



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 19-1249, Version: 1

REPORT TO COUNCIL

SUBJECT

Adopt an Urgency Interim Ordinance and Introduce an Ordinance Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units and Find that the Action is Exempt from the California Environmental Quality Act

SUMMARY OF COMMISSION ACTION

The Planning Commission considered this item on November 25, 2019 and voted 6-0 (Commissioner Weiss absent) to recommend to the City Council the staff recommendation in Alternative 1.

Staff gave a presentation and the Commissioners asked clarifying questions on the State legislation and ADU Ordinances. One member of the public spoke and voiced support for the Ordinances.

Note that one minor modification was made to the Ordinances (Attachments 2 and 3) prior to the Planning Commission meeting and was a part of the Planning Commission recommendation. The modification eliminated language from the Ordinances relating to certain non-streamlined projects being “deemed approved” after a specified time. The state law does not impose this requirement on this category of ADU projects.

The Ordinances attached to this report are the modified, and updated, versions of the documents.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Find that the Action is Exempt from CEQA pursuant to Public Resource Code Section 15282 (h) and does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) and Adopt an Urgency Interim Ordinance (Attachment 2 to the report) and Introduce an Ordinance (Attachment 3 to the report) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units.
2. Find that the Action is Exempt from CEQA pursuant to Public Resource Code Section 15282 (h) and does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) and Adopt an Urgency Interim Ordinance and Introduce an Ordinance (Attachment 2 to the report) and Introduce an Ordinance (Attachment 3 to the report) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units with

modifications.

3. Take no action and do not amend the Sunnyvale Municipal Code and allow the language in the California Government Code to dictate how accessory dwelling units are administered in Sunnyvale.

STAFF RECOMMENDATION

Alternative 1: Find that the Action is Exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resource Code Section 15282(h) and does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15061(b)(3) and Adopt an Urgency Interim Ordinance (Attachment 2 to the report) and Introduce an Ordinance (Attachment 3 to the report) Amending Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units.

The adoption of the recommended amendments to the Sunnyvale Municipal Code (SMC) will ensure consistency with the amended State legislation on ADUs prior to the effective date of January 1, 2020. In addition, the recommended modifications ensure that the City retains some local authority to regulate ADUs on applications received after January 1, 2020.

The draft ordinances (regular and urgency) include language that reinstates owner occupancy requirements for standard ADUs in 2025 (see SMC Section 19.77.050 (b)). The City Council has previously expressed a preference for this regulation; if the City Council finds that this regulation is no longer desired, it can be removed.

Making no changes to the ordinance would require the City to impose the adopted State standards in their entirety, and may create inconsistencies with the City’s Zoning Ordinance, where allowed. Staff expects to see an increase in ADU permits with these modifications, resulting in an increase of housing units within the City for long-term renters.

Prepared by: Amber Blizinski, Principal Planner

Reviewed by: Andy Miner, Assistant Director, Community Development

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Report to Planning Commission 19-1076, November 25, 2019 (without attachments)
2. Draft Urgency Interim Ordinance - Revised on 11/25/19
3. Draft Ordinance - Revised on 11/25/19
4. Assembly Bill 881, Section 1.5

Additional Attachments for Report to Council

5. Excerpt of Draft Minutes of the Planning Commission Meeting of November 25, 2019