

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO RENUMBER CHAPTER 19.77 (ACCESSORY DWELLING UNITS) TO CHAPTER 19.79 AND MAKE OTHER ASSOCIATED CHANGES TO TITLE 19 OF THE SUNNYVALE MUNICIPAL CODE.

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

SECTION 1. TABLE 19.18.030 AMENDED. Table 19.18.030 of Chapter 19.18 (Permitted, Conditionally Permitted and Prohibited Uses in Residential Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.18.030
Permitted, Conditionally Permitted and Prohibited Uses in Residential Zoning Districts**

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

P = Permitted use

MPP = Miscellaneous Plan Permit required

UP = Use Permit required

SDP = Special Development Permit required

N = Not permitted, prohibited

RESIDENTIAL ZONING DISTRICTS	R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
1.-4.	[Text unchanged]							
5. <i>Accessory Uses</i>								
A. Accessory dwelling units	See 19.7779	See 19.7779	See 19.7779	See 19.7779	See 19.7779	See 19.7779	See 19.7779	N
B.-D.	[Text unchanged]							
6.-7.	[Text unchanged]							

¹⁻² [Text unchanged]

³ Only as allowed by Chapter 19.77 in conjunction with an existing or proposed single-family dwelling or an existing multifamily dwelling structure.

⁴⁻⁶ [Text unchanged]

SECTION 2. TABLE 19.28.080 AMENDED. Table 19.28.080 of Chapter 19.28 (Downtown Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.28.080
Permitted, Conditionally Permitted and Prohibited Uses in Residential DSP Blocks**

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

P = Permitted use

MPP = Miscellaneous Plan Permit required

UP = Use Permit required

SDP = Special Development Permit required

N = Not permitted, prohibited

DSP RESIDENTIAL BLOCKS	4, 5, 14, 15, 16, 23	6, 10a	8, 9, 10, 11, 12, 17	8a	8b, 9a
1.-3.	[Text unchanged]				
4. Accessory Uses					
A. Accessory Dwelling Units	See 19.77 ¹⁻³ 79 ⁴	See 19.77 ¹⁻³ 79 ⁴	See 19.77 ¹⁻³ 79 ⁴	See 19.77 ¹⁻³ 79 ⁴	See 19.77 ¹⁻³ 79 ⁴
B.-D.	[Text unchanged]				
5.-6.	[Text unchanged]				

¹⁻³ [Text unchanged]

⁴Only as allowed by Chapter 19.77-79 in conjunction with an existing or proposed single-family dwelling unit or an existing multifamily dwelling structure.

SECTION 3. SECTION 19.46.060 AMENDED. Section 19.46.060 (Parking for single-family and two-family dwellings) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.46.050. Parking for single-family and two-family dwellings.

(a) – (d) [Text unchanged]

(e) Garage or Carport Conversion. As provided in Chapter 19.77-79 (Accessory Dwelling Units), replacement parking is not required when a garage or carport is converted to an accessory dwelling unit, or demolished for the purpose of constructing an accessory dwelling unit. Otherwise, conversion of a garage or carport to a non-parking use requires review through a miscellaneous plan permit, which shall be conditioned on replacement of each converted space by a covered space that meets current standards.

SECTION 4. CHAPTER 19.77 (ACCESSORY DWELLING UNITS) AMENDED. Chapter 19.77 (Accessory Dwelling Units) of Title 19 (Zoning) adopted on January 7, 2020, by Ordinance 3154-20 is hereby renumbered to Chapter 19.79 as follows:

Chapter 19.77-79 Accessory Dwelling Units

19.77-79.010. Purpose

[Text unchanged]

19.77-79.020. Requirements applicable to all accessory dwelling units

[Text unchanged]

19.7779.030. Streamlined approval of certain accessory dwelling units

[Text unchanged]

19.7779.040. Accessory dwelling units that do not qualify for streamlined approval.

[Text unchanged]

19.7779.050. Owner-occupancy restrictions

[Text unchanged]

19.7779.060. Utility connections

[Text unchanged]

19.7779.070. Impact fees

[Text unchanged]

19.7779.080. Permit review

[Text unchanged]

19.7779.090. Delay of enforcement of building standards

[Text unchanged]

SECTION 5. SECTION 19.82.020 AMENDED. Section 19.82.020 (When required) of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.82.020. When required.

(a) General Reviews.

- (1) Accessory Dwelling Units. Accessory dwelling units described in 19.7779.040 shall be reviewed by the director of community development for compliance with the standards set forth in Chapter 19.7779. The permit shall be considered ministerially without discretionary review within the time frames required by Chapter 19.7779; when the application is in compliance with the relevant standards, the permit shall be issued. The director's decision shall be final.

(a)(2)-(25) [Text unchanged]

(b)-(k) [Text unchanged]

SECTION 6. CEQA - EXEMPTION. The City Council finds that the action being considered does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) as the action has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. 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 7. 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 8. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 9. 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