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## DUAL URBAN OPPORTUNITY HOUSING

Dual Urban Opportunity Housing allows the construction of additional dwelling units on qualifying sites in the R-0, R-1, R-1.5, R1.7/PD, R-2 zoning districts and on residential blocks in the DSP. DUO units must have permanent sleeping, eating, cooking, sanitation facilities, separate utility connections and electrical panels. DUO units can be detached or attached to other DUO units or ADUs (when allowed).

### How Many Units are Allowed?

- A maximum of two DUO units and two ADUs are allowed on a parcel that is not proposing an Urban Lot Split (ULS).
- A maximum of two DUO units per new lot are allowed on parcels requesting an ULS, or one DUO unit and one ADU per new lot.
- The maximum combination of units (DUO or ADU) allowed per **original** lot is four.

### When is DUO Housing Development Not Allowed?

- A parcel already contains more than one existing dwelling unit (not including ADU(s))
- The parcel contains a designated heritage resource, is within a heritage resource district, local landmark or local landmark district, or is included on the State Historic Resources Inventory
- Sites contaminated by hazardous waste that have not been cleared for residential use by the appropriate regulatory agencies.

### When is Development of DUO Units Limited?

- The DUO development must not require demolition or alteration of an existing dwelling unit that has been occupied by a tenant in the last three years prior to the Planning application submittal date.
- The DUO development must not demolish an existing dwelling unit that is subject to affordability restrictions under a recorded covenant or ordinance.

### What is an Urban Lot Split (ULS)?

- An ULS is the subdivision of an existing parcel that meets certain criteria within a zoning district where DUO housing development is allowed.

### KEY TERMS:

- Dual Urban Opportunity (DUO) Unit
- Urban Lot Split (ULS)
- Sunnyvale Municipal Code (SMC)

### TO CONSIDER:

- ULS vs. Non-ULS
- DUO unit vs. ADU unit
- Site-built vs. "Pre-fab" or manufactured units

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# DUAL URBAN OPPORTUNITY HOUSING DEVELOPMENT



**Description:** The following development standards apply to Dual Urban Opportunity Housing Development, or Dual Urban Opportunity (DUO) units, which may be allowed on certain lots as permitted by the Sunnyvale Municipal Code (SMC). DUO units are independent dwelling units and not Accessory Dwelling Units (ADUs) which are secondary to an independent dwelling unit.

Requirements for Dual Urban Opportunity (DUO) Units		
	DUO Unit(s) without an ULS	DUO Unit(s) with an ULS
<b>APPROVAL</b>		
Planning Approval (Miscellaneous Plan Permit)	Yes	Yes
Tentative Parcel Map	No	Yes
Parcel Map	No	Yes
Building Permit	Yes	Yes
Encroachment Permit	Yes <sup>1</sup>	Yes <sup>1</sup>
<b>LOCATION</b>		
Minimum lot size	n/a	At least 40% of the original lot size or 1,200 sq. ft. or (whichever is more)
Are ADUs allowed	Yes	No <sup>2</sup>
Zoning	R0, R1, R1.5, R1.7/PD, R2, residential DSP	
First Story Side/Rear Setback	4 ft. <sup>3</sup>	
Front Setback	First-story: Per SMC Requirements of underlying zoning district Second-story: 25 ft.	
Subject to other zoning standards (e.g. FAR, lot coverage, height limits)	Yes <sup>4</sup>	
Subject to applicable building standards	Yes	
<b>DIMENSIONS</b>		
Minimum size	No minimum	
Maximum size	45% FAR or 3,600 sq. ft. (whichever is less) <sup>4,5</sup>	
Maximum height	30 ft. <sup>6</sup>	
Minimum Parcel Dimensions	n/a	40 ft. in either width or depth <sup>7</sup>

	DUO Unit(s) without an ULS	DUO Unit(s) with an ULS
Minimum Flag Lot "Pole" Width (access to right-of-way)	n/a	10 ft.
<b>FACILITIES</b>		
Parking for DUO unit(s)	One covered parking space per DUO unit <sup>8</sup>	
Independent exterior access	Required for each DUO unit	
Independent kitchen	Required for each DUO unit	
Independent bathroom	Required for each DUO unit	
Interior connection to another DUO unit	Not permitted	
<b>OTHER REQUIREMENTS</b>		
Owner-Occupancy <sup>9</sup>	Not required	Affidavit required
Utility connections	Separate connection required per DUO unit	
Electrical Panel	Separate panel required per DUO unit	
Fire Sprinklers	Required for new DUO units	
Front Yard Paving	No more than fifty percent of the required front yard shall be paved	
Design Standards	Compliance required per SMC Section 19.78.050	
Short-term rental	Not allowed for new DUO units	
Transportation impact fee	Required	
Park in-lieu fee	Not Required <sup>10</sup>	Required
School impact fees	Required - collected by applicable school district	

<sup>1</sup> An encroachment permit is required for any work in the public right-of-way.

<sup>2</sup> If only one DUO unit is proposed per new lot, one ADU may be allowed in conjunction for a total of 2 units per new lot per SMC Section 19.79.020(h) and/or Section 19.78.040(b)(1).

<sup>3</sup> Rear and Side setbacks of less than four feet may be allowed for a new DUO unit if replacing an existing permitted structure and constructed in the same location and to the same dimensions (SMC Section 19.78.040(d)(1)). Second story side/rear setback requirements exceed 4 ft. in the rear yard.

<sup>4</sup> DUO units are subject to all applicable objective development, design, and subdivision standards unless it is not possible to build DUO unit(s) that are at least 800 sq. ft. with four-foot side and rear yard setbacks within those parameters.

<sup>5</sup> 50% FAR or 4,000 sq. ft. (whichever is less) may be achieved if at least three findings from SMC Section 19.78.040(2) are met.

<sup>6</sup> Height is limited to 17 feet in the rear 20 feet of the property.

<sup>7</sup> Exclusive of any required access to the right-of-way.

<sup>8</sup> Parking is required at a rate of one covered space per DUO unit unless exempt by SMC Section 19.78.040(i)(3). If parking is proposed, even on an exempted lot, it must be constructed per the requirements of SMC Section 19.46.050.

<sup>9</sup> When an ULS is proposed, the property owner must sign an affidavit that states they intend to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split.

<sup>10</sup> Park in-lieu fees will be required on non-ULS projects that will be separately conveyed (sold separately) and require a condo map.

### Additional Resources:

- The complete Dual Urban Opportunity Housing Ordinance can be found in [Chapter 19.78](#) of Title 19 of the SMC. Some objective standards applied to this development type are associated with the underlying zoning district and can also be found in Title 19 (Zoning) of the SMC. The objective standards associated with the Urban Lot Split process can be found in [Chapter 18.26](#) Urban Lot Splits of Title 18 (Subdivisions) of the SMC.
- For any additional questions on zoning, permits and fees, and submittal requirements contact Planning Staff at [planning@sunnyvale.ca.gov](mailto:planning@sunnyvale.ca.gov), 408-730-7440, or in person at the One Stop Permit Center.
- For any additional questions on building and utility requirements, permits and fees, contact Building Staff at 408-730-7444.
- For information on encroachment permits, the Parcel Map application process, or other related subdivision questions, contact Public Works Staff at [pubworks@sunnyvale.ca.gov](mailto:pubworks@sunnyvale.ca.gov), 408-730-7415.

## BUILDING, FIRE, PUBLIC WORKS INFORMATION

Building permits are required for all new units to ensure safe construction and conformance with code requirements. Contact the One Stop Permit Center's Building Safety Division at 408-730-7444 for additional information.

- **Fire Sprinkler System** - Required for new DUO units. A fire sprinkler system is also required if additions are proposed to an existing unit that will be used as a DUO unit if the addition to the living space is greater than 50% of the existing building's living space or there is an existing fire sprinkler system in the unit.
- **Separate Utility Hookups** - Required for new DUO units. Main sewer and water laterals for DUO units shall have new direct connections to the main city sewer and water service lines. Additionally, if any existing dwelling units exist on the site are low occupancy (2-bedroom or fewer) and additions are proposed to that unit that bring it to standard occupancy (3-bedroom or more) current incremental sewer and water connection fees will be required.
- **New Heating and Water Heating System** - Each DUO unit must have an independent heating and water heating system.
- **Separate 100A Main Electrical Panel** - Required for each DUO unit.
- **1-Hour Fire Rated Construction Wall** - Required between attached units (DUO or standard accessory dwelling unit (SADU)). Detached DUO units or SADUs located 5' or less from any property line shall be fire rated construction
- **Utility Service Charges** – If multiple DUO units are proposed on a property, the units will be assessed utility service charges at multi-family rates based on the total number of living units on the property.
- **Transportation Impact Fee (TIF)** – Required for a new DUO unit(s) and must be paid when obtaining a building permit.
- **Park In-lieu Fee** – Required for an ULS and must be paid prior to approval of the Parcel Map.
- **School Impact Fees** – Required for new DUO units greater than 500 sq. ft. of living space and shall be paid to the associated school district.