LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 7.2**

DATE: November 23, 2026

TO: Honorable Mayor and City Council

FROM: Brent Smith, Community Development Director

SUBJECT: Hearing to introduce an ordinance approving conforming amendments to the Livermore Municipal Code (LMC) and Livermore Development Code (LDC), to ensure consistency with and implement the adopted 2045 General Plan and its policy direction. The amendments provide updates to the Code as necessary to maintain consistency with General Plan land use designations, policies, and implementation actions, including revisions to applicable zoning districts, permitting procedures, and definitions.

RECOMMENDED ACTION

Planning Commission and Staff recommend the City Council:

1. Adopt a resolution finding that the conforming amendments to the Livermore Municipal Code (LMC) and Livermore Development Code (LDC), to ensure consistency with and implement the adopted 2045 General Plan and its policy direction, are within the scope of the General Plan 2045 Environmental Impact Report pursuant to CEQA Guidelines Section 15162 and exempt from CEQA in accordance with CEQA Guidelines Section 15183 and 15061(b)(3);
2. Adopt a resolution finding that the conforming amendments to Planned Development - Industrial 22-001, to ensure consistency with and implement the adopted 2045 General Plan and its policy direction, are within the scope of the 2024 SMP 39 & 40 Environmental Impact Report and the 2025 Addendum, and do not require a subsequent Environmental Impact Report pursuant to CEQA Guidelines Section 15162; and
3. Introduce an Ordinance and waive the first reading approving Municipal Code Amendment (MUNI) 26-002, conforming amendments to the Livermore Municipal Code (LMC), and Development Code Amendment (DCA) 26-002, conforming amendments to the Livermore Development Code (LDC), and to update the City's zoning districts, development standards, permitting processes, and definitions.

These actions are consistent with and implement the goals, policies, and actions of the Livermore General Plan 2045.

SUMMARY

In July 2026, the City Council adopted the General Plan 2045, establishing the City's policy framework to guide decision making for land use, economic development, placemaking, open space and conservation, and other community priorities over the next 20 years. The General Plan serves as the City's primary policy document and is implemented through regulatory documents, including the Livermore Municipal Code and Development Code. Staff is proposing amendments to the Livermore Municipal and Development Codes to align zoning districts, development standards, permitting processes, and definitions with the General Plan 2045 and to establish the regulatory framework necessary to implement its goals and policies. Planning Commission and staff recommend the City Council amend the Livermore Municipal and Development Codes to update the City's zoning districts, development standards, permitting processes, and definitions to conform with and implement the General Plan.

DISCUSSION

Project Description

The proposed amendments (Attachment 2 - Amendments - Strikethrough and Underline) update the Livermore Municipal and Development Codes to implement the land use vision and policy direction established by the General Plan 2045. State law requires the City's zoning regulations to be consistent with the General Plan. Therefore, the proposed amendments are intended to ensure that the City's regulatory framework reflects the land use designations, policies, and actions established by the newly adopted General Plan 2045.

The amendments would update zoning districts, development standards, permitting and review processes, and definitions to support the implementation of the General Plan. Collectively, the amendments are intended to provide a clear and consistent regulatory setting for development while advancing the City's broader goals. The amendments support the General Plan's vision for compact, infill development, mixed-use areas, and complete neighborhoods and employment districts. The amendments promote economic development by providing greater flexibility for businesses by streamlining development processes and supporting workforce-serving uses. Additionally, the amendments reinforce the City's commitment to open space conservation, agricultural sustainability, and agritourism, recognizing the role of open space in providing recreation, protecting habitat and watersheds, and supporting climate adaptation.

Livermore Municipal Code

The Livermore Municipal Code contains the City's local laws and regulations governing matters such as public health and safety, property, businesses, fees, and municipal finances. It provides rules and standards that help the City regulate activities and enforce local requirements, while the Development Code more specifically addresses land use, zoning, and development. Chapter 3.27 Revenues and Fees establishes the Transferable Development Credits (TDC) in-lieu fee.

The proposed Municipal Code amendment would expand the permitted use of the TDC in-lieu fee revenue beyond North Livermore to support the acquisition of agricultural land and other valuable open space in South Livermore and other areas adjacent to Livermore. This amendment would provide greater flexibility to use fee revenue to advance the City's broader agricultural and open space preservation goals consistent with the General Plan and the North Livermore Urban Growth Boundary Initiative.

The North Livermore Urban Growth Boundary Initiative, adopted in 2002, established the North

Livermore Urban Growth Boundary and required the creation of a TDC Program. The Initiative was intended to protect agricultural land and other valuable open space in North Livermore and other areas adjacent to Livermore from excessive and irremediably harmful development. The Initiative was subsequently incorporated into the City's General Plan and is further implemented through the Municipal and Development Codes.

The General Plan 2045 includes an array of policy direction to support the preservation of open space, agricultural resources and a viable agricultural economy. The proposed amendment is consistent with the General Plan Policy LU-12.12 Development Offset for Agricultural Investment, which emphasizes resources generated from urban development within the urban growth boundary be used to support the long-term viability of South Livermore's agricultural economy, including through land acquisition and conservation easements. Expanding the eligible use of TDC in-lieu fee revenue would provide an additional resource to implement this policy and support the preservation of agricultural land and open space in South Livermore.

Currently, Chapter 3.27 of the Municipal Code limits the use of TDC funds to the acquisition of TDCs in North Livermore and costs associated with administering the TDC Program. The City has used approximately $3.5 million in TDC in-lieu fee revenue to contribute toward the acquisition of approximately 300 acres of agricultural and open space land in North Livermore. The proposed amendment would expand eligible expenditures to include preservation opportunities in South Livermore and other areas adjacent to Livermore, better aligning the use of these funds with the broader objectives of the Initiative and the General Plan 2045.

Livermore Development Code

To ensure consistency with the General Plan, staff recommend a series of conforming amendments to the Livermore Development Code. These amendments are intended to align the City's zoning districts, permitted uses, and development standards with the General Plan's land use designations and further implement policy direction. Also, these amendments directly implement General Plan actions and require updates to the Development Code to expand housing options, support commercial revitalizations, broaden permitted commercial uses, provide workforce amenities, support business attraction, and facilitate employment generating uses at the Airport.

Conventional Zoning Districts

Chapter 3 of the Livermore Development Code establishes the City's conventional zoning districts. Each zoning district corresponds to a General Plan land use designation and includes a purpose statement that connects the district to the General Plan's vision for the applicable land use designation.
The proposed amendments would update the purpose statements for each zoning district to more directly reflect the General Plan's vision and policy direction. The amendments would also clarify permitted and conditionally permitted uses and update development standards to support the intended form and function of each district.

The proposed changes include the following:

- Residential: Expand flexibility for "missing middle" housing types that provide a greater range of housing options while remaining compatible with the established urban form and character of existing single-family neighborhoods. This amendment implements General Plan Action LU-A-4.1,

which calls for Development Code standards and incentives to allow a broader range of small-scale, multi-unit housing types in appropriate residential zones.

- Commercial: Expand the range and flexibility of permitted commercial uses to support the continued vitality and adaptability of existing commercial areas and respond to changing market conditions. These amendments support Action LU-A-5.1, which calls for a broader range of commercial uses and services, and Action LU-A-4.2, which promotes commercial revitalization and continued investment in neighborhood commercial districts.

- Industrial: Add certain commercial uses as permitted uses to provide workforce-serving amenities within employment areas and support the City's ability to attract and retain businesses and talent. Additional flexibility in industrial districts would allow these areas to adapt to changing market conditions and other external factors while maintaining their intended employment-focused character. These amendments support General Plan Policy LU-4.4, which promotes a range of commercial and industrial uses to strengthen the local economy, and Policy ED-3.1, which supports the attraction and expansion of innovation-oriented businesses.

- Community Facilities - Airport: Leverages the Airport as a City asset to achieve Economic Development objectives by allowing certain manufacturing and similar industrial uses by right, subject to applicable Federal Aviation Administration (FAA) regulations and other requirements governing development and operations within the airport area. These amendments implement General Plan Action ED-A-3.4, which calls for updates to airport-related zoning to accommodate advanced manufacturing, innovation-oriented businesses, and other employment-generating uses.

These amendments are accomplished primarily through the addition of new permitted uses and through revisions to how existing uses are categorized and regulated. In particular, the amendments adjust and clarify which uses are permitted by right, conditionally permitted, or eligible for administrative approval at the staff level. Collectively, these changes are intended to provide greater flexibility and predictability in development review while maintaining appropriate standards and review processes consistent with the General Plan.

Development Standards

Chapter 4 of the Livermore Development Code establishes development standards and regulations, including residential density calculations, special height standards, and the Transferable Development Credit (TDC) Program. The proposed Development Code amendment would update the TDC Program, expanding it to apply to South Livermore and other areas adjacent to Livermore, consistent with the City's Urban Growth Boundary Initiatives and the General Plan 2045 policies for agricultural and open space preservation.

The TDC Program is one tool the City uses to support agricultural and open space preservation while facilitating infill development consistent with the Urban Growth Boundary. The proposed amendment implements General Plan 2045 Action LU-A-2.1, which directs the City to amend the Municipal and Development Codes to update the TDC Program to expand opportunities for open space conservation, vineyard protection, continued agricultural sustainability, and prevention of sprawl consistent with the Urban Growth Boundary. Updating the Development Code would provide the regulatory framework necessary to implement the proposed expansion of eligible areas and ensure that the TDC Program can support the conservation of agricultural land, vineyards, and other valuable open space consistent with

the General Plan 2045.

The proposed Development Code amendment works together with the Municipal Code amendment. The Municipal Code amendment expands the areas in which TDC in-lieu fee revenue may be used, while the Development Code amendment updates the TDC Program regulations to make the program applicable to South Livermore and other areas adjacent to Livermore. Together, the revised program would provide the City with greater flexibility to use as a tool for agricultural and open space conservation while remaining consistent with the purposes of the Urban Growth Boundary Initiatives and the General Plan 2045.

Permit Review and Application Procedures

Chapter 9 includes recommended amendments to the City's permit review and application procedures to implement General Plan land use, economic development, and health-related policies. The amendments would clarify application requirements, streamline permit processing, provide greater flexibility for businesses and workforce-serving amenities. The proposed amendments include:

- Application Processing Procedures: Amendments add procedures to implement General Plan Policy OS-6.2 related to Health Risk Assessments. Health Risk Assessments evaluate potential health risks associated with a proposed development, including exposure to air pollutants, to help ensure land uses are compatible with surrounding uses, and protect public health. This language was originally included in the Draft General Plan 2045; consistent with Council direction, staff recommends relocating the detailed requirements to the Development Code so they are established through a regulatory process.

- Conditional Use Permits and Zoning Use Permits: Under the Livermore Development Code, both a Conditional Use Permit (CUP) and a Zoning Use Permit (ZUP) allow the City to review a proposed use for consistency with applicable zoning and land use regulations and ensure compatibility with surrounding uses.

  Generally, a CUP applies to uses that may have greater potential impacts or compatibility considerations and requires Planning Commission approval. A ZUP is an administrative permit issued by the Community Development Director to confirm that a use complies with zoning district requirements when the use is not considered principally permitted. The amendments update the CUP/ZUP review process to provide consistency with the proposed "Other" use category in the nonresidential conventional zoning districts.

  The amendments would clarify which uses require a discretionary permit and provide greater flexibility for businesses and workforce-serving amenities. These minor updates would provide greater predictability in permit review and flexibility for businesses and workforce-serving amenities, supporting General Plan Policy LU-4.4, which promotes a range of commercial and industrial uses to strengthen Livermore's local economy, and Policy ED-3.1, which supports the attraction and expansion of innovation-oriented businesses.

- Time Extensions: Amendments update the time-extension provisions for land use entitlements to streamline permit processing and align the Development Code with current staff practice in support of General Plan policy LU-4.4 to provide flexibility and allow for adjustments in the market.

Overall, the proposed amendments are intended to provide clearer and more efficient permit procedures while maintaining appropriate levels of review and ensuring consistency with the General Plan and proposed zoning amendments.

Definitions

Part 12 of the Livermore Development Code includes recommended new and revised definitions to improve clarity and ensure consistency with the proposed zoning amendments.

- Advanced Manufacturing: Add a new definition referencing the definition established in the California Public Resources Code to provide clarity and consistency in the regulation of advanced manufacturing uses.

- Commercial Amusement Facility: Expand the existing definition and establish three facility levels to provide opportunities for smaller-scale commercial amusement uses to locate in commercial zoning districts as a permitted use while distinguishing the permit process for facilities based on their scale and intensity.

- Other Definitions: Revise existing definitions related to Airport Uses and Industrial land uses, as needed, to improve clarity and maintain consistency with the proposed General Plan and Development Code amendments.

Planned Development – Industrial 22-001 (SMP 39)

In 2024, the City annexed the site known as SMP 39, located south of Jack London Boulevard and west of Oaks Business Park. The site is zoned PD-I-22-001, which facilitates a campus-like environment for modern professional and administrative facilities, research institutions, manufacturing operations, experimental and testing laboratories, and related high-end, employment-generating industrial uses.

The PD zone restricts certain uses to maintain the district's intended purpose; however, these restrictions may have contributed to the lack of development at the site. The proposed amendments would reduce barriers to industrial development, improve project feasibility and financing, and provide flexibility to respond to market conditions. Specifically, the amendments would remove the 20-percent limitation on warehouse and distribution uses and allow advanced manufacturing as a permitted use, while continuing to support the City's goal of attracting quality employment opportunities.

The proposed PD-I 22-001 amendments are shown in full in Attachment 2, which include the following:

- Advanced Manufacturing: Added as a permitted use to support the attraction and expansion of innovation-oriented businesses and employment opportunities consistent with Policy ED-3.1, which supports innovation-sector growth.

- Warehouse and Distribution: Permitting these types of industrial facilities and removing the existing 20-percent limitation on warehouse and distribution uses to improve development flexibility, support project financing, and allow projects to respond to market demand. This adjustment is consistent with Policy ED-5.3, which encourages flexible zoning strategies responsive to evolving market conditions.

- Additional Uses Similar to SMP 40: Revise to allow uses currently permitted under SMP 40, providing greater flexibility to accommodate compatible businesses and respond to evolving economic needs. This amendment supports General Plan Policies ED-5.1 and ED-5.3 by maintaining capacity for commercial and industrial growth and accommodating emerging and innovative industries that promote economic vitality and employment opportunities.

Collectively, the amendments are intended to reduce regulatory barriers, improve development feasibility, and support the City's long-term land use and economic development objectives consistent with Policy ED-4.4, which promotes alignment between land use regulations and economic development goals.

ENVIRONMENTAL REVIEW

The proposed Livermore Municipal Code and Development Code amendments implement the land use designations and policies of the General Plan 2045. As described in Section 2.6.2 of the certified General Plan 2045 Environmental Impact Report (EIR), amendments to the Municipal and Development Codes were contemplated as part of the General Plan update and were identified as components of the proposed project. The proposed amendments are consistent with the regulatory framework and development assumptions evaluated in the certified EIR. The amendments would not result in substantial project changes, changed circumstances, or new information requiring subsequent environmental review under CEQA Guidelines Section 15162.

Specifically, the amendments to PD-I22-001 are consistent with the Addendum to the SMP 39/SMP 40 EIR, as approved by the City Council in September 2025. The amendments would not result in substantial changes to the project, changes in circumstances, or new information of substantial importance that would require subsequent environmental review pursuant to CEQA Guidelines Section 15162.

Additionally, the amendments qualify for an exemption under CEQA Guidelines Section 15183: consistency with a general plan for which a certified Environmental Impact Report (EIR) already exists. The Amendments implement the Livermore General Plan 2045 Land Use Element by aligning the LMC and LDC with the General Plan Land Use Map designations and associated policies, but do not authorize a specific development project, increase development intensity, nor authorize physical development beyond what was contemplated and evaluated in the General Plan 2045 EIR. Because the Amendments do not introduce new or more severe environmental effects and no conditions requiring supplemental review under CEQA Guidelines Section 15183 are present, it is within the scope of the General Plan EIR.

Further, the amendments qualify for the commonsense exemption under CEQA Guidelines Section 15061(b)(3) because there is no possibility that its approval will cause a significant effect on the environment.

Therefore, staff and the Planning Commission recommend that the City Council find that no subsequent environmental review is required pursuant to Section 15162 and rely on the certified General Plan 2045 EIR, 2025 Addendum to SMP39/40 EIR, and CEQA exemptions 15183 and 15061(b)(3).

PLANNING COMMISSION

On November 3, 2026, the Planning Commission reviewed the proposed project, asked several questions, and recommend approval to the City Council unanimously. No public comments were received at the meeting (see Attachment 1 – PC Meeting Minutes).

FISCAL AND ADMINISTRATIVE IMPACTS

The amendments are intended to align zoning districts, development standards, permitting processes, and definitions with the General Plan 2045 and to establish the regulatory framework necessary to implement its goals and policies. The amendments do not involve any physical development, so no significant fiscal or administrative impacts are anticipated. The amendments were staff initiated and involved a moderate amount of staff time to conduct analysis, draft and review the amendment language, and prepare and present the staff report.

COMMUNITY PILLER

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ATTACHMENTS

1. PC Meeting Minutes
2. LMC and LDC Amendments (Clean)
3. Resolution - CEQA - LMC and LDC Amendments
4. Exhibit A - PC Reso 34-26
5. Resolution - CEQA - SMP 39
6. Exhibit A - PC Reso 35-26
7. Ordinance
8. Exhibit A - PC Reso 36-26
9. Exhibit B - Amendments (Strikethrough and Underline)

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