



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 20-0170, Version: 1

REPORT TO COUNCIL

SUBJECT

Adopt an Urgency Ordinance to Extend the Recently Adopted Urgency Ordinance to February 6, 2020 to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units, Introduce an Ordinance to Renumber Chapter 19.77 (Accessory Dwelling Units) to Chapter 19.79 and make other associated changes to Title 19, and Find that these Actions are Exempt from the California Environmental Quality Act

SUMMARY OF PREVIOUS COUNCIL ACTION

On December 10, 2019, the City Council voted 7-0 to adopt an urgency ordinance and to introduce a regular ordinance related to accessory dwelling units (ADUs). The purpose of the urgency ordinance was to ensure that the City's ADU regulations are consistent with state legislation that will go into effect on January 1, 2020.

Pursuant to Government Code Section 65858, urgency zoning ordinances are effective for 45 days unless extended by the City Council. The urgency ADU ordinance will expire on January 24, 2020. Because of the holidays, the regular ordinance could not be brought to City Council for a second reading until January 7, and will not go into effect for 30 days (February 6, 2020). Therefore, the situation that necessitated the urgency ordinance will continue to exist between January 24 and February 5. During this period, there is a possibility that residents could apply to build ADUs that would be governed by state law, rather than the City's regulations. For example, state law allows larger detached ADUs than the City allows. The City would also be precluded from applying other local zoning standards to certain ADUs. As authorized by Government Code Section 65868, staff recommends that the City Council adopt an urgency ordinance to extend the urgency ordinance until February 6, 2020 (Attachment 2).

In addition, staff discovered that in the rush to complete the ADU ordinance update before the end of the year, the new ADU regulations were inadvertently codified as Chapter 19.77 of the Municipal Code, which is the same code section as the recently adopted Inclusionary Housing ordinance. To correct this, the ADU regulations need to be re-codified as Chapter 19.79. This change is stated in the proposed ordinance extending the urgency ordinance. In addition, staff recommends that the Council introduce an ordinance to renumber the regular ordinance from Chapter 19.77 to 19.79. In addition, cross references to other sections of Title 19 are being updated.

ENVIRONMENTAL REVIEW

The adoption of an accessory dwelling unit ordinance is statutorily exempt from environmental review pursuant to Public Resources Code 21080.17. In addition, the action being considered does not constitute a "project" within the meaning of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as these changes have no potential for resulting in either a direct physical change to the

environment, or a reasonably foreseeable indirect change to the environment.

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 and with publication in the *Sun* newspaper, at least 10 days prior to the hearing.

ALTERNATIVES

1. Find that the Action is Exempt from CEQA pursuant to Public Resource Code Section 21080.17 and does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), Adopt an Urgency Ordinance (Attachment 6 to the Report) to Extend the Recently Amended Urgency Ordinance to February 6, 2020 to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units, and Introduce an Ordinance to Renumber Chapter 19.77 (Accessory Dwelling Units) to Chapter 19.79 and make other associated changes to Title 19.
2. Find that the Action is Exempt from CEQA pursuant to Public Resource Code Section 21080.17 and does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), Adopt an Urgency Ordinance to Extend the Recently Amended Urgency Ordinance to February 6, 2020 to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units, and Introduce an Ordinance to Renumber Chapter 19.77 (Accessory Dwelling Units) to Chapter 19.79 and make other associated changes to Title 19, with modifications.
3. Take no action and allow the language in the California Government Code to dictate how accessory dwelling units are administered in Sunnyvale between the expiration of the original adopted Urgency Ordinance and the effective date of the Ordinance (January 25, 2020 to February 5, 2020).
4. Take no action and do not renumber Chapter 19.77 (Accessory Dwelling Units) to Chapter 19.79.

STAFF RECOMMENDATION

Alternative 1: Find that the Action is Exempt from CEQA pursuant to Public Resource Code Section 21080.17 and does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3), Adopt an Urgency Ordinance (Attachment 6 to the Report) to Extend the Recently Amended Urgency Ordinance to February 6, 2020 to Amend Title 19 (Zoning) of the Sunnyvale Municipal Code related to new State Legislation on Accessory Dwelling Units, and Introduce an Ordinance to Renumber Chapter 19.77 (Accessory Dwelling Units) to Chapter 19.79 and make other associated changes to Title 19.

The adoption of the extension to the Urgency Ordinance will continue to ensure consistency with the amended State legislation on ADUs while ensuring that the City retains some local authority to regulate ADUs on applications received.

Prepared by: Amber Blizinski, Principal Planner

Reviewed by: Andrew 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. Urgency Ordinance 3153-19 - Adopted December 10, 2019
3. Ordinance 3154-20 to Add Chapter 19.77 - Introduced December 10, 2019, adopted January 7, 2020
4. Assembly Bill 881, Section 1.5
5. Excerpt of Draft Minutes of the Planning Commission Meeting of November 25, 2019
6. Draft Extended Urgency Ordinance
7. Ordinance to Renumber Chapter 19.77 to Chapter 19.79