

Approved 2/10/14 K Berry

ORDINANCE NO. _____-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO RESIDENTIAL HEIGHT REQUIREMENTS IN THE R-3 ZONING DISTRICT

SECTION 1. Section 19.32.020 AMENDED. Section 19.32.020 of Chapter 19.32 (Building Heights, Lot Coverages and Floor Area Ratios) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.32.020. Building Height, lot coverage and floor area ratio.

(a) Maximums. Maximum building height, lot coverage, and floor area ratio are shown in Table 19.32.020 (Building Height, Lot Coverage and Floor Area Ratio), with the following exceptions:

(1) – (2) [Text Unchanged]

(3) R-3, R-4 and R-5. In the R-3, R-4 and R-5 zoning districts, a height bonus of up to five-foot feet height bonus is allowed when underground parking is included in the development. See Section 19.32.030 (Building heights —Increased—When).

(4) – (7) [Text Unchanged]

(b) [Text Unchanged]

**Table 19.32.020
Building Height, Lot Coverage and Floor Area Ratio**

Zoning District	Building Stories	Building Height (ft.)	Lot Coverage	Floor Area Ratio (FAR)
R-0, R-1, R-1.5, R-1.7/PD, R-2 [Text Unchanged]				
R-3 townhomes	3	35	40%	None
<u>R-3 (all other uses)</u>	<u>2</u>	<u>30</u>	<u>40%</u>	<u>None</u>
R-4 – M-3 (Rest of Table)[Text Unchanged]				

SECTION 2. Section 19.32.030 AMENDED. Section 19.32.030 of Chapter 19.32 (Building Heights – Increased - When) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.32.030. Buildings heights—Increased—When.

(a) [Text Unchanged]

(b) Underground Parking. In the R-3, R-4 and R-5 zoning districts, multiple-family dwelling developments with underground parking may exceed the ~~zoning district maximum~~ height limitation ~~for the zoning district. The extension above the height limit may by an amount~~ equal to the depth of the underground parking, ~~not to exceed but by no more than~~ five feet total. For example, an apartment complex with underground parking facility of six feet in depth may exceed the zoning district height limit by no more than five feet. (Ord. 2988-12 § 8; Ord. 2904-09 § 3; Ord. 2623-99 § 1; prior zoning code § 19.40.030).

SECTION 3. 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 4. 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 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. 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 _____, 2014, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk

Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney