LIVERMORE
CALIFORNIA

PLANNING COMMISSION

AGENDA
TUESDAY, JUNE 3, 2025

PLANNING COMMISSION REGULAR 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 CHAMBER
1016 S. LIVERMORE AVENUE

Yolanda Fintschenko, Chair
Tracy Kronzak, Vice Chair
Jacob M Anderson, Commissioner
Nadine R Horner, Commissioner
Charity L Steele, Commissioner

1. CALL TO ORDER

ROLL CALL

Commissioner Charity Steele
Commissioner Nadine Horner
Commissioner Jacob Anderson
Vice Chairperson Tracy Kronzak
Chairperson Yolanda Fintschenko

PLEDGE OF ALLEGIANCE

2. OPEN FORUM

- In conformance with the Brown Act, no Planning Commission action can occur on items presented during Open Forum.
- To provide public comment, please submit a speaker card. When your name is called, walk to the lectern to address the Planning Commission.
- Comments are limited to a maximum of 3 minutes per person, per item. The Chair may reduce the amount of time based on the number of persons wishing to speak.
- Open Forum will conclude after 30 minutes; however, if there are additional speakers, Open Forum will reconvene after Matters for Consideration.

3. CONSENT CALENDAR

Consent Calendar items are considered routine and are acted upon by the Planning Commission with a single action. Members of the audience wishing to provide public input must submit a speaker card.

3.1 Approval of the May 6, 2025 Planning Commission Draft Meeting Minutes.

Recommendation:
Staff recommends the Planning Commission approve the draft minutes.
Staff Report
Attachments:
1. 05-06-2025 Draft Meeting Minutes

4. PROJECT REVIEW

5. PUBLIC HEARINGS

5.1 Comprehensive Housing Update to the Livermore Development Code and Mixed-Use and Multifamily Objective Design Standards (Development Code Amendment (DCA) 23-001 and Policy Proposal (POL) 25-001).

Recommendation:
Staff recommends the Planning Commission adopt the attached resolutions recommending the City Council:

1. Adopt a resolution finding the project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061(b)(3)

and Government Code Sections 65852.2, 65852.21, 65852.24, 65912.114 and 65912.124;

2. Adopt a resolution approving the Mixed-Use and Multifamily Objective Design Standards;
3. Adopt an ordinance repealing Development Code housing sections 6.02.030 Density Bonus, 6.03.060 Emergency Shelters, 6.03.070 Farmworker Housing, 6.03.080 Mobile Homes and Mobile Home Parks, 6.03.120 Accessory Dwelling Units, and 10.06.050 Affordable Housing, and adopting a new “Part 11 Housing” chapter in the Development Code pertaining to all forms of housing;
4. Adopt an ordinance amending Development Code sections 9.07.020 Applicability, 9.07.030 (Table 9.3 Review Authority For Site Plan and Design Review), 9.07.040 Application Filing, Processing, and Review, of “Part 9 Permits and Approvals”, and sections 10.01.050 (Table 10.1 Subdivision Review Authorities), and 10.02.050 Tentative Map Public Hearing and Action of "Part 10 Subdivisions", to increase project review streamlining; and
5. Adopt an ordinance amending various Development Code sections for internal consistency with new “Part 11 Housing” and amendments to “Part 9 Permits and Approvals” and “Part 10 Subdivisions”.

Staff Report

Attachments:

1. May 6 Study Session Staff Report
2. Resolution - CEQA
3. Resolution - MODS
3. Exhibit A - MODS
4. Resolution - Part 11
4. Exhibit A - Part 11
5. Resolution - Project Review and Public Noticing
5. Exhibit A - Code Amendments
6. Resolution - Code Consistency Amendments
6. Exhibit A - Code Consistency Amendments

6. MATTERS FOR CONSIDERATION

7. MATTERS INITIATED BY PLANNING COMMISSION AND STAFF

8. SUPPLEMENTAL MATERIALS

8.1 Supplemental materials received prior to the meeting.

Staff Report

Attachments:

1. Supplemental Materials

9. ADJOURNMENT

To a regular Planning Commission meeting on Tuesday, June 17, 2025 at 7:00 pm, Civic Center Meeting Hall, City Council Chamber, 1016 S. Livermore Avenue.

10. HOW TO PARTICIPATE IN THE 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 Planning Commission you must submit a speaker card to the Planning Commission Liaison prior to the start of that item. Please note that the Planning Commission 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 Planning Commission I may place it on a future agenda or direct staff to work with you and/or report to the Planning Commission on the issue.

Public Hearings - The topic of the hearing is typically summarized by staff, followed by a presentation by the applicant, and then questions from the Planning Commission. The Chair 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 Planning Commission, you must submit a speaker card to the Planning Commission Liaison prior to the start of the presentation of the item.

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 Planning Commission 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.

Submission of Comments Prior to the Meeting:

Email Comments may be submitted by the public to the Planning Commission Liaison (planning@LivermoreCA.gov). Items received no later than 12:00 pm on the day of the meeting will be provided to the Commission 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 6:00 pm the day of the meeting. These items will NOT be read into the record and are viewable by the the Commission 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 Planning Commission Liaison prior to the start of the item. Please note that the Planning Commission 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 Planning Commission may place it on a future agenda or direct staff to work with you and/or report to the Planning Commission on the issue.

If you would like to deliver written materials to the Commission as part of your public comments, please provide 8 copies of to the Planning Commission Liaison with your speaker card.

The **Planning Commission Agenda and Agenda Reports** are prepared by City staff and are available for public review on Friday evening, three days prior to the Planning Commission meeting at 1016 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 Planning Commission after the posting of this agenda will be available for public review at City Hall, 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
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PLANNING COMMISSION STAFF REPORT **ITEM NO. 3.1**

DATE: June 3, 2025

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Approval of the May 6, 2025 Planning Commission Draft Meeting Minutes.

RECOMMENDED ACTION

Staff recommends the Planning Commission approve the draft minutes.

SUMMARY

DISCUSSION

ATTACHMENTS

1. 05-06-2025 Draft Meeting Minutes

Prepared by: Michele Donley
Division Clerk

DRAFT MINUTES

LIVERMORE
CALIFORNIA

PLANNING COMMISSION
MAY 6, 2025

REGULAR MEETING

1. CALL TO ORDER – The regular meeting of the Planning Commission was called to order by Chairperson Yolanda Fintschenko at 7:00 pm, held in person at 1016 S. Livermore Avenue.

ROLL CALL – Present: Chairperson Yolanda Fintschenko, Vice Chairperson Tracy Kronzak, and Commissioner Jacob Anderson, Commissioner Nadine Horner, Commissioner Charity Steele.

PLEDGE OF ALLEGIANCE

Chairperson Fintschenko led the Pledge of Allegiance.

2. OPEN FORUM

Chairperson Fintschenko opened the public comment period.

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

3. CONSENT CALENDAR

ON THE MOTION OF COMMISSIONER ANDERSON, SECONDED BY PLANNING MANAGER RILEY AND CARRIED ON A 1-0 VOTE, WITH CHAIRPERSON FINTSCHENKO, COMMISSIONER HORNER, VICE CHAIR KRONZAK, AND COMMISSIONER STEELE ABSTAINING DUE TO THEIR INELIGIBILITY TO VOTE, THE PLANNING COMMISSION APPROVED THE CONSENT CALENDAR ITEM 3.1:

3.1 Approval of the July 12, 2022, Planning Commission Draft Meeting Minutes.

ON THE MOTION OF VICE CHAIR KRONZAK, SECONDED BY COMMISSIONER ANDERSON AND CARRIED ON A 3-0 VOTE, WITH COMMISSIONER HORNER AND COMMISSIONER STEELE ABSTAINING DUE TO THEIR INELIGIBILITY TO VOTE, THE PLANNING COMMISSION APPROVED THE CONSENT CALENDAR ITEMS 3.2 AND 3.3:

3.2 Approval of the December 3, 2024, Planning Commission Draft Meeting Minute**s**

3.3 Approval of the February 4, 2025, Planning Commission Draft Meeting Minutes

3.2 Approval of the December 3, 2024, Planning Commission Draft Meeting Minutes

Planning Manager Riley requested the Planning Commission reconsider the December 3, 2024 meeting minutes to revise language to include removal of the pickleball courts.

ON THE MOTION OF CHAIR FINTSCHENKO, SECONDED BY VICE CHAIR KRONZAK AND CARRIED ON A 3-0 VOTE, WITH COMMISSIONER HORNER AND COMMISSIONER STEELE ABSTAINING DUE TO THEIR INELIGIBILITY TO VOTE, THE PLANNING COMMISSION TO RECONSIDER ITEM 3.2 AND APPROVED THE REVISED LANGUAGE TO THE AMENDED MOTION.

ON THE MOTION OF VICE CHAIR KRONZAK, SECONDED BY COMMISSIONER ANDERSON AND CARRIED ON A 5-0 VOTE, THE PLANNING COMMISSION APPROVED THE CONSENT CALENDAR ITEMS 3.4, 3.5 AND 3.6:

3.4 Approval of the March 18, 2025, Planning Commission Draft Meeting Minutes

3.5 Approval of the April 1, 2025, Planning Commission Draft Meeting Minutes

3.6 Approval of the April 21, 2025, Special City Council and Planning Commission Draft Meeting Minutes

4. PROJECT REVIEW – NONE

5. PUBLIC HEARINGS - NONE

6. MATTERS FOR CONSIDERATION

6.1 Consistency Determination 25-001 to determine the Fiscal Year (FY) 2025-2026 and Fiscal Year 2026-2027 Capital Improvement Plan (CIP) is consistent with the 2003-2025 Livermore General Plan

Recommendation: Staff recommended the Planning Commission:
1. Adopt a resolution finding the proposed Capital Improvement Plan (CIP) for FY 2025-2026 and FY 2026-2027 consistent with Livermore's 2003-2025 General Plan and approving Consistency Determination (CD) 25-001.

Department Assistant Bageshri Thakar and City Engineer Joel Waxdeck presented the staff report.

In response to Vice Chair Kronzak, City Engineer Waxdeck discussed public input utilized for project prioritization.

Commissioner Anderson confirmed that the projects were being reviewed for consistency under the current General Plan.

Commissioner Horner requested additional information on the Vasco Interchange project and Livermore Area Recreation & Park District (LARPD) park expansion. City Engineer Waxdeck explained the first step to complete California Environmental Quality Act (CEQA) and design followed by efforts to obtain funding for the Vasco Interchange Project. He explained the City's reimbursement to LARPD for qualified expansion and enhancement projects.

The Commission thanked staff for the presentation and concurred with staff recommendations.

ON THE MOTION OF COMMISSIONER ANDERSON, SECONDED BY VICE CHAIR KRONZAK AND CARRIED ON A 5-0 VOTE, THE PLANNING COMMISSION ADOPTED THE FOLLOWING RESOLUTION:

Resolution 16-25 Finding the Fiscal Year 2025-2026 and Fiscal Year 2026-2027 Capital Improvement Plan consistent with the 2003 Livermore General Plan and approving Consistency Determination (CD) 25-001

RECESS
Chairperson Fintschenko called a recess at 7:42 pm. The meeting reconvened at 7:47 pm with all Commissioners present.

6.2 Draft framework for the Comprehensive Housing Update to the Livermore Development Code and Citywide Objective Design Standards.

Recommendation: Staff recommended the Planning Commission receive the report and provide discussion and direction on the following:
1. The areas of local discretion afforded in State Housing Law;
2. The proposed Development Agreement pathways for affordable housing and design;
3. The proposed review authority framework for permit streamlining;
4. The applicability of the Objective Design Standards; and
5. The proposed Objective Design Standard architectural styles, building forms, and frontage types

Economic Development Manager Jake Potter and Associate Planner Turhan Sonmez presented the staff report.

The Commission discussed the areas of local discretion afforded in State Housing Law.

Commissioner Anderson concurred with Staff's recommendation.

Commission Horner confirmed that the terms related to specific plans were used consistently; and suggested reconsidering staff review of projects under 40 dwelling units, and that items approved by staff approved housing projects be reported to the Planning Commission.

Commissioner Steele indicated agreeance with the recommendations.

The Commission discussed the proposed Development Agreement pathways for affordable housing and design.

In response to Vice Chair Kronzak, Economic Development Manager Potter discussed the potential lot size for 10-unit developments and standards applicable to ADUs.

Economic Development Manager Potter and Assistant City Attorney Mirassou explained the relationship between City Ordinances and HOA rules.

In response to Vice Chair Kronzak, Economic Development Manager Potter described how any proposed tenancy assistance would likely be part of economic development incentives, and not development or design standards.

In response to Chairperson Fintschenko, Staff indicated the code would be written to coincide with sunsetting of State laws.

Commissioner Anderson expressed enthusiasm for development flexibility through the Development Agreement option and ensuring public input on staff-level projects while achieving the City's goals.

Commissioner Steele concurred that it would streamline the process.

In response to Vice Chair Kronzak, Economic Development Manager Potter explained use of "shall" versus "may."

The Commission discussed the proposed review authority framework for permit streamlining.

Commissioner Horner expressed concern about staff approval of projects up to 39 units without the opportunity for public input.

Commissioner Anderson discussed his review of the processes in other cities and concluded that other factors would trigger Planning Commission review, therefore he concurred with Staff approval of up to 39 units.

Chairperson Fintschenko confirmed the public notification process and contact information.

Vice Chair Kronzak confirmed that a public hearing would be informative but unhelpful due to State law.

Chair Fintschenko concurred with the need for notification while not creating additional burden.

Commissioner Horner reiterated concern regarding Staff approval of up to 39 units and requested the matter be revisited.

Planning Manager Riley discussed the provision to move a staff approval project to Planning Commission if appropriate and the upcoming neighborhood meeting on the proposed development of townhomes across from the street on Pacific Avenue.

The Commission discussed the proposed Objective Design Standard architectural styles, building forms, and frontage types.

Commissioner Anderson suggested height hierarchy, having buildings tier up from the road, such as the Auburn Grove project.

In response to Vice Chair Kronzak, Economic Development Manager Potter stated the proposed ratio was 30 percent native landscaping. Vice Chair Kronzak suggested increasing the ratio of native plants and including provisions for interior noise on higher density housing.

In response to Chairperson Fintschenko, Economic Development Manager Potter indicated staff would work with the Sustainability Program Manager to include heat, air quality and wildfire mitigation design standards.

In response to Commissioner Anderson, Economic Development Manager Potter stated HVAC requirements were in the Building Code. Commissioner Anderson recalled discussion of cohesive design styles and indicated support for the proposed regulations.

Commissioner Steele questioned why certain styles were selected for various areas; suggested a mix of styles; and opined that the American Mercantile style lacked character and warmth.

Vice Chair Kronzak stated the seven options facilitated predictability and objectively provided standards for specific neighborhoods.

Chairperson Fintschenko suggested artist renderings or photographs depicting the styles.

Staff discussed available development in the South Livermore Valley Specific Plan.

Vice Chair Kronzak confirmed with staff that color pallets could be included in Objective Design Standards.

7. MATTERS INITIATED BY PLANNING COMMISSION STAFF

Planning Manager Riley confirmed the public meeting on May 14, from 6-8 pm on the Pacific Livermore Townhomes.

Chair Fintschenko asked the use of AI review of Planning Commission documents. Planning Manager Riley indicated staff would report back to the Commission.

Commissioner Anderson expressed excitement for the commencement of the Interfaith Housing building.

8. ADJOURNMENT – at 9:24 pm to a Regular Planning Commission Meeting on Tuesday, May 20, 2025 at 7:00 pm, Civic Center Meeting Hall, City Council Chamber, 1016 S. Livermore Avenue.

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 5.1**

DATE: June 3, 2025

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Comprehensive Housing Update to the Livermore Development Code and Mixed-Use and Multifamily Objective Design Standards (Development Code Amendment (DCA) 23-001 and Policy Proposal (POL) 25-001).

RECOMMENDED ACTION

Staff recommends the Planning Commission adopt the attached resolutions recommending the City Council:

1. Adopt a resolution finding the project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061(b)(3) and Government Code Sections 65852.2, 65852.21, 65852.24, 65912.114 and 65912.124;
2. Adopt a resolution approving the Mixed-Use and Multifamily Objective Design Standards;
3. Adopt an ordinance repealing Development Code housing sections 6.02.030 Density Bonus, 6.03.060 Emergency Shelters, 6.03.070 Farmworker Housing, 6.03.080 Mobile Homes and Mobile Home Parks, 6.03.120 Accessory Dwelling Units, and 10.06.050 Affordable Housing, and adopting a new “Part 11 Housing” chapter in the Development Code pertaining to all forms of housing;
4. Adopt an ordinance amending Development Code sections 9.07.020 Applicability, 9.07.030 (Table 9.3 Review Authority For Site Plan and Design Review), 9.07.040 Application Filing, Processing, and Review, of “Part 9 Permits and Approvals”, and sections 10.01.050 (Table 10.1 Subdivision Review Authorities), and 10.02.050 Tentative Map Public Hearing and Action of "Part 10 Subdivisions", to increase project review streamlining; and
5. Adopt an ordinance amending various Development Code sections for internal consistency with new “Part 11 Housing” and amendments to “Part 9 Permits and Approvals” and “Part 10 Subdivisions”.

SUMMARY

City staff is proposing a comprehensive update of the Livermore Development Code (LDC) to incorporate various state housing laws, increase project review streamlining, and establish citywide Objective Design Standards applicable to multifamily residential and mixed-use residential projects. These changes help to further implement policies in the City's adopted 2023-2031 Housing Element.

This project proposal includes the following primary components:

- A new housing chapter in the LDC to provide the regulations, standards, and review procedures for various types of housing and mixed-use development projects in the city, and bring the LDC into compliance with state housing law;

- New Mixed-Use and Multifamily Objective Design Standards for specific types of multifamily residential and mixed-use development projects in residential and commercial areas;

- Additional housing-related updates to the Development Code, not required by state law, pertaining to project review streamlining and public noticing consistent with Housing Element policy.

DISCUSSION

Background

As the availability of housing across California and the nation has failed to meet demand and concerns about housing affordability have increased, state legislation to spur and incentivize residential development has increased.

Beginning in 2015, the state began issuing regulations and passing new laws aimed at reducing barriers to housing production. The state has taken an increasingly active role in legislating the local housing permitting process since then and has passed over 100 new laws in just the past 5 years. The City is obligated to follow state law and should therefore periodically modify its policies and standards to be consistent with state law.

Livermore's Design Standards and Guidelines were adopted in 2004, and the Development Code was last comprehensively updated in 2010. In 2023, in conformance with state housing laws, the City Council adopted Livermore's 2023-2031 Housing Element, which contains a series of policies that seek to implement and codify state housing law, further production of all housing types, streamline the housing permit review process, establish Objective Design Standards, and update the LDC.

After adoption of the Housing Element, the City Council authorized staff to enter into an agreement with a legal consultant, Shute, Mihaly & Weinberger, to assist in updating the City's codes and design standards to conform to state law. Staff has also worked with an outside volunteer design committee made up of local architects, urban designers, and planners to develop the Objective Design Standards.

This project is being funded in part by a grant of approximately $103,000.00 the City has received from the California Department of Housing and Community Development (HCD) through the Local Early Action Planning (LEAP) program.

Planning Commission Study Session

At a publicly noticed Study Session that occurred on May 6, 2025, staff presented the draft framework for the Comprehensive Housing Update and Citywide Objective Design Standards to the Planning Commission and summarized various applicable state laws (see Attachment 6 May 6, 2025 Study Session Staff Report). Staff recommended the Planning Commission receive the staff report and provide

discussion and direction on the following:

1. The areas of local discretion afforded in state housing law;
2. The proposed Development Agreement pathways for affordable housing and design;
3. The proposed review authority framework for permit streamlining;
4. The applicability of the Objective Design Standards; and
5. The proposed Objective Design Standard architectural styles, building forms, and frontage types.

The Commission provided feedback and reached consensus supporting the overall draft framework, as well as staff's general recommendations related to the above. The Planning Commission had specific comments and discussion on Accessory Dwelling Units, staff level approval of residential projects and how neighbors and decision makers will be informed, and architectural styles. Staff have incorporated Planning Commission's recommendations into the draft LDC update.

Comprehensive Development Code Update

New Housing Chapter - Part 11

Staff has incorporated feedback received at the Study Session into a new draft LDC chapter entitled "Part 11 Housing" (see Attachment 4), to provide regulations, standards, and review procedures for various types of housing and mixed-use development projects in the city and bring the LDC into compliance with state housing law. Note that while the new Part 11 Housing does contain some previous sections of the Development Code that have been relocated, Attachment 4 displays all sections as new code (without strikethroughs or underlines) given the significant changes made to even those topics that previously existed in the LDC under a different section.

The option to use a Development Agreement to deviate from certain affordable housing and design requirements, as discussed in the Study Session staff report, have been included in draft Part 11 Sections 11.70 Affordable Housing and 11.60 Streamlined Review and Objective Design Standards, respectively. The following are areas within new Part 11 where staff exercised substantive local discretion, as afforded by state housing law, in draft standards and regulations:

- **Accessory Dwelling Units (ADUs).** The City has discretion to create objective standards related to usable open space, building design, and historic resources, as long as the standards don't prohibit a detached ADU of a maximum of 800 square feet with a minimum of 4' side and rear setbacks.
  Discretion exercised: Staff has drafted objective historic regulations and design standards for ADUs, regulating features like building placement with respect to historic structures, color, materials, and usable open space.

- **Two Unit Residential Development and Urban Lot Splits (SB9 Units).** The City has discretion to create objective standards and regulations related to height, historic resources, building design, and landscape design, as long as the standards generally don't prohibit the development of two units of at least 800 square feet each.
  Discretion exercised: Staff has drafted objective standards and regulations to limit SB9 units to single story, to regulate building design and landscaping, and to prohibit projects on historic properties.

- **Residential Development in Non-Residential Zoning Districts.** The City has discretion to create standards related to ground-floor uses.
  Discretion exercised: Staff drafted standards requiring at least 50% of ground floor square footage be dedicated to commercial and/or office use, for residential projects proposed in commercial or office districts.

- **Streamlined Review of Eligible Subdivisions.** The City has discretion to prohibit parcels created pursuant to Eligible Subdivisions from being further subdivided by an Urban Lot Split (SB9), and/or having Accessory Dwelling Units (ADUs) and/or Junior Accessory Dwelling Units (JADUs) constructed on these parcels. Parcels created pursuant to Eligible Subdivisions may be as small as 600 square feet, if located in multifamily zones, and as small as 1,200 square feet if located in single family zones.
  Discretion exercised: Staff has drafted regulations prohibiting parcels created pursuant to Eligible Subdivisions from being further subdivided via Urban Lot Splits and from having ADUs/JADUs constructed on them.

Project Review Streamlining and Public Noticing

Staff has also prepared additional draft amendments to the existing LDC in "Part 9 Permits and Approvals" and "Part 10 Subdivisions" (see Attachment 5) to modify the City's existing development review authority requirements and streamline residential entitlement review. As proposed, certain projects that would currently require City Council review would require only Planning Commission review, certain projects that currently require Planning Commission Review would only require staff-level review, and certain projects that currently require a staff-level planning entitlement would only require a building permit (with Planning's ministerial review). New draft public noticing requirements for residential development applications received by the City are also being proposed by staff to ensure the community will be informed about residential projects reviewed at staff level and/or projects for which a public hearing is not required.

The draft amendments in Part 9 and Part 10 described above constitute the staff proposed review authority framework for permit streamlining.

Finally, staff has prepared a list of various LDC amendments (see Attachment 6) required for internal code consistency with new "Part 11 Housing" and amendments to "Part 9 Permits and Approvals" and "Part 10 Subdivisions". This includes renumbering existing Part 11 Definitions to Part 12, and existing Part 12 Zoning Map to Part 13, among other changes.

Objective Design Standards

Staff has prepared Objective Design Standards that will apply to all multifamily residential development proposals containing more than ten (10) residential units. Changes in state law, including the adoption of Senate Bill 35 (2017), Senate Bill 330 (2019), and Assembly Bill 2011 (2022), require that for certain types of housing and mixed-use projects, jurisdictions may only consider objective criteria. This limits the City's ability to evaluate projects using the 2004 Design Standards and Guidelines; however, state law still allows the City to enforce objective design standards that are measurable and verifiable against specific criteria, commonly understood by all who participate in the development process, and do not require interpretation or judgement.

Staff has incorporated feedback received at the Study Session into a draft Mixed-Use and Multifamily Objective Design Standards document (see Attachment 3). As proposed within the draft document, project applicants shall choose, based on the project location, to use one of the specified architectural styles, combined with one building form and one frontage type. Projects would also be subject to various universally applicable "Universal Objective Design Standards", relating to architecture, building form, site planning, and landscaping, regardless of specific architectural style, building form, frontage type, or geography.

As proposed in new "Part 11 Housing", all multifamily and mixed-use residential development projects that contain more than 10 residential units, shall either:

1. Comply with all requirements of the Mixed-Use and Multifamily Objective Design Standards (MODS); or

2. Pursue an Alternative Design Plan.
   - The Alternative Design Plan would allow for a project to deviate from any objective design standard(s) of the MODS.
   - A project seeking an Alternative Design Plan shall enter into a Development Agreement with the City, as authorized by the City Council.

Environmental Determination

The project is exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061(b)(3) and Government Code Sections 65852.2, 65852.21, 65852.24, 65912.114 and 65912.124.

ATTACHMENTS

1. May 6 Study Session Staff Report
2. Resolution - CEQA
3. Resolution - MODS
3. Exhibit A - MODS
4. Resolution - Part 11
4. Exhibit A - Part 11
5. Resolution - Project Review and Public Noticing
5. Exhibit A - Code Amendments
6. Resolution - Code Consistency Amendments
6. Exhibit A - Code Consistency Amendments

Prepared by: Turhan Sonmez
Associate Planner

LIVERMORE
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PLANNING COMMISSION STAFF REPORT **ITEM NO. 6.2**

DATE: May 6, 2025

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning Manager

SUBJECT: Draft framework for the Comprehensive Housing Update to the Livermore Development Code and Citywide Objective Design Standards.

RECOMMENDED ACTION

Staff recommends the Planning Commission receive the report and provide discussion and direction on the following:

1. The areas of local discretion afforded in State Housing Law;
2. The proposed Development Agreement pathways for affordable housing and design;
3. The proposed review authority framework for permit streamlining;
4. The applicability of the Objective Design Standards; and
5. The proposed Objective Design Standard architectural styles, building forms, and frontage types

SUMMARY

Staff is conducting a comprehensive update of the Livermore Development Code to incorporate various state housing laws, pertaining to various types of housing in the City, and to establish citywide Objective Design Standards that apply to streamlined residential and mixed-use projects.

This project will implement the City's General Plan Housing Element and specifically produce:

- Comprehensive Code updates to bring the Livermore Development Code into full compliance with state housing law;
- New Livermore Objective Design Standards to supplement the City’s existing objective and subjective residential design criteria, and ensure full compliance with Senate Bills 35 and 330; and,
- A new housing chapter in the Development Code ("Part 11 Housing") pertaining to all forms of housing in Livermore.

Staff is also proposing additional housing-related updates to the Development Code, not required by State law, pertaining to the provision of affordable housing and project review streamlining, in support of Livermore's General Plan Housing Element.

This project is being partially funded by a California Department of Housing and Community Development (HCD) grant of approximately $100,000 through the Local Early Action Planning (LEAP) program.

DISCUSSION

Background

The State of California has recognized the high costs of housing in California, where California residents cannot afford suitable housing, and has determined California is in a housing crisis. The state estimates California cities and counties must plan for over 300,000 homes annually, but have only permitted about a third of that each year. In order to address the shortfall, the state has taken an increasingly active role in legislating the local housing permitting process. Although California has had a range of state housing requirements for decades, beginning in 2015, the state began issuing a series of regulations and passing a range of new laws aimed at reducing barriers to housing production. Over the past five years, the state has passed over 100 new housing laws that impact local governments.

In 2023, in conformance with state housing laws, the City Council adopted Livermore's 2023-2031 Housing Element. The Housing Element contains a series of policies that seek to implement and codify state housing law, further production of all housing types, streamline the housing permit review process, establish Objective Design Standards, and update the Livermore Development Code. In 2023, the City Council also authorized staff to enter into an agreement with a legal consultant, Shute, Mihaly & Weinberger, to assist in updating the City's codes and design standards to conform to state law.

Staff has also worked with an outside volunteer design committee made up of local architects, urban designers, and planners to develop the Objective Design Standards.

Livermore's Design Standards and Guidelines were adopted in 2004, and the Development Code was last comprehensively updated in 2010, prior to the state's adoption of new housing laws and prior to Livermore's 2023-2031 Housing Element. Therefore, staff is proposing: 1) a comprehensive Development Code update that would codify each of the new housing laws and bring the Development Code into full compliance with state requirements; and 2) new Citywide Objective Design Standards for streamlined housing and mixed-use development projects.

Comprehensive Development Code Update

The Comprehensive Development Code update would ensure Livermore's local standards comply with state laws, are consistent with the Livermore Housing Element, and provide certainty for staff, developers, and the public. The update would also clarify the development process for a range of different project types, and allow the City to exercise local discretion in key areas, as described below. The update contains four primary components: compliance with state laws, updates to Livermore's Inclusionary Affordable Housing Ordinance, permit streamlining, and a variety of other consistency cleanups.

State Law Compliance and Local Discretion

The proposed comprehensive Development Code update would create a new housing chapter

implementing the following State laws. In general, the City is required to implement state law as written, with a few areas of discretion as identified below in this section.

- Permit Streamlining Act (Gov't Code § 65920 et seq.)
- Housing Accountability Act (Gov't Code § 65589.5 and 65589.6)
- Housing Crisis Act (SB 330)
- Accessory Dwelling Units (Gov't Code § 66310 through § 66342, and AB 345, AB 3182, AB 68, AB 881, SB 13, AB 587, AB 670, AB 671, AB 2221, and SB 897)
- Density Bonus Law (Gov't Code § 65915 – 65918)
- Two Unit Residential Development and Urban Lot Splits (Gov't Code § 65852.21 and § 66411.7 and SB 9)
- Multifamily/Mixed Use in Residential Zoning Districts (SB35/423)
- Multifamily/Mixed Use in Non-Residential Zoning Districts (AB 2011)
- Supportive Housing (Gov't Code §§ 65650 through 65656 and AB 2162)
- Affordable Housing on Faith and Higher Education (Gov't Code § 65913.16 and SB 4)
- Adaptive Reuse (Gov't Code § 65913.12 and AB 1490)
- Low Barrier Navigation Centers (Gov't Code §§ 65660 through 65666)
- Emergency Shelters (Gov't Code § 65583)
- Agricultural Employee Housing (Health and Safety Code §17021.6 and 17021.8)
- Residential Development on Non-Residential Properties (Gov't Code § 65852.24 and SB 6)
- Mobile Homes and Mobile Home Parks (Health and Safety Code §§ 18300 through 18307)
- Streamlined Review in Non-Residential Zoning Districts (Gov't Code § 65912.100 through § 65912.130)
- Streamlined Review in Residential Zoning Districts (Gov't Code § 65913.4)
- Streamlined Review of Eligible Subdivisions (Gov't Code § 65852.28, § 65913.4.5, and § 66499.41)
- Mixed-Use and Multi-Family Objective Design Standards (SB 35 and SB 330)

A summary of each of the new housing laws is provided in Attachment 1. While the proposed Development Code update is largely procedural and concerned with ensuring the Development Code is consistent with state law, the following are areas where the City has some discretion in implementation of the laws. The section below also includes staff's recommended action on each area of discretion.

- **Accessory Dwelling Units**:
    - The City has discretion to create objective standards related to landscape design, building design, and historic resources, as long as the standards don't prohibit a detached ADU of a maximum of 800 square feet with a minimum of 4' side and rear setbacks.
    - Staff Recommendation: Staff recommends establishing objective historic and design standards for ADUs, regulating features like color, materials, and landscaping.
- **Density Bonus Law**
    - The City can grant a greater density bonus than state law requires or a proportionally lower density bonus if the development does not satisfy the law's requirements. The City could incorporate this additional bonus into the City's Density Bonus ordinance. Decisions to only grant a proportionally lower density bonus would be on a project by project basis.
    - Staff Recommendation: Staff recommends adopting a Density Bonus Ordinance that is consistent with, and not does exceed, state law requirements.

- **Two Unit Residential Development and Urban Lot Splits**
    - The City has discretion to create objective standards related to height, historic resources, building design, and landscape design, as long as the standards don't prohibit the development of two units of at least 800 SF.
    - Staff Recommendation: Staff recommends adopting objective standards to ensure single story SB9 units, and to regulate color, material, landscaping, and historic features.
- **Multifamily/Mixed Use in Non-Residential Zoning Districts**
    - The City has discretion to create standards related to setbacks and ground-floor uses.
        - State does not require minimum setbacks or minimum percentage of non-residential use on ground-floor.
    - Staff Recommendation: Staff recommends adopting local standards requiring ground-floor commercial for residential projects proposed pursuant to this state law in commercial districts.
- **Residential Development in Non-Residential Zoning Districts**
    - The City has discretion to create standards related to ground-floor uses.
    - Staff Recommendation: Staff recommends adopting local standards requiring ground-floor commercial for residential projects proposed pursuant to this state law, in zoning districts where office or commercial are a principally permitted use.
    -

Inclusionary Affordable Housing Ordinance

The Code update proposes to move the City's existing affordable housing Inclusionary Ordinance requirements from their current location in the Development Code "Part 10 Subdivisions" to the newly proposed housing chapter, "Part 11 Housing". The update also proposes to modify the affordable housing alternatives section by replacing the "Accessory Dwelling Units" and "Off-Site Construction" options with the following "Alternative Affordable Plan" option:

- Staff Recommendation: Alternative Affordable Plan
    A. A developer may satisfy the requirements of this Chapter through an alternative affordable plan.
    B. The alternative affordable plan shall meet the following requirements:
        i. May only be considered as part of a Development Agreement between a developer and the City of Livermore;
        ii. Shall not conflict with affirmatively furthering fair housing and state housing requirements;
        iii. The Development Agreement may only allow for the following deviations from this Chapter:
            a. Timing of affordable unit construction.
            b. Quantity of affordable units.
            c. Affordability Level of affordable units.
            d. Bonding Structure and timing.
            e. Deed Restriction Term for Rental Units.
            f. Location of affordable units.
            g. Comparability of affordable units.

The existing "Accessory Dwelling Units" and "Off-Site Construction" options have not been utilized since their inception in 2021 and are seen by city staff as less feasible options for producing the quantity and

quality, comparable to market-rate, of affordable housing consistent with the City's affordable housing goals. As with the other alternatives, the "Alternative Affordable Plan" option would provide flexibility for unique projects and require prior City Council authorization.

Permit Streamlining

The Code update proposes to modify the City's existing project review authority requirements and processes in "Part 9 Permits and Approvals" and "Part 10 Subdivisions" to streamline residential development entitlement review. As proposed, certain projects that would currently require City Council review would require only Planning Commission review, and certain projects that currently require Planning Commission Review would only require staff-level review.

For example, today projects of five or more units require Planning Commission approval, but as proposed, projects up to 39 units could be approved at staff level. Another example, today Parcel Maps (four or fewer parcels) require Planning Commission approval, but as proposed, Parcel Maps could be approved at staff level.

Existing precedent for some of the proposed changes exist within the Downtown Specific Plan, where larger (unit quantity) projects are reviewed at staff-level than elsewhere in the City. Also, precedent for some of the changes exists in new state laws which require certain land subdivisions, of ten parcels or less, to be processed at staff-level. Further, the proposed modifications implement Housing Element policy that calls for updates to the Development Code to streamline the regulatory approval process for housing developments [Policy 1.3 and Policy 1.4].

Other Cleanups

The proposed Code update would also contain a range of other minor modifications to ensure internal consistency across all Development Code chapters and sections, including new definitions and processes.

Objective Design Standards

Livermore's existing Citywide Design Standards and Guidelines contain numerous subjective standards that staff, the Planning Commission, and City Council rely on during project design review. However, today, state laws like the Housing Accountability Act and Housing Crisis Act prohibit local jurisdictions from using subjective design standards to deny a streamlined housing or mixed-use project. Therefore, Livermore cannot enforce many of its existing design standards. For this reason, the Code update also proposes citywide Objective Design Standards. Given that the standards would be objective, staff, the Planning Commission and City Council can enforce each standard in their respective design review roles.

- **Mixed-Use and Multi-Family Objective Design Standards**
  - Discussion:
    - For projects invoking state laws which exempt them from local subjective design standards, the City has discretion to require projects to be of specific architectural styles, building forms, or combinations thereof, anywhere throughout the city, through the implementation of objective design standards.

- Staff Recommendation: Staff proposes exercising the City's discretion as follows:
  - **Architectural Style and Location**: For projects invoking State laws which exempt them from local subjective design standards, projects shall be limited to certain architectural styles, building forms and frontage types based on their location within the City. For example, different standards would be used in Specific Plan areas like Isabel and Downtown versus outside of those Specific Plan areas to better ensure compatibility with surrounding land uses, especially existing neighborhoods.
  - The proposed architectural styles are provided in Attachment 2, Building Forms in Attachment 3, Frontage Types in Attachment 4, Architectural Style by location table in Attachment 5, and Attachment 6 is a map of the City's existing Specific Plans. The developer can choose, based on the project location, to use one of the specified architecturally styles, combined with one building form and one frontage type. It is important to note that most of the these architectural styles, building forms and frontage types are already permitted in the Development Code and supported by the current Design Standards and Guidelines, but staff is proposing to refine and update them and more strategically apply them to appropriate locations in the City based on state law, anticipated growth areas of the City, and recent project approvals.
  - **Universal Objective Design Standards**: Projects invoking state laws which exempt them from local subjective design standards shall be subject to various universally applicable objective design standards, relating to architecture, building form, site planning, and landscaping, regardless of specific architectural style, building form, frontage type, or geography.
  - **Development Agreement Alternative**: Projects that seek flexibility from any Objective Design Standard may enter into a Development Agreement with the City of Livermore. As with other Development Agreements, the "Development Agreement Alternative" option would require prior City Council authorization.

Housing Element and Local Early Action Planning (LEAP) Grant Funding

This project is being funded in part by a grant of approximately $103,000.00 the City has received from the California Department of Housing and Community Development (HCD) through the Local Early Action Planning (LEAP) program.

The Development Code update directly relates to the LEAP goals as it serves to further housing production in Livermore in accordance with the sixth cycle Regional Housing Needs Allocation (RHNA) by implementing Livermore’s Housing Element, establishing local policies and procedures implementing state housing laws, streamlining review of housing projects, and creating objective design standards for housing project review.

Remaining Project Timeline

Staff will incorporate feedback received at this May 6, 2025 Planning Commission Study Session and bring the project back to Planning Commission on June 3, 2025, to review and provide a recommendation to City Council. The City Council will review and make a determination on the project at its July 14, 2025, regular meeting.

ATTACHMENTS

1. State Housing Law Summaries
2. Proposed Architectural Styles
3. Proposed Building Forms
4. Proposed Frontage Types
5. Building Type and Architectural Style by Location
6. Existing Specific Plans

Prepared by: Turhan Sonmez
Associate Planner

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION FINDING THAT THE COMPREHENSIVE HOUSING UPDATE TO THE LIVERMORE DEVELOPMENT CODE AND MIXED-USE AND MULTIFAMILY OBJECTIVE DESIGN STANDARDS ARE EXEMPT FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Development Code Amendment (DCA) 23-001 and Policy Proposal (POL) 25-001

The City initiated an application for Development Code Amendment (DCA) 23-001 and Policy Proposal (POL) 25-001 for a Comprehensive Housing Update to the Livermore Development Code and adoption of Mixed-Use and Multifamily Objective Design Standards ("Project").

On June 3, 2025 the Planning Commission held a duly noticed public hearing to consider the Project and 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 meeting, 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, based upon its own independent review of the Record Evidence and considerations, hereby finds that the Project is exempt under California Environmental Quality Act ("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 adoption of local ordinances, based on State-required mandates, and the adoption of objective design standards that, by themselves, do not dictate development, present no possibility of a significant impact on the environment.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore, based upon its own independent review of the Record Evidence and considerations, finds that the Project is statutorily exempt under CEQA pursuant to CEQA Section 21080.17, which exempts adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code.

1. Finding. CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of Section 65852.1 or Section 65852.2 of the Government Code, which is California's ADU law and which also regulates JADUs as defined by section 65852.22. Therefore, the proposed ADU ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the State's ADU law.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Livermore, based upon its own independent review of the Record Evidence and considerations, finds that the Project is exempt under CEQA pursuant to Government Code Sections 65852.21, 65852.24, 65912.114 and 65912.124.

1. Finding. Government Code § 65852.21 pertains to two-unit residential development and urban lot splits on single-family residential parcels (SB 9). Subsection (k) of this statute states "A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code."

2. Finding. Government Code § 65852.24 pertains to residential development on non-residential properties (SB 6). Subsection (k) of this statute states "A local agency may adopt an ordinance to implement the provisions of this article. An ordinance adopted to implement this section shall not be considered a "project" under Division 13 (commencing with Section 21000) of the Public Resources Code."

3. Finding. Government Code § 65912.114 and 65912.124 pertain to streamlined review of mixed-use and residential development in non-residential zoning districts (AB 2011). Subsection (q) of both of these statutes state "A local government may adopt an ordinance to implement the provisions of this article. An ordinance adopted to implement this section shall not be considered a "project" under Division 13 (commencing with Section 21000) of the Public Resources Code."

BE IT FURTHER RESOLVED that the Livermore Planning Commission recommends 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 _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of June 3, 2025, by the following vote:

AYES:

NOES:
ABSENT:

Yolanda Fintschenko, Chairperson

by Steve Riley, Planning Manager
Secretary to the Planning Commission

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL OF POLICY PROPOSAL (POL) 25-001 FOR THE MIXED-USE AND MULTIFAMILY OBJECTIVE DESIGN STANDARDS

The City initiated an application Policy Proposal (POL) 25-001 for establishing Mixed-Use and Multifamily Objective Design Standards for reviewing applicable residential projects pursuant to State housing law ("Project").

On June 3, 2025 the Planning Commission held a duly noticed public hearing to consider the Project and 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 meeting, 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, with respect to Policy Proposal (POL) 25-001, the Planning Commission of the City of Livermore finds based on the information presented:

1. The policy is internally consistent with all other provisions of the General Plan; and

   Response: This Project implements the City's General Plan Housing Element and ensures local development standards and regulations comply with state housing laws.

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

   Response: This Project ensures the City's local development standards are in compliance with state laws and are consistent with the Livermore Housing Element.

BE IT FURTHER RESOLVED, with respect to the standards contained within the Mixed-Use and Multifamily Objective Design Standards that are relevant to the City's Climate Action Plan strategies, as denotated with a grape leaf symbol within the document, the Planning Commission of the City of Livermore finds based on the information presented:

1. **Purpose and Intent:** The standards promote environmental sustainability, climate resiliency, and public safety. The standards are intended to reduce the urban heat island effect, mitigate wildfire risks, improve air quality, and enhance overall community well-being by incorporating climate-responsive strategies into site and building design.

2. **Protection of Public Health and Safety:** Expanding tree canopy, integrating sustainable landscaping practices, and requiring effective shade through natural and built elements reduce surface and ambient temperatures, which in turn decrease the risk of heat-related illnesses and improve thermal comfort. In addition, the use of fire-resistant building materials and defensible space design reduces the vulnerability of structures and residents to wildfires—a growing threat in Livermore and the greater Tri-Valley region. These measures directly support the health, safety, and welfare of the Livermore community.

3. **Environmental Stewardship and Air Quality Improvement:** Trees and vegetation provide critical environmental benefits by sequestering carbon dioxide, filtering air pollutants, reducing stormwater runoff, and increasing urban biodiversity. These benefits align with Livermore's environmental goals and contribute to regional air quality improvements, which are essential for protecting public health, particularly among sensitive populations such as children, seniors, and individuals with respiratory conditions.

4. **Climate Resiliency:** The standards support Livermore's efforts to prepare for the increasing frequency and severity of extreme heat events and wildfires. Proactive incorporation of cooling features, fire-resilient materials, and adaptive landscaping ensures that new development contributes to a more resilient built environment that can withstand climate-related stresses.

5. **Community Livability and Equity:** The standards contribute to a healthier, safer, and more livable city for all residents. By addressing urban heat, wildfire risk, and environmental quality, the standards support equitable access to a safe and comfortable environment, particularly for communities that are more vulnerable to climate impacts. Trees, landscaping, and shading result in tangible benefits such as reducing energy costs for households, enhancing neighborhood aesthetics, and increasing property values. These features contribute meaningfully to quality of life and promote a more equitable and visually cohesive built environment.

6. **Consistency with City Plans and Policies:** The standards are consistent with and advance key objectives in the Livermore General Plan, the Climate Action Plan, the Hazard Mitigation Plan, and the Livermore Fire Code. They support the City's broader goals of sustainability, environmental stewardship, and hazard mitigation by embedding resiliency and health-promoting features into the development process.

Therefore, the Planning Commission of the City of Livermore finds that the adoption of the sustainability design standards is necessary and appropriate to protect public health and safety, promote environmental sustainability, and ensure the long-term resilience and livability of the community.

BE IT FURTHER RESOLVED that the Planning Commission 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 Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based upon the Planning Commission's independent review of the Record Evidence and considerations, the Planning Commission recommends that the City Council approve Policy Proposal (POL) 25-001, for the Mixed-Use and Multifamily Objective Design Standards, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, 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 _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of June 3, 2025, by the following vote:

AYES:
NOES:
ABSENT:

Yolanda Fintschenko, Chairperson

by Steve Riley, Planning Manager
Secretary to the Planning Commission

EXHIBIT A – Mixed-Use and Multifamily Objective Design Standards



MIXED-USE AND MULTIFAMILY

OBJECTIVE DESIGN STANDARDS

Approval Date:
Resolution:

CITY OF LIVERMORE CALIFORNIA

Acknowledgements

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Table of Contents

Section 1: Introduction 1
Purpose and Goals of the Mixed-Use and Multifamily Design Standards (MODS) 2
Who Will Use the MODS? 3
Applicability 4
Source Material 5
User's Guide 6
Table 1: Building Form and Architectural Style by Location 7
Figure 1: Existing Specific Plans 8
Section 2: Architectural Styles 9
Craftsman 11
Farmhouse 15
Prairie 19
Federal 23
American Mercantile 27
Spanish Mediterranean 32
Section 3: Building Forms 37
Podium 38
Wrap 40
Commercial Block 42
Ground Floor Flex 44
Garden 46
Courtyard 48
Motor Court 50
Townhouse 52
Triplex through SixPlex 54

Duplex 56
Bungalow Court 58
Section 4: Frontage Types 60
Porch – Projecting 61
Porch – Engaged 62
Porch – Integral 63
Stoop 64
Forecourt 65
Shopfront 66
Terrace Shopfront 67
Gallery 67
Section 5: Universal Objective Design Standards 69
Site Planning 70
Building Design 76
Landscaping 82
Lighting 87
Ancillary Structures 88
Commercial Portions of Mixed-Use Development 92
Section 6: Glossary of Design and Architectural Terms 93
Glossary of Terms 94
References and Credits 102
References 103
Photo Credits 103
Graphic Design Credit 103

INTRODUCTION



PURPOSE AND GOALS OF THE MIXED-USE AND MULTIFAMILY DESIGN STANDARDS (MODS)

As the availability of housing across California and the nation has failed to meet demand and concerns about housing affordability has increased, legislation to spur and incentivize residential development has increased dramatically. New laws passed in recent years require local governments to make decisions about housing development based on objective standards.

Recent changes in State law, including the adoption of Senate Bill 35 (2017), Senate Bill 330 (2019), and Assembly Bill 2011 (2022), require that for certain types of housing and mixed-use projects, jurisdictions may only consider objective criteria, and only those that are in place at the time a project application is filed. Objective standards are a key feature of the state's new streamlined approval processes to provide predictability for developers regarding what can be approved. The law requires that standards be stated clearly and be easily understood, leaving nothing open to interpretation.

The purpose of these Mixed-Use and Multifamily Objective Design Standards (MODS) is to guide the design of multi-unit and mixed-use housing in Livermore, and to ensure that new development is designed to be compatible with adjacent uses as well as existing and future development. It is also the goal of these standards to improve the quality of design and provide a clear and reliable pathway to project implementation. These standards are written to be "objective," as that term is used in State housing law.

WHO WILL USE THE MODS?

Architects, Designers, Developers, and Property Owners

- The MODS will provide clear design direction for new projects by identifing which architectural styles, building typologies, and universally-applicable design elements need to be incorporated into new Mixed-Use and Multifamily Residential projects in Livermore.

City Staff

- City staff will use the MODS to assist applicants and their representatives with project processing, and the MODS will serve as the basis for evaluating Mixed-Use and Multifamily Residential projects' design.

Review Bodies and Decision Makers

- The MODS will provide a basis for the Community Development Director, Planning Commission, City Council, and other review/decision-making bodies to assess a project application’s design compatibility with City standards.

APPLICABILITY

The Mixed-Use and Multifamily Objective Design Standards (MODS) apply as follows:

- ☐ The MODS apply to all new mixed-use and multifamily residential projects that contain more than 10 residential units, unless otherwise prohibited by State law.
- ☐ The MODS do not apply to additions, expansions, alterations, or remodels of existing residential buildings.
- ☐ Standards that apply to residential uses apply to both multifamily residential development and the residential portions of a mixed-use development.
- ☐ In the event that any objective standard is inconsistent among City of Livermore documents, the objective General Plan standards shall prevail, followed by the objective standards contained in an applicable Specific Plan, the Subdivision Ordinance, the Development Code, and the MODS, in that order.
- ☐ Unless otherwise directed by State law, Mixed-Use and Multifamily Residential projects subject to consistency with the MODS must also comply with:
    - the standards of the project's underlying Zoning District, the Subdivision Ordinance (if applicable),
    - other objective design and development standards within the Development Code, and
    - the objective standards contained in the General Plan and any applicable Specific Plan.
- ☐ The MODS should be used in concert with Part 11 of the Development Code (Housing). Part 11 contains several chapters the outline Livermore's requirements for streamlined housing review in accordance with State law. Eligibility for streamlined review often involves demonstrating compliance with the MODS.

SOURCE MATERIAL

The MODS were created using Livermore's Design Standards and Guidelines document as a foundation. Typically, new residential development is required to be considered through the City's discretionary design review process, which includes review for compliance with Chapters 6 (Residential) or 7 (Mixed-Use) of the City's Design Standards and Guidelines.

Subjective standards may not be applied to projects that are eligible for streamlining under State law. The objective standards in the MODS aim to incorporate the intent of the Design Standards and Guidelines to the greatest extent possible, while providing standards that qualify as objective under State law.

Reference photos in the MODS are illustrative, not regulatory, and are not an exhaustive representation of applicable standards. In case of conflict between the text and a photo, image, figure, diagram, or graphic, the text controls.

USER'S GUIDE

The MODS includes the following key features:

Table 1 – Building Form and Architectural Style by Location.
The location of the project site will determine what combinations of architectural styles and building forms are available for the project.

Architectural Styles (Section 2)
These apply based on the chosen architectural style for the proposed project. This section includes both Mandatory Design Elements, which are required, as well as Variants and Details, which is a menu of options to select from.

Building Forms (Section 3)
Different building typologies have different requirements. Each project must select a building form and follow the requirements of this section.

Frontage Types (Section 4)
The Building Form selected will determine the Frontage Types allowed. Each project must choose a frontage type and follow the requirements of this section.

Universal Objective Design Standards (Section 5)
Unless specifically stated otherwise, these apply to all Mixed-Use and Multifamily Residential projects regardless of density, height, building form, location, or style. Standards that are relevant to the City's Climate Action Plan strategies are denoted with this grape leaf symbol:

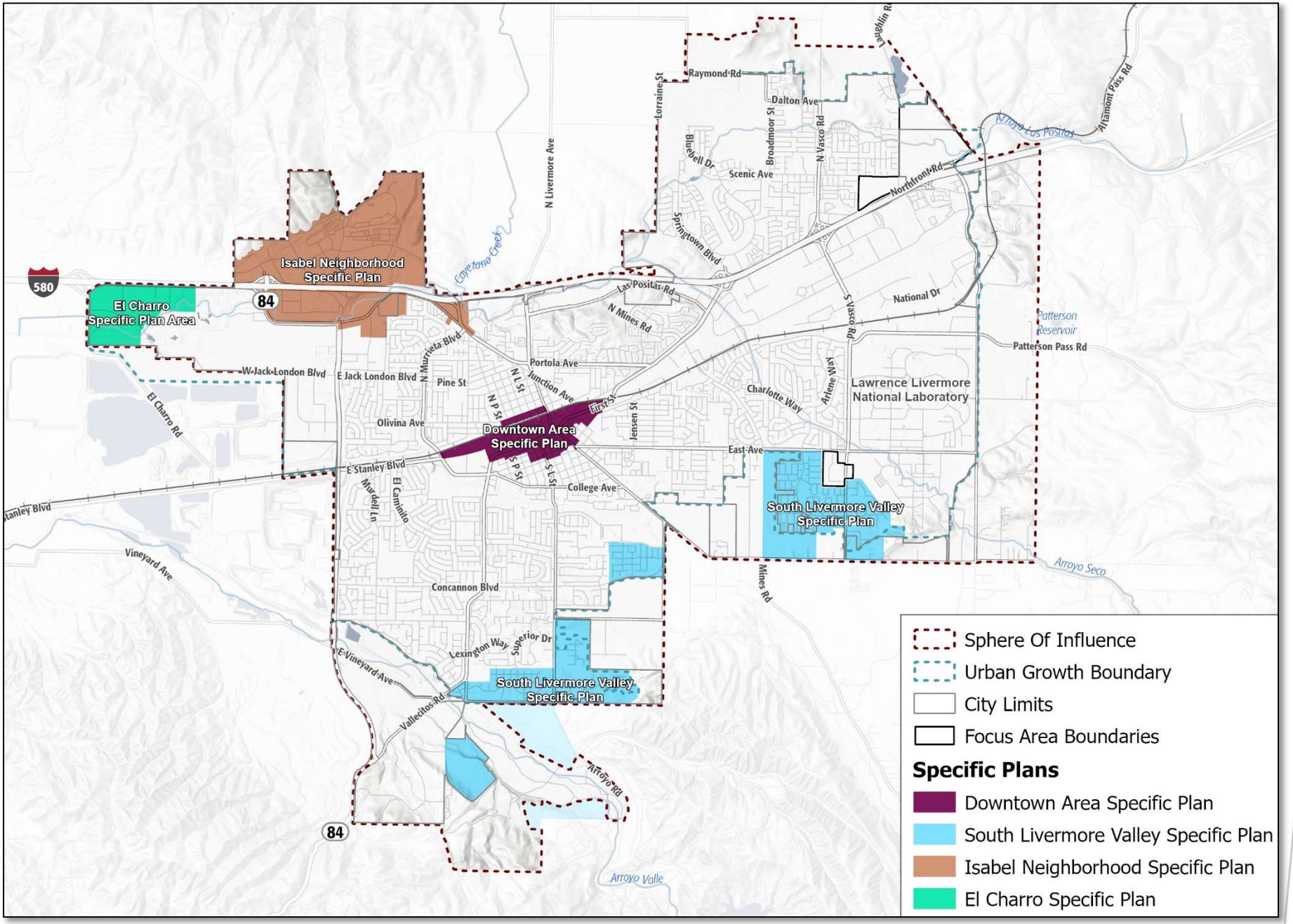
1. Identify the location of the property and determine if it is in a specific plan area or not.
2. Consult Table 1 and Figure 1 to determine what combination of building forms and architectural styles are available based on the location of the property.
3. Confirm that your desired building height works with the building form and architectural style you want to use.
4. Design your project to meet the standards for your chosen Architectural Style (Section 2).
5. Design your project to meet the standards for your chosen Building Form (Section 3) and Frontage Type (Section 4).
6. Design your project to meet all of the Universal Objective Design Standards (Section 5).

TABLE 1: BUILDING FORM AND ARCHITECTURAL STYLE BY LOCATION

		ARCHITECTURAL STYLES					
		Craftsman	Farmhouse	Prairie	Federal	American Mercantile*	Spanish Mediterranean
Height (stories)		Up to 3	Up to 3	Up to 3	2+	2+	3+
Allowed Locations							
	Isabel Neighborhood Specific Plan	✪	✪	✪	-	✪	-
	El Charro Specific Plan	-	-	-	-	✪	✪
	Downtown Specific Plan	✪	✪	✪	✪	✪	✪
	South Livermore Valley Specific Plan	✪	✪	-	-	-	-
	Future Specific Plans	✪	✪	✪	✪	✪	✪
	All other areas not identified above	✪	✪	✪	✪	✪	✪
Allowed Building Forms							
*	Podium	-	-	-	✪	✪	✪
	Wrap	-	-	-	✪	✪	✪
*	Commercial Block	-	-	-	✪	✪	✪
*	Ground Floor Flex	-	-	-	✪	✪	✪
	Garden	✪	-	-	✪	-	✪
	Courtyard	✪	✪	✪	✪	-	✪
	Motor Court	✪	✪	✪	✪	-	✪
	Townhouse	✪	✪	✪	✪	-	-
	Triplex through Sixplex	✪	✪	✪	✪	-	-
	Duplex (Any variation)	✪	✪	✪	✪	-	-
	Bungalow Court	✪	✪	✪	✪	-	-
* Ground Floor Activation Required.							

Note: "Future Specific Plans" are those areas that are created as such after the adoption of these MODS.

FIGURE 1: EXISTING SPECIFIC PLANS



ARCHITECTURAL STYLES



Each mixed-use or multifamily residential project shall be consistent with the requirements of one of the architectural styles identified in this section. The architectural styles have been selected for their relevance to Livermore and the ability for the style and its key design elements to be adapted to a multi-story mixed-use or multifamily building. For a project site with multiple buildings, all buildings shall be of the same architectural style, except that Craftsman, Farmhouse, and Prairie-style buildings can occur together on the same project site.

The architectural styles in this section are:

- Craftsman
- Farmhouse
- Prairie
- Federal
- American Mercantile
- Spanish Mediterranean

For each style, there is a brief context statement about the style as well as objective design standards.

Examples of many of these styles can be viewed in ***A Field Guide to American Houses*** by Virginia Savage McAlester. A project is only subject to compliance with the standards, not the context statement. The context statement and reference to ***A Field Guide to American Houses*** are for background information only.

The standards for each architectural style are divided into two sections:

Mandatory Design Elements

- Features, materials, or methods that shall <u>all</u> be incorporated into a building of this architectural style.

Variants and Details

- Features, materials, or methods that are relevant to the architectural style. A building of this architectural style shall select <u>a specified</u> number of the variants or details to design into the building. It is the applicant's or architect's discretion which features to choose from the menu.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

CRAFTSMAN

Context

Craftsman was the dominant style for smaller houses built throughout the country for a short period of time from the turn of the century until the early 1920s. Downtown Livermore contains many examples of classic Craftsman architecture in the single-family home form, but this style adapts to multi-story buildings as well.

Building Scale:

1 to 3 stories

Building Forms Allowed:

- ☐ Garden
- ☐ Courtyard
- ☐ Motor Court
- ☐ Townhouse
- ☐ Triplex through Sixplex
- ☐ Duplex
- ☐ Bungalow Court





SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Mandatory Design Elements

Each **Craftsman** building shall incorporate all of the following elements:

1. **Primary building material**. Wood or wood-like products (e.g. fiber cement board), such as horizontal or vertical lap siding, board-and-batten, or shingle siding.
2. **Accent materials**. Stone, brick, masonry, or castings. Utilized at the porch columns, at the base of the porch columns, chimneys, and at the building foundation.
3. **Roof materials**. Shingles made of composite wood, slate, concrete, or dimensional asphalt shingles (that mimic the look of wood or slate.)
4. **Roof pitch**. Low pitched, gabled roof with wide, open eave overhangs that extend at least 24 inches beyond the exterior wall on front and rear elevations and 12 inches on side elevations. Roof pitch shall be between 4:12 and 6:12.
5. **Roof features**. Roof beams, exposed roof rafters, and decorative braces under gables.
6. **Front porch**. Raised and covered porch for each ground floor unit entry and common building entry, either full or partial width, with roof supported by tapered square columns. Upper portions of porch columns may rest upon more massive pedestals, or the porch columns may extend to the ground. May be a shared porch that spans multiple unit entries. Porch design shall conform with the standards for **Frontage Types**.
7. **Windows**. Single- and double-hung windows with muntins in one or both panes. Windows shall have a vertical emphasis and be placed in groups or placed symmetrically.



Variants and Details

Each **Craftsman** building shall incorporate at least five of the following variants and details:

1. Two or three windows grouped in a single assembly with a unifying frame and mullions. Windows may vary in height and width, but shall be aligned either at the top header or at the bottom sill for unity. The window grouping shall be symmetrical.
2. Chimney of brick, stone, or precast concrete for each 10,000 square feet of building floor area.
3. Wainscot of brick, stone, or wood.
4. Architectural stickwork in gables or porch.
5. Material change in pediment area.
6. At least four window dormers, gable or shed, on front elevation.
7. Two window boxes on each street-facing elevation.
8. Transom windows on each street-facing elevation.
9. Trellised porch on front elevation at least 50% of the façade length.
10. Porte cochere.
11. At least four balconies on each street-facing elevation.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS









SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

FARMHOUSE

Context

The **Farmhouse** style incorporates elements inspired by traditional rural homes with modern adaptations. This style includes a balance of rustic and modern materials in a building that is designed to feel comfortable and less formal, with pitched roofs and large, functional porches.

Building Scale:

1 to 3 stories

Building Forms Allowed:

- ☐ Courtyard
- ☐ Motor Court
- ☐ Townhouse
- ☐ Triplex through Sixplex
- ☐ Duplex
- ☐ Bungalow Court





Mandatory Design Elements

Each **Farmhouse** building shall incorporate all of the following elements:

1. **Primary building material**. Wood siding, either in lap siding or board-and-batten, with a natural stain or painted finish. Siding may be oriented horizontally or vertically or a combination of the two.
2. **Accent building materials**. Stone or brick used around foundation walls, and as accent walls.
3. **Roof material**. Standing seam metal, (fire safe) cement fiber wood shingle, or asphalt shingles in gray, dark brown, or weathered red.
4. **Primary building colors**. Neutral tones: white, off-white, beige, gray, natural wood.
5. **Accent colors**. Black, charcoal, or dark gray, for trim, doors, and window frames.
6. **Window frames**. Windows have washed white or natural wood frames. For a modern adaptation, bronze metal frames may be used. Silver/anodized metal frames are not allowed.
7. **Entry doors**. Unit entrance doors are partially-glazed, and have glass panels, cross-brace detailing, transom windows, and sidelights.
8. **Roof form**. The building shall feature steep, symmetrical gable roofs, with slopes between 8:12 and 12:12 pitch. The gable roof may be extended or adapted to accommodate multiple units. Hipped roof elements may be used for some sections, and, if employed, shall be a secondary roof form in that gable roof forms shall cover at least 75% of the linear measurement of the roofline.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Mandatory Design Elements (continued)

9. **Front Porch**. A front porch for each ground floor unit entry and common building entry that is at least 50% the length of the unit façade. The porch shall be supported by unadorned wooden columns (i.e., without decoration or articulation) with metal railings or open balusters. This may be a shared porch that spans multiple units. Porch design shall conform with the standards for **Frontage Types**.
10. **Windows**. Windows shall be in rectangular or square forms. Windows shall primarily be single- or double-hung or casement windows, but up to 25% of the windows may be fixed-pane.

Variants and Details

Each **Farmhouse** building shall incorporate at least <u>three</u> of the following variants and details:

1. Sliding barn doors on at least two of the building façades.
2. Single window shutter that is equal to the size of the window on 50% of the windows on each façade.
3. Exposed rafters and soffits.
4. Dormer windows on upper floor with combined widths that equal at least 25% of the linear foot length of the roof.
5. Wall-mounted or hanging light fixtures in black, bronze, or other metallic finish.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS








SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

PRAIRIE

Context

The **Prairie** style originated in Chicago, was common in early 20th-century suburbs throughout the country, and most examples were built between 1905 and 1915. When adapted for a multi-unit building, the style may incorporate wide, horizontal façades, tiered levels to maintain a low-profile appearance, shared outdoor spaces with natural landscaping, and materials like brick, stone, or wood to reflect its organic roots.



Building Scale:

1 to 3 stories

Building Forms Allowed:

- ☐ Courtyard
- ☐ Motor Court
- ☐ Townhouse
- ☐ Triplex through Sixplex
- ☐ Duplex
- ☐ Bungalow Court



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Mandatory Design Elements

Each **Prairie** building shall incorporate all of the following elements:

1. **Primary building materials**. Natural materials including brick of any color, stone, wood siding, and stucco.
2. **Accent building materials**. Stone, textured brickwork, wood paneling, exposed wood beams, and patterned concrete.
3. **Primary building colors**. Earthy tones including beige, taupe, and muted greens, browns, and grays.
4. **Accent building colors**. Trim and doors shall be darker tones of the primary building colors (dark green, dark burgundy, dark brown, dark gray).
5. **Roof material**. Fire safe wood shingle or a cement-fiber shingle with the appearance of shake.
6. **Entry doors**. Unit or building entry door shall be wood with inset glass detailing and sidelights.
7. **Roof form**. Low-pitched hipped roof with boxed eaves that overhang by at least 36 inches. Roof pitch is between 4:12 and 6:12.
8. **Porch or stoop**. Covered porch or stoop for each ground floor unit entry and common building entry with square supports that are individually 10% of width. Porch may be a shared porch that spans multiple units and at least 25% of the building façade. Design shall conform with the standards for **Frontage Types.**
9. **Grouped windows**. At least 50% of the windows on each elevation shall be grouped in sets (two or more windows in a set).
10. **Building articulation**. Articulated "pop out" building elements that are offset from the main wall plane by a minimum of 12 inches and have trim detailing on all corners. Pop out area shall be the height of at least one story and shall be at least 10' wide.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Variants and Details

Each **Prairie** building shall incorporate at least five of the following variants and details:

1. Caps on porch and balcony railings, piers, balconies, and chimneys with accent color(s).
2. Accent color(s) on eaves and cornice.
3. Wood trim between stories painted in an accent color.
4. Continuous sill line below upper story windows.
5. Integral planting boxes at upper story windows.
6. Flattened pedestal urns for flowers.
7. Geometric patterns of small-pane window glazing in the upper sash of single- or double-hung windows and muntin-free panes of glass in the lower sash.
8. Tall casement windows. The individual window height shall be at least 2.5 times greater than the window width.
9. Gable roof edges flattened.
10. Ribbon windows that wrap around the corner.
11. Broad, flat chimney.
12. Open terrace or balconies on upper stories.
13. Decorative friezes or door surrounds consisting of bands of carved geometric or stylized floral (Sullivanesque) ornamentation.
14. Casement or clerestory windows on street-facing elevations.



SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS








SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

FEDERAL

Context

Federal architecture emerged in the United States in the late 18th century and was widely used in residential, civic, and institutional buildings. This style has an emphasis on symmetry, balanced proportions, and classical details. Though widely used on the East Coast in grand single-family homes, the style has evolved and is effectively used in multifamily residential buildings as well.



Building Scale:

Two or more stories



Building Forms Allowed:

- ☐ Podium
- ☐ Wrap
- ☐ Commercial Block
- ☐ Ground Floor Flex
- ☐ Garden
- ☐ Courtyard
- ☐ Motor Court
- ☐ Townhouse
- ☐ Triplex through Sixplex
- ☐ Duplex
- ☐ Bungalow Court

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

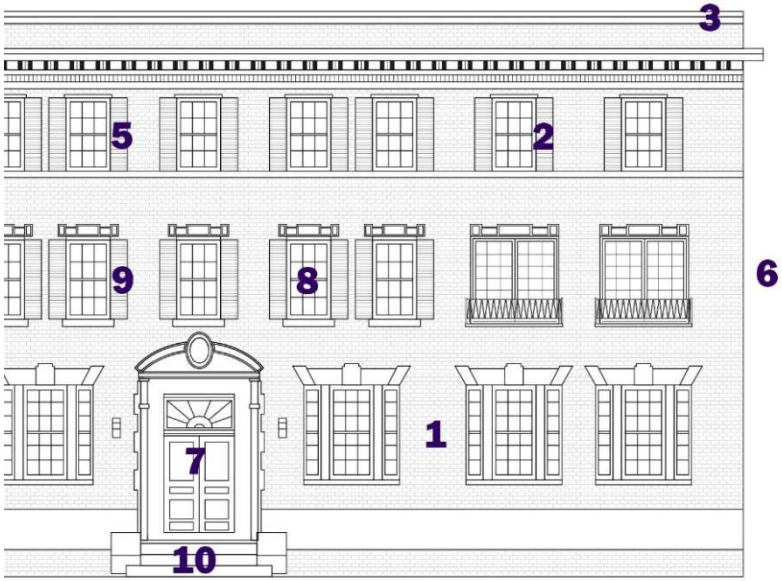
SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Mandatory Design Elements

Each **Federal** building shall incorporate all of the following elements:

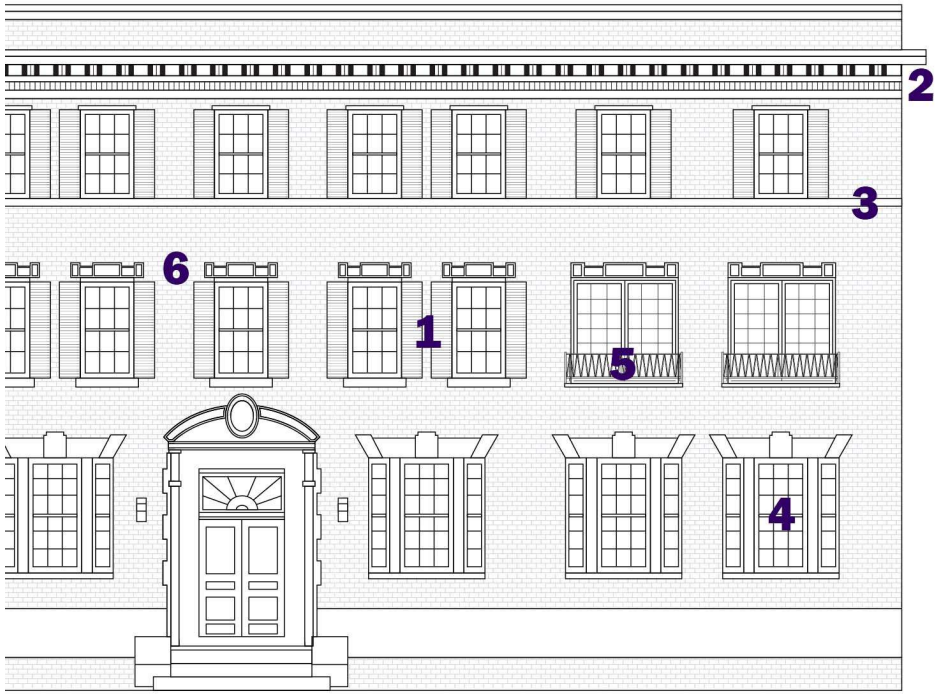
1. **Primary building material**. Brick or stone (veneer) and/or or lap siding. Painted wood or fiber cement board that mimics lap siding or clapboard is also allowed. If brick is used, it is traditional red and laid in a traditional pattern such as Flemish or English bond.
2. **Accent materials**. Wood shutters and protruding lintels and sills made from stone, masonry, or concrete.
3. **Roof**. Either a steeply pitched roofline (8:12 to 12:12) with roof dormers or flat roof with an extended cornice at least 12 inches in height with modillions and/or dentils that protrudes a minimum of 18 inches from the building wall. Roofing material includes (fire-safe) wood shingles, slate (or modern synthetic slate equivalent), composite shingles that mimic wood or slate, or standing-seam metal. Roof parapets shall screen rooftop equipment.
4. **Primary building colors**. Wood is white, cream, or light gray. Brick is traditional red. Stone shall remain the natural color of the stone.
5. **Accent building colors**. Shutters and doors are black, dark green, dark burgundy, or navy blue. Trim for windows, doors, and cornices is white.
6. **Building form**. Rectangular in form with symmetrical and proportional building forms. Doors and windows balanced on the façade and shall follow classical proportions.
7. **Entry door**. Front door centered on the façade with an overhead crown either supported by pilasters or extended forward and supported by columns to form an entry porch. The primary building entry (or entries) shall have overhead fan lights or sidelights (or both) and an equal number of equally-sized windows on either side of the door.
8. **Windows**. Single- or double-hung sashes shall have multi-pane glazing (divided lites) in one or both sashes.
9. **Shutters**. Sized equal to the width of the windows and shall be placed uniformly on the front façade on at least 50% of the windows.
10. **Ground floor stoop**. At the front entry to each unit and/or common building entry.



Variants and Details

Each **Federal** building shall incorporate at least five of the following variants and details:

1. Windows in adjacent pairs.
2. Open eaves and rake or exposed rafters.
3. Belt courses (refined moldings at floor or story divisions).
4. Bay windows on street-facing elevations.
5. Decorative ironwork at balcony railings or at other functional spaces such as ground-floor patios.
6. Accents around window frames (e.g. exterior window sills, exterior window cornice header box, brick frame at window header)
7. Roof dormer(s).



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS









SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

AMERICAN MERCANTILE

Context

The **American Mercantile** architectural style is a broad term that describes commercial buildings from the late 19th and early 20th centuries, particularly in small towns and urban centers across the United States.

Buildings in the **American Mercantile** style were designed primarily for retail and business purposes, with housing and offices incorporated into upper floors. The buildings often reflected a mix of architectural influences, emphasizing practicality and local materials, but are very effective in creating a mix of uses that bring vitality to city centers and commercial districts.





Building Scale:

Two or more stories

Building Forms Allowed:

- ☐ Podium
- ☐ Wrap
- ☐ Commercial Block
- ☐ Ground Floor Flex

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Mandatory Design Elements

Each **American Mercantile** building shall incorporate <u>all</u> of the following elements:

1. **Primary building material**. A distinct building base at the ground floor that uses different materials and has a different form from the upper floors.
   a. Brick or stone at the ground level.
   b. On upper floors, other materials can be used, including brick, stone, stucco, natural or composite wood cladding, fiber cement panels, metal, tile.
2. **Primary colors**. One- or two-color palette with the primary focus on the materials. For those building materials that are painted a color different than their natural condition (e.g. wood, stucco, fiber cement panels), there shall be one primary building color and no more than two accent colors on any elevation.
3. **Roof form**.
   a. Flat or low-pitched roof. Roof pitch shall be no steeper than 3:12 except for a small portion of the roof, if designed to be an architectural feature (no more than 10% of the roof), which can be steeper than 3:12.
   b. Decorative cornices at least 12 inches in height that project from the roofline a minimum of 8 inches with metal, brick, stone, or plaster.
   c. Parapets are required to screen rooftop equipment.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

d. If pitched, roof materials can be standing-seam metal or slate (or modern synthetic slate equivalent).

4. Activated ground floor with one of the following **Frontage Types**:
   a. Shopfront
   b. Terrace Shopfront
   c. Gallery
5. Ground floor features.
   a. Ground floor is a minimum of 12’ in height and taller than upper stories.
   b. Recessed entries at the ground-floor storefronts and at the main entry to the upper residential floors. Entries shall be recessed a minimum of 3’.
   c. Entry doors shall include windows that encompass at least 65% of the upper half of the door.
   d. Placement of windows, columns, entries and other building elements in an established pattern along the elevation. The established pattern can be different at different stories.
   e. A minimum of 40% of the street-facing lineal frontage of the ground floor shall contain windows at least 5’ in height.

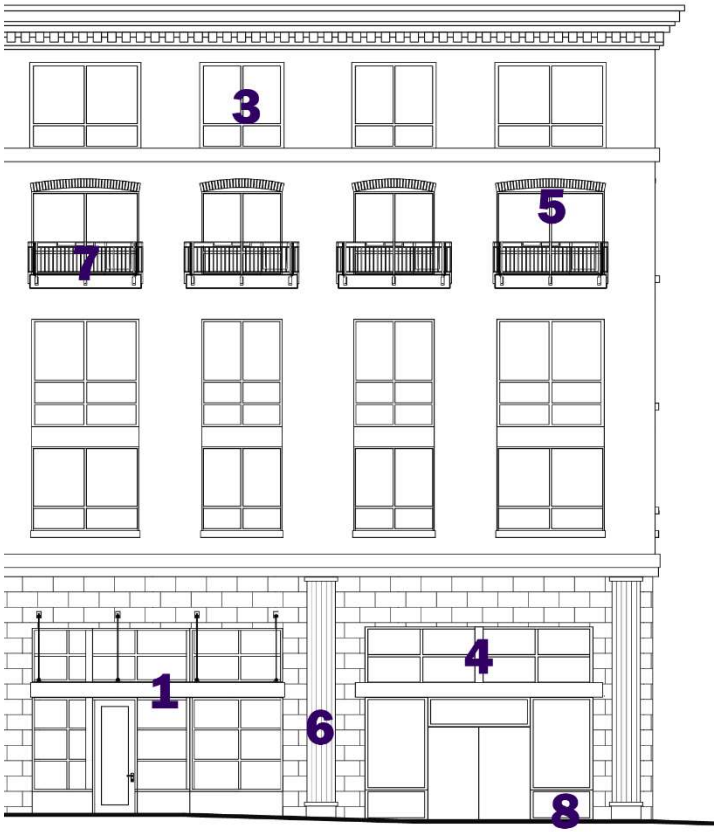


SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Variants and Details

Each **American Mercantile** building shall incorporate at least <u>five</u> of the following variants and details:

1. Awnings, canopies or overhangs at the ground-floor entries and windows built from steel, aluminum, or wood trellises.
2. Outdoor street-adjacent spaces with permanently-installed pedestrian-focused elements including enclosed patios, decorative planter boxes, and generous sidewalks that are at least 8’ in width.
3. Windows on upper floors are single- or double-hung with a window sill and window lintel.
4. Transom windows over the storefront doors and display windows on the ground floor.
5. Arched windows with decorative lintels.
6. Pilasters or columns at the ground level detailed with an accent material.
7. Upper floor balconies that extend off the front plane of the building. Can either be full balconies or juliette. Balcony railings shall be metal or shall match another accent material or feature employed on the building.
8. Bulkhead wall between 12 and 24 inches in height.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS










SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

SPANISH MEDITERRANEAN

Context

Spanish Mediterranean is an architectural style inspired by the Spanish missions in California. It blends traditional Spanish design elements with modern construction techniques and has adapted well for multifamily and mixed-use development in the Bay Area.

Building Scale:

Three or more stories

Building Forms Allowed:

- ☐ Podium
- ☐ Wrap
- ☐ Commercial Block
- ☐ Ground Floor Flex
- ☐ Garden
- ☐ Courtyard
- ☐ Motor Court





Mandatory Design Elements

Each **Spanish Mediterranean** building shall incorporate all of the following elements:

1. **Primary building material**. Smooth or textured stucco.
2. **Accent materials**. Clay, wood, tile, and wrought iron.
3. **Roof materials**. Red or terracotta barrel tiles. The roof may be constructed of actual barrel tile or other materials that simulate barrel tile.
4. **Low-pitched roofs** (slope no greater than 4:12) shall have wide overhangs and eaves at least 3' in depth. Each roof eave shall contain at least one rafter tail per 6 linear feet of length.
5. **Primary building colors**. White, brown, or taupe.
6. **Accent building colors**. Used for trim, rafter tails, and doors. Earth-toned color in the brown, burgundy, or gray family that is darker than the primary building color.
7. **Arches and arcades**. Arched windows, doorways, and colonnades that define entryways, patios, and balconies.
8. **Balconies**. On a minimum of 30% of the units. Wrought iron railings and wooden accents. Minimum dimensions 6' wide and 4' deep.
9. **Multi-Level Layouts**. Staggered floors with varied height rooflines and tower elements.



SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Variants and Details

Each **Spanish Mediterranean** building shall incorporate at least <u>five</u> of the following variants and details:

1. **Decorative tile work**. Hand-painted ceramic tiles used for exterior stair risers, wall accents, window lentils or sills, and signage.
2. **Central courtyard.** With landscaped gardens, can be in raised planters and/or terracotta pots.
3. **Decorative fountains**. Either stand-alone or integrated into a wall plane. One per building façade.
4. **Arches**. Arched window, door, or gallery/porch entries with a vertical plane deflection of at least one foot for windows and 2' for doors and entries. Arches shall be integrated in at least 50% of the windows, door, or entries on each façade.
5. **Ornamentation**. At least one of the following details per 35 linear feet of building façade. Each detail shall be at least 6 inches by 6 inches in size. Details may be located at different heights or arrangements. Options are:
   a. Patterned tile installation,
   b. Carved stonework, or
   c. Other wall surface ornamentation.



Variants and Details (continued)

6. **Coping**. Coping at least 6 inches in width installed around all windows, entries, and doors, and along the ridge of all dormers, parapets, and chimney or bell tower caps.
7. **Decorative wood doors.** Entry doors of solid wood with ornamental carvings and/or wrought iron hardware.
8. **Juliet balconies**. At least one Juliet balcony with a wrought iron railing per 25 linear feet of building façade.
9. **Cantilevered balcony**. Supported by exposed beams or corbel braces.
10. **Chimney**. At least one chimney (or faux chimney) per 10,000 square feet of building area. Each chimney (or faux chimney) shall have an architectural cap with trim band of at least six inches.
11. **Trellis**. At least one trellis on at least two building façades.
    a. Each trellis length shall be at least 50% of the linear length of the building façade.
    b. Each trellis height shall be at least as tall as the height of the first building floor.
    c. Each trellis shall be made of stained wood or wrought iron.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS









SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

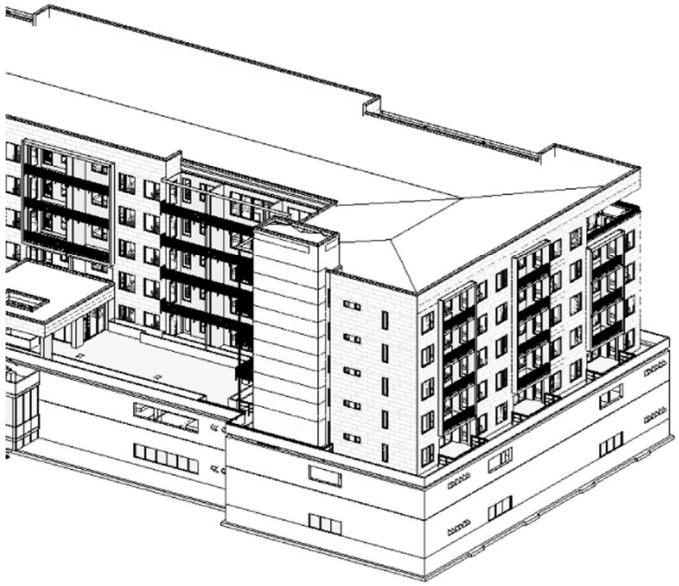
BUILDING FORMS



PODIUM

Context

A **Podium** building is a mid-rise residential or mixed-use building where the lower level, often made of concrete, functions as a "podium" to support multiple stories, usually wood-framed construction, of residential units above. The podium floor at the ground level typically features street-facing commercial or office tenant spaces, and parking garages, lobbies, common spaces, or other building amenities, while the upper floors are dedicated to residential units.



Building Frontages Allowed

- ☐ Shopfront
- ☐ Terrace Shopfront
- ☐ Gallery

Pedestrian Access

- ☐ Main building entrance location(s) at the ground floor: Primary Street
- ☐ Secondary building entrances on the ground floor: Primary or Side Street

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

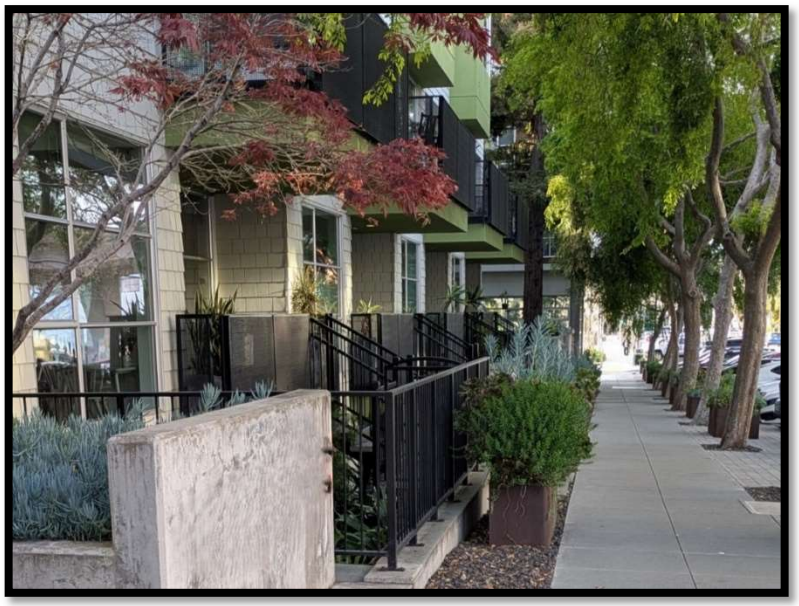
Vehicle Access

- ☐ At least 75 % of provided parking spaces shall be located in a parking garage.
- ☐ Vehicular access to onsite surface parking and the parking garage shall be located in one of the following locations:
  - ☐ Side Street
  - ☐ Building Rear
  - ☐ Same façade as the building entrance if located at the opposite end.

Open Space, Usable

- ☐ No private open space is required, except as may be required by the chosen architectural style.
- ☐ Shall provide 125 square feet of common, usable, open space per unit. Common open space may be located outdoors, on rooftops, courtyards, paseos, patios, or indoors in common areas like lounges and gyms.
- ☐ Common open space shall be accessible for use by the residents and shall not include pathways, stormwater retention areas, landscape areas, lobbies, storage areas, and other spaces that cannot be used for the purposes of recreation.





These podium-style buildings have both residential units and commercial space on the ground floor. The entrance to the podium parking garage is on the side street.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

WRAP

Context

A **Wrap** (also called a "wrap around podium") building is a mid-rise residential or mixed-use building where a central, multi-story concrete parking garage is surrounded by multiple floors of residential units, which are almost always wood-framed construction. The ground floor units can be residential or commercial uses.



Building Frontages Allowed

- ☐ Porch
- ☐ Stoop
- ☐ Forecourt
- ☐ Shopfront
- ☐ Terrace Shopfront
- ☐ Gallery

Pedestrian Access

- ☐ Main building entrance location(s) at the ground floor: Primary Street
- ☐ Secondary building entrances on the ground floor: Primary or Side Street

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Vehicle Access

- ☐ At least 75 % of provided parking spaces shall be located in a parking garage.
- ☐ Vehicular access to onsite surface parking and the parking garage shall be located in one of the following locations:
  - ☐ Side Street
  - ☐ Building Rear
  - ☐ Same façade as the building entrance if located at the opposite end.

Open Space, Usable

- ☐ No private open space is required, except as may be required by the chosen architectural style.
- ☐ Shall provide 125 square feet of common, usable, open space per unit. Common open space may be located outdoors, on rooftops, courtyards, paseos, patios, or indoors in common areas like lounges and gyms.
- ☐ Common open space shall be accessible for use by the residents and shall not include pathways, stormwater retention areas, landscape areas, lobbies, storage areas, and other spaces that cannot be used for the purposes of recreation.





These wrap-style buildings have both residential units and commercial space on the ground floor. The structured parking garage is in the middle of the building and is almost completely wrapped by residential units or commercial spaces.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

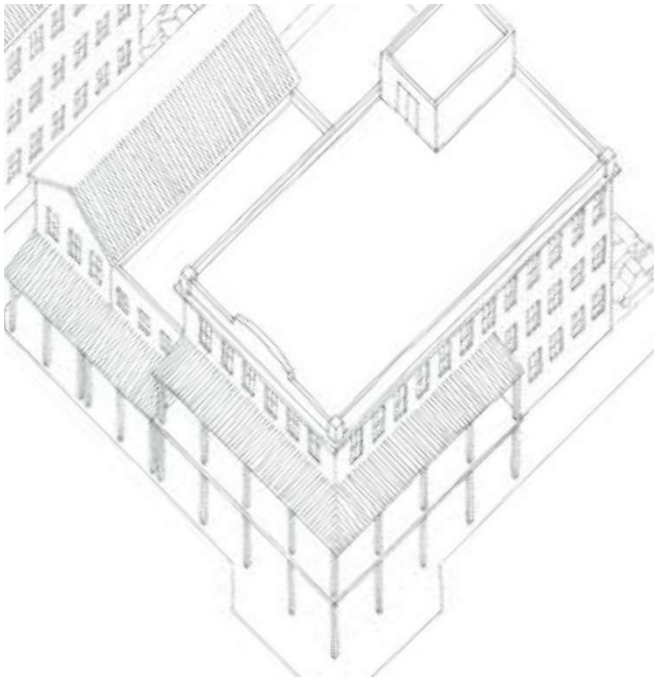
SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

COMMERCIAL BLOCK

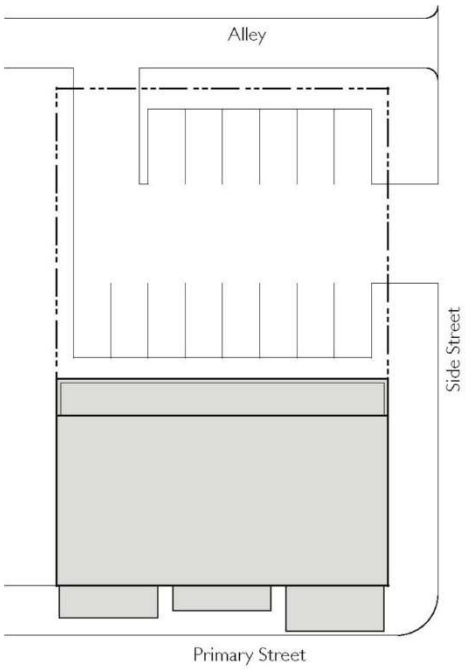
Context

A **Commercial Block** building is a vertical mixed-use building with ground floor commercial or recreational uses and upper floor office or residential uses. Larger versions of these building forms are located in town centers and smaller versions in neighborhood main streets. For the purposes of the Mixed-Use and Multifamily Objective Design Standards, a Commercial Block building would need to include residential uses.



Building Frontages Allowed

- ☐ Shopfront
- ☐ Terrace Shopfront
- ☐ Gallery



Pedestrian Access

- ☐ Main building entrance location(s) at the ground floor: Primary Street
- ☐ Secondary building entrances on the ground floor: Primary or Side Street

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Vehicle Access

- ☐ Parking spaces may be enclosed, covered, or open
- ☐ Vehicular access to onsite surface parking or garage(s) shall be located in one of the following locations:
  - ☐ Side Street
  - ☐ Building Rear
  - ☐ Same façade as the building entrance if located at the opposite end.

Open Space, Usable

- ☐ No private open space is required, except as may be required by the chosen architectural style.







SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

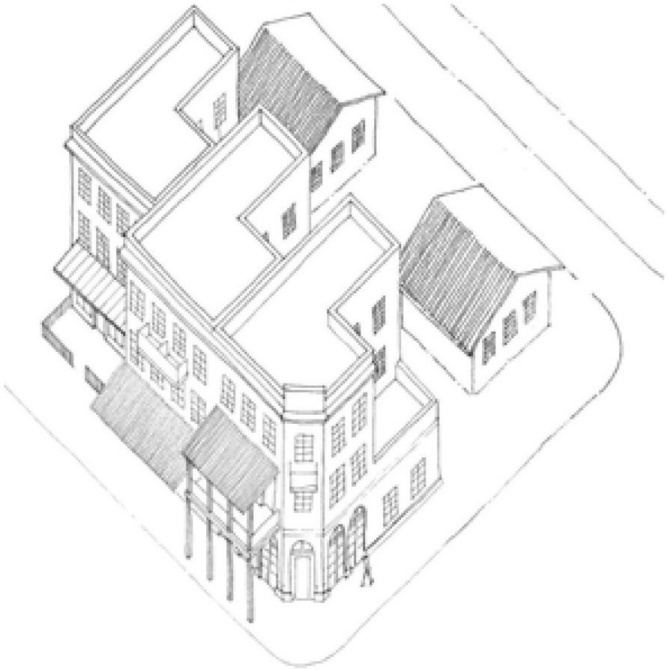
SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

GROUND FLOOR FLEX

Context

A **Ground Floor Flex** building consists of residential units stacked above a flexible ground-floor space used primarily for office or commercial uses. Each ground floor flex space has its own individual entry. This building form is typically located in the transitional areas between mixed-use commercial centers and residential areas. Units are appropriate for incubating neighborhood-serving retail or service uses and allowing neighborhood main streets to expand as the market demands.



Building Frontages Allowed

- ☐ Shopfront
- ☐ Terrace Shopfront
- ☐ Gallery

Pedestrian Access

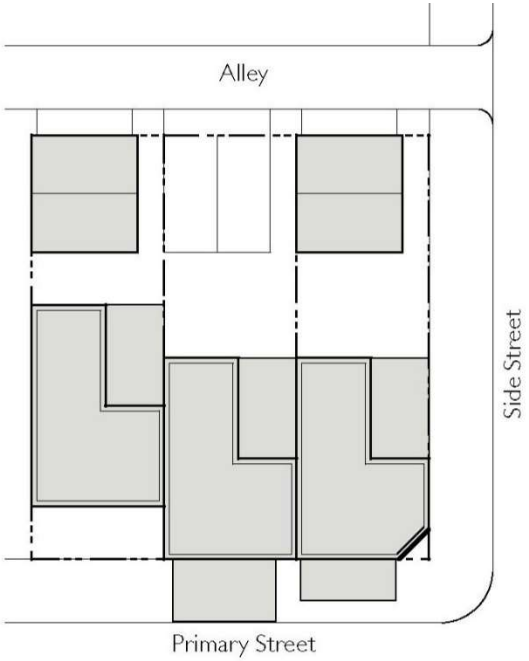
- ☐ Main building entrance locations: Primary Street
- ☐ Ground floor space and upper unit space shall have separate building entries.

Vehicle Access

- ☐ Parking may be enclosed, covered, or open.
- ☐ Garages may be attached, detached, or tuck-under.
- ☐ Access to parking spaces shall be from Side Street or Alley.

Open Space, Usable

- ☐ No private open space is required.



SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

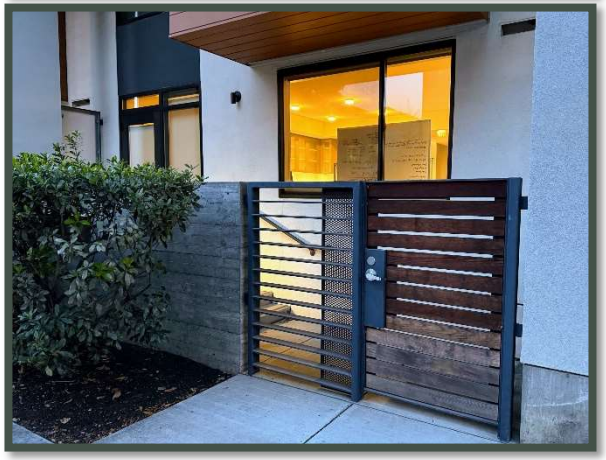
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS













SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

GARDEN

Context

A **Garden** building form consists of a cluster or series of several buildings on the same project site that are low-to-mid-rise and contain multiple attached and stacked units. A Garden site features shared outdoor landscaped spaces that include courtyards, play areas, pathways, planted areas, lawns, and shared facilities like pools, fitness centers, and spas. Buildings are often no more than five stories high.

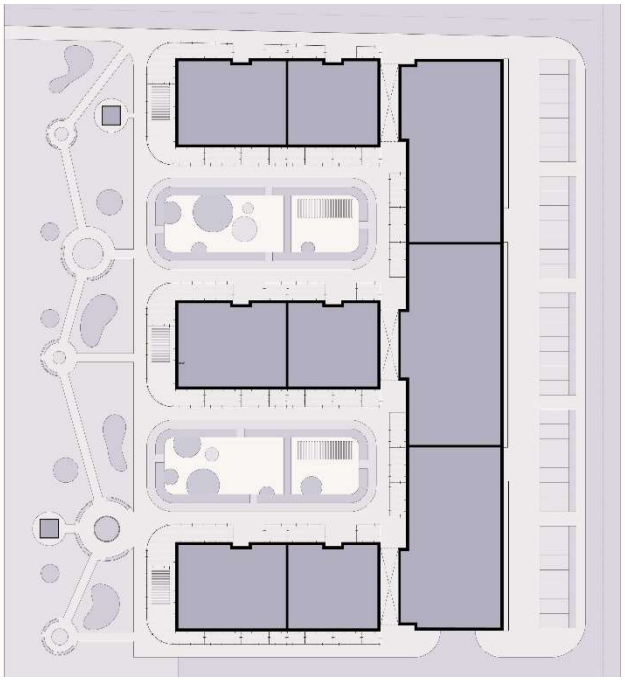
Building Frontages Allowed

- ☐ Porch
- ☐ Stoop
- ☐ Forecourt

Pedestrian Access

- ☐ Main entrance locations to each building from pathways that are internal to the site and that connect to the parking areas.
- ☐ Stairways to second floor entries shall be internal to the building and enclosed. No exterior stairways.





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

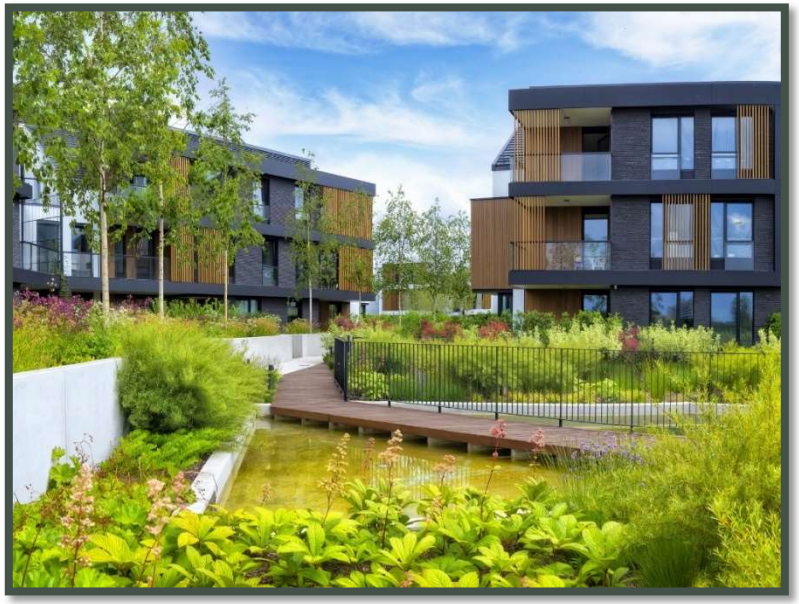
Vehicle Access

- ☐ Parking spaces may be enclosed, covered, or open.
- ☐ Parking is at the perimeter or rear of the site in surface spaces.
- ☐ Access to parking spaces shall be from Primary Street, Side Street or Alley.
- ☐ No parking spaces are permitted at the front of the site between the building and street.

Open Space, Usable

- ☐ Private: 25% of all units shall have a private open space of at least 24 square feet.
- ☐ Common: Shall provide 250 square feet of common, usable, open space per unit. Common open space shall be located outdoors, between and around the building footprints.
- ☐ Common open space shall be accessible for use by the residents and shall not include pathways, stormwater retention areas, landscape areas, lobbies, storage areas, and other spaces that cannot be used for the purposes of recreation.





These garden-style buildings have generous green spaces on site that are accessible and usable by residents.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

COURTYARD

Context

A **Courtyard** building contains multiple attached and stacked units, oriented around and accessed from a central courtyard. Each unit may have its own individual entry or several units may share a common entry, which is accessed from the central courtyard. These buildings are often no more than three stories high and parking is typically at the back or perimeter of the site in surface spaces.

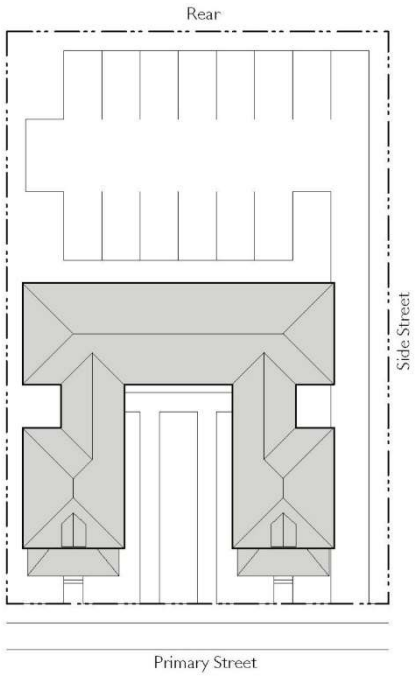


Building Frontages Allowed

- ☐ Porch
- ☐ Stoop

Pedestrian Access

- ☐ Main entrance location to each unit is from the central courtyard.
- ☐ Unit entry walkways can serve multiple units or just one, but no more than 3 units may enter from one stoop.
- ☐ Stairways to second floor entries shall be internal to the building and enclosed. No exterior stairways.



SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

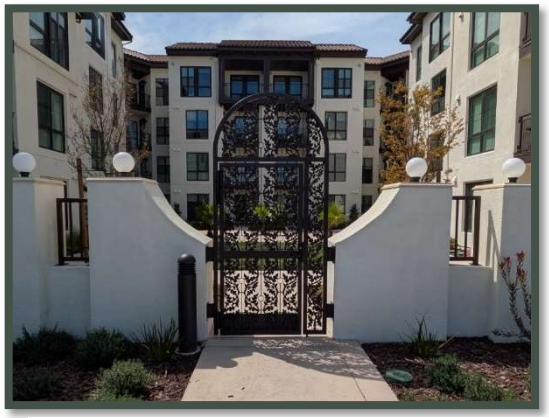
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Vehicle Access

- ☐ Parking spaces may be enclosed, covered, or open.
- ☐ Parking is at the perimeter or rear of the site in surface or tuck-under spaces.
- ☐ Access to parking spaces shall be from Primary Street, Side Street or Alley. Access to parking from the Primary Street shall be limited to the drive aisle only. No parking spaces at the front of the site between the building and street.

Open Space, Usable

- ☐ Courtyard shall be a minimum of 20' wide and deep
- ☐ Edge of courtyard not defined by a building shall be defined by a wall ranging from 2'-6 inches to 3' tall.
- ☐ No private open space is required, except as may be required by the chosen architectural style.





These Courtyard style buildings have common open space with amenities for residents and guests in the middle of the U-shaped buildings.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

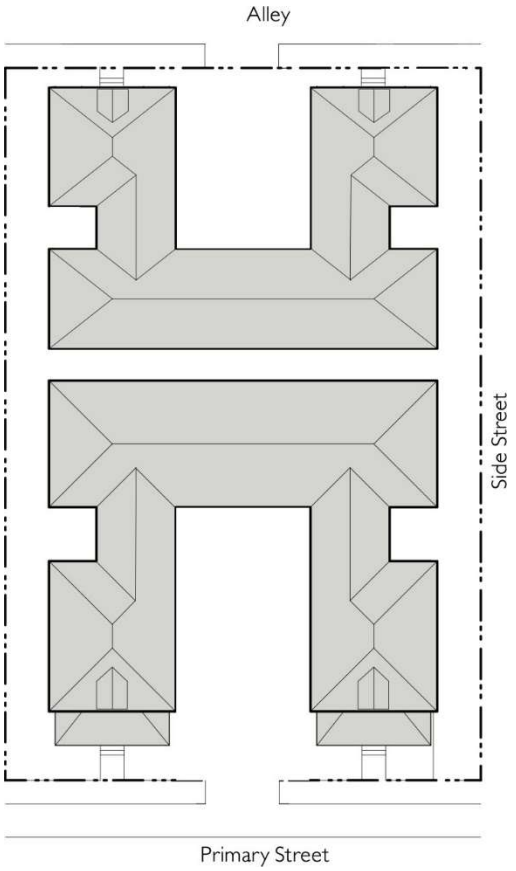
SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

MOTOR COURT

Context

A **Motor Court** building contains multiple attached units that can be stacked or arranged side-by-side and oriented around a central courtyard. However, in the case of a Motor Court, the shared courtyard space is a shared vehicular space (known as motor-court). The motor court most commonly accesses individual garages or ground-floor parking spaces for each unit. Individual unit front door entries are on the outside of the motor court building and are accessed by walkways both from the motor court and from pathways that connect the perimeter of the building to the street and on-site common spaces.



Building Frontages Allowed

- ☐ Porch
- ☐ Stoop

Pedestrian Access

- ☐ Main entrance location to each unit is on the perimeter of the motor court-oriented buiding.
- ☐ Unit entry walkways can serve multiple units or just one, but no more than 3 units may enter from one stoop.
- ☐ Stairways to second floor entries shall be internal to the building and enclosed. No exterior stairways.

SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Vehicle Access

- ☐ Parking spaces are tuck-under and enclosed and accessed from the central motor court.
- ☐ Access to parking spaces shall be from Primary Street, Side Street or Alley. Access to parking from the Primary Street shall be limited to the drive aisle only. No parking spaces at the front of the site between the building and street.

Open Space, Usable

- ☐ 50% of all units shall have a private open space of at least 24 square feet.





Motor Court style buildings have a common garage-access court and entrances to the units on the perimeter of the building. The Motor Court building on the right has garage access in the middle of the building at the ground floor and units above.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

TOWNHOUSE

Context

A **Townhouse** building contains three or more attached units placed side-by-side whereby each unit has its own entry at a porch or stoop and private garages for each unit accessed by a shared driveway on the opposite side of the building.

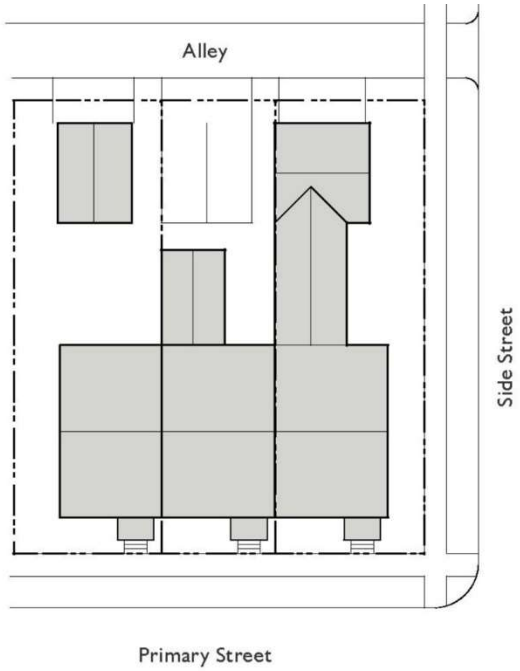


Building Frontages Allowed

- ☐ Porch
- ☐ Stoop

Pedestrian Access

- ☐ Main entrance location to each unit is on the Primary Street, Side Street, or Paseo.
- ☐ Walkways can serve multiple units, but each unit shall have an individual entry with a porch or stoop.



Building Articulation

For Townhome-style projects of four or more units, every other unit shall be differentiated from its adjacent units with the following plane changes:

- ☐ Minimum 12 inch roof plane change.
- ☐ Minimum 12 inch wall plane change.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Vehicle Access

- ☐ Parking spaces are tuck-under, enclosed, and accessed from an internal drive aisle or Alley.
- ☐ Access to parking spaces shall be from Primary Street, Side Street or Alley. Access to parking from the Primary Street shall be limited to the drive aisle only. No parking spaces at the front of the site between the building and street.

Open Space, Usable

- ☐ Private open space: Minimum 40 square feet per unit.
  - ☐ Shall be provided in a porch, patio, stoop, balcony, yard, or combination thereof
  - ☐ Minimum depth of 4'
- ☐ Common open space: Minimum of 60 square feet per unit.
- ☐ Required street setbacks and driveways shall not be included in the total private or common open space area calculation.





Both of these Townhouse style buildings demonstrate the requirement for adequate building articulation and changes in materials to differentiate the units while still providing consistency in design.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

TRIPLEX THROUGH SIXPLEX

Context

A **Triplex through Sixplex** building contains 3, 4, 5, or 6 side-by-side or stacked units in a building, either with one shared entry or individual entries. This building form typically has the look of a large single-family home.

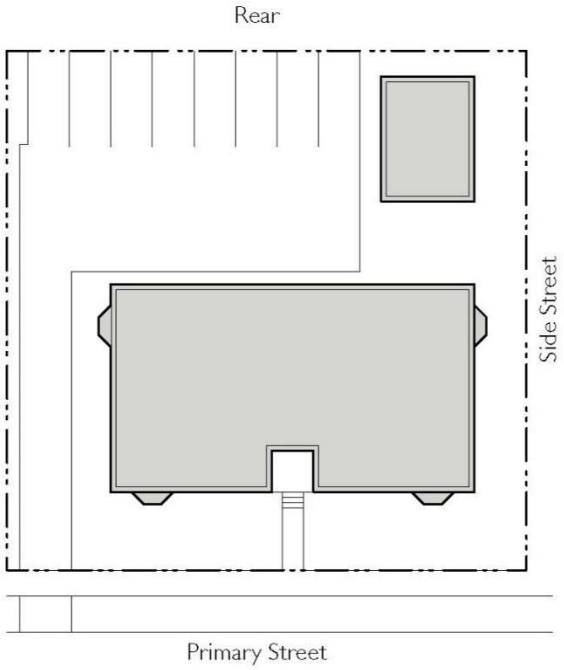
Building Frontages Allowed

- ☐ Porch
- ☐ Stoop
- ☐ Forecourt

Pedestrian Access

- ☐ Main entrance location to each unit is on the Primary Street.
- ☐ Walkways can serve multiple units and each unit can have an individual entry with a porch or stoop. Alternatively, the building could have a shared entrance that serves several units.





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Vehicle Access

- ☐ Access to parking spaces shall be from Primary Street, Side Street or Alley.
- ☐ Access to parking from the Primary Street shall be limited to the drive aisle only. No parking spaces at the front of the site between the building and street.
- ☐ Parking may be enclosed, covered, or open.

Open Space, Usable

- ☐ Total open space: Minimum of 100 square feet per unit, combined between common and private spaces.
- ☐ Can be provided in a porch, patio, stoop, balcony, yard area, or amenity space.
- ☐ Required street setbacks and driveways shall not be included in the total open space area calculation.





Triplex through Sixplex buildings can often blend well into older neighborhoods on infill lots.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

DUPLEX

Context

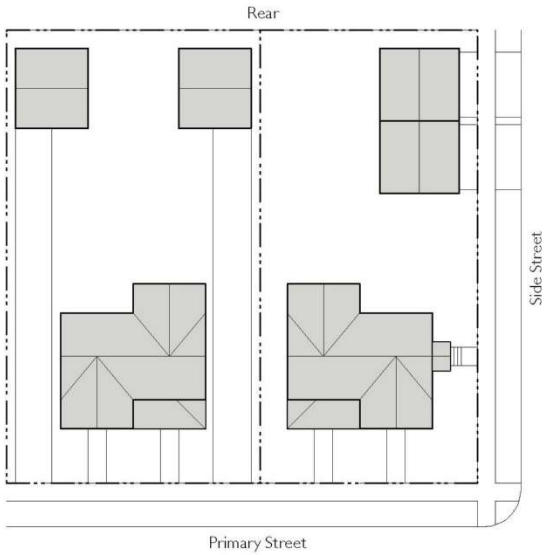
A **Duplex** building contains two units. Unit orientation can be side-by-side (sharing party wall), front-to-back (same), or stacked, where one unit is above another. This building form typically has the look of a single-family home.

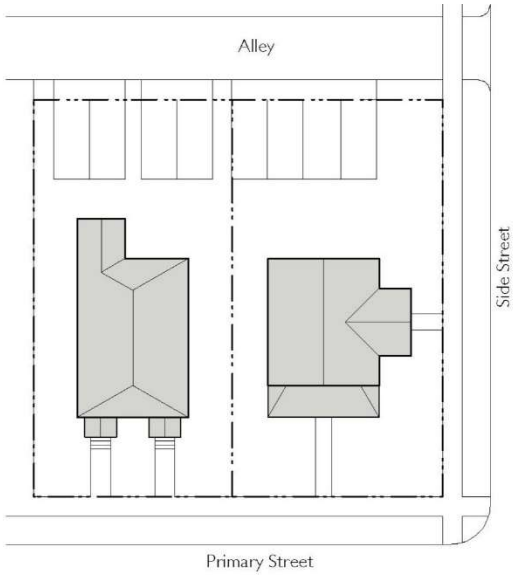
Building Frontages Allowed

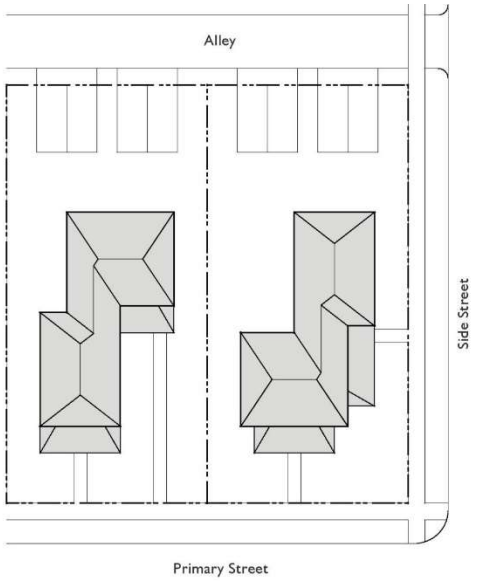
- ☐ Porch
- ☐ Stoop

Pedestrian Access

- ☐ Main entrance location to each unit is on the Primary Street.
- ☐ On corner lots, each unit entry shall be on a different street.







SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

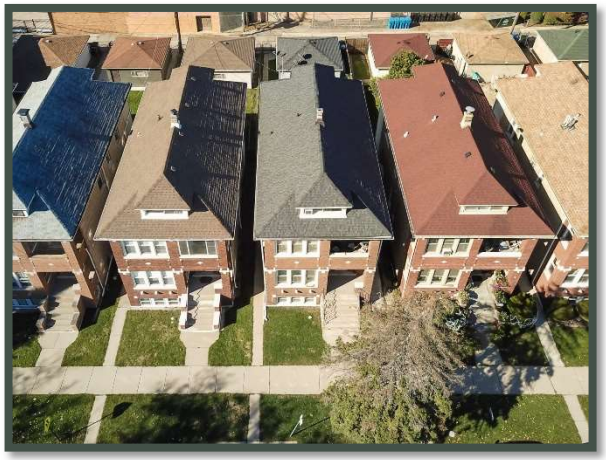
Vehicle Access

- ☐ Access to parking spaces will be from Primary Street, Side Street or Alley.
- ☐ No parking spaces at the front of the site between the building and street.
- ☐ Parking may be enclosed, covered, or open.

Open Space, Usable

- ☐ Private open space:
  - ☐ Minimum of 300 square feet per unit.
  - ☐ At least one of the private open space areas shall be a minimum width of 15’ and minimum depth of 15’.
  - ☐ Private open space may be in the form of porches, stoops, balconies, yards, and patios.
- ☐ Required street setbacks and driveways shall not be included in the total open space area calculation.







SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

BUNGALOW COURT

Context

A **Bunglaow Court** is a series of small detached or attached units on a single lot, arranged to define a shared vehicle-free courtyard space that is perpendicular to the street. All units face and are accessed from this shared central space.

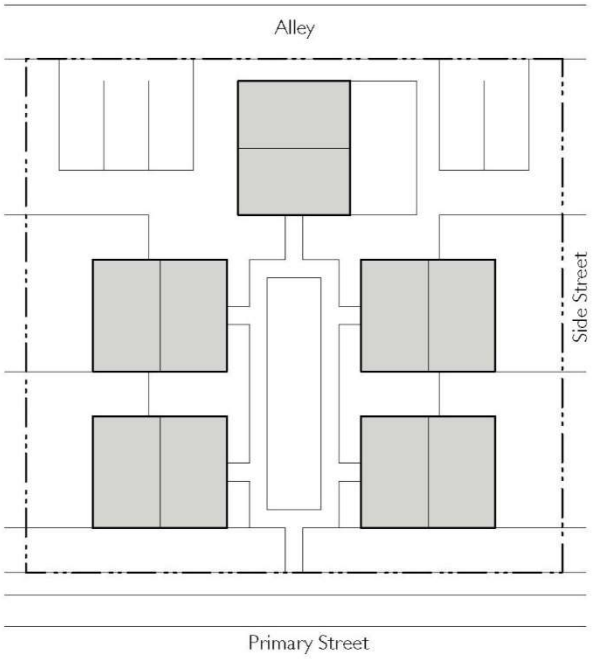
Building Frontages Allowed

- ☐ Porch
- ☐ Stoop

Pedestrian Access

- ☐ Main entrance location to each unit is from the central courtyard/common space.





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

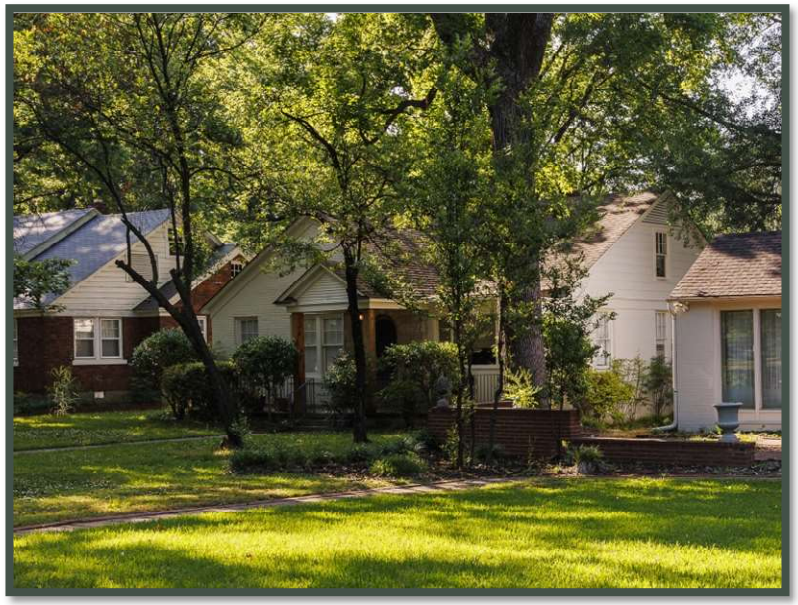
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Vehicle Access

- ☐ Access to parking spaces shall be from the Side Street or Alley and located at the side or rear of the site.
- ☐ Parking may be enclosed, covered, or open.

Open Space, Usable

- ☐ Common Central Courtyard for every 10 units:
  - ☐ Minimum 20’ wide
  - ☐ Minimum 50’ deep
  - ☐ Shall be oriented perpendicular to, and shall be open to, the sidewalk and street





Bungalow Courts are not common multifamily development types, but they can create very comfortable living environments.

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

FRONTAGE TYPES



PORCH – PROJECTING

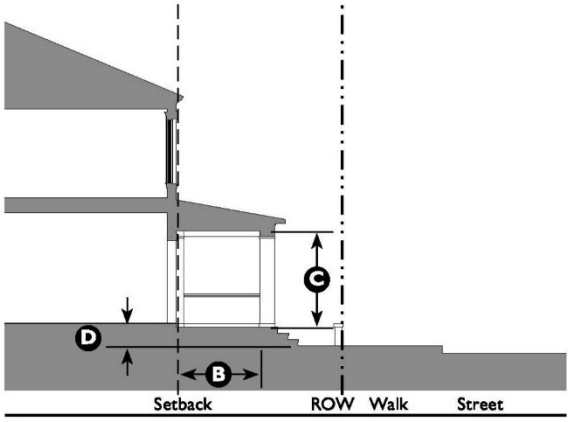
Context

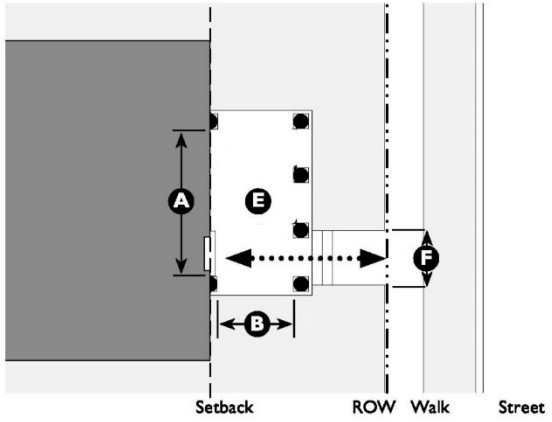
The main façade of the building typically has a small-to-medium setback from the property line. The resulting front yard is typically very small and may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch may be one or two stories, is open on three sides, and has a roof form that is separate from the main house.



Standards

Width, clear	10’ minimum	A
Depth, clear	8’ minimum	B
Height, clear	8’ minimum	C
Finished level above sidewalk	18” minimum	D
Clear space	4’ x 8’ minimum	E
Circulation space	3’ wide minimum	F





Key

---- ROW / Property Line

--- Setback Line

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

PORCH – ENGAGED

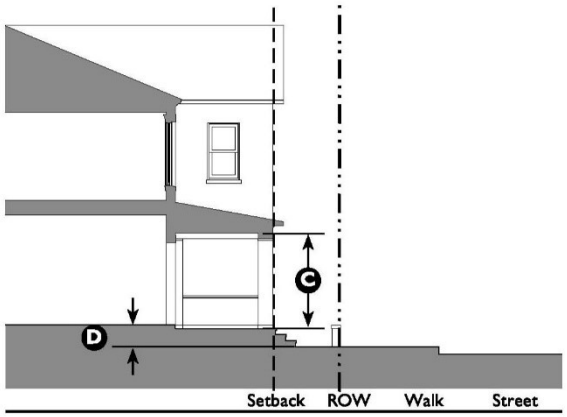
Context

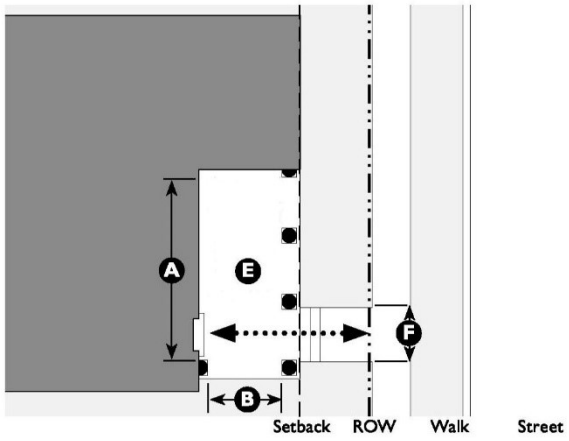
The main façade of the building has a small setback from the property line. The resulting front yard is typically very small and may be undefined or defined by a fence or hedge to spatially maintain the edge of the street. The engaged porch may be one or two stories, can be partially or fully enclosed on two sides, and must have a roof.

Standards

Width, clear	10’ minimum	A
Depth, clear	8’ minimum	B
Height, clear	8’ minimum	C
Finished level above sidewalk	18” minimum	D
Clear space	4’ x 8’ minimum	E
Circulation space	3’ wide minimum	F







Key

-·-· ROW / Property Line

– – – Setback Line

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

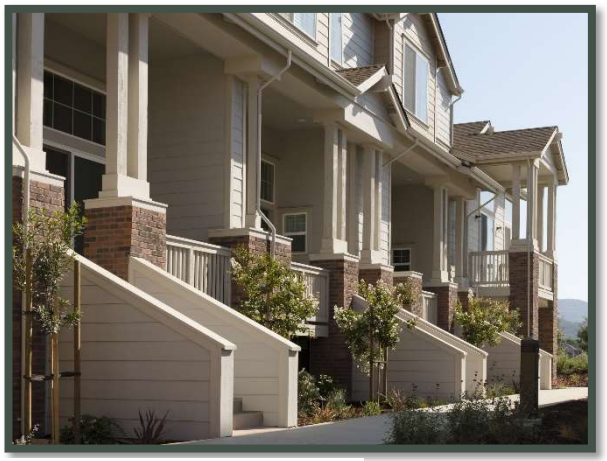
PORCH – INTEGRAL

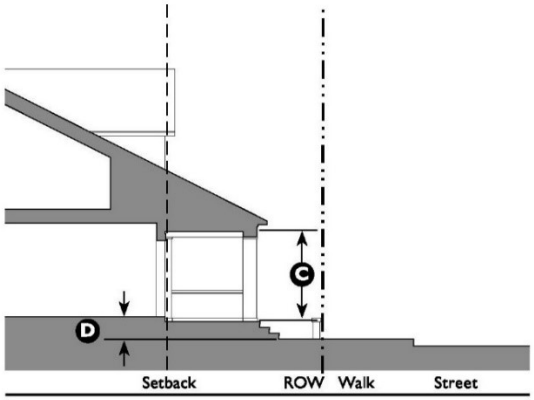
Context

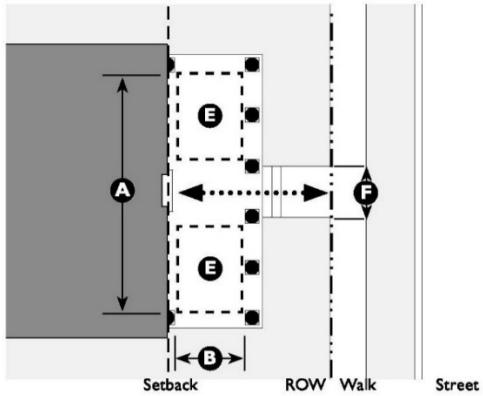
The main façade of the building has a small setback from the property line. The resulting front yard is typically very small and may be undefined or defined by a fence or hedge to spatially maintain the edge of the street. An integral porch is part of the overall massing and roof form of a building. With an integral porch it is not possible to remove the porch without major changes to the overall roof form.

Standards

Width, clear	8’ minimum	A
Depth, clear	8’ minimum	B
Height, clear	8’ minimum	C
Finished level above sidewalk	18” minimum	D
Clear space	4’ x 8’ minimum	E
Circulation space	3’ wide minimum	F







Key

---- ROW / Property Line

--- Setback Line

SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

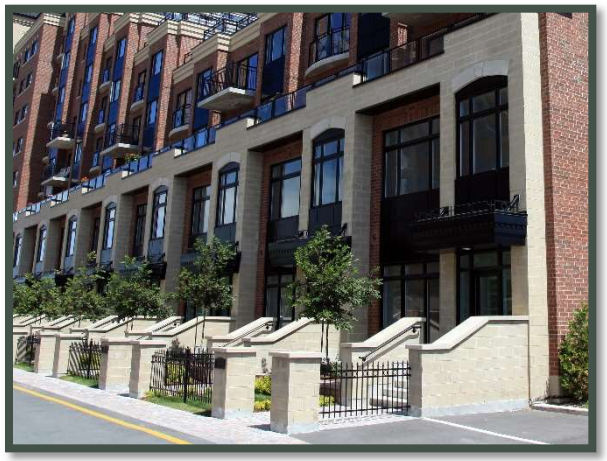
STOOP

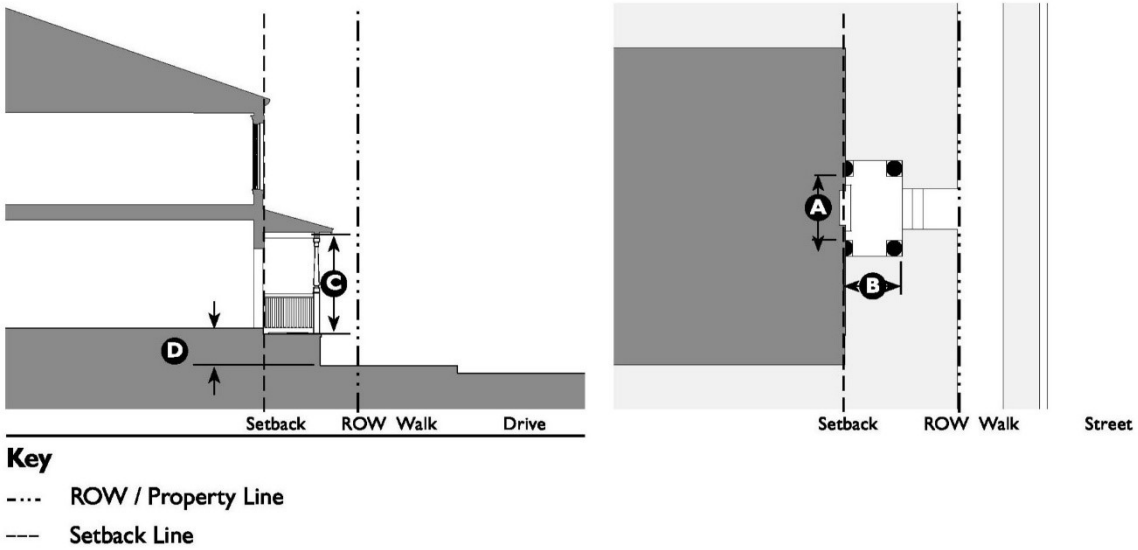
Context

The main façade of the building is near the property line and the elevated stoop engages the sidewalk. The stoop shall be elevated above the sidewalk to ensure privacy within the building. Stairs from the stoop may lead directly to the sidewalk or may be side-loaded.

Standards

Width, clear	5’ minimum, 8’ maximum	A
Depth, clear	5’ minimum, 8’ maximum	B
Height, clear	8’ minimum	C
Finished level above sidewalk	18” minimum	D
Recessed entry	4’ maximum depth	
Stairs may be perpindicular or parallel to the building façade.		
Ramps shall be parallel to the façade.		
The entry door shall be covered or recessed to provide shelter from the elements.		
Gates are not permitted on stoops.		





SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

FORECOURT

Context

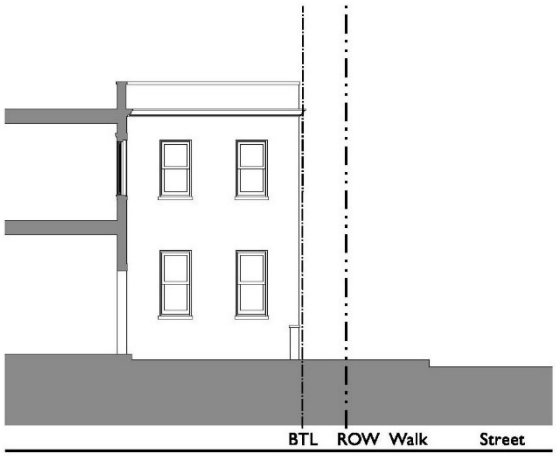
A portion of the main façade of the building is at or near the property line and a small portion is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial areas. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. There is no roof over a forecourt.

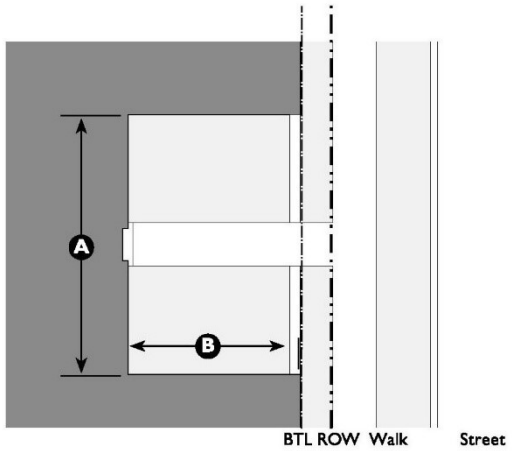
Standards

Width, clear	12’ minimum	A
Depth, clear	12’ minimum	B

A wall, hedge, or fence no taller than 3’ shall be placed in line with the building façade (commonly referred to as the “build to line”).







SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

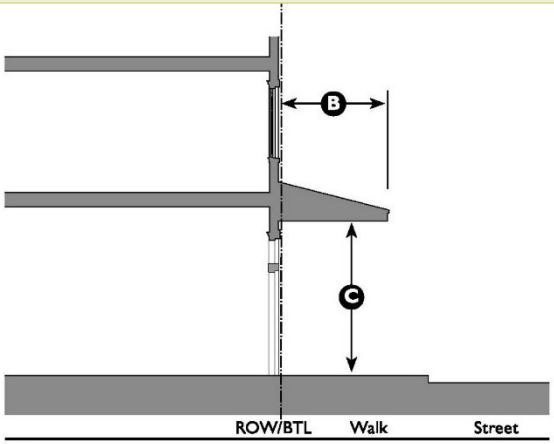
SHOPFRONT

Context

The main façade of the building is at or near the property line and a canopy or awning element overlaps the sidewalk along the majority of the frontage.

Standards

Wall space between shopfront windows or doors	2’ maximum	
Awning depth	4’ minimum	B
Awning height, clear	8’ minimum	C
Awning distance from curb	2’ minimum	
Transparency at the ground floor	75% minimum	
Door Recess	5’ maximum	
Stairs may be perpindicular or parallel to the building façade.		
Commercial windows only, no residential windows at the ground floor.		
Door recess allowed only if ground floor façade is at the Built to Line (BTL).		
Movable window walls/ doors that allow commercial spaces to open to the street are encouraged.		



Key

-·-·- ROW / Property Line

—— Build-to Line (BTL)





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

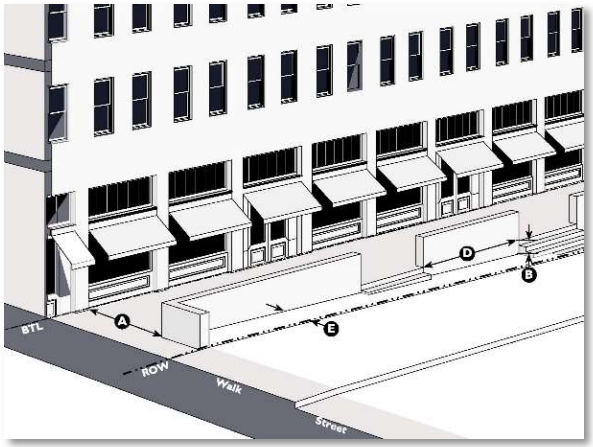
TERRACE SHOPFRONT

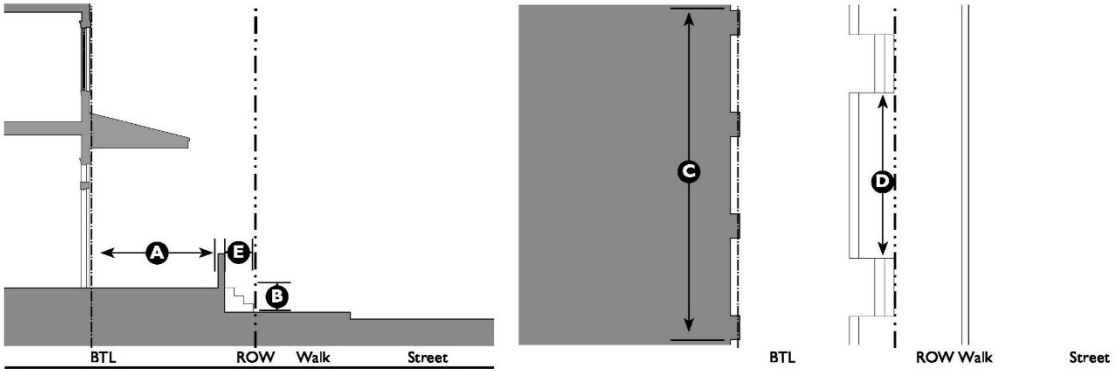
Context

The terrace allows at-grade access to all shopfronts. The terrace is accessed at grade and as the sidewalk follows the slope, the terrace follows the plane of the shopfront finished floor level. Frequent steps from the sidewalk to the terrace are necessary to avoid a dead wall along the sidewalk and to maximize access to the spaces. The standards found here are to be used in addition to those set forth in the **Shopfront** section.

Standards

Depth, clear	8’ minimum	A
Finished level above sidewalk	42” maximum	B
Length of terrace	120’ maximum	C
Distance between stairs	15’ maximum	D
Wall setback from right-of-way (ROW)	12” minimum	E
Low walls shall be made to be used as seating wherever possible.		
See **Shopfront** standards for additional requirements.		





SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

GALLERY

Context

The main façade of the building is at the frontage line and the gallery projects over the sidewalk. This frontage type is intended for buildings with ground-floor commercial or retail uses and may be one or two stories. The gallery must extend close enough to the curb so that a pedestrian cannot bypass it. Due to the gallery's projection over the public right of way, a public access easement over private property is required. Galleries must have a consistent depth along a frontage. The standards found here are to be used in addition to those set forth in the **Shopfront** section.

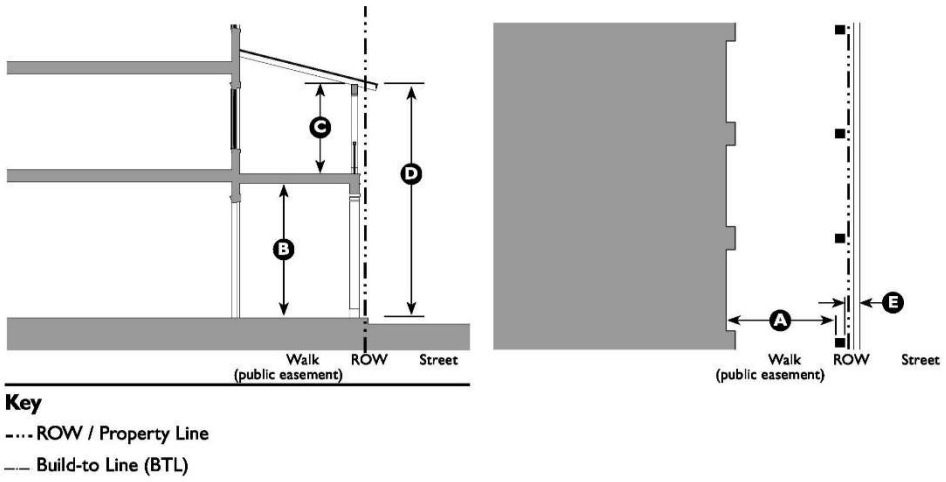
Standards

Depth, clear	8' minimum	A
Ground floor height, clear	11' minimum	B
Upper floor height, clear	9' minimum	C
Building height	2 stories maximum	D
Setback from curb	1' min., 2' max.	E

Upper story galleries facing the street shall not be used to meet primary circulation requirements.

Lighting is required in the gallery to illuminate the sidewalk consistent with the requirement of the City's Security Ordinance.

See **Shopfront** standards for additional requirements.







SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

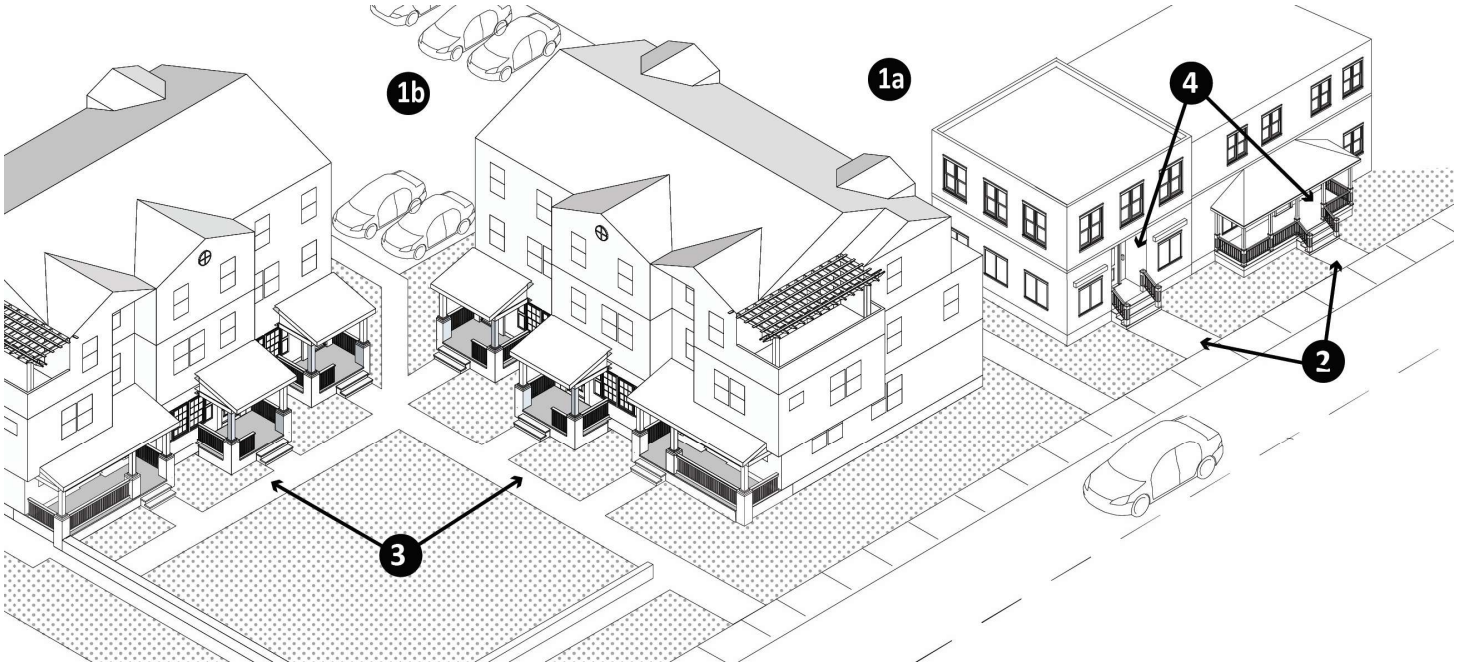
UNIVERSAL OBJECTIVE DESIGN STANDARDS



SITE PLANNING

Building Placement and Orientation

1	**1a:** Building frontage shall be oriented towards adjacent public streets, with individual entries, patio areas and landscaping facing the street. **1b:** Parking areas and carports shall not be located along street frontages and shall be located to the side and rear of the buildings.
2	Direct pedestrian access shall be provided to connect each unit (or building) entry to the sidewalk at the public right of way.
3	For buildings without frontage along a primary street, unit entries shall be oriented to face internal common open space areas such as landscaped courtyards, plazas, or paseos.
4	Each ground floor unit fronting a primary or side street shall have at least one street-facing porch or patio.
5	Connected back-to-back units with garage expression on opposite façades are prohibited.
6	Tandem garages are prohibited.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Building Placement and Orientation (continued)

7. Multiple-lot developments shall provide access to individual lots from an internal street system rather than create additional driveways along public street frontage.

8. Each site shall provide at least one pedestrian connection to adjacent sidewalks or public pathways/trails at least every 400’ of linear building frontage.

9. At least 50% of all western-facing transparent building surfaces shall contain at least one of the following:
   a. Operable window or door shutters.
   b. Window awnings.
   c. Transparent and ultraviolet-resistant window and door coatings or films.



SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Common Facilities

1	Clustered mailboxes shall utilize the same colors and materials as the closest on-site building.
2	Separate secure mailbox/package delivery/pick-up areas shall be provided for residential and commercial components of a project.
3	Each project shall provide one outdoor recreation/amenity feature for every 100 units. For purposes of this standard, an outdoor recreation/amenity feature includes any of the following: a. Outdoor eating area with covered picnic tables and chairs that provides shade from the sun b. Outdoor kitchen space with barbeque or cooktop c. Fire pit surrounded with outdoor chairs d. Sport court including bocce, basketball, horseshoes, or similar. e. Amphitheater/outdoor movie space or pavilion f. Workout room with exercise machines g. Pool, spa, or hot tub







SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

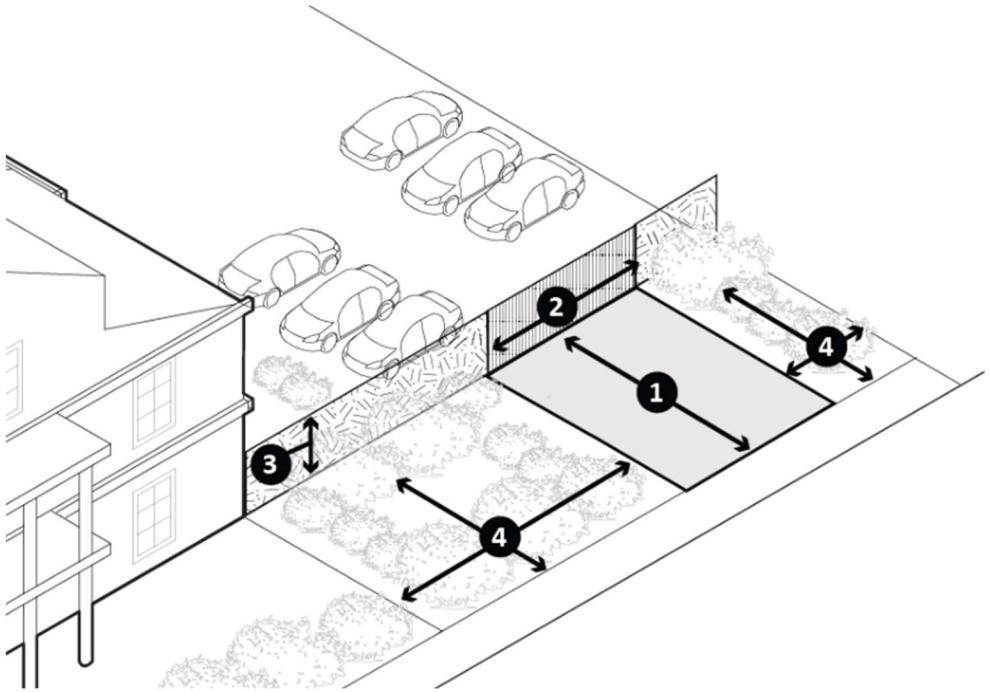
SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Parking Area Screening

All surface parking areas shall provide screening to create a landscaped buffer between the parking area and the public street.

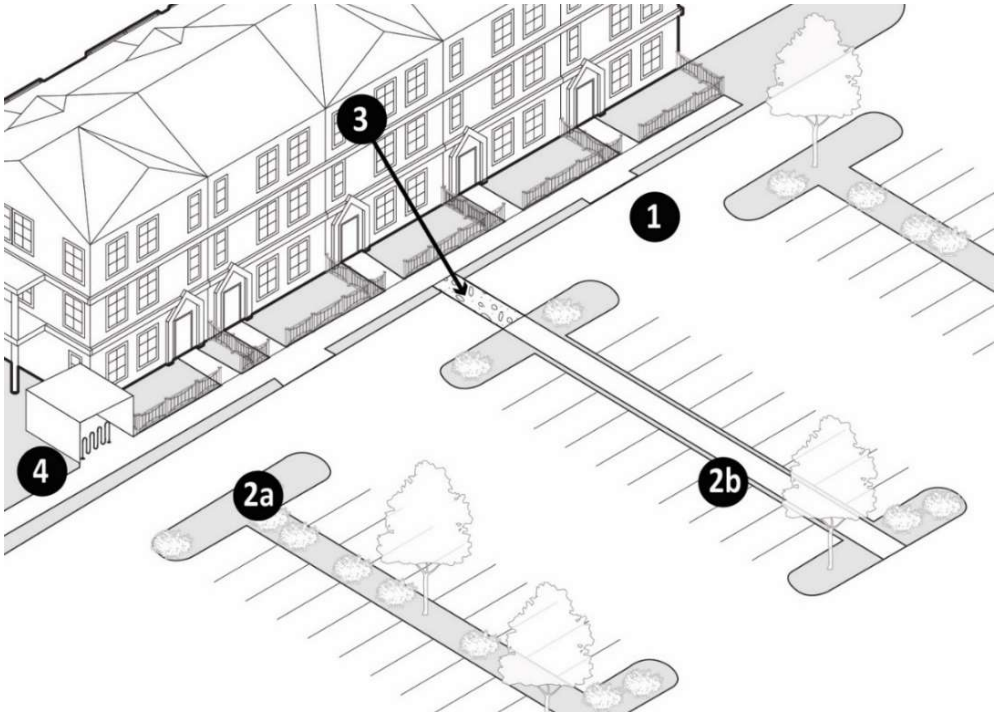
1	Controlled entrances to parking facilities (gates, doors, movable barriers) shall be located a minimum of 18' from the back of sidewalk to accommodate one vehicle entering the facility off of the adjacent street.
2	Surface parking areas shall not be visible from a public right of way frontage for more than 25% of the parcel width. For example, a parcel with 100 linear feet of public street frontage shall have no more than 25 linear feet of surface parking that is visible from the public street.
3	Landscape buffer screening will be created by a solid fence, wall, or landscape hedge between 48-60 inches tall.
4	Landscape buffer screening area shall be at least 10' deep (measured from the back of sidewalk to the parking lot paving) and shall be the width of the surface parking area (except for the driveway).



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Parking Lot Layout

1. All outdoor parking areas of more than 50 spaces shall be divided into smaller units to decrease various impacts associated with large expanses of pavement and vehicles, and to facilitate safe and efficient pedestrian movement between parking areas and building entries.
2. **2a:** Landscaped medians of at least 3' in width shall be provided between parking bays that face each other.
   2b: Landscaped medians can include pedestrian walkways.
3. Parking areas shall include designated pedestrian walkways to building entrances.
4. Covered bicycle parking shall be provided adjacent to building entrances.
5. When bicycle parking is not visible from the street, directional signage to the bicycle parking area shall be located at the main building entrance. If there is no main building entrance, bicycle parking directional signage shall be near a common open space area.
6. All crosswalks shall be raised and be a different color and/or material than the parking lot surface.



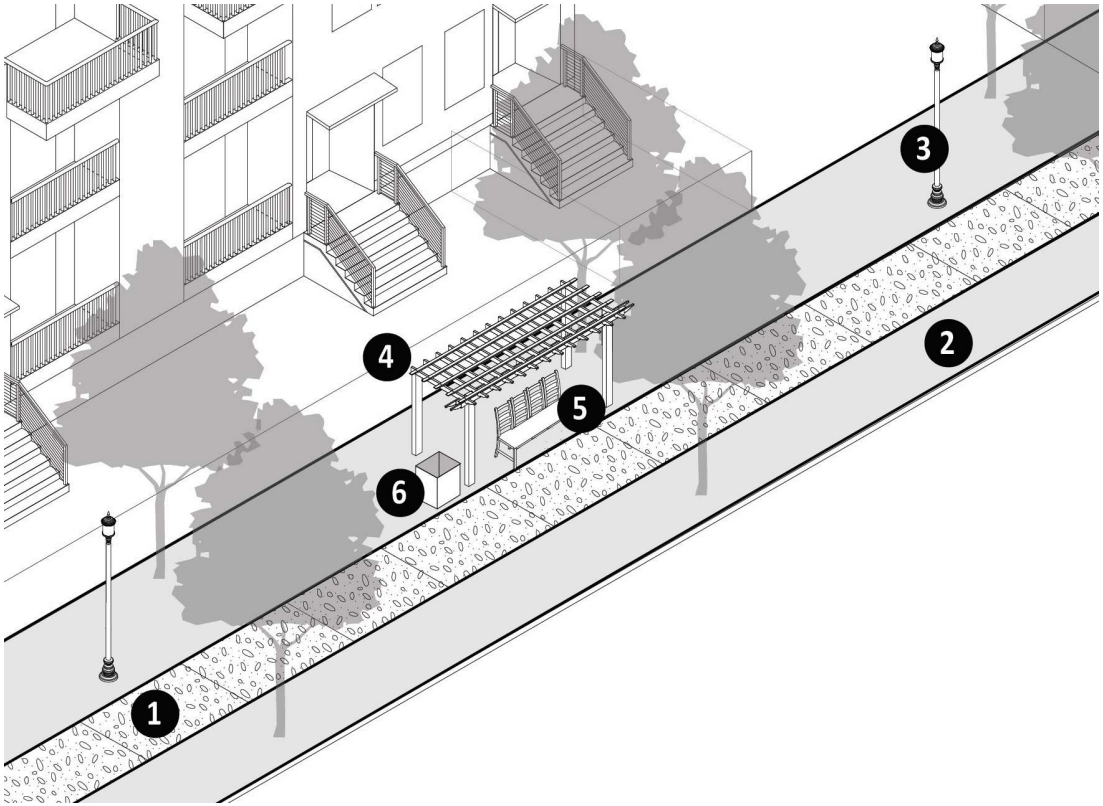
SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Pedestrian walkways and pedestrian spaces shall include the following elements:

1	Differentiated paving materials with raised surfaces;
2	Landscaping adjacent to the walkway; and
3	Pedestrian-scaled lighting.

Optional and desirable elements include:

4	Trellis or other shade structures;
5	Seating
6	Waste receptacle(s) next to any seating.



SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

BUILDING DESIGN

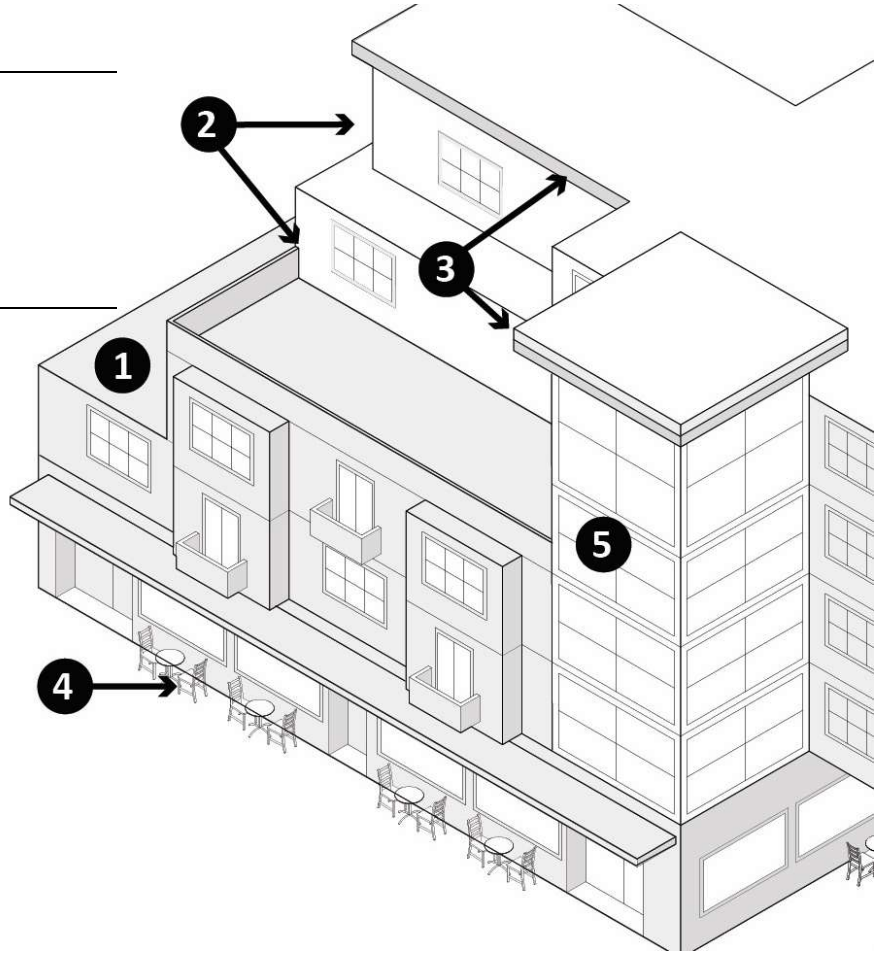
Building Form

All buildings of 4+ stories shall differentiate the uppermost floor through one of the following means, as applicable to the architectural style:

1	Lighter color and different material than primary building body.
2	Additional stepback beyond required ground-floor setback, as follows: 4 stories: 12 inches minimum 5+ stories: 24 inches minimum
3	Roof cornice with the following features: 4 stories: 12-inch overhang minimum 5+ stories: 24-inch overhang minimum 12-inches in height, minimum At least two distinct molding types

Site Amenities

4	Outdoor, streetside amenities for commercial and residential uses are desirable when use and location allow.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

5	Where buildings: - are located at an intersection involving a major street (as defined in the General Plan), - are located at the intersection of gateway intersections (intersections at the City boundary or the boundary of any specific plan), - front public parks or plazas, or - anchor unique corners where sites create acute or obtuse angles, a prominent architectural corner treatment of the building mass is required. For purposes of this standard, a prominent architectural corner treatment of the building mass includes any of the following: a. Rounded or angled corner. b. Location of building entrance on corner. c. Embedded corner tower.





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

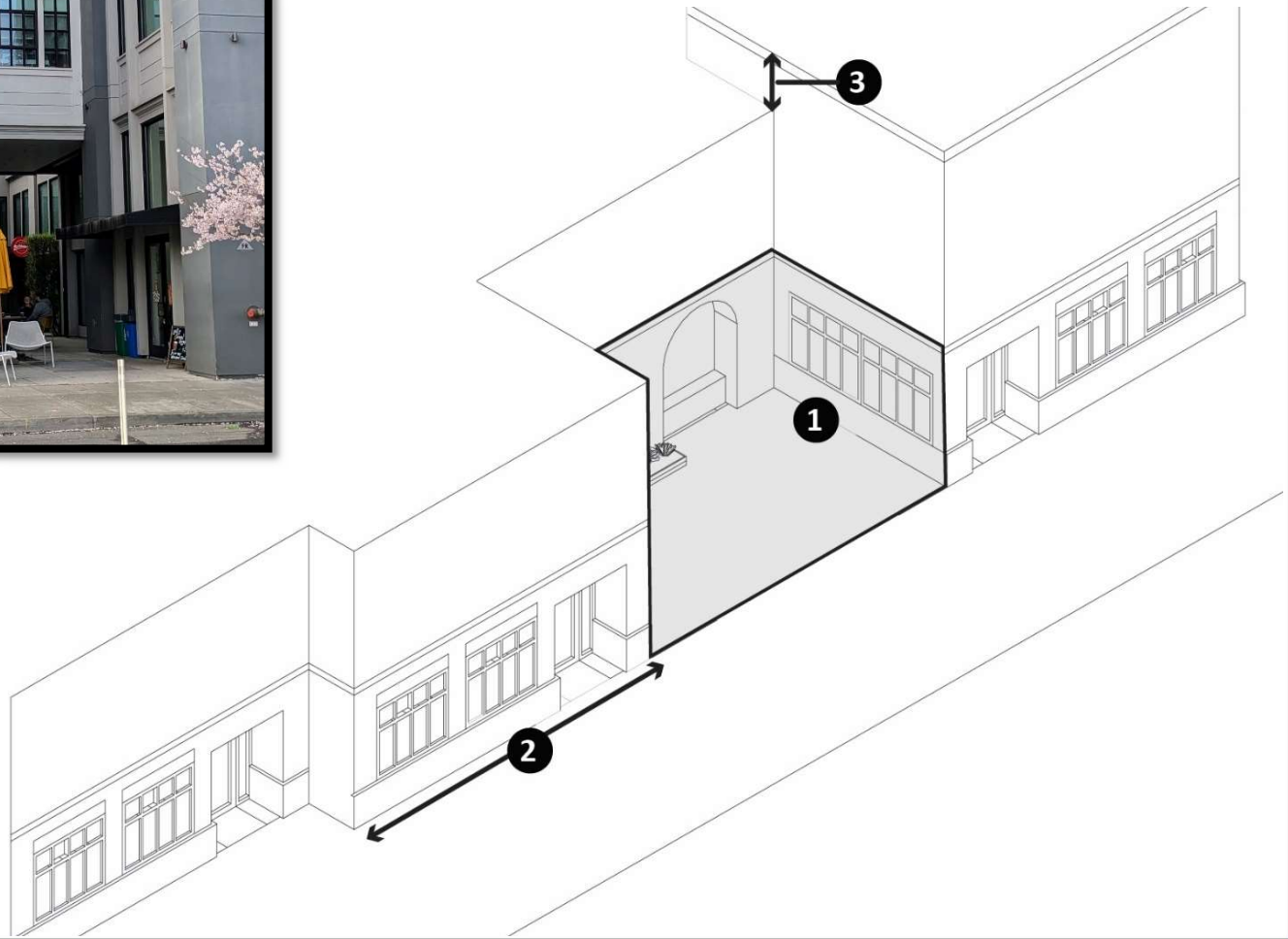
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Minimize Massing

On building façades 200’ or greater in length, the following features shall be provided to relieve the building mass and add variation.

1	A minimum 20’ wide and 10’ deep mid-block open space, building entry, or courtyard space.
2	A minimum 25’ long and 2’ deep wall plane change for every 50’ of building length.
3	A minimum 25’ long and 2’ tall roof plane change for every 50’ of building length.

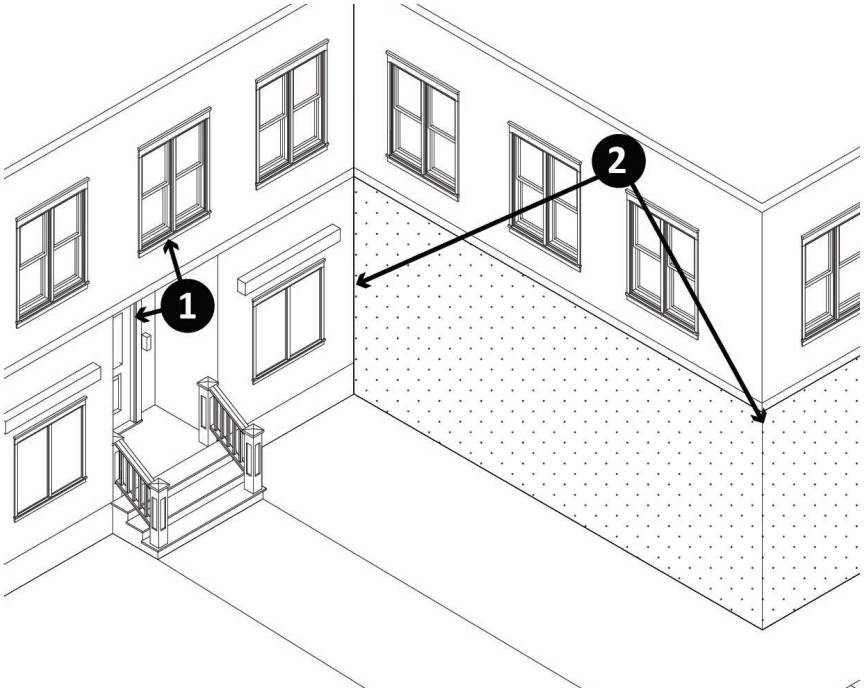




SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

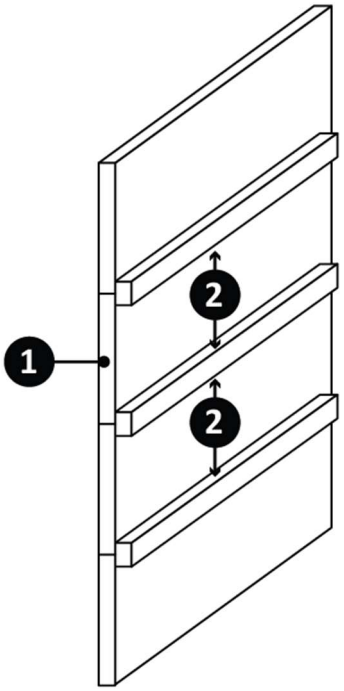
Windows, Walls, and Doors

1	Unless allowed by the architectural style defined in **Section 2: Architectural Styles**, windows shall not be flush with the adjacent wall plane and shall be recessed a minimum of 2 inches.
2	Along any exterior building walls, material transitions shall only occur on the inside corner of plane change.
3	Negative space areas on public-facing façades shall not exceed 10’ in width by 10’ in height (100 square feet in total). For the purposes of this standard, negative space is defined as blank wall surfaces that lack ornamentation, architectural elements, detailing, fixtures, plane changes, or openings such as arcades, windows, and doors.
4	Reflective glazing is prohibited.
5	For multiple units with entry doors on the same building façade, entry door design, color, and details shall vary from unit to unit.



Materials and Colors

1	A minimum of 5/8 inch thickness is required for any wood (or wood-substitute) siding.
2	If wood paneling (or cement fiber wood-like paneling) is used for a board and batten appearance, battens shall be incorporated into the paneling every 12 inches.
3	A minimum of 1 inch thickness is required for any brick or stone veneer.
4	Unless otherwise required by the architectural style as defined in **Section 2: Architectural Styles**: • At least two materials shall be used on any building façade in addition to window glazing, doors, railings, or other decorative architectural elements. A secondary material shall comprise at least 20% of the square footage of the building façade. • At least two colors shall be used on each building façade.
5	Exposed vents, flashing electrical conduits, and gutters, downspouts, pipes and similar features used to collect roof runoff shall be painted the same color as the surface to which they are adjacent. Copper gutters or downspouts may be treated as a design element and are not required to be painted to match the adjacent surface.
6	Neon or fluorescent building colors are prohibited.
7	Shiny metal or other reflective surfaces that produce glare or discernable shine are prohibited. Primary and secondary building materials and paint colors shall have a matte or satin finish.
8	Detached garages and carports shall be designed in the same style as the primary building.
9	Only those portions of a flat roof that are not visible from the ground level shall have white or light-colored roofs that reflect sun and solar heat gain.
10	For Townhome-style projects of four or more units, each unit shall employ different body and front door colors than its adjacent unit.





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Fire Risk Mitigation

Properties located along the Wildland Urban Interface (WUI) and in a High or Very-High Fire Hazard Severity Zone, as determined by the CA Department of Forestry and Fire Protection (CalFire), shall meet all of the following requirements:

1. Fire-resistant roof and eave materials must be used on all buildings.
2. Non-combustible materials, such as metal, stone, or brick, must be used for all walls and fencing within 5 feet of buildings.
3. Only fire-resistant shrubs and groundcovers are permitted.
4. Building setback areas from property lines directly along the WUI must also comply with the following:
   a. No landscaping or other combustible groundcover material is permitted within 5 feet of the building.
   b. Non-combustible materials must be used for attached awnings and patio covers.
   c. No trees are permitted within 30 feet of the building.

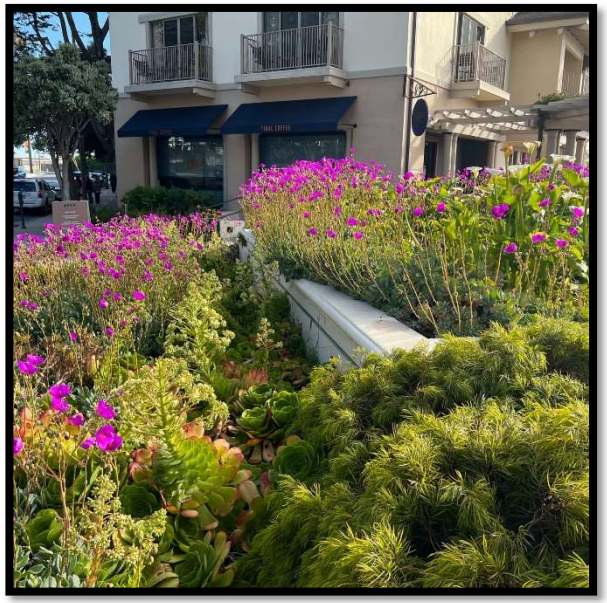


SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

LANDSCAPING

Native Plants

1. On-site trees that meet the thresholds identified in the Tree Preservation Ordinance shall be preserved and incorporated into development and landscape plans, unless tree retention is not recommended by a certified arborist.
2. A minimum of 50% of all new tree plantings shall be California natives.
3. A minimum of 30% of all new shrub plantings shall be pollinators.
4. Invasive species shall not be used.





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Site Landscaping and Plant Size

1. A minimum of 25% of the site, excluding building footprint areas, shall be landscaped and contain pervious surfaces. For purposes of this standard, green roofs shall be counted towards meeting this requirement.

2. The following minimum sizes shall be used for plant materials at the time of installation:
   - Groundcover shall be a minimum 1-gallon pot size.
   - Shrubs shall be a minimum 5-gallon pot size.
   - Trees on private property shall be a minimum 15-gallon pot size.
   - 20% of all trees on private property shall have a 24-inch box container size or larger.
   - Street trees shall be 24-inch box size and comply with the City of Livermore Standard Details.

3. The largest plant materials being used on the project site shall be located in areas that are visually prominent such as entries and along main frontages, as well as in areas requiring the most shade (parking lots, plazas, courtyards, etc.)





SECTION 2: ARCHITECTURAL STYLES

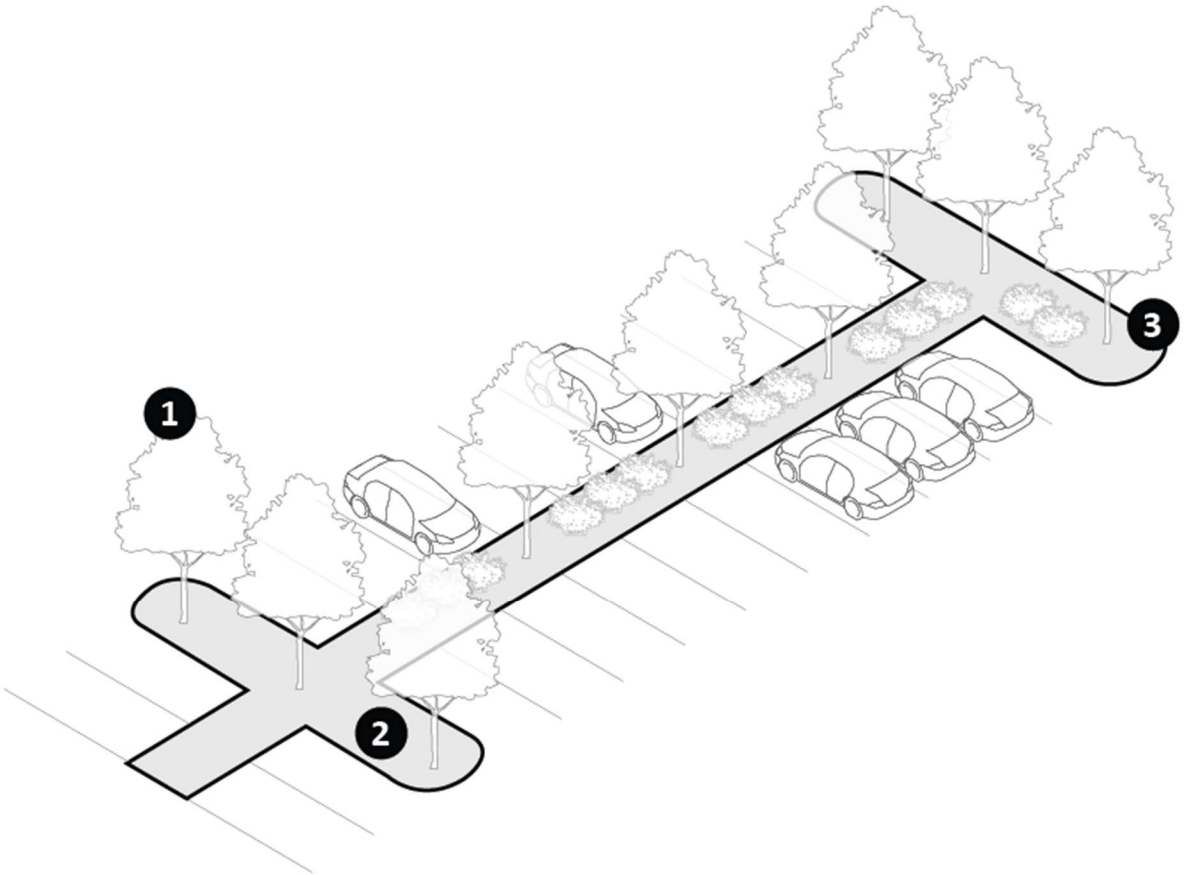
SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Parking Lot Landscaping

1	Broad branching (not columnar) shade trees at a minimum ratio of three trees per 10 parking spaces.
2	One landscape island at least 9’ wide per every 10 parking spaces.
3	Curbed planter areas shall be provided at the end of each surface parking lot drive aisle to protect parked vehicles from the turning movements of other vehicles.

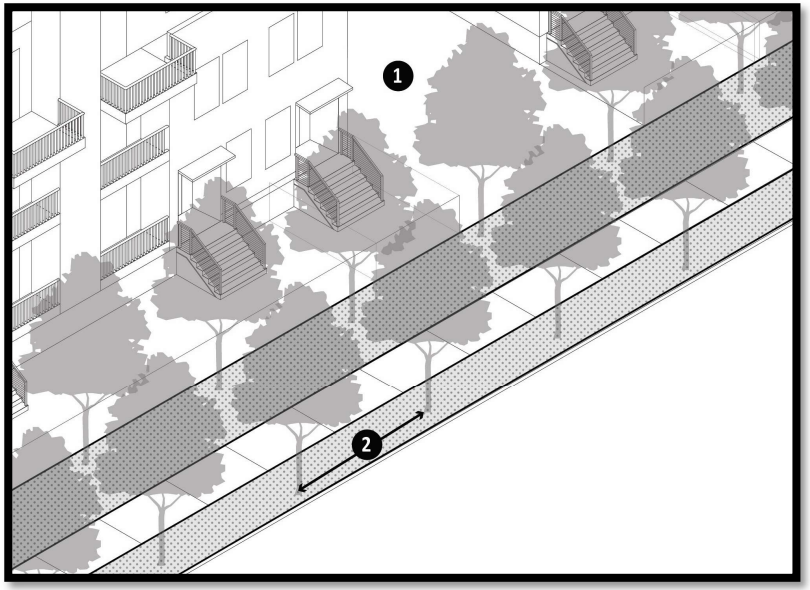


SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Planting Location and Design

1	A double row of trees shall be provided along all public streets. This shall include one row of tall, broad-branching shade trees that will cover the sidewalk and at least 8' of the adjoining parking area, bike lane, and/or travel lane located within the landscape strip and one row located on the private property side of the sidewalk. If a monolithic sidewalk is used, then a double row is still required on the private property side of the sidewalk.
2	Along all project frontages, a continuous row of trees shall be provided, such that all tree canopy spreads are contiguous.
3	Each project shall provide at least one on-site tree per ten residential units, excluding all street trees.
4	All areas between the sidewalk and a building façade shall be landscaped and properly irrigated, except for hardscape areas required for path of travel, porches, stoops, driveways, and utilities.
5	For projects constructing new sidewalks (and not replacing existing), five-foot-wide planting strips between the sidewalk and the back of the curb on all public rights of way are required.
6	All shrubs and groundcover shall comply with Livermore Development Code Figure 4.13, pertaining to Vehicle Sightlines.
7	Landscaping shall be installed prior to occupancy of the building, and for phased developments, shall be installed along the entire public street frontage during the first phase.





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Site Shading

1. Each applicant shall submit a shade analysis demonstrating that the following minimum shading requirements have been met on the project site:
   a. Parking Lots: A minimum of 50% of all unenclosed parking areas shall be shaded.
   b. Sidewalks and Pathways: A minimum of 75% of each sidewalk and pathway shall be shaded.
   c. Common Facilities: A minimum of 50% of all outdoor common facilities shall be shaded. For purposes of this standard, common facilities include any surface-level and communal seating area, plaza, outdoor barbeque, picnic area, etc.

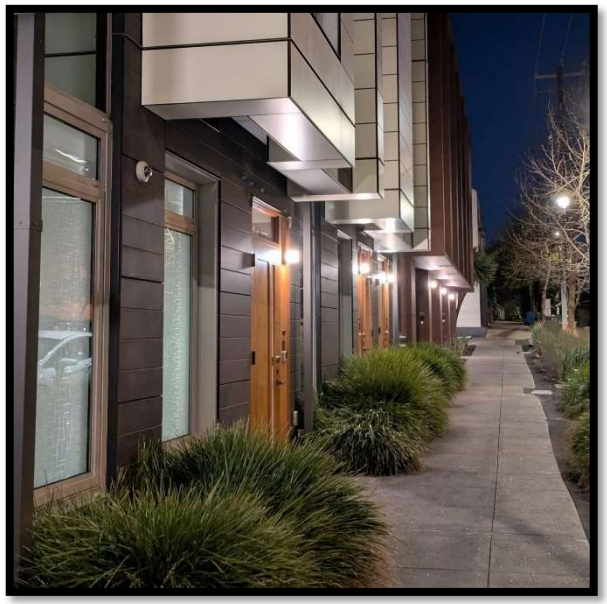
2. Shade can be provided through a combination of the following
   a. Tree canopy at 15-year maturity
   b. Structural shade elements such as covered walkways, patio covers, trellises, pergolas, shade sails, and/or solar canopies.

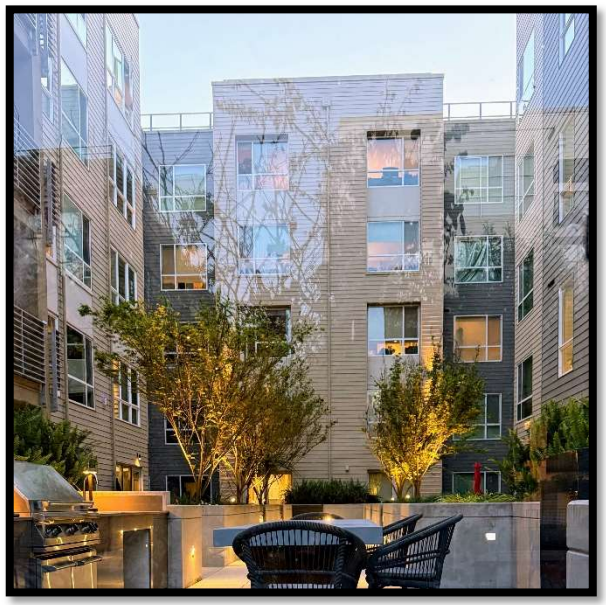
3. Shade calculations shall be based on the summer solstice at 12:00 p.m.

SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

LIGHTING

1	The height of luminaries shall not exceed 18' from adjacent grade.
2	Outdoor lights that blink, revolve, flash or change intensity are prohibited.
3	Lighting shall have shields to prevent spillover, and the light source (bulb) shall not be visible from beyond the property line.
4	The light source for any externally-illuminated signs shall be positioned so that light is only received by the sign and does not spill over onto adjoining properties. The light source (bulb) shall not be visible to pedestrians or motorists.
5	Minimum levels of illumination along pedestrian paths between destinations is 0.5 foot-candles. At pedestrian destination points such as entryways, plazas and courtyards, lighting levels shall achieve illumination of 1 foot-candle.
6	Illumination shall achieve a lighting level of 1 foot-candle on the parking lot surface.





SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

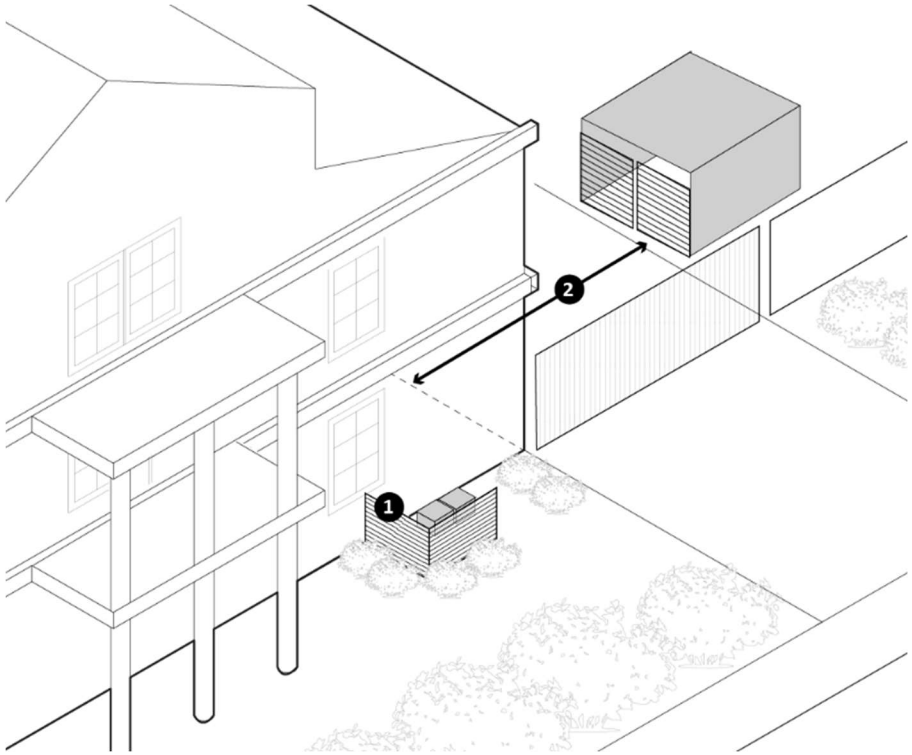
SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

ANCILLARY STRUCTURES

Location and Screening

1	Utility and mechanical equipment, including electrical meters and gas service, shall be screened by a material that provides at least 50% opacity by landscaping, louvers, fences, or enclosures that use the same materials and colors as the main building(s). Screening methods may also be gated outdoor rooms or screening behind wing walls that are part of the building elevation.
2	Locate exterior trash enclosures so that no dwelling is closer than 25' (including those on adjacent properties), or more than 125' from a residential unit.
3	Trash enclosures shall be located and oriented so as to provide adequate truck access, shall have a 3' landscape planter around the perimeter, and shall be sized to accommodate the needed number of trash bins to serve the project.
4	Utility and mechanical equipment shall not be located within a required active open space area.
5	Backflow prevention devices shall be surrounded by landscaping that will grow to the height of the backflow unit within one year of planting. The plants shall be spaced so that their spread is overlapping at maturity, which will be dictated by the species chosen.
6	Heating, ventilation, and air conditioning (HVAC) units located on exterior walls or patios shall be completely screened from view by a solid wall at least as tall as the HVAC unit and constructed with the same materials and colors as the adjacent building.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
SECTION 4: FRONTAGE TYPES
SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Utility and Mechanical Equipment

1	Heating, Ventilating, or Air Conditioning (HVAC) units shall not be located on above-ground balconies.
2	Roof-mounted mechanical equipment: • Shall be located a minimum of 10’ from occupiable rooftop areas. • Shall only be allowed for architectural styles with parapets or roof wells designed to completely screen the equipment.



SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Trash Enclosure Design

1	Roof and wall colors and materials shall match the primary building's architectural style.
2	Shall have solid gates with latches that secure and screen all waste receptacles (bins and carts) within.
3	All waste receptacles shall be fully screened from public view.
4	Lighting shall be provided in and around trash enclosures for nighttime security, safe access, and use.
5	For projects utilizing individual cart service for each unit, each unit garage shall provide sufficient space for all required containers.



SECTION 2: ARCHITECTURAL STYLES

SECTION 3: BUILDING FORMS

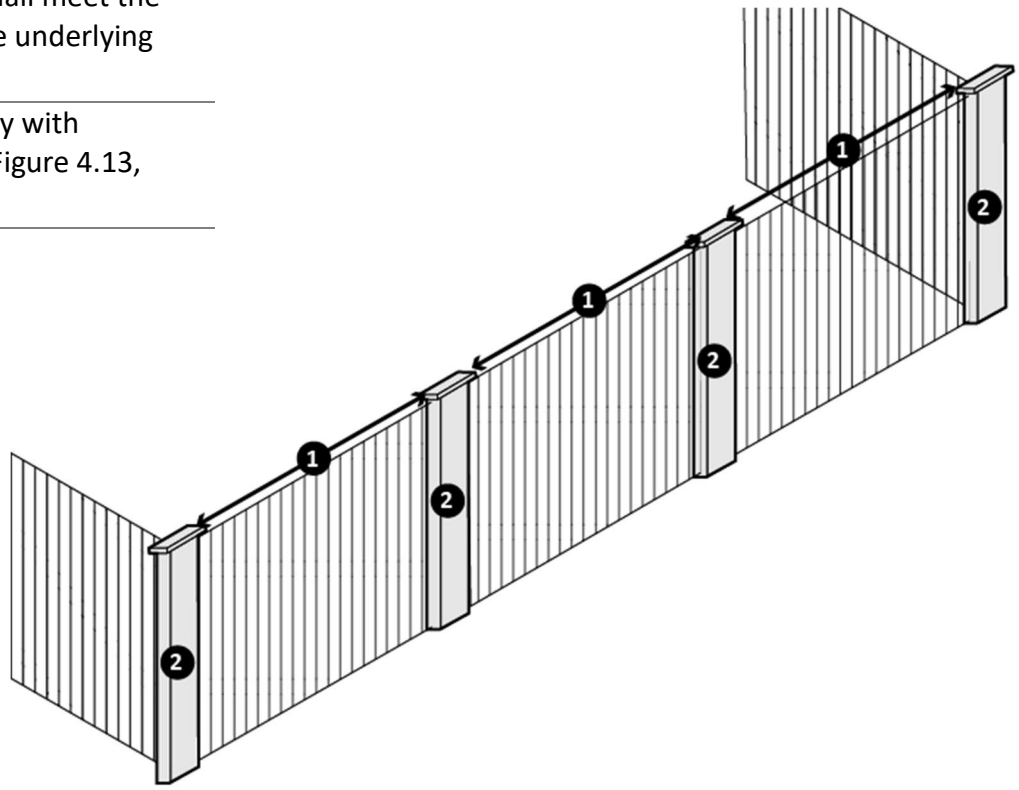
SECTION 4: FRONTAGE TYPES

SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

Fences and Walls

1, 2	For all fences or walls above 4’ in height, decorative posts, pilasters, or columns shall be used every 15’ to break up horizontal massing:
1	Maximum 15’
2	Decorative posts, pilasters, or columns
3	Fences and walls shall not exceed 6’ in height.
4	Fences and walls shall be constructed of durable materials like wood, masonry, metal, concrete, or similar.
5	Fences and walls may be located on property lines, except that fences and walls above 3’ in height along street frontages shall meet the required building setback of the underlying zoning district.
6	All fences and walls shall comply with Livermore Development Code Figure 4.13, pertaining to Vehicle Sightlines.





COMMERCIAL PORTIONS OF MIXED-USE DEVELOPMENT

The following standards apply to the commercial or other active ground-floor portions of a mixed-use project.

As allowed by the architectural style as defined in **Section 2: Architectural Styles**, buildings shall use at least three of the following six elements on the ground floor:

1 Architectural detailing at the storefront entry that is not found elsewhere on the building, including:

a) Soldier course/sailor course
b) Wainscot
c) Bulkhead material change. Bulkhead wall shall be at least 12 inches, but no more than 24 inches, in height.

2 Plane breaks at the ground floor including inset or protruding storefront entries/doors by a minimum of 24 inches.

3 At least 50% of the ground-floor building frontage shall be openings, doors, glazing, trellises or other vertically-oriented landscaping, or other non-solid wall material.

4 Transom windows.

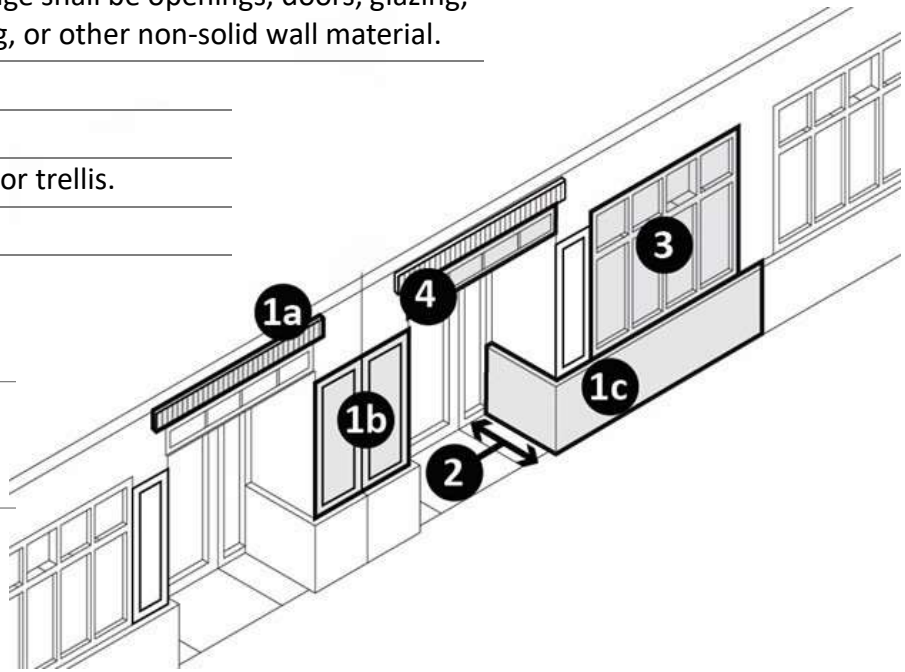
5 Canopies or awnings at the storefront.

6 Arcade over the storefront with a covered roof or trellis.

All windows shall have transparent glazing.

Ground-floor commercial spaces shall be at least 12’ in height measured from the grade of the adjacent sidewalk or walkway.

All retail tenants on the ground floor facing the primary street shall have a direct pedestrian entry connection to the sidewalk.



SECTION 2: ARCHITECTURAL STYLES
SECTION 3: BUILDING FORMS
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SECTION 5: UNIVERSAL OBJECTIVE DESIGN STANDARDS

GLOSSARY OF TERMS



GLOSSARY OF TERMS

Accent material. An accent material is one that is supplementary to the primary material(s) on a building.

Arcade. A roofed passageway or lane. A series of arches supported by columns, piers, or pillars, either freestanding or attached to a wall to form a gallery.



Architectural feature. Exterior building element providing ornamentation to the building massing such as eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

Awning. An angled or horizontal projection that extends from a building or structure to provide protection from the sun, rain, or other weather elements. Decorative awnings project from the building in the same manner but may be for aesthetic, not functional, purposes.



Balcony, juliette (or juliet). A faux balcony; a low ornamental railing to a window, projecting only slightly beyond the plane of the window, threshold, or sill and having the appearance of a balcony when the window is fully open.



Baluster. A small column, shaft, or other vertical member commonly used in a balustrade to support a top rail or coping.



Bay. A space or section of a building defined by structural elements like columns, piers, or walls, or a portion of a building that projects outward from the main façade.

Belt course. A horizontal band of wood or masonry that projects slightly from the wall, often used to visually delineate different levels or stories of a building.



Board and batten. A form of sheathing for wood frame buildings consisting of wide boards, usually placed vertically, whose joints are covered by narrow strips of wood over joints or cracks.

Bracket. A projection from a vertical surface providing structural or visual support under cornices, balconies, windows, or any other overhanging member.



Build to Line (BTL). A line parallel to the street right-of-way, that defines the minimum or maximum setback for a building's façade, ensuring buildings are placed at a consistent distance from the street.



Bulkhead wall. The area of the storefront between the sidewalk and the base of the display window.



Cladding. Building cladding is the application of one material over another to add an extra skin or layer to the building. Commonly used exterior wall cladding materials include brick, vinyl, wood, stone, fiber cements, metal, concrete, and stucco.

Column. A vertical shaft extending from the ground or from one part of the structure to another.



Corbel. A structural piece of stone, wood, or metal jutting from a wall to carry a super-incumbent weight; a type of bracket.



Corner element. An architectural feature at the corner of a building, often taking the form of unique window treatment or other building elements that is not present at other locations on the building.



Cornice. A horizontal molding projecting along the top of a wall, building, etc.



Cornice return (eave return). Also called an eave return, a cornice return is a way to transition the eave and the main fascia board around the gable end of a house.



Dentils. A small, rectangular block used as a repeating ornament, typically found in a series forming a molding, often below a cornice or roofline, resembling a row of teeth.



Distance Between Entries. The horizontal distance between entrances to a building or buildings, measured parallel to the façade.

Divided lite: Individual panes of glass held in place by wood or synthetic material to create a pattern.



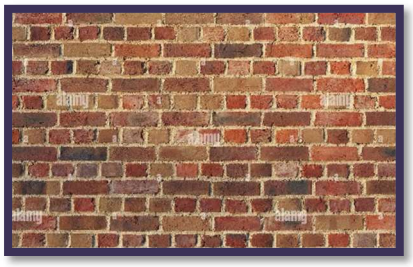
Eave, closed. Eaves with projecting roof members closed from view by boarding.



Eave, open. Overhanging eaves where the rafters are exposed at the eaves and visible from below.



English bond brick pattern. A traditional pattern where alternating courses (rows) of bricks are laid with either the long side (stretcher) or the short end (header) facing outward.

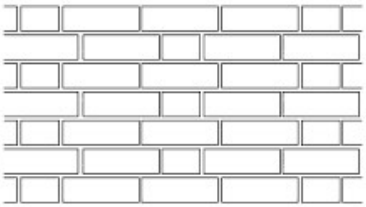


Exterior Insulation and Finish System (EIFS). A non load-bearing, exterior wall cladding system that provides insulation and a finished, water-resistant surface.

Façade. The exterior wall of a building adjacent to a lot line/design site line.

Fiber cement. A composite building material made of cement reinforced with cellulose fibers, often used as a low-maintenance alternative to wood.

Flemish bond brick pattern. A traditional pattern where stretchers and headers are laid alternately in a single course.



Frontage. The building façade abutting a street or public open space.

Gable. A roof form that slopes downward in two opposite directions from a central ridge.



Glazing. Openings in a building in which glass is installed.

Green wall (or living façade). When plants are grown on or against a vertical surface, often a building wall, using a specialized growth medium and irrigation system.



Ground Floor Activation. When buildings provide street facing, publicly accessible, ground floor tenant spaces to support commercial, office, and/or recreational uses on all street-facing building facades. Ground floors shall not contain residential living units but may provide ground floor spaces for various private residential services and amenities, primarily on non-street facing building facades.

Lintel. A horizontal member designed to support the wall above it, such as above an opening.



Modillions. An ornamental, horizontal bracket or console, typically found in series beneath a cornice. More horizontal in shape and smaller than a corbel.



Mullion. Horizontal or vertical bar providing structural support between windows.

Muntin. Pieces of non-glazing material to secure multiple panes of glass, or lites, within a window. Muntins serve to articulate glazing divisions.



Parapet wall. A low wall along the edge of a roof or the portion of a wall that extends above the roof line.



Pediment. A triangular or arched element above the lintel or entablature of a door or window.

Pilaster. A column engaged to and projecting from a wall.



Pitch. The slope of a roof expressed as vertical rise per measure of length.

Porte cochere. A covered entrance large enough for vehicles to pass through, that opens into a courtyard or parking area.



Primary material. The main materials that form the structural components, foundation, and envelope of a building. Primary materials often comprise 75% or more of a building's façade.

Primary street. The main road, street, or arterial route that serves a project site.

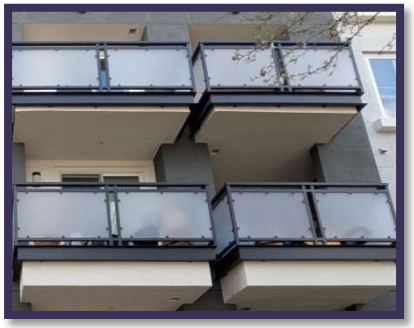
Rafter tails. The portion of the rafter that hangs over the wall and is visible on the exterior of the building.



Railing, horizontal.



Railing, panel.



Railing, mesh (perforated).



Recessed entry. An entrance to a building that is set back from the façade of the building.

Roof plane. The surface of the roof. It could be flat, pitched, or on an angle.

Roof, gabled. A roof having a gable at one or both ends; a roof sloping downward in two opposite directions from a central ridge, forming a gable at each end.



Roof, hipped. A roof that slopes upward from all four sides of a building, requiring a hip rafter at each corner.



Sash. The movable part of a window made of the frame that holds the glass.

Shingle. A small thin piece of building material often with one end thicker than the other for laying in overlapping rows as a covering for the roof or sides of a building.



Shopfront (Storefront). The majority portion of a shopfront frontage that consists of the display window or entrance and its components, including windows, doors, transoms, and sill pane.

Shutter. Each of a pair of hinged panels, often louvered, fixed inside or outside a window that can be closed for security or privacy or to keep out light.

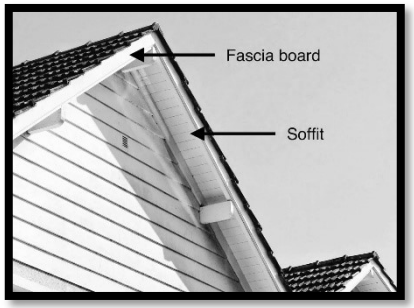
Sidelight. A glazed panel at the side of a doorway.



Sill. The horizontal exterior member at the bottom of a window or door opening, usually sloped away from the bottom of the window or door for drainage of water and overhanging the wall below.



Soffit. The underside of a roof overhang (eave) or any architectural structure like archways, balconies, or staircases, typically covering the exposed underside of rafters or other structural elements.



Soldier course (or sailor course). A row of bricks laid vertically with their narrow edge exposed, often used for decorative or accent purposes, like around door or window openings.



Trim. A narrow strip of wood, moulding, or other material as a surface decoration or the covering for joints and seams between building structure and window and door openings, or at wall edges.

Wainscot. A style of wall paneling, typically made of wood, brick, or stone, that covers the lower portion of a wall.



Wall plane. A vertical surface defined by the façades of buildings.

Window, accent. A window typically smaller in its dimensions and occurring less frequently than a typical window.



Window, awning. A window with one or more sashes hinged horizontally along the top rail.



Window, bay. A window space projecting outward from the main walls of a building and forming a bay in a room. Typically consists of a central windowpane (fixed sash), flanked by two or more smaller windows that can be a fixed pane or operable.



Window, casement. A window with at least one sash hinged to swing open.



Window, double hung. A window with two sashes arranged one above the other, both of which are moveable in the vertical direction.



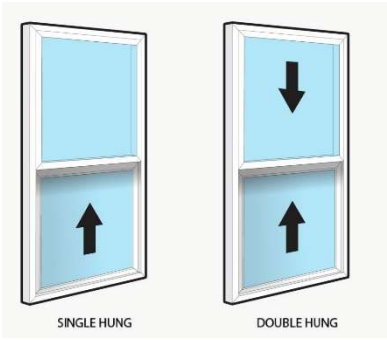
Window, fixed. A window or part of one that cannot be moved or opened.

Window, ganged or grouped. An opening composed of multiple, grouped typical windows, of which one may be a fixed or picture window.



Window, picture. A fixed window designed to take advantage of a view by reducing visual obstruction. Picture windows do not have glazing division.

Window, single hung. A window with two sashes arranged one above the other, one of which is moveable in the vertical direction.



Window, transom. A transom window is used above another window or entry door but can't open. They are usually as wide as the window or door (or as wide as the door and the sidelights). They can be square (rectangular), round top, or elliptical.



Window, typical. A regular recurring window (i.e., size or lite pattern) on a façade.

Wing wall. A smaller wall attached or next to a larger wall or structure.

REFERENCES AND CREDITS



REFERENCES

Field Guide to American Houses, Virginia Savage McAlester

PHOTO CREDITS

Photo 5 on page 22: https://jla-ap.com/project/prado/

Photos 4 and 6 on page 31: https://www.cbre.com/properties/properties-for-lease/office/details/US-SMPL-162377/the-mercantile-802-harney-street-omaha-ne-68102

and https://www.apartments.com/brickline-at-the-mercantile-omaha-ne/blv7pz9/#blv7pz9-0-photos

Illustrative page 43: https://focus-es.com/the-benefits-of-podium-style-buildings/

Illustrative page 45: https://www.base-4.com/podiums-vs-wraps-which-to-choose/

Photo page 70: https://www.apartments.com/legacy-at-livermore-livermore-ca/wjkdggh/#wjkdggh-0-photos

Photo page 91: https://deepstreamdesign.com/screen-wall/commercial-screen-walls-and-enclosures/

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Kristi Bascom, Shute, Mihaly & Weinberger LLP

Jake Potter, City of Livermore

Turhan Sonmez, City of Livermore

GRAPHIC DESIGN CREDIT

Black and white line drawings in **Section 2: Architectural Styles** and annotated graphic images in **Section 5: Universal Objective Design Standards** prepared by PlaceWorks

Colored building renderings of architectural styles generated by ChatGPT

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CITY OF LIVERMORE CALIFORNI

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT CODE AMENDMENT (DCA) 23-001 FOR A COMPREHENSIVE HOUSING UPDATE TO THE LIVERMORE DEVELOPMENT CODE

The City initiated an application recommending approval of Development Code Amendment (DCA) 23-001 to repeal Development Code sections 6.02.030 Density Bonus, 6.03.060 Emergency Shelters, 6.03.070 Farmworker Housing, 6.03.080 Mobile Homes and Mobile Home Parks, 6.03.120 Accessory Dwelling Units, and 10.06.050 Affordable Housing, and adopt a new Part 11 Housing chapter in the Development Code pertaining to all forms of housing, including these topics ("Project").

On June 3, 2025 the Planning Commission held a duly noticed public hearing to consider the Project and 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 meeting, 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, with respect to DCA 23-001, the Planning Commission of the City of Livermore finds based on the information presented:

1. The amendment is internally consistent with all other provisions of the General Plan; and

   Response: This Project implements the City's General Plan Housing Element and ensures local development standards and regulations comply with state housing laws.

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

   Response: This Project ensures the City's local development standards are in compliance with state laws and are consistent with the Livermore Housing Element.

BE IT FURTHER RESOLVED that the Planning Commission 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 Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based upon the Planning Commission's independent review of the Record Evidence and considerations, the Planning Commission recommends that the City Council repeal Development Code sections 6.02.030 Density Bonus, 6.03.060 Emergency Shelters, 6.03.070 Farmworker Housing, 6.03.080 Mobile Homes and Mobile Home Parks, 6.03.120 Accessory Dwelling Units, and 10.06.050 Affordable Housing and approve Development Code Amendment (DCA) 23-001, for the new Part 11 Housing chapter in the Development Code, attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, 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 _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of June 3, 2025, by the following vote:

AYES:
NOES:
ABSENT:

Yolanda Fintschenko, Chairperson

by Steve Riley, Planning Manager
Secretary to the Planning Commission

EXHIBIT A – Part 11 Housing

Chapter 11.10: Introduction

Sections:

11.10.010 Purpose and Applicability

11.10.010 Purpose and Applicability

A. Part 11 provides the regulations and standards for, and guidance on the review and processing of applications for multifamily and mixed use residential development projects, and other housing types.

B. Part 11 sets forth the objective development, design, and operating standards for specific types of multifamily residential and mixed use development projects in residential and commercial areas.

C. The land uses and activities covered by Part 11 shall comply with the provisions of this Part and all other applicable provisions of this Development Code.

D. In the event of any conflict between the requirements of Part 11 and those of Part 3 (Specific to Zones), Part 4 (General to Zones) or Part 5 (Building Types), the requirements of Part 11 shall control.

E. Part 11 was developed with the intent to summarize the requirements of various California State Government Code sections related to the development of housing. In the event of ambiguities, gaps, or conflict between State statutes and any of chapters of this Part, State statutes shall govern.

Chapter 11.20: Definitions

Sections:

11.20.010 Purpose
11.20.020 Definitions of Specialized Terms and Phrases

11.20.010 Purpose

This Chapter provides definitions of terms and phrases used in Part 11, Housing, that are technical or specialized, or that may not reflect common usage. If any of the definitions in this Chapter conflict with definitions in other provisions of the Development Code or Municipal Code, these definitions shall control for the purposes of how the term or phrase should be defined in relation to Part 11, Housing. If a word is not defined in this Chapter, or in other provisions of the City of Livermore Development Code or Municipal Code, the Director shall determine the correct definition. The Mixed-Use and Multifamily Objective Design Standards (MODS) has a glossary of terms applicable to building and site design.

11.20.020 Definitions of Specialized Terms and Phrases

For the purpose of this chapter, the following terms and phrases shall be defined as follows:

A. **Accessory Dwelling Unit (ADU).** An attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An ADU also includes an efficiency unit or a manufactured home, as defined in Section 18007 of the Health and Safety Code. (Gov't Code 66313)

B. A person "**Acting in Concert with the Owner**," means a person that has common ownership or control of the subject parcel with the owner of the adjacent parcel, or a person acting on behalf of, acting for the predominant benefit of, acting on the instructions of, or actively cooperating with, the owner of the parcel being subdivided. As used here, "common ownership or control" means that the property is owned or controlled by the same person, persons, or entity, or by separate entities in which any shareholder, partner, member, or family member of an investor of the entity owns ten percent or more of the interest in the property.

C. **Adjacent Parcel**. Any parcel of land that is (1) touching the parcel being subdivided at any point; (2) separated from the parcel being subdivided at any point only by a public right-of-way, private street or way, or public or private utility, service, or access easement; or (3) separated from the parcel being subdivided only by other real property which is in common ownership or control of the applicant.

D. **Affordable Housing**. Housing is considered affordable if it does not exceed a specified percentage of a household's income, depending on the income level,

and provided at an "affordable housing cost" as defined in Health and Safety Code § 50052.5 or "affordable rent" as defined in Health and Safety Code § 50053.

E. **Affordable to Low-Income or Very-Low-Income Households**. Being of a condition in which sales prices or rental rates for a housing development conform with the current "City of Livermore Affordable Housing Sales Prices and Rental Rates," established annually by resolution of the City Council.

F. **Agricultural Employee Housing**. Includes any dwellings, living quarters, or accommodations provided specifically for agricultural employees, which is any person employed in agriculture, as defined by California Labor Code Section 1140.4(b), which includes farming, dairying, horticulture, viticulture, and related agricultural work. (Health and Safety Code §17008)

G. **Approved Nonprofit Housing Group**. A nonprofit corporation, or a housing authority, with the mission to provide quality affordable housing and has entered into an agreement with the City to rent affordable rental units to very-low- and low-income households at a cost that does not exceed maximum monthly rental rates for those households consistent with the requirements of Chapter 11.70, Affordable Housing.

H. **Area Median Income**. The median household income, adjusted for family size, established and published annually by the United States Department of Housing and Urban Development (HUD) for a metropolitan area or nonmetropolitan county. (Health and Safety Code § 50093)

I. **Architectural Style**. An architectural style is a classification of buildings, based on a set of characteristics and features, including overall appearance, arrangement of the building's components, method of construction, building materials used, form, size, structural design, and regional character, as identified by the American Institute of Architects (AIA).

J. **Car Share Vehicle.** A motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization and provides hourly or daily service. (California Vehicle Code, specifically Section 22507.1**)**

K. **Commercial Corridor**. A highway, that is not a freeway (as defined in Section 332 of the Vehicle Code) that has a right-of-way of at least 70 and not greater than 150 feet. (Gov't Code § 65912.101)

L. **Commercial to Residential Adaptive Reuse.** The process of converting existing commercial buildings (such as office buildings, malls, hotels, or industrial structures) into residential housing units.

M. **Complete Independent Living Facilities.** Describes a unit that has a separate entrance and provides permanent provisions for living, sleeping, cooking, and sanitation independent of another structure or unit. (Gov't Code § 65852.2)

N. **Coordinated Entry System**. As related to Low Barrier Navigation Centers, means a centralized or coordinated assessment system designed to coordinate

program participant intake, assessment, and referrals. (Developed pursuant to Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020)

O. **Dedicated to Industrial Use**. At least one of the following criteria apply:

1. The property is presently utilized for industrial purposes.
2. The most recently permitted use of the property was for industrial uses.
3. The site was designated for industrial use in the latest version of the general plan adopted before January 1, 2022.

P. **Density Bonus.** The increase in the number of residential units that a developer is allowed to build beyond the maximum permitted by local zoning ordinances. This bonus is granted when a developer agrees to include a specified percentage of affordable housing units for lower-income, very low-income, moderate-income, or senior households within the project. (Gov't Code § 65915)

Q. **Density Bonus, "Super".** Assembly Bill 1763 is often referred to as the "Super Density Bonus" because the bill allows for up to an 80% density bonus for 100% affordable housing projects meeting certain criteria, and the density bonus units would also have to be affordable. AB 1763 projects that are located within a half mile of a major transit stop are also allowed a height increase of up to three stories or 33 feet. Furthermore, this bill also eliminated any parking requirements for a qualifying project and grants an additional concession or incentive to the housing developer.

R. **Density Bonus Housing Agreement.** A legally binding agreement between a local government (city or county) and a developer that governs the provision of affordable housing units in exchange for a density bonus, concessions, incentives, waivers, or parking reductions. (Gov't Code § 65915)

S. **Efficiency Unit.** A residential unit that: (Health and Safety Code § 17958.1)

1. Has a minimum area of 150 square feet (excluding a bathroom).
2. Includes a bathroom and a kitchen or an efficiency kitchen, which typically consists of: a sink, cooking appliances, a refrigerator, a food preparation counter, and storage cabinets.
3. May not be required to have separate rooms aside from the bathroom.

T. **Emergency Shelter**. Housing with minimal supportive services for persons experiencing homelessness that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay. **(**Gov't Code § 65582(d))

U. **Extremely Low Income Household**. Household whose income does not exceed the qualifying limits for extremely low income families as established and amended from time to time pursuant to Section 8 of the United States Housing

Act of 1937. "Extremely Low Income" is typically defined as being below 30% of area median income, adjusted for family size and revised annually.

V. **Ground Floor Activation**. When buildings provide street facing, publicly accessible, ground floor tenant spaces to support commercial, office, and/or recreational uses on all street-facing building facades. Ground floors shall not contain residential living units but may provide ground floor spaces for various private residential services and amenities, primarily on non-street facing building facades.

W. **Heavy Industrial Use.** A source, other than a Title V source, that is subject to permitting by an air pollution control district, or an air quality management district created or continued in existence pursuant to provisions of Part 3 (commencing with Section 40000) of the Health and Safety Code.

X. **High-Quality Transit Corridor.** A corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. (Public Resources Code § 21155)

Y. **Household.** All persons occupying a housing unit, regardless of their relationship, who share common living arrangements.

Z. **Housing Development Project.** Means a use consisting of any of the following: **(**Gov't Code § 65589.5(h)(2))

1. Residential units only.
2. Mixed-use developments that include residential units and are subject to certain requirements.
3. Transitional housing or supportive housing.

AA. **Incentives (or Concessions)**. In relation to density bonus, refers to: (Gov't. Code § 65915(k))

1. A reduction in site development standards or modification of zoning code requirements (such as setbacks, height restrictions, or parking requirements);
2. Approval of mixed-use zoning in conjunction with a housing development, even if the zoning code does not normally permit it, if it helps the development economically; or
3. Any other regulatory incentive or concession proposed by the applicant or the city/county that results in identifiable cost reductions for affordable housing units.

BB. **Independent Institution of Higher Education.** Non-public higher education institutions that grant undergraduate degrees, graduate degrees, or both, and that are formed as nonprofit corporations in California and are accredited by an agency recognized by the United States Department of Education. (CA Education Code § 66010)

CC. **Industrial Use.** Utilities, manufacturing, transportation storage and maintenance facilities, and warehousing uses. This definition, as it relates to State housing law and the California Government Code, does not include power substations or utility conveyances such as power lines, broadband wires, and pipes.

DD. **Individual Dwelling Unit Format**. Emergency shelter providing separate private units for individuals or households.

EE. **Junior Accessory Dwelling Unit (JADU).** A residential dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure. (Gov't. Code § 66313)

FF. **Light Industrial Use.** A use that is not subject to permitting by an air pollution control district or an air quality management district created or continued in existence pursuant to provisions of the California Health and Safety Code.

GG. **Living Area.** The interior habitable area of a dwelling unit, including basements and attics, but does not include a garage or any accessory structure. **(**Gov't Code § 66313)

HH. **Low Barrier Navigation Center.** A Housing First, low-barrier, service-enriched shelter focused on quickly moving people into permanent housing. It provides temporary living facilities while case managers connect individuals experiencing homelessness with resources such as income, public benefits, health services, permanent housing, or other supportive services. A Low Barrier Navigation Center may be non-congregate and relocatable. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following: **(**Gov't Code § 65660)

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.
2. Pets.
3. The storage of possessions.
4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

II. **Low Income Household**. Household whose income does not exceed the qualifying limits for low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. "Low Income" is typically defined as being within the range of 50-80% of area median income, adjusted for family size and revised annually.

JJ. **Lower Income Household**. Household whose income does not exceed the qualifying limits for lower income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. The

limits shall be published by the department in the California Code of Regulations as soon as possible after adoption by the Secretary of Housing and Urban Development. In the event the federal standards are discontinued, the department shall, by regulation, establish income limits for lower income households for all geographic areas of the state at 80 percent of area median income, adjusted for family size and revised annually. (Health and Safety Code § 50079.5)

KK. **Major Transit Stop**. Means a site containing any of the following: **(**Public Resources Code § 21064.3)

1. An existing rail or bus rapid transit station;
2. A ferry terminal served by either a bus or rail transit service; or
3. The intersection of two or more major bus routes with a frequency of service interval of 20 minutes or less during the morning and afternoon peak commute periods.

LL. **Management Services**. Property management services for affordable housing projects, as determined appropriate by the Housing and Human Services Division.

MM. **Manufactured Home.** A structure that was constructed on or after June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected on site, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Manufactured home" includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974. **(**Health and Safety Code § 18007)

NN. **Mobile Home**. A structure that was constructed prior to June 15, 1976, is transportable in one or more sections, is eight body feet or more in width, or 40 body feet or more in length, in the traveling mode, or, when erected onsite, is 320 or more square feet, is built on a permanent chassis and designed to be used as a single-family dwelling with or without a foundation system when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. "Mobile home" includes any structure that meets all the requirements of this paragraph and complies with the state standards for mobile homes in effect at the time of construction. "Mobile home" does not include a commercial modular, as defined in Health and Safety Code § 18001.8, factory-built housing, as defined in §19971, a manufactured home, as defined in §18007, a multifamily manufactured home, as defined in §18008.7, or a recreational vehicle, as defined in §18010. **(**Health and Safety Code § 18008)

OO. **Mobile Home Park**. Any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes, mobile homes, or recreational vehicles used for human habitation. The rental paid for a manufactured home, a mobile home, or a recreational vehicle shall be deemed to include rental for the lot it occupies. This subdivision shall not be construed to authorize the rental of a mobile home park space for the accommodation of a recreational vehicle in violation of § 798.22 of the Civil Code. **(**Health and Safety Code § 18214)

PP. **Moderate Income Household**. Household of low or moderate income whose income exceeds the income limit for lower income households. "Moderate Income" is typically defined as being within the range of 80-120% of area median income, adjusted for family size and revised annually. (Health and Safety Code § 50093)

QQ. **Multifamily**. A residential use with more than one primary unit on a single parcel. May be for sale, for rent, attached, or detached.

RR. **Neighborhood Plan**. For a site within a neighborhood plan area, the neighborhood plan applicable to the site permits multifamily housing development on the site.

SS. **Notice of Intent**. Form of a preliminary housing development application that includes all of the information described in Gov't Code § 65941.1, as that section read on January 1, 2020.

TT. **Objective Zoning Standards, Objective Subdivision Standards, and Objective Design Standards.** Standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and the public official before submission. (Gov't Code § 65913.4)

UU. **Primary Dwelling Unit**. The main residential structure or dwelling unit on a parcel. Typically used in the context of differentiating the main residence from an ADU or JADU on the same parcel.

VV. **Qualified Urban Use**. Any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. (Public Resources Code § 21072)

WW. **Religious Institution.** An institution owned, controlled, and operated, and maintained by a bona fide church, religious denomination, or religious organization composed of multidenominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation or as a corporation sole pursuant to the Corporations Code. (Gov't Code § 65913.16)

XX. **Reserved Unit.** A dwelling unit set aside or dedicated to satisfy the affordable housing requirement consistent with Chapter 11.70, Affordable Housing.

YY. **Restricted Unit.** A unit which is affordable to very-low or low-income households as defined in the housing element of the City of Livermore General Plan and where an affordability covenant is recorded against the property.

ZZ. **Senior Housing.** A residential development for individuals aged 55 and older (or 62 and older in certain cases).

AAA. **Set Aside Unit.** A dwelling unit set aside for sale or rental at an affordable price, which conforms to the requirements of the City's Affordable Housing requirements.

BBB. **Single Room Occupancy Unit**. A type of housing characterized by individual units, typically ranging from 150 to 400 square feet, that may include a kitchen and/or bathroom, and are intended for occupancy by no more than two persons. These dwelling units shall be offered on a monthly basis or longer.

CCC. **Single Family**. A residential use with one primary unit on a single parcel. May be for-sale, for-rent, attached, or detached.

DDD. **Single-Family Residential Zoning District**. Any zoning district as defined in Part 3 of the City's Development Code for which single-family residences are the only dwelling units allowed, including, without limitation, the R-R, R-S, and R-L zoning districts. This definition also applies to any area covered by a PD (Planned Development) or a PUD (Planned Unit Development) zoning district for which single-family residences are the only dwelling units allowed and which does not allow two-family residences or multifamily residences.

EEE. **Specific Adverse Impact**. A significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions, as they existed on the date the application was deemed complete.

FFF. **Substantially Surrounded**. Whereby at least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report was certified. (Public Resources Code § 21159.25)

GGG. **Sufficient for Separate Conveyance**. Whereby each attached or adjacent dwelling unit is constructed in a manner adequate to allow for the separate sale of each unit in a common interest development as defined in Civil Code § 4100 (including a residential condominium, planned development, stock cooperative, or community apartment project), or any other ownership type in which the dwelling units may be sold individually.

HHH. **Supportive Housing**. Housing with no limit on the length of stay, that is occupied by the target population, and is linked to on-site or off-site services

that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Supportive housing can include nonresidential uses and administrative office space that is used for providing on-site services. The target population for supportive housing includes people with low incomes and one or more of the following characteristics: (Health Safety Code § 50675.14)

1. Homeless individuals, youth, and families;
2. People with disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions;
3. Individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act;
4. Individuals exiting institutional settings, such as jails, hospitals, prisons, and institutes of mental disease; or
5. Veterans.

III. **Supportive Services**. Services that include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employment services, and benefits advocacy (Gov't Code § 65582).

JJJ. **Tiny Home Project**. A project that includes more than one affordable residential unit that is reserved for individuals and families making less than average median income. The residential units on the project site must include all of the following features:

1. Each unit provides complete independent living facilities for one or more persons and shall include permanent provisions for living, sleeping, eating, cooking, and sanitation;
2. All units are detached from one another and freestanding;
3. Each unit is less than 500 square feet in size; and
4. Each unit is not a Mobile Home.

KKK. **Title V Industrial Use**. A use that is only a stationary source required by federal law to be included in an operating permit program established pursuant to Title V of the federal Clean Air Act (42 U.S.C. Secs. 7661 to 7661f, incl.) and the federal regulations adopted pursuant to Title V.

LLL. **Transitional Housing.** Buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (Gov't Code § 65582(g))

MMM. **Two-Unit Residential Development**. A housing project that allows for the construction of up to two primary residential units on a single-family zoned lot, provided that the development meets specific criteria as outlined in Gov't Code § 65852.21.

NNN. **Urban Lot Split**. a ministerial (i.e., non-discretionary) approval process that allows a property owner to subdivide a single-family residential lot into two separate parcels. This process is intended to facilitate the development of additional housing within urban areas. (Gov't Code § 66411.7)

OOO. **Very Low Income Household**. Household whose income does not exceed the qualifying limits for extremely low income families as established and amended from time to time pursuant to Section 8 of the United States Housing Act of 1937. "Very Low Income" is typically defined as being within the range of 30-50% of area median income, adjusted for family size and revised annually.

PPP. **Very Low Vehicle Travel Area**. An urbanized area, as designated by the United States Census Bureau, where existing residential development generates vehicle miles traveled (VMT) per capita that is below 85 percent of either regional or city VMT per capita. (Gov't Code § 65589.5)

Chapter 11.30: Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs)

Sections:

11.30.010 Purpose and Enabling Authority
11.30.020 ADU Typology
11.30.030 Circumstances Under which Compliance is Not Required
11.30.040 Quantity of ADU or JADU Units Allowed
11.30.050 General Regulations for ADUs
11.30.060 Objective Development Standards for ADUs
11.30.070 Objective Design Standards for ADUs
11.30.080 General Regulations for JADUs
11.30.090 ADU and JADU Application Review and Approval
11.30.100 Impact Fee Waiver
11.30.110 Compliance with Building Codes
11.30.120 Energy Use and Generation
11.30.130 Density
11.30.140 Severability

11.30.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to provide an opportunity for the development of small units, to provide relatively affordable housing for low- and moderate-income individuals and families, to provide economic support for resident families, and to provide additional residential units in the City while still maintaining the residential character of the surrounding neighborhoods. This Chapter summarizes the requirements of Gov't Code § 66310 through § 66342 governing ministerial and streamlined approval of Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) and supplements these requirements with guidelines and procedures for processing applications under this law.

B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 66310 through § 66342. In the event of any conflict between Gov't Code § 66310 through § 66342 and this Chapter, Gov't Code § 66310 through § 66342 shall govern.

11.30.020 ADU Typology

There are four types of ADUs:

A. **Conversion ADU**. A new residential unit created by converting existing square footage in the primary dwelling unit or in accessory structure on a parcel.

B. **Attached ADU**. A new residential unit that expands the size of an existing or proposed primary dwelling unit.

C. **Detached ADU**. A new residential unit that is free-standing and physically separated from the primary dwelling unit.

D. **JADU**. A new residential unit created by converting up to 500 feet of space contained entirely within a single-family primary dwelling unit, or its attached and enclosed garage. Regulations specific to JADUs are set forth in Section 11.30.080.

11.30.030 Circumstance Under Which Compliance is Not Required.

A. Under no circumstance shall a requirement of this Chapter prohibit the development on one lot of one of the following:

1. One JADU and either:
    a. One Conversion ADU, or
    b. One 800 square foot Detached ADU with at least four-foot side and rear yard setbacks, that meets the height requirements of this Chapter.
2. Units as allowed in Section 11.30.040(B)

B. Standards that prohibit the development described in this section shall be relaxed only to the degree needed to allow the development. All other standards shall continue to comply.

11.30.040 Quantity of ADU or JADU Units Allowed

A. **Single Family Dwelling Unit.** For lots with an existing primary dwelling unit, one or all of the following shall be permitted:

1. One Conversion ADU,
2. One Detached or Attached ADU;
3. One JADU.

B. **Multifamily Unit(s).**

1. Existing Multifamily Dwelling. For lots with an existing multi-family dwelling, one or both (a. and b. below) of the following shall be permitted:
    a. Up to eight Detached ADUs, but shall not exceed the number of existing units on the lot;
    b. A quantity of Conversion ADUs equal to 25% of the total number of existing units, but not less than one.
        i Conversion ADUs are permitted in areas not currently used as livable space (e.g. storage rooms, boiler rooms, attics).

ii Each Conversion ADU shall comply with Building Code standards for dwellings.

iii For any fractional Conversion ADUs, quantity of units shall be rounded down to the nearest whole number.

2. Proposed Multifamily Dwelling. For lots with a proposed multi-family dwelling, not more than two Detached ADUs.

11.30.050 General Regulations for ADUs

A. **Approval Process.** ADUs shall be permitted ministerially and without discretionary review, subject to the requirements of Section 11.30.090 of this Chapter.

B. **Occupancy and Conveyance.**

1. There are no owner-occupancy requirements for an ADU.

2. No ADU shall be rented for a period less than 30 days.

3. Except as provided in Gov't Code § 66341, ADUs shall not be sold or otherwise conveyed separately from the primary dwelling unit nor shall any subdivision of the land separating the ADU and the primary structure be permitted.

4. No certificate of occupancy for an ADU shall be issued before a certificate of occupancy has been issued for the primary dwelling unit.

C. **Permitted Locations**. ADUs are permitted on any lot zoned to allow single-family or multi-family residential use that includes an existing or proposed primary dwelling unit, including Single-Family, Multi-Family, Mixed-Use, and residential Planned Development zoning districts, subject to the requirements of this Chapter.

D. **Residential Conversion.** An existing residence may be converted to an ADU in conjunction with development of a new primary dwelling unit, so long as the new primary dwelling unit meets required development standards of the zoning district.

E. **Modifications.** An existing ADU may be enlarged or modified only in accordance with the requirements of this chapter.

11.30.060 Objective Development Standards for ADUs

The following development standards shall apply to ADUs, as specified.

A. **Minimum Unit Size**. An ADU may not be less than 150 square feet in size or the minimum required for an efficiency dwelling unit as defined in Health and Safety Code § 17958.1, as may be amended from time to time.

B. **Maximum Unit Size.**

1. **Detached ADU**.

a. 850 square feet for an ADU with one or fewer bedrooms.

b. 1,000 square feet for an ADU with more than one bedroom.

2. **Attached ADU**. An attached ADU may not exceed 50% of the floor area of an existing or proposed primary dwelling unit on a lot. For the purposes of this section, floor area does not include attached garages or accessory structures. In no case shall this standard restrict an ADU of at least the following sizes:

a. 850 square feet for an ADU with one or fewer bedrooms.

b. 1,000 square feet for an ADU with more than one bedroom.

3. **Conversion ADU**. Maximum unit size is not regulated for a Conversion ADU that is within the space of an existing or proposed primary dwelling unit or accessory structure, except that a Conversion ADU may include an expansion of no more than 150 square feet beyond the same physical dimensions as the existing structure to accommodate ingress and egress to the new ADU, irrespective of underlying zoning standards.

C. **Setbacks.**

1. **Detached ADU.**

a. Front: 15 feet minimum or as required by the underlying zoning district, whichever is less.

b. Side/Rear/Street Side: 4 feet minimum.

2. **Attached ADU.**

a. Front: 15 feet minimum, or as required by the underlying zoning district, whichever is less.

b. Side/Rear/Street Side: 4 feet minimum.

3. **Conversion ADU.**

a. No additional setbacks beyond existing conditions if the setbacks comply with all applicable state and local building codes related to fire and safety. No additional setbacks for ADUs built in the same location and to the same dimensions as a permitted and existing accessory structure with setbacks that are sufficient for fire and safety.

D. **Building Separation**.

1. A Detached ADU shall be at least five feet from all structures on a lot, except:

a. Detached ADUs may be attached to detached garages or other accessory structures.

b. As required by the California Building Code and/or California Residential Code.

E. **Maximum Height**. Height limits established herein shall be measured to the highest point of a structure measured from exterior grade.

1. **Detached ADU**.

a. 16 feet. An additional two feet in height is allowed to accommodate a roof pitch on an ADU to align with the roof pitch of the primary dwelling unit.

b. 18 feet if the ADU is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor. An additional two feet in height is allowed to accommodate a roof pitch on an ADU to align with the roof pitch of the primary dwelling unit.

c. 18 feet if the ADU is on a lot with an existing or proposed multifamily, multistory dwelling.

2. **Attached ADU**.

a. 25 feet or the height limit that applies to the primary dwelling unit, whichever is lower.

3. **Conversion ADU**. Existing conditions remain.

F. **Maximum Lot Coverage and Floor to Area Ratio (FAR).**

1. **Attached or Detached ADU**. Total combined ADU, primary dwelling unit, and attached garage square footage shall not exceed the Lot Coverage or FAR requirements of the underlying zoning district.

2. **Conversion ADU**. No requirements.

G. **Usable Open Space**.

1. **Attached or Detached ADU**. Minimum 10-foot by 10-foot private open space area, directly adjacent to the ADU.

2. **Conversion ADU**. No requirements.

H. **Parking**.

1. One off-street parking space is required for all Attached and Detached ADUs, in addition to the parking required for the Primary Dwelling, except as provided below.

2. ADU parking may be tandem with other ADU parking spaces, but should not block any parking space required for the Primary Dwelling.

3. No parking is required under the following circumstances:

a. When a permit application includes a Conversion ADU(s) or JADU(s).

b. Within one-half mile walking distance of public transit (includes local bus stops and ACE train).

c. Within a historic preservation overlay district or located on a property where the primary residence has a National Register status of 1, 2, or 3 or any property identified as "Significant" or "Potentially Significant" on the City's Historic Resources Inventory.

d. When an on-street parking permit is required but not offered to the occupant of the ADU.

e. When a documented car-share vehicle parking is located within one block.

4. When a garage, carport, covered parking structure, or uncovered parking space is demolished or converted in conjunction with the construction of an ADU or JADU, replacement parking is not required.

5. A garage and ADU may be attached, provided the garage meets all Development Code Accessory Structure standards.

I. **Location**. ADU shall be located to the rear of the primary dwelling unit.

11.30.070 Objective Design Standards for ADUs

A. **Unit Access**.

1. **All ADUs**. Shall have a separate exterior entrance from the primary dwelling.

2. **Detached ADU**. Access shall not be on a street-facing elevation.

3. **Attached ADU or Conversion ADU**. Access shall not be on the front elevation of the primary dwelling unit.

4. **Attached ADU**. May have, but is not required to have, an interior entry to the primary dwelling unit, so long as the entry contains a lockable door on each side.

B. **Stairways**. New stairways shall be completely enclosed as part of the interior of the structure, except for an existing stairway. All enclosed stairways shall be counted towards the ADU's floor area.

C. **Privacy**. New balconies, roof decks, and decks over two feet above grade are prohibited.

D. **Materials and finishes**.

1. **Detached ADU**. Building roof materials, exterior finish material, and exterior color shall match the existing or proposed primary dwelling unit, and the building roof form and window and door type shall be architecturally compatible to the existing or proposed primary dwelling

unit. (For example, if the primary dwelling contains a shingle roof and lap siding, then the ADU shall contain a shingle roof and lap siding.)

2. **Attached ADU**. Building roof materials, exterior finish material, and exterior color shall match the existing or proposed primary dwelling unit, and the building roof form and window and door type shall be architecturally compatible to the existing or proposed primary dwelling unit. (For example, if the primary dwelling contains a shingle roof and lap siding, then the ADU shall contain a shingle roof and lap siding.).

3. **Conversion ADU**. Not applicable.

E. **Historic Resources**. The following additional standards apply to properties identified as "Significant" or "Potentially Significant" on the City's Historic Resources Inventory.

1. Attached ADUs are prohibited.

2. A Certificate of Appropriateness shall not be required to approve or deny an ADU or JADU. However, modifications to the historic resource shall be ministerially evaluated through the ADU Building Permit using the practices outlined in Chapter 9.02 of this Development Code.

11.30.080 General Regulations for JADUs

A. **Approval Process.** JADUs shall be permitted ministerially and without discretionary review, subject to the requirements of Section 11.30.090 of this chapter.

B. **Occupancy and Conveyance**

1. Owner-occupancy is required in the structure in which a JADU is permitted. The owner may reside in either the primary dwelling unit portion of the structure or the JADU. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

2. No JADU shall be rented for a period less than 30 days.

3. JADUs shall not be sold or conveyed separately from the primary dwelling unit.

4. No certificate of occupancy for a JADU shall be issued before a certificate of occupancy has been issued for the primary dwelling unit.

C. **Location.** A JADU shall be contained entirely within an existing or proposed primary dwelling unit.

D. **Size**

1. A JADU shall not exceed 500 square feet in size.

2. A JADU shall not be less than 150 square feet in size or the minimum required for an efficiency dwelling unit as defined in Health and Safety Code Section 17958.1, as may be amended from time to time.

E. **Utilities and Facilities**

1. All utilities shall be shared with the primary dwelling unit, no separate meters or panels are permitted.

2. Sanitation facilities, such as bathrooms and sinks, may be shared with the primary dwelling unit, or the JADU may include separate sanitation facilities.

F. **Entrances**

1. A separate exterior entrance to the JADU is required and may not be on the front elevation of the primary dwelling unit.

2. A JADU may include an interior entry to the primary dwelling unit. A second interior door may be included for sound attenuation. If a permitted JADU does not include its own separate sanitation facilities, the JADU shall include an interior entry to the primary dwelling unit to share sanitation facilities, and the sanitation facilities shall be accessible by the JADU resident.

G. **Kitchen.** A JADU shall include an efficiency kitchen as defined by Gov't Code Section 66333, which shall include all of the following:

1. A sink, cooking appliances, a refrigerator, a food preparation counter, and storage cabinets.

H. **Deed Restriction.**

1. A deed restriction, which shall run with the land, shall be filed with the City, and shall include:

   a. A statement that the sale of the JADU separate from the sale of the primary dwelling unit is prohibited,

   b. A statement that the deed restriction may be enforced against future purchasers,

   c. A statement that owner-occupancy is required in the structure in which a JADU is permitted. This is not required if the owner of the primary dwelling is a governmental agency, land trust, or housing organization, and

   d. A statement restricting the size and attributes of the JADU to those permitted by State Law.

2. The deed restriction document shall be submitted with the initial building permit application and shall be recorded with the Alameda County Recorder prior to the final building inspection.

I. **Parking.** No off-street parking space is required for a JADU.

J. **Address.** A separate address shall not be issued for any JADU.

11.30.090 ADU and JADU Application Review and Approval

A. **Approval Timelines**

1. If there is a primary dwelling unit or multi-family dwelling unit on the lot, an application for an ADU or JADU shall be approved or denied ministerially without discretionary review or a hearing.

2. The application shall be processed within sixty (60) days after receiving a complete application unless the applicant requests a delay.

3. If the application for the ADU or JADU is proposed in conjunction with an application for a new primary dwelling unit, the application shall be processed after the application for such primary dwelling unit.

B. **Pre-Approved Plans.** If an applicant utilizes one of the following plans in their application for a Detached ADU, the completed application shall be ministerially approved or denied within thirty (30) days:

1. A plan for an ADU that has been preapproved by the City within the current triennial California Building Standards Code rulemaking cycle.

2. A plan that is identical to a plan used in an application for a Detached ADU approved by the City within the current triennial California Building Standards Code rulemaking cycle.

C. **Findings of Denial.** If an application for an ADU or JADU is denied, a full set of written comments shall be supplied to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied.

D. **Approval by Inaction.** If a complete application for an ADU or JADU is not approved or denied within 60 days (unless a delay has been requested by the applicant), the application shall be deemed approved.

E. **Building Permit Required.** ADUs and JADUs require a building permit issued in conformance with all Building Codes and this chapter.

F. **Demolition Permit.** A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.

11.30.100 Impact Fee Waiver

No impact fee shall be assessed upon the development of an ADU less than seven hundred fifty (750) square feet or any JADU. Impact fees charged for an ADU of seven hundred fifty (750) square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.

11.30.110 Compliance with Building Codes

A. **Fire Sprinklers**

1. Fire sprinklers are required for Attached and Detached ADUs when the primary dwelling unit has fire sprinklers or is required to be fire sprinklered.

2. The construction of an ADU shall not trigger a requirement for fire sprinklers to be installed in the existing primary dwelling unit, unless an attached ADU exceeds 50 percent of the size of the Primary Dwelling Unit.

B. **Foundation Type**. New ADUs must be built on a continuous foundation as prescribed by the building code or a continuous foundation designed by a CA registered engineer. Pre-manufactured ADUs must be anchored to a continuous foundation as prescribed by the building code or anchored to a continuous foundation designed by a CA registered engineer.

C. **Utilities**. All ADU utilities, including water, sewer, and power, shall be connected to the Primary Dwelling Unit. Separate ADU utility connections are not permitted.

D. **Building Code Violations or Non-Conforming Zoning Conditions.** No application to create an ADU or JADU shall be denied due to the presence of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and that are not affected by the construction of the ADU or JADU.

11.30.120 Energy Use and Generation

A. If an ADU is being constructed on a lot with an existing primary dwelling unit that uses natural gas, then the ADU can also connect a natural gas service line. If no natural gas service to the primary dwelling unit exists, no gas service shall be provided to the ADU.

B. Newly-constructed, non-manufactured, detached ADUs are subject to the California Energy Code requirement to provide solar photovoltaic systems (some exceptions apply, Applicant to consult code for confirmation).

11.30.130 Density

An ADU or JADU built in conformance with this chapter does not count toward the allowed density for the lot upon which the unit is located.

11.30.140 Severability

If any section, subsection, clause, or provision of this code is held to be invalid or unenforceable, the remainder of this code shall remain in full force and effect.

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Chapter 11.40: Density Bonus

Sections:

11.40.010 Purpose and Enabling Authority
11.40.020 Applicability
11.40.030 Calculating the density bonus
11.40.040 Additional density bonus allowed
11.40.050 Condominium conversions
11.40.060 Developer incentives or Concessions
11.40.070 Waivers and modifications of development standards
11.40.080 Modified parking standards
11.40.090 Application procedures

11.40.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to comply with State density bonus law, California Gov't Code § 65915 through § 65918), by providing increased residential densities for projects that guarantee that a portion of the housing units will be affordable to very low-, low-, or moderate-income households, senior citizens, transitional foster youth, disabled veterans, homeless persons, students or projects which include childcare facilities.

B. All developments shall be in compliance with Chapter 11.70 (Affordable Housing) for inclusionary housing. However, for the purposes of calculating the number of affordable units required by Chapter 11.70, any additional units authorized as a density bonus under this section will not be counted in determining the required number of inclusionary units.

C. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 65915 through § 65918. In the event of any conflict between Gov't Code § 65915 through § 65918 and this Chapter, Gov't Code § 65915 through § 65918 shall govern.

11.40.020 Applicability

The City shall grant a density bonus not exceeding the maximum allowed under State density bonus law, and incentive(s) or concession(s) described in Section 11.40.060 (Developer Incentives), when an applicant for a residential or senior housing development creating five or more units seeks and agrees to construct at least one of the following categories:

A. **Low-Income Households**. At least 10 percent of the units are designated for low-income households, as defined in Health and Safety Code § 50079.5.

B. **Very Low-Income Households**. At least five percent of the units are designated for very low-income households, as defined in Health and Safety Code § 50105.

C. **Senior Housing**. A senior citizen housing development, as defined in Civil Code §§ 51.3 and 51.12, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Civil Code §§ 798.76 and 799.5. For purposes of this subsection, "development" includes a shared housing building development and a residential care facility for the elderly, as defined in Health and Safety Code § 1569.2.

D. **Moderate-Income Households**. At least 10 percent of the total dwelling units of a

housing development are sold to persons and families of moderate-income, as defined in Health and Safety Code § 50083, provided, that all units in the development are offered to the public for purchase.

E. **Special Populations**. At least 10 percent of the units are designated for transitional foster youth, as defined in Education Code § 66025.9; disabled veterans, as defined in Gov't Code § 18541; or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this category shall be subject to a recorded affordability restriction for 55 years and shall be provided at the same affordability level as very low-income units.

F. **Student Housing.** At least 20 percent of the total units are designated for low-income students in a student housing development meeting the requirements of Gov't Code § 65915(b)(1)(F).

G. **100% Low-Income Households**. 100 percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for low-income households, as defined by Health and Safety Code § 50079.5, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Health and Safety Code § 50053. For purposes of this subsection, "development" includes a shared housing building development.

11.40.030 Calculating the density bonus

A Density Bonus is an increase in density on a property above the maximum density set for the property under the General Plan. The Density Bonus shall be calculated as follows:

A. **Senior Housing**. For housing developments meeting the criteria of Section 11.40.020.C, the density bonus shall be 20 percent of the number of senior housing units.

B. **Student Housing.** For housing developments meeting the criteria of Section 11.40.020.F, the density bonus shall be:

1. 35% when 20% of the total units are designated for low-income students;

2. 38.75% when 21% of the total units are designated for low-income students;

3. 42.5% when 22% of the total units are designated for low-income students;

4. 46.25% when 23% of the total units are designated for low-income students; and

5. 50% when 24% of the total units are designated for low-income students.

C. **100% Low-Income Households.** For housing developments meeting the criteria of Section 11.40.020.G, the density bonus shall be 80 percent of the number of units for low-income households.

1. If the housing development is located within one-half mile of a major transit stop or if the housing development is located in a very low vehicle travel area within a designated county, there are no maximum controls on density.

D. **Very Low, Low, and Moderate-Income Housing**. The density bonus shall be calculated as shown in Table 11.40-1 for very low-, low-, and moderate-income households.

1. All density calculations resulting in fractional units shall be rounded up to the next whole number.

Table 11.40-1: Percentage of Inclusionary Units and Corresponding Density Bonus.					
Very Low-Income Households Earning < 50% AMI*		Low-Income Households Earning < 80% AMI*		Moderate-Income Households Earning >80%-120% AMI*	
Percentage Very Low-Income Units	Percentage Density Bonus*	Percentage Low-Income Units	Percentage Density Bonus*	Percentage Moderate-Income Units	Percentage Density Bonus*
5	20	10	20	10	5
6	22.5	11	21.5	11	6
7	25	12	23	12	7
8	27.5	13	24.5	13	8
9	30	14	26	14	9
10	32.5	15	27.5	15	10
11	35	16	29	16	11
12	38.75	17	30.5	17	12
13	42.5	18	32	18	13
14	46.25	19	33.5	19	14
15	50	20	35	20	15
		21	38.75	21	16
		22	42.5	22	17
		23	46.25	23	18
		24	50	24	19
				25	20
				26	21
				27	22
				28	23
				29	24
				30	25
				31	26
				32	27
				33	28
				34	29
				35	30
				36	31

	37	32
	38	33
	39	34
	40	35
	41	38.75
	42	42.5
	43	46.25
	44	50

*Notes:

-"AMI": Area Median Income

-Applicant may request a Density Bonus ranging from no Density Bonus to the maximum allowed.

11.40.040 Additional density bonus allowed

A project shall be eligible for an increased density bonus described in this subsection pursuant to any of the following options. The additional density bonus shall be calculated using the number of units excluding any density bonus already awarded.

A. **Increased Affordable Percentage.**

1. An additional Density Bonus may be granted to projects that meet the following requirements:

   a. The project shall not exceed 50 percent affordability after the use of the additional Density Bonus.

   b. The project meets the Applicability Requirements specified in Section 11.40.020 and one of the following:

      i Low-Income Households. Provides 24 percent of the total units to low-income households.

      ii Very Low-Income Households. Provides 15 percent of the total units to very low-income households.

      iii Moderate-Income Households. Provides 44 percent of the total units to moderate-income households.

2. Additional units shall be calculated based on the table below:

Table 11.40-2: Percentage of Additional Inclusionary Units and Corresponding Additional Density Bonus.

Percentage Very Low-Income Units	Percentage Density Bonus	Percentage Moderate-Income Units	Percentage Density Bonus
5	20	5	20

6	23.75	6	22.5
7	27.5	7	25
8	31.25	8	27.5
9	35	9	30
10	38.75	10	32.5
		11	35
		12	38.75
		13	42.5
		14	46.25
		15	50

B. **Land donation.**

1. Site Characteristics. An additional Density Bonus may be granted to projects that provide a land donation, prior to the project's Final Map or Parcel Map approval, that meets the following:

   a. Affordability. The site shall provide a quantity of very low-income units equal to at least 10 percent of the project's total units.

   b. Size. The site is at least one acre in size, or of sufficient size to permit development of at least 40 units.

   c. Land Use. The site has a General Plan designation and Zoning classification that allow for the required quantity of affordable units.

   d. Public Utilities. The site is or will be served by adequate public facilities and infrastructure.

   e. Approvals. The site's affordable units are properly entitled through the City.

   f. Location. The transferred land shall be located within the boundary of the proposed development, or if the City agrees, within ¼ mile of the boundary of the proposed development.

   g. Deed Restriction. The transferred land and the affordable housing units shall be subject to a deed restriction, which shall be recorded on the property at the time of transfer, ensuring continued affordability of the units for a term of at least 55 years.

   h. Transfer. The land is transferred to the City or to another housing developer approved by the City. The City may require the applicant to identify and transfer the land to the developer.

   i. Funding Source. A proposed source of funding for the very-low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

2. Density Bonus. The additional Density Bonus shall be calculated as follows:

   a. Baseline. A 15 percent increase above the site's maximum allowed General

Plan density.

b. Increase. For each one percent increase above the minimum 10 percent land donation requirement specified in section B(1)(a), the additional density bonus shall be increased by one percent, up to a maximum of 35 percent density bonus.

c. Bonus Limit. This density bonus shall be in addition to any density bonus mandated by subsection 11.40.030(D) of this section, up to a maximum combined density increase of 35 percent, if the applicant seeks both the increase required under this subsection and the increase under subsection 11.40.030(D) of this section.

C. **Childcare facilities**

1. When an applicant proposes to construct a housing development that conforms to the requirements of section 11.40.020 and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the housing development, the City shall grant either of the following:

   a. Size. An additional density bonus that is an amount of square feet of residential space that is equal to the amount of square feet in the childcare facility; or

   b. Concession/Incentive. An additional concession or incentive designated that would contribute significantly to the economic feasibility of the construction of the childcare facility.

2. The City shall require, as a condition of approving the housing development, that the following occur:

   a. Operation Period. The childcare facility shall remain in operation for a period of time that is as long as, or longer than, the period of time during which the affordable housing units are required to remain affordable pursuant to this section; and

   b. Income Requirement. Of the children who attend the childcare facility, the children of very low-income households, low-income households, and moderate-income households shall equal a percentage that is equal to, or greater than, the percentage of dwelling units that are made affordable to very low-income households, low-income households, or families of moderate-income households.

11.40.050 Condominium conversions

A. **Eligibility**. A condominium conversion project is eligible for a Density Bonus if the project agrees to pay for City administrative costs related to implementing this section and satisfies one of the following:

1. Includes at least 33 percent of its total units restricted to moderate-income households for 55 years; or

2. Includes at least 15 percent of its total units affordable to low-income households for 55 years.

B. **Density Bonus**. If the project meets the eligibility requirements of section 11.40.050(A), the City shall either:

1. Density. Grant a density bonus, increasing the number of residential units by 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion; or

2. Financial Incentives. Provide other incentives of equivalent financial value to be determined by the City. For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require the City to provide cash transfer payments or other monetary compensation, but may include the reduction, or waiver, of requirements that the City might otherwise apply as conditions of conversion approval.

C. **Ineligibility**. An applicant shall be ineligible for a condominium conversion density bonus or other incentives under this subsection if:

1. Previous Density Bonus. The apartments proposed for conversion constitute a residential development project for which a density bonus or other incentives were previously granted under this Section.

2. Existing Affordable Rental Units.

a. The condominium project is proposed on any property that includes a parcel or parcels on which affordable rental dwelling units:

i Currently Exist;

ii Do not currently exist, but were vacated or demolished within the five-year period directly preceding the application; or,

iii Have been:

(a) Subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of low or very low-income;

(b) Subject to any other form of rent or price control through a public entity's valid exercise of its police power; or

(c) Occupied by low or very low-income households, unless the proposed condominium project replaces those units, as defined in Gov't Code § 65915(c)(3)(B), and either of the following applies:

(A) Affordable Units. The proposed condominium project, inclusive of the units replaced pursuant to Gov't Code § 65915(c)(3)(B), contains affordable units at the percentages set forth in Table 11-40-1.

(B) Low-Income Units. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and

occupied by, either a low or very low-income household.

11.40.060 Developer Incentives or Concessions

A. **Eligibility**. When an applicant seeks a density bonus as prescribed by Gov't Code § 65915, the City will grant the number of concessions or incentives as required by this section, unless it makes any of the following findings:

1. The developer concessions or incentives do not result in identifiable and actual cost reductions to provide for affordable housing.

2. The developer concessions or incentives would have a specific, adverse impact, as defined in paragraph Gov't Code § 65589.5(d)(2) upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households.

3. The developer concessions or incentives would be contrary to state or federal law.

Table 11.40-3: Number of Developer Incentives

	Inclusionary Units		
Number of Incentives	Very Low-Income Units	Low-Income Units	Moderate-Income Units in For-Sale Development
1*	5	10	10
2	10	17	20
3	15	24	30
4	16	N/A	45
5	A project meeting the criteria of 11.40.020(G) – Low-Income Households. Additionally, if such a project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.		

* Note: One incentive or concession shall be granted for projects that include at least 20 percent of the total units for low-income students in a student housing development. If a project includes at least 23 percent of the total units for low-income students in a student housing project, the applicant shall instead receive two incentives or concessions.

B. **Developer Incentives or Concessions Defined**.

1. For the purposes of this section, concession or incentive means any of the following:

a. Local Standards. A reduction in site development standards or a modification of zoning code or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and the ratio of vehicular parking spaces than would otherwise be required. Reductions or modifications shall result in identifiable and actual cost reductions to provide for affordable housing costs or rents;

b. Mixed-Use Zoning. Approval of mixed-use zoning if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; and

c. Other Incentives. Other regulatory developer incentives proposed by the developer or the City that result in identifiable and actual cost reductions to provide for affordable housing costs or rents.

11.40.070 Waivers and modifications of development standards

A. **Eligibility**. In accordance with Gov't Code § 65915(e), an applicant may propose a waiver or modification of development standards if they would physically preclude the construction of a development meeting the criteria of section 11.40.020, at the densities and/or with the developer incentives permitted by this section.

1. A proposal for the waiver or reduction of development standards pursuant to this subsection shall neither reduce nor increase the number of developer incentives to which the applicant is entitled pursuant to Section 11.40.060 (Developer Incentives).

2. When a housing development qualifies for a "super" density bonus because it constructs a 100% affordable project and is eligible for an unlimited percent increase in density, the housing development is not further eligible for waivers of development standards beyond the five incentives or concessions for a project allowed in Table 11.40-3 or the allowance of no maximum controls on density.

B. **Grounds for Denial.** In accordance with Gov't Code § 65915(e), the City may deny an applicant's request to waive or modify the City's development standards in any of the following circumstances:

1. The application does not conform with the requirements of this section or Gov't Code §§ 65915-65918.

2. The applicant fails to demonstrate that the City's development standards physically preclude the utilization of a density bonus on a specific site.

3. The waiver or reduction would have a specific, adverse impact, as defined in Gov't Code § 65589.5(d)(2), upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

4. The waiver or reduction would have an adverse impact on any real property that is listed in a National, State, or Local Register of Historic Places.

5. The waiver or reduction would be contrary to State or Federal law.

11.40.080 Modified parking standards

A. **Maximum Parking Ratios**. Upon the request of the applicant, a development meeting the criteria in Section 11.40.020 (Applicability) shall not be required to provide onsite parking that exceeds the following ratios (inclusive of accessible and guest parking):

1. Zero to one bedroom: one on-site parking space.

2. Two to three bedrooms: one and one-half on-site parking spaces.

3. Four and more bedrooms: two and one-half on-site parking spaces.

4. One bedspace in a student housing development: zero parking spaces.

B. **Reduced Parking Ratio**. A vehicular parking ratio that exceeds 0.5 spaces per unit shall not be required for projects that meet all the following:

1. Are located within one-half mile of a major transit stop;

2. Have unobstructed access to the transit stop; and

3. Meet one of the following density requirements:

a. At least 20 percent low-income units for housing developments meeting the criteria of Section 11.40.020.A (Low-Income Households); or

b. At least 11 percent very low-income units for housing developments meeting the criteria of Section 11.40.020.B (Very Low-Income Households); or

c. At least 40 percent moderate-income units for housing developments meeting the criteria of Section 11.40.020.D (Moderate-Income Households)

C. **Eliminated Parking Ratio**. There is no required vehicular parking ratio for projects that:

1. Meet the criteria of Section 11.40.020(G) (100% Low-Income Households) of this Section; and

2. Meet one of the following requirements:

a. Are located within one-half mile of a major transit stop with unobstructed access to the transit stop; or

b. The development is a for-rent housing development for individuals who are 55 years of age or older that complies with Civil Code §§ 51.2 and 51.3 and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day; or

c. The development is either a special needs housing development, as defined in Health and Safety Code § 51312, or a supportive housing development, as defined in Health and Safety Code § 50675.14. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

D. **Major Transit Stop Defined.**

1. A site containing any of the following:

a. An existing rail or bus rapid transit station.

b. A ferry terminal served by either a bus or rail transit service.

c. The intersection of two or more major bus routes with a frequency of

service interval of 20 minutes or less during the morning and afternoon peak commute periods.

E. **Located Within One-Half Mile of a Major Transit Stop Defined.** "Located within one-half mile of a major transit stop" means that any point on a proposed development is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

F. **Unobstructed Access to a Major Transit Stop Defined**. "Unobstructed access to the major transit stop" means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this chapter, "natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

G. **Fractional Parking**. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subsection, a development may meet parking requirements through on-site tandem parking or uncovered parking, but not through on-street parking.

11.40.090 Application procedures

A. **Submittal Requirements**. An application for a density bonus, developer incentive, or waiver or modification of development standards must include the following information:

1. Quantity of Units. The total number of units before the addition of a density bonus, the number of proposed affordable housing units included in the project, and the number of proposed density bonus units;
2. Incentives. The specific developer incentive(s) sought, if any;
3. Waivers. The specific waiver or modification to development standards sought, if any;
4. Documentation. If seeking a developer incentive or waiver, documentation that the incentive will reduce costs and the waiver will physically preclude development;
5. Parking Ratio. The specific vehicular parking ratio requested as allowed by this chapter;
6. Land Donation. If requesting a density bonus based on land donation in accordance with Gov't Code § 65915(g), information sufficient to permit the City to determine that the proposed donation conforms with the requirements of § 65915 and this chapter; and
7. Child Daycare. If requesting a density bonus based on the provision of a childcare facility in accordance with Gov't Code § 65915(h), the application must:
    a. Provide the location of the proposed childcare facility and the proposed operator; and
    b. Agree to operate the childcare facility for a period of time that is as long as or longer than the period of time during which the density bonus units (the units that qualify the development for a density bonus) are required to

remain affordable.

B. **City Determination**. At the time an application for a density bonus is deemed complete, the City shall provide a determination as to the following:

1. Density Bonus. The amount of density bonus for which a development is eligible;

2. Parking Ratio. If the applicant requests a parking ratio modification consistent with section 11.40.080, the ratio for which the applicant is eligible; and

3. Incentives, Concessions, and Waiver. If the applicant requests incentives, concessions, or waivers or reductions in development standards, whether the applicant provided reasonable documentation for the City to make a determination as to those incentives, concessions, or waivers or reductions.

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Chapter 11.50: Two-Unit Residential Developments and Urban Lot Splits

Sections:

11.50.010 Purpose and Enabling Authority
11.50.020 Review Authority
11.50.030 Submittal Requirements
11.50.040 Two-Unit Residential Developments
11.50.050 Urban Lot Splits
11.50.060 Adverse Impacts
11.50.070 City Manager Authority
11.50.080 Project Review and Decision

11.50.010 Purpose and Enabling Authority

The purpose of this Chapter is to summarize the requirements of Government Code Sections 65852.21 and 66411.7, which govern the ministerial and streamlined approval of Two-Unit Residential Developments and Urban Lot Splits, and to supplement these requirements with guidelines and procedures for processing applications under these laws. Government Code Sections 65852.21 and 66411.7, which were originally added to the Government Code by SB 9 (2021), provide for ministerial approval of projects that include up to two detached or attached housing units on one parcel and of certain parcel maps creating two lots.

Ambiguities or gaps in this Chapter shall be resolved first by reference to Government Code Sections 65852.21 and 66411.7. In the event of any conflict between Government Code Sections 65852.21 and 66411.7 and this Chapter, Government Code Sections 65852.21 and 66411.7 shall control.

11.50.20 Review Authority

A. **Two-Unit Residential Developments.** The Building Official shall ministerially review Two-Unit Residential Development applications.

B. **Urban Lot Splits.** The City Engineer shall ministerially review Urban Lot Split applications.

11.50.030 Submittal Requirements

A. Each Two-Unit Residential Development or Urban Lot Split application, submitted pursuant to Government Code Sections 65852.21 and 66411.7, shall be filed with the Department on a City application form. The application shall be submitted with all required fees and/or deposits and all other information and materials specified in the application submittal checklist prepared for the specific type of application and/or as specified by

the Community Development Director. The application shall also include the following:

1. Existing and proposed property boundary lines;
2. Existing and proposed utilities;
3. Existing and proposed easements (including access easements);
4. Existing and proposed structures, including public infrastructure (i.e. curb, gutter, sidewalk and driveway approaches); and
5. Proposed elevation views including a 75-degree ground ladder exhibit for second story or eaves (if applicable).

11.50.040 Two-Unit Residential Developments

A. **Eligibility Requirements.** A Two-Unit Residential Development may be combined with an Urban Lot Split, as described in Section 11.50.050 of this Chapter. A Two-Unit Residential Development may be located on all parcels within all Single-Family Residential Zoning Districts that have a Residential General Plan land use designation, except for the following parcels:

1. **Affordable and Rented Properties.** Any parcel where the Two-Unit Residential Development would require demolition or alteration of any of the following housing types:
    a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
    b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
    c. Housing that has been occupied by a tenant within the last three years.
2. **Withdrawn Accommodations Property.** A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within fifteen years before the date that the development proponent submits an application.
3. **Historic Property.** A parcel located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or any property identified as "Significant" or "Potentially Significant" on the City's Historic Resources Inventory.
4. **Environmentally Sensitive Lands.** A parcel of one or more of the types specified in subparagraphs (B) to (K), inclusive, of Government Code

Section 65913.4(a)(6). Without limiting the foregoing, the most applicable of those specifications to the City are the following:

a. **Significant Farmland**. A parcel identified as prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

b. **Fire Hazard Zone**. A parcel within a very high fire hazard severity zone, as determined the Department of Forestry and Fire Protection pursuant to Government Code Section 51178, or within a high or very high fire hazard severity zone as indicated on the maps adopted by the Department of Forestry and Fire Protection pursuant to Public Resources Code Section 4202. This subsection does not apply to parcels that have been excluded from the specified hazard zones by actions of the City pursuant to Government Code Section 51179(b), or parcels that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the Two-Unit Residential Development.

c. **Earthquake Fault Zone**. A parcel located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by the City of Livermore City Council under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.

d. **Conserved Lands**. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

e. **Lands under Conservation Easement**. Properties encumbered by a conservation easement held by a public agency, land trust, or private party.

f. **Wetlands**. Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

g. **Flood Zones**. Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency.

B. **Development Standards.**

1. No development standard shall preclude the construction of two units of 800 square feet in size or less on each parcel.

2. Development pursuant to this Chapter shall comply with all applicable objective zoning, subdivision, and design review standards of the Development Code and underlying Zoning District, except for the following:

a. **Number of Units.** No more than two units may be constructed on each parcel. For purposes of this Chapter, "unit" means a primary dwelling unit, an ADU, or a JADU, all as defined in Chapter 11.30 of this Development Code.

b. **Side and Rear Setback.** Each unit shall have a minimum side and rear setback of four feet. No setback requirement shall apply for a new structure built with the same dimensions and in the same location as an existing permitted structure.

c. **Height.** Each unit shall be a maximum of one story and 18 feet. For purposes of this Chapter, height shall be measured to the highest point of the roof. No second story units are permitted.

d. **Parking.** Each dwelling unit created pursuant to this section shall provide one off-street parking space, unless exempt pursuant to Government Code Section 65852.21(c)(1) as follows:

i The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

ii When a documented car-share vehicle is located within one block of the parcel.

C. **Design Standards.** Below terms defined within Chapter 11.20: Definitions and/or within Mixed-Use and Multifamily Objective Design Standards - Glossary of Terms.

1. **Architectural Style.** The same architectural style shall be used for both units of any Two-Unit Residential Development. The units shall not have a flat roof.

2. **Differentiation.** The primary building wall, trim, and door color of each unit shall not be identical. .

3. **Architectural Features.** Each new unit shall have at least two of the following architectural features on the street-facing façade:
    a. Window shutters.
    b. Corbel, bracket, or support brace.
    c. Rafter tails.
    d. Exposed bracing.
    e. Material change.
    f. Vents or grills.
4. **Front Porch.** Each new unit shall have one front porch that faces the street. Porch dimensions shall be at least five feet by ten feet.
5. **Front Entryway**. The front door shall directly face the nearest public street and shall have one pathway that leads from the street to the unit entry.
6. **Finished Floor Height**. The first-floor finish level shall be at least 18 inches above the finished grade.
7. **Window Inset**. All street facing windows shall have a minimum inset of two inches.
8. **Materials**. Each unit shall incorporate at least two different material types, excluding the roof material.
9. **Eave Dimension**. All building eaves shall have a minimum depth of at least two feet.
10. **Garage Location**. The front of each garage shall be located at least 20 feet to the rear of each unit's front facade.
11. **Tree Planting.** Each new unit shall plant in the front yard at least one tree with the following characteristics:
    a. California native.
    b. 24" box size at planting.
    c. Mature height and spread of at least 30 feet.
    d. Drought tolerant.
12. **Foundation Planting.** Each new unit shall plant along its street-facing foundation shrubs with the following characteristics:
    a. 5-gallon size at planting.
    b. Attract pollinators and birds.
    c. Drought tolerant.

D. **Other Standards.**

1. **Rental.** Any rental of a dwelling unit constructed pursuant to this Chapter shall be for a term of longer than thirty (30) days.
2. **Septic System.** For any unit that will be connected to an onsite septic system, the applicant must provide a percolation test showing compliance with applicable public health and safety standards. The percolation test shall be completed within the last five years, or, if the percolation test has been recertified, within the last ten years.
3. **Adjacent or Connected Units**. Units may be adjacent or connected if they meet all applicable building code safety standards and are designed to allow for separate conveyance(s).

11.50.050 Urban Lot Splits

A. **Eligibility Requirements.**

1. **Eligibility.** An Urban Lot Split may be combined with a Two-Unit Residential Development, as described in section 11.50.040 of this Chapter. An Urban Lot Split may occur on any parcel within a Single-Family Residential Zoning District that has a Residential General Plan land use designation, except for the following parcels:
    a. **Special Housing Types**. Any parcel where the Urban Lot Split would require demolition or alteration of any of the following housing types:
        i Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
        ii Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
        iii Housing that has been occupied by a tenant within the last three years.
        iv A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the California Government Code to withdraw accommodations from rent or lease within fifteen years before the date that the development proponent submits an application pursuant to this Chapter.
    b. **Historic Property.** A parcel located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1, or any property identified as “Significant” or “Potentially Significant” on the City’s Historic Resources Inventory.

c. **Previous Urban Lot Split.** Any parcel that has been established through prior exercise of an Urban Lot Split as provided for in this Chapter and Government Code Section 66411.7.

d. **Adjacent Urban Lot Split.** Any parcel for which either the owner of the parcel or any person acting in concert with the owner has previously subdivided an adjacent parcel using an Urban Lot Split as provided for in this Chapter and Government Code Section 66411.7.

e. **Environmentally Sensitive Lands.** A parcel of one or more of the types specified in subparagraphs (B) to (K), inclusive, of Government Code Section 65913.4(a)(6).

2. **Residential Use.** Any parcel created by this Chapter shall be limited to residential uses.

B. **Development Standards.** A parcel map for an Urban Lot Split shall be allowed with ministerial approval if the City Engineer determines the parcel map for the lot split meets all of the following requirements:

1. **Lot Area.** The parcel map subdivides an existing parcel to create no more than two new parcels of approximately equal lot area provided that one parcel shall not be smaller than forty percent of the lot area of the original parcel proposed for subdivision.

2. **Lot Size**. Both newly created lots are no smaller than one thousand two hundred (1,200) square feet.

3. **Lot Frontage**. Each lot resulting from the Urban Lot Split either:

a. Adjoins the public right-of-way via a twenty foot street frontage; or

b. Has access to the public right-of-way via a recorded access easement of no less than five (5) feet width benefiting the lot without direct frontage to the public right of way. If necessary to allow one lot resulting from an Urban Lot Split to meet this requirement, the other resulting lot shall provide such an access easement.

C. **Improvement Standards.** Development on a lot created by an Urban Lot Split pursuant to this Chapter shall comply with the following improvement standards and all applicable objective standards of the Development Code, except as otherwise expressly provided for in subsections (1) through (4) below.

1. **Existing Structure.** No setback shall be required for an existing structure on the lot.

2. **Dedications.** No provision of this Development Code shall apply that requires dedication of any right-of-way for the parcels being created as a condition of issuing a parcel map for an Urban Lot Split pursuant to this Chapter.

3. **Improvements.** No provision of the Development Code shall apply that requires offsite improvements for the parcels being created as a condition of issuing a parcel map for an Urban Lot Split pursuant to this Chapter. However, any onsite improvement necessary for public health and safety may be required, including onsite frontage improvements.
4. **Public Easements.** The City Engineer may require easements necessary for the provision of public services and facilities.

D. **Residency Requirement.** An applicant for an Urban Lot Split shall sign an affidavit stating that the applicant intends to occupy one of the housing units on the resulting lots as their principal residence for a minimum of three years from the date of the approval of the Urban Lot Split. No affidavit requirement shall apply to an applicant that is a "community land trust," as defined in Revenue and Taxation Code Section 402.1(a)(11)(C)(ii), or is a "qualified nonprofit corporation" as described in Revenue and Taxation Code Section 214.15.

11.50.060 Adverse Impacts

An application under this Chapter may be denied if the Building Official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

11.50.070 City Manager Authority

The City Manager, or their designee, shall have the authority to establish administrative policies and regulations that may be necessary to implement the provisions of this Chapter.

11.50.080 Project Review and Decision

A. **Completeness Review.** If the City cannot approve an application for either a Two-Unit Residential Development or an Urban Lot Split, the City shall provide a full set of written comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

B. **Timeline from Completeness.** An application for either a Two-Unit Residential Development or an Urban Lot Split shall be considered and approved or denied within 60 days from the date a completed application is received by the City.

C. **Automatic Approval.** If the City has not approved or denied the completed application within 60 days of its receipt of a completed application, the application shall be deemed approved.

Chapter 11.60: Streamlined Review and Objective Design Standards

Sections:

11.60.010 Purpose and Enabling Authority
11.60.020 Application of Mixed-Use and Multifamily Design Standards (MODS)
11.60.030 Projects Eligible for Streamlined Review
11.60.040 Applicability of Mixed-Use and Multifamily Objective Design Standards (MODS)
11.60.050 Expiration of Governing Regulations
11.60.060 Sustainability Design Standards Findings

11.60.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to provide context for Chapters 11.61 through 11.69, and 11.80, which apply to specific types of mixed-use and multifamily residential projects that have been identified in the California Government Code to have specific processing and/or review requirements. Mixed-use and multifamily projects governed by Chapters 11.61 to 11.69, and 11.80, are subject to a streamlined review process in accordance with State Law.

B. Chapters 11.61 through 11.69, and 11.80, each address a particular use type, and the sections in each chapter identify the standards and requirements for the streamlined processing of applications for the use as well as eligibility requirements a project must meet to qualify for streamlined review. Many of the project applications are subject to ministerial approval as well.

11.60.020 Projects Eligible for Streamlined Review

The following Development Code Chapters are applicable to different types of projects that are eligible for streamlined review and subject to this Chapter:

11.61 Streamlined Review in Residential Zoning Districts

11.62 Streamlined Review in Non-Residential Zoning Districts

11.63 Transitional and Supportive Housing

11.64 Affordable Housing on Faith and Higher Education Lands

11.65 Adaptive Reuse: Conversion of Non-Residential Buildings to Residential Uses

11.66 Low-Barrier Navigation Centers

11.67 Emergency Shelters

11.68 Agricultural Employee Housing

11.69 Streamlined Review of Eligible Subdivisions

11.80 Residential Development in Non-Residential Areas

11.60.030 Submittal Requirements, Review Authority and Process

All development applications that seek state housing law relief and that fall under any streamlined review process identified in Part 11shall:

A. Submit all required application materials, forms, and fees as specified in Development Code Part 9 and Part 10, as applicable, except where it conflicts with the requirements of Part 11;

B. Be reviewed by the appropriate review authority established in Development Code Part 9 and Part 10, as applicable, except where it conflicts with the requirements of Part 11;

C. Conform to all objective Development Standards established in the underlying Zoning District and the Development Code, as applicable, except where it conflicts with the requirements of Part 11;

D. Conform to all objective Subdivision Standards established in Part 10, as applicable, except where it conflicts with the requirements of Part 11;

E. Conform to all objective City Design Standards and Guidelines, as applicable, except where it conflicts with the requirements of Part 11; and

F. Conform to all objective development and design standards of any Specific Plan, as applicable, except where it conflicts with the requirements of Part 11.

11.60.040 Applicability of Mixed-Use and Multifamily Objective Design Standards (MODS)

A. All multifamily and mixed-use residential development projects that contain more than 10 residential units, shall either:

1. Comply with all requirements of the MODS; or

2. Pursue an Alternative Design Plan.

a. The Alternative Design Plan would allow for a project to deviate from any objective design standard(s) of the MODS.

b. A project seeking an Alternative Design Plan shall enter into a Development Agreement with the City, as authorized by the City Council.

B. In the event that any objective standards are inconsistent amongst these documents, the objective general plan standards shall prevail, followed by the objective standards contained in an applicable specific plan, the subdivision ordinance, the zoning ordinance, the MODS, and any other City documents containing objective standards, in that order.

11.60.050 Expiration of Governing Regulations

Individual Chapters of Part 11 will remain in affect until Government Code Section(s) identified within each Chapter's Purpose and Enabling Authority are repealed; upon repeal of an identified corresponding Government Code Section, Chapter shall be of no further effect.

11.60.060 Sustainability Design Standards Findings

With respect to the standards contained within the Mixed-Use and Multifamily Objective Design Standards that are relevant to the City's Climate Action Plan strategies, as denotated with a grape leaf symbol within the document, the City of Livermore finds the standards are appropriate to protect public health and safety, promote environmental sustainability, and ensure the long-term resilience and livability of the community:

1. Purpose and Intent: The standards promote environmental sustainability, climate resiliency, and public safety. The standards are intended to reduce the urban heat island effect, mitigate wildfire risks, improve air quality, and enhance overall community well-being by incorporating climate-responsive strategies into site and building design.

2. Protection of Public Health and Safety: Expanding tree canopy, integrating sustainable landscaping practices, and requiring effective shade through natural and built elements reduce surface and ambient temperatures, which in turn decrease the risk of heat-related illnesses and improve thermal comfort. In addition, the use of fire-resistant building materials and defensible space design reduces the vulnerability of structures and residents to wildfires—a growing threat in Livermore and the greater Tri-Valley region. These measures directly support the health, safety, and welfare of the Livermore community.

3. Environmental Stewardship and Air Quality Improvement: Trees and vegetation provide critical environmental benefits by sequestering carbon dioxide, filtering air pollutants, reducing stormwater runoff, and increasing urban biodiversity. These benefits align with Livermore's environmental goals and contribute to regional air quality improvements, which are essential for protecting public health, particularly among sensitive populations such as children, seniors, and individuals with respiratory conditions.

4. Climate Resiliency: The standards support Livermore's efforts to prepare for the increasing frequency and severity of extreme heat events and wildfires. Proactive incorporation of cooling features, fire-resilient materials, and adaptive landscaping ensures that new development contributes to a more resilient built environment that can withstand climate-related stresses.

5. Community Livability and Equity: The standards contribute to a healthier, safer, and more livable city for all residents. By addressing urban heat, wildfire risk, and environmental quality, the standards support equitable access to a safe and comfortable environment, particularly for communities that are more vulnerable to climate impacts. Trees, landscaping, and shading result in tangible benefits such as reducing energy costs for households, enhancing neighborhood aesthetics, and increasing property values. These features contribute meaningfully to quality of life and promote a more equitable and visually cohesive built environment.

6. Consistency with City Plans and Policies: The standards are consistent with and advance key objectives in the Livermore General Plan, the Climate Action Plan, the

Hazard Mitigation Plan, and the Livermore Fire Code. They support the City's broader goals of sustainability, environmental stewardship, and hazard mitigation by embedding resiliency and health-promoting features into the development process.

Chapter 11.61: Streamlined Review in Residential Zoning Districts

Sections:

11.61.010 Purpose and Enabling Authority
11.61.020 Projects Eligible for Streamlined Review
11.61.030 Projects Not Eligible for Streamlined Review
11.61.040 Affordability Requirements
11.61.050 Applicability of Objective Criteria
11.61.060 Streamlining Provisions
11.61.070 Implementation
11.61.080 Expiration of Governing Regulations.

11.61.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to summarize the requirements of Gov't Code § 65913.4 governing ministerial and streamlined approval of residential and mixed-use development projects in residential zoning districts, and to supplement these requirements with guidelines and procedures for processing applications under this law. Gov't Code § 65913.4 was originally added to the Government Code by SB 35 (2017), which has been subsequently amended.

B. The provisions of Gov't Code § 65913.4 apply in cities that are not meeting their Regional Housing Need Allocation (RHNA) goal for construction of either above-moderate income housing and/or housing for households below 80% area median income (AMI). Gov't Code § 65913.4 requires these local entities to streamline the approval of certain housing projects by providing a ministerial approval process, removing the requirement for CEQA analysis, and removing the requirement for discretionary entitlements. The provisions of this Chapter shall only apply during periods in which the California Department of Housing and Community Development (HCD) has determined the City is subject to Gov't Code § 65913.4 due to not meeting its RHNA goal for the applicable housing element cycle.

C. Streamlined and ministerial review will apply only if requested by the project applicant and the project meets eligibility criteria as set out in this Chapter and State law.

D. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 65913.4. In the event of any conflict between Gov't Code § 65913.4 and this Chapter, Gov't Code § 65913.4 shall govern.

11.61.020 Projects Eligible for Streamlined Review

A residential or mixed-use project is eligible for streamlined and ministerial review if it meets all of the following criteria (Gov't Code § 65913.4(a)). The project must be:

A. **Unit Quantity**. Comprised of two residential units or more.

B. **Adjacent Use**. Located on a site where 75% of the perimeter adjoins parcels that are developed with any current or former residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses.

C. **Land Use Designation**. Located on a legal parcel that meets one of the following criteria:

1. Is zoned for residential use or residential mixed use.
2. Is designated in the General Plan for residential use or residential mixed use.

D. **Residential Proportion**. At least two-thirds of the square footage of the project is designated for residential use. Additional density, floor area, and units, and any other concession, incentive, or waiver of development standards granted pursuant to Chapter 11.40 and Gov't Code § 65915, both governing Density Bonus, shall be included in the square footage calculation. The square footage of the project shall not include underground space, such as basements or underground parking garages.

E. **Objective Design Standards**. Consistent with the City's Mixed-Use and Multifamily Objective Design Standards in effect at the time a Notice of Intent was submitted for the project. Any additional density or any concessions, incentives, or waivers of development standards granted pursuant to Density Bonus Chapter 11.40 and Gov't Code § 65915, are excluded from this consistency requirement.

F. **Labor Requirements**. Consistent with contractor, wage and labor requirements, as further detailed in Gov't Code § 65913.4(a)(8) unless the project is both ten or fewer units and not a public work (Gov't Code § 65913.4(a)(9)). A project that is 100% affordable to households earning 80% AMI or lower is exempt from the skilled and trained workforce provisions of Gov't Code § 65913.4(a)(8).

G. **Tribal Consultation**. Consistent with one of the following:

1. Consultation Decline. A California Native American tribe that received a formal notice of the applicant's notice of intent to submit an application pursuant to the scoping process set out in Section 11.61.040 did not accept the invitation to engage in a scoping consultation.
2. Non Responsive. The California Native American tribe accepted an invitation to engage in a scoping consultation but substantially failed to engage in the scoping consultation after repeated documented attempts by the City to engage the California Native American tribe.
3. No Impact. The parties to a scoping consultation find that no potential tribal cultural resource will be affected by the proposed project.

4. Mitigated Impact. A scoping consultation between a California Native American tribe and the local government has occurred, the parties find that a potential tribal cultural resource could be affected by the proposed project and an enforceable agreement is documented between the California Native American tribe and the local government on methods, measures, and conditions for tribal cultural resource treatment.

11.61.030 Projects Not Eligible for Streamlined Review

A project is not eligible for streamlined and ministerial review if any of the following apply:

A. **Sensitive Lands**. It is located on property that is prime farmland, wetlands, a high fire hazard severity zone, a delineated earthquake fault zone, a flood plain, a floodway, a hazardous waste site, a community conservation plan area, a habitat for protected species, or under a conservation easement, each as further qualified and defined in Gov't Code § 65913.4(a)(6).

B. **Demolition**. It would involve the demolition of existing affordable housing, housing occupied by tenants within the past ten years, or a historic structure, as further detailed in Gov't Code § 65913.4(a)(7).

C. **Mobile Homes**. It is on a site governed by the Mobilehome Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobilehome Parks Act, or the Special Occupancy Parks Act.

D. **Tribal Consultation**. After concluding the scoping consultation set out in subsection (G) above, the parties do not agree as to whether a potential tribal cultural resource will be affected by the proposed project or the parties find that a potential tribal cultural resource could be affected by the proposed project and an enforceable agreement is not documented between the California Native American tribe and the local government regarding methods, measures, and conditions for tribal cultural resource treatment.

E. **Tribal Resource**. There is a tribal cultural resource that is on a national, state, tribal, or local historic register list located on the site of the project.

11.61.040 Affordability Requirements

A. **Annual Change**. The affordability criteria for projects that are eligible for streamlined and ministerial review change annually based on the City's annual progress toward meeting its above moderate-income RHNA, progress towards meeting its lower-income RHNA, and its timely submittal of its latest annual Housing Element Annual Progress Report to HCD.

B. **State Consultation**. The City intends to annually consult the State Department of Housing and Community Development to determine which affordability criteria are in effect for the City and what percentage of units at specified income levels a project must provide in order to meet eligibility requirements for streamlined processing.

C. **Rental Projects**. The affordability criteria for for-rent and for-sale projects may be different.

D. **Deed Restrictions**. Projects approved under this Chapter shall be subject to a deed restriction ensuring that units will remain affordable for no less than:

1. Fifty-five (55) years for rental units; or

2. Forty-five (45) years for ownership units.

E. **Affordability Levels**. Required affordability levels shall be as follows:

1. Low and Very Low. If the City's latest Annual Progress Report to HCD reflects that there were fewer units of housing issued building permits affordable to either very low income or low-income households by income category than were required for the regional housing needs assessment cycle for that reporting period, the project must dedicate 50 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income.

2. Above Moderate, Low, Very Low. If the City did not submit its latest Annual Progress Report to HCD to the Department of Housing and Community Development by the time period required by Gov't Code § 65400, or if the production report reflects that there were fewer units of housing affordable to above moderate-income households or to either very low income or low-income households that were issued building permits than were required for the regional housing needs assessment cycle for that reporting period, the project seeking approval must include either the number and income level of units required under subsection (1) above or one of the following:

   a. Rental Projects. The project must dedicate a minimum of 10 percent of the total number of units, before calculating any density bonus, to housing that is affordable to households making at or below 50 percent of the area median income.

   b. For Sale Projects. The project must dedicate a minimum of 10 percent of the total number of units, before calculating any density bonus, to housing affordable to households making at or below 80 percent of the area median income.

   c. For Sale or Rental Projects. The project must dedicate 20 percent of the total number of units, before calculating any density bonus, to housing affordable to households making below 100 percent of the area median income with the average income of the units at or below 80 percent of the area median income. In order to comply with this subclause, the rent or sale price charged for units that are dedicated to housing affordable to households between 80 percent and 100 percent of the area median income shall not exceed 30 percent of the gross income of the household.

3. Whenever the inclusionary requirement results in an odd number of units, the majority of units shall be provided as low-income. Whenever

the number of units result in a fraction of a unit greater than 0.5, the requirement shall be rounded up to the nearest whole unit. Whenever the number of units results in a fraction of a unit less than or equal to 0.5, the requirement shall be rounded down to the nearest whole unit.

11.61.050 Applicability of Objective Criteria

The project shall comply with:

A. **Development Standards**. The objective development standards of the applicable zoning district in effect at the time that a Notice of Intent is submitted for the project.

B. **Design Standards**. The Mixed-Use and Multifamily Objective Design Standards in effect at the time that a Notice of Intent is submitted for the project.

C. **Other Standards**. Objective criteria of the General Plan, any applicable specific plan, relevant sections of the Development Code, or any other Municipal Code section that applies to the project.

11.61.060 Streamlining Provisions

If the Community Development Director determines that a project application submitted pursuant to this section is consistent with the eligibility requirements in Section 11.61.020, the affordability requirements in Section 11.61.040 (as applicable), and the objective criteria identified in Section 11.61.050, the Director shall ministerially approve the project, subject to the following:

A. **Parking Reductions.** The following reduced parking standards shall be applied, as required by Gov't Code § 65913.4(e):

1. The City shall not impose parking standards for any project determined to be eligible under this chapter if any of the following apply to the project:

    a. The project is located within one-half mile of public transit.

    b. The project is located within an architecturally and historically significant historic district.

    c. When on-street parking permits are required but not offered to the occupants of the project.

    d. When there is a car share vehicle located within one block of the project.

2. If none of the above conditions exist, the project shall provide one parking space per unit.

B. **Reduced Review Timeline.** The following reduced review times shall be applied:

Project size	Completeness Determination (Gov't Code § 65943(a))	Determination of Consistency (Gov't Code § 65913.4(c))	Project Approval (Gov't Code § 65913.4(d))
150 units or less	30 days from submittal of application	60 days from submittal of application	90 days from submittal of application
More than 150 units	30 days from submittal of application	90 days from submittal of application	180 days from submittal of application

C. **CEQA.** The development project shall not be subject to CEQA review.

11.61.070 Implementation

A. **Tribal Consultation.** The City and applicant shall comply with the procedural requirements of Gov't Code § 65913.4(b)(1) regarding tribal consultation.

B. **Determination of Inconsistency**. Upon a determination that a project application submitted pursuant to this section is in conflict with any of the eligibility requirements in Section 11.61.030, the Mixed-Use and Multifamily Objective Design Standards, and other applicable objective criteria, the City shall provide the applicant written documentation of which standard or standards the project conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards in the timelines noted in Section 11.61.060(B). (Gov't Code § 65913.4(c)).

C. **Expiration of Approval**.

1. Project approval expires after three years from the date of the final action establishing approval unless construction activity has commenced on the site (including grading and demolition) and the site permit for the project has been issued. The City may grant a one-time, one-year extension if there has been significant progress towards getting the project construction ready (Gov't Code § 65913.4(g)(2)).

2. Project approval does not expire if a project receives public investment other than tax credits and provides at least 50% of the units at 80% AMI or below (Gov't Code § 65913.4(g)(1)).

D. **Modification of Approval**. An applicant may request a modification to a project that has been approved under the streamlined, ministerial approval process if that request is submitted to the City before the issuance of the final building permit required for construction of the project. The City's consideration of such modification request shall be governed by Gov't Code § 65913.4(h).

11.61.080 Expiration of Governing Regulations.

Gov't Code § 65913.4 will remain in effect until January 1, 2036 and after that time is repealed. This Chapter will remain in effect until the repeal of Gov't

Code § 65913.4; upon repeal of that section this Chapter shall be of no further effect.

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Chapter 11.62: Streamlined Review in Non-Residential Zoning Districts

Sections:

11.62.010 Purpose and Enabling Authority
11.62.020 Site and Location Criteria for All Projects
11.62.030 Design and Development Standards for All Projects
11.62.040 Site and Development Criteria for 100% Affordable Projects
11.62.050 Site and Development Criteria for Mixed-Income Projects
11.62.060 Affordability Criteria for Mixed-Income Projects
11.62.070 Development Application Processing, Review, and Timeline for All Projects
11.62.080 Expiration of Governing Regulations.

11.62.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to summarize the requirements of Gov't Code § 65912.100 through § 65912.130 governing ministerial and streamlined approval of residential and mixed-use development projects in non-residential zoning districts, and to supplement these requirements with guidelines and procedures for processing applications under this law. Gov't Code § 65912.100 through § 65912.130 were added to the Government Code by AB 2011 (2022).

B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 65912.100 through § 65912.130. In the event of any conflict between Gov't Code § 65912.100 through § 65912.130 and this Chapter, Gov't Code § 65912.100 through § 65912.130 shall govern.

11.62.020 Site and Location Criteria for All Projects

To be eligible for streamlined and ministerial review, the housing development project must meet all of the requirements in this section (Gov't Code §§ 65912.110 and 65912.111) and meet the standards of either subsection 11.62.040 (100% affordable development project) or 11.62.050 (mixed-income development project):

A. **Location**. Located on one or more legal parcels and in a zone where office, retail, or parking are a principally permitted use.

A. **Surrounding Parcels**. Located on a site where 75% of the perimeter adjoins parcels that are developed with urban uses. For purposes of this subdivision, parcels only separated by a street, pedestrian path, or bicycle path shall be considered to be adjoined;

B. **Neighborhood Plan**. For a site within a neighborhood plan area, the neighborhood plan applicable to the site permits multifamily housing development on the site.

C. **Land Types**. The site shall not be any of the following:

1. Sensitive Lands. Located on property that is prime farmland, wetlands, a high fire hazard severity zone, a delineated earthquake fault zone, a flood plain, a floodway, a hazardous waste site, a community conservation plan area, a habitat for protected species, or under a conservation easement, each as further qualified and defined in Gov't Code § 65913.4(a)(6).

2. Industrial Lands. Located on a site or adjoined to any site in which 1/3 of the uses or more are dedicated to industrial use, meaning that either:

   a. the current use is industrial, or

   b. the most recently permitted use of the square footage is an industrial use and the site has been occupied within the past three years, or

   c. the site was designated for industrial use by the current General Plan before January 1, 2022, and residential uses are not principally permitted on the site.

   For purposes of this subdivision, parcels only separated by a street shall be considered to be adjoined.

3. Historic Structure. On a site where the development would require the demolition of a historic structure that was placed on a national, state, or local historic register.

4. Mobile Homes. On a site governed by the Mobile home Residency Law, the Recreational Vehicle Park Occupancy Law, the Mobile home Parks Act, or the Special Occupancy Parks Act.

5. Cultural Resources. Vacant and containing tribal cultural resources, as defined by Public Resources Code § 21074, that could be affected by the development that were found pursuant to a consultation as described by the Public Resources Code § 21080.3.1 and the effects of which cannot be mitigated pursuant to the process described in Public Resources Code § 21080.3.2.

D. **Mixed Use Projects**

1. For mixed-use developments consisting of residential and nonresidential retail commercial or office uses, at least two-thirds of the square footage of the new construction associated with the project shall be designated for residential use.

2. None of the square footage of any such development shall be designated for hotel, motel, bed and breakfast inn, or other transient lodging use, except for a residential hotel.

3. If the project is 500 net new residential units, the two-thirds residential requirement does not apply.

11.62.030 Design and Development Standards for All Projects

A. **Objective Standards**. All housing development projects eligible for ministerial and streamlined approval under this Chapter shall be consistent with the City's Mixed Use and Multifamily Objective Design Standards in effect at the time that an application is submitted.

B. **Density Bonus**. The housing development project shall be eligible for a density bonus, incentives or concessions, waivers or reductions of development standards, objective design standards, and parking ratios pursuant to Gov't Code § 65915, except that the development project shall not use a concession to reduce the requirement for the provision of ground floor retail if required by this Chapter (Gov't Code § 65912.124 (f)).

C. **Indoor Air Quality**. For any housing on the site located within 500 feet of a freeway, all of the following shall apply:

1. The building shall have a centralized heating, ventilation, and air-conditioning system.
2. The outdoor air intakes for the heating, ventilation, and air-conditioning system shall face away from the freeway.
3. The building shall provide air filtration media for outside and return air that provide a minimum efficiency reporting value of 16.
4. The air filtration media shall be replaced at the manufacturer's designated interval.
5. The building shall not have any balconies facing the freeway.

D. **Proximity to Hazardous Uses**. No housing on the site shall be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.

E. **Open Space**. No common open space shall be required beyond the existing amount already on site for a project that is converting an existing non-residential building to a residential building.

F. **Phase I ESA**. The housing development project must complete a Phase 1 Environmental Assessment (ESA), as defined in Health and Safety Code § 78090 and address any findings (Gov't Code § 65912.114(k) and § 65912.124(k)).

1. If a recognized environmental condition is found, the development project proponent shall undertake a preliminary endangerment assessment, as defined in Health and Safety Code § 78095, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity.
2. If a release of a hazardous substance is found to exist on the site, the release shall be removed, or any significant effects of the release shall be

mitigated to a level of insignificance in compliance with current state and federal requirements, prior to Certificate of Occupancy.

3. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with current state and federal requirements, prior to Certificate of Occupancy.

11.62.040 Site and Development Criteria for 100% Affordable Projects

To be eligible for streamlined and ministerial review, a 100% affordable housing development project must meet the following requirements (Gov't Code § 65912.112 through § 65912.114) and the site requirements of Section 11.62.030 (Site and Location Criteria for All Projects):

A. **Multifamily Development**. Shall be a multifamily housing development project.

B. **Affordability Requirements**.

1. Income Level. All new units created by the housing development project shall be dedicated to lower income households at an affordable cost, as defined by Health and Safety Code § 50052.5, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee, with the exception of manager's units.

2. Deed Restriction. All new units created by the housing development project shall be subject to a deed restriction ensuring that all housing units will meet the requirement of subsection (B)(1) above for no less than:

a. Fifty-five (55) years for rental units; or

b. Forty-five (45) years for ownership units.

C. **Density.** Shall be developed at a density of at least 30 units/acre.

D. **Applicable Zoning Standards.**

1. Shall be consistent with the applicable objective zoning, subdivision, and development standards for the zone that allows residential use at a greater density between the following:

a. Existing Zoning. The existing zoning designation for the parcel at the time the development project application is submitted pursuant to this chapter, if existing zoning allows multifamily residential use; or

b. Most Applicable Zoning. The Zoning standards of another parcel within a residential General Plan designation that most closely matches the project's proposed density. (Gov't Code § 65912.113(e)).

2. Density Exception. No objective standards shall preclude a development from being built at the residential density required pursuant to subsection (C) and no standard shall require the development to reduce unit size to meet the objective standards.

E. **Labor Standards.** Shall be compliant with the labor standards identified in Gov't Code § 65912.130, including, but not limited to, meeting certain requirements for construction worker employment, prevailing wages, among others.

11.62.050 Site and Development Criteria for Mixed-Income Projects

To be eligible for streamlined and ministerial review, a mixed-income housing development project shall meet the following requirements (Gov't Code § 65912.121 through § 65912.124) and the site requirements of Section 11.62.030 (Site and Location Criteria for All Projects):

A. **Multifamily Development**. Shall be a multifamily housing development project.

B. **Location**. Shall be:

1. Commercial Corridor. Located on a site that abuts a commercial corridor and has a frontage along the commercial corridor of a minimum of 50 feet;

2. Site Size. Located on a site not greater than 20 acres, unless the site is a regional mall, in which case the site is not greater than 100 acres;

3. Existing Dwellings. Not located on a site containing one to four dwelling units;

4. Vacant Single-Family Residential Land. Not located on site that is vacant and zoned for housing but not for multifamily residential use; and

5. Demolition. Not located on a site that would involve the demolition of existing affordable housing, housing occupied by tenants within the past ten years, or a historic structure, as further detailed in Gov't Code § 65912.121(h).

C. **Density**.

1. Allowable residential density shall be the greater of the following (Gov't Code § 65912.123(b)):

a. The maximum residential density allowed on the parcel by the applicable zoning designation; or

b. For a site of less than one acre in size, 30 units per acre;

c. For a site of one acre in size or greater located on a commercial corridor of less than 100 feet in width, 40 units per acre; or

d. For a site of one acre in size or greater located on a commercial corridor of 100 feet in width or greater, 60 units per acre; or

e. Notwithstanding subsection (b), (c), or (d), for sites within a very low vehicle travel area or within one-half mile of a major transit stop, 80 units per acre.

2. For a housing development project application that has been determined to be consistent with the objective planning standards specified in this Chapter, before January 1, 2027, the development project shall be developed at a density that is either:

a. 50 percent or greater of the applicable allowable residential density contained in section 1(b) through 1(e) above; or

b. For a site within one-half mile of an existing passenger rail or bus rapid transit station, 75 percent or greater of the applicable allowable residential density contained in section 1(b) through 1(e) above

D. **Height**. Meet the greater of the following height limits (Gov't Code § 65912.123(c)):

1. The height allowed on the parcel by the applicable zoning designation; or

2. For a site on a commercial corridor of less than 100 feet in width: 35 feet; or

3. For a site on a commercial corridor of 100 feet in width or greater: 45 feet.

E. **Commercial Uses Required**. At least one half (50%) of the ground floor square footage of the housing development project shall be designated for commercial use (Gov't Code § 65912.123(j))

F. **Setbacks**. Shall comply with the following setback requirements (Gov't Code § 65912.123(d)):

1. For the portion of the property that fronts a commercial corridor:

a. Front Minimum: None

b. Ground Floor Front Maximum: 10 feet for at least 80 percent of the frontage.

c. Parking Front Minimum: 25 feet

d. Side: None for adjacent properties that front the Commercial Corridor

2. Front, Side, Rear Setback Adjacent to a Residential Use.

a. Ground Floor Minimum: 10 feet.

b. Upper Floor Minimum: Starting with the second floor of the property, each subsequent floor of the project shall be stepped back in an amount equal to seven feet multiplied by the floor number. For purposes of this paragraph, the ground floor counts as the first floor.

3. All Other Areas. Front, side, rear setbacks are a minimum of 15 feet.

G. **Parking**. No parking, including replacement parking, is required for a housing development project under this Chapter, except that any requirement of the Code or state or federal law imposed on a new multifamily residential, mixed-use, or non-residential development project to provide bicycle parking, electric vehicle supply equipment installed parking spaces, or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development continue to apply (Gov't Code § 65912.123(e)).

H. **Applicable Zoning Standards.** Other than the provisions listed in this Section, the housing development project shall be consistent with the applicable objective zoning, subdivision, and design review standards for:

1. The most applicable zoning district that allows multifamily residential use at the residential density determined pursuant to subsection (C); or

2. If no zoning district exists that allows the residential density determined pursuant to subsection (C), the applicable objective standards shall be those for the zoning district that allows the greatest density. (Gov't Code § 65912.123(j)).

I. **Labor Standards**. The project must be compliant with the labor standards identified in Gov't Code § 65912.130, including, but not limited to, meeting certain requirements for construction worker employment, prevailing wages, among others.

11.62.060 Affordability Criteria for Mixed-Income Projects

To be eligible for streamlined and ministerial review, a mixed-income housing development project must meet the following affordability criteria (Gov't Code § 65912.122):

A. **Rental Housing**. Rental housing development project shall include either (1) or (2), except as modified by subsection (E) below:

1. Eight percent of the base quantity units for very low income households and five percent of the units for extremely low income households; or

2. Fifteen percent of the base quantity units for lower income households.

B. **Rental Deed Restriction**. All new housing units created by the project will be subject to a deed restriction ensuring they will meet the above affordability requirements for no less than fifty-five years. Rents shall be set at an affordable rent, as defined in Health and Safety Code § 50043.

C. **Owner-Occupied Housing**. Owner-occupied housing development project shall include either (1) or (2) except as modified by subsection (E) below:

1. Thirty percent of the base quantity units must be offered at an affordable housing cost, as defined in Health and Safety Code § 50052.5, to moderate-income households; or

2. Fifteen percent of the base quantity units must be offered at an affordable housing cost, as defined in Health and Safety Code § 50052.5, to lower income households.

D. **Owner-Occupied Deed Restriction**. All new ownership housing units created by the project will be subject to a deed restriction ensuring they will meet the above affordability requirements for no less than forty-five years.

E. **Inclusionary Ordinance Requirement**. The mixed-income housing development project shall comply with all of the following:

1. Affordability Percentage. If Chapter 11.70 would require a higher percentage of affordable units than any part of this Section, Chapter 11.70 shall control.

2. Income Level. If Chapter 11.70 requires a project to provide units at lower income levels than any part of this Section, Chapter 11.70 shall control.

3. Rental Housing. For a rental housing project, if Chapter 11.70 (Inclusionary Ordinance) requires greater than fifteen percent of the units to be dedicated for lower income households and does not require the inclusion of units affordable to very low and extremely low income households, then the development project shall do both of the following:

a. Allocate eight percent of the base units for very low income households and five percent of the units for extremely low income households; and

b. The City's Inclusionary requirement for Lower Income households listed in Chapter 11.70 shall be reduced by fifteen percent.

F. **Comparability**. Affordable units in the mixed-income housing development project shall have the same bedroom and bathroom count ratio as the market rate units, be equitably distributed within the development project, and have the same type or quality of appliances, fixtures, and finishes.

11.62.070 Development Application Processing, Review, and Timeline for All Projects

A. **Review Authority**. If the Community Development Director determines that a housing development project application submitted pursuant to this section is consistent with the requirements in Sections 11.62.030 to 11.62.070, the Director shall approve the development project. Upon a determination that a development project application submitted pursuant to this section is inconsistent with applicable standards, the City shall provide the applicant written documentation of which criteria, standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards in the timelines noted (Gov't Code § 65912.114(a) and § 65912.124(a)

B. **Timeline for Review**. Development project review is subject to following deadlines (Gov't Code § 65912.114 and § 65912.124):

Project size	Completeness Determination	Consistency Determination	Project Approval
150 units or less	30 days from submittal	60 days from submittal (or within 30 days of resubmittal to address written feedback)	60 days from consistency determination
More than 150 units	30 days from submittal	90 days from submittal (or within 30 days of resubmittal to address written feedback)	90 days from consistency determination

C. **CEQA.** The development project shall not be subject to CEQA review.

D. **Notice to Tenants.** The applicant shall provide written notice of the pending application to each commercial tenant on the parcel when the application is submitted and shall provide relocation assistance to each eligible commercial tenant located on the site in accordance with Gov't Code § 65912.123(h).

E. **Expiration of Approval.** Approvals pursuant to this Chapter shall be subject to the expiration timeframes set out in Gov't Code § 65912.114(l) for development projects under Section 11.62.040 and Gov't Code § 65912.124(l) for development projects under Section 11.62.050.

F. **Modifications.** Any proposed modifications to a development project approved pursuant to this section shall be undertaken pursuant to Gov't Code § 65913.4(g).

11.62.080 Expiration of Governing Regulations.

Gov't Code § 65912.100 through § 65912.130 will remain in effect until January 1, 2033, and after that time are repealed. This Chapter will remain in effect until the repeal of § 65912.100 through § 65912.130; upon repeal of those sections this Chapter shall be of no further effect.

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Chapter 11.63: Transitional and Supportive Housing

Sections:

11.63.010 Purpose and Enabling Authority
11.63.020 Development and Performance Standards
11.63.030 Planning Review Timeline and Approval
11.63.040 Administrative Policies and Regulations.
11.63.050 Fees.

11.63.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to summarize the requirements of Gov't Code §§ 65650 through 65656 governing the establishment of transitional and supportive housing facilities, and to supplement these requirements with guidelines and procedures for processing applications under this law. Gov't Code §§ 65650 through 65656 were added to the Government Code by AB 2162 (2018).

B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code §§ 65650 through 65656. In the event of any conflict between Gov't Code and this Chapter, Gov't Code §§ 65650 through 65656 shall govern.

C. Transitional and Supportive Housing developments shall mean buildings configured as rental housing developments that are linked to onsite or offsite services that assist the target population in retaining housing, improving their health status, and maximizing their ability to live and, when possible, work in the community. Such developments are operated under housing program requirements and include Tiny Home projects. Transitional Housing requires recirculation, while Supportive Housing may be indefinite.

11.63.020 Development and Performance Standards

A Transitional and Supportive Housing project that meets all of the criteria below shall be approved ministerially and without discretionary review or a public hearing.

A. **Size.** The project shall consist of no more than 50 housing units.

B. **Location**. Transitional and Supportive Housing are a permitted use in all zoning districts identified in Housing Element Table 3-5 and Table 3-6.

C. **Affordability.** All of the proposed residential units in the project, excluding the manager's unit(s), must be dedicated as affordable to lower-income households, as defined in Health and Safety Code § 50079.5 at 80% AMI or below for a period of at least 55 years pursuant to a recorded restriction, and the units are or will be receiving public funding to ensure affordability of the housing to lower income Californians (Gov't Code § 65651(a)(2)).

D. **Housing Use**. At least 25 percent of the units in the project or 12 units, whichever is greater, shall be restricted to residents in transitional and supportive housing who meet criteria of the target population. If the

development consists of fewer than 12 units, then 100 percent of the units, excluding managers' units, in the development shall be restricted to residents in transitional and supportive housing (Gov't Code § 65651(a)(3) and (c)).

E. **Supportive Services Area and Type**. For projects with 20 units or fewer, at least 90 square feet of nonresidential space must be dedicated to supportive services. For projects with more than 20 units at least 3 percent of the total nonresidential floor area shall be provided for onsite supportive services that are limited to tenant use, including, but not limited to, community rooms, case management offices, computer rooms, and community kitchens.

F. **Amenities.** Units within the project, excluding managers' units, must include at least one full bathroom and a kitchen or other cooking facilities, including, at minimum, a stovetop, a sink, and a refrigerator.

G. **Replacement of Existing Units.** If the project proposes onsite demolition of existing dwelling units, any existing dwelling units on the site of the project shall be replaced with at least the same number of units of equivalent size in the project, and shall be made available to lower income households in the manner described in Gov't Code § 65915(c)(3).

H. **Consistent with Objective Standards.** The project must be consistent with the City's Mixed Use and Multifamily Objective Design Standards in effect at the time that the application was filed. Any additional density or any concessions, incentives, or waivers of development standards granted pursuant to Density Bonus Chapter 11.40 and Gov't Code § 65915, are excluded from this consistency requirement.

I. **Parking Requirement.** If the project is located within one-half mile of a public transit stop, there are no minimum parking requirements for the units occupied by transitional and supportive housing residents. If the project is located more than one-half mile from a Public Transit Stop, the project is subject to parking requirements in the applicable zoning district.

J. **Density Bonus.** This Chapter shall not preclude or limit the ability of a developer to seek a density bonus, including any concessions, incentives, or waivers of development standards from the City pursuant to Chapter 11.40 or any State program that offers additional density or other development bonuses when affordable housing is provided.

K. **Supportive Services Plan.** The project shall submit a Supportive Services Plan that provides the following (Gov't Code § 65652):

1. Description of Services. The type of Supportive Services that will be provided to residents.
2. Floor Plan. The onsite location and size of each services space.
3. Name and Address The name and address of the proposed entity or entities that will provide supportive services.

4. Funding Sources. The proposed funding source or sources for the provided onsite supportive services.

5. Staffing. Proposed staffing levels.

6. Hours of Operation. The times in which services will be provided.

L. **Recirculation Requirement**. All units shall be recirculated if required by housing program requirements, as determined by the Director.

11.63.030 Planning Review Approval and Timeline

A. **Ministerial Zoning Review**. The Director shall ministerially approve all Transitional and Supportive Housing projects that meet: 1) all Development and Performance Standards listed in Section 11.63.020; and 2) all objective Development Standards of the underlying zoning district. All Transitional and Supportive Housing applications shall require the following land use entitlements:

1. Zoning Clearance. To authorize the Transitional and Supportive Housing land use, as allowed by this Chapter; and

2. Site Plan Design Review. To authorize the architecture, landscape, and site design.

B. **CEQA.** The project shall not be subject to CEQA review.

C. **Completeness Review Timeline**. The Community Development Director shall determine if the project application is complete and eligible for streamlined and ministerial review within 30 days of application submittal.

D. **Approval Timeline.** If determined to be a complete application for an eligible project, the Community Development Director shall approve the project if it complies with the applicable requirements of this Chapter within 60 days of a completeness determination, or 120 days if the project exceeds 50 units.

11.63.040 Administrative Policies and Regulations. The Director, or their designee, shall have the authority to establish administrative policies and regulations that may be necessary to implement the provisions of this Chapter.

11.63.050 Fees. The City Council may establish by Resolution a non-refundable permit fee to cover the permit review costs incurred within the Section.

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Chapter 11.64: Affordable Housing on Faith and Higher Education Lands

Sections:

11.64.010 Purpose and Enabling Authority
11.64.020 Eligibility Criteria
11.64.030 Project Requirements
11.64.040 Project Review and Timeline
11.64.050 Expiration of Governing Regulations

11.64.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to summarize the requirements of Gov't Code § 65913.16 governing the development of affordable housing on sites owned either by an independent institution of higher education or a religious institution, and to supplement these requirements with guidelines and procedures for processing applications under this law. Gov't Code § 65913.16 was added to the Government Code by SB 4 (2023).

B. Gov't. Code § 65913.16(b) provides a ministerial approval process for 100% affordable projects located on land that is both currently, and was, on or before January 1, 2024, owned by an independent institution of higher education or a religious institution. This is a voluntary program that a project sponsor may elect to pursue if the criteria in this Chapter and Gov't Code § 65913.16 are met.

C. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 65913.16. In the event of any conflict between Gov't Code § 65913.16 and this Chapter, Gov't Code § 65913.16 shall govern.

11.64.020 Eligibility Criteria

A project that meets all of the eligibility criteria in this section and the project requirements in Section 11.64.030 shall be approved ministerially and without discretionary review or a public hearing.

A. **Land Ownership**. The project shall be located on land that is both currently, and was, on or before January 1, 2024, owned by an independent institution of higher education or a religious institution. This includes ownership through an affiliated or associated nonprofit public benefit corporation organized pursuant to the Nonprofit Corporation Law (Part 2 (commencing with § 5110) of Division 2 of Title 1 of the Corporations Code).

B. **Location**. The project shall not be located on prime farmland, wetlands, a high fire hazard severity zone, a delineated earthquake fault zone, a flood plain, a floodway a community conservation plan area, a habitat for protected species, or under a conservation easement, all as defined in Gov't Code § 65913.4(a)(6).

C. **Hazardous Waste Site.** The project shall not be on property that is classified as a hazardous waste site as defined under Gov't Code § 65912.111(e), unless the project sponsor has secured a letter or other determination from the State Department of Public Health, State Water Resources Control Board, or the Department of Toxic Substance Control stating that the site is suitable for residential uses.

D. **No Demolition of Specified Residential Units or Historic Buildings.**

1. Demolished Housing. The project shall not be located on a site which was previously used for housing that was occupied by tenants that was demolished within 10 years before the project proponent applies for approval under this chapter.

2. Occupied Housing. The project shall not demolish any of the following types of housing:

   a. Units that have been occupied by tenants in the last 10 years.

   b. Units subject to any form of rent or price control, or units subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low incomes.

3. Historic Structures. The project may not cause the demolition of historic structures that are on a national, state, or local historic register.

E. **Proximity to Industrial Uses.** The project shall meet all of the following criteria:

1. Light Industrial. A project shall not be adjacent to a site in which more than 1/3 of the square footage is dedicated to light industrial use, meaning that the current use is light industrial use, has been most recently permitted as light industrial use, or the site was designated for industrial use by the current General Plan before January 1, 2022 .

2. Heavy Industrial. A project site shall not be located within 1,200 feet of an existing heavy industrial use, or a site that has been most recently permitted as a heavy industrial use.

3. Title V Industrial. A project site shall not be located within 1,600 feet of an existing Title V industrial use, or a site that was most recently permitted as a Title V industrial use.

4. Oil and Natural Gas. If a project site does not permit multifamily uses, then the project shall not be located within 3,200 feet of a facility that actively extracts or refines oil or natural gas.

F. **Tribal Resources.** The project shall not be located on a vacant site, that contains tribal cultural resources, as defined in Public Resources Code § 21074, that could be affected by the development that were found pursuant to a consultation as described in Public Resources Code § 1080.3.1, and the effects of

which cannot be mitigated pursuant to the process described in Public Resources Code § 21080.3.2.

11.64.030 Project Requirements

To be subject to the ministerial process set out in this Chapter, a project shall meet the following requirements.

A. **Use.**

1. Required Uses. The project shall consist of one or more of the following:

   a. Residential. Two or more residential units.

   b. Mixed-Use. Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.

   c. Special Housing. Transitional Housing or Supportive Housing.

   d. Religious Institution. Any religious institutional use, or any use that was previously existing and legally permitted by the City on the site, is allowed in combination with a residential use on the project site if all of the following criteria are met:

      i Nonresidential Space. The total square footage of nonresidential space on the site does not exceed the amount previously existing or permitted in a Conditional Use Permit.

      ii Parking. The total parking requirement for nonresidential space on the site does not exceed the lesser of the amount existing or of the amount required by a Conditional Use Permit.

      iii Conditional Use Permit. The new uses abide by the same operational conditions as contained in a previously-approved Conditional Use Permit.

2. Other Permitted Uses. In addition to the uses listed immediately above, the project may also include, on the ground floor only:

   a. Social Services. In zoning districts that allow single-family residential uses, childcare centers and facilities operated by community-based organizations for the provision of recreational, social, or educational services for use by the residents of the project and members of the local community in which the project is located.

   b. Commercial. In zoning districts that do not allow single-family residential uses, commercial uses that are permitted in that zone without a conditional use permit or planned unit development permit.

B. **Affordability**.

1. Income Level. 100 percent of the total residential units, excluding manager's unit(s), shall be for lower income households, as defined by Health and Safety Code § 50079.5, except that:

    a. Moderate-Income. Up to 20 percent of the total units in the development may be for moderate-income households, as defined in Health and Safety Code § 50053, and

    b. Institution Staff. 5 percent of the units may be for staff of the independent institution of higher education or religious institution that owns the land.

2. Deed Restriction. All affordable units shall be subject to a recorded deed restriction of 55 years for rental units (unless other applicable binding requirements impose a longer term), and 45 years for for-sale units.

C. **Replacement Units**. If a project requires the demolition of residential units or is located on a site where residential units have been demolished within the past five years, the project sponsor shall comply with Gov't Code § 65913.16(c)(11).

D. **Density**.

1. Single Family Residential and Commercial Districts. In Single Family and/or Commercial Zoning Districts, the project shall have a density of 30 units per acre or less, except that if the General Plan designation or underlying zoning allows for a higher residential density on the project site or a site adjacent to the project site, then the highest density shall apply.

2. All Other Zoning Districts. In zones not listed above in section D(1), the project shall have a density of 40 units per acre or less, except that if zoning allows for a higher residential density on a site adjacent to the project site, then the higher density shall apply.

E. **Building Height**.

1. Maximum Height. The project shall have a maximum building height of one story above the zoned height. If zoning allows for a higher residential height limit on a site adjacent to the project site, then the higher height limit shall apply.

2. Density Bonus. The project may be eligible for waivers, and incentives/concessions under the State Density Bonus Law (Gov't Code § 65915), except that a project subject to section D.2 above shall not use an incentive, waiver, or concession to increase the height of the project to greater than the height stated in section E.1.

F. **Labor Standards**. A project that includes more than 10 units that is not in its entirety a public work shall comply with the prevailing wage requirements set forth in Gov't Code § 65913.16(c)(12).

G. **Craft Construction**. In addition to the Labor Standards set forth in Gov't Code § 65912.130, a project with 50 or more units shall employ construction

craft employees and provide for health care expenditures as set forth in Gov't Code § 65913.16(g).

H. **Proximity to Freeway**. If the project is within 500 feet of a freeway, regularly occupied areas of the building shall provide air filtration media for outside and return air that provide a minimum efficiency reporting value (MERV) of 13.

I. **Objective Standards.** The project shall be consistent with the City's applicable objective, written design and development standards and policies that were published or adopted before the date the project application was submitted to the City, and that are not in conflict with this Chapter or Gov't Code § 65913.16, inclusive of the City's Mixed-Use and Multifamily Objective Design Standards.

J. **Parking**.

1. Baseline Parking Requirement. Except as provided in subsection J(2) below, the project shall provide off-street parking of one space per unit, unless a State law or City ordinance provides for a lower standard of parking, in which case the lower standard shall apply.

2. No Parking Alternatives. The project shall not be subject to any off-street parking requirement if either of the following is true:

   a. Public Transit. The project site is located within one-half mile walking distance of public transit, either a high-quality transit corridor or a major transit stop as defined in Public Resources Code § 21155(b).

   b. Car Share. There is a car share vehicle located within one block of the parcel.

11.64.040 Project Review and Timeline

A. **Ministerial review and approval required.** If the Community Development Director determines that a project application submitted pursuant to this section is consistent with the eligibility requirements in Section 11.64.020, the project requirements identified in Section 11.64.030, all Objective Development Standards of the underlying Zoning District not in conflict with this Section, and all Objective Design Standards not in conflict with this Section, the Director shall ministerially approve the application, subject to the following review timeline (Gov't Code § 65913.16(l)(5)):

Project Size	Completeness Determination	Determination of Consistency	Project Approval
150 units or fewer	30 days from submittal	60 days from submittal	90 days from submittal
More than 150 units	30 days from submittal	90 days from submittal	180 days from submittal

If the project is determined not to be consistent with the project requirements identified in this chapter, all Objective Development Standards of the underlying Zoning District not in conflict with this Section, and all Objective Design Standards not in conflict with this Section, the City shall notify the applicant in writing and provide a written explanation of the inconsistency.

B. **CEQA.** The development project shall not be subject to CEQA review if the Project is consistent with the project requirements identified in this chapter, all Objective Development Standards of the underlying Zoning District not in conflict with this Section, and all Objective Design Standards not in conflict with this Section.

C. **Expiration of Approval**.

1. Project approval expires after three years unless construction activity has commenced on the site (including grading and demolition) and the Building Permit for the project has been issued. The Director may grant a one-time, one-year extension if there has been significant progress towards getting the project construction ready (Gov't Code § 65913.16(l)(8)).

2. Project approval does not expire if a project receives public investment other than tax credits and provides at least 50% of the units at 80% AMI or below.

D. **Modification of Approval**. An applicant may request a modification to a project that has been approved under this chapter if the request is submitted to the City before the issuance of the final building permit required for construction of the project. The City's consideration of such modification request shall be governed by Gov't Code § 65913.16(l)(9).

11.64.050 Expiration of Governing Regulations

Gov't Code § 65913.16 will remain in effect until January 1, 2036, and after that time is repealed. This Chapter will remain in effect until the repeal of § 65913.16; upon repeal of that section this Chapter shall be of no further effect.

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Chapter 11.65 Adaptive Reuse: Conversion of Non-Residential Buildings to Residential Uses

Sections:

11.65.010 Purpose and Enabling Legislation
11.65.020 Eligibility Criteria
11.65.030 Development and Performance Standards
11.65.040 Project Review and Decision

11.65.010 Purpose and Enabling Legislation

A. The purpose of this Chapter is to summarize the requirements of Gov't Code § 65913.12 governing the transition of conversion of non-residential buildings to residential use, and to supplement these requirements with guidelines and procedures for processing applications under this law. Gov't Code § 65913.12 was added to the Government Code by AB 1490 (2023).

B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 65913.12. In the event of any conflict between Gov't Code § 65913.12 and this Chapter, Gov't Code § 65913.12 shall govern.

11.65.020 Eligibility Criteria

A project for adaptive reuse shall be an allowable use if it meets the following eligibility criteria:

A. **Building Conversion**. The project meets all of these requirements:

1. Multifamily. The project is a multifamily housing development project.

2. Retrofitting. The project involves the retrofitting and repurposing of a residential building or commercial building that currently allows temporary dwelling or occupancy, to create new residential units.

3. Building Envelope. The development will be entirely within the envelope of the existing building.

B. **Site**. The development is located on a site, where either of the following conditions exist:

1. Surrounding Uses. At least 75 percent of the perimeter of the site of the development adjoins parcels that are developed with urban uses; or

2. Transit Proximity. The parcel is within one-half mile of a major transit stop as defined in Public Resources Code § 21064.3.

C. **Industrial Uses**. Neither the project site nor any adjoining site is a site where more than one-third of the square footage on the site is dedicated to industrial use.

D. **Affordability Criteria.** The development shall meet all of the following affordability criteria:

1. Lower Income. 100 percent of the units within the development project, excluding managers' units, shall be dedicated to lower income households at an affordable housing cost, as defined by Health and Safety Code § 50052.5, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.

2. Very Low Income. At least 50 percent of the units within the development project shall be dedicated to very low income households at an affordable housing cost, as defined by Health and Safety Code § 50052.5, or an affordable rent set in an amount consistent with the rent limits established by the California Tax Credit Allocation Committee.

3. Deed Restriction. The units shall be subject to a recorded deed restriction ensuring the affordability requirements of this subsection are met for a period of 55 years for rental units and 45 years for owner-occupied units.

11.65.030 Development and Performance Standards

A. **Objective Design Standards**. The project shall meet the City's Mixed-Use and Multifamily Objective Design Standards, except for any standards that would require the curing of any preexisting deficit or conflict with regard to:

1. Density. Any maximum density requirements.

2. FAR. Any maximum floor area ratio requirements.

3. Parking. Any requirement to add additional parking.

4. Open Space. Any requirement to add additional open space

B. **Open Space**. The project shall not eliminate any existing open space on the parcel.

C. **Management Services**. For projects of 50 units or more, the development shall provide onsite management services.

11.65.040 Project Review and Decision

A. **Project Consistency**. For the purposes of the Housing Accountability Act, a project that is consistent with the provisions of Sections 11.65.020, Eligibility Criteria, 11.65.030, Development and Performance Standards, and 11.65.040, Affordability Criteria, shall be deemed consistent, compliant, and in conformity with required objective standards.

B. **Review Authority.** If the Community Development Director determines that a project application submitted pursuant to this section is consistent with the requirements of this chapter, the Director shall ministerially approve the project within the timelines required in subsection (D) below. Upon a determination that a development project application is inconsistent with the above standards, the City shall provide the applicant written documentation of which criteria,

standard or standards the development conflicts with, and an explanation for the reason or reasons the development conflicts with that standard or standards in the timelines required in subsection (D) below.

C. Denial.

1. In addition to any other legally available grounds for denial, the City may deny a project that is located on a site or adjoined to a site where any of the square footage on the site is dedicated to industrial use if the City makes written findings that approving the development would have an adverse effect on public health and safety.

2. The City shall approve without conditions a project proposed on a site, including a candidate site for rezoning, that is identified as suitable or available for very low, low-, or moderate-income households in the Housing Element if the project is consistent with the density specified in the Housing Element, even if the project is inconsistent with both zoning ordinance and general plan land use designation on the date the application was deemed complete.

D. **Timelines**. Project review is subject to the following deadlines. If the project is determined to be consistent with the requirements of this chapter, or if the City fails to provide the applicant with written documentation explaining the inconsistencies in the timeframes provided below, it is considered an allowed use and the application shall be deemed "consistent, compliant, and in conformity with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision" insofar as the Housing Accountability Act is concerned. Therefore, the project review and approval timelines will be the same as for Streamlined Review in Non-Residential Zoning Districts (Chapter 11.62):

Project size	Completeness Determination	Consistency Determination	Project Approval
150 units or less	30 days from submittal	60 days from submittal (or within 30 days of resubmittal to address written feedback)	60 days from consistency determination
More than 150 units	30 days from submittal	90 days from submittal (or within 30 days of resubmittal to address written feedback)	90 days from consistency determination

E. **CEQA.** The development project shall not be subject to CEQA review.

Chapter 11.66 Low Barrier Navigation Centers

Sections:

11.66.010 Purpose and Intent
11.66.020 Eligibility Criteria
11.66.030 Application Processing Timelines
11.66.040 Expiration of Governing Regulations
11.66.050 CEQA
11.66.060 Administrative Policies and Regulations
11.66.070 Fees

11.66.010 Purpose and Intent

A. The purpose of this Chapter is to summarize the requirements of Gov't Code §§ 65660 through 65666 governing the establishment of Low Barrier Navigation Centers, and to supplement these requirements with guidelines and procedures for processing applications under this law.

B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code §§ 65660 through 65666. In the event of any conflict between Gov't Code §§ 65660 through 65666 and this Chapter, Gov't Code §§ 65660 through 65666 shall govern.

C. A Low Barrier Navigation Center is a housing-first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing. "Low Barrier" means best practices to reduce barriers to entry, and may include, but is not limited to, the following:

1. The presence of partners if it is not a population-specific site, such as for survivors of domestic violence or sexual assault, women, or youth.

2. Pets.

3. The storage of possessions.

4. Privacy, such as partitions around beds in a dormitory setting or in larger rooms containing more than two beds, or private rooms.

11.66.020 Eligibility Criteria

A Low Barrier Navigation Center shall be permitted by right in mixed-use zones and non-residential zones permitting multifamily uses, medical uses, or faith-based uses, if the Low Barrier Navigation Center meets all of the following requirements:

A. **Services**. The Low Barrier Navigation Center offers case management services to connect individuals to housing resources and supportive services.

B. **Coordinated Entry System**. The Low Barrier Navigation Center is linked to a coordinated entry system, so that staff in the interim facility or staff who co-locate in the facility may conduct assessments and provide services to connect people to permanent housing.

C. **Welfare and Institutions Code**. The Low Barrier Navigation Center complies with Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.

D. **Database System**. The Low Barrier Navigation Center has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.

11.66.030 Application Processing and Timelines

E. **Ministerial Zoning Review**. A Zoning Clearance shall be required for all Low Barrier Navigation Center applications, subject to ministerial Director approval. The Director shall only review the project for consistency with the objective Development Standards of the underlying zoning district, together with the eligibility requirements listed in Section 11.66.020 of this Chapter.

F. **Completeness Review**. Within 30 days of receipt of an application for a Low Barrier Navigation Center development, the City shall notify the applicant whether the developer's application is complete pursuant to Gov't Code Section 65943.

G. **Decision**. Within 60 days of receipt of a completed application for a Low Barrier Navigation Center development, the City shall act upon its review of the application.

11.66.040 Expiration of Governing Regulations

Gov't Code § 65660 through § 65666 will remain in effect until January 1, 2027. This Chapter will remain in effect until the repeal of § 65660 through § 65666; and upon repeal of that section, this Chapter shall be of no further effect.

11.66.050 CEQA. The project shall not be subject to CEQA review.

11.66.060 Administrative Policies and Regulations. The Director, or their designee, shall have the authority to establish administrative policies and regulations that may be necessary to implement the provisions of this Chapter.

11.66.070 Fees. The City Council may establish by Resolution a non-refundable permit fee to cover the permit review costs incurred within the Chapter.

Chapter 11.67 Emergency Shelters

Sections:

11.67.010 Purpose and Enabling Authority
11.67.020 Requirements
11.67.030 CEQA
11.67.040 Administrative Policies and Regulations
11.67.050 Fees

11.67.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to provide procedures and standards to encourage and facilitate the establishment of Emergency Shelters.

B. Gov't Code § 65583 allows for local jurisdictions to identify objective standards within the confines of State law governing the development of Emergency Shelters in their communities.

C. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 65583. In the event of any conflict between Gov't Code § 65583 and this Chapter, Gov't Code § 65583 shall govern.

D. An Emergency Shelter is housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. (Gov't Code § 65582 and HSC § 50801)

11.67.020 Requirements

A. **Allowed Zoning Districts**. Emergency Shelters are a permitted use in various zoning districts, as identified in Housing Element Table 3-5 and Table 3-6.

B. **Ministerial Zoning Review**. A Zoning Clearance shall be required for all Emergency Shelter applications, subject to ministerial Director approval. The Director shall only review the project for consistency with the objective Development Standards of the underlying zoning district, together with the Objective Standards listed in Section 11.67.020(C) of this Chapter.

C. **Objective Standards**. An Emergency Shelter shall meet the following objective standards:

1. Management and Security. On-site management and on-site security shall be provided during all hours when the Emergency Shelter is in operation.

2. Lighting. External lighting shall be provided on all buildings, in common areas, and in parking areas for security purposes, consistent with the City's Security Ordinance. The lighting shall be stationary, directed downward and shielded so as not to produce off-site glare.

3. Common Facilities. The development may provide one or more of the following specific common facilities for the exclusive use of the residents and staff:
    a. Central cooking and dining room(s).
    b. Recreation room.
    c. Counseling center.
    d. Child day care facilities.
    e. Other support services.
4. Enclosed Facilities. Parking and outdoor facilities shall be enclosed, but are not required to be covered, and designed to provide security for residents, visitors, employees and the surrounding area.
5. Parking. The Emergency Shelter shall provide a quantity of parking spaces equal to that required by a residential or commercial use of the underlying zoning district.
6. Operations. The agency or organization operating the Emergency Shelter shall comply with the following requirements:
    a. Shall be available to residents for no more than six months, as tracked by onsite management.
    b. Staff and services shall be provided to assist residents in obtaining permanent shelter and income.
    c. The provider shall have a written management plan including, as applicable, provisions for the following:
        i Size and location of exterior and interior onsite waiting and client intake areas.
        ii Staff training;
        iii Neighborhood outreach;
        iv Security;
        v Screening of residents to ensure compatibility with services provided at the facility; and
        vi Training, counseling, and treatment programs for residents.
7. Proximity. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter site.
8. Required Licenses. The facility shall be in, and shall maintain at all times, good standing with City and/or State licenses, such as a business license, if

required by these agencies for the owner(s), operator(s), and/or staff on the proposed facility.

9. Number of Beds. The Emergency Shelter shall have no more than the following quantity of beds:

   a. Individual Dwelling Unit Format: A quantity of beds equal to the unit density of the underlying General Plan designation.

   b. All Other Formats: A quantity of beds equal to three times the unit density of the underlying General Plan designation.

11.67.030 CEQA. The project shall not be subject to CEQA review.

11.67.040 Administrative Policies and Regulations. The Director, or their designee, shall have the authority to establish administrative policies and regulations that may be necessary to implement the provisions of this Chapter.

11.67.050 Fees. The City Council may establish by Resolution a non-refundable permit fee to cover the permit review costs incurred within the Section.

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Chapter 11.68: Agricultural Employee Housing

Sections:

11.68.010 Purpose and Intent
11.68.020 Permitted Use
11.68.030 Project Requirements
11.68.040 Streamlined Review and Approval
11.68.050 CEQA Review Not Required
11.68.060 Grounds for Project Denial

11.68.010 Purpose and Intent

A. The intent of these provisions is to allow sufficient agricultural employee housing units necessary to support agricultural operations and that are consistent with the applicable provisions of Health and Safety Code (HSC) §§ 17021.6 and 17021.8.

B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Health and Safety Code §§ 17021.6 and 17021.8. In the event of any conflict between Health and Safety Code §§ 17021.6 and 17021.8 and this Chapter, Health and Safety Code §§ 17021.6 and 17021.8 shall govern.

11.68.020 Permitted Use

Agricultural Employee Housing shall be deemed a permitted agricultural land use and shall not require a conditional use permit, zoning variance, or other discretionary zoning clearance that is not required of any other agricultural activity in the same zoning district.

11.68.030 Project Requirements

A. **General Plan Designation.** The project shall be located on land designated Open Space, Limited Agriculture, Agriculture/Viticulture, or Large Parcel Agriculture in the General Plan.

B. **Maximum size**. The project shall not have more than one group quarters or 12 family units.

1. Group Quarters shall not contain more than 36 beds.
2. Family units shall not contain more than three beds.

C. **Occupancy**. Occupancy of the housing is limited to:

1. Agricultural employees who work on the property where the employee housing is located plus their family members; and
2. Agricultural employees who do not work on the property where the employee housing is located, but work within the Municipal City Limits of Livermore.

D. **Maintenance and Operation**. The agricultural employee housing will be maintained and operated by a qualified affordable housing organization that has been certified pursuant to HSC § 17030.10. The project applicant shall submit proof of issuance of the qualified affordable housing organization's certification by the California Department of Housing and Community Development. The qualified affordable housing organization shall provide for onsite management of the development.

E. **Deed Restriction**. An affordability covenant shall be recorded on the property to ensure the affordability of the proposed agricultural employee housing for agricultural employees for not less than 55 years. For purposes of this paragraph, "affordability" means the agricultural housing is made available at an affordable rent, as defined in HSC § 50053, to lower income households, as defined in HSC § 50079.5.

11.68.040 Streamlined Review and Approval

A. **Requirements for Streamlining**. A project applicant may submit an application for agricultural employee housing that is subject to a streamlined, ministerial approval process. However, if any of the following below applies, streamlined, ministerial review is not applicable and a conditional use permit is required:

1. Wetlands, as defined by the United States Fish and Wildlife Service.
2. Within a very high fire hazard severity zone or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection.
3. A hazardous waste site.
4. Within a delineated earthquake fault zone.
5. Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency.
6. Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency.
7. Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan, or other adopted natural resource protection plan.
8. Lands under conservation easement. For purposes of this section, "conservation easement" shall not include a contract executed pursuant to the Williamson Act.
9. Lands with groundwater levels within five feet of the soil surface and for which the development would be served by an onsite wastewater disposal system serving more than six family housing units.

B. **Objective Standards**. An agricultural employee housing development that is approved pursuant to this section must comply with all of the following objective development standards:

1. Utilities. The development must have adequate water and wastewater facilities and dry utilities to serve the project.
2. Water Supply. The development must be connected to an existing public water supply system that has not been identified as failing or being at risk of failing to provide an adequate supply of safe drinking water.
3. Sewer Connection. If the development proposes to include 10 or more units, the development must connect to an existing municipal sewer system that has adequate capacity to serve the project. Any approved local agency management program for onsite wastewater treatment system requirements shall apply to the development.
4. Location. The property on which the development is located must be either of the following:
    a. Within one-half mile of a duly designated collector road rated for Average Daily Trips (ADT) of 6,000 or greater; or
    b. Adjacent to a duly-designated collector road rated for ADT of 2,000 or greater.
5. Parking. The development must provide at least two parking spaces per unit or at least two parking spaces per 6 beds, if group quarters.
6. Hazards. If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to a level of insignificance in compliance with state and federal requirements.

C. **Completeness**. If an application for agricultural employee housing does not meet the requirements specified in this Chapter, the City shall provide the applicant written documentation of which requirement(s) the development does not satisfy and an explanation for the reason(s) the development does not satisfy the requirement(s), as follows:

1. Within 30 days of submission if the development contains 50 or fewer housing units.
2. Within 60 days of submission if the development contains more than 50 housing units.

If the City does not provide the required documentation pursuant to this Section, the development shall be deemed to satisfy the requirements of the Chapter.

D. **Approval**. Review of the proposed project shall be subject to the objective development standards described in Section B. The Community Development

Director shall approve a project that is in conformance with the requirements of this chapter as follows:

1. Within 90 days of submission if the development contains 50 or fewer housing units.

2. Within 180 days of submission if the development contains more than 50 housing units.

11.68.050 CEQA Review Not Required

The project shall not be subject to CEQA review.

11.68.060 Grounds for Project Denial

The City may disapprove an eligible agricultural employee housing development if any of the following conditions exist:

1. **Adverse Impact**. The eligible agricultural employee housing development as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to lower income households, as defined in HSC §50079.5, or rendering the development financially infeasible.

As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete;

B. **State and Federal Law**. The project would be in violation of any applicable state or federal law; or

1. **Existing Laws**. The project would change any obligations to comply with any other existing laws.

Chapter 11.69: Streamlined Review of Eligible Subdivisions

Sections:

11.69.010 Purpose and Enabling Authority
11.69.020 Projects Eligible for Streamlined Review
11.69.030 Projects Not Eligible for Streamlined Review
11.69.040 Development Criteria for Subdivisions
11.69.050 Development Criteria for New Units
11.69.060 Project Review and Timeline
11.69.070 Issuance of Building Permits

11.69.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to summarize the requirements of Government Code Sections 65852.28, 65913.4.5, and 66499.41, which govern the ministerial and streamlined approval of housing development projects with ten or fewer residential units, and parcel maps, tentative maps, and final maps for housing development projects with ten or fewer parcels, in residential zoning districts, and to supplement these requirements with guidelines and procedures for processing applications under these laws. Government Code Sections 65852.28, 65913.4.5, and 66499.41 were added to the Government Code by SB 684 (2023).

B. Ambiguities or gaps in this chapter shall be resolved first by reference to Government Code Sections 65852.28, 65913.4.5, and 66499.41. In the event of any conflict between Government Code Sections 65852.28, 65913.4.5, and 66499.41 and this Chapter, Government Code Sections 65852.28, 65913.4.5, and 66499.41 shall control.

11.69.020 Projects Eligible for Streamlined Review

A parcel map or a tentative and final map for a housing development project that meets all of the following requirements shall be considered without discretionary review or a hearing:

A. **Ten Parcel/Unit Maximum**. The proposed subdivision will result in ten or fewer parcels and the housing development project on the lot proposed to be subdivided will contain ten or fewer Primary Dwelling Units.

B. **Zoning**. The lot is a legal parcel that is either zoned to allow multifamily residential development or vacant pursuant to Government Code Section 66499.41(a)(2)(A)(ii) and zoned for single-family residential development.

C. **No Previous Subdivision**. The lot was not established pursuant to this Chapter or Chapter 11.50 (Two Unit Residential Development and Urban Lots Splits) of this Development Code.

D. **Urban Context**. The lot is:

1. No larger than five acres, if developed and located within a multifamily zoning district, and is substantially surrounded by qualified urban uses; or

2. No larger than one-and-a-half acres, if vacant and located within a single-family zoning district, and is substantially surrounded by qualified urban uses.

3. For purposes of this subsection, the following definitions apply:

   a. "Qualified urban use": Any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses. (Public Resources Code § 21072)

   b. "Substantially surrounded": Whereby at least 75 percent of the perimeter of the project site adjoins, or is separated only by an improved public right-of-way from, parcels that are developed with qualified urban uses. The remainder of the perimeter of the site adjoins, or is separated only by an improved public right-of-way from, parcels that have been designated for qualified urban uses in a zoning, community plan, or general plan for which an environmental impact report was certified. (Public Resources Code § 21159.25)

11.69.030 Projects Not Eligible for Streamlined Review

A parcel map or a tentative and final map for a housing development project shall not be considered for streamlined review under this Chapter if any of the following conditions exist:

A. **Demolition of Housing**. The development of a housing project on the lot proposed to be subdivided will require the demolition or alteration of any of the following types of housing:

1. **Affordable Housing.** Housing that is subject to a recorded covenant, ordinance, or law that restricts rent to levels affordable to persons and families of low, very low, or extremely low income.

2. **Rent Controlled Housing.** Housing that is subject to any form of rent or price control through the City's valid exercise of its police power.

3. **Tenant Occupied Housing.** Housing occupied by tenants within the five years preceding the date of the application, including housing that has been demolished or that tenants have vacated prior to the submission of the application for a development permit.

4. **Withdrawn Accommodations Properties.** Housing on a parcel in which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code to withdraw accommodations from rent or lease within 15 years before the date that the development

proponent submits an application for a parcel map or a tentative and final map pursuant to this Chapter.

B. **Protected Property**. The lot proposed to be subdivided is located on a site that is any of the following:

1. **Significant Farmland.** Either prime farmland or farmland of statewide importance.
2. **Wetlands.** Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).
3. **Fire Hazard Zone.** Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.
4. **Hazardous Waste Site.** A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to former Section 25356 of the Health and Safety Code, unless either of the following apply:
    a. The site is an underground storage tank site that received a uniform closure letter.
    b. The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.
5. **Earthquake Fault Zone.** Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards.
6. **Flood Zones.** Within a special flood hazard area subject to inundation by the 1-percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency. However, a development may be located on a site described in this subparagraph if either of the following are met:
    a. The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction.

b. The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.

7. **Floodway.** Within a regulatory floodway as determined by the Federal Emergency Management Agency, except as provided in Government Code Section 66499.41(a)(9)(G).
8. **Conserved Lands**. Land identified for conservation in an adopted natural community conservation plan or natural resource protection plan.
9. **Sensitive Habitat.** Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.
10. **Conservation Easement.** Land under conservation easement(s) held by a public agency, land trust, or private party.

11.69.040 Development Criteria for Subdivisions

Eligible parcel maps or tentative and final maps for housing development projects, as described in Section 11.69.020 of this Chapter, shall meet the following standards:

A. **Parcel Attributes.** All newly-created parcels shall:

1. Be of at least 600 square feet if located in multifamily zones and of at least 1,200 square feet if located in single family zones.
   a. A housing development project on a parcel proposed to be subdivided pursuant to this Chapter is not required to meet the minimum development standards of the underlying zoning district regarding parcel size, width, depth, frontage, or dimensions, except for the minimum lot size identified above.
2. The housing units on the lot proposed to be subdivided pursuant to this Chapter must be one of the following:
   a. Constructed on fee-simple ownership lots.
   b. Part of a common-interest development.
   c. Part of a housing cooperative, as defined in Section 817 of the Civil Code.
   d. Constructed on land owned by a community land trust. For the purpose of this subparagraph, "community land trust" means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code and satisfies the requirements of Government Code Section 66499.41(a)(4)(D).

e. Part of a tenancy in common, as described in Section 685 of the Civil Code.

B. **Public Utilities.** Newly-created lots shall be served by a public water system and a municipal sewer system.

C. **Urban Lot Split Prohibited**. An Urban Lot Split in accordance with Chapter 11.50 (Two Unit Residential Development and Urban Lots Splits) of this Development Code is not allowed on new lots created under this Chapter.

D. **Compliance with Subdivision Ordinance Required**. The proposed subdivision shall conform to all objective subdivision standards identified in Part 10 of this Development Code (Subdivisions) and applicable objective requirements of the Subdivision Map Act (Division 2 (commencing with Section 66410) of the Government Code), except as otherwise expressly provided in this Chapter.

E. **Homeowners Association**. The formation of a homeowners' association, except as required by the Davis-Stirling Common Interest Development Act (Part 5 (commencing with Section 4000) of Division 4 of the Civil Code) is not required. However, a mechanism for the maintenance of common space within the subdivision, including, but not limited to, a road maintenance agreement, may be required.

11.69.050 Development Criteria for New Units

A. **Unit Size.** The average total area of floorspace for the housing units on the parcels created pursuant to this Chapter shall not exceed 1,750 net habitable square feet per lot.

B. **ADU/JADUs Prohibited**. Neither an ADU nor a JADU, as defined in Chapter 11.30 of this Development Code, are allowed on new lots created under this Chapter.

C. **Compliance with Zoning and Design Standards Required.** Units on newly-created lots shall be consistent with all applicable objective zoning standards and design standards, unless a standard is inconsistent with a requirement identified in this Chapter or Government Code Section 65852.28(a)(2).

D. **Residential Density and Affordability**. The proposed development shall meet one of the following requirements:

1. **Housing Element Sites**.

a. **Density**. If the parcel is identified in the General Plan Housing Element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of the Government Code, the development will result in at least as many units as projected for that parcel in the Housing Element.

b. **Affordability**. If the parcel is identified to accommodate any portion of the City's share of the regional housing need for low- or very low income households, the development shall result in at least as many low- or very low income units as projected in the Housing Element. These units shall be subject to a recorded affordability restriction of at least 55 years. Newly-created units shall also comply with Chapter 11.70 (Affordable Housing) of this Development Code, as applicable and to the extent Chapter 11.70 does not conflict with this Chapter or Government Code Section 66499.41.

2. **Other Sites**.

a. **Density**. If the parcel is not identified in the City's Housing Element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of the Government Code, the development shall result in at least as many units equal to two-thirds the maximum allowable residential density of the underlying General Plan designation, or 20 units per acre, whichever is greater.

b. **Affordability**. The project on the proposed lot to be subdivided complies with all local inclusionary housing ordinances adopted by the City, including, without limitation, Chapter 11.70 of this Development Code.

E. **Development Standards**. A housing development project on a lot that is subdivided pursuant to this Chapter shall meet the following requirements:

1. **Minimum Setback**. There is no required minimum setback between units, except when minimum setbacks are required in the California Building Code.

2. **Minimum Side and Rear Setback**. A minimum setback of four feet from the side and rear lot lines is required, except when otherwise provided by Government Code Section 65852.21(b)(2)(B).

3. **Parking**. Parking may be uncovered. A minimum of one off-street parking space per unit is required, except in either of the following circumstances:

i The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

ii When a documented car-share vehicle is located within one block of the parcel.

4. **Exceptions**. No development standard shall preclude the development of a housing development project under this Chapter at the following:

a. **Density**. Minimum of 20 units/acre.

b. **Floor Area Ratio**.

i 1.0 or greater for a housing project consisting of three to seven units.

ii 1.25 or greater for a housing project consisting of eight to ten units.

11.69.060 Project Review and Timeline

A. **Project Review.** The City shall approve or deny an application for a parcel map, tentative map, or for a housing development project submitted to the City pursuant to this Chapter within 60 days from the date the City receives a completed application. If the project is not approved or denied within that timeframe, the application shall be deemed approved.

B. **Corrections and Denial.**

1. **Correction Letter**. If the application cannot be approved, the City shall, within 60 days from the date it receives the completed application, return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the applicant can remedy the application.

2. **Basis for Denial**. The City may deny the issuance of a parcel map, a tentative map, a final map, or a housing development project that meets the requirements of this chapter if it makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined by Government Code Section 65589.5(d)(2), upon public health and safety and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

C. **Mapping Procedure.** If the development proponent of a housing development project pursuant to this Chapter proposes a Parcel Map, Tentative Map, Final Map, or Condominium Map, the project shall follow all submittal and review authority procedures described in Part 10 of the Development Code, except as otherwise expressly provided in this Chapter or in Government Code Section 66499.41. However, the Final Map or Condominium Map may be approved prior to, or concurrent with, Certificate of Occupancy of the proposed buildings, as required by a project Condition of Approval.

D. **Site Plan Design Review.** If the project proposal includes residential development, the Project shall follow all submittal and review authority procedures described in Part 9 of the Development Code, except when Part 9 conflicts with the requirements of this Chapter.

11.69.070 Issuance of Building Permits

A. **Permit Issuance**. The City shall issue a building permit for one or more residential units that are part of a housing development project under this Chapter if the applicant for the permit has met all of the following requirements:

1. The applicant has received a tentative map approval or parcel map approval for the subdivision;
2. The applicant has submitted a building permit application that the City deemed complete pursuant to Government Code Section 65913.3(b);
3. The building permit application is consistent with the California Building Standards Code in place at time the application was submitted, as determined by the Building Official; and
4. The project is consistent with the approved entitlement(s) and all conditions of approval, as determined by the Director.

B. **Permit Conditions**. The requirements of Gov't Code § 65913.4.5(a) regarding conditions of the permit, conditions of the tentative or parcel map ,and performance bonds apply to building permit applications for units approved under this chapter.

C. **Permit Denial.** The requirements of Gov't Code § 65913.4.5(a) regarding terms of permit denial apply to building permit applications for units approved under this chapter.

Chapter 11.70: Affordable Housing

Sections:

11.70.010 Purpose and Enabling Authority
11.70.020 Residential Affordable Requirement
11.70.030 Percentage of Affordable Units
11.70.040 Alternative Means of Compliance
11.70.050 Performance Measures
11.70.060 Implementation
11.70.070 Commercial and Industrial
11.70.080 Enforcement

11.70.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to help the City, region, and State meet the goal of providing housing affordable across a range of income categories. This Chapter requires new development to contribute to the City's affordable housing stock through the provision of housing units, land dedication, and/or fees.

B. California Gov't Code § 65850(g) allows for local jurisdictions to require, as a condition of the development of residential rental units, that the development include a certain percentage of residential rental units affordable to, and occupied by lower income households, within the confines of State law governing residential development in their communities.

11.70.20 Residential Affordable Requirement

A. **Affordable Option**. As a condition of approval for each tentative or vesting tentative map or land use entitlement having residential parcels or units, the developer is required to either:

1. Allocate a percentage of total project units as Affordable units, as described in Section 11.70.030; or

2. Satisfy this requirement by an Alternative Means of Compliance, as described in Section 11.70.040.

B. **Exceptions.**

1. Residential projects that provide 10 or less for-sale units shall be allowed to satisfy the requirements of this Chapter through an In-Lieu Fee.

2. Residential projects that provide 10 or less rental units shall be wholly exempt from the requirements of this Chapter.

11.70.030 Percentage of Affordable Units

When the developer intends to provide the required affordable housing units within the proposed development project, the developer shall construct the types and quantities as described below:

A. **General Plan Areas.**

1. **For-Sale Units.** The developer shall reserve 15 percent or more of the total for-sale units as affordable units to be sold to low- and moderate-income households at

a price that does not exceed the maximum affordable purchase price for a unit for those households. The maximum purchase price for low- and moderate-income households shall be as adopted annually by City Council resolution.

a. At least seven and one-half percent of the reserved units shall be set aside for low-income households, with the balance set aside for moderate-income households.

b. Whenever the inclusionary requirement results in an odd number of units, the majority of units shall be provided as low-income. Whenever the number of units result in a fraction of a unit greater than 0.5, the requirement shall be rounded up to the nearest whole unit. Whenever the number of units results in a fraction of a unit less than or equal to 0.5, the requirement shall be rounded down to the nearest whole unit.

c. The for-sale units shall be encumbered in a manner acceptable to the City, so that if a buyer resells the reserved unit within the restricted time period for a price in excess of the inflation-adjusted purchase price, then the excess profit will be returned to the City for use in affordable housing programs.

2. **Rental Units**. The developer shall reserve 15 percent or more of the total rental units as affordable units to be rented to very-low- and low-income households at a cost that does not exceed maximum monthly rental rates for those households. The maximum monthly rental rates for very-low- and low-income households shall be adopted annually by City Council resolution.

a. At least seven and one-half percent of the reserved units shall be set aside for very-low-income households, with the balance set aside for low-income households.

b. Whenever the inclusionary requirement results in an odd number of units, the majority of units shall be provided as very-low-income. Whenever the number of units result in a fraction of a unit greater than 0.5, the requirement shall be rounded up to the nearest whole unit. Whenever the number of units results in a fraction of a unit less than or equal to 0.5, the requirement shall be rounded down to the nearest whole unit.

c. The rental units shall be marketed and made available through an application process directed by the City, and the development shall be managed by an experienced management company approved by the City.

B. **Downtown Specific Plan Area.**

1. **For-Sale Units.** The developer shall reserve 10 percent or more of the total for-sale units to be sold to low-income households at a price that does not exceed the maximum affordable purchase price for the units.

a. Whenever the number of units results in a fraction of a unit less than or equal to 0.5, the requirement shall be rounded down to the nearest whole unit.

2. **Rental Units**. The developer shall reserve 10 percent or more of the rental units to be rented to low-income households at a cost not to exceed the maximum monthly rental rates for those households.

a. Whenever the number of units results in a fraction of a unit less than or equal to

0.5, the requirement shall be rounded down to the nearest whole unit.

C. **Isabel Neighborhood Specific Plan Area.**

1. **For-Sale Units**. The developer shall reserve 15 percent or more of the total for-sale units as affordable units to be sold to low- and moderate-income households at a price that does not exceed the maximum affordable purchase price for a unit for those households. The maximum purchase price for low- and moderate-income households shall be as adopted annually by City Council resolution.

   a. At least seven and one-half percent of the reserved units shall be set aside for low-income households, and at least seven and one-half percent for moderate-income households.

   b. Whenever the inclusionary requirement results in a fraction of units, the units shall be combined and provided as low-income units. Whenever the number of units result in a fraction of a unit greater than 0.5, the requirement shall be rounded up to the nearest whole unit.

2. **Rental Units**. The developer shall reserve 20 percent or more of the total rental units as affordable units to be rented to very-low-income, low-income, median-income, and moderate-income households at a cost that does not exceed maximum monthly rental rates for those households. The maximum monthly rental rates for very-low-income, low-income, median-income, and moderate-income households shall be adopted annually by City Council resolution.

   a. At least six percent of the reserved units shall be set aside for very-low-income households, at least seven percent shall be set aside for low-income households, and at least four percent shall be set aside for median-income households, with the balance set aside for moderate-income households.

   b. Whenever the inclusionary requirement results in a fraction of units, the units shall be combined and provided as very-low-income units. Whenever the number of units result in a fraction of a unit greater than 0.5, the requirement shall be rounded up to the nearest whole unit.

11.70.040 Alternative Means of Compliance

A. **Prerequisites**

1. **Economic Equivalence**. Each alternative must be economically equivalent to the affordable housing requirement and may satisfy part or all of the affordable housing requirement.

2. **City Council Approval**. Alternatives to constructing affordable units on site specified in subsections B.1 through B.3 of this section require prior City Council approval.

3. **Concurrent Submittal**. An Alternative Means of Compliance request shall be presented concurrently to the City Council as part of a residential tentative subdivision map or land use entitlement application that is submitted to the City.

4. **Report Required**. The request shall be accompanied by a report demonstrating economic equivalence and either: 1) why it is not feasible for the applicant to construct affordable units within the development project; or 2) that the proposed alternative exceeds the City's affordable requirement.. The report shall include

independent data, including financial information.

B. **Alternatives.** The following alternatives may satisfy the requirements of this Chapter:

1. In-Lieu Fee.

   a. A developer may satisfy the affordable housing requirement by paying an in-lieu fee for each market-priced unit.

   b. The method of calculating the in-lieu fee is specified in LMC 3.26.050.

   c. Whenever the number of affordable units required to be constructed includes a fraction of a unit, the payment of a proportional in-lieu fee shall satisfy that partial unit requirement.

   d. The applicable fee rate shall be determined at the time of building permit application unless otherwise agreed to in the project's low-income housing agreement.

2. Dedication of Land.

   a. 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.

   b. 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.

3. Alternative Affordable Plan.

   a. A developer may satisfy the requirements of this Chapter through an alternative affordable plan.

   b. The alternative affordable plan shall meet the following requirements:

   i May only be considered as part of a Development Agreement between a developer and the City of Livermore;

   ii The Development Agreement may only allow for the following deviations from this Chapter:

      (a) Timing of affordable unit construction.

      (b) Quantity of affordable units.

      (c) Affordability Level of affordable units.

      (d) Comparability of affordable units.

      (e) Location of affordable units.

      (f) Bonding Structure and timing.

      (g) Deed Restriction Term for Rental Units.

   iii Shall not conflict with affirmatively furthering fair housing and state housing requirements.

All affordable units required as part of this Chapter shall meet the following performance measures. Each performance measure is applied to affirmatively further fair housing, in compliance with state housing law.

A. **Timing of Construction.** The developer shall construct the affordable units concurrently with all other units.

B. **Comparability of Units.** Affordable and market-rate units in the same development project shall not be distinguishable from one another and shall have the same features and characteristics, as follows:

1. Unit type (e.g. townhouse, flat, loft, duplex, etc.)
2. Size, as determined by habitable square footage.
3. Bedroom count.
4. Bathroom count.
5. Interior finishes and fixtures.
6. Access to common areas and amenities such as a community pool, gym, and open space.
7. Floor and wall treatments.
8. Exterior appearance.
9. Size, amount, and location of parking.
10. Laundry facility location, size, and type.
11. Kitchen facility features, including quality of cabinetry and countertops.
12. Open space quantity and type (e.g. common vs. private).

C. **Minimum Unit Size.** Notwithstanding the requirements for comparability of units, the affordable units shall meet or exceed the gross floor areas specified in the following table:

Table 11.70-1 Minimum Gross Floor Areas

Number of Bedrooms	Units Reserved for Rent	Units Reserved for Sale
Studio unit	450 square feet	600 square feet
One bedroom unit	500 square feet	750 square feet
Two bedroom unit	750 square feet	900 square feet
Three bedroom unit	1,000 square feet	1,000 square feet
Four bedroom unit	1,200 square feet	1,250 square feet

D. **Location and Integration.**

1. Distribution. The developer shall construct affordable units in locations uniformly dispersed throughout the project site.
2. Concentration. Each building within a multi-building project shall contain a representative proportion of the total required affordable units.
3. Arrangement. All affordable units shall be arranged on the project site in a similar manner as all market-rate units, including proximity to amenities, vistas, and open

space.

4. Grouping. Within a building, all affordable units shall not be grouped together, and shall be located in a manner similar to all market-rate units.

E. **Tenant Services Requirement.** Rental projects in excess of 50 units shall include resident services space and provisions for on-site resident services (i.e., childcare, senior services, or mobility services) sufficient to meet the needs of the population housed as determined by the Director.

11.70.060 Implementation

A. **Plans.** The affordable unit locations, quantities, and affordability levels required by this Chapter shall be identified on a tentative map, site plan, affordable plan, and/or other affordable exhibit approved by the Director.

B. **Security.** The developer shall provide security to satisfy the affordable housing requirement before approval of a final map, improvement plan, Master Plan, or Building Permit as determined by the Director. The security shall be one or a combination of the following:

1. A performance bond to cover the construction costs for all required affordable units and related improvements and amenities;

2. Other appropriate security approved in writing by the Director.

C. **Low Income Housing Agreement.** The project applicant shall enter into a Low Income Housing Agreement in a form provided by the City, to be recorded against the property before issuance of building permits or recordation of a final map, as determined by the Director. The agreement shall include the following:

1. Fifty-Five-Year Restriction. The affordable units required as part of this Chapter shall be deed restricted as affordable for a minimum of 55 years, unless otherwise authorized by an Alternative Affordable Plan, as described in Section 11.70.040(B)(3).

2. Site Plan. The Low Income Housing Agreement shall include an approved tentative map, site plan, or affordable plan showing locations, quantities, and affordability levels of all required affordable units.

3. Administrative Cost Recovery. The Low Income Housing Agreement for for-sale residential projects shall include provisions that allow the City to charge the developer for administrative costs associated with selling the affordable housing units.

4. Monitoring. The Low Income Housing Agreement shall include provisions that allow the City to regularly inspect and monitor project compliance after construction is completed. Monitoring costs incurred by the City shall be borne by the developer.

5. Legal Documents. The Low Income Housing Agreement shall reference all required legal documents, including but not limited to Promissory Note, Deed of Trust, Regulatory Agreement and any other document, as determined by the Director.

D. **For Sale Prices**. The maximum purchase price for all for-sale Affordable units shall be adopted annually by City Council resolution.

E. **For Sale Deed Restriction**. For-sale units shall be encumbered in a manner acceptable to the City, so that if a buyer resells the reserved unit within the restricted time period for a

price in excess of the inflation-adjusted purchase price, then the excess profit will be returned to the City for use in affordable housing programs.

F. **For Rent Prices**. The maximum monthly rental rates for low-income households shall be adopted annually by City Council resolution.

G. **For Rent Marketing and Management**. The rental units shall be marketed and made available through an application process directed by the City, and the development shall be managed by an experienced management company acceptable to the City.

H. **Additional Fees.** Affordable units shall not be charged additional costs or fees that are not charged to market-priced units.

I. **Unit Eligibility.** Employees or family members of the developer or developer's property management agent may not be eligible to apply for the affordable units.

11.70.070 Commercial and Industrial Development

The developer is required to pay the affordable housing fee established in compliance with Chapter 3.26 LMC.

11.70.080 Enforcement

Enforcement provisions regarding this section are specified in Chapter 9.20 (Enforcement).

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Chapter 11.80: Residential Development on Non-Residential Properties

Sections:

11.80.010 Purpose and Enabling Authority
11.80.020 Eligibility Criteria
11.80.030 Processing Requirements
11.80.040 Expiration of Governing Regulations.

11.80.010 Purpose and Enabling Authority

A. The purpose of this Chapter is to summarize the requirements of Gov't Code § 65852.24 governing residential and mixed-use development projects on non-residential properties, and to supplement these requirements with guidelines and procedures for processing applications under this law. Gov't Code § 65852.24 was added to the Government Code by SB 6 (2022).

B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Gov't Code § 65852.24. In the event of any conflict between Gov't Code § 65852.24 and this Chapter, Gov't Code § 65852.24 shall govern.

11.80.020 Eligibility Criteria

A. **Project Criteria**. A residential project shall be deemed an allowable use on a parcel that is within a zone where office, retail, or parking are a principally permitted use if it complies with all of the following:

1. Ground Floor Commercial. At least one half (50%) of the ground floor square footage of each proposed building is designated for commercial or office use.

2. Site Requirements. Located on a site that meets all of the following standards:

   a. Parcel Size. 20 acres or less, unless the site is a regional mall, as defined in Gov't Code § 65912.101(r), in which case the site is not greater than 100 acres;

   b. Use. A legal parcel where office, retail, or parking are a principally permitted use; and

   c. Proximity to Industrial. Not a site or adjoined to a site in which 1/3 of the uses or more are dedicated to industrial use, meaning that the current use is industrial, has been most recently permitted as industrial, or has been identified as a industrial site by the General Plan before January 1, 2022. For purposes of this subdivision, parcels only separated by a street or highway shall be considered to be adjoined.

3. Density. At least 30 units/acre.

B. **Site and Development Criteria**. A residential or mixed-use project on a non-residential property developed under this Chapter shall conform to the following requirements:

1. Rental Term. All units created under this chapter are required to be rented for terms of longer than 30 days.
2. Development Standards. Subject to the standards and requirements applicable to the processing and permitting of a housing development in a zone that allows at least 30 units/acre
3. Design Standards. Consistent with the Mixed-Use and Multifamily Objective Design Standards.
4. Process Standards. Consistent with all applicable process requirements in Chapter 9.
5. Sustainable Community Strategy. Consistent with the City's Climate Action Plan and Active Transportation Plan.
6. Labor. Compliant with the labor standards and skilled and trained workforce requirements identified in Gov't Code § 65852.24(b)(8)(A) and (B), including, but not limited to, meeting certain requirements for construction worker employment and prevailing wages, among others.

11.80.030 Processing Requirements

A. **Tenant Notice and Relocation Assistance**. Applicant shall provide written notice of the pending application to each commercial tenant on the parcel when the application is submitted and shall provide relocation assistance to each eligible commercial tenant located on the site in accordance with Gov't Code § 65852.24(c).

B. **State Code Consistency**. The California Environmental Quality Act (CEQA), provisions of the Housing Accountability Act (Gov't Code § 65589.5), Density Bonus law (Chapter 11.40), obligations to affirmatively further fair housing, affordable housing laws (Chapter 11.70), the City's building demolition requirements, and tenant protection laws continue to apply to projects proposed under this chapter.

C. **Streamlining Ineligibility**. A project subject to this chapter shall not be eligible for streamlining pursuant to Chapter 11.61 (Streamlined Review in Residential Zoning Districts) or Gov't Code § 65913.4 if it meets either of the following conditions:

1. The site had previously been developed pursuant to Chapter 11.61 or Gov't Code § 65913.4 with a project of 10 units or fewer; or
2. The developer of the project, or any person acting in concert with the developer, has previously proposed a project pursuant to pursuant to

Chapters 11.61 or Gov't Code § 65913.4 of 10 units or fewer on the same or an adjacent site

11.80.040 Expiration of Governing Regulations.

Gov't Code § 65852.24 will remain in effect until January 1, 2033, and as of that date is repealed. This Chapter will remain in effect until the repeal of § 65852.24; upon repeal of those sections this Chapter shall be of no further effect.

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Chapter 11.90: Mobile Homes and Mobile Home Parks

Sections:

11.090.010 Purpose, Enabling Authority, and Conformance
11.090.020 Mobile Homes Outside of Mobile Home Parks
11.090.030 Mobile Home Parks

11.090.010 Purpose, Enabling Authority, and Conformance

A. The purpose of this Chapter is to summarize the requirements of Health and Safety Code §§ 18300 through 18307 governing Mobile Homes and Mobile Home Parks, and to supplement these requirements with guidelines and procedures for processing applications under this law.

B. Ambiguities or gaps in this Chapter shall be resolved first by reference to Health and Safety Code §§ 18300 through 18307. In the event of any conflict between Health and Safety Code and this Chapter, Health and Safety Code §§ 18300 through 18307 shall govern.

C. Mobile homes, mobile home parks, trailer parks, travel trailer parks, and recreation trailer parks, where permitted, shall conform to *Title 25 of the California Code of Regulations* and the additional provisions of this Chapter.

11.090.020 Mobile Homes Outside of Mobile Home Parks

A. Design Standards. A Mobile Home located outside of a mobile home park shall comply with the same architectural standards required for single-family dwellings in the City of Livermore Design Standards and Guidelines.

B. Development Standards. A Mobile Home located outside of a mobile home park shall comply with the development standards of the zoning district in which the Mobile Home is located.

11.090.030 Mobile Home Parks

The following requirements apply to areas zoned for mobile home parks.

A. Location Where Permitted. Mobile Home Parks may be located in any Residential Zoning District.

B. Maximum density. Maximum density for mobile home parks shall not exceed the density permitted by the applicable zoning district where the mobile home park is located.

C. Development Standards. The following standards apply to mobile home parks, no other Development or Design Standards shall be used during the course of Mobile Home Park review:

   a. **Parking requirements**. The overall parking ratio shall be two parking spaces for each mobile home lot. At least one parking space shall be

provided on, or immediately adjoining to, each mobile home lot, in compliance with Chapter 4.04 (Parking Standards). Guest parking shall be provided in a location near the vehicular entrance to the park.

b. **Pedestrian access**. There shall be provided a system of landscaped pathways to be used exclusively by pedestrians. Pathways shall serve all mobile home lots and all buildings used in common. In the event such pathways are provided adjacent to driveways, the pedestrian pathway shall be at a grade height at least four inches higher than the adjacent driveway.

c. **Perimeter Walls.** The following screening shall be allowed around the entire perimeter of the mobile home park.

    i. A solid masonry wall not less than six feet high shall be placed across the street frontage (but not within the street frontage yard).

        1. Screening landscaping shall be planted in the street frontage yard, located in front of the masonry wall but behind a curb (or other protective device), to soften the view of the wall;

        2. Screening landscaping shall include fast-growing, wide-spreading trees planted and irrigated at an average spacing of 40 feet on center, clustered at appropriate locations to intensify the screening effect;

        3. Pedestrian and vehicular access shall be provided along at least one property frontage.

        4. All masonry walls and landscaping shall comply with Livermore Development Code Figure 4.13 pertaining to vehicle site lines.

d. **Signage.** A Mobile Home Park shall be allowed one Monument Sign with the following criteria:

    i. Placement: Shall be located within the street frontage setback area and set back at least five feet from all property lines.

    ii. Height: Four feet maximum, including supporting structure.

    iii. Size: 16 square feet maximum.

    iv. Design: Shall be externally up or down lit, shall not be internally illuminated, shall have extruded letters with reveals of at least two inches, and shall include a stone or concrete base.

e. **Utilities.** All utilities, except those owned, operated, and maintained by a public utility, shall be installed underground.

f. **Use.** Mobile Home Parks shall be used for residential purposes only.

g. **Common Structures**. Common structures such as offices, gyms, recreation centers, etc. for the communal use of all Mobile Home Park residents shall comply with all objective Development and Design

standards of the underlying zoning district.

h. **Accessory Structures**. Accessory Structures used for personal or individual use of one Mobile Home Park resident shall comply with all Accessory Structure standards listed in Livermore Development Code Section 4.02.030.

D. Review Procedure. A Mobile Home Park shall be reviewed and approved consistent with all requirements of Livermore Development Code Chapter 9. The Mobile Home Park shall be classified as a residential use.

E. Other laws, regulations and ordinances. All applicable County and State laws and regulations concerning the development and operation of mobile home parks shall be observed. Nothing contained in this Chapter shall be construed to abrogate, void, or minimize other pertinent requirements of law.

1871826.1

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT CODE AMENDMENT (DCA) 23-001 FOR HOUSING-RELATED UPDATES TO THE DEVELOPMENT CODE PERTAINING TO PROJECT REVIEW STREAMLINING AND PUBLIC NOTICING

The City initiated an application for Development Code Amendment (DCA) 23-001 for amending Development Code Part 9 Permits and Approvals (Sections: 9.07.020 Applicability, 9.07.030 (Table 9.3 Review Authority For Site Plan and Design Review), and 9.07.040 Application Filing, Processing, and Review), and Part 10 Subdivisions (Sections: 10.01.050 (Table 10.1 Subdivision Review Authorities), and 10.02.050 Tentative Map Public Hearing and Action), to increase project review streamlining and provide noticing requirements for staff level project approvals ("Project").

On June 3, 2025 the Planning Commission held a duly noticed public hearing to consider the Project and 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 meeting, 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, with respect to Development Code Amendment (DCA) 23-001, the Planning Commission of the City of Livermore finds based on the information presented:

1. The amendment is internally consistent with all other provisions of the General Plan; and

   Response: This Project implements General Plan Housing Element policy that calls for updates to the Development Code to streamline the regulatory approval process for housing developments.

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

   Response: This Project ensures the City's local development procedures are consistent with Livermore Housing Element policy to streamline the regulatory approval process for housing developments.

BE IT FURTHER RESOLVED that the Planning Commission 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 Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of this Resolution. Based upon the Planning Commission's independent review of the Record Evidence and considerations, the Planning Commission recommends that the City Council approve Development Code Amendment (DCA) 23-001 to amend Development Code Part 9 Permits and Approvals (Sections: 9.07.020 Applicability, 9.07.030 Review Authority, and 9.07.040 Application Filing, Processing, and Review), and Part 10 Subdivisions (Sections: 10.01.050 Subdivision Review Authorities, and 10.02.050 Tentative Map Public Hearing and Action), to increase project review streamlining and provide noticing requirements for staff level project approvals, attached hereto as Exhibit A. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language.

BE IT FURTHER RESOLVED, 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 _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of June 3, 2025 by the following vote:

AYES:
NOES:
ABSENT:

Yolanda Fintschenko, Chairperson

by Steve Riley, Planning Manager
Secretary to the Planning Commission

EXHIBIT A – Redlines for Development Code Part 9 Permits and Approvals (Sections: 9.07.020 Applicability, 9.07.030 (Table 9.3 Review Authority For Site Plan and Design Review), and 9.07.040 Application Filing, Processing, and Review), and Part 10

Subdivisions (Sections: 10.01.050 (Table 10.1 Subdivision Review Authorities), and 10.02.050 Tentative Map Public Hearing and Action)

9.07.020 Applicability

A. **When required**. Site Plan and Design Review shall be required for all of the following construction or development activities:
   1. All structures erected to accommodate any of the land use activities listed in Part 3 (Specific to Zones), except for those specified in Subsection B (Exemptions), below.
   2. Before the issuance of a Building or Grading Permit for any construction activities identified in Table 9.3 (Review Authority for Site Plan and Design Review), below.

B. **Exemptions**. The following are exempt from the requirement for a Site Plan and Design Review:
   1. A development for which a Site Plan and Design Review has been previously granted under the conditions of a Conditional Use Permit, Variance, or Zoning Use Permit, issued in compliance with this Development Code;
   2. Any fence, wall, or other dividing structure in a residential zone district erected in compliance with this Development Code;
   3. ~~Non-Transect zone.~~Single Family Residential. A new single-family residence, or an addition to an existing single-family residence located in a ~~non-Transect~~residential zone;
   4. ~~Transect zone.~~Small Multifamily Residential. A new ~~single~~multi-family ~~residence~~residential project, or an addition to an existing ~~singlefamily residence located in a Transect zone, provided a Zoning Clearance has been obtained; and~~multifamily residential project, of two units or less;
   5. Accessory structures in compliance with Section 4.02.030;
   6. ADUs. Accessory Dwelling Units in compliance with Chapter 11.30;
   7. SB9 Units. Units in compliance with Chapter 11.50.

C. **Referral to Director.** The Building Official shall refer to the Director all applications for Building or Grading Permits subject to the requirements of this Chapter.

D. **Compliance with Chapter required.** Building or Grading Permits or Certificates of Occupancy shall not be issued until the requirements of this Chapter have been met.

Table 9.3 Review Authority For Site Plan and Design Review			
	Role of Review Authority[1]		
Type of Construction Activity	Administrative Design Review (Minor Review)[2]	Commission (Major Review)	Council (Major Review)
Construction of New Nonresidential Development. Construction of any structure erected to accommodate any of the land use activities as specified in the Applicability Section above (9.07.020)		Decision	Appeal
Additions to Existing Nonresidential Structures – Minor. 1. Additions to existing nonresidential structures where the addition matches the existing architecture, colors, and materials, up to 50 percent of existing floor area or 50,000 square feet, whichever is less. 2. Additions of less than 15 percent of existing floor area to existing nonresidential structures where the addition does not match the existing architecture, colors or materials.	Decision	Appeal	Appeal
Additions to Existing Nonresidential Structures – Major. 1. Additions to existing nonresidential structures greater than or equal to 50 percent of the existing floor area, or 50,000 square feet, whichever is greater. 2. Additions to existing nonresidential structures greater than 15 percent of the existing floor area, where the addition does not match the existing architecture, colors, or materials. 3. Additions to existing nonresidential structures greater than 15 percent of the existing floor area, where the addition noticeably affects the view from a major street.		Decision	Appeal
Planned Developments. All Planned Developments with a Site Plan and Design Review component in compliance with Chapter 3.04.		Recommends	Decision

~~Condominium, Duplex, or Multifamily~~Residential Development~~. Any new~~ – Level I Initial construction~~, exterior addition to,~~ or modification ~~to, or alteration~~ of any ~~existing structure which is used in whole or in part as a condominium, duplex, or a~~ single-family or multifamily ~~residence~~residential project containing ~~two, three,~~39 or ~~four~~fewer units~~.~~ (4 parcels or less).	Decision	Appeal	Appeal
~~Condominium and Multifamily Developments.~~ Residential Development – Level II Initial construction~~, exterior additions to, alterations of,~~ or modification ~~to an existing structure which is used in whole~~of: 1) Any single-family or ~~in part as a condominium or a~~ multifamily ~~residence~~residential project containing ~~five~~between 40 and 149 units outside of a Specific Plan or Neighborhood Plan (149 parcels or less); or 2) Any single-family or multifamily residential project containing 40 or more units~~.~~ within a Specific Plan or Neighborhood Plan (149 parcels or less).		Decision	Appeal
~~Major Residential and Non-Residential Subdivisions. Any map that creates five or more parcels.~~Residential Development – Level III Initial construction or modification of any single-family or multifamily residential project containing 150 or more units outside of a Specific Plan or Neighborhood Plan.		Recommends	Decision
~~Minor Subdivisions.~~ Subdivision – Level I (Parcel Map) Any Map that creates four or fewer parcels.	Decision	Appeal~~Decision~~	Appeal
~~Parcel Map Waivers.~~Subdivision – Level II (Tentative Map – Minor) Any Map that creates between 5 and 149 parcels.	~~Decision~~	Decision~~Appeal~~	Appeal

Subdivision – Level III (Tentative Map – Major) Any Map that creates 150 or more parcels.		Recommends	Decision
New landscape/ hardscape plans. New landscape/hardscape plans for the initial landscaping of all public and private development projects including public landscape projects along major roads as designated by the General Plan, along arroyos, and on City-owned property.		Decision	Appeal
Sign Permits. Proposals for any sign associated with an approved project or signs under an approved master sign program in compliance with Chapter 4.06.	Decision	Appeal	Appeal
Master Sign Programs. Master sign programs in compliance with Chapter 4.06.		Decision	Appeal
Minor Changes. Minor changes that do not involve an increase in structure area or height, an increase in the number of dwelling units, or an intensity of use may be approved by the Director in compliance with Section 9.12.080 (Changes to an Approved Project).			
Note:			
[1] "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 9.15 (Appeals).			
[2] The review authority may defer action and refer the request to the next higher review authority for the final decision.			

9.07.040 Application Filing, Processing, and Review

A. **Application filing**.
   1. An application for a Site Plan and Design Review shall be filed and processed in compliance with Chapter 9.01 (Application Processing Procedures).
   2. The application shall include the information and materials specified in the Department handout for Site Plan and Design Review applications, together with the required fee in compliance with the Planning Fee Schedule.
   3. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 9.07.050 (Findings and Decision), below.

B. **Review with other land use applications**. If the project for which the request for Site Plan and Design Review is being made also requires some other discretionary approval (e.g., Conditional Use Permit, etc.), the applicant shall file the information required by Subsection A. (Application filing), above, together for concurrent review with the application for discretionary approval.

C. **Application review**. Each application for a Site Plan and Design Review shall be reviewed to ensure that the application is consistent with the purpose of this Chapter; applicable development standards and regulations of this Development Code; and the City's Design Standards and Guidelines.
   1. A Site Plan and Design Review is initiated when the Department receives a complete application package including the required information and materials specified in the Department handout and any additional information required by the applicable review authority in order to conduct a thorough review of the proposed project.
   2. Upon receipt of a complete application the applicable review authority shall review the design, location, site plan configuration, and the effect of the proposed development on adjacent properties by comparing the project plans to established development standards, regulations, and applicable design guidelines/policies.
   3. During the course of the review process, the review authority may require the submittal of additional information or revised plans.
      a. The applicant shall be notified in writing of any revisions or additional information required and shall submit the requested information to the Department within 180 days after the date of the notice or within the period of time designated by the review authority.
      b. Failure to submit the required information within the 180-day period or within the period of time designated by the review authority may be cause for denial.
   4. After the Site Plan and Design Review application has been deemed complete in compliance with Section 9.01.070 (Initial Review of Application), the review authority shall either approve or deny the Site Plan and Design Review application and, if approved, may impose conditions deemed reasonable and necessary to protect the public health, safety and

general welfare and ensure compliance with this Chapter and various regulations of the City.

D. **On-site inspection**. An application for a Site Plan and Design Review may require that the Director perform an on-site inspection of the subject parcel before confirming that the request complies with all of the applicable criteria and provisions specified in this Chapter.

E. **Public hearing, environmental review, and appeal provisions**.

1. Administrative Design Review. A public hearing shall not be required for an Administrative Design Review on a Site Plan and Design Review application.
2. Concurrent Application. A public hearing shall be required for the Director's, Commission's, or Council's decision on a Site Plan and Design Review application, only if being processed concurrently with another discretionary approval (e.g., Conditional Use Permit, Variance, etc.) requiring a public hearing. Notice of the hearing shall be given and the hearing shall be conducted in compliance with Chapter 9.17 (Public Hearings).
3. Environmental Review. A public hearing shall be required for any Site Plan Design Review application that requires a California Environmental Quality Act Negative Declaration or Environmental Impact Report pursuant to California Public Resources Code Division 13, Articles 6 and 7.
   a. Administrative Design Review. The Commission, and Council as applicable, shall be the review authority for any Administrative Design Review that requires a California Environmental Quality Act Negative Declaration or Environmental Impact Report.
4. Appeals. The review authority's decision may be appealed, in compliance with Chapter 9.15 (Appeals).

F. **Public Noticing.**

1. For a Level 1/Level II/Level III – Residential Development project not requiring a public hearing, the project applicant shall post a notice of application to the project site as follows:
   a. Notice shall be posted onsite within fifteen (15) business days of application submittal date and remain onsite until the City makes a determination on the project, or the application is withdrawn;
   b. Notice language shall include the words "Notice of Development Application", the project application number(s), and a brief project description including the size, type, and number of buildings proposed;
   c. On sites less than one (1) acre, a 4-square-foot notice sign not to exceed 6 feet in height is required;
   d. On sites one (1) acre or larger, a 32-square-foot notice sign not to exceed 8 feet in height is required;
   e. Notice sign shall be placed on the project site within 25 feet from the primary street frontage and shall comply with Livermore Development Code Figure 4.13 pertaining to vehicle site lines;
   f. Bottom edge of notice sign should be staked at a height between 3 feet and 4 feet above grade;

~~3.~~g. Notice sign shall be properly maintained, and should not be attached to telephone poles, fences, or trees.

Table 10.1 Subdivision Review Authorities					
		Role of Review Authority[1]			
Type of Decision	Applicable Division or Section	Director	City Engineer	Commission	Council[2]
Amendments to Approved Tentative and Tentative Parcel Maps and Conditions	10.02.120	Decision		Decision/ Appeal	Appeal
Amendments to Recorded Maps	10.03.070		Decision	Appeal	Decision/ Appeal
Certificates of Compliance	10.04.020	Decision		Appeal	Appeal
Condominiums (with Final Maps)					
Non-Residential Condominiums	10.07	Recommend		Recommend	Decision
Residential Condominiums	10.08	Recommend		Recommend	Decision
Condominium Conversions					
Non-Residential Condominium Conversions	10.09	Recommend		Recommend	Decision
Residential Condominium Conversions	10.10	Recommend		Recommend	Decision
Extensions of Time – Tentative and Tentative Parcel Maps	10.02.110	Decision		Decision/ Appeal	Appeal
Final Maps	10.03				Decision
Improvement Agreements	10.05.070		Decision		Appeal
Lot Line Adjustments	10.04.030		Decision	Appeal	Appeal
Parcel Mergers	10.04.040		Decision	Appeal	Appeal
Reversion to Acreage Maps	10.04.050		Decision	Appeal	Appeal
Subdivision Improvement Plans	10.05.040		Decision	Appeal	Appeal
Subdivision – Level I (Parcel Map)	10.02.050 & Table 9.3	Decision		Appeal	Appeal
Subdivision – Level II (Tentative ~~Maps, Vesting Tentative Maps~~Map – Minor)	10.02.050 & Table 9.3	~~Recommend~~		Decision~~Recommend~~	Appeal~~Decision~~
Subdivision – Level III (Tentative ~~Parcel Maps~~Map – Major)	10.02.050 & Table 9.3	~~Recommend~~		Recommend ~~Decision~~	Decision ~~Appeal~~

Wavier of Parcel Maps		10.03.020		Decision	Appeal	Appeal
		[1] "Recommend" means that the Review Authority makes a recommendation to a higher decision making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 9.15 (Appeals).				
		[2] Decisions of the Council may not be appealed.				

10.02.050 Tentative Map Public Hearing and Action

A. **Public hearings – when required.**

1. Public Hearing. A public hearing shall be required for all Subdivision – Level II and Subdivision – Level III projects, as identified in Table 9.3 Review Authority For Site Plan and Design Review.

~~1.~~ Appeals. Any Subdivision – Level I that is appealed to the Planning Commission ~~and~~or City Council ~~hearings.~~

~~a. The Commission and Council shall hold a public hearing on the tentative map for a major subdivision for which a final or parcel map will be filed.~~

~~b.~~2. ~~The Commission~~ shall ~~hold~~require a public hearing ~~on a tentative map for a minor subdivision for which a parcel map will be filed.~~ pursuant to LDC Chapter 9.15.

~~2. If a decision regarding a minor subdivision is appealed from the Commission to the Council, the Council shall hold a public hearing.~~

3. Environmental Review. A public hearing shall be required for any subdivision application that requires a California Environmental Quality Act Negative Declaration or Environmental Impact Report.

B. **Public hearings – notice.** Unless otherwise specified in this Development Code, notice of a public hearing shall be given as specified in this Section (Sections 66451.3(a), 65090, 65091).

1. When. Notice shall be given at least 10 days before the hearing.
2. Contents.
    a. The notice shall include the date, time, and place of the hearing, the identity of the hearing officer or body, a general explanation of the matter to be considered, and a general description by text or diagram of the location of the property.
    b. The notice shall also include the following: “If you challenge the proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Commission or Council at, or before, the public hearing” (Sections 65094, 65009(b)(2)).
3. Manner.
    a. Notice shall be given in the manner required by Government Code Sections 65090 and 65091 which is summarized as follows:
        1) Publication once in a newspaper of general circulation;
        2) Mailing or delivery to the property owner and project applicant;
        3) Mailing or delivery to each local agency expected to provide roads, schools, sewage, streets, water, or other essential facilities or services to the proposed project; and
        4) Mailing or delivery to all owners of real property located within 300 feet of the exterior boundaries of the subject property. If the number of owners exceeds 1,000, the City may instead publish notice of at least one-eighth page in a newspaper of general circulation.

b. In addition, the City may give notice in any other manner it deems necessary or desirable.
c. If the proposed project is a conversion of residential real property to a condominium, community apartment, or stock cooperative, notice shall be given to each tenant of the property (Sections 66451.3, 66452.5(e)).

4. Continued hearings. A public hearing may be continued from time to time and, if continued to a specific date, time and place, no new notice is required (Section 65095).
5. Appeal or request for modification. If a decision under this Development Code is appealed or if a subdivider requests a change in a condition of approval either before or after a final or parcel map is filed, notice of the appeal or request shall be given in compliance with Chapter 9.17 (Public Hearings).
6. Staff reports. A report of recommendation on a tentative map by the Director shall be in writing and provided to the subdivider and to each tenant in the case of a proposed condominium, community apartment project, or stock cooperative, at least three days before any hearing or action (Section 66452.3).
7. Costs. The subdivider is responsible for the costs incurred in giving proper notice (Sections 66451.3(c), 66452.3).
8. Substantial compliance.
    a. Substantial compliance with these notice requirements is sufficient.
    b. A technical failure to comply shall not affect the validity of any action taken in compliance with the procedures specified in this Section (Section 65093).

C. **Review by other agencies**.

1. Agency located within three miles.
    a. A local agency with service boundaries located within three miles of a proposed subdivision may make recommendations to the City regarding a tentative map if it does so within 15 days after the notice and map are mailed by the City.
    b. A local agency which desires to make recommendations shall file with the City a written request and map indicating the territory in which it wishes to make recommendations (Sections 66453, 66455.1).
2. State Department of Transportation. The State Department of Transportation may make recommendations regarding a tentative map if the proposed subdivision is located within one mile of a State highway routing and if the recommendations are submitted to the City within 15 days after the notice and map are mailed by the City (Sections 66413.7, 66455).
3. School districts. Within five days after the application for a tentative map is accepted as complete, the Director shall send a notice of the filing to the governing board of any affected school district.
    a. The notice shall contain information about the location, number of units, density, and other relevant information.
    b. Within 15 working days after the notice was mailed, the board may submit to the City a report and recommendation regarding the proposed subdivision and its impact on the school district.

c. Failure of the school district to respond within the 15-working-day period is considered a recommendation for approval (Section 66455.7).
d. If the proposal shows an area for a public school site, the City shall notify the State Department of Education.
e. The notice shall include the identification of an existing or proposed runway within a distance specified by Education Code Section 17215 (Section 66455.9).

4. Water supplier. Within five days after a tentative map application is accepted as complete, the Director shall send a copy of the application to the City's Water Resources Department (Section 66455.3)

IN THE PLANNING COMMISSION OF THE CITY OF LIVERMORE, CALIFORNIA

A RESOLUTION RECOMMENDING APPROVAL OF DEVELOPMENT CODE AMENDMENT (DCA) 23-001 FOR VARIOUS DEVELOPMENT CODE AMENDMENTS TO ENSURE INTERNAL CONSISTENCY

The City initiated an application for Development Code Amendment (DCA) 23-001 for amending various Development Code sections for internal consistency with new Part 11 Housing and amendments to Part 9 Permits and Approvals and Part 10 Subdivisions ("Project").

On June 3, 2025 the Planning Commission held a duly noticed public hearing to consider the Project and 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 meeting, 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, with respect to Development Code Amendment (DCA) 23-001, the Planning Commission of the City of Livermore finds based on the information presented:

1. The amendment is internally consistent with all other provisions of the General Plan; and

   Response: This Project implements various Development Code amendments to ensure internal consistency with new Part 11 Housing and amendments to Part 9 Permits and Approvals, and Part 10 Subdivisions

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

   Response: This Project simply implements various Development Code amendments for internal consistency.

BE IT FURTHER RESOLVED that the Planning Commission 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 Planning Commission of the City of Livermore has considered the findings set forth above and adopts these findings as part of

this Resolution. Based upon the Planning Commission's independent review of the Record Evidence and considerations, the Planning Commission recommends that the City Council approve Development Code Amendment (DCA) 23-001 for the various Development Code amendments to ensure internal consistency, attached hereto as Exhibit A. The deletions are shown using a strikethrough, and the added language is shown with an underline, but the stricken language and underlines themselves shall not be codified in the Development Code, which publication shall only reflect the final language.

BE IT FURTHER RESOLVED, 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 _____, seconded by Commissioner _____, the foregoing Resolution was passed and adopted at the Planning Commission meeting of June 3, 2025, by the following vote:

AYES:
NOES:
ABSENT:

Yolanda Fintschenko, Chairperson

by Steve Riley, Planning Manager
Secretary to the Planning Commission

EXHIBIT A – Development Code internal consistency amendments

Universal edits:

- References to Part 11 (Definitions) becomes Part 12 (Definitions).
- References to Part 12 (Zoning Map) becomes Part 13 (Zoning Map).
- Replace "Secondary Dwelling Unit" and code reference 6.03.120 with "Accessory Dwelling Unit" and code reference Ch. 11.30.
- Replace "Farmworker Housing" with "Agricultural Employee Housing."

PREAMBLE

Part 1, p. x:
Part 11: Housing
This Part sets forth the objective development, design, and operating standards for specific types of multifamily residential and mixed use development projects in residential and commercial areas, and provides standards and guidance on the review and processing of such applications.

Part ~~11~~**12**: Definitions
This Part provides the definitions used throughout the Code.

Part ~~12~~**13**: Zoning Map
This Part provides the Zoning Map.

Part 1, p. xii:
Add new level to Step 5 of the Expanded Process Diagram: **If your project is for any of the housing use types covered in Part 11: Housing or is subject to streamlined review under State law, consult the appropriate chapter in Part 11 to determine what standards apply and how your application may be reviewed different from Livermore's typical process.**

PART 1: INTRODUCTION

Page 1-3:
1.01.040 Applicability of the Development Code
This Development Code applies to all land uses, subdivisions, and development within the City of Livermore, as follows:
F. Conflicting requirements:
1. Development Code requirements. If different requirements within this Development Code conflict, the provisions of Part 3 control over Parts 4 and 5, ~~and~~ the provisions of Part 6 control over Parts 3, 4 and 5**, and the provisions of Part 11 control over Parts 3, 4, 5, and 6**.

PART 2: GENERAL TO ALL

Page 2-6:
2.01.020 Site Planning and Subdivision Design Standards for All Zones
C. Parcel design.
5. Parcel configuration.
b. Street frontage required.
(1) Each proposed parcel shall have frontage on a public street **unless specified otherwise by this Development Code**. (An alley is not considered a street for the purposes of this Subparagraph.)

PART 3: SPECIFIC TO ZONES

Page 3-7:
3.02.020 Applicability
The requirements of this Chapter shall apply to all proposed development within Transect-based zones, and shall be considered in combination with the standards for the applicable zone in Part 4 (General to Zones), Part 5 (Specific to Building Types), ~~and those in~~ Part 6 (Specific to Uses)**, and those in Part 11 (Housing)**. If there is a conflict between any standards, the provisions of Part 3 (Specific to Zones) control over Parts 4 and 5, ~~and~~ the provisions of Part 6 control over Parts 3, 4 and 5**, and the provisions of Part 11 (Housing) control over Parts 3, 4, 5, and 6**.

Page 3-13:
3.02.070 T3 Neighborhood (T3N) Standards
A. Purpose
This Zone's primary purpose is to allow additions and new development that respect and protect the integrity and quality of the neighborhoods adjacent to Downtown.
This zone allows new additions and single-family houses to be built in scale and character with the existing neighborhood, subject to a Zoning Clearance. Carriage house units, **Accessory Dwelling Units, Junior Accessory Dwelling Units, Two-Unit Residential Developments, and Urban Lot Splits** provide additional housing opportunities within these walkable neighborhoods **when the standards contained in Part 11 (Housing) are met**.

Page 3-15:
3.02.070 T3 Neighborhood (T3N) Standards
G. Required Parking
Spaces
Residential Uses. **Unless otherwise required for an ADU/JADU or Two-Unit Residential Development, parking minimums are as follows:**
Studio or 1 Bedroom: 1 space/unit min.
2+ Bedroom: 2 spaces/unit min.

Page 3-16:
3.02.070 T3 Neighborhood (T3N) Standards
H. T3N Use Table
Land Use Type
Residential
Add the following Permitted Uses to the T3N Use Table:
Accessory Dwelling Unit (footnote #5)
Junior Accessory Dwelling Unit (footnote #5)
Two-Unit Development and/or Urban Lot Split (footnote #6)
Add the following footnotes to the table in this section:

Footnote 5: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).
Footnote 6: Permitted if in compliance with the standards of Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).

Page 3-19:
3.02.080 T4 Neighborhood (T4N) Standards
G. Required Parking
Spaces
Residential Uses. **Unless otherwise required by the standards contained in Part 11 (Housing), parking minimums are as follows:**
Studio or 1 Bedroom: 1 space/unit min.
2+ Bedroom: 2 spaces/unit min.

Page 3-21:
3.02.080 T4 Neighborhood (T4N) Standards
I. T4N Use Table
Land Use Type
Residential
Add the following Permitted Uses to the T4N Use Table:
Accessory Dwelling Unit (footnote #5)
Junior Accessory Dwelling Unit (footnote #5)
Two-Unit Residential Development and/or Urban Lot Split (footnote #6)
Add the following footnotes to the table in this section:
Footnote 5: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).
Footnote 6: Permitted if in compliance with the standards of Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).

Page 3-24.1:
3.02.090 T4 Neighborhood-Open (T4N-O) Standards
G. Required Parking
Spaces
Residential Uses. **Unless otherwise required by the standards contained in Part 11 (Housing), parking minimums are as follows:**
Studio or 1 Bedroom: 1 space/unit min.
2+ Bedroom: 2 spaces/unit min.

Page 3-24.2:
3.02.090 T4 Neighborhood-Open (T4N-O) Standards
H. T4N-O Use Table
Land Use Type
Residential
Add the following Permitted Uses to the T4N-O Use Table:

Accessory Dwelling Unit (footnote #4)
Junior Accessory Dwelling Unit (footnote #4)
Add the following footnote to the table in this section:
Footnote 4: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).

Page 3-27:
3.02.100 T4 Main Street-Open (T4MS-O) Standards
G. Required Parking
Spaces
Residential Uses. **Unless otherwise required by the standards contained in Part 11 (Housing), parking minimums are as follows:**
Studio or 1 Bedroom: 1 space/unit min.
2+ Bedroom: 2 spaces/unit min.

Page 3-28:
3.02.100 T4 Main Street-Open (T4MS-O) Standards
H. T4MS-O Use Table
Land Use Type
Residential
Add the following Permitted Uses to the T4MS-O Use Table:
Accessory Dwelling Unit (footnote #3)
Add the following footnote to the table in this section:
Footnote 3: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).

Page 3-31:
3.02.110 T4 Main Street (T4MS) Standards
G. Required Parking
Spaces
Residential Uses. **Unless otherwise required by the standards contained in Part 11 (Housing), parking minimums are as follows:**
Studio or 1 Bedroom: 1 space/unit min.
2+ Bedroom: 2 spaces/unit min.

Page 3-32:
3.02.110 T4 Main Street (T4MS) Standards
H. T4MS Use Table
Land Use Type
Residential
Add the following Permitted Uses to the T4MS-O Use Table:
Accessory Dwelling Unit (footnote #3)
Add the following footnote to the table in this section:

Footnote 3: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).

Page 3-35:
3.03.020 Applicability
The requirements of this Chapter shall apply to all proposed development within Non-Transect-based zones, and shall be considered in combination with the standards for the applicable zone in Part 4 (General to Zones) and those in Part 6 (Specific to Uses). If there is a conflict between any standards, the provisions of Part 3 (Specific to Zones) control over Part 4, ~~and~~ the provisions of Part 6 control over Parts 3 and 4**, and the provisions of Part 11 (Housing) control over Parts 3, 4, and 6**.

Page 3-38:
3.03.030 Residential Rural (R-R) Zone
I. R-R Use Table
Land Use Type
Residential
~~Dwelling: Secondary Unit~~
Add the following Permitted Uses to the R-R Use Table:
Accessory Dwelling Unit (footnote #3)
Junior Accessory Dwelling Unit (footnote #3)
Two-Unit Development and/or Urban Lot Split (footnote #4)
Add the following footnotes to the table in this section:
Footnote 3: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).
Footnote 4: Permitted if in compliance with the standards of Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).

Page 3-40:
3.03.040 Suburban Residential (R-S) Zone
G. R-S Use Table
Land Use Type
Residential
~~Dwelling: Secondary Unit~~
~~Couplet~~
Add the following Permitted Uses to the R-S Use Table:
Accessory Dwelling Unit (footnote #3)
Junior Accessory Dwelling Unit (footnote #3)
Two-Unit Development and/or Urban Lot Split (footnote #4)
Add the following footnotes to the table in this section:
Footnote 3: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).
Footnote 4: Permitted if in compliance with the standards of Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).

Page 3-42:
3.03.050 Residential Low Density (R-L) Zone
G. R-L Use Table
Land Use Type
Residential
~~Dwelling: Secondary Unit~~
Add the following Permitted Uses to the R-L Use Table:
Accessory Dwelling Unit (footnote #3)
Junior Accessory Dwelling Unit (footnote #3)
Two-Unit Development and/or Urban Lot Split (footnote #4)
Add the following footnotes to the table in this section:
Footnote 3: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).
Footnote 4: Permitted if in compliance with the standards of Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).

Page 3-44:
3.03.060 Multiple Family Residential (MFR) Zone
G. MFR Use Table
Land Use Type
Residential
~~Dwelling: Secondary Unit~~
Add the following Permitted Uses to the MFR Use Table:
Accessory Dwelling Unit (footnote #2)
Add the following footnotes to the table in this section:
Footnote 2: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).

Page 3-45:
3.03.070 Suburban Multiple Residential (RG) Zone
I. RG Use Table
Land Use Type
Residential
Add the following Permitted Uses to the RG Use Table:
Accessory Dwelling Unit (footnote #2)
Add the following footnotes to the table in this section:
Footnote 2: Permitted if in compliance with the standards of Chapter 11.30 (ADUs and JADUs).

Page 3-55:
3.03.110 Commercial Office (CO) Zone
G. CO Use Table
Land Use Type

Residential
Add the following Permitted Uses to the CO Use Table:
Low Barrier Navigation Center

Page 3-57:
3.03.120 Professional Office (CP) Zone
G. CP Use Table
Land Use Type
Residential
Add the following Permitted Uses to the CO Use Table:
Low Barrier Navigation Center

Page 3-67
3.03.170 Open Space (OS) Zone
H. OS Use Table
Land Use Type
Residential
~~Farmworker Housing: CUP~~
Add the following Permitted Use to the E Use Table:
Agricultural Employee Housing

Page 3-85:
3.04.050 South Livermore Valley/Agriculture (SLV-AG) Zone
H. SLV-AG Use Table
Land Use Type
Residential
Add the following Permitted Use to the SLV-AG Use Table:
Agricultural Employee Housing

PART 4: GENERAL TO ZONES

Page 4-5:
4.01.020 Applicability
The requirements of this Chapter shall apply to all proposed development and new land uses, except as specified in Chapter 9.16 (Nonconforming Uses), and shall be considered in combination with the standards for the applicable zone in Part 3 (Specific to Zones), ~~and those in~~ Part 6 (Specific to Uses)**, and Part 11 (Housing)**. If there is a conflict between any standards, the provisions of Part 3 control over Part 4 (General to Zones)**,** ~~and~~ the provisions of Part 6 control over Parts 3 and 4, **and the provisions of Part 11 (Housing) control over Parts 3 and 6**.

If there is a conflict between any standards, the provisions of Part 3 control over Part 4 (General to Zones) and the provisions of Part 6 control over Parts 3 and 4.

Page 4-7:
4.02.010 Calculation of Residential Density and Units
D. ~~One accessory dwelling unit per lot may be permitted in the City's single-family residential zoning districts including Planned Unit Developments and Planned Development – Residential districts, subject to the requirements set forth in LDC 6.03.120 (Accessory Dwelling Units).~~ **Accessory Dwelling Units and Junior Accessory Dwelling Units are permitted subject to the requirements set forth in Chapter 11.30 (ADUs and JADUs). Two-Unit Residential Development and/or Urban Lot Splits are permitted subject to the requirements set forth in Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits).**
E. Additional density is allowed under the State density bonus law (California Government Code Section 65915). The law provides increased residential densities for projects that guarantee a portion of the housing units will be affordable to very low-, low-, or moderate-income households, provide senior citizen housing, or include child care facilities. See **Chapter 11.40 (Density Bonus)** ~~Section 6.02.030 (Density Bonuses)~~.
G. Accessory Dwelling Units and Junior Accessory Dwelling Units shall not be counted towards residential density calculations. Two-Unit Residential Development and/or Urban Lot Splits are allowed in single family zoning districts regardless of residential density limitations when the requirements of Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits) are met.

Page 4-11:
4.02.030 Accessory Structures
B. Exemptions. The standards in this section do not apply to the following unless otherwise stated in the applicable zoning district:
1. ~~Detached accessory dwelling units that conform to the regulations of LDC 6.03.120 (Accessory Dwelling Units).~~ **Accessory Dwelling Units that conform to the regulations of Chapter 11.30 (ADUs and JADUs).**

Page 4-38
4.04.020 Number of Parking Spaces Required
Table 4.6: Automobile Parking Requirements
Residential. **Unless otherwise required by the standards contained in Part 11 (Housing), parking requirements are as follows:**

Page 4-49:
4.05.020 Residential Landscape Standards
C. Mixed-Use and Multifamily Residential Projects subject to compliance with the Mixed-Use and Multifamily Objective Design Standards shall comply with the additional residential landscape standards contained in that document.

PART 5: BUILDING TYPES

Page 5-3:
5.01.020 Applicability
The requirements of this Chapter shall apply to all proposed development within Transect-based zones, and shall be considered in combination with the standards for the applicable zone in Part 3 (Specific to Zones), Part 4 (General to Zones), ~~and those in~~ Part 6 (Specific to Uses), **and Part 11 (Housing)**. If there is a conflict between any standards, the provisions of Part 3 control over Part 4 and 5, ~~and~~ the provisions of Part 6 control over Parts 3, 4 and 5**, and the provisions of Part 11 (Housing) control over Parts 3, 4, and 6**.

Page 5-6:
5.01.030 Carriage House
F. Building Size and Massing
Miscellaneous
Carriage house units that are used as accessory dwelling units shall comply with the standards contained in ~~LDC 6.03.120, Accessory Dwelling Units. No standards listed in this section shall prohibit the construction of an 800-square-foot or less accessory dwelling unit.~~ **Chapter 11.30 (ADU/JADUs).**

PART 6: SPECIFIC TO USES

Page 6-1:
Update Table of Contents to Remove:
Density Bonuses
Emergency Shelters
Farmworkers Housing
Mobile Homes and Mobile Home Parks
Secondary Dwelling Units

Page 6-3:
6.01.010 Intent and Applicability
Update Table 6-1 Zone Applicability to remove:
Density Bonuses
Emergency Shelters
Farmworkers Housing
Mobile Homes and Mobile Home Parks
Secondary Dwelling Units

Page 6-13:
6.02.060 Home Occupations
B. Location. The home occupation shall be located entirely within the primary residence, **accessory dwelling unit, junior accessory dwelling unit,** garage or an accessory structure that meets all current state and/or City code standards for accessory structures.

PART 7 AND PART 8: No changes proposed.

PART 9: PERMITS AND APPROVALS

Page 9-7:
9.01.020 Authority for Land Use and Zoning Decisions
Table 9.2 (Review Authority), below, identifies the review authority responsible for reviewing and making decisions on each type of application required by this Development Code. **Projects subject to the streamlining provisions of any of the chapters within Part 11 (Housing) shall be reviewed in accordance with the standards of that chapter and not subject to any further review identified in Part 9 unless specifically authorized by Part 11 (Housing).**

Page 9-8
Table 9.1 Permits and Approvals
Permits Required by this Development Code

Zoning Clearance. A Zoning Clearance is required to verify a proposed land use or structure complies with the list of activities allowed in the applicable zone and the development standards applicable to the use or structure. **A Zoning Clerance is also used to document compliance with the Mixed-Use and Multifamily Objective Design Standards, when applicable, and with the provisions of any chapter within Part 11 (Housing), when applicable.**

Page 9-11:
9.01.060 Initial Review of Application
A. Review for completeness. **Unless specified otherwise in Part 11 (Housing) based on the type of residential use, t**he Director shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Director's determination of completeness shall be based on the City's list of required application contents and any additional information determined by the Director to be necessary to determine project conformance to all applicable policies (see Section 9.01.040 [Application Preparation and Filing], above).

Page 9-37:
9.07.010 Purpose and Intent
B. Intent. The intent of this Chapter is to ensure that all approved site and structural development:
16. Is reviewed and processed in accordance with State law and in compliance with Part 11 (Housing), when appropriate.

Page 9-69:
9.13.060 Director
B. Duties and authority. The Director shall:
2. Perform the duties and functions prescribed in this Development Code, including the review of administrative development projects, in compliance with Table 9.2 (Review Authority), ~~and~~ Table 9.3 (Review Authority for Site Plan and Design Review), **and Part 11 (Housing) as it relates to ministerial and/or streamlined review of certain housing projects,** Government Code Section 65901 et seq., the California Environmental Quality Act (CEQA), and the City's CEQA guidelines;

PART 10: SUBDIVISIONS

Page 10-11:
10.01.050 Advisory Agency
Amend subsections to comply with changes made to Table 10-1 related to recommending authority and decision-making authority.

Page 10-12:
10.01.060 Type of Subdivision Approval Required
Amend subsections to comply with changes made to Table 10-1 related to naming conventions of subdivision types (Level I, II, and III).

Page 10-17:
10.01.100 Exceptions to Subdivision Standards
C. The subdivision of a parcel into two lots in accordance with Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits) or the subdivision of a lot into ten (10) or fewer lots in accordance with Chapter 11.69 (Streamlined Review of Eligible Subdivisions) shall only be subject to the standards and requirements of their respective chapters.

Page 10-60:
10.05.020 Applicability of Design and Improvement Standards
The requirements of this Chapter apply as follows.
E. Exceptions.
a. Exceptions to the requirements of this Chapter may be requested and considered in compliance with Subsection B. (Exceptions – Rural Residential Subdivisions with Parcels Over 10 Acres in Area), below.
b. The subdivision of a parcel into two lots in accordance with Chapter 11.50 (Two-Unit Residential Developments and Urban Lot Splits) or the subdivision of a lot into ten (10) or fewer lots in accordance with Chapter 11.69 (Streamlined Review of Eligible Subdivisions) shall only be subject to the standards and requirements of their respective chapters.

PART ~~11~~ 12: DEFINITIONS

Note: Duplicative definitions have been removed from Part 12 (Definitions) if they are now defined in Part 11 (Housing).

~~11~~**12**.01.020 Definitions of Specialized Terms and Phrases Definitions.
All terms used in Part 11 (Housing) are now defined in Chapter 11.20 (Definitions).
For the purpose of this section, the following terms shall be defined as follows:

Definitions for the following terms have been deleted from Part 12 and have been moved to Chapter 11.20 or replaced with a different term.
Affordable to low-income or very-low-income households.
Affordable housing.
Affordable housing project.
Approved nonprofit housing group.
Car share vehicle.
Density bonus.
Density bonus housing agreement.
Dwelling, accessory unit.
Dwelling, secondary unit.
Emergency shelter.
Farmworker housing.
Reserved unit.
Secondary unit.
Supportive housing.
Transitional housing.

PART ~~12~~ 13: ZONING MAP

LIVERMORE
CALIFORNIA

PLANNING COMMISSION STAFF REPORT **ITEM NO. 8.1**

DATE: June 3, 2025

TO: Chairperson and Members of the Planning Commission

FROM: Steve Riley, Planning 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 Planning Commission.

5.1 Comprehensive Housing Update to the Livermore Development Code and Mixed-Use and Multifamily Objective Design Standards (Development Code Amendment (DCA) 23-001 and Policy Proposal (POL) 25-001). Materials Received: Public Comment Letters

DISCUSSION

ATTACHMENTS

1. Supplemental Materials

Prepared by: Michele Donley
Division Clerk

Jun 3, 2025

City of Livermore
1016 S. Livermore Ave
Livermore, CA 94550

Re: Proposed Amendments to City's SB 9 Ordinance

By email: planning@livermoreca.gov

Cc: cityattorney@livermoreca.gov; cityclerk@LivermoreCA.gov; info@livermoreCA.gov;

Dear Livermore Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment for the Planning Commission meeting of June 3, 2025 regarding item 5.1, the Housing Update to the Livermore Development Code. Specifically, CalHDF writes to comment on the proposed amendments to the City's regulations for SB 9 projects.

Numerous portions of the proposed code appear to place more stringent standards on SB 9 projects than what is otherwise applicable in the city code. However, SB 450 amended the law to forbid local agencies from imposing standards on SB 9 projects not otherwise applicable to projects within that zoning district. Government Code section 65852.21, subdivision (b)(3):

> A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.

Code section 11.50.040(B)(2)(c) imposes a special height limit of one story and 18 feet on SB 9 units. Additionally, Code section 11.50.040(C) imposes a host of design requirements on SB 9 projects.

2221 Broadway, PH1, Oakland, CA 94612
hi@calhdf.org

It is unclear why the City would propose the special height limit on SB 9 projects, which are more likely to be two stories because of their smaller lots, unless the only purpose is to discourage SB 9 developments.

As discussed above, the City may not impose regulations on SB 9 projects that are more stringent than what is allowed by the underlying zoning. The City should therefore amend the proposed code to remove these requirements.

♦♦♦

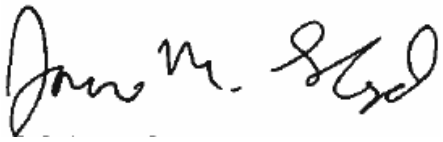
CalHDF appreciates the City's effort to implement state law governing SB 9 units. However, the City should amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations

Jun 3, 2025

City of Livermore
1016 S. Livermore Ave
Livermore, CA 94550

Re: Proposed Amendments to City's ADU Ordinance

By email: planning@livermoreca.gov

Cc: cityattorney@livermoreca.gov; cityclerk@LivermoreCA.gov; info@livermoreCA.gov;

Dear Livermore Planning Commission,

The California Housing Defense Fund ("CalHDF") submits this letter as a public comment for the Planning Commission meeting of June 3, 2025 regarding item 5.1, the Housing Update to the Livermore Development Code. Specifically, CalHDF writes to comment on the proposed amendments to the City's regulations for ADUs and JADUs.

The City's proposed ADU regulations fail to comply with state law in several ways, and the City should address these issues before adopting the ordinance.

Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.)* Separately from local ADU ordinances, Government Code section 66323 establishes a narrower set of ADU types that local governments have a ministerial duty to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd. (a).) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*) Local governments may not impose their own standards on such ADUs. (Gov. Code, § 66323, subd. (b) ["A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."].)

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In addition, ADUs that qualify for the protections of Government Code section 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, "No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer."

Impermissible Application of Standards to 66323 ADUs

City code section 11.30.030(A) states that no requirement of that chapter will prohibit the development of certain ADUs. These ADUs are obviously the type described by Government Code section 66323, subdivision (a).

However, City code section 11.30.030(B) states the following: "Standards that prohibit the development described in this section shall be relaxed only to the degree needed to allow the development. All other standards shall continue to comply."

However, for Government Code section 66323 ADUs, state law does not allow the City to apply any local development or design regulations. (Gov. Code, § 66323, subd. (b).)

Beyond the fact that Government Code section 66323, subdivision (b) does not permit the City to apply local standards to section 66323 ADUs, City code section 11.30.030 is also not objective. State law only allows local agencies to impose objective standards on ADUs. (Gov. Code, § 66314, subd. (b)(1).) The language of code section 11.30.030 is unclear as to which local regulations will be relaxed or what it means to relax a standard "only to the degree needed to allow the development." (City code § 11.30.030(B).) This seems to allow city staff total discretion to decide which standards should be applied to section 66323 ADUs, and which should be waived.

Page 20 of the January 2025 HCD ADU Handbook is instructive (emphasis added):

> "What design, zoning, or other local standards can be imposed on 66323 Units? **A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units** that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

This means that the City must exempt section 66323 ADUs from all local standards not explicitly listed in Government Code section 66323. The City cannot decide to selectively

apply some local standards to section 66323 ADUs - rather, the City may not apply any local standards.

Because of the specific phrasing of this code section, a number of other code sections fail to comply with state law, as discussed *infra*.

Impermissible Parking Requirements

City code section 11.30.060(H) imposes off-street parking requirements on ADUs, less certain exceptions. Because of the phrasing of code section 11.30.030(B), this means that code section 11.30.060(H) applies parking requirements to Government Code section 66323 ADUs.

However, as discussed *supra*, the City may not impose any development standards on ADUs eligible for the protections of Government Code section 66323, subdivision (a) beyond the height and setback requirements specified by state law. (Gov. Code, § 66323, subd. (b).) This means that the City may not impose any off-street parking requirements on such ADUs.

Page 20 of the January 2025 HCD ADU Handbook is instructive (emphasis added):

> "What design, zoning, or other local standards can be imposed on 66323 Units? A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, **parking**, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

The City should amend the code to eliminate this off-street parking requirement, as it is clearly forbidden by state law.

Impermissible Location Requirement For ADUs

City code section 11.30.060(L) requires that ADUs be located to the rear of the primary dwelling unit. Because of the phrasing of code section 11.30.030(B), this means that code section 11.30.060(L) applies this location requirement to Government Code section 66323 ADUs.

However, as discussed *supra*, the City may not impose any development standards on ADUs eligible for the protections of Government Code section 66323, subdivision (a) beyond the height and setback requirements specified by state law. (Gov. Code, § 66323, subd. (b).) This means that the City may not impose any location requirements on such ADUs.

Page 20 of the January 2025 HCD ADU Handbook is instructive (emphasis added):

> "What design, zoning, or other local standards can be imposed on 66323 Units?
> A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, parking, height, **setbacks, or other zoning provisions** (e.g., lot size, open space, floor area ratio, etc.).

The City should amend the code to eliminate this location requirement, as it is clearly forbidden by state law.

Impermissible Design Standards

City code sections 11.30.070(A)(2) and (A)(3) impose door location requirements on ADUs. City code section 11.30.070(B) requires stairwells to be enclosed. City code section 11.30.070(C) regulates balconies, decks, and roof decks developed in conjunction with ADUs. City code section 11.30.070(D)(1) requires a detached ADU to match the design characteristics of the primary dwelling unit. City code section 11.30.070(E) imposes historic preservation regulations on detached and conversion ADUs. Because of the phrasing of code section 11.30.030(B), all these various code requirements are applicable to section 66323 ADUs.

However, as discussed *supra*, the City may not impose any design development standards on ADUs eligible for the protections of Government Code section 66323, subdivision (a) beyond the height and setback requirements specified by state law. (Gov. Code, § 66323, subd. (b).) This means that the City may not impose any location requirements on such ADUs.

Government Code section 66323, subdivision (b) is very clear on this point: "A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."

Page 20 of the January 2025 HCD ADU Handbook is instructive (emphasis added):

> "What design, zoning, or other local standards can be imposed on 66323 Units?
> **A local agency may not impose development or design standards, including both local standards and standards found in State ADU Law, on 66323 Units that are not specifically listed in Government Code section 66323.** (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

The City should amend the code to specify that none of these provisions are applicable to section 66323 ADUs.

Impermissible Foundation Requirement

City code section 11.30.110(B) mandates that "Pre-manufactured [sic] ADUs must be anchored to a continuous foundation as prescribed by the building code or anchored to a continuous foundation designed by a CA registered engineer." Because of the phrasing of code section 11.30.030(B), this means that code section 11.30.110(B) applies this foundation requirement to Government Code section 66323 ADUs.

As the City must be aware, manufactured housing is regulated by the federal HUD code, not by state building code. Government Code section 66313, subdivision (a)(2) allows a manufactured home, as defined by section 18007 of the Health and Safety Code, to serve as an ADU. Section 18007 of the Health and Safety Code states that a manufactured home is "designed to be used as a single-family dwelling **with or without a foundation** when connected to the required utilities ..."

As discussed *supra*, the City may not impose any development standards on ADUs eligible for the protections of Government Code section 66323, subdivision (a) beyond the height and setback requirements specified by state law. (Gov. Code, § 66323, subd. (b).) This means that the City may not impose this foundation requirement on section 66323 ADUs.

Government Code section 66323, subdivision (b): "A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a)."

Page 20 of the January 2025 HCD ADU Handbook is instructive (emphasis added):

> "What design, zoning, or other local standards can be imposed on 66323 Units? **A local agency may not impose development or design standards,** including both local standards and standards found in State ADU Law, **on 66323 Units** that are not specifically listed in Government Code section 66323. (Gov. Code, § 66323, subds. (a), (b).) This includes, but is not limited to, parking, height, setbacks, or other zoning provisions (e.g., lot size, open space, floor area ratio, etc.).

The City should amend the code to specify that the foundation requirement does not apply to section 66323 ADUs.

Impermissible Restriction on Utilities Connections

City code section 11.30.110(C) forbids separate utility connections, including water, sewer, and power, to an ADU. Because of the phrasing of code section 11.30.030(B), this means that code section 11.30.110(C) applies this regulation to Government Code section 66323 ADUs.

As discussed *supra*, the City may not impose any development standards on ADUs eligible for the protections of Government Code section 66323, subdivision (a) beyond the height and setback requirements specified by state law. (Gov. Code, § 66323, subd. (b).) This means that the City may not forbid separate utility connections for such ADUs.

It is also unclear why the City would wish to forbid these connections. Separate connections are clearly contemplated by Government Code section 66324, subdivision (d), which forbids a city from *mandating* them unless the ADU is developed with a new single family home or if the ADU is to be sold separately.

The public purpose of this prohibition is unclear, unless the City is attempting to institute a backdoor prohibition of all separate ADU sales, in spite of the fact that they are explicitly authorized by Government Code section 66341.

♦♦♦

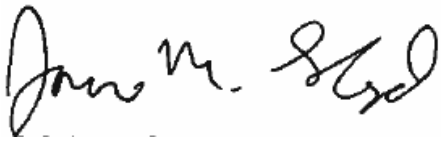
CalHDF appreciates the City's effort to implement state law governing ADU construction. However, the City should amend its ordinance to ensure that it complies with state law.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at www.calhdf.org.

Sincerely,



Dylan Casey
CalHDF Executive Director



James M. Lloyd
CalHDF Director of Planning and Investigations