



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### REPORT TO COUNCIL

#### **SUBJECT**

Adopt an Urgency Interim Ordinance and Introduce an Ordinance to Amend Title 19 (Zoning) and Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code related to Senate Bill 1069 and Assembly Bill 2299 Amending the Government Code Related to Accessory Dwelling Units, and Find that the Action is Exempt from CEQA

#### **SUMMARY OF PLANNING COMMISSION ACTION**

This item was considered by the Planning Commission at their hearing on November 28, 2016. One member of the public spoke on this item.

Staff provided the Planning Commission an updated Urgency Interim Ordinance and regular Ordinance at November 28 hearing. The California Department of Housing and Community Development (HCD) is currently finalizing the Technical Assistance Memo ("Memo") for the new State legislation on Accessory Dwelling Units ("ADUs") for public review (the public review will be available either in December 2016 or January 2017). Staff reviewed the draft Memo, and made changes to both the Urgency Interim and Regular Ordinances presented to the Planning Commission prior to the hearing. The changes included:

- reduced minimum lot size requirement for R-0 and R-1 zoning districts from 9,000 to 8,500 square feet;
- removed the City's definition of public transit (i.e. any bus or rail stop qualifies-see map in Attachment 8); and
- generalized the replacement parking language.

Supplemental meeting materials provided at the Planning Commission hearing are in Attachment 8.

The Planning Commission recommended that City Council adopt an Urgency Interim Ordinance and to introduce an Ordinance to Amend Title 19 (Zoning) and Section 10.26.050 of the Sunnyvale Municipal Code to ensure consistency with Senate Bill 1069 and Assembly Bill 2299. The Planning Commission's action was on the updated Urgency Interim and Regular Ordinances staff provided at the November 28 hearing.

The Report to Planning Commission can be found in Attachment 1. Minutes from the Planning Commission hearing can be found in Attachment 7.

In order to adopt the Urgency Interim Ordinance the City Council must do so with a four-fifths vote (6 affirmative votes) of the City Council.

The newly adopted legislation on ADUs is an effort by the State to encourage and increase the

production of ADUs, especially in cities that had banned these uses. As a result of the legislation, local jurisdictions are required to adopt an ordinance consistent with the legislation. If the City Council does not adopt a consistent ordinance by January 1, 2017, the City's existing ordinance would be considered "null and void" and State standards would automatically be in effect for the regulation of ADUs.

### **ALTERNATIVES**

1. Adopt an Urgency Interim Ordinance to Amend Title 19 (Zoning) and Section 10.26.050 of the Sunnyvale Municipal Code to ensure consistency with Senate Bill 1069 and Assembly Bill 2299.
2. Introduce an Ordinance to Amend Title 19 (Zoning) and Section 10.26.050 of the Sunnyvale Municipal Code to ensure consistency with Senate Bill 1069 and Assembly Bill 2299.
3. Alternative 1 with modifications.
4. Alternative 2 with modifications.
5. Do not amend Title 19 (Zoning) and Section 10.26.050 of the Sunnyvale Municipal Code and accept the State law default requirements.

### **STAFF RECOMMENDATION**

Alternatives 1 and 2: Adopt an Urgency Interim Ordinance to Amend Title 19 (Zoning) and Section 10.26.050 of the Sunnyvale Municipal Code to ensure consistency with Senate Bill 1069 and Assembly Bill 2299; and Introduce an Ordinance to Amend Title 19 (Zoning) and Section 10.26.050 of the Sunnyvale Municipal Code to ensure consistency with Senate Bill 1069 and Assembly Bill 2299. The adoption of the recommended amendments to the Sunnyvale Municipal Code will ensure consistency with the amended State legislation on ADUs prior to the effective date of the legislation. In addition, the recommended modifications ensure that the City retains authority to regulate ADUs on applications received after January 1, 2017.

If the City Council cannot reach the required four-fifths vote required to adopt the Urgency Interim Ordinance or if the City Council contests the need for urgency of this item, staff recommends that the Council adopt Alternative 2 to introduce an ordinance to amend Title 19 (Zoning) of the Sunnyvale Municipal Code to ensure that the City's local ADU ordinance is consistent with the legislation even though the Ordinance would not go into effect until after the January 1, 2017 deadline. The second reading for the draft Ordinance will be on December 13, 2016.

Making no changes to the current regulations would require the City to adhere to the adopted State standards in their entirety and may create inconsistencies with the City's General Plan and Zoning Code, and adversely impact existing Sunnyvale neighborhoods' characteristics and integrity.

..Staff

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Reviewed by: Andrew Miner, Planning Officer

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

### **ATTACHMENTS**

1. **Report to Planning Commission, November 28, 2016** (*without attachments*)
2. Draft Urgency Interim Ordinance

3. Draft Ordinance
4. Full Text of Section 19.68.040 of Sunnyvale Municipal Code
5. Full Text of Senate Bill 1069 and Assembly Bill 2299
6. List of Affected Sections of Title 19 (Zoning)

**Additional Attachments for Report to Council**

7. Excerpt of Draft Planning Commission Minutes, November 28, 2016
8. Supplemental Meeting Materials provided at the hearing on November 28, 2016
  - Accessory Dwelling Units: Red-lined Changes to Proposed Ordinance
  - Maps (2) on Minimum Lot Size Requirements
  - Maps (2) on ADU Parking Analysis related to Public Transit