



City of Livingston

Housing Element Update

Adopted
June 21, 2016

Certified by the California Department of
Housing and Community Development

July 11, 2016

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1 INTRODUCTION

The City of Livingston is located in the center of the San Joaquin Valley in the northern part of Merced County. The City was incorporated in 1922 and, as of December 2015, is home to over 13,735 residents. Despite its small size, Livingston has a wealth of diversity including an established Hispanic and Indian-American community.

Livingston is a highly productive agricultural community with both farming and agricultural processing. Foster Farms is the largest employer in Livingston. Though agriculture remains the predominant industry in the community, Livingston has seen dramatic growth over the past 30 years. The City is increasingly becoming a bedroom community for workers in Merced, Modesto, and the San Francisco Bay Area.

Though the City has experienced an increased level of residential development, it is faced with the difficult task of balancing the needs of existing residents, including lower-income farmworkers, with those of newer residents. In the early 2000s the City experienced increased residential development demands. However, since 2006, the national economic recession has significantly impacted residential development and values in the city of Livingston. Between 2003 and 2008 alone, the City issued 811 building permits for single family residential units, with a majority of this occurring during the housing boom between 2003 and 2006. Since 2008, the City issued 111 building permits for single family residential units, but between the years 2011 and 2014 only one permit was issued.

Housing prices dropped dramatically during the economic recession, decreasing by 50 percent or more between 2005 and 2009. While this means that many homeowners lost their homes to foreclosure or lost a significant amount of equity in their homes, it also created more affordable homeownership opportunities for those just entering the market. Housing prices have begun to increase, and although development has not yet begun to pick up, there is great potential for development on vacant land in the city, and it is expected that an increase of residential development will occur during this 2016-2024 housing cycle.

The City's Housing Element is designed to encourage housing development adequate to meet the needs of all residents. This section presents an overview of the document, including the purpose of the Element and its organization. In addition, this section summarizes community participation efforts.

PURPOSE

The California Government Code Section 65580 declares, "the availability of housing is of vital statewide importance, and the early attainment of decent housing and a suitable living environment for every Californian, including farmworkers, is a priority of highest order." As a result of this declaration, the Legislature has required that all cities and counties must prepare a Housing Element as part of their General Plan. The Housing Element is one of the seven required elements in the City's General Plan. The Housing Element is the only element of the General Plan that must be submitted to the State Department of Housing and Community Development (HCD) in order to determine compliance with State laws.

State certification of the Housing Element provides the City with a number of benefits and opportunities for addressing housing needs in Livingston. For instance, a certified Housing Element provides priority access to limited State housing funds and it offers greater protection from potential legal challenges to the Housing Element. In addition, the City is protected from potential financial penalties that may result from future State legislation.

COMMUNITY INVOLVEMENT

Community and Stakeholder Workshops

Community involvement is an important part of assessing housing need, and in developing policies and programs to effectively address that need. State law, Government Code Section 65583(c)(7), requires that jurisdictions "...make a diligent effort to achieve participation of all economic segments of the community in the development of the housing element." On January 26, 2016, the City held Stakeholder and Community Workshops at City Council Chambers. An email announcement was sent to a list of various community members and stakeholders, including local residents, developers, places of worship, service providers, and community businesses. The City also made follow up phone calls to stakeholders on the list, posted public notices about the workshops in the newspaper, and posted fliers around the city (see Appendix A for more information). The Stakeholder Workshop was held at 3:00 p.m., and had five participants. Later that same day, at 7:00 p.m., the Community Workshop had two participants. Both groups raised similar concerns, highlighting the need for better access to active transportation through improving sidewalk and street lighting, and a lack of access to childcare. A list of the stakeholders that were contacted and a summary of the input is included in Appendix A.

Public Review Draft Housing Element

Following the workshops, the City prepared the Public Review Draft Housing Element on February 18, 2016, and emailed a copy to the stakeholder list and workshop attendees. The City received written comments, which are included in Appendix A, as well as verbal comments at the Joint Study Session with the Planning Commission and City Council.

Public input was incorporated in several ways. Input received at the workshops was considered in the preparation of the Housing Element, specifically in the analysis of housing needs and in the review of the policies and programs to make sure they address the identified needs. Public comments received on the Draft Housing Element were considered and changes were made, where appropriate, prior to submitting the Housing Element to HCD.

Planning Commission and City Council Meetings

The Planning Commission and City Council reviewed the Draft Housing Element at a Joint Study Session on February 23, 2016. The Commission and Council reviewed and provided feedback on the Draft Housing Element and authorized staff and the consultants to submit the Housing Element to HCD for review of compliance with State law.

In addition, prior to the adoption of the Housing Element, public hearings will be held at both the Planning Commission and City Council level to allow for further public input. Upon adoption by the City Council, the 2016-2024 Housing Element will be submitted to HCD for review and certification.

ORGANIZATION

This Housing Element is organized into six sections, which identify the housing needs in the community; the constraints to development; resources for future development; and goals, policies, and programs to address the needs and constraints in Livingston. The sections are as follows:

1. **Introduction:** provides information on the housing element process, primary data sources used for the Element, community involvement, and consistency with the General Plan.
2. **Housing Needs Assessment:** contains a demographic and housing profile of the city, and includes a discussion of current and future housing needs.
3. **Housing Constraints and Opportunities:** contains an analysis of the constraints that impact the development of housing.
4. **Housing Resources:** provides an inventory of land in the unincorporated area suitable for development as well as the financial and administrative resources available to facilitate housing production.
5. **Review of Past Housing Element:** evaluates the City's past performance based on its progress toward the objectives identified in the 2009-2014 Housing Element.
6. **Housing Plan:** sets for the City's goals, policies, and programs that are designed to address the housing needs in Livingston.

CONSISTENCY WITH GENERAL PLAN

According to State law, a jurisdiction's general plan and its elements must be integrated, internally consistent, and a compatible statement of policies.¹ The purpose of requiring internal consistency is to avoid policy conflict and provide a clear policy guide for the future maintenance, improvement and development of housing within the city.

The 2016-2024 Housing Element has been reviewed to ensure consistency with the other elements of the 1999 General Plan. The City will maintain this consistency as future General Plan amendments are processed by evaluating proposed amendments for consistency with all elements of the General Plan, including the Housing Element.

¹ State of California, Government Code Section 65583(c).

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2 HOUSING NEEDS PROFILE

This section analyzes the demographic, household, income, employment, and housing stock characteristics for the City of Livingston. The section also discusses the housing needs of “special” population groups as defined in State law. This information is used to determine the City's existing and future housing needs. It serves as the foundation for the development of the City's goals, policies, and programs that are designed to meet its identified housing needs. Because the data is from multiple sources and/or different years, the numbers may not be comparable between tables.

POPULATION CHARACTERISTICS

Population

According to the California Department of Finance, between 2005 and 2015, the population of the City of Livingston increased from 11,818 to 13,735 persons or 16 percent. Merced County as a whole increased by 12 percent during 2005 to 2015 (see Table 2-1). Other cities in Merced County near Livingston also saw continuous population growth (refer to Table 2-1). As a result, both Livingston and the entire region are expected to experience an increased demand for housing.

TABLE 2-1
DOF POPULATION TRENDS
LIVINGSTON, ATWATER, MERCED, LOS BANOS, MERCED COUNTY
2005-2036

Jurisdiction	2005	2010	2015	Percentage Increase 2005-2015
Livingston	11,818	13,030	13,735	16%
Atwater	26,829	28,169	29,023	8%
Merced	72,402	78,860	81,722	13%
Los Banos	32,061	35,918	37,145	16%
Merced County	238,069	255,399	266,134	12%

Source: Department of Finance Estimates, 2005-2015.

Population Projections provided by the Merced County Association of Governments (MCAG) predicted that between 2010 and 2015 the population of the City of Livingston would increase from 13,900 to 15,400 persons or 11 percent (see Table 2-2). Comparing the MCAG projection with the DOF estimate shows that the MCAG projections were an overestimate; this discrepancy accounts for the large difference between the DOF population estimate of 13,735 in 2015 and the MCAG projected population of 15,400 in 2015 (see Tables 2-1 and 2-2). The MCAG projections were prepared in an earlier year and population growth has been slower than projected, accounting for the discrepancy.

Based on projections from MCAG, the population of the City of Livingston is projected to increase 69 percent from 15,400 to 26,000 between 2015 and 2040. In Merced County the population is projected to increase, by 52 percent, from 270,000 to 302,800 people between 2015 and 2040 (see Table 2-2). The increase in the number of households, which relates to housing demand, is discussed under the section, Household Characteristics.

**TABLE 2-2
MCAG POPULATION TRENDS
LIVINGSTON, ATWATER, MERCED, LOS BANOS, MERCED COUNTY
2010-2040**

Jurisdiction	2010	2015	2020	2025	2030	2033	2040
Livingston	13,900	15,400	18,200	20,200	22,200	24,300	26,000
Atwater	27,600	28,300	31,300	33,200	35,300	37,400	40,000
Merced	80,200	86,100	98,500	107,300	116,700	125,300	134,100
Los Banos	36,000	38,600	44,000	47,800	52,000	56,000	59,900
Merced County	255,700	270,000	302,800	327,800	354,400	383,400	410,200

Source: Merced County Association of Governments, 2005-2036.

Age

The city's age distribution reflects a large number of youth (ages five to 19), which accounted for 32 percent of the citywide population (see Table 2-3). According to the 2000 and 2009-2013 ACS, the age group with the largest increase in population in Livingston was adults ages 55 to 64, which grew by 75.1 percent from 2000 to 2013. Similarly, countywide, the group with the greatest increase in population was also adults ages 55 to 64, which grew by 59.8 percent. In 2013 the median age in Livingston was 26.6 years, which was lower than the countywide median (30.0 years) and statewide median (35.4 years).

The large number of youth means that the city is likely to have a need for single family homes and larger apartments in the near future as these residents begin to form their own households. The increase of the city's senior population also suggests a need for units to accommodate the elderly, such as smaller single family homes, apartments, and second units close to local public transportation and services. Many in this age group have fixed incomes and may look to trade down to smaller homes or supportive living environments such as assisted-living facilities. The special housing needs of the elderly are discussed further under Special Need Groups.

**TABLE 2-3
AGE CHARACTERISTICS
LIVINGSTON AND MERCED COUNTY
2000 AND 2013**

Age Group	Livingston						Merced County					
	2000		2013		2000-2013		2000		2013		2000-2013	
	Number	Percent	Number	Percent	AAGR	Percentage Change	Number	Percent	Number	Percent	AAGR	Percentage Change
Under 5 years	1,000	9.5%	1,133	8.5%	1.0%	13.3%	18,693	8.9%	21,921	8.5%	1.20%	17.3%
5 to 14	2,291	21.9%	2,439	18.3%	0.5%	6.5%	41,853	19.9%	44,297	17.1%	0.40%	5.8%
15 to 19	1,089	10.4%	1,491	11.2%	2.5%	36.9%	19,216	9.1%	23,822	9.2%	1.70%	23.9%
20 to 24	874	8.3%	1,244	9.4%	2.8%	42.3%	14,572	6.9%	21,063	8.1%	2.90%	44.5%
25 to 34	1,561	14.9%	1,818	13.7%	1.2%	16.5%	28,311	13.4%	35,644	13.8%	1.80%	25.9%
35 to 44	1,398	13.3%	1,451	10.9%	0.3%	3.8%	30,345	14.4%	32,230	12.5%	0.50%	6.2%
45 to 54	945	9.0%	1,475	11.1%	3.5%	58.2%	22,903	10.9%	31,124	12.0%	2.40%	35.9%
55 to 64	646	6.2%	1,131	8.5%	4.4%	75.1%	14,657	7.0%	23,420	9.1%	3.70%	59.8%
65 and over	669	6.4%	1,119	8.4%	4.0%	67.3%	20,004	9.5%	25,186	9.7%	1.80%	25.9%
TOTAL	10,473	100.0%	13,301	100.0%	1.2%	27.0%	210,554	100.0%	258,707	100.0%	1.60%	22.9%

Source: 2000 U.S. Census; 2009-2013 American Community Survey.

Race and Ethnicity

The racial and ethnic composition of the City of Livingston population is shown in Table 2-4. Based on the 2009-2013 ACS, Hispanics account for a majority of the population, representing 74 percent of the population. This is followed by Asians, which make up 19 percent of the city's population. In comparison, Hispanics account for 55.6 percent of the population countywide and 37.9 percent statewide.

**TABLE 2-4
RACIAL/ETHNIC COMPOSITION
MERCED COUNTY AND CALIFORNIA
2013**

Race/Ethnicity	Livingston		Merced County		California	
	Number	Percent	Number	Percent	Number	Percent
Hispanic or Latino	9,878	74.3%	143,858	55.6%	14,270,345	37.9%
<i>Not Hispanic or Latino</i>						
White	602	4.5%	80,708	31.2%	14,937,880	39.7%
Black or African-American	7	0.1%	8,873	3.4%	2,153,341	5.7%
American Indian and Alaska Native	0	0.0%	981	0.4%	146,496	0.4%
Asian	2,522	19.0%	19,445	7.5%	4,938,488	13.1%
Native Hawaiian and Other Pacific Islander	0	0.0%	511	0.2%	136,053	0.4%
Some other race	129	1.0%	303	0.1%	81,604	0.2%
Two or more races	163	1.2%	4,028	1.6%	994,974	2.6%
Total Population	13,301	100.0%	258,707	100.00%	33,871,648	100.0%

Source: 2009-2013 American Community Survey.

HOUSEHOLD CHARACTERISTICS

Household characteristics are important factors when analyzing housing demand, supplies, and future needs. Household size, age, and composition all affect the type of housing needed in a community.

Household Size

Between 2010 and 2015, the number of households in the City of Livingston grew from 3,156 to 3,268, an increase of 3.5 percent (see Table 2-5). During the same time period, the City of Livingston's average household size grew from 4.14 to 4.20 persons. The large household size can be attributed partly to a large Hispanic population, which tends to have larger family sizes and multigenerational households.

For comparison purposes, based on California Department of Finance estimates, in 2015 Merced County had a household size of 3.37 persons per household. The high number of persons per household within the city may indicate possible overcrowding and a lack of affordable or available housing.

**TABLE 2-5
HOUSEHOLD SIZE
CITY OF LIVINGSTON AND MERCED COUNTY
2010 AND 2015**

	Livingston			Merced County		
	2010	2015	Percent Change	2010	2015	Percent Change
Number of Households	3,156	3,268	3.5%	75,642	77,041	1.8%
Average Persons per Household	4.14	4.20	--	3.32	3.37	--

Source: California Department of Finance, Population and Housing Estimates, 2010-2015.

Household Type

Table 2-6 identifies the types of households in Livingston in 2010 and 2014. In 2014, family households comprised approximately 85 percent of all households. Non-family households, such as single persons living alone or non-related persons living together, comprised the remaining 15 percent.

Significant changes have occurred between 2010 and 2014. The number of family households decreased by 94, which is notable since all other categories increased. The largest increase was in the married with no children household type, which increased by 621, or 82, percent from 2010 to 2014. Single persons living alone increased by 67 percent, while other non-family households, which include unrelated persons living together, increased by 13 percent.

**TABLE 2-6
HOUSEHOLD COMPOSITION
CITY OF LIVINGSTON
2010-2014**

	2010		2014		Percent Change
	Households	Percent	Households	Percent	
Families	2,725	90%	2,631	85%	-3%
Married With Children	1,178	39%	1,253	40%	6%
Married No Children	757	25%	1,378	44%	82%
Non-Families	312	10%	473	15%	52%
Singles	222	7%	371	12%	71%
Other Non-Families	90	3%	102	3%	13%
Total Households	3,037	100%	3,104	100%	2%
Average Household Size		4.19		4.33	3%

Source: 2014 and 2010 American Community Surveys.

Household Income Profile

Income is the single most important factor that determines a household's ability to afford adequate housing. There are wide variations in income patterns by type, size, and age of households.

Table 2-7 shows the median household income in 2010 and 2013 for the City of Livingston and Merced County. With the 7.4 percent growth in median household income, the City has passed the countywide household income level.

**TABLE 2-7
MEDIAN HOUSEHOLD INCOME
LIVINGSTON AND MERCED COUNTY
2010-2013**

Year	Livingston	Merced County
2010	\$46,198	\$43,844
2013	\$49,634	\$42,591
Change	7.4%	-2.9%

Source: 2009-2013 American Community Survey (Data Package), and 2006-2010 American Community Survey.

Table 2-8 compares the median household income and level of persons living in poverty with neighboring communities. The City of Livingston had the highest median income level and the lowest rate of poverty.

**TABLE 2-8
HOUSEHOLD INCOME AND POVERTY
BY JURISDICTION
2013**

Region	Median Household Income	Percent in Poverty
Livingston	\$49,634	18.3%
Atwater	\$42,162	20.8%
Gustine	\$33,947	18.5%
Merced County	\$42,591	21.1%

Source: 2009-2013 American Community Survey.

As shown in Table 2-9, the City of Livingston had a lower percentage (34.6 percent) of households with incomes below \$35,000 than Merced County (41.2 percent). The City of Livingston also had a lower percentage (9.3 percent) of households with incomes above \$100,000 compared to the County (15.4 percent).

**TABLE 2-9
HOUSEHOLD INCOME
CITY OF LIVINGSTON AND MERCED COUNTY
2014**

Income Level	City of Livingston		Merced County	
	Households	Percent	Households	Percent
Less than \$10,000	95	3.1%	5,278	6.9%
\$10,000-\$14,999	176	5.7%	5,747	7.5%
\$15,000-\$19,999	253	8.2%	5,239	6.8%
\$20,000-\$24,999	172	5.5%	5,378	7.0%
\$25,000-\$29,999	177	5.7%	4,988	6.5%
\$30,000-\$34,999	199	6.4%	4,969	6.5%
\$35,000-\$39,999	196	6.3%	4,162	5.4%
\$40,000-\$44,999	147	4.7%	3,840	5.0%
\$45,000-\$49,999	89	2.9%	3,234	4.2%
\$50,000-\$59,999	545	17.6%	6,512	8.5%
\$60,000-\$74,999	264	8.5%	7,444	9.7%
\$75,000-\$99,999	502	16.2%	7,947	10.4%
\$100,000-\$124,999	159	5.1%	4,486	5.9%
\$125,000-\$149,999	19	0.6%	2,908	3.8%
\$150,000-\$199,999	101	3.3%	2,234	2.9%
\$200,000 or more	10	0.3%	2,150	2.8%
Total	3,104	100.0%	76,516	100.0%

Source: 2010-2014 American Community Survey.

Each year the U.S. Department of Housing and Urban Development (HUD) determines the median family income (MFI) level for metropolitan areas and counties. The State of California uses the median income level to define five income categories as a basis for allocating needs and beneficiaries of various programs (refer to Table 2-10) based on the Official State Income Limits, dated March 6, 2015. These income categories are also used for the determination of the City's share of the regional housing need.

**TABLE 2-10
STATE INCOME LIMITS
MERCED COUNTY
2015**

Income Categories	Maximum Income by Persons per Household				
	1	2	3	4	5
Extremely Low-Income (30%)	\$12,150	\$15,930	\$20,090	\$24,250	\$28,410
Very Low-Income (50%)	\$20,300	\$23,200	\$26,100	\$28,950	\$31,300
Low-Income (80%)	\$32,450	\$37,050	\$41,700	\$46,300	\$50,050
Median-Income (100%)	\$40,550	\$46,300	\$52,100	\$57,900	\$62,550
Moderate-Income (120%)	\$48,650	\$55,600	\$62,550	\$69,500	\$75,050

Source: California Department of Housing and Community Development, 2015.

SPECIAL NEEDS GROUPS

Various segments of the population have special housing needs due to income level, age, disability, or other factors. These may include the need for special accommodations, such as wheelchair ramps or grab bars, affordable housing, or housing close to public transportation and services. As a result, these groups may have greater difficulty finding housing.

Special needs groups identified by State law (Government Code Section 65583) include the elderly, persons with disabilities (including developmental disabilities), female-headed households, large families, farmworkers, and the homeless (Table 2-11). The following discussion provides information on the special needs populations in the City of Livingston and their housing needs.

**TABLE 2-11
SPECIAL NEEDS GROUPS
LIVINGSTON**

Special Needs Groups	Persons	Households	Percent
Seniors (65+)	1,202	--	9%
With a Disability	797	--	66%
Seniors Living Alone	128	--	11%
Households with Seniors	--	766	25%
Senior-Headed Households*	--	439	14%
Owner	--	332	76%
Renter	--	107	24%
Persons with Disability	2,263	--	17%
Female-Headed Households	--	508	19%
Single-Parent Households	--	615	23%
Mothers with Children	--	337	13%
Fathers with Children	--	278	11%
Large Households (5+ persons)	--	1,188	38%
Farmworkers	899	--	--
Homeless Persons	3-4**	--	<1%
Total Population	13,461	--	--

Source: 2014 American Community Survey, the 2010 American Community Survey*, estimate from Livingston Police Department, January 2016**

The Elderly

According to the 2014 ACS, nine percent of the City's population, or 1,202 persons, were over age 65. While most elderly households in Livingston own their own home (76 percent), about 24 percent rent. In addition, 128 households are comprised of persons 65 or older who are living alone. Of special concern is that 66 percent of the elderly in the city have some type of disability, which may affect their housing needs.

Elderly households may have special housing needs due to fixed or limited incomes, increased health care costs, or physical limitations. Many elderly persons have limited funds for housing, housing repairs or modifications, or for assistance for everyday living. Some elderly may require proximity to health care or supportive services. The principal housing need of the elderly with lower incomes is affordable housing. Subsidized housing programs may provide assistance toward that end.

The City's Housing Rehabilitation Program is available to provide financial rehabilitation assistance throughout the City to lower-income households, including elderly.

In-home assistance or a supportive care environment, such as that provided by group living facilities, may offer additional housing alternatives. Licensed community care facilities provide group care, including services for elderly persons with disabilities. Grace Home is a convalescent facility in Livingston with 33 beds. There are also facilities located nearby in Atwater and Turlock that serve the elderly population.

Second units and mobile homes also offer housing opportunities for elderly persons. Many homes in the central area of the city have second units; however, according to Community Development Department Staff, the City has not processed any second unit building permits in recent years. New City regulations in the City's General Plan and Zoning Code facilitate the development of second units in residentially zoned areas as a means to provide affordable housing. Mobile home parks also offer housing options for the elderly given their lower housing costs and smaller size. The Monte Cristo mobile home park was completed in 2003 and is restricted to adults of 55 years of age and older. The park provides 114 mobile homes sites in Livingston.

Persons with Disabilities

Persons with disabilities include those with physical mobility or self-care limitations, mental illness, or such disabilities as developmental disabilities, psychiatric disorders, Alzheimer's disease, or HIV/AIDS.

According to the 2014 ACS (Table 2-11), 2,263 persons or 17 percent of the City's total population reported some type of disability. Of those with a disability between the ages of 18 and 64, approximately 49 percent were employed.

Persons with disabilities may experience restricted mobility or limited ability to work or care for themselves. These limitations may progress over time. As a result, a wide range of housing types is needed depending on the type and severity of the disability. These range from licensed residential care facilities to housing that supports independent or semi-independent living. Affordability and accessibility are significant housing requirements for those with disabilities. Accessibility means both on-site features to improve access (e.g., ramps, wider doorways, bathroom modifications, special sensory devices) and community accessibility through curb cuts, public transportation, and services. The Federal Americans with Disabilities Act (ADA) requires not only physical accessibility in the built environment, but also greater access to employment and services. Various agencies, organizations, and businesses provide supportive housing, care, or services to disabled populations. In Merced County, some of these agencies include the Center for Independent Living, Community Catalyst, and the Central Valley Regional Center.

Licensed community or residential care facilities provide housing for persons with more severe disabilities. The City has one community care facility; Grace Home, which accommodates elderly residents with disabilities.

Developmental Disabilities

SB 812, which took effect January 2011, amended State housing element law to require an evaluation of the special housing needs of persons with developmental disabilities. A “developmental disability” as a disability that originates before an individual becomes 18 years old, continues or can be expected to continue indefinitely, and constitutes a substantial disability for that individual. This includes mental retardation, cerebral palsy, epilepsy, and autism. Many developmentally disabled persons are able to live and work rather normally. However, more severely disabled individuals require a group living environment with supervision, or an institutional environment with medical attention and physical therapy. Because developmental disabilities exist before adulthood, the first housing issue for the developmentally disabled is the transition from living with a parent/guardian as a child to an appropriate level of independence as an adult.

Merced County residents with developmental disabilities can receive services through the Central Valley Regional Center, a State Developmental Services organization. To be eligible for services, a person must have a disability that began before the age of 18, and the disability must have been determined to continue indefinitely. According to the California Department of Developmental Services, there were 1,993 residents in Merced County and 91 residents in Livingston receiving services as of December 2015. In the City of Livingston, the majority of residents with developmental disabilities lived in their own home with a parent, family, or guardian (86 persons), and the rest in either foster or family homes (fewer than 10) or other facilities (fewer than 10). None lived in community care facilities or intermediate care facilities. Table 2-12 shows the breakdown of residents with developmental disabilities in Merced County and Livingston (based on zip code) by age group. It is important to note that this is only a count of those developmentally disabled people receiving services from the Department of Developmental Services as of the end of December 2015. It is possible that the actual count is higher.

TABLE 2-12
CLIENTS WITH DEVELOPMENTAL DISABILITIES
BY AGE
CITY OF LIVINGSTON AND MERCED COUNTY
DECEMBER 2015

Location	0-17 years	18+ Years	Total
City of Livingston ¹	51	40	91
Merced County ²	984	1,129	1,993

¹Livingston Zip Code: 95334

²Merced County Zip Codes: 93620, 93635, 93661, 93665, 95301, 95303, 95312, 95315, 95317, 95322, 95324, 95333, 95334, 95340, 95341, 95343, 95344, 95348, 95365, 95374, 95388

Source: State of California Department of Developmental Services, 2015.

Single-Parent Households

Single-parent households are households with one parent and children under the age of 18. According to the 2010 Census, 501 female-headed households live in the city, and of those households, 293 have children under the age of 18. Single male householders with children under 18 totaled 288 households and of those households, 141 have children under the age of 18.

Single-parent households potentially have a higher ratio of expenses to income compared to two-parent households. Single-parent households with children must balance housing and family responsibilities, which may include childcare expenses, on one income. Female-headed households with children have a much higher incidence of poverty; according to the 2014 ACS, approximately 46 percent with children under 18 lived in poverty, and 63 percent with children under age five lived in poverty. Therefore, the greatest special housing need of single-parent households is affordable housing close to childcare, health care, and other supportive services.

Large Households

Large households are defined as households with five or more persons. Large households typically require housing units with three or more bedrooms. For example, a five-person household would typically need a three-bedroom unit while a seven-person household would need a four or five bedroom unit. Large households have special housing needs due to the lack of adequately sized and affordably priced units in most communities, often resulting in overcrowding and overpayment.

According to the 2014 ACS, approximately 38 percent or 1,188 of the city's households had five or more members. Table 2-13 compares the number of large households by tenure to the number of units with three or more bedrooms. The data show that there are generally an adequate number of larger units to accommodate the number of large households in Livingston.

**TABLE 2-13
COMPARISON OF LARGE HOUSEHOLDS AND UNIT SIZE
CITY OF LIVINGSTON
2014**

Household Size	Households	Percent	Bedroom Size	Units	Percent
Owner					
5-person	447	23%	3-bedroom	753	42%
6-person	90	5%	4-bedroom	753	42%
7+person	212	11%	5+ bedroom	290	16%
Total Owner Households	1,917	100%	--	1,796	94%
Renter					
5-person	185	16%	3-bedroom	497	70%
6-person	125	11%	4-bedroom	120	17%
7+ person	129	11%	5-bedroom	88	12%
Total Renter Households	1,187	100%	--	705	59%

Source: The 2010-2014 American Community Survey.

Farmworkers

Agriculture is an important industry in Merced County and farmworkers play a critical role in that industry and the local economy. According to the 2012 USDA Census of Agriculture, there are approximately 17,265 farmworkers employed within Merced County. While land within the city itself is zoned for urban/suburban uses, the city is surrounded by agricultural land.

Thus, many farmworkers live in the community. Farmworkers are a special needs population with several interrelated problems according to a 1997 study:¹

1. **Limited Income:** Agricultural work, especially seasonal work, such as harvesting, typically pays low wages. The very-low incomes typical of farmworkers, particularly migrant farmworkers and their families, affect the type of housing that they can afford.
2. **Substandard Housing:** Due to the seasonal nature of agriculture, low wages, and scarcity of affordable units, farmworkers often live in substandard housing, which may lack a postal address, plumbing and/or kitchen facilities, or may be in poor structural condition.
3. **Overcrowding:** As a result of low wages and a lack of affordable housing, farmworkers may live in overcrowded conditions in order to pay for adequate housing.
4. **Overpayment:** Limited incomes force farmworkers, particularly migrant workers, to overpay for housing, unless provided by the employer. To counteract these effects, farmworkers may live in substandard and/or overcrowded conditions.

The 2014 ACS identified 899 persons employed in the farming, fishing, and forestry occupations in Livingston, and 10,115 in Merced County. These numbers include persons employed in fieldwork as well as those involved in agricultural processing; however, the number fails to take into account the seasonal nature of agricultural employment. The Census has often undercounted migrant and seasonal farmworkers.

Determining the number of farmworkers in a region is difficult due to the variability of the definitions used by government agencies and other characteristics of the farming industry, such seasonal workers who migrate from place to place. The estimated number of farmworkers in Merced County in 2012 ranges from 12,500 (EDD) to 20,579 (UC Giannini Foundation of Agriculture Economics).

The USDA Census of Agriculture (2012) reported 17,265 farmworkers in Merced County (see Table 2-14). Of this figure, 8,448 farmworkers worked 150 days or more and 8,817 worked fewer than 150 days in 2012. The USDA Census of Agriculture also reported 4,464 hired migrant farmworkers in 2012.

**TABLE 2-14
FARMWORKERS
MERCED COUNTY
2012**

Type of Farm Labor	Number of Workers
Hired Farm Labor	17,265
Workers by Days Worked - 150 Days or More	8,448
Workers by Days Worked - Less than 150 Days	8,817
Hired Migrant Farm Labor on Farms with Hired Labor ¹	4,464

¹ Includes hired labor and reporting only contract labor.

Source: USDA Census of Agriculture, 2012.

The State Employment Development Department (EDD) provides monthly and annual employment data by industry and type of work. In November 2014, there were approximately 13,100 farmworkers within Merced County. In September 2015 EDD estimated there were approximately 17,100 farmworkers in the county, but then in November 2015, EDD estimated there were approximately 13,600 farmworkers within the county, which shows a large seasonal change, but a 4 percent annual increase in farmworkers countywide.

Since farmworkers typically have low incomes, they are often at a disadvantage in the housing market. In addition, migrant farmworkers often have different needs compared to those that live in the city year-round. Housing opportunities for migrant farmworkers may include bunkhouses and other congregate living facilities as well as affordable multifamily or single family rental units, while year-round farmworkers typically need affordable rental or ownership housing. Table 2-15 provides information on recent housing developments designed to assist lower-income farmworkers and their families in the City of Livingston.

**TABLE 2-15
AFFORDABLE HOUSING FOR FARMWORKERS
CITY OF LIVINGSTON
2015**

Name of Development	Number/Type of Unit	Developer
Casitas del Sol	36 apartments	Self Help Enterprises
Sweat Equity Homes	173 single family homes	Self Help Enterprises
Vintage West	55 apartments	N/A
Harvest Garden Apartments	44 apartments	N/A
Livingston Campus Park	60 units	Merced Co. Housing Authority

Sources: ACLC, Self Help Enterprises, Merced County Housing Authority, and Harvest Garden Apartments.

The Housing Authority of the County of Merced also manages four migrant housing centers in the county, which according to MCAG, collectively consist of 228 residential units. The most recent center is the Felix Torres site, which provides 72 units. According to the Felix Torres Farmworker Housing Center (Planada), this center turns away an average of 50 individuals per year due to the limited number of units available. This indicates a high demand for farmworker housing in Merced County.

Regarding permanent farmworker housing, the Joe Serna Farm Worker Grant Program funded three projects in Merced County to provide a total of 197 units for farmworkers and their family members. There are an additional 10 permanent employee housing facilities in Merced County that provide housing for 326 employees.

Self-Help Enterprises (SHE), built a self-help housing project called Casitas Del Sol, which provides 36 units of affordable multifamily housing to low- and very-low income farmworkers and their families in Livingston. SHE also provided 173 units of affordable sweat-equity ownership housing for very low and low-income farmworkers in the city over the past 40 years. Livingston Campus Park, which is managed by the Merced County Housing Authority, provides 60 multifamily units offered to low-income families, including farmworkers.

Homeless Individuals and Families

Homeless individuals and families have a range of special housing needs, including emergency shelter, transitional housing, and permanent supportive housing. Emergency shelters provide immediate short-term housing typically limited to six months or less. Next, transitional housing provides housing typically between six months and two years, often coupled with intensive case management, alcohol and drug abuse assessment and treatment, mental health services, life skills, and employment training. Permanent supportive housing offers a stable residential environment with mental health counseling, job training, and case management among other services to help individuals and families move from homelessness to independent living.

According to estimates from the local police department, Livingston has a fairly low homeless population of three to four persons. The most recent information available for the county is a “point-in-time” count of sheltered and unsheltered homeless persons that the Institute for Urban Initiatives conducted in February 2015. This survey found 899 homeless individuals in the surveyed areas of Merced County, but the City of Livingston was not included in this survey. Service providers have indicated that most homeless reside in the larger cities in the county, such as the City of Merced. Persons at risk of homelessness may move to the larger cities in hope of finding employment or services.

Within the City of Livingston, there is no emergency shelter. However, countywide there are eight emergency shelters and transitional housing facilities, with a capacity of 339 units (10 family units, 30 family beds, and 217 individual beds), most of which are located within the City of Merced. Table 2-16 identifies the emergency shelters and transitional housing located in Merced County.

**TABLE 2-16
EMERGENCY SHELTERS AND TRANSITIONAL HOUSING
MERCED COUNTY REGION
2014**

Provider Name	Facility Name	Target Population	Year-Round Beds			Other Beds		Total	Location
			Family Units	Family Beds	Individual Beds	Seasonal	Overflow & Voucher		
Emergency Shelter									
Valley Crisis Center—A Women’s Place	Domestic Violence Shelter	SMF+HC, DV	2	8	4	0	3	15	Merced
Merced Community Action Agency	D Street Shelter	SMF	0	0	66	0	0	66	Merced
Merced County Human Services Agency	Motel Vouchers	SMF+HC	0	0	0	0	8	8	--
Merced County Rescue Mission	Rescue Mission	SM	0	0	22	0	0	22	Merced
Emergency Shelter Subtotal			2	8	92	0	11	111	--
Transitional Housing									
Community Social Model Advocates	Tranquility Village	SF+HC	8	22	35	N/A	N/A	57	Atwater
Community Social Model Advocates	Hobie House	SM	0	0	25	N/A	N/A	25	Merced
Merced County Mental Health	Parsons House	SF	0	0	4	0	0	4	Merced
Merced County Rescue Mission	New Life Transformation Program	SMF+SA	0	0	61	N/A	N/A	61	Merced
Transitional Housing Subtotal			8	22	125	0	0	147	--
Permanent Supportive Housing									
Housing Authority	VASH	SMF+V	9	23	18	N/A	N/A	41	--
Housing Authority	Shelter Plus Care	SMF+HC	0	0	5	N/A	N/A	5	--
Merced County Mental Health	Project Hope Westside	SMF+MA	0	0	8	N/A	N/A	8	Los Banos
Merced County Mental Health	Project Hope Start	SMF	0	0	4	N/A	N/A	4	Merced
Sierra Saving Grace Homeless Project	Sierra Saving Grace Homeless Project	SMF	1	2	0	N/A	N/A	2	Merced
Turning Point Community Programs	Turning Point	SMF+HC	1	2	9	N/A	N/A	11	Merced
Permanent Supportive Housing Subtotal			11	27	44	--	--	71	--
TOTAL BEDS FOR HOMELESS PERSONS			21	57	261	0	11	329	--

Notes: SM: single males, SF: single females, SMF: single males and females, CO: couples only, no children, SMHC: single males and households with children, SFHC: single females and households with children, HC: households with children, YM: youth, DV: domestic violence, SA: substance abuse, MA: mental illness, V: veterans.
Source: HUD 2014 Continuum of Care Homeless Assistance Programs Housing Inventory Count Report

Though Livingston does not appear to have a homeless population, the City does have a high percentage of persons living below the poverty level and thus at risk of becoming homeless. According to the 2013 ACS, almost 20 percent of Livingston residents live in poverty.

Extremely Low Income (ELI) Households

As noted in Table 2-10, extremely-low households are those earning 30 percent or less of the area median family income level. Based on data provided by the 2008-2012 Comprehensive Housing Affordability Strategy (CHAS), and as noted in Table 2-31, the City of Livingston currently has 280 extremely low-income households, 82 percent of which is considered to have housing problems. The City's regional housing need allocation for very-low income households is 249 units (see Table 4-1). For the 2016-2024 Housing Element, 50 percent of the City's regional housing need allocation of very-low income households are considered for extremely-low income households. Therefore, the City's regional housing need allocation for extremely- low income households is 124, which is below the existing households estimated in this category.

Extremely low income households typically require specific housing solutions such as deeper income targeting for subsidies and housing with supportive services. In order to address the City's extremely-low income households, the City has included various programs, identified in Chapter 6, to assist in the facilitation of housing for lower- income households, including extremely-low households. Program 10 encourages the City to assist developers in obtaining sources of funding for affordable housing. Program 11 is included to assist the Merced County Housing Authority and other agencies to pursue funding and establish assistance/development programs for lower-income households. Programs 12 and 13 are included to assist local and regional efforts for farmworker and seasonal/migrant farm labor housing. Program 14 is included to assist lower-income households to use the Merced County Housing Authority's Housing Choice (Section 8) Voucher Program.

EMPLOYMENT TRENDS

Educational and employment characteristics are fundamental to understanding current and future housing needs in the city. Both are important in determining a household's income level, which is the primary factor in determining housing affordability.

Educational Level

Income typically rises as education level increases. According to the 2014 ACS, as illustrated in Table 2-17, 42 percent of the population has less than a high school diploma, 25 percent have some college, six percent have a college degree, and two percent have a graduate degree.

**TABLE 2-17
EDUCATIONAL ATTAINMENT
CITY OF LIVINGSTON
2014**

Education	Persons 18 and older ²	Percent
Less than High School	3,841	42%
High School Diploma	2,278	25%
Some College	2,247	25%
College Degree ¹	510	6%
Graduate Degree	182	2%
Total	9,057	100%

¹ Includes associate or bachelor’s degree.

²Numbers based on percentage estimates from 2014 ACS.

Source: 2014 American Community Survey.

The large number of residents without a high school diploma or college degree may be a key limiting factor in achieving a higher income and upward mobility. The continued decline in the number of farmworkers and the increase in the number of commuters to higher-paying jobs outside the city may eventually increase the number of residents with a higher level of education; however, a substantial portion of the population will likely have lower earning potential due to the low level of education. This may limit their current and future housing options.

Employment Profile

Table 2-18 summarizes employment by industry of city, county, and state residents in 2000 and 2012. Manufacturing occupations accounted for 25.6 percent of all jobs in the city in 2012, followed by farm jobs at 19.1 percent. In comparison, manufacturing comprised only 11.6 percent of all jobs countywide in 2012 and 10.0 percent statewide. Farm jobs also accounted for a greater proportion of all jobs in Livingston compared to countywide at 12.6 percent in 2012 and 2.3 percent statewide. The largest differences in the proportion of employment by industry from 2000 to 2012 in Livingston were in the wholesale trade and transportation, warehousing, and utilities sectors. In 2000 wholesale trade accounted for 9.7 percent of total employment in Livingston and declined to 3.5 percent in 2012. In the city, transportation, warehousing, and utilities increased from 2.1 percent in 2000 to 5.7 percent in 2012.

**TABLE 2-18
EMPLOYMENT BY INDUSTRY
LIVINGSTON, MERCED COUNTY, AND CALIFORNIA
2000 AND 2012**

	Livingston				Merced County				California			
	2000		2012		2000		2012		2000		2012	
Jobs by Place of Residence												
Civilian Employment	3,617	85.1%	4,898	79.9%	81,600	90.4%	94,612	83.9%	16,024,333	95.1%	16,614,362	89.0%
Civilian Unemployment	632	14.8%	1,234	20.1%	8,700	9.6%	18,179	16.1%	833,242	4.9%	2,059,444	11.0%
Civilian Labor Force	4,249	100%	6,132	100%	90,300	100.0%	112,791	100.0%	16,857,575	100.0%	18,673,806	100.0%
Jobs by Place of Employment												
Total Non-farm	2,868	79.3%	3,964	80.9%	52,200	81.8%	82,688	87.4%	14,487,775	97.3%	16,233,246	97.7%
Construction	151	4.2%	259	5.3%	2,100	3.3%	5,954	6.3%	733,450	5.1%	1,027,677	6.2%
Manufacturing	871	24.1%	1,252	25.6%	10,400	16.3%	10,989	11.6%	1,864,058	12.9%	1,679,459	10.0%
Wholesale Trade	351	9.7%	171	3.5%	1,400	2.2%	3,320	3.5%	646,192	4.5%	531,766	3.2%
Retail Trade	327	9.0%	532	10.9%	7,000	11.0%	11,381	12.0%	1,563,208	10.8%	1,845,115	11.1%
Transport., Warehousing and Utilities	77	2.1%	281	5.7%	1,700	2.7%	4,657	4.9%	518,292	3.6%	775,530	4.7%
Information	39	1.1%	18	0.4%	1,400	2.2%	1,555	1.6%	576,692	4.0%	476,470	2.9%
Financial Activities	73	2.0%	41	0.8%	1,600	2.5%	3,222	3.4%	806,883	5.6%	1,081,487	6.5%
Professional and Business Services	101	2.8%	153	3.1%	3,300	5.2%	6,055	6.4%	2,210,333	15.3%	2,072,394	12.5%
Educational and Health Services	496	13.7%	634	12.9%	5,100	8.0%	20,383	21.5%	1,401,025	9.7%	3,473,640	20.9%
Leisure and Hospitality	236	6.5%	385	7.9%	4,500	7.1%	6,800	7.2%	1,335,458	9.2%	1,598,029	9.6%
Other Services	100	2.8%	99	2.0%	1,500	2.4%	4,254	4.5%	487,733	3.4%	781,684	4.7%
Public Administration	46	1.3%	139	2.8%	12,200	19.1%	4,118	4.4%	2,317,992	16.0%	889,995	5.4%
Total Farm	749	20.7%	934	19.1%	11,600	18.2%	11,924	12.6%	406,608	2.7%	381,116	2.3%
Total Industry Employment	3,617	100%	4,898	100%	63,800	100.0%	94,612	100.0%	14,894,383	100.0%	16,614,362	100.0%

Source: HCD Pre-Approved Data Package using 2008-2012 American Community Survey; California Employment Development Department, Employment by Industry Data, 2000 SF4.

Historically, the economy in Livingston has been tied to agriculture. While agriculture is still a major industry in Livingston and the rest of Merced County, a trend has developed over the last decade in the growth of a number of other sectors. This trend has seen an increasing number of retail trade, leisure and hospitality service jobs as well as manufacturing, construction, financial, insurance, real estate, and local government services, which have been driven by the area's population growth. The continued in-migration of Bay Area residents will lead to growth in the service industry, and new job growth, including professional jobs, which have risen with the opening of UC Merced.

Based on MCAG estimates, employment is expected to increase by 49 percent by 2025, resulting in over 40,000 new wage and salary jobs countywide. Table 2-19 identifies the average earnings for employees in the county by type of industry. As shown, the average annual earnings for persons employed in the agricultural sector as farmworkers are among the lowest in the county.

**TABLE 2-19
AVERAGE EARNINGS PER EMPLOYEE
MERCED COUNTY
2015**

Industry	Average Earnings Per Employee
Total (all occupations)	\$41,753
Farmworkers	\$18,950
Retail Salesperson	\$23,293
Carpenters	\$52,300
Elementary School Teachers	\$69,650
Police Detective	\$85,120
Lawyers	\$94,999

Source: Employment Development Department, Labor Market Info., 2014 Occupational Employment Statistics.

While Livingston's population rose 16 percent between 2005 and 2015, the number of jobs increased faster, by 35 percent or 1,281 new jobs between 2000 and 2012 (see Table 2-18). As shown in Table 2-20, agricultural related business, such as Foster Farms, Gallo and Sensient were the major employers. The public sector, Livingston Unified School District, was another major source of employment.

**TABLE 2-20
MAJOR EMPLOYERS IN LIVINGSTON
2016**

Company Name	Employer Size Class	Type of Industry
Foster Farms	1,000-4,999 Employees	Poultry Processing Plant
E&J Gallo Winery	100-249 Employees	Wineries
Livingston Union School District	250-499 Employees	School Districts
Sensient Natural Ingredients	250-499 Employees	Flavoring Extracts

Source: Employment Development Department, 2016.

Despite the economic growth of the past several years, the City of Livingston's annual average unemployment rate remains higher than that countywide. Table 2-21 identifies the annual unemployment rates for the City of Livingston and Merced County between 2010 and 2014. Both the City and County unemployment rates are well above the statewide annual average of 7.5 percent in 2014. Agriculture experiences seasonal fluctuations in unemployment with levels highest in winter. Furthermore, agriculture and the demand for employment are highly flexible and are affected by both the seasons and market demand for the products. Livingston has been unable in the past to attract higher-paying industries, despite the City's economic development efforts.

**TABLE 2-21
AVERAGE YEARLY UNEMPLOYMENT RATES
CITY OF LIVINGSTON AND MERCED COUNTY
2014**

Year	Livingston	Merced County
2010	21.7	18.0
2011	21.3	17.7
2012	19.8	16.4
2013	17.6	14.5
2014	15.6	12.8

Source: Employment Development Department, December 2015.

Employment Projections

Employment projections estimate the number of jobs that will be located in the county in the future. Although the projections have a high degree of uncertainty due to ever-changing local, regional, and/or national economic conditions, they provide a valuable estimate. The Merced County Association of Governments (MCAG) projected countywide employment based on the 2012 San Joaquin Valley Demographic Forecast for Merced County, which was used in the preparation of the MCAG Regional Transportation Plan.

MCAG projects Merced County will add roughly 16,600 jobs between 2010 and 2030. As shown in Table 2-22, rates of job growth are expected to increase the fastest from 2015 to 2020.

**TABLE 2-22
EMPLOYMENT PROJECTIONS
MERCED COUNTY
2010-2030**

	Number	AAGR
2010	66,000	--
2015	70,146	1.23%
2020	74,293	1.16%
2025	78,439	1.09%
2030	82,585	1.04%

Source: Merced County Association of Governments, 2012.

HOUSING CHARACTERISTICS

This section describes the housing stock characteristics of the City of Livingston, including housing stock growth, tenure, age, condition, costs, and affordability.

Housing Development

The City of Livingston had 3,320 housing units in 2010, which increased by 3.4 percent to 3,433 units in 2015. During this period, the number of housing units in Merced County grew by 0.8 percent. Table 2-23 shows the number of housing units in 2010 and 2015 in Livingston and the neighboring areas. At 3.4 percent, the City of Livingston’s percentage increase was the largest of that of neighboring communities and Merced County as a whole.

**TABLE 2-23
TOTAL HOUSING UNITS
LIVINGSTON AND SURROUDNING AREAS
2010-2015**

Jurisdiction	2010	2015	Percent Change
Livingston	3,320	3,433	3.4%
Atwater	9,771	9,868	0.9%
Merced	27,446	27,573	0.5%
Gustine	2,087	2,089	<0.1%
Merced County	83,698	84,407	0.8%

Source: California Department of Finance, Population and Housing Estimates, 2010-2015.

Housing Type

Housing type includes single family and multifamily units as well as mobile homes. Table 2-24 identifies the type of housing units in the City of Livingston in 2010 and 2015, based on population and housing estimates provided by the California Department of Finance. Detached single family homes comprised 84.5 percent of the housing stock in 2010 and the number of units increased by 60 units between 2010 and 2015. Single family attached units represented less than one percent of the housing stock in 2010, and this segment remained the same from 2010 to 2015. Multifamily housing (i.e., apartments and duplexes) increased by 11.3 percent, or 51 units, between 2010 and 2015. In 2010, this type of unit represented approximately 13.6 percent of the housing stock, but in 2015, this type of unit represented approximately 14.6 percent of the housing stock. The majority of multifamily units were in complexes with more than five units. Mobile homes constituted less than two percent of the housing stock in Livingston in 2015.

**TABLE 2-24
HOUSING UNITS BY TYPE
CITY OF LIVINGSTON
2010 AND 2015**

Housing Unit Type	2010		2015		Percent Change
	Units	Percent	Units	Percent	
<i>Single Family</i>					
Detached	2,806	84.5%	2,866	83.5%	2.1%
Attached	10	0.3%	11	0.3%	10%
Total Single Family	2,816	84.8%	2,877	83.8%	2.2%
<i>Multifamily</i>					
2-4 Units	187	5.6%	189	5.5%	1.1%
5+ Units	263	7.9%	312	9.1%	18.6%
Total Multifamily	450	13.6%	501	14.6%	11.3%
Mobile Homes	54	1.6%	55	1.6%	1.9%
Total Occupied Units	3,156	95.1%	3,268	95.2%	3.5%
Total Units	3,320	100%	3,433	100%	3.4%

Source: California Department of Finance, Population and Housing Estimates, 2010-2015.

Tenure

Tenure refers to whether a housing unit is owner- or renter-occupied and is frequently associated with the type of housing unit. According to the 2010 and 2014 American Community Surveys, approximately 62 percent of the occupied housing units in the City of Livingston were ownership units. Rental units comprised approximately 38 percent. Between 2010 and 2014, the number of both owner-occupied and renter-occupied units increased as shown in Table 2-25.

**TABLE 2-25
HOUSING TENURE
CITY OF LIVINGSTON
2010-2014**

Housing Tenure	2010		2014		Change
	Units	Percent	Units	Percent	
Occupied housing units	3,037	100%	3,104	100%	2%
Owner-occupied	1,878	61.8%	1,917	61.8%	2%
Renter-occupied	1,159	38.2%	1,187	38.2%	2%

Source: The 2006-2010 and 2010-2014 American Community Surveys.

Vacancy Rate

A vacancy rate of approximately five percent is considered normal in a housing market, with the owner rate being typically being lower and the renter rate being higher. As shown in Table 2-26, in 2014, the vacancy rates in Livingston for both owner and rental units are considered healthy.

A low vacancy rate and the lack of available housing can lead to overcrowding and a more rapid deterioration of housing over time.

**TABLE 2-26
VACANCY RATES
CITY OF LIVINGSTON
2010-2014**

Housing Tenure	2010	2014
Owner Vacancy Rate	4.5%	5.0%
Renter	7.5%	7.0%

Source: 2010 and 2014 American Community Survey.

Bedroom Size

The vast majority of owner-occupied units in the City of Livingston have three or four bedrooms. Most rental units, on the other hand, consist of two and three-bedroom units. Among all occupied units, the majority have three bedrooms. This trend is consistent with Merced County and the state, although the state has a higher representation of two-bedroom units in occupied units.

**TABLE 2-27
NUMBER OF BEDROOMS BY TENURE
LIVINGSTON, MERCED COUNTY, AND CALIFORNIA
2013**

Bedrooms	Livingston		Merced County		California	
	Number	Percent	Number	Percent	Number	Percent
No Bedroom	20	1.0%	331	0.8%	35,660	0.5%
1 Bedroom	0	0.0%	517	1.3%	183,360	2.7%
2 Bedrooms	101	5.3%	4,491	11.1%	1,283,025	18.6%
3 Bedrooms	753	39.3%	21,869	54.3%	3,110,632	45.0%
4 Bedrooms	753	39.3%	10,934	27.1%	1,811,557	26.2%
5 or More Bedrooms	290	15.1%	2,168	5.4%	484,691	7.0%
Total Owner	1,917	100.0%	40,310	100.0%	6,908,925	100.0%
No Bedroom	49	4.1%	853	2.4%	368,744	6.5%
1 Bedroom	54	4.5%	4,547	12.6%	1,556,829	27.3%
2 Bedrooms	379	31.9%	11,431	31.6%	2,181,256	38.2%
3 Bedrooms	497	41.9%	13,525	37.4%	1,170,938	20.5%
4 Bedrooms	120	10.1%	5,256	14.5%	353,581	6.2%
5 or More Bedrooms	88	7.4%	594	1.6%	77,007	1.3%
Total Renter	1,187	100.0%	36,206	100.0%	5,708,355	100.0%
No Bedroom	69	2.2%	1184	1.5%	404,404	3.2%
1 Bedroom	54	1.7%	5,064	6.6%	1,740,189	13.8%
2 Bedrooms	480	15.5%	15,922	20.8%	3,464,281	27.5%
3 Bedrooms	1250	40.3%	35,394	46.3%	4,281,570	33.9%
4 Bedrooms	873	28.1%	16,190	21.2%	2,165,138	17.2%
5 or More Bedrooms	378	12.2%	2,762	3.6%	561,698	4.5%
Total Owner and Renter	3,104	100.0%	76,516	100.0%	12,617,280	100.0%

Source: 2010-2014 American Community Survey.

Housing Age and Condition

Most of the housing in Livingston is in sound condition, but a portion in the southeastern area of the city is not. Housing conditions are important in terms of not only health and safety, but also in economic terms. If routine maintenance is not performed and deficiencies are not corrected, the economic life of a house will be threatened.

Age is an important factor in the condition of a housing unit. Housing gradually deteriorates over time and, like other infrastructure, regular maintenance of the housing stock is necessary. Typically, after 30 years most housing shows signs of deterioration and needs reinvestment to maintain its condition. Without proper maintenance, housing that is over 50 years old requires major reinvestment to maintain its quality and appearance. Homeowners with older units may require assistance to upgrade conditions or such units will become substandard and may eventually be unsuitable for occupancy.

Table 2-28 shows the decade built for owner-occupied and renter-occupied housing units in the City of Livingston, Merced County, and California in 2013. As shown in the table, Livingston's housing stock is relatively newer than California's housing stock with a greater proportion of houses built in 1990 or later. In 2013, 53 percent of the housing stock in the City of Livingston was less than 25 years old. This percentage is higher than both the county (41 percent) and the state (25 percent). Similarly California has a much higher proportion of houses built in 1950 or earlier (14 percent) compared to Merced County (nine percent) and the City of Livingston (seven percent).

One measure of housing condition is the number of housing units lacking complete plumbing and kitchen facilities. All units in Livingston had adequate plumbing and kitchen facilities, but in Merced County 211 units were lacking complete plumbing facilities and 351 were lacking complete kitchen facilities, 0.06 percent and one percent, respectively. Statewide, 0.8 percent of units were lacking complete plumbing facilities and 2.2 percent of units were lacking complete kitchen facilities.

The median year built for owner-occupied units in the City of Livingston in 2013 was 1992, compared to 1984 for Merced County and 1974 for California. The median year built for renter-occupied units in the City of Livingston in 2013 was 1986. In Merced County in 2013 the median year built for renter-occupied units was 1980, and statewide the median year was 1973. This data regarding housing stock age and kitchen and plumbing facilities may suggest that, while the majority of homes in the City of Livingston are relatively new, there is still a small part of the housing stock in the City of Livingston that is in need of rehabilitation.

TABLE 2-28
AGE OF HOUSING STOCK & HOUSING STOCK CONDITIONS BY TENURE
LIVINGSTON, MERCED COUNTY, AND CALIFORNIA
2013

	Livingston		Merced County		California	
	Number	Percent	Number	Percent	Number	Percent
Owner-Occupied Housing Units						
Built 2010 or Later	15	.5%	92	0.2%	26,247	0.4%
Built 2000 to 2009	1,105	33.8%	9,765	24.2%	904,850	13.0%
Built 1990 to 1999	599	18.3%	6,929	17.2%	803,152	11.6%
Built 1980 to 1989	375	11.5%	5,683	14.1%	1,069,268	15.4%
Built 1970 to 1979	560	17.1%	6,567	16.3%	1,167,334	16.8%
Built 1960 to 1969	108	3.3%	4,109	10.2%	902,470	13.0%
Built 1950 to 1959	257	7.9%	3,556	8.8%	1,064,611	15.3%
Built 1940 to 1949	98	3.0%	2,051	5.1%	440,789	6.4%
Built 1939 or earlier	154	4.7%	1,646	4.1%	560,384	8.1%
Total	3,271	100%	40,398	100%	6,939,104	100.0%
Units Lacking Complete Plumbing Facilities	42	1.3%	198	<0.1%	20,916	0.3%
Units Lacking Complete Kitchen Facilities	42	1.3%	220	<0.1%	26,767	0.4%
Renter-Occupied Housing Units						
Built 2010 or Later	0	0%	116	0.3%	23,857	0.4%
Built 2000 to 2009	256	22.1%	6,199	17.7%	557,708	10.0%
Built 1990 to 1999	241	20.8%	5,005	14.3%	539,043	9.6%
Built 1980 to 1989	157	13.6%	6,018	17.2%	844,735	15.1%
Built 1970 to 1979	205	17.7%	6,500	18.6%	1,122,104	20.0%
Built 1960 to 1969	28	2.4%	3,709	10.6%	817,683	14.6%
Built 1950 to 1959	110	9.5%	3,777	10.7%	716,443	12.8%
Built 1940 to 1949	85	7.3%	1,955	5.5%	367,747	6.6%
Built 1939 or earlier	75	6.4%	1,732	4.9%	614,036	11.0%
Total	1,157	100%	35,011	100%	5,603,356	100.0%
Units Lacking Complete Plumbing Facilities	0	0%	224	<0.1%	43,006	0.8%
Units Lacking Complete Kitchen Facilities	0	0%	345	<0.1%	124,714	2.2%

Source: 2009-2013 American Community Survey.

Much of the housing in Livingston is relatively new and is in good condition. Table 2-29 shows that housing in the City of Livingston is generally newer and in better condition than housing in the county as a whole. According to the City's Exterior Housing Condition Survey, dated December 2007, approximately 78 percent of all City of Livingston units are considered in sound condition. It is important to note that of the 3,318 housing units 2,284 were included as part of the referenced Exterior Housing Condition Survey.

**TABLE 2-29
CONDITION OF HOUSING STOCK
LIVINGSTON
2007**

Condition	Livingston	
	Units	Percent
Sound	1,785	78%
Minor	163	7%
Moderate	285	13%
Substantial	27	1%
Dilapidated	24	1%
Total	2,284	100%

Source: City of Livingston Exterior Housing Condition Survey, 2007.

According to the City's 2007 Exterior Housing Condition Survey, the largest concentration of dilapidated homes is in the southeast quadrant of town. Crowell and Olds Street appear to have more dilapidated homes than any other street in this area. Also, several homes have damage to their windows and have been left exposed to weather and vandalism, and consequently, more than likely, there is substantial interior damage. The remaining homes in this area suffer from a lack of maintenance and require roofing, foundation or siding repairs as well as frontage aesthetic improvements. Given these findings, the City would benefit from concentrating housing rehabilitation programs in this area.

Several areas had higher concentrations of housing in need of rehabilitation within the survey area. This included the area bounded by D and F Streets from Sixth to Eighth Street and then the area between B and Front Street from First to Second Streets. Another area in the north, which had more units in need of rehabilitation than other areas, included the area east from North Main Street to Franci including Swan and Davis Streets. These areas included small apartment units, and single family homes as well as duplexes. The homes were generally not maintained and appeared to have a need for moderate repairs including the replacement of siding, re-roofing, and repairs to doors and windows, painting and in some cases major structural repairs. The homes and apartments appear to have suffered from neglect and in some cases overcrowding. Many of these units lacked landscaping or in some cases had overgrown vegetation.

In addition, the city has relatively few multifamily housing units compared to single family units. According to the 2007 Housing Condition Survey, 75 percent of these multifamily units are in need of maintenance, as is the case with the Mastana Apartment Complex, which based on the survey methodology, ranked at a dilapidated status. The Mastana Apartment Complex consists of a two-story building containing 14 units, located at 842 F Street. The overall condition of the building is poor; the structures need re-roofing, stucco patching, and repainting. While structurally sound, the cosmetic and functional aspects of the units would benefit from rehabilitation.

The City addresses code enforcement on a complaint basis, and each department does their own code enforcement. There are no records of recent housing-related code enforcement cases.

Overcrowding

The U.S. Bureau of the Census defines overcrowding as an average of more than one person per room in a housing unit (excluding kitchens, porches, and hallways). Severe overcrowding is defined as more than 1.5 persons per room. The percentage of overcrowded housing units is a general measure of the availability of housing units with adequate rooms for the households who occupy them.

As shown in Table 2-30, the City of Livingston had a high level of overcrowding at 15 percent compared to nine percent for all of Merced County. Almost three quarters of all overcrowded households were renter-occupied households. While overcrowding for owner-occupied households was less, it still affected about a quarter of all households.

**TABLE 2-30
HOUSEHOLD OVERCROWDING
LIVINGSTON
2012**

Overcrowding	Households	Percent
<i>Owners</i>		
Overcrowding (1+ person/room)	114	26%
Severe Overcrowding (1.5+ person/room)	40	9%
<i>Renters</i>		
Overcrowding (1+ person/room)	331	74%
Severe Overcrowding (1.5+ person/room)	87	20%
Total Overcrowded Households	445	15% of Total Households

Source: 2008-2012 American Community Survey Table B25014 (Data Package).

Overpayment

Affordability problems occur when housing costs become so high in relation to income that households must pay an excessive proportion of their income for housing. A household is experiencing a housing cost burden if it is paying more than 30 percent of its gross income on housing.

As with the level of overcrowding, many households experience a housing cost burden. Table 2-31 provides the number of renters and owners within the lower income households that are experiencing a housing cost burden or housing problems. As indicated below, the majority of renters and owners within the extremely low- and very low-income households are experiencing a cost burden. A majority of renters within the extremely low- income category are paying more than 30 percent of their income for housing, and the majority of owners within the extremely-low income category are also overpaying. In addition, the majority of renters within the very low- income category are paying more than 30 percent of their income for housing, and the majority of owners within the very-low income category are also paying more than 30 percent of their income for housing. In summary, a majority of renters within the lower income household categories are experiencing a cost burden for housing, by paying more than 30 percent and sometimes more than 50 percent of their income for housing. As noted in Table 2-31, 80 percent of owners within the very-low income household category are experiencing a cost burden, which is the highest among owners within the lower income households.

**TABLE 2-31
OVERPAYMENT BY LOWER-INCOME HOUSEHOLDS
LIVINGSTON
2008-2012**

	Number Owners	Percent Owners	Number Renters	Percent Renters	Total Households	
Extremely Low-Income Households (0-30% MFI)	95	33.9%	185	66.1%	280	100.0%
Percent with any Housing Problems	55	57.9%	175	94.6%	230	82.1%
Percent with Cost Burden >30% to <=50%	0	0.0%	50	27.0%	50	17.9%
Percent with Cost Burden >50%	55	57.9%	125	67.6%	180	64.3%
Very Low-Income Households (31-50% MFI)	150	30.0%	350	70.0%	500	100.0%
Percent with any Housing Problems	135	90.0%	310	88.6%	445	89.0%
Percent with Cost Burden >30% to <=50%	30	20.0%	145	41.4%	180 ²	36.0%
Percent with Cost Burden >50%	90	60.0%	165	47.1%	255	51.0%
Low-Income Households (51-80% MFI)	315	44.4%	395	55.6%	710	100.0%
Percent with any Housing Problems	205	65.1%	305	77.2%	510	71.8%
Percent with Cost Burden >30% to <=50%	100	31.7%	225	57.0%	325	45.8%
Percent with Cost Burden >50%	80	25.4%	25	6.3%	105	14.8%

¹ Housing Problems are: incomplete kitchens, incomplete plumbing facilities, more than 1 person per room, and cost burden greater than 30%.

²The total does not reflect the addition of the figures provided for total owners and total renters due to a discrepancy in the CHAS data.

Source: Comprehensive Housing Affordability Strategy (CHAS), 2008-2012 data.

Housing Costs and Affordability

This section analyzes housing costs and affordability by income level.

Housing Prices and Trends

Home values in the City of Livingston and the surrounding area increased substantially over the past ten years. The median home value in City of Livingston grew by 5 percent to \$195,000 in 2015 from \$154,000 in 2010. Compared with neighboring communities, in 2015, the City of Livingston had the second lowest median home value, following that of the City of Merced, according to information obtained from Trulia (Table 2-32).

**TABLE 2-32
REGIONAL MEDIAN HOME VALUES
2010 AND 2015**

City	Median Value		Percent Change
	2010	2015	
Livingston	\$154,000	\$195,000	5%
Merced	\$113,000	\$185,000	10%
Turlock	\$157,000	\$265,000	11%

Source: Trulia.com, Market Trends, December 2015, 2015 figure accounts for date range September-December 2015.

Table 2-33 shows median home sales prices for December 2015 in the City of Livingston and various areas of Merced County. The most expensive housing markets were located in the community of Hilmar and the City of Merced.

**TABLE 2-33
MEDIAN SALES PRICES BY AREA
2015**

City (Zip Code)	Median Home Sales Price
Livingston (95334)	\$195,000
Gustine (95322)	\$209,750
Merced (95340)	\$205,000
Merced (95348)	\$212,000
Hilmar (95324)	\$257,000
Planada (95365)	\$113,500
Snelling (95369)	\$65,000

Source: Trulia.com, Market Trends, December 2015, figures accounts for date range September-December 2015.

Mobile homes offer a more affordable option for those interested in homeownership. Mobile homes range in price depending on the size, amenities, and age. The median price for a mobile home in Livingston is \$42,200 according to the 2014 ACS. Overall, 54 mobile homes are located in the City of Livingston according to the 2014 Department of Finance estimates. There is one mobile home park located within the City of Livingston. Monte Cristo Mobile Home Park provides 114 spaces. It was completed in 2003 and is operated by Livingston Partners, LLC. The City provides infrastructure services such as water, sewer, and storm drain services.

Housing Affordability

Housing is considered to be affordable if a household spends no more than 30 percent of its income on housing, according to HUD. Table 2-34 identifies income levels by family size based on HCD's 2015 Income Limits for Merced County. The table also shows maximum affordable monthly rents and maximum affordable purchase prices for homes. For example, a three-person household was classified as low-income (below 80 percent of median) with an annual income of up to \$41,700 in 2015. A household with this income could afford to pay a monthly gross rent (including utilities) of up to \$1,043 or to purchase a house priced at \$172,621 or less.

**TABLE 2-34
ABILITY TO PAY FOR HOUSING BASED ON HCD INCOME LIMITS
MERCED COUNTY¹
2015**

Extremely Low-Income Households at 30% of 2015 Median Family Income					
Number of Persons	1	2	3	4	5
Income Level	\$12,150	\$15,930	\$20,090	\$24,250	\$28,410
Max. Monthly Gross Rent ²	\$304	\$398	\$502	\$606	\$710
Max. Purchase Price ³	\$50,296	\$65,944	\$83,164	\$100,385	\$117,606
Very Low-Income Households at 50% of 2015 Median Family Income					
Number of Persons	1	2	3	4	5
Income Level	\$20,300	\$23,200	\$26,100	\$28,950	\$31,300
Max. Monthly Gross Rent ²	\$508	\$580	\$653	\$724	\$783
Max. Purchase Price ³	\$84,034	\$96,039	\$108,043	\$119,841	\$129,569
Low-Income Households at 80% of 2015 Median Family Income					
Number of Persons	1	2	3	4	5
Income Level	\$32,450	\$37,050	\$41,700	\$46,300	\$50,050
Max. Monthly Gross Rent ²	\$811	\$926	\$1,043	\$1,158	\$1,251
Max. Purchase Price ³	\$134,330	\$153,372	\$172,621	\$191,663	\$207,187
Median-Income Households at 100% of 2015 Median Family Income					
Number of Persons	1	2	3	4	5
Income Level	\$40,550	\$46,300	\$52,100	\$57,900	\$62,550
Max. Monthly Gross Rent ²	\$1,014	\$158	\$1,303	\$1,448	\$1,564
Max. Purchase Price ³	\$167,860	\$191,663	\$215,673	\$249,682	\$258,931
Moderate-Income Households at 120% of 2015 Median Family Income					
Number of Persons	1	2	3	4	5
Income Level	\$48,650	\$55,600	\$62,550	\$69,500	\$75,050
Max. Monthly Gross Rent ²	\$1,216	\$1,390	\$1,564	\$1,738	\$1,876
Max. Purchase Price ³	\$201,391	\$230,161	\$258,931	\$287,802	\$310,676

¹Based on 2015 HCD income limits.

²Assumes that 30 percent of income is available for either: monthly rent, including utilities; or mortgage payment, taxes, mortgage insurance, and homeowners insurance.

³Assumes 90 percent loan at 5 percent annual interest rate and 30-year term; assumes taxes, mortgage insurance, and homeowners insurance account for 20 percent of total monthly payments.

Sources: HCD 2015 Merced County Income Limits; and Mintier Harnish, 2015.

Homeownership Affordability

A comparison of Table 2-34 with Tables 2-32 and 2-33 reveals that homeownership is within reach for moderate-income households with two or more people. Homeownership for extremely-low, very-low, and low-income households is still out of reach as the affordable price is below the median home value in the city. Even for existing homes that may be affordable to moderate-income households, the downpayment and closing costs can represent a major barrier to homeownership. The City has used HOME funds that it received from the State in the past for a downpayment assistance program, and this program is ongoing. In contrast to single family homes, mobile homes and manufactured housing offer a lower-cost alternative to homeownership. The Monte Cristo Mobile Home Park provides 114 affordable units, which are restricted to persons 55 years of age and older.

Rental Rates

Similar to housing sales prices, rents also increased between 2009 and 2014. According to the American Community Survey data, rents increased by 11 percent in Livingston during the five-year period. Table 2-35 shows the regional median rents, according to the Census. At 11 percent, the City of Livingston had the largest rent increase of local cities over the past five years.

The rising rents reflect a lack of multifamily units and rental units in general. There is a demand in the City of Livingston for affordable housing. The lack of apartment construction coupled with the demand have been factors in the rent increases.

**TABLE 2-35
REGIONAL MEDIAN RATES
LIVINGSTON AND ADJOINING COUNTIES**

Jurisdiction	Median Contract Rent		Percent Change
	2009	2014	
Livingston	\$680	\$752	11%
Altwater	\$718	\$737	3%
Merced	\$662	\$726	10%
Turlock	\$767	\$828	8%
Merced County	\$661	\$729	10%

Source: 2010-2014 and 2005-2009 American Community Surveys.

Table 2-36 identifies the Fair Market Rent for Merced County by bedroom size as determined by HUD based on typical local rent levels. The Fair Market Rent for a two-bedroom apartment was \$759 for 2015, while a one-bedroom apartment was \$577.

**TABLE 2-36
FAIR MARKET RENT
MERCED COUNTY
2015**

Bedroom Size	Rent
Efficiency	\$498
One-Bedroom	\$577
Two-Bedroom	\$759
Three-Bedroom	\$1,118
Four-Bedroom	\$1,344

*Source: United States Department of Housing and Urban Development (HUD)
User FY 2015 Fair Market Rent Documentation.*

Most of the existing apartment complexes in the city are income-restricted, though two of three are at risk of converting to market rate rents during the 10-year period from 2016 to 2026. Contrasting Table 2-34 with Tables 2-35 and 2-36 shows that in general, low-income households could afford fair market rate rents, but very low- and extremely low-income households could not.

Most apartments are affordable to those families at the upper end of the low-income category. However, low-income large households and many households in the middle or lower end of the low-income category require some type of subsidized rental housing in order to be able to afford rental housing. The lack of supply of rental units throughout the city and the large household size suggest that many families double-up in a home in order to afford housing, resulting in overcrowding. Many are also paying more than 30 percent of their income on housing.

Compared to extremely low and very low-income residents, most moderate-income households can afford market-rate rental units in Livingston. However, the limited number of these units and the waiting lists that many of these apartment complexes have suggest that rental units may be a limited option for many households regardless of income level.

AT-RISK HOUSING ANALYSIS

Livingston has six assisted multifamily projects with rents that are restricted in order to be affordable to low- and very low-income households. These complexes are identified in Table 2-37. One complex is owned by the Merced County Housing Authority, and Olive Tree Apartments is owned by the California Housing Finance Agency (CHFA). Both Vintage West and Harvest Garden Apartments were funded with U.S. Department of Agriculture loans. Two of these assisted projects are at risk of converting to market-rate rents during the 10-year period from 2016 to 2026.

**TABLE 2-37
ASSISTED MULTIFAMILY UNITS
LIVINGSTON
2015**

Complex Name	Assisted Units	Total Units	Financing	Expiration of Affordability
Harvest Garden Apartments	44	44	USDA Section 515 Loan	2022
Olive Tree Apartments	18	86	CHFA	Owned by CHFA; no expiration
Vintage West	55	55	USDA Section 515 Loan	2022
Las Casitas del Sol	36	36	Tax Credits	2055
Livingston Campus Park	60	60	Merced County Housing Authority	Not Applicable
The Orchards on Newcastle Family Apartments	49	49	USDA Section 515 Loan	2068
Total	213	281	--	--

Source: Discussions with apartment managers, Merced County Housing Authority, and USDA Rural Housing.

According to USDA Rural Development, Harvest Garden Apartments, Vintage West, and The Orchards on Newcastle were financed with Section 515 loans. These loans are typically amortized over 30 to 50 years. Harvest Garden received their loan in 1986, Vintage West received its loan in 1992 and again in 2002, and The Orchards on Newcastle received its loan in 2013. While the Harvest Garden Apartments and Vintage West complex loans are for 30 years or more, there is a prepayment option after 20 years. However, this prepayment option is extremely restrictive. The owners have to show that there is no longer a need for low and moderate-income housing in that community and that existing low and moderate-income tenants would not be adversely affected. As a result, it is nearly impossible to prepay and opt out of the affordability restrictions before 30 years. Thus, the Harvest Garden Apartments and Vintage West complexes are considered at risk (see Table 2-38). The Orchards on Newcastle's loan has an expiration of affordability of 2068, so it is not considered at risk.

**TABLE 2-38
FEDERALLY SUBSIDIZED RENTAL PROJECTS AT-RISK
LIVINGSTON
2015-2025**

Complex Name	Assisted Units	Original Subsidy	Expiration of Affordability
Harvest Garden Apartments	44	USDA Section 515 Loan	2022
Vintage West	55	USDA Section 515 Loan	2022
Total Units At-Risk	99	--	--

Source: Discussions with apartment managers and USDA Rural Housing.

Preservation Options

State law also requires that housing elements include a comparison of the costs to replace the at-risk units through new construction or to preserve the at-risk units. Preserving at-risk units can be accomplished by facilitating a transfer of ownership to a qualified affordable housing organization, purchasing the affordability covenants, and/or providing rental assistance to tenants.

Acquisition and Rehabilitation

One method of ensuring long-term affordability of low-income units is to transfer ownership to a qualified non-profit or for-profit affordable housing organization. This transfer would make the project eligible for refinancing using affordable housing financing programs, such as low-income housing tax credits and tax-exempt mortgage revenue bonds. These financing programs would ensure affordability for at least 55 years. Generally, rehabilitation often accompanies a transfer of ownership.

Table 2-39 shows the estimated costs to acquire and rehabilitate the at-risk units. Acquisition costs are based on the 2015 assessed value of each property, and a per unit rehabilitation cost of \$50,000 is assumed. The total estimated cost to acquire and rehabilitate all of the at-risk affordable housing projects in Livingston (i.e., Harvest Garden Apartments and Vintage West) is an estimated \$9 million. This is very likely an underestimate of the actual costs of acquisition and rehabilitation since the assessed values are likely much lower than the market value for these properties.

**TABLE 2-39
ESTIMATED ACQUISITION/REHABILITATION COSTS
LIVINGSTON
2015**

Complex Name	Assisted Units	Total Estimated Cost
Harvest Garden Apartments	44	\$3,296,990
Vintage West	55	\$5,656,780
Total Units At-Risk	99	\$8,953,770

¹ Total estimated cost includes acquisition, rehabilitation, design, and soft costs.

Source: San Joaquin County Assessor's Office, 2015; Mintier Harnish, 2015.

Rent Subsidy

Rent subsidies can also be used to preserve affordability of housing. Through a variety of funding sources, the City could potentially provide rental vouchers similar to those provided through the Housing Choice Vouchers Program (formerly Section 8). The amount of a rent subsidy would be equal to the difference between the fair market for a unit and the cost that would be affordable to a lower-income household. Table 2-40 shows the estimated rent subsidies required to preserve the affordability of the at-risk units. Based on the assumptions shown in the table, it would cost the City an estimated \$168,660 annually to subsidize rent for these units, or nearly \$5.1 million over 30 years.

TABLE 2-40
ESTIMATED COST TO SUBSIDIZE RENTS
LIVINGSTON
2015

Unit Size	Affordable Rent for Very Low-Income (50% AMI)	2015 Fair Market Rents	Monthly Subsidy Per Unit	Annual Subsidy Per Unit	Total At Risk Units	Total Annual Subsidy
1-BR	\$543	\$577	\$34	\$408	28	\$11,424
2-BR	\$651	\$759	\$108	\$1,296	59	\$76,464
3-BR	\$753	\$1,118	\$365	\$4,380	12	\$52,560
Total					99	\$140,448

Sources: United States Department of Housing and Urban Development (HUD) User FY 2015 Fair Market Rent Documentation; HCD 2015 Merced County Income Limits; and Mintier Harnish, 2015.

Replacement (New Construction)

Typical development costs per unit in the city of Livingston were used to estimate the cost of replacing the at-risk units if they were to convert to market-rate housing. As shown in Table 2-41, the estimated cost to replace the 99 at-risk units is about \$11 million.

TABLE 2-41
ESTIMATED REPLACEMENT COSTS
LIVINGSTON
2016

Cost Type	Per Unit Estimated Cost ¹	Total Estimated Cost
Land Price ²	\$19,733	\$1,953,527
Site Improvement Cost	\$2,000	\$198,000
Construction Cost ³	\$80,000	\$7,920,000
Permit and Impact Fees	\$9,220	\$912,750
Total Cost	\$110,952	\$10,984,278

¹Assumes 800 sq. ft. units.

²Land price based on average price per square foot of currently available residentially-zoned land for sale in the city of Livingston (internet search, December 2015).

³Construction costs estimated from www.building-cost.net.

Summary of At-Risk Analysis

In summary, the above analyses show the costs of the different scenarios to be as follows:

Acquisition and rehabilitation: \$8,953,770

Rent Subsidy: \$140,448 annually (\$4,213,440 over 30 years)

Replacement: \$4,886,750

Regardless of the method, preserving affordability of the at-risk units is costly. While providing rent subsidies appears to be the least costly method, Section 8 funding availability is limited and currently (2016) there are more Federal and State funding sources to rehabilitate existing or build new affordable housing units. Ultimately, it may cost the City less to assist in either the rehabilitation or replacement of the units rather than directly subsidizing rent using City funds.

Qualified entities to acquire at-risk properties and maintain long-term affordability are non-profit or for-profit organizations with affordable housing development and managerial capacity. The following are organizations that can serve as qualified entities in Merced County:

- ACLC, Inc., 315 N. San Joaquin Street, Stockton, CA 95202, (209) 466-6811
- Eskaton Properties, Inc., 5105 Manzanita Avenue, Carmichael, CA 95608, (916) 334-0810
- ROEM Development Corporation, 1650 Lafayette Circle, Santa Clara, CA 65050, (408) 984-5600
- Self-Help Enterprises, P.O. Box 351, Visalia, CA 93279, (559) 651-1000

FUTURE HOUSING NEEDS

The Housing Element must project future housing needs for all income levels. MCAG prepared the Regional Housing Needs Plan for the period January 1, 2014 to December 31, 2023 as required by State law. The purpose of the plan is to examine housing needs in the county and to allocate to each local government responsibility for planning to meet these needs.

The Regional Housing Needs Plan determined the housing needs allocation based on population, household, employment growth, and the availability of vacant land. The allocation is distributed among the four income categories based on current and future household projections for the years 2014-2023. Table 2-42 shows the regional housing needs allocation for Livingston by income group.

**TABLE 2-42
REGIONAL HOUSING NEEDS ALLOCATION
LIVINGSTON
2014-2023**

Income Group	Income Level	Units	Percent
Extremely Low	0-30% MFI	124	12.1%
Very Low	31-50% MFI	125	12.2%
Low	51-80% MFI	178	17.4%
Moderate	80-120% MFI	163	15.9%
Above Moderate	120%+ MFI	435	42.5%
Total	--	1,023	100.0%

Sources: MCAG Regional Housing Needs Allocation Plan, June 18, 2015.

For the 2014-2023 period, the City has a construction need of 427 units affordable to low- and very low-income households. The largest share of the need is represented by the 435 units that are to be affordable to above moderate-income households. In addition, although not allocated under the MCAG Regional Housing Needs Allocation Plan, the units allocated to the extremely low-income group represent 50 percent of the units allocated to the very low- income group under the MCAG Regional Housing Needs Allocation Plan. The City's ability to address its share of the regional housing need is discussed in the remaining sections of the Element.

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3 HOUSING CONSTRAINTS AND OPPORTUNITIES

State housing law requires the City to review both governmental and non-governmental constraints to the maintenance and production of housing for all income levels. Since local governmental actions can restrict the development and increase the cost of housing, State law requires the Housing Element to “address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing” (Government Code Section 65583(c)(3)).

Despite the City's goal of providing housing opportunities for those who work in the Livingston area, a number of factors can constrain residential development. These include market constraints, such as development costs and interest rates, and governmental constraints, which include land use controls, fees, processing times, and development standards, among others. In addition, environmental and infrastructure issues can also impede residential development. This section provides an overview of the factors that may constrain development as well as those that may facilitate it.

MARKET CONSTRAINTS

Market constraints include land and construction costs, the availability of financing, interest rates, and lending practices. All of these impact the affordability of housing. Though these factors are the result of market conditions and are generally outside the control of the City, there are steps the City can take to lessen the impact of these constraints.

Development Costs

Development costs include the price of land, site improvement costs, development impact fees and construction costs. The availability of water and sewer capacity is a major factor affecting the price of land. Lots with water and sewer commitments are generally more expensive than those without. According to a recent (December 2015) internet search, there is very limited land for sale in Livingston. There were only four parcels for sale: a 13,068 square foot lot and an 8,364 square foot lot zoned for single family, for \$48,000 and \$45,000, respectively; a 3,136 square foot commercially-zoned parcel for \$150,000; and a 16.2 acre parcel for \$1,135,000 zoned for multifamily. All four parcels are within city limits and have access to infrastructure.

Construction costs exhibit a high degree of variability depending on the type of amenities. Custom homes are generally more expensive than tract home development. Construction costs for residential development range from an estimated \$79 up to \$483 per square foot depending on amenities; however, for most single family residential developments in the Central Valley, costs are typically around \$127 per square foot and about \$100 for multifamily residential construction.

While construction costs and home prices can be reduced by providing fewer amenities, homebuyers today often seek homes that offer more amenities, so builders provide them to remain competitive. Larger developments or higher-density projects can reduce the per-unit cost of construction due to economies of scale. However, market forces can impact the City's ability to effectively encourage affordable housing production.

Availability of Home Financing

Interest rates impact sales price or rental payments in two ways. The first is the interest rate charged for the construction loan. The developer passes the cost of carrying the construction loan, (usually equal to or one point above the prime rate) to the consumer in the form of a higher selling price.

The second and most noticeable way interest rates affect the prospective buyer is the rate charged for a long-term mortgage, usually over 30 years. While rates have fluctuated between 3 and 6 percent over the past 10 years, rates are currently around 4 percent, plus loan origination fees and other closing costs. Another component is the amount financed. Although interest rates have decreased, the cost of housing has increased.

Table 3-1 shows the disposition of home loan applications for residents within the Merced Metropolitan Statistical Area (MSA), which covers all of Merced County. Home purchase loan applications are broken down by applicant income level.

As shown in Table 3-1, there were 2,822 applications for mortgage loans in Merced County in 2014. Of that total, 49.7 percent of all applications were to conventional lenders, such as banks, mortgage companies, and other private financial institutions. The remaining 50.3 percent were for government-backed loans from agencies such as the Veterans Administration (VA), Federal Housing Administration (FHA), and Farm Service Agency or Rural Housing Service (FSA/RHS). The majority of applications were approved for applicants of all income levels, and as would be expected, the higher a household's income the greater the likelihood that its loan will be approved. Applications for government-backed home purchase loans had a higher level of approval compared to conventional lenders, especially for lower-income (less than 50 percent of the area median income) households.

**TABLE 3-1
APPLICATIONS FOR CONVENTIONAL HOME-PURCHASE LOANS
MERCED COUNTY
2014**

Applicant Income Level	Conventional Loans				Government-Backed Loans			
	Total Applicants	Percent Approved	Percent Denied	Percent Other ¹	Total Applicants	Percent Approved	Percent Denied	Percent Other ¹
Very Low (<50% AMI)	44	59.1%	22.7%	18.2%	26	69.2%	19.2%	11.5%
Low (50-79% AMI)	146	64.4%	25.3%	10.3%	240	72.9%	12.5%	14.6%
Moderate (80-119% AMI)	308	68.2%	16.9%	14.9%	457	72.4%	13.8%	13.8%
Above Moderate (120% or more AMI)	904	72.2%	13.6%	14.2%	697	78.5%	12.1%	9.5%
Total	1,402	70.1%	15.8%	14.1%	1,420	75.4%	12.8%	11.8%

¹Includes applications that were closed for incompleteness and applications withdrawn by the applicant.

Source: Federal Financial Institutions Examination Council, Home Mortgage Disclosure Act (HMDA), 2014.

GOVERNMENTAL CONSTRAINTS

Local governmental policies and regulations can affect the cost and development of housing. Land use controls, development standards, permit and processing fees, and processing procedures can impede or facilitate housing production. The following discussion reviews the local policies and regulations governing housing development in the city.

Land Use Controls

The City of Livingston 1999 General Plan establishes land use designations for all land within the city boundaries. These land use designations specify the type of development the City will permit. Land use designations identify the location, density, and type of residential uses for different areas throughout the city. The City's Zoning Ordinance defines the type of development and the development standards for specific residential uses on property in Livingston.

The City has three residential land use classifications as identified in the 1999 General Plan: Low Density Residential, Medium Density Residential, and High Density Residential, ranging from 1.0 dwelling units/gross acre to 29.0 dwelling units/gross acre. The Downtown Commercial (DTC) district is not specifically a residential land use classification, but the DTC land use designation does allow for residential use at 29.0 dwelling units/gross acre for mixed-use development. The land use classifications can accommodate a variety of housing types including single family homes, duplexes, multi-family apartments, and townhomes.

**TABLE 3-2
RESIDENTIAL LAND USE AND ZONING
LIVINGSTON
2015**

Land Use Classification	Typical Residential Use	Density¹	Zoning Districts
Low Density Residential	Low-density single family homes	1.0-7.5	R-E,R-1
Medium Density Residential	Duplexes, two single family homes or single family attached units on a lot	7.6-11.9	R-2
High Density Residential	Multifamily apartments or townhomes	12.0-29.0	R-3
Downtown Commercial	Vertical mixed uses where residential uses are located above office and commercial uses, and other similar and compatible uses.	29.0	DTC

¹Density in dwelling units per gross acre (du/ac).

Source: City of Livingston 1999 General Plan

Development Standards

Title 5 of the Livingston Municipal Code sets forth the zoning regulations that govern development standards for residential dwelling units.

The City has five zoning districts that permit residential uses: R-E, R-1, R-2, R-3, and DTC. The Estate Residential (R-E) and Low Density Residential (R-1) Districts are designed for single family homes on large lots. As shown in Table 3-3, the minimum lot size for the R-E District is 10,000 square feet on a standard lot, and 10,500 square feet on a corner lot. The minimum lot size for the R-1 District is 7,000 square feet on a standard lot, and 7,500 square feet for a corner lot. However, for R-1 lots located in the old section of the city, bounded by the railroad tracks on the north, 9th Street on the west, Peach Avenue on the south, and Prusso Street on the east, the minimum lot size is 6,000 square feet, and 6,500 square feet for a corner lot.

The Medium Density Residential (R-2) District allows two single family homes on a lot or a duplex. The R-2 District requires a minimum lot area of 5,500 sq. ft., and 2,750 sq. ft. per dwelling unit. The High Density Residential (R-3) District, which permits single family and multifamily uses, allows a density range of 12 to 29 du/ac. The minimum lot area per dwelling unit is 1,500 sq. ft., while the minimum lot area per apartment building is 6,500 sq. ft.

The Downtown Commercial (DTC) District allows mixed-use development where residential units are located above office and commercial uses. The DTC District allows a maximum net residential density up to 29 du/ac. The minimum lot area is 6,000 sq. ft.

**TABLE 3-3
RESIDENTIAL DEVELOPMENT STANDARDS
LIVINGSTON
2015**

Development Standards	Lot Type	R-E	R-1 ¹	R-2	R-3	DTC
Min. Lot Area (sq. ft.)	Interior	10,000	7,000	5,500 (2,750 sq. ft. per dwelling unit)	6,500 (1,500 sq. ft. per dwelling unit)	6,000
	Corner	10,500	7,500	6,500	6,500	n/a
Front Setback (ft.)	--	25 ²	20	15	15	n/a ³
Rear Setback (ft.)	--	20	5 (first floor) 15 (second floor)	15	15	n/a ⁴
Side Setbacks (ft.) ³	--	10	10	5 ⁵	5 ⁶	n/a ⁷
Lot Width (ft.)	Interior	100	70	60	60	n/a
	Corner	105	75	65	65	
Max. Height (ft.)	--	30	30	30	40	50 ⁸
Max. Lot Coverage (%)	--	n/a	55%	40%	40%	n/a

¹For R-1 lots located in the old section of the city, bounded by the railroad tracks on the north, 9th Street on the west, Peach Avenue on the south, and Prusso Street on the east, lot configurations shall remain at the 6,000 square feet minimum lot size, or 6,500 for corner lots, and a minimum front setback of 60 feet or 65 feet for corner lots, and a minimum lot width of 60 or 65 for corner lots.

²Setback requirements for R-E districts shall include a 40 foot minimum garage setback.

³No minimum, except where the frontage in a block is partially in a residential district; in which case the front yard shall be the same as required in such residential district.

⁴No minimum, except where the rear of a lot abuts a residential district; in which case a rear yard of 15 feet shall be required.

⁵In no instance shall residences on adjoining R-2 lots be closer than 8 feet, except on the side next to a street on a corner lot, which shall be 15 feet deep. If a garage is present, or if developing on a reverse corner lot, street side yard setback shall be 20 feet.

⁶Each interior lot in an R-3 district shall have a minimum side yard of 5 feet. Corner lots shall have 15 feet, except in the case of a reverse corner lot or a garage; then it shall be 20 feet.

⁷No minimum, except where the side of a lot abuts a residential district; in which case the side yard shall not be less than 10 feet.

⁸An additional 10 feet in height may be permitted with site plan/design review approval.

Source: City of Livingston, Title 5 Zoning Regulations, Municipal Code, 2015.

Parking Standards

Table 3-4 identifies the parking requirements for residential uses in Livingston. Two off-street parking spaces are required for most residential units. These spaces may be in a garage or carport, but do not have to be covered. For apartment complexes with seven or more units, one space is required per unit. For large apartment complexes, an additional one space for every 10 units is required for visitor parking. For mobile homes, two spaces are required for each mobile home unit. Homeowners can convert covered or enclosed parking spaces for living purpose if they provide replacement covered parking on-site.

**TABLE 3-4
RESIDENTIAL PARKING STANDARDS
LIVINGSTON
2015**

Housing Type	Parking Requirement
Single Family	2 spaces (garage, carport, or off-street)
Duplex	2 spaces (garage, carport, or off-street)
Multifamily/Apartment	
Three to six units	2 spaces for each dwelling unit (garage, carport, or off-street)
Seven or more units	1 space for each dwelling unit (garage, carport, or off-street)
Visitor Parking	1 space per 10 units
Mobile Home/ Manufactured Housing	2 spaces (for each mobile home unit)
Second Unit	1 off-street space (for each bedroom unit)

Source: City of Livingston Municipal Code, Title 5 Zoning Regulations, 2015.

Permit Processing

While permit processing and development review are necessary to ensure that development proceeds in an orderly manner, permit processing fees, the costs of studies, and implementation of conditions, as well as time consumed, can impact the cost of housing development.

The Community Development Department, which includes the Planning and Building Divisions, and the Public Works and Engineering Departments, are responsible for most permit processing in Livingston. In general, development of a residential unit on an appropriately zoned lot requires a building permit. The application for the permit must be filed with the Building Division. After approximately two to three days, the application is typically forwarded to the Planning Division, Engineering and the Fire Departments to ensure that the development conforms with the required setbacks and other standards for that district. The Building Division, after its technical review, then issues the permit to the developer. For subdivision maps and Site Plan/Design review, it is usually a three to four month process, which includes Planning Commission and City Council review and approval. Improvement plan review takes about two to three weeks and final maps usually take 60 to 90 days. Building permit issuance usually takes one to two weeks.

Single Family Residential Subdivision

For a single family residential subdivision, the Planning Division is responsible for handling the tentative map application. The development application is checked for completeness, which takes less than 30 days. Other agencies, such as Public Works/Engineering, Fire, Police, Caltrans and the Regional Water Quality Control Board, are contacted in writing and given the opportunity to comment on the project. Environmental review of the project is then conducted after the application is deemed complete. In most cases, an Initial Study and Negative Declaration or Mitigated Negative Declaration is prepared. The public review period is generally from 20 to 30 days. The project is brought before the Planning Commission by Planning Division staff and then three weeks later the application is brought before the City Council for approval. Typically, the whole process from submittal of the development application to approval (or denial) of the project takes about four to six months. However, if an Environmental Impact Report (EIR) is required this may substantially add to the cost and extend the timeframe for permit processing. Site Plan/Design Review and a Development Agreement may also be required and may be processed concurrently with the tentative map application.

Multifamily Residential Project

In the case of an application for a multifamily development in R-3 districts, the process is similar to that of single family homes identified above except that because there is no subdivision map the application must go through site plan and design review by the Planning Commission and City Council. The site plan and design review are conducted concurrently at the meetings. Decisions may be appealed to the City Council. The City's Design Review process is described in further detail below.

In general, the design review adds approximately six weeks to the permit process; however, an application for multifamily development is usually handled within the typical four to six-month timeframe. Similar to a single family residential application, should an Environmental Impact Report (EIR) be required in accordance with CEQA, the processing and approval timeline could add to the costs and timing of such approval. A Development Agreement may also be required and is processed concurrently with the Site Plan/Design Review application.

In addition, as noted below in Table 3-8, Multifamily Residential Projects within the R-3 Zone District that are in excess of 25 units, or contain a density of 24 units per gross acre or more, require a Conditional Use Permit, which is an application requiring review and consideration by the City's Planning Commission.

In accordance with Section 5-6-9(E) of the City's Zoning Ordinance, the Planning Commission is required to analyze the following criteria when considering a Conditional Use Permit Application:

1. A Conditional Use Permit shall not be granted for the use unreasonably incompatible with permitted uses in the area considering damage and nuisance from light sources, noise, smoke, odor, dust or vibration, hazard resulting from unusual volume or character of traffic, or congestion of a large number of persons or vehicles.

2. A Conditional Use Permit must be considered in relationship to its effect on the General Plan for the area in which it is to be located. The conditional use applied for must be in conformance with the General Plan land use map and policies.
3. Findings required for approval shall include:
 - a. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, spaces, walls and fences, parking, loading, landscaping, and other features required by the applicable zoning district.
 - b. The site for the proposed use is served by streets and highways adequate to carry the quantity and kind of traffic generated by the proposed use.
 - c. Public facilities are currently adequate to serve the proposed use or improvements are included in an approved Capital Improvement Plan or otherwise will be complete prior to the issuance of building permits.
 - d. The proposed development is consistent with the General Plan.

From a processing and timing standpoint, the Conditional Use Permit application does not add significant time as projects of this nature typically include environmental review in accordance with CEQA. Typically, the CEQA process will determine if the project(s) are incompatible with neighboring uses by analyzing and determining the projects' potential impacts to topics described above under Section 5-6-9(E)(1). Thus, the CEQA process assists the City in making the findings noted above to allow the City to either approve or not approve the Conditional Use Permit Application. In addition, the City also relies on the General Plan and Zoning Ordinance to analyze and determine if the Project meets the "Findings of Fact" and specifically, Findings 3a through 3d.

However, it is important to note that Item No. 1, above, could be considered a constraint to multifamily housing by not allowing said housing in the area considering damage and nuisance to a "congestion of a large number of persons or vehicles." Although this could be considered a constraint to multifamily housing, particularly in the sense that higher density allows housing to become more affordable, the City has not specifically experienced this type of constraint through the processing of multifamily housing projects that require a Conditional Use Permit.

For example, the City reviewed a project in 2012 formerly known as the Livingston Family Apartments, now called The Orchards on Newcastle, which consists of 49 residential units on a 4.3-acre parcel. Congestion of persons or vehicles was not considered a constraint to the Livingston Family Apartments Project, and the City was able to make the findings necessary to allow for approval of the CUP.

When determining whether or not a proposed CUP for a multifamily project is compatible with the surrounding area, the City specifically focuses its review of the project against the findings presented in Section 5-6-9(E)(3). Therefore, although this language in Section 5-6-9(E)(1) could be misconstrued as a constraint to multifamily housing that requires a CUP, it is not determined to be a constraint, as the City specifically reviews projects against Findings of Fact 3a through 3d in its review and consideration process. Additionally, as noted above, these projects also require Design Review. Therefore, from a timing standpoint, the Conditional Use Permit process is not considered a constraint to multi-family residential projects meeting the criteria described in Table 3-8.

However, it is important to note that the Conditional Use Permit process does add costs, in the form of application fees, to multifamily residential projects within these criteria. As noted in Table 3-5, a Conditional Use Permit application requires a \$400 application fee. The City recognizes this as an added cost to the permitting process for multifamily residential projects. As such, Program 21, provided in Chapter 6, allows the City to waive, reduce, or defer permitting fees, where feasible, for new housing developments, which include multifamily residential development, that accommodate extremely low, very low, low, and moderate-income households. This Program will focus on those Projects that supply affordable housing opportunity to lower-income households, and that are funded by Federal and/or State Funds.

Design Review

In July 2008, the City Council amended the Design Guide for Development within the City of Livingston. The Design Guide is intended to address the physical design of development for residential uses, including site planning, architecture, use of open spaces, lot configurations, circulation, and other similar issues. The Design Guide serves as a reference for use by City Staff, the Planning Commission, and the City Council, as well as the development community during the design review process. The Design Guide contains guidelines for both single family and multifamily residential development.

In addition, as required by Section 5-6-7 of the City's Zoning Ordinance, an application for Site Plan and Design Review shall apply to all new development within the R-2 and R-3 Zone Districts. The Planning Commission shall be the recommending body, with the City Council as the approving body of the Design Review process. The City completes design review as part of the permitting process. All residential units must conform to the setback and other development standards specified in the Zoning Ordinance. The General Plan does include specific design objectives that serve as standards by which the Planning Commission evaluates multifamily and other types of residential development. These standards are designed to provide guidance to the Commission and relate primarily to building design, and placement. The design review process by the Planning Commission and City Council is typically a four to six month process for new development within the R-2 and R-3 Zone Districts, as some applications require CEQA review and analysis. These design standards do not represent a constraint to development, but are simply there to ensure orderly and safe development in the City.

Fees and Exactions

Fees and exactions provide funding to cover the costs of planning services and the impacts resulting from new development on City infrastructure and services. Table 3-5 outlines the planning and permit fees for residential development.

The most recent application fees were amended by the City in 2014. The City's fees are generally lower than those of other communities in the region. However, in response to the lower fees, the City charges an additional 15 percent Administrative Fee to all Planning and Engineering Fees, as per Resolution No. 2006-33.

In addition, in 2007, the City Council adopted planning fee deposits as part of their planning fees. The planning fee deposits include applications consisting of annexation and prezone, tentative subdivision or parcel map, and Initial Study/Mitigated Negative Declaration or Environmental Impact Report (EIR). The amount of these deposits is based on the size of the proposed residential project on a per-lot basis. Table 3-5, below, identifies the planning fee deposits updated by the City in 2014.

Table 3-6 identifies the impact fees associated with new residential development. These include school fees, park fees, police, and water and sewer connection fees. The City's current development impact fee schedule was updated by the City Council in 2014. However, it has been the City's practice to require development agreements, between the City and the subdivider, for each residential project developed within the city. Each development agreement executed by the City and the residential subdivider includes development impact fees, which are higher than the fees depicted below in Table 3-6.

**TABLE 3-5
PLANNING AND PERMIT FEES
LIVINGSTON
2016**

Service	Fee ¹
Conditional or Special Use Permits	
Residential	\$400
Planned Development Plan	\$900 + \$30 per acre
Site Plan and Design Review	
Existing Structure	\$400
New Construction	\$600
Variances - Residential	\$400
Zoning	
Prezoning	\$900
Rezoning	\$1,100
Zoning Ordinance Text Amendment	\$900
Zoning Text Interpretation	\$300
Subdivision	
Preliminary Subdivision Map	\$300
Tentative Subdivision Map	\$1,100 + \$30 per lot
Lot Line Adjustment	\$400
Parcel Map	\$400 + \$30 per lot
Annexations	\$1,100 + \$30 per acre
General Plan Amendment	\$900
Environmental Review	
Initial Study	\$150
Environmental Impact Report	\$2,000 + all costs
Building Permit	Based on building valuation
Plan Check	75% of Building Permit Fee

¹ All fees are as quoted above plus 15% administrative fee.
Source: City of Livingston, Building Technician, January 2016.

**TABLE 3-6
TYPICAL PERMIT AND DEVELOPMENT IMPACT FEES
LIVINGSTON
2016**

Fee Type	Single Family Unit¹	Total Multifamily Development²	Multifamily Unit³
Building Permit	\$1,324	\$6,137	\$614
Plan Check	\$993	\$4,603	\$460
Site Plan and Design Review (for new construction)	--	\$600	\$60
Administrative Fee (15% of planning and permit fees)	\$348	\$1,701	\$170
SMI Tax	\$21	\$92	\$9
Municipal Facility	\$1,200	\$6,000	\$600
Water Connection	\$1,771	\$1,771	\$177
Sewer Connection line	\$1,892	\$1,892	\$189
Water Meter	\$114	\$114	\$11
Police Mitigation	\$448	\$2,240	\$224
Fire Mitigation	\$428	\$366	\$37
General Plan	\$794	\$3,556	\$356
Park-In-Lieu	\$232	\$5,760	\$576
Livingston Union School District	\$5,376	\$26,880	\$269
Regional Transportation Fee	\$3,115	\$24,348	\$243
Total Fee	\$18,056	\$92,200	\$9,220

¹Assumed to be a 1,600 sq. ft. single family home.

²Assumed to be a 10-unit multifamily complex of 800 sq. ft. units.

³Assumed to be an 800 sq. ft. unit in a 10-unit multifamily complex.

Source: City of Livingston, Building Technician, January 2016.

Table 3-7 shows the estimated typical development costs in Livingston for a single family home, assumed to be 1,600 square feet, and a 10-unit multifamily development with 800 square foot units. This includes the price of land, site improvement costs, construction costs, and permit and development impact fees; however, this does not include financing or marketing costs by the developer. As shown in the table below, the typical cost of an individual single family development is an estimated \$260,966, while the development cost of an apartment unit is an estimated \$110,952. Based on the estimated development costs, fees represent approximately seven percent of single family development costs and eight percent of multifamily development costs.

**TABLE 3-7
TYPICAL DEVELOPMENT COSTS
CITY OF LIVINGSTON
2016**

Development Cost	Single Family¹	Multifamily²
Land Price ³	\$31,710	\$197,326
Site Improvement Cost	\$8,000	\$20,000
Construction Cost ⁴	\$203,200	\$800,000
Permit and Impact Fees	\$18,056	\$92,197
Total Cost	\$260,966	\$1,109,523
Cost Per Unit	\$260,966	\$110,952

¹Assumed to be a 1,600 sq. ft. single family home.

²Assumed to be a 10-unit multifamily complex of 800 sq. ft. units.

³Land price based on average price per square foot of currently available residentially-zoned land for sale in the City of Livingston (internet search, December 2015).

⁴Construction costs estimated from www.building-cost.net.

Table 3-8 shows a comparison of the development impact fees charged by Livingston and other nearby cities, excluding school district fees. As shown in the table, the City of Livingston's fees are much lower than those of surrounding jurisdictions. Livingston's impact fees total \$9,994 for a single family dwelling, which is less than half of the cost of fees in other surrounding jurisdictions.

**TABLE 3-8
COMPARISON OF SINGLE FAMILY RESIDENTIAL DEVELOPMENT IMPACT FEES
LIVINGSTON AND SURROUNDING AREA**

2016

Jurisdiction	Water	Sewer	Traffic	Parks	Police	Fire	Municipal	General Plan	Total Fees	Rank (Lowest to Highest)
Livingston ¹	\$1,885	\$1,892	\$3,115	\$232	\$448	\$428	\$1,200	\$794	\$9,994	1
City of Merced ¹	\$5,348	\$6,048	\$3,115	\$662	--	--	\$4,806	--	\$19,979	2
Ceres ²	\$6,831	\$6,079	\$3,096	\$5,165	\$428	\$904	\$1,222	--	\$23,725	3
Turlock ³	\$6,572	\$7,007	--	\$1,515 ⁴	--	--	\$13,301 ⁵	--	\$28,395	4

Disclaimer: The fees in this table for other cities in the surrounding area may not be the most current fees collected by the jurisdictions. They are based on online searches and conversations with local jurisdiction representatives in 2016. Fees for Livingston are the most current (2016) fees.

Note: Fees shown for each category equate to a similar breadth of services, though not every city uses the same breakdown of fees; for instance, some may include police and fire within municipal fees, but those included provide a representation of sufficiently similar fees to draw a comparison.

¹Assumes a single family home of 1,600 square feet.

²Assumes a single family home of 1,500 square feet.

³Assumes a single family home of 2,000 square feet.

⁴Covers water well, transportation, traffic signal, public safety, and park development.

⁵Covers the park improvement portion of total park fees.

Source: Livingston Building Department, 2016; City of Merced, Single Family Dwelling Cost Estimate 2016; City of Turlock Housing Element Draft for HCD Review, 2015; City of Ceres 2014-2023 Housing Element.

Site Improvements

On and off-site improvements can add to the cost of housing and, if excessive, can act as a constraint to the development of housing. The City of Livingston requires that developers provide on-site improvements such as grading and the installation of water, sewer, storm drainage, and other utilities. Required off-site improvements include the installation of streets, sidewalks, curbs, gutters, street lights, and traffic signals as appropriate. In accordance with the City's 1999 General Plan, the street improvements generally serving residential projects consist of Local Residential streets. Local Residential streets consist of a 60 foot right-of-way, which includes two travel lanes, bike/parking lane, landscape strip, and sidewalk. These improvements supplement and implement California's Subdivision Map Act.

When infrastructure is lacking or inadequate to serve proposed development, improvements, such as the installation of sewer or water have been set as conditions of approval. In addition, for those developments in areas without infrastructure, new wells that are connected to the City's system have been required to serve the new development and maintain adequate water pressure.

Site improvements typically represent about 10 percent of the total cost of a finished lot with a home (excluding land costs). While these improvements add to the cost of housing, they are necessary in order to provide services to new residents and are typical of many other small jurisdictions in the area.

Building Codes and Enforcement

While building codes and code enforcement do add to the cost of housing, they are necessary to ensure the safety and habitability of housing. While excessive requirements can be a constraint to development, building codes serve an important role in terms of preventing the construction of unsafe and substandard units. Building codes can also ensure that requirements, such as those associated with the Federal Americans with Disabilities Act, are implemented in order to provide units for special needs groups.

California Building Code

The California Building Code (CBC) is designed to ensure the structural integrity of all buildings and ensure the safety of occupants. The City has adopted the 2013 California Building Code and all residential construction must comply with these requirements. The City does not have any local amendments to the 2013 California Building Code.

In accordance with the Federal Americans with Disabilities Act, the City's building code includes requirements that new residential construction have a minimum percentage of units that are fully accessible to the physically disabled.

Code Enforcement

The Livingston City Council has authorized a contract with 4Leaf, Inc. to provide the City with building services and code enforcement specifically on building violations. Currently, each City Department handles its own code enforcement concentrating mainly on health and safety issues and on a complaint basis only.

There are no records of recent housing-related code enforcement cases. The City does provide information to low-income homeowners on its housing rehabilitation program.

Provision of a Variety of Housing Types

Through the General Plan and Zoning Ordinance, a City can facilitate a variety of different housing opportunities to meet the needs of all its residents. Conversely, the City can, intentionally or unintentionally, limit the development of certain housing types. This section looks at a range of housing types and evaluates any potential constraints to, and opportunities for, their development in Livingston. Table 3-9 summarizes the different housing types and the residential zones in which they are permitted.

In addition, it is important to note that in accordance with the City's Zoning Ordinance, the term "Family" as in single family residential units or multifamily residential units is defined as, "One or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel."

**TABLE 3-9
PERMITTED AND CONDITIONALLY PERMITTED RESIDENTIAL USES
LIVINGSTON
2015**

Residential Use Type	Permit Required by Zoning District						
	R-E	R-1	R-2	R-3	DTC	P-F	C-1
Single Family	P	P	C				
Duplexes		C ¹	P				
Multifamily/Apartment			C ²	P/C ³	C		
Mixed-Use Development ⁴					C		C
Mobilehome/Manufactured Housing	P	P					
Mobilehome Park			C	C			
Second Unit ⁵	P	P	P				
Residential Care Facilities (for 6 or fewer persons) ⁶		P	P	C	C		
Residential Care Facilities (for 7-14 persons) ⁶		C ⁷	C ⁷	C	C		
Housing, Farm Labor ⁸	P	P	P	P	P		
Emergency Shelter				C	P	P	
Transitional Housing				P	P		

Notes: P = Permitted by right; C = Conditionally permitted; N/A= Not Applicable

¹Per General Plan provisions, duplexes or halfplexes are allowed on corner lots in the R-1 Zone.

²Multifamily or group dwellings of up to four units are permitted in R-2 districts on corner lots, subject to a conditional use permit

³Projects in excess of 25 units or with a density in excess of 24 units per gross acre on R-3 lots require a conditional use permit.

⁴Residential units above ground floor commercial are permitted in the DTC and C-1 zones at a density of 29 du/ac, subject to a conditional use permit.

⁵Second units in excess of 600 sq. ft. shall be subject to site plan and design review.

⁶Referred to by the City of Livingston as Licensed Community Care Facilities.

⁷A conditional use permit shall be required for care facilities serving 7-14 persons in residential districts. Facilities serving 15 or more persons shall not be permitted at all in the city.

⁸Farm labor housing that serves six or fewer persons shall be treated as a single family unit and is permitted by right in the R-E, R-1, R-2, R-3, and DTC districts.

Source: City of Livingston Municipal Code, Title 5 Zoning Regulations, 2015.

Multifamily Units

Multifamily rental units, such as apartments, typically represent a more affordable housing option than purchasing a home. The City has 452 units of multifamily housing (two or more units), according to the 2013 California Department of Finance Population and Housing Estimates. Multifamily housing is permitted by right in the R-3 district and is permitted in the R-2 and DTC districts as a conditional use.

Single Room Occupancy

Single-room occupancy (SRO) units provide affordable private housing for lower-income individuals, seniors, and persons with disabilities. An SRO unit usually is small, between 200 to 350 square feet. These units can serve as an entry point into the housing market for formerly homeless people. The City of Livingston Zoning Code does not explicitly address SROs.

Mixed-Use Development

Mixed-use development can facilitate a range of housing opportunities especially in city centers, or in close proximity to services and public transportation. Mixed-used developments are conditionally permitted in the Neighborhood Commercial (C-1) and Downtown Commercial (DTC) zones. As of 2015, no mixed-use development has occurred within the C-1 or DTC Zone Districts.

Mobile Homes/Manufactured Housing and Mobile Home Parks

Mobile homes and manufactured housing offer more affordable homeownership opportunities to low- and moderate-income households. According to the 2013 California Department of Finance Population and Housing Estimates, mobile homes comprised 1.6 percent of the housing stock, or 54 units. Mobile homes and manufactured housing are permitted on all R-E and R-1 zoned lots. Mobile home parks are conditionally permitted within the R-2 and R-3 Zone Districts.

There is one mobile home park currently (2015) located within the City of Livingston north of Peach Avenue. Monte Cristo Adult Community, operated by Livingston Partners, LLC, provides 114 spaces. The City provides infrastructure services such as water, sewer, and storm drain services.

Second Residential Units

Second residential units (second units) can provide an affordable housing option for special needs groups, such as the elderly and persons with disabilities, as well as other low- and moderate-income households.

The City's Zoning Ordinance permits second residential units in the R-E, R-1 and R-2 Zone Districts. Section 5-5-6(C) of the Zoning Ordinances provides the development standards for second residential units. One second residential unit is permitted per lot in conjunction with an existing single family dwelling (primary residence), on a lot with a minimum size of 6,000 square feet in the R-1 Zone District and a minimum lot area of 5,500 square feet in the R-2 Zone District. The second residential unit shall not be offered for sale, but is permitted for rental purposes only. The City has not issued any permits for second residential units in recent years.

Density Bonus

In August 2005, the City adopted a Density Bonus Ordinance as part of their Zoning Ordinance Update. Section 5-5-1 of the City's Zoning Ordinance provides a detailed description of the Density Bonus program.

According to the Density Bonus Law (found in California Government Code Sections 65915-65918), in order to be eligible for a density bonus, a proposed residential development shall consist of five or more dwelling units and can be designed and constructed so that at least: 1) 10 percent of the total units of a housing development are for low-income households; 2) five percent of the total units of a housing development are for very low-income households; 3) the project is a senior citizen housing development or mobilehome park age-restricted to senior citizens (no affordable units required); 4) 10 percent of the total dwelling units in a condominium project for persons and families of moderate income; 5) the project donates a minimum of one acre of land for very low income units.

Housing projects that include a child care facility are also eligible for a separate density bonus equal to the size of the childcare facility. A percentage of the spaces providing child care must be available to low- and moderate-income families, and the facilities must remain operative for the length of affordability covenants.

The amount of the density bonus is set on a sliding scale based upon the percentage of affordable units at each income level. Qualifying projects shall be allowed a minimum of 20 percent increase and a maximum 35 percent increase in the number of dwelling units allowed by the applicable zone district and General Plan Land Use designation. In addition, development projects are granted up to three incentives.

The City's Density Bonus Ordinance complies with most provisions of State law. However, it does not contain density bonus provisions for child care facilities. All requests for density bonuses are required to be approved by the City Council. No developers have applied for a density bonus in recent years.

AB 744 Planning and Zoning: Density Bonus went into effect on January 1, 2016 to reduce parking standards for affordable housing, senior housing, and special needs housing projects. Affordable housing projects that claim a density bonus can request the reduced parking requirement of 0.5 spaces per unit if the project is located near public transit, or if the project serves seniors and has access to public transit. Special needs housing projects that are entirely affordable to lower-income households can request the reduced parking requirement of 0.3 spaces per unit. When local parking requirements are higher, the statewide parking standards supersede the local requirements. The parking standards are summarized in Table 3-10 below.

**TABLE 3-10
STATEWIDE PARKING STANDARDS FOR AFFORDABLE HOUSING¹
CALIFORNIA
2015**

	Affordable Housing	Affordable Senior Housing	Special Needs Housing
Within ½ mile of a major transit stop or has unobstructed access to the transit stop	0.5 spaces per unit	--	--
Paratransit Service	--	0.5 spaces per unit	--
Within ½ mile of a major transit stop or has unobstructed access to a fixed bus route that operates at least 8 times per day	--	0.5 spaces per unit	--
Entirely affordable to lower-income households	--	--	0.3 spaces per unit

¹Effective January 1, 2016.

Source: Goldfarb & Lipman, LLC., *Law Alert: State Slashes Parking Requirements for Housing Near Transit, 2015.*

Residential Care Facilities

Residential care facilities provide housing for persons with disabilities who require supervision in a group setting. Residential care facilities include small family homes, group homes, adult residential facilities, and elderly residential facilities, among others. The Lanterman Act requires that licensed residential care facilities serving six or fewer persons be permitted by right in residential zones permitting single family homes. There are no special siting requirements for group homes and the City is in compliance with the Lanterman Act, as described below.

Residential care facilities, referred to by the City of Livingston as Licensed Community Care Facilities, are permitted by right within the Low Density Residential (R-1) and Medium Density Residential (R-2) zones, when such facility accommodates six or fewer persons. The City requires a conditional use permit for care facilities serving 7-14 persons in residential districts. Facilities serving 15 or more persons are not permitted at all in the city.

Definition of Family

There are a number of State and Federal rules that govern the definition of family, including the Federal Fair Housing Amendments Act of 1988, the California Fair Housing and Employment Act, the California Supreme Court Case *City of Santa Barbara v. Adamson* (1980), and the California Constitution privacy clauses. The laws surrounding the definition of family have a few primary purposes: to protect people with disabilities, to protect non-traditional families, and to protect privacy. According to HCD and Mental Housing Advocacy Services, there are three major points to consider when writing a definition of family:

- Jurisdictions may not distinguish between related and unrelated individuals;
- The definition may not impose a numerical limit on the number of persons in a family; and

- Land use restrictions for licensed group homes for six or fewer individuals must be the same as those for single families.

The City's Zoning Code defines "family" as: One or more persons occupying a dwelling unit and living as a single housekeeping unit, and distinguished from a group occupying a boarding house, lodging house, motel or hotel. This definition complies with State and Federal laws.

Housing for Persons with Disabilities

Persons with disabilities generally have lower incomes since their disability may affect their ability to work. Thus, persons with physical disabilities require affordable housing as well as housing with special design features and other accommodations, such as wheelchair ramps or grab bars. The Americans with Disabilities Act requires that in new apartment complexes with three or more units (or condominium buildings with four or more units) 20 percent of all ground floor units must be adaptable and on an accessible route.

While 17 percent of the residents in the city have some type of disability, the number of persons with a disability has increased since 2012 (14 percent) and may continue to increase in the future. As the City's disabled population increases, there may be more requests for modifications to housing or requests for reasonable accommodations. In order to address these needs, City staff conducted a review of its policies and procedures to identify and address any existing or potential constraints to the development or modification of housing for persons with disabilities in accordance with Senate Bill 520.

Under Senate Bill (SB) 520, every jurisdiction during its Housing Element update is required to analyze potential and actual constraints upon the development, maintenance and improvement of housing for persons with disabilities and to demonstrate local efforts to remove governmental constraints that hinder the locality from meeting the need for housing for persons with disabilities (California Government Code Section 65583(a)(4)).

The results of this analysis are summarized below in the three general categories of potential constraints: zoning and land use, permits and processing procedures, and building codes.

- **Zoning and Land Use:** The City treats residential care facilities with six or fewer persons as a single family use. A conditional use permit shall be required for care facilities serving 7-14 persons in residential districts. Facilities serving 15 or more persons are not permitted at all in the city.

The City's Zoning Ordinance does not allow reduced off-street parking space requirements for either seniors or persons with disabilities; however, through use permit or site plan review the City can allow parking reductions. Such a provision may help reduce the costs for affordable housing developments for these groups. A program has been added to the City's Housing Element in order to address this issue.

- **Permits and Processing Procedures:** There are no permit requirements for residential care facilities serving six or fewer persons. Furthermore, there are no special design or permitting standards that have been established for residential care facilities. The City has no occupancy standards pertaining to unrelated adults.

The City is currently (January 2016) in the process of adopting a reasonable accommodation ordinance for persons with disabilities.

- **Building Codes:** As noted above, the City has adopted the 2013 California Building. This Code contains Chapter 11, which incorporates provisions of the Americans With Disabilities Act. One provision is that a number of the residential units in new multifamily construction of three or more apartments, or four or more condominiums, must be accessible or adaptable. The City has added no amendments to the Building Code that would place constraints on accommodation of persons with disabilities.

Farmworker Housing

Agriculture remains a vital part of the City's economy. Farmworkers, both permanent residents and seasonal workers, are an important part of the local economy. Without an adequate supply of housing, farmworkers, especially migrant workers, may live in unhealthy, overcrowded conditions.

The City of Livingston does not have an agricultural zone district or contain any land that is zoned for agricultural uses. All agriculturally zoned land is located in the unincorporated area of Merced County. The County does permit farm labor camps for up to 12 employees by right in its agricultural districts, and farm labor camps serving more than 12 employees are allowed subject to a conditional use permit.

While City of Livingston does not have an agricultural zoning district, farmworker housing for six or fewer is permitted by right within the R-E, R-1, R-2, R-3, and DTC districts, which is more extensive than the zones where single family use are allowed.

Emergency Shelters

Emergency shelters provide homeless persons with short-term housing accompanied by limited supplemental services. Senate Bill 2, effective January 1, 2008, amended State Housing Element law (California Government Code Sections 65582, 65583, and 65589.5) regarding shelter for homeless persons. This legislation requires local jurisdictions to strengthen provisions for addressing the housing needs of homeless persons, including the identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use permit.

California Health and Safety Code Section 50801(e) defines “emergency shelters” as:

“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.”

Under the provisions of the City's Zoning Ordinance and in accordance with Senate Bill 2, emergency shelters are permitted by right within the DTC and P-F zones. Emergency Shelters are also conditionally permitted in R-3 zones.

There are approximately 21 acres of vacant land within the R-3 zone. The allowable density within the R-3 zone district is 12-29 dwelling units per acre. The DTC zone district consists of 1.35 acres of available land within city limits. The allowable residential density within the DTC zone district is 29 dwelling units per acre (there is no minimum density requirement within this zone district). There are approximately 31 acre of vacant land zoned P-F. The development standards in the P-F district are based on the standards in the most restrictive abutting district.

The City's available R-3 land is located near the Hammett/State Highway 99 interchange, as well as at the southern portion of the city, adjacent to Lincoln Boulevard. The R-3 zoned land adjacent to Hammett Avenue is located near major transportation corridors (i.e., State Highway 99), and is located immediately east of the City's downtown area. The available land within the DTC zone is located within the downtown area and has immediate access to a major transportation corridor (i.e., State Highway 99), as well as Main Street. In addition, government services and commercial land uses such as grocery stores and restaurants, are also located within the City's DTC zone district. Of that total 31 acres of P-F zoned land, 27 acres are owned by the school district and sit adjacent to a school; just over one acre is privately owned and is adjacent to a private home and near the Livingston Sports Complex; 3.4 acres are City-owned.

Because the R-3, P-F, and DTC zone districts are located close to government services, commercial land uses, and transportation corridors, and they have the capacity in land to accommodate the City's need for an emergency shelter, they are considered to be suitable for this type of use.

Transitional and Supportive Housing

State law (Government Code Section 65583) requires cities and counties to consider transitional and supportive housing as residential uses allowed in all zones that allow residential uses and only subject to those restrictions that apply to other residential uses of the same type in the same zone. Transitional housing is designed to assist homeless individuals and families in moving beyond emergency shelter to permanent housing. State law defines “transitional housing” as:

“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.”

The State defines “supportive housing” as:

“Housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the tenant to retain the housing, improve his or her health status, maximize their ability to live and, when possible, to work in the community.”

Additionally, the State defines the “target population” as:

“Persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided pursuant to the Lanterman Development Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals in institutional settings, veterans, and homeless people.”

The City of Livingston is currently (January 2016) in the process of updating the Zoning Code to comply with State law requirements for transitional and supportive housing.

Environmental Constraints

Environmental factors such as agricultural land, seismicity, flood zones, and fire hazards can impact housing development. Costs associated with mitigation can increase housing prices, and environmental issues may prevent development in some areas. A detailed analysis of all these issues is contained in Livingston's 1999 General Plan and Environmental Impact Report. No known environmental constraints have been identified for the City of Livingston.

According to the 2009 Draft EIR, most of the lands within the City's limit and Sphere of Influence are located outside of the 100-year flood plain, with the exception of lands located adjacent to the Merced River corridor. The City of Livingston does not have a 200-year floodplain. New development, including residential, is required to comply with the City's Floodplain Management Ordinance, Improvement Standards, and the City's Storm Drain Master Plan. All of these regulatory documents require measures to reduce or eliminate potential flooding hazards. Therefore, the potential of exposing residential development to existing flood hazards outside of the FEMA regulatory flood zone is unlikely. Based on this regulatory framework, hydrologic issues, such as flooding, are not considered to be a constraint to housing.

OPPORTUNITIES FOR ENERGY CONSERVATION

Energy conservation measures can help reduce a household's overall housing costs. Weatherization and upgrades to current energy standards, use of solar energy, and the use of sustainable building methods can help increase efficiency and lower energy consumption. The Merced Irrigation District (MID) and Pacific Gas and Electric Company (PG&E) provide electrical service to Livingston residents. Natural gas is also provided by PG&E.

PG&E offers several residential programs designed to improve household energy efficiency, including rebates on energy efficient appliances. PG&E also has several programs designed to assist lower-income households with weatherization, energy efficiency improvements, and assistance with utility costs. Their primary assistance program is the California Alternate Rates for Energy (CARE) Program. CARE is a discount program for low-income households and housing facilities, which provides a discount on monthly bills. CARE provides discounts to five different household types to address different housing needs:

- Residential Single Family Customers
- Tenants of Sub-Metered Residential Facilities
- Qualified Non-Profit Group Living Facilities
- Agricultural Employee Housing Facilities
- Migrant Farm Worker Housing Facilities

PG&E's Family Electric Rate Assistance (FERA) Program also provides monthly discounts similar to the CARE Program. FERA focuses on households of three or more persons with a slightly higher income than CARE.

PG&E's Energy Savings Assistance Program provides free weatherization for low-income households. Qualifying weatherization activities include repair and installation of energy-efficient appliances, light bulbs, caulking, installing insulation, and low-flow showerheads. The Energy Savings Assistance Program has the same income guidelines as CARE.

The Merced Irrigation District (MID) also offers a low-income discount program (CARE) to lower-income households. The MID CARE Program provides qualifying households a discount of 20 percent on their monthly energy bills. Additionally, customers who need electricity for life-sustaining devices or have a health condition that requires special heating or air conditioning may also qualify for the Medical Program to save 20 percent on monthly bills. MID also has a Solar Rebate Program that currently (2015) offers \$1.00 per AC watt rebate for customers who purchased and installed solar photovoltaic electricity systems. This is accomplished through the Weatherization Program, which provides free weatherization services to improve the energy efficiency of homes, and through the Energy Crisis Intervention Program (ECIP), which provides payments for weather-related or energy-related emergencies.

The U.S. Department of Agriculture Rural Development has a housing repair program, also known as the Section 504 Home Repair program, which provides loans to low-income homeowners to repair, improve, or modernize their homes, and gives grants to elderly very low-income homeowners to remove health and safety hazards. In addition, the City's rehabilitation loan program may be used to rehabilitate homes and make other improvements that increase energy efficiency.

The City's Municipal Code and the permit process provide additional ways of encouraging or requiring energy conservation measures for new developments. For instance, State law requires findings relative to energy conservation in major subdivisions. The Building Division enforces the State Residential Energy Standards.

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4 HOUSING RESOURCES

This section identifies resources available to assist in the development of housing in Livingston. These include vacant sites suitable for housing and financial resources for affordable housing development.

REGIONAL HOUSING NEEDS ALLOCATION (RHNA)

The Merced County Association of Governments (MCAG) developed the Regional Housing Needs Plan, which allocates the estimated number of housing units needed in Merced County from January 1, 2014 to December 31, 2023. These housing need numbers are based on population and employment growth that is anticipated to occur during the period. Table 4-1 shows Livingston's share of the regional housing need by income category.

**TABLE 4-1
REGIONAL HOUSING NEEDS ALLOCATION
LIVINGSTON
2014-2023**

Income Group	Income Level	Units	Percent of Total
Extremely Low ¹	0-30% AMI ²	124	12.1%
Very Low	31-50% AMI	125	12.2%
Low	51-80% AMI	178	17.4%
Moderate	81-120% AMI	163	15.9%
Above Moderate	120% AMI +	435	42.5%
Total	--	1,023	100.0%

¹ Extremely low income housing needs allocation determined based on 50 percent of MCAG very low income housing needs allocation.

² AMI = area median income

Source: MCAG Regional Housing Needs Plan, June 18, 2015.

Livingston's share of the regional housing need over the 10-year period is 1,023 units. The City is responsible for ensuring an adequate amount of land suitable for residential development is available to accommodate this need. However, the City is not responsible for the actual construction of these units. Housing units that have been built since January 1, 2014 may be credited against its regional housing needs allocation (RHNA).

VACANT SITES INVENTORY

The City conducted a vacant sites inventory using data from the MCAG GIS System, Google Earth, as well as a review of the City's 2015 Land Use Diagram and 2015 Zoning Map.

Sites that have a Lower Density Residential (LDR) designation have R-1 zoning. R-1 zoning allows densities between 1 and 7.5 du/ac. These sites accommodate single family homes, which are assumed to be affordable to households with above-moderate income levels. Sites that have a Medium Density Residential (MDR) designation have R-2 zoning. R-2 zoning allows densities between 7.6 and 11.9 du/ac. R-2 zoned sites can accommodate small single family homes, duplexes, and fourplexes, and are assumed to be affordable to households with moderate- and above-moderate income levels.

State law identifies a “default density standard” of 20 units per acre for the City of Livingston. Any zoning that allows at least 20 units per acre is deemed acceptable to accommodate the City’s lower-income RHNA. Sites that have a High Density Residential (HDR) designation have R-3 zoning. R-3 zoning allows densities between 12 and 29 du/ac. R-3 zoned sites are assumed to accommodate apartment complexes affordable to households with lower-income levels. Sites that have a Downtown Commercial (DTC) designation are zoned DTC, and allows residential densities up to 29 du/ac. DTC zoned sites are assumed to accommodate apartment complexes affordable to households with lower-income levels, similar to R-3 zoning.

The exception for sites that are zoned HDR or DTC, is that if these sites are 0.5 acres or smaller, they are considered to be suitable only for moderate-income housing developments because they are not large enough to accommodate an apartment complex. They can only accommodate single family homes, duplexes, and fourplexes, which are assumed to be moderate-income housing types. However, small parcels that are adjacent to each other may be consolidated into larger sites; the combined sites can then be counted as potential lower-income sites in areas with R-3 and DTC zoning if they are larger than 0.5 acres. The sites inventory only includes vacant parcels within the existing city limits, and does not include lands beyond these limits, or within the City's Sphere of Influence.

The lower-income category includes the extremely low-, very low-, and low-income groups. Sites that meet the 20 unit per acre default density standard are deemed feasible for all lower-income housing. Moderate and above-moderate income categories are grouped because market rate single family homes tend to be affordable to moderate-income households in the city. The 2015 median home sales price in Livingston was \$195,000 (Table 2-32). A 3-person moderate-income household has a maximum purchasing price of \$258,931 (Table 2-33), indicating that a moderate-income household would be able to afford to own a single family home in Livingston.

As of November 2015, the city has 98.10 vacant residential acres suitable for residential development (Table 4-2). Of that amount, 20.31 acres are designated for residential development affordable for lower-income households and 77.49 acres are designated for residential development affordable to above moderate/moderate-income households.

The vacant residential acreage is spread throughout the city, including parcels in the north, south, west, and central parts of Livingston. Figure 4-1 shows the location of vacant parcels in the city. Based on discussions with City Public Works Staff, infrastructure is available in the city; however, vacant sites near the city limits may require extension of infrastructure from developed areas and the installation of additional wells in order to maintain sufficient water pressure in the city's system. Table 4-2 provides a detailed listing of vacant sites by residential General Plan land use designation, zone district, acreage, unit capacity, and County Assessor's Parcel Number (APN).

**TABLE 4-2
VACANT RESIDENTIAL LAND INVENTORY
LIVINGSTON
2016**

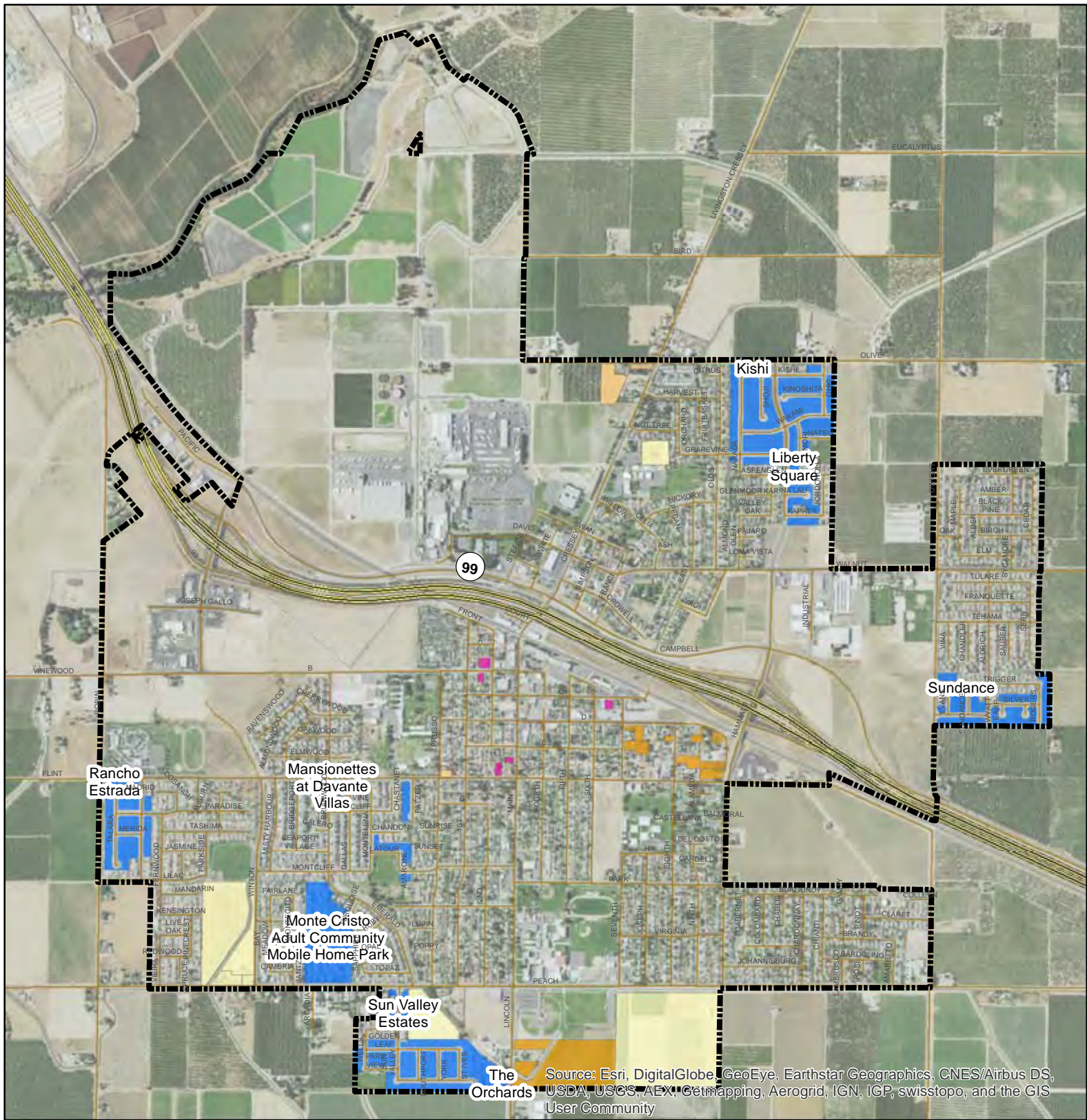
APN	Zoning	GP Designation	Min Density (du/ac)	Max Density (du/ac)	Acres	Min Unit Capacity	Max Unit Capacity	75% Unit Capacity	Income Level
022050009000	R-1	LDR	1	7.5	16.80	17	126	95	Above Moderate/Moderate
022050010000	R-1	LDR	1	7.5	0.45	0	3	3	Above Moderate/Moderate
022050011000	R-1	LDR	1	7.5	1.28	1	10	7	Above Moderate/Moderate
024370030000	R-1	LDR	1	7.5	2.50	3	19	14	Above Moderate/Moderate
047280003000	R-1	LDR	1	7.5	37.40	37	281	210	Above Moderate/Moderate
047310019000	R-1	LDR	1	7.5	6.64	7	50	37	Above Moderate/Moderate
047310019000	R-1	LDR	1	7.5	6.69	7	50	38	Above Moderate/Moderate
024011012000	R-2	MDR	7.6	11.9	0.41	3	5	4	Above Moderate/Moderate
024011016000	R-2	MDR	7.6	11.9	2.81	21	33	25	Above Moderate/Moderate
024162011000	R-2	MDR	7.6	11.9	0.27	2	3	2	Above Moderate/Moderate
024184001000;	R-3	HDR	12	29	0.18	8	20	15	Lower
024184031000					0.50				
<i>Total</i>					0.68				
024184020000	R-3	HDR	12	29	1.00	12	29	22	Above Lower
024184026000	R-3	HDR	12	29	0.19	2	6	4	Above Moderate/Moderate
024191005000;	R-3	HDR	12	29	0.16	4	10	8	Above Moderate/Moderate
024191006000					0.19				
<i>Total</i>					0.35				

**TABLE 4-2
VACANT RESIDENTIAL LAND INVENTORY
Livingston
2016**

APN	Zoning	GP Designation	Min Density (du/ac)	Max Density (du/ac)	Acres	Min Unit Capacity	Max Unit Capacity	75% Unit Capacity	Income Level
024191010000;	R-3	HDR	12	29	0.18	8	20	15	Lower
024191011000					0.52				
<i>Total</i>					0.70				
024191035000	R-3	HDR	12	29	0.89	11	26	19	Lower
024191036000	R-3	HDR	12	29	0.95	11	28	21	Lower
024191039000	R-3	HDR	12	29	0.35	4	10	8	Above Moderate/Moderate
047280020000	R-3	HDR	12	29	1.01	12	29	22	Lower
047280029000	R-3	HDR	12	29	15.38	185	446	335	Lower
024113006000	DTC	DC	0	29	0.29	0	8	6	Above Moderate/Moderate
024113007000	DTC	DC	0	29	0.15	0	4	3	Above Moderate/Moderate
024123003000	DTC	DC	0	29	0.18	0	5	4	Above Moderate/Moderate
024153003000	DTC	DC	0	29	0.26	0	8	6	Above Moderate/Moderate
024171011000	DTC	DC	0	29	0.18	0	5	4	Above Moderate/Moderate
024171016000	DTC	DC	0	29	0.29	0	8	6	Above Moderate/Moderate
Total					98.10	356	1242	932	
Subtotal Lower					20.61	247	598	448	
Subtotal Above Moderate/Moderate					77.49	109	645	484	

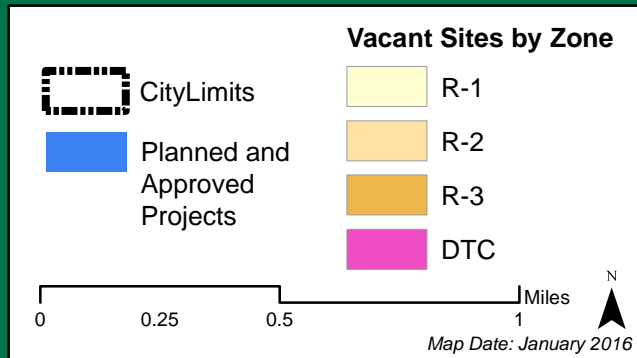
Source: City of Livingston 2015, Google Earth Pro 2015, Mintier Harnish 2016

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City of Livingston Housing Element Update

Figure 4-1
Vacant Residential Sites Inventory



HOUSING DEVELOPMENT POTENTIAL

In order to determine the development potential of vacant residential land in Livingston, 75 percent of the maximum density for each land use category was multiplied by the amount of vacant developable land. As shown in the summary table below (Table 4-3), the estimated number of units that could be built on existing vacant residential sites is 932 units. This number does not include the amount of residential units approved by the City and/or currently under construction.

In addition to the development potential from the vacant residential sites identified in Table 4-3, the city also has 1.35 acres of vacant Downtown Commercial (DTC). All of these vacant DTC parcels are located in the central area of Livingston and have infrastructure available. The city's Zoning Ordinance conditionally permits multifamily housing, or high density residential, within the DTC zone district. The maximum permitted density for residential development above commercial is 29 du/ac, equivalent to the R-3 zone. However, since sites smaller than 0.5 acres are too small to accommodate a lower-income apartment complex, all the DTC vacant parcels are counted toward moderate-income housing.

**TABLE 4-3
SUMMARY OF HOUSING DEVELOPMENT POTENTIAL
LIVINGSTON
2016**

GP Land Use	Zoning	Income Level	Density			Acres	Unit Capacity
			Min	Max	75%		
LDR/R-E	R-1	Above Moderate/Moderate	1.00	7.50	5.63	71.76	404
MDR	R-2	Above Moderate/Moderate	7.60	11.90	8.93	3.49	31
HDR	R-3	Lower/Moderate	12.00	29.00	21.75	21.50	468
DC	DTC	Moderate	0.00	29.00	21.75	1.35	29
Total						98.10	932

Source: Mintier Harnish 2016

HOUSING UNITS CONSTRUCTED AND PENDING PROJECTS

During the housing boom, the City experienced rapid growth and approved several large development projects. The lack of available land and the lower cost of land in the Central Valley have led to rapid development in many communities in the northern area of the Valley. The demand for lower-priced homes in driving distance to the Bay Area as well as Stockton and Sacramento has fueled this increase. According to developers, many of the small agricultural communities in the Valley are becoming bedroom communities for commuters. While the majority of the developments approved during the housing boom have been inactive in recent years, several are still entitled and could be developed within the Housing Element planning period.

Table 4-4 shows the number of building permits issued for the construction of housing units between 2014 and 2015. As shown in Table 4-4, all of the building permits issued by the City in 2014 and 2015 have been for single family market-rate housing within the Sun Valley development, which has been the only active development within recent years.

**TABLE 4-4
HOUSING UNITS CONSTRUCTED 2014-2015
LIVINGSTON
2015**

Year	Single Family	Duplex	Multifamily
2014	0	0	0
2015	10	0	0
Total	10	0	0

Source: City of Livingston, February 2016.

Several other residential projects have either received tentative or final map approval or have submitted development applications and are in the pipeline. The projects listed in Table 4-5 and mapped on Figure 4-1 are all partially constructed developments, with some additional unit capacity. These projects include approximately 602 single family residential units approved by the City as early as 2003. Based on data received from City staff, there are 427 unbuilt units remaining in these approved projects. These 427 units can be counted toward Livingston’s moderate/above moderate RHNA for the 2014-2023 projection period.

**TABLE 4-5
APPROVED/PENDING HOUSING DEVELOPMENTS
LIVINGSTON
2015**

Development	General Plan	Acres	Density	Total Units	Units Constructed	Units Available	Unit Type
Country Lane 1 (Liberty Square)	R-1	11.0	5.1	56	33	23	SF
Country Lane 2 (Kishi)	R-1	39.00	4	157	6	151	SF
Mansionettes at Davante Villas (New America Homes)	R-1	20.7	3.9 ¹	81	60	21	SF
Sun Valley Estates (Somerset 1)	R-1	30	4.5	134	28	106	SF
Rancho Estrada (La Tierra)	R-1	17	4.5	77	15	62	SF
Sundance (Country Villas IV)	R-1	22.1	4.4	97	33	64	SF
Totals		139.8	22.5	602	175	427	

¹Density is estimated based on GIS analysis

Source: City of Livingston, 11/12/2015

Capacity for Mobile Homes

Mobile home parks can offer housing options given their lower housing costs and smaller size. The Monte Cristo mobile home park was completed in 2003 and is restricted to adults of 55 years of age and older. The park provides 114 mobile homes sites in Livingston, with 57 of them vacant. Each site rents for \$572 per month.

The Monte Cristo Mobile Home Park has an exclusive agreement with Sterling Home Showcase to provide manufactured homes for the park residents. According to conversations with a sales person at Sterling Home Showcase, the home models sell for \$79,900 to \$112,443. Manufactured homes are generally financed using chattel loans, which typically have a shorter 15- to 20-year timeframe and slightly higher interest rate than a conventional mortgage. Assuming a 20-year loan at 5 percent interest, the manufactured homes offered by Sterling Home Showcase would cost an estimated \$527 to \$742 per month. Combined with the cost to rent a site in Monte Cristo (\$572), the monthly cost for a mobile home is an estimated \$1,009 to \$1,314 per month. A two-person moderate-income household can afford rent up to \$1,390 per month, therefore a mobile home can be assumed to be affordable to a two-person moderate-income household. The 57 vacant spaces at the Monte Cristo mobilehome park are counted toward the moderate-income RHNA.

ABILITY TO ADDRESS HOUSING NEED

Table 4-6 below shows that the City is able to address its regional housing needs. Based on the assumption that units will build out at 75 percent of maximum density, the city has the capacity within its existing limits to accommodate 448 units for lower-income households and 541 units for above moderate/moderate-income households. Livingston's housing capacity exceeds the combined RHNA for lower-income households by 21 units, and exceeds the combined RHNA for above moderate/moderate-income households by 380 units.

**TABLE 4-6
DEVELOPMENT AND REMAINING HOUSING NEED: 2014-2023
LIVINGSTON
2015**

	Lower	Above Moderate/Moderate
<i>RHNA</i>¹	427	598
Units Built Since 1/1/14	0	10
Approved Projects ²	0	427
<i>Adjusted RHNA</i>	427	161
Holding Capacity ³	448	484
Mobile Home Park Capacity	0	57
<i>Surplus Capacity/(Remaining Need)</i>	+21	+380

¹See Table 4-1

²See Table 4-5

³See Table 4-2; based on 75% of total unit capacity

Source: Mintier Harnish 2016

ENVIRONMENTAL CONSTRAINTS

Environmental constraints within the city are minimal. All of the parcels listed above in Table 4-3 are located within the existing city boundary. Vacant parcels located within the southern portion of the city consist of ruderal habitat, which is a known habitat for Swainson's Hawk (threatened species in California) and the San Joaquin Kit Fox (Federally listed threatened species). However, as these parcels develop, site specific CEQA analysis and compliance will be required, which will include a detailed evaluation of the potential environmental impacts to biological resources as a result of these parcels being developed. None of the parcels identified in Table 4-3 are located within the 100-year flood plain, and compliance with the Uniform Building Code will ensure seismic and other geologic constraints are minimized.

INFRASTRUCTURE AVAILABILITY

As the above parcels develop, various infrastructure improvements may be required such as interior sewer and water lines, storm drainage basin and associated storm drainage lines, as well as frontage improvements such as street, curb, gutter, and sidewalk improvements. In general, because these parcels are located within the city's existing city limit boundary, infrastructure (e.g., sewer, water, storm drainage, transportation) are readily available. However, as applications are formally submitted for the development of these parcels, the City will evaluate each application and determine which types of specific infrastructure improvements will be required. Below is a brief discussion on the level of sewer and water infrastructure available for the parcels identified in Table 4-3.

Water and Sewer

The source of domestic water for the City of Livingston is groundwater, drawn from eight active groundwater wells together with a 1.0 million gallon potable water storage tank located at Burgundy and Chardonnay Streets.

In general, the groundwater quality of the City is good although contaminants have been a concern. The 2014 Annual Water Quality Report listed some of the city's drinking water wells as having arsenic levels exceeding the California maximum containment level of 10 parts per billion (ppb) with levels ranging from 8 to 13 ppb, and there is a presence of the pesticide dibromochloropropane (DBCP) and nitrates (NO₃), but not at a level that needs to be addressed. Trichloropropane (TCP) is in high levels and the City has a significant settlement with Monsanto; related to this, there is a plant for treatment installed and operating for one of the wells. The City has purchased filtration equipment to remove arsenic from the water and is currently making the necessary modifications and installations. The City regularly tests drinking water quality as required by State and Federal regulations, and publishes findings in the Annual Water Quality Report.

Prior to agricultural and urban development, groundwater moved from areas of recharge along the eastern rim of the valley to areas of discharge along the valley's axis. Recharge was primarily by seepage from stream flows. Currently, the groundwater is recharged from several sources: the Merced River, percolation from the Merced Irrigation District (MID) canals which pass through the area, from stormwater detention basins, by percolation from treated wastewater disposal facilities, and from percolation attributed to excess applied surface irrigation water. However, because of the current drought situation, groundwater recharge in the area has been greatly reduced. This has led to an increase in groundwater depths. Groundwater depth in the Livingston area has historically been about 25 feet below the ground surface, or higher; however, due to the drought, the groundwater elevation is currently (2016) in the range of 80 to 90 feet.

According to the City Engineer, the City currently (2016) has capacity for an estimated 150 additional housing units. The City is currently (2016) constructing a new well (well 17) that is expected to be operational by Fall 2016. This new well will further increase the available capacity by an estimated 600 to 800 housing units, which will be nearly enough capacity to accommodate the RHNA (capacity of 950 housing units compared to RHNA of 1,023 housing units).

The City's sanitary sewer system is comprised of two major components: the collection system including gravity collection mains, manholes, service laterals, pump stations, and trunk sewer mains, and the Wastewater Treatment Plant including the headworks/pump station, oxidation ditch secondary clarification, and evaporation/percolation ponds. The existing Domestic Wastewater Treatment Plant located west of State Highway 99 has an average day maximum month flow (ADMMF) capacity of 2.0 million gallons per day (mgd). The City's Wastewater Treatment Plant has sufficient capacity to accommodate the RHNA.

In 2007 an investigation into the City's sewage collection and conveyance system and the preparation of a Master Plan identified the need for certain improvements to the City's sewer collection system as individual developments are proposed.

While on and off-site improvements to address the water and sewer needs of new development have added to the costs of new housing, they are necessary in order to maintain adequate infrastructure and services. Without these improvements, the City would not have the capacity or financial resources to support additional development.

State Law (SB 1087) requires jurisdictions in California to have procedures in place to grant priority water and sewer service to proposed developments that include housing affordable to lower-income households. The City is aware of this requirement and will grant priority to affordable housing.

DEVELOPMENT RESOURCES

Funding and housing developers are essential to providing affordable housing to meet the needs of city residents. This section outlines the financial resources available to the City as well as local developers who have been active in constructing and rehabilitating affordable housing in Livingston and Merced County. However, it should be noted that the City is understaffed and underfunded, making it difficult to manage any additional programs.

FINANCIAL RESOURCES

Community Development Block Grant (CDBG) Funds

The U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program provides funds for community development and housing activities and is administered by the State Department of Housing and Community Development (HCD). Examples of such activities include acquisition housing or land, rehabilitation of housing, homebuyer assistance, and public facility and infrastructure improvements, among others. The City currently (2015) receives CDBG funding, however it is not used for housing programs.

HOME Investment Partnership Act Funds

The HOME Investment Partnership Act is another HUD program that is designed to improve and increase the supply of affordable housing. As with CDBG funds, the city of Livingston applies to HCD for these funds and the grants are awarded on a competitive basis. HOME funds may be used for housing rehabilitation, new construction, and acquisition and rehabilitation, for both single family and multifamily projects. Livingston uses HOME funds for a First-Time Homebuyer Down Payment Assistance Program and Housing Rehabilitation Program. According to the 2015-2016 Adopted Budget, Livingston was awarded a \$700,000 HOME grant, which has been available since August 2014.

Housing Programs

First-Time Homebuyer Down Payment Assistance Program

Livingston's First-Time Homebuyer Program offers low interest loans to first-time homebuyers. The loans provide assistance in the form of "gap" financing, and are meant to be a secondary source, used in addition to a primary loan. The program is funded by HOME funding and administered by the Adams Ashby Group on behalf of the City.

Housing Rehabilitation Program

The purpose of the Housing Rehabilitation Program is to improve the housing stock of low- and moderate-income persons so as to address health and safety issues. The program also aims to conserve existing housing stock and supports neighborhood revitalization and preservation. Financial assistance is offered to Targeted Income Group (TIG) persons. The program is funded by HOME funding and administered by the Adams Ashby Group on behalf of the City.

Table 4-8 identifies a range of funds that are available from Federal, State, local, and private sources, which may be used to develop and rehabilitate affordable housing.

Housing Authority of Merced County Programs

The Housing Authority of Merced County was originally established in 1942 by the County Board of Supervisors. The Housing Authority is responsible for the acquisition and development of affordable housing units within the County. It is also responsible for administering the County's Housing Choice Voucher (Section 8) Program. This program provides rent subsidy to families in privately owned existing rental units in Merced County. Currently, the Housing Authority administers 2,705 Housing Choice Vouchers countywide. In 1972, the Housing Authority developed 60 multifamily units, plus an office and community center within the city of Livingston.

**TABLE 4-7
SUMMARY OF FINANCIAL RESOURCES FOR HOUSING
LIVINGSTON
2016**

Program Name	Description
FEDERAL PROGRAMS	
Section 811 Project Rental Assistance	Provides an interest-free capital advance to cover the costs of construction, rehabilitation, or acquisition of housing for persons with disabilities. The sponsor does not have to repay the capital advance as long as the project serves the target population for 40 years. Rental assistance funds are provided for three years, and are renewable based on the availability of funds. The program is available to private, non-profit sponsors. Public sponsors are not eligible for the program.
HOME Investment Partnerships	Provides grants to jurisdictions on a competitive basis for acquisition, rehabilitation, home buyer assistance, and rental assistance
Housing Opportunities for Persons with AIDS (HOPWA)	Provides housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families. HOPWA program provides both formula (90 percent) and competitive (10 percent) grants.
Housing Trust Fund (HTF)	Provides assistance to increase and maintain the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless families.
Rental Assistance Demonstration (RAD)	Allows Public Housing Agencies and other HUD-assisted properties to convert units from their original sources of HUD funding to project-based section 8 contracts.
Section 236 Preservation Program	Aims to preserve the affordability of rental units originally developed through Section 236 mortgage program.
Community Development Block Grant (CDBG)	Provides grants for acquisition, rehabilitation, home buyer assistance, economic development, homeless assistance, and public services.
Emergency Solutions Grants (ESG)	Provides funding for street outreach, emergency shelter, homelessness prevention, rapid re-housing, and Homeless Management Information System (HMIS).
Continuum of Care (CoC)	Provides funding to support nonprofit organizations and State and local governments to quickly re-house homeless individuals and families, minimize the trauma caused to homeless individuals, families, and communities by homelessness, support access to programs, and optimize self-sufficiency among homeless individuals and families.
HUD Veterans Affairs Supportive Housing Program (HUD-VASH)	A joint program between HUD and the U.S. Department of Veterans Affairs (VA). HUD provides housing vouchers and VA provides case management and outreach.

**TABLE 4-7
SUMMARY OF FINANCIAL RESOURCES FOR HOUSING
LIVINGSTON
2016**

Program Name	Description
Rural Housing Stability Assistance Program (RHSP)	Provides grants to counties, private nonprofit organizations, and units of local government for rent, mortgage, and utility assistance, relocation assistance, short-term emergency lodging, acquisition, rehabilitation, new construction, rental assistance, leasing, capacity building, and data collection and administrative costs.
Rural Housing and Economic Development (RHED)	Provides funds to local rural non-profits, Community Development Corporations (CDCs), federally recognized Indian tribes, state Housing Finance Agencies (HFAs), and State Community and Economic Development Agencies for a variety of activities. These activities include but are not limited to preparation of plans, architectural drawings, acquisition of land and buildings, demolition, provision of infrastructure, purchase of materials and construction costs, use of local labor markets, job training and counseling for beneficiaries and financial services such as revolving loan funds and Individual Development Accounts.
STATE PROGRAMS	
2014 Drought Housing Rental Subsidies Program (SB 104)	Provides rental subsidies for the persons who are homeless or at risk of becoming homeless due to unemployment, underemployment, or other economic hardship or losses resulting from the drought conditions.
AB 1699 HCD Loan Restructuring Program	Authorizes loan extensions, subordination of department loans to a new senior loan, and tax credit investment. HCD expects to fully implement the program in early 2015.
Affordable Housing Innovation Program (AHIP) - Golden State Acquisition Fund (GSAF)	Provides acquisition financing through a nonprofit fund manager to affordable housing developers for development or preservation of affordable housing.
Affordable Housing Innovation Program – Local Housing Trust Fund	Provides matching grants (dollar-for-dollar) to local housing trust funds that are funded on an ongoing basis from private contributions or public sources (that are not otherwise restricted). The grants may be used to provide loans for construction of rental housing that is deed-restricted for at least 55 years to very low-income households, and for down-payment assistance to qualified first-time homebuyers.
Construction Liability Insurance Reform Pilot Program (CLIRPP)	Provides grants for construction oversight and monitoring activities to reduce insurance rates for condominium development.
Affordable Housing and Sustainable Communities Program (AHSC)	Provides funds for land-use, housing, transportation, and land preservation projects to assist infill and compact development. The program is administered by Strategic Growth Council and implemented by HCD.
Community Development Block Grant Recovery Program (CDBG-R)	Provides grants for single and multifamily rehabilitation and construction, rental housing acquisition, and homeownership assistance.

**TABLE 4-7
SUMMARY OF FINANCIAL RESOURCES FOR HOUSING
LIVINGSTON
2016**

Program Name	Description
CalHOME	Provides grants to local governments and non-profit agencies for local homebuyer assistance, owner-occupied rehabilitation programs, and new development projects. Funds can be used to finance the acquisition, rehabilitation, and replacement of manufactured homes.
Emergency Housing and Assistance Program Capital Development (EHAPCD)	Provides funds to local government agencies and nonprofit organizations that shelter homeless for capital development activities for emergency shelters, transitional housing, and safe havens.
Governor's Homeless Initiative	Provides funds to assist the development of permanent supportive housing for persons with severe mental illness who are chronically homeless.
Housing-Related Parks Program	Provides grants for creation and rehabilitation of parks.
Infill Infrastructure Grant Program (IIG)	Provides grants to Qualifying Infill Projects and Large Multi-Phased Qualifying Infill Projects for construction and rehabilitation of infrastructure.
Mobilehome Park Resident Ownership	Provides loans to resident organizations, nonprofit housing sponsors, or local public agencies to purchase and preserve affordable mobilehome parks.
Multifamily Housing Program (MHP)	Provides loans to local public entities, for-profit and nonprofit corporations, limited equity housing cooperatives, individuals, Indian reservations and rancheries, and limited partnerships to assist new construction, rehabilitations and preservation of permanent and transitional rental housing for lower income households.
Office of Migrant Services (OMS)	Provides funds to local government agencies that contract with HCD to operate OMS centers to construct, rehabilitate, maintain, and operate seasonal rental housing for migrant farmworkers.
Predevelopment Loan Program (PDLP)	Provides short-term loans to local government agencies, nonprofit corporations, cooperative housing corporations, and limited partnerships or limited liability companies to finance the start of low income housing projects.
Transit Oriented Development (TOD) Housing Program	Provides grants and loans to cities, counties, transit agencies, and developers for housing development within one-quarter mile of a transit station.
Veterans Housing and Homelessness Prevention Program (VHHP)	Provides funding for acquisition, construction, and preservation of affordable housing for veterans and their families. This program does not provide funds directly to individuals.
Section 811 Project Rental Assistance	Provides an interest-free capital advance to cover the costs of construction, rehabilitation, or acquisition of housing for persons with disabilities. The sponsor does not have to repay the capital advance as long as the project serves the target population for 40 years. Rental assistance funds are provided for three years, and are renewable based on the availability of funds. The program is available to private, non-profit sponsors. Public sponsors are not eligible for the program.

**TABLE 4-7
SUMMARY OF FINANCIAL RESOURCES FOR HOUSING
LIVINGSTON
2016**

Program Name	Description
HOME Investment Partnerships	Provides grants to jurisdictions on a competitive basis for acquisition, rehabilitation, home buyer assistance, and rental assistance
Housing Opportunities for Persons with AIDS (HOPWA)	Provides housing assistance and related supportive services for low-income persons living with HIV/AIDS and their families. HOPWA program provides both formula (90 percent) and competitive (10 percent) grants.
Housing Trust Fund (HTF)	Provides assistance to increase and maintain the supply of decent, safe, and sanitary affordable housing for extremely low- and very low-income households, including homeless families.
Rental Assistance Demonstration (RAD)	Allows Public Housing Agencies and other HUD-assisted properties to convert units from their original sources of HUD funding to project-based section 8 contracts.
Section 236 Preservation Program	Aims to preserve the affordability of rental units originally developed through Section 236 mortgage program.
Community Development Block Grant (CDBG)	Provides grants for acquisition, rehabilitation, home buyer assistance, economic development, homeless assistance, and public services.
Emergency Solutions Grants (ESG)	Provides funding for street outreach, emergency shelter, homelessness prevention, rapid re-housing, and Homeless Management Information System (HMIS).
Continuum of Care (CoC)	Provides funding to support nonprofit organizations and State and local governments to quickly re-house homeless individuals and families, minimize the trauma caused to homeless individuals, families, and communities by homelessness, support access to programs, and optimize self-sufficiency among homeless individuals and families.
HUD Veterans Affairs Supportive Housing Program (HUD-VASH)	A joint program between HUD and the U.S. Department of Veterans Affairs (VA). HUD provides housing vouchers and VA provides case management and outreach.
Rural Housing Stability Assistance Program (RHSP)	Provides grants to counties, private nonprofit organizations, and units of local government for rent, mortgage, and utility assistance, relocation assistance, short-term emergency lodging, acquisition, rehabilitation, new construction, rental assistance, leasing, capacity building, and data collection and administrative costs.

**TABLE 4-7
SUMMARY OF FINANCIAL RESOURCES FOR HOUSING
LIVINGSTON
2016**

Program Name	Description
Rural Housing and Economic Development (RHED)	Provides funds to local rural non-profits, Community Development Corporations (CDCs), federally recognized Indian tribes, state Housing Finance Agencies (HFAs), and State Community and Economic Development Agencies for a variety of activities. These activities include but are not limited to preparation of plans, architectural drawings, acquisition of land and buildings, demolition, provision of infrastructure, purchase of materials and construction costs, use of local labor markets, job training and counseling for beneficiaries and financial services such as revolving loan funds and Individual Development Accounts.
PRIVATE RESOURCES	
Federal National Mortgage Association (Fannie Mae) Programs	Provides low downpayment mortgage to help first-time buyers purchase a home.
Federal Home Loan Mortgage Corporation (Freddie Mac) Affordable Gold Program	Provides mortgages requiring as little as 3% downpayment.
California Community Reinvestment Corporation (CCRC)	Provides long-term mortgage and bond financing for new construction, acquisition and rehabilitation as well as direct equity investment funds to acquire housing at risk of going to market-rate rents.

Source: HUD, HCD Financial Directory Program (2016), LISC, USDA, and CCRC.

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5 REVIEW OF PAST ELEMENT

This section consists of an evaluation of the effectiveness of the City’s 2009-2014 Housing Element. It reviews the progress in implementation, and the continued appropriateness of the goals, objectives, and policies of the Element. The section also includes recommendations for program changes to address current and projected needs and State requirements between 2016 and 2024.

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
GOAL I: Housing and Economic Diversity: Promote the development of a balanced residential environment, including a range of housing types, with access to employment opportunities, community facilities, and adequate services to meet the needs of residents and persons working in Livingston.			
1. Housing Diversity: Encourage developers of large subdivisions to include a range of housing types, including multifamily, mixed-use, townhomes, condominiums, clustered-unit development, second dwelling units, and mobile homes/manufactured housing in their developments and give priority to annexation to developed areas that contain affordable housing or a range of housing types. Use a variety of incentives including zoning and land use controls, flexible development standards, technical assistance, and expedited processing to promote affordable housing or to promote a range of housing types.	Ongoing	The City continues to encourage prospective developers of large subdivisions to incorporate housing diversity. Due to the recession and limited development, the City has not implemented a variety of incentives for housing diversity.	Continue
2. Economic Development: Continue to identify and promote economic development opportunities that bring additional employment for City residents, including jobs paying a range of wages. Conduct a targeted outreach to businesses in order to get them to locate in Livingston and specifically, within the Enterprise Zone.	Ongoing	The City continues to identify and promote economic development opportunities. Due to the recession and limited economic development, the City has not conducted a targeted outreach program.	Continue
GOAL II: Adequate Sites: Maintain an adequate supply of appropriately zoned sites in order to meet Livingston's housing needs.			
3. Adequate Sites: In order to ensure that there are sufficient sites to address the City's share of the regional housing need, the City will identify and monitor the existing inventory of available land and, if necessary, annex land within its Sphere of Influence (SOI).	Ongoing	The City maintained an adequate supply of land to accommodate the previous RHNA.	Continue
4. Tax-Sharing Agreement: Re-establish a master tax-sharing agreement with the County in order to facilitate the annexation of land within the City's SOI when sites are needed to address the City housing needs	In process	The City is in the process of initiating discussions with the County on a tax sharing agreement.	Continue

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>5. Annexation Guidelines: Develop and adopt guidelines governing the annexation of land within the SOI. Assign higher priority to proposed annexations that: 1) include land zoned for R-M and/or R-3, or if already developed, serve a wide range of income levels; 2) have adequate infrastructure; 3) do not result in the premature conversion of prime agricultural land; and 4) are located in areas that are generally contiguous with existing City boundaries.</p>	<p>Not completed</p>	<p>LAFCO provides guidelines governing the annexation of land within the SOI. The City will follow the recent guidelines produced by LAFCO.</p>	<p>Delete</p>
<p>6. Multifamily Lot Consolidation Program: In order to provide vacant parcels of adequate size to encourage affordable multifamily development, encourage the consolidation of adjacent parcels zoned R-3. This may include working with property owners to consolidate parcels, coordinating with local property owners to support the development of affordable multifamily housing development, or working with developers to identify suitable vacant adjoining R-3 sites.</p>	<p>Ongoing</p>	<p>There was very little development activity during the previous Housing Element planning period, and there were no requests for lot consolidation to facilitate multifamily development. The City encourages this and helps facilitate the process by fast tracking development and providing for flexibility in the implementation of development standards.</p>	<p>Continue, but modify to include parcels zoned DTC.</p>
<p>7. Annual Reporting: Report annually on the City's progress toward the implementation of the programs in the Housing Element in the General Plan Annual Report to the City Council. Identify amount of remaining available vacant land by zoning district to meet City's regional housing needs allocation.</p>	<p>Partially completed</p>	<p>Due to limited staff resources, the City has completed one annual report on the Housing Element for 2010.</p>	<p>Continue</p>
<p>GOAL III: Affordable Housing: Further the development and provision of housing to meet the needs of low and moderate-income households, particularly those with special needs.</p>			
<p>8. First-Time Homebuyer Program: Continue identify and apply for funding in order to re-establish the City's first-time homebuyer program to help lower-income homebuyers, including extremely low, very low, and low-income, with down payment and closing costs. Use redevelopment set-aside funds as a match for the program.</p>	<p>Completed</p>	<p>The City has re-established the First-Time Homebuyer Program. The program is available to lower-income households for a maximum purchase price of \$173,000 and provides one percent interest loans for 30 years with a one percent down payment requirement. The program can be more useful to residents if the maximum purchase price were increased to the median home sale price.</p>	<p>Modify to reflect ongoing program; remove reference to redevelopment funds.</p>

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>9. Redevelopment Assistance: Whenever possible, fulfill the mandates of the redevelopment plan by assisting with the development of affordable housing or providing housing assistance to lower-income households within the City's two redevelopment areas. This may include using set-aside funds as a match for the City's housing rehabilitation loan program, direct assistance to developers of affordable housing, or writing down the cost of land for affordable housing development, among others.</p>	<p>Redevelopment agency dissolved</p>	<p>The program was not completed because of the redevelopment agency dissolution in 2011.</p>	<p>Delete</p>
<p>10. Extremely Low-Income Housing Development Funding: Coordinate with developers as well as County, State, and Federal agencies to obtain available sources of funding for the development of affordable housing units. The City's Grant Administrator shall actively research and pursue potential funding opportunities, process applications, and manage funds received for the development of affordable housing units. Specific emphasis shall be placed on the development of extremely low-income housing through a variety of activities including outreach to affordable housing developers on an annual basis, providing technical and/or financial assistance in identifying and obtaining grants or loans, and providing expedited processing of applications for the development of said housing. The City shall apply for State and/or Federal Funds at least twice per year within the planning period.</p>	<p>Not completed</p>	<p>Due to limited staff resources, program was not implemented. The City does not have a Grant Administrator.</p>	<p>Modify to reflect limited staff resources.</p>

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>11. Local Coordination: Increase cooperation with the Merced County Housing Authority and other agencies to pursue funding and establish housing assistance/development programs for lower-income households, including extremely low, very low, and low-income households. Such cooperation shall result in securing at least one housing loan or grant to fund an existing housing program or establish a new program. In addition, the City shall dedicate its Grant Administrator to research and pursue funding for assistance/development programs for lower-income households.</p>	<p>Not completed</p>	<p>The City no longer has a Grant Administrator and does not have the staff resources to dedicate to this program.</p>	<p>Delete</p>
<p>12. Farmworker Housing: Work with local non-profit affordable housing developers, such as Self-Help Enterprises, Merced County Housing Authority, and others, to identify and pursue funding for affordable farmworker housing. Provide assistance in the form of reduced development standards, fee deferrals, or financial and technical assistance to developers of affordable farmworker housing. In addition, amend Zoning Ordinance to allow multifamily housing for farmworkers as a permitted use in R-3 zoning districts in the City.</p>	<p>Partially completed</p>	<p>The City Council adopted Ordinance No. 594 in August 2011 to amend the Zoning Ordinance to allow farmworker housing for six or fewer persons to be treated as single family units and permitted by right in R-2, R-3, and DTC zones. The City no longer has the staff resources to provide the technical assistance described in this program.</p>	<p>Modify</p>

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>13. Seasonal/Migrant Farm Labor Housing: While Livingston is surrounded by agricultural land, the existing agricultural land within the City is zoned for urban uses. Most land that is under agricultural production is located in the County. Since the issue of housing for migrant and seasonal farmworkers is a regional issue, this issue is best addressed at the County level. The City will support regional efforts, such as those of the Merced County Housing Authority and other organizations, to secure funding and identify sites for the development of migrant/seasonal farmworker housing, including sites in the City's SOI. The City shall dedicate its Grant Administrator to coordinate with the County's Housing Authority and other organizations to secure and manage funding for the development of migrant/seasonal farmworker housing.</p>	<p>Not completed</p>	<p>The City no longer has the staff resources to provide the technical assistance described in this program; however, the City will continue to support regional efforts as feasible and as opportunities arise.</p>	<p>Modify</p>
<p>14. Section 8 Rental Assistance: Encourage new multifamily apartment owners to participate in the Housing Choice (Section 8) Voucher Program by accepting vouchers at their complexes. Refer extremely low and very low-income households seeking rental assistance to the Merced County Housing Authority's Housing Choice Voucher Program.</p>	<p>Ongoing</p>	<p>The City continues to encourage participation in the Housing Choice Voucher Program and provides referrals to the Merced County Housing Authority programs.</p>	<p>Continue</p>
<p>15. Housing Program Information: Make information on housing, housing programs, and housing assistance available to all members of the community. Continue to provide materials in both Spanish and English. Place information at the public counter in City Hall, the City's website, and at other public locations.</p>	<p>Ongoing</p>	<p>The City continues to make information on housing, housing programs, and housing assistance available by placing materials in English and Spanish in City Hall, the City's website, and other public locations.</p>	<p>Continue</p>

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>16. Community Education: In order to address concerns about affordable and multifamily housing, work with social service providers and affordable housing developers to educate community members and new decision makers about the need for and misconceptions regarding affordable housing, particularly prior to annexation of land, rezoning, or development of new projects.</p>	<p>Ongoing</p>	<p>There has generally been acceptance for affordable housing in the community. The City has approved several affordable housing developments, including, most recently, The Orchards on Newcastle (aka Livingston Apartment).</p> <p>Through the conditional use permit process, if there are any community concerns, the City holds a study session with the City Council and the neighbors to explore their concerns and questions.</p>	<p>Continue as a policy</p>
<p>GOAL IV: Addressing Governmental Constraints: Identify and, where appropriate, remove governmental constraints to the maintenance, improvement, and development of housing, especially housing affordable to low and moderate-income households and special needs groups.</p>			
<p>17. Infrastructure Improvements: Continue to identify and apply for loans and grants to improve and upgrade City infrastructure, such as the water, sewer, storm drainage, and circulation systems in order to meet future residential, industrial, and commercial demand. Give priority to providing infrastructure to vacant R-3 parcels especially those in the southeastern portion of the City in order to support the development of multifamily housing in these areas.</p>	<p>Ongoing</p>	<p>The City continues to research funding opportunities for infrastructure improvements. The City also gives priority to providing infrastructure to R-3 parcels in the southeastern portion of the City to promote multifamily housing development. The Orchards on Newcastle, a multifamily affordable housing development that provides 49 units with two- to four-bedrooms, was recently placed in service in the southern part of the city.</p>	<p>Continue</p>
<p>18. Impact Fee Program: Complete the update of City's impact fees as well as permit and processing fees. Periodically review and update the fees to ensure that they are consistent with the City's costs to provide these services and that they do not act as a constraint to residential development.</p>	<p>Ongoing</p>	<p>The City last updated the impact fees in 2014. The City continues to review and update fees to insure consistency with City costs to prevent constraints to development.</p>	<p>Continue</p>

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>19. Disabled Housing Constraints: Facilitate housing for persons with disabilities by annually evaluating City permitting procedures and land use controls. The City will analyze the potential and actual governmental constraints on the development of housing for persons with disabilities and demonstrate the City's efforts to remove governmental constraints on housing for persons with disabilities, such as accommodating procedures for the approval of group homes, ADA retrofit efforts, an evaluation of the zoning code for ADA compliance or other measures that provide flexibility in the development of housing for persons with disabilities. In addition, provide expedited processing for those building permits that are submitted to accommodate the housing needs of residents with disabilities.</p>	<p>Completed</p>	<p>The City continues to facilitate housing for persons with disabilities. The City also provides the Housing Rehabilitation Program to provide loans for ADA retrofit improvements. The evaluation described in this program is completed as part of the Housing Element Update. An annual evaluation is not necessary.</p>	<p>Delete</p>
<p>20. Reasonable Accommodation: Develop procedures for reasonable accommodation for housing for persons with disabilities in accordance with fair housing and disability laws and amend the City's Municipal Code to provide for clear rules, policies, procedures, and fees for reasonable accommodation in order to promote equal access to housing. Policies and procedures should identify who may request a reasonable accommodation (i.e., persons with disabilities, family-members, landlords, etc.) and these procedures and any fees associated with them should provide relief from the various City land use, zoning, or building regulations that may constrain the housing needs of persons of disabilities.</p>	<p>In progress</p>	<p>The City is currently adopting a process for reasonable accommodation in the Zoning Ordinance. This program is expected to be completed prior to adoption of the 2016-2024 Housing Element.</p>	<p>Replace with policy to continue to provide reasonable accommodation.</p>
<p>21. Permitting Fees: As appropriate and feasible, waive, reduce or defer permitting fees for new housing developments in the City affordable to extremely low, very low, low and moderate-income households.</p>	<p>Ongoing</p>	<p>The City continues to evaluate permitting fees on a case-by-case basis to promote new affordable housing development.</p>	<p>Combine with program to provide other incentives for affordable housing (described in Program 1)</p>

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>22. CUP Requirement on Affordable Housing Projects: For Projects within the R-3 Zone District that consist of 25 units or more, the City shall, where feasible, waive the requirement for a Conditional Use Permit when said project(s) consist of affordable units financed by State and/or Federal funds. Bi-Annually monitor the conditional use permit process evaluate potential constraints multifamily development in the R-3 zone. The evaluation will address approvals and denials, number of submittals or lack of submittals, length of approval, cost and any reductions in the initially proposed number of units. In addition, the City will gather and consider input from developers including non-profits. If it is determined that the process does pose a constraint to the development of housing affordable to lower-income households, the City will take necessary steps to remove or mitigate the constraint such as replacing the CUP process or other similar action. The City will report on the results of this program through the annual progress report, required pursuant to Government Code Section 65400.</p>	<p>Ongoing</p>	<p>The City has not had any neighborhood opposition and the CUP requirement has not been a barrier to development. The review process tends to focus on external appearance and fit issues, which does not reduce density.</p>	<p>Continue</p>
<p>23. Flexibility in Development Standards: Encourage and support the use of the City's Planned Development Permit Process in the review and consideration of new housing projects. This may include exceptions to setbacks, clustering of units and lot configuration, lot size, and lot coverage. In addition, allow reduced parking standards for housing developments for seniors and/or persons with disabilities.</p>	<p>Ongoing</p>	<p>The City has used this in the past and will continue to use it in the future as development activity increases.</p>	<p>Continue</p>
<p>24. Permit Streamlining: Continue to encourage applicants to meet for pre-application conferences to address any issues before the application is submitted. As funding permits, hire additional planning staff to handle permit processing.</p>	<p>Ongoing</p>	<p>The City continues to encourage applicants to meet for a pre-application meeting. Due to a lack of funding, additional planning staff have not been hired.</p>	<p>Continue</p>

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>25. Development Handbook: Develop an informational handbook for developers interested in building in Livingston. The handbook should include information on permit processing requirements, steps in the process, and a schedule of building and permitting fees, among others. The handbook should be designed to provide information, answer typical questions, and reduce confusion about the permit process for developers. Continue to maintain and update information on the City's website.</p>	<p>Not completed</p>	<p>The program has not been implemented. There has not been a need for this in recent years and there have not been the staff resources to complete it; however, it could be a helpful tool as development activity increases.</p>	<p>Implement as staff resources will allow</p>
<p>26. Expedited Processing: Provide expedited processing for developments that contain units that are affordable to extremely low, very low, and low-income households as well as special needs groups, such as persons with disabilities. The City will also provide expedited processing to commercial and industrial projects by businesses, which will generate higher paying jobs in the community.</p>	<p>Ongoing</p>	<p>The City continues to provide expedited processing for affordable housing developments and economic development projects on a case-by-case basis.</p>	<p>Combine with other programs to provide incentives for affordable housing.</p>

**TABLE 5-1
REVIEW OF 2009-2014 HOUSING PROGRAMS**

Program	Progress	Evaluation	Continue/ Modify/ Delete
<p>27. Emergency Shelters: Amend the zoning ordinance to define and clearly outline regulations governing emergency shelters. In accordance with Chapter 633, Statutes of 2007 (Senate Bill 2), amend the zoning ordinance to identify a Zone District(s) where emergency shelters are permitted by-right. Ensure that such revisions to the Zoning Ordinance include language prohibiting any discretionary approval required for emergency shelters. The City shall commit that said amendment to the zoning ordinance will ensure the emergency shelter use shall be only subject to the same development and management standards that apply to other allowed uses within the identified zone district. At present time, the City conditionally permits emergency shelters within the OTC and R-3 Zone District. Through the implementation of this Program, the City shall consider these two districts (OTC and R-3) whereby emergency shelters are permitted by-right in accordance with Senate Bill 2.</p>	<p>Completed</p>	<p>City Council adopted Ordinance No. 594 in August 2011 to amend the Zoning Ordinance to allow emergency shelters to be permitted by right in DTC and P-F zones.</p>	<p>Delete</p>
<p>28. Transitional and Supportive Housing: To encourage transitional and supportive housing, the City will amend the residential zoning district to permit transitional and supportive housing as a residential use, regardless of the number of people, and subject only to those regulations that apply to other residential dwelling of the same type in the same zone district (i.e. multifamily in the multifamily zone district).</p>	<p>Partially completed/in process</p>	<p>City Council adopted Ordinance No. 594 in August 2011 to amend the Zoning Ordinance to allow transitional housing to be permitted by right in R-3 and DTC zones. However, this amendment does not fully comply with State law. The City is in the process of amending the Zoning Ordinance to fully comply with requirements for both transitional and supportive housing. This is expected to be completed prior to adoption of the 2016-2024 Housing Element.</p>	<p>Delete</p>

GOAL V: Housing Conservation and Neighborhood Preservation: Improve and maintain the existing housing stock through conservation and preservation efforts in specific neighborhoods and throughout the city.			
29. Conservation of Affordable Housing: Monitor affordable multifamily housing projects to help prevent the conversion of affordable units to market rate. Work with non-profit organizations and other agencies to preserve the affordability of these units.	Ongoing	The City continues to monitor affordable multifamily housing projects to ensure affordability.	Continue
30. Housing Rehabilitation Program: Continue to provide loans to lower-income households and special needs groups, such as seniors and the disabled, for rehabilitation assistance and emergency housing repairs. Target areas identified in the exterior housing conditions survey that was prepared by the City in 2007. Continue to use redevelopment set-aside funds as a match for the program.	Ongoing	The City continues to provide loans to lower-income households and special need groups for housing rehabilitation. Redevelopment funding is no longer available for the program.	Modify
31. Overcrowding Reduction: Encourage developers of both affordable and market-rate housing to construct housing units with three or more bedrooms to accommodate large households and alleviate overcrowding in Livingston. Where feasible, provide incentives to developers who provide housing units affordable to lower-income households that have three or more bedrooms. Such incentives may include, but are not limited to flexible development standards, fee deferrals, density bonuses, or expedited processing.	Ongoing	The City continues to encourage development of units with three or more bedrooms to accommodate large households. The Orchards on Newcastle, a new affordable housing development, provides 25 three-bedroom units and 8 four-bedroom units.	Continue
32. Code Enforcement: Continue code enforcement efforts to identify substandard housing and housing in need of substantial rehabilitation. Provide information about the City's rehabilitation program to low and moderate-income households with homes or apartments in need of repairs.	Ongoing	The City continues code enforcement efforts on a complaint-basis.	Continue

GOAL VI: Fair Housing/Equal Housing Opportunity: Promote equal housing opportunities for all persons without discrimination regardless of age, race, sex, marital status, ethnic background, household composition, sources of income, or other arbitrary factors.			
33. Fair Housing Services: Collaborate with the County and fair housing service providers that serve the County to: 1) identify funding sources to support fair housing and landlord/tenant counseling programs; 2) provide information on fair housing laws at City Hall and City's website; and 3) address or refer complaints of housing discrimination to appropriate State or federal agencies.	Ongoing	The City continues to provide information on fair housing laws and refer complaints.	Continue
34. Equal Housing Opportunity: Make available literature on housing discrimination at the City Hall, library, senior center, webpage, and other areas in which the community gathers information. The City will support housing equal opportunity programs by making informational fair housing brochures available to the public at City Hall and the library.	Ongoing	The City continues to make literature on housing discrimination available at City Hall and other public areas.	Combine with Program 33.
GOAL VII: Energy Conservation: Encourage energy conservation in residential development.			
35. Energy Efficient Designs: Implement the City's energy efficient guidelines for residential subdivision developments, which incorporate the use of solar energy, drought resistant landscaping, and other energy efficient design features.	Ongoing	The City continues to implement energy efficient guidelines for residential development.	Continue as a policy.
36. Weatherization Assistance: Continue to provide weatherization assistance to lower- income households through the City's rehabilitation program. Provide information at City Hall on PG&E and the Merced Irrigation District's (MID) weatherization and energy assistance programs.	Ongoing	The City continues to provide weatherization assistance through the Housing Rehabilitation Program. The City also provides information on PG&E and MID weatherization and energy assistance programs at City Hall.	Continue.
GOAL VIII: Community Sustainability: Encourage sustainable developments and smart growth practices in residential development.			
37. Innovative Neighborhood Design: Encourage the use of pedestrian-oriented design, greenbelts, parks, bicycle routes, and open-space to enhance new residential neighborhoods in Livingston. Make available on the City's Website the City's Design Guidelines.	Ongoing	The City continues to encourage innovative neighborhood design. The City has made the City Design Guidelines available on the City website.	Continue

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6 HOUSING PLAN

The previous sections of the 2016-2024 Housing Element identified the housing needs, constraints to housing, and resources for the development of housing in Livingston. The Housing Plan identifies the goals, policies, and programs that the City will implement in order to address the housing needs and obstacles to development discussed in the preceding sections.

HOUSING GOALS AND POLICIES

The following goals and policies have been developed to address the housing needs and constraints in Livingston. These are designed to guide City efforts to provide housing opportunities for all those living and working in Livingston.

Goal 1: Housing and Economic Diversity	Promote the development of a balanced residential environment, including a range of housing types, with access to employment opportunities, community facilities, and adequate services to meet the needs of residents and persons working in Livingston.
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Policies:

- 1.1) Encourage the development of a variety of housing types at various prices in order to maintain a diverse housing stock for residents of all income levels.
- 1.2) Give priority to annexation of developed areas that contain affordable housing or a range of housing types.
- 1.3) Promote economic development activities throughout the city, but especially in the downtown.
- 1.4) Encourage multifamily and mixed-use development located close to areas that provide a range of services and transportation options.
- 1.5) Encourage businesses and industries that create the most jobs and best wages relative to their demand for services (i.e., sewer and water) to locate in Livingston.
- 1.6) Maintain an adequate housing stock to accommodate increases in the work force.
- 1.7) Encourage both commercial and residential development in Livingston in order to maintain a balance between jobs and housing.
- 1.8) Promote adequate and accessible community facilities and services for residential areas through the use of impact fees or dedications by developers.

- 1.9) Negotiate agreements with developers to provide public facilities in exchange for certain development rights, such as land use changes and density increases.
- 1.10) Maintain the integrity of residential districts by discouraging or mitigating incompatible uses in or adjacent to residential districts.

**Goal 2:
Adequate Sites**

Maintain an adequate supply of appropriately zoned sites in order to meet Livingston's housing needs.

Policies:

- 2.1) Provide zoning for a variety of residential uses, including high, medium, and low densities and Planned Developments (PDs).
- 2.2) Encourage infill housing in residential districts where services and infrastructure are available.
- 2.3) Avoid a concentration of high-density development, such as apartments, in one area of the city by encouraging a range of residential zoning designations spread throughout Livingston.
- 2.4) Annex those areas easily serviced and within the Sphere of Influence (SOI) based on criteria that support a range of housing types and adequate public facilities and infrastructure.
- 2.5) Annex after appropriate areas within the city limits are nearing buildout or have been built out.

**Goal 3:
Affordable
Housing**

Encourage the development of housing to meet the needs of lower- and moderate-income households, particularly those with special needs.

Policies:

- 3.1) Increase access to homeownership for lower- and moderate-income households through housing assistance programs.
- 3.2) Provide technical assistance to developers of affordable housing for lower-income or special needs populations.
- 3.3) Encourage the development of town homes and condominiums as affordable ownership opportunities for low- and moderate-income households.
- 3.4) Make information on housing, housing programs, and housing assistance available to all members of the community.
- 3.5) Seek housing assistance and provide incentives for housing that serves the elderly, large households, single parents, farmworkers, and the homeless.
- 3.6) Whenever possible, preference for affordable housing and housing programs should be given to Livingston residents and to persons that work in the community.
- 3.7) Encourage dialogue between affordable and multifamily housing developers and neighbors to resolve concerns early in the process.
- 3.8) Encourage new residential developments to include childcare facilities.

**Goal 4:
Addressing
Governmental
Constraints**

Identify and, where appropriate, remove governmental constraints to the maintenance, improvement, and development of housing, especially housing affordable to low- and moderate-income households and special needs groups.

Policies:

- 4.1) Grant density bonuses for developers of affordable housing who comply with State requirements.
- 4.2) Where appropriate, offer various incentives, such as fee reductions and flexibility in zoning and land use controls, to accommodate and encourage affordable housing development.
- 4.3) Work to streamline the permitting process and reduce the processing time for housing developments.

- 4.4) Remove constraints to the development of housing for persons with disabilities.
- 4.5) Ensure that developers provide or commit to payment of their fair share of infrastructure development for their projects.
- 4.6) Allow reduced parking standards for housing developments for seniors and/or persons with disabilities.

Goal 5: Housing Conservation and Neighborhood Preservation

Improve and maintain the existing housing stock through conservation and preservation efforts in specific neighborhoods and throughout the city.

Policies:

- 5.1) Provide rehabilitation and home improvement assistance to lower-income and special needs households.
- 5.2) Conserve and improve the affordable housing stock.
- 5.3) Encourage developers to construct larger multifamily units in order to accommodate large households.
- 5.4) Enforce all appropriate building codes and standards.
- 5.5) Upgrade infrastructure through a variety of funding sources.

Goal 6: Fair Housing/Equal Housing Opportunity

Promote equal housing opportunities for all persons without discrimination regardless of age, race, ethnicity, religion, sex, sexual orientation, marital status, ancestry, national origin, disability, household composition, sources of income, or other arbitrary factors.

Policies:

- 6.1) Promote affirmative marketing, open housing, and other practices that will have a positive impact on minorities and women.
- 6.2) Display fair housing brochures and pamphlets at City Hall and other community facilities.)
- 6.3) Discourage excessive concentration of lower-income housing, which contributes to income segregation, in any one area of the city.
- 6.4) Support fair housing laws and work to prevent housing discrimination in the city.

Goal 7: Energy Conservation

Encourage energy conservation in residential development.

Policies:

- 7.1) Support energy conservation programs in the production and rehabilitation of affordable housing to reduce household energy costs.
- 7.2) Promote energy efficient design in residential developments.
- 7.3) Implement the City's energy efficient guidelines for residential subdivision developments, which incorporate the use of solar energy, drought resistant landscaping, and other energy efficient design features.

Goal 8: Community Sustainability

Encourage sustainable development and smart growth practices in residential development.

Policies:

- 8.1) Encourage the use of pedestrian-oriented design, greenbelts, parks, bicycle routes, and open-space to enhance both new and existing residential neighborhoods in Livingston.
- 8.2) Promote safe and healthy living environments for all residents regardless of income level, through the development of safe and suitable housing as well as economic opportunities.

IMPLEMENTATION PROGRAMS

The following actions are designed to implement the City's goals and policies. Each action includes the responsibility, potential funding sources, and timeframes for implementation. The City's quantified objectives for the period 2016 through 2024 are included in Table 6-1.

Goal 1: Housing and Economic Diversity

- 1. Housing Diversity:** Use a variety of incentives including zoning and land use controls, flexible development standards, technical assistance, and expedited processing to promote affordable housing or to promote a range of housing types. Encourage and support the use of the City's Planned Development Permit Process in the review and consideration of new housing projects. This may include exceptions to setbacks, clustering of units and lot configuration, lot size, and lot coverage.

Responsibility: Community Development Department

Objective: Approve at least four developments that include a range of housing types

Funding Sources: No additional City funds required

Timeframe: Ongoing

- 2. Economic Development:** Continue to identify and promote economic development opportunities that bring additional employment for City residents, including jobs paying a range of wages. Conduct targeted outreach to businesses in order to get them to locate in Livingston.

Responsibility: Community Development Department, Merced County Economic Development Corporation, and Merced County Economic Development Department

Objective: Continue outreach efforts to encourage new businesses to locate in Livingston

Funding Sources: General Fund and other economic development funds

Timeframe: Provide outreach annually, subject to resource limitations

Goal 2: Adequate Sites

- 3. Maintain Adequate Sites:** In order to ensure that there are sufficient sites to address the City's share of the regional housing need, the City will monitor the existing inventory of available land and, if necessary, rezone land within the existing city limits or annex land within its Sphere of Influence (SOI). To ensure sufficient residential capacity is maintained to accommodate the RHNA, the City will develop and implement a formal ongoing (project-by-project) evaluation procedure pursuant to Government Code Section 65863. Should an approval of development result in a reduction of capacity below the residential capacity needed to accommodate the remaining need for lower income households, the City will identify and if necessary rezone sufficient sites to accommodate the shortfall and ensure "no net loss" in capacity to accommodate the RHNA. If rezoning is required to replenish the sites inventory for meeting the RHNA shortfall, the sites shall be large enough to accommodate at least 16 units per site at a minimum density of 20 units per acre, and shall be rezoned within two years.

Responsibility: Community Development Department

Objective: Maintain the existing inventory of vacant sites suitable for residential sites, and annex land if necessary to provide adequate sites for housing consistent with the objectives identified in the Housing Element.

Funding Sources: General Fund and annexation fees

Timeframe: Develop and implement a formal evaluation procedure pursuant to Government Code Section 65863 by 2016.

- 4. Tax-Sharing Agreement:** Re-establish a master tax-sharing agreement with the County in order to facilitate the annexation of land within the City's SOI when sites are needed to address housing needs.

Responsibility: City Manager and Merced County

Objective: Complete a master tax-sharing agreement to facilitate future annexations of land

Funding Sources: No additional City funds required

Timeframe: 2017

- 5. Multifamily Lot Consolidation and Lot Split Program:** In order to provide vacant parcels of adequate size to encourage affordable multi-family development, encourage the consolidation of adjacent parcels zoned High Density Residential (R-3) or Downtown Commercial (DTC) and the splitting of large R-3 zoned parcels. This may include working with property owners to consolidate parcels, coordinating with local property owners to support the development of affordable multifamily housing development, or working with developers to identify suitable vacant adjoining R-3 or DTC sites.

Responsibility: Community Development Department

Objective: Encourage consolidated of smaller R-3 zoned lots to make affordable multi-family development feasible.

Funding Sources: General Fund, Application Fees

Timeframe: Provide assistance to property owners as interest is received

- 6. Annual Reporting:** Review and report annually on the implementation of Housing Element programs and the City's effectiveness in meeting the program objectives for the prior calendar year. Present the annual report to the City Council at a public hearing before submitting the annual report to the California Department of Housing and Community Development (HCD) and the Office of Planning and Research (OPR).

Responsibility: Community Development Department

Objectives: Prepare annual report on progress toward Housing Element goals

Funding Sources: No additional City funds required

Timeframe: Submit report to HCD annually in April

Goal 3: Affordable Housing

- 7. Incentives for Affordable Housing:** Use a variety of incentives including zoning and land use controls, flexible development standards, technical assistance, reduced development fees (see Program 16) and expedited processing (see Program 20) to promote affordable housing, including housing that meets the needs of special groups (e.g., seniors, persons with disabilities, persons with developmental disabilities, farmworkers, large households, and the homeless). Work with developers to identify sites and potential funding sources for the development of affordable housing and special needs housing.

Responsibility: Community Development Department

Objective: Assist at least four developments during the planning period

Funding Sources: No additional City funds required

Timeframe: Provide incentives and work with developers as developer interest is received

- 8. First-Time Homebuyer Program:** Continue to identify and apply for funding in order to continue the City's first-time homebuyer program to help lower-income homebuyers, including extremely low-, very low-, and low-income, with downpayment and closing costs.

Responsibility: Community Development Department

Objective: Assist five households annually

Funding Sources: HOME, CalHome

Timeframe: Ongoing

- 9. Extremely Low-Income Housing Development Funding:** Support applications for funding for the development of extremely low-income housing. Research potential funding opportunities and reach out to affordable housing developers on an annual basis to identify grants or loans, and providing expedited processing of applications for the development of extremely low-income housing.

Responsibility: Community Development Department

Objective: Support at least one extremely low-income housing development

Funding Sources: State and Federal grant programs

Timeframe: Annual research funding opportunities and reach out to affordable housing developers

- 10. Farmworker Housing:** Support regional efforts, such as those of the Merced County Housing Authority and other organizations, to identify sites, including sites within the SOI, and secure funding for permanent and seasonal farmworker housing. Provide assistance in the form of reduced development standards and/or fee deferrals to developers of affordable farmworker housing.

Responsibility: Community Development Department

Objective: Work with local non-profit developers to secure funds for one farmworker housing and provide assistance to two farmworker housing projects

Funding Sources: General Fund as well as additional funding sources for farmworker housing such as HUD, USDA, and HCD

Timeframe: Annually reach out to affordable developers

11. Section 8 Rental Assistance: Encourage new multifamily apartment owners to participate in the Housing Choice (Section 8) Voucher Program by accepting vouchers at their complexes. Refer extremely low and very low-income households seeking rental assistance to the Merced County Housing Authority's Housing Choice Voucher Program.

Responsibility: Community Development Department and Merced County Housing Authority

Objective: Promote participation by new apartment owners in Section 8 program

Funding Source: No additional City funds required; and HUD funds

Timeframe: Ongoing

12. Housing Program Information: Make information on housing, housing programs, and housing assistance available to all members of the community, including information on second units and information on the availability of sites at the Monte Cristo Mobile Home Park. Continue to provide materials in both Spanish and English. Place information at the public counter in City Hall, the City's website, and at other public locations.

Responsibility: Community Development Department

Objective: Provide information on housing programs and assistance to residents

Funding Source: General Fund

Timeframe: Ongoing

Goal 4: Addressing Governmental Constraints

13. Infrastructure Improvements: Continue to identify and apply for loans and grants to improve and upgrade City infrastructure, such as the water, sewer, storm drainage, and circulation systems in order to meet future residential, industrial, and commercial demand. Give priority to providing infrastructure to vacant R-3 parcels, especially those in the southeastern portion of the city, as well as DTC parcels in order to support the development of multifamily housing in these areas.

Responsibility: Public Works Department and Finance Department

Objective: Apply for at least one grant/loan. Target efforts toward expanding infrastructure to support the development of multi-family housing on vacant R-3 parcels.

Funding Source: CDBG, USDA, General Fund

Timeframe: Apply for CDBG funds at least biennially, starting in 2017

14. Impact Fee Program: Periodically review and update the City's impact fees to ensure that they are consistent with the City's costs to provide these services and that they do not act as a constraint to residential development.

Responsibility: Community Development Department and Public Works Department

Objective: Review City fees to ensure that they are not a constraint to affordable development

Funding Source: No additional City funds required

Timeframe: Review fee schedule biennially, starting in 2018

15. Provide Information on Reasonable Accommodation: Consistent with the Reasonable Accommodation provisions of City Code, prepare a notice of the availability of reasonable accommodation for persons with disabilities, including developmental disabilities, and display it prominently at the public information counter in the Planning and Building Departments advising the public of the availability of the procedure. Make forms for requesting reasonable accommodation available to the public in the Planning and Building Departments.

Responsibility: Community Development Department

Objective: Promote reasonable accommodation procedures

Funding Source: General Fund

Timeframe: 2017

16. Permitting Fees: As appropriate and feasible, waive, reduce or defer permitting fees for new housing developments in the city affordable to extremely low-, very low-, low-, and moderate-income households.

Responsibility: Community Development Department

Objective: Waive, reduce or defer fees, and application requirements, for two affordable housing projects

Funding Source: General Fund

Timeframe: Ongoing

17. Remove CUP Requirement in R-3 Zone: The City shall amend the Zoning Ordinance to remove the Conditional Use Permit requirement for projects within the R-3 Zone District that consist of 25 units or more or a density of 24 units per acre or more. The City shall continue to require site plan approval for projects within the R-3 zone.

Responsibility: Community Development Department

Objective: Remove the CUP requirement for multifamily residential uses in the R-3 zone

Funding Source: No additional City funds are required.

Timeframe: 2018

18. Permit Streamlining: Continue to encourage applicants to meet for pre-application conferences to address any issues before the application is submitted. As funding permits, hire additional planning staff to handle permit processing.

Responsibility: Community Development Department and Public Works Department

Objective: Reduce processing and permit times

Funding Source: General Fund

Timeframe: Ongoing

19. Development Handbook: Develop an informational handbook for developers interested in building in Livingston. The handbook should include information on permit processing requirements, steps in the process, and a schedule of building and permitting fees, among others. The handbook should be designed to provide information, answer typical questions, and reduce confusion about the permit process for developers. Continue to maintain and update information on the City's website.

Responsibility: Community Development Department

Objective: Provide informational handbook to developers

Funding Source: General Fund

Timeframe: 2020, as funding permits

20. Expedited Processing: Provide expedited processing for developments that contain units that are affordable to extremely low, very low, and low-income households as well as special needs groups, such as persons with disabilities, including developmental disabilities. The City will also provide expedited processing to commercial and industrial projects by businesses, which will generate higher paying jobs in the community.

Responsibility: Community Development Department

Objective: Provide expedited processing for affordable housing projects as well as commercial and industrial projects that create higher paying jobs for residents

Funding Source: No additional City funds required

Timeframe: Ongoing

21. Zoning for Special Needs Housing: Amend the Zoning Ordinance to:

- allow residential care facilities for more than 15 persons in appropriate zones in the city; and add a definition of single-room occupancy (SRO) and allow SROs in the DTC zone.

Responsibility: Community Development Department

Objective: Amend the Zoning Ordinance

Funding Source: General Fund

Timeframe: 2017

Goal 5: Housing Conservation and Neighborhood Preservation

22. Conservation of Affordable Housing: Monitor affordable multifamily housing projects to help prevent the conversion of affordable units to market rate. Work with non-profit organizations and other agencies to preserve the affordability of these units. Ensure tenants are properly noticed and informed of their rights and eligibility to obtain special Section 8 vouchers reserved for tenants of converted HUD properties.

Responsibility: Community Development Department

Objective: Preserve 99 at-risk units

Funding Source: General Fund as well as other State, Federal, and private funding sources

Timeframe: Ongoing

23. Housing Rehabilitation Program: Continue to provide loans to lower-income households and special needs groups, such as seniors and the disabled, for rehabilitation assistance and emergency housing repairs.

Responsibility: Community Development Department Finance Department

Objective: Provide rehabilitation and emergency repair assistance to five lower-income owner and renter households annually

Funding Source: CDBG, HOME

Timeframe: Ongoing

24. Overcrowding Reduction: Encourage developers of both affordable and market- rate housing to construct housing units with three or more bedrooms to accommodate large households and alleviate overcrowding in Livingston. Where feasible, provide incentives to developers who provide housing units affordable to lower-income households that have three or more bedrooms. Such incentives may include, but are not limited to flexible development standards, fee deferrals, density bonuses, or expedited processing.

Responsibility: Community Development Department

Objective: Encourage two affordable developments and two market-rate rental developments to include units with three or more bedrooms

Funding Source: No additional City funds required

Timeframe: Ongoing

25. Code Enforcement: Continue code enforcement efforts to identify substandard housing and housing in need of substantial rehabilitation. Provide information about the City's rehabilitation program to low- and moderate-income households with homes or apartments in need of repairs.

Responsibility: Community Development Department, Building Division, and Finance Department

Objective: Identify substandard housing or housing with code violations and provide information on rehabilitation program to eligible households

Funding Source: General Fund and/or CDBG funds

Timeframe: Ongoing

Goal 6: Fair Housing/Equal Housing Opportunity

26. Fair Housing Services: Collaborate with the County and fair housing service providers that serve the County to: 1) identify funding sources to support fair housing and landlord/tenant counseling programs; 2) provide information on fair housing laws at City Hall, the library, senior center, on the City's website, and other areas in which the community gathers information; and 3) address or refer complaints of housing discrimination to appropriate State or federal agencies.

Responsibility: Community Development Department

Objective: Work in partnership with local fair housing service agencies and provide fair housing information and services to residents

Funding Source: General Fund; CDBG

Timeframe: Ongoing

Goal 7: Energy Conservation

27. Weatherization Assistance: Continue to provide weatherization assistance to lower-income households through the City's rehabilitation program. Provide information at City Hall on PG&E and the Merced Irrigation District's (MID) weatherization and energy assistance programs.

Responsibility: Community Development Department and Finance Department

Objective: Provide weatherization assistance to five lower-income owner and renter households annually through the Housing Rehabilitation Program

Funding Source: General Fund, CDBG funds

Timeframe: Ongoing

Goal 8: Community Sustainability

28. Innovative Neighborhood Design: Encourage the use of pedestrian-oriented design, greenbelts, parks, bicycle routes, and open-space to enhance new residential neighborhoods in Livingston. Make available on the City's Website the City's Design Guidelines.

Responsibility: Community Development Department

Objective: Encourage developers to use designs that incorporate smart growth and community sustainability practices, such as the use of greenbelts or walkways, which enhance pedestrian and bicycle use.

Objective: Encourage developers to use designs that incorporate smart growth and community sustainability practices, such as the use of greenbelts or walkways, which enhance pedestrian and bicycle use

Funding Source: No additional City funds required

Timeframe: Ongoing

QUANTIFIED OBJECTIVES

One of the requirements of State law (California Government Code Section 65583[b]) is that the Housing Element contain quantified objectives for the maintenance, preservation, improvement, and development of housing. State law recognizes that the total housing needs identified by a community may exceed available resources and the community’s ability to satisfy this need. Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall, however, establish the maximum number of housing units by income category that can be constructed, rehabilitated, and conserved over the eight-year time period. Table 6-1 summarizes the quantified objectives for the construction, rehabilitation, or conservation of units during the time frame of the Housing Element (2016-2024).

**TABLE 6-1
SUMMARY OF QUANTIFIED OBJECTIVES**

Objective Category/Program	Extremely Low	Very Low	Low	Mod.	Above Mod.	Total
New Construction	75	75	100	150	400	800
Rehabilitation	-	8	32	-	-	40
Conservation	-	99	-	-	-	99
Homebuyer Assistance	-	8	32	-	-	40
Total	75	190	164	150	400	979

APPENDIX A: PUBLIC OUTREACH SUMMARY

Stakeholder and Community Workshops

Two workshops were held on January 26, 2016 by City staff and consultants to gather input from organizations and individuals in the community. The stakeholder workshop brought together representatives from local non-profit and for-profit businesses, community organizations, and social service providers. The community workshop was open to the general public. The following is a summary of the issues raised in the discussions held at each of the workshops.

Stakeholder Workshop (3pm)

- A question was asked about the definition of a “migrant worker” and how it could relate to eligibility for childcare. The right questions need to be asked to figure out how to categorize these workers to make sure they gain access to more programs than they’re currently qualifying for. People don’t typically classify themselves as “migrant” or “seasonal,” so there is not good documentation on the number of migrant workers.
- The Livingston Community Health Center is funded as a migrant center; the community sees a lot of seasonal farm workers with a lapse of insurance.
- There are housing needs for large families. There are many instances of overcrowding and families doubling up in single family homes. These include multi-generational households where grandparents are taking care of young children. This is thought to hinder child preparedness for educational institutions, in comparison to children that have access to preschool and other daycare situations.
- Female-headed households have a higher poverty level. Childcare needs should be considered as part of new developments.
- Multifamily housing sites needs should be located closer to services to better serve the population of Livingston with disabilities.
- There is a need in Livingston for better access to active transportation. Many residents walk as a means of transportation, especially students going to school. Students need safer routes to school, with access to better sidewalks and lighting on streets and at bus stops.
- Moderate-income households have the hardest time finding child care. There are issues with older children staying home to care for younger children while parents go to work.
- There is a language and cultural barrier to affordable housing. Many residents speak Spanish or Punjabi, but many resources and information provided are only in English. Better translation services could make it easier for non-English speaking residents to access affordable housing.
- There is a lack of options for senior residents—there is only one small nursing home that is always full.

- The homeless population is larger than the 3-4 person estimate shown in the presentation. There are a number of homeless people near Highway 99. Homeless people have also been seen sleeping outside in parks and outside the Livingston Community Health Center—this is possibly a growing problem.

Community Workshop (7pm)

- School enrollment is going down by hundreds—large numbers for such a small community. These students are leaving to go to other schools (Atwater and Merced). This is possibly attributed to the lack of housing. It is also thought that this could be related to the drought and that migrant farm workers are following crops and areas with more water.
- The Housing Authority owns a property on Hammat and 8th streets, across F Street from Mastana Apartments. The school there has the highest number of students eligible for free lunch.
- People are not aware of the low-income housing that is available. This information could be better distributed; for example, by sharing this information with the Chamber and schools. The information in the Housing Element could also be translated into a more digestible language for the general public.

Stakeholder Contact List

Representatives from the following agencies, organizations, and businesses were sent an email invitation to attend the workshops:

- 51 Fifty Enterprises
- Alan M. & Becky Biedermann
- Alliance for Community Research and Development (ACRD)
- Apostolic Assembly
- Between Friends/Entre Amigos
- Builder's Exchange of Merced and Mariposa
- Building Industry Association
- California Coalition for Rural Housing
- California Housing Partnership Corporation
- Center for Behavioral Epidemiology & Community Health (CBEACH)
- Central Valley Coalition of Affordable Housing
- Church of Christ
- Church of God in Christ Mennonite
- Church of the King
- Cristo Es La Respuesta
- Emmanuel Baptist Church Southern
- Grace Nursing Home
- Greater Merced Chamber of Commerce
- Guru Nanak Sikh Temple

- GVHC
- Habitat for Humanity
- Healthy House WMC
- Horizons Unlimited Healthcare
- Lao Family Community
- Leadership Counsel for Accountability and Justice
- Livingston 4th of July Committee
- Livingston Chamber of Commerce
- Livingston Community Health
- Livingston Farmers Association
- Livingston Fire Department
- Livingston High School
- Livingston Pentecost Club
- Livingston Police Department
- Livingston Rotary Club
- Livingston Unified School District
- Livingston Union School District
- Livingston United Methodist Church
- Maxwell Homes
- Merced County Area Agency on Aging
- Merced County Association of Governments
- Merced County Association of Realtors
- Merced County Community Action Agency
- Merced County Hispanic Chamber of Commerce
- Merced County Housing Authority
- Merced County Office of Education
- Merced County Office of Education
- Merced Employment Development Department
- Merced Lao Family
- Merced United Way
- Merced United Way
- MFA Medical Group, Inc.
- NAACP
- Neighborhood Assembly of God
- OP Development
- Our Redeemer Lutheran Church
- Saint Jude Thaddeus Roman Catholic Church
- Self Help Enterprises
- Sikh Temple Livingston
- Southeast Asian American Professional Association
- Valley Land Alliance

- W & B Spycher Properties, LP
- World of Faith Ministries
- Yagi Brothers Produce, Inc.



Stakeholder & Community Workshops

City of Livingston Housing Element Update

The City of Livingston is updating its Housing Element and there is an opportunity for you to get involved! **Please join us** for the upcoming Stakeholder and Community Workshops **to share your thoughts and ideas** for how we can improve housing opportunities and conditions in the city.

Although each meeting will have a different target audience, both meetings are open to the entire community!

TUESDAY, JANUARY 26, 2016

STAKEHOLDER WORKSHOP

3PM

FOR local businesses, agencies,
and community representatives

COMMUNITY WORKSHOP

7PM

FOR the general public

CITY COUNCIL CHAMBERS

1416 C Street
Livingston, CA 95334

CONTACT

For more information, reasonable accommodation, or translation service requests, please contact:

Randy Hatch, City Planner | 209-394-8041 ext. 123 | rhatch@livingstoncity.com
Filomena Arredondo, Senior Administrative Analyst | 209-394-8041 ext. 112 | flo@livingstoncity.com
1416 C Street, Livingston, CA 95334



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PUBLIC NOTICE

**STAKEHOLDER & COMMUNITY WORKSHOPS
CITY OF LIVINGSTON
HOUSING ELEMENT UPDATE**

The City of Livingston is updating its Housing Element and there is an opportunity for you to get involved! Please join us for the upcoming Stakeholder and Community Workshops to share your thoughts and ideas on how we can improve housing opportunities and conditions in the City.

Tuesday, January 26, 2016

Stakeholder Workshop - 3:00 pm
(for local businesses, agencies, and community representatives)

Community Workshop - 7:00 pm
(for the general public)

Council Chambers
1416 C Street
Livingston, CA 95334

Although each meeting will have a different target audience, both meetings are open to the public.

For more information, reasonable accommodations, or translation requests, please contact Randy Hatch, City Planner (209) 394-8041, Ext. 123, rhatch@livingstoncity.com or Filomena Arredondo, Sr. Administrative Analyst, (209) 394-8041, Ext. 112, filo@livingstoncity.com
LC-2205204 1/16 2 X AFF

Tuesday, February 23, 2016

Here are some of my comments for City of Livingston Housing Element Update Public Draft February 2016.

What is the Housing Element being Discussed

Or stated in another way: What is the project? How will this Housing Element impact Livingston?

It is hard to get an immediate clear picture of this Housing Element because different numbers are being used. But as I look at the document this is what stands out to me.

Existing Population

Population “over 13,735” Pg. 1-1

Appendix B: Exterior housing Condition Survey December 2007, under Introduction, “estimated population of 12,906 in 2006, and increase of 23% since the US Census.” Pg. 1

Table 2-3 “2000 population 10473 and 2013 population 13,301. 27% increase”

(Side Note FYI, There was a building moratorium issued on the City of Livingston because of its mismanagement of its Domestic Wastewater Facility (sewage in the Merced River). When the Moratorium was lifted the City of Livingston had an artificial accelerated growth because of waiting projects.)

Pg. 2-1 “CA Dept. of Finance between 2005-2015 population increased from 11,818 to 13,735 or 16 percent.

Pg. 2.3 According to Table 2.2 Livingston 2010 population is estimated at 13,900 But according to the Dept.of Finance estimate the City of Livingston has not reached that number by 2015. The City’s 2015 is still under that number.

Pg. 2-9 “According to Table 2-11, total population 13,461. (source 2014 &2010 American Community Survey)

Pg. 2-4 “between 2010 and 2015 the number of households grew from 3,156 to 3,268, an increase of 3.5 percent.”

“During the same time period the average household grew from 4.14 to 4.20 persons.”

Question: subtracting the above figures the increase is 109 households from 2010 to 2015 and the persons per household is 4.20. When 109 is multiplied by 4.20 the increase is 458 people. Where are the couple of thousand people increase living?

Pg. 2-20 “3,320 housing in 2010, which increased by 3.4 percent to 3,433 in 2015.” (Ca. Dept. of Finance.)

Appendix A Pg. 7-2 “School enrollment is going down by hundreds.”

Existing Households, (Renters and Owners)

In 2010 was 3,156 (pg. 2-4) or in 2010 was 3,037 (Table 2-6, pg.2-5) or 3,320 (pg. 2-20) depending on your page and study.

In 2014 was 3,104 (Table 2-6, pg. 2-5, Table 2-13 pg. 2-011)

In 2015 was 3,268 (pg. 2-4) or 3,433 (pg.2-20) depending on your page and study.

“Between 2011 and 2014 only one permit was issued” (pg. 1-1)

The math does not quite work here. This document is implying the City added over 150 or 300 households between 2014 and 2015. This number seems off. There has been minimal building activity. For clarity and transparent purposes it would help if this document had how many building permits were issued for 2015.

The 2013 total households in Table 2-6 (3,104) is under the 2010 household number (3,156) stated on pg. 2-4 under Household size.

“Between 2003 and 2008 City issued 111 building permits for single family units” (pg. 1-1)

Pg. 2-22 “Multifamily housing increased by 13 percent or 51 units, single family units increased by 60 units, between 2010-2015.” Ca. Dept. of Finance

Math does not work with 112 permits issued.

Pg. 2-11 “According to Table 2-12 total owner households is 1,917 and Total Renter Households is 1,187.” This adds to a total of 3,104 households in 2014.

I am confused to what the actual housing and population is. But let us go on.

What is the Housing Element being Discussed

Being discussed is the potential future housing growth from 2016-2024.

There is an “expected increase in housing cycle 2016-2024” (pg.1-1)

Pg. 4-1 “over 10 year period is 1,023 units” “Housing built since January 1, 2014. May be credited against its regional housing needs allocation.

This project is about increasing the number of households in Livingston by approximately 1,000.

Projected population from MCAAG is off would not the projected housing be off?

What population figures are used as a basis in the document? Pg. 2-1 The document states the MCAG projected population was an “overestimate” and “large discrepancy from DOF population estimates.”

But then the document continues to use the MCAG figures for future population estimates for a projected increase of 69 percent from 15,400 to 26,000 between 2015-2040. And includes Table 2.2. Why? The document states the MCAG figures are off. And the starting 2015 is off from CA Department of Finance.

Pg. 2-37 “MCAG prepared the Regional Housing Needs Plan for the period of January 1, 2014 to December 31, 2023.”

Question

Pg. 3-25 “The Merced County Association of Governments (MCAG) developed the Regional Housing Needs Plan which allocates the estimated number of housing units needed in Merced County from January 1, 2014 to December 31, 2023. These housing need numbers are based on population and employment growth that is anticipated to occur during the period.”

Question: Did not this document state that the MCAG population numbers were off? So would not the potential need for housing be off?

Is it Feasible

As we look at this document on one of the big questions that must be asked is it feasible? If the project is done, can it be maintained?

On page 4-13, the City of Livingston makes the following statement, **“However, it should be noted that the City is understaffed and underfunded, making it difficult to manage any additional programs.”**

The City is stating it is struggling to take care of the needs of its City now. If the City is struggling at the size it is now to take care of the needs of its citizens, how will the City be able to meet the future long term obligations of adding more citizens to its City?

Some City officials have stated that the development dollar will take care of the City’s future financial obligations to its citizens. The City has grown in the last twenty years. The City has built out the Winton Parkway/Hwy. 99 interchange. This commercial tax base has generated much revenue for our City. But it still is not enough. Our City keeps saying it needs to add more citizens/households for more money.

Adding more houses equates to adding more long term financial obligations. Those new households will need to be served long after the developer dollar has been spent. Every new household added to the City is a long term financial obligation.

The City is stating in this document it is not able to maintain at a comfortable level its existing citizens/households. And it will be difficult to manage additional programs. As a city's citizen/population level grows so do the need for more additional programs. The City is stating it most likely not be able to provide for those programs.

The City is stating it all in one sentence that is toward the end of this document. Let's look at this statement again.

“However, it should be noted that the City is understaffed and underfunded, making it difficult to manage any additional programs.” (pg. 4-13)

Is this Housing Element feasible for the City of Livingston? Probably not.

Transportation

How will adding more households impact the transportation? The B Street/Robin/Winton Parkway/Hwy99 is severely impacted at certain times of day. It backs up through the light/stop sign/around the corner. The Hwy 99 off ramp backs up into Hwy. 99, which impedes the traffic on Hwy. 99.

The City has created/allowed a dangerous situation at the Winton Pkwy/Hwy 99 area. It is common for vehicles to run lights and violate other traffic laws to get through. I'm concerned if the City builds out on the West and South side of the City it will compound the dangerous situation and make the traffic worse.

What is the rating of the roads? What about during peak agriculture seasons? How many, where, and frequency of accidents need to be looked at.

*Since last plan E+J Gallo huge build out at crush plant. Many more trucks & traffic
E & J Gallo has a crush season during harvest. Foster Farms poultry is being routed to its processing plant. Sweet potato planting, harvest, and moving potatoes is going on. All of these items need to be taken into consideration. 17% increase in crush*

The Housing Element needs to have more consideration and detail to the impacts to transportation.

Emergency and Evacuation Routes

The housing element needs to address the impacts to the emergency and evacuation routes.

As previously discussed under transportation the roads are impacted at certain times of day. Adding more households to the area will compound the problem. This will slow down the emergency and evacuation routes.

Emergencies can occur at any time of day. The impacts need to be looked at the most congested. Remember, when you need the emergency vehicles, you don't want them stalled or slowed down in a gridlock of traffic.

Emergency Personnel

Increasing the households in the City also increases the need for emergency personnel. The City of Livingston has only one fire station. Will it need more? What about police?

Carbon Footprint

“bedroom community ... San Francisco”

Pg. 4-4 Table 4-2 According to the table, 72 acres have a minimum Density of 1 dwelling unit per acre. Out of the 98 vacant acres, 72 of them may only have 1 home per acre. This is a terrible use of land and a large carbon footprint.

In a modest household income city, like Livingston, the City needs to have a Housing Element with a better carbon footprint. Allocating most of the vacant land to potentially one home per acre is greedy land planning.

Air Quality

What will the impacts and cumulative impacts to be air quality? For example; As households increase the transportation increases. The road congestion increases. What will the impacts be to the air quality? Air quality conditions have changed since the 1999 General Plan.

Not Actually Correct

The Housing Element states that, The City of Livingston had the highest Median Income Level and the Lowest Rate of Poverty in Merced County.

When one initially looks at Table 2-8 it looks that way. But few municipalities are listed. Most of them are lumped together under Merced County. For example: What about our county seat which is the City of Merced? The City of Merced has UC Merced. What about Hilmar? What about McSwain? All of the cities and towns must be listed for an accurate comparison.

Keep in mind the general principle the higher the education; the higher the income. The City of Livingston has a low education level.

Pg. 2-16 & 2-17 “42 percent of City’s population less than a high school diploma, 25 percent have some college, six percent have a college degree and two percent have a graduate degree.”

The City of Livingston has a large immigrant population. Generally when a person is a first or second generation immigrant the income level is lower.

Livingston has a high ethnic population Pg. 2-4 “74 percent Hispanic and 19 % Asian.”

All the local communities medium income needs to be listed in the Table before the conclusion that the City of Livingston has the highest medium income and lowest rate of poverty may be reached.

It looks like the City of Livingston wanted a desired outcome and worked Table 2-8 to obtain that outcome.

Pg. 6-15 Summary Table HE-1, of the 800 new constructions 400 are for above moderate, 150 moderate, 100 moderate, 75 very low, 75 extremely low.

The City wants more Expensive Housing less Low Income

Pg. 2-38 Table 2-41 “427 units affordable to low and very low income households. 435 to be above moderate income. Total of 1,023 units.”

Pg. 4-2 “As of November 2015, the city has 98.10 vacant residential acres suitable for residential development. 20.31 acres for lower-income and 77.49 acres for affordable to above moderate”

Pg. 4-4 Table 4-2 According to the table, 72 acres have a minimum Density of 1 dwelling unit per acre. Out of the 98 vacant acres, 72 of them may only have 1 home per acre. This much land is potentially ranchettes which adds a lot of cost to housing. This will make housing a lot more expensive and out of the price range of a majority of the population of Livingston

Question: Since Livingston incomes are more modest, should not more acres be for lower-income?

What Happened to the Public Comments

Pg. 3-9 The statement “the City has not specifically experienced this type of constraint through the processing of multifamily housing projects that requires a Conditional Use Permit. This is in error. All a person has to do is drive out to the South end of town and see that the City of Livingston did create a Damaging and Nuisance to other properties when it approved the multifamily housing project next to residential farming. The City ruined the property value and changed the atmosphere of the neighborhood from rural/agriculture with housing to high density with lots of lights and a building structure that looks down into people’s property.

The example used in this document is a poor example. Several members of the community were outraged that the City did this to the long time farming resident. This example is a case where the City of Livingston **should not have allowed** the development. The farming community was dismayed when it saw the City reaching and taking prime agriculture land that was not originally in its 1999 General Plan for the development of a Multifamily project, especially since there is land in the original 1999 General Plan that has not been developed.

The City of Livingston had to annex this Merced County agriculture land into the City. The farming community was not aware of this until the building was going up. This was especially hard since the City of Livingston was found in violation from the court with its previous plans.

Public comments had been submitted when the City of Livingston tried to build out on this property under a different plan name (Somerset 1). The City of Livingston removed the plan from the public hearing after receiving written objections. There was a lawsuit against the City of Livingston on its General Plan. The Court found against the City and instructed it to correct its s General Plan on several issues. The City waited a couple of years and reissued the land use development under a different name, annexed the land and approved the project. What ever happened to the prior written public comments that were originally submitted. This is a loss of prime agriculture land when the city still had land to develop within its City Limits.

Licensed Community Care Facilities of 15 or more Not Allowed in City

This document previously states the population is aging and the potential need for more senior housing. (pg. 2-9, 2-10) The City of Livingston needs to change, “ **(Licensed Community Care) Facilities serving 15 or more persons are not permitted at all in the city.**” (pg.3-19) The City of Livingston needs to allow facilities serving 15 or more persons in the City. Where is the city planning on housing its aging elderly population as it needs long term care? The City’s policy not to allowed licensed care facilities for 15 or more persons within the City seems like discrimination. As the City grows, the need for Licensed Community Care Facilities increases.

(Side note FYI: There is one licensed care facility Grace Nursing Home in the City but I believe it was grandfathered in as the City grew.)

Residential Care Facilities Serving 15 or More Not Allowed in City

Even though this document states persons with disability in the city at 17 percent and the number has increased by 14 percent since 2012, and may continue to increase in the future, the City does not allow residential care facilities serving 15 or more. “**Facilities serving 15 or more persons are not permitted at all in the city.**” (pg. 3-20) Where are the disabled going to find care? As the City grows, the need for Residential Care Facilities increases.

The Housing Element does state, “The City has added no amendments to the Building Code that would place constraints on accommodation of persons with disabilities. (pg.3-21) ~~It~~ Not allowing housing of 15 or more residents is a constraint.

Homeless/Emergency Shelters

Pg. 3-21 Stating that Emergency Shelters are permitted in certain zoned areas does not address or strengthen the provision needed for the Homeless/emergency shelters. Stating Government Code does not address the or strengthen the provision needed for the Homeless/Emergency Shelter.

The City states it does not appear to have a homeless population. (pg.2-14) But the comments in the workshop indicate there is a homeless population. Also as the City grows the homeless population will increase.

The City of Livingston Housing Element must do more to address its homeless situation, especially since this was one of the main points brought up at its public workshop. (Appendix A)

But as the City grows this will be difficult because, **“However, it should be noted that the City is understaffed and underfunded, making it difficult to manage any additional programs.”** (pg. 4-13)

Transitional Supportive Housing

Pg. 3-22 Stating State law and Government Code does not address the need for Transitional Supportive Housing. Updating the Zoning Code does not address the physical need. The City of Livingston needs to do more than saying we are updating our zoning code. The language used in this document leads one to think the City does not even have the proper zoning code to comply with State law requirements.

As the city grows the City will need to do more to address Transitional Supportive Housing. This will be difficult because, **“However, it should be noted that the City is understaffed and underfunded, making it difficult to manage any additional programs.”** (pg. 4-13)

Agriculture Land is a Resource

Even though agriculture is a large part of the community and occurs in and outside city limits and the sphere of Influence the City of Livingston does not have an agriculture designation for land use. There have been requests for this appropriate land designation, since the land has historically been in farming. The City of Livingston will not designate land agriculture. (pg. 3-21)

Pg. 3-22 There is farming within the city limits. The City will not give an agricultural designation. It is one of the court findings against the City of Livingston. It is important to note,

there is agriculture going on inside, next to and outside but in the Sphere of Influence of the City of Livingston.

Pg. 4-11 Environmental Constraints fails to mention the loss of agriculture as these vacant lands are developed. The loss of agriculture is an environmental concern.

Pg. 4-4 Table 4-2 According to the table, 72 acres have a minimum Density of 1 dwelling unit per acre. Out of the 98 vacant acres, 72 of them may only have 1 home per acre. This is a terrible use of land. At this rate the City will fast out grow its boundaries and encroach on our prime agriculture land. The disappearance of our agriculture land in the Central Valley is a prime environmental concern. The City needs to address our important resources of agriculture and work on protecting it.

What are the local impacts and cumulative impacts to agriculture?

How is the City planning on mitigating the loss of the agricultural land?

Flood Zones

I also wonder about flood zones, since the piece of land just west of the city along the Merced River had so much land leveling done. I wonder if that changed the flood plain of the Merced River and if flooding might occur east in the City.

Merced River/Flooding/Environmental Constraint

The Merced River is next to The City of Livingston this is an environmental constraint. For instance in a previous document when the City of Livingston proposed to annex land west of the City, the City suggested that it may allow gas stations next to and in the flood plain of the Merced River. The written public comment regarding this should be on file with the City of Livingston.

Also the City of Livingston Domestic Wastewater Treatment Facility is in very close proximity to the Merced River. There have been some accidental releases from the sewer plant into the river. As the City grows this is an environmental concern.

Sewage backup in older part of the City

I have been told by residents in the older part of town that there has been sewage back up in their homes. As new development with larger diameter sewage pipes go in on the outer sides of the older homes with smaller diameter pipes the flow in the older homes is more restricted and there have been sewage back up. This is an environmental constraint.

Energy Conservation

Pg. 3-24 Under Energy Conversation this document references, “additional ways of encouraging or requiring conservation measures for new development.” But it fails to mention what the measures are and what measures are just encouraged as opposed to being required. By failing to adequately list the “measures” it limits the discussion of the energy conservation measurements. For example: I am a proponent of sky lights. Are sky light part of the list and in what capacity? There is inadequate information here for me to know. There is not enough information for me (the public) to make comments on. The Draft Housing Element needs to readdress this issue and allow for public input.

Water Issues

Pg. 4-12 Infrastructure Availability Concerning water, for years the City of Livingston has water issues. There was a lawsuit and the State of California wrote letters of concern to Livingston. The State even ordered one well to be abandoned and sealed. Because the City needed the water it asked the state to be able to use it. A few years back, Foster Farms had to stop its processing because of water quality issues. (I think it was brownish water) Starbucks had to close one day because of water .

Local resident Katherine Schell has a blog with a lot of pertinent information about the City’s water condition. Thegardeningsnail.wordpress.com The designers of the Housing Element should consult it.

What Water Studies

Pg. 4-12 What Water studies? This document fails to name them or include them. What is the date of these studies? What is the date of the materials used to support the studies?

This document fails to mention that before the dam, the whole valley use to flood. This was the main recharge source for our underground aquifer.

Several of the statements about water are outdated.

Pg. 4-12 Regarding the water recharge:

1. Merced Irrigation District (MID) has changed over some of its water delivery system in agriculture areas from canals, (which had water percolation for water recharge basin) to pipelines (which has no water percolation). I know by my house the open canal no longer exists. It is a pipeline.

2. Also, the policy is: where there is housing development the canals are changed to pipelines. I do not know if this is the City’s policy or MID’s. But as development occurs, the canals are being changed to pipelines when possible. There is no water recharge with pipelines.

3. Last year there was no water allotment from MID. That means there was almost no water in the canals or pipelines.

4. The previous year the water allotment from MID was severely curtailed. This mean there was diminished amounts of water in the canals and pipelines.

5. The statement regarding water recharge, “from percolation attributed to excess applied surface irrigation water.” Makes me question when was this “water study” done. The practice of flood irrigation is decades old. Flood irrigations is the anomaly now not the norm.

6. There was NO excess irrigation water last year. There was no water allotment from MID last year. Some farms went dry.

6. For many years farmers have been very wise stewards of water. The agriculture industry has moved to more efficient methods of water delivery.

7. Through micro sprinklers and drip irrigation most of the water is delivered right to the plant. This miserly method of water efficiency does not allow for “percolation attributed to excess applied surface irrigation water.” There is not an excess of applied surface water.

8. Wells have been going dry. Many agriculture wells are having to be drilled deeper.

9. There are cones of land depression in the Livingston area. This is being attributed to the pumping of the underground aquifer.

10. There are salts being pulled in from the Westside for several years now.

11. The Domestic Wastewater Treatment Plant is next to the Merced River. It’s recharge is next to the river. This does not help the recharge in the areas around Livingston.

12. We have had several years of a drought. During a drought there is no or very limited storm water. The City keeps pumping during a drought but the storm water basins are not an effective recharge.

Regarding the document’s statement, “Groundwater depth in the Livingston area is approximately 25 feet below the ground surface.” How old of a study is this? This statement may have been true a long time ago. But it is a different story now.

Many wells have gone dry in the Livingston area. Wells that were a lot deeper than 25 feet have gone dry. There are also wells that have not gone dry but had to be lower to a deeper depth for water. Also the water pressure has been diminished.

A farmer’s well in the Livingston area used to have water in 4-5 seconds from turning on his pump. Two years ago, in 2014, it was 7 seconds to water. Last year, in 2015, it was 10

seconds, and that was after the well was dropped. The farmer estimates the water level, in the Livingston area, has dropped 40-50 feet.

What were the Water Studies done? What year of data was being used to substantiate the Water Study?

Farmers and residents in the Livingston area have had many water issues.

Please provide me with a copy of the “Water Study” used here.

Water Sustainability

Where is the water going to come from? Right now ground water is not sustainable. The City of Livingston must address the issue of water sustainability. The City’s current thought process of just drilling wells does not work. We have serious water sustainability issues in the valley.

Pg. 4-3 “...vacant sites near the city limits may require...the installation of additional wells in order to maintain sufficient water pressures in the city’s system.

Pg. 4-4 Table 4-2 According to the table, 72 acres have a minimum Density of 1 dwelling unit per acre. Out of the 98 vacant acres, 72 of them may only have 1 home per acre. This potentially will create ranchettes. The City currently has water restrictions. Where will the water come from for the landscaping.

Plans?

Appendix D: Number 6, Question: Which General Plan Environmental Impact Report was used?

We need to know which General Plan Environmental Report

Pg. 3-23 The City of Livingston 2009 Draft EIR is not a reliable source. There were many errors. The court set aside the City of Livingston 2009 General Plan.

For example the City’s Storm Drainage Master Plan that is part of the Draft EIR has a large storm drainage basin in an agriculture field that is under the Williamson Act and in a permanent agriculture conservatory through the Central Valley Farmland Trust. This farming family has gone to the City of Livingston multiple times orally and in writing explaining their long term farming plan. The Merced County Farm Bureau spoke on the behalf of this agriculture land. But the City of Livingston continued to keep the land in its Storm Drainage and other Master Plans. The land is in a permanent agriculture easement. It cannot be developed. This is an environmental constraint.

Pg. 4-13 This document sites the 2007 sewage collection and conveyance system Master Plan. There should be an asterisk next to this Master Plan. The Merced County Grand Jury told the City it violated CEQA and needed to do certain items. The City of Livingston did not follow the

Grand Jury and placed its illegal activity in the 2007 Master Plan. Many comments were made about it. The City refused to address them. The City of Livingston was taken to court over its General Plan and EIR. The Judge ruled against the City and Livingston was instructed to fix it.

The City of Livingston 2007 Sewage Collection and Conveyance System Master Plan has major flaws.

This document states it is “consistent with the 1999 General Plan” (pg. 1-3). Many conditions have changed since 1999. The City needs to update its General Plan. As stated in this document the City has enough land. The City does not need to add any land increases to its General Plan it just needs to update to current conditions.

Pg. 4-11 “At 75 percent maximum density, the City has capacity within its existing limits to accommodate 448 units for lower-income households and 484 units for above moderate/moderate income households. Livingston’s housing capacity exceeds the combined RHNA.”

The City of Livingston has enough land in its city limits for its next 10 years of housing needs.

Does the City have the Monetary Resources for More Households

“However, it should be noted that the City is understaffed and underfunded, making it difficult to manage any additional programs.” (pg. 4-13)

I think this is a reason why the City is receiving a Community Development Block Grant funding but is not using it for housing program. (pg.4-13)

Conclusion

There are some of my initial concerns. Thank you. I am glad to be part of the discussion on the City of Livingston Housing Element. I am striving to help build a healthy community. Please keep me in the loop.

Thank you,



Mrs. Colette Alvernaz

PO Box 255, Livingston, CA 95334

Please attach my comments to the draft sent to Housing Review (HCD)

Merced County Farm Bureau

February 25, 2016

Planning Commission
City of Livingston
1416 C Street
Livingston, CA 95334

Dear Chairman Ranjeet Jhutti,

Merced County Farm Bureau (MCFB) would like to submit comments to the official record regarding the City of Livingston 2016 Housing Element. MCFB is a non-profit organization that represents 1,200 farmers and ranchers on a variety of issues throughout the county.

Upon review of this document, our number one concern is the inconsistent use of data including: population projections, housing permits and vacancy rates within the jurisdiction of the city's boundaries. We have identified several examples in the paragraph's that follow. Our concern with this runs deeper than a few inconsistent numbers, our organization has seen a pattern of optimistic housing demands specifically in the City of Livingston. It is imperative that the new administration takes a lead to clarify not only the mandated Housing Element, but also update the General Plan as well as any other master plans, so there is a congruency to where growth and infrastructure can formidably progress.

In relation to this document, the basis of the population figures references the Merced County Association of Governments (MCAG) to establish their population trends (Table 2-2, 2-2) in an attempt to estimate a population growth of 15,400 in 2015 and balloon to 26,000 by 2040. Yet on page 2-1, the report then makes note that the population estimates provided by MCAG were a dramatic overestimate in numbers. This leads MCFB to ask why the MCAG numbers are continuing to be used when their numbers have already been disproven? Given that the population numbers were overestimated, we would suggest that the resulting need for housing was overestimated and is now also inaccurate.

Attention must be brought to the numerous differences in number of households. Three different figures are referenced for 2010 alone. For example, page 2-4 indicates household size as being 3,156 while Household Composition (Table 2-6, 2-5) is listed as 3,037 and Total Housing Units calculated as 3,320 units (Table 2-22, 2-21). There is also a discrepancy in the 2015 numbers of households were 2-4 identifies 3,268 and Total Housing Units (Table 2-22, 2-21) is listed as 3,433. Accounting for what is listed for 2014, equating to 3,104 housing units (Table 2-6, 2-5), then a minimum of 150 homes were constructed during 2014-2015. However, another table titled Housing Units Constructed 2014-2015 (Table 4-4, 4-9) illustrates that only 10 single family homes were constructed in 2015 and none the previous year.

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Under Environmental Constraints on 3-22, it is stated that “No known environmental constraints have been identified for the City of Livingston.” Yet, the factors listed, especially agricultural land, has changed dramatically since the 1999 General Plan that is reference as covering these concerns and finds no constraints. Specifically, the Merced River a large waterway is one of those constraints. The flood plain near the river needs to be monitored as this can be a cause for concern, case in point when the City of Livingston’s Domestic Wastewater Treatment Facility has released sewage into the river multiple times. In addition to this, FEMA has also altered the flood zones since the 1999 General Plan, and it necessary for those factors to be incorporated in this document and other relevant documents.

“Currently, the groundwater is recharged from several sources: the Merced River, percolation from the Merced Irrigation District (MID) canals which pass through the area...” (4-12). Regarding the MID canals in Livingston, much has been changed from canal to pipeline in recent years. Coupled with this limiting method of delivery is the multi-year drought where MID was forced to grant a 0% allocation to their growers during the 2015 growing season. While the Merced River has flowed due to required releases, it is not at a rate that ample recharge is occurring. Sufficient scientific research has not been presented to provide either of these as a definite method of recharge as we do not know the time it takes for water to percolate down the soil profile and return back to the basin.

To further this groundwater concern, the City of Livingston is entirely dependent on groundwater for their domestic supply and the community’s reliance will be a factor in the Sustainable Groundwater Management Act passed in 2014. The Merced Basin, the exact basin Livingston pulls their groundwater from, has been determined to be 1 of the 21 critically overdrafted basins by the California Department of Water Resources. There is not a single reference to the current water situation, and we strongly argue that it has to be a factor in determining how to move forward as a community urging more residential growth.

As indicated on 2-12, “The source of domestic water for the City of Livingston is groundwater, drawn from eight active groundwater wells... In general, the groundwater quality of the City is good although contaminants have been a concern.” According to the State of California Department of Public Health and filed May 16, 2013, well #13 was out of compliance as levels of arsenic exceeded standards and were ordered to have corrective measures taken. The 2014 Annual Water Quality Report, presented by the City of Livingston, states that well #13 had issues with arsenic levels in 2013 and 2014. In conjunction, well #15 is noted as having arsenic issues in 2013. Due to these large issues, a public workshop must occur each year to inform the public of any exceedences and provide updates on the matter.

We also have to inquire as to what water studies you are referencing that indicates there is ample groundwater for build-out of the city’s Sphere of Influence (SOI). This information and study must be made to the public for review, or at the very least cited in the document before proceeding forward with a plan of this scale. The 2009 General Plan, which has been reference for the purposed Housing Element Plan, has been tabled due to multiple errors. MCFB provided comments regarding the Storm Drainage Master Plan in conjunction with the 2009 General Plan as it included a storm drainage basin that is on agricultural land. The property is within the Williamson Act and a permanent agricultural easement through Central Valley Farmland Trust. It has continued to remain in the Storm Drainage Master Plan although development will not be allowed to take place in the future. For this reason and others, the 2009 General Plan should not be used as a reference documents to support continued growth.

As an organization, MCFB is concerned with the Housing Element Plan put forth by the

City of Livingston as we believe there are major concerns in population projections, environmental constrains and water quality. We ask that you review and address these concerns in greater detail prior to asking for approval from the state agency. Thank you for the opportunity to participate in the project. We look forward to working with the City further on this matter.

Sincerely,

Breanne Ramos
Executive Director

Randy Hatch

From: Betsy McGovern-Garcia [betsyg@selfhelpenterprises.org]
Sent: Thursday, March 17, 2016 9:09 AM
To: Randy Hatch; office@mintierharnish.com; Chelsey Norton Payne
Cc: Filomena Arredondo; Tom Collishaw
Subject: RE: City of Livingston Housing Element
Attachments: SHE SITE QUESTION_LIVINGSTON HE.pdf

Randy-

Thank you very much for the prompt response.

I'm hoping we can handle this via e-mail, but if needed I can format our comments into a more formal letter.

Our concern is the lack of high density sites that are of a size and location that makes them feasible to develop. At a minimum, we need 2 acres to really make a multi-family site feasible. In addition, with new funding resources, we need proximity to transit. Based on this concern, we have the following questions/comments:

1. We would like you to consider the attached sites (in red circle) as potential high-density sites. Are there reasons why these were not included? On the larger sites that are zoned R-1, if they are on an arterial, like Peach Ave, it is helpful to have high-density close to the street and then lower density for the remainder of the parcel.
2. I noticed in your zoning code the following: "Projects in excess of 25 units or with a density in excess of 24 units per gross acre on R-3 lots require a conditional use permit." This provision is very concerning as it allows for the discretionary disapproval of large multi-family projects, which is a huge impediment to affordable housing development. We encourage you to revise this provision as follows: "Projects in excess of **60** units or with a density in excess of 24 units per gross acre on R-3 lots require a conditional use permit."
3. It would be extremely helpful if your consultant could overlay your public transportation map, with bus stops, on the graphic of potential housing sites. Finding sites in proximity to high quality transit is a barrier, and this additional graphic would help potential housing developers better understand local amenities.

Our project in Livingston, Casitas Del Sol, has a wait list of 115 families. We would be very interested in doing another rental project and/or some single-family housing in Livingston. The above recommendations could help facilitate the development of additional affordable housing opportunities for working families in Livingston.

Thank you,

Betsy McGovern-Garcia
Program Director-Real Estate Development
Self-Help Enterprises
(559) 802-1653

From: Randy Hatch [mailto:rhatch@livingstoncity.com]
Sent: Wednesday, March 16, 2016 6:25 PM
To: Betsy McGovern-Garcia <betsyg@selfhelpenterprises.org>; office@mintierharnish.com; Chelsey Norton Payne <chelsey@mintierharnish.com>
Cc: Filomena Arredondo <filo@livingstoncity.com>
Subject: RE: City of Livingston Housing Element

DEPARTMENT OF TRANSPORTATION
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May 11, 2016

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STATE CLEARINGHOUSE

10-MER-99 Various Locations
 State Clearinghouse # 2016041090
 2016-2024 Housing Element Update
 Initial Study

Mr. Randy Hatch
 Planning Director
 City of Livingston - Community Development Department
 1416 C. Street
 Livingston, CA 95334

Dear Mr. Hatch:

Thank you for the opportunity to review the above-referenced document, the Initial Study for the Livingston 2016-2024 Housing Element Update (SCH# 2016041090). The Department has the following comments:

The Department recognizes that there is a strong link between transportation and land use. Growth and development can have a significant impact on traffic and congestion on State transportation facilities. In particular, the pattern of land use can affect both total vehicle miles traveled and the number of trips per household. In order to create more efficient and livable communities, the Department encourages the applicant to work towards a safe, functional, interconnected, multi-modal system integrated with "smart growth" type land use planning. Also, a mixture of land uses creates opportunities to substitute walking for driving.

While recognizing that topographic and environmental constraints may preclude a strict interconnected grid street network, roads which are routed in parallel can provide an alternative to using the interregional roads or highway, thereby helping to alleviate congestion on State facilities. A street system with minimal interconnectedness -- where drivers are siphoned from local streets to major streets or highways -- concentrates traffic, leaving few choices to drivers. An interconnected grid street system offers the traveler multiple paths to reach any destination, thereby alleviating potential congestion by providing alternative routes. Paths, greenways, and other passive recreational uses such as linear parks can also increase mobility and are an appropriate fit along local rivers, creeks, and canals, provided they are constructed in an environmentally conscientious manner. Continuity and connectivity are important considerations that may necessitate coordination with adjoining jurisdictions.

Mr. Randy Hatch
May 11, 2016
Page 2

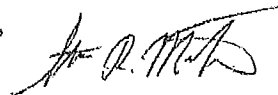
Given the importance of mobility options, the housing element update should provide an assessment of how various transportation options may be incorporated. Specifically, pedestrian and bicycle access to and throughout the residential boundaries should be provided. The Department encourages the applicant to incorporate design features and site proximities that encourage walking and bicycling, public transit options, accessibility for children, the elderly, persons with disabilities, and transit priority measures in order to enable alternative modes of transportation. Improved transit accommodation through the provision of park and ride facilities, signal prioritization, or other enhancements can also improve mobility. Balancing the demand for housing and employment at a community scale enables residents to live and work in the same area, potentially decreasing demand on inter-regional transportation facilities.

Projects that may potentially affect the environment must comply with a number of federal, state, and local environmental laws and regulations. The primary federal and State environmental mandates are the federal National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), respectively. Under NEPA and CEQA, a wide variety of potential impact areas are assessed related to the physical and natural environment, land use, cultural resources, socioeconomic effects, climate change, and cumulative effects.

We suggest that the City continue to coordinate and consult with the Department to identify and address potential cumulative transportation impacts that may occur from this housing element update and other developments near this geographical location. This will assist us in ensuring that traffic safety and quality standards are maintained for the traveling public on existing and future state transportation facilities.

If you have any questions, please contact Steven Martinez at (209) 948-7936 (email: steven.r.martinez@dot.ca.gov) or me at (209) 941-1921. We look forward to continuing to work with you in a cooperative manner.

Sincerely,



FOR

TOM DUMAS, Chief
Office of Metropolitan Planning

c: State Clearinghouse

Tuesday, May 24, 2016

Dear City of Livingston Planning Commission,

Thank you for the opportunity to comment on the 2016-2024 Housing Element Update & Its initial Study & Negative Declaration.

Have you read the housing plan and its Negative Declaration EIR? The current Housing Element Update was not available when I went to city hall on May 13, 2016. It was not available to me until Wednesday, May 18, 2016. Tonight is Tuesday, May 24, 2016, that is less than one week to look at and read through this master plan. It is not enough time to do a comprehensive review. Have you read and studied the document.

I ask you hold off on voting on the Housing Element and Negative Declaration tonight. Six days to review the Housing Element is not enough time to go through and make comments. Also there are problems with the Negative Declaration that need to be fixed. I request the City take more time with these documents.

Master Plans are important to our quality of life and our safety. I request you table the vote and have more discussion on the issue.

The draft Housing Element circulated for comments in February 2016 referenced master plans. It was unclear what master plans were being used. When I asked at the Livingston City Council about the master plans cited in the document, "Were the master plans the ones with the Court-Set-Aside General Plan and EIR or were the master plans the ones with the current 1999 General Plan?" I was told that there were "Modifications of the Master Plans" that were used. I requested a copy to see the modified master plans. I was assured that a copy of these Modified Master Plans would be made available to me.

After the release of the Housing Element of the Negative Declaration, I still had not received information about the "Modified Master Plans". I went to city hall to view a copy of the plans. The "Modified Master Plans" were not available. I placed a public document request. It was May and I requested and told the "Modified Master Plans" would be available to me in February.

On Monday, May 23, 2016, I receive an email from the City of Livingston stating, "...there has been no modifications to the City's master plans." And "...it was just a statement and not a reference to any document contents. However, if any modifications were erroneously cited in the Housing Element ... it will be corrected."

If the master plans, "was just a statement and not a reference to any document content..." what supporting documents are being used for the Housing Element?

Since the Negative Declaration uses the 1999 General Plan and its EIR, when I was at city hall in May, I requested the Master Plans that go with the 1999 General Plan and EIR. The Master Plans were not available at city hall and it was unclear where these documents were are if they were even able to locate them. I placed a written public document request for them.

On May 23, 2016, I received an email from the City that a copy of the 1992 Water, Sewer, Storm Drain, and 1994-2003 Parks and Recreation Master Plan were located and more time was needed to make copies of these documents available to me. Shouldn't these master plans be readily available for the 1999 General Plan and its EIR?

The City "was unable to locate a copy of the traffic/circulation master plan dated prior to 2007" (that was the one that went with the Court-Set-Aside General Plan) "...It could be that there was not a separate study prepared for the 1999 General Plan Update. Whatever traffic analysis was done is included in the circulation element of the 1999 General Plan."

Upon reading the 1999 general Plan, it reads that the 1992 Sewer, Water, and Storm Drain Master Plans, the 1993 Parks and Recreation Master Plan 1994-2003 are in addition to the 1988 General Plan. (1999 General Plan Pg. 2-1). It looks like these are not the Master Plans for the 1999 General Plan but the 1988 General Plan. Are there master plans for the 1999 General Plan?

The 1999 General Plan and its EIR are cited multiple times in the Housing Element Initial Study and Negative Declaration to conclude "Less-Than-Significant Impact" or "No Impact".

One issue is the Negative Declaration does not cite where in the 1999 General Plan and its EIR where the items was mentioned, discussed, analyzed, policies and impacts were covered and addressed. That leaves it up to the reader to wade through 440 pages and try to "guess" at the issue. The vague statement that is "cookie cutter" stated throughout the Negative Declaration is inadequate. Where is it found?

Under I. Aesthetics, The impact would be more than "Less-Than-Significant Impact" as agriculture land and open spaces are filled in with houses. Agriculture land is scenic and visually appealing. There is a reason many people enjoy a ride in the country.

Under II. Agriculture Resources, The Negative Declaration states, "...The City of Livingston does not have any land zoned for agriculture within the city limits." This is true the City of Livingston has refused to zone agriculture land. This is one reason the Court Set Aside the city's general plan. The court found against the city. The City was instructed it needed to have an agriculture zoning designation. The City of Livingston has yet to comply with the court and is using not having an agriculture zoning to justify stating it would have "Less-Than-Significant Impact."

The Houses would "Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland)...to non-agriculture use. The cumulative impact is potentially significant.

I am concerned as more houses go in, the needs of the city increase, i.e. streets need to be widened, etc. This will conflict with existing zoning for agriculture use, or a Williamson Act Contract and Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agriculture use, for example outside the city is a large piece of farmland that is owned by the local school district for a future school when the city grows bigger. This beautiful piece of agriculture land has historically had peaches and sweet potatoes grown on

it. The loss of agriculture land incrementally has a cumulative significant impact. Also this will push growth closer to our farm that is under the Williamson Act and a permanent conservation easement through Central Valley Farmland Trust.

We have had a significant water shortfall. The last four years of drought has impacted us all. Adding more houses to our already over tapped water resources is having a huge impact on agriculture and our ability to farm the land. This is a Significant Impact to agriculture.

Also the City of Livingston is violating its own mitigated agriculture measure at its Domestic Wastewater Treatment Facility. This is Potentially Significant Impact.

Under III. Air Quality, We are not meeting the current state mandatory standards as it is in Merced County. (talk to Jean Okuye about this issue). Stating under Air Quality the impact will be "Less-Than-Significant Impact" or "No Impact" because it is covered in the 1999 General Plan and its EIR and because the city "encourages energy-efficiency" is inadequate. The rules and mandates for air quality has changed since 1999. How can the 1999 General Plan and EIR adequately cover requirements that did not exist at that time? As more houses are added traffic increases. Increased transportation impacts air quality. The 1999 General Plan and EIR are outdated and antiquated. Given the fact the City has not adequately/fully addressed the air quality issue in its Negative Declaration, the Air Quality is Potentially Significant Impact. Given the fact, Merced County has not meet its air quality standards, This is Potentially Significant Impact.

Under IV. Biological Resources, The City of Livingston has had a history of accidental releases of its wastewater at the its Domestic Wastewater Treatment Plant into the Merced River. This is Potentially Significant.

Under VI. Geology and Soils, As the City of Livingston grows it stated it will expand the Domestic Wastewater Treatment Plant. The City of Livingston disregarded its own Mitigated agriculture measure and CEQA law and has started excavating the soil at its Domestic Wastewater Treatment Plant, prematurely expanding the facility. The City has done this at least three different times, receiving hundreds of thousands of dollars for the soil. This land was set aside for agriculture to mitigate the loss of agriculture land for the current expansion of the city's wastewater treatment plant. Not only has the city disregarded its own mitigated measure it claimed it was CEQA exempt in expanding the facility. When that did not work, the city waited a few years and then justified digging a cavernous hole next to the river by stating, "The City wasn't expanding a facility because it did not have a plan. The City was just digging a big hole next to the Merced River with no Plan." This is a loss of top soil. And since there was "no plan" may result in potential landslide, lateral spreading...collapse." This is potentially significant.

VIII. Greenhouse Gas Emission, The 1999 General Plan and its EIR does not address Greenhouse Gas Emissions under Discussions of Impacts. Remember how I stated earlier the City of Livingston did a "cookie cutter" approach to its Negative Declaration? When the City "cut and pasted" the same paragraph over and over under "Discussion of Impacts," the city forgot to change the words to Greenhouse Gas Emissions and left the wording from the previous page. See Page 24-26, under Discussion of Impacts. The City states "No Impact" for Greenhouse Gas Emissions. The City does not

even discuss Greenhouse Gas Emissions. How can it state, "No Impact"? There is Potential Significant Impact as more housing and increase traffic occurs.

The Negative Declarations states Legislature AB32 that was passed in 2006 than it states it is covered and analyzed under its 1999 General Plan and EIR. How can 2006 legislation be covered under in a 1999 document.

Under IX. Hazards and Hazardous Materials Under g. Would it interfere with emergency response plan or emergency evacuation plan? This is potentially significant. The emergency route is heavily impacted with traffic at certain times of day. The housing element has future homes planned in the already traffic impacted area. I am concerned as more homes are built the traffic congestion will increase and have significant impact on the emergency/evacuation route.

X. Hydrology and Water Quality, The city has "no impact" on the water issues listed. Adding more homes to our already depleting water basin has a Significant Impact. The City is citing its 1999 General Plan and EIR. There has been significant changes in our water quality and quantity since 1999. However, we must keep in mind that when I requested the master plans that go with the 1999 General Plan the City is working on making available its 1992 Water Master Plan. Water conditions have changed dramatically since the 1992 Water Master Plan. The Draft Housing Element February 2016 cited a "water study." At the city council meeting in February requested a copy and told a copy would be made available to us. Yesterday, May 23, 2016 I was emailed that the "information was obtained by the city engineer... and was not obtained from any water study...and in the new draft Housing Element Update references to a Water Study will be substituted with, 'According to the City Engineer.'" Where is the city engineer getting the information to base the information he is providing for the Housing Element? If there is no "water study" how can the city state "No Impacts" in all the categories under Hydrology and Water Quality? We verbally and in writing listed just some of the reasons the information on water is erroneous. Adding more houses will have a Potentially Significant Impact to our already existing water issues. Stating that the water issues were covered under the 1999 General Plan and EIR so there is no impact inadequately addresses the impact.

By the way, the 1999 General Plan states, High nitrates have not persisted in the vicinity of operating water wells." (under 2.5.1 pg. 2-41 1999 General Plan) This is outdated.

XI. Land Use Planning As stated earlier the City of Livingston is violating its mitigated agriculture zoning at the Domestic Wastewater Treatment Plant. Also the 1999 General Plan and EIR states that the city needs to do Master Plans. The City has failed to comply with its own plans. This is Potentially Significant Impact.

XII Mineral Resources, The City has mined hundreds of thousands of dollars worth of soil out of its Domestic Wastewater Treatment Plant. Unfortunately, the City of Livingston circumvented the CEQA process. Originally it erroneously claimed it was exempt from CEQA. Then after the city was called on it, the City resumed mining the soil by claiming, "It was not developing/expanding its Domestic Waste Water Treatment Plant, it's just digging out and selling the soil near the Merced River without any plan. Because if there was a plan than the city would be expanding the facility, but since there was "no

plan/no engineering” the city was not expanding the facility without doing the proper CEQA process. “ This is where Caltrans acquired the soil for the Sultana overpass.

Mining hundreds of thousands worth of soil is a mineral resource. The City has stated in previous numerous documents that the Domestic Wastewater Treatment Plant need to expand. The public disagreed with the City of Livingston numerous times. This has been a serious point of contention in the past and has Potentially Significant Impacts.

XIV Population and Housing, Unfortunately a significant amount of growth has occurred on the west and south west and south part of Livingston since the 1999 General Plan and its EIR. This has impacted the congestion in the area. Adding more houses to the west and southwest and south of Livingston has a Potential Significant Impact. This is evident at certain times of day when the Winton Parkway Expressway and feeder roads are heavily impacted. This is dangerous around the Livingston Middle School and Selma Herndon School. This is Potentially Significant Impact.

XV Public Services. Where is the second fire station being planned and developed? According to the 1999 General Plan and EIR there will be one fire station per 10,000 residents. This negative Declaration has the population at 13,700 as of 2015. (pg. 36) Adding more houses is designed to increase the population of the city. The City is already 137% over capacity for its fire station. Adding more homes will have a Potentially Significant Impact on the already over taxed fire department. *Tone out is 6 min, Is it being meet? What is the actual tone out time?*

XVIII Transportation and Circulation, The City of Livingston could not provide me with a Transportation/Circulation Master Plan to go with its 1999 General Plan and EIR. The city states a traffic/circulation element is in its 1999 General Plan and EIR. In the 1999 General Plan and EIR the City speaks of proposed highway commercial. It is now 2016 and some of the highway commercial has been built out and Winton Parkway is a disaster at certain times of the day. It is so heavily impacted during certain hours it is not safe. Drivers are taking chances; Semi-trucks running red lights. Cars are backed up around the block going toward the school. It is awful. The City has built out this side of town significantly. The Housing Element has more proposed houses on this side of town. It is a disaster. Traffic accidents have increased since 1999 in this area. I’m afraid there could be a loss of life. This is potentially significant.

The 1999 General Plan and EIR states the roads will operate at LOS C. What is the current operation of the roads in the City of Livingston? What is the operation of the roads at peak times and during harvest, especially when E&J Gallo are in their crush season? This Negative Declaration fails to address these issues. The impact is significant.

What about emergency services? We have needed an ambulance and the route is through this heavily impacted area. This is VERY, VERY, SIGNIFICANT to me. And it should be to you when it is you needing the ambulance. Don’t tell me this has “no impact”. I have lived it.

XVIII Utilities and Service Systems, The Housing Element has new housing on the peripheral of the city. The oldest homes, with the oldest infrastructure (smaller and older and gunkier pipes), in the center of the city. The city’s Domestic Wastewater Treatment Plant is on the outside of the city adjacent to the

Merced River. Sewage flows from the homes to the treatment plant. As the sewage flows, the sewage from the newer homes with the newer and larger pipes flows first since it is closer to the treatment plant. This has caused sewage to back up in the older infrastructure homes. Adding more houses will have a potentially Significant Impact. It is also a health hazard.


On the top of page 43 of the Negative Impact Report is a statement about ground water recharge. It is almost word for word. What is missing is the following statement, "Reports completed for the 1988 General Plan Environmental Impact Report...and the 1992 Water Distribution System Study and Master Plan have found that adequate long term groundwater exists for buildout of the City of Livingston's Sphere of Influence.(pg. 2-41, December 1999 City of Livingston General Plan). This is very old. There is Potentially Significant Impact to our Water.

The Domestic Wastewater Treatment Plant is not recharging our water basin. The Treatment Plant is next to the Merced River and the majority is flowing into the Merced River. This is evident by the Oxygen levels of the river. The MID water allotment was nonexistent last year. There was no water in the canals. There was no surface irrigation water. We were in a four year drought there was not much in storm water detention basins. Adding more homes is Potentially Significant Impact. There have been wells in the Livingston area that were deeper than 80 to 90 feet that have gone dry last year. Many wells were drilled are lowered last year. Adding more Homes in Livingston will have a potentially significant impact on the surrounding areas.

XIX Mandatory Findings of Significance. There is Potentially Significant Impacts and Cumulatively Potentially Significant Impacts.

The 1999 General Plan and EIR is antiquated and not current to the conditions of 2016.

Thank you,

A handwritten signature in cursive script that reads "Colette Alvernaz". The signature is written in black ink and is positioned to the right of the typed name.

Colette Alvernaz,

Regarding: Extension of the 30-day public review period, May 2, 2016-June 1, 2016, for the Negative Declaration of the Livingston General Plan 2016-2024 Housing Element

Thursday, May 26, 2016

Dear City of Livingston,

I am writing to request an extension of the 30-day public review period, May 2, 2016-June 1, 2016, for the Negative Declaration of the Livingston General Plan 2016-2024 Housing Element.

As stated previously in writing and orally at the Livingston Planning Commission Meeting on May 24, 2016, the Housing Element was not made available to us until May 18, 2016. As of May 13, 2016 at city hall we were told the Housing Element was still being worked on by Chelsey, (Chelsey is the consultant), and the city did not yet have a copy. When I tried to access the Housing Element from the city's website, I received an error message.

There is also some confusion on what documents were used, (water study, master plans, modified master plans). We were told in February 2016 at the Livingston City Council meeting these foundational documents would be made available to us. Not hearing back from the City, I went to City Hall on May 13, 2016. The city did not have copies of the water study, Master Plans for its 1999 General Plan, or the Modified Master Plans. On Monday, May 23, 2016, I received an email from the city stating that some of the documents that are stated as being used are not being used. For example, the Water Study, Modified Master Plans. This is all very confusing and makes reviewing the document more difficult.

The City was able to give me a copy of the 1999 General Plan and EIR but not the amendments and annexations that have occurred over the last 25 years. The City did provide me with two current maps.

Also, as I stated in writing and orally, the City has not been able to make some of the foundational or supporting documents available to me. I am still waiting for the Master Plans mentioned in the 1999 General Plan and the amendments and annexations to the 1999 General Plan from its adoption to current (2016). The fact is the city has not been able to retrieve the information from its system. How can I respond as a member of the public to information not provided?

I am planning to review the material for my public comments to the Negative Declaration. For example the master plans.

Thank you for your consideration. Please notify me of your decision.

Thank you,

Colette Alvernaz, PO Box 255 Livingston, CA 95334

RECEIVED
MAY 27 2016
CITY OF LIVINGSTON

May 27, 2016
Livingston City Council
Livingston City Manager
Filomena Arredondo, Sr. Administrative Analyst
filo@livingstoncity.com
1416 C St., Livingston Ca, 95334

To Whom it May Concern,

I am representing the Valley Land Alliance non profit requesting an extension of time for commenting on the 2016-2024. Negative Declaration and Housing Element Update.

Since the Housing Element was not provided to the public at the beginning of the 30 day public review period, May 2, 2016 to June 1, 2016, we are requesting an extension of the public review period 30 days from the date this document was made available for the Negative Declaration of the Livingston General Plan 2016-2024 Housing Element. We understand it was made available May 18, 2016.

Please extend the public review period to June 17, 2016.

Sincerely,



Jean Okuye
Vice President Valley Land Alliance
PO Box 102, Cressey, Ca 95312

Merced County Farm Bureau

June 1, 2016

Planning Commission
City of Livingston
1416 C Street
Livingston, CA 95334

Dear Chairman Ranjeet Jhutti,

Merced County Farm Bureau (MCFB) would like to submit comments to the official record regarding the City of Livingston 2016 Housing Element Final Draft and Negative Declaration. MCFB is a non-profit organization that represents 1,200 farmers and ranchers on a variety of pertinent issues throughout the county.

MCFB as an organization understands the importance for the City of Livingston (“City”) to update the Housing Element pursuant to California mandates and for the inclusion of the Merced County Association of Government (MCAG) overarching housing plan. However, MCFB and community leaders have found numerous inaccuracies and misleading information in the present document that need to be rectified before the present document can be approved. If kept in present format the City is not only leaving itself open to liability, but jeopardizing revenue sharing negotiations.

We commend the City for acknowledging MCAG’s continued overestimation of population growth as numerous stakeholders have warned staff and officials of continued misinterpretation and we implore the City to focus on the Department of Finance’s (DOF) projections. Although MCAG’s numbers are a reduction from the astounding projections ruled unjustifiable by the District Courts, they continue to distort the broader picture to the general public and elected officials. We ask for staff to continue to be mindful of the DOF’s in comparison to those projected by MCAG.

With this information in mind, we were unsure of the reason for inclusion of the document in Appendix B published in 2007 “Exterior Housing Condition Survey”. This report recognizes a need for extended growth in the City’s jurisdiction; however this report was published prior to the housing bust. Further the emphasis on these numbers is curious as the egregious growth predictions for the City were rendered invalid by the Merced County Superior Courts in 2009. This reaffirms the inaccuracies of the growth projections and those even presented by MCAG in recent years. Again, we are unclear why this document is referenced in the 2015-2024 Housing Element document, when so much of the document has been declared futile?

Expanding on the realities faced by the City, since 2003 there has been a total of 602 lower-income units approved, but only 175 units of which have been constructed over a 13 year

period (Table 4-5). Meaning, there are 427 units pre-approved and pending. A total of zero lower-income units have been built since January 1, 2014 (and 10 above moderate/moderate). Yet, the Housing Element is requesting approval for another 21 lower income units and what looks to be another 380 above moderate/moderate approved. To the reader it is unclear how staff identified the need for 380 additional above moderate/moderate units based on Table 4-6. Further, Goal 1 (pg. 6-6) of the Negative Declaration identifies the need for the approval of “at least four developments,” but the document does not justify the goal. A systematic table should be included where simple math will show the approved, built, needed based on housing type with adequate documentation as backup.

On page 3-26 of the Housing Element, the City identifies the 1999 General Plan Update as providing “a detailed analysis of all [environmental constraints]...[n]o known environmental constraints have been identified for the City.” This is an alarming designation as it has been nearly 20 years since the City’s document was approved and clearly ignores the numerous state statutes that have been implemented in recent years and will be of detriment to any land use planning in the state. Specifically, the legislature and state agencies have approved several changes to the EIR process on air quality, land use, and water that must be addressed in this Housing Element prior to approval. Further the housing developments identified as approved over 13 years ago or longer are subject to a new environmental scrutiny. Not to mention the drought has taken a significant toll statewide, and where water allocations for a city entirely reliant on groundwater, must be reassessed before progressing towards a potential dire situation. By not acknowledging the expanding environmental review process on outdated projects will only draw negative attention from other state and federal agencies. We implore the Planning Commission and staff to do its due diligence to adhere to the standards mandated by state.

The State of California passed the Sustainable Groundwater Management Act (SGMA) of 2014, legislation that requires groundwater basins to be in sustainability by 2040 or 2042 depending on classification of basin. Livingston sits above the Merced Sub-Basin, a basin that has been placed on the list of twenty-one critically overdrafted basins. Groundwater Sustainability Agencies (GSAs), local agencies that will place the plan together, and the Groundwater Sustainability Plan (GSP), the framework for the legislation, will be in place by the completion of this element. We understand that sustainability will not be achieved before the closing of this current document; however as the most unprecedented California water legislation to date, we have to ask why a historical proceeding such as this is not mentioned?

On 4-13 of the Housing Element it is stated that well #17 will be online by Fall 2016. It is well known that the city continues to have multiple issues with water quality on a variety of wells. “According to the City Engineer...this new well will further increase the available capacity by an estimated 600 to 800 housing units...” As a number of families will then be reliant on the new well, we are curious to know the current water quality of well #17.


A discrepancy that continues to arise revolves around the City’s sewer system capacity. The Housing Element **must** comprehensively fulfill the 1999 General Plan and coordinated with the Domestic Wastewater Master Plan. However in this document is unclear as to what that sewer capacity is for the City and it is imperative the current information on capacity be released so it can be reviewed by the public and stakeholders. This means general reader is able to understand what “available capacity” is with supporting data to ensure this is an accuracy of this claim.

Goal II.5 is eliminated which is an essential for guidance to the council and staff for annexation. There is no explanation for the deletion of this priority and we ask for clarity on this change and why it was not implemented during the current Housing Element.

Goal IV.17 in order for the City to acquire funding for infrastructure projects, the baseline of projects must have adequate documentation to support the decision of the council. There must be inclusion in the document to seek funding in order to complete or update mandated documents in order for compliance with the California statutes.

Due to the continued questions and concerns raised above, we have to ask for this to be looked at a greater depth. Indicating a less than significant impact for further growth in a Negative Declaration is astonishing and outrageous as these are tremendous impacts, increasingly so as the 1999 General Plan and associated documents are outdated. Please take our comments into consideration as the planning commission and council contemplates moving forward. We appreciate the opportunity to comment and look forward to the outcome of these documents.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Breanne Ramos', written in black ink.

Breanne Ramos
Executive Director

From: Jean Okuye [mailto:jeanokuye@gmail.com]
Sent: Wednesday, June 01, 2016 4:57 PM
To: Filomena Arredondo
Subject: Re: Housing Element Comment Letter

This is a comment letter for the Housing Element and Notice of Preparation for Environmental Review for the Housing Element for Livingston City.

To be considered must be the significant impacts on the air quality. Merced County was one of two counties in California which did not meet the GHG requirements.
Any increase in vehicle traveled miles will increase the GHG

Also where is the water? We have poor quality water and continue to deplete our groundwater.
Surface water is more and more unreliable.
There needs to be a study done on quantity and quality of water.
Transportation is another issue which needs a study.
With many vehicles using the two
Interchanges safety may be an issue.
A study needs to be done.

I am on the Valley Land Alliance which requested more time to comments.

Sincerely,
Jean Okuye
Valley Land Alliance

Sent from my iPhone

From: Jean Okuye [mailto:jeanokuye@gmail.com]
Sent: Wednesday, June 01, 2016 4:59 PM
To: Filomena Arredondo
Subject: Re: Housing Element Comment Letter

I just sent an email of comments on Housing Element but did not give my address. Please attach this email with address. Thank you.

Jean Okuye
10181 Olive Ave
Livingston 95334
2097562421

Sent from my iPhone

2016-2024 Housing Element Update Initial Study & Negative Declaration

Public Comment Packet Received from Colette Alvernaz 6/1/2016

Available for review on the following link:

<ftp://public:col@exchange.livingstoncity.com/Planning/LivHE-NegDecComments/ColetteAlvernaz060116.pdf>

MARSHA A. BURCH
ATTORNEY AT LAW

131 South Auburn Street
GRASS VALLEY, CA 95945

Telephone:
(530) 272-8411

mburchlaw@gmail.com

June 7, 2016

Via electronic mail

Randy Hatch, Planning Director
City of Livingston
1416 C Street
Livingston, CA 95334
rhatch@livingstoncity.com

Re: Negative Declaration for the City of Livingston Housing Element Update
SCH# 2016041090

Dear Mr. Hatch:

We appreciate the opportunity to provide the following comments on behalf of the Merced County Farm Bureau ("MCFB") and Valley Land Alliance ("VLA") regarding the above-referenced Housing Element Update ("HEU") and negative declaration. The MCFB and VLA have submitted comments and raised concerns regarding the proposed HEU, including concerns regarding the underlying assumptions, missing documents and the cursory level of environmental review. These comments are intended to supplement comments submitted previously by MCFB, VLA and others during the review process.

As explained below, the Initial Study and Negative Declaration (referred to together herein as "ND") for the Project does not comply with the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 *et seq.*) in certain essential respects. It is our view that an Environmental Impact Report ("EIR") is required for the Project.

An initial concern is that the City continues to rely upon overstated population growth numbers in its planning efforts. This error played a major role in the judicial remand of the General Plan Update to the City. While HEU notes that the MCAG numbers overestimate growth, it goes right on and uses those numbers in making provisions for population growth in the City. Using admittedly overinflated numbers undermines the factual basis for the entire HEU.

Another overarching concern in this case is the fact that the ND ignores significant environmental changes since the EIR was prepared for the 1999 General Plan

("GP"). The ND repeats essentially the same statement for each area of impact, asserting that the HEU will not authorize specific development and that the potential impacts were evaluated in the GP EIR. Unfortunately, the baseline conditions for air quality, water quality, water supply, utilities and other resources has changed over the past 17 years. There is no analysis whatsoever of the baseline conditions, not even for the purpose of simply determining whether or not there has been a change in the nearly two decades since the GP was adopted.

Also since 1999, the CEQA Guidelines regarding analysis of Greenhouse Gas Emissions has been amended. The required analysis was not done in 1999, and so must be done here. The quantitative analysis required by the CEQA Guidelines is not optional, and yet, the ND contains no quantitative analysis, and in the section on Greenhouse Gas Emissions contains only a paragraph cut and pasted from the soils section of the ND. Analysis was not even attempted.

I. The ND is improperly "tiered" from the 1999 GP EIR

The City does not comply with the requirements of CEQA in its effort to tier from the GP EIR. One of the requirements of tiering is to inform the public that the agency is using tiering. (Public Resources Code § 21094(e); Guidelines § 15152(g); and *Friends of the Santa Clarita River v. Castaic Lake Water Agency* (2002) 95 Cal.App.4th 1373, 1383-1384.) There are numerous statements in the ND indicating that the impacts of housing development in the City were analyzed in the GP EIR, but the concept of tiering is not even mentioned. The City failed to adequately disclosed its intentions to the public.

Where a lead agency intends to rely on an earlier environmental document for its analysis of a project's impact, the initial study, at the very least, should summarize, with supporting citations, the specific relevant conclusions of the existing documents. Only then can the public determine whether the agency's reliance on extant data is in fact proper. (See *Emmington v. Solano County Redevelopment Agency* (1987) 195 Cal.App.3d 491, 501-503.) The ND cites only generally to the GP EIR and does not cite to chapters, pages or analyses.

Public Resources Code section 21094 sets forth the procedure to be followed for tiered EIR's. Subdivision (a) provides in pertinent part: "Where a prior [EIR] has been prepared and certified for a program [or] plan, ... the lead agency for a later project that meets the requirements of this section shall examine significant effects of the later project upon the environment by using a tiered [EIR], except that the report on the later project need not examine those effects which the lead agency determines were ... examined at a sufficient level of detail in the prior [EIR]" Of particular significance to the present Project, subdivision (c) provides: "For purposes of compliance with this section, an initial study shall be prepared to assist the lead agency in making the determinations required by this section. The initial study shall analyze whether the later project may cause significant effects on the environment that were not examined in the prior [EIR]."

The record does not support a finding that the previous EIR fully analyzed the impacts associated with the proposed HEU. There is no discussion in the ND of the

environmental or regulatory changes that have occurred since 1999. Most alarming, the ND glosses over the extraordinary and potentially devastating overdraft of the groundwater supply for the City, providing no discussion at all of this situation.

II. The ND improperly defers needed environmental review

CEQA requires consideration of the indirect and secondary impacts of an amendment to a general plan or zoning ordinance where such impacts are reasonably foreseeable. (Guidelines § 15358(a)(2).) While CEQA does not require speculation, it requires the agency to forecast project impacts and use “its best efforts to find out and disclose all that it reasonably can.” (Guidelines § 15144.) CEQA recognizes the degree of specificity will be less in evaluating amendments to a zoning ordinance or general plan but nevertheless requires agencies consider the ultimate consequences of such changes to the physical environment. (Guidelines §§ 15146, 15378; and *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398.)

CEQA places the burden of environmental investigation on the agency. An “agency should not be allowed to hide behind its own failure to gather relevant data.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.)

The ND here fails to evaluate the reasonably foreseeable ultimate consequences of this Project, violating CEQA’s overarching informational purposes. The ND states as follows:

The Housing Element will not, in and of itself, result in environmental impacts. All future development will require project-specific environmental evaluation in order to determine that any potential impacts are less than significant. Potential impacts are location-specific and cannot be assessed in a meaningful way until the location of a project site is known. At such time that a development proposal is considered, that project will be subject to adopted development guidelines/standards, and any impacts identified with the development project will be addressed through mitigation measures specific to the impact.

This statement is not entirely true and deferral of *all* analysis and mitigation is improper. The impacts associated with adopting an amendment to a general plan in the form of a housing element must be evaluated if they are reasonably foreseeable. In this case, the HEU provides for the development of a specified number of housing units over the planning period, and impacts to air quality, water supply, utilities, traffic and various other resources are required to be evaluated at this stage. It is a relatively simple process to consider the amount and type of development allowed by the HEU and calculate emissions, traffic, water consumption and other impacts to the environment. The vast majority of the conclusions in the ND are not based on substantial evidence or *any* evaluation.

While development-level analysis may presently be impossible, the City can reasonably forecast the impacts of the HEU and has failed to do so.

III. The ND is inadequate and an EIR must be prepared to evaluate the potentially significant effects of the Project

The adoption of a negative declaration is improper where there is evidence that the Project may result in significant environmental impacts. There are several areas of impact where a fair argument exists that the Project may have a significant effect on the environment.

The ND must cite to documentation and the factual basis to support findings that the project will not have a significant effect on the environment. (*City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 406.) The ND in this case relies almost entirely on the 17-year old GP EIR.

For example, the Utilities and Service Systems section of the ND refers to the GP EIR and simply concludes that there will be no significant impacts. (ND, p. 43.) The City provides a bit of background in this section, discussing the existing water supply wells and the wastewater treatment plant. (ND, p. 42.) The significant uncertainties regarding the groundwater quantity and quality are noted in the HEU (HEU, p. 4-12), but are not disclosed at all in the ND, and there is no factual basis provided to support the conclusion that the new well being constructed by the City will have a particular production level that may be relied upon. Given the ongoing drought conditions, the acknowledged overdraft of the basin (also documented by State water authorities), and the fact that the existing system is not sufficient to support the level of growth allowed by the HEU, the analysis of groundwater should be much more robust than it is currently. There is no substantial evidence to support the conclusion that there will not be significant impacts as a result of the forecasted increase in population.

The Sustainable Groundwater Management Act passed just two years ago, and is a significant regulatory change since the 1999 GP EIR, and there is no mention of this Act in the ND. The Merced sub-basin has been identified as one of twenty-one critically overdrafted basins. This is substantial evidence that easily supports a fair argument that any plans for housing development that would rely upon this groundwater supply may have a significant impact. Further, a critically overdrafted basin will result in subsidence; a topic not addressed at all in the ND.

The issues surrounding groundwater are many. The HEU notes that the City's groundwater is recharged from various sources, including the MID canals. (HEU, p. 4-12.) Members of the community have submitted comments explaining what we are certain the City is already aware of; in 2015 MID received 0% of its allocation of water, and many of the canals have been converted to pipelines. The Merced River flows are down, and so is recharge. At the very least, the City must disclose these uncertainties regarding water supply.

This section of the ND also makes note of water supply levels and wastewater treatment capacity, but fails to even mention what the demands will be at buildout of the HEU. There is not even one word about the current landfill capacity to serve the City or what the landfill needs would be under the HEU.

Randy Hatch, Planning Director
June 7, 2016
Page 5 of 5

IV. Conclusion

There have been significant environmental and regulatory changes since the 1999 GP EIR, and the City is required to include in the ND information regarding changes to air quality, water supply, utilities and traffic, among other things. The ND is as close to a "naked checklist" as an agency can get while still placing some verbiage in each section. Most of the sections are simply copied and pasted with a few words modified, and the Greenhouse Gas Emissions section actually includes the discussion regarding soils with no revision at all. That is a clerical error, of course, but it points out the fundamental flaw in the ND: the City simply went through the CEQA motions. That does not rise to the level of documentation required for the adoption of a general plan element.

The 1999 GP EIR is simply too outdated to meet CEQA's current requirements, and the City must make an actual effort to determine what areas of impact were sufficiently evaluated, what changes have occurred since 1999, and whether additional evaluation *and* mitigation should be included in the ND in 2016. Vague reference to a 17-year old document falls short of CEQA's requirements.

Because of the issues raised above, we believe that the ND fails to meet the requirements of the California Environmental Quality Act. For these reasons, we believe the document should be withdrawn and a revised environmental document, a full EIR, should be prepared.

Very truly yours,

// Marsha A. Burch //

Marsha A. Burch
Attorney

cc: Merced County Farm Bureau
Valley Land Alliance

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APPENDIX B: HOUSING CONDITIONS SURVEY

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CITY OF LIVINGSTON

DECEMBER 2007

EXTERIOR HOUSING CONDITION SURVEY

Study Funded By

COMMUNITY DEVELOPMENT BLOCK GRANT
05-PTAA-1453

Study Prepared By

RM ASSOCIATES

Civil/Environmental Engineers•Economic Development Specialists•Construction Management
1505 N.Wishon,•Fresno, CA 93728•559-449-0400 FAX 559-237-4618

INTRODUCTION

With an estimated population of 12,906 in 2006, an increase of 23.2% since the 2000 U.S. Census, the City of Livingston is clearly experiencing substantial population growth. Given such expansion, the City's Single-Family housing has likewise increased over the last decade and continues to attract the interest of developers. Currently 9 subdivisions of 1003 lots are undergoing construction. Furthermore, the development of the Gallo and Ranchwood areas will eventually result in an additional 780 acres of housing; however, despite gains in new housing availability, the following Exterior Housing Condition Survey shows a need for the maintenance of existing housing units, especially units classified as Multi-Family structures, units often inhabited by Target Income Group persons due to their affordability, and Single-family units in the southeast area of the City.

The purpose of this report is to present the findings of the Exterior Housing Condition Survey completed by personnel of RM Associates. The Exterior Housing Condition Survey and this report is the culmination of a Planning and Technical Assistance Grant awarded to the City of Livingston by the Community Development Block Program in 2006. Given the results, it is expected that the findings obtained through this survey and reported herein will lead to future funding applications for housing rehabilitation programs throughout the City. Such programs would help curb already existing or developing slums and blight.

SURVEY METHODOLOGY

According to the 2000 U.S. Census, there are 2,449 housing units in the City of Livingston. For the Exterior Housing Condition Survey, a total of 2,284 housing units were surveyed. The discrepancy in number of households is a testament to the growth experienced by the City since the latest census.

The Exterior Housing Condition Survey was conducted strictly through systemic, visual observations. Survey personnel did not contact homeowners or enter any property or premise. For this reason, this report should not be construed as being a "home inspection" report. Home inspections are intended to provide a homeowner with detailed information regarding the conditions of the systems and components of a home. On the other hand, this report is only intended to serve as a city-wide overview of the general exterior condition of residential housing. Moreover, this report did not attempt to evaluate the existence (or non-existence) of lead-based paint and asbestos in housing structures within the city limits, although these are two common hazardous substances found in homes. Nonetheless, Appendix C of this report provides a comprehensive literature review of the hazards of lead-based paint and asbestos and appropriate handling methods of these hazards.

In regards to the survey methodology, each residential unit was scored according to structural criteria established by the State Department of Housing and Community Development (HCD) and implemented by surveying personnel through the use of an Inventory Form for each housing structure studied (See Appendix A: Inventory Form). In accordance with HCD criteria, there are five structural categories surveyors were specifically studying: foundation, roofing, siding, windows, and electrical; and two supplemental categories: frontage improvements and additional factors. Within each structural category, the housing unit was rated from "no repairs needed" to "replacement needed." Points were aggregated for each unit as observed and a designation was made as follows (See Table 1: Quantitative Analysis Criterion).

Table 1
Quantitative Analysis Criterion

SOUND	9 or less points: no repairs needed, or only one minor repair needed such as exterior painting or window repair.
MINOR	10 to 15 points: one or two minor repairs needed, or only one minor repair needed such as patching and painting of siding or re-roofing or window replacement.
MODERATE	16 to 39 points: two or three minor repairs needed, such as those listed above.
SUBSTANTIAL	40 to 55 points: repairs needed to all surveyed items: foundation, roof, siding, window, and doors.
DILAPIDATED	56 or more points: the costs of repair would exceed the cost to replace the residential structure.

It should be noted that only identifiable residential properties were surveyed. It is possible that some recreational vehicles (RVs) which are inhabited were overlooked. It is also possible that there were living units within commercial or industrial buildings, which, due to inaccessibility, were not part of this survey.

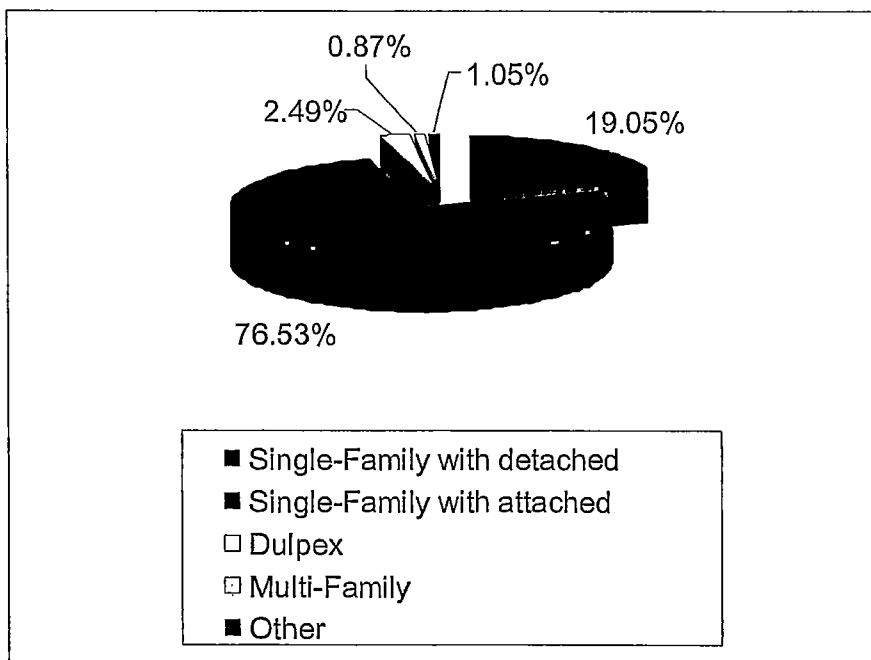
Besides the systemic survey of housing exteriors which produced quantifiable data, this report includes a narrative of the exterior housing condition of the Mastana Apartments, a Multi-family structure deemed by the surveyors of particular concern. This report also includes discussion on the section of the City with the highest concentration of exterior housing dilapidation, the southeast area of the City, east of Highway 99. Furthermore, photographs of specific housing units are presented in Appendix B of this report to better illustrate the exterior housing conditions in the City of Livingston. The photographs are accompanied by brief narratives to complement the visual and elaborate on the exterior housing condition of the depicted unit.

FINDINGS

The analysis of the Exterior Housing Condition Survey data includes general observations of both adequate housing units and those in need of repair. Graphs and tables are used to present the quantified data to the reader introduced with a narrative to further explain data or highlight areas of specific concern.

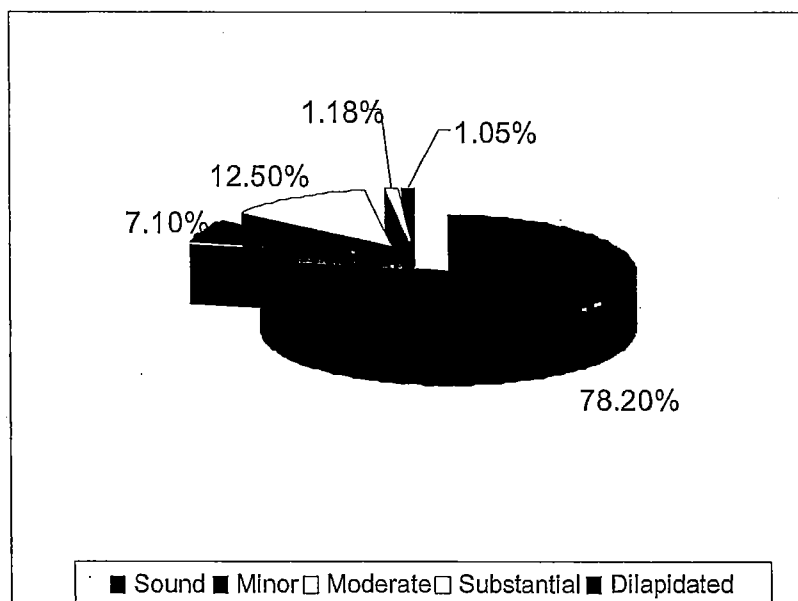
Of the 2,284 surveyed units, a total of 95.58% are Single-Family units, while only 2.49% are classified as Duplexes, 0.87% as Multi-Family units and 1.05 % as other (See Figure 1: Housing Units by Type). Noticeably, the housing market in the City of Livingston is dominated by Single-Family housing units, while Duplexes and Multi-Family housing units, often sought by Target Income Group persons because of their relative affordability are comparatively low in numbers.

Figure 1
Housing Units by Type



As diagrammed earlier in Table 1: Quantitative Analysis, a housing unit is deemed in need of rehabilitation if it is classified as Minor, Moderate, Substantial, or Dilapidated. In the City of Livingston, a total of 21.8% (449 of the 2,284 housing units surveyed) are in need of some form of rehabilitation (See Figure 2: Housing Units by Condition & Table 2: Housing Condition Summary).

**Figure 2
Housing Units by Condition**



**Table 2
Housing Condition Summary**

Condition	Single-Family with detached garage	Single-Family with attached garage	Duplex	Multi-Family	Other	Total	Percent
Sound	232	1487	44	5	17	1785	78.20%
Minor	51	101	6	3	2	163	7.10%
Moderate	132	138	5	7	3	285	12.50%
Substantial	12	9	1	4	1	27	1.15%
Dilapidated	8	13	1	1	1	24	1.18%
Total	435	1748	57	20	24	2284	100.3% ¹

Of the Single-Family housing units with a detached garage, 53.3% are in sound condition, and 46.58% are in need of some kind of minor to major repair work, with 1.83% being classified

¹ Total is above 100 percent due to rounding to the tenth power.

as dilapidated. Of the Single-Family units with an attached garage, 85% are in sound condition, and 14.91% are in need of some kind of minor to major repair work, with 0.74% being classified as dilapidated. Of the Duplexes, 77.2% are in sound condition, and 22.77% are in need of rehabilitation, with 1.75% being classified as dilapidated. Of the Multi-Family units, only 25% are sound, and 75% are in need of some kind of minor to major repair work, with 5% being classified as dilapidated.

Although only 20 Multi-Family units were part of the survey, percentage-wise, these types of housing units showed the most need of rehabilitation efforts (75%), with Single-Family housing units with a detached garage following behind with 46.58% in need of rehabilitation efforts (See Table 3).

Table 3
Housing Condition by Type

Condition	Single-Family with detached garage	Single-Family with attached garage	Duplex	Multi-Family	Other	Total
Sound	232	1487	44	5	17	1785
Percent	53.30%	85.00%	77.20%	25%	70.80%	78.20%
Minor	51	101	6	3	2	163
Percent	11.70%	5.77%	10.50%	15%	8.33%	7.10%
Moderate	132	138	5	7	3	285
Percent	30.30%	7.89%	8.77%	35%	12.50%	12.50%
Substantial	12	9	1	4	1	27
Percent	2.75%	0.51%	1.75%	20%	4.16%	1.18%
Dilapidated	8	13	1	1	1	24
Percent	1.83%	0.74%	1.75%	5%	4.16%	1.05%

The survey also found that a total of 306 housing units are in need of some form of repair, including re-siding, re-stuccoing, roof replacement, window replacement, and electrical replacement (See Table 4).

**Table 4
Needed Repairs - All Housing Units**

Needed Repair	Number	Needed Repair	Number
Foundation		Siding/stucco	
Good Foundation	1919	No repair needed	1243
Partial foundation	33	Needs patched or re-painted	133
Repairs needed	306	Needs re-painting	673
Needs complete foundation *	23	Needs replacement/ painting/ or lead based paint *	225
Roofing		Windows	
Repair not needed	1616	No repair needed	2155
Shingles missing	427	Broken Window	64
Needs re-roofing	202	Needs repair	26
Roof structure replacement	32	Needs replacement	36
Electrical			
No repair needed	2177		
Minor repair	84		
Replace main panel ¹	21		

* Preliminary subjective opinion only. No attempt made to do an exact engineering assessment.

SITE-SPECIFIC HOUSING NEEDS MASTANA APARTMENTS

As noted in the Findings section, the City of Livingston has few Multi-Family housing units as compared to Single-Family housing units. Of those Multi-Family housing units present, the survey found that 75% are in need, to various degrees, of maintenance, as is the case of the Mastana Apartment complex, which according to the survey methodology, ranked at a dilapidated status. The two-story building consisting of 14 units is located on 842 F Street. The overall condition of the buildings is relatively poor; all the structures need re-roofing, stucco patching, and repainting. While structurally sound, the cosmetic and functional aspects of the units would benefit from rehabilitation, improving both appearance and protection from the weather and elements (See Appendix B: Figure B-5). Although this survey focused on exterior conditions, it is common that structures suffering from such lack of exterior maintenance, such as these apartments, also have substantial interior defects. Improving interior deficiencies such as insulation, weather stripping, efficient heating and air conditioning, and window replacement, would benefit the tenants through energy conservation and reduced utility expenses.

SOUTHEAST AREA OF THE CITY: EAST OF HIGHWAY 99

The survey data shows that the largest concentration of dilapidated homes is in the southeast quadrant of town. There were a total of 13 homes surveyed in this area, but more may exist given that the total number of homes was not taken into account. Crowell and Olds Street appear to have more dilapidated homes than any other street in this area. Several of these homes have damage to their windows and have been left exposed to weather and vandalism, and consequently, more than likely, there is substantial interior damage. The remaining homes in this area suffer from a lack of maintenance and require either roofing, foundation, or siding repairs as well as frontage aesthetic improvements (See Appendix B, which shows 5 of the 13 homes which were classified as dilapidated in this area). Given these findings, the City of Livingston would benefit from concentrating housing rehabilitation programs in this area, and in doing so, taking proactive steps in reducing the conditions of slums and blight.

CONCLUSION

Having completed its assessment and analysis of the exterior housing conditions in the City of Livingston, RM Associates found that the majority of units (95.6%) are Single-Family dwellings while the rest of the units are Duplexes and Multi-Family Units. In total, 78% of the units surveyed were found to be in sound condition while 22% of the units were deemed in need of maintenance work, ranging from minor to major. A relatively small portion of the total units surveyed, 1.18 %, were found to be dilapidated, the most concerning of the classifications using the methodology set forth by HCD.

In addition, according to survey results, the need for housing rehabilitation efforts is most apparent in housing structures labeled as Single-Family units with a detached garage and Multi-Family units. Geographically, the need for housing rehabilitation efforts is most apparent in the southeast area of the City.

The results of this Exterior Housing Condition Survey, in conjunction with the results of the Income Survey funded by this same Planning and Technical Assistance Grant, points to a strong eligibility for future funding to benefit Target Income Group residents in the City of Livingston living in sub-par housing conditions. In regards to the latter, the Community Development Block Grant Program, through its General Allocations component, grants jurisdictions maximum yearly awards of \$500,000 which can be applied to housing rehabilitation efforts. Housing rehabilitation programs under these awards include but are not limited to the following activities: lead hazard reduction inspection and mitigation; correcting plumbing, electrical, structural, mechanical, and roof deficiencies; energy conservation by adding insulation, reducing air infiltration through window and door replacement, and weather stripping and caulking; extending the useful life of a unit by repairing siding and sheetrock, exterior and interior painting, replacing worn flooring, and foundation upgrades.

It is also important to note that these housing rehabilitation programs which commence with grant monies often take the form of low to no interest loans to property owners, and in this manner, the established housing rehabilitation program feeds into a revolving loan fund, one which accrues interest and continues to supply funds to future residents in need of housing rehabilitation.

Appendix A: Inventory Form

CDBG HOUSING CONDITION SURVEY

MAP# _____
 Vacant (---Yes/---No)
 For Sale (---Yes/---No)

ADDRESS _____
 CITY _____

CONSTRUCTION TYPE

Wood Frame _____
 Masonry _____
 Mobile _____
 Modular _____
 Other _____

STRUCTURE TYPE

Single Family with Detached Garage _____
 Single Family with Attached Garage _____
 Duplex _____
 Multi-Family _____ # of Units _____
 Other _____

FRONTAGE IMPROVEMENTS IF APPLICABLE:

_____ CURBS
 (---Yes/---No)

_____ PAVED STREET
 (---Yes/---No)

_____ GUTTERS
 (---Yes/---No)

_____ SIDEWALKS
 (---Yes/---No)

_____ ADEQUATE SITE DRAINAGE
 (---Yes/---No)

_____ Driveway
 (---Yes/---No)

#1 - FOUNDATION:

0 Existing foundation in good condition.
 10 Repairs needed
 15 Needs a partial foundation
 25 No foundation or needs a complete foundation.

#4 - WINDOWS:

0 No repair needed.
 1 Broken window panes
 5 In need of repair.
 10 In need of replacement.

#2 - ROOFING:

0 Does not need repair
 5 Shingles missing
 5 Chimney needs repair
 10 Needs re-roofing
 25 Roof structure needs replacement and re-roofing.

#5 - ELECTRICAL:

0 No repair needed.
 5 Minor repair.
 10 Replace main panel.

#3 - SIDING/STUCCO:

0 Does not need repair.
 1 Needs re-painting.
 5 Needs to be patched and re-painted.
 10 Needs replacement and painting.
 10 Asbestos/Lead-Based.

56 Dilapidated-a unit suffering from excessive neglect, where the building appears structurally unsound and maintenance is nonexistent, not fit for human habitation in its current condition, may be considered for demolition or at a minimum, major rehabilitation will be required.

Sound	9 or less
Minor	10 - 15
Moderate	16 - 39
Substantial	40 - 55
Dilapidated	56 and over

	#1 Foundation	#2 Roofing	#3 Siding/ Stucco	#4 Windows	#5 Electrical	TOTAL
Points						

Comments:

Surveyor _____

Date _____

Appendix B

Figure B-1
Location: 795 Olds Street



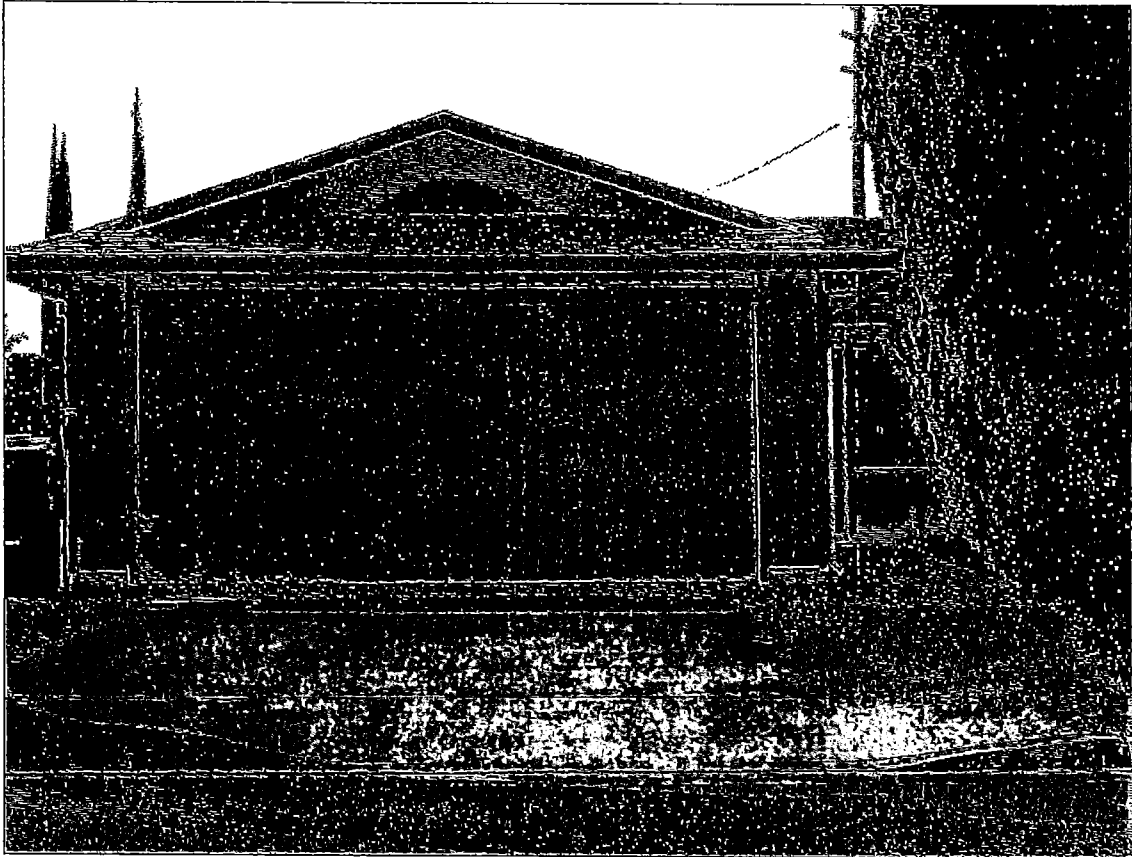
The house is located on 795 Olds Street. It is a Single-Family unit with three (3) bedrooms and two (2) baths, at approximately 1,121 sqft. The home was built in 1979 and sits on a lot size of approximately 7,980 sqft. The unit is currently not for sale and is located in the northwest part of town. The foundation is in good condition along with the windows and electrical. The unit has adequate site drainage, paved streets, sidewalks, gutters, and driveway. Roofing structure needs replacement and/or re-roofing.

Figure B-2
Location: 2137 F Street



The house is located on 2137 F Street in the southeast part of town. It is a Single-Family unit with a detached garage. The home is vacant and is not for sale. The home is constructed from masonry and is classified as a home in need of major to minor repair. The home does have curbs, gutters, adequate site drainage, paved streets, sidewalks, and driveway. The home's foundation, however, is in need of repair, along with its roofing, windows, electrical, and siding/stucco.

Figure B-3
Location: 891 Olds Street



The home is located at 891 Olds Street. It is a Single-Family unit with three (3) bedrooms and two (2) baths at approximately 1,121 sqft. The home was built in 1979 and upgraded in 1980. The unit sits on a lot size of approximately 8,040 sqft. The unit is occupied and not for sale. The home does have curbs, gutters, adequate site drainage, paved streets, sidewalks, and driveway. The foundation to the house appears to be in good condition, but the siding/stucco and windows need minor repair.

Figure B-4
Location: 1725 Hickory Ave.



The home is located at 1725 Hickory Ave. It is a Single-Family unit with two (2) bedrooms and one (1) baths at approximately 832 sqft. The home was built in 1979 and sits on a lot size of approximately 6,060 sqft. The home has an adequate foundation, roofing, widows, and electrical unit. The siding/stucco needs minor repairs.

Figure B-5
Location: 842 F Street



The unit located on 842 F Street is a Multi-Family apartment of 14 units. It is constructed of a wood frame and is neither vacant or for sale. The apartments have adequate curbs, gutters, site-drainage, paved streets, sidewalks, and driveway. The apartment's foundation is in need of major to minor repair. The same goes for the apartment's roofing, windows, electrical, and siding/stucco. The apartment is located in the northwest part of town.

Appendix C

LITERATURE REVIEW ON LEAD-BASED PAINT AND ASBESTOS

The following information is presented as background material regarding the two most common hazardous substances found in homes built before 1978 – lead-based paint and asbestos.

Lead-based paint

The primary source of lead poisoning in children is lead-based paint. Despite scientific evidence going back to the 19th century, paint manufacturers put lead in paint until the federal government in 1977 banned its use. In 1996, the federal government created strenuous disclosure requirements for almost all residential real estate transactions, including the renting, leasing, and selling of homes. Sellers, landlords, and real estate brokers were now required to disclose the known existence of lead-based paint and also to provide tenants and buyers with a pamphlet detailing the risks associated with lead-based paint. Homes and apartments built before 1978 may still contain lead-paint. If the old paint is chipped, peeling or cracking, if it is around doors or windows, on sills or baseboards, or if it is on an easily accessible surface, it can be a hazard particularly to children or women who are pregnant or who want to become pregnant.

A recent EPA/Department of Housing and Urban Development (HUD) Task Force report confirmed that old lead-based paint that is well maintained does not present a hazard and is best left undisturbed. If the old lead-based paint is in poor condition, however – peeling, chipping, cracking, or flaking – or if there are plans to conduct any repairs or renovations, the lead can become a hazard, as it can create dust/particulate matter which is the major pathway for exposure to lead. Lead dust can form when old lead paint is dry scraped, dry sanded, or heated.

An increasingly popular permanent lead abatement technique is to apply approved encapsulation products. Encapsulation of old lead-based paint is particularly encouraging as a more practical and cost-effective alternative to full removal of the paint. It is essential that a professional contractor, trained in proper handling and removal of lead-based paint, perform such a task. Untrained, unskilled contractors or amateur do-it-yourself efforts can actually increase lead risk. When renovations are planned that involve construction or lead removal, families (especially children and pregnant women) should be temporarily moved out of the home until the work is done and the area is properly cleaned.

Asbestos

Asbestos is a family of naturally occurring minerals found in serpentine and other metamorphic rock. When breathed, asbestos can lead to diseases such as lung cancer and mesothelioma. There is no known safe exposure to asbestos. Because of its strength and resistance to heat, asbestos has long been used for insulation, roofing and fireproofing. The physical properties of asbestos also made it an ideal additive to ease the manufacturer and

application of ceiling and wall finishes, tape joint compounds, floor tiles and mastics. Even if asbestos is in a building, it is usually not a serious problem. The mere presence of asbestos in a home or a building is not hazardous. The danger is that asbestos materials may become damaged over time. Damaged asbestos may release asbestos fibers and become a health hazard. Disturbing material containing asbestos may create a health hazard where none existed before.

Historically, asbestos was a popular component of many building materials and appliances. Houses built between 1930 and 1950 may have asbestos as insulation. Materials commonly found to contain asbestos include: roofing and siding, textured paint and patching compounds used on wall and ceiling joints; artificial ashes and embers sold for use in gas-fired fireplaces; stove top pads; walls and floors around wood burning stoves may be protected with asbestos paper, millboard, or cement sheets; some vinyl floor tiles and the backing on vinyl sheet flooring and adhesives; hot water and steam pipes in older houses may be coated with an asbestos material or covered with an asbestos blanket or tape.

If the asbestos material is in good shape and will not be disturbed, it is generally safe to leave it in its existing condition. When disturbed, these materials may release small, microscopic fibers into the air, which, when present in high quantities, may pose a hazard to building occupants. Because these materials are likely to be damaged by renovation activities, they are "abated" first. If it is a problem, there are two types of corrections: Repair and removal. Repair usually involves either sealing or covering asbestos material.

With any type of repair, the asbestos remains in place. Repair is usually cheaper than removal, but it may make later removal of asbestos, if necessary, more difficult and costly. Repairs can either be major or minor. Major repairs must be done only by a professional trained in methods for safely handling asbestos. Professionals should also do minor repairs since there is always a risk of exposure to fibers when asbestos is disturbed. The following is a list of asbestos abatement treatments:

Sealing (encapsulation) involves treating the material with a sealant that either binds the asbestos fibers together or coats the materials so fibers are not released. Pipe, furnace, and boiler insulation can sometimes be repaired this way. Only a professional trained to handle asbestos safely should do this.

Covering (enclosure) involves placing something over or around the material that contains asbestos to prevent release of fibers. Exposed insulated piping may be covered with a protective wrap or jacket.

Removal is usually the most expensive asbestos abatement method and, unless required by state or local regulations, should be the last option considered in most situations. This is because removal poses the greatest risk of fiber release. However, removal may be required when remodeling or making major changes to a housing unit where the asbestos material will be disturbed. Removal may be called for if asbestos material is damaged extensively and cannot be

otherwise repaired. Removal is complex and must be done only by a California State licensed hazardous material contractor with special training. Improper removal may actually increase the health risks to households.

Preparation involves setting up an enclosure: sealing up all windows, doors, ventilation ducts, and other openings with plastic sheeting. Additional plastic sheeting may be used to cover all perimeters of the abatement, or if the abatement is small, a mini-enclosure may be set up. The area is then placed under negative-pressure, or vacuum, to ensure that no air will leak from the controlled area into adjacent areas. Airlocks are then set up to allow abatement workers to enter and exit safely, as well as for bagged waste to be removed for disposal. Prior to any work with the asbestos material, OESO conducts an inspection of the enclosure to verify that it is adequate for the planned abatement.

Removal is done mostly by hand to minimize the disturbance of the material abatement. Water is used to wet the material to even further reduce its potential to release fibers. Special vacuum cleaners with High Efficiency Particulate Air (HEPA) filters are used to capture any of the fibers that may have been released. After the gross removal of the asbestos-containing material is done, a final cleaning of all surfaces within the enclosure is done using wet sponges or rags, and HEPA vacuums. The abatement work procedures are planned to ensure that any person outside the controlled area of abatement will not be at risk. To validate this, OESO conducts daily inspections of the enclosure as well as air monitoring in all areas adjacent to the work area.

Clearance includes all activities, performed by OESO, to ensure that the area is safe for reoccupancy.

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**APPENDIX C: LETTERS FROM STATE HOUSING
AND COMMUNITY DEVELOPMENT DEPT.**

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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April 20, 2016

Mr. Randy Hatch, Planning Director
Community Development Department
City of Livingston
1416 C Street
Livingston, CA 95334

Dear Mr. Hatch:

RE: Review of the City of Livingston's 5th Cycle (2016-2024) Draft Housing Element

Thank you for submitting the City of Livingston's draft housing element update that was received for review on March 4, 2016 along with revisions received on April 19, 2016. Pursuant to Government Code (GC) Section 65585(b), the Department is reporting the results of its review. Our review was facilitated by a conversation on March 21, 2016 with you, Ms. Filomena Arredondo, Administrative Analyst, and Ms. Chelsea Payne of Mintier Harnish

The draft element meets the statutory requirements of State housing element law. The element will comply with State housing element law (GC, Article 10.6) when adopted and submitted to the Department, in accordance with GC Section 65585(g). The Department conducted a streamlined review of the draft housing element based on the City meeting all eligibility criteria detailed in the Department's Housing Element Update Guidance.

To remain on an eight year planning cycle, pursuant to Senate Bill 375 (Chapter 728, Statutes of 2008) the City must adopt its housing element within 120 calendar days from the statutory due date of March 31, 2016 for MCAG localities. If adopted after this date, GC Section 65588(e)(4) requires the housing element be revised every four years until adopting at least two consecutive revisions by the statutory deadline. For more information on housing element adoption requirements, please visit the Department's website at: http://www.hcd.ca.gov/hpd/hrc/plan/he/he_review_adoptionsteps110812.pdf.

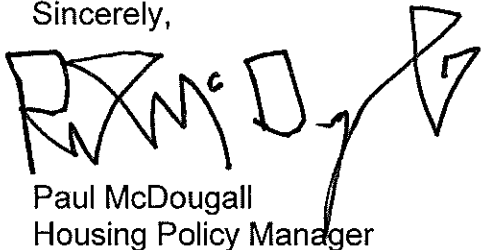
Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established legacy communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. Additional information can be obtained from these two Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf
http://opr.ca.gov/docs/Final_6.26.15.pdf.

Also, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRRP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further information is available on the Department's website at: <http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html> .

The Department appreciates the hard work and dedication provided by you, Ms. Arredondo, and Ms. Payne in preparation of the housing element and looks forward to receiving the City of Livingston's adopted housing element. If you have any questions or need additional technical assistance, please contact Robin Huntley of our staff, at (916) 263-7422.

Sincerely,



Paul McDougall
Housing Policy Manager

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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July 11, 2016

Ms. Odi Ortiz, Interim City Manager
City of Livingston
1416 C Street
Livingston, CA 95334

Dear Ms. Ortiz:

RE: Livingston's 5th Cycle (2016-2024) Adopted Housing Element

Thank you for submitting the City of Livingston's housing element adopted June 21, 2016 that was received for review on June 29, 2016. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

The Department is pleased to find the adopted housing element in full compliance with State housing element law (GC, Article 10.6). The adopted element was found to be substantially the same as the revised draft element the Department's April 20, 2016 review determined met statutory requirements.

For your information, some other elements of the general plan must be updated on or before the next adoption of the housing element. The safety and conservation elements of the general plan must include analysis and policies regarding fire and flood hazard management (GC Section 65302(g)). Also, the land-use element must address disadvantaged communities (unincorporated island or fringe communities within spheres of influence areas or isolated long established "legacy" communities) based on available data, including, but not limited to, data and analysis applicable to spheres of influence areas pursuant to GC Section 56430. The Department urges the Livingston to consider these timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: http://opr.ca.gov/docs/SB244_Technical_Advisory.pdf and http://opr.ca.gov/docs/Final_6.26.15.pdf.

Please note the City of Livingston now meets specific requirements for State funding programs designed to reward local governments for compliance with State housing element law. For example, the Department's Housing Related Parks Program includes housing element compliance as a threshold requirement. Please see the Department's website for specific information about this and other State funding programs at http://www.hcd.ca.gov/hpd/hrc/plan/he/loan_grant_hecompl011708.pdf.

For your information, on January 6, 2016, HCD released a Notice of Funding Availability (NOFA) for the Mobilehome Park Rehabilitation and Resident Ownership Program (MPRROP). This program replaces the former Mobilehome Park Resident Ownership Program (MPROP) and allows expanded uses of funds. The purposes of this new

program are to loan funds to facilitate converting mobilehome park ownership to park residents or a qualified nonprofit corporation, and assist with repairs or accessibility upgrades meeting specified criteria. This program supports housing element goals such as encouraging a variety of housing types, preserving affordable housing, and assisting mobilehome owners, particularly those with lower-incomes. Applications are accepted over the counter beginning March 2, 2016 through March 1, 2017. Further information is available on the Department's website at: <http://www.hcd.ca.gov/financial-assistance/mobilehome-park-rehabilitation-resident-ownership-program/index.html> .

The Department appreciates the hard work, dedication and cooperation Mr. Randy Hatch, Planning Director; Ms. Filomena Arredondo, Administrative Analyst; and the City's consultant, Ms. Chelsea Payne, of Mintier Harnish, provided throughout the course of the housing element review. The Department wishes Livingston success in implementing its housing element and looks forward to following its progress through the General Plan annual progress reports pursuant to GC Section 65400. If the Department can provide assistance in implementing the housing element, please contact Robin Huntley, of our staff, at (916) 263-7422.

Sincerely,



Glen A. Campora
Assistant Deputy Director

APPENDIX D: INFORMATION SOURCES

Information contained in the 2016-2024 Housing Element was compiled through the use of a variety of data sources, agency contacts, interviews, and the review of existing documents. This included information from U.S. Census Bureau, State and local government agencies, and information from local organizations. The following is a list of the primary data sources that were used for the preparation of the Housing Element:

1. U.S. Census
2. Data from the California Employment Development Department
3. Data from the California Department of Finance
4. California Housing and Community Development Department State Income Limits for 2015, dated April 15, 2015
5. City of Livingston 1999 General Plan, dated December 1999
6. General Plan Environmental Impact Report, dated December 1999.
7. City of Livingston Title 5, Zoning Ordinance
8. City of Livingston's Improvement Standards
9. Livingston Design Guidelines
10. City of Livingston Housing Rehabilitation Guidelines
11. City of Livingston Existing Housing Condition Survey
12. Merced County Association of Governments Regional Housing Needs Allocation Plan, dated June 18, 2015
13. Home sales data from Realtor.com and LoopNet.com
14. Data and Information from City Community Development and Public Works Department Staff
15. Interviews with local non-profit service providers and developers (Merced County Housing Authority, Self Help Enterprises, Monte Cristo Adult Community)

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