

Appendix B: City Council Resolution No. 2007-143



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**IN THE CITY COUNCIL OF THE CITY OF LIVERMORE
STATE OF CALIFORNIA**

**A RESOLUTION APPROVING THE FIRST GENERAL PLAN AMENDMENT
CYCLE OF 2007 INCLUDING GENERAL PLAN AMENDMENT 06-001, GENERAL
PLAN AMENDMENT 06-005, GENERAL PLAN AMENDMENT 06-007, AND
DENYING GENERAL PLAN AMENDMENT 06-008 FOR THE EL CHARRO
SPECIFIC PLAN AREA.**

At a public hearing on April 24, 2007, the Planning Commission of the City of Livermore considered proposed amendments to the Livermore General Plan and thereafter adopted its Resolution No. 16-07 containing the matters considered and the Planning Commission's actions and/or recommendations thereon.

Four Planning Commission recommendations of proposed amendments have been made.

At its meeting of July 9, 2007, the City Council considered in public hearings the proposed changes, staff recommendations, recommendations of the Planning Commission, public testimony and adopted the following findings:

A. General Plan Amendment 06-001

1. The proposed General Plan Amendment is a legislative action clarifying the methodology employed to create and evaluate existing view angles. This General Plan Amendment creates consistency between existing view angle measurement practices and the implementing General Plan Language.

B. General Plan Amendment 06-005

1. The intent of the scenic route policies of the General Plan is to protect public views from scenic routes and ensure that development does not detract from the visual resources along the scenic routes.
2. The proposed General Plan Amendment is consistent with General Plan policies to protect views from scenic routes as it allows very constrained projections through the view plane, preserving the majority of the distant ridgeline views while allowing architectural elements that significantly benefit the overall scenic impact of the project.

C. General Plan Amendment 06-007

1. The proposed General Plan Amendment is consistent with General Plan policies to protect views from scenic routes because it allows for constrained view plane projections in a location that will minimally impact hillside views.

D. General Plan Amendment 06-008

1. The Jack London Boulevard improvement and extension from Isabel Avenue/SR-84 to El Charro Road is the preferred option.
2. General Plan Amendment 06-008, therefore, is denied.

For General Plan Amendments 06-001, 06-005, and 06-007 an Environmental Impact Report was prepared for the El Charro Specific Plan, including General Plan amendments and other necessary implementing actions, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines and City CEQA Implementation Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the Livermore City Council that the following actions are taken:

A. General Plan Amendment 06-001, request of the City of Livermore, to amend the General Plan Section C.5, *Establishing View Angles*, of the Community Character Element of the General Plan to clarify that the base point locations for measuring adopted view angles along the I-580 Scenic Corridor is the outside travel lane in the eastbound direction for sites located south of the freeway; and the outside travel lane in the westbound direction for sites located north of the freeway. Section C.5, to read as follows:

"5. Establishing View Angles:

The plane is expressed in degrees commencing four feet above the freeway's outside lane elevation as the base point. For sites located on the south side of I-580, the view angle is established from the outside eastbound travel lane. For sites located on the north side of I-580, the view angle is established from the outside westbound travel lane."

The amendment as recommended by the Planning Commission is approved as set forth in Planning Commission Resolution No. 16-07, attached hereto as Exhibit A.

An Environmental Impact Report was prepared for the El Charro Specific Plan, including general plan amendments and other necessary implementing actions, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines and City CEQA Implementation Guidelines.

The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's office, 1052 S. Livermore Avenue, in Livermore California.

On motion of Vice Mayor Marchand, seconded by Councilmember Leider, the foregoing resolution was passed and adopted this 9th day of July, 2007, by the following vote:

AYES Councilmembers Dietrich, Leider, Vice Mayor Marchand and Mayor Kamena
NOES: None
ABSENT: None
ABSTAIN: None

B. General Plan Amendment 06-005 to amend the General Plan Section C.4, Subarea 6, part c, *I-580 Scenic Corridor Implementation*, of the Community Character Element of the General Plan as applicable to the property proposed for development by Prime Outlets, LLC (proposed division 6A-1 "Gateway Location"). The amendment reads as follows:

"c. Subpart 6A extends from El Charro Road to the west to Airway Boulevard to the east. The western half consists of the El Charro Specific Plan Area. Las Positas Golf Course comprises the eastern half.

A 2.2 degree view angle is established for this Subpart to preserve views of the ridgelines. Subpart 6A is further separated into four divisions, two of which permit limited projections into the view angle subject to specific requirements as described below:

- (1) Division 6A-1, "Gateway Location", extends to the east approximately 1700 feet from the centerline of El Charro Road and makes up about ¼ of Subpart 6A. All development within this Division must comply with all of the following requirements:
 - a. A 50 foot height limit for all structures;
 - b. 90% of projections into the view plane shall be 13 feet or less;
 - c. 10% of projections into the view plane may be 25 feet or less;
 - d. Projections into view plane shall encompass an area of no more that 0.6% of the site area;
 - e. Projections into view plane shall have a total of no more than 21% of the site frontage."

The amendment as recommended by the Planning Commission is approved as set forth in Planning Commission Resolution No. 16-07, attached hereto as Exhibit A.

An Environmental Impact Report was prepared for the El Charro Specific Plan, including general plan amendments and other necessary implementing actions, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines and City CEQA Implementation Guidelines.

The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's office, 1052 S. Livermore Avenue, in Livermore California.

On motion of Councilmember Dietrich, seconded by Councilmember Leider, the foregoing resolution was passed and adopted this 9th day of July, 2007, by the following vote:

AYES: Councilmembers Dietrich, Leider, Vice Mayor Marchand and Mayor Kamena
NOES: None
ABSENT: None
ABSTAIN: None

C. General Plan Amendment 06-007 to amend Section C.4, Subarea 6, part c, /-580 *Scenic Corridor Implementation*, of the Community Character Element of the General Plan as applicable to the Children's Hospital site (proposed division 6A-3 "Public/Quasi-Public Use"). The amendment reads as follows:

"c. Subpart 6A extends from El Charro Road to the west to Airway Boulevard to the east. The western half consists of the El Charro Specific Plan Area. Las Positas Golf Course comprises the eastern half.

A 2.2 degree view angle is established for this Subpart to preserve views of the ridgelines. Subpart 6A is further separated into four divisions, two of which permit limited projections into the view angle subject to specific requirements as described below:

- (3) Division 6A-3, "Public/Quasi-Public Use," extends to the east approximately 1300 feet from the eastern boundary of Div. 6A-2 and makes up about 1/8 of Subpart 6A. If general development other than institutional development is proposed for this section, the established view angle is 2.2 degrees.

If institutional development is proposed for this section, development must comply with all of the following requirements:

- a. A 40 foot height limit for all structures;
- b. 100% of projections into the view plane shall be 15 feet or less;
- c. Projections into view plane shall encompass an area of no more than 2.6% of the site area;
- d. Projections into view plane shall have a total of no more than 20% of the site frontage."

The amendment as recommended by the Planning Commission is approved as set forth in Planning Commission Resolution No. 16-07, attached hereto as Exhibit A.

An Environmental Impact Report was prepared for the El Charro Specific Plan, including general plan amendments and other necessary implementing actions, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines and City CEQA Implementation Guidelines.

The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's office, 1052 S. Livermore Avenue, in Livermore California.

On motion of Vice Mayor Marchand, seconded by Councilmember Leider, the foregoing resolution was passed and adopted this 9th day of July, 2007, by the following vote:

AYES: Councilmembers Dietrich, Leider, Vice Mayor Marchand and Mayor Kamena
NOES: None
ABSENT: None
ABSTAIN: None

D. General Plan Amendment 06-008 revises Section D, *Proposed Circulation Network*, of the Circulation Element of the General Plan to include the alternate corridor option of widening and extending Airway Boulevard from Isabel Avenue/SR-84 to El Charro Road. The Amendment also would remove the proposed improvement and extension of Jack London Boulevard from its current endpoint west of Isabel Avenue to El Charro Road.

The amendment as recommended by the Planning Commission is denied as set forth in Planning Commission Resolution No. 16-07, attached hereto as Exhibit A.

An Environmental Impact Report was prepared for the El Charro Specific Plan, including general plan amendments and other necessary implementing actions, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines and City CEQA Implementation Guidelines.


The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's office, 1052 S. Livermore Avenue, in Livermore California.

On motion of Mayor Kamena, seconded by Councilmember Leider, the foregoing resolution was passed and adopted this 9th day of July, 2007, by the following vote:

AYES: Councilmembers Dietrich, Leider, Vice Mayor Marchand and Mayor Kamena
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:

APPROVED AS TO FORM:



CITY CLERK
ALICE CALVERT



SR. ASSISTANT CITY ATTORNEY
JUDITH J. PROPP

**IN THE PLANNING COMMISSION
OF THE CITY OF LIVERMORE
STATE OF CALIFORNIA**

A RESOLUTION RECOMMENDING APPROVAL OF FIRST GENERAL PLAN AMENDMENT CYCLE OF 2007 INCLUDING GENERAL PLAN AMENDMENT 06-001, GENERAL PLAN AMENDMENT 06-005, GENERAL PLAN AMENDMENT 06-007, AND GENERAL PLAN AMENDMENT 06-008 FOR THE EL CHARRO SPECIFIC PLAN AREA.

WHEREAS, the City initiated applications for the above General Plan Amendments;

WHEREAS, a Public Hearing Notice was duly mailed to neighboring property owners and published in a newspaper of local circulation; and

WHEREAS, the Planning Commission held a public hearing on April 24, 2007, considered the staff recommendations and heard public testimony for the following four General Plan Amendments:

A. GPA 06-001, request of the City of Livermore, to amend the General Plan Section C.5, *Establishing View Angles*, of the Community Character Element of the General Plan to clarify that the base point locations for measuring adopted view angles along the I-580 Scenic Corridor is the outside travel lane in the eastbound direction for sites located south of the freeway; and the outside travel lane in the westbound direction for sites located north of the freeway. Section C.5, to read as follows:

"5. Establishing View Angles:

The plane is expressed in degrees commencing four feet above the freeway's outside lane elevation as the base point. For sites located on the south side of I-580, the view angle is established from the outside eastbound travel lane. For sites located on the north side of I-580, the view angle is established from the outside westbound travel lane."

WHEREAS, the Planning Commission adopted the following findings:

1. The proposed General Plan Amendment is a legislative action clarifying the methodology employed to create and evaluate existing view angles. This General Plan Amendment creates consistency between existing view angle measurement practices and the implementing General Plan Language.
2. An Environmental Impact Report was prepared for the El Charro Specific Plan, including general plan amendments and other necessary implementing actions, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines and City CEQA Implementation Guidelines.

BE IT RESOLVED that the Livermore Planning Commission recommends that the City Council approve General Plan Amendment 06-001.

On the motion by Commissioner West, seconded by Commissioner Horner, the foregoing Resolution was adopted at the Planning Commission meeting of April 24, 2007, by the following vote:

AYES: Horner, Lea, Storti, and West
NOES: None
ABSENT: Pico

B. GPA06-005, request of Prime Retail Livermore Valley, to amend the General Plan Section C.4, Subarea 6, part c. of the Community Character Element of the General Plan as applicable to the property proposed for development by Prime Outlets, LLC (proposed division 6A-1 "Gateway Location") to read as follows:

"c. Subpart 6A extends from El Charro Road to the west to Airway Boulevard to the east. The western half consists of the El Charro Specific Plan Area. Las Positas Golf Course comprises the eastern half.

A 2.2 degree view angle is established for this Subpart to preserve views of the ridgelines. Subpart 6A is further separated into four divisions, two of which permit limited projections into the view angle subject to specific requirements as described below:

- (1) Division 6A-1, "Gateway Location", extends to the east approximately 1700 feet from the centerline of El Charro Road and makes up about ¼ of Subpart 6A. All development within this Division must comply with all of the following requirements:
 - a. A 50 foot height limit for all structures;
 - b. 90% of projections into the view plane shall be 13 feet or less;
 - c. 10% of projections into the view plane may be 25 feet or less;
 - d. Projections into view plane shall encompass an area of no more that 0.6% of the site area;
 - e. Projections into view plane shall have a total of no more than 21% of the site frontage."

WHEREAS, the Planning Commission adopted the following findings:

1. The intent of the scenic route policies of the General Plan is to protect public views from scenic routes and ensure that development does not detract from the visual resources along the scenic routes.
2. The proposed General Plan Amendment is consistent with General Plan policies to protect views from scenic routes as it allows very constrained projections through the view plane, preserving the majority of the distant ridgeline views while allowing architectural elements that significantly benefit the overall scenic impact of the project.

3. An Environmental Impact Report was prepared for the El Charro Specific Plan, including general plan amendments and other necessary implementing actions, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines and City CEQA Implementation Guidelines.

BE IT RESOLVED that the Livermore Planning Commission recommends that the City Council approve General Plan Amendment 06-005:

On the motion by Commissioner West, seconded by Commissioner Horner, the foregoing Resolution was adopted at the Planning Commission meeting of April 24, 2007, by the following vote:

AYES: Horner, Storti, and West
NOES: Lea
ABSENT: Pico

C. General Plan Amendment 06-007 specifically revises Section C.4, Subarea 6, part c. of the Community Character Element of the General Plan as applicable to the Children's Hospital site (proposed division 6A-3 "Public/Quasi-Public Use") to read as follows:

"c. Subpart 6A extends from El Charro Road to the west to Airway Boulevard to the east. The western half consists of the El Charro Specific Plan Area. Las Positas Golf Course comprises the eastern half.

A 2.2 degree view angle is established for this Subpart to preserve views of the ridgelines. Subpart 6A is further separated into four divisions, two of which permit limited projections into the view angle subject to specific requirements as described below:

- (3) Division 6A-3, "Public/Quasi-Public Use," extends to the east approximately 1300 feet from the eastern boundary of Div. 6A-2 and makes up about 1/8 of Subpart 6A. If general development other than institutional development is proposed for this section, the established view angle is 2.2 degrees.

If institutional development is proposed for this section, development must comply with all of the following requirements:

- a. A 40 foot height limit for all structures;
- b. 100% of projections into the view plane shall be 15 feet or less;
- c. Projections into view plane shall encompass an area of no more than 2.6% of the site area;
- d. Projections into view plane shall have a total of no more than 20% of the site frontage."

WHEREAS, the Planning Commission adopted the following findings:

1. The proposed General Plan Amendment is consistent with General Plan policies to protect views from scenic routes because it allows for constrained view plane projections in a location that will minimally impact hillside views.
2. An Environmental Impact Report was prepared for the El Charro Specific Plan, including general plan amendments and other necessary implementing actions, pursuant to the requirements of the California Environmental Quality Act (CEQA, Public Resources Code sections 21000-21177), CEQA Guidelines and City CEQA Implementation Guidelines.

BE IT RESOLVED that the Livermore Planning Commission recommends that City Council approve Genral Plan Amendment 06-007.

On the motion by Commissioner Horner, seconded by Commissioner Storti, the foregoing Resolution was adopted at the Planning Commission meeting of April 24, 2007, by the following vote:

AYES: Horner, Lea, Storti, and West
NOES: None
ABSENT: Pico

D. General Plan Amendment 06-008 revises Section D, *Proposed Circulation Network*, of the Circulation Element of the General Plan to include the alternate corridor option of widening and extending Airway Boulevard from Isabel Avenue/SR-84 to El Charro Road. The Amendment also removes the proposed improvement and extension of Jack London Boulevard from its current endpoint west of Isabel Avenue to El Charro Road.

WHEREAS, the Planning Commission adopted the following finding:

The Jack London Boulevard improvement and extension from Isabel Avenue/SR-84 to El Charro Road is the preferred option.

BE IT RESOLVED that the Livermore Planning Commission recommends that the City Council deny General Plan Amendment 06-008.

On the motion by Commissioner West, seconded by Commissioner Storti, the foregoing Resolution was adopted at the Planning Commission meeting of April 24, 2007, by the following vote:

AYES: Horner, Lea, Storti, and West
NOES: None
ABSENT: Pico

Darryl L. West, Chairperson

A handwritten signature in cursive script, appearing to read "Eric Brown", followed by a horizontal line.

by Eric Brown, Planning Manager
Secretary to the Planning Commission