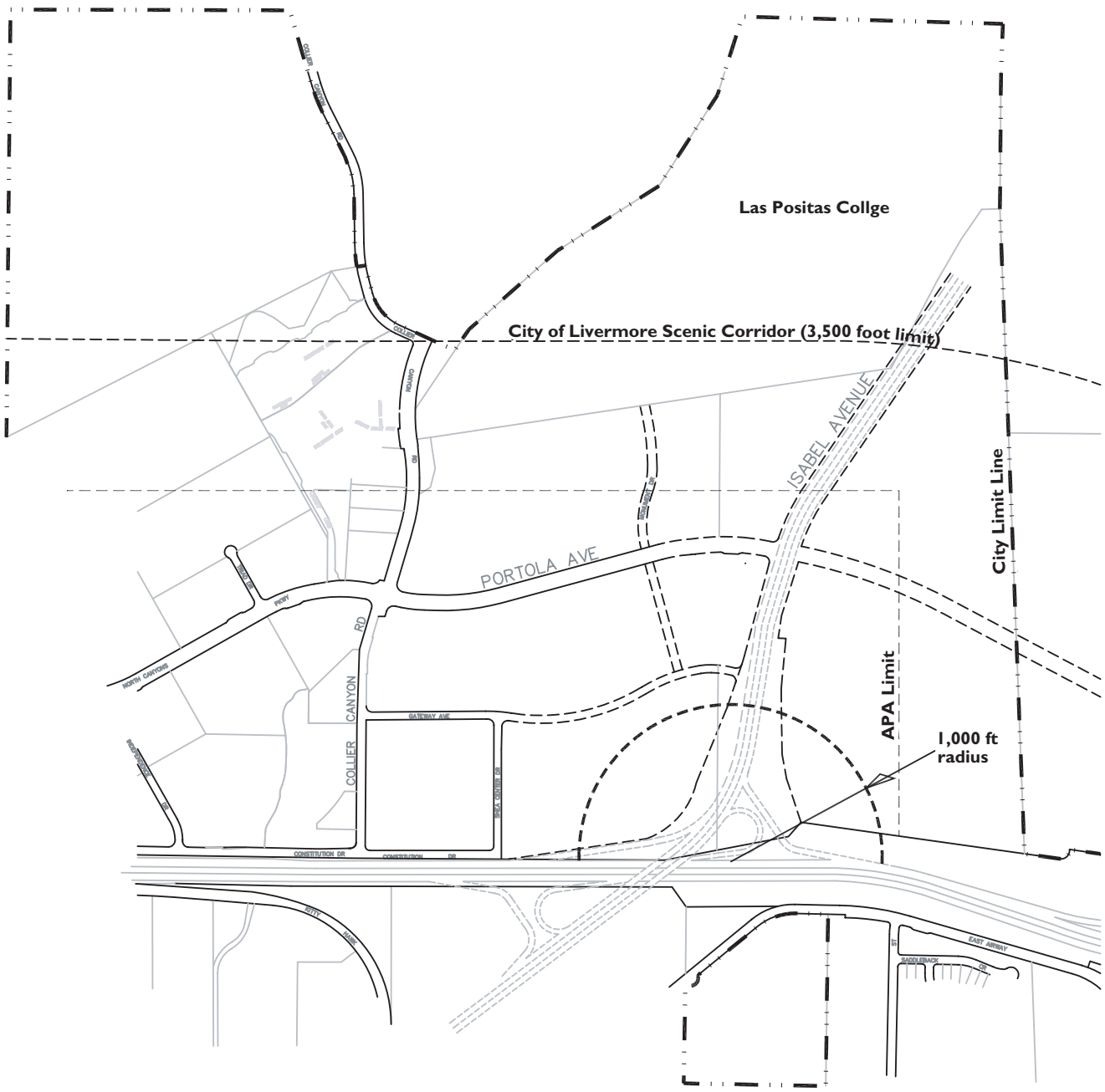


FIGURE 4 - 5

ISABEL INTERCHANGE 1000' RADIUS

Figure 4-6 also defines the four Subparts of Subarea 3. From east to west, these include: Subpart A, between the Greenville Road on-ramp and Herman Avenue; Subpart B, from Herman Avenue to Vasco Road; Subpart C from Vasco Road to Springtown Boulevard; and Subpart D, from Springtown Boulevard to approximately one-half mile west of Springtown Boulevard.

c. Subparts A and B.

(1) For Subparts A and B, new development shall preserve the views of the distant hills. The views to be preserved are the upper one-third of the distant hillsides in Subpart A and the upper one-quarter of the distant hillsides in Subpart B.

(2) The view angles corresponding to these view preservation goals are 1.58 degrees for Subpart A and 1.90 degrees for Subpart B. The view surfaces created by these view angles establishes the maximum building height elevation for development within Subparts A and B.

(3) Applications for development within Subparts A and B shall demonstrate that the heights of proposed structures are below the view surfaces created by the 1.58 degree angle for Subpart A and 1.90 degree angle for Subpart B.

(4) The merger of existing lots is encouraged where the resulting larger lot provides additional development options while avoiding or reducing the impacts to the identified view surfaces. Where development on the merged lots is proposed above the identified view surfaces, the above findings are still required.

(5) For Subpart A, the above findings shall not apply to the parcel at the eastern periphery of Subpart A, located between Northfront Road, Interstate 580 (I-580), and the I-580 westbound on-ramp. For this parcel, the maximum building height created by the 1.58 degree view angle may be exceeded by a maximum of 5 feet, with City Council approval, subject to the following findings: The project will preserve intermittent views of distant hills; the project building facades have been located at varying distances from I-580 to avoid the appearance of a uniform "wall" of development; the project will not substantially degrade the existing visual character or quality of the site and its surroundings.

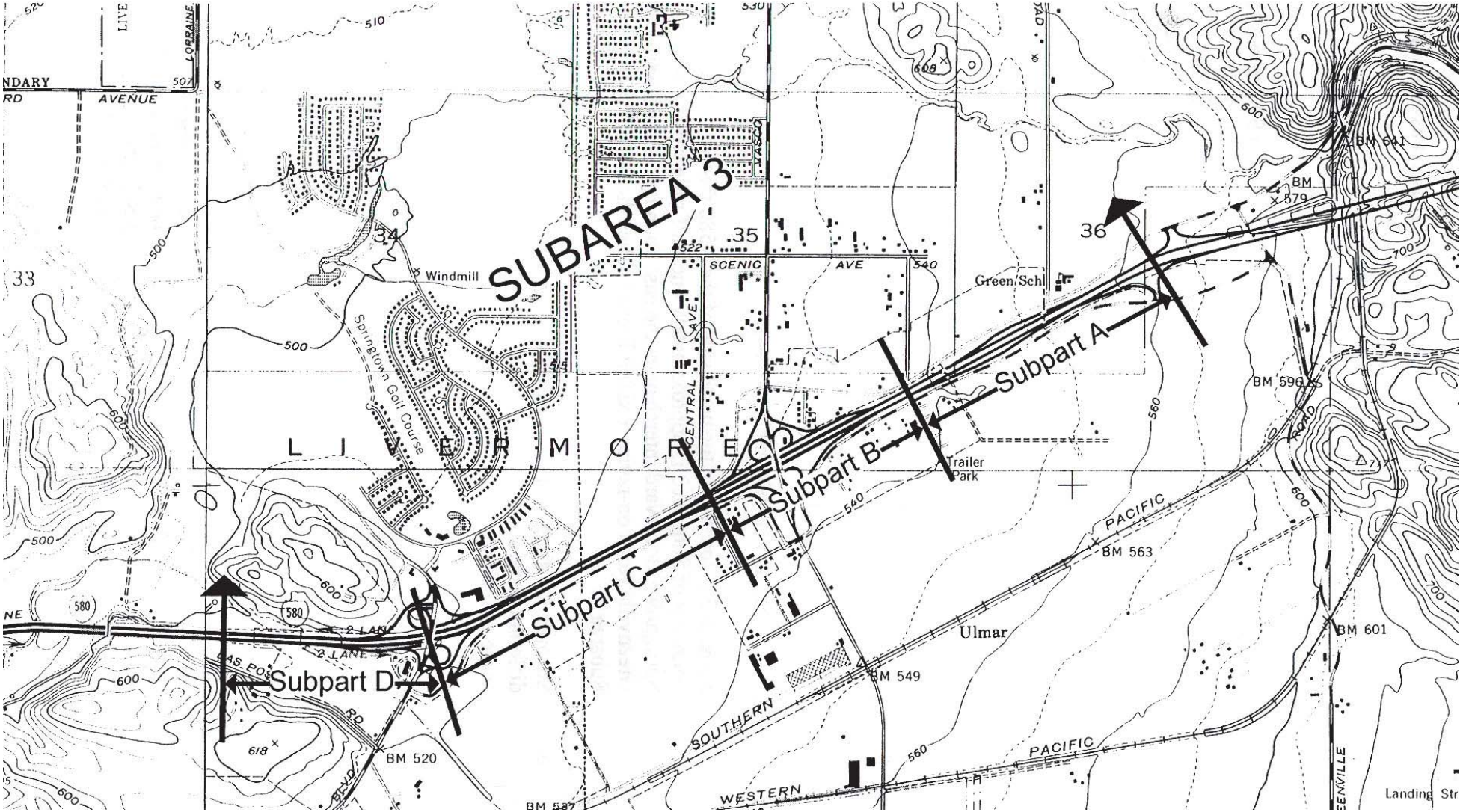


FIGURE 4 - 6

SCENIC ROUTE SUBAREA 3

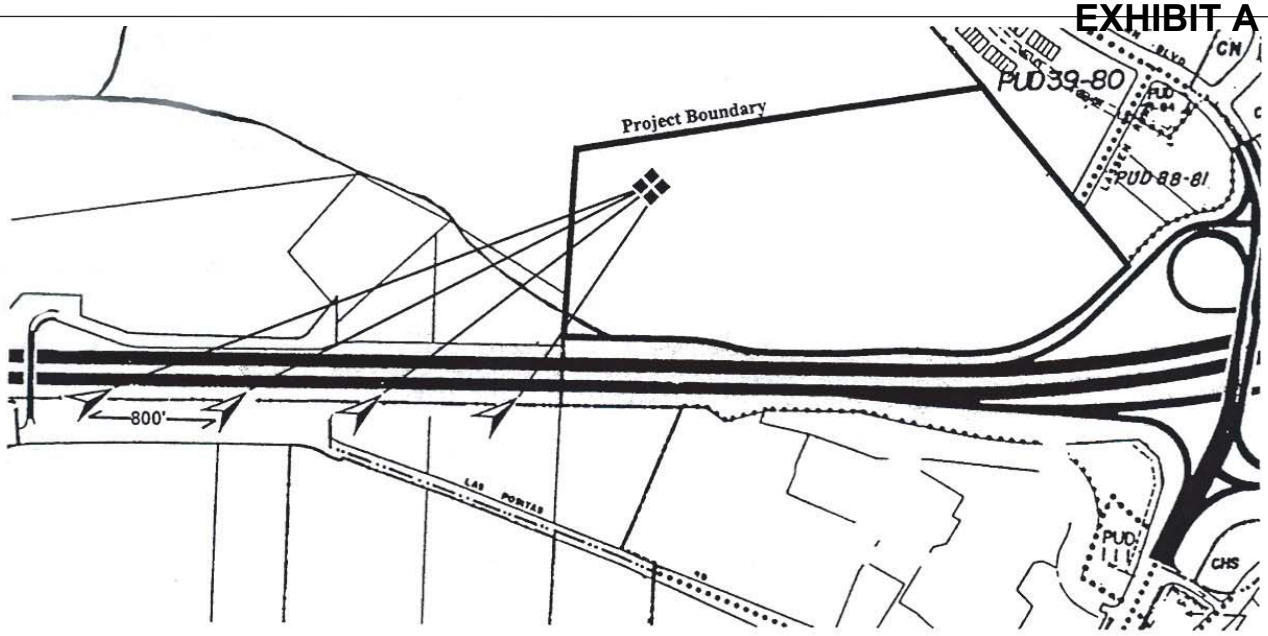
d. Subpart C.
For Subpart C, the majority of views of the distant hills have been obstructed by existing development. Remaining views are minimal and do not require preservation. However, in areas where views are obstructed by the existing freeway noise barrier, new development shall not be visible above the noise barrier (when viewed at 90 degrees, from a view point along the northerly edge of I-580 four feet above the pavement).

e. Subpart D.
The general landform should be protected and new development shall comply with all applicable general regulations contained in goals, objectives, policies and actions pertaining to Scenic Corridor Design Requirements under Goal CC-7. Section C.2(a) requirements, which limit the percentage of areas of 10-15 percent slope category which may be altered, shall not apply to public or private primary access roadways. The limitations on the alterations of natural ground contours shall still apply to all other development, including the locational criteria of visible development on the lowest lying ten percent slope at the base of the hill area. Development on other areas of up to ten percent slopes shall not be visible from freeway. Visibility of the development shall be measured as shown on Figure 4-7.

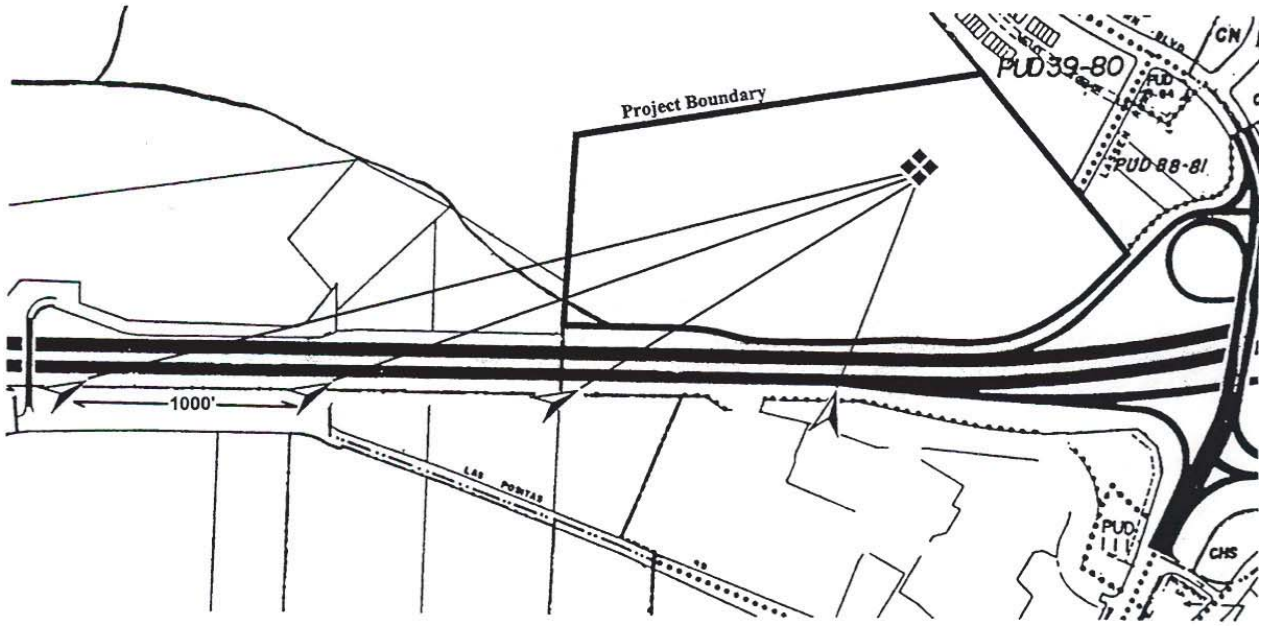
Subarea 4

Subarea 4 is located on the south side of I-580, from the west side of the First Street interchange to Greenville Road.

a. The City recognizes that Subarea 4, as shown on Figure 4-8, contains visual resources in the form of the Altamont Pass to the east of the distant hills to the south. The existing development patterns, infrastructure investment and the development potential of the industrial and commercial land within Subarea 4, limit visibility to the hills. Therefore, it is not feasible to fully protect all remaining views of the hills in this area. For this reason, the built environment and visual appearance of new development



Viewpoints taken from the eastbound inside travel lane at four (4) feet above the pavement.



Viewpoints taken from the eastbound inside travel lane at four (4) feet above the pavement.

FIGURE 4 - 7

SUBAREA 3, SUBPART D
VISUAL ANALYSIS LOCATIONS

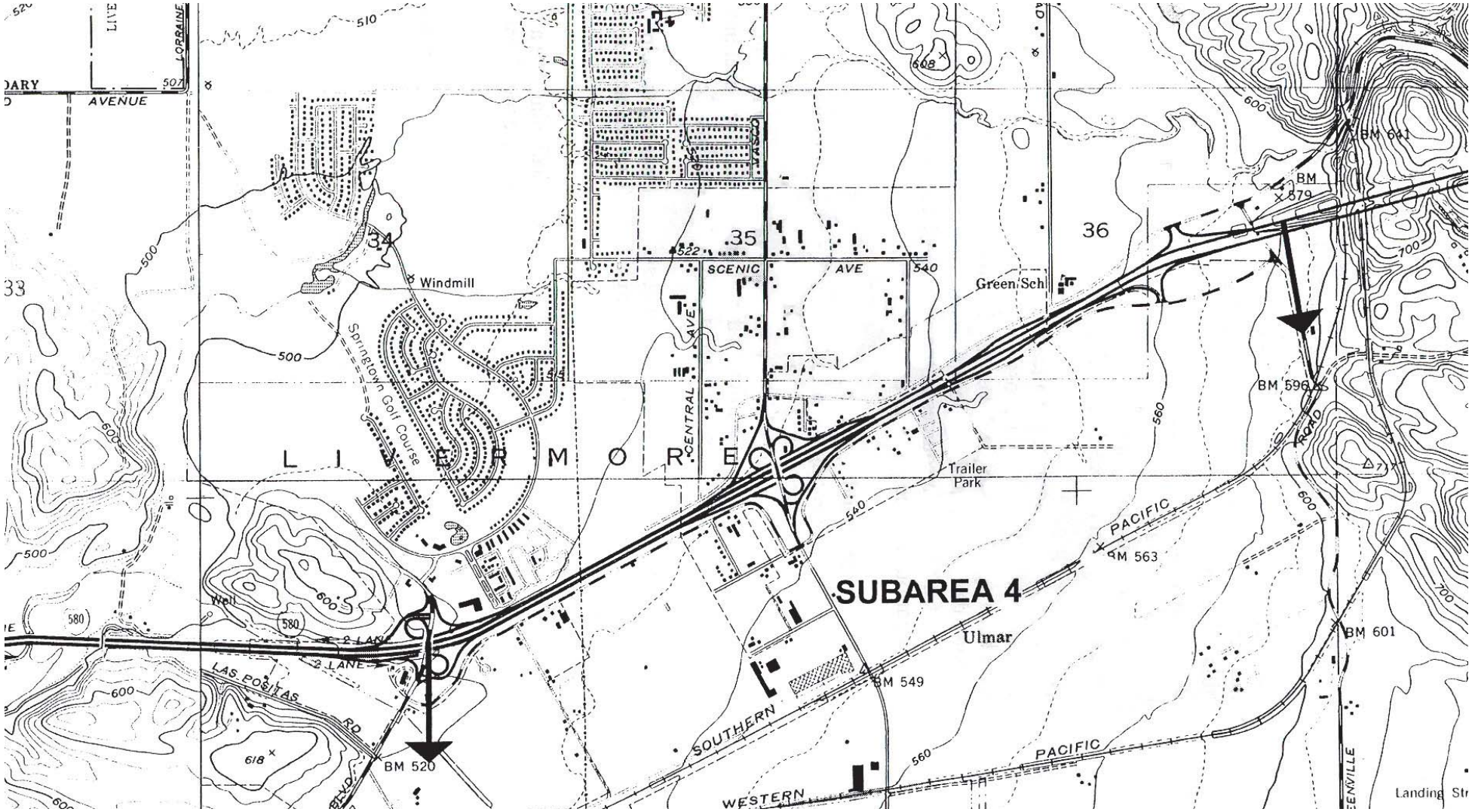


FIGURE 4 - 8

SCENIC ROUTE SUBAREA 4

within the sub-area is considered equally important to create and maintain an aesthetically appealing urban presence in the scenic corridor.

b. The review of development applications within Subarea 4 shall be conducted to determine if proposed building locations and landscaping have been optimized to preserve visual resources where feasible. Because development along Southfront Road constitutes a significant portion of the visual resources in the area, special attention and consideration shall be given to the following:

(1) Adjacent building facades and development massing shall be located at varying distances from I-580 in order to avoid or reduce the appearance of a uniform "wall" of development. Building locations which promote visual corridors and glimpses toward the hills, in particular the Altamont Hills for travel in the eastbound direction, are encouraged whenever feasible.

(2) Parking lot layout and landscaping shall be designed to help promote views and enhance the corridor's visual character to the greatest extent feasible.

(3) Building design and architectural treatment shall minimize a wall-like effect parallel to the freeway and enhance the visual character of the corridor.

(4) Buildings shall be the visually predominant structures on parcel frontages along Southfront Road. Walls, fences and other screening associated with outdoor storage areas or security shall be located a minimum of 15 feet back from the building facade facing the freeway.

Subarea 5

a. Subarea 5 is located on the south side of the I-580 freeway. The western boundary of Subarea 5 is defined by a point along the I-580 freeway, roughly equidistant between North Livermore Avenue and the Portola Avenue overcrossing. The eastern boundary is defined by First Street. Figure 4-9 establishes the boundary of Subarea 5.

b. Subarea 5 is further divided into three subparts. These subparts reflect natural dividing lines using roadways, parcel lines, visual resources, freeway/view relationships and areas of existing development and view obstruction. Figure 4-9 identifies the three subparts, 5A, 5B and 5C.

c. Subarea 5 contains rolling hills in close proximity to the freeway. These hills are considered individual visual resources, and are identified as Hills A through F in Figure 4-11. The height and location of each hill provides the basis for establishing view angles within Subarea 5.

d. Subpart 5A.
For Subpart 5A, the following shall apply:

(1) The landform between North Livermore Avenue and the Portola Avenue on/off ramp contains a ridgeline and visual features to protect. The ridgeline has two zones of primary protection and two zones of secondary protection. (See Figure 4-10)

One Primary Protection Zone shall be 550 feet in width measured approximately 130 feet to the east and 420 feet to the west from the ridge peak (an elevation of 492.6 feet). Because of previous grading that took place, up to 2 feet of soil shall be replaced within this zone and on this ridge for purposes of restoration of the natural landform. Such restoration shall be subject to obtaining an approved grading permit as part of a City approved development plan.

The other Primary Protection Zone shall be located from North Livermore Avenue west approximately 430 feet measured along the ridge line. No restoration is permitted within this Primary Protection Zone.

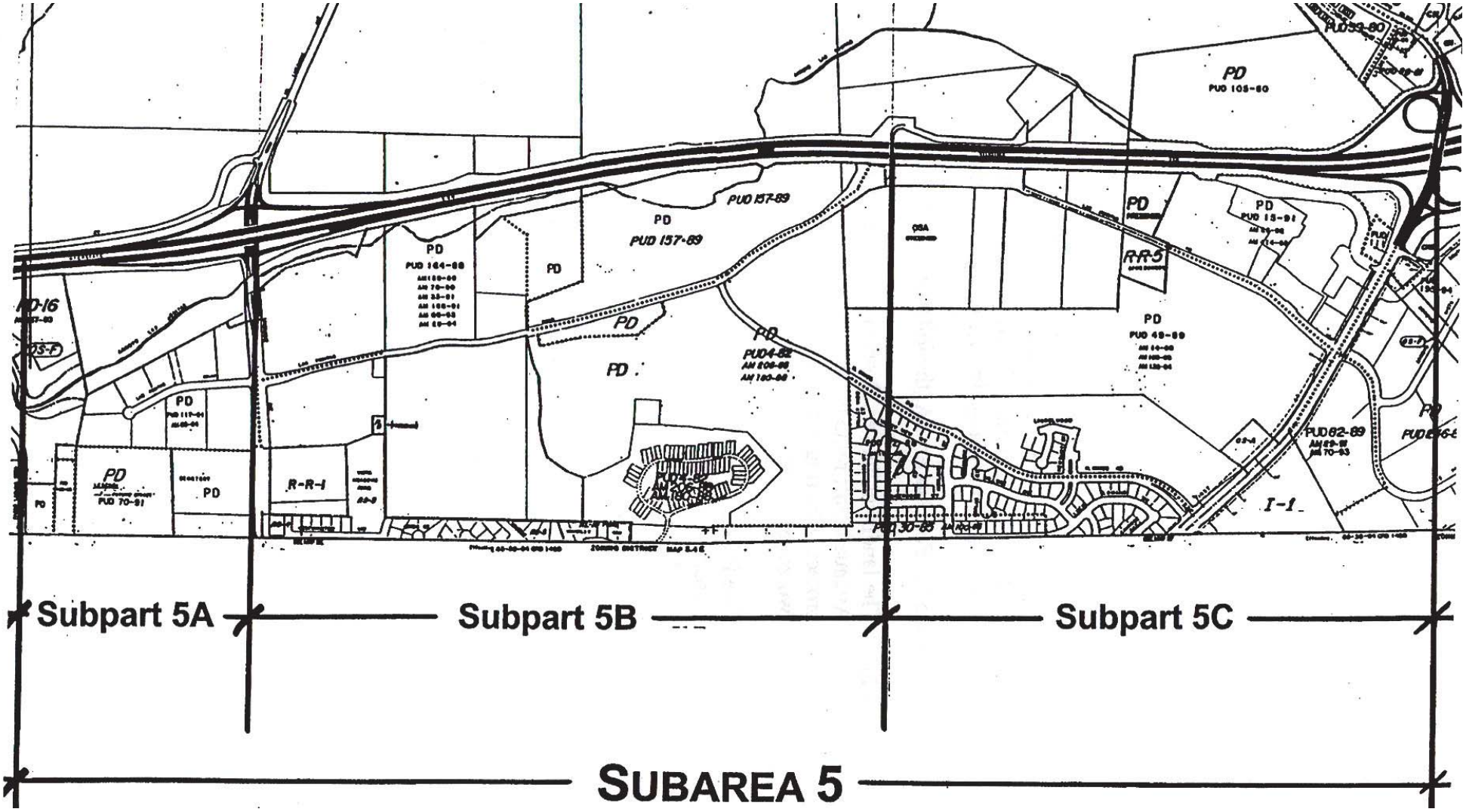


FIGURE 4 - 9

SCENIC ROUTE SUBAREA 5

One Secondary Protection Zone shall be between the two Primary Protection Zones. Only 150 feet within this zone (as established by Figure 4-10) shall be permitted to be augmented. A berm up to a maximum of 9 feet may be located within the 150-foot area per Figure 4-10.

The second Secondary Protection Zone shall begin at the western boundary of the Primary Protection Zone which includes the Area of Restoration. It shall continue west for approximately 200 feet. A berm up to a maximum of 7 feet at about 40 feet east of the Davidon property line may slope continuously downward at 0 feet grade at the west end of the Secondary Protection Zone. Landform augmentation of any kind is permitted only after the project has met the conditions as established in Section C.2 and 3 of this Chapter.

(2) Any augmentation and restoration in Subpart 5A shall be subject to a grading permit and shall be designed and graded to make the landform on all sides consistent in natural form such that it cannot be identified as an augmented landform.

(3) All structures south of the ridge, in the portion of Subpart 5A identified in Figure 4-10, shall be subject to the following:

(a) The residential units for the Davidon project site that are closest to the northern boundary shall be single-story or not exceed 20 feet in height except for Lot 78 (per Tract Map #6522) which can be two-story but not exceed 27 feet in height.

(b) All remaining residential townhouse structures on the Davidon site shall not exceed 27 feet in height.

(c) Whether or not visible from the Scenic Corridor, all roof and building materials for residential and commercial developments shall be earth tones, non-reflective and blend with the land form and natural setting.

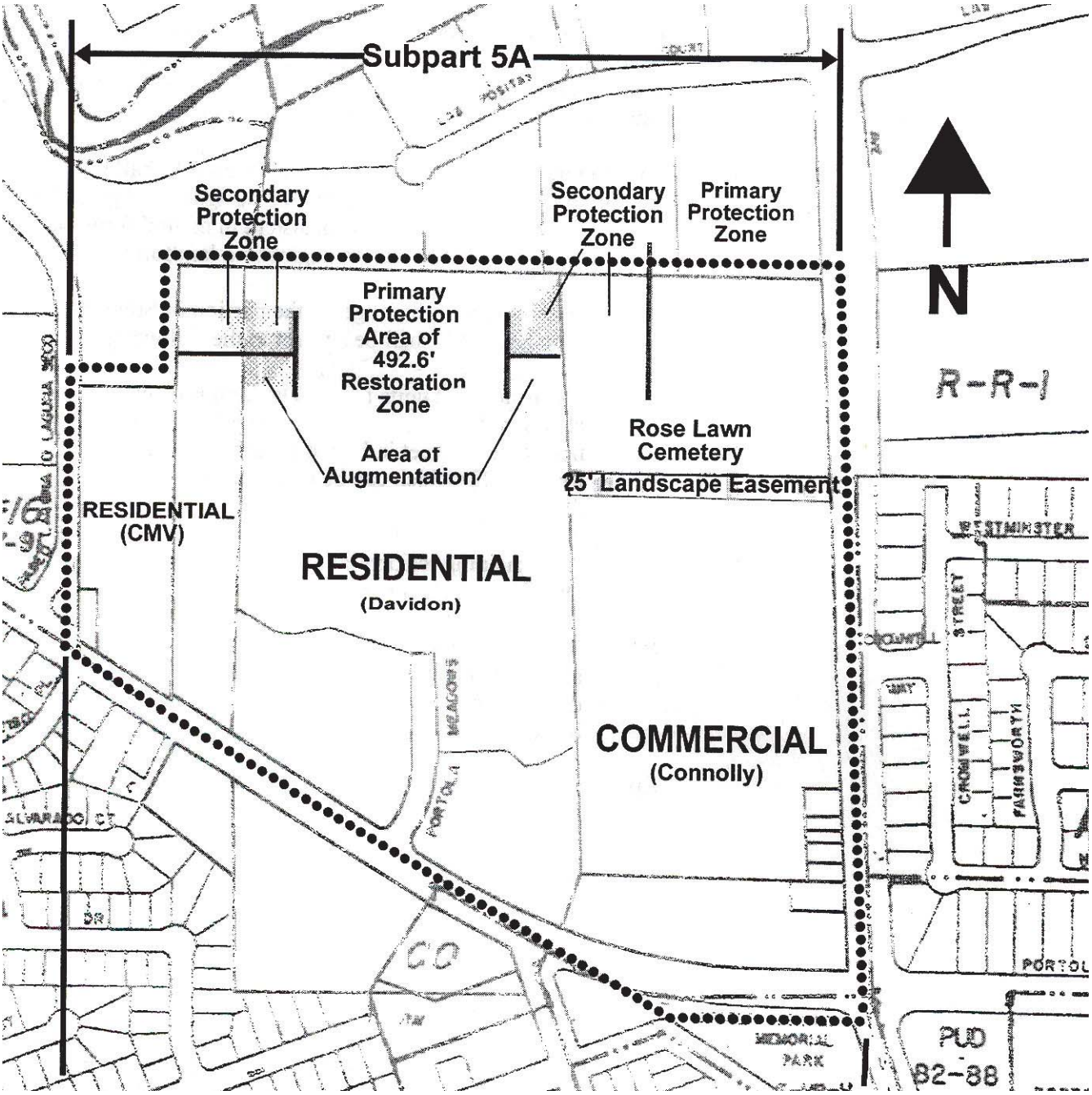


FIGURE 4 - 10

SUBAREA 5, SUBPART 5A

(d) All commercial and residential structures on the Connolly project site shall not penetrate the surface established by drawing a line from a point four feet above the I-580 freeway surface and the highest point of the building (27 feet) on the proposed commercial market per the City approved Site Plan or an elevation of 496 feet.

(e) For the Connolly project site only, a 25-foot wide landscape easement shall be created contiguous with and south of the Rose Lawn Cemetery. This landscape easement shall extend from North Livermore Avenue along the full length of the Rose Lawn Cemetery or approximately 670 feet in length. The purpose of the landscape easement is to provide for protection and continued maintenance of the landscaping within the easement on the property south of the Rose Lawn Cemetery and for the planting of native California species within this same easement for the express purpose of providing for a permanent and perpetual foliage screen as viewed from the I-580 Scenic Corridor.

For the Davidon project site only, the area of restoration and augmentation shall be revegetated consistent with the landscape plans approved under the Housing Implementation Program (HIP).

(4) Parcels between the Arroyo and the freeway are designated Open Space in this location, and therefore no additional policies or standards are required.

f. Subpart 5B

Subpart 5B is located between North Livermore Avenue and the Las Colinas overcrossing.

(1) For Subpart 5B, new development shall preserve the views of rolling foreground hills. The views to be preserved are the upper one-half (50%) of the hill for Hills A through D, as measured from the 500-foot contour line to the top of the hill (Figure 4-11). For Hill E, views to be preserved are the upper one-quarter (25%) of the hill, as measured from the 500-foot contour line to the top of the hill.

(2) The view angles corresponding to these hills and view preservation goals for Subpart 5B, as depicted in Figure 4-11, are as follows:

(a) View angle for Hill A and Hill B = 2.4 degrees

(b) View angle for Hill C and Hill D = 3.8 degrees

(c) View angle for Hill E = 5.9 degrees

(3) The western portion of the ridgeline of Hill A, from North Livermore Avenue to approximately 700 feet east, was previously altered. Restoration of this portion of the ridgeline is permitted subject to the following criteria:
   (a) The restoration of the ridgeline does not exceed an additional five feet of elevation from any point along the existing ridgeline;
   (b) The restoration results in an exact recreation of the ridgeline shape as viewed from I-580; and;
   (c) The restoration is otherwise consistent with Scenic Route goals and policies.

g. Subpart 5C

Subpart 5C is located between the Las Colinas overcrossing and First Street.

(1) For Subpart 5C, new development shall preserve the views of rolling foreground hills. The views to be preserved are the upper one-quarter (25%) of each hill, as measured from the 510-foot contour line to the top of the hill.
(2) The view angle corresponding to these hills and view preservation goals for Subpart 5C, as depicted in Figure 4-11, is 5.9 degrees for Hill F and Hill G.
(3) For the existing commercial development in Subpart 5C, any new structures, additions or alternations shall not exceed existing building heights.
(4) Subpart 5C contains an area east of the Las Colinas overpass that is "visually constrained", as identified in Figure 4-11. No new policies or standards apply to this area.

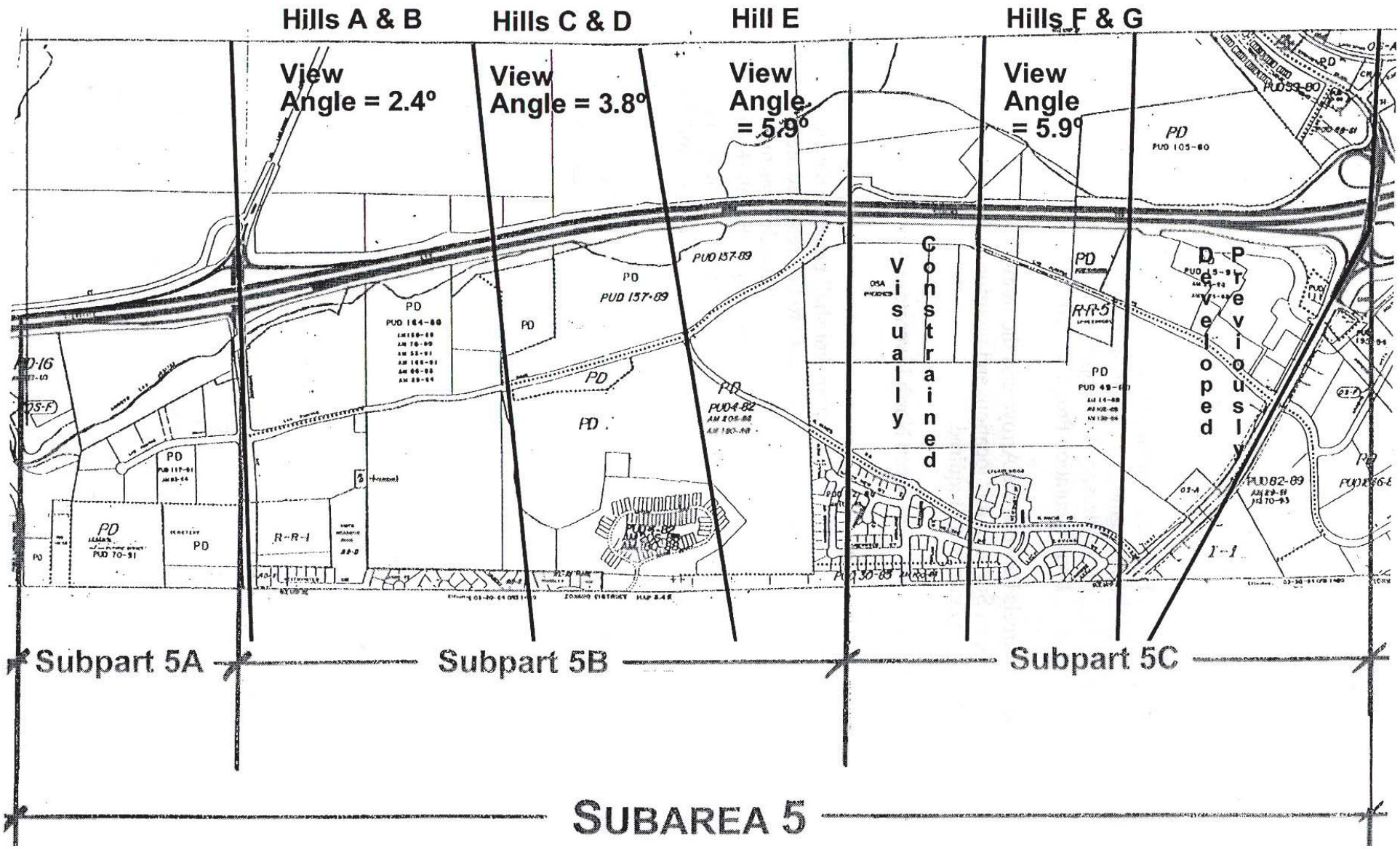


FIGURE 4 - 11

SUBAREA 5 VIEW ANGLES

Subarea 6

a. Subarea 6 is located on the south side of the I-580 freeway. The western boundary of Subarea 6 is El Charro Road. The eastern boundary is located roughly equidistant between the Portola Avenue overcrossing and North Livermore Avenue. Figures 4-12 and 4-13 establish the boundaries for Subarea 6.

b. Subarea 6 is divided into three subparts. These subparts reflect natural dividing lines using roadways, visual resources, freeway/view relationships and areas of existing development. Figure 4-12 identifies Subpart 6A, and Figure 4-13 identifies Subparts 6B and 6C. Subarea 6 contains views to distant hills and ridgelines low on the horizon.

c. Subpart 6A extends from El Charro Road to the west to Airway Boulevard to the east. The western half consists of nearly level agricultural fields and undeveloped parcels. Las Positas Golf Course comprises the eastern half. A golf driving range is located in the center of the Subpart, with fields on either side. Farmhouses, barns and other structures related to local agriculture are located within this area.

A 2.2 degree view angle is established for this Subpart to preserve views of the ridgelines.

d. Subpart 6B extends from Airway Boulevard to approximately 400 feet west of Sutter Street. Existing industrial and commercial development is located between Airway Boulevard and Kitty Hawk Road. East of Kitty Hawk Road, the Bay Area Rapid Transit District (BART) owns approximately 50 acres and is proposed for a future BART station. The new Isabel Parkway interchange will be located in this area. Existing agriculture lands are located south of East Airway Boulevard and west of Sutter Street.

A 2.2 degree view angle is established for this Subpart to preserve views of the ridgelines with the following exceptions:

Figure 4-12 (EXHIBIT I) Subpart 6A

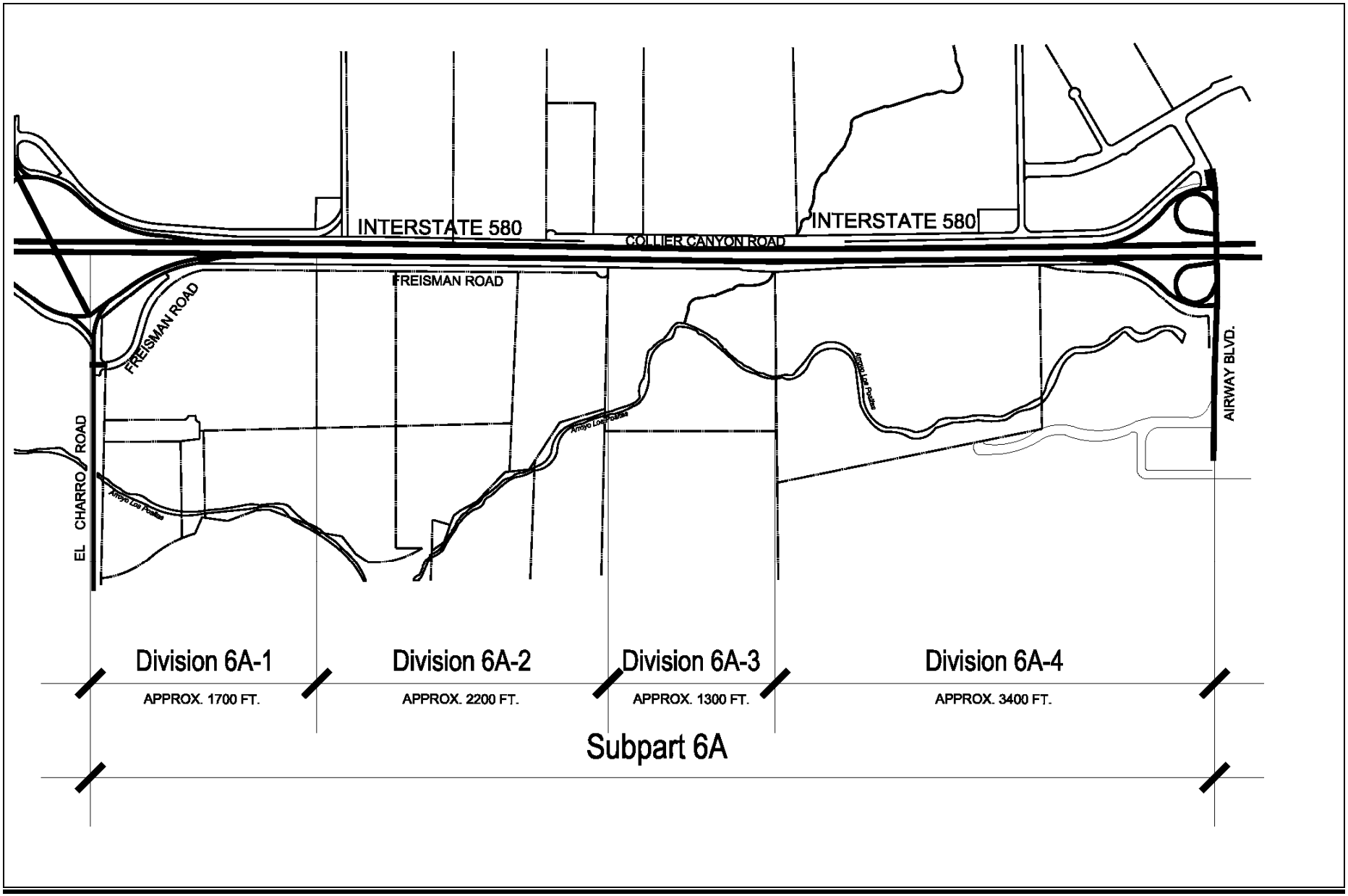


FIGURE 4 - 12
(Reso. 07-143)
SCENIC ROUTE SUBPART 6A

EXHIBIT A

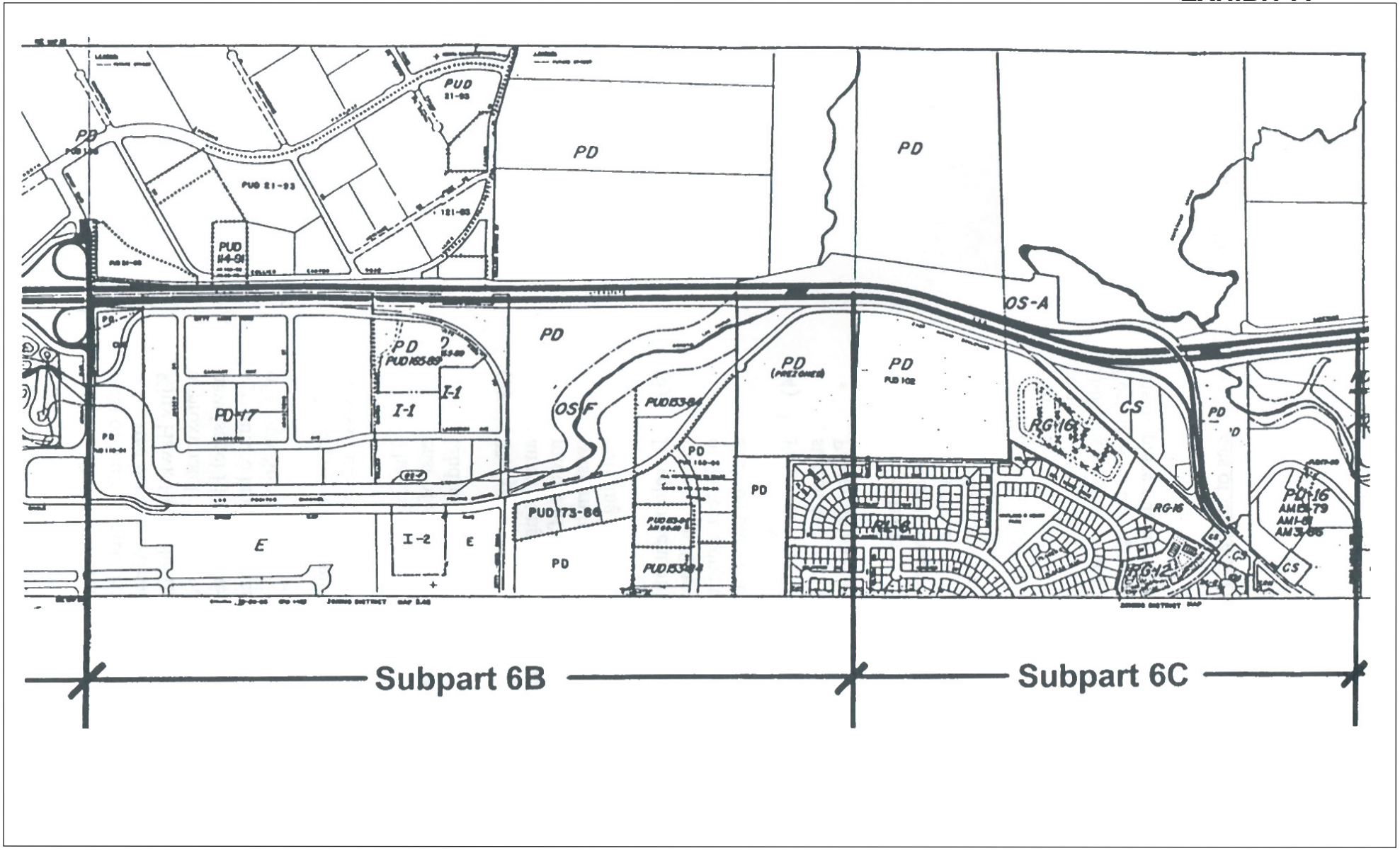


FIGURE 4 - 13

SCENIC ROUTE SUBPARTS 6B AND 6C

(1) The City-owned parcel located north of Kitty Hawk Road and east of Airway Boulevard shall be left undeveloped and the area landscaped.

(2) The parcel located north of the Extended Stay is constrained by an existing PT&T easement that runs east/west through the middle of the parcel. Development shall be located on the western half of the parcel and may include up to a two-story building not to exceed 40 feet in height.

(3) Development of the Caltrans property located adjacent to the freeway on Kitty Hawk Road shall include a landscaped buffer of 25 feet along the freeway. Trees within this landscaped area shall be placed a minimum of 30 feet apart.

(4) Future development on the BART property for the proposed station and interchange is encouraged to maintain Arroyo Las Positas in its natural form with minimal alterations.

e. Subpart 6C extends from approximately 400 feet west of Sutter Street to approximately midway between the overcrossing and North Livermore Avenue. Visual resources in this area impacted by existing development or by significantly lower freeway elevations compared to adjacent parcels. This area is almost fully developed with commercial and residential uses. Between the arroyo and the freeway, there is the potential for one single-family residence only. Building height for residences shall be a maximum of 25 feet above existing grade. Building heights for the commercial parcels located on the north side of Portola Avenue opposite Murrieta Boulevard shall not exceed 30 feet to ensure preservation of views in this area.

5. Establishing View Angles

As applicable, each subpart in each Subarea (except Subarea 4) is assigned a view angle which represents the plane by which building height limits are determined. The City has established this view angle utilizing the following objectives and data:

- Land use policies for each subpart;
- The elevation of ridges and other visual resources within the subpart;
- The elevation of the freeway viewing area;
- Existing development patterns.

A view angle is established for each subpart utilizing view analysis which uses the following general criteria:

- View points along the freeway (I-580) are selected at 500-1,000 foot intervals along the frontage of each subpart.
- View direction sight lines from these freeway view points are taken at 90 degrees to I-580 with other directions of view to supplement the 90 degrees as determined necessary.
- The view angle at each view point is established as a plane line to the ridge at an elevation point determined appropriate to maintain the view consistent with other subarea objectives.
- The plane is expressed in degrees commencing four feet above the freeway's outside lane elevation as the base point. One or more initial view angles are developed per subpart. In the vicinity of the Airway Boulevard Interchange in Subarea 1, a "clothesline" elevation has been established which compensates for the change in elevation under the overpass. The clothesline elevation is located between the 404.16 foot elevation on the west side of the overpass and the 421.05 foot elevation on the east side of the overpass as illustrated in Figure 4-14. Where several view points/angles are used for initial analysis, a single view angle is selected (as a weighted average) representing the most appropriate view protection objectives for the subarea.
- This single view angle, expressed in degrees above horizontal slope, is used to establish a sloped view surface covering the total subpart. This view angle is applied at multiple view points along I-580 to establish a view surface (said surface will vary depending upon the elevation of the view point). Where the ridgeline drops below this surface,

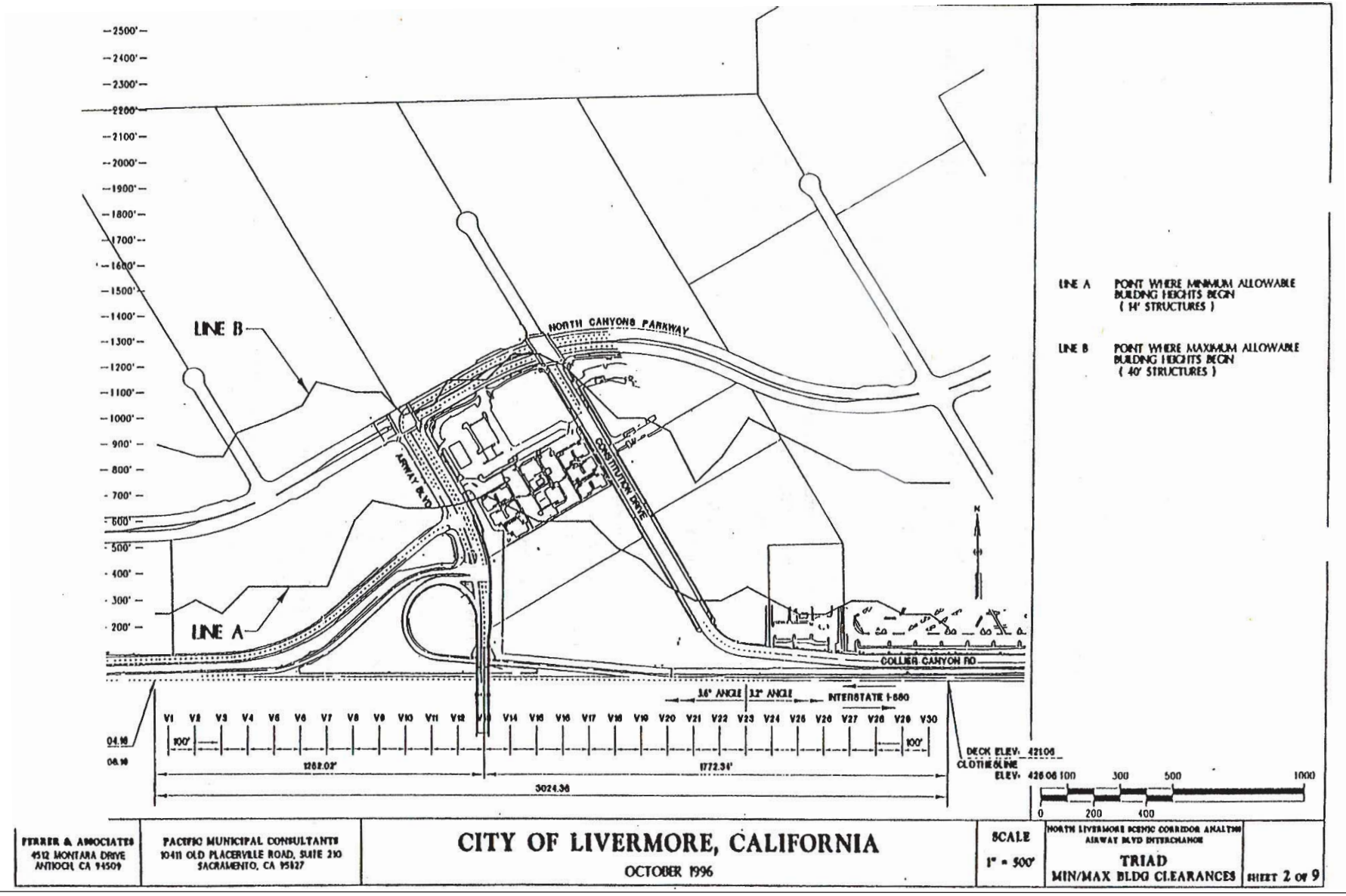


FIGURE 4 - 14

TRIAD MINIMUM/MAXIMUM BUILDING CLEARANCES

the line is extended across the "gap" creating a "clothesline" connecting the ridge segments.

Establishing Maximum Building Heights Via View Angle "Envelopes"

- The view surface establishes the maximum height of development within various parts of the subpart. The height limit will vary between each subpart and within each subpart depending on the view surface, site topography, and geographic location, in relationship to I-580 and elevation of the existing grades. Generally, lands closer to I-580 will have more restrictive height limits. These view surfaces will establish an "envelope" of height limits that can be specifically determined and translated to project specific criteria within all Site Plan Approvals. Standards will be calculated and measured from existing grade of lands involved. Maximum building heights may be adjusted to account for differences between existing and finished grades. In no case, however, shall the building heights protrude into the identified view surface or exceed other normally required height limits.

LIVERMORE
CALIFORNIA

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

DATE: July 7, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Hearing to consider an ordinance authorizing Development Agreement 24-004 to establish a framework and secure vested rights for a future residential project on approximately 50 developable acres within a 122-acre property at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1). The Development Agreement does not propose or authorize a specific development project or physical development, and future implementation actions would be subject to subsequent approvals.

RECOMMENDED ACTION

Staff recommend the Planning Commission adopt the following resolutions recommending the City Council:

1. Find that the Development Agreement is within the scope of the certified General Plan 2045 Environmental Impact Report (EIR) pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183 and that the Agreement itself has no potential to cause a significant environmental effect and is therefore exempt under CEQA Guidelines Section 15061(b)(3). No additional environmental review is required;
2. Adopt an Ordinance authorizing Development Agreement (DA) 24-004.

SUMMARY

The City received an application for a Development Agreement (DA 24-004) from Adventus, the owner of the 122-acre property at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1) as part of the City's evaluation of potential land use changes during the General Plan 2045 update process. The property is undeveloped and generally located south of the Redwood Road terminus and north of Las Colinas Road (Attachment 1, Location Map). In February 2025, the City Council authorized staff to negotiate a Development Agreement concurrently with the update to ensure that it would function as an implementing mechanism of the General Plan 2045.

Development Agreement 24-004 establishes a framework and secures vested rights for the potential future development of approximately 50 developable acres within the larger property, including between 605 and 900 residential units consistent with the General Plan 2045 land use designations. It also outlines required affordable housing obligations, infrastructure improvements, community benefit

contributions, and subsequent approvals that must occur before any development may occur. The Development Agreement does not approve a specific development project or grant new development rights beyond those allowed under the General Plan; rather, it establishes the terms, timing, community benefits, and implementation requirements that would guide future development on the property. Any future development would require separate discretionary approvals and environmental review. The Draft Development Agreement is provided as Attachment 4.

In accordance with CEQA Guidelines, staff has determined that the Development Agreement is within the scope of the General Plan 2045 Program EIR pursuant to CEQA Guidelines Section 15183 and is also exempt from CEQA pursuant to Section 15061(b)(3).

The Planning Commission's role is to provide a recommendation to the City Council on the recommended actions. The City Council is the final decision-making body on the Development Agreement and associated environmental determination.

DISCUSSION

BACKGROUND

As part of the General Plan 2045 Update, the staff conducted a comprehensive, citywide review of land use designations to align long-term growth with community goals and policies. During this process, Adventus, the property owner at 3658 Las Colinas Road (Property), requested consideration of revised land use designations to allow for residential use on a portion of the subject property. This new Development Agreement will replace the existing Development Agreement that permits a Catholic High School at this site, however, the High School is no longer viable according to the property owner. Staff evaluated this request within the broader context of citywide planning objectives, including housing needs, opportunities for community benefit, open space preservation, infrastructure needs, and consistency with the General Plan's policy framework. Staff concluded that a land use change would need defined public benefits, infrastructure obligations, and implementation timing. A Development Agreement was identified as the appropriate tool to formalize these commitments and ensure consistency with General Plan goals.

Following this determination, Adventus submitted an application for a Development Agreement on December 9, 2024. On February 24, 2025, the City Council authorized staff to negotiate the agreement in coordination with the General Plan Update and directed staff to explore opportunities related to increased residential densities, infrastructure improvements, and contributions to the Community Benefit Fund. Staff has since completed negotiations with Adventus and finalized the terms and provisions in the Development Agreement.

PROJECT DESCRIPTION

The Development Agreement establishes a framework for the potential future development of residential uses on approximately 50 developable acres within the overall 122-acre property at 3658 Las Colinas Road (Project). The Project may include between 605 to 900 dwelling units at residential densities ranging from 8 to 30 units per acre within conceptually defined development areas, along with associated improvements such as common open space, a neighborhood park, stormwater treatment facilities, private internal roadways, pedestrian and bicycle trails, and related on- and off-site infrastructure, as conceptually illustrated in Attachment 4, Development Agreement, Exhibits B and C. The remaining

acreage outside the developable areas is not authorized for residential use and would be preserved as open space or improved consistent with the Agreement, the General Plan, and subsequent discretionary approvals.

The Development Agreement does not approve a specific development project, rather it establishes obligations and implementation requirements to guide future development proposals. Any physical development of the site would require separate review and approval through subsequent discretionary actions, including:

1. Neighborhood Plan and Planned Development zoning to establish detailed land use, circulation, open space, and design parameters;
2. Tentative Tract Map to subdivide the property into legal development parcels;
3. Site Plan Design Review to demonstrate compliance with applicable development and design standards; and
4. Environmental review under CEQA for each subsequent discretionary approval.

These subsequent approvals would require review by the Planning Commission and City Council prior to any construction.

PROJECT SITE CONTEXT

The Property, located along the northern side of Interstate 580 and Las Colinas Road, is undeveloped and characterized by a range of natural features, including rolling hillside topography, grassland open space, and the confluence of two natural creek corridors (i.e., Arroyo Seco and Arroyo Las Positas) that traverse portions of the site. The Property is situated in proximity to the Springtown neighborhood and lies adjacent to or near existing and planned single-family and multifamily residential communities to the north and east. Portions of the Property's southern and western boundaries are adjacent to unincorporated Alameda County land, which consist primarily of rural residential, open space, and agricultural uses.

Directional Location	**General Plan Land Use Designation(s)**	**Zoning Designation**	**Existing Land Use(s)**
North	Low Density Residential 4; Medium Density Residential 2 (Livermore) Large Parcel Agriculture (Alameda County)	Planned Development (Livermore) Agriculture (Alameda County)	Low and Medium Density Residential Agriculture; Open Space
South	Medium Density Residential 2 (Livermore) Large Parcel Agriculture (Alameda County)	Planned Development (Livermore) Agriculture (Alameda County)	Undeveloped Agriculture
East	Medium Density Residential 2 (Livermore)	Planned Development (Livermore)	Residential; Undeveloped
West	Large Parcel Agriculture; Resource Management (Alameda County)	Agriculture (Alameda County)	Open Space; Agriculture

Subject Site	Hillside Conservation (HLCN) with Floating Medium Density Residential 2/3, and High Density Residential 1 (Livermore)	Planned Development (Livermore)	Undeveloped

STAFF ANALYSIS

General Plan

Land Use

The Development Agreement is consistent with the Property's General Plan 2045 land use designations, including Hillside Conservation (HLCN) with a Floating Medium Density Residential 2/3, and High Density Residential 1. The Development Agreement establishes a framework for future residential development within the allowable density range of 8-30 units per acre, while ensuring that areas designated HLCN are preserved or improved consistent with policies for resource protection, slope stability, visual character, and open space conservation.

The Development Agreement advances key General Plan 2045 goals and policies by:

- Providing a range of housing opportunities through a framework that enables medium and high-density residential development consistent with adopted land use designations.
    - Goal LU-3: Create neighborhoods that include a mix of uses and a range of housing types to meet the needs of all residents.
        - Policy LU-3.1: Range of Housing Types. Provide a range of housing types, sizes, and affordability levels in all Livermore neighborhoods.
        - Policy LU-3.2: Maximize Residential Density. Advance development entitlements that maintain or increase residential density, particularly in areas designated for medium- and high-density housing. Collaborate with development partners to fully utilize allowable densities to expand the housing supply, promote efficient land use, and foster walkable, transit-oriented neighborhoods.
        -
- Ensuring context-sensitive neighborhood transitions by requiring future development to be designed in relation to surrounding neighborhoods and to incorporate multimodal connections.
    - Goal LU-17: Cultivate the transition of new complete neighborhoods that have access to community amenities, respect the design of the surrounding area, and support multimodal transportation options.
        - Policy LU-17.1: Transitional Area Project Design. Require future development to design projects in context with the surrounding land uses and facilitate a mix of housing types.
        - Policy LU-17.2: Transitional Area Connectivity. Establish streets, trails, and pathways that improve access between neighborhoods and other destinations.
        -
- Preserving natural features and open space by maintaining protections for creek corridors, hillside areas, and scenic open space within the HLCN designated portions of the site.
    - Goal OS-1: Conserve the value and function of Livermore’s open space for natural resource

protection, recreation, and scenic value.

- Policy OS-1.1: Diverse Open Space System. Foster an open space system that supports the natural function of the land, protects sensitive wildlife and plant species, preserves important viewscapes, and creates opportunities for recreation.

Housing Element

Although the Property is not included in the 2023-2031 Housing Element Sites Inventory, the Agreement facilitates future residential development that will increase the City's overall housing capacity and may assist in meeting current or future Regional Housing Needs Allocation (RHNA) obligations. The Development Agreement identifies the compliance options consistent with the City's Inclusionary Housing Ordinance (LDC Section 11.70), with the specific approach to be finalized through an Affordable Housing Agreement. These provisions support Housing Element goals to expand affordable housing opportunities, promote mixed-income neighborhoods, and provide long-term funding for human services.

Future Neighborhood Planning and Zoning

The Property lies within a Transitional Area identified in Land Use Element, where the General Plan 2045 calls for coordinated, context-sensitive neighborhood planning (refer to General Plan Land Use Element page 3-44 and Figure LU-5). To implement this direction, the Development Agreement requires preparation and approval of a Las Colinas Neighborhood Plan and Planned Development (PD) zoning before any development may proceed. These subsequent approvals would establish detailed land use regulations, development standards, circulation networks, open space systems, and infrastructure phasing, ensuring that future development is comprehensively planned and aligned with General Plan 2045 and the Development Code.

Development Code Consistency

The Agreement complies with the Livermore Development Code by establishing permitted uses, development parameters, and a process for future discretionary approvals consistent with applicable zoning and General Plan policies.

Development Agreement

Government Code Section 65864, implemented locally through Livermore Development Code Chapter 9.04, authorizes cities to enter into Development Agreements to vest development rights and secure community benefits. As noted, the City Council previously directed staff to negotiate a Development Agreement with Adventus. Negotiations involved mutual concessions and incorporated City Council priorities, General Plan goals and policies, Strategic Plan pillars, and the Property Owner's development and timing considerations. The Development Agreement is provided as Attachment 4 (Exhibit A to the Resolution), with a summary of terms below.

Development Agreement Summary of Terms	
Agreement and Duration	15-year term with extension options consistent with the Livermore Development Code.
Subsequent Approvals	Future development requires Neighborhood Plan, PD zoning, Tentative Map(s), Site Plan Review, and project-level CEQA review.

Land Use and Conceptual Site Plan	Between 605-900 units within MDR 2/3 and HDR 1 areas; densities 8-30 du/ac; approx. 50 developable acres; remaining acreage in Hillside Conservation for open space, creek corridors, and resource protection. Conceptual plan includes internal streets, trails, neighborhood park, stormwater facilities, and open space network.
Community Benefit Fund Contribution	$6 million contribution paid in three installments tied to map recordation and building permit milestones; Consumer Price Index for All Urban Consumers (CPI-U) applies after year 5. Community Benefit Fund contributions would be used to support community infrastructure and amenities, such as capital improvement projects or programs in the Springtown area, to improve the quality of life for residents.
Affordable Housing Strategies	Authorizing an Alternative Means of Compliance consistent with LDC Section 11.70 through on-site units, in-lieu fees (for-sale only), land dedication, or an approved alternative plan.
Infrastructure Improvements (Roadway and Trails)	Property Owner constructs Las Colinas Road connection to Redwood Road, the Northern Las Colinas Trail Extension and Southern Las Colinas Trail Extension consistent with the Active Transportation Plan, required off-site improvements, and utility easements (as required).
Parkland	Dedication and construction of an approximately 3-acre publicly accessible park.
Infrastructure Financing Options	City cooperates in evaluating Enhanced Infrastructure Financing District or a Community Facilities District formation to help finance infrastructure improvements; but City has no obligation to approve formation.
Impact Fee Credits	City may consider fee credits for community serving park or roadway improvements; may carry forward to later phases.

The Property Owner has agreed to the terms summarized above in the Development Agreement. Staff recommend the Planning Commission recommend City Council approval of the Development Agreement because it is consistent with the General Plan, secures a substantial range of community benefits, and establishes a clear framework for future development.

ENVIRONMENTAL DETERMINATION

The City has determined that approval of the Development Agreement is within the scope of the General Plan 2045 Environmental Impact Report (General Plan EIR) (State Clearinghouse No. 2023030225) under CEQA Guidelines Section 15183 and is also exempt from CEQA under the common sense exemption in Section 15061(b)(3).

The Development Agreement is consistent with the General Plan 2045 land use designations for the Property and does not authorize development beyond what was evaluated in the certified General Plan

EIR. Because the Agreement does not introduce new or more severe environmental effects and no conditions requiring supplemental review under CEQA Guidelines Section15183 are present, it is within the scope of the General Plan EIR. Furthermore, the Development Agreement establishes procedural requirements and vested rights for future discretionary approvals, all of which will undergo separate CEQA review when submitted. Because the Development Agreement does not grant new development rights, change development intensity, or modify the land use assumptions already evaluated in the General Plan 2045 Program EIR, it cannot result in any physical environmental effects. As an administrative action with no potential to cause a significant impact, the Development Agreement qualifies for the common sense exemption under CEQA Guidelines Section 15061(b)(3).

ATTACHMENTS

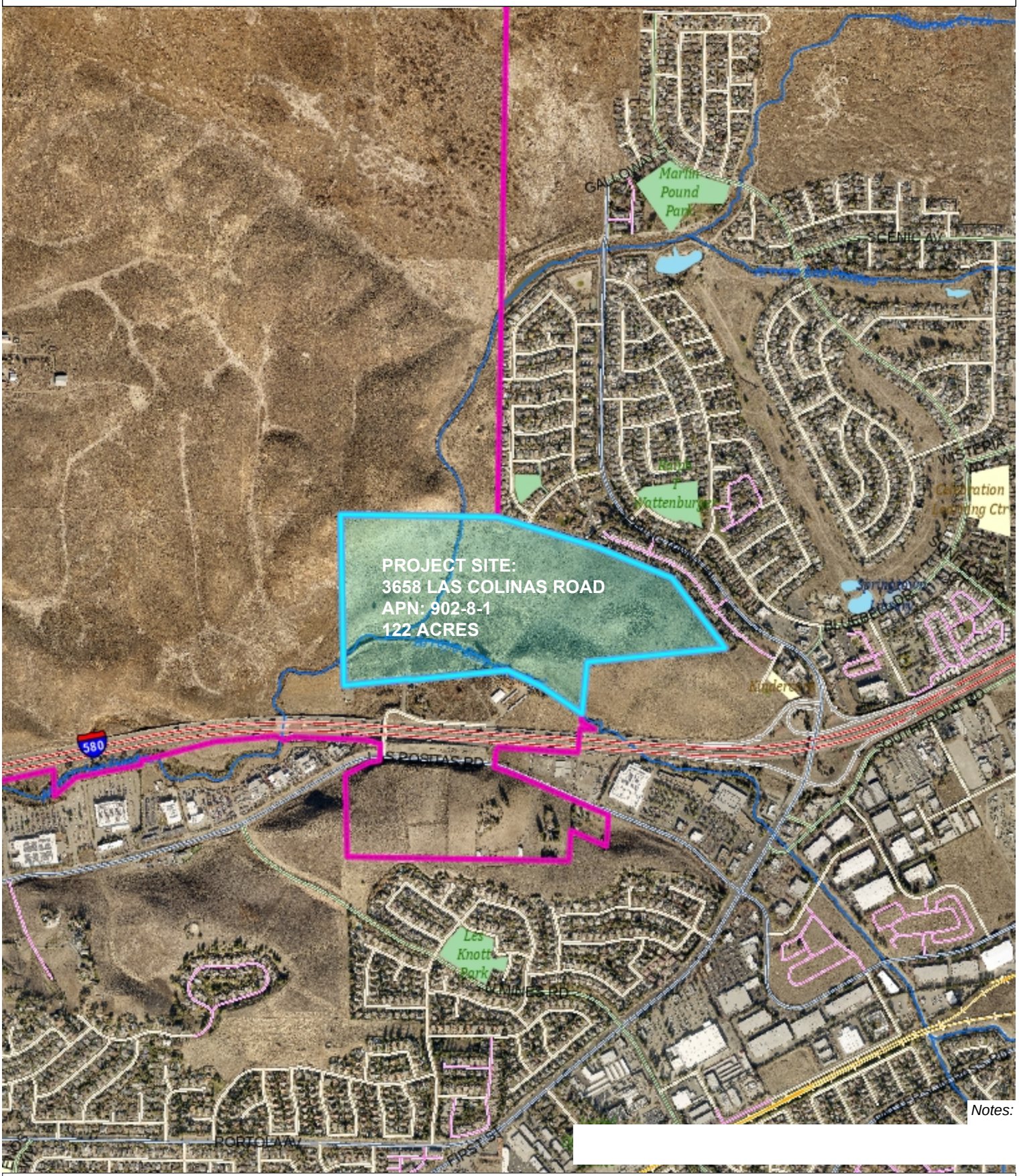
1. Location Map
2. Resolution CEQA
3. Resolution Development Agreement
4. Exhibit A Development Agreement 24-004

Prepared by: Shannon Pagan
Senior Planner

LIVERMORE CALIFORNIA

City of Livermore

ATTACHMENT 1



Notes:

2,666.7 0 1,333.33 2,666.7 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_

Livermore IT, GIS Services

Scale: 1: 16,000

This map is based on City of Livermore GIS Information and reflects the most current information at the time of this printing. The map is intended for reference purposes only and the City and its staff is not responsible for errors.

Prepared:

1/14/2025
12:18:42 AM

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THE CITY COUNCIL FIND THAT THE DEVELOPMENT AGREEMENT 24-004 FOR THE ADVENTUS LAS COLINAS ROAD PROPERTY IS WITHIN THE SCOPE OF THE GENERAL PLAN 2045 ENVIRONMENTAL IMPACT REPORT PURSUANT TO CEQA GUIDELINES SECTION 15183 AND EXEMPT UNDER CEQA GUIDELINES SECTION 15061(b)(3)

The City received an application for Development Agreement (DA) 24-004 ("Agreement") from Adventus, the Property Owner of a 122-acre parcel located at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1) ("Property"), to establish a framework and secure vested rights for future residential uses consistent with the land use designations and policies of the General Plan 2045 ("Project"). The Agreement does not propose or authorize a specific development project or physical development; future development will require subsequent discretionary approvals.

On June 26, 2026, the City published the General Plan 2045 Final Environmental Impact Report ("General Plan EIR") (State Clearinghouse No. 2023030225), a Program EIR prepared pursuant to the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The General Plan EIR evaluates the long-term buildout under updated land use designations, policies, and growth assumptions of the General Plan 2045. The General Plan EIR analyzes the maximum development intensity and associated environmental effects anticipated for the Property under its General Plan 2045 land use designations and serves as the environmental foundation for subsequent implementing actions.

On July 7, 2026, as a separate agenda item from this Agreement, the Planning Commission recommended that the City Council certify the General Plan EIR and adopt associated CEQA findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. The Agreement is consistent with the General Plan 2045 land use designation applicable to the Property and does not authorize development beyond what was evaluated in the General Plan EIR. The General Plan EIR serves as the applicable environmental document for the Agreement under CEQA Guidelines Section 15183. The Agreement does not authorize physical development, construction activity, or site disturbance, and it qualifies for the common sense exemption under CEQA Guidelines Section 15061(b)(3).

On July 7, 2026, the Planning Commission held a duly noticed public hearing to consider the Agreement, staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project, 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, by the Planning Commission of the City of Livermore, that based on its independent review of the Record Evidence and considerations, it hereby recommends that the City Council finds that the Agreement is exempt from CEQA pursuant to CEQA Guidelines Sections 15183 and 15061(b)(3). The Planning Commission makes the following findings:

1. Section 15183(b): In approving a project meeting the requirements of this section, a public agency shall limit its examination of environmental effects to those which the agency determines, in an initial study or other analysis:

   (1) Are peculiar to the project or the parcel on which the project would be located,

   (2) Were not analyzed as significant effects in a prior EIR on the zoning action, general plan or community plan with which the project is consistent,

   (3) Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action, or

   (4) Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

   Response: The Agreement does not involve environmental effects that are peculiar to the Agreement or to the Property. The Agreement establishes vested rights for a future residential development project and implements General Plan 2045 land use designations but does not authorize a specific development project, establish new development rights, increase development intensity, nor authorize physical development beyond what was contemplated and evaluated in the General Plan 2045 EIR.

   All environmental effects associated with the land use designations and development intensity applicable to the Property were analyzed in the General Plan 2045 EIR. No new significant effects have been identified.

   The Agreement does not introduce new off-site or cumulative impacts beyond those disclosed in the General Plan 2045 EIR. The Agreement does not alter the scale, intensity, or location of development assumed in the EIR.

   No substantial new information, as defined in CEQA Guidelines Section 15162, indicates that any previously identified significant impact would be more severe than described in the General Plan 2045 EIR.

   All applicable mitigation measures identified in the General Plan 2045 EIR continue to apply to future implementing actions on the Property and will be imposed through subsequent discretionary approvals.

Accordingly, none of the conditions in Section 15183(b)(1 through 4) requiring additional environmental review are present and the Agreement remains fully in the scope of the General Plan 2045 EIR.

2. Section 15183(d): This section shall apply only to projects which meet the following conditions:

(1) The project is consistent with:

a. A community plan adopted as part of a general plan,
b. A zoning action which zoned or designated the parcel on which the project would be located to accommodate a particular density of development, or
c. A general plan of a local agency, and

(2) An EIR was certified by the lead agency for the zoning action, the community plan, or the general plan.

Response: The Agreement is consistent with the General Plan 2045 land use designations applicable to the Property and the City's zoning and long-range planning framework that anticipates residential development on the site. The Agreement itself does not authorize physical development but instead requires preparation and approval of a Neighborhood Plan, Planned Development zoning, and subsequent implementing entitlements prior to any future development on the Property. Consistent with General Plan policy, these subsequent approvals will establish detailed land use regulations, development standards, and site-specific design parameters consistent with General Plan 2045 and will be subject to their own discretionary review and CEQA evaluation, as appropriate. Accordingly, the Agreement is consistent with and functions as an implementing mechanism of the General Plan 2045 rather than a grant of new or expanded development rights.

The General Plan 2045 EIR was prepared as a Program EIR for the General Plan update and has been recommended for certification by the Planning Commission as a separate item earlier on this agenda. Development Agreement 24-004 is consistent with the General Plan 2045 land use designation applicable to the Property because it establishes vested rights and procedures for future residential development at the density and intensity evaluated in the General Plan 2045 EIR and does not authorize development beyond what the EIR analyzed. Accordingly, the General Plan 2045 EIR serves as the applicable environmental document for purposes of CEQA Guidelines Section 15183.

Therefore, the Agreement satisfies the applicability requirements of CEQA Guidelines Section 15183(d) as it is consistent with the General Plan 2045 and is fully within the scope of impacts analyzed in the General Plan 2045 EIR.

3. Section 15061(b)(3): The Agreement qualifies for the common sense exemption under CEQA Guidelines Section 15061(b)(3), which applies where it can be seen

with certainty that there is no possibility of the activity causing a significant effect on the environment.

Response: The Agreement does not authorize any physical development, construction activity, or site disturbance on the Property; rather, it establishes vested rights and procedural requirements for future discretionary approvals, including preparation of a Neighborhood Plan, Planned Development zoning, and subsequent implementing entitlements, all of which will undergo their own CEQA review at the appropriate time. The Agreement does not grant new development rights, increase development intensity, or modify the land use assumptions evaluated in the General Plan 2045 EIR, and therefore cannot result in any environmental impacts beyond those already analyzed in that Program EIR. No unusual circumstances exist that would create a reasonable possibility of a significant environmental effect, and the administrative and procedural nature of the Agreement ensures that no physical change to the environment will occur as a result of its approval.

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

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends that the City Council direct the Planning Manager to file a Notice of Exemption 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 Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of July 7, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

By Stephen Riley, Planning Manager
Secretary to the Planning Commission

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING DEVELOPMENT AGREEMENT 24-004 FOR THE ADVENTUS LAS COLINAS ROAD PROPERTY

California Government Code Section 65864 (implemented by Livermore Development Code Chapter 9.04) allows local jurisdictions and private parties to enter into Development Agreements in order to vest certain development rights and to meet local public purpose objectives.

On December 9, 2024, Adventus, as the Property Owner of a 122-acre parcel located at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1) ("Property"), submitted an application for Development Agreement 24-004 ("Agreement") to establish a framework and secure vested rights for future residential uses on a defined portion of the Property consistent with the General Plan 2045 land use designations ("Project"). The Agreement does not propose or authorize a specific development project or physical development; future development will require subsequent discretionary approvals.

On February 24, 2025, the City Council adopted a resolution authorizing staff to negotiate the Agreement concurrently with the General Plan 2045 update to ensure that the Agreement would function as an implementing mechanism of the General Plan 2045 and to secure benefits for the community.

Following this direction, City staff and Adventus negotiated the Agreement, attached as Exhibit A and incorporated herein by reference. The Agreement does not propose or authorize a specific development project or physical development; rather, it establishes procedures and vested rights for future residential development on approximately 50 developable acres of the 122-acre Property, allowing between 605–900 dwelling units with related park, open space, circulation, and infrastructure improvements. The Agreement includes the Property's legal description, a conceptual site plan, and infrastructure exhibits that illustrate the Property's development potential, but do not authorize physical development or establish final design. The remaining acreage is not authorized for residential use and may be improved or preserved as authorized by this Agreement, the General Plan, and subsequent discretionary approvals, including adoption of a Neighborhood Plan and Planned Development zoning, subject to all applicable review and approval processes.

On July 7, 2026, as a separate agenda item from this Agreement, the Planning Commission recommended that the City Council certify the General Plan EIR and adopt associated CEQA findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. The Agreement is consistent with the General Plan 2045 land use designation applicable to the Property and does not authorize development beyond what was evaluated in the General Plan EIR. The General Plan EIR serves as the applicable environmental document for the Agreement under CEQA Guidelines Section 15183. The Agreement does not authorize physical development, construction activity, or site disturbance, and it qualifies for the common sense exemption under CEQA Guidelines Section 15061(b)(3).

On July 7, 2026, the Planning Commission held a duly noticed public hearing to consider the Agreement, 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, with respect to Development Agreement 24-004, the Planning Commission finds based upon the information presented that:

1. The Development Agreement ("Agreement") provides benefit to the City.

   Findings: The Agreement will facilitate future development of the subject Property and will provide substantial benefits to the City.

   The Agreement establishes a framework for future residential development on a defined portion of the 122-acre property, consistent with the General Plan 2045 land use designations and policies. While the Agreement does not approve a specific development project, it vests a predictable process for future subsequent approvals and ensures that any future development will be subject to detailed review, public hearings, and project-level environmental analysis.

   The Agreement secures meaningful community benefits by requiring financial contributions to the City's Community Benefit Fund, which supports parks, trails, public facilities, affordable housing initiatives, and human-service programs that enhance quality of life for Livermore residents. In addition, the Agreement establishes obligations for off-site roadway and trail improvements that will strengthen mobility and connectivity in the Springtown neighborhood and advance the City's long-term transportation and safety goals.

   These commitments complement the City's broader objectives for housing affordability, open space preservation, and neighborhood compatibility by supporting future opportunities for affordable housing, enabling publicly accessible park and trail amenities, and preserving natural hillside areas for passive recreation, habitat protection, and trail linkages. The Agreement also facilitates the generation of long-term fiscal benefits through increased property tax revenue.

   Accordingly, the Development Agreement serves the best interests of the City and promotes the public health, safety, and welfare by securing community benefits, establishing clear expectations for future development, and ensuring coordinated infrastructure planning.

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

   Findings: The Development Agreement is consistent with the purpose and intent of the General Plan 2045 and the Livermore Development Code.

   General Plan Consistency: A portion of the Property is designated for residential use in the General Plan 2045. The Agreement is consistent with the Property's General Plan 2045 land use designations, including Hillside Conservation (HLCN) with a Floating Medium Density Residential 2/3, and High Density Residential 1. The Agreement establishes a framework for future residential development within the allowable density range of 8-30 units per acre, while ensuring that areas designated HLCN are preserved or improved consistent with policies for resource protection, slope stability, visual character, and open space conservation. The Agreement supports General Plan goals and policies to support a range of housing opportunities, ensure compatibility with surrounding neighborhoods, preserve natural features, and coordinate infrastructure planning.

   To implement these General Plan policies, the Agreement requires preparation and approval of a Neighborhood Plan and Planned Development zoning prior to any future development, ensuring that detailed land use regulations, development standards, circulation networks, open space systems, and infrastructure phasing are established through subsequent discretionary approvals.

   Housing Element: Although the site is not included in the 2023-2031 Housing Element Sites Inventory, future residential development on the property would provide additional housing capacity that may assist the City in meeting current or future Regional Housing Needs Allocation (RHNA) obligations. The Agreement also requires contributions to the Community Benefit Fund, supporting community infrastructure and amenities, such as capital improvement projects in the Springtown area.

   Neighborhood Planning and Zoning: The Property lies within a Transitional Area identified in the Land Use Element, where the General Plan calls for coordinated, context-sensitive neighborhood planning. Consistent with General Plan policies, the required Neighborhood Plan and Planned Development zoning will provide the localized planning needed to address site-specific considerations such as circulation, natural features, open space, and compatibility with adjacent neighborhoods. These subsequent approvals will undergo public review and project-level CEQA analysis, ensuring that future development is comprehensively planned and consistent with General Plan 2045 policies.

   Development Code Consistency: The Agreement complies with the Livermore Development Code by establishing permitted uses, development parameters, and a process for future discretionary approvals consistent with applicable zoning and General Plan policies.

Accordingly, the Development Agreement is consistent with the General Plan, the Development Code, and the City's long-term planning objectives.

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

   Findings: Pursuant to the applicable requirements of the California Government Code governing development agreements, the Development Agreement specifies the duration of the agreement, the permitted uses of the property, the development density, terms and timing of funding contributions to the Community Benefit Fund, and outlines obligations for off-site infrastructure improvements, among other terms and applicable requirements for California development agreements. Review, approval, and recordation of the Development Agreement will also be conducted in accordance with the provisions of Government Code sections 65864 through 65869.5 and Livermore Development Code Chapter 9.04.

BE IT FURTHER RESOLVED that the Livermore Planning Commission, based upon its own independent review of the Record Evidence and considerations, and based on the above findings which are necessary to protect the public health, safety, and general welfare, hereby recommends the City Council approve Development Agreement 24-004, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Livermore Planning Commission, based upon its own independent review of the Record Evidence and considerations, and based on the above findings which are necessary to protect the public health, safety, and general welfare, hereby recommends the City Council, via Development Agreement 24-004, authorize an alternative means of complying with the Affordable Housing Ordinance (Development Code Section 11.70.040).

BE IT FURTHER RESOLVED that the Livermore Planning Commission has considered the Record Evidence and recommends the City Council adopt a resolution finding the Agreement to be statutorily exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15183, which exempts projects consistent with a Community Plan, General Plan, or Zoning, and CEQA Guidelines Section 15061(b)(3) as the Agreement does not authorize physical development, construction activity, or site disturbance, and so it qualifies for the common sense exemption, and direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends the City Council direct the City Clerk to record with the Alameda County Recorder a copy of the Agreement within 10 days of the City entering into the Agreement.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends the City Council direct the Planning Manager to periodically review the terms of the Agreement at least every 12 months per Development Code Section 9.04.070, and ensure the Applicant or Successor is demonstrating good faith compliance with the terms of the Agreement.

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

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was adopted at the Planning Commission meeting of July 7, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

by Stephen Riley, Planning Manager
Secretary to the Planning Commission

Exhibit A – Development Agreement 24-004

PLEASE COMPLETE THIS INFORMATION

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

City Clerk
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550

DEVELOPMENT AGREEMENT (DA24-004) FOR THE LAS COLINAS ROAD PROPERTY

This Development Agreement ("Agreement") is entered into on _____, 2026, between the City of Livermore, a municipal corporation ("City") and Adventus, a California non-profit benefit corporation ("Property Owner"), regarding the Las Colinas Road Project ("Project"). At times in this Agreement, the City and Property Owner are referred to individually as the "Party" and collectively as the "Parties."

RECITALS

This Development Agreement is based on the following facts:

A. The City is authorized by California Government Code section 65864 et seq. ("Development Agreement Statutes") and Livermore Development Code ("LDC") Chapter 9.04 to execute development agreements to vest certain rights for the Property Owner, and to meet certain public purposes of the local government, as set forth in those laws.

B. At the time of the execution of this Agreement, the Property Owner is the owner of approximately 122 acres of real property located at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1) in the City of Livermore, County of Alameda, described more specifically in Exhibit A, attached hereto, and Recital D of this Agreement (referred to herein as "Property").

C. The Property Owner represents and warrants the following to the City, and City has relied upon such representations for this Agreement, as of the Effective Date as defined in Section 3 of this Agreement:

(1) Organization. The Property Owner is a California non-profit public benefit corporation duly organized, validly existing and in good standing under the laws of the State of California, with full power and authority to conduct its business as presently conducted and to execute, deliver, and perform its obligations under this Agreement.

(2) Authorization. The Property Owner has taken all necessary actions to authorize its execution, delivery and, subject to any conditions set forth in this Agreement, performance

of the Agreement. Upon the Effective Date of this Agreement, this Agreement shall constitute a legal, valid, and binding obligation of the Property Owner, enforceable against the Property Owner in accordance with its terms.

(3) No Conflict. The execution, delivery and performance of this Agreement by the Property Owner does not and will not conflict with, or constitute a violation or breach of, or constitute a default under (i) the charter or incorporation documents of Property Owner, (ii) any applicable law, rule or regulation binding upon or applicable to the Property Owner, or (iii) any material agreements to which the Property Owner is a party.

D. The Property consists of one parcel of land commonly known as 3658 Las Colinas Road, identified as Assessor Parcel Number 902-8-1, and owned by Adventus. The Property encompasses approximately 122 acres located along the northern side of Interstate 580 and Las Colinas Road within the City of Livermore as further described in Exhibit A. The Property is undeveloped and characterized by a range of natural features, including rolling hillside topography, grassland open space, and the confluence of two natural creek corridors (i.e., Arroyo Seco and Arroyo Las Positas) that traverse portions of the site. The Property is situated in proximity to the Springtown neighborhood and lies adjacent to or near existing single-family and multifamily residential communities, as well as other established urban uses. The Property's General Plan land use designation is Hillside Conservation (HLCN) with a floating Medium Density Residential 2/Medium Density Residential 3 (MDR-2/MDR-3) designation and High Density Residential 1 (HDR-1) designation. The floating MDR-2/MDR-3 designation allows for a minimum density of 8 dwelling units per acre and a maximum density of 18 dwelling units per acre across the developable acreage to the north of the Arroyo Las Positas. The HDR-1 designation allows for a minimum density of 23 dwelling units per acre and a maximum density of 30 dwelling units per acre across the developable acreage south of the Arroyo Las Positas.

E. This Agreement authorizes the Property Owner to develop residential uses on a defined portion of the Property, consisting of approximately 50 developable acres within the overall 122-acre site (the "Project"), as conceptually illustrated in Exhibit B: Conceptual Site Plan, attached hereto and incorporated into this Agreement by this reference. Within this development area, the Project may include between 605 and 900 dwelling units, with residential densities ranging from 8 to 30 dwelling units per acre, together with associated improvements including common open space, a park, stormwater treatment facilities, private internal roadways, pedestrian and bicycle trails, and related on- and off-site infrastructure improvements. The remaining portions of the 122-acre Property outside the development areas shown in Exhibit B are not authorized for residential development under this Agreement and shall be planned, preserved, or improved consistent with the terms of this Agreement, applicable General Plan policies, and subsequent discretionary project approvals.

The specific configuration of residential neighborhoods, unit counts, density distribution, open space areas, circulation systems, and infrastructure improvements shall be established through Subsequent Approvals, as described in Section G. Because these details are not yet defined, more detailed project-specific environmental review will be conducted at the time the Subsequent Approvals are considered, consistent with CEQA Guidelines §§15146 and 15168.The Project shall be designed and implemented in a manner consistent with all applicable General Plan

land use designations and policies, as further refined through this Agreement and the Subsequent Approvals.

F. The Property Owner has applied to the City of Livermore for a Development Agreement (DA24-004) as required under the Livermore Development Code to be vested in accordance with the Agreement subject to their conditions of approval.

G. The Property Owner acknowledges development of the site subject to the terms of this Agreement will require Subsequent Approvals by the City of Livermore ("Subsequent Approvals"), which shall include, subject to the Property Owners rights under Section 5(g), but may not be limited to:

1. Neighborhood Plan and Planned Development Zoning;
2. Subdivision of land through a Tentative Tract Map;
3. Site Plan Design Review to demonstrate compliance with applicable development and design standards; and
4. Environmental documentation as required by the California Environmental Quality Act.

H. This Agreement will promote and encourage the development of the Project by providing the Property Owner and its creditors with a greater degree of certainty of the Property Owner's ability to expeditiously and economically complete the development effort for the Project, and the parties agree that the consideration to be received by the City pursuant to this Agreement and the rights secured to the Property Owner hereunder constitute sufficient consideration to support the covenants and agreements of the City and the Property Owner. By entering into this Agreement, the City desires to allow the Property Owner to design, apply for, and if approved under Subsequent Approvals, to develop the Project pursuant to this Agreement, the land use ordinances, rules, regulations and policies applicable on the " Effective Date," as defined in Section 3 below, and to vest in Property Owner, to the fullest extent possible under the law, all possible development entitlements in order to complete the Project.

I. The Project and the terms and conditions in this Agreement have been extensively reviewed and considered by the City and its officers, agencies and departments. The proposed use has been found to accommodate the City's recommendations and suggestions in order to protect the public's interest and to enhance the desirability, from the public's perspective, of the Project.

J. The City Council has also found that the Project and this Agreement are in the public interest and will provide substantial public benefits and help attain certain public objectives without limitation: (i) providing affordable housing to families and individuals; (ii) providing a publicly accessible park and trail improvements for public recreation and discourse; (iii) preserving natural hillside areas and dedicating open space for passive recreation, habitat protection, and trail connectivity; (iv) enhancing roadway connectivity to the Springtown neighborhood; (v) providing the City with additional revenue in the form of increased real property taxes; (vi) providing the City with Community Benefit Funding to support community improvements that enhance the quality of life; and (vii) providing land uses compatible with the physical nature of the Property and the surrounding area.

K. As required by Government Code section 65867.5(b) the City Council has also found the provisions of this Agreement are consistent with the City's General Plan, the Livermore Municipal Code, and the Livermore Development Code.

L. The City conducted duly noticed public hearings on this Agreement pursuant to Government Code section 65867 and Livermore Development Code sections 9.04.040 and 9.04.050 and found that the provisions of this Agreement and its purposes are consistent with the objectives, policies, general land uses and programs specified in the City's General Plan, the Livermore Municipal Code, and Livermore Development Code.

M. The Project is within the scope of the City of Livermore General Plan 2045 and the certified Livermore General Plan 2045 Environmental Impact Report ("EIR") (State Clearinghouse No. 2023030225). The EIR evaluated the Property's General Plan land use designations, including Hillside Conservation (HLCN) with a floating Medium Density Residential 2/Medium Density Residential 3 (MDR-2/MDR-3) and High Density Residential 1 (HDR-1) designation. The City finds this Agreement does not alter the scope of physical development evaluated in the EIR. The Project will undergo further refinement through the Neighborhood Plan, Planned Development Zoning, Tentative Map, and other Subsequent Approvals. This Agreement provides the Property Owner with vested rights and establishes processes and obligations without authorizing additional physical development beyond what the EIR evaluated.

N. This Agreement was adopted by ordinance of the City Council on _____, 2026, and approved upon, a second reading on _____, 2026, after notice and public hearings before the Planning Commission and City Council.

NOW, THEREFORE, the City and Property Owner hereby agree the aforementioned recitals are true and correct and are incorporated by reference as fully set forth below, and further agree as follows:

1. The Property. The Property, which is the subject of this Agreement, is described in Recitals B and D above.

2. The Project. The Project is described in Recital E above and conceptually illustrated in Exhibit B: Conceptual Site Plan.

3. Effective Date. The effective date of this Agreement is the later of (a) thirty (30) days after the date the Ordinance approving this Agreement is adopted by the City Council, or (b) if a referendum petition is timely and duly circulated and filed, the date the election results on the ballot measure by City voters approving this Agreement are certified by the City Council in the manner provided by the Elections Code. This Agreement shall be executed by the City within ten (10) days after the effective date and recorded as provided in Government Code Section 65868.5

4. Term. The duration of this Agreement is fifteen (15) years, commencing on the Effective Date, and terminating on its anniversary date fifteen (15) years later ("Term"). The term may be amended or extended consistent with the Development Agreement Statutes and the Livermore Development Code by the written consent of the Parties.

a) Tolling of Term. The Term of this Agreement shall be extended by, and the performance by any Parties of their obligations hereunder (other than for payment of money) shall be excused during, any period of "Force Majeure" as hereinafter defined. "Force Majeure" means a delay caused by any war, insurrection, acts of God, acts of public enemy, 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 Property Owner, third party litigation or referenda challenging the validity of this Agreement, restrictions imposed by other government agencies that reasonably prevent the Project from going forward, or other similar basis for excused performance not within the reasonable control of the Party, excluding financial inability to perform.

An extension of time for Force Majeure shall only be for the period of the delay, which period shall commence to run from the time of the notification of the delay by the Party requesting the extension to the other Party. The Party requesting an extension of time under this Section shall give notice promptly following knowledge of the delay to the other Party. If, however, notice by the Party claiming such extension is sent to the other Party more than thirty (30) days after knowledge of the commencement of the delay, the period shall commence to run upon the earlier of (i) thirty (30) days prior to the giving of such notice or (ii) the date that the other Party received knowledge of the events giving rise to the delay.

If a lawsuit is timely filed challenging the validity or legality of this Agreement or its adopting Ordinance, Property Owner and City shall cooperate in good faith to respond to such lawsuit and, upon mutual agreement of the Parties, modify or terminate this Agreement.

5. Property Owner Obligations. The Project includes the development of 605-900 residential units, as described in Section 2 and illustrated in Exhibit B, Conceptual Site Plan. The Property Owner shall fulfill the following obligations:

a) **Subsequent Approvals.** Submit for the Subsequent Approvals identified in Section G.
b) **Affordable Housing Strategies.** Comply with the Livermore Development Code Section 11.70 Inclusionary Housing Ordinance through execution of a separate Affordable Housing Agreement that shall include one or a combination of approaches as described below, the exact method of compliance being subject to written approval by both parties:

i. *On-site Delivery.* Provide the required 15% affordable housing requirement under Livermore Development Code Section 11.70.030.

ii. *Affordable Housing In-Lieu Fee.* Payment of the affordable housing in-lieu fee for a portion of onsite for-sale affordable units upon consent of the City. The in-lieu fees paid shall be calculated in accordance with the Livermore Municipal Code Section 3.26.050. In-lieu fees shall not be available for for-rent affordable units, which units must be provided onsite.

iii. *Land Dedication for Development of Affordable Units.* Upon consent of the City, the Property Owner may dedicate land to the City or an affordable housing

developer selected by the City for the development of affordable housing, which may be in the form of for-rent multifamily affordable units. The fair market value of any land to be dedicated to the City for development of affordable housing shall be determined at its highest and best use, and the resulting appraised land value shall offset the affordable housing obligation and reduce the onsite affordable housing requirement or the requirements under any of the other affordable housing approaches accordingly. If the appraised land value is less than the applicable affordable housing fee calculated under the Municipal Code for projects of 11 units or more, the Property Owner shall pay the remaining balance of the obligation in the form of an affordable housing in-lieu fee. Under no circumstances shall the Property Owner be required to dedicate land with a total fair market value greater than the affordable housing fee obligation as calculated for projects greater than 11 units under the Municipal Code. Any dedication of land for the development of affordable housing in lieu of providing onsite affordable units shall meet the requirements of Livermore Development Code Section 11.70.040.B.2.

iv. Any additional approach agreed to by the Parties that complies with the requirements of this Section and otherwise meets the criteria for an alternative affordable plan in accordance with Livermore Development Code Section 11.70.040(B)(3).

c) **Infrastructure Improvements.** Implement infrastructure improvements required to support the Project, as outlined below:

i. *Roadway Improvements:* The Property Owner shall design and construct the roadway connection between Redwood Road and Las Colinas Road and the existing overpass, along with all associated access improvements necessary to access both the Project and the surrounding community. The scope, phasing, and timing of these improvements shall be established through subsequent discretionary approvals. Roadway improvements required to provide adequate access to the Project, including any extensions or connections to Las Colinas Road, shall be fully funded by the Property Owner. The Project shall be eligible for any applicable Traffic Impact Fee (TIF) reimbursements, per Section 12.30.080 of the Livermore Municipal Code, for those improvements that provide a systemwide transportation benefit and serve the broader community beyond the Project's direct access needs, as determined by the City Engineer consistent with the Livermore Municipal Code and Livermore Development Code.

ii. *Trail Improvements:* The Property Owner shall design and construct trail improvements comprising the Northern Las Colinas Trail Extension and Southern Las Colinas Trail Extension consistent with the City's Active Transportation Plan (ATP), as defined below and illustrated in Exhibit C attached hereto. If, at the time of Project development, the City has already acquired trail easements within the Project site for the Las Colinas Trail Extension through any Easement Agreements, as defined below, with Property Owner and constructed trail improvements consistent with the ATP, Property Owner may relocate certain segments as needed, subject to City approval and the terms of the Easement Agreements, and consistent with the Neighborhood Plan and

Planned Development Zoning and all other applicable City rules and regulations. Property Owner shall be responsible for any and all costs associated with relocation. If there is a conflict between any of the foregoing, the terms of the Easement Agreements shall prevail.

iii. *Offsite Improvements:* The Property Owner shall design and construct the off-site improvements deemed necessary to accommodate and facilitate the future development of the Project as identified in the conditions of approval for Subsequent Approvals, including but not limited to traffic signals, roadway striping, and bicycle lanes.

iv. *Public Utility Easements*: The Property Owner shall dedicate, grant, reserve, and make available all public utility easements required to serve the Project upon recordation of the final map for the applicable project phase. The specific terms of these easements shall be negotiated by separate agreements, and the Parties agree to cooperate in good faith to complete such agreements. The following provisions apply to sewer, trail, and other public utility easements required on the Property except to the extent the Property Owner and City have executed Easement Agreements, as defined below, whereupon the terms of those Easement Agreements shall govern:

i. Types of Easements. Required public utility easements may include, but are not limited to:
   1. Sewer Easements for collection, conveyance, and maintenance access.
   2. Trail Easements for public multi-use paths, access, and associated improvements.
   3. Other Utility Easements such as water, recycled water, storm drainage, electric, gas, telecommunications, or other public infrastructure identified through Subsequent Approvals.

ii. City-Constructed Improvements Prior to Project Development. If the City constructs sewer, trail, or other public utility improvements within easements on the Property prior to development of the site, the Property Owner may request relocation of such improvements. Any relocation shall be at the sole cost and expense of the Property Owner, comply with all applicable City standards and specifications; and be subject to review and approval by the City Engineer. Notwithstanding anything else in this Agreement, to the extent the City and Property Owner have negotiated or negotiate any easements or easement-related agreements that concern the foregoing improvements ("Easement Agreements"), such Easement Agreements shall govern.

iii. Fee Credits. Relocation of City-constructed sewer, trail, or other public utility improvements, or the establishment of replacement easements, shall not be eligible for impact fee credits, reimbursements, or offsets of any kind.

d) **Community Benefit Fund Contribution.** The Property Owner shall make a minimum funding contribution of six million dollars ($6,000,000) to the City of Livermore, which the City shall commit to the Community Benefit Fund. This obligation shall not be reduced based on the number of units ultimately constructed.

Beginning on the fifth (5th) anniversary of the Effective Date of this Agreement, any unpaid portion of the Community Benefit Fund contribution shall be adjusted annually based on the annual change in Consumer Price Index for All Urban Consumers (CPI-U) for the San Francisco–Oakland–Hayward Metropolitan Area. Amounts due before the fifth anniversary of the Effective Date shall remain at their stated base amounts.

Payments shall be made in accordance with the following schedule and milestones, with CPI-U adjustments applied only if the payment becomes due on or after the fifth anniversary of the Effective Date:

i. Two million dollars ($2,000,000), prior to recordation of the first Final Map of the project that includes market-rate lots (regardless of the number of dwelling units within that phase).
ii. Two million dollars ($2,000,000), prior to issuance of the Building Permit for the 200th market-rate dwelling unit.
iii. Two million dollars ($2,000,000), prior to issuance of the Building Permit for the 375th market-rate dwelling unit.

e) **Park Land Dedication Options.** Provide parkland and related public benefit areas within the Project through the dedication and conveyance of specified lands to the City as conceptually illustrated in Exhibit C. After such dedication, the City may, at its sole discretion, convey some or all of the dedicated lands to the Livermore Area Recreation and Park District (LARPD) for long-term ownership, operation, or maintenance. These dedications shall support permanent open space preservation, stormwater management, recreational amenities, and other community benefits consistent with the General Plan and Subsequent Approvals.

i. Park land: The Property Owner shall design and construct a public park as part of the Project as conceptually illustrated in Exhibit C. The park must contain standard recreation amenities and be safe and usable by the public. The final design, configuration, and intended improvements for this area shall be consistent with applicable City standards and Subsequent Approvals. At the time of recordation of the Final Tract Map for the first phase of the Project, the Property Owner may dedicate this area to the City.

f) **Transferable Development Credits.** The Project shall comply with all applicable Transferable Development Credit (TDC) requirements consistent with the General Plan and Livermore Development Code Section 4.02.060 and Municipal Code section 3.27.040.

g) **Vested Development Rights.**

i. Subject to this Agreement and during the life of this Agreement, the Property Owner has the right to develop and use the Property in accordance with:

(1) The Livermore General Plan, Livermore Municipal Code, and the Livermore Development Code in effect on the Effective Date.

(2) All other City policies, ordinances, resolutions, rules, regulations and standards applicable to development or use of the Property on the Effective Date, except that Property Owner shall:

(a) Pay the processing and development impact fees in effect at the time those fees are paid.

(b) Comply with Building Code requirements in effect on a city-wide basis at the time each respective building permit is pulled.

(c) Comply with City construction and technical design standards, details, and specifications for public improvements which are applicable at the time of Final Map approval.

(d) Comply with changes in City laws, regulations, plans or policies applicable city-wide, the terms of which are found by the City Council, based on substantial evidence, to be necessary to protect members of the public from a condition dangerous to their health or safety.

(e) Comply with a change in City law, regulations, plans or policies only if such change is one or more of the following:

(i) Specifically mandated by state or federal law, or by any regional governmental agency that has legal authority over the City under state law or a joint powers agreement; or

(ii) A result of or in response to state or federal law, or regional agency action, made necessary in order for the City to avoid losing or not receiving substantial funding or other substantial public benefits or facilities that would be available to the City only if it makes such a change; or

(iii) Specifically mandated by, or necessary for compliance with or implementation of, the terms of any permit, entitlement or other authorization necessary for the development of the Property issued or granted to the City, County and/or Property Owner by any federal, state or regional agency. (f) Following any subsequent environmental review, comply with required mitigation measures.

(3) All subsequent Project approvals which are consistent with this Agreement.

ii. Property Owner acknowledges pursuant to and consistent with Government Code section 65866, this Agreement does not prevent the City in subsequent actions applicable to the Property, from applying new rules, regulations, and policies which do not conflict with the rules, regulations, and policies applicable to the Property as set forth herein, nor shall this Agreement prevent the City from denying or conditionally approving a subsequent development project application on the basis of these existing or new rules, regulations, and policies.

iii. Property Owner further acknowledges that execution of this Agreement by the City does not constitute approval of any required permits, applications, or allocations,

and in no way limits the discretion of the City in the permit, allocation, and approval process in accordance with the limitations set forth herein.

6. City Obligations. The City shall fulfill the following obligations:

a) **Subsequent Approvals and Phasing**. The Neighborhood Plan, Planned Development Zoning, and all related Subsequent Approvals shall be processed in accordance with the City's standard entitlement procedures. Following a determination of completeness, the City shall process the Neighborhood Plan and Planned Development Zoning application within one hundred eighty (180) days, consistent with applicable state law and the City's established review timelines. Project phasing shall be proposed by the Project through a Phasing Plan submitted as part of the entitlement process and refined, as needed, through the City's Engineering Considerations and conditions of approval. Phasing shall follow the City's typical approach, including requirements for backbone infrastructure, utilities, circulation improvements, stormwater facilities, and other public improvements necessary to support each phase. No additional or special phasing obligations are created by this Agreement beyond those normally applied through the City's entitlement and engineering review processes.

b) **Infrastructure Financing Options.** Cooperate with the Property Owner in the formation and administration of an EIFD or CFD, as follows:

i. *Enhanced Infrastructure Financing District.* The City shall cooperate with the Property Owner in the evaluation of a potential Enhanced Infrastructure Financing District ("EIFD") pursuant to Government Code section 53398.50 et seq. to finance eligible costs associated with the Project. The City may use reasonable efforts to adopt an infrastructure financing plan and allocate available tax increment revenues generated within the Project area to fund Project eligible costs, subject to the requirements of applicable law.

ii. *Community Facilities District.* The City shall cooperate with the Property Owner in the evaluation of a potential Mello-Roos Community Facilities District ("CFD") pursuant to Government Code section 53311 et seq. to finance eligible public improvements and services within or benefiting the Project. The Property Owner may initiate proceedings for the formation of one or more CFDs, and the City shall process such requests in a timely manner consistent with applicable law. The rate and method of apportionment of special taxes shall be established through mutual agreement of the Parties.

Nothing herein shall obligate the City to approve the formation of an EIFD or CFD.

c) **Impact Fee Credits.**

i. *Park Facilities Fee Credits.* In accordance with Livermore Municipal Code Section 12.60.070, the Property Owner shall be eligible for a credit against the park facilities fee otherwise applicable to the Project only for those portions of parkland, open space, trail improvements, or related infrastructure that the City determines provide a benefit to the broader community and not solely to the Project. Eligible

improvements may include portions of the trail system, parkland dedications, or other open space dedications required under Section 5(e) of this Agreement, but only to the extent the City determines such improvements function as community-serving facilities. The value of any eligible improvements or dedications shall be calculated pursuant to Livermore Municipal Code Section 12.60.070.C.

ii. *Traffic Impact Fee Credits.* In accordance with Livermore Municipal Code Section 12.30.080, the Property Owner shall be eligible for a credit against the traffic impact fee otherwise applicable to the Project only for roadway or traffic-related improvements that the City determines provide a benefit beyond the Project and serve the broader transportation network. Eligible improvements may include portions of the future residential roadway improvements required under Section 5(c)(i) of this Agreement, but only to the extent the City determines such improvements provide community-wide or system-wide benefit. The value of eligible improvements shall be calculated pursuant to Livermore Municipal Code Section 12.30.080.B.

iii. *Carry-Forward Credits.* Any credit authorized under this Section for a particular phase or subdivision shall carry forward and may be applied to subsequent phases or subdivisions within the Project.

7. Annual Review. Review of the Agreement shall be made annually, consistent with Government Code section 65865.1 and Livermore Development Code Chapter 9.04. If, as a result of an annual review, the City finds and determines, based on substantial evidence, the Property Owner or successor in interest thereto has not complied in good faith with the terms or conditions of this Agreement, then the City may amend or terminate this Agreement.

a) No later than sixty (60) days before the yearly anniversary of the Effective Date, Property Owner shall submit to the Community Development Director (Director), in a form which the Director may reasonably establish, information demonstrating Property Owner's compliance with this Agreement. The failure of the Property Owner to timely submit this document shall be a curable breach.

b) In the event the Director makes a finding and determination of non-compliance, Property Owner shall be entitled to appeal that determination to the Planning Commission in the manner prescribed by Livermore Development Code Section 9.15.

8. Amendments. This Agreement may be amended by the Parties consistent with the procedures set forth in Chapter 9.04 of the Livermore Development Code, including any amendments to it.

9. Remedies for Default. If a Party is in default under this Agreement, it may pursue one or more of the following courses of action, after thirty- (30-) days' written notice to the other Party: (a) waive the default; (b) in the City's case, pursue administrative remedies including denial or otherwise withholding issuance of building permits, certificates of occupancy or other approvals; (c) pursue judicial remedies; or (d) terminate this Agreement.

10. No Damages Relief Against City. The parties acknowledge that each Party would not have entered into this Agreement had it been exposed to damage claims from the Other Party for any breach thereof. As such, the parties agree that in no event shall Property Owner be entitled to recover damages against City for breach of this Agreement. To the extent permitted by law, specific enforcement of this Agreement is the proper and desirable remedy.

11. Recordation; Binding Effect; Assignment.

a) This Agreement shall be recorded in the office of the County Recorder and shall be binding upon and inure to the benefit of successors in interest to the Parties. Where there is more than one Property Owner, the obligations are joint and several.

b) Right to Assign. The Property Owner may assign or transfer all or any portion of the Property (provided no such partial transfer shall violate the Subdivision Map Act, Government Code, Sections 66410, et seq., as the same may be amended from time time) to any person or entity at any time during the Term of this Agreement, together with the rights granted to and obligations imposed upon the Property pursuant to this Agreement and as set forth in subsection c of this section, that acquires a legal or equitable interest in all or any portion of the Property, without the prior consent of City, provided (i) such assignee assumes in writing all of the Property Owner's obligations under this Agreement with respect to the portion of the Property transferred, and (ii) the Property Owner, prior to closing on any such transfer, provides the City with written notice of the intention to assign or transfer any of its interests, rights or obligations under this Agreement and a complete disclosure of the identity of the assignee or transferee, including copies of the Articles of Incorporation in the case of corporations and the names of partners in the case of partnerships. Any successor to Property Owner that owns or otherwise holds a controlling property interest and is assigned rights, obligations and requirements under this Agreement for only a portion of the Property that is less than the entire Property shall only have the rights, obligations and requirements of this Agreement that are applicable to the portions of the Property owned or otherwise controlled by that successor to Property Owner. Subject to the notice requirements herein, where the Property Owner sells or otherwise transfers title to any portion of the Property that includes constructed Infrastructure Improvements as described in Section 5(c), that subsequent owner and Property Owner shall be jointly and severally liable for any obligations under this Agreement as to that portion of the Property, unless Property Owner is released by City, which release shall not be unreasonably withheld, so long as the subsequent owner provides City with security equivalent to any security provided by Property Owner to secure performance of its obligations hereunder, if any.

c) Release Upon Transfer.

i. *As to Property Owner upon Transfer.* Upon the transfer or assignment (collectively "Transfer") of Property Owner's title to any portion of the Property with constructed Infrastructure Improvements, Property Owner and subsequent owner of the portion of the Property transferred are jointly and severally liable for the Property Owner's obligations under this Agreement as to that portion of the

Property transferred unless Property Owner is released by City as provided in this subsection, which release shall not be unreasonably withheld, and which release must be conditioned on the subsequent owner providing the City with security equivalent to any security previously provided by Property Owner to secure performance of the obligations hereunder for the portion of the Property transferred. Property Owner shall be released by City from its obligations under this Agreement with respect to the portion of the Property transferred provided: (i) Property Owner (or transferee) is not in default of this Agreement at the time of the transfer; (ii) Property Owner has provided prior written notice of the transfer to the City; and (iii) the intended transferee executes and delivers to the City a written assumption agreement in a form acceptable to the City in which the name and address of the transferee is set forth and the transferee assumes all obligations of the Property Owner under this Agreement as to the portion of the Property to be transferred. Failure to deliver a written assumption agreement to the City prior to transfer of the portion of the Property to the subsequent owner shall not negate, modify, or otherwise affect the liability of any transferee or the Property Owner pursuant to the terms and conditions of this Agreement.

ii. *As to Property Transferred.* Upon a transfer, as defined in subsection (i) above, of title to any portion of the Property, the subsequent owner of the portion of the Property transferred may request release of that portion of the Property from the obligations under this Agreement, which release shall not be unreasonably withheld, provided that (i) Property Owner is not in default of this Agreement at the time of the transfer; (ii) Property Owner has provided prior written notice of the transfer to the City; and (iii) the intended transferee executes and delivers to the City a written assumption agreement in a form acceptable to the City in which the name and address of the transferee is set forth, and the transferee expressly assumes all obligations of the Property Owner under this Agreement as to the portion of the Property to be transferred. Failure to deliver a written assumption to the City prior to the transfer of the portion of the Property to the subsequent owner shall not negate, modify, or otherwise affect the liability of any transferee or the Property Owner pursuant to the terms and conditions of this Agreement.

d) The provisions of this Agreement shall constitute covenants which shall run with the land comprising the Property for the benefit thereof and as a burden thereon, and the burdens and benefits hereof shall bind and inure to the benefit of all assignees, transferees, and successors to the Parties hereto.

12. Legal Action; Attorney's Fees. If the City chooses to defend any third party claim or suit challenging any action taken by the City with regard to any procedure or aspect of the City's approval of the development of the Project, including the environmental review process, the Property Owner agrees to reimburse the City for attorney's fees, expert witness fees, and related costs as the City may incur in connection with its retention of outside counsel, and for any award of court costs or fees against the City. The City shall have the right to choose and retain such legal counsel as the City deems appropriate; provided, however, City shall select counsel whose hourly rates are reasonable and competitive for attorneys of similar experience in the San Francisco Bay Area. After such expenses reach One Hundred Thousand Dollars ($100,000), and each One

Hundred Thousand Dollars ($100,000) thereafter, the Parties will confer to review the status of the litigation and their options for proceeding or settling, and they will negotiate in good faith about how the expenses will be allocated. The Property Owner shall have no obligation to reimburse the City for costs incurred after the date on which it gives the City written notice of its decision to settle a case, even if the City does not agree to the settlement.

If legal action is brought by one of the Parties to enforce a provision of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees, expert witness fees, and court costs.

13. Notices. The address of each Party for the purpose of all notices permitted or required by this Agreement follows:

To City:
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550
Attention: Community Development Director

With a copy to:
City Attorney
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550

To Property Owner:
Adventus
2121 Harrison Street, Suite 100
Oakland, CA 94612
Attention: Chief Financial Officer

The written address of either Party set forth above may be changed by written notice given not less than five (5) days prior to the date such change is to be in effect. All notices under this Agreement shall be in writing, shall be properly addressed and shall be sent by personal delivery, United States mail (registered, certified, or Express Mail, return receipt requested and postage prepaid), or by overnight courier delivery service. All such notices shall be considered delivered: (i) if personally delivered, on the date of delivery; (ii) if sent by United States mail in the manner prescribed above, on the date shown on the return receipt for acceptance or rejection; or (iii) if sent by overnight courier delivery service, on the date of delivery or attempted delivery as shown by the written delivery record of such service.

14. Mortgagee Protections.

a) The Property Owner shall have the same right to encumber all or any portion of the Property Owner's right, title and interest in, to and under this Agreement and the Property that Property Owner would have absent this Agreement, pursuant to one or more mortgages, provided that commercially reasonable efforts are made to ensure each such mortgage is given for the purpose of securing funds to be used for financing the acquisition of the Property or any portion thereof, the construction of improvements thereon, and any other expenditures reasonably necessary and appropriate to develop

the Property, and subject to the requirements of any bankruptcy proceeding and/or confirmation order approving a plan of reorganization affecting the Property.

b) All the provisions contained in this Agreement shall be binding on and for the benefit of any person who acquires title to the Property or any portion thereof by foreclosure, trustee's sale, deed in lieu of foreclosure, lease termination or expiration or other involuntary transfer under a mortgage.

c) If the City receives notice from a mortgagee requesting a copy of any notice of default given hereunder and specifying the address for services thereof, and the said mortgagee has recorded a copy of such request in the official records of Alameda County in the manner required under Civil Code, Section 2924b with respect to Requests for Notices of Default, then the City shall deliver to such mortgagee, concurrently with service thereon to the applicable Party, any notice given to the Party with respect to any claim that such Party has not complied in good faith with the terms of this Agreement or has committed an event of default. Any mortgagee or its designee acquiring title to the Property (or any portion thereof) through foreclosure, deed in lieu, or similar proceedings shall have the right, but not the obligation, to assume the rights and obligations of Property Owner under this Agreement with respect to such portion of the Property by providing written notice to the City. Each mortgagee shall have the right, but not the obligation, to cure such default within one hundred twenty (120) days following receipt of such notice (or such longer period as may be reasonably necessary to complete foreclosure and cure the default). No mortgagee shall have any liability under this Agreement unless and until such mortgagee acquires title to the Property, and then only for obligations accruing thereafter.

d) Notwithstanding any provision to the contrary in this Agreement, the City shall not exercise any remedy of termination of this Agreement, or terminate any rights of the Property Owner hereunder, by reason of a default by the Property Owner unless and until each mortgagee that has requested notice pursuant to subsection (c) has been given written notice of such default and has been afforded an opportunity to cure such default.

15. No Consent Required for Qualified Homebuilders. Notwithstanding any other provision of this Agreement, the Property Owner may enter into land sale agreements, joint venture agreements, or development agreements with qualified homebuilders without the City's consent, provided such arrangements do not reduce the affordable housing obligations or Community Benefit Fund contributions required by this Agreement and are otherwise consistent with the terms of this Agreement.

16. Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall continue in full force and effect.

17. Applicable Law. This Agreement is governed by and shall by interpreted under and pursuant to the laws of the State of California.

18. Entire Agreement. This written Agreement, including the Exhibits hereto, contains all the representations and the entire agreement between the Parties with respect to the subject matter hereof. Except as otherwise specified in this Agreement, any prior correspondence, drafts, memoranda, agreements, warranties or representations are superseded in total by this Agreement. This Agreement also supersedes any previous development agreements or other agreements that may affect or govern the Property or its development, except as otherwise provided in this Agreement.

19. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original Agreement, and all of which shall constitute one and the same Agreement.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

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

PROPERTY OWNER
Adventus public
A California non-profit benefit corporation
(Type of business ownership)

By: Attila Bandos
(Notary Acknowledgment Required)

Date: 6/30/2026 Title: President

CITY OF LIVERMORE

Date: _____ By: _____
Marianna A. Burch, City Manager

Authorized by City Council Ordinance No. _____

_____ _____
City Clerk City Attorney

Exhibits:

A. Legal Property Description
B. Conceptual Site Plan
C. Onsite and Offsite Improvements

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT CIVIL CODE § 1189

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 }

On 30 JUNE 26 *Date* before me, Nina M. Woodcock *Here Insert Name and Title of the Officer*,

personally appeared ATTILA J. BARDOS *Name(s) of Signer(s)*,

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.

NINA M. WOODCOCK
Notary Public - California
Alameda County
Commission # 2423129
My Comm. Expires Nov 20, 2026

Place Notary Seal and/or Stamp Above

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 Nina M. Woodcock
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer – Title(s): _____	☐ Corporate Officer – Title(s): _____
☐ Partner – ☐ Limited ☐ General	☐ Partner – ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian of Conservator	☐ Trustee ☐ Guardian of Conservator
☐ Other: _____	☐ Other: _____
Signer is Representing: _____	Signer is Representing: _____

©2017 National Notary Association

EXHIBIT "A"

PAGE 1 OF 2

The land referred to is situated in the County of Alameda, City of Livermore, State of California, and is described as follows:

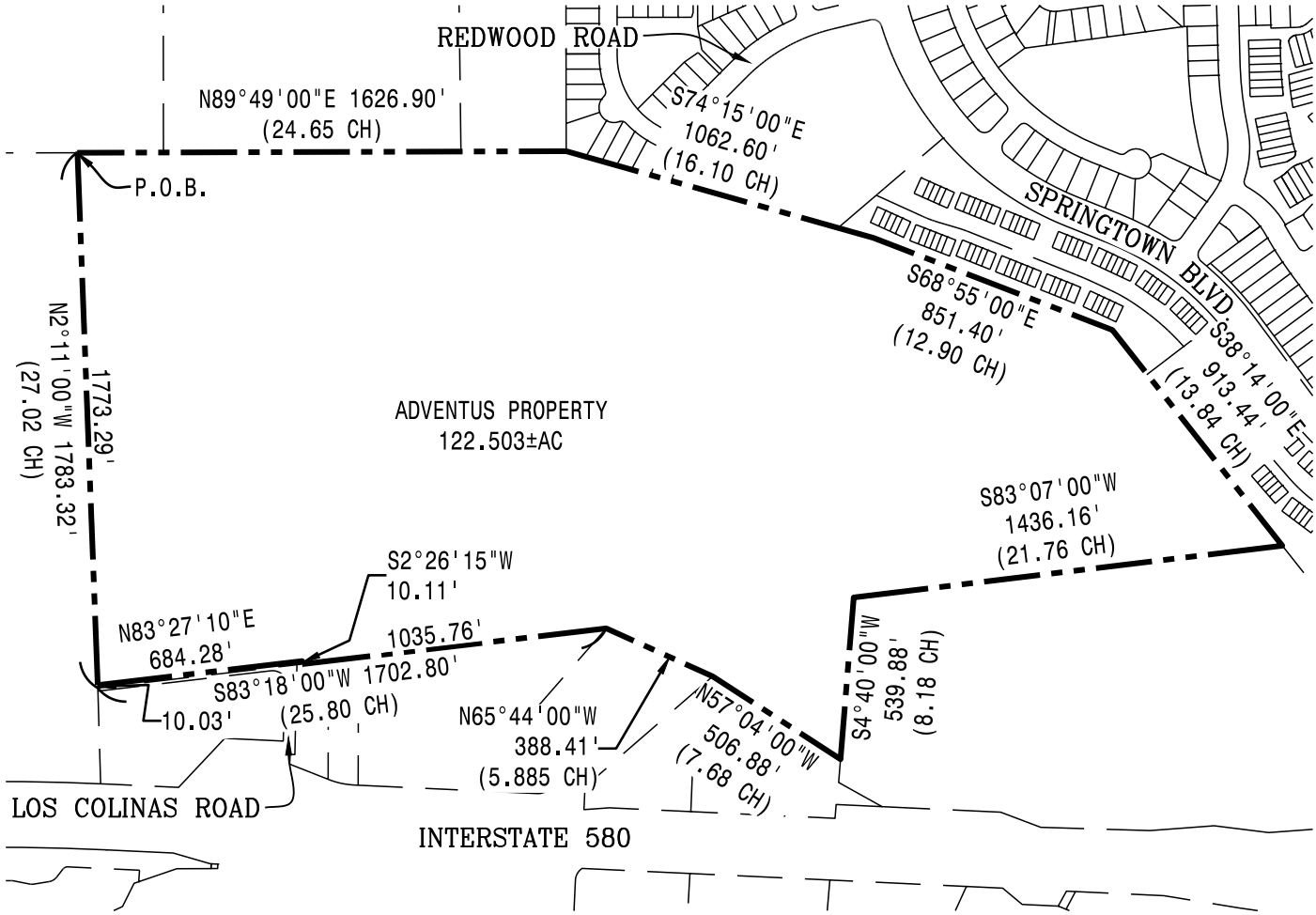
Beginning at the Northwest corner of Plot F of the Rancho Las Positas, running thence North 89° 49 East, 24.65 chains; thence South 74° 15’ East, 16.10 chains; thence South 68° 55’ East 12.90 chains; thence South 38° 14’ East, 13.84 chains; thence South 83° 7’ West, 21.76 chains; thence South 4° 40’ West 8.18 chains; thence North 57° 04’ West, 7.68 chains; thence North 65° 44’ West, 5.885 chains; thence South 83° 18’ West, 25.80 chains; thence North 2° 11’ West, 27.02 chains to the point of beginning.

EXCEPTING THEREFROM, that portion conveyed to the State of California in the Grant Deed recorded September 30, 1952, Book 6837, Page 111, Official Records.

APN: 902-0008-001

EXHIBIT "A"

PAGE 2 OF 2



0 300 600 1200

SCALE: 1"=600'

LEGEND

———	BOUNDARY OF DESCRIPTION
— — —	EXISTING PARCEL
CH	CHAINS
P.O.B	POINT OF BEGINNING

PLAT TO ACCOMPANY DESCRIPTION

ADVENTUS PROPERTY

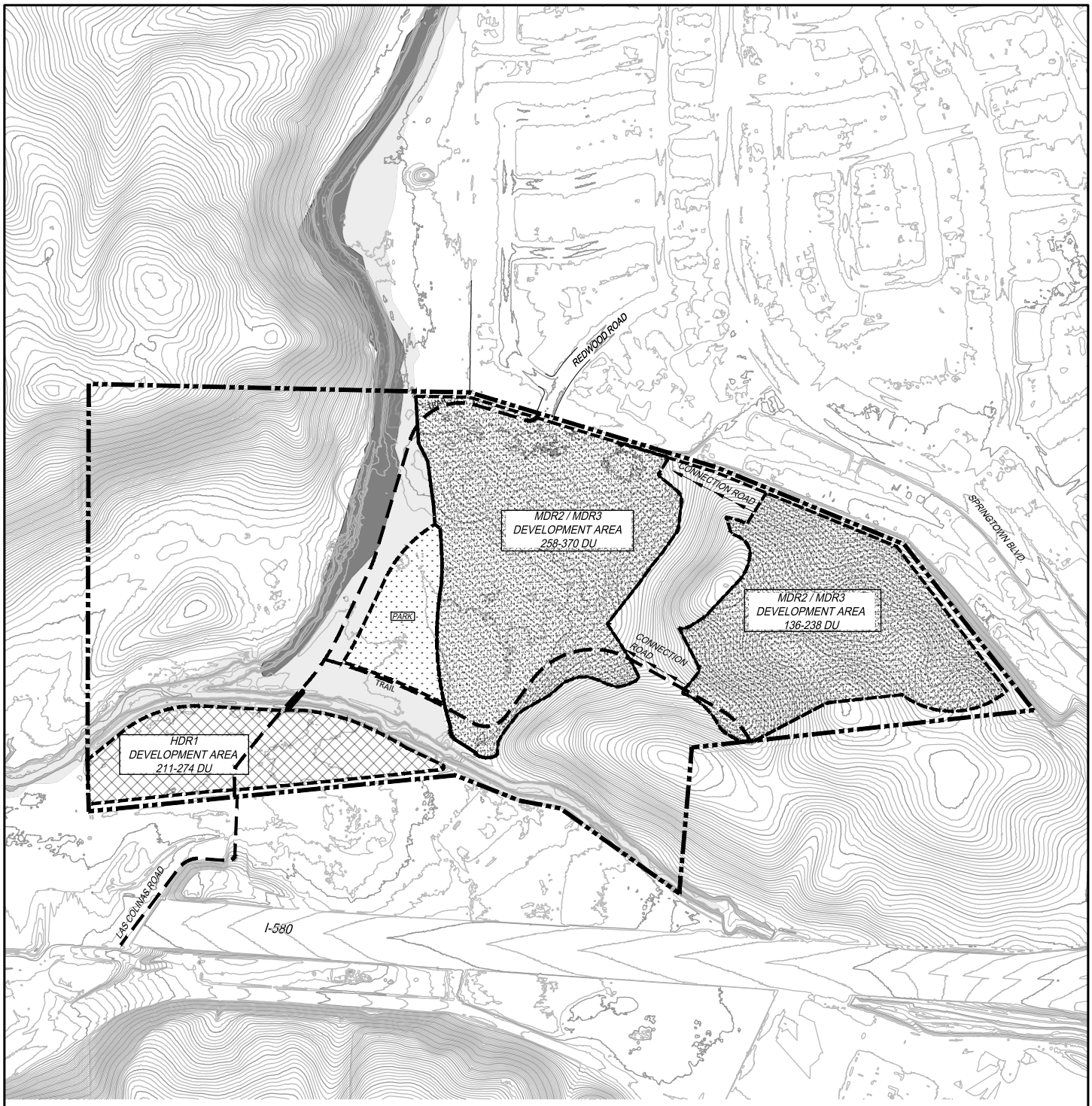
LIVERMORE CALIFORNIA

MACKAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
5142B FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690

DRAWN	DATE	SCALE	JOB NO.
IBM	JUNE 2026	1"=600'	29201.000

06-22-2026 2:50pm Ian MacDonald P:\29201\SRV\MAPPING\PLATS AND DESC\PLATS\EXHIBIT-A-PLAT.DWG

EXHIBIT A



0 300 600 1200

SCALE: 1"=600'

NOTE:
THIS EXHIBIT IS INCLUDES A CONCEPTUAL DEVELOPMENT FOOTPRINT THAT IS CONSISTENT WITH THE GENERAL PLAN'S GOALS AND POLICIES. THE ACTUAL CONFIGURATION, DENSITY, AND FOOTPRINT OF DEVELOPMENT, INCLUDING THE RESIDENTIAL UNITS/LOTS/BUILDINGS, ROADS, INFRASTRUCTURE, AND OTHER DEVELOPMENT WITHIN THE DESIGNATED MDR-2, MDR-3, AND HDR-1 AREAS, SHALL BE SUBJECT TO DETERMINATION IF AND WHEN THE PROPERTY OWNER SEEKS ADOPTION OF A NEIGHBORHOOD PLAN, PLANNED DEVELOPMENT ZONING, AND OTHER SUBSEQUENT APPROVALS, AT WHICH TIME APPROPRIATE LEVELS OF SITE-SPECIFIC REVIEW AND PLANNING WILL OCCUR.

DEVELOPEMENT LEGEND

- HDR1 DEVELOPMENT AREA
- MDR2 / MDR3 DEVELOPMENT AREA
- PARK

CONSTRAINTS LEGEND

- PROJECT BOUNDARY (APPROX.)
- DEVELOPMENT AREAS
- TRAIL
- FLOODWAY
- 100-YEAR FLOOD

EXHIBIT B
CONCEPTUAL SITE PLAN
ADVENTUS PROPERTY

CITY OF LIVERMORE CALIFORNIA

MACKAY & SOMPS
ENGINEERS PLANNERS SURVEYORS
5142B FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690

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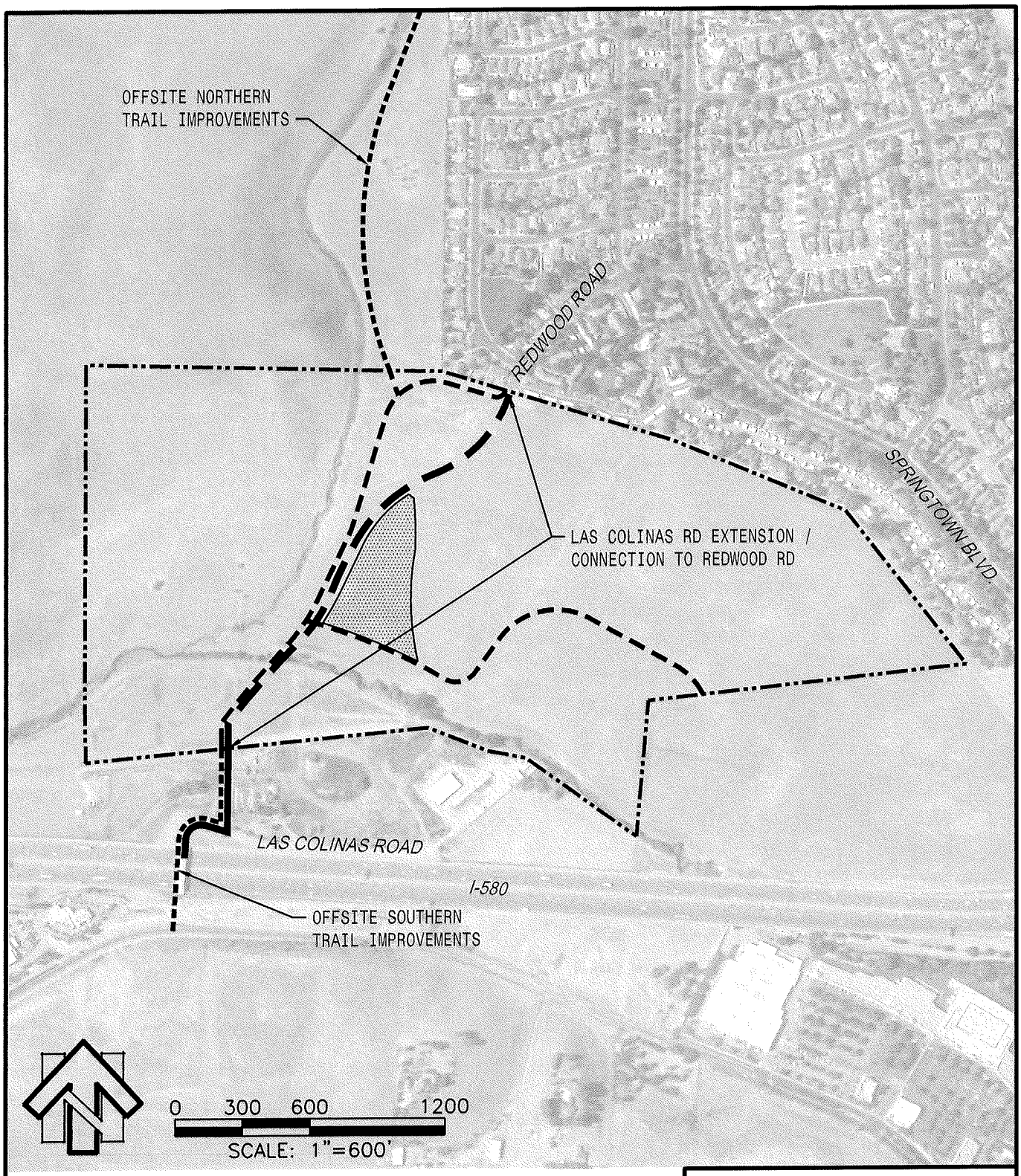
PLEASANTON	1" = 600'	06-16-2026	29201.000
OFFICE	SCALE	DATE	JOB NO.

06-19-2026 6:22pm Mark McClellan P:\29201\PLN\EXH-P\DA-EXHIBITS\EXHIBIT B-ADVENTUS PROPERTY - B&W.DWG
REFERENCES: 29201-TOPO; 29201-PARCELS; MS-141051-BASE-OFFS; Main Trail Easement; SPUR Easement; SSE; 29201-AE-FP; 3658 Las Colinas Aerial NAIP 2002; 29021-P-30_PERCENT IMAGES



LEGEND:

PARK

SITE

ONSITE TRAIL

OFFSITE TRAIL

ONSITE STREET

OFFSITE STREET

EXHIBIT C

OPEN SPACE / PARK LAND DEDICATION

ADVENTUS PROPERTY

CITY OF LIVERMORE CALIFORNIA

MACKAY & SOMPS

ENGINEERS PLANNERS SURVEYORS

1428 FRANKLIN DR, PLEASANTON, CA 94588 (925)225-0690

PLEASANTON	1" = 600'	06-10-2026	29201.000
OFFICE	SCALE	DATE	JOB NO.

06-12-2026 1:53pm Jason Ristau P:\29201\PLN\EXH-P\DA-EXHIBITS\EXHIBIT C-ADVENTUS PROPERTY - B&W-NO OPEN SPACE.DWG

LIVERMORE
CALIFORNIA

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

DATE: July 7, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Brandon Cardwell, Innovation and Economic Development Director

SUBJECT: Hearing to consider a request for the first amendment to Development Agreement 08-002 ("Agreement") with McGrath RentCorp (DAA 26-002). The Agreement term would be extended 30 years to 2059, the Agreement boundary would be adjusted, and the Property Owner obligations would be modified to: 1) effectuate a commercial land transfer to a high-revenue commercial user; and 2) secure support for 2045 General Plan and Midtown Area planning objectives.

RECOMMENDED ACTION

Staff recommends the Planning Commission adopt the following resolutions, recommending the City Council:

1. Find that the first amendment to Development Agreement 08-002 with McGrath RentCorp is exempt under CEQA; and
2. Adopt an Ordinance to approve the first amendment to Development Agreement 08-002 with McGrath RentCorp (DAA 26-002).

SUMMARY

Since 2021, the City has been preparing the General Plan 2045 update, including the Midtown Specific Plan Area, which is envisioned as a future mixed-use area that balances housing, commercial, office, and industrial uses. McGrath RentCorp owns approximately 130 acres within Midtown and is the largest single property owner in the area. McGrath operates an existing mobile modular commercial-industrial business on the property and is party to a 2008 Development Agreement with the City that vests commercial and industrial land use rights through 2029.

The 130-acre project site is made up of numerous parcels located at 5605 and 5327 Southfront Road and 5700, 5699 and 5698 Las Positas Road with the following APNs: 99-40-72, 99-40-73, 99-40-74, 99-40-75, 99-40-76, 99-40-77, 99-40-78, 99-40,79 and 99-40-80. See Attachment 1 - Location Map.

Following property owner outreach and McGrath's stated opposition to aspects of the Midtown planning effort, the City Council directed staff to negotiate a compromise that could advance the City's long-term

planning objectives while addressing the Property Owner's interests. The proposed Development Agreement Amendment would not approve a new development project, but would establish a framework for future planning, allow McGrath's existing operations to continue, secure McGrath's support for future residential planning, and facilitate conveyance of the northern approximately 40 acres to a high-value commercial user. The term of the Development Agreement would be extended to 2059.

The related General Plan 2045 land use map change would retain approximately 90 acres within the Midtown Specific Plan Area and designate the northern parcel as Service Commercial. Staff finds that the amendment is consistent with General Plan 2045 and provides public benefits by supporting future housing opportunities, advancing Midtown implementation, and facilitating commercial development expected to generate long-term fiscal and employment benefits for the City.

DISCUSSION

Background and General Plan Context

Since 2021, at the direction of the City Council, City staff has been preparing the General Plan 2045 update. As part of that effort, the City Council, Planning Commission, and the council-appointed General Plan Advisory Committee have reviewed draft land use maps, policies, and Focus Areas where land use changes are anticipated over the planning horizon.

The largest Focus Area is the Midtown Specific Plan Area (Midtown), which is primarily composed of the Metropolitan Transportation Commission (MTC) Southfront Priority Development Area (PDA). Midtown also includes existing developed areas, including local shopping districts and the Arroyo Vista Neighborhood Plan area.

The General Plan 2045 envisions Midtown as a future mixed-use area that balances housing, commercial, office, and industrial uses and functions as a complete community, regardless of whether or when a future transit station is developed (e.g. Valley Link). Following General Plan adoption, the City would prepare a specific plan to establish land uses, circulation improvements, development standards, design requirements, infrastructure and service needs, and other implementing provisions for Midtown.

McGrath Property and Existing Development Agreement

McGrath RentCorp (McGrath or the Property Owner) is the largest single property owner within Midtown. McGrath owns approximately 130 acres generally located between Southfront Road and Las Positas Road, as shown in Attachment 1. McGrath is a publicly traded mobile modular commercial-industrial business that fabricates and sells modular structures on-site.

McGrath and the City are also parties to an existing Development Agreement, originally approved in 2008, that vests McGrath's commercial and industrial land use rights through 2029. The Original Agreement was approved to secure dedication of Bay Area Rapid Transit (BART) right-of-way, as shown in Attachment 2. The Original Agreement did not approve a specific development project; instead, the "Project" consisted of vesting the land uses in effect at the time of adoption. Future development projects remained subject to all applicable regulations, permits, entitlements, and approvals.

Property Owner Engagement and Direction from City Council

From 2021 to 2022, City staff conducted outreach to property owners within Midtown, consistent with the City's standard practice when considering land use changes in a specific planning area. Through those discussions, McGrath and the City did not reach agreement regarding the inclusion of McGrath's property in Midtown, the appropriate future mix of uses and residential densities, or an approach that addressed both the City's long-term planning objectives and the Property Owner's interests. McGrath subsequently submitted written correspondence to the City Council expressing opposition to aspects of the concept plan being developed for the Midtown focus area.

On February 24, 2025, the City Council directed staff to work with McGrath, seek a compromise, and return with a solution that would advance the goals of both parties. Staff has since negotiated with McGrath and now proposes an amendment to the existing Development Agreement (Amended Agreement). McGrath has agreed to the proposed terms, and the signed Amended Agreement is included as Exhibit A.

Purpose and Effect of the Amended Agreement

The proposed Amended Agreement would establish a framework for future planning and development of the McGrath property in relation to Midtown, while allowing McGrath's existing industrial use to continue. The Amended Agreement does not approve a development project, and no changes are proposed to the Original Agreement's definition of "Project." However, the Amended Agreement would clarify and expand the subsequent approvals provisions to confirm that any future development project remains subject to all applicable design review, entitlement, and environmental review requirements.

The Amended Agreement also supports implementation of General Plan 2045 by securing McGrath's support for future residential planning on the property and by facilitating a related land use map change that would support a high-value commercial user on the northern portion of the site. Together, these provisions help resolve McGrath's concerns while allowing the City to continue advancing its long-term vision for Midtown.

Principal Terms of the Amended Agreement

The Amended Agreement includes obligations for both McGrath and the City.

McGrath Obligations

McGrath would support future residential densities of MDR 4 (18-22 dwelling units per acre) and HDR 1 (23-30 dwelling units per acre) on the property. These densities would not be applied through the Amended Agreement itself, but could be considered through the future Midtown Specific Plan or another zoning action. This support is important to the City's long-term Midtown objectives and provides additional Regional Housing Needs Allocation (RHNA) flexibility, including the potential use of the site for Net Loss units in the Sixth RHNA Cycle or as a Housing Inventory site in the Seventh or Eighth RHNA Cycle.

McGrath would also be required to convey the northern approximately 40 acres of the property to a high-value commercial user, subject to approval by the City Manager. The conveyance must occur by January 15, 2027, unless extended by mutual agreement of the parties. The City may request information necessary to evaluate the proposed user, including employment and fiscal impact data. The Amended Agreement would not become operative unless and until the property is conveyed to an approved high-

value commercial user.

As of publication of this report, McGrath is engaged with a prospective high-value commercial user and is processing a purchase and sale agreement. Due to the confidential nature of ongoing real estate negotiations, City staff cannot publicly identify the user at this time. However, staff supports the prospective business because it would meet the Amended Agreement's high-value commercial objective. If the transaction is completed and the user locates in Livermore, the business is expected to generate approximately $900,000 to $1 million in annual tax revenue and provide approximately 400 to 600 jobs. The business would also be expected to become one of the City's top ten tax generators.

City Obligations

In consideration of McGrath's obligations, the City would extend the term of the Development Agreement by 30 years, through 2059. This extension would continue to vest the industrial land uses described in the Original Agreement and provide McGrath with long-term operational flexibility. The extension would not preclude future cessation of the existing use, establishment of a new use consistent with General Plan 2045, adoption of a Midtown Specific Plan, or consideration of the property for RHNA purposes.

The Amended Agreement would also adjust the Development Agreement boundary. The northern approximately 40-acre commercial parcel would be removed from the Development Agreement area because it would be conveyed to a separate high-value commercial user that is not a party to the agreement. Property under McGrath ownership south of Las Positas Road would be added to the Development Agreement area to maintain sufficient space for McGrath's ongoing mobile modular fabrication, storage, and sales operations.

General Plan 2045 Land Use Map Change

The proposed Amended Agreement resulted in one related modification to the General Plan 2045 land use map and the Livermore Zoning Map. The Planning Commission will consider those map changes as part of the General Plan 2045 item at its July 7 meeting before considering the McGrath Development Agreement Amendment.

The land use map previously reviewed by the Planning Commission designated all approximately 130 acres of the McGrath property as Midtown Specific Plan Area. The revised land use map would retain the southern approximately 90 acres within the Midtown Specific Plan Area and designate the northern approximately 40-acre parcel as Service Commercial. This designation would allow the future commercial user to operate by right, providing certainty necessary to support the contemplated property conveyance.

General Plan Consistency and Public Benefit

Livermore Development Code Section 9.04.050(D) requires the Planning Commission and City Council to find that a development agreement is consistent with the General Plan and provides benefit to the City. Because the General Plan 2045 will be considered before the McGrath Development Agreement Amendment, it is appropriate to evaluate the Amended Agreement for consistency with General Plan 2045 rather than the 2003 General Plan.

The proposed Amended Agreement implements and is consistent with General Plan 2045 because it supports the formation of Midtown, secures Property Owner support for future housing opportunities, and facilitates commercial development that would generate stable long-term City revenues. More specifically, the Amended Agreement supports the following General Plan 2045 policies:

- **Policy LU-15.1: Midtown Neighborhood** — Create a complete, mixed-use, transit-supportive environment that balances housing, commercial, office, and industrial uses.
- **Policy LU-15.5: Midtown Job Opportunities** — Create job opportunities through industrial/office uses including research and development facilities, manufacturing capabilities, and laboratory spaces.
- **Policy ED-4.1: Balanced Development** — Balance a mix of residential, commercial, and industrial development to support local employment opportunities, a diverse economy, and a sustainable tax base.
- **Policy ED-5.1: Capacity for Economic Growth** — Designate land uses to provide sufficient capacity for economic growth and vitality in Livermore. Maintain capacity for a variety of land development opportunities in commercial and industrial sectors as well as other desired land uses.
- **Policy ED-5.2: Fiscal Sustainability Through Land Use** — Provide a land use mix that generates stable, long-term revenues to fund City services, and ensure that fiscal impacts and long-term sustainability are key considerations in land use and development decision making.

The Amended Agreement would provide several public benefits. It would support a viable path for future housing on the McGrath property through the Midtown Specific Plan or another future zoning action, while providing RHNA flexibility for the Sixth, Seventh and Eighth RHNA Cycles. It would allow the City to move forward with mixed-use Midtown policies and land use designations in General Plan 2045. It would also facilitate conveyance of the northern commercial parcel to a high-value commercial user expected to generate approximately $900,000 to $1 million in annual tax revenue and approximately 400 to 600 jobs.

A complete list of findings required under Livermore Development Code Section 9.04.050(D) is included in the attached development agreement resolution, Attachment 4.

ENVIRONMENTAL DETERMINATION

The Development Agreement Amendment does not approve a development project. Instead, it extends existing vested land use rights and allows an existing business to continue its current operations. For these reasons, the Development Agreement Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15061(b)(3) (Common Sense Exemption). The complete CEQA findings are included in the CEQA Resolution, Attachment 3.

ATTACHMENTS

1. Location Map
2. Original Development Agreement
3. Resolution CEQA
4. Resolution Development Agreement
5. Exhibit A - Amended Agreement

Prepared by: Jake Potter
Economic Development Manager



N

0 542 1,083

ft

1" = 1,083'

LEGEND

ALL LOCATIONS ARE APPROXIMATE

Livermore City Limits

Alameda County

RGB

Red: Band_1

Green: Band_2

Blue: Band_3

CITY OF LIVERMORE CALIFORNIA

Location Map

Date: 6/30/2026

Path: /Web Map

2009009356 01/15/2009 10:02 AM
OFFICIAL RECORDS OF ALAMEDA COUNTY
PATRICK O'CONNELL
RECORDING FEE: 0.00
25 PGS

Recorded by and When Recorded Return to:
City Clerk, City of Livermore
1052 South Livermore Avenue
Livermore, California 94550

No Fee for recording pursuant to Government Code Section 27383

16 TV

cc: Planning

08-504
DA 08-002

DEVELOPMENT AGREEMENT
McGRATH RENTCORP

This Development Agreement is entered into on November 24, 2008, between the City of Livermore, a municipal corporation, (City) and McGrath RentCorp, a California corporation, (Property Owner).

City Clerk's Office
FEB 2 2009
City of Livermore

RECITALS

This Development Agreement is based on the following facts:

A. City has the authority to enter into a development agreement under Government Code section 65864 and following (Development Agreement Statute) and the City's Development Agreement Procedures (Council Resolution No. 305-88).

B. The Property Owner is the owner of approximately ±120 acres of property located at 5698 and 5700 Las Positas Road (APN 099-004001045); 5327 and 5605 Southfront Road (APN 009-004000905); and 5698 and 5722 Naylor Road (APN 099-004001039) in the City of Livermore, County of Alameda, described more specifically in Exhibit A, attached ("Property"). The Owner of the Property is McGrath RentCorp.

C. The Property Owner has applied to the City for a Development Agreement (City file #08-002). Property Owner proposes to develop the Property for use, consistent with the underlying zoning district(s) and General Plan designations of Commercial Service (CS) zoning district, the Service Commercial (SC) General Plan land use, Heavy Industrial (I-3) zoning district, or the High Intensity Industrial (HII) General Plan land use designation as shown on Exhibit B-1 (text) and B-2 (map of General Plan designations and zoning districts as they exist as of the date of this Development Agreement).

D. This Development Agreement was adopted by ordinance of the City Council, after notice and public hearings before the Planning Commission and City Council and after City Council consideration of the certified Final Environmental Impact Report for the Regional Component of the Traffic Impact Fee in accordance with the California Environmental Quality Act, Public Resources Code section 21000 and following.

NOW, THEREFORE, the parties agree as follows:

1. The Property. The Property which is the subject of this Development Agreement is described in Paragraph B above.

2. The Project. The Property Owner is authorized to develop and use the Property, consistent with Exhibits B-1 and B-2, for (a) service commercial uses which support other activities in the Downtown, such as auto sales, nurseries, home maintenance centers, and wholesale establishments in conformance with the CS zoning district and the SC General Plan

designation. Property and (b) uses allowable in the I-3 zoning district or the HII General Plan including uses for and conducive to basic or primary industries and related industrial activities including manufacturing, warehousing, research & development facility, recycling facility, and heavy industrial that uses, stores, or processes raw materials.

The Property Owner reserves the right to make application for development in accordance with the General Plan and zoning for the Property in effect as of the Effective Date of this Agreement. In the event the City adopts a new General Plan or rezones the Property prior to development, Property Owner has the option to submit an application for development consistent with the new General Plan and rezoning and amend this Development Agreement to ensure consistency with General Plan and zoning.

3. Effective Date; Term. The effective date of this Development Agreement is the latest date of the following: (a) thirty days after the date the Ordinance approving this Development Agreement is adopted by the City Council, or (b) if a referendum petition is timely and duly circulated and filed, the date the election results on the ballot measure by City voters approving this Agreement are certified by the City Council in the manner provided by the Elections Code. This Development Agreement shall be executed by the City within ten (10) days after the effective date and recorded as provided in Government Code Section 65868.5.

The term of this Development Agreement is twenty years, beginning on the effective date. The term may be extended upon mutual written consent of the parties.

4. Property Owner Obligations. Except as otherwise expressly provided in this Development Agreement including Exhibits, when the Property is developed pursuant to the project approvals, Property Owner must comply with the requirements in this Development Agreement, including the following:

a. Property Owner shall, at the time of development of the Property or the I-580 or BART extension project is approved and fully funded, whichever is earlier, dedicate property in fee ("Dedicated Property") for future Interstate 580 widening/expansion for up to thirty feet (30') along the north frontage of the Property as shown on Exhibit C-1 and C-2 ("Dedicated ROW"). The actual width will be determined by drawings and plans approved as part of the BART extension project and, in no event, shall exceed 30 feet. If dedication occurs when the BART project is approved and fully funded, the Property Owner shall be compensated by the regional transportation agency responsible for the I-580 widening/expansion project. If dedication has not previously occurred, City shall compensate Property Owner for the Dedicated Property as of the time the Property is developed pursuant to its project approvals. The compensation shall be 100% of the fair market value in accordance with the State Eminent Domain Law. At any time after the development of the Property and prior to the 1-580 expansion or BART extension projects adjacent to the Property, Property Owner shall maintain the Dedicated Property and, shall be allowed to maintain landscaping in the Dedicated Property. No structures, permanent or temporary, shall be placed in the Dedicated Property.

b. At the time of development of the Property, Property Owner shall pay for and construct all standard City required improvements including curb, gutter, sidewalk, and

undergrounding (also referred to as frontage improvements and utility undergrounding) associated with the development of the Property. At that time, if City requests Property Owner to construct any improvements over and above the standard City requirements, City shall reimburse or credit (against fees) Property Owner for the additional improvements.

c. Property Owner shall have no obligation for the costs associated with relocation of the roadway or right-of-way or relocating existing utilities within the roadway or undergrounding any electrical services necessary to accommodate the 1-580 expansion or BART extension projects.

d. City reserves the right, at the time Property Owner submits the application for development of the Property, to allow Property Owner to deposit the value of construction of the standard City required improvements (including curb, gutter, sidewalk, and undergrounding) based on engineer estimates instead of constructing the improvements.

5. Vested Development Rights. Subject to this Development Agreement and during the life of this Development Agreement, the Property Owner has the right to develop and use the Property in accordance with:

a. the City's General Plan and Planning and Zoning Code in effect on the effective date;

b. all other City policies, ordinances, resolutions, rules, regulations and standards applicable to development or use of the Property on the effective date, except that Property Owner shall:

1) pay the processing and development impact fees in effect at the time those fees are paid; provided, however, that no fees, dedications or exactions shall be required by the City that are not of a type or scope as are in force as of the effective date.

2) comply with Building Code requirements in effect on a city-wide basis at the time of construction;

3) comply with construction and technical design standards or specifications for public improvements which are applicable city-wide;

4) comply with changes in City laws, regulations, plans or policies applicable city-wide, the terms of which are found by the City Council, based on substantial evidence, to be necessary to protect members of the public from a condition dangerous to their health or safety;

5) comply with a change in City law, regulations, plans or policies which are:

(a) specifically mandated by state or federal law, or by any regional governmental agency that has legal authority over the City under state law or a joint powers agreement; or

(b) a result of or in response to state or federal law, or regional agency action, made necessary in order for the City to avoid losing or not receiving substantial funding or other substantial public benefits or facilities that would be available to the City only if it makes such a change; or

(c) specifically mandated by, or necessary for compliance with or implementation of, the terms of any permit, entitlement or other authorization necessary for the development of the Property issued or granted to the City, County and/or Property Owner by any federal, state or regional agency;

6) following any subsequent environmental review, comply with required mitigation measures; and

c. all subsequent project approvals which are consistent with this Agreement.

d. the Property as it exists at the date of this Development Agreement includes a single building located at 5605 Southfront Road as shown on Exhibit C-2. At the time of the 1-580 widening, the building, as currently constructed, will be legal non-conforming building resulting from a decreased setback from the standard required setback. This building shall be permitted to remain on the Property, at Property Owners discretion, until such time as Property Owner proposes an expansion equal to fifty percent (50%) or more of the existing building square footage.

e. the existing General Plan Scenic Corridor policy which establishes that there is no view angle assigned to this Property.

6. Periodic Review. Periodic review of the Development Agreement shall be made, consistent with Section IX of the City's Development Agreement Procedures.

7. Amendments. The Development Agreement may be amended by the parties consistent with the procedures set forth in Section VI of the City's Development Agreement Procedures, including any amendments to it.

8. Default. If a party is in default under this Development Agreement, it may pursue one or more of the following courses of action, after 30 days' written notice to the other party: (a) waive the default; (b) in the City's case, pursue administrative remedies including denial or otherwise withholding issuance of building permits, certificates of occupancy or other approvals; (c) pursue judicial remedies; or (d) terminate this Development Agreement.

9. Recordation; Binding Effect. This Development Agreement shall be recorded in the office of the County Recorder and shall be binding upon and inure to the benefit of successors in interest to the parties. Where there is more than one Property Owner, the obligations are joint and several.

10. Legal Action; Attorney's Fees.

a. If there is any third party claim or suit challenging any action taken by the City with regard to the contemplated General Plan Amendments and/or this Development Agreement, as it relates to the proposed General Plan Amendments, either at the time of adoption of this Development Agreement and/or at the time of application for project development by Property Owner, the Property Owner shall have no obligation to indemnify the City for liability, attorneys fees, expert witness fees, and/or related costs as the City may incur, and for any award of court costs or fees against the City.

b. Notwithstanding Paragraph 10.a. above, at the time of application for project development, if the City chooses to defend any third party claim or suit challenging any action taken by the City with regard to any procedure or aspect of the City's approval of the development of the Property, including the environmental review process or this Development Agreement, but not the General Plan Amendments adopted in 2008 concurrent with this Development Agreement, the Property Owner agrees to reimburse the City for attorneys fees, expert witness fees, and related costs as the City may incur in connection with its retention of outside counsel, and for any award of court costs or fees against the City. City has the right to choose and retain such legal counsel as the City deems appropriate. After expenses reach $100,000, and each $100,000 thereafter, the parties will confer to review the status of the litigation and their options for proceeding or settling, and they will negotiate in good faith about how the expenses will be allocated. The Property Owner shall have no obligation to reimburse City for costs incurred after the date on which they give City written notice of their decision to settle a case, even if City does not agree to the settlement.

c. If legal action is brought by one of the parties to enforce a provision of this Development Agreement, the prevailing party is entitled to reasonable attorney's fees, expert witness fees, and court costs.

11. Notices. The address of each party for the purpose of all notices permitted or required by this Agreement follows:

To City:
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94550
Attention: Community Dev. Dir. & City Engineer
(925) 960-4500
(925) 960-4459 — Fax

With a copy to:
City Attorney
City of Livermore
1052 South Livermore Avenue Livermore, CA 94550
(925) 960-4150
(925) 960-4180 – Fax

To Property Owner:
McGrath RentCorp
5700 Las Positas Road
Livermore, CA 94551

(925) 606-9200
(925) 453-3200 - Fax
Attn: Randle F. Rose

With a copy to: Hoge Fenton
60 South Market Street, Suite 1400
San Jose, CA 95113
(408) 287-9501
(408) 287-2583
Attn: Geoffrey C. Etnire

The written address of either party set forth above may be changed by written notice given not less than five (5) days prior to the date such change is to be in effect. All notices under this Agreement shall be in writing, shall be properly addressed and shall be sent by personal delivery, United States mail (registered, certified, or Express Mail, return receipt requested and postage prepaid), or by overnight courier delivery service. All such notices shall be considered delivered: (i) if personally delivered, on the date of delivery; (ii) if sent by United States mail in the manner prescribed above, on the date shown on the return receipt for acceptance or rejection; or (iii) if sent by overnight courier delivery service, on the date of delivery or attempted delivery as shown by the written delivery record of such service.

12. Excused Delay. In addition to specific provisions of this Development Agreement, neither party shall be deemed to be in default under this Development Agreement where delays in performance or failures to perform are due to war, insurrection, strikes, or other labor disturbances, walkouts, riots, floods, earthquakes, fires, inclement weather, casualties, acts of God, governmental restrictions imposed or mandated by other governmental entities in connection with changes in State or Federal laws or regulations or actions by any governmental jurisdiction other than City ("Other Laws"), enactment of conflicting Other Laws, judicial decisions, administrative appeals, litigation or similar basis for excused performance which is not within the reasonable control of the party to be excused. Upon the request of either party hereto, extension of time for such cause will be granted for the period of the excused delay, or longer, as may be mutually agreed upon.

13. Mortgagee Protection.

a. This Agreement shall be superior and senior to any lien placed upon the Property or any portion thereof after the date of recording this Development Agreement, including the lien of any deed of trust or mortgage ("Mortgage"). Notwithstanding the foregoing, no breach hereof shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Development Agreement shall be binding upon and effective against and shall run to the benefit of any person or entity, including any deed of trust beneficiary or mortgagee ("Mortgagee"), who acquires title or possession to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, lease termination, eviction or otherwise. The term "Mortgagee" shall include any holder of fee title to the Subject Property subject to a lease with option to

purchase.

b. Notwithstanding the provisions of Section 13(a), no Mortgagee shall have any obligation or duty under this Development Agreement to construct or complete the construction of improvements, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to any use except in full compliance with this Development Agreement nor to construct any improvements thereon or institute any uses other than those uses or improvements provided for or authorized by this Development Agreement.

c. If the City receives a notice from a Mortgagee requesting a copy of any notice of default given the Property Owner hereunder and specifying the address for service thereof, then the City agrees to use its best efforts to deliver to such Mortgagee, concurrently with service thereon to the Property Owner, any notice given to the Property Owner with respect to any claim by City that the Property Owner has committed an event of default, and if the City makes a determination of noncompliance hereunder, the City shall likewise use its best efforts to serve notice of such noncompliance on such Mortgagee concurrently with service thereon on the Property Owner. Each Mortgagee shall have the right during the same period available to the Property Owner to cure or remedy, or to commence to cure or remedy, the event of default claimed or the areas of noncompliance set forth in the City's notice. If a Mortgagee shall be required to obtain possession in order to cure any default, the time to cure shall be tolled so long as the Mortgagee is attempting to obtain possession, including by appointment of a receiver or foreclosure.

14. Estoppel Certificate. The Property Owner may, at any time, and from time to time, deliver written notice to the City requesting the City to certify in writing that, to the knowledge of the City, (a) this Agreement is in full force and effect and a binding obligation of the parties, (b) the Agreement has not been amended or modified either orally or in writing, and if so amended, identifying the amendments, and (c) that the Property Owner is not in default in the performance of its obligations under the Agreement, or if in default, to describe therein the nature and amount of any such defaults. The City agrees to cooperate with the Property Owner and to timely process such request in good faith and return same within ten (10) days of receipt. Either the City Manager or the Planning Director of City shall have the right to execute any certificate requested by the Property Owner hereunder.

///

///

IN WITNESS WHEREOF, the parties have signed this Development Agreement on the dates indicated below.

PROPERTY OWNER

McGRATH RENTCORP,
a California corporation

November 20, 2008
Date

By: RANDLE F. ROSE
SR. VICE PRESIDENT AND
Title: CHIEF ADMINISTRATIVE OFFICER

CITY OF LIVERMORE

November 24, 2008
Date

By: Linda Barton

Title: City Manager

Authorized by City Council Ordinance No. 1856

Attest:

Interim City Clerk, Susan Gibbs

Approved as to form:

~~Senior Assistant~~ City Attorney John J. Pomidor

* Notary acknowledgment required

Exhibits:

A	**Property Description (Parcel Map)**
B-1	**Allowable Uses (text)**
B-2	**Allowable Uses (maps)**
C-1	**Easement Dedication (Cross Section)**
C-2	**Aerial of Easement Dedication**

STATE OF CALIFORNIA }
COUNTY OF ALAMEDA } SS.
}

On November 24, 2008 before me, SUSAN GIBBS, INTERIM CITY CLERK,

personally appeared Linda Barton, City Manager,
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.

CORPORATE SEAL OF THE CITY OF LIVERMORE, CA.

Signature Susan Gibbs

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of Alameda

On NOV. 20, 2008 (Date) before me, Alexandra Castro, Notary Public (Here Insert Name and Title of the Officer),

personally appeared Randle F. Rose (Name(s) of Signer(s)),

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.

ALEXANDRA CASTRO
Commission # 1724297
Notary Public - California
Alameda County
My Comm. Expires Feb 9, 2011

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 Alexandra Castro (Signature of Notary Public)

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Development Agreement McGrath RentCorp

Document Date: 11/20/08 Number of Pages: 8

Signer(s) Other Than Named Above: None

Capacity(ies) Claimed by Signer(s)

Signer's Name: Randle F. Rose
- ☐ Individual
- ☒ Corporate Officer — Title(s): CAO, Sr. VP
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

Signer's Name: _____
- ☐ Individual
- ☐ Corporate Officer — Title(s): _____
- ☐ Partner — ☐ Limited ☐ General
- ☐ Attorney in Fact
- ☐ Trustee
- ☐ Guardian or Conservator
- ☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

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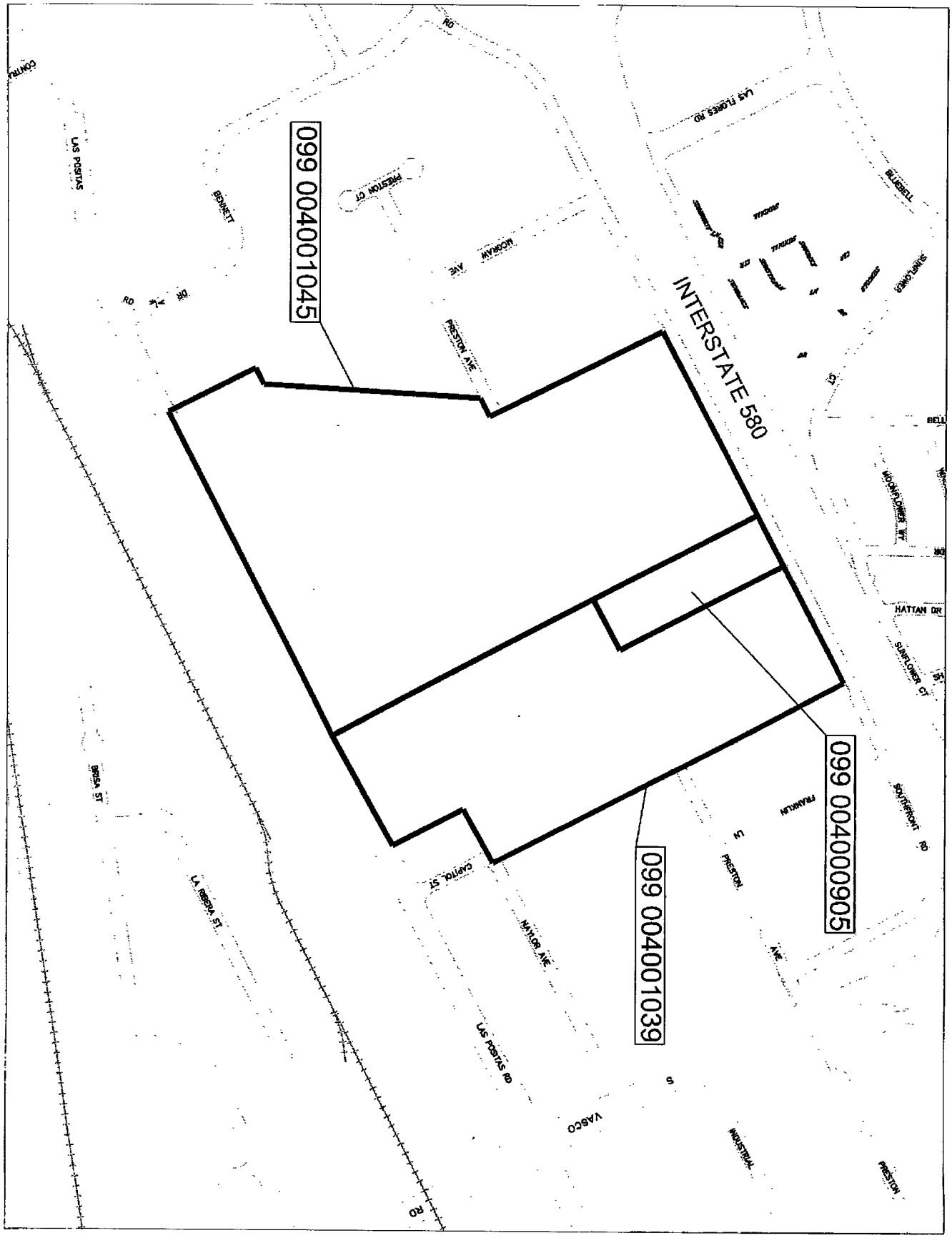


Exhibit A
Page 1 of 1

General Plan Land Use Designations for property located at 5698 and 5700 Las Positas Road (APN 099-004001045); 5327 and 5605 Southfront Road (APN 009-004000905); and 5698 and 5722 Naylor Road (APN 099-004001039) in the City of Livermore, County of Alameda

Service Commercial (SC) (.30 FAR)
Service Commercial uses, which support other activities in the Downtown, include auto sales and service, nurseries, home maintenance centers and wholesale establishments. This designation is applied to areas outside of the Downtown along major streets, in the general vicinity of freeway interchanges, or at other locations with significant access potential from the community at large.

High-Intensity Industrial (HII) (Maximum site coverage - .60)
Appropriate uses for this designation include manufacturing, warehousing, research and development facilities, recycling facilities, and heavy industry that uses, stores, or processes raw materials. The High-Intensity Industrial designation is intended to provide an insulated area for uses that may be objectionable in other areas due to noise, odors, vibration, glare or hazards. High-intensity industrial uses are concentrated between Patterson Pass Road and I-580, generally between Mines Road and Greenville Road.

LIVERMORE
CALIFORNIA

CS- COMMERCIAL SERVICE DISTRICT
Chapter 2-31

Sections:
2-31-010 Purpose.
2-31-020 Uses permitted.
2-31-030 Uses permitted with conditional use permit approval.
2-31-040 Minimum district size.
2-31-050 Minimum lot specifications.
2-31-060 Site plan approval.
2-31-070 Minimum frontage yard.
2-31-080 Maximum site coverage.
2-31-090 Maximum building height.
2-31-100 Off-street parking.
2-31-110 Fencing.

2-31-010 Purpose.

The purpose of the CS district is to provide areas for uses which support other activities in the central business district but because of their size, scale or relatively low pedestrian traffic generation are inappropriate for the CBD, including areas for high land demand, recreational, home improvement, repair services and auto-related uses. (Ord. 1336, 1990; Ord. 442 § 9.10)

2-31-020 Uses permitted.

The following uses are permitted subject to approval of any prerequisite permits and conformance to all applicable regulations set forth in this chapter, in LPZC Part 3, and elsewhere in the zoning code:

A. Automotive Sales, Services and Related Uses.
1. Automotive accessory shops.
2. Automotive dealers, excluding auto wrecking and salvage and gasoline sales.
3. Automotive repair, service and garages, excluding gasoline sales and sites adjacent to an R district, including body repair shops, motor rebuilding, paint shops, tire recapping and retreading, truck repair, and storage.
4. Trailer, boat, and RV sales, service and rental.
5. Car washing, excluding the retail sales of motor vehicle fuels.

B. Commercial Amusement and Entertainment Establishments (Generating Large Traffic Volumes).
1. Bowling alleys.
2. Miniature golf courses.
3. Skating rinks, ice and roller.
4. Tennis courts, outdoor, commercial.

C. Consumer Services.
1. Cocktail lounges.

2. Night clubs.
3. Restaurants, except fast foods.

D. Farm and Miscellaneous Equipment Sales and Service.
1. Commercial farm equipment sales, rental and repair.
2. Farm and dairy supply and equipment repair.
3. Feed sales.

E. Home Improvement.
1. Building materials (lumber yards).
2. Building materials and hardware.
3. Hardware only.
4. Paint, glass and wallpaper.
5. Floor and window coverings.
6. Carpentry shop or custom woodworking or custom furniture.
7. Food lockers, rental for individual households.
8. Spa and pool sales, supplies, service and repair.
9. Nursery sales (garden supply).

F. Miscellaneous Repair Services. Including only:
1. Business equipment and furnishings repair and service.
2. Household yard equipment and appliance repair and service.
3. Audio, video and computer repair and service.

G. Miscellaneous Service Uses with No Outdoor Storage.
1. Cleaning and janitorial service and supplies.
2. Locksmith.
3. Water purification and filtration.

H. Miscellaneous Service Uses with No Outdoor Storage and Not Adjacent to an R District.
1. Machine and welding shops.
2. Saw sharpening.
3. Stone cutting and products.
4. Glass and glass products.
5. Sheet metal.

I. Print and Graphics.
1. Heavy print shop, typesetting, lithograph, silk screening (of printed materials only).
2. Graphics and art services.
3. Sign company.
4. Blueprinting.
5. Nonretail photographic processing and printing.
6. Art services.

J. Rental Shops, Excluding Construction Equipment Rental. Including only:
1. Consumer-oriented rental shops including party furnishings, household tools and appliances, consumer scale garden equipment, auto-related equipment, etc.
2. Vending machine service.

K. Subcontractors and Contractors with No Outdoor Construction Vehicle Storage or Other Outdoor Storage.
1. Electrical.
2. Heating and air conditioning.
3. Flooring.
4. Plumbing and fire sprinkler.
5. Insulation.

6. Drywall.
7. Painting.
8. Landscaping, swimming pool installation.
9. Roofing.
10. Concrete and masonry.
11. Glass and glazing.
12. Similar contractors as determined by the zoning administrator.

L. Travel Accommodations.
1. Hotel.
2. Motel.

M. Accessory Uses, Structures and Buildings Related to Any Use Permitted.
1. Signs (Chapter 3-45 LPZC).
2. Retail certified recycler (where located within a building or fully screened from public view by a solid wall or fence).

N. And similar uses and any other retail business or service establishment determined by the zoning administrator to be of the same general character as the above uses. (Ord. 1689 § 1, 2003; Ord. 1538 § 1, 1998; Ord. 1423, 1994; Ord. 1336, 1990; Ord. 1287, 1988; Ord. 1239, 1987; Ord. 649 § 3, 1968; Ord. 442 § 9.20)

2-31-030 Uses permitted with conditional use permit approval.

The following uses are permitted subject to conditional use permit approval in addition to any other prerequisite permits and conformance to all applicable regulations set forth in this chapter and elsewhere in the zoning code:

A. Automotive Sales and Service.
1. Automobile service stations, including accessory car washing, subject to the requirements of LPZC 3-10-070.
2. Automotive repair, service and garages when the site is adjacent to an R district, including body repair shops, motor rebuilding, paint shops, tire recapping and retreading, truck repair, and storage.

B. Commercial Amusement and Entertainment (For Primarily Open Uses).
1. Golf courses.
2. Golf driving ranges.

C. Commercial Amusement and Entertainment (Generating Large Traffic Volumes).
1. Amusement parks, unlimited capacity.
2. Arenas, auditoriums or stadiums, unlimited capacity.
3. Drive-in theaters.
4. Theaters.

D. Consumer Services.
1. Fast foods.
2. Drive-in facilities.

E. Contract Construction.
1. Auto impoundment yards.
2. Building construction, general contractors and subcontractors with outdoor storage.

F. Construction and other large scale equipment rental.

G. Miscellaneous Service Uses When the Site Is Adjacent to an R District or with Outdoor Storage.
1. Machine and welding shops.
2. Saw sharpening.

3. Stone cutting and products.
4. Glass and glass products.
5. Sheet metal.

H. Travel Accommodations.
1. Travel trailer park.

I. Wholesale trade warehousing establishments.

J. Public and semi-public uses.

K. Wholesale certified recycler (where located within a building or fully screened from public view by a solid wall or fence).

L. Any land use that utilizes hazardous materials shall be subject to the regulations of Chapter 3-30 LPZC. Prior to approval, it must be found that the project includes sufficient safeguards to assure that the storage and use of the hazardous materials will be an acceptable risk as defined by Chapter 3-30 LPZC.

M. And similar uses and any other retail business or service establishment determined by the decisionmaking body approving the conditional use permit to be of the same general character as the above uses. (Ord. 1689 § 2, 2003; Ord. 1633 § 8, 2001; Ord. 1423, 1994; Ord. 1376, 1992; Ord. 1336, 1990; Ord. 1287, 1988; Ord. 1239, 1987; Ord. 1041, 1980; Ord. 442 § 9.21)

2-31-040 Minimum district size.

The minimum CS district size shall be two acres. (Ord. 442 § 9.30)

2-31-050 Minimum lot specifications.

A. Minimum Lot Size. There is no minimum requirement for lot size.

B. Minimum Street Frontage. There is no minimum requirement for street frontage; provided, any lot which does not have frontage on a street has an unobstructed easement of access having a width of not less than 25 feet. (Ord. 442 § 9.31)

2-31-060 Site plan approval.

Site plan approval shall be required prior to the development of any site, including the construction of any building, the establishment of any open land use, and the development of related off-street parking. (Ord. 948, 1978; Ord. 442 § 9.40)

2-31-070 Minimum frontage yard.

A. The minimum street frontage yard is 25 feet, which shall be developed and permanently maintained as a landscaped yard.

B. The minimum non-street frontage yard shall be required as follows:

1. No non-street frontage yard is required except where a parcel abuts a CO, CP, or R district, in which event any building or structure, other than a fence located on the property line, shall be set back from the CO, CP, or R district property line a distance of 25 feet. The setback area shall be landscaped.

2. All yards shall have open access to the street, which shall be unrestricted except by fences.

3. All yards and other open space shall be landscaped, surfaced, or otherwise maintained in a dust-free and fire-safe condition. (Ord. 948, 1978; Ord. 442 § 9.41)

2-31-080 Maximum site coverage.

The maximum allowable building site coverage shall be 50 percent. (Ord. 948, 1978; Ord. 442 § 9.42)

2-31-090 Maximum building height.

The height is limited to a maximum of 35 feet except as follows:

A. When a building site is within one-half mile of an airport runway, construction of buildings or other structures having a height in excess of 25 feet shall require approval of a conditional use permit, to be approved in conformance with recommendations of the Federal Aviation Administration.

B. Any building or structure may exceed the maximum building height, up to 50 feet, with a conditional use permit provided the zoning requirements and general plan policies, such as scenic corridor policies, are met. (Ord. 1810 § 1, 2007; Ord. 948, 1978; Ord. 442 § 9.43)

2-31-100 Off-street parking.

Off-street parking shall be provided for each use as set forth in Chapter 3-20 LPZC. (Ord. 948, 1978; Ord. 442 § 9.44)

2-31-110 Fencing.

A. Where a parcel abuts an R district, there shall be provided a masonry wall having a height of not less than six feet.

B. Fences or walls over three feet in height shall be prohibited within a required street frontage yard.

C. Exterior storage shall be screened from the public view by a masonry wall having a height of not less than six feet. No storage may exceed the height of the wall. Walls greater than 8 feet in height require the approval of a conditional use permit. (Ord. 1336, 1990; Ord. 442 § 9.45)

LIVERMORE
CALIFORNIA

I-3 – HEAVY INDUSTRIAL DISTRICT
Chapter 2-64

Sections:

2-64-010 Purpose.
2-64-020 Principal permitted uses.
2-64-030 Accessory uses.
2-64-040 Conditional uses.
2-64-050 Height regulations.
2-64-060 Area, width and yard requirements.
2-64-070 Lot coverage.
2-64-080 Other required conditions.

2-64-010 Purpose.

The purpose of the I-3 (Heavy Industrial) District is to provide an environment for and conducive to basic or primary industries and related industrial activities requiring the use and storage of bulk quantities of raw or scrap materials for processing to semi-finished or finished products. The district is intended to encourage sound heavy industrial development by providing and protecting areas within the city for such development, subject to regulations necessary to ensure the purity of the air and groundwater in the Livermore planning area, and the protection of nearby uses of land from hazards, noise, or other radiated disturbances. (Ord. 442 § 14B.10)

2-64-020 Principal permitted uses.

The following are the principal permitted uses in an I-3 District:

A. All of the uses permitted in the I-2 District.
B. Contractor's storage yards, truck terminals, or other open storage uses, when screened by a solid wall or fence, not to include vehicle dismantling yards, scrap or waste yards.
C. Recycle processor (provided outdoor storage is fully screened). (Ord. 1239, 1987; Ord. 442 § 14B.20)

2-64-030 Accessory uses.

The following are the accessory uses permitted in the I-3 District:

A. Signs complying with the regulations governing industrial districts in Chapter 3-45 LPZC.
B. Accessory uses and buildings customarily appurtenant to a permitted use.
C. Living quarters determined by the zoning administrator to be necessary for surveillance purposes.
D. Off-street parking and loading spaces in accordance with Chapter 3-20 LPZC.

E. Fuel stations subject to the requirements of LPZC 3-10-070(C). (Ord. 1423, 1994; Ord. 442 § 14B.30)

2-64-040 Conditional uses.

The following uses are permitted subject to conditional use permit approval in addition to any other prerequisite permits and conformance to all applicable regulations set forth in this chapter and elsewhere in the Livermore Planning and Zoning Code (LPZC):

A. Public and quasi-public uses.
B. Motels, fast-food businesses, banks, personal services, or goods reasonably required for the convenience and support of occupants of uses in the surrounding I District(s).
C. Manufacturing, assembly, processing, storage, or packaging of products involving chemicals, petroleum, and heavy agricultural products.
D. Vehicle dismantling yards, scrap and waste yards.
E. Any land use that utilizes hazardous materials shall be subject to the regulations of Chapter 3-30 LPZC. Prior to approval, it must be found that the project includes sufficient safeguards to assure that the storage and use of the hazardous materials will be an acceptable risk as defined by Chapter 3-30 LPZC.
F. Any uses determined by the decision making body approving the conditional use permit to be similar to, ancillary to, or compatible with those listed in the permitted or conditional use category of this District. (Ord. 1633 § 18, 2001; Ord. 1376, 1992; Ord. 442 § 14B.40)

2-64-050 Height regulations.

The height is limited to 45 feet, except that with a conditional use permit the height may be increased up to a maximum of 100 feet. (Ord. 442 § 14B.50)

2-64-060 Area, width and yard requirements.

The following minimum requirements shall be observed, except where increased for conditional uses:

A. Lot Area. Twenty thousand (20,000) square feet.
B. Width. One hundred (100) feet.
C. Yards.
    1. Front or Street Side. Thirty-five (35) feet on major streets, 30 feet on frontage roads, and 15 feet on interior streets.
    2. Rear and Side. None, except when adjoining an R District or an OS District designated for future residential use in the General Plan (unless separated by a public street), then not less than 25 feet. For buildings more than 40 feet high, the yard requirements shall be 20 feet.
D. Use of Yard Areas. The following uses only shall be made of yard areas and then only if such uses are otherwise permissible pursuant to the provisions of this chapter:
    1. Landscaping shall be regulated by the following requirements:

a. All required yards adjacent to streets shall be landscaped, except for driveways and sidewalks which are found to be necessary for the efficient use of the property.
b. In the case of a parking lot being located between the building and the street, the landscaped strip adjacent to the street, required by subsection (D)(1)(a) of this section, may be reduced by 5 feet, provided a landscaped strip 5 feet wide is added to the landscaped planter adjacent to the street side of the building.
c. A landscaped strip of land, at least 25 feet wide, shall be maintained along any property line where an I-3 District abuts an R District or an OS District designated for future residential use in the General Plan.
d. All landscaping shall be carried out in accordance with the landscaping plan approved by the City, and such landscaping shall be installed and maintained in such a manner so as to prevent the viewing of outdoor storage, parking and loading areas from contiguous residential properties, insofar as is practicable.
e. In any case where the building frontage is visible from the street, a minimum 5-foot landscaped strip abutting the foundation shall be included, allowing for necessary entrances.

2. Driveways.
3. Sidewalks.
4. Exterior Storage. Exterior storage shall not be allowed adjacent to a public street or freeway. Exterior storage shall be screened from the public view by a suitable fence, wall or berm not exceeding 15 feet in height, with stored material kept below the top of such screen. (Ord. 442 § 14B.60)

2-64-070 Lot coverage.

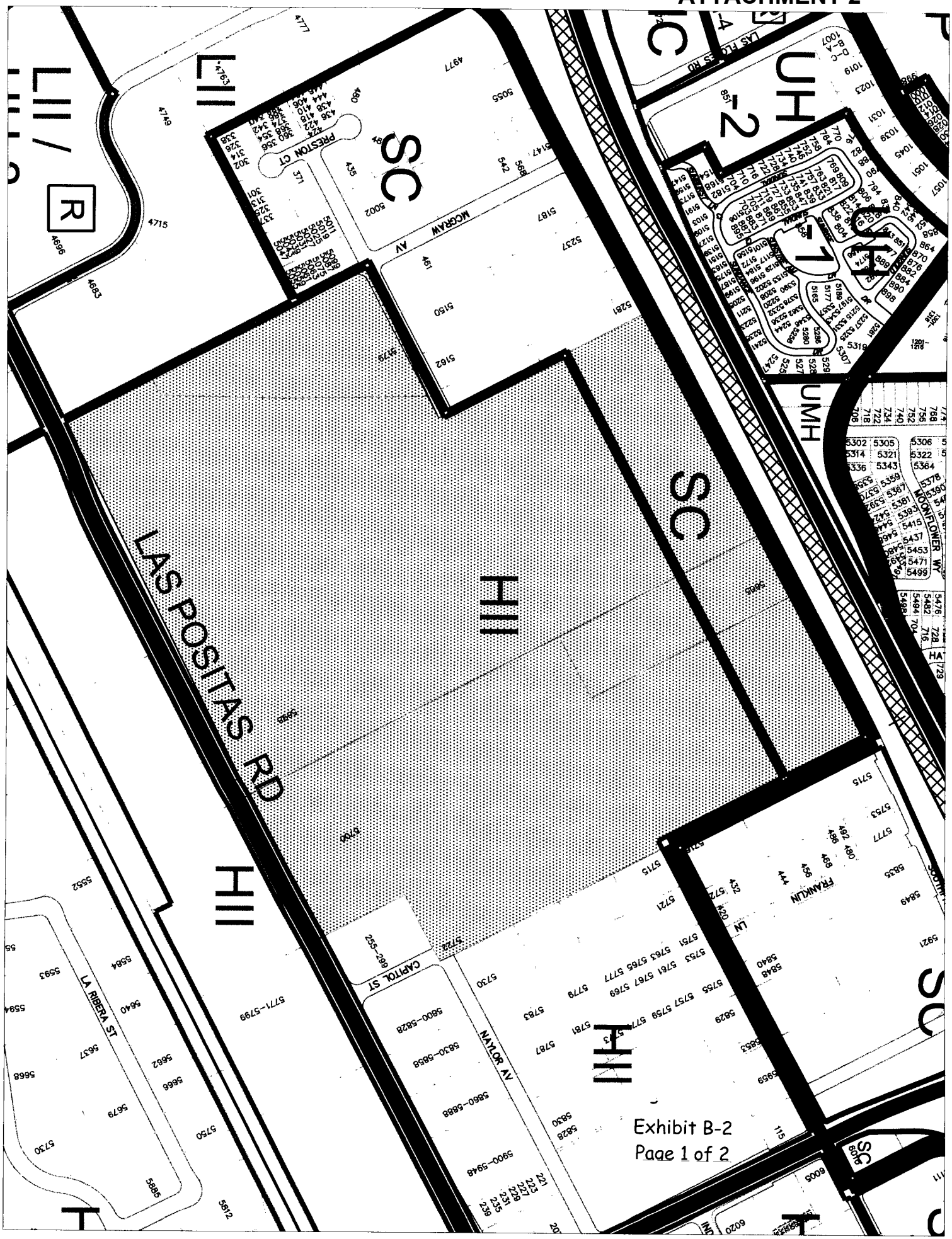
The building coverage maximum shall be 60 percent. (Ord. 442 § 14B.70)

2-64-080 Other required conditions.

The following additional conditions shall apply to an I-3 District:

A. Site plan and design review approval are required prior to the development of any site, including the construction of any buildings or the establishment of any open use.
B. The following performance standards will be required in the district:
   1. Air Pollution. All uses shall comply with regulations of the San Francisco Bay Area Air Pollution Control District.
   2. Noise. No use shall be permitted which creates an ambient noise level greater than 75 decibels (dba) beyond the boundaries of the site, nor greater than 60 decibels at the boundary of an R district.
   3. Vibration, Heat, Glare, Electrical Disturbance. No use shall be permitted which creates vibrations, heat, glare, or electrical disturbances beyond the boundaries of the site. Lighting used to illuminate buildings, structures, uses, or parking and loading areas shall not be directed toward any public right-of-way.
   4. Fire, Explosion. All uses shall provide adequate safety devices and adequate fire fighting and fire suppression equipment to protect against fire, explosion, and other hazards.

5. Solid and Liquid Wastes. No solid or liquid waste discharges, other than into a public sewage disposal system, shall be permitted. The chemical composition and volume of industrial effluent discharged shall be subject to the waste water permit requirements established by LMC Title 13, Division II. (Ord. 442 § 14B.80)


LII / R
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MCGRAW AV
LAS POSITAS RD
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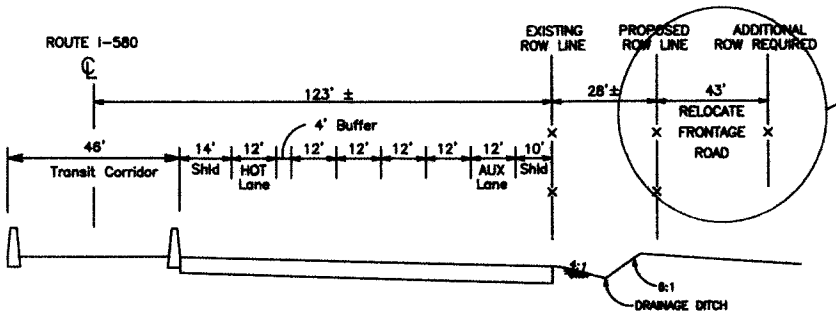
UH
UMH
SUNFLOWER WY
CAPITOL ST
NAYLOR AV
LA RIBERA ST
FRANKLIN
Exhibit B-2
Page 1 of 2



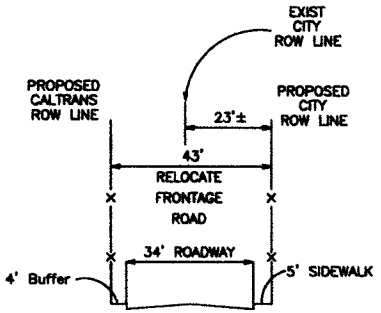
Exhibit B-2
Page 2 of 2

ATTACHMENT 2

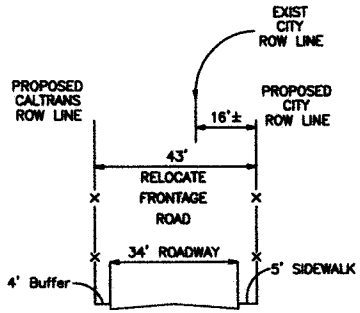
Exhibit C-1
Page 1 of 1



RIGHT OF WAY PRESERVATION – MCGRATH RENTCORP
TYPICAL CROSS SECTION
NOT TO SCALE



APN 099-40-10-34
ADDITIONAL ROW DETAIL



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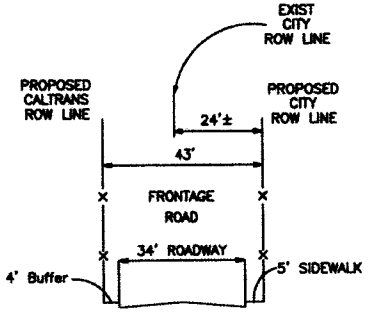


APN 099-40-10-39
ADDITIONAL ROW DETAIL

I-580 LAYOUT
TYPICAL CROSS SECTIONS 222+50 to 228+40+

June 30, 2008

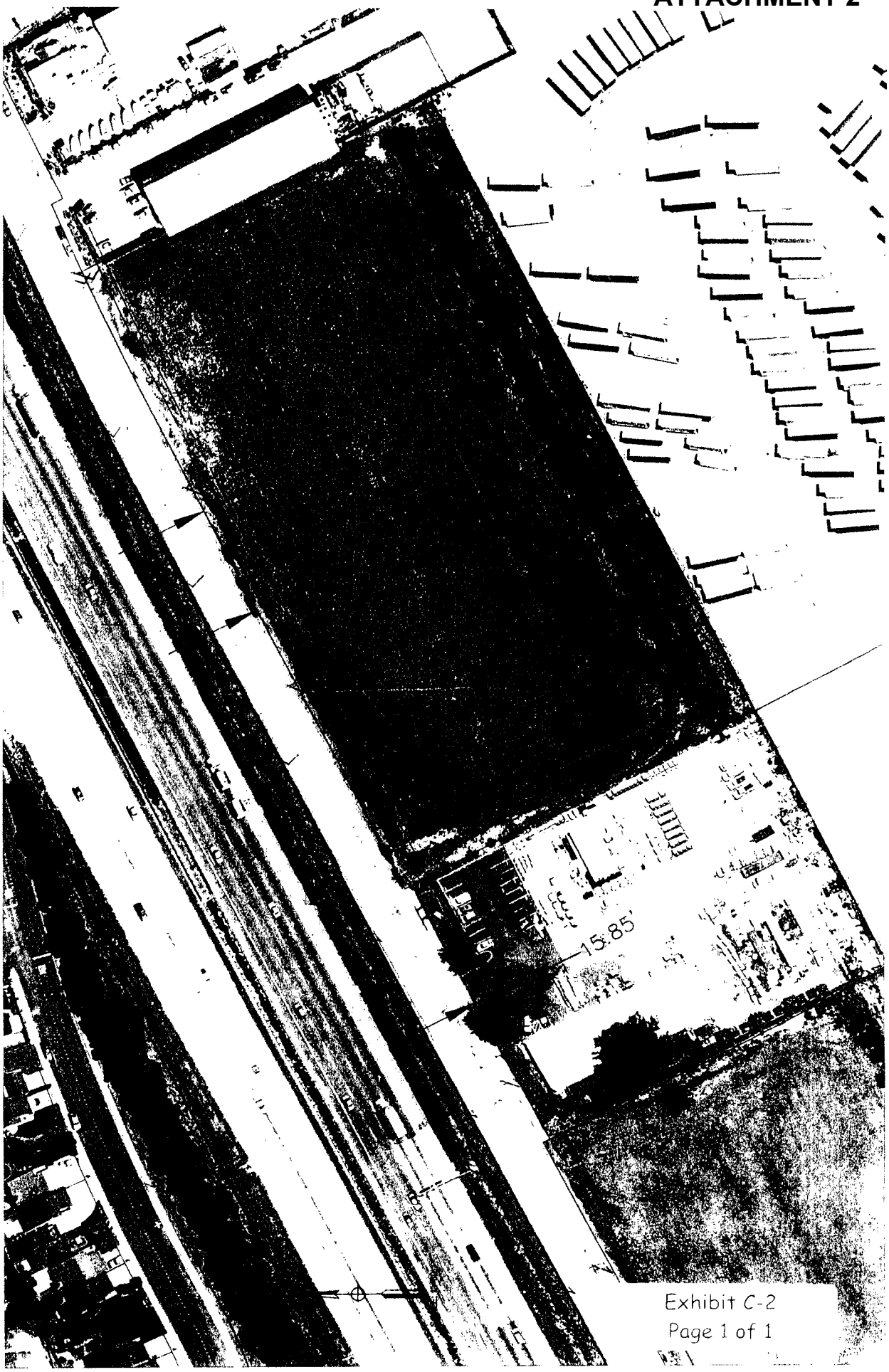


Exhibit C-2
Page 1 of 1

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THE CITY COUNCIL FIND THAT THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT 08-002 (DAA 26-002) WITH MCGRATH RENTCORP IS EXEMPT UNDER CEQA GUIDELINES SECTIONS 15301 AND 15061(B)(3)

In 2021, the City Council directed City staff to begin preparing a comprehensive update to Livermore's 2003 General Plan. The updated General Plan is known as General Plan 2045.

General Plan 2045 identifies several Focus Areas where future land use changes are anticipated, including the Midtown Specific Plan Area ("Midtown"), which is envisioned as a future mixed-use area that balances housing, commercial, office, and industrial uses.

McGrath RentCorp ("McGrath" or the "Property Owner") owns approximately 130 acres generally located between Southfront Road and Las Positas Road and operates an existing mobile modular commercial-industrial business on the property.

The 130-acre site is made up of numerous parcels located at 5605 and 5327 Southfront Road and 5700, 5699 and 5698 Las Positas Road with the following APNs: 99-40-72, 99-40-73, 99-40-74, 99-40-75, 99-40-76, 99-40-77, 99-40-78, 99-40,79 and 99-40-80.

McGrath and the City are parties to Development Agreement 08-002, originally approved in 2008 ("Original Agreement"), which vested McGrath's commercial and industrial land use rights through 2029 in exchange for dedication of Bay Area Rapid Transit right-of-way.

Following City Council direction on February 24, 2025, City staff negotiated with McGrath regarding a proposed amendment to the Original Agreement. McGrath has agreed to the proposed terms of the First Amendment to Development Agreement 08-002 ("Amended Agreement" or "Project") (DAA 26-002).

The proposed Amended Agreement would establish a framework for future planning and development of the McGrath property in relation to Midtown, allow McGrath's existing industrial use to continue, extend the Development Agreement term through 2059, adjust the Development Agreement boundary, secure McGrath's support for future residential planning, and require conveyance of the northern approximately 40 acres to a high-value commercial user, subject to City approval.

The Amended Agreement does not approve a development project, authorize construction, approve site-specific development plans, or allow physical changes to the property. Future development projects would remain subject to applicable discretionary approvals, development standards, and environmental review.

The California Environmental Quality Act ("CEQA") requires public agencies to evaluate the potential environmental effects of discretionary projects before approving or carrying out such projects, unless the activity is not a project or is otherwise exempt from

CEQA.

City staff reviewed the proposed Amended Agreement and determined that it is exempt from CEQA pursuant to CEQA Guidelines Sections 15301, Existing Facilities, and 15061(b)(3), Common Sense, because the Amended Agreement would allow continuation of an existing use and would not authorize any physical development or activity that could result in a significant effect on the environment.

On July 7, 2026, the Planning Commission held a duly noticed public hearing to consider the Agreement, the CEQA determination, staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public meeting, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project, 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, by the Planning Commission of the City of Livermore, that based on its independent review of the Record Evidence and considerations, it hereby recommends that the City Council finds that the Amended Agreement is exempt from CEQA pursuant to CEQA Guidelines Sections 15301 and 15061(b)(3). The Planning Commission makes the following findings:

1. Section 15301: The Amended Agreement qualifies for the Existing Facilities exemption under CEQA Guidelines Section 15301, which applies to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The key consideration is whether the project involves negligible or no expansion of use. This Exemption shall not apply to any projects that meet any of the following Exceptions, as specified in CEQA Guidelines Section 15300.2:

    a. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.
    b. Significant Effect Due to Unusual Circumstances. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.
    c. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

d. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.
e. Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Response: The Amended Agreement is limited to facilitating the continuation of existing operations and does not authorize expansion of facilities, new construction, or intensification of use. The Amended Agreement does not authorize any physical development, construction activity, or site disturbance on the property; rather, it establishes vested rights and procedural requirements for future discretionary approvals, including subsequent implementing entitlements, all of which will undergo their own CEQA review at the appropriate time. No unusual circumstances exist that would create a reasonable possibility of a significant environmental effect, and the administrative and procedural nature of the Amended Agreement ensures that no physical change to the environment will occur as a result of its approval. Because the Amended Agreement facilitates continuation of existing uses, the Class 1 Existing Facilities Exemption applies. Further, none of the Section 15300.2 Exceptions apply based on the following analysis:

- Section 153002(b) Cumulative Impact: This exception does not apply given the Amended Agreement would only facilitate the continuation of the existing use on the site and does not include authorization for site-specific designs or proposals to develop any new specific project.
- Section 153002(c) Significant Effect Due to Unusual Circumstances: This exception does not apply given the Amended Agreement would only facilitate the continuation of the existing use on the site and does not include authorization for site-specific designs or proposals to develop a specific project.
- Section 153002(d) Scenic Highways: According to the California Department of Transportation (Caltrans) California Scenic Highway Mapping System, the nearest eligible designated state scenic highway to the project site is a segment of Interstate-580, adjacent to the northern boundary of the site. This exception includes “damage to a scenic resource.” Given the Amended Agreement would only allow for the continuation of the existing use on the site and would not allow site-specific designs or proposals to develop a specific project, it would not damage existing views provided from the highway.
- Section 153002(e) Hazardous Waste Sites: California Government Code Section 65962.5 requires the compiling of lists of hazardous materials sites. The required lists of hazardous material release sites are commonly referred to as the “Cortese List,” named for the author of the legislation. In a review of the following environmental data resources regarding the facilities or sites identified as meeting the “Cortese List” requirements compiled by CalEPA, the site is not on the “Cortese List.”
    - EnviroStor. Department of Toxic Substances Control-Hazardous

Waste and Substances Site List (Corteste)
    - GeoTracker. List of Leaking Underground Storage Tank Sites from the State Water Board's GeoTracker database
    - Water Board. List of solid waste disposal sites identified by Water Board with waste constituents above hazardous waste levels outside the waste management unit
    - List of Site Cleanup Program Sites on the Cortese List from the Water Boards
    - Hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code
- Section 153002(f) Historical Resources: This exception does not apply given the Amended Agreement would only allow for the continuation of the existing use on the site and would not result in the demolition or alteration of any historical resource.

2. Section 15061(b)(3): The Amended Agreement qualifies for the common sense exemption under CEQA Guidelines Section 15061(b)(3), which applies where an activity can be seen with certainty to have no possibility of causing a significant effect on the environment.

   Response: The Amended Agreement does not authorize any physical development, construction activity, or site disturbance on the property; rather, it establishes vested rights and procedural requirements for future discretionary approvals, including subsequent implementing entitlements, all of which will undergo their own CEQA review as necessary. No unusual circumstances exist that would create a reasonable possibility of a significant environmental effect, and the administrative and procedural nature of the Amended Agreement ensures that no physical change to the environment will occur as a result of its approval.

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

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends that the City Council direct the Planning Manager to file a Notice of Exemption 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 Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of July 7, 2026, by the following vote:

AYES:
NOES:

ABSENT:

Tracy Kronzak, Chairperson

By Stephen Riley, Planning Manager
Secretary to the Planning Commission

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT 08-002 (DAA 26-002) WITH MCGRATH RENTCORP

In 2021, the City Council directed City staff to begin preparing a comprehensive update to Livermore's 2003 General Plan. The updated General Plan is known as General Plan 2045.

General Plan 2045 identifies several Focus Areas where future land use changes are anticipated, including the Midtown Specific Plan Area ("Midtown"), which is envisioned as a future mixed-use area that balances housing, commercial, office, and industrial uses and would be implemented through a future specific plan following adoption of General Plan 2045.

McGrath RentCorp ("McGrath" or the "Property Owner") is the largest single property owner within Midtown. McGrath owns approximately 130 acres generally located between Southfront Road and Las Positas Road and operates a mobile modular commercial-industrial business on the property.

The 130-acre project site is made up of numerous parcels located at 5605 and 5327 Southfront Road and 5700, 5699 and 5698 Las Positas Road with the following APNs: 99-40-72, 99-40-73, 99-40-74, 99-40-75, 99-40-76, 99-40-77, 99-40-78, 99-40,79 and 99-40-80.

McGrath and the City are parties to Development Agreement 08-002, originally approved in 2008 ("Original Agreement"), which vested McGrath's commercial and industrial land use rights through 2029 in exchange for dedication of Bay Area Rapid Transit right-of-way. The Original Agreement did not approve a specific development project; instead, it vested the commercial and industrial land uses in effect at the time of adoption, with future development projects remaining subject to applicable permits, entitlements, and approvals.

From 2021 to 2022, City staff conducted outreach to property owners within Midtown, consistent with the City's standard practice when considering land use changes in a defined planning area.

Through those discussions, McGrath and the City did not reach agreement regarding inclusion of the McGrath property in Midtown, the appropriate future mix of uses and residential densities, or an approach that addressed both the City's long-term planning objectives and the Property Owner's interests. McGrath subsequently submitted written correspondence to the City Council expressing opposition to the Midtown plan.

On February 24, 2025, the City Council directed staff to work with McGrath, seek a compromise, and return with a solution that would advance the goals of both parties.

Following that direction, City staff negotiated with McGrath regarding a proposed amendment to the Original Agreement. McGrath has agreed to the proposed terms of the First Amendment to Development Agreement 08-002 ("Amended Agreement" or "Project") (DAA 26-002). The Amended Agreement is attached as Exhibit A.

The proposed Amended Agreement would establish a framework for future planning and development of the McGrath property in relation to Midtown; allow McGrath's existing industrial use to continue; clarify that future development projects remain subject to applicable design review, entitlement, environmental review, and other regulatory requirements; secure McGrath's support for future residential planning on the property; require conveyance of the northern approximately 40 acres to a high-value commercial user, subject to City approval; extend the Development Agreement term through 2059; and adjust the Development Agreement boundary to remove the northern commercial parcel and add property under McGrath ownership south of Las Positas Road.

The proposed Amended Agreement is related to a proposed General Plan 2045 land use map change that would retain the southern approximately 90 acres of the McGrath property within Midtown and designate the northern approximately 40-acre parcel as Service Commercial to support the contemplated conveyance to a high-value commercial user and facilitate establishment of a commercial employment center adjacent to Midtown.

The City received an application from McGrath to amend Development Agreement 08-002 (DAA 26-002) in accordance with Livermore Development Code Chapter 9.04.

California Government Code Sections 65864 through 65869.5, as implemented by Livermore Development Code Chapter 9.04, authorize local agencies and private property owners to enter into development agreements to vest certain development rights and achieve local public purpose objectives.

On July 7, 2026, the Planning Commission held a duly noticed public hearing to consider the proposed Amended Agreement, staff recommendations, public comments and testimony, and the findings required for the proposed action.

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 Livermore Planning Commission has considered the Record Evidence and adopted a separate resolution recommending the City Council adopt a resolution finding the Project to be exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Existing Facilities and 15061(b)(3) Common Sense.

BE IT FURTHER RESOLVED, with respect to the Amended Agreement, the Planning Commission finds based upon the information presented that:

1. The Amended Agreement provides benefit to the City.

Findings: The Amended Agreement provides substantial public benefits to the City by supporting implementation of General Plan 2045 and advancing the City's long-term planning objectives for the Midtown Specific Plan Area. The Amended Agreement secures McGrath RentCorp's support for future residential planning on the McGrath property, including potential Medium Density Residential (MDR) 4 (18-22 dwelling units per acre) and High Density Residential (HDR) 1 (23-30 dwelling units per acre) residential densities through a future Midtown Specific Plan or other zoning action. This support provides a viable path for future housing opportunities on the property and affords the City additional flexibility for Regional Housing Needs Allocation planning, including potential use of the site for Net Loss units in the Sixth RHNA Cycle or as a Housing Inventory site in the Seventh or Eighth RHNA Cycle.

The Amended Agreement also facilitates conveyance of the northern approximately 40 acres of the McGrath property to a high-value commercial user, subject to City approval. This provision supports economic development objectives by encouraging the establishment of a commercial employment center adjacent to the future Midtown Specific Plan Area. The prospective commercial use is expected to generate approximately $900,000 to $1 million in annual tax revenue and approximately 400 to 600 jobs, thereby supporting the City's fiscal health, employment base, and ability to fund public services. In addition, the Amended Agreement allows the City to move forward with mixed-use Midtown policies and land use designations in the General Plan 2045 while allowing McGrath's existing industrial use to continue in the near term.

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

   Findings: The Amended Agreement is consistent with the General Plan 2045 because it supports the formation of the Midtown Specific Plan Area as a future mixed-use district that balances housing, commercial, office, and industrial uses. Although the Amended Agreement does not approve a development project or apply new residential designations at this time, it establishes a framework for future planning and development of the McGrath property in relation to Midtown, secures Property Owner support for future residential planning, and facilitates commercial development that would contribute to the City's long-term economic and fiscal objectives.

   The Amended Agreement implements and is consistent with General Plan 2045 Policy LU-15.1, which calls for creation of a Midtown mixed-use environment that balances housing, commercial, office, and industrial uses; Policy LU-15.5, which calls for job opportunities in Midtown through industrial and office uses; Policy ED-4.1, which supports a balanced mix of residential, commercial, and industrial development to maintain a sustainable tax base; Policy ED-5.1, which calls for land use designations that provide sufficient capacity for economic growth in Livermore; and Policy ED-5.2, which supports a land use mix that generates stable, long-term revenues to fund City services.

   The Amended Agreement is also consistent with the related General Plan 2045 land

use map change. Under that change, the southern approximately 90 acres of the McGrath property would remain within the Midtown Specific Plan Area, while the northern approximately 40-acre parcel would be designated Service Commercial to support the contemplated conveyance to a high-value commercial user. The Amended Agreement does not conflict with any applicable specific plan because the Midtown Specific Plan has not yet been adopted. Future development proposals on the property would remain subject to applicable General Plan, specific plan, zoning, design review, entitlement, environmental review, and Development Code requirements.

3. The Amended Agreement complies with the requirements of Government Code Sections 65864 through 65869.5.

   Findings: The Amended Agreement complies with the applicable requirements of Government Code Sections 65864 through 65869.5 and Livermore Development Code Chapter 9.04, which authorize local agencies and private property owners to enter into development agreements to vest certain development rights and achieve local public purpose objectives. The Amended Agreement specifies the duration of the Agreement, the permitted uses of the property, applicable development density provisions, terms and timing for conveyance of the northern commercial property, subsequent approval requirements, and other terms required for development agreements under California law.

   Review and approval of the Amended Agreement have been conducted in accordance with applicable statutory and local requirements, including consideration by the Planning Commission at a duly noticed public hearing. If approved by the City Council, the Amended Agreement will be adopted by ordinance and recorded with the Alameda County Recorder in accordance with Government Code Sections 65864 through 65869.5 and Livermore Development Code Chapter 9.04. The Agreement will also remain subject to periodic review at least every 12 months to confirm good faith compliance with its terms, as required by Livermore Development Code Section 9.04.070.

BE IT FURTHER RESOLVED that the Livermore Planning Commission, based upon its own independent review of the Record Evidence and considerations, and based on the above findings which are necessary to protect the public health, safety, and general welfare, hereby recommends the City Council adopt an Ordinance approving the First Amendment to Development Agreement 08-002 (DAA 26-002) with McGrath RentCorp, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends the City Council direct the City Clerk to record with the Alameda County Recorder a copy of the Amended Agreement within 10 days of the City entering into the Agreement.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends the City Council direct the Planning Manager to periodically review the terms of the Amended Agreement at least every 12 months per Development Code section 9.04.070, and ensure the Applicant or Successor is demonstrating good faith compliance with the terms of the

Amended Agreement.

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

On the motion by Commissioner _____, seconded by Commissioner _____, the foregoing Resolution was adopted at the Planning Commission meeting of July 7, 2026, by the following vote:

AYES:
NOES:
ABSENT:

Tracy Kronzak, Chairperson

by Stephen Riley, Planning Manager
Secretary to the Planning Commission

Exhibit A – Development Agreement Amendment (DAA) 26-002

RECORDING REQUESTED BY
and When Recorded Mail To:

City Clerk, City of Livermore
1052 South Livermore Avenue
Livermore, California 94550

This document is exempt from payment of a recording fee pursuant to California Government Code Section 27383.

Recorder's Stamp

FIRST AMENDMENT TO DEVELOPMENT AGREEMENT
(McGrath RentCorp)

This FIRST AMENDMENT TO DEVELOPMENT AGREEMENT (this "**First Amendment**"), dated as of _____, 2026 ("**First Amendment Reference Date**"), is entered into by and between the CITY OF LIVERMORE, a municipal corporation existing under the laws of the State of California (the "**City**"), and MCGRATH RENTCORP, a California corporation ("**Property Owner**" or "**McGrath**"), with reference to the following facts and circumstances:

RECITALS

This First Amendment is based on the following facts:

A. The City is authorized by California Government Code section 65864 et seq. ("**Development Agreement Statute**") and Livermore Development Code Chapter 9.04 to execute and amend Development Agreements in order to vest certain rights in the Developer, and to meet certain public purposes of the local government, as set forth in those laws.

B. The City and Property Owner are parties to that certain Development Agreement dated November 24, 2008, and recorded in the Official Records of Alameda County as Document No. 2009009356 on January 15, 2009 (the "**Original Development Agreement**"). The Livermore City Council approved the Original Development Agreement by Ordinance No. 1856 at a regular meeting of the City Council on December 8, 2008. All capitalized terms used but not defined herein shall have the meanings assigned to them in the Original Development Agreement.

C. Pursuant to the terms of the Original Development Agreement, the Property Owner is authorized to develop and use the Property, as defined in Recital B of the Original Development Agreement, consistent with the General Plan land use designations of High Intensity Industrial (HII) and Service Commercial (SC) and the Heavy Industrial (I-3) zoning district as they exist as of the

Effective Date of the Original Development Agreement and as shown on Exhibit B-1 and Exhibit B-2 of the Original Development Agreement.

D. The term of the Original Development Agreement is twenty (20) years from the effective date of the Original Development Agreement and will expire on January 9, 2029 ("**Original Term**"), unless extended. Pursuant to Section 3 of the Original Development Agreement, the term may be extended by mutual agreement of the City and Property Owner.

E. Since the adoption of the Original Development Agreement, Bay Area Rapid Transit ("**BART**") has declined to extend service to the City, necessitating changes to the planning assumptions underlying the Original Development Agreement and supporting the amendments set forth herein.

F. Property Owner is in active negotiations with a commercial user that would acquire and operate on the approximately 37-acre northernmost portion of the Property, located generally between the Preston Road alignment and Southfront Road, as generally shown on Exhibit 2 attached hereto and incorporated herein by this reference (the "**Commercial Area**"). The Parties acknowledge that occupation of the Commercial Area by such commercial user would render the area unusable by the Property Owner, necessitating the removal of the Commercial Area from the Property that is subject to the Original Development Agreement and this First Amendment. The Parties further acknowledge that the commercial user would generate substantial tax revenues, provide substantial local jobs, and create other public benefits for the City.

G. On July ____, 2026, the City Council certified the Livermore 2045 General Plan Environmental Impact Report and adopted the Livermore General Plan 2045. The City's 2045 General Plan land use designation for the Commercial Area is Commercial Service (CS) and the Commercial Area is zoned Commercial Service (CS), which authorizes commercial uses. The Parties acknowledge that the Commercial Area will not be included within the Property subject to the Original Development Agreement after this First Amendment is operative pursuant to Section 4 of this First Amendment, or within the Midtown Specific Plan Area as delineated in the 2045 General Plan Land Use Map. In light of the City's economic development, revenue, and employment objectives for the Commercial Area, Property Owner agrees that the City's approval of any proposed transferee of the Commercial Area shall be required as provided in this First Amendment.

H. Property Owner owns certain lands located south of Las Positas Road, identified with Assessor Parcel Numbers (APNs) 99-40-72 and 99-40-80, as shown on Exhibit 1 attached hereto and incorporated herein by this reference (the "**Southern Parcels**"). The Southern Parcels were not included within the Property subject to the Original Development Agreement. If the Commercial Area is conveyed to and occupied by a commercial user, Property Owner requires additional area to continue its existing operations and therefore desires to include the Southern Parcels within the Property subject to the Original Development Agreement, as amended by this First Amendment, to provide operational continuity.

I. The City's 2045 General Plan established the Midtown Specific Plan Area, which includes the Property and the Southern Parcels, and includes policies calling for the preparation of a future mixed-use specific plan for that area. The City desires the Property and the Southern Parcels to

transition over time to a mixed-use district that includes housing. Property Owner supports that future planning objective and acknowledges that the City desires for the Property to transition over time.

J. The City's 2045 General Plan further provides that existing land uses within the Midtown Specific Plan Area may continue as legal land uses unless such land use is no longer authorized pursuant to the City's adoption of the future Midtown Specific Plan. Notwithstanding the foregoing, the Parties acknowledge that the Property Owner is authorized to develop and use the Property and the Southern Parcels pursuant to the General Plan land use designation of High Intensity Industrial (HII) and the Heavy Industrial (I-3) zoning district as they exist as of the Effective Date of the Original Development Agreement pursuant to Property Owner's vested rights under the Original Development Agreement and this First Amendment.

K. By this First Amendment, the Parties desire to amend the Original Development Agreement to extend the term of the Original Development Agreement, modify the boundaries of the Property subject to the Original Development Agreement, facilitate continued operation of Property Owner's existing business, acknowledge the 2045 General Plan and Midtown Area planning objectives, and ensure that the Commercial Area is conveyed to and occupied by a high-value commercial user.

L. The City Council has found that this First Amendment is in the public interest and will provide substantial public benefits, including preserving existing jobs and tax revenues, supporting the 2045 General Plan and Midtown Area planning objectives, facilitating operational flexibility for Property Owner's existing business, and ensuring that the Commercial Area may be occupied by a high-value commercial or other City-approved user that would generate significant tax revenues and jobs for the City.

M. The City has considered whether the California Environmental Quality Act ("**CEQA**"), Public Resources Code §21000 *et seq*., applies to this First Amendment. Pursuant to CEQA and following review and consideration by the City's Planning Commission, the City Council determined that this First Amendment is exempt from the requirements of CEQA pursuant to CEQA Guidelines Sections 15061(b)(2) and (3) and 15301. On _____, the City Council of the City of Livermore held a duly noticed public hearing and adopted Ordinance No. ____, approving this First Amendment ("**Enacting Ordinance**"), in accordance with the Development Agreement Statute and the City's Development Agreement Procedures.

AGREEMENT

NOW THEREFORE, the Parties hereby agree that the aforementioned recitals are true and correct, and further agree to amend the Original Development Agreement as follows:

1. **Adjusted Property**. The definition of "Property" set forth in Recital B of the Original Development Agreement, and which is more specifically described in Exhibit A to the Original Development Agreement, is hereby amended and restated in its entirety to add the Southern Parcels and remove the Commercial Area from the defined Property under the Original Development Agreement, as follows:

The Property Owner is the owner of the approximately 96 acres of real property consisting of the property generally located south of Las Positas Road with APNs 99-40-72 and 99-40-80 and on portions of the property with APNs 99-40-73 and 99-40-74 extending from Las Positas Road northerly to a line extending across the site at the same general latitude as the existing Preston Avenue right-of-way, as generally shown in Exhibit 1. The Owner of the Property is McGrath RentCorp.

Exhibit A to the Original Development Agreement is hereby deleted and replaced by Exhibit 1 attached hereto. Prior to or following the completion of the Commercial Area Transfer (as defined in Section 4(a) of this First Amendment below), Property Owner will give notice to the City and the Parties shall execute and record an Amended and Restated First Amendment to Development Agreement ("**Amended and Restated First Amendment**") that includes an updated Property description that reflects the adjusted Property. This Amended and Restated First Amendment is intended only to capture the changes to the property description and APNs that shall occur due to subdivision of the Commercial Area, which is necessary to facilitate the Commercial Area Transfer. The City Manager shall have the authority to execute the Amended and Restated First Amendment on behalf of the City, provided that the Amended and Restated First Amendment is limited to that purpose described above and does not include material changes to the Original Development Agreement or this First Amendment.

2. **Extension of Term**. The City and Property Owner hereby agree to extend the Original Term of the Original Development Agreement by thirty (30) years from the date that would otherwise constitute the expiration of the Original Term (as extended, the "**Term**"). For the avoidance of doubt, the Term, as extended by this First Amendment, expires on January 9, 2059. All vested development rights, obligations, and other provisions of the Original Development Agreement that are coextensive with the Original Term shall continue in full force and effect for the Term.

3. **Property Owner Obligations**. Section 4 (Property Owner Obligations) of the Original Development Agreement is hereby amended and restated in its entirety as follows:

(a) Conveyance of Commercial Area.

(i) Required Conveyance. Property Owner shall convey fee title to the Commercial Area no later than January 15, 2027 (the "**Commercial Area Conveyance Deadline**") to a transferee approved by the City pursuant to Section 4(a)(ii). The Commercial Area Conveyance Deadline may be extended only by mutual agreement of the City and Property Owner, in increments of six (6) months, for a maximum aggregate extension of eighteen (18) months. No extension shall be effective unless approved in writing by the City Manager or the City Manager's designee on behalf of the City. In no event shall the Commercial Area Conveyance Deadline be extended beyond July 15, 2028, without further amendment of the Development Agreement. This Commercial Area Conveyance Deadline and any other timelines set forth in this First Amendment are subject to Section 12 (Excused Delay) of the Original Development Agreement.

(ii) City Approval of Transferee. The Property Owner shall not sell, transfer, or otherwise convey any fee interest in the Commercial Area unless the City has first approved the proposed transferee in writing. The transferee shall be a commercial user that the City determines has the ability to own, develop, occupy, or operate the Commercial Area in a manner consistent with the public benefits identified in this First Amendment. Property Owner shall provide the City with information reasonably requested to evaluate the proposed transferee for the Commercial Area, including its proposed use, business operations, and ability to provide the public benefits identified in this First Amendment. Approval shall be exercised by the City Manager or the City Manager's designee, who may approve, conditionally approve, or disapprove the proposed transferee in the City's reasonable discretion.

(b) Future Housing Support. Property Owner acknowledges that the City may prepare and consider adoption of a future Midtown Specific Plan or similar planning document applicable to all or a portion of the Property. During the Term, Property Owner agrees that it shall not oppose, object to, protest, or otherwise challenge the inclusion of the Property in such planning effort, or the future designation, zoning, or regulation of the Property for residential or mixed-use residential development at densities consistent with High Density Residential / Residential Category 1 (23-30 dwelling units per acre) ("**HDR**-1") and Medium Density Residential / Residential Category 4 (18-22 dwelling units per acre) ("**MDR-4**"), or their functional equivalents, as part of such future Midtown Specific Plan. Property Owner's obligations under this subsection shall not extend to City action that conflicts with, impairs, diminishes, or is otherwise inconsistent with Property Owner's rights under the Original Development Agreement and this First Amendment or adversely impacts Property Owner's ability to use, operate, develop, improve, or maintain the Property in accordance with its vested rights under the Original Development Agreement and this First Amendment.

Nothing in this Section obligates the City to prepare, process, approve, or adopt any specific plan, general plan amendment, zoning amendment, land use designation, residential density, development standard, environmental document, or other legislative or discretionary approval. The City retains full legislative and regulatory discretion with respect to any future Midtown Specific Plan and any associated environmental review, land use approvals, development standards, densities, conditions, mitigation measures, alternatives, or findings required by applicable law; provided however, that nothing in this Section shall be construed to limit, waive, or modify any of Property Owner's rights or the City's obligations under the Original Development Agreement and this First Amendment.

(c) Subsequent Approvals. If the Property Owner, or any successor or assign, elects to develop or redevelop the Property, the Property Owner, or any successor or assign, shall be required to comply with, and obtain, all necessary permits, entitlements, and approvals through the City's standard processes, consistent with the Livermore Development Code, the California Environmental Quality Act, the Subdivision Map Act, and other applicable laws. The City shall process any such applications in accordance with applicable law and subject to the Property Owner's vested rights under the Original Development Agreement, as amended by this First Amendment.

4. **First Amendment Operative Date**.

(a) First Amendment Operative Date. Notwithstanding anything to the contrary in this First Amendment, this First Amendment is conditioned upon, and shall only become operative on the date that the Property Owner completes the sale and conveyance of fee title to the Commercial Area to a City-approved transferee, as evidenced by recordation of the applicable conveyance instrument in the Official Records of Alameda County (the "**Commercial Area Transfer**"). The date of such recordation shall be the "**First Amendment Operative Date.**"

(b) Existing Agreement Continuity. Until the First Amendment Operative Date occurs, the Original Development Agreement shall remain in full force and effect in accordance with its existing terms, without giving effect to this First Amendment. If the Commercial Area Transfer is not completed on or before the Commercial Area Conveyance Deadline, causing this First Amendment to be null and void, the Original Development Agreement shall remain in full force and effect, without giving effect to this First Amendment, until its expiration in accordance with its existing terms.

5. Preston Road Improvements. The Property Owner shall have no obligation or responsibility to design, construct, fund, or otherwise undertake any improvements to the proposed Preston Road connection. The obligation to construct improvements related to the proposed Preston Road connection shall arise only in the event that the Property is developed for residential uses.

6. **Notices**. The address of each party set forth under Section 11 of the Original Development Agreement for the purpose of all notices permitted or required under the Original Development Agreement is amended as follows:

To City:	City of Livermore 1052 South Livermore Avenue Livermore, CA 94550 Attn: Community Development Director & City Engineer (925) 960-4500 (925) 960-4459 – Fax
With a copy to:	City Attorney City of Livermore 1052 South Livermore Avenue Livermore, CA 94550 (925) 960-4150 (925) 960-4180 – Fax
To Property Owner:	McGrath RentCorp 5700 Las Positas Road Livermore, CA 94551 Attn: Mike Bray Mike.bray@mgrc.com
With a copy to:	Ashurst Perkins Coie

505 Howard Street, Suite 1000
San Francisco, CA 94109
Attn: Michelle Chan
mwchan@perkinscoie.com

7. **Miscellaneous**.

(a) Incorporation. This First Amendment constitutes a part of the Original Development Agreement as amended by this First Amendment and any reference to the Development Agreement shall be deemed to include a reference to the Original Development Agreement as amended by this First Amendment.

(b) Ratification. To the extent of any inconsistency between this First Amendment and the Original Development Agreement, the provisions contained in this First Amendment shall control. As amended by this First Amendment, all terms, covenants, conditions, and provisions of the Original Development Agreement shall remain in full force and effect.

(c) Successors and Assigns. This First Amendment shall be binding upon and inure to the benefit of the respective successors and assigns of the City and Property Owner, subject to the limitations set forth in the Original Development Agreement.

(d) Counterparts. This First Amendment may be executed in any number of counterparts, each of which shall be an original and all of which together shall constitute one and the same document, binding on all parties hereto notwithstanding that each of the parties hereto may have signed different counterparts. Delivery of this First Amendment may be effectuated by hand delivery, mail, overnight courier, or electronic communication (including by PDF sent by electronic mail, facsimile, or similar means of electronic communication). Any electronic signatures shall have the same legal effect as manual signatures.

(e) Governing Law; Venue. This First Amendment shall be governed by and construed in accordance with the laws of the State of California. The parties hereto agree that all actions or proceedings arising directly or indirectly under this First Amendment shall be litigated in courts located within the County of Alameda, State of California.

(f) Integration. This First Amendment contains the entire agreement between the parties hereto with respect to the subject matter of this First Amendment. Any prior correspondence, memoranda, agreements, warranties or representations relating to such subject matter are superseded in total by this First Amendment. No prior drafts of this First Amendment or changes from those drafts to the executed version of this First Amendment shall be introduced as evidence in any litigation or other dispute resolution proceeding by either party hereto or any other person, and no court or other body shall consider those drafts in interpreting this First Amendment.

(g) Further Assurances. The City Manager and Property Owner shall execute and deliver all documents, amendments, agreements, and instruments reasonably necessary or reasonably required in furtherance of this First Amendment.

(h) Authority and Enforceability. Property Owner and the City each represents and warrants to the other that the execution and delivery of this First Amendment, and the performance of its obligations hereunder, have been duly authorized by all necessary action, and will not conflict with, result in any violation of, or constitute a default under, any provision of any agreement or other instrument binding upon or applicable to it, or any present law or governmental regulation or court decree.

(i) Legal Action; Attorneys' Fees. If the City chooses to defend any third party claim or suit challenging the City's approval of this First Amendment or any subsequent City approval of the development of the Project, including the environmental review process in connection with this First Amendment or any such subsequent approval for development of the Property, the Property Owner agrees to reimburse the City for the City's reasonable attorneys' fees, expert witness fess, and related costs as the City may incur in connection with its retention of outside counsel, and for any award of court costs or fees against the City. The City shall promptly notify the Property Owner of any claim or suit within the scope of this Section. The City has the right to choose and retain such legal counsel as the City deems appropriate. After expenses reach One Hundred Thousand Dollars ($100,000), and each One Hundred Thousand Dollars ($100,000) thereafter, the Parties will confer to review the status of litigation and their options for proceeding or settling, and they will negotiate in good faith about how expenses will be allocated. The Property Owner shall have no obligation to reimburse the City for costs incurred after the date on which the Property Owner gives the City written notice of their decision to settle a case, even if the City does not agree to the settlement. Any settlement of a claim or suit pursuant to this Section is subject to the reasonable approval of the City and Property Owner. If legal action is brought by one of the Parties to enforce a provision of this Agreement, the prevailing party is entitled to reasonable attorneys' fees, expert witness fess, and court costs.

(j) Effective Date. This First Amendment shall become effective on the latest to occur of (the "**First Amendment Effective Date**"): (w) the date that it is duly executed and delivered by the parties hereto; and (z) the effective date of an ordinance approving this First Amendment adopted by the Livermore City Council. For the avoidance of doubt, execution and delivery of this First Amendment and the effectiveness of the approving ordinance are required but shall not, by themselves, cause this First Amendment to become operative pursuant to Section 4 unless and until the Commercial Area Transfer has been completed.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

IN WITNESS WHEREOF, the City and Property Owner have each caused this First Amendment to be duly executed on its behalf.

CITY:

Date: _____

By: _____
Name:
Its: City Manager

Approved as to Form:

By: _____
Name:
Its: City Attorney

Attest:

By: _____
Name:
Its: City Clerk

PROPERTY OWNER:

MCGRATH RENTCORP,
a California corporation

By: _____
Name: Gilda Matek
Title: Chief Legal Officer

Date: 6/30/26

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 FRANCISCO)

On June 30, 2026 before me, Cathy Pruette, Notary Public, personally appeared Gilda Malek, 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: Cathy Pruette (seal)



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 _____, 2026 before me, _____, 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)

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 _____, 2026 before me, _____, 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 1 – ADJUSTED PROPERTY

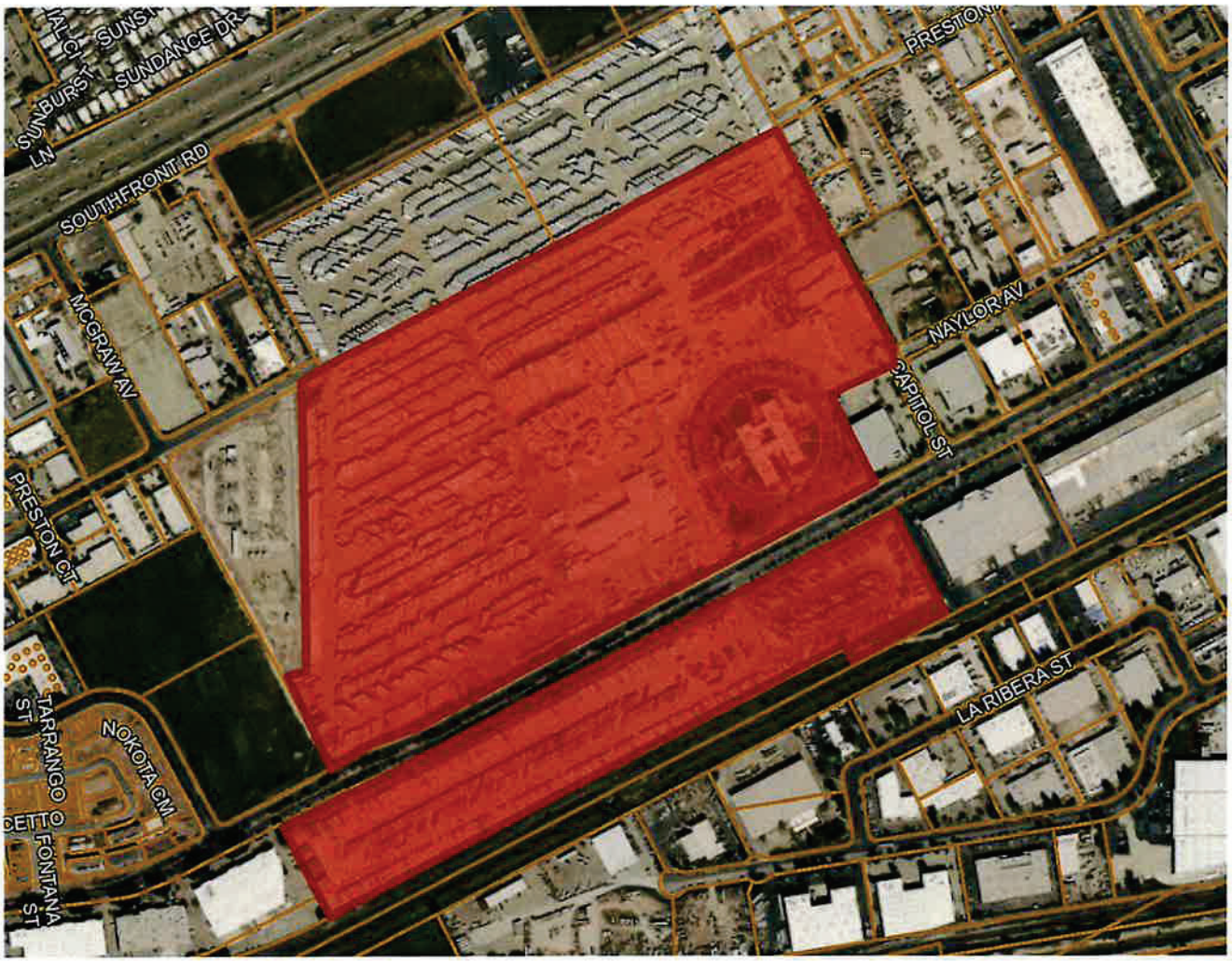
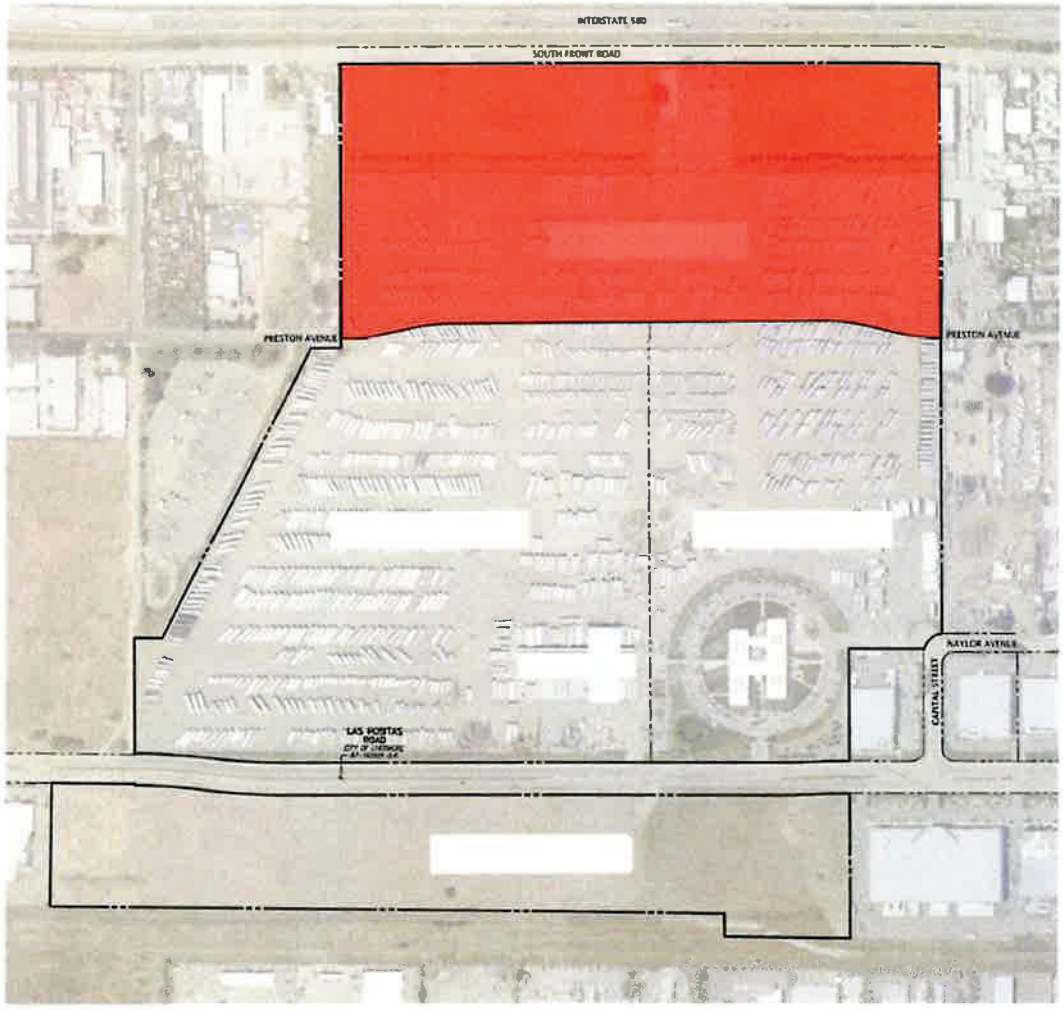


EXHIBIT 2 – COMMERCIAL AREA



LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 8.1**

DATE: July 7, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Supplemental materials received prior to the meeting.

RECOMMENDED ACTION

SUMMARY

3.1	Approval of the June 16, 2026 Planning Commission Draft Meeting Minutes. Materials Received: Revised Minutes
5.1	Hearing to consider a resolution recommending certification of the General Plan Environmental Impact Report, approval of the Livermore General Plan 2045, and approval of conforming Zoning Map Amendments establishing a long-term vision, goals, policies, implementation actions and land use designations to guide future decision-making related to growth, development, and resource conservation through 2045. Materials Received: Public Comment Letters
5.2	Hearing to consider an ordinance authorizing Development Agreement 24-004 to establish a framework and secure vested rights for a future residential project on approximately 50 developable acres within a 122-acre property at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1). The Development Agreement does not propose or authorize a specific development project or physical development, and future implementation actions would be subject to subsequent approvals. Materials Received: Public Comment Letters

DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Michele Donley
Division Clerk

DRAFT MINUTES

LIVERMORE
CALIFORNIA

PLANNING COMMISSION
JUNE 16, 2026

REGULAR MEETING

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

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

ABSENT - Commissioner Nadine Horner.

PLEDGE OF ALLEGIANCE

Chairperson Krozak led the Pledge of Allegiance.

2. OPEN FORUM

Chairperson Kronzak opened the public comment period.

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

3. CONSENT CALENDAR

3.1 Approval of the May 19, 2026 Planning Commission Draft Meeting Minutes.

Chairperson Tracy Kronzak opened the public comment period.

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

ON THE MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER FINTSCHENKO, AND CARRIED ON A 3-0-1 VOTE, WITH CHAIRPERSON KRONZAK ABSTAINING DUE TO ABSENCE, THE PLANNING COMMISSION APPROVED THE CONSENT CALENDAR ITEM 3.1, DIRECTING STAFF TO REVIEW THE MOTION TO CONFIRM WHETHER THE DIRECTION FOR STAFF TO WORK WITH THE APPLICANT ON EXTENDED STAYS WAS INCLUDED IN THE MOTION.

4. PROJECT REVIEW - NONE

5. PUBLIC HEARINGS

5.1 Hearing to consider a request for Conditional Use Permit (CUP) 26-004 to establish an indoor pickleball facility operated under the brand of Pickleball Kingdom in an existing, vacant commercial building located at 4650 Arroyo Vista.

Recommendation:
Staff recommends the Planning Commission:

1. Adopt a resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Existing Facilities;
2. Adopt a resolution approving Conditional Use Permit (CUP) 26-004, subject to the attached Conditions of Approval;
3. Direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk; and
4. Advise the applicant that the Project approval is subject to a 15-day appeal period.

Jesse Garcia, Assistant Planner, presented the staff report.

Abhimanyu Dhariwal, applicant, discussed the proposed Pickleball facility.

Chairperson Kronzak opened the public comment period.

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

In response to Commissioner Fintschenko, Assistant Planner Garcia explained the procedure for dealing with complaints of noise disturbance. Abhimanyu Dhariwal confirmed that there would be managers onsite and that no alcohol would be served.

Commissioner Fintschenko confirmed that the findings could be made.

Commission Anderson stated the letter regarding concerns about alcohol was related to Item 5.2.; that the noise concerns had been addressed; and indicated support for the proposed project.

Vice Chair Steele concurred with the other Commissioners and indicated support for the project.

Chairperson Kronzak thanked the applicant for the sound insulation on the roof and indicated the findings for CEQA and the CUP could be made.

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

Resolution 07-26 Finding that the Conditional Use Permit (CUP) 26-004 for Pickleball Kingdom is exempt from the provisions of The California Environmental Quality Act (CEQA).

Resolution 08-26 Approving Conditional Use Permit (CUP) 26-004 to authorize Pickleball Kingdom to establish a Commercial Recreation Facility at 4650 Arroyo Vista.

5.2 Hearing to consider a request for Conditional Use Permit (CUP) 25-005 authorizing the use of 180 South Livermore Avenue as an indoor-outdoor event space featuring a rooftop bar and flexible event areas designed for weddings, corporate events, private gatherings, and community-oriented programming.

Recommendation:
Staff recommends the Planning Commission:
1. Adopt a resolution finding the project is exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Existing Facilities;
2. Adopt a resolution approving Conditional Use Permit (CUP) 25-005 to allow the operation of an event center (Blanco Modern Venue) at 180 South Livermore Avenue, subject to the attached Conditions of Approval.
3. Direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk; and
4. Advise the applicant that the Project approval is subject to a 15-day appeal period.

Jennifer Ackerman, Associate Planner, presented the staff report.

Johnathan Vasquez and Mike Messinger, property owners, discussed the proposed project; and experience at the San Jose facility.

Chairperson Kronzak opened the public comment period.

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

Commissioner Anderson discussed the value of the project in Downtown and expressed the need to ensure proper conditions upon approval. In response to Commissioner Anderson, Mr. Vasquez and Mr. Messinger explained the allowable occupancy and event guests.

In response to Commissioner Anderson, Associate Planner Ackerman and Planning Manager Riley explained the conditions related to peak hours; and the valet location and queuing. Commissioner Anderson discussed project related and future modifications to the intersection.

In response to Commissioner Fintschenko, Associate Planner Ackerman and Planning Manager Riley clarified that the occupancy came from the business

plan; the condition regulating the peak hour restriction, based on city-wide traffic studies; valet parking services; hours of operation; noise concerns; condition to provide a map to the venue and parking; and neighborhood notice. The applicants discussed the onsite management and usual wedding hours. Commissioner Fintschenko requested the condition be modified to "Outdoor entertainment conclude by 11 pm."

In response to Vice Chair Steele, Mr. Vasquez and Mr. Messinger explained the process when valet was full.

Chairperson Kronzak discussed concerns with sound management; and confirmed the 11 pm cutoff time for outdoor entertainment, consistency with the Downtown Specific Plan and presence of security.

Commissioner Anderson suggested one parking spot on 2nd Street be converted to 15 minutes parking; and confirmed that the applicant was willing to consider a reservation system for valet parking. Planning Manager Riley suggested encouraging the applicant to use a valet reservation system.

In response to Commissioner Fintschenko, Associate Planner Ackerman explained the process of dealing with issues related to traffic and neighborhood concerns; and condition to submit event plans. The applicant reiterated their long tenure as a Downtown property owner and ensured any issues would be addressed.

Commissioner Anderson suggested signage regarding the parking location. Planning Manager Riley referenced internal discussions on wayfinding kiosks. Director of Innovation, Economic Development Brandon Cardwell clarified consideration of wayfinding and access to parking; and Staff efforts to communicate parking accommodations. Commissioner Anderson suggested adding direction for staff to work with the applicant on temporary A-frame signage and proactive monitoring.

ON THE MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER FINTSCHENKO AND CARRIED ON A 4-0 VOTE, THE PLANNING COMMISSION ADOPTED THE FOLLOWING RESOLUTIONS, AMENDED TO DIRECT STAFF TO WORK WITH APPLICANTS TO PROVIDE TEMPORARY SIGNAGE TO FIND PARKING (IN PARTICULAR, THE GARAGES) WHEN THE VALET IS FULL; FOR STAFF TO MONITOR IMPLEMENTATION OF THE PARKING PLAN FOR SIX MONTHS INCLUDING TWO VALET EVENTS; AND ALLOWING STAFF TO MAKE NECESSARY ADJUSTMENTS TO THE PARKING OPERATION PLAN; TO MODIFY CONDITION B.3 AS SHOWN IN HIGHLIGHT AND UNDERLINE:

Exterior noise levels shall not exceed 70 dBA at the property line between 7 a.m. and 11 p.m. No outdoor music or amplified sound is permitted after 11 p.m. Exterior noise levels shall not exceed 65 dBA at the property line between 11 p.m. and 7 a.m.

Resolution 09-26 Finding the use of 180 South Livermore Avenue as an indoor-outdoor event space is exempt from the provisions of The California Environmental Quality Act (CEQA).

Resolution 10-26 Approving Conditional Use Permit (CUP) 25-005, authorizing the use of 180 South Livermore Avenue as an indoor-outdoor event space for The Blanco Modern Venue Event Center Project.

6. MATTERS FOR CONSIDERATION - NONE

7. MATTERS INITIATED BY PLANNING COMMISSION STAFF

Commissioner Anderson requested that the intersection of South Livermore and 2nd be looked at for pedestrian safety. Chair Kronzak and Commissioner Fintschenko concurred.

Planning Manager Riley introduced Assistant City Attorney Molly O'Toole. Planning Manager Steve Riley also mentioned the upcoming APA Conference.

8. ADJOURNMENT – at 9:05 pm to a Regular Planning Commission Meeting on Tuesday, July 7, 2026 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

From: Jeremy Wilson
To: Planning Web Email
Subject: Public Comment – July 7 Planning Commission – General Plan 2045 / 3658 Las Colinas Road / DA24-004
Date: Sunday, June 28, 2026 7:00:06 PM

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 Chair Kronzak, Planning Commissioners, and City Planning Staff,

I am a directly adjacent homeowner at [redacted] regarding the July 7, 2026 Planning Commission hearing on the Livermore General Plan 2045, related zoning map amendments, and the 3658 Las Colinas Road / Adventus property.

My home backs up to the open-space edge shown on the City's public notice map, with our neighborhood park and rear-yard fence line immediately adjacent to the project boundary. Please include my comments in the public record and consider them before any recommendation to the City Council.

I understand the 3658 Las Colinas property is approximately 122 acres, with a requested change from Limited Agriculture / Community Facilities High School to Hillside Conservation with a floating Medium Density Residential designation, and an estimated 35-acre buildable area. No specific development plan, street layout, subdivision map, trail plan, or site plan has been approved.

Given this, I ask the City to establish clear conditions in the General Plan, zoning, Development Agreement, Neighborhood Plan requirements, and future project review.

My primary concern is protecting the Autumn Oak Drive neighborhood from any public road, trail, emergency access route, or other circulation improvement directly behind existing backyard fences. Our neighborhood has a private residential character, and such changes would create privacy, safety, noise, lighting, security, and property-value concerns.

I respectfully request the Planning Commission recommend:

1. No public road, through street, trail, or access corridor directly behind existing rear-yard fences.
2. Route any required circulation or access away from rear-yard fence lines and toward project-internal streets, Las Colinas Road, or other suitable locations.
3. Any nearby emergency access should be gated, locked, fire-department-controlled, and for emergency use only.
4. Require a substantial open-space and landscape buffer between existing homes and any new development or facilities.
5. Include a privacy and compatibility analysis for Autumn Oak Drive and adjacent homes in the Neighborhood Plan.
6. Evaluate impacts of any future trails on privacy, security, lighting, noise, trash, trespass, and visibility.
7. Require early outreach to directly adjacent homeowners before future planning stages.
8. Clearly show distances from existing rear-yard fences to any proposed improvements in all

future plans.
9. Preserve the hillside/open-space character behind existing homes to the maximum extent feasible.
10. Do not convert the private rear-yard edge of the neighborhood into a public-facing corridor.

I support responsible planning and housing but ask the City to protect existing residents along this boundary. Compatibility should preserve privacy, security, quiet enjoyment, and the neighborhood's character.

Please include this letter in the public record and confirm these concerns will be addressed in the General Plan 2045 process, Development Agreement, Neighborhood Plan, and future project review for 3658 Las Colinas Road.

Respectfully,

Jeremy Wilson
[redacted]

From: Helena Graves
To: Livermore City Council
Cc: Planning Web Email
Subject: Public Comment: Prioritizing Experiential Third Spaces and Gaming in Downtown Livermore Zoning
Date: Thursday, June 25, 2026 6:32:06 PM
Attachments: image002.png

Hello Janet Bravo,

I am forwarding your comments to the Mayor and City Council Members and to the Planning Commission liaison to forward your comments to the Planning Commissioners.

Sincerely,

Helena Graves
Acting City Clerk
City Clerk's Office| City Manager's Office
925-960-4212
City of Livermore | www.LivermoreCA.gov

CITY OF LIVERMORE CALIFORNIA

From: Janet Bravo [redacted]
Sent: Thursday, June 25, 2026 2:35 PM
To: City Clerk <cityclerk@livermoreca.gov>
Subject: Public Comment: Prioritizing Experiential Third Spaces and Gaming in Downtown Livermore Zoning

Exercise Caution: This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Livermore City Council and Planning Commission,

As a Livermore resident, I am writing to urge the city to shift its economic development and zoning priorities for Downtown Livermore. Currently, the downtown core is saturated with restaurants, dessert shops, and alcohol-focused establishments. To build a more vibrant and well-rounded community, we need non-alcoholic "third

spaces" and experiential businesses that offer activities beyond dining.

Specifically, I recommend that the city incentivize and attract:

- Experiential Entertainment: Virtual reality (VR) lounges and arcade-style spaces.
- Community Gaming Hubs: Dedicated spaces for tabletop, board, and strategy gaming.
- Interactive Retail: DIY craft bars and creative maker spaces where residents can gather to build and create.

Incorporating these options into our long-term planning will create a more resilient downtown, support local subcultures, and provide valuable alternative spaces for families, young adults, and teens.

Thank you for your time and dedication to our city's future.

Best regards,

Janet Bravo

From: Debi Finestone
To: Planning Web Email
Subject: comment for July planning commission meeting
Date: Thursday, July 2, 2026 8:40:59 AM

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.

Hello,
I'd like to comment on the agenda item regarding the property at 3658 Las Colinas Road. My home in Springtown backs up to the property in question, and it's disconcerting that the city is considering building up to 900 units there. I bought here with the understanding that the pasture would remain as open space.

At the very least, I'd appreciate more explanation of how that property is zoned in the General Plan. In every discussion I've seen about the plan, including several from senior city officials, that property has never been shown as anything besides agricultural use.

Thanks,
Deborah Finestone

[redacted]

[redacted]

ADAMS BROADWELL JOSEPH & CARDOZO
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July 6, 2026

Via Email and Overnight Mail

Planning Commission
City of Livermore
Civic Center Meeting Hall
City Council Chamber
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Email: planning@LivermoreCA.gov

Steve Riley, Planning Manager
City of Livermore Community Development
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Mayor John Marchand
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Re: Planning Commission Agenda Item 5.2: Development Agreement 24-004 (Adventus Livermore)

Dear Commissioners, Mayor, Councilmembers, Mr. Riley:

We are writing on behalf of East Bay Residents for Responsible Development ("EBRRD") regarding Planning Commission Agenda Item No. 5.2, the proposed Development Agreement 24-004 for the Adventus residential project, a future residential project on approximately 50 developable acres within a 122-acre property at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1) ("Project"). The Development Agreement will be considered by the Commission on July 7, 2026.

EBRRD is an unincorporated association of individuals and labor organizations that includes the International Brotherhood of Electrical Workers Local 595, Plumbers & Steamfitters Local 342, Sheet Metal Workers Local 104, Sprinkler Fitters Local 483, their members and families, and other individuals that live and work in Livermore and throughout Alameda County. EBRRD supports sustainable development that complies with applicable laws and which supports the local workforce. EBRRD respectfully requests that the City negotiate construction workforce standards as community benefits in the Development Agreement to support the local economy and the health and sustainability of the local construction workforce.

8007-006acp

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Adventus ("Applicant") is the owner of the 3658 Las Colinas Road property ("Property").[1] In December 2024, during the City's General Plan 2045 Update, the Applicant submitted an application for a Development Agreement to pursue a housing project of approximately 605-900 residential units at the Property.[2] In February 2025, the City Council adopted a resolution authorizing staff to proceed with negotiating the Development Agreement with the Applicant to secure community benefits associated with the requested land use designation changes for the Project.[3] In May 2026, EBRRD asked the Applicant to consider workforce standards as community benefits in the Development Agreement.

EBRRD's review of the draft Development Agreement[4] confirms that workforce standards are not included. While the Agreement proposes payment to the City's general Community Benefit Fund, it does not include community benefits to support the City's local construction workforce. This is a critical omission.

The construction workforce is an essential part of the City's sustainable development goals. The City's General Plan and Strategic Plan include citywide objectives to "lead initiatives and programs to help strengthen Livermore's ability to attract and retain a workforce of diverse backgrounds and skill levels earning a livable wage"[5] and "achieve[] a more balanced economy by attracting greater diversification of employment opportunities, particularly those which can use the local labor force."[6] Absent workforce standards, the Development Agreement does not move the needle on achieving these objectives for the Project.

Providing workforce benefits that support local employment, local workforce training through apprenticeship programs, and healthcare expenditures for the construction workforce in the local Tri-Valley area is critical to ensuring sustainable development in the East Bay. There are significant numbers of people living in poverty within the regional labor market. Middle-wage, family-supporting jobs are continuing to shrink in the Tri-Valley area. One of the highest-growth industries with potential to produce jobs that can lift Tri-Valley area residents out of poverty is construction. The City also has a strong interest in ensuring that workers and residents within its borders have meaningful access to health care coverage, including the local construction workforce, who can experience high rates of injury.

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[1] Planning Commission Staff Report ("Staff Report"), p. 2.
[2] Staff Report, p. 2.
[3] See 2/24/26 City Council packet, Item 62, available at https://d3n9y02raazwpg.cloudfront.net/livermore/74418fc3-bbfd-11ef-ab4b-005056a89546-56f8d3ad-798a-46fd-809a-185221d02021-1740544642.pdf.
[4] Staff Report, Exhibit 4.
[5] Livermore Strategic Plan, pp. 19, 32.
[6] General Plan ED Element, p. 11-10.

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If adopted, the Development Agreement would be a binding contract that guides the future development of the property for residential use and would provide the Applicant with vested rights. In return, the City may negotiate community benefits that it could not otherwise obtain through normal exactions or conditions of approval.[7] The City's Municipal Code explains that "by requiring some public benefit, this process assures some additional benefit to the public in exchange for the vested rights granted under a development agreement."[8] The City should ensure that proposed development construction activities support the local economy, support local workers, and support local job creation.

EBRRD respectfully asks that the Planning Commission and City Council defer consideration of the Development Agreement to a later date to allow the City to negotiate workforce standards with the Applicant as community benefits in the Development Agreement. The standards should include enforceable commitments that ensure employment of local residents, support workforce training and the creation of career pathway jobs that lift up the middle class, and support fair compensation of workers, including provision of meaningful health care benefits. This would ensure that the Project provides community benefits to the local construction workforce in return for benefits conferred to the Applicant.

A. Proposed Workforce Standards

EBBRRD proposes the following standards for the Development Agreement:

Proposed Development Agreement Construction Impact Mitigation Commitments. All contractors performing construction work on the Project shall commit to and comply with the following requirements:

(1) each contractor agrees to make good faith efforts to meet a 30% local hire goal, with first priority for workers residing in the Tri-Valley area and second priority for workers residing in Alameda or Contra Costa County;

(2) health care expenditures equivalent to at least the hourly pro rata cost of a Covered California Platinum-level plan for two 40-year-old adults and two dependents provided either through direct payments to a worker-enrolled

[7] Livermore Municipal Code ("LMC") § 4-25-010; *Hermosa Beach Stop Oil Coalition v City of Hermosa Beach* (2001) 86 Cal. App. 4th 534 (development agreements are not subject to Mitigation Fee Act [Govt Code. §§66000-66025] or takings law); *Leroy Land Dev. Corp. v Tahoe Reg'l Planning Agency* (9th Cir 1991) 939 F.2d 696, 697.
[8] LMC § 4-25-010, citing Government Code §§ 65864 – 65869.5.

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health plan or health savings account, or as a cash payment to the worker at 1.5 times the health care expenditure rate; and

(3) employment of apprentices enrolled in state-approved joint-labor management apprenticeship programs under the same process and manner as set forth in Section 230.1 of Title 8 of the California Code of Regulations.

B. Support for Proposed Workforce Standards

1. General Plan and Strategic Plan

To approve the Development Agreement, the City Council must find that the development is consistent with the General Plan and applicable specific plans.[9] The proposed workforce standards would implement workforce policies in the General Plan and Strategic Plan. For example, the General Plan's Economic Development Element ("ED Element") found that "Livermore's economy has mismatches between jobs and residents, and the City likely continues to 'import' workers living elsewhere, while many residents of Livermore continue to commute out to other employment centers offering higher wage jobs" and concluded that "[t]hese findings underscore the need for a better match between the economic base and housing market in Livermore."[10] To address these issues, the ED Element includes Goals ED-1 and ED-2, which are directly relevant to the proposed workforce standards:

Goal ED-1: Maintain and expand a diverse economy to ensure economic vitality.
Objective ED-1.1. Implement policies and actions that will encourage existing businesses to remain and grow in Livermore, and attract a range of new businesses to locate in Livermore.
Policy A4. Work with businesses and employment recruiters to establish a process to employ Livermore and other local residents for Livermore-based employment.
Policy A5. Encourage and actively attract businesses in key industries that build upon Liver-more's competitive advantages and offer high wage jobs.[11]

Goal ED-2: Balance the supply of job and housing opportunities in Livermore, and match jobs and wages to housing prices.
Objective ED-2.1. Initiate strategies to attract additional higher wage jobs, leading to decreased out-commuting and a better jobs/housing match.

[9] LMC § 4-25-050.
[10] General Plan ED Element, p. 11-5 to 11-6 (Jobs/Housing Balance and Match).

[11] General Plan ED Element, pp. 11-7 to 11-8.

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Policy P1. The City shall work toward achieving a more "balanced" economy by attracting greater diversification of employment opportunities, particularly those which can use the local labor force.
Policy P2. Support and encourage businesses that provide jobs that would have a positive effect on Livermore's job/housing match.[12]

The City's Strategic Plan includes similar goals to "Attract, develop, engage, and retain a diverse and highly skilled workforce" (Goal 8) and "Lead efforts, in collaboration with other City departments and outside partners, to maintain and enhance the diversity and resilience of Livermore's economy." (Goal 2).[13] These goals implement citywide objectives to "lead initiatives and programs to help strengthen Livermore's ability to attract and retain a workforce of diverse backgrounds and skill levels earning a livable wage."[14]

2. Additional Support for Proposed Workforce Standards

Large construction projects that generate low-wage jobs which provide little to no benefits, and disproportionately hire out-of-area workers, contribute to local poverty and economic decline. The proposed standards would ensure that the Adventus Project will provide a commitment to the City that this Project will be different. If adopted, the standards would ensure that Project construction will help create local job opportunities for disadvantaged workers by employing apprentices and adopting local hire goals, along with a requirement that contractors make minimum health care expenditures to support their employee's health care needs.

Apprenticeship programs are a proven pathway for providing disadvantaged local residents good-paying construction-career opportunities. Because apprentices are paid, apprenticeship programs provide career growth opportunities to persons with families that cannot afford to take time off to attend college. In addition, state-approved apprenticeship programs are required by law to adopt an equal opportunity program with an affirmative action plan to recruit women and minority applicants.[15] Over 95% of apprenticeship graduates in California are produced by joint labor-management apprenticeship programs and many participants in union apprenticeship programs are people of color.[16]

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[12] General Plan ED Element, p. 11-10.
[13] Livermore Strategic Plan, pp. 19, 32.
[14] *Id.*
[15] Cal. Code Regs., tit. 8, § 215.
[16] See e.g. Luke, et al. UC Berkeley, Center for Labor Research and Education, *Diversity in California's Clean Energy Workforce: Access to Jobs for Disadvantaged Workers in Renewable Energy Construction* (August 2017), available at https://laborcenter.berkeley.edu/pdf/2017/Diversity-in-Californias-Clean-Energy-Workforce.pdf (documenting "considerable ethnic and racial diversity" in

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Apprenticeship programs ensure that construction workers have the skills necessary to construct buildings correctly, efficiently and safely. Apprenticeship training curricula include training on safety and on energy and water efficiency measures. This training is independently reviewed and approved by the California Division of Apprenticeship Standards. EBRRD proposes the use of apprentices in the same manner as required for public works projects set forth in Section 230.1 of Title 8 of the California Code of Regulations. Section 230.1 implements Labor Code section 1777.5 requirements to use apprentices in a minimum of a 1:5 ratio. Section 230.1 provides the process whereby both union and non-union contractors can request dispatch of apprentices from state-approved apprenticeship programs.

Maximizing local hire supports the local economy. Studies show that each dollar paid to local construction workers can produce $1.50 in economic activity.[17] Local hire also reduces traffic congestion and climate impacts by reducing the number of super commuters travelling to the Tri-Valley area to take jobs that could be filled by local residents. EBRRD's proposed 30% local hire goal, with a first priority for Tri-Valley area residents and a secondary priority for Alameda and Contra Costa County residents, would further these objectives.

The City also has a strong interest in ensuring that workers and residents within its borders have meaningful access to health care coverage. EBRRD's proposed standards would require contractors on the Project to make minimum health care expenditures that provide healthcare coverage opportunities to their construction workers, similar to City of Berkeley's Hard Hats ordinance.[18]

C. Conclusion

EBRRD respectfully requests that City negotiate workforce standards with the Applicant as community benefits in the Development Agreement.

Sincerely,

Christina Caro

CMC:acp

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enrollments in apprenticeship programs of the 16 union locals of electricians, ironworkers, and operators that have built most of the renewable energy power plants in California, including construction workers from communities that are designated as disadvantaged by Cal EPA.

[17] Gin et al., "The Economic Impact of the Downtown 'Convadium' Proposal" (2016), Appendix A.

[18] Berkeley Mun. Code § 13.107.

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LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 8.2**

DATE: July 7, 2026

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Supplemental materials received at the meeting.

RECOMMENDED ACTION

SUMMARY

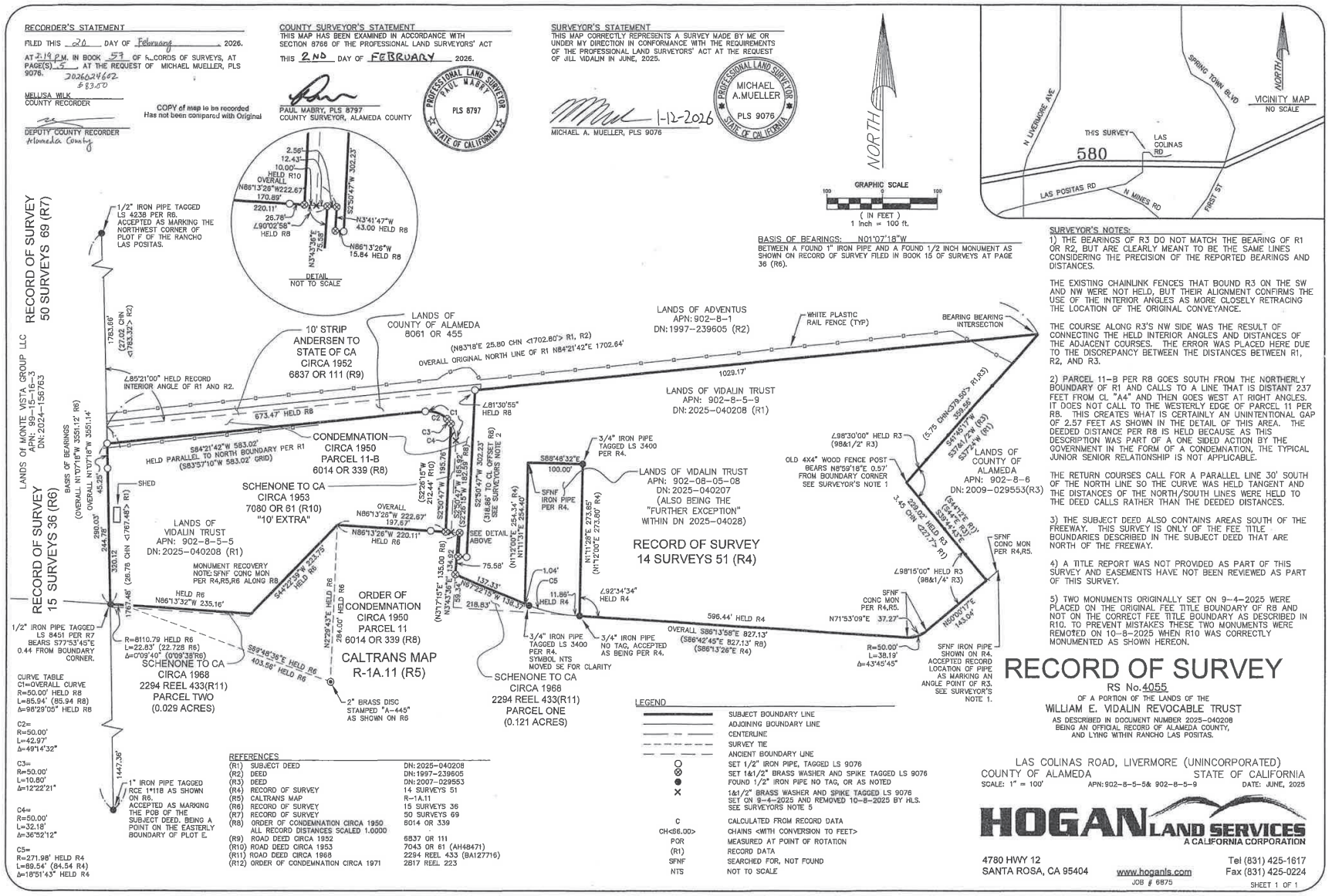
5.2	Hearing to consider an ordinance authorizing Development Agreement 24-004 to establish a framework and secure vested rights for a future residential project on approximately 50 developable acres within a 122-acre property at 3658 Las Colinas Road (Assessor Parcel Number 902-8-1). The Development Agreement does not propose or authorize a specific development project or physical development, and future implementation actions would be subject to subsequent approvals. Materials Received: Record of Survey

DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Michele Donley
Division Clerk


RECORDER'S STATEMENT
FILED THIS 20 DAY OF February 2026.
AT 2:19 P.M. IN BOOK 57 OF MAPS OF SURVEYS, AT PAGE(S) 5 AT THE REQUEST OF MICHAEL MUELLER, PLS 9076.
2026024602
$83.00
MELISSA WILK
COUNTY RECORDER
DEPUTY COUNTY RECORDER
Alameda County
COPY of map to be recorded Has not been compared with Original
COUNTY SURVEYOR'S STATEMENT
THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8766 OF THE PROFESSIONAL LAND SURVEYORS' ACT
THIS 2ND DAY OF FEBRUARY 2026.
PAUL MABRY, PLS 8797
COUNTY SURVEYOR, ALAMEDA COUNTY
PROFESSIONAL LAND SURVEYOR PAUL MABRY PLS 8797 STATE OF CALIFORNIA
SURVEYOR'S STATEMENT
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF JILL VIDALIN IN JUNE, 2025.
MICHAEL A. MUELLER, PLS 9076
1-12-2026
PROFESSIONAL LAND SURVEYOR MICHAEL A.MUELLER PLS 9076 STATE OF CALIFORNIA
NORTH
GRAPHIC SCALE
100 0 100
(IN FEET)
1 inch = 100 ft.
VICINITY MAP
NO SCALE
N LIVERMORE AVE
SPRING TOWN BLVD
NORTH
THIS SURVEY
LAS COLINAS RD
580
LAS POSITAS RD
N MINES RD
FIRST ST
DETAIL
NOT TO SCALE
RECORD OF SURVEY 50 SURVEYS 69 (R7)
RECORD OF SURVEY 15 SURVEYS 36 (R6)
LANDS OF MONTE VISTA GROUP LLC APN: 902-8-5-3 DN: 2024-156763
BASIS OF BEARINGS (OVERALL N1°07'18"W 3551.12' R6)
1/2" IRON PIPE TAGGED LS 4238 PER R6. ACCEPTED AS MARKING THE NORTHWEST CORNER OF PLOT F OF THE RANCHO LAS POSITAS.
1/2" IRON PIPE TAGGED LS 8451 PER R7 BEARS S77°53'45"E 0.44 FROM BOUNDARY CORNER.
1" IRON PIPE TAGGED RCE 19118 AS SHOWN ON R6. ACCEPTED AS MARKING THE POB OF THE SUBJECT DEED. BEING A POINT ON THE EASTERLY BOUNDARY OF PLOT E.
2" BRASS DISC STAMPED "A-445" AS SHOWN ON R6
LANDS OF COUNTY OF ALAMEDA 8061 OR 455
10' STRIP ANDERSEN TO STATE OF CA CIRCA 1952 6837 OR 111 (R9)
CONDEMNATION CIRCA 1950 PARCEL 11-B 6014 OR 339 (R8)
SCHENONE TO CA CIRCA 1953 7080 OR 81 (R10) "10' EXTRA"
LANDS OF VIDALIN TRUST APN: 902-8-5 DN: 2025-040208 (R1)
SHED
MONUMENT RECOVERY NOTE: SFNF CONC MON PER R4,R5,R6 ALONG R8
ORDER OF CONDEMNATION CIRCA 1950 PARCEL 11 6014 OR 339 (R8)
CALTRANS MAP R-1A.11 (R5)
SCHENONE TO CA CIRCA 1968 2294 REEL 433(R11) PARCEL TWO (0.029 ACRES)
SCHENONE TO CA CIRCA 1968 2294 REEL 433(R11) PARCEL ONE (0.121 ACRES)
LANDS OF ADVENTUS APN: 902-8-1 DN: 1997-239605 (R2)
LANDS OF VIDALIN TRUST APN: 902-8-5-9 DN: 2025-040208 (R1)
LANDS OF VIDALIN TRUST APN: 902-08-05-08 DN: 2025-04207 (ALSO BEING THE "FURTHER EXCEPTION" WITHIN DN 2025-04028)
RECORD OF SURVEY 14 SURVEYS 51 (R4)
LANDS OF COUNTY OF ALAMEDA APN: 902-8-6 DN: 2009-029553(R3)
WHITE PLASTIC RAIL FENCE (TYP)
BEARING BEARING INTERSECTION
OLD 4X4" WOOD FENCE POST BEARS N8°59'18"E 0.57' FROM BOUNDARY CORNER SEE SURVEYOR'S NOTE 1
3/4" IRON PIPE TAGGED LS 3400 PER R4.
SFNF CONC MON PER R4,R5.
SFNF IRON PIPE SHOWN ON R4. ACCEPTED RECORD LOCATION OF PIPE AS MARKING AN ANGLE POINT OF R3. SEE SURVEYOR'S NOTE 1.
3/4" IRON PIPE TAGGED LS 3400 PER R4. SYMBOL NTS MOVED SE FOR CLARITY
3/4" IRON PIPE NO TAG, ACCEPTED AS BEING PER R4.
CURVE TABLE
C1=OVERALL CURVE R=50.00' HELD R8 L=85.94' (85.94 R8) Δ=98°29'05" HELD R8
C2= R=50.00' L=42.97' Δ=49°14'32"
C3= R=50.00' L=10.80' Δ=12°22'21"
C4= R=50.00' L=32.18' Δ=36°52'12"
C5= R=271.98' HELD R4 L=89.54' (84.54 R4) Δ=18°51'43" HELD R4
REFERENCES
(R1) SUBJECT DEED DN: 2025-040208
(R2) DEED DN: 1997-239605
(R3) DEED DN: 2007-029553
(R4) RECORD OF SURVEY 14 SURVEYS 51
(R5) CALTRANS MAP R-1A.11
(R6) RECORD OF SURVEY 15 SURVEYS 36
(R7) RECORD OF SURVEY 50 SURVEYS 69
(R8) ORDER OF CONDEMNATION CIRCA 1950 ALL RECORD DISTANCES SCALED 1.0000 6014 OR 339
(R9) ROAD DEED CIRCA 1952 6837 OR 111
(R10) ROAD DEED CIRCA 1953 7043 OR 61 (AH48471)
(R11) ROAD DEED CIRCA 1968 2294 REEL 433 (BA127716)
(R12) ORDER OF CONDEMNATION CIRCA 1971 2817 REEL 223
BASIS OF BEARINGS: N01°07'18"W BETWEEN A FOUND 1" IRON PIPE AND A FOUND 1/2 INCH MONUMENT AS SHOWN ON RECORD OF SURVEY FILED IN BOOK 15 OF SURVEYS AT PAGE 36 (R6).
SURVEYOR'S NOTES:
1) THE BEARINGS OF R3 DO NOT MATCH THE BEARING OF R1 OR R2, BUT ARE CLEARLY MEANT TO BE THE SAME LINES CONSIDERING THE PRECISION OF THE REPORTED BEARINGS AND DISTANCES.
THE EXISTING CHAINLINK FENCES THAT BOUND R3 ON THE SW AND NW WERE NOT HELD, BUT THEIR ALIGNMENT CONFIRMS THE USE OF THE INTERIOR ANGLES AS MORE CLOSELY RETRACING THE LOCATION OF THE ORIGINAL CONVEYANCE.
THE COURSE ALONG R3'S NW SIDE WAS THE RESULT OF CONNECTING THE HELD INTERIOR ANGLES AND DISTANCES OF THE ADJACENT COURSES. THE ERROR WAS PLACED HERE DUE TO THE DISCREPANCY BETWEEN THE DISTANCES BETWEEN R1, R2, AND R3.
2) PARCEL 11-B PER R8 GOES SOUTH FROM THE NORTHERLY BOUNDARY OF R1 AND CALLS TO A LINE THAT IS DISTANT 237 FEET FROM CL "A4" AND THEN GOES WEST AT RIGHT ANGLES. IT DOES NOT CALL TO THE WESTERLY EDGE OF PARCEL 11 PER R8. THIS CREATES WHAT IS CERTAINLY AN UNINTENTIONAL GAP OF 2.57 FEET AS SHOWN IN THE DETAIL OF THIS AREA. THE DEEDED DISTANCE PER R8 IS HELD BECAUSE AS THIS DESCRIPTION WAS PART OF A ONE SIDED ACTION BY THE GOVERNMENT IN THE FORM OF A CONDEMNATION, THE TYPICAL JUNIOR SENIOR RELATIONSHIP IS NOT APPLICABLE.
THE RETURN COURSES CALL FOR A PARALLEL LINE 30' SOUTH OF THE NORTH LINE SO THE CURVE WAS HELD TANGENT AND THE DISTANCES OF THE NORTH/SOUTH LINES WERE HELD TO THE DEED CALLS RATHER THAN THE DEEDED DISTANCES.
3) THE SUBJECT DEED ALSO CONTAINS AREAS SOUTH OF THE FREEWAY. THIS SURVEY IS ONLY OF THE FEE TITLE BOUNDARIES DESCRIBED IN THE SUBJECT DEED THAT ARE NORTH OF THE FREEWAY.
4) A TITLE REPORT WAS NOT PROVIDED AS PART OF THIS SURVEY AND EASEMENTS HAVE NOT BEEN REVIEWED AS PART OF THIS SURVEY.
5) TWO MONUMENTS ORIGINALLY SET ON 9-4-2025 WERE PLACED ON THE ORIGINAL FEE TITLE BOUNDARY OF R8 AND NOT ON THE CORRECT FEE TITLE BOUNDARY AS DESCRIBED IN R10. TO PREVENT MISTAKES THESE TWO MONUMENTS WERE REMOTED ON 10-8-2025 WHEN R10 WAS CORRECTLY MONUMENTED AS SHOWN HEREON.
LEGEND
SUBJECT BOUNDARY LINE
ADJOINING BOUNDARY LINE
CENTERLINE
SURVEY TIE
ANCIENT BOUNDARY LINE
SET 1/2" IRON PIPE, TAGGED LS 9076
SET 1&1/2" BRASS WASHER AND SPIKE TAGGED LS 9076
FOUND 1/2" IRON PIPE NO TAG, OR AS NOTED
1&1/2" BRASS WASHER AND SPIKE TAGGED LS 9076 SET ON 9-4-2025 AND REMOVED 10-8-2025 BY HLS. SEE SURVEYORS NOTE 5
C CALCULATED FROM RECORD DATA
CH<58.00> CHAINS <WITH CONVERSION TO FEET>
POR MEASURED AT POINT OF ROTATION
(R1) RECORD DATA
SFNF SEARCHED FOR, NOT FOUND
NTS NOT TO SCALE
RECORD OF SURVEY
RS No. 4055
OF A PORTION OF THE LANDS OF THE WILLIAM E. VIDALIN REVOCABLE TRUST
AS DESCRIBED IN DOCUMENT NUMBER 2025-040208 BEING AN OFFICIAL RECORD OF ALAMEDA COUNTY, AND LYING WITHIN RANCHO LAS POSITAS.
LAS COLINAS ROAD, LIVERMORE (UNINCORPORATED)
COUNTY OF ALAMEDA STATE OF CALIFORNIA
SCALE: 1" = 100' APN: 902-8-5-5& 902-8-5-9 DATE: JUNE, 2025
HOGAN LAND SERVICES A CALIFORNIA CORPORATION
4780 HWY 12 SANTA ROSA, CA 95404
www.hoganls.com JOB # 6875
Tel (831) 425-1617 Fax (831) 425-0224
SHEET 1 OF 1