



DATE: Oct. 10, 2016

TO: The Hon. John Marchand, Mayor  
And Members of the City Council

FROM: Lisa Vorderbrueggen, BIA|Bay Area  
East Bay Executive Director for Governmental Affairs

RE: Proposed Moratorium on New Housing

Dear Mayor Marchand and Members of the City Council:

The Building Industry of the Bay Area (BIA|Bay Area) urges you to reject the proposed 45-day urgency moratorium on new residential housing in the city's Downtown Specific Plan area.

As an alternative, we respectfully suggest that if the City Council believes a majority of Livermore residents are dissatisfied with the current Downtown Specific Plan, the city initiate development of a new plan and invite all stakeholders to participate in a comprehensive and inclusive planning process.

Moratoria raise profound public policy implications because of their drastic consequences. This is precisely why the Legislature adopted laws that impose stringent procedural and substantive restrictions on local governments' ability to enact them.

Moratoria impacting multifamily housing — as the city is considering — are subject to an even more exacting set of limitations. California Govt Code Section 65858 requires that findings for moratoria on new multifamily housing must be based on objective evidence that the proposed development would result in adverse health and safety. It is difficult to see how any project in or potentially in Livermore's development pipeline poses a threat to public health and safety.

In addition, a moratorium appears to be inconsistent with the city's General Plan, including its state-certified Housing Element. For example, Policy P 1.1 states the following:

*“Develop and maintain an inventory of land with adequate densities and development standards to meet the Regional Housing Needs Allocation (RHNA) in all income categories.”*

The element identifies within the Downtown Specific Plan area housing sites to accommodate 1,692 units. If these sites are taken off the table, it will dramatically reduce the available land that Livermore has told the state is available for critical new housing. This could lead to the withdrawal or successful challenge of the state's certification of the city's Housing Element. Loss of state certification

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would render the city ineligible for a host of federal, state and regional housing funds along with Plan Bay Area transportation dollars.

BIA members recognize and understand that many Livermore residents are concerned about the growth envisioned in the current Downtown Specific Plan and we welcome a healthy community debate. But we again urge the City Council to deploy a less drastic option, one that will not raise the issues we have identified in this letter or send the unfortunate message that Livermore is an unpredictable city in which to invest and do business.

Equally important, the Bay Area is in the midst of an unprecedented housing crisis that is pushing homeownership and even reasonable rental opportunities out of reach for thousands of people including our own children and grandchildren. We must do all we can to encourage the production of new housing for people of all incomes and we must do it now.

Sincerely,

A handwritten signature in black ink that reads "Lisa Vorderbrueggen". The signature is fluid and cursive.

Lisa A. Vorderbrueggen  
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925-348-1956  
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Attachment: "Jobs Housing 'Balance'?" chart

cc: Marc Roberts, Livermore City Manager

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