

ORDINANCE NO. 2875-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS AND TABLES OF CHAPTER 19.12 (DEFINITIONS); CHAPTER 19.32 (BUILDING HEIGHTS, LOT COVERAGES AND FLOOR AREA RATIOS); AND CHAPTER 19.34 (FRONT, SIDE AND REAR YARDS) AND CHAPTER 19.38 (REQUIRED FACILITIES), CHAPTER 19.56 (SOLAR ACCESS) AND CHAPTER 19.82 (MISC. PLAN PERMIT) OF TITLE 19 (ZONING)

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

SECTION 1. CHAPTER 19.12 AMENDED. Sections 19.12.020, 19.12.170 and 19.12.200 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code are hereby amended to read, as follows:

19.12.20. “A”

(1)-(4) [text unchanged]

(6) – (19) [Renumber (5) – (18), consecutively; text unchanged.]

19.12.170. “P”

(2) – (13) [Renumber (1) – (12), consecutively; text unchanged.]

19.12.200. “S”

(1)-(12) [text unchanged.]

(13) “Solar collector, active” means a fixed device, structure or part of a device or structure which is used primarily to transform solar radiation into thermal, chemical or electrical energy, as part of a system which makes use of such energy for the purposes of water heating, space heating or cooling, or electrical power generation, by means of moving fluids, photo electric devices, chemical reactions, including chemical thermal storage solutions, or external power sources.

(14) “Solar collector, passive” means any building feature or design, including shading elements, materials, mass, structural components, and solar orientation, which enhances a building’s inherent solar heating or cooling characteristics

(15) "Solar device" means the equipment associated with the collection, transfer, distribution, storage, and control of solar energy.

(16) "Solar energy system" means the integrated use of solar devices and solar collectors for the functions of collection, transfer, storage, and distribution of solar energy.

(15) – (24) [Renumber (17) – (26), consecutively; text unchanged.]

SECTION 2. TABLE 19.32.020 AMENDED. Table 19.32.020 of Chapter 19.32 (Building Heights, Lot Coverages and Floor Area Ratios) of Article 3 (Zoning Districts, Uses and Related Development Regulations) of Title 19 (Zoning) 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 Height (ft.)^{8,9}	Lot Coverage (%)⁹	Floor Area Ratio (FAR) (%)⁹
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.

⁸ A five-foot height bonus is allowed when underground parking is included in the design. See Section 19.46.040.

⁹ Refer to Chapter 19.56 for deviations to height, lot coverage, and floor area ratio to accommodate and/or provide incentives for installation of solar energy systems.

SECTION 3. TABLE 19.34.030 AMENDED. Table 19.34.030 of Chapter 19.34 (Front, Side and Rear Yards) of Article 3 (Zoning Districts, Uses and Related Development Regulations) of Title 19 (Zoning) 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 Minimum⁶	Front Yard Average⁶	Side Yards Total^{1, 5, 6}	Side Yards One Side^{5, 6}	Rear Yard⁶
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
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

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 Refer to 19.56 for deviations to required setbacks to accommodate installation of solar energy systems.

SECTION 4. CHAPTER 19.38 AMENDED. Section 19.38.020 of Chapter 19.38 (Required Facilities) of Article 4 (General Development Standards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.38.020. Screening of equipment.

- (a) [text unchanged]
- (b) Mechanical, electrical or other type equipment. All roof, wall or ground mounted mechanical, electrical or other type equipment which exceeds sixteen inches in any dimension shall be screened except:
 - (1) Equipment otherwise permitted by a miscellaneous plan permit.
 - (2) Solar energy systems, collectors or devices.
 - (3) – (9) [text unchanged]
- (c) [Text unchanged.]

19.38.070. Landscaping, irrigation and usable open space.

- (a) – (c) [text unchanged.]
- (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. Up to 25 percent of the 50 percent parking lot shading requirement (12.5 percent of the total parking lot area) may be met with installation of solar energy systems rather than trees. Shading shall be calculated by using the diameter of the tree crown at fifteen years or the dimensions of any roofed area supporting the solar energy system within the parking lot area. 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) – (E) [text unchanged]
 - (3) – (7) [text unchanged]
- (e) – (h) [text unchanged]

SECTION 5. CHAPTER 19.56 AMENDED. Section 19.56.030 of Chapter 19.56 (Solar Access) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby deleted in its entirety.

SECTION 6. CHAPTER 19.56 AMENDED. Section 19.56.050 (Placement) of Chapter 19.56 (Solar Access) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.56.050. Installation of solar devices, solar collectors and/or solar energy systems.

A letter from the Owners Association approving the application shall be submitted for installation of solar energy systems in commonly-held areas where the Owners Association is responsible for maintenance and repairs in condominium or other common interest developments.

SECTION 7. CHAPTER 19.56 AMENDED. Section 19.56.070 (Incentives) and Section 19.56.80 (Accommodation) are added to Title 19 (Zoning) of the Sunnyvale Municipal Code to read as follows:

19.56.070. Incentives for Installation of Solar Energy Systems.

(a) To provide incentives for the installation of solar energy systems, lot coverage may be exceeded by up to one percent, and/or floor area ratio or the threshold triggering design review may be exceeded by up to one percent, as the case may be, upon approval of a Miscellaneous Plan Permit granted at the discretion of the Director of Community Development and subject to paragraph (b) below.

(b) For single-family residential, the incentives provided in paragraph (a) above for solar energy system installations shall be based on providing a minimum solar energy system size of 1.5 kW or a minimum of 50 gallons for hot water systems. For all other uses, the incentive shall be based on a minimum system size of ten percent of the anticipated or average electrical energy use.

19.56.80 Accommodation for Solar Energy Systems

To accommodate the installation of solar energy systems, including systems located on top of parking structures, the maximum height may be increased by two feet, and required setbacks for front, side and rear yards may be reduced by up to one foot upon application and approval of a Miscellaneous Plan Permit granted at the discretion of the Director of Community Development pursuant to Chapter 19.82.

SECTION 8. CHAPTER 19.82 AMENDED. Section 19.82.020 of Chapter 19.82 (Miscellaneous Plan Permits) of Title 19 (Zoning) of the Sunnyvale Municipal code is partially REPEALED. Section 19.82.020 (20) is repealed as follows:

19.82.020 When Required

(a) General Reviews:

(1) – (19) [text unchanged]

(20) Solar energy system incentives and accommodations as provided for in Chapter 19.56;

(21) – (26) [text unchanged]

(b) – (k) [text unchanged]

SECTION 9. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15307 that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is an action by a regulatory agency for the protection of natural resources.

SECTION 10. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 11. 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 for publication of legal notices 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 September 30, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on October 7, 2008, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
SEAL

Mayor

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney