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*Alameda* Local Agency Formation Commission

**NOTICE OF SPECIAL MEETING AND AGENDA**

ALAMEDA LOCAL AGENCY FORMATION COMMISSION

THURSDAY, APRIL 8, 2021

2:00 P.M.

[This meeting will be conducted by Teleconference](#)

[Written public comments may be submitted PRIOR to the meeting \(Deadline April 7<sup>th</sup> at 5:00 P.M.\)](#)

[Public comments DURING the meeting:](#)

[See COVID-19 – Notice of Meeting Procedures on page 3 of the Agenda](#)

Sblend Sblendorio, Chair — Nate Miley – David Haubert – Karla Brown– Bob Woerner –Ralph Johnson – Ayn Wieskamp  
Wilma Chan, Alternate – Melissa Hernandez, Alternate –Georgan Vonheeder-Leopold, Alternate

Join Teleconference Meeting ***Virtually*** (computer, tablet, or smartphone): click on the link below:

<https://us02web.zoom.us/j/83528738955?pwd=ZnVvMzYwbnMzZ0FISXhJeER2b1Zkdz09>

Meeting ID: 835 2873 8955

Password (if prompted): alameda

Join Teleconference Meeting by ***Telephone***:

Dial (669)-900-9128

Follow the prompts: Meeting ID: 835 2873 8955

Password (if prompted): 7903544

Please avoid the speakerphone function to prevent echoing.

If you need assistance before the meeting, please contact Executive Officer, Rachel Jones at:  
[rachel.jones@acgov.org](mailto:rachel.jones@acgov.org)

1. **2:00 P.M. – Call to Order**
2. **Roll Call**
3. **Public Comment:** Anyone from the audience may address the Commission on any matter not listed on the agenda and within the jurisdiction of the Alameda LAFCO. The Commission cannot act upon matters not appearing on the agenda. *Speakers are limited to three (3) minutes.*
4. **Proposed Annexation of North Livermore Avenue to the City of Livermore (Public Hearing)**

## 5. Adjournment of Regular Meeting

### Next Meeting of the Commission

#### Regular Meeting

**Thursday, May 13, 2021 at 2:00 p.m.**

It is anticipated the next meeting will be held remotely due to COVID-19 pandemic.

### **DISCLOSURE OF BUSINESS OR CAMPAIGN CONTRIBUTIONS TO COMMISSIONERS**

Government Code Section 84308 requires that a Commissioner (regular or alternate) disqualify herself or himself and not participate in a proceeding involving an "entitlement for use" application if, within the last twelve months, the Commissioner has received **\$250 or more in business or campaign contributions from an applicant, an agent of an applicant, or any financially interested person who actively supports or opposes a decision on the matter.** A LAFCO decision approving a proposal (e.g., for an annexation) will often be an "entitlement for use" within the meaning of Section 84308. Sphere of Influence determinations are exempt under Government Code Section 84308.

If you are an applicant or an agent of an applicant on such a matter to be heard by the Commission and if you have made business or campaign contributions totaling \$250 or more to any Commissioner in the past twelve months, Section 84308(d) requires that you disclose that fact for the official record of the proceeding. The disclosure of any such contribution (including the amount of the contribution and the name of the recipient Commissioner) must be made either: 1) In writing and delivered to the Secretary of the Commission prior to the hearing on the matter, or 2) By oral declaration made at the time the hearing on the matter is opened. Contribution disclosure forms are available at the meeting for anyone who prefers to disclose contributions in writing.

Pursuant to GC Section 84308, if you wish to participate in the above proceedings, you or your agent are prohibited from making a campaign contribution of \$250 or more to any Commissioner. This prohibition begins on the date you begin to actively support or oppose an application before LAFCO and continues until 3 months after a final decision is rendered by LAFCO. If you or your agent have made a contribution of \$250 or more to any Commissioner during the 12 months preceding the decision, in the proceeding that Commissioner must disqualify himself or herself from the decision. However, disqualification is not required if the Commissioner returns that campaign contribution within 30 days of learning both about the contribution and the fact that you are a participant in the proceedings. Separately, any person with a disability under the Americans with Disabilities Act (ADA) may receive a copy of the agenda or a copy of all the documents constituting the agenda packet for a meeting upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in a public meeting. Please contact the LAFCO office at least three (3) working days prior to the meeting for any requested arrangements or accommodations.

Alameda LAFCO Administrative Office  
224 West Winton Avenue, Suite 110  
Hayward, CA 94544  
T: 510.670.6267  
W: [acgov.org/lafco](http://acgov.org/lafco)

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## MEETING INFORMATION

### **CORONAVIRUS (COVID-19) – Notice of Meeting Procedures**

#### TELECONFERENCING MEETING

In order to slow the spread of the Coronavirus (COVID-19) pandemic, the Commission will conduct this meeting as a teleconference in compliance with the Governor’s Executive Order N-29-20 and Alameda County Shelter in Place Order issued March 16, 2020, and members of the Commission or Commission staff may participate in this meeting telephonically or electronically. Members of the public may participate in the meeting as described below:

*Join Teleconference Meeting **Virtually** (computer, tablet, or smartphone):* click on the link below:

<https://us02web.zoom.us/j/83528738955?pwd=ZnVvMzYwbnMzZ0FISXhJeER2b1Zkdz09>

Meeting ID: 835 2873 8955  
Password (if prompted): alameda

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Please avoid the speakerphone function to prevent echoing.

If you need assistance before the meeting, please contact Executive Officer, Rachel Jones at: [rachel.jones@acgov.org](mailto:rachel.jones@acgov.org)

#### **SUBMITTING WRITTEN COMMENTS TO BE READ AT THE MEETING**

Any member of the public may submit a written comment to the Commission before the meeting by **April 7, 2021 at 5:00 P.M.** by email to [rachel.jones@acgov.org](mailto:rachel.jones@acgov.org) or by mail to Alameda LAFCO 224 West Winton Avenue, Suite 110, Hayward, CA 94544. If you are commenting on a particular item on the agenda, please identify the agenda item number and letter. Any comments of 500 words or less (per person, per item) will be read into the record if: (1) the subject line includes “COMMENT TO COMMISSION – PLEASE READ”, and (2) it is received by the Executive Officer prior to the deadline of **April 7, 2021 at 5:00 P.M.**

#### **SUBMITTING SPOKEN COMMENTS DURING THE COMMISSION MEETING**

##### Electronically:

1. We request that you identify yourself by name as this will be visible online and will be used to notify you that it is your turn to speak.
2. When the Commission calls for the item on which you wish to speak, click “participants,” a menu will appear, click on the “raise hand” icon. Staff will activate and unmute speakers in turn.
3. When called, please limit your remarks to the time limit allotted (3 minutes).

##### By phone (landline):

1. Your phone number will appear but not your name.
2. When the Commission calls for the item on which you wish to speak, press \*9 to “raise your hand”. Staff

will activate and unmute speakers in turn. You will be called upon using the last four digits of your phone number, since your name is not visible.

3. When you are called upon to speak please provide your name for the record.

VIEWING RECORDING OF THE TELECONFERENCE MEETING

The Commission's teleconference meeting will be recorded. Members of the public may access the teleconference meeting and other archived Commission meetings by going to [lafco.acgov.org/meetings.page?](http://lafco.acgov.org/meetings.page?).

ADA ACCESIBILITY: Meetings are accessible to persons with disabilities. Requests for assistive listening devices or other considerations should be made 72 hours in advance through the Executive Officer at (510) 670-6267 or [rachel.jones@acgov.org](mailto:rachel.jones@acgov.org).

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## AGENDA REPORT

April 8, 2021

Item No. 4

**TO:** Alameda Commissioners

**FROM:** Rachel Jones, Executive Officer

**SUBJECT: Proposed Annexation of 1754 North Livermore Avenue “Chick-fil- A Project” to City of Livermore | N. Livermore Annexation No. 2**

The Alameda Local Agency Formation Commission (LAFCO) will consider a change of organization proposal filed by the City of Livermore to annex two unincorporated parcels totaling 22.8 acres for the development of a 4,737 square foot drive-through restaurant referred to as the Chick-fil-A Project. The project site has a situs address of 1754 North Livermore Avenue. The purpose of the proposal is to provide municipal services to the affected territory consistent with the proposed development and surrounding territory known as the Pleasant View Lane Neighborhood. The affected territory lies within the sphere of influence of the City. Staff recommends approval with standard terms. The subject parcels are identified by the County of Alameda Assessor’s Office as (099-100-004-04 and 099-0100-003-05).

### Background

Alameda LAFCO has received a proposal through a resolution of application from the City of Livermore requesting annexation approval involving two parcels totaling 22.8 acres that is contiguous to the City’s jurisdictional boundary and within its sphere of influence. The affected territory is bounded to the north by interstate highway 580, to the east by North Livermore Avenue, and to the south by commercial development. As submitted, the subject parcels consist of vacant land currently zoned as Agricultural with an Open Space Overlay under the City of Livermore General Plan. The affected territory is currently owned by the Elvira Vargas Trust and Viola Jensen & O. Bruce Jensen Trust and all landowners have consented to the proposal. Approval of the project would supply the following municipal services to the affected territory: police protection, fire protection, wastewater services, flood control services, stormwater collection and treatment, street lighting, road maintenance, and library services. The subject parcels are identified by the County of Alameda Assessor’s Office as (099-100-004-04 and 099-0100-003-05).

### Other Affected Agencies

The affected territory lies entirely within the unincorporated area of Alameda County. It also lies within the boundaries of the following special districts subject to Commission oversight.

- Zone 7 Water Agency
- Alameda County Fire District

- East Bay Regional Park District
  - Livermore Area Recreation District
  - Alameda County Vector Control Service District
  - Alameda County Mosquito Abatement District
- \* The affected territory also lies within the Livermore Valley Joint Unified School District and within County Supervisorial District No. 1 (Supervisor David Haubert).

### **Discussion**

This item is for the Commission to consider approving – with or without modifications – the applicant’s submitted change of organization proposal to annex the affected territory to the City. The Commission may also consider applying conditions to an approval so long as it does not directly regulate land use, property development, or subdivision requirements.

### **Purpose of Proposal**

The primary purpose of the proposal is to provide municipal services to the affected territory in support of a 4,737 square foot freestanding one story drive-through restaurant with 42 off-street parking spaces on an approximately 1.6-acre landscaped lot along North Livermore Avenue. The municipal services proposed are consistent with services already provided within the area such as police and fire protection, wastewater services, road maintenance and flood control services. The affected territory lies within the City’s sphere of influence and urban growth boundary, and is contiguous to the City’s jurisdictional boundary as well as adjacent to an established commercial district.

### **Development Potential**

Approval of the annexation will support the development of the 4,737 square foot drive-through restaurant and will allow for the affected territory to be subdivided and include 42 off-street parking stalls with landscape, lighting and public improvements. The affected territory is surrounded by commercial uses to the south and east, with a Jack-in-the-Box fast food restaurant located directly to the south, a Hawthorn Suites to the southwest, and other restaurants and retail uses to the east, including an In-N-Out, Baja Fresh, 7-11, and Cold Stone eateries, all of which are within the City of Livermore’s jurisdictional boundary.

The affected territory consists of two parcels; one totaling 1.6 acres and identified with the Assessor Parcel Number (APN) 099-0100-004-04, and the other parcel totaling 21.2 acres identified with the APN 099-0100-003-05. The affected territory is currently zoned by the County of Alameda and detailed in Appendix A of the report with the land use designation of Water Management for the 21.2-acre parcel and Industrial for the 1.6-acre parcel.

The City of Livermore has pre-zoned the subject parcels with the land use designation of “Commercial Highway Service” and “Business Commercial” for the 1-6-acre parcel and “Open Space-Flood Plain” and “General Open Space” for 21.2 acres of territory. Much of the affected territory will remain in the same condition as it currently is, as undeveloped open space. Both land use designations are deemed consistent with the City of Livermore’s General Plan and its previous designation by the County of Alameda.

The proposed development does comply with the City’s Highway Service Commercial development standards that is applied to commercial development near Interstate 580 interchanges and is intended to primarily serve the traveling public. Appropriate uses include hotels, motels, restaurants, and motor vehicle and gasoline service stations. The City also designates the project site as “Business Commercial” which identifies locations along major streets and in the general vicinity of freeway interchanges, where a mix of limited service and highway commercial, community/regional commercial retail, office and light industrial activities. The proposed Chick-fil-A project follows the general provisions of the Livermore Development Code, which confirms the proposed intensity and type of development suitable for the site.

### **Analysis**

Staff has identified two central policy items for the Commission in considering the merits of the proposal under Cortese-Knox-Hertzberg Act of 2000 (“CKH”). These policy items ultimately take the form of Commission determinations and orient the membership to consider stand-alone merits of (a) the timing of the annexation itself, and (b), applying discretionary boundary amendments or approval terms aimed at perfecting the action relative to member preferences in administering LAFCO law in Alameda County. A summary of the two sequential policy issues for the Commission to consider follows.

### **Annexation Timing**

The timing of the proposed change of organization appears appropriate and is highlighted by the analysis of the factors required for consideration under LAFCO law anytime a jurisdictional change is proposed. The majority of the prescribed factors focus on the impacts of the proposed annexation on the service and financial capacities of the receiving city. No single factor is determinative, and the intent is to provide a uniform baseline for LAFCOs in considering all jurisdictional changes in context to the Commission’s own adopted policies and practices. A summary of key conclusions generated in the review of these factors for the boundary change proposal follows with a complete analysis provided in Appendix A.

- The City of Livermore has the available capacities to accommodate the projected service demands and needs for the affected territory’s commercial and open space use without impacting existing residents.

- Annexation of the affected territory to the City is consistent with adopted land use policies of the City of Livermore and reflected in the Livermore Planning Commission's amendment of its zoning district map of the City to pre-zone the proposed project site and affected territory at its August 4, 2020 meeting.
- The City of Livermore's land use policies covering the affected territory were most recently reviewed and affirmed as part of its General Plan. This planning document along with conforming zoning assignments consider open space and commercial uses for the affected territory and at a density and intensity level that merits the Commission to authorize the extension of municipal services to the subject parcels.

The timing of the change of organization of the affected territory appears sufficient given the referenced (a) planning consistency, (b) service need, and (c) agency capacity considerations tied to extending public wastewater to the affected territory at its maximum allowable uses.

Staff has not identified any potential boundary amendments to the proposal that merit Commission consideration at this time. Accordingly, no further conditions of approval for the annexation are proposed.

### **Other Mandated Considerations**

#### **Property Tax Exchange**

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California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies before LAFCO can consider a jurisdictional change. The City of Livermore and the County of Alameda have adopted a property tax exchange agreement in step with the proposed change of organization based on the computed 1% share of the property tax revenue generated from the total assessed value of the parcels proposed for annexation, which totals \$796.03.

#### **Environmental Review**

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The City serves as the lead agency for assessing potential impacts of the proposal under the California Environmental Quality Act (CEQA) given that the jurisdictional change is intended to facilitate the development of a city-approved development project. The City determined the proposed development and annexation qualify as a project under CEQA and prepared an Initial Study and Mitigated Negative Declaration that indicates no significant adverse environmental impacts would result from the project, with mitigation incorporated. The Initial Study identified mitigation measures that will reduce any potential impacts to less than significant. Staff independently concurs with the City that it has made appropriate determinations.



Link to City of Livermore North Livermore Chick-fil-A Project Final Initial Study/Mitigated Negative Declaration: [www.cityoflivermore.net/citygov/cdd/planning/environ.htm](http://www.cityoflivermore.net/citygov/cdd/planning/environ.htm).

### Conducting Authority Proceedings (Protest Hearings)

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Protest proceeding for the change of organization may be waived by Alameda LAFCO under Government Code Section 56663 should the Commission proceed with approval. The waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law and the subject landowners have provided their respective written consent to the underlying proceedings.

### Alternatives for Action

The following alternatives are available to the Commission:

#### Alternative One (Recommended):

Adopt the draft resolution identified as Attachment 1 approving the change of organization proposal annexing 1754 North Livermore to the City of Livermore with standard terms.

#### Alternative Two:

Continue consideration of the report to a future meeting and provide direction to staff for additional information as needed.

#### Alternative Three:

Disapprove the proposal. Disapproval would statutorily prohibit the initiation of a similar proposal for one year unless a request for reconsideration is filed and approved by the Commission within 30 days.

### Recommendation

It is recommended the Commission proceed with Alternative Action One.

### Procedures for Consideration

This item has been placed on the agenda for action as part of a noticed public hearing. The following procedures are recommended for consideration.

- 1) Receive a verbal report from staff;
- 2) Invite questions from the Commission;
- 3) Open the public hearing and invite comments from audience (mandatory); and
- 4) Close the public hearing, discuss item, and consider recommendation

Respectfully,

A handwritten signature in blue ink, appearing to read "Rachel Jones", with a long horizontal flourish extending to the right.

Rachel Jones  
Executive Officer

Attachments:

1. Draft Resolution of Approval
2. Vicinity Maps
3. Application Materials

## APPENDIX A

### BOUNDARY CHANGE ANALYSIS OF MANDATORY FACTORS GOVERNMENT CODE SECTION 56668

**1) Population and population density; land area and land use; per capita assessed valuation topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas during the next 10 years.**

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The affected territory consists of 2 parcels totaling 22.8 acres and is considered uninhabited due to the area containing less than 12 registered voters. The affected territory zoning designations are defined by the County of Alameda as Agriculture with an open space overlay for the 21.2-acre parcel and Industrial for the 1.6-acre parcel. The affected territory is located within a flood plain and lies adjacent to an established commercial development area. Development for the Chick-fil-A project will occur on the 1.6-acre subject parcel and approximately on 1 acre of the 21.2-acre subject parcel. The majority of the affected territory if annexed will remain undeveloped as open space land consistent with its current land use designation identified by the County of Alameda and the natural topography of the area that includes the Arroyo Las Positas Creek and drainage basin. The subject parcels are slated for commercial use only and are located near a flood plain. The assessed value of the affected territory totals \$76,903.

**2) The need for organized community services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**

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The affected territory is substantially surrounded by the City of Livermore and an established commercial area with urban services. The proposed development and annexation are consistent with the present and probable uses of the area. The requested change of organization would facilitate urban development under the City's land use authority and clearly distinguish the City's responsibility to provide urban and municipal services including police and fire protection, wastewater and other governmental services. The City deemed it in its "Will Serve" letter that the services for the proposed development are in step with applicable policies, standards, and guidelines set forth in the Livermore General Plan, Livermore Municipal Code, and the Livermore Development Code. Alameda County has recognized the intent to urbanize one of the parcels in the affected territory by its land use designation of "Industrial". The proposed annexation and development area will follow a similar land use designation as "Commercial Highway Service" and "Business Commercial" by the City of Livermore with the remaining territory identified as "Open Space Flood Plain" and "General Open Space."

**3) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local government structure of the county.**

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Approving the annexation to the City of Livermore would recognize and strengthen existing economic and social ties between the City and the affected territory given that the proposed development is consistent with uses already established in the surrounding area and clarify municipal service responsibility.

**4) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Government Code Section 56377.**

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The proposed annexation conforms to Alameda LAFCO's policies regarding the provision of orderly growth and efficient municipal services in the unincorporated area that is currently substantially surrounded by the City of Livermore with nearly overlapping service jurisdictions. The affected territory is in keeping with the Commission's policy of providing urban municipal services to urban areas given that the development territory is currently commercial in nature and surrounded by commercial uses.

**5) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by Government Code Section 56016.**

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The affected territory does not qualify as "agricultural land" under CKH. Specifically, the affected territory is not used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. The proposed annexation will not affect the physical and economic integrity of agricultural lands. The Chick-fil-A project was previously approved and zoned for commercial use by the City of Livermore and is surrounded to the south and east of the territory with similar uses. The larger parcel excluding 1 acre of territory that has been identified by the County of Alameda as "Agriculture" will remain as open space land.

**6) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors or unincorporated territory, and other similar matters affecting the proposed boundaries.**

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Alameda LAFCO is in receipt of a draft map and geographic description of the affected territory that details the proposed boundaries consistent with the standards of the State Board of Equalization for mapping proposed jurisdictional changes. Approval would be conditioned on a final map and description conforming to the referenced standards. No lines of assessment are crossed.

**7) Consistency with the city or county general plans, specific plans and adopted regional transportation plan.**

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The proposed annexation is consistent with the City of Livermore's General Plan (General Open Space and Commercial Highway Service/Business Commercial) and the East County Area Plan of Alameda County (Water Management/Agriculture and Industrial), and is within the City of Livermore's urban growth boundary and sphere of influence.

The proposal does not conflict with the regional transportation plan maintained by the Metropolitan Transportation Commission. The area does lie within a Priority Conservation Area (PCA) as identified by the Association of Bay Area Governments and City of Livermore as "Livermore Arroyos, Parks and Trails" and with the designation of urban greening/regional recreation. The proposed annexation area will mostly remain undeveloped excluding 1-acre of the territory that is within the PCA.

**8) The sphere of influence of any local agency affected by the proposal.**

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The affected territory is within the City of Livermore's sphere of influence and denotes that the City is the probable future service provider.

**9) The comments of any affected local agency or other public agency.**

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Staff provided notice of the proposal and invitation to provide comments or request approval conditions to other interested agencies. No substantive comments or term requests were received as of date of the agenda report.

**10) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

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The City of Livermore, by approving the proposed annexation via Resolution Number 2020-164 adopted on September 14, 2020 attests to its ability to provide the full range of municipal services following the proposed boundary change.

**11) Timely availability of water supplies adequate for projected needs as specified in Government Code Section 65352.5.**

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The proposed annexation and development project would receive potable water from the California Water Service Company, Livermore District (Cal Water). Cal Water provides water service under contract with the Zone 7 Water Agency for a municipal and industrial water supply that governs the

delivery and use of both purchased water and groundwater. The proposed annexation's demand for water is minimal.

Any water supplied to the project site as part of Cal Water's supply portfolio would be within Cal Water's groundwater pumping quota and thus within the safe yield of the groundwater basin. The proposed project includes biofiltration planters/treatment areas that would allow groundwater recharge on the site. Retail demand for commercial uses is projected to be 1,691 acre-feet per year (AFY) in 2020, increasing to 2,084 AFY in 2040. Total retail demand in the service area is 11,946 AFY in 2020 and 12,346 AFY in 2040. According to its most recent Urban Water Management Plan, Cal Water expects to have adequate water supplies to meet demand through 2040 in normal years, single-dry years, and multiple dry-years. (Cal Water 2016).

**12) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.**

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The proposal would not impact any local agencies in accommodating regional housing needs. The affected territory and proposed development do not consist of residences, and as such, current and future housing allocations made by the Association of Bay Area Governments are not applicable.

**13) Any information or comments from the landowner or owners, voters, or residents of the affected territory.**

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The affected territory is uninhabited as defined by LAFCO law (11 registered voters or less). The City of Livermore has provided documentation that the landowners support the underlying change of organization and have provided their written consent to the proceedings.

**14) Any information relating to existing land use designations.**

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See analysis on the preceding page of the agenda report.

**15) The extent to which the proposal will promote environmental justice.**

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There is no documentation or evidence suggesting the proposal will have a measurable effect with respect to promoting environmental justice.

**16) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annexed to the district.**

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Approval of the change of organization would remain in step with the existing uses of the surrounding area and provide additional services and commercial uses to present and future inhabitants of the City.

**17) Information contained in local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone pursuant to Section 51178 or maps that identify land determined to be in a state responsibility area pursuant to Section 4102 of the Public Resources Code, if determined that such information is relevant to the area that is subject of the proposal.**

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The affected territory does not lie within a high fire area or wildfire severity zone according to the County of Alameda's Fire and Resource Assessment Plan and the Tri-Valley Local Hazard Mitigation Plan.

**ALAMEDA LOCAL AGENCY FORMATION COMMISSION**

**RESOLUTION NO. 2021-XX**

**APPROVAL ANNEXATION OF 1754 NORTH LIVERMORE AVENUE TO THE CITY OF LIVERMORE AND WAIVER OF PROTEST PROCEEDINGS**

**“N. Livermore Annexation No. 2”**

**WHEREAS**, the Alameda Local Agency Formation Commission, hereinafter referred to as the “Commission,” is responsible for regulating boundary changes affecting cities and special districts under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, a resolution of application dated September 14, 2020 was filed by the City of Livermore (“City”), with the Executive Officer of the Alameda Local Agency Commission, pursuant to Title 5, Division 3, commencing with Section 56000 of the California Government Code; and

**WHEREAS**, said application shall be referred to as the N. Livermore Annexation No. 2; and

**WHEREAS**, the purpose of requesting approval of an annexation provide municipal services to 22.8 acres of unincorporated territory in Alameda County; and

**WHEREAS**, the subject territory is uninhabited as it contains zero registered voters under Government Code Section 56046 in which all the landowners have provided their written consent to the annexation and that no affected agency has submitted written opposition to a waiver of protest proceedings; and

**WHEREAS**, the City and County of Alameda have reached agreement on an exchange of property tax revenues in accordance with the Revenue and Taxation Code Section 99; and

**WHEREAS**, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

**WHEREAS**, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS**, the Commission considered all factors required by law under Government Code Section 56668 and adopted local policies and procedures;

**WHEREAS**, annexations are projects and subject to the provisions of the California Environmental Quality Act (CEQA); and

**WHEREAS**, the Commission has determined that, pursuant to CEQA, it is the responsible agency for the proposed change of organization; and



**WHEREAS**, the Commission has reviewed and considered a Final Initial Study and Mitigated Negative Declaration approved by the lead agency, the City; and

**WHEREAS**, a public meeting was held on April 8, 2021, Alameda LAFCO heard and received all oral and written protests, objections, and evidence which were made, presented or filed and all persons present were given an opportunity to appear and be heard with respect to any matter pertaining to said application.

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE AND ORDER** as follows:

1. The Commission’s determinations on the proposal incorporate the information and analysis provided in the Executive Officer’s written report presented on April 8, 2021.
2. The Commission certifies it has reviewed and considered the environmental effects of the N. Livermore Annexation No. 2, and feasible mitigation measures and alternatives within the Commission’s powers contained in the Final Initial Study and Mitigated Negative Declaration and related environmental documentation prepared for Chick-fil-A project development and certified by the District (Lead Agency), and, finding them to be adequate for its purposes in reviewing and approving the proposed change of organization, the Commission in exercise of its independent judgement adopt as its own the findings and determinations outlined in the Final Initial Study and Mitigated Negative Declaration to conclude that based upon substantial evidence in the record as a whole that the N. Livermore Annexation No. 2 shall not have any significant environmental effects.
3. The Executive Officer is the custodian of the records of these environmental proceedings on which this determination is based. The records upon which these findings and determination are made are located at the office of the Commission at 224 West Winton Avenue, Suite 110, Hayward, California 94544.
4. The agreement will permit the provision of municipal services to the subject parcels identified by the County of Alameda Assessor’s Office as (099-100-004-04 and 099-0100-003-05) located in the unincorporated area of Alameda County.
7. Approval would be conditioned on a final map and geographic description conforming to the standards of the State Board of Equalization.
8. The subject territory is uninhabited as it contains zero registered voters under Government Code Section 56663 in which all the landowners have provided their written consent to the annexation and that no affected agency has submitted written opposition to a waiver of protest proceedings; therefore, LAFCO does hereby waive the protest proceedings for this annexation action in accordance with the provisions of Government Code Section 56663; and
9. As allowed under Government Code 56883, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical

defect, error, irregularity, or omission.

**PASSED AND ADOPTED** by the Alameda Local Agency Formation Commission on April 8, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

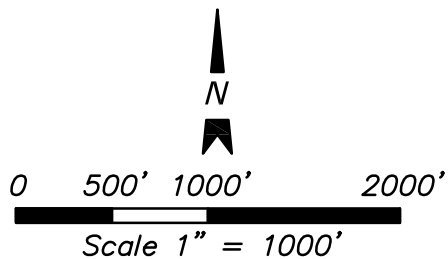
ATTEST:

\_\_\_\_\_  
Sblend Sblendorio  
Chair

\_\_\_\_\_  
Rachel Jones  
Executive Officer

APPROVED TO FORM:

\_\_\_\_\_  
Andrew Massey  
Legal Counsel



ALAMEDA COUNTY

SPHERE OF INFLUENCE

SITE

EXISTING CITY LIMIT LINE

Las Positas Ct

Las Positas Rd

Murrieta Blvd

Portola Ave

N Livermore Ave

CITY OF LIVERMORE



**KIER+WRIGHT**

250 Cherry Lane, Suite 107, 208  
Manteca, CA 95337

Phone: (209) 328-1123  
www.kierwright.com

**APPENDIX E EXHIBIT "I"**  
**VICINITY MAP**  
**CHICK-FIL-A ANNEXATION**

ALAMEDA COUNTY

CALIFORNIA

DATE	OCT, 2020
SCALE	1" = 1000'
BY	GKL
JOB NO.	A19568
SHEET	1 OF 1

**Appendix B2. APPLICATION QUESTIONNAIRE** (updated 1/2008)  
**Alameda Local Agency Formation Commission**

**1. APPLICANT** (Local Agency, Registered Voter, Landowner or 3 Chief Petitioners)

Agency/Individual Name: \_\_\_\_\_

1.a. Name of Designated Agency Contact or Chief Petitioner.

\_\_\_\_\_  
Address. \_\_\_\_\_

\_\_\_\_\_  
Phone. \_\_\_\_\_ FAX. \_\_\_\_\_ E-Mail. \_\_\_\_\_

1b. Name 2. \_\_\_\_\_

Address. \_\_\_\_\_

\_\_\_\_\_  
1c. Name 3. \_\_\_\_\_

Address. \_\_\_\_\_

**2. NAME/TITLE OF APPLICATION PROPOSAL**

**3. TYPE OF PROPOSAL/PROJECT** (Check all that apply)

- Annexation
- Consolidation
- Detachment
- Formation
- Incorporation
- Exercise of Latent Powers
- Disincorporation
- Merger
- Dissolution
- Reorganization
- Special Study
- Municipal Service Review
- SOI Amendment
- SOI Update
- Initial SOI Determination
- Establishment of Subsidiary District

Describe the proposal or proposed change(s) of organization. Provide a justification for each proposed change. Attach extra sheets if necessary.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. CERTIFIED RESOLUTION OR PETITION (Attach)**

Application Initiated By:

( ) Resolution of Application No.: \_\_\_\_\_ Date Adopted: \_\_\_\_\_

**OR**

( ) Landowner/Registered Voter Petition (The Cortese-Knox-Hertzberg (CKH) Act requires that a petition contain the number of signatures required for each type of requested government change.)

**5. BASIC INFORMATION**

5a. Describe the proposal area's general location and boundaries (access road/way, closest county road intersection, road junctions, freeways, railroad lines).

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5b. Number of acres \_\_\_\_\_; Square Miles \_\_\_\_\_ in project site.

5c. Number of registered voters \_\_\_\_\_ Source of information \_\_\_\_\_

5d. Number of dwelling units \_\_\_\_\_ Source of information \_\_\_\_\_

5e. Number people living on the site \_\_\_\_\_ Source of information \_\_\_\_\_

5f. Assessed Valuation: Land \_\_\_\_\_ Improvements \_\_\_\_\_ Total \_\_\_\_\_

5g. Existing Land Uses

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5h. Proposed Land Uses

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5i. Current and proposed zoning and planning designation(s)

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5j. Regional Housing Needs Allocation (RNHA) Requirements and Number of Affordable Units Provided

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5k. Property Information.

Number of parcels in project site \_\_\_\_\_ Number of landowners \_\_\_\_\_

Source of information: \_\_\_\_\_

Names & Addresses of All Landowners & Associated Parcel Numbers:

Assessor's Parcel Number/s/Address	Landowner Name/ Address
1.	1.
2.	2.
3.	3.

Applicable Tax Rate Area(s):

Parcel Number/s	Tax Rate Area/s

**6. DESCRIPTIONS AND SETTING**

6a. Provide the following land use maps with legends for the project site and immediately adjacent parcels, and clearly identify the project site; County General Plan; City General Plan; Existing Land Use Zones; Prezone if applicable; and Community/Specific Plan if applicable.

6b. Is the proposed change consistent with the terms and conditions of the affected local agency's General Plan? Yes \_\_\_\_ No \_\_\_\_ Explain.

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6c. With Community or Specific Plans? Yes \_\_\_\_ No \_\_\_\_ Not Applicable \_\_\_\_ Explain.

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6d. Describe the proximity of the site to populated areas.

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6e. What are the intended uses of the territory, over the next 5, 10 and 15 years (if different), if application is approved?

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6f. Are any other in-process or anticipated development, planning or land use proposals expected for this site within the next two years? Check all that are applicable.

- Proposals to LAFCO     Land Use Entitlements from a county or city  
 Permits from state or federal entity

6g. If applicant is a CITY, Government Code Section 56375 requires that the city prezone territory proposed to be annexed.

Has territory been pre-zoned? Yes \_\_\_ No \_\_\_ If yes, what is the pre-zoning designation and what does it mean?

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6h. Attach copy of certified City Resolution/ Ordinance Number: \_\_\_\_\_.

Date Adopted: \_\_\_\_\_.

6i. If applicant is a DISTRICT, what planning, zoning and subdivision changes are proposed, or have been approved by the city or county?

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6j. What is the estimated future population in the territory?

At end of 5 years \_\_\_\_\_ At end of 15 years \_\_\_\_\_ At end of 10 years \_\_\_\_\_

Source of Information \_\_\_\_\_

6k. Have landowners consented to the proposal? Yes \_\_\_ No \_\_\_

If yes, how many? \_\_\_\_\_ % of total landowners? \_\_\_\_\_

If yes, attach originals of Signature Consent Forms.

If no, explain.

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6l. How will the proposal affect the physical and economic integrity of agricultural lands, as defined by Section 56016? Explain.

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6m. How does the proposed change and its anticipated effects conform with LAFCo policies for promoting planned, orderly, efficient patterns of urban development? Explain.

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6n. Adjacent Land Uses.

	Existing Land Uses	General Plan Designation	Zoning Designation
North			
South			
East			
West			

6o. How will the proposed change affect mutual social and economic interests of adjacent areas? Explain.

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6p. Have interested residents, agencies and/or organizations expressed support or opposition to this proposal. If so, identify interested parties and briefly describe issues. It is not necessary to explaining the support of initiating agency.

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6q. What is the effect of proposal denial on proposed or approved development if any?

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6r. Is territory contiguous to the district or city's existing boundary? Yes \_\_\_ No \_\_\_

If no, is the area less than 300 acres in size, owned by the city and currently being used for a municipal purpose? Explain.

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6s. Do the proposed boundaries create an "island" or pocket of unincorporated territory?  
Yes \_\_\_ No \_\_\_

If yes, provide supplemental information explaining how the proposal promotes the orderly growth and development of the community.

6t. Each applicant is required to notify **all** affected local agencies of this proposed change. Have all affected local agencies been informed?

Yes \_\_\_ No \_\_\_ (Attach a list of the affected agencies and a verification for each.)

6u. For district formations, district consolidations, incorporations or city consolidations, provide a proposed agency name (optional). \_\_\_\_\_

6v. For district formations, provide the name of the Principal Act under which the proposed district would be governed. \_\_\_\_\_

6w. Provide a proposed appropriations limit (optional) if applicable. \_\_\_\_\_

## 7. PLAN FOR PROVIDING MUNICIPAL SERVICES

7a. Provide a plan for providing services (See Part III, Sections 2.24 and 2.25 of Alameda LAFCO's Guidelines, Policies and Procedures for instructions.)

7b. Provide the name, address, and contact person for all school districts.

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7c. Indicate, which agencies currently provide, affected public services within the proposal territory and which agencies are proposed to provide services.

<u>Services</u>	<u>Current Agency</u>	<u>Proposed Agency</u>
Police	_____	_____
Fire	_____	_____
Water	_____	_____
Sewer	_____	_____
Garbage	_____	_____
Street Lighting	_____	_____
Road Maintenance	_____	_____
Flood Control	_____	_____
Parks & Recreation	_____	_____
Library Services	_____	_____
Electricity	_____	_____
Transit	_____	_____
Other	_____	_____

7d. If a change in service provider is proposed, has each local agency provided a statement indicating the desire and ability to furnish services? Yes \_\_\_ No \_\_\_

If yes, a Letter of Agreement from each agency assuming service responsibilities **must be included with the application**. The letter must identify each agency's role and responsibilities as the new service provider and the method for funding additional services (See Part III, Sections 2.24 and 2.25).

If no, explain.

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7e. If a change in service provider is proposed, are alternative providers available for any of proposed service providers? Yes \_\_\_ No \_\_\_

If yes, list providers and explain why they are not proposed to provide service.

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7f. Will the related land use project require widening or upgrading of existing streets, the construction of new streets, sewers, or other infrastructures? Yes \_\_\_ No \_\_\_

If yes, describe how modifications will be financed. (See Part III, Sections 2.24 and 2.25).

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7g. List any proposed or required terms, conditions or mitigation measures for the proposal. Use an extra sheet if necessary.

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**8. WILLIAMSON ACT LAND CONSERVATION CONTRACTS (agricultural preserves)**

Are any agricultural preserves on project site? Yes \_\_\_ No \_\_\_ Adjacent parcels? Yes \_\_\_ No \_\_\_

If yes, provide map with site boundaries indicated and contracted lands identified with names and contract numbers.

If yes, has non-renewal formally been requested? \_\_\_\_\_

If yes, date of request to Alameda County: \_\_\_\_\_ Date of termination: \_\_\_\_\_

**9. SPHERES OF INFLUENCE (SOI)**

Government Code Sections 56375.5 and 56376 require that territory be included in the affected local agency's SOI before a Change of Organization is approved by the Commission.

9a. Is a CHANGE in Sphere of Influence boundaries of any local agency required prior to proposal consideration? Yes \_\_\_ No \_\_\_

If yes, Explain.

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List affected agencies<sup>1</sup> and provide a contact name and phone number.

Agency	Contact Name	Phone #

9b. Is the proposed territory currently within a local agency's (county, city or special district) SOI? Yes \_\_\_ No \_\_\_

If yes, which agency or agencies? \_\_\_\_\_

<sup>1</sup> See Volume I for a definition of this term.

9c. If a Sphere of Influence initial determination, update or amendment is requested, fully and completely explain each of the following as they pertain to the subject proposal (Government Code Section 56425). If any of the factors are already fully described in the master services plan, the applicable section and page number may be referenced.

- The present and planned land uses in the area subject to the proposed change, including agricultural and open space lands;
- The present and probable need for public facilities and services in the area over the next 10 years;
- The present capacity of public facilities and adequacy of public services which the agency provides or is authorized to provide;
- All social and economic communities of interest in the area, which may be affected by the project;
- The existence of agricultural preserves or other important agricultural or open space land in the area, which will be included in the SOI, and the effect on maintaining the physical and economic integrity of the resource; and
- The nature, location and extent of any function or classes of services proposed to be provided within the SOI.

9d. A municipal service review (MSR) will need to be completed for affected SOIs pursuant to Government Code Section 56430. If a new agency is being formed, an MSR will need to be prepared. For other types of SOI proposals, please check with the Executive Officer to determine whether an MSR has already been completed.

**10. COUNTY/CITY/DISTRICT PROPERTY TAX EXCHANGE AGREEMENT**

LAFCO has no jurisdiction to act on an **annexation proposal** until resolutions agreeing to an exchange of property tax are passed by **each** of the affected local agencies (Revenue and Taxation Code Section 99). It is the applicant's responsibility to identify which local agencies (cities and special districts) share in the tax distribution in order to properly determine how future revenue exchange agreements should be structured.

10a. List all affected local taxing agencies.

Agency	Contact Name	Phone #

10b. Have all participating local taxing agencies reached agreement? Yes \_\_\_ No \_\_\_  
 (In the case of complex reorganization proposals, multiple agreements may be required)

If yes, attach a certified copy of each local agency's tax exchange resolution and provide the following information:

Local Agency	Resolution Number	Adoption Date

If **No**, Explain.

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**11. SPECIAL REVENUES**

11a. Do agencies whose boundaries are being changed have existing bonded debt?

Yes \_\_\_ No \_\_\_ If yes, please describe:

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11b. Will the territory be subject to any new or additional taxes, benefits, charges or fees?

Yes \_\_\_ No \_\_\_ If yes, please describe:

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**12. ENVIRONMENTAL REVIEW**

LAFCo is required to comply with the California Environmental Quality Act (CEQA) for purposes of considering the environmental impact of its actions. If LAFCo is a **RESPONSIBLE** Agency for this application, the applicant **must** submit copies of environmental documents prepared by the Lead Agency and Certified Resolutions or Notices of Exemption or Determination. (See Alameda LAFCO’s CEQA Handbook, Adopted CEQA Procedures, and Guidelines, Policies and Procedures, Section 2.23)

Identify the following:

Lead Agency: \_\_\_\_\_

Responsible Agency/ies:

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12a. If LAFCo is a **LEAD** Agency for this application, the applicant **must** submit

- A description of environmental conditions in the project area including topography, agricultural land classification, vegetation, wildlife, land uses, traffic circulation patterns and major water courses and water bodies; and
- A description of how the project might change environmental conditions.

12b. The CEQA document(s) submitted with this application are:

- Notice/s of Exemption
- Draft Environmental Impact Report
- Notice/s of Determination
- Findings of Fact and Statement of Overriding Considerations
- State Fish and Game Determinations & Fee Receipt
- Notice of Exemption
- Negative Declaration
- Final Environmental Impact Report
- Mitigation Monitoring Program
- Other \_\_\_\_\_

Type of CEQA Review (IS/DEIR/Exemption/other)	Project Description (Actions approved)	Date approved/ certified

12d. The proponent of any project that has the potential to cause an adverse impact on fish or wildlife must pay a State Department of Fish and Game fee based upon the type of environmental determination that is made. The applicant must provide evidence that the appropriate State fee has been paid, or submit the fee to LAFCo (for a list of current fees, see <http://www.acgov.org/forms/auditor/currentFeeSchedule.pdf>).

- No Effect Documentation
- Environmental Impact Report
- Negative/Mitigated Negative Declaration
- Clerk Recorder's Fee

**13. PUBLIC NOTICE, DISCLOSURE AND OTHER REQUIREMENTS**

13a. Provide an 8 ½" X 11" map indicating the project site and identifying all parcels adjacent to and within 300 feet of the project site. Outer boundaries (not adjacent to project site) of large parcels need not be identified. All parcel numbers need to be indicated. (See Appendix E, Exhibit H)

13b. Provide a list of all parcel numbers within the 300 foot radius and include the name and address of the property owner as of the most recent assessment roll being prepared.

13c. Provide signed financial disclosure statement/s (See Appendix E, Exhibit C) pursuant to Government Code Section 56700.1.

13d. Provide one copy of an indemnification agreement (See Appendix E, Exhibit I).

13e. Provide two sets of original mailing labels that separately identify applicants, affected agencies, school districts, registered voters and landowners on project site, property owners and registered voters within 300 feet of project site, and any other party to which notification must be provided. Labels must be current and complete and in Avery 5160 format.

**14. Final Comments**

- 14a. List any conditions LAFCo should include in its resolution for approval.
- 14b. Provide any other comments or justifications regarding the proposal from any affected local agency, landowner or resident.
- 14c. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.

**15. Applicant's Certification**

I hereby certify that the information contained in this application and accompanying documents is true, correct, and accurate to the best of my knowledge. In addition, I hereby agree to pay all required filing and processing fees required by the State of California and Alameda LAFCO, including any expenses for preparation of environmental documentation and planning studies needed to complete this application.

I further understand that Alameda LAFCO will not process an incomplete application and that State law and Alameda LAFCO policies and procedures require that specific material be submitted in conjunction with the application.

\_\_\_\_\_  
Name of Applicant or Authorized Representative

\_\_\_\_\_  
Title of Applicant or Authorized Representative

  
\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Date

December 9, 2020

Ms. Jones  
Executive Director  
Alameda Local Agency Formation Commission  
1221 Oak Street, Room 555  
Oakland, California 94612

**Subject:            Proposal for Annexation into the City of Livermore:**  
Annexation to the City of Livermore to Facilitate highway serving, commercial  
development

Dear Ms. Jones:

The City requests approval of this proposal as described in the attached materials. It is proposed to process this application under the provisions of the Cortese/ Knox/Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.).

The proposal area, known as the CHICK-FIL-A ANNEXATION, is currently within unincorporated Alameda County, within the City's Sphere of Influence, Urban Growth Boundary, and adjacent to the City limits and an established commercial district. The requested Annexation would facilitate urban development under the City's land use authority and clearly distinguish the City's responsibility to provide municipal/urban services, including police, fire, permitting, land use, and other governmental services.

In accordance with LAFCO procedures, the enclosed application contains all of the required materials shown on the attached list with one exception. The tax revenue exchange agreement between the City of Livermore and Alameda County has been authorized and approved by the Livermore Council and is awaiting referral to the County Administrator's Office. Once the County acts on the tax exchange agreement the application will be complete. The City of Livermore is looking forward to being heard at the LAFCO hearing scheduled for March 2021. In the meantime, please contact me if you have any questions or require additional information.

Sincerely,



Andy Ross, Senior Planner  
City of Livermore, Planning Division,  
Community Development Department  
(925) 960-4475  
[aaross@cityoflivermore.net](mailto:aaross@cityoflivermore.net)





December 9, 2020

Alameda County Local Agency Formation Commission  
1221 Oak Street, Suite #555  
Oakland, CA 94612

RE: Proposal for Annexation into the City of Livermore

Dear Chairperson and Commissioners:

The City of Livermore will provide the following services to the area known as the Pleasant View Lane Neighborhood:

- Police Protection
- Fire Protection
- Sanitary Sewer
- Street Lighting
- Road Maintenance (For public streets within the Annexation Boundaries)
- Library Services
- Flood Control - Storm water collection and treatment

The City shall provide services for proposed development consistent with the applicable policies, standards, and guidelines set forth in the Livermore General Plan, Livermore Municipal Code, Livermore Development Code, as they exist now or may be amended in the future.

If you have any questions regarding this matter, please contact Andy Ross at (925) 960-4475.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Stewart". The signature is stylized and somewhat abstract, with a long horizontal stroke extending to the left.

Steve Stewart  
Planning Manager

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

**A RESOLUTION ADOPTING THE CHICK-FIL-A PROJECT  
INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION**

The City received applications for General Plan Amendment (GPA) 16-004, Pre-zoning and Annexation (APZ) 16-003, Vesting Tentative Parcel Map 10720 (SUB) 17-005, Conditional Use Permit (CUP) 16-012, Site Plan Design Review (SPDR) 16-022, and Development Agreement (DA) 16-001, collectively known as the Chick-fil-A Project, to develop an approximately 4,740 square foot drive-through restaurant on the project site with associated public improvements.

The City prepared an Initial Study and Mitigated Negative Declaration for the proposed Chick-fil-A Project pursuant to the California Environmental Quality Act (CEQA).

A Public Hearing Notice was duly mailed to neighboring property owners and published in a newspaper of local circulation.

The Planning Commission held a public hearing on August 4, 2020, considered the staff recommendation for approval and heard public testimony.

At its meeting on September 14, 2020, the City Council considered in public hearings the proposals, staff recommendations, recommendations of the Planning Commission, public testimony, and findings.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Livermore has considered the findings made in Planning Commission Resolution No. 26-20, attached hereto as Exhibit A, and based upon the City Council's own independent review and considerations, the City Council hereby adopts the same findings by this reference and incorporates it as part of this resolution, and hereby adopts the Chick-fil-A Project Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit B, in accordance with the California Environmental Quality Act.

**BE IT FURTHER RESOLVED** that the City Council of the City of Livermore directs staff to file a Notice of Determination consistent with the provisions of the California Environmental Quality Act.

On motion of Council Member Coomber, seconded by Vice Mayor Woerner the foregoing resolution was passed and adopted on September 14, 2020, by the following vote:

AYES: Council Members Carling, Coomber, Munro, Vice Mayor Woerner,  
Mayor Marchand  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:

*Marie Weber*  
\_\_\_\_\_  
401 Marie Weber  
City Clerk

Date: September 18, 2020

APPROVED AS TO FORM:

*Kim Cilley*  
\_\_\_\_\_  
Kim Cilley  
Senior Assistant City Attorney

Exhibits:

- A – Planning Commission Resolution No. 26-20
- B – Chick-fil-A Project Initial Study and Mitigated Negative Declaration

# EXHIBIT A

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

### A RESOLUTION RECOMMENDING ADOPTION OF A MITIGATED NEGATIVE DECLARATION

An Initial Study and Mitigated Negative Declaration for a request to change the General Plan designation of an approximately 1.5-acre site from Open Space to Business Commercial Park (BCP); prezone an approximately 1.5 acres to Highway Commercial Service and an approximately 21.5 acres to Open Space-Flood Plain and authorize annexation of the combined 23 acres; subdivide the property and authorize development and operation of an approximately 4,740 square foot drive-through restaurant with parking, lighting, landscaping, and other public improvements.

Location: 1754 North Livermore Avenue

The City received applications for General Plan Amendment (GPA) 16-004, Prezoning and Annexation (APZ) 16-003, Vesting Tentative Parcel Map (VTPM) 10720 (SUB17-005), Conditional Use Permit (CUP) 16-012, Site Plan Design Review (SPDR) 16-022, and Development Agreement (DA) 16-001, collectively known as the Chick-fil-A project, to develop an approximately 4,740 square foot drive-through restaurant on the project site with associated public improvements.

The City prepared an Initial Study and Mitigated Negative Declaration for the proposed Chick-fil-A restaurant pursuant to the California Environmental Quality Act (CEQA);

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

The Planning Commission held a public hearing on August 4, 2020, considered the staff recommendation for approval and heard public testimony.

NOW, THEREFORE, the Planning Commission finds based upon the information presented that:

1. An Initial Study and Mitigated Negative Declaration were prepared for the proposed Chick Fil A Project pursuant to the California Environmental Quality Act (CEQA). The Mitigated Negative Declaration indicates that no significant adverse environmental impacts would result from the project, with mitigation incorporated. The Initial Study identifies mitigation measures, which if adopted will reduce any potential impacts to less than significant.
2. The Planning Commission has considered the proposed Mitigated Negative Declaration, along with comments received during the public review process. The Planning Commission finds, on the basis of the whole record before it (including the

Initial Study and comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis, and the Planning Commission hereby recommends the City Council adopt the Mitigated Negative Declaration.

BE IT RESOLVED that the Livermore Planning Commission, based on the above findings, which are necessary to protect the public health, safety, and general welfare, recommends the City Council adopt Chick Fil A Project Initial Study and Mitigated Negative Declaration, including the Mitigation Monitoring and Reporting Program (Exhibit A), in accordance with the California Environmental Quality Act.

On the motion by Commissioner Bjorklund, seconded by Commissioner Anderson, the foregoing Resolution was adopted at the Planning Commission meeting of August 4, 2020, by the following vote:

AYES:           ANDERSON, BJORKLUND, FAGUNDES, STEIN.  
NOES:           NONE.  
ABSENT:        BONANNO.

Bryan Fagundes, Chairperson



by Steve Stewart, Planning Manager  
Secretary to the Planning Commission

~~Exhibit A - Mitigation Monitoring and Reporting Program~~

**CITY OF LIVERMORE**  
**NORTH LIVERMORE AVENUE**  
**CHICK-FIL-A PROJECT**  
FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

---

*Prepared for:*

CITY OF LIVERMORE  
1052 S. LIVERMORE AVENUE  
LIVERMORE, CA 94550

*Prepared by:*

**Michael Baker**

**I N T E R N A T I O N A L**

2729 PROSPECT PARK DRIVE, SUITE 220  
RANCHO CORDOVA, CA 95670

**JULY 2020**

Available online at:

<http://www.cityoflivermore.net/citygov/cdd/planning/environ.htm>

NORTH LIVERMORE AVENUE CHICK-FIL-A MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<p><b>MM BIO-1 California Red-Legged Frog.</b> The project applicant shall conduct the following measures to avoid impacts on California red-legged frog (CRLF):</p> <ul style="list-style-type: none"> <li>The applicant shall retain a qualified biologist to survey the project site no more than 10 days before the onset of work activities. If any life stage of the CRLF is detected, construction activities shall not be allowed to commence until consultation between the United States Fish and Wildlife Service (USFWS) and/or the California Department of Fish and Wildlife (CDFW), the City, and the applicant has occurred to the satisfaction of the USFWS and/or CDFW.</li> <li>Before any activities begin on the project, the applicant shall retain a qualified biologist to conduct a Worker's Environmental Awareness Program (WEAP) for all construction personnel. At a minimum, the training will include a description of CRLF and its habitat, the specific measures that are being implemented to conserve the CRLF for the current project, and the boundaries within which the project may be accomplished. Brochures, books, and briefings may be used in the WEAP, provided that a qualified person is on hand to answer any questions.</li> <li>The applicant shall limit the number of access routes, size of staging areas, and the total area of the construction activity to the minimum necessary to achieve the project goal. Environmentally Sensitive Areas will be established to confine access routes and construction areas to the minimum area necessary to complete construction and to minimize the impact to CRLF habitat; this goal includes locating access routes and construction areas outside of riparian areas to the maximum extent practicable.</li> </ul>	Project applicant	Before and during construction	City of Livermore	Verify protective measures in place during construction through site inspection.		
<p><b>MM BIO-2 California Tiger Salamander.</b> The project applicant shall conduct the following measures to avoid impacts on California tiger salamander (CTS)</p>	Project applicant	Before and during construction	City of Livermore	Verify protective measures in place during construction through site		

**NORTH LIVERMORE AVENUE CHICK-FIL-A MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<ul style="list-style-type: none"> <li>A qualified biologist approved by the US Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) will conduct a preconstruction survey for CTS within 48 hours prior to the initiation of any construction activities (i.e., staging, grubbing, clearing, grading) and be present for all initial ground-disturbing activities. All ruts and holes near root structures and burrows shall be inspected prior to and during excavation or removal.</li> <li>Contractors performing construction activities shall receive WEAP, which shall include review of environmental laws and avoidance and mitigation measures that must be followed by all personnel to reduce or avoid effects on CTS during construction activities.</li> <li>To prevent inadvertent entrapment of CTS during construction, all open holes, sumps, and trenches within the project site shall be inspected by the biological monitor at the beginning of each day during initial site preparation activities such as vegetation removal, grubbing, clearing, and grading. The frequency and duration of monitoring following the initial site preparation activities shall be determined by the qualified biologist based on the results of the pre-construction survey, monitoring during initial site preparation, and the timeline and nature of anticipated construction activities following site preparation. The monitoring schedule and methods shall be set forth in the biologist's scope of work as required in this mitigation measure, provided that additional monitoring after the initial site preparation activities are determined to be necessary. In addition, all trenches, holes, sumps and other excavations with sidewalls deeper than 1:1 (45-degree angle) slope and greater than 6 inches deep shall be covered each night or have an escape ramp of earth or non-slip material. Pipes, culverts, and similar materials shall be stored so as to prevent wildlife species from using these as temporary</li> </ul>				inspection; confirm receipt of agency approval of qualified biologist, plan, and reporting required by mitigation measure		



**NORTH LIVERMORE AVENUE CHICK-FIL-A MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<p>refuges. These materials shall be inspected by construction personnel each morning for the presence of animals prior to being moved according to the schedule specified by the qualified biologist in the construction monitoring plan that is required under this mitigation measure. Any listed species trapped within a trench, hole, etc. is considered "take." If any of these species are observed on the site, then the applicant shall cease work and consult with the USFWS and/or CDFW to determine appropriate mitigation and to obtain any necessary permits (e.g., Incidental Take Permit).</p> <ul style="list-style-type: none"> <li>• If necessary, a qualified biologist possessing a valid Endangered Species Act Section 10(a)(1)(A) permit or approved under an active Biological Opinion will be contracted to trap and move CTS to nearby suitable habitat if found inside the fenced area.</li> <li>• If an unlisted species is detected, it may be moved to a safe location.</li> <li>• No monofilament plastic will be used for erosion control</li> <li>• Prior to issuance of grading permit, the applicant will submit to the City:               <ul style="list-style-type: none"> <li>- Written USFWS and CDFW approval of the qualified biologist; and</li> <li>- Biologist's scope of work, which will include the following:                   <ul style="list-style-type: none"> <li>o Plan and schedule for pre-construction surveys and construction monitoring.</li> <li>o Plan and approach for minimizing impacts on CTS as described in MM BIO-2</li> <li>o Plan to provide the pre-construction and tailboard worker trainings described in MM BIO-2.</li> </ul> </li> </ul> </li> <li>• Prior to the start of ground-disturbing activities, the applicant will submit to the City the biologist's written report summarizing the results of the preconstruction</li> </ul>						

**NORTH LIVERMORE AVENUE CHICK-FIL-A MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<p>survey and the biologist's plan for construction monitoring.</p>	Project applicant	Prior to and during construction	City of Livermore	Confirm receipt of survey report required by measure.		
<p><b>MM BIO-3 Burrowing Owl - Breeding Season.</b> The project applicant shall conduct the following measures to avoid impacts on burrowing owl during the breeding season (February 1 through August 31):</p> <ul style="list-style-type: none"> <li>• A qualified biologist shall conduct a preconstruction survey for burrowing owl in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012) no more than 14 days prior to the initiation of construction-related ground disturbance activity (i.e., staging, clearing, grading) if this activity occurs during the breeding season (February 1 through August 31). A final survey shall be conducted within 24 hours prior to any ground-disturbing activities.</li> <li>• If owls are discovered after February 1, the owls must be left on-site and a 250-foot buffer established until September 1.</li> <li>• If a burrowing owl is found on the site and no nesting has begun, the qualified biologist shall consult with CDFW to negotiate nest exclusion doors or avoidance buffers.</li> <li>• The results of the survey and on-site monitoring shall be reported to the City.</li> </ul>	Project applicant	Prior to and during construction	City of Livermore	Confirm receipt of survey report required by measure.		
<p><b>MM BIO-4 Burrowing Owl - Nonbreeding Season.</b> The project applicant shall conduct the following measures to minimize impacts on burrowing owl during the nonbreeding season (September 1 through January 31):</p> <ul style="list-style-type: none"> <li>• A qualified biologist shall determine if burrowing owls are present at the site during the nonbreeding season. If a burrowing owl is found present on the project site and no nesting has begun, the CDFW shall be consulted to negotiate nest exclusion doors or avoidance buffers. If owls are present, no disturbance shall occur within 50 meters (approximately 160 feet) of occupied burrows.</li> </ul>	Project applicant	Prior to and during construction	City of Livermore	Confirm receipt of survey report required by measure.		

**NORTH LIVERMORE AVENUE CHICK-FL-A MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<ul style="list-style-type: none"> <li>If an effective exclusion area for burrowing owls cannot be established, an experienced burrowing owl biologist will develop a site-specific plan in consultation with CDFW to avoid impacts on owls.</li> <li>The results of the survey shall be reported to the City.</li> </ul>						
<p><b>MM BIO-5 Nesting Birds.</b> If clearing and/or construction activities will occur during the raptor or migratory bird nesting season (February 15-August 15), the project applicant and/or contractor shall employ a qualified biologist to conduct preconstruction surveys for nesting birds up to 14 days before initiation of construction activities. The qualified biologist shall survey the construction zone and a 500-foot buffer surrounding the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. Surveys shall be repeated if project activities are suspended or delayed for more than 15 days during the nesting season.</p> <p>If active nest(s) are identified during the preconstruction survey, the qualified biologist shall establish a 100-foot no-activity setback for migratory bird nests and a 250-foot setback for raptor nests. No ground disturbance shall occur within the no-activity setback until the nest is deemed inactive by the qualified biologist.</p>	Project applicant	Prior to and during construction	City of Livermore	Verify protective measures in place during construction through site inspection.		
<p><b>MM BIO-6 EACCS Measures.</b> The following EACCS avoidance and minimization measures shall be implemented during construction:</p> <ul style="list-style-type: none"> <li>Employees and contractors performing construction activities will receive environmental sensitivity training. Training will include review of environmental laws and avoidance and minimization measures (AMMs) that must be followed by all personnel to reduce or avoid effects on covered species during construction activities.</li> <li>Environmental tailboard trainings will take place on an as-needed basis in the field. The environmental</li> </ul>	Project applicant	Prior to and during construction	City of Livermore	Ensure measures are included in grading plan notes. Verify protective measures in place during construction through site inspection.		

**NORTH LIVERMORE AVENUE CHICK-FIL-A MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<p>tailboard trainings will include a brief review of the biology of the covered species and guidelines that must be followed by all personnel to reduce or avoid negative effects to these species during construction activities. Directors, managers, superintendents, and the crew foremen and forewomen will be responsible for ensuring that crewmembers comply with the guidelines.</p> <ul style="list-style-type: none"> <li>• Contracts with contractors, construction management firms, and subcontractors will obligate all contractors to comply with these requirements [and] AMMs.</li> <li>• The following will not be allowed at or near the work site for covered activities: trash dumping, firearms, open fires (such as barbecues) not required by the activity, hunting, and pets (except for safety in remote locations).</li> <li>• Vehicles and equipment will be parked on pavement, existing roads, and previously disturbed areas to the extent practicable.</li> <li>• Off-road vehicle travel will be minimized.</li> <li>• Vehicles will not exceed a speed limit of 15 mph on unpaved roads within natural land-cover types, or during off-road travel.</li> <li>• Vehicles will be washed only at approved areas. No washing of vehicles will occur at job sites.</li> <li>• To discourage the introduction and establishment of invasive plant species, seed mixtures/straw used within natural vegetation will be either rice straw or weed-free straw.</li> <li>• Pipes, culverts, and similar materials greater than 4 inches in diameter will be stored so as to prevent covered wildlife species from using these as temporary refuges, and these materials will be inspected each morning for the presence of animals prior to being moved.</li> </ul>						

**NORTH LIVERMORE AVENUE CHICK-FIL-A MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<ul style="list-style-type: none"> <li>Plastic monofilament netting (erosion control matting) or similar material containing netting will not be used at the project. Acceptable substitutes include coconut matting or tackified hydroseeding compounds.</li> <li>Stockpiling of material will occur such that direct effects to covered species are avoided.</li> <li>Grading will be restricted to the minimum area necessary.</li> <li>Trenches will be backfilled as soon as possible. Open trenches will be searched each day prior to construction to ensure that no covered species are trapped. Earthen escape ramps will be installed at intervals prescribed by a qualified biologist.</li> </ul>						
<p><b>MM CUL-1 Treatment of Previously Unidentified Archaeological Deposits.</b> If prehistoric or historical archaeological deposits are discovered during construction, the project applicant and/or contractor shall stop all work within 50 feet of the discovery and an archaeologist shall assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. The project applicant and/or contractor shall avoid impacts to archaeological deposits to the extent feasible, but if such impacts cannot be avoided, the deposits shall be evaluated for their California Register eligibility. If the deposit is not eligible for the California Register, no further protection of the finds is necessary. If the deposits are California Register eligible, they shall be protected from project-related impacts, or such impacts shall be mitigated. Mitigation may consist of but is not necessarily limited to systematic recovery and analysis of archaeological deposits, recording the resource, preparation of a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate.</p>	Project applicant	During construction	City of Livermore	Ensure measure is included on grading plan notes. If reporting is required, comply with applicable regulations and standards.		
<p><b>MM CUL-2 Treatment of Previously Unidentified Human Remains.</b> The project applicant and/or contractor</p>	Project applicant	During construction	City of Livermore	Ensure measure is included on grading		

NORTH LIVERMORE AVENUE CHICK-FIL-A MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<p>shall treat any human remains encountered during ground-disturbing activities in accordance with California Health and Safety Code Section 7050.5. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the County coroner has determined the manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation or to his or her authorized representative. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel/construction workers shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the remains will be treated in concordance with Public Resources Code Section 5097.98. To start this process, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American most likely descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.</p>				<p>plan notes. If reporting is required, comply with applicable regulations and standards.</p>		
<p><b>MM GEO-1 Treatment of Previously Unidentified Paleontological Resources.</b> If paleontological resources are discovered during construction, all work within 25 feet of the discovery will be redirected and the paleontologist will assess the situation, consult with the City of Livermore, and make recommendations regarding the treatment of the discovery. Impacts on paleontological resources should be avoided by project activities, but if such impacts cannot be avoided, the deposits will be evaluated for their significance. If the discovery is significant, it will be protected from construction or recovered. This may include systematic recovery and analysis and curation of paleontological resources.</p>						

**NORTH LIVERMORE AVENUE CHICK-FIL-A MITIGATION MONITORING AND REPORTING PROGRAM**

Mitigation Measure	Mitigation Responsibility	Mitigation Timing	Compliance Monitoring Responsibility	Compliance Monitoring Action/Timing	Verification of Completion	
					Date	Initials
<p><b>MM TRA-1 Driveway Marking.</b> The project applicant shall place a "Keep Clear" sign on the project driveway as illustrated in Figure 13 (Circulation Mitigation) in the Traffic Impact Study (Hexagon 2020).</p>	Project applicant	Prior to occupancy	City of Livermore	Confirm site plan shows marking. Verify driveway marking present before issuance of occupancy permit.		
<p><b>MM TCR-1 Tribal Cultural Resources.</b> If tribal cultural resources are discovered during project construction, all work within 25 feet of the discovery will be redirected and the construction contractor will contact the City. The City will contact an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology to assess the resource, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Impacts on tribal cultural resources should be avoided; however, if avoidance is not feasible, the resources will be evaluated for their California Register eligibility. If the tribal cultural resource is not California Register-eligible, no further protection of the find is necessary. If the tribal cultural resource is California Register-eligible, it will be protected from project-related impacts or recovered, which may include systematic recovery and analysis, recording the resource, preparation of a report of findings, and accessioning recovered archaeological materials at an appropriate curation facility.</p>	Project applicant	During construction	City of Livermore	Ensure measure is included on grading plan notes. If reporting is required, comply with applicable regulations and standards.		

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

**A RESOLUTION AUTHORIZING SUBMITTAL OF AN APPLICATION TO THE ALAMEDA COUNTY LOCAL AGENCY FORMATION COMMISSION TO REQUEST INITIATION OF ANNEXATION PROCEEDINGS AND AUTHORIZING THE EXCHANGE OF PROPERTY TAX REVENUE FOR THE SUBJECT PROPERTY**

**(CHICK-FIL-A PROJECT)**

The City received applications for Pre-zoning and Annexation (APZ) 16-003 concurrently with General Plan Amendment (GPA)16-004, Vesting Tentative Parcel Map 10720 (SUB) 17- 005, Conditional Use Permit (CUP) 16-012, Site Plan Design Review (SPDR) 16-022, and Development Agreement (DA) 16-001, collectively known as the Chick-fil-A Project, to develop an approximately 4,740 square foot drive-through restaurant on the project site with associated public improvements.

The project site is comprised of two parcels (APNs 099-0100-003-05 and 099-0100-004-04) located South of I-580, west of North Livermore Avenue, and contiguous to the City boundary to the south (hereinafter referred to as "the subject property"), in unincorporated Alameda County. A map depicting the subject property is attached hereto as Exhibit A.

The City has an interest and authority in protecting the public's general health, safety, and welfare, as well as facilitating the orderly development within its city limits and sphere of influence.

Concurrent with this resolution, the City Council adopted a resolution approving an Initial Study and Mitigated Negative Declaration for the proposed Chick-fil-A Project pursuant to the California Environmental Quality Act (CEQA).

Concurrent with this resolution, the City Council also introduced an ordinance to pre-zone the subject property to Zoning District(s) as follows: 1.5 acres of the subject property to Highway Commercial Service (CHS) and 21.5 acres to Open Space-Flood (OS-F).

Pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act, beginning with section 56000 of the California State Government Code, an affected city, as therein defined, may make a proposal for an annexation and request initiation of proceedings by resolution adopted by its legislative body. The City of Livermore is an "affected city" for an annexation proposal because its sphere of influence contains territory for which a change of organization is proposed. A public hearing notice was duly mailed to neighboring property owners and published in a newspaper of general circulation.



Revenue and Taxation Code Section 99 provides, among other requirements, that no local agency jurisdictional change can be completed without the agencies affected first having agreed upon an exchange of property tax revenue.

On August 15, 1995, the Alameda County Board of Supervisors adopted a policy on annexation and tax sharing agreements that provided, in part, "that it is the policy of this Board that the County will negotiate all tax sharing agreements in good faith, and consider compensation to the County for the full range of costs associated with providing Countywide facilities and services".

Each specific annexation requires a resolution from the annexing city and the County agreeing to the exchange of property tax revenues as a requisite before the annexation can be completed and filed with the State.

The City of Livermore now desires to enter into a tax exchange agreement specific to the property subject for the proposed annexation.

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

The Planning Commission held a public hearing on August 4, 2020, considered the staff recommendation for approval and heard public testimony.

At its meeting on September 14, 2020, the City Council considered in public hearings the proposals, staff recommendations, recommendations of the Planning Commission, public testimony, and findings.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Livermore authorizes submission of an application to the Alameda County Local Agency Formation Commission to begin proceedings for the proposed annexation of the subject property.

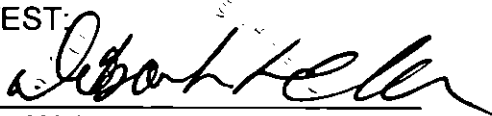
**BE IT FURTHER RESOLVED** by the City Council of the City of Livermore, that the annexation by the City of Livermore of the subject property located in unincorporated Alameda County will be effective the fiscal year following the filing with the State Board of Equalization of the Certificate of Completion for such property, provided the filing occurs prior to December 31 of the preceding year.

**BE IT FURTHER RESOLVED** that the City Council of the City of Livermore requests the Auditor-Controller of the County of Alameda to cause an exchange of property tax revenues pursuant to the provisions of, and in substantial conformance with, the draft Property Tax Sharing Agreement attached hereto as Exhibit B, between the County of Alameda and the City of Livermore, pursuant to the foregoing policies. The City Council hereby authorizes the Mayor to execute the Property Tax Sharing Agreement on behalf of the City of Livermore.

On motion of Council Member Coomber, seconded by Vice Mayor Woerner the foregoing resolution was passed and adopted on September 14, 2020, by the following vote:

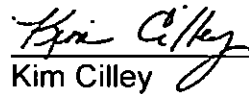
AYES: Council Members Carling, Coomber, Munro, Vice Mayor Woerner,  
Mayor Marchand  
NOES: None  
ABSENT: None  
ABSTAIN: None

ATTEST:



*ld*  
Marie Weber  
City Clerk

APPROVED AS TO FORM:



Kim Cilley  
Senior Assistant City Attorney

Date: September 18, 2020

Exhibits:

- A – Annexation Map
- B – Draft Property Tax Sharing Agreement

NO.	APPROVED	DATE

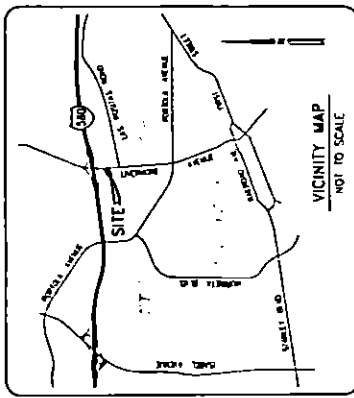
Prepared by  
**Joseph C. Truxav and Associates, Inc.**  
 Civil Engineers and Land Surveyors  
 1734 NORTH LIVERMORE AVENUE  
 SUITE 111, OAKLAND, CALIFORNIA 94612-1111  
 TEL: (415) 764-1111 FAX: (415) 764-1112



ANNEXATION NO. \_\_\_\_\_  
 IN THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA  
 1734 NORTH LIVERMORE AVENUE

DATE	12/29/18
DATE	
CREATED BY	
APP. NO.	
DATE	
DATE	
SHEET NO.	
OF 1 SHEETS	

# EXHIBIT A



**LEGEND:**  
 - - - - - EXISTING AME/PLD BOUNDARY  
 - - - - - PROPOSED AME/PLD BOUNDARY

**BASES OF RECORDS:**  
 THE MAP AND PLD, AND THE RECORDS OF THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, ARE THE BASIS OF RECORDS FOR THIS MAP. THE BASIS OF RECORDS FOR THIS MAP IS THE BASIS OF RECORDS FOR THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

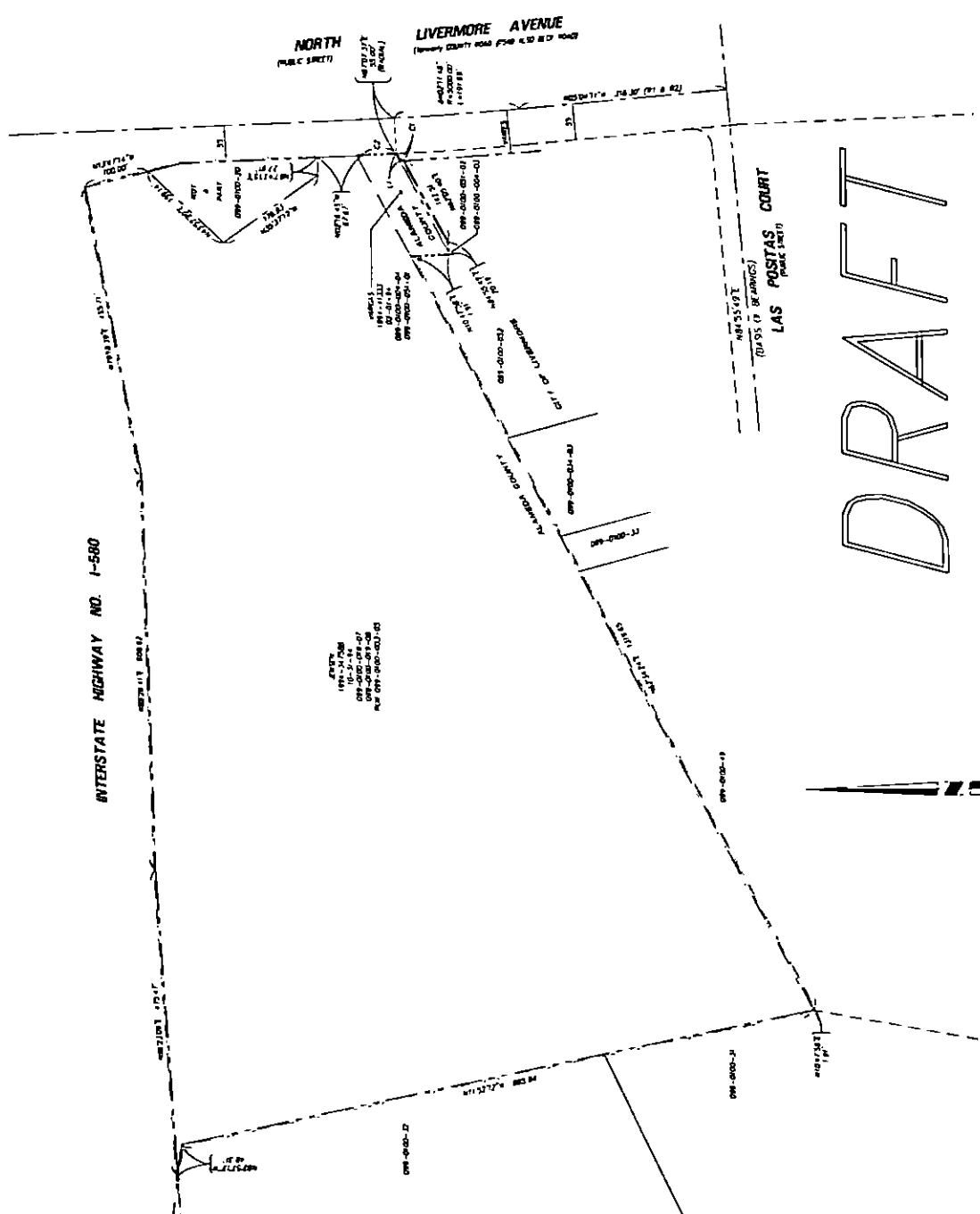
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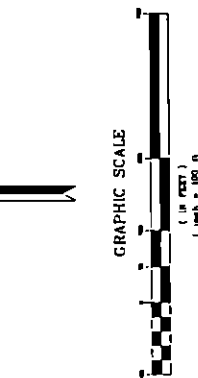
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STANDARD NOTES:  
 1. THE MAP IS USED TO CALCULATE THE AREA AND SHALL BE CONSIDERED AS SUCH.  
 2. PROPERTY LINES ARE ESTABLISHED BY EXISTING RECORDS, AND THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, IS THE BASIS OF RECORDS FOR THIS MAP. THE BASIS OF RECORDS FOR THIS MAP IS THE BASIS OF RECORDS FOR THE CITY OF LIVERMORE, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.



DATE	12/29/18
DATE	
CREATED BY	
APP. NO.	
DATE	
DATE	
SHEET NO.	
OF 1 SHEETS	

**AGREEMENT BETWEEN THE COUNTY OF ALAMEDA AND THE CITY OF LIVERMORE REGARDING TRANSFER OF PROPERTY TAX REVENUES IN CONNECTION WITH THE NORTH LIVERMORE AVENUE ANNEXATION**

This Agreement is made pursuant to the provisions of Revenue and Taxation Code Section 99 and shall constitute the agreement for exchange of property tax revenues required by the Revenue and Taxation Code Section 99(b)(6). Furthermore, Revenue and Taxation Code Section 99(b)(5) provides that if a jurisdictional change will alter the service area or service responsibility of a special district, the Board of Supervisors of the county in which the special district is located shall negotiate any exchange of property tax revenues on behalf of the special district.

The parties agree that the parcels to be annexed are described as follows:

The approximately 23-acre subject property is located South of I-580, west of North Livermore Avenue and contiguous to the City boundary on the south. The subject property is currently vacant and proposes development under City regulations.

Exhibit A lists all applicable parcel numbers to this agreement and is incorporated herein. The parties agree that for the annexation of these parcels, the Auditor- Controller of the County of Alameda is directed to cause an exchange of property tax revenue as follows:

- A. The City is entitled to receive an allocation of computed property tax revenue equivalent to the share of property tax revenue it receives on a weighted average citywide. The weighted citywide average shall be computed annually as follows: multiply the city's current AB8 factor in each tax rate area within the city by the current secured assessed valuation in each tax rate area to arrive at a product for each tax rate area. The sum of those products is divided by the total secured assessed valuation within the city to arrive at a weighted citywide average. The secured tax roll is used here to establish the weighted citywide average. However, the factors resulting from application of the formula will apply to all tax rolls.
- B. In the event that the City currently provides a service within its incorporated City limits such as Fire or Library, and if that service is currently being provided by a County taxing agency or special district in the territory proposed for annexation, the County shall receive an allocation of computed property tax revenue equivalent to the share of property tax revenue received by the County taxing agency or special district in the territory proposed for annexation. The County's receipt of that allocation shall not diminish the City's receipt of its allocation calculated under A above.

- C. In the event that the City assumes full responsibility for a service not currently being provided by the City within its incorporated city limits, but being provided by a separate County taxing agency or special district within the territory proposed for annexation, pursuant to Revenue and Taxation Code 99(b), the City shall receive, in addition to the allocation determined in A above, an allocation of computed property tax revenue equivalent to the share of property tax revenue received by the County taxing agency or special district in the territory proposed for annexation.
- D. The County shall receive an allocation of computed property tax revenue equivalent to its current share of property tax revenue in the territory proposed for annexation plus the share or shares of property tax revenue allocated to it in section B above, less the share of computed property tax revenue allocated to the City in section A above, and in section C above as applicable.
- E. In the event that this annexation includes or results in the detachment of one or more parcels or portions thereof from the City and those parcels or portions thereof are transferred to the County or to another jurisdiction, the City hereby waives any right, interest, or claim to property tax on such parcels or portions thereof as identified in Exhibit A. The parcels or portions thereof shall be transferred to the County or jurisdiction subject to the conditions of paragraphs A through D as specified in this agreement.

This exchange of property tax revenues will be effective as to each property annexed within the subject annexation area for the fiscal year following the filing with the State Board of Equalization of the Certificate of Completion for such property providing the filing occurs prior to December 31 of the preceding year.

CITY OF LIVERMORE

DATED: \_\_\_\_\_

\_\_\_\_\_

Mayor

APPROVED AS TO FORM:

DATED: \_\_\_\_\_

\_\_\_\_\_

City Attorney

COUNTY OF ALAMEDA

DATED: \_\_\_\_\_

\_\_\_\_\_  
President, Board of Supervisors

APPROVED AS TO FORM:

DATED: \_\_\_\_\_

\_\_\_\_\_  
County Counsel

**Exhibit A**

**Parcels Subject to This Property Tax Sharing Agreement  
Upon Annexation**

**APNs**

Parcel 1	099 010000305
Parcel 2	099 010000404



**C O U N T Y   A D M I N I S T R A T O R**

SUSAN S. MURANISHI  
COUNTY ADMINISTRATOR

March 9, 2021

Honorable Board of Supervisors  
County of Alameda  
1221 Oak Street, Suite 536  
Oakland, California 94612

**SUBJECT:   ADOPTION OF A NEGOTIATED TAX EXCHANGE AGREEMENT  
BETWEEN THE COUNTY OF ALAMEDA AND THE CITY OF  
LIVERMORE FOR THE PROPOSED ANNEXATION OF TWO  
UNINCORPORATED PARCELS (APN 099-0100-003-05 AND 099-0100-004-  
04)**

Dear Board Members:

**RECOMMENDATION:**

Adopt a resolution of negotiated tax exchange between the County of Alameda and the City of Livermore (City) for the City to annex two unincorporated parcels located along the west side of North Livermore Ave. contiguous to the City boundary (Assessor Parcel Numbers 099-0100-003-05 and 099-0100-004-04)

**SUMMARY:**

The County of Alameda (County) received a notification from the Local Agency Formation Commission (LAFCO) that LAFCO has received an application from the City of Livermore (City) for the City to annex parcels located along North Livermore Ave. contiguous to the City boundary to the south. The city is proposing to annex this 22.8-acre undeveloped site in connection with a proposed development of a Chick-Fil-A drive-through restaurant at the location.

**DISCUSSION:**

The tax code provides that no agency jurisdictional change can be completed without the agencies affected first having agreed upon an exchange of property tax revenue. Each specific annexation requires a resolution from the annexing city and Alameda County agreeing to the exchange of property tax revenues as a requisite before the annexation can be completed and filed with the state. Under the proposed tax sharing agreement, the City will receive a share of the AB 8 property tax in the annexed parcels equal to the weighted average City share of AB 8 property taxes citywide.



**FINANCING:**

The parcels included in the proposed annexation have a total assessed value of approximately \$76,903. The 1% property tax revenue generated from the approximate \$76,903 value of the parcels proposed for annexation would be \$796.03. Based on the current assessed values of the parcels, county property tax revenues will decrease by a net total of \$183.09 in the first fiscal year. As this tax exchange agreement is a permanent change in the distribution formula for property tax revenue, this loss of revenue will be ongoing in future years, provided the assessed value of the property does not change. Improvements to these parcels that are facilitated by this annexation should increase the assessed value of these parcels, but the impact of the proposed development of the annexed parcels on property tax revenue cannot be estimated at this time.

**VISION 2026 GOAL:**

The adoption of a resolution of negotiated tax exchange meets the 10X goal pathway of **Employment for All** in support of our shared vision of a **Prosperous and Vibrant Economy**.

Very truly yours,



Susan S. Muranishi  
County Administrator

SSM:BW

BOARD OF SUPERVISORS, COUNTY OF ALAMEDA

STATE OF CALIFORNIA

RESOLUTION NO. 2021- 126

A RESOLUTION AUTHORIZING THE EXCHANGE OF PROPERTY TAX REVENUE  
IN CONNECTION WITH THE NORTH LIVERMORE AVENUE PROPERTY ANNEXATION

WHEREAS, Revenue and Taxation Code, Section 99 provides, among other things, that no local agency jurisdictional change can be completed without the agencies affected first having agreed upon an exchange of property tax revenue; and

WHEREAS, on August 15, 1995 the Board of Supervisors adopted a policy on annexation and tax sharing agreements, which provided in part ". . . that it is the policy of this Board that the County will negotiate all tax sharing agreements in good faith, and consider compensation to the County for the full range of costs associated with providing Countywide facilities and services (e.g., hospitals, courts, jails, social services, etc.) to residents of the property being annexed"; and

WHEREAS, each specific annexation requires a resolution from the annexing city and the County agreeing to the exchange of property tax revenues as a requisite before the annexation can be completed and filed with the State;

NOW, THEREFORE, BE IT RESOLVED, that the annexation by the City of Livermore of the North Livermore Avenue annexation property located in unincorporated Alameda County will be effective as to each property annexed within the annexation area for the fiscal year following the filing with the State Board of Equalization of the Certificate of Completion for such property, provided the filing occurs prior to December 31 of the preceding year; and

BE IT FURTHER RESOLVED, that the Auditor-Controller of the County of Alameda shall be directed to cause an exchange of property tax revenues pursuant to the provisions of the Transfer of Property and Sales Tax Revenues Agreement entered into between the County of Alameda and the City of Livermore in accordance with the foregoing policies, attached.

The foregoing is **PASSED** and **ADOPTED** by the Board of Supervisors of the County of Alameda, State of California, on this 23rd day of March 2021, by the following called vote:

AYES: Supervisors Chan, Haubert, Miley & President Carson - 4  
NOES: None  
EXCUSED: Supervisor Valle - 1

*Keith Carson*

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK OF THE BOARD OF SUPERVISORS

By: *R Bailey, Deputy*

APPROVED AS TO FORM:

DONNA R. ZIEGLER, COUNTY COUNSEL

By: *JK*  
Farand Kan  
Deputy County Counsel

**AGREEMENT BETWEEN THE COUNTY OF ALAMEDA AND THE CITY OF  
LIVERMORE REGARDING TRANSFER OF PROPERTY TAX REVENUES IN  
CONNECTION WITH THE NORTH LIVERMORE AVENUE ANNEXATION**

This Agreement is made pursuant to the provisions of Revenue and Taxation Code Section 99 and shall constitute the agreement for exchange of property tax revenues required by the Revenue and Taxation Code Section 99(b)(6). Furthermore, Revenue and Taxation Code Section 99(b)(5) provides that if a jurisdictional change will alter the service area or service responsibility of a special district, the Board of Supervisors of the county in which the special district is located shall negotiate any exchange of property tax revenues on behalf of the special district.

The parties agree that the parcels to be annexed are described as follows:

The approximately 23-acre subject property is located South of I-580, west of North Livermore Avenue and contiguous to the City boundary on the south. The subject property is currently vacant and proposes development under City regulations.

Exhibit A lists all applicable parcel numbers to this agreement and is incorporated herein. The parties agree that for the annexation of these parcels, the Auditor- Controller of the County of Alameda is directed to cause an exchange of property tax revenue as follows:


- A. The City is entitled to receive an allocation of computed property tax revenue equivalent to the share of property tax revenue it receives on a weighted average citywide. The weighted citywide average shall be computed annually as follows: multiply the city's current AB8 factor in each tax rate area within the city by the current secured assessed valuation in each tax rate area to arrive at a product for each tax rate area. The sum of those products is divided by the total secured assessed valuation within the city to arrive at a weighted citywide average. The secured tax roll is used here to establish the weighted citywide average. However, the factors resulting from application of the formula will apply to all tax rolls.
- B. In the event that the City currently provides a service within its incorporated City limits such as Fire or Library, and if that service is currently being provided by a County taxing agency or special district in the territory proposed for annexation, the County shall receive an allocation of computed property tax revenue equivalent to the share of property tax revenue received by the County taxing agency or special district in the territory proposed for annexation. The County's receipt of that allocation shall not diminish the City's receipt of its allocation calculated under A above.

C-2021-15

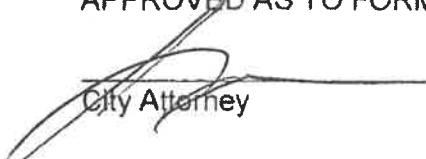
- C. In the event that the City assumes full responsibility for a service not currently being provided by the City within its incorporated city limits, but being provided by a separate County taxing agency or special district within the territory proposed for annexation, pursuant to Revenue and Taxation Code 99(b), the City shall receive, in addition to the allocation determined in A above, an allocation of computed property tax revenue equivalent to the share of property tax revenue received by the County taxing agency or special district in the territory proposed for annexation.
- D. The County shall receive an allocation of computed property tax revenue equivalent to its current share of property tax revenue in the territory proposed for annexation plus the share or shares of property tax revenue allocated to it in section B above, less the share of computed property tax revenue allocated to the City in section A above, and in section C above as applicable.
- E. In the event that this annexation includes or results in the detachment of one or more parcels or portions thereof from the City and those parcels or portions thereof are transferred to the County or to another jurisdiction, the City hereby waives any right, interest, or claim to property tax on such parcels or portions thereof as identified in Exhibit A. The parcels or portions thereof shall be transferred to the County or jurisdiction subject to the conditions of paragraphs A through D as specified in this agreement.

This exchange of property tax revenues will be effective as to each property annexed within the subject annexation area for the fiscal year following the filing with the State Board of Equalization of the Certificate of Completion for such property providing the filing occurs prior to December 31 of the preceding year.

DATED: 12/14/20

CITY OF LIVERMORE  
  
 Mayor

DATED: 12/14/20

APPROVED AS TO FORM:  
  
 City Attorney

DATED: 3/25/21

COUNTY OF ALAMEDA

  
\_\_\_\_\_  
President, Board of Supervisors

DATED: 3/12/21

APPROVED AS TO FORM:

  
\_\_\_\_\_  
County Counsel

**Exhibit A**

**Parcels Subject to This Property Tax Sharing Agreement  
Upon Annexation**

**APNs**

Parcel 1	099 010000305
Parcel 2	099 010000404

**Exhibit H - Indemnification Agreement**

**Indemnification Agreement**

**As part of this application, applicant and real party in interest, if different, agree to defend, indemnify, hold harmless, and release the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees from any claim, action, or proceeding brought against any of them, the purpose of which is to attack, set aside, void or annul the approval of this application or adoption of the environmental document which accompanies it. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorney's fees, or expert witness fees that may be asserted by any person or entity, including the applicant, arising out of, or in connection with the approval of this application, whether or not there is concurrent passive or active negligence on the part of the Alameda Local Agency Formation Commission, its agents, officers, attorneys, and employees.**

Executed at Livermore, California on the 9 day of December 2020.

Applicant


By:   
Name: Andy Ross  
Title: Senior Planner

Mailing Address:

Community Development Department  
City of Livermore  
1052 S. Livermore Avenue  
Livermore, CA 94550

REAL PARTY IN INTEREST (If Different From Applicant)

MPVCA LIVERMORE LLC  
a California limited liability company

By:   
Name: Michael Conn  
Date: 11/12/20  
Title: ~~Executive Vice President~~ CDO

Mailing Address:

MPVCA Livermore LLC  
2420 Camino Ramon, Suite 215  
San Ramon, CA 94583



Appendix E - Exhibit C - Financial Disclosure Statement

Local Agency Formation Commission of Alameda County  
**FINANCIAL DISCLOSURE STATEMENT**

Consistent with the requirements of the State of California Fair Political Practices Commission, each applicant or their agent must complete and submit this Statement of Disclosure form with any application that requires discretionary action by Alameda LAFCo (Government Code Section 84308 of the Political Reform Act).

Person is defined as: "Any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, this and any other county, city and county, city, municipality, district or other political subdivision, or any other group or combination acting as a unit."

1. List the names of all persons having any ownership interest in the property involved or any financial interest in the application.

THE ELVIRA VERGINIA VARGAS FAMILY TRUST

VIOLA JENSEN REVOCABLE TRUST

MPVCA LIVERMORE LLC, MICHAEL CONN, EXECUTIVE VICE PRESIDENT

2. If any person identified pursuant to #1 is a corporation or partnership, list the names of all individuals owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

3. If any person identified pursuant to #1 is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

THE ELVIRA VERGINIA VARGAS FAMILY TRUST, ELVIRA VERGINIA VARGAS, TRUSTEE

VIOLA JENSEN REVOCABLE TRUST, VIOLA JENSEN & O. BRUCE JENSEN, TRUSTEES

4. Has any person identified pursuant to #1 had \$250 or more worth of business transacted with any Commissioner or Alternate or Commission staff person within the past 12 months? Yes / No X

If "Yes", please indicate person's name/s: \_\_\_\_\_

5. Has any person identified pursuant to #1, or his or her agent, contributed \$250 or more to any Commissioner or Alternate within the past 12 months?

Yes      No   X  

If Yes, please indicate person(s) or agent(s) making contribution:

\_\_\_\_\_

and name/s of Commissioner(s)/Alternate(s) receiving contribution:

\_\_\_\_\_

**I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

Chick-Fil-A Annexation North Livermore Avenue Resolution NO 2020-164

**Name/Title and Number of Application (Please print or type)**

ELVIRA VERGINIA VARGAS, VIOLA JENSEN, O.BRUCE JENSEN, MICHAEL CONN

**Name of Applicant (Please print or type)**

*Elvira Vargas*  
Signature of Applicant

11.1 - 20  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

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3. If any person identified pursuant to #1 is a non-profit organization or a trust, list the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

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4. Has any person identified pursuant to #1 had \$250 or more worth of business transacted with any Commissioner or Alternate or Commission staff person within the past 12 months? Yes / No \_\_\_\_\_

If "Yes", please indicate person's name/s: \_\_\_\_\_  
\_\_\_\_\_

5. Has any person identified pursuant to #1, or his or her agent, contributed \$250 or more to any Commissioner or Alternate within the past 12 months?

Yes \_\_\_\_ No \_\_\_\_

If Yes, please indicate person(s) or agent(s) making contribution:

\_\_\_\_\_

\_\_\_\_\_

and name/s of Commissioner(s)/Alternate(s) receiving contribution:

\_\_\_\_\_

**I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

\_\_\_\_\_  
**Name/Title and Number of Application (Please print or type)**

\_\_\_\_\_  
**Name of Applicant (Please print or type)**

*Mike Conn*

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

**Appendix E - Exhibit C - Financial Disclosure Statement**

**Local Agency Formation Commission of Alameda County**  
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\_\_\_\_\_  
VIOLA JENSEN REVOCABLE TRUST  
\_\_\_\_\_  
MPVCA LIVERMORE LLC, MICHAEL CONN, EXECUTIVE VICE PRESIDENT  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_

**4. Has any person identified pursuant to #1 had \$250 or more worth of business transacted with any Commissioner or Alternate or Commission staff person within the past 12 months? Yes / No  X**

If "Yes", please indicate person's name/s: \_\_\_\_\_  
\_\_\_\_\_

5. Has any person identified pursuant to #1, or his or her agent, contributed \$250 or more to any Commissioner or Alternate within the past 12 months?

Yes  No

If Yes, please indicate person(s) or agent(s) making contribution:

\_\_\_\_\_  
\_\_\_\_\_

and name/s of Commissioner(s)/Alternate(s) receiving contribution:

\_\_\_\_\_

**I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

Chick-Fil-A Annexation North Livermore Avenue Resolution NO 2020-164

**Name/Title and Number of Application (Please print or type)**

ELVIRA VERGINIA VARGAS, VIOLA JENSEN, O.BRUCE JENSEN, MICHAEL CONN

**Name of Applicant (Please print or type)**

✓   
630771EFBB7B45D

11/1/2020 | 10:08 PM PST

**Signature of Applicant**

**Date**

**Signature of Applicant**

**Date**

**Signature of Applicant**

**Date**

**Signature of Applicant**

**Date**