

3. [21-0380](#) Recommend that the City Council Introduce an Ordinance Making Minor Amendments to Chapters 19.18 (Residential Zoning Districts), 19.20 (Commercial Zoning Districts), and 19.79 (Accessory Dwelling Units) of the Sunnyvale Municipal Code and Amending Chapter 19.98 (General Procedures) of the Sunnyvale Municipal Code to Create a Procedure for Appealing Incompleteness Determinations, Adopt a Resolution to Amend the 2020/21 Citywide Fee Schedule Related to Appeals to Planning Commission, and Find that these Actions are Exempt from CEQA

Commissioner Rheaume recused himself due to a conflict of interest.

Assistant Director Andrew Miner presented the staff report.

Commissioner Harrison asked staff to explain the change being proposed for residential proposed projects on village center properties. Assistant Director Miner clarified that residential developments on village center properties would be subject to R-3 zoning district residential standards, the standards which are most closely related to the 18 dwelling units per acre density allowed for village centers. Commissioner Harrison confirmed with Assistant Director Miner that the ordinance does not propose rezoning village centers. Commissioner Harrison asked how accessory dwelling units would be built in multi-family dwelling structures when the interior non-livable space would most often be required storage areas or parking garages shared by tenants. Senior Assistant City Attorney Rebecca Moon stated that existing State law allows multi-family accessory dwelling units in interior non-livable spaces and that section of the proposed ordinance only seeks to align the language with State law to specify that every multi-family property can have at

least one accessory dwelling unit. Senior Assistant City Attorney Moon stated that State law requires the accessory dwelling units to be within the multi-family dwelling structure and that accessory dwelling units in underground parking structures would probably not be attractive to developers because they would not meet building code standards and would decrease parking availability. Assistant Director Miner added that most Covenants, Conditions and Restrictions prohibit converting non-livable space into accessory dwelling units. Commissioner Harrison confirmed with Senior Assistant City Attorney Moon that the State legislature's intention is to allow accessory dwelling units in multi-family parking garages.

Chair Howard asked if multi-family storage areas must be maintained at a certain size per unit which would prevent converting some or part of them to accessory dwelling units. Senior Assistant City Attorney Moon stated that the City does not have any discretion to prevent the conversion of multi-family storage areas to accessory dwelling units and can only enforce building codes standards for habitable dwelling units.

Chair Howard opened the Public Hearing.

There were no public speakers for this agenda item.

Chair Howard closed the Public Hearing.

MOTION: Commissioner Harrison moved and Commissioner Olevson seconded the motion to approve Alternative 1 - Introduce an Ordinance to Amend Certain Sections of Chapter 19.18, 19.20, 19.79, and 19.98 of Title 19 (Zoning) of the Sunnyvale Municipal Code, Adopt a Resolution to Amend the 2020/21 Citywide Fee Schedule Related to Appeals to Planning Commission, and Find that these Actions are Exempt from CEQA.

Commissioner Olevson commented that the proposed ordinance's frequent reference to State law helps clarify the reasons for the recommended changes.

The motion carried by the following vote:

Yes: 5 - Chair Howard
Commissioner Harrison
Commissioner Howe
Commissioner Olevson
Commissioner Weiss

No: 0

Absent: 1 - Vice Chair Simons

Recused: 1 - Commissioner Rheaume

Assistant Director Miner stated this recommendation will be forwarded to the City Council for consideration at the May 4, 2021 meeting.