



CITY COUNCIL-PLANNING COMMISSION JOINT MEETING

THURSDAY, JANUARY 20, 2022
VIRTUAL WORKSHOP MEETING – 5:00 PM

TELECONFERENCE:

MEETING PARTICIPATION INFORMATION CAN BE FOUND AT THE END OF THE
AGENDA

CITY OF LIVERMORE YOUTUBE CHANNEL:

<https://www.youtube.com/c/CityofLivermoreCalifornia>

ZOOM WEBINAR:

<https://us02web.zoom.us/j/85712598141>

Dial in phone number: 1 669 900 6833

Meeting ID: 857 1259 8141

NOTICE IS HEREBY GIVEN that the City Council of the City of Livermore will convene a special joint meeting of the City Council and Planning Commission on January 20, 2022 beginning at 5:00 pm, held virtually using Zoom.

This workshop is being called by Mayor Bob Woerner. /s/ Bob Woerner

Bob Woerner, Mayor
Regina Bonanno, Vice Mayor
Robert W Carling, Council Member
Brittni Kiick, Council Member
Trish Munro, Council Member

Jacob Anderson, Chair
Steven Dunbar, Vice Chair
Evan Branning, Commissioner
Daniel Leary, Commissioner
John Stein, Commissioner

1. CALL TO ORDER

**2. ROLL CALL
CITY COUNCIL**

Council Member Robert W. Carling

Council Member Brittni Kiick

Council Member Trish Munro

Vice Mayor Regina Bonanno

Mayor Bob Woerner

PLANNING COMMISSION

Commissioner Evan Branning

Commissioner Daniel Leary

Commissioner John Stein

Vice Chair Steven Dunbar

Chair Jacob Anderson

3. SPECIAL MEETING WORKSHOP ITEM

AN OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE CITY COUNCIL AND PLANNING COMMISSION REGARDING THE SPECIAL MEETING ITEM WILL BE PROVIDED BY THE MAYOR.

3.1 Presentation on the Livermore Housing Element Update.

Recommendation:

Staff recommends the Planning Commission and City Council receive a presentation regarding the Livermore Housing Element Update and provide feedback.

[Staff Report](#)

4. ADJOURNMENT

To a Regular City Council meeting on January 24, 2022 at 7:00 p.m. and a Planning Commission meeting on February 1, 2022 at 7:00pm both held virtually using Zoom.

HOW TO PARTICIPATE IN YOUR CITY COUNCIL MEETING

You can participate in the meeting in a number of ways:

Special Meetings, Workshops - The public will have the opportunity to address the City Council regarding the item that is the subject of the special meeting or workshop. Public comments are limited to a maximum of 3 minutes per person.

Platforms to Participate in Virtual Meetings:

Submission of Comments Prior to the Meeting:

Email Comments may be submitted by the public to the City Clerk's Office (cityclerk@cityoflivermore.net). Items received no later than 12:00 pm on the day of the meeting will be provided to the City Council and available on the City website prior to the meeting. These items will NOT

be read into the record.

eComments may be submitted by the public using the eComment link [here](#). Comments may be up to 1000 characters in length and will be accepted up until 4PM the day of the meeting. These items will NOT be read into the record and are viewable by the the City Council and the public upon submittal.

Submission of Comments During the Meeting:

Speakers are limited to a maximum of 3 minutes per person. To submit a comment using Zoom, you may use the 'raise hand' feature. You should be aware that the City Council is prohibited by State law from taking action on any items that are not listed on the agenda. However, if your item requires action, the City Council may place it on a future agenda or direct staff to work with you and/or report to the City Council on the issue.

Zoom Webinar: <https://us02web.zoom.us/j/85712598141>

Zoom dial in phone number:

1 669 900 6833

Meeting ID: 857 1259 8141

If you would like to deliver written materials to the City Council as part of their electronic comments during a meeting, the speaker must identify that intent in his or her comment submitted and immediately email the materials to the City Clerk at cityclerk@cityoflivermore.net.

The **City Council Agenda and Agenda Reports** are prepared by City staff and are available for public review on Tuesday evening, six days prior to the City Council meeting in the Civic Center Library, 1188 South Livermore Avenue, Livermore, and at the City Clerk's Office, 1052 South Livermore Avenue, Livermore. The Agenda is also available on the City's website, <http://cityoflivermore.net/agenda>.

Under Government Code §54957.5, any supplemental material distributed to the members of the City Council after the posting of this agenda will be available for public review in the City Clerk's Office, 1052 South Livermore Avenue, Livermore, and included in the agenda packet available on the City's web site at <http://cityoflivermore.net/agenda>.

PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (CODIFIED AT 42 UNITED STATES CODE SECTION 12101 AND 28 CODE OF FEDERAL REGULATIONS PART 35), AND SECTION 504 OF THE REHABILITATION ACT OF 1973, THE CITY OF LIVERMORE DOES NOT DISCRIMINATE ON THE BASIS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, ANCESTRY, SEX, DISABILITY, AGE OR SEXUAL ORIENTATION IN THE PROVISION OF ANY SERVICES, PROGRAMS, OR ACTIVITIES. TO ARRANGE AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PUBLIC MEETING, PLEASE CONTACT THE ADA COORDINATOR AT ADACOORDINATOR@CITYOFLIVERMORE.NET OR CALL (925) 960-4170 (VOICE) OR (925) 960-4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.



CITY COUNCIL STAFF REPORT

ITEM NO. 3.1

DATE: January 20, 2022
TO: Honorable Mayor and City Council
FROM: Paul Spence, Community Development Director
SUBJECT: Presentation on the Livermore Housing Element Update.

RECOMMENDED ACTION

Staff recommends the Planning Commission and City Council receive a presentation regarding the Livermore Housing Element Update and provide feedback.

SUMMARY

The Housing Element is a required component of Livermore's General Plan. The purpose of a Housing Element is to identify current and projected housing needs and set goals, policies, and programs to address those needs. Unlike other elements of the General Plan, the City must update the Housing Element on a mandated schedule, or "cycle." Staff and the City's consultant, PlaceWorks, are currently updating the Housing Element for the 2023-2031 planning period.

The project team has been gathering community input about housing issues and opportunities in Livermore. Feedback from the community, General Plan Advisory Committee, Planning Commission, and direction from City Council will inform the draft Housing Element, which will be released for public comment in Spring 2022.

Staff will submit the draft Housing Element to the California Department of Housing and Community Development (HCD) for preliminary review and then Planning Commission and City Council will review the final Housing Element. By law, the City Council must adopt a compliant Housing Element by January 31, 2023.

DISCUSSION

BACKGROUND

Since 1969, California has required that all cities and counties adequately plan to meet the housing needs of everyone in the community. This is accomplished through a Housing Element, which is a required component of a local government's General Plan. The General Plan is a long-term planning document that establishes policy direction consistent with the City's vision for the future. The purpose of

a Housing Element is to identify current and projected housing needs and set goals, policies, and programs to address those needs. The components of the Housing Element include:

- Analysis of existing and projected housing needs.
- Inventory of available land for housing (must be identified by parcel and must meet specific requirements for feasibility of development).
- Analysis of potential constraints on housing (e.g., permit processing procedures, fees).
- Assessment of Fair Housing including assessment of fair housing impacts on different geographic areas and different groups who live in the city. This section focuses on analysis of segregation, racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk. It also includes information about fair housing services available, local history related to fair housing and how the sites inventory interfaces with the fair housing issues.
- Evaluation of previous Housing Element (programs accomplished, still underway, or needing revisions).
- Goals, policies, and implementation programs.

Unlike other elements of the General Plan, the City must update the Housing Element on a mandated schedule, or “cycle.” The City’s current Housing Element was adopted by the City Council in 2015 and covers the period from 2015 to 2023. To comply with State law, the City’s Housing Element must be updated to ensure the City’s policies and programs can accommodate estimated housing growth needs identified in the Association of Bay Area Government’s (ABAG) Regional Housing Needs Allocation (RHNA) for the 2023-2031 planning period. PlaceWorks will help prepare the updated Housing Element as part of the overall General Plan Update that is currently underway.

REGIONAL HOUSING NEEDS ALLOCATION

In May 2021, ABAG released the 6th cycle RHNA for the region. Table 1 lists the RHNA assigned to the City of Livermore to meet its fair share of the State’s housing needs. The City of Livermore was assigned a total of 4,570 units, 2,075 of which are lower income units (1,317 very low-income units and 758 low-income units). State housing law does not require the City to construct the allocated units within the planning period but does require the City to maintain an inventory of land that is adequately zoned to accommodate the RHNA units. The City must report progress meeting its RHNA numbers to the State each year as part of a Housing Element Annual Progress Report.

Table 1. City of Livermore Regional Housing Needs Allocations 2023-2031

Income Category	% of Median Family Income	Income Range, 4-person Household	Regional Housing Needs Allocation
Very Low Income	50% or less	\$68,500 or less	1,317
Low Income	51-80%	\$68,501 - \$109,600	758
Moderate Income	81-120%	\$109,601 - \$150,700	696
Above Moderate Income	More than 120%	More than \$150,700	1,799
Total			4,570

HOUSING ELEMENT COMPLIANCE

By law, the City Council must adopt a compliant Housing Element by January 31, 2023. The adopted

Housing Element must be approved by the California Department of Housing and Community Development (HCD). The purpose of HCD review is to ensure the Housing Element complies with Housing Element law, which includes accommodating the RHNA. In previous Housing Element cycles the penalties for adopting a non-compliant Housing Element were limited to private-party lawsuits (usually brought by housing advocacy groups and other special interests) and the loss of state funding, including gas tax money and the ability to apply for grants. However, the suite of housing bills passed in 2019 included changes to Government Code section 65585, which added significant penalties for noncompliance including the option for action by the State if a jurisdiction does not have a certified Housing Element.

NEW LAWS AFFECTING HOUSING ELEMENT UPDATE

The State adopted several new procedural laws that place additional requirements on Housing Element updates since adoption of the last Housing Element, including, but not limited to:

- Assembly Bill (AB) 1397: Non-Vacant Sites, where if more than 50% of sites identified for lower-income units are non-vacant, the law assumes that the existing use will prevent redevelopment unless there is evidence to the contrary. In addition, sites smaller than 0.5 acres or larger than 10 acres are presumed inappropriate for lower-income housing unless there is a track record of similar development. This means that a larger amount of evidence is required in the Housing Element to demonstrate that non-vacant sites or sites smaller than 0.5 acres or larger than 10 acres would likely develop as housing before 2031.
- Senate Bill (SB) 166: No Net Loss Zoning states that if a project is approved on a Housing Element site with fewer units or a different income category than listed in the adopted Housing Element, the City must either make a written finding that other Housing Element sites are adequate to meet the Regional Housing Needs Allocation for lower- or moderate-income housing or identify and make available within 180 days other sites zoned at a density suitable for lower- or moderate-income housing. In order to prevent the City from having to rezone new sites every time a project is approved that does not exactly match the Housing Element, HCD recommends that the inventory identify a “buffer” of additional sites that can accommodate housing.
- SB 35 and SB 330 are intended to reduce the time it takes to approve certain housing developments in California. SB 35 requires that the City have a Streamlined Ministerial Approval Process. Under SB 35, proposed multifamily residential projects in urbanized areas that meet objective standards, include at least 50 percent affordable units, do not demolish historic buildings, and do not have specific environmental or natural resource constraints are not required to go through an environmental review process or a discretionary public review process by staff, the Planning Commission, or the City Council. SB 330 includes provisions that provide more certainty about standards the City can apply to projects that submit under SB 330 and that prevent downzoning to reduce the number of new housing units that can be built on a site.
- AB 686 – Affirmatively Further Fair Housing creates new requirements to incorporate fair housing issues into the Housing Element, create land-use and funding opportunities to increase affordable housing in high resource neighborhoods, and bring additional resources to traditionally under-resourced neighborhoods. According to the bill, to affirmatively further fair housing means to take “meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on

protected characteristics”. The five main elements that all jurisdictions will need to incorporate fair housing principles into Housing Element updates are: (1) Targeted Community Outreach, (2) Assessment of Fair Housing, (3) Sites Inventory, (4) Identification and Prioritization of Contributing Factors, and (5) Goals Policies and Actions. The four main goals of a fair housing assessment are to:

- Address significant disparities in housing needs and in access to opportunity.
 - Replace segregated living patterns with truly integrated and balanced living patterns.
 - Transform racially and ethnically concentrated areas of poverty into areas of opportunity.
 - Foster and maintain compliance with civil rights and fair housing laws.
- SB 9 facilitates ministerial approval of additional housing units on parcels in single-family zones. SB 9 allows homeowners in most areas around the state to divide their property into two lots. It also allows two residential units (two homes or a duplex) to be built on each of those lots, with the effect of legalizing four units in areas that previously only allowed one home. HCD is currently developing guidance for how jurisdictions can incorporate potential SB 9 units as part of the Housing Element sites inventory.

Other laws affecting the Housing Element were passed in 2021 and will be addressed as part of Livermore’s update.

HOUSING ELEMENT OUTREACH

The project team is conducting outreach about the Housing Element and housing issues in Livermore, which will inform the draft Housing Element.

- General Plan Advisory Committee (GPAC) - On November 10, 2021, the GPAC received an overview of the Housing Element, the City’s draft Regional Housing Needs Allocation, requirements for complying with State Housing Element law, and a summary of recent State legislation governing housing element updates.
- Pop-up events - The project team conducted several pop-up events to get feedback on housing issues in Livermore, including the Farmers Market, Pridefest, and La Familia’s Dia de los Muertos event. All project materials were provided in English and Spanish, and most events had at least one native Spanish speaker in attendance for translation needs.
- Open House at Owl’s Landing apartments - The project team hosted a Housing Solutions Open House at Owl’s Landing Apartments in Springtown. This multilingual family-friendly event had activities and gifts for children and solicited input from community members on housing needs and solutions.
- Interviews with local non-profits – The project team conducted nine interviews with local nonprofits and stakeholders, including Tri Valley Haven, Pedrozzi Foundation, and La Familia, to gather input from specific populations and underrepresented community members.
- Virtual survey – Staff released a virtual survey for the Housing Element’s Fair Housing Assessment, which the State requires to include input from specific populations and underrepresented community members. The survey received over 375 responses and top housing

issues identified were the need for affordable rental housing, high housing costs, and the need for affordable homeownership opportunities.

- Postcard survey for downtown service workers - Staff is also working with local businesses to circulate a paper survey to ensure the perspectives of local service workers are included.

REMAINING PROJECT TIMELINE

Recent State legislation dictates HCD deadlines and review timeframes. The draft Housing Element will be released for public comment in Spring 2022. Planning Commission and City Council will review the draft and provide direction to staff on topics including the sites identified for housing and the goals, policies, and programs included in the draft Housing Element.

Staff will incorporate public comment as well as feedback from the GPAC and Planning Commission, and direction from City Council before submitting the draft Housing Element to the State Department of Housing and Community Development (HCD) in May 2022.

Staff expects to receive and incorporate HCD feedback on the draft Housing Element during Summer/Fall of 2022 and will work to address comments and then return to the Planning Commission and City Council with the final Housing Element in Fall/Winter 2022. The Planning Commission review will provide a recommendation to the City Council. The City Council will then provide final direction and make a decision on adopting the Housing Element. The adopted Housing Element must be submitted to HCD by January 31, 2023.

FISCAL AND ADMINISTRATIVE IMPACTS

The City's 2021-2023 Operating Budget includes General Fund appropriations necessary to cover the General Plan Update including staff time and consultant contract costs of \$2.8 million through the end of Fiscal Year 2022-23. The scope of work for the General Plan Update includes the Housing Element Update.

ATTACHMENTS

Prepared by: Tricia Pontau
Associate Planner

Approved by:



Marc Roberts
City Manager

Fiscal Review by:



Bhavna Chaudhary
City Treasurer/Finance Manager