



Accessory Dwelling Unit (ADU) Ordinance Update

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City Council, March 25, 2025

Background

- ADUs & JADUs provide an affordable and effective solution towards increasing housing
- **Sunnyvale Municipal Code (SMC) Chapter 19.79 (ADU Ordinance)**
 - ◆ Last amended in January 2023 (Ord. No. 3209-23)
 - ◆ Several state ADU-related laws passed since then
 - ◆ **Proposed ADU Ordinance Update:**
 - Repealing the current ADU Ordinance and adopting an updated ADU Ordinance
 - **Goal:** Consistency with state laws and improving readability and clarity of ADU regulations

Recent State Legislation

	Summary	Staff Comments
AB 1332	Develop a program for the preapproval of new construction ADUs	Pre-approved ADU section is now on the City's website
AB 976	Prohibits owner occupancy requirement for "standard" ADUs (still required for JADUs)	Included in update
AB 1033	Allows cities to permit the separate sale or conveyance of primary dwelling units and ADUs as condominiums.	Not recommended and not included in update
SB 477	State ADU Law Reorganization	No update required
SB 1211	Increase in allowable # of Multifamily ADUs	Included in update
AB 2533	Prohibits local agencies from denying permits for unpermitted ADUs and JADUs built before January 1, 2020.	Working on updating the City's website to ensure public awareness

Key Municipal Code Updates

Chapter 19.12 (Definitions)

Other Zoning Code Chapters

Number of Allowed ADUs

Streamlining Provisions

JADU Deed Restriction

Other Enhancements

Definitions (SMC Chapter 19.12)

Clarifications to ADU types

- New Construction
- Conversion
- Attached and Detached

Modifying Existing Definitions

- JADUs
- Gross Floor Area
- Accessory structure
- Building, main
- Lot Coverage

New Definitions

- Habitable area
- Multifamily dwelling structure
- Nonconforming zoning condition
- Objective standards
- Proposed dwelling
- Public Transit

Updates to Other Zoning Code Chapters

Ch. 19.37

Landscaping, Irrigation and Usable Open Space

- SMC Table 19.37.040 updated to remove usable open space requirement for ADUs

Ch. 19.82

Miscellaneous Plan Permit

- SMC Section 19.82.020 (a)(1) updated to reference the proposed ADU Ordinance section

Ch. 19.50

Nonconforming Buildings and Uses

- SMC Section 19.50.020 updated to reference proposed ADU Ordinance section

Number of Allowed ADUs

	Existing Code	Proposed Code
Single-family dwelling lots	<ul style="list-style-type: none">• Total 2<ul style="list-style-type: none">• One ADU• One JADU	<ul style="list-style-type: none">• Total 3<ul style="list-style-type: none">• One conversion ADU• One detached or attached new construction ADU• One JADU
Multi-family dwelling lots	<ul style="list-style-type: none">• Max. 2 detached, new construction ADUs• Max. 25% of existing # of units converted	<ul style="list-style-type: none">• Max. 8 detached, new construction ADUs (<i>not more than # of existing units</i>)• No change to # of conversion ADUs

Streamlining Provisions

	Existing	Proposed
Streamlined ADUs <i>(no planning permit)</i>	<ul style="list-style-type: none"> • Detached, new construction ADUs up to 800 s.f. • Conversion ADUs • JADUs 	<ul style="list-style-type: none"> • Attached or detached, new construction ADUs up to 800 s.f. • Detached New Construction ADUs (for multi-family dwelling lots) • Conversion ADUs • JADUs • ADUs completely within basement
Non-streamlined ADUs <i>(requires MPP)</i>	<ul style="list-style-type: none"> • Attached, new construction ADUs • Detached, new construction ADUs over 800 s.f. area. 	<ul style="list-style-type: none"> • Attached or detached, new construction ADUs over 800 s.f. area (for single-family dwelling lots)

JADU Deed Restriction

Retain ownership occupancy requirement

Expanded deed restriction requirement, including:

- Prohibition on a separate sale from the single-family residence. Also applies to future purchasers.
- Adherence to the max. 500 s.f. area and compliance with all requirements.

Other Enhancements

Reorganization

(by single-family and multi-family dwelling requirements)

Clarification of development standards

(e.g. second floor balconies and windows, solar analysis, front setbacks, mechanical equipment etc.)

Consistency with current state legislation

Planning Commission Hearing

FEBRUARY 10, 2025

- **Voted 7-0 to Recommend Alternative 1 (as recommended by staff)**
- Discussion:
 - ♦ Accessibility requirement
 - ♦ Tree replacement
 - ♦ Heritage resource requirements

Ordinance Updates

◆ Tree replacement requirement

- Removal of protected trees Chapter 19.94
- One 15-gallon replacement tree for every protected tree removed.
- **Recommendation:** apply the tree replacement requirement only to **non-streamlined ADU**.

◆ Removal of Heritage Trees & Resources for an ADU

- Sunnyvale's Heritage Resource Inventory includes ~20 heritage trees
- **Recommendation:** remove Section pertaining to Heritage Trees and Heritage Resources

HERITAGE TREES

The following trees are listed in Sunnyvale's Heritage Resources Inventory. Removal of a Heritage Tree must be approved by the Heritage Preservation Commission. For more information, please contact the Planning Division.

BERNARDO AVENUE 1650 S. Bernardo <i>Coast Live Oak</i> CALGARY DRIVE 1748 Calgary Drive <i>Coast Live Oak</i> CALIFORNIA AVENUE 130 E. California (Site of Murphy Homestead) <i>Palm Trees</i> DARTSHIRE WAY 814 Dartshire <i>Dawn Redwood</i> FREMONT AVENUE 871 E. Fremont (Former Butcher's Corner) <i>3 Coast Live Oak and 1 Valley Oak</i> HENDY AVENUE 501 E. Hendy <i>American Chestnut</i>	HENDY AVENUE 501 E. Hendy <i>American Chestnut</i> HOLLENBECK AVENUE 880-882 Hollenbeck (Bocks Ranch) <i>Sycamores</i> IVES TERRACE <i>Valley Oak</i> MANZANITA AVENUE 755 Manzanita <i>Coast Redwood</i> PASTORIA AVENUE 467 S. Pastoria <i>Coast Redwood</i> PICASSO TERRACE 674 Picasso <i>Coast Live Oaks</i>	REMINGTON DRIVE 550 E. Remington (Community Center) <i>California Live Oak</i> SHERATON DRIVE 696 Sheraton Drive <i>Coast Live Oak</i> SUNNYVALE AVENUE 545 S. Sunnyvale <i>Monkey Puzzle</i> TOWN CENTER LANE 2502 Town Center Lane (Town Center Trees) <i>Variety Tree Grove</i> TIFFANY COURT 679 Tiffany Court <i>Coast Live Oak</i>
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Recommendation

Alternatives

Recommend:

1. Introduce an Ordinance Amending Title 19 (Zoning) of the Sunnyvale Municipal Code on Accessory Dwelling Units and find the action is exempt from CEQA.
2. Alternative 1 with modifications to the ordinance.
3. Do not introduce the ordinance and provide feedback on desired changes.

Staff Recommendation

Recommend Alternative 1.