

AN ORDINANCE AMENDING THE LIVERMORE PLANNING AND ZONING CODE, AS AMENDED, OF THE CITY OF LIVERMORE, BY AMENDING SECTION 3-10-020 RELATING TO SECONDARY DWELLING UNITS

(LIVERMORE PLANNING AND ZONING CODE TEXT AMENDMENT # 03-324)

THE LIVERMORE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

Section 1. Section 3-10-020 of the Livermore Planning and Zoning Code of the City of Livermore, relating to Secondary Dwelling Units is hereby amended to read as follows:

“3-10-020 Secondary dwelling units.

A. Purpose. To provide an opportunity for the development of small rental units, to provide relatively affordable housing for low- and moderate-income individuals and families, to provide economic support for resident families and to provide rental units for the elderly or disabled while still maintaining the residential character of the surrounding neighborhood.

B. Requirements. One secondary dwelling unit per lot may be permitted in the city’s single-family residential zoning districts including Planned Unit Developments and Planned Development-Residential districts, subject to the following requirements:

1. Secondary units shall be limited to lots developed with no more than one existing dwelling unit.

2. The secondary unit shall be designed so as to maintain the appearance of a single-family home. Colors, materials, roof form, windows and window trim shall match those of the existing primary dwelling unit.

3. Secondary dwelling units shall not be for sale but may be rented.

4. Total lot coverage and/or floor area ratio (F.A.R.) shall be as required in the underlying zoning district.

5. A secondary dwelling unit 640 square feet in floor area or less, excluding garage, or with a maximum of one bedroom, shall be required to provide one additional off-street, on-site parking space. For units with two or more bedrooms, two off-street, on-site parking spaces shall be required. These two spaces may be in tandem with each other, but not with the required

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primary unit parking spaces. No more than one space shall be located within the front yard setback, as regulated by the underlying zoning district.

6. An inspection and report shall be obtained by the applicant from the building official to determine compliance with the State Housing Code for the primary unit, prior to submittal of an application for a secondary dwelling unit permit. (Ord. 1223, 1987; Ord. 442 §§ 21.30 – 21.32)

7. Attached secondary dwelling units shall be subject to the following criteria, in addition to criteria B.1-6 listed above:

a. An increase in the floor area of an existing primary dwelling unit to accommodate an attached secondary dwelling unit shall not exceed thirty percent of the existing dwelling's floor area, excluding accessory and garage structures.

b.. An attached secondary dwelling unit shall be limited to a maximum of 1,200 square feet of floor area, excluding garage.

c. An attached secondary dwelling unit shall be subject to the setbacks and height requirements of the underlying zoning district for the primary structure.

d. Access to an attached secondary unit shall not be located on the front of the primary dwelling.

8. Secondary dwelling units detached from the primary residential unit shall be considered detached and shall be subject to the following requirements, in addition to requirements B.1-6 above:

a. A detached secondary unit shall not exceed fifty percent of the primary dwelling's floor area, excluding accessory and garage structures.

b. A detached secondary unit is limited to a maximum of 1,200 square feet of floor area, excluding garage.

c. A detached secondary unit shall be located to the rear of the primary dwelling unit.

d. A single-story detached secondary unit shall be limited to fifteen feet in height. The single story unit shall be located a minimum of ten feet from the primary dwelling and side and rear non-street property lines, except when the underlying zoning district of the primary structure is less restrictive, then the underlying zoning district setbacks may be applied.

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e. A two-story or second-story, detached secondary unit shall be subject to the height and setback requirements of the underlying zoning district of the primary structure, as measured from the property line to the exterior wall of the second story.”

Section 2. The project is statutorily exempt from the California Environmental Quality Act (CEQA) under Section 21080.17. This section states that CEQA does not apply to the adoption of an ordinance by a city or county to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code (Secondary Dwelling Unit legislation).

Section 3. This ordinance or a comprehensive summary thereof shall be published once in a newspaper of general circulation of the City of Livermore within fifteen days after its adoption and shall take effect and be in force thirty days from and after its adoption.

The foregoing ordinance was introduced and read at the regular meeting of the City Council of the City of Livermore held on the _____ day of _____, 2003, and finally adopted at the regular meeting of said Council held on the _____ day of _____, 2003, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

MAYOR, CITY OF LIVERMORE, CALIFORNIA

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DEPUTY CITY ATTORNEY

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