

ORDINANCE NO. 3127-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF SUNNYVALE TO AMEND SECTION 19.68.040  
(ACCESSORY DWELLING UNITS) OF TITLE 19 (ZONING)  
OF THE SUNNYVALE MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS  
FOLLOWS:

SECTION 1. SECTION 19.68.040 AMENDED. Section 19.68.040 of Chapter 19.68 (Mobile, Accessory, and Single Room Occupancy Living Units) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.68.040. Accessory dwelling units.**

(a) [Text unchanged]

(b) **Requirements applicable to all accessory dwelling units.** The following requirements apply to all accessory dwelling units:

(1) [Text unchanged]

(2) The entrance to the accessory dwelling unit and the entrance to the primary dwelling unit shall not be on the same wall plane facing the public street; however, if the entrance to the accessory dwelling unit is above the first floor, it shall not be on the same building elevation as the entrance to the primary dwelling unit.

(3) – (4) [Text unchanged]

(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as defined herein, for the period of twenty years from the date the covenant is recorded, or until this provision is repealed, whichever occurs first. Prior to the issuance of a building permit the applicant shall provide evidence that a covenant has been recorded on the title of the affected property stating that the primary residence or the accessory dwelling unit shall remain owner occupied.~~

(6) – (8) [Text unchanged]

(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) [Text unchanged]
- (2) **Minimum Net Lot Area.**
  - (A) R-0 zoning district requires ~~seven~~six thousand square feet.
  - (B) R-1 zoning district requires eight thousand square feet.
  - (C) R-2 zoning district and residential DSP blocks require five thousand square feet.
- (3) – (4) [Text unchanged]
- (d) [Text unchanged]

**SECTION 2. CEQA - EXEMPTION.** The City Council finds that this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an Accessory Dwelling Unit ordinance to implement the provisions of Section 65852.2 of the Government Code. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

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

**SECTION 5. 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 October 17, 2017, 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