SUNNYVALE MUNICIPAL CODE (SMC)

SECTIONS CONSIDERED FOR REVISIONS

SMC 12.60.100

Compliance with NPDES stormwater permit.

Any person subject to an industrial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance may be required in a form acceptable to the authorized enforcement official prior to or as a condition of the approval of a subdivision map, site plan, building permit, development or improvement plan: upon inspection of the facility and/or during any enforcement action. (Ord. 2732-03 § 1 (part)).

SMC 12.60.120

Storm water treatment requirements; applicability.

Specific storm water treatment requirements, as set forth in this chapter, are mandated for certain categories of new and redevelopment projects based upon the amount of impervious area created or replaced by a project. Treatment requirements shall apply to the following types of projects:

(a) Buildings. New commercial, industrial or residential developments that create ten thousand square feet or more of impervious surface, including roof area, streets and sidewalks. This category includes any development of any type on public or private land, which falls under the planning and building authority of the city, where ten thousand square feet or more of new impervious surface, collectively over the entire project site, will be created. Construction of one single-family home, which is not part of a larger common plan of development, with the incorporation of appropriate pollutant source control and design measures, and using landscaping to treat runoff from roof and house-associated impervious surfaces, is exempt from the requirements of this chapter.

(b) Streets. Any street, road, highway or freeway that is under the city's jurisdiction and that creates ten thousand square feet or more of new impervious surface. This category includes any newly constructed paved surface used primarily for transportation of automobiles, trucks, motorcycles, and other motorized vehicles. Excluded from this category are sidewalks, bicycle lanes, trail, bridge accessories, guardrails and landscape features.

(c) Significant Redevelopment. "Significant redevelopment" is defined as a project on a previously developed site that results in addition or replacement of ten thousand square feet or more (combined total) of impervious surface on the site. Where a significant redevelopment project results in an increase of, or replacement of, more than fifty percent of the impervious surface of a previously existing development, and the existing development was not subject to storm water treatment measures, the entire project must be included in the treatment measure design. Where a significant redevelopment project results in an increase of, or replacement of, less than fifty percent of the impervious surface of a previously existing development, and the existing development was not subject to storm water treatment measures, only that affected portion must be included in treatment design. Excluded from this category are interior remodels

and routine maintenance or repair, including roof or exterior surface replacement, pavement resurfacing, repaving, and road pavement structural section rehabilitation within the existing footprint, and any other reconstruction work within a public street or road right-of-way where both sides of that right-of-way are developed. (Ord. 2790-05 § 1 (part)).

SMC 19.12.130 (11)
Definition for "L"

(11) "Lot" means a parcel of land in one ownership with frontage on a public street used or capable of being used under the provisions of this title in the zoning district in which it is situated.

(a) "Corner lot" means a lot located at the intersection of two or more streets with a lot line on two or more of such streets.

(b) "Corridor or flag lot" means an interior lot on which the buildable area is located to the rear of a lot abutting the street, and which has access to the same street by means of a narrow driveway.

(c) "Interior lot" means any lot other than a corner lot.

SMC 19.12.080 (7)
Definition for "G"

(7) "Gross floor area" means the following:

(a) Single-family Residential Uses. The sum of the areas computed from the outside dimensions of a building, including supporting columns and unsupported wall projections (except eaves; uncovered balconies, porches and stairways; landing places; fireplaces and similar architectural features) for each floor. Garages are included in floor area calculations. Basement area may be exempt from the calculation as long as it is located no higher than two feet above grade.

(b) Commercial, Industrial, Multifamily and Other Uses. The sum of the areas computed from the outside dimensions of a building, including corridors, supporting columns and unsupported wall projections (except eaves; uncovered balconies, porches and stairways; fire escapes; landing places; fireplaces and similar architectural features) for each floor including mezzanine floors and enclosed and unenclosed roofed patios where the roof is more than fifty percent solid. (Ord. 2750-04 § 1 (part); Ord. 2714-02 § 1; Ord. 2650-00 § 1; Ord. 2623-99 § 1 (part): prior zoning code § 19.04.080).

SMC 18.22.090

Vesting on approval of vesting tentative map.

(a) The subdivider shall have the right to file, at the time of filing of the vesting tentative map, an application for any other discretionary permit orapproval required for the development for which the vesting tentative map is filed. The subdivider shall not be required to file any such application at that time except where and to the extent otherwise required by law.

(b) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards prescribed in Section 66474.2 of the Government Code pertaining to the vesting tentative map, and pertaining to any discretionary permit or approval for which an application was filed at the time of filing of the vesting tentative map. The filing of a vesting tentative map shall confer upon the subdivider the right to apply for other discretionary permits and approvals required for the development for which no application was made at the time of the filing of the vesting tentative map, but such applications shall be evaluated in accordance with the ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

If Section 66474.2 of the Government Code is repealed, the phrase in the preceding paragraph "prescribed in Section 66474.2 of the Government Code" shall be modified to read "in effect at the time the vesting tentative map is approved or conditionally approved."

(c) Notwithstanding subdivisions (a) and (b), a permit, approval, extension, or entitlement may be made conditional or denied if one of the following are determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required in order to comply with state or federal law.

(d) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 18.22.080. If the final map is approved, these rights shall last for the following periods of time:

(1) An initial period of one year beyond the recording of the final map.

Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(2) The initial time period set forth in (d)(1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty days from the date a complete application is filed.

(3) A subdivider may apply to the appropriate review authority as established by Section 18.20.070 for an extension of a tentative map or for the extension of a tentative parcel map, as the case may be, at any time before the initial time period set forth in (d)(1) expires.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (1) through (3), inclusive, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (Ord. 2414-92 § 3 (part): Ord. 2194-86 § 1 (part)).

SMC 19.18.020

Residential zoning districts.

Residential districts are for not more than the specified number of dwelling units per acre, except as otherwise provided for in Article 5. Other uses will be permitted which are compatible with the residential character of the districts.

(a) The R-0 and R-1 low-density residential districts are districts reserved for the construction, use and occupancy of not more than seven dwelling units per acre.

(b) The R-1.5 low medium density residential district is reserved for the construction, use and occupancy of not more than ten dwelling units per acre.

(c) The R-1.7/PD low medium density residential zoning district provides for construction use and occupancy of small-lot, residential development of not more than fourteen units per acre. R-1.7 shall always be combined with a planned development combining district as provided for in Chapter 19.26.

(d) The R-2 low medium density residential district is reserved for the construction, use and occupancy of not more than twelve dwelling units per acre.

(e) The R-3 medium density residential district is reserved for the construction, use and occupancy of not more than twenty-four dwelling units per acre.

(f) The R-4 high density residential district is reserved for the construction, use and occupancy of not more than thirty-six dwelling units per acre.

(g) The R-5 high density residential and office district is reserved for the construction, use and occupancy of not more than forty-five dwelling units per acre alone or in combination with hotels or motels.

(h) The R-MH residential-mobile home district is reserved for the construction, use and occupancy of mobile homes and other uses incidental to the operation of such parks. Such parks may not contain more than twelve dwelling units per acre of mobile home park area. (Ord. 2623-99 § 1 (part): prior zoning code §§ 19.32.010(a), 19.32.015(a), 19.32.017(a), 19.32.020(a), 19.32.030(a), 19.32.040(a), 19.32.050(a), 19.32.060(a)).

SMC 19.26.010

PD planned development district created—Purpose.

(a) There is hereby created a combining district to be known as PD planned development district which may be combined with any of the zoning districts designated in Chapter 19.16.

(b) The purpose of the combining district is to provide modifications, additions and limitations to other zoning districts to meet special conditions and situations concerning properties within such zoning districts that cannot otherwise be handled satisfactorily.

(c) The addition of a combining district designated with any zoning district shall not operate to reduce or eliminate any requirements established by the basic district regulations or other requirements contained in this title applicable to any district with which the combining district is

added unless expressly provided herein. (Ord. 2623-99 § 1 (part): prior zoning code § 19.20.010).

SMC 19.30.020

Required lot area and width.

Lot area and width shall be according to the provisions set forth in Table 19.30.020, except that all lots located within the DSP district shall conform to provisions set forth in Chapter 19.28. (Ord. 2683-01 § 3; Ord. 2623-99 § 1 (part): prior zoning code § 19.36.020).

TABLE 19.30.020
Required Net Lot Area and Width

Zoning District	Lot Area Minimum (Square feet)	Lot Area Per Dwelling Unit (Square Feet)	Lot Width at Minimum Front Yard Setback Corner (Feet)	Lot Width at Minimum Front Yard Setback Interior (Feet)	Lot Width at Minimum Front Yard Setback Cul-de-sac[1] (Feet)
R-0	6,000	6,000	62	57	45
R-1	8,000	8,000	82	76	45
R-1.5	4,200	4,200	45	42	40
R-1.7/PD	2,600[2]	2,600	[3]	[3]	[3]
R-2	8,000	3,600	82	76	60
R-3	8,000	1,800	82	120	60
R-4	8,000	1,200	82	120	60
R-5	8,000	950	82	76	60
R-MH	9 Acres	1,500[4]	None	None	None
R-MH	9 Acres	1,800[5]	None	None	None

Notes:

1 Also applicable to lots on the exterior side of a street with a centerline radius of four hundred feet or less.

2 Maximum lot area shall not exceed four thousand square feet. A minimum site area of two acres is also required.

3 As determined by planned development requirements. A minimum site area of 2.0 acres also required.

4 1,500 square feet nonexpandable mobile home.

5 1,800 square feet expandable mobile home.

SMC 19.30.040

Dwelling units allowed in multiple family districts.

Notwithstanding any other provisions of this chapter, the number of dwelling units allowed is as set forth in Table 19.30.040. (Ord. 2623-99 § 1 (part): prior zoning code § 19.36.035).

Table 19.30.040
Number of Dwelling Units Allowed: R-3, R-4 and R-5 Zoning Districts

No. of Units Allowed	Minimum Net Lot Area (square feet) Zoning District: R-3	Minimum Net Lot Area (square feet) Zoning District: R-4	Minimum Net Lot Area (square feet) Zoning District: R-5
1	6500 or less (legally created)	6500 or less (legally created)	6500 or less (legally created)
2	6500	6500	6500
3	7200	7200	7200
4	8000	8000	8000
5	1 unit for each 1800 sq. ft.	9000	9000
6	1 unit for each 1800 sq. ft.	10000	10000
7	1 unit for each 1800 sq. ft.	11000	11000
8	1 unit for each 1800 sq. ft.	12000	12000
9	1 unit for each 1800 sq. ft.	13000	13000
10	1 unit for each 1800 sq. ft.	14000	14000
11	1 unit for each 1800 sq. ft.	15000	15000
12	1 unit for each 1800 sq. ft.	16000	16000
13	1 unit for each 1800 sq. ft.	17000	17000
14	1 unit for each 1800 sq. ft.	18000	18000
15	1 unit for each 1800 sq. ft.	19000	19000
16	1 unit for each 1800 sq. ft.	20000	20000
17	1 unit for each 1800 sq. ft.	21000	21000
18	1 unit for each 1800 sq. ft.	22000	22000
19	1 unit for each 1800 sq. ft.	23000	23000
20	1 unit for each 1800 sq. ft.	24000	24000
21	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
22	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
23	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
24	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
25	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
26	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
27	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
28	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
29	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.
30	1 unit for each 1800 sq. ft.	1 unit for each 1200 sq. ft.	1 unit for each 950 sq. ft.

SMC 19.32.020

Building height and lot coverages.

Building height and lot coverages shall be according to the provisions set forth in Table 19.32.020, except that all lots located within the DSP district shall conform to provisions set forth in Chapter 19.28. (Ord. 2744-04 § 3; Ord. 2731-03 § 2; Ord. 2690-02 § 1; Ord. 2683-01 § 4; Ord. 2650-00 § 3; Ord. 2623-99 § 1 (part): prior zoning code §§ 19.32.080(e)(3), 19.40.020).

TABLE 19.32.020
Building Height, Lot Coverage and Floor Area Ratio

Zoning District	Building Stories	Building Feet	Lot Coverage (%)	Floor Area Ratio (FAR) (%)
R-0	2	30	45	45% FAR or 4,050 sq. ft. of gross floor area, whichever is less[6]
R-1	2	30	45	45% FAR or 4,050 sq. ft. of gross floor area, whichever is less[6]
R-1.5	2	30[1]	40	50
R-1.7/PD	2	30	40	50
R-2 (single-family dwellings)	2	30	40	45% FAR or 4,050 sq. ft. of gross floor area, whichever is less[6]
R-2 (all uses other than single-family dwellings)	2	30	45	55[6]
R-3	2	30	40	
R-4	4	55	40	
R-5	4	55	40	
R-MH	2	30	None	

Notes:

1 Walls facing the sideyards cannot exceed twelve feet in height within twelve feet of the side property lines. Second story wall height is limited to twenty-one feet, exclusive of pitched roof structure.

2 One-half foot shall be added to the front, side and rear yard setbacks for each foot that the building exceeds the maximum height allowed in the most restrictive abutting district.

3 Coverage shall not exceed the maximum structural coverage in the most restrictive zoning district abutting this district.

4 Hotels and motels may exceed seventy-five feet if allowed by use permit.

5 Fifty percent FAR for commercial storage or warehousing, Section 19.32.070(d).
One hundred percent FAR for Future Site B, as described in Section 19.32.070(c)(1).
Seventy percent FAR for Future Site C, as described in Section 19.32.070(c)(2).
Fifty percent FAR for Future Site E, as described in Section 19.32.070(c)(4).

6 Applications for residences which exceed the FAR set forth in this table shall be considered pursuant to Section 19.80.040(c).

7 5% FAR bonus for green buildings may apply. See Section 19.32.075.

SMC 19.32.040

Building heights—Distance from property line.

The height of buildings constructed or erected in any multiple family residential, commercial or industrial zoning district within seventy-five feet of the property line of property in a single-family residence zoning district shall not exceed twenty feet in the event existing buildings on the adjacent lot are one story or thirty feet if the existing buildings are two story or the lot is undeveloped. (Ord. 2623-99 § 1 (part): prior zoning code § 19.40.040).

SMC 19.32.070

Floor area ratio (FAR).

(a) The total floor area ratio of all buildings on a parcel zoned M-S or M-3 and occupied in whole or in part by the following uses shall not exceed thirty-five percent:

(1) Administrative, professional, medical and research and development offices and uses;

(2) Financial institutions, such as banks and savings and loan associations, except drive-through facilities;

(3) Plants and facilities for the assembly, compounding, manufacture, packaging, processing, repairing, or treatment of equipment, materials, merchandise or products, except for products containing explosives or propellants;

(4) Public utility buildings and service facilities, electric transmission and distribution substations, and public utility service centers;

(5) Amusement, athletic, cultural and recreational enterprises;

(6) Businesses selling merchandise or products at retail or services (such as real estate brokerage services);

(7) Hazardous materials storage facilities not governed by Section 19.22.060 or Chapter 19.82;

(b) The following are exceptions to the total floor area ratios set forth in (a):

(1) Hazardous materials storage facilities governed by Section 19.22.060 or Chapter 19.82;

(2) Buildings permitted by use permits;

(3) Temporary offices except floor area will be included for such offices in place for more than four years;

(4) Architectural design features not utilized for occupancy or storage;

(5) Bicycle support facilities. When showers and/or dressing rooms are provided for use by bicycle commuters, the floor area occupied by such facilities may result in an increase in total floor area ratio of up to forty percent if approved through the

miscellaneous plan permit process. Request for higher percentage substitutions shall be reviewed by the planning commission using the use permit process.

(c) The floor area ratios for futures sites and the downtown specific plan district are as follows:

(1) Parcels within the area bounded on the north by the Mathilda Avenue off-ramp from southbound Highway 101, on the east by San Aleso Avenue, and on the west by Vaqueros Avenue, commonly known as futures industrial/commercial intensification site B, as further delineated on the zoning district map, which shall be allowed a maximum one hundred percent floor area ratio;

(2) Parcels within the area bounded on the north by Almanor Avenue, on the east by Mathilda Avenue, Vaqueros Avenue on the west, and Maude Avenue on the south, commonly known as futures industrial/commercial intensification site C, as further delineated on the zoning district map, which shall be allowed a maximum seventy percent floor area ratio;

(3) Parcels within the area encompassing the intersection of El Camino Real and Bernardo Avenue and surrounding parcels, commonly known as futures industrial/commercial intensification site D, as further delineated on the zoning district map, and that additional parcel bounded on the east by Pastoria Avenue and the south by Maude Avenue, as further delineated on the zoning district map, which shall be allowed a maximum fifty-five percent floor area ratio;

(4) Parcels within the area bounded on the north by Caspian Drive, on the west by Mathilda Avenue, on the east by Crossman Avenue, and on the south by Gibraltar Drive, commonly known as futures industrial/commercial intensification site E, as further delineated on the zoning district map, which shall be allowed a maximum fifty percent floor area ratio.

(5) The floor area ratio of buildings located within the DSP district shall conform to floor area ratio provisions set forth in Chapter 19.28.

(d) Except as may be permitted by use permit, no building, buildings or portions of buildings constructed for or devoted to use as commercial storage or warehousing shall have a floor area ratio of more than fifty percent. (Ord. 2655-01 § 2; Ord. 2623-99 § 1 (part): prior zoning code §§ 19.32.142, 19.32.145(h), 19.51.035(a)(4)(part)).

SMC 19.34.030

Required yards.

Yards shall be required as set forth in Table 19.34.030, except that all lots located within the DSP district shall conform to provisions set forth in Chapter 19.28. (Ord. 2683-01 § 5: Ord. 2649-00 § 6; Ord. 2623-99 § 1 (part): prior zoning code §§ 19.32.080(e)(2), 19.44.020, 19.44.020 Table).

TABLE 19.34.030
Required Yards

Zoning District	Front Yard Minimum	Front Yard Average	Side Yards[5] Total[1]	Side Yards[5] One Side	Rear Yard
R-0	15[2]	20	12	4	20
R-1	15[2]	20	15	6	20
R-1.5	20	20	12	4	20
R-1.7	15	20	12	4	20
R-2	15[2]	20	12	4	20
R-3	15[2]	20	15	6	20
R-4	20[2]	None	20	9	20
R-5	20[2]	None	20	9	20
R-MH	None	None	None	None	None

Footnotes:

[1] Combined total of the two side yards added together.

[2] For single lot development, including proposed additions, the minimum setback must meet the average figure.

[5] Increased setbacks for multiple stories may also be required by Section 19.34.080.

SMC 19.34.050

Front setback requirements for multistory residential developments.

In any multistory residential development greater than two stories or thirty feet in height, located in an R-4 or R-5 zoning district, the front setback for each story above two stories shall be the amount of any front yard setback required pursuant to this chapter, plus an amount not less than one-half of the height of the front wall of the additional story. In any building not divided by stories, the front setback for any part of the building in excess of thirty feet in height shall be no less than one-half of the height of the front wall elevation above thirty feet above the ground, plus any front yard setback required pursuant to this chapter. (Ord. 2623-99 § 1 (part): prior zoning code § 19.44.075).

SMC 19.34.100

Side yards—Modifications—When allowed.

(a) In an R-4 zoning district, when a single-family dwelling is constructed on a legally created lot, the required side yards applicable to the R-0 zoning district shall apply. When a two-family dwelling structure is constructed on a legally created lot, the required side yards applicable to the R-2 zoning district shall apply.

(b) In any residential zoning district where two buildings are located or planned for one lot or parcel, the required minimum and total side yards for each building may be calculated separately, so long as such separate side yards do not cross one another. If the line of the front face of one

building extending for the full width of the lot overlaps the line of the near face of the other building, minimum and total side yard requirements shall apply as if the two buildings were one building. The modifications of side yards permitted by this section shall not apply to accessory utility buildings which are regulated by Chapter 19.40. (Ord. 2623-99 § 1 (part): prior zoning code § 19.44.035).

SMC 19.38.040

Storage space for multiple family residential.

A minimum of three hundred cubic feet (interior dimensions) of separate, lockable and weatherproof storage space shall be provided for each dwelling unit of a residential development consisting of three or more units and located in R-3, R-4, R-5, commercial or industrial zones. Each storage space shall be accessible from a patio, deck, hallway, the exterior of a dwelling unit, or via a separate structure. Attic area shall not be calculated as storage space. (Ord. 2623-99 § 1 (part): prior zoning code § 19.46.042).

SMC 19.38.070

Landscaping, irrigation and usable open space.

(a) Table 19.38.070 establishes landscape and usable open space requirements by zone.

(b) General requirements for landscaping and irrigation.

(1) Landscape/irrigation requirements apply whenever landscaping is installed on any unlandscaped lot, landscaping is installed in connection with new construction, replacement or expansion in floor area of any structure, or with the addition or replacement of landscape area in excess of five hundred square feet.

(2) After landscaping is installed, it shall be maintained in a neat, clean and healthful condition.

(A) Landscaping removed due to disease or death of plants shall be replaced to match the approved landscape plan.

(B) Landscaping installed per approved plan which is removed without approval of the city, and which cannot be demonstrated to have been diseased or dead, shall be replaced with specimen plants to match the approved plan.

(3) All undeveloped areas shall be landscaped except:

(A) Lots in the DSP zoning district;

(B) Rear yards in all single-family residential zones;

(C) Parking areas, walks or drives;

(D) Activities specifically permitted as an unenclosed use.

(4) All required landscape areas shall be provided with a permanent irrigation system except for single-family detached and duplex dwellings.

(5) In all single-family residential zones where landscape plans are not required, a wide variety of plant and landscape materials, including unplanted areas are acceptable as long as the area between the house and the curb is maintained in a neat, clean and healthful condition.

(6) Water conserving plants shall be installed in seventy percent of all landscaped areas except:

(A) Single-family;

(B) Duplexes;

(C) Turf areas ~~of~~ pubic parks;

(D) Golf courses;

(E) Cemeteries;

(F) School grounds.

(7) A list of water conserving plant material shall be maintained, and modified as needed, by the director of community development. The director may approve deviations from the list if certified by:

(A) A landscape architect registered in the state of California;

(B) A California certified nurseryman;

(C) City of Sunnyvale superintendent of parks;

(D) City of Sunnyvale superintendent of street trees and landscape.

(8) Landscape and irrigation plans shall be prepared by a registered architect, landscape architect, licensed landscape contractor, licensed nurseryman or other similarly qualified person.

(c) Minimum planting requirements, unless otherwise authorized by the director of community development, are:

(1) At least twenty percent of the net lot area shall be landscaped.

(2) Trees shall be of minimum fifteen gallon size.

(3) Shrubs shall be at minimum five gallon size; accent or ground cover shrubs may be one gallon size.

(4) Living ground cover shall be installed twelve inches on center.

(5) Trees at twenty-four inches or thirty-six inches box may be required by staff to meet part of the tree requirements.

(6) There shall be one tree per thousand square feet of required landscape area in addition to required street trees and parking lot trees.

(7) There shall be two shrubs per three hundred square feet of required landscape area excluding the required parking lot landscape area.

(8) There shall be mulch at two inches in depth added to all nonturf soil areas.

(9) Nonporous materials shall not be placed under plants or mulched areas.

(10) Installed trees shall have two stakes that are:

(A) At least 2.5 inches in diameter;

(B) Same height as the tree prior to installation;

(C) Installed at least 2.5 feet into the ground;

(D) Attached to the tree in at least two places.

(11) Annual color or water intensive landscaping shall be confined to high visibility and/or high pedestrian use areas.

(12) Non-water-conserving plants shall be grouped to allow more effective irrigation.

(13) All turf areas shall be planted with fescue or similar turf requiring less water.

(14) No turf shall be on mounding with slopes greater than ten percent.

(d) Minimum parking lot landscaping requirements.

(1) At least twenty percent of the parking lot area shall be landscaped.

(2) Trees shall be planted and maintained throughout the lot to ensure that at least fifty percent of the parking area will be shaded within fifteen years after the establishment of the lot. Shading shall be calculated by using the diameter of the tree crown at fifteen years. All surfacing on which a vehicle can drive is subject to shade calculation, including all parking stalls; all drives within the property, regardless of length, and including drive-through lanes; and all maneuvering area, regardless of depth. The following surfaced areas are exempt from shade requirements:

(A) Truck loading area in front of overhead doors;

(B) Truck maneuvering and parking areas unconnected to and exclusive of any vehicle parking;

(C) Surfaced areas not to be used for vehicle parking, driving or maneuvering, provided they are made inaccessible to vehicles by a barrier such as bollards or fencing;

(D) Automobile dealerships, display/sales/service/vehicle storage areas (required parking for auto dealerships is still subject to shading);

(E) surfaced areas existing prior to January 1, 2002.

(3) Landscape areas and parking islands, with or without trees, shall contain living ground cover or shrubs, unless it can be shown that ground cover is incompatible with the tree. Where living ground cover is unsuitable, the director of community development may allow porous, nonliving ground cover such as pebbles or tanbark. Landscape areas and parking islands shall be designed to integrate parking lot and site drainage in order to reduce storm water runoff velocities and minimize non-point source pollution.

(4) A six-inch poured in place concrete curb with drainage "weep holes" shall separate landscaping from parking areas.

(5) A poured in place concrete header with drainage "weep holes" shall separate landscaping from parking areas.

(6) Concrete wheel stops, properly installed with epoxy and metal dowels, are required when landscape areas are not adequately protected.

(7) Parking lot design and landscaping guidelines shall be maintained, and modified as needed, by the director of community development; the director may approve deviations from the guidelines if certified by:

(A) A landscape architect registered in the state of California;

(B) A California certified nurseryman;

(C) City of Sunnyvale superintendent of parks;

(D) City of Sunnyvale superintendent of street trees and landscape.

(e) Minimum buffer landscaping requirements.

(1) Buffer shall maintain a width of at least ten feet.

(2) Buffer shall include a decorative masonry wall six feet in height measured from the highest adjoining grade. When the adjacent non-residential building is two stories or more in height, the decorative masonry wall shall be eight feet measured from the highest adjoining grade. Where a residential use is permitted in a nonresidential zone, the wall shall be required on the residential property, unless a wall is already existing.

(3) Buffer shall include a planted screen of approved trees and shrubs which shall be placed along the length of the buffer at intervals not to exceed twenty (20) feet, provided, however, that the Director of Community Development may grant exceptions through a miscellaneous plan permit when warranted by conditions on the property.

(f) Minimum frontage strip landscape requirements.

(1) There shall be a fifteen-foot strip along the entire frontage measured from the inside edge of the public sidewalk, or if no sidewalk exist, from the curb.

(2) The landscape strip may contain sidewalks and may be crossed by access drives and parking areas as permitted by Section 19.46.310.

(3) Where the area inside the walk is less than six feet in width, a hedge, wall, berm, or raised planter or combination thereof at least thirty inches in height must be provided.

(g) Irrigation Requirements.

(1) Bubbler or drip type irrigation shall be provided for trees and shrubs. Overhead irrigation systems may be used for clustered shrub plantings.

(2) Valves and control circuits shall be separated based on required rate and quantity of water used.

(3) Serviceable check valves are required where differences in elevation may cause drainage to low elevation sprinklers.

(4) Plans submitted shall indicate the monthly irrigation schedule for each irrigation circuit for one year following the plant establishment period.

(5) Sprinkler heads must have matched precipitation rates within each circuit.

(6) All new systems must have automatic controllers capable of dual or multiple programming.

(7) Controllers and backflow devices shall be screened from public view.

(8) Systems shall be designed to meet the individual needs of each plant group.

(9) Systems shall incorporate a rain shutoff device and battery backup.

(h) Minimum usable open space requirements.

(1) Usable open space must be designed to be accessible to, and usable for outdoor living, recreation or utility use. Usable open space does not include parking facilities, driveways or any required front yard area.

(2) There shall be at least a twelve foot dimension in any one direction except a minimum of:

(A) Seven feet is permissible for private balconies;

(B) Ten feet is permissible for roofs, decks or porches.

(3) There shall be at least a two hundred square feet area except a minimum of:

(A) Eighty square feet is permissible for private balconies;

(B) One hundred twenty square feet is permissible for roofs, decks, or porches. (Ord. 2714-02 § 3; Ord. 2687-01 § 1: Ord. 2683-01 § 6; Ord. 2643-00 § 1; Ord. 2623-99 § 1 (part): prior zoning code §§ 19.32.070(c)(5), 19.32.080(e)(1), 19.32.090(c)(2), 19.46.050(a)—(e), (g)(1)—(j)(8)).

TABLE 19.38.070
Summary of Landscape Standards by Zoning District

Zoning District	Landscape Area Required(1)	Parking Lot Landscaping Required(1)	Usable Open Space Required	15' Frontage Strip Required(2)	10' Buffer Landscaping Strip Required?
R-0	None	No	No	No	(3)
R-1	None	No	No	No	(3)
R-1.5	None	No	No	No	(3)
R-1.7/PD	None	No	No	No	(3)
R-2	850 sq. ft./du.		500 sq. ft./du.(7)	Yes	(3)
R-3	425 sq. ft./du.	(20% of parking	400 sq. ft./du.	Yes	(3)
R-4	375 sq. ft./du.	lot and drives)	380 sq. ft./du.(6)	Yes	(3)
R-5	375 sq. ft./du.		380 sq. ft./du.(6)	Yes	(3)

Notes:
(1) Minimum landscape area and parking lot landscape requirements must be combined to determine the minimum landscape area required, however, in no case shall the landscape area of a lot be less than 20% of the net lot area, although it may be more.
(2) The 15 foot frontage strip is not required in any zoning district for owner-occupied, single family residential uses which have a frontage on a public street.
(3) The 10 foot buffer strip is required for any property with a non-residential use that abuts a residential use.
(6) A minimum of 80 sq. ft. total shall be designed as private usable open space.
(7) R-2 and DSP Blocks 8, 9, 10, 11 and 12 require one thousand sq. ft. of usable open space for an accessory living unit.

SMC 19.46.010

Areas and facilities required—Location.

The owner or occupant of land or buildings used for any purpose in any zoning district, except uses within the boundaries of a parking district created by the action of the city council, shall provide off-street parking and loading areas and facilities which conform with the regulations set forth herein. Residential uses within a parking district shall comply with off-street parking requirements, except in the DSP Subdistrict 2 zoning district. Except as may be authorized by use permit, all off-street parking and loading areas required by this chapter shall be provided upon the same site as the use served thereby. (Ord. 2623-99 § 1 (part): prior zoning code § 19.48.010).

SMC 19.46.020

Off-street parking spaces—Owner or occupant to provide.

(a) The owner or occupant of land or buildings used for any purpose in any zoning district shall provide the number of off-street parking spaces required by this chapter for such use or uses. When any fraction of a parking space is required, the entire space shall be provided.

(b) When land or a building is occupied by more than one use, a combination of the appropriate requirements shall be used in computing the necessary quantity of off-street parking. In determining which requirements are appropriate in the case of occupancy by more than one use, any one use occupying ten percent or less of the total floor area occupied by all of the uses shall be treated as though it were part of the uses occupying ninety percent or more of the total floor area.

(c) When more than one use occurs on a property, and the different uses which occur have different times of peak parking demand, the director of community development may determine, through the miscellaneous plan permit process, the amount of parking to be required for the site.

(d) Parking requirements set forth in this chapter, unless otherwise specifically stated, apply to the visitors, customers, employees, and tenants of the owner or occupant. (Ord. 2623-99 § 1 (part): prior zoning code § 19.48.020).

SMC 19.46.040

Incentives for underground parking, R4 and R5 zones.

Within the R4 and R5 zones, additional building height above the maximum allowed is permitted equal to the depth of subterranean parking facilities. Such additional building height shall not exceed five feet above the maximum allowed. (Ord. 2623-99 § 1 (part)).

SMC 19.46.050

Parking standards.

The number of parking spaces and related standards required for various uses are set forth in Table 19.46.050. The table does not apply to parcels located within downtown specific plan, subdistrict 2. (Ord. 2643-00 § 4; Ord. 2623-99 § 1 (part): prior zoning code §§ 19.48.030—19.48.060, 19.48.065, 19.48.110—19.48.140, 19.48.145, 19.48.150, 19.48.155, 19.48.160—19.48.180(a)—(f)).

Table 19.46.050
Parking Requirements

Land use	**Number of Parking Spaces Required**	**Number of Parking Spaces Required**	**Number of Parking Spaces Required**	**Max. Percentage of Compact Spaces Allowed**
RESIDENTIAL USES	2 covered spaces per unit, plus 2 uncovered spaces on driveway (minimum dimensions 17 ft. x 20 ft.).	2 covered spaces per unit, plus 2 uncovered spaces on driveway (minimum dimensions 17 ft. x 20 ft.).	2 covered spaces per unit, plus 2 uncovered spaces on driveway (minimum dimensions 17 ft. x 20 ft.).	N/A
	Specific ratios based on the type of parking facilities provided are noted below. See also Note 1.	Specific ratios based on the type of parking facilities provided are noted below. See also Note 1.	Specific ratios based on the type of parking facilities provided are noted below. See also Note 1.	
Single-Family and Duplex:				
Multifamily, Townhouses, Condos and Apartments:				
	Carports, underground, and open parking lot	One fully enclosed garage space and open parking lot	Two or more fully enclosed garage spaces	
Studio, efficiency, or 1 bedroom units	1 covered space per unit, plus 0.5 unassigned space per unit.	1 covered space per unit, plus 0.8 unassigned space per unit.	2 covered spaces per unit, plus 0.25 unassigned and guest parking spaces per unit.	35% of uncovered and unassigned spaces in parking lots with more than 10 spaces.
2 bedroom units	1 covered space per unit, plus 1 unassigned space per unit.	1 covered space per unit, plus 1.33 unassigned spaces per unit.	2 covered spaces per unit, plus 0.4 unassigned and guest parking spaces per unit.	35% of uncovered and unassigned spaces in parking lots with more than 10 spaces.

3 bedroom units	1 covered space per unit, plus 1 unassigned space per unit.	1 covered space per unit, plus 1.4 unassigned spaces per unit.	2 covered spaces per unit, plus 0.5 unassigned and guest parking spaces per unit.	35% of uncovered and unassigned spaces in parking lots with more than 10 spaces.
4 or more bedroom units	Add 0.15 unassigned spaces per bedroom per unit to the 3 bedroom requirement.	Add 0.15 unassigned spaces per bedroom per unit to the 3 bedroom requirement.	Add 0.15 unassigned spaces per bedroom per unit to the 3 bedroom requirement.	35% of uncovered and unassigned spaces in parking lots with more than 10 spaces.
Single Room Occupancy and Residential Hotels with units:	Specific ratios based on the size of units noted below.	Specific ratios based on the size of units noted below.	Specific ratios based on the size of units noted below.	
Less than 200 sq. ft.	0.25 spaces per unit.	0.25 spaces per unit.	0.25 spaces per unit.	N/A
200 to 250 sq. ft.	0.5 spaces per unit.	0.5 spaces per unit.	0.5 spaces per unit.	N/A
Greater than 250 sq. ft.	1 space per unit.	1 space per unit.	1 space per unit.	N/A
Mobile Home Park:	2 spaces per unit, plus 1 space per employee living off-site, plus 1 space per special purpose vehicle. Tandem parking is permitted.	2 spaces per unit, plus 1 space per employee living off-site, plus 1 space per special purpose vehicle. Tandem parking is permitted.	2 spaces per unit, plus 1 space per employee living off-site, plus 1 space per special purpose vehicle. Tandem parking is permitted.	N/A

Note 1: Multifamily residential developments of five or more units shall have secured bicycle parking at a ratio of one secured bicycle parking space for every four units, but no fewer than four spaces.

SMC 19.46.110

Parking spaces—Direct access required—Exceptions.

All parking spaces, except spaces for single-family dwellings and residential mobile home park sites, shall have direct access to a public or private roadway at all times. Single-family dwellings and two-family dwellings located on lots on which additional dwellings are not permitted, and residential mobile home park sites may use tandem parking for each living unit. (Ord. 2623-99 § 1 (part): prior zoning code § 19.48.220).

SMC 19.46.130

Parking not served by aisle—Standards.

All parking spaces not served by an aisle shall be served by driveways complying with the following minimum standards:

Use	One-Way Driveway Width	Two-Way Driveway Width
Residential	10 feet	18 feet
All other	12 feet	20 feet

All uses requiring more than fifteen parking spaces shall be served by one two-way driveway or two one-way driveways, including adequate turn around areas. (Ord. 2623-99 § 1 (part): prior zoning code § 19.48.250).

SMC 19.48.030

Distance between main buildings required.

When more than one detached main building is erected or constructed on the same lot, the distance between such buildings shall be twenty feet at ground level for buildings of one story height. The distance between detached main buildings at ground level shall be increased three additional feet for the second and each additional story of each building above the first story or for each additional ten-foot unit of height above twenty feet of each building in the event the buildings are not divided by stories. (Ord. 2623-99 § 1 (part): prior zoning code § 19.44.080).

SMC 19.50.020

Nonconforming residential building.

(a) A building legally built and occupied as a dwelling, in all zoning districts except R-1 and R-2, which does not meet current development standards except for lot area per dwelling unit, may be repaired, altered, enlarged or replaced without requiring a variance provided:

(1) No increase in nonconformities will result; and

(2) Any required permits are obtained.

(b) A building legally built and occupied as a single-family or duplex dwelling in the R-0, R-1 and R-2 zoning districts may be repaired, altered, enlarged or replaced without a variance even if it does not meet current development standards for lot area per dwelling unit, provided all other current development standards are met and any required permits are obtained. (Ord. 2745-04 § 1: Ord. 2623-99 § 1 (part): prior zoning code § 19.28.005).

SMC 19.66.020

General requirements.

(a) All residential developments consisting of nine or more parcels or dwelling units designed and intended for permanent occupancy located in any zoning district other than R-0, R-I, R-1.5 or R-1.7/PD shall maintain below market rate units according to the terms of this chapter and as more fully outlined in the administrative procedures promulgated by the director of community development.

(1) For ownership units, twelve and one-half percent of the total number of dwelling units or parcels within the development shall be maintained as below market rate. The foregoing requirement shall be applied no more than once to a given development, regardless of changes in the character or ownership of the development, with the exception that all new condominium conversions shall maintain twelve and one-half percent of the total number of dwelling units as below market rate.

(2) For rental units, ten percent of the total number of dwelling units shall be maintained as below market rate. In the event that apartment vacancy rates reach levels of three percent or less and rents show a net increase of twenty percent or more during a twenty-four month period based on the Sunnyvale vacancy and rent survey, all new rental developments shall maintain fifteen percent of the total number of dwelling units as below market rate.

(3) In calculating the applicable percentage, no bonus units as described in Section 19.66.080 shall be considered, any fraction of a dwelling unit or parcel less than five-tenths shall be disregarded and any fraction greater than or equal to five-tenths shall be construed as one dwelling unit.

(b) Any tentative map, use permit or special development permit approving residential construction projects meeting the foregoing criteria shall contain conditions sufficient to ensure compliance with the provisions of this chapter. Such conditions shall specify the schedule of construction of below market rate (BMR) units, the number of BMR units (whether for sale or rental) and their prices, and appropriate resale controls.

(c) All BMR units in a project or phase of a project shall be constructed concurrently with non-BMR units, shall be dispersed throughout such project and reflect the range of numbers of bedrooms provided in the project as a whole, and shall not be distinguished by interior or exterior design, amenities, construction, or materials.

(d) All BMR units shall be sold or rented only to moderate, low or very low income households.

(e) Identification and designation of BMR units and appropriate resale controls shall be recorded as a deed of trust imposing program restrictions with the county recorder of Santa Clara County. Proof of such recordation shall be deemed a condition precedent to occupancy of any residential unit within a development regulated hereunder.

(f) Controls and restrictions on ownership units shall apply for a period of thirty years from the date of recordation.

(g) Controls and restrictions on rental units shall apply for a period of fifty-five years from the date of recordation.

(h) The director of community development, or the director's designee, shall create and maintain administrative procedures that more fully outline the terms and conditions of the BMR program, consistent with this chapter. (Ord. 2717-03 (part): Ord. 2623-99 § 1 (part): prior zoning code § 19.88.030).

19.70.020

Apartment vacancy surplus required for conversion.

No use permit or special development permit for conversion of apartment to community housing units shall be approved, nor shall the conversion of any apartment project to a community housing project be approved, unless and until there has existed, for the period of at least one year preceding such application, an apartment vacancy surplus determined pursuant to the procedure set forth in this chapter. (Ord. 2623-99 § 1 (part): prior zoning code § 19.84.030).

SMC 19.70.030

Determination of apartment vacancy rate and surplus.

In April and October of each year, the director of community development shall determine, on the basis of a representative sampling of apartment buildings, the apartment vacancy rate and the apartment vacancy surplus, if any. Such determination shall be set forth in a written report to the planning commission and city council. New market priced apartments available to the general public, for which a certificate of use and occupancy has been issued since the last vacancy survey, shall be added on a unit-for-unit basis to either reduce the apartment vacancy deficiency or increase the apartment vacancy surplus. Apartments existing as of the last vacancy survey, for which demolition permits have since been issued, or for which a use permit or special development permit for conversion to community housing has been approved, shall be added or subtracted on a unit-for-unit basis to either increase the apartment vacancy deficiency or reduce the apartment vacancy surplus. (Ord. 2623-99 § 1 (part): prior zoning code § 19.84.040).

19.70.050

Minimum requirements.

In addition to the other provisions of this title, each project approved for conversion shall comply with the following minimum requirements:

(e) Compliance with Codes. The design, improvement and construction of a community housing project shall conform to all requirements of all building, fire, housing, subdivision and zoning codes, and other applicable local, state or federal laws or ordinances relating to protection of public health and safety in effect at the time of the filing of the use permit or special development permit. Additionally, any violations of the latest adopted edition of the Uniform Housing Code relating specifically to provisions protecting health and safety of residents, as determined by the director of community development following a walkthrough

inspection of each unit and building, shall be corrected and any equipment or facilities which are found to be deteriorated or hazardous, shall be repaired or replaced as directed by the director of community development. The developer shall repair or replace any damaged or infested areas in need of repair or replacement as shown in the structural pest report. (Ord. 2623-99 § 1 (part): prior zoning code § 19.84.060).

SMC 19.74.020

General requirements.

As a condition of approval of any multifamily, residential housing project, other than a subdivision as defined in Chapter 18.10 of this code, the owner and/or developer shall dedicate land, pay a fee, or both, at the option of the city, for park or recreational purposes according to the following standards:

(a) Dedication of Sites. Where a park or recreational facility has been designated in the open space and recreation sub-element of the general plan, and the park or facility is to be located in whole or in part within a proposed multifamily residential housing project, to serve the immediate and future needs of the residents of the rental housing project, the owner and/or developer shall be required to dedicate land for park and recreational facilities sufficient in size to serve the residents of the project. The park land to be so dedicated shall conform to locations and standards set forth in the general plan. The slope, topography and geology of the site, as well as its surroundings, must be suitable for the intended park or recreation purpose. The amount of land to be provided shall be determined pursuant to the standards set forth in this chapter establishing the formula for land dedication or for payment of fees in lieu thereof.

(b) Fees in Lieu of Dedication. If there is no park or recreational facility designated or required in whole or in part within a proposed multifamily residential housing project, the owner and/or developer shall be required to pay a cash payment in lieu of the land equal to the value of the land as determined by this chapter.

A fee in lieu of land dedication hereunder shall be required when:

(1) An applicant is developing a multifamily residential unit project on land on which no park has been designated or proposed; or

(2) Dedication is impossible, impracticable, or undesirable, as determined by the city; or

(3) The proposed multifamily residential housing project contains twenty or fewer units.

(c) Dedication and Fees Required. In certain multifamily residential housing projects in excess of twenty units, a combination of land dedication and fee payment may be required. These shall be projects in which:

(1) Only a portion of the land to be developed is proposed in the general plan as the location for a park or recreational facility, in which case that land, or a portion thereof within the project, shall be dedicated for park purposes, and a fee shall then be required in

lieu of any additional land that would have been required to be dedicated under this chapter; or

(2) A major part of the park or recreational site falling within the project has already been acquired, and only a small portion of land is needed from the applicant to complete the park or recreation site, in which case the land needed shall be required for dedication, and a fee shall then be required in lieu of the additional land that would have been required to be dedicated under this chapter.

(d) Use of and Basis for In-lieu Fees. The money collected pursuant to this chapter is to be used only for the purpose of providing park or recreational facilities to serve the multifamily residential housing project from which the fees are collected. Fees so collected shall be used to purchase land, buy equipment or construct improvements in neighborhood and district parks and recreational facilities serving the housing project. The fee so required shall be based on the fair market value of the land that otherwise would have been required for dedication. (Ord. 2623-99 § 1 (part): prior zoning code § 19.86.020).