

**ACCESSORY DWELLING UNITS
RED-LINED CHANGES TO PROPOSED ORDINANCE**

19.68.040. Accessory dwelling units.

(a) **Purpose.** The city council finds that the city is experiencing a severe shortage of housing, especially affordable housing, and that facilitating the development of accessory dwelling units will increase the housing options for family members, seniors, low-wage workers, persons with disabilities, students and others in the community. Because accessory dwelling units are an essential component of the city's housing supply, an accessory dwelling unit that conforms to all applicable requirements shall not be considered to exceed the allowable density for the lot upon which it is located, and is deemed to be a residential use that is consistent with the existing general plan and zoning designations for the lot.

(b) **Requirements applicable to all accessory dwelling units.**

(1) No more than one accessory dwelling unit shall be located on any lot.

(2) Entrances and outside stairways serving accessory dwelling units shall not be constructed on any building elevation facing a public street.

(3) Exterior materials, colors and appearance of accessory dwelling units shall match the primary structures on the same lot.

(4) No detached unit may be placed in front of the main dwelling.

(5) Either the accessory dwelling unit or the primary dwelling must be the bona fide principal residence of at least one legal owner of the lot containing the dwelling, as evidenced at the time of building permit approval by appropriate documents of title and residency. The dwelling unit not so occupied may be rented. Prior to issuance of a building permit, each applicant shall provide evidence that a covenant has been recorded on the title of the affected property, to the effect that the property shall be owner-occupied as defined herein, for the period of twenty years from the date the covenant is recorded, or until this provision is repealed, whichever occurs first.

(6) Nothing contained herein shall be construed to permit subdivisions of real property otherwise prohibited by this code or state law.

(7) All setback, lot coverage, building height, open space, design review and other applicable zoning requirements in Title 19 shall be satisfied, except as permitted by variance or as otherwise provided in this section.

(8) All otherwise applicable provisions of Title 16 shall be satisfied, including solar hot water heating requirements. Accessory dwelling units shall not be required to provide fire sprinklers unless required for the primary residence.

(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:

(A) R-0 and R-1.

(B) R-2. At least one thousand square feet of open space is required for each R-2 lot with an accessory unit.

(C) Residential DSP blocks.

(2) **Minimum Net Lot Area.**

(A) R-0 and R-1 zoning districts require ~~nine thousand~~eight thousand five hundred square feet.

(B) R-2 zoning district and residential DSP blocks require five thousand square feet.

(3) **Size.** The total size of an accessory dwelling unit shall be no less than 150 square feet and no greater than 700 square feet.

(4) **Parking.**

~~(A) — In order to add an accessory dwelling unit, the primary residence must meet or be upgraded to meet applicable parking standards.~~

~~(B)~~ 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 driveway.

~~(D)~~ 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 ~~if the primary residence would not otherwise meet applicable parking standards.~~ 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.

~~(E)~~ Parking in setback areas or tandem parking may be denied if found to be infeasible due to specific site or life safety conditions.

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

(i) The accessory dwelling unit is located within one-half mile of public transit. ~~For purposes of this section, "public transit" means an existing rail station or a bus stop with service intervals no longer than 15 minutes during peak commute hours.~~

(ii) The accessory dwelling unit is located

within an architecturally and historically significant historic district.

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

(iv) When there is a designated, fixed pick-up or drop-off location for a car share vehicle located within one block of the accessory dwelling unit.

(5) **Utilities.** The applicant may be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility and may be subject to a connection fee or capacity charge established by the City Council that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.

(d) **Conversions of existing interior space.** An application for a building permit to create one accessory dwelling unit per single-family lot in the R-0 or R-1 zoning districts shall be ministerially approved subject to the following requirements:

(1) The unit is contained within the existing space of a legally permitted accessory structure or single-family residence.

~~(2) The total size of the accessory dwelling unit is no less than 150 square feet and no greater than the following:~~

~~(A) For a unit created within an existing accessory structure, 1,200 square feet.~~

~~(B) For a unit created within an existing single-family dwelling, 50% of the floor area of the dwelling with a maximum of 1,200 square feet.~~

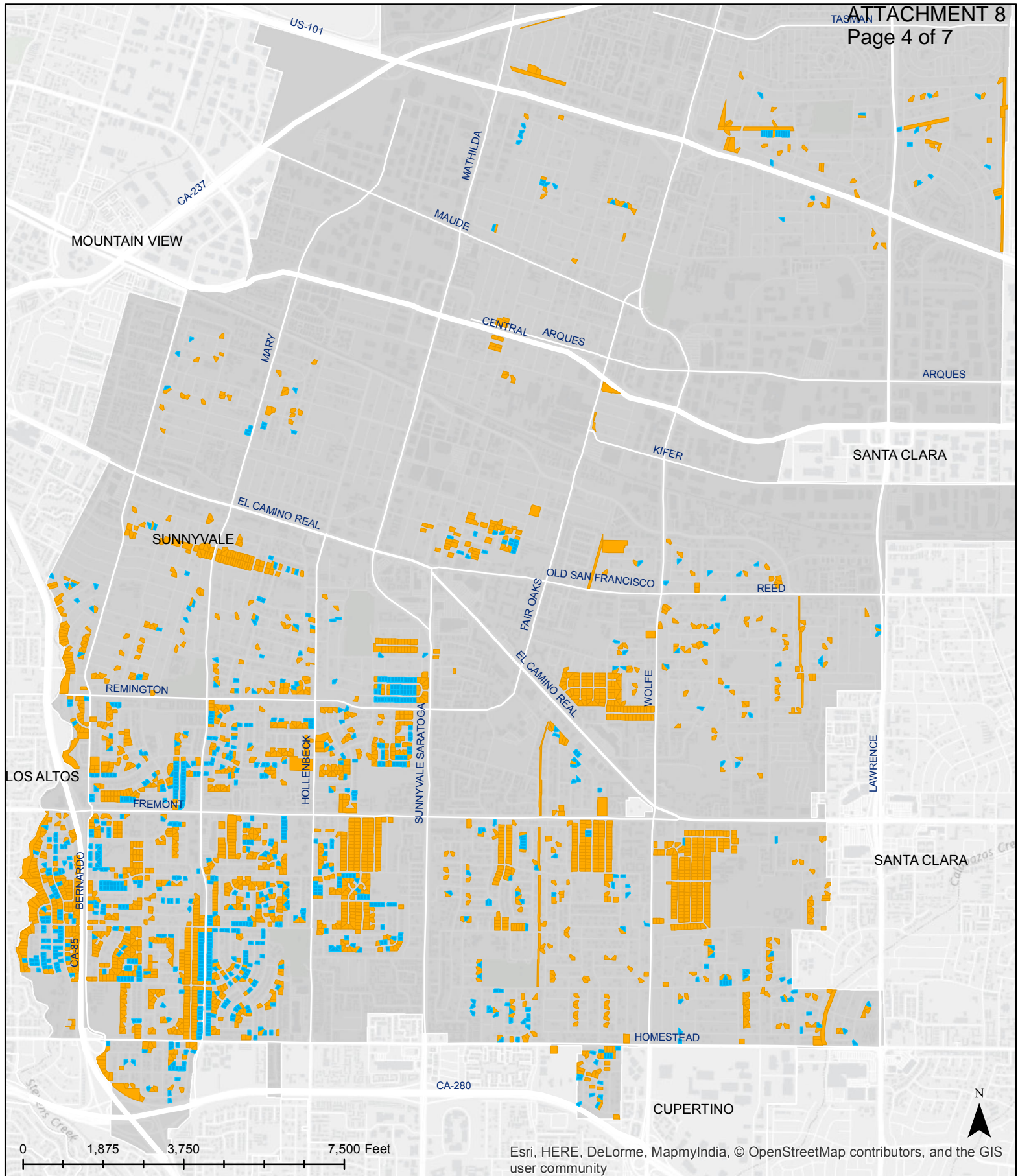
~~(3)~~ The unit has independent exterior access from the existing residence.

~~(4)~~ The side and rear setbacks are sufficient for fire safety.

~~(5)~~ The applicant shall not be required to provide an off-street parking space for the accessory dwelling unit. However, ~~the primary dwelling must meet applicable parking standards for a single-family dwelling, the applicant shall be required to replace any parking spaces lost as a result of the conversion of the existing space to an accessory dwelling unit.~~

~~(6)~~ Design review shall not be required for minimal exterior changes that do not expand the existing structure.

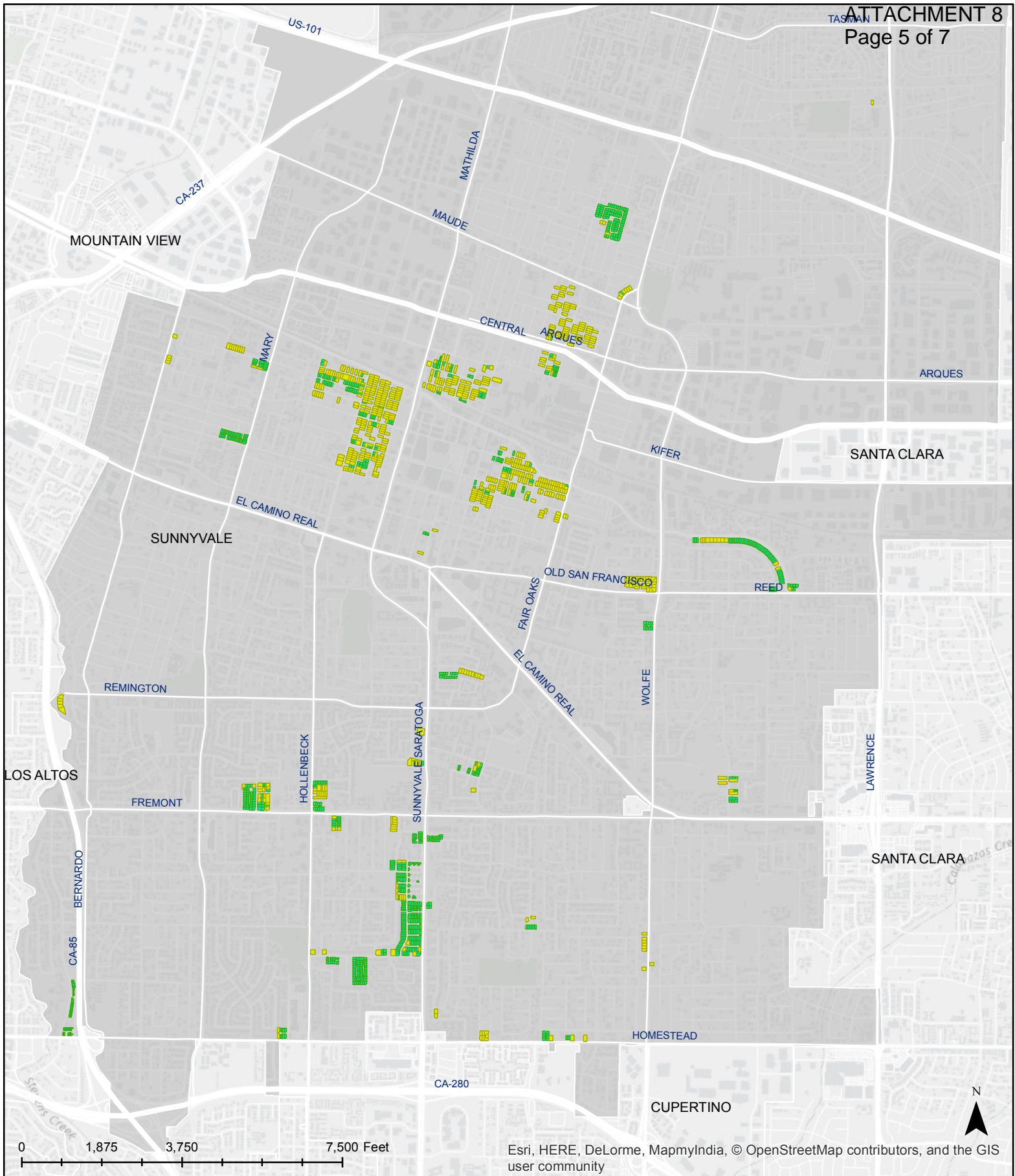
~~(7)~~ The applicant shall not be required to install a new or separate utility connection directly between the accessory dwelling unit and the utility, and shall not be charged a connection fee or capacity charge related to such requirement. The applicant may voluntarily install a new or separate utility connection, which shall be subject to the same fees described in 19.68.040(c)(5).



Current Residential Parcels Allowing Secondary Dwelling Units R2 Parcels in Sunnyvale with Single Family Use



- Parcel > 8,500 SF_827
- Parcel > 9,000 SF_2226



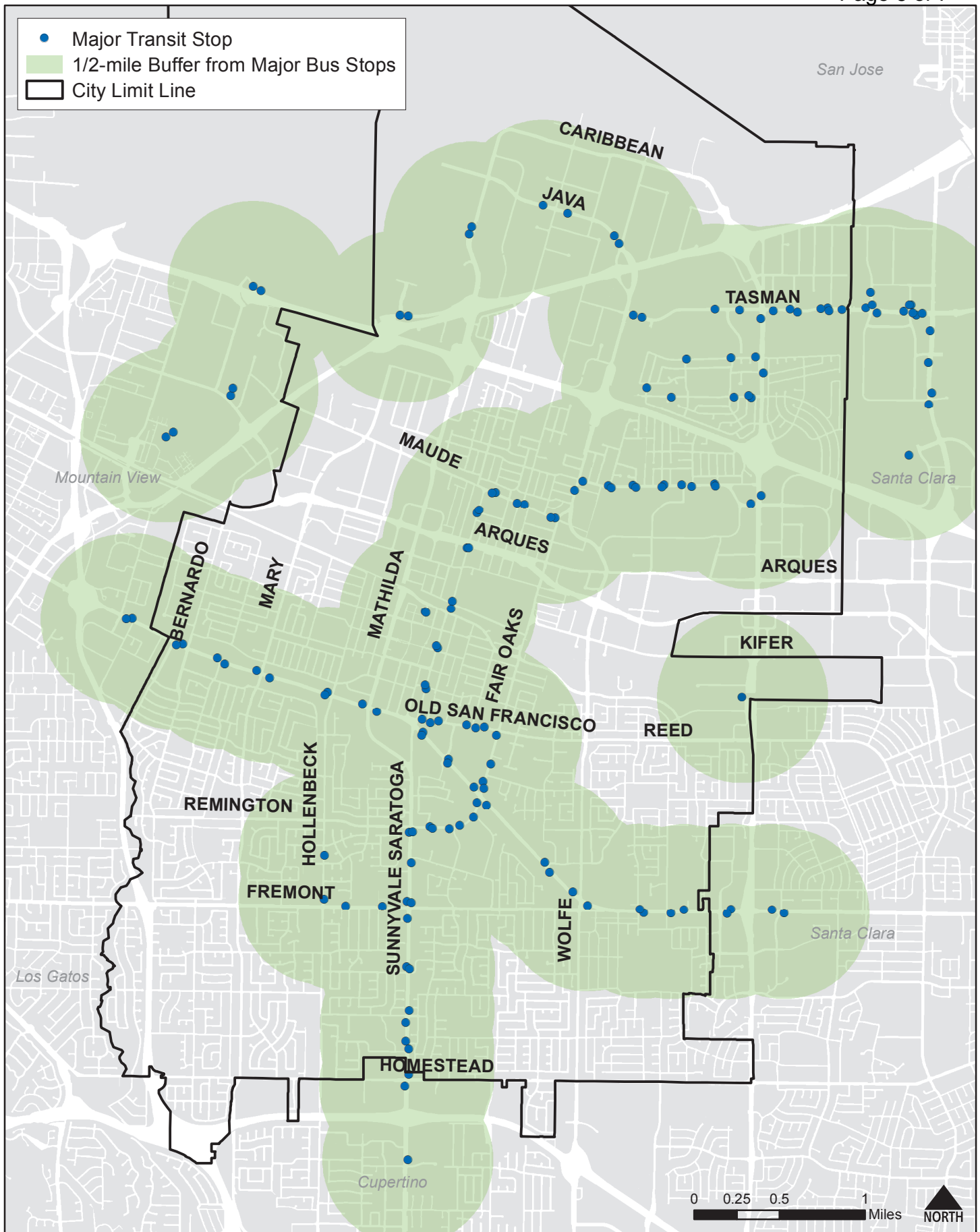


Current Residential Parcels Allowing Secondary Dwelling Units

R2 Parcels in Sunnyvale with Single Family Use

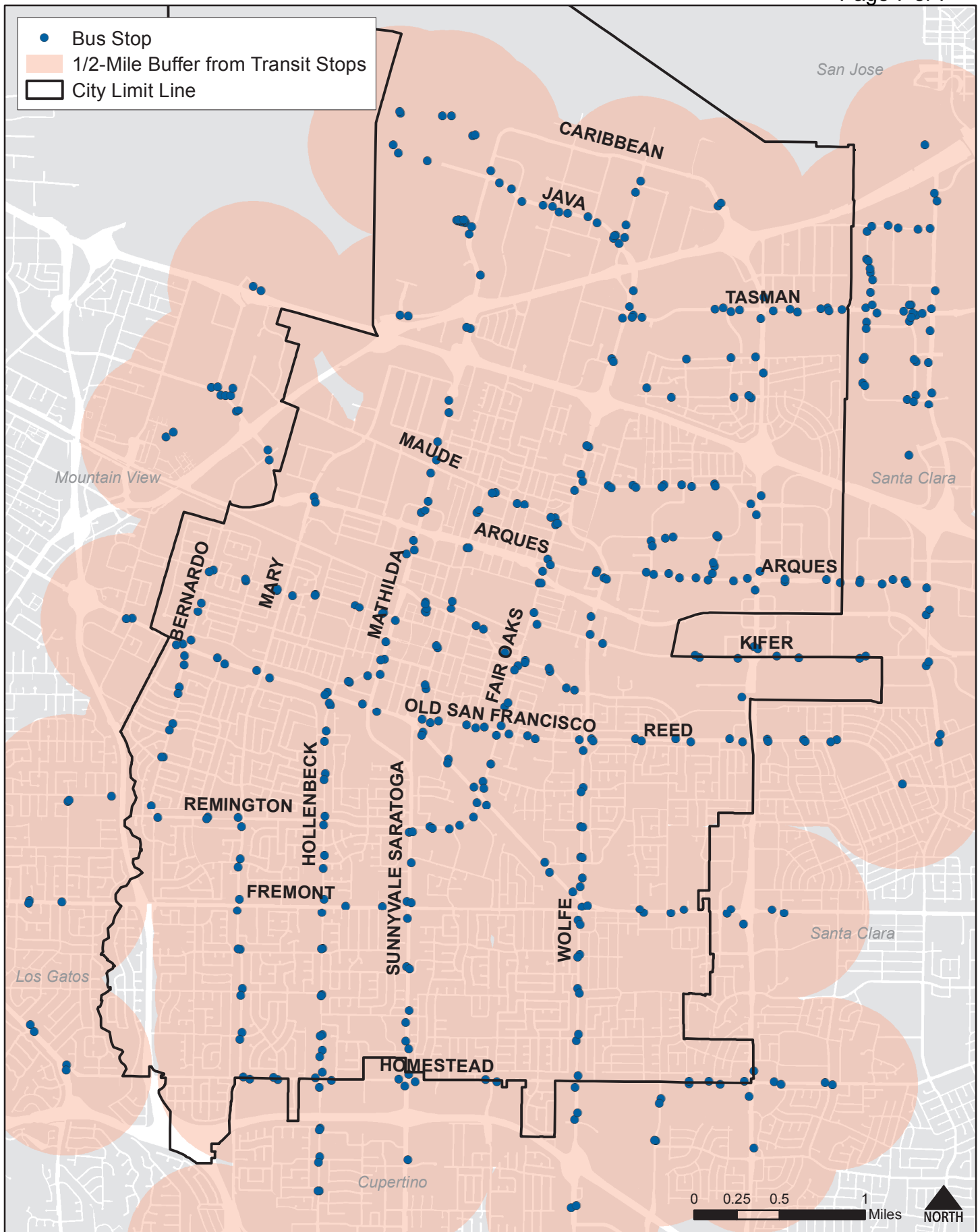
-  R2 Single Family
-  R2 Single Family with Parcel > 5,000 SF





Source: City of Sunnyvale, 2016; Santa Clara Valley Transit Agency (VTA), July 2016.

ADU Parking Analysis: 1/2-Mile Buffer from Major Transit Stops



Source: City of Sunnyvale, 2016; Santa Clara Valley Transit Agency (VTA), July 2016.

ADU Parking Analysis: 1/2-Mile Buffer from Transit Stops