

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CHAPTER 19.18 (RESIDENTIAL ZONING DISTRICTS), CHAPTER 19.20 (COMMERCIAL ZONING DISTRICTS), CHAPTER 19.24 (OFFICE AND PUBLIC FACILITIES ZONING DISTRICTS), CHAPTER 19.79 (ACCESSORY DWELLING UNITS), AND CHAPTER 19.98 (GENERAL PROCEDURES) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE.

WHEREAS, the City of Sunnyvale desires to amend certain sections of Title 19 (Zoning) of the Sunnyvale Municipal Code.

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

SECTION 1. Section 19.18.025 AMENDED. Section 19.18.025 of Chapter 19.18 (Residential Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.18.025. Density bonus.

A density bonus ~~of up to thirty-five percent~~ above the maximum allowable density of a residential zoning district may be granted under California Government Code Sections 65915 through 65918 and through other development incentives adopted by the city council. An application for a density bonus and any associated incentives, concessions, waivers of development standards, or modified parking ratios shall be submitted with the application for a discretionary permit for the development. The director of community development may establish guidelines, forms, and submittal requirements for the filing, processing, and consideration of density bonus applications.

SECTION 2. Section 19.20.040 AMENDED. Section 19.20.020 of Chapter 19.20 (Commercial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.20.040. Uses requiring use permit; all commercial zoning districts.

(a) [Text unchanged]

(b) If state law requires the city to allow a residential use on a commercially zoned site, such use shall require a use permit, or, if required by Chapter 19.90 of this code, a special development permit. The project shall comply with the residential density and other residential standards applicable to the site in the General Plan. The project shall also comply with all zoning standards that apply to residential uses in the

lowest residential zoning district that would allow the density established by the General Plan for the site.

SECTION 3. Section 19.24.040 AMENDED. Section 19.24.020 of Chapter 19.24 (Office and Public Facilities Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.24.040. Uses requiring use permit; office zoning district.

(a) – (b) [Text unchanged]

(c) Any residential project that is allowed with a use permit in an office zoning district that has a General Plan Land Use Designation of Village Mixed Use shall comply with the residential density and other residential standards applicable to the site in the General Plan. The project shall also comply with all zoning standards that apply to residential uses in the lowest residential zoning district that would allow the density established by the General Plan for the site.

SECTION 4. Section 19.79.020 AMENDED. Section 19.79.020 of Chapter 19.79 (Accessory Dwelling Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.79.020. Requirements applicable to all accessory dwelling units.

(a) – (c) [Text unchanged]

(d) Parking. No off-street parking spaces are required for an accessory dwelling unit, and the applicant shall not be required to replace any covered parking spaces that are removed or demolished as a result of the construction of the accessory dwelling unit.

(e) – (g) [Text unchanged]

SECTION 5. Section 19.79.030 AMENDED. Section 19.79.020 of Chapter 19.79 (Accessory Dwelling Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.79.030. Streamlined approval of certain accessory dwelling units.

(a) The lot contains an existing or proposed single-family dwelling or an existing multi-family dwelling structure. For purposes of this chapter, a duplex shall be treated as a multi-family dwelling structure.

(b) Number of Units Allowed.

(1) [Text unchanged]

(2) Multi-Family. On lots that contain an existing multi-family dwelling structure,

(A) [Text unchanged]

(B) At least one standard ~~One or more~~ accessory dwelling units may be created within a multi-family dwelling structure by converting interior non-livable space under subsection (e) of this section. The maximum number of accessory dwelling units so created shall not exceed twenty-five percent of the total number of dwelling units in the existing multi-family structure prior to the addition of any accessory dwelling units.

(c) Interior space within a single-family dwellings or accessory structure.

(1) – (5) [Text unchanged]

(6) Junior Accessory Dwelling Units. The following additional requirements apply to junior accessory dwelling units.

(A) A junior accessory dwelling unit shall be no more than five hundred square feet gross floor area in size and must be contained entirely within the walls of an existing or proposed single-family dwelling.

(B) – (E) [Text unchanged]

(d) – (g) [Text unchanged]

SECTION 6. Section 19.79.040 AMENDED. Section 19.79.040 of Chapter 19.79 (Accessory Dwelling Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

(a) – (e) [Text unchanged]

(f) All other applicable zoning requirements in Title 19 shall be satisfied, including, but not limited to, lot coverage, required rear yard maximum lot coverage, floor area ratio, open space, and design review, as long as those requirements permit construction of an accessory dwelling unit that is at least eight hundred square feet gross floor area in size, at least sixteen feet in height measured from within five feet of the structure from the ground to the highest point on the roof, with at least four-foot side and rear setbacks, and which complies with all other applicable development standards.

(g) [Text unchanged]

SECTION 7. Section 19.79.060 AMENDED. Section 19.79.060 of Chapter 19.79 (Accessory Dwelling Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

(a) [Text unchanged]

(b) The following accessory dwelling units shall be exempt from any requirement to install a new or separate utility connection and to pay any associated connection or capacity fees or charges:

(1) Junior accessory dwelling units.

(2) Standard accessory dwelling units converted from interior space under Section ~~19.79.020(e)~~19.79.030(c), unless the unit is constructed with a new single-family home

SECTION 8. Section 19.98.040 AMENDED. Section 19.98.040 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**Table 19.98.040
Public Notice**

In the table, the words and symbols are defined as follows:

“Yes” = Required

“-” = Not required

Decision Procedure	Mailing	On-Site Posting	Bulletin	Newspaper	Minimum Days before Decision
Director Decision with Public Notice and No Hearing	Yes	Yes	-	-	14 days or per CEQA
Public Hearing for Site-Specific Application	Yes	Yes	Yes	Yes	10 days or per CEQA
Public Hearing on Legislative Action (such as a zoning text amendment)	-	-	Yes	Yes	10 days or per CEQA
Public Hearing for Appealed Decision	Yes	-	Yes	-	10 days
<u>Public Hearing for Appeal of Incompleteness Determination</u>	=	=	<u>Yes</u>	=	<u>3 days</u>

SECTION 9. Section 19.98.075 ADDED. Section 19.98.075 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

19.98.075. Appeals of incompleteness determinations.

(a) An applicant for a development project that is subject to Section 65920 et seq. of the California Government Code (known as the Permit Streamlining Act) may appeal a determination that the zoning application is incomplete.

(b) The appeal shall be in writing and shall state the facts and basis for the appeal, and the relief or action sought, and shall be accompanied by the required fee.

(c) The appeal shall be filed with the community development department by 5:00 p.m. of the fifteenth day after the applicant is notified of the determination that the application is incomplete.

(d) The appeal shall be heard by the Planning Commission no later than sixty days after the filing of the appeal.

(e) After receiving an appeal from the determination that the application is incomplete, and following a public hearing, the planning commission, whose decision is final, by the affirmative vote of a majority of its voting members, shall determine whether the application is complete or incomplete. In order to determine that an application is incomplete, the planning commission must make all of the following findings:

(1) The item or items identified as incomplete by the city were included in the city's submittal requirement checklist.

(2) The city provided the applicant with a notice of the incomplete item or items within thirty calendar days after the city received the applicant's application.

(3) The notice specified those parts of the application that were incomplete and indicated the manner in which they could be made complete, including a list and thorough description of the specific information needed to complete the application.

(4) The applicant resubmitted the application.

(5) The materials provided by the applicant with the resubmitted application did not include information identified and described in the notice of incompleteness.

(f) The city shall provide the applicant a written notice of the planning commission's decision following the hearing and before the expiration of the sixty day period for hearing the appeal.

SECTION 10. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 11. 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 12. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 13. 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 _____, 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