ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING PORTIONS OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO ZONING TOOLS TO ENCOURAGE THE DEVELOPMENT OF OWNERSHIP HOUSING

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.12.080 AMENDED. Section 19.12.080 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.12.080. "G"

(1)-(6) [Text unchanged.]

(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~~except for: eaves, uncovered balconies, uncovered porches, covered porches on the ground floor, uncovered stairways, fire escapes, 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~~ except for: eaves, uncovered balconies, uncovered porches, covered porches on the ground floor, uncovered 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.

SECTION 2. SECTION 19.12.130 AMENDED. Section 19.12.130 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.12.130. "L"

(1)- (10) [Text unchanged.]

(11) "Lot" means a parcel of land in one ownership ~~with frontage on a public street~~ which is used or capable of being used under the provisions of this title in the zoning district in which it is situated, and has frontage on a public street, or on: (i) a private street which has access to a public street, provided the

street is delineated as a separate lot or easement for vehicular access, or (ii) an ingress/egress access easement.

(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.

(12)-(15) [Text unchanged.]

SECTION 3. SECTION 19.30.020 AMENDED. Section 19.12.080 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

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.

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[7]	76[7]	60[7]
R-3	8,000	1,800	82[7]	120[7]	60[7]
R-4	8,000	1,200	82[7]	120[7]	60[7]
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
O[6]	8,000	3,600	82	76	60
P-F	None	None	None	None	None
C-1	None	None	None	None	None

C-2	None	None	None	None	None
C-3	None	None	None	None	None
C-4	None	None	None	None	None
M-S	22,500	None	100	100	80
M-3	22,500	None	100	100	80

[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.
[6] A minimum site area of 40,000 square feet (net) also required.
[7] Lot sizes and lot widths less than the minimum required may be allowed provided that overall density is consistent with the zoning district.

SECTION 4. SECTION 19.32.020 AMENDED. Section 19.32.020 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

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.

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 Townhomes	3	35	40	
R-3 (all other uses)	2	30	40	
R-4	4	55	40	
R-5	4	55	40	
R-MH	2	30	None	
O	2	30	40	
P-F	2			
DSP	See Table 19.28.170	See Table 19.28.170	See Table 19.28.170	See Table 19.28.170
C-1	2	40	35	
C-2	8	75[5]	35	55 (Future Site D) as described in Section 19.32.070(c)(3)
C-3	8	75[4]	35	
C-4	2	40	35	
M-S	8	75	45	35[5, 7]
M-3	8	75	45	35[5, 7]

1 Walls facing the side yards 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.

SECTION 5. SECTION 19.32.040 AMENDED. Section 19.32.040 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.32.040. Building heights—Distance from property line.

(a) Except as otherwise provided in subsection (b), ~~T~~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.

(b) The height of single-family dwellings and townhomes constructed in any multiple family residential zoning district adjacent to a single-family residence zoning district shall not exceed the following:

(1) thirty feet in height, up to a maximum of two stories, for rear yard setbacks that are between twenty feet and forty feet;

(2) thirty-five feet in height, up to a maximum of three stories, for rear yard setbacks that are greater than forty feet;

(3) thirty feet in height, up to a maximum of two stories, for side yard setbacks that are between six and nine feet; and

(4) thirty-five feet in height, up to a maximum of three stories, for side yard setbacks that are greater than nine feet.

SECTION 6. SECTION 19.34.030 AMENDED. Section 19.34.030 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

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.

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[6]	20	12[6]	4	20
R-1.7	15[6]	20	12[6]	4	20
R-2	15[2,6]	20	12[6]	4	20
R-3	15[2,6]	20	15[6]	6[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
O	20	None	15	6	20

P-F	[3]	[3]	[3]		
C-1	70[4]	None[4]	None[4]	None[4]	None[4]
C-2	70[4]	None[4]	None[4]	None[4]	None[4]
C-3	70[4]	None[4]	None[4]	None[4]	None[4]
C-4	20[4]	None[4]	None[4]	None[4]	None[4]
M-S	25[4]	None[4]	20[4]	None[4]	None[4]
M-3	25[4]	None[4]	20[4]	None[4]	None[4]

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.
3. The minimum front yard, side yards and rear yard required in this district shall be equal to those required in the most restrictive abutting zoning district. One-half foot shall be added to each yard for each foot that the building exceeds the maximum height allowed in the most restrictive abutting district.
4. Increased setbacks for commercial or industrial zoned properties may also be required by Sections 19.34.070 or 19.34.110.
5. Increased setbacks for multiple stories may also be required by Section 19.34.080.
6. For single-family dwelling and townhome developments, the minimum front yard setback may be twelve feet on private drives or private streets and the minimum side yard setback may be four feet with a total side yard of ten feet.

SECTION 7. SECTION 19.38.040 AMENDED. Section 19.38.040 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

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. A two-car garage meeting the minimum area and dimensions may satisfy the lockable storage requirement.

SECTION 8. SECTION 19.46.110 AMENDED. Section 19.46.110 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.46.110. Parking spaces—Direct access required—Exceptions.

All parking spaces, except as described in section 19.46.115,~~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.~~

19.46.115. Parking Spaces-Tandem-Exceptions

Tandem parking is not permitted to meet minimum off-street parking requirements, except as described below:

(a) Mobile home park sites

(b) Required uncovered parking spaces located on driveway aprons in single-family dwellings in front of covered parking

(c) Single-family dwellings and townhomes in developments located within 1/3 of a mile of a major transit stop, may use one tandem parking space for each of up to ten percent (10%) of the dwelling units to satisfy minimum parking requirement, if Transportation Demand Management (TDM) techniques are implemented.

SECTION 9. SECTION 19.66.020 AMENDED. Section 19.66.020 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

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 of five or more units shall maintain ~~twelve and one-half~~ fifteen percent of the total number of dwelling units as below market rate pursuant to section 19.70.050.

(2)-(3)(h) [Text unchanged.]

SECTION 10. SECTION 19.70.020 AMENDED. Section 19.70.020 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.70.020. ~~Apartment vacancy surplus~~Findings 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 if the total number of units for the past twelve months has exceeded three hundred, unless a finding can be made that "the conversion will not adversely impact the community's ability to provide housing for all economic segments of the community.", ~~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.~~

SECTION 11. SECTION 19.70.050 AMENDED. Section 19.70.050 of the Sunnyvale Municipal Code is hereby amended to read, as follows:

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:

(a)-(e) [Text unchanged.]

(f) If the conversion involves five or more units, Below Market Rate Units shall be required as part of the conversion. The percentage of BMR units required shall be fifteen percent of the units converted, with any fraction of a unit being rounded up to the next largest number.

SECTION 12. CEQA–NEGATIVE DECLARATION. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development shall file a Notice of Determination with the County Clerk pursuant to CEQA guidelines. Any future project that may benefit from these changes will still need to undergo its own environmental review, if required by CEQA, and potential impacts may be determined at that time.

SECTION 13. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2006, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2006, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney