

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 19.36 (EL CAMINO SPECIFIC PLAN DISTRICT) OF ARTICLE 3 (ZONING DISTRICTS, USE AND RELATED DEVELOPMENT REGULATIONS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE, CREATING COMMERCIAL ALLOWANCES FOR AFFORDABLE HOUSING DEVELOPMENTS

WHEREAS, the El Camino Real Specific Plan (ECRSP), adopted in 2023, includes several sites that were intended to redevelop from commercial/retail use to mixed use housing and commercial/retail; and

WHEREAS, the Housing Element of the City of Sunnyvale provides that the City will adopt a program to reduce or eliminate the commercial requirement for sites zoned mixed use in the El Camino Real Specific Plan area for affordable housing developments; and

WHEREAS, the program was planned for completion by the end of 2023.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.36.090 AMENDED. Section 19.36.090 (Minimum Ground Floor Commercial Area in Mixed-Use Development) of Chapter 19.36 (El Camino Real Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

§ 19.36.090. Minimum ground floor commercial area in mixed-use development.

- (a) Each mixed-use development (including both office and residential mixed-use developments) shall be subject to devoting a portion of the ground floor area to a commercial use.
- (b) The minimum ground floor commercial area requirements for mixed-use developments are listed in Table 19.36.090.

Table 19.36.090		
Minimum Ground Floor Commercial Area Requirements for Mixed-Use Development		
Minimum Net Lot Area	Minimum Required Commercial Area, whichever is greater	
≤ 50,000 sq. ft.	7,000 sq. ft. ^{[1][2][3]}	
50,001-100,000 sq. ft.	10,000 sq. ft.	
100,001-150,000 sq. ft.	20,000 sq. ft.	
150,001-200,000 sq. ft.	30,000 sq. ft.	75% of El Camino Real frontage length x 50
200,001-300,000 sq. ft.	40,000 sq. ft.	
300,001-400,000 sq. ft.	50,000 sq. ft.	
≥ 400,000 sq. ft.	60,000 sq. ft.	

^[1] If the floor area values/calculations presented above yield a value that is over 20% of the lot size, a commercial area capped at 20% of the lot size shall also be permitted.

^[2] If a property has no frontage along El Camino Real, a commercial area capped at 10% of the lot size or 75% of major commercial frontage length X 50 if the property is 400 feet or more from El Camino Real shall also be permitted.

^[3] Developments with more than 50% of the total units that are affordable to lower income households have an adjusted minimum commercial requirement, as established by resolution of the city council.

SECTION 2. SECTION 19.36.100 AMENDED. Table 19.36.100 B (Development Requirements for Mixed-Use Development) of Chapter 19.36 (El Camino Real Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Table 19.36.100B		
Development Requirements for Mixed-Use Development		
Requirement		
Standard	Node	Segment
1. Through/Furniture Zone Width (New Right-of-Way) ^[1]	El Camino Real Frontages: 13 feet All Other Frontages: 11 feet	
2. Frontage Zone Setback (Build-to Line) ^[2]	15 feet	
3. Minimum Percentage of Building Frontage at Build-to Line	80%	60%
4. Minimum Side/Rear Yard Setback (From Lot Line Shared with Another ECRSP Area Property)	0 feet	
5. Minimum Side/Rear Yard Setback (From Lot Line Shared with a Non-Plan Area Property)	10 feet	
A1. Maximum Building Height	75 feet (Subject to Daylight Plane requirements)	55 feet (Subject to Daylight Plane requirements)
A2. Maximum Building Height (if first floor retail space has a minimum 25-foot ground floor plate height)	85 feet (Subject to Daylight Plane requirements)	65 feet (Subject to Daylight Plane requirements)
B1. Stepback	Applied to 5th story and above	Applied to 4th story and above
B2. Stepback (if first floor retail space has a minimum 25-foot ground floor plate height)	Applied to top 2 stories	Applied to top 1 story
C. Minimum Stepback from Build-to Line	10 feet from face of building, for at least 60 percent of the building frontage length	5 feet from face of building, for at least 60 percent of the building frontage length
D. Minimum Ground Floor Active Use Area ^{[3][4]}	Multiply length (linear feet) of ground floor building frontage at build-to line x 20 feet	
E. Maximum Ground Floor Finish Level Above Sidewalk	6 inches (Commercial) 3 feet (Residential)	
F1. Minimum Ground Floor Plate Height (Commercial)	18 feet	16 feet

^[1] The new right-of-way is measured from the face of curb. See Chapter 6 of the El Camino Real Specific Plan for the pedestrian realm cross-section details.

^[2] The frontage zone setback/build-to line is measured from the new right-of-way line. For property frontages along El Camino Real, the front setback area shall allow for a pedestrian realm as identified in ECRSP Chapter 6.

^[3] Subject to requirements outlined in Section 19.36.110.

^[4] [Developments with more than 50% of the total units that are affordable to lower income households have an adjusted minimum commercial requirement and active use area, as established by resolution of the city council.](#)

F2. Minimum Ground Floor Plate Height (Residential)	10 feet
G1. Minimum Daylight Plane Angle (From Lot Line Shared with a Non-Plan Area Property) ^{[4][5]}	45 degrees
G2. Minimum Daylight Plan Angle (From Lot Line Shared with a Non-Plan Area Property in a Non-Residential Zoning District)	60 degrees

^[4]

^[5] Daylight plane is a component of the allowable building envelope, which is measured from the point at grade along any side or rear yard lot line shared with a non-Plan Area property. The daylight plane requirement applies to all new development in the ECR-C, ECR-MU, ECR-O, ECR-PF, ECR-R3, and ECR-R4 zoning districts, including residential-only or commercial-only developments, on parcels identified in ECRSP Chapter 4.

SECTION 3. CEQA. The adoption of this ordinance does not require environmental review under the California Environmental Quality Act (CEQA) because it implements a state-mandated program and is therefore not a discretionary action subject to CEQA. (Public Resources Code Section 21080(b)(1), CEQA Guidelines Sections 15268, 15357.)

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

SECTION 5. 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 newspaper for 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 _____, 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:

DAVID CARNAHAN
City Clerk
Date of Attestation: _____

LARRY KLEIN
Mayor

(SEAL)

APPROVED AS TO FORM:

REBECCA L. MOON
City Attorney