



CITY COUNCIL STAFF REPORT

ITEM NO. 6.2

DATE: July 14, 2025

TO: Honorable Mayor and City Council

FROM: Brent Smith, Community Development Director

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

RECOMMENDED ACTION

The Planning Commission and staff recommend 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. **Introduce an ordinance**, and waive the first reading, 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;
4. **Introduce an ordinance**, and waive the first reading, 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"; and
5. **Introduce an ordinance**, and waive the first reading, 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

The Planning Commission and City staff recommend a comprehensive update of the Livermore Development Code (LDC) to incorporate various state housing laws, establish legally enforceable citywide Objective Design Standards applicable to multifamily residential and mixed-use residential

projects, and increase project review streamlining. In addition to compliance with state housing law, these changes help to implement policies contained in the City's adopted 2023-2031 Housing Element.

This project proposal includes the following primary components:

- A new Part 11 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 legally enforceable Mixed-Use and Multifamily Objective Design Standards for multifamily residential and mixed-use development projects in residential and commercial areas;
- Additional housing-related updates to the Development Code pertaining to project review streamlining and public noticing, consistent with Housing Element policy.

DISCUSSION

Background

As the availability of housing across California 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.

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.

Livermore's Design Standards and Guidelines were adopted in 2004, and the LDC was last comprehensively updated in 2010. In 2023, in conformance with state housing requirements, 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 that the City received from the California Department of Housing and Community Development (HCD) through the Local Early Action Planning (LEAP) program.

Project Description for Proposed Livermore Development Code (LDC) Amendments

Part 11 Housing

Proposed LDC updates include a new draft LDC chapter entitled “Part 11 Housing” (see Attachment 13, Exhibit B), consisting of both entirely new chapters and chapters that previously existed in other parts of the Code that were re-written and relocated into Part 11 (Note: While the new Part 11 Housing does contain some previous sections of the LDC that have been relocated, Exhibit B displays all sections as new code (without strikethroughs or underlines) given the significant changes made to these sections).

The option to use a Development Agreement to deviate from certain affordable housing and design requirements was incorporated into Part 11 Sections 11.70 Affordable Housing and 11.60 Streamlined Review and Objective Design Standards, respectively, and the following are areas within the new Part 11 where substantive local discretion was exercised, as afforded by state housing law:

- **Accessory Dwelling Units (ADUs).** Staff prepared objective historic regulations and design standards for ADUs, regulating features like building placement with respect to historic structures, color, materials, and usable open space. The City cannot limit ADUs to one-story or require greater setbacks for two-story ADUs; however, detached ADUs would be limited to between 16 and 20 feet in height, depending on roof pitch, and attached ADUs would be limited to 25 feet in height or the height limit that applies to the primary dwelling, whichever is lower. The proposed standards comply with state law without being more permissive than state law requires.
- **Two Unit Residential Development and Urban Lot Splits (SB9 Units).** Staff prepared objective standards and regulations to limit SB9 unit height to be no higher than the underlying zoning district height, to regulate building design and landscaping, and to prohibit projects on historic properties.
- **Residential Development in Non-Residential Zoning Districts.** 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.** Parcels created pursuant to Eligible Subdivisions state law (SB 684) shall be approved ministerially and without a public hearing. This applies to projects with 10 or less parcels and 10 or less units in single or multi-family zones on urban infill sites. The resulting lots may be as small as 600 square feet, if located in multi-family zones, and as small as 1,200 square feet if located in single family zones. Based on available City discretion, staff is proposing to prohibit parcels created pursuant to Eligible Subdivisions from being further subdivided via Urban Lot Splits (SB 9) and from having ADUs/JADUs constructed on them (but they are allowed to have a home up to 1,750 sq. ft on the new lot). The draft section on Eligible Subdivisions is shown in Part 11, Chapter 11.69 of the proposed Development Code (Attachment 11, Exhibit B)

Mixed-Use and Multifamily Objective Design Standards

The project proposal also includes Mixed-Use and Multifamily Objective Design Standards document (see Attachment 10, Exhibit B). As proposed within the draft document, project applicants 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 must enter into a Development Agreement with the City, as authorized by the City Council to ensure the design deviations are acceptable to the City and that appropriate public benefits justify the deviation.

Permit Streamlining Amendments

Staff prepared draft amendments to the existing LDC in "Part 9 Permits and Approvals" and "Part 10 Subdivisions" (see Attachment 16, Exhibit B) 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, and certain projects that currently require Planning Commission Review would only require staff-level review. In any case, the following provisions would apply:

- Revised Review Authority
 - Staff is decision maker on projects of 39 units or less;
 - Planning Commission is decision maker for projects of 40-149 units outside a Specific Plan or Neighborhood Plan and 40 units or more inside a Specific Plan or Neighborhood Plan;
 - City Council is decision maker for projects of 150 units or more outside of a Specific Plan or Neighborhood Plan.
- Any action or decision by the Commission, Historic Preservation Commission, Director, or Department staff in compliance with the LDC may be appealed, including by a Council Member acting as an individual;
- All project entitlements shall be reviewed by the highest review authority for which review is required for any of the entitlements, as specified in the LDC;
- Projects within the Downtown Specific Plan with proposed height exceptions taller than 3 floors/45 feet are subject to Planning Commission and City Council Review; and,
- The Planning Commission, and City Council as applicable (project appeal), shall be the review authority for any Administrative Design Review that requires a California Environmental Quality Act (CEQA) Negative Declaration or Environmental Impact Report.

Based on direction from the Planning Commission, staff incorporated new draft public noticing requirements for staff-level residential development applications received by the City. It requires applicants to post a physical sign notice of application at the project site. The sign notice would be either 4 square foot or 32 square feet, depending on the size of the project site.

Internal Consistency Amendments

Finally, staff prepared a list of various LDC amendments (see Attachment 19, Exhibit B) 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.

PLANNING COMMISSION

At a publicly noticed Planning Commission Study Session on May 6, 2025, staff presented the draft framework for the Comprehensive Housing Update and Citywide Objective Design Standards and summarized various applicable state laws (see Attachment 4 (Staff Report) and Attachment 5 (Meeting Minutes)). Staff recommended the Planning Commission receive the staff report and provide discussion and direction.

The Commission provided feedback and reached consensus supporting the overall draft framework of the code updates. The Planning Commission had specific comments and discussion on Accessory Dwelling Units, staff-level approval of residential projects and how neighbors and decisionmakers will be informed, and the proposed architectural styles.

At a noticed Planning Commission Public Hearing on June 3, 2025, staff presented complete drafts of the Comprehensive LDC Housing Update and Citywide Mixed-Use and Multifamily Objective Design Standards to the Planning Commission for review and feedback and proposed the Planning Commission recommend the project for City Council approval. (See Attachment 1 Staff Report, and Attachment 2 Draft Meeting Minutes.

Planning Commission recommended the City Council approve the Comprehensive LDC Housing Update and Mixed-Use and Multifamily Objective Design Standards with the following changes, which have been incorporated by staff.

- Add language to the Mixed-Use and Multifamily Objective Design Standards Introduction Section that Part 11 prevails over the other parts of the LDC;
- Add to the Mixed-Use and Multifamily Objective Design Standards Glossary Section definitions for “California Native species,” “Invasive species,” and “Pollinators”;
- Add a note to Table 9.3 of the LDC referencing the Mixed-Use and Multifamily Objective Design Standards and its applicable projects; and
- Modify Chapter 11.50 “Two-Unit Residential Developments and Urban Lot Splits” (11.50.040.b.2.c) to indicate, “Height. Each unit shall meet the standards of the underlying zoning district”.

PUBLIC COMMENTS

On the day of the June 3 Planning Commission meeting, the Planning Division received a comment letter pertaining to new Chapter 11.30: Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) (see Attachment 3) and a comment letter pertaining to Chapter 11.50: Two-Unit Residential Developments and Urban Lot Splits (see Attachment 3). Both letters were sent by the same organization. Information presented in the letter pertaining to Chapter 11.50 prompted staff to recommend that Planning Commission recommend the following change:

- Modify Chapter 11.50 "Two-Unit Residential Developments and Urban Lot Splits" (11.50.040.b.2.c) to indicate, "Height. Each unit shall meet the standards of the underlying zoning district".

Regarding the letter pertaining to Chapter 11.30, staff finds draft Chapter 11.30 to be consistent with State law and guidance contained in the California Department of Housing and Community Development Accessory Dwelling Unit Handbook (January 2025), since draft Chapter 11.30 contains Section 11.30.030 "Circumstance Under Which Compliance is Not Required", which specifies that under no circumstance shall a requirement of the Chapter prohibit the development of the specific Accessory Dwelling Units, and Junior Accessory Dwelling Units, guaranteed by State law.

No other public comments were received in writing or delivered at either of the two Planning Commission meetings.

GENERAL PLAN CONSISTENCY

The project is consistent with Livermore's General Plan Housing Element and implements the following policies:

- Policy 1.3: Update the Development Code to simplify standards, expand opportunities for a greater variety of housing types, and maintain consistency with State law.
 - A: Continue to facilitate development of Accessory Dwelling Units (ADUs) by maintaining standards that are consistent with State law.
 - E: Establish standards consistent with Senate Bill 9 to allow ministerial two-unit residential developments and lot splits in single-family zones.
 - Establish Objective Design Standards to facilitate streamlined project permitting.
- Policy 1.4: Reduce governmental constraints on housing development through permit streamlining, reasonable development fees, and transparent and accessible information.
 - A: Identify opportunities to streamline permitting processes, including ministerial approvals.

CLIMATE ACTION PLAN CONSISTENCY

Standards contained within the Mixed-Use and Multifamily Objective Design Standards that are relevant to the City's Climate Action Plan strategies are denoted with a grape leaf symbol within the document.

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.

The standards are consistent with and advance key objectives in the Livermore General Plan, the Climate Action Plan, the Local 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.

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. The adoption of local ordinance and objective design standards, by themselves, do not dictate development and present no possibility of a significant impact on the environment.

FISCAL AND ADMINISTRATIVE IMPACT

The consultant contract costs for the project were funded 58% by the City's General Fund and 42% by a grant from HCD. Codifying and simplifying numerous state laws into a single document, streamlining review procedures, establishing easy to follow objective design standards, and increasing legal clarity around each law will increase efficiency for the City and those seeking to build housing in the City.

COMMUNITY PILLAR

1: A Safe Community That Thrives

GOAL

14: Update development standards, codes, and ordinances.

GUIDING DOCUMENTS

General Plan and Development Code

ATTACHMENTS

1. Planning Commission Staff Report - June 3, 2025
2. Planning Commission Draft Meeting Minutes - June 3, 2025
3. Planning Commission Public Comments - June 3, 2025
4. Planning Commission Study Session Staff Report - May 6, 2025
5. Planning Commission Meeting Minutes - May 6, 2025
6. Resolution - CEQA
7. Exhibit A - Resolution No. 17-25
8. Resolution - MODS
9. Exhibit A - Resolution No. 18-25
10. Exhibit B - MODS
11. Ordinance - Part 11
12. Exhibit A - Resolution No. 19-25
13. Exhibit B - Part 11
14. Ordinance - Permit Streamlining
15. Exhibit A - Resolution No. 20-25
16. Exhibit B - Permit Streamlining
17. Ordinance - Internal Consistency
18. Exhibit A - Resolution No. 21-25
19. Exhibit B - Internal Consistency

Prepared by: Steve Riley
Planning Manager

Approved by:



Marianna A. Burch
City Manager

Fiscal Review by:



Tina Olson
Administrative Services Director