ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TABLES 19.28.050 AND 19.28.100(C) OF TITLE 19 OF THE SUNNYVALE MUNICIPAL CODE TO ALLOW LOW-MEDIUM DENSITY RESIDENTIAL USES

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

SECTION 1. TABLE 19.28.050 AMENDED. Table 19.28.050 of the Sunnyvale Municipal Code is hereby amended to read in relevant part as follows:

Table 19.28.050

Primary Uses and Densities in DSP Blocks.

District	Block	Primary Uses	Approx. Density	Res. Units	Office (total square footage)	Retail / Restaurant / Entertainment (total square footage)
Commercial Core	1	Office	N/A		450,000	10,000
Commercial Core	1a	Very High Density Residential	78 du/ac.	450		52,500
Commercial Core	2	Retail	N/A		80,000	170,891
Sunnyvale / Carroll	3	Retail Specialty Grocery	N/A			62,000
Sunnyvale / Carroll	4	Very High/Low-Medium Density Residential	48 du/ac.	175		
Sunnyvale / Carroll	5	Very High Density Residential	40 du/ac	46		

Sunnyvale / Carroll	6	High/Low-Medium Density Residential	36 du/ac	100		
Sunnyvale / Carroll	7	High Density Residential Retail	N/A	100	36,000	14,000
South of Iowa	8	Low-Medium Density Residential	12 du/ac	15		
South of Iowa	8a	Medium Density Residential	24 du/ac	12		
South of Iowa	8b	Low Density Residential	7 du/ac	12		
South of Iowa	9	Low-Medium Density Residential	12 du/ac	52		
South of Iowa	9a	Low Density Residential	7 du/ac	8		
South of Iowa	10	Low Medium Density Residential	12 du/ac	47		
South of Iowa	11	Low Medium Density Residential	12 du/ac	49		
South of Iowa	12	Low Medium Density Residential	12 du/ac	51		
Commercial Core	13	Retail and Low-Medium Density Residential	N/A		176,021	20,120
West of Mathilda	14	Very High Density Residential	48 du/ac.	173		10,000
West of Mathilda	15	Very High Density Residential	48 du/ac.	152		10,000
West of Mathilda	16	Very High Density Residential	48 du/acre	173		10,000

West of Mathilda	17	Low Medium Density Residential	12 du/acre	48		
Commercial Core	18	Mixed Use	N/A	200	202,000	1,007,876
Commercial Core	20	High Density Residential Office	N/A	51	16,400	
TOTAL				1,914	960,421	1,367,387

SECTION 2. TABLE 19.28.100(C) AMENDED. Table 19.28.100(c) of the Sunnyvale Municipal Code is hereby amended to read as follows to read as follows:

Table 19.28.100(c)

Development Standards for Sunnyvale/Carroll District Blocks 4, 5, 6 and 7.

	Block 4	Block 5	Block 6	Block 7
Primary Uses Allowed	High Density and Low-Medium Density Residential	High Density Residential	High Density and Low-Medium Density Residential	High Density Residential and Retail
Min Development Size	0.5 acres	0.25 acres	0.25 acres – suggested	No min.
Max. Retail/Office	None	None	None	36,000 sq. ft. office 14,000 sq. ft. retail
Max. Residential Units	214	46	146	100
Approximate Residential Density	48 du/acre generally with max 14 du/acre on	40 du/acre	48 du/acre generally with Townhouse Density of up to	28 du/acre

	Block 4	Block 5	Block 6	Block 7
	Washington		14 du/acre on Washington and McKinley frontages.	
Max. Lot Coverage	45%	45%	60%	60%
Max. Height	40 ft. (3 stories) and 30 ft. (2 stories) on Washington	40 ft. (3 stories)	40 ft. (3 stories) and 30 ft. (2 stories) on Washington and McKinley	50 ft. (4 stories)
Required Right-of-Way Dedications	None	None	None	3 ft. on east side from Iowa to Washington
Min. Front Setback/Build-to Requirement				
• Washington Ave.	12 ft.	N/A	12 ft.	12 ft.
• Sunnyvale Ave.	N/A	N/A		N/A
• Evelyn Ave.	18 ft.	18 ft.		12 ft.
• Bayview Ave.	N/A	12 ft.		18 ft.
• Carroll Ave.	12 ft.	N/A		Min Interior Setbacks
Min. Interior Setbacks				
• Side	6 ft.	6 ft.	6 ft.	6 ft.
• Rear	20 ft.	20 ft.	20 ft.	20 ft.
Min. Landscaped Area	Min 20% of lot area	Min 20% of lot area	Min 20% of lot area	Commercial uses: All areas not devoted to driveways and surface access zones. Residential uses: 20% of the lot area
Min. Useable Open Space	50 sq. ft./unit	50 sq. ft./unit	50 sq. ft./unit	50 sq. ft./unit for residential uses
Type of Parking	Below-grade, or surface (above ground allowed only if completely	Below-grade, or surface (above ground allowed only if completely	Below-grade, or surface (above ground allowed only if completely	Below-grade, above grade or podium

	Block 4	Block 5	Block 6	Block 7
	hidden from view)	hidden from view)	hidden from view)	
Special Design Features	Residential Gateways at Carroll and Washington	None	None	Res. Gateway elements at intersection of Sunnyvale and McKinley

SECTION 3. CEQA COMPLIANCE. As part of the process of updating the Downtown Improvement Program, the City has analyzed the environmental effects of this ordinance, certified a Program Environmental Impact Report and a Mitigation Monitoring and Reporting Program on June 17, 2003, and made necessary findings required by the California Environmental Quality Act *(Public Res. Code* §§ 21000 *et seq.;* "CEQA"). The City finds that the adoption of this ordinance is within the scope of the program EIR and no new environmental documentation is required.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 June 1, 2004, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on June 8, 2004, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____

Mayor

ATTEST:

By_____

City Clerk

(SEAL)

MINUTES
SUNNYVALE CITY COUNCIL
February 10, 2004

The City Council of the City of Sunnyvale adjourned from a 6:00 p.m. Study Session regarding Future Fiscal Issues Workshop, and met in regular session in the City Council Chambers, 456 West Olive Avenue, Sunnyvale, CA at 7:30 p.m. with Mayor Howe presiding.

Mayor Howe led the salute to the flag.

ROLL CALL

PRESENT: Mayor John Howe
Vice Mayor Dean Chu
Councilmember Fred Fowler
Councilmember Julia Miller
Councilmember Ron Swegles
Councilmember Melinda Hamilton

Absent: Councilmember Otto Lee (Military Leave - excused absence)

Staff Present: Amy Chan, Acting City Manager
Chuck Schwabe, Deputy City Manager
Valerie J. Armento, City Attorney
Robert Paternoster, Director of Community Development
Curtis Black, Superintendent of Parks
Karen Davis, Economic Development Manager
Coryn Campbell, Neighborhood & Community Services Manager
Peter Bassett, Legislative Analyst
Trudi Ryan, Planning Officer
Susan Ramos, City Clerk

SPECIAL ORDER OF THE DAY

Mayor Howe was joined at the podium by Marty Robin, Environmental Protection

Specialist with the Environmental Protection Agency (EPA), who presented the following awards for "The Bay Area's Best Workplaces for Commuters" to

Malys Neang, Safety and Security Department Coordinator, Juniper Networks
Mike Brodick, Facilities Supervisor, Yahoo! Inc.
Mark Posson, Director of Environmental Safety and Health, Lockheed Martin Space Systems Company
Kristin Lamont, Benefits Manager, Ariba
Andre Gueziec, President and CEO, Triangle Software LCC
John Howe, Mayor, City of Sunnyvale

PUBLIC ANNOUNCEMENTS

Laura Babcock, representing the Sunnyvale Historical Society and Heritage Museum Team, announced they have just passed the $1 million mark on their fund raising campaign to raise $1.6 million. Their next fund-raiser will be a walkathon on April 17 at 9:30 a.m. For more information, visit their web site at www.heritageparkmuseum.org.

Councilmember Fowler announced that from February 1 to March 1, the City of Sunnyvale Housing Division will accept applications for the waiting list for the Below Market Rate (BMR) Home Ownership Program for first time homebuyers who want to buy an affordable home in Sunnyvale. Applications are available on the City web site at , or may be picked up at Sunnyvale City Hall, at the City Library or may be requested by email.

Mayor Howe announced that he, another member of the City Council, and a Planning Commissioner will attend the Charles Street 100 Neighborhood Association meeting on Tuesday, February 17, as part of a series of City Council outreach meetings.

Mayor Howe announced that he, another member of the City Council, and Planning Commissioner Laura Babcock, will attend the San Miguel Neighborhood Association meeting on Wednesday, February 18, as part of a series of City Council outreach meetings.

Mayor Howe reported that at a Closed Session on February 6, 2004, the Council accepted the resignation of Bob LaSala from the position of City Manager. The agreement canceling Mr. LaSala's 1997 employment contract allows him and the City Council to move forward in achieving their goals. The recent agreement represents a positive compromise. The City Council wishes Mr. LaSala well in his future endeavors and there will be no further comments on this matter.

CONSENT CALENDAR

Councilmember Swegles requested item 1.D. be pulled and considered separately. Councilmember Hamilton requested item 1.A. be pulled and considered separately. Vice Mayor Chu moved, and Councilmember Miller seconded, approval of the Consent Calendar with the exception of 1.A. and 1.D. The motion carried unanimously.

1.A. Approval of Draft Minutes (February 3, 2004)

1.B. Approval of Information/Action Items - Council Directions to Staff

Councilmember Hamilton moved, and Councilmember Miller seconded, approval of the Draft Minutes as amended. The motion carried unanimously with Councilmember Lee absent.

Fiscal Items

1.C. RTC 04-046 List of Claims and Bills Approved for Payment by the City Manager (List No. 182)

Staff Recommendation: Review the attached list of bills.

Contracts Items

1.D. RTC 04-045 Proposed Renewal of Maintenance, Operation and Use Agreement for Challenge Ropes Course at Baylands Park Staff

Curtis Black, Superintendent of Parks, availed himself for questions.

Mayor Howe opened the Public Hearing at 7:50 p.m.

Janine Stanick, General Manager of the Ropes Course for the Fremont Union High School Foundation, presented a brief report and distributed documents to the Council.

Mayor Howe closed the Public Hearing at 7:55 p.m.

Councilmember Swegles moved, and Vice Mayor Chu seconded, to approve agreement between City of Sunnyvale and Fremont Union High Schools Foundation and authorize the Acting City Manager to sign on behalf of the City. The motion carried unanimously with Councilmember Lee absent.

Other Items

1.E. RTC 04-052 Ratification of Council Intergovernmental Relations (IGR) Appointments

Staff Recommendation: Ratify Mayor Howe's appointment to the Recycling & Waste Reduction Commission of Santa Clara County, Councilmember Miller's appointment to the ABAG Administrative Committee, and Councilmember Miller's re-appointments to the NLC Human Development Policy & Advocacy Committee, and the NLC Human Development Steering Committee.

1.F. RTC 04-051 Permission to Apply for *We the People* Grant for Books About Courage

Staff Recommendation: Grant permission to apply for NEH We the People grant.

1.G. RTC 04-047 Rejection of Bids Received in Response to Invitation for Bids No. F0311-33 and Award of Invitation for Bids No. F0301-40 for Vehicle Fuel

Staff Recommendation: Reject all bids received in response to Invitation for Bids No. F0311-33 (Lot 3 only); award a three-year contract for unleaded fuel, with an option to extend the contract for two additional one-year periods, to Petro-Diamond, Inc.; award a three-year contract for ultra low sulfur diesel fuel, with an option to extend the contract for two additional one-year periods, to Valley Oil Company; and authorize the Purchasing Officer to issue blanket purchase orders to that effect.

CITIZENS TO BE HEARD

Ray Smith, a member of the public, expressed concerns about the Sabercats tent regarding noise and signage. Mayor Howe stated he would call Mr. Smith to discuss his concerns.

PUBLIC HEARINGS/GENERAL BUSINESS

2. RTC 04-056 Economic Development Program Update

Karen Davis, Economic Development Manager, presented the staff report. She presented an overview of the history, functions, current and near term projects and activities, and accomplishments. She stated that the current budget and the budget for 2004/2005 reflect a $100,000 reduction in the Economic Development Program. Staff recommends that Council approve the Economic Development work plan for FY 2004/05, including budget recommendations, and yearly updates to City Council prior to budget considerations to ensure that the work program is focused on current economic conditions.

Staff responded to questions posed by the Council regarding the allocation of resources to the downtown, mitigation costs, retail hospitality, business retention, grocery store closures, and small business development.

Mayor Howe opened the Public Hearing at 8:50 p.m.

Tom Carrig, a member of the public, suggested that efforts should be directed at bringing in new types of businesses.

Jennifer Paedon, Executive Director of the Moffett Park Business and Transportation Association, spoke about the positive impact of the Economic Development Department has had on their association and expressed their appreciation.

Mark (unintelligible last name), owner of Pearson Automobile Company, spoke in support of the community development strategy and the role of economic development.

Jane Vaughn, a member of the public, spoke in support of Sunnyvale's business friendly staff.

Mayor Howe closed the Public Hearing at 9:00 p.m.

Mayor Howe moved, and Councilmember Miller seconded, to accept the Update on the Economic Development Program, accept the recommendation to shift the program service delivery for FY 2004/05 and FY 2005/06 to reduce the retail and hospitality service delivery plan, decreasing the emphasis on Downtown and focusing remaining resources on El Camino Real; increasing support for redevelopment to reflect the current redevelopment activities; increasing office and industrial service delivery plan to proactively position the City for emerging technology companies, and accept the recommendation that overview of the Economic Development Program be presented to City Council early in each calendar year to determine the appropriate course of action based on the most recent economic outlook, with the following changes: continue outreach efforts to auto dealers, and develop a strategy for the 25 highest sales tax generators in the City.

Councilmember Swegles offered a friendly amendment to include the hotel in roundtable discussions. The amendment was accepted.

The motion carried unanimously with Councilmember Lee absent.

3. RTC 04-048 Sustainable Development and Green Building Policies and Guidelines (to be continued to February 24, 2004)

It was the consensus of the Council to continue this item to the February 24, 2004 Council meeting.

4. RTC 04-057 Positions on State and Local Ballot Measures for March 2nd Election

Peter Bassett, Legislative Analyst, assisted by Coryn Campbell, Neighborhood and Community Services Manager, presented the staff report. He stated staff recommends the following positions:

State Ballot Measures
1) Proposition 55
Staff Recommendation: Support
2) Proposition 56
Staff Recommendation: Support
3) Proposition 57
Staff Recommendation: Support
4) Proposition 58
Staff Recommendation: Support

Local Ballot Measures
1) Measure 2
Staff Recommendation: Support
2) Measure A
Staff Recommendation: No Position

Mayor Howe opened the Public Hearing at 9:05 p.m. and, there being no public comments, closed the Public Hearing.

Councilmember Miller moved, and Councilmember Swegles seconded, to accept staff's recommendations. The motion carried unanimously with Councilmember Lee absent.

5. ORDINANCE NO. 2743-04 RTC 04-042 Rezoning certain properties along the 300 and 400 blocks of Washington Avenue and the 300 Block of McKinley Avenue from R-3/PD to R-2/PD

Trudi Ryan, Planning Officer, presented the staff report. She reported in June 2003, after a year-long study on appropriate land uses and densities in and around the Downtown Specific Plan area, the City Council approved a General Plan Amendment to lower the permitted densities allowed in an area called "the eastern adjacent sites." The intent of this action is to bring the Zoning District designation into conformance with the Low-Medium Density Residential General Plan Designation. Ms. Ryan summarized the changes in the new Zoning District.

Mayor Howe opened the Public Hearing at 9:20 p.m.

Donna Carrig, a member of the public, expressed concerns about the zoning for the area east of Carroll Street. She opined that the entire block should be zoned R-2 and spoke in opposition of a planned townhouse development.

Tom Carrig, a member of the public, opined the municipal code was broken when the project went through, and advocated to have the entire street zoned R-2. He expressed concern about the perceived encroachment of the downtown area into residential neighborhoods.

Mayor Howe closed the Public Hearing at 9:35 p.m.

Councilmember Hamilton moved, and Councilmember Miller seconded, to continue this item and instruct staff to include the houses on both sides of Washington and the northern end of McKinley between Bayview and Carroll in a study to rezone this area.

Councilmember Fowler offered a friendly amendment to approve the zoning designation for the specified properties as recommended by staff. The amendment was accepted.

Councilmember Hamilton amended her motion, and Councilmember Miller seconded, to introduce the Ordinance to amend the Zoning Designation from R-3/PD to R-2/PD for the specified properties, and the remaining areas on Washington on both sides, and the north side of McKinley, be studied as an R-2/PD.

At the direction of Mayor Howe, the City Clerk read the title of the ordinance as follows:

ORDINANCE NO. 2743-04 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE "EASTERN ADJACENT SITES" ALONG THE DOWNTOWN SPECIFIC PLAN AREA FROM R-3/PD (MEDIUM DENSITY RESIDENTIAL ZONING

DISTRICT) TO R-2/PD (LOW-MEDIUM DENSITY RESIDENTIAL ZONING DISTRICT)

The motion carried unanimously with Councilmember Lee absent.

6.	RTC 04-053	Appeal of the Planning Commission Agenda of January 26, 2004 and Administrative Hearing Agenda of January 28, 2004

No action was taken.

7.	RTC 04-054	Pre-Appeal of the Planning Commission Agenda of February 23, 2004 and Administrative Hearing Agenda of February 25, 2004

No action was taken.

NON-AGENDA ITEMS & COMMENTS

COUNCIL

Councilmember Fowler reported the Valley Transit Authority (VTA) Short Range Transit Plan contained a 10 year operating plan that showed a large revenue shortfall. He stated Sunnyvale may be faced in the future with transit services that go back to the state it was 25 years ago, and another source of revenue must be found to maintain current services.

Councilmember Swegles invited the public to the Sunnyvale Rotary Club crab feed on February 28 at Saint Ciprians.

Mayor Howe requested a Closed Session on February 17 at 5:00 p.m., and February 24 at 5:30 p.m., in the West Conference Room, regarding Personnel Matters – Acting/Interim City Manager. Mayor Howe invited Acting City Manager Amy Chan to the February 24 meeting.

STAFF

There were no comments.

ADJOURNMENT

Mayor Howe declared the meeting adjourned at 9:50 p.m. to a Joint Closed Session with the City Council and Redevelopment Agency regarding Update on the Town Center Mall Negotiations Pursuant to Government Code Section 54956.8. Mayor Howe declared the Joint Closed Session adjourned at 11:22 p.m.

Respectfully submitted,
Susan Ramos, City Clerk

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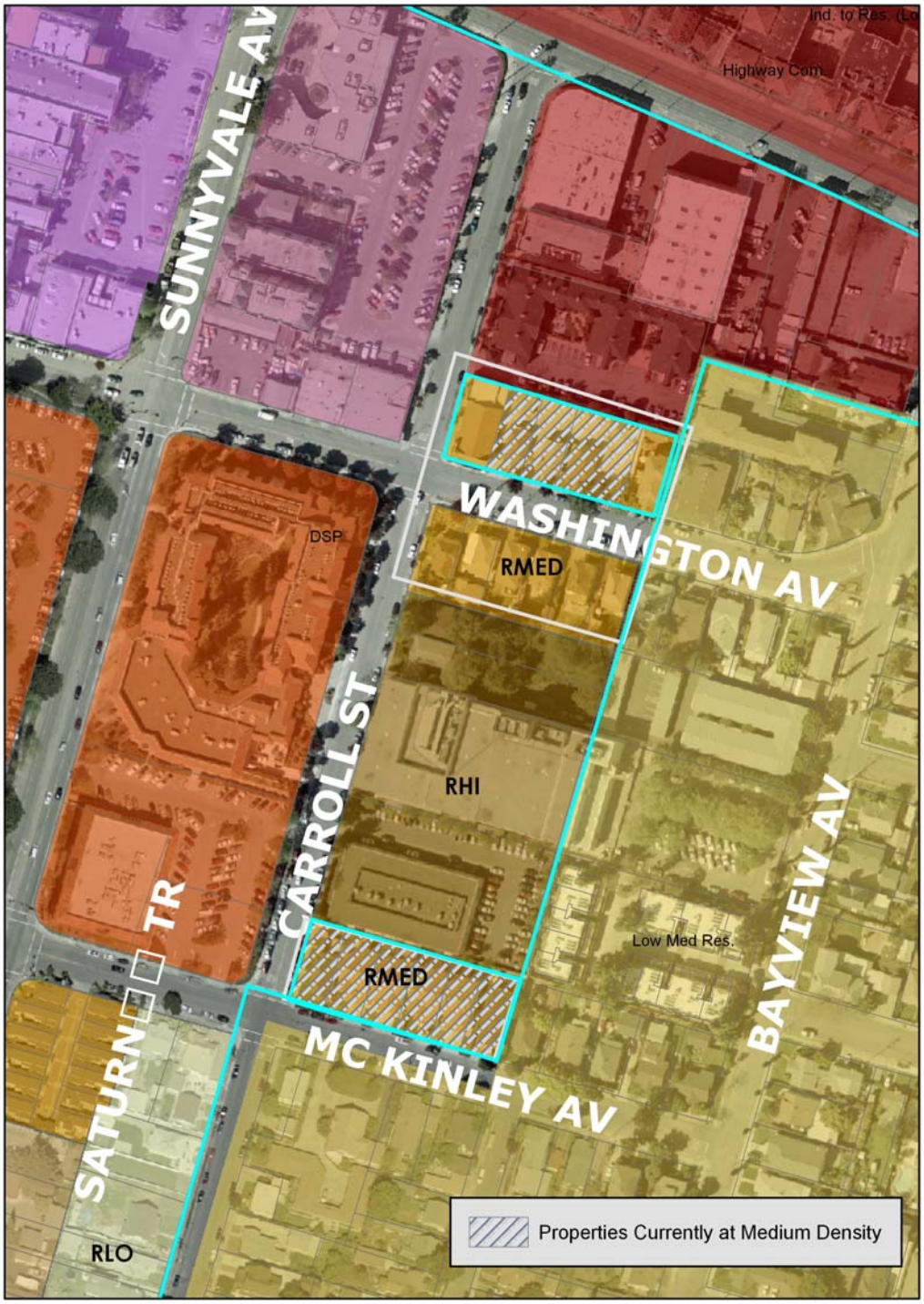
Properties Considered for a Reduction in Permitted Density