

Chapter 5 – Development Standards - Core

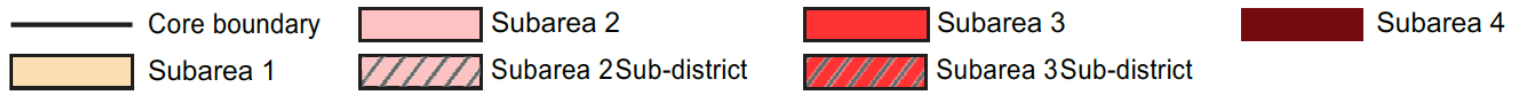
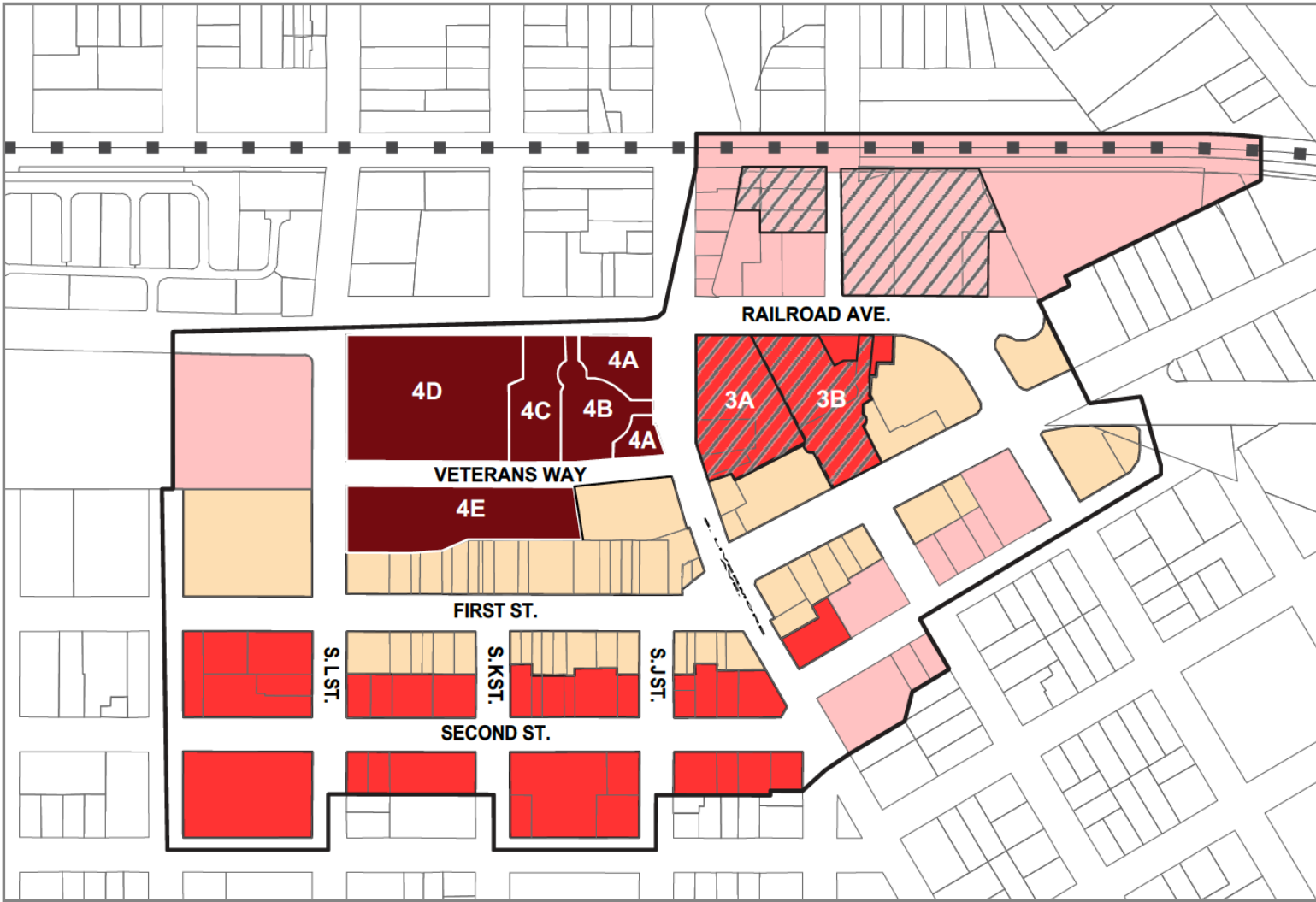


FIGURE 5-1: LAND USE PLAN AREA: THE DOWNTOWN CORE

Livermore Downtown Specific Plan

Development Standards: Downtown Core Plan Area

1. Purpose

The purpose of the Downtown Core is to revitalize the City's historic core area as the center of the City of Livermore. The primary intent of this Plan Area is to promote the continued development and revitalization of the City's pedestrian-oriented Downtown district that serves as the center of the Livermore Community, its most unique shopping district, and as a neighborhood hub for the residences within and surrounding it. Its shopping areas will provide high quality specialty sales and services that are in keeping with the distinctive character of Downtown; discount stores are not intended for this district. Development Standards for the Downtown Core are targeted towards re-establishing Downtown's identity as a compelling place for shoppers, investors, residents and visitors, requiring development that is in line with Downtown's traditions and preserves its historic heritage. They require a mix of stores intended to draw people downtown during the day, evenings, and on weekends, an improved streetscape to provide downtown visitors with a pleasant pedestrian experience, and a series of public spaces to provide places for citizens to come together downtown.

2. Permitted Uses

All uses permitted in the Downtown Core shall contribute to the vibrancy of the Plan Area. Restaurants, services and retail uses shall help promote the Core as a "specialty" retail and activity center, providing high-end, unique yet quality goods and services. As a "specialty" retail and activity center, the Core is not appropriate for discount retail uses.

In order to ensure that Downtown is the most densely developed part of the City, and in order to sustain a high level of pedestrian and retail activity, mixed-use buildings are required for all parcels fronting First Street, and encouraged throughout the Downtown Core. All uses permitted in the Downtown Core shall be required to comply with the City's Right to Downtown Operations Ordinance (Chapter 10 – Implementation and Livermore Municipal Code Chapter 8.19). In addition, all noise generating uses shall be required to comply with the noise level standards, and all new residential uses shall be required to utilize construction methods necessary to comply with the interior noise thresholds, established for the Downtown in Section 7 of this Chapter.

New single-story buildings shall not be allowed, except within Subarea 4 – Special Condition Sub-district – A, where new buildings may be one story to maintain the scale of the adjacent Blacksmith Square development at 21-29 South Livermore Avenue.

2.1 Subarea 1

2.1.1 Permitted Ground Floor Uses

Mixed Use Buildings are required on First Street: All buildings fronting First Street in Downtown Core are required to be “mixed-use” (except as provided for in sections 2.1.D, 2.2 and 2.3 below), defined for this Plan Area as the vertical combining of ground-floor retail sales and service uses or eating and drinking establishments, with permitted upper floor uses such as residential or office in the same building.

A. Retail Sales and Services including the following:

1. Specialty Food Retail, including the following and similar specialty foods: Groceries/Specialty Market/Market Hall (separate retail food uses (e.g. meat, fish, bakery, deli, produce, etc.) that combine to create a market)/Drug Stores; Chocolate/candy; General gourmet; Ice cream; Pastry/desserts; Yogurt/dairy; Doughnuts/bakery; Wine Shops and wine tasting; and similar specialtyfoods.
2. Specialty Goods Retail, including the following and similar specialty goods uses: Cooking supplies/culinary; General house wares; Decorator/arts and design centers (including tile, floor and wall coverings); Specialty hardware; Antique stores selling high-quality used goods (this category excludes thrift and second-hand stores); Party supplies; Lamps/lighting; Household accessories; Books/magazines/stationery; Music/instruments.
3. Quality Goods Retail, including the following, and similar uses: Small crafts; Specialty furniture; Clothing (including consignment stores that sell both gently used and new clothing and accessories)/shoe stores; Stereo/video or computers; Cameras/photography; Sporting goods; Bicycle shops; Outdoor/sports clothing and supplies; Toys/games; Cards/gifts; Jewelry; Watches/clocks; Beauty/cosmetics; Plants/flowers. Thrift stores, donation centers, and similar retail uses are not permitted.
4. Business Services, excluding sales and storage of heavy equipment - businesses that generate a significant amount of foot traffic, such as Computer and Office Supply, Photocopy Shops, Photo Finishers, and Print Shops.
5. State Licensed Banks and Financial Institutions, excluding check cashing stores.
6. Permitted and fully-conforming retail uses that occupy a ground-floor retail storefront may have an outdoor display area within the public right-of-way (sidewalk area only) and upon outdoor private property between a storefront and the public right-of-way consistent with the Master Design Program and Outdoor Display Permit application procedures specific to outdoor merchant display uses contained within Chapters 6 and 10 of the Downtown Specific Plan.

- B. Eating and Drinking Establishments including the following uses:
 1. Restaurants, including those serving alcoholic beverages or providing entertainment, provided this activity is clearly ancillary to food service.
 2. Establishments serving wine and/or beer and providing ancillary food service are permitted. Ancillary entertainment is also permitted with this type of use.
 3. Drive-up or drive-in restaurants are not permitted.
 4. Outdoor dining uses may be permitted within the public right-of-way (sidewalk and/or flexible zone areas) consistent with the Master Design Program and Outdoor Dining Permit application procedures specific to outdoor dining uses contained within Chapter 6 and 10 of the Downtown Specific Plan; however, the number of parking spaces converted to outdoor dining use shall be limited to 25 percent of all parking spaces on First Street between M Street and Maple Street including J Street, K Street, and McLeod Street between First Street and Second Street. However, parking spaces on L Street and Livermore Avenue shall not be converted to outdoor dining use due to the lack of diagonal parking and higher vehicular speeds. In addition, the City reserves the right to limit the number of parking spaces that may be converted to outdoor dining use based on the cumulative effect of the loss of parking spaces on a block by block basis.
- C. Publicly Owned Parking Facilities.
- D. Performing Arts, Civic & Cultural Facilities, including libraries, public recreation facilities, museums, art galleries, movie theaters and auditoriums (these uses are exempt from the mixed-use requirement for newly constructed buildings on First Street).
- E. Accessory Uses and Structures: Including signage, parking facilities, trash and utility enclosures, and enclosed storage.
- F. Public and quasi-public uses and public utilities are permitted within the block bounded by First Street, Second Street, McLeod Street and South Livermore Avenue.
- G. Additional Uses Permitted: Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.1.2 Subarea 1 - Permitted Upper Floor Uses

Upper floor uses are encouraged to provide more residential and small office uses.

- A. Multi-Family and Attached Single Family Residential.
- B. Retail Sales and Service uses (as defined in Section 2.1.A above) are permitted on upper-floors if

internally connected to and operated in conjunction with the ground-floor use.

- C. Eating and Drinking Establishments, including those serving alcoholic beverages or providing entertainment, provided this activity is clearly ancillary to food service.

- D. Business, Professional, and Government Offices.
- E. Medical and Dental Offices.
- F. Health and Exercise Clubs.
- G. Lodging or other establishments engaged in the provision of temporary or travel accommodation on a less than monthly basis, including bed and breakfasts, hostels, hotel, motel and inns, single unit rentals, and temporary housing facilities.
- H. Other business services that do not generate significant foot traffic, such as travel agencies, & small appliance repair.
- I. Publicly Owned Parking Facilities.
- J. Personal Services, including the following uses: Photographer, Hair and Nail Salons, Shoe Repair, Day Spa, and Full Service Salon (Tattoo, Piercing, Psychic, Tarot Card Reading, Palm Reading, and Massage Parlors are prohibited).
- K. Instructional facilities, tutoring, learning centers and schools for music, art, cosmetology, dance, and martial arts.
- L. Additional Uses Permitted: Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.1.3 Subarea 1 – Conditionally Permitted Uses

Findings for Conditional Uses along First Street must document the potential for the use to contribute to pedestrian activity and to provide interesting displays or views into the business. Conditional Uses must also be appropriate to the area and compatible with nearby uses.

The following uses are permitted on the ground level, upon granting of a Conditional Use Permit:

- A. Bars and Nightclubs, including establishments providing entertainment or permitting dancing, and establishments serving alcoholic beverages (other than beer and wine) not clearly ancillary to food service.
- B. Public Halls, Clubs, Lodges, Community Recreational Centers, and Meeting Facilities.
- C. Additional Uses Permitted with a Conditional Use Permit: Other similar and compatible uses deemed by the Planning Commission to meet the purpose and intent of the Downtown Specific Plan.

The following uses are permitted on upper stories, upon granting of a Conditional Use Permit:

- D. Stand-alone Retail Sales and Service Uses (as defined in 2.1.A above), that are not associated with and connected to a ground floor use.
- E. Bars and Nightclubs, including establishments providing entertainment or permitting dancing, and establishments serving alcoholic beverages not clearly ancillary to food service.
- F. Public Halls, Clubs, Lodges, Community Recreational Centers, and Meeting Facilities.
- G. Additional Uses Permitted with a Conditional Use Permit: Other and similar compatible uses deemed by the Planning Commission to meet purpose and intent of the Downtown Specific Plan.

2.2 Subarea 2

2.2.1 Permitted Ground Floor and Upper Floor Uses

The following uses are permitted on all floors:

- A. Multi-Family and Attached Single Family Residential.
- B. Live-Work – residential living spaces may include an integrated work space, provided the work space has a ground-floor storefront expression and upper-floor workspaces are internally connected to and operated in conjunction with the ground-floor, principally used by one or more of the residents. Work activity is limited to business (primarily office), the making of arts and crafts, including painting, graphic production, photography, print, ceramics, and sculpture, and other activities compatible with residential use. Activities that require hazardous assembly, including fabrication, manufacturing, repair or processing operations such as welding and woodworking (with more than three fixed pieces of equipment) shall not be permitted. The maximum number of employees not including the owner/occupant is limited to two. Permitted work activities shall be classified as a business and shall be subject to all applicable City, County, and State Regulations.
- C. Business, Professional, and Government Offices, provided that ground floor offices have a storefront expression; i.e. with large street-fronting windows permitting visibility into the establishment.
- D. Medical and Dental Offices, provided that ground floor offices have a storefront expression; i.e. with large street-fronting windows permitting visibility into the establishment.
- E. Health and Exercise Clubs.
- F. Lodging or other establishments engaged in the provision of temporary or travel accommodation on a less than monthly basis, including bed and breakfasts, hostels, hotel, motel and inns, single unit rentals, and temporary housing facilities.
- G. Other business services that do not generate significant foot traffic, such as travel agencies, & small appliance repair.
- H. Publicly Owned Parking Facilities.
- I. Public Utilities, Performing Arts, Civic and Cultural Facilities.

- J. Groceries, Specialty Market, Market Halls (separate retail food uses (e.g. meat, fish, bakery, deli, produce, etc.) that combine to create a market) and Drug Stores are permitted on the ground-floor, and are permitted on upper- floors if internally connected to and operated in conjunction with the ground-floor use.
- K. Neighborhood Serving Uses – small shops that serve the convenience needs of nearby residential, limited to full service deli, dry cleaner, laundromat, tailoring, watch repair and postal annex are permitted on the ground- floor only (Liquor stores, Cigarette stores, and similar uses are prohibited).
- L. Personal Services, including the following uses: Photographer, Hair and Nail Salons, Shoe Repair, Day Spa and Full Service Salon (Tattoo, Piercing, Psychic, Tarot Card Reading, Palm Reading, and Massage Parlors are prohibited).
- M. Instructional facilities, tutoring, learning centers and schools for music, art, cosmetology, dance, and martial arts.
- N. Additional Uses Permitted: Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.2.2 Subarea 2 – Conditionally Permitted Ground Floor and Upper Floor Uses

Findings for Conditional Uses must document the potential for the use to contribute to pedestrian activity and to provide interesting displays or views into the business. Conditional Uses must also be appropriate to the area and compatible with nearby uses.

The following uses are permitted upon granting of a Conditional Use Permit:

- A. Public and quasi-public buildings, including uses of an educational, religious, or public service nature (i.e. schools, adult training facilities, churches, public and non-profit organizations).
- B. Day and Child Care Centers, Day Care Homes, and Residential Care Homes.
- C. Additional Uses Permitted with a Conditional Use Permit: Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.2.3 Subarea 2 – Special Condition Sub-district (North I Street)

(Area encompassing five vacant parcels at the northwest end of North I Street and including the existing parking structure to the east.)

Following uses are permitted on the ground and upper floor levels:

- A. Publicly accessible parking facilities including structured parking.
- B. Public and quasi-public buildings including uses of a public service nature such as transportation related facilities including bus and train stations.
- C. Open space, pedestrian paths, multi-use trails, plazas, and public recreation facilities.
- D. Accessory uses and structures.
- E. Additional uses permitted. Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.3 Subarea 3

2.3.1 Permitted Ground Floor Uses

- A. Retail Sales and Services including the following:
 - 1. Specialty Food Retail, including the following and similar specialty foods: Groceries/Specialty Market/Market Hall (separate retail food uses (e.g. meat, fish, bakery, deli, produce, etc.) that combine to create a market)/Drug Stores; Chocolate/candy; General gourmet; Ice cream; Pastry/desserts; Yogurt/dairy; Doughnuts/bakery; Wine Shops and wine tasting; and similar specialty foods.
 - 2. Specialty Goods Retail, including the following and similar specialty goods uses: Cooking supplies/culinary; General house wares; Decorator/arts and design centers (including tile, floor and wall coverings); Specialty Hardware; Antique stores selling high-quality used goods (this category excludes thrift and second-hand stores); Party supplies; Lamps/lighting; Household accessories; Books/magazines/stationery; Music/instruments.
 - 3. Quality Goods Retail, including the following, and similar uses: Small crafts; Specialty furniture; Clothing (including consignment stores that sell both gently used and new clothing and accessories)/shoe stores; Stereo/video or computers; Cameras/photography; Sporting goods; Bicycle Shops; Outdoor/sports clothing and supplies; Toys/games; Cards/gifts; Jewelry; Watches/clocks; Beauty/cosmetics; Plants/flowers. Thrift stores, donation centers, and other similar uses are not permitted.
 - 4. Business Services, excluding sales and storage of heavy equipment - businesses that generate a significant amount of foot traffic, such as Computer and Office Supply, Photocopy Shops, Photo Finishers, and Print Shops.
 - 5. Permitted and fully-conforming retail uses that occupy a ground-floor retail storefront may have outdoor

displays within the public right-of-way (sidewalk area only) and upon outdoor private property between a storefront and the public right-of-way consistent with the Master Design Program and Outdoor Display Permit application procedures specific to outdoor merchant display uses contained within Chapters 6 and 10 of the Downtown Specific Plan.

- B. Eating and Drinking Establishments including the following uses:
 - 1. Restaurants, including those serving alcoholic beverages or providing entertainment, provided this activity is clearly ancillary to food service.
 - 2. Drive-up or drive-in restaurants are not permitted.
 - 3. Outdoor dining uses may be permitted within the public right-of-way (sidewalk area only) consistent with the Master Design Program and Outdoor Dining Permit application procedures specific to outdoor dining uses contained within Chapter 6 and 10 of the Downtown Specific Plan.
- C. Publicly Owned Parking Facilities.
- D. Cultural Facilities including performing arts theaters, museums and art galleries.
- E. Multi-Family and Attached Single Family Residential.
- F. Live-Work – residential living spaces may include an integrated work space, provided the work space has a ground-floor storefront expression, principally used by one or more of the residents. Work activity is limited to business (primarily office), the making of arts and crafts, including painting, graphic production, photography, print, ceramics, and sculpture, and other activities compatible with residential use. Activities that require hazardous assembly, including fabrication, manufacturing, repair or processing operations such as welding and woodworking (with more than three fixed pieces of equipment) shall not be permitted. The maximum number of employees not including the owner/occupant is limited to two. Permitted work activities shall be classified as a business and shall be subject to all applicable City, County, and State Regulations.
- G. Business, Professional, and Government Offices, provided that ground floor offices have a storefront expression; i.e. with large street-fronting windows permitting visibility into the establishment.
- H. Medical and Dental Offices, provided that ground floor offices have a storefront expression; i.e. with large street-fronting windows permitting visibility into the establishment.
- I. Health and Exercise Clubs.
- J. Lodging or other establishments engaged in the provision of temporary or travel accommodation on a less than monthly basis, including bed and breakfasts, hostels, hotel, motel and inns, single unit rentals, and temporary housing facilities.
- K. State licensed Banks and Financial Institutions are permitted on Second Street only.
- L. Other business services that do not generate significant foot traffic, such as travel agencies, & small appliance repair.

- M. Neighborhood Serving Uses – small shops that serve the convenience needs of nearby residential, limited to full service deli, dry cleaner, laundromat, tailoring, watch repair and postal annex (Liquor stores, Cigarette stores, and similar uses are prohibited).
- N. Personal Services, including the following uses: Photographer, Hair and Nail Salons, Shoe Repair, Day Spa, and Full Service Salon (Tattoo, Piercing, Psychic, Tarot Card Reading, Palm Reading, and Massage Parlors are prohibited).
- O. Instructional facilities, tutoring, learning centers and schools for music, art, cosmetology, dance, and martial arts.
- P. Accessory Uses and Structures: Including signage, parking facilities, trash and utility enclosures, and enclosed storage.
- Q. Additional Uses Permitted: Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.3.2 Subarea 3 - Permitted Upper Floor Uses

- A. Multi-Family and Attached Single Family Residential.
- B. Live-Work – residential living spaces may include an integrated work space, provided the work space has a ground-floor storefront expression and upper-floor workspaces are internally connected to and operated in conjunction with the ground-floor, principally used by one or more of the residents. Work activity is limited to business (primarily office), the making of arts and crafts, including painting, graphic production, photography, print, ceramics, and sculpture, and other activities compatible with residential use. Activities that require hazardous assembly, including fabrication, manufacturing, repair or processing operations such as welding and woodworking (with more than three fixed pieces of equipment) shall not be permitted. The maximum number of employees not including the owner/occupant is limited to two. Permitted work activities shall be classified as a business and shall be subject to all applicable City, County, and State Regulations.
- C. Retail Sales and Service uses (as defined in Section 2.6.A above) are permitted on upper-floors if internally connected to and operated in conjunction with the ground-floor use.
- D. Eating and Drinking Establishments, including those serving alcoholic beverages or providing entertainment, provided this activity is clearly ancillary to food service.
- E. Business, Professional, and Government Offices.
- F. Medical and Dental Offices.
- G. Health and Exercise Clubs.
- H. Lodging or other establishments engaged in the provision of temporary or travel accommodation on a less than monthly basis, including bed and breakfasts, hostels, hotel, motel and inns, single unit rentals,

and temporary housing facilities.

- I. Other business services that do not generate significant foot traffic, such as travel agencies, & small appliance repair.
- J. Publicly Owned Parking Facilities.
- K. Personal Services, including the following uses: Photographer, Hair and Nail Salons, Shoe Repair, Day Spa, and Full Service Salon (Tattoo, Piercing, Psychic, Tarot Card Reading, Palm Reading, and Massage Parlors are prohibited).
- L. Instructional facilities, tutoring, learning centers and schools for music, art, cosmetology, dance, and martial arts.
- M. Additional Uses Permitted: Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.3.3 Subarea 3 – Conditionally Permitted Uses

Findings for Conditional Uses must document the potential for the use to contribute to pedestrian activity and to provide interesting displays or views into the business. Conditional Uses must also be appropriate to the area and compatible with nearby uses.

The following uses are permitted on the ground level, upon granting of a Conditional Use Permit:

- A. Bars and Nightclubs, including establishments providing entertainment or permitting dancing, and establishments serving alcoholic beverages not clearly ancillary to food service.
- B. Public Halls, Clubs, Lodges, Community Recreational Centers, and Meeting Facilities.
- C. Public and quasi-public buildings, including uses of an educational, religious, or public service nature (i.e. schools, adult training facilities, churches, public and non-profit organizations).
- D. Day and Child Care Centers, Day Care Homes, and Residential Care Homes.
- E. Additional Uses Permitted with a Conditional Use Permit: Other similar and compatible uses deemed by the Planning Commission to meet the purpose and intent of the Downtown Specific Plan.

The following uses are permitted on upper stories, upon granting of a Conditional Use Permit:

- A. Bars and Nightclubs, including establishments providing entertainment or permitting dancing, and establishments serving alcoholic beverages not clearly ancillary to food service.
- B. Stand-alone Retail Sales and Service Uses (as defined in 2.6.A above), that are not associated with and connected to a ground floor use.

- C. Public Halls, Clubs, Lodges, Community Recreational Centers, and Meeting Facilities.
- D. Day and Child Care Centers, Day Care Homes, and Residential Care Homes.
- E. Additional Uses Permitted With a Conditional Use Permit: Other similar and compatible uses deemed by the Planning Commission to meet the purpose and intent of the Downtown Specific Plan.

2.3.4 Subarea 3 – Special Condition Sub-district – A (Southeast corner of Railroad and South Livermore Avenue and generally bounded by the Bankhead Theater and plaza to the east and commercial development along First Street to the south):

The following uses are permitted on ground and upper levels:

- A. Public owned parking facilities.
- B. Cultural facilities including performing arts theaters
- C. Open space, pedestrian paths, plazas, and public recreation facilities.
- D. Boutique hotel, which may include accessory uses such as a spa, restaurant, bar, meeting facilities, and limited retail and personal service uses to serve the needs of guests.
- E. Conference and meeting facilities
- F. Accessory uses and structures
- G. Additional uses permitted. Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

The following uses are permitted on ground and upper levels, upon granting of a Conditional Use Permit:

- A. Public halls and community recreation centers.
- B. Additional uses permitted. Other similar and compatible uses deemed by the Planning Commission to meet the purpose and intent of the Downtown Specific Plan.

2.3.5 Subarea 3 – Special Condition Sub-district – B (South side of Railroad Avenue including Performing Arts Theatre and Plaza)

The following uses are permitted on ground and upper levels:

- A. Cultural facilities including performing arts theaters.
- B. Open space, pedestrian paths, plazas, and public recreation facilities.
- C. Accessory uses and structures.

- D. Outdoor dining uses may be permitted within the public right-of-way (plazas) consistent with the Master Design Program and Outdoor Dining Permit application procedures specific to outdoor dining uses contained within Chapter 6 and 10 of the Downtown Specific Plan.
- E. Additional uses permitted. Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

The following uses are permitted on ground and upper levels, upon granting of a Conditional Use Permit:

- A. Public halls and community recreation centers;
- B. Conference and meeting facilities.
- C. Additional uses permitted. Other similar and compatible uses deemed by the Planning Commission to meet the purpose and intent of the Downtown Specific Plan.

2.3 Subarea 4

2.3.1 Subarea 4 – Special Condition Sub-district – A (Commercial and Cultural Sub-District)

Permitted Uses. The following uses are permitted:

- A. Retail Sales and Services including the following:
 1. Specialty Food Retail, including the following and similar specialty foods: Groceries/Specialty Market/Market Hall (separate retail food uses (e.g. meat, fish, bakery, deli, produce, etc.) that combine to create a market)/Drug Stores; Chocolate/candy; General gourmet; Ice cream; Pastry/desserts; Yogurt/dairy; Doughnuts/bakery; Wine Shops and wine tasting; and similar specialty foods.
 2. Specialty Goods Retail, including the following and similar specialty goods uses: Cooking supplies/culinary; General house wares; Decorator/arts and design centers (including tile, floor and wall coverings); Specialty Hardware; Antique stores selling high-quality used goods (this category excludes thrift and second-hand stores); Party supplies; Lamps/lighting; Household accessories; Books/magazines/stationery; Music/instruments.
 3. Quality Goods Retail, including the following, and similar uses: Small crafts; Specialty furniture; Clothing (including consignment stores that sell both gently used and new clothing and accessories)/shoe stores; Stereo/video or computers; Cameras/photography; Sporting goods;

Bicycle Shops; Outdoor/sports clothing and supplies; Toys/games; Cards/gifts; Jewelry; Watches/clocks; Beauty/cosmetics; Plants/flowers. Thrift stores, donation centers, and other similar uses are not permitted.

4. Permitted and fully-conforming retail uses that occupy a ground-floor retail storefront may have outdoor displays within the public right-of-way (sidewalk area only) and upon outdoor private property between a storefront and the public right-of-way consistent with the Master Design Program and Outdoor Display Permit application procedures specific to outdoor merchant display uses contained within Chapters 6 and 10 of the Downtown Specific Plan.
- B. Eating and Drinking Establishments including the following uses:
1. Restaurants, including those serving alcoholic beverages or providing entertainment, provided this activity is clearly ancillary to food service.
 2. Drive-up or drive-in restaurants are not permitted.
 3. Outdoor dining uses may be permitted within the public right-of-way (sidewalk area only) consistent with the Master Design Program and Outdoor Dining Permit application procedures specific to outdoor dining uses contained within Chapter 6 and 10 of the Downtown Specific Plan.
- C. Accessory Uses and Structures: Including signage, parking facilities, trash and utility enclosures, and enclosed storage.
- D. Additional Uses Permitted: Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan

Conditional Uses. The following uses are permitted, upon granting of a Conditional Use Permit:

- A. Bars and Nightclubs, including establishments providing entertainment or permitting dancing, and establishments serving alcoholic beverages not clearly ancillary to food service.
- B. Other similar and compatible uses deemed by the Planning Commission to meet the purpose and intent of the Downtown Specific Plan.

2.3.2 Subarea 4 – Special Condition Sub-district – B (Public Park)

The following uses are permitted:

- A. Public Park, open space, pedestrian paths, plazas, and public recreation facilities.
- B. Accessory uses and structures that support the operation of the park and adjoining commercial and cultural uses.
- C. Additional uses permitted. Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.3.3 Subarea 4 – Special Condition Sub-district – C (Science and Society Center, Black Box Theater)

The following uses are permitted:

- A. Cultural facilities including museums, art galleries, and theaters with a maximum interior seating capacity of 200 seats.
- B. Open space, pedestrian paths, plazas, and public recreation facilities.
- C. Accessory uses and structures.
- D. Additional uses permitted. Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan

2.3.4 Subarea 4 – Special Condition Sub-district – D (Multi-Family Residential)

The following uses are permitted:

- A. Multi-family residential limited to housing affordable to a variety of household income levels not to exceed 120 percent of area median income (AMI) for Alameda County (Oakland-Fremont Metro Region). AMI shall be as determined by California Department of Housing and Community Development (HCD) for Alameda County using income limits published by the U.S. Department of Housing and Urban Development for the Section 8 Program for Alameda Court (Oakland-Fremont Metro Region).
- B. Accessory uses and structures
- C. Public Park, open space, pedestrian paths, plazas, and public recreation facilities.
- D. Additional uses permitted. Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

2.3.5 Subarea 4 – Special Condition Sub-district – E (Public Parking Garage and Public Surface Parking)

The following uses are permitted:

- A. Publicly Owned Parking Facilities
- B. Publicly accessible parking facilities including structured parking.
- C. Accessory uses and structures, including waste collection facilities.
- D. Additional uses permitted. Other similar and compatible uses deemed by the Community Development Director to meet the purpose and intent of the Downtown Specific Plan.

3. Development Intensity

In order to ensure that Downtown is the most urban, densely developed part of the City, development shall be allowed to the highest intensities.

3.1 Residential Density.

- A. Minimum density of 30 dwelling units per acre and a maximum density of 55 units per acre. Density shall be calculated on a project-wide basis.
- B. Mixed-use developments shall have no minimum density required for residential uses located above the first floor where non-residential uses are located on the ground floor.
- C. Where unique site constraints prevent this density, and in locations where the Planning Commission finds that providing residential at a higher density would be incompatible with the scale and character of existing historic buildings or residential uses, residential development may occur at a minimum density of 15 dwelling units per acre, subject to the granting of a Conditional Use Permit.

4. Height

Height requirements are intended to ensure that the heights of new buildings are compatible with the character of the Plan Area.

4.1 Height, as measured from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge of gable, hip, or gambrel roofs.

- A. Buildings in Subarea 4 – Special Condition Sub-district – A, may range in height from one (1) to two (2)

floors to a maximum height of forty-five (45) feet; and at adjoining property lines, may not be more than twice the height of the closest building on the adjoining property. However, portions of the building façade may exceed twice the height of adjoining buildings if they are set back from the adjoining property line a minimum of twenty (20) feet.

- B. Outside Subarea 4 – Special Condition Sub-district – A, and subject to the exceptions established in section 4.1.D, buildings must maintain a minimum height of two (2) floors and twenty (20) feet. Buildings may not exceed a total maximum height of three (3) floors and forty-five (45) feet; and at adjoining property lines, may not be more than twice the height of the closest building on the adjoining property. However, portions of the building façade may exceed twice the height of adjoining buildings if they are set back from the adjoining property line a minimum of twenty (20) feet. The applicant may reduce or eliminate this additional setback requirement through a Major Conditional Use Permit.
- C. Accessory buildings, including non-dwelling units such as freestanding garages for individual residential units, service structures and tool sheds, may be a maximum of fifteen (15) feet.
- D. Exceptions:
 - 1. Podium or partially submerged parking levels may project beyond the sidewalk or average finished grade for an average of four (4) feet. On lots that slope, the tallest part of the podium level may not exceed five (5) feet. Podium and partially submerged parking levels shall not count as a floor.
 - 2. Special Architectural Features, such as uninhabited towers (clock, bell, observation) or entry volumes may exceed the maximum height by no more than ten (10) feet, where proportionate and consistent with building design, if approved by the City. Towers or other volumes should not extend for more than twenty (20) feet in any horizontal direction.
 - 3. Rooftop Structures, such as elevator and mechanical equipment enclosures or roof deck trellises and gazebos, may exceed the height limit by ten (10) feet, provided they are set back a minimum of ten (10) feet from building walls and are screened on all sides by a parapet or sloping roof that is architecturally integrated with the building design.
 - 4. Projects proposing height exceptions taller than three (3) floors/forty-five (45) feet are subject to Planning Commission and City Council review in addition to the normally required review process as established in Chapter 10 “Implementation”, under Design and Site Plan Review.
 - 5. The following projects/sites may exceed the maximum height established in 4.1.B above up to the maximum heights indicated subject to Planning Commission and City Council review in addition to the normally required review process as established in Chapter 10 “Implementation”, under Design and Site Plan Review:
 - a) Local Performing Arts Theater proposed generally south of Railroad Avenue and east of South Livermore Avenue in the Livermore Valley Center (LVC) – may have a maximum height up to seventy- five (75) feet.

- b) Two proposed LVC Retail/Office/Restaurant Developments (Retail East and Retail West) proposed along the north side of First Street east of South Livermore and west of Railroad Avenue/Maple Street may have a maximum height up to three (3) floors/fifty (50) feet.
- c) The boutique hotel, located in Subarea 3, Sub-district A, may have a maximum height up to four (4) floors/fifty-five (55) feet. In addition, special Architectural Features, such as uninhabited towers (clock, bell, observation), architecturally integrated mechanical equipment screens, or entry volumes may exceed the maximum height by no more than ten (10) feet if approved by the City. Towers or other volumes that exceed the building height limit shall not extend for more than fifty-five (55) feet in any horizontal direction.
- d) SBC Building on the northwest corner of McLeod and Second Streets (2388 Second Street) – may have a maximum height up to seventy-five (75) feet.
- e) Residential development on the Downtown Specific Plan Catalyst Project Site (former Lucky’s site) located south of Railroad Avenue between L Street and South Livermore Avenue – may have a maximum height up to four (4) floors/fifty- five (55) feet, provided the fourth floor does not extend for more than 60% of the site frontage along L Street, Railroad Avenue and South Livermore Avenue.
- f) The public parking structure in Subarea 4 – Special Condition Sub-district – E may have a height of five (5) parking levels, including ground and roof levels, with a maximum height offorty-five (45) feet. Towers and architectural features may have a maximum height of sixty-five (65) feet.
- g) The maximum height standard shall not apply to rooftop finials on the parking structure. f) LVC Cinema Complex proposed for the northwest corner of First Street and Railroad Avenue/Maple Street – architectural features of the proposed project may have a maximum height up to fifty (50) feet.
- h) Groth catalyst site located at the northwest corner of First Street and South L Street – may have a maximum height up to four (4) floors/fifty-five (55) feet, provided the fourth floor does not extend for more than 60 percent of the site frontage along L Street, M Street and Railroad Avenue, and adjacent to First Street the maximum height shall be limited to three (3) floors/forty-five (45) feet. In addition, special Architectural Features, such as uninhabited towers (clock, bell, and observation) or entry volumes may exceed the maximum height by no more than ten (10) feet if approved by the City. Towers or other volumes shall not extend for more than twenty (20) feet in any horizontal direction.

5. Setbacks

In order to bring storefront activity and window displays up to the public right-of-way, the majority of all building frontages (except residential) are required to be built to the property line.

5.1 Street Frontage Setbacks (excluding alleys)

- A. For all uses except residential, a minimum of seventy (70) percent of the building frontage must be built to the property line. A maximum of thirty (30) percent of the building frontage may be recessed to provide for entryways, street-facing courtyards, and similar features.
- B. For residential uses, there is no minimum setback (i.e. uses may be built to the property line); maximum setback is twenty (20) feet.
- C. At corner parcels, setback/built-to requirements apply to both street frontages.
- D. Special Condition: Building Overhangs - Trellises, canopies and awnings may extend horizontally into the public right-of-way, up to six (6) feet. These overhangs must provide a minimum of eight feet (8') clear height above sidewalk grade.
- E. Exemptions:
 - 1. Performing Arts and Civic and Cultural facilities are exempt from the street frontage setback requirements.
 - 2. Buildings with frontage on Veterans Way are exempt from the street frontage setback requirements.

5.2 Side Setbacks

- A. For all uses, minimum side setback is zero, and maximum setback is ten (10) feet (except for driveways and pedestrian pathways).
- B. Exemptions: Performing Arts, and Civic and Cultural Facilities are exempt from the side setback requirements.

5.3 Rear setback

- A. There are no rear setback requirements in the Downtown Core District

5.4 Setbacks for Parking Lots and Structures

- A. At grade parking lots shall be set back a minimum of five (5) feet from all property lines, and landscaped as described in Landscaping & Screening, below.
- B. Freestanding parking structures may be built to the property line.

5.5 Setbacks from Railroad Tracks

- A. For habitable buildings located within 100-feet from the centerline of railroad tracks, developments shall provide a study demonstrating that groundbourne vibration issues associated with rail operations have

been adequately addressed (i.e. by building siting or by construction technique).

6. Site Development

All new development must relate to the existing City structure of streets and blocks. New streets shall conform to the direction and orientation of existing streets.

6.1 Block Pattern

- A. New streets shall conform to a pattern of generally rectilinear blocks, with new streets and access drives linking orthogonally to surrounding City streets.
- B. For sites having more than 200 feet of street frontage, all new development shall match the typical block increment of three hundred (300) feet in length by two hundred (200) feet in depth, and shall not exceed a block size of four hundred (400) feet in length by three hundred (300) feet in depth, where feasible. Where achievement of this block size is not feasible, blocks should be subdivided with alley streets or pedestrian pathways.

6.2 Driveway Access

- A. Driveway access must be from alleys, rear parking areas and streets other than First Street. Curb cuts are not allowed on First Street between M Street and Maple Avenue.
- B. The maximum number of curb cuts associated with a single building is one (1) two-way curb cut or two (2) one-way curb cuts. Otherwise, the maximum number of curb cuts is one (1) two-way curb cut or two (2) one-way curb cuts per one hundred fifty (150) feet of streetfrontage.
- C. The minimum width of driveways/ curb cuts is ten (10) feet; the maximum width of driveways/curb cuts is twelve (12) feet for one-way and twenty-four (24) feet for two-way driveways.
- D. Driveway setbacks must be a minimum of five (5) feet from adjoining private properties, and a minimum of three (3) feet from adjacent buildings.
- E. Service access must be from alleys and rear parking areas wherever possible. Where only curbside service is possible, such service must be located along streets other than First Street.
- F. Adequate access for garbage, recycling, food waste collection vehicles, and emergency vehicles must be provided.

6.3 Open Space

Commercial and office developments are required to provide publicly accessible open space in the form of parks, greens, squares, plazas or widened sidewalks for public use. Residential uses are required to provide publicly accessible common outdoor space for the development, as well as private open space (e.g. balconies or patios accessible only to the dwelling/dwellings served) for all residential units.

- A. Commercial and Office Development: Developments of greater than 50,000 square feet shall provide a minimum of one hundred (100) square feet of usable publicly accessible open space for every 2,000 square feet of ground floor commercial space constructed, and a minimum of one hundred (100) square feet of usable open space for every 1,000 square feet of office space constructed. Open space may be constructed on-site, or off-site if located within the Downtown Core Plan Area, or through payment of an in-lieu fee.
 - 1. Special Condition: Ground-floor retail establishments located on First Street shall be exempt from this open space requirement.
- B. Residential and Mixed Use Developments: Outdoor space shall be provided at a minimum of one hundred fifty (150) square feet of publicly accessible open space and sixty (60) square feet of private open space per residential unit. Private open space shall be provided on-site. Publicly accessible open space shall be provided as described below:
 - 1. Residential Project Site 0.5 Acre or Less: Shall provide required open space on-site, off-site, through payment of an in-lieu fee, or any combination of the above.
 - 2. Residential Project Site Greater Than 0.5 Acre: Shall provide 10 percent of required public open space on-site for every 4,500 square feet of site area (or portion thereof) over 0.5 acre. Remaining required public open space shall be provided on-site, off site, through the payment of an in-lieu fee, or any combination of the above.
 - 3. Mixed-Use Project Site 1 Acre or Less: Shall provide required public open space on-site, off-site, through the payment of an in-lieu fee, or any combination of the above.
 - 4. Mixed-Use Project Site Greater Than 1 Acre: Shall provide 10 percent of required public open space on-site for every 4,500 square feet of site area (or portion thereof) over 1 acre. Remaining required public open space shall be provided on-site, off-site, through the payment of an in-lieu fee, or any combination of the above.
 - 5. Projects at densities higher than 40 du/acre may construct required publicly accessible open space through the payment of an in-lieu fee or off-site, if located within 500 feet of the project.
- C. For Mixed-Use Developments, commercial/office and residential open space requirements shall be calculated separately (based on the requirements of sections 6.3.A and 6.3.B above) and then added

- together to reach the total square footage of public open space required.
- D. Iron Horse Trail: All new developments located on parcels backing onto the Southern Union Pacific right-of-way shall be required to provide a 20-foot dedication south of the existing right-of-way, to be reserved for the Iron Horse Multi-Use Trail. Developments shall be required to provide improvements to the trail. This dedication may count as park dedication credits (if approved by LARPD), or towards the provision of public open space, but not both.
 - E. For all open spaces, usable open space is defined as an area that is not encumbered with any substantial structure, and is not devoted to use as a street, parking area, sidewalk or waste disposal field. Open space provision shall not include required setback areas. (Please refer to the Design Standards and Guidelines for Site Improvements, Furnishings, Landscape and Lighting for design of open space).
 - 1. Minimum dimension for usable publicly accessible open space in any single direction is twelve (12) feet.
 - 2. For private open space within multi-family structures, open space may be provided through porches, balconies, decks, yard, terraces, and patios. Minimum dimension for private open space in any single direction is six (6) feet if provided as part of a porch or balcony; and eight (8) feet if provided as a deck, yard, terrace or patio.
 - 3. Unless otherwise noted, any open space provided off-site shall be located within the same plan area as
 - 4. the project site (Downtown Core, Downtown Boulevard Gateway, etc.) or within 500 feet of the project site.
 - 5. Any open space provided off-site must be a minimum of 1,000 square feet in size.
 - 6. For projects opting to pay an in-lieu fee to meet all or a portion of their open space requirements, the fees shall be subject to the provisions of the Downtown Specific Plan Open Space Program.
 - F. All public open spaces provided as part of the minimum requirement shall be publicly accessible during daylight hours, and shall be designed to connect with public rights-of-way and adjacent public open spaces in the vicinity.
 - G. For any public open space provided on- or off-site, the site plan layout shall provide appropriate paths, landscaping, and other amenities (i.e. benches, tables, fountains, shade structures, etc.) for the recreation and enjoyment of on-site users and the public.
 - H. For all developments, the developer shall prepare binding agreements (“CC&R’s”) addressing issues of common interest in terms of maintenance of public accessibility to open space, tree planter areas, planting strips, and walks.

6.4 Landscaping & Screening

- A. At Service and Parking Areas, where commercial development is sited adjacent to residential buildings, attractive screen fencing or walls must be provided along the property line(s). A five (5) foot planting area must be established adjacent to the screening fence or wall with trees at a maximum spacing of twenty (20) feet on center.
- B. Utility, Trash, Recycling, Food Waste and Service Equipment, including satellite receiving dishes, must be located away from streets and enclosed or screened by landscaping, fencing or other architectural means.
- C. Rooftop equipment must be screened on all sides and must be integrated architecturally in the building design. Trash facilities and recycling containers must always be within structural enclosures.

6.5 Utility Easement

- A. All public utility easements must be provided under or immediately adjacent to new public rights-of-way or within other public easement areas acceptable to the City Engineer.

7. Noise

7.1 Exterior Noise Levels

- A. For those permitted land uses in the Downtown generating noise, Exterior Noise Levels may not exceed a maximum exterior decibel rating of 75 dBA from 7:00a.m. to 12:00a.m.
- B. For those permitted land uses in the Downtown generating noise, Exterior Noise Levels may not exceed a maximum exterior decibel rating of 65 dBA from 12:00a.m. to 7:00 a.m.
- C. Exception: Emergency equipment and emergency generators used for public uses and public utilities may exceed this requirement during testing and emergency operation.

7.2 Interior Noise Levels

- A. All Residential – All residential building spaces must be improved or constructed in such a manner that noise levels do not exceed a maximum decibel rating of 45 dBA with windows closed, assuming 85 dBA on the first floor and an exterior noise level of 75 dBA. If noise analysis assumes closed windows 100% of the time, a fresh air ventilation system must be utilized.

8. Historic Structures

8.1 Conversions of Existing Historic Structures

To encourage appropriate rehabilitation of historical resources, the Livermore Development Code allows for deviations from certain development standards like setbacks and coverage. In accordance with Specific Plan policy, all historical resources within the Specific Plan area may utilize the Historic Preservation Incentives identified in Chapter 9.02 of the Livermore Development Code, or as amended.