LIVERMORE
CALIFORNIA

CITY COUNCIL

AGENDA
MONDAY, MARCH 13, 2023

REGULAR HYBRID MEETING – 7:00 PM

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

IN PERSON INFORMATION:
CIVIC CENTER MEETING HALL
CITY COUNCIL CHAMBERS
1016 S. LIVERMORE AVENUE

TELECONFERENCE INFORMATION:
ZOOM WEBINAR:
ATTENTION: Zoom update requirements found at the bottom of the agenda
https://us02web.zoom.us/j/86283744662

Zoom dial in phone number:
1 669 900 6833
Meeting ID: 862 8374 4662

CITY OF LIVERMORE YOUTUBE CHANNEL:
https://www.youtube.com/c/CityofLivermoreCalifornia

TV29:
Comcast TV Channel 29
tv29.org

John P Marchand, Mayor
Brittni Kiick, Vice Mayor
Ben Barrientos, Council Member
Evan Branning, Council Member
Robert W Carling, Council Member

1. CLOSED SESSION - NONE.

2. CALL TO ORDER

ROLL CALL

Council Member Ben Barrientos
Council Member Evan Branning
Council Member Robert W. Carling
Vice Mayor Brittni Kiick
Mayor John Marchand

PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND PRESENTATIONS

3.1 Presentation by Tim Sbranti, Ronald Gerhard, Dr. Dyrell Foster, and Owen Letcher of Las Positas College regarding Student Housing.

Recommendation:
Staff recommends the City Council receive a presentation from Las Positas College regarding Student Housing.

Staff Report

4. OPEN FORUM

- In conformance with the Brown Act, no City Council action can occur on items presented during Open Forum.
- To provide public comment in person, please submit a speaker card. When your name is called, walk to the lectern to address City Council.
- To provide public comment virtually, please log into Zoom and use the 'raise hand' feature.
- Comments are limited to a maximum of 3 minutes per person, per item. The Mayor may reduce the amount of time based on the number of persons wishing to speak.
- Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).
- Open Forum will conclude after 30 minutes; however, if there are additional speakers, Open Forum will reconvene before the meeting adjourns.

5. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the City Council with a single action. Members of the audience wishing to provide public input must submit a speaker card if in person or use the 'raise hand' feature if participating using Zoom. Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

5.1 Approval of draft minutes - February 2, 2023 Special Meeting and February 13, 2023 Regular

Meeting.

Recommendation:
Staff recommends the City Council approve the draft minutes.

Staff Report
Attachments:
1. 2023-02-02 Draft Minutes
2. 2023-02-13 Draft Minutes

5.2 **Adoption of an ordinance** amending Livermore Development Code Section 11.01.020 Definitions and Section 3.02.150 Heavy Industrial (I-3) Zoning District relating to warehousing and distribution facilities.

Recommendation:
Staff recommends the City Council adopt an ordinance with an effective date of April 12, 2023, to amend Livermore Development Code Section 11.01.020 Definitions and Section 3.02.150 Heavy Industrial (I-3) Zoning District relating to warehousing and distribution facilities.

Staff Report
Attachments:
1. Ordinance
2. Exhibit A - Planning Commission Resolution 23-22
3. Exhibit B - Development Code Sections 3.03.150 and 11.01.020

5.3 **Adoption of an ordinance** amending Livermore Development Code Section 6.02.060. A Home Occupations, exempting home occupations that do not see clients at the home or have employees other than the household member from the requirement for a home occupation permit.

Recommendation:
Staff recommends the City Council adopt an ordinance with an effective date of April 12, 2023, to amend the Livermore Development Code Section 6.02.060. A Home Occupations, exempting home occupations that do not see clients at the home or have employees other than the household member from the requirement for a home occupation permit.

Staff Report
Attachments:
1. Ordinance
2. Exhibit A - Planning Commission Resolution 24-22
3. Exhibit B - Development Code 6.02.060

5.4 Resolution awarding and authorizing execution of an agreement with Paulson Cox Construction, Inc. for installation of new sanitary sewer and water mains and services along Trevarno Road, in an amount not-to-exceed of $1,131,430 for the Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60.

Recommendation:

Staff recommends the City Council adopt a resolution for the Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60:

1. Awarding a construction contract to Paulson Cox Construction, Inc., in an amount not-to-exceed of $1,131,430, and authorizing the City Manager to sign the agreement attached as Exhibit A to the resolution; and
2. Rejecting all other bids or proposals; and
3. Authorizing the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution including approving minor changes to the proposed agreement.

Staff Report
Attachments:
1. Location map
2. Resolution
3. Exhibit A - Construction Contract with Paulson Cox Construction, Inc

5.5 Resolution awarding and authorizing execution of a two-year agreement with Siemens Industry, Inc., for testing, inspection and repair of fire sprinklers, fire and burglar alarms systems, and HVAC technician support for all City facility building control systems in an amount not-to-exceed $500,000.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing execution of a two-year agreement with Siemens Industry, Inc. for services to provide monitoring, testing, inspection and repair of fire sprinklers, and fire and burglar alarm systems and provide HVAC technician support for all City facility building control systems in a not-to-exceed amount of $500,000.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - Agreement with Siemens Industry, Inc.

5.6 Resolution authorizing execution of a license agreement with Trilateral LLC that will allow the public to park in the parking lot of the former Bank of the West building at 2287 Second Street.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a license agreement with Trilateral LLC to allow the public to park in the parking lot located at 2287 Second Street. The term of the agreement is April 1, 2023 to March 31, 2028.

Staff Report
Attachments:
1. Location Map
2. Expanded Parking Lot
3. Resolution
4. Exhibit A - Trilateral LLC License Agreement

5.7 Resolution authorizing the City Manager to execute an agreement with CR Consulting for Organizational Change Management services in preparation of implementing an Enterprise Resource Planning system to ensure organizational acceptance and readiness of process and system changes in an amount not-to-exceed $200,000.

Recommendation:
Staff recommends that City Council adopt a resolution authorizing the City Manager to execute an agreement with CR Consulting for Organization Change Management (OCM) professional services in helping the City prepare for the implementation of an Enterprise Resource Planning system (ERP) to replace the City of Livermore's dated financial and human resources system in an amount not-to-exceed $200,000.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - CR Consulting Agreement

5.8 Resolution authorizing execution of a lease and right of entry agreement with the Chiu Family Trust that will allow the public to continue to use a portion of their First Street property with Assessor's Number 97-1-15 as a pedestrian walkway and will allow the City to extend the pedestrian walkway and make other minor improvements to the property.

Recommendation:
Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a lease and right of entry agreement with the Chiu Family Trust that will allow the public to continue to use a portion of their First Street property with Assessor's Number 97-1-15 as a pedestrian walkway and will allow the City to extend the pedestrian walkway and make other minor improvements to the property. The term of the agreement is May 15, 2023 to May 15, 2033.

Staff Report
Attachments:
1. Pedestrian Walkway Site Plan
2. Resolution
3. Exhibit A - Lease and Right of Entry Agreement

5.9 Resolution to extend the suspension of Airport Development until a new comprehensive Airport Development Policy is adopted by the City Council.

Recommendation:
Staff recommends the City Council adopts a resolution that:

1. Authorizes the extension of the Livermore Airport Development suspension until the City Council formally adopts a Airport Leasing and Development Policy.
2. Temporarily suspends the consideration of any aeronautical or non-aeronautical Airport development, except for a parcel under active development adjacent to Kittyhawk Road and Highway 580.
3. Authorizes the City Manager to take whatever actions are necessary and appropriate to

carry out the purpose and intent of this resolution.

Staff Report
Attachments:
1. Resolution

5.10 Resolution opposing the Taxpayer Protection and Government Accountability Act sponsored by the California Business Roundtable (CBRT) and direction to staff to send letters of opposition to the League of California Cities, Senator Glazer, and Assemblymember Bauer-Kahan.

Recommendation:
Staff recommends the City Council adopt the resolution opposing the Taxpayer Protection and Government Accountability Act and direct staff to send letters of opposition to the League of California Cities, Senator Glazer and Assemblymember Bauer-Kahan.

Staff Report
Attachments:
1. Letter of Opposition - Senator Glazer and Assemblymember Bauer-Kahan
2. Letter of Opposition - League of California Cities
3. Resolution

5.11 Resolution declaring non-complying parcels a public nuisance requiring abatement, directing staff to proceed with the annual Fire Hazard Abatement Program, and set a public hearing date of April 10, 2023, to receive protests and direct staff to proceed with field abatement work.

Recommendation:
Staff recommends that the City Council adopt a resolution declaring non-complying parcels a public nuisance requiring abatement, direct staff to proceed with the annual Fire Hazard Abatement Program, and set a public hearing date of April 10, 2023, to receive protests and direct staff to proceed with field abatement work.

Staff Report
Attachments:
1. Resolution
2. Exhibit A - List of Parcels & Property Owners

5.12 Resolutions approving City Council Norms, Values and Principles of Governance, and the City Council Meeting Rules of Procedure.

Recommendation:
Staff recommends the City Council adopt resolutions approving the City Council Norms, Values and Principles of Governance, and the City Council Meeting Rules of Procedure.

Staff Report
Attachments:
1. Redlined City Council Norms, Values, and Principles of Governance

2. Redlined Changes to Rules of Procedure
3. Resolution Amending and Adopting City Council Norms, Values, and Principles of Governance
4. Exhibit A - City Council Norms Values and Principles of Governance
5. Resolution Amending and Adopting City Council Meeting Rules of Procedure
6. Exhibit A - City Council Meeting Rules of Procedure, revised 02-27-2023

6. PUBLIC HEARINGS

Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

6.1 Hearing to consider adoption of a resolution establishing fees for short-term rental permits, consistent with Livermore Municipal Section 5.90.060, in the amount of $220 for new permits and $160 for annual permit renewals.

Recommendation:
Staff recommends the City Council adopt a resolution adopting short-term rental permit fees in the amount of $220 for a new permit and $160 for annual permit renewal.

Staff Report
Attachments:
1. Resolution

6.2 Hearing to consider adoption of the 2023-2031 Housing Element. The Housing Element is a State-mandated eight-year policy document that is a component of the Livermore General Plan. The overall purpose of the Housing Element is to identify current and projected housing needs, show locations where housing can be built, and set goals, policies, and programs to meet the community's housing needs.

Recommendation:
Staff and the Planning Commission recommend the City Council consider the 2023-2031 Housing Element (GPA23-002) and:

1. Adopt a resolution finding the 2023-2031 Housing Element is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3); and
2. Adopt a resolution adopting the 2023-2031 Housing Element; and
3. Direct staff, after certification of the 2023-2031 Housing Element by the State Department of Housing & Community Development (HCD), to evaluate revisions based upon comments from the Planning Commission recommendation, including the February 26, 2023, comment letter submitted by a Livermore resident.

Staff Report
Attachments:
1. Planning Commission Staff Report
2. Public Comment Letter Received February 26, 2023
3. Draft Planning Commission Meeting Minutes
4. October 2022 Comment Letter from HCD

5. Resolution - CEQA
6. Exhibit A - PC CEQA Resolution
7. Exhibit B - CEQA Exemption Memo
8. Resolution - Project
9. Exhibit A - Revised Housing Element
10. Exhibit B - February 2023 Letter from HCD
11. Exhibit C - PC Project Resolution

7. MATTERS FOR CONSIDERATION - NONE.

Comments are limited to one comment per person per item regardless of format or time submitted (this includes email and e-comment submissions prior to the meeting as well as live comments during the meeting).

8. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, STAFF, AND COUNCIL MEMBERS

9. ADJOURNMENT

To a Regular City Council meeting on Monday, March 27, 2023 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

10. SUPPLEMENTAL MATERIALS

10.1 Supplemental materials received prior to the meeting.

Staff Report
Attachments:
1. Supplemental Materials

11. HOW TO PARTICIPATE IN YOUR CITY COUNCIL MEETING

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

Open Forum is an opportunity for the public to speak regarding items not listed on the agenda. Speakers are limited to a maximum of 3 minutes per person. To address the City Council in person, you must submit a speaker card to the City Clerk prior to the start of that item. To submit a comment using Zoom, you may use the 'raise hand' feature when the item begins. Please note 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.

Public Hearings - The topic of the hearing is typically summarized by staff, followed by a presentation by the applicant, and questions from the City Council. The Mayor will then open the hearing to the public and offer an opportunity for public comments. Speakers are limited to a maximum of 3 minutes per person. To address the City Council in person, you must submit a speaker card to the City Clerk prior to the start of the presentation of the item. To submit a comment using Zoom, you may use the 'raise hand' feature as soon as the item begins.

Other Agenda Items are also open for public input including Consent Calendar or Matters for

Consideration items. These comments are also subject to the 3-minute limit.

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 Meetings:

Submission of Comments Prior to the Meeting:

Email Comments may be submitted by the public to the City Clerk's Office (cityclerk@LivermoreCA.gov). 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 4:00 pm the day of the meeting. These items will NOT be read into the record and are viewable by 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 in person, you must complete a speaker card for each item. Speaker cards are available in the Civic Center Meeting Hall lobby. Indicate on the card the item number you wish to comment on and submit the card directly to the City Clerk prior to the start of the item. To submit a comment using Zoom, you may use the 'raise hand' feature. Please note 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.

The City will be using YouTube and TV29 as two tools to provide the public access to view City Council meetings. No public comment will be accepted via YouTube.

TV29: tv29live.org Comcast Cable 29

YouTube: http://youtube.com/c/CityofLivermoreCalifornia

Zoom Webinar: https://us02web.zoom.us/j/86283744662
It is recommended residents use updated software to successfully join and participate in a meeting. Outdated versions may limit functionality and you may not be able to provide a public comment virtually. To download the most current version, visit zoom.us/download.

Zoom dial in phone number: 1 669 900 6833
Meeting ID: 862 8374 4662

If you would like to deliver written materials to the City Council as part of your public

comments, and are commenting in person, please provide 10 copies to the City Clerk with your speaker card. If you are commenting using Zoom, the speaker must identify that intent in his or her comment and immediately email the materials to the City Clerk at cityclerk@LivermoreCA.gov.

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://LivermoreCA.gov/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://LivermoreCA.gov/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@LIVERMORECA.GOV OR CALL (925) 960-4170 (VOICE) OR (925) 960- 4104 (TDD) AT LEAST THREE (3) BUSINESS DAYS IN ADVANCE OF THE MEETING.

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 3.1**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Presentation by Tim Sbranti, Ronald Gerhard, Dr. Dyrell Foster, and Owen Letcher of Las Positas College regarding Student Housing.

RECOMMENDED ACTION

Staff recommends the City Council receive a presentation from Las Positas College regarding Student Housing.

SUMMARY

DISCUSSION

ATTACHMENTS

Prepared by: Deborah Davis
Administrative Assistant

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.1**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Approval of draft minutes - February 2, 2023 Special Meeting and February 13, 2023 Regular Meeting.

RECOMMENDED ACTION

Staff recommends the City Council approve the draft minutes.

SUMMARY

DISCUSSION

ATTACHMENTS

1. 2023-02-02 Draft Minutes
2. 2023-02-13 Draft Minutes

Prepared by: Debbie Elam
Acting Assistant City Clerk

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

MEETING MINUTES

LIVERMORE
CALIFORNIA

CITY COUNCIL
FEBRUARY 2, 2023

SPECIAL MEETING

1. CALL TO ORDER – The meeting of the City Council was called to order by Mayor John Marchand at 4:00pm, held in person at 1016 S. Livermore Avenue and remotely using Zoom and YouTube.

2. ROLL CALL – Present: Mayor John Marchand, Vice Mayor Brittni Kiick and Council Members Ben Barrientos, Evan Branning and Robert W. Carling.

3. SPECIAL MEETING ITEM

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

3.1 Discussion and direction regarding City Council Norms, Values and Principles of Governance and the City Council Meeting Rules of Procedure.

Recommendation: Staff recommended the City Council receive this report and provide direction regarding the City Council Norms, Values and Principles of Governance and the City Council Meeting Rules of Procedure.

Mayor Marchand opened the public comment period.

There were no speakers, and the comment period was closed.

City Council provided the following direction to staff:

1. Norms and Values: Add “Professionalism” to the first header of Demonstrate Respect and add professionalism to the first sentence of that paragraph.
2. Norms and Values: Under Data Driven Decision Making – add “qualitative and quantitative” for clarity.
3. Norms and Values: Under Council – Advisory Body Relations – have each advisory body present a workplan during their annual update.
4. Rules of Procedure: Item 12.2 Speaker Time Limit - For consent calendar items, a speaker’s time shall be limited to a maximum of three minutes an item pulled for discussion and a separate opportunity to speak of up to a maximum of three minutes for the balance of the consent calendar.
5. Rules of Procedure: Item 12.7 - City Council clarified that staff would continue to discourage a written and oral comment being provided by the

same person regarding the same agenda item, however, staff will not monitor for enforcement during a live meeting.

8. ADJOURNMENT – at 5:04pm to a Regular City Council meeting on Monday, February 13, 2023 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

APPROVED: _____
JOHN P. MARCHAND, MAYOR

ATTEST: _____
MARIE WEBER, CITY CLERK

MEETING MINUTES

LIVERMORE
CALIFORNIA

CITY COUNCIL
FEBRUARY 13, 2023

REGULAR MEETING

1. CLOSED SESSION - NONE

2. CALL TO ORDER – The meeting of the City Council was called to order by Mayor John Marchand at 7:00 pm, held in person at 1016 S. Livermore Avenue and remotely using Zoom and YouTube.

ROLL CALL – Present: Mayor John Marchand, Vice Mayor Brittni Kiick and Council Members Ben Barrientos, Evan Branning and Robert W. Carling.

PLEDGE OF ALLEGIANCE

3. PROCLAMATIONS AND PRESENTATIONS

3.1 Livermore Airport Annual Update Presented by Airport Commission Chair Adam Bertsch.

Recommendation: Staff recommended City Council accept the Livermore Airport annual update.

Adam Bertsch presented the annual update.

3.2 Proclamation recognizing the project Violins of Hope presented to Larry Lagin of the East Bay Holocaust Education Center.

Recommendation: Staff recommended the City Council recognize the project Violins of Hope, which exhibits the instruments' remarkable stories of resilience and survival, and which is brought to the Livermore community by the East Bay Holocaust Education Center.

Mayor Marchand presented a proclamation to Larry Lagin recognizing the Violins of Hope project.

4. OPEN FORUM

Mayor Marchand opened the public comment period.

Barbara Silva provided a comment.

Neal Mackanic provided a comment.

Kathy Pedrini provided a comment.

Cora Procbe provided a comment.

J.J. Olsen provided a comment.

Marti Sutton provided a comment.

Trish Munro provided a comment.

Alan Marling provided a comment.

There were no more more speakers and the public comment period was closed.

5. CONSENT CALENDAR

Mayor Marchand opened the public comment period.

Items 5.3 and 5.6 Trish Munro provided a comment.

There were no more speakers and the public comment period was closed.

ON THE MOTION OF CM BRANNING, SECONDED BY CM KIICK, AND CARRIED ON A 5-0 VOTE, THE CITY COUNCIL APPROVED THE CONSENT CALENDAR.

5.1 Approval of draft minutes - January 10, 2023 Special Meeting.

Recommendation: Staff recommended the City Council approve the draft minutes.

5.2 Resolution 2023-009 awarding and authorizing execution of an agreement with Penkor Wrecking, for the demolition of the old Council Chambers and construction of a fence around the perimeter, in an amount not-to-exceed $126,200, for the Police Facility Expansion Phase 1 and Council Chambers Demolition, Project 2000-28.

Recommendation: Staff recommended the City Council adopt a resolution:
1. Awarding a construction contract to Penkor Wrecking, in an amount not-to-exceed
$126,200, for the Police Facility Expansion Phase 1, Council Chambers Demolition, Project 2000-28, and authorizing the City Manager to sign the agreement, attached as Exhibit A to the resolution,
2. Rejecting all other bids or proposals, and
3. Authorizing the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution including

approving minor changes to the proposed agreement.

5.3 Resolution 2023-010 authorizing execution of an agreement with Gannett Fleming, Inc. to provide construction management services, in the not-to-exceed amount of $952,000, for the Livermore Village Parking Garage (L Street Garage) Construction, Project 586003.

Recommendation: Staff recommended the City Council adopt a resolution authorizing the City Manager to execute an agreement with Gannett Fleming, Inc. to provide construction management services in the not-to-exceed amount of $952,000, for the Livermore Village Parking Garage (L Street Garage) Construction, Project 586003.

5.4 Resolution 2023-011 authorizing a supplemental appropriation in the amount of $3,000,000 to Fiscal Year 2023-24 and awarding and authorizing execution of an agreement with Environmental Systems Inc. of Northern California, for replacing HVAC equipment and building controllers in the Central Plant, Police Department, and City Hall, in an amount not-to-exceed $3,094,000 for the City Hall HVAC & Central Plant Chiller Replacement Project 2018-30.

Recommendation: Staff recommended the City Council adopt a resolution for the City Hall HVAC & Central Plant Chiller Replacement Project 2018-30:
1. Authorizing a supplemental appropriation of $1,200,000 in Fund 740 (Facilities Rehabilitation Program) from FY 2022-23 to FY 2023-24,
2. Authorizing a supplemental appropriation of $1,800,000 in Fund 740 (Facilities Rehabilitation Program) for a total of $3,000,000 to FY 2023-24,
3. Awarding a construction contract to Environmental Systems Inc. of Northern California, in an amount not-to-exceed $3,094,000, and authorizing the City Manager to sign the agreement,
4. Rejecting all other bids or proposals, and
5. Authorizing the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution including approving minor changes to the proposed agreement.

5.5 Resolution 2023-012 authorizing execution of a purchase order with the Microsoft Store for 250 Microsoft Surface laptops to replace obsolete equipment and migrate City staff to mobile computers in an amount not-to-exceed $650,000.

Recommendation: Staff recommended the City Council adopt a resolution authorizing execution of a purchase order with the Microsoft Store for the purchase of Microsoft Surface laptops and related accessories (mice, cables, docking station, laptop bag, etc.) in an amount not-to-exceed
$650,000.

5.6 Resolution 2023-013 authorizing the acceptance for permanent maintenance and release of the security bonds, and execution of a Notice of Completion for the I-Street Garage, Project 2017-15.

Recommendation: Staff recommended the City Council adopt a resolution

authorizing the acceptance for permanent maintenance and release of the security bonds for the I-Street Garage Project 2017-15 and authorize the City Manager to sign the Notice of Completion, a copy of which is attached as Exhibit A to the resolution.

5.7 Resolution 2023-014 authorizing the approval of a grant application, acceptance of grant funds, and authorizing an agreement with the California Department of Fish and Wildlife for the Livermore Habitat Conservation Plan.

Recommendation: Staff recommended the City Council adopt a resolution approving the filing of a grant application and accepting grant funds in the amount of $700,000, authorizing an agreement with the California Department of Fish and Wildlife, and authorizing the City Manager or designee to sign all grant documents for the Livermore Habitat Conservation Plan.

5.8 Resolution 2023-015 authorizing an increase of an existing 0.5 full-time equivalent (FTE) Horizons' Family Therapist to a 0.75 FTE Family Therapist to provide school-based counseling in designated schools within the Livermore Valley Joint Unified School District (LVJUSD) and funded by LVJUSD.

Recommendation: Staff recommended the City Council adopt a resolution authorizing an increase of an existing 0.5 full-time equivalent (FTE) Horizons' Family Therapist to a 0.75 FTE Family Therapist to provide school-based counseling in designated schools within the Livermore Valley Joint Unified School District (LVJUSD) and funded by LVJUSD.

6. PUBLIC HEARINGS – NONE

7. MATTERS FOR CONSIDERATION

7.1 Discussion and direction regarding Planning Commission interview and candidate selection process.

Recommendation: Staff recommended the City Council review the 14 Planning Commission applications received, select 6 candidates to move forward in the live interview process on March 2, 2023, and appoint a City Council subcommittee to draft interview questions.

City Clerk Marie Weber presented the staff report.

Mayor Marchand opened the public comment period.

There were no speakers and the public comment period was closed.

ON THE MOTION OF CM CARLING, SECONDED BY VM KIICK AND CARRIED ON A 5-0 VOTE, THE CITY COUNCIL SELECTED THE FOLLOWING 7 CANDIDATES FOR PLANNING COMMISSION INTERVIEWS:

1. JACOB ANDERSON
2. ERIK BJORKLUND

3. CARMELITA CHIONG
4. YOLANDA FINTSCHENKO
5. TRACY KRONZAK
6. NEAL PANN
7. ASA STROUT

ON THE MOTION OF VM KIICK, SECONDED BY CM BRANNING AND CARRIED ON A 5-0 VOTE, THE CITY COUNCIL APPOINTED CM CARLING AND CM BRANNING TO A SUBCOMMITEE TO DRAFT PLANNING COMMISSION INTERVIEW QUESTIONS.

8. COUNCIL COMMITTEE REPORTS AND MATTERS INITIATED BY CITY MANAGER, CITY ATTORNEY, STAFF AND COUNCIL MEMBERS

THE MAYOR AND CITY COUNCIL MEMBERS PROVIDED A SUMMARY OF RECENTLY ATTENDED EVENTS AND MEETINGS IN ADDITION TO THE INFORMATION PROVIDED IN THE SUPPLEMENTAL PACKET. COUNCIL MEMBERS WHO DID NOT PROVIDE A SUMMARY IN THE SUPPLEMENTAL PACKET ARE INCLUDED BELOW.

East Bay Community Energy (EBCE) CM Barrientos noted that he would be attending the meeting on Wednesday, February 15, 2023.

Innovation Tri-Valley Mayor Marchand noted his attendance at the meeting on February 17, 2023.

Alameda County Transportation Committee, Planning, Policy, & Legislation Committee Mayor Marchand noted his attendance at the committee meeting on February 13, 2023.

Intergovernmental Agency Appointments Due to scheduling conflicts, the City Council requested that CM Barrientos be removed from Livermore-Amador Valley Water Management Agency and CM Branning be appointed as a delegate, and directed staff to return with an agenda item to ratify the action.

8. ADJOURNMENT – at 8:19 pm in honor of Black History Month to a Regular City Council meeting on Monday, February 27, 2023 at 7:00 pm, Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue and virtually using Zoom.

APPROVED: _____
JOHN P. MARCHAND, MAYOR

ATTEST: _____
MARIE WEBER, CITY CLERK

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.2**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: **Adoption of an ordinance** amending Livermore Development Code Section 11.01.020 Definitions and Section 3.02.150 Heavy Industrial (I-3) Zoning District relating to warehousing and distribution facilities.

RECOMMENDED ACTION

Staff recommends the City Council adopt an ordinance with an effective date of April 12, 2023, to amend Livermore Development Code Section 11.01.020 Definitions and Section 3.02.150 Heavy Industrial (I-3) Zoning District relating to warehousing and distribution facilities.

SUMMARY

DISCUSSION

ATTACHMENTS

1. Ordinance
2. Exhibit A - Planning Commission Resolution 23-22
3. Exhibit B - Development Code Sections 3.03.150 and 11.01.020

Prepared by: Susan Frost
Special Projects Coordinator

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE AMENDING THE LIVERMORE DEVELOPMENT CODE BY AMENDING SECTION 11.01.020 (DEFINITIONS) AND SECTION 3.03.150 (HEAVY INDUSTRIAL ZONING DISTRICT) RELATING TO WAREHOUSE AND DISTRIBUTION FACILITIES

The City of Livermore initiated an application for Development Code Amendment 22-002 to consider amendments to Section 11.01.020 (Definitions) and Section 3.03.150 (Heavy Industrial (I-3) Zoning District).

At a public hearing on October 18, 2022, the Planning Commission of the City of Livermore considered the staff recommendation for approval and recommended that the City Council approve Development Code Amendment 22-002 in Planning Commission Resolution No. 23-22, attached hereto as Exhibit A.

On February 27, 2023, the City Council held a duly noticed public hearing to consider the project, Planning Commission and staff recommendations, and all public comments and testimony.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council has adopted Resolution No. _____ that finds that the Warehouse and Distribution Facilities Code amendments are exempt from review under the California Environmental Quality Act (CEQA).

Section 2. The ordinance is consistent with the Livermore General Plan, any applicable specific plan, and the Livermore Development Code.

Section 3. The City Council has considered the findings made in Planning Commission Resolution No. 23-22, attached hereto as Exhibit A, and hereby adopts the same findings by this reference and incorporates them as part of this resolution, and based upon the City Council's own independent review and considerations, the City Council hereby approves Development Code Amendment 22-001 for amendments to Section 11.01.020 (Definitions) and Section 3.03.150 (Heavy Industrial (I-3) Zoning District), attached hereto as Exhibit B.

Section 4. This ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the City of Livermore within 15 days after its adoption and shall take effect and be in force thirty days from and after its adoption.

Section 5. The Planning Manager is directed to file a Notice of Exemption with the Alameda County Clerk.

Section 6. The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's Office, 1052 S. Livermore Avenue, Livermore, California.

Section 7. If any part of this ordinance is declared unconstitutional or invalid by a court, such unconstitutionality or invalidity shall not affect any remaining parts.

The foregoing ordinance was introduced at the meeting of the City Council of the City of Livermore held on February 27, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

The ordinance was adopted at the regular meeting of the City Council held on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Mayor, City of Livermore

ATTEST:

Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – Planning Commission Resolution No. 23-22
Exhibit B – Development Code Amended Section 11.01.020 and Section 3.03.150

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

A RESOLULTION RECOMMENDING APPROVAL

Development Code Amendment (DCA) 22-002

Amendments to Development Code Section 11.01.020, Definitions and Section 3.03.150, Heavy Industrial (I-3) District regarding e-commerce warehouse and distribution facilities

The City staff initiated a Development Code (Code) Amendment (DCA) 22-002 for amendments relating to warehousing and distribution facilities. The primary amendments to the Code are to: 1) Section 11.01.020, modify the definition of *"Warehousing and distribution facility"* to distinguish between traditional facilities and e-commerce facilities and add a new definition for "*Warehousing and distribution facility – E-Commerce/Third Party Logistics (3PL)*" generally defined as an establishment engaged in storing, processing, packaging, shipping, and distributing goods and merchandise to consumers from e-commerce, online, and mail order retail; 2) Section 11.01.020 modify the definition of "*Manufacturing/processing heavy, medium and light industrial*" to delete references to *warehousing and distribution* so that the Code has only one consolidated definition of *warehousing and distribution*; and 3) Section 3.03.150, modify the Heavy Industrial (I-3) Zoning District to allow *E-Commerce/Third Party Logistics (3PL* facilities with approval of a conditional use permit. Traditional warehouse and distribution facilities would remain permitted uses in the I-3 district.

The Planning Commission held a duly noticed public hearing on October 18, 2022, considered the staff recommendation for approval, and heard public testimony.

NOW, THEREFORE, BE IT RESOLVED with respect to the Development Code Amendments, that the Livermore Planning Commission finds based upon the information presented that:

1. The proposed amendment is consistent with the General Plan and any applicable Specific Plan.

   Response: General Plan policies support the health, safety and welfare of residential neighborhoods. The Development Code currently includes regulations and operational criteria to ensure that warehouse and distribution facilities will not be detrimental to neighborhoods. Current definitions of warehouse and distribution would include e-commerce facilities. The proposed amendments would distinguish between traditional warehouse and distribution facilities and e-commerce facilities for purposes of project permit processing. The amendments would still be consistent with the General Plan by conditionally permitting e-commerce warehouse and distribution facilities in the I-3 zoning district and

corresponding Heavy Industrial (HII) General Plan designation, which currently includes warehousing as an appropriate use in the HII designation.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

   Response: The proposed amendments would distinguish between traditional warehouse and distribution facilities and e-commerce facilities for purposes of project permit processing. No new land uses would be included in the definition of warehouse and distribution or in the I-3 zoning district. The conditional use permit process for e-commerce facilities would allow additional consideration of potential environmental and economic effects.

3. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

   Response: The amendment includes changes to Section 11.01.020, Definitions and Section 3.03.150, Heavy Industrial (I-3) District. Other related sections of the Development Code have been reviewed and additional amendments are not needed to maintain internal consistency.

4. The project is exempt from the provisions of California Environmental Quality Act (CEQA) under Section 15061(b)(3), common sense exemption, in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments will not result in changes in land use that would significantly affect the environment.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends the City Council find that Development Code Amendment 22-002 is exempt from the California Environmental Quality Act Section 15061(b)(3), the common sense exemption, in that it can be seen with certainty that the amendment does not have the potential for causing a significant effect on the environment.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Livermore that, based on staff recommendations, public testimony and the above findings, which are necessary to protect the public health safety and general welfare, the amendment to the Development Code Amendment 22-002, enclosed hereto as Exhibit A, is recommended to the City Council for approval.

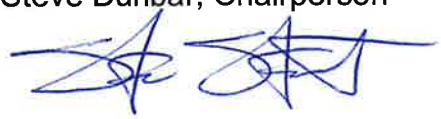
BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends the City Council direct staff to file a Notice of Exemption if the project is approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner Anderson, seconded by Commissioner Stein, the foregoing Resolution was adopted at the Planning Commission meeting of October 18, 2022, by the following vote:

AYES: ANDERSON, BRANNING, DUNBAR, STEIN.
NOES: NONE.
ABSENT: LEARY.

Steve Dunbar, Chairperson



by Steve Stewart, Planning Manager
Secretary to the Planning Commission

Exhibit A: Proposed amendments to Section 11.01.020, Definitions and Section 3.03.150, Heavy Industrial (I-3) District

Amend Livermore Development Code Section 3.03.150 Heavy Industrial (I-3) Zone as follows:

G. I-3 Use Table

Land Use Type [1, 3]	Specific Use Regulations	Permit Required
Industry, Manufacturing and Processing		
Fuel Station, Private	6.03.160	ZUP
Manufacturing/Processing		
Light industrial		P
Medium industrial		P
Heavy industrial	6.02.040	P
Recycling Facility:		
Processing [2]		P
Wholesale certified [4]		P
Research and Development Facility		P
Storage:		
Self-storage facility		P
Contractor storage yard/open storage [2]	6.03.100	P
Warehousing and Distribution Facility,:		P
Warehousing and Distribution Facility, E-Commerce/3PL		CUP

Land Use Type [1, 3]	Specific Use	Permit equired
Recreation, Education & Public Assembly		
Commercial Recreation Facility:	6.03.050	
Commercial amusement facility		CUP
Public and Quasi-Public	6.02.090	CUP
Commercial		
Drive-In Business:		
Restaurant [5]		CUP
Restaurant		P
Services: Business, Financial, Professional		
ATM		CUP
Bank, Financial Services [5]		CUP
Office: Professional, Administrative		P
Services: General		
Dog Day Care		CUP
Lodging:		
Hotel, motel [5]		CUP

Key	
P	Permitted Use
B), 2010) ZUP	Zoning Use Permit Required
CUP	Conditional Use Permit Required
--	Use Not Allowed

End Notes:

[1] A definition of each listed use type is in Part 11.

[2] Outdoor storage shall be fully screened.

[3] Similar uses permitted or conditionally permitted as determined by the Director to be of the same general character as the listed uses.

[4] Permitted within a building or fully screened

(Ord. 2082 § 2(J), 2019; Ord. 1915 § 3 (Exh.

from public view by a solid wall or fence.

[5] Use shall be shown as reasonably required for the convenience or support of occupants of uses in the surrounding I-District.

Amend Livermore Development Code Part 11 Definitions as follows:

Warehousing and distribution facility– An establishment engaged in selling of their own products or merchandise to retailers, also known as business-to-business distribution, such as to contractors, industrial, commercial, institutional, farm, or professional business users; or to other wholesalers. Warehousing and distribution facilities may also be accessory to permitted manufacturing/processing uses. Does not include warehousing and distribution facilities – e-commerce/third party logistics, which is defined separately below.

Warehousing and distribution facility –E-Commerce/Third Party Logistics (3PL). An establishment engaged in storing, processing, packaging, shipping, and distributing goods and merchandise to consumers from e-commerce, online, and mail order retail, also known as business-to-consumer distribution. Facilities include fulfillment/distribution, sorting, and delivery centers.

Manufacturing/processing - heavy industrial. Uses in this category are distinguished by a tendency to create noise, odors, vibration, glare or hazards that may be objectionable in other areas. They often include the manufacturing/processing and/or outdoor storage of substantial amounts of raw materials or bulky items. Examples include, but are not limited to, metal products fabrication, truck terminals, saw and planing mills, and the manufacture of major utility components, construction and farm equipment, and/or heavy building materials. Examples also include the manufacturing, processing, storage, or packaging for distribution, or wholesaling of chemicals, petroleum, heavy agricultural products such as pesticides or fertilizers or other similar hazardous materials.

Manufacturing/processing — medium industrial. The manufacturing, assembling, processing, storage or packaging of products except: 1) uses manufacturing, processing, storage or packaging chemicals, petroleum, and heavy agricultural products or other hazardous materials, 2) vehicle-dismantling yards, scrap and waste yards. Medium intensity manufacturing and processing includes:

1. The manufacturing of electric and electronic circuits and instruments and devices, such as, but not limited to, radio and television, phonographic equipment, calculators, computers, semi-conductors and transistors, and similar uses.

EXHIBIT B

2. The manufacturing, assembly, processing, storage, or packaging of products from previously prepared materials such as, but not limited to, cloth, plastic, paper, leather, and precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials and similar uses.

3. The manufacturing of pharmaceutical products.

Manufacturing/processing - light industrial. Any manufacturing, processing, and storage that does not include hazardous wastes or resulting large truck usage/ parking on the site. The use shall be accomplished entirely inside of the building except for incidental movement of products or materials into and out of the building to a delivery vehicle.

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.3**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: **Adoption of an ordinance** amending Livermore Development Code Section 6.02.060. A Home Occupations, exempting home occupations that do not see clients at the home or have employees other than the household member from the requirement for a home occupation permit.

RECOMMENDED ACTION

Staff recommends the City Council adopt an ordinance with an effective date of April 12, 2023, to amend the Livermore Development Code Section 6.02.060. A Home Occupations, exempting home occupations that do not see clients at the home or have employees other than the household member from the requirement for a home occupation permit.

SUMMARY

DISCUSSION

ATTACHMENTS

1. Ordinance
2. Exhibit A - Planning Commission Resolution 24-22
3. Exhibit B - Development Code 6.02.060

Prepared by: Susan Frost
Special Projects Coordinator

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

AN ORDINANCE AMENDING THE LIVERMORE DEVELOPMENT CODE BY AMENDING SECTION 6.02.060 (HOME OCCUPATIONS)

The City of Livermore initiated an application for Development Code Amendment 22-001 to consider amendments to Section 6.02.060 (Home Occupations).

At a public hearing on October 18, 2022, the Planning Commission of the City of Livermore considered the staff recommendation for approval and recommended that the City Council approve Development Code Amendment 22-001 in Planning Commission Resolution No. 24-22, attached hereto as Exhibit A.

On February 27, 2023, the City Council held a duly noticed public hearing to consider the project, Planning Commission and staff recommendations, and all public comments and testimony.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LIVERMORE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council has adopted Resolution No. _____ that finds that the Home Occupation Development Code amendments are exempt from review under the California Environmental Quality Act (CEQA).

Section 2. The ordinance is consistent with the Livermore General Plan, any applicable specific plan, and the Livermore Development Code.

Section 3. The City Council has considered the findings made in Planning Commission Resolution No. 24-22, attached hereto as Exhibit A, and hereby adopts the same findings by this reference and incorporates them as part of this resolution, and based upon the City Council's own independent review and considerations, the City Council hereby approves Development Code Amendment 22-001 for amendments to Section 6.02.060, Home Occupations, attached hereto as Exhibit B.

Section 4. This ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the City of Livermore within 15 days after its adoption and shall take effect and be in force thirty days from and after its adoption.

Section 5. The Planning Manager is directed to file a Notice of Exemption with the Alameda County Clerk.

Section 6. The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's Office, 1052 S. Livermore Avenue, Livermore, California.

Section 7. If any part of this ordinance is declared unconstitutional or invalid by a court, such unconstitutionality or invalidity shall not affect any remaining parts.

The foregoing ordinance was introduced at the meeting of the City Council of the City of Livermore held on February 27, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

The ordinance was adopted at the regular meeting of the City Council held on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

_____
Mayor, City of Livermore

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – Planning Commission Resolution No. 24-22
Exhibit B – Development Code Amended Sections 6.02.060

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

A RESOLUTION RECOMMENDING APPROVAL

Development Code Amendment (DCA) 22-001

Amendments to Development Code Section 6.02.060 Home Occupations regarding exemptions to home occupation permits

The city staff initiated a Development Code Amendment (DCA) 22-001 for Amendment relating to home occupation permits. The proposed Development Code amendment to Section 6.02.060 Home Occupations would exempt home occupations that do not see clients at the home or have employees other than the household member from obtaining a home occupation permit.

The Planning Commission held a duly noticed public hearing on October 18, 2022, considered the staff recommendation for approval, and heard public testimony.

NOW, THEREFORE, BE IT RESOLVED with respect to the Development Code Amendments, that the Livermore Planning Commission finds based upon the information presented that:

1. The proposed amendment is consistent with the General Plan and any applicable Specific Plan.

   Response: General Plan policies support the health, safety, and welfare of residential neighborhoods. The Development Code currently includes regulations and operational criteria to ensure that home occupations will not be detrimental to neighborhoods, including hours of operation and limitations on on-site clients and employees. The proposed amendment would exempt home occupations that do not see clients on-site or have employees other than the resident from obtaining a home occupation permit. Such home occupations generally do not have a discernable impact in the neighborhoods. The home occupations would remain subject to existing operational standards (e.g., noise, dust, odor) in the ordinance to ensure neighborhood compatibility.

2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

   Response: The proposed amendments would exempt home occupations that do not see clients on-site nor have employees other than the resident from obtaining a home occupation permit. Such home occupations would still be subject to

existing operational standards in the ordinance (e.g., noise, dust, odor) to ensure that home occupations will not be detrimental to neighborhoods.

3. The proposed amendment is internally consistent with other applicable provisions of the Development Code.

   Response: The amendment includes changes to Section 6.02.060, Home Occupations. Other related sections of the Development Code have been reviewed and additional amendments are not needed to maintain internal consistency.

4. The project is exempt under CEQA Guidelines Section 15301 which exempts minor alterations of existing facilities. The proposed amendments involve minor, if any, conversion of existing space within residences in order to operate home occupations. The project is also exempt from the provisions of California Environmental Quality Act (CEQA) under Section 15061(b)(3), common sense exemption, in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The proposed amendments will not result in changes in land use that would significantly affect the environment.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends that the City Council find that Development Code Amendment 22-001 is exempt from the California Environmental Quality Act under Section 15301 for existing facilities, and under Section 15061(b)(3), the common-sense exemption, because it does not have the potential for causing a significant effect on the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore that, based on staff recommendations, public testimony, and the above findings, which are necessary to protect the public health, safety, and general welfare, the amendment to the Development Code Amendment 22-001, enclosed hereto as Exhibit A, is recommended to the City Council for approval.

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends that the City Council direct staff to file a Notice of Exemption, if the project is approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner Branning, seconded by Commissioner Anderson, the foregoing Resolution was adopted at the Planning Commission meeting of October 18, 2022, by the following vote:

AYES: ANDERSON, BRANNING, DUNBAR, STEIN.
NOES: NONE.
ABSENT: LEARY.

Steve Dunbar, Chairperson

by Steve Stewart, Planning Manager
Secretary to the Planning Commission

Exhibit A: Proposed Home Occupation Ordinance Revisions

6.02.060 Home Occupations

Home occupations which are clearly secondary to the principal use of a dwelling, conform to City ordinances, and do not adversely affect the public safety, health and general welfare of the neighborhood shall be permitted. In addition to special conditions that may be imposed to accomplish these objectives, home occupations shall conform to the following locational, developmental, and operational standards, as well as provisions of Chapter 9.05 LDC:

A. Permit Required. No person shall conduct a home occupation without first obtaining a Home Occupation Permit in compliance with Chapter 9.05 LDC. Uses exempt from the requirement of a Home Occupation Permit include:

1. a legal live/work facility;
2. a small family day care home for eight or fewer children operated in compliance with state law and LDC 6.02.020 (Child Day Care Facilities);
3. home occupations that do not see clients at the residence or have employees other than the household member occupying the residence Exempt home occupations are subject to locational, developmental, and operational standards outlined in sections B, C, and F through K below.

Cottage food operations are not exempt from obtaining a Home Occupation Permit and are subject to the requirements of section M below.

B. Location. The home occupation shall be located entirely within the primary residence, garage or an accessory structure that meets all current state and/or city code standards for accessory structures.

C. Appearance of the Residence. The home occupation shall not alter the external appearance of the residence.

D. Clients. On-site clients shall be permitted only for the following home occupations:

1. Instructional services by appointment, such as tutoring or musical instruction of no more than three clients at a time and limited to the hours of 9:00 a.m. to 7:00 p.m. daily.

2. Professional/office and personal services by appointment only, of no more than three clients at a time and limited to the hours of 9:00 a.m. to 7:00 p.m. daily. Professional/office services include such uses as accounting; design services including architecture, engineering, landscape architecture and urban planning; financial management, investment, and legal counseling; and counseling services. Personal services include such uses as state licensed barber, beauty, and nail salons; exercise and personal training; fortune telling and similar uses; tailors; bicycle repair; and home electronics and small appliance repair. Other uses determined to be substantially similar to the listed uses may be permitted by the Community Development Director.

3. Repair services (excluding vehicle and small engine repair as stated in subsection L of this section) consistent with the provisions of subsection J of this section, by appointment, of no more than three clients at a time and limited to the hours of 9:00 a.m. to 7:00 p.m. daily.

4. A Cottage Food Operation Home Occupation Permit ("CFO HOP") pursuant to subsection M of this section.

E. Employees. In no event shall more than one employee be working at any one time at a home occupation in addition to the household member occupying the premises. If the home occupation employs a person that is not a household member occupying the premises, then one off-street parking space, in addition to the minimum number of parking spaces required by this code for the dwelling, shall be designated on the site and its location identified in the application. Required parking may be in tandem to existing required parking on the premises.

F. Fire Safety. The home occupation shall not reduce the fire safety classification of a residence or accessory structure. Storage of hazardous materials is limited as follows:

1. To one gallon or less total for all combustible liquids, corrosive liquids, Class 1 or 2 oxidizers, or Class 1 water reactives.

2. To 10 pounds total for all corrosive solids, health hazards, or Class 2 oxidizers, or 50 pounds for Class 1 oxidizers.

3. To four standard cubic feet of flammable gases, and 500 standard cubic feet of inert or oxidizer gases.

4. No quantities of other hazardous materials classes are permitted in conjunction with a home occupation.

G. Movement of Goods. Movement of products, materials, or equipment associated with the home occupation shall be limited to days and hours of operation indicated in subsection D of this section. No merchandise or goods shall be sold, leased, or rented from the premises if the sale, lease, or rental requires the customer to visit the premises for delivery except for CFO HOP consistent with subsection M of this section.

H. Signs. No signs are permitted in conjunction with the use except for a maximum of 10 square feet on one vehicle associated with the home occupation.

I. Storage. There shall be no on-site exterior storage of equipment, vehicles, materials or supplies connected with the home occupation except as permitted in subsection K of this section.

J. Nuisance. A home occupation shall not create dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy, where no home occupation exists. Noise generated by a home occupation shall not be audible at neighboring properties.

K. Vehicles. A home occupation shall have no more than one vehicle connected to the home occupation which shall not be a commercial grade vehicle. Examples of a commercial grade vehicle include but are not limited to a box truck, semi-trailer truck, bus, or a vehicle used for loading, transporting, or manipulating construction materials or debris.

L. Prohibited Uses. The following uses shall be considered prohibited:

1. Adult businesses;

2. Animal hospitals (and related services);

3. Dance/night clubs;

4. Firearms dealers and gunsmiths;

5. Food preparation for commercial purposes except a CFO HOP pursuant to subsection M of this section;

6. Small engine repairs;

7. Personal services such as swimming, massage (on-site), tattoo, body piercing and similar uses except as noted in subsection D of this section;

8. Medical/dental offices/clinics/laboratories;

9. Plant nursery;

10. Retail or wholesale sales of products stored at the residence, except for a CFO HOP and to allow mail order businesses where there is no stock-in-trade on the site;

11. Vehicle related services such as, but not limited to, repair, cleaning, tune-ups, couriers, or delivery or transport of goods or people;

12. Welding and machining;

13. Other uses determined by the Community Development Director not to be incidental to or compatible with residential activities.

M. Cottage Food Operation. A cottage food operation (CFO), as defined in Section 113758 of the Health and Safety Code as may be amended (for example, home-based preparation of nonperishable types of food for sale), may be permitted with a Home Occupation Permit (CFO HOP) subject to the following provisions:

1. A CFO shall be required to obtain and maintain a registration and/or operating permit from Alameda County Environmental Health and Safety and furnish a copy to the city of Livermore prior to issuance of a CFO HOP.

2. Customers may visit the premises only between 8:00 a.m. and 7:00 p.m. daily.

3. No more than three customers may be on the premises at any one time.

4. If direct sales are proposed at the site of the CFO, no third parties or customers shall be permitted to dine at the CFO.

5. CFOs are prohibited from conducting sales in garages, accessory structures, or outside of the dwelling.

6. Cooking appliances and equipment used for the CFO that produce grease laden vapors, such as deep fat fryers, shall be those designed and sold for residential use only. Oil capacity of deep fat fryers shall not exceed four quarts. Grease deposits within the kitchen shall be cleaned

promptly. Cooking exhaust ducts and filters shall be visually checked no less than every six months and buildup of grease shall be removed.

7. In no event shall more than one employee be working at any one time at a CFO in addition to the household member occupying the premises.

8. If the CFO employs a person that is not a household member occupying the premises, then one off-street parking space, in addition to the minimum number of parking spaces required by this code for the dwelling, shall be designated on the site and its location identified in the application. Required parking may be in tandem to existing required parking on the premises.

9. A CFO HOP shall immediately cease to be valid upon the Alameda County registration and/or operating permit becoming invalid.

10. A CFO HOP shall not be transferable to another person or dwelling and a new HOP application with an Alameda County registration and/or operating permit specific to the new person or dwelling shall be required.

11. CFO usage shall be restricted to the registered or permitted area of the home provided for by Alameda County Environmental Health.

12. CFO sales shall comply with the gross annual sales limits in state law as set forth in Health and Safety Code Section 113758, as may be amended.

13. A Home Occupation Permit shall be obtained in compliance with Chapter 9.05 LDC (Home Occupation Permits). (Ord. 2131 § 3 (Exh. B), 2021; Ord. 2082 § 2(U), 2019; Ord. 1981 § 1 (Exh. A), 2013)

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.4**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution awarding and authorizing execution of an agreement with Paulson Cox Construction, Inc. for installation of new sanitary sewer and water mains and services along Trevarno Road, in an amount not-to-exceed of $1,131,430 for the Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution for the Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60:

1. Awarding a construction contract to Paulson Cox Construction, Inc., in an amount not-to-exceed of $1,131,430, and authorizing the City Manager to sign the agreement attached as Exhibit A to the resolution; and
2. Rejecting all other bids or proposals; and
3. Authorizing the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution including approving minor changes to the proposed agreement.

SUMMARY

The Trevarno Road Sanitary Sewer and Water Improvements Project includes installation of new sanitary sewer and potable water mains and services, abandonment of existing mains and fire hydrants within the public utility easement, pavement repair, and slurry seal along Trevarno Road as shown in Attachment 1 - Location Map.

Nine bids were received for the project on January 19, 2023. Staff recommends the City Council award and authorize a construction contract with Paulson Cox Construction, Inc., the lowest responsible and responsive bidder, and authorize the City Manager to sign the agreement.

DISCUSSION

The sewer and water systems that serve the properties along Trevarno Road were constructed around

1915 as private utilities. In August 2019, an attorney wrote to the City on behalf of the residents of Trevarno Road and included a petition from the property owners requesting the formation of an infrastructure financing district to replace the existing deteriorating water and sewer systems.

The private sewer and water systems that currently serve the properties along Trevarno Road are over 100 years old and are currently failing. Residents of Trevarno Road have reported that their sewer system had failed pipes, and the disintegrating infrastructure is causing cesspools on their properties. In addition, several unplanned shutdowns for water main repairs were reported. There are 12 single family homes plus common landscaping served by the sewer and water systems. In addition, the Livermore Area Recreation and Park District ("LARPD") has an office and classroom facilities on Trevarno Road that are served by the sewer system. The office facility has separate water service from the 12 single family homes, but the classroom facility is connected to the Trevarno water system. LARPD also owns a parcel that contains a parking lot that does not currently have any sewer or water service.

Based on the current deteriorated condition of the existing systems, on November 25, 2019, the City Council appropriated $150,000 from the General Fund (001) and directed City staff to proceed with determining the feasibility of a special financing district to facilitate the replacement of existing sewer and water improvements on Trevarno Road. This direction was also in response to the petition signed by 7 of the 12 single-family residents on Trevarno Road requesting the City help them finance the replacement of the failing private facilities and accept them as public facilities.

Staff held two meetings with residents on August 11, 2019, and July 22, 2020, to discuss the public infrastructure improvement costs. On January 27, 2021, City staff and the City's Special Financing District Formation Consultant, NBS, presented the legislation behind the Community Facility District and Assessment District. The Mello-Roos Community Facilities Act of 1982 exempts government owned property from special tax, whereas Assessment District Proposition 218 does not exempt government owned property. The Assessment District financing mechanism was selected because it will allow LARPD to participate in the financing district. The preliminary cost estimate assessments and annual payments were also presented.

On February 11, 2021, staff sent Trevarno Road residents a survey and followed up with an email on March 18, 2021, to obtain feedback on the formation of an assessment district to finance the sewer and water improvements on Trevarno Road. A majority of the respondent residents were in favor of the establishment of a financing district. On April 22, 2021, staff emailed property owners to explain the results of the Engineers Report, which establishes assessments amounts per parcel and emailed meeting invitations to all property owners interested in additional information. The meetings were scheduled from April 26, 2021 to April 28, 2021. LARPD and a majority of the residents remained in favor of establishing the assessment district.

On July 26, 2021, City Council approved the establishment of the Trevarno Road Sewer and Water Improvements Assessment District 2021-1. The improvements will include construction of approximately 700 linear feet of 8-inch sanitary sewer lines, 700 linear feet of 8-inch potable water lines, manholes, hydrants, sewer and water laterals, and other auxiliary improvements. Property owners will be responsible for constructing and connecting the private laterals to the stub out at the curb and for abandoning the private sewer and water mains. While the City is taking over the sewer and water systems along Trevarno Road, the road and other infrastructure such as the pavement, sidewalks, landscaping and irrigation within it, remains privately owned and maintained.

The consultant for the project, Ruggeri-Jensen-Azar (RJA), completed the design for the new sanitary sewer and water systems in December 2022. Staff advertised the project on December 12, 2022, and bids were opened on January 19, 2023. The City received nine bids for the project. The lowest responsible and responsive bid was received from Paulson Cox Construction, Inc. for $1,131,430. Paulson Cox Construction, Inc. is based in Concord, CA. Staff has checked references of Paulson Cox Construction, Inc. and has found they are satisfactory and comply with the contract documents.

The following is a list of the bids received and the Engineer's Estimate for the project.

Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60 - Bid Results

Contractor	Location	Bid Amount
Paulson Cox Construction, Inc.	Concord	$1,131,430
Suulutaaq Inc.	Suisun City	$1,254,854
Koios Engineering	San Francisco	$1,439,990
Pacific Underground Construction	San Jose	$1,453,380
AB Construction	Berkeley	$1,457,946
Con-Quest Contractors, Inc.	San Francisco	$1,521,619
Tracy Grading & Paving	Tracy	$1,661,019
Mountain Cascade, Inc.	Livermore	$1,794,708
Marinship Development Interest, LLC	Oakland	$2,321,074
Engineers Estimate		$1,450,000

In accordance with Livermore Municipal Code Section 2.68.560, Change Order authorization of 10% of the contract value is allowed.

FISCAL AND ADMINISTRATIVE IMPACTS

The construction contract award amount is $1,131,430. Funding for this agreement, and all other project costs such as change order allowances, design, inspection, materials testing, construction management and project management are included in the project budget for the Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60 in the FY 2021-23 Capital Improvement Plan from Fund 251 (Water Connection Fees) and Fund 241 (Sewer Connection Fees). No additional funding is needed. These funds will be repaid by the property owners through annual assessments on the Trevarno Road properties.

Annual operations and maintenance costs for new sanitary sewer and water systems are estimated at $15,000 per year. Operations and maintenance costs will be funded from the operating budget with Fund 251 (Water Connection Fees) and Fund 241 (Sewer Connection Fees).

ATTACHMENTS

1. Location map
2. Resolution
3. Exhibit A - Construction Contract with Paulson Cox Construction, Inc

Prepared by: Farnoush Levers
Senior Civil Engineer

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

LIVERMORE
CALIFORNIA

LOCATION MAP

ATTACHMENT 1



Notes:

333.3 0 166.67 333.3 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_

Livermore IT, GIS Services

Scale: 1: 2,000

This map is based on City of Livermore GIS Information and reflects the most current information at the time of this printing. The map is intended for reference purposes only and the City and its staff is not responsible for errors.

Prepared:

1/31/2023 2:33:38 PM

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING THE AWARD OF A CONSTRUCTION CONTRACT WITH PAULSON COX CONSTRUCTION, INC. IN AN AMOUNT NOT-TO-EXCEED $1,131,430 FOR THE TREVARNO ROAD SANITARY SEWER AND WATER IMPROVEMENTS PROJECT NO. 2019-60

(Trevarno Road Sanitary Sewer and Water Improvements Project No., 2019-60)

The Trevarno Road Sanitary Sewer and Water Improvements Project includes installation of new sanitary sewer and potable water mains and services, abandonment of existing mains and fire hydrants within the public utility easement, pavement repair, and slurry seal along Trevarno Road.

Nine bids for the Trevarno Road Sanitary Sewer and Water Improvements Project were received on January 19, 2023.

After a thorough review of all bid submittals by the nine bidders, staff recommends the City Council award and authorize a construction contract with Paulson Cox Construction, Inc., which has been determined to be the lowest responsible and responsive bidder, and authorize the City Manager to sign the agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that it hereby:

1. Awards a construction contract to Paulson Cox Construction, Inc. in an amount not-to-exceed $1,131,430 for the Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60, and authorizes the City Manager to sign the agreement, attached hereto as Exhibit A and incorporated by this reference.

2. Rejects all other bids or proposals; and

3. Authorizes the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution, including approving minor changes to the proposed agreement.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A – Construction Contract with Paulson Cox Construction, Inc.

CONTRACT

This public works contract ("Contract") is entered into by and between the City of Livermore, a California Municipal Corporation ("City") and Paulson Cox Construction, Inc., a California corporation("Contractor") for work on the Trevarno Road Sanitary Sewer and Water Improvements Project, City Project No. 2019-60 ("Project").

The Parties Agree as Follows:

1. Award of Contract.

In response to the Notice Inviting Bids, Contractor has submitted a Bid Proposal to perform work on the Project, and on _____, 20___, as part of Resolution No. _____, City authorized award of this Contract to Contractor for the amount of Contractor's bid.

2. Contract Documents.

This Contract consists of all of the written representations and submissions made by Contractor as part of the Bid process and the following numbered and un-numbered component documents, as detailed on the table of contents of this Agreement:

a. Bidding requirements (consisting of the Notice Inviting Bids; Instructions to Bidders; Bid Proposal; Bid Schedule, Subcontractor List, Noncollusion Declaration, Bid Bond, Bidder's Questionnaire, Payment Bond, Performance Bond, Warranty Bond);

b. General Conditions;

c. Special Conditions;

d. Division One Technical Specifications;

e. Appendix;

f. Index of Defined Terms;

g. Project Drawings and Specifications;

h. Bid Addenda, if any;

i. Change Orders, if any;

j. ALB Notice;

k. Notice to Proceed;

l. City Standard Specifications and Details;

m. And the following:

(1) Subsurface Exploration/Geotechnical Recommendations, Trevarno Road Improvements, prepared by Aftershock Geotechnical, dated 11/9/2021

(2) Soil Corrosivity Evaluation and Recommendations for Corrosion Control, Trevarno Road, prepared by JDH Corrosion Consultants, dated 9/24/2021

(3) Limited Subsurface Soil & Bacterial Investigation Report, Trevarno Road, prepared by Applied Remedial Services, Inc., dated 11/12/2021.

3. Contractor's Obligations.

Contractor agrees to perform all of the Work required for the Project, as specified in the Contract Documents. Contractor must provide, furnish, and supply all things necessary and incidental for the timely performance and completion of the Work, including all necessary labor, materials, equipment, transportation, and utilities, unless otherwise specified in the Contract Documents. Contractor must use its best efforts to complete the Work in a professional and expeditious manner and to meet or exceed the performance standards required by the Contract Documents.

4. Payment.

As full and complete compensation for Contractor's timely performance and completion of the Work in strict accordance with the terms and conditions of the Contract Documents, City will pay Contractor one million one hundred thirty one thousand, four hundred twenty nine Dollars and seventy five Cents ($1,131,429.75) (the "**Contract Price**"), in accordance with the payment provisions in the General Conditions.

5. Time for Completion.

5.1. Substantial Completion

Contractor must achieve Substantial Completion, as that term is defined in the General Conditions, of the Project Work within 120 Working Days from the commencement date stated in the Notice to Proceed. ("**Substantial Completion Deadline**"). For this project, the Contractor shall also incorporate 10 number of average anticipated inclement Weather Days into their bid estimate. Contractor shall be solely responsible for the extended overhead and profit for these weather days and shall not be compensated by the City in any way, reference Section 10.3 of the General Conditions and Section 013200-4.3 Contract Schedules for additional weather day information.

5.2. Final Completion

Contractor must achieve Final Completion, as that term is defined in the General Conditions, of the Project Work within 20 Working Days after the date of substantial completion. ("**Final Completion Deadline**.")

5.3. Early Completion.

By signing below, Contractor expressly waives any claim for delayed early completion.

6. Liquidated Damages.

If Contractor fails to meet either the Substantial Completion Deadline or the Final Completion Deadline, City may assess liquidated damages according to the provisions in the General Conditions of the Contract Documents in the following amounts for each day of Unexcused Delay, and the Contract Price shall be reduced accordingly.

6.1. Substantial Completion Deadline:

One Thousand Five Hundred ($1,500) per day.

6.2. Final Completion Deadline:

Five Hundred ($500.00) per day.

7. Labor Code Compliance.

This Contract is subject to all applicable requirements of Chapter 1 of Part 7 of Division 2 of the California Labor Code, including requirements pertaining to wages, working hours and workers' compensation insurance.

7.1. Prevailing Wages.

This Project is subject to the prevailing wage requirements applicable to the locality in which the Work is to be performed for each craft, classification or type of worker needed to perform the Work, including employer payments for health and welfare, pension, vacation, apprenticeship and similar purposes. The general prevailing wage rates for each craft, classification or type of covered work are available online at http://www.dir.ca.gov/DLSR.

7.2. DIR Registration.

City will not accept a Bid Proposal from or enter into the Contract with a bidder without proof that the bidder and its Subcontractors are registered with the California Department of Industrial Relations to perform public work under Labor Code, Section 1725.5, subject to limited legal exceptions allowed by the Labor Code.

8. Workers' Compensation Certification.

Under Labor Code, Section 1861, by signing this Contract, Contractor certifies as follows: "I am aware of the provisions of Labor Code, Section 3700 which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and I will comply with such provisions before commencing the performance of the Work on this Contract."

The successful bidder previous to the entering of the contract to do the said work shall take out and maintain in full force and effect worker's compensation insurance with an insurance carrier authorized to transact business in the State of California, covering the bidder's full liability for compensation to any persons employed who may be injured in the carrying out of said contract or the dependents thereof. Evidence of such worker's compensation insurance shall be furnished to the City of Livermore by certificate and waiver of subrogation in the City's electronic insurance certificate tracking system (PINS) prior to the commencement of the work and said certificate shall contain a provision that the coverage thereunder will not be canceled until at least thirty (30) days prior written notice has been given to the City.

9. Notice.

Any notice, billing, or payment required by the Contract Documents must be made in writing, and sent to the other party by personal delivery, U.S. Mail, a reliable overnight delivery service, facsimile, or by email as a PDF (or comparable) file. Notice is deemed effective upon delivery unless otherwise specified. Notice for each party must be given as follows:

	City	Contractor
Name	Farnoush Levers	Matthew Cox
Address	1052 South Livermore Avenue	2520 Stanwell Dr., STE 160
City/state/zip	Livermore, CA 94550	Concord, CA 94520
Phone	925-960-4515	925-644-7224
Fax		
Attention	Senior Civil Engineer	President
Email	fslevers@livermoreca.gov	mcox@paulsoncox.com
Copy to		

10. General Provisions.

The following items are repeated here as stated as part of Part 2, General Conditions, for emphasis:

10.1. Assignment and Successors.

Contractor may not assign its rights or obligations under this Contract, in part or in whole, without City's written consent. This Contract is binding on Contractor's successors and permitted assigns. A consolidation or merger of Contractor or a change in ownership of 25% or more of Contractor's capital stock constitutes an assignment by Contractor requiring the City's written consent.

10.2. Third Party Beneficiaries.

There are no intended third-party beneficiaries to this Contract except as expressly provided in the General Conditions or Special Conditions.

10.3. Governing Law and Venue.

This Contract will be governed by California law and venue will be in the Superior Court of the County in which the Project is located, and no other place.

10.4. Amendment.

No amendment or modification of this Contract will be binding unless it is in a writing duly authorized and signed by the parties to this Contract.

10.5. Integration; Severability.

This Contract and the Contract Documents incorporated herein, including authorized amendments or Change Orders thereto, constitute the final, complete, and exclusive terms of the agreement between City and Contractor. If any provision of the Contract Documents, or portion of a provision, is determined to be illegal, invalid, or unenforceable, the remaining provisions of the Contract Documents will remain in full force and effect.

11. Authorization.

Each individual signing below warrants that he or she is authorized to do so by the party that he or she represents, and that this Contract is legally binding on that party. If Contractor is a corporation, signatures from two officers of the corporation are required under California Corporation Code, Section 313.

Signatures are on the following page.

The parties agree to this Contract as witnessed by the signatures below:

CITY	CONTRACTOR
City of Livermore, a California Municipal Corporation	PAULSON COX CONSTRUCTION, INC.
s/_____	s/ Matthew W. Cox
Marianna Marysheva, City Manager	Name/Title [print] MATTHEW W. COX
Date: _____	Date: 2.2.23
Approved as to form:	s/_____
	Name/Title [print]
_____ City of Livermore City Attorney	Date: _____
	1096975 Contractor's Calif. License Number(s)
	Seal:
	9.30.24 Expiration Date(s)

END OF DOCUMENT

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.5**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Scott Lanphier, Public Works Director

SUBJECT: Resolution awarding and authorizing execution of a two-year agreement with Siemens Industry, Inc., for testing, inspection and repair of fire sprinklers, fire and burglar alarms systems, and HVAC technician support for all City facility building control systems in an amount not-to-exceed $500,000.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing execution of a two-year agreement with Siemens Industry, Inc. for services to provide monitoring, testing, inspection and repair of fire sprinklers, and fire and burglar alarm systems and provide HVAC technician support for all City facility building control systems in a not-to-exceed amount of $500,000.

SUMMARY

Siemens Industry, Inc. currently provides burglar alarm monitoring, fire alarm monitoring and testing, and fire sprinkler inspection and repair at various City facilities. In order to protect the City's investment in a variety of structures and protect the life and safety of its employees and the general public, staff recommends continuing service for inspection, monitoring, and repair of these systems.

DISCUSSION

The current agreement with Siemens Industry, Inc. to perform a combination of burglar alarm monitoring, fire alarm monitoring, fire alarm testing and inspection, fire sprinkler testing, and repair of the fire alarm and fire sprinkler systems at more than 25 City-owned facilities expired December 31, 2022. The proposed contract is backdated to January 1, 2023, to cover the work that continued to occur for fire alarm monitoring and testing at all City facilities. The inspections schedules were maintained to ensure code compliance and reduce liability.

Livermore Municipal Code Section 2.68.390 allows for an exemption to the quotation and bidding requirements if such purchases are based on an agreement or cooperative purchasing program entered into by any public agency. In such cases, the supplies and services subject to the agreement or program and the underlying purchase must have been made using a quotation or bid procedure at least as

restrictive as the City's. Siemens holds National Joint Powers Authority cooperative purchasing agreement #031517-SIE. The City is currently a member of the NJPA and therefore can take advantage of these competitively bid rates. This cooperative purchasing process meets the requirements of the Livermore Municipal Code. This agreement will ensure that the City continues to receive the lowest rates possible for existing services.

FISCAL AND ADMINISTRATIVE IMPACTS

The total not-to-exceed cost for this two-year agreement is $500,000, which is currently budgeted in a variety of operating funds including various components of the General Fund, Airport, Water, and Sewer enterprise funds.

ATTACHMENTS

1. Resolution
2. Exhibit A - Agreement with Siemens Industry, Inc.

Prepared by: Marisa Gan
Management Analyst II

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SIEMENS INDUSTRY, INC. FOR A TWO-YEAR TERM, IN AN AMOUNT NOT-TO-EXCEED $500,000, FOR ALARM SYSTEM SERVICES

The City of Livermore (City) currently owns and operates a variety of facilities that need burglar and fire alarms, and fire sprinkler systems. In order to keep these systems functioning properly, the City requires services to provide HVAC technician support for all City building control systems, and services to maintain, inspect, test, repair and monitor these systems. Siemens Industry Inc. holds Cooperative Purchasing Agreement #031517-SIE through the National Joint Powers Alliance, whose purchasing procedures meet the requirements of Livermore Municipal Code section 2.68.390.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, that it hereby authorizes the City Manager to execute an agreement with Siemens Industry, Inc., attached hereto as Exhibit A, in a not-to exceed amount of $500,000 to provide HVAC technician support for all City building control systems, including burglar and fire alarms, and fire sprinkler system services for a two-year term.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Tara Mazzanti
Tara Mazzanti
Assistant City Attorney

Exhibit A – Agreement with Siemens Industry, Inc.

DocuSign Envelope ID: 1E4B4F47-ECD0-402F-BA85-352D9653FF3F

AGREEMENT FOR SERVICES

THIS AGREEMENT is made and entered into this day of , 2023, by and between the City of Livermore ("City"), a municipal corporation, and Siemens Industry, Inc. ("Contractor"), a Delaware corporation.

RECITALS

City requires services to inspect, monitor, test, and repair fire alarm, fire sprinkler, and burglar alarm systems and provide HVAC technician support for all City facility building control systems.

Contractor warrants it possesses the distinct skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Contractor acknowledges City has relied upon these warranties to retain Contractor.

AGREEMENT

NOW, THEREFORE, City and Contractor hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. Retention as Contractor. City hereby retains Contractor, and Contractor hereby accepts such engagement, to perform the services described in Section 3 below subject to the terms and conditions in this Agreement.

2. Relationship of Parties – Independent Contractors. The relationship of the parties shall be that of independent contractors. Contractor and its employees are not City officers or employees. Contractor is responsible for the supervision and management of its employees, including any workers compensation insurance, withholding taxes, unemployment insurance, and any other employer obligations associated with the delivery of the services contemplated by this Agreement.

3. Description of Services. Contractor shall provide services to inspect, monitor, test, and repair fire alarm, fire sprinkler, and burglar alarm systems and provide HVAC technician support for all City facility building control systems as more particularly set forth in Exhibit "A" (collectively "the Services").

4. Contractor's Responsibilities. Contractor shall:

(a) Diligently perform the Services in a manner commensurate with industry, professional, and community standards;

(b) Provide the resources necessary to complete the Services in a timely manner;

(c) Obtain a business license from the City of Livermore, and keep it in effect for the term of this Agreement;

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(d) Obtain and keep in effect all necessary licenses, permits, qualifications, insurance, and approvals legally and professionally required for Contractor to practice its profession and to provide the Services;

(e) Comply with all laws in effect that are related to Contractor and the Services;

(f) Coordinate the Services with Public Works Supervisor-Facilities ("Project Manager"), or such other person designated as the Project Manager by City;

(g) Be available to the Project Manager, and other parties referred to Contractor by the Project Manager, to answer questions or inquiries related to the Services;

(h) Only invoice City for the Services rendered. Contractor's invoice shall be in writing and describe the Services performed for the payment requested. Contractor shall not submit an invoice to City more frequently than once a calendar month;

(i) Keep and maintain invoices and records related to the Services in an organized manner. At a minimum, the records must be kept for at least 3 years from the date of final payment to Contractor and must include time sheets, work progress reports, and other documentation to adequately explain all the Services invoiced for payment. Contractor shall make the invoices and records immediately available to City upon delivery of a written request to examine, audit, or copy them at City's place of business during normal business hours. Contractor shall give City 30 calendar-days' written notice prior to destroying the invoices and records and allow City an opportunity to take possession. If City wants them, Contractor and City shall coordinate their delivery to City in the most efficient manner possible;

(j) Prepare and submit a written report to the Project Manager, within 3 business-days of the Project Manager's written request, that identifies the Services completed and in progress, the charges incurred to date, and the anticipated cost to complete the remaining Services;

(k) Contractor shall correct, at its own expense, all errors in the Services. Should Contractor fail to make such correction in a timely manner, City may make the correction and charge the cost thereof to Contractor;

(l) If applicable, Contractor shall ensure that all work for compensation is taken in compliance with the requirements of the California Labor Code including but not limited to hours of labor, nondiscrimination, payroll records, apprentices, worker's compensation and prevailing wages. If applicable, Contractor shall comply with all prevailing wage laws, such as sections 1773, 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the California Labor Code and any other applicable wage and hour law. If any violation of prevailing wage law associated with this Agreement is deemed to have occurred by any court or administrative authority, Contractor shall forfeit to the City, as a penalty, the sum of fifty dollars ($50.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the applicable prevailing rates for any work done to accomplish the purposes of this Agreement; and,

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(m) Contractor's services provided pursuant to this Agreement shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as applicable regulations and guidelines issued pursuant to the ADA.

5. Compensation and Payment.

(a) The total compensation payable by City to Contractor for the Services **SHALL NOT EXCEED** the sum of $500,000 ("not-to-exceed amount"). City shall compensate Contractor for the Services rendered at the hourly rates or task amounts set forth in Exhibit "A" up to the not-to-exceed amount. Except as provided in the body of this Agreement, the hourly rates or task amounts are intended to be Contractor's only compensation for the Services and is inclusive of all costs of labor, licensing, permitting, travel expenses, overhead and administrative costs, and any-and-all other costs, expenses, and charges incurred by Contractor, its agents, and employees to provide the Services.

(b) City shall pay Contractor no later than 30 days after City receives a written invoice from Contractor and verifies the Services were performed for the payment requested.

6. Term. The term of this Agreement commences on January 1, 2023, and terminates upon the completion of the Services or December 31, 2024, whichever occurs first.

7. Termination by City. City may terminate any portion or all of the Services by giving Contractor at least 30 calendar-days written notice. Upon receipt of a termination notice, Contractor shall immediately stop all work in progress on the Services except where necessary to preserve the benefit of the work, and assemble the work on the Services for delivery to City on the termination date. All compensation for Services performed prior to the termination date shall be payable to Contractor in accordance with Section 5.

8. Ownership of Documents. All drawings, designs, data, photographs, reports and other items prepared or obtained by Contractor in the performance of the Services are City's property and Contractor shall deliver them to City upon demand.

9. Copyright and Right of Use. All items created by Contractor for City under this Agreement are works made for hire, and Contractor shall give City the copyright and all intellectual property rights to all items developed, prepared, and delivered as part of the Services. Contractor agrees that all aspects of the Services and items created thereby will be original works of creation and will not use, in whole or in part, any work created by any other party, except when expressly disclosed by Contractor to City and Contractor obtains a license to such items for the benefit of City. All licenses must be perpetual, world-wide, non-exclusive, and royalty free sufficient in scope to permit City's full use and enjoyment of its ownership rights in the items created by the Services.

10. Confidentiality. Contractor shall not disclose any confidential or proprietary information received from City to anyone except Contractor's employees who require

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access to the information to perform the Services. This obligation shall survive termination and remain in full force and effect until the information, and any copies thereof, are destroyed or returned to City.

11. Defense, Indemnity, and Hold Harmless. To the fullest extent permitted by law, Consultant shall hold harmless, indemnify, and defend with counsel selected by the City or otherwise acceptable to the City, the City and its elected and appointed officials, officers, directors, employees, agents and designated volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature arising out of or in connection with Consultant's performance of the services contemplated by this Agreement, or in connection with Consultant's failure to comply with any of its obligations contained in this Agreement, except for such Liability caused by the sole active negligence or willful misconduct of City. Consultant's obligations to hold harmless, indemnify, and defend shall not be excused because of Consultant's inability to evaluate Liability or because Consultant evaluates Liability and determines that Consultant is not liable to the claimant. These obligations are independent of, and shall not in any way be limited by, the minimum insurance obligations contained in this Agreement. These obligations shall survive the completion or termination of this Agreement. Consultant must respond within 30 days to the tender of any claim for defense and indemnity by the City.

(a) Modification for Construction Contracts. To the extent this Agreement is a "construction contract" covered by California Civil Code section 2782, then Consultant's duty to indemnify shall not apply in a manner prohibited by California Civil Code section 2782.

(b) Modification for Design Professional Services. To the extent this Agreement is for "design professional services" defined in California Civil Code section 2782.8, then Consultant's duties to defend and indemnify shall only apply to the extent provided for in California Civil Code section 2782.8(a), unless section 2782.8(a) is not applicable for one of the reasons set forth in 2782.8(e).

12. Insurance. Contractor shall procure and maintain insurance during the term of this Agreement in the amounts and under the terms set forth in Exhibit "B" against claims that may arise from or in connection with this Agreement and performance of the Services. Upon reasonable written notice, Contractor shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by City's Risk Manager.

13. Acceptance of Final Payment. Contractor's acceptance of final payment will release City from any and all claims and liabilities for compensation under this Agreement.

14. Acceptance of Work. City's acceptance of, or payment to Contractor for, the Services does not release Contractor from its responsibility for the accuracy, completeness, or competency of the Services, nor do the actions constitute an assumption of Contractor's responsibility or liability by City for any defect or error in the Services.

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15. Conflict of Interest. Contractor represents that no City employee or official has a financial interest in Contractor. Contractor shall not offer, encourage, or accept any financial interest in any part of Contractor's business by or from a City employee or official during the term of this Agreement or as a result of being awarded this Agreement. If any of the Services are paid by reimbursement from an agreement between City and a private party, Contractor represents that it has not performed any work for that private party during the 12-month period prior to the execution of this Agreement, and that it shall not negotiate, offer or accept any contract for services from that party during the term of this Agreement.

16. Economic Disclosure. Contractor shall comply with City's local conflict of interest code and the Political Reform Act, and prepare and file an economic disclosure statement if the Services involve making, or participation in making, decisions which may have a material effect on the Contractors' financial interest. While it is Contractor's sole responsibility to evaluate its conflicts of interest, the Contractor nevertheless agrees to prepare and file an economic disclosure statement if requested by City.

17. Non-Exclusive Agreement. This is a non-exclusive agreement. City reserves the right to provide, and to retain other Contractors to provide, services that are the same or similar to the Services described in this Agreement.

18. No Assignment. Contractor shall not assign or subcontract any of the Services without City's prior written consent. For the purposes of this section, a change of fifty-percent or more in the ownership or control of Contractor constitutes an assignment.

19. Remedies. All remedies permitted or available under this Agreement, or at law or in equity, are cumulative and alternative, and the invocation of a right or remedy will not be construed to waive or elect a remedy with respect to any other available right or remedy. As a condition precedent to commencing legal action involving a claim or dispute against City arising from this Agreement, the Contractor must present a written claim to City in accordance with Chapter 3.42 of the Livermore Municipal Code.

20. Construction of Language. The terms and conditions in this Agreement have been arrived at through negotiation and each party had a full and fair opportunity to review and revise this Agreement with legal counsel. Any ambiguity in this Agreement will not be resolved against either party as the drafting party. In the event of an inconsistency or conflict between the language in the body of the Agreement and an attachment hereto, the language in the body of the Agreement controls.

21. Entire Agreement; Modification. This Agreement supersedes all other agreements, whether oral or written, between the parties with respect to the Services. Any modification to this Agreement must be in writing and signed by both parties. In the event the original of this Agreement is lost or destroyed, an archival copy maintained by City can be used in place of the original for all purposes with the same effect as if it was the original.

22. Notice. Notices under this Agreement must be delivered to the addresses below by deposit in the United States mail or by overnight delivery service, with postage prepaid and delivery confirmation:

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TO CITY: Attention: Public Works Supervisor-Facilities
City of Livermore
3500 Robertson Park Road
Livermore, California 94550

TO CONTRACTOR: Attention: Mehdi Eskandar
Siemens Industry, Incl
25821 Industrial Blvd., Suite 300
Hayward, CA 94545

23. Waiver. Failure to insist upon the strict performance of any term or conditions in this Agreement, no matter how long the failure continues, is not a waiver of the term or condition and does not bar the right to subsequently demand strict performance. To be effective, a waiver must be in writing and signed by the non-breaching party.

24. Severability. If a court of competent jurisdiction determines a provision in this Agreement is invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired in any way.

25. Survival. The terms, conditions, and obligations in Sections 8, 9, 10, and 11 shall survive the completion or termination of this Agreement.

26. Electronic Signatures. By signing this document, you are agreeing that you have reviewed this disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

27. Counterparts. This Agreement may be executed and delivered in one or more counterparts, each of which will be deemed to be an original copy of this Agreement, and all of which, when taken together, will be deemed to constitute one and the same agreement. The facsimile, email, or other electronically delivered signatures of the Parties shall be deemed to constitute original signatures, and facsimile or electronic copies hereof shall be deemed to constitute duplicate originals and shall be valid and effective for all purposes.

****

Signatures and Attachment List on the Next Page

EXHIBIT A

In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have executed this Agreement, effective on the date first written above.

CONTRACTOR: **Dated:**

DocuSigned by:
Andrew Patton
7C3A3DB7DFF74C9...

3/1/2023 | 11:13 AM PST

By: Andrew Patton
Title: Fire Service Sales Manager

CITY OF LIVERMORE: **Dated:**

Marianna Marysheva
City Manager

APPROVED AS TO FORM:

DocuSigned by:
Tara Mazgani
245F8B35F34C457...

Assistant/City Attorney

APPROVED AS TO INSURANCE:

DocuSigned by:
Jas Sidhu
402630AA373F4CA...

Risk Manager/Analyst

Attachments:

Exhibit A – Scope of Work
Exhibit B – Insurance Requirements

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EXHIBIT A

SCOPE OF WORK

CONTRACTOR shall provide all the necessary labor, equipment, materials, supplies, and vehicles to perform the following services:

Burglar and Fire Alarm Monitoring Service
CONTRACTOR shall coordinate and administer off-site monitoring of burglar alarm, fire alarm and life safety system via CONTRACTOR or a third-party **UL** Listed Central Monitoring Station. The fire procedures used in monitoring are in accordance with NFPA 72 and local authorities and can only be altered by the Authority Having Jurisdiction. Daily system tests are standard in fire monitoring to ensure the communication path is operational.

Fire Alarm System Testing and/or Inspection During Business Hours Monday to Friday 8:00 AM to 5:00 PM
CONTRACTOR shall perform testing and/or inspection of the covered fire life systems identified in this agreement by certified specialists using testing protocols specified by NFPA that are required for the facility and according to the listed frequency periods. Necessary documentation detailing the results of the testing and inspection, including a list of deficiencies that are evident of being a potential fire and life safety compliance issue, shall be provided upon completion of the test.

Three (3) Quarterly NFPA25 sprinkler system inspections During Business Hours Monday to Friday
8:00 AM to 5:00 PM
CONTRACTOR shall perform the required quarterly inspection of the sprinkler system, using NFPA 25/ Title 19 recommended functional test frequencies and methods.

One (1) Annual NFPA25 Sprinkler testing and inspections During Business Hours Monday to Friday
8:00 AM to 5:00 PM
CONTRACTOR shall perform the required annual test and inspection of the sprinkler system, using NFPA 25/ Title 19 recommended functional test frequencies and methods. To complete the fire sprinkler inspection, CONTRACTOR must have access to all areas of the building the day of the inspection. Any return trips due to lack of access, shall be charged as additional cost. Any deficiencies and or repairs shall be noted and billed separately.

Emergency Onsite Response
Respond Onsite Within Next Business Day Monday to Friday
8:00 AM to 5:00 PM
Emergency Onsite Response shall be provided to reduce the costs and disruptions of downtime when an unexpected problem occurs. CONTRACTOR shall provide this service between scheduled service calls and respond onsite within the next business day, Monday to Friday, between 8:00 AM and 5:00 PM for critical emergencies conditions, upon receiving notification of an emergency. Critical emergencies are failures at a system or panel level that would result in the loss of the operation of an

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EXHIBIT A

SCOPE OF WORK

entire section of a building or place the facility at high risk. Non-emergency conditions are failures at an individual component level resulting in minimal impact to the overall operation of the facility. Non-emergency conditions may be incorporated into the next scheduled service call or earliest availability.

Written Report of All Services Performed
CONTRACTOR shall complete a service report for each visit detailing the purpose of the call and summarizing the work that was performed.

COMPENSATION:
Refer to specific rate tables on following pages.

Hourly rates for on-call work are subject to increase in line with any NJPA agreement rate increases. Pricing is based on performing fire alarm and sprinkler inspections in conjunction with one another. If the City requires the scope of work to be performed on separate visits, the pricing will be adjusted.

Holidays are defined as the following days: New Year's Day (January 1), Memorial Day (last Monday in May), Independence Day (July 4), Labor Day (first Monday in September), Thanksgiving Day (fourth Thursday in November), Day after Thanksgiving Day (fourth Friday in November), December 24, December 25, New Year's Eve (December 31).

No compensation shall be granted for travel time or parts procurement time.

Compensation for fixed price services (fire sprinkler testing and fire alarm testing) have been priced based on CONTRACTOR being able to perform work at multiple buildings in succession and that they are provided access by City in a timely manner.

EXHIBIT A

SCOPE OF WORK

Fire Alarm Testing	2023	2024
AIRWAY PUMP STATION: 930 Airway Blvd (no monitoring)	$ 599.81	$ 632.80
ALTAMONT PUMP STATION: 8638 Patterson Rd (8756 Patterson Pass Road)	$ 573.69	$ 605.25
CIVIC CENTER MEETING HALL-1016 S. Livermore Ave	$ 1,315.02	$ 1,387.35
LIVERMORE MAINTENANCE SERVICE CENTER-3500 Robertson Park Rd.	$ 3,271.71	$ 3,451.65
LABORATORY BUILDING	$ 1,366.04	$ 1,441.17
LAVWMA PUMP STATION	$ 573.69	$ 605.25
AIRPORT ADMINISTRATION BUILDING-680 Terminal Circle	$ 1,310.16	$ 1,382.22
AIRPORT BUILDING N10-299 W. Jack London	$ 948.13	$ 1,000.28
AIRPORT ELECTRICAL VAULT-636 Terminal Circle	$ 434.00	$ 457.87
AIRPORT HANGER S1-636 Terminal Circle	$ 434.00	$ 457.87
AIRPORT HANGER S2-636 Terminal Circle	$ 3,605.56	$ 3,803.87
CITY HALL-1052 S. Livermore	$ 2,136.64	$ 2,254.15
FIRE STATION #6-4550 East St.	$ 1,635.87	$ 1,725.84
FIRE STATION #7-951 Rincon Ave.	$ 1,041.61	$ 1,098.90
FIRE STATION #8-5750 Scenic Ave.	$ 918.08	$ 968.58
FIRE STATION #9-1919 Cordoba Street	$ 1,310.16	$ 1,382.22
FIRE STATION #10-330 Airway Ave.	$ 594.26	$ 626.94
GOLF COURSE-909 Clubhouse Drive	$ 1,529.02	$ 1,613.12
LIBRARY CIVIC CENTER-1188 S. Livermore Ave.	$ 8,279.44	$ 8,734.81
LIBRARY RINCON-725 Rincon Ave.	$ 434.00	$ 457.87
LIBRARY SPRINGTOWN-998 Bluebell Drive	$ 434.00	$ 457.87
MULTI-SERVICE CENTER-3311 Pacific Ave.	$ 2,149.97	$ 2,268.22
POLICE DEPARTMENT-1110 S. Livermore	$ 1,669.25	$ 1,761.05
VALLEY CENTER PARKING-2350 Railroad Ave.	$ 1,609.15	$ 1,697.65
OAKVILLE PUMP STATION: 6145 Oakville Lane (no monitoring)	$ 599.81	$ 632.80
RAILROAD DEPOT-2500 Railroad Avenue	$ 1,324.95	$ 1,397.82
I STREET GARAGE-175 I street	$ 1,026.00	$ 1,082.43
VASCO PUMP STATION: 6186 Northfront Rd	$ 573.69	$ 605.25
WATER BUILDING	$ 1,366.04	$ 1,441.17
WATER RESOURCES ADMIN BUILDING-101 W. Jack London Blvd	$ 2,070.12	$ 2,183.98
Fire Alarm Testing Annual Cost	**$ 45,133.88**	**$ 47,616.25**

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EXHIBIT A

SCOPE OF WORK

Alarm Monitoring	2023	2024
AIRPORT ADMINISTRATION BUILDING-680 Terminal Circle	$737.98	$756.43
AIRPORT ELECTRICAL VAULT F/S	$626.17	$641.83
AIRPORT HANGARS NORTH 10 F/S	$1,265.15	$1,296.78
AIRPORT HANGARS SOUTH 2 - 13 F/S	$626.17	$641.83
AIRPORT SOUTH HANGAR S1	$626.17	$641.83
ALTAMONT PUMP STATION: 8638 Patterson Rd(8756 Patterson Pass Road) (not UL-Listed)	$434.17	$445.02
CITY HALL BURG	$599.63	$614.62
CITY HALL FIRE	$626.17	$641.83
CIVIC CENTER MEETING HALL FIRE-1016 S. Livermore	$737.98	$756.43
CIVIC CENTER MEETING HALL BURG- 1016 S. Livermore	$1,000.14	$1,025.14
COMMUNICATIONS TOWER	$434.17	$445.02
COUNCIL CHAMBERS FIRE	$626.17	$641.83
FIRE STATION #6 FIRE	$626.17	$641.83
FIRE STATION #7 FIRE	$434.17	$445.02
FIRE STATION #8 FIRE	$626.17	$641.83
FIRE STATION #9 FIRE	$737.98	$756.43
FIRESTATION #10 FIRE	$626.17	$641.83
LAS POSITAS GOLF COURSE FIRE	$626.17	$641.83
LAS POSITAS GOLF COURSE MAINT BURG	$599.63	$614.62
LAS POSITAS GOLF PRO SHOP FIRE	$626.17	$641.83
LAVWMA PUMP STATION (not UL-Listed)	$434.17	$445.02
MAIN TERMINAL BURG	$599.63	$614.62
MAINTENANCE SERVICE CENTER BURG	$599.63	$614.62
MAINTENANCE SERVICE CENTER FIRE	$626.17	$641.83
MAINTENANCE SERVICE CENTER FIRE BUILDING 3	$626.17	$641.83
MULTI SERVICE CENTER BURG	$599.63	$614.62
MULTI SERVICE CENTER FIRE	$626.17	$641.83
PARKING GARAGE FIRE	$626.17	$641.83
POLICE DEPARTMENT BURG	$599.63	$614.62
POLICE DEPARTMENT FIRE	$626.17	$641.83
RAILROAD DEPOT-2500 RAILROAD AVENUE	$737.98	$756.43
I STREET PARKING GARAGE-175 I Street	$1,265.15	$1,296.78
LIBRARY CIVIC CENTER BURG	$599.63	$614.62
LIBRARY CIVIC CENTER FIRE	$626.17	$641.83
LIBRARY RINCON BURG	$599.63	$614.62
LIBRARY RINCON FIRE	$626.17	$641.83
LIBRARY SPRINGTOWN BURG	$599.63	$614.62
LIBRARY SPRINGTOWN FIRE	$434.17	$445.02
TREVARNO PUMP STATION	$434.17	$445.02
VASCO PUMP STATION: 6186 Northfront Rd (not UL-Listed)	$434.17	$445.02
WATER RESOURCE BUILDING: 101 W. Jack London Blvd (not UL-Listed)	$434.17	$445.02
Alarm Monitoring Annual Cost	**$ 25,997.27**	**$ 26,647.20**

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EXHIBIT A

SCOPE OF WORK

Fire Sprinkler Testing

5-Year Certification Tests are included for buildings with price listed in bold font

The 5 year sprinkler certification is required every 5 years as per NFPA25/title 19 fire protection code.

	2023	2024
AIRPORT ADMINISTRATION BUILDING (new, 680 Terminal Circle)	$ 2,096.28	**$4,290.43**
AIRPORT ADMINISTRATION BUILDING AND HANGARS (old, 636 Terminal Circle)	$ 13,195.11	**$40,898.84**
AIRWAY PUMP STATION: 930 Airway Blvd	**$ 1,354.24**	$790.87
ALTAMONT AIRWAY PUMP STATION-8638 Patterson Rd	**$ 1,354.24**	$790.87
DOOLAN COMMUNICATION TOWER (Fire Suppression System, 3801 Doolan Road)	**$ 2,188.55**	$1,278.09
LABORATORY BUILDING	**$ 3,280.64**	$1,915.87
LAVWMA PUMP STATION	**$ 1,354.24**	$790.87
OAKVILLE PUMP STATION: 6145 Oakville Lane	**$ 1,354.24**	$790.87
VASCO PUMP STATION: 6186 Northfront Rd	**$ 1,354.24**	$790.87
WATER BUILDING	**$ 3,665.70**	$2,194.26
WATER RESOURCES BUILDING-101 W. Jack London Blvd	**$ 3,757.07**	$2,248.95
FIRE STATION #6	**$ 2,654.07**	$1,043.48
FIRE STATION #7	**$ 2,654.07**	$1,043.48
FIRE STATION #8	**$ 2,654.07**	$1,043.48
FIRE STATION #9	$ 2,096.28	**$4,211.26**
FIRE STATION #10	**$ 2,654.07**	$1,043.48
POLICE STATION	**$ 5,308.15**	$2,086.96
LIBRARY CIVIC CENTER-1188 S. LIVERMORE	**$ 5,308.15**	$2,086.96
LIBRARY RINCON	**$ 5,308.15**	$2,086.96
CITY HALL- 1052 S. LIVERMORE	**$ 3,981.11**	$1,565.22
COUNCIL CHAMBERS	**$ 2,654.07**	$1,043.48
MAINTENANCE SERVICE YARD (COMPRISED OF 9 SEPARATE BUILDINGS)	**$ 23,886.65**	$9,391.29
PARKING GARAGE	**$ 5,308.15**	$2,086.96
CIVIC CENTER MEETING HALL-1016 S. Livermore	$ 2,457.28	$2,518.71
RAILROAD DEPOT	$ 2,509.51	$2,572.24
I STREET GARAGE- 175 I STREET	$ 1,827.00	$1,872.68
Sprinkler Service Annual Cost	**$ 106,215.29**	**$ 92,477.41**

	2023	2024
TOTAL ANNUAL COST FOR ROUTINE SERVICE	**$ 177,346.45**	**$ 166,740.86**

The prices listed under sprinkler inspections in bold font include the 5 year certification test that is due for those specific buildings in that year. All proposed costs above are based on performing fire alarm and sprinkler inspections in conjunction of one another. If the City requires the SOW (scope of work) to be performed on separate visits, pricing will need to be adjusted to account for fire alarm technician at FACP for all of the buildings which will increase the overall cost. Scope is per NFPA72 & NFPA25/ title 19 requirements and testing methods. **Pricing will need to be updated with Sourcewell rates should they change throughout the 2 year term of this agreement. Above listed price per building/service is a rough breakdowns per customer's request. Pricing adjustments will be needed should the total scope of services/buildings change. Pricing is also based on the Airport providing adequate personnel to open all of the hangers during inspections. Any delays in excess of 15 mins may need to be billed on a change order.**

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EXHIBIT A

SCOPE OF WORK

RATES FOR ADDITONAL MAINTENANCE WORK		
FIRE TECH HOURLY RATES FOR ADDITIONAL WORK	**2023**	**2024**
Regular Time	$ 180.00	$ 180.00
After-Hours (Mon-Fri 8AM-5PM & Sat 8AM-5PM)	$ 270.60	$ 270.60
Sundays/Holidays (Double Time)	$ 360.80	$ 360.80
FIRE PROJECT MANAGEMENT HOURLY RATES FOR ADDITIONAL WORK		
Regular Time	$ 215.32	$ 215.32
After-Hours (Mon-Fri 8AM-5PM & Sat 8AM-5PM)	$ 322.98	$ 322.98
Sundays/Holidays (Double Time)	$ 430.65	$ 430.65
SPRINKLER FITTER HOURLY RATES FOR ADDITIONAL WORK		
Regular Time	$ 243.56	$ 243.56
After-Hours (Mon-Fri 8AM-5PM & Sat 8AM-5PM)	$ 365.34	$ 365.34
Sundays/Holidays (Double Time)	$ 487.12	$ 487.12
SECURITY TECH HOURLY RATES FOR ADDITIONAL WORK		
Regular Time	$ 188.55	$ 188.55
After-Hours (Mon-Fri 8AM-5PM & Sat 8AM-5PM)	$ 282.82	$ 282.82
Sundays/Holidays (Double Time)	$ 377.09	$ 377.09
SECURITY PROJECT MANAGEMENT TECH HOURLY RATES FOR ADDITIONAL WORK		
Regular Time	$ 218.81	$ 218.81
After-Hours (Mon-Fri 8AM-5PM & Sat 8AM-5PM)	$ 328.22	$ 328.22
Sundays/Holidays (Double Time)	$ 437.62	$ 437.62
HVAC TECH HOURLY RATES FOR ADDITIONAL WORK		
Regular Time	$ 250.23	$ 250.23
After-Hours (Mon-Fri 8AM-5PM & Sat 8AM-5PM)	$ 375.35	$ 375.35
Sundays/Holidays (Double Time)	$ 500.46	$ 500.46

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EXHIBIT B

INSURANCE REQUIREMENTS

Minimum Scope and Limits of Insurance

Consultant/Contractor shall maintain limits no less than:

1. Commercial General Liability, including operations, products and completed operations, as applicable:
   $2,000,000 per occurrence/**$4,000,000** aggregate for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Automobile Liability:
   $1,000,000 per accident for bodily injury and property damage.
3. Workers' Compensation and Employer's Liability:
   Statutory limits as required by the State of California including **$1,000,000** Employers' Liability per accident, per employee for bodily injury or disease. A waiver of subrogation is required for Workers' Compensation insurance. If Consultant/Contractor is a sole proprietor, then they must sign "Contractor Release of Liability".

Deductibles and Self-Insured Retention

All self-insured retentions (SIR) must be disclosed to Risk Management for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide, or be endorsed to provide, that the SIR may be satisfied by either the named insured or the City of Livermore. The City of Livermore reserves the right to obtain a full certified copy of any insurance policy and endorsements. Failure to exercise this right shall not constitute a waiver of right to exercise later.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII and accepted to do business in the State of California, unless otherwise acceptable to the City of Livermore.

Other Insurance Provisions

The general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Livermore, its officers, officials, employees, and designated volunteers are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the Consultant/Contractor; or automobiles owned, leased, hired or borrowed by the Consultant/Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, or volunteers.

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2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. The additional insured coverage under the Consultant's/Contractor's policy shall be primary and non-contributory and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as ISO Form CG 20 10 04 13. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City of Livermore before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.
3. Any failure to comply with reporting or other provisions of the policy, including breaches of warranties, shall not affect coverage provided to the City of Livermore, its officers, officials, employees, or volunteers.
4. The Consultant's/Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party before expiration of the policy unless notice is delivered in accordance with policy provisions.
6. It shall be a requirement under this agreement that any available insurance proceeds broader than, or in excess of, the specified minimum insurance coverage requirements and/or limits shall be available to the additional insured. Furthermore, the requirements for coverage and limits shall be (1) the minimum coverage and limits specified in this agreement; or (2) the broader coverage and maximum limits of coverage of any insurance policy or proceeds available to the named Insured; whichever is greater.
7. Certificate Holder section of the insurance certificate should read: City of Livermore, 1052 S. Livermore Avenue, Livermore, CA 94550

Verification of Coverage

Consultant/Contractor shall furnish certificates of insurance and endorsement(s) effecting coverage to the City of Livermore for approval. The endorsements shall be on forms acceptable to the City of Livermore. All certificates and endorsements are to be received and approved by the City of Livermore before work commences. The City of Livermore reserves the right to require complete and certified copies of all insurance policies required by this Agreement.

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.6**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution authorizing execution of a license agreement with Trilateral LLC that will allow the public to park in the parking lot of the former Bank of the West building at 2287 Second Street.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a license agreement with Trilateral LLC to allow the public to park in the parking lot located at 2287 Second Street. The term of the agreement is April 1, 2023 to March 31, 2028.

SUMMARY

Trilateral LLC is the new owner of the property at 2287 Second Street which contains the former Bank of the West building and a parking lot with 27 spaces. This license agreement will allow the public to share this parking lot with the new occupants of the building. The City will pay Trilateral LLC $100 per month for every parking space in the parking lot. The agreement allows the City to modify the parking lot to increase the number of parking spaces to 50. Attachment 1 shows the location of the property and Attachment 2 displays the layout of the modified parking lot. During business hours Monday through Friday, from 8:00 a.m. to 5:00 p.m., half of the spaces will be reserved for the new occupants of the building and half of the spaces will be available for the public. Outside of business hours, all of the spaces will be available for the public. This agreement begins on April 1, 2023, and will terminate after five years on March 31, 2028, unless extended by both parties.

DISCUSSION

On January 30, 2018, the City Council approved the downtown core development plan and directed staff to maintain the existing parking supply during all phases of downtown development. This lease agreement with Trilateral LLC will provide additional public parking during major downtown development activities such as the construction of the L Street Garage, the expansion of Blacksmith Square, and construction of Eden Housing. These development activities will temporarily displace parking. The lease agreement with Trilateral LLC will provide up to 50 public parking spaces during peak demand on nights and the weekend. Attachment 1 shows the location of the Trilateral LLC property. These parking spaces

are south of First Street in an area that currently has limited public parking at night and on the weekends. The I Street Garage is now open north of the movie theater; however, this location is further from the businesses south of First Street.

This lease agreement with Trilateral allows the public to share the parking spaces in the former Bank of the West parking lot at 2287 Second Street beginning April 1, 2023. There are currently 27 spaces in the parking lot. During business hours, Monday through Friday 8:00 a.m. to 5:00 p.m., 14 spaces will be reserved for the new occupants of the building. The remaining 13 spaces will be available for the public during business hours. Outside business hours, all of the spaces will be available for the public. The City will pay $100 per space, per month or $2,700 per month for the 27 spaces.

The lease agreement allows the City to modify the parking lot to increase the number of parking spaces as shown in Attachment 2. This work will be done as part of Downtown Surface Parking Project 2021-20 and will consist of demolishing the drive through ATM, installing some new lights, minor landscape modifications, and relocating some Americans with Disabilities Act (ADA) parking spaces. The work is planned for late summer or fall of this year and will increase the number of parking spaces to 50. These parking spaces will be shared equally between the public and the new occupants of the building during business hours. All 50 spaces will be available for the public outside of business hours. The City will pay $100 per space per month or $5,000 per month for the 50 spaces.

The agreement will commence on April 1, 2023, and will extend five years through March 31, 2028. If agreed by both parties, the agreement can be extended.

ENVIRONMENTAL DETERMINATION

Entering into the license agreement is not a “project” as defined in CEQA Guidelines Section 15378 since it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. However, even if it were considered a "project" it would be exempt from CEQA under Guidelines Section 15301 (Existing Facilities) in that any improvements permitted under the license agreement would constitute a minor alteration of an existing facility involving negligible or no expansion of existing or former use.

FISCAL AND ADMINISTRATIVE IMPACTS

Monthly payments for this lease agreement will begin at $2,700 and increase to $5,000 when all 50 spaces are available. It will cost an estimated $250,000 to expand the parking lot to 50 spaces. Costs associated with the parking lease agreement and the parking lot improvements are included in the budget for Downtown Surface Parking Project 2021-20 in the 2021-2023 Capital Improvement Plan. The project is funded with General Funds (Fund 001) and Parking in Lieu Fees (Fund 335). The City will maintain the parking lot during the term of the lease. Operation and maintenance costs of $20,000 per year are estimated for the parking lot. These costs will be funded from the operating budget with Facilities Rehabilitation Program Fees (Fund 740).

ATTACHMENTS

1. Location Map
2. Expanded Parking Lot
3. Resolution

4. Exhibit A - Trilateral LLC License Agreement

Prepared by: Joel Waxdeck
Assistant City Engineer

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:

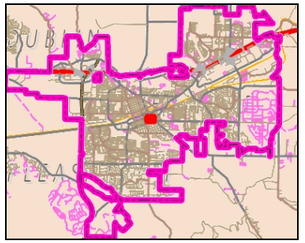


Tina Olson
Administrative Services Director

LIVERMORE CALIFORNIA

2287 Second Street Site Map





Legend

- City Limits
- AddressPt (0-1250)
  - No
  - Yes
- Street Names (0-2500)
- Golf Labels
- Creeks
- Public Facilities 0-4500)
- Park Names (0-4500)
- School Names (0-4500)
- Parcels

1: 823

137.2 0 68.60 137.2 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
Information Technologies, GIS Division, City of Livermore

Date Printed: 2/10/2023

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. The City of Livermore is not responsible for misuse or errors or omissions on this map. All information should be confirmed.

Notes



			PARKING LOT LAYOUT	CITY OF LIVERMORE	
				Dwn: EP	Date: 6/30/21
				Ckd: JW	Scale: 1"=40'
				City Engineer	
Date	By	Rev.			No.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LICENSE AGREEMENT WITH TRILATERAL LLC TO ALLOW THE PUBLIC TO PARK IN THE PARKING LOT LOCATED AT 2287 SECOND STREET

Trilateral LLC is the property owner of real property, located at 2287 Second Street, which contains the former Bank of the West building and a parking lot with 27 spaces. Pursuant to the terms of a license agreement between Trilateral LLC and the City of Livermore ("City"), attached hereto as Exhibit A, Trilateral LLC will allow the public to share use of the parking lot with the new occupants of the building. The City will pay Trilateral LLC $100 per month for joint use of the parking lot. The license agreement allows the City to modify the parking lot to increase the number of parking spaces to 50. During regular business hours, from 8:00a.m. to 5:00p.m., Monday through Friday, half of the spaces will be reserved for the new occupants of the building, and half of the spaces will be available for the public. Outside of business hours, all parking spaces will be available for the public. The license agreement commences on April 1, 2023, and will terminate after five years, on March 31, 2028, unless extended in writing by both parties.

Entering into the license agreement is not a "project" under CEQA Guidelines Section 15378 since it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if it were considered a "project" under CEQA, it would be exempt under Guidelines Section 15301 (Existing Facilities) in that any improvements permitted under the license agreement would constitute a minor alteration of an existing facility involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that entering into the license agreement is not a "project" as defined in CEQA Guidelines Section 15378. Alternatively, if it were considered a "project" under CEQA, it would be exempt under Guidelines Section 15301 (Existing Facilities).

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Livermore hereby adopts a resolution authorizing the City Manager to execute a license agreement with Trilateral LLC, attached hereto as Exhibit A, to allow the public to park in the parking lot of the former Bank of the West building located at 2287 Second Street.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – Trilateral LLC License Agreement

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LICENSE AGREEMENT
(Parking)

This License Agreement ("**Agreement**") is dated, _____ 2023, for reference purposes only, and is made by and between Trilateral LLC ("**Licensor**") and the City of Livermore ("**Licensee**").

RECITALS

A. Licensor is the owner of certain real property in the City of Livermore, California ("**Trilateral Property**") commonly known as 2287 Second Street, Livermore, California. The Trilateral Property is improved with an approximate 7,676 square foot bank building, a drive through structure, and parking areas. At the time this Agreement is entered into, a portion of the Trilateral Property is improved with twenty-seven (27) paved parking spaces.

B. The drive through structure located on the Trilateral Property shall be removed by Licensee in order to create twenty-three (23) additional paved parking spaces, for a total of fifty (50) paved parking spaces.

C. Licensee desires to obtain an exclusive license from Licensor for the use of fifty (50) paved parking spaces on the Trilateral Property, and Licensor is willing to grant a license to Licensee, subject to the terms and conditions of this Agreement.

D. These Recitals shall be incorporated into and made a part of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, and other good and valuable consideration, the receipt of which and sufficiency of which is hereby acknowledged, Licensor and Licensee hereby agree as follows:

1. Grant of License. Subject to the terms and conditions of this Agreement, Licensor hereby grants to Licensee a license to use fifty (50) paved parking spaces for public parking on the Trilateral Property ("**Trilateral Parking Area**") as shown on the diagram attached hereto and incorporated by reference as **Exhibit A**.

2. Improvements. Licensee shall be solely responsible for the Improvements necessary to install 50 paved parking spaces on the Trilateral Parking Area. "Improvements" shall include, but not be limited to, the demolition of the existing drive through area, the restriping and relocation of landscape areas, the addition of lighting, the connections to existing electrical lines and irrigation lines, the relocation of ADA spaces and similar work necessary to install the paved parking spaces as set forth in Exhibit A. During the construction of the Improvements, the number of available parking spaces may fluctuate due to construction activities.

3. Conditions of Use. Prior to the Improvements being constructed and during the course of construction, Monday through Friday, from 8:00a.m. to 5:00p.m., approximately half of the available paved parking spaces (approx. 14 spaces) will be reserved for private use by the building tenants only. The remaining available paved parking spaces (approx. 13 spaces) will be reserved for use by the public. Following completion of the Improvements, Monday through Friday, from 8:00 a.m. to 5:00 p.m., the

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twenty-five (25) paved parking spaces closest to the bank building entrance shall be reserved for private use by the building tenants only; the other twenty-five (25) paved parking spaces shall be available for use by the public. After 5:00 p.m. on weekdays, and on weekends, all fifty (50) paved parking spaces shall be available for use by the public. The City of Livermore shall install signs to make these conditions and time limitations clear to the public.

Licensee shall designate the parking spaces reserved for use by the building tenants and the public on the site plan for the Trilateral Parking Area, subject to approval by Licensor. Such approval shall not be unreasonably withheld.

4. Term of License Agreement. Except as otherwise provided herein, the term of the License ("**Term**") shall commence on April 1, 2023, and shall terminate on March 31, 2028. If Licensor and Licensee agree to extend the Term of this Agreement (without any obligation to do so), any such extension shall be in writing and signed by Licensor and Licensee in order to be effective.

5. Monthly Payments. In consideration of the grant of the License, Licensee agrees to pay Licensor the sum of Two Thousand Seven Hundred and No/100 Dollars ($2700), per month, beginning the first month after the agreement is signed by both parties, until the Improvements identified in Exhibit A are constructed. Upon completion of the Improvements, or by January 1, 2024, whichever is earlier, the Licensee agrees to pay Licensor the sum of Five Thousand and No/100 Dollars ($5,000) per month during the remaining Term of this Agreement ("**Monthly Payment**") payable by the first (1st) business day of each month and prorated for any partial month. Monthly Payments shall be made payable to Licensor and shall be payable at the Licensor address set forth in Section 18 of this Agreement. If the Monthly Payment is not received by the fifth (5th) day of the month, then a late fee of Two Hundred and No/100 Dollars ($200.00) shall be due and payable. If Licensor provides the appropriate banking information to Licensee, Licensee may, but shall not be required to, make the Monthly Payment by electronic transfer directly into Licensor's bank account.

6. Operation of Trilateral Parking Area. During the Term of this Agreement, Licensee, at Licensee's expense, shall be responsible for the operation, maintenance and repair of the Trilateral Parking Area in compliance with this Agreement and all applicable laws. Licensee shall be responsible to pay for all operating, maintenance and repair expenses relating to the Trilateral Parking Area. During the Term of this Agreement, Licensee shall be responsible for any damages caused by the use of the paved parking spaces in the Trilateral Parking Area by Licensee or Licensee's agents, employees, representatives or invitees in accordance with Section 3 of this Agreement. Licensor shall be responsible for any damages caused by the use of the paved parking spaces in the Trilateral Parking Area by Licensor or Licensor's agents, employees, representatives or invitees in accordance with Section 3 of this Agreement. Licensor shall also be solely responsible for the maintenance of all landscaping and lighting in the Trilateral Parking Area, including but not limited to landscape water usage and lighting and electricity usage.

7. Condition of Property; Improvements; Legal Compliance.

(a) Licensee acknowledges and agrees that for purposes of the public parking uses to be conducted on the Trilateral Parking Area under this Agreement: (i) the Licensee and the general public are entering on the Trilateral Parking Area at their own risk; (ii) the Licensee and the general public are accepting and entering upon the Trilateral Parking Area in its presently existing condition, "AS IS," with all faults; (iii) Licensor has made no representations regarding the safety or suitability of the Trilateral Parking Area for the proposed use and has no obligation to improve, alter, secure or make safe the Trilateral Parking Area for purposes of the proposed use or to correct any unsafe or other conditions existing on any portion of the Trilateral Parking Area; and (iv) Licensor shall have no liability or obligation to Licensee or

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to the public for any injury to persons (including death or disease) or damage to property arising in the course of the use of the Trilateral Parking Area as a result of any physical conditions existing on the Trilateral Parking Area, except for injuries or damage to property arising in the course of Licensor or Licensor's agents, employees, representatives or invitees use of up to the twenty-five (25) parking spaces designated for private use by building tenants, Monday through Friday, from 8:00a.m. to 5:00 p.m. Licensee shall not have to restore the premises to its original condition but at the end of the term shall abide by all the terms in this agreement.

(b) No later than 72 hours prior to the commencement of construction of the Improvements, Licensee shall notify Licensor that construction will be commenced. Licensee shall coordinate with Licensor prior to making any modifications to the existing landscaping and lighting system, other than those Improvements permitted under Section 2 of this Agreement. The parties acknowledge that construction of the Improvements may impact the use of a portion, or all, of the Trilateral Parking Area and may result in noise and vibration. To the extent feasible, Licensee shall take reasonable measures to maintain building tenant parking during construction and to minimize noise and vibration generated by construction activities. However, Licensor acknowledges that there may be certain dates where most or all of the lot is closed during construction for activities such as restriping.

(c) Throughout the term of this Agreement, Licensee shall maintain the Trilateral Parking Area in a clean condition, free of debris. Licensee shall maintain the adjoining public street areas, free of any dirt or construction debris attributable to the Trilateral Parking Area or to the vehicles and equipment using the Trilateral Parking Area. Licensee shall also have the right to construct, at Licensee's sole cost, the fifty (50) designated paved parking spaces, including the demolition of the drive-through structure, resurfacing and restriping of the parking lot, and any other improvements deemed necessary. The Improvements shall be constructed by Licensee in a workmanlike and professional manner, in accordance with all applicable laws and requirements and in accordance with plans and specifications approved in writing by Licensor (which approval shall not be unreasonably withheld, delayed or conditioned). Licensee shall not be required to maintain any landscape, walkways, medians, lighting or similar improvements near or adjacent to the 50 paved parking spaces in the Trilateral Parking Area.

(d) If any permits, licenses or other approvals are required under applicable law to be obtained from any governmental authority in connection with the construction of improvements and/or use of the Trilateral Parking Area by Licensee, Licensee shall be solely responsible for obtaining such permits, licenses or other approvals at its sole cost.

(e) Licensee shall keep the Trilateral Parking Area free and clear from any and all liens arising out of or in connection with the construction of any temporary improvements or any other work performed by Licensee or Licensee's contractors on or about the Trilateral Parking Area. If any lien is filed or asserted against the Property based on Licensee's use of the Trilateral Parking Area, Licensee shall promptly (and in all events within 20 days after receiving notice that such lien has been filed) take all actions necessary to discharge such lien. If Licensee fails to discharge any such lien in a timely manner, Licensor shall have the right, but not the obligation, to expend all sums reasonably necessary to discharge the lien and Licensee shall reimburse Licensor, within 10 days after written demand by Licensor, for all sums expended by Licensor in discharging the lien, including, without limitation, attorneys' fees, plus interest on such sums from the date expended by Licensor until reimbursed by Licensee at the maximum interest rate permitted under California law.

8. Licensee Insurance. The City of Livermore is self-insured for General and Auto Liability up to a self-insured retention (SIR) of $750,000 and for Workers' Compensation up to an SIR of $500,000. The City is a member of California Joint Powers Risk Management Authority (CJPRMA), an excess

insurance pool for General and Auto Liability, and of Local Agency Workers' Compensation Excess (LAWCX), an excess insurance pool for Workers' Compensation for claims that exceed the SIR.

Copies of Memoranda of Coverage with the insurance pools or certificates of insurance are available upon request.

9. Effective Waiver. No waiver by a party of any provision in this Agreement shall be considered a waiver of any other provision or any subsequent breach of the same or any other provision including the time for performance of any such provision. The exercise by a party of any remedy provided in this Agreement or at law shall not prevent the exercise by that party of any other remedy provided in this Agreement or at law.

10. Amendments. This Agreement may be amended at any time and from time to time, but any amendment shall be in writing and signed by both Licensee and Licensor.

11. Governing Law. This Agreement is executed and intended to be performed in the State of California, and the laws of that state shall govern its interpretation and effect. In the event of any litigation or legal proceedings concerning this Agreement, venue shall be in Alameda County.

12. Severability. If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the rest of the Agreement shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

13. Entire Agreement. This instrument contains the entire agreement of the parties relating to the rights granted and obligations assumed in this instrument. Any oral representations or modifications concerning this instrument shall be of no force or effect unless contained in a subsequent written modification signed by the party to be charged. There are no third-party beneficiaries of this Agreement.

14. Duty to Implement This Agreement. Each party hereto will execute and deliver any and all additional instruments and documents, and perform such further acts, as may be reasonably necessary to make effective the terms and conditions of this Agreement.

15. Legal Expenses. In the event of any action at law or in equity, including an action for declaratory relief, between the parties arising from or in connection with this Agreement, then the prevailing party ("**Prevailing Party**") in such action shall be entitled to recover from the other party a reasonable sum as attorneys' fees and costs plus interest at the maximum rate allowed by the law from the date any payment should have been paid until the time at which it is paid. The Prevailing Party shall be determined in accordance with Civil Code Section 1717(b)(1) or any successor statute.

16. Time of Essence. Time is of the essence of each and every provision of this Agreement.

17. Authority. Each person signing this Agreement on behalf of either Licensor or Licensee warrants and represents to Licensor and Licensee, as applicable, that such person is duly and fully authorized to enter into this Agreement on behalf of such entity, that this Agreement will be binding upon such entity and that the execution of this Agreement has been approved and ratified as required by the organizational documents of such entity**.**

18. Notice. All notices, requests and demands to be made hereunder to the parties hereto shall be made in writing to the addresses set forth below and shall be given by any of the following means: (a) personal service, (b) Federal Express or other nationally recognized courier or delivery service with

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guaranteed overnight delivery, or (c) by FAX or electronic transmission. Such addresses may be changed by notice to the other parties given in the same manner as provided above. Any notice, demand or request sent in the manner described herein shall be deemed received upon the actual delivery thereof. Refusal to accept delivery of any notice, request or demand shall be deemed to be delivery thereof.

To Licensor: Trilateral LLC
c/o Charles Hahn
58 Live Oak Drive
Danville, California 94506
Phone: (510) 695-0674
E-Mail: hahncharles@gmail.com

To Licensee: City of Livermore
c/o Bob Vinn, City Engineer
1052 South Livermore Avenue
Livermore, CA 94550
Phone : (925) 960-4500
E-Mail: bgvinn@cityoflivermore.net

IN WITNESS WHEREOF, Licensor and Licensee have executed this License Agreement per below:

LICENSOR:

Trilateral LLC

By: DocuSigned by: C20EF7E331C1474... _____

Name Printed: Alex Hahn

Title: Owner & Principal

Date: 2/7/2023 | 4:22 PM PST

LICENSEE:

City of Livermore

By: _____

Name Printed: _____

Title: _____

Date: _____

Approved as to Form: DocuSigned by: Kimberly Cilley 70AABF2D2EAC450... _____

Name Printed: Kimberly Cilley

Title: Senior Assistant City Attorney

DocuSign Envelope ID: 7F3C7903-0CE3-4480-ABF9-8E8AB32232FC

EXHIBIT A



			EXHIBIT A PARKING LOT LAYOUT	CITY OF LIVERMORE	
				Dwn: EP	Date: 6/30/21
				Ckd: JW	Scale: 1"=40'
Date	By	Rev.		City Engineer	

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.7**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Tina Olson, Administrative Services Director

SUBJECT: Resolution authorizing the City Manager to execute an agreement with CR Consulting for Organizational Change Management services in preparation of implementing an Enterprise Resource Planning system to ensure organizational acceptance and readiness of process and system changes in an amount not-to-exceed $200,000.

RECOMMENDED ACTION

Staff recommends that City Council adopt a resolution authorizing the City Manager to execute an agreement with CR Consulting for Organization Change Management (OCM) professional services in helping the City prepare for the implementation of an Enterprise Resource Planning system (ERP) to replace the City of Livermore's dated financial and human resources system in an amount not-to-exceed $200,000.

SUMMARY

The City of Livermore currently uses Central Square's FinancePLUS software for financial and human resources needs and CommunityPLUS software for utility billing and receipting. The current software is over 22 years old and is approaching its end of life. The City recently contracted with Tyler Technologies for a new ERP software solution to replace Central Square and help automate and better manage business processes across finance and human resources operations. During the transition, the City will need the services of a professional Change Management expert to prepare staff for the upcoming changes in procedures and technology. City staff interviewed several providers for Organization Change Management (OCM) services and found CR Consulting to be best aligned with City needs and is recommending that an agreement be reached with them.

DISCUSSION

The City's current finance and human resources software was originally purchased in 1999 and went live in 2000. Over the 22 years of using this software, the City procedures and policies have been developed to support the system being used. The new ERP system will bring radical changes and therefore, both procedures and several policies may need to be updated.

The new ERP system will include several modules that will be implemented over the next two to three years. The table below outlines major highlights on anticipated changes associated with these modules.

MODULE	CURRENT STATUS	ANTICIPATED CHANGES	STAFF IMPACTED
Payroll	· Paper timesheets · Manual signatures & approvals · Manual input in system · Use of paper forms for all changes · Manual calculations of Family and Medical Leave Act (FMLA) and Fair Labor Standard Act (FLSA) for affected employees	· Electronic timesheets · Approvals using system workflows · Automatic entry for processing · Automatic calculations · Self-service portal for employee originated changes · Paycheck simulator	All Employees, Departments and Finance
Human Resources	· Manual onboarding process · Lengthy personnel action form process · No tracking of reviews, certifications, and training etc. in system	· Automated personnel action process · Track reviews, certifications, and training etc. in the system · Set up performance goals	All Employees, Departments and Human Resources
Procurement including Purchase orders, Contract Management and Account Payables	· Paper requisitions with manual approvals · Manual input and budget check · No ability to attach backup documentation · No ability to track purchases · Manual input & approval of claims · Many steps for ensure accurate account coding · Manual vendors set up	· System generated requisitions and purchase order · Contract management ability · System interconnected with other modules · Automatic budget approval and check · System generated and controlled account coding · Full tracking from requisition to vendor payments · Vendor self-service portals	Departments, Finance and Vendors

General Ledger	· Chart of account set up is not aligned with current needs · Limited reporting capabilities · No automated process for approvals or routing · Manual process for Journal Entries	· New chart of accounts to match City's reporting needs · Expanded reporting and data downloads · Workflow capability for routing and approvals · Decentralized entries allowed	Departments and Finance
Budget	· Process done in a sub-system not connected to main financial system · No ability for automated approvals and review	· Expanded process allowing decentralized entries · Automated approvals and workflow · System connected with all modules to allow seamless entry and control	Departments and Finance
Billing, receivables and payments	· Accounts Receivable is done using spreadsheets · No system generated billing	· Module supports billing and receivables · Tracks revenues against receivables	Customers, Departments and Finance

As demonstrated in the table above, there is a significant gap between current state and future state that must be handled using established OCM techniques. The OCM Contractor shall lead the City to solve complex challenges using a methodology with a focus on the people side of change, including changes in business processes, systems, and technology. The OCM Contractor will help create an environment of acceptance that will assist with the implementation of upcoming change. By implementing change management strategies, staff will maximize City employee's adoption and usage and minimize resistance to change.

There are multiple ERP phases being implemented concurrently. Utilizing change management strategies, the OCM Contractor shall work to drive for faster adoption of the new ERP Solution and provide advice and guidance to the City's leadership to discuss OCM goals as well as understand City employees' issues and concerns.

FISCAL AND ADMINISTRATIVE IMPACTS

The CR Consulting services are expected to cost an amount not-to-exceed $200,000. There are sufficient funds includes in the FY 2022-23 General Fund budget to pay for the recommended services.

ATTACHMENTS

1. Resolution
2. Exhibit A - CR Consulting Agreement

Prepared by: Mahin Shah
ERP Project Manager

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH CR CONSULTING FOR ORGANIZATIONAL CHANGE MANAGEMENT (OCM) SERVICES IN AN AMOUNT NOT-T0-EXCEED $200,000

On November 14, 2022, the City of Livermore (City) entered into a contract for Enterprise Resource Planning (ERP) software for its next version of a software program, with Tyler Technologies, Inc. (Tyler).

Subsequently, staff recognized a need for professional services for Organizational Change Management, in preparation of implementing an ERP system to ensure organizational acceptance and readiness of process and system changes resulting from the implementation of the ERP software.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that it hereby:

1. Authorizes the City Manager to execute the agreement with CR Consulting, attached hereto as Exhibit A and incorporated by this reference, for Organizational Change Management services in an amount not-to-exceed $200,000.

2. Authorizes the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution, including approving minor changes to the proposed agreement.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Jason Alcala
Jason Alcala
City Attorney

Exhibit A – Agreement with CR Consulting

DocuSign Envelope ID: 4CA377C0-364E-4753-9E33-0683B470B144

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT is made and entered into this ___ day of _____, 2023, by and between the City of Livermore ("City"), a municipal corporation, and CR Consulting ("Consultant"), a sole proprietorship.

RECITALS

City requires professional services for Organizational Change Management in preparation for implementing an Enterprise Resource Planning ("ERP") system to ensure organizational acceptance and readiness for process and system changes.

Consultant warrants it possesses the distinct professional skills, qualifications, experience, and resources necessary to timely perform the services described in this Agreement. Consultant acknowledges City has relied upon these warranties to retain Consultant.

AGREEMENT

NOW, THEREFORE, City and Consultant hereby agree that the aforementioned recitals are true and correct and further agree as follows:

1. Retention as Consultant. City hereby retains Consultant, and Consultant hereby accepts such engagement, to perform the services described in Section 3 below subject to the terms and conditions in this Agreement.

2. Relationship of Parties – Independent Contractors. The relationship of the parties shall be that of independent contractors. Consultant and its employees are not City officers or employees. Consultant is responsible for the supervision and management of its employees, including any workers compensation insurance, withholding taxes, unemployment insurance, and any other employer obligations associated with the delivery of the services contemplated by this Agreement.

3. Description of Services. Consultant shall provide the following professional services as more particularly set forth in Exhibit "A" (collectively "the Services"):

Organizational Change Management in preparation for implementing an Enterprise Resource Planning ("ERP") system to ensure organizational acceptance and readiness for process and system changes

4. Consultant's Responsibilities. Consultant shall:

(a) Diligently perform the Services in a manner commensurate with industry, professional, and community standards;

(b) Provide the resources necessary to complete the Services in a timely manner as defined in the Statement of Work (Exhibit "A");

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(c) Obtain a business license from the City of Livermore, and keep it in effect for the term of this Agreement;

(d) Obtain and keep in effect all necessary licenses, permits, qualifications, insurance, and approvals legally and professionally required for Consultant to practice its profession and to provide the Services;

(e) Comply with all laws in effect that are related to Consultant and the Services;

(f) Coordinate the Services with Mahin Shah, ERP Project Manager ("Project Manager"), or such other person designated as the Project Manager by City;

(g) Be available to the Project Manager, and other parties referred to Consultant by the Project Manager, to answer questions or inquiries related to the Services;

(h) Only invoice City for the Services rendered. Consultant's invoice shall be in writing and describe the Services performed for the payment requested. Consultant shall not submit an invoice to City more frequently than once a calendar month;

(i) Keep and maintain invoices and records related to the Services in an organized manner. At a minimum, the records must be kept for at least 3 years from the date of final payment to Consultant and must include time sheets, work progress reports, and other documentation to adequately explain all the Services invoiced for payment. Consultant shall make the invoices and records immediately available to City upon delivery of a written request to examine, audit, or copy them at City's place of business during normal business hours. Consultant shall give City 30 calendar-days' written notice prior to destroying the invoices and records and allow City an opportunity to take possession. If City wants them, Consultant and City shall coordinate their delivery to City in the most efficient manner possible;

(j) Prepare and submit a written report to the Project Manager, within 3 business-days of the Project Manager's written request, that identifies the Services completed and in progress, the charges incurred to date, and the anticipated cost to complete the remaining Services;

(k) Consultant shall correct, at its own expense, all errors in the Services. Should Consultant fail to make such correction in a timely manner, City may make the correction and charge the cost thereof to Consultant;

(l) If applicable, Consultant shall ensure that all work for compensation is provided in compliance with the requirements of the California Labor Code including but not limited to hours of labor, nondiscrimination, payroll records, apprentices, worker's compensation and prevailing wages. If applicable, Consultant shall comply with all prevailing wage laws, such as sections 1773, 1773.8, 1775, 1776, 1777.5, 1777.6, and 1813 of the California Labor Code and any other applicable wage and hour law. If any violation of prevailing wage law associated with this Agreement is deemed to have occurred by any court or administrative authority, Consultant shall forfeit to the City, as a

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penalty, the sum of fifty dollars ($50.00) for each calendar day, or portion thereof, for each laborer, worker, or mechanic employed, paid less than the applicable prevailing rates for any work done to accomplish the purposes of this Agreement; and,

(m) Consultant's services provided pursuant to this Agreement shall comply with the Americans with Disabilities Act (ADA) of 1990, and all amendments thereto, as well as all applicable regulations and guidelines issued pursuant to the ADA.

5. Compensation and Payment.

(a) The total compensation payable by City to Consultant for the Services **SHALL NOT EXCEED** the sum of $200,000 ("not-to-exceed amount"). City shall compensate Consultant for the Services rendered at the hourly rates, task amounts or travel expenses set forth in Exhibit "A" up to the not-to-exceed amount. Except as provided in the body of this Agreement, the hourly rates, task amounts or travel expenses are intended to be Consultant's only compensation for the Services and is inclusive of all costs of labor, licensing, permitting, overhead and administrative costs, and any-and-all other costs, expenses, and charges incurred by Consultant, its agents, and employees to provide the Services.

(b) City shall pay Consultant no later than 30 days after City receives a written invoice from Consultant and verifies the Services were performed for the payment requested.

6. Term. The term of this Agreement commences on March 14, 2023, and terminates upon the completion of the Services or August 15, 2024, whichever occurs first.

7. Termination by City. City may terminate any portion or all of the Services by giving Consultant at least 30 calendar-days written notice. Upon receipt of a termination notice, Consultant shall immediately stop all work in progress on the Services except where necessary to preserve the benefit of the work, and then assemble the work on the Services for delivery to City on the termination date. All compensation for Services performed prior to the termination date shall be payable to Consultant in accordance with Section 5

8. Termination by Consultant. Consultant may terminate any portion or all of the Services by giving City at least 30 calendar-days written notice. Upon receipt of a termination notice, Consultant will be responsible to complete work in progress deliverables and then assemble the work on the Services for delivery to City on the termination date. All compensation for Services performed prior to the termination date shall be payable to Consultant in accordance with Section 5.

9. Ownership of Documents. All drawings, designs, data, photographs, reports and other items prepared or obtained by Consultant in the performance of the Services are City's property and Consultant shall deliver them to City upon demand.

10. Copyright and Right of Use. All items created by Consultant for City under this Agreement are works made for hire, and Consultant shall give City the copyright and all

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intellectual property rights to all items developed, prepared, and delivered as part of the Services. Consultant agrees that all aspects of the Services and items created thereby will be original works of creation and will not use, in whole or in part, any work created by any other party, except when expressly disclosed by Consultant to City and Consultant obtains a license to such items for the benefit of City. All licenses must be perpetual, world-wide, non-exclusive, and royalty free sufficient in scope to permit City's full use and enjoyment of its ownership rights in the items created by the Services.

11. Confidentiality. Consultant shall not disclose any confidential or proprietary information received from City to anyone except Consultant's employees who require access to the information to perform the Services. This obligation shall survive termination and remain in full force and effect until the information, and any copies thereof, are destroyed or returned to City.

12. Defense, Indemnity, and Hold Harmless. To the fullest extent permitted by law, Consultant shall hold harmless, indemnify, and defend with counsel selected by the City or otherwise acceptable to the City, the City and its elected and appointed officials, officers, directors, employees, agents and designated volunteers from and against any and all liability, loss, damage, claims, expenses, and costs (including without limitation, attorney's fees and costs and fees of litigation) (collectively, "Liability") of every nature arising out of or in connection with Consultant's performance of the services contemplated by this Agreement, or in connection with Consultant's failure to comply with any of its obligations contained in this Agreement, except for such Liability caused by the sole active negligence or willful misconduct of City. Consultant's obligations to hold harmless, indemnify, and defend shall not be excused because of Consultant's inability to evaluate Liability or because Consultant evaluates Liability and determines that Consultant is not liable to the claimant. These obligations are independent of, and shall not in any way be limited by, the minimum insurance obligations contained in this Agreement. These obligations shall survive the completion or termination of this Agreement. Consultant must respond within 30 days to the tender of any claim for defense and indemnity by the City.

(a) Modification for Construction Contracts. To the extent this Agreement is a "construction contract" covered by California Civil Code section 2782, then Consultant's duty to indemnify shall not apply in a manner prohibited by California Civil Code section 2782.

(b) Modification for Design Professional Services. To the extent this Agreement is for "design professional services" defined in California Civil Code section 2782.8, then Consultant's duties to defend and indemnify shall only apply to the extent provided for in California Civil Code section 2782.8(a), unless section 2782.8(a) is not applicable for one of the reasons set forth in 2782.8(e).

13. Insurance. Consultant shall procure and maintain insurance during the term of this Agreement in the amounts and under the terms set forth in Exhibit "B" against claims that may arise from or in connection with this Agreement and performance of the Services. Upon reasonable written notice, Consultant shall comply with any changes in the amounts and terms of insurance as may be required from time-to-time by City's Risk Manager.

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14. Acceptance of Final Payment. Consultant's acceptance of final payment will release City from any and all claims and liabilities for compensation under this Agreement.

15. Acceptance of Work. City's acceptance of, or payment to Consultant for, the Services does not release Consultant from its responsibility for the accuracy, completeness, or competency of the Services, nor do the actions constitute an assumption of Consultant's responsibility or liability by City for any defect or error in the Services.

16. Conflict of Interest. Consultant represents that no City employee or official has a financial interest in Consultant. Consultant shall not offer, encourage, or accept any financial interest in any part of Consultant's business by or from a City employee or official during the term of this Agreement or as a result of being awarded this Agreement. If any of the Services are paid by reimbursement from an agreement between City and a private party, Consultant represents that it has not performed any work for that private party during the 12-month period prior to the execution of this Agreement, and that it shall not negotiate, offer or accept any contract for services from that party during the term of this Agreement.

17. Economic Disclosure. Consultant shall comply with City's local conflict of interest code and the Political Reform Act, and prepare and file an economic disclosure statement if the Services involve making, or participation in making, decisions which may have a material effect on the Consultants' financial interest. While it is Consultant's sole responsibility to evaluate its conflicts of interest, the Consultant nevertheless agrees to prepare and file an economic disclosure statement if requested by City.

18. Non-Exclusive Agreement. This is a non-exclusive agreement. City reserves the right to provide, and to retain other consultants to provide, services that are the same or similar to the Services described in this Agreement.

19. No Assignment. Consultant shall not assign or subcontract any of the Services without City's prior written consent. For the purposes of this section, a change of fifty-percent or more in the ownership or control of Consultant constitutes an assignment.

20. Remedies. All remedies permitted or available under this Agreement, or at law or in equity, are cumulative and alternative, and the invocation of a right or remedy will not be construed to waive or elect a remedy with respect to any other available right or remedy. As a condition precedent to commencing legal action involving a claim or dispute against City arising from this Agreement, the Consultant must present a written claim to City in accordance with Chapter 3.42 of the Livermore Municipal Code.

21. Construction of Language. The terms and conditions in this Agreement have been arrived at through negotiation and each party had a full and fair opportunity to review and revise this Agreement with legal counsel. Any ambiguity in this Agreement will not be resolved against either party as the drafting party. In the event of an inconsistency or conflict between the language in the body of the Agreement and an attachment hereto, the language in the body of the Agreement controls.

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22. Entire Agreement; Modification. This Agreement supersedes all other agreements, whether oral or written, between the parties with respect to the Services. Any modification to this Agreement must be in writing and signed by both parties. In the event the original of this Agreement is lost or destroyed, an archival copy maintained by City can be used in place of the original for all purposes with the same effect as if it was the original.

23. Notice. Notices under this Agreement must be delivered to the addresses below by deposit in the United States mail or by overnight delivery service, with postage prepaid and delivery confirmation:

TO CITY: Attention: Mahin Shah, ERP Project Coordinator
City of Livermore
1052 S Livermore Avenue
Livermore, California 94550

TO CONSULTANT: Attention: Katie Regan
CR Consulting
1723 5th Avenue
Sacramento, CA 95818

24. Waiver. Failure to insist upon the strict performance of any term or conditions in this Agreement, no matter how long the failure continues, is not a waiver of the term or condition and does not bar the right to subsequently demand strict performance. To be effective, a waiver must be in writing and signed by the non-breaching party.

25. Severability. If a court of competent jurisdiction determines a provision in this Agreement is invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force and effect without being impaired in any way.

26. Survival. The terms, conditions, and obligations in Sections 9, 10, 11, and 12 shall survive the completion or termination of this Agreement.

27. Electronic Signatures. By signing this document, you are agreeing that you have reviewed this disclosure information and consent to transact business using electronic communications, to receive notices and disclosures electronically, and to utilize electronic signatures in lieu of using paper documents. You are not required to receive notices and disclosures or sign documents electronically. If you prefer not to do so, you may request to receive paper copies and withdraw your consent at any time.

28. Counterparts. This Agreement may be executed and delivered in one or more counterparts, each of which will be deemed to be an original copy of this Agreement, and all of which, when taken together, will be deemed to constitute one and the same agreement. The facsimile, email, or other electronically delivered signatures of the Parties shall be deemed to constitute original signatures, and facsimile or electronic copies hereof shall be deemed to constitute duplicate originals and shall be valid and effective for all purposes.

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29. Force Majeure. Neither party shall be responsible for delays or failures in performance resulting from acts of God, acts of civil or military authority, terrorism, fire, flood, strikes, war, epidemics, pandemics, shortage of power or other similar acts or causes reasonably beyond the control of that party. The party experiencing the force majeure event agrees to give the other party notice promptly following the occurrence of a force majeure event, and to use diligent efforts to re-commence performance as promptly as commercially practicable.

****

Signatures and Attachment List on the Next Page

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In concurrence and witness whereof, and in recognition of the mutual consideration provided therefore, the parties have executed this Agreement, effective on the date first written above.

CONSULTANT: **Dated:**

DocuSigned by:
Katie Regan
3A32D8156A99426...

2/24/2023 | 12:55 PM PST

By: Katie Regan
Title: Consultant

CITY OF LIVERMORE: **Dated:**

Marianna Marysheva
City Manager

APPROVED AS TO FORM:

DocuSigned by:
Jason Alcala
AC0D00D4E252C458...

Assistant/City Attorney

APPROVED AS TO INSURANCE:

DocuSigned by:
Jas Sidhu
492639AA373F4CA...

Risk Manager/Analyst

Attachments:

Exhibit A – Scope of Work
Exhibit B – Insurance Requirements

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Exhibit A - Scope of Work

The OCM Contractor shall lead the City to solve complex challenges using an OCM methodology with a focus on the people side of change, including changes in business processes, systems, and technology. The OCM Contractor shall create and implement change management strategies and plans that maximize City employee's adoption and usage while minimizing resistance to change. With two (2) ERP phases implementing concurrently, utilizing change management strategies, the OCM Contractor shall work to drive for faster adoption of the new ERP Solution. The OCM Contractor shall act as a trusted advisor to leadership to discuss OCM goals, understand issues and concerns from City employees, and shall be responsible for mitigating those issues and concerns throughout the project life cycle. Develop, in collaboration with ERP Project Manager, manage, and deliver OCM Strategy and schedule that aligns with the ERP implementation.

OCM Contractor

The dedicated OCM Contractor has direct involvement with OCM initiatives and coordinates with the ERP Project Manager to meet the overall OCM methodology and approach to ensure the successful implementation of the new ERP solution. The OCM Consultant is in regular communication with the ERP Project Manager to provide change management progress updates. Duties include but not limited to, the following:

- Develop, in collaboration with the City, a structured OCM methodology and approach that is scalable to each of the phase(s)
- Develop, in collaboration with City, and deliver all listed deliverables in the "Deliverables" section below
- Apply Prosci ADKAR Model or other OCM Models, tools, and framework to establish and support an OCM initiative
- Designs all activities to prepare City employees for the business and cultural changes to successfully adopt the new ERP solution
- Assist ERP Project Manager to virtually implement OCM activities such as change strategy and planning, stake holder engagement, leadership support, stage and organizational readiness assessment, communication, and as requested, on-site support at City facilities
- Coordinate with City resources to manage and monitor the OCM deliverables
- Define OCM tasks and resource requirements
- Identify the impact of change on affected City employees during each phase of the project to create and execute a detailed action plan to address the human side of change
- Proactively manage and communicate change impact and risks to Project leaders and stakeholders
- Define and execute communication strategies to share information with City employees throughout the project lifecycle
- Provide guidance, direction and manage team members in change strategies and activities

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- Develop, monitor, and manage an OCM RAID log with ERP Project Manager
- Proactively notifies City as risks change or begin to develop
- Provides guidance to City on methods for handling risks
- Maintain, monitor, and report on change issues and provide mitigation strategy
- Assess City OCM progress and effectiveness and adjust OCM methodology as necessary
- Translate technical ideas/concepts or results in actionable statements and conclusions
- Act as a trusted advisor to leadership regarding OCM initiatives Coordinate with ERP solution vendor (Tyler) to align ERP Solution with OCM activities
- Develop and provide a weekly status report
- Conducts bi-weekly project status meeting with the ERP Project Manager
- Manage and validate OCM contract compliance throughout the project
- Act as the primary point of contact for all OCM contract and invoicing questions
- Prepare and present OCM Deliverables signoffs for acceptance by City
- Coordinate OCM change requests, if needed, to ensure proper scope and budgetary compliance

City ERP Project Manager

The ERP Project Manager ensures the overall OCM initiative shall have sufficient resources to adopt the new ERP solution successfully. If the ERP Project Manager does not have the expertise or authority to make decisions, the ERP Project Manager shall enlist the appropriate resources from the City to participate in discussions to keep OCM plans on track. Duties include but not limited to, the following:

- Manage and validate contract compliance throughout the project
- Review and approve OCM contract change order
- Manage OCM Contractor work plan and performance
- Provide guidance and collaborate with OCM Contractor to align the OCM Methodology and framework with ERP implementation activities
- Identify and recommend change impact and training gaps to OCM Contractor
- Coordinate project team members towards OCM initiative
- Coordinate and schedule meetings/activities
- Acts as liaison between OCM Contractor and Tyler
- Assess project team performance as it relates to the OCM initiative and recommends remedial action if needed
- Support the project team and overall OCM initiative

Deliverables

The following is a complete list of all project deliverables:

- Baseline/Current State Assessment Summary
- OCM Plan
- Communication Plan
- Communication materials, as necessary
- Change Impact Analysis Summary

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- ADKAR Assessment Summaries
- Change Readiness Checklists
- Resistance/Change-related Risk Log
- Lessons Learned Log
- OCM Framework
- Coaching for City Staff on OCM Activities

Schedule

The OCM Contractor will work primarily offsite with the option to provide on-site support at the request of the ERP Project Manager. The OCM Contractor will commit approximately 10 hours a week through the duration of the project. Meetings will be held virtually with the OCM Contractor unless the OCM Contractor and ERP Project Manager agreed to an on-site meeting. The project is estimated to last for eighteen months, from March 1, 2023 to August 31, 2024.

Pricing and Payments

The Consultant will bill at the rate of $135 per hour for services rendered. Invoices will be submitted to ERP Project Manager for approval and processing and will be in alignment with completion of each deliverables listed above. The consultant will also bill on a bi-weekly basis, for meeting attended and any travel incurred on a per diem basis if traveling to be onsite. Onsite attendance and participation, including travel must be approved by the ERP Project Manager in advance of occurrence.

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EXHIBIT B

INSURANCE REQUIREMENTS

Minimum Scope and Limits of Insurance

Consultant/Contractor shall maintain limits no less than:

1. Commercial General Liability, including operations, products, and completed operations, as applicable:
   $2,000,000 per occurrence/**$4,000,000** aggregate for bodily injury, personal injury, and property damage. If Commercial General Liability or other form of insurance with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.
2. Professional Liability/Errors and Omissions:
   $2,000,000 per claim. Consultant/Contractor warrants that any retroactive date under this policy shall precede the effective date of this contract and, either continuous coverage will be maintained, or an extended discovery period will be exercised for a period of two years beginning at the time work under this contract is completed.

Deductibles and Self-Insured Retention

All self-insured retentions (SIR) must be disclosed to Risk Management for approval and shall not reduce the limits of liability. Policies containing any self-insured retention (SIR) provision shall provide, or be endorsed to provide, that the SIR may be satisfied by either the named insured or the City of Livermore.

Acceptability of Insurers

Insurance is to be placed with insurers with a current A.M. Best rating of no less than A: VII and accepted to do business in the State of California, unless otherwise acceptable to the City of Livermore.

Other Insurance Provisions

The general liability policy is to contain, or be endorsed to contain, the following provisions:

1. The City of Livermore, its officers, officials, employees, and designated volunteers are to be covered as additional insureds as respects: liability arising out of activities performed by or on behalf of the Consultant/Contractor. The coverage shall contain no special limitations on the scope of protection afforded to the City of Livermore, its officers, officials, employees, or volunteers.
2. The limits of insurance required in this agreement may be satisfied by a combination of primary and umbrella or excess insurance. The additional insured coverage under the Consultant's/Contractor's policy shall be primary and non-contributory and will not seek contribution from the City's insurance or self-insurance and shall be at least as broad as ISO Form

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CG 20 10 04 13. Any umbrella or excess insurance shall contain or be endorsed to contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of the City of Livermore before the City's own insurance or self-insurance shall be called upon to protect it as a named insured.

3. Any failure to comply with reporting or other provisions of the policy, including breaches of warranties, shall not affect coverage provided to the City of Livermore, its officers, officials, employees, or volunteers.
4. The Consultant's/Contractor's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
5. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled by either party before expiration of the policy unless notice is delivered in accordance with policy provisions.
6. Certificate Holder section of the insurance certificate should read: City of Livermore, 1052 S. Livermore Avenue, Livermore, CA 94550

Verification of Coverage

Consultant/Contractor shall furnish certificates of insurance and endorsement(s) effecting coverage to the City of Livermore for approval. The endorsements shall be on forms acceptable to the City of Livermore. All certificates and endorsements are to be received and approved by the City of Livermore before work commences.

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EXHIBIT A

THIS FORM IS TO BE COMPLETED BY CITY STAFF ONLY

CITY OF LIVERMORE
DETERMINATION OF CONFLICT OF INTEREST
REPORTING FOR CONSULTANTS

Consultant Name (include name of specific person doing work if known).

CR Consulting

Contract/Project Title.

Consulting - Organizational Change Management

Brief Description of work to be done, or final product, and how it will be used.

Organizational Change Management in preparation for implementing an Enterprise Resource Planning ("ERP") system to ensure organizational acceptance and readiness for process and system changes.

Is the Consultant making, participating in making, or influencing a governmental decision?	Yes ☐ No ☐
Is the Consultant performing work that could or would be done by an employee identified in the City of Livermore Conflict of Interest Code?	Yes ☐ No ☐ If YES, please identify the title for the designated employee:

Completed by Department Head Signature: DocuSigned by: Tina Olson EFAEDE3C0653494... Date: 2/24/2023 | 1:58 PM PST

City Attorney Determination:
Disclosure: [x] None [_] Category 1 [__] Category 2 [_] Category 3 [_] Category 4

Name and address of each individual subject to reporting requirements:

N/A

Comments:

N/A

Assistant/City Attorney Signature: DocuSigned by: Jason Alcala ACD00D4E252C458... Date: 2/24/2023 | 2:01 PM PST

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.8**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Resolution authorizing execution of a lease and right of entry agreement with the Chiu Family Trust that will allow the public to continue to use a portion of their First Street property with Assessor's Number 97-1-15 as a pedestrian walkway and will allow the City to extend the pedestrian walkway and make other minor improvements to the property.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution authorizing the City Manager to execute a lease and right of entry agreement with the Chiu Family Trust that will allow the public to continue to use a portion of their First Street property with Assessor's Number 97-1-15 as a pedestrian walkway and will allow the City to extend the pedestrian walkway and make other minor improvements to the property. The term of the agreement is May 15, 2023 to May 15, 2033.

SUMMARY

Since 1988, the City has been leasing a portion of property on the north side of First Street with Assessor's Parcel Number 97-1-15 for use as a pedestrian walkway. Attachment 1 shows the location of this property and the portion that is used as a pedestrian walkway. The most recent lease agreement expired in 2015; however, the City has continued to lease the pedestrian walkway using a holdover lease provision in the agreement. This updated lease and right of entry agreement with the Chiu Family Trust allows the City to continue to lease the pedestrian walkway for ten years through May 15, 2033. The agreement also allows the City to extend the pedestrian walkway and make other minor improvements on the property.

DISCUSSION

As part of the First Street/Core Area Public Improvements Project of 1987 the former Redevelopment Agency of the City of Livermore installed a pedestrian walkway connecting First Street with the parking lot behind First Street on a portion of property with Assessor's Parcel Number 97-1-15. Since 1988, the City has leased this pedestrian walkway. As shown in Attachment 1, this walkway connects to a pedestrian walkway in the parking lot that crosses Veterans Way and leads to Stockmen's Park. This landscaped walkway with archways and lighting is a central path and well used by the public.

The most recent lease expired in June 2015; however, the City has continued to lease the property using a holdover lease provision in the agreement. The City and the property owner, the Chiu Family Trust, now desire to enter into a new lease and right of entry agreement that will extend the lease for ten years and allow the City right of entry to extend the pedestrian walkway and make other improvements on the property. The pedestrian walkway is going to be extended 35 feet to the north with stamped concrete and landscaping as part of the L Street Garage Project 586003. The total leased area is 2,500 square feet (20 feet wide by 125 feet long). As part of this project, the City will also pave some unpaved portions of the back parking lot on the property and restripe the parking lot to provide better circulation. Additionally, the City will install some screening for the trash bins. This agreement provides the City right of entry to complete these improvements.

FISCAL AND ADMINISTRATIVE IMPACTS

Payments for this lease and right of entry agreement will begin in May 2023 and start at $16,800 per year increasing annually by 3% per year. The agreement covers payments through May 2033. Payments will be made from the operating budget using the General Fund (001) and the account for rental of land, buildings, and equipment (2002-43110). The City will maintain the pedestrian walkway at an estimated cost of $4,000 per year. The Downtown Landscape Maintenance District will cover these maintenance costs.

ATTACHMENTS

1. Pedestrian Walkway Site Plan
2. Resolution
3. Exhibit A - Lease and Right of Entry Agreement

Prepared by: Joel Waxdeck
Assistant City Engineer

Approved by:

Marianna Marysheva
City Manager

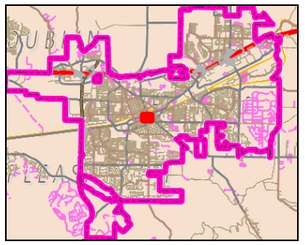
Fiscal Review by:

Tina Olson
Administrative Services Director

LIVERMORE
CALIFORNIA

Leased Property Pedestrian Walkway





Legend

- City Limits
- AddressPt (0-1250)
  - No
  - Yes
- Street Names (0-2500)
- Golf Labels
- Creeks
- Public Facilities 0-4500)
- Park Names (0-4500)
- School Names (0-4500)
- Parcels

1: 1,101

183.6 0 91.79 183.6 Feet

NAD_1983_2011_StatePlane_California_III_FIPS_0403_Ft_US
Information Technologies, GIS Division, City of Livermore

Date Printed: 2/10/2023

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. The City of Livermore is not responsible for misuse or errors or omissions on this map. All information should be confirmed.

Notes

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AUTHORIZING EXECUTION OF A LEASE AND RIGHT OF ENTRY AGREEMENT WITH THE CHIU FAMILY TRUST THAT WILL ALLOW THE PUBLIC TO CONTINUE TO USE A PORTION OF THEIR FIRST STREET PROPERTY WITH ASSESSOR'S NUMBER 97-1-15 AS A PEDESTRIAN WALKWAY AND WILL ALLOW THE CITY TO EXTEND THE PEDESTRIAN WALKWAY AND MAKE OTHER MINOR IMPROVEMENTS TO THE PROPERTY

Since 1988, the City of Livermore ("City") has been leasing a portion of property on the north side of First Street with Assessor's Parcel Number 97-1-15 for use as a pedestrian walkway. The most recent lease agreement expired in 2015, however, the City has continued to lease the pedestrian walkway using a holdover lease provision in the agreement. This updated lease and right of entry agreement with the Chiu Family Trust allows the City to continue to lease the pedestrian walkway for ten years through May 15, 2033. The agreement also allows the City to extend the pedestrian walkway and make other minor improvements on the property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that it hereby adopts a resolution authorizing the City Manager to execute a lease and right of entry agreement with the Chiu Family Trust that will allow the public to continue to use a portion of their First Street property with Assessor's Number 97-1-15 as a pedestrian walkway and will allow the City to extend the pedestrian walkway and make other minor improvements to the property.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST: APPROVED AS TO FORM:

_____ */s/ Tara Mazzanti*
Marie Weber Tara Mazzanti
City Clerk Assistant City Attorney

Exhibit A – Lease and Right of Entry Agreement

DocuSign Envelope ID: AAC74B23-5674-47A3-9844-399578AD65D1

EXHIBIT A

CITY OF LIVERMORE

LEASE AND RIGHT OF ENTRY AGREEMENT

CITY OF LIVERMORE AND CHIU FAMILY TRUST

THIS LEASE AND RIGHT OF ENTRY AGREEMENT dated as of this _____ day of _____, 2023, is made and entered into by and between the City of Livermore, a municipal corporation ("Lessee") and Chiu Family Trust ("Lessor").

RECITALS

A. The Lessor is the owner of land located on the north side of First Street! between Livermore Avenue and L Street with Assessor's Parcel Number 97-1-15 as shown in Exhibit A. ("Property").

B. As part of the First Street/Core Area Public Improvements Project of 1987, the! former Redevelopment Agency of the City of Livermore installed a pedestrian walkway connecting First Street with the parking lot behind First Street.

C. Since 1988 Lessor has continuously agreed to lease a portion of the Property! to the City.

D. The most recent lease is dated July 23, 2014. The term of the lease expired! on July 23, 2015; however, the City is paying the lease based on the Holdover Lease provision in this Lease Agreement.

E. The Lessee is going to construct improvements in the vicinity of the Property! as part of Livermore Village Parking Garage Construction Project 586003. The project involves extending the pedestrian walkway to the north in the area that is currently leased by the Lessee and renovations to the existing pedestrian pathway as shown in Exhibit B. The Project may also involve upgrades to the parking area on APN 97-1-15 as shown in Exhibit C.

F. The parties now desire to enter into a new Lease and Right of Entry! Agreement to extend the lease and allow the City right of entry for the improvements shown on Exhibit B and Exhibit C

AGREEMENT

NOW, THEREFORE, in consideration of the mutual promises contained herein, the parties hereby agree as follows:

1. Leased Property. The leased property is a 20' x 125' strip of land on the east side! of APN 97-1-15 as shown in "Exhibit A" ("Leased Property"), attached hereto and! incorporated herein by reference.

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2. Improvements on Leased Property. The Lessee previously improved the Leased Property by constructing a pedestrian walkway with trellis arches and landscaping pursuant to the terms of the April 11, 1988 lease between the parties. The Lessee is going to extend the pedestrian path and landscaping improvements to the north end of Leased Property. The Lessee accepts responsibility for maintaining the improvements on the Leased Property and paying all bills associated with power and irrigation usage on the Leased Property during the term of the lease.

3. Term. This Lease shall be for a term of ten years commencing on May 15, 2023 and terminating May 15, 2033 ("Term"). This Lease shall supersede and replace any other lease between said parties, or their predecessors in interest, concerning the use of the Leased Premises.

4. Rent. Lessee shall pay Lessor the sum of $16,800 per annum with rent being due and payable on the 15th day of May each year. On each anniversary date hereof, the rent shall be increased by 3%.

5. Right of Entry. During the ten-year term of the Lease the Lessee shall have permission to enter in, over, and upon the Leased Property to extend the improvements in the Leased Property as shown in Exhibit B, renovate the improvements in the Leased Property as shown in Exhibit B, from time to time maintain, replace, and make pedestrian pathway and landscaping modifications to improvements in the Leased Property, and allow the public to utilize the Leased Property as a pedestrian pathway. Between May 15, 2023 and May 15, 2025 the Lessor agrees to allow the Lessee to enter in, over, and upon the Lessor's property with Assessor's Parcel Number 97-1-15, to potentially pave unpaved parking areas behind businesses as shown in Exhibit C, potentially restripe the parking area behind the businesses as shown in Exhibit C, and potentially construct screening walls around trash cans and dumpsters as shown in Exhibit C. The Lessee shall leave the Property in a clean and orderly condition and will repair, replace, or compensate for any existing improvements that may have been disturbed, damaged, or removed during the course of Work.

6. Termination. Either party may earlier terminate this Lease for any reason, upon 180 days prior written notice to the other party. Upon termination the Lessor shall return the balance of any prepaid Rent.

7. No Transfer or Assignment. The Lessee shall neither transfer nor assign the Lease nor grant any interest, privilege, or Lease in connection with this Lease except that with the Lessor's written approval.

8. Indemnity. Lessee agrees to and shall defend, indemnify, protect and hold harmless Lessor, its successor and assigns from an loss, damage, injury, accident, casualty, liability, claim, cost or expense (including, but not limited to, reasonable attorneys' fees) of any kind or character to any person or property arising from or related to any act or omission of Lessee, it employees, agents or contractors, the Lessee's use of the Property, or the Lessee's installation and maintenance of improvements on the Property.

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9. **Insurance.** For the duration of this Lease, Lessee shall procure and maintain, at its own cost, comprehensive General and Automobile Liability coverage in the amount of one million dollars and shall obtain an endorsement from CJPRMA designation Lessor as an additional insured party.

10. **Alteration in Writing.** This Lease supersedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to the subject matter of this Lease. No alteration or variation of the Lease shall be valid unless made in writing and signed by both Lessor and Lessee.

11. **Notice.** Any notice required hereunder shall be inwriting and shall be addressed as follows:

Lessee
City Of Livermore
1052 S. Livermore Avenue
Livermore, CA 94550
Phone: (925) 960-4450

Lessor
Gabriel Chiu, Trustee
Chiu Family Trust
1767 Germano Way
Pleasanton, CA 94566
Phone: (925) 461-9888

12. **Entire Agreement.** This instrument, including any attachments hereto, constitutes the entire agreement of the parties relating to the subject matter of this Lease and Right of Entry Agreement; correctly sets forth the rights, duties and obligations of each party to the other.

13. **Attachments.** All exhibits attached hereto are incorporated by reference as though set forth in full.

[SIGNATURES AND ATTACHMENT LIST ON FOLLOWING PAGE]

EXHIBIT A

IN WITNESS WHEREOF, the parties to this Lease and Right of Entry Agreement have executed this Lease and Right of Entry Agreement as of the dates set forth below.

Lessor

Chiu Family Trust

By: DocuSigned by: Gabriel Chiu 5E74733E014B482... Dated: 1/23/2023 | 3:20 PM PST

Gabriel Chiu
Trustee

Lessee

City of Livermore
A Municipal Corporation

By: _____ Dated: _____

Marianna Marysheva
City Manager

Approved as to Form:

By: DocuSigned by: Jana Mazzanti 245F8B35F34C457... 1/23/2023 | 3:35 PM PST

Assistant/City Attorney

Approved as to Insurance:

By: DocuSigned by: Jas Sidhu 492639AA373F4CA... 1/27/2023 | 8:41 AM PST

Risk Analyst/Manager

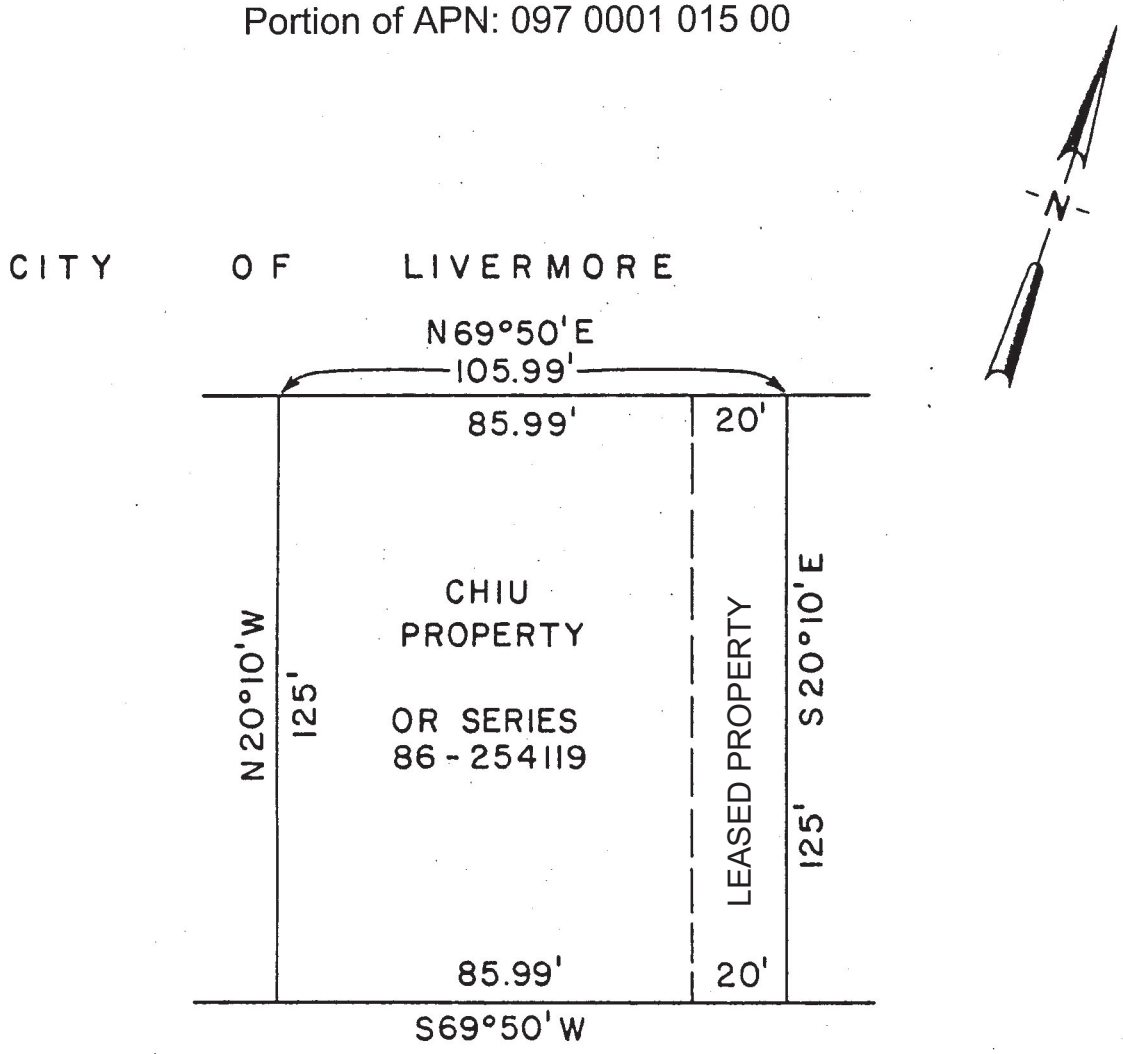
Attachments:

Exhibit A – Property Map
Exhibit B – Proposed Improvements in Leased Property
Exhibit C – Proposed Improvements on Remainder of Property

DocuSign Envelope ID: AAC74B23-5674-47A3-9844-399578AD65D1

Exhibit A

Portion of APN: 097 0001 015 00



WALKWAY EASEMENT

ASSESSOR'S PARCEL # 97-1-15

LIVERMORE, ALAMEDA CO., CA

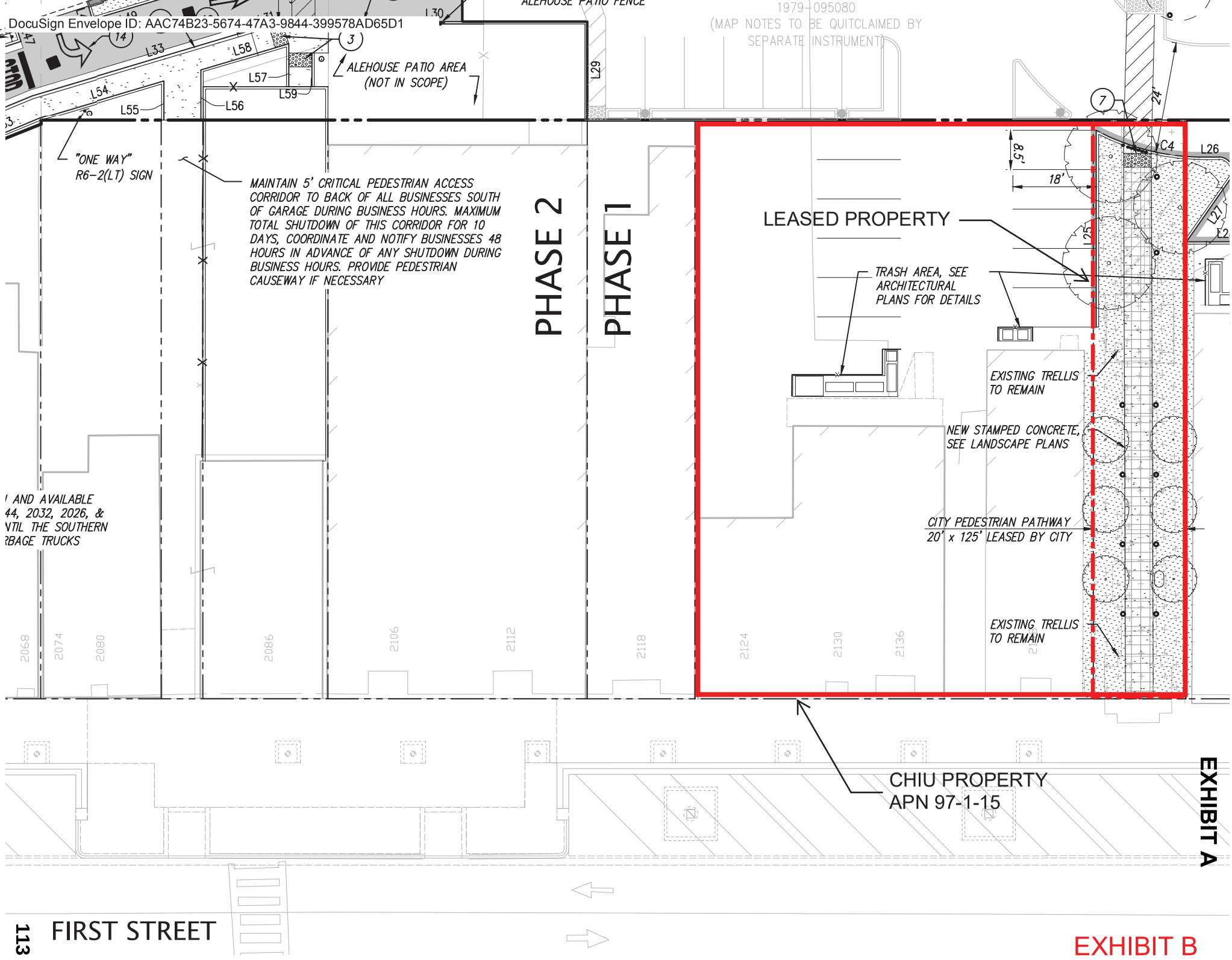
AN WEST INC. Consulting Engineers
4123 Lakeside Drive
Richmond, CA 94806-1942

scale 1" = 40'

date 5-16-88

sht. 1 of 1

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DocuSign Envelope ID: AAC74B23-5674-47A3-9844-399578AD65D1

EXHIBIT A

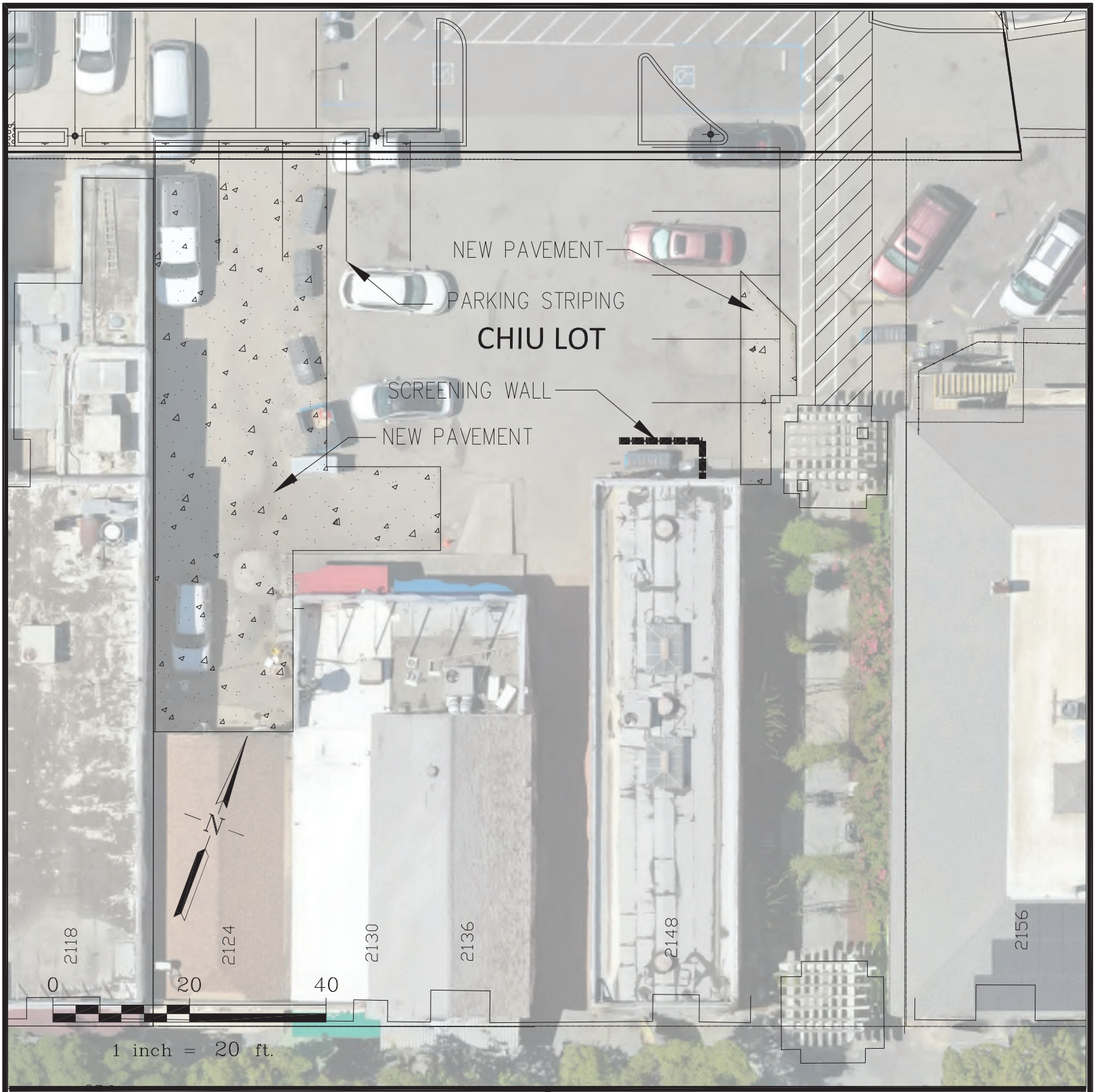


EXHIBIT C
SITE IMPROVEMENTS
FOR
CHIU LOT

CITY OF LIVERMORE, ALAMEDA COUNTY, CALIFORNIA

CITY OF LIVERMORE CALIFORNIA

SCALE:	DATE:	JOB NO.:
1" = 20'	DEC. 19, 2022	

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.9**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Scott Lanphier, Public Works Director

SUBJECT: Resolution to extend the suspension of Airport Development until a new comprehensive Airport Development Policy is adopted by the City Council.

RECOMMENDED ACTION

Staff recommends the City Council adopts a resolution that:

1. Authorizes the extension of the Livermore Airport Development suspension until the City Council formally adopts a Airport Leasing and Development Policy.
2. Temporarily suspends the consideration of any aeronautical or non-aeronautical Airport development, except for a parcel under active development adjacent to Kittyhawk Road and Highway 580.
3. Authorizes the City Manager to take whatever actions are necessary and appropriate to carry out the purpose and intent of this resolution.

SUMMARY

On July 27, 2022, City Council approved Resolution No. 2022.132 which temporarily suspended the current Airport Development Policy until December 31, 2022. Staff recommends City Council extend the suspension of Airport Development until a new comprehensive Airport Development Policy is adopted by the City Council.

DISCUSSION

Continuing the temporary suspension of the Airport Development provides City staff with the time needed to complete the work necessary to develop a formal Airport Development Policy in order to ensure a meaningful and transparent development process.

A draft comprehensive Airport Leasing and Development Policy is scheduled to be reviewed by the Airport Commission in an open public meeting in March 2023, followed by a 45-day public review and comment period, and subsequent reviews by the Airport Commission and the City Council.

Once adopted, the Airport Leasing and Development Policy will provide processes and procedures to evaluate and approve or reject proposals related to the leasing and/or development of land and/or improvements at the Livermore Airport.

FISCAL AND ADMINISTRATIVE IMPACTS

There are no fiscal impacts or administrative impacts resulting from this action.

ATTACHMENTS

1. Resolution

Prepared by: Michael Musca
Airport Manager

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION TO EXTEND THE SUSPENSION OF AIRPORT DEVELOPMENT UNTIL A NEW COMPREHENSIVE AIRPORT DEVELOPMENT POLICY IS ADOPTED BY THE CITY COUNCIL

The Livermore Airport offers parcels of land suitable for both aeronautical and non-aeronautical development to support the Airport Enterprise Fund.

The current Livermore Airport Development Policy (Policy) is outdated and does not contain sufficient guidance to staff for prospective development of Airport owned land and does not align with current industry standards.

The Current Policy did not follow formal City approvals prior to adoption.

The Livermore Airport has received applications and letters of interest from parties proposing that various aeronautical and non-aeronautical development and decisions on such proposals are best deferred until such time that the new policy is adopted, with the exception for a parcel under lease development and negotiation adjacent to Kittyhawk Road and Highway 580.

The City Council desires to reduce potential development inconsistencies and disputes regarding proposed development between the current Policy and the creation of a new state-of-the-art Airport development policy.

Suspending the Policy temporarily provides City of Livermore staff with the time needed to complete the work necessary to update the Policy to ensure a meaningful and transparent development process.

Decisions for potential development on Airport property should be suspended until such time that a new policy is updated and approved, because a new policy will provide for clear development objectives along with the orderly development of Airport property.

Resolution 2022-132 temporarily suspended development at the Livermore Municipal Airport until December 31, 2022, to allow time to develop a comprehensive Airport Leasing and Development Policy.

A draft comprehensive Airport Leasing and Development Policy is scheduled to be reviewed by the Airport Commission in an open public meeting in March 2023, followed by a 45-day public review and comment period, and subsequent reviews by the Airport Commission and the City Council.

Continuing current airport development suspension is prudent until a new comprehensive policy is approved by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore as follows:

1. The City Council authorizes that the Livermore Municipal Airport development suspension is extended until the City Council formally adopts an Airport Leasing and Development Policy.

2. The City Council temporarily suspends the consideration of any aeronautical or non-aeronautical Airport development under the current Airport Development Policy, except for a parcel under active development adjacent to Kittyhawk Road and Highway 580.

3. The City Council authorizes and directs staff to proceed expeditiously in the development and adoption of a new Airport Development Policy that aligns with City of Livermore procedures and industry standards.

4. The City Council directs staff to inform Airport stakeholders, including individuals and entities that have recently submitted an application or letter of interest for commercial aeronautical or non-aeronautical development, of the suspension of the current Airport Development Policy, and to keep stakeholders informed as a new policy is developed.

5. The City Manager is hereby authorized to take whatever actions are necessary and appropriate to carry out the purpose and intent of this Resolution.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Tara Mazzanti
Tara Mazzanti
City Attorney

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.10**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Resolution opposing the Taxpayer Protection and Government Accountability Act sponsored by the California Business Roundtable (CBRT) and direction to staff to send letters of opposition to the League of California Cities, Senator Glazer, and Assemblymember Bauer-Kahan.

RECOMMENDED ACTION

Staff recommends the City Council adopt the resolution opposing the Taxpayer Protection and Government Accountability Act and direct staff to send letters of opposition to the League of California Cities, Senator Glazer and Assemblymember Bauer-Kahan.

SUMMARY

The Taxpayer Protection and Government Accountability Act, proposed by the California Business Roundtable, would amend the California Constitution with provisions that limit voters' authority and input, adopts new and stricter rules for raising taxes and fees, and make it more difficult to impose fines and penalties for violators of state and local laws. The measure puts billions of local government tax and fee revenues at risk statewide with related core public services impacts that would result in significant negative impacts to the City of Livermore operations and core service delivery.

DISCUSSION

On January 4, 2022, the California Business Roundtable filed the "Taxpayer Protection and Government Accountability Act" or AG #21-0042A1. On February 1, 2023, the measure qualified for the November 2024 ballot.

The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative.

Local government revenue-raising authority is currently substantially restricted by state statute and constitutional provisions of Proposition 13 of 1978, Proposition 218 of 1996, and Proposition 26 of 2010. The Taxpayer Protection and Government Accountability Act adds and expands restrictions on voters

and local government tax and fee authority.

Fees and Taxes

Local governments levy a variety of fees and other charges to provide core public services. Major examples of affected fees and charges are:

- Nuisance abatement charges, such as for weed, rubbish, and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
- Commercial franchise fees.
- Emergency response fees, such as in connection with DUI.
- Advanced Life Support (ALS) transport charges.
- Document processing and duplication fees.
- Transit fees, tolls, parking fees, and public airport and harbor use fees.
- Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

The annual adoption of revisions and increases to fee rates and charges must occur to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies, including council-adopted increases to simply accommodate inflation, Cal Cities estimates the amount of local government fee and charge revenue at risk is approximately $2 billion per year including those adopted since January 1, 2022. Over ten years, $20 billion of local government fee and charge revenues will be at heightened legal peril.

Fines and Penalties

Under existing law, cities are required to provide due process before imposing a penalty or fine for violation of its municipal code:

1. A local agency must adopt administrative procedures that govern imposing fines and penalties, including providing a reasonable period of time for a person responsible for a continuing violation to correct or remedy the violation [Gov't Code 53069.4]
2. Notice must be given to the violating party before imposing the penalty; and give the party an opportunity to be heard and present any facts or arguments [Merco Construction Engineers v. Los Angeles Unified School District (1969) 274 CA 2d 154, 166]
3. The fine may not be "excessive" [U.S. Constitution amendments VIII and XIV].

The initiative converts administratively imposed fines and penalties into taxes unless a new, undefined, and ambiguous "adjudicatory due process" is followed. This provision may put at risk authority to impose fines and penalties for violations of state and local law.

Impacts to the City of Livermore

1. Existing Revenues and Future Rate and Fee Increases - The City’s water and sewer rate increases that went into effect after January 1, 2022, would be affected. Actual costs aren’t defined in the Act which will result in the definition and process being subject to litigation. All fees and charges like the rental and sale of government property, emergency response fees, document processing and duplication fees, fines, penalties, and nuisance abatement charges would be

subject to this undefined test. In addition, rate increases are based on estimated future costs not actual costs and it is unknown how this would be interpreted by the courts or whether there would or can be subsequent state legislation to define actual costs as it relates to rate and fee studies. If not, it will be very difficult to establish the City's future rate and fee increases.

2. Impact Fees – With the requirement that "No levy, charge or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy", the Transportation Impact Fee would not be impacted as it is based on estimated trips and not miles traveled.
3. Development Agreements – Current interpretation of the initiative language would prohibit local agencies from entering into development agreements if the agreement does not pass the "actual and reasonable" cost test and could be subject to litigation if a resident or organization took issue with the development application process and its associated costs.
4. Property Tax Allocations – The language "All proceeds from the taxation of property shall be apportioned according to law the districts within the counties" lacks clarity and the City does not yet know how the California Business Roundtable would like to see this in application.
5. Tax Measure Limitations - If the City put a general tax measure on the ballot, it could not also add a companion measure that identities the intended uses of the revenues generated by the general tax measure.
6. Taxes and Fees - The City would need to revalidate all taxes and fees passed on or after January 1, 2022, under the measure's provisions, which includes information on actual and reasonable costs, and the specific duration of the tax or fee.

FISCAL AND ADMINISTRATIVE IMPACTS

The Taxpayer Protection and Government Accountability Act will likely take billions of dollars away from local government services statewide. For example, the City of Livermore collects approximately $73.9 million annually from fees to fund City services and projects, $46.7 million of which is related to water and sewer services. Many of these fees are adjusted annually by the Consumer Price Index (CPI) that would be subjected to the Taxpayer Protection and Government Accountability Act actual cost provision. City Council adopted a new 5-year water rate schedule in May 2022 that adjusted rates by 2% annually. That action could be affected by the Taxpayer Protection and Government Accountability Act actual cost provision. The airport currently has $3.3 million in leases that would be subject to the Taxpayer Protection and Government Accountability Act's reasonable rental rate requirement.

ATTACHMENTS

1. Letter of Opposition - Senator Glazer and Assemblymember Bauer-Kahan
2. Letter of Opposition - League of California Cities
3. Resolution

Prepared by: Marie Weber
Deputy City Manager/City Clerk

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

LIVERMORE
CALIFORNIA

March 13, 2023

The Honorable Rebecca Bauer-Kahan
California State Assembly
1020 O Street
Sacramento, CA 95814

The Honorable Steven Glazer
California State Senate
1020 O Street
Sacramento, CA 95814

RE: Taxpayer Protection and Government Accountability Act (Initiative #1935)
Tri-Valley Cities Coalition – Notice of Opposition

Dear Senator Glazer and Assembly Member Bauer-Kahan:

On behalf of the City of Livermore, we write to express our opposition to Initiative #1935, entitled by its proponents as the "Taxpayer Protection and Government Accountability Act Initiative," which would amend the California Constitution to restrict the ability of the state, local governments, and the electorate to approve or collect taxes, fees, and other revenues. The measure would require voter approval of all state taxes, would further restrict local fee authority by limiting it to the "minimum amount necessary" to provide government services, and would require voter approval for local measures such as franchise fees. Its provisions would make it easier to challenge local revenue measures by increasing the burden of proof on local agencies while disallowing an agency's characterization of a measure from being considered in court.

Specifically, this proposed initiative has three main components. First, it would expand the definition of a tax to include charges that the state and local governments refer to as fees, such as certain charges that are imposed for a benefit granted to a payer but not granted to those not charged. This would significantly alter the functional definition of taxes and would subject much needed revenue generation tools to greater vote requirements. Current law already imposes regulations on how local governments can levy fees, by requiring charges associated with fees to not exceed the reasonable costs of providing the associated product or service. The revenue that is generated from our taxes and fees goes to funding essential services, such as fire, police, public works, and parks and recreation.

Second, the initiative would establish new stringent approval requirements for increasing state and local taxes, whether sought by the governing body or the electorate. For local governments, any and all tax increases under the expanded definition of taxes mentioned above would first need to be approved by two-thirds of the legislative body before it is presented to the electorate for consideration. Further, all proposed increases must be placed before voters on a regularly scheduled general election as opposed to a special election, except in cases of emergency, which can only be declared under unanimous agreement of the legislative body. Adding these new requirements to raise or impose taxes severely undercuts the ability for local governments to respond to the needs of its residents and remain nimble under varying conditions. In the event that there are immediate community needs that cannot conjure unanimous support from the legislative body to address, our communities will suffer.

Third, this initiative would place any new tax or fee increase under extreme legal scrutiny and would

invite anyone to take costly and lengthy legal action against a governing body. Specifically, the initiative would require that all new taxes or tax increases include highly technical information regarding its specified use, longevity, and estimated cost to the electorate. The inclusion of this explanatory criterion for the passage of new taxes would significantly increase liability for public officials that could result in significant damages. For instance, the initiative states that state and local governments bear the burden of providing clear and convincing evidence that the levy of a “fee” not subject to the onerous vote threshold requirements is not a tax under the new definition. In the event a private citizen or entity determines that the passage of a new fee or tax was unclear or that the amount is unreasonable, a local government could be subject to long and costly litigation.

Ultimately, tax and fee public policy has always dominated the states’ initiative process for decades. It’s important to understand that California has been largely divided on the topic because it relies on individual circumstances. As written, this measure will empower the state’s tax reform extremists to decimate the state and local governing processes by fixating on the hyper-specifics of tax policies, whose revenues are directed to serve the people.

The imposition of taxes and fees to fund public services is an essential tool of government. The COVID pandemic laid bare the necessity of allowing governing bodies at all levels of government to act immediately in order to provide to their communities during times of emergency. The Taxpayer Protection and Government Accountability Act Initiative would impose onerous and undemocratic restrictions on local governments and local voters that would reduce local revenues by billions every year and would harm the function of virtually all local services. For these reasons, the City of Livermore opposes Initiative #1935.

Sincerely,

John Marchand
Mayor, City of Livermore

LIVERMORE
CALIFORNIA

March 13, 2023

Bismarck Obando
Director of Public Affairs, LOCC
1400 K Street, Ste. 400
Sacramento, CA 95814

RE: Taxpayer Protection and Government Accountability Act (Initiative #1935)
Tri-Valley Cities Coalition – Notice of Opposition

Dear Director Obando:

On March 13, 2023, the City of Livermore City Council voted to oppose Initiative 21-0042A l, a deceptive, developer-sponsored proposition aimed for the November 2024 statewide ballot that would significantly jeopardize cities' ability to provide essential services and infrastructure for our residents.

The measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and projects and would limit voter input by prohibiting local advisory measures where voters can express a preference on how they want their local tax dollars spent.

This measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, including impacts on local infrastructure and our environment.

This measure also may make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods.

Unless defeated, the measure puts billions of dollars currently dedicated to local services at risk and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, affordable housing services to support homeless residents, mental health services, and more.

Impacts to the City of Livermore

1. Existing Revenues and Future Rate and Fee Increases - The City's water and sewer rate increases that went into effect after January 1, 2022, would be affected. Actual costs aren't defined in the Act which will result in the definition and process being subject to litigation. All fees and charges like the rental and sale of government property, emergency response fees, document processing and duplication fees, fines, penalties, and nuisance abatement charges would be subject to this undefined test. In addition, rate increases are based on estimated future costs not actual costs and it is unknown how this would be interpreted by the courts or whether there would or can be subsequent state legislation to define actual costs as it relates to rate and fee studies. If not, it will be very difficult to establish the City's

future rate and fee increases.

2. Impact Fees – With the requirement that “No levy, charge or exaction regulating or related to vehicle miles traveled may be imposed as a condition of property development or occupancy”, the Transportation Impact Fee would not be impacted as it is based on estimated trips and not miles traveled.
3. Development Agreements – Current interpretation of the initiative language would prohibit local agencies from entering into development agreements if the agreement does not pass the "actual and reasonable" cost test and could be subject to litigation if a resident or organization took issue with the development application process and its associated costs.
4. Property Tax Allocations – The language “All proceeds from the taxation of property shall be apportioned according to law the districts within the counties” lacks clarity and the City does not yet know how the California Business Roundtable would like to see this in application.
5. Tax Measure Limitations - If the City put a general tax measure on the ballot, it could not also add a companion measure that identities the intended uses of the revenues generated by the general tax measure.
6. Taxes and Fees - The City would need to revalidate all taxes and fees passed on or after January 1, 2022, under the measure’s provisions, which includes information on actual and reasonable costs, and the specific duration of the tax or fee.

The measure benefits wealthy corporations and real estate developers while decimating our local communities and neighborhoods.

You may list the City of Livermore in formal opposition to Initiative #2I-0042AI and include our city as part of the growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state opposed to this deceptive proposition.
Sincerely,

Sincerely,

John Marchand
Mayor, City of Livermore

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION OPPOSING THE "TAXPAYER PROTECTION AND GOVERNMENT ACCOUNTABILITY ACT" (INITIATIVE #1935)

The California Business Roundtable filed the Taxpayer Protection and Government Accountability Act (AG# 21-0042A1) to be considered for the November 2024 ballot, which would decimate vital local and state revenue-generating methods;

On February 2, 2023, the Secretary of State reported that proponents of the Taxpayer Protection and Government Accountability Act submitted 1,075,585 valid signatures, thus exceeding the 997,139 valid signatures required to qualify for the November 5, 2024 ballot;

The measure creates barriers for cities to maintain and generate revenue to provide services to communities, including local infrastructure, protecting our environment, water quality, air quality, and natural resources;

The measure includes undemocratic provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure;

A coalition local government, public safety, labor, and infrastructure advocates have joined together to fight against this measure;

According to municipal finance experts, should the Taxpayer Protection and Government Accountability Act be passed by voters, billions of local government fee and charge revenues placed at heightened legal peril. This will result in related public service reductions across virtually every aspect of city, county, special district, and school services especially for transportation, and public facility use;

Hundreds of millions of dollars of annual revenues from dozens of tax and bond measures approved by voters between January 1, 2022 and November 9, 2022 subject to additional voter approval if not in compliance with the initiative;

This initiative would affect existing revenues and future rate increases, impact fees, development agreements, property tax allocations, all taxes and fees passed on or after January 1, 2022, and nuisance and abatement fees.

The measure puts billions of dollars currently dedicated to state and local services at risk, and could force cuts to fire and emergency response, law enforcement, public health, parks, libraries, harbors, affordable housing, services to support homeless residents, mental health services, and more.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Livermore hereby opposes Initiative #1935, deceivingly called the "Taxpayer Protection and Government Accountability Act," and;

BE IT FURTHER RESOLVED, that the City of Livermore will join the NO on Initiative #1935 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

_____
Tara Mazzanti
Assistant City Attorney

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.11**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Joe Testa, Fire Chief

SUBJECT: Resolution declaring non-complying parcels a public nuisance requiring abatement, directing staff to proceed with the annual Fire Hazard Abatement Program, and set a public hearing date of April 10, 2023, to receive protests and direct staff to proceed with field abatement work.

RECOMMENDED ACTION

Staff recommends that the City Council adopt a resolution declaring non-complying parcels a public nuisance requiring abatement, direct staff to proceed with the annual Fire Hazard Abatement Program, and set a public hearing date of April 10, 2023, to receive protests and direct staff to proceed with field abatement work.

SUMMARY

The Fire Department will be the lead agency for following the Government Code Section 39560 et seq. for fire hazard abatement. Staff will start notification to property owners upon adoption of the resolution. This will afford property owners the maximum amount of time to abate the hazards created by weed growth. Abatement not completed by property owners prior to May 31, 2023, will be targeted for enforcement by the city contractor.

DISCUSSION

The fire hazard abatement program is a critical fire prevention program. The properties listed in the attachment have the potential to pose a fire hazard by having an overgrowth of weeds, dead and dying combustible vegetation, which create a fire hazard and a public nuisance. The Fire Department will provide written notice by mail to property owners requesting abatement. Should the property owner not complete the abatement, the city contractor will perform all necessary weed abatement. Staff will provide a schedule to all property owners including abatement timelines, type(s) of work needed based on parcel type, size, and location. A brief overview of the process is as follows:

1. The Fire Department receives and reviews a list of vacant properties annually.
2. If the Resolution for this agenda item is approved, the Fire Department will provide written notice

to property owners declaring non-complying parcels a nuisance.

3. At a future City Council meeting, the Council will have the opportunity to hear any objections by property owners and direct staff to abate fire hazards caused by overgrown weeds and dead and/or dying vegetation from the parcels.
4. For properties where abatement has not been completed by the deadline, the Fire Department will send notice to property owners declaring noncompliance with weed abatement standards.
5. The Fire Department will direct the City contractor to conduct the work.
6. Fire Department staff will then audit all fieldwork and process paperwork for City abated parcels including billing, processing of payments and processing non-payer information for addition to property tax rolls.
7. If required, at a third City Council meeting, a hearing will be held to receive private parcel owners' protests of costs associated with fire hazard abatement and to direct the City Clerk to file special assessments on parcels with the Alameda County Tax Collector.

The Fire Department will be proactive in fire prevention and public safety regarding fire hazard abatement. This program affords the City a method to keep potential fire loss and injury to a minimum as a result of natural cover fires.

FISCAL AND ADMINISTRATIVE IMPACTS

The fire hazard abatement costs are fully recoverable. Property owners are invoiced for all work performed as well as an administrative charge. Last year the total cost of work was $7,786.80 which included the administrative costs incurred by the City in accordance with Section 39572 of the government code. The Finance Department files abatement costs with the Alameda County Tax Collector on any unpaid invoices for abatement work as a special assessment to the tax roll.

ATTACHMENTS

1. Resolution
2. Exhibit A - List of Parcels & Property Owners

Prepared by: Shin Oh
Administrative Assistant

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION DECLARING THAT CONDITIONS OF GROWING WEEDS, ACCUMULATED REFUSE, RUBBISH OR DIRT THAT EXIST, AND THAT ARE SEASONAL AND RECURRENT, ON PRIVATE PROPERTY AND/OR ADJACENT STREETS, PARKWAYS AND/OR SIDEWALKS AS DESCRIBED HEREIN, ARE DECLARED TO BE A PUBLIC NUISANCE

The Livermore City Council has authority, pursuant to California Government Code sections 39561 and 39562.1, to declare that there exist conditions, or that seasonal and recurrent conditions exist, of growing weeds, accumulated refuse, rubbish or dirt on private property and/or adjacent streets, parkways and/or sidewalks in the City of Livermore.

The Livermore City Council also has the authority to find that such conditions constitute a public nuisance and should be abated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that:

1. The existence, and seasonal and recurrent existence, of growing weeds, accumulated refuse, rubbish or dirt on private property and/or on the streets, parkways and/or sidewalks adjacent to each parcel of real property described in Exhibit A, attached hereto, and that such conditions are declared a public nuisance and shall be abated;

2. The Fire Chief is designated as the public official empowered to perform duties imposed by Government Code Section 39560, et seq.;

3. The City Clerk, or her designee, when mailing written notice of the proposed abatement to all property owners listed in Exhibit A, attached hereto, at least five days prior to the time for hearing objections by the Livermore City Council, shall also take to ensure the notice is also sent to the current owners of those properties; and

4. A public hearing shall be held on April 10, 2023, at 7:00 p.m., at which time property owners having objections to the proposed removal of weeds, rubbish, refuse and dirt will be heard and given due consideration.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Jason Alcala
Jason Alcala
City Attorney

Exhibit A – List of Parcels & Property Owners

Livermore-Pleasanton Fire Department
2023 List of Parcels

	Parcel Number	Situs Address	Owner(s)
1	097 -0148-075-00	1745 STERLING CT	Julin Long and Yuchi Tsao
2	098 -0256-027-00	JUNCTION AVE	MALLONI JAMES TR
3	098 -0275-016-04	3163 GARDELLA PLAZA	W P CO 843-1-23-3
4	098 -0281-009-00	NORTH K ST	DESOUSA GIZELA P & GISELLE M TRS
5	098 -0281-010-00	NORTH K ST	DESOUSA GIZELA P & GISELLE M TRS
6	098 -0350-054-00	MARYLIN AVE	KREMER KENNETH A TR
7	098A-0414-028-06	600 MAPLE ST/SCHOOL ST	LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT
8	098A-0610-004-00	EAST AVE	BIG RED BUDDY LP & ERLICH STEVEN J & LINDA R TRS
9	099 -0015-003-14	2251 LAS POSITAS RD	LINDEN SUMMIT INVESTMENT CO Castle Management
10	099 -0015-006-02	1273 N LIVERMORE AVE	TRIVALLEY MONTESSORI SCHOOL
11	099 -0015-010-03	2784 LAS POSITAS RD	WALMART STORES INC
12	099 -0023-008-00	LASSEN RD	LD FUND III LIVERMORE LAND LLC
13	099 -0040-008-05	5281 SOUTHFRONT RD	KOLSOM DAVID A & SANDRA A TRS & NEWTON DEBRA M
14	099 -0040-010-26	5179 PRESTON AVE	P G & E CO 135-1-78A-1
15	099 -0040-016-00	N MINES RD	W P CO 843-1-23-8
16	099 -0040-018-00	N MINES RD	S P CO 872-1-98H-POR 11
17	099 -0040-019-10	N MINES RD	W P CO 843-1-23C-POR 7
18	099 -0051-003-02	GARDELLA PLAZA	SHR VENTURES LLC
19	099 -0056-007-02	1ST ST	W P CO 843-1-23C-POR 7
20	099 -0075-003-04	PORTOLA AVE	SCHERBARTH JASON A & SHAWNA L TRS & SCHERBART ETAL
21	099 -0075-003-06	PORTOLA AVE	SCHERBARTH JASON A & SHAWNA L TRS & SCHERBART ETAL
22	099 -0075-007-04	EDINBURGH DR	EDINBURGH FORTUNES LLC
23	099 -0100-005-00	1240 N LIVERMORE AVE	ART MONUMENT CO INC
24	099 -0100-018-30	1202 PORTOLA	KENT E G & BEVERLY C TRS
25	099 -0100-030-02	1700 PASEO LAGUNA SECO	AUTUMN SPRINGS RE INVESTORS LP
26	099 -0100-030-08	PASEO LAGUNA SECO	FALLON ENTERPRISES INC
27	099 -0100-031-00	PORTOLA AVE (PASEO LAGUNA SECO)	ALAMEDA COUNTY FLOOD CONTROL
28	099 -0100-032-00	PORTOLA AVE	MCRAE JOHN S
29	099 -0100-037-01	2169 LAS POSITAS CT	BACA DENNIS E Tr
30	099 -0126-007-00	CALLE DEL SUENO	DAVIDON HOMES
31	099 -0400-001-03	1919 LOMITAS AVE	PATTON ROBERT A & LOUISE K TRS
32	099 -0680-002-00	ARROYO RD & HANSEN RD	SHEN JIEYONG TR
33	099 -0680-004-00	ARROYO RD & HANSEN RD	SHEN JIEYONG Tr
34	099 -0680-008-00	ROCKINGHAM CT	SCARLET BEAR
35	099 -0801-005-00	2301 CONCANNON BLVD	LAUNCH PAD VENTURES LLC
36	099 -0801-011-00	CONCANNON BLVD	OSORIO JAIME
37	099 -0802-001-00	CONCANNON BLVD	OSORIO JAIME
38	099 -1150-004-06	4743 EAST AVE	ASBURY METHODIST CHURCH
39	099 -1311-003-00	2463 SHEFFIELD DR	WILSON WILLIAM G & JOHN MIRIAM E TRS

40	099 -1316-011-00	137 RICKENBACKER	Rickenbacker Circle Associates Llc
41	099 -1316-033-00	212 RICKENBACKER CIR	BLACK MICHAEL J & COLLEEN A TRS
42	099 -1317-050-00	SPRING VALLEY CMN	SPRING VALLEY ASSOCIATION Ili
43	099 -1321-013-00	2863 CHABLIS WAY	SPAETH MARY L TR
44	099 -1325-012-00	4715 BENNETT DR	ARROYO/LIVERMORE BUSINESS PARK LP
45	099 -1325-022-02	4536 LAS POSITAS RD	ARROYO/LIVERMORE BUSINESS PARK LP
46	099 -1325-023-00	ARROYO VISTA	ARROYO/LIVERMORE BUSINESS PARK LP
47	099 -1325-027-02	LAS POSITAS RD	ARROYO/LIVERMORE BUSINESS PARK LP
48	099 -1325-029-02	LAS POSITAS RD	ARROYO/LIVERMORE BUSINESS PARK LP
49	099 -1325-030-04	LAS POSITAS RD	ARROYO/LIVERMORE BUSINESS PARK LP
50	099 -1325-085-00	BENNETT DR	ARROYO/LIVERMORE BUSINESS PARK LP
51	099 -1325-089-00	BENNETT DR	ARROYO/LIVERMORE BUSINESS PARK LP
52	099 -1326-029-00	5340 BRISA ST	KENT E G & BEVERLY C TRS
53	099 -1326-037-00	LA RIBERA ST	PETERSON PROPERTIES LLC
54	099 -1328-154-00	SPRINGTOWN BLVD	SPRING VALLEY ASSOCIATION III
55	099 -1331-012-00	200 E AIRWAY BLVD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
56	099 -1332-065-00	966 WAVERLY CMN	VALHALLA HOMEOWNERS ASSOCIATION
57	099 -1336-097-05	LOCH LOMAND WAY	PORTOLA GLEN TOWNHOMES OWNERS ASSOCIATION
58	099 -1336-109-00	HIGHLAND ST	EDINBURGH FORTUNES LLC
59	099 -1349-003-03	CONTRACTORS PL	RAMAN HARINDER LLC
60	099 -1349-023-00	CONTRACTORS PL	TA DAH LLC
61	099 -1362-004-00	HANSEN RD	MALAKOFF NATHAN
62	099 -1368-001-00	3401 HANSEN RD	CALIFORNIA WATER SERVICE COMPANY
63	099 -1368-002-00	HANSEN RD	MALAKOFF NATHAN G & JENNIFER M TRS
64	099 -1370-003-00	1670 PORTOLA AVE	MANCINI KAROL & RANDY
65	099A-1500-048-00	2171 RESEARCH DR	DPR REAL ESTATE INVESTMENTS LLC
66	099A-1500-074-01	2176 RESEARCH DR	LREH CALIFORNIA LLC
67	099A-2926-003-00	S VASCO RD	Jiang Licheng
68	099A-2939-002-00	2453 COWAN WAY	FRYDENDAL SUE TR
69	099B-5050-001-12	908 N VASCO RD	UNG CISSY S
70	099B-5050-006-05	5905 NORTHFRONT RD	WOOD FAMILY DEVELOPMENT LLC
71	099B-5100-005-00	1080 CENTRAL AVE	1080 CENTRAL LLC
72	099B-5304-003-02	1893 N VASCO RD	UNITARIAN UNIVERSALIST CHURCH LIVERMORE
73	099B-5351-018-11	VASCO RD	ALAMEDA COUNTY FLOOD CONTROL
74	099B-5401-009-00	LAUGHLIN RD	LAUGHLIN KATHRYN M TR
75	099B-5401-010-00	LAUGHLIN RD	GARCIA TIMOTEO R & ELIZABETH N
76	099B-5401-011-00	788 LAUGHLIN RD	LAUGHLIN KATHRYN M TR
77	099B-5401-012-00	6978 NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
78	099B-5401-013-01	6884 NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
79	099B-5401-013-03	NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
80	099B-5401-016-01	NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
81	099B-5401-017-00	6784 NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

82	099B-5401-018-01	NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
83	099B-5401-019-00	6690 NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
84	099B-5425-003-00	HERMAN AVE	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
85	099B-5425-004-00	801 HERMAN AVE	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
86	099B-5425-005-00	NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
87	099B-5425-006-00	6634 NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
88	099B-5425-007-00	NORTHFRONT RD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
89	099B-5450-002-00	LAUGHLIN RD	EAST BAY REGIONAL PARK DISTRICT Land Aquis. Dept
90	099B-5450-003-00	1467 LAUGHLIN RD	EAST BAY REGIONAL PARK DISTRICT Land Aquis. Dept
91	099B-5700-002-07	151 GREENVILLE	JDB PROPERTIES LLC
92	099B-5700-003-01	N GREENVILLE RD	S P CO 872-1-99L-42
93	099B-5752-010-00	LONGFELLOW CT	D J SMITH FAMILY PARTNERSHIP
94	099B-5752-011-00	LONGFELLOW CT	D J SMITH FAMILY PARTNERSHIP
95	099B-5753-003-00	HAWTHORNE AVE	KEECH DONALD E & CHIEKO Y TRS
96	099B-5753-007-00	7589 NATIONAL DR	EVANS DAN L & KATHLEEN M TRS & EVANS WAYNE ETAL
97	099B-5753-038-00	751-799 ENTERPRISE CT	EVANS DAN L & KATHLEEN M TRS
98	099B-5753-039-00	750-758 ENTERPRISE CT	Enterprise Court LLC
99	099B-5753-040-00	704-748 ENTERPRISE CT	ENTERPRISE COURT LLC
100	099B-5753-045-00	NATIONAL DR	EBI DEVELOPMENT GROUP LLC
101	099B-5753-063-00	7925 NATIONAL DR	TOPCON POSITIONING SYSTEMS INC
102	099B-5753-064-00	7979 NATIONAL DR	TOPCON POSITIONING SYSTEMS INC
103	099B-5753-065-00	7933 NATIONAL DR	TOPCON POSITiONING SYSTEMS INC
104	099B-5875-029-00	SOUTHFRONT RD	P G & E CO 135-1-43A-1
105	099B-5900-002-09	5945 SOUTHFRONT RD	SINGH JADWINDER & DHALIWAL ALKESH K TRS ETAL
106	099B-8103-013-03	LAS POSITAS RD	KAISER FOUNDATION HOSPITALS
107	099B-8103-014-02	LAS POSITAS RD	KAISER FOUNDATION HOSPITALS
108	099B-8103-024-00	LEISURE ST	GERGES HANY E & LIDIA
109	099B-8103-025-00	LEISURE ST	SANCHEZ CANDELARIO & VELVET S TRS ETAL
110	099B-8103-035-00	VAUGHN AVE	TAMAR REALTY LAS POSITAS LOGISTICS CENTER CA LP
111	099B-8104-007-00	COMMERCE WAY	WROAN DAVID S & JENNIFER B TRS
112	099B-8104-008-00	COMMERCE WAY	WROAN DAVID S & JENNIFER B TRS
113	099B-8104-009-00	COMMERCE WAY	WROAN DAVID S & JENNIFER B TRS
114	099B-8104-010-00	COMMERCE WAY	WROAN DAVID S & JENNIFER B TRS
115	099B-8104-011-00	COMMERCE WAY	WROAN DAVID S & JENNIFER B TRS
116	099B-8110-046-00	SOUTHFRONT RD	Livermore Medical LLC
117	099B-8110-062-00	LAWRENCE DR	LIVERMORE LIFE PROPERTIES LLC
118	099B-8110-064-00	LAWRENCE DR	LIVERMORE LIFE PROPERTIES LLC
119	099B-8110-078-00	200 N GREENVILLE RD	NIJJAR KARAMJIT S & RAJINDER K

120	099B-8110-079-00	N GREENVILLE RD	AHUJA ENTERPRISES LLC ETAL
121	099B-8110-081-00	200 S FRONT RD	PPV PROPERTIES LLC ETAL
122	099B-8117-024-03	LAUGHLIN RD	HOM WING Y & LAI C TRS
123	099B-8120-053-00	DRY CREEK CT	BLUFFS IN LIVERMORE OWNERS ASSOCIATION
124	099B-8120-054-00	LAKE CT	BLUFFS IN LIVERMORE OWNERS ASSOCIATION
125	099B-8126-006-00	631 PINNACLE	GNOVEL JOHN P & SOOSUR SUSAN S
126	902 -0008-001-00	3658 LAS COLINAS RD	ADVENTUS
127	902 -0008-002-02	US HWY 50 E	FERRARI FAM LTD PTP & SCHMIDIG FRANK JR ETAL
128	903 -0010-002-04	COLLIER CANYON RD	CHABOT LAS POSITAS COMMUNITY COLLEGE DISTRICT
129	903 -0010-028-00	PORTOLA AVE	SHEA CENTER LIVERMORE LLC
130	903 -0010-029-00	PORTOLA AVE	SHEA CENTER LIVERMORE LLC
131	903 -0010-030-00	PORTOLA AVE	SHEA CENTER LIVERMORE LLC
132	903 -0010-046-00	PORTOLA AVE	SUTTER HEALTH
133	903 -0010-047-00	PORTOLA AVE	SUTTER HEALTH
134	903 -0010-048-00	PORTOLA AVE	SUTTER HEALTH
135	903 -0010-052-00	PORTOLA AVE	SUTTER HEALTH
136	903 -0010-053-00	PORTOLA AVE	SUTTER HEALTH
137	903 -0010-054-00	PORTOLA AVE	SUTTER HEALTH
138	904 -0004-064-00	NISSEN DR	LIVERMORE AIRWAY BUSINESS PARK
139	904 -0005-003-30	200 E AIRWAY BLVD	COUNTY ALAMEDA FLOOD CONTROL & WATER CONSERVATION
140	904 -0005-003-33	200 E AIRWAY BLVD	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
141	904 -0005-004-07	US HWY 50 E	GANDOLFO CATHERINE ETAL
142	904 -0012-009-00	625 W JACK LONDON BLVD (DISCOVERY DR)	ARKAY LAND LLC
143	904 -0012-010-00	450 DISCOVERY DR	ARKAY PROPERTIES LLC
144	904 -0012-011-00	DISCOVERY DR	ARKAY PROPERTIES LLC
145	904 -0012-012-00	DISCOVERY DR	CH DISCOVERY DRIVE LLC
146	904 -0012-013-00	DISCOVERY DR	CH DISCOVERY DRIVE LLC
147	905 -0009-013-03	COLLIER CANYON	MONUMENT PROPERTIES LIVERMORE LLC
148	905 -0010-004-03	TRIAD DR (OLD GLORY DR)	SDLT INVESTMENTS VII LLC
149	905 -0010-006-00	TRIAD DR (OLD GLORY DR)	SDLT INVESTMENTS VII LLC
150	905 -0014-015-00	N CANYONS PKWY	LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT
151	905 -0015-008-00	2768 COLLIER CANYON RD	CHU YUETMING & MIRIAM L TRS
152	905 -0015-018-00	CONSTITUTION DR	KMTJ INVESTMENTS LP
153	905 -0015-019-00	CONSTITUTION DR	KMTJ INVESTMENTS LP
154	905 -0015-026-00	2620 COLLIER CANYON RD	CORNERSTONE FELLOWSHIP OF LIVERMORE CALIFORNIA
155	905 -0015-027-00	2620 COLLIER CANYON RD	CORNERSTONE FELLOWSHIP OF LIVERMORE CALIFORNIA
156	905 -0015-028-00	2620 COLLIER CANYON RD	CORNERSTONE FELLOWSHIP OF LIVERMORE CALIFORNIA
157	905 -0015-029-00	2620 COLLIER CANYON RD	CORNERSTONE FELLOWSHIP OF LIVERMORE CALIFORNIA
158	099 -0725-212-00	2301 BESS AVE	ATWAL DEEPAKPAL & HARPARTAP

159	099 -1356-006-00	303 E VINEYARD AVE	SINGH SURINDER K TR
160	098 -0250-005-00	OAK ST	W P CO 843-1-22-8
161	099 -0015-063-00	2301 LAS POSITAS RD	VIAZON HOLDING LLC, LIVERMORE LAS POSITAS SERIES
162	099 -0015-064-00	LAS POSITAS RD	VIAZON HOLDING LLC, LIVERMORE LAS POSITAS SERIES
163	099 -0015-022-02	LAS POSITAS	MATTO ALLEN J & CAROL A TRS
164	099 -0015-022-03	LAS POSITAS	COOK DEVIN C & AUDRA M
165	099 -0015-023-04	1309 HILLIKER	ADAMS SHELLY TR
166	099 -0015-024-00	1301 HILLIKER	FUKUSHIMA HIROSHI & DIANNE TRS
167	099 -0015-026-06	1365 HILLIKER	FEDERICO JOHN & GINNY D
168	099 -0015-028-02	LAS POSITAS	RUBY BEAR LP
169	099 -0015-030-00	1300 HILLIKER	GREENE WILLIAM J & LIEN L
170	099 -0015-031-00	1250 HILLIKER	RUSSELL JERRY L JR & ARENDELL LEILANI W TRS
171	099 -0015-039-00	1300 HILLIKER	ZACHARIAH FAMILY HIGH BASIS L P
172	099 -0015-040-00	1302 HILLIKER	MUMFORD STEVEN & SUSAN
173	099 -0682-006-00	ARROYO	LEE SHIUH K & WEI SHUYIN J TRS
174	099 -1325-043-00	5002 PRESTON	BAY AREA LLC
175	902 -0008-010-04	US HWY 50 E	U PROPERTIES LVS LLC
176	902 -0008-011-06	US HWY 50 E	ANDERSON CALVIN B Tr
177	903 -0010-049-00	PORTOLA	SUTTER HEALTH
178	099 -0679-048-00	CHURCHILL DOWNS LN	SHEN JIEYONG TR
179	099B-8129-005-00	Northfront Rd	PENINSULA REAL ESTATE INVESTMENT LLC
180	099B-5450-010-03	LAUGHLIN RD	WESTERN TITLE GUARANTY CO CONTRA COSTA CO DIV
181	099 -1326-042-00	305 S VASCO RD	D BRUZZONE LLC
182	099 -0400-007-28	LOMITAS AVE	ROMAN CATHOLIC BISHOP OAKLAND
183	099B-5075-006-10	VASCO RD	COUNTY ALAMEDA FLOOD CONTROL & WATER CONSERVATION
184	098 -0264-024-02	JUNCTION AVE	WP CO 843-1-23-1
185	098 -0260-022-04	N I ST	W P CO 843-1-22-14
186	098 -0290-007-02	N N ST	W P CO 843-1-22-POR-6
187	098 -0290-008-02	N P ST	WP CO 843-1-22-POR-6
188	098 -0290-009-02	VINEYARD AVE	W P CO 843-1-22-POR-6
189	099B-5752-024-00	6877 Brisa St	BOARD OF TRUSTEE OF Lsj UNIVERSITY TR
190	099 -0040-075-00	5605 SOUTHFRONT RD	MCGRATH RENTCORP
191	099 -0040-076-00	5605 SOUTHFRONT RD LI	MCGRATH RENTCORP
192	099 -0040-078-00	5605 SOUTHFRONT RD	MCGRATH RENTCORP
193	099 -0040-079-00	5605 SOUTHFRONT RD	MCGRATH RENTCORP
194	099 -0256-001-00	E STANLEY	REES ANNIE
195	099 -0257-001-00	400 WALL ST	LIVERMORE VALLEY JOINT UNIFIED SCHOOL DISTRICT
196	099 -1356-005-00	355 E Vineyard Ave	ABBOUD FAYEZ E & RIMA F TRS
197	099 -1343-033-00	353 Kalthoff Cmn	La Phong & Sai Etal
198	099 -1343-024-00	51 Vallecitos Rd	MUSCO FELIX P & JOSEPHINE
199	099 -1343-035-02	342 Kalthoff Cmn	DANGTRAN JOSEPH V & PHUONGUYEN N TRS
200	099 -1343-019-00	763 Kalthoff Cmn	LIN ALAN Z & XING SUSAN S TRS
201	099 -1343-030-00	320 Kalthoff Cmn	Livermore Crest LLC

202	099 -1361-006-00	567 E Vineyard Ave	HLW LLC
203	099 -1356-007-00	221 E Vineyard Ave	XU YINGMIN & CHEN JIE
204	904 -0004-004-02	US HWY 50 W	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
205	904 -0004-004-03	US HWY 50 W	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
206	097 -0022-001-00	1783 2nd St	MITOMA PROPERTIES LLC
207	099A-2902-010-00	5054 ERICA WAY	BENNETT LEON R
208	099A-2902-013-00	372 ERICA CT	REPPAS JULIE V & STEVEN D
209	099A-2902-014-00	360 ERICA CT	HOWARD NICHOLAS L & JUNKO
210	099 -1311-035-07	2395 Lennox Ln	CORNERSTONE REALTY FINANCE & INVESTMENTS CORP
211	099 -1366-004-00	Cellars Drive	LAGISS TERESA A & SAUER CHRYSANNE TRS
212	099 -1367-004-00	Lagiss Drive	LAGISS TERESA A & SAUER CHRYSANNE TRS
213	099 -1367-005-00	Lagiss Drive	LAGISS TERESA A & SAUER CHRYSANNE TRS
214	099 -0751-012-08	2111 Pleasant View Ln	BURY DOUGLAS W & SHARI G TRS
215	903 -0014-004-00	PORTOLA AVE	SHEA HOMES INC
216	903 -0014-005-00	PORTOLA AVE	SHEA HOMES INC
217	903 -0014-006-00	PORTOLA AVE	SHEA HOMES INC
218	903 -0014-007-00	PORTOLA AVE	SHEA HOMES INC
219	903 -0014-008-00	PORTOLA AVE	SHEA HOMES INC
220	098 -0356-139-00	10 N Murrieta Blvd	Lexington Associates
221	099B-8110-013-00	7480 Las Positas Rd	RTM PROPERTIES LLC
222	098 -0213-003-05	Elm St	JOHAL AMRIK & GHAG MAKHAN
223	098 -0213-003-03	732 N K ST (ELM ST)	STOTTLEMYER JUSTIN H & REBEKAH H
224	097 -0143-056-00	1202 Concannon Blvd.	HANALEI SUNSET LLC
225	904 -0004-072-00	ARMSTRONG ST	LIVERMORE AIRWAY BUSINESS PARK
226	904 -0004-073-00	ARMSTRONG ST	LIVERMORE AIRWAY BUSINESS PARK
227	903 -0010-056-00	PORTOLA AVE	SHEA CENTER LIVERMORE LLC
228	903 -0010-057-00	PORTOLA AVE	SHEA CENTER LIVERMORE LLC
229	903 -0010-058-00	PORTOLA AVE	SHEA CENTER LIVERMORE LLC
230	903 -0010-061-00	PORTOLA AVE	SHEA CENTER LIVERMORE LLC
231	904 -0012-018-03	875 Atlantis Ct	LIVERMORE AMADOR VALLEY TRANSIT AUTHORITY
232	099 -1343-011-00	1343 e vALLECITOS rD	LIVERMORE AREA RECREATION & PARKS DISTRICT
233	099B-5300-010-00	Vasco Rd	ALBRIGHT SHARON L & ELK KAREN J TRS & ELK KAR ETAL
234	099A-2936-007-00	2600 S Vasco Rd	SCOTT RICHARD H TR
235	098 -0346-021-00	909 N L St	DERONG INVESTMENT 1 LLC
236	098 -0346-022-00	909 N L St	DERONG INVESTMENT 1 LLC
237	099 -1365-008-00	Holmes St	ROBERT D & DEBORAH D BOSSI
238	098 -0298-005-00	659 Andrews St	SABIN DON
239	099 -1343-012-00	E VALLECITOS RD	KKB BRO LLC
240	099 -0185-003-00	E STANLEY BLVD	W P CO
241	099 -0175-019-02	E STANLEY BLVD	W P CO
242	099 -0175-019-01	E STANLEY BLVD	W P CO
243	099 -0175-014-02	E STANLEY BLVD	W P CO

244	098 -0251-009-00	OAK ST	W P CO
245	099 -0051-020-05	1ST ST	W P CO
246	099 -0051-020-06	1ST ST	W P CO
247	099 -0040-022-00	N MINES RD	W P CO
248	099 -0040-017-04	N MINES RD	W P CO 843-1-23A-15
249	099 -0040-017-01	N MINES RD	W P CO
250	099A-1400-013-01	EAST AVE	W P CO
251	099A-1475-008-08	EAST AVE	W P CO
252	099A-1475-008-02	GREENVILLE RD	W P CO

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 5.12**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Christine Martin, Assistant City Manager

SUBJECT: Resolutions approving City Council Norms, Values and Principles of Governance, and the City Council Meeting Rules of Procedure.

RECOMMENDED ACTION

Staff recommends the City Council adopt resolutions approving the City Council Norms, Values and Principles of Governance, and the City Council Meeting Rules of Procedure.

SUMMARY

Staff recommends the City Council adopt resolutions approving revisions to the City Council's Norms, Values, and Principles of Governance, and revisions to the City Council Meeting Rules of Procedure.

DISCUSSION

On February 2, 2023, the City Council held a special meeting workshop to consider proposed changes to the City Council's Norms, Values, and Principles of Governance, as well as to the City Council Meeting Rules of Procedure.

For both documents, the proposed amendments reflect the amendments presented by staff at the workshop, and further revisions that incorporate the City Council's comments and by staff for additional clarification. The recommended changes from the workshop, with the additional clarifying changes by staff, are contained in Attachments 1 and 2 to this staff report.

ATTACHMENTS

1. Redlined City Council Norms, Values, and Principles of Governance
2. Redlined Changes to Rules of Procedure
3. Resolution Amending and Adopting City Council Norms, Values, and Principles of Governance
4. Exhibit A - City Council Norms Values and Principles of Governance

5. Resolution Amending and Adopting City Council Meeting Rules of Procedure
6. Exhibit A - City Council Meeting Rules of Procedure, revised 02-27-2023

Prepared by: Christine Martin
Assistant City Manager

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

City Council Norms, Values, and Principles of Governance

COUNCIL NORMS

Demonstrate Respect and Show Professionalism
The City Council shows respect and practices professionalism through their actions and words, and shows compassion for community, staff, and other members of the City Council in all situations, including those involving disagreement and difference. We focus on forward thinking, while building on history and lessons learned from the past. We avoid responding to perceived derogatory or repugnant public comments during City Council meetings. Out of respect to each other, staff, and members of the public, we avoid using cell phones and other communication devices during City Council and other public meetings where we preside.

Take Responsibility
We are accountable to the community, staff, and to each other for our actions and words. We hold ourselves to the highest ethical standards. We act with integrity and lead by example.

Encourage Civic Engagement
We value and encourage the input of others, and challenge ideas not individuals in our role as policy makers. We recognize the importance of input from various groups and seek to actively engage the community.

Show Appreciation
When appropriate, we recognize and show genuine appreciation for the hard work and accomplishments of staff, advisory body members, community organizations, members of the public and fellow City Council members.

Maintain Transparent Communication
We strive to maintain transparent communication, in meetings and through online and written correspondence.

COUNCIL VALUES

Trust
We value and foster trust and honesty among staff and one another. We listen to others and seek to create an environment of mutual support.

Honest and Effective Communication
We commit to direct, respectful communication to seek a shared understanding. We value diversity of thought and will engage in open dialogue with each other and the public.

Data Driven Decision Making
We seek to make data driven (qualitative and quantitative) policy decisions. Our findings will rely on fact-based evidence, not unvalidated assumptions.

Teamwork
We work as a team to create effective policy, focusing on the best outcomes for the community, as a whole.

Enthusiasm and Effort
We have a genuine enthusiasm for our role as policy makers and community leaders. We come to meetings well prepared and ready for robust discussion.

PRINCIPLES OF GOVERNANCE

The City Council will govern on an at-large (community-wide) basis to address the needs of the entire community. Resources will be allocated based on community-wide priorities. To ensure a community-wide focus, City Council members and residents may communicate directly regardless of the district the Council member represents or the district where the community member lives.

Council-Staff Relations
Council and staff work in partnership to achieve our goals. Consistent with Livermore's Council-Manager form of local government, the City Manager plays a central role in directing and facilitating Council-staff relations. Typically, Council members are expected to engage only with Department Directors and other executive staff, and to do so under the direction of the City Manager. Similarly, Council members are expected to engage with City Attorney staff only with the consent of the City Attorney. Trust and effective communication are key to ensure a productive partnership.

Council Responsibility
The primary role of the City Council is to act as policy makers and to govern the activities of the City of Livermore. We strive to understand and reflect the entire community's values and needs. To achieve this, we serve as an oversight body and provide clear policy direction to staff and follow through with the community. We recognize our responsibility of making sound financial decisions that enhance the quality of life for Livermore residents.

Council members are encouraged to seek information and advice from the City Manager and City Attorney as part of their due diligence when forming their own opinions and developing their courses of action on issues. The Council recognizes that staff time is a limited resource and that in some cases complying with Council direction may require substantial staff time. In such cases staff will inform Council if their direction cannot be absorbed and that reprioritization of other tasks may be necessary. Before requesting an item under Matters Initiated, a City Council member is expected to ask the City Manager if there is adequate staff resource capacity needed to address the requested item.

Staff Responsibility

It is the responsibility of staff, under the direction of the City Manager, to support the City Council and implement policies created by the Council. The City Manager is critical in helping to translate the policy direction for staff, and to ensure that there is sufficient clarity and context. The City Manager and staff shall not take any action requested by an individual Council Member even when that action is consistent with Council priorities.

To effectively support Council, staff will provide timely and complete information needed to make sound policy decisions. Reports and recommendations will be comprehensive and contain explicit and clear information including all facts. Staff will include options or alternatives when appropriate. Additionally, staff is expected to provide guidance and advice to Council, ensuring that they are complying with rules and procedures, and adhering to norms and values.

City Attorney Responsibility

It is the responsibility of the City Attorney, as the chief legal advisor of and attorney for the City and all its departments and office, to provide legal oversight of the City's governance, operation and public policy. The City Attorney provides legal advice and counseling to the City Council as a body and takes direction from a majority of the City Council. The City Attorney shall not take any action requested by an individual Council Member contrary to the desires of the City that have been expressed by a majority of the City Council. The City Attorney counsels and advises the City Council, City Manager, and staff of policy matters to help them make well informed decisions but does not create policy other than through the Risk Management Division's functions. The City Attorney advocates for the City and upholds the integrity of the City's ordinances, regulations, and policies.

As the advisor and advocate for the City, the City Attorney owes two duties directly to the public: to act as a check on governmental action in certain limited circumstances, and to accurately advise the public when called upon to do so. In addition, the City Attorney is a constitutional officer that has direct authority to take certain actions independent of direction from the City Council and must also fulfill the rules of professional responsibility as an attorney and as a government attorney.

Council- Advisory Body Relations

The City Council has created boards, commissions, and committees to advise the City Council. Advisory body members are appointed by and serve at the pleasure of the City Council. We recognize and value the role of advisory bodies to reflect the entire community through their recommendations to inform our policy decisions. Advisory bodies communicate to the City Council through their annual updates, meeting actions and/or through their staff-liaisons. City Council can provide guidance to the advisory bodies by commenting on their proposed annual work plans, included with their annual updates.

City Council Meeting Rules of Procedure

In addition, the City Council is also governed by City Council Meeting Rules of Procedure.

CITY COUNCIL MEETING

RULES OF PROCEDURE

1. Authority

These rules of procedure are established for the effective and fair conduct of City Council meetings and to help promote public confidence in the integrity of local government. By adopting these rules, the City Council intends to balance a policy of full and free public action and debate with a need to manage its meetings effectively. [36813[1]].

The rules also include expectations for the appointments to the City's advisory bodies and their conduct consistent with these rules, and the Mayor's assignment of the Council Member's offices and seats on the dais.

2. Purpose

The purpose of these rules is to document the City Council's accepted practices and to clarify expectations by establishing guidelines for the orderly, consistent, and fair conduct of the City Council's business.

These rules of procedure are intended to help implement, but do not limit or supersede, the state and local laws that govern the requirements and responsibilities for the City Council's meetings. Those laws include, but are not limited to, the California Constitution, the Brown Act, the Political Reform Act, the Livermore Municipal Code, and the Livermore Development Code.

These rules of procedure are not intended to limit the inherent power or the general legal authority of the City Council, and failure to follow these rules will not invalidate a City Council action. [*City of Pasadena v. Paine, (1954) 126 Cal.App.2d 93].*

3. Rules of Parliamentary Procedure

The City Council has adopted *Rosenberg's Rules of Order, Revised 2011*, as its rules of parliamentary procedure. In the event of a conflict between *Rosenberg's Rules of Order* and these rules of procedure, these rules of procedure shall control.

4. Applicability

These rules of procedure apply to the preparation, posting, and distribution of the agendas for City Council meetings. They also relate to the orderly discussion of items and the City Council's voting procedures to take formal action or provide direction to staff. Lastly, they relate to respective powers for the Mayor and Council Members.

[1] All citations are to the California Government Code unless otherwise noted.

5. Presiding Officer

The Mayor is the presiding officer for each meeting of the City Council that the Mayor attends. In the Mayor's absence, the Vice Mayor shall be the presiding officer for the meeting when the Vice Mayor is present. In the absence of both the Mayor and the Vice Mayor, the Council Members present at the meeting shall select a presiding officer. [36802].

~~The presiding officer shall have the Mayor's duties and responsibilities for conducting City Council meetings.~~

6. Mayoral Duties and Responsibilities

The Mayor is directly elected at-large for a two-year term in November of each even-numbered year. The Mayor is a member of the City Council and has all the powers of a Council Member, except when exercising his or her unique mayoral duties. The Mayor enjoys, and shall not be deprived of, any rights and privileges as a Council Member. Additionally, the Mayor shall have all the powers and duties of an elective Mayor as provided by statute ~~including~~. [34903, 36803; LMC 2.04.020; 81 Ops.Cal.Atty.Gen. 75 (1998)].

6.1 Appointment of Vice Mayor and Vice Mayor Duties and Responsibilities

The City Council has the statutory power to appoint a Council Member as mayor pro tempore, which is the position titled Vice Mayor in Livermore. [34905, 36801].

The Vice Mayor shall be selected for a one-year term and shall be selected at the meeting certifying the election results in each even-numbered year and in December of each odd-numbered year. The Vice Mayor shall have all the powers and duties of a mayor pro tempore as provided by statute. The Council Member selected as Vice Mayor typically rotates among the Council Members.

If the Mayor is absent or unable to act, the Vice Mayor shall then serve for the Mayor, and shall have all of the powers and duties of the Mayor until such time as the Mayor returns or is again able to act. [34905, 36801].

6.2 Reserved

6.3 Seats on the Dais

The Mayor shall sit at the center of the dais for all City Council meetings. If the Mayor is absent, the presiding officer shall sit at the center of the dais.

In December of each year, the Mayor shall assign the seats for the Vice Mayor and the Council Members on the dais. The Mayor should ask Council Members if they have any special needs that should be accommodated before making the assignments.

6.4 Council Member Rooms

The Mayor shall have use of office 216 at City Hall, or such other designation as that office may be given.

In December of each even-numbered year, the Mayor shall assign the use of rooms 218, 219, 220, and 222, or such other designation as those rooms may be given, to the Vice Mayor and the Council Members. Once assigned for use, each Council Member has the right to stay in a room they are occupying. The Mayor and each Council Member shall vacate their assigned rooms within two weeks of the date their respective terms of office expire.

7. ~~6.5~~ Presiding Officer to Conduct~~ing~~ Meetings

The ~~Mayor's duties and~~presiding officer is responsib~~il~~le~~ities~~ for conducting City Council meetings ~~as the presiding officer are~~ as follows:

~~6.5.1~~7.1 Call to Order

The ~~Mayor~~ presiding officer shall call the meeting to order at the appointed time. If both the Mayor and the Vice Mayor are absent, then the City Clerk shall call the meeting to order and the Council Members present shall then select a presiding officer for that meeting who shall have the ~~Mayor's~~ duties and responsibilities in this section for conducting the meeting.

~~6.5.2~~7.2 Preservation of Order

The ~~Mayor~~ presiding officer shall preserve strict order and decorum, and shall discourage personal, verbal attacks on Council Members, staff, and/or the public, but shall not prohibit criticisms of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council or members of the City staff. The presiding officer ~~Mayor~~ shall confine debate to the item under discussion. [36813, 38638, 54954.3, 54957.9].

~~6.5.3~~7.3 Questions of Parliamentary Procedure

The presiding officer ~~Mayor~~ shall determine all questions of parliamentary procedure in consultation with the City Attorney and City Manager.

~~6.5.4~~7.4 Reordering of Agenda

The presiding officer ~~Mayor~~ may reorder the items on the agenda for a noticed meeting to accommodate members of the public who wish to speak on an agenda item that would otherwise be considered by the City Council later in the meeting. The presiding officer

~~Mayor~~ shall announce the reorder prior to calling members of the public to speak during open forum.

~~6.5.5~~7.5 Motion to Be Stated

The presiding officer ~~Mayor~~ shall state all motions submitted for a vote by the City Council and announce the result of the vote and identify the no votes and any Council Members that abstained or recused themselves from the vote. A roll call vote shall be taken for all teleconferenced and hybrid meetings, and taken upon the request of any Council Member. No action shall be taken by secret ballot, but electronic tabulation may be used to record and report roll call votes. [54953(b)(2) and (c)(2)].

~~8~~7. General Rules – City Council Meetings

The City Council endorses, and agrees to comply with, the Brown Act. In the event of a conflict between the Brown Act and these rules of procedure, the Brown Act shall control. [54950 *et seq*., 54953].

City Council meetings shall be open to the public, but the public shall be excluded from closed sessions as authorized by state law. [54953(a), 54957].

City Council meetings, except for closed sessions, shall be open to the media. The media shall be excluded from closed sessions as authorized by state law. [54953, 54953.5, 54957, 54957.9].

City Council meetings may be recorded by the public and the media, provided such recordings do not interfere with orderly conduct of the meetings and do not constitute a persistent disruption of the proceedings.

~~8~~7.1 City Council Meeting Schedule

Each July, the City Council shall approve and thereafter follow an annual calendar for its regular meetings in the upcoming year. The annual calendar shall also identify dates for anticipated special meeting workshops. [36805]. When scheduling meeting dates, care should be taken to avoid conflicts with national holidays or dates that would preclude participation by members of the public due to religious or other observances.

~~8~~7.2 Quorum

The presence of three Council Members shall constitute a quorum of the City Council necessary to transact business at a meeting. In the event a quorum is not in attendance, those attending the meeting will be named in the minutes, and they shall adjourn the meeting to a set date, time, and location. If all Council Members are absent, the City Clerk shall adjourn the meeting to a set date, time, and location. [36810, 36811].

~~8~~7.3 Absences

87.3.1 Absence and Compelling Attendance

Council Members who are unable to attend a City Council meeting must request that the Mayor recognize the absence as excused. The purpose of an excused absence is not to relieve Council Members of their responsibility to be present, but is intended to provide the Mayor with an opportunity to ensure an absence is reasonable and to impress upon the Council Member, where necessary, the importance of regular attendance. The minutes shall note whether a Council Member's absence is excused. If a Council Member is repeatedly absent, the City Council may adjourn from day-to-day to compel the absent Council Member's attendance under the penalties prescribed by State law. [36513, 36810, 36813].

87.3.2 Absentee Participation

If a Council Member wants to participate remotely in a meeting, the appropriate way to participate is through a teleconferenced or hybrid meeting as provided for in section 87.4.6 *Teleconferenced and Hybrid Meetings*. Absent Council Members are discouraged from communicating their opinions on agenda items to staff or other Council Members to present at the Council Meeting on behalf of the absent Council Member.

87.4 Types of Meetings

87.4.1 Regular Meetings

The City Council shall meet in the City Council Chambers in the Civic Center Meeting Hall for all regular City Council meetings. The regular meetings shall begin at 7:00 p.m. on the second and fourth Monday of each month, unless otherwise specified by posted notice. If the meeting date falls on a legal holiday, the City Council shall meet at a date and time designated by the City Council. Regular meetings with closed session items may begin between 5:00 p.m.~~at 6:00 or 6:30 p.m.~~ and 7:00 p.m. depending upon the number and complexity of the matters to be discussed. [36805, 54954; LMC 2.06.030].

87.4.2 Special Meetings

Special meetings may be called by the Mayor, the City Manager, the City Attorney, or by a majority of Council Members consistent with applicable laws. The call and notice for a special meeting must specify the items to be considered and the date, time, and location for the meeting. [36807, 54956(a)].

The City Council may take final action at a special meeting that is not a workshop.

87.4.3 Special Meeting Workshops

The City Council may meet ~~informally~~ in special meetings designated as workshops that are called by the Mayor, the City Manager, or by a majority of Council Members. Workshops are special meetings intended for training purposes such as ethics training, sexual harassment prevention and education, and specific technical subjects such as land use. Special meeting workshops are also intended for the City Council to work with staff to develop administrative items such as the budget and City Council goals and priorities, for the City Council to receive public input on matters of community wide concern, and for similar activities.

Workshops are open to the public and are meetings for purposes of the Brown Act. The City Council may provide direction, but unlike other special meetings the City Council may not take a final action at a workshop. [54956].

8~~7~~.4.4 Closed Session Meetings

Closed sessions may only be held as authorized by state law and shall be held in accordance with the provisions of the Brown Act. The closed sessions may precede or follow a regular meeting or be called as a special meeting. In addition to the provisions in Section 8~~7~~.4.2 *Special Meetings*, the City Attorney or City Manager may call and notice closed session meetings as special meetings. [54954.5, 54956.5, 54956.7-54957.1, 54962].

After meeting in closed session, the City Council shall reconvene in open session and make a public report, either orally or in writing, of any reportable action taken in the closed session and the related vote tabulation. [54957.1, 54957.7].

Closed session matters should be managed within the expected time limits for all items. Lengthy closed session matters should be scheduled at the end of a Council Meeting or as a separate special meeting. If a closed session is scheduled before the start of a regular Council meeting, it should conclude no later than 10 minutes before the start time for the regular Council meeting. When necessary, the closed session can be continued to the end of the agenda for the regular Council meeting, but that should be avoided when possible.

8~~7~~.4.5 Concurrent Meetings

Since the Council Members are also the members of the Livermore Successor Agency, the City Council may concurrently convene the meetings of the City and the Livermore Successor Agency as well as any other legislative body that includes all Council Members. [54952.3].

Joint meetings of the City Council and any other legislative body or bodies shall be noticed as a meeting for each body.

8~~7~~.4.6 Teleconferenced and Hybrid Meetings

The City Council may meet from different locations connected by electronic means consistent with the provisions of the Brown Act effective at the time of the scheduled meeting. The City Council may adopt, by resolution, specific procedures for teleconferenced and hybrid meetings consistent with state law. Those procedures should encourage staff and the City Council to monitor connectivity and to rapidly address the technical issues for orderly management of the meeting consistent with the applicable statutory requirements. [54953].

87.4.7 Adjourned Meetings, and Adjourned Regular Meetings

Any meeting of the City Council may be adjourned to a later date, time, and location, and the notice of adjournment shall be posted within 24 hours on or near the door of the place where the adjourned meeting was held. However, if the adjourned meeting is to reconvene less than 24 hours after adjournment, then a copy of the order or notice of the continuance shall be posted immediately following the meeting. [36809, 54955].

The Mayor, presiding officer, City Manager, or majority of Council Members may call for an adjourned regular meeting in consultation with the City Attorney to conduct a regular meeting on a date other than on a regular meeting date on the City Council's annual calendar. [54955]

87.4.8 Emergency Meetings

If at least three Council Members determine that a catastrophic event has caused an emergency situation to exist as defined by law, then the City Council may immediately hold an emergency meeting. [54956 and 54956.5].

87.4.9 City Council Committees

The City Council, may create standing and ad hoc City Council subcommittees, which creation shall occur at a duly noticed Council Meeting.

Care should be taken to not overburden staff, and therefore, City Council subcommittees should only be created in consultation with the City Manager and the City Attorney. City Council subcommittees should be created judiciously. Staff support shall only be provided to those City Council committees duly created as set forth in these rules.

Ad hoc City Council subcommittees are intended to be useful and efficient vehicles for less than a quorum of Council Members, with appropriate support staff, to explore and develop items for placement on a duly noticed City Council meeting agenda for the City Council to discuss and then provide direction or take action.

City Council standing subcommittees comprised of less than a quorum of the City Council and that have continuing subject matter jurisdiction or a fixed meeting

schedule established by the City Council, shall comply with the Brown Act and follow these rules of procedure. [54952(b)].

Ad hoc City Council subcommittee's comprised solely of less than a quorum of the City Council and that are limited to both a defined task and a duration that is less than one year, are not subject to the Brown Act and are not required to follow these rules of procedure. [54952(b); *Frazer v. Dixon Unified School District*, (1993) 18 Cal.App.4th 781].

Any City Council subcommittees comprised of less than a quorum of the City Council and have other persons as members, shall comply with the Brown Act and follow these rules of procedure. [54952(b); *Joiner v. City of Sebastopol*, (1981) 125 Cal.App.3d 799].

The City Manager shall keep a record of all standing and ad hoc City Council subcommittees that reflects the committee's creation date, composition, task, duration, and sunset date. The City Manager shall advise the City Council at a duly noticed Council Meeting of any ad hoc subcommittee that has not sunset within one year of its creation so that the City Council can consider whether to terminate the ad hoc subcommittee or reconstitute it as a standing committee.

8~~7~~.5 Notice and Agenda Posting

The City Clerk shall post the notices and agendas for each City Council meeting in the kiosk in front of City Hall, on the City's website, and at the location where the meeting will be held. Any requirement to post notices and agendas at a remote teleconferenced meeting location outside the City's jurisdiction shall be the responsibility of the Council Member attending the meeting from that location. [54954.2].

8~~7~~.5.1 Regular Meetings

It is the City Council's goal that the agendas for regular meetings should be posted at least 6 days before the meeting dates, but in no event shall the agenda for a regular meeting be posted less than 72 hours before the meeting date. [54954.2].

8~~7~~.5.2 Special Meetings and Workshops

Notice of the call for a special meeting must be delivered and received by each Council Member and the media at least 24 hours before the special meeting, and must be posted at least 24 hours before the special meeting date. To the extent possible, it is the City Council's goal that the notice and agendas for special meeting workshops should be posted at least 6 days before the meeting dates, and in no event shall the notice and agenda for a workshop be posted less than 24 hours before the meeting date. [54956].

8~~7~~.6 Actions Limited to Posted Agendas

The City Council shall not discuss or take action on any item not appearing on the posted notice or agenda for a duly noticed Council meeting. However, as permitted by the Brown Act, Council Members and staff may briefly respond to statements made or questions posed by the City Council or by members of the public addressing the City Council. City Council members should refrain from rejoinders to perceived derogatory or repugnant public comments during council meetings. Council Members may ask a question of City staff or a speaker for clarification, make a brief announcement, or make a brief report on their own activities.

Upon determination by three Council Members that an emergency situation exists as required by law, or upon a determination by four Council Members (or all members present if less than four are in attendance) that there is a need for immediate action that came to the City's attention after the meeting agenda was posted, the agenda may be amended as provided by law to add an item for consideration and action. [54954.2, 54956, 54956.5].

8~~7~~.7 Continuance of Agenda Items

Items listed on a posted agenda should not be continued or postponed absent good cause.

8~~7~~.7.1 Discovery of Good Cause Before an Item is Considered

If good cause to continue an item is discovered by City staff after a notice or agenda is posted but before the meeting commences, then after calling the meeting to order the ~~Mayor~~ presiding officer shall identify the item and announce that is has been continued.

8~~7~~.7.2 Good Cause to Continue During Consideration

Once an item has been taken up for consideration, City staff, a Council Member, or a participating party as defined in Section 10~~9~~.5.3 *Participating Parties* may request a continuance of the item. The item may only be continued following a majority vote of the Council Members present.

8~~7~~.7.3 Public Comment for a Continued Item

If the opportunity for the public to address the City Council has concluded, or the public hearing portion of an item was formally closed, and the item was returned to the City Council for deliberation before it was continued, then the opportunity for public comment on the item will not be reopened absent a motion by the City Council. [54955].

8~~7~~.8 Consideration of items after 11:00 p.m.

87.8.1 Canvass and Reorder

At 10:30 p.m., or as soon thereafter as practical, the ~~Mayor~~ presiding officer shall canvass staff and Council Members present to identify the remaining agenda items for consideration. The ~~Mayor~~ presiding officer will then identify what items will be considered or continued, and in what order. Once the ~~Mayor~~ presiding officer outlines the balance of the agenda, it may not be amended absent an appeal by a Council Member.

If the City Manager, Mayor, presiding officer, or a City Council Member believes the duly noticed agenda for a Council meeting is not likely to completed in one day, then the City Clerk shall poll the Mayor and Council Members in advance of the meeting to determine their availability to reconvene later that same week. To accommodate members of the public so they do not have to rearrange their schedules, to the extent possible, the public comment period for an item that was started should be completed before the continuance of an item.

87.8.2. No New Items Considered after 11:00 p.m.

The City Council shall not begin consideration of any items on an agenda after 11:00 p.m., but may complete their consideration of an item that was commenced prior to 11:00 p.m.

87.8.3 Exceptions

The City Council may commence consideration of an item after 11:00 under the following circumstances:

a. An item is subject to a legal deadline, such as a project application subject to the Permit Streamlining Act; or,

b. The City Council votes to allow consideration of the item after 11:00 p.m.

87.9 Breaks.

The ~~Mayor~~ presiding officer shall provide for a 10 min break after approximately every two hours of meeting time. The break should be called at a convenient point in the proceedings closest to the two-hour mark. Council Members may request breaks at other times as needed. Council Members and staff are expected to return promptly at the designated time to resume the meeting.

87.10 Points of Order, Privilege, and Personal Privilege

A Council Member may ask for a point of order, at which time the ~~Mayor~~ presiding officer will ask for an explanation. Appropriate points of order relate to matters that a Council Member considers inappropriate conduct for the meeting, such as the failure to observe

these Rules of Procedure, the City Council's Norms and Values, or the rules of parliamentary procedure.

A Council Member may seek a point of privilege. If so, the presiding officer~~Mayor~~ shall ask for an explanation of the Council Member's point. Points of privilege generally relate to matters that interfere with a normal flow or comfort of the City Council's meeting, such as the inability to hear testimony because of disruption.

A Council Member may ask for a point of personal privilege when the integrity, character, or motives of the Council Member are called into question by a speaker; or where the welfare of the City Council is concerned.

If a speaker is interrupted by a point of order, privilege, or personal privilege, the remainder of a speaker's time will be preserved by the City Clerk until the point is resolved.

8~~7~~.11 Minutes

8~~7~~.11.1. All Proceedings Recorded

An account of all open meetings of the City Council shall be recorded, and action minutes prepared, by the City Clerk. [36814, 40801]. After the City Council approves the meeting minutes, the City Clerk shall enter them into official minute books of the City Council. The City Attorney may prepare attorney work product notes for closed session meetings attended. [36814].

8~~7~~.11.2 Approval

The minutes for a City Council meeting shall be reviewed and approved as set forth in this section.

a. The City Council shall approve minutes for a regular meeting, special meeting, and special meeting workshops, except that City Council approval is not required for the City Attorney's closed session attorney work product notes.

b. A Council Member may not approve the minutes for any City Council meeting that the Council Member did not attend, unless the Council Member observed the meeting or reviewed a video or audio recording prepared for that meeting. Also, a Council Member may not approve the minutes for a meeting that they were not eligible to attend as a Council Member.

c. If no Council Members are eligible to approve the minutes for a City Council meeting, then the City Clerk shall attest to the accuracy of the meeting minutes and enter them into official minute books of the City Council.

8~~7~~.11.3 Preferred Method of Recordation and Minutes

City Council meetings may be recorded by electronic means.
The City Council may adopt a resolution to specify the preferred method of recording for its meetings. [54953].

87.12 Staff Attendance

87.12.1 City Manager

The City Manager shall attend all City Council meetings unless excused by the Mayor, and the City Manager's designee attends. [LMC 2.08.060.F]. The City Manager may make recommendations and shall have the right to take part in all discussions of the City Council, but shall have no vote.

87.12.2 City Attorney

The City Attorney shall attend all City Council meetings unless excused by the Mayor, and an Assistant City Attorney attends. Upon the City Council's request, the City Attorney shall provide opinions and recommendations, either written or oral, on questions of law and procedure.

87.12.3 City Clerk

The City Clerk shall attend all City Council meetings unless excused by the City Manager, and in his or her absence, the City Clerk's designee shall attend. The City Clerk shall record, prepare, and maintain the official record of the City Council's proceedings and perform other related duties as may be prescribed by the City Council and the City Manager. [36814, 40801].

87.12.4 Department Heads/Employees

Department Heads and employees shall attend City Council meetings as directed by the City Manager. The City Manager and City Attorney are encouraged to minimize the number of employees and consultants attending the meetings in person and maximize the opportunities for employees and consultants to participate remotely.

87.12.5 Sergeant-at-Arms

A Sergeant-at-Arms, who shall typically be a sworn member of the City's Police Department, shall attend City Council meetings as directed by the ~~the~~ City Manager. [38638].

87.13 Meetings That Are Not Subject to the Brown Act

As provided by the Brown Act, a quorum of the City Council may attend conferences and similar gatherings, open community meetings organized by a person or organization other than the City Council, open and noticed meetings of another legislative body other than a City advisory body, and social and ceremonial gatherings without complying with the notice and agenda requirements in these rules of procedure, provided that the Council Members do not discuss among themselves business of a specific nature that is within the City's subject matter jurisdiction. [54952.2(c)(3)-(5)].

Meetings of an ad hoc City Council subcommittee areis not subject to these rules of procedure unless the Mayor or City Council expressly states that the subcommittee shall follow these rules. [54952].

Briefings of less than a quorum of the City Council are not subject to these rules of procedure provided the briefings comply with the Brown Act. [54952.2; *Wolfe v. City of Fremont*, (2006) 114 Cal.App.4th 533].

98. Agenda Development

The City Manager is responsible for preparing the City Council's meeting agenda to present items requiring direction or action by the City Council. Items may also be placed on an agenda for City Council consideration in the following ways: by direction of a duly created City Council subcommittee with the City Manager's concurrence; by direction of the City Attorney in consultation with the City Manager; by direction of a majority of Council Members during the matters initiated portion of the agenda to place an item on a future agenda; and under any processes set forth by statute or ordinance that requires City Council action, including City Council consideration of land use matters, appeals, and other matters as set forth in the Livermore Municipal Code and the Livermore Development Code.

The agenda shall contain a brief general description of each item of business to be transacted or discussed, including any items to be discussed in closed session. [54954.2, 54954.5].

109. Order of Business – Regular Meetings

The usual order of business for regular meetings shall be as follows:

109.1 Call to Order

This portion of the agenda is for roll call, the pledge of allegiance, and the reporting out from any closed session items that may have occurred prior to the meeting.

109.2 Proclamations and Presentations

This portion of the agenda is for City proclamations to recognize significant community events, people, or days. The presiding officerMayor shall read and present, or designate

a Council Member to read and present, the proclamations. The City Manager, or his or her designee, may develop a policy regarding proclamations as a guide. It is also for City advisory bodies to make brief presentations to the City Council on their activities. As authorized by the presiding officer~~Mayor~~ or the City Manager, this portion of the agenda is also for other local, regional, or state legislative bodies and elected officials to make brief presentations to the City Council concerning activities of interest to the City.

These are ceremonial matters and not action items by the City Council. While the preference is for proclamations to be included in the posted agenda, the desire to recognize a significant community event, person, or day may arise or be discovered after an agenda is posted. In that case, the presiding officer~~Mayor~~ may make additional proclamations at a City Council meeting so long as they do not unduly interfere with the City Council's business.

The public~~Public~~ does not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors, (2005) 129 Cal.App.4th 205].*

10~~9~~.3 Confirmation of Advisory Body Appointments

This portion of the agenda is for City Council confirmation of appointments to advisory bodies and to administer the oath of office to advisory body members.

10~~9~~.4 Open Forum

This portion of the agenda is for any member of the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction. However, to prepare and preserve a proper administrative record, public comments concerning an item listed elsewhere on the agenda should be reserved and addressed to the City Council when that item is called for consideration.

Open forum shall be limited to 30 minutes, usually before the consent calendar. If there are additional members of the public who wish to speak at the conclusion of the 30-minute time period, then the presiding officer~~Mayor~~ shall reconvene the open forum at the conclusion of the matters for consideration portion of the agenda unless the presiding officer~~Mayor~~ announces that open forum is reordered to a different place on the agenda.

The procedures for public comments during open forum are set forth in Section 12~~1~~ *Speakers' Rights*.

10~~9~~.5 Consent Calendar

The consent calendar portion of the agenda is for routine items that are not expected to require City Council discussion. Examples of items for the consent calendar include the approval of minutes, resolutions confirming actions from a previous meeting, the introduction and adoption of ordinances, and the processing of administrative items such

as the approval of contracts, the acceptance of public improvements, and other routine items requiring City Council approval by ordinance, resolution, or law. Any Council Member may pull an item for separate discussion. Members of the public may address the City Council on consent calendar items by following the procedures set forth in Section 12~~1~~ *Speakers' Rights*.

The items on the consent calendar are generally approved by the City Council by a single motion, but separate motions may be appropriate to accommodate a conflict of interest, an absence, or other Council Member interests.

10.6~~9.5~~ Public Hearings

The public hearing portion of the agenda is reserved for items that require, by statute, ordinance, or practice, a noticed public hearing for action. The notices for public hearing items shall be posted in a newspaper of general circulation and mailed ~~to property owners~~ as required by law. [6060].

The procedures for public hearings are as follows:

10~~9~~.6~~5~~.1 Introduction

The presiding officer~~Mayor~~ shall call each item for hearing and consideration. If there are related public hearing items, the presiding officer~~Mayor~~ has the discretion to concurrently call the related items for hearing and consideration.

10~~9~~.6~~5~~.2 Staff Presentation

A member of City staff will then:

a. Introduce themselves and the item by identifying the report and other written material included in the agenda packet for the City Council's consideration, as well as any written comments received from the public.

b. Identify any supplemental written materials that have been provided to the City Council for consideration, which were received or prepared for the item after the meeting agenda was published.

c. Identify any other staff members or consultants that will be part of the staff presentation or are otherwise present and available for City Council questions.

d. State whether the applicant is present and whether the applicant intends to make a presentation to the City Council.

e. Make an oral report, unless waived by the City Council.

10~~9~~.6~~5~~.3 Participating Parties

Following the staff presentation, the applicant, appellant, and other named participant in the item that is party to an agenda item (collectively "participating parties") may address the City Council. Participating parties shall address the City Council following the procedures set forth in Section 12~~1~~ *Speakers' Rights*.

After the presiding officer~~Mayor~~ determines that no other participating parties wish to address the City Council on the hearing item, the presiding officer~~Mayor~~ will open the public hearing.

10~~9~~.6~~5~~.4 Opening and Closing the Public Hearing

The purpose of the public hearing is to provide members of the public with an opportunity to address the City Council concerning the hearing item, as well as to express their support or opposition of the item. The presiding officer~~Mayor~~ will formally announce the opening of the public hearing and invite members of the public to address the City Council on the hearing item. Public speakers shall address the City Council following the procedures set forth in Section 12~~1~~ *Speakers' Rights*.

After the ~~Mayor~~ presiding officer determines that no other member of the public wishes to address the City Council on the hearing item, the presiding officer~~Mayor~~ will formally close the public hearing and return the item to the City Council for City Council questions and comments.

10~~9~~.6~~5~~.5 City Council Questions or Comments

Following the staff presentation and receiving~~,~~ ~~–~~comments by the participating parties ~~, receiving~~ and from the public comments during the public hearing, if any, the City Council may ask questions of City staff, consultants, and participating parties, or make comments on the item.

10~~9~~.6~~5~~.6 City Council Deliberation

Following City Council questions and comments, the ~~Mayor~~ presiding officer will invite the Council Members to discuss the item to develop concurrence for a motion. Council Members may continue to ask questions of staff, consultants, and the participating parties as part of their deliberations. The procedures for City Council deliberation are set forth in Section 13~~2~~ *City Council Deliberation.*

10~~9~~.6~~5~~.7. City Council Action

After City Council deliberation, the presiding officer~~Mayor~~ shall call for a motion and a second as set forth in Section 14 *Motions*, and the City Council may make such motions as set forth in that section.

If the motion seconded for consideration is substantially different than the recommended action in the published staff report, the presiding officer~~Mayor~~ may invite public comments on the motion. Each speaker will be limited to one minute to comment on the motion; and the City Council has discretion to decide not to hear further comment if they choose. ~~Public~~ If invited, public speakers shall address the City Council following the procedures set forth in Section 12~~1~~ *Speakers' Rights*.

10.7~~9.6~~ Matters for Consideration

This portion of the agenda is for items of business that require City Council action or~~,~~ direction, ~~or~~ the receipt of reports, or that would benefit from City Council discussion ~~-~~that do not also require a public hearing. Generally, the procedures for this portion of the agenda follow the same procedures found in ~~s~~Section 10~~9~~.5 *Public Hearings*, except that the public hearing is replaced by the opportunity for the public to comment after the staff presentation.

Prior to deliberating on matters for consideration, the City Council shall receive public comment as provided for in Section 12~~1~~ *Speakers' Rights*. After receiving public comment, the City Council shall deliberate as set forth in Section 13~~2~~ *City Council Deliberation* and shall receive the report, take action, or provide direction as set forth in Section 14 *Motions*.

10.8~~9.7~~ City Council Reports and Matters Initiated by Staff and City Council

This portion of the agenda is for:

1. Each member of the City Council to provide brief reports on any intergovernmental agency meetings, conferences, community meetings, meetings of other legislative bodies, or other events of interest to the community. For efficiency and completeness, each Council Member should use the activity reporting spreadsheet and submit their reports to the City Clerk by noon on the day of the Council meeting so the report can be included in the supplemental materials distributed in advance of the meeting. Council members are encouraged to highlight in their oral presentations only those events of most interest to the community. To the extent practical, Council members should report on significant decisions being considered by the regional boards, commissions, and committees to which they have been appointed for the City. For those events that the Council Member attended at the City's expense, it is the City Council's preference to satisfy the expense reporting requirement by submitting a written report of the activities attended. [53232.2(d)];

2. The City Manager, City Attorney, and City staff to provide information of community interest to the City Council and to seek direction from the City Council concerning items to be included on future agendas;

3. The City Council to provide guidance and direction to staff concerning items to be included on future agendas and information to be provided in response to questions raised during open forum;

4. The City Council to request a matters initiated for staff to provide information, perform studies, or undertake other administrative functions or to develop information for Council action at a future meeting. Before requesting a matters initiated, the initiating Council Member is expected to confirm with the City Manager that there is adequate staff resource capacity to address the request, and the City Attorney to the extent the matter involves legal review. If the requested action is routine in nature, the City Manager will direct staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities, or will involve substantial staff resources, the City Manager will report to the City Council at a subsequent City Council meeting and request further direction. At that time, the consensus of a majority of the City Council will be required to proceed.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors, (2005) 129 Cal.App.4th 205].*

10.9~~9.8~~ Adjournment

This portion of the agenda is for the presiding officer~~Mayor~~ to adjourn the City Council meeting at the conclusion of business and announce~~to~~ its next meeting. The meeting may be adjourned to a regular meeting, special meeting, special meeting workshop, adjourned regular meeting, or adjourned special meeting. The presiding officer~~Mayor~~ may adjourn the meeting in honor of a distinguished Livermore resident or other person of community interest that has passed away.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors, (2005) 129 Cal.App.4th 205].*

Adjournment at any other point in the meeting other than after the conclusion of the business items on an agenda will require~~s~~ a formal motion by the City Council.

11~~0~~. Order of Business – Special Meetings and Workshops

No matters except those specified in the notice and agenda for a special meeting or special meeting workshop may be discussed at those meetings.

The usual order of business for special meetings and workshops shall be as follows:

110.1. Call to Order

This portion of the agenda is the same as it is for a regular meeting.

110.2. Public Comment

The purpose of this portion of the agenda is to provide the public with the opportunity to address the City Council on only those items listed in the posted notice and agenda for the special meeting or workshop. Public comment shall be received immediately following the call to order for a workshop, and should be received immediately after the staff presentation, if any, for a special meeting.

Public speakers shall address the City Council following the procedures set forth in Section 121 ~~*Public's*~~ *Speaker's Rights*.

However, unlike a regular meeting, the agenda for a special meeting will not include an open forum for the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction, unless that opportunity is expressly included in the agenda.

110.3 Special Meeting Item and Workshop Item

Generally, the procedures for this portion of the agenda follow the procedures in Section 10.6.1~~9.5.1~~ *Introduction,* 10.6.2 ~~9.5.2~~ *Staff Presentation*, 10.6.5~~9.5.5~~ *City Council Questions and Comments,* and 10.6.6~~9.5.6~~ *City Council Deliberations.* The City Council may take a final action at a special meeting, but not at a workshop, as set forth in Section 8~~7~~.4.2 *Special Meetings* and Section 8~~7~~.4.3 *Special Meeting Workshops*

110.4 Adjournment

This portion of the agenda is the same as it is for a regular meeting.

121. Speaker's Rights

A City Council meeting is a limited public forum. [78 Ops.Cal.Atty.Gen. 224 (1995); *Kindt v. Santa Monica Rent Control Bd. (9th Cir. 1995) 67 F.3d 266; White v. City of Norwalk, (9th Cir. 1990) 900 F.2d 1421; Leventhal v. Vista Unified School District (SD Cal. 1997) 973 F.Supp. 951*]. Members of the public have the right to address the City Council and to attend its meetings, except for closed sessions and other meetings that permit the public to be excluded as a matter of law. During the open forum portion of a regular meeting agenda, members of the public have a right to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction. Members of the public also have the right to address the City Council before the City Council considers or takes action on an item on any regular meeting agenda, except for

items properly listed or considered in the *Call to Order*, *Proclamations and Presentations, City Council Reports and Matters Initiated by Staff and City Council*, and the *Adjournment* portions of the agenda. Members of the public shall be provided an opportunity to address the City Council concerning any item that is described in the notice for special meeting workshops and special meetings. [54954.3].

The procedures for addressing public comments to the City Council are as follows:

12~~1~~.1 Addressing the City Council

Members of the public who want to address the City Council during open forum or before the City Council considers or takes action on an item must indicate their desire by personally submitting a request to speak to the City Clerk, or his or her designee, using the methods specified by the City Clerk in the agenda for that meeting. A member of the public may not submit a request to speak on behalf of any other person. The methods for addressing the City Council will be described at each meeting. The City Clerk will prominently display the methods to address the City Council in the City Council Chambers or other location where the City Council gathers in person for a meeting.

The presiding officer~~Mayor~~ shall open public comment during open forum and for agenda items by asking the City Clerk whether there are any members of the public who wish to address the City Council. If there are, the presiding officer~~Mayor~~ will then ask the City Clerk to manage the process for calling on speakers physically present and participating remotely as described in Section 12~~1~~.3.1. Once there are no more persons physically present who have expressed an interest in addressing the City Council, the City Clerk will then call upon the speakers participating remotely. Speakers may request the opportunity to address the City Council until the City Clerk announces that there are no more speakers who have expressed their interest to address the City Council. At that time, the presiding officer~~Mayor~~ will close the public comment period. Once the presiding officer~~Mayor~~ closes the public comment period, no more additional requests to address the City Council during open forum or for the agenda item will be accepted absent invitation by the presiding officer~~Mayor~~.

The purpose of submitting a request to speak is to help the presiding officer~~Mayor~~ conduct the City Council's meetings and to complete its business in an orderly fashion. The intent is not to limit testimony. Therefore, a member of the public will not be denied an opportunity to speak if a request to speak does not provide all of the ~~lacks~~ information requested from a speaker or because a speaker wants to remain anonymous. Speakers who have not submitted a request to speak on time may be heard by the presiding officer's~~Mayor's~~ recognition or by another Council Member's successful appeal. [White v. City of Norwalk, (9th Cir. 1990) 900 F.2d 1421].

12~~1~~.2 Speaker Time Limit

The amount of time allotted to each member of the public wishing to address the City Council shall be limited to a maximum of three ~~3~~ minutes. For the consent calendar, a

speaker's time is limited to a single comment with a maximum of three minutes for all consent calendar items that are pulled by a Council Member for separate discussion, in which case the speaker's time shall be limited to a maximum of three minutes on the item pulled for discussion and a separate opportunity to speak of up to a maximum of three minutes for the balance of the consent calendar. ~~.~~ Individual members of the public may not yield their allotted time, or any remaining portion thereof, to anyone else. The presiding officer~~Mayor~~ may reduce the amount of time allotted to each speaker based upon the number of persons wishing to speak, the complexity of the item if one is being considered, the anticipated time reasonably needed to complete the remaining items on the meeting agenda, and other reasonable factors. [54954.3(b); *Kindt v. Santa Monica Rent Control Bd. (9th Cir. 1995) 67 F.3d 266; Chaffee v. San Francisco Public Library Commission, (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)*]. A speaker using an interpreter~~.~~, and speakers needing accommodation for a disability, shall be allowed twice the allotted time. [54954.3].

Prior to calling for public comment during the open forum, as well as before the City Council considers or takes action on an item, the presiding officer~~Mayor~~ shall set and announce the time limit for each member of the public to speak before inviting members of the public ~~to the lectern~~ to address the City Council. For the purposes of these rules, lectern means the physical podium in the meeting room provided for the public to address the City Council, but includes the electronic location utilized by the City Clerk to accept electronic comments during a City Council Meeting.

Open forum will conclude after 30 minutes, but if there are remaining speakers at the conclusion of the 30 minute time period who wish to address the City Council, then the open forum shall be reconvened after the Matters for Consideration portion of the agenda as set forth in Section 10~~9~~.4 *Open Forum*.

12~~1~~.3 Members of the Public Addressing the City Council

12~~1~~.3.1 A list of people who have requested to speak shall be used to call each speaker to the lectern to address the City Council. The City Clerk will manage the process for calling speakers to the lectern or to unmute themselves if they are participating remotely. The speakers physically present in the meeting will be called upon before those participating remotely. When calling a speaker to the lectern the next two speakers will also be identified so they are prepared to address the City Council when called to the lectern.

12~~1~~.3.2 The ~~Mayor~~ presiding officer may request each speaker to state his or her name and city of residence before addressing the City Council. A speaker is not required to provide his or her name or address in order to address the City Council. However, to the extent such information is relevant to the issues being considered by the City Council during a public hearing, the absence of such information may bear on the speaker's credibility and the weight the City Council affords the speaker's comments.

121.3.3 Speakers shall address their comments only to the City Council as a body and not to a particular member.

121.3.4 Members of the public may only address the City Council from the lectern. No member of the public, other than the speaker at the lectern, may address the City Council, unless called upon by the presiding officer~~Mayor~~.

121.3.5 No question shall be asked of Council Members by a speaker, except through the presiding officer~~Mayor~~. No question shall be asked of a speaker by a Council Member, except through the presiding officer~~Mayor~~. Council Members, the presiding officer~~Mayor~~, and the speaker are not obligated to answer any questions asked. The presiding officer~~Mayor~~ may refer questions to staff for a brief answer while the speaker is at the lectern.

121.3.6 Speakers shall not use their time to unduly disrupt the orderly conduct of the City Council's meeting.

121.3.7 Speakers are encouraged to avoid repetition.

121.3.8 Speakers are encouraged to avoid making personal attacks.

121.3.9 Each speaker shall relinquish the lectern when his or her time to address the City Council has expired.

121.3.10 A speaker may use his or her allotted time to read letters or other documents, play electronic recordings at a non-amplified volume, or otherwise present information to the City Council in a non-disruptive manner, provided those activities are completed within the allotted time. The City will not provide the means for a speaker to play an electronic recording.

121.3.11 When called upon during open forum, speakers may address the City Council on any item of interest to the public within the City Council's subject matter jurisdiction. [54954.3(a)].

121.3.12 When called upon to provide public comment on a specific item of business on the agenda, speakers shall focus their comments on that specific item of business before the City Council. [54954.3(a); *White v. City of Norwalk, (9th Cir. 1990) 900 F.2d 1421; 78 Ops.Cal.Atty.Gen 224 (1995)].*

121~~1~~.3.13 Members of the public addressing the City Council are limited to one ~~oral~~ public comment per speaker per item regardless of format or time submitted.

121~~1~~.4 Participating Parties Addressing the City Council

Participating parties shall comply with the procedures set forth in Section 121 ~~*Public's*~~ *Speaker's Rights* when addressing the City Council, except that the participating parties shall each have up to a maximum of 10 minutes to address the City Council. The presiding officer ~~Mayor~~ may set and announce the time limit for each active participant to address the City Council based upon the same criteria set forth in Section 121~~1~~.2 *Speaker Time Limit.*

When the City Council is acting in its quasi-judicial capacity, the presiding officer~~Mayor~~ may further modify the rules of procedure in this section, or adopt such additional rules of procedure and speaker times as may be reasonably necessary, to afford the active participants with procedural due process commensurate with the rights at issue.

121~~1~~.5 Public Criticism

Public criticism of the City's policies, procedures, programs, or services, or of the acts or omissions of the City Council, shall not be prohibited. However, the rights of each speaker to express his or her views is not absolute and nothing in these rules of procedure are intended to confer any privilege or protection for expression beyond that otherwise provided by law. [54954.3].

121~~1~~.6 Disruptive Speech and Conduct

Any person unduly disrupting a City Council meeting may be requested by the presiding officer~~Mayor~~ to leave the meeting. The presiding officer ~~Mayor~~ shall discourage demonstrations before the City Council, such as applauding or booing. Upon instructions by the presiding officer~~Mayor~~, a Sergeant-at-Arms may be called for the purpose of removing any person who, in the presiding officer's~~Mayor's~~ judgment, has disrupted the meeting. [36813, 38638, 54954.3, 54957.9, Penal Code 403]. Prior to removing a person for disrupting a meeting, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. However, a warning is not required before removing a disruptive individual whose behavior constitutes use of force or a true threat of force consisting of a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force. [54957.95]. When possible, the presiding officer~~Mayor~~ is encouraged to use alternative means, such as direction to speakers to avoid disruption or by taking a recess to review these rules with the speaker, to avoid disruptions to allow the City Council to complete its business.

121~~1~~.7 Written Communications – Post Hearing Notice, and Post Agenda Publication

12~~1~~.7.1 Submitted after the hearing notice, but before the Agenda Publication.

Any member of the public may submit written public comments and materials to the City Council through the City Clerk's Office. All written public comments and materials must be submitted between the date public hearing notices are published (10 days prior to the meeting or as otherwise required by statute) and noon on the day before agenda publication (7 days prior to the meeting). The City Clerk shall deliver all written public comments and materials received by 12:00 p.m. the days before agenda publication as part of the agenda packet for the posted agenda.

12~~1~~.7.2 Submitted Post Agenda Publication.

Any member of the public may submit electronic public comments to the City Council using the electronic submission process the City Clerk specifies and makes available on the City's website within the timeframe provided on the agenda. Any additional attachments can be submitted directly to the City Clerk. All comments submitted using the City Clerk's electronic process will be made concurrently available to the public and the City Council ~~immediately upon submission~~as soon as practicable, and the~~. The~~ City Clerk shall post on the City's website and deliver any additional materials received by 12:00 p.m. the day of the meeting to the City Council in a supplemental packet prior to the meeting.

Physical copies of written public comments and materials, and electronic and physical materials submitted to the Clerk's Office before 12:00 p.m. noon on the day of the City Council meeting, will be included in the supplemental packet. After 12:00 p.m. noon on the day of the City Council meeting, any member of the public who desires to submit materials to the City Council for consideration at that meeting is hereby instructed to present 8 copies of the materials to the City Clerk for distribution to the City Council at its meeting when the item is considered.

12~~1~~.7.3 Special Meetings and Workshops.

For special meetings and workshops, the City Clerk shall specify the instructions and timeframes for the public to submit written public comments and materials in the agenda for those meetings.

12~~1~~.8 Approaching the City Council

Once a meeting is called to order, no member of the public physically present shall enter the area between the lectern and the dais without an invitation from the presiding officer ~~Mayor~~. Members of the public may enter the area before and after the meeting, and during a recess, for the purpose of interacting with the individual City Council Members and City staff.

132. City Council Deliberation

City Council deliberations shall be orderly and guided by the presiding officerMayor to reach a decision on the item before them or to provide the direction sought by staff.

Once an item is before the City Council for deliberation, the presiding officerMayor shall call upon each individual Council Member present, in turn, to comment on the item and the recommended action or direction sought by staff. When participating remotely, Council Members should use the raise hand feature, or other feature offered by the electronic platform used for the meeting, to indicate they wish to speak and the presiding officerMayor should call upon them in the order they requested to speak. Council Members may debate the merits of the item and recommendation, but shall not interrupt any other Council Member who is speaking. After each Council Member has the opportunity to express an opinion on the item, the presiding officerMayor shall invite discussion and then a motion.

~~13. *Reserved*~~

14. Motions

14.1 Making a Motion

A motion may be made by the presiding officerMayor or a Council Member. Once a motion has been made, the presiding officerMayor will solicit a second. A motion shall die unless it receives a second. If a motion receives a second, the presiding officeMayor shall then invite debate and discussion on the motion and any amendments.

Any Council Member who makes a motion may withdraw it during debate and discussion, even to the point of interrupting a speaker to do so. If the motion is withdrawn, the presiding officerMayor may ask the person who seconded the motion if thatthe Council Member wishes to make the motion, subject to another Council Member's second.

14.2 Categories of Motions

There are four categories of motions that the City Council may consider.

The first category is a basic motion, which is one that puts forward a decision for consideration. For example, a motion to approve City staff's recommendation.

The second category is a motion to amend an earlier motion. Such an amending motion changes a basic motion under discussion in a minor way, but does not supersede it. For example, adding a condition to a basic motion to approve staff's recommendation. If the maker of the basic motion, and the second, accept the amendment, then the amendment shall be incorporated into the original motion without the need for a second on the amending motion. If an amendment is not accepted into the basic motion by the moving Council Members, the process for voting on simultaneous motions is then followed.

The third category is a substitute motion. Such a motion completely does away with the basic motion under discussion and puts a new motion before the City Council. For example, if the basic motion is to approve staff's recommendation, a substitute motion would propose numerous changes to staff's recommendation or assembles multiple amending motions into a single motion. If a substitute motion ~~is approved~~receives a second, then the initial basic motion does not require action since it was substituted. If a substitute motion fails, the process for voting on simultaneous motions is then followed.

The fourth category is a hostile motion. A hostile motion is one that seeks to accomplish the opposite effect of the basic motion. For example, when a basic motion is to approve a project, a hostile motion is one to deny the project. If a hostile motion is made, the process for voting on simultaneous motions is then followed.

A decision whether a motion is one to amend or substitute is left to the presiding officer's~~Mayor"s~~ sole discretion. A decision whether a motion is hostile is left to the presiding officer ~~Mayor~~ in consultation with the City Attorney.

14.3 Simultaneous Motions

The City Council may consider up to three motions on the floor at one time. The presiding officer ~~Mayor~~ may reject a fourth motion until the three before the City Council have been resolved. When ~~two or three~~multiple motions with seconds are before the City Council, ~~after motions and seconds,~~ the City Council shall consider and vote ~~first vote will be~~ on the last motion made. Generally, the discussion when a motion is before the City Council should focus on the last motion made. Once the vote on the last motion takes place, if necessary, the discussion and decision on additional motions will take place in order working back to the first motion made.~~.~~

However, a hostile motion shall not be in the floor at the same time as the motion it challenges. A hostile motion shall be considered after a vote on the basic motion and its amendments, that it challenges.

14.4 Debatable and Non-debatable Motions

Debatable motions are subject to Council Member comment and discussion before calling for a vote. Non-debatable motions are not subject to Council Member comment and discussion, and are to be voted on immediately.

14.4.1 Debatable Motions

Debatable motions are motions to take action on agenda items and other items of City business. For the purpose of these rules of procedure, all motions are debatable except those expressly identified in Subsection 14.4.2 *Non-Debatable Motions.* Debate on a motion should continue as long as Council Members wish

to discuss an item, subject to the presiding officer's determination ~~Mayor's decision~~ that it is time to ~~move on and take action~~call for the question.

14.4.2 Non-Debatable Motions

Non-debatable motions are procedural and terminating motions. Certain motions once made immediately stop the City Council's deliberations and, upon receipt of a second, should be voted on immediately. The City Council's non-debatable motions are as follows:

a. Motion to Adjourn. If passed, a motion to adjourn requires the City Council to immediately adjourn to its next regularly scheduled meeting.

b. Motion to Recess. If passed, a motion to recess requires the City Council to immediately take a recess, the length of which the presiding officer~~Mayor~~ will determine. The presiding officer ~~Mayor~~ may order a recess without a motion, and without adjourning the meeting, as the presiding officer ~~Mayor~~ determines necessary to maintain decorum and conduct the meeting in an orderly fashion.

c. Motion to Fix the Time to Adjourn. If passed, a motion to fix the time to adjourn the meeting requires the City Council to adjourn at a specific time set in the motion.

d. Motion to Table an Item. If passed, a motion to table an item postpones an item indefinitely or to a date and time certain set in the motion. If the motion does not contain a specific time, an additional motion is required to bring the item back to the City Council at a future meeting.

e. Motion to Continue an Item. A motion to continue an item has the same effect as a motion to table, but is generally used when good cause exists or in response to a request by staff, a Council Member, or a participating party, as set forth in Section 8~~7~~.7 *Continuance of Agenda Items*, or a scheduling problem arises. If passed, the motion continues the item indefinitely or to the date and time set in the motion. If the motion does not contain a specific time, an additional motion is required to bring the item back to the City Council at a future meeting.

f. ~~Motion to~~ Call for the Question. A motion to call the question, also known as moving the previous question or limiting debate, stops further City Council deliberation, debate, and discussion on an item. It can be stated as stopping debate or discussion within a certain period of time, such as 15 minutes. If seconded, the presiding officer ~~Mayor~~ shall then call for a vote on the motion or motions pending before the City Council as provided for in Section ~~6.~~7.5 *Motion to Be Stated.*

14.5 Miscellaneous Motions and Appeals

14.5.1 Motion to Suspend the Rules of Procedure

A motion to suspend these Rules of Procedure is debatable and to the extent possible should be addressed to a specific rule. If the Rules of Procedure are suspended in their entirety, such a motion does not supersede law or the Livermore Municipal Code.

14.5.2 Motion to Reconsider

A motion to reconsider any action taken by the City Council may be made as follows: (1) The motion must be made by a Council Member who voted along with majority that voted for the original motion that passed, but ~~although~~ the motion for reconsideration may be seconded by any Council Member; (2) The motion must be made either at the meeting at which the action to be reconsidered was taken, or, at the next regular meeting, provided appropriate due process is afforded to any participating parties; (3) The motion is debatable; (4) If any participating party has left the meeting, or if the motion comes at a subsequent meeting, the ultimate decision to be reconsidered must take place at a subsequent meeting; and, (5) If the original hearing was a public hearing, a new notice of hearing must be given before the matter is reconsidered.

14.5.3 Council Member Appeal

Any Council Member may appeal any ruling by the presiding officer~~Mayor~~. If a Council Member so moves and the motion is seconded, after debate, the ruling of the presiding officer~~Mayor~~ may be reversed by majority vote. If an appeal is taken, the question shall be, "Shall the decision of the presiding office~~Mayor~~ be sustained?"

15. Action and Direction

15.1 Votes, General Rules

Unless otherwise provided, the City Council's actions must be passed pursuant to a majority vote on a motion, and the motion may not be considered unless it is seconded. A simple majority vote by those Council Members present is necessary to pass a motion providing direction to staff or establishing administrative policy, however motions for the adoption of resolutions and ordinances require an affirmative vote of at least three Council Members to pass the motion as provided in Rule 17.4 *Majority Vote by Three City Council Members Required*.

Any Council Member may, before the "Nays" are called for, demand that a roll call vote be taken on the motion before the City Council. The presiding officer's~~Mayor's~~ name shall be called last, preceded by the Vice Mayor, with other Council Members' names called

in alphabetical order by the City Clerk. Council Members shall not give explanations for their vote during roll call.

If a motion does not receive the necessary majority vote for passage, the presiding officer~~Mayor~~ may solicit additional discussion and another motion for further deliberation and voting. If further discussion and deliberation does not result in a motion receiving a majority vote necessary to pass a motion, the presiding officer~~Mayor~~ may declare that "no action has been taken" and proceed with the remainder of the agenda. In the event of a tie vote, the procedures in S~~s~~ection 15.2 *Tie Votes*, shall control.

If a Council Member is present at the meeting but abstains from voting on a motion or is silent during the vote on the motion, then the rules in S~~s~~ection 15.3 *Abstentions and Silence* shall govern how the Council Member's silence or abstention is tabulated.

15.2 Tie Votes

Generally, a motion fails if there is a tie vote. After a tie vote, the presiding officer~~Mayor~~ may solicit additional discussion and another motion in an attempt to break the tie. If the tie vote occurs during a Council Member absence, and the absent Council Member does not have a conflict of interest related to the item being voted on, the City Council may continue the item to a subsequent City Council meeting when the absent Council Member is expected to be present in an effort to resolve the tie. If the tie vote is not resolved, the motion shall fail and the presiding officer~~Mayor~~ may declare that "no action has been taken" and proceed with the remainder of the agenda. However, if a decision is legally compelled under state law (such as the Permit Streamlining Act), the tie vote shall constitute a denial of the application, project, or appeal before the City Council and the decision shall be considered final.

15.3 Abstentions and Silence

The City Council discourages abstentions since abstentions without legal conflict may impede the City Council's ~~actions~~business, for example by causing a tie vote. Abstentions also deprive Livermore residents of one vote of five and may diminish accountability of Council Members on items of legitimate concern. At the same time, it is not the City Council's intention to impede any individual Council Member's right to choose not to speak or vote on an item.

If any Council Member wishes to abstain from voting on a motion, the Council Member must announce the abstention when the item of business is first called for consideration and must not participate in the consideration of the item, in which case the Council Member's announcement of an abstention during the ~~minutes~~ vote will be tabulated to~~will~~ reflect that the Council Member abstained from the vote.

If the Council Member does not announce an abstention when the item of business is first called for consideration, or the Council Member participates in the consideration of the item after announcing and intent to abstain, and the Council Member~~'s~~ announces an

abstentionabstains during the vote, then that Council Member's vote shall be tabulated in favor of the motion.

Silence of any Council Member shall be tabulated along with the majority of the votes cast by the Council Members present and voting on thein favor of the motion since the silent Council Member is conceding to the majority's wishesmotion and not registering a vote against the motion.

This rule is intended to expressly modify *Rosenberg's Rues of Order* for tabulatingcounting votes with regard to abstentions and silence by a Council Member.

15.4 Protests

Any Council Member shall have the right to enter into public record reasons for dissent, no vote, or protests against any motion carried by the majority.

16. Advisory Bodies

16.1 Implementation of Municipal Code

16.1.1 Creation and Appointments

The City Council may create boards, commissions, or committees, herein after collectively referred to as City advisory bodies, to advise the City Council. [LMC Title 2]. It is recommended that newly formed City advisory bodies be are limited to no more than 7 members due to the capacity of the recording system in the Mendenhall Room.

16.1.2 Appointments of Council Members to Regional Bodies; Appointments of Persons to City Advisory Bodies

The Mayor has the statutory authority, with the City Council's approval, to make all appointments of City Council Members to regional bodies that require an appointment from the City of Livermore. The Mayor also has the statutory authority, with the City Council's approval, to make all appointments of persons to City advisory bodies. [40605; LMC 2.04.020; 81 Cal.Ops.Atty.Gen. 75].

16.1.3 Eligibility of City Employees

While City employees are not precluded from serving on advisory boards, commissions, and committees, there is a potential for conflict. The City Council and any subcommittees to the City Council shall not make appointments that are potentially incompatible with City employment for any reason. For example, an appointment will be incompatible with City employment if:

a. An act of the advisory board, commission, or committee may later be subject directly to the control, inspection, review, audit, or enforcement of any other City officer or employee.

b. The time demands of the advisory board, commission, or committee would render performance of duties as a City employee less efficient.

16.1.4 Interviews of Members Eligible for Reappointment

As stated in Ssection 16.1.2 above, the Mayor has the statutory authority, with the City Council's approval, to make all appointments to City advisory bodies. The purpose of the standing City Council subcommittee identified in this section is to interview candidates who apply for a City advisory body and to then recommend candidates to the Mayor for appointment, with the City Council's approval.

Members of City boards, commissions, and committees who are eligible for and interested in reappointment shall be interviewed by the standing City Council subcommittee, along with any other applicants for the position. Membership on this standing City Council subcommittee shall rotate among the Council Members who will be appointed for staggered terms, if possible, to ensure that at least one Council Member has prior experience on the subcommittee. Based upon those interviews, the standing City Council subcommittee shall recommend a nominees for appointment by the Mayor, with the City Council's approval. However, the entire City Council will interview Planning Commission applicants (including incumbents); and the Livermore Area Youth Advisory Commission incumbents do not need to be interviewed to be considered for reappointment.

16.2 Direction to Advisory Boards, Commissions, and Committees

Within the scope of their duties and responsibilities established in Title 2 of the Livermore Municipal Code, or otherwise by the City Council, the boards, commissions, or committees, and standing City Council subcommittees (collectively referred to as "advisory bodies" or "advisory body" for the purposes of this subsection) created by the City Council are directed to:

1. Conform their respective rules of procedures to followFollow these rules of procedure for their meetings, with appropriate modifications to account for their individual structure including the number of members for the advisory body, the titles for their presiding officer and members, consistent with the restrictions set forth in subsection 3 below;

2. Follow *Rosenberg's Rules of Order* for parliamentary procedure as modified by these rules of procedure;

3. Conform their respective meeting rules to these rules of procedure to reflect the following restrictions hereby directed by the City Council:

a. Advisory bodies shall not meet through electronic means;
b. Advisory bodies may create ad hoc committees, but shall not create standing committees without prior City Council approval;
c. The staff liaison for each advisory body, with approval from the City Clerk, shall determine the preferred method of preparing action minutes for their advisory body meetings, with the exception of Planning Commission who will work with the City Clerk to determine the preferred method of preparing summary minutes for their meetings ~~advisory body minutes~~;
d. Staff attendance and agenda development will be determined by the staff liaison for the advisory body, or as directed by the City Council;
e. The City Clerk shall determine agenda format, software, and language for all advisory body meetings to ensure consistency and compliance with applicable laws and regulations;
f. Each advisory body, with input from the City Clerk and consistent with the uniform format provided by the City Clerk, may establish their own rules to specify the method for speakers to address the advisory body, including their ~~to request, and the~~ speaker time limits, ~~for the public addressing the advisory body~~, and~~but~~ the advisory body must then administer them uniformly;
g. The advisory body liaison, City Attorney or designee, and City Clerk must approve all advisory body agendas, notices, and cancellations; and,
h. Section 17 *Document Preparation and Approval for an Agenda* do not apply to advisory body agendas.

4. Coordinate with their assigned staff liaison and the liaison's Department Head to obtain the City Council's approval before beginning any self-initiated project that will require more than 8 hours of staff time to complete that year. However, advisory bodies may pursue self-initiated projects that can be accomplished utilizing the City resources currently allocated to the particular advisory body and that do not take resources away from that advisory body's anticipated work to fulfill its duties and responsibilities to the City Council.

16.3 Annual Reporting

1. Each of the following advisory bodies shall annually appoint one of their members to present a brief ~~verbal update~~oral presentation to the City Council describing that particular advisory body's activities for the past year:

Airport Commission
Beautification Committee
Commission for the Arts
Historic Preservation Commission
Human Services Commission
Library Board of Trustees
Livermore Area Youth Advisory Commission.

2. Other advisory bodies may provide written updates to the City Council as necessary or as directed by the City Council.

3. The City Clerk shall schedule the annual advisory body presentations and updates to the City Council in coordination with the staff liaisons to the advisory bodies.

17. Document Preparation and Approval for an Agenda

17.1 Ordinances

No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, prepared by the City Attorney on his or her own initiative, or recommended by the City Manager and developed with the City Attorney's assistance. [36936; LMC 1.08.060.E and 2.12.030.A.1.d].

17.2 City Attorney Approval as to Form

All ordinances, resolutions, and contracts shall be approved as to form by the City Attorney, or his or her attorney designee, before being placed on the agenda. [LMC 2.12.030.A.1.d]. If the City Manager finds it necessary or expedient to place a contract on a City Council agenda for authority to execute it, but the contract is not yet in final form or has not been signed by the other parties, the City Council shall condition its authorization to execute the contract on: (a) the final contract being in substantially the same form as the one presented for the City Council's consideration with such changes as may directed by the City Council; and, (b) upon the City Attorney's approval of the final contract as to form. If the contract is substantially changed or is not approved as to form by the City Attorney, then the contract must be placed on a subsequent agenda for the City Council's consideration.

17.3 Ordinance Introduction/Adoption

The City Council hereby establishes and directs that the presiding officer shall reading the title of a proposed ordinance when the item is called for consideration, which will be considered to constitute a full reading of the ordinance, unless a majority of the City Council present asks for a full reading. [36934]. For ordinances placed on the consent calendar for introduction and adoption, a motion by the City Council that moves staff's recommendation for the approval of the consent calendar shall mean the title of the ordinance was read by the maker of the motion.

17.4 Majority Vote by Three Council Members Required

An affirmative vote of at least three members of the City Council shall be necessary to adopt an ordinance and a resolution, and to approve a contract for the expenditure of funds. An urgency (emergency) ordinance must be adopted by at least four members of the City Council. [36936, 54954.2, 54956, 54956.5].

17.5 Ordinance Preservation

Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, publish a summary, and post the full text according to law. The ordinance shall be filed and preserved in the City Clerk's Office.

17.6 Consent Calendar, Public Hearing, or Matters for Consideration

Ordinances not requiring a public hearing may be presented to the City Council for introduction and adoption on either the consent calendar or matters for consideration portion of the agenda. The City Attorney shall determine the placement of an ordinance on a City Council agenda in consultation with the Mayor and City Manager, or as directed by the City Council.

18. City Council Norms and Values, and Principles of Governance

The City Council has also adopted *City Council Norms and Values* that guide their interactions among each other, and *Principles of Governance* that guide their interactions with staff and the community.

19. City Council Expectations for Brown Act Compliance

The City Council has established an expectation that Council Members will not utilize electronic devices to communicate with themselves, the public, or anyone else during a City Council meeting on substantive matters related to City business. In addition, they have established an expectation that they will not maintain a social media presence as a Council Member, except on the City's official website, with the understanding that personal campaign activities are not official Council Member activities. They have also established an expectation that they will use their official City email address when communicating electronically about matters related to City business. [*San Jose v. Superior Court [Smith], 2 Cal.5th 608].* The City Council also directs staff to prepare formal policies to guide their utilization of electronic communications.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AMENDING AND ADOPTING CITY COUNCIL NORMS, VALUES, AND PRINCIPLES OF GOVERNANCE

The City Council has adopted Norms, Values, and Principles of Governance outlining the behaviors the City Council places upon itself as a body to guide how it will govern. The Norms and Values reflect the City Council's collective expectations for their working relationship, the role of the City Council and its principles of governance to represent the community as a whole, and the relations between the City Council, Advisory Bodies, and City staff.

The City Council last revised its Norms, Values, and Principles of Governance on November 14, 2022 (Resolution No. 2022-183).

At a special workshop on February 2, 2023, staff presented the City Council with the City Council's Norms, Values, and Principles of Governance. The attached document incorporates the City Council's comments at the workshop and additional proofreading edits recommended by staff for clarity.

The City Council desires to amend its City Council Norms, Values, and Principles of Governance consistent with the workshop and the recommendations from staff.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, that it hereby adopts the City Council Norms, Values, and Principles of Governance, attached hereto as Exhibit A, which supersede and replace the rules adopted by Resolution No. 2022-183.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Jason Alcala
Jason R. Alcala
City Attorney

Exhibit A - City Council Norms, Values, and Principles of Governance

EXHIBIT A

City Council Norms, Values, and Principles of Governance

COUNCIL NORMS

Demonstrate Respect and Show Professionalism

The City Council shows respect and practices professionalism through their actions and words, and shows compassion for community, staff, and other members of the City Council in all situations, including those involving disagreement and difference. We focus on forward thinking, while building on history and lessons learned from the past. We avoid responding to perceived derogatory or repugnant public comments during City Council meetings. Out of respect to each other, staff, and members of the public, we avoid using cell phones and other communication devices during City Council and other public meetings where we preside.

Take Responsibility

We are accountable to the community, staff, and to each other for our actions and words. We hold ourselves to the highest ethical standards. We act with integrity and lead by example.

Encourage Civic Engagement

We value and encourage the input of others, and challenge ideas not individuals in our role as policy makers. We recognize the importance of input from various groups and seek to actively engage the community.

Show Appreciation

When appropriate, we recognize and show genuine appreciation for the hard work and accomplishments of staff, advisory body members, community organizations, members of the public and fellow City Council members.

Maintain Transparent Communication

We strive to maintain transparent communication, in meetings and through online and written correspondence.

COUNCIL VALUES

Trust

We value and foster trust and honesty among staff and one another. We listen to others and seek to create an environment of mutual support.

Honest and Effective Communication

We commit to direct, respectful communication to seek a shared understanding. We value diversity of thought and will engage in open dialogue with each other and the public.

Revised March 2023

Data Driven Decision Making
We seek to make data driven (qualitative and quantitative) policy decisions. Our findings will rely on fact-based evidence, not unvalidated assumptions.

Teamwork
We work as a team to create effective policy, focusing on the best outcomes for the community, as a whole.

Enthusiasm and Effort
We have a genuine enthusiasm for our role as policy makers and community leaders. We come to meetings well prepared and ready for robust discussion.

PRINCIPLES OF GOVERNANCE

The City Council will govern on an at-large (community-wide) basis to address the needs of the entire community. Resources will be allocated based on community-wide priorities. To ensure a community-wide focus, City Council members and residents may communicate directly regardless of the district the Council member represents or the district where the community member lives.

Council-Staff Relations
Council and staff work in partnership to achieve our goals. Consistent with Livermore's Council-Manager form of local government, the City Manager plays a central role in directing and facilitating Council-staff relations. Typically, Council members are expected to engage only with Department Directors and other executive staff, and to do so under the direction of the City Manager. Similarly, Council members are expected to engage with City Attorney staff only with the consent of the City Attorney. Trust and effective communication are key to ensure a productive partnership.

Council Responsibility
The primary role of the City Council is to act as policy makers and to govern the activities of the City of Livermore. We strive to understand and reflect the entire community's values and needs. To achieve this, we serve as an oversight body and provide clear policy direction to staff and follow through with the community. We recognize our responsibility of making sound financial decisions that enhance the quality of life for Livermore residents.

Council members are encouraged to seek information and advice from the City Manager and City Attorney as part of their due diligence when forming their own opinions and developing their courses of action on issues. The Council recognizes that staff time is a limited resource and that in some cases complying with Council direction may require substantial staff time. In such cases staff will inform Council if their direction cannot be absorbed and that reprioritization of other tasks may be necessary. Before requesting an item under Matters Initiated, a City Council member is expected to ask the City Manager if there is adequate staff resource capacity needed to address the requested item.

Revised March 2023

Staff Responsibility

It is the responsibility of staff, under the direction of the City Manager, to support the City Council and implement policies created by the Council. The City Manager is critical in helping to translate the policy direction for staff, and to ensure that there is sufficient clarity and context. The City Manager and staff shall not take any action requested by an individual Council Member even when that action is consistent with Council priorities.

To effectively support Council, staff will provide timely and complete information needed to make sound policy decisions. Reports and recommendations will be comprehensive and contain explicit and clear information including all facts. Staff will include options or alternatives when appropriate. Additionally, staff is expected to provide guidance and advice to Council, ensuring that they are complying with rules and procedures, and adhering to norms and values.

City Attorney Responsibility

It is the responsibility of the City Attorney, as the chief legal advisor of and attorney for the City and all its departments and office, to provide legal oversight of the City's governance, operation and public policy. The City Attorney provides legal advice and counseling to the City Council as a body and takes direction from a majority of the City Council. The City Attorney shall not take any action requested by an individual Council Member contrary to the desires of the City that have been expressed by a majority of the City Council. The City Attorney counsels and advises the City Council, City Manager, and staff of policy matters to help them make well informed decisions but does not create policy other than through the Risk Management Division's functions. The City Attorney advocates for the City and upholds the integrity of the City's ordinances, regulations, and policies.

As the advisor and advocate for the City, the City Attorney owes two duties directly to the public: to act as a check on governmental action in certain limited circumstances, and to accurately advise the public when called upon to do so. In addition, the City Attorney is a constitutional officer that has direct authority to take certain actions independent of direction from the City Council and must also fulfill the rules of professional responsibility as an attorney and as a government attorney.

Council- Advisory Body Relations

The City Council has created boards, commissions, and committees to advise the City Council. Advisory body members are appointed by and serve at the pleasure of the City Council. We recognize and value the role of advisory bodies to reflect the entire community through their recommendations to inform our policy decisions. Advisory bodies communicate to the City Council through their annual updates, meeting actions and/or through their staff-liaisons. City Council can provide guidance to the advisory bodies by commenting on their proposed annual work plans, included during annual updates.

EXHIBIT A

City Council Meeting Rules of Procedure

In addition, the City Council is also governed by City Council Meeting Rules of Procedure.

Revised March 2023

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION AMENDING AND ADOPTING CITY COUNCIL MEETING RULES OF PROCEDURE

The City Council has adopted rules of procedure for the orderly, consistent, and fair conduct of its meetings consistent with applicable law. These rules reflect the Council's accepted practices and balance the Council's policies inviting public comment with the need to manage its meetings effectively. The purpose for these rules is to promote public confidence in the City of Livermore's governance by establishing consistent expectations for the conduct of the people's business and the opportunities for public observation and participation. The City Council has also adopted procedures for teleconferenced meetings and for recording City Council meetings.

The City Council last revised its rules of procedure on November 14, 2022 (Resolution No. 2022-184).

At a special workshop on February 2, 2023, staff presented the City Council with recommended adjustments to the City Council's meeting rules of procedure. The changes included proofreading revisions, changing "Mayor" to "presiding officer" as instructed by the City Council, incorporating the new provisions in SB 1100, and clarifying the tabulation of votes for Council member abstentions and silence during a vote. The attached rules incorporate the City Council's comments at the workshop and additional proofreading edits recommended by staff for clarity.

The City Council desires to amend its City Council Meeting Rules of Procedure consistent with the workshop and the recommendations from staff.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, that it hereby adopts the City Council Meeting Rules of Procedure, attached hereto as Exhibit A, which supersede and replace the rules adopted by Resolution No. 2022-184.

BE IT FURTHER RESOLVED that the *Procedures for Teleconferenced Meetings* and the *Preferred Method of Recording City Council Meetings* attached as Exhibits B and C to Resolution No. 2021-138 remain in full force and effect.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Jason R. Alcala
Jason R. Alcala
City Attorney

Exhibit A - City Council Meeting Rules of Procedure, revised 02-27-2023

CITY COUNCIL MEETING

RULES OF PROCEDURE

1. Authority

These rules of procedure are established for the effective and fair conduct of City Council meetings and to help promote public confidence in the integrity of local government. By adopting these rules, the City Council intends to balance a policy of full and free public action and debate with a need to manage its meetings effectively. [36813[1]].

The rules also include expectations for the appointments to the City's advisory bodies and their conduct consistent with these rules, and the Mayor's assignment of the Council Member's offices and seats on the dais.

2. Purpose

The purpose of these rules is to document the City Council's accepted practices and to clarify expectations by establishing guidelines for the orderly, consistent, and fair conduct of the City Council's business.

These rules of procedure are intended to help implement, but do not limit or supersede, the state and local laws that govern the requirements and responsibilities for the City Council's meetings. Those laws include, but are not limited to, the California Constitution, the Brown Act, the Political Reform Act, the Livermore Municipal Code, and the Livermore Development Code.

These rules of procedure are not intended to limit the inherent power or the general legal authority of the City Council, and failure to follow these rules will not invalidate a City Council action. [*City of Pasadena v. Paine, (1954) 126 Cal.App.2d 93].*

3. Rules of Parliamentary Procedure

The City Council has adopted *Rosenberg's Rules of Order, Revised 2011*, as its rules of parliamentary procedure. In the event of a conflict between *Rosenberg's Rules of Order* and these rules of procedure, these rules of procedure shall control.

4. Applicability

These rules of procedure apply to the preparation, posting, and distribution of the agendas for City Council meetings. They also relate to the orderly discussion of items and the City Council's voting procedures to take formal action or provide direction to staff. Lastly, they relate to respective powers for the Mayor and Council Members.

[1] All citations are to the California Government Code unless otherwise noted.

5. Presiding Officer

The Mayor is the presiding officer for each meeting of the City Council that the Mayor attends. In the Mayor's absence, the Vice Mayor shall be the presiding officer for the meeting when the Vice Mayor is present. In the absence of both the Mayor and the Vice Mayor, the Council Members present at the meeting shall select a presiding officer. [36802].

6. Mayoral Duties and Responsibilities

The Mayor is directly elected at-large for a two-year term in November of each even-numbered year. The Mayor is a member of the City Council and has all the powers of a Council Member, except when exercising his or her unique mayoral duties. The Mayor enjoys, and shall not be deprived of, any rights and privileges as a Council Member. Additionally, the Mayor shall have all the powers and duties of an elective Mayor as provided by statute. [34903, 36803; LMC 2.04.020; 81 Ops.Cal.Atty.Gen. 75 (1998)].

6.1 Appointment of Vice Mayor and Vice Mayor Duties and Responsibilities

The City Council has the statutory power to appoint a Council Member as mayor pro tempore, which is the position titled Vice Mayor in Livermore. [34905, 36801].

The Vice Mayor shall be selected for a one-year term and shall be selected at the meeting certifying the election results in each even-numbered year and in December of each odd-numbered year. The Vice Mayor shall have all the powers and duties of a mayor pro tempore as provided by statute. The Council Member selected as Vice Mayor typically rotates among the Council Members.

If the Mayor is absent or unable to act, the Vice Mayor shall then serve for the Mayor, and shall have all of the powers and duties of the Mayor until such time as the Mayor returns or is again able to act. [34905, 36801].

6.2 Reserved

6.3 Seats on the Dais

The Mayor shall sit at the center of the dais for all City Council meetings. If the Mayor is absent, the presiding officer shall sit at the center of the dais.

In December of each year, the Mayor shall assign the seats for the Vice Mayor and the Council Members on the dais. The Mayor should ask Council Members if they have any special needs that should be accommodated before making the assignments.

6.4 Council Member Rooms

The Mayor shall have use of office 216 at City Hall, or such other designation as that office may be given.

In December of each even-numbered year, the Mayor shall assign the use of rooms 218, 219, 220, and 222, or such other designation as those rooms may be given, to the Vice Mayor and the Council Members. Once assigned for use, each Council Member has the right to stay in a room they are occupying. The Mayor and each Council Member shall vacate their assigned rooms within two weeks of the date their respective terms of office expire.

7. Presiding Officer to Conduct Meetings

The presiding officer is responsible for conducting City Council meetings as follows:

7.1 Call to Order

The presiding officer shall call the meeting to order at the appointed time. If both the Mayor and the Vice Mayor are absent, then the City Clerk shall call the meeting to order and the Council Members present shall then select a presiding officer for that meeting who shall have the duties and responsibilities in this section for conducting the meeting.

7.2 Preservation of Order

The presiding officer shall preserve strict order and decorum, and shall discourage personal, verbal attacks on Council Members, staff, and/or the public, but shall not prohibit criticisms of the policies, procedures, programs, or services of the City, or of the acts or omissions of the City Council or members of the City staff. The presiding officer shall confine debate to the item under discussion. [36813, 38638, 54954.3, 54957.9].

7.3 Questions of Parliamentary Procedure

The presiding officer shall determine all questions of parliamentary procedure in consultation with the City Attorney and City Manager.

7.4 Reordering of Agenda

The presiding officer may reorder the items on the agenda for a noticed meeting to accommodate members of the public who wish to speak on an agenda item that would otherwise be considered by the City Council later in the meeting. The presiding officer shall announce the reorder prior to calling members of the public to speak during open forum.

7.5 Motion to Be Stated

The presiding officer shall state all motions submitted for a vote by the City Council and announce the result of the vote and identify the no votes and any Council Members that abstained or recused themselves from the vote. A roll call vote shall be taken for all teleconferenced and hybrid meetings, and taken upon the request of any Council Member. No action shall be taken by secret ballot, but electronic tabulation may be used to record and report roll call votes. [54953(b)(2) and (c)(2)].

8. General Rules – City Council Meetings

The City Council endorses, and agrees to comply with, the Brown Act. In the event of a conflict between the Brown Act and these rules of procedure, the Brown Act shall control. [54950 *et seq*., 54953].

City Council meetings shall be open to the public, but the public shall be excluded from closed sessions as authorized by state law. [54953(a), 54957].

City Council meetings, except for closed sessions, shall be open to the media. The media shall be excluded from closed sessions as authorized by state law. [54953, 54953.5, 54957, 54957.9].

City Council meetings may be recorded by the public and the media, provided such recordings do not interfere with orderly conduct of the meetings and do not constitute a persistent disruption of the proceedings.

8.1 City Council Meeting Schedule

Each July, the City Council shall approve and thereafter follow an annual calendar for its regular meetings in the upcoming year. The annual calendar shall also identify dates for anticipated special meeting workshops. [36805]. When scheduling meeting dates, care should be taken to avoid conflicts with national holidays or dates that would preclude participation by members of the public due to religious or other observances.

8.2 Quorum

The presence of three Council Members shall constitute a quorum of the City Council necessary to transact business at a meeting. In the event a quorum is not in attendance, those attending the meeting will be named in the minutes, and they shall adjourn the meeting to a set date, time, and location. If all Council Members are absent, the City Clerk shall adjourn the meeting to a set date, time, and location. [36810, 36811].

8.3 Absences

8.3.1 Absence and Compelling Attendance

Council Members who are unable to attend a City Council meeting must request that the Mayor recognize the absence as excused. The purpose of an excused absence is not to relieve Council Members of their responsibility to be present, but is intended to provide the Mayor with an opportunity to ensure an absence is reasonable and to impress upon the Council Member, where necessary, the importance of regular attendance. The minutes shall note whether a Council Member's absence is excused. If a Council Member is repeatedly absent, the City Council may adjourn from day-to-day to compel the absent Council Member's attendance under the penalties prescribed by State law. [36513, 36810, 36813].

8.3.2 Absentee Participation

If a Council Member wants to participate remotely in a meeting, the appropriate way to participate is through a teleconferenced or hybrid meeting as provided for in section 8.4.6 *Teleconferenced and Hybrid Meetings*. Absent Council Members are discouraged from communicating their opinions on agenda items to staff or other Council Members to present at the Council Meeting on behalf of the absent Council Member.

8.4 Types of Meetings

8.4.1 Regular Meetings

The City Council shall meet in the City Council Chambers in the Civic Center Meeting Hall for all regular City Council meetings. The regular meetings shall begin at 7:00 p.m. on the second and fourth Monday of each month, unless otherwise specified by posted notice. If the meeting date falls on a legal holiday, the City Council shall meet at a date and time designated by the City Council. Regular meetings with closed session items may begin between 5:00 p.m. and 7:00 p.m. depending upon the number and complexity of the matters to be discussed. [36805, 54954; LMC 2.06.030].

8.4.2 Special Meetings

Special meetings may be called by the Mayor, the City Manager, the City Attorney, or by a majority of Council Members consistent with applicable laws. The call and notice for a special meeting must specify the items to be considered and the date, time, and location for the meeting. [36807, 54956(a)].

The City Council may take final action at a special meeting that is not a workshop.

8.4.3 Special Meeting Workshops

The City Council may meet in special meetings designated as workshops that are called by the Mayor, the City Manager, or by a majority of Council Members. Workshops are special meetings intended for training purposes such as ethics training, sexual harassment prevention and education, and specific technical subjects such as land use. Special meeting workshops are also intended for the City Council to work with staff to develop administrative items such as the budget and City Council goals and priorities, for the City Council to receive public input on matters of community wide concern, and for similar activities.

Workshops are open to the public and are meetings for purposes of the Brown Act. The City Council may provide direction, but unlike other special meetings the City Council may not take a final action at a workshop. [54956].

8.4.4 Closed Session Meetings

Closed sessions may only be held as authorized by state law and shall be held in accordance with the provisions of the Brown Act. The closed sessions may precede or follow a regular meeting or be called as a special meeting. In addition to the provisions in Section 8.4.2 *Special Meetings*, the City Attorney or City Manager may call and notice closed session meetings as special meetings. [54954.5, 54956.5, 54956.7-54957.1, 54962].

After meeting in closed session, the City Council shall reconvene in open session and make a public report, either orally or in writing, of any reportable action taken in the closed session and the related vote tabulation. [54957.1, 54957.7].

Closed session matters should be managed within the expected time limits for all items. Lengthy closed session matters should be scheduled at the end of a Council Meeting or as a separate special meeting. If a closed session is scheduled before the start of a regular Council meeting, it should conclude no later than 10 minutes before the start time for the regular Council meeting. When necessary, the closed session can be continued to the end of the agenda for the regular Council meeting, but that should be avoided when possible.

8.4.5 Concurrent Meetings

Since the Council Members are also the members of the Livermore Successor Agency, the City Council may concurrently convene the meetings of the City and the Livermore Successor Agency as well as any other legislative body that includes all Council Members. [54952.3].

Joint meetings of the City Council and any other legislative body or bodies shall be noticed as a meeting for each body.

8.4.6 Teleconferenced and Hybrid Meetings

The City Council may meet from different locations connected by electronic means consistent with the provisions of the Brown Act effective at the time of the scheduled meeting. The City Council may adopt, by resolution, specific procedures for teleconferenced and hybrid meetings consistent with state law. Those procedures should encourage staff and the City Council to monitor connectivity and to rapidly address the technical issues for orderly management of the meeting consistent with the applicable statutory requirements. [54953].

8.4.7 Adjourned Meetings, and Adjourned Regular Meetings

Any meeting of the City Council may be adjourned to a later date, time, and location, and the notice of adjournment shall be posted within 24 hours on or near the door of the place where the adjourned meeting was held. However, if the adjourned meeting is to reconvene less than 24 hours after adjournment, then a copy of the order or notice of the continuance shall be posted immediately following the meeting. [36809, 54955].

The Mayor, presiding officer, City Manager, or majority of Council Members may call for an adjourned regular meeting in consultation with the City Attorney to conduct a regular meeting on a date other than on a regular meeting date on the City Council's annual calendar. [54955]

8.4.8 Emergency Meetings

If at least three Council Members determine that a catastrophic event has caused an emergency situation to exist as defined by law, then the City Council may immediately hold an emergency meeting. [54956 and 54956.5].

8.4.9 City Council Committees

The City Council, may create standing and ad hoc City Council subcommittees, which creation shall occur at a duly noticed Council Meeting.

Care should be taken to not overburden staff, and therefore, City Council subcommittees should only be created in consultation with the City Manager and the City Attorney. City Council subcommittees should be created judiciously. Staff support shall only be provided to those City Council committees duly created as set forth in these rules.

Ad hoc City Council subcommittees are intended to be useful and efficient vehicles for less than a quorum of Council Members, with appropriate support staff, to explore and develop items for placement on a duly noticed City Council meeting agenda for the City Council to discuss and then provide direction or take action.

City Council standing subcommittees comprised of less than a quorum of the City Council and that have continuing subject matter jurisdiction or a fixed meeting schedule established by the City Council, shall comply with the Brown Act and follow these rules of procedure. [54952(b)].

Ad hoc City Council subcommittee's comprised solely of less than a quorum of the City Council and that are limited to both a defined task and a duration that is less than one year, are not subject to the Brown Act and are not required to follow these rules of procedure. [54952(b); *Frazer v. Dixon Unified School District*, (1993) 18 Cal.App.4th 781].

Any City Council subcommittees comprised of less than a quorum of the City Council and have other persons as members, shall comply with the Brown Act and follow these rules of procedure. [54952(b); *Joiner v. City of Sebastopol*, (1981) 125 Cal.App.3d 799].

The City Manager shall keep a record of all standing and ad hoc City Council subcommittees that reflects the committee's creation date, composition, task, duration, and sunset date. The City Manager shall advise the City Council at a duly noticed Council Meeting of any ad hoc subcommittee that has not sunset within one year of its creation so that the City Council can consider whether to terminate the ad hoc subcommittee or reconstitute it as a standing committee.

8.5 Notice and Agenda Posting

The City Clerk shall post the notices and agendas for each City Council meeting in the kiosk in front of City Hall, on the City's website, and at the location where the meeting will be held. Any requirement to post notices and agendas at a remote teleconferenced meeting location outside the City's jurisdiction shall be the responsibility of the Council Member attending the meeting from that location. [54954.2].

8.5.1 Regular Meetings

It is the City Council's goal that the agendas for regular meetings should be posted at least 6 days before the meeting dates, but in no event shall the agenda for a regular meeting be posted less than 72 hours before the meeting date. [54954.2].

8.5.2 Special Meetings and Workshops

Notice of the call for a special meeting must be delivered and received by each Council Member and the media at least 24 hours before the special meeting, and must be posted at least 24 hours before the special meeting date. To the extent possible, it is the City Council's goal that the notice and agendas for special meeting workshops should be posted at least 6 days before the meeting dates, and in no event shall the notice and agenda for a workshop be posted less than 24 hours before the meeting date. [54956].

8.6 Actions Limited to Posted Agendas

The City Council shall not discuss or take action on any item not appearing on the posted notice or agenda for a duly noticed Council meeting. However, as permitted by the Brown Act, Council Members and staff may briefly respond to statements made or questions posed by the City Council or by members of the public addressing the City Council. City Council members should refrain from rejoinders to perceived derogatory or repugnant public comments during council meetings. Council Members may ask a question of City staff or a speaker for clarification, make a brief announcement, or make a brief report on their own activities.

Upon determination by three Council Members that an emergency situation exists as required by law, or upon a determination by four Council Members (or all members present if less than four are in attendance) that there is a need for immediate action that came to the City's attention after the meeting agenda was posted, the agenda may be amended as provided by law to add an item for consideration and action. [54954.2, 54956, 54956.5].

8.7 Continuance of Agenda Items

Items listed on a posted agenda should not be continued or postponed absent good cause.

8.7.1 Discovery of Good Cause Before an Item is Considered

If good cause to continue an item is discovered by City staff after a notice or agenda is posted but before the meeting commences, then after calling the meeting to order the presiding officer shall identify the item and announce that is has been continued.

8.7.2 Good Cause to Continue During Consideration

Once an item has been taken up for consideration, City staff, a Council Member, or a participating party as defined in Section 10.5.3 *Participating Parties* may request a continuance of the item. The item may only be continued following a majority vote of the Council Members present.

8.7.3 Public Comment for a Continued Item

If the opportunity for the public to address the City Council has concluded, or the public hearing portion of an item was formally closed, and the item was returned to the City Council for deliberation before it was continued, then the opportunity for public comment on the item will not be reopened absent a motion by the City Council. [54955].

8.8 Consideration of items after 11:00 p.m.

8.8.1 Canvass and Reorder

At 10:30 p.m., or as soon thereafter as practical, the presiding officer shall canvass staff and Council Members present to identify the remaining agenda items for consideration. The presiding officer will then identify what items will be considered or continued, and in what order. Once the presiding officer outlines the balance of the agenda, it may not be amended absent an appeal by a Council Member.

If the City Manager, Mayor, presiding officer, or a City Council Member believes the duly noticed agenda for a Council meeting is not likely to completed in one day, then the City Clerk shall poll the Mayor and Council Members in advance of the meeting to determine their availability to reconvene later that same week. To accommodate members of the public so they do not have to rearrange their schedules, to the extent possible, the public comment period for an item that was started should be completed before the continuance of an item.

8.8.2. No New Items Considered after 11:00 p.m.

The City Council shall not begin consideration of any items on an agenda after 11:00 p.m., but may complete their consideration of an item that was commenced prior to 11:00 p.m.

8.8.3 Exceptions

The City Council may commence consideration of an item after 11:00 under the following circumstances:

a. An item is subject to a legal deadline, such as a project application subject to the Permit Streamlining Act; or,

b. The City Council votes to allow consideration of the item after 11:00 p.m.

8.9 Breaks.

The presiding officer shall provide for a 10 min break after approximately every two hours of meeting time. The break should be called at a convenient point in the proceedings closest to the two-hour mark. Council Members may request breaks at other times as needed. Council Members and staff are expected to return promptly at the designated time to resume the meeting.

8.10 Points of Order, Privilege, and Personal Privilege

A Council Member may ask for a point of order, at which time the presiding officer will ask for an explanation. Appropriate points of order relate to matters that a Council Member

considers inappropriate conduct for the meeting, such as the failure to observe these Rules of Procedure, the City Council's Norms and Values, or the rules of parliamentary procedure.

A Council Member may seek a point of privilege. If so, the presiding officer shall ask for an explanation of the Council Member's point. Points of privilege generally relate to matters that interfere with a normal flow or comfort of the City Council's meeting, such as the inability to hear testimony because of disruption.

A Council Member may ask for a point of personal privilege when the integrity, character, or motives of the Council Member are called into question by a speaker; or where the welfare of the City Council is concerned.

If a speaker is interrupted by a point of order, privilege, or personal privilege, the remainder of a speaker's time will be preserved by the City Clerk until the point is resolved.

8.11 Minutes

8.11.1. All Proceedings Recorded

An account of all open meetings of the City Council shall be recorded, and action minutes prepared, by the City Clerk. [36814, 40801]. After the City Council approves the meeting minutes, the City Clerk shall enter them into official minute books of the City Council. The City Attorney may prepare attorney work product notes for closed session meetings attended. [36814].

8.11.2 Approval

The minutes for a City Council meeting shall be reviewed and approved as set forth in this section.

a. The City Council shall approve minutes for a regular meeting, special meeting, and special meeting workshops, except that City Council approval is not required for the City Attorney's closed session attorney work product notes.

b. A Council Member may not approve the minutes for any City Council meeting that the Council Member did not attend, unless the Council Member observed the meeting or reviewed a video or audio recording prepared for that meeting. Also, a Council Member may not approve the minutes for a meeting that they were not eligible to attend as a Council Member.

c. If no Council Members are eligible to approve the minutes for a City Council meeting, then the City Clerk shall attest to the accuracy of the meeting minutes and enter them into official minute books of the City Council.

8.11.3 Preferred Method of Recordation and Minutes

City Council meetings may be recorded by electronic means.
The City Council may adopt a resolution to specify the preferred method of recording for its meetings. [54953].

8.12 Staff Attendance

8.12.1 City Manager

The City Manager shall attend all City Council meetings unless excused by the Mayor, and the City Manager's designee attends. [LMC 2.08.060.F]. The City Manager may make recommendations and shall have the right to take part in all discussions of the City Council, but shall have no vote.

8.12.2 City Attorney

The City Attorney shall attend all City Council meetings unless excused by the Mayor, and an Assistant City Attorney attends. Upon the City Council's request, the City Attorney shall provide opinions and recommendations, either written or oral, on questions of law and procedure.

8.12.3 City Clerk

The City Clerk shall attend all City Council meetings unless excused by the City Manager, and in his or her absence, the City Clerk's designee shall attend. The City Clerk shall record, prepare, and maintain the official record of the City Council's proceedings and perform other related duties as may be prescribed by the City Council and the City Manager. [36814, 40801].

8.12.4 Department Heads/Employees

Department Heads and employees shall attend City Council meetings as directed by the City Manager. The City Manager and City Attorney are encouraged to minimize the number of employees and consultants attending the meetings in person and maximize the opportunities for employees and consultants to participate remotely.

8.12.5 Sergeant-at-Arms

A Sergeant-at-Arms, who shall typically be a sworn member of the City's Police Department, shall attend City Council meetings as directed by the City Manager. [38638].

8.13 Meetings That Are Not Subject to the Brown Act

As provided by the Brown Act, a quorum of the City Council may attend conferences and similar gatherings, open community meetings organized by a person or organization other than the City Council, open and noticed meetings of another legislative body other than a City advisory body, and social and ceremonial gatherings without complying with the notice and agenda requirements in these rules of procedure, provided that the Council Members do not discuss among themselves business of a specific nature that is within the City's subject matter jurisdiction. [54952.2(c)(3)-(5)].

Meetings of an ad hoc City Council subcommittee are not subject to these rules of procedure unless the City Council expressly states that the subcommittee shall follow these rules. [54952].

Briefings of less than a quorum of the City Council are not subject to these rules of procedure provided the briefings comply with the Brown Act. [54952.2; *Wolfe v. City of Fremont*, (2006) 114 Cal.App.4th 533].

9. Agenda Development

The City Manager is responsible for preparing the City Council's meeting agenda to present items requiring direction or action by the City Council. Items may also be placed on an agenda for City Council consideration in the following ways: by direction of a duly created City Council subcommittee with the City Manager's concurrence; by direction of the City Attorney in consultation with the City Manager; by direction of a majority of Council Members during the matters initiated portion of the agenda to place an item on a future agenda; and under any processes set forth by statute or ordinance that requires City Council action, including City Council consideration of land use matters, appeals, and other matters as set forth in the Livermore Municipal Code and the Livermore Development Code.

The agenda shall contain a brief general description of each item of business to be transacted or discussed, including any items to be discussed in closed session. [54954.2, 54954.5].

10. Order of Business – Regular Meetings

The usual order of business for regular meetings shall be as follows:

10.1 Call to Order

This portion of the agenda is for roll call, the pledge of allegiance, and the reporting out from any closed session items that may have occurred prior to the meeting.

10.2 Proclamations and Presentations

This portion of the agenda is for City proclamations to recognize significant community events, people, or days. The presiding officer shall read and present, or designate a Council Member to read and present, the proclamations. The City Manager, or his or her designee, may develop a policy regarding proclamations as a guide. It is also for City advisory bodies to make brief presentations to the City Council on their activities. As authorized by the presiding officer or the City Manager, this portion of the agenda is also for other local, regional, or state legislative bodies and elected officials to make brief presentations to the City Council concerning activities of interest to the City.

These are ceremonial matters and not action items by the City Council. While the preference is for proclamations to be included in the posted agenda, the desire to recognize a significant community event, person, or day may arise or be discovered after an agenda is posted. In that case, the presiding officer may make additional proclamations at a City Council meeting so long as they do not unduly interfere with the City Council's business.

The public does not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors, (2005) 129 Cal.App.4th 205].*

10.3 Confirmation of Advisory Body Appointments

This portion of the agenda is for City Council confirmation of appointments to advisory bodies and to administer the oath of office to advisory body members.

10.4 Open Forum

This portion of the agenda is for any member of the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction. However, to prepare and preserve a proper administrative record, public comments concerning an item listed elsewhere on the agenda should be reserved and addressed to the City Council when that item is called for consideration.

Open forum shall be limited to 30 minutes, usually before the consent calendar. If there are additional members of the public who wish to speak at the conclusion of the 30-minute time period, then the presiding officer shall reconvene the open forum at the conclusion of the matters for consideration portion of the agenda unless the presiding officer announces that open forum is reordered to a different place on the agenda.

The procedures for public comments during open forum are set forth in Section 12 *Speakers' Rights*.

10.5 Consent Calendar

The consent calendar portion of the agenda is for routine items that are not expected to require City Council discussion. Examples of items for the consent calendar include the approval of minutes, resolutions confirming actions from a previous meeting, the introduction and adoption of ordinances, and the processing of administrative items such as the approval of contracts, the acceptance of public improvements, and other routine items requiring City Council approval by ordinance, resolution, or law. Any Council Member may pull an item for separate discussion. Members of the public may address the City Council on consent calendar items by following the procedures set forth in Section 12 *Speakers' Rights*.

The items on the consent calendar are generally approved by the City Council by a single motion, but separate motions may be appropriate to accommodate a conflict of interest, an absence, or other Council Member interests.

10.6 Public Hearings

The public hearing portion of the agenda is reserved for items that require, by statute, ordinance, or practice, a noticed public hearing for action. The notices for public hearing items shall be posted in a newspaper of general circulation and mailed as required by law. [6060].

The procedures for public hearings are as follows:

10.6.1 Introduction

The presiding officer shall call each item for hearing and consideration. If there are related public hearing items, the presiding officer has the discretion to concurrently call the related items for hearing and consideration.

10.6.2 Staff Presentation

A member of City staff will then:

a. Introduce themselves and the item by identifying the report and other written material included in the agenda packet for the City Council's consideration, as well as any written comments received from the public.

b. Identify any supplemental written materials that have been provided to the City Council for consideration, which were received or prepared for the item after the meeting agenda was published.

c. Identify any other staff members or consultants that will be part of the staff presentation or are otherwise present and available for City Council questions.

d. State whether the applicant is present and whether the applicant intends to make a presentation to the City Council.

e. Make an oral report, unless waived by the City Council.

10.6.3 Participating Parties

Following the staff presentation, the applicant, appellant, and other named participant in the item that is party to an agenda item (collectively "participating parties") may address the City Council. Participating parties shall address the City Council following the procedures set forth in Section 12 *Speakers' Rights*.

After the presiding officer determines that no other participating parties wish to address the City Council on the hearing item, the presiding officer will open the public hearing.

10.6.4 Opening and Closing the Public Hearing

The purpose of the public hearing is to provide members of the public with an opportunity to address the City Council concerning the hearing item, as well as to express their support or opposition of the item. The presiding officer will formally announce the opening of the public hearing and invite members of the public to address the City Council on the hearing item. Public speakers shall address the City Council following the procedures set forth in Section 12 *Speakers' Rights*.

After the presiding officer determines that no other member of the public wishes to address the City Council on the hearing item, the presiding officer will formally close the public hearing and return the item to the City Council for City Council questions and comments.

10.6.5 City Council Questions or Comments

Following the staff presentation and receiving comments by the participating parties and from the public comments during the public hearing, if any, the City Council may ask questions of City staff, consultants, and participating parties, or make comments on the item.

10.6.6 City Council Deliberation

Following City Council questions and comments, the presiding officer will invite the Council Members to discuss the item to develop concurrence for a motion. Council Members may continue to ask questions of staff, consultants, and the participating parties as part of their deliberations. The procedures for City Council deliberation are set forth in Section 13 *City Council Deliberation.*

10.6.7. City Council Action

After City Council deliberation, the presiding officer shall call for a motion and a second as set forth in Section 14 *Motions*, and the City Council may make such motions as set forth in that section.

If the motion seconded for consideration is substantially different than the recommended action in the published staff report, the presiding officer may invite public comments on the motion. Each speaker will be limited to one minute to comment on the motion; and the City Council has discretion to decide not to hear further comment if they choose. If invited, public speakers shall address the City Council following the procedures set forth in Section 12 *Speakers' Rights*.

10.7 Matters for Consideration

This portion of the agenda is for items of business that require City Council action or direction, the receipt of reports, or that would benefit from City Council discussion that do not also require a public hearing. Generally, the procedures for this portion of the agenda follow the same procedures found in Section 10.5 *Public Hearings*, except that the public hearing is replaced by the opportunity for the public to comment after the staff presentation.

Prior to deliberating on matters for consideration, the City Council shall receive public comment as provided for in Section 12 *Speakers' Rights*. After receiving public comment, the City Council shall deliberate as set forth in Section 13 *City Council Deliberation* and shall receive the report, take action, or provide direction as set forth in Section 14 *Motions*.

10.8 City Council Reports and Matters Initiated by Staff and City Council

This portion of the agenda is for:

1. Each member of the City Council to provide brief reports on any intergovernmental agency meetings, conferences, community meetings, meetings of other legislative bodies, or other events of interest to the community. For efficiency and completeness, each Council Member should use the activity reporting spreadsheet and submit their reports to the City Clerk by noon on the day of the Council meeting so the report can be included in the supplemental materials distributed in advance of the meeting. Council members are encouraged to highlight in their oral presentations only those events of most interest to the community. To the extent practical, Council members should report on significant decisions being considered by the regional boards, commissions, and committees to which they have been appointed for the City. For those events that the Council Member attended at the City's expense, it is the City Council's preference to satisfy the expense reporting requirement by submitting a written report of the activities attended. [53232.2(d)];

2. The City Manager, City Attorney, and City staff to provide information of community interest to the City Council and to seek direction from the City Council concerning items to be included on future agendas;

3. The City Council to provide guidance and direction to staff concerning items to be included on future agendas and information to be provided in response to questions raised during open forum;

4. The City Council to request a matters initiated for staff to provide information, perform studies, or undertake other administrative functions or to develop information for Council action at a future meeting. Before requesting a matters initiated, the initiating Council Member is expected to confirm with the City Manager that there is adequate staff resource capacity to address the request, and the City Attorney to the extent the matter involves legal review. If the requested action is routine in nature, the City Manager will direct staff to proceed. However, if the request cannot be accomplished within the approved budget or City Council priorities, or will involve substantial staff resources, the City Manager will report to the City Council at a subsequent City Council meeting and request further direction. At that time, the consensus of a majority of the City Council will be required to proceed.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors, (2005) 129 Cal.App.4th 205].*

10.9 Adjournment

This portion of the agenda is for the presiding officer to adjourn the City Council meeting at the conclusion of business and announce its next meeting. The meeting may be adjourned to a regular meeting, special meeting, special meeting workshop, adjourned regular meeting, or adjourned special meeting. The presiding officer may adjourn the meeting in honor of a distinguished Livermore resident or other person of community interest that has passed away.

Members of the public do not have the right to address the City Council during this portion of the agenda. [54954.3(a); *Coalition of Labor, Agriculture & Business v. County of Santa Barbara Bd. of Supervisors, (2005) 129 Cal.App.4th 205].*

Adjournment at any other point in the meeting other than after the conclusion of the business items on an agenda will require a formal motion by the City Council.

11. Order of Business – Special Meetings and Workshops

No matters except those specified in the notice and agenda for a special meeting or special meeting workshop may be discussed at those meetings.

The usual order of business for special meetings and workshops shall be as follows:

11.1. Call to Order

This portion of the agenda is the same as it is for a regular meeting.

11.2. Public Comment

The purpose of this portion of the agenda is to provide the public with the opportunity to address the City Council on only those items listed in the posted notice and agenda for the special meeting or workshop. Public comment shall be received immediately following the call to order for a workshop, and should be received immediately after the staff presentation, if any, for a special meeting.

Public speakers shall address the City Council following the procedures set forth in Section 12 *Speaker's Rights*.

However, unlike a regular meeting, the agenda for a special meeting will not include an open forum for the public to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction, unless that opportunity is expressly included in the agenda.

11.3 Special Meeting Item and Workshop Item

Generally, the procedures for this portion of the agenda follow the procedures in Section 10.6.1 *Introduction,* 10.6.2 *Staff Presentation*, 10.6.5 *City Council Questions and Comments,* and 10.6.6 *City Council Deliberations.* The City Council may take a final action at a special meeting, but not at a workshop, as set forth in Section 8.4.2 *Special Meetings* and Section 8.4.3 *Special Meeting Workshops*

11.4 Adjournment

This portion of the agenda is the same as it is for a regular meeting.

12. Speaker's Rights

A City Council meeting is a limited public forum. [78 Ops.Cal.Atty.Gen. 224 (1995); *Kindt v. Santa Monica Rent Control Bd. (9th Cir. 1995) 67 F.3d 266; White v. City of Norwalk, (9th Cir. 1990) 900 F.2d 1421; Leventhal v. Vista Unified School District (SD Cal. 1997) 973 F.Supp. 951*]. Members of the public have the right to address the City Council and to attend its meetings, except for closed sessions and other meetings that permit the public to be excluded as a matter of law. During the open forum portion of a regular meeting agenda, members of the public have a right to address the City Council on any item of interest to the public that is within the City Council's subject matter jurisdiction. Members of the public also have the right to address the City Council before the City Council considers or takes action on an item on any regular meeting agenda, except for

items properly listed or considered in the *Call to Order*, *Proclamations and Presentations, City Council Reports and Matters Initiated by Staff and City Council*, and the *Adjournment* portions of the agenda. Members of the public shall be provided an opportunity to address the City Council concerning any item that is described in the notice for special meeting workshops and special meetings. [54954.3].

The procedures for addressing public comments to the City Council are as follows:

12.1 Addressing the City Council

Members of the public who want to address the City Council during open forum or before the City Council considers or takes action on an item must indicate their desire by personally submitting a request to speak to the City Clerk, or his or her designee, using the methods specified by the City Clerk in the agenda for that meeting. A member of the public may not submit a request to speak on behalf of any other person. The methods for addressing the City Council will be described at each meeting. The City Clerk will prominently display the methods to address the City Council in the City Council Chambers or other location where the City Council gathers in person for a meeting.

The presiding officer shall open public comment during open forum and for agenda items by asking the City Clerk whether there are any members of the public who wish to address the City Council. If there are, the presiding officer will then ask the City Clerk to manage the process for calling on speakers physically present and participating remotely as described in Section 12.3.1. Once there are no more persons physically present who have expressed an interest in addressing the City Council, the City Clerk will then call upon the speakers participating remotely. Speakers may request the opportunity to address the City Council until the City Clerk announces that there are no more speakers who have expressed their interest to address the City Council. At that time, the presiding officer will close the public comment period. Once the presiding officer closes the public comment period, no more additional requests to address the City Council during open forum or for the agenda item will be accepted absent invitation by the presiding officer.

The purpose of submitting a request to speak is to help the presiding officer conduct the City Council's meetings and to complete its business in an orderly fashion. The intent is not to limit testimony. Therefore, a member of the public will not be denied an opportunity to speak if a request to speak does not provide all of the information requested from a speaker or because a speaker wants to remain anonymous. Speakers who have not submitted a request to speak on time may be heard by the presiding officer's recognition or by another Council Member's successful appeal. [White v. City of Norwalk, (9th Cir. 1990) 900 F.2d 1421].

12.2 Speaker Time Limit

The amount of time allotted to each member of the public wishing to address the City Council shall be limited to a maximum of three minutes. For the consent calendar, a speaker's time is limited to a single comment with a maximum of three minutes for all

consent calendar items that are pulled by a Council Member for separate discussion, in which case the speaker's time shall be limited to a maximum of three minutes on the item pulled for discussion and a separate opportunity to speak of up to a maximum of three minutes for the balance of the consent calendar. Individual members of the public may not yield their allotted time, or any remaining portion thereof, to anyone else. The presiding officer may reduce the amount of time allotted to each speaker based upon the number of persons wishing to speak, the complexity of the item if one is being considered, the anticipated time reasonably needed to complete the remaining items on the meeting agenda, and other reasonable factors. [54954.3(b); *Kindt v. Santa Monica Rent Control Bd. (9th Cir. 1995) 67 F.3d 266; Chaffee v. San Francisco Public Library Commission, (2005) 134 Cal.App.4th 109; 75 Ops.Cal.Atty.Gen. 89 (1992)*]. A speaker using an interpreter, and speakers needing accommodation for a disability, shall be allowed twice the allotted time. [54954.3].

Prior to calling for public comment during the open forum, as well as before the City Council considers or takes action on an item, the presiding officer shall set and announce the time limit for each member of the public to speak before inviting members of the public to address the City Council. For the purposes of these rules, lectern means the physical podium in the meeting room provided for the public to address the City Council, but includes the electronic location utilized by the City Clerk to accept electronic comments during a City Council Meeting.

Open forum will conclude after 30 minutes, but if there are remaining speakers at the conclusion of the 30 minute time period who wish to address the City Council, then the open forum shall be reconvened after the Matters for Consideration portion of the agenda as set forth in Section 10.4 *Open Forum*.

12.3 Members of the Public Addressing the City Council

12.3.1 A list of people who have requested to speak shall be used to call each speaker to the lectern to address the City Council. The City Clerk will manage the process for calling speakers to the lectern or to unmute themselves if they are participating remotely. The speakers physically present in the meeting will be called upon before those participating remotely. When calling a speaker to the lectern the next two speakers will also be identified so they are prepared to address the City Council when called to the lectern.

12.3.2 The presiding officer may request each speaker to state his or her name and city of residence before addressing the City Council. A speaker is not required to provide his or her name or address in order to address the City Council. However, to the extent such information is relevant to the issues being considered by the City Council during a public hearing, the absence of such information may bear on the speaker's credibility and the weight the City Council affords the speaker's comments.

12.3.3 Speakers shall address their comments only to the City Council as a body and not to a particular member.

12.3.4 Members of the public may only address the City Council from the lectern. No member of the public, other than the speaker at the lectern, may address the City Council, unless called upon by the presiding officer.

12.3.5 No question shall be asked of Council Members by a speaker, except through the presiding officer. No question shall be asked of a speaker by a Council Member, except through the presiding officer. Council Members, the presiding officer, and the speaker are not obligated to answer any questions asked. The presiding officer may refer questions to staff for a brief answer while the speaker is at the lectern.

12.3.6 Speakers shall not use their time to unduly disrupt the orderly conduct of the City Council's meeting.

12.3.7 Speakers are encouraged to avoid repetition.

12.3.8 Speakers are encouraged to avoid making personal attacks.

12.3.9 Each speaker shall relinquish the lectern when his or her time to address the City Council has expired.

12.3.10 A speaker may use his or her allotted time to read letters or other documents, play electronic recordings at a non-amplified volume, or otherwise present information to the City Council in a non-disruptive manner, provided those activities are completed within the allotted time. The City will not provide the means for a speaker to play an electronic recording.

12.3.11 When called upon during open forum, speakers may address the City Council on any item of interest to the public within the City Council's subject matter jurisdiction. [54954.3(a)].

12.3.12 When called upon to provide public comment on a specific item of business on the agenda, speakers shall focus their comments on that specific item of business before the City Council. [54954.3(a); *White v. City of Norwalk, (9th Cir. 1990) 900 F.2d 1421; 78 Ops.Cal.Atty.Gen 224 (1995)].*

12.3.13 Members of the public addressing the City Council are limited to one public comment per speaker per item regardless of format or time submitted.

12.4 Participating Parties Addressing the City Council

Participating parties shall comply with the procedures set forth in Section 12 *Speaker's Rights* when addressing the City Council, except that the participating parties shall each have up to a maximum of 10 minutes to address the City Council. The presiding officer may set and announce the time limit for each active participant to address the City Council based upon the same criteria set forth in Section 12.2 *Speaker Time Limit.*

When the City Council is acting in its quasi-judicial capacity, the presiding officer may further modify the rules of procedure in this section, or adopt such additional rules of procedure and speaker times as may be reasonably necessary, to afford the active participants with procedural due process commensurate with the rights at issue.

12.5 Public Criticism

Public criticism of the City's policies, procedures, programs, or services, or of the acts or omissions of the City Council, shall not be prohibited. However, the rights of each speaker to express his or her views is not absolute and nothing in these rules of procedure are intended to confer any privilege or protection for expression beyond that otherwise provided by law. [54954.3].

12.6 Disruptive Speech and Conduct

Any person unduly disrupting a City Council meeting may be requested by the presiding officer to leave the meeting. The presiding officer shall discourage demonstrations before the City Council, such as applauding or booing. Upon instructions by the presiding officer, a Sergeant-at-Arms may be called for the purpose of removing any person who, in the presiding officer's judgment, has disrupted the meeting. [36813, 38638, 54954.3, 54957.9, Penal Code 403]. Prior to removing a person for disrupting a meeting, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. However, a warning is not required before removing a disruptive individual whose behavior constitutes use of force or a true threat of force consisting of a threat that has sufficient indicia of intent and seriousness that a reasonable observer would perceive it to be an actual threat to use force. [54957.95]. When possible, the presiding officer is encouraged to use alternative means, such as direction to speakers to avoid disruption or by taking a recess to review these rules with the speaker, to avoid disruptions to allow the City Council to complete its business.

12.7 Written Communications – Post Hearing Notice, and Post Agenda Publication

12.7.1 Submitted after the hearing notice, but before the Agenda Publication.

Any member of the public may submit written public comments and materials to the City Council through the City Clerk's Office. All written public comments and materials must be submitted between the date public hearing notices are

published (10 days prior to the meeting or as otherwise required by statute) and noon on the day before agenda publication (7 days prior to the meeting). The City Clerk shall deliver all written public comments and materials received by 12:00 p.m. the days before agenda publication as part of the agenda packet for the posted agenda.

12.7.2 Submitted Post Agenda Publication.

Any member of the public may submit electronic public comments to the City Council using the electronic submission process the City Clerk specifies and makes available on the City's website within the timeframe provided on the agenda. Any additional attachments can be submitted directly to the City Clerk. All comments submitted using the City Clerk's electronic process will be made concurrently available to the public and the City Council as soon as practicable, and theCity Clerk shall post on the City's website and deliver any additional materials received by 12:00 p.m. the day of the meeting to the City Council in a supplemental packet prior to the meeting.

Physical copies of written public comments and materials, and electronic and physical materials submitted to the Clerk's Office before 12:00 p.m. noon on the day of the City Council meeting, will be included in the supplemental packet. After 12:00 p.m. noon on the day of the City Council meeting, any member of the public who desires to submit materials to the City Council for consideration at that meeting is hereby instructed to present 8 copies of the materials to the City Clerk for distribution to the City Council at its meeting when the item is considered.

12.7.3 Special Meetings and Workshops.

For special meetings and workshops, the City Clerk shall specify the instructions and timeframes for the public to submit written public comments and materials in the agenda for those meetings.

12.8 Approaching the City Council

Once a meeting is called to order, no member of the public physically present shall enter the area between the lectern and the dais without an invitation from the presiding officer. Members of the public may enter the area before and after the meeting, and during a recess, for the purpose of interacting with the individual City Council Members and City staff.

13. City Council Deliberation

City Council deliberations shall be orderly and guided by the presiding officer to reach a decision on the item before them or to provide the direction sought by staff.

Once an item is before the City Council for deliberation, the presiding officer shall call upon each individual Council Member present, in turn, to comment on the item and the recommended action or direction sought by staff. When participating remotely, Council Members should use the raise hand feature, or other feature offered by the electronic platform used for the meeting, to indicate they wish to speak and the presiding officer should call upon them in the order they requested to speak. Council Members may debate the merits of the item and recommendation, but shall not interrupt any other Council Member who is speaking. After each Council Member has the opportunity to express an opinion on the item, the presiding officer shall invite discussion and then a motion.

14. Motions

14.1 Making a Motion

A motion may be made by the presiding officer or a Council Member. Once a motion has been made, the presiding officer will solicit a second. A motion shall die unless it receives a second. If a motion receives a second, the presiding office shall then invite debate and discussion on the motion and any amendments.

Any Council Member who makes a motion may withdraw it during debate and discussion, even to the point of interrupting a speaker to do so. If the motion is withdrawn, the presiding officer may ask the person who seconded the motion if that Council Member wishes to make the motion, subject to another Council Member's second.

14.2 Categories of Motions

There are four categories of motions that the City Council may consider.

The first category is a basic motion, which is one that puts forward a decision for consideration. For example, a motion to approve City staff's recommendation.

The second category is a motion to amend an earlier motion. Such an amending motion changes a basic motion under discussion in a minor way, but does not supersede it. For example, adding a condition to a basic motion to approve staff's recommendation. If the maker of the basic motion, and the second, accept the amendment, then the amendment shall be incorporated into the original motion without the need for a second on the amending motion. If an amendment is not accepted into the basic motion by the moving Council Members, the process for voting on simultaneous motions is then followed.

The third category is a substitute motion. Such a motion completely does away with the basic motion under discussion and puts a new motion before the City Council. For example, if the basic motion is to approve staff's recommendation, a substitute motion would propose numerous changes to staff's recommendation or assembles multiple amending motions into a single motion. If a substitute motion receives a second, then the initial basic motion does not require action since it was substituted. If a substitute motion fails, the process for voting on simultaneous motions is then followed.

The fourth category is a hostile motion. A hostile motion is one that seeks to accomplish the opposite effect of the basic motion. For example, when a basic motion is to approve a project, a hostile motion is one to deny the project. If a hostile motion is made, the process for voting on simultaneous motions is then followed.

A decision whether a motion is one to amend or substitute is left to the presiding officer's' sole discretion. A decision whether a motion is hostile is left to the presiding officer in consultation with the City Attorney.

14.3 Simultaneous Motions

The City Council may consider up to three motions on the floor at one time. The presiding officer may reject a fourth motion until the three before the City Council have been resolved. When multiple motions with seconds are before the City Council, the City Council shall consider and vote on the last motion made. Generally, the discussion when a motion is before the City Council should focus on the last motion made. Once the vote on the last motion takes place, if necessary, the discussion and decision on additional motions will take place in order working back to the first motion made.

However, a hostile motion shall not be in the floor at the same time as the motion it challenges. A hostile motion shall be considered after a vote on the basic motion and its amendments, that it challenges.

14.4 Debatable and Non-debatable Motions

Debatable motions are subject to Council Member comment and discussion before calling for a vote. Non-debatable motions are not subject to Council Member comment and discussion, and are to be voted on immediately.

14.4.1 Debatable Motions

Debatable motions are motions to take action on agenda items and other items of City business. For the purpose of these rules of procedure, all motions are debatable except those expressly identified in Subsection 14.4.2 *Non-Debatable Motions.* Debate on a motion should continue as long as Council Members wish to discuss an item, subject to the presiding officer's determination that it is time to call for the question.

14.4.2 Non-Debatable Motions

Non-debatable motions are procedural and terminating motions. Certain motions once made immediately stop the City Council's deliberations and, upon receipt of a second, should be voted on immediately. The City Council's non-debatable motions are as follows:

a. Motion to Adjourn. If passed, a motion to adjourn requires the City Council to immediately adjourn to its next regularly scheduled meeting.

b. Motion to Recess. If passed, a motion to recess requires the City Council to immediately take a recess, the length of which the presiding officer will determine. The presiding officer may order a recess without a motion, and without adjourning the meeting, as the presiding officer determines necessary to maintain decorum and conduct the meeting in an orderly fashion.

c. Motion to Fix the Time to Adjourn. If passed, a motion to fix the time to adjourn the meeting requires the City Council to adjourn at a specific time set in the motion.

d. Motion to Table an Item. If passed, a motion to table an item postpones an item indefinitely or to a date and time certain set in the motion. If the motion does not contain a specific time, an additional motion is required to bring the item back to the City Council at a future meeting.

e. Motion to Continue an Item. A motion to continue an item has the same effect as a motion to table, but is generally used when good cause exists or in response to a request by staff, a Council Member, or a participating party, as set forth in Section 8.7 *Continuance of Agenda Items*, or a scheduling problem arises. If passed, the motion continues the item indefinitely or to the date and time set in the motion. If the motion does not contain a specific time, an additional motion is required to bring the item back to the City Council at a future meeting.

f. Call for the Question. A motion to call the question, also known as moving the previous question or limiting debate, stops further City Council deliberation, debate, and discussion on an item. It can be stated as stopping debate or discussion within a certain period of time, such as 15 minutes. If seconded, the presiding officer shall then call for a vote on the motion or motions pending before the City Council as provided for in Section 7.5 *Motion to Be Stated.*

14.5 Miscellaneous Motions and Appeals

14.5.1 Motion to Suspend the Rules of Procedure

A motion to suspend these Rules of Procedure is debatable and to the extent possible should be addressed to a specific rule. If the Rules of Procedure are suspended in their entirety, such a motion does not supersede law or the Livermore Municipal Code.

14.5.2 Motion to Reconsider

A motion to reconsider any action taken by the City Council may be made as follows: (1) The motion must be made by a Council Member who voted along with majority that voted for the original motion that passed, but the motion for reconsideration may be seconded by any Council Member; (2) The motion must be made either at the meeting at which the action to be reconsidered was taken, or, at the next regular meeting, provided appropriate due process is afforded to any participating parties; (3) The motion is debatable; (4) If any participating party has left the meeting, or if the motion comes at a subsequent meeting, the ultimate decision to be reconsidered must take place at a subsequent meeting; and, (5) If the original hearing was a public hearing, a new notice of hearing must be given before the matter is reconsidered.

14.5.3 Council Member Appeal

Any Council Member may appeal any ruling by the presiding officer. If a Council Member so moves and the motion is seconded, after debate, the ruling of the presiding officer may be reversed by majority vote. If an appeal is taken, the question shall be, “Shall the decision of the presiding office be sustained?”

15. Action and Direction

15.1 Votes, General Rules

Unless otherwise provided, the City Council’s actions must be passed pursuant to a majority vote on a motion, and the motion may not be considered unless it is seconded. A simple majority vote by those Council Members present is necessary to pass a motion providing direction to staff or establishing administrative policy, however motions for the adoption of resolutions and ordinances require an affirmative vote of at least three Council Members to pass the motion as provided in Rule 17.4 *Majority Vote by Three City Council Members Required*.

Any Council Member may, before the “Nays” are called for, demand that a roll call vote be taken on the motion before the City Council. The presiding officer’s name shall be called last, preceded by the Vice Mayor, with other Council Members’ names called in alphabetical order by the City Clerk. Council Members shall not give explanations for their vote during roll call.

If a motion does not receive the necessary majority vote for passage, the presiding officer may solicit additional discussion and another motion for further deliberation and voting. If further discussion and deliberation does not result in a motion receiving a majority vote necessary to pass a motion, the presiding officer may declare that “no action has been taken” and proceed with the remainder of the agenda. In the event of a tie vote, the procedures in Section 15.2 *Tie Votes*, shall control.

If a Council Member is present at the meeting but abstains from voting on a motion or is silent during the vote on the motion, then the rules in Section 15.3 *Abstentions and Silence* shall govern how the Council Member's silence or abstention is tabulated.

15.2 Tie Votes

Generally, a motion fails if there is a tie vote. After a tie vote, the presiding officer may solicit additional discussion and another motion in an attempt to break the tie. If the tie vote occurs during a Council Member absence, and the absent Council Member does not have a conflict of interest related to the item being voted on, the City Council may continue the item to a subsequent City Council meeting when the absent Council Member is expected to be present in an effort to resolve the tie. If the tie vote is not resolved, the motion shall fail and the presiding officer may declare that "no action has been taken" and proceed with the remainder of the agenda. However, if a decision is legally compelled under state law (such as the Permit Streamlining Act), the tie vote shall constitute a denial of the application, project, or appeal before the City Council and the decision shall be considered final.

15.3 Abstentions and Silence

The City Council discourages abstentions since abstentions without legal conflict may impede the City Council's business, for example by causing a tie vote. Abstentions also deprive Livermore residents of one vote of five and may diminish accountability of Council Members on items of legitimate concern. At the same time, it is not the City Council's intention to impede any individual Council Member's right to choose not to speak or vote on an item.

If any Council Member wishes to abstain from voting on a motion, the Council Member must announce the abstention when the item of business is first called for consideration and must not participate in the consideration of the item, in which case the Council Member's announcement of an abstention during the vote will be tabulated to reflect that the Council Member abstained from the vote.

If the Council Member does not announce an abstention when the item of business is first called for consideration, or the Council Member participates in the consideration of the item after announcing and intent to abstain, and the Council Member announces an abstention during the vote, then that Council Member's vote shall be tabulated in favor of the motion.

Silence of any Council Member shall be tabulated in favor of the motion since the silent Council Member is conceding to the motion and not registering a vote against the motion.

This rule is intended to expressly modify *Rosenberg's Rues of Order* for tabulating votes with regard to abstentions and silence by a Council Member.

15.4 Protests

Any Council Member shall have the right to enter into public record reasons for dissent, no vote, or protests against any motion carried by the majority.

16. Advisory Bodies

16.1 Implementation of Municipal Code

16.1.1 Creation and Appointments

The City Council may create boards, commissions, or committees, herein after collectively referred to as City advisory bodies, to advise the City Council. [LMC Title 2]. It is recommended that newly formed City advisory bodies be limited to no more than 7 members due to the capacity of the recording system in the Mendenhall Room.

16.1.2 Appointments of Council Members to Regional Bodies; Appointments of Persons to City Advisory Bodies

The Mayor has the statutory authority, with the City Council's approval, to make all appointments of City Council Members to regional bodies that require an appointment from the City of Livermore. The Mayor also has the statutory authority, with the City Council's approval, to make all appointments of persons to City advisory bodies. [40605; LMC 2.04.020; 81 Cal.Ops.Atty.Gen. 75].

16.1.3 Eligibility of City Employees

While City employees are not precluded from serving on advisory boards, commissions, and committees, there is a potential for conflict. The City Council and any subcommittees to the City Council shall not make appointments that are potentially incompatible with City employment for any reason. For example, an appointment will be incompatible with City employment if:

a. An act of the advisory board, commission, or committee may later be subject directly to the control, inspection, review, audit, or enforcement of any other City officer or employee.

b. The time demands of the advisory board, commission, or committee would render performance of duties as a City employee less efficient.

16.1.4 Interviews of Members Eligible for Reappointment

As stated in Section 16.1.2 above, the Mayor has the statutory authority, with the City Council's approval, to make all appointments to City advisory bodies. The purpose of the standing City Council subcommittee identified in this section is to

interview candidates who apply for a City advisory body and to then recommend candidates to the Mayor for appointment, with the City Council's approval.

Members of City boards, commissions, and committees who are eligible for and interested in reappointment shall be interviewed by the standing City Council subcommittee, along with any other applicants for the position. Membership on this standing City Council subcommittee shall rotate among the Council Members who will be appointed for staggered terms, if possible, to ensure that at least one Council Member has prior experience on the subcommittee. Based upon those interviews, the standing City Council subcommittee shall recommend nominees for appointment by the Mayor, with the City Council's approval. However, the entire City Council will interview Planning Commission applicants (including incumbents); and the Livermore Area Youth Advisory Commission incumbents do not need to be interviewed to be considered for reappointment.

16.2 Direction to Advisory Boards, Commissions, and Committees

Within the scope of their duties and responsibilities established in Title 2 of the Livermore Municipal Code, or otherwise by the City Council, the boards, commissions, or committees, and standing City Council subcommittees (collectively referred to as "advisory bodies" or "advisory body" for the purposes of this section) created by the City Council are directed to:

1. Follow these rules of procedure for their meetings, with appropriate modifications to account for their individual structure including the number of members for the advisory body, the titles for their presiding officer and members, consistent with the restrictions set forth in subsection 3 below;

2. Follow *Rosenberg's Rules of Order* for parliamentary procedure as modified by these rules of procedure;

3. Conform their respective meeting rules to these rules of procedure to reflect the following restrictions hereby directed by the City Council:
    a. Advisory bodies shall not meet through electronic means;
    b. Advisory bodies may create ad hoc committees, but shall not create standing committees without prior City Council approval;
    c. The staff liaison for each advisory body, with approval from the City Clerk, shall determine the preferred method of preparing action minutes for their advisory body meetings, with the exception of Planning Commission who will work with the City Clerk to determine the preferred method of preparing summary minutes for their meetings;
    d. Staff attendance and agenda development will be determined by the staff liaison for the advisory body, or as directed by the City Council;
    e. The City Clerk shall determine agenda format, software, and language for all advisory body meetings to ensure consistency and compliance with applicable laws and regulations;

f. Each advisory body, with input from the City Clerk and consistent with the uniform format provided by the City Clerk, may establish their own rules to specify the method for speakers to address the advisory body, including their speaker time limits, , and the advisory body must then administer them uniformly;
g. The advisory body liaison, City Attorney or designee, and City Clerk must approve all advisory body agendas, notices, and cancellations; and,
h. Section 17 *Document Preparation and Approval for an Agenda* do not apply to advisory body agendas.

4. Coordinate with their assigned staff liaison and the liaison's Department Head to obtain the City Council's approval before beginning any self-initiated project that will require more than 8 hours of staff time to complete that year. However, advisory bodies may pursue self-initiated projects that can be accomplished utilizing the City resources currently allocated to the particular advisory body and that do not take resources away from that advisory body's anticipated work to fulfill its duties and responsibilities to the City Council.

16.3 Annual Reporting

1. Each of the following advisory bodies shall annually appoint one of their members to present a brief oral presentation to the City Council describing that particular advisory body's activities for the past year:

   Airport Commission
   Beautification Committee
   Commission for the Arts
   Historic Preservation Commission
   Human Services Commission
   Library Board of Trustees
   Livermore Area Youth Advisory Commission.

2. Other advisory bodies may provide written updates to the City Council as necessary or as directed by the City Council.

3. The City Clerk shall schedule the annual advisory body presentations and updates to the City Council in coordination with the staff liaisons to the advisory bodies.

17. Document Preparation and Approval for an Agenda

17.1 Ordinances

No ordinance shall be prepared for presentation to the City Council unless ordered by a majority vote of the City Council, prepared by the City Attorney on his or her own initiative,

or recommended by the City Manager and developed with the City Attorney's assistance. [36936; LMC 1.08.060.E and 2.12.030.A.1.d].

17.2 City Attorney Approval as to Form

All ordinances, resolutions, and contracts shall be approved as to form by the City Attorney, or his or her attorney designee, before being placed on the agenda. [LMC 2.12.030.A.1.d]. If the City Manager finds it necessary or expedient to place a contract on a City Council agenda for authority to execute it, but the contract is not yet in final form or has not been signed by the other parties, the City Council shall condition its authorization to execute the contract on: (a) the final contract being in substantially the same form as the one presented for the City Council's consideration with such changes as may directed by the City Council; and, (b) upon the City Attorney's approval of the final contract as to form. If the contract is substantially changed, then the contract must be placed on a subsequent agenda for the City Council's consideration.

17.3 Ordinance Introduction/Adoption

The City Council hereby establishes and directs that the presiding officer shall read the title of a proposed ordinance when the item is called for consideration, which will be considered to constitute a full reading of the ordinance, unless a majority of the City Council present asks for a full reading. [36934]. For ordinances placed on the consent calendar for introduction and adoption, a motion by the City Council that moves staff's recommendation for the approval of the consent calendar shall mean the title of the ordinance was read by the maker of the motion.

17.4 Majority Vote by Three Council Members Required

An affirmative vote of at least three members of the City Council shall be necessary to adopt an ordinance and a resolution, and to approve a contract for the expenditure of funds. An urgency (emergency) ordinance must be adopted by at least four members of the City Council. [36936, 54954.2, 54956, 54956.5].

17.5 Ordinance Preservation

Following adoption of an ordinance, the City Clerk will assign a number to the ordinance, publish a summary, and post the full text according to law. The ordinance shall be filed and preserved in the City Clerk's Office.

17.6 Consent Calendar, Public Hearing, or Matters for Consideration

Ordinances not requiring a public hearing may be presented to the City Council for introduction and adoption on either the consent calendar or matters for consideration portion of the agenda. The City Attorney shall determine the placement of an ordinance on a City Council agenda in consultation with the Mayor and City Manager, or as directed by the City Council.

18. City Council Norms and Values, and Principles of Governance

The City Council has also adopted *City Council Norms and Values* that guide their interactions among each other, and *Principles of Governance* that guide their interactions with staff and the community

19. City Council Expectations for Brown Act Compliance

The City Council has established an expectation that Council Members will not utilize electronic devices to communicate with themselves, the public, or anyone else during a City Council meeting on substantive matters related to City business. In addition, they have established an expectation that they will not maintain a social media presence as a Council Member, except on the City's official website, with the understanding that personal campaign activities are not official Council Member activities. They have also established an expectation that they will use their official City email address when communicating electronically about matters related to City business. [*San Jose v. Superior Court [Smith], 2 Cal.5th 608].* The City Council also directs staff to prepare formal policies to guide their utilization of electronic communications.

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 6.1**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Hearing to consider adoption of a resolution establishing fees for short-term rental permits, consistent with Livermore Municipal Section 5.90.060, in the amount of $220 for new permits and $160 for annual permit renewals.

RECOMMENDED ACTION

Staff recommends the City Council adopt a resolution adopting short-term rental permit fees in the amount of $220 for a new permit and $160 for annual permit renewal.

SUMMARY

In 2020, the City Council approved amendments to the Municipal Code to establish regulations for short-term rentals (Chapter 5.90). A short-term rental is defined as the use of a residential dwelling, or portion thereof, for dwelling, lodging, or sleeping purposes for 30 consecutive days or less by a single renter. A permit is now required to operate a short-term rental in Livermore. The proposed permit fee and renewal fee will generally cover staff and consultant costs to process the new Short-Term Rental Permit and renewals.

DISCUSSION

The Short-Term Rental (STR) Permit implements the 2020 STR ordinance and helps to ensure key ordinance objectives are met, including to preserve the housing stock and neighborhood character, not create a public nuisance, or have activity that is detrimental to public health or safety. For example, hosts are limited to one short-term rental at any one time in the city, no more than one short-term rental may be operated at a single location, and accessory dwelling units (ADUs) cannot be used as short-term rentals. Under State law, ADUs are meant for more permanent housing opportunities.

The community benefits of short-term rentals include the economic benefit of rental income for the host, increased visitor/tourist spending in the local economy (retail shops, wineries and restaurants) and the transit occupancy tax (TOT) revenue.

Following adoption of the short-term rental ordinance, staff has been working with Granicus, a consulting

firm which provides other on-line services for the city, to develop an on-line application process consistent with ordinance requirements. New permits will be valid for one year and require annual renewal. The application process will include notification of property owners within 100 feet of the proposed location to allow neighbors to comment 15 days prior to action on the application. Following approval of the permit by city staff, additional notices will be sent to surrounding property owners with a hotline number managed by Granicus. The on-line application process will be managed by Granicus with oversight by Planning and Finance Division staff.

Based on the application procedures outlined in the ordinance, the cost of a new permit is $220 and $160 for an annual permit renewal. The fee amount assumes an annual cost of $14,000 for Granicus, city staff time of one hour for new permits and one-quarter hour for permit renewals at $75.47 per hour, and assumes approximately 100 STR permits, which is a recent Granicus estimate for short-term rentals currently in Livermore. Short-term rentals are typically advertised through on-line booking platforms such as Airbnb and VRBO and the number will fluctuate based on the STR market.

Following approval of the application fees, owners of STRs will be notified of the new permit requirements and the city will begin accepting applications on-line beginning April 1. We will also begin outreach to the community regarding the new requirements for STRs through the city website, social media, and the city newsletter. As this is a new permitting process, we are allowing three months (through the end of June) for applications to be submitted. Beginning July 1, the collection of transient occupancy tax should begin, and enforcement actions initiated as necessary. Permits must the renewed annually by December 15; owners will be notified mid-November each year regarding permit renewals.

ENVIRONMENTAL DETERMINATION

The proposed fees are not a “project” as defined in CEQA Guidelines Section 15378 since they have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL AND ADMINISTRATIVE IMPACTS

The proposed $220 initial permit fee and $160 renewal fee is intended to cover reasonable staff and consultant costs associated with the Short-Term Rental Permit process. Assuming 100 short-term rentals in Livermore, the first year of the permit program will generate approximately $22,000 in permit fees, and the subsequent year will generate approximately $16,000 in annual renewal fees. As noted above, the number of new and renewal permits each year is expected to fluctuate.

In addition, the annual cost of monitoring and administering the short-term rental regulations would be offset by TOT revenues. Livermore’s TOT is 8% of the short-term rental revenue. Short-term rental rates vary significantly based on factors such as location, time of year, and if a room or a whole home is being rented, so TOT revenue would correspondingly vary as well. Also, it is difficult to estimate how many nights any given property is rented in a year, so staff cannot accurately estimate how much TOT revenue will be collected until the permit program has been in place for a period of at least 2 years to create a revenue baseline.

ATTACHMENTS

1. Resolution

Prepared by: Susan Frost
Special Projects Coordinator

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION ADOPTING SHORT-TERM RENTAL PERMIT FEES IN THE AMOUNT OF $220 FOR A NEW PERMIT AND $160 FOR ANNUAL PERMIT RENEWAL

In 2020, the City Council approved amendments to the Municipal Code to establish regulations for short-term rentals (Chapter 5.90). A short-term rental is defined as the use of a residential dwelling, or portion thereof, for dwelling, lodging, or sleeping purposes for 30 consecutive days or less by a single renter. A permit is required to operate a short-term rental in Livermore.

Based on the application procedures outlined in the ordinance, the estimated cost of a new permit is $220, and $160 for annual permit renewal. The fee amount assumes $14,000 annual cost for Granicus, city staff time (75.47/hour) of one hour for new permits and one-quarter hour for permit renewals and assumes approximately 100 short-term rental permits.

The proposed fees are not a "project" as defined in CEQA Guidelines Section 15378 since they have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore, that it hereby adopts fees for short-term rental permits in the amount of $220 for new permits and $160 for annual permit renewals.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kim Cilley
Kim Cilley
Senior Assistant City Attorney

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 6.2**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Paul Spence, Community Development Director

SUBJECT: Hearing to consider adoption of the 2023-2031 Housing Element. The Housing Element is a State-mandated eight-year policy document that is a component of the Livermore General Plan. The overall purpose of the Housing Element is to identify current and projected housing needs, show locations where housing can be built, and set goals, policies, and programs to meet the community's housing needs.

RECOMMENDED ACTION

Staff and the Planning Commission recommend the City Council consider the 2023-2031 Housing Element (GPA23-002) and:

1. Adopt a resolution finding the 2023-2031 Housing Element is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3); and
2. Adopt a resolution adopting the 2023-2031 Housing Element; and
3. Direct staff, after certification of the 2023-2031 Housing Element by the State Department of Housing & Community Development (HCD), to evaluate revisions based upon comments from the Planning Commission recommendation, including the February 26, 2023, comment letter submitted by a Livermore resident.

SUMMARY

The Housing Element is a required element, or "chapter" of Livermore's General Plan. The purpose of a Housing Element is to identify current and projected housing needs and establish goals, policies, and programs to address those needs. Unlike other elements of the General Plan, the City must update the Housing Element every eight years. Staff and the City's consultant, PlaceWorks (Consultant), updated the Housing Element for the 2023-2031 planning period.

The 2023-2031 Housing Element demonstrates that the City has capacity to accommodate its 4,570-unit Regional Housing Needs Allocation (RHNA) through a combination of existing residentially zoned sites and projected accessory dwelling units (ADUs). The City does not need to rezone land to accommodate its RHNA for the 2023-2031 planning period. In addition, the Housing Element outlines programs the City

will implement throughout the planning period to foster diverse housing choices, produce and preserve affordable housing, address fair housing issues, facilitate healthy and safe housing, and collaborate regionally to meet housing needs.

HCD reviewed the 2023-2031 Housing Element and sent a letter to the City on February 23, 2023, finding that the revised draft meets the statutory requirements of State Housing Law and, if approved by the City Council, is in substantial compliance with State Housing Element Law. The City Council is required to adopt the Housing Element so that it can be submitted to HCD for final certification.

DISCUSSION

Housing Element Contents, Preparation, and Review

The February 28, 2023, Planning Commission report (Attachment 1) provides an overview of the Housing Element content, the City's process for preparing the document, and the revisions that were made to address feedback from the public, decision makers, and HCD. Letters from HCD that are referenced in the Planning Commission report are attached to this report (Attachment 4 and Exhibit C).

Planning Commission Review

The Planning Commission reviewed the 2023-2031 Housing Element on February 28, 2023, and voted unanimously to recommend the City Council adopt the Housing Element. The Commission recommended revisions to the text, graphics, and tables, that would appear to be non-substantive in nature. The City received a six-page comment letter from a Livermore resident on Sunday, February 26, 2023 (Attachment 2). The letter acknowledges that the parcels in the site inventory and the policies in the document are good and appropriate. However, there are comments, concerns, and revisions recommended that would require reviewing alternative data sources and substantive changes to the document. The Draft Planning Commission meeting minutes are included in Attachment 3.

The Revised Draft Housing Element relies upon data packages from the Association of Bay Area Governments (ABAG) that have been preapproved by State HCD. Relying upon alternative data sources would require more extensive review periods by State HCD and result in more delay for the document's certification.

HCD staff are reviewing housing elements from across the state and have limited resources and capacity to respond in a timely manner. Making any revisions to the document at this time increases the risk that HCD would require additional review time. Staff is recommending the City Council adopt the Revised Draft Housing Element that was presented to the Planning Commission and that HCD confirmed meets the statutory requirements of State Housing Law and, if approved by the City Council, will comply with State Housing Element Law when it is submitted to and approved by HCD.

Staff is also recommending that the City Council direct staff, after certification by HCD, to evaluate future revisions based upon comments from the Planning Commission recommendation, including the comment letter mentioned above. Staff would return to the Planning Commission and City Council with proposed revisions by fall 2023.

Environmental Determination

The 2023-2031 Housing Element creates a roadmap for the City to achieve its State-mandated Regional Housing Needs Allocation (RHNA) and Affirmatively Furthering Fair Housing (AFFH) goals through identification of suitable sites that are currently designated for housing development, and identifying programs and actions that could remove constraints and promote affordable housing development. Because the City does not have to rezone any sites or make any physical improvements to adopt the Housing Element, it can be seen with certainty that there is no possibility that the proposed Housing Element would have a significant effect on the environment. Thus, the 2023-2031 Housing Element is exempt from CEQA under Guidelines Section 15061(b)(3) the common sense exemption, in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It should be noted that the current General Plan and Specific Plans have been analyzed under separate environmental review documents pursuant to CEQA, and pending applications for housing development are currently undergoing their own appropriate environmental review. Additional analysis in support of the finding is included in the 2023-2031 Housing Element CEQA Exemption Technical Memorandum attached to this report.

Next Steps

If City Council adopts the Housing Element with no substantive changes, staff will submit the Housing Element to HCD for final certification. If the City makes substantive changes to the document, HCD will need to reassess the document's compliance with State Housing Element Law.

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

1. Planning Commission Staff Report
2. Public Comment Letter Received February 26, 2023
3. Draft Planning Commission Meeting Minutes
4. October 2022 Comment Letter from HCD
5. Resolution - CEQA
6. Exhibit A - PC CEQA Resolution
7. Exhibit B - CEQA Exemption Memo
8. Resolution - Project
9. Exhibit A - Revised Housing Element
10. Exhibit B - February 2023 Letter from HCD
11. Exhibit C - PC Project Resolution

Prepared by: Tricia Pontau
Senior Planner

Approved by:



Marianna Marysheva
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 3.1**

DATE: February 28, 2023

TO: Chairperson and Members of the Planning Commission

FROM: Steve Stewart, Planning Manager

SUBJECT: Hearing to consider recommending adoption of the 2023-2031 Housing Element

RECOMMENDED ACTION

Staff recommends the Planning Commission consider the 2023-2031 Housing Element (GPA23-002) and adopt resolutions recommending the City Council adopt resolutions:

1. Finding the 2023-2031 Housing Element is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) common sense exemption; and
2. Adopting the 2023-2031 Housing Element.

The Planning Commission's action is a recommendation to City Council.

SUMMARY

The Housing Element is a required element, or "chapter" of Livermore's General Plan. The purpose of a Housing Element is to identify current and projected housing needs and establish goals, policies, and programs to address those needs. Unlike other elements of the General Plan, the City must update the Housing Element every eight years. Staff and the City's consultant, PlaceWorks (Consultant), updated the Housing Element for the 2023-2031 planning period.

The 2023-2031 Housing Element demonstrates that the City has capacity to accommodate its 4,570-unit Regional Housing Needs Allocation (RHNA) through a combination of existing residentially zoned sites and projected accessory dwelling units (ADUs). The City does not need to rezone land to accommodate its RHNA for the 2023-2031 planning period. In addition, the Housing Element outlines programs the City will implement throughout the planning period to foster diverse housing choices, produce and preserve affordable housing, address fair housing issues, facilitate healthy and safe housing, and collaborate regionally to meet housing needs.

The State Department of Housing and Community Development (HCD) reviewed the revised Housing Element and sent a letter to the City finding that the revised draft, if approved by the City Council, is in

substantial compliance with State Housing Element Law. The City Council is required to adopt the Housing Element so that it can be submitted to HCD for final certification. The Planning Commission's action is a recommendation to the City Council.

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 is the blue print for existing and future land use in the city and policies to support those land uses. The purpose of a Housing Element is to identify current and projected housing needs and set goals, policies, and programs to address those needs. City staff and the consultant team prepared the updated Housing Element as part of the overall Imagine Livermore 2045 General Plan Update that is currently underway.

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) RHNA for the 2023-2031 planning period. This period will be the "6th cycle." In addition, the Housing Element must be reviewed and approved, or "certified" by the State Department of Housing and Community Development (HCD).

Housing Element Outreach

The Housing Element was developed based on substantial community input. Housing was a topic at General Plan Update community outreach events, including pop-up events throughout the city in the fall of 2021 that reached approximately 500 people. The community-wide survey conducted for the General Plan Update in September 2021 also included several questions about housing issues. The survey reached 450 Livermore residents aged 18 and over and was conducted in English and Spanish. Respondents identified affordable housing and homelessness as issues of top concern.

From September through December 2021, staff and the consultant team conducted nine consultations with local nonprofits and housing stakeholders to receive one-on-one, targeted input from those who provide services to residents most in need of housing or with special housing needs. The stakeholders included staff from City partners such as Tri Valley Haven, the Pedrozzi Foundation, the Livermore Housing Authority, La Familia, ECHO Housing, Regional Center of the East Bay, and Centro Legal de la Raza. In addition, staff held a Housing Solutions open house in Springtown and administered an additional bilingual survey specifically targeting members of protected classes for the Assessment of Fair Housing, including low-income renters, Spanish-speaking community members, and people with disabilities.

Overwhelmingly, the outreach process revealed that Livermore, like many other Bay Area jurisdictions, currently has an insufficient stock of affordable housing. The largest housing need identified by stakeholders is for more affordable rental housing like the Chestnut Family and Chestnut Senior development, which is walkable to key services and amenities and close to public transportation. This finding was echoed by the Fair Housing survey, where 64 percent of the survey's 378 respondents

identified adding more affordable housing as a top issue the City should address in the Housing Element.

At the November 10, 2021, General Plan Advisory Committee (GPAC) meeting, staff and the consultant team presented an overview of the Housing Element update process, provided information on state housing law, and received input and questions. On January 20, 2022, staff and the consultant team attended a study session with the Planning Commission and City Council to introduce the Housing Element process and receive input, direction, and questions for the update.

The Housing Element includes a detailed summary of outreach efforts and feedback received from the community (Attachment 5).

Housing Element Revisions and HCD Review

Table 1 includes an overview of the Draft Housing Element review process to-date. The City released a public draft of the Housing Element on May 4, 2022, for a 30-day review period. The GPAC, the Planning Commission, and the City Council reviewed the Draft Housing Element at public meetings on May 11, May 17, and May 23, 2022, respectively.

After incorporating feedback from the public review period, the City submitted the Draft Housing Element to HCD on July 17, 2022. The City subsequently revised the document to include additional information and analysis requested by HCD to comply with State law, including:

- Detailed parcel information, development standards, and entitlement review requirements for sites in the Isabel Neighborhood Specific Plan area.
- Analysis about the concentration of units in the Isabel Neighborhood Specific Plan and the impact on fair housing conditions.
- Information and analysis about realistic capacity and likelihood for residential development on certain sites including small sites, nonvacant sites, and sites zoned for nonresidential uses.
- Specific commitments, timing, and metrics for actions in the housing programs that address fair housing issues and reduce governmental constraints on housing development.

The City released each revised draft for public review prior to submitting to HCD. The latest version of the Housing Element was submitted to HCD on January 30, 2023. On February 23, 2023, the City received a letter from HCD finding that the revised draft is in substantial compliance with State Housing Element Law. Letters received from HCD as part of the review process are attached to this report.

Table 1. Draft Housing Element Review Process

April 2021	ABAG releases Housing Needs Data Package
May 4, 2022	The City released the public draft Housing Element for a 30-day review period.
May 11, 17, and 23, 2022	The public draft was reviewed by the General Plan Advisory Committee, Planning Commission, and City Council.
July 17, 2022	The city submitted the Draft Housing Element to HCD for its first 90-day review period.
September 1, 2022	The City and HCD met to discuss preliminary questions and comments on the draft.
October 7, 2022	The City submitted revisions to HCD to address the comments discussed in the September 1, 2022 meeting.
October 17, 2022*	HCD sent its 90-day review letter to the City outlining additional information and analysis required to comply with State law.

November 3, 2022	The City and HCD met to discuss and clarify requests for additional information and analysis in October 17.
November 29, 2022	The City and HCD met to receive HCD's clarifications requested by city staff on November 3.
December 28, 2022	The City submitted a revised Draft Housing Element to HCD for a 60-day review period.
January 18, 2023	The City and HCD met to discuss minor remaining revisions required to comply with State law.
January 30, 2023	The City submitted revisions to HCD to address the comments discussed in the January 18, 2023 meeting.
February 23, 2023	HCD sent its 60-day review letter finding that the revised draft is in substantial compliance with State law.

*The October 2022 letter attached to this report is dated October 20, 2022. HCD sent this letter to correct minor errors in the October 17, 2022 letter.

Housing Element Contents

The Housing Element includes all components required by State Housing Element Law, including:

- **Executive Summary** - Purpose of the Housing Element, summaries of Housing Needs, Constraints, and Resources, and a summary table of Goals and Policies from the Housing Plan.

- **Chapter 1. Introduction** - An overview of the role of the Housing Element, data sources, outreach and public participation, and General Plan consistency.

- **Chapter 2. Housing Needs Assessment** - Demographic information, including population trends, ethnicity, age, household composition, income, employment, housing characteristics, and more. This section also includes an assessment of fair housing, which is a new requirement for the 6th Cycle Housing Element (2023-2031).

- **Chapter 3. Housing Opportunities and Constraints** - An analysis of governmental and nongovernmental constraints to housing development.

- **Chapter 4. Housing Resources** - An evaluation of the City's housing resources, housing stock, and potential areas for future development. The housing sites inventory is analyzed in this section.

- **Chapter 5. Housing Plan** - This chapter includes an overview of the City's progress implementing the goals of the 5th Cycle Housing Element (2015-2023) and outlines updated goals, policies, and programs to address current housing needs in the community. This section identifies the actions the City will take to achieve local housing goals and meet applicable quantified objectives.

- **Appendix A** – Contains the inventory of housing sites available to accommodate the City's Regional Housing Needs Allocation (RHNA).

- **Appendix B** - Contains a matrix evaluating the City's progress implementing programs in the 5th Cycle Housing Element.

Data Sources

The Housing Element relies on multiple federal, state, and local data sources. The Housing Needs Assessment in Chapter 2 includes substantial demographic data from two main data source tools:

1. **Association of Bay Area Governments (ABAG) data package** - ABAG provides a data package that has been pre-approved by HCD and serves as the primary data source for population and household characteristics. Primary sources used in the packet include the California Department of Finance and the U.S. Census. Dates for data included in the ABAG data package may vary depending on the selection of data that was made by ABAG to provide the best data on a particular topic.

2. **Affirmatively Furthering Fair Housing (AFFH) Data Viewer mapping tool** - All data presented in the Assessment of Fair Housing section of the Housing Needs Assessment chapter were collected through the Affirmatively Furthering Fair Housing (AFFH) Data Viewer mapping tool, a tool developed and approved by HCD for use in assessment of fair housing analyses as the most current and accurate data available.

This approach was developed to standardize state-wide datasets for fair housing analyses. Relying on data sources that have been vetted and approved by HCD, the State agency responsible for certifying Livermore's Housing Element, will streamline the certification process and increase the likelihood that HCD will support the information presented as a valid basis for Housing Element programs.

Meeting the Regional Housing Needs Allocation (RHNA)

Table 2 lists the RHNA assigned to Livermore to meet its fair share of the State's housing needs. 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 allocation. HCD recommends an additional 15 percent buffer beyond the required RHNA to account for any sites that develop with fewer units than the City anticipated. Livermore's RHNA, plus a 15 percent buffer is 5,256 units.

Table 2. City of Livermore Regional Housing Needs Allocation 2023-2031

Income Category	**RHNA**
Very Low Income	1,317
Low Income	758
Moderate Income	696
Above Moderate Income	1,799
Total	**4,570**

Chapter 4 of the Housing Element presents an analysis of the city's ability to accommodate the RHNA. Through a combination of existing residentially zoned sites and projected accessory dwelling units (ADUs), the city has capacity to accommodate the 4,570-unit RHNA with a 15 percent buffer. A list of sites and maps of the sites can be found in Appendix A of the Housing Element (Attachment 5).

Vacant and non-vacant sites with suitable zoning can accommodate 5,077 units across the income categories. HCD's approved "safe harbor" methodology allows Livermore to assume 325 ADUs over the planning period. This number is based on ABAG's ADU affordability analysis for the region, local fair housing analysis related to ADUs, and the number of ADUs that Livermore has permitted over the past several years. The total capacity of 5,402 exceeds the 5,256 unit goal described above. Table 3 below provides a summary of the approach to meeting the RHNA provided in Chapter 4 of the Housing Element. The City will submit Annual Progress Reports to HCD throughout the planning period to demonstrate progress issuing permits and meeting RHNA.

All sites identified in the inventory are currently designated for residential uses. As a result, the City does not need to designate or rezone new residential sites to satisfy the 6th RHNA cycle. The City is exploring land use alternatives through the horizon year 2045 as part of the General Plan Update. The land use alternatives will respond to the General Plan Vision, community input, market forecasts, population growth, and economic projections to achieve a balanced land use pattern. Some of the land use alternatives may include new residential designations that could also help meet required residential units in the future 7th (anticipated 2031 through 2039) and 8th (anticipated 2039 through 2047) RHNA cycles.

Table 3. Comparison of Site Capacity and the RHNA

Income Category	**Total RHNA**	**Projected Accessory Dwelling Units**	**Units on Vacant Sites with Suitable Zoning***	**Units on Non-Vacant Sites with Suitable Zoning***	**INSP** Units**	**Total Unit Capacity**	**Surplus RHNA**
Very Low Income	1,317	97	Included in low income total below	Included in low income total below	Included in low income total below	Included in low income total below	Included in low income total below
Low Income	758	98	702	11	1,570	2,478	403
Moderate Income	696	97	561	175	0	833	137
Above Moderate Income	1,799	33	281	24	1,753	2,091	292
Total	**4,570**	**325**	**1,544**	**210**	**3,323**	**5,402**	**832**

*Per State law, units for the lower-income categories can only be allocated on sites with zoning that allows 30 dwelling units per acre.
**Isabel Neighborhood Specific Plan

Goals, Policies, and Programs

Chapter 4 of the Housing Element outlines the City’s goals and policies for the 2023-2031 planning period and identifies programs the City will implement to achieve the goals. Most of the programs continue efforts from the 2015-2023 Housing Element, such as producing affordable housing and reducing governmental constraints on housing development. However, the programs were updated and reorganized to better reflect current needs in the community and resources available to meet those needs. Notable changes to the housing programs include new efforts to meet fair housing requirements and expanded efforts related to healthy and resilient homes and neighborhoods. In addition, many of the programs contain actions that address state goals in addition to local goals. Programs driven by state law are required to be included in the Housing Element.

Environmental Review

The 2023-2031 Housing Element creates a roadmap for the City to achieve its State-mandated Regional Housing Needs Allocation (RHNA) and Affirmatively Furthering Fair Housing (AFFH) goals through identification of suitable sites that are currently designated for housing development, and identifying programs and actions that could remove constraints and promote affordable housing development. Because the City does not have to rezone any sites or make any physical improvements to adopt the Housing Element, it can be seen with certainty that there is no possibility that the proposed Housing Element would have a significant effect on the environment. Thus, the 2023-2031 Housing Element is exempt from the California Environmental Quality Act (CEQA) under Guidelines Section 15061(b)(3) the common sense exemption, in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It should be noted that the current General Plan and Specific Plans have been analyzed under separate environmental review documents pursuant to CEQA, and pending applications for housing development are currently undergoing their own appropriate environmental review. Additional analysis in support of the finding is included in the 2023-2031 Housing Element CEQA Exemption Technical Memorandum attached to this report.

Next Steps

The City Council will review the 2023-2031 Housing Element on March 13, 2023. If City Council adopts the Housing Element, staff will submit the Housing Element to HCD for final certification.

ATTACHMENTS

~~1. October 2022 Comment Letter from HCD~~
~~2. Resolution - CEQA~~
~~3. Exhibit A - CEQA Exemption Memo~~
~~4. Resolution - Project~~
~~5. Exhibit A - Revised Housing Element~~
~~6. Exhibit B - February 2022 Letter from HCD~~

Prepared by: Tricia Pontau
Senior Planner

February 26, 2023

To: Planning Commission
From: Alan Burnham
Subject: Comments and concerns on the current Housing Element

The Housing Element is an evolving, complex document, and it is substantially different from what I reviewed in detail last year. It has improved in terms of its presentation of demographics but has some serious problems related to recent changes that could and should be addressed by relatively minor changes in wording. In this case, there are also introductory documents to consider. The page numbers I cite are for the agenda pdf, not the housing element itself. My only comment about the parcels and policies is that they are quite good and appropriate.

The October 20 letter from Paul McDougall states that a non-vacant site must have some justification to be considered as a potential building site. My personal experience with commercial property ownership is that tearing down an existing building for redevelopment is economically challenging, particularly if the building has been owned for a long time due to Prop 13 issues. However, there are cases where it does make sense, and the cases given here are sound.

Section 2.2.3 of the CEQA Exemption memorandum introduces Figures 2-1 to 2-4 as maps of the various housing sites. These same maps appear on pages 50-53 in the Housing Plan. They are a great summary but seem to have some errors or misleading content. Figure 2-1 includes the mall on Pine Street, which is largely empty and would seem to be an attractive redevelopment site. However, a similar old shopping mall on Pacific Avenue is not included, and I've heard that a redevelopment proposal is in the works. So why is one included and not the other? On Figure 2-3, the recently refurbished Granada Business Park is shown in Red as Commercial Office. There was some discussion at a Council meeting about whether the remainder of the business park could be redeveloped as senior housing, but the entire site is indicated as available. That is misleading and should be clarified. I did find a parcel in Table A describing what I think is this case, but the table lists the parcel as 097 014301905 and the Alameda County Parcel Viewer lists the northern portion as 97-143-56. (This leads to a more general question of why parcels are listed differently than on the tax roles? It is closer in form for the Rincon-Pine property.) On Figure 2-4, the Civic Center is shown in blue under Education and Institutions zoning. There is no mention in the text that some places are mentioned purely for reference, so the implication is that we are planning to tear down City Hall, the Police Station, and the Library for housing. I doubt that is true, but a plain reading of the document so suggests. At the end of Pacific, Interfaith Housing plans another affordable housing project. It is not noted on the map. Why not? There is a box style for Planned Development. There may be reasons why the map is not in error as it seems to be, but those reasons should be in the memo if so.

The Executive Summary points to section 1.2 as the location of the data sources. I have made the comment earlier that these data sources are outdated, and some changes have been made to address my concerns (thank you). One additional concern I found this reading is the enhanced need for senior housing.

The median age in Livermore per the 2020 US Census 40.5 versus 39.8 on page 44. The 2020 US Census has 14.6% over 65+, while Table 2-4 has 13.3%. The difference is over 1000 senior citizens. I realize that the city does not actually plan housing projects, but from a citizen's perspective, how does that 1000-

person difference impact the plans to provide affordable housing, either for purchase or rent, for older people who no longer wish or can afford to stay in their current houses? Also keep in mind that the 65+ population share in 2000 was only 7.5%, so this is one of the fastest growing segments, and it may well be more than 20% by 2030 given that ages 55-59 are the largest 5-year segment of Livermore's population today per the 2020 US Census. (I note in passing a typographical error on page 94 concerning Senior Households. Line 3 has an extra space in the number 12,086, perhaps due to a failed algorithm of line justification.)

An extreme example of outdated statistics exists in Table 2-1 on page 83, which comes from ABAG. Dublin's population is predicted to grow from 64,695 in 2020 to 73,800 in 2040. The problem is that the 2020 US census has Dublin's population as 72,589. I don't know how ABAG creates its numbers, but this discrepancy does not inspire much confidence in them. Livermore is closer to right for 2020, being listed 91,861 rather than the 2020 census count of 87,955, but the discrepancy is a third of the projected 20-year growth. How should I interpret this? Let's do a sanity check calculation. The RHNA housing units are 4570 for the next 8 years and probably 10,000 or so for the next 20 years. For an average of 2.66 people per unit, that is 26600 people, which is twice the predicted growth. But the existing 32,000 housing units would drop by 6400 because a drop in people per unit, so the projected increase would be 20,000 people. This corresponds to a 1.0% annual growth rate. How does that correspond to historical trends? I recall seeing Livermore population trends over the past 30-40 years in earlier documents, and it seems that would be far more useful information than Table 2-1, which mostly convinces me that ABAG is an unreliable source of information (or worse). Table 2-1 could be summarized in words saying that Alameda County is expected to grow at 0.9% over the next 20 years, and cities in the Tri-Valley are expected to be similar. Then compare that growth rate to the past to give it some credence, with the qualification that growth 20 years out would require either substantially higher density or an expanded urban growth boundary or whatever insight might be helpful to put these numbers into context.

On page 87, the following sentence occurs: "Also reflecting relatively high educational attainment levels, a large share of both Livermore and Alameda County residents are employed in the Financial and Professional Services and Health and Educational Services (Table 2-7)." I don't know exactly what that means or how it relates to Table 2-7. I would not consider scientists and engineers employed by LLNL, Sandia, Form Factor, or Topcon, etc. to be providing professional services, in that they are working for an employer, not providing services to the public. And I would also assert that a large fraction of those employed there are not professionals in my use of the word. Further, the job classification on the EDD site is Professional and Technical Services, which is closer to making sense. Finally, Valley Care Health does not exist anymore nor has it for quite some time. It is now Stanford Health Care and should be reflected as so. This is another example of uncritical citation of outdated sources.

Page 88 provides what I consider to be an incorrect assessment of the economic situation in Livermore as well as perhaps what to do about it. First, it states without evidence that a growing number of workers are commuting to higher paying jobs outside Livermore. Perhaps that is true, but some evidence would be helpful to provide credibility. Second, it was automatically assumed that the solution to having more low-paid workers than housing and more high-paid residents than workers is to increase the amount of low-cost housing rather than increase the number of high-paid jobs. In fact, we should do both rather than having one-dimensional thinking. Livermore's income growth over the past 20 years been a little below average in income in the area defined by the Tri-Valley plus Fremont, Hayward,

Castro Valley, and Tracy, so its median family income has gone from above to below average in that area. An excessive emphasis on the lowest income housing will accelerate that trend. Keep in mind that Livermore declined to include Ruby Hills within the city, so it was developed under Pleasanton. Dublin and Tracy have built lots of housing, and the ratio of house cost per median family income is the lowest in Dublin (6.7) and second lowest in Tracy (7.8). Livermore comes in third lowest (8.8), so it is actually not doing that bad for our region, but it could do better.

Table 2-13 on page 91 has a normalization error in the right-hand column. For Livermore and Alameda County, the subcategory percentages add to the category percentages, while they add to 100% for the Bay Area. I sent an email about this error on February 2, and it may have been corrected already, but the letter at the end of the agenda says this was version was submitted February 6.

I found this description of poverty in Livermore on page 130 not very insightful and quite misleading:
In 2014, there were three areas of concentrated poverty in Livermore: the neighborhood encompassing Big Trees Park bounded by East Avenue to the south, S. Vasco Road to the east, Charlotte Way to the north, and N. Mines Road to the west (14.0 percent), the area bounded by Portola Avenue to the south, Interstate 580 to the north, and First Street to the east (10.6 percent), and the city center between N. Murrieta Boulevard and Junction Avenue (10.7 percent). However, by 2019, the rate of poverty in each of these areas had dropped below 10 percent. Despite the decrease in poverty, the Urban Displacement Project has identified the last area as "Low income/Susceptible to Displacement" and it has been identified by TCAC and HCD as a "low resource" area. In contrast, the area near Portola Avenue has been identified as an area experiencing "Advanced Gentrification" by the Urban Displacement Project, and by TCAC and HCD as a "moderate resource" area. Several programs to help reduce displacement risk associated with this are identified in Table 2-54 at the end of this AFH. The Big Trees Park neighborhood contains the highest percentage of children in a female-headed household and designated by TCAC and HCD as a "moderate resource" area.
First, there are two housing projects near the corner of East Avenue and Vasco Road (see Figure 2-5) that probably skew the statistics considerably. Second, the largest number of apartments in the city may well be along East Avenue, and those residents probably have lower incomes and more children. The older houses to the north have lots of retired lab people who probably have no mortgage, and using income without actual housing costs for retired people is not accurate. I also know of one senior care home in that area. Also, one member of the planning commission lives in this area, and I certainly would not classify him as uneducated and poor. Consequently, this paragraph needs some rewording to give a proper assessment.

That leads me to another aspect in this section I consider rather insulting, apparently written by someone ignorant of Livermore history. Most of the growth of Livermore between 1950 and 1990 came from expansion of LLNL and Sandia. Many of these employees came from other parts of the country and were more highly educated than average for Livermore at the time and probably the Bay Area as a whole. (The same thing has happened in Dublin recently, with the dominant influx being Asian—specifically Indian. It has nothing to do with color. It has to do with job skills and resultant income.) The Valley East housing project mentioned as a hotbed of poverty was one of those built to house the new LLNL employees. Because of this influx of highly educated people, Livermore has a symphony orchestra, an opera, and most recently the Bankhead Theater. Redlining and other discriminatory practices certainly occurred in the closer to the Bay (read The Color of Law), but that had nothing to do with the way Livermore demographics developed. This section is written from perspective of guilty until proven innocent. Having this kind of accusatory language in the housing plan is the kind of thing that drives moderates to vote for demagogues like Donald Trump. What does need to be addressed is to make sure that affordable housing projects are distributed across all the city independent of the average income of

that region. That means doing things like putting largely low-income housing in wealthier neighborhoods such as on open lands near the intersection of Holmes and Concannon. That could include working with owners such as St. Charles Catholic Church to build affordable housing and blunt the opposition by vocal wealthy neighbors. The same would be true for projects such as the tiny homes project being considered by Asbury Methodist Church. The biggest problem here is the assumption by some that all homeless people are basically ne'er-do-well criminals. I am glad to see the proactive words on page 308, Program 3.4.3 (C).

Page 133 again demonstrates the problem with the out-of-date demographics used for this document. It states that the population is predominantly White, non-Hispanic. 55% is certainly a majority but it certainly not predominant (mainly; for the most part). The document gives Asian or Pacific Islander as 12% of the population, while the 2020 Census gives that portion as 14.8% (14.6+0.2), and if one considers two races including Asian, the total is 18.0%. This is still lower than Pleasanton and Dublin, but it is likely that Asians will pass Hispanics as the second largest race-ethnicity in the next decade, due to both greater non-White influx and Whites being older and dying faster.

Page 134 propagates the common misconception that White people are wealthier than non-White people. In fact, compared to Pleasanton-Dublin-San Ramon, Livermore is the whitest and has the lowest median income. Income is fundamentally related to education, not race or ethnicity. Livermore has only 44% of its population having a Batchelor's degree or higher, while the 680 cities from Pleasanton to Danville average 67%. There is an inverse correlation between Hispanics and income, but that simply reflects the more recent immigration of poorly educated Hispanics, which is further complicated by language issues. However, the solution to that issue is education, not the political mumbo-jumbo given in this section. The question then becomes one of the fairness of the State's school funding formula, ways to get kids from lower-income families enthusiastically engaged in education, and support for those aspiring to higher education. Unfortunately, as described in the Education section, test scores correlate inversely with disadvantaged indicators and absenteeism. Money spent on education is not the only issue involved, but housing per se seems not to be a primary factor.

I generally agree with the education section starting on page 140, but neighborhood income by itself is not a clean issue, in that it is the income of parents with school kids that affects their ability to supplement the district funding for enrichment. A retired couple with an income of $100k living in a paid-for house with low property taxes is financially better off than a young family with an income of $150k paying $4000 per month for housing plus various child-raising expenses. Consequently, the neighborhood income statistics need to be adjusted for the average age in some manner. This again gets back to the issue of having viable alternative living spaces for older people so they can downsize and make family homes available without horrendous financial penalties of taxes and moving expenses, and in the case of a retirement home, outrageous monthly fees.

The Employment Opportunities section on page 144 was quite interesting, but several aspects were unclear. The commute distances were clear. However, it was not clear to me how to interpret the 39% of jobs being lower wages. Lower than what? Lower than average or median for what areas? Concerning where they commute to, I was surprised that more commuted to San Joaquin county than to Santa Clara County. That seems to be in conflict with the notion portrayed earlier about the influence of Silicon Valley. The high level of commuting to Pleasanton and Contra Costa County makes sense with Hacienda and Bishop Ranch business parks. However, next comes the paragraph saying that 20.4% of Livermore workers also live there. After reading it a couple times, I deduced that it meant 20.4% of those employed in Livermore are Livermore residents. It could be clearer.

Figure 2-8 on page 145 is entirely opaque to me. The solid background seems to be job density smoothed by some algorithm, while the dots are the job sites. The problem I see is that the jobs seem to be mostly in residential neighborhoods, and the biggest job sites (LLNL and Sandia) are not represented at all. There are no jobs in the industrial park bounded by Vasco-Greenville-Patterson Pass-the railroads. I think this graph is completely bogus and should be deleted. The various words trying to explain commuting based on it are meaningless.

Table 2-50 is interesting. My first question is how the changes were merely a reflection of the funding levels at LLNL, which is the City's largest employer. There were layoffs at LLNL in 2008 and low moral due to limited funding through 2010. Around 2018, funding at LLNL picked up dramatically, and LLNL was having trouble hiring enough employees to do the work. That is when I was called back out of retirement. A very large fraction of the current employees has worked there less than 5 years. Lack of affordable housing even for PhD-level salaries is a significant problem. However, the current funding levels may or may not be sustained over the next decade, so caution is warranted. Similarly, bringing in Gillig and others west of Isabel must have been a major jobs pulse around then, but has that pulse already been diluted now by 2023? Relevant here would be the Jobs-Housing Ratio for Dublin, which had built lots of houses but doesn't have the large employment centers of Hacienda or LLNL. Given the job mobilities of today, expecting commute distances of a few miles are not realistic, and a 15-mile counter-commute from Dublin is actually quite good.

I am quite concerned about the Environmental Health section and the means by which the scores were determined. I live in one of the worst scoring neighborhoods for unknown reasons. This neighborhood is significantly above average in cost. I thought it might be because of some older housing stock, but some of the housing developments in this census tract are quite new. Was there some arbitrary score that said we were close to vineyards using pesticides? Did the scorer look only at a couple apartments in the corner of the census block. I am further concerned that there is no apparent correlation of the score with housing ages or proximity to the freeway for diesel emissions. The sites near the largest gasoline plumes in downtown scored in the next-best category. I certainly agree that the housing in the northern addition, which is largely Hispanic, is older than most houses, but it isn't much older than the well-scoring Jensen tracts or South downtown area. Calling out that ethnic issue is biased political activism and should be deleted. The current wording about drinking water and diesel particulates are of no help whatsoever in understanding what might be in the quoted OEHHA source. And while calling on diesel particulates as a health risk, there is no mention of the current in-vogue notion of transit-oriented development along the freeway due to parallel BART and Valley Link routes. Logic seems to be in short supply in this section. At the moment, it seems that this figure is mostly someone's imagination and should either be justified or deleted.

Starting on page 153, there is clear evidence that someone who does not understand Livermore wrote the Overpayment or Cost Burden section, imprinting Berkeley political activism onto statistics that probably have a completely different explanation. What should have been clearly evident is that older people who bought into the housing market 30-50 years ago are well off compared to those who bought in during the last 20 years. Mortgages do get paid off, unless someone wants to keep moving into a larger house. 30-50 years ago, Livermore's population was predominantly white, so simple age demographics explain why whites spend a smaller portion of their income on housing. Of course, a sophisticated statistical analysis could separate the effects of race and ethnicity from age and years since ownership, but that concept seems completely foreign to the writer of this section. This section deserves a spot in the "how to lie with statistics" journal.

On page 158, there is again evidence that the writer is clueless about the Tri-Valley perspective. The sentence “the proportion of unsheltered homeless persons in Livermore was lower than other communities in the county” is a meaningless comparison. What is relevant is the comparison to our neighbors Pleasanton and Dublin, and their numbers are far less. (In fact, this the origin of the urban legend that Pleasanton buses their homeless to Livermore.) That more appropriate comparison should be given.

The Race and Ethnicity section on page 172 also shows the political bias of the writer. There is no doubt that there are some racists in Livermore and even more classists, but don’t confuse the two. Some people don’t want low-income people of any race living in their neighborhood, and some don’t want black people regardless of the income. The reality is that the primary reason for race/ethnicity segregation in Livermore is income, and a secondary factor is years of residency. Neighborhoods built and populated 25-50 years ago that have low turnover will reflect the demographics of that time. To imply otherwise is bigotry. Also, the northern addition has many of the smallest and oldest homes in the Tri-Valley, so it is logical that they will be the preferred location for the lowest income group. Another factor may be the proximity of jobs or a related ethnic community. The large Asian community in the NE Corner may be a combination of both. The homes there are much newer than average, reflecting the demographics of more recent residents, and Dublin has the largest Asian concentration in the Tr-Valley. A large fraction of the professionals working in Pleasanton, Dublin, and San Ramon are Asian, and that location is a better commute than in other parts of Livermore. Similarly, the largest concentration of Hispanics is in the lowest-cost home area in the city simply because they have the lowest family incomes. As discussed earlier, that is related primarily to the lower levels of education. While it is possible that there are biases in income for the same level of skill, it should not be implied without evidence, and I’m sure that it is a small fraction of the primary driving forces of education and language.

Section 3.1-Market Constraints was very interesting and is the real issue. Single-family detached houses are a third cheaper because of the shorter development time! It is probably also because part of the labor cost for a larger development is absorbed by the builder or owner of the house directly, which is a form of sweat equity. That said, the obvious question is what can be done to reduce the overhead costs of building larger projects. This largely comes down to not allowing opposition forces the opportunity to delay projects and kill them by a thousand cuts. It is for this reason that the State has formed the builder’s remedy, which means that if a City is incapable of enabling builders, there is a way of simply bypassing them. Livermore has not been a big problem that I know of, but maybe builders disagree. I do know that citizen opposition has increased some project costs and discouraged building others.

On page 203, the document states that the Arroyo Vista developer will be submitting plans by the end of 2022. Did they?

On page 226, Table 3-5, the terms Transect Zone and Non-Transect Zone are used, but they are never defined in the document. They are also used in the summary housing acreage availability zoning figures, again without definition. It would seem to be an important concept, but it is not clear exactly how it is used in Livermore zoning.

LIVERMORE
CALIFORNIA

PLANNING COMMISSION
SPECIAL MEETING MINUTES - DRAFT
February 28, 2023

1. CALL TO ORDER – The meeting of the Planning Commission was called to order by Chairperson Daniel Leary at 7:08 p.m.,.

2. ROLL CALL – Present were Chairperson Daniel Leary; Vice-Chairperson John Stein; CM Jacob Anderson, CM Steven Dunbar, and CM Steven Dunbar.

Also present were: Planning Manager Steve Stewart, Senior Assistant City Attorney Kim Cilley, Senior Planner Tricia Pontau, and Administrative Technician Fanny Ludwig.

3. SPECIAL MEETING ITEM

AN OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE PLANNING COMMISSION REGARDING THE SPECIAL MEETING ITEM WILL BE PROVIDED BY THE CHAIR.

Alan Burnham voiced concern that the Housing Element has too many undefined terms, outdated or incorrect statistics, occasional contradictory assertions, and political dogma. He submitted a 6-page document detailing specific concerns and recommended returning the document for revisions to fix numerous data and analysis errors.

3.1 Hearing to consider recommending adoption of the 2023-2031 Housing Element

Recommendation:

Staff recommends the Planning Commission consider the 2023-2031 Housing Element (GPA23-002) and adopt resolutions recommending the City Council adopt resolutions:

1. Finding the 2023-2031 Housing Element is exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) common sense exemption; and

2. Adopting the 2023-2031 Housing Element.

The Planning Commission's action is a recommendation to City Council.

Senior Planner Tricia Pontau said before the Planning Commission tonight is the revised Housing Element and she provided a background of the Commission's last review in May, submission to the State in July for a few rounds of review, and receipt of HCD's February 23, 2023, letter, stating the revised draft complies with State Housing Element law. She introduced Amy Sinsheimer from PlaceWorks to provide a presentation.

Amy Sinsheimer, PlaceWorks, Inc., gave a PowerPoint presentation, background, and overview of what the Housing Element is, what it includes, the RHNA which has been assigned to the City and analyzed as part of the update, and the schedule for the update process. She described requirements for a diversity of housing types, zoning in place to accommodate the RHNA for a total of 4,570 units broken into various income categories, the new AFFH section and revisions made to add more information, details added to the opportunities and constraints section, housing resources, update of the Climate Action Plan programs and actions, and the plan to go before the City Council on March 13th and then submit to HCD for its 60-day final certification review period. She reported a letter of conditional compliance was received from HCD for the City's Housing Element.

Ms. Pontau said staff is recommending the Planning Commission consider the Housing Element and adopt resolutions recommending that the City Council adopt resolutions finding the project exempt from CEQA and adopting the 2023-2031 Housing Element.

CM Dunbar said given the timeline discussed and the compliance letter, he asked and confirmed with Ms. Pontau that some corrections and non-substantive changes can be made; however, if too many changes are made the City may need to go through more thorough review. Any future changes to the Housing Element would need to be brought back to HCD.

CM Dunbar said staff has received Mr. Burnham's comments in his letter and he asked how staff is addressing them.

Ms. Sinsheimer replied Table 2.13 was something brought to their attention over a week ago and they are planning to make edits to correct the math in the table for the adopted plan.

Planning Manager Steve Stewart added there are cleanup comments that can be revised. For example, the plans for the Arroyo Vista development were submitted and the City is plan-checking them now, so that language may be updated. Regarding some questions around the data sources, staff needs to work with the data given to them by ABAG that was pre-approved by HCD. Otherwise, they will risk being out of compliance for an extended time period, risk receiving grant funding for capital projects, as well as applications coming in with developers seeking to skirt around the City's zoning and General Plan requirements.

CM Dunbar referred to Item 5.2.1.G; Public Improvements for Residential Retrofits. He commented that the quantified objective states, "Adopt the Climate Action Plan" which

the City has done. He read his other comments into the record relating to his review of other City Housing Elements, guidance documents, fair housing, etc. and said he is very happy the City has received a conditional approval letter. He believes Livermore intends to do its share of work to address housing needs and accomplish goals. He voiced concerns with tax revenue imbalances from non-residential service costs which is unfair, acknowledged Mr. Burnham's comments and thinks these can be addressed by the time the document goes to the City Council. He was glad to see changes made regarding the Isabel Neighborhood Specific Plan and trade-offs, and voiced support of the draft Housing Element.

CM Anderson asked for the following corrections:

- Page 3-2, under the list of percentages; 8.5 is missing a percentage after it.
- Under the heading Neighborhood Plans on page 3-8 a sentence states, "The plans are intended to facilitate early growth and the creation of a livable neighborhood that includes community amenities and is compatible with surrounding uses." He asked that the word "is" be changed to "are."
- He referred to his request for changes to his comments regarding Junction Avenue and Marilyn as being adequate, but asked to remove the sentence under 2-62 which states, "While most schools in Livermore offer strong educational opportunities for students, residents of areas that are predominantly non-white have disproportionately limited access to high quality schools." This sentence can be misconstrued that the schools of Junction and Maryland are not providing high quality education, and Commissioners concurred.
- He thanked Mr. Burnham for his letter and suggested staff meet with him to review requested revisions.

CM Anderson recognized the amount of work on the Housing Element done over the last year and he asked staff to summarize the process and cause of delay. Mr. Stewart provided a summary, including new legislation giving HCD 70 more days on their end for review, the timeline, HCD capacity/staffing, complexity of the new fair housing law, tasks and requirements cities must go through and wait for HCD to respond to, and emphasized the importance of receiving the HCD conditional approval letter.

Vice Chairperson Stein thanked City staff and PlaceWorks staff for the achievement in having an HCD-compliant Housing Element, recognized time constraints, voiced support of the staff recommendation and CEQA requirements, stated that state impositions like the builder's remedy have reached the point of diminishing returns and will result in expensive legal challenges and non-productive outcomes, and the state's position is that no planning is better than local planning.

He had the following revisions/suggestions:

- Asked to correct the staff report and change "February 23, 2022 letter" to read as "February 23, 2023 letter."
- He recommended not changing any major portion of the document;

- He supported eliminating the one sentence as mentioned previously regarding schools;
- He suggesting looking at the Mills Act for historical preservation to create a sense of place and continuity in the downtown;
- He recommended making universal design standards mandatory rather than suggested which would increase the number of units that are accessible to those with disabilities, and perhaps selectively doing the ones that do not involve major cost;
- Lastly he spoke generally about Proposition 13 and the problems associated with it, various legislative bills that have distorted the system and implied a statewide standard, COVID and inflation impacts, and interest rate hikes; and
- He recommended the City Council adopt the Housing Element and revisit it in a year or so

Chairperson Leary thanked PlaceWorks and City staff for their presentation and remarkable accomplishments on the Housing Element. He referred to the October 2022 letter from HCD regarding the Isabel Neighborhood Specific Plan which is 75% of the City's low and very low-income categories and asked staff how this got resolved.

Ms. Pontau explained when they submitted the first draft they had the Isabel Neighborhood Specific Plan units groups in sub-areas. The plan has number of units estimated for each sub-area, and different land use categories within those sub-areas which do not match with the parcel lines that exist there today, and many parcels will be redrawn as projects are developed.

HCD said they wanted more information about how many units will be assigned to parcels as they exist today and whether that is realistic capacity for that parcel. They had to go through and estimate the amount of land in each parcel in a certain sub-area in a certain land use designation, given there are different densities allowed. Staff had to prepare a more refined parcel by parcel analysis of how many units could be on a parcel and how much of the parcel could have low-income units based on the density allowed.

She explained if permits are issued for deed restricted low-income unit that is on a parcel zoned for less than 30 du/acre, they can still count it towards their RHNA progress but cannot count it in the Housing Element when they are demonstrating that they have land adequately zoned. Those can only be on parcels zoned to allow 30 du/acre. Based on inclusionary requirements, there will be low-income units in other areas but they just cannot show them as low income in the Housing Element Sites Inventory.

Lastly, HCD wanted additional analysis regarding the Isabel Neighborhood Specific Plan and how it will be a complete neighborhood, a high resource area, as well as additional information about the process projects must go through to get entitled.

Ms. Sinsheimer commented that quite a bit of information was added about the process in addition to projects that have already been going through the entitlement process in that area.

Mr. Stewart added that some of those sample projects were before the PC last year so having some concrete examples of timelines and the process in general helped HCD understand it was not a layer of constraint but added certainty to the process, as well as provide an explanation of the specific plan process. He said the annual progress report will be presented to the City Council on March 27th which will track the annual permits issued towards RHNA. The City will start to get credit for the Isabel development as building permits are issued and reported.

Chairperson Leary then referred to the public comment letter on demographics received in the supplemental materials as part of the PC's packet. He agrees with Commissioners Dunbar and Anderson on how to handle that and referred to page 2, Table 2-5 and Figure 2-1 on page 2-6 regarding race and ethnicity trends in Livermore which link the sources from the "U.S. Census Bureau American Community Survey ABAG Data Packet" and the "U.S. Census Bureau Department of Finance." He stated that the document is clear on its sources and it's not worth our time to keep researching data sources because we don't have the resources to do that. Staff has worked hard to reach 15 milestones in 10 months, and he would like to see the City focus on meeting the deadline, getting income levels sorted out and the housing inventory.

Regarding ADUs, he was pleased to see on page 3-42 there is a statement about new City handouts which will be prepared and available to residents to explain streamlining of ADUs and SB 9. Also, Program 1.3.1 describes the ADU Program in place by December 2023 as the goal, and he asked and confirmed the PC will be reviewing this as part of the three-phase development code update.

Chairperson Leary said page 5-14 describe how the City is sending mailers to homeowners in high resource areas beginning January 2024 which is valuable. Regarding findings, he believes the City meets the RHNA for the 8 year period 2023 to 2031 and is not relying on rezoning to meet this goal. Lastly, regarding CEQA, he finds the plan is exempt from CEQA because there is no rezoning or changes to the physical environment.

CM Dunbar commented that the analysis he previously referred to on the Isabel neighborhood is found on page 2-94. It goes into discussion of that complete neighborhood and concepts behind it, amenities provided, and access to the rest of the city that makes it cohesive. It is because of the planning on the Isabel Neighborhood Plan and other plans that allows the PC to make the finding they are not currently changing any zoning because they have been proactive in planning for it.

Vice Chairperson Stein lastly commented on reduced transit ridership and voiced concerns with the state/federal government's focus on infrastructure which will result in

transit subsidies and increased bridge tolls, sales tax measures, toll lanes, TOD without transit, and which will particularly affect the Isabel neighborhood plan.

Chairperson Leary suggested a motion.
MOTION BY DUNBAR, SECONDED BY STEIN, TO FIND THE 2023-2031 HOUSING ELEMENT IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) GUIDELINES SECTION 15061(B)(3) COMMON SENSE EXEMPTION; AND ADOPT RESOLUTIONS RECOMMENDING THE CITY COUNCIL ADOPT RESOLUTIONS APPROVING THE 2023-2031 HOUSING ELEMENT, WITH RECOMMENDED REVISIONS PER THE COMMISSION'S DISCUSSION.

AYES: ANDERSON, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

Mr. Stewart commented that staff will provide a supplemental summary of responses and recommended revisions for the City Council meeting.

CM Anderson reported this is Vice Chairperson Stein's last meeting and he and Commissioners thanked him for his service on the Planning Commission.

5. ADJOURNMENT – 8:01 p.m. to a regular Planning Commission meeting on Tuesday, March 7, 2023 at 7:00 p.m., Civic Center Meeting Hall, City Council Chambers, 1016 S. Livermore Avenue.

Minutes prepared by:
Lisa Harper Consulting

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
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*******CORRECTED*COPY******

October 20, 2022

Paul Spence, Director
Community Development
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94086

Dear Paul Spence:

RE: City of Livermore's 6th Cycle (2023-2031) Draft Housing Element

Thank you for submitting the City of Livermore's (City) draft housing element update received for review on July 19, 2022, with revisions received on October 7, 2022. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by a conversation on September 1, 2022 with Tricia Pontau, Senior Planner; Grace Streltzov, Management Analyst; Steve Stewart, Project Manager; Andy Ross, Senior Planner, Stephen Riley and your consultants, Jennifer Gastelum, Joanna Jansen and Lucy Rollins. In addition, HCD considered comments from YIMBY Law and the Greenbelt Alliance, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes the revisions needed to comply with State Housing Element Law.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill

(SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: https://www.opr.ca.gov/planning/general-plan/guidelines.html.

HCD appreciates the hard work and dedication Tricia Pontau, Senior Planner; Grace Streltzov, Management Analyst; Steve Stewart, Project Manager; Andy Ross, Senior Planner, Stephen Riley and your consultants, Jennifer Gastelum, Joanna Jansen and Lucy Rollins, provided in preparation of the City's housing element and looks forward to receiving the City's adopted housing element. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at shawn.danino@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

Enclosure

APPENDIX
CITY OF LIVERMORE

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at https://www.hcd.ca.gov/hcd-memos. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks),* available at https://www.hcd.ca.gov/building-blocks and includes the Government Code addressing State Housing Element Law and other resources.

A. Housing Needs, Resources, and Constraints

1. *Affirmatively further[ing] fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2…shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

   Sites Inventory: While the element provides some analysis of the identified sites and socio-economic concentrations, including lower-income households in northern planning areas (p. 2-94), the element must analyze the concentration of lower-income units in the Isabel Neighborhood Specific Plan. This is critical as the element identifies 1,570 units of its 2,075-unit lower income Regional Housing Needs Allocation (RHNA) to be accommodated in this specific plan. A complete analysis should fully assess how the site inventory is expected to improve and/or exacerbate fair housing conditions. This analysis should address the location, number of units by income group, magnitude of the impact, and could consider topics such housing choice in other areas of the City, existing or proposed anti-displacement policies, place-based investments, and how such strategies will improve fair housing conditions when paired with the identified sites. Based on the outcomes of this analysis, the element should add or modify programs as appropriate.

   Goals, Priorities, Metrics, Actions & Milestones: While the element provides some metrics and identifies contributing factors to fair housing issues, it does not include sufficient action to overcome patterns of segregation, foster inclusive communities, and methods for increasing housing opportunity in higher opportunity areas. For example, Program 5.2.1, Action K was revised to "address racial homeownership gaps and produce more missing middle housing through the City's inclusionary housing program," but it does not explain how it will do so or by when this action will be completed. As a result, programs must be revised as appropriate to sufficiently respond to contributing factors to fair housing issues. The element may, for example, commit to a firm date by which it will establish development standards for smaller housing types, including bungalow courts. In addition, all actions related to Affirmatively Furthering Fair Housing (AFFH) must contain specific commitment, timing, geographic targeting and metrics or numerical targets. Please see HCD's AFFH memo for more information: https://www.hcd.ca.gov/community-development/affh/docs/affh_document_final_4-27-2021.pdf#page=23.

2. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

   Isabel Specific Plan: The element describes a realistic capacity of 3,323 units as part of the Isabel Neighborhood Specific Plan, 1,570 of which will be available to lower-income households on multifamily sites within that specific plan (Table A). However, to demonstrate the adequacy of these sites to accommodate the RHNA for lower-income households, additional information is necessary to show development potential within the planning period. First it is not clear how multifamily is to be accommodated (e.g. land capacity) within each specific plan. The element should provide indication of where the multifamily is to be located (e.g. map or other description of the specific plan), how much land is available for multifamily development (e.g. acreage), descriptions of any existing parcels, and describe additional entitlements or steps needed to build multifamily housing (e.g. subdivision map, lot splits, site plan review, design review, etc.).In addition, the element must indicate if there is any phasing requirements, and indicate capacity on a parcel basis, including allowed minimum and maximum densities.

   Finally, the element identifies several large sites in the Isabel Neighborhood Specific Plan Area (Table A). Sites larger than ten acres in size are deemed inadequate to accommodate housing for lower-income households unless it is demonstrated, with sufficient evidence, that sites are suitable to accommodate housing for lower-income households. While the element provided a table of representative approved or completed projects (Table 4-2), no examples provided were over ten acres and therefore, recent trends do not appear to relate to identified sites. Specifically, the element must describe how these large sites within the specific plan are expected to be developed. For example, the element should describe if parcels are expected to be subdivided or if other mechanisms will be required make the sites available and suitable for development affordable to lower-income households.

   Small Sites: The element identifies several very small sites of less than 0.1 acres including several smaller than 0.05 acres in Table A. The element must demonstrate the potential for these sites to accommodate new residential development given development standards. While some sites in the inventory indicate potential for consolidation, these sites were are omitted from this analysis. The analysis could describe the City's role or track record in facilitating small-lot development and could describe consolidation potential on these parcels, and policies or incentives offered or proposed to encourage and facilitate lot consolidation.

   Realistic Capacity: The element must analyze the likelihood that the identified units will be developed as noted in the inventory in zones that allow nonresidential uses (e.g., Downtown Specific Plan Area). This analysis should consider the likelihood of nonresidential development, performance standards, and development trends supporting residential development.

Suitability of Nonvacant Sites: While the element includes some analysis of the potential for additional development on nonvacant sites for lower-income units, it must include an analysis demonstrating the potential for redevelopment of all nonvacant sites. To address this requirement, the element describes in general the existing use of each nonvacant site for example “low density residential” or “strip mall”. This alone is not adequate to demonstrate the potential for redevelopment in the planning period. A complete analysis should describe the methodology used to determine the additional development potential within the planning period. The methodology must consider factors including the extent to which existing uses may impede additional residential development, development trends, market conditions, and regulatory or other incentives or standards to encourage additional residential development on these sites. (Gov. Code, § 65583.2, subd. (g).) For sites with residential uses, the inventory could also describe structural conditions or other circumstances and trends demonstrating the redevelopment potential to more intense residential uses. For nonresidential sites, the inventory could also describe whether the use is operating, marginal or discontinued, and the condition of the structure or could describe any expressed interest in redevelopment.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. Please see HCD’s housing element webpage at https://www.hcd.ca.gov/planning-and-community-development/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

3. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

   Fees & Exactions: Pursuant to comments received during your public participation related to the variety of multifamily housing types available (including missing middle housing types such as bungalow courts etc.), some fees may significantly impact housing types that are undertaken by non-traditional builders such as smaller builders, homeowners. The element should include a careful evaluation of how fees impact a variety of housing types. For example, the $15,693 design review fee should be analyzed fees for how it may cumulatively constrain housing types. As part of this analysis, the City could also discuss total fees for Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). As Program 1.4.1 includes a commitment to analyze fees by June of 2025, the City should modify this program to reflect the results of the analysis.

   Processing and Permit Procedures: While the element provides a description of the types of permits required for housing developments (p. 3-39), it must describe the City’s design review process and analyze the permits’ processes, identify what is reviewed,

typical findings and approval procedures by zone and housing type. The analysis must specifically address the threshold for design review for projects fewer than five units. The analysis must evaluate impacts on housing supply (number of units), costs, timing, feasibility and approval certainty.

Persons with Disabilities: The element describes the City's Reasonable Accommodation (RA) process and provides its approval findings (p. 3-49). However, certain approval criteria, including evaluation of "whether there are alternatives to the requested waiver" and a decision "based on the physical attributes of the property and structure" appear discretionary in nature. It is unclear how this provision would be applied to a request for RA. The City should also revise the findings so that requests are based on "whether the requested RA would impose an undue financial *and* administrative burden to the City," per guidance from US Department of Housing and Urban Development.

In addition, the element should analyze how non-licensed group homes are permitted. Finally, the element excludes group homes for seven or more persons from most residential zones and subjects the use to a conditional use permit (p. 3-35), unlike other similar uses. The element should specifically analyze these constraints for impacts on housing supply and choices and approval certainty and objectivity for housing for persons with disabilities and include programs (for example, Program 1.5.2) as appropriate.

B. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element... (Gov. Code, § 65583, subd. (c).)*

   Programs must demonstrate that they will have a beneficial impact within the planning period. Beneficial impact means specific commitment to deliverables, measurable metrics or objectives, definitive deadlines, dates, or benchmarks for implementation. Deliverables should occur early in the planning period to ensure actual housing outcomes. Several programs and actions have timelines that could be moved earlier in the planning period to ensure a beneficial impact. Examples include Programs 3.1.2 (Density Bonuses and Incentives), Program 3.2.2, Action A (RFPs for City Owned Sites), and Program 5.2.1 (Fair Housing Policies and Programs).

   Additionally, programs must have specific commitment to clear outcomes or deliverables. Several programs include actions with no description of how those actions will be implemented (e.g., "support", "study", "explore", "evaluate", etc.,). Programs should be amended, to include specific commitment to a housing related outcome. Examples include Programs 1.3.1 (Development Code Amendments), 1.4.1 (Reduce Governmental Constraints), 1.5.3 (Special Housing Needs), 3.1.2 (Density Bonuses and Incentives), 3.2.1 (Affordable Housing Fund), 3.2.3 (Partner with Affordable Housing

Services), 3.4.1 (Support for Low- and Moderate-Income Homeowners), 3.4.3 (Homelessness Intervention), and 4.1.1 (Residential Codes and Design Standards).

2. *Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Government Code section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing. (Gov. Code, § 65583, subd. (c)(1).)*

   As noted in Finding A2, the element does not include a complete site analysis; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types.

   Publicly-Owned Sites: The element identified City-owned sites to accommodate a portion of the RHNA. The element should amend program 3.2.2 (Support Acquisition and Development of New Sites for Affordable Housing) with numerical objectives that ensures compliance with the Surplus Land Act, provides incentives and actions along with a schedule to facilitate development of City-owned sites.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

   As noted in Finding A3, the element requires a complete analysis of potential governmental and nongovernmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics... (Gov. Code, § 65583, subd. (c)(5).)*

   As noted in Finding A1, the element must include a complete assessment of fair housing. Based on the outcomes of that analysis, the element must add or modify programs. Programs to AFFH should go beyond status quo actions, include specific commitment, timing, geographic targeting and metrics or numerical targets and should,

as appropriate, address housing mobility; encourage new housing choices in higher resource areas, improve place-based strategies toward community revitalization and protect existing residents from displacement.

C. Public Participation

Local governments shall make a diligent effort to achieve public participation oof all segments of the community in the development of the Housing Element and the element shall describe this effort. (Gov. Code, § 65583, subd.(c)(9).)

While the City made extensive efforts to reach the public, including hosting events and meeting with key stakeholders and summarizing community feedback, it should also discuss how input was incorporated into the housing element. In addition, HCD received and reviewed comments with many meaningful and valuable suggestions related to the housing element and HCD strongly encourages the City to consider and address these comments, including revising the document as appropriate.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION FINDING THAT THE 2023-2031 HOUSING ELEMENT IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(General Plan Amendment (GPA) 23-002)

The City of Livermore (City) initiated an application for General Plan Amendment (GPA) 23-002 to prepare the 2023-2031 Housing Element ("Project"), pursuant to State Housing Element Law.

The Housing Element is a State-mandated eight-year policy document that is a component of the Livermore General Plan. The overall purpose of the Housing Element is to identify current and projected housing needs, show locations where housing can be built, and set goals, policies, and programs to meet the community's housing needs. The City does not have to rezone any sites or make any physical improvements to adopt the Housing Element.

State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period, 2023-2031 to accommodate the City of Livermore's Regional Housing Need Allocation (RHNA).

State Housing Element Law requires that the Housing Element contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of those needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives in the Housing Element.

State Housing Element Law requires that the City take meaningful steps to promote and affirmatively further fair housing.

On February 23, 2023, the City received a letter from the State Department of Housing and Community Development (HCD) stating that the Housing Element meets the statutory requirements of State Housing Element Law, and will comply with State Housing Element Law when it is adopted by City Council and submitted to and approved by HCD.

On February 28, 2023, at a duly noticed public hearing, the Planning Commission considered the Project, made the necessary findings, and adopted Planning Commission Resolution No. 03-23, recommending the City Council find the Project is exempt from the provisions of the California Environmental Quality Act ("CEQA").

On March 13, 2023, the City Council held a duly noticed public hearing to consider the Project, Planning Commission and staff recommendations, and all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that prior to taking action on the Project, and at a properly noticed public hearing, the City Council reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The City Council's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED that the City Council of the City of Livermore, has considered the findings made in Planning Commission Resolution No. 03-23, attached hereto as Exhibit A, and the City Council hereby adopts the same findings by this reference and incorporates them as their own findings as part of this resolution. Based upon the City Council's own independent review of the Record Evidence and considerations, the City Council hereby finds that the Project is exempt under CEQA Guidelines Section 15061(b)(3) (common sense exemption) in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

1. Finding. The 2023-2031 Housing Element creates a roadmap for the City to achieve its State-mandated Regional Housing Needs Allocation (RHNA) and Affirmatively Furthering Fair Housing (AFFH) goals through identification of suitable sites that are currently designated for housing development, and identifying programs and actions that could remove constraints and promote affordable housing development. Because the City does not have to rezone any sites or make any physical improvements to adopt the Housing Element, it can be seen with certainty that there is no possibility that the proposed Housing Element would have a significant effect on the environment. Thus, the 2023-2031 Housing Element is exempt from CEQA under the common-sense exemption. It should be noted that the current General Plan and Specific Plans have been analyzed under separate environmental review documents pursuant to CEQA, and open applications for housing development are currently undergoing their own appropriate environmental review. Additional analysis in support of the finding is included in the 2023-2031 Housing Element CEQA Exemption Technical Memorandum, attached hereto and incorporated herein as Exhibit B.

BE IT FURTHER RESOLVED that the City Council of the City of Livermore directs the Planning Manager to file a Notice of Exemption with the Alameda County Clerk, if the project is approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the City Clerk's Office, 1052 S. Livermore Avenue, in Livermore, California. This resolution shall be effective upon adoption by the City Council.

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

_____
Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – Planning Commission Resolution No. 03-23
Exhibit B – 2023-2031 Housing Element CEQA Exemption Technical Memorandum

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

A RESOLUTION RECOMMENDING FINDING THE 2023-2031 HOUSING ELEMENT IS EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

General Plan Amendment (GPA) 23-002

Location: Citywide

The City initiated an application for General Plan Amendment (GPA) 23-002 to prepare the 2023-2031 Housing Element update (Project), pursuant to State Housing Element Law.

The Housing Element is a State-mandated eight-year policy document that is a component of the Livermore General Plan. The overall purpose of the Housing Element is to identify current and projected housing needs, show locations where housing can be built, and set goals, policies, and programs to meet the community's housing needs. The City does not have to rezone any sites or make any physical improvements to adopt the Housing Element.

State Housing Element Law (Government Code Sections 65580 et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Livermore's Regional Housing Need Allocation (RHNA).

State Housing Element Law requires that the Housing Element contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of those needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives in the Housing Element.

State Housing Element Law requires that the City take meaningful steps to promote and affirmatively further fair housing.

On February 23, 2023, the City received a letter from the State Department of Housing and Community Development (HCD) stating that the Housing Element meets the statutory requirements of State Housing Element Law, and will comply with State

Housing Element Law when it is adopted by City Council and submitted to and approved by HCD.

On February 28, 2023, at a duly noticed public hearing, Planning Commission considered the Project, staff recommendations, and all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public hearing, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The Planning Commission's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore makes the findings set forth below. Based upon the Planning Commission's own independent review of the Record Evidence and considerations, the Planning Commission hereby recommends that the City Council find that the Project is exempt under CEQA Guidelines Section 15061(b)(3) (common sense exemption) in that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

1. Finding: The 2023-2031 Housing Element creates a roadmap for the City to achieve its State-mandated Regional Housing Needs Allocation (RHNA) and Affirmatively Furthering Fair Housing (AFFH) goals through identification of suitable sites that are currently designated for housing development, and identifying programs and actions that could remove constraints and promote affordable housing development. Because the City does not have to rezone any sites or make any physical improvements to adopt the Housing Element, it can be seen with certainty that there is no possibility that the proposed Housing Element would have a significant effect on the environment. Thus, the 2023-2031 Housing Element is exempt from CEQA under the common sense exemption. It should be noted that the current General Plan and Specific Plans have been analyzed under separate environmental review documents pursuant to CEQA, and open applications for housing development are currently undergoing their own appropriate environmental review. Additional analysis in support of the finding is included in the 2023-2031 Housing Element CEQA Exemption Technical Memorandum, attached hereto and incorporated herein as Exhibit A.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore recommends that the City Council direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk if the Project is approved.

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner Dunbar, seconded by Commissioner Stein, the foregoing Resolution was adopted at the Planning Commission meeting of February 28, 2023, by the following vote:

AYES: ANDERSON, DUNDAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

Daniel Leary, Chairperson

~~by Steve Stewart, Planning~~ Manager
Secretary to the Planning Commission

Exhibit A – 2023-2031 Housing Element CEQA Exemption Technical Memorandum

2023-2031 Housing Element CEQA Exemption Technical Memorandum

City of Livermore

Final Draft

Prepared for:

City of Livermore
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February 2023

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1. Introduction

1.1 PURPOSE

This Technical Memorandum serves as an evaluation of the City of Livermore 2023-2031 Housing Element (proposed project) for California Environmental Quality Act (CEQA) compliance. This Technical Memorandum was prepared to present: 1) the findings resulting from the CEQA compliance review, as described below; and 2) the recommendations concerning the appropriate CEQA compliance documentation.

1.2 STATUTORY AUTHORITY AND REQUIREMENTS

Once it is determined that an activity is a project subject to CEQA, it is then determined whether the project is exempt from CEQA. State CEQA Guidelines Section 15061(b) outlines the ways in which a project may be exempt as follows:

A project is exempt from CEQA if:

1) The project is exempt by statute (see, e.g. Article 18, commencing with Section 15260).
2) The project is exempt pursuant to a categorical exemption (see Article 19, commencing with Section 15300) and the application of that categorical exemption is not barred by one of the exceptions set forth in Section 15300.2.
3) The activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.
4) The project will be rejected or disapproved by a public agency. (See Section 15270(b)).
5) The project is exempt pursuant to the provisions of Article 12.5 of Chapter 3.

The proposed project would be exempt as a "common sense" exemption under State CEQA Guidelines Section 15061(b)(3) because implementation of the 2023-2031 Housing Element would not have the potential to cause a significant effect on the environment, as further discussed below in Section 3, *Findings Concerning CEQA Exemption*.

2. Project Description

2.1 REGIONAL LOCATION

Livermore is in the northeastern portion of Alameda County. It is mainly bordered by unincorporated Alameda County with Pleasanton to the west and Dublin to the northwest. Livermore is roughly 15 miles southeast of Oakland, 8 miles northeast of Fremont, and 15 miles north of San Jose. Interstate 580 and State Route 84 provide regional transportation connections.

2.2 PROPOSED PROJECT

2.2.1 Project Background

The City of Livermore is preparing a comprehensive update to its existing Housing Element. The update is expected to be completed in early 2023 and will guide the City's housing development from January 2023 through January 2031.

The Housing Element is a State-mandated eight-year policy document that is a component of the Livermore General Plan. The overall purpose of the Housing Element is to identify current and projected housing needs, show locations where housing can be built, and set goals, policies, and programs to meet the community's housing needs. The foundation of the Housing Element is the Regional Housing Needs Allocation (RHNA), which begins with a determination of housing need issued by the California Housing and Community Development Department (HCD) and allocated by the Association of Bay Area Governments (ABAG). A jurisdiction is required to demonstrate whether or not it has sufficient capacity to achieve its RHNA. However, identification of a site's capacity does not guarantee that construction will occur on that site, as the actual construction of units would occur as a result of a development application from a private or non-profit developer. The RHNA for Livermore for the 2023-2031 Housing Element is 4,570 units, including 1,317 Very Low income units, 758 Low income units, 696 Moderate income units, and 1,799 Above Moderate income units.

2.2.2 Proposed Sites and Zoning

State law requires that the Housing Element identify adequate sites for housing by including an inventory of land suitable for residential development, including vacant sites and non-vacant sites having potential for redevelopment, with an analysis of the development capacity that can realistically be achieved for each site. The purpose of the Sites Inventory is to evaluate whether there are sufficient sites with appropriate zoning density to meet the RHNA. It is based on the City's current land use designations and zoning requirements. The City of Livermore's Sites Inventory for future housing identifies housing sites spread throughout the city that could be developed with up to 5,402 new housing units, exceeding the RHNA assigned to the City.

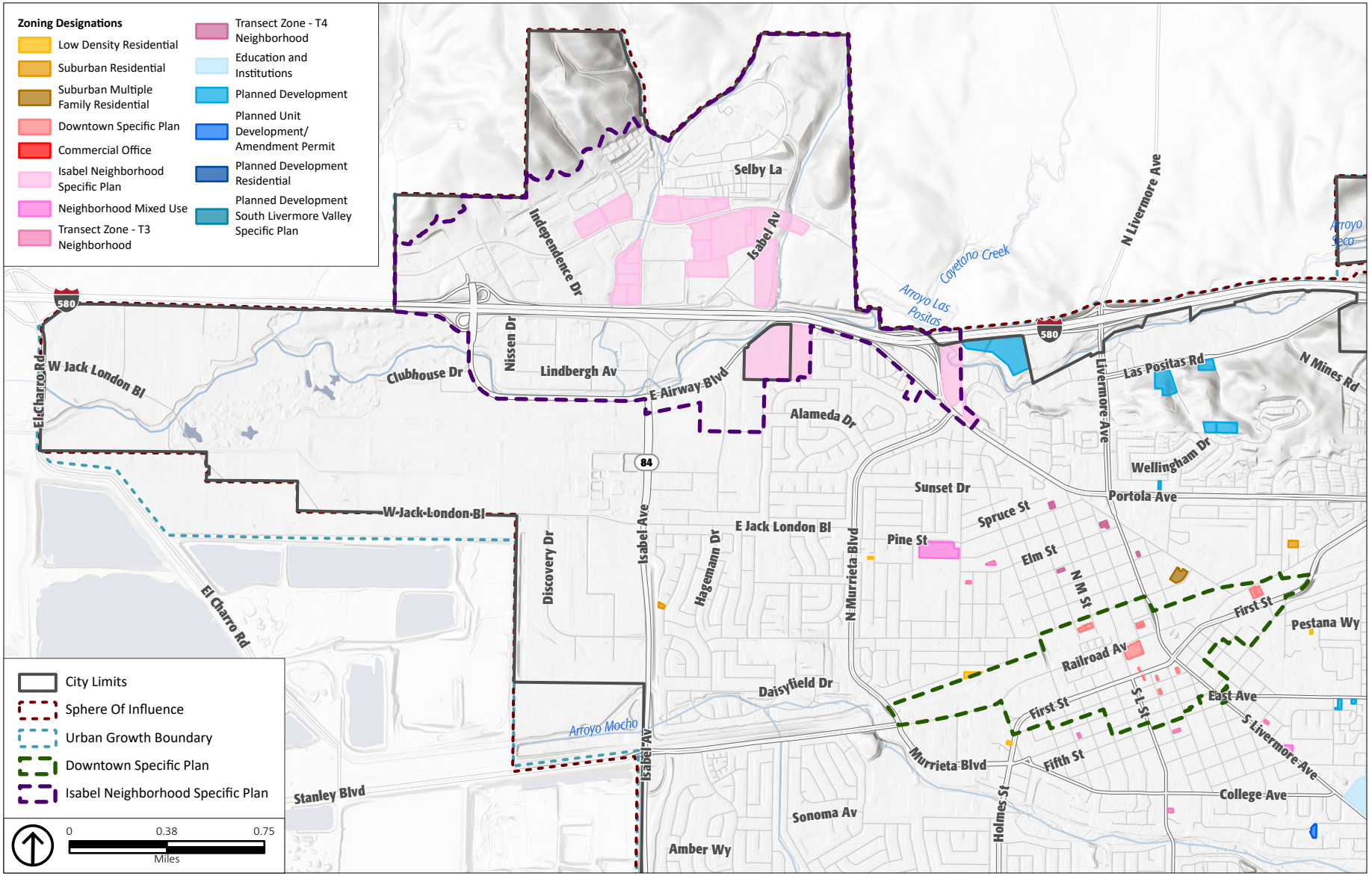
Figures 2-1 through 2-4 shows maps of where each site is located within the city and the housing opportunity areas. The development capacity of each of the identified housing sites is based on existing land use and zoning densities currently in place. No redesignations or rezoning are necessary and no redesignation or rezoning would occur as part of the adoption of the proposed 2023-2031 Housing Element. Most of the identified sites are currently vacant and some are planned developments. Based on market trends observed in the city, property owner and developer interests, and the characteristics of new development approved in recent years, the City has developed a sites inventory that includes properties most likely to be developed to provide new housing over the next eight years. The presumed capacity and affordability of anticipated units is based on the density range in the underlying General Plan or Specific Plan designation, unless a specific site had an applicable site proposal or development application underway. In these cases, capacity and affordability is based on the number of proposed units. It should be noted that the current General Plan and Specific Plans have been analyzed under separate environmental review documents pursuant to CEQA, and for open applications, those sites are currently undergoing their own environmental review.

2.2.3 Proposed Housing Plan

The City has identified six goals to guide the 2023-2031 Housing Element's policies and programs: diverse housing choices, well-managed growth, affordable housing production and preservation, healthy and resilient housing and neighborhoods, affirmatively further fair housing, and regional cooperation to address housing needs.

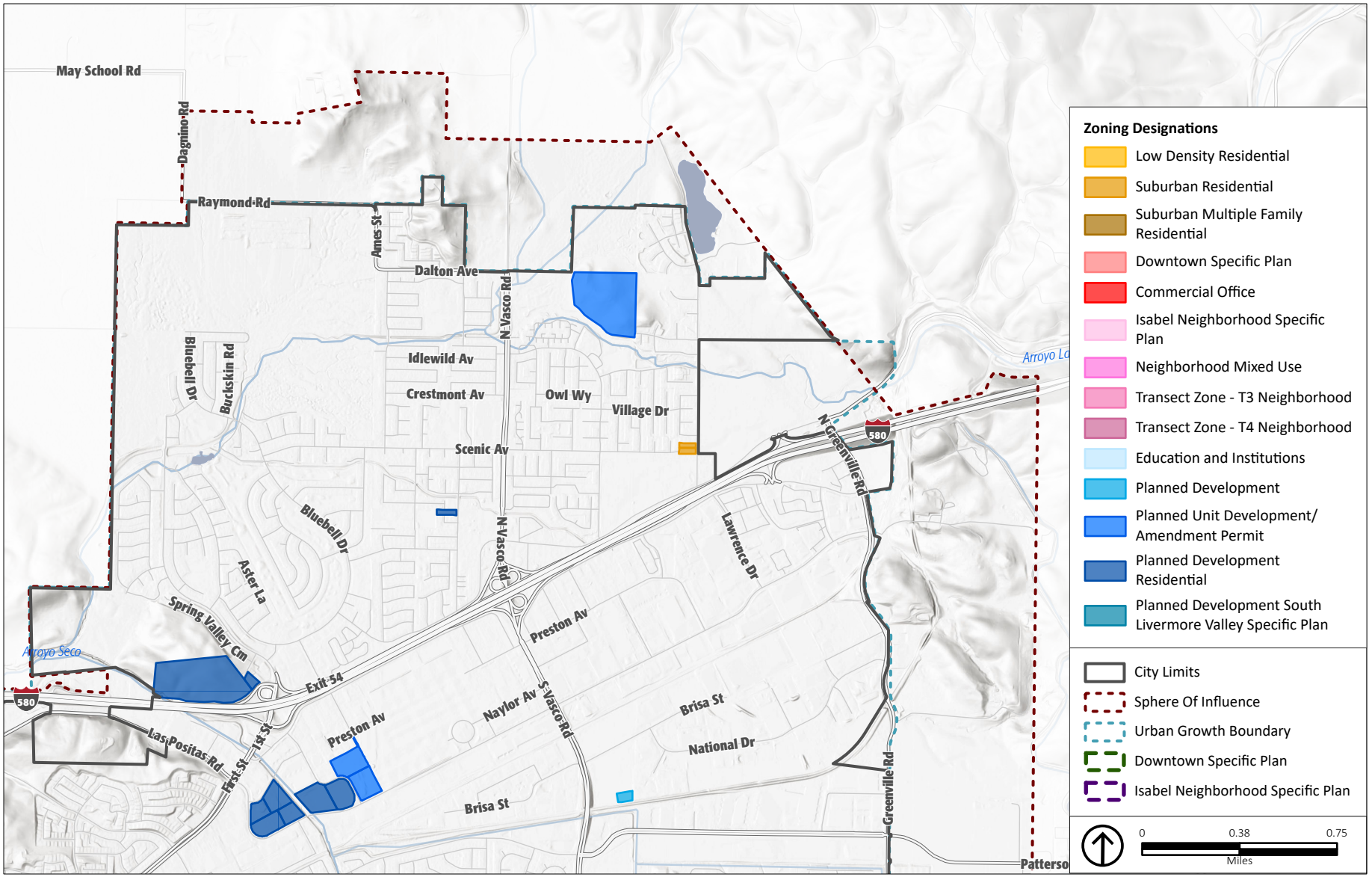
Goal 1 of the Housing Element is to address the diverse housing needs of all community members and foster economic, social, and racial integration by allowing for a range of housing types, price levels, and densities. This can be achieved through the development and maintenance of a sites inventory with adequate densities and development standards to meet the RHNA in all income categories and through an update to the Development Code to simplify standards, expand opportunities for greater variety of housing types, and maintain consistency with State law. The City should also facilitate the development of a range of housing types as well as the development of housing for individuals with special needs. Permit streamlining, reasonable and proportional development fees, and transparent and accessible information would reduce governmental constraints on housing development and contribute diverse housing choices.

Goal 2 is to manage residential growth to promote (1) the production of housing to meet local and regional housing needs; (2) a growth rate balanced with the provision of infrastructure capacity and public services; (3) a balanced relationship between residential and nonresidential development; (4) the highest quality design for all residential units and neighborhoods; (5) economic, social, and racial integration; and (6) open space preservation. Facilitation of the provision of affordable housing, infill development, and mixed-use projects in locations served by existing infrastructure, particularly transit services, would help to achieve this goal.



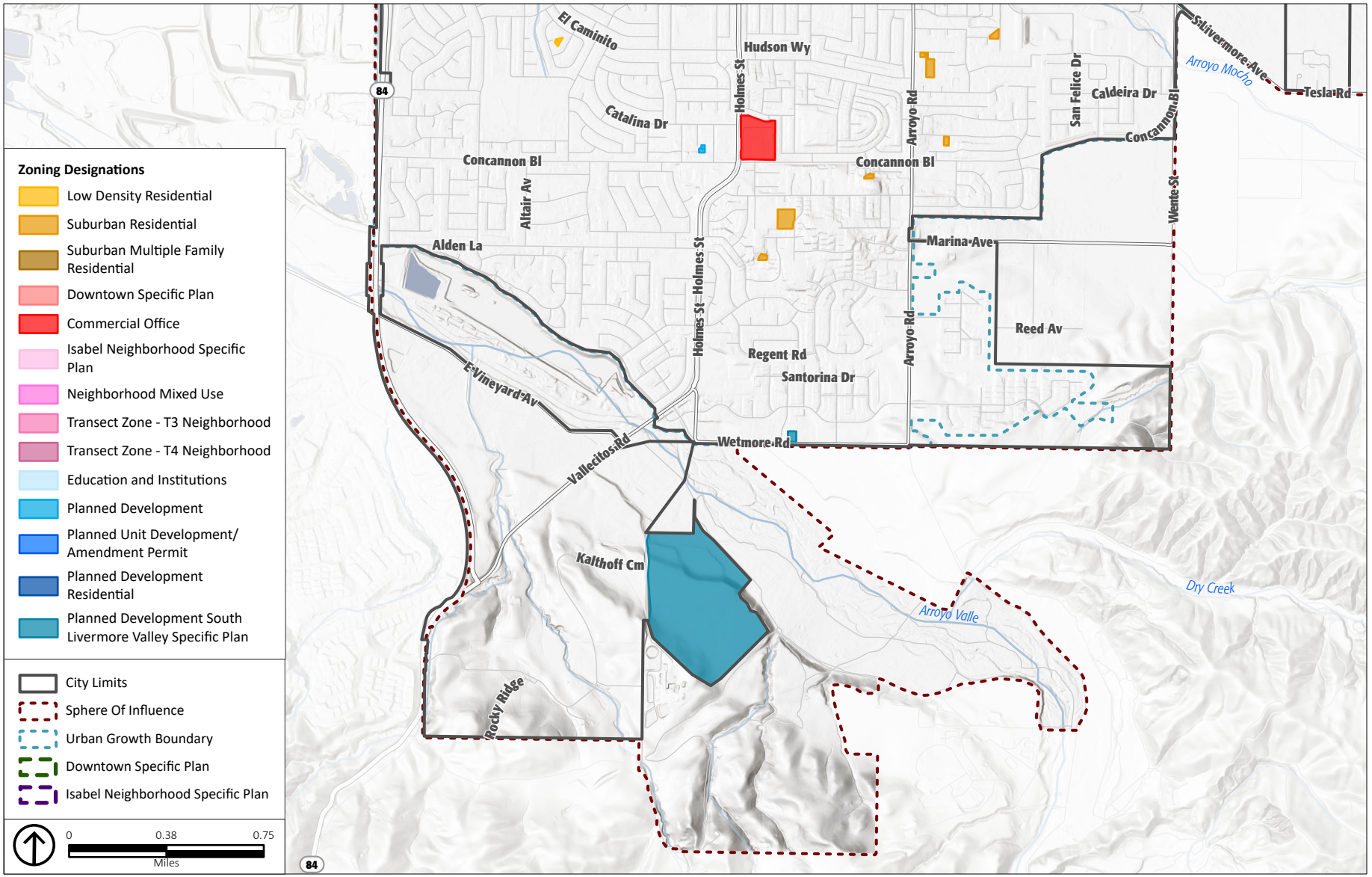
Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure 2-1
Housing Sites Inventory (Northwest)



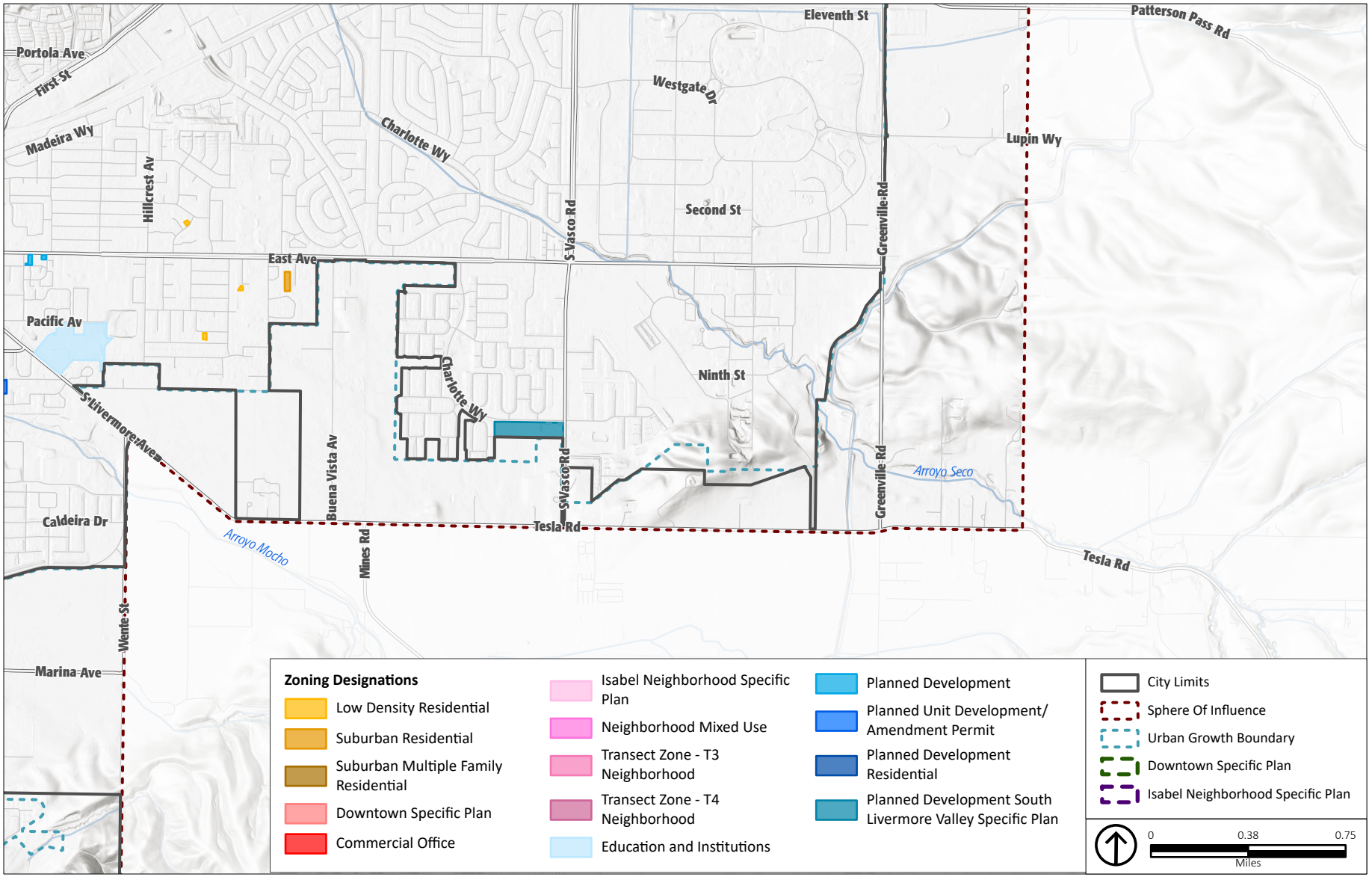
Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure 2-2
Housing Sites Inventory (Northeast)



Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure 2-3
Housing Sites Inventory (Southwest)



Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure 2-4
Housing Sites Inventory (Southeast)

Goal 3 is to encourage the provision and long-term availability of affordable housing to foster economic, social, and racial integration. This can be achieved by facilitating the production of affordable housing through the regulation of and incentives to new development and preserving affordable housing that is at risk of converting to market rate housing. The City should also pursue and utilize a variety of funding resources and partnerships to develop housing that is affordable to lower- and moderate-income households, families, and seniors, and provide linguistically and digitally accessible and culturally relevant housing assistance to such households. Regular communication with the community to increase awareness of affordable housing policies and programs would also contribute to affordable housing production and preservation.

Goal 4 is to improve health, accessibility, safety, comfort, and resilience in residential buildings while reducing energy costs and greenhouse gas emissions, as well as to upgrade infrastructure, facilities, and amenities in residential neighborhoods, with an emphasis on low-income communities and affordable housing developments. This can be achieved through promotion of cost-effective housing design features that improve public health, safety, and resilience in new residential structures, and retrofits to existing residential units. Improvement of physical conditions, services, and accessibility in residential neighborhoods would also foster healthy and resilient housing and neighborhoods.

Goal 5 is to address harms from past and present racial, ethnic, and social discrimination by promoting equal opportunity to dignified and affordable housing for all persons in the community regardless of race/ethnicity, religion, gender, marital status, ancestry, national origin, disability, or any other protected characteristic covered by state and federal law. Prevention of housing discrimination through outreach, education, and engagement with landlords, tenant services providers, and renters would help achieve this goal. This City will also develop programs and policies that remove fair housing barriers and prevent displacement.

Goal 6 is to participate in and/or initiate coordinated efforts with communities in the region to effectively address affordable housing needs. Fostering regional cooperation and partnerships to address regional housing issues related to affordability, homelessness, racial and economic segregation, and special housing needs would help achieve this goal.

3. Findings Concerning CEQA Exemption

3.1 SECTION 15061(B)(3): COMMON SENSE EXEMPTION

The proposed project is exempt as a "common sense" exemption under State CEQA Guidelines Section 15061(b)(3) because the project involves policies, programs, and actions to meet the City's RHNA and AFFH goals. As described above, the 2023-2031 Housing Element creates a roadmap on how to achieve its RHNA and AFFH goals through identification of suitable sites that are currently designated for housing development, and identifying programs and actions that could remove constraints and promote affordable housing development. Because the City does not have to rezone any sites or make any physical improvements to adopt the Housing Element, it can be seen with certainty that there is no possibility that the proposed Housing Element would have a significant effect on the environment. Thus, the 2023-2031 Housing Element is exempt from CEQA under the common sense exemption. It should be noted that the current General Plan and Specific Plans have been analyzed under separate environmental review documents pursuant to CEQA, and for open applications, those sites are currently undergoing their own environmental review.

3.2 ANALYSIS IN SUPPORT OF FINDINGS

The proposed 2023-2031 Housing Element is strictly a policy document that does not provide entitlements to any specific development projects and would not result in any direct or indirect physical changes to the environment. As discussed in Section 2.2.2, *Proposed Sites and Zoning*, the Housing Sites Inventory utilizes existing land use and zoning densities and does not require redesignation or rezoning to meet the City's RHNA. The proposed Housing Element does not propose any changes to the City of Livermore General Plan land use map and would not modify any General Plan land use designations or zoning designations. Future implementation actions would include amendments to zoning and other regulations to facilitate housing development consistent with State housing law. These future amendments are discussed in detail below.

Policies, programs, and actions included in the proposed 2023-2031 Housing Element encourage housing production and outline steps for the future implementation of certain actions. As discussed in Section 2.2.3, *Proposed Housing Plan*, the proposed Housing Element includes goals for diverse housing choices and affordable housing production. Under Goal 1, Policy P1.2 facilitates the development of a range of housing types through area planning efforts. Policy P1.3 requires the City to update the Development Code to simplify standards, expand opportunities for a greater variety of housing types, and maintain consistency with State law. Policy P1.4 encourages a reduction of governmental constraints on housing development through permit streamlining, reasonable and proportional development fees, and transparent and

accessible information. Under Goal 3, Policy P3.1 facilitates the production of affordable housing through the regulation of and incentives to new development. These policies encourage and promote housing production under existing land use regulations but do not increase the amount of allowable development allowed in the city when compared to existing land use regulations.

As discussed above, the policies in the proposed 2023-2031 Housing Element would not involve any land use or zoning changes that could increase the amount of housing allowed in the city or otherwise create physical impacts on the environment. The proposed Housing Element does not include specific amendments to any land use regulations at this time but rather provides a timeline for future amendments. Subsequent amendments to the City's land use or zoning regulations would be subject to separate CEQA review at the time those amendments are prepared, if required. Therefore, it can be seen with certainty that the City of Livermore 2023-2031 Housing Element would not have a significant effect on the environment and is therefore exempt from CEQA review.

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION APPROVING GENERAL PLAN ADMENDMENT (GPA) 23-002 AND ADOPTING THE 2023-2031 HOUSING ELEMENT

The City of Livermore (City) initiated General Plan Amendment (GPA) 23-002 to prepare the 2023-2031 Housing Element update ("Project"), pursuant to State Housing Element Law. The 2023-2031 Housing Element is attached hereto as Exhibit A.

The Housing Element is a State-mandated eight-year policy document that is a component of the Livermore General Plan. The overall purpose of the Housing Element is to identify current and projected housing needs, show locations where housing can be built, and set goals, policies, and programs to meet the community's housing needs. The City does not have to rezone any sites or make any physical improvements to adopt the Housing Element.

State Housing Element Law (Government Code Sections 65580, et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Livermore's Regional Housing Need Allocation (RHNA).

State Housing Element Law requires that the Housing Element contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of those needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives in the Housing Element.

State Housing Element Law requires that the City take meaningful steps to promote and affirmatively further fair housing.

On February 23, 2023, the City received a letter from the State Department of Housing and Community Development (HCD) stating that the Housing Element meets the statutory requirements of State Housing Element Law, and will comply with State Housing Element Law when it is adopted by City Council and submitted to and approved by HCD. The letter is attached hereto as Exhibit B.

At a duly noticed public hearing on February 28, 2023, the Planning Commission considered the Project and staff recommendation, heard public testimony, made the necessary findings and adopted Planning Commission Resolution No. 04-23, attached hereto as Exhibit C, containing the Planning Commission's actions and/or recommendations.

On March 13, 2023, the City Council held a duly noticed public hearing to consider the Project, Planning Commission and staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that prior to taking action on the Project, and at a properly noticed public hearing, the City Council reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The City Council's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED that the City Council of the City of Livermore has considered the Record Evidence and adopted a resolution finding the project to be exempt from the California Environmental Quality Act.

BE IT FURTHER RESOLVED that the City Council of the City of Livermore has considered the findings made in Planning Commission Resolution No. 04-23, attached hereto as Exhibit C, and the City Council hereby adopts the same findings by this reference and incorporates them as their own findings as part of this resolution. Based upon the City Council's own independent review of the Record Evidence and considerations, in accordance with State Housing Element Law, the City Council hereby approves General Plan Amendment (GPA) 23-002 and adopts the 2023-2031 Housing Element.

BE IT FURTHER RESOLVED, the City Council of the City of Livermore authorizes staff to make non-substantive changes to the 2023-2031 Housing Element to respond to any comments received during the adoption process or from HCD to achieve certification.

BE IT FURTHER RESOLVED that the City Council of the City of Livermore directs the Planning Manager to file a Notice of Exemption with the Alameda County Clerk.

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

On motion of Council Member _____, seconded by Council Member _____, the foregoing resolution was passed and adopted on March 13, 2023, by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

ATTEST:

Marie Weber
City Clerk

APPROVED AS TO FORM:

/s/ Kimberly Cilley
Kimberly Cilley
Senior Assistant City Attorney

Exhibit A – 2023-2031 Housing Element
Exhibit B – February 2023 Letter from HCD
Exhibit C – Planning Commission Resolution No. 04-23

Revised January 2023

EXHIBIT A

LIVERMORE
CALIFORNIA

December 2022
Revised Draft

City of Livermore
2023-2031 Housing Element



PLACEWORKS

LIVERMORE
CALIFORNIA

EXHIBIT A

LIVERMORE CALIFORNIA

December 2022
Revised Draft

City of Livermore
2023-2031 Housing Element

PLACEWORKS

Prepared by: PlaceWorks

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EXECUTIVE SUMMARY

PURPOSE

The Housing Element is intended to assist the City of Livermore in identifying housing needs for residents of all income levels and developing an action program to meet those needs per Government Code 65583.2. The Housing Element is part of the Livermore General Plan, which is a comprehensive policy framework guiding the physical, economic, and social development of the City. This update to the Housing Element supersedes the Livermore Housing Element adopted in 2015.

The Housing Element addresses one of the most basic human needs for shelter. It also provides a critical link between land use and transportation policies, which define the location, layout, and movement of people and goods. For a region to have a strong and balanced economy, its workers must also have places to live within their economic means. From the perspective of human needs, housing should be high on the hierarchy of policy priorities.

The Housing Element should be used in conjunction with the Land Use Element to identify appropriate sites and land use designations for the development of quality, affordable housing. The Housing Element must be internally consistent with other General Plan elements and address State mandates that can restrict the ability of the City to designate certain sites for housing.

The Housing Element consists of five chapters: Introduction, Housing Needs Assessment, Housing Opportunities and Constraints, Housing Resources, and the Housing Plan. The Introduction explains the role of the Housing Element, the data sources used to conduct the housing needs assessment, the public involvement process, and the relationship of the Housing Element to the General Plan. The remainder of this executive summary highlights the key findings and considerations of the other chapters.

HOUSING NEEDS ASSESSMENT

Data in this summary section comes from the Housing Needs Assessment chapter later in this document. Subsection 1.2 Data Sources at the beginning of the Introduction chapter explains the data sources used for the Housing Element.

POPULATION CHARACTERISTICS

- From 2010 to 2020, the population of Livermore increased at an average annual rate of 1.1 percent, about the same as Alameda County's rate of 1.2 percent.
- The median age for Livermore was 39.8 years of age in 2020, slightly older than Alameda County's median age of 37.6.
- Residents aged 15 to 24 decreased in number and proportion from 2010 to 2020 in both Livermore and Alameda County. In Livermore and the county, this decrease was countered by a large increase in adults ages 65 to 74 over the same time period.
- The ethnic makeup of Livermore in 2019 was nearly 65 percent white. Nearly 21 percent of the population identified as Hispanic or Latino, and 8 percent of residents were Asian. Smaller percentages of residents fell into other racial and ethnic groups.
- In 2019, 3.0 percent of Livermore's residents and 5.9 percent of Alameda County residents had less than a high school degree. Both figures represent an increase from 2010 statistics.
- Livermore's average unemployment rate in 2019 was 3.1 percent, lower than the County's unemployment rate of 3.9 percent.

- There were 46,110 employed residents in Livermore in 2020, compared to a local employment base of 48,136 jobs.

HOUSEHOLD CHARACTERISTICS

- According to the Department of Finance, Livermore had 32,390 households in 2020, an 11.2 percent increase in households from 2010.
- Livermore had a higher percentage of family households in 2019 (74.4 percent), compared to Alameda County (66.6 percent).
- A total of 28.7 percent of Livermore households had incomes defined as either extremely low, very low, or low (up to 80 percent of Area Median Income (AMI). Livermore had a lower proportion of extremely and very low-income households, accounting for approximately 17.2 percent, compared to 26.7 percent countywide.

SPECIAL NEEDS GROUPS

- State Housing Element Law defines "special needs" groups to include the following: senior households, female-headed households, large families, persons with disabilities (including those with developmental disabilities), homeless persons, and agricultural workers.

Seniors

- In 2020, 13.3 percent of Livermore residents were seniors, defined as 65 years of age or older.
- As of 2017, 45.7 percent of senior households were lower income (up to 80 percent of Area Median Income (AMI)).

Female-Headed Households

- In 2019, Livermore had 2,657 female-headed households, approximately 8 percent of all households. About 9.3 percent of female-headed families with children under 18 lived in poverty.

Large Households

- In 2019, there were 3,248 large households (five or more persons) in Livermore, representing approximately 10.2 percent of all households. Alameda County's population was very similar, with 10.0 percent of all households considered large.
- A large household generally requires a home with at least three bedrooms. According to 2019 estimates, approximately 74.3 percent of Livermore's total housing units (both owned and rented) had three or more bedrooms, significantly more than Alameda County's proportion of large units. However, only 36.5 percent of the rental stock in Livermore had three or more bedrooms.

Disabled

- In 2017, approximately 8.2 percent of the Livermore population ages 5 to 64 classified themselves as disabled.
- There are 43 licensed community care facilities in Livermore. These facilities provide a supportive environment to persons with special needs.
- There are ten affordable housing developments and shared housing projects built specifically for adults with developmental or psychiatric disabilities in Livermore.

- Many of the projects in Livermore's affordable housing inventory and development pipeline have both accessible units and services to support residents with disabilities

Homeless Persons

- In January 2019, the EveryOne Home community organization conducted an Alameda Countywide Homeless Point-in-Time Homeless Count and Survey. This survey found that about 8,022 people in Alameda County are homeless at any given point in time.
- The point-in-time count found that there were 264 homeless people in Livermore at that time.
- The City of Livermore partners with local non-profit organizations to offer safety net services for persons who are experiencing homelessness or fleeing domestic violence.

Farm Workers

- It is estimated that there were 314 people in the Agriculture and Natural Resources industry in 2019.

HOUSING STOCK CHARACTERISTICS

- The majority (68.9 percent) of the housing stock in Livermore consists of single-family detached homes, whereas Alameda County's proportion is slightly over half (52.2 percent). Multifamily units make up 19.0 percent of the housing stock in Livermore and 38.6 percent of the stock of Alameda County.
- The proportion of owner-occupied housing in Livermore (75.9 percent) is greater than that of Alameda County (50.8 percent).
- Livermore experienced an increase of approximately 2,386 housing units from 2010 to 2020, averaging 238 new homes per year and accounting for approximately 7.9 percent of total housing production in the county.

HOUSING AFFORDABILITY

- The median home sale price of 2010 ($522,00) increased by 65.7 percent to $865,106 in 2020. This trend has been part of the overall housing affordability crisis in the Bay Area and the state.
- Due to the continued increase in home sale prices, only above moderate-income households can afford the typical median price for a home in Livermore. In other words, homes in Livermore remain unaffordable to even moderate-income households without down payment assistance.
- Rental housing in Livermore has similar trends to rental prices of Alameda County. One-bedrooms averaged approximately $2,206 per month in Livermore in 2022. Rents for two-bedroom units averaged $2,565, three-bedroom units averaged $3,262, and the average for four-bedroom units was $3,636.
- In general, extremely low- and very low-income households cannot afford market rental or owner-occupied housing.
- In 2018, overall 17.7 percent of occupied households were paying more than 30 percent of their income on housing. Renters have a higher cost burden than homeowners, with 25.2 percent of renters and 10.6 percent of owners paying more than 30 percent of their income on housing.
- There is a higher incidence of overcrowding among renter-occupied households than owner-occupied households in Livermore. Livermore has a larger percentage of renter-

occupied households with 1.0 to 1.5 occupants per room (5.6 percent) than owner-occupied units (1.0 percent). This rate of renter overcrowding has increased significantly since adoption of the last Housing Element.

HOUSING OPPORTUNITIES AND CONSTRAINTS

Data in this summary section comes from the Housing Opportunities and Constraints chapter later in this document and the Assessment of Fair Housing section.

MARKET CONSTRAINTS

- As of January 2022, residential properties in Livermore had prices ranging from as low as $22 per square foot of floor area to $67 per square foot. This range can be attributed to varying locations of the land, existing infrastructure, and other parcel-specific factors such as environmental conditions and topography.
- A typical single-family detached unit of 2,000 square feet would cost approximately $684,545 per unit to build, including land. Based on recent multifamily developments in the city, a multifamily apartment complex would cost approximately $467,423 per unit.
- It is difficult for low- and moderate-income first-time homebuyers to enter the market. The City offers a down payment assistance program to facilitate additional access to financial resources for lower- and moderate-income households to attain homeownership, as well as home improvement assistance for low- and moderate-income households.
- White and Asian applicants are overrepresented in originated loans in Livermore, while Latinx, Black, and applicants of other races (e.g., American Indian, Alaskan Native, Native Hawaiian or other Pacific Islander, two or more race, or other) were underrepresented. Asian applicants seem have to the highest success rate for securing a mortgage loan. The City has Programs 3.4.1 and 5.2.1 to address these disproportionalities by implementing targeted and multilingual outreach strategies and programs and removing barriers to homeownership.

GOVERNMENTAL CONSTRAINTS AND OPPORTUNITIES

- In 2010, the City adopted the Livermore Development Code, which describes zoning districts and regulations. It also provides a clear roadmap for the entitlement of development projects. The Development Code ensures consistency with the General Plan, existing policies and procedures, and applicable state regulations. The code includes form-based regulations, revisions of outdated development regulations and zoning districts, and an update of its parking regulations for tandem parking and smaller units (studios and one bedrooms). The code has been periodically updated since 2010. The City's comprehensive General Plan Update is currently underway and will update land uses and policies as needed to address the City's vision through 2045. The Housing Element will be adopted prior to the other General Plan elements, however, all elements will align in the final General Plan.
- An analysis of the City's existing land use controls, growth management policies, and development review process indicates that the City is not unreasonably restrictive but facilitates development through its zoning and other standards.
- The City complies with the most recent provisions of State density bonus law.

- Projects involving multiple planning applications can have fees reduced by 10 percent. Planning fees are based on anticipated staff processing and review time and are charged at the time an application for development is received. Other development fees are collected as part of the building permit issuance process.
- The City provides Reasonable Accommodation to persons requesting modifications to their homes for accessibility improvements. Requests for flexibility in development standards in order to accommodate accessibility improvements have been codified in the City's Development Code and are reviewed and approved at the staff level.

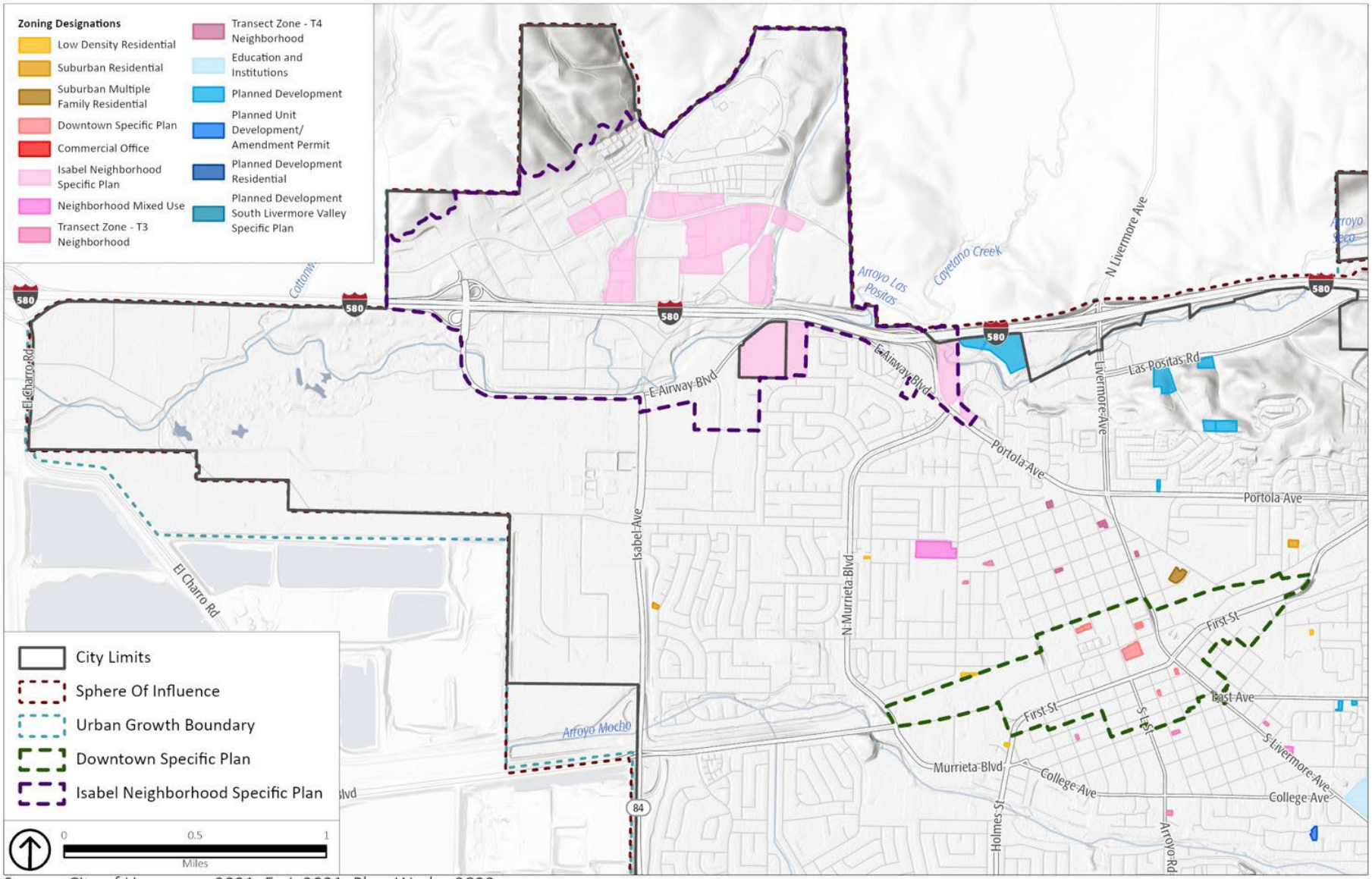
HOUSING RESOURCES

- The Association of Bay Area Governments (ABAG) is responsible for developing the Regional Housing Needs Allocation (RHNA) for the City of Livermore. The current RHNA plans for an eight-year period, from June 30th, 2023, through December 15th, 2030. For the current projection period, ABAG has determined that City's share of the RHNA is 4,570 new housing units.
- Based on residential capacity in the General Plan and Specific Plan areas, the sites identified in the land inventory would accommodate a total of 5,077 units, which exceeds the RHNA of 4,570. Maps of the proposed sites to accommodate the RHNA are included Appendix A and are also included in this Executive Summary starting on the next page.
- The City of Livermore has access to a variety of existing and potential funding sources available for affordable housing activities, including affordable housing fees, Community Development Block Grants (CDBG), HOME funds, and Section 8 vouchers. The City actively works with neighboring cities, County agencies, and numerous non-profit organizations to provide affordable housing and human service programs.
- The City has a number of policies and programs to encourage energy conservation and green building. In 2022, the City will adopt an updated Climate Action Plan with the goal of reducing greenhouse gas emissions and improving resilience within the community.

HOUSING PLAN

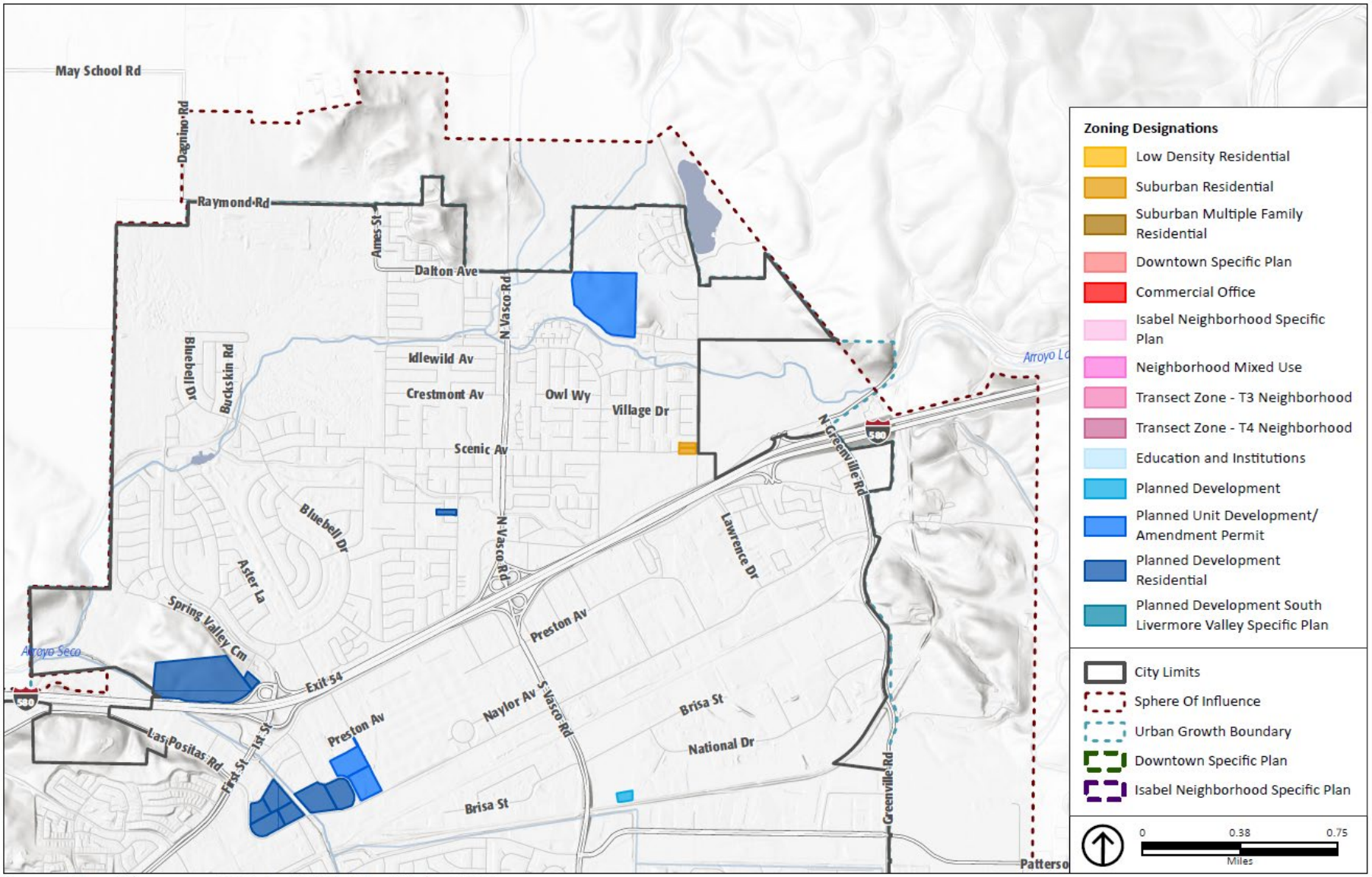
This Housing Element contains goals, policies, and programs outlined in Table ES-1 and discussed in more detail in Chapter 5, Housing Plan. Since adoption of its existing Housing Element in 2015, the City has proactively worked to implement the goals, policies, and programs aimed at conserving, improving, and expanding the City's affordable housing stock. The City has advanced goals for accommodating special needs groups and increasing the energy efficiency of residential buildings.

Figure ES-1: Sites Inventory Maps



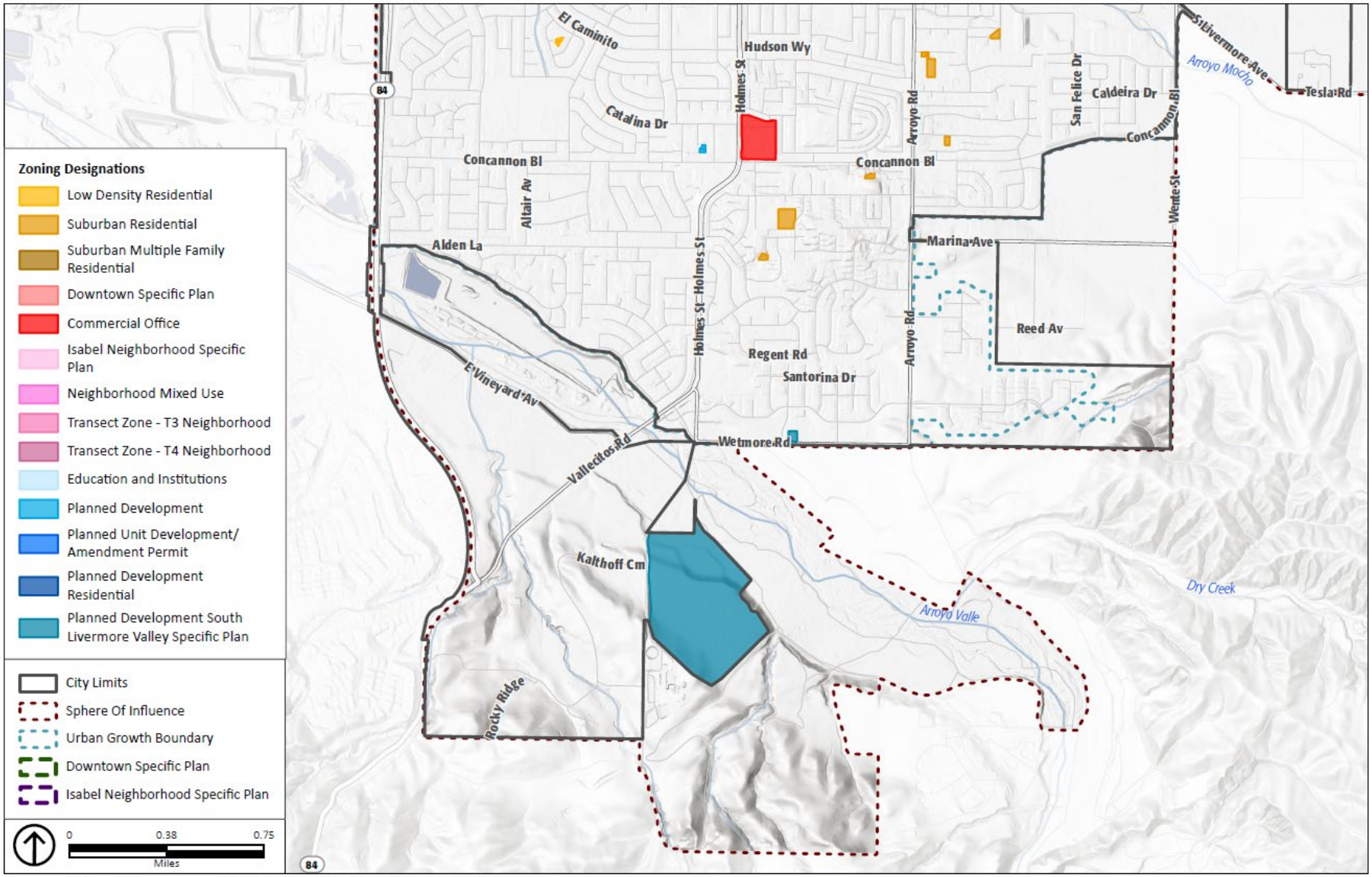
Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022

Figure ES-2: Sites Inventory Maps



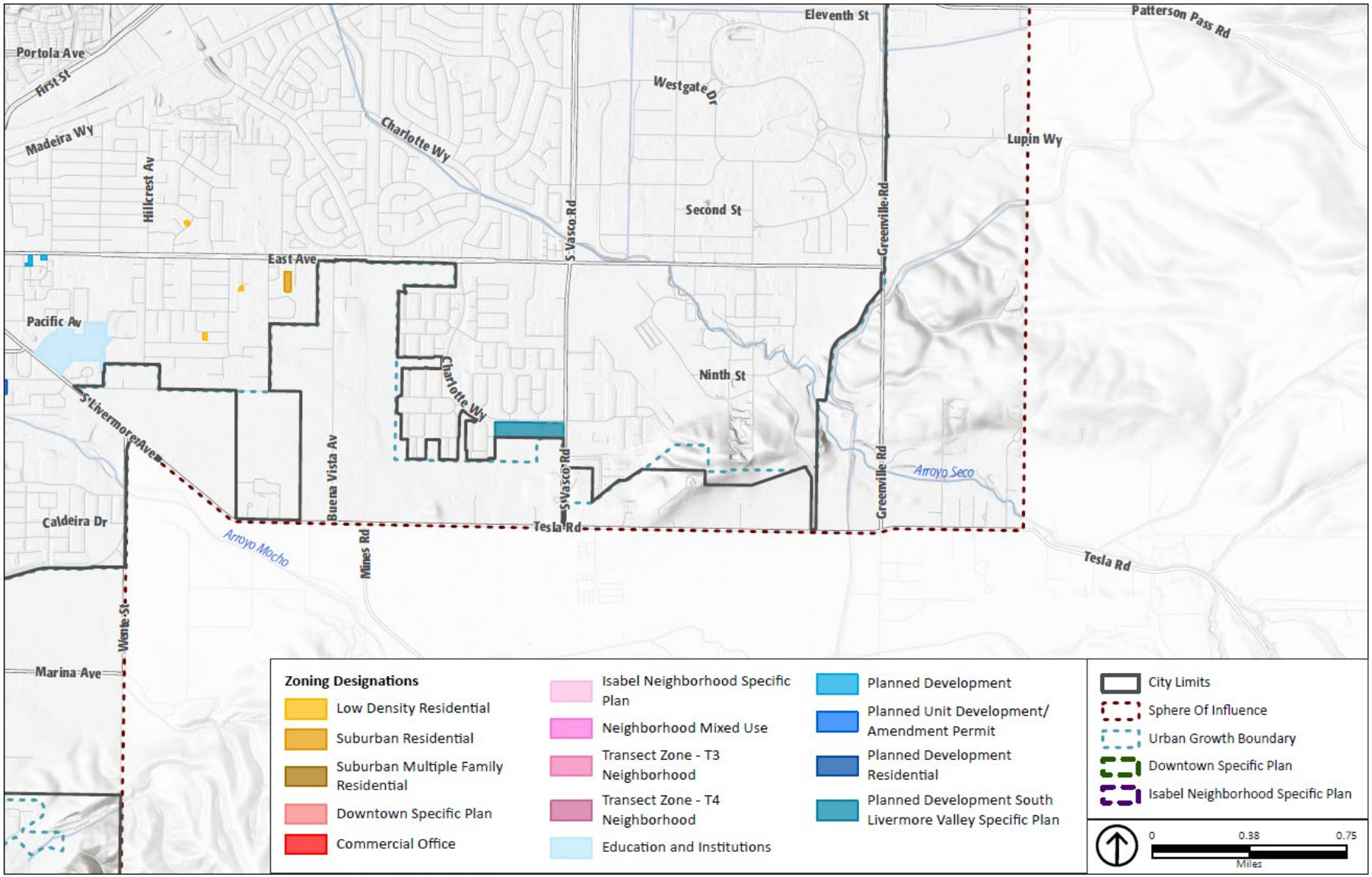
Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure ES-3: Sites Inventory Maps



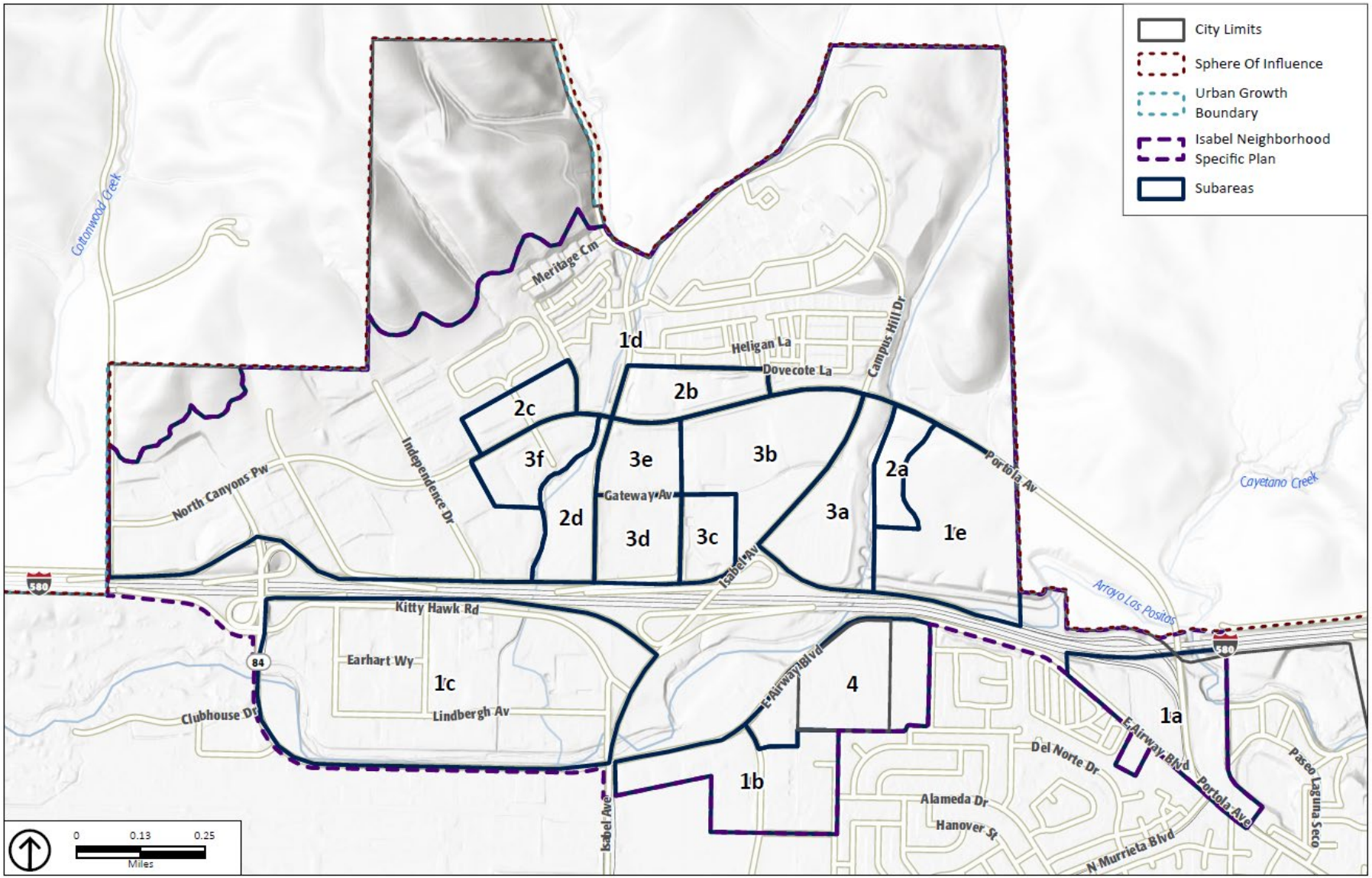
Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure ES-4: Sites Inventory Maps



Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure ES-5: Sites Inventory Maps



Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Table ES-1: Summary of Housing Element Goals and Policies	
Goals	***Policies***
G-1 Diverse Housing Choices	P 1.1: Develop and maintain a sites inventory with adequate densities and development standards to meet the Regional Housing Needs Allocation (RHNA) in all income categories.
	P 1.2 Facilitate the development of a range of housing types through area planning efforts.
	P 1.3: Update the Development Code to simplify standards, expand opportunities for a greater variety of housing types, and maintain consistency with State law.
	P 1.4: Reduce governmental constraints on housing development through permit streamlining, reasonable and proportional development fees, and transparent and accessible information.
	P 1.5: Facilitate the development of housing for individuals with special needs, including those with disabilities, large families, seniors, and people experiencing homelessness.
G-2 Well-Managed Growth	P 2.1: Facilitate the provision of affordable housing, infill development, and mixed-use projects in locations served by existing infrastructure, particularly transit services.
G-3 Affordable Housing Production and Preservation	P 3.1: Facilitate the production of affordable housing through the regulation of and incentives to new development.
	P 3.2: Pursue and utilize a variety of funding resources and partnerships to develop housing that is affordable to lower- and moderate-income households, families, and seniors.
	P 3.3: Communicate regularly with the community to increase awareness of affordable housing policies and programs.
	P 3.4: Provide linguistically and digitally accessible and culturally relevant housing assistance to lower and moderate-income households and other households with special needs.
	P 3.5: Preserve affordable housing that is at risk of converting to market rate housing.
G-4 Healthy and Resilient Housing and Neighborhoods	P 4.1: Promote cost-effective housing design features that improve public health, safety, and resilience in new residential structures and retrofits to existing residential units.
	P 4.2: Improve physical conditions, services, and accessibility in residential neighborhoods.
G-5 Affirmatively Further Fair Housing	P 5.1: Prevent housing discrimination through outreach, education, and engagement with landlords, tenant services providers, and renters.
	P 5.2: Develop programs and policies that remove fair housing barriers and prevent displacement.
G-6 Regional Cooperation to Address Housing Needs	P 6.1: Foster regional cooperation and partnerships to address regional housing issues related to affordability, homelessness, racial and economic segregation, and special housing needs.

1. INTRODUCTION

Housing is a basic human necessity and the need for adequate housing is shared by all residents. People want living spaces where they have dignity, can express their individuality, and are comfortable and healthy. Safe, well-maintained housing is a basic necessity for everyone. Therefore, the City of Livermore strives to provide a diversity of housing types, costs, and locations to serve the variety of needs and wants of residents.

1.1 ROLE OF HOUSING ELEMENT

The California State Legislature has identified the attainment of a decent home and suitable living environment for every citizen as the State's major housing goal. Recognizing the important role of local planning programs in the pursuit of this goal, the Legislature has mandated that all cities and counties prepare a Housing Element as part of the comprehensive General Plan. Achieving housing goals requires work at the state and local level. The Housing Element is part of the process and so is actually building housing. Funding to support building the amount of housing called for in the RHNA is not guaranteed. Cities will need support from the state including funding for affordable housing projects in addition to funding for and provision of infrastructure that supports housing development, such as water and power infrastructure. Section 65583 of the Government Code sets forth the specific components to be contained in a Housing Element. In the ABAG region state law requires Housing Elements be updated at least every eight years to reflect the changing housing needs of a community. Livermore's Housing Element was last updated in 2015. This Housing Element update is for the 2023-2031 planning period.

The Housing Element consists of the following major components:

- An analysis of Livermore's demographic profile, housing characteristics, existing and future housing needs, and a fair housing assessment (Chapter 2).
- A review of potential market, governmental, and environmental constraints to housing development (Chapter 3).
- An evaluation of the land, financial, and organizational resources available to address the identified housing needs (Chapter 4).
- A housing plan to address the identified housing needs, including a statement of goals, policies, and programs (Chapter 5).

1.2 DATA SOURCES

Various sources of information contribute to the Housing Element. The Association of Bay Area Governments (ABAG) provides a data package that has been pre-approved by the State Department of Housing and Community Development (HCD) and serves as the primary data source for population and household characteristics. Dates for data included in the ABAG data package may vary depending on the selection of data that was made to provide the best data on the topic. Several additional data sources were used to supplement the 2021 ABAG Data Package:

- Population and demographic estimates and projections by ABAG and the California Department of Finance.
- Housing market information, such as home sales, construction costs, and rents, updated via online surveys and City records.

- Data on special needs groups, the services available, and gaps in the service delivery system provided via service provider stakeholder interviews.

Lending patterns for home purchase and home improvement loans through the Home Mortgage Disclosure Act (HMDA) database.

1.3 OUTREACH AND PUBLIC PARTICIPATION

OUTREACH

Opportunities for input on Livermore's 2023–2031 Housing Element were provided through various forums. One significant method was via outreach for the General Plan Update currently underway. A main venue for sharing information with the public was through posting information about the Housing Element Update on the General Plan Update page on the City's website.

The City sought participation and input from people who represent the full range of demographics, perspectives, and experiences in the Livermore community, including existing residents, local workers, the residential development community, nonprofit housing developers, housing advocates, historically underrepresented community members, and community organizations representing special needs groups such as older adults, youth and students, immigrants, people experiencing homelessness and people with disabilities. Details of the outreach efforts follow.

Outreach as Part of General Plan Update

The City participated in three pop-up outreach events for the General Plan Update and Housing Element Update in Fall 2021 on October 10th at the Rincon Library, October 14th at the Farmers Market, and October 30th at a Dia de los Muertos event. The team engaged with 50 people at the Rincon Library event, 60 people at the Farmers Market, and 40 people at the Dia de los Muertos event. The City used two outreach boards, both of which were in English and Spanish. The first outreach board asked participants, "What is important for Livermore over the next 20 years?" Participants placed dots on a matrix of issues according to whether the issue was "not important," "somewhat important," or "very important." At the Rincon Library pop-up and Dia de los Muertos event, the three issues that received the most dots were "ensuring diversity and equity," "making housing affordable," and "preventing and responding to the effects of climate change." At the farmers market event, the top three issues were "making housing affordable," "supporting agriculture, quality open space, and recreation," and "being prepared for emergencies and safety."

The second outreach board asked participants for their input on housing issues. Similar to the first activity, participants ranked their answers "no need," "mild need," or "huge need." Every issue received votes at all three events. The top three issues were: "providing housing services for people experiencing homelessness", "decreasing housing costs" and "providing housing for families and young people". At all events, both boards had the website link to ImagineLivermore2045.org and a QR code to ensure community members could stay connected and involved throughout the planning process.

The City also released a survey through the firm FM3 as part of the General Plan Update that incorporated questions about housing issues. The survey was made available from September 9th to 30th, 2021. The population that participated in this survey were Livermore residents ages 18 and older. The contact methods were telephone calls, postcard invitations, text invitations, and email invitations. Data were collected through telephone interviews and online interviews. The majority of respondents were ages 40 to 49 (22 percent) and 50 to 64 (24 percent). Most were white (60 percent), and the other 40 percent was divided between Latino/Hispanic (17 percent),

Black/African American (2 percent), and Asian/Pacific Islander (8 percent), and 13 percent chose "other" or declined to state their ethnicity. Respondents' educational background included high school or less (15 percent), some college (34 percent), four-year degree education (29 percent), postgraduate (18 percent), and four percent refused to answer the question. The survey identified affordable housing (21 percent) and homelessness (19 percent) as issues of top concern for residents.

Stakeholder Meetings

In September through December 2021, nine consultations were conducted with local nonprofits and housing stakeholders to receive one-on-one, targeted input from those who provide services for those most in need of housing or with special housing needs. Representatives from the following organizations were interviewed:

- Regional Center of the East Bay (RCEB) on September 22nd
- Eden Council for Hope and Opportunity (ECHO) on October 4th
- EveryOneHome/Alameda Continuum of Care (CoC) on October 12th
- Livermore Housing Authority on October 13th
- Eden Housing on October 19th
- Centro Legal de la Raza on October 22nd
- Pedrozzi Foundation on November 30th
- Tri Valley Haven on December 2nd
- La Familia on December 17th

In each of the consultations, stakeholders were asked some or all of the following questions, depending on the type of organization they represented:

- Opportunities and concerns: What three top opportunities do you see for the future of housing in Livermore? What are your three top concerns for the future of housing in Livermore?
- Housing Preferences: What types of housing do your clients prefer? Is there adequate rental housing in the county? Are there opportunities for home ownership? Are there accessible rental units for seniors and persons with disabilities?
- Housing barriers/needs: What are the biggest barriers to finding affordable, decent housing? Are there specific unmet housing needs in the community?
- Housing conditions: How do you feel about the physical condition of housing in Livermore? What opportunities do you see to improve housing in the future?
- Unhoused Persons: How many unhoused persons are in Livermore?
- Housing Equity: What factors limit or deny civil rights, fair housing choice, or equitable access to opportunity? What actions can be taken to transform racially and ethnically concentrated areas of poverty into areas of opportunity (without displacement)? What actions can be taken to make living patterns more integrated and balanced?
- How has COVID-19 affected the housing situation?

Overwhelmingly, the consultation process revealed that the Livermore (and many other Bay Area jurisdictions) currently has an insufficient stock of affordable housing. In addition, there is insufficient funding for programs that provide rent or "shallow" subsidies for those in need. The City

was applauded by a stakeholder for its awareness and proactivity in accessing available State and federal funds dedicated to housing projects. The top housing need is for more affordable rental housing like the Chestnut Family and Chestnut Senior development, which is close and walkable to key services and amenities and close to public transportation.

Additional barriers include language, especially lack of language accessibility from other organizations and institutions; transportation; finances; and the necessity to share housing with other families. Families are working three or more jobs to make ends meet.

Support is also greatly needed for housing navigation, especially support with accessing affordable housing opportunities. Linguistically and digitally accessible communication methods are essential.

Other identified housing opportunities to pursue include tiny houses, accessory dwelling units (ADUs), and shared housing and producing more housing in general for single adults (studios, scattered sites, single room occupancies, etc.).

To facilitate more affordable housing developments in Livermore, the stakeholders suggested expanding the toolbox of incentives and mechanisms offered to affordable housing developers (e.g., expedited review of affordable housing projects, review priority for affordable housing projects). Regularly, affordable housing developers are funded by a variety of state and federal funding sources that have strict deadlines for project completion—a "use it or lose it" situation. If the affordable housing project is not complete within that time frame, the affordable housing project falls through and the units are lost. The stakeholders felt that most market-rate projects likely have the financial padding to absorb these scheduling pressures, but many affordable housing developers struggle financially to keep projects afloat.

The City could take the initiative to adopt new ordinances to protect its renting community, such as just-cause protections, rent control ordinances, and other housing and tenant-centric protections to help keep people housed. According to a stakeholder, the City of Oakland has the most defensible tenant protection laws in the Bay Area and should be used as a blueprint for the City of Livermore to adopt its own tenant protection laws.

Open House at Owl's Landing

City staff held a Housing Solutions Open House at Owl's Landing Apartments in Springtown on December 17th, 2021. This multilingual, family-friendly event had activities and gifts for children and solicited input from community members on housing needs and solutions. The event was conducted in English and Spanish. Of the 17 people who attended, most were Spanish speakers. The following points capture the main themes of the input received at the open house:

- Immigration status is a huge barrier for community members' access to affordable housing. Accepting individual taxpayer identification number (ITINs) in affordable housing programs, especially for the City's existing below market-rate housing program, would help expand access.
- Economic stability
    - Credit scores are another major barrier for accessing affordable housing. Community members need support establishing credit and accessing economic opportunity to strengthen credit.
    - Gig workers and those who are self-employed struggle to document income in order to purchase or rent.

- Property management and housing condition needs
    - Surveillance and lighting.
    - More maintenance of play structures and playgrounds for kids.
    - Spanish language services.
    - More activities and services for adults, such as classes and community building events.
    - Property management customer service and conflict resolution.
- Affordable housing renters are interested in accessing homeownership opportunities but need the ability to save for homeownership without losing their existing housing.
- Language access for both housing navigation and affordable housing property management.
- Key access barriers: language, housing navigation, need for social security numbers, income documentation for gig workers and entrepreneurs.
- Most participants agreed with the existing Housing Element goals. The top goals were:
    - Build more affordable housing.
    - Energy efficiency.
    - Safe, family-friendly housing for low-income households.

Livermore Housing Needs Survey

In order to solicit input from members of protected classes for the Assessment of Fair Housing, the City administered a survey on housing needs and barriers in English and Spanish that was distributed to the affordable housing interest list and at the Housing Solutions Open House. A total of 378 responses were collected between December 7th and December 17th, 2021. The majority of respondents were low-income renters of color living in Livermore. A substantial number of respondents were also local workers and people who want to live in Livermore.

Table 1-1: Livermore Housing Needs Survey Respondent Characteristics

Respondent Characteristic	*Total*	*Proportion*
Livermore Residents	220	58%
Livermore Workers	147	39%
Prospective Livermore Residents	135	36%
Respondents of Color	238	63%
Latinx	105	28%
Experiencing Homelessness	21	6%
Families with Children	198	52%
Have a disability	90	24%
Renters	218	58%
Living in or near poverty (earning less than $30,000 per year)	72	19%
Lower Income (earning less than $80,000 per year)	255	67%

Results

The top three housing issues that respondents feel the City should address are:

1. Adding more affordable housing (64 percent of respondents identified this as a top issue)
2. Decreasing housing costs
3. Creating more homeownership opportunities

These three issues were regularly ranked as the top housing issues when results were disaggregated by respondent characteristics and demographics.

Other housing issues that a significant number of respondents identified as priorities for the Housing Element include:

- Providing housing and services for people experiencing homelessness
- Ensuring housing is safe and in good condition
- Preventing housing discrimination

Housing costs were identified as the primary barrier for living in Livermore. Other barriers identified by respondents include:

- Economic insecurity and/or access to quality jobs
- Housing search
- Racial segregation and/or discrimination
- Credit score, income documentation, and income requirements (e.g., being required to earn three or more times the monthly rate)
- Economic segregation and/or discrimination
- Housing voucher access
- Prior records and legal status, such as not having a social security number, having a prior eviction on one's housing record, or being formerly incarcerated
- Local preference given to those who live/work in Livermore for affordable housing vacancies can be a barrier for those who don't already live or work in Livermore

Additional housing needs and issues identified by survey respondents include:

- Family housing
- Transportation and congestion
- Senior housing
- Housing for single adults
- Affordable housing opportunities for middle-income community members and aspiring homeowners
- Backyards and green space
- Housing for people with disabilities
- Emergency housing

GENERAL PLAN ADVISORY COMMITTEE

The General Plan Advisory Committee (GPAC) is made up of citizens who represent a variety of backgrounds and community perspectives. GPAC meetings are open to the public.

November 10, 2021

The GPAC received a presentation on the Housing Element Update at their virtual meeting on November 10th, 2021. The purpose of the meeting was to provide an overview of the Housing Element, identify the City's draft Regional Housing Needs Allocation, describe the need to comply with State Housing Element law, and summarize recent State legislation governing housing element updates. Following a brief presentation on this topic, the GPAC asked clarifying questions.

1. Do the Regional Housing Needs Allocation units carry over from housing cycle to housing cycle if the sites are not developed?
2. Did the City of Livermore accept the Regional Housing Needs Allocation? There are other cities who are contesting their housing allocations.
3. Are the housing sites in the Isabel Neighborhood Specific Plan already accounted for in the 5th Housing Element Cycle?
4. What happens if the Isabel Neighborhood Specific Plan develops with fewer housing units than identified in the housing sites inventory?
5. Can you please clarify the relationship between Senate Bill 166 and the housing sites inventory?
6. Can a parcel be identified as a housing site if it is not currently zoned for housing?
7. Will parks and open space areas be considered for potential housing sites?
8. How do the Association of Bay Area Government's Priority Development Areas factor into the identification of the housing sites inventory?
9. The 6th Housing Element Cycle doesn't cover the General Plan horizon of 2045. How will the General Plan account for future housing element cycles?
10. What is the overall scope of the Housing Element?
11. When will the draft of Affirmatively Furthering Fair Housing programs and policies be ready?
12. How can the GPAC help make it so the Housing Element includes policies that actually help get the housing sites developed?
13. In addition to low-income housing, will the Housing Element look at the housing needs of seniors, people with disabilities, etc.?
14. What policies and programs can be considered as part of the Housing Element Update versus what is covered by the General Plan and Zoning Code? For example, cutting back on allowing in-lieu fees?
15. Can the Housing Element identify barriers to realizing mixed-use developments?
16. Can the City provide subsidies for accessory dwelling units?
17. The Housing Element should have a section that explains the State housing law requirements.
18. What is the community outreach process for the Housing Element?
19. Can the GPAC review the results of the stakeholder interviews?
20. What aspects of the Housing Element will go to the City Council while the GPAC is still meeting?
21. What is the schedule for the Housing Element Update?
22. Is it possible to make the Housing Element background data available on ImagineLivermore2040.org?
23. Are housing developers allowed to pay an in-lieu fee instead of providing low-income housing on-site?
24. Is there a City policy that requires housing developers to provide affordable housing on-site? If not, how often are developers allowed to pay an in-lieu fee instead of providing affordable housing on-site?
25. What price house can a low-income household afford?

26. What is the City's current jobs-to-housing ratio?
27. Does the State require nearby cities like Dublin, Pleasanton, San Ramon, and Danville to also provide affordable housing at a minimum density of 30 dwelling units per acre?
28. What is the distribution of residential project sizes in Livermore so we can get a better perspective on the size of projects being built and where housing opportunities come from so we can understand apportioning of affordable units?
29. We need a figure that shows the vacant and underdeveloped parcels in Livermore.

City staff and the consultant team responded to questions during the meeting, as was possible. No public comments were received at the meeting. The presentation provided at the meeting was posted on the City's General Plan Update website.

May 11, 2022

The GPAC received a presentation on the Housing Element Update at their in-person meeting on May 11th, 2022. The purpose of the meeting was to present and receive feedback on the Public Draft Housing Element. Questions and comments at the GPAC meeting are discussed in the Public Draft Housing Element section below.

PLANNING COMMISSION/CITY COUNCIL STUDY SESSION

As part of the community outreach on the Livermore Housing Element Update, the City held a joint Planning Commission/City Council Study Session on January 20th, 2021. The City's consultant provided a presentation that included overview of the Housing Element, discussion of the City's draft Regional Housing Needs Allocation, and a summary of recent State legislation governing housing element updates. Public comment was received, and the Planning Commission and Council asked questions and discussed housing issues in the city.

Public comments focused on:

- Looking for Housing Element sites in areas already planned for housing but also possibly considering suitable sites for rezoning to allow housing.
- City should require that affordable units be built under the City's Inclusionary Regulations rather than allowing an option to pay a fee.
- Some of the new state housing laws are being challenged.
- Shouldn't plan for beyond 2031 and shouldn't expand the North Livermore urban growth boundary. Plan for Housing Element sites inside the existing city limit.
- Would like to see a map of areas suitable for housing inside the city.
- Would like the updated housing element to have more maps. The existing housing element doesn't have enough maps.

Commission and Council discussion and questions are:

- Why was there such a large increase in the RHNA?
- On the RHNA, there is a difference between jurisdictions based on the characteristics of each jurisdiction.
- Concerned about the issue of underhousing/overcrowding. Noted that this issue has been considered in the RHNA allocation process for the first time.
- There are many challenges to the new state housing laws.

- Thinks the City has sites available to meet its RHNA.
- Explain what "Metropolitan" means in the definition of the City's default density category.
- Describe the concept of a "no net loss" buffer.
- Discuss additional analysis needed for nonvacant sites.
- Provide information about how the Housing Element timeline and the rest of the General Plan timeline work together.
- Hoping the Housing Element will include strategies for how to actually get housing built.
- Has the City looked into utilizing Senate Bill 10?
- Is the City planning to rely on ADU projections for the Housing Element?
- Would like to see programs to support homeowners who build ADUs.
- What options is the City looking at to accommodate residential need?
- Can we state that there is no need to go beyond the urban growth boundary?
- Will the public draft Housing Element have alternatives for different places to locate housing?
- Will there be any opportunity for additional Planning Commission input before the final draft Housing Element?
- Public input is important but with the understanding that this is a very complex set of requirements that goes into the Housing Element, some of which isn't very flexible.
- What are the consequences of noncompliance and benefits of compliance for the Housing Element?
- A Council Member mentioned they have met with the Terner Center and they may be able to do some education locally.
- Important to speak clearly to the community.
- In the field of Planning the past used to predict the future. How does water availability, transit, and other factors affect housing? This changes over time.
- How do we know the City will end up with a land use map with a balance of important allowed uses?
- Will the City have the information from the General Plan process available to inform Housing Element decisions?
- Concerned about service businesses.

PUBLIC HEARINGS

Planning Commission

May 17, 2022

The Planning Commission received a presentation on the Housing Element Update at their meeting on May 17, 2022. The purpose of the meeting was to present and receive feedback on the Public Draft Housing Element. Following a brief presentation on this topic, questions and comments from the Commission were received. Questions and comments at the Planning Commission meeting are discussed in the Public Draft Housing Element section below.

City Council

May 23, 2022

The City Council received a presentation on the Housing Element Update at their meeting on May 23, 2022. The purpose of the meeting was to present and receive feedback on the Public Draft Housing Element. Following a brief presentation on this topic, questions and comments from the Council were received. Questions and comments at the City Council meeting are discussed in the Public Draft Housing Element section below.

PUBLIC DRAFT HOUSING ELEMENT - COMMENTS AND REVISIONS

The City released the Public Draft Housing Element on May 4, 2022 for a 30-day public review period. The comments received during the public review period are listed below, along with revisions that were made to the Draft Housing Element to address the comment, if applicable.

Comments at May 11, 2022 GPAC Meeting

The Arroyo Vista neighborhood hasn't built out. What have we learned? Are those lessons reflected in the INSP other 500 lower income units on light industrial sites in this draft?

- Revisions: No revisions were made to address this comment.

Last month the GPAC talked about residual land value. It seems largely driven by density. How does this relate to Arroyo Vista?

- Revisions: No revisions were made to address this comment.

It is important to get this right as we want the units in the INSP to materialize.

- Revisions: No revisions were made to address this comment.

How can actual building of residential units be encouraged in the INSP?

- Revisions: No revisions were made to address this comment.

Did the INSP include economic feasibility analysis?

- Revisions: No revisions were made to address this comment.

The cost of vacant land assumption for Table 3-11 should be more than $70,000.

- Revisions: Table 3-11 was revised to address this comment.

The Housing Element doesn't mention the failure of the State to provide infrastructure. Livermore cut water by 40% in 2015. Now the City is being asked to do more. Electrical infrastructure browns out. The State is asking us to grow while we don't have necessary infrastructure. Water and power are big concerns and beyond ability of City to provide. People are getting more and more angry. People fear reduction in quality of life. Biggest governmental constraint is the City.

- Revisions: Revisions were made on Page 1-1 to address this comment.

Demographics sections should use 2020 rather than 2019 data.

- Revisions: Some 2020 Census data was added to the Housing Needs Assessment to address this comment.

Is there anything we should bear in mind for General Plan land use alternatives so that organizations can provide services in the same spot?

- Revisions: No revisions were made to address this comment.

Can we add a program to provide assistance to homeowners (more specific to ADUs than actions under Program 1.4.1?)

- Revisions: Additional revisions have been made to Program 3.2.2 to address this comment.

Would like a rental inventory maintained by the City.

- Revisions: Assessing the feasibility and costs of a rental inventory was added as a new action under Program 5.2.1.

Would like to see inclusion of sustainable green building, energy efficiency, greywater recapture, and low water yards for new construction and rehabilitation work

- Revisions: Revisions made to Program 4.1.1 to add more language about water. Green building and energy efficiency was already included in the draft.

The City could see 1,000 ADUs built over the next 12 years. Why is the projected ADU number so low? They are a good way of getting low-income units into high-cost areas and to allow access to better schools.

- Revisions: No revisions were made to address this comment.

Could there be a category of ADUs for the elderly? Maybe seniors could build an ADU in their yard and live in it and rent the house to a family?

- Revisions: No revisions were made to address this comment.

Can we add or subtract programs and actions?

- Revisions: A large number of edits have been made to programs and actions since this comment was made as shown in tracked changes and via yellow and green highlighting in Section 5.2 Housing Goals, Policies and Programs.

Quantified objectives for Programs 3.4.1 and 3.4.2 seem low.

- Revisions: Quantified objectives were increased under Programs 3.41 and 3.4.2.

What percentage of sites are in a commercial overlay? If the market favors commercial and that land gets consumed, it will eat up our sites buffer.

- Revisions: Revisions were made to the realistic capacity analysis in Section 4.1 to state that the majority of recent development on Housing Element sites that allow non-residential uses has been residential.

Can we come up with ideas for the General Plan too?

- Revisions: No revisions were made to address this comment.

What about business relocation on Housing Element sites that get redeveloped?

- Revisions: A discussion of business relocation was added to Section 4.1 Availability of Sites for Housing.

Could allow for more creative Neighborhood MU/T- 4 allowing 80 percent coverage. As infill land becomes scarce, we should look at underutilized sites. City should do more to make Mixed Use development happen.

- Revisions: Revisions were made in the Density and Realistic Capacity section in Section 4.1 to address this comment.

Notes juxtaposition of 6 percent of INSP versus percent of infill opportunities scattered throughout the City.

- Revisions: Additional information about why the INSP is well-suited for housing opportunities was added to Section 4.1.

How does the Valley Link station influence the Housing Element?

- Revisions: No revisions were made to specifically address this question. However, additional information about the INSP which is related to the station has been added to Section 4.1.

We probably won't have a lot of changes to this Draft Housing Element, but we can do a lot to tee up the next two Housing Elements and make sure there is capacity.

- Revisions: No revisions were made to address this comment.

The plan does not indicate priorities. There are so many factors, including funding. How can we be helpful?

- Revisions: No revisions were made to address this comment. However, priorities are indicated through the dates in the programs and action in Section 5.2 Housing Goals, Policies and Programs.

Consider explicit statement as to whether or not eminent domain is on the table.

- Revisions: Revisions were made on Page ES-4 to address this comment.

The governor is expanding the Homekey program. New lodging is being built along the highway. When these new hotel rooms come online, old motels will be emptier, for example the ones around Costco.

- Revisions: Additional information about existing and future projects for households experiencing homelessness was added to Page 2-80.

Would like to see a prioritization of the City working with nonprofits. Should ramp up responsiveness to law changes like SB 9 and state ADU law.

- Revisions: Revisions were made to Programs 1.3.1 and 3.2.2 to address this comment.

Could properties be added to the sites inventory and what is the procedure for that?

- Revisions: No revisions were made to address this comment.

Is frustrated that the Housing Element doesn't plan for infrastructure.

- Revisions: No revisions were made to address this comment.

Comments at May 17, 2022 Planning Commission Meeting

Move the sentence starting with "The Housing Element is intended to…" to the beginning of the Purpose section so that it's clearer upfront.

- Revisions: Revisions were made on page ES-1 to address this comment.

In the Executive summary on page 4 is there a typo related to cost per square feet for vacant land?

- Revisions: Revisions were made on page ES-4 to address this comment.

Would like to know if prices shown in Figure 2-1 Home Sale Prices are median or average prices? [Editorial note: this figure has changed to Figure 2-2 in this revised draft Housing Element]

- Revisions: The definition of the Zillow Home Value Index averages used in the table has been added as a footnote on Figure 2-2.

Would like to see income categories added to Table 2-8

- Revisions: The income categories that correlate with the incomes in Table 2-8 were added to the table.

Please include information about student housing at Las Positas Community College

- Revisions: A College Students section was added to Section 2.4 Special Needs Groups underneath the Farm Labor subsection. College students were also added as a group to be addressed in Program 1.5.3.A.

Table 3-11 needs a calculation cleanup including cost per units for multi-family and single-family projects.

- Revisions: Tables 3-10 and 3-11 were revised.

Programs should be reworded from encourage to facilitate.

- Revisions: Program 1.3.1. G, Program 1.5.1.C, Program 3.1.1.A, Program 3.2.1. C, Program 3.2.2. B, Program 3.5.1. A, and Program 4.1.1.D were revised to remove words like encourage and consider.

Page 260 - Marilyn and Junction Schools should be ranked 9 or 10 compared to like schools in the same area.

- Revisions: The language in the Assessment of Fair Housing section was revised to address this comment.

Doesn't want this to be a "check the box" document – we want to achieve these goals.

- Revisions: No revisions were made to address this comment.

Market data is less helpful because it's from 2019, costs and rates have increased a lot since then.

- Revisions: No revisions were made to address this comment.

Interested to see the impacts that SB 9 and SB 330 will have on housing supply and affordability.

- Revisions: No revisions were made to address this comment.

Government constraints have a small impact on housing supply and affordability.

- Revisions: No revisions were made to address this comment.

State budget surplus could help solve affordable housing and homelessness.

- Revisions: No revisions were made to address this comment.

We should think about relocation of businesses out of downtown, although the Housing Element may not be the appropriate place to do that.

- Revisions: A discussion of business relocation was added to Section 4.1 Availability of Sites for Housing.

We should be thoughtful about community character, livability, and universal design in our residential design standards.

- Revisions: The City is starting on a comprehensive Development Code Update in January 2023 as detailed in multiple programs in Section 5.2 Housing Goals, Policies and Programs.

How do we keep people in Livermore? There are 25,000 people working in Livermore that make less than $50k – they can't live in Livermore.

- Revisions: No revisions were made to address this comment.

How do we target other languages in addition to Spanish?

- Revisions: Revisions were made to Programs 3.3.1 and 5.1.1 to include languages in addition to Spanish, which was already included.

How do we focus on the area north of downtown for improvements?

- Revisions: Revisions were made to Programs 4.1.2, 4.1.3, and 4.2.1 to target investments in neighborhoods north of downtown.

Explain the Tax Credit Allocation Committee (TCAC)

- Revisions: No revisions were made to address this comment.

How do we codify State laws in our code?

- Revisions: No revisions were made to address this comment. However, multiple programs and actions in Section 5.2 address codifying state law in the City's Development Code.

Jobs-housing balance: High wage residents don't commute that far, worried about low-income workers who have to drive long distances to get here – we should worry about housing them.

- Revisions: No revisions were made to address this comment.

How reasonable are our objective standards?

- Revisions: No revisions were made to address this comment. However, the City will be drafting objective standards in 2023 as described in Program 1.3.1 in Section 5.2.

Do we have enough water for this housing?

- Revisions: No revisions were made to address this comment.

Make the sites inventory map available online.

- Revisions: No revisions were made to address this comment. However, Program 1.1.1 calls for the city to maintain an online map of the sites inventory on the City website.

Redeveloping the Rincon and Pine site could lift up the community.

- Revisions: No revisions were made to address this comment.

We should find ways to streamline the development process. Pre-meetings with developers and allowing concurrent review could reduce risk for developers. We could make accommodations for long lead time utility work before the final map is done.

- Revisions: No revisions were made to address this comment. However, the City will be drafting objective standards to in 2023 that are intended to streamline the development process as described in Program 1.3.1 in Section 5.2.

Appreciate the outreach with service providers.

- Revisions: No revisions were made to address this comment.

Likes to see regional cooperation in the goals – we are not the bad actor.

- Revisions: No revisions were made to address this comment.

Appreciate prior City Council adopting the Isabel Neighborhood Specific Plan.

- Revisions: No revisions were made to address this comment.

Remove constraints for way buildings are developed – laminated wood and other materials.

- Revisions: No revisions were made to address this comment.

Emeryville matches affordability requirements with RHNA numbers – is this something we should consider?

- Revisions: No revisions were made to address this comment.

Do we locate affordable housing in low-income areas or in high resource areas?

- Revisions: No revisions were made to address this comment.

Springtown area is cost-burdened – can we provide more affordable housing there?

- Revisions: No revisions were made to address this comment.

Make sure people know the benefits of in-lieu fees – they make projects like Avance happen.

- Revisions: No revisions were made to address this comment.

Revise Policy 1.4 to say, "reasonable *and proportional* development fees".

- Revisions: Policy 1.4 was revised to add the word proportional.

Policies 1.5 and 2.1 – remove the word "encourage"

- Revisions: Policies 1.5 and 2.1 were revised to change encourage to facilitate.

Policy 3.4 – "linguistically accessible and culturally relevant" language is overly complex.

- Revisions: No revisions were made to address this comment.

Policy 4.1 – add word "cost-effective"

- Revisions: Policy 4.1 was revised to add the word cost-effective.

Policy 5.1 – add word "buyers"

- Revisions: Policy 5.1 was revised to include homebuyers.

Look at requirements for needing 2 staircases in apartments.

- Revisions: No revisions were made to address this comment.

Make sure new development around Chestnut does not displace current residents.

- Revisions: No revisions were made to address this comment.

Provide jobs for low-income workers and provide jobs for higher income workers so they don't have to drive out.

- Revisions: No revisions were made to address this comment.

Student and senior housing are similar – studio to 1-bedroom units with amenities. We should put this in the INSP.

- Revisions: No revisions were made to address this comment.

Add a reference to the City's electronic application submittal process and how it streamlines the review process.

- Revisions: Revisions to describe the upcoming electronic submittal system have been included in Program 1.4.1.

Is there is a typo related to cost per square feet for vacant land?

- Revisions: Revisions were made on page ES-4 to address this comment.

Comments at May 23, 2022 City Council Meeting

Comments from the Public

In Table 3-10: Is the water connection fee, correct? Is "1" fire service needed? Shouldn't the Zone 7 fee be included?

- Revisions: Table 3-10 was revised.

What about vehement NIMBYism because of the state failing to provide enough water and power? City is under current state mandated water conservation measures.

- Revisions: Revisions were made on Page 1-1 to address this comment.

There are weaknesses in demographics presented. Mentioned lack of comparison to Tri-Valley neighbor jurisdictions.

- Revisions: Revisions were made in the Assessment of Fair Housing using Tri-Valley data analysis.

Should use 2020 data instead of 2019 regardless of whether the 2019 data was pre-approved by the State for use in the Housing Element.

- Revisions: Some 2020 Census data were added to the Housing Needs Assessment to address this comment.

The housing crisis won't be solved until housing is de-commodified.

- Revisions: No revisions were made to address this comment.

Blackrock owns a lot of California real estate.

- Revisions: No revisions were made to address this comment.

The Baby Boomer generation owns $12 trillion in real estate, Generation X owns $7 trillion, and Millennials own $ 2 trillion.

- Revisions: No revisions were made to address this comment.

More citizens lived and worked in Livermore 12 years ago. The commenter has employees who are managers at his businesses who live in Modesto because they can't find a place to live in Livermore.

- Revisions: No revisions were made to address this comment.

The focus for the Housing Element should be on sites that are more likely to be built.

- Revisions: No revisions were made to address this comment.

City should replace the existing uses on light industrial sites if using as housing sites.

- Revisions: Revisions were made in the Density and Realistic Capacity section in Section 4.1 to address this comment.

There is the legal definition of affordable housing and housing that is naturally affordable. Wants affordable housing to happen due to market forces rather than subsidies. Hopes the Housing Element effort can help bring down the overall market price of housing, especially for first-time homebuyers.

- Revisions: No revisions were made to address this comment.

Comments from City Council Members

Is the buffer of sites above the RHNA comfortable enough in the draft sites inventory?

- Revisions: No revisions were made to address this comment.

How do we bring the community along regarding actually building housing when it is time to implement the Housing Element? How to explain to the community that this isn't optional and can be included in the Housing Element?

- Revisions: Revisions were made to the Introduction section to address this comment.

Would like data comparisons to the Bay Area as a whole, Tri-Valley and City instead of what is in document now.

- Revisions: Edits were made in the Assessment of Fair Housing using Tri-Valley data analysis.

There is an odd gap between what cities do and what the state does.

- Revisions: Revisions were made to the Introduction section to address this comment.

Please include a map of the sites in the Executive Summary. The maps in Appendix A have poor resolution.

- Revisions: The sites maps were included in the Executive Summary. In addition, the City is preparing an interactive online map of the sites that will be made available to the public.

Is it correct that ADUs were 46% of building permits in the City in the last year?

- Revisions: No revisions were made to address this comment.

Doesn't think the ADUs projected in the draft will come to fruition in terms of the affordability levels included.

- Revisions: No revisions were made to address this comment.

Have cities found ways to incentivize ADUs for actual long-term rentals or affordable long-term rentals?

- Revisions: Revisions were made to describe City efforts that address this comments including in Programs 1.5.3.E and 3.2.3.D.

The RHNA/ADU projections are what housing could happen in the city.

- Revisions: No revisions were made to address this comment.

Is the City working on ensuring at-risk affordable projects stay affordable?

- Revisions: Additions were made to the At-Risk Housing section in the Housing Needs Assessment.

The goals in the Housing Element look about right.

- Revisions: No revisions were made to address this comment.

The City definitely should address public comments received on the draft.

- Revisions: Revisions have been made in multiple places in the document as detailed throughout this section.

The City is looking into tracking ADU affordability.

- Revisions: No revisions were made to address this comment.

The plan presented in the Housing Element should be plausible.

- Revisions: No revisions were made to address this comment.

Monitoring and analysis related to no net loss will happen over the course of the planning period

- Revisions: No revisions were made to address this comment.

Would like some Council briefings ahead of adoption to go over the details.

- Revisions: No revisions were made to address this comment.

The City is not attempting to bring down the overall market price of housing through the Housing Element process, that is not possible. The goal is to provide options that are affordable or more affordable.

- Revisions: No revisions were made to address this comment.

Glad to hear corrections will be made in Executive Summary related to fees and land costs.

- Revisions: No revisions were made to address this comment.

Written Comments

Written comments were received on the Public Draft Housing Element outside of comments during meetings. A summary of the comments is below:

Alan Burnham commented that the document is very long and not user friendly to the average citizen. The most important part is the map section near the end. Figures A1a-d are the bottom-line conclusion of the analysis and should be in the Executive Summary. One can see at a glance what land is potentially available, which makes the Executive Summary more complete and useful.

- Revisions: The maps from Appendix A were added to the Executive Summary.

Alan Burnham noted that one of the recommendations of the General Plan update committee was to talk to landowners to understand their intentions. I realize that this may not be practical for this document, but there needs to be a disclaimer somewhere that some owners may not want to develop their land in the Housing Element time period, but there are also some parcels not currently zoned for housing that could become available. For example, did not the owner of the commercial park at the corner of Concannon and Holmes wish to have the northern portion used for senior housing?

- Revisions: No revisions were made to address this comment.

Alan Burnham noted that the document uses 2019 estimates rather than 2020 census values for race and ethnicity. He stated that the latter have been shown to have serious errors. For example, a recent study of vaccination rates using 2019 county data indicates that more than 100% of the Asian population was vaccinated. Using 2020 actual counts gave more reasonable vaccination rates to inform a better city policy.

- Revisions: Some 2020 Census data were added to the Housing Needs Assessment to address this comment.

Alan Burnham commented that using population and demographic differences over the past ten years are unreliable indicators of the next ten years. All characteristics are nonlinear to some extent, and some sufficiently so that serious errors can occur. For example, looking at 30-year trends suggests that Hispanic population may be plateauing but the increases in "Asian" and "Other and mixed race" populations are accelerating. The Asian population may exceed the Hispanic population before the end of this Housing Element term. What, if any, are the implications of those trends on needed new housing?

- Revisions: No revisions were made to address this comment.

Alan Burnham commented that the encouragement of ADUs was discussed at the General Plan update committee meeting. Program element 1.4.1.D was mentioned. It does not currently mention senior housing, but perhaps it should. The text on page 4-2 mentions the use of ADUs for extended family units, which could be children or parents. It should be noted that this is an issue for when fee waivers or other economic incentives are granted. He noted he is not proposing a recommendation, but the issue should be flagged for consideration.

- Revisions: No revisions were made to address this comment.

Alan Burnham noted there are some demographic comparisons to Alameda County as a whole. He said the fact is that Tracy is closer to Livermore than the Fremont to Berkeley Corridor, so it is not clear to him that Alameda County is the only or most useful comparison. There should be at least a passing comparison to our nearest neighbors, Pleasanton and Dublin, particularly since they may indicate some trends in our future.

- Revisions: Revisions were made in the Assessment of Fair Housing using Tri-Valley data analysis.

Alan Burnham also made comments related to data presented as part of the General Plan Update meetings and commented on the existing adopted Housing Element.

- Revisions: No revisions were made to address this comment.

Planning Commissioner Leary noted on Page 2-76 - fourth bullet - should be sheltered, not unsheltered.

- Revisions: This bullet was removed due to updates to bring in newer homeless count data from 2022.

Planning Commissioner Leary commented on Page 2-90 and would like the document to define "good" related to schools (nice students? Winning sports? Test scores?)

- Revisions: This section of the Fair Housing Assessment was revised to address this comment and clarify.

Planning Commissioner Leary asked about Page 3-27 – last paragraph, is there an extra comma?

- Revisions: The extra comma was removed.

Planning Commissioner Leary commented on Page 2-24, Table 2-34: Housing Units by Tenure and Age, 2019. Last row in table - 19.5% of all houses built before 1939? He commented "wow".

- Revisions: No revisions were made to address this comment.

Planning Commissioner Leary commented on Page 2-45 – only one, unnamed source? [Comment is related to the fair housing-related outreach summary.]

- Revisions: The list of stakeholders consulted with was added to this section and text was added noting that confidentiality of who said what in the summary is maintained through aggregating the feedback.

Planning Commissioner Leary commented I see this note on the State website: "California has required that all local governments (cities and counties) adequately plan to meet the housing needs of everyone in the community" https://www.hcd.ca.gov/community-development/housingelement/index.shtml#background. Do you know what state law makes this requirement? I did not see it in the Housing Element Executive Summary.

- Revisions: The Government Code reference was added to the Introduction section.

Planning Commissioner Leary commented about Page 2-86 of the Housing Element. He noted it says the affordable housing should be located near the low wage employment. Page 106 talks about "integrating" of affordable housing in high resource area. Which method is preferred?

- Revisions: No revisions were made to address this comment.

Planning Commissioner Leary commented on Page 2-21 - Farm Operations and Farm Labor. I noticed our Farm labor workforce has decreased in half since 2007. Does the City Team know why Farm Labor has decreased? The development code allows for a Caretaker's residence (one or multiple)?.

- Revisions: No revisions were made to address this comment.

Planning Commissioner Leary commented on Page 3-38 in the streamlining section. Does the City allow developers/builders to proceed with early, long lead construction items, like early utility construction or demolition, while the final map is being completed?

- Revisions: No revisions were made to address this comment.

Planning Commissioner Leary commented on the Review of Program 2.1.2 in Appendix B: He paraphrased: "Work with Cities water provider to ensure water supply for the Housing Needs" In general, does the City have access to water supply for the housing?

- Revisions: No revisions were made to address this comment.

Planning Commissioner Branning commented on the Social Opportunity Endowment (SOE): "There is no mention of the SOE (Social Opportunity Endowment) funds in the document that I saw. The alarm on this fund running out has been raised for years and I believe this is its last year in existence. I know the complexity of the fund and some of its weird history but it is a really vital part of the Human Services ability to provide for residents. So my questions is, without overburdening the system can we replenish the SOE fund or create another fund with similar restrictions on use?

- Revisions: No revisions were made to address this comment.

Planning Commissioner Branning commented on Spanish language needs: "Are we able to meet Spanish language needs currently? What about other languages? What would it take to be able to meet those needs?

- Revisions: Revisions were made to Programs 3.3.1 and 5.1.1 to include languages in addition to Spanish, which was already included.

Planning Commissioner Branning commented on job salaries in Livermore: "On page 2-5 in table 2-8 I want to know if I am reading it correctly. Of the jobs available in Livermore do roughly 25,000 pay less than $50,000 a year?"

- Revisions: No revisions were made to address this comment.

Planning Commissioner Branning commented on targeting the area north of downtown for revitalization: "What are we doing to specifically target the area north of downtown for revitalization. It seemed to be disproportionately impacted in almost every measure?"

- Revisions: Revisions were made to Programs 4.1.2, 4.1.3, and 4.2.1 to target investments in neighborhoods north of downtown.

Planning Commissioner Branning commented on promoting ADUs: "How can we better promote the opportunity for people to build ADUs?"

- Revisions: Revisions were made to Programs 1.3.1 and 1.4.1 to address this comment.

Planning Commissioner Branning commented on streamlining approval for ADUs and manufactured homes: "Can we streamline the approval for ADUs and manufactured homes/tiny homes at all?"

- Revisions: Revisions were made to Action 1.4.1.C to address part of this comment.

Planning Commissioner Branning commented on streamlining the approval process: "Is there any room to streamline the approval process for projects in the pipeline? Most projects require planning approval which adds a lot of extra time and some extra costs. I do not have a specific example, but it seems to me there might be some projects that could be streamlined and not require commission approval."

- Revisions: No revisions were made to address this comment.

Planning Commissioner Branning commented on TCAC "Can you explain TCAC some in the presentation, there was a lot of information on it and I could use some clarification on how it is defined. I mostly understand its use I believe."

- Revisions: No revisions were made to address this comment.

Nipun Gunawardena commented that they have several comments to make regarding the Livermore 2023 - 2031 housing element. Their feedback is in the subsequent comments below and organized by policies named in Table ES-1 in General Plan Housing Element PDF.

- Revisions: No revisions were made to address this comment.

Nipun Gunawardena commented regarding Policy P1.1: Livermore should strive to not just meet its RHNA levels, but surpass them. Housing is a human right and necessary for everyone, and we shouldn't just do the bare minimum as required by law. We should build enough to welcome everyone that would like to live in this great town.

- Revisions: No revisions were made to address this comment.

Nipun Gunawardena commented regarding Policies P1.2/P1.3: I think it's great that Livermore is trying to simplify standards and increase the amount of housing types allowed. I would like to emphasize how important multifamily housing is in this process. Multifamily housing is cheaper, more environmentally friendly, and maintains our open spaces. A "greater variety of housing types" shouldn't just include different variations on single family houses and ADUs, they should include duplex/triplex/fourplexes, bungalow courts, and apartment buildings.

- Revisions: Missing middle was added to Programs 1.2.1. A and 5.2.1.K.

Nipun Gunawardena commented regarding Policy P2.1: Mixed use development is crucial! Livermore only has a few commercial areas and families without cars would live a lot easier if small markets/grocery stores, as well as other amenities, were located throughout the town.

- Revisions: No revisions were made to address this comment.

Nipun Gunawardena commented regarding Policy P4.1: It's very important to promote housing features that beneficial to its residents and the society as a whole as opposed to purely aesthetic requirements. Sustainable housing requirements like solar hookups, water recycling, xeriscaping, proper insulation are much more important than "neighborhood preservation". It is also important that while the houses should be sustainable, the requirements should not be so onerous that the house can't be built in the first place.

- Revisions: No revisions were made to address this comment.

Nipun Gunawardena commented regarding Policy P6.1: This is very important in the fragmented Bay Area. One of the things that would help with this is public transportation. Due to the lack of a BART station, Livermore seems disconnected from the rest of the tri-valley area and the Bay Area at large. Increasing public transit options would help with regional cooperation as there will be increased movement between the areas.

- Revisions: No revisions were made to address this comment.

East Bay Housing Organizations (EBHO) provided a Policy Menu that started with a General Comment that the Housing Element policies should include specific actions, milestones, timelines, funding sources and responsible parties. Statements such as "consider," "study," etc. should not be used. At a minimum, housing elements should provide a specific date by which a formal proposal will be brought before the legislative body for adoption. The letter includes a policy menu with the following topics and subtopics: Production with subtopics zoning, land use approvals and permitting; funding resources; Preservation; Tenant Protection/Anti-Displacement; and Prevent/End Homelessness. Under each topic or subtopic recommended policies are provided including some quoted language from HCD on examples of Strategies to Affirmatively Further Fair Housing.

- Revisions: Some items on the policy menu were already addressed in the public draft. Things that were added that address the policy menu include:
    - Additions were made to the At-Risk Housing section in the Housing Needs Assessment to describe the City's efforts to preserve existing subsidized affordable housing.
    - Revisions were made in multiple places including in Programs 1.5.3, 3.1.1, 3.2.3, 4.1.2, and 6.1.2. to address the City's efforts regarding supportive shared housing.
    - Revisions were made throughout the Housing Plan to add specific information regarding affordable housing sites and milestones
    - Revisions were made to Program 3.4.3 to include recommended policies
    - Assessing the feasibility and costs of a rental registry was added as a new action under Program 5.2.1

Housing Consortium of the East Bay (HCEB) attached a 2014 memo from HCD on Senate Bill (SB) 812 regarding persons with developmental disabilities and commented that the City should incorporate SB 812 into actions.

- Revisions: Revisions were made to Program 1.5.3 to address this comment.

(HCEB) commented that the City should add more specific opportunity sites throughout: Tri Valley Housing Opportunity Center (141 N. Livermore), North M Street, Greiner, Walnut, Vineyard.

- Revisions: References to opportunity sites were added in various places in programs section.

HCEB requested that the City add Vineyard Navigation Center to Program 3.4 (either as stand alone action or incorporate into existing actions like 3.4.2.C).

- Revisions: Revisions were made to Program 3.4.3.

HCEB suggested the City explore Universal Design requirements and incentives for ADUs (Program 1.5.1A).

- Revisions: Revisions were made to Program 1.5.1.

HCEB suggested that Program 4.1.2 include properties owned and operated by organizations like HCEB and Tri Valley REACH such as Crane, and licensed group homes operated by HCEB.

- Revisions: Revisions were made to Program 4.1.2.

HCEB requested the City incorporate existing work to add ADUs at supportive shared housing sites.

- Revisions: Revisions were made to address City efforts in Programs 1.5.3, 3.1.1, 3.2.3, 4.1.2, and 6.1.2.

HCEB commented on Program 1.2.1.D regarding the Southfront area. Could this area be suitable for permanent supportive housing? If so, explore adding deeply affordable housing into the masterplan. Alternatively, look at ways to incorporate existing practices of partnering with supportive housing providers and developers through the inclusionary program.

- Revisions: Additional text was added to Program 3.1.1. A to address this comment.

Livermore Venture Partners submitted comments that include a description of lands within/adjacent to Las Positas College owned by Livermore Venture Partners and the process of working with the Chabot-Las Positas Community College District (CLPCCD) to potentially build student and employee housing. Discusses unclear property boundaries related to their property and the city limit and attached a letter from CLPCCD to the Livermore Planning Commission.

- Revisions: No revisions were made to address this comment.

Livermore Venture Partners mentioned vacant properties within the INSP with potential projects (Shea Home and Denova) not being likely to contribute affordable units. The CLPCCD would like to plan for 400 plus affordable units. Request that the CLPCCD potential projects be emphasized in the Housing Element.

- Revisions: No revisions were made to address this comment.

Livermore Venture Partners asked where exactly will the lower-income homes be created in the Isabel Area, since the draft Housing Element relies primarily on that area to achieve the City RHNA goals?

- Revisions: Revisions to address this comment have been made in Section 4.1 and Appendix A.

Livermore Venture Partners asked why the Isabel Area is treated differently than the rest of Livermore in the Housing Inventory? Does that comply with the State Inventory law?

- Revisions: Revisions to address this comment have been made in Section 4.1 and Appendix A.

Livermore Venture Partners asked where exactly will lower-income homes be located in the Isabel Neighborhood? The Draft Housing Element, on pages 192 and 193, presents a discussion on the "Realistic Capacity Information for the Lower-income RHNA." The lower-income RHNA goals are located primarily in sub-areas 2d, 3a, 3b, and 3c. Those four sub-areas are proposed for 1,780 low and very low-income homes, 86% of Livermore's lower-income RHNA goal.

- Revisions: Revisions to address this comment have been made in Section 4.1 and Appendix A.

Livermore Venture Partners commented on what they referred to as Potential Category One - Vacant properties with proposed projects. Denova and Shea Homes vacant properties - The draft Housing Element considers the parcels on which the Shea Homes and Denova projects are located as possibilities for lower-income housing but, as mentioned earlier, their affordable housing contribution will be for-sale moderate and low-income priced townhomes. They will not help significantly in the greatest need which is affordable lower-income rental housing.

- Revisions: Two projects have received planning approvals in the Isabel Neighborhood Specific Plan but building permits have not yet been issued so no changes have occurred to the sites inventory. Text was added about the approved projects in the General Plan Areas section in Section 4.1.

Livermore Venture Partners commented on what they referred to as Potential Category Two - Vacant properties with as yet to be disclosed or proposed projects. Sub-area 2d: The property in this sub-area is primarily owned by Cornerstone Fellowship (about 10 acres). The House Inventory does not include the total capacity that could be built but the maximum of the density range could account for about 470 homes. The draft Housing Element RHNA goal is 120 lower-income units - considerably above the Isabel Plan 15% requirement (74 homes) or 20% (98 homes). Has the planning consultant or Planning staff had a discussion with Cornerstone Fellowship to see if they agree with the Housing Element's allocation and are they willing to participate in the 120-unit amount? How was the RHNA goal set at 120?

- Revisions: Revisions were made in Appendix A regarding units on sites in subarea 2d.

Livermore Venture Partners commented on Sub-area 3a: The property is owned by BART (17.5 acres). The Housing Element does not include a total capacity that could be built on, but at 80% of the maximum density range, that would yield about 850 homes. The draft Housing Element RHNA goals is 332 for lower-income homes - considerably above the Isabel Plan 15% requirement (68 homes) or 20% (90 homes). Has the Consultant or Planning staff had a discussion with BART to see if they agree with the Housing Element allocation? The BART property is anticipated to be used also for parking and office/retail uses, which may be postponed until later stages. Is it realistic to expect these lower-income housing units would be built within this RHNA period? How was the RHNA goal set at 332?

- Revisions: Revisions were made in Appendix A regarding units on sites in subarea 3a.

Livermore Venture Partners commented on Sub-area 3b: The property is believed to be under the control of the development company Sun Cal, who hope to purchase it from Sutter Health (about 38 acres). The draft Housing Element does not include a total capacity that could be built on this property but, at 80% of the maximum density range, the site might be able to enable about 1,800 homes. The draft Housing Element RHNA goal is 972 lower-income homes that is considerably greater than the Isabel Plan requirement of 15% goal (494 homes). Has the planning consultant or Planning staff discussed this allocation with either Sun Cal or Sutter Health? What has been their response? Will they commit to the 972-unit amount? How was the RHNA goal set at 972 homes?

- Revisions: Revisions were made in Appendix A regarding units on sites in subarea 3b.

Livermore Venture Partners commented on Sub-area 3c: The sub-area uses are occupied by light industrial buildings. There are a number of owners of the four parcels. It is very difficult to assess residential capacity. How did the planning consultant or Planning staff apply Govt. Code 65583.2 or use the HCD Inventory Guidebook? Specifically, that Guidebook requires realistic development capacity to be determined for non-vacant and non-residential uses." Were certain methods used to assess current development trends and market conditions and were current lease agreements

evaluated to determine if lower-income units could be developed in the RHNA period? Were the current owners apprised of this designation and were they in agreement with having their properties designated for a significant number of lower-income units. How was the RHNA goal of 146 homes set?

- Revisions: Revisions were made in Appendix A regarding units on sites in subarea 3c.

Livermore Venture Partners asked why is the Isabel Area treated differently than the rest of Livermore in the Housing Inventory and does that comply with State Inventory law?

- Revisions: Revisions to address this comment have been made in Section 4.1 and Appendix A.

Livermore Venture Partners asked why were Housing Capacities not listed in the Housing Element Inventory as specified in the State Inventory law? Gov't Code section 65583.2(b) requires that specific characteristics be used in the "Inventory" including its size (acres), general plan designation, zoning, use, and RHNA category. It is to include also the number of units that the site can "reasonably accommodate."

- Revisions: Revisions to address this comment were made in Appendix A.

Livermore Venture Partners commented that Table A: Housing Element Site Inventory provides the required information for all the City designated parcels except those in the Isabel Neighborhood Specific Plan. Why not in the Isabel Plan Area? The same omission is true with the income categories - low income, moderate income and above moderate.

- Revisions: Revisions to address this comment were made in Appendix A.

Livermore Venture Partners noted that it is understood that it is impossible to project precisely eight years of exact quantities and pricing for future homes. That is why the law includes the term "reasonable". There are many factors that will go in determining the final number and type of homes built on any particular parcel. But the State is facing a severe shortage of housing - particularly lower income housing. Therefore, making reasonable efforts to create projections are part of the law.

- Revisions: No revisions were made to address this comment.

Livermore Venture Partners asked for an explanation why the Isabel Neighborhood Specific Plan area has conditions that make it impossible to treat it in the same ways as other neighborhoods in Livermore. As said before, this is critical because the Isabel Area is to provide over 85% of the lower income housing to reach the City Housing Element RHNA goals for this next period.

Revisions: Revisions to address this comment were made in Section 4.1 and Appendix A.

Chabot-Las Positas Community College District shared that they have had several meetings with the City regarding student housing planning for Las Positas College.

- Revisions: No revisions were made to address this comment.

Chabot-Las Positas Community College District mentioned that the Draft Housing Element doesn't refer to student housing needs and it should. They noted recent state efforts to address student housing issues, and explained current housing conditions and impacts their students, most who are the low and very low renters, face.

- Revisions: A College Students section was added to Section 2.4 Special Needs Groups underneath the Farm Labor subsection.

Chabot-Las Positas Community College District noted that funding is available from the state currently to plan for community college housing and that they are applying for the funding.

- Revisions: No revisions were made to address this comment.

1.4 RELATIONSHIP TO THE GENERAL PLAN

The 2023-2031 Housing Element is a key component of the Livermore General Plan, which was last comprehensively updated and adopted in 2004 and for which a new comprehensive update is in progress. The comprehensive General Plan Update will be completed soon after the Housing Element is updated. To the extent possible, the City will coordinate consistency with the other element updates prior to Housing Element adoption. Final consistency between all other elements and the Housing Element will be confirmed before adoption of the General Plan Update.

2. HOUSING NEEDS ASSESSMENT

The Housing Needs Assessment serves as the foundation for developing the City's housing goals, policies, and programs outlined in the Housing Plan (Chapter 5 of this Housing Element). This chapter analyzes relevant population and housing characteristics to determine the specific housing needs of Livermore residents. Important characteristics include: demographics, household characteristics, special housing needs, and housing stock characteristics. This chapter also includes the fair housing assessment.

This chapter references the most recently updated official government data as well as private market data. The decennial census is the primary source, along with the American Community Survey (ACS). The ACS is a mandatory, ongoing statistical survey that samples a small percentage of the population every year. This survey, conducted by the Census Bureau, produces population and housing information every year but, unlike the decennial census, only samples a small portion of households.[1] Additional data sources are referenced when appropriate.

2.1 REGIONAL POPULATION AND ECONOMIC CONTEXT

Livermore is in eastern Alameda County, part of the nine counties that make up the San Francisco Bay Area, which had a total population of 7.7 million people in 2020. According to the Bureau of Labor Statistics, the regional economy employed approximately 2.3 million people in 2020.[2] The Health, Education, and Social occupational sector employs the most residents; other significant sectors include Professional and Waste Management, Manufacturing, and Retail.

Alameda County has a population of approximately 1.7 million people, making it the second most populous county in the region and the seventh most populous county in the state. Economic growth has increased slightly overall from 2010 to 2020. According to the ABAG data package, the number of employed residents in the county increased 20.4 percent between 2010 and 2020. Strong residential growth has also continued to be a common trend in Alameda County. Between 2010 and 2020, the county's total population increased 10.6 percent. Livermore's population increased 13.5 percent during the same time.

2.2 POPULATION CHARACTERISTICS

The type and amount of housing needed in Livermore is in part determined by the characteristics of the population. Characteristics such as age, household makeup, cultural background, employment location, and population growth trends influence the type of housing a community needs. These characteristics also affect residents' ability to afford housing. For example, housing needs and preferences, as well as income-earning ability, change as people age. This section outlines these characteristics as they impact housing need.

POPULATION TRENDS

Beginning in the mid-1950s, Livermore evolved from a small agricultural town into a bedroom community for the region. By the 1980s, Livermore had expanded additional industries, including commercial, light industrial, warehouse, and office development, adding to its residential base.

[1] The Census Bureau combines the data from the samples to generate three- and five-year estimates. This means that a given figure from the 2013-19 five-year estimates represents the average from 2013 through 2019.

[2] U.S. Bureau of Labor Statistics. May 2020 Metropolitan and Nonmetropolitan Area Occupational Employment and Wage Estimates: San Francisco-Oakland-Hayward, CA. https://www.bls.gov/oes/current/oes_41860.htm

The continued population growth in the Bay Area has maintained consistent demand for housing in Livermore, spurring more residential development.

As shown in Table 2-1, the average annual growth rate in Livermore between 2020 and 2040 is predicted to be 0.7 percent, which is slightly less than the average annual growth rate expected for Alameda County overall. Based on that growth rate, the city is expected to grow by 12,439 people between 2020 and 2040.

Table 2-1: Population Growth 2020–2040

Geography	*2020*	*2040*	*Average Annual Growth Rate*
Livermore	91,861	104,300	0.7%
Alameda	80,884	95,500	0.9%
Albany	17,055	22,500	1.6%
Berkeley	116,761	140,100	1.0%
Dublin	64,695	73,800	0.7%
Emeryville	12,586	21,000	3.3%
Fremont	234,239	275,500	0.9%
Hayward	158,089	188,000	0.9%
Newark	48,859	57,600	0.9%
Oakland	435,514	551,100	1.3%
Piedmont	11,296	11,300	<0.1%
Pleasanton	78,371	91,800	0.9%
San Leandro	87,289	107,600	1.2%
Union City	72,779	82,500	0.7%
Alameda County	1,670,834	1,987,900	0.9%

Source: California Department of Finance, E-5 Series; ABAG Data Packet, 2021.

Table 2-2 shows that although there is a projected increase in population between 2020 and 2040, there is a projected decrease in the average household size in Livermore.

Table 2-2: Livermore Projected Population Growth, 2020–2040

	2020	*2040*	*Average Annual Growth Rate, 2020–2040*
Population	91,861	104,300	0.7%
Persons per Household	2.87	2.66	---

Source: California Department of Finance, E-5 Series; ABAG Data Packet, 2021.

AGE

Table 2-3 shows that the median age for Livermore residents was 39.8 years of age in 2020, slightly older than Alameda County's median age of 37.6. As a result of an aging population, both geographies experienced an increase in the median age between the years 2010 and 2020, continuing this existing trend.

Table 2-3: Median Age: Livermore and Alameda County, 2010 and 2020		
	2010	***2020***
Livermore	38.3	39.8
Alameda County	36.6	37.6

Source: U.S. Census Table S0101 2010 & 2019 5-Year Estimates.

As shown in Table 2-4, those aged 45 to 54 composed the largest age group in Livermore (15.5 percent). However, adults aged 45 to 54 decreased in absolute number and proportion of the population between 2010 and 2020, reflecting the increase in median age in both Livermore and Alameda County during that time. Those aged 55 to 64 were the second largest age group in the city and accounted for 14.2 percent of the population. The largest percentage increase between 2010 and 2020 was in the 65 to 74 age group (4.7 percent increase). Additionally, there was a 1.2 percent decrease in the 15 to 24 age group. The numbers in this age group for the county also decreased but by a slightly smaller percentage of 0.4 percent.

Population age affects housing needs because each demographic age group, or cohort, has distinctive preferences. This follows national trends as the large Baby Boom age cohort (persons born from 1945 to 1965) continue to age and the smaller Generation X age cohort (persons born from 1965 to 1980) forms families that are smaller in size than the previous generation. Young families with children often prefer single-family homes. While some seniors choose to live in single-family homes, their preferences may start to lean toward condominiums and other living arrangements.

Table 2-4: Age Distribution: Livermore and Alameda County, 2010–2020										
	Livermore					***Alameda County***				
	2010		***2020***		***2010–2020***	***2010***		***2020***		***2010–2020***
Age Group	***Number***	***Share***	***Number***	***Share***	***Percent Change***	***Number***	***Share***	***Number***	***Share***	***Percent Change***
Under 5	5,360	6.6%	6,424	7.2%	1.9%	97,546	6.6%	96,849	5.8%	-0.1%
5–14	11,519	14.2%	11,663	13.0%	0.1%%	183,269	12.4%	192,050	11.6%	0.5%
15–24	9,933	12.3%	8,667	9.7%	-1.2%	202,483	13.7%	195,193	11.8%	-0.4%
25–34	9,972	12.3%	12,276	13.7%	2.3%	224,161	15.2%	276,019	16.7%	2.3%
35–44	12,558	15.5%	11,992	13.4%	-0.4%	229,087	15.5%	248,230	15.0%	0.8%
45–54	14,347	17.7%	13,949	15.5%	-0.3%	218,249	14.8%	223,026	13.5%	0.2%
55–64	8,937	11.1%	12,712	14.2%	4.2%	162,086	10.9%	201,361	12.2%	2.4%
65–74	4,704	5.8%	6,944	7.7%	4.7%	84,245	5.7%	131,979	7.9%	5.7%
75–84	2,563	3.2%	3,633	4.0%	4.2%	53,207	3.6%	63,249	3.8%	1.9%
85+	1,075	1.3%	1,509	1.6%	4.0%	23,647	1.6%	28,798	1.7%	2.2%
Total	**80,968**	**100.0%**	**89,699**	**100.0%**	**1.1%**	**1,477,980**	**100.0%**	**1,656,754**	**100.0%**	**1.2%**

Source: U.S. Census Table S0101 2010 & 2019 5-Year Estimates. ABAG Data Packet, 2021.

RACE AND ETHNICITY

Like many other communities throughout Alameda County, the racial and ethnic composition of Livermore's population has been gradually changing. As shown in Table 2-5, Livermore is less racially and ethnically diverse than Alameda County. Approximately 64.7 percent of Livermore's population identified as White in 2020, and only 31.0 percent of Alameda County's population was White. However, the ethnicity of Livermore residents has become more diverse than it was in 2010. The White population decreased, and Asian or Pacific Islander and the "other" and "two or more ethnicities" categories' populations increased. Asian or Pacific Islanders represent a significant portion of the city and county population. The Hispanic and Latino population is the second largest ethnic group in Livermore, while in Alameda County, the Asian or Pacific Islander ethnic group and the Hispanic or Latino ethnic group are both the second largest groups.

Table 2-5: Race & Ethnicity Trends: Livermore and Alameda County, 2010–2019

Racial and Ethnic Group	*Livermore*		*Alameda County*	
	2010	*2019*	*2010*	*2019*
White	64.7%	62.0%	34.1%	31.0%
Black	1.9%	1.8%	12.2%	10.0%
American Indian and Alaska Native	0.3%	0.1%	0.3%	0.3%
Asian or Pacific Islander	8.5%	12.0%	26.6%	31.0%
Other and Two or more ethnicities	3.6%	5.0%	4.3%	5.0%
Hispanic or Latino (of any race)	20.9%	20.0%	22.5%	22.0%
Total	**100.0%**	**100.0%**	**100.0%**	**100.0%**

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B03002. ABAG Data Packet, 2021

An analysis of 2020 Decennial Census data shows that the proportion of Livermore residents who are Asian, Hispanic or Latino, and Multiracial continues to increase. The largest difference between 2020 census data and the findings from the 2015-2019 American Community Survey is the proportion of non-Latino White residents, which decreased to 55.1% of the total Livermore population.

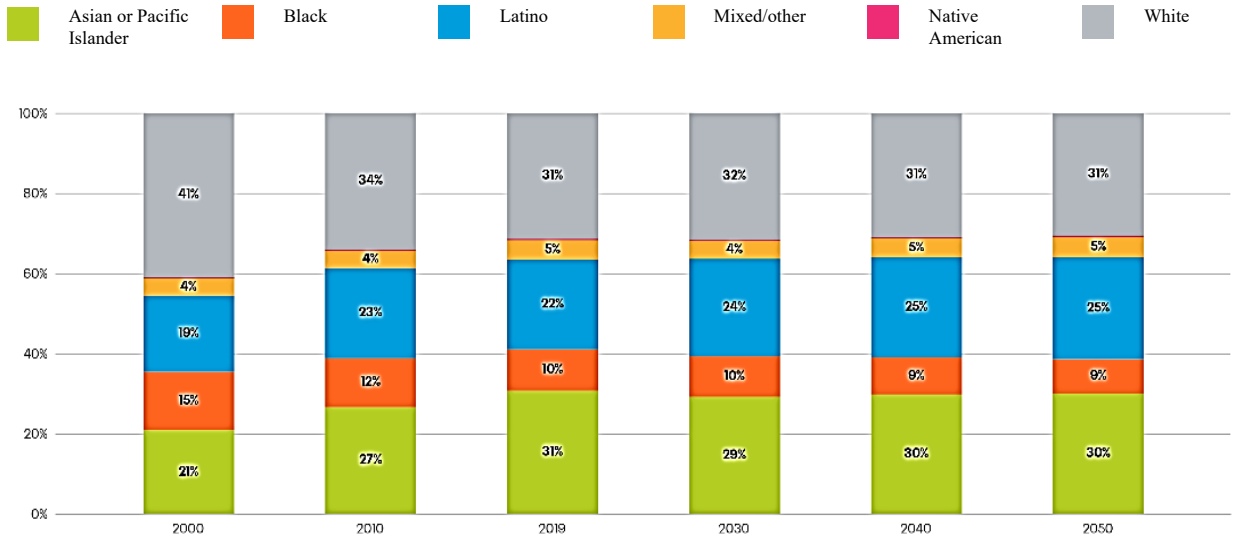
Table 2-5a: Race & Ethnicity Trends: Livermore and Alameda County, 2020

Racial and Ethnic Group	*Number of Livermore Residents in 2020*	*Share of Livermore Population in 2020*
American Indian and Alaska Native alone	203	0.2%
Asian alone	12,633	14.4%
Native Hawaiian and Other Pacific Islander alone	209	0.2%
Black or African American alone	1,604	1.8%
Latino, Latina, or Latinx (or any race)	18,978	21.6%
Multiracial	5,379	6.1%
Some Other Race alone	500	0.6%
White alone	48,449	55.1%
Total	**87,955**	**100%**

Source: U.S. Census Bureau, 2020 Decennial Census

The Bay Area Equity Atlas, which is a partnership between The San Francisco Foundation, PolicyLink, USC Equity Research Institute, conducted an analysis of race and ethnicity trends in Alameda County between 2000 and 2019 as well as projected out for the next 30 years. They found that like Livermore, the Latinx, Asian and Pacific Islander populations are increasing. The Black population in the Bay Area has been steadily declining over time, though the statewide Black population is stable, which suggests displacement pressures. The region's aging White population is expected to modestly decline for the foreseeable future due to deaths, low immigration levels, and low birth rates.

Figure 2-1: Race/ethnic composition: Alameda County, CA; 2000-2050



Data source: U.S. Census Bureau; California Department of Finance; Geolytics, Inc. | Bay Area Equity Atlas

EDUCATION

Educational attainment is often positively correlated with type of employment and level of income, which drives the type of housing residents can afford. As shown in Table 2-6, only three percent of Livermore residents aged 25 years or over had less than a high school diploma, compared to 5.9 percent in Alameda County. Approximately 50 percent of adult residents earned a bachelor's degree or higher in both the city and the county.

Table 2-6: Educational Attainment (Population 25 years and over), 2019

Education Level	*Livermore*		*Alameda County*	
	Number	*Percent*	*Number*	*Percent*
Less than high school	1,889	3.0%	69,534	5.9%
Some high school, no diploma	2,062	3.3%	65,990	5.6%
High school graduate	10,547	16.7%	205,980	17.6%
Some college, no degree	14,391	22.9%	201,377	17.2%
Associate's degree	6,352	10.1%	73,676	6.3%
Bachelor's degree	17,492	27.8%	320,319	27.3%
Graduate degree	10,212	16.2%	235,786	20.1%
Total	**62,945**	**100.0%**	**1,172,662**	**100.0%**

Source: U.S. Census Bureau, American Community Survey ACS 5-year Estimates, 2015- 2019 Table S1501

EMPLOYMENT

ABAG estimates that there are 46,110 employed Livermore residents as of 2020. The ACS 2015-2019 Survey estimates the unemployment rate for Livermore as 3.1 percent, lower than the county's unemployment rate of 3.9 percent. Part of the lower unemployment rate may be attributed to Livermore's greater percentage of residents with at least a high school diploma. Also reflecting relatively high educational attainment levels, a large share of both Livermore and Alameda County residents are employed in the Financial and Professional Services and Health and Educational Services (Table 2-7). In Livermore, the sector with the highest share of working residents

was the Financial and Professional sector, employing approximately 27.9 percent of residents. Other sectors that employed a significant number of residents was the Health and Educational Sector, employing 25.8 percent of employed residents. The Manufacturing, Wholesale, and Transportation sector employed 17.5 percent of residents.

Table 2-7: Livermore Largest Employers

Employer Name	*Industry*	*Employee Size Class*
Lawrence Livermore National Lab	University-College Department/ Facility/Office	5,000–9,999 Employees
Valley Care Health System	Health Services	1,000–4,999 Employees

Source: State of California Employment Development Department – Major Employers in California, 2022 https://www.labormarketinfo.edd.ca.gov/majorer/countymajorer.asp?CountyCode=000001.

Table 2-8 shows a breakdown of workers by earnings, by jurisdiction as place of work and place of residence. The table shows that, of people who work in Livermore, more commute from outside of the city than live there. Additionally, both groups tend to make more than $75,000.

Table 2-8: Workers by Earnings, by Jurisdiction as Place of Work and Place of Residence

Earnings Group	*Income Category*	*Place of Residence*	*Place of Work*
Less than $9,999	Extremely Low	3,747	4,724
$10,000 to $24,999	Extremely Low	6,379	7,177
$25,000 to $49,999	Extremely Low and Very Low	8,789	12,564
$50,000 to $74,999	Very Low and Low	6,944	8,603
$75,000 or more	Moderate and Above Moderate	21,135	19,380
Total		**46,994**	**52,448**

Note: Workers 16 years and over with earnings.

Source: U.S. Census Bureau, American Community Survey 5-Year Data 2015-2019, B08119, B08519. ABAG Data Packet, 2021

According to the City's 2019 Housing Affordability and Displacement report, a substantial proportion of Livermore jobs are for lower wage workers, and many industries experiencing job growth in Livermore and Alameda County include businesses with lower wage jobs, increasing the demand for housing affordable to low-income households. Livermore has an increasing number of higher income households, with a growing number of workers who are commuting to higher paying jobs outside of Livermore, which is intensifying local housing demand and displacement pressures.

FUTURE JOB GROWTH

Table 2-9 shows that there were 48,136 jobs in Livermore in 2019 and shows the numbers of jobs by industry according to ACS data for the 2019 5-Year Estimate. Compared to Alameda County, Livermore has a larger share of jobs within Financial and Professional Services, and Retail industries.

Table 2-9: Jobs by Industry, 2019				
Industry	*Livermore*		*Alameda County*	
	Jobs	*Percent*	*Jobs*	*Percent*
Agriculture and Natural Resources	314	0.65%	3,129	0.36%
Construction	3,210	6.6%	45,984	5.3%
Financial and Professional Services	13,436	27.9%	223,957	25.9%
Health and Educational Services	12,446	25.8%	259,953	30.4%
Information	1,240	2.5%	30,599	3.5%
Manufacturing, Wholesale, and Transportation	8,438	17.5%	150,214	17.4%
Retail	5,419	11.5%	76,483	8.8%
Other	3,633	7.5%	72,130	8.3%
Total	**48,136**	**100%**	**862,449**	**100%**

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table C24030, ABAG Data Packet, 2021.

As shown in Table 2-10, ABAG projects the number of jobs in Livermore to increase 0.85 percent annually between 2020 and 2040, similar to Alameda County.

Table 2-10: Job Projections: Livermore and Alameda County				
	2010	*2020*	*2040*	*Projected Average Annual Growth Rate Between 2020 and 2040*
Livermore	38,230	46,110	53,910	0.85%
Alameda County	669,770	792,510	947,650	0.98%

Source: California Department of Finance, E-5 series, ABAG Data Packet, 2021.

JOBS-HOUSING BALANCE

Ideally, a community would have enough jobs for those who reside there. A numeric balance between jobs and housing (or more accurately, between employed residents and housing) indicates the potential for reduced commute distances, which translates to decreased congestion and greenhouse gas emissions as well as improved quality of life. According to ABAG, Livermore had a ratio of 1.71 jobs to households as of 2018. The city's ratio is higher than Alameda County's ratio of 1.43 jobs to households (Table 2-11). According to the ABAG data packet, the jobs-household ratio in Livermore increased from 1.56 in 2002 to 1.71 jobs per household in 2018. For workers earning less than $1,250 per month, the jobs-household ratio had a similar rate of growth from 2022 to 2018, but the ratio was consistently lower at 0.91 jobs per household in 2002 and 1.10 in 2018. New jobs may draw new residents, and when there is high demand for housing relative to supply, many workers may be unable to afford to live where they work.

Table 2-11: Jobs-Household Ratio, 2018		
Category	***Livermore***	***Alameda County***
Ratio	1.71	1.43

Source: U.S. Census Bureau, Longitudinal Employer-Household Dynamics, Workplace Area Characteristics (WAC) files (Jobs), 2002-2018; California Department of Finance, E-5 (Households), ABAG Data Packet, 2021.

2.3 HOUSEHOLD CHARACTERISTICS

This section outlines how household characteristics impact housing needs. Understanding household characteristics such as type, size, and income levels helps to determine the type of housing needed and desired by residents. For example, households with children typically have less flexibility in their housing needs and require larger units. In addition, income is a critical characteristic in determining residents' housing opportunities and affordability. Income affects a household's decision when it comes to tenure, type, and location of housing. Table 2-12 shows that Livermore will have a projected increase of 6,550 households between 2020 and 2040, with an average annual growth rate of 1.01 percent.

Table 2-12: Livermore Projected Household Growth, 2020-2040			
	2020	***2040***	***Average Annual Growth Rate, 2020- 2040***
Households	32,390	38,940	1.01%
Persons Per Household	2.87	2.66	---

Source: California Department of Finance, E-5 Series; ABAG Data Packet, 2021.

HOUSEHOLD TYPE

According to the California Department of Finance, Livermore had 32,390 households in 2020, a 1.5 percent increase from 2010. As shown in Table 2-13, Livermore has a higher percentage of family households (74.4 percent) than Alameda County (66.6 percent). The majority of family households in both Livermore and Alameda County consisted of married couples, of which Livermore also has a larger percentage. In both the city and county, singles make up the majority of nonfamily households.

Table 2-13: Household Characteristics, 2019						
Household Type[1]	*Livermore*		*Alameda County*		*Bay Area*	
	Estimate	*Percent of Total*	*Estimate*	*Percent of Total*	*Estimate*	*Percent of Total*
Total Family Households	**23,624**	**74.4%**	**384,676**	**66.6%**	**1,814,589**	**66.4%**
Married-couples	*19,897*	*62.6%*	*292,079*	*50.6%*	*1,399,714*	*77.1%*
Male householder, no wife present	*1,070*	*3.4%*	*28,432*	*4.9%*	*131,105*	*7.2%*
Female householder, no husband present	*2,657*	*8.4%*	*64,165*	*11.1%*	*283,770*	*15.6%*
Total Nonfamily Households	**8,123**	**25.6%**	**192,501**	**33.4%**	**916,845**	**33.6%**
Singles	*6,580*	*20.7%*	*141,077*	*24.4%*	*674,587*	*73.6%*
Other	*1,543*	*4.9%*	*51,424*	*9.0%*	*242,258*	*26.4%*
Total Households	**31,747**	**100.0%**	**577,177**	**100.0%**	**2,731,434**	**100%**
Average Household Size	2.87		2.80			

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B11001. ABAG Data Packet, 2021.

Note: For data from the Census Bureau, a "family household" is a household where two or more people are related by birth, marriage, or adoption. "Nonfamily households" are households of one person living alone as well as households where none of the people are related to each other.

Table 2-14 shows that 14,243 more residents own the units they occupy than rent them in Livermore. In Alameda County, 40,605 more people own their unit than rent. In the Bay Area, 332,476 more people own their unit than rent.

Table 2-14: Housing Tenure, 2019						
Geography	*Owner Occupied*		*Renter Occupied*		*Total*	*Ratio of Owner vs Renter Occupied*
Livermore	22,995	72.4%	8,752	27.6%	31,747	2.63
Alameda County	308,891	53.5%	268,286	46.5%	577,177	1.15
Bay Area	1,531,955	56.1%	1,199,479	43.9%	2,731,434	1.28

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003. *ABAG Data Packet, 2021.*

HOUSEHOLD INCOME

The State requires jurisdictions to address the housing needs of residents in the following income categories:

- Extremely low income, defined as annual household incomes of 30 percent or less of Area Median Income (AMI).
- Very-low income, defined as annual household incomes of 31 to 50 percent or lower of AMI.
- Low income, defined as annual household incomes 51 to 80 percent of AMI.

- Moderate income, defined as annual household incomes 81 to 120 percent of AMI.
- Above-moderate income, defined as annual household incomes above 120 percent of AMI.

The income categories listed above help focus federal, state, and local housing programs and subsidies to those people most in need. These income categories, combined with household size, are used to qualify people seeking subsidized housing options. It is also used to allocate housing production need to local jurisdictions as part of the Housing Element update process to promote balanced communities. Table 2-15 shows household income by tenure based on the above income categories. As the table shows, 21.5 percent of renters in Livermore are classified as low income and 17.7 percent of renters are classified as very-low income. Comparing renters to owners, only 7.4 percent of owners in Livermore are classified as low income, and 6.3 percent are classified as very-low income.

Table 2-15: Household Income by Tenure, 2017

Group	*Owner Occupied*	*Renter Occupied*
Extremely-Low Income (0%–30% of AMI)	965	1,409
Very-Low Income (31%–50% of AMI)	1,409	1,604
Low Income (51%–80% of AMI)	1,655	1,945
Moderate Income (81%–100% of AMI)	1,630	959
Above-Moderate Income (>100% of AMI)	16,654	3,130
Totals	**22,313**	**9,047**

Notes: Income groups are based on HUD calculations for area median income (AMI). HUD calculates the AMI for different metropolitan areas, and the nine-county Bay Area includes the following metropolitan areas: Napa Metro Area (Napa County), Oakland-Fremont Metro Area (Alameda and Contra Costa counties), San Francisco Metro Area (Marin, San Francisco, and San Mateo counties), San Jose-Sunnyvale-Santa Clara Metro Area (Santa Clara County), Santa Rosa Metro Area (Sonoma County), and Vallejo-Fairfield Metro Area (Solano County). The AMI levels in this chart are based on the Oakland-Fremont Metro Area, where Livermore is located.

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release. ABAG Data Packet, 2021.

Table 2-16 displays the 2013-2017 Housing and Urban Development (HUD) household income distribution for Livermore and Alameda County. HUD uses a Comprehensive Housing Affordability Strategy (CHAS) to evaluate housing affordability by income group. Livermore has a higher proportion of above-moderate-income households than the county (63.1 percent compared to 40.4 percent). A total of 19.7 percent of Livermore households have incomes defined as either low (from 51 percent to 80 percent of AMI) or moderate (from 81 percent to 120 percent of AMI). Extremely low-income households, a subset of very-low income, earn 30 percent or less of the median household income. According to CHAS datasets, as of 2017, approximately 2,374 households had extremely low incomes. Furthermore, Livermore has a smaller proportion of extremely low-income households, accounting for approximately 7.6 percent compared to 15.5 percent countywide.

Table 2-16: Households by Household Income Level, 2017				
Income Group	*Livermore*		*Alameda County*	
	Households	*Percent*	*Households*	*Percent*
Extremely Low	2,374	7.6%	88,383	15.5%
Very Low	3,013	9.6%	63,850	11.2%
Low	3,600	11.5%	66,130	11.6%
Moderate and Above Moderate	22,373	71.3%	350,735	61.6%
Total	**31,360**	**100.0%**	**569,098**	**100.0%**

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release. ABAG Data Packet, 2021.

2.4 SPECIAL NEED GROUPS

The groups described below with special needs often find it difficult to find affordable housing that can meet their unique requirements. For example, persons with physical disabilities often require accessible ground-floor units, and seniors sometimes need on-site care. Homeless persons may need transitional housing and supportive services such as intensive case management before placement in more stable, permanent housing. The Housing Element is required to analyze the special needs populations and provide policies that assist in meeting their needs.

State Housing Element law defines "special needs" groups to include senior households, female-headed households, large families, persons with disabilities, persons experiencing homelessness, and agricultural workers. This section describes the housing needs of each of these groups in Livermore. Table 2-17 provides an overview of State-identified special needs groups in Livermore.

Table 2-17: State-Identified Special Needs Groups, Livermore				
Special Needs Groups	*Livermore*		*Alameda County*	
	Residents	*Households*	*Residents*	*Households*
Seniors (65 years and older)	12,086	7,653	316,073	156,177
Female Householder	Not Applicable[1]	2,657	Not Applicable	64,165
Large Households (5+ person)	Not Applicable	3,248	Not Applicable	58,586
Disabled	7,535[2]	Not Applicable	151,368	Not Applicable
Persons Experiencing Homelessness	264[3]	No Data Available	8,022	No Data Available
Farm Workers	152[5]	Not Applicable	593[4]	Not Applicable

1 "Not Applicable" is listed if data is not reported by the unit heading. For example, persons with disabilities are reported by the number of residents that are disabled, not the number of households where a person with a disability lives.

2 The number of disabled residents for the Livermore and Alameda County includes the total civilian noninstitutionalized population aged 5 and over.

3 Data on homeless persons in the Livermore and Alameda County was provided by the 2019 Alameda County Point-in-Time Count report.

4 U.S. Department of Agriculture, Hired Farm Labor by County, Table 7 of Census of Farmworkers, 2002, 2007, 2012, 2017.

5 U.S. Census Bureau, Industry Employed Population 16 Years and Over, Agriculture, forestry, fishing, and hunting, Table S2404 of American Community Survey 5-Year Data, 2015-2019.

Sources: U.S. Census 2019; ABAG Data Packet, 2021; Alameda Countywide Homeless Count and Survey Report, 2019.

SENIOR HOUSEHOLDS

The special needs of senior households, defined as 65 years of age or older, derive from three concerns: seniors generally live on a fixed income, have higher health care costs, and have higher disability rates. According to the ACS, 12, 086 Livermore residents were seniors in 2017 (13.5 percent). The senior population increased significantly by 36.7 percent between 2010 and 2020, reflecting an aging population in Livermore (see Table 2-4). Of the 32,390 households in Livermore, 7,653 (23.6 percent) were headed by a senior (see Table 2-17). Of all senior-headed households, 5,718 (74.7 percent) were owner occupied and 1,935 (25.3 percent) were renter occupied (Table 2-18). Table 2-18 also shows the breakdown of senior-headed households by income. As of 2017, 36.7 percent of senior households that rent are classified as extremely low income, and 28.9 percent are classified as very-low income. Of senior households that own their home, 14.9 percent are classified as low income, and 11.7 percent are classified as very-low income.

Table 2-18: Senior Households by Income and Tenure, 2017

Income Group	*Owner Occupied*	*Renter Occupied*
Extremely Low Income (0%–30% of AMI)	420	710
Very Low Income (31%–50% of AMI)	669	560
Low Income (51%–80% of AMI)	855	285
Moderate Income (81%–100% of AMI)	555	95
Above Moderate Income (>100% of AMI)	3,219	285
Totals	**5,718**	**1,935**

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release; ABAG Data Packet, 2021.

Housing expenses coupled with medical costs can cause a financial burden on seniors, especially for those with incomes below the poverty level.

Project design can assist in addressing a senior's special housing needs. Some examples include:

- **Accessibility**. A common challenge is the ability to move around (mobility) and access basic needs (accessibility), both within homes and the community. The design and siting of housing can help address these challenges.
- **Independence**. Senior citizens generally prefer to be autonomous and maintain independent living styles while being a part of a community and not isolated. In order to support this lifestyle choice, seniors need convenient access to public transportation and destinations such as shopping, health care facilities, social services, and activity centers.
- **Affordability**. Senior citizens are often on fixed incomes and require stable housing arrangements without the risk of significant increases in rent.
- **Security**. Senior citizens are concerned about physical and psychological security, more so than younger age groups.

The City has several programs that assist seniors. The Livermore Area Recreation and Park District (LARPD) operates a comprehensive senior services program that includes social services and recreation opportunities such as classes, special programs, daily lunch, information, referrals, classes, and trips. The Meals on Wheels Program delivers hot meals to seniors with limited mobility as well as to disabled individuals. Residents also have access to the Open Heart Kitchen free meal program, the Senior Support program of the Tri-Valley, which provides services that promote

seniors' ability to live independently in their homes, free legal and healthcare enrollment services from Legal Assistance for Seniors

Livermore has several senior housing complexes providing both market-rate and below-market-rate units: Arbor Vista, Chestnut Square Senior Apartments, Heritage Park, Heritage Estates, Hillcrest Gardens, Vandenburgh Villa, and Vineyard Village. Rosewood Gardens is a market-rate senior housing complex. In addition to providing independent senior rental apartments, Heritage Estates also provides assisted living care. When complete, the Pacific Avenue Senior Apartments will provide 140 affordable homes for low-income seniors, and the Livermore Assisted Living and Memory Care project will provide 87 assisted living beds and 46 memory care suites, for a total of 133 beds.

FEMALE-HEADED HOUSEHOLDS

Generally, female-headed households, particularly those of color, have lower incomes than male-headed households, limiting their opportunities for finding affordable and quality housing. Female-headed families with children are a particularly vulnerable group because they have higher living expenses associated with childcare and must balance the needs of their children with work responsibilities. Female-headed households require special consideration and assistance to accommodate their housing needs. In addition to affordable housing, these needs often include accessible day care, health care, and other support services. National research has also found that Black women and Latinas are more likely to be discriminated against in their housing search for being single mothers to young children compared to female rental housing applicants of other races.

Based on U.S. Census data provided by ABAG, there were 2,657 female-headed households in Livermore in 2020, representing approximately 8.2 percent of all households (see Table 2-17), and 1,200 were female-headed families with children (see Table 2-19).

The 2015-2019 ACS reports that while three percent of families living in Livermore were below the poverty level, 26.5 percent of female-headed families with children under 18 lived in poverty (Table 2-19).

Table 2-19: Households by Poverty Status

Group	*Above Poverty Level*	*Below Poverty Level*
Families	22,255	688
Female Headed Households with Children	952	248
Female Headed Households with No Children	1,387	70
Totals	**24,594**	**1,006**

Notes: The Census Bureau uses a federally defined poverty threshold that remains constant throughout the country and does not correspond to Area Median Income.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B17012. ABAG Data *Packet*, 2021

As described in Chapter 5, the City has a variety of programs that support affordable housing for very low-income families, which often have a single earner. In addition, the City encourages the development of housing that provides enriched on-site services such as affordable childcare and/or youth activities coordination. The City's Multi-Service Center provides a central, accessible location for residents to obtain social services, healthcare, and benefits counseling from a number of community-based organizations such as Axis Community Health Care Clinic, Community Resources for Independent Living (CRIL), and Cityserve of the Tri Valley.

LARGE HOUSEHOLDS

Large households are family households with five or more people. Large households are considered a special needs group because there is typically a limited supply of adequate and appropriately sized housing that is also affordable.

Table 2-20 shows the distribution of household sizes for both Livermore and Alameda County. According to the 2019 ACS, Livermore had about 3,248 large households, representing approximately 10.2 percent of all households. Alameda County's distribution of household size was similar, with 10.0 percent of all households considered large.

Table 2-20: Household Size, 2019

Household	Livermore				Alameda County			
	Owner Occupied	Renter Occupied	Total	Total Percent	Owner Occupied	Renter Occupied	Total	Total Percent
1–2 Person Households	12,340	4,727	17,067	53.8%	160,913	170,678	331,591	56.6%
3–4 Person Households	8,539	2,893	11,432	36.0%	118,627	76,828	195,455	33.4%
5+ Person Household	2,116	1,132	3,248	10.2%	30,986	27,600	58,586	10.0%
Total Households	**22,995**	**8,752**	**31,747**	**100%**	**310,526**	**275,106**	**585,632**	**100%**

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25009; ABAG Data Packet, 2021.

Based on ACS estimates for 2015 to 2019, approximately 74.3 percent of Livermore's total housing units (both owned and rented) had three or more bedrooms, significantly more than Alameda County's portion of large units (see Table 2-21). Though only 36.5 percent of the rental stock in Livermore had 3 or more bedrooms, 88.7 percent of the owned units had 3 or more bedrooms. Large households made up 9.2 percent of owner-occupied units and 12.9 percent of renter-occupied units.

Table 2-21: Bedroom Mix by Tenure, 2019

Bedrooms	Livermore				Alameda County			
	Owned Units	Rental Units	Total Units by Bedroom	Percent of Total	Owned Units	Rental Units	Total Units by Bedroom	Percent of Total
0–1	354	2,305	2,659	8.4%	12,137	104,031	116,168	20.7%
2	2,252	3,247	5,499	17.3%	59,604	102,628	162,232	28.1%
3	10,221	2,530	12,751	40.2%	131,807	46,701	178,508	30.4%
4+	10,168	670	10,838	34.1%	105,343	14,926	120,269	20.8%
Total	**22,995**	**8,752**	**31,747**	**100%**	**308,891**	**268,286**	**577,177**	**100%**

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25042.

PERSONS WITH DISABILITIES

A broad range of conditions are considered disabilities, and housing needs can vary by disability type. Persons with disabilities may have special housing needs for several reasons, such as living on a fixed income, the lack of housing choices that are both affordable and accessible, and higher health care costs or limited access to health care. Many persons with disabilities are still able to live at home independently or with friends or family members, and others need in-home services or to reside in a special care facility. In order to maintain an independent lifestyle, a home may need to be modified to increase accessibility through universal design features. The objective is to improve the accessibility of homes, not only for residents of all ages and abilities, but for visitors as well.

The six disability types covered by the ACS are:

- **Hearing Difficulty:** Deaf or having serious difficulty hearing (DEAR).
- **Vision Difficulty:** Blind or having serious difficulty seeing, even when wearing glasses (DEYE).
- **Cognitive Difficulty:** Because of a physical, mental, or emotional problem, having difficulty remembering, concentrating, or making decisions (DREM).
- **Ambulatory Difficulty:** Having serious difficulty walking or climbing stairs (DPHY).
- **Self-Care Difficulty:** Having difficulty bathing or dressing (DDRS).
- **Independent Living Difficulty:** Because of a physical, mental, or emotional problem, having difficulty doing errands alone such as visiting a doctor's office or shopping (DOUT).

According to the ACS, 8.4 percent of Livermore's population aged 5 and over had a disability between 2015 and 2019. In Alameda County, 9.2 percent of residents aged 5 and over had a disability.

The ACS estimates that about 5.8 percent of Livermore's civilian, noninstitutionalized population ages 18 to 64 had a disability in 2019. This estimate does not include seniors and accordingly does not reflect the total percent of Livermore residents with a disability. Therefore, this percentage likely underestimates the true number of accessible housing units needed in the city. Of this population, 51.6 percent were not in the workforce, and 8.2 percent were in the workforce but unemployed (Table 2-22).

Table 2-22: Persons with Disabilities, Ages 18 to 64 by Workforce Participation, 2019

	Livermore		*Alameda County*	
	Number	***Percent of Total***	***Number***	***Percent of Total***
In Workforce: Employed	1,316	40.2%	27,804	39.0%
In Workforce: Unemployed	269	8.2%	3,665	5.1%
Not in Workforce	1,693	51.6%	39,885	55.9%
Total	**3,278**	**100%**	**71,354**	**100%**

Note: Total includes the civilian, noninstitutionalized population ages 18 to 64 years.

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table C18120; ABAG Data Packet, 2021.

Cognitive difficulty was the most common disability for city and county residents (Table 2-23). The second most common disability for Livermore residents is independent living difficulty, and ambulatory difficulty was the second most common disability for county residents.

Table 2-23: Reported Disabilities by Disability Type, Ages 18 to 64, 2019		
Disability Type	***Livermore***	***Alameda County***
	Number	***Number***
Hearing difficulty	657	11,507
Vision difficulty	489	12,659
Cognitive difficulty	1,436	31,308
Ambulatory difficulty	1,223	31,247
Self-care difficulty	556	14,024
Independent living difficulty	1,234	27,827

Note: These disabilities are counted separately and are not mutually exclusive, as an individual may report more than one disability so these counts should not be summed to 100%.

Sources: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B18102, Table B18103, Table B18104, Table B18105, Table B18106, Table B18107; ABAG Data Packet, 2021.

As shown in Table 2-24, Livermore has 43 licensed community care facilities, which provide a supportive environment in a group situation to persons with special needs. Most of the facilities allow full-time residency. Livermore also has one adult daycare program—GARDEN Tri-Valley run by Futures Explored, Inc. The GARDEN program provides educational opportunities and activities to adults with cognitive and physical disabilities.

Table 2-24: Livermore Licensed Community Care Facilities, 2014		
Type of Facility	***Number of Facilities***	***Combined Capacity***
Group Homes	8	42
Adult Day Care	1	20
Elderly Residential	34	469
Total	**43**	**531**

Source: CA Department of Social Services, Community Care Licensing Division, 2022.

In addition, the city has seven affordable housing developments and shared housing projects built specifically for developmentally disabled adults: Lily House (6 units), Corte Cava (2 units), Creekside (2 units), Gillette (7 units), Locomotive (2 units), Chestnut Square (8 units), and Arroyo Commons Apartments (12 units). It also has three housing projects specifically for individuals with mental-health-related disabilities: McLeod Apartments (5 units), Dogwood House/Crane Ave. (3 units), and Kennedy House (6 units). These housing units are supported by independent living services agencies, including East Bay Innovations, Bay Area Community Services (BACS), and Tri-Valley REACH. Avance Apartments (44 units), which will provide homes for those with developmental disabilities, is currently under construction.

In 2021, the City of Livermore launched the Supportive Shared Housing Rehabilitation and Expansion Program, which provides State of California Permanent Local Housing Allocation (PLHA) funding to nonprofit operators of residential shared housing sites to make major repairs and/or expand the number of units at their properties through construction of additional bedrooms or Accessory Dwelling Units. Tri Valley REACH and Housing Consortium of the East Bay (HCEB) are assessing the feasibility of constructing ADUs on existing sites described above.

Developmental Disabilities

According to Section 4512 of the Welfare and Institutions Code, a "developmental disability" means a disability that originates before an individual reaches 18 years of age, continues or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. The term generally includes mental retardation, cerebral palsy, epilepsy, and autism. It also includes disabling conditions found to be closely related to mental retardation or to require similar treatment, but does not include other handicapping conditions that are solely physical in nature.

The State Department of Developmental Services currently provides community-based services to approximately 329,002 persons with developmental disabilities and their families through a statewide system of 21 regional centers, 4 developmental centers, and 2 community-based facilities. The Regional Center of the East Bay (RCEB) provides a point of entry to services for people residing in Alameda and Contra Costa counties. RCEB is a private, nonprofit agency that contracts with local businesses to offer a wide range of services to individuals with developmental disabilities and their families. RCEB served approximately 670 people in the Livermore area in 2017.[3] Of these, 364 (54.3 percent) are under 18 years of age, and 306 (45.7 percent) are over 18.

Table 2-25 shows the 2020 age profile of people with developmental disabilities in Livermore. Of the 611 residents with developmental disabilities, 323 are under 18 years of age, and 288 are over the age of 18.

Table 2-25: Population with Developmental Disabilities by Age, 2020

Age Group	*Number of People with Developmental Disabilities*
Age Under 18	323
Age 18+	288
Totals	**611**

Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Age Group (2020); ABAG Data Packet, 2021.

Regarding housing needs of persons with developmental disabilities, many can live and work independently within a conventional housing environment. Individuals with more severe developmental disabilities require a group living environment that provides supervision. The most severely affected individuals may require an institutional environment that also provides medical attention and physical therapy. Because developmental disabilities exist before adulthood, the first issue in supportive housing for persons with developmental disabilities is transition from the person's living situation as a child to an appropriate level of independence as an adult. Table 2-26 breaks down the types of residences and the number of people with developmental disabilities in Livermore.

Table 2-26: Population with Developmental Disabilities by Residence

Residence Types	*Number of Residence*
Home of Parent /Family /Guardian	509
Independent /Supported Living	55
Community Care Facility	34
Foster /Family Home	10

[3] RCEB provides information for the 94551 and 94550 zip codes, which include areas outside of the City of Livermore.

Other	5
Intermediate Care Facility	5
Total	**618**

Source: California Department of Developmental Services, Consumer Count by California ZIP Code and Residence Type (2020); ABAG Data Packet, 2021.

Therefore, housing types appropriate for people living with a development disability include: rent-subsidized homes, licensed and unlicensed single-family homes, inclusionary housing, homes accepting Section 8 vouchers, special programs for home purchase, HUD housing, and SB 962 homes. The design of accessibility modifications, proximity to services and transit, and availability of group-living opportunities represent the types of considerations important in serving this need group. Incorporating 'barrier-free' design in all new multifamily housing (as required by California and Federal Fair Housing laws) is especially important to provide the widest range of choices for disabled residents. Special consideration should also be given to affordability of housing, because people with disabilities may be living on a fixed income.

HOMELESS PERSONS

In February 2022, a community-based organization called EveryOne Home conducted a point-in-time homeless count and survey for Alameda County. The count found there were 9,747 people in Alameda County were homeless at the time of the count. Of this population, 242 were counted in Livermore, an 8 percent decrease since 2019. Since the survey was conducted at a single point in time, the report assumes the number of homeless persons counted represents the typical number of homeless persons living in the county and city. Many factors may affect the total count, including weather, time of year, and time of day.

The 2022 survey report found the following demographic distribution of the community-defined homeless population in Livermore:[4]

- **Gender.** About 27 percent of the citywide homeless population was male and 73 percent was female.
- **Race and ethnicity.** Black/African American, Asian, and Hispanic/Latinx residents were overrepresented when compared to the City of Livermore's population.
- **Special Needs.** The report stated that 19 percent of the homeless population in the City of Livermore had a disabling condition, which is defined by HUD as developmental disability, HIV/AIDS, or long-term physical or mental impairment that impacts a person's ability to live independently, but could be improved with stable housing.
- **Living situation.** Approximately 28 percent of the homeless population in Livermore is sheltered and 72 percent are unsheltered. Of the sheltered population in Livermore, about 27 percent were sheltered in transitional housing and 73 percent in emergency shelters. Of the unsheltered population, about 22 percent live in tents, 31 percent live in a car or van, 16 percent live in an RV, 30 percent live on the streets or outside, and 1 percent live in abandoned buildings.

[4] The community definition of homelessness includes people staying in emergency shelters or transitional housing, living on the street or in a car, and people who will lose their housing within a month and have nowhere to go.

EXISTING FACILITIES

Table 2-27 provides a list of the homeless facilities and services in Livermore. There are three types of facilities that provide shelter for homeless individuals and families:

- **Emergency (Temporary) Shelter.** Provides overnight shelter and meets a person's basic needs, either on-site or through off-site services. The length of stay varies with the shelter and can range from one day to several months.
- **Transitional Housing.** Provides housing for up to two years. The residents at these shelters are typically connected to a rehabilitation program, including substance abuse and mental health interventions, employment services, individual and group counseling, and life skills training.
- **Permanent (Supportive) Housing.** Provides permanent housing that is affordable, linked with ongoing supportive services, and gives formerly homeless residents the opportunity to live in the facility on an indefinite basis.

Table 2-27: Homeless Facilities and Services in Livermore, 2022

Facility Name	*Beds*	*Clients*	*Type*
Sojourner House	16	Families with children/teens	Emergency Shelter
Shiloh House	30	Domestic violence victims	Emergency Shelter
Shepherd's Gate	70	Women and children	Emergency Shelter
Cityserve	Not Applicable	All	Support Services
Abode Services	Not Applicable	All	Support services and Rapid Rehousing
Bluebell Apartments	7	All	Transitional Housing
Tri-Valley Haven Food Pantry	Not Applicable	All	Food Pantry
Open Heart Kitchen	Not Applicable	All	Food and Meal Distribution
Goodness Village	28	Chronically homeless	Transitional Housing
Chestnut Senior	5	Seniors	Permanent Supportive Housing
Chestnut Family	10	Families	Permanent Supportive Housing
Stoney Creek	7	All	Permanent Housing

Source: ShelterListings.org, accessed 1/12/22.

Table 2-28 summarizes the available beds reported by the Continuum of Care in 2020.

In addition to the services listed in Table 2-27, the City of Livermore also works with homeless services providers to provide rental assistance to people experiencing or at risk of becoming homelessness.

While continuing to support existing emergency (temporary) shelters, the City is focused on long-term solutions to homelessness and placing more individuals in permanent housing. When complete, Housing Consortium of the East Bay's Vineyard 2.0 development will provide twenty-

four units of permanent supportive rental housing for persons who were formerly homeless as well as over 9,000 square feet of space for essential services such as food, showers and laundry, winter shelter, and housing counseling.

The City established the Subcommittee on Homelessness Team to develop recommendations to the City Council for a Homeless Strategy Framework by gathering information on homelessness, the service types that are available to people experiencing homelessness, and the current and future funding resources available for homelessness response.

Table 2-28: Summary of Available Beds Reported by Continuum of Care, 2020										
	Family Units	*Family Beds*	*Adult-Only Beds*	*Child-Only Beds*	*Total Year-Round Beds*	*Seasonal*	*Overflow/ Voucher*	*Subset of Total Bed Inventory*		
								Chronic Beds	*Veteran Beds*	*Youth Beds*
Emergency, Safe Haven, and Transitional Housing	159	554	1460	18	2032	160	33	n/a	215	169
Emergency Shelter	109	391	974	18	1,383	160	33	n/a	95	66
Safe Haven	0	0	32	0	32	n/a	n/a	n/a	32	0
Transitional Housing	50	163	454	0	617	n/a	n/a	n/a	88	103
Permanent Housing	543	1,558	2,603	17	4,178	n/a	n/a	602	724	167
Permanent Housing	441	1205	2,325	15	3,545	n/a	n/a	602	699	80
Rapid Rehousing	102	353	278	2	633	n/a	n/a	n/a	25	87
Grand Total	**702**	**2,112**	**4,063**	**35**	**6,210**	**160**	**33**	**602**	**939**	**336**

Source: HUD 2020 Continuum of Care Homeless Assistance Programs Housing Inventory Count Report, https://files.hudexchange.info/reports/published/CoC_HIC_CoC_CA-502-2020_CA_2020.pdf.

FARM LABOR

Though Livermore is no longer the small agricultural town it once was, farming is still part of Livermore's economy and identity—particularly viticulture. It is difficult to estimate the extent of the farm labor population in the city because government agencies do not consistently define farm labor, length of employment, or place of work. Nevertheless, farm workers are considered by the State of California to have special housing needs due to their limited income, the seasonality of housing needs, and an increased likelihood of overcrowding and substandard housing conditions.

The USDA Census of Agriculture identified 305 permanent farm workers and 288 seasonal farmworkers in Alameda County in 2017 (Table 2-29). Farmworker numbers across Alameda County have been decreasing overall since the beginning of the century. City staff spoke with staff from community based organizations who serve farmworkers, and they've seen the number of farmworkers served go down significantly in Livermore due to economic trends. There are more jobs in the Central Valley and families have relocated to cities like Fresno or Coalinga. Community partners shared that housing specifically for farmworkers is less needed than affordable multifamily projects like Chestnut that serve a variety of low wage occupations with outreach to help farmworkers and their families access these affordable housing opportunities. Multiple programs are included in the Housing Plan to preserve affordable multifamily housing and to work towards more affordable multifamily projects in the City (See Programs 1.2.1,1.5.3, 3.1.2, 3.2.1, 3.2.2, 3.4.2, 3.5.1).

Table 2-29: Farm Operations and Farm Labor, Alameda County

	2002	*2007*	*2012*	*2017*
Permanent	577	465	355	305
Seasonal	369	737	449	288
Total	**946**	**1,202**	**804**	**593**

Note: Farm workers are considered seasonal if they work on a farm less than 150 days in a year; farm workers who work on a farm more than 150 days are considered permanent workers for that farm.

Source: Department of Agriculture, Hired Farm Labor, Table 7 of Census of Farmworkers 2002, 2007, 2012, 2017; ABAG Data Packet, 2021.

The Livermore Development Code provides standards to allow farm worker housing. It allows for a caretaker's residence (conditional use permit required) within the Planned Development/Agriculture District (PD-AG) or within the South Livermore Valley Agricultural Zone (SLV-AG). The code defines a caretaker's residence as a temporary dwelling for people and their families employed in the agricultural use of the property. The size of this residence type is restricted to 1,200 square feet in the SLV-AG. Farm labor housing is also permitted with conditional use permit approval within two Open Space Districts: Agricultural and Rural Preservation (OS-A and OS-R).

COLLEGE STUDENTS

Las Positas College is a community college in Livermore that began as an extension center of Chabot College in 1963. Currently, the college enrolls nearly 8,500 day and evening students. The college offers

curriculum for students seeking career preparation, transfer to a four-year college or university, or personal enrichment. Chabot -Las Positas Community College District is actively working on plans to build student and lower income District Employee affordable rental housing near and adjacent to Las Positas College. The City will continue to coordinate with the College on these efforts.

2.5 HOUSING STOCK CHARACTERISTICS

Ideally, a city's housing stock should align with the needs of its population, provide both small and large units in a variety of forms, and offer housing affordable to its workforce and special needs populations. Market realities often result in housing supply outcomes that do not meet the needs of all members of the local population. This section describes housing stock characteristics in Livermore and Alameda County. The Constraints Chapter describes current market conditions.

HOUSING STOCK

As shown in Table 2-30, Livermore has a significantly greater share of single-family detached houses compared to Alameda County (68.8 percent v. 52.2 percent). Conversely, multifamily units make up 19.9 percent of Livermore's stock and 38.6 percent of Alameda County's stock.

Table 2-30: Housing Stock, 2010–2020

	Livermore			*Alameda County*		
	2010 Units	***2020 Units***	***Percent Change***	***2010 Units***	***2020 Units***	***Percent Change***
Single Family:						
Detached	21,490	22,519	4.7%	309,306	319,353	3.2%
Attached	2,555	3,154	23.4%	44,280	48,130	8.7%
Single Family Total	**24,045**	**25,673**	**6.7%**	**353,586**	**367,483**	3.9%
Multifamily:						
2–4 Units	1,466	1,604	9.4%	65,326	66,731	2.2%
5+ Units	4,291	4,909	14.4%	154,629	169,679	9.7%
Multifamily Total	**5,757**	**6,513**	**13.1%**	**219,955**	**236,410**	**7.5%**
Mobile Homes	**540**	**542**	**0.3%**	**7,831**	**7,859**	**0.4%**
Total	**30,342**	**32,728**	**7.8%**	**581,372**	**611,752**	**5.2%**
Vacancy Rate	**4.0%**	**3.4%**		**6.4%**	**5.2%**	

Source: Source: California Department of Finance, E-5 series, 2020; *ABAG Data Packet, 2021.*
Housing Type Definitions:
Single Family Detached: 1-unit structure detached from any other house, with open space on all four sides.
Single Family Attached: 1-unit structure that has one or more walls extending from ground to roof separating it from adjoining structures.
Multifamily: structures containing 2 or more housing units.
Mobile homes: a dwelling that sits on wheels and may be moved.

TENURE AND OCCUPANCY

As shown in Table 2-31, the percentage of occupied housing units and owner-occupied units is greater in Livermore than in Alameda County. Conversely, the proportion of renter-occupied housing units is greater in Alameda County (44.1 percent) than Livermore (28.9 percent).

Table 2-31: Tenure and Vacancy, 2019

Housing Units	Livermore		Alameda County	
	Estimate	Percent	Estimate	Percent
Owner-occupied housing units	22,995	75.9%	308,891	50.8%
Renter-occupied housing units	8,752	28.9%	268,286	44.1%
Occupied housing units	29,134	96.2%	577,177	94.9%
Vacant housing units	1,136	3.8%	30,919	5.1%
Total housing units	**30,270**	**100.0%**	**608,096**	**100.0%**

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25003 and Table B25004; ABAG Data Packet, 2021

Table 2-32 provides an overview of the number of vacant units and unit types in Livermore, Alameda County, and the Bay Area. The majority of vacant units in Livermore are classified as "other vacant," which is the same for Alameda County and the Bay Area. Alameda County and the Bay Area also have a lot of units for rent that are vacant. In Livermore, units that have been sold but are not yet occupied comprise the next biggest group of vacant units.

Table 2-32: Vacant Units by Type, 2019

Geography	For Rent	For Sale	For Seasonal, Recreational, or Occasional Use	Other Vacant	Rented, Not Occupied	Sold, Not Occupied
Livermore	205	104	140	460	21	206
Alameda County	7,998	1,961	3,892	13,569	1,517	1,982
Bay Area	41,117	10,057	37,301	61,722	10,647	11,816

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25004; ABAG Data Packet, 2021.

HOUSING GROWTH

According to the Department of Finance, 36,043 new housing units were built in Alameda County from 2010 to 2021. In Livermore, 2,662 new units were built between 2010 and 2021. A higher proportion of single-family units was built in Livermore than in the county overall (63.2 percent v. 58.2 percent). Table 2-33 compares housing estimates for Livermore and Alameda County.

Table 2-33: Housing Unit Growth, 2010 to 2020

	Livermore	Alameda County

	New Units	Percent	Average Annual Growth	New Units	Percent	Average Annual Growth
Single Family[1]	1,629	68.3%	0.67%	13,897	45.7%	0.4%
Multifamily	756	31.7%	1.3%	16,455	54.3%	0.7%
Mobile Homes	2	0.08%	0.03%	28	0.09%	0.03%
Total	**2,386**	**100.0%**	**0.8%**	**30,380**	**100.0%**	**0.5%**

1. Single family includes both detached and attached units.

Sources: California Department of Finance, E-5 Series; ABAG Data Packet, 2021.

HOUSING AGE

The age of a housing unit can be an indicator of its condition. As units age, they require maintenance and modernization, without which, homes will deteriorate and can negatively impact the values of surrounding properties. Generally, houses older than 30 years begin to show signs of deterioration and require reinvestment to maintain their quality, and homes older than 50 years begin to require major renovations.

As of 2019, approximately 65.4 percent of the housing stock in Livermore was built before 1990 (and is approximately 30 years of age). Approximately 34.1 percent of Livermore's housing stock was built before 1970 (and is approximately 50 years of age). Alameda County's housing stock is older than Livermore's, with approximately 80.6 percent of its housing stock built before 1990 and 52.7 percent built before 1970 (see Table 2-34).

Table 2-34: Housing Units by Tenure and Age, 2019

	Livermore		Alameda County	
	Number	Percent	Number	Percent
Built 2010 or later	1,341	4.1%	19,340	3.2%
Built 2000 to 2009	4,378	13.3%	44,854	7.4%
Built 1990 to 1999	5,629	17.1%	53,513	8.8%
Built 1980 to 1989	3,557	10.8%	75,783	12.5%
Built 1970 to 1979	6,740	20.5%	93,408	15.4%
Built 1960 to 1969	6,129	18.6%	82,967	13.6%
Built 1950 to 1959	3,476	10.6%	77,947	12.8%
Built 1940 to 1949	634	1.9%	41,622	6.8%
Built 1939 or earlier	999	3.0%	118,662	19.5%
Total	**32,883**	**100.0%**	**608,096**	**100.0%**

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25034; ABAG Data Packet, 2021.

HOUSING IN NEED OF REPAIR/REPLACEMENT

The overall number of substandard residential units in need of either rehabilitation or replacement is approximately 100. This is based on the number of complaints to the City's Neighborhood Preservation Division, who responds to complaints regarding substandard buildings and development code violations. They estimate that they receive

approximately 10 complaint calls per year related to substandard or dilapidated housing. They also work to identify existing housing problems related to blight, abandoned properties, and tenant/landlord issues.

2.6 HOUSING COSTS AND AFFORDABILITY

The cost of housing relative to the income of residents indicates the affordability of housing in a community. For example, if housing costs are high compared to the median household income, families with lower income levels may find it difficult to afford housing. Overcrowding or longer commutes may result. Setting the stage to provide housing choice for all segments of the community is an important part of the housing element.

HOME SALES TRENDS

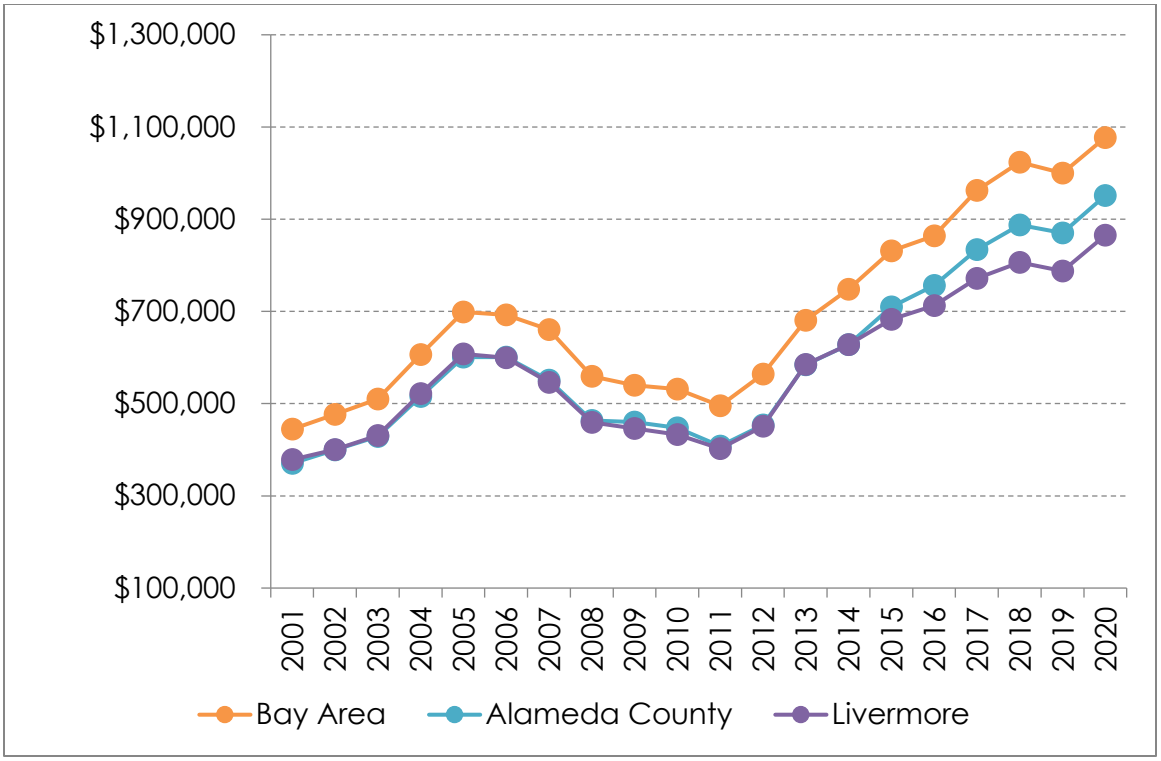
As shown in Table 2-35, a point-in-time survey conducted on RedFin.com shows that the median price of homes ranged from $767,500 for houses with two bedrooms to $1,765,000 for houses with five bedrooms.

Table 2-35: Livermore Home Sale Prices, January 2021–January 2022			
Bedrooms	***Sales***	***Median Price***	***Average Price***
Homes			
2	10	$767,500	$737,200
3	123	$990,000	$1,031,269
4	103	$1,270,000	$1,310,941
5 +	34	$1,765,000	$1,759,374
Homes Total	**270**	**$1,198,125**	**$1,209,696**
Condominiums			
1	7	$364,900	$354,129
2	29	$660,000	$633,638
3	19	$845,000	$858,251
4	5	$909,000	$894,600
Condos Total	**60**	**$694,725**	**$685,155**
Townhomes			
2	2	$632,500	$632,500
3	15	$815,000	$784,667
4	2	$910,000	$910,000
Townhomes Total	**19**	**$785,833**	**$775,722**

Source: Redfin, 1/4/22.

Between the economic downturn and present day, home prices in Livermore, Alameda County, and the Bay Area increased (Figure 2-2). Home prices have continued to rise, and most of the homes in Livermore are only affordable to above-moderate-income households.

Figure 2-2: Home Sale Prices 2001 to 2020



Source: Zillow, Zillow Home Value Index (ZHVI); ABAG Data Packet, 2021.

Note:

1. *Zillow Home Value Index (ZHVI): a smoothed, seasonally adjusted measure of the typical home value and market changes across a given region and housing type. The ZHVI reflects the typical value for homes in the 35th to 65th percentile range. The ZHVI includes all owner-occupied housing units, including both single-family homes and condominiums. More information on the ZHVI is available from Zillow. The regional estimate is a household-weighted average of county-level ZHVI files, where household counts are yearly estimates from DOF's E-5 series.*

Housing prices decreased dramatically during the economic downturn; however, this decrease did not result in home ownership among low- and moderate-income households. Stricter underwriting standards contributed to barriers to homeownership for those without a substantial down payment and good credit history. Because housing prices have climbed, many homes remain unattainable to low- and moderate-income households.

Table 2-36 shows that the majority of owner-occupied units in Livermore are valued at $500,000 to $750,000 (38.9 percent). The second largest group falls under the value range of $750,000 to 1 million (30.6 percent). This trend of home value is reflected in Alameda County and the Bay Area.

Table 2-36: Home Values of Owner-Occupied Units, 2019							
Geography	***Units Valued Less than $250k***	***Units Valued $250k–$500k***	***Units Valued $500k–$750k***	***Units Valued $750k–$1M***	***Units Valued $1M–$1.5M***	***Units Valued $1M–$2M***	***Units Valued $2M+***
Livermore	3.3%	8.7%	38.9%	30.6%	14.7%	2.4%	1.4%
Alameda County	5.2%	14.5%	28.4%	25.5%	17.7%	5.0%	3.8%
Bay Area	6.1%	16.3%	22.5%	20.1%	17.9%	7.9%	9.2%

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25075; ABAG Data Packet, 2021.

RENTAL HOUSING COSTS

Table 2-37 shows the contract rent for renter-occupied units in 2019. In Livermore, approximately 26.2 percent of renters pay $1,500 to $2,000 per month in rent. In Alameda County and the Bay Area, most renters also pay $1,500 to $2,000 per month in rent (24.9 percent and 22.8 percent, respectively). The second most common rent range in Livermore is $2,000 to $2,500 per month (22.2 percent).

Table 2-37: Contract Rents for Renter-Occupied Units, 2019							
Geography	***Rent less than $500***	***Rent $500–$1000***	***Rent $1000–$1500***	***Rent $1500–$2000***	***Rent $2000–$2500***	***Rent $2500–$3000***	***Rent $3000 or more***
Livermore	5.3%	7.4%	16.2%	26.2%	22.2%	14.8%	7.9%
Alameda County	6.4%	11.8%	22.0%	24.9%	17.1%	10.6%	7.2%
Bay Area	6.1%	10.2%	18.9%	22.8%	17.3%	11.7%	13.0%

Source: U.S. Census Bureau, American Community Survey 5-Year Data (2015-2019), Table B25056; ABAG Data Packet, 2021

Based on an online survey conducted in January 2022, the average rent in Livermore for a 1-bedroom apartment was $2,206 (Table 2-38). The average rent for a 3-bedroom apartment was $3,262 and the average rent across the number of bedrooms in a unit in Livermore was $2,657.

Table 2-38: Average Rental Prices in Livermore, 2022	
Bedrooms	***Average Price of Rent***
Studio	$1,618
1 Bedroom	$2,206
2 Bedroom	$2,565
3 Bedroom	$3,262
4 Bedroom	$3,636
Average	**$2,657**

Source: RealPage.com and Zillow.com Survey, 1/4/2022.

HOUSING AFFORDABILITY

A community's housing affordability is measured by evaluating market rate prices for buying and renting homes compared to the ability of residents to afford these market rates. For purposes of the Housing Element, a home is considered affordable if it is suitably sized and costs the household 30 percent or less of its gross monthly income. Households that pay more than 30 percent of their income for housing (i.e., rent or mortgage and utilities) are considered "cost burdened." Housing that is not suitably sized can result in overcrowding, which occurs when a household has more than one person per room.[5]

Housing affordability varies by income group. Extremely low-income households have greater challenges in accessing housing that is affordable than above-moderate-income households, who can spend significantly more on housing. Accordingly, the following analysis evaluates housing affordability by income group (i.e., extremely low-, very-low-, low-, moderate-, and above-moderate-income groups). The U.S. Department of Housing and Urban Development (HUD) determines the income groups, which are then adopted by the California Housing and Community Development Department (HCD).[6]

This housing affordability analysis does not consider home maintenance costs. Since landlords of rental housing typically pay maintenance costs, which can be considerable, homeownership is inherently more expensive than rental housing. The discussion also does not consider transportation costs, the second highest household expense, which are strongly influenced by housing location and context (availability of transit, parking prices, etc.).

Table 2-39 shows the maximum amount that a household can pay for housing each month without exceeding the 30 percent threshold and without overcrowding. As noted in the table, the income figures are based on the 2021 HCD AMI for Alameda County of $125,600 for a family of four, and calculation of affordable home sales prices are based on an annual interest rate of 5.007 percent for a mortgage. Interest rates have increased substantially in the last year and are expected to rise more as of Spring 2022.

Comparing this table to the housing cost information described in the previous section reveals that extremely low- and very-low-income households in Livermore cannot afford market rental or owner-occupied housing. Based on prevailing rents, some low-income households could afford market-rate rental units. Only above-moderate-income households can afford the typical median price for a home in Livermore.

The following sections describe in more detail housing affordability by income group.

[5] Rooms include living rooms, dining rooms, bedrooms, study, and other rooms, but do not include kitchens, hallways, or bathrooms.

[6] HCD and HUD apply the 30 percent of gross income standard to set affordable rents for income-restricted units.

Table 2-39: Housing Affordability Matrix (2020)						
Income Group	*Income Levels*		*Monthly Housing Costs*		*Maximum Affordable Price*	
	Annual Income	*Affordable Payment*	*Utilities/Monthly Debts*	*Taxes & Insurance[1]*	*Ownership[2]*	*Rental[3]*
Extremely Low						
One Person	$28,800	$720	$150	$1,595	$101,908	$720
Small Family[4]	$37,000	$925	$225	$1,806	$128,923	$925
Large Family	$44,400	$1,110	$300	$1,987	$152,204	$1,110
Very Low						
One Person	$47,950	$1,199	$150	$2,252	$186,186	$1,199
Small Family	$61,650	$1,541	$225	$2,652	$237,467	$1,541
Large Family	$74,000	$1,850	$300	$3,004	$282,614	$1,850
Low						
One Person	$76,750	$1,919	$150	$3,273	$317,042	$1,919
Small Family	$98,650	$2,466	$225	$3,964	$405,581	$2,466
Large Family	$118,400	$2,960	$300	$4,578	$484,351	$2,960
Moderate						
One Person	$105,500	$2,638	$150	$4,292	$447,671	$2,638
Small Family	$135,650	$3,391	$225	$5,275	$573,694	$3,391
Large Family	$162,750	$4,069	$300	$6,150	$685,860	$4,069

Notes: Maximum affordable home prices are for illustrative purposes only and are not to be used for determining specific program eligibility.

1. Property taxes are based on the average rate for Alameda County of 0.78%, and insurance is based on Zillow Affordability Calculator assumptions.

2. Affordable home price is based on down payment of 20% of annual household income, annual interest of 5.007%, a 30-year mortgage, and monthly payment of 30% of gross household income.

3. Monthly affordable rent based upon rental payments of no more than 30% of household income.

4. Small Family = 3 persons; Large Families = 5 or more persons.

Sources: https://www.zillow.com/mortgage-calculator/house-affordability/; Average property taxes for Livermore, CA, https://smartasset.com/taxes/ california-property-tax-calculator#yYQmplVSUe; Homeowners insurance, http://www.baysano.com/contra-costa-county-ca-average-home-insurance -cost-74/ OR https://vhomeinsurance.com/contra-costa-county-ca-home-insurance-hi7812/ OR use Zillow.

Extremely Low-Income Households

Extremely low-income households in Livermore have incomes that are 30 percent or less of the AMI. The maximum affordable home rental price for an extremely low-income household ranges from $720 for a one-person household to $1,110 for a five-person household. The maximum qualifying home price for an extremely low-income household ranges from $108,679 for a one-person household to $160,823 for a five-person household (Table 2-39). With lower end studios renting for $1,618/month, market rents exceed the affordable housing payment for an extremely low-income household. In practical terms,

this means that a one-person household cannot afford an average priced studio or one-bedroom unit without assuming a cost burden. The problem is exacerbated for larger households with extremely low incomes.

Very Low-Income Households

Very low-income households in the city earn between 31 and 50 percent of the AMI. The maximum qualifying home price for a very low-income household ranges from $210,623 for a one-person household to $318,396 for a five-person household (Table 2-39). With median home sale prices starting at $767,500 for two-bedroom homes, market-rate homes in Livermore are not attainable for very low-income households.

A very low-income household can afford to pay $1,199 to $1,850 in rent per month, depending on the household size. With the average rents in Livermore starting at $2,206 for a one-bedroom unit, a very low-income household cannot afford to pay the average rental price without facing overcrowding or cost burden issues. Rental prices for one-bedrooms in Livermore currently range from about $1,099 to $2,903, indicating that a two-person, very low-income household earns less than the amount necessary to afford a typical lower-priced one-bedroom in Livermore. In practical terms, this means that very low-income households cannot afford an average market-rate rental without assuming a cost burden.

Low-Income Households

Low-income households earn between 51 and 80 percent of the AMI. The maximum qualifying home price for a low-income household ranges from $363,937 for a one-person household to $554,756 for a five-person household (Table 2-39). Compared to the median selling price of homes in Livermore, low-income households cannot afford homeownership in the city, regardless of household size.

A low-income household can afford to pay $1,919 to $2,960 in rent per month, depending on the household size. With the average rents in Livermore ranging from $2,206 for a one-bedroom to $3,096 for a three-bedroom unit, some low-income households can afford to pay the average rental price in Livermore, depending on household size. Larger low-income households could not afford market-rate rentals, as three-bedroom units exceed their maximum affordable rental price.

Moderate-Income Households

Moderate-income households earn between 81 and 120 percent of the AMI. The maximum qualifying home price for a moderate-income household ranges from $516,985 for a one-person household to $790,850 for a five-person household (Table 2-39). Based on the median housing prices in Livermore, moderate-income households cannot afford to purchase a home in Livermore without a sizeable down payment. To assist households out of reach from homeownership, the City offers a down payment assistance program for first-time homebuyers. This program offers a loan of up to $60,000 at three percent interest for first-time homebuyers, making a one-bedroom home affordable to a family of two and a two-bedroom home affordable to a family of three.

A moderate-income household can afford to pay $2,638 to $4,069 in rent per month, depending on the household size. With the average rents in Livermore ranging from $2,206 for a one-bedroom to $3,096 for a three-bedroom unit, some moderate-income

households can afford to pay the average rental price in Livermore, depending on household size.

COST BURDEN

HUD uses a Comprehensive Housing Affordability Strategy (CHAS) to evaluate housing cost burden. According to CHAS data for 2011 to 2017, renters in Livermore were more cost burdened than owners, with 25.2 percent of all renter households and 14.9 percent of all owner households paying more than 30 percent of their income for housing.

Table 2-40 shows cost burden by income group and tenure. Lower-income renter households (those earning less than 50% of the area median family income, or AMFI) are more likely to be cost burdened, with approximately 21.6 percent of very low-income renters cost burdened compared to only 6.1 percent of low income homeowners.

Large families (five or more related individuals) and elderly households tend to experience greater cost burden for housing. Elderly residents on fixed incomes sometimes overpay for housing, and rental increases are particularly difficult for this group. For large families to avoid overcrowding, owning or renting a large home is required, which costs more and is more likely to stretch the household budget for housing. Conversely, families may increase the number of people living in the housing unit to avoid being cost-burdened, causing overcrowding. The prevalence of overcrowding in Livermore is discussed in the following section.

Table 2-40: Cost Burden by Income Classification and Tenure for Livermore, 2018

Cost Burdened Totals	Renters			Owners			Total	
	Number	Percent of Renters	Percent of Total	Number	Percent of Owners	Percent of Total	Number	Percent of Total
Total Occupied Units	**8,965**	**100%**	**28.4%**	**22,570**	**100%**	**71.6%**	**31,535**	**100%**
Cost Burdened >30%	2,255	25.2%	7.2%	3,355	14.9%	10.6%	5,610	17.7%
Cost Burdened >50%	1,940	21.6%	6.2%	1,925	8.5%	6.1%	3,865	12.2%
Cost Burden by Household Income Group								
Very Low Income <=50% AMFI	1,415	15.8%	4.5%	1,230	5.4%	3.9%	2,645	8.4%
Low Income >50 to <=80% AMFI	1,540	17.2%	4.9%	1,590	7%	5%	3,130	9.9%
Moderate Income >80% to <=120% AMFI	1,030	11.5%	3.3%	1,525	6.7%	4.8%	2,555	8.1%
Above Moderate Income >120% AMFI	3,580	39.9%	11.3%	17,340	76.8%	54.9%	20,920	66.3%

AMFI= Area Median Family Income

Sources: CHAS data based on ACS 2014–2018 5-year estimates.

OVERCROWDING

In response to high housing costs and a limited supply of affordable housing, lower income families are sometimes forced to choose a smaller home to save money to pay for other necessities, including transportation, food, and clothing. Another strategy is to increase the number of people living together. In extreme cases, two families choose to share one home. For these reasons, large families and low-income households are more at risk of living in overcrowded conditions. HCD defines overcrowding as more than one occupant per room, and severe overcrowding as more than 1.5 occupants per room. Table 2-41 shows overcrowding severity in Livermore, Alameda County, and the Bay Area. The CHAS data shows that approximately one percent of owner-occupied units and 5.6 percent of rental units in Livermore are considered overcrowded, with some lower-resource neighborhoods experiencing overcrowding at higher rates. Approximately 0.1 percent of owner-occupied units and 1.7 percent of rental units are considered severely overcrowded in Livermore (Table 2-42)

Table 2-41: Overcrowding Severity, 2017

Geography	*1.00 Occupant per Room or Less*	*1.01 to 1.50 Occupants per Room*	*1.50 Occupants per Room or More*
Livermore	30,867	715	165
Alameda County	531,752	29,007	16,418
Bay Area	2,543,056	115,696	72,682

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release; ABAG Data Packet, 2021.

Table 2-42: Overcrowding by Tenure and Severity in Livermore, 2017

Tenure	*1.01 to 1.50 Occupants per Room*	*More than 1.5 Occupants per Room*
Owner Occupied	1.0%	0.1%
Renter Occupied	5.6%	1.7%

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release; ABAG Data Packet, 2021.

HOUSING PROBLEMS FOR ALL HOUSEHOLDS

Table 2-43 shows the number of households by tenure that has any housing problems according to the 2013-2017 ACS-based CHAS database. A housing problem includes conditions such as lack of kitchen or plumbing, more than one person per room, or a cost burden greater than 30 percent of the AMI by income category. As shown in Table 2-43, 3,405 of very low- and extremely low-income households reported a housing problem.

Table 2-43: Housing Problems for All Households			
	Total Renters	*Total Owners*	*Total Households*
Households Income <30% MFI with any Housing Problem	1,040	640	1,680
Household Income >30% to <50% MFI with any Housing Problem	1,045	680	1,725
Totals	**2,085**	**1,320**	**3,405**

Source: U.S. Department of Housing and Urban Development (HUD), Comprehensive Housing Affordability Strategy (CHAS) ACS tabulation, 2013-2017 release.

2.7 REGIONAL HOUSING NEED

State law requires all regional councils of governments to determine the existing and projected housing need for their region and to allocate a portion of the regional housing need to each jurisdiction. The Association of Bay Area Governments (ABAG) is the agency responsible for determining the City of Livermore's Regional Housing Need Allocation (RHNA).

As shown in Table 2-44, based on ABAG's allocation, the City should plan for 4,570 new housing units between January 31st, 2023, and January 31st, 2031. Approximately 28.8 percent of these units should be for very low-income households, 16.6 percent for low-income households, 15.2 percent for moderate-income households, and 39.4 percent for upper-income households. The RHNA estimate for very low-income housing need in Livermore is 1,317 housing units. Based on HCD standards, 50 percent of these should be planned for extremely low-income households. Therefore, there is a projected need for 658 units affordable to extremely low-income households and 658 units affordable to very low-income households in Livermore. Programs 1.5.3, 3.2.1 and 3.2.3 in the Housing Plan address extremely low-income households.

Table 2-44: Regional Housing Need Allocation by Income Group, January 2023 to January 2031					
Geography	*Very-Low-Income Units*	*Low-Income Units*	*Moderate-Income Units*	*Above-Moderate-Income Units*	*Total Units*
Livermore	1,317	758	696	1,799	4,570
ABAG Region	114,442	65,892	72,712	188,130	441,176

Source: ABAG, December 2021.

2.8 AFFORDABLE HOUSING

Housing that receives public funding or is created through governmental policies is often a significant source of affordable housing in many communities. This section identifies the affordable housing in Livermore, evaluates the potential for conversion to market-rate within 10 years of the beginning of the Housing Element planning period, or 2033, and analyzes the cost to preserve the units. Resources for preservation, replacement, and

construction of new units are described in Chapter 4. Housing programs to address preservation of these units are described in Chapter 5.

INVENTORY OF AFFORDABLE HOUSING

Livermore has produced a large supply of affordable housing through the use of federal, state, and local policies and assistance programs. The City has created both affordable homeownership opportunities as well as rental housing for families, seniors, people experiencing homelessness, and people with disabilities, through the use of in-lieu fees and the Inclusionary Housing Ordinance. Table 2-45 provides an inventory of affordable housing in Livermore.

Table 2-45: Affordable Housing Inventory

Development	Total Units	Affordable Units			Total Affordable Units	Funding Source	Expiration of Affordability
		Very Low	Low	Moderate			
Ageno Apartments	171	35			35	LIHTC	2070
Arbors	162		81	81	162	Tax-Exempt Bonds	2050
Arbor Vista	80	39		41	79	HUD	2039
Dogwood House (Crane Ave)	3	3*			3	CalHFA	2071
Avance	45	44*			44	LIHTC	2074
Arroyo Del Valle Commons	12	11			11	HUD	2038
Bluebell Apartments	27	9		6	15	HUD; City	2025/2028
Carmen Ave.	30	29*			29	LIHTC; HCD	2062
Chestnut Apartments	6	2	4		6	City; HCD	2061
Chestnut Square Senior Housing	72	72*			72	LIHTC	2071
Chestnut Square Family Housing	42	42*			42	LIHTC	2072
Colgate (Lily House)	6	6*			6	HUD; City	2057
Corte Cava	2	2*			2	HUD	2037
Vandenburg Villa (formerly Gardella Gardens) Senior Housing	39	39			39	HUD; City	2044
Heritage Estates (Assisted living)	250	100			100	LIHTC	2058
Heritage Estates (Senior Apartments)	130	23	32		55	LIHTC	2061
Heritage Park	167		33		33	Bond	2085
Hillcrest Gardens	55	43	11		54	HUD	N/A
Las Posadas	9	9			9	City; HUD	2059
Leahy Square	125	125*			125	HUD	N/A

Table 2-45: Affordable Housing Inventory

Development	Total Units	Affordable Units			Total Affordable Units	Funding Source	Expiration of Affordability
		Very Low	Low	Moderate			
Marilisa Meadows	50		31		31	N/A	2027
McLeod Apartments	5	2	3		5	CalHFA	2070
Oak Street Apartments	8	2			2	N/A	2056
Outrigger Apartments	42	18*	10		28	City	2034
Owl's Landing	72	71			71	LIHTC; HUD; CalHFA	2052
Railroad Ave	6	6			6	City	2074
Stoney Creek Apartments	70	69			69	LIHTC; HCD	2070
Vineyard Village	75	75			75	HUD	2022
Totals	**1,761**	**876**	**205**	**128**	**1,208**		

Source: California Housing Partnership Corporation, 2021 and City records, 2022

**Includes units designated for Extremely Low Income households*

AT-RISK HOUSING

Affordable housing options for most lower-income households are limited primarily to rental housing. Therefore, preserving the existing affordable rental housing stock is an important goal for Livermore. Most affordable rental housing units in the city were achieved through subsidy contracts and deed restrictions/affordability covenants in exchange for construction and mortgage assistance. From time to time, restricted units lose their affordability controls and revert to market-rate units. For instance, development projects are typically considered at-risk due to: (1) the prepayment provisions of HUD-insured mortgage loans; (2) expiration of Section 8 and Section 236 contracts; and (3) expiration of restrictions on mortgage revenue bonds. The following describes in detail these conditions.

- **Prepayment of HUD loans.** In the mid-1960s, the federal government provided low-interest financing or mortgage insurance to housing developers in return for guaranteeing that rents remain affordable to lower-income households. After 20 years, the owners could prepay the mortgages and lift their rent restrictions or maintain the affordability controls until their mortgages were paid.
- **Section 8 Program.** In the mid-1970s, the federal government provided two approaches to encouraging the production of affordable rental housing. Under the Section 8 program, HUD provided a 15- or 20-year agreement to provide rental subsidies to property owners in return for making the units affordable to very-low-income households. The income is typically the difference between 30 percent of the household's income and a negotiated fair market rent for the area. Due to expiring Section 8 contracts and uncertainty of future Section 8 funds, the future of an affordable complex receiving Section 8 funding is uncertain.
- **Section 236 Program.** The other federal program, Section 236, provided rent subsidies in the form of interest reduction, by which multifamily housing could be produced. Two rent schedules were utilized: market rent, based on a market rate mortgage; and basic rent, based on a 1 percent mortgage. Tenants were required to pay the basic rent of 25 percent of their income, with rent payments never to exceed the market rents. Units were restricted to households that met the low- and moderate-income limits established for the program. The subsidized housing moratorium imposed by President Nixon in January 1973 brought an end to additional Section 236 construction.
- **Bond Financed Projects.** State, county, and local governments have the authority to issue tax-exempt mortgage revenue bonds to provide below market-rate financing for rental housing construction. State and federal law require that multifamily projects built with tax-exempt bond proceeds set aside a portion of units as affordable to lower-income households for a specified period of time. The typical contractual period is 10 to 15 years. After the term expires, the property owners may rent the units at market rates.
- In many communities, bond-financed projects typically convert to market rates. Over time, rent levels increase in the community, and the difference between market versus restricted rents increases to the point that, unless additional financial benefits are offered, property owners have no incentive to maintain the units as affordable.

AT-RISK AFFORDABLE RENTAL UNITS IN LIVERMORE

State law requires that the City assess the risk of losing affordable rental housing over a ten-year planning period. "At-risk" housing is defined as multifamily rental housing that is at risk of losing its status as housing affordable for low- and moderate-income tenants due to the expiration of federal, state, or local agreements. For this Housing Element, the at-risk analysis covers units in any subsidized projects at risk before 2033, or 10 years from the beginning of the 6th Round Housing Element planning period in January of 2023.

As shown in Table 2-46, there are three at-risk housing projects within Livermore: Bluebell Drive, Bluebell Transitional, and Vineyard Village. These projects are all scheduled to expire before 2033.

Table 2-46: Projects At-Risk

Project Name	*Type of Units*	*Type of Subsidy*	*Earliest Conversion Date*	*Units at Risk*
Bluebell Drive	Very Low & Moderate	HUD	2028	5
Bluebell Transitional	Very Low & Moderate	HUD	2025	10
Vineyard Village	Low	HUD	2022	75
Total				**90**

Source: City of Livermore, 2022

Bluebell Drive and Bluebell Transitional are currently owned and operated by the Livermore Housing Authority. Upon the Housing Authority's request, the City and Housing Authority are negotiating an extension of the City's loans and affordability restrictions beyond the current expiration. Vineyard Village is owned by Interfaith Housing, an affordable housing nonprofit, and the units are at a very low risk of converting to market rate. The City will work with Interfaith Housing to renegotiate the current regulatory agreement and extend the property's affordability restrictions beyond the expiration date.

PRESERVATION OPTIONS

Transfer of Ownership

Aside from offering the current owner of an at-risk rental housing project modest financial incentives to maintain the property's affordability status, a transfer of ownership of an at-risk project to a nonprofit housing provider is generally one of the least costly ways to ensure that the at-risk units remain affordable. By transferring property ownership to a nonprofit organization, low-income restrictions can be secured indefinitely, and the project becomes eligible for a greater range of governmental assistance. A nonprofit organization could purchase an existing multi-family complex, rather than build a new one, lowering the per-unit cost significantly. Multi-family units in Livermore (primarily condominiums and townhomes) have been selling for an average of $730,439 from January 2021 to January 2022. Assuming an average sales price, acquisition of 90 units would equate to $65,739,510.

Purchase of Affordability Covenant

Another option to preserve the affordability of at-risk projects is to provide an incentive package to owners to maintain the projects as low-income housing. Incentives could include

writing down the interest rate on the remaining loan balance in the form of a payment to the project lender and/or supplementing the fair market rent to market levels, if market rents are substantially more than the HUD-allowed fair market rent. It is difficult to estimate the cost of purchasing affordability covenants due to the number of variables in such a purchase.

Rental Subsidy

Another way to preserve units as affordable is to provide rental assistance to existing residents. Rental assistance to the projects could be structured in a similar fashion to Section 8. The feasibility of this alternative is highly dependent on the availability of funding sources necessary to provide the rental subsidies and the willingness of the owners to accept the subsidies if they are provided.

Table 2-47 shows the rental subsidies required to preserve at-risk units. The calculations assume that extremely low-income households would be the likeliest recipients of rental subsidies. The total cost for rental subsidies would range from $1,007 to $1,412 per unit per month, which equates to $1,239,480 annually.

Table 2-47: Potential Rent Subsidies

Per Unit Affordable Rent + Utilities	*1 Bedroom[1]*	*2 Bedroom[2]*	*3 Bedroom[3]*
Very Low Income (50% AMI) (A)	$1,199	$1,541	$1,850
Per Unit Fair Market Rent (B)	$2,206	$2,565	$3,262
Monthly Per Unit Subsidy (C=B-A)	$1,007	$1,024	$1,412
Annual Subsidy/Unit (C * 12)	$12,087	$12,285	$16,944
Average Annual Subsidy	$13,772		
Total "At Risk" Units	**90**		
Total Annual Subsidy	**$1,239,480**		

1. Assumes 1-person household paying 30 percent of household income on rent and utilities.
2. Assumes 3-person household (i.e., a small family) paying 30 percent of household income on rent and utilities.
3. Assumes 5-person household (i.e., a large family) paying 30 percent of household income on rent and utilities.
Note: Assumes an even distribution among bedroom sizes.

Construction of Replacement Units

Constructing new low-income housing units is another means of replacing at-risk units that convert to market rate. The cost of developing the new housing depends upon a variety of factors, including density, unit size, location, land costs, and type of construction. Construction costs for recent multifamily developments averaged $237 per square foot, with an average unit costing $213,931 when accounting for land cost, government fees, and other costs. Based on this average, construction of replacement units would cost approximately $19,253,790, assuming an average unit size of 856 square feet. The cost of constructing replacement units far exceeds the cost of the rental subsidy alternative.

Cost Comparisons

Based on the calculations, providing rental subsidies offers the least costly alternative for preserving the units while the transfer of ownership is the most costly. Both the construction of new units and the transfer of ownership to a nonprofit entity ensure long-term affordability of the units. Though rental subsidies are the least costly alternative, the subsidies do not necessarily ensure the long-term affordability of the units.

The cost estimating scenarios find the relative preservation costs to be:

- Acquisition of at-risk units – $65,739,510
- Rent subsidy – $1,239,480 annually or $14,209,249 over 10 years, assuming a three percent inflation rate per year.
- Replacement through new construction – $19,253,790

Replacing or preserving the 90 at-risk units is costly, regardless of the method. Providing a rent subsidy program appears to be the least costly option. However, many federal and state funding programs are available for new construction of affordable housing, which may greatly reduce the cost to the City.

Resources for Preservation

The Government Code requires the City to identify local nonprofit corporations which have the "legal and managerial capacity to acquire and manage" the at-risk units or the apartment complexes containing the at-risk units. The City is also required to identify the federal, state, and local financing and subsidy programs that may be considered to preserve these units. These are listed in the Resources section. HCD maintains a list of qualified organizations, and there are several located in Livermore and Alameda County, including Housing Authority of the City of Livermore and Christian Church Homes of Northern California.

2.9 ASSESSMENT OF FAIR HOUSING

Assembly Bill (AB) 686 requires that all housing elements due on or after January 1st, 2021, must contain an Assessment of Fair Housing (AFH) consistent with the core elements of the analysis required by the federal Affirmatively Furthering Fair Housing (AFFH) Final Rule of July 16th, 2015.

Under California law, AFFH means "taking 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."

To comply with AB 686, the City of Livermore (City) has completed the following outreach and assessment of fair housing issues. The maps and analysis included in this assessment rely on data collected from several sources, including, but not limited to, the California Tax Credit Allocation Committee (TCAC) and California Department of Housing and Community Development (HCD) Opportunity Areas,[7] 2010 Census,[8] 2010-2014 and 2015-2019 American Community Survey (ACS),[9] 2019 Longitudinal Employer-Household Dynamics (LEHD),[10] 2014-2018 Comprehensive Housing Affordability Strategy (CHAS),[11] California Department of Education,[12]

[7] California Tax Credit Allocation Committee and Housing and Community Development Department, 2020. 2020 TCAC/HCD Opportunity Map. https://belonging.berkeley.edu/tcac-opportunity-map-2020.
[8] U.S. Census Bureau, 2020. 2010 Decennial Census. https://hudgis-hud.opendata.arcgis.com/.
[9] U.S. Census Bureau, 2014. 2010-2014 American Community Survey. https://hudgis-hud.opendata.arcgis.com/.
[10] U.S. Census Bureau, 2019. 2015-2019 American Community Survey. https://hudgis-hud.opendata.arcgis.com/.
[11] Office of Policy Development and Research (PD&R). 2021, December 20th (accessed). "Comprehensive Housing Affordability Strategy cost burden data for the City of Livermore." Huduser.gov. https://www.huduser.gov/PORTAL/datasets/cp.html
[12] School Dashboard, State of California. 2019 data, City of Livermore. 2021, December 20th (accessed). "California School Dashboard for Livermore Valley Unified School District."caschooldashboard.org.

California Department of Social Services,[13] CalEnviroScreen 4.0,[14] and Zillow Home Value Index.[15] All data presented in the maps included in this assessment was collected through the AFFH Data Viewer mapping tool, a tool developed and approved by HCD for use in assessment of fair housing analyses as the most current and accurate data available. This approach was developed in consultation with HCD and in conjunction with efforts to develop standardized state-wide datasets for fair housing analyses.

OUTREACH

As identified in the Outreach and Public Participation section of this Housing Element, the City met with several stakeholders and community organizations throughout the update process. Nine consultations were conducted with local nonprofits and housing stakeholders to receive one-on-one, targeted input from those who provide services for those most in need of housing or with special housing needs. Representatives from the following organizations were interviewed:

- Regional Center of the East Bay (RCEB) on September 22nd
- Eden Council for Hope and Opportunity (ECHO) on October 4th
- EveryOneHome/Alameda Continuum of Care (CoC) on October 12th
- Livermore Housing Authority on October 13th
- Eden Housing on October 19th
- Centro Legal de la Raza on October 22nd
- Pedrozzi Foundation on November 30th
- Tri Valley Haven on December 2nd
- La Familia on December 17th

The results of these interviews are summarized earlier in this document. The results are aggregated to protect confidentially of participants. Highlights from the interviews related to fair housing are discussed in this section. These efforts included an interview with a fair housing provider serving residents of Livermore and other local Bay Area jurisdictions. During this consultation, the stakeholder expressed a need for proactive and "protective" tenant protections, such as rent control, just-cause protections, and other housing protection laws to keep more individuals housed. They also stated that the Tri-Valley area contains concentrations of low-income, non-White residents, who face harassment and discrimination without the same protection, resources, and services as those same groups in more urban communities, where there are often a range of resources and services that serve people of color and linguistically isolated populations. The fair housing provider pointed to the City of Alameda's rent petition

[13] Community Care Licensing Division, California Department of Social Services. 2021, December 2020 (accessed). "Adults Residential Facility Search." Ccld.dss.ca.gov. https://www.ccld.dss.ca.gov/carefacilitysearch/Search/AdultResidentialAndDaycare

[14] Office of Environmental Health Hazard Assessment, State of California. 2021, October 20th. 2021, December 12th (accessed). "Map of CalEnviroScreen 4.0." oehha.ca.gov. https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40.

[15] Home Value Index, Zillow. 2021, December 20th (accessed). "Home Values." Zillow.com. https://www.zillow.com/research/data/.

program as an example of a useful tool to empower tenants to advocate for themselves. They expressed a need for a tool such as this to be developed for Livermore residents.

However, stakeholders emphasized that a singular rental adjustment program is not enough to protect tenants from a hostile living environment, which can stem from circumstances beyond the landlords' control, such as harassment from neighbors, particularly against low-income tenants or persons struggling with their mental health. In situations such as this, tenants require access to additional legal assistance to prevent displacement due to harassment or wrongful eviction. In the creation of additional tools, stakeholders expressed that enforcement mechanisms must also be included to ensure effectiveness and accountability. The fair housing provider recommended reviewing protections adopted by the City of Oakland, including a Just Cause ordinance for evictions, a Rent Adjustment program to manage rent increases, and Tenant Harassment ordinance. The City has identified similar programs and ordinances to be adopted to protect Livermore renters from displacement due to discriminatory actions (Program 5.1.1).

According to stakeholder feedback, residents living with one or more mental disorders (e.g., post-traumatic stress disorder, mental health issues, depression, etc.) typically need more time to pay rent on time because of their mental difficulties. Therefore, stakeholders felt that it would be beneficial to provide training for housing providers to understand the effects of mental illness on paying rent on time and the value of payment plans or other options. Additionally, they felt that a variety of fiscal incentives, such as a shallow subsidy, would provide ongoing support for these residents. In conjunction, supportive services (e.g., case management, in-unit care, etc.) should have more dedicated funding streams to ensure that tenants receive the resources they need to remain in their home.

Consultations identified a need for workshops on fair housing laws for residents and housing providers. The goal of these would be to inform housing providers on their rights and responsibilities under fair housing laws, and provide education on discrimination, aiming to reduce the number of instances that result in fair housing complaints in Livermore. A tenant workshop counterpart can be conducted to inform residents on their tenant rights. Lastly, fulfilling reasonable accommodation requests have been an identified issue in Livermore.

As described in Section 1.3, the City also conducted a survey in English and Spanish on housing needs and barriers in order to solicit input from community members with protected characteristics. The majority of respondents were low-income renters of color living in Livermore. Through the survey, the City was also able to hear from people experiencing homelessness, people with disabilities, families living in or near poverty, and low wage workers employed in Livermore.

Housing costs were identified as the primary barrier for living in Livermore. Other barriers identified by survey respondents include:

- Economic insecurity and/or access to quality jobs
- Housing search
- Racial segregation and/or discrimination
- Credit score, income documentation, and income requirements (e.g., being required to earn three or more times the monthly rate)
- Economic segregation and/or discrimination

- Housing voucher access
- Prior records and legal status, such as not having a social security number, having a prior eviction on one's housing record, or being formerly incarcerated
- Local preference given to those who live/work in Livermore for affordable housing vacancies

Additional housing access barriers identified at the City's Housing Solutions Open House, held at an affordable rental housing development in December 2021, include language access (particularly Spanish), housing navigation, social security number requirements, and income documentation for gig workers and entrepreneurs. The City has identified a variety of actions under Goals 3 and 5 in Section 5.2 of this Housing Element, to address the barriers raised by respondents.

INDICATORS OF FAIR HOUSING

The California Government Code Section 65583 (10)(A)(ii) requires the City to analyze racially or ethnically concentrated areas of poverty, disparities in access to opportunity, and disproportionate housing needs, including displacement risk. Since 2017, the TCAC and HCD have developed annual maps of access to resources, such as high-paying job opportunities; proficient schools; safe and clean neighborhoods; and other healthy economic, social, and environmental indicators to provide evidence-based research for policy recommendations. This effort has been dubbed "opportunity mapping" and is available to all jurisdictions to assess access to opportunities within their community.

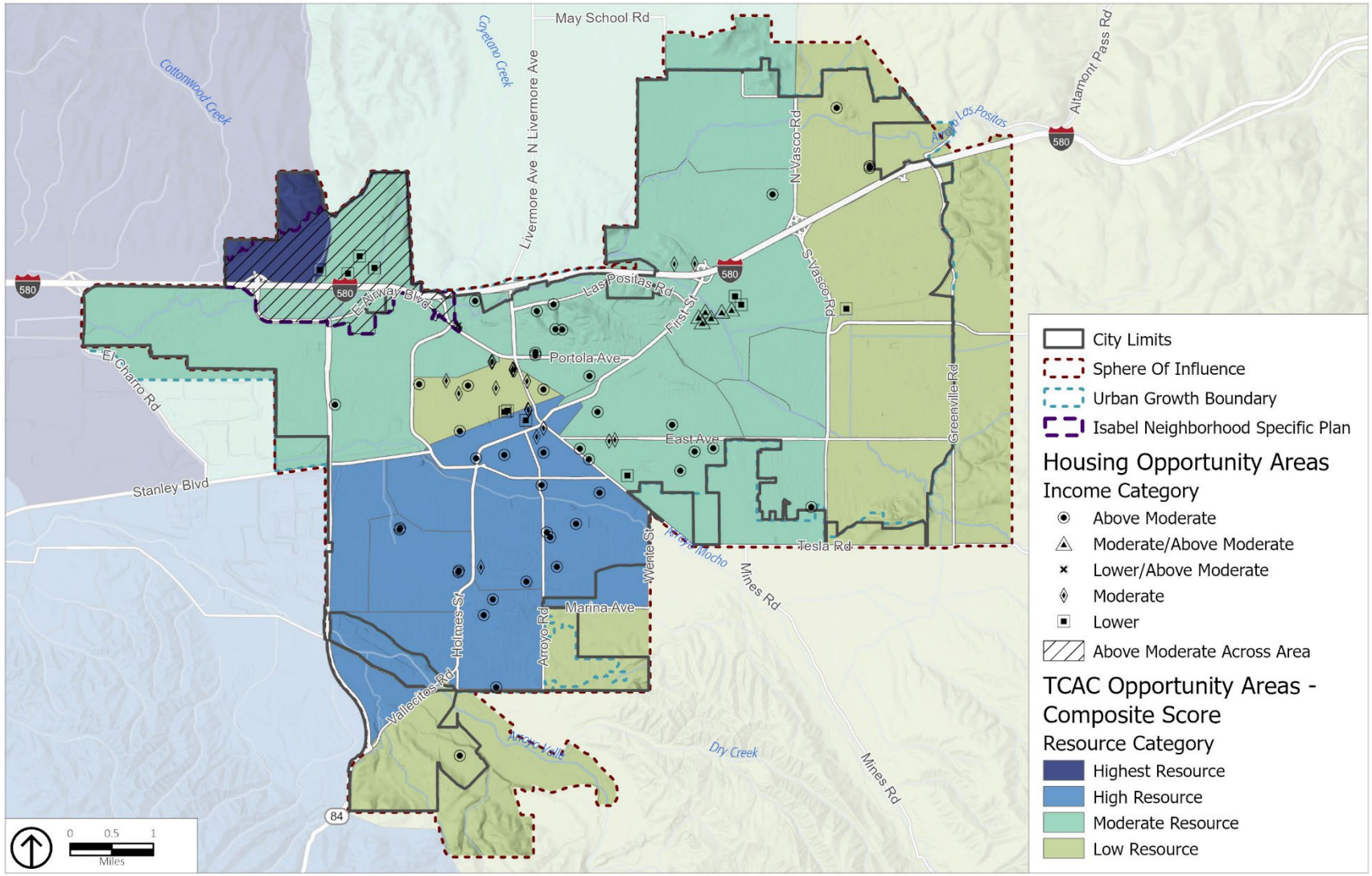
The TCAC/HCD Opportunity Maps can help to identify areas within the community that provide strong access to opportunity for residents or, conversely, provide low access to opportunity. The information from the opportunity maps can help to highlight the need for housing element policies and programs that would help to remediate conditions in low-resource areas and areas of high segregation and poverty and to encourage better access for lower-income households and communities of color to housing in high-resource areas. TCAC/HCD categorized census tracts into high, moderate, or low resource areas based on a composite score of economic, educational, and environmental factors that can perpetuate poverty and segregation, such as school proficiency, median income, and median housing prices. The TCAC/HCD Opportunity Maps use a regional index score to determine categorization as high, moderate, and low resource. Livermore falls within the Bay Area TCAC region, which includes all the Bay Area counties. Within the Bay Area, the top 40 percent of census tracts are either Highest or High resource and the remaining 60 percent of census tracts are evenly divided into Moderate and Low resource.

Areas designated as "highest resource" are the top 20-percent highest-scoring census tracts in the region. Residents in these census tracts are expected to have access to the best outcomes in terms of health, economic attainment, and education attainment. Census tracts designated "high resource" score in the 21st to 40th percentile compared to the region. Residents of these census tracts have access to highly positive outcomes for health, economic, and education attainment. Moderate resource areas are in the top 30 percent of the remaining census tracts in the region. Areas that are designated as "moderate resource (rapidly changing)" are those that have experienced rapid increases in key indicators of opportunity, such as increasing median income, home values, and an increase in job opportunities. Residents in these census tracts have access to either somewhat positive outcomes in terms of health, economic

attainment, and education; or positive outcomes in a certain area (e.g., score high for health, education) but not all areas (e.g., may score poorly for economic attainment). Low resource areas are those that score in the bottom 30 percent of census tracts and indicate a lack of access to positive outcomes and poor access to opportunities. The final designation are those areas identified as having "high segregation and poverty;" these are census tracts that have an overrepresentation of people of color compared to the county as a whole, and at least 30 percent of the population in these areas is below the federal poverty line ($26,500 annually for a family of four in 2021).

According to the TCAC/HCD Opportunity Areas map, the southwestern portion of Livermore is considered high resource, northern and central Livermore are predominantly moderate resource, and eastern Livermore, one central census tract, and the southernmost portions are low resource (see Figure 2-3). There are no areas identified as high segregation and poverty or moderate resource (rapidly changing). However, the eastern low resource area encompasses the Lawrence Livermore National Laboratory and industrial and commercial areas, with limited to no residential development.

Figure 2-3: TCAC Opportunity Area Designations



Source: City of Livermore, 2021; TCAC, 2021; Esri, 2021.

Patterns of Integration and Segregation

Income Distribution

As discussed in the Housing Needs Assessment of this Housing Element, a lower-income four-person household in Livermore is any that earns less than $125,600 annually. While the median income in Livermore ranges from $60,000 to $168,542 depending on the neighborhood, those areas where the median income is greater than $125,000 are concentrated outside of the core of the city. The area in the center of Livermore has a median income ranging from approximately $60,000 to $81,786 (see Figure 2-4). The patterns of income distribution income in Livermore follow generally lower incomes in the center of the city to highest incomes along the edges, with few areas that break this pattern. Though the median income overall is higher in Pleasanton, a similar pattern exists as in Livermore, with higher median incomes outside of the city center. This contrasts with Tracy, which has a higher concentration of households with lower household median income groups than Livermore and Pleasanton. The patterns found in Livermore reflect those throughout the Association of Bay Area Governments (ABAG) region, where household median income tends to be higher in less dense neighborhoods, such as the predominantly suburban communities along and east of Interstate 680. Western portions of the Alameda and Contra Costa Counties, including the cities of Oakland, Emeryville, and Berkeley, have higher concentrations of poverty in high-density neighborhoods than are found in suburban communities.

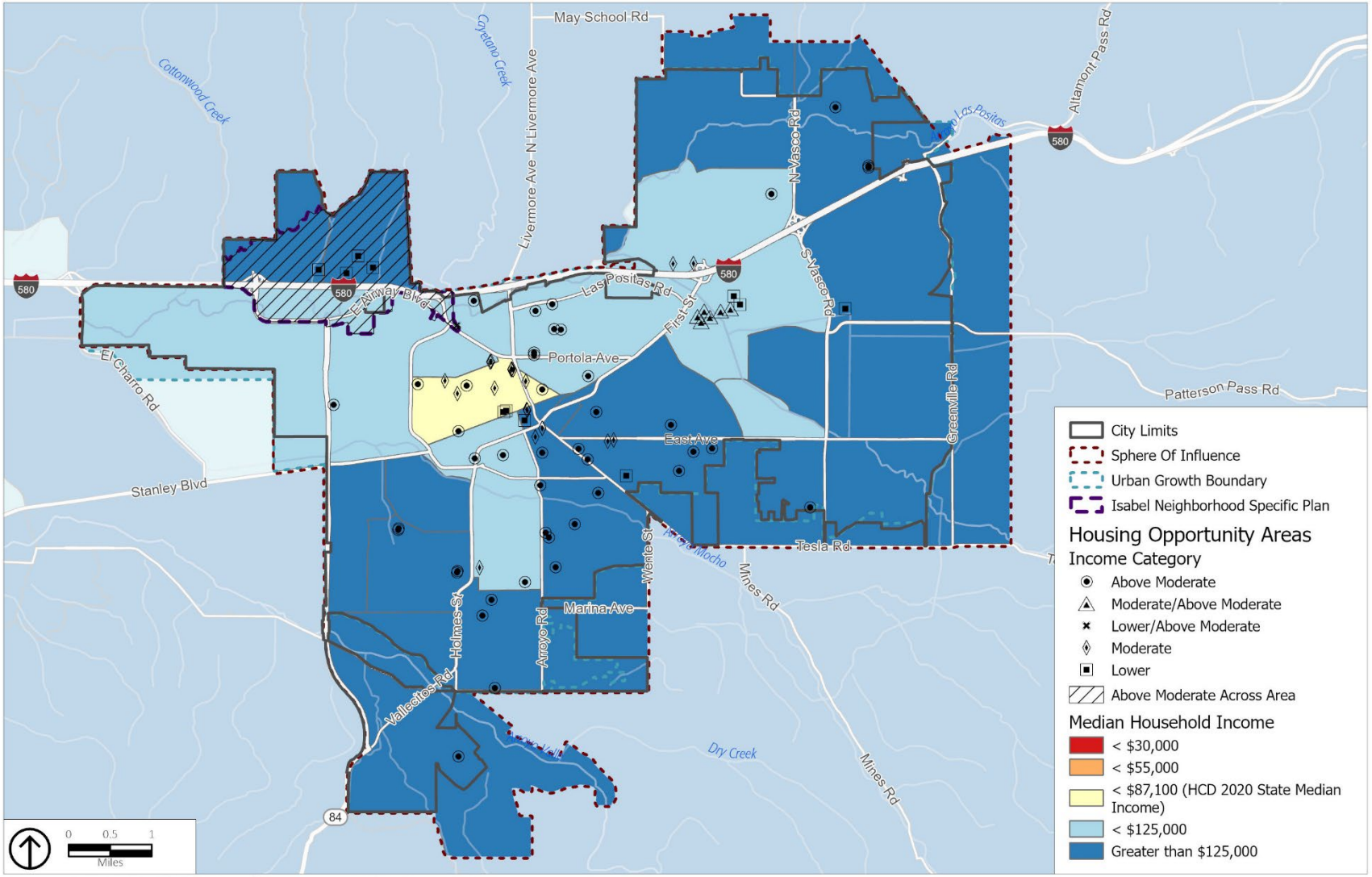
In 2014, there were three areas of concentrated poverty in Livermore: the neighborhood encompassing Big Trees Park bounded by East Avenue to the south, S. Vasco Road to the east, Charlotte Way to the north, and N. Mines Road to the west (14.0 percent), the area bounded by Portola Avenue to the south, Interstate 580 to the north, and First Street to the east (10.6 percent), and the city center between N. Murrieta Boulevard and Junction Avenue (10.7 percent). However, by 2019, the rate of poverty in each of these areas had dropped below 10 percent. Despite the decrease in poverty, the Urban Displacement Project has identified the last area as "Low-income/Susceptible to Displacement" and it has been identified by TCAC and HCD as a "low resource" area. In contrast, the area near Portola Avenue has been identified as an area experiencing "Advanced Gentrification" by the Urban Displacement Project, and by TCAC and HCD as a "moderate resource" area. Several programs to help reduce displacement risk associated with this are identified in Table 2-54 at the end of this AFH. The Big Trees Park neighborhood contains the highest percentage of children in a female-headed household and designated by TCAC and HCD as a "moderate resource" area.

According to the UC Merced Urban Policy Lab and Association of Bay Area Government/Metropolitan Transportation Council (ABAG/MTC)'s AFFH Segregation Report, above moderate-income residents across the San Francisco Bay Area are significantly more segregated from other income groups. This is also true in Livermore, where above moderate-income residents are the most segregated compared to other income groups. Above moderate-income residents live in neighborhoods where they are less likely to encounter residents of other income groups. In 2015, the income segregation in Livermore between lower-income residents and other residents was higher than the average value for Bay Area jurisdictions. Livermore has a lower share of very low-income residents than other jurisdictions in the Bay Area as a whole, a lower share of low-income residents, a lower share of moderate-income residents, and a higher share of above moderate-income residents. Among all income groups, the very low-income population's segregation measure has changed the most over time, becoming more segregated from other income groups between 2010 and 2015.

ABAG/MTC found that a variety of historic practices and policies resulted in past and present patterns of segregation. For example, nationwide practices of racially restrictive covenants, redlining, and mortgage lending discrimination presented overt barriers to homeownership, and housing options in general, for people of color. Locally, land use decisions, such as prioritizing single-family development, did not target minority groups but may have established development patterns that prevented access to lower-income households. Local, state, and federal policies have, both directly and indirectly, influenced access to services, amenities, and opportunities for lower-income and non-White households.

In order to address historic discrepancies in access to opportunities lower-income households and people of color, the City will conduct racial equity impact assessments, strengthen requirements for linguistically accessible services, pursue funding to help remove economic barriers for people with protected characteristics, and work with community partners to provide accessible housing search assistance (Program 5.2.1).

Figure 2-4: Median Income



Source: ACS, 2015-2019; City of Livermore, 2021; Esri, 2021.

Racial and Ethnic Characteristics

As presented in the Housing Needs Assessment of this Housing Element, the population of the Livermore is predominantly White, Non-Hispanic, though diversity has increased in the last 10 years (see Table 2-5 in the Housing Needs Assessment). Approximately 62.0 percent of Livermore residents identified as White in 2019, a decrease from 64.7 percent in 2010. The Black, American Indian and Alaska Native, and Hispanic or Latinx populations have remained relatively stable during this time, while the Asian or Pacific Islander population increased from 8.5 percent to 12.0 percent of the population. There are two areas in Livermore where the population does not predominantly identify as White (see Figure 2-5). The northwest corner of the city (north of Constitution Drive and west of Collier Canyon Road) is predominantly Asian. The neighborhood containing May Nissen Community Park and Marylin Avenue Elementary School (bounded by the Altamont Corridor Express tracks to the south, N. Murrieta Boulevard to the west, Pine Street to the north, and Junction Avenue to the east), is predominantly Hispanic or Latinx.

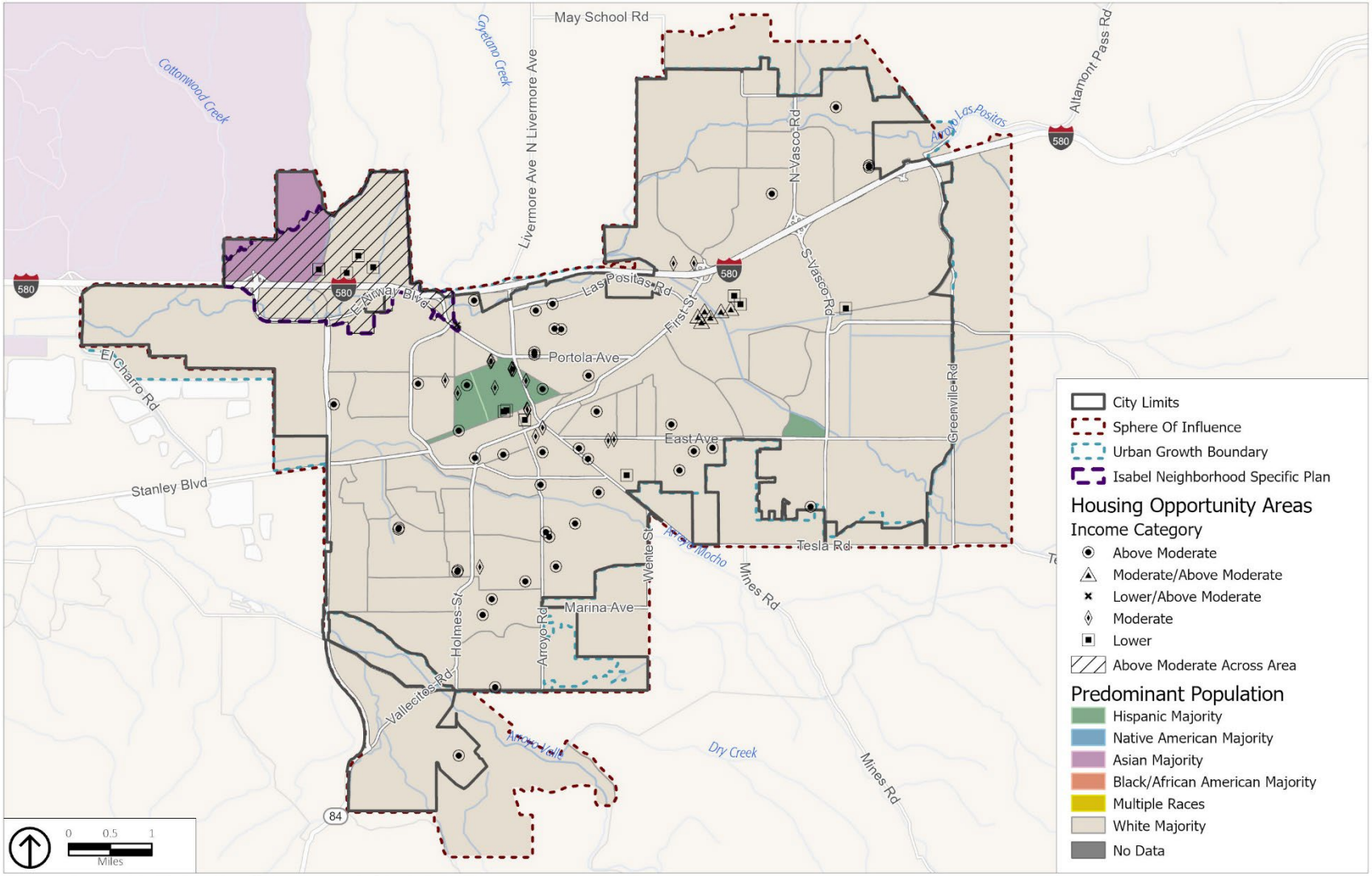
Across the San Francisco Bay Area, White residents are significantly more segregated from other racial groups. The analysis for the AFFH Segregation Report completed by UC Merced Urban Policy Lab and ABAG/MTC staff found that as of 2020, White residents are the most segregated compared to other racial groups in Livermore, as measured by the isolation index, meaning that White residents live in neighborhoods where they are less likely to come into contact with other racial groups. Among all racial groups, the White population's isolation index value has changed the most over time, becoming less segregated from other racial groups between 2000 and 2020, likely as a result of increasing diversity citywide. Further, the 2020 *Alameda County Regional Analysis of Impediments to Fair Housing* (County AI) found there are greater levels of socioeconomic integration in Alameda County jurisdictions than at the regional and national levels. The County AI used the United States Department of Housing and Urban Development's (HUD's) Dissimilarity Index (DI) to measure the division of various racial and ethnic groups across a defined geographic area. The index is broken down into three scored categories: 0 to 39, 40 to 54, and 55 to 100. A higher score indicates a higher intensity of division across racial and ethnic groups. To understand the scores for various ethnic and racial groups, the DI measured four groups: Non-White and White, Black and White, Hispanic and White, and Asian or Pacific Islander and White. Livermore scored between 8.2 and 11.8 in 1990 and between 18.9 and 31.8, in 2017, indicating that division of various racial and ethnic groups within the city has grown since 2002, though it remains lower than scores in other jurisdictions in the region. This indicates that, while there has been an increase in diversity and reduced isolation of White residents as a result, that integration has not occurred in all neighborhoods. As such, neighborhoods remain predominantly White even as diversity has increased in select areas, such as north of the railroad in the center of the city. The highest DI score for Livermore, 31.8, was the division between the Black and White population, meaning that 31.8 percent of Black residents would have to a move to a new track to increase integration. In comparison, Pleasanton's 2018 DI score for the Black and White population was 28.6. These scores are supported by ABAG/MTC's finding that Livermore has a higher share of White residents than other jurisdictions in the Bay Area as a whole, a lower share of Latinx residents, a lower share of Black residents, and a lower share of Asian/Pacific Islander residents. Overall, jurisdictions in the Alameda County Consortium, which includes the urban county and entitlement cities (all cities in the county excluding Berkeley and Oakland), scored between 36.9 and 49.2 in 2017, indicating less racial and

ethnic division in Livermore than the greater region (scores 45.9 to 63.5). Similarly high racial and ethnic division was found in Oakland, which scored between 51.4 and 67.9 in 2017.

While there are concentrations of populations of color throughout Livermore, none qualify as racially and ethnically concentrated areas of poverty (R/ECAPs). A R/ECAP, as defined by HUD, is an area in which 50 percent or more of the population identifies as non-White and 40 percent or more of individuals are living below the poverty line. The closest R/ECAP is in Hayward and one adjacent to Hayward (San Lorenzo area). While no areas in Livermore can be categorized as a R/ECAP, in the predominantly Hispanic and Latinx population in the center of the city mentioned previously, the median income is approximately $73,000 to $119,000. Additional analysis regarding characteristics that may have resulted in this concentration of lower- and moderate-income and Hispanic/Latinx residents in this area is included throughout this assessment, including discussion of housing types, access to opportunities, and more. Across the Tri-Valley area, the *Tri-Valley Housing Displacement Report,* produced in 2019 by Seifel Consulting, Inc and The Concord Group for the Tri-Valley cities of Dublin, Livermore, and Pleasanton, found that lower-income households and residents across the cities of Dublin, Livermore, and Pleasanton, tend to be more diverse in terms of race and ethnicity, reflecting the lower median income in Livermore's neighborhood with higher diversity score.

In contrast to R/ECAPs, racially concentrated areas of affluence (RCAA) have persisted due to decades of focused investment, appreciated value of real estate, and wealth generation resulting from redlining practices and racially restrictive covenants. While RCAAs have not been officially defined by HUD, for the purposes of this analysis, if the percentage of a population in a census tract that identifies as White is 1.5 times the percentage that identifies as White in ABAG as a whole, and the median income is at least 1.25 times greater than the State AMI ($90,100), or $112,625, the tract is considered a RCAA. By these criteria, most of Livermore qualifies as a RCAA, indicating possible barriers to entry for non-White and lower-income households in most neighborhoods. The areas that do not meet the criteria to be considered a RCAA include the Sunset Park neighborhood and the area north of Downtown extending northeast to the Springtown neighborhood. As stated previously, the UC Merced Urban Policy Lab and ABAG/MTC Staff identified in the *AFFH Segregation Report: Livermore* found that White residents of Livermore are the most isolated. Livermore's isolation index of 0.568 for White residents means that the average White resident lives in a neighborhood in which 56.8 percent of the population is White. To reduce barriers to housing that may result in the persistence of RCAAs in Livermore, the City has identified Program 5.1.1 to partner with fair housing providers to educate housing providers on fair housing laws regarding discrimination, Program 5.2.1 to provide targeted assistance for underrepresented populations, and Programs 3.1.1 and 3.2.1 to increase the supply of housing affordable to lower- and moderate-income households to increase housing mobility opportunities.

Figure 2-5: Predominant Population



Source: ACS, 2015-2019; City of Livermore, 2021; Esri, 2021.

Familial Status

According to the 2015-2019 ACS, there is a concentration of female-headed households (without spouse or partner) near Big Trees Park in the southeast corner of the city. Approximately 20 to 40 percent of the households in this area identify as this household type. Due to structural forces like gender wage disparities, the State of California has identified female-headed households as a population that is more likely to be vulnerable to poverty, displacement, or other negative impacts. While there is not a high rate of poverty in the Big Trees Park neighborhood, the median income is approximately $63,636, significantly lower than many other neighborhoods, and all adjacent neighborhoods, in Livermore. In this area, there is a concentration of apartments within walking distance of the Arroyo Seco Elementary School.

For comparison, there are no areas in Pleasanton with a concentration of female-headed households greater than 20 percent, while Tracy contains two areas. Across the ABAG region, there are many more jurisdictions with a higher concentration of this family type than Livermore. The concentrations of married couples with children are predominantly around the perimeter of Livermore, while the center of Livermore contains households with more mixed group family types. The cities of Tracy, Livermore, and Pleasanton all share a relatively similar concentration of largely married couples with children located around the perimeter of their respective city, where there are typically larger single-family home types that are suitable for families. Additionally, home prices are often higher in single-family neighborhoods and are unattainable for many single-income households, thus resulting in a higher rate of married couple and other dual-income households. Married couples with children is the dominant familial type in Tracy, Livermore, and Pleasanton. Across the ABAG region, more urban communities have more balanced mixes of family types while more suburban communities have higher concentrations of largely married couples with children. To ensure there is housing available to all family types, the City will encourage affordable housing in a range of sizes (Program 1.5.3).

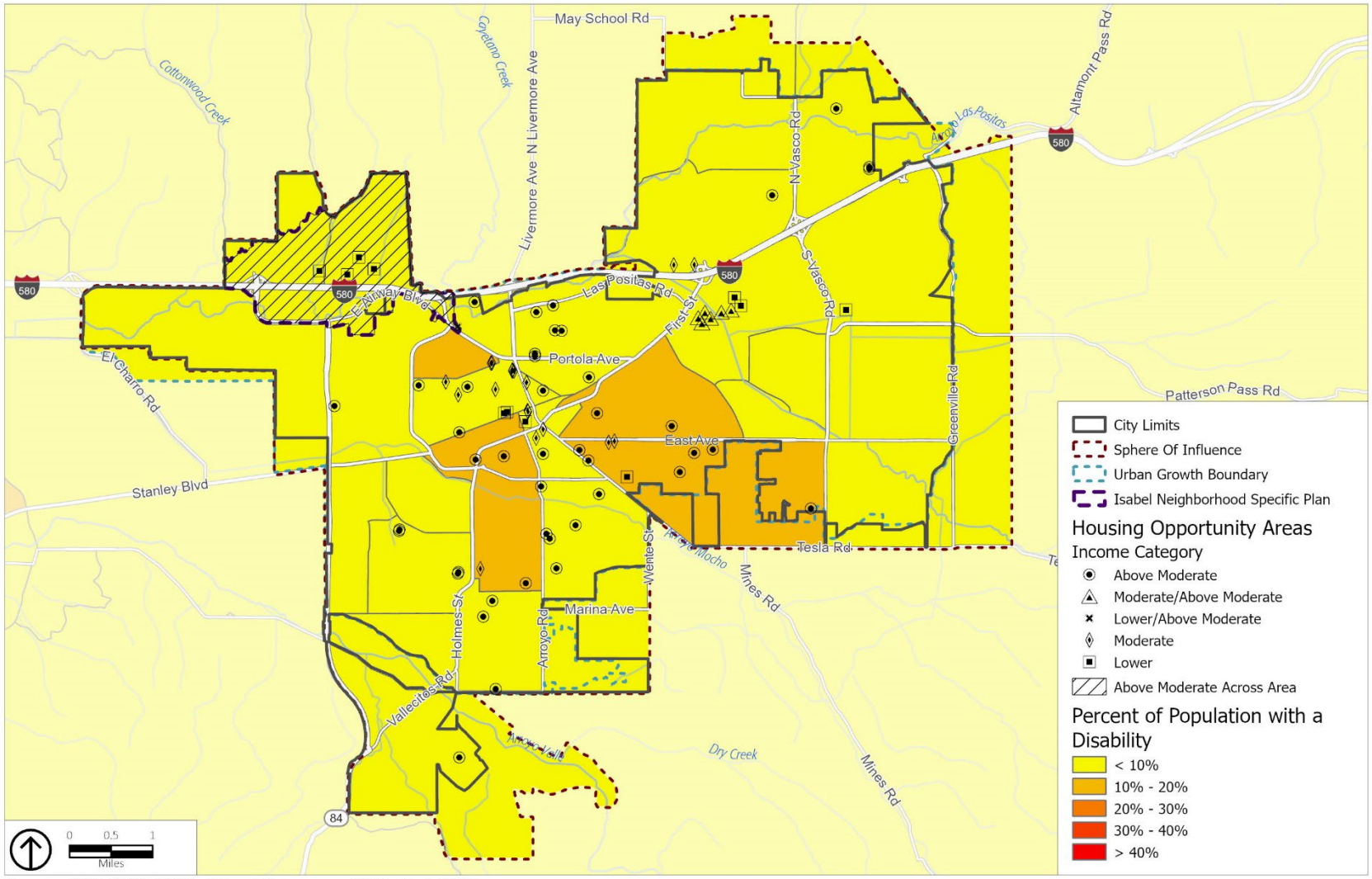
Persons with Disabilities

As stated in the Housing Needs Assessment of this Housing Element, the 2015-2019 ACS estimated that approximately 8.4 percent of residents in Livermore had a disability. As shown in Table 2-23 in the Housing Needs Assessment, cognitive difficulty was the most common disability type for Livermore residents. Approximately 30 percent of Livermore senior residents (people 65 years and older) live with a disability. Disability rates and patterns have shifted since 2014, when there were two census tracts where more than 10 percent of the residents identified as living with a disability (see Figure 2-6). However, by 2019, this concentration has decreased as a larger portion of the city now have a rate of disability greater than 10 percent. An increasing disability rate may be a result of an aging population, as the senior population in Livermore has increased from 9.8 percent of the total population in 2010 to 13.4 percent in 2019 according to the ACS. While there are several assisted living facilities and residential care facilities in Livermore, the City has included Programs 1.5.1 and 1.5.2 to facilitate this type of housing and encourage universal design in new developments, so the growing populations of seniors and persons with disabilities are able to find housing options to remain in their community.

While the percentage of the population with a disability varies slightly throughout the city, there is one significant concentration of this population between First Street to the north, Lomitas Avenue to the south, Arroyo Road/L Street to the east, and Holmes Street to the west, where approximately 16.3 percent of the population has a disability. Milan Villa Senior Living, Tuscany Villa Senior Living, and A Home of Our Own, with a combined capacity for 61 residents, are within this census tract, supporting a concentration of seniors who are more likely than younger residents to have vision, hearing, or ambulatory difficulties. The proximity of this tract to downtown may further support the concentration of this population due to proximity to services, transit, and smaller units often preferred by senior households.

Pleasanton shares a similar rate of disability as Livermore, while Tracy has a higher rate in the center and east side of the city. While the disability rate is slightly lower in Livermore than in the region, the patterns of concentration are similar. Typically, urban areas with higher population density, often along the bay and in downtown areas, have slightly higher rates of disability in both the Bay Area and the county. This trend may be due to a concentration of accessible housing, proximity to transit, and the availability of resources in these areas. Livermore largely reflects disability patterns found throughout the region with higher rates of disability in denser areas. The City has identified several programs in Table 2-54 at the end of this AFH to improve housing mobility and access to resources and services for persons with disabilities, to alleviate the concentrations of persons with disabilities identified and to address concerns about shortages of accessible housing and services identified by stakeholders.

Figure 2-6: Disability Rate



Source: ACS, 2015-2019; City of Livermore, 2021; Esri, 2021.

Access to Opportunity

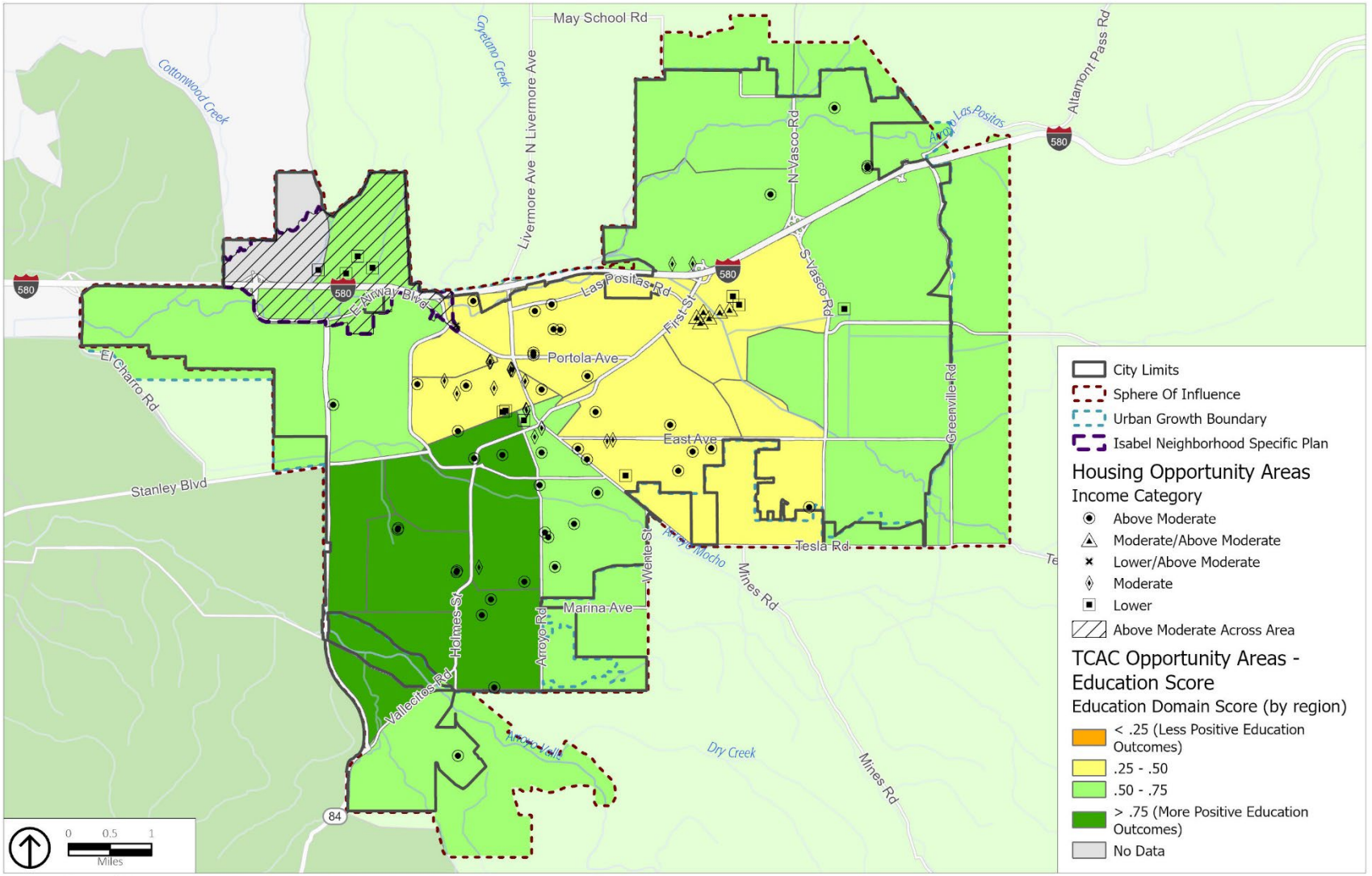
Educational Opportunities

School quality is often tied to housing, with neighborhoods with higher median incomes and home values often having more resources to invest in local schools than lower-income neighborhoods. Income distribution influences home values and property taxes, and therefore funding for public schools. As such, school districts with higher concentrations of lower-cost housing typically have lower standardized test scores, creating a cyclical problem of not offering these students equal educational opportunities afforded to students in affluent neighborhoods. Therefore, disparities in access to strong school opportunities serves as an indicator of fair housing and equal access to opportunities.

Livermore residents are served by a variety of schooling opportunities through the Livermore Valley Joint Unified School District (LVJUSD), Del Valle Continuation School, and Livermore Adult Education. Between these schools, there are nine elementary schools, three middle schools, three high schools, and two kindergarten through 12th grade schools in Livermore. The anticipated educational outcome, according to TCAC/HCD opportunity maps (see Figure 2-7), is lowest in central areas of Livermore, between N. Murrieta Boulevard and Interstate 580 north of First Street, and between S. Livermore Avenue and S. Vasco Road south of First Street. The TCAC/HCD Educational Score is based on access to educational attainment on fourth grade reading and math proficiency from the 2018-2019 school year, high school graduation rate, and prevalence of student poverty. The highest educational outcomes are expected in areas outside of the Livermore core, where neighborhoods have higher median incomes (see Figure 2-4). For comparison, Pleasanton, in its entirety, has a much higher overall anticipated educational outcome than Livermore, which correlates with the generally higher median income found in Pleasanton. In contrast, Tracy shares a similar anticipated educational outcome as Livermore, where central and northern parts of Tracy with lower median incomes have the lowest anticipated educational outcome. Like in Livermore, areas in Tracy with higher median incomes have higher educational scores.

Each year, the California Department of Education (DOE) publishes performance metrics for each school in the state, including student assessment results for English Language Arts and Mathematics as they compare to the state on meeting grade-level standards. Performance scores were available for the nine elementary schools, three middle schools, three high schools, and two kindergarten through 12th grade schools (see Table 2-48). Performance scores were not available for Vineyard Alternative School, Del Valle Continuation High, and Livermore Valley Adult Education; however, it is worth noting that continuation and alternative schools typically serve students who struggle with traditional school environments and present a valuable opportunity for students who may otherwise not complete high school or are seeking additional education.

Figure 2-7: TCAC Educational Score



Source: City of Livermore, 2021; TCAC, 2021; Esri, 2021.

According to the DOE rankings, Marylin Avenue Elementary and Junction K-8 have the highest rates of students who are eligible for free or reduced priced meals, the lowest standardized test scores, and the highest rates of students who were chronically absent (see Table 2-48). Both schools serve neighborhoods north of Downtown that are predominantly Hispanic, Latino, Latina, and Latinx according to the 2015-2019 ACS (N. Murrieta Boulevard to the west, Pine Street to the north, Union Pacific Railroad to the south, and Junction Avenue to the east). At the block group level, the median income for the neighborhood surrounding Junction K-8 is $72,949, while the median income in the neighborhood surrounding Marylin Avenue Elementary is $119,688. Both schools provide a variety of programs and services designed to serve low income community member and immigrant families, and the area has a number of community assets, including community enterprises, a multilingual food pantry at Marylin Avenue Elementary, May Nissen Park, and the Rincon Library. All other schools in Livermore have performance scores at or higher than the State standard.

Table 2-48: School Performance Scores, 2019

School	*English Language Arts Score*	*Mathematics Score*	*Rate of Chronic Absenteeism*[1]	*Socially Disadvantaged Population*[2]
Leo R. Croce Elementary	+3.4	+7	5.4%	25.5%
Junction K-8	-11.8	-54.6	5.8%	63.8%
East Avenue Middle	+18	-24.3	0%	30.8%
Sunset Elementary	+66.4	+40.5	3.4%	6.7%
Marylin Avenue Elementary	-25.2	-17.8	8%	78.6%
Rancho Las Positas Elementary	+12.3	+3.9	4.8%	24%
Granada High	+41	+16.7	n/a	21.5%
Livermore High	+24	-36.9	n/a	26%
Jackson Avenue Elementary	+19.6	+5.5	5.1%	39.7%
Andrew N. Christensen Middle	+41.2	-2.6	-	19.7%
Altamont Creek Elementary	+38	+16	2.3%	17.4%
William Mendenhall Middle	+52.5	+26	3.5%	9%
Arroyo Seco Elementary	+16.6	+5.1	4.1%	24%
Emma C. Smith Elementary	+47.9	+42.5	2.2%	7.6%
Joe Michell K-8	+23.9	-10.7	3%	20.1%
Lawrence Elementary	+21.6	+21.3	5.4%	13.4%

Source: California Department of Education, 2019

[1] *The percentage of students who are absent 10 percent or more of the instructional days they were enrolled. Applies to elementary and middle schools.*

[2] *Percentage of students who are eligible for free or reduced priced meals; or have parents/guardians who did not receive a high school diploma.*

In the 2019 school year, approximately 25.7 percent of Livermore Valley Joint Unified School District (LVJUSD) students qualified as socially disadvantaged, measured by the number of students who are eligible for free or reduced-priced meals or have parents or guardians who did not receive a high school diploma. Approximately 10.6 percent of students were English learners, measured by students who are learning to communicate effectively in English, which usually requires instruction in the English language in addition to the typical course load, and approximately 0.1 percent of LVJUSD students are in foster care. Additionally, approximately

54.4 percent of the class of 2019 were ranked by the DOE as "prepared" for college or career. In comparison, in the neighboring Tracy Joint Unified School District (TJUSD), the percent of the student population that is considered socially disadvantaged more doubles, more than a quarter of students are English learners, and the college preparedness rate is significantly lower (see Table 2-49). While to the west, in the Pleasanton Unified School District, the rates of all of these demographic characteristics are significantly lower than in LVJUSD and the college preparedness rate significantly higher.

Table 2-49: School District Demographic Characteristics

School District	*Socially Disadvantaged Population*[1]	*English Learners*	*Foster Youth*	*College Preparedness*
Livermore Valley Joint Unified School District	25.7%	10.6%	0.1%	54.4%
Tracy Joint Unified School District	57.8%	26.9%	0.4%	34.7%
Pleasanton Unified School District	9.1%	11.4%	0.1%	76.2%

Source: California Department of Education, 2019

[1] *Percentage of students who are eligible for free or reduced priced meals; or have parents/guardians who did not receive a high school diploma.*

While most schools in Livermore offer strong educational opportunities for students, residents of areas that are predominantly non-White have disproportionately limited access to high-quality schools. Addressing housing instability for families with children living in substandard housing or poverty, paired with encouraging integration of affordable housing in high opportunities, may improve educational opportunities for all students. However, most Livermore schools are an excellent starting point since most schools have high ratings according to Table 2-48. The Housing Element includes a set of housing programs to increase housing opportunity for extremely low-income households, including Program 3.4.2 to expand Section 8 voucher usage throughout the city and encourage affordable housing in high resource areas.

Transit Mobility

Livermore residents are served by the Altamont Corridor Express (ACE) Train and the Livermore Amador Valley Transit Authority (aka Tri-Valley Wheels). The ACE Train has two Livermore stations, one located Downtown and the other on Vasco Road, and connects Livermore residents with areas as far northeast as Stockton and southwest as San Jose. The Downtown ACE station also serves as the location of the Livermore Transit Center, which connects to the Tri-Valley Wheels bus system. Tri-Valley Wheels connects residents across Dublin, Livermore, Pleasanton, and unincorporated areas in Alameda County via a fixed-route bus service. Tri-Valley Wheels operates three routes within Livermore: Route 11 (suspended due to low ridership), Route 14, and Route 15. The express route (30R) was suspended due to the COVID-19 pandemic but is now back in service.

Northwest of the railroad, between N. Murrieta Boulevard, Pine Street, and Junction Avenue, there is a concentration of non-White and lower-income households, The location of the Livermore Transit Center in disadvantaged communities improves transit access for these residents to connect them to opportunities both within and outside of the city. Discounted ACE Train fares are available to qualifying passengers living with disabilities, Medicare cardholders, seniors (aged 65+), and children ages 6 to 12. Additionally, the ACE Train also has a Community Assistance Program (CAP) to assist lower-income households with fare reductions based on distance traveled. Typically, fares are a flat cost for travel. In December 2021, Tri-Valley Wheels fares ranged from $1 to $2 based on the use of cash, Clipper card, and if the rider identified as a regular rider, youth ($1.60 to $2), senior ($1), living with a disability ($1), or as a Medicare cardholder ($1). Tri-Valley Wheels riders also have access to senior and disabled discounted monthly passes. The Go Tri-Valley rideshare program operated by Tri-Valley Wheels pays for half of an Uber of Lyft ride fare (up to $5) for trips starting and ending within the city limits of Dublin, Pleasanton, and Livermore, including rides between cities. This program encourages residents to travel in groups, reducing the number of vehicle trips in each city and cars on the road.

According to AllTransit, a transportation database of over 902 transit agencies created by the Center for Neighborhood Technology, Livermore received a transit score of 4.3 out of 10. This score is a result of a "low combination of trips per week and number of jobs accessible enabling few people to take transit to work." Comparatively, Pleasanton scored 4.9 and Tracy scored 3.3 for the same metric, both earning the same description as Livermore. Transit scores in the Bay Area are typically highest in dense, urban areas served by a wide range of public transportation options. In contrast, more suburban communities, such as Livermore, have significantly lower transit scores where there are fewer options available to residents, presenting a barrier to households that may want to live in Livermore but rely on public transit to access employment and services.

Employment Opportunities

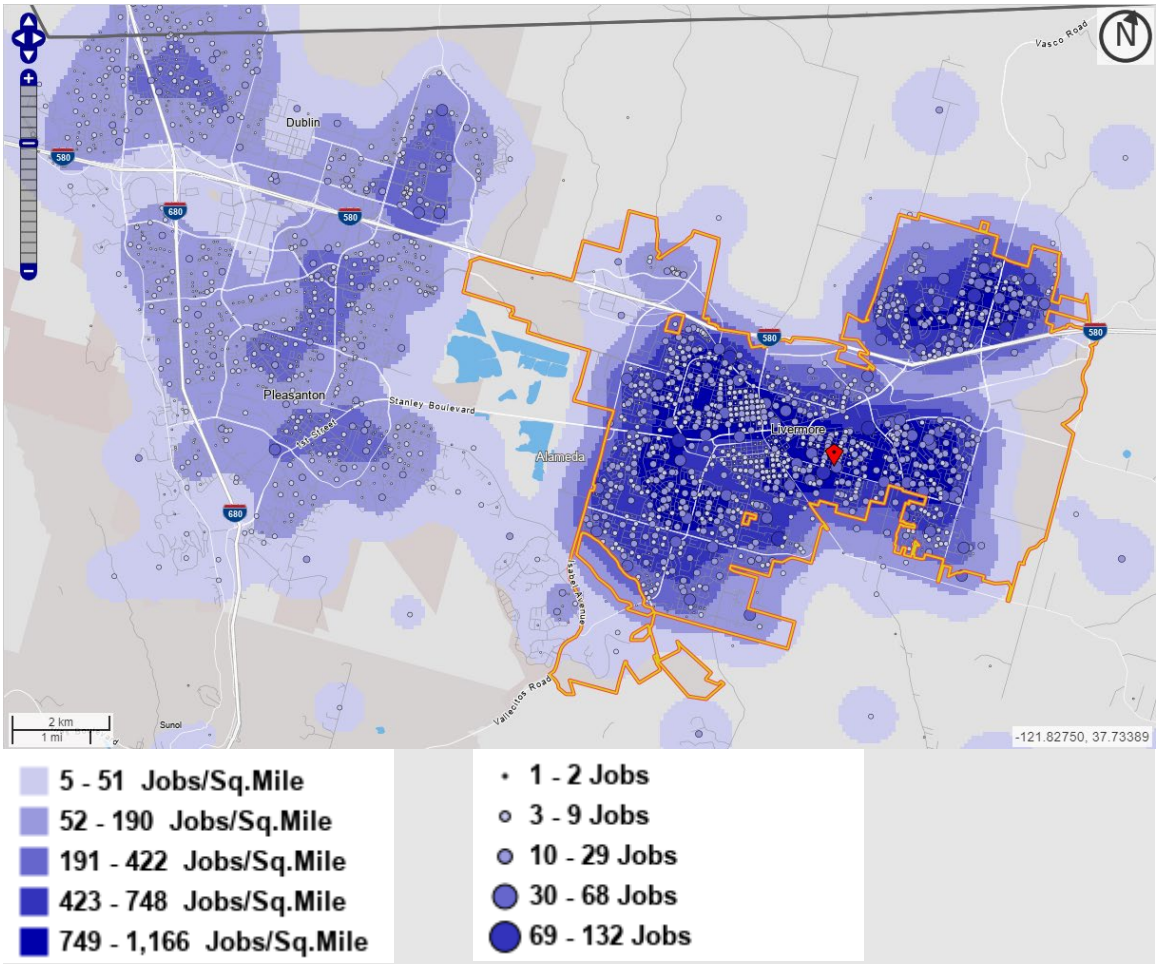
The transportation options available to Livermore residents significantly affect access to employment opportunities. According to the U.S. Census Bureau's Longitudinal Employer-Household Dynamics (LEHD) measurement, in 2019, 26.9 percent of Livermore residents lived less than 10 miles from their place of employment, 30.8 percent lived within 10 to 24 miles of their job, 26.1 percent were 20 to 50 miles from their job, and 16.3 percent were further than 50 miles from their job. While there are several employment opportunities in the city, Livermore's position in the Bay Area facilitates access to other jobs and industries in other nearby cities. According to the *Tri-Valley Housing Displacement Report*, approximately 39 percent of the jobs in the Tri-Valley area are for lower wage workers and many of the industries with high growth opportunities include jobs for lower wage workers. This supports economic opportunities for this population, while high wage workers living in Dublin, Livermore, or Pleasanton are more likely to commute elsewhere in the Bay Area. This is supported by LEHD data, which indicate that 39 percent of Livermore residents work in Alameda County, 16 percent work in San Joaquin County, 13.2 percent work in Contra Costa County, and 6 percent in Santa Clara County. Those that commute the furthest are largely commuting north to Napa, Petaluma, and Santa Rosa, and southeast to Turlock and Merced.

LEHD data also indicate that 20.4 percent of Livermore workers also live there. Other locations from which Livermore workers commute are the cities of Tracy (5.7 percent of Livermore workers), San Jose (3.6 percent), and Pleasanton (3.5 percent). Approximately 50 percent of

Livermore workers commute from locations outside of the city that were not identified by the LEHD.

As shown in Figure 2-8, LEHD Origin-Destination Employment Statistics (LODES) data indicate that there is a greater concentration of jobs in Livermore than in nearby jurisdictions of Pleasanton, Dublin, and San Ramon. The high concentration of jobs in Livermore may be due to the presence of Lawrence Livermore National Laboratory, Sandia National Laboratories, and the largest distribution center in the Tri-Valley area. However, job access across Livermore is not evenly distributed. The southwest corner of the city is identified as having the furthest proximity to jobs, according to HUD. This area is almost entirely residential and backs up to open space and vineyards, with few job opportunities. Residents of this portion of the city may have to commute north to job centers in Livermore or nearby communities.

Figure 2-8: Concentration of Jobs by Jurisdiction



Source: U.S. Census Bureau, 2019

According to the Department of Finance E-5 estimates and Table 2-50, Livermore's jobs-housing ratio has increased from 2002 to 2018. A jobs-housing ratio measures the number of jobs available compared to number of occupied housing units. A 1.0 ratio indicates that there is one job for every housing unit. In 2002, Livermore had a jobs-housing ratio of 1.56, while the county and Bay Area had ratios of 1.30 and 1.28, respectively. By 2018, the ratios had increased to 1.71, 1.43, and 1.47 for Livermore, the County, and the Bay Area, respectively, indicating that each of these have more jobs available than housing units. This high jobs-housing ratio may suggest that there is a shortage of housing in Livermore for workers that commute there. To address the imbalance, the City has included several programs in this Housing Element to facilitate, incentivize, and support housing development so Livermore workers will have housing options to reside within the city.

Table 2-50: Jobs-Housing Ratio

Year	Livermore	Alameda County	Bay Area
2002	1.56	1.30	1.28
2010	1.42	1.20	1.21
2018	1.71	1.43	1.47

Source: ABAG Data Packet, 2021.

In addition, according to Table 2-51, Livermore's unemployment rate has historically been lower than the rates in Alameda County and the Bay Area. In January 2010, the unemployment rate was 8.1 percent, while Alameda County was 11.6 percent, and the Bay Area was 11.1 percent. In 2014, the unemployment rate had dropped to 4.5 percent in Livermore, remaining lower than Alameda County (6.6 percent) and the Bay Area (6.1 percent). This finding follows the trend shown in Table 2-51, which indicates that Livermore residents may have better access to jobs, or access to more secure jobs, than in the overall county and Bay Area.

Table 2-51: Unemployment Rate

Date	Livermore	Alameda County	Bay Area
January 2010	8.1%	11.6%	11.1%
January 2014	4.5%	6.6%	6.1%
January 2021	5.9%	7.2%	6.6%

Source: California Employment Development Department, Local Area Unemployment Statistics (LAUS); ABAG Data Packet, 2021.

Services for Persons with Disabilities

Livermore residents are served by Dial-A Ride Paratransit, a transportation service operated by the Livermore Transit Authority to provide door-to door transit for persons with disabilities. Drivers can provide assistance from the front door of origin or destination to the vehicle. This service is available whenever fixed-route service is operating and is also available to residents of other jurisdictions in the region, including Pleasanton, Dublin, and unincorporated communities in the county. The fare is $3.75 each way and the service is reservation based – reservations must be made at least the day before the trip and can be made up to seven days prior to the trip. Additionally, the Livermore Transit Authority also provides a Wheels Para-Taxi Program. The program offers a flexible same-day transportation option for Americans with Disabilities Act

(ADA)-certified riders. Unlike traditional Paratransit services that are ride-share vehicles and operate on a schedule, the Wheels Para-Taxi service operates by allowing riders to use any taxi service, including Lyft, Uber, or regular taxis, then submit a reimbursement form on the Wheels website for the cost of the ride. According to the Livermore Transit Authority, the final cost to the rider after the reimbursement is often less than a Dial-A-Ride ticket. These two services provide the ability for persons living with disabilities to travel independently to, from, and around the Livermore area at reduced costs.

There are several licensed assisted living facilities available to persons living with disabilities in Livermore. In total, there are 459 beds available across 31 facilities, with the largest being The Watermark at Rosewood Gardens, with capacity for 115 residents. These facilities are largely near the downtown area in higher-density neighborhoods. Most facilities are in the two areas of concentrated disability south of First Street, therefore explaining the higher rates of disabilities in these tracts compared to other areas of the city. In addition to the assisted living facilities, there are seven adult residential care facilities with a combined capacity for 38 occupants. These residential homes are for adults with intellectual and developmental disabilities, who also have medical, behavioral, or age-related support needs.

The City also requires new developments to comply with Title 24 of the 2019 California Building Code to ensure that all new construction meets accessible design standards, thus ensuring that all new housing is accessible for all residents regardless of disability. Additionally, the City ensures that older housing that may not meet the same accessibility requirements can be adapted as needed through its Reasonable Accommodation process, discussed in the Governmental Constraints section of this Housing Element, and by seeking funding to assist with modifications (Program 5.1.2).

Environmental Health

A disadvantaged community or environmental justice community (EJ Community) is identified by the California Environmental Protection Agency (Cal EPA) as an "area that is disproportionately affected by environmental pollution and other hazards that can lead to negative health effects, exposure, or environmental degradation," and may or may not have a concentration of low-income households, high unemployment rates, low homeownership rates, overpayment for housing, or other indicators of disproportionate housing need. In February 2021, the California Office for Environmental Health Hazard Assessment (COEHHA) released the fourth version of CalEnviroScreen, a tool that uses environmental, health, and socioeconomic indicators to map and compare communities' environmental scores. In the CalEnviroScreen tool, communities that have a cumulative score in the 75th percentile or above are those that have been designated as disadvantaged communities under Senate Bill (SB) 535. The cumulative score for each census tract includes an exposure score, with a low score being a positive outcome, for each of the following:

- Ozone concentrations
- $PM_{2.5}$ concentrations
- Diesel particulate matter emissions
- Drinking water contaminants
- Children's lead risk from housing for children
- Use of certain high-hazard, high-volatility pesticides

- Toxic releases from facilities
- Traffic impacts

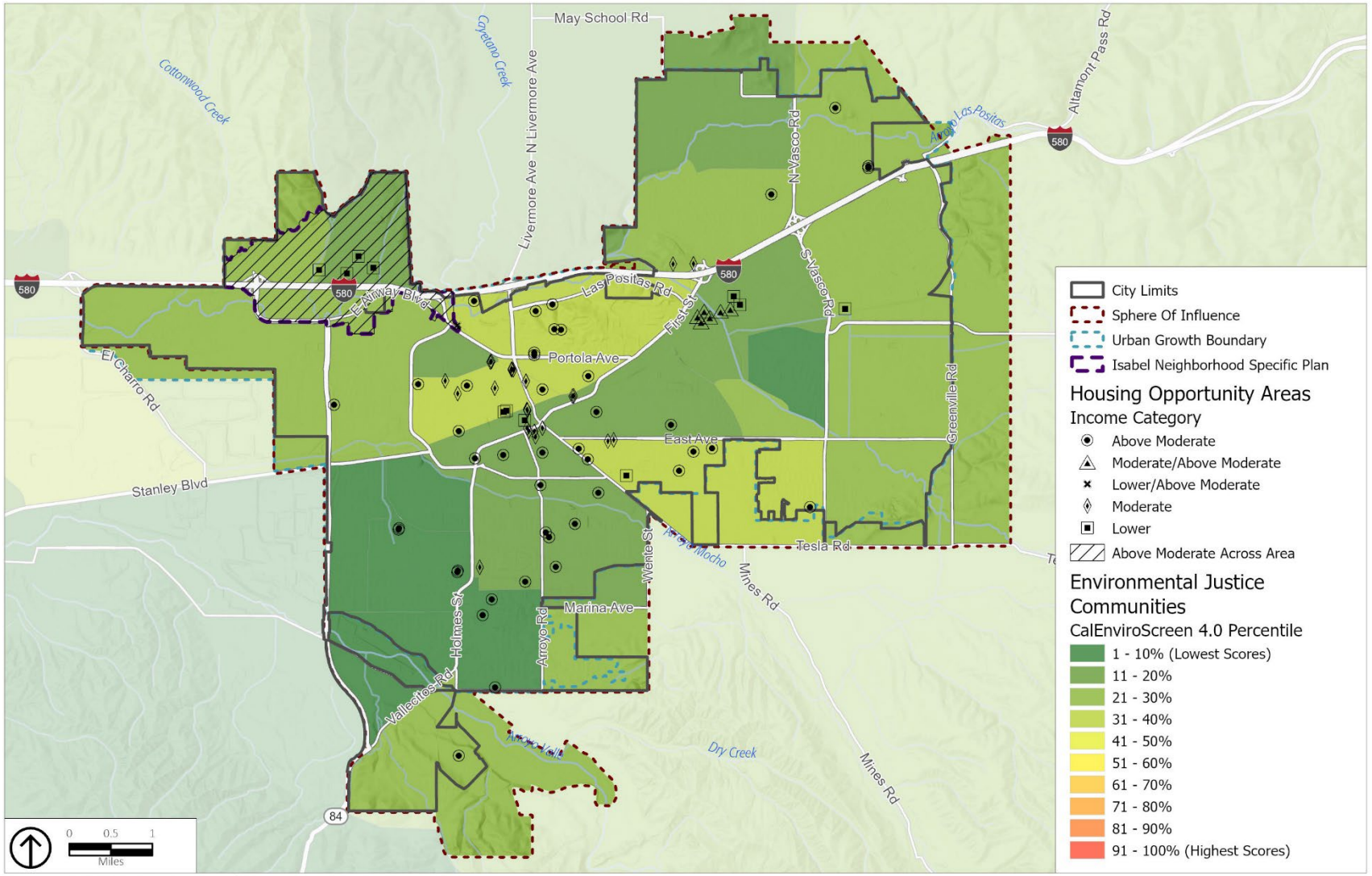
Communities that are identified as disadvantaged communities based on their cumulative pollution exposure score are targeted for investment through the State cap-and-trade program. However, the condition of these communities poses fair housing concerns due to disproportionate exposure to unhealthy living conditions. As shown in Figure 2-9, there are no areas within Livermore that qualify as an EJ Community. Despite this, there are notable patterns of varying environmental conditions. For example, the highest-scoring census tract, scoring in the 39th percentile, had a predominantly Hispanic and Latinx population in 2019. This tract, shown in Figure 2-9, is in the center of the city north of First Street, where there is a concentration of high-density and intensity residential and commercial uses. The pollution burden in this neighborhood was in the 49th percentile and the population characteristic score was in the 33rd percentile, suggesting that the environmental score is more likely a result of pollution. A lower population characteristic score, similar to an exposure score, indicates a more positive outcome. This score measures biological traits that reflect health status or community characteristics:

- Asthma concentration
- Cardiovascular disease
- Low birth weight infants
- Educational attainment levels
- Housing burden cost
- Linguistic isolation concentration
- Poverty levels
- Unemployment rate

While still a lower score than found in other communities in the region, outside of Livermore, there are three pollution burden indicators that individually scored above the 75th percentile in this neighborhood: lead from housing, groundwater threats, and hazardous waste. The high lead score may be caused by the older housing stock that is concentrated in this area. Lead-based paint was used in the construction of residential homes prior to 1978. Many of the homes in this area may have been constructed before then, which may contribute to the high indicator score.[16] The high scores of the other indicators may be caused by infrastructure issues or runoff from current or adjacent uses.

[16] Properties, Avr. 2017, March 22nd (posted). 2017, April 11th (updated). 2021, December 22nd (accessed). "What If My Livermore Rental Property has Lead-Based Paint?" Property Management Education. Avrhomes.com. https://avrhomes.com/what-if-my-livermore-rental-property-has-lead-based-paint-property-management-education.

Figure 2-9: Environmental Health Scores



Source: OEHHA, 2021; City of Livermore, 2021; Esri, 2021.

In Pleasanton, there are no EJ Communities. However, neighborhoods west of Sunol Boulevard and Del Valle Parkway have higher cumulative scores than the census tracts east of Sunol Boulevard. The area containing the Stoneridge Shopping Center also has a higher cumulative percentile score than most areas in Pleasanton. While these are high-income, predominantly White areas, each has high proximity to non-residential uses, which may increase pollution from vehicular traffic. In contrast to Livermore and Pleasanton, Tracy contains two disadvantaged communities, which are both on the east side of the city (east of S. Mac Arthur Drive). Of the three jurisdictions, Tracy contains the highest concentration of disadvantaged communities, which correlates with lower median incomes.

The distribution and locations of EJ Communities across Livermore, the Bay Area, and the nation are likely caused by numerous factors, including historical planning decisions, such as freeway construction that disrupted or harmed certain communities and redlining practices that resulted in disproportionate mortgage lending across the nation. In Livermore, the areas with the highest rate of environmental pollution and poverty are adjacent to major thoroughfares, including Interstate 580, and concentrated commercial uses, such as along First Street. While cities commonly have the highest-density and intensity of uses in their core, this aligns with areas of the greatest number of potential fair housing issues in Livermore. To address any discrepancies in access to healthy living conditions, the City will pursue funding to acquire land and/or facilitate development of urban parks on infill sites, particularly in low-resource areas and affordable housing developments, to promote place-based revitalization through air pollution mitigation and improved access to outdoor recreational opportunities (Program 4.2.1).

Disproportionate Housing Need and Displacement Risk

Overcrowding

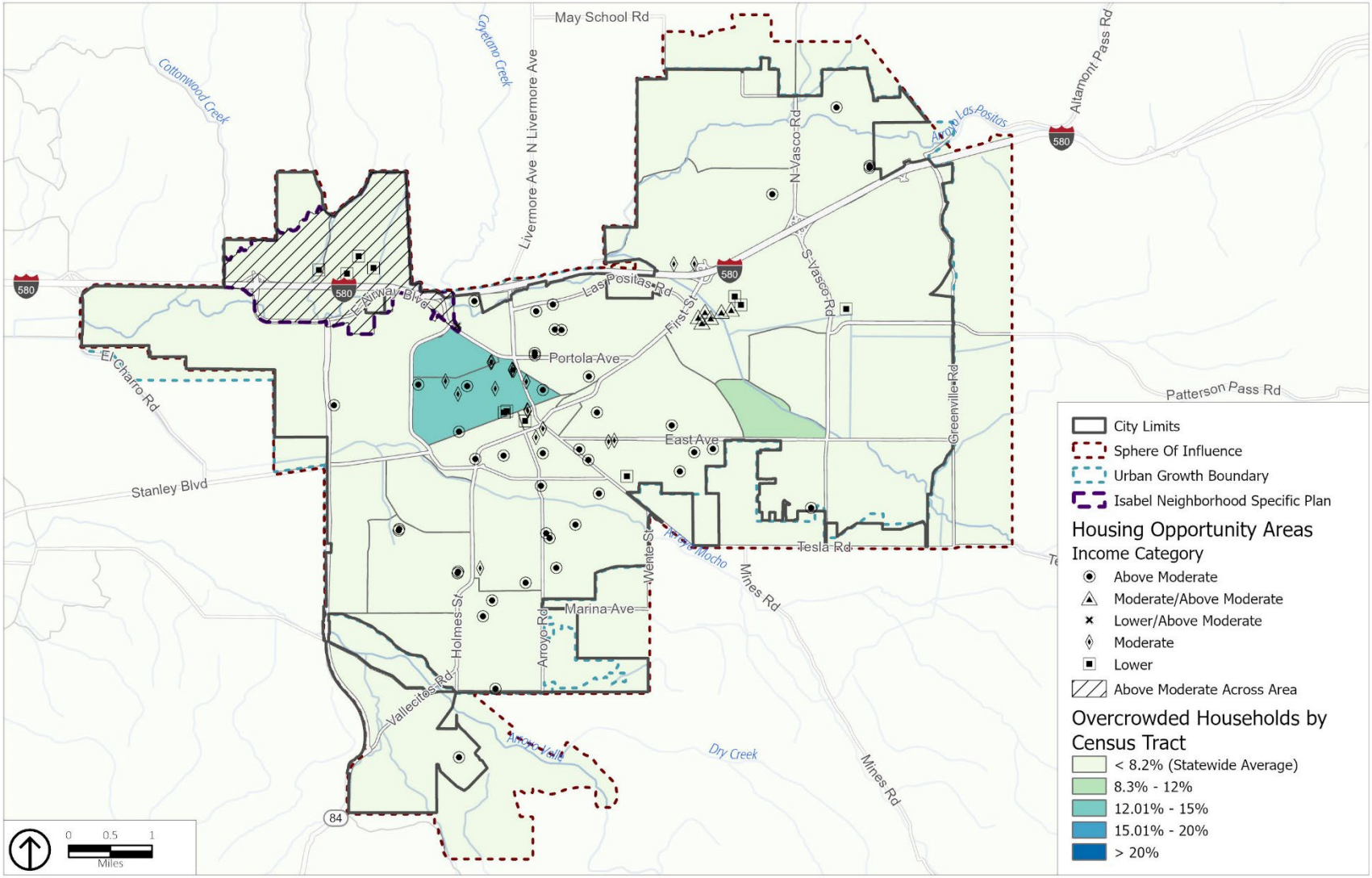
As discussed in the Housing Needs Assessment, the U.S. Census Bureau defines an overcrowded household as a unit that is occupied by more than one person per room. A small percentage of overcrowded units is not uncommon, and often includes families with children who share rooms or multi-generational households. However, high rates of overcrowding may indicate a fair housing issue resulting from situations such as two families or households occupying one unit to reduce housing costs (sometimes referred to as "doubling up"). Situations such as these may indicate a shortage of appropriately sized and affordable housing units.

Three census tracts in Livermore have a household overcrowding rate greater than 8.2 percent, the statewide average (Figure 2-10). Approximately 12.1 percent of households in a neighborhood in northern Livermore (bounded by N. Murrieta Boulevard to west, Portola Avenue to north and east, and the Union Pacific Railroad to south) are experiencing overcrowding. This concentration of overcrowding aligns with areas that are low-resourced according to TCAC/HCD, pollution burdened according to CalEnviroScreen, and have a disproportionate high rate of poverty, indicating possibly disproportionate housing burden and a need for more affordable large units in these areas, in addition to other areas, to affirmatively further fair housing. These neighborhoods are also predominately Hispanic and Latinx, so interventions should be linguistically accessible and culturally relevant. In the neighborhood surrounding Big Tree Park, 10.7 percent of households are overcrowded. As discussed previously, this neighborhood also has the highest rate of female-headed households and a concentration of higher-density housing, which may indicate that female-headed households with children are living in apartments or other smaller units due to housing costs or proximity to

schools, resulting in overcrowding. This census tract is bounded by N. Mines Road to the west, Charlotte Way to the north, S. Vasco Road to the east, and East Avenue to the south. While there are no concentrations of severe overcrowding in Livermore, the available data are not complete for the entirety of the city. In comparison, Tracy has a high concentration of overcrowded households in four census tracts between W. 11th Street to the south, N. Corral Hollow Road to the west, W. Clover Road and Lavelle Smith Drive to the north, and Holly Drive to the east. The percentage of overcrowded households within these four census tracts range from 9.4 to 18.5 percent. While there are no areas of concentrated overcrowding in Pleasanton, there is one area of concentrated severe overcrowding at 7.4 percent of households.

This concentration of overcrowding, similar to Livermore, aligns with areas that are Low-Income/Susceptible to Displacement according to the Urban Displacement project and contain vulnerable populations facing pollution burden according to CalEnviroScreen. The majority of residents in these neighborhoods are Hispanic and Latinx. In the ABAG region, overcrowding primarily occurs in dense, urban communities adjacent to the bay, while suburban communities have lower rates of overcrowding. Overcrowding and severe overcrowding may not be an issue for most Livermore residents; however, overcrowding increases displacement risk for those experiencing it. To address overcrowding, the City will provide regulatory waivers for developers that include affordable units for large families with three or more bedrooms in areas of concentrated overcrowding (Program 1.5.3).

Figure 2-10: Rate of Overcrowded Households



Source: CHHS 2020; City of Livermore, 2021; Esri, 2021; PlaceWorks, 2020.

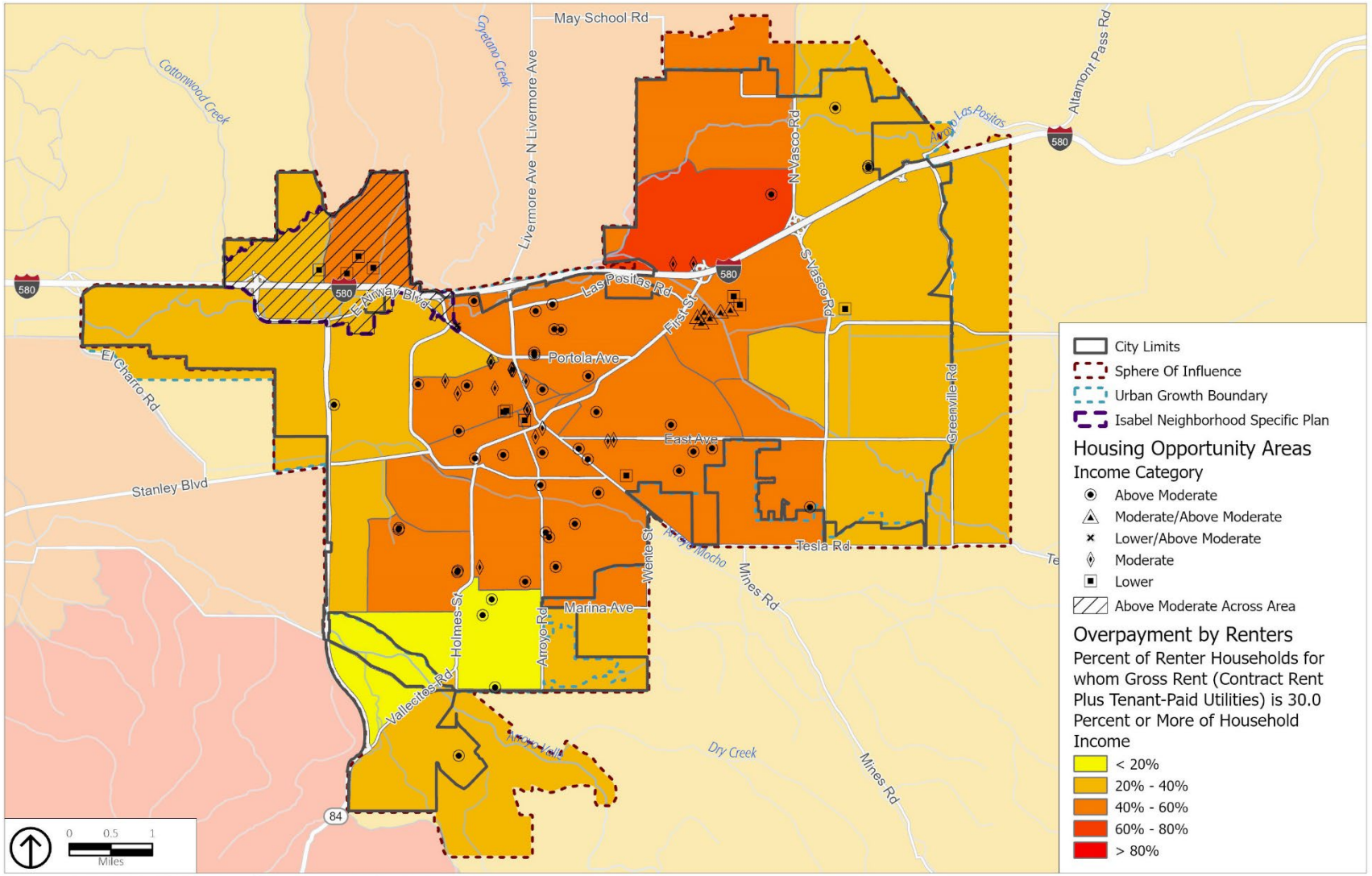
Overpayment or Cost Burden

A household is considered to be overpaying for housing (or cost burdened) when it spends more than 30 percent of its gross income on housing. Severe cost burden occurs when a household pays more than 50 percent of its income on housing. Approximately 31.0 percent of Livermore residents, 37.1 percent of Alameda County residents, and 36.1 percent of Bay Area residents are overpaying for housing. While both renters and homeowners face cost burden, it is a more significant problem among renters.

In 2014, renter overpayment in Livermore was concentrated in the Robertson Park neighborhood, where approximately 67 percent of renters paid more than 30 percent of their gross income on housing, and the southern portion of Livermore, where approximately 69 percent of renters were overpaying for housing. The lowest rate of overpayment, at 18.5 percent, occurred in northern Livermore near the Livermore Municipal Airport and Las Positas Golf Course. The highest rates of overpayment among homeowners in 2014 occurred east of Downtown Livermore, predominantly between S. Livermore Avenue and S. Vasco Road, where 41.6 to 48.5 percent of homeowners have housing that costs 30 percent or more of their household income.

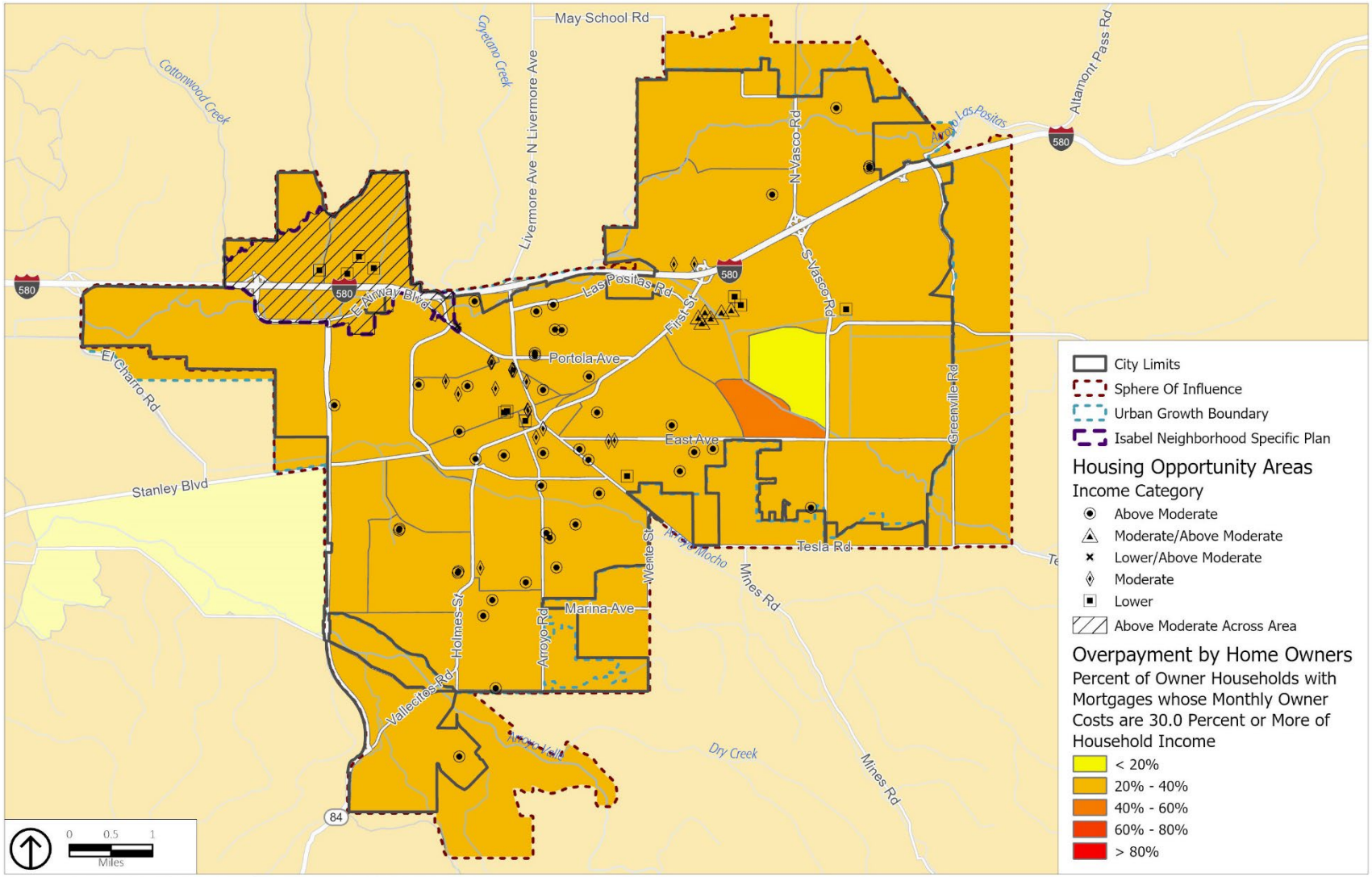
In 2019, the highest rate of renter overpayment was north of Interstate 580, at 62.6 percent of renters, though renter overpayment remains present throughout the city (Figure 2-11). The lowest rate of renter overpayment is in areas predominantly south of Alden Lane and Lomitas Avenue. There is significantly lower homeowner overpayment than in 2014, with only one remaining concentration in the Wagner Farm neighborhood (East Avenue to the south, N. Mines Road to the west, and Charlotte Way to the north, S. Vasco Road to the east), where approximately 43.5 percent of homeowners overpay for their home (Figure 2-12).

Figure 2-11: Percent of Cost Burdened Renter Households, 2019



Source: ACS, 2015-2019; City of Livermore, 2021; Esri, 2021.

Figure 2-12: Percent of Cost Burdened Owner Households, 2019



Source: ACS, 2015-2019; City of Livermore, 2021; Esri, 2021.

As shown in Table 2-52, in 2019, approximately 32.8 percent of Black Livermore renters are cost burdened; however, only 1.8 percent of Livermore residents identify as Black or African American. This reflects other racial disproportionalities such as wage and occupational disparities and may indicate that this population of renters is disproportionately experiencing overpayment. In addition, 100 percent (or 10 individuals) of American Indian or Alaskan Native renters are cost burdened. For reference, only 0.3 percent of Livermore residents identify as American Indian and Alaska Native. Along with Black or African American Livermore residents, Livermore American Indian and Alaska Native are disproportionately overpaying for housing. Additionally, the majority of Pacific Islander and Multiracial renters are experiencing cost burden at disproportionally higher rates than other races.

Among homeowners, approximately 17.7 percent of Black or African American residents are severely overpaying, demonstrating a similar trend as seen among renters. Asian, American Indian, or Alaska Native homeowners experience the highest rate of cost burden, though significantly lower rates of severe cost burden. Non-White homeowners in Livermore generally experience higher rates of overpayment than White homeowners, which reflects regional and national racial disproportionalities and are caused by past and present forms of housing discrimination, occupational segregation, and barriers to accessing affordable housing options.

Table 2-52: Percentage of Cost Burden Residents by Tenure, Race, and Ethnicity									
	Cost Burden						Not Available		Total
	≤ 30%		30% to 50%		> 50%				
Tenure and Race	Number	Share	Number	Share	Number	Share	Number	Share	
Owners									
White, alone	13,220	77.6%	2,300	13.5%	1,430	8.4%	90	0.5%	17,040
Black or African American, alone	240	77.4%	10	3.2%	55	17.7%	0	0.0%	310
Asian, alone	1610	69.0%	525	22.5%	190	8.1%	10	0.4%	2,335
American Indian or Alaska Native, alone	15	75.0%	4	20.0%	0	0.0%	0	0.0%	20
Pacific Islander, alone	25	100.0%	0	0.0%	0	0.0%	0	0.0%	25
Other, multiple	455	72.8%	110	17.6%	60	9.6%	0	0.0%	625
Hispanic	1,600	72.4%	405	18.3%	185	8.4%	20	0.9%	2,210
Renters									
White, alone	2,805	52.2%	1,365	25.4%	1,170	21.8%	30	0.6%	5,375
Black or African American, alone	165	54.1%	100	32.8%	45	14.8%	0	0.0%	305
Asian, alone	420	56.0%	145	19.3%	170	22.7%	15	2.0%	750
American Indian or Alaska Native, alone	0	0.0%	10	100.0%	4	40.0%	0	0.0%	10
Pacific Islander, alone	15	33.3%	10	22.2%	20	44.4%	0	0.0%	45
Other, multiple	40	23.5%	40	23.5%	80	47.1%	10	5.9%	170
Hispanic	1,225	53.0%	590	25.5%	450	19.5%	40	1.7%	2,310

Source: CHAS, 2014-2018.

Substandard Housing

Housing condition presents another issue that may increase displacement risk for residents due to safety and exposure concerns. According to the 2015-2019 ACS, approximately 65 percent of units in the city are older than 30 years, indicating that the housing stock in Livermore is relatively new. However, for those units older than 30 years, it is not uncommon to need at least minor repairs. According to Section 2.5, Housing in Need of Repair/Replacement of the Housing Needs Assessment, approximately 100 residential units are estimated to need either rehabilitation or replacement. To ensure that all residents are able to maintain their homes regardless of income, the City will seek funding to provide housing rehabilitation funding to lower-income residents to reduce displacement risk due to housing conditions (Programs 4.1.3).

Homelessness

In 2022, EveryOne Home conducted the Point in Time (PIT) count for Alameda County to assess the extent of homelessness in the county. The count found 242 people experiencing homelessness living in Livermore, approximately 2.5 percent of the homeless population in Alameda County and an 8.3 percent decrease since 2019. Of the homeless population in Livermore, 68 (or 28.1 percent) were sheltered and 174 (71.9 percent) were unsheltered. In 2019, approximately 32.2 percent of the homeless population in Livermore was sheltered and 67.8 percent was unsheltered. This indicates that, while the size of the homeless population in Livermore has decreased since 2019, the proportion of unsheltered residents has increased. However, the proportion of unsheltered homeless persons in Livermore was lower than other communities in the county. The following statistics were reported on the city's homeless population:

- 16 percent are chronically homeless.
- Black/African American, Asian, and Hispanic/Latinx residents were overrepresented when compared to the City's population.
- About 27 percent of the citywide homeless population was male and 73 percent identified as female.
- No homeless people in Livermore were veterans.
- 19 percent of the homeless population in Livermore had a disabling condition, which is defined by HUD as developmental disability, HIV/AIDS, or long-term physical or mental impairment that impacts a person's ability to live independently, but could be improved with stable housing.

Persons experiencing homelessness, or those at risk of becoming homeless, are typically extremely low-income and are often displaced from housing due to inability to pay or other issues.

Six housing projects and three programs have been recently completed or are underway in Livermore to support the unhoused population. The six housing projects are:

- **Chestnut Square Senior.** A 72-unit affordable studio and 1-bedroom apartments complex that opened in September 2019 as part of a two-phase project with Chestnut Family Square (below). Five affordable housing units are set aside for previously unhoused senior residents.

- **Chestnut Square Family.** Built in 2021, this project includes 42 affordable rental apartments. Supportive services are provided for 10 of the 42 units at Chestnut Family Square that are set aside for formerly homeless households.
- **Goodness Village.** 28 tiny homes constructed in 2021. This development also provides services and resources to the local Livermore community experiencing homelessness.
- **Vineyard 2.0.** 24 units of affordable, accessible studios, 1-bedroom units, and one 2-bedroom unit. This development will include a 10,000-square-foot kitchen to be operated by Open Heart Kitchen, serving hot meals for Livermore's homeless and low-income neighbors. Additionally, this development also includes a Housing Resource Center that will provide housing navigation services for both unhoused and low-income community members, showers laundry machines, a winter shelter, and mailboxes. Vineyard is located north of Downtown and is a five-minute walk from downtown Livermore .
- **Pacific Avenue Senior Apartments.** A 140-unit affordable rental housing project, currently in the development phase, will include both one- and two-bedroom units for seniors. A limited number of units will be dedicated for seniors experiencing homelessness.
- **Downtown Livermore Apartments.** This development will provide 130 new affordable homes to low-income families in Livermore. A limited number of the units will be set aside for previously unhoused community members to meet County funding requirements.

Examples of City programs for people experiencing homelessness include City Serve, biohazard cleanup, and laundry and shower services. City Serve is a Tri-Valley program that provides crisis stabilization services for unsheltered neighbors living in Dublin, Pleasanton, and Livermore. In partnership with Block by Block, the City provides biohazard cleanup services throughout the city, including cleanup of backpacks, sleeping bags, bags with items inside, urine/fecal matter, and needle/drug paraphernalia that may not be safe for individuals to handle. The Asbury Methodist Church offers laundry and shower services to unhoused community members three days per week, with service providers frequently co-locating and providing housing navigation services on site. More information on supportive services for the unhoused community can be found on the City's website. The City has included Programs 1.5.3, 3.4.3 and 6.1.2 to address homelessness in Livermore.

City staff are also exploring the following partnerships to increase the number of supportive housing units in the City for people experiencing homelessness:

- **Project Reclamation:** The City is working with Bay Area Community Services (BACS) and other cities in Alameda County to develop a regional program that acquires single family homes to create supportive shared housing for people experiencing homelessness. Single family homes offer unique opportunities to bring housing for those experiencing homelessness into existing residential and high opportunity communities.
- **Livermore Housing Authority:** City staff and the Livermore Housing Authority are pursuing funding that would allow the Livermore Housing Authority to set aside vacant units at properties throughout Livermore for households experiencing

homelessness and to provide patient, linguistically accessible, and trauma-informed supportive services to help program participants successfully transition from housing insecurity. The City and LHA are working closely with staff from the Livermore Valley Unified School District and homeless services providers to ensure the program meets the needs of families in Livermore experiencing homelessness.

Displacement Risk

The annual rate of increase in average home value or rental prices compared with annual changes in the average income in the city indicates an increased risk of displacement due to housing costs outpacing wage increases, a trend that is felt throughout the region, state, and nation. According to the Zillow Home Value Index (ZHVI), a seasonally adjusted measure of the typical home value and market changes across a given region and housing type, from 2010 to 2020, Livermore home values have nearly doubled from $432,664 to $865,106. Bay Area and Alameda County home values have increased even more rapidly. During this period, the average annual change in home values in Livermore, Alameda County, and the Bay Area was 5.0, 5.6, and 5.2 percent, respectively. Peak periods of change for the city includes 2003-2005, 2006-2008, and 2011-2013.

While housing costs have increased rapidly, wages have not kept pace. The average income in Livermore has increased approximately 3.5 percent annually, from $93,988 in 2010 to $127,452 in 2019, according to the ACS. The increasing gap between household median income and average housing cost over the last decade indicates growing unaffordability of home ownership in Livermore. To address affordability challenges, Livermore included several programs to connect lower-income residents with affordable housing rental and ownership opportunities and will incentivize construction of affordable units (see Table 2-54).

Livermore's annual percentage change for median contract rent was similar to the change in home values. Across a period of 10 years, from 2009 to 2019, median rent increased from $1,172 to $1,902, resulting in a 6.2-percent average annual increase each year. As with homeownership units, income has not kept pace with housing cost for rental units in Livermore. The Bay Area's median rent increased from $1,196 to $1,849 (5.5 percent annual increase), while Alameda County's median rent increased from $1,083 to $1,692 (5.6 percent) during this period. This indicates that rents and median household income have grown at disproportionate rates across the city and region.

The discrepancies between wage increases and rising housing costs that are resulting in increased displacement risk are supported by the findings of the *Tri-Valley Housing Displacement Report*. The report found that a shortage of housing production, paired with rising housing costs and new employment opportunities in the Bay Area that have intensified housing demand, has resulted in increased displacement risk, particularly for lower-income households.

According to the Urban Displacement Project, the census tract north of Downtown Livermore is designated "low-income/susceptible to displacement." As discussed throughout this assessment, the area, which includes the Rincon neighborhood, includes the area bounded by N. Murrieta Boulevard to the west, Portola Avenue to the north and east, and the Union Pacific Railroad to the south that is predominantly Hispanic and Latinx,

has a lower median income than most other areas of the city, and is subject to pollution burden. The area to the east, bounded to the southwest by Junction and Portola avenues, to the southeast by First Street, and to the north by I-580, is designated as an area of "advanced gentrification," meaning this area has seen rapid increases in housing costs and rising median income in the last decade. South of First Street, there are neighborhoods considered "at risk of becoming exclusive," which the Urban Displacement Project defines as areas where incomes and housing prices are similar to those areas experiencing gentrification, though with housing cost increases rising at a more marginal rate. If this pattern continues in Livermore, housing in these neighborhoods will become increasingly inaccessible for lower- and moderate-income households. The remainder of the city is predominantly considered "stable moderate/mixed income," meaning this area has not seen significant changes in socioeconomic conditions in recent years. Livermore is one of the only suburban Bay Area communities along the Interstate 580 corridor that is not already "stable/advanced exclusive." However, the designations listed above indicate that much of Livermore is moving in that direction.

The dominance of single-family housing in many Livermore neighborhoods likely contributes to increasing displacement risk and gentrification as these housing types are typically more expensive than multifamily units and other smaller units, and may present a barrier to entry for lower- and moderate-income households. To facilitate income-integration, housing mobility opportunities, and reduce concentrations of affluence that can stem from dominance of single-family housing, the City has identified several mechanisms to increase density in single-family neighborhoods including, but not limited to:

- Establish standards for smaller unit types, and encourage construction on infill lots in single-family neighborhoods (Program 1.3.1.D).
- Educating homeowners of large lots in neighborhoods dominated by single-family housing on the opportunities provided by SB 9 lot split, as a means of gently increasing density (Program 1.3.1.E).
- Promote ADU development incentives in high resource neighborhoods dominated by low-density housing (Program 1.4.1.D).
- Promote lot consolidation in existing low-density neighborhoods to enable construction of multi-unit and mixed-use development (Program 2.1.2.A).

Other Relevant Factors

History of Development Trends

Beginning in the mid-1950s, Livermore evolved from a small agricultural town into a bedroom community for the region. By the 1980s, Livermore expanded additional industries, including commercial, light industrial, warehouse, and office development, adding to its residential base. The continued population growth in the Bay Area has maintained consistent demand for housing in Livermore, spurring more residential development.

According to the 2015-2019 ACS, the greatest period of residential growth in Livermore occurred between 1960 and 1979, during which, 39 percent of the city's current occupied housing stock was constructed – 38 percent of the current owner-occupied units and 43

percent of current renter-occupied units. The second-largest period of growth occurred in the following two decades, between 1980 and 1999, resulting in an addition of 29 percent of the city's housing stock, for a total of 68 percent between 1960 and 1999. Less than 20 percent of the housing stock has been built since 2000, indicating a rapid decline in residential growth in Livermore in recent years. However, approximately 5,300 units built since 2000 have been constructed in the limited remaining vacant residential land. In an effort to manage recent growth, the City implemented growth-management policies to ensure high-quality residential design and adequate provision of infrastructure, public facilities, and services. Though discontinued in 2019, the Housing Implementation Program (HIP) guided the allocation of housing units over a three-year period during the previous planning cycle. The HIP scored residential developments of five or more units using criteria (e.g., provision of very low- or low-income housing, use of universal design features, and other considerations) that were used as part of the approval process of developmental projects. A higher score indicated a more competitive project usually with more community benefits. Since there was a cap on how many units could be built in a year, the HIP was a competitive process to direct growth with as much community benefit as possible. Through the HIP Program, the City encouraged infill development, mixed-use projects, and lot consolidation for larger projects and influenced the production of affordable housing by geographic area and unit type. Upon review of the 2014-2016 and 2017-2019 HIP cycles, the City confirmed that the program managed growth but did not limit or constrain residential development. While no longer used, the lasting effects of the HIP include a more balanced development pattern to promote infill, unit variety, and housing development where need is greatest.

Investment Patterns

Public and private investment typically includes construction, maintenance, and improvements to public facilities, including infrastructure; acquisition of land; and major equipment. Historically, investment in Livermore has been prioritized based on need, which has prevented disinvestment in any particular area of the city. Projects identified for public investment are considered based on the following factors:

- Consistency with the General Plan
- Consistency with City Council-adopted master plans
- Consistency with other formal long-range plans adopted by City Council
- Recommendations of the Council and Commissions
- Input from residents and business owners
- Consistency with the City's Consolidated Plan for federal funds like Community Development Block grants
- Supporting neighborhoods with the highest need
- State, federal, or other legal mandates
- Potential impact to the operating budget
- Benefit to the community
- The need to mitigate health or safety issues

Priority is based on projects that will result in the greatest community benefit, mitigate existing issues, and address public demand and need, therefore, ensuring that projects occur throughout the city. Recent target areas for investment include, but are not limited to:

- **Downtown Revitalization Projects.** These include projects that will enhance downtown economically and aesthetically through transportation projects, land acquisition, and renovation of existing structures to facilitate place-based revitalization and improve access to resources, services, and amenities in this area of the city.
- **Infrastructure Rehabilitation.** Historically, infrastructure maintenance has been underfunded and, though public infrastructure remains operational, it does require additional investment. Therefore, the City has begun setting aside general fund monies for rehabilitation and replacement in areas of greatest need, identified in a conditions assessment that resulted in a risk-based approach to prioritizing rehabilitation need.
- **Street Maintenance**. Investment in streets includes annual preventative street slurry seal and micro surfacing, annual sidewalk repair, ADA access ramp installations, and more that result in preservation of existing transportation and pedestrian infrastructure at a fraction of the cost of what full replacement would cost if streets were not adequately maintained.
- **Trail, Bike, and Miscellaneous Street Projects**. These projects are intended to provide trail and bike route connections to commercial activity, transit routes, schools, parks, and residential areas, as well as recreational opportunities. Increased transit mobility increases access to resources across the city for all residents.
- **North of Downtown Neighborhoods.** The City has targeted federal and local resources for services and public infrastructure in low-income communities north of Downtown where there is the greatest need for place-based investment that is stabilizing for community members. Examples a multilingual food pantry at Marylin Avenue Elementary School and May Nissen park, which is a 12.2-acre community park that was recently renovated and includes a swim center, playgrounds, group picnic areas, basketball courts, restrooms, horseshoe pits, sports fields, tennis courts, dog park and a preschool.

These project areas, among others, improve connections between neighborhoods, to necessary services, and improve environmental health through reduced reliance on vehicular transportation and improved infrastructure system conditions. The City will continue public investment throughout the city, and will encourage the same from private investment, so all residents have access to improved transportation, safer streets, additional recreational amenities, and other outcomes of public and private investment.

Mortgage Loan Denial Rate

Data related to home loan applications are made available annually through the Consumer Financial Protection Bureau Home Mortgage Disclosure Act (HMDA). The Consumer Financial Protection Bureau provides mortgage data specific to census tracts

as opposed to jurisdiction boundaries, so data for Livermore includes small portions of unincorporated Alameda County in tracts that expand beyond city limits.

In 2020, White applicants accounted for 27.7 percent of all mortgage loan applications for home purchase and 38.5 percent of all originated loans in Livermore. While Hispanic and Latinx residents make up 20.0 percent of Livermore's ethnic composition, Hispanic and Latinx applicants made up only 3.4 percent of loan applications and 4.7 percent of originated loans. Black residents represented 1.8 percent of the Livermore's racial composition; however, Black applicants made up less than 1 percent of total loan applications and 1.3 percent of all originated loans. While Asian residents represented 11.6 percent of Livermore's racial composition, Asian applicants made up 18.0 percent of loan applicants and 24.9 percent of originated loans. Other applicants (e.g., American Indian, Alaskan Native, Native Hawaiian or other Pacific Islander, two or more race, and other) represented a total of approximately 50.0 percent of loan applications and 30.6 percent of originated loans. The City hopes to address some of these disproportionalities, particularly for Latinx and Black residents, by implementing targeted and multilingual outreach strategies and programs described in Program 3.4.1 and removing barriers to homeownership identified in the fair housing assessment public outreach process.

In 2020, applicants applied for four types of loans for home purchase: conventional, Federal Housing Administration (FHA), Veterans Administration (VA) loans, and United States Department of Agriculture (USDA). Denial rates, shown in Table 2-53, indicate that Hispanic or Latinx residents are denied conventional and Veterans Administration loans at a higher rate than other racial and ethnic groups. Asian applicants seem have to the highest success rate for securing a mortgage loan.

Table 2-53: Home Loan Applications

Loan Type	*White*	*Black*	*Asian*	*Native American*	*Latino*	*Total*
Conventional						
Total Applications	62	19	468	0	83	1,191
Denial Rate	3.7%	5.3%	5.3%	0.0%	7.2%	4.6%
Federal Housing Administration (FHA)						
Total Applications	25	5	9	0	9	48
Denial Rate	12.0%	0.0%	11.1%	0.0%	11.1%	10.4%
Veterans Administration (VA)						
Total Applications	26	1	4	0	3	34
Denial Rate	0.0%	0.0%	0.0%	0.0%	33.3%	2.9%
United States Department of Agriculture (USDA)						
Total Applications	1	0	0	0	0	1
Denial Rate	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%

Source: Federal Financial Institutions Examination Council's (FFIEC), Home Mortgage Disclosure Act (HDMA), 2020

The low participation rate by residents of color and barriers to building capital necessary to pursue homeownership may be a result of both past policies like redlining that

prevented particular communities of color from building generational wealth, current inequities like occupational segregation, and existing barriers like language access and documentation requirements. Actions described in Programs 3.4.1 and 5.2.1, including targeted and multilingual homebuyer education and outreach strategies and financial empowerment services, are just some of the ways the City hopes to address these disparities. The City will also work with legal service providers to ensure all residents have access to legal counseling and representation in cases of discriminatory lending practices and other fair housing issues (Program 5.1.1).

Enforcement and Outreach Capacity

Compliance with Fair Housing Laws

Fair housing laws at the federal, state, and local level protect certain characteristics from housing discrimination. These protected characteristics include race, color, national origin, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, ancestry, veteran or military status, source of income, genetic information, familial status, and disability. Fair housing laws in practice may be tenant protections, immigration rights, and other protective laws as required by the jurisdiction. Livermore enforces and complies with fair housing laws and regulation through a multilateral process: regular review of City programs and impediments to fair housing choice and compliance with state and federal law and referring fair housing complaints to Eden Council for Hope and Opportunity (ECHO) Housing.

In addition, the City demonstrates compliance or intention to comply with fair housing laws through the following:

- The City demonstrates compliance with Density Bonus Law (Government Code, Section 65915 - 65918.), which currently allows for an increase up to 35 percent over the maximum allowable residential density requires local governments to grant additional incentives and/or concessions, and grant bonuses for land donation. Assembly Bills 2753, 2372, 1763, 1227, and 2345 were passed in 2018, 2019, and 2020 and revised density bonus law to provide additional benefits for qualifying projects. The City has included Program 3.1.2 to update the density bonus ordinance to be consistent with recent State law.
- The City intends to comply with No-Net-Loss (Government Code Section 65863) through identifying a surplus of sites available to meet the County's Regional Housing Needs Assessment (RHNA) allocation. In total, the city's surplus unit capacity is 908, composed of 457 lower-income units, 159 moderate-income units, and 292 above moderate-income units.
- The City complies with the Housing Accountability Act (Government Code, Section 65589.5) by allowing emergency shelters by right in all transect and non-transect zones (see Table 3-6 of this Housing Element).
- The City will comply with SB 35 (Government Code Section 65913.4) by establishing a written policy or procedure, as well as other guidance as appropriate, to streamline the approval process and standards for eligible projects by 2022 (Program 1.4.1).
- The City will comply with SB 330 (Government Code Section 65589.5), relying on regulations set forth in the law for processing preliminary application for housing

development projects, conducting no more than five hearings for housing projects that comply with objective general plan and development standards, and making a decision on a residential project within 90 days after certification of an environmental impact report or 60 days after adoption of a mitigated negative declaration or an environment report for an affordable housing project.

Fair Housing Complaints

As part of enforcement efforts, Livermore residents are served by multiple fair housing service providers, including ECHO and Centro Legal de la Raza. The Livermore Housing Authority refers tenants to ECHO on their website. ECHO provides housing counseling services, tenant/landlord services, conducts fair housing investigations, and operates periodic fair housing audits throughout Alameda County, Contra Costa County, and Monterey County. Additionally, ECHO provides counseling and assistance for first-time homebuyers and lower-income households seeking housing. Centro Legal de la Raza provides similar fair-housing services, including immigrants' rights, tenant rights, workers' rights, litigation, and a youth law academy. Centro Legal de la Raza receives issues from tenants with problems with landlords entering without legal entry, and other housing-related issues and conduct proactive outreach to Livermore renters to identify and respond to tenant legal, habitability, and harassment issues.

Fair housing providers identified that concentrations of low-income and non-English speaking populations are particularly vulnerable to displacement, isolation, and discrimination as they have more limited resources when securing housing. Suburban communities in particular, Livermore included, typically offer fewer services and resources for non-English-speaking households, according to providers and community members, further limiting housing mobility. Centro Legal de la Raza also identified fear or retaliation as a concern among tenants with limited resources at their disposal. The experiences reported by fair housing providers, though not isolated to Livermore residents, indicate a need for greater tenant protections, assistance with finding and securing housing, and education for landlords, property managers, and tenants regarding fair housing rights and responsibilities. The City currently contracts with ECHO for fair housing services and Centro Legal for multilingual tenant legal services and will meet with staff there to implement strategies to improve conditions for low-income, immigrant, and linguistically isolated populations. These will include actions such as audits of housing providers for discriminatory behavior, multilingual community workshops, and increasing awareness of available services (Programs 3.4.1 and 5.1.1).

During consultations, ECHO staff asserted that the lack of affordable housing is one of the greatest problems their clients face and identified the largest number of discrimination cases are related to disability. This includes failure to meet reasonable accommodation requests or unit repairs. ECHO identified that lower-income residents are more likely to be burdened by unhealthy or unsafe housing conditions than higher-income residents due to the shortage of affordable housing in Livermore. The City's goal of producing more affordable housing for residents with special housing needs, including people with disabilities and low-income families, will help address this need (Programs 1.5.3 and 3.4.1). The City will also pursue funding to provide low-income community members with financial assistance for repairs and accessibility improvements (Program 4.1.3)

In its *2019 Annual Report*, the California Department of Fair Employment and Housing (DFEH) reported that it received 44 housing complaints from residents of Alameda County, approximately 4.7 percent of the total number of cases in the state that year (934). As part of the Fair Housing Assistance Program (FHAP), DFEH dual-files some fair housing cases with HUD's Region IX Office of Fair Housing and Equal Opportunity (FHEO). HUD FHEO reported that 10 cases were filed by residents of Livermore between January 1st, 2013, and April 25th, 2021. Of the 10 cases, three resulted in no-cause determination and six were closed through conciliation or settlement. One case was withdrawn after resolution. Five cases alleged discrimination based on disability, two alleged discriminations due to retaliation, one alleged discrimination based on race, one based on religion, one based on sex, and one based on familial status. One case alleged discrimination based on disability and race, three based on disability, one based on race, and five based on familial status. Of the 10 cases, one alleged discrimination on more than one protected class. In addition to these cases, 14 inquiries about discrimination were sent to HUD to determine whether a case would be valid. Eight of these inquiries did not report which protected class the discriminatory behavior was against, two identified discriminations based on disability, one identified discrimination based on color, and three based on race. Of these inquiries, seven inquirers failed to respond to HUD's follow up, one inquiry failed to file a claim in a timely manner, and six resulted in a finding that there was no valid basis or issue. No inquiries or cases were made against the City or public housing authority.

SITES INVENTORY ANALYSIS

The location of housing in relation to resources and opportunities is integral to addressing disparities in housing needs and opportunity and to fostering inclusive communities where all residents have access to opportunity. This is particularly important for lower-income households. AB 686 and AB 1304 added a new requirement for housing elements to analyze the location of lower-income sites in relation to areas of high opportunity. Figures 2-3 through 2-12 show the distribution of projected units by income category of the following indicators compared to citywide patterns to understand how the projected locations of units will affirmatively further fair housing: TCAC opportunity areas, median income, predominant population, disability rates, educational score, environmental health, and overpayment. The following sites inventory discussion includes an analysis of the number of projected units by income category, total RHNA capacity, and city acreage by income category to further assess the potential impacts of the sites inventory to affirmatively further fair housing.

Isabel Neighborhood Specific Plan

As presented in Table 4-1, approximately 66 percent of the city's lower-income RHNA capacity and 83 percent of the above moderate-income capacity have been identified in the INSP. The primary objective of the INSP is to create a "complete" neighborhood, including a variety of housing types at a range of densities and affordability, jobs, retail, and transit connectivity to the future adjacent Valley Link regional transit station that links to BART, Altamont Corridor Express (ACE), and local bus lines. Further, the INSP includes a Main Street with ground floor retail, pedestrian and bicycle trails to connect to the station and adjacent neighborhoods, bus stops, public parks, and an office hub with employment opportunities. These amenities and services, and the focus on integration of residential types and connectivity, will ensure housing and employment opportunities in the INSP are not separated from the rest of the city. While, by quantification, the location of most of the

city's lower- and above moderate-income RHNA capacity in the INSP may be a concentration of lower-income units, the prioritization of inclusivity and access to opportunities, within the specific plan area and within the city, from the outset of construction will facilitate income-integration and diversity in Livermore. The integration of lower-income and above moderate-income units, along with job opportunities, retail, parks, and other amenities, in the INSP will directly combat the following fair housing issues identified in Table 2-54:

- **Concentrations of communities of color in TCAC-designated low resource areas.** The INSP area is considered to be a moderate and high resource area according to TCAC. Inclusion of affordable housing within the specific plan will expand housing opportunities for lower-income households in these higher resource areas and near existing and future services and opportunities.
- **Disproportionate access to resources for lower-income and non-White households.** Currently, there is a concentration of renters and lower-income households in the areas north of Downtown, where there is limited access to parks and open space. The INSP includes public parks as well as pedestrian and bike trails to facilitate healthy spaces and outdoor recreation for all residents, and in close proximity to units specifically within the INSP. In addition to these resources, the INSP will include retail, transit connectivity, and employment opportunities to expand access to resources for lower-income households, and will provide affordable units in a range of sizes to meet a variety of needs.
- **Displacement of residents due to economic pressures.** The INSP will include affordable units in a range of sizes, providing mobility opportunities for lower-income households to find a unit suitable for their family at an affordable price. Further, the inclusion of affordable units within the INSP will combat the existing concentration of lower-income households near Downtown by providing alternative housing options in an integrated neighborhood. Overall, the INSP will help to eliminate displacement risk that stems from a shortage of affordable units in Livermore with the inclusion of over 1,500 affordable housing units.

The City's inclusionary ordinance requires affordable units to be representative of the project as a whole, with comparable types of units, bedroom mix, exterior appearance, amenities, and interior fixtures and finishes. The affordable units must be dispersed through project areas rather than concentrated in one portion of the area or project. The mix of affordable product types must also reflect the overall mix of product types in the project. Therefore, the City's inclusionary ordinance and the Isabel Neighborhood Plan will work together to avoid socio-economic concentrations of lower-income households in the city.

However, while the INSP presents a unique opportunity to combat existing fair housing concerns, promote income integration, and facilitate proximity to a variety of services and resources, the City also aims to combat these fair housing concerns throughout the city by promoting a variety of housing types through infill, construction of ADUs, place-based revitalization, and investment in targeted areas, and implementing anti-displacement strategies such as:

- **Program 1.2.1**. Update the General Plan and Downtown Specific Plan as needed and as appropriate to provide a range of housing types, densities, and affordability levels. The intent of this is to facilitate middle-density housing throughout the city, as well as higher density options, to increase the supply of housing affordable to

lower- and moderate-income households, and meet a range of household needs, to reduce displacement risk citywide and facilitate income-integration.

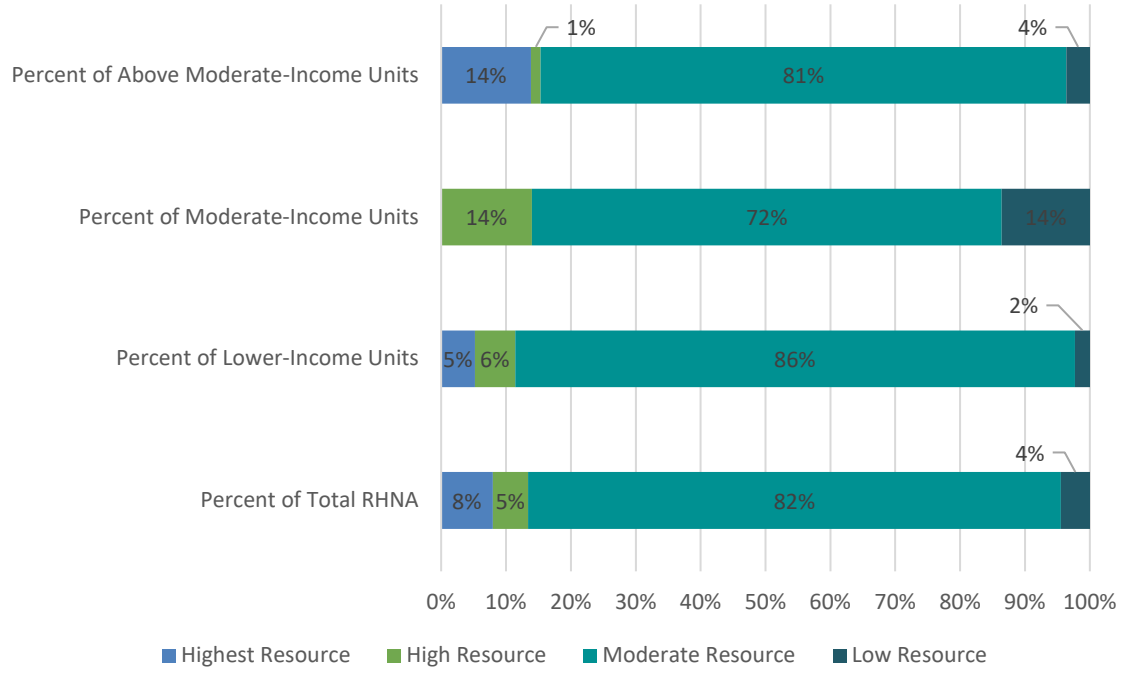
- **Program 1.4.1.** Create user-friendly, accessible, and multi-lingual information guides for development of ADUs and SB9 projects to encourage infill development and increasing density with the aim of reducing displacement through and increased supply of middle-density options suitable for lower- and moderate-income households.
- **Program 3.1.1.** Continue to implement the Inclusionary Housing Ordinance for projects throughout the city, including requiring developers to identify locations for inclusionary units. The intent of this program is to increase the supply of affordable units to reduce displacement risk for lower- and moderate-income households, facilitate income-integration by requiring locations for units, and encouraging integration of affordable units in existing neighborhoods.
- **Program 3.2.1.** Encourage the use of the Low-Income Housing Impact and In-Lieu fees and the Affordable Housing Trust Fund for projects in high resource areas to promote housing mobility and in areas of concentrated overpayment to reduce displacement risk.
- **Program 3.2.2.** Support land dedication and acquisition of properties for conversion or construction of affordable units in opportunity-rich areas to increase the supply of affordable housing to both reduce displacement risk and increase mobility opportunities.
- **Program 3.4.1.** Provide mortgage assistance for lower- and moderate-income households to promote mobility opportunities for these households to secure housing in the neighborhood of their choosing.
- **Program 3.4.2.** Increase promotion of the Housing Choice Voucher program to the development community, property owners, homeowners with accessory dwelling units, and possible participants to increase the supply of units accessible to lower-income households to reduce displacement risk for this population.
- **Program 4.1.2.** Promote the availability of resources for weatherization, energy efficiency, and rehabilitation of unhealthy living conditions to reduce displacement risk through improved housing conditions. The City will prioritize promotion of these resources and materials in neighborhoods with the greatest displacement risk resulting from these conditions, such as the Rincon neighborhood and other areas north of Downtown.
- **Program 4.2.1.** Upgrade amenities in connectivity in older neighborhoods to facilitate mobility and pursue funding to acquire and or facilitate development of urban parks, particularly in low-resource areas, to promote place-based revitalization.

The combination of these programs aims to facilitate income integration city-wide through more gradual strategies and investment. Paired with the income-integration and new opportunities proposed as part of the INSP, the City's RHNA will combat existing concentration of lower-income households, facilitate housing mobility, and will improve access for lower-income households to opportunity-rich areas. The following analysis analyzes the City's RHNA capacity in its entirety as it compares to citywide patterns.

Potential Effect on Patterns of Integration and Segregation

Figure 2-13 presents the breakdown of unit capacity in Livermore by resource area designation and income category. Approximately 81 percent of the total unit capacity identified to meet the RHNA is in moderate resource areas, which, as shown in Figure 2-3, account for the majority of land area in the city. While there are large portions of the city, particularly along the eastern border, that are considered low resource, most of these are not available for residential development. As such, most of the four percent of the RHNA that is in low resource areas has been identified in the central portion of the city, where there is a high rate of poverty and overcrowding, and where the majority of households are Hispanic and Latinx households, as discussed in this Assessment of Fair Housing. There is a concentrated need for more affordable housing in this area to alleviate the likely cause of overcrowding and overpayment, which will be met with the inclusion of new lower-income units. However, to encourage housing mobility opportunities for lower-income households from this neighborhood and others, the City has identified 11 percent of lower-income units in high- and highest-resource areas. The distribution of sites shown in Figure 2-3 reflects an intention to promote mixed-income neighborhoods, which will facilitate equitable access to resources and opportunities regardless of socioeconomic status.

Figure 2-13: Units by TCAC Resource Area Designation

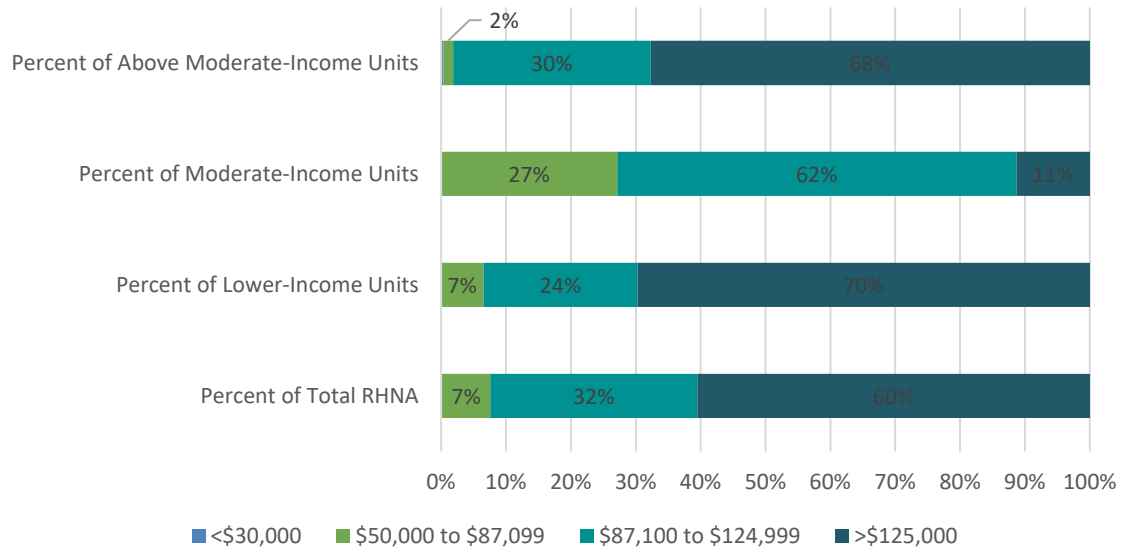


Source: TCAC/HCD, 2021; City of Livermore, 2022

Income

Figure 2-14 shows that most of Livermore has a relatively high median income with the exception of the central portion of the city north of the railroad. In this area, the median income is less than $80,000. Approximately 27 percent of moderate-income, 7 percent of lower-income, and 2 percent of above moderate-income units are projected for this area of the city. The lower- and moderate-income units will help to alleviate overpayment in this area while the above moderate-income units will facilitate a mixed-income neighborhood without encouraging gentrification. Overall, the distribution of units planned for lower-income households and moderate-income households will create more mixed-income communities throughout the city. The City will introduce the most lower-income units (70 percent) in areas earning over $125,000 annually, creating mixed-income communities in historically exclusively wealthy neighborhoods. In areas of relatively lower and moderate median income for Livermore (between $87,000 to $124,999), the City projects 30 percent of the above moderate-income units. Introducing affordable housing and more varied housing types in the downtown area is another key strategy in reducing displacement risk and facilitating integration in the city. The second-largest location of lower-income units is in the Isabel Neighborhood Specific Plan (INSP), integrated with above moderate-income units and in a high resource area that will continue to have further access to services and amenities as the specific plan builds out. The City is committed to facilitating housing mobility for all income groups through several programs, as identified in Table 2-54.

Figure 2-14: Units by Median Income



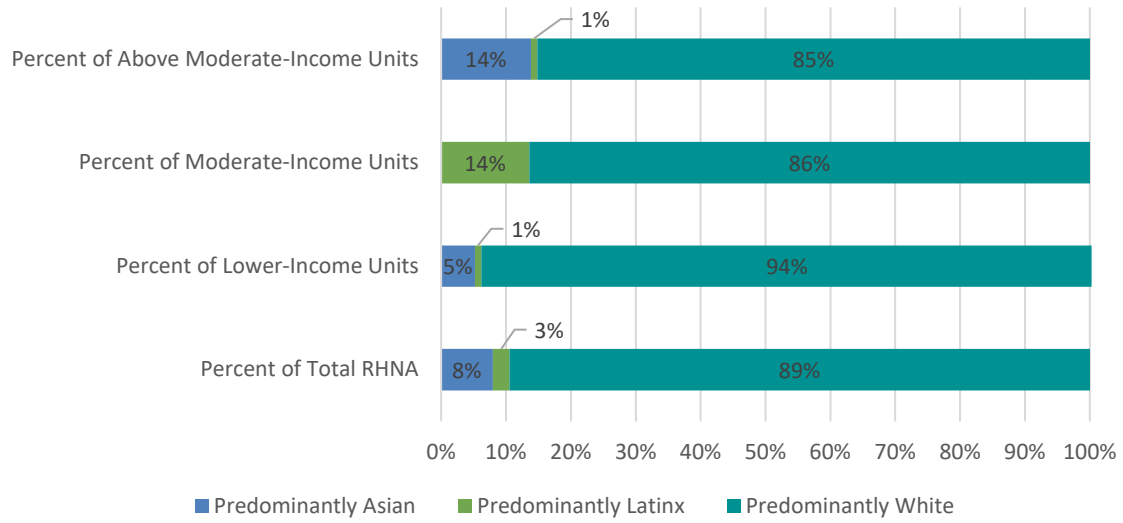
Source: 2015-2019 ACS; City of Livermore, 2022

Race and Ethnicity

As discussed previously in this assessment, Livermore is predominantly White in most areas, with a dominance of Asian residents in the northwest corner and two concentrations of Hispanic and Latins residents in the central area north of the railroad and at the intersection of East Avenue and S. Vasco Road. The central portion of the city, with a concentration of Hispanic and Latinx residents, also has the lowest median income in Livermore, while the median income in the predominantly Asian area is greater than $125,000. The predominantly White areas in the remainder also have high median incomes and are considered higher resource areas than the central neighborhood. This indicates a possible disparity in access to resources and opportunity based on race and ethnicity in Livermore. Targeted and multilingual outreach strategies for the City's affordable housing programs, particularly for the inclusionary program, as well as culturally relevant housing navigation services, will help address some of these disparities (Programs 3.1.1, 3.3.1, and 5.2.1).

As shown in Figure 2-15, 94 percent of lower-income and 86 percent of moderate-income units are identified on sites in areas that are currently predominantly White and an additional 5 percent of lower-income units in areas that are currently predominantly Asian. Continuing to increase housing opportunities for non-White lower- and moderate-income households to access opportunities and resources in these areas of greater affluence and resources access will help to affirmatively further fair housing.

Figure 2-15: Units by Predominant Population



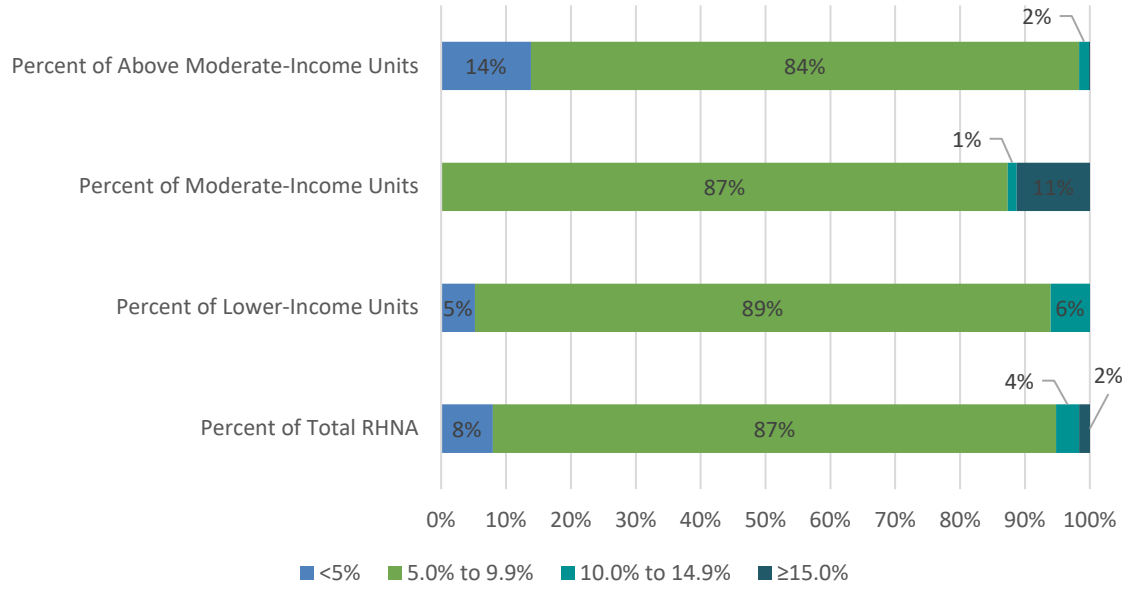
Source: 2015-2019 ACS; City of Livermore, 2022

A mixture of indirectly exclusionary private practices, such as dominance of single-family development and loan inequities, paired with high costs of housing and limited housing types (i.e., predominantly single-family housing) historically forced lower-income and households of color to locate in the areas of highest density in Livermore, posing a barrier to access for diverse populations. Construction of additional lower- and moderate-income units throughout the city, will improve housing mobility opportunities for residents who would otherwise be priced out or concentrated based on housing types.

Disability

Approximately 8.4 percent of Livermore's population lives with at least one disability, a rate that is relatively low compared to the region. As shown in Figure 2-15, approximately 87 percent of the total RHNA capacity identified in the sites inventory is in areas in which 5.0 to 9.9 percent of residents have a disability, closely reflecting the disability rate in Livermore. Most sites are on major transportation corridors, as shown in Figure 2-6, improving accessibility to services and amenities through transit, Dial-A-Ride, and other means of transportation regardless of disability status. The sites identified to meet the RHNA are distributed across both the areas with the highest rates of disabilities, and areas with lower rates, at a range of incomes, with several sites near the downtown. Locating units affordable to lower- and moderate-income residents in and around the downtown area will help to improve access for and accommodate the needs of persons living with disabilities, who benefit from close access to services and amenities as well as proximity to transit. Additionally, mixed-use housing types viable in the downtown area can help accommodate the needs of residents living with disabilities by integrating services or amenities on-site.

Figure 2-16: Units by Disability Rate



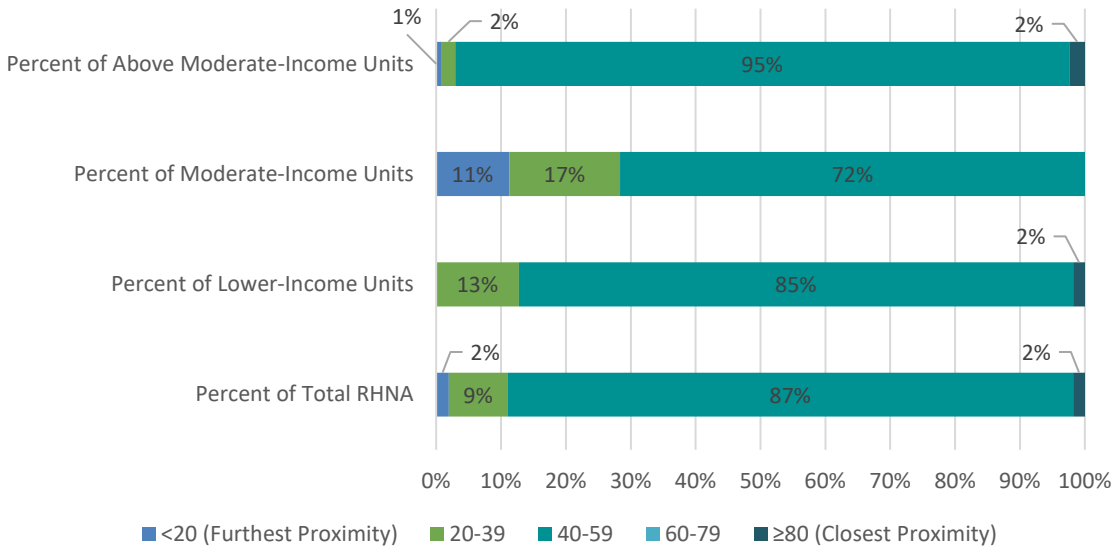
Source: 2015-2019 ACS; City of Livermore, 2022

Potential Effect on Access to Opportunity

Jobs and Transit Proximity

As previously discussed in the analysis of access to opportunities, jobs proximity index scores in Livermore range from less than the 15th percentile in the southwestern corner of the city to higher than the 95th percentile in the northeast corner, with moderate job proximity in the core of the city. The lower jobs proximity around downtown may be a result of a concentration of jobs in the eastern portion of the city. Approximately 85 percent of lower-income units are projected in areas with scores between the 40th and 59th percentile (Figure 2-17), suggesting equitable access to jobs for occupants of future affordable housing in Livermore compared to other income groups. While 11 percent of moderate-income units are projected in areas with the furthest proximity to jobs, these are high resource and affluent areas and will therefore promote mixed-income communities through expanded housing mobility opportunities for moderate-income households.

Figure 2-17: Units by Jobs Proximity Index Score



Source: 2014-2017 HUD; City of Livermore, 2022

Additionally, incorporating units at all income levels near downtown and near transit stations will improve access to employment opportunities for occupants of these units. When considering where to locate future housing for all income levels, and particularly lower-income units, central Livermore offers the most convenient access to jobs available within the city and transit to nearby jurisdictions.

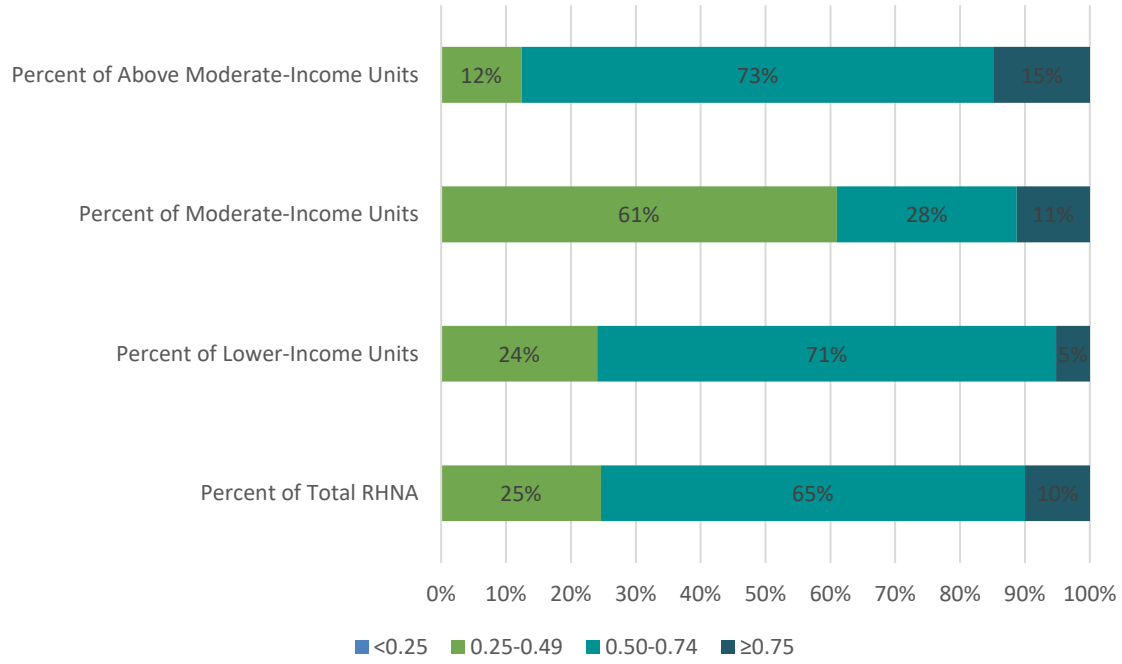
Educational Opportunity

Approximately 10 percent of the City's total capacity to meet the RHNA is on sites in areas that score above the 75th percentile in expected educational outcome (Figure 2-18). These units include 5 percent of lower-income units, 11 percent of moderate-income units, and 15 percent of above moderate-income units. While this will provide housing opportunities for new households, including lower-income households, near schools with high educational outcomes, and provide housing mobility opportunities for some existing residents that may currently have more limited access to schools to move closer to those schools, it still disproportionately locates above moderate-income units in areas with the best expected educational outcome. Additionally, 61 percent of moderate-income units are projected in areas with the lowest educational scores in Livermore. To improve access for lower- and moderate-income households to neighborhoods with the schools in Livermore with the highest TCAC scores, the City has included the following programs:

- Provide financial resources to nonprofit organizations to increase the existing affordable housing stock through market rate conversions and adaptive reuse (Program 3.2.2).
- Increase the inventory of properties for future development of affordable housing, particularly in opportunity-rich areas (Program 3.2.2).
- Promote construction of accessory dwelling units (ADUs) (Program 1.4.1).

- Continue to implement the inclusionary housing ordinance, encouraging construction of these units in moderate- and high-resource areas (Program 3.1.1).

Figure 2-18: Units by TCAC Educational Score



Source: TCAC/HCD, 2021; City of Livermore, 2022

Potential Effect on Displacement Risk

Overcrowding

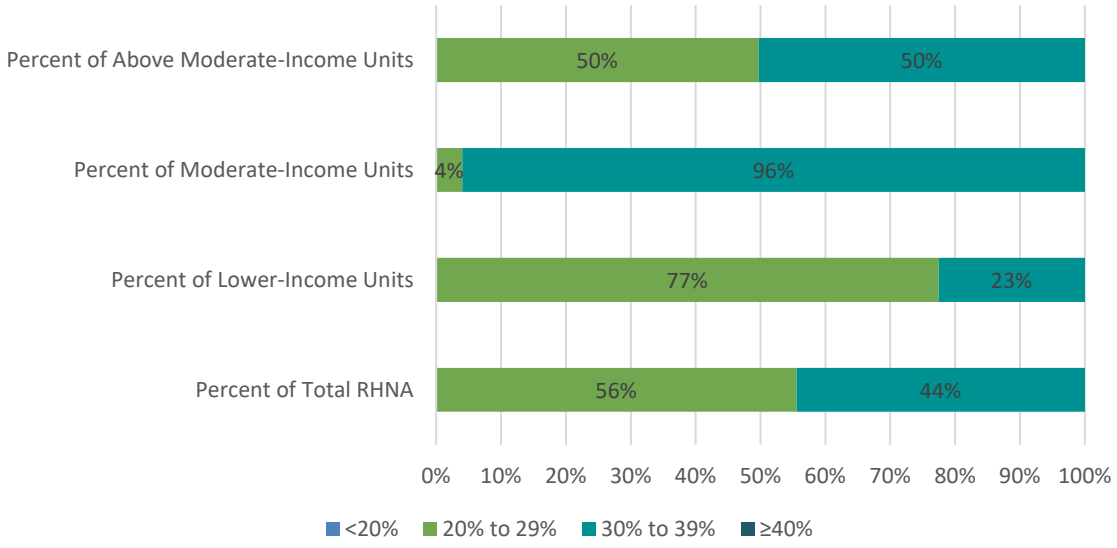
Two areas in Livermore have overcrowding rates that exceed the state average of 8.2 percent (see Figure 2-10). Most sites fall in the areas with low overcrowding rates. However, 136 units have been identified in areas in which the overcrowding rate is greater than 8.2 percent, or specifically, 12.1 percent. Of these units, 11 are projected to be lower-income, 105 moderate-income, and 20 above moderate-income, which accounts for approximately 2.6 percent of the total capacity to meet the RHNA. New lower- and moderate-income units in this area may alleviate overcrowding by increasing housing supply for households live in units that are too small or share a unit with another household. The moderate-income households ensure that lower-income units are not overly concentrated while also increasing the supply of housing in general.

Overpayment

Homeowners and renters throughout Livermore, and the greater Bay Area, are overpaying for housing due to rapidly increasing housing costs that outpace wage increases. Increasing the supply of lower- and moderate-income households throughout the city will help alleviate conditions that contribute to overpayment by reducing the gap between supply and demand for this type of housing. Cost burden is typically lower among

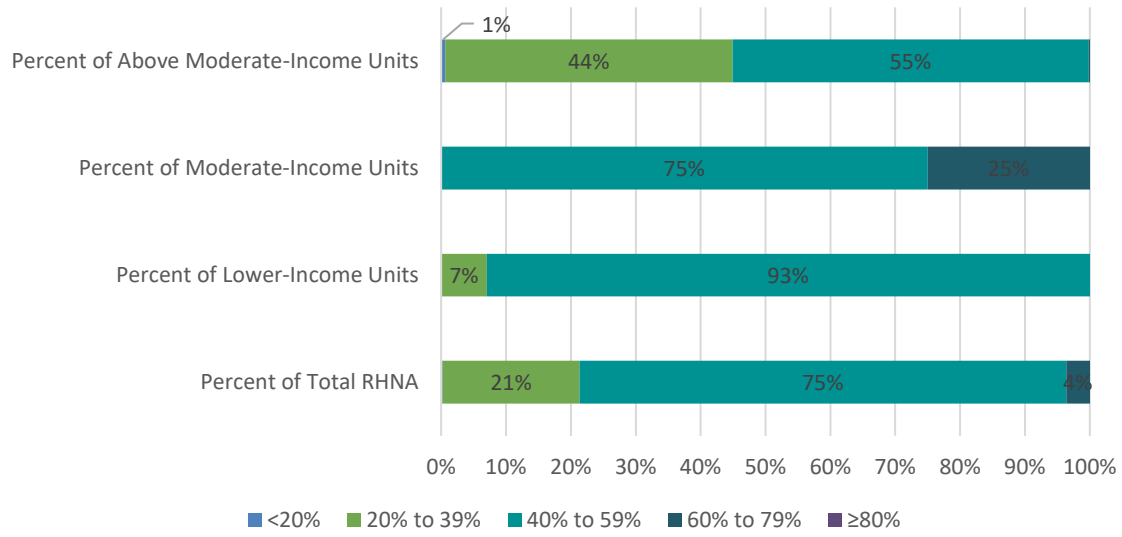
homeowners than renters, which is reflected in the distribution of units to meet the RHNA. Approximately 56 percent of the total RHNA units are in areas in which 20 to 29 percent of homeowners are cost burdened, compared to 21 percent of units in a similar cost burden rate among renters (Figures 2-19 and 2-20). Similarly, the majority of lower-income units are in areas in which 20 to 29 percent of homeowners are cost burdened, but 40 to 59 percent of renters are cost burdened. Locating lower- and moderate-income units in areas with high rates of renter overpayment will help to reduce displacement risk for these households by providing additional affordable housing where there is greatest demand. Typically, above moderate-income units are unaffordable to cost-burdened households, while lower- and moderate-income housing units can help alleviate overpayment.

Figure 2-19: Units by Rate of Cost Burdened Homeowners



Source: 2015-2019 ACS; City of Livermore, 2022

Figure 2-20: Units by Rate of Cost Burdened Renters



Source: 2015-2019 ACS; City of Livermore, 2022

Figures 2-11 and 2-12 demonstrate that while 4 percent of RHNA capacity is located in areas of very high renter overpayment (60 percent or more of renter households), and 44 percent of sites where 30 percent or more of homeowners are overpaying, they are not concentrated in these areas. Lower- and moderate-income units near downtown will ease pressure on limited affordable housing stock by increasing the supply of total housing units in this area and locating sites for all income levels in other areas of the city will facilitate housing mobility opportunities that will not increase cost burden rates. Introducing low- and moderate-income units in highest resource areas of the city will also help to encourage a mixed-income community.

CONTRIBUTING FACTORS

Through discussions with stakeholders and fair housing advocates, input from the public outreach process, and the assessment of fair housing issues, the City identified several factors that contribute to fair housing issues in Livermore, as shown in Table 2-54. Additionally, this fair housing assessment identified the area north of downtown between N. Murrieta Boulevard and Junction Avenue as a priority focus area. This area, where the majority of residents are Hispanic or Latinx, has a low median income compared to the rest of the city and a high percentage of residents living in overcrowded situations. The City will target this area for the fair housing programs identified in Table 2-54 to address the culmination of fair housing issues. The priority factors that have contributed to this concentration of fair housing issues are listed in **bold** and associated priority actions are shown in ***bold and italics***.

Table 2-54: Contributing Factors		
AFH Identified Fair Housing Issues	***Contributing Factors***	***Meaningful Actions***
Concentration of communities of color in TCAC-designated low resource areas	**Shortage of affordable housing options in moderate and high-resource areas.** **Housing Navigation Barriers** **Housing Discrimination** Concentration of renter-occupied households in low-resource areas. Lack of acceptance of Housing Choice/Section 8 Voucher holders in moderate and high resource areas Availability of higher-density housing options in these areas.	Maintain a list of vacant residential land appropriate for affordable housing in the city, including sites in moderate and high resource areas (Program 1.1.1.B). Update the Downtown Specific Plan to facilitate revitalization, affordable housing development, and mixed-use development (Program 1.2.1.B). Encourage construction of Accessory Dwelling Units (Program 1.4.1.E). Encourage the construction of affordable units with three or more bedrooms (Program 1.5.3.A). ***Produce affordable rental housing in opportunity-rich locations near transit, services, and key amenities (Programs 3.2.1.A, 3.2.1.C, and 3.2.2.A).*** Implement multilingual communication and outreach strategies for City-funded affordable housing developments (Program 3.3.1.A). Provide mortgage assistance for low- and moderate-income first-time homebuyers, prioritizing advertising to persons with disabilities and limited English proficiency (Program 3.4.1.A and 3.4.1.B). ***Encourage landlords and property managers in high resource areas to advertise their units to Section 8 voucher holders (Program 3.4.2.B).*** ***Work with trusted community partners to provide linguistically and digitally accessible and culturally relevant housing search assistance (Program 3.4.2.C).*** ***Provide education to landlords and property managers on fair housing rights and requirements/discrimination (Program 5.1.1.E).*** Conduct racial equity impact assessments of City policies for potential unintended fair housing impacts on people of color and work with stakeholders to address those impacts (Program 5.2.1.A). Pursue funding for culturally relevant financial empowerment services to help community members of color remove economic barriers to accessing housing like credit scores and income documentation (Program 5.2.1.C).

Table 2-54: Contributing Factors		
AFH Identified Fair Housing Issues	***Contributing Factors***	***Meaningful Actions***
Disproportionate access to resources for lower-income and non-White households	**Concentration of renters, lower-income households, and Hispanic and Latinx residents near high-intensity commercial and industrial uses, such as neighborhoods north of Downtown.** Limited access to parks and open space compared to other neighborhoods. **Lack of public and private investment in the infrastructure and services in specific neighborhoods, notably the area north of Downtown.** **Discriminatory lending and other barriers to home ownership for non-White populations, including language barriers and documentation requirements.**	Update the Downtown Specific Plan to facilitate revitalization, affordable housing development, and mixed-use development (Program 1.2.1.B). Update existing community benefit and/or other land value recapture strategies such as the Human Services Facility Fee. (Program 2.1.2.D). ***Continue to implement the inclusionary housing ordinance (Program 3.1.1.A).*** ***Increase the inventory of properties for affordable housing in opportunity-rich locations near transit, services, and key amenities (Programs 3.2.1.A, 3.2.1.C, and 3.2.2.A).*** Provide financial resources to nonprofit organizations to increase the existing affordable housing stock *(Program 3.2.2.B)*. ***Implement targeted and multilingual communication and outreach strategies for City-funded affordable housing programs and development (Program 3.3.1.A).*** ***Provide homebuyer support for low- and moderate-income first-time homebuyers, prioritizing persons with disabilities, affordable housing residents, and non-English speakers (Program 3.4.1.A and 3.4.1.B).*** Align documentation and eligibility requirements for City housing programs with County programs, including the use of individual taxpayer identification numbers (Program 3.4.1.C). Target investments in neighborhoods north of Downtown (Programs 4.1.2.A and 4.2.1.A). Facilitate development of urban parks on infill sites to aid in air pollution mitigation and to provide recreation opportunities (Program 4.2.1.C). **Strengthen requirements for City-funded affordable housing and service providers to offer linguistically accessible services, particularly in Spanish *(Program 5.2.1.B)*.**

Table 2-54: Contributing Factors		
AFH Identified Fair Housing Issues	***Contributing Factors***	***Meaningful Actions***
Displacement of residents due to economic pressures	**Rising housing costs outpacing wage increases.** Concentration of poverty and lower-income households north of Downtown. **Shortage of affordable housing options.** Limited range of affordable units in a range of sizes.	*Encourage construction of Accessory Dwelling Units (Program 1.4.1.E).* Encourage the production of units with three or more bedrooms (Program 1.5.3.A). Continue to implement the inclusionary housing ordinance (Program 3.1.1.A). ***Assist the development of affordable housing through the Affordable Housing Fund (Program 3.2.1.A).*** Provide support for low-income renters, including multilingual tenant counseling, rental assistance, financial counseling, crisis stabilization services, and legal support (Program 3.4.2.D). ***Work with trusted community partners to provide linguistically and digitally accessible and culturally relevant rental housing search assistance to lower income households and groups with special housing needs (Program 3.4.2.C and 5.2.1.E).***
Displacement of tenants due to discriminatory actions.	**Landlord and property managers' lack of knowledge and engagement on fair housing laws.** Limited tenant protections.	***Provide financial assistance to fair housing providers to provide services such as tenant/landlord mediation (Program 5.1.1.A).*** ***Continue to support the City's Fair Housing Audit (Program 5.1.1.E).*** ***Provide education to landlords and property managers on fair housing rights and requirements/discrimination (Program 5.1.1.E).*** ***Assess impacts and solicit community input on new policies that prevent displacement for low- and moderate-income community members, such as a Citywide rental registry, anti-harassment ordinance, or a tenant opportunity to purchase policy. (Program 5.2.1.D and 5.2.1.F).***

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
Encourage New Housing Choices in Higher Resource Areas	1.1.1.B	Maintain an online map of vacant residential site	Create map at the time of new Housing Element adoption. Update and annually thereafter throughout the planning period.	Facilitate access to moderate and high resource areas.	Assist at least 3 interested developers annually to identify suitable land for residential development.
	3.1.1.A	Approve inclusionary units in moderate- and high-resource areas to facilitate housing mobility opportunities for lower-and moderate income households	Commence immediately and engage developers as new projects are submitted at least annually	Low-density and single-family dominated neighborhoods or high resource areas.	Produce at least 100 affordable units for low- and moderate-income households through the inclusionary housing ordinance, encouraging at least half of these units to be integrated into low-density and single-family dominated neighborhoods, or in high resource areas.
	3.2.1.A	Use Affordable Housing Funds to provide affordable and permanent supportive housing opportunities for extremely, very, and low income households and people with special housing needs.	Biannually through budget process	High resource areas or in areas which reduce potential for displacement of residents in their existing neighborhoods.	Provide funding to at least three affordable housing projects that create homes for lower income households (20 percent to 80 percent of Area Median Income) and people with special housing needs in moderate or high resource areas.
	3.2.1.C	Continue waiving applicable fees and provide funding to offset development fee costs for affordable units, prioritizing those that provide the greatest level of affordability and serve special needs households, to facilitate new affordable housing	By 2031	Moderate or high resource areas	Waive fees or provide funding for the creation of 50 affordable units that create homes for lower income households and people with special housing needs in moderate or high resource areas.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
		opportunities in moderate and high resource areas.			
	3.2.2.A	Increase the inventory of properties for future development of affordable and permanent supportive housing	Ongoing	Opportunity-rich locations near transit, services, and key amenities.	Support a nonprofit partner's acquisition of at least one new affordable housing site during the planning period
	3.2.2.B	Increase the existing affordable housing stock through market rate conversions and adaptive reuse	Ongoing; coordination with nonprofit development partners to identify potential properties and facilitate development. Target one property within two years of Housing Element adoption	Prevent displacement in low resource areas and facilitate access to moderate and high resource areas	Support the acquisition and conversion of at least one market rate property to affordable housing within 2 years of Housing Element adoption.
	3.2.2.D	Develop affordable housing on City-owned sites	Declare three City-owned sites exempt surplus land under Government Code Section 54221(f)(1)(A) by Spring 2023 and enter into agreements with nonprofit developers for all three sites by 2025. Prepare North M Street and 2047 First Street for development and select a nonprofit developer by 2024. Issue building permits by	Opportunity-rich locations	Support development of affordable housing on at least three City-owned sites, including Pacific Avenue, North M Street, and 2047 First Street.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
			2028 if all necessary financing is secured.		
	3.4.2.A	Pursue funding to increase the amount of rental housing available through the Housing Choice Voucher program	Annually	Citywide with emphasis in high resource areas	Support at least eight funding requests or advocacy efforts to increase the number of vouchers in Livermore.
	3.4.2.B	Promote the Housing Choice Voucher program	Biennially	High resource areas	Engage at least 50 landlords of properties in high resource areas.
	3.4.3.A	Reduce barriers to transitional housing, supportive housing, low-barrier navigation centers, and emergency shelters consistent with State law	By 2024 and ongoing as needed	Citywide	n/a
Address Housing Mobility	1.2.1.B	Update the Downtown Specific Plan to facilitate downtown revitalization, the provision of affordable housing, and mixed-use development to facilitate income integration, housing mobility opportunities and access to transit, resources, and amenities.	As projects are proposed; reviewed annually	Downtown	Approve or maintain the potential for 37 moderate and 141 lower-income housing units in the DSP area.
	1.4.1.E	Create user-friendly, accessible, and multi-lingual information guides about standards and review processes for residential projects (ADUs, SB 9 projects, SB 35 and SB 330 streamlining, etc.) to improve housing mobility.	By 2024. Update on an ongoing basis as needed	Areas of need including north of Downtown	n/a

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
	1.5.3.A	Work with housing providers to ensure that special housing needs are addressed to reduce displacement risk for large families, female-headed households, college students, and single-parent households with children, through a combination of regulatory incentives, zoning standards, affordable housing programs.	Ongoing and evaluate opportunities annually including meeting with housing providers.	Citywide with emphasis in moderate- and high-resource areas	Support the creation or rehabilitation of at least 100 units of housing for people and families with special housing needs over the planning period through development agreements with Eden Housing and the Livermore Housing Authority to develop projects such as Downtown Livermore Apartments.
	3.1.1.B	Implement accessible and multilingual communication and outreach strategies for potential tenants and owners of inclusionary units.	Within 1 year of Housing Element Adoption	Citywide with emphasis in areas with high concentration of renters	Adopt policies and procedures with inclusive outreach and marketing standards.
	3.3.1.A	Implement multilingual communication and outreach strategies for City-funded affordable housing developments.	By December 2023	Citywide with emphasis in downtown neighborhoods & Springtown for outreach events	Incorporate multilingual outreach standards into the City's guidelines for affordable rental projects.
	3.3.1.C	Participate in efforts to design a regional application system and housing search tools	As regional opportunities arise and reach out to Alameda County and Bay Area Housing Finance Authority at least once a year	Citywide	Requirements for developers to list affordable units in a regional application system once the system is launched.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
	3.4.1.A	Provide mortgage assistance for down payment, closing costs, and secondary financing to low- and moderate-income first-time homebuyers	Ongoing; make assistance information available on the City's website and in printed materials at City buildings by December 2023.	Citywide	Continue to provide First-Time Homebuyer Down Payment Assistance to an average of three low- and moderate-income households annually.
	3.4.1.B	Provide mortgage assistance for down payment, closing costs, and secondary financing to low- and moderate-income first-time homebuyers	Translate program information to Spanish by December 2023. Distribute materials annually.	Citywide with emphasis in downtown neighborhoods & Springtown for outreach events	Execute at least two targeted outreach methods when marketing available BMR homeownership units.
	3.4.1.C	Align documentation and eligibility requirements with County programs, including the use of individual taxpayer identification numbers	By 2024	Citywide	Update program requirements to remove access barriers.
	3.4.1.E	Provide homebuyer education, financial counseling	Ongoing	Citywide	60 low- and moderate- income households receive homebuyer support services over the course of the planning period.
	3.4.1.F	Pursue funding for programs that help affordable housing tenants access homeownership opportunities	By 2024	Citywide with emphasis in low resource neighborhoods	Submit or support a community partner's submission of at least one funding application.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
	3.4.2.C	Provide linguistically and digitally accessible and culturally relevant rental housing search assistance to lower-income households and groups with special housing needs	Launch Vineyard Housing Resource Center within 1 year of housing adoption and support ongoing operations	Neighborhoods north of Downtown	Provide assistance to at least 50 lower-income households annually to identify housing opportunities.
	3.4.3.B	Support of outreach, housing navigation, behavioral health and supportive services programs for people experiencing homelessness	Launch the Vineyard low barrier navigation center by 2025 and support ongoing operations	Citywide	Assistance to at least 50 unhoused individuals annually.
	5.1.1.D	Fund fair housing audits and the dissemination of audit results and information on fair housing laws to landlords, rental housing organizations, and the public	Annually	Citywide, with emphasis on engaging landlords in high resource areas	Update and distribute fair housing materials at least annually, and disburse materials at least one community event annually with an emphasis on areas with a high number of renters.
	5.1.1.E	Provide financial support for fair housing audits and the dissemination of audit results and information on fair housing laws to landlords, rental housing organizations, and the public.	Annually, through annual grants and contracts	Citywide with an emphasis on high resource areas	Engage at least 30 landlords and property owners every 2 years with an emphasis on high resource areas. Support annual audits of 10 or more landlords. Conduct fair housing testing and/or advertising audits annually.
	5.1.2.A	Provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures through the building permit and	Ongoing	Citywide	n/a

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
		development review processes			
	5.2.1.A	Conduct racial equity impact assessments of City policies for potential unintended fair housing impacts on people of color	Within 3 years of Housing Element adoption	Citywide	Racial equity assessments of at least three City housing policies.
	5.2.1.B	Strengthen requirements for City-funded affordable housing and service providers to offer linguistically accessible services, particularly in Spanish, to increase housing mobility opportunities through increased accessibility	Within 3 years of Housing Element adoption	Citywide	Incorporate language access requirements into at least five Housing and Human Services grant agreement or service contracts
	5.2.1.C	Pursue funding for culturally relevant financial empowerment services to help community members with protected characteristics remove economic barriers to accessing housing like credit scores and income documentation	Within 2 years of Housing Element adoption	Citywide with emphasis in low resource neighborhoods	Submit at least one funding application to support the program.
	5.2.1.E	Help community partners to provide linguistically and digitally accessible and culturally relevant housing search assistance to address racial housing disparities experienced by Latinx, Black, Asian, and Pacific Islander community member	Engage community partners and provide guidance and/or resources within 2 years of Housing Element adoption	Citywide with emphasis in low resource neighborhoods	Provide resources and guidance to at least three community partners to address.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
Improve place-based strategies toward community revitalization	2.1.2.D	Update existing community benefit and/or other land value recapture strategies such as the Human Services Facility Fee to increase proximity to services and other opportunities throughout the city to improve place-based strategies toward community revitalization.	Within 5 years of Housing Element adoption	Citywide	Update at least one community benefit strategy within 5 years of Housing Element adoption.
	4.1.2.A	Offer incentives for energy efficiency, electrification, weatherization, energy storage, and resilience retrofits in existing housing	Meet with partner organizations annually	Rincon neighborhood and other neighborhoods north of Downtown	100 retrofitted housing units during the planning period.
	4.1.2.B	Provide information in multiple languages on the City's website and in the community on safe and healthy housing conditions and tools to address unhealthy housing conditions.	By 2024	Springtown, neighborhoods north of Downtown, and supportive shared housing and licensed care facilities	n/a
	4.1.3.B	Pursue funding to provide low-income homeowners and renters with financial assistance to correct building code violations and make accessibility improvements	Ongoing; apply for funding at least annually as available.	Neighborhoods north of Downtown like Rincon.	See Program 4.1.2.A
	4.1.3.C	Monitor multifamily complexes that have received City funding for housing quality, resident services, customer service,	Ongoing	Low resource neighborhoods	Conduct annual monitoring assessments.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
		and linguistic and physical accessibility			
	4.2.1.A	Improve the quality of older neighborhoods in low-resource areas and affordable housing developments by upgrading sidewalks, parks, lighting, tree canopy, bike lanes, and other public facilities.	Biennially as part of the capital improvement planning process	Neighborhoods north of Downtown	At least 8 infrastructure investments in high need communities, such as rehabilitation of Doolan Park, the installation of electric car chargers at Rincon Library, or bike lines along Rincon Avenue, during the Planning period.
	4.2.1.C	Pursue funding to acquire land and/or facilitate development of urban parks on infill sites to promote place-based revitalization through air pollution mitigation and improved access to outdoor recreational opportunities	Meet annually with LARPD	Low-resource areas and affordable housing development	Provide at least one-third acre of parkland or open space within one mile of all residences.
	4.2.1.D	Support enhancements to community and recreational spaces in rental housing properties owned and managed by the Livermore Housing Authority	Ongoing	LHA-wned properties	Support at least three service or infrastructure enhancements at Leahy Square, Bluebell, Chestnut, or Las Posadas apartments over the planning period.
	5.2.1.G	Prioritize public improvements and residential retrofits in neighborhoods with the greatest need	Within 2 years of Housing Element Adoption	Neighborhoods with high concentrations of poverty and limited existing resources and amenities	Adopt a Climate Action Plan that includes commitments to prioritizing microgrid, water efficiency, urban canopy, stormwater, and electric vehicle investments in high need communities.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
	5.2.1.H	Identify opportunities in the General Plan Circulation Element and/or Active Transportation Plan to strengthen biking, pedestrian, and public transit connections from lower resource to higher-resource areas	Within 3 years of Housing Element adoption	Connections from lower resources to higher resource neighborhoods	Adopt an updated Circulation Element of the General Plan and/or updated Active Transportation Plan.
	5.2.1.I	Implement strategies in partnership with the school district, Livermore Amador Valley Transit Authority, and community based organizations that increase biking, pedestrian, and public transit access for low-income and special needs households, such as free transit pass programs	Commence immediately and engage partners on annual basis about new strategies	Citywide with emphasis in low resource neighborhoods	Distribute 5,000 free bus passes over the planning period to low-income families, unhoused individuals, and people with disabilities through partnerships with organizations such as the Livermore Valley Unified School District, Cityserve, La Familia, and Communities for Resource Independent Living (CRIL).
	5.2.1.J	Support place-based strategies to improve conditions, resources, and amenities in lower-income communities	Ongoing through annual Housing & Human Services Grant allocation process.	Lower-income communities and neighborhoods north of Downtown	At least 5 investments in projects that create or improve facilities and infrastructure benefiting low-income community members over the planning period.
Protect Existing Residents from Displacement	3.4.2.D	Provide multilingual tenant counseling, rental assistance, financial counseling, crisis stabilization services, and legal support to low-income renters	Ongoing	Citywide with emphasis in low resource neighborhoods	Provide assistance to at least 10 lower-income renters annually.
	5.1.1.A	Fund fair housing counseling, tenant/landlord mediation,	Annually through grants and contracts	Citywide	Assist at least 20 households annually through the programs offered by fair housing providers.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
		education, outreach, and rental assistance			
	5.1.1.B	Refer complaints of discriminatory housing practices to fair housing providers.	Ongoing	Citywide	Provide references to at least 3 residents experiencing fair housing issues, or as complaints are received.
	5.1.1.C	Refer complaints and requests for housing for the disabled to partner organizations.	Ongoing	Citywide	Provide references to at least 3 residents, or as complaints are received.
	5.1.1.D	Distribute multilingual fair housing literature	Annually	Citywide with emphasis in downtown neighborhoods & Springtown for outreach events	Update and distribute fair housing materials at least annually, and disburse materials at least one community event annually with an emphasis on areas with a high number of renters.
	5.1.2.C	Identify landlords in need of assistance with making modifications for persons with disabilities in the Section 8 program	Meet with the Housing Authority within 2 years of Housing Element adoption; identify landlords biannually, as feasible	Citywide	n/a
	5.2.1.C	Present new policies to City Council that prevent displacement for low- and moderate-income community members and protect families with children, essential workers, seniors, and people with disabilities, such as an anti-harassment ordinance, just cause eviction ordinance,	Within 2 years of Housing Element adoption	Citywide	Submit at least one funding application to support the program.

Table 2-55: Summary of Housing Programs and Actions Affirmatively Furthering Fair Housing					
Strategy	***Action***	***Commitment***	***Timing***	***Geographic Targeting***	***Quantified Objective***
		Ellis Act protections, or a tenant opportunity to purchase policy			
	5.2.1.D	Present new policies to City Council that prevent displacement for low- and moderate-income community members and protect families with children, essential workers, seniors, and people with disabilities, such as an anti-harassment ordinance, just cause eviction ordinance, Ellis Act protections, or a tenant opportunity to purchase policy.	Within 3 years of Housing Element adoption	Citywide	Present at least one tenant protection ordinance to City Council to consider for adoption.
	5.2.1.F	Conduct a feasibility assessment for a Citywide rental registry	Within 2 years of Housing Element adoption	Citywide	Complete Citywide rental registry feasibility assessment

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3. HOUSING OPPORTUNITIES AND CONSTRAINTS

The provision of adequate and affordable housing is an important goal of the City. As a result, the City has proactively implemented a variety of programs, incentives, and development standards to encourage the development, maintenance, and improvement of affordable housing and address potential constraints to housing development. Nonetheless, a variety of factors, including environmental conditions, market mechanisms, and government regulations, can influence or constrain the development of housing. This section identifies existing constraints that inhibit the production of affordable housing in the community as well as opportunities and programs to mitigate these constraints, as appropriate.

3.1 MARKET CONSTRAINTS

Land costs, site development costs, and financing contribute to the cost of housing and can potentially hinder the production of new affordable housing. Although many constraints are driven by market conditions, jurisdictions have some leverage in instituting policies and programs to address the constraints.

LAND COST

A key component of residential development costs is the price of raw land. The diminishing supply of residential land combined with high demand generally keeps land cost high in the Bay Area. The economic downturn in 2008 caused land sales and land development to slow down, and the COVID-19 pandemic further induced economic volatility into the housing market. However, as indicated by land prices in 2022, the Livermore housing market has recovered, resulting in higher sales prices and rental rates for new housing products. According to Zillow, vacant land costs per acre range from $15,900 to $449,500. Typically, smaller parcels are valued higher per acre than larger parcels (more than 10 acres).

As of January 2022, residential land in Livermore listed through Zillow varies considerably—from as low as 37 cents per square foot to over $10 per square foot. This range can be attributed to varying locations of the land, existing infrastructure, the increasing economies of scale associated with larger parcels, and other parcel-specific factors such as environmental conditions and topography.

An Inclusionary Housing Feasibility Analysis in 2013 found that single-family detached housing continues to represent a major portion of units being developed in Livermore, but small lot, compact single-family detached and attached products are a growing part of the market. Since 2016, about 20 percent of the new units constructed in Livermore have been single-family detached housing. Even though the cost per unit for multifamily attached housing is lower than for single-family housing, total construction costs can be about 50 percent higher due to the larger development scale, which tends to require a longer land use entitlement process and construction period. However, the entitlement timelines for multi-family housing developments and single-family subdivisions are relatively similar.

MORTGAGE AND REHABILITATION FINANCING

The availability of financing affects a person's ability to purchase or improve a home. Mortgage interest rates are extremely volatile. In 2008, the average 30-year fixed-rate mortgage (FRM) was approximately 6.0 percent. In 2015 rates fell to about 4.0 percent, and currently in 2022 are at about 3.0 percent.

Home Loans in Livermore

Under the Home Mortgage Disclosure Act (HMDA), lending institutions must disclose information on the disposition of loan applications. Table 3-1 summarizes the disposition of loan applications submitted to financial institutions for home purchase and home improvement loans within the city.

In 2020, approximately 54,922 households applied for home purchase or improvement loans in the Berkeley/Oakland/Livermore Metropolitan Statistical Area (defined by the federal Office of Management and Budget). A large majority of loan applications (83.6 percent) were for home purchase. Of all loan products available, approximately 92.9 percent of applicants applied for conventional loans; only 7.1 percent of applicants applied for government-assisted home loans.

Approval rates for home loans vary by loan type. Conventional loans often have a higher approval rate than government-assisted loans. For all applicants, approximately 60.4 percent were approved and accepted; 9.5 percent were denied; 8.5 were purchased by a financial institution; and the remaining 21.6 percent were not accepted, withdrawn, or incomplete.

Fannie Mae and Freddie Mac are tightening their lending practices and loaning primarily to people with excellent credit scores who can afford at least 10 percent for a down payment, so FHA loans are the only remaining option for many homebuyers. FHA loans require the buyer to pay an upfront fee and a monthly insurance premium and ensure that the borrower has sufficient income to cover the loan, but borrowers are able to pay a down payment as low as three percent and are not required to have an excellent credit score.

Table 3-1: Home Loan Application Status Disclosure in Berkeley/Oakland/Livermore Metropolitan Statistical Area, 2020		
	Number	***Percent***
Type of Loan		
Total	**297,341**	**100.0%**
Conventional	276,169	92.9%
Government assisted	21,172	7.1%
FHA-insured	11,748	4.0%
VA-guaranteed	9,331	3.1%
USDA-guaranteed	93	0.0%
Loan Purpose		
Total	**54,922**	**100.0%**
Home purchase	45,923	83.6%
Home improvement	8,999	16.4%
Loan Purpose		
Total	**297,232**	**100.0%**
Approved and accepted	179,509	60.4%
Denied	28,299	9.5%
Withdrawn or not accepted	49,941	16.8%
Closed/Incomplete	14,357	4.8%
Purchased by institution	25,126	8.5%

Source: Home Mortgage Disclosure Act, Consumer Financial Protection Bureau, 2020, confirmed in 2021.

City of Livermore Programs

In order to facilitate additional access to financial resources for lower- and moderate-income households to acquire homeownership, the City offers a down payment assistance program to first-time homebuyers. As described in Chapter 4, the program provides a three percent interest loan, fully or partially deferred, of up to $60,000.

3.2 GOVERNMENTAL OPPORTUNITIES AND CONSTRAINTS

Local policies and regulations can impact the price and availability of housing and, in particular, the provision of affordable housing. However, other governmental policies or actions are intended to reduce these barriers and/or actively encourage the development of housing that meets the diverse needs of the community. This section discusses the following possible constraints and opportunities related to the maintenance, development, and improvement of housing:

- Land use controls
- Local ordinances/regulations impacting housing supply
- Provisions for a variety of housing
- Density bonus

- Development review process
- Building codes
- Housing for persons with disabilities
- Public Improvements

LAND USE CONTROLS

Land use controls affecting housing development include: General Plan, Specific Plans, Neighborhood Plans, Municipal Code, and the Development Code. The City maintains the current Development Code with zoning and development standards along with current fees on the City website.

General Plan

The Land Use Element of the Livermore General Plan sets forth the City's policies for guiding local development, including density ranges. These policies, together with zoning regulations, establish the amount and distribution of land for different uses, including housing. The key questions for evaluating constraints and opportunities associated with the General Plan are: does it designate enough land available for residential development, and does it allow for a sufficient range of housing types to meet community needs?

As listed in Table 3-2, the General Plan has 11 broad residential land use designations permitting a range of rural and urban residential uses. Three additional mixed-use designations permit residential units to be integrated with other types of uses. Most of the open space and agricultural land use designations permit rural residential development as well as agriculture-related employee and caretaker housing. Residential uses are also permitted in certain commercial districts subject to discretionary review.

Table 3-2: General Plan Land Use Categories		
General Plan Land Use	***Density (du/ac)***	***Residential Type(s)***
Residential		
Rural Residential (RR)	1.0-1.0/5	Designed to accommodate large-lot residential of a rural character on urban fringe
Urban Low Residential (UL)	1.0-2.0	Intended to accommodate residential development in areas with special land amenities or constraints
UL-1	1.0-1.5	
UL-2	1.5-2.0	
Urban Low Medium Residential (ULM)	2.0-3.0	Intended as a transition between lower density at edges of town and higher density residential development as one approaches the center of the community
Urban Medium Residential (UM)	3.0-4.5	Urban medium areas are located closer to the center of the community and in areas surrounding commercial development
Urban Medium-High Residential (UMH)	4.5-6.0	Intended to encourage cluster and higher density residential development to preserve urban open spaces
Urban High Residential (UH)	6.0-55.0	Intended to provide a variety of housing opportunities for all income groups to be located near major roads and other public services
UH-1	6.0-8.0	
UH-2	8.0-14.0	
UH-3	14.0-18.0	
UH-4	18.0-22.0	
UH-5a	22.0-30.0	
UH-5b	30.0-38.0	
UH-6	38.0- 55.0	
Mixed-Use		
Neighborhood Mixed-Use (NM)	12.0-38.0	Intended to help improve the pedestrian orientation of Livermore's neighborhoods by providing neighborhood commercial services within walking distance of existing residents and integrating housing with commercial development on a single site
NM Low (NML)	2.0-3.0 or 12.0-15.0 w/ TDC*	
NM Medium (NMM)	3.0-4.5 or 15.0-24.0 w/ TDC	
NM High (NMH)	6.0-8.0 or 24.0-38.0 w/ TDC	
Downtown Area (DA)	Min range 15-30 Max range 30.0-55.0	Intended to provide a unique, locally oriented, pedestrian-friendly shopping environment in Downtown Livermore and to allow higher-intensity residential development to support and revitalize the commercial environment

Table 3-2: General Plan Land Use Categories		
General Plan Land Use	***Density (du/ac)***	***Residential Type(s)***
Isabel Neighborhood (IN)	15.0-100.0	Intended for a range of housing choices from attached single-family units to multistory condominiums and apartment buildings that will support development of a complete neighborhood.
Transition	15.0-25.0	Housing types may include attached dwellings (townhomes) or low-rise garden apartments and condominiums, organized around a central courtyard or along drive courts with ground-level garage or surface parking.
Village	25.0-40.0	Housing types may include condominiums and apartments, with some opportunity for townhomes.
Center	40.0-60.0	This designation allows for higher density housing types, such as multi-story condominiums and apartment buildings with structured or below-ground parking.
Core	60.0-100.0	Core Residential is intended for the highest density housing closest to the Isabel Valley Link Station with structured or belowground parking, similar to the Center designation. Housing types are similar to those of the Center designation, but with greater allowable height and density.
Commercial		
Service Commercial (SC)	n/a	Intended for uses such as auto sales and service, nurseries, home maintenance centers, and wholesale establishments in the general vicinity of freeway interchanges or at other locations with significant access potential from the community at large
Highway Commercial (HC)	n/a	Intended to primarily serve the traveling public with uses such as hotels and motels, restaurants, and motor vehicle and gasoline service stations
Neighborhood Commercial (NC)	n/a	Intended primarily for neighborhood serving commercial uses such as grocery stores, drug stores, and personal service.
Community Serving General Commercial (CSGC)	n/a	Intended for commercial uses in areas outside of Downtown with significant access potential from the region and the community at large
Office Commercial (OC)	14.0-18.0	Intended primarily for office uses with no impacts to and compatible with adjacent residential neighborhoods.

Table 3-2: General Plan Land Use Categories		
General Plan Land Use	***Density (du/ac)***	***Residential Type(s)***
		Residential can be considered with a Conditional Use Permit
Industrial		
Business and Commercial Park (BCP)	n/a	Intended for a mix of uses, locating employment-generating activities adjacent to destination-oriented and limited retail commercial uses
Low-Intensity Industrial (LII)	n/a	Intended for uses such as manufacturing, warehousing, research and development facilities, fully enclosed recycling facilities, and administrative and professional offices
High-Intensity Industrial (HII)	n/a	Intended to provide an insulated area for uses with objectionable noises, odors, vibrations, glares, or hazards from uses such as manufacturing, warehousing, research and development facilities, recycling facilities, and storage or processing of raw materials
Open Space and Agriculture		
Open Space (OSP)	1.0 du/ existing parcel	Permits single-family residential and farm worker housing subject to environmental review
Agriculture/Viticulture (AGVT)	1.0/100	Intended for rural residential densities and farm worker housing
Limited Agriculture (LDAG)	Min 20 acres	Intended for rural residential densities and farm worker housing
Hillside Conservation (HLCN)	1.0/20 to 1.0/100	Intended for rural residential densities and farm worker housing
Large Parcel Agriculture (LPA)	Min 100 acres	Intended for uses such as agricultural, agriculture processing facilities, limited agricultural support, secondary residential, visitor serving commercial facilities, recreation, public and quasi public, and waste management facilities
Resource Management (RMG)	1.0 du/ parcel; Min 100 acres	Intended for a single-family home per parcel
Water Management Lands (WML)	1.0 du/ parcel; Min 100 acres	Intended for a single-family home per parcel
Open Space/Sand and Gravel (OSP/S&G)	n/a	Intended primarily for open space; secondarily for sand and gravel extraction, processing, and related activities
Community Facilities	n/a	Intended to provide areas for public agencies and institutions, including City, County, State, and federal government facilities. May be designated as any of

Table 3-2: General Plan Land Use Categories		
General Plan Land Use	***Density (du/ac)***	***Residential Type(s)***
		the following: Elementary School (CF-E), Intermediate School (CF-I), High School (CF-H), Community College (CF-JC), Fire Station (FS), Civic Center (CF-CC), Cemetery (CF-CE), Government Services (CF), Airport (CF-AIR), Post Office (PO), Hospital (HOSP), BART (BART), Government Research and Development (CF-R&D)

*TDC refers to Transferable Development Credit Program.

Source: City of Livermore Land Use Element 2002, amended 2013, confirmed 2021

Neighborhood Plans

In 2007, the City approved two Neighborhood Plans: Brisa and Arroyo Vista. These plans cover two areas that were redesignated in the 2003 General Plan to a dual designation permitting either industrial uses (base designation) or residential uses, subject to development of a Neighborhood Plan for each area. The plans are intended to facilitate orderly growth and the creation of a livable neighborhood that includes community amenities and is compatible with surrounding uses. The plans create important opportunities for infill development of vacant land with a mix of higher density housing types that would not otherwise be developed for residential uses.

These two Neighborhood Plans facilitate residential development by providing site layout plans that can be utilized by developers to achieve consistency with and meet the development standards of each of the plans, including providing a mix of housing types. The concept site plans for each of the sites demonstrate that a mid- to upper-density range can be achieved on each site while still providing a minimum of three different housing types and circulation and open space requirements. The design guidelines and standards in each of the plans are straightforward and feasible for the site and encourage residential development. Potential developers can utilize site plans to reduce design time and minimize uncertainty during the development review and approval process because the site layout plans have already been determined to be consistent with provisions of the Neighborhood Plans. Although these two sites are TDC receiver sites, adoption of the residential Neighborhood Plans preclude these sites from going back to their base designation without discretionary review by City Council. As of 2022, the Brisa Neighborhood Plan has been fully built, and Arroyo Vista Plan remains undeveloped.

Brisa Neighborhood Plan

The Brisa Neighborhood Plan has been built out. The plan area encompasses 37.5 acres and covers vacant land north and south of Brisa Street east of Vasco Road and adjacent to the ACE train station and parking area. The plan includes an approved Neighborhood Concept Site Plan for 465 units designed to create a walkable urban neighborhood and to provide pedestrian access to Livermore's multiuse trail system and to the adjacent ACE commuter rail station. The plan requires a variety of housing types, a general circulation system layout consistent with the site plan, consistency with the design standards, two neighborhood parks, and a trail network with connections to the ACE train station.

The Livermore City Council approved plans for a residential development in the neighborhood plan area on January 13th, 2014. The project includes 465 units, with courtyard and alley-loaded single-family homes, row townhouses, and apartments. This project provides 26 subsidized very-low- and low-income units. Site grading began in August 2014 and as of 2022, the Brisa Neighborhood Plan is fully built out.

Arroyo Vista Neighborhood Plan

The Arroyo Vista Neighborhood Plan was approved by the Livermore City Council on July 2nd, 2007. The plan area is approximately 28 acres and covers the vacant land south of First Street along the north side of Las Positas Road and east of existing neighborhood commercial services. The plan includes two conceptual land use plans. The conceptual plans are intended to show how one might develop the entire site at the lower end of the density range (402 dwelling units) and at the high end (495 dwelling units). The plan includes the following mandatory provisions: three variations of housing types, one neighborhood park, open space, and trails. Since a residential subdivision was approved under the Neighborhood Plan, in 2017 for 435 units the sites can no longer be developed as industrial without City Council approval of a major conditional use permit. The 2017 subdivision entitlements are still valid but the project has not yet started construction. The property is currently in escrow with a prominent homebuilder who anticipates closing in first quarter 2023. The homebuilder has also informed city staff that they will be submitting the subdivision and development improvement plans before the end of 2022.

Isabel Neighborhood Specific Plan

The 2003 General Plan identified the Greenville BART TOD[17] transitional area to provide land uses appropriate for a future commuter transit station. The environmental impact report prepared for the 2003 General Plan assumed that 4,474 housing units would be built within the Greenville TOD area.

Subsequent analysis identified the area around the Isabel Avenue interchange of I-580 as a more immediately viable location for a BART station. The Livermore City Council directed staff to update the documents necessary to shift the TOD planning effort from the Greenville/Southfront area to the Isabel/I-580 area. In 2018, the City adopted the Isabel Neighborhood Specific Plan, which was contingent upon an approved BART extension to Livermore.

At its May 24th, 2018, board meeting, the BART Board voted to certify the BART to Livermore Extension Project Final Environmental Impact Report, but to not advance the proposed conventional BART extension to Livermore. The Board recommended that the City turn to the newly formed Tri-Valley–San Joaquin Valley Regional Rail Authority to conduct further transit planning in Livermore.

In 2020, the City adopted a revised Isabel Neighborhood Specific Plan that acknowledged a future Valley Link rail station instead of BART. While the INSP is consistent with many General Plan goals, the plan modified existing General Plan land use designations, as well as some policies as a means of achieving the General Plan goals and implementing related policies. For projects within the Planning Area, policies and standards in the INSP will implement the General Plan

[17] Transit-oriented development: Development in which land uses are designed and sited to maximize transit ridership and the use of alternative forms of transportation; TODs are typically also mixed-use developments.

policies. Where policies or standards relating to a particular subject have not been provided in the INSP, the General Plan's policies and standards continue to apply, as they are today or amended in the future.

The plan area encompasses over 1,100 acres, or about 6.6 percent of the city. It is in the northwest part of Livermore, approximately 2.5 miles from Downtown. The plan area is entirely within the city's urban growth boundary (UGB). It is largely within the city limits, with the exception of an approximately 21-acre property that is currently in unincorporated Alameda County.

The INSP will guide future development of the area surrounding the Isabel Valley Link station in the I-580 median at Isabel Avenue. The abundance of vacant land near the proposed Valley Link station is a major opportunity for shaping a new neighborhood centered around a major transit hub.

The three primary objectives of the INSP are:

- Create a safe, vibrant neighborhood that includes amenities for residents, workers, and students and that is compatible with existing development and community character.
- Support citywide goals for increased transportation options, housing choices, and economic vitality.
- Support the Valley Link rail project through development of a complete neighborhood.

Specific housing strategies for advancing the plan's vision and objectives include: allowing for a range of housing types; encouraging a livable and accessible neighborhood with an active street life; concentrating development of the highest intensity closest to the Valley Link station to support transit ridership; promoting compatibility with existing residential uses; and advancing the City's housing and economic development goals.

The target residential unit number for the INSP is 4,068. The minimum number of residential units required for the specific plan is 3,223. At least 25 percent of the units are required to be affordable to lower income households—or at least 830 affordable units. Twenty percent of units in each residential project approved in the specific plan area will be affordable, per the plan's inclusionary requirements. Additionally, five percent of units will be developed in stand-alone affordable housing projects.

Downtown Specific Plan

The Downtown Specific Plan (DSP) was adopted by the City Council in February 2004 and most recently updated in 2020. Objectives of the DSP are to revitalize the Downtown and re-establish it as the center of the city and as a viable, pedestrian-oriented city neighborhood. The DSP outlines strategies for accomplishing these goals, including:

- Revising land use policies to allow housing at a range of types and densities everywhere except on the ground level in the Downtown Core.
- Encouraging construction of housing above storefronts in the Downtown Core by requiring new buildings to be mixed use.

- Identifying opportunity sites that provide immediate development prospects for new housing and that offer the potential to deliver a significant number of new units. Examples include the former Livermore Village in the heart of downtown and several vacant, formerly commercial parcels to the east of Downtown.
- Attract potential Downtown residents with transit opportunities that enable them to travel easily and conveniently to job centers in the region.

The DSP requires 10 percent of each project proposed in the plan area to be units affordable to low-income households. The DSP established five plan areas. Appendix A shows the boundary of the Downtown Specific Plan Area. Plan Areas and the associated assumptions about capacity are as follows:

- **The Downtown Core Plan Area**

  The intent of the Downtown Core is to revitalize the city's historic core area as the center of the city. Therefore, mixed-use buildings are required for all parcels fronting First Street and are encouraged throughout the Core. In order to ensure that Downtown Core is the most densely developed part of the city, a minimum density of 30 and up to 55 dwelling units per acre is required. At this density, sites in the Core would be considered appropriate for lower-income households.

- **The Gateway Plan Areas / Boulevard and Transit**

  The primary intent of the two Gateway Plan Areas is the provision of land for high-quality housing adjacent to the Downtown Core. The Downtown Transit Gateway District, centered along east First Street, provides an opportunity for transit-oriented development due to the proximity of the ACE/LAVTA stations. In this Plan Area, residential development within 2,000 feet of the ACE/LAVTA/station is awarded a 25 percent density bonus.

- **The Neighborhood Plan Areas / North and South Sides**

  The two Neighborhood Plan Areas are intended to enhance and maintain the residential character surrounding the Downtown Core. The development standards encourage residential uses compatible with the single-family neighborhoods adjacent to the Downtown.

Incentives to Facilitate Redevelopment

The DSP development standards were crafted to promote redevelopment in the Downtown, including increased, more-intense housing opportunities. The DSP encourages this through alternative open space requirements, relaxed parking standards, minimal setbacks, flexibility for National Register historic structures or historic resources, and streamlined processing for smaller projects. Specific standards are discussed in more detail later in this section.

Since adoption of the DSP, the City has moved forward with implementation steps to further increase the viability of Downtown redevelopment. Most recently, Development Standards for the Downtown Core Plan Area were amended in May 2020, which enabled implementation of the Downtown Plan that the City Council had approved on January 29th, 2018. The amendments enabled the Downtown Core with various uses including 130 multi-family housing units and associated infrastructure upgrades.

Infrastructure Upgrades

A major step the City has taken to support redevelopment and accommodate intensified development in the Downtown is improving and upgrading Downtown infrastructure, particularly in the Core Plan Area where the catalyst sites are located. Following adoption of the DSP, the City began to implement numerous upgrades and improvements that included:

- Moving State Route 84 from First Street to Isabel Avenue to remove truck traffic from First Street and create a more pedestrian friendly environment for Downtown residents and the shopping community. This step was particularly crucial to foster a pedestrian friendly environment in the Downtown Core Plan Area along First Street between Maple and L Streets, where mixed-use is required in new buildings.
- Reconfiguring First Street from 4 lanes to 2 and adding diagonal parking, street trees, landscaping, and hardscape to create a more lively, walkable environment for commercial and mixed-use buildings.
- Widening Railroad Avenue to accommodate increased traffic diverted from First Street in the Downtown Core.
- Water and sewer upgrades along Railroad Avenue to accommodate estimated Downtown Specific Plan buildout.
- New water mains and sewer laterals to all parcels along First Street in the Downtown Core from Maple to L Streets to accommodate intensified mixed-uses.

Streamlined Project Review Process

The Downtown Specific Plan provides detailed development standards and regulations as well as purposeful goals and objectives to achieve revitalization. Due to the specificity and detail in the plan, potential developers and property owners tend to have a clear understanding regarding the use of their property, as well as development standards that must be addressed in new or redeveloped buildings. The DSP also streamlined the review process for Downtown projects by a) establishing sufficient detail on regulations and b) allowing a majority of the projects to be reviewed at an administrative level, thereby reducing the overall processing time for new projects. Most projects that are consistent with the DSP can be processed at the staff level. Only larger residential and commercial projects require discretionary review by the Planning Commission and City Council.

Development Code

The City implements the General Plan policies and regulates the type, location, and scale of residential development primarily through the Development Code. Development regulations are designed to protect and promote the health, safety, and general welfare of residents and to preserve the character and integrity of existing neighborhoods.

In February 2010, the City adopted a new Development Code to replace the previous Planning and Zoning Code. The City updated the standards in the code to ensure consistency with the General Plan, existing policies and procedures, and applicable state regulations, including those for "reasonable accommodations." The City also revised outdated development regulations and older zoning districts to help reduce constraints to development caused by the City's previous zoning law. The new code was designed to be easier for residents, developers, and staff to understand and apply, which can save time during the entitlement

process. For example, residential projects with four or fewer units are subject to administrative design review by staff. The most recent ordinance updating the code was passed on June 28th, 2021. The City will be starting a comprehensive Development Code Update in January 2023.

Residential Zoning

The current Development Code has 12 major residential zoning districts and a Planned Development (PD) District (see Table 3-3, below). Most of the residential zoning districts permit a range in density. In all cases, the density range permitted in each zoning district is consistent with the underlying General Plan designation. As described further below, the code establishes development standards for each zoning district, such as lot coverage, setbacks, and minimum lot sizes.

Form-Based Zoning

As part of the 2010 Development Code update, the City included form-based regulations to promote pedestrian-scaled urbanism in "Transect" zones. Unlike conventional zoning, form-based codes emphasize the built form over the segregation of land uses and parameters such as setbacks and floor area ratios. Built form involves the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. Form-based codes frequently use photos and graphics to explain the details of the requirements, making them more readily understandable by residents and developers. Use of a form-based code can reduce the length of the project review process.

The code includes two Transect zones (T3 and T4), with placeholders for four zones not currently used. (T1 and T2 are intended to apply to Natural and Rural areas, respectively, and T5 is reserved for the Urban Center and T-6 for the Urban Core.) The development standards for the T3 and T4 zones primarily focus on mixed-use, walkable areas of the city. They range in function and density from primarily residential areas with a mix of building types (T3-Neighborhood) to medium density neighborhoods and other commercial and retail areas (T4-Neighborhood, T4-Neighborhood Open, T4-Main Street Open, and T4-Main Street). The City has designated much of the neighborhoods immediately north and south of the Downtown area as T3 or T4.

Mixed-Use Zoning

The NM zone was created to implement the Neighborhood Mixed-Use land use designation of the 2003 General Plan Update. The zoning district permits a mixture of neighborhood-serving businesses and residential uses and refers to the T4 development standards. Vertical mixed-use is permitted and encouraged on-site. A minimum of 20 percent of the site's floor area shall be developed with commercial uses. The required range of the mix of Transect zones within the NMU planning sites is:

- T4 Neighborhood: Allowed to occupy 25 to 80 percent of land
- T4 Neighborhood Open: Allowed to occupy up to 50 percent of land
- T4 Main Street Open: Allowed to occupy 10 to 50 percent of land
- T4 Main Street: Allowed to occupy 10 to 20 percent of land

The Neighborhood Mixed-Use sites are also designated as Transferable Development Credit (TDC) receiver sites, meaning they have dual general plan designations.

Since the TDC program was implemented, several residential projects have been approved or constructed on a TDC site (Auburn Grove, Portola Common, Arroyo Crossings, Shea Sage, Magnolia Place, Catalina Townhomes, Brisa, and Bluebell Drive). None of these projects, applications, or proposals have opted, or even proposed, to utilize the baseline densities on these sites. This suggests that the higher density residential option is the most economically feasible—more so than new commercial or the lower density residential option.

General Plan policy provides an exemption to participating in the TDC program for projects that provide all affordable housing, and individual affordable units are exempt from the TDC fee. Projects that provide affordable or other types of special housing may also have the baseline density increased.

The TDC Program is discussed in more detail later in this chapter.

Other Zoning

The City permits some residential uses in the Commercial Office (CO), Professional Office (CP), Planned Development/Agriculture (PD-AG), South Livermore Valley/Agriculture (SLV-AG), Education and Institution (E), and Open Space (OS-R and OS-A) zones. The City also conditionally permits additional residential uses in the nonresidential zones listed in Table 3-3.

Development Standards

The Development Code includes a set of development standards for each zoning district. Sites zoned as Planned Development (PD) have a unique set of development standards, although some refer to a standard zoning district under the current or previous zoning codes. This section discusses the main types of development standards.

Table 3-3: Zoning Districts That Allow Residential Uses and Development Standards								
District/Purpose	***GP Land Use***	***GP Density (du/acre)***	***Min/Max. Lot Area in sq. ft***	***Setbacks***			***Coverage[1]***	***Max. Bldg. Ht. and/or Maximum Stories***
				Front	***Sides***	***Rear***		
R-R – Residential Rural	RR	1.0 per acre to 1.0 per 5 acres	Min. 40,000	30'	1 side: 20' Total: 45'	50'	25%	35'
R-S – Suburban Residential	UL, ULM, UM, UMH	1.0 per 5 acres up to 6.0	Min. 6000	Min. 20'	Min 10', and 12'	Min. 25'	FAR max. 35%	Max. 35'
R-L – Residential Low density	UL-1, UL-2,	1.0 – 2.0	Min. 5,000	Min. 15'	Min. 15'	Min. 5' – 10'	40%	Max. 35'
MFR – Multifamily Residential	UH	6.0-18.0	Min. 5,000	15'	8' min plus 5' for every story above first.	5' min plus 5' for every story above first.	50%	Main building: Max 3 stories, 45'/Accessory structure: Max 15'
RG – Suburban Multi-Residential	UH	4.5 - 18.0	See subcategories listed below.					
RG-16	UH-3	14.0 - 18.0	6,000	Min. 20'	1 story: Min. 10'/ 2 to 3 stories: 20' plus 5' for every story above	1 story: Min. 10'/ 2 to 3 stories: 20' plus 5' for every story above	50%	Main building: Max 3 stories, 45'/Accessory structure: Max 15'
RG-14	UH -2 UH-3	8.0 – 14.0 14.0 -18.0	6,500	Min. 20'	"	"	40%	"
RG-12	UH-2	8.0-14.0	7,500	Min. 25'	"	"	35%	"
RG-10	UH-2	8.0-14.0	9,000	Min. 30'	"	"	30%	"
T3N – T3 Neighborhood	ULM, UM, UMH	2.0-6.0	Regulated by building type	Min. 20'/Max 30'	Min. 5'	Min. 5'		Max. 35' 2 ½ stories
NMU – Neighborhood Mixed-Use	NML, NMM, NMH	2.0-30.0	See T4 subcategories listed below.					

Table 3-3: Zoning Districts That Allow Residential Uses and Development Standards								
District/Purpose	***GP Land Use***	***GP Density (du/acre)***	***Min/Max. Lot Area in sq. ft***	***Setbacks***			***Coverage[1]***	***Max. Bldg. Ht. and/or Maximum Stories***
				Front	***Sides***	***Rear***		
T4N – T4 Neighborhood	UH-2, UH-3, UH-4	8.0-22.0	Regulated by building type	Min. match adjacent property/ Max. 30'	1 story Min. 5'/ 2+ stories Min. 7.5'	Min. 5'		Max. 35' 2 ½ stories
T4N-O – Neighborhood Open	OC	14.0-18.0		Min. match adjacent property/ Max. 25'	1 story Min. 5'/ 2+ stories Min. 7.5'	Min. 5'		Max. 35' to , 2 ½ stories
T4MS-O – Main Street Open	NML, NMM	2.0 – 24.0 with TDC		0'	Min. 0'	Min. 0'		Max. 35' to eave/parapet, 3 stories
T4MS – Main Street	NML, NMM	2.0 – 24.0 with TDC		0'	Min. 0'	Min. 0'		Max. 35' 3 stories
CO – Commercial Office	OC	n/a, regulated by FAR	Min. 5,000	Min. 5' / adj R zone 15'	Min. 0' / adj R zone 10'	Min. 0' / adj R zone 10'	FAR max. 30%	35'
CP – Professional Office	OC		Min. 5,000 / Max. 10,000	Min. 15'	Min. 5'	Min. 5'	FAR max. 30%	Max 26', 2 stories
E – Education and Institution	CF		Min 20,000	Min. 25'	Min. 15'	Min. 15'	50%	35'
OS – Open Space	OS		OS-A: min. 871,200 / OS-R: min. 43,560/ OS-F 0	Min. 20'	Lots < 10,000 sf: 10' min. / Lots > 10,000 12' min.	Min. 25'	FAR max. 35%	35'

Table 3-3: Zoning Districts That Allow Residential Uses and Development Standards								
District/Purpose	***GP Land Use***	***GP Density (du/acre)***	***Min/Max. Lot Area in sq. ft***	***Setbacks***			***Coverage[1]***	***Max. Bldg. Ht. and/or Maximum Stories***
				Front	***Sides***	***Rear***		
PD-AG – Planned Development/Agriculture	Limited Agriculture, Large Parcel Agriculture		100 acres min. or 18 acres min. with Reduced Lot Option	Min. 30'	Min. 50'	Min. 20'	No max.	40'
SLV-AG – South Livermore Valley/Agriculture	Agriculture/Viticulture	1.0 per 100 acres	100 acres min.	Min. 30'	Min. 50'	Min. 20'	FAR max. 20%	40'
DSP – Downtown Specific Plan[4]	DA	See subcategories listed below.						
Downtown Core	DA	Min. 30.0 Max. 55.0[3]		No min./Max. 20'	Min. 0 Max. 10'	None	N/A	Min. 2 floors/ 20'Max. 3 floors/ 45'4 floors/ 55' on designated sites
Gateway Plan Areas (Transit & Boulevard)	DA	Min. 15.0 Max. 30.0 Along First St. up to 50 w/ CUP	Min. 5,000; Max 10,000 for SF in Residential Transition Areas	Min. 15'-20'	Min. 5' Increased 5' for every story above first (except for detached SF).	Min. 15' (except for detached SF with public alley) Increased 5' for every story above first	N/A	3-floors/45'
Neighborhood-North and South Side	DA	No min. for detached SF Min. 15.0 for all other uses	Min. 5,000; Max 10,000 for detached SF	Min. 15'	Min. 5' Increased 5' for every story above first.	Min. 15'	N/A	3-floors/45'

Table 3-3: Zoning Districts That Allow Residential Uses and Development Standards								
District/Purpose	***GP Land Use***	***GP Density (du/acre)***	***Min/Max. Lot Area in sq. ft***	***Setbacks***			***Coverage[1]***	***Max. Bldg. Ht. and/or Maximum Stories***
				Front	***Sides***	***Rear***		
IN – Isabel Neighborhood	IN	See subcategories listed below.						
Transition	IN	15.0-25.0		Min. 0'-20'	Min. 15' where abutting existing residential uses; otherwise, Min. 5' for first and second stories; Min. 10' for third story and above			3 [5]
Village	IN	25.0-40.0		Min. 0'-20'				4 [5]
Center	IN	40.0-60.0		Min. 0'-20' Max. 12' along non Main or Major Streets Min. 10' for 3rd story and above	0' side setback along Main Street; otherwise, Min 5' for first and second stories; Min. 10' for third story and above			5 [5]
Core	IN	60.0-100.0						6 [5]

[1] Coverage" is the floor area of the largest story of a building divided by the total site area.

[2] Residential uses at an RM density are conditionally permitted.

[3] No minimum density in mixed-use developments for units above first floor where nonresidential uses are on ground floor.

[4] Refer to DSP for exceptions.

[5] Refer to the INSP for height limits in the Scenic Corridor exception areas. For all other areas, building heights shall be regulated by Policy P-LU-8 and Table 2-6, Performance Measures by Subarea, in the INSP or by the General Plan Scenic Corridor Policy, whichever is more restrictive.

Source: City of Livermore Development Code, 2010, confirmed 2021

Density

The maximum number of dwelling units permitted in each residential project is calculated by multiplying the gross acreage times the maximum allowable density under the General Plan residential land use designation, rounding down to the nearest whole number. General Plan policy defines gross acreage to include all the land within the boundaries of the property as well as all or a portion of adjacent street frontage.[18]

The 2003-2025 General Plan includes five mixed-use land designations to encourage infill and higher density residential development close to transit, existing services, and infrastructure. These include: Downtown Core (30-55 du/acre), Downtown Gateway Plan Areas (15-30 du/acre; up to 50 du/acre with CUP), Downtown Neighborhood (0-15 du/acre), Isabel Neighborhood (15-100 du/acre), Neighborhood Mixed Low (12-15 du/acre), Neighborhood Mixed Medium (15-24 du/acre), and Neighborhood Mixed High (24-38 du/acre). These designations, along with the Urban High (UH) categories, provide a wider range of densities and allow for a variety of housing types compared to the other residential designations.

Height Limits and Setbacks

Maximum height and lot coverage regulations are designed to preserve the quality and ensure the compatibility of residential development in neighborhoods. The typical height limit in lower density residential zones is 35 feet. This allows for a two-story home with additional room to incorporate a variety of roof designs. Medium and higher density residential districts permit varied heights and number of stories depending on the number of units constructed and/or the setback.

In 2011, the City amended the Development Code to simplify the RG zone height limits, which was previously dependent on the size of the setback. The RG zone height limits are three stories or 45 feet, and proposed development above 45 feet is subject to a conditional use permit. Though market conditions may affect development of multifamily housing, the City cannot control market conditions and can only ensure development standards do not constrain development. The City has reduced development constraints to multifamily housing by allowing a greater maximum height.

The Core Area of the Downtown Specific Plan, which allows the most intense residential development (up to 55 dwelling units per acre), permits up to three stories or 45 feet in most areas. Select sites may have a height up to four stories or 55 feet with City Council approval. The City Council has considered requests to exceed the maximum height permitted in the Downtown Core. Two examples of actual projects are the Bankhead Theater and the Legacy project. The Bankhead Theater is a 500-seat local performing arts theater. The maximum height permitted for the small performing arts theater is 75 feet. The highest point of the proposed building, the fly-space tower, is 65½ feet. Legacy is a mixed-use project with 222 rental apartments with about 14,000 square feet of retail. The project has two buildings. One is ground-floor retail with two stories of apartments above it. The building is 3 floors and 45 feet adjacent to First Street. The maximum height of the project is 54 feet at the ridges and stair towers, and 49 feet for the main roof.

[18] For the purpose of calculating density, properties with more than one street frontage may only use the longest street frontage, which is considered the area between the street right-of-way boundary and the midline of the adjacent fronting streets (except freeways and highways).

Small Lot Development

The Downtown Specific Plan Area has a number of small vacant and underdeveloped sites, particularly in the Downtown Core and Downtown Gateway Plan Areas. Potential constraints to creating new residential units on small lots in the Downtown, and in the Downtown Core area in particular, include the existing character and historic nature of buildings, which may make renovation or new construction more difficult. In the Core area along First Street, buildings are constructed along property lines, which limits new construction to additional stories to add square footage. The Downtown also includes several brownfield sites that are redevelopment opportunities with site remediation.

To offset the above constraints, the City utilizes a variety of measures and tools, including regulatory incentives, financial subsidies, negotiation/mediation, and business relocation assistance.

Regulatory Incentives

To accomplish the goal of creating new housing in the Downtown through small-lot redevelopment or lot consolidation where possible, the DSP allows densities of a minimum 30 dwelling units per acre in the Downtown Core. It also allows taller building heights, especially in the Downtown Core and Transit and Boulevard Plan Areas, which permit up to three floors/45 feet. The DSP specifically allows greater height (up to four floors and 55 feet) on the Livermore Village (the site where the Eden affordable housing project has been approved) and Groth Brothers catalyst sites (the site where the Legacy mixed-use project is nearly complete) in the Core as further incentive for redevelopment. Development regulations intended to encourage revitalization and increase opportunities to create housing include:

- ***Alternative Open Space Requirements.*** The DSP offers flexibility to smaller sites to meet their Open Space requirements in the Downtown. Residential or mixed-use sites of less than one acre may meet their requirement on-site, off-site, by in-lieu payment, or through a combination of any of these options.
- ***Relaxed Parking Standards.*** Parking standards in the Downtown have been developed to address its more urban nature. They are intended to encourage redevelopment and shared parking opportunities via existing or new parking structures (in the Core Area).
    - Parking requirements for renovation, enlargement, or use changes apply only to net new floor area and/or the incremental increase in parking demand that accompanies a higher intensity use.
    - Smaller residential units and multifamily (apartments, flats, lofts) require less parking: 1-bedroom units require only 1 space, and apartments and flats require only 1.75 spaces.
    - Throughout the Downtown, no additional parking spaces are required for the conversion of existing commercial/office/retail space to mixed-use where residential units are provided above (second floor and up).
- ***Minimal Setbacks.*** In the Core Plan Area there are no minimum building setback requirements.

- ***Flexibility for National Historic Structures or Historic Resources***. To allow use conversions of historic structures that will promote rehabilitation (including relocation), the Specific Plan allows modifications to development standards, subject to review by the Historic Preservation Commission.
- ***Streamlined Processing for Smaller Projects***. Residential projects providing less than 40 dwelling units can be reviewed and approved administratively at a staff level.
- ***Density Incentives***. A 25 percent density bonus is permitted in the Transit Gateway Plan Area for projects within 2,000 feet of the LAVTA/ACE station (or other planned transit station). Also, along First Street near the transit center, up to 50 du/acre projects are permitted with a Conditional Use Permit.

Parking Requirements

In general, parking requirements are intended to provide adequate on-site parking without causing parking deficiencies. Requiring too much parking, however, can add costs to development, which in turn creates a constraint.

The City's parking requirements for residential districts vary by housing type, the number of bedrooms, and parking needs (see Table 3-4). Detached and attached residences and mobile home parks are required to provide two on-site spaces per unit for units with two bedrooms or more. Guest parking must also be provided at a ratio of one additional space for every four units in multifamily projects.

As part of the Development Code update in 2010, the City investigated reduced parking standards for senior housing and smaller units (studios and one-bedrooms). As a result, the Code now has reduced parking requirements for studio and one-bedroom units at one space per unit, which reduces the land costs and improves the feasibility of these housing types. The City also updated its parking regulations to clarify that tandem parking is allowed in all residential and mixed-use zones when both spaces are for the same residential unit. Accessory dwelling units (ADU) require a similarly reduced amount of parking with circumstantial exemptions allowed, and junior accessory dwelling units (JADU) do not require additional parking.

In the Downtown Specific Plan, parking requirements for detached and attached residential uses are the same as for the rest of the city but vary for multifamily and senior housing. For example, parking for senior housing is required at 1.25 spaces per dwelling unit, and parking for multifamily units with two or more bedrooms is required at 1.75 spaces.

Table 3-4: Parking Requirements	
Residential Type	***Required Spaces***
Detached and Attached Units	
Studio and 1-bedroom	1 space per unit (No covered space required)
2 or more bedrooms	2 spaces per unit (No covered space required)
Guest spaces (multiple families)	1 space per 4 units (No covered space required)
Accessory Dwelling Unit (ADU)	1 space per unit, with some exceptions[1]
Mobile Home Parks	
Each mobile home	2 spaces per unit
Use in common	0.5 space per unit (Within 200' of each lot)
Guest spaces	0 spaces per unit if on-street parking is provided within project or on an adjacent street; 1 space per 5 units if one side of street has parking; 2 spaces per 5 units if no on-street parking exists; (Determined by street adjacent lot. If corner lot, can use either street, or both, to determine.)
Downtown Specific Plan	
Single-family, detached/attached	
Studio and 1-bedroom	1 space per unit (1 covered space required)
2 or more bedrooms	2 spaces per unit (1 covered space required)
Multifamily	
Studio and 1-bedroom	1 space per dwelling unit (1 covered space required)
2 or more bedroom	1.75 spaces per dwelling unit (1 covered space required)
Guest spaces	1 space per 10 units (or portion thereof) provided on-site or off-site within 600' of the project, or waived with payment of in-lieu fees if public parking is identified within 600' of the project
Senior housing	1.25 spaces per unit (1 covered space required) In-lieu fee payment also possible for on-site or off-site parking.
Isabel Neighborhood Specific Plan	
Transition and Village Districts	
Studio and 1-bedroom	1 to 1.25 spaces per unit
2-bedrooms	1.5 to 2 spaces per unit
3 or more bedroom	2 to 2.5 spaces per unit

Table 3-4: Parking Requirements	
Residential Type	***Required Spaces***
Center and Core Districts	
Studio and single room occupancy (SRO)	0.75 to 1 space per unit
1-bedroom	1 to 1.5 spaces per unit
2 or more bedrooms	1.25 to 2 spaces per unit
Guest spaces	1 space per 4 to 8 units

Source: Livermore Development Code, 2010; Livermore Downtown Specific Plan, amended in 2020; City of Livermore ADU and JADU Criteria Checklist, July 2020; Isabel Neighborhood Specific Plan, 2020. Confirmed 2021.

[1] No parking for ADUs within: one-half mile walking distance of transit (including local bus stops or ACE Train station); a historic district; an existing primary residence or existing accessory structure; where on street parking permit is required but not offered to the inhabitant of the ADU; where a documented carshare vehicle is located within one block. Where the ADU is a garage, carport, or parking structure conversion, no replacement parking is required.

LOCAL ORDINANCES/REGULATIONS IMPACTING HOUSING SUPPLY

Urban Growth Boundary

The intent of Livermore's urban growth boundary (UGB) is to protect existing agricultural uses and natural resources outside the city from urban development while promoting infill development near available services. The UGB was completed in two phases. The *South Livermore Urban Growth Boundary Initiative* was passed by local voters in March 2000 and established the boundary along the southern edge of the city. The *North Livermore Urban Growth Boundary Initiative* was passed in December 2002 and completed the UGB around the northern edge of the city. The Land Use Element of the General Plan includes the policies associated with both initiatives, while the exact language of each Initiative is contained in the General Plan appendix.

While the UGB limits urban development to within city limits, the *North Livermore UGB Initiative* contains a "State Housing Requirement" provision that would permit the development of affordable housing outside the UGB to meet State housing requirements, so long as there is no land available within the city boundary to meet the requirement through new development, more intensive development, or redevelopment.

The City's UGB is not considered a constraint to housing development because it does not affect the total number of units permitted in Livermore, only the location of units.

Transferable Development Credits Program

The Transferable Development Credits (TDC) Program was developed as part of the North Livermore Urban Growth Boundary Initiative, adopted in December 2002. The program implements the UGB as another way to preserve agricultural land outside the City's UGB, curtail sprawl, and provide opportunities for higher density infill residential development near existing infrastructure and transportation services within the UGB. The program reduces the pressure to develop on property outside the UGB in North Livermore by enabling rural property owners to sell credits to builders seeking residential density within the city boundary.

General Plan policy outlines the basic objectives and parameters of the program, while the TDC Ordinance outlines the implementation details of the program. The program assigns development credits to properties beyond the UGB as well as residential receiver sites within the UGB. Developers may purchase development credits from willing sellers beyond the UGB to achieve greater residential density on the receiver sites within the UGB. Existing TDC receiver sites were established during the 2003 General Plan update and were selected based on their suitability for higher density, infill residential development. In most cases, the developer and/or property owner requested the change.

Each receiver site has a dual general plan designation. The baseline density is achievable without the need to comply with the City's TDC Ordinance. Applicants who wish to exceed the baseline density must comply with the City's TDC Ordinance by purchasing TDCs from owners in North Livermore or by paying an in-lieu fee to the City. Development on the receiver site is limited to the maximum density allowed under the General Plan designation and is subject to the development standards of the corresponding, underlying zoning district. Projects may also utilize the Planned Development District for greater flexibility in achieving higher density. An example of a receiver site is the 28+-acre Arroyo Vista Neighborhood Plan site, which has a base general plan land use designation of light industrial and a dual designation of Urban High – 3 Residential (which permits 14 to 18 du/acre).[19]

Participation in the program is voluntary; participants may purchase TDCs and achieve the higher density. However, the TDC In-Lieu Fee Ordinance provides an alternative to purchasing TDCs and provides exemptions for certain projects.

The TDC Ordinance establishes exemptions from the TDC or in-lieu fee requirement to support the provision of affordable units and use of density bonus incentives. Projects exempt from purchasing TDCs or paying an in-lieu fee include residential projects in the Downtown Specific Plan Area; housing units covered by an affordable housing agreement provided through density bonus for affordable or senior housing consistent with the State law; and units provided consistent with the City's inclusionary housing requirements.

The TDC program provides an alternative to achieving more intense residential development on certain sites. It does not preclude or constrain higher density residential development on receiver sites and has no demonstrable impact on accommodating the City's RHNA.

Inclusionary Housing Ordinance

Since 1987, the City has been setting inclusionary housing policies, which require residential development projects to contribute to the production of affordable housing units for low-income and moderate-income households. By requiring developers to set aside a portion of a market rate housing project's units as affordable, the City's Affordable Housing Ordinance, which was codified in 2000 and is also referred to as its Inclusionary Housing Ordinance, has produced over 180 homes for low- and moderate-income first-time homebuyers. Approximately 25% of the units produced have been purchased by Livermore schoolteachers. The program has also contributed to the City's inventory of affordable rental units through City Affordable Housing In-Lieu Fee funding and implementation of the on-site requirement.

[19] Under the approved Neighborhood Plan, a subdivision map was approved to build 435 small lot single-family and multifamily residential units. Neighborhood plans are not typically required for the development of TDC receiver sites.

The City's Inclusionary Housing Ordinance (detailed in Section 10.06.050 of the Livermore Development Code) requires that at least 15 percent of all units in a for-sale or rental residential development within General Plan areas be set aside as affordable (excluding Downtown and Isabel Neighborhood Specific Plan Areas which have their own specific inclusionary requirements). Developments in General Plan areas with for-sale units must set aside at least 7.5 percent of affordable units for low-income households, with the balance set aside for moderate-income households. For rental developments in General Plan areas, at least 7.5 percent of affordable units must be set aside for very-low-income households, with the balance set aside for low-income households. Wherever inclusionary set-asides result in an odd number of units, the majority of units must be provided to the lower income group. Residential projects of 10 units or less are not required to construct affordable housing units, but must pay the affordable housing fee.

As noted earlier in this chapter, in the Downtown Specific Plan Area, at least 10 percent of units in each project must be affordable to low-income households.

Isabel Neighborhood Specific Plan Inclusionary Requirements

On November 9, 2020, the Livermore City Council adopted the Isabel Neighborhood Specific Plan (INSP), which included affordable housing requirements for both rental and ownership residential development in the Isabel Neighborhood Specific Plan area to take advantage of the strong connection between density, transit, and affordable housing. The affordability requirements for units within the INSP are specified in Section 10.06.050 of the Livermore Development Code. Each project must provide a minimum of 20 percent of its units as inclusionary affordable units. In the plan area overall, 25 percent of the units will be developed as affordable. The other five percent may be as part of 100 percent affordable projects. Additional description of unit potential and projects in the Isabel Neighborhood Specific Plan area is included in the Housing Resources section.

As part of the planning process for the Isabel Neighborhood Specific Plan, the City contracted an economic analysis firm to look at market rate property values and determine what inclusionary requirements in the Isabel Neighborhood Specific Plan would best match existing Citywide inclusionary requirements to ensure that would not be an additional development burden. The analysis found a mix of 5 percent median and 15 percent moderate most closely matched the costs associated with the City's existing inclusionary for-sale requirements, and that for rental, a combination of 6 percent very-low, 7 percent low, 4 percent median, and 3 percent moderate most closely matched the development costs we would have seen had the citywide rental inclusionary requirements been in place at that time. The above affordable income mixes and percentages were then adopted into the affordable housing policies in the INSP and the Development Code.

Conclusion

This ordinance effectively helps to overcome market constraints to the provision of affordable housing by requiring developers to build a percentage of affordable units as part of their projects. The City will continue to implement the ordinance to facilitate the production of affordable housing (Program 3.1.1). The remainder of this section provides a detailed description of the ordinance and an analysis of its effects on housing production and costs.

On-Site Requirement

The Inclusionary Housing Ordinance has a "must build" requirement that affordable units be constructed on-site. The on-site requirement is implemented because it:

- Helps offset past market trends that constructed more expensive, low-density homes on available land.
- Augments the City's affordable housing stock. (Almost all residential properties in Livermore are under private ownership, and even with the inclusionary housing fees, the City and nonprofit agencies have difficulty competing in the private market for land on which to develop affordable housing.)
- Provides opportunity for lower-income and moderate-income households to enter the homeownership market.
- Promotes economic residential integration by producing mixed-income housing throughout the city.
- Provides residents within affordable housing units with the same access to public services, such as parks, transit, and schools, that are available in or near market-rate subdivisions.

Alternate Means of Compliance with On-Site Requirement

State housing law mandates alternate means for complying with local inclusionary provisions. Accordingly, the City's Inclusionary Housing Ordinance provides options for complying with all or a portion of the on-site requirement, pending approval by City Council (see "Approval Process for Alternative Compliance Requests," below). These options are described in Section 10.06.050 of the Development Code and must be economically equivalent to producing affordable units on-site. The five alternative methods include:

- **Accessory Dwelling Units**. In a project of more than 50 dwelling units, up to 20 percent of the requirement for reserved units may be satisfied by including accessory dwelling units accessory to the market-priced units. Each accessory dwelling unit provides a credit of 20 percent of a required affordable unit without regard to unit size or other minimum standards specified in Section 10.06.050(D)7.
- **Off-Site Construction**. A developer may satisfy the affordable housing requirement by constructing or making provisions to construct reserved housing units on a site other than the primary project site. The off-site units are subject to the standards in the Development Code. A developer may not satisfy the affordable housing requirement by applying credits from reserved units on previously constructed projects. Other existing units in projects already completed may not be substituted to satisfy the affordable housing requirement.
- **In-Lieu Fee.** A developer may satisfy the affordable housing requirement by paying an in-lieu fee that is economically equivalent to producing the required number of affordable units. The method of calculating the in-lieu fee is in Chapter 3.26.050 of the Municipal Code. Projects of 10 or fewer units are subject to the In-Lieu fee adopted by City Council annually and specified in the City Development Fee Schedule. Projects with 11 or more units which have been approved for a portion of on-site units to be satisfied in fee are subject to the fee methodology based on the actual development cost of the market rate units subject to the requirement, as described in the Code.

- **Dedication of Land.** A developer may satisfy the affordable housing requirement by dedicating to the City a parcel of land suitable for development of housing units equal to or exceeding the number of affordable units required to be provided in compliance with this section. The General Plan designation and zoning designation on the land proposed for dedication shall be consistent with the intended use of the property for affordable housing at the appropriate density, and there shall be direct access to improved streets and utilities.

Approval Process for Alternative Compliance Requests

Residential projects of 11 units or more within the General Plan, Downtown Specific Plan and Isabel Neighborhood Plan Area are subject to the on-site requirement, and alternative compliance requests require City Council approval. Projects of 10 or fewer units may pay the in-lieu fee without an alternative compliance request.

Alternative compliance requests are processed and approved as part of the City's residential entitlement process. Staff work extensively with developers to implement City Council Affordable Housing priorities and identify alternatives that are economically equivalent to building required units on-site, address the City's affordable housing needs, and are feasible for the development project. The requirements are designed to maximize the impact of each residential development and allow the City to respond to emerging opportunities.

Comparability of Units

Affordable units must be constructed concurrently with market-rate units and must be "comparable" units to the market-rate units—in type, bedroom mix, amenities, exterior appearance, and interior fixtures and finishes. Specific requirements to further this end include:

- The affordable units cannot be distinguishable from other units in the project from the street.
- The average number of bedrooms must equal the average number of bedrooms for all other units in the project, up to a limit of three bedrooms per unit.
- Minimum unit sizes.
- The number of bathrooms in affordable units must equal the proportion of bathrooms in the market-priced units.
- Units must have air conditioning, enclosed garages, and laundry facilities to the extent market-priced units have those amenities.
- The mix of product types of reserved units shall reflect the overall mix of market-rate product types provided in the project.
- Affordable units must be dispersed throughout the project site rather than concentrated in one portion of the development. The comparability requirements for the required inclusionary units are consistent with design requirements applied to market-rate units. Developers are not required to provide additional external or internal design features or upgrades or amenities in the inclusionary units that exceed the City's standard design requirements for adequate housing. The "average number of bedrooms requirement" (up to a limit of 3 bedrooms) is intended to provide affordable housing to meet the demographic needs of the city while limiting

developer cost to provide excessively large comparable units. For example, about 46 percent of households in Livermore have three or more people.

Consistent with a variety of State initiatives regarding smart growth and climate change, the comparability requirements are intended to ensure that affordable housing units are not segregated within residential neighborhoods or congregated in areas isolated from existing community services. Combined with the on-site requirement, the comparability requirement gives residents living in affordable housing units the same access to amenities, such as community parks, as market-rate units in the development. The City does allow variation in housing types, provided that the project does not compromise the intent of the ordinance—to blend, not segregate affordable units within neighborhoods and to provide affordable housing comparable in quality to market-rate housing. A potential construction impact of the comparability requirement is cost, when compared to the reduced cost of providing smaller affordable units with less amenities than market-rate units.

Affordability Terms/Restrictions

The Inclusionary Ordinance contains affordability restrictions to ensure that the affordable units remain as such. These restrictions are implemented through a Low-Income Housing Agreement, which identifies the specific units that will be affordable and the sales price of the units. It also reiterates the provisions and stipulations of the ordinance. Developers cannot proceed until an agreement is reached. Specific affordability restrictions in the Inclusionary Ordinance and implemented by the Low-Income Housing Agreement include:

- **55-year Restriction**: The ordinance ensures the affordability of the reserved units by requiring a 55-year deed restriction for either rental or for-sale housing. The 55-year restriction, however, is a *minimum* requirement of the ordinance and, in an effort to preserve affordability to the greatest extent possible, the City strives to apply deed restrictions for more than the minimum (up to 99 years for rental projects). However, the City may negotiate a reduction in the minimum requirement if some of the for-sale units are reserved for very-low-income households.
- **For-Sale Units:** For-sale units are encumbered with a silent second mortgage for the difference in value between the affordable price and the initial market rate sales price for comparable units. If a buyer resells the reserved unit within the restricted time period for a price in excess of the current affordable purchase price, the second mortgage must be repaid to the City for use in affordable housing programs. Additionally, the owner must live in the affordable unit.
- **Rental Units**: The affordability of rental units in a complex is preserved through a deed restriction, as outlined above, as well as a regulatory agreement that outlines the terms and conditions placed on the reserved units, such as term of affordability and maximum affordable rents to be charged based on the established household income limits. Additionally, the complex must be managed by a management company experienced in affordable housing and market available units through accessible and inclusive processes approved by the City.
- **Enforcement**: Through the various agreements, the City ensures that parties in violation of the affordable housing restrictions—such as by selling or renting an affordable unit at a price or rent exceeding the maximum allowed or to an ineligible household—are

subject to various penalties, which may include fines, payment of rents, or exercise of options to purchase the affordable units by the City.

Available Resources to Offset Potential Costs

The City offers programs to assist developers of affordable or special needs housing pay impact fees. The City regularly defers city sewer, storm drain, and water connection fees. In addition, Tri-Valley Transportation Council elected to waive its impact fees for affordable housing altogether in 2015. As part of this program, the City will also work with other local and regional agencies, for which the City collects fees, to explore similar deferral programs for their development impact fees (see Program 3.2.3, Partner with Affordable Housing and Service Providers).

Existing regulatory incentives that the City utilizes to offset development costs include:

- Waiving the Tri-Valley Transportation Development fee for affordable and/or inclusionary housing projects.
- Waiving impact fees for accessory dwelling units less than 750 square feet in size.
- Waiving Parks Facility Fee for accessory dwelling units as well as certain health facilities, such as assisted living, convalescent care, and skilled nursing facilities.
- Allowing the payment of some development fees until occupancy or over time.
- Providing fee credits for existing conditions to residential developers who are building on existing sites.
- Waiving the Art in Public Places Fee for affordable housing projects

To further offset potential constraints, developers may use affordable units achieved via the Inclusionary Ordinance provisions toward meeting State density bonus provisions and City incentives.

Short-Term Rental Regulations

The City updated its short-term rental (STR) regulations in 2020 in Chapter 5.90 of the Municipal Code. Short-term rentals are allowed in residential districts and are not allowed in accessory dwelling units. No more than one short-term rental may be operated at a single location. The property owner is required to obtain an STR license from the City. Only one permit may be held per owner at a time. Short-term rental permits do not run with the land. The updates to the STR regulations are recent and balance the housing needs of long-term residents with options for property owners to have a short-term rental. The City will continue to monitor the impacts of STRs on long-term housing options.

PROVISIONS FOR A VARIETY OF HOUSING

Housing element law specifies that jurisdictions must identify adequate sites, to be made available through appropriate zoning and development standards, to encourage the development of various types of housing for all economic segments of the population. This includes single-family housing, multifamily housing, factory-built housing, mobile homes, housing for the disabled, emergency shelters, transitional housing, and others. Table 3-5 summarizes housing types permitted in the Development Code with a required permit. The following Table 3-6 summarizes housing types permitted in the Specific Plans with a required permit.

Livermore offers a diversity of housing types for all economic segments of the community as well as the more vulnerable members of the community, including those earning lower incomes, seniors, disabled persons, students, the homeless, and others.

Table 3-5: Housing Types Permitted by Development Code Zone																						
Land Use	*Transect Zones*						*Non-Transect Zones*															
	T3N	*T4N*	*T4N -O*	*T4MS -O*	*T4 MS*	*NMU*	*RR*	*RS*	*RL*	*MFR*	*RG*	*CS*	*CNB*	*CO*	*CP*	*I-1*	*I-2*	*E*	*PD-AG*	*SLV-AG*	*OS-A/ OS-R*	*OS-F*
Residential Uses																						
Dwelling: Carriage House	P	-	-	-	-	Regulated by a mix of the other Transect Zones[5]	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling: Accessory Dwelling Unit	P	P	P	P	P		P	P	P	P	-	-	-	C	C	-	-	P	-	C	P	-
Dwelling: Junior Accessory Dwelling Unit	P	P	P	P	P		P	P	P	P	-	-	-	C	C	-	-	P	-	-	P	-
Dwelling: Single Room Occupancy	P	P	P	P	P		P	P	P	P	P	-	-	C	C	-	-	-	-	-	-	-
Dwelling: Single family	P	P[1]	P[1]	-	-		P	P	P	-	P	-	-	C	C	-	-	P[2]	P	P	P	C
Dwelling: Mobile home/manufactured housing	P	P[1]	P[1]	-	-		P	P	P	-	P	-	-	C	C	-	-	P[2]	-	-	P	C
Dwelling: Duplex	P[1]	P	P	-	-		-	C[1]	P[1]	P	P	-	-	C	C			-	-	-	-	-
Townhouse	-	P	P	-	-		-	C[1]	-	-	-	-	-	C	C	-	-	-	-	-	-	
Bungalow Court/ Fourplex/Sixplex/ Courtyard Apt	-	P	P	-	-		-	-	-	P	P	-	-	C	C	-	-	-	-	-	-	-
Multi-family	-	-	-	-	-		-	-	P[1]	P	P	-	-	C	C	-	-	-	-	-	-	-
Mixed-Use, residential component	-	-	P	P	P		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile home parks	-	-	-	-	-		-	-	-	C	C	-	-	C	C	-	-	-	-	-	-	-
Home Occupation	H	H	H	H	H		H	H	H	H	H	-	-	-	-	-	-	-	-	-	-	-
Residential Accessory Use or Structure	P	P	P	P	P		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Child Day Care Facility (small)	P	P	P	P	P		P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
Child Day Care Facility (large)	Z	Z	Z	Z	Z		Z	Z	Z	Z	Z	-	-	-	-	-	-	-	-	-	-	-
Child Day Care Facility (family)	C	C	C	C	C		C	C	C	C	C	C	P	P	P	P	P	P	-	-	-	-

Table 3-5: Housing Types Permitted by Development Code Zone																					
Land Use	***Transect Zones***						***Non-Transect Zones***														
	T3N	***T4N***	***T4N -O***	***T4MS -O***	***T4 MS***	***NMU***	***RR***	***RS***	***RL***	***MFR***	***RG***	***CS***	***CNB***	***CO***	***CP***	***I-1***	***I-2***	***E***	***PD-AG***	***SLV-AG***	***OS-A/ OS-R***	***OS-F***
Live/Work	-	-	P	P	-		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Caretaker Residence	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	C	C	-	-
Special Needs Housing																						
Health Facility (≤6 beds)[6]	P	P	P	P	P	Regulated by a mix of the other Transect Zones[5]	P	P	P	P	P	-	-	-	P	-	-	-	-	-	P	-
Health Facility (>6 beds)[6]	C	C	C	C	C		-	C	C	P	C	C	-	C	C			C	-	-	C	-
Emergency Shelters[3]	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	-	-	P	P
Transitional/ Supportive Housing[4]	P	P	P	P	P		P	P	P	P	P	-	-	C	C	-	-	-	-	-	-	-
Farm worker (Employee) Housing	-	-	-	-	-		P	-	-	-	-	-	-	-	P	-	-	-	P	-	C	-
Low Barrier Navigation Center	-	-	-	-	-		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Notes:

[1]. Permitted only if legally existing at time of Code adoption, 5/01/10.

[2]. Accessory to a permitted use.

[3]. Subject to the provisions of Livermore Development Code Section 6.03.060.

[4]. Pursuant to SB 2, the City's updated Development Code allows transitional and supportive housing as a residential use in all Transect zones subject to the same permit requirements of a residential use in the same zone. Definition of transitional housing includes supportive housing, shelter housing, and single room occupancy hotels and shelter housing.

[5]. The NMU zone is regulated by using a required mix of the T4 Main Street, T4 Main Street-Open, T4 Neighborhood, and T4 Neighborhood-Open transect zones. The T4 Neighborhood zone must comprise between 25 to 80 percent of a planning site; the T4 Neighborhood-Open zone may comprise up to 50 percent of the planning site; the T4 Main Street Open zone must comprise between 10 to 50 percent of the planning site; and the T4 Main Street zone must comprise between 10 to 20 percent of the planning site.

[6]. The Development Code defines "health facility" as residential and community care facilities for the elderly, alcoholism recovery, and homes for mentally disordered, handicapped, or dependent and neglected children.

Table 3-6: Housing Types Permitted by Specific Plan Zone												
Land Use	*Downtown Specific Plan*								*Isabel Neighborhood Specific Plan*			
	Core Subarea [1]	*Core Subarea [2]*	*Core Subarea [3]*	*Core Subarea [1,4]*	*DTG*	*DBG*	*DNSS*	*DNNS*	*Transition*	*Village*	*Center*	*Core*
Residential Uses												
Accessory Dwelling Unit	P[2]	P	P	-	P	P	P	P	P	P	P	P
Junior Accessory Dwelling Unit	P[2]	P	P	-	P	P	P	P	P	P	P	P
Single Room Occupancy	P[2]	P	P	-	P	P	P	P	P	P	P	P
Detached Single-Family	-	-	-	-	CUP	CUP[3]	P	P	-	-	-	-
Attached Single-Family	P[2]	P	P	-	P	P	P	P	P	P	P	P
Mobile home/ manufactured housing	P[2]	P	P	-	P	P	P	P	P	P	P	P
Multi-family	P[2]	P	P	P	P	P	P	P	P	P	P	P
Mixed-Use, residential component	P[2]	P	P	P	P	P	P	P	P	P	P	P
Mobile home parks	-	-	-	-	-	-	-	-	-	-	-	-
Home Occupation	-	-	-	-	-	-	-	-	P	P	P	P
Residential Accessory Use or Structure	-	-	-	-	-	-	-	-	P	P	P	P
Child Day Care Facility (small)	-	CUP	CUP	-	-	-	-	-	P	P	P	P
Child Day Care Facility (large)	-	CUP	CUP	-	-	-	-	-	Z	-	-	-
Live/Work	-	P	P	-	CUP	CUP	P[4]	P[5]	P	P	P	P

Table 3-6: Housing Types Permitted by Specific Plan Zone												
Land Use	*Downtown Specific Plan*								*Isabel Neighborhood Specific Plan*			
	Core Subarea [1]	*Core Subarea [2]*	*Core Subarea [3]*	*Core Subarea [1,4]*	*DTG*	*DBG*	*DNSS*	*DNNS*	*Transition*	*Village*	*Center*	*Core*
Special Needs Housing												
Health Facility (≤6 beds)	-	CUP	CUP	-	CUP	CUP	CUP	CUP	P	P	P	P
Health Facility (>6 beds)	-	CUP	CUP	-	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Emergency Shelters	-	-	-	-	-	-	-	-	P	P	P	P
Transitional/ Supportive Housing[6]	P[2]	P	P	-	P	P	P	P	P	P	P	P
Farm worker (Employee) Housing	-	-	-	-	-	-	-	-	-	-	-	-
Low Barrier Navigation Center	-	-	-	-	-	-	-	-	-	-	-	-

Notes: P = Permitted, Z = Zoning Use Permit, CUP = Conditional Use Permit

[1]. Special Condition Subdistrict

[2]. Allowed on upper floors.

[3]. No CUP required in Transition Zone.

[4]. Allowed west of Livermore Avenue if pre-existing upon adoption of the Specific Plan. This use requires a CUP if not already existing.

[5]. Allowed when related to arts, crafts and artisan type uses, including walk-in trade in the area bounded by Railroad Avenue (south), L Street (west), Railroad Right of Way (north) and South Livermore Avenue (east). If these conditions don't apply, a CUP is required.

[6]. Pursuant to SB 2, the City's updated Development Code allows transitional and supportive housing as a residential use in all Transect zones subject to the same permit requirements of a residential use in the same zone.

Multifamily Units

The Development Code permits multifamily housing in the Multiple Family Residential (MFR) and Suburban Multiple Residential (RG) zones by right. Additionally, duplexes and townhouses are permitted by right in T4N and T4N-O Neighborhood Transect zones. In these districts, densities range from 6 units per acre to 22 units per acre. All five plan areas in the Downtown Specific Plan permit multifamily at density ranges starting at 15 units per acre up to 55 units per acre.

Approximately 20 percent of the Livermore housing stock consists of multifamily residences (see Table 2-30). Due to the residential infill policies adopted as part of the 2003 General Plan, as well as the focus to revitalize the Downtown Area and provide higher density residential there to support revitalization, the development trend has continued to be away from single-family development. Livermore has seen more applications and approvals for multifamily attached housing on infill sites and in the Downtown area. Most of these infill projects have resulted from the policy changes and increased residential densities permitted with adoption of the 2003 General Plan and Downtown Specific Plan.

Licensed Care Facilities

The Lanterman Developmental Disabilities Services Act (Welfare and Institutions Code Sections 5115 and 5116) declares that persons with mental and physical disabilities are entitled to live in normal residential surroundings. The use of property for the care of six or fewer persons with disabilities is a residential use for the purpose of zoning. State-authorized, -certified, or -licensed family care home, foster home, or group home serving six or fewer persons with disabilities or dependent and neglected children on a 24-hour-a-day basis is considered a residential use that is permitted in all residential zones. No local agency can impose stricter zoning or building and safety standards on these homes than otherwise required for homes in the same district.

Per State law, the Livermore Development Code permits licensed and non-licensed residential or community care facilities with six or fewer beds in all residential zones. In general, non-licensed health facilities are treated like any other residential use. Residential care facilities or community care facilities are defined as health facilities in Livermore.[20] Community care facilities for seven or more residents are permitted in the MFR zone by right and permitted with a conditional use approval in an additional 23 zones (see Tables 3-5 and 3-6, above). A total of 43 care facilities are in Livermore (see Table 2-24). As part of program 1.5.2.B, the City is committing to update its development code by 2023 to ensure that both residential care facilities of seven or more persons and unlicensed care facilities, are subject to the same standards as other residential uses in the zone.

Accessory Dwelling Units

Accessory dwelling units (ADUs) provide an affordable rental housing opportunity for low-income and special needs population groups, such as the elderly, because they are small. Housing costs typically increase with square footage, so smaller units are considered "affordable by design." JADUs, or junior accessory dwelling units, are accessory units entirely enclosed within the primary structure.

[20] The Development Code defines "health facility" as residential and community care facilities for the elderly, alcoholism recovery, and homes for mentally disordered, handicapped, or dependent and neglected children.

The Livermore Development Code allows ADUs in every residential zoning district and in most nonresidential districts that allow single-family or multifamily dwellings. Unit size is dependent on the size of the lot and primary dwelling as well as the underlying zoning standards on lot coverage and floor area ratio (FAR), up to a maximum of 1,200 square feet. ADUs cannot be sold but may be rented. For these reasons, ADUs provide an opportunity for the development of relatively small and affordable rental units for low- and moderate-income individuals and families, seniors, and disabled persons.

Many of the ADU units are garage conversions, which limits maximum size. The City waives some fees for ADUs and regularly responds to inquiries from homeowners interested in building ADUs. Program 1.2.4 is proposed to allow ADUs in all zones that allow single-family or multifamily residential uses, to continue to update the City's ADU regulations when state law changes, and to promote ADUs as a housing option to homeowners.

Mobile/Manufactured Homes

Mobile homes and manufactured homes offer an affordable housing option to many low- and moderate-income households. Mobile homes and manufactured housing are defined in the Development Code as single-family dwellings and are permitted in all residential zoning districts in Livermore. In addition, the Development Code permits mobile home parks in the MFR and RG, subject to a Conditional Use Permit, as well as in some PD districts.

Manufactured homes are reviewed for building permit issuance in the same manner as single-family homes; the City does not impose any additional design standards or requirements. According to the California Department of Finance, 542 manufactured or mobile homes were located in the city in 2020 (see Table 2-30). The City has not processed any conversions of mobile home parks over the last two Housing Element cycles. The City's Building Division has not issued a permit for manufactured single-family units since 2016 when two units were approved. The City receives one or two permits for manufactured ADUs annually.

Farmworker Housing

The City's agricultural uses, especially vineyards, may use seasonal labor. ABAG estimates that there were 314 agriculture jobs in Livermore in 2019 (see Table 2-9). Although ABAG indicates a low number of agricultural jobs in Livermore, there is potential demand for seasonal farm worker housing because Livermore is surrounded by agricultural land. By the nature of the profession, it is difficult to determine the number of seasonal farm laborers that may be working in the agricultural areas surrounding the city.

In anticipation of this potential need, the Livermore Development Code makes provisions to allow farm labor housing in districts that permit agricultural uses, such as the Rural Residential (R-R) and Open Space (OS-A & OS-R) Districts, and in the South Livermore Specific Plan areas. The Planned Development - Agricultural District (PD-AG), the Planned Development – South Livermore Valley Specific Plan Area (PD-SLVSP), and the South Livermore Valley – Agricultural Zone (SLV-AG) all permit the provision of caretakers' residences, which are defined as temporary modular dwellings for persons employed in the agricultural use of the property and the families of those persons, and/or living quarters for farm workers when necessary for on-site farming operations. Program 1.3.4 is proposed to review and revise the City's Development Code for full compliance with the Employee Housing Act, which addresses farmworker and other employee housing.

Emergency Shelters, SROs, and Transitional and Supportive Housing

State law requires that a jurisdiction specify the zoning district(s) where emergency shelters for the homeless (including lower barrier navigation centers), single-room occupancy units (SRO), and transitional and supportive housing facilities are permitted. The definition of "transitional housing" in Chapter 11 of the City's Development Code includes supportive housing, SRO hotels, and shelter housing.

Transitional and supportive housing is permitted in residential non-Transect zoning districts (R-R, R-S, R-L, R-G. and MFR) by right, and similar to other residential uses, with a conditional use permit in the CO and CP districts. In the Transect zones, a variety of residential use types are allowed by right. Pursuant to SB 2, the City's Development Code allows transitional and supportive housing as a residential use in all Transect zones subject to the same permit requirements of a residential use in the same zone.

Consistent with State law, the City has identified at least one zoning district where emergency shelters are explicitly permitted. Emergency shelters are permitted by right in any non-Transect zoning district subject to the provisions of Section 6.03.060 of the Development Code (see Table 3-5). All non-Transect zoning districts include residential and nonresidential zones. Together, non-Transect zones include approximately 129 acres of vacant land (not including vacant land part of a Planned Development or a Neighborhood Plan) on nine sites that range from 7,000 square feet to greater than 5,000,000 square feet.

The emergency shelter standards in Section 6.03.060 are:

- On-site management and on-site security shall be provided during hours when the emergency shelter is in operation.
- Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed downward, and shielded so as not to produce off-site glare.
- The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
    - Central cooking and dining room(s)
    - Recreation room
    - Counseling center
    - Child day care facilities
    - Other support services
- Parking and outdoor facilities shall be designed to provide security for residents, visitors, employees, and the surrounding area.
- The agency or organization operating the shelter shall comply with the following requirements:
    - Temporary shelter shall be available to residents for no more than six months.
    - Staff and services shall be provided to assist residents in obtaining permanent shelter and income.

  - The provider shall have a written management plan including, as applicable, provisions for staff training; neighborhood outreach; security; screening of residents to ensure compatibility with services provided at the facility; and training, counseling, and treatment programs for residents.
- No emergency shelter shall be located within 300 feet of another emergency shelter site.
- The facility shall be in, and shall maintain at all times, good standing with City and/or State licenses, if required by these agencies for the owner(s), operator(s), and/or staff of the proposed facility.
- Emergency shelters in residential districts, when not developed in an individual dwelling unit format, shall not be subject to the underlying zone's maximum unit density standard, but the number of beds shall be limited to three times the maximum number of dwelling units which would otherwise be permitted.

Program 3.3.3 is proposed to review the above standards for compliance with current state law and amend the standards if needed to comply with current state law, including but not limited to Assembly Bill 139.

The Alameda Countywide Homeless Count and Survey Report[21] estimates there were 8,022 persons in 7,661 households experiencing homelessness in Alameda County. There was an estimated homeless population of 264 people in the Livermore in 2019. Homeless services available in Livermore are outlined in Table 2-27 and include transitional housing; permanent supportive housing; and three permanent, year-round, shelters—Tri-Valley Haven Sojourner House, Shiloh House, and Shepherd's Gate. The City also has a temporary emergency shelter, the Livermore Homeless Refuge, which operates under a temporary use permit (nondiscretionary) in the winter months. Existing shelters provide approximately 146 beds for the homeless.[22] While many shelters target families and women with children, the Livermore Homeless Refuge has an established winter shelter program that serves single males.

To address homelessness in Livermore, the City has included Program 3.3.2 (Rental Assistance), which seeks additional Section 8 vouchers and funding for rental housing, and Program 3.3.3 (Homelessness Prevention), which includes the AC Impact program that assists homeless persons not traditionally served by emergency or transitional shelters. While continuing to support existing emergency (temporary) shelters, the City is focused on long-term solutions to homelessness and reducing overall need for these types of shelters. By working with local groups and identifying funds for rental assistance, the goal is to place more individuals in permanent housing instead of temporary shelters.

DENSITY BONUS

In accordance with State law, the City provides density bonuses to qualified new housing projects as detailed in 6.02.030 of the Development Code. The State's density bonus law (Government Code sections 65915–65918) offers a maximum bonus of up to 50 percent and requires local governments to grant additional incentives and/or concessions and grant bonuses for land donation. The City's Density Bonus regulations were last updated in 2019.

[21] Focus Strategies, Alameda Countywide Homeless Count and Survey Report, 2019.
[22] City of Livermore, Council Minutes, Feb 10, 2014.

Program 3.1.2 is included to update the City's Density Bonus regulations for consistency with current state law. The City complies with current State density bonus law whenever applications are received even if updates to the local density bonus ordinance to align with updates to state law are pending.

DEVELOPMENT REVIEW PROCESS

The City's Community Development Department is responsible for performing development review to implement policies that direct the physical development of the city. Policy implementation and project analysis include establishing conformance to local goals for development, adopted growth management goals, open space and agricultural preservation, and identifying environmental consequences.

The development review process has potential to add time and uncertainty to projects, which can increase costs above direct expenses related to design and construction. However, the City has added certainty to the development review process by providing: opportunities for comprehensive pre-application meetings, adopted Design Standards and Guidelines, and in some cases, simultaneous development review and review of construction permits. Project applicants may request and attend Advance Team meetings that provide real time, comprehensive feedback from all City departments before submitting formal development applications. The City's adopted Design Standards and Guidelines provide clear written and illustrative examples of site design components and architectural features that are required and/or recommended. Increasing certainty in the Development Review process often results in shorter review times and lower indirect costs for applicants. The City has reviewed and issued grading permits in advance of final subdivision map approval in order to accommodate aggressive construction schedules. The following sections describe the process.

Streamlined Development Review

The City has worked to streamline the development review process to minimize costs associated with delay (initially borne by developers but ultimately consumers); ensure development complies with City goals and standards; and provide enough time for the public and decision-makers to provide input.

Tables 3-7 and 3-8 summarize approximate time frames for various approval processes that apply to residential projects of varying sizes and types. Environmental analysis, including environmental impact reports and negative declarations, is processed concurrently with other development applications.

The estimated time frame to process projects of five or more units and/or that require tentative map review (either parcel or tract) can range from 6 to 18 months (including final map review and building permit plan check), depending on the complexity and size of the project. Smaller projects (4 units or less) are processed the most expeditiously, typically in under six months. They usually can be reviewed administratively by staff, reducing the planning entitlement time frame by three to four months compared to larger projects. If proposed in a developed area with existing infrastructure, they can also be processed with a parcel map waiver, further reducing the processing time. Applications for building permits are usually submitted within one year after a project is fully entitled. The City has not received any requests to develop below identified minimum densities for sites on the existing sites inventory. However, the City has had projects that developed with fewer overall units than identified in the sites inventory. The City went

through a no net loss review process with HCD in 2020 and they determined the City still had plenty of sites to accommodate RHNA.

The Design Review process established for the Downtown Area permits larger projects (up to and including 39 units) to be reviewed administratively by staff, provided they are not proposing a new parcel or tract map.

Table 3-7: Development Review Time Frames: General Plan Areas (outside Downtown Specific Plan)

Permit/Approval Type	*Application Review*	*Planning*[1]	*Final Map Review*	*Building Permits*	*Total*[2]
1 single-family unit/1 lot	n/a	n/a	n/a	4-6 wks.	4-6 wks.
2-4 units, single- or multifamily	Up to 30 days	2-3 mos.	n/a	4-6 wks.	3-4½ mos.
w/ parcel map waiver	Up to 30 days	2-3 mos.	n/a	4-6 wks.	3-4½ mos.
w/ parcel map	Up to 30 days	2½-3 mos.	3-5 mos.	4-6 wks.	6½-9½ mos.
5+ units, single- or multifamily	Up to 30 days	5-7 mos.	n/a	4-6 wks.	6-8½ mos.
w/ parcel map waiver	Up to 30 days	5-7 mos.	n/a	4-6 wks.	6-8½ mos.
w/ parcel map	Up to 30 days	6½-8 mos.	3-5 mos.	4-6 wks.	10½-14½ mos.
w/ tract map	Up to 30 days	8½-11 mos.	4-6 mos.	6-8 wks.	14-19 mos.

[1]. *The Design Review/ Site Plan process is part of the Planning review and integrated into this timeline.*

[2]. *Estimated planning entitlement time frames are best case scenario based upon a deemed "complete" application/submittal package during the application review period as well as consistency with city development regulations. Incomplete, inconsistent and/or complex residential projects may warrant additional processing time.*
Source: City of Livermore, 2014. Confirmed 2021.

Table 3-8: Development Review Time Frames: Downtown Specific Plan Areas					
Permit/Approval Type	***Application Review***	***Planning[1]***	***Final Map Review***	***Building Permits***	***Total***
1 single-family unit/1 lot	n/a	2-6 wks.	n/a	4-6 wks.	1½-3 mos.
39 or less units	Up to 30 days	2-3½ mos.	n/a	4-6 wks.	3-5 mos.
w/ parcel map waiver	Up to 30 days	2-3½ mos.	n/a	4-6 wks.	3-5 mos.
w/ parcel map	Up to 30 days	2½-4 mos.	3-5 mos.	4-6 wks.	6½-10½ mos.
w/ tract map	Up to 30 days	5-7 mos.	4-6 mos.	4-6 wks.	10-14½ mos.
40 or more units	Up to 30 days	3½-4 mos.	n/a	6-8 wks.	5-6 mos.
Parcel map waiver	Up to 30 days	3½-4 mos.	n/a	6-8 wks.	5-6 mos.
w/ parcel map	Up to 30 days	3½-4 mos.	3-5 mos.	6-8 wks.	8-11 mos.
w/ tract map	Up to 30 days	5½-7 mos.	4-6 mos.	6-8 wks.	11-15 mos.

125.[1]. *The Design Review/ Site Plan process is part of the Planning review and integrated into this timeline.*

Source: City of Livermore, 2014. Confirmed 2021.

The City will comply with SB 330 (Government Code Section 65589.5), relying on regulations for processing preliminary applications for housing development projects, conducting no more than five hearings for housing projects that comply with objective General Plan and development standards, and making a decision on a residential project within 90 days after certification of an environmental impact report or 60 days after adoption of a mitigated negative declaration or an environment report for an affordable housing project. The City is proposing Program 3.2.3 to establish a process in compliance with SB 35 to streamline review of eligible affordable housing projects. The City has created public handouts for ADU and SB 9 units that describe the ministerial, streamlined approval processes consistent with state law. Finally, City is undertaking a Development Code update (see Program 1.3.1) to ensure consistency with recent state housing laws, including those that streamline the housing approval process (e.g., implementing objective design standards) and to consider other streamlining measures.

Design Standards and Guidelines

City staff evaluates proposed residential development projects against Residential Design Standards and Guidelines (2004). The Design Guidelines are used to promote high quality architecture and encourage the compatibility of residential development with the surroundings. The Design Guidelines are flexible and encourage housing that uses a variety of materials, drought tolerant plants, and energy efficient designs. The guidelines also emphasize pedestrian-oriented environments.

The City's implementation of the Design Guidelines has worked to mitigate the visual impacts of higher density affordable projects, which has led to greater community support for affordable housing than in many other cities. The Design Guidelines do not require specific architecture, site design, or materials that add substantial cost or hinder the production of affordable housing.

Fees and Exactions

The City collects fees and exactions from developments to cover the costs of processing permits and providing the necessary services and infrastructure related to new development (see discussion on Public Improvements below). The passage of Proposition 13 in 1978, which capped property tax revenue, along with subsequent tax revenue shifts away from cities during the early 1990's, have eroded the ability of local government entities to finance public improvements to accommodate new development with general funds. Development impact fees related to public improvements (such as storm drainage, sewer, water, parks, and traffic) ensure that infrastructure has adequate capacity to accommodate new residential development, as discussed further under "Site Improvements" below. Similarly, the City's affordable housing fees contribute to the production of affordable housing and its long-term availability, despite fluctuating economic and market conditions.

Planning fees are calculated based on the average cost of processing a particular type of case and are charged at the time an application for development is received. Development impact fees are collected as part of the building permit issuance process and are typically based on the project type and square footage. Table 3-9 lists the planning, development, and other fees charged for residential development.

There are some fees associated with residential development listed in Table 3-9 that the City does not control. For example, the Tri-Valley Transportation Development Fee is used to finance transportation improvement projects needed to accommodate new development and reduce traffic-related impacts in the Tri-Valley Development Area, including Livermore. The Tri-Valley Transportation Commission (TVTC) is a Joint Powers Agreement consisting of one representative of each of the following entities: Alameda County, Contra Costa County, Cities of Dublin, Livermore, Pleasanton, San Ramon, and the Town of Danville. The TVTC periodically evaluates the impacts of projected land uses on regional transportation infrastructure in the Tri-Valley area and establishes a cost nexus between land use projections and impacts to the regional transportation infrastructure.

Potential Impacts on Cost and Supply of Housing

The potential impact of development fees on the overall cost and supply of housing, particularly of affordable housing, rests on a variety of factors. As described in "Market Constraints," in addition to fees, other factors contributing to housing cost and production include the cost of land, labor, materials, and financing as well as the availability of financing. While impact fees add to the overall cost to produce housing, it has not been shown that a reduction in impact fees decreases the cost to the home purchaser or increases the production of affordable housing in a community. In other words, a reduction in fees would reduce costs to developers, but it does not guarantee that this cost savings would be passed on to the consumer.

The City uses various practices and procedures to offset the potential negative effects that development impact fees may have on housing development and cost. These include:

- Residential development projects involving multiple planning applications can have their planning fees reduced by 10 percent.
- The City also provides incentives and planning assistance for developers of affordable or special needs housing, including reduced fees, exemption from growth management programs, shorter review timelines, and pre-application meetings. Fees for affordable housing projects are often paid with City affordable housing funds.

- The City waives the Transferable Development Credit Fee for affordable housing units identified in residential developments.
- Developers may amortize the payment of development fees over time to meet affordable housing goals.
- The City provides fee credits to residential developers who are building on existing infill sites. The amount of credit given to a particular fee is based upon existing conditions and improvements on or to the site, such as utility connections and building square footage. The previous use of the site is also considered in determining whether traffic impact fee credits are warranted.
- Below market rate housing is exempt from the Art in Public Place Fee

Table 3-9: Planning and Development Fees							
Development Fees	***Fee Charged***						
Planning Entitlements[1]							
Site Plan Design Review – Public Hearing (res. 5+ units)	$28,296						
Site Plan Design Review – Staff Level (res. < 5 units)	$15,963						
Downtown Design Review – Planning Commission (res. 40+ units)	$11,483						
Downtown Design Review – Staff Level (res. < 40 units)	$8,231						
Parcel Map Waiver	$5,252						
Tentative Parcel Map	$15,326						
Tentative Tract Map[2]	$20,028 + $104 per unit/lot						
Planned Development Fee	$12,759						
Environmental Review (CEQA) Fees							
County Clerk Filing Fee	$50						
Notice of Exemption	$190						
Negative Declaration	$6,374						
Environmental Impact Report – Set-up, RFP	$9,265						
Environmental Impact Report – Deposit 20% contract amount to City	Time and Materials						
Building Permits	**Fees Vary According to Valuation**						
Public Services/Public Works	**Single Family**	**Multifamily**					
Water Connection (City Fee)[3]	$5,292/unit	depends on required meter size					
Storm Drainage (City Fee)	$0.54/sq ft impervious surface	$0.54/sq impervious surface					
Tri-Valley Transportation Development Fee (Regional Fee)[4]	$5,057/unit	$3,484/unit					
In-lieu Low Income Housing Fee[5]	$39.34/SF for all residential housing developments 10 units or less. Projects more than 10 units are subject to must-build requirement of ordinance.[6]						
Social and Human Service Facility Fee	$1,415 – 1,677/unit	$1,298/unit					
Art in Public Places[7]	0.33% total project valuation	0.33% total project valuation					
	Single Family	**Multi-Family**					
		Studio	**1 bdrm**	**2 bdrm**	**3 bdrm**	**4 bdrm**	
Park Facilities Fee	$25,065/unit	$13,288 /unit	$14,872 /unit	$19,220 /unit	$21,809 /unit	$25,065 /unit	
Wastewater Connection Fee	$7,895/unit	$4,167 /unit	$4,693 /unit	$6,053 /unit	$6,886 /unit	$7,895 /unit	

Table 3-9: Planning and Development Fees						
Development Fees	***Fee Charged***					
Traffic Impact Fee (Downtown only)	n/a	$3,395 /unit	$3,802 /unit	$4,913 /unit	$5,745 /unit	$5,745 /unit
Traffic Impact Fee (Citywide except Downtown)	$11,869/unit	$5,531 /unit	$6,193 /unit	$8,002 /unit	$9,358 /unit	$9,358 /unit
General Plan Cost Recovery	$0.39/sq ft					
DSP Cost Recovery (only if located in downtown)	$0.31/sq ft					

[1]. Applications involving multiple entitlements can be reduced by 10%.
[2]. Base fee plus $104 per unit/lot.
[3]. Areas within Cal Water Service Area, Greenville/Vasco Assessment District, or Triad Park do not pay a City water connection fee.
[4]. Affordable and/or inclusionary housing exempt from Tri-Valley Transportation Development (TVTD) Fee. The TVTD Fee is a fee collected to fund regional transportation improvements, while the City's Traffic Impact Fee is to fund transportation projects within Livermore.
[5]. See discussion of Inclusionary Housing Ordinance and alternative compliance.
[6]. Rental projects 10 units or less are exempt from In-Lieu. Effective 7/28/21, on-site requirement applies for 11+ unit projects.
[7] Residential projects of 4 or more units.
Source: Community Development Department Development Fees, City of Livermore, Effective July 1st, 2022

Impacts by Housing Type

Table 3-10 provides a hypothetical comparison between fees charged to develop a single-family detached dwelling and an 8-unit rental apartment building. Fees for multi-family for-sale projects are lower than single-family attached or detached projects, with the greatest difference in fees issued at a "per unit" or "per square foot" rate, such as the storm drainage fee. Table 3-11 compares the fees for each example project to the total development cost. Programs 3.2.1 and 3.2.5 are proposed to reduce governmental constraints to projects with an affordable component by: exploring additional funding sources for affordable housing, providing subsidies to affordable housing projects, allowing developers to amortize payment of fees over time, and meeting with developers to discuss other incentives for the provision of affordable housing.

The per unit costs shown for each development scenario do not reflect fee credits that may be applicable to the site or project based upon existing improvements such as existing utility connections and/or existing impervious surface area (i.e. existing paving and buildings). There is not a separate fee structure for single-room occupancy or efficiency units. However, most City fees are based on square footage or number of bedrooms. So smaller units generally have smaller, proportional fees. The City does not require Planning approval or charge any Planning fees for an ADU or JADU. Those two housing types are charged significantly reduced development fees compared to larger primary homes. ADUs that are 750 sq. feet or less (that is the majority of ADUs proposed) are charged a total of approximately $2,500 in fees and JADUs $1,500. If fire sprinklers are required, there is an additional approximately $900 in fees required.

The City is currently conducting a comprehensive General Plan Update and Development Code Update. Underway since January 2021, the General Plan Update that includes the Housing Element Update will include goals, objectives, and actions to address new and shifting state and regional policies that influence policy and decision-making at the local level. The City anticipates the General Plan Update will account for the City's Regional Housing Needs Allocations for the next two (7th and 8th) Housing Element cycles. Staff and the consultant are currently evaluating geographic Focus Areas that are likely to see significant changes in land uses. The evaluation of these Focus Areas will include the following aspects relevant to updating appropriate development impact and entitlement fees:

- Housing supply
- Capacity of water, sewer, and storm drainage infrastructure
- Fiscal impacts
- Traffic and transportation impacts
- Commercial land use supply
- Jobs/housing balance and jobs/housing match

Staff anticipates completing the General Plan Update in 2024. Following the General Plan Update, the Community Development Department will coordinate the prioritization of infrastructure/public facilities needs, conduct community engagement, and develop updated development impact fees based on a prioritized list of needs.

Commencing in January 2023, the Livermore Development Code Update includes a three-year program to respond to new state legislation, and implement the new General Plan. Year one includes updating the Code to be consistent with state legislation, and include comprehensive objective design standards. Year two will include an update to the City's provisions regarding entitlement review authority and process, and year three will conform the zoning map and development code to the new General Plan. The conclusion of year two will coincide with the completion of the General Plan Update. Together, the updated General Plan and Development Code will provide more certainty to developers seeking to build residential housing projects. These two essential documents will also serve as the foundation for updating the City's development and entitlement fees. The City will adjust fees, where legally and financially feasible, to ensure they do not unduly constrain housing development.

Program 1.4.1 is proposed to monitor and update fees to ensure they do not unduly constrain development.

Table 3-10: Fee Comparison: Single Family vs. Multifamily Rental Units

Type of City Fees	*1 Single-Family Dwelling*	*8-Unit Apartment Building*
Building	$10,231	$40,000
City Storm[1]	$1,890	$11,761
County Storm	$3,500	$10,890
Sanitary Sewer	$7,895	$48,420
Park Fee [2]	$25,065	$153,760
City Water Connection [3]	$5,292	$42,332 (Domestic) + $13,229 (Irrigation)
ACWFC Zone 7 Connection (Domestic) 5/8"	$31,910	$255,280
ACWFC Zone 7 Connection (Irrigation)	n/a	$79,775
Tax on Construction	$6,615	$20,661
Traffic Impact[2]	$11,869	$64,016
In-Lieu Low Income Housing[4]	$79,880	n/a
Tri-Valley Transportation Fee	$5,057	$27,872
General Plan Cost Recovery Fee[5]	$780	$2,672
LVJUSD School Fee	$8,160	$28,895
Social & Human Services Facility Fee	$1,677	$10,384
Total Fee	**$199,821**	**$809,947**
Total Fee per Unit	**$199,821**	**$101,243**

[1] $0.54 per sq. ft. of imperious surface @ 50% lot coverage: Single Family 7,000 sq. ft. lot, Multi-Family. 5 acre.
[2] Assumes multi-family units are 2-bedroom.
[3] Single Family home = 5/8" meter; Townhome = 1-1/2" meter, 1" meter irrigation; Apartment = 2" meter, 1" meter irrigation
[4] $39.94 per sq. ft. Assumed single family dwelling is 2,000 sq. ft. Rental projects with 10 or less units currently exempt from Fee. Assumed Apartments are rentals.
[5] Fee is $0.39 per sq. ft. Assumed single family dwelling is 2,000 sq. ft. and apartment building is 7,082 sq.ft.
Source: City of Livermore, June 2022.

Table 3-11: Proportion of Fees of Total Development Cost		
	Single-Family	***Multi-Family***
Total Estimated Fees Per Unit	$199,821	$101,243
Estimated Development Cost per Unit	$684,545	$467,423
Estimated Proportion of Fee Cost to Overall Development Cost Per Unit	29.2%	21.7%

Assumptions: Single-fam–ly – 2,000 sq. ft. home with 2 car attached garage, and wood frame construction. References a median vacant lot price of $150,179 ($21.45/sf for a 7,000 sf lot) and assumes a single-family construction cost of $334,545. Multi-fam–ly – Assumes 8-unit development on 0.5 acres. Includes land costs and construction costs (land cost of $1,306,800 and construction cost of $1,622, 639).

Source: Craftsman Book Company (www.building-cost.net)and City of Livermore, 2021

BUILDING CODES AND THEIR ENFORCEMENT

Building standards are essential to ensure safe housing, though excessive standards can constrain the development of housing. Building standards in Livermore are regulated under Title 24, the California Building Standards Code, which establishes basic standards and requires inspections at various stages of construction of buildings and homes to ensure code compliance and progress toward "energy conservation, green design, construction and maintenance, fire and life safety, and accessibility." The City most recently adopted the 2019 California Building Standards Code with a small number of additional amendments, as listed in 15.02.030 of the Livermore Municipal Code. The amendments are minor, as is allowed by the state code, and cover building and safety, work exempt from permit, floor and roof design loads, fees, lath and gypsum board inspections, energy efficiency inspections, fire protection systems, fire classification roof coverings, and concrete construction. The City's building code also requires new residential construction to comply with the federal American with Disabilities Act, which regulates accessibility for persons with disabilities. The intent of the codes is to provide structurally sound, safe, and energy-efficient housing and to address housing needs of all residents in the community.

The City's Neighborhood Preservation staff is responsible for enforcing both State and City regulations governing maintenance of all buildings and property. Neighborhood Preservation staff primarily address code enforcement and property maintenance issues, and implement the Neighborhood Nuisance Abatement Program. To facilitate the correction of code violations or deficiencies, Neighborhood Preservation staff refers owners to rehabilitation loan and grant programs offered through the City's Housing and Human Services Division.

The City also coordinates internally between staff from various departments and divisions—including Neighborhood Preservation, Building, the Police Department, and Housing and Human Services—to identify areas with building problems, code enforcement, and other issues and to focus strategies and resources into targeted neighborhood revitalization efforts.

The adopted building codes and code enforcement ensure the safety and welfare of residents and do not hinder residential development.

HOUSING FOR PERSONS WITH DISABILITIES

The City actively promotes the development of housing that meets the needs of persons with disabilities, including physical, mental, and cognitive disabilities. The following sections provide an evaluation of the potential for City processes to impede housing opportunities for persons with disabilities.

Reasonable Accommodation Procedures

Pursuant to the Federal Fair Housing Amendments Act of 1988, the California Fair Employment and Housing Act, and the Americans with Disabilities Act (ADA), the City shall provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures. A reasonable accommodation is typically an adjustment to physical design standards (e.g. setbacks) to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident. Requests for reasonable accommodation in development standards are reviewed and approved at the staff level (Development Code Chapter 9.06). Findings required to grant a reasonable accommodation are:

Findings. The written decision to approve or deny a request for Reasonable Accommodation that will be consistent with the Acts shall be based on consideration of all of the following factors:

- Whether the housing, which is the subject of the request, will be used by an individual defined as disabled under the Acts;
- Whether the request for Reasonable Accommodation is necessary to make specific housing available to an individual with a disability under the Acts;
- Whether the requested Reasonable Accommodation would impose an undue financial or administrative burden on the City;
- Whether the requested Reasonable Accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning;
- Whether there are alternatives to the requested waiver or exception that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public;
- Physical attributes of the property and structures; and
- Other Reasonable Accommodations that may provide an equivalent level of benefit.

The City is including Program 1.5.3.J to address findings and ensure they are consistent with state law and do not pose a constraint to individuals requesting an accommodation. The Community Development Department regularly responds to requests for reasonable accommodation in existing residences through the building permit process and in new residential construction through the development review process (Program 5.1.2). For example, the City approved and participated in the development of the Carmen Avenue apartments, which includes universal design features for accessibility in the units. ECHO Housing has also completed fair housing tests for reasonable accommodations in multifamily rental properties and provides regular training for all landlords on this requirement.

Building Code

The City has adopted the California Building Code, as amended. Chapter 11 of the Building Code provides guidance for accessibility improvements. The City has not adopted any amendments that would impede a person with a disability from improving their home to make it more accessible.

In order to maintain an independent lifestyle, a home may need to be modified to increase accessibility through universal design features. Universal design is also known as "design for all" and "lifespan design." The objective is to improve the accessibility of homes not only for residents of all ages and abilities, but visitors as well. Examples of universal design features include wheelchair ramps.

The City has not adopted an ordinance governing the construction or modification of houses to incorporate universal design, which is intended to allow individuals to remain in their homes as their physical needs and capabilities change. However, the City does encourage the use of universal design, as listed in Program 1.3.2 in Chapter 5.

Zoning and Land-Use Policies and Practices

The City has not identified any zoning or other land-use regulatory practices that could discriminate against persons with disabilities and impede the availability of such housing for these individuals. Examples of the ways in which the City facilitates housing for persons with disabilities through its regulatory and permitting processes are:

- As previously discussed under "Licensed Care Facilities," the City's Development Code provides for the development of group care facilities for persons with disabilities. Program 1.3.1 is proposed to update regulations for care facilities.
- The City does not restrict occupancy of unrelated individuals in group homes and does not have a restrictive or narrow definition of family in its Development Code. Occupancy restrictions are limited to provisions deemed necessary to ensure public health, safety, and welfare, and do not conflict with regulations of the California Building Code, the Fair Housing Act, or the California Fair Employment and Housing Act.
- The City permits housing for special needs groups, including individuals with disabilities, without regard to distances between such uses or the number of uses in any part of the City.
- The City actively works with nonprofit developers to secure financing for special needs housing, including Prop 63, Mental Health Services Act funding opportunities.
- The City has included a program (Program 5.1.1) to ensure ongoing compliance with Fair Housing Laws.

Based on this review, the City did not identify any governmental constraints that may impede the development and improvement of housing for persons with disabilities, as the main challenge is the high cost of housing. To offset this constraint and encourage development of housing for persons with special needs, the City offers the following incentives (Program 1.3.3).

- **Monetary Subsidies.** The City uses its Affordable Housing Fund and other available sources to provide monetary assistance to developers and nonprofits to create special needs housing and make accessibility modifications to existing properties. The City has provided subsidies to developers for the payment of fees, project construction, and land costs.
- **Flexibility in Development Standards.** The City has allowed variations in parking, open space, and setback standards to facilitate special needs housing.
- **Value Engineering**. The City provides "value engineering" during the plan check process by allowing for different construction materials that achieve cost savings while still meeting minimum code requirements.

PUBLIC IMPROVEMENTS

Public improvements for new residential development are integral to the planning and development process. The City requires developers to provide public improvements to ensure the health, welfare, and safety of the community and future residents of new developments, consistent with General Plan policies.

The City applies minimum improvement standards to ensure that public improvements are adequate to serve new development. The City also has specific construction standards and details regarding how improvements are built. The City's Subdivision Ordinance requires specific improvements and design standards as part of every subdivision approval, in accordance with established engineering standard specifications and construction details. Required improvements include: storm drainage, sanitary sewer, water supply, utilities, undergrounding utilities, street, access, and frontage improvements such as street lighting, fire hydrants, signs, street trees, and landscaping.

As part of each subdivision approval, the City also requires improvement plans that demonstrate conformance with the standard engineering specifications and details as well as a signed subdivision improvement agreement ensuring the completion of improvements within a specified time and payment for them.

The City updates and amends its engineering standard specifications and details every two to three years to address changes in existing conditions, new legislation, environmental and conservation issues, technological advancement, and/or other improvements related to health, safety, cost, or efficiency.

While the cost of providing public improvements and meeting City requirements may influence the cost of housing, they are necessary components of providing quality and sustainable residential development. The City's Engineering Standard Specifications and Construction Details for each of these improvement areas are consistent with and no more onerous than public improvement specifications of other jurisdictions in Alameda County. In many instances, the standards are governed by state or federal regulations, such as the Americans with Disabilities Act (ADA) for accessibility, the Clean Water Act for stormwater treatment measures, and Caltrans for highway design specifications. Table 3-12 provides detail on the specific public improvement standards and the regulating ordinance or legislation.

Street Improvements

The City requires basic street and access improvements for new residential development. Requirements include curbs, gutters, and sidewalks at a minimum width of five feet. Street right-of-way and travel lane widths vary depending on the proposed street classification. Table 3-12 depicts the required widths based on each street classification. Private residential streets and local streets vary in minimum width from 15 feet to 40 feet (travel way, not total right-of-way), depending on the presence and location of street parking. As would be expected due to their larger traffic volume, major and collector streets are considerably wider; collector streets are 52 feet wide, and major streets vary between 34 and 46 feet in each direction, as their width is based on the number of travel lanes. Sidewalks and other pedestrian paths have a minimum paved width requirement of 5 feet.

Storm Drainage and Sanitary Sewer

The City requires residential developers to provide a hydrology/hydraulic study in accordance with the City's Facilities Planning Guidelines and also consistency of the proposed system with the City's storm drain master plan. The City also requires residential developers to provide a sewer study based on the City's Facilities Planning Guidelines and consistent with the City's Sewer Master Plan.

Water Supply

The proposed water system of any new residential development must be consistent with the City's Water Master Plan. Additionally, comments from the City's Water Resources Division regarding the design and sizing of the system must be incorporated into the site design, with comments from the Fire Marshall concerning the location of fire hydrants and minimum fire flow requirements to address fire suppression. New projects that are in Cal Water's service area must be approved by that agency.

Table 3-12: Public Improvement Standards				
Required Improvement(s)	***Development Guidelines***		***Comments***	***Governing Legislation***
Streets	***Travel Way***	***Total ROW*** *(including curb and sidewalk)*	Approved Tentative Map determines actual street widths. The following street dimensions are intended as guidelines only.	City Engineering Standard Details
Major	34' to 46'	104' to 140'	Dimensions are provided for comparison; Final widths depend on no. of lanes. No new major streets are planned in conjunction with new residential.	City Engineering Standard Details
Collector	52'	72'	Total ROW includes 5' bike lane each way	City Engineering Standard Details
Local	40'	60'	Serving 50+ units each direction	City Engineering Standard Details
Local Street/ Parking One Side	32'	52'	No homes fronting on one side of street	City Engineering Standard Details
Minor Local Street, Cul-De-Sac, and Loops	36'	56'	Serving 20 to 50 units each direction	City Engineering Standard Details
Short Cul-De-Sac	32'	52'	Serving less than 20 units	City Engineering Standard Details
Curb, Gutters, Sidewalks	Min. 5' wide paved sidewalk	10' each side of street	Sidewalks can be monolithic or separated.	City Engineering Standard Details
Curb Ramps/Return				Caltrans and Americans with Disabilities Act (ADA)
Bus Turnouts			Provided on collector or major street when required by the local transit authority	Livermore Valley Transit Authority (LAVTA)
Private Residential Streets			Private street dimensions are commonly used in Residential Planned Developments to allow flexibility to address site constraints on residential infill properties/projects.	
Parking both sides	Min. width 36'			City Engineering Standard Details
Parking one side	Min. width 33'			City Engineering Standard Details; Livermore Development Code
No street parking	Min. width, 24'			City Engineering Standard Details; Livermore Development Code

Table 3-12: Public Improvement Standards			
Required Improvement(s)	***Development Guidelines***	***Comments***	***Governing Legislation***
No street Parking (Private Alley)	Min. width, 20'		City Engineering Standard Details; Livermore Development Code
Private sidewalks and pedestrian pathways	Minimum width 5'		City Engineering Standard Details; Livermore Development Code
Public Landscaping	One tree per single frontage lot	Min. street tree size 24" box; Min. shrub size 5 gal.	City Engineering Standard Details
	No written standard for multifamily development projects.	Typically, these are zoned as Planned Developments and the location and number of street trees would be determined based on the proposed site layout and final street width determinations.	
Signs/Striping	Street name signs at all intersections		Caltrans/City of Livermore
	Speed limit signs where appropriate		Caltrans/City of Livermore
	One-way signs shown in median and streets where appropriate		Caltrans/City of Livermore
	Stop signs provided where required by City Engineer		Caltrans/City of Livermore
	Centerline striping where appropriate		Caltrans/City of Livermore
Sanitary Sewer	Min./typical new line size: 8"	Each unit or lot within the subdivision shall be served by an approved sanitary sewer system, designed for ultimate development of the area	
	All lines must have min. 5' of cover from grade		
	Sewer laterals/residential – 4" one-way cast iron cleanout behind curb		City Engineering Standard Details
	No curved sewers		
	All lines end at maintenance hole; holes spaced max. 400' apart		
	Sewer lines extended to all tract boundaries		
	System can be easily extended to serve future development		

Table 3-12: Public Improvement Standards			
Required Improvement(s)	***Development Guidelines***	***Comments***	***Governing Legislation***
Water Supply	Water service and meter provided to all lots, medians and other public or private landscaped areas; All new construction requires sprinklers		
Single family units	Min. 5/8" line for domestic service; Typical size implemented is 1" to include adequate water for fire suppression.		
Multi-family development		Size is determined in coordination with Water Resources Department and Fire Marshall to ensure adequate water supply for domestic and fire suppression uses.	
Stormwater Drainage	Minimum pipe size: 12"		
	Maximum distance between storm maintenance holes or inlets 500'		
	Storm lines extended to all tract boundaries		
	System can be easily extended to serve future development		
Stormwater Treatment Measures	Soil based (bio-swales, bio-retention areas, or landscaped areas) or mechanical	NPDES Permit requires permanent, post-construction stormwater quality control measures as part of development projects. Measures can be natural (soil or landscape based) or mechanical.	Federal Clean Water Act – Regional Water Quality Control Board requirements consistent with National Pollutant Discharge Elimination System (NPDES) State Permit requirements for Alameda County jurisdictions.

Table 3-12: Public Improvement Standards			
Required Improvement(s)	***Development Guidelines***	***Comments***	***Governing Legislation***
Utilities	Each unit or lot within a subdivision shall be served by gas, electric, telephone, and cable		Livermore Municipal Code, Subdivision Ordinance
	All existing and proposed utilities within the subdivision shall be placed underground except those exempted by City Council adopted ordinance or resolution. Each subdivider is responsible for making the necessary arrangements with each utility company for installation of the facilities	Exemptions to undergrounding:	Livermore Development Code.
		Single-family subdivisions of 4 lots or less or single-family development projects of 4 units or less	
		Multiple-family residential developments of 4 units or less	
		Partial reconstruction of existing buildings where the addition is less than 50% of the floor area of the existing building or the addition amounts to less than 10,000 sq. ft.	
Parkland Dedication	5.0 acres for each 1,000 persons.	Applicable to residential subdivisions of more than 50 parcels. Does not apply to industrial and commercial.	Livermore Development Code, Subdivision Ordinance

Source: City of Livermore, 2021.

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4. HOUSING RESOURCES

This chapter analyzes the physical, administrative, and financial resources available for the development, rehabilitation, and preservation of housing in Livermore. Section 4.1 evaluates the availability of residential land (vacant and underdeveloped) within Livermore, as well as progress to date in meeting the City's share of regional housing. The remainder of the chapter discusses the resources available to assist in implementing the Housing Plan discussed in Chapter 5, including programs related to energy conservation. The resources build upon the opportunities for reducing barriers to residential development identified in Chapter 3.

4.1 AVAILABILITY OF SITES FOR HOUSING

State law requires communities to demonstrate that an adequate amount of developable land is available to accommodate their share of the projected regional need. The Association of Bay Area Governments (ABAG) is responsible for developing the Regional Housing Needs Allocation (RHNA) (see Chapter 2). The RHNA assigns a share of the region's projected future housing unit production need to each community in the ABAG region. The current RHNA plans for an 8.5-year housing unit production period, from June 30th, 2022, through December 15th, 2030. For the current planning period, ABAG has determined that Livermore's share of the RHNA is 4,570 new housing units (see Table 4-1).

Table 4-1: Livermore's RHNA, 2022 – 2030 Projection Period

Income Group	*Housing Units*
Very Low	1,317
Low	758
Moderate	696
Above Moderate	1,799
Total	**4,570**

RESIDENTIAL SITE INVENTORY

The State Housing Element Law (Government Code Section 65583.2) requires cities to develop an inventory of available land suitable for residential development. In accordance with State law, the sites must have the capacity to accommodate a range of housing types to meet the RHNA. The land inventory must identify the capacity of each property. This land inventory assumes that sites allowing single-family uses at lower densities are suitable for above moderate-income households. Sites allowing single-family attached and multifamily uses at medium densities are considered suitable for moderate-income households. In addition, some sites listed in the inventory are subject to zoning as a Planned Development (PD), which sets out specific requirements for residential development potential on that site. Sites that allow higher-density housing types at 30 units per acre and above are considered suitable for lower-income households in Livermore per state set default densities. However, sites that allow higher-density housing types at 30 units per acre and above on small lots (lots less than 0.5 acres in size) are considered suitable for moderate-income households. In addition to identifying vacant or underutilized land resources, local governments can address a portion of their adequate sites requirement through the provision of accessory dwelling units (ADUs). Program 1.2.4 is included in Chapter 5, Housing Plan, to commit the City to providing adequate sites and to support ADU development.

Accessory Dwelling Unit Potential

In 2018, 2019, 2020, and 2021, City permit records indicate that an average of 38 ADUs received building permits per year.

- 2018 - 18 ADUs received building permits
- 2019 - 36 ADUs received building permits
- 2020 - 39 ADUs received building permits
- 2021 – 60 ADUs received building permits

Based on the average of 38 ADUs per year, an additional 325 ADUs can be projected for the 2022-2030 6th cycle projection period. (The projection period differs from the Housing Element planning period which runs from 2023-2031). The Association of Bay Area Governments (ABAG) prepared a Draft Affordability of Accessory Dwelling Units report for the entire ABAG region in early 2022. The analysis made findings for affordability of ADUs based on data gathered on current rents and occupancy of ADUs in addition to industry research about affordability levels of ADUs, including those that do not reach the rental market. In addition, ADU research conducted by the University of California, Berkeley's (UC Berkeley's) Center for Community Innovation (Chapple et al. 2017) indicates that 40 percent of ADUs are typically rented to family members or friends at either no cost or below-market rental rates. Table 4-3 shows the projected 325 ADUs broken into income categories based on the ABAG analysis. The Livermore ADU regulations encourage this housing type and allow flexibility in their development. Based on the fair housing assessment, to ensure ADU opportunities are available to underrepresented groups, Program 1.4.1. D has been included.

Sites Inventory

The City's land inventory for the 2023 – 2031 Housing Element timeframe is included in Appendix A. It includes vacant and underutilized sites in the Downtown Specific Plan Area, Arroyo Vista Neighborhood Plan, and Isabel Neighborhood Specific Plan, as well as sites in other areas of the city outside of specific plan areas. All the areas with sites included in the inventory are discussed in more detail as follows.

GENERAL PLAN AREAS

The analysis of General Plan residential site inventory includes the following categories:

- **Vacant Sites** – The table in Appendix A includes parcels that are vacant and have General Plan and zoning designations that permit residential development. Only parcels that meet the minimum standards for development in the applicable zoning district and that have no significant environmental or governmental constraints, which would preclude residential development, were calculated as having additional unit capacity.
- **Non-Vacant Sites** – The table in Appendix A includes a small number of parcels that are non-vacant, underutilized, and have General Plan and zoning designations that permit residential development. Only parcels that meet the minimum standards for development in the applicable zoning district and that have no significant environmental or governmental constraints, which would preclude residential development, were calculated as having additional unit capacity. Additional information about non-vacant sites in the inventory that include lower income units is provided later in this section.
    - **Sites with approved Neighborhood Plans** – The table in Appendix A includes the residential development assumptions in the Arroyo Vista Neighborhood Plan and Isabel Neighborhood Specific Plan (INSP), which were adopted by City Council in 2007 (Arroyo Vista) and 2020 (Isabel). Areas within both plans included in the sites inventory are also shown on maps in Appendix A. The Arroyo Vista Neighborhood Plan allows for residential uses in areas otherwise zoned for industrial use; addresses compatibility with surrounding uses; and establishes a basic framework for circulation, land use, building, signage, and landscaping that will permit orderly growth. The Isabel Neighborhood Specific Plan allows for higher-density residential development and other uses in an area surrounding future regional transit. The procedures required for project approval in the INSP are the same as in other parts of the City. Chapter 7 Implementation of the Specific Plan specifies the review and approval process for land use entitlements required for development in the plan area. The land use entitlement process ensures that development within the Planning Area is consistent with the overall Neighborhood vision and complies with Specific Plan development standards and policies (in addition to other applicable regulations). Under the Specific Plan, all new buildings and public improvements within the Planning Area require a Site Plan and Design Review (SPDR) approval prior to issuance of a building permit. Most of the parcels will go through the subdivision process when a project is proposed for that parcel. Subdivisions also require a Tentative Map. If a development project requires both a Tentative Map and an SPDR, the applications are reviewed and approved concurrently

as part of the entitlement process. There are very few historic properties in the INSP area so most parcels are not subject to the procedures required as part of project review on a historic property. The City's process requires City Council approval (maximum of two hearings – one review and recommendation with the Planning Commission and one for approval with the City Council).

The City is reviewing several residential development applications in the Isabel Neighborhood. Two projects have received planning approvals but not building permits yet. One project is 112 units including 6 median income units and 16 moderate income units. The other project is 299 units including 60 affordable units which will be rental apartments. Overall, including the two entitled projects, applications have been received for 746 units in the INSP to date. It took approximately 11 months from the time of initial submittal to final land use entitlement approval for the two projects approved so far in the INSP. This included only one Planning Commission and one City Council hearing as well as the time it took to get a complete application from the applicants. Phasing is not a requirement in the Isabel Neighborhood Specific Plan. Projects will be reviewed and considered for approval as they come in. As part of the adoption of the plans (including the CEQA review), both areas were analyzed to identify potential deficiencies in infrastructure and site improvements and potential environmental impacts. Projects that are consistent with the Specific Plan's Environmental Impact Report do not require additional CEQA review. As noted in the general infrastructure analysis discussion in this chapter, both areas are in urbanized areas and have adequate water and sewer availability. In November 2022, the City Council approved amendments to the INSP to simplify development standards and increase certainty for developers.

- **Sites with Entitled Projects –** The table in Appendix A includes sites or parcels that are designated and zoned for residential use, and where residential development entitlements are in place that will allow them to proceed with building permits and construction. No building permits have yet been issued for these sites. Projects include, but are not limited to, Eden Housing, Lassen Road Townhomes, and Pacific Avenue Senior Apartments.

These sites are all in urbanized areas within the city, have utilities adjacent or nearby, and have no environmental constraints that would preclude development within the Housing Element timeframe.

DOWNTOWN SPECIFIC PLAN (DSP) AREA

The zoning in the Downtown area of the city is governed by the Downtown Specific Plan (DSP). All of the Plan Areas within the DSP permit residential development at differing minimum densities. The DSP area suitability for residential development is supported by the DSP strategies and policies, which encourage residential development as a vital part of revitalization. Detailed discussion of DSP density, allowed residential uses, and affordability estimates used to determine the land inventory to accommodate RHNA is provided in Chapter 3. Sites in multiple areas of the DSP area are included in the table in Appendix A, including City-owned sites slated for affordable housing development.

DENSITY AND REALISTIC CAPACITY

To estimate reasonable additional residential potential on individual parcels in the land inventory that could accommodate more than one unit per parcel, a realistic assumption of 80 percent of maximum allowed density was used to estimate a realistic number of dwelling units that would likely develop on each parcel. This is based on the development standards and historic development trends on vacant sites in these zoning districts. It should also be noted that some of the sites in the table in Appendix A are in zoning districts that allow only one unit per parcel or are a size that can only accommodate one unit per parcel based on the size of the parcel when the allowed density is applied, and as such have only been able to accommodate a maximum of one unit per parcel until the recent adoption of Senate Bill (SB) 9, which allows development of an additional primary unit on single-family parcels statewide. Accordingly, realistic capacity on those sites has been considered to be 100 percent (one unit). Representative approved and built projects in Table 4-2 support the realistic capacity assumptions of 80 percent. The average built density for projects in Table 4-2 is 97 percent of maximum allowed density. All but two of the projects in Table 4-2 have been approved or built since 2017 (Heritage Estates and Stoney Creek Apartments were completed earlier) using the same development standards currently in place. In addition, projects can include half the street frontage area in the parcel size when calculating the number of units allowed on the site, which addresses any potential constraints associated with setback requirements. This assumption was not taken into account when arriving at the realistic capacity percentages used in the sites analysis. The development standards do not constrain projects developing at the realistic capacity included in the sites analysis. If development standards prevent these densities from being achieved, development standards will be adjusted to accommodate maximum densities (including those allowed through state density bonus law).

The City reviewed all of the sites with zoning that allows non-residential uses in the City's currently adopted Housing Element (2015-2023) and compared that with current uses on the site. The details about the sites analyzed are below:

- 105 parcels in the inventory allowed non-residential uses
- 18 of those parcels have approved or built projects on them since adoption of the current 5th cycle Housing Element. There has been no change to the remaining 87 parcels.
- All 18 parcels have residential uses on them. Four parcels have residential in combination with other types of uses. Approved or built units on the 18 parcels total 1,504 residential units. 355 of those units are on parcels that also include commercial or other uses. When averaged, the percent of realistic unit capacity from the current Housing Element on the 4 mixed use sites is 110%. The lowest percentage on any of the 4 mixed use sites is 55%. To take a conservative approach, this analysis assumes that 50% of the units on the mixed use sites count towards residential development trends on this list of 18 parcels. Using that assumption the 18 parcels developed with 88% residential when 50% of the units on the 4 mixed use parcels are combined with the units on the other 14 parcels that developed as residential only.

Therefore, this analysis did not result in identification of a need to adjust realistic capacity assumptions on this type of site.

Additional Realistic Capacity Information for the Lower-Income RHNA

Consistent with State housing provisions, areas with zoning that allow a density of 30 dwelling units per acre or higher are considered adequate for meeting the low-, very low-, and extremely low-income level need. The General Plan designations and zoning districts that will encourage housing for lower-income households include primarily the:

- Isabel Neighborhood Specific Plan Area
- Downtown Specific Plan Areas
- Urban High 4 to 6 Residential Designations

The Urban High 4 to 6 General Plan designation and Downtown Core Plan Area both specify density at or above a minimum of 30 dwelling units per acre. Therefore, they have already been deemed appropriate to accommodate low-income households (Government Code Section 65583.2(c)(3)(B)).

The Isabel Neighborhood Specific Plan (INSP) has six subareas that include areas designated for higher-density residential development at minimums of 40 (Center areas – density range 40-60 du/ac) and 60 (Core areas – density range 60-100 du/ac) dwelling units per acre – subareas 2d, 3a, 3b, 3c, 3d, and 4. Of these areas, four are all made up of vacant parcels – in 2d, 3a, 3b, and 3c. The land use map from the Isabel Neighborhood Specific Plan showing the different land use designations is included in Appendix A. A map of the subareas within the INSP is also included in Appendix A. Residential units developed in these areas are considered suitable to address the lower-income RHNA. Other portions of each of these subareas allow lower densities, so there is potential for other types of units in terms of density and cost as well. The subareas are shown on the Isabel Neighborhood Specific Plan map in Appendix A and lower-income units included in these subareas are shown in the table in Appendix A. The units based on minimum densities for each of the four subareas are as follows:

- Subarea 2d: 120 lower-income units, 7.61 acres
- Subarea 3a: 332 lower-income units, 6.14 acres
- Subarea 3b: 972 lower-income units, 26.46 acres
- Subarea 3c: 146 lower-income units, 3.36 acres

The Specific Plan states that at least 25 percent of the units that develop in the plan area shall be deed-restricted affordable units. At least 20 percent will be required as part of project applications while the remaining five percent will be required across the plan area and may be addressed through 100 percent affordable projects. The remainder of the target units in the Specific Plan are assumed in the sites inventory as likely to develop as above-moderate units. Unit allocations by parcel for the INSP are shown on the table in Appendix A. The sites analysis includes the parcels in the plan area with the greatest likelihood to develop with residential units because of the allowed densities and the fact that they allow residential land uses. There are parcels smaller than 0.5 acres and larger than 10 acres in the plan area that are included in the sites inventory to address lower income RHNA. They are suitable to address lower income units because of the overall requirement to approve a certain percentage of affordable units in the plan area overall. However, the densities and location of the neighborhood near transit provides the opportunity for other lower- or moderate-income units to develop. The Isabel Neighborhood Specific Plan establishes a development framework to create and complete, integrated, amenity-rich, and high opportunity community with access to open space and

scenic views, a well -connected pedestrian and bicycle network, high quality design, and community gathering spaces. The neighborhood will have a complete mix of housing, businesses, and community uses. Residents and workers will have easy access to everyday services such as a grocery store and restaurants. A variety of residential types addresses existing housing needs in Livermore and provides convenient transit access to regional jobs. There will be an interconnected network of sidewalks, bicycle lanes, pathways, and multi-use trails, with safe and convenient access from both sides of I-580 to the Valley Link station, Las Positas College, Cayetano Park, and neighborhood amenities. Streetscapes will be inviting and enhanced with landscaping, lighting, bike parking, and other features. The neighborhood will also have a variety of parks, plazas, and other public spaces that provide opportunities for social gatherings. A retail area with outdoor seating forms a focal point for the neighborhood. Residential developments integrate shared spaces such as barbecue decks, playgrounds, pool areas, gardens, and courtyards.

As mentioned earlier in this section, projects are already proposed and starting to be entitled in the plan INSP area. This demonstrates the interest in development of this area and the likelihood that the plan area will have projects approved for the full area by 2030. Four applications totaling 746 units have been submitted thus far, which represents almost 25 percent of the units assumed for the entire plan area in the inventory in the less than two years since the Specific Plan was adopted. Twenty percent (148) of those units are affordable. Two of the applications have been entitled for a total of 411 units.

Conclusion

The presumed capacity and affordability of anticipated units is based on the density range in the underlying General Plan or Specific Plan designation, unless a specific site had an applicable site proposal or development application underway. In these cases, capacity and affordability is based on the number of proposed units.

In general, housing units on low-density sites (approximately one to eight dwelling units per acre) permitting single-family detached and small-lot units are assumed to be affordable at the above moderate-income level. Medium-density sites (approximately 8 to 20 dwelling units per acre) permitting townhomes, duplexes, and condominiums are assumed to accommodate housing primarily at the moderate-income level, although there may be some units in the affordable category in designations with a wide density range. Higher-density designations providing stacked flats and/or rental units are considered affordable at low- or very low-income levels.

The 2009 Housing Element found that, over time, Livermore has been able to produce units or projects affordable to very low- and extremely low-income households at a density of 30 dwelling units per acre and, in some cases, at densities lower than this.

Examples of representative projects in the city are listed in Table 4-2.

Table 4-2: Representative Approved or Completed Projects											
Project name	***Acres***	***Address/ APN***	***Small Site?***	***Previous Use***	***Project Description***	***Total Units***	***Lower-Income Units***	***Project Density (DU/ acre)***	***% Allowed Density***	***Similar Sites in Appendix –A - Table A***	***Characteristics of Similar Sites***
Chestnut Square	5.0	1651, 1665 Chestnut St	No	Strip commercial center	Affordable senior apartments, affordable multi-family apartments, and market-rate townhomes	158	112	31	130%	Rincon and Pine (APN 098 035100605)	Similar because it's an existing shopping center that will be redeveloped. Different because it will be developed into a mixed-use center as opposed to all housing.
										Eden (APN 098 028902200)	Similar because it's a higher density 100% affordable project.
										Pacific Avenue (APN 099 095000802)	Similar because it's a 100% affordable senior project (Chestnut has one building of 100% affordable senior).
										INSP – Transition and Village designations (APNs 903 001003000; 903 001002900; 903 001002800)	The Transition and Village designations in the INSP allow for similar densities and product types (multi-family and attached single family).

Table 4-2: Representative Approved or Completed Projects											
Project name	***Acres***	***Address/ APN***	***Small Site?***	***Previous Use***	***Project Description***	***Total Units***	***Lower-Income Units***	***Project Density (DU/ acre)***	***% Allowed Density***	***Similar Sites in Appendix –A - Table A***	***Characteristics of Similar Sites***
Pacific Avenue	3.6	099 095000802	No	Vacant	Affordable senior housing development on City-owned parcel	140	140	38	78%	INSP – Transition designation (APN 905 001000600)	The Transition designation in the INSP allows for similar density and product type (Pacific Ave is multifamily).
										Bennett sites (APNs 099 132508500; 099 132501200)	Similar density
Eden	2.5	098 028902200	No	Vacant	Affordable workforce housing development on City-owned parcel	130	130	52	95%	INSP – Center designation (APN 903 001004800)	The Center designation in the INSP allows for similar density and product type (multi-family).
Ageno	4.9	099B576001300	No	Vacant	Multi-family rental apartments	171	34	34	97%	Bennett sites (APNs 099 132508500; 099 132501200)	Similar in density. Additionally, Ageno was a former industrial area that was rezoned to residential as part of the Brisa Neighborhood Plan. The Bennett Dr. properties were industrial only and were redesignated to have a dual designation with residential

Table 4-2: Representative Approved or Completed Projects											
Project name	***Acres***	***Address/ APN***	***Small Site?***	***Previous Use***	***Project Description***	***Total Units***	***Lower-Income Units***	***Project Density (DU/ acre)***	***% Allowed Density***	***Similar Sites in Appendix –A - Table A***	***Characteristics of Similar Sites***
										INSP – Village designation (APN 903 001004800)	Similar characteristics and density to Village designation in INSP
Avance	2.6	4260 First St	No	Single-family residence	Affordable units for persons with developmental disabilities	45	44	17	95%	Arroyo Vista (Multiple APNs as identified in Appendix A)	Similar allowed density
										Site near Chestnut and Junction (APN 098 025602700)	Zoned for multifamily residential
Heritage Estates	3.0	800 E Stanley Blvd	No	Vacant	Independent Senior Living Facility	130	55	43	86%	Senior housing on Holmes (APN 097 014301905)	Part of an existing commercial center that will be redeveloped to a senior living facility
										INSP – Center designation (APN 903 001004800)	The Center designation in the INSP allows for similar density and product type (multi-family).
Stoney Creek Apartments	4.8	5896 East Ave	No	Vacant	Affordable rental apartments	70	70	15	100%	Site near East and Dolores (APN 098 A061000200)	PD that allows similar density
										Site near Chestnut and Junction (APN 098 025602700)	Zoned for multifamily residential

Table 4-2: Representative Approved or Completed Projects											
Project name	***Acres***	***Address/ APN***	***Small Site?***	***Previous Use***	***Project Description***	***Total Units***	***Lower-Income Units***	***Project Density (DU/ acre)***	***% Allowed Density***	***Similar Sites in Appendix –A - Table A***	***Characteristics of Similar Sites***
Average Percent Allowed Density									**97%**	INSP – Transition designation (APN 905 001000600)	The Transition designation in the INSP allows for similar density and product type (Pacific Ave is multifamily).

NON-VACANT SITES

Several sites in the inventory are non-vacant. Three of the parcels include units to address the lower-income RHNA. All three parcels are owned by the City. One parcel has an approved affordable housing project on it (Pacific Senior) that will produce 140 affordable units for seniors. The unit numbers included for that site are based on the approved project. The other two parcels (2047 First Street & North M/N Street) are owned by the City and land-banked for affordable housing and will require affordable housing to be built on them. City staff are currently conducting environmental testing in preparation for a future Request for Qualifications (RFQ) process to select affordable housing developers for the two parcels. The target date to select and enter into an agreement with a project developer is end of 2023. The City expects to release the RFQ around the end of this year (2022). It should also be noted that while the maximum allowed densities on the two land-banked parcels is below the City's default density of 30 dwelling units per acre, they are required to develop with affordable housing so are deemed suitable for lower income units. The two parcels are each smaller than 0.5 acres so are considered small sites but similarly can be considered good candidates for lower income unit development since they are required to be developed with affordable units, are City-owned, and have a process in motion for development. Additional detailed information about non-vacant sites is provided in Appendix A.

The City has a recent track record of developing housing on non-vacant sites with existing uses and structures. There are two recent projects where commercial retail and auto uses existed previously, the Legacy Livermore (under construction) and Auburn Grove (recently completed construction) projects. The projects include 222 and 100 units, respectively. Auburn Grove includes some low and moderate-income units and Legacy Livermore is a mixed use market rate project.

The City understands that business relocation is a concern with developing housing on sites occupied by businesses. Very few of the sites in the inventory are currently occupied by businesses, however, the City will continue to engage with the business community on this issue. Additionally, the City is currently updating its General Plan and will evaluate areas to expand opportunities for commercial and industrial development to accommodate the future needs of Livermore's business community.

Table 4-3 summarizes the City's RHNA, projected ADUs for the 6th cycle, and units available on sites suitably zoned for housing in the city. Livermore has enough sites and projected ADUs to address the RHNA with some surplus in each income group. Per AB 725, at least 25 percent of the sites where moderate and above moderate income units are assigned, allow for development of 4 or more units.

Table 4-3: Comparison of Site Capacity and RHNA							
Income Group	*Total RHNA*	*Residential Units Approved Since 6/30/22*	*Projected Accessory Dwelling Units*	*Units on Vacant Sites with Suitable Zoning*	*Units on Non-Vacant Sites with Suitable Zoning*	*Isabel Neighborhood Specific Plan Units*	*Surplus RHNA*
Extremely Low	1,317	0	0	702	11	1,570	457
Very Low		0	97				
Low	758	0	98				
Moderate	696	0	97	561	175	0	137
Above Moderate	1,799	17	33	281	24	1,753	309
TOTAL	**4,570**	**17**	**325**	**1,544**	**210**	**3,323**	

INFRASTRUCTURE ANALYSIS TO ACCOMMODATE RHNA

Sewer Capacity

In November 2005, Livermore residents approved a ballot measure to participate in purchasing additional capacity in the Livermore Amador Valley Water Management Agency (LAVWMA) wastewater export pipeline. Approval of this measure increased the City's allocated capacity in the expanded LAVWMA system up to a peak wet-weather flow capacity of 12.4 million gallons per day (mgd), sufficient to provide enough disposal capacity to meet the City's projected need.

The City's Sewer Master Plan further identifies infrastructure improvements that are needed at the wastewater treatment plant to address the additional disposal capacity. Identified improvements have been programmed into the City's Capital Improvement Program (CIP) based on priority and necessity. Programmed improvements will address upgrades to provide sufficient capacity in areas where infill residential development is anticipated, such as in the Downtown Specific Plan and Isabel Neighborhood Specific Plan areas.

Water Capacity

Zone 7 is the wholesale water provider for the entire Livermore-Amador Valley. Zone 7 distributes to the Livermore Municipal Water (LMW) as well as the California Water Service Company (Cal Water), both retail providers to Livermore residents.

Because of the Delta water supply issues and the current drought in California, long-term water supply is a potential growth-limiting factor; however, the city currently does have the capacity to achieve General Plan build-out. This determination is based on the City having a Water Efficient Landscape Ordinance in place for several years and which will apply to all new residential development, making reclaimed water available for landscape irrigation in much of the west end of the city, including the Las Positas Golf Course, and working with partner agencies in establishing appropriate conservation measures.

The City is working in concert with water retailers and Zone 7 to develop an appropriately reliable and sustainable water supply that meets the needs of current development and accommodates build out of the region. The City currently uses recycled water for irrigation

purposes in the eastern part of the city and is exploring system expansion. Other strategies to expand and/or stabilize the region's water supply include implementing indirect potable reuse through groundwater injection to increase the groundwater basin storage, accelerating surface water storage in reclaimed aggregate quarries, and acquiring water rights in the Los Vaqueros Reservoir.

Storm Drain Capacity

The City's Storm Drain Master Plan identifies low-, medium-, and high-priority improvements needed to adequately handle stormwater flows within and through the city. The City completed several storm drain upgrades in recent years to accommodate additional housing development on the western side of Downtown, as part of the Auburn Grove and Brighton developments. The City also recently upgraded the storm drain system through the Livermore Village site to accommodate new development in the Downtown Core. Areas identified as priority for future improvements include the Isabel Neighborhood Specific Plan Area and along various arroyos throughout the city. High-priority improvements have been programmed into the City's CIP to address future capacity.

Dry Utilities

Dry utility service, including electrical service and internet, are available to serve all of the parcels in the City's land inventory.

There are no major infrastructure deficiencies that would inhibit or preclude residential development or more intense residential development on parcels identified in the City's sites inventory. The City's adopted CIP addresses the necessary wastewater treatment plant and storm drain improvements needed to accommodate planned, future infill development in the city. The City will provide the adopted Housing Element to the utilities and infrastructure service providers to ensure priority is granted for service to affordable housing projects to comply with Senate Bill 1087.

4.2 HOUSING RESOURCES

LIVERMORE HOUSING AUTHORITY

The Housing Authority of the City of Livermore (LHA) manages one affordable housing development (Leahy Square), three scattered site affordable developments, and for administers the Section 8 Housing Choice Voucher program. The housing developments include the 125-unit low-income Leahy Square housing development, Chestnut Apartments (six units including two that are market rate), Las Posadas Apartments (nine units targeted to larger households), and Bluebell Apartments (27 units with 15 affordable housing units, 10 of which are transitional housing). The transitional housing units are for households graduating from homeless and/or domestic violence shelters. The scattered site complexes were acquired and rehabilitated using a variety of affordable housing funds from the City.

As of 2022, the LHA provides approximately 542 tenant-based vouchers to low-income households, including project-based vouchers for the disabled and households with social service needs.

THE HOUSING AND HUMAN SERVICES DIVISION

Housing and Human Services (HHS) is a division of the City's Community Development Department. HHS works with the community, developers, and a wide variety of local, state,

and federal agencies to maintain and expand affordable housing opportunities for lower- and moderate-income households. In addition to affordable housing services, HHS provides referrals and grant support to agencies that provide social services to low-income residents. In this capacity, HHS manages the administration of the City's Affordable Housing Fund, Community Development Block Grant (CDBG), HOME program funding from the U.S. Department of Housing and Urban Development and two local funding sources (Human Services Facility Fee and Social Opportunity Endowment). Working with the other divisions in the Community Development Department, HHS also supports the revitalization and preservation of residential neighborhoods.

Multi-Service Center

The City continues to operate and subsidize the only Multi-Service Center in the Tri-Valley for agencies that primarily serve low-income individuals. Agencies with permanent space at the center or that use space on an ongoing basis include, Axis Community Health Clinic, Community Resources for Independent Living (CRIL), State of California Department of Rehabilitation, East Bay Innovations, Abode Services, and Cityserve of the Tri Valley.

NON-PROFIT ORGANIZATIONS

There are a number of non-profit organizations whose activities are related to the provision of affordable housing and human service programs in Livermore. The City actively works with crisis intervention and outreach providers, faith based organizations, physical and behavioral health providers, legal and fair housing organizations, and nonprofit housing developers.

4.3 FINANCIAL RESOURCES

Livermore has access to a variety of existing and potential funding sources available for affordable housing activities. The following section describes the key housing funding sources currently used in Livermore:

- Federal: CDBG, HOME, and Housing Choice Voucher Program (Section 8).
- State: CalHome, Permanent Local Housing Allocation, Local Housing Trust Funds, No Place Like Home, Homekey, and Multifamily Housing Program
- Local: In-Lieu Fee and Low-Income Housing Impact Fee (Affordable Housing Fund)

The City has continued to explore other mechanisms to facilitate the development of affordable housing, including acquiring land to reduce the cost of development to affordable housing developers and to ensure the units remain affordable over time.

Table 4-4 provides a summary of federal, state, local, private, and non-profit financial resources available to support housing activities in Livermore. Key local funding sources are described in greater detail in the section that follows.

Table 4-4:Financial Resources for Housing Activities		
Program Name	***Description***	***Eligible Activities***
Federal Programs		
Community Development Block Grant (CDBG)	Grants awarded to the City on a formula basis for housing and community development activities.	Acquisition Rehabilitation Home Buyer Assistance Economic Development Homeless Assistance Public Services
Capital Funds Financing Program (CFFP)	Funds to Public Housing Agencies (PHAs) for the development, financing, and modernization of public housing developments and for management improvements.	Construction of Housing Rehabilitation Modernization
HOME Investment Partnership Act Program (HOME)	Flexible grant program allocated to City through the Alameda HOME Consortium.	Acquisition Rehabilitation Home Buyer Assistance Rental Assistance
Housing Opportunities for Persons with AIDS (HOPWA)	The HOPWA program provides housing assistance and supportive services for low-income people with HIV/AIDS and their families.	Rental Assistance Support Services
Housing Choice Voucher Program (Section 8)	Assistance program that provides direct funding for rental subsidies for very low-income families.	Rental Assistance
Supportive Housing Program (SHP)	Grants for development of supportive housing and support services to assist homeless persons in the transition from homelessness. This is a competitive program authorized under the McKinney/Vento Act.	Transitional Housing Housing for the Disabled Supportive Housing Support Services
Section 811	Grants to non-profit developers of supportive housing for persons with disabilities, including group homes, independent living facilities and intermediate care facilities.	Acquisition Rehabilitation New Construction Rental Assistance
Section 108 Loan Guarantee	Provides loan guarantee to CDBG entitlement jurisdictions for capital improvement projects. Maximum loan amount can be up to five times the jurisdiction's recent annual allocation.	Acquisition Rehabilitation Home Buyer Assistance Economic Development Homeless Assistance Public Services
Housing Rehabilitation Program	Provides financial assistance to low-income homeowners for health and safety improvements.	Rehabilitation

Table 4-4:Financial Resources for Housing Activities		
Program Name	***Description***	***Eligible Activities***
Emergency Shelter Grants	Competitive grants to help local governments and nonprofits to finance emergency shelters, transitional housing, and other supportive services.	New Construction Rehabilitation Homeless Assistance Public Services
Continuum of Care/Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH)	Funding through the HEARTH Act of 2009 to provide necessary resources for development of programs to assist homeless individuals and families.	Homeless Assistance New Construction
State Programs		
Local Housing Trust Fund Matching Grant Program	Provides matching grants to local housing trust funds that are funded on an ongoing basis from private contributions or public sources that are not otherwise restricted in use for housing programs.	New Construction Home Buyer Assistance
Single-Family Housing Bond Program (Mortgage Revenue Bonds)	Bonds issued to local lenders and developers so that below market-interest rate loans can be issued to first-time home buyers.	Home Buyer Assistance
Mortgage Credit Certificates (MCC)	Provides qualified first time homebuyers with a federal income tax credit that reduces the borrower's federal tax liability, providing additional income, which can be used for mortgage payments.	Home Buyer Assistance
Prop 63 Mental Health Services Act Funds	Funding for capital improvements and operating subsidies for supportive housing for formerly homeless or at-risk individuals with mental disabilities.	Special Needs Programs New Construction
CalHome Program	Grants awarded to jurisdictions for owner-occupied housing rehabilitation and first-time home buyer assistance.	Homebuyer Assistance Rehabilitation
Low-income Housing Tax Credit (LIHTC)	Annual tax credits that help owners of rental units develop affordable housing.	Construction of Housing
Affordable Housing Partnership Program (AHPP)	Provides lower-interest-rate CHFA loans to home buyers who receive local secondary financing.	Home Buyer Assistance

Table 4-4:Financial Resources for Housing Activities		
Program Name	***Description***	***Eligible Activities***
Permanent Local Housing Allocation (PLHA)	PLHA provides a permanent source of funding for all local governments in California to help cities and counties implement plans to increase the affordable housing stock. The two types of assistance are: formula grants to entitlement and nonentitlement jurisdictions, and competitive grants to nonentitlement jurisdictions.	Predevelopment Development Acquisition Rehabilitation Preservation Matching Funds Homelessness Assistance Accessibility Modifications Homeownership Assistance Fiscal Incentives
Local Early Action Planning (LEAP) Grants	The Local Action Planning Grants (LEAP) provide over-the-counter grants complemented with technical assistance to local governments for the preparation and adoption of planning documents, and process improvements that accelerates housing production Facilitate compliance to implement the sixth-cycle Regional Housing Needs Assessment.	Housing Element Updates Updates to Zoning, Plans or Procedures to Increase or Accelerate Housing Production Pre-Approved Architectural and Site Plans Establishing State-Defined Pro-Housing Policies See Complete List in Program Materials
SB 2 Technical Assistance Grants	Financial and technical assistance to local governments to update planning documents and the Development Code to streamline housing production, including but not limited to general plans, community plans, specific plans, implementation of sustainable communities' strategies, and local coastal programs.	Technical Assistance Planning Document Updates
Housing and Disability Advocacy Program (HDAP)	Services to assist disabled individuals who are experiencing homelessness apply for disability benefit programs while also providing housing assistance. HDAP has four core requirements: outreach, case management, disability advocacy, and housing assistance.	Rental Assistance
No Place Like Home	Loans to counties or developers in counties for permanent supportive housing for those with mental illness who are homeless or at risk of homelessness.	New Construction
Homeless Emergency Aid Program (HEAP)	A block grant program designed to provide direct assistance to cities, counties, and Continuums of Care to address the homelessness crisis throughout California.	Identified Homelessness Needs Capital Improvements Related to Homelessness Rental Assistance

Table 4-4:Financial Resources for Housing Activities		
Program Name	***Description***	***Eligible Activities***
California Emergency Solutions and Housing (CESH)	Provides funds for activities to assist persons experiencing or at risk of homelessness. Program funds are granted in the form of five-year grants to eligible applicants.	Homelessness Service System Administration New Construction Rental Assistance
Local Programs		
General Funds	Funds to subsidize rents and operations for the Livermore Multi-Service Center as well as critical safety net service	Support Services
In-lieu Low Income Housing Fund / Commercial linkage fee (Housing Trust Fund)	A per unit fee for residential developments that do not provide affordable housing, generated from the Inclusionary Housing ordinance and fee per square foot for commercial construction.	Acquisition Homeless Assistance New Construction Rehabilitation Support Services
Low Income Housing Impact Fee	A fee assessed on commercial and industrial development, to help offset cost of affordable housing for employees. Fee varies depending on intensity of development and projected low-income employees. Fees are deposited into city Affordable Housing Fund.	Acquisition, conservation, construction of affordable housing for lower-income employees
Private Resources		
California Community Reinvestment Corporation (CCRC)	Nonprofit mortgage banking consortium designed to provide long-term debt financing for affordable multifamily rental housing. Nonprofit and for-profit developers contact member banks.	New Construction Rehabilitation Acquisition
Federal National Mortgage Association (Fannie Mae)	- Fixed-rate mortgages issued by private mortgage insurers.	Home Buyer Assistance
	- Mortgages which fund the purchase and rehabilitation of a home.	Home Buyer Assistance Rehabilitation
	- Low down-payment mortgages for single-family homes in underserved low-income and minority cities.	Home Buyer Assistance
Freddie Mac Home Works	Provides first and second mortgages that include rehabilitation loan. County provides gap financing for rehabilitation component. Households earning up to 80 percent Median Family Income qualify.	Home Buyer Assistance
Affordable Housing Program (Federal Home Loan Bank)	Loans (and some grants) to public agencies and private entities for a wide variety of housing projects and programs. Participation is by FHLB participating lenders.	New Construction Home Buyer Assistance Rehabilitation Housing Supportive Services

Table 4-4:Financial Resources for Housing Activities		
Program Name	***Description***	***Eligible Activities***
Non-Profit Institutions		
Bay Area Local Initiatives Support Corporation (LISC)	Bay Area LISC provides recoverable grants and debt financing on favorable terms to support a variety of community development activities including affordable housing.	Acquisition New Construction
Low-Income Investment Fund (LIIF)	LIIF provides loan financing for all phases of affordable housing development and/or rehabilitation.	Acquisition Rehabilitation New Construction

Source: City of Livermore, 2022; PlaceWorks; 2022.

LOCAL FUNDING SOURCES

Inclusionary Housing Ordinance

As discussed earlier in Chapter 3, the City's Inclusionary Ordinance requires a portion of units in most residential developments to be affordable to lower-income households. A developer may satisfy the affordable housing requirement by paying a fee "in-lieu" of building an affordable unit with approval by City Council. In-lieu fees are deposited into the Affordable Housing Fund to assist in the development of lower-income housing and fund-related programs that assist lower-income residents with their housing needs.

When implementing the Inclusionary Ordinance, the City encumbers for-sale units with a silent second mortgage for the difference in value between the affordable price and the initial market-rate sales price for comparable units. If a buyer re-sells the reserved unit within the restricted time period for a price in excess of the current affordable purchase price, then the second mortgage must be repaid to the City for use in affordable housing programs via the Affordable Housing Fund.

Low-Income Housing Impact Fees

The City assesses an impact fee on commercial and industrial developments. The fee is designed to provide affordable housing for lower-income employees, reducing the impacts associated with the need to commute from outside the city. The fee varies according to the intensity of commercial and industrial use, based on the estimated number of low-income jobs and households associated with the development type.

The City expects to generate an average of $205,000 annually from the impact fee. These fees are placed in the Affordable Housing Fund to be used for acquisition, preservation, and construction of additional units.

AFFORDABLE HOUSING FUND

The City maintains an Affordable Housing Fund, also referred to as the Housing Trust Fund, to assist in the development and preservation of affordable housing and to help fund other housing-related programs that assist lower-income residents (Program 3.2.1). These programs are described further in Section 4.4 and are listed in Chapter 5, Housing Plan. The two primary sources of revenue into the Affordable Housing Fund include the In Lieu Fee (Inclusionary Housing Ordinance) and the Low-Income Housing Impact Fee.

Money accrues in the Affordable Housing Fund when fees or repayment are collected related to the Inclusionary Housing Ordinance. The City also assesses the Low-Income Housing Impact Fee on commercial and industrial developments. The fee provides affordable housing for lower-income employees, reducing the impacts associated with the need to commute from outside the city. The fee varies according to the intensity of commercial and industrial use, based on the estimated number of low-income jobs and households associated with the development type. The City expects to generate an average of $205,000 annually from the impact fee.

In the recent past, the Affordable Housing Fund has been used to directly fund or assist other organizations in funding affordable housing projects and housing for special-needs groups.

4.4 PROGRAMS

The City uses the Affordable Housing Fund and other funding sources to provide a range of housing programs, either directly or through partnering with non-profit organizations in the region. These programs are listed below and detailed in Chapter 5, Housing Plan.

- Land Acquisition (Program 3.2.2)
- Partner with Affordable Housing Developers (Program 3.2.3)
- Conversion of Market-Rate to Affordable Units (Program 3.2.4)
- Subsidies and Incentives (Program 3.2.5)
- First-Time Homebuyer Down Payment Assistance Program (Program 3.3.1)
- Rental Assistance (Program 3.3.2)
- Homelessness Prevention and intervention (Program 3.3.3)
- Minor Home Repair Program (Program 4.1.1)
- Owner-Occupied Housing Rehabilitation Loan Program (Program 4.1.2)
- Neighborhood Improvement (Program 4.1.3)
- Neighborhood Preservation Program (Program 4.1.4)
- Fair Housing Services (Program 5.1.1)
- Tri-Valley Affordable Housing Committee (Program 6.1.1)
- Emergency and Transitional and Supportive Housing (Program 6.1.2)

4.5 OPPORTUNITIES FOR ENERGY CONSERVATION

California law (Government Code Section 65583 [a][7]) requires local governments to address energy conservation issues when updating a Housing Element. According to the California Department of Housing and Community Development, these elements should contain an analysis of opportunities for residential energy conservation. This requirement is intended to promote energy-efficient housing systems and building design, as well as the use of energy-saving features and materials during construction.

RESIDENTIAL ENERGY USE AND CONSERVATION

According to the U.S. Department of Energy, the residential sector accounts for 21 percent of the country's annual energy use.[23] Energy conservation provides the dual benefits of promoting environmental sustainability and reducing monthly energy costs, which is a component of long-term housing affordability.

Opportunities for residential energy conservation exist at all scales, from individual home appliances to city design. Constructing new homes with energy-conserving features, as well as retrofitting existing energy-inefficient structures, can result in lower monthly utility costs. In addition to building design and construction techniques, street layouts and zoning patterns also affect energy consumption and can therefore support its reduction. Specific examples of energy conservation opportunities include:

- Sealing a home's building envelope (doors, windows, walls, foundation, roof, and insulation) to prevent energy leaks that increase heating and cooling costs;
- Installing energy efficient appliances, LED lighting, and mechanical systems (heating, ventilation, and air conditioning);
- Installing a "cool roof" that reflects solar radiation to lower heating costs;
- Designing and orienting buildings to take advantage of natural systems such as sun, shade, and wind, which can provide heating, cooling, and energy generation opportunities;
- Supporting attached housing design, which reduces the number of exterior walls per unit and results in lower per-unit heating and cooling costs; and
- Promoting infill development to use existing infrastructure and services.

STATE PROGRAMS

The State of California has two major initiatives that encourage and require energy conservation in the housing sector, described below. Pacific Gas and Electric Company (PG&E) and the City also offer programs that provide opportunities for residential energy conservation.

State Energy-Efficiency Requirements for New Construction (Title 24)

All new construction in Livermore is subject to the requirements of the California Energy Commission's Title 24 energy-efficiency standards, which are designed to reduce heat loss and energy consumption. Each city and county must enforce these standards as part of its review of building plans and issuance of building permits, including new development and major remodeling projects, including home additions. These standards apply to building components, such as wall and ceiling insulation, thermal mass, and window to floor area ratios.

[23] Source: U.S. Department of Energy, 2021, https://rpsc.energy.gov/energy-data-facts#:~:text=1.,of%20total%20U.S.%20energy%20consumption.

Greenhouse Gas Emission Reduction (Assembly Bill 32)

The California Legislature adopted the California Global Warming Solutions Act (Assembly Bill [AB] 32) in 2006. The purpose of the act is to reduce greenhouse gas (GHG) emissions to 1990 levels by 2020 (25-percent reduction over current levels) and then to further reduce GHG emissions to 80 percent below 1990 levels by 2050. Since 2006, the legislature has passed AB 3232 and Executive Order B-55-18 has been issued, building off the initial targets and goals of AB 32. AB 3232 calls for a 40-percent reduction in GHG emissions in buildings by 2030. Executive Order B-55-18 calls for carbon neutrality on a state level by 2045.

ENERGY ASSISTANCE PROGRAMS

Livermore's residents and businesses rely on Pacific Gas & Electric Company (PG&E) and East Bay Community Energy (EBCE) for their energy services. EBCE procures electricity for customers, and PG&E delivers electricity to homes or businesses. East Bay Community Energy is the community's default electricity provider. Pacific Gas and Electric Company provides natural gas and electricity service to residents and businesses in Livermore. PG&E owns and operates the electricity and natural infrastructure in the community and is responsible for transmission and distribution of electricity to Livermore. PG&E is responsible for customer billing, power line maintenance, and outages. Residents can be eligible for energy assistance programs from PG&E and EBCE.

PG&E offers several programs to promote energy conservation and assist lower-income residential customers with their home energy costs. Energy conservation programs include rebate programs for old appliances, free energy audits, and public education and outreach programs that teach energy-saving tips. The programs serving lower-income households include the following:

- California Alternate Rates for Energy (CARE) is PG&E's discount program for low-income households and housing facilities. CARE provides a 20-percent discount on monthly energy bills and waives recent surcharges for low-income households. The program applies to single-family homeowners, tenants who are metered or billed by landlords, and group-living facilities.
- Family Electric Rate Assistance (FERA) is a discount program for low- to moderate-income families of three or more people. The program is available to both single-family and multifamily residential customers.
- Relief for Energy Assistance for Community Help (REACH) is a one-time energy assistance program for low-income homeowners who cannot pay their utility bill because of a sudden financial hardship. The program is targeted to the elderly, disabled, sick, working poor, and unemployed. Eligibility is determined by the Salvation Army and requires a household income that does not exceed 200 percent of the federal poverty level.

PG&E also offers reduced rates for residential customers that are dependent on life-support equipment or have special heating and cooling needs caused by certain medical conditions. PG&E also offers a balanced payment plan for customers who experience higher heating or cooling costs during the extreme-weather months.

East Bay Community Energy (EBCE) offers several programs to promote energy conservation, promote community energy resilience, and assist lower-income residential customers with their home energy costs. EBCE customers who are eligible for reduced rates through PG&E due to

their dependence on life support equipment can also have this discount applied to the EBCE energy bill. This program also offers rebates for portable backup batteries on a limited basis. EBCE also offers financial incentives for certain energy efficiency and electrification upgrades, including heat pump water heaters and induction cooktops.

EBCE launched its Connected Communities pilot program in 2020 to learn about how to design and implement meaningful solutions to utility debt and disconnections. The initiative involves partnering with customers and community-based organizations to develop innovative means of reducing utility disconnections that complement what is available through other channels such as the State or PG&E. The key components of this program include discount programs to enhance CARE and FERA outreach, partnerships to provide no-cost solar energy installations to at-risk customers, expansion of community solar access in disadvantaged communities, and expansion of the Arrearage Management Plan to help qualifying residential customers reduce unpaid balances on their bills.

In addition, the Bay Area Regional Energy Network (BayREN) offers several financial incentives for single family and multifamily homes, including rebates on insulation, air sealing, duct sealing, heat pumps, furnaces, and water heaters. Another Bay Area organization, Rising Sun Center for Opportunity, offers a Green House Calls program in which participants receive home visits, personalized energy savings advice, and an energy efficiency toolkit.

In addition to these programs, the California Department of Community Services and Development has a Low-Income Home Energy Assistance Program (LIHEAP). The LIHEAP provides free weatherization services, such as attic insulation, caulking, water heater blanket, heating/cooling system repair, and other conservation measures. LIHEAP also provides payments for weather-related or energy-related emergencies and financial assistance to eligible households for energy bills.

THE CITY OF LIVERMORE POLICIES AND PROGRAMS

Goal 4 in Chapter 5 of this Housing Element contains one policy and two programs aimed at promoting energy efficiency in existing and new development as a means of reducing housing costs. This policy encourages the use of energy conservation features in design and siting of new residential structures and in the retrofitting of existing structures.

In November 2022, the City adopted an updated Climate Action Plan (CAP). The updated CAP will continue to address emissions consistent with the new state targets, as well as outline strategies to build resilience to climate impacts.

5. HOUSING PLAN

This Housing Plan is a statement of the City's commitment to maintaining, preserving, improving, and developing housing opportunities for all segments of the community. The plan contains the goals, policies, objectives, and implementation programs to achieve a high quality, balanced housing stock that accommodates the needs of existing and future Livermore residents. The housing plan must:

- Ensure continued availability and adequacy of sites to accommodate the Regional Housing Needs Allocation (RHNA), including appropriate zoning and development standards and access to public services and facilities to meet the needs of all income levels.
- Assist in the development of adequate housing to meet the needs of low- and moderate-income households.
- Address governmental constraints to the maintenance, improvement, and development of housing, and remove them where appropriate and legally possible.
- Conserve and improve the condition of existing affordable housing stock.
- Preserve subsidized housing developments at risk of conversion to market rate.
- Promote housing opportunities for all persons regardless of race/ethnicity, religion, sex, marital status, ancestry, national origin, familial status, disability, or source of income.

5.1 ACCOMPLISHMENTS UNDER THE 2015-2022 HOUSING ELEMENT

To update the Housing Plan, the City must evaluate the:

- Appropriateness of the existing housing goals, objectives, and policies in contributing to the local, regional, and statewide housing goals.
- Effectiveness of the 2015-2022 Housing Element in attaining the City's housing goals and objectives.
- City's progress with implementation of the 2015-2022 Housing Element.

The following discussion summarizes the City's major accomplishments under each of the seven housing goals in the 2015-2022 Housing Element:

1. Diversity of Housing Choice
2. Well-Managed Growth
3. Production of Affordable Housing
4. Preservation and Improvement of Affordable Housing
5. Provision of Equal Housing Opportunity
6. Regional Cooperation to Address Housing Needs
7. Energy Efficiency

Appendix B contains a detailed review of accomplishments under each housing element program.

DIVERSITY OF HOUSING CHOICE

To address the diverse housing needs of the Livermore community and provide a range of housing choices by type, price, and density, the City accomplished the following during the 2015-2022 Housing Element period:

- **Land Inventory (Program 1.1.1)**. The City maintained sufficient sites to meet its RHNA during the planning period and adopted an amendment to the General Plan Safety Element.
- **Implementation of the General Plan, Downtown Specific Plan, and Development Code (Program 1.2.1).** The City amended the Downtown Specific Plan, processed General Plan amendments to facilitate housing development, including affordable housing, and updated the accessory dwelling unit regulations in the Development Code.
- **Isabel BART Station Specific Plan (Program 1.2.2).** The City adopted the Isabel Neighborhood Specific Plan in late 2020. The Specific Plan will provide a mix of uses surrounding a future Valley Link rail station, not BART as originally anticipated, including as many as 4,000 residential units.
- **Development of Housing for Persons with Disabilities (Program 1.3.3).** The City contributed funds during the planning period to multiple housing projects that include units for those with disabilities.

WELL-MANAGED GROWTH

Through its growth management policies, the City ensures high quality residential design and the adequate provision of infrastructure, public facilities, and services. The following describes the City's major accomplishments toward well-managed growth during the 2015-2022 Housing Element period:

- **Housing Implementation Program (HIP) (Program 2.1.1).** The City discontinued the Housing Implementation Program in 2019 and no longer allocates a limited number of housing units that can be developed.
- **Support Mixed-Use and Transit-Oriented Development (Program 2.1.3).** The City continued to use existing density incentives and developed additional incentives to promote mixed-use and more intense residential development near transit. For example, the Legacy and Brisa projects used the City's density bonus provision to provide affordable rental units.

PRODUCTION OF AFFORDABLE HOUSING

The RHNA is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its Housing Element. For the 2015-2022 Housing Element cycle, the City was assigned a RHNA of 2,729 units at the following income distribution:

- Very Low Income: 839 units
- Low Income: 474 units
- Moderate Income: 496 units
- Above Moderate Income: 920 units

The following describes the City's major accomplishments toward the production of affordable housing during the 2015-2022 Housing Element period:

- **Inclusionary Housing Ordinance (Program 3.1.1).** The City continued to implement the Inclusionary Housing Ordinance and made updates to the ordinance to reflect changes to state law and to reinstate inclusionary requirements for rental projects.
- **Acquire Land for Affordable Housing (Program 3.2.2).** The City owns several project sites for the future development of affordable housing. In 2019, the City entered into an Exclusive Negotiation Rights Agreement (ENRA) for its Pacific Avenue site, and City staff worked with the nonprofit development team of SAHA/Interfaith on approved entitlements to develop 140 units of senior housing.
- **Partner with Affordable Housing Developers (Program 3.2.3).** The City sent out Requests for Proposals for partnerships as City-owned site development opportunities arose and as projects proposed support from the City's Affordable Housing Fund. Staff also communicated with developers and housing services providers via participation in community-based and regional committees to address housing needs.
- **Homelessness Prevention and Intervention (Program 3.3.3).** The City continued to partner with ECHO, Abode, and others to provide funding and services for finding housing, rental assistance, case management, and supporting the Homeless Outreach Team.

PRESERVATION AND IMPROVEMENT OF AFFORDABLE HOUSING

Preserving and improving existing affordable housing is a critical component of the City's overall housing strategy. The City has many programs to facilitate housing improvement and accomplished numerous objectives during the 2015-2022 Housing Element period through these programs:

- **Minor Home Repair (Program 4.1.1).** The City's Minor Home Repair Program provided grants to lower income homeowners to cover the cost of minor necessary repairs. Between 2015 and 2021, the City assisted at least 19 households through this program.
- **Owner-Occupied Housing Rehabilitation Loan Program (Program 4.1.2).** This program aided lower- and moderate-income homeowners by providing nonpayment loans for major repairs or the installation of amenities for seniors and persons with disabilities. Between 2015 and 2020, the City assisted at least 15 households through this program.

PROVISION OF EQUAL HOUSING OPPORTUNITY

A range of housing choices must be matched by the equal opportunity to access such housing regardless of race, color, religion, gender, sexual orientation, marital status, national origin, ancestry, familial status, disability, or source of income. To promote equal housing opportunities in Livermore, the City accomplished the following during the 2015-2022 Housing Element period:

- **Support Nonprofit Organizations Specializing in Fair Housing Services (Program 5.1.1).** The City continued to contract with ECHO Housing and Community Resources for Independent Living (CRIL) to conduct fair housing outreach and education, investigate complaints of housing discrimination, and conduct yearly Fair Housing Audits. The City also contracts with Centro Legal de la Raza to provide multilingual tenant legal services. During the planning period, ECHO completed multiple property

audits. In 2020 ECHO tested 10 Livermore properties; all owners and managers of these properties were offered free fair housing training. The City also continues to operate and subsidize the City's Multi-Service Center and Tri Valley Housing Opportunity Center for agencies that primarily serve low-income individuals. Agencies with permanent space at the centers or that use space on an ongoing basis provide essential housing and social safety net services, including community health, housing navigation, benefits enrollment, care coordination, crisis stabilization, independent living programs for people with disabilities.

- **Housing for the Disabled (Program 5.1.1).** The City continued to refer complaints to CRIL and provides CRIL with funding support for case management of disabled Livermore residents and community education and outreach to local schools. CRIL provided services to 518 disabled individuals during the planning period.

REGIONAL COOPERATION TO ADDRESS HOUSING NEEDS

The City understands that affordable housing and special needs groups are not unique to Livermore. Therefore, the City continued to work cooperatively with communities in the region to effectively address affordable housing needs and housing for persons with special needs through the following programs:

- **Tri-Valley Affordable Housing Committee (TVAHC) (Program 6.1.1).** Through the TVAHC, the City and other Tri-Valley jurisdictions (Dublin, Pleasanton, San Ramon and Danville) collaborated on programs and regional policies that improved the provision of affordable housing.
- **Emergency, Transitional, and Supportive Housing Services (Program 6.1.2).** During the planning period, the City allocated Affordable Housing Fund and Social Opportunity Endowment funds to emergency and transitional housing programs, which served hundreds of people. In Fiscal Year 2019-20, the City allocated $268,883 in Homeless Emergency Aid Program (HEAP) funds to CityServe for crisis stabilization and rental services in the Tri-Valley.
- **Alameda County Home Together 2026 Implementation plan (Program 6.1.3).** The Home Together Plan is a community-wide plan for Alameda County which lays out the goals, strategies and investments needed to dramatically reduce homelessness by 2026 and reverse racial disparities in homelessness through fully centering equity. The Plan's overarching goals, and time frame align with Alameda County's Vision 2026 which holds as one of its primary objectives to "ensure the availability of diverse and affordable housing for all residents with the goal of eliminating homelessness in Alameda County."

ENERGY EFFICIENCY

Through the Uniform Building Code and State Energy Code, the City continued to facilitate the construction of energy-efficient housing. Other accomplishments furthering energy efficiency included:

- **Green Building (Program 7.1.1).** The Building Division continued to implement State Energy Code requirements as part of the plan check process to obtain building permits. This includes Part 11, California Green Building Standards Code, which was last updated in January 2020.

- **Climate Action Plan (Program 7.1.2).** The City continued to implement its existing Climate Action Plan, which was adopted in 2012. The City adopted a comprehensive update to the plan in November 2022.

The City worked diligently to address the housing needs of special needs groups. Some of the accomplishments are highlighted below:

- **Seniors.** The City provided grant funds to several nonprofit agencies that provide senior support and disabled services to individuals. Senior Support Program of the Tri-Valley and CRIL encourage seniors and disabled persons to age in place and facilitate independent living skills. In 2016, the City contracted with Habitat for Humanity East Bay/Silicon Valley to administer the City's owner-occupied housing rehabilitation program, which assisted seniors with home accessibility improvements. In 2019, the City completed the development of the 72-unit Chestnut Senior apartments serving low-income seniors, and, in 2021, the City approved entitlements for a 140-unit senior project to be developed by SAHA/Interfaith Housing on Pacific Avenue. Both recent projects include services and amenities for seniors to allow them to live independently and age in place.
- **Homeless Persons and Persons with Disabilities.**
    - The City chose to merge the Housing Scholarship and Project Independence Programs and phase them into a "Housing First" model. The City awarded funding to Abode to implement its Housing First model through its Tenant Based Rental Assistance Program. During the planning period, Abode assisted 63 households with securing permanent housing.
    - Abode is providing housing to formerly chronically homeless persons through its AC Impact program. All clients have maintained their housing since entering the program. The City continued to fund case-management services to ensure that the individuals remain on the road to self-sufficiency. Services focus on building independent living skills, money management, and dealing with any behavioral issues.
    - The City provided federal HOME and CDBG funding to Tri Valley Haven for tenant-based rental assistance (TBRA) and case-management services to individuals experiencing domestic violence and at risk of homelessness. During the planning period, the City assisted 48 families and/or individuals at risk of homelessness and/or those currently homeless. The program provides assistance with ongoing rental subsidies.
    - The City also provided acquisition and development funding to Housing Consortium of the East Bay to purchase and develop the Vineyard 2.0 development, which will provide 24 units of supportive housing for formerly homeless households, including persons with disabilities, and 10,000 square feet of commercial space for a resource center to serve persons who are homeless and a commercial food kitchen to benefit food-insecure people in Livermore.
    - The Chestnut Square project provides affordable rental units for seniors and families with very-low- and low-incomes, disabled persons, and 15 homeless households.

- City staff worked with Tri-Valley REACH to acquire two City-owned, single-family homes and create housing for six separate households that have physical and developmental disabilities. In 2020, staff worked with Tri-Valley REACH to expand a single-family home and create an additional shared housing opportunity for persons with physical and developmental disabilities.
- The City secured 25 project-based vouchers for the Avance Apartments through the Livermore Housing Authority. Avance Apartments is currently under construction and will provide 44 units for those with developmental disabilities.

5.2 HOUSING GOALS, POLICIES, AND PROGRAMS

The goals, policies, and programs in this 2023-2031 Housing Plan are based on those in the 2015-2022 Housing Element, with modifications to reflect current and projected needs, the effectiveness and relevancy of existing programs, potential constraints and opportunities, and public input.

The Housing Plan goals are:

1. Diverse Housing Choices
2. Well-Managed Growth
3. Affordable Housing Production and Preservation
4. Healthy and Resilient Housing and Neighborhoods
5. Affirmatively Further Fair Housing
6. Regional Cooperation to Address Housing Needs

Each goal has a set of policies, programs, actions, and objectives. The implementing actions, however, generally address multiple goals and build upon each other, creating a comprehensive approach to meeting the community's housing needs.

Table 5-1 summarizes the quantified objectives over this Housing Element period.

Table 5-1. Summary of Quantified Objectives: 2023–2031

Program	*Extremely Low Income*	*Very Low Income*	*Low Income*	*Moderate Income*	*Above Moderate Income*	*Total*
Housing Production (units)[1]	1,317		758	696	1,799	**4,570**
Housing Rehabilitation[2]	80			15	5	**100**
Housing Conservation/ Preservation[3]	90			0	0	**90**

Notes:

1. *Corresponds to RHNA.*
2. *Corresponds to quantified objectives in Program 4.1.2 Residential Retrofits.*
3. *The 90 units to be conserved/preserved correspond to the at-risk assisted units in the City (see Table 2-45).*

GOAL 1: DIVERSE HOUSING CHOICES

Address the diverse housing needs of all community members and foster economic, social, and racial integration by allowing for a range of housing types, price levels, and densities.

Policy 1.1: *Develop and maintain a sites inventory with adequate densities and development standards to meet the Regional Housing Needs Allocation (RHNA) in all income categories.*

Program 1.1.1: Residential Sites Inventory

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objective:
A) If a site included in the residential sites inventory is developed with nonresidential uses or with fewer units than identified, verify that the sites inventory maintains sufficient capacity to meet the City's RHNA. If it does not, identify additional sites/units to satisfy the RHNA, that will prevent displacement in low resource areas or facilitate access to moderate and high resource areas. This is an ongoing program that the City has already been implementing.	When development of Housing Element sites occurs	Community Development Department – Planning Division	General Fund	Maintain adequate sites to meet the City's RHNA
B) Maintain an online map on the City's website of vacant residential acreage to assist developers with identifying land suitable for residential development throughout the city. The map could indicate current zoning and public facilities and services to these sites. The map could also include land suitable for affordable development, based on the allowed density, in moderate and high resource areas to facilitate new opportunities and expanded housing mobility opportunities.	Create map at the time of new Housing Element adoption. Update and annually thereafter throughout the planning period.	Community Development Department – Planning Division	General Fund	Assist at least 3 interested developers annually to identify suitable land for residential development.
C) Proactively identify areas to meet future RHNA allocations as part of the comprehensive General Plan Update.	By 2025 with the adoption of the General Plan Update	Community Development Department –Planning	General Fund	Ensure General Plan and zoning consistency to accommodate development of 1,317

				very low-, 758 low-, 696 moderate- and 1,799 above moderate-income housing units.
D) Following future amendments to the General Plan's Safety Element, ensure consistency with the Housing Element, including the sites inventory.	As needed	Community Development Department – Planning Division	General Fund	n/a

Policy 1.2: *Facilitate the development of a range of housing types through area planning efforts.*

Program 1.2.1: General Plan and Specific Plans

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to update and amend the General Plan as needed and appropriate to provide a range of housing types (including missing middle housing), densities, and affordability levels.	As projects are proposed; reviewed annually	Community Development Department – Planning Division	General Fund	n/a
B) Continue to update and amend the Downtown Specific Plan as needed and appropriate to facilitate downtown revitalization, the provision of affordable housing, and mixed-use development to facilitate income integration, housing mobility opportunities and access to transit, resources, and amenities.	As projects are proposed; reviewed annually	Community Development Department – Planning Division	General Fund	Approve or maintain the potential for 37 moderate and 141 lower-income housing units in the DSP area.
C) Continue to update and amend the Isabel Neighborhood Specific Plan as needed and appropriate to facilitate a complete, income-integrated, transit-oriented community that promotes housing mobility opportunities.	As projects are proposed; reviewed annually	Community Development Department – Planning Division	General Fund	Approve or maintain the potential for 1,570 lower-income and 1,753 above moderate-income units in the INSP area.
D) Continue area planning efforts for the Southfront Priority Development Area (PDA) surrounding the future Southfront Valley Link station. Revise the General Plan designations and zoning accordingly	This area is a Focus Area in the General Plan Update, which will be completed by 2025. Complete any	Community Development Department – Planning Division	General Fund	Up to 7,500 housing units to facilitate income integration and housing mobility opportunities.

to allow for mixed-income residential transit-oriented development.	subsequent planning efforts by 2030.			

Policy 1.3: *Update the Development Code to simplify standards, expand opportunities for a greater variety of housing types, and maintain consistency with State law.*

Program 1.3.1: Development Code Amendments

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to facilitate development of Accessory Dwelling Units (ADUs) by maintaining standards that are consistent with State law. This includes allowing ADUs in all zoning districts where single-family and multifamily residential dwellings are allowed and creating a resource center on the City's website that connects community members to materials and programs like the CalHFA ADU grant program.	The City will begin a comprehensive Development Code Update in January 2023. Year one of the three-year program includes updates for consistency with State legislation. The City will update the ADU ordinance by December 2023, then every two years as needed to comply with current state law.	Community Development Department – Planning Division	General Fund	325 ADUs during the 6th Cycle Projection Period; encouraging at least half of these to be in neighborhoods dominated by single-family development to promote housing mobility opportunities.
B) Monitor ADU construction and affordability levels to determine whether the rate is on track to meet target numbers anticipated in this Housing Element. Implement additional actions, such as additional outreach, resources, or incentives, if targets are not met. See Program 1.4.1.D.	Annually, starting in January 2024 as part of the 2023 Housing Annual Progress Report	Community Development Department – Planning Division	General Fund	58 ADU building permits between June 30th, 2022, and the end of 2024, with at least 30 in predominantly single-family neighborhoods.
C) Continue to allow mobile and manufactured homes that meet State and City codes, as well as the City's design review requirements, in all residential districts.	Ongoing as the City assists applicants at the Permit Center	Community Development Department – Planning Division	General Fund	40 new mobile or manufactured homes over the next 8 years, encouraging at least 15 in high resource areas.

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
D) Establish standards for smaller unit types, such as tiny homes and single room occupancies to meet the housing needs of lower-income households and other populations at risk of displacement.	By December 2024 as part of the comprehensive Development Code Update.	Community Development Department – Planning Division	General Fund	20 small unit types over the next 8 years, encouraging at least 10 in high resource and single-family housing dominated areas, to prevent displacement and facilitate housing mobility opportunities.
E) Establish standards consistent with Senate Bill 9 to allow ministerial two-unit residential developments and lot splits in single-family zones. The City currently allows development of residential units and lot splits in compliance with Senate Bill 9. The City will encourage homeowners on large lots in predominantly single-family neighborhoods to consider SB 9 as an opportunity to introduce middle-density housing and the associated benefits.	By December 2023 as part of the comprehensive Development Code Update; Provide informational materials on the City's website on the SB 9 process within 2 months of establishing standards	Community Development Department – Planning Division	General Fund	10 units through SB 9 infill development, encouraging construction in large-lot, single-family neighborhoods to promote housing mobility opportunities through increased density.
F) Establish Objective Design Standards to facilitate streamlined project permitting.	By December 2023 as part of the comprehensive Development Code Update	Community Development Department – Planning Division	General Fund	n/a
G) Remove barriers to residential development of small properties. The specifics of these changes will be discussed when the Development Code Update gets underway in 2023 but could include adjustments to fees and requirements for setbacks, open space, parking, etc. As part of this work, the City will consider a more streamlined review process for smaller projects (see Program 1.4.1).	By December 2024 as part of the comprehensive Development Code Update.	Community Development Department – Planning Division	General Fund	n/a

Policy 1.4: *Reduce governmental constraints on housing development through permit streamlining, reasonable and proportional development fees, and transparent and accessible information.*

Program 1.4.1: Reduce Governmental Constraints

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Identify opportunities to streamline permitting processes, including ministerial approvals and electronic application submittals and review. See also Program 1.3.1.G. The City is currently BETA testing electronic submittal in its Accela software permit tracking system with plans to accept electronic submittals. The new electronic public portal should be ready for electronic submittal of all projects in early 2023.	Electronic submittal system should be operational by early 2023. Additional opportunities for ministerial approval will be completed by December 2024 as part of the Development Code Update. See also Program 1.3.1.G.	Community Development Department	General Fund	n/a
B) Establish standards to specify SB 35 and SB 330 streamlining approval processes and standards for eligible projects to promote provision of affordable housing.	By December 2023 as part of the comprehensive Development Code Update.	Community Development Department – Planning Division	General Fund (staff time)	n/a

C) Monitor development fees to ensure they are reasonable and do not unduly constrain development while protecting the quality, health, and public safety of the community. Analyze the design review fee and all other fees required for multifamily development and reduce them if found to be a constraint. This would include adjusting fees for smaller unit types like ADUs/JADUs, tiny homes, and other missing middle housing. The analysis process will include meeting with multifamily developers/applicants to get their input regarding constraints associated with fees.	Following completion of the General Plan Update and year two of the Livermore Development Code Update in December 2024, the Community Development Department will engage the community and stakeholders and conduct a comprehensive development impact and entitlement fee update by September 2025. Specific steps for the first analysis and update during the planning period are outlined below. As part of this process, the City will examine development fees as they relate to housing to ensure they are not a barrier to new housing. • The General Plan update process explores and evaluates different land use patterns and types. • The land use evaluation will identify necessary	Community Development Department	General Fund	n/a

	infrastructure needs: transportation improvements, water, sewer, stormwater, parks, schools, and library services, etc. • As part of General Plan implementation, the City will identify total costs to construct new and upgrade existing systems. • Following adoption, the City will conduct fee studies to determine new infrastructure costs per land uses type necessary to cover costs over the 20-year time horizon of the General Plan, 2045. Timeline: • Meet with developers/ applicants by			

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
	December 2024. • Complete analysis of the design review fee and other multifamily fees by June 2025. The analysis will include a nexus study conducted by an outside consultant. • City Council review and adoption by September 2025. This timeline makes sense for Livermore because the City is comprehensively updating its General Plan, which is anticipated to be adopted in 2024/2025. Subsequently, the City will do the analysis and development fee update described above to reflect the new General Plan land use map and corresponding infrastructure needs.			

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
D) Continue to encourage the development of accessory dwelling units by waiving certain development impact fees. Promote the availability of these incentives in high resource areas to expand housing mobility opportunities for lower-income households	Ongoing; add information on incentives to the City's website by December 2023, updating as needed, and mailing information to homeowners in high resource areas in January 2024 and every other year thereafter.	Community Development Department – Planning Division	General Fund	Promote the development of 325 ADUs over the planning period, targeting at least 10 percent of those in high resource areas. (See Program 1.3.1.A)
E) Create user-friendly, accessible, and multi-lingual information guides about standards and review processes for residential projects (ADUs, SB 9 projects, SB 35 and SB 330 streamlining, etc.) to improve housing mobility. Make this information available on the City's website, at the Permit Center, and in local gathering places in areas of need such as the Rincon Branch library.	Make guides available on the City's website by December 2023. Update on an ongoing basis as needed	Community Development Department – Planning Division	General Fund	n/a
F) Improve internal systems for collecting, tracking, and analyzing housing project data to better understand housing development trends in Livermore and streamline annual State reporting requirements.	By December 2024	Community Development Department – Planning Division	General Fund	n/a

Policy 1.5: *Facilitate the development of housing for individuals with special needs, including those with disabilities, large families, seniors, and people experiencing homelessness.*

Program 1.5.1: Universal Design

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Update the City's residential design guidelines and standards to encourage "visitability" and universal design features in new homes and accessory dwelling units.	Update the City's Design Standards and Guidelines after completion of the General Plan Update and Development Code Update in December 2025.	Community Development Department – Planning Division	General Fund	10 universal design housing units to facilitate accessibility for persons with disabilities and seniors; encouraging at least 5 of these units to be located near transit stations and services.
B) Expand consumer awareness by providing information on universal design features at the City's Permit Center and develop resource information for the City's Permit Center website.	Make information available on the City's website by December 2024.	Community Development Department – Planning Division	General Fund	n/a
C) Continue to implement Building Code accessibility requirements that apply to projects that incorporate universal design features to promote integrated housing accessible to seniors and persons with disabilities.	Ongoing as the City assists applicants at the Permit Center and through plan checks.	Community Development Department – Planning and Building Divisions	General Fund	See Program 1.5.1A

Program 1.5.2: Licensed Community Residential Care Facilities

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Consistent with State law, continue to allow Residential Care Facilities serving 6 or fewer persons in all residential districts as a means of providing housing for special needs groups. Update the Development Code to allow this size of facility in additional zoning districts where required by State law.	By December 2023 as part of the comprehensive Development Code Update.	Community Development Department – Planning Division	None required	n/a

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
B) To affirmatively promote more inclusive communities, the City will update the Development Code requirements for Residential Care Facilities serving 7 or more persons to permit them as a residential use subject to the same standards that apply to other residential uses of the same type in the same zone.	By December 2023 as part of the comprehensive Development Code Update.	Community Development Department – Planning Division	General Fund	n/a

Program 1.5.3: Special Housing Needs

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Work with housing providers to ensure that special housing needs are addressed to reduce displacement risk for large families, female-headed households, college students, and single-parent households with children, through a combination of regulatory incentives, zoning standards, affordable housing programs described in Goal 3, rehabilitation and neighborhood improvement efforts described in Goal 4, and supportive services programs. The City will also continue to encourage the production of units with three or more bedrooms for large families in moderate- and high-resource areas to facilitate housing mobility opportunities for lower-income households and households with special needs.	Ongoing and evaluate opportunities annually including meeting with housing providers.	Community Development Department	CDBG, HOME Investment Partnerships, Affordable Housing Fund (Inclusionary), and other state and federal programs designated specifically for special needs groups	Support the creation or rehabilitation of at least 100 units of housing for people and families with special housing needs over the planning period through development agreements with Eden Housing and the Livermore Housing Authority to develop projects such as Downtown Livermore Apartments.
B) Work with housing providers to ensure that special housing needs are addressed to reduce displacement risk for persons with physical, behavioral, and developmental disabilities through a combination of regulatory incentives, zoning standards, affordable housing programs described in Goal 3, rehabilitation and neighborhood	Ongoing and evaluate opportunities annually including meeting with housing providers.	Community Development Department	CDBG, HOME Investment Partnerships, Affordable Housing Fund (Inclusionary) and other state and federal programs designated	Support the creation or rehabilitation of at least 20 units of permanent supportive housing for people with disabilities over the planning period on sites throughout the City by providing funding

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
improvement efforts described in Goal 4, and supportive services programs. The City will also continue to encourage the production of units with special adaptations for people with disabilities, per California Title 24 standards.			specifically for special needs groups	to organizations such as Housing Consortium of the East Bay and Tri Valley REACH.
C) Work with housing providers to ensure that special housing needs are addressed to reduce displacement risk for seniors through regulatory incentives, zoning standards, affordable housing programs described in Goal 3, rehabilitation and neighborhood improvement efforts described in Goal 4, and supportive services programs. The City will also continue to encourage the production of senior housing, including assisted living facilities and application of universal design standards in new housing units.	Ongoing and evaluate opportunities annually including meeting with housing providers.	Community Development Department	CDBG, HOME Investment Partnerships, Affordable Housing Fund (Inclusionary), and other state and federal programs designated specifically for special needs groups	Support the creation or rehabilitation of at least 100 units of housing for seniors over the planning period through development agreements with Satellite Affordable Housing Associates and Interfaith Housing for projects such as Pacific Avenue Senior Apartments.
D) Support "aging in place" through community design, partnering with organizations that provide support services, and encouraging accessibility improvements to rental housing.	Ongoing and evaluate opportunities annually	Community Development Department	Affordable Housing Fund (Inclusionary)	Support the creation of at least 15 accessible rental units through production of new units that meet ADA guidelines or modification of existing units that do not currently meet ADA guidelines.
E) Work with housing providers to ensure that special housing needs are addressed to reduce displacement risk for extremely low-income unhoused individuals and families through a combination of regulatory incentives, zoning standards, affordable housing production and preservation programs described in Goal 3, and supportive services programs. The City will also continue to encourage the production of smaller units to address the shortage of affordable units for single	Ongoing and evaluate opportunities annually	Community Development Department	CDBG, HOME Investment Partnerships, Affordable Housing Fund (Inclusionary) and other state and federal programs designated specifically for special needs groups	See Program 1.3.1. D Support the creation of at least 30 new units of permanent supportive housing for people experiencing homelessness over the planning period through funding agreements with developers like Housing Consortium of the East Bay for projects such as

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
adults experiencing homelessness, including single-room occupancy units in areas accessible to supportive services and transit opportunities.				Vineyard 2.0 and supportive shared housing expansion.
F) Increase the supply of housing affordable to farmworkers, many of whom are lower income. Review the Development Code for compliance with the state Employee Housing Act (Health & Safety Code Sections 17021.5, 17021.6, and 17021.8). If needed to comply with the Act, make amendments to allow housing for 6 persons or less in residential zones in the same way residential structures are allowed (Section 17021.5). Also, if needed, allow for employee housing of no more than 12 units or 36 beds as an agricultural use, and permit in the same manner as other agricultural uses in the same zone (Section 17021.6). Finally, make amendments if needed to address the requirements of Section 17021.8 which requires ministerial approval of certain farmworker housing projects that meet the criteria in that section.	By 2024	Community Development Department – Planning Division	General Fund	Facilitate construction of farmworker housing through development code amendments (see Program 1.3.1).
G) Incorporate the needs of farmworkers and their families into City affordable housing programs. The City may also support providers of farmworker housing in accessing state and federal funds.	By December 2026	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary), *Joe Serna Jr. Farmworker Housing Grant*	Prepare a brief on farmworker housing solutions that is developed with direct input from farmworkers, community organizations like La Familia, and employers like Wente Vineyards and implement brief recommendations by December 2026. The brief will also identify opportunities in the South Livermore Valley Specific Plan and other

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
				rural residential and agricultural areas.
H) Require affordable housing developers to partner with trusted community partners to coordinate outreach about affordable housing opportunities and to assist farmworkers and their families in applying for affordable housing.	Within 1 year of Housing Element adoption	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	Adopt affordable rental development guidelines that include outreach requirements for farmworkers.
I) Conduct targeted and multilingual outreach strategies described in Program 3.3.1 for groups with special housing needs to increase access to City housing programs	Ongoing; conduct outreach at least every other year, beginning in 2024	Community Development Department – Housing & Human Services	Affordable Housing Fund (Inclusionary)	See 3.3.1
J) Update the City's findings for Reasonable Accommodation to remove the following findings: 1) Whether there are alternatives to the requested waiver or exception that could provide similar benefits to the applicant with less potential detriment to surrounding owners and occupants or to the general public and 2) Physical attributes of the property and structures to ensure the findings are objective and consistent with fair housing laws.	Update the Reasonable Accommodation findings in the City's Development Code by 2024.	Community Development Department – Planning Division	General Fund	n/a

GOAL 2: WELL-MANAGED GROWTH

Manage residential growth to promote (1) the production of housing to meet local and regional housing needs; (2) a growth rate balanced with the provision of infrastructure capacity and public services; (3) a balanced relationship between residential and nonresidential development; (4) the highest quality design for all residential units and neighborhoods; (5) economic, social and racial integration and (6) open space preservation.

Policy 2.1: Facilitate the provision of affordable housing, infill development, and mixed-use projects in locations served by existing infrastructure, particularly transit services.

Program 2.1.1: Monitor Infrastructure Needs

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to analyze infrastructure needs and capacity to balance residential growth with the provision of adequate infrastructure and services.	As part of the General Plan Update, anticipated to be completed in December 2025, then every three years	Community Development Department. --Public Works Department	General Fund	n/a
B) Review infrastructure needs to support intensified development on infill sites within city limits and in the Downtown area; program improvements and upgrades into the City's CIP.	Bi-annually, as part of CIP updates	Community Development Department – Engineering Division	General Fund	n/a
C) Work with the City's water and sewer providers to ensure the availability and adequate capacity of water and wastewater systems to accommodate the housing needs during the planning period.	As part of the General Plan Update, anticipated to be completed in December 2025, and ongoing as projects are proposed	Community Development Department, Public Works Department	General Fund	n/a
D) Provide a copy of the Housing Element and any future amendments to the utility providers immediately after adoption.	After adoption of the Housing Element and as needed	Community Development Department	General Fund	n/a

Program 2.1.2: Support Mixed-Use, Transit-Oriented, and Equitable Development

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Promote lot consolidation to increase opportunities for mixed-use development.	Ongoing as the City assists applicants at the Permit Center, and as part of the Development Code Update	Community Development Department	General Fund	n/a
B) Continue to require minimum residential densities in areas designated for transit-oriented, mixed-use development to ensure higher density in these areas and promote mixed-income neighborhoods. The City is already implementing trail connections as shown in the City's adopted Active Transportation Plan and frontage sidewalk and mobility curb cuts as a condition of approval on development projects. The City is planning to build some key trail connections as a city CIP project (e.g. Arroyo Road trail, Arroyo Las Positas Trail). Finally, the City is midway through an intensive public outreach process to design and implement improvements to the East Avenue corridor to improve safety and usability for pedestrians and bicyclists.	Ongoing as projects are reviewed. New residential zones adjacent to transit will be identified as part of the General Plan Update and Development Code Update, anticipated to be completed in December 2025	Community Development Department	General Fund	n/a

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
C) Continue to use existing density incentives and develop additional incentives to promote mixed-use and more intense residential development near transit to facilitate income integration.	Ongoing; identify additional incentives by December 2025 as part of the Development Code Update, advertise to the development community by May 2027 and annually thereafter	Community Development Department	General Fund	n/a
D) Update existing community benefit and/or other land value recapture strategies such as the Human Services Facility Fee to increase proximity to services and other opportunities throughout the city to improve place-based strategies toward community revitalization.	Within 5 years of Housing Element adoption	Community Development Department – Housing & Human Services Division	General Fund	Update at least one community benefit strategy within 5 years of Housing Element adoption.

GOAL 3: AFFORDABLE HOUSING PRODUCTION AND PRESERVATION

Encourage the provision and long-term availability of affordable housing to foster economic, social, and racial integration.

Policy 3.1: Facilitate the production of affordable housing through the regulation of and incentives to new development.

Program 3.1.1: Inclusionary Housing Ordinance

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to implement the inclusionary housing ordinance and continue to require developers to identify the location of inclusionary units. Work to approve inclusionary units in moderate- and high-resource areas to facilitate housing mobility opportunities for lower- and moderate-income households and	Commence immediately and engage developers as new projects are submitted at least annually	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	Produce at least 100 affordable units for low- and moderate-income households through the inclusionary housing ordinance, encouraging at least

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
encourage partnerships between supportive housing providers and developers to implement inclusionary housing requirements.				half of these units to be integrated into low-density and single-family dominated neighborhoods, or in high resource areas.
B) Implement accessible and multilingual communication and outreach strategies for potential tenants and owners of inclusionary units.	Within 1 year of Housing Element Adoption	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	Adopt policies and procedures with inclusive outreach and marketing standards.

Program 3.1.2: Density Bonuses and Incentives

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to ensure new residential projects are consistent with current State Density Bonus regulations and continue to encourage the use of both the State Density Bonus Program and the City's density incentives for affordable and senior housing. In addition, update the local density bonus regulations as needed during the planning period for consistency with State Density Bonus law. The City reviews Density Bonus applications in compliance with state law even if an update to the local ordinance is pending.	Ongoing as projects are reviewed. Update local density bonus regulations by December 2023 as part of the Development Code Update. Continue to update local density bonus regulations within 1 year of substantive updates to State Density Bonus Law throughout the planning period so in the fall after the governor's signature deadline starting in Fall 2023.	Community Development Department	General Fund	125 lower income units, encouraging at least 50 in high resource areas to facilitate housing mobility, and 30 in low resource areas to reduce potential for displacement.

Policy 3.2: Pursue and utilize a variety of funding resources and partnerships to develop housing that is affordable to lower- and moderate-income households, families, and seniors.

Program 3.2.1: Affordable Housing Fund

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to administer the Low-Income Housing Impact and In-Lieu fees and use the Affordable Housing Fund to provide affordable and permanent supportive housing opportunities for extremely, very, and low income households and people with special housing needs, encouraging the use of these programs for projects in high resource areas, or in areas which reduce potential for displacement of residents in their existing neighborhoods.	Biannually through budget process	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	Provide funding to at least three affordable housing projects that create homes for lower income households (20 percent to 80 percent of Area Median Income) and people with special housing needs in moderate or high resource areas.
B) Pursue additional funding sources and opportunities to leverage existing funding to increase resources for affordable housing programs.	Ongoing. Submit applications for funding annually.	Community Development Department – Housing & Human Services Division	General Fund, HOME, State HCD programs, Project Based Vouchers	Apply to an average of 1 funding source annually to support affordable housing programs
C) Continue waiving applicable fees and provide funding to offset development fee costs for affordable units, prioritizing those that provide the greatest level of affordability and serve special needs households, to facilitate new affordable housing opportunities in moderate and high resource areas.	By 2031	Community Development Department	Affordable Housing Fund (Inclusionary)	Waive fees or provide funding for the creation of 50 affordable units that create homes for lower income households and people with special housing needs in moderate or high resource areas.

Program 3.2.2: Support Acquisition and Development of New Sites for Affordable Housing

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) In an effort to facilitate new affordable housing opportunities, utilize a variety of methods to increase the inventory of properties for future development of	Ongoing	Community Development Department –	Affordable Housing Fund (Inclusionary), CDBG, and HOME	Support a nonprofit partner's acquisition of at least one new affordable housing site

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
affordable and permanent supportive housing, including land dedication and acquisition of properties for conversion or construction of affordable units in opportunity-rich locations near transit, services, and key amenities.		Housing & Human Services Division		during the planning period
B) Continue to provide financial resources to nonprofit organizations like Housing Consortium of the East Bay (HCEB) and Bay Area Community Services to increase the existing affordable housing stock through market rate conversions and adaptive reuse, prioritizing units that both prevent displacement in low resource areas and facilitate access to moderate and high resource areas	Ongoing; coordination with nonprofit development partners to identify potential properties and facilitate development. Target one property within two years of Housing Element adoption	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary), Homekey, HOME	Support the acquisition and conversion of at least one market rate property to affordable housing within 2 years of Housing Element adoption.
C) Evaluate and support alternative financing models to assist the acquisition or development of affordable middle-income housing, potentially in partnership with regional agencies.	Ongoing	Development Department – Housing & Human Services Division	Bond Financing	As opportunities arise
D) Develop affordable housing on City-owned sites in opportunity-rich locations in compliance with the Surplus Land Act. Development support for housing on City-owned sites shall include site preparation (e.g. environmental testing and community outreach), project funding via affordable housing loans, and land dedication. Projects on City-owned sites will provide housing affordable to persons and families of low- or moderate-income, at least 80% of the area of each property will be used for development of housing, and at least 40% of the housing units developed on each property will be affordable to households whose income	Declare three City-owned sites exempt surplus land under Government Code Section 54221(f)(1)(A) by Spring 2023 and enter into agreements with nonprofit developers for all three sites by 2025. Prepare North M Street and 2047 First Street for development and	Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary), CDBG, and HOME, Local Housing Trust Funds	Support development of affordable housing on at least three City-owned sites, including Pacific Avenue, North M Street, and 2047 First Street.

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
is not greater than 60% area median income, of which at least one-half will be affordable to households of very low-income (50% AMI). Affordable housing developers for all City-owned sites will be selected through a competitive process that complies with the Surplus Land Act.	select a nonprofit developer by 2024. Issue building permits by 2028 if all necessary financing is secured.			

Program 3.2.3: Partner with Affordable Housing and Service Providers

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
A) Coordinate and foster partnerships with nonprofit housing developers, community-based organizations, the Livermore Housing Authority, school district, and applicable federal, state, and regional agencies to facilitate the development of quality affordable and permanent supportive housing through projects such as the Leahy Square Supportive Housing program.	Ongoing; as projects are proposed and opportunities arise.* Meet quarterly with the Livermore Housing Authority, school district, and nonprofit providers	Community Development Department – Housing & Human Services Division	General Fund (staff time) and Affordable Housing Fund and Homekey	Launch the Leahy Square Supportive Services Program within 1 year of Housing Element adoption and create 12 units of supportive bridge housing for unhoused students and their families
B) Continue to allow developers of affordable units to pay applicable development impact fees over time or delay payment until occupancy to help meet affordable housing targets.	Ongoing; as projects are proposed	Community Development Department	General Fund	n/a
C) Continue to meet regularly with developers to discuss incentive opportunities and provide technical assistance to promote affordable housing opportunities to prevent displacement in low resource areas and facilitate access to moderate and high resource areas	Ongoing and evaluate opportunities annually; reach out to developers by June 2024 then annually thereafter.	Community Development Department – Housing & Human Services Division	General Fund (staff time)	Target assistance and incentive efforts to accommodate RHNA of up to 1,317 very low- and 758 low-income units.

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
D) Support efforts to redevelop and create additional extremely low- and very low-income affordable units at existing affordable housing sites, such as Leahy Square, Vandenburgh Villa, Arbor Vista, Arroyo Mocho, as well as through producing accessory dwelling units at supportive shared housing sites such as Crane Avenue and others described in Section 2.4.	2023-2030	Community Development Department – Housing & Human Services Division	General Fund (staff time) and Affordable Housing Fund and Permanent Local Housing Allocation (PLHA)	Facilitate production through funding and technical assistance of additional units on at least two existing affordable housing sites

** Staff sends out Requests for Proposals (RFPs) for partnerships as City-owned site development opportunities arise and as projects propose support from the City's Affordable Housing Fund. Staff also communicates with developers and housing services providers via participation in community-based and regional committees to address housing needs (see Goal 6).*

Policy 3.3: Communicate regularly with the community to increase awareness of affordable housing policies and programs.

Program 3.3.1: Public Outreach

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Implement multilingual communication and outreach strategies for City-funded affordable housing developments	By December 2023	Community Development Department – Housing & Human Services Division	General Fund and Affordable Housing Fund (Inclusionary)	Incorporate multilingual outreach standards into the City's guidelines for affordable rental projects.
B) Provide translation services for Spanish, and other languages such as Farsi, Mandarin, and Cantonese as needed, at all public meetings and ensure all public materials are translated and made available.	By December 2023	Community Development Department – Housing & Human Services Division	General Fund and Affordable Housing Fund (Inclusionary)	n/a

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
C) Participate in efforts to design a regional application system and housing search tools	As regional opportunities arise and reach out to Alameda County and Bay Area Housing Finance Authority at least once a year	Community Development Department – Housing & Human Services Division	General Fund and Affordable Housing Fund (Inclusionary)	Requirements for developers to list affordable units in a regional application system once the system is launched.
D) Affirmatively market affordable housing opportunities to members of protected classes outside of Livermore.	By December 2023	Community Development Department – Housing & Human Services Division	General Fund and Affordable Housing Fund (Inclusionary)	Adopt affordable rental development guidelines that include outreach requirements for protected classes outside of Livermore.

Policy 3.4: Provide linguistically and digitally accessible and culturally relevant housing assistance to lower and moderate-income households and other households with special needs.

Program 3.4.1: Support for Low and Moderate Income Homeowners

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) To facilitate housing mobility opportunities, continue to provide mortgage assistance for down payment, closing costs, and secondary financing to low- and moderate-income first-time homebuyers.	Ongoing; make assistance information available on the City's website and in printed materials at City buildings by December 2023.	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	Continue to provide First-Time Homebuyer Down Payment Assistance to an average of three low- and moderate-income households annually.

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
B) To facilitate housing mobility opportunities, continue to target persons with disabilities, non-English speakers, affordable rental housing tenants, immigrants, and low-income households for participation in homeownership programs. Distribute materials at service centers or community gathering places for target populations.	Translate program information to Spanish by December 2023. Distribute materials annually.	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	Execute at least two targeted outreach methods when marketing available BMR homeownership units.
C) To facilitate housing mobility opportunities, align documentation and eligibility requirements with County programs, including the use of individual taxpayer identification numbers	By 2024	Community Development Department – Housing & Human Services Division	General Fund and Affordable Housing Fund (Inclusionary)	Update program requirements to remove access barriers.
D) Continue to promote and provide information about the program on the City's website, newsletter, through email distribution, local advertising, and with brochures and handouts at the City's permit center counter, libraries, and community events	Ongoing on the City's website, as the City assists residents at the Permit Center, and at annual City events	Community Development Department – Housing & Human Services Division	General Fund, Affordable Housing Fund (Inclusionary)	Disseminate resources at least one community event annually.
E) Work with community-based organizations and institutions to provide homebuyer education, financial counseling, and foreclosure prevention.	Ongoing	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	60 low- and moderate-income households receive homebuyer support services over the course of the planning period.
F) Pursue funding for programs that help participants of affordable rental programs access homeownership opportunities	By 2024	Community Development Department – Housing & Human Services Division	General Fund, Affordable Housing Fund (Inclusionary)	Submit or support a community partner's submission of at least one funding application.

Program 3.4.2: Rental Assistance and Tenant Support Services

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Pursue additional funding to maintain and/or increase the amount of rental housing available through the Housing Choice Voucher (Section 8) Program and enhance support for other rental assistance programs.	Annually	Livermore Housing Authority; Community Development Department – *Housing & Human Services Division*	General Fund, Affordable Housing Fund (Inclusionary)	Support at least eight funding requests or advocacy efforts to increase the number of vouchers in Livermore.
B) Partner with the Livermore Housing Authority (LHA) to increase promotion of the Housing Choice Voucher program to the development community, property owners, homeowners with accessory dwelling units, and possible participants; support partners that provide outreach to landlords about voucher programs with the aim of increasing housing opportunities for recipients of rental assistance. Prioritize promotion in high-resource areas.	Biennially	Community Development Department – *Housing & Human Services Division*	General Fund, Affordable Housing Fund (Inclusionary)	Engage at least 50 landlords of properties in high resource areas.
C) To facilitate housing mobility opportunities, work with trusted community partners to provide linguistically and digitally accessible and culturally relevant rental housing search assistance to lower-income households and groups with special housing needs through service contracts and programming offered at the Vineyard Housing Resource Center.	Launch Vineyard Housing Resource Center within 1 year of housing adoption and support ongoing operations	Livermore Housing Authority; Community Development Department – Housing & Human Services Division	General Fund, Affordable Housing Fund (Inclusionary), PLHA	Provide assistance to at least 50 lower-income households annually to identify housing opportunities.
D) Provide support for low-income renters, including multilingual tenant counseling, rental assistance, financial counseling, crisis stabilization services, and legal support to reduce displacement risk.	Ongoing	Community Development Department – Housing & Human Services Division	CDBG, HOME, Affordable Housing Funds (Inclusionary), General Funds	Provide assistance to at least 10 lower-income renters annually.

Program 3.4.3: Homelessness Intervention

Actions:	Time Frame:	Responsible Agency	Funding:	Quantified Objectives:
A) Update the Development Code to reduce barriers to transitional housing, supportive housing, low-barrier navigation centers, and emergency shelters consistent with State law (e.g., SB 2, AB 101).	By December 2023 as part of the Development Code Update	Community Development Department	General Fund	n/a
B) Proactively connect unhoused individuals to resources through support of outreach, housing navigation, behavioral health and supportive services programs. Continue the City Serve, biohazard cleanup, and emergency shelter, and laundry and shower services programs.	Launch the Vineyard low barrier navigation center by 2025 and support ongoing operations	Police Department; Community Development Department – *Housing & Human Services Division*	General Fund, Affordable Housing Fund (Inclusionary), County Funds	Assistance to at least 50 unhoused individuals annually.
C) Facilitate coordination between the faith-based community and nonprofit providers of homeless services in the development and ongoing operations of solutions such as tiny home villages, safe parking, and outreach programs.	Ongoing; reach out to organizations at least twice during the planning period to facilitate meetings or other forms of coordination as needed.	Community Development Department – *Housing & Human Services Division*	General Fund, Affordable Housing Fund (Inclusionary), Homekey	Support at least one project or program annually for persons experiencing homelessness.

Policy 3.5: Preserve affordable housing that is at risk of converting to market rate housing.

Program 3.5.1: Preservation of Subsidized Housing at Risk of Conversion to Market Rate

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) As of 2022, 90 units are at risk of conversion to market-rate housing by 2033. The City will monitor the list of all dwellings that are subsidized by government funding or low-income housing developed through local regulations or incentives. The list will include, at least, the number of units, the type of government program, and the	Ongoing communication with owners, service providers, and eligible potential purchasers; work with owners of deed-restricted units on an ongoing	Community Development Department – Housing & Human Services Division	General Fund and Affordable Housing Fund (Inclusionary)	Monitor the 90 at-risk units as detailed in the program.

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
date on which the units are at risk to convert to market-rate dwellings. The City will work to reduce the potential conversion of any units to market rate through the following actions: a. Monitor the status of affordable projects, rental projects, and mobile homes in Livermore. Should the property owners indicate the desire to convert properties, provide technical and financial assistance, when possible, to ensure long-term affordability. b. If conversion of units is likely, work with local service providers as appropriate to seek funding to subsidize the at-risk units in a way that mirrors the U.S. Department of Housing and Urban Development (HUD) Housing Choice Voucher (Section 8) program. Funding sources may include state or local funding sources. c. Negotiate extensions of City financing and affordability restrictions for all three at risk properties as described in Section 2.8.	basis—particularly at the time of change of ownership.			
B) Pursuant to State law (Government Code Sections 65853.10, 65863.11, and 65863.13), owners of deed-restricted affordable projects are required to provide notice of restrictions that are expiring to all prospective tenants, existing tenants, and the City within 3 years, 12 months, and 6 months before the scheduled expiration of rental restrictions. In addition, the City or owner will provide notice to HUD, the California Department of Housing and Community Development (HCD), the Livermore	Ongoing communication with owners, service providers, and eligible potential purchasers; work with owners of deed-restricted units on an ongoing basis—particularly at the time of	Community Development Department – Housing & Human Services Division	General Fund	Monitor the 90 at-risk units as detailed in the program.

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
Housing Authority, and the local legal aid organization. Owners shall also refer tenants of at-risk units to educational resources regarding: a. Tenant rights b. Conversion procedures c. Information regarding Section 8 rent subsidies d. Any other affordable housing opportunities in the city. e. In addition, notice shall be required prior to conversion of any units to market rate for any additional deed-restricted lower-income units that were constructed with the aid of government funding, that were required by inclusionary zoning requirements, that were part of a project granted a density bonus, or that were part of a project that received other incentives.	change of ownership.			
C) If a development is offered for sale, HCD must certify persons or entities that are eligible to purchase the development and to receive notice of the pending sale. Placement on the eligibility list will be based on experience with affordable housing.	Ongoing communication with owners, service providers, and eligible potential purchasers; work with owners of deed-restricted units on an ongoing basis—particularly at the time of change of ownership.	Community Development Department – Housing & Human Services Division	General Fund	Monitor the 90 at-risk units as detailed in the program.
D) When necessary, the City shall continue to work with property owners of deed-restricted affordable units who need to sell within 45 years of initial sale. When the seller is unable to sell to an eligible buyer	Ongoing communication with owners, service providers, and eligible potential	Community Development Department –	General Fund and Affordable Housing Fund (Inclusionary)	Monitor the 90 at-risk units as detailed in the program.

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
within a specified time period, equity-sharing provisions are established (pursuant to the affordable housing agreement for the property), whereby the difference between the affordable and market value is paid to the City to eliminate any incentive to sell the converted unit at market rate. Funds generated would then be used to develop additional affordable housing in the city. The City shall continue tracking all residential projects that include affordable housing to ensure that the affordability is maintained for at least 45 years for owner-occupied units and 55 years for rental units, and that any sale or change of ownership of these affordable units prior to satisfying the 45- or 55-year restriction shall be "rolled over" for another 45 or 55 years to protect "at-risk"" units.	purchasers; work with owners of deed-restricted units on an ongoing basis—particularly at the time of change of ownership.	Housing & Human Services Division		
E) Communicate with tenants and respond to notices of intent filed by property owners in a timely manner.	Ongoing, as needed	Community Development Department – Housing & Human Services Division	General Fund and Affordable Housing Fund (Inclusionary)	n/a
F) Pursue funding for the preservation of at-risk housing and provide financial incentives to landlords who agree to continue to provide affordable units.	Ongoing	Community Development Department – Housing & Human Services Division	CDBG, Affordable Housing Fund (Inclusionary), General Fund	Preservation of 90 units at risk of conversion to market rate

Program 3.5.2: Housing Replacement Program

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) In accordance with California Government Code Section 65583.2(g), the City will require replacement housing units subject to the requirements of California Government Code Section 65915(c)(3) on sites identified in the sites	Ongoing, as applications on identified sites are received and processed.	Community Development Department	General Fund	n/a

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
inventory when any new development (residential, mixed-use, or nonresidential) occurs on a site that has been occupied by or restricted for the use of lower-income households at any time during the previous five years. This requirement applies to nonvacant sites and vacant sites with previous residential uses that have been vacated or demolished.				

GOAL 4: HEALTHY AND RESILIENT HOUSING AND NEIGHBORHOODS

Improve health, accessibility, safety, comfort, and resilience in residential buildings while reducing energy costs and greenhouse gas emissions. Upgrade infrastructure, facilities, and amenities in residential neighborhoods, with an emphasis on low-income communities and affordable housing developments.

Policy 4.1: Promote cost-effective housing design features that improve public health, safety, and resilience in new residential structures and retrofits to existing residential units.

Program 4.1.1: Residential Development Codes and Design Standards

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to enforce State Energy Code and California Green Building Standards Code (CALGreen) regulations for energy efficiency, water conservation, environmental quality, etc., in residential development applications.	Ongoing as projects are reviewed	Community Development Department – Building Division	General Fund	n/a
B) Encourage developers to exceed the minimum State Energy Code and CALGreen requirements by maintaining information on the City's website and providing assistance at the Permit Center.	Update the website with new 2022 CALGreen requirements by March 2023, then ongoing as the City assists applicants in the Permit Center	Community Development Department – Building Division	General Fund	n/a
C) Develop cost-effective local energy reach codes for all-electric buildings	By December 2023	Community Development	General Fund	n/a

and electric vehicle charging for new housing, consistent with the City's Climate Action Plan. Establish exceptions for projects such as accessory dwelling units, affordable housing, and non-profit organizations serving low-income and underserved communities.		Department – Planning Division		
D) Require new developments to incorporate onsite drought tolerant landscaping, water conservation features, open space, park space, and/or shade-providing features to reduce urban heat effects, reduce water-use, and help sequester carbon. Consider establishing exceptions for projects such as accessory dwelling units, affordable housing, and non-profit organizations serving low-income and underserved communities.	Ongoing as projects are reviewed. Study and evaluate opportunities for new standards by December 2026. Update relevant codes by December 2027.	Community Development Department – Planning Division	General Fund	n/a

Program 4.1.2: Residential Retrofits

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Partner with regional stakeholders, such as East Bay Community Energy (EBCE) and BayREN, to offer incentives for energy efficiency, electrification, weatherization, energy storage, and resilience retrofits in existing housing, consistent with the Climate Action Plan. Focus efforts in low-income and vulnerable communities with a geographic emphasis on the Rincon neighborhood and other neighborhoods north of Downtown as well as supportive shared housing and licensed care facilities described in Section 2.4.	Meet with partner organizations quarterly	Community Development Department	General Fund	100 retrofitted housing units during the planning period.
B) Provide information in multiple languages on the City's website on safe and healthy housing conditions and tools to address unhealthy housing conditions. Share information about available incentives,	By December 2024	Community Development Department	General Fund	n/a

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
regulations, contractors, and considerations. Focus efforts in Springtown, neighborhoods north of Downtown, and supportive shared housing and licensed care facilities described in Section 2.4 to facilitate place-based revitalization and reduce displacement risk.				

Program 4.1.3: Neighborhood Preservation Program

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to implement the City's Neighborhood Preservation Program to correct building code violations. Focus efforts on defects that threaten health and safety of occupants and the community.	Ongoing; update information about the program on the City's website annually, or as needed, and distribute information through City newsletters, social media, and other platforms annually.	Community Development Department – Building Division	General Fund	Target assistance to at least 10 units annually
B) Pursue funding to provide low-income homeowners and renters with financial assistance to correct building code violations and make accessibility improvements. Coordinate these efforts with the Climate Action Plan retrofit efforts (Program 4.1.2.A) to maximize resources and benefit, including prioritization of investments in neighborhoods north of Downtown like Rincon.	Ongoing; apply for funding at least annually as available.	Community Development Department	General Fund	See Program 4.1.2.A

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
C) Monitor multifamily complexes that have received City funding for housing quality, resident services, customer service, and linguistic and physical accessibility	Ongoing	Community Development Department – Housing & Human Services Division	General Fund	Conduct annual monitoring assessments.
D) Continue to promote Neighborhood Preservation programs and cleanup events through the City's website to support community-oriented place-based revitalization.	Ongoing	Community Development Department – Building Division	General Fund	See Program 4.1.3.A
E) Use volunteer assistance cleanup teams, specifically to assist frail elderly and disabled homeowners who have received code complaints for property upkeep.	Ongoing; coordinate volunteer cleanups annually, or as needed	Community Development Department	Volunteer staff	n/a

Policy 4.2: Improve physical conditions, services, and accessibility in residential neighborhoods.

Program 4.2.1: Neighborhood Improvement

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Improve the quality of older neighborhoods, particularly in low-resource areas, affordable housing developments, and neighborhoods north of Downtown, by upgrading sidewalks, parks, lighting, tree canopy, bike lanes, and other public facilities.	Biennially as part of the capital improvement planning process	Community Development Department	General Fund, Transportation Impact Fee, CDBG	At least 8 infrastructure investments in high need communities, such as rehabilitation of Doolan Park, the installation of electric car chargers at Rincon Library, or bike lines along Rincon Avenue, during the Planning period.
B) Pursue funding available for acquisition and rehabilitation of foreclosed, vacant, and/or blighted properties.	Annually	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary), State and Federal sources	See Program 3.2.4

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
C) Pursue funding to acquire land and/or facilitate development of urban parks on infill sites, particularly in low-resource areas and affordable housing developments, to promote place-based revitalization through air pollution mitigation and improved access to outdoor recreational opportunities.	Meet annually with LARPD	Community Development Department & Livermore Area Parks and Recreation District (LARPD)	General Fund, CDBG	Provide at least one-third acre of parkland or open space within one mile of all residences.
D) Continue to identify funding and provide technical assistance to upgrade and enhance programming and community and recreational spaces in rental housing properties owned and managed by the Livermore Housing Authority (LHA).	Ongoing	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary), CDBG, State Grant Funds, Housing Choice Vouchers	Support at least three service or infrastructure enhancements at Leahy Square, Bluebell, Chestnut, or Las Posadas apartments over the planning period.

GOAL 5: AFFIRMATIVELY FURTHER FAIR HOUSING

Address harms from past and present racial, ethnic, and social discrimination by promoting equal opportunity to dignified and affordable housing for all persons in the community regardless of race/ethnicity, religion, gender, marital status, ancestry, national origin, disability, or any other protected characteristic covered by state and federal law.

Policy 5.1: Prevent housing discrimination through outreach, education, and engagement with landlords, tenant services providers, renters, and homebuyers.

Program 5.1.1: Support Nonprofit Organizations Specializing in Fair Housing Services

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Provide financial assistance and administrative support to local nonprofit organizations that specialize in reducing discriminatory housing practices through fair housing counseling, tenant/landlord mediation, education, outreach, and rental assistance to reduce displacement risk resulting from discrimination and facilitate housing mobility opportunities.	Annually through grants and contracts	Community Development Department – Housing & Human Services Division	CDBG and Affordable Housing Fund (Inclusionary)	Assist at least 20 households annually through the programs offered by fair housing providers.
B) Continue to refer complaints of discriminatory housing practices to fair housing providers.	Ongoing	Community Development Department – Housing & Human Services Division	CDBG and Affordable Housing Fund (Inclusionary)	Provide references to at least 3 residents experiencing fair housing issues, or as complaints are received.
C) Refer complaints and requests for housing for the disabled to partner organizations.	Ongoing	Community Development Department – Housing & Human Services Division	CDBG and Affordable Housing Fund (Inclusionary)	Provide references to at least 3 residents, or as complaints are received.
D) Distribute fair housing brochures at public locations, such as city counters, public libraries, community/senior centers, and service providers. Expand outreach and access to information for limited English-speaking residents by providing all materials in dominant non-English	Annually	Community Development Department – Housing & Human Services Division	General Fund and Affordable Housing Fund (Inclusionary)	Update and distribute fair housing materials at least annually, and disburse materials at at least one community event annually with an emphasis on areas

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
languages, including Spanish, Farsi, and Simplified Chinese, by January 2023.				with a high number of renters.
E) Provide financial support for fair housing audits and the dissemination of audit results and information on fair housing laws to landlords, rental housing organizations, and the public. Hold biannual trainings for landlords and property managers to review findings and provide education on fair housing rights and responsibilities to reduce displacement risk resulting from discrimination and facilitate housing mobility opportunities.	Annually, through annual grants and contracts	Community Development Department – Housing & Human Services Division	CDBG and Affordable Housing Fund (Inclusionary)	Engage at least 30 landlords and property owners every 2 years with an emphasis on high resource areas. Support annual audits of 10 or more landlords. Conduct fair housing testing and/or advertising audits annually.

Program 5.1.2: Reasonable Accommodation

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
A) Consistent with state and federal laws, continue to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures through the building permit and development review processes.	Ongoing	Community Development Department	General Fund and Affordable Housing Fund (Inclusionary)	n/a
B) Continue to partner with fair housing organizations to conduct trainings, test, and audits that help ensure reasonable accommodations are provided conduct in multifamily rental properties. Provide regular training to landlords.	Ongoing	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	See Program 5.1.1
C) Work with Livermore Housing Authority and partner organizations to identify landlords in need of assistance with making modifications for persons with disabilities in the Section 8 program.	Meet with the Housing Authority within 2 years of Housing Element adoption; identify landlords biannually, as feasible	Community Development Department – Housing & Human Services Division	CDBG, HOME, and Affordable Housing Fund (Inclusionary)	n/a

Policy 5.2 Develop programs and policies that remove fair housing barriers and prevent displacement.

Program 5.2.1: Fair Housing Policies and Programs

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
A) Conduct racial equity impact assessments of City policies for potential unintended fair housing impacts on people of color and work with stakeholders to address those impacts	Within 3 years of Housing Element adoption	Community Development Department – Housing & Human Services Division	General Fund (staff time)	Racial equity assessments of at least three City housing policies.
B) Strengthen requirements for City-funded affordable housing and service providers to offer linguistically accessible services, particularly in Spanish, to increase housing mobility opportunities through increased accessibility	Within 3 years of Housing Element adoption	Community Development Department – Housing & Human Services Division	General Fund & Affordable Housing Fund (Inclusionary)	Incorporate language access requirements into at least five Housing and Human Services grant agreement or service contracts.
C) To facilitate housing mobility opportunities, pursue funding for culturally relevant financial empowerment services to help community members with protected characteristics remove economic barriers to accessing housing like credit scores and income documentation	Within 2 years of Housing Element adoption	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary) General Fund (staff time)	Submit at least one funding application to support the program.
D) Present new policies to City Council that prevent displacement for low- and moderate-income community members and protect families with children, essential workers, seniors, and people with disabilities, such as an anti-harassment ordinance, just cause eviction ordinance, Ellis Act protections, or a tenant opportunity to purchase policy.	Within 3 years of Housing Element adoption	Community Development Department – Housing & Human Services Division	General Fund (staff time), Affordable Housing Fund (Inclusionary)	Present at least one tenant protection ordinance to City Council to consider for adoption.
E) Work with trusted community partners to provide linguistically and digitally accessible and culturally relevant housing search assistance to address racial housing disparities experienced by	Engage community partners and provide guidance and/or resources within 2 years of	Community Development – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	Provide resources and guidance to at least three community partners to address.

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
Latinx, Black, Asian, and Pacific Islander community members and increase housing mobility.	Housing Element adoption			local racial housing disparities,
F) Conduct a feasibility assessment for a Citywide rental registry to reduce displacement risk.	Within 2 years of Housing Element adoption	Community Development	General Fund (staff time)	Complete Citywide rental registry feasibility assessment
G) Prioritize public improvements and residential retrofits described in Actions 4.1.2.A, 4.2.1.A, and 4.2.1.C (such as streets and drainage, sidewalks and alleys, green spaces and parks, street trees, and other public facilities, amenities and infrastructure) in neighborhoods with the greatest need, including neighborhoods with high concentrations of poverty and limited existing resources and amenities.	Within 2 years of Housing Element Adoption	Community Development	General Fund	Adopt a Climate Action Plan that includes commitments to prioritizing microgrid, water efficiency, urban canopy, stormwater, and electric vehicle investments in high need communities.
H) Identify opportunities in the General Plan Circulation Element and/or Active Transportation Plan to strengthen biking, pedestrian, and public transit connections from lower resource to higher-resource areas	Within 3 years of Housing Element adoption	Community Development	General Fund	Adopt an updated Circulation Element of the General Plan and/or updated Active Transportation Plan.
I) Implement strategies in partnership with the school district, Livermore Amador Valley Transit Authority, and community based organizations that increase biking, pedestrian, and public transit access for low-income and special needs households, such as free transit pass programs.	Commence immediately and engage partners on annual basis about new strategies	Community Development Department – Housing & Human Services Division	General Fund	Distribute 5,000 free bus passes over the planning period to low-income families, unhoused individuals, and people with disabilities through partnerships with organizations such as the Livermore Valley Unified School District, Cityserve, La Familia, and Communities for Resource Independent Living (CRIL).

Actions:	Timeframe:	Responsible Agency:	Funding:	Quantified Objectives:
J) Utilize Community Development Block Grant and Human Services Facility funds to support place-based strategies to improve conditions, resources, and amenities in lower-income communities such as neighborhoods north of Downtown	Ongoing through annual Housing & Human Services Grant allocation process.	Community Development Department – Housing & Human Services Division	Community Development Block Grants & Human Services Facility Fee	At least 5 investments in projects that create or improve facilities and infrastructure benefiting low-income community members over the planning period.
K) Address racial homeownership gaps and produce more missing middle housing through the City's inclusionary housing program	Commence immediately and engage developers as new projects are submitted at least annually	Community Development Department – Housing & Human Services Division	Affordable Housing Fund (Inclusionary)	See Program 3.1.1. Adopt policies and procedures with inclusive outreach and marketing standards within 1 year of Housing Element adoption and encourage at least half of the moderate income units produced by the inclusionary housing ordinance over the planning period to be integrated into low-density and single-family dominated neighborhoods or in high resource areas.

GOAL 6: REGIONAL COOPERATION TO ADDRESS HOUSING NEEDS

Participate in and/or initiate coordinated efforts with communities in the region to effectively address affordable housing needs.

Policy 6.1: Foster regional cooperation and partnerships to address regional housing issues related to affordability, homelessness, racial and economic segregation, and special housing needs.

Program 6.1.1: Tri-Valley Affordable Housing Committee

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to participate in Tri-Valley Affordable Housing Committee to identify regional housing issues and to develop multi-jurisdictional approaches to solving affordable housing problems with focus on income integration and housing mobility opportunities.	Ongoing, quarterly. Attend at least 30 Tri- Valley Affordable Housing Committee meetings over the planning period	Community Development Department Housing & Human Services Division	General Fund	n/a

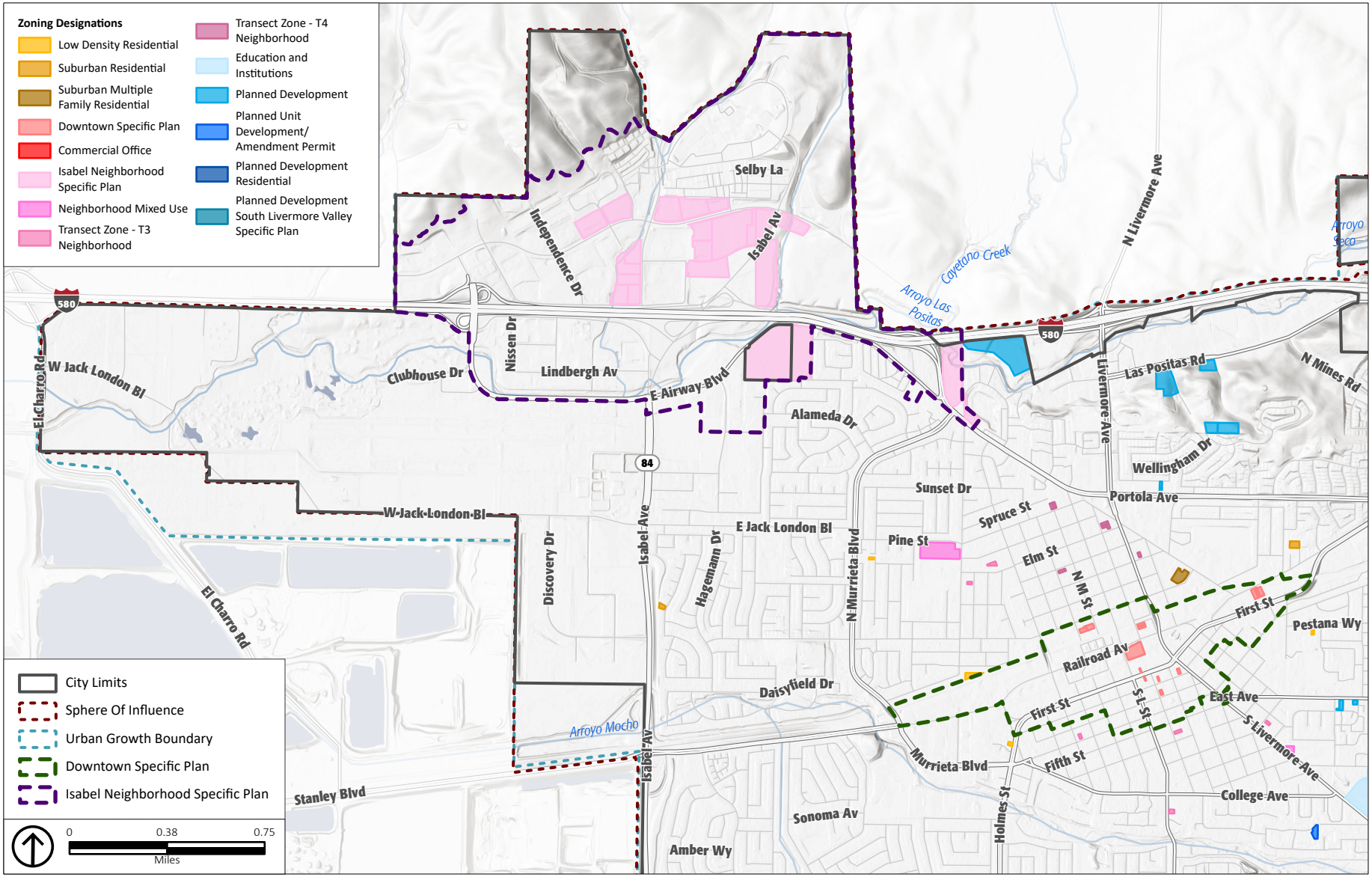
Program 6.1.2: Regional Responses to Homelessness

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
A) Continue to coordinate with other local jurisdictions to in the provision of outreach, social services, and referrals to people with disabilities, survivors of domestic violence, and homeless or those at risk of becoming homeless. Continue joint support of local homeless shelters and the Vineyard 2.0 navigation center.	Ongoing; through annual Housing & Human Services Grant allocation process.	Community Development Department Housing & Human Services Division	CDBG, HOME, Section 108, Affordable Housing Funds	Jointly fund at least three homeless services projects each year. See Program 3.4.3 for service objectives.
B) Pursue opportunities to secure joint funding with neighboring and local jurisdictions to aid homeless and at-risk households, such as the Project Reclamation supportive shared housing program.	In 2023, and annually as opportunities arise	Community Development Department - Housing & Human Services Division	General Fund, PLHA, Homekey, Affordable Housing Funds	Submit a multijurisdictional Homekey application in Round 3 to support permanent supportive housing production objectives identified in Program 1.5.3.D.
C) Implement local and regional plans to address homelessness, such as the Alameda County Home Together plan.	Ongoing	Community Development Department - Housing & Human Services Division	General Fund	n/a

Actions:	Time Frame:	Responsible Agency:	Funding:	Quantified Objectives:
D) Continue participating in local and regional partnerships to address homelessness, such as Everyone Home.	Ongoing; meet annually with partners	Community Development Department - Housing & Human Services Division	General Fund	Participate in at least one regional partnership annually to address homelessness

Appendix A – Sites List and Sites Maps

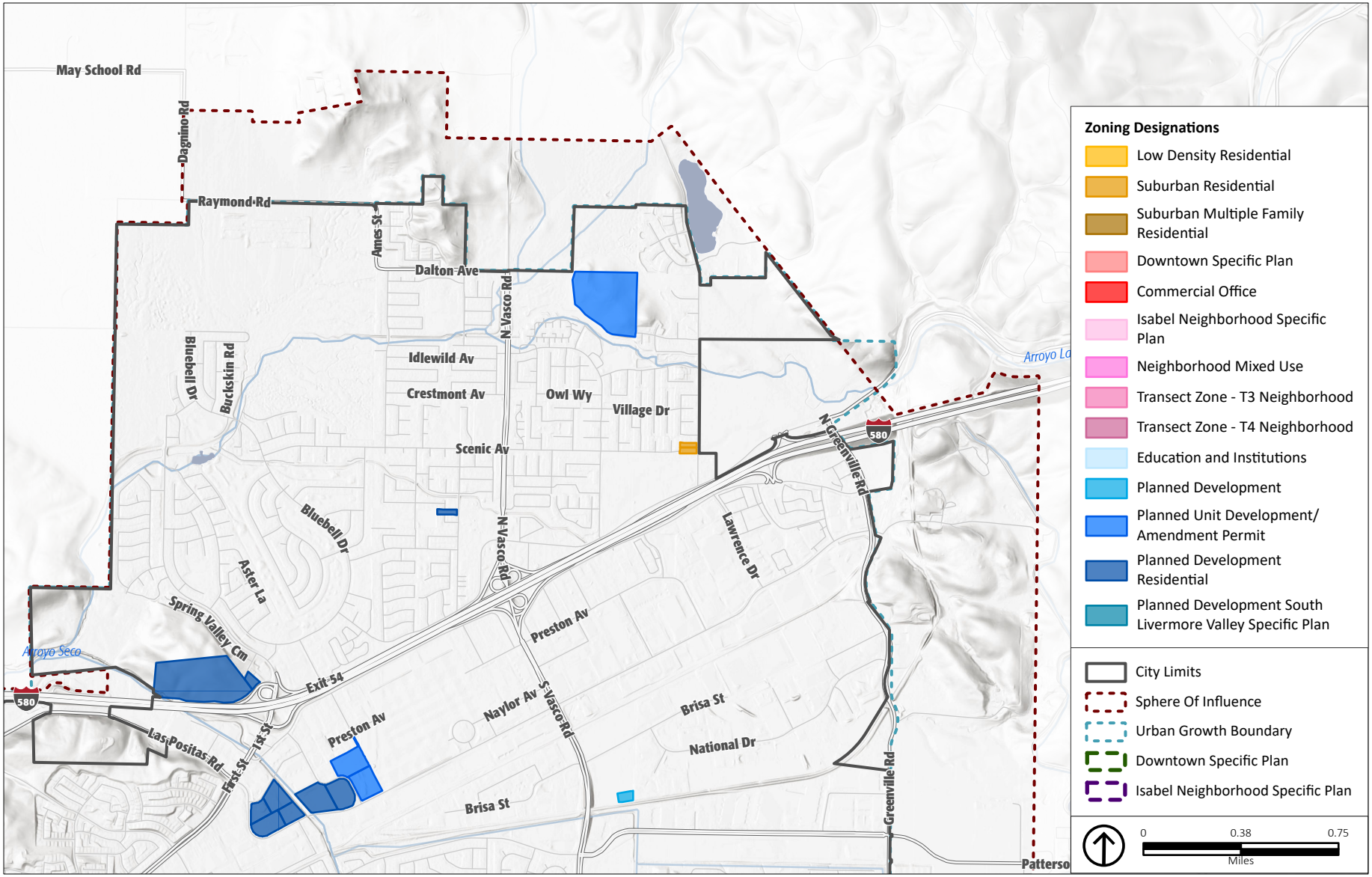
PLACEWORKS



Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure A-1a
Citywide Sites Inventory (Northwest)

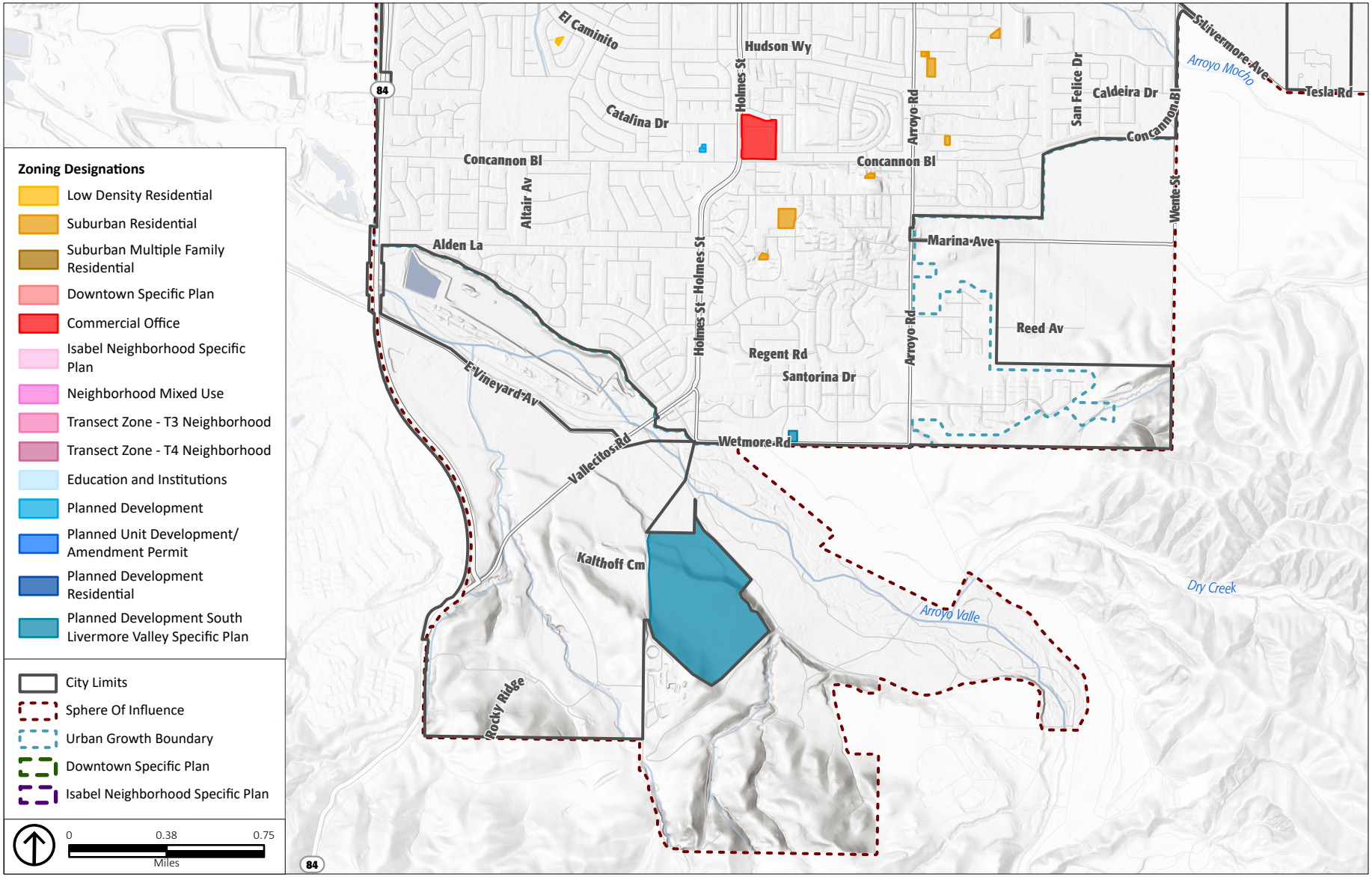
PLACEWORKS



Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure A-1b
Citywide Sites Inventory (Northeast)

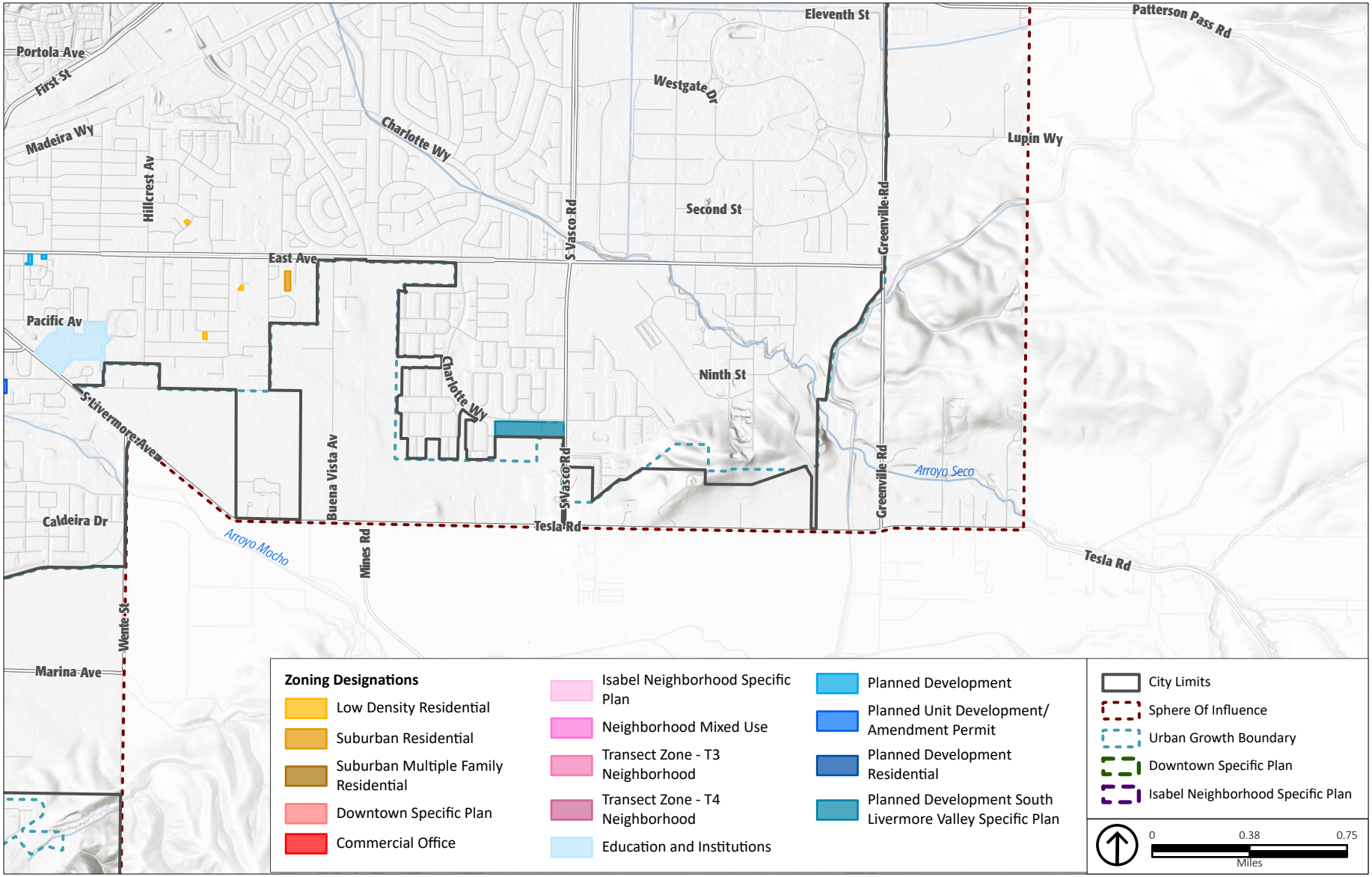
PLACEWORKS



Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure A-1c
Citywide Sites Inventory (Southwest)

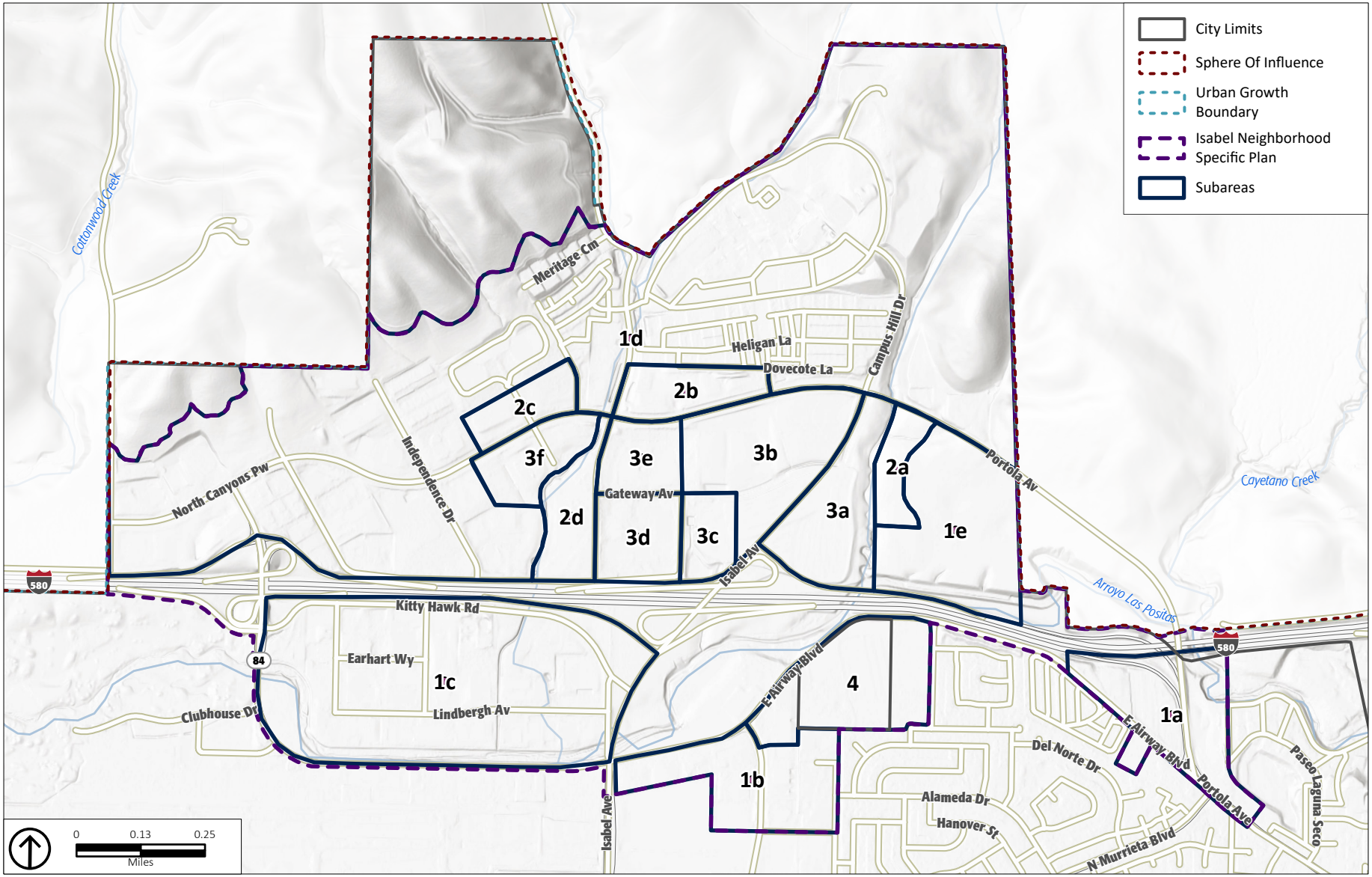
PLACEWORKS



Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure A-1d
Citywide Sites Inventory (Southeast)

PLACEWORKS

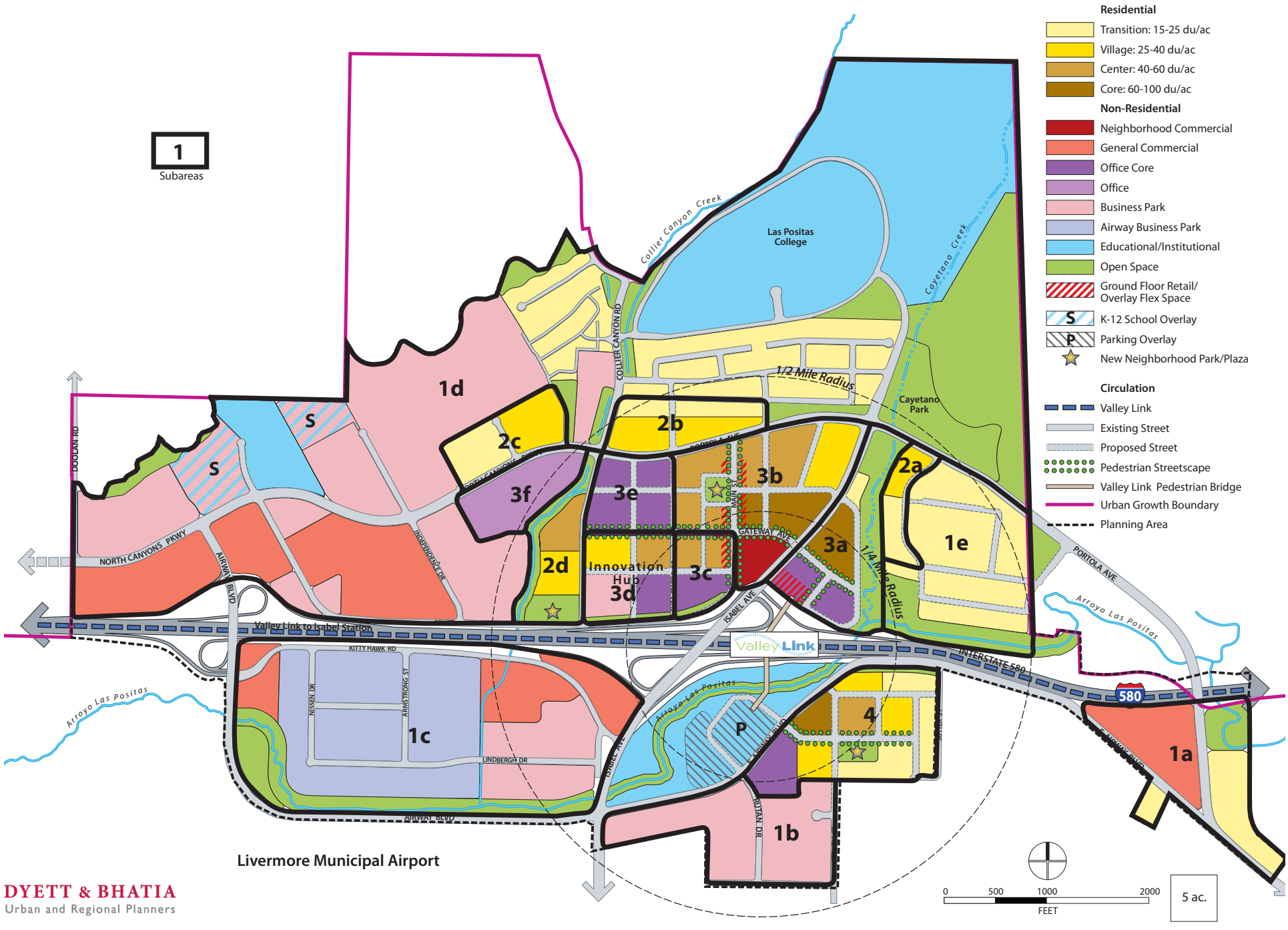


Source: City of Livermore, 2021; Esri, 2021; PlaceWorks, 2022.

Figure A-2
Isabel Neighborhood Specific Plan

EXHIBIT A

FIGURE 2-3: SUBAREA DIAGRAM



DYETT & BHATIA
Urban and Regional Planners

Table A: Housing Element Sites Inventory, Table Starts in Cell A2

Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/ Vacancy	Infra-structure	Publicly- Owned	Site Status	Identified in Last/Last Two Planning Cycle(s) [Lower Income Only]	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Optional Information1
098A041210605		Neighborhood Mixed Low Density	Neighborhood Mixed Use	n/a	15.0	0.45	Vacant	Yes - Current	No - Privately Owned	Available	n/a			5	5	Must comply with TDC ordinance
099 001502202		Rural Residential	Planned Development/Residential Rural-5	n/a	1.0	1.18	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 001502203		Rural Residential	Planned Development/Residential Rural-5	n/a	1.0	2.04	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 001503900		Rural Residential	Planned Development/Residential Rural-5	n/a	1.0	4.25	Vacant	Yes - Current	No - Privately Owned	Available	n/a			3	3	
099 001506500		Community Serving General Commercial	Planned Development/Residential Rural-5	n/a	1.0	1.40	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 031201000		Urban High Residential/Office Commercial	Planned Development-07-001	n/a	3.0	0.13	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 031201100		Urban High Residential/Office Commercial	Planned Development-07-001	n/a	3.0	0.21	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 135400300		South Livermore Valley Agricultural Preserve	Planned Development-Southern Livermore Valley Specific Plan	n/a	3.5	120.04	Vacant	Yes - Current	No - Privately Owned	Available	n/a			6	6	Realistic capacity based on what is allowed in PD
097 008501802		Urban Medium-High Residential	Residential Low Density	n/a	4.5	0.16	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099B540100900		BART Station and Parking	Suburban Residential	n/a	4.5	0.77	Vacant	Yes - Current	No - Privately Owned	Available	n/a			2	2	
099B540101000		BART Station and Parking	Suburban Residential	n/a	4.5	0.94	Vacant	Yes - Current	No - Privately Owned	Available	n/a			3	3	
099 040000728		Urban Low Residential	Suburban Residential	n/a	4.5	2.98	Vacant	Yes - Current	No - Privately Owned	Available	n/a			10	10	
099 072521200		Urban Low Residential	Suburban Residential	n/a	4.5	0.42	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 131103507		Urban Low Residential	Suburban Residential	n/a	4.5	0.41	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 075101301		Urban Low Residential	Suburban Residential	n/a	4.5	0.20	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 075101208		Urban Low Residential	Suburban Residential	n/a	4.5	1.49	Vacant	Yes - Current	No - Privately Owned	Available	n/a			5	5	
099A293400202		South Livermore Valley Residential Developed Area	Planned Development-Southern Livermore Valley Specific Plan	n/a	PD - 20 units allowed	9.84	Low density residential and tree company. About half the parcel is vacant.	Yes - Current	No - Privately Owned	Available	n/a			20	20	20 single-family units allowed under PD. About half the parcel is vacant. This analysis assumes projected units would develop on vacant portion of the parcel.
099B510000500		Urban Medium Residential	Planned Development R-03-004	n/a	4.5	1.02	Low density residential. About 80 percent of the parcel is vacant.	Yes - Current	No - Privately Owned	Pending Project	n/a			4	4	This parcel has approval to subdivide into 5 lots, keeping the existing residence on one and building 4 new single family homes.
099 136700201		SV-5-AP	Planned Development-Southern Livermore Valley Specific Plan	n/a	1.5	0.83	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	1 unit allowed per PD
099 010003200		Open Space	PDA 18-006	n/a	1	12.34	Vacant	Yes - Current			n/a			1	1	Must provide access over creek. PDA 18-006 zoning permits 1 unit.
099B530001000		Urban Low Residential (UL-1)	Planned Unit Development 115	n/a	1.5	31.67	Vacant	Yes - Current	No - Privately Owned	Pending Project	n/a			44	44	Site was entitled for 44 units.
097 014807500		Urban Low Residential (UL-2)	Suburban Residential	n/a	2	0.35	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
099 072505300		Urban Low Residential (UL-2)	Suburban Residential	n/a	2	0.53	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.

Table A: Housing Element Sites Inventory, Table Starts in Cell A2

Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/ Vacancy	Infra-structure	Publicly- Owned	Site Status	Identified in Last/Last Two Planning Cycle(s) [Lower Income Only]	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Optional Information1
099 007500215		Urban Low Medium Residential	Planned Development (Suburban Residential)	n/a	3	0.16	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Residential PD's shall conform to density specified in the General Plan and to zoning district closest to that density (RS)
099 007500306		Urban Low Medium Residential	Planned Development (Suburban Residential)	n/a	3	0.11	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
099 115104400		Urban Low Medium Residential	Suburban Residential	n/a	3	1.00	Vacant	Yes - Current	No - Privately Owned	Available	n/a			2	2	
099 132101300		Urban Low Medium Residential	Planned Unit Development 153-86	n/a	3	0.59	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
097 009602700		Urban Medium Residential	T3 Neighborhood	n/a	4.5	0.20	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
098 038700201		Urban Medium Residential	Residential Low Density	n/a	4.5	0.10	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
098A040302009		Urban Medium Residential	Residential Low Density	n/a	4.5	0.23	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
098A040500900		Urban Medium Residential	Residential Low Density	n/a	4.5	0.14	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
099 019202400		Urban Medium Residential	Residential Low Density	n/a	4.5	0.26	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
099 031105001		Urban Medium Residential	Residential Low Density	n/a	4.5	0.16	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
099 031105002		Urban Medium Residential	Residential Low Density	n/a	4.5	0.14	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
099 108209000		Urban Medium Residential	Residential Low Density	n/a	4.5	0.15	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
097 002600502		Urban Medium-High Residential	T3 Neighborhood	n/a	6	0.11	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
097 004900504		Urban Medium-High Residential	T3 Neighborhood	n/a	6	0.17	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
097 010201200		Urban Medium-High Residential	T3 Neighborhood	n/a	6	0.11	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Min./Max. lot size standards permit only 1 unit.
098 029000416		Urban Medium-High Residential	Residential Low Density	n/a	6	0.57	Vacant	Yes - Current	No - Privately Owned	Available	n/a			2	2	Development would require access from front parcel.
098 034909502		Urban Medium-High Residential	T3 Neighborhood	n/a	6	0.24	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	Access available via N Street.
098A041400400		Urban Medium-High Residential	Residential Low Density	n/a	6	0.10	Vacant	Yes - Current	No - Privately Owned	Available	n/a			1	1	
099 005100302		Urban Medium-High Residential	Suburban Residential	n/a	6	0.61	Vacant	Yes - Current	No - Privately Owned	Available	n/a			2	2	Target lot size permits s maximum of 3 units.
098 025602700		Urban High Residential	Suburban Multiple Residential-12	n/a	14	1.40	Vacant	Yes - Current	No - Privately Owned	Available	n/a			15	15	
098 023100800		Urban High Residential (UH-2)	T4 Neighborhood	n/a	14	0.17	Vacant	Yes - Current	No - Privately Owned	Available	n/a		1		1	Minimum lot size in zoning district permits only 1 lot with 2 units.
098A061000200		Urban High Residential (UH-2)	Planned Development	n/a	14	0.39	Vacant	Yes - Current	No - Privately Owned	Pending Project	n/a		4		4	Residential PD's shall conform to density specified in the General Plan and to zoning district closest to that density (RM). Active application for housing on this site but no building permits issued.
098A061000400		Urban High Residential (UH-2)	Planned Development	n/a	14	0.18	Vacant	Yes - Current	No - Privately Owned	Available	n/a		2		2	Residential PD's shall conform to density specified in the General Plan and to zoning district closest to that density (RM).

Table A: Housing Element Sites Inventory, Table Starts in Cell A2

Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/ Vacancy	Infra-structure	Publicly- Owned	Site Status	Identified in Last/Last Two Planning Cycle(s) [Lower Income Only]	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Optional Information1
098 022700300		Urban High Residential	T4 Neighborhood	n/a	14	0.11	Vacant	Yes - Current	No - Privately Owned	Available	n/a		1		1	Lot size can only accommodate single unit.
099 132502202		Low-Intensity Industrial/Urban High Residential	Planned Development R 16-001	n/a	18	2.95	Vacant	Yes - Current	No - Privately Owned	Available	n/a		35	16	51	Arroyo Vista Neighborhood Plan
099 132502300		Low-Intensity Industrial/Urban High Residential	Planned Development R 16-001	n/a	18	4.75	Vacant	Yes - Current	No - Privately Owned	Available	n/a		56	25	81	Arroyo Vista Neighborhood Plan
099 132503004		Low-Intensity Industrial/Urban High Residential	Planned Development R 16-001	n/a	18	4.92	Vacant	Yes - Current	No - Privately Owned	Available	n/a		58	26	84	Arroyo Vista Neighborhood Plan
099 132502902		Low-Intensity Industrial/Urban High Residential	Planned Development R 16-002	n/a	18	3.22	Vacant	Yes - Current	No - Privately Owned	Available	n/a		38	17	55	Arroyo Vista Neighborhood Plan
099 132502702		Low-Intensity Industrial/Urban High Residential	Planned Development R 16-003	n/a	18	7.21	Vacant	Yes - Current	No - Privately Owned	Available	n/a		86	37	123	Arroyo Vista Neighborhood Plan
099 132508900		Low-Intensity Industrial/Urban High Residential	Planned Development R 16-004	n/a	18	5.87	Vacant	Yes - Current	No - Privately Owned	Available	n/a		70	31	101	Arroyo Vista Neighborhood Plan
902 000800202	A	Urban High Residential	Planned Development R 18-003	n/a	18	34.04	Vacant	Yes - Current	No - Privately Owned	Available	n/a		186		186	186 units allowed under this PD
099 002300800	A	Urban High Residential	Planned Development R 18-003	n/a	18	1.21	Vacant	Yes - Current	No - Privately Owned	Available	n/a		0		0	Combine this parcel with APN above
098 029800500		Urban Medium-High Residential	T3 Neighborhood	n/a	6	0.11	Vacant	Yes - Current	No - Privately Owned	Available	n/a		1		1	
098 021300305		Urban High Residential	T4 Neighborhood	n/a	18	0.11	Vacant	Yes - Current	No - Privately Owned	Available	n/a		1		1	
098 021300306		Urban High Residential	T4 Neighborhood	n/a	18	0.11	Vacant	Yes - Current	No - Privately Owned	Available	n/a		1		1	
098 021300303		Urban High Residential	T4 Neighborhood	n/a	18	0.17	Vacant	Yes - Current	No - Privately Owned	Available	n/a		2		2	
098 034602200		Urban High Residential	T4 Neighborhood	n/a	18	0.16	Vacant	Yes - Current	No - Privately Owned	Available	n/a		2		2	
098 034602100		Urban High Residential	T4 Neighborhood	n/a	18	0.14	Vacant	Yes - Current	No - Privately Owned	Available	n/a		2		2	
098 035100605		Neighborhood Mixed Medium Density	Neighborhood Mixed Use	n/a	24	5.70	Strip mall with a lot of parking lot area	Yes - Current	No - Privately Owned	Available	n/a		91		91	Rincon & Pine parcel. Realistic capacity is based on a prior application for this site that is dormant right now. This is an underutilized shopping center (about 80% vacant). The current property owner is interested in selling so this site can redevelop. A homebuilder is in the process of purchasing the parcel.
097 014301905		Office Commercial	Commercial Office	n/a	18	13.29	Retail/commercial with a large vacant portion of the parcel	Yes - Current	No - Privately Owned	Pending project	n/a		84		84	The northern part of this parcel will be redeveloped for senior assisted living for 128 people. Will be 84 apartments units. The project is going through building permit review but building permits have not been issued. Realistic capacity is based on the developable portion of the parcel and the proposed project.
097 001500800		Downtown Area	Downtown Specific Plan - Downtown Core	30	55	0.12	Vacant	Yes - Current	No - Privately Owned	Available	n/a		5		5	
098 028100900		Downtown Area	Downtown Specific Plan - Neighborhood North Side	15	24	0.17	Vacant	Yes - Current	No - Privately Owned	Available	n/a		3		3	
098 028101000		Downtown Area	Downtown Specific Plan - Neighborhood North Side	15	24	0.17	Vacant	Yes - Current	No - Privately Owned	Available	n/a		3		3	
097 001800600		Downtown Area	Downtown Specific Plan - Downtown Core	30	55	0.11	Vacant	Yes - Current	No - Privately Owned	Available	n/a		4		4	

Table A: Housing Element Sites Inventory, Table Starts in Cell A2

Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/ Vacancy	Infra-structure	Publicly- Owned	Site Status	Identified in Last/Last Two Planning Cycle(s) [Lower Income Only]	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Optional Information1
099 010003008		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	1.58	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			21	21	Isabel Neighborhood Specific Plan (INSP). Specific Plan was approved in late 2020 and the new zoning was applied. No applications for residential development inside the Specific Plan area have received buliding permits yet. This parcel and the rest of the INSP parcels listed below are those that allow for residential development in the SP.
099 010001830		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	10.31	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			140	140	INSP
099 134409100		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	9.96	self-storage	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			135	135	INSP
099 133102800		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	21.10	Agriculture and low density residential	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			286	286	INSP
903 001003704		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	100	11.66	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	270		158	428	INSP; partial part of parcel for lower income units - 4.31 acres
903 001400400		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	3.84	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			52	52	INSP
903 001005000		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	25	100	4.6	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	1		62	63	INSP; partial part of parcel for lower income units - 0.13 acres
903 001005100		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	60	100	0.13	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	1		2	3	INSP; partial part of parcel for lower income units - 0.11 acres
903 001004900		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	25	100	2.28	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	17		31	48	INSP; partial part of parcel for lower income units - 0.38 acres
903 001004800		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	25	100	14.06	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	486		191	677	INSP; partial part of parcel for lower income units - 10.74 acres
903 001005300		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	40	100	6.55	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	142		89	231	INSP; partial part of parcel for lower income units in subarea 3b - 0.20 acres; partial part of parcel for lower income units in subarea 3c - 2.94 acres
903 001004700		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	40	60	3.51	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	62		48	110	INSP; partial part of pacel for lower income units - 1.74 acres
903 001004600		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	40	60	3.53	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	90		48	138	INSP; partial part of parcel for lower income units - 2.50 acres
903 001002800		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	2.43	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			33	33	INSP
903 001002900		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	4.97	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			67	67	INSP
903 001003000		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	5.54	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			75	75	INSP
905 001000403		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	5.27	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			71	71	INSP
905 001000600		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	4.93	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			67	67	INSP
905 001500800		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	40	60	2.66	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	105		36	141	INSP; partial part of parcel for lower income units - 2.18 acres

Table A: Housing Element Sites Inventory, Table Starts in Cell A2

Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/ Vacancy	Infra-structure	Publicly- Owned	Site Status	Identified in Last/Last Two Planning Cycle(s) [Lower Income Only]	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Optional Information1
905 001502900		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	25	60	3.03	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	68		41	109	INSP; partial part of parcel for lower income units - 1.42 acres
905 001502800		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	2.35	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			32	32	INSP
905 001502600		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	2.81	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			38	38	INSP
905 001502700		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	40	2.24	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements			30	30	INSP
903 001003602		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	60	100	0.07	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	1			1	INSP
903 001003603		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	60	100	0.64	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	37			37	INSP
903 001003702		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	15	100	0.11	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	1			1	INSP
903 001001801		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	40	60	2.5	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	90			90	INSP
903 001005200		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	60	100	2.80	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	179			179	INSP
903 001005400		Isabel Neighborhood Specific Plan	Isabel Neighborhood Specific Plan	40	60	0.42	Vacant	Yes - Current	No - Privately Owned	Available	Not Used in Prior Housing Elements	20			20	INSP
099 095000802		Urban High Residential	Planned Development 18-004		55	3.50	Civic uses and large vacant area on northeast side of parcel that is pending development as housing. Subdivision of that parcel is also pending.	Yes - Current	Yes - City-Owned	Pending project	Not Used in Prior Housing Elements	140			140	The area to the northeast of the solar field was recently rezoned for an affordable senior housing development. Newly created parcel number will be included when it is available. Realistic unit number is based on the approved project.
098 028902200		Downtown Area	Downtown Specific Plan - Downtown Core	30	55	2.08	Vacant	Yes - Current	No - Privately Owned	Pending Project	Not Used in Prior Housing Elements	130			130	Entitled for 130 low income units. No building permits issued. Realistic unit number is based on the entitled project.
098 025000204	B	Downtown Area	Downtown Specific Plan - Neighborhood North Side	15	24	0.29	Parking lot	Yes - Current	Yes - City-Owned	Available	Not Used in Prior Housing Elements	5			5	City-owned former RDA site. Designated as housing assets site and will be developed with 100% affordable housing, that is why the site is included for lower RHNA even though max density is 24 du/ac. City expects to release RFQ later this year to develop and to have an agreement for the project in place by the end of 2023. Combined with APN below.
098 025000103	B	Downtown Area	Downtown Specific Plan - Neighborhood North Side	15	24	0.34	Auto body shop and parking	Yes - Current	Yes - City-Owned	Available	Not Used in Prior Housing Elements	6			6	City-owned former RDA site. Designated as housing assets site and will be developed with 100% affordable housing, that is why the site is included for lower RHNA even though maximum density is 24 du/ac. City expects to release RFQ later this year to develop and to have an agreement for the project in place by the end of 2023. Combined with APN above
099 132508500		Low-Intensity Industrial/Urban High Residential (UH-5b)	Planned Unit Development 246-81	30	38	6.18	Vacant	Yes - Current	No - Privately Owned	Available	Used in Prior Housing Element[1]	187			187	

EXHIBIT A

Table A: Housing Element Sites Inventory, Table Starts in Cell A2

Assessor Parcel Number	Consolidated Sites	General Plan Designation (Current)	Zoning Designation (Current)	Minimum Density Allowed (units/acre)	Max Density Allowed (units/acre)	Parcel Size (Acres)	Existing Use/ Vacancy	Infra-structure	Publicly- Owned	Site Status	Identified in Last/Last Two Planning Cycle(s) [Lower Income Only]	Lower Income Capacity	Moderate Income Capacity	Above Moderate Income Capacity	Total Capacity	Optional Information1
099 132501200		Low-Intensity Industrial/Urban High Residential (UH-5b)	Planned Unit Development 246-81	30	38	6.68	Vacant	Yes - Current	No - Privately Owned	Available	Used in Prior Housing Element[1]	203			203	
099B576001000		Low-Intensity Industrial/Urban High Residential (UH-5b)	Planned Development	30	38	1.40	Vacant	Yes - Current	Yes - City-Owned	Available	Used in Prior Housing Element[1]	42			42	
												2283	**736**	**2058**	**5077**	
Note 1: These sites were included in one prior Housing Element, not two prior elements so do not trigger the repeat sites requirements of AB 1397.																

Appendix B - Review of Previous

APPENDIX B: REVIEW OF PREVIOUS HOUSING ELEMENT PROGRAMS

Housing Program	*Progress?*	*Continue/Modify/Delete*
GOAL 1: DIVERSITY OF HOUSING CHOICE		
Policy 1.1: Develop and maintain an inventory of land with adequate densities and development standards to meet the Regional Housing Needs Allocation (RHNA) in all income categories.		
Program 1.1.1: Land Inventory		
Develop a land inventory that provides sufficient sites to meet the Regional Housing Needs Allocation (RHNA) of 2,729 units (839 very-low, 474 low, 496 moderate-income, and 920 above moderate). Timeframe: Completed for the 2015-2022 Cycle Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is complete. In March 2015, the City adopted an updated Housing Element for the 2015-2022 cycle that included a Land Inventory with sufficient sites to meet the RHNA. HCD certified the Housing Element on April 20, 2015.	Delete.
In the event that a site included in the City's land inventory is developed commercially or with other non-residential uses, identify an additional site with the same or more capacity as the previous site. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. No sites listed in the Land Inventory were redesignated to a nonresidential use in the planning period.	Amend and continue.
Should a proposed density reduction decrease the number of units below the City's RHNA for the Housing Element period, identify additional sites/units to ensure the RHNA can still be met. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City did not process any projects in the planning period that would decrease the number of units below the City's RHNA.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Maintain a file in the Planning Division of vacant residential acreage to assist developers in identifying land suitable for single-family and multi-family residential development. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The Land Inventory is available to prospective home builders. An electronic map will be prepared moving forward.	Combine with subelement below, amend and continue.
Maintain maps indicating current zoning as well as public facilities and services to these sites. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The zoning map is available on the City's website. The City's GIS system provides updated general plan and zoning information and map layers of the location of public facilities and services available to residential sites. The City made some of the GIS layers publicly accessible in 2017.	Combine with subelement above and continue.
Monitor on an annual basis the development of underutilized or vacant residential sites identified to meet the RHNA. Timeframe: Annually Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	Underutilized or vacant residential sites identified to meet the RHNA were monitored for development each year as part of the Annual Progress Report.	Delete, this will be captured in other subelements above.
Following future amendments to the General Plan's Safety Element, ensure consistency with the Housing Element, including the land inventory. Timeframe: As needed Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The Safety Element was updated in 2018 to include a new goal, objectives, and policies relating to and supporting the Tri-Valley Hazard Mitigation Plan. The goal, objectives, and policies address natural hazard mitigation and protecting people, property, and the environmental from natural hazards. The Safety Element is being updated as part of the General Plan update.	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Policy 1.2: Facilitate the development of a range of housing types through area planning efforts and the Development Code.		
Program 1.2.1: Implementation of the General Plan, Downtown Specific Plan, and Development Code		
Continue to update and amend the General Plan as needed and appropriate to provide a range of housing types, densities, and affordability levels. Timeframe: As projects are proposed; reviewed annually Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. In 2015, the City a amended the General Plan for The Vines by Ponderosa prorejct, which involved changing the land use designation from a mixed-use commercial category to the residential-only "Urban High Residential" (UH-2) designation with a density range of 8 to 14 dwelling units per acre. In 2016, the City amended the General Plan to allow residential use and increased density for The Central Crossing project by Signature Homes. This project involved changing the land use designation on a portion of the site from Urban Medium Residential (UM) and Service Commercial (SC) to the UH-2 designation. The City amended the General Plan in 2017 to allow residential use and increased density in an area previously designated for commercial use only. The 24-acre area, referred to as the First Street Transitional area, now has a dual land use designation of SC and UH-2. In 2020, the City amended the General Plan to redesignate a portion of the Civic Center site to allow the development of an affordable senior housing project. The new Urban High Residential designation allows a density range of 38 to 55 dwellings per acre. A comprehensive General Plan Update is currently underway.	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Continue to update and amend the Downtown Specific Plan as needed and appropriate to facilitate downtown revitalization, the provision of affordable housing, and mixed-use development. Timeframe: As projects are proposed; reviewed annually Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. In 2018, the City continued its downtown redevelopment efforts by approving a conceptual plan with a variety of amenities, including 130 units of affordable workforce housing. The City adopted Downtown Specific Plan amendments to facilitate the redevelopment plan in 2020.	Continue.
Analyze potential Development Code updates that would expand opportunities for attached housing (e.g., small apartment complexes) and smaller unit types (e.g., studios and cottages). Timeframe: By 2017 Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The City updated the Accessory Dwelling Unit (ADU) standards in 2018 and 2019 and the Density Bonus standards in 2019. Staff implemented the new State ADU standards to comply with the State code.	Continue.
Evaluate specific barriers to residential development of small properties. Timeframe: By 2017 Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	Staff will explore options to remove barriers to the development of small properties as part of the current General Plan update effort.	Amend and continue.
Program 1.2.2: Isabel BART Station Specific Plan		
Develop a Specific Plan for the area surrounding the future Isabel BART Station, and revise the General Plan and Zoning designations accordingly to allow for residential transit-oriented development. Timeframe: By 2017 Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	Complete. In 2018, City Council approved the Isabel Neighborhood Specific Plan (INSP).However, the INSP approval was contingent upon the approval of the BART extension to Livermore, which was not approved by the BART Board of Directors. Staff coordinated with a new Regional Rail Authority to establish the Valley Link	Delete.

Housing Program	*Progress?*	*Continue/Modify/Delete*
	connection to BART and revised the INSP within this new context. Council adopted the revised INSP in 2020, which allows for approximately 4,000 new dwelling units in a range of attached housing types	
Program 1.2.3: Mobile and Manufactured Homes		
Continue to allow mobile and manufactured homes that meet State and City codes, as well as the City's design review requirements, in all residential districts. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: 40 new mobile or manufactured homes over the next 8 years	This program is ongoing. Two new mobile homes and several manufactured ADUs were built during the planning period.	Amend and continue.
Program 1.2.4: Secondary Dwelling Units		
Continue to encourage the development of secondary dwelling units by exempting them from certain development impact fees. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City waived the Traffic Impact Fee (TIF), Downtown Revitalization Fee, and Parks Facility Fee for ADUs. The City issued permits for 60 ADUs in 2021, 39 ADUs in 2020, 36 ADUs in 2019, 18 ADUs in 2018, 12 ADUs each in 2016 and 2017, 9 in 2015, and 6 in 2014. The City will amend this program to include review of its current ADU standards for compliance with state law. Updates will be made if needed.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Program 1.2.5: Reduce Governmental Constraints		
The City of Livermore facilitates and encourages the development of a variety of housing in the community. The City will monitor its development fees to ensure they are reasonable and do not unduly constrain development, while protecting the quality, health, and public safety of the community. Timeframe: Ongoing; as changes are made to development fees. Make changes as needed Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	Ongoing. As part of the Housing Element update completed in 2015, the City determined that its development impact fees are comparable to nearby jurisdictions with similar markets and are not constraining housing production. The City continued to use various practices to offset potential negative effects of development impact fees on housing development and cost. The City updated its development fees each year during the planning period to reflect cost of living changes, in accordance with local ordinance.	Continue.
Policy 1.3: Encourage the development of housing for individuals with disabilities.		
Program 1.3.1: Licensed Community Residential Care Facilities		
Consistent with State law, continue to allow licensed community residential care facilities serving 6 or fewer persons in all residential districts as a means of providing housing for these special needs groups. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: None required Quantified Objectives: n/a	This program is ongoing. The Livermore Development Code continues to allow licensed community residential care facilities in the residential zoning districts.	Amend and continue
Program 1.3.2: Universal Design		
Continue to include universal design features as project specific criteria to achieve a higher project-specific rating during competitive years of the Housing Implementation Program (HIP). Timeframe: 2017-2019 HIP Program Responsible Agency: Community Development Department Funding: General Fund Quantified Objectives: n/a	The City has discontinued the HIP program. Accommodation of housing units will instead be based on the City's capacity to provide infrastructure and services for new housing. The City will continue to allow and encourage universal design in housing projects.	Delete

Housing Program	*Progress?*	*Continue/Modify/Delete*
Update the City's residential design guidelines and standards to encourage "visitability" and universal design features in new homes. Timeframe: By 2018 Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program has not been implemented. The City intends to update the residential design guidelines and standards as part of the General Plan update and Development Code update..	Continue.
Expand consumer awareness by providing information on universal design features at the City's Permit Center and develop resource information for the City's Permit Center website. Timeframe: By 2018 Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City has not yet developed Livermore-specific resources on universal design features, but the City does provide information and guidance upon request at the Permit Center.	Continue.
Program 1.3.3: Development of Housing Persons with Disabilities		
Continue to provide monetary subsidies to market-rate developers and non-profits to encourage the development of new housing for persons with disabilities, including developmental disabilities, and for the improvement of existing housing. • Seek state and federal funding to increase resources available for this program. Timeframe: As projects are proposed or through annual Housing & Human Services Grant allocation process Ongoing monitoring* Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund Quantified Objectives: n/a	In 2015, the City provided Hello Housing, a nonprofit housing development agency, with two loans totaling $1,310,000 as interim financing for acquisition and rehabilitation of a five-unit multifamily property that will be affordable to very-low-income (50% Area Median Income) households. Affordability restrictions are secured through a Regulatory Agreement. The project obtained additional funding through the State Mental Health Services Act for capital improvements. The project was sold to Housing Consortium of the East Bay (HCEB), a California nonprofit public benefit corporation. HCEB assumed a portion of the City's initial loan of $810,000, which will ensure that the project is able to remain affordable for 55 years.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
	In 2017, the City approved development entitlements for MidPen Housing to develop Avance Apartments, 44 units of affordable, services-enriched housing for persons with developmental disabilities. The City provided financial support for acquisition and development of the project through a loan from the City's Affordable Housing Trust Fund of up to $8,003,832. In February 2021, the project closed all necessary financing to begin construction. The City worked with Housing Consortium of the East Bay, a nonprofit developer of disabled/special needs housing, to refinance a private mortgage for shared, permanent housing for two developmentally disabled adults. The City worked with Tri-Valley REACH, a nonprofit operator of disabled/special needs housing, to purchase two units of shared housing for individuals with developmental disabilities and expand a shared home that operates as permanent housing for developmentally disabled adults who are able to live independently. In 2021, eight new HUD Section 811 units in the Chestnut Square Family apartments project were leased to persons with disabilities.	

Housing Program	*Progress?*	*Continue/Modify/Delete*
Consider regulatory incentives for projects targeted for persons with disabilities, including persons with developmental disabilities. Timeframe: Annually, or as projects are proposed Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The next Development Code update process may include an analysis of potential regulatory incentives. The City provided some specific fee reductions for developers of affordable housing, including those targeting persons with disabilities. In addition, recent State law has taken the lead in considering regulatory incentives for housing for persons with physical or mental disabilities. Notably, AB 2162 required local entities to streamline the approval of housing projects containing a minimum amount of Supportive Housing by providing a ministerial approval process, removing the requirement for CEQA analysis and removing the requirement for Conditional Use Authorization or other similar discretionary entitlements granted by the Planning Commission. The City will revise the Development Code to address AB 2162 as part of implementation of a revised version of this program.	Amend and continue.
Support "aging in place" through community design, partnering with organizations that provide support services, and encouraging accessibility improvements to rental housing. Timeframe: Annual renewal of Housing & Human Services Grant funding agreements and as projects are proposed Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing. The City provided grant funds to several nonprofit agencies that provide senior support and disabled services to individuals: Senior Support Program of the Tri-Valley and Community Resources for Independent Living (CRIL) encourage seniors and disabled persons to age in place and facilitate independent living skills. In 2016, the City contracted with Habitat for Humanity East Bay/Silicon Valley to administer the City's owner-occupied housing rehabilitation program, which assists seniors with home accessibility	Continue.

Housing Program	Progress?	Continue/Modify/Delete
	improvements. In 2019, the City completed the development of the 72-unit Chestnut Senior apartments serving low income seniors. In 2021, the City approved development entitlements for a 140 unit senior project to be developed on Pacific Avenue (Pacific Avenue Senior Apartments), which includes services and amenities for seniors to allow them to live independently and age in place. From January-June 2021, the City contracted with Habitat for Humanity East Bay/Silicon Valley to administer the City's owner-occupied housing rehabilitation program, which assists seniors with home accessibility improvements.	
GOAL 2: WELL MANAGED GROWTH		
Policy 2.1: Encourage the provision of lower income housing, infill development, and mixed-use projects in locations served by existing infrastructure, particularly transit services.		
Program 2.1.1 Housing Implementation Program (HIP)		
Ensure that future HIP programs address the need to provide very low- and low-income housing units (according to the City's RHNA) by establishing sufficient allocations for development of sites identified in the land inventory. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The 2017-2019 HIP included sufficient allocations for development sites identified in the Land Inventory, including 1,566 in the Downtown area. The City has since discontinued the HIP program. Accommodation of housing units will instead be based on the City's capacity to provide infrastructure and services for new housing. The City will continue to encourage and accommodate very-low- and low-income housing.	Delete.
Re-evaluate and continue HIP exemptions as needed to facilitate housing construction, redevelopment, and large scale catalyst projects in the Downtown area. Timeframe: Ongoing	Neither the 2014-2016 HIP nor the 2017-19 HIP put further limitations on growth in the Downtown area. The City has since discontinued the HIP program. Accommodation of housing units will instead be based on the City's capacity to provide	Delete.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	infrastructure and services for new housing. Several projects are underway to redevelop Downtown catalyst sites with housing.	
Continue to allow exemptions from the HIP in conjunction with the TDC Program to encourage infill development. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The 2014-2016 HIP required minimum energy efficiency measures in order to qualify for allocations. Allocations were awarded on a first-come, first-served basis. The 2017-19 HIP continued to allow exemptions in conjunction with the TDC program. The City has since discontinued the HIP program but will continue to encourage infill development.	Delete.
Continue to use emphasized categories during competitive years as a mechanism to encourage infill development, mixed-use (commercial/residential) projects, and lot consolidation for larger projects. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The City has discontinued the HIP program. Accomodation of housing units will instead be based on the City's capacity to provide infrastructure and services for new housing. The City will continue to encourage infill development, mixed-use projects, and lot consolidation for larger projects.	Delete.
Provide information on the HIP on the Community and Economic Development website and conduct outreach to local developers. • Conduct 2-3 developer workshops during the 2015-2022 period. • Conduct outreach at the yearly Real Estate Roundup. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The City discontinued the HIP program. City planning staff is still available to meet and answer questions one-on-one with potential applicants. The City also conducts notification and outreach to local developers.	Delete.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Program 2.1.2 Monitor Infrastructure Needs		
Continue to analyze infrastructure needs and capacity to guide HIP allocations in a manner that balances residential growth with the provision of adequate infrastructure and services. Timeframe: Every three years, as part of HIP process Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The City prepared a "Community Services and Infrastructure Report" (CSIR) every three years in order to ensure the growth rate does not exceed the City's capability to provide services and infrastructure. Previously, this CSIR served as the basis for establishing HIP allocations. The City adopted a new CSIR in 2020, but has discontinued the HIP program.	Amend and continue.
Review infrastructure needs to support intensified development on infill sites within City limits and in the Downtown area; program improvements and upgrades into the City's CIP. Timeframe: Bi-annually, as part of CIP updates Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The City annually reviewed and amended its CIP as needed to accommodate upgrades to support intensified development. The 2017-2019 CIP included funding for Downtown Revitalization Projects such as infill site acquisition, infrastructure for the mixed-use Livermore Village catalyst site, relocation of the Railroad Depot, and demolition of vacant buildings for the purpose of future affordable housing construction.	Continue.
Work with the City's water and sewer provider in order to ensure the availability and adequate capacity of water and wastewater systems to accommodate the housing needs during the planning period • Prioritize proposed developments that include housing affordable to lower-income households. • Provide a copy of the Housing Element and any future amendments to the utility providers immediately after adoption. Timeframe: Ongoing as projects are proposed; as needed for prioritization of proposed developments; after adoption of the Housing Element and as needed for providing a copy of the Housing Element and any future amendments to utility providers	The City evaluated the capacity for water and wastewater systems to accommodate housing needs as part of the Community Services and Infrastructure Report. The City's 2017-2019 CIP included improvements/ upgrades to the sewer system. The City is currently updating its Water Master Plan to evaluate long-term water supply and infrastructure needs. The City continued to work with Cal Water Company during the review of projects within their service area. The City continued to prioritize affordable housing proposals. For example, in January 2017, the City approved the Chestnut Square project, which includes 114 units affordable to lower income seniors and families. In 2021,	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Responsible Agency: Community & Economic Development Department, Public Works Department Funding: General Fund Quantified Objectives: n/a	the City approved entitlements for a 130-unit workforce housing development in the downtown and a 140-unit low income senior housing development on the Civic Center site. It also approved entitlements for a 24-unit low-income housing development. Public infrastructure and services have sufficient capacity to accommodate demands resulting from the projects. The City provided a copy of 2015-2022 Housing Element and amendments to utility providers immediately upon adoption.	
Program 2.1.3 Support Mixed-Use and Transit-Oriented Development		
Promote lot consolidation to increase opportunities for mixed-use development. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing. Following the dissolution of redevelopment agencies, the City continued to explore funding sources to assist with lot consolidation and increase opportunities for mixed-use development in Priority Development Areas (PDAs).	Continue.
Continue to require minimum residential densities in areas designated for transit-oriented, mixed-use development to ensure higher density in these areas. Timeframe: Underway Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. There are minimum residential densities in the Downtown area to support higher density housing in this mixed-use, transit-oriented neighborhood. The City also adopted the Isabel Neighborhood Specific Plan, a PDA to guide development around the proposed Valley Link station. The plan calls for a mix of higher density housing types to take advantage of regional transit access and support Housing Element goals. In addition, the City's Development Code includes form-based zoning for two mixed-use sites that requires a minimum percentage of residential development.	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Continue to use existing density incentives and develop additional incentives to promote mixed-use and more intense residential development near transit. • Identify additional areas served by transit where density incentives should be encouraged. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. For example, the Chestnut Square project used the City's Density Bonus provision to provide affordable rental units. The City continued to explore opportunities for promoting high-density residential development. The City adopted the Isabel Neighborhood Specific Plan, which established a goal for 25 percent of the approximately 4,095 new housing units to be offered at affordable prices/rents, with a project-level minimum of 20 percent. Projects in the Isabel area may also use the City's Density Bonus. The plan provides flexible development standards and parking requirements, allows for master planning across adjacent blocks, and facilitates environmental streamlining as incentives to encourage mixed-use, transit-oriented development. The City continued to consider density incentives for other existing and future Priority Development Areas.	Continue.
GOAL 3: PRODUCTION OF AFFORDABLE HOUSING		
Policy 3.1: Facilitate the production of affordable housing through the regulation of and incentives to new development.		
Program 3.1.1 Inclusionary Housing Ordinance		
Continue to implement the inclusionary housing ordinance. Timeframe: Ongoing; review every 5 years for adjustment to market conditions or as needed/required Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. Approved projects have been providing below market rate units on-site and/or paying in-lieu fees to comply with the inclusionary regulations. It continued to be a major tool in promoting affordable housing production in the city. During the planning period, a total of 56 inclusionary units were built and sold to low- and moderate-income households as part of the Auburn Grove, Meridian Station, Artero, Central Crossings, Sonoma School site, and Vines projects.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Continue to require developers to identify the location of inclusionary units. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing as part of the entitlement process for development projects.	Amend and continue.
Update feasibility analysis of inclusionary housing ordinance to reflect current market conditions. As part of feasibility study the City will evaluate the must-build component of the inclusionary Housing Ordinance to allow developers to choose one of the alternative means of compliance without discretionary review by the City Council. Timeframe: By 2019; review every 5 years for adjustment to market conditions or as needed/require Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is complete. The 2013 Residential Nexus Analysis and 2013 Financial Feasibility Analysis demonstrated the direct impact of homebuilding on the need for additional affordable housing, and the inclusionary housing must-build requirement for ownership housing was reinstated in 2015. Concurrently, the In-Lieu fee was adjusted to a square-footage basis per the Market Feasibility Study. The updated fee became effective January 1, 2015. In 2021, the City reinstated the must-build requirement for rental developments in compliance with AB 1505.	Delete.
Program 3.1.2 Density Bonuses and Incentives		
Continue to ensure new residential projects are consistent with current State Density Bonus regulations. Timeframe: Ongoing. Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City updated the Development Code to be consistent with State Density Bonus regulations in 2019. The City reviews requests for Density Bonuses during the development review process. The City will continue to update its Density Bonus regulations to comply with recent updates to State Density Bonus law.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Continue to encourage the use of both the State Density Bonus Program and the City's density incentives for senior and very-low income housing. Timeframe: Ongoing. Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The affordable Chestnut Square project and the Vineyard 2.0 project used a Density Bonus to provide affordable rental units.	Amend and continue.
Policy 3.2: Actively pursue and utilize a variety of funding resources and public/private partnerships in the development or purchase of housing affordable to lower and moderate-income households.		
Program 3.2.1 Affordable Housing Fund		
Continue to use the Affordable Housing Fund to provide affordable housing opportunities for lower income households. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund Quantified Objectives: Assist in the development of an average of 10 to 15 lower-income units annually	This program is ongoing. The City has utilized its Affordable Housing Fund (which includes Housing Impact Fees and Inclusionary "In-Lieu" Fees) to secure key sites for future new affordable units. The City worked with MidPen Housing Corporation to complete the development of the five-acre Chestnut Square project site. The City acquired and assembled the site using the Affordable Housing Fund and the dedication of property as part of an Affordable Housing requirement. Chestnut Square includes 114 rental units that are affordable to lower-income seniors and families, and a mixed-income component of 44 market-rate townhouses to help finance the affordable project and increase the range of homeownership opportunities in the Downtown area. In 2017, the City also provided an acquisition and development loan to Housing Consortium of the East Bay to purchase and develop a site that will provide up to 24 units of supportive housing and approximately 10,000 s.f. of commercial space for a resource center serving persons who are	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
	homeless and a commercial food kitchen that will benefit food insecure people in Livermore. In 2018, the City provided a predevelopment loan to Eden Housing for site planning for a 130-unit affordable, workforce housing project in the Downtown Plan area. The City provided an acquisition and development loan to MidPen Housing for the Avance project, which provides affordable housing for developmentally disabled persons.	
Continue to apply the Low-Income Housing Impact fee to generate funds for the Affordable Housing Fund. Timeframe: Ongoing; as projects are proposed Responsible Agency: Community & Economic Development Department Funding: General Fund (staff time to administer) Quantified Objectives:	This program is ongoing. For example, the City generated $1,814,750.78 in 2018 and $394,483.82 in 2019.	Continue.
Continue to allow the payment of In-lieu fees as an alternative compliance method under the Inclusionary Housing Ordinance (with City Council approval). Timeframe: Ongoing; as projects are proposed Responsible Agency: Community & Economic Development Department Funding: General Fund (staff time to administer) Quantified Objectives:	This program is ongoing. For example, the proposed Lassen Road project (186 units) will use a combination of on-site affordable units and paying in-lieu fees to comply with the Inclusionary Housing policy, in accordance with a development agreement. In addition, the approved Brisa Neighborhood project (465 units) used a combination of subsidizing on-site units and paying in-lieu fees to comply with the Inclusionary Housing policy, in accordance with a development agreement. Garaventa Hills, approved for 41 single family homes, also used an on-site/fee combination to satisfy the project's affordable housing requirement.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Review the In lieu and Low Income Housing Impact fees as major changes occur in the housing market and adjust if warranted. Timeframe: By 2018, ongoing, monitor the feasibility of reinstituting an impact fee for rental units as the market develops/ improves. Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives:	The housing in-lieu fee was increased annually throughout the planning period, through an annual adjustment to address market conditions, with the intent to make the fee comparable to building of an affordable unit, and thereby promoting inclusionary housing.	Amend and continue.
Explore additional funding sources and opportunities to leverage existing funding to increase resources for affordable housing programs. Timeframe: Ongoing monitoring (see Program 1.3.3) Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives:	This program is ongoing. City staff received training on HCD's Affordable Housing and Sustainable Communities Program (AHSC) as a potential source of funding. Staff applied to HCD for the Local Housing Trust Fund Program and the Permanent Local Housing Allocation (PLHA) Program to leverage City funding for projects in 2020. The City has designated three Priority Development Areas (PDAs) under the regional Sustainable Communities Strategy (Plan Bay Area), which may provide additional opportunities. Throughout the planning period, City staff worked with local developers and Alameda County to submit applications and secure funding from Measure A1 Housing Bond Funds and the Livermore Housing Authority and submit applications for HCD's TOD Program.	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Program 3.2.2 Acquire Land for Affordable Housing		
Utilize a variety of funding sources to increase the City's inventory of City-controlled properties to be set aside for future development of affordable housing. • Continue to allow land dedication as an alternative compliance method under the Inclusionary Housing Ordinance (with City Council approval). Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund, CDBG, and HOME. Quantified Objectives: n/a	The City currently owns five project sites for the future development of affordable housing. The City entered into an ENRA for its Pacific Avenue site, and City staff worked with the nonprofit development team of SAHA/Interfaith on entitlements for the Pacific Avenue site to develop 140 units of senior housing.	Continue.
Program 3.2.3 Partner with Affordable Housing Developers		
Coordinate with nonprofit housing developers and applicable federal, state and regional agencies to facilitate the development of quality affordable housing. Timeframe: Ongoing; as projects are proposed Responsible Agency: Community & Economic Development Department Funding: General Fund (staff time) Quantified Objectives: n/a	This program is ongoing.	Amend and continue.
Continue to foster relationships with nonprofit housing developers active in the region. Timeframe: Ongoing; as opportunities arise ** Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	City staff sent out Requests for Proposals (RFPs) for partnerships as City-owned site development opportunities arose and as projects proposed support from the City's Affordable Housing Fund. Staff also communicated with developers and housing services providers via participation in community-based and regional committees to address housing needs. The City entered into an ENRA for its Pacific Avenue site, and City staff worked with the nonprofit development team of	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
	SAHA/Interfaith on entitlements for the Pacific Avenue site to develop 140 units of senior housing.	
Program 3.2.4 Conversion of Market-Rate to Affordable Units		
Continue to provide financial resources to non-profit organizations to convert and increase the existing affordable housing stock. Timeframe: Ongoing; with monthly coordination with non-profit development partners to identify potential properties Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund Quantified Objectives: Assist in the conversion of 2 to 3 units from market-rate to affordable per year	In 2014, the City provided Hello Housing with two loans to acquire and rehabilitate a five-unit multifamily property for affordable housing (see Program 1.3.3 for details). In 2020, the City joined as an additional member to the joint powers authority established by CalCHA for the purpose of acquiring market rate housing and converting it to low- to moderate-income restricted housing. Through this partnership, CalCHA acquired a 162-unit project in August 2020 for rehabilitation and conversion to low- and middle-income restricted housing.	Continue.
Program 3.2.5 Subsidies and Incentives		
Continue to provide subsidies to affordable housing projects, prioritizing those that provide the greatest level of affordability and serve special needs households. • Consider fee waivers for affordable units, direct subsidy through the Affordable Housing Fund, or providing land reserved for affordable housing. Timeframe: Ongoing; as opportunities arise and through annual Housing & Human Services Grant allocation process Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing. The City continued to provide subsidies to projects that meet city goals to provide affordable housing. The City provided subsidies to six affordable housing projects in the planning period: the Chestnut Square project, the Avance project, the Vineyard housing/community facility project, the Downtown Workforce Housing project, and two City-owned single family homes sold to Tri-Valley REACH for the purposes of shared housing for adults with developmental disabilities. (See programs 1.3.3 and 3.2.1 for more detail.) The Chestnut Square project will provide affordable rental units for seniors and families with very low and low incomes, disabled persons and 15 homeless households. The Avance project includes 44 units of affordable, services-enriched	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
	housing for persons with developmental disabilities. The Vineyard project will serve formerly homeless households, including persons with disabilities. The City also applied waivers and exemptions in impact fees for affordable housing project for the Chestnut Square and Avance projects.	
Continue to allow the HIP exemption for projects with at least 35% very-low income units; emphasize affordable projects during competitive years. Timeframe: Ongoing; as projects are proposed Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The City continued to allow the HIP exemption for qualifying projects until the HIP cycle was discontinued after the 2017-2019 HIP. The City no longer has competitions.	Delete.
Continue to allow developers of affordable units to amortize the payment of applicable development impact fees over time to help meet affordable housing targets. Timeframe: Ongoing; as projects are proposed Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing.	Continue.
Continue to meet regularly with developers to discuss incentive opportunities and provide information at workshops. Timeframe: Ongoing; annually at a minimum Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing.	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Program 3.2.6 Public Outreach		
Improve communication with the public to increase awareness of policies, programs, and permit processes that support the production of affordable housing. Timeframe: Ongoing; monthly participation in community based meetings to distribute info Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. Staff continued to coordinate on improving access via the traditional methods of developer contact to increase knowledge of incentives available for projects that support the inclusion of affordable housing.	Amend and continue.
Policy 3.3: Provide housing assistance to lower and moderate-income households and other households with special needs.		
Program 3.3.1 First-Time Homebuyer Down Payment Assistance Program		
Continue to provide mortgage assistance for down payment, closing costs, and secondary financing to low- and moderate-income first-time homebuyers. Timeframe: 2015 through 2022 Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund Quantified Objectives: Continue to provide First-Time Homebuyer Down Payment Assistance to an average of 10-15 low and moderate-income households annually	This program is ongoing. During the planning period, the City provided 35 down payment assistance and second mortgage loans to low- and moderate-income, first-time homebuyers through its Mortgage Assistance Program and Affordable Homeownership Programs. The City also helped advertise the CalHome Mortgage Assistance Loan Program and the Tri-Valley Down Payment Assistance Program.	Continue.
Continue to target persons with disabilities for participation in the program. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing. City staff continued to seek and discuss opportunities for fully accessible inclusionary units with developers.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Continue to promote and provide information about the program on the City's website, newsletter, through e-mail distribution, local advertising, and with brochures and handouts at the City's permit center counter. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing.	Amend and continue.
Program 3.3.2 Rental Assistance & Housing Navigation		
Pursue additional funding to maintain the Section 8 Rental Assistance Program and enhance support for other rental assistance programs. Timeframe: Ongoing Responsible Agency: Livermore Housing Authority and Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. City staff worked with the Livermore Housing Authority and nonprofit developers to apply project-based vouchers on City-sponsored affordable housing projects. In 2016 and 2017, the City provided 4 to 5 affordable workforce rental opportunities in the Station Square development for up to moderate Income households (120% AMI) through its Workforce Housing Program. The City also sold a fifth unit to Tri-Valley REACH for rental to persons with developmental disabilities. In 2019, the City secured 25 project-based vouchers for the Avance project through the Livermore Housing Authority. In 2020, the City worked with MidPen to encourage their implementation of eight HUD 811 funds for persons with disabilities.	Continue.
Assist Livermore Housing Authority (LHA) to maintain and/or increase the amount of rental housing available to very-low income households, as well as the amount of households assisted through the Section 8 program: • Provide technical assistance with property acquisition and administrative assistance to the Advisory Board.	This program is ongoing. The City continued to coordinate with the Livermore Housing Authority as they plan to renovate their affordable apartment complexes Bluebell, Chestnut, and Las Posadas, and work on conversion of the Public Housing project, Leahy Square, through HUD's Section 18 program. Conversion of Leahy Square will provide the project with greater potential for	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
• Continue to provide capital funds as needed to the LHA to upgrade rental housing owned and managed by the LHA. Timeframe: Ongoing; monthly coordination meetings with LHA Responsible Agency: Community & Economic Development Department Funding: General Fund, Affordable Housing Fund, CDBG Quantified Objectives: n/a	redevelopment and unit expansion in the future.	
Increase promotion of the Section 8 program to the development community, property owners, and possible participants. • Provide information on LHA on City's website. • Continue to advertise the program through the City's newsletter and brochures at the permit center and other public counters. Timeframe: Update information as needed or annually Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing.	Amend and continue.
Support partners that provide outreach to landlords about voucher programs with aim of increasing housing opportunities for recipients of rental assistance. Timeframe: Ongoing; annual workshops and quarterly coordination with other cities Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: Collaborate to hold one annual outreach event for landlords.	This program is ongoing. In 2017, the City worked in coordination with the other Tri-Valley cities on a landlord outreach event.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Program 3.3.3 Homelessness Prevention and Intervention		
Amend the Development Code to modify the definition of transitional and supportive housing and update the use tables, listing transitional and supportive housing as a residential use subject to the same permit requirements as a residential use of the same type in the same zone. Timeframe: At the time of Housing Element adoption Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program was completed at the time of Housing Element adoption.	Delete.
Continue to provide support (rental subsidies and case management) to emancipated youth through Project Independence. Timeframe: Ongoing; through annual Housing & Human Services Grant allocation process Responsible Agency: Community & Economic Development Department Funding: CDBG and HOME funds Quantified Objectives: Assistance to six individuals annually through the Project Independence program	The City chose to merge the Housing Scholarship and Project Independence Programs and to award one funding amount to Abode in Fiscal Year 2014-15 to implement both programs and phase them into a "Housing First" model. The City awarded funding to Abode to implement its "Housing First" model through its Tenant Based Rental Assistance Program. During the planning period, Abode assisted 63 households in securing permanent housing. Under the Housing First Model, a person who is homeless is moved into permanent housing as quickly as possible and provided with the necessary services that will enable them to maintain their housing indefinitely. The program relies on a variety of strategies to produce and acquire new affordable units, expand support services, and increase rental assistance.	Delete.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Provide homelessness prevention/intervention support services and rental assistance through Abode Services' AC Impact program. Timeframe: Ongoing; monthly coordination with Alameda County Responsible Agency: Community & Economic Development Department Funding: General Fund, Affordable Housing Fund, County Funds Quantified Objectives: Assistance to 10 individuals annually through the AC Impact program	This program is ongoing. Abode through their AC Impact program is providing housing to 40 formerly chronically homeless persons. All clients have maintained their housing since entering the program. The City continued to fund case management services to ensure that the individuals remain on a road to self-sufficiency. Services focus on building independent living skills, money management, and dealing with any behavioral issues.	Amend and continue.
Provide rental subsidies and related assistance to households at risk of homelessness through ECHO Housing. Timeframe: Ongoing; through annual Housing & Human Services Grant allocation process Responsible Agency: Community & Economic Development Department Funding: CDBG and HOME funds Quantified Objectives: Assistance to 10 individuals annually through Echo Housing's homeless prevention program	This program is ongoing. In 2015, the City provided $80,000 of HOME and CDBG funding to ECHO Housing for a new program that provides up to 18 months of rental assistance and case management to families so they do not fall into homelessness. In 2020, the City provided federal HOME and CDBG funding to Tri Valley Haven of tenant-based rental assistance (TBRA) and case management services to individuals experiencing domestic violence and at risk of homelessness. During the planning period, the City assisted 48 families and/or individuals at risk of homelessness and/or those currently homeless. The program provides assistance with ongoing rental subsidies.	Amend and continue.
Facilitate the coordination of the faith-based community and providers of homeless services, building upon the Mayor's Homeless Summit. Timeframe: Ongoing; through City-hosted subcommittee meetings Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. Faith-based and nonprofit providers of homeless services assisted in the development and implementation of the City's survey of persons experiencing homelessness in October 2015. In January 2019, faith-based and nonprofit providers of homeless services again assisted in the development and implementation of the County's survey of persons experiencing homelessness.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
	Annually, churches coordinated to provide a rotating Warming Center during winter months for adults experiencing homelessness, regardless of race, creed, or religion, to have a safe refuge for people who need a place to stay in Livermore. In 2020, due to COVID-19, the annual Warming Center did not occur due to safety precautions. City staff coordinated with the faith-based community and providers to continue the Warming Center in 2021-2022. During and after the COVID-19 Shelter-in-Place Order, the City continued to partner with two faith communities for showers and laundry services. In FY 2019-2020, Asbury Church provided 2,500 showers and 815 loads of laundry to Livermore unsheltered residents. The City also worked with the faith community to identify locations for a Homeless Safe Parking Program.	
Support the efforts of the Homeless Street Outreach (HSO) Team to proactively connect homeless individuals to resources. Timeframe: Ongoing; monthly oversight and coordination Responsible Agency: Police Department, Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. In FY 2019-2020 CityServe provided 400 referrals to benefits, and during the planning period, the Homeless Outreach Team engaged with or provided case management to 684 individuals. The City plans that Bay Area Community Health will provide a Street Medical Team to provide medical services to unsheltered Livermore residents.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
GOAL 4: PRESERVATION AND IMPROVEMENT OF AFFORDABLE HOUSING		
Policy 4.1: Improve the quality of existing affordable housing.		
Program 4.1.1 Minor Home Repair Program		
Continue to provide rehabilitation grants to lower income households and occupants of mobile homes to cover the cost of minor repairs such as plumbing, weather stripping, electrical work, and accessibility improvements. Timeframe: Ongoing; through identification of applicants through Neighborhood Preservation contacts and requests for assistance Responsible Agency: Community & Economic Development Department Funding: CDBG, HOME, Affordable Housing Fund Quantified Objectives: Assistance to 24-32 owners of mobile home units and 6-8 lower income households annually	This program is ongoing. During the planning period, the City worked with Habitat for Humanity to assist at least 19 homeowners with grants and loans to cover code violations, health and safety repair items, and general maintenance issues.	Incorporate into other programs and delete.
Continue to advertise the program through the City's website, newsletter, targeted mailings, and brochures distributed at public counters and to local agencies. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing.	Incorporate into other programs and delete.
Program 4.1.2 Owner-Occupied Housing Rehabilitation Loan Program		
Provide assistance to lower income households in the form of deferred payment loans for major repairs (roof, furnace, electrical, plumbing), or for installation of wheelchair ramps, support rail systems, or security/safety devices in housing occupied by elderly and disabled. Timeframe: 2015 through 2022 Responsible Agency: Community & Economic Development Department	This program is ongoing. The City revised the program guidelines and corresponding loan and grant documents to align with funding sources during the Fiscal Year 2018-19. During the planning period, the City and Habitat for Humanity provided at least 15 low-income residents assistance with home repairs.	Incorporate into other programs and delete.

Housing Program	***Progress?***	***Continue/Modify/Delete***
Funding: CDBG, HOME, Affordable Housing Fund Quantified Objectives: Assistance to 3-4 lower income households annually		
Continue to advertise the program through the City's website, newsletter, targeted mailings, and brochures distributed at public counters and to local agencies. Timeframe: Update information annually or as needed Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing.	Incorporate into other programs and delete.
Collaborate with nonprofit agencies such as GRID Alternatives to assist with energy-related improvements. Timeframe: Ongoing; as projects are proposed Responsible Agency: Community & Economic Development Department Funding: CDBG, HOME, Affordable Housing Fund Quantified Objectives: n/a	No households in Livermore participated in the GRID Alternatives program during the planning period.	Amend/combine with similar programs and continue.
Develop a Healthy Homes Initiative that provides outreach and education to help people maintain their homes. Timeframe: 2015-2016 Responsible Agency: Community & Economic Development Department Funding: CDBG, HOME, Affordable Housing Fund Quantified Objectives: n/a	Funding is currently unavailable for this program.	Amend/combine with similar programs and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Program 4.1.3 Historic Preservation Tax Credits (Mills Act)		
Investigate the feasibility of participation in the Mills Act Property Tax Abatement Program to encourage the restoration and maintenance of historic properties. Timeframe: Underway Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The City has decided not to pursue participation in the Mills Act Property Tax Abatement Program and this program will not be continued.	Delete.
Program 4.1.4 Neighborhood Improvement		
Continue to upgrade the quality of the living environment of older neighborhoods through improvements to infrastructure and public facilities. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund, Transportation Impact Fee, CDBG Quantified Objectives: n/a	This program is ongoing. The City's CIP includes ongoing/annual improvements for street resurfacing, sidewalk repair, and ADA access ramps.	Amend and continue.
Continue funding the sidewalk repair program and ADA sidewalk curb cuts and access ramps to improve sidewalk-to-street access for Livermore's disabled citizens. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund, Transportation Impact Fee Quantified Objectives: n/a	This program is ongoing. The City's CIP includes ongoing/annual improvements for street resurfacing, sidewalk repair, and ADA access ramps adjacent to City properties. In 2018 the City adopted a resolution discontinuing both the City subsidy of private sidewalk repairs and the practice of the City completing repairs on behalf of private property owners.	Amend and continue.
Pursue funding available for acquisition and rehabilitation of foreclosed, vacant, and/or blighted properties. Timeframe: Annually Responsible Agency: Community & Economic Development Department Funding: Affordable Housing Fund, State and Federal sources Quantified Objectives: See 3.2.4	This program is ongoing. The City continued to work with nonprofit housing agencies to identify prospective acquisition and rehabilitation opportunities that could rehabilitate blighted and distressed properties in the city and provide safe, clean, and affordable rental housing opportunities. For example, the City established a revolving	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
	loan fund with the nonprofit developer, Habitat for Humanity East Bay/Silicon Valley, for acquisition and rehabilitation of distressed single-family properties to be sold at an affordable price to low-income (80% AMI and below) U.S. military veterans. These homes will have a 55-year affordability resale restriction.	
Program 4.1.5 Neighborhood Preservation Program		
Encourage low-income homeowners who need financial assistance to correct code violations to utilize the Housing Rehabilitation programs Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: Assistance to an average of 10 qualified lower-income households annually	This program is ongoing. Neighborhood Preservation continued to refer homeowners to the Housing and Human Services Division, Owner Occupied Single-Family Rehabilitation Program, which provided information and financial loan and grant assistance for needed home rehabilitation and repairs. For example, in 2015 Neighborhood Preservation helped 318 residents correct code violations in the City's target areas.	Continue.
Continue to identify and provide assistance to rehabilitate units needing substantial renovation due to severe deterioration. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund; CDBG Affordable Housing Fund Quantified Objectives: n/a	City staff sends out Requests for Proposals (RFPs) for partnerships as City-owned site development opportunities arise and as projects propose support from the City's Affordable Housing Fund. Staff also communicates with developers and housing services providers.	Amend and continue.
Continue the Housing Quality Inspections for multi-family complexes that have received CDBG and HOME funding. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City completed monitoring of four properties in 2015. HOME regulations were then revised to require the City to monitor and complete inspections on HOME-funded properties every two or three years based on the Uniform Physical Condition Standard (UPCS). In 2018 and 2019, the City completed the UPCS monitoring of all federally funded properties.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Continue to promote Neighborhood Preservation programs and clean-up events through the City's website. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City's website contains information on upcoming events related to neighborhood nuisance and cleanup, including clutter support groups.	Continue.
Use volunteer assistance clean-up teams specifically to assist frail elderly and disabled homeowners that have received code complaints for property upkeep. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: Volunteer staff Quantified Objectives: n/a	This program is ongoing.	Continue.
Policy 4.2: Preserve affordable housing that is at risk of converting to market rate housing.		
Program 4.2.1 Preservation of Subsidized Housing at-risk of Conversion to Market Rate		
Monitor the at-risk status of affordable housing projects • Send a list of potentially at-risk housing projects to nonprofit developers to solicit participation in the City's efforts to preserve the units. • Contact project owners of at-risk projects to discuss preservation options/incentives and facilitate collaboration with potentially interested non-profits; and • Notify tenants according to State and Federal requirements. Timeframe: Annually 2015 through 2022 Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. This program will be amended to reflect current state law.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Communicate with tenants and respond to notices of intent filed by property owners in a timely manner. Timeframe: Ongoing, as needed Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. This program will be amended to reflect current state law.	Amend and continue.
Work to preserve at-risk housing units by providing financial incentives to landlords who in turn agree to continue to provide affordable units. Timeframe: 2015 through 2022 Responsible Agency: Community & Economic Development Department Funding: CDBG, Affordable Housing Fund Quantified Objectives: n/a	In 2020, the City joined as an additional member to the joint powers authority established by CalCHA for the purpose of acquiring market rate housing and converting it to low- to moderate-income restricted housing. Through this partnership, CalCHA acquired a 162-unit project in August 2020 for rehabilitation and conversion to low- and middle-income restricted housing.	Continue.
Pursue State funding available for the preservation of at-risk housing. Timeframe: Annually Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: Preservation of 36 units at risk of conversion to market rate	This program is ongoing.	Continue.
Program 4.2.2 Maintain Affordability of Housing Stock		
Support the preservation of existing market rate housing that is affordable to lower income households through rehabilitation and rental assistance programs. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. See Programs 3.3.2, 4.1.1, and 4.1.2 for more detail.	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
GOAL 5: PROVISION OF EQUAL HOUSING OPPORTUNITY		
Policy 5.1: Support and implement state and federal laws that prohibit discriminatory housing practices.		
Program 5.1.1 Support Non-Profit Organizations Specializing in Fair Housing Services		
Continue to provide financial assistance and administrative support to local non-profit organizations that specialize in reducing discriminatory housing practices through fair housing counseling, tenant/landlord mediation, education/outreach, and rental assistance. Timeframe: Ongoing; through annual Housing & Human Services Grant allocation process Responsible Agency: Community & Economic Development Department Funding: CDBG and Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing. In Fiscal Year 2013-14, the City Council authorized $307,000 in funding from housing in-lieu funds for ECHO and CRIL to provide services to assist residents with accessing and maintaining housing. During the rest of the planning period, ECHO was allocated between $25,000 and $30,000 annually in funding from local housing in-lieu funds to provide services to assist residents with fair housing complaints, tenant landlord disputes, accessing and fair housing education. During the planning period, ECHO assisted 2,383 clients. This program will be continued and amended to implement current state law.	Amend and continue.
Continue to refer complaints of discriminatory housing practices to LHA and ECHO Housing. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: CDBG and Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing. During the planning period, ECHO completed multiple property audits in 17 jurisdictions. They also completed at least 347 counseling and dispute resolutions. Most recently, in 2020 ECHO tested 10 Livermore properties, and the audit results showed that in 10% of the tests, the Hispanic tester did not receive a call back and/or was given less favorable information about the unit. This program will be continued and amended to implement current state law.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Continue to refer complaints and requests for housing for the disabled to partner organizations. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: CDBG and Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing. During the planning period, CRIL provided services to 518 disabled persons.	Continue.
Continue to assist in the distribution of fair housing brochures at public locations, such as city counters, public libraries, community/senior centers, and service providers. • Continue to expand outreach and access to information for limited English-speaking residents. Timeframe: Annually, or as needed Responsible Agency: Community & Economic Development Department Funding: General Fund. Quantified Objectives: n/a	This program is ongoing. This program will be continued and amended as needed to implement current state law.	Amend and continue.
Continue to provide financial support for the City's Fair Housing Audit conducted by ECHO and the dissemination of audit results and information on fair housing laws to landlords, rental housing organizations and the public. Timeframe: Annually, through annual Housing & Human Services Grant allocation process Responsible Agency: Community & Economic Development Department Funding: CDBG and Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing. ECHO was responsible for auditing rental properties in Livermore for compliance with fair housing standards. The City funded the Fair Housing Audits through an allocation made by the City's Housing and Human Service Grant Fund. ECHO worked with CRIL to provide counseling and additional training to landlords who fail to meet federal and state guidelines. ECHO tested 10 rental developments in Livermore for different types of discrimination each year. For example, in Fiscal Year 2018-19 ECHO completed 183 property audits in 17 jurisdictions. ECHO tested 10 Livermore properties, and the audit results showed that in 10% of the tests, the Hispanic tester did not receive a call back and/or was given less favorable information about the unit. ECHO	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
	provided an annual report on the Fair Housing Audits during the Human Services Commission public meeting and provided training to landlords who failed to comply with federal and state fair housing laws. ECHO also worked with other nonprofit agencies such as East Bay Community Law Center, Bay Area Legal Aid, and Centro Legal de la Raza to provide clients with appropriate legal services to stabilize their housing situation. ECHO collaborated with CRIL, an agency dedicated to serving individuals with disabilities, to provide CRIL clients with housing counseling. Lastly, ECHO held various public Fair Housing education workshops to educate the public, landlords, tenants, and community organizations.	
Program 5.1.2 Reasonable Accommodation		
Consistent with state and federal laws, continue to provide individuals with disabilities reasonable accommodation in rules, policies, practices, and procedures through the building permit and development review processes. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The Livermore Development Code outlines procedures to address reasonable accommodation (Chapter 9.06).	Continue.
Continue to partner with ECHO to conduct fair housing tests for reasonable accommodations in multi-family rental properties. • Provide regular training to landlords. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	As described in Program 5.1.1, the City partnered with ECHO to conduct a fair housing audit of 10 rental properties each year. For example, the obligation of landlords to allow therapy/service animals in the residence without a pet deposit or other fees was tested in Fiscal Year 2013-14, and the obligation to allow disabled tenants to use medical marijuana was tested in Fiscal Year	Continue.

Housing Program	Progress?	Continue/Modify/Delete
	2014-15. These audits found discriminatory treatment at 1 out of 10 properties tested in Livermore. ECHO provided the landlords of these properties with training and information regarding disability laws and tenant/landlord rights and responsibilities. In addition, ECHO offered free fair housing training to the owners and managers of the rental properties tested during the Fiscal Year 2010-11 audit and the Fiscal Year 2019-20 audit.	
Work with Livermore Housing Authority and partner organizations to identify landlords in need of assistance with making modifications for persons with disabilities within the Section 8 program. Timeframe: Ongoing; as project opportunities occur Responsible Agency: Community & Economic Development Department Funding: CDBG, HOME, and Affordable Housing Fund Quantified Objectives: n/a	This program is ongoing.	Continue.
GOAL 6: REGIONAL COOPERATION TO ADDRESS HOUSING NEEDS		
Policy 6.1: Foster regional cooperation and partnerships to address regional housing issues related to affordability, homelessness, and special housing needs.		
Program 6.1.1 Tri-Valley Affordable Housing Committee		
Continue to participate in Tri-Valley Affordable Housing Committee to identify regional housing issues and to develop multi-jurisdictional approaches to solving affordable housing problems. Timeframe: Ongoing, quarterly Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. Two Livermore City councilmember are members of the Tri-Valley Affordable Housing Committee, and the City also provides a staff liaison to the committee, who regularly attended the quarterly meetings.	Continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Program 6.1.2 Emergency, Transitional, and Supportive Housing Services		
Continue to coordinate with other local jurisdictions to provide for the acquisition, rehabilitation, and operation of emergency housing for families. • Support the Tri-Valley Haven in providing outreach, social services, and referrals to people with disabilities, survivors of domestic violence, and homeless or those at risk of being homeless. Timeframe: Ongoing; through annual Housing & Human Services Grant allocation process Responsible Agency: Community & Economic Development Department Funding: CDBG, HOME, Section 108 Quantified Objectives: n/a	This program is ongoing. During the planning period, the City allocated $176,000 from the Affordable Housing Fund and Social Opportunity Endowment fund to Tri-Valley Haven, which served 971 people.	Continue.
Pursue opportunities to secure joint funding with neighboring and local jurisdictions to aid homeless and at-risk households. Timeframe: In 2015, and annually as opportunities arise Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. In June of 2018, the cities awarded submitted a regional application and were awarded funds to contract with CityServe of the Tri-Valley to provide crisis intervention to unsheltered homeless individuals and families. In Fiscal Year 2019-20 the City allocated $268,883 in Homeless Emergency Aid Program (HEAP) funds to CityServe for Crisis Stabilization and rental services in the Tri-Valley.	Continue.
Assist in implementing the County-wide Homeless and Special Needs Housing Plan "EveryOne Home". Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City represented the Tri-Valley and is a part of the Everyone Home Leadership Board. The board provides all direction for implementing the Everyone Home Coordinated Entry System (CES). The City worked closely with the Tri-Valley Housing Resource Center (HRC) and Abode Services. The HRC offices are located in the City's Multi Service Center. In addition, the City provided funding for outreach and case management to support the CES.	Amend and continue.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Maintain membership in the HOPE Partnership, which oversees the HOPE Mobile Services Unit. Timeframe: Ongoing; through annual Housing & Human Services Grant allocation process Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The Hope Mobile provided services every Friday for unsheltered residents.	Amend and continue.
Work with local and regional organizations such as Tri-Valley REACH to provide information on housing and services available for persons with disabilities, including developmental disabilities. • Provide information through the City's website and at the Multi-service Center. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. In 2019, City staff worked with Tri-Valley REACH to acquire two City-owned, single-family homes, resulting in the creation of housing for six separate households with physical and developmental disabilities. In 2020, staff worked with Tri-Valley REACH to expand a single-family home, resulting in the creation an additional shared housing opportunity for persons with physical and developmental disabilities.	Amend and continue.
Program 6.1.3 Regional Home Ownership Education and Counseling		
Continue to cooperate with Tri-Valley cities to support locally accessible home ownership counseling and foreclosure intervention services through regional and local agencies such as the Tri-Valley Housing Opportunity Center (TVHOC). Timeframe: Ongoing; through monthly services agreement with TVHOC Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City provided various support to ECHO Housing Opportunity Center to help educate and prepare households for homeownership. During the planning period, ECHO provided 56 workshops and many counseling sessions to Livermore residents.	Delete.

Housing Program	*Progress?*	*Continue/Modify/Delete*
GOAL 7: ENERGY EFFICIENCY		
Policy 7.1: Promote the use of energy conservation features in the design and siting of new residential structures and in the retrofit of existing residential units.		
Program 7.1.1 Green Building		
Continue to enforce State Energy Code when reviewing construction plans submitted in order to obtain building permits. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The Building Division continued to implement State Energy Code requirements as part of the plan check process to obtain building permits. This includes Part 11, California Green Building Standards Code ("CALGreen"), which was last updated in January 2020.	Continue.
Encourage developers to exceed the minimum green building point requirement by: • Maintaining and regularly updating the Green Building Resource Center and the City's website Timeframe: Annually and/or as needed • Providing one on-one-consultation with certified or accredited staff to assist with project design and incorporating green building measures Timeframe: Ongoing, as requested Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. Building Division staff were available to meet with project applicants to discuss green building measures over the counter at the Permit Center or by appointment.	Continue.
As part of the Housing Implementation Program (HIP), require applicants to either: 1) provide a photovoltaic system(s) that generates a minimum of 10% of the total anticipated energy demand of the project, or 2) achieve Tier 2 California Green Building Code Energy Conservation Compliance for the entire project. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	The 2014-2016 HIP required minimum energy efficiency measures in order to qualify for allocations. The 2017-2019 HIP did not include this requirement because the CALGreen standards now automatically apply to address energy efficiency. Additionally, 2017-2019 was the City's last HIP cycle for the foreseeable future.	Delete.

Housing Program	*Progress?*	*Continue/Modify/Delete*
Program 7.1.2 Climate Action Plan		
Implement Climate Action Plan to reduce energy use and emissions associated with residential development. Timeframe: Ongoing Responsible Agency: Community & Economic Development Department Funding: General Fund Quantified Objectives: n/a	This program is ongoing. The City implemented its existing Climate Action Plan, which was adopted in 2012. The City anticipates adopting an update to the plan in 2022	Continue.

Note:

** Staff looks out for funding opportunities on a daily basis. For example, our subscription to the California Office of Planning Research (OPR) list serves made us aware of the Strategic Growth Council's Affordable Housing and Sustainable Communities Program. Other sources that staff monitors on at least a monthly basis include: Alameda County Housing and Community Development Department, State Housing and Community Development Department (HCD) Office of Financial Assistance, and federal sources through outreach to Congressional district staff.*

*** Staff sends out Requests for Proposals (RFPs) for partnerships as City-owned site development opportunities arise and as projects propose support from the City's Affordable Housing Fund. Staff also communicates with developers and housing services providers via participation in community-based and regional committees to address housing needs.*

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PLACEWORKS

2040 Bancroft Way, Suite 400
Berkeley, California 94704
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www.placeworks.com

STATE OF CALIFORNIA - BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY GAVIN NEWSOM, *Governor*

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT
2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov

February 23, 2023

Paul Spence, Director
Community Development Department
City of Livermore
1052 South Livermore Avenue
Livermore, CA 94086

Dear Paul Spence:

RE: Livermore's 6th Cycle (2023-2031) Revised Draft Housing Element

Thank you for submitting the Livermore's (City) revised draft housing element received for review on December 28, 2022, with revisions received on February 6, 2023. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review.

HCD is pleased to find the revised draft housing element meets the statutory requirements of State Housing Element Law (Article 10.6 of Gov. Code). The revised draft element addresses the statutory requirements described in HCD's October 17, 2022, review. The housing element will comply with State Housing Element Law (Article 10.6 of the Gov. Code) when it is adopted, submitted to and approved by HCD, in accordance with Government Code section 65585.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available while considering and incorporating comments where appropriate. Please be aware, any draft revisions to the element must be posted on the local government's website and to email a link to all individuals and organizations that have previously requested notices relating to the local government's housing element at least seven days before submitting to HCD.

Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov. Pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the electronic sites inventory. See HCD's housing element webpage at https://www.hcd.ca.gov/planning-and-community-development/housing-elements for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

HCD appreciates your hard work and dedication throughout the housing element review and update process. HCD also appreciates the leadership of the City in taking steps toward accommodating the existing and projected housing needs of the community as well as affirmatively furthering fair housing through housing mobility and place-based strategies for community revitalization. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at Shawn.Danino@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

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

A RESOLUTION RECOMMENDING ADOPTION OF THE 2023-2031 HOUSING ELEMENT

General Plan Amendment (GPA) 23-002

Location: Citywide

The City initiated General Plan Amendment (GPA) 23-002 to prepare the 2023-2031 Housing Element update (Project), pursuant to State Housing Element Law. The 2023-2031 Housing Element is attached hereto as Exhibit A.

The Housing Element is a State-mandated eight-year policy document that is a component of the Livermore General Plan. The overall purpose of the Housing Element is to identify current and projected housing needs, show locations where housing can be built, and set goals, policies, and programs to meet the community's housing needs. The City does not have to rezone any sites or make any physical improvements to adopt the Housing Element.

State Housing Element Law (Government Code Sections 65580, et seq.) requires that the City Council adopt a Housing Element for the eight-year period 2023-2031 to accommodate the City of Livermore's Regional Housing Need Allocation (RHNA).

State Housing Element Law requires that the Housing Element contain: (i) an assessment of the City's housing needs and an analysis of the resources and constraints, both governmental and non-governmental, relevant to the meeting of those needs; (ii) an inventory of land suitable and available for residential development and an analysis of the development potential of such sites; (iii) a statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing; and (iv) programs that set forth a schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives in the Housing Element.

State Housing Element Law requires that the City take meaningful steps to promote and affirmatively further fair housing.

On February 23, 2023, the City received a letter from the State Department of Housing and Community Development (HCD) stating that the Housing Element is in substantial compliance with State Housing Element Law, and will comply with State Housing Element Law when it is adopted. The letter is attached as Exhibit B.

On February 28, 2023, the Planning Commission held a duly noticed public hearing to consider the Project, staff recommendations, all public comments and testimony, and findings.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Livermore that prior to taking action on the Project, and at a properly noticed public hearing, the Planning Commission reviewed written and oral staff reports, conducted a public hearing on the Project and took testimony, and received into the record all pertinent documents related to the Project (collectively, the "Record Evidence"). The Planning Commission's determination is based on the Record Evidence, which is incorporated into this Resolution by reference.

BE IT FURTHER RESOLVED that on February 28, 2023, the Planning Commission of the City of Livermore considered the Record Evidence and adopted a Resolution recommending that the City Council find the Project exempt from review under the California Environmental Quality Act.

BE IT FURTHER RESOLVED, with respect to the Project, the Planning Commission finds based upon the information presented that:

1. The Project is consistent with the General Plan.

   Response: The Project updates and improves existing Housing Element policies and objectives to ensure consistency between the Livermore General Plan and State law, which is necessary to facilitate the provision of housing affordable to households across the socioeconomic spectrum. The City does not need to rezone any sites or make physical improvements to adopt the Housing Element, so it retains internal consistency with other General Plan elements including the Lang Use Element.

2. The Project will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

   Response: The 2023-2031 Housing Element creates a roadmap for the City to achieve its State-mandated Regional Housing Needs Allocation (RHNA) and Affirmatively Furthering Fair Housing (AFFH) goals through identification of suitable sites that are currently designated for housing development, and identifying programs and actions that could remove constraints and promote affordable housing development. The Housing Element will facilitate the development, maintenance, and improvement of adequate and affordable housing for new and existing residents. Because several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria, the proposed amendments will facilitate the City's ability to attract new grant funds to improve transportation, infrastructure, open space, and housing. Maintaining consistency with State law requirements ensures that the Livermore General Plan is adequate for City decision making, preserves access to State

funding sources, and reduces the risk to the community of lawsuits over the adequacy of the General Plan.

3. The Housing Element substantially complies with State Housing Element Law, as determined by HCD in its letter dated February 23, 2023.

BE IT FURTHER RESOLVED, by the Planning Commission of the City of Livermore that based upon Planning Commission's own independent review of the Record Evidence and considerations, the Planning Commission recommends that the City Council approve General Plan Amendment (GPA) 23-002 for the 2023-2031 Housing Element, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, the Planning Commission of the City of Livermore recommends the City Council authorize staff to make non-substantive changes to the 2023-2031 Housing Element to respond to any comments received during the adoption process or from HCD to achieve certification.

BE IT FURTHER RESOLVED, that the Planning Commission of the City of Livermore recommends that the City Council direct the Planning Manager to file a Notice of Exemption with the Alameda County Clerk if the Project is approved

The documents that constitute the record of proceedings upon which this decision is based can be found in the Community Development Department, 1052 S. Livermore Avenue, in Livermore, California.

On the motion by Commissioner Dunbar, seconded by Commissioner Stein, the foregoing Resolution was adopted at the Planning Commission meeting of February 28, 2023, by the following vote:

AYES: ANDERSON, DUNBAR, LEARY, STEIN.
NOES: NONE.
ABSENT: NONE.

Daniel Leary, Chairperson

by Steve Stewart, Planning Manager
Secretary to the Planning Commission

Exhibit A – 2023-2031 Housing Element
Exhibit B – February 23, 2023, Letter from HCD

LIVERMORE
CALIFORNIA

CITY COUNCIL STAFF REPORT **ITEM NO. 10.1**

DATE: March 13, 2023

TO: Honorable Mayor and City Council

FROM: Marianna Marysheva, City Manager

SUBJECT: Supplemental materials received prior to the meeting.

RECOMMENDED ACTION

SUMMARY

These materials were posted online and made available to the public at the same time that they were distributed to the City Council.

3.1	Presentation by Tim Sbranti, Ronald Gerhard, Dr. Dyrell Foster, and Owen Letcher of Las Positas College regarding Student Housing. Material: PowerPoint Presentation
5.4	Resolution awarding and authorizing execution of an agreement with Paulson Cox Construction, Inc. for installation of new sanitary sewer and water mains and services along Trevarno Road, in an amount not-to-exceed of $1,131,430 for the Trevarno Road Sanitary Sewer and Water Improvements Project 2019-60. Material: Supplemental Memo
6.1	Hearing to consider adoption of a resolution establishing fees for short-term rental permits, consistent with Livermore Municipal Section 5.90.060, in the amount of $220 for new permits and $160 for annual permit renewals. Material: PowerPoint Presentation
6.2	Hearing to consider adoption of the 2023-2031 Housing Element. The Housing Element is a State-mandated eight-year policy document that is a component of the Livermore General Plan. The overall purpose of the Housing Element is to identify current and projected housing needs, show locations where housing can be built, and set goals, policies, and programs to meet the community's housing needs. Material: PowerPoint Presentation

8.0	Council Committee Reports and Matters Initiated by City Manager, City Attorney, Staff, and Council Members Material: Council Reports

DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Debbie Elam
Acting Assistant City Clerk

Approved by:

Marianna Marysheva
City Manager

Fiscal Review by:

Tina Olson
Administrative Services Director



CHABOT-LAS POSITAS | *Community College District*

Las Positas College
Student Housing Demand

SB169 Funding Opportunity

4

1



Introductions

- Tim Sbranti – CLPCCD Board President
  - Introduction
- Ronald P. Gerhard – CLPCCD Chancellor
  - CLPCCD District Overview
- Dr. Dyrell Foster – Las Positas President
  - Las Positas student housing needs
- Owen Letcher – CLPCCD Vice Chancellor – Facilities
  - Status of SB169 student housing planning

5

2

Housing Strategic Objectives

- Equity, Diversity and Transculturalism
- Recruitment of Students
- Retention of Students
- Student Engagement
- Financial Accessibility

6

CHABOT LAS POSITAS COMMUNITY COLLEGE DISTRICT

3

Housing SB169 Requirements

- First offer to low-income students (Pell Grant, Cal Grant, Cal Promise or Dream Act)
- Minimum of 12 units per semester
- Academic or calendar year occupancy
- Rent not to exceed 30% of 50% of area median income
- Limits on annual rent escalation

7

CHABOT LAS POSITAS COMMUNITY COLLEGE DISTRICT

4

Survey Respondent Profile

Survey Question	Response Options	Responses	Percentages
Responses	Complete (January 12 to February 2, 2023)	379	6% response
Participation Incentives were eight $50 Amazon e-Gift Cards		*MoE of 4.88%*	
Classification *skipped to final questions	First-Time Student	52	14%
	First-time transfer	9	2%
	Continuing	283	75%
	Returning	26	7%
	Special Admit	9	2%
Status *skipped to final questions	Full-time student	232	63%
	Half-time student	89	24%
	Part-time student	36	10%
	Non-credit only student*	5	1%
	Other*	8	2%
Live With if Living On Campus	Single Student	203	59%
	Couple/Family	140	41%
Current Living Situation *skipped to final questions	Live w/ parents for free	167	47%
	Live w/ parents, contribute	94	26%
	Rent	49	14%
	Housing insecure	21	6%
	Stable, not in others	12	3%
	Own my home*	14	4%

8

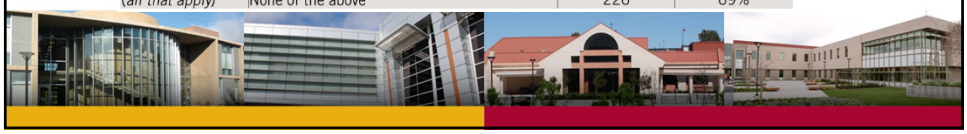


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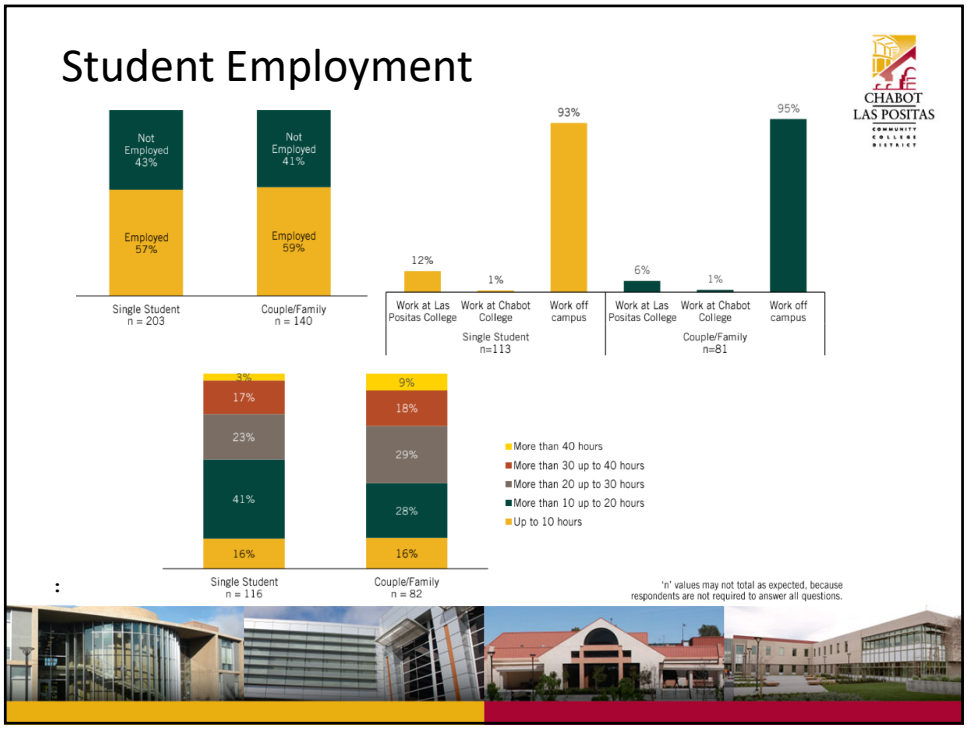
Survey Respondent Profile

Survey Question	Response Options	Responses	Percentages
SB169 Criteria *(all that apply)*	Pell Grant	111	32%
	Cal Grant	94	27%
	California Dream Act	26	8%
	Fee waiver	91	27%
	Believe low income	85	25%
	Do not qualify	113	33%
Age	17 or younger	1	0%
	18–20	187	55%
	21–24	77	23%
	25–29	28	8%
	30–34	14	4%
	35–39	15	4%
	40–49	9	3%
	50 or older	6	2%
Groups *(all that apply)*	First-generation college student	101	31%
	Identify as LGBTQ+	59	18%
	Former/current Foster Youth	3	1%
	Intercollegiate athlete	16	5%
	International student	10	3%
	Veteran or active/reserve duty member	6	2%
	None of the above	162	49%
Programs *(all that apply)*	CalWORKS	35	11%
	EOPS	58	18%
	CARE	12	4%
	DSPS	33	10%
	None of the above	226	69%

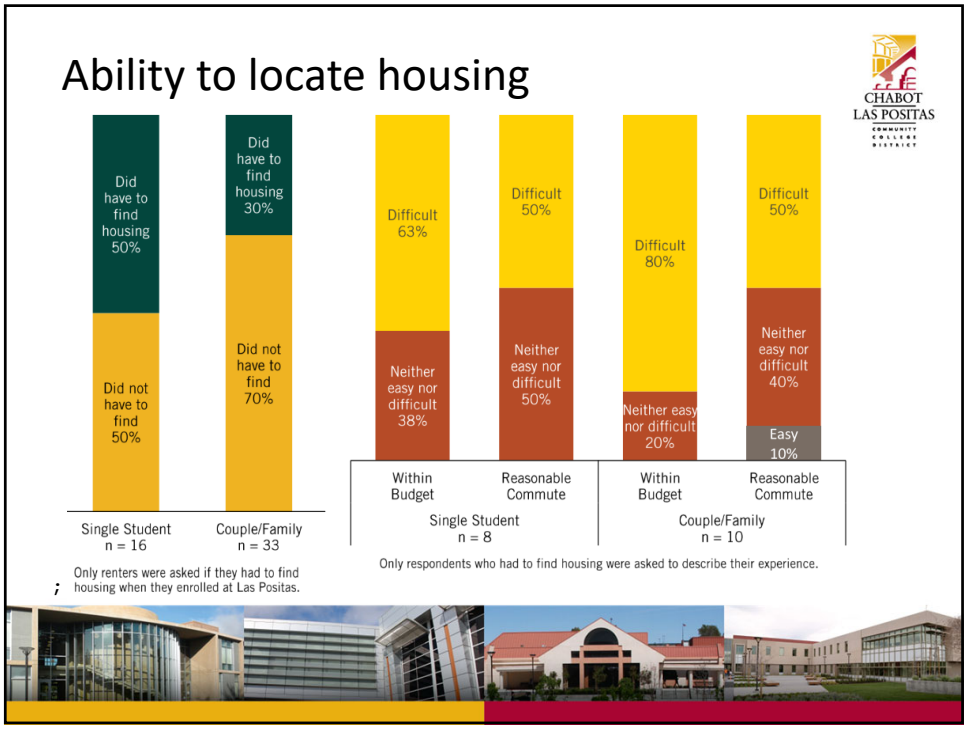
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6


Student Employment
CHABOT LAS POSITAS COMMUNITY COLLEGE DISTRICT
Not Employed 43%
Employed 57%
Not Employed 41%
Employed 59%
Single Student n = 203
Couple/Family n = 140
12%
1%
93%
6%
1%
95%
Work at Las Positas College
Work at Chabot College
Work off campus
Single Student n=113
Couple/Family n=81
3%
17%
23%
41%
16%
9%
18%
29%
28%
16%
More than 40 hours
More than 30 up to 40 hours
More than 20 up to 30 hours
More than 10 up to 20 hours
Up to 10 hours
Single Student n = 116
Couple/Family n = 82
'n' values may not total as expected, because respondents are not required to answer all questions.

7


Ability to locate housing
CHABOT LAS POSITAS COMMUNITY COLLEGE DISTRICT
Did have to find housing 50%
Did not have to find 50%
Did have to find housing 30%
Did not have to find 70%
Single Student n = 16
Couple/Family n = 33
Only renters were asked if they had to find housing when they enrolled at Las Positas.
Difficult 63%
Neither easy nor difficult 38%
Difficult 50%
Neither easy nor difficult 50%
Difficult 80%
Neither easy nor difficult 20%
Difficult 50%
Neither easy nor difficult 40%
Easy 10%
Within Budget
Reasonable Commute
Single Student n = 8
Couple/Family n = 10
Only respondents who had to find housing were asked to describe their experience.

8

Unit Types & Rents Tested (Single & Family)

Unit Type Tested	P3	50/50	SB169
Single Student Units (*per person per month, 12-month lease*)			
Traditional Residence Hall, Double Bedroom	$1,825	$1,533	$375
Traditional Residence Hall, Single Bedroom	$2,225	$1,701	$500
Four-Person, Two-Bedroom Semi-Suite	$2,025	$1,869	$625
Two-Person, Two-Bedroom Semi-Suite	$2,425	$2,037	$750
Four-Person, Two-Bedroom Apartment	$2,625	$2,205	$875
Four-Person, Four-Bedroom Apartment	$2,825	$2,373	$1,000
Two-Person, Two-Bedroom Apartment	$3,025	$2,541	$1,124
Studio, Single Occupancy	$3,225	$2,709	$1,249
Family Units (*per unit per month, 12-month lease*)			
Studio Apartment	$3,850	$3,119	
One-Bedroom Apartment	$5,050	$4,091	
Two-Bedroom Apartment	$6,250	$5,063	

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On-Campus Housing Demand

	P3	50/50	SB169
Single Student Beds			
Traditional Residence Hall, Double Bedroom	135	168	185
Traditional Residence Hall, Single Bedroom	60	92	116
Four-Person, Two-Bedroom Semi-Suite	23	34	33
Two-Person, Two-Bedroom Semi-Suite	39	55	50
Four-Person, Two-Bedroom Apartment	16	21	17
Four-Person, Four-Bedroom Apartment	39	50	36
Two-Person, Two-Bedroom Apartment	13	18	33
Studio, Single Occupancy	57	90	139
Total	383	529	608
Couple/Family Units			
Studio Apartment	83	118	
One-Bedroom Apartment	51	77	
Two-Bedroom Apartment	64	93	
Total	198	288	

4 3



10

Key Findings

- Demand for student housing starts at 380 single-student beds and increases to 600 beds. While couple/family units starts at 200 units and increases to 290 units based upon price.
- Approximately 77% of Las Positas College survey respondents will or believe they qualify for SB169 housing.
- 6% of respondents indicated they were housing insecure

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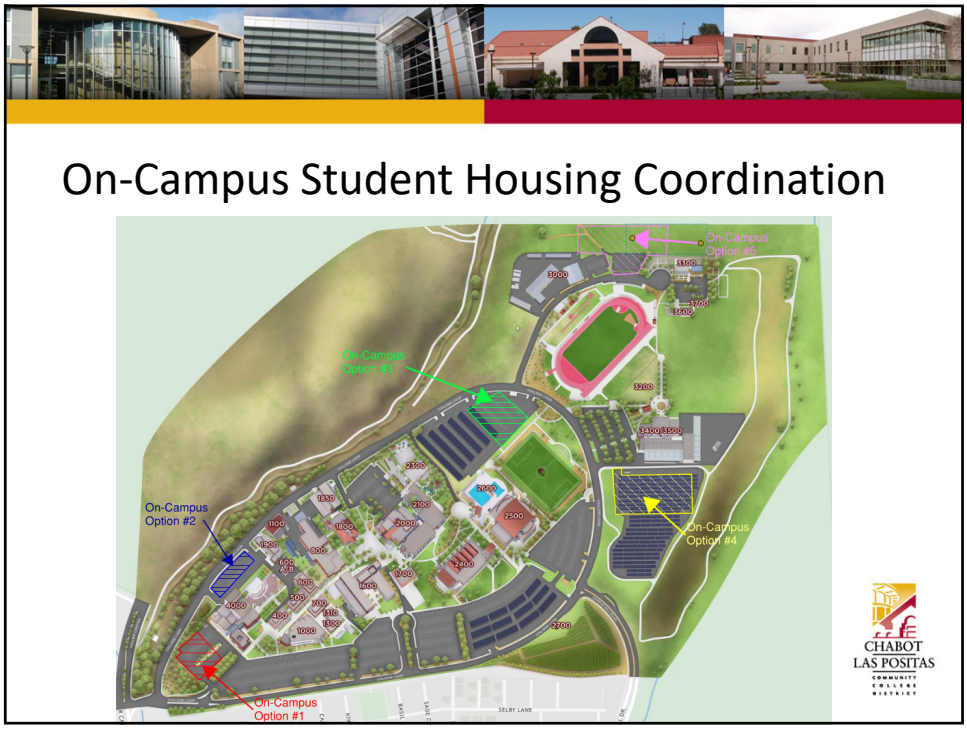
Next Steps

- Finalize housing program (125 to 195 beds) and on-campus location
- Conduct financial analysis (Rents below $1000 per bed per month)
- Prepare site plans and floor plan documents for application
- Presentations to the Board of Trustees
- Application for state funding of construction costs before July 3, 2023

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On-Campus Student Housing Coordination
On-Campus Option #5
On-Campus Option #3
On-Campus Option #2
On-Campus Option #4
On-Campus Option #1
CHABOT LAS POSITAS COMMUNITY COLLEGE DISTRICT

13

LIVERMORE
CALIFORNIA

INTEROFFICE MEMORANDUM

Date: March 13, 2023

To: Marianna Marysheva, City Manager

Via: Paul Spence, Community Development Director

From: Farnoush Levers
Senior Civil Engineer

Subject: **Staff Report Revision for Consent Calendar Item No. 5.4 – Resolution awarding and authorizing execution of an agreement with Paulson Cox Construction, Inc. for installation of new sanitary sewer and water mains and services along Trevarno Road - Project 2019-60**

The following revision should be made to Consent Calendar Item No. 5.4:

Under the Fiscal and Administrative Impacts section, the fiscal year impact should be revised from FY 2021-23 to FY 2022-24.



Short-Term Rental Permit Fees

City Council March 13, 2023

Presented by Susan Frost, Special Projects Coordinator

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1

Short-Term Rental Permit Fees

- In 2020, City Council amended the Municipal Code to establish regulations for short-term rentals (STR).
- A short-term rental is the use of a residential dwelling, or portion thereof, for dwelling, lodging, or sleeping purposes for 30 consecutive days or less by a single renter.
- A permit is now required to operate a STR, including annual renewal, to ensure neighborhood compatibility.

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Short-Term Rental Permit Fees

- An on-line STR permitting process will be available starting April 1, 2023.
- STR owners will be notified, and outreach to the community will begin prior to April 1.
- The proposed STR Permit fee is $220 for a new permit, and $160 for the annual renewal.
- STRs will be required to pay City's Transit Occupancy Tax (TOT), similar to hotels.

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3

Staff Recommendation

Staff recommends that the City Council adopt the resolution adopting the fees for short-term rental permits.

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4



2023-2031 Housing Element

City Council

March 13, 2023

Presented by Jennifer Gastelum, PlaceWorks

Tricia Pontau, Senior Planner, City of Livermore

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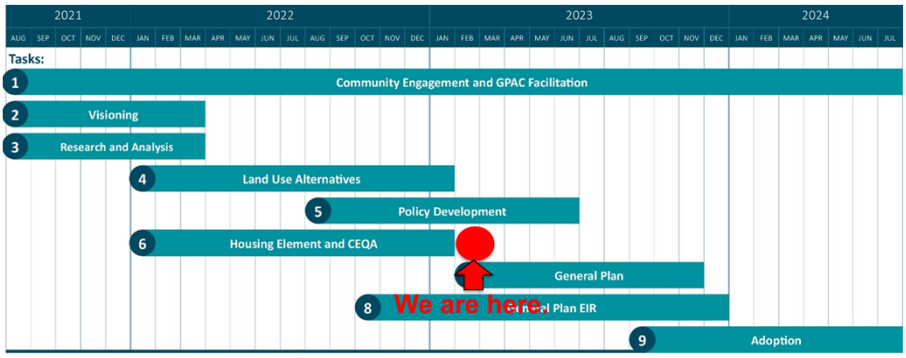
Presentation Overview

- Housing Element Content
- Regional Housing Needs Allocation
- Housing Element Revisions
- Housing Element Schedule

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2

General Plan Project Overview



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3

Housing Element Overview

- Required Element of the General Plan
- Plan for accommodating a jurisdiction's fair share of the regional housing need
- State-mandated update schedule
- Reviewed and certified by State Department of Housing and Community Development (HCD) for compliance with State law
- Adoption Deadline: January 31, 2023
  - 6th Cycle Planning Period: January 31, 2023 – January 31, 2031
  - 5th Cycle Planning Period: January 31, 2015 – January 31, 2023

Imagine LIVERMORE 2045

LIVERMORE CALIFORNIA

4

Regional Housing Needs Allocation (RHNA)



- State-required process
- Seeks to ensure local jurisdictions are planning for enough housing to accommodate all economic segments
- Local jurisdictions must provide sites with appropriate zoning and housing development strategies to meet their RHNA
- Not a mandate to construct homes

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Livermore RHNA

Income Level	Percent of Median Family Income	Income Range – 4-Person Household	Number of Units
Very Low	50% or less	≤ $68,500	1,317
Low	51% to 80%	$68,501 - $109,600	758
Moderate	81% to 120%	$109,601 - $150,700	696
Above Moderate	More than 120%	> $150,700	1,799
Total			**4,570**

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Livermore Approach to Meeting RHNA

Income Level	Total RHNA	Projected ADUs	Units on Vacant Sites	Units on Non-Vacant Sites	INSP Units	Total Unit Capacity	Units Recently Approved*	Surplus RHNA
Very Low	1,317	97	702	11	1,570	2,478	0	403
Low	758	98					0	
Moderate	696	97	561	175	0	833	0	137
Above Moderate	1,799	33	281	24	1,753	2,091	17	309
Total	4,570	325	1,544	210	3,323	5,402	17	849

**Recently approved units can count toward this RHNA cycle and are included in the "Surplus RHNA" count.*

The City does not need to designate or rezone new sites to meet RHNA for this Housing Element cycle (2023-2031).

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Summary of Revisions

Edits were made throughout to address comments from the public, decision makers, and the State

- Detailed parcel information, development standards, and entitlement review requirements for the Isabel Neighborhood Specific Plan.
- Analysis about the concentration of units in the Isabel Neighborhood Specific Plan and the impact on fair housing conditions.
- Information and analysis about realistic capacity and likelihood for residential development on small sites, nonvacant sites, and sites zoned for nonresidential uses.
- Added more specific commitments, timing, and metrics for housing programs that address fair housing issues and reduce governmental constraints on housing development.

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Housing Element Schedule

Task	Timeframe
Draft Housing Element released	May 4, 2022
GPAC meeting: Draft Housing Element	May 11, 2022
Planning Commission review Draft Housing Element	May 17, 2022
City Council review Draft Housing Element	May 23, 2022
First HCD review (90-day review)	July - October 2022
Receive comment letter from HCD	October 17, 2022
Prepare CEQA document	Late 2022/Early 2023
Second HCD review (60-day review)	December 2022 – February 2023
Prepare Final Housing Element and CEQA document	January 2023
Conditional compliance letter received from HCD	February 23, 2023
Planning Commission review Final Housing Element	February 28, 2023
City Council review Final Housing Element	March 13, 2023
Submit Final Housing Element to HCD	Upon City Council Approval

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Recommendation

Staff and the Planning Commission recommend the City Council consider the 2023-2031 Housing Element (GPA23-002) and:

1. Adopt a resolution finding the 2023-2031 Housing Element is exempt from the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3); and
2. Adopt a resolution adopting the 2023-2031 Housing Element; and
3. Direct staff, after certification of the 2023-2031 Housing Element by the State Department of Housing & Community Development (HCD), to evaluate revisions based upon comments from the Planning Commission recommendation, including the February 26, 2023, comment letter submitted by a Livermore resident.

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Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)	Summary of Meeting or Event
Mayor Marchand	3/1/2023	Chamber of Commerce	Meeting of the Business Alliance	I provided a report on the recent actions of the City and the City Council and received an update on the local Real Estate market from David Stark with the Bay East Association of Realtors.
Mayor Marchand	3/2/2023	City Council	Interviews for Planning Commission	Selected Jake Anderson, Yolanda Fintschenko and Tracy Kronzak as commissioners.
Mayor Marchand	3/2/2023	TV30	Recorded the Mayor's Report	Provided an update on recent City and Council activities.
Mayor Marchand	3/2/2023	LVJUSD	Visit to schools	Celebrating Dr. Seuss's Birthday, and to encourage young students to read, I read to 7 classes at Marylin Avenue, Altamont Creek at Jackson Avenue Schools.
Mayor Marchand	3/4/2023	Asian American Festival of the Arts	Arts programming	Presented awards to leaders in the Asian American Arts Communities.
Mayor Marchand	3/4/2023	Shiva Vishnu Hindu Community and Cultural Center	Grant in Aid program	Delivered a short speech and presented grant awards to non-profit organizations.
Mayor Marchand	3/5/2023	Livermore Downtown Inc	Livermore Half Marathon	Provided welcoming comments to the over 2,000 participants.
Mayor Marchand	3/6/2023	City Council	Special meeting of the Council	Discussed and provided direction on the Five-Year Strategic Plan, the Community Survey and the Financial Plan.
Mayor Marchand	3/7/2023	Livermore Chamber	Ribbon cutting for a new business	Welcomed Home Helpers Home Care providing services to allow seniors to stay in their homes.
Mayor Marchand	3/8/2023	City Council	City Hall	Recognized International Women's Day
Mayor Marchand	3/8/2023	Alameda County Mayors Conference	Monthly meeting held live in Newark.	Heard a report from E.B.M.U.D.
Mayor Marchand	3/9/2023	LVJUSD	Science Odyssey at Junction K-8	Viewed science projects, spoke with students and along with Zone 7, presented awards for water related projects.
Mayor Marchand	3/9/2023	LAFCO	Commission Meeting	Reviewed draft budget and scope of analysis for Agricultural Land Use Designation
Mayor Marchand	3/9/2023	Tri-Valley Non-Profit Alliance	Mayors' Summit at the Bankhead	Participated in a public forum and discussion with the other Tri-Valley Mayors
Mayor Marchand	3/10/2023	Innovation Tri-Valley	meeting	Heard presentations on the market for office, manufacturing and commercial space in the Tri-Valley and from First Republic Bank.
Mayor Marchand	3/11/2023	Livermore Valley Arts	Reception	Attended the Figurative Art Show at the Bankhead.
Mayor Marchand	3/13/2023	Alameda County Transportation Commission	Meeting of the Planning, Policy and Legislative Committee in Oakland	Approved the Equity Initiative Engagement Approach and received an update on the State, regional and local legislative activities.

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)	Summary of Meeting or Event
Council Member Barrientos	3/4/2023	Livermore Lions Club	Livermore Lions Club annual fund raiser	Funds were raised to disperse to some local charities. The Girls Scouts of Pleasanton were given a $600 contribution for their help in the fund raiser
Council Member Barrientos	3/5/2023	Livermore Lions Club	Second level of the Lions Club Student Speakers Contest	Winners from three clubs in the Zone competed to advance to the next level. One advanced.
Council Member Barrientos	3/8/2023	EBEC	“Retreat” 12-2PM meeting.	Deep dive in to the mechanics of procurement by the EBCE

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)	Summary of Meeting or Event
Council Member Branning	3/7/2023	LAVTA	Board meeting	Discussed support for hydrogen fuel distribution hub and Valley Link administrative support.

Council Member	Date of Meeting or Event	Committee or Organization	Meeting or Event Type (ex. board meeting or ribbon cutting)
Council Member Carling	3/9/2023	StopWaste	recycling board meeting
Council Member Carling	3/9/2023	Tri-Valley Non-Profit Alliance mayors dialogue	