

10. Implementation

Having defined the type of development desired in the Downtown and the fundamental urban structure that will condition the shape and form of that development, the community planning process subsequently "worked backwards" from this future vision of Downtown to define the steps necessary to best achieve this vision. This chapter lists the actions that should be taken to attain the Downtown vision, and prioritizes those actions in the sequence in which they should be implemented. It describes the public improvements associated with those actions to be made by the City, especially those that are integral to Downtown's envisioned revitalization. Whenever possible, it coordinates both private and public sector actions so that efforts are complementary and occur simultaneously. It sets forth the Downtown areas that should be given priority, key steps needed to implement the Specific Plan, and how the Plan will be administered once it is adopted.

It should be noted that the following implementation sequence is structured to direct short term efforts, over the next three years. At the end of this short-term phase, the City should review and update the implementation sequence to follow, with subsequent actions given priority according to Downtown conditions at that time.

Priorities

The Implementation Plan provides strategic steps for the near term. In order to prioritize these steps, it is important to establish the key areas where efforts should begin, and where supporting efforts should follow. The Downtown Specific Plan classifies areas into several Strategic Action zones, as are noted below. However, it is important to note that the Specific Plan is a working document, a dynamic tool that should evolve with the Downtown as it revitalizes over the coming years. Therefore, priorities should be allowed to shift, and areas of importance may be refocused, as the Plan is implemented.

Revitalization Zone: The Revitalization Zone demarcates those areas which are the highest priority for Downtown revitalization. It consists of those areas fronting First Street in the Downtown Core. The sites within this zone take priority over other areas in the Downtown, concurrently with the implementation of Catalyst Projects in the Catalyst Zone, described below.

- Implement Capital Improvements immediately to stimulate investment and re-use.

- Develop Incentive Programs to encourage infill and redevelopment in the Core.
- Target recruitment and relocation efforts to bring new, vibrant establishments to the Downtown and retain existing thriving businesses.

Catalyst Zone: The Catalyst Zone contains sites which have been designated as locations for immediate investment. These areas are also short-term priorities, and in several instances overlap with the Revitalization Zone above. Redevelopment on these sites will be targeted to meet community objectives, stimulate Downtown targeted redevelopment, and demonstrate to investors the possibilities of Downtown. Specific projects are further defined in Catalyst Projects, below.

- Create public/private partnerships for immediate redevelopment ventures desired by the community, such as a downtown cinema.
- Identify candidate areas for facilities such as new housing, or artist residences and workshops.

Large-Scale Redevelopment Zone: The parcels identified as part of the Redevelopment Zone are intended to provide sites for large-scale redevelopment. Areas are currently underutilized or vacant, and offer potential to be obtained and assembled in the near term, for future redevelopment.

- Make efforts to obtain developer interest in large-scale projects, particularly housing redevelopment.
- Acquire and assemble parcels where possible, and further facilitate redevelopment through other assistance if city resources allow.

Medium-Scale Infill Zone: The parcels designated for this zone make up most of the commercial area fronting First Street west of Downtown. These sites provide additional area for any of the uses that support the revitalization of the Downtown Core, but do not compete with it, such as housing, office or support commercial development.

- Focus Capital Improvements at frontage to stimulate new investment.
- Retain/enhance medium-scale commercial that complements downtown core Retail.

Neighborhood Enhancement Zone: Treatment of development at these infill parcels will be key to maintaining and strengthening the character that already exists in the surrounding existing neighborhoods.

- Promote sensitive infill, rehabilitation and re-use, with appropriate redevelopment such as housing, office, and lodging.
- Follow parameters set in design guidelines to ensure a compatible intermixing of residential, office, and/or lodging uses.
- Capital Improvements.

Capital Improvements -Catalyst Projects

Catalyst Projects are those designed to stimulate near-term private investment by providing a high quality example of successful redevelopment within the Project Area. These Catalyst Projects are directed towards currently underutilized properties, and their redevelopment will act as "armatures of revitalization" that can expand outward and transform the surrounding district. As a result, these catalyst projects will act as vehicles for achieving the goals identified in the community workshop process by strategically focusing investment of public funds and creating immediate and highly visible change. These key projects will serve as an on-the-ground example of Downtown's possibilities, providing a dramatic visual demonstration of possible ways to achieve the goals set forth in the Plan.

In order to make the most of the latent potential of Downtown properties, the first priority is placed on achieving significant transformation in the Downtown Core. Once the revitalization of the Core area is visibly underway, the perceived value and attraction of nearby properties will increase dramatically. To set the stage for the first wave of new investment in the Downtown, the City of Livermore should be an early investor in its own revitalization effort, by participating in key projects or opportunity sites that will make a difference in Downtown. Specifically, these projects include the development of one or several major housing projects in Downtown, in order to demonstrate the possibilities of housing downtown; and the development of a major retail and entertainment anchor, to showcase Downtown's retail potential. Actions to be taken by the City include:

1. Initiate the development of the Livermore Valley Center. As the center of the City, Downtown should provide cultural and entertainment destinations at both the local and regional level. The Livermore Valley Center-

planned to include a parking structure, a performing arts facility, a local theater, a boutique-style hotel, restaurants and retail centered around a park plaza- can act as a grand centerpiece for Livermore's performing arts. The local Performing Arts Theater and adjacent plaza, combined with the Science and Society and Center and Black Box Theater on the former "Lucky's" site, will serve as local cultural anchors and as attractions for the region at large, bringing more people into the Downtown and more dollars to its businesses.

2. Initiate a high quality mixed-use project on the former "Lucky's" site, in the heart of Downtown. This development should have several components: a retail component to activate the eastern edge of the site; a cultural component that includes a Science and Society Center and a Black Box Theater; a vibrant residential component that provides multifamily workforce housing with substantial public open space; a public green that anchors the development and services the broader community; and a parking structure to serve Downtown retail development. The scale and location of the site enable a mix of uses that are integrated with and connected to the First Street retail area. Residential densities should be appropriate to the site's location in the Core, the City's most intense area. Stockmen's Park and the adjoining linear open space provide the framework around which private development will occur.
3. Assist in the creation of a vibrant entertainment facility to act as a catalyst for Downtown redevelopment. Entertainment facilities such as a movie theater would bring more evening activity into the Downtown, and would meet the community's desire for entertainment facilities.

Provision of Public Open Space

In order to create an Open Space strategy that is based on the existing assets of Downtown, the Plan must begin by taking into consideration the character and location of the existing primary public places. The identity of the City of Livermore is strongly tied to its open landscape, its ranging hillsides, its vineyards and its agricultural fields. Downtown should maintain a sense of this connection, even in its most urban areas. Lizzie Fountain and the historic Carnegie library and park are the most identifiable public places in Downtown. Other existing public places include the public streets_ primarily First Street and its seating areas that were created as a part of its redesign. The Specific Plan requires that these spaces be maintained and enhanced so as to better serve the public. It uses them as building blocks for public space network in the Downtown. The City will make several major contributions to this network, and take actions to create the following spaces:

Stockmen's Park. The redevelopment plan for the former "Luckys" site identifies a new public park that connects seamlessly to adjacent residential open space and provides a shaded pedestrian connection between South Livermore Avenue and South L Street. Stockmen's Park will be approximately 1.5 acres in size and includes walkways, plazas, organizing green spaces, and a relatively flat, half an acre of open grassy area bordered with trees. Overall, the Downtown Core redevelopment plan will provide over 3.5 acres of public open space, including a large linear green space running from South Livermore Avenue to South L Street, creating a safe and comfortable place for events, passive respite, and strolling between downtown destinations.

The Intersection Plaza. Historically, the intersection of First Street and Livermore Avenue has been the center of the City. The alignment of the streets meeting at this intersection created an outdoor space at the front of the Masonic Building, which served as a major meeting place for many of the City's early public and civic gatherings. However, as development dispersed to the periphery of the City, the Civic Center moved from Downtown as well. As a result, the special civic connotations once carried by this space were lost.

A primary feature of the Specific Plan is the restoration of this civic gathering place at First Street and Livermore Avenue. The new design for the restored intersection plaza will include two primary elements: an activity-generating kiosk, and a major water feature or civic fountain. The activity-generating element will house a commercial activity such as a coffee stand or other vendor stall. It will be centrally and prominently located in order to encourage movement within the space. The fountain will provide a recreational focal point for the plaza, bringing both a visual and auditory amenity to the urban setting. The plaza will be subdivided into smaller spaces, utilizing a combination of landscape materials. It should alternate between paving and grass in order to create smaller "rooms" to be inhabited by users of the space. It will provide shade and places to sit and its design elements will be carefully chosen to maintain the character of Downtown Livermore while bringing a touch of the City's natural areas to the more urbanized center of Downtown.

First Street as a primary public open space. Through the addition of new public places, new street furnishings and improved materials, First Street will be transformed from its current condition as Downtown's thoroughway to its centerpiece and focal destination place. Improvements to First Street will establish it as a place for people—a public room where residents meet up with their neighbors, where friends congregate for a bite to eat, and where visitors window-shop on a sunny afternoon. Wide sidewalks, landscape amenities, and a pedestrian scale will shift the

character of the right-of-way, creating walkable spine for the pedestrian-oriented Downtown Core development.

Open Spaces- Places for the Community. Open spaces for gathering and for recreation should be increased and improved throughout the Downtown. The Downtown Core will feature a number of small public spaces distributed along the length of First Street. These will support commercial activities with space in the "flexible zone" for outdoor cafes and outdoor vendors and create pocket plazas to provide casual meeting places. These open spaces will offer both visitors and residents the opportunity to gather and linger throughout Downtown.

Pedestrian Realm. The pedestrian realm throughout the study area will be enhanced through street improvements along existing streets, the creation of dedicated pedestrian zones along new ones, and a series of paths and greenways that provide connections between major public spaces in the Downtown. As stated in Chapter 7: Circulation and Transportation, First Street will be recreated as a public thoroughfare with sidewalks ranging from twelve to seventeen feet in width, an expanded pedestrian realm within the "flexible zone", and new site furniture and additional pedestrian scale lighting installed along the public right-of-way, to create a broad public right-of-way that provides a generous pedestrian environment in Downtown's most public areas. Public sidewalks are required along all new streets, providing a minimum walkway width of five (5) feet. New blocks will be required to adhere to a maximum block size (see Development Standards for the appropriate Plan Area) ensuring a fine-grained pedestrian network throughout the Downtown. The overall framework of these pedestrian connections is shown on the Open Space and Access map, page 4-14, provided in Chapter 4: Land Use and Development Policy.

Bicycle Routes. Bicycle lanes will be provided throughout the Downtown where possible. As described in Chapter 7: Circulation and Transportation, striped lanes are recommended for Third, Chestnut, and P Streets, consistent with the 2001 Bikeways and Trails Master Plan (no bicycle lane would be provided along First Street). In addition, route signs to clearly mark to the overall bike network are recommended for First Street, L Street and Railroad Avenue. The Iron Horse Trail, a multi-use trail, will be constructed along the Southern Pacific Railroad right-of-way, from Murrieta Blvd. east to North Livermore Avenue to the ACE station along the southside of the tracks. Bike and pedestrian bridges will be constructed at the crossings of Murrieta Blvd., P Street and North Livermore Avenue, and potentially at the crossing at L Street. Eventually this trail will connect with an existing system that runs between Walnut Creek and Dublin.

Implementation of the Specific Plan

This section shows the approximate sequence of the key implementing steps that should be followed by the City to effectively execute this Specific Plan. This list of steps is preceded by a summary of actions, divided into two parts: those actions completed during the adoption of the Downtown Specific Plan, and those actions that remain will be implemented after Specific Plan adoption. Implementation Actions Completed as Part of the Specific Plan Adoption.

- Certify the City of Livermore General Plan Amendment and Downtown Specific Plan Environmental Impact Report.
- Adopt findings, mitigation measures, and monitoring program as required by the California Environmental Quality Act.
- Adopt the General Plan Amendment to allow for the establishment of the Downtown Specific Plan and adopt the Downtown Specific Plan concurrently.
- Revise the City's Growth Management System to create a Downtown Growth Management Plan to accommodate Downtown Specific Plan development.

Implementation Actions to Be Completed After Specific Plan adoption:

- Adopt Zoning Code amendment to allow for the Downtown Specific Plan to be implemented in conformance with the General Plan Amendment.
- Set up specific financing plans based upon the general financing options in the Specific Plan for major capital
- Improvements required to support development in the Downtown planning area.
- Specific Plan Administration, which includes review and approval of projects in accordance with the intent and provision of the Downtown Specific Plan, as described in the section which follows.

EIR Certification

To meet the requirements of the California Environmental Quality Act (CEQA) , a Program Environmental Impact Report (EIR), as authorized by Section 15168 of the CEQA guidelines, was prepared to assess and address the environmental impacts of the General Plan and Downtown Livermore Specific Plan.

The City certified the Final EIR for the General Plan and Specific Plan on February 9, 2004. The City's action to certify the Final EIR did not constitute approval of the Specific Plan. Rather, it indicates that the EIR has been completed in compliance with CEQA and that the EIR was presented to and reviewed by the City's decision-makers and the public prior to Specific Plan approval.

Mitigation Monitoring Program and CEQA Findings

Public Resources Code Section 21081.6 requires that a "reporting or monitoring program shall be designed to ensure compliance during project implementation." The adopted program shall apply to changes made to the project or conditions of project approval in order to mitigate or avoid significant effect on the environment. The monitoring program provides a brief summary of the required mitigation for impacts attributable to the project, identifies the party responsible for monitoring that the project complies with the mitigation measure, and identifies at what point in time or phase of the project the measure is to be completed. The City has prepared a mitigation monitoring program in conjunction with the preparation of the Final EIR.

The EIR identified several environmental impacts that remained significant after mitigation or significant impacts for which feasible mitigation is not available. The City prepared Findings and a Statement of Overriding Conditions, as required by Sections 15091 and 15093 of the CEQA Guidelines. The Findings explain how the City has addressed each significant adverse environmental impact and the project alternatives presented in the Final EIR. The Statement of Overriding Considerations identifies the specific reasons for approving a project for which all significant adverse environmental impacts have not been at least substantially mitigated.

General Plan Amendment and Specific Plan Approval

The General Plan was amended concurrently with the adoption of the Downtown Specific Plan to ensure the Specific Plan was consistent with the City's General Plan. The General Plan text and land use map were amended to: (1) allow for the establishment and implementation of the Downtown Specific Plan; and (2) accommodate the types and densities of development envisioned in the Downtown Specific Plan land use designations. After consideration of the benefits associated with the proposed Specific Plan and its conformance with the long-term goals of the City, the City Council adopted the General Plan Amendment and the Downtown Specific Plan.

Downtown Growth Management Plan

The Downtown Specific Plan includes its own unique growth management plan separate from the City's established growth management system used for the remainder of the City (the Growth Management Policies of the 2003 General Plan have been previously described in Chapter 4: Land Use and Development Policy). The Downtown Growth Management Plan allows the flexibility for the Downtown to grow commensurate with market conditions while adhering to the goals and objectives of the Specific Plan and within the framework and the City's overall.

Zoning Code Amendment

To achieve the Downtown Specific Plan objectives, a Zoning Code amendment will be adopted to allow Specific Plan standards and provisions to be the governing zoning for area. In other words, projects will be consistent with the Zoning Code if they are consistent with the Specific Plan. This zoning will also ensure adequate City review, as required in the Specific Plan, and provide necessary flexibility to achieve Specific Plan objectives.

Financing Plans

Set up specific financing plans based upon the general financing options in the Specific Plan for major capital improvements required to support development in the Downtown planning area. Major project responsibilities and possible methods of funding are described in Chapter 11: Financing Strategy (TBD). Detailed financial plans shall be prepared and be made a part of any project approval. The Financing Plans shall identify the necessary capital improvements including public facilities, streets and utilities and assure their timely financing through, for example, assessment districts, impact fees, private financing, bonds, etc. Implementation of the Financing Plans can be assured by inclusion of provisions in development approval that require adherence to the plan.

How to Obtain Project Approval

The Livermore Downtown Specific Plan will be used to fully evaluate future development projects or improvement plans within the Specific Plan area. Given the extended timeframe for development and the probability that multiple

developers will be involved in the development of the Downtown, the following responsibilities, mechanisms and procedures will be necessary to administer the Specific Plan. Implementation of the Downtown Specific Plan will be a joint effort of the City of Livermore and any applicant who is proposing to develop in or make improvements in the Specific Plan area.

Development Review Process

The intent of this section is to summarize the typical procedural steps needed to review and approve projects in the Specific Plan area to ensure land uses consistent with the Plan objectives and high-quality design that creates a distinctive and cohesive image for Downtown Livermore consistent with the community's goals.

Within the Downtown Specific Plan Project Area, the City shall review proposed development projects for compliance with the Specific Plan, CEQA requirements and shall approve projects only after one or more of the following findings are made:

- The project is in conformance with the Specific Plan's standards and guidelines; or
- Project-specific mitigation measures or conditions of approval have been incorporated into the project. (Note: the above paragraph/policy needs to be included per LSA as mitigation for EIR impacts).

As outlined below, the Specific Plan allows for administrative Zoning Clearance, Outdoor Dining Permit, Outdoor Display Permit, Zoning Use Permit and Design Review processes for projects that meet the Specific Plan's purpose and intent and development provisions. In other words, the Specific Plan allows staff to make a final consistency determination on many development or improvement projects in order to streamline and simplify the approval process. This approach is designed to encourage the permitted and conditionally permitted uses to stay in or move into Downtown, as well as high-quality and innovative design that will enhance the residential neighborhoods and commercial core. Similar to the Development Code, the Specific Plan identifies permitted uses, development standards, design guidelines and other supporting regulatory provisions. More detailed information on how a proposed project can be processed should be obtained from the Livermore Planning Division.

Land Use Consistency- Zoning Clearance

Applicability: As a means for determining compliance with the provisions of the Downtown Specific Plan, the Community Development Director (hereafter "Director") may require an application for a Zoning Clearance if it is unclear that the proposed land use or development is consistent with the provisions of Downtown Specific Plan, or where unique circumstances exist.

Application: An application for a Zoning Clearance shall be accompanied by a written description of the proposed use, a plot plan showing lot lines, dimensions and locations of buildings and improvements, street right-of-way lines, building setback lines, yards, and any other information necessary to demonstrate consistency with the Downtown Specific Plan.

Action - Director.

- A. Time Limit. The Director shall act upon an application for a Zoning Clearance within 17 calendar days following the date of filing of the application.
- B. Variety of Action. The Director may approve an application and issue the clearance, or disapprove an application.

Effect of Action:

- A. Effective Date. Date of approval.
- B. Notification of Applicant. The Director shall notify the applicant in writing of the action taken.

Appeal Process: An appeal of the Director's determination may be made to the Planning Commission, consistent with the provisions of Chapter 9 of the Livermore Development Code.

Outdoor Dining Permit

Applicability: Chapter 5, under "Development Standards: Downtown Core Plan Area", outdoor dining uses are permitted within Subarea 1 and 3 within the public right-of-way (sidewalk or flexible zone areas), consistent with the Master Design Program for Outdoor Dining Uses (Downtown Specific Plan Chapter 6 and the Outdoor Dining

Guidelines), and with the application procedures set forth in Chapter 5.60 of the Livermore Municipal Code.

Outdoor Display Permit

Applicability: Chapter 5, under "Development Standards: Downtown Core Plan Area," outdoor merchant display uses are permitted in Subareas 1 and 3 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 for Outdoor Merchant Display Uses (Downtown Specific Plan Chapter 6), and with the following specific Outdoor Display Permit application procedures:

Permit Required: No person shall display merchandise within the public right-of way or upon outdoor private property between a storefront and the public right-of-way without first obtaining a City of Livermore Outdoor Display Permit.

Application: An application for an Outdoor Display Permit shall be accompanied by an application for an encroachment permit and shall include the following (as applicable):

1. Completed general planning and Encroachment Permit Application forms; associated property and business owner signatures are required.
2. Appropriate application fees and deposits.
3. A dimensional site plan that demonstrates:
 - A. The related private property, the right-of-way, and the location of adjacent City street trees and furnishings, including but not limited to planters, light poles, trellis structures, benches, trash containers, kiosks, etc.
 - B. An outline of the area proposed for outdoor merchant display use and the location of any existing and adjacent outdoor dining or merchant display uses.
 - C. The proposed layout of all display use furnishings and merchandise.
 - D. The proposed circulation to and from the outdoor merchant display use and the associated business,

general pedestrian circulation, and building ingress/egress.

5. Specifications for the design, colors, and materials of all proposed display furnishings, demonstrating that all display furnishings are of commercial grade.
6. A written description and photographs of the types of merchandise proposed to be displayed.
7. Evidence of comprehensive liability insurance, evidence of Workers Compensation Insurance, and a signed Hold Harmless and Indemnification statement (that indemnifies and holds harmless the City of Livermore, its officials, employees, agents and volunteers, and the underlying property owner), in a form approved by the City's Risk Manager, as approved by City Council Resolution.
8. A copy of the applicant's City of Livermore Business License.

Action - Director. The Director shall have the authority to approve or deny an application for an Outdoor Display Permit and shall provide written notification of the action taken to the applicant. The Director may refer the application to the Planning Commission for review and recommendation if the proposed application is inconsistent with the Downtown Specific Plan, when the applicant has requested items larger than permitted by the Master Design Program, where violations under previous permits warrant additional review, or where unique circumstances exist.

Findings: The Director shall only approve or conditionally approve an application for an Outdoor Display Permit for outdoor merchant display use if the following findings can be made:

1. That the design, location, layout, furnishings, and merchandise of the proposed outdoor merchant display use are consistent with the requirements for use, development, design, appearance, quality, character, and permitting contained within Downtown Specific Plan Chapters 5, 6 and 10, and all other applicable laws and regulations.
2. That the proposed outdoor merchant display use will promote the continued development and revitalization of the City's pedestrian-oriented Downtown by assisting in the creation of a lively and inviting streetscape.
3. That the proposed outdoor merchant display use will not pose a danger to the public health, safety, or

welfare, and/or any violations of these standards or the conditions of a previous permit have been abated or corrected prior to the issuance of a subsequent permit.

Appeal Process: An appeal of the Director's determination may be made to the Planning Commission, consistent with the provisions of Chapter 9 of the Livermore Development Code.

Annual Permit: An Outdoor Display Permit shall be valid for a period of one year, beginning on January 1 and ending on December 31.

Annual Permit Required: Each year, the applicant shall submit a complete application for an Outdoor Display Permit as defined above. The Director shall approve or deny the permit request, and shall provide written notification of the action taken to the applicant.

Outdoor Display Permit Not Transferable: *Outdoor Display Permits are not transferable.*

Interruption of Use: An Outdoor Display Permit is an interruptible privilege. The City may interrupt the operation of an outdoor merchant display use at any time due to anticipated or actual conflicts. Such conflicts may arise from, but are not limited to, scheduled festivals and similar events, parades or marches, repairs to the public right-of-way, or demonstrations or emergencies occurring in the area. Outdoor merchant display uses shall be permitted to continue during special events unless the City of Livermore specifically requests that the use temporarily discontinue for the duration of the event. Such request may include the removal of all use furnishings.

Violations, Suspension, Enforcement: It shall be unlawful for any person to use or maintain any outdoor display except as permitted by this Chapter. The violation of any term or condition of, or applicable to, any Outdoor Display Permit shall constitute a violation of the provisions of this Chapter. The Director may order the immediate suspension of an Outdoor Display Permit upon a determination that there has been a violation of a provision of this Chapter, until such time as the violation is abated. Each day a violation of this Chapter continues shall constitute a separate offense. The continuing violation of any provision of this Chapter shall constitute a public nuisance which may be redressed by civil or criminal action, abated by mandatory or prohibitory process of a court of competent jurisdiction or pursuant to Chapter 1.20 or 1.24 of the Livermore Municipal Code.

Design and Site Plan Review (Design Review) for Non-Historic Structures

Applicability. Any actions proposing physical changes to any parcel of land or existing structure, or the proposed construction of new structures, shall be subject to Design and Site Plan Review (hereinafter "Design Review") and shall be reviewed for consistency with all applicable Downtown Specific Plan and General Plan provisions, and applicable City ordinances and standards. A final Design Review determination shall be made prior to issuance of any building, grading or development permit, final map approval, or other ministerial approval.

Design Review Process: Design Review will be accomplished in one of the following ways:

1. **Minor Design Review:** Site improvements that are small in magnitude (e.g., minor landscape, hardscape, streetscape, signage, lighting, painting, and fencing improvements, etc.) that are not associated with exterior building modifications, new structures, or additions to existing structures, shall require Minor Design Review and shall be reviewed and approved by staff. Once deemed complete, a no-fee application for Minor Design Review typically requires a processing time of one to two weekdays. Staff may refer a Minor Design Review application to the Planning Commission if staff finds the proposed project is inconsistent with the Downtown Specific Plan, or where unique circumstances or policy implications deem it necessary to do so.
2. **Administrative Design Review:** Exterior building modifications (including awnings, windows, and similar modifications), Master Sign Programs, additions to existing structures, new commercial, retail or office structures of less than 30,000 square feet, new residential projects providing less than 40 units, and major site improvements shall require an application for Administrative Design Review and shall be approved by staff. Once deemed complete, an application for Administrative Design Review typically requires a processing time of two to four weeks. Staff may refer an Administrative Design Review application to the Planning Commission if staff finds the proposed project is inconsistent with the Downtown Specific Plan, or where unique circumstances or policy implications deem it necessary to do so.
3. **Planning Commission Design Review:** New commercial, retail or office structures of 30,000 square feet or more, new residential projects providing 40 or more new residential units, and projects associated with another discretionary application (e.g. a Development Agreement, Conditional Use Permit, Tentative Subdivision Map, or Development Disposition Agreement). These projects will be reviewed by the Planning Commission and City Council as required by the City's Development Code. Once deemed complete, an application for Planning Commission Design Review typically requires a processing time of eight to twelve weeks.

If the proposed project entails new commercial, retail or office structures of 30,000 square feet or more, new residential projects providing 40 or more new residential units, or is associated with another discretionary application, e.g., Conditional Use Permit or Tentative Map, Design Review shall take place concurrently with the processing of the discretionary application and shall be subject to review and approval by the decision making body

reviewing the associated application. A review of the regulatory process for Design and Site Plan Review will be held 1 year after adoption of the Downtown Specific Plan.

Projects/sites with height exceptions taller than three (3) floors/forty-five (45) feet (as listed in Section 4..1.C, Height Exceptions, of each Plan area in Chapter 5, Development Standards) are subject to Planning Commission and City Council review in addition to the normally required review process as established above.

Design Review Application Submittal Requirements: Applications for Minor Design Review shall include an Application Form and an Environmental Assessment Form, completed, signed and dated, and shall be accompanied by information defined below as deemed pertinent by staff in order to conduct a thorough and comprehensive review of the project and determine project consistency with the Downtown Specific Plan, City of Livermore General Plan, and all applicable City ordinances and standards.

Applications for Administrative or Planning Commission Design Review shall include at a minimum, but not be limited to, the following information:

1. Application Form -completed, signed and dated.
2. Environmental Assessment Form - completed, signed and dated.
3. Application Fee.
4. Project Proposal - a written detail of the proposal that identifies existing conditions and proposed changes, the purpose of the request and the benefit that will be provided.
5. Site Photographs.
6. 16 copies of the complete plan set, including, but not limited to:
 - A. Site Plans -showing property lines, dimensions, setbacks, all existing and proposed structures, adjacent structures on neighboring parcels, parking (detail requirement compliance), lighting, utilities (HVAC, transformers, meters, etc.) and landscape and hardscape areas.
 - B. Floor Plans - all levels/stories.

- C. Roof Plan and Cross Sections - demonstrating how roof mounted equipment will be shielded from view.
- D. Elevations_ showing all sides; a perspective elevation is recommended.
- E. Signage- including dimensions and overall measurements in compliance with the Downtown Specific Plan.
- F. Color and Material Samples for proposed structures and improvements.
- G. Landscape and Irrigation Plans and Water Conservation Concept Statement- documenting compliance with the Water Efficient Landscape Ordinance.
- H. One 8.5" x 11" reduction of all submittal plans and documents.

Staff may request additional materials and information upon submittal and throughout the Design Review process in order to allow staff to conduct a thorough and comprehensive review of the project and determine project consistency with the Downtown Specific Plan, City of Livermore General Plan, and all applicable City ordinances and standards.

Right to Downtown Operations Ordinance and Deed Notification Requirement

Consistent with the Downtown Specific Plan, a new Right to Downtown Operations Chapter (Chapter 8.19) has been added to Title 8, Health and Safety, of the Livermore Municipal Code. The Right to Downtown Operations Ordinance will apply to all land uses operating within the Downtown Specific Plan area. The Ordinance specifies that, as a condition of approval of any discretionary development permit (including, but not limited to, tentative subdivision and parcel maps, conditional use permits and zoning use permits) relating to property within the Downtown Specific Plan area, a Notice of Right to Downtown Operations will be required to be included in all subsequent deeds and leases. This Notice will advise property owners, tenants, and users of property within the Downtown Specific Plan area of the inherent impacts and inconveniences associated with the purchase, tenancy, or use of property in the Downtown Specific Plan area. This notice will help to protect the City and all other property owners and tenants who operate businesses or conduct activities consistent with applicable codes and requirements.

Residential uses are typically the most sensitive uses to noise, light, and other impacts, especially during evening hours. Commercial and office uses may also be sensitive to noise impacts, as well as to downtown activities and events. With an increase in sensitive uses and a range of mixed uses anticipated to occur in the Downtown Specific Plan area, the notification is intended to advise both current and future uses they are located in a vibrant Downtown area and that their expectations concerning noise and other impacts should be consistent with the Downtown location. Notification of potential impacts is provided to reduce complaints about activities the City will undertake, both related to infrastructure improvements and special events, as well as uses the City would support

downtown, such as movie theaters, performing arts uses, coffee shops with live music, and other similar types of vibrant nighttime activities.

Where new upper-floor uses are permitted in the Downtown Core of the Downtown Specific Plan area, as a condition of approval of any related discretionary development permit, the first paragraph of the Notice of Right to Downtown Operations shall be revised to read:

The City of Livermore permits the operation of a variety of residential, business, cultural, civic and other activities within the downtown specific plan area. Certain uses and activities, including retail, restaurants, bars, nightclubs, grocery/drug stores, professional, business and medical offices, instructional facilities, personal services, exercise clubs, public halls, lodges, meeting rooms, day care facilities, community recreational centers and similar uses and activities, may be permitted or conditionally permitted on both lower and upper floors within the downtown core plan area. It is possible that such uses and activities may be directly adjacent to (above, below, or to the side of) a residential or office use within the same or a neighboring building. These uses are included within the range of mixed uses anticipated to occur, and in the inherent impacts and inconveniences associated with the purchase, tenancy, or use of property, in the downtown specific plan area.

Environmental Review

The certified Program EIR for the General Plan Amendment and Specific Plan evaluates and addresses environmental impacts anticipated from Specific Plan implementation in increments over a number of years. The Program EIR for the Specific Plan area would reduce the need for project-specific environmental review in those areas analyzed by the Program EIR subject to findings that there are no substantial changes in conditions.

However, it is possible that additional specific environmental review, on a project-by-project basis, may be necessary. This could include focused studies on one or more identified environmental concerns. The City will make these determinations, and environmental review may be incorporated into the development approval process.

For projects or actions proposing changes to historic resources, City staff will conduct a California Environmental Quality Act (CEQA) review of the proposed project for compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Secretary's Standards). Projects that are in compliance (class 1 or 2) are

considered mitigated to a less than significant impact by CEQA. Proposed projects that are not in compliance will be offered the opportunity to comply with the Secretary's Standards. If after revisions are made, the proposed project remains noncompliant, City staff will determine the appropriate level of environmental review.

Specific Plan Amendment

The City Council may permit minor deviations from the Specific Plan provisions as part of its approval of a particular development application without requiring an amendment to the Specific Plan, provided that the project is consistent with the stated intent of the Specific Plan and the City's General Plan.

More substantive amendments to Specific Plan provisions may be requested by an applicant or property owner or may be initiated by the City. Major Specific Plan amendments shall be processed in accordance with City ordinances, and all such amendments will be presented for City Council review at a public hearing. Generally, the process for amending the Specific Plan is similar to that for amending the City's General Plan, with the significant difference being that there is no limitation on the number of Specific Plan Amendments that can be approved in any one year. Proposals to exceed existing Specific Plan height regulations in any Plan Area will be considered by the City Council and processed as a Specific Plan amendment as described above.

All Specific Plan changes (both minor deviations and major amendments) must be found consistent with the Livermore General Plan, or a General Plan Amendment and Zoning Code revision may be required. If any regulation, condition or portion of this Specific Plan is held invalid by a California or Federal court these portions shall be deemed separate, distinct and independent provisions. The invalidity of these provisions shall not affect the validity of the remaining parts of the Specific Plan. Proposals to exceed existing Specific Plan height regulations in any Plan area will be considered by the City Council and processed as a Specific Plan amendment as described above.

Other Discretionary Applications

Any Conditional Use Permits, Site Plan Approvals, Zoning Use Permits and other discretionary applications shall be approved in conformance with the Specific Plan. They will be processed in accordance with established City procedures unless otherwise directed in the Specific Plan.

A Planned Development District would allow deviation from adopted standards to permit more imaginative and flexible designs or to address geologic, topographical or environmental factors. However, it is anticipated that Planned Development permits will not be necessary or encouraged, because the Specific Plan is detailed and flexible enough to provide an adequate regulatory framework to meet the community's objectives. In addition, multiple deviations from Specific Plan standards may diminish the Plan's effectiveness and stated purpose and intent.

Tentative and Final Subdivision Maps

All Tentative and Final Maps shall be approved in conformance with the Specific Plan provisions. The Subdivision Map Act and City Subdivision Ordinance will govern the subdivision process. When all conditions of the Tentative Map are met or bonded for and improvement plans are approved, a Final Map will be approved by the City, in keeping with City standards and procedures, and the Subdivision Map Act. Final Recordation of Final Maps is required prior to the sale of individual lots created by the subdivision process.