City of Sunnyvale
Memorandum

To: Planning Commission

From: Trudi Ryan

Date: January 5, 2012

Re: Use Tables for Retooling the Zoning Code

At our study session of January 9, staff will be reviewing the draft use tables for the zoning code retooling. We have enclosed the draft of the new use table and copies of the current use tables.

As you review the information, please consider the following questions or comments. We will discuss in more detail at the study session.

New Categories – Over the last few years, some uses have come up that aren't directly addressed (consistently) in our use tables. Here's a list:

- Adult day care
- Animal boarding (dog day care), either as a primary use or subsidiary to retail (Petco)
- Autobroker or vehicle sales in industrial zoning districts

Accessory Uses – Accessory uses are those that cannot be primary uses, such as family child care, accessory living units, outdoor seating/display, donation centers, caretaker's residences, temporary unenclosed uses, etc.

Currently, we usually (but not always) list them in the use table.

PRO – This makes the Use Table a very comprehensive place for dealing with all uses. It requires an answer on the permitting process for a use in all zoning districts.

CON – Accessory uses are, by definition, subsidiary to an allowed use and typically have additional preconditions or requirements. The use table is not a good mechanism to explain that. For example, small family child care uses are allowed as a matter of right with a residential use. However, residential uses in non-residential zoning districts often require a Use Permit. To reflect this accurately, residential uses are listed with a "UP" and small family day care is listed as a "P." This can be a little confusing.

TWO OPTIONS:

A. List them all in the use table and use the column "Specific Use Standards" to point to a section describing the preconditions.

B. Don't list any of them and use a generic "Accessory Uses compatible with the Zoning District" and point to a separate section that describes all accessory uses, when they are allowed, and through what permit process

(see reverse for continuation)

Small Differences – Out of approximately 95 different use categories:

- The only difference between R-3 and R-4 is that R-4 permits SROs.
- The only difference between R-4 and R-5 is that R-5 permits hotel/motels and recycling centers.
- The only difference between M-S and M-3 is that M-3 permits heavy industrial.

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TABLE 19.xx

ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USES	SPECIFIC USE STANDARDS	PERMIT REQUIREMENT BY ZONING DISTRICT													
		R-0/ R-T	R-1.5 R-1.7	R-2	R-3	R-4	R-5	R-MH	C-1	C-2 / C-3	C-4	M-S	M-3	O	P-F
1. RESIDENTIAL															
Single-family dwelling	Restrictions for R-MH 19.x	P	P	P	UP	UP	UP	P	UP	UP	-	UP	UP	UP	UP
Two-family dwelling	Restrictions for R-MH 19.x	-	-	P	P	P	UP	P	UP	UP	-	UP	UP	UP	UP
Multiple-family dwellings 3 to 50 units		-	-	P	P	P	P	P	UP	UP	-	UP	UP	UP	UP
Multiple-family dwellings over 50 units		-	-	UP	UP	UP	UP	UP	UP	UP	-	UP	UP	UP	UP
Mobilehome park		-	-	-	-	-	-	P	UP	UP	-	UP	UP	UP	UP
Single room occupancy (SRO) facilities	Restrictions Article 7	-	-	-	-	UP	UP	-	-	UP	-	UP	UP	UP	UP
Accessory living unit*	Restrictions Article 6	P	-	P	-	-	-	-	-	-	-	-	-	-	-
Live/work unit	Restrictions Article 6	-	-	-	UP	UP	UP	-	UP	UP	UP	UP	UP	-	-
Home occupation*	Restrictions Article 6	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Shared living, small	Restrictions Article 7	P	P	P	P	P	P	P	UP	UP	-	UP	UP	UP	UP
Shared living, large	Restrictions Article 7	UP	UP	UP	UP	UP	UP	UP	UP	UP	-	UP	UP	UP	UP
Emergency shelter		-	-	-	-	-	-	-	-	-	-	UP	UP	-	-
Convalescent hospital		UP	UP	UP	UP	UP	UP	-	UP	UP	-	-	-	UP	UP
2. CHILD AND ADULT DAY CARE															
Family child care home, small*		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Family child care home, large*	Distance Requirement 19.58	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP
Child care center with 30 or fewer occupants (including children and staff)	Restrictions for R-MH 19.28.060	UP	UP	UP	UP	UP	UP	P	MPP	UP	UP	-	-	UP	MPP
Child care center with more than 30 occupants (including children and staff)	Restrictions for R-MH 19.28.060	UP	UP	UP	UP	UP	UP	P	UP	UP	UP	-	-	UP	UP
Childcare center, small business sponsored		-	-	-	-	-	-	-	-	-	-	MPP	MPP	UP	-
Childcare center, large business sponsored		-	-	-	-	-	-	-	-	-	-	UP	UP	UP	-
Adult day care center	Restrictions for R-MH 19.28.060	UP	UP	UP	UP	UP	UP	P	UP	UP	UP	-	-	UP	UP
3. EDUCATION, RECREATION AND PLACES OF ASSEMBLY															
Education- primary and high school		UP	UP	UP	UP	UP	UP	UP	UP	UP	-	-	-	-	UP
Education- institution of higher learning	POA District 19.x	-	-	-	-	-	-	-	UP	UP	-	UP	UP	UP	UP
Education- recreation and enrichment	POA District 19.x	-	-	-	-	-	-	-	MPP	MPP	-	-	-	-	UP
Recreational and athletic facility	POA District 19.x	-	-	-	-	-	-	-	UP	UP	-	-	-	-	UP
Private nonprofit recreation	POA District 19.x	UP	UP	UP	UP	UP	UP	UP	UP	UP	-	-	-	-	UP
Recreation, accessory to primary use*		-	-	-	-	-	-	-	-	-	-	MPP	MPP	MPP	MPP
Place of assembly -business serving	POA District 19.x	-	-	-	-	-	-	-	UP	UP	UP	UP	UP	UP	UP
Place of assembly-community serving	POA District 19.x	UP	UP	UP	UP	UP	UP	UP	UP	UP	-	-	-	UP	UP

* - Indicate an accessory use - should it be in the Use Table?

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LAND USES	SPECIFIC USE STANDARDS	PERMIT REQUIREMENT BY ZONING DISTRICT													
		R-0 R-1	R-1.5 / R-1.7	R-2	R-3	R-4	R-5	R-MH	C-1	C-2 C-3	C-4	M-S	M-3	O	P-F
4. COMMERCIAL RETAIL AND SERVICE															
Retail sales (excluding types listed below)		-	-	-	-	-	-	-	P	P	P	MPP	MPP	-	-
With outside display of merchandise		-	-	-	-	-	-	-	MPP	MPP	-	MPP	MPP	-	-
With drive-through		-	-	-	-	-	-	-	UP	UP	-	UP	UP	-	-
Shopping center		-	-	-	-	-	-	-	UP	UP	UP	UP	UP	-	-
Gasoline station		-	-	-	-	-	-	-	UP	UP	UP	UP	UP	-	-
With retail sales of groceries	Findings 19.98.020(i) , (j)	-	-	-	-	-	-	-	MPP	MPP	MPP	MPP	MPP	-	-
With retail sales of beer and wine	Findings 19.98.020(i) , (j)	-	-	-	-	-	-	-	UP	UP	UP	UP	UP	-	-
Liquor store	Restrictions Article 6	-	-	-	-	-	-	-	P	P	P	MPP	MPP	-	-
Vehicle sales, retail or vehicle rental		-	-	-	-	-	-	-	-	UP	-	-	-	-	-
Autobroker or vehicle sales, wholesale		-	-	-	-	-	-	-	-	MPP	MPP	MPP	MPP	-	-
Sale or rental of heavy equipment or machinery		-	-	-	-	-	-	-	-	-	UP			-	-
Retail or retail service, accessory to any primary use (except gasoline stations)*		-	-	-	UP	UP	UP	UP	P	P	P	MPP	MPP	-	-
Kennel, public aquarium, pet shop, pet grooming parlor, or animal menagerie	Requirements 6.04.080	-	-	-	-	-	-	-	UP	UP	UP	UP	UP	-	-
Retail service use		-	-	-	-	-	-	-	P	P	P	MPP	MPP	-	-
Financial institution		-	-	-	-	-	-	-	MPP	MPP	UP	MPP	UP	MPP	UP
With drive through		-	-	-	-	-	-	-	UP	UP	UP	UP	UP	UP	UP
Donation center*	Min. Site Size 19.x	-	-	-	-	-	-	-	MPP	MPP	MPP	MPP	MPP	MPP	MPP
Recycling center*	Location Restrictions 19.x	-	-	-	-	-	UP	-	UP	UP	UP	UP	UP	UP	UP
Massage establishments	Requirements 9.41	-	-	-	-	-	-	-	P	P	P	P	P	P	P
Hotel or motel		-	-	-	-	-	UP	-	-	UP	-	UP	UP	-	-
Vehicle service and repair		19.18.050	19.18.050	19.18.050	19.18.050	19.18.050	19.18.050	19.18.050	-	UP	UP	UP	UP	-	-
Car wash		-	-	-	-	-	-	-	-	UP	UP	UP	UP	-	-
5. RESTAURANT AND ENTERTAINMENT															
Restaurant, with or without beer and wine		-	-	-	-	-	-	-	MPP	MPP	MPP	MPP	MPP	-	-
With general liquor, entertainment or drive-through		-	-	-	-	-	-	-	UP	UP	UP	UP	UP	-	-
Take-out only restaurant		-	-	-	-	-	-	-	P	P	P	MPP	MPP	-	-
Nightclub, bar or entertainment establishment		-	-	-	-	-	-	-	UP	UP	-	UP	UP	-	-
Adult business	Distance Requirements Article 6	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Outdoor seating associated with any restaurant or entertainment use*		-	-	-	-	-	-	-	MPP	MPP	MPP	MPP	MPP	-	-
6. INDUSTRIAL, MANUFACTURING AND WAREHOUSING															
Heavy industrial		-	-	-	-	-	-	-	-	-	-	-	UP	-	N
Light industrial		-	-	-	-	-	-	-	-	-	-	P	P	-	-
Hazardous waste management facility	Restricions Article 6	-	-	-	-	-	-	-	-	-	-	UP	UP	-	UP
Warehousing or commercial storage		-	-	-	-	-	-	-	-	-	MPP	P	P	-	-
Self storage		-	-	-	-	-	-	-	UP	UP	MPP	UP	UP	-	-
Hazardous materials storage facility? (Title 20?)	Restrictions Article 6	-	-	-	-	-	-	-	?	?	?	MPP	MPP	?	?

* - Indicate an accessory use - should it be in the Use Table?

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LAND USES	SPECIFIC USE STANDARDS	PERMIT REQUIREMENT BY ZONING DISTRICT													
		R-0/ R-1	R-1.5/ R-1.7	R-2	R-3	R-4	R-5	R-MH	C-1	C-2/ C-3	C-4	M-S	M-3	O	P-F
7. OFFICE AND MEDICAL															
Professional office / medical office	Restrictions in Shopping Centers Article 6	UP	UP	UP	UP	UP	UP	-	19.x	19.x	19.x	P	P	P	UP
Corporate office / research and development office		-	-	-	-	-	-	-	-	-	-	P	P	P	UP
Research and development office - explosives or propellants		-	-	-	-	-	-	-	-	-	-	UP	UP	-	-
Medical clinic	Notice Requirements 19.x	UP	UP	UP	UP	UP	UP	-	MPP	MPP	MPP	MPP	MPP	MPP	UP
Hospital		-	-	-	-	-	-	-	UP	UP	UP	-	-	-	UP
Animal hospital or clinic		-	-	-	-	-	-	-	UP	UP	UP	UP	UP	-	-
8. AGRICULTURAL AND RESOURCE															
Agricultural use		UP	UP	UP	UP	UP	UP	UP	-	-	-	UP	UP	-	UP
Salt evaporation pond		-	-	-	-	-	-	-	-	-	-	-	-	-	UP
9. PUBLIC															
Public use		P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electric distribution substation		UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	UP	-	UP
Electric transmission substation		-	-	-	-	-	-	-	-	-	-	-	-	-	UP
10. OTHER USES															
Accessory uses consistent with the underlying zoning district*	Article 6	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Parking structures and surface lots as independent or stand alone use on a property		-	-	-	-	-	-	-	UP	UP	UP	UP	UP	-	-
Caretaker's residence or security personnel sleeping quarters *		-	-	-	-	-	-	-	UP	UP	UP	UP	UP	UP	UP
Temporary unenclosed use*	Time and Type Limitations Article 6	-	-	-	-	-	-	-	MPP	MPP	MPP	MPP	MPP	MPP	MPP

* - Indicate an accessory use - should it be in the Use Table?

TABLE 19.18.030
Permitted, Conditionally Permitted and Prohibited Uses in Residential Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use
MPP = Miscellaneous Plan Permit required
UP = Use Permit required
SDP = Special Development Permit required
N = Not permitted, prohibited

RESIDENTIAL ZONING DISTRICTS	R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
1. Residential								
A. Single-family dwellings	P	P	SDP	P	UP	UP	UP	P[1]
B. Single room occupancy (SRO) facilities	N	N	N	N	N	UP	UP	N
C. Two-family dwelling (duplex)	N	UP	SDP	P	P	P	UP	P[1]
D. Multiple-family dwellings (3 or more units, or more than 1 main building)	N	N	N	UP	UP	UP	UP	UP
E. Boarding for less than three persons	P	P	P	P	P	P	P	P
F. Facilities caring for 6 or fewer persons, as declared by state to be residential use	P	P	SDP	P	UP	UP	UP	P
G. Residential mobilehome park site	N	N	N	N	N	N	N	P
2. Agricultural Uses								
A. Agricultural homes, buildings and uses	UP	UP	SDP	UP	UP	UP	UP	UP
3. Education, Recreation and Places of Assembly								
A. Education –Recreation and Enrichment	N	N	N	N	N	N	N	N
B. Education – Primary and High School	UP	UP	SDP	UP	UP	UP	UP	UP
C. Education – Institution of Higher Learning	N	N	N	N	N	N	N	N
D. Recreational and Athletic Facilities	N	N	N	N	N	N	N	N
E. Places of Assembly – Business Serving	N	N	N	N	N	N	N	N
F. Places of Assembly – Community Serving	UP	UP	SDP	UP	UP	UP	UP	UP
G. Private Parks, Playgrounds and Recreation (not open to general public)	UP	UP	SDP	UP	UP	UP	UP	UP
H. Public Parks and Playgrounds	P	P	P	P	P	P	P	P
4. Commercial Uses								
A. Child care/day care center/nursery schools	UP	UP	SDP	UP	UP	UP	UP	P[2]
B. Cardrooms	N	N	N	N	N	N	N	N
C. Hotels or motels	N	N	N	N	N	N	UP	N
D. Small family day care	P	P	P	P	P	P	P	P
E. Large family day care	UP	UP	UP	UP	UP	UP	UP	UP
F. Rest homes	UP	UP	N	UP	UP	UP	UP	N
5. Accessory Uses								
A. Accessory living units	MPP	N	N	MPP[3]	N	N	N	N

RESIDENTIAL ZONING DISTRICTS	R-0/R-1	R-1.5	R-1.7/PD	R-2	R-3	R-4	R-5	R-MH
B. Accessory structures	See Chapter 19.40	See Chapter 19.40	See Chapter 19.40	See Chapter 19.40	MPP[5]	MPP[5]	MPP[5]	MPP[5]
C. Retail, if incidental to other permitted uses and combined with residential use	N	N	N	N	UP	UP	UP	UP
D. Storage or parking of commercial, industrial or public utility vehicles	N	N	N	N	N	N	N	N
6. Temporary Uses								
A. Residential sales office for new on-site housing development	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP
B. Construction yard	MPP	MPP	MPP	MPP	MPP	MPP	MPP	MPP[2]
7. Other Uses								
A. Administrative, professional and medical offices, and medical clinics	UP	UP	UP	UP	UP	UP	UP	N
B. Adult business establishments	N	N	N	N	N	N	N	N
C. Electric distribution substations	UP	UP	SDP	UP	UP	UP	UP	UP
D. Electric transmission substations	N	N	N	N	N	N	N	N
E. Massage establishments	N	N	N	N	N	N	N	N
F. Public service buildings and accessory uses	UP	UP	SDP	UP	UP	UP	UP	UP
G. Public utility buildings and service facilities	UP	UP	SDP	UP	UP	UP	UP	UP
H. Recycling centers	N	N	N	N	N	N	UP	N
I. Storage of materials, supplies or equipment used for nonresidential purposes	N	N	N	N	N	N	N	N
J. Storage of materials or equipment between the face of the main building and a street-unless fully screened from view[4]	N	N	N	N	N	N	N	N
K. Any use which is obnoxious, offensive or creates a nuisance	N	N	N	N	N	N	N	N
L. Automobile/vehicle repair[6]	N	N	N	N	N	N	N	N
M. Manufacture of biodiesel fuel	N	N	N	N	N	N	N	N
N. Medical marijuana distribution facility	N	N	N	N	N	N	N	N

Footnotes

1. For use by owner and/or operator only.
2. For use by mobile home park occupants only.
3. Only in conjunction with a single-family dwelling unit.
4. Does not apply to vehicles which are currently licensed and operable. Screening must meet requirements of Chapter 19.46.
5. Required to comply with setback, height, and lot coverage requirements of underlying zone.
6. Automobile/vehicle repair may only be allowed pursuant to Section 19.18.050.

TABLE 19.20.030
Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use
UP = Use permit required
MPP = Miscellaneous plan permit
N = Not permitted, prohibited

COMMERCIAL ZONING DISTRICTS	C-1	C-2	C-3	C-4
1. Retail Commercial				
A. Bakeries	P[1]	P[1]	P[1]	P[1]
B. Drive-through retail sales businesses, except restaurants	UP	UP	UP	N
C. Retail sales businesses	P[1]	P[1]	P[1]	N
D. Outside display of merchandise or products in connection with a retail sales business	MPP	MPP	MPP	N
E. Donation centers for used goods[2]	MPP	MPP	MPP	MPP
F. Retail liquor stores within 200 feet of public schools	N	P	P	P
G. Retail liquor stores outside 200 feet of public schools	P	P	P	P
2. Service Commercial				
A. Bulk sale of building and construction materials, feed, fertilizers, soil conditioners and fuel (except motor vehicle fuel)	N	N	N	UP
B. Commercial storage	N	N	N	MPP[1]
C. Crafts shops such as cabinetmakers, upholsterers, taxidermists, etc.	N	N	N	MPP
D. Custom fabricators	N	N	N	MPP
E. Donation centers for used goods[2]	N	UP	UP	UP
F. Livestock or poultry housing or sales	N	N	N	N
G. Open or unenclosed storage ancillary to a permitted use (screened from public view)	P	P	P	P
H. Outdoor storage of materials or supplies ancillary to a permitted use, not screened from public right-of-way	N	N	N	MPP[1]
I. Printers, copiers, and engravers using chemical processes	N	N	N	MPP[1]
J. Repair shops for household appliances and apparel	P[1]	P[1]	P[1]	P[1]
K. Retail service uses such as copiers, locksmiths, and engravers not using chemical processes	P[1]	P[1]	P[1]	P[1]
L. Self storage "mini warehousing"	N	UP	UP	MPP[1]
M. Trailer, automobile, boat, motorcycle and truck services and repairs	N	UP	UP	MPP[1]
3. Personal Service				
A. Child care centers with occupancy of 30 or fewer persons	MPP	UP	UP	UP
B. Child care centers with occupancy of 31 or more persons	UP	UP	UP	UP
C. Laundry, cleaning business, self-operated laundries, and dry cleaners	UP	UP	UP	MPP[1]
D. Personal service businesses not otherwise specified	P[1]	P[1]	P[1]	UP

COMMERCIAL ZONING DISTRICTS	C-1	C-2	C-3	C-4
4. Eating/Drinking Establishments				
A. Drive-through restaurants	UP	UP	N	N
B. Nightclubs and cocktail lounges, where alcoholic beverages are sold and consumed	UP	UP	P	N
C. Restaurants and fast food restaurants that may have on sale beer and wine alcohol beverage service	MPP	MPP	MPP	MPP
D. Restaurants and fast food restaurants that have on sale general alcoholic beverage service	UP	UP	UP	UP
5. Automotive				
A. Automotive service stations:	UP	UP	UP	UP
1. Retail sales of groceries at permitted stations[7]	MPP	MPP	MPP	MPP
2. Retail sale of beer and wine at permitted stations[7]	UP	UP	UP	UP
B. Car wash facilities	N	UP	UP	UP
C. Automobile/Vehicle repair	N	UP	UP	UP
D. Automotive broker for 3 or fewer vehicles on site	N	MPP[1]	MPP[1]	MPP[1]
E. New or used vehicle sales	N	UP	UP	N
6. Education, Recreation, and Places of Assembly				
A. Education—Recreation and enrichment	MPP[5]	MPP[5]	MPP[5]	N
B. Education—Primary and high school	UP[5]	UP[5]	UP[5]	N
C. Education—Institution of higher learning	UP[5]	UP[5]	UP[5]	N
D. Recreational and athletic faciliites	UP[5]	UP[5]	UP[5]	N
E. Places of assembly—Business serving	UP[5]	UP[5]	UP[5]	UP
F. Places of assembly—Community serving	UP[5]	UP[5]	UP[5]	N
G. Cardrooms	N	N	N	N
H. Entertainment establishments	UP	UP	UP	N
7. Office				
A. Ground floor dependent office less than 1,000 square feet	P	P	P	MPP
B. Ground floor dependent office greater than 1,000 square feet	MPP	MPP	MPP	UP
C. Office not located on the ground floor	P	P	P	P
D. Financial institutions	MPP	MPP	MPP	UP
E. Research and development office	N	N	N	N
F. Medical clinics	MPP	MPP	MPP	UP
8. Public Facilities				
A. Bus terminals and other public transportation facilities	UP	UP	UP	UP
B. Public utility buildings and service facilities	UP	UP	UP	UP
9. Residential/Boarding/Lodging				
A. Hotel or motel	N	UP	UP	N
B. Residential uses	UP	UP	UP	N[6]
C. Single room occupancy living facilities	N	UP	UP	N
D. Single room occupancy residential hotels	N	UP	UP	N

COMMERCIAL ZONING DISTRICTS	C-1	C-2	C-3	C-4
10. Other				
A. Any use which is obnoxious, offensive or creates a nuisance	N	N	N	N
B. Adult business establishments	N	N	N	N
C. Assembly, compounding, manufacture or processing of merchandise or products are customarily incidental or essential to permitted retail commercial and service uses	N	N	N	UP
D. Massage establishments[3]	P	P	P	P
E. Recycling centers	UP	UP	UP	UP
F. Sale or rental of utility trailers, heavy equipment or machinery	N	N	N	UP
G. Storage or parking of commercial, industrial or public utility vehicles	N[4]	N[4]	N[4]	N[4]
H. Wholesale storage or warehousing of merchandise or products within a building or premises[8]	N	N	N	P UP
I. Facilities for storage of recreational vehicles	N	N	N	MPP
J. Animal hospitals and clinics	UP	UP	UP	UP
K. Medical marijuana distribution facility	N	N	N	N

1 Uses which are greater than ten thousand square feet, propose significant changes to the exterior of an existing building, or include construction of a new building require a use permit

2 Donation centers in C-1 are only allowed on sites of four or more acres. Miscellaneous plan permits for donation centers shall be reviewed for compliance with council policy on operations, location and appearance. Within five days of approving an MPP for a donation center, the director shall post the subject property providing notice of the date of the approval action. In addition, written notice shall be sent to property owners and occupants of adjacent properties.

3 Subject to provisions of Chapter 9.41.

4 Except that daytime and overnight parking of up to five commercial motor vehicles (of a type that are less than ten thousand pounds in gross vehicle weight with not more than two axles) that are owned or operated by the person(s), company or business which conducts the primary use is permitted, provided the vehicles are used for purposes of delivery, pick up or service to patrons of the primary use only, do not utilize on-site required parking and are not utilized for purposes of advertising.

5 Educational and recreational uses and places of assembly shall not be located in retail centers in a manner that disrupts the flow of pedestrians between retail establishments.

6 Except caretaker residence ancillary to a permitted use.

7 Automobile service stations with sale of groceries, beer and wine, or both, require findings as set forth in Section 19.98.020(i) and/or (j), as applicable.

8 In the C-4 zoning district, wholesale storage or warehousing is permitted up to thirty-five percent FAR, and requires a use permit for greater than thirty-five percent FAR.

TABLE 19.22.030
Permitted, Conditional Permitted and Prohibited Uses in Industrial Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use
MPP = Miscellaneous plan permit required
UP = Use permit required
N = Not permitted, prohibited
FAR = Floor area ratio restrictions
> = Greater than
N/A = FAR does not apply

Use Regulations by Zoning District **USE**	**M-S Zoning Districts FAR[3]**	**M-S Zoning Districts**	**M-S/POA Zoning Districts**	**M-3 Zoning Districts FAR[3]**	**M-3 Zoning Districts**
1. Manufacturing					
A. Packing or rendering plants, or slaughterhouses for the processing of animals and animal by-products	N/A	N	N	N/A	N
B. Foundries for the casting of aluminum	N/A	UP	UP	N/A	UP
C. Foundries, processing plants, fabrication facilities or mills for metals other than aluminum	N/A	N	N	N/A	UP
D. Manufacture, compounding or processing of commercial explosives not related to research and development	N/A	N	N	N/A	N
E. Manufacture, processing or bulk storage of feed, fertilizer, grain or soil conditioners	N/A	N	N	N/A	UP
F. Manufacture of agricultural, construction, industrial, or mining heavy equipment	N/A	N	N	N/A	UP
G. Manufacture, milling, mixing, processing, or bulk storage of asphalt, brick, cement, gravel, lumber, rock, sand, and similar construction materials	N/A	N	N	N/A	UP
H. Manufacture, processing, refining or bulk storage for off-premises delivery of coal, coke, compressed gases, liquefied petroleum gases or other fuels, except gasoline or motor oil	N/A	N	N	N/A	UP
I. Manufacture, processing, repair, compounding, packaging, assembly, or treatment plants or facilities for equipment, materials or products	To 35% >35%	P UP	P UP	To 35% > 35%	P UP
J. Manufacture, processing, repair, compounding, packaging, assembly, or treatment plants and facilities for explosives related equipment, materials or products	N/A	N	N	N/A	N
2. Office, Research and Development					
A. Administrative, professional, medical and research and development offices	To 35% > 35%	P UP	P UP	To 35% > 35%	P UP
B. Medical clinics	To 35% > 35%	MPP UP	MPP UP	To 35% > 35%	MPP UP

Use Regulations by Zoning District USE	M-S Zoning Districts FAR[3]	M-S Zoning Districts	M-S/POA Zoning Districts	M-3 Zoning Districts FAR[3]	M-3 Zoning Districts
C. Financial institutions, banks, and savings and loan associations without drive-through facilities	To 35% > 35%	MPP UP	MPP UP	To 35% > 35%	UP UP
D. Explosive or propellant research and development related manufacturing, processing, assembly and storage	N/A	UP	UP	N/A	UP
3. Commercial					
A. Automobile service stations and vehicle repair facilities	N/A	UP	UP	N/A	UP
1. Retail sale of groceries at permitted stations[4]	MPP	MPP	MPP	MPP	MPP
2. Retail sale of beer and wine at permittted stations[4]	UP	UP	UP	N/A	UP
B. Auto wrecking, junk, salvage, scrap metal or waste material storage yards	N/A	N	N	N/A	N
C. Businesses selling merchandise or products at retail or providing services (such as real estate)	To 35% >35%	MPP UP	MPP UP	To 35% >35%	MPP UP
D. Commercial canning, processing, or reduction plants for fruits and vegetables	N/A	UP	UP	N/A	UP
E. Commercial storage and warehouses	To 50% >50%	P UP	P UP	To 50% >50%	P UP
F. Childcare centers, small business sponsored (maximum 14 children)	N/A	MPP	MPP	N/A	MPP
G. Childcare centers, large business sponsored (maximum 30 children)	N/A	UP	UP	N/A	UP
H. Drive-through businesses	N/A	UP	UP	N/A	UP
I. Hotels and motels	N/A	UP	UP	N/A	UP
J. Restaurants and fast food restaurants that may have on sale beer and wine alcohol beverage service	N/A	MPP	MPP	N/A	MPP
K. Restaurants and fast food restaurants that have on sale general alcohol beverage service	N/A	UP	UP	N/A	UP
L. Self storage (mini warehouse)	N/A	UP	UP	N/A	UP
4. Education, Recreation, and Places of Assembly					
A. Education—Recreation and enrichment	N/A	N	UP	N/A	N
B. Education—Primary and high school	N/A	N	N	N/A	N
C. Education—Institution of higher learning	N/A	UP	UP	N/A	UP
D. Recreational and athletic facilities	N/A	N	UP	N/A	N
E. Places of assembly—Business serving	N/A	UP	UP	N/A	UP
F. Places of assembly—Community serving	N/A	N	UP	N/A	N
G. Cardrooms	N/A	N	N	N/A	N

Use Regulations by Zoning District USE	M-S Zoning Districts FAR[3]	M-S Zoning Districts	M-S/POA Zoning Districts	M-3 Zoning Districts FAR[3]	M-3 Zoning Districts
5. Residential					
A. Residential uses, alone or combined with other uses compatible with the zoning district	N/A	UP	UP	N/A	UP
B. Single room occupancy living unit facilities	N/A	UP	UP	N/A	UP
C. Single room occupancy residential hotels	N/A	UP	UP	N/A	UP
D. Convalescent homes, home for the aged, hospitals, sanitariums and similar institutions	N/A	N	N	N/A	N
6. Other					
A. Adult business establishment	N/A	P[1]	P[1]	N/A	P[1]
B. Agricultural dwellings, buildings and uses	N/A	UP	UP	N/A	UP
C. Bulk storage for off-premises delivery of compressed gases and liquefied petroleum gases	N/A	UP	UP	N/A	UP
D. Bus terminals and other public transportation facilities	N/A	UP	UP	N/A	UP
E. Educational uses	N/A	UP	UP	N/A	UP
F. Emergency shelter containers meeting criteria described in this chapter (ARKs)	N/A	P	P	N/A	P
G. Emergency shelter containers other than ARKs	N/A	UP	UP	N/A	UP
H. Hazardous materials storage as defined in Titles 20 (above ground) and 21 (underground)	N/A	P	P	N/A	P
I. Hazardous materials storage facilities which meet the criteria outlined in Section 19.22.060	To 40%	MPP	MPP	To 40%	MPP
J. Hazardous materials storage facilities which do not meet all the criteria outlined in Section 19.22.060	To 35%	UP	UP	To 35%	UP
K. Hazardous wastes management facilities which meet the criteria outlined in Section 19.22.070	N/A	UP	UP	N/A	UP
L. Incidental and accessory storage, mechanical equipment which meet criteria in Chapter 19.82 (5 percent net coverage and screened)	N/A	MPP	MPP	N/A	MPP
M. Massage establishment	N/A	P[2]	P[2]	N/A	P[2]
N. Public utility buildings and services, electric transportation and distribution substations and public utility service centers	To 35% >35%	UP UP	UP UP	To 35% >35%	UP UP
O. Recycling centers	N/A	UP	UP	N/A	UP
P. Any use which is obnoxious, offensive or creates a nuisance to persons in adjacent buildings or premises through emission of dust, fumes, glare, heat, liquids, noise, odor, smoke, steam, vibrations, or similar disturbances	N/A	N	N	N/A	N

Use Regulations by Zoning District USE	M-S Zoning Districts FAR[3]	M-S Zoning Districts	M-S/POA Zoning Districts	M-3 Zoning Districts FAR[3]	M-3 Zoning Districts
Q. Medical marijuana distribution facility	N/A	N	N	N/A	N

1. Subject to provisions of Chapter 19.60.
2. Subject to provisions of Chapter 9.41.
3. 5% FAR bonus for green buildings may apply. See Resolution No. 368-09 for green building tables adopted..
4. Automobile service stations with sale of groceries, beer and wine, or both, require findings as set forth in 19.98.020(i) and/or (j), as applicable.

19.22.035. Housing mitigation program for high intensity industrial developments which exceed specified floor area ratios.

(a) Requirements. Developers of high intensity industrial development are required to mitigate the demand for affordable housing created by the development. For purposes of this section, "high intensity industrial development" is defined as all development projects in industrial zoning districts which require a use permit to exceed specified threshold floor area ratios, as set forth in Table 19.32.020 of this code. Housing mitigation fees paid pursuant to this section shall be placed in the city's housing fund and shall be used to support the provision of affordable housing within the city, including, but not limited to, funding the creation or acquisition of new units, providing assistance to potential home buyers, and assisting with the maintenance and rehabilitation of existing units.

(b) Housing Mitigation Fee. A housing mitigation fee is hereby imposed on all developers of high intensity industrial development projects that result in the creation of new floor area.

(c) Calculation of Housing Mitigation Fee. The housing mitigation fee shall be imposed on a per-square foot basis for all new gross floor area which exceeds the amounts specified in Table 19.32.020. The fee amount shall be calculated as follows: (Gross square footage of entire project minus the square footage allowed in Table 19.32.020) X (Applicable Fee) = Housing Mitigation Payment. In calculating the floor area, the following uses/facilities may be subtracted from the gross square footage:

(1) Recreational facilities such as gyms, showers, indoor pools, locker rooms;

(2) Cafeterias;

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

(4) Atria;

(5) Auditoriums or other special presentation rooms not easily converted to work area;

(6) Childcare facilities;

(7) Hazardous materials storage.

(d) The amount of the fee shall be as set forth in the city's master fee resolution.

(e) In calculating the payment due, the director of community development shall use the fee in effect by resolution of the city council at the time of the issuance of the building permit. The housing mitigation payment must be paid prior to issuance of the first grading or building permit for a project. A developer may pay all or a portion of the fee owed at any time prior to issuance of the building permit, at the rate in effect at the time payment is made. Any grading or building permit issued prior to payment shall be null and void. For phased projects, the amount due shall be paid on a pro rata basis across the entire square footage of the approved development, and each portion shall be paid prior to the issuance of any grading or building permit for each phase.

(f) As an alternative to payment of the housing mitigation fee, a developer may submit a request to mitigate the impacts of such development through the construction of residential units on an appropriate housing site, the dedication of land or provision of other resources. Such requests may be granted by the director of community development if it is determined that such alternative will further affordable housing opportunities in the city to an equal or greater extent than payment of the housing mitigation fee.

(g) An adjustment, reduction or waiver of the fee required by this section may be granted at the time the use permit is issued under the following circumstances:

(1) Upon the remodeling of a building to add square footage, the appropriate housing mitigation fee shall be paid only on the additional square footage.

(2) If the development project is in whole or part a replacement for space previously on the site, but vacated or demolished in the twelve months prior to the filing of the application for a use permit for the new construction or remodel, credit shall be given for the space vacated or demolished at the rate applicable to the prior use of the space.

TABLE 19.24.030
Permitted, Conditionally Permitted and
Prohibited Uses in Office and Public Facilities Zoning Districts

In the table, the letters and symbols are defined as follows:

P = Permitted use
UP = Use permitted required
MPP = Miscellaneous plan permit required
N = Not permitted, prohibited

OFFICE AND PUBLIC FACILITIES ZONING DISTRICTS	O	P-F
1. Office/Care Facilities		
A. Administrative, professional, medical, and research and development offices	P	UP
B. Medical clinics	MPP	UP
C. Financial institutions such as banks and savings and loan associations	MPP	N
D. Hospitals	N	UP
E. Rest homes and convalescent hospitals	UP	UP
2. Public Facilities		
A. Buildings and facilities used by government agencies for government purposes	UP	P
B. Buildings and facilities used by federal, state or local government agencies (except city of Sunnyvale), for nongovernmental purposes	UP	UP
C. Public service buildings and accessory uses	UP	UP
D. Public utility buildings and service facilities	UP	UP
3. Personal Service		
A. Child care centers with occupancy of 30 or fewer persons	UP	MPP
B. Child care centers with occupancy of 31 or more persons	UP	UP
4. Education, Recreation and Places of Assembly		
A. Education – Recreation and Enrichment	N	UP
B. Education – Primary and High School	N	UP
C. Education – Institution of Higher Learning	UP	UP
D. Recreational and Athletic Facilities	N	UP
E. Places of Assembly – Business Serving	UP	UP
F. Places of Assembly – Community Serving	UP	UP
G. Cardrooms	N	N
H. Private golf courses	N	UP
5. Residential/Boarding/Lodging		
A. Residential uses	UP	UP
6. Other		
A. Adult business establishments	N	N
B. Outside display of merchandise or products	N	N

OFFICE AND PUBLIC FACILITIES ZONING DISTRICTS	O	P-F
C. Electric distribution substations	N	UP
D. Electric transmission substations	N	UP
E. Massage establishments[1]	P	P
F. Recycling centers[2]	UP	UP
G. Salt extraction	N	UP
H. Storage or parking of commercial or industrial vehicles	N	N
I. Storage or parking of public utility vehicles	N	N
J. Storage of materials, supplies or equipment for commercial or industrial purposes	N	N
K. Storage of materials, supplies or equipment for public utility purposes	N	N
L. Storage, warehousing, handling, processing or assembling merchandise or products	N	N
M. Medical marijuana distribution facility	N	N

Footnotes

[1] Subject to provisions of Chapter 9.41.

[2] Recycling centers must be located in convenience zones, (the area within a one-half mile radius of a supermarket) as defined in Public Resources Code Section 14509.4.