

DRAFT 12/7/17 rim

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND SECTION 19.68.040 (ACCESSORY DWELLING UNITS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.68.040 AMENDED. Section 19.68.040 of Chapter 19.68 (Mobile, Accessory, and Single Room Occupancy Living Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

- 19.68.040. Accessory dwelling units.**
 - (a) [Text unchanged]
 - (b) [Text unchanged]
 - (c) **Newly constructed or expanded structures.** The following requirements apply to all accessory dwelling units other than qualified conversions of existing interior space as provided in subsection (d), below.
 - (1) Location. Accessory dwelling units shall be allowed only in the following zoning districts in conjunction with a single-family dwelling or proposed single-family dwelling:
 - (A) – (C) [Text unchanged]
 - (2)–(3) [Text unchanged]
 - (4) Parking.
 - (A) In addition to the parking spaces required for the primary residence, at least one off-street parking space shall be provided for each accessory dwelling unit, which may be provided as tandem parking in ~~an existing~~ a driveway.
 - (B) If a garage, carport, or covered parking structure is converted or demolished in conjunction with the construction of an accessory dwelling unit, those off-street parking spaces shall be replaced. The replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical parking lifts. No setback is required for an existing garage that is converted to an accessory dwelling unit or portion of an accessory dwelling unit.
 - (C) Parking in setback areas or tandem parking may be denied if found to be infeasible due to specific site or fire and life safety conditions.

(D) Exceptions. Off-street parking spaces for the accessory dwelling unit are not required if any of the following circumstances apply.

(i)-(ii) [Text unchanged]

(iii) The accessory dwelling unit is part of the proposed or existing primary residence or an ~~existing~~ accessory structure.

(iv) [Text unchanged]

(5) [Text unchanged]

(d) Conversions of Existing Interior Space. An application for a building permit to create one accessory dwelling unit ~~per-on a lot containing one~~ single-family ~~lot-dwelling~~ in the R-0, ~~or~~ R-1, R-1.5, R-1.7/PD, R-2, or residential DSP zoning districts shall be ministerially approved subject to the following requirements:

(1) The unit is contained within the existing space of a legally permitted single family residence or accessory structure, including, but not limited to, a studio, pool house, or other similar structure. ~~or single family residence.~~

(2)-(7) [Text unchanged]

SECTION 2. CEQA - EXEMPTION. The City Council finds that this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an Accessory Dwelling Unit ordinance to implement the provisions of Section 65852.2 of the Government Code. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

SECTION 3. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2017, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney