



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