

## Sunnyvale Municipal Code

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### Chapter 19.38. REQUIRED FACILITIES

#### **19.38.010. Facilities required.**

The owner or occupant of land or buildings used for any purpose in any zoning district shall provide the facilities as required by and which conform with the regulations set forth in this chapter. (Ord. 2623-99 § 1).

#### **19.38.020. Screening of equipment.**

##### (a) General Requirements.

(1) Except as otherwise provided in subsections (b) and (c), exterior mechanical, electrical or other type equipment whether installed on the ground, roof or walls shall be screened from view from adjoining streets or property.

(2) Such equipment shall not be located between the face of the building and the street.

(3) Screening shall be as high as the highest point of the item being screened. If higher than eighteen inches, shall meet the side and rear yard setbacks of the zoning district.

(4) Screening shall be architecturally compatible with the building upon or adjacent to where it is constructed.

(5) The director of community development shall review the architectural compatibility of proposed screening.

(b) Mechanical, Electrical or Other Type Equipment. All roof, wall or ground mounted mechanical, electrical or other type equipment which exceeds sixteen inches in any dimension shall be screened except:

(1) Equipment otherwise permitted by a miscellaneous plan permit.

(2) Solar energy systems, collectors or devices.

(3) Antennas as determined by Chapter [19.54](#).

(4) Backflow preventers.

(5) Detector checks.

(6) Fire hydrants and risers.

(7) Gauges, meters and valves.

(8) Heat absorption devices.

(9) Pumps, stacks and windmills.

(10) Wind energy systems as determined by Chapter [19.56](#).

##### (c) Vents, Flues and Other Roof Protrusions.

(1) All vents, flues and other roof protrusions for buildings in commercial or residential zones shall be screened or placed so as not to be visible from public view except:

(A) Vents, flues or protrusions four inches or less in diameter if painted or treated to blend with the building or roof.

(B) On a roof slope of more than two on twelve, in addition to subsection (a), there is a minimum distance of four feet between any two vents, flues or protrusions.

(C) As otherwise permitted by a use permit.

(2) All vents, flues and other roof protrusions on an industrial building shall be screened or placed so as not to be visible from public view except vents, flues and other protrusions less than sixteen inches in diameter if painted or treated to blend with the building. (Ord. 2904-09 § 4; Ord. 2875-08 § 4; Ord. 2623-99 § 1; prior zoning code §§ [19.32.146](#), [19.46.020](#), [19.46.030](#)).

### **19.38.030. Recycling and solid waste facilities.**

(a) All residential and nonresidential uses shall provide adequate recycling and solid waste facilities on site. Recycling and solid waste facilities (including carts, bins, containers, and enclosures) shall be adequate in capacity, number and distribution to serve the uses on-site.

(b) Nonresidential uses shall provide recycling and solid waste enclosures for the storage of recyclable materials and solid waste.

(c) Single-family and multifamily uses of three or fewer units shall obtain recycling and solid waste containers in accordance with Chapter [8.16](#).

(d) All residential uses with four or more units shall include centralized enclosures except that townhouse uses with dedicated attached garages shall provide for the storage of recyclable materials, solid waste and refuse in accordance with the options and criteria provided in the “Design Requirements for Solid Waste and Recycling Collection in Townhome Complexes” prepared by the city engineer and director of community development and established by city council. These requirements shall be maintained by the department of community development and shall be available to the public. Minor additions to or deletion from the requirements may be made by the director of community development; major changes require approval of the planning commission.

(e) Recycling and Solid Waste Enclosures.

(1) General Requirements.

(A) Any additions to nonresidential buildings which equal or exceed thirty percent of the existing floor area of a building or buildings on a site shall require the property owner to provide adequate enclosures for the storage of recycling containers and solid waste containers.

(B) Except when approved as part of a special development permit or use permit, proposed recycling and solid waste enclosures shall require the approval of a miscellaneous plan permit by the director of community development. Plans depicting the proposed design, materials, size and location of enclosures, and the number, size, type and placement of bins and containers shall accompany each application submitted for approval. The design and construction of recycling and solid waste enclosures shall comply with established city standards. The solid waste program manager shall advise the director of community development on the size, location, number and placement of bins, containers and enclosures required for a use. The public safety department shall advise the director of community development on fire safety and hazardous materials containment requirements. The director of community development may approve an application, require modifications, or may impose additional requirements to ensure the safe and efficient collection of solid waste and recyclable materials.

(C) Each recycling and solid waste enclosure shall have four sides, one of which shall include a door or gate, unless the containers are stored in a building. Enclosures shall be a minimum of six feet high and fully screen all materials and containers from public view.

(D) Recycling and solid waste enclosures shall not be located in any parking, landscape or setback areas, including any increased setbacks on commercial and industrial properties as required by the zoning code, unless otherwise approved by use permit.

(E) The property owner is responsible for the maintenance and cleanup of recycling and solid waste enclosures.

(F) The recycling and solid waste contractors are responsible for the maintenance of their respective bins and containers.

(G) Driveway or aisle leading to the enclosure shall be a minimum of sixteen feet in width.

(H) In a complex where driveways do not extend from street to street, a turnaround area for the collection vehicle shall be provided.

(I) Vehicle access to the enclosure shall be unobstructed and provide a minimum of fifteen feet vertical clearance.

(J) Loading area shall provide a minimum twenty feet vertical clearance. A concrete pad consisting of five inch aggregate base and six-inch Portland cement paving, or equivalent, as approved by the director of community development shall be constructed in front of each enclosure for the collection vehicle. The pad shall have a level surface where the containers are used.

(K) Recycling and solid waste enclosures shall be located within one hundred fifty feet from any dwelling unit unless otherwise approved by the director of community development.

(2) Commercial/Office/Public Facilities Zoning Districts.

(A) Enclosures shall be constructed of masonry with exterior material that matches the main structure.

(B) Enclosure door shall be of solid steel or aluminum.

(3) Residential Zoning Districts.

(A) Enclosures shall be constructed of wood or masonry compatible with the main structure.

(B) Enclosure door shall be of solid steel or aluminum.

(4) Industrial Zoning Districts. Enclosures shall be, at a minimum, slatted chain link fencing. The director of community development may require enclosures to be constructed of wood or masonry to be compatible with the main structure or to enhance the public view of the enclosure.

(f) Cart Service for Residential Uses.

(1) Single-family and multifamily uses of three or fewer units shall store recycling and solid waste containers so that they are either screened from public view from the public right-of-way or stored in the side yard of the premises behind the face of the house. Containers may remain in public view for purposes of collection in accordance with Chapter [8.16](#).

(2) Townhouse uses with four or more units and dedicated attached garages that choose to provide individual cart service shall design facilities in accordance with the criteria provided in the "Design Requirements for Solid Waste and Recycling Collection in Townhome Complexes" prepared by the city engineer and director of community development and established by city council.

(A) Except when approved as part of a special development permit or use permit, proposed individual cart service for storage and collection of recycling and solid waste in multifamily developments shall require the approval of a miscellaneous plan permit by the director of community development. The director of community development may approve an application, require modifications, or may impose additional requirements to ensure the safe and efficient collection of solid waste and recyclable materials. The solid waste program manager shall advise the director of community development on adequate facilities required for the use. The public safety department shall advise the director of community development on fire safety and hazardous materials containment requirements.

(g) Exemptions. Requirements of this section shall not apply to:

(1) Recycling bins not accessible to the general public used exclusively by a business for its recycling program.

(2) Recycling centers for which a use permit or special development permit is required. (Ord. 2926-10 § 1; Ord. 2816-06 § 2; Ord. 2714-02 § 2; Ord. 2649-00 § 7; Ord. 2623-99 § 1; prior zoning code § 19.46.040(a), (b), (d)—(n)).

#### **19.38.040. Individual lockable storage space for multiple-family residential.**

(a) Purpose. The purposes of this section are to:

- (1) Protect the integrity of the city's neighborhoods.
- (2) Preserve and enhance the high-quality character of neighborhoods.
- (3) Encourage residents to maintain clean neighborhoods by preventing unsightly accumulation of discarded materials and illegal dumping of furniture and other municipal solid waste.
- (4) Minimize unattractive elements which clutter the roadway.

(b) Applicability. The provisions of this section shall apply to all new multi-family residential development in all zoning districts.

(c) Required Storage. A minimum of one individual lockable storage unit shall be provided for each dwelling unit which shall be separate, lockable, weatherproof, and provided to tenants without an additional cost.

(d) Size. The minimum interior size of the storage space shall be as follows:

- (1) Two hundred cubic feet for studio and one bedroom units.
- (2) Three hundred cubic feet for all other units.

(e) Dimensions. The storage space shall be at least eight feet in one direction and no less than three feet in any other direction. The maximum height shall not exceed ten feet.

(f) Location. The storage space may be accessible from inside or outside the dwelling unit such as a patio, deck, balcony, interior or exterior hallway, interior room or separate structure. If storage space is attached to a bedroom it must be in addition to a bedroom closet. Required storage space shall not be located in an attic. A two-car garage meeting the minimum area and dimensions shall satisfy the lockable storage requirement.

(g) Exceptions. The decision maker may allow the storage space to be split between two locations under the following circumstances:

- (1) The combined space meets the minimum size requirements;

- (2) Each space is of sufficient size and dimensions to meet the purposes of this section; and
- (3) If one or both spaces is an interior closet, sufficient additional closet space is provided for the occupants' needs of daily living. (Ord. 3128-17 § 1; Ord. 3111-17 § 2; Ord. 2810-06 § 7; Ord. 2623-99 § 1; prior zoning code § [19.46.042](#)).

**19.38.045. Community room or club house requirement for multiple-family residential.**

(a) For all new multiple-family residential developments that contain fifty through ninety-nine housing units, a community room or club house with a minimum meeting space size of two hundred twenty-five square feet shall be provided on-site for use by all members of the residential community. For existing fifty through ninety-nine housing unit multiple-family projects that are remodeled or converted from rental to ownership housing, any existing community room or club house shall be retained.

(b) For all new multiple-family residential developments that contains one hundred or more housing units, a community room or club house with a minimum meeting space size of four hundred fifty square feet shall be provided on-site for use by all members of the residential community. For existing one hundred or more housing unit multiple-family projects that are remodeled or converted from rental to ownership housing, any existing community room or club house shall be retained.

(c) Notwithstanding subdivisions (a) and (b), the approving authority for any project subject to the terms of this section may waive the requirement to provide a community room or club house upon a determination, based upon the circumstances of the specific project, that the objectives and purposes of the general plan of the city of Sunnyvale would not be served by imposing the requirement. In determining whether a waiver is appropriate, the approving authority shall consider any impacts the requirement might have on achieving density goals, useable open space, or other development standards, and also shall consider any other amenities the proposed project might offer. (Ord. 2793-05 § 2).

**19.38.050. Prewiring for residential units.**

(a) All new construction of residential dwelling units shall provide and incorporate therein electronic communications signal distribution facilities, suitable for use with dish antennas, cable signal services, and similar master antennas or signal distribution services. Such facilities shall be constructed to the then current minimum technical standards to the extent feasible for wiring and other devices suitable for use by master antenna systems as well as cable television systems. The facilities required by this section shall terminate at the exterior wall or roof of the affected building.

(b) All multiple family units shall be prewired for cable, multiple phonelines and computers. (Ord. 2623-99 § 1; prior code § 19.46.045).

**19.38.060. Elevators.**

Elevators shall be provided for each residential building of four or more stores. Each garage level shall be considered a story. (Ord. 2623-99 § 1).

**19.38.075. Stormwater runoff pollution prevention requirements.**

Depending on a project's impervious surface area, requirements described in the National Pollutant Discharge Elimination System (NPDES) permit may apply. See Chapter [12.60](#) and Section [19.82.020](#)(23) of this code for stormwater management requirements and the project application process. (Ord. 2745-04 § 3).

**19.38.080. Sidewalks—Industrial districts.**

(a) Except as may be permitted by use permit, all uses within the M-S (industrial and service) and M-3 (general industrial) districts shall provide sidewalks along public street frontage. Such sidewalks shall comply with all applicable specifications and other requirements of Title 13 of this code, with the exception that alternate surface materials, colors and design thereof may be authorized by use permit; provided that durability, safety and compatibility with adjoining improvements is at least equivalent to the minimum specifications contained in Title 13. Such sidewalks shall be required at the time of any of the following and may be made a condition of issuance of any building permit, certificate of occupancy or other permit required for any of the following:

- (1) New construction;
- (2) Reconstruction, as defined in subsection (b) of any building or buildings, involving ten percent of the gross building area, or five thousand square feet, whichever is less; or
- (3) Expansion of existing individual buildings by ten percent or more of existing gross floor area, or by five thousand gross square feet, whichever is less; or
- (4) Change in use requiring a tentative map, special development permit or use permit having the potential to cause a significant increase in pedestrian traffic.

(b) For purposes of this section, the term “reconstruction” shall mean the demolition and replacement of an existing structure or structures, or portion thereof, which may either completely replace the original structure or which may incorporate a portion or portions of the original building in the new structure. This subsection shall not apply to reconstruction which is confined entirely to the interior of an existing structure.

(c) Where sidewalks are deemed required pursuant to paragraphs (2) and (3) of subsection (a), the costs of such required sidewalk construction shall not exceed ten percent of the total cost of the reconstruction or expansion. (Ord. 2905-09 § 10; Ord. 2634-00 § 1; Ord. 2623-99 § 1; prior zoning code § [19.46.055](#)).

**19.38.090. Underground utilities.**

(a) All utilities and communication services associated with new development, redevelopment, subdivision or change in use shall be placed underground unless otherwise exempted by this section.

(b) Utilities and communication services include:

- (1) All sewer, water and gas facilities except appurtenant equipment such as regulator, metering and testing equipment.
- (2) All electric and communication facilities such as telephone, cable television, fiber optics, etc. including building service (laterals and service drops); and distribution (boundary) facilities such as electric distribution lines of 34.5 KV or less and existing facilities located on the premises or within rights-of-way contiguous to the project site.

(3) Transformers and similar equipment capable of undergrounding located between a public street and the front of any building.

(4) Facilities installed in addition to nonconforming equipment if located between a public street and the front of any building.

(c) Electric and communication facilities do not include:

(1) Equipment appurtenant to laterals such as transformers, terminal boxes and meter cabinets. Transformers and similar equipment capable of undergrounding located behind the front of any building.

(2) Existing nonconforming equipment appurtenant to laterals associated with emergency replacement, enlargement or increase in capacity. Facilities installed in addition to nonconforming equipment if located behind the front of any building. (Ord. 2823-06 § 1; Ord. 2623-99 § 1; prior zoning code §§ [19.20.045](#), [19.46.060](#)).

### **19.38.095. General requirements.**

(a) Required undergrounding may be accomplished on a time schedule approved by the planning commission or director of community development.

(b) As conditions of approval for any use permit or special development permit the planning commission or city council may impose undergrounding requirements other than those contained in this section.

(c) All existing electric and communication service laterals shall be placed underground whenever such service is increased in capacity, added to or relocated except the addition, alteration or rehabilitation of single family dwellings.

(d) When distribution facilities are required to be undergrounded, all existing on-site and frontage overhead communication and electric distribution facilities extending from on-site boundary and frontage lines to off-site poles or buildings shall be removed and replaced with underground facilities. Where on-site boundary line poles are within fifteen feet of a cross property line, a new pole may be required to be placed at the property line intersection at the discretion of the director of community development.

(e) Utilities and communication services which are not required to be placed underground include:

(1) Boundary lines and service drops in connection with the addition, alteration or rehabilitation of an existing single family dwelling.

(2) Boundary lines in connection with the addition or alteration of any dwellings other than single family.

(3) Service drops in connection with the addition or alteration of any dwelling other than single family unless the service drop is otherwise modified in the course of construction.

(4) Boundary lines and service drops in connection with temporary or accessory unenclosed uses.

(5) Boundary lines in connection with any unenclosed use on a paved lot or raw land with frontage less than six hundred feet.

(6) Change of use in any building having a floor area less than ten thousand square feet unless in connection with a use permit or special development permit.

(7) Boundary lines in connection with a change of use in any building with a floor area over ten thousand square feet unless in connection with a use permit or special development permit.

(8) Boundary lines in connection with new development, redevelopment or subdivision on a lot or lots having a frontage less than one block, six hundred feet or one-half the distance between existing poles along the street frontage, whichever is less.

(9) Boundary lines and service drops (unless the service drop is otherwise modified in the course of construction) with the addition of floor area to an existing building with a frontage less than two



hundred feet except that service drops must be underground if the gross floor area after the addition exceeds two thousand five hundred square feet.

(10) Boundary lines where additions to an existing building results in a gross floor area up to five thousand square feet with a frontage between two hundred feet and six hundred feet but less than one block.

(11) Existing single family properties with overhead lines located in the rear of the property.

(12) Existing single family properties with overhead lines located in the front of the property that have less than one hundred fifty feet of frontage and less than fifteen thousand square feet of land area.

(f) Waiver of undergrounding requirements. The director of community development may waive undergrounding requirements if topographical, soil or any other condition makes underground installation of such facilities unreasonable or impracticable, or if such undergrounding would result in the deleterious erection of alternate above-ground facilities for servicing other properties.

(g) In lieu fees and deferral agreements.

(1) The director of community development may allow for an in-lieu fee and/or a deferral agreement when immediate undergrounding is not feasible for a qualifying project. Deferral agreements shall specify when the work and payment are to be completed and shall be recorded against the property.

(2) The director of community development may allow for the payment of an in-lieu fee or a deferral agreement for qualifying property located in a Rule 20 Area. (Ord. 2905-09 § 10; Ord. 2823-06 § 2).

#### **19.38.100. Allocation of costs for undergrounding.**

(a) The developer shall bear all costs associated with placing utilities underground as required under Section [19.38.090](#).

(b) The developer shall share undergrounding costs with the city in the following instances:

(1) Where existing overhead utilities, except service drop to subject development, extend from the boundary of developer's property across a public right-of-way or in the case of lines across or into adjoining private property; or

(2) Where existing overhead utilities extend beyond a street frontage boundary of developer's land along a street frontage boundary of an adjacent property owner; or

(3) Service drops from the subject development to property not owned by the developer, where the service drops do not extend directly across a public right-of-way from the subject development.

(c) The undergrounding costs in subsection (b) shall be allocated in accordance with the following provisions:

(1) The developer and the city shall equally divide the cost of placing utilities underground where the service extends from a pole at the extremity of the developer's land and extends across a public right-of-way to a pole fronting on or located on land owned by other than the developer;

(2) The developer and the city shall each pay a pro rata share of costs in relation to the percentage of linear feet of service traversing the land or street frontage of developer's land to that traversing the land or street frontage of adjacent property not owned by the developer;

(3) The city shall pay only the cost of the undergrounding and on-site conversions on property not owned by the developer where the existing overhead service drops originate from poles or lines that



are not located along the street frontage or on the developer's land. Such service drops include street crossings and service drops to adjoining properties not owned by the developer.

(d) Nothing herein shall obligate the city of Sunnyvale to pay the allocated costs as described in subsection (b). The city may decide not to contribute to the cost of placing the service underground. In such case, the appropriate review authority of the city reserves the right to substitute a reasonable and less costly alternative; to require partial undergrounding; or to require any reasonable combination of undergrounding, no undergrounding, and conduits to mitigate the visual effects of above-ground service or such alternatives may be utilized in order to facilitate future undergrounding.

(e) Nothing herein shall prevent the city from seeking reimbursement of amounts expended under the provisions set forth in subparagraphs (1) and (2) of subsection (c) from property owners benefited from the work in the event that the owner of property so benefited subsequently applies for any permit which would have required the placement of utilities underground pursuant to Section [19.38.090](#). (Ord. 2823-06 § 3; Ord. 2623-99 § 1; prior zoning code § [19.46.065](#)).

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