

NOTICE OF ADOPTION OF ORDINANCE NO. 2987-12

NOTICE IS HEREBY GIVEN that the City Council of the City of Sunnyvale, at a regular meeting thereof held on January 8, 2013, adopted Ordinance No. 2987-12, entitled as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF THE SUNNYVALE MUNICIPAL CODE RELATING TO VENDING.

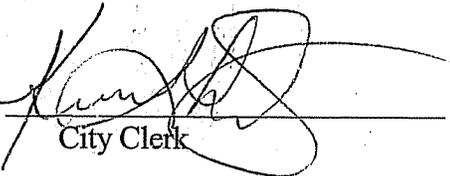
NOTICE IS FURTHER GIVEN that copies of said Ordinance No. 2987-12 have been posted in three (3) prominent places in the City of Sunnyvale, as follows:

One on the bulletin board of the Sunnyvale Public Library, located at 665 West Olive Avenue, Sunnyvale, California;

One on the bulletin board of the Public Safety Headquarters, located at 700 All America Way, Sunnyvale, California;

One on the bulletin board in the main lobby of the City Hall, located at 456 West Olive Avenue, Sunnyvale, California.

DATED: 01/16/2013

By 
City Clerk

PUBLISH: 01/25/2013

ORDINANCE NO. 2987-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF THE SUNNYVALE MUNICIPAL CODE RELATING TO VENDING.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 1.04.050 AMENDED. Section 1.04.050 of Chapter 1.04 (General Penalty) of Title 1 (General Provisions) is hereby amended as follows:

(a) The following designated officers and employees are delegated the authority to issue citations without a warrant to any person whenever the officer or employee has reasonable cause to believe that the person to be cited has committed an act in his or her presence which is a violation of the provisions of this code:

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

(4) Director of public safety and public safety officers: Chapters 5.16, 5.24, 5.26, 5.28, 5.32, Title 9 except for Chapters 9.72, 9.74 and 9.76, Title 10, Chapters 16.52 through 16.54, Title 19, Title 20 and Title 21.

(5) - (7) [Text unchanged.]

SECTION 2. CHAPTER 5.26 ADDED. Chapter 5.26 (Vending) of Title 5 (Business Licenses and Regulations) is hereby added to read as follows:

**Chapter 5.26
Vending**

- 5.26.010. Purpose.**
- 5.26.020. Definitions.**
- 5.26.030. Applicability.**
- 5.26.040. General Requirements.**
- 5.26.050. Vehicular Vending in the Public Right-of-Way.**
- 5.26.060. Pushcart Vending in the Public Right-of-Way.**
- 5.26.070. Vendors on Private Property.**
- 5.26.080. Nuisances and Violations.**

5.26.010. Purpose.

(a) **Findings.** The city council finds that:

(1) The primary purpose of the public streets, sidewalks, parking lots, and other public ways is for use by vehicular and pedestrian traffic;

(2) To protect the public health and safety and ensure safe pedestrian and vehicular traffic, the City needs equitable, uniform vending regulations;

(3) Unregulated vending, from pushcarts, vehicles, stands, or by persons contributes to traffic congestion and impedes the orderly movement of pedestrians and vehicles;

(4) The unregulated use of congested streets and sidewalks by vendors make the streets and walkways unsafe for motorists, cyclists, pedestrians, and vendors;

(5) Block 2 of the Downtown Specific Plan District is the City's restaurant and entertainment center, which has a high concentration of vehicular, pedestrian and commercial activity within those properties and the adjacent public right-of-way; and

(6) Subject to appropriate standards for the public safety, health and welfare, the vending of food and other goods promotes the public interest by providing a needed service to underserved locations, activating underutilized spaces, complementing private and public properties, and promoting an attractive street environment.

(b) **Purpose.** This chapter establishes requirements for the vending of food and goods in the public right-of-way and on private property to prevent traffic, safety, and health hazards.

5.26.020. Definitions.

When used in this chapter, these terms mean the following:

- (a) "Food" means any type of edible substance or beverage.
- (b) "Goods" means any items that are not food.
- (c) "Property Owner" means the person, firm or corporation in which title in the underlying land is vested, or a duly authorized agent of such owner.
- (d) "Public right-of-way" means land which is dedicated to the public use for sidewalk, street and highway purposes, or other transportation purposes.
- (e) "Pushcart" means any nonmotorized mobile device used in the sale, barter, or offer for sale of food, goods, or merchandise or services.
- (f) "Roadway" means that portion of the public right-of-way that is improved, designed or ordinarily used for vehicular travel. "Roadway" does not include sidewalks or parkway strips.
- (g) "Vehicle" means any vehicle or trailer, as defined in the California Vehicle Code and registered with the state, used in the sale or offer for sale of food or goods.
- (h) "Vend" means to sell, offer for sale, expose for sale, solicit offers to purchase, or to barter food, goods, or services in any public area from a stand, pushcart, motor vehicle, or by person, with or without the use of any other device or other method of transportation, other than at a fixed place of business.
- (i) "Vendor" means a person who vends, including any agent or employee of that person.

5.26.030. Applicability.

- (a) **Vending.** No person may vend in the City except in compliance with this chapter.

(b) **Deliveries.** This chapter does not apply to any person engaged in delivering previously ordered merchandise or materials from, or to any store, fixed place of business or residence.

(c) **Community Events and Other Entitlements.** Any vendor included in an event which is sponsored by the City or which has been authorized by the City by a special event permit pursuant to Chapter 9.45 (Special Event Permits), lease, agreement, or other entitlements issued by the City, may be subject to different or additional requirements pursuant to the terms or conditions of such authorization.

5.26.040. General Requirements.

All vendors shall comply with the following requirements.

(a) **Sunnyvale Business License.** Vendors shall maintain and display a Sunnyvale business license at all times during operation.

(b) **Other Permits and Licenses.** Vendors shall display or keep within their vending facility, or upon their person, proof of all other applicable permits and licenses at all times during operation, including:

(1) A valid Santa Clara County Department of Environmental Health permit and certification that the vendor complies with all State and Federal laws regarding food vending, if applicable;

(2) A peddler license issued pursuant to Chapter 5.28 of this code, if the vendor is engaged in any activities subject to the requirements of that chapter;

(3) A permit pursuant to this chapter or Title 19 (Zoning) of this code to operate on the public sidewalk or private property, if applicable; and

(4) Other applicable permits and licenses required under state and federal laws.

(c) **Location Restrictions.** Vending is prohibited in any of the following locations:

(1) Block 2 properties in the Downtown Specific Plan District, including the sidewalks and on-street parking spaces on the south side of Evelyn Avenue, the west side of Sunnyvale Avenue, the north side of Washington Avenue, the east side of Frances Street, and both sides of Murphy Avenue.

(2) On any residentially used property, except as otherwise permitted by Chapter 5.28 (Peddlers), Chapter 19.42.010 (Home Occupations), or other provisions of this code.

(3) In any park, as defined under Chapter 9.62 (Public Parks), unless otherwise permitted under Chapter 9.62.

(4) In any parkway strip, landscaped area, or unpaved lot.

(5) Within 15 feet of any driveway.

(6) Within 15 feet of any fire hydrant.

(7) Within 25 feet of any designated fire lane.

(8) Within 50 feet of a pedestrian crosswalk.

(9) Within 50 feet of any intersection.

(10) Within 100 feet of any bus stop sign.

(11) Within Any vision triangle, as defined in Title 19 (Zoning).

(12) In any location where solicitation is prohibited by Chapter 9.56 of this Code.

(d) **Containment of Items for Sale.** Display of items in the public right-of-way, on a fence, or any other location other than the vendor or vending facility is prohibited.

(e) **Cleanup Responsibility.** Vendors shall comply with all of the following:

(1) **Waste Container.** Have at least one clearly designated waste container within two feet of the vending facility.

(2) **Surrounding Area.** Maintain the surrounding area litter free at all times.

(3) **Disposal.** Collect and dispose all generated waste daily, consistent with applicable state and local standards. Vendors shall not dispose or allow the disposal of any generated waste in any public or private waste container other than the waste container under the control of the vendor. Disposal of waste into the city storm drain system is prohibited.

(4) **Facility Removal.** Remove the vending facility from the site immediately after operations.

(f) **Self-Sufficiency.** Vendors shall be entirely self-sufficient in regards to water, gas, electricity, and telecommunications during operations.

(g) **Noise.** Vendors shall not use, play, or employ any amplifier, loudspeaker or any other device for sound production when the mobile facility is parked or standing at any location. All other applicable noise regulations in the Sunnyvale Municipal Code and California Vehicle Code apply.

(h) **Signs.** Signs are permitted if painted on the vending facility, or affixed so that they lie flat against the vending facility. Signs shall not move, rotate, or be illuminated. Flags, banners, portable signs such as a-frames, balloons, or other decorative appurtenances, whether attached or detached, are prohibited.

5.26.050. Vehicular Vending in the Public Right-of-Way.

(a) **Vehicles on Roadway Only.** No person may vend in a roadway except from a vehicle and in compliance with this chapter. Vehicles used for vending shall meet all state and federal requirements, including licensing, registration, and other required approvals.

(b) **Parking, Stopping and Standing.** Vending may only occur when the vehicle is legally parked in a roadway. Vendors shall comply with the California Vehicle Code, Chapter 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code, and with all posted parking, stopping, and standing restrictions at all times.

(c) **Hours of Operation.** Vending within the public right-of-way shall not be conducted before 8 a.m. or after 9 p.m.

(d) **Sidewalk Clearance and Queuing.** No part of the vehicle, furniture, or other equipment related to the vending operation may encroach onto the public sidewalk. Vendors may place waste containers on public sidewalks provided that a minimum 4-foot clearance for pedestrian accessibility is maintained. Vendors are responsible for managing customer queuing, ensuring pedestrian accessibility is maintained, and ensuring customers do not loiter after receiving their purchased food or goods.

5.26.060. Pushcart Vending in the Public Right-of-Way

(a) **Permit Required.** No person may vend from a pushcart on the sidewalk without first obtaining a miscellaneous plan permit from the director of community development in compliance with this chapter and following the applicable procedures in Title 19 (Zoning).

(1) **Permit Application Requirements.** Permit applications shall include all of the following information.

(A) **Vendor Contact Information.** The names and addresses of each person who will operate at the location.

(B) **Site Plan.** A fully dimensioned site plan showing the proposed vending location, footprint of the pushcart, sidewalk width, adjacent streets and property lines, driveways, landscaped areas, and sidewalk furniture.

(C) **Certificate of Insurance.** Vendors shall submit and maintain a certificate of commercial general liability insurance with a signed endorsement to the policy satisfactory to the City. The certificate of insurance shall name the City of Sunnyvale, its officers, employees, agents and volunteers as additional insured.

(D) **Additional Information.** Any information as determined necessary by the director of community development.

(2) **Fixed Location.** Vending shall occur at the specific location approved by the permit issued by the director of community development. Vending while roving is prohibited.

(3) **Hours of Operation.** Vending within the public right-of-way shall not be conducted before 8 a.m. or after 9 p.m.

(4) **Sidewalk Clearance and Queuing.** Vendors shall maintain a minimum 4-foot clearance for pedestrian accessibility on the public sidewalk. Vendors are responsible for managing customer queuing, ensuring pedestrian accessibility is maintained, and ensuring customers do not loiter after receiving their purchased food or goods.

(b) **Decision on Permit.** The director of community development may approve the permit upon such conditions as it finds desirable in the public interest, upon finding that no undue pedestrian and traffic safety, litter or parking consequences would result from the exercise of the permit.

(c) **Duration of Permit.** The permit shall be valid for one year from the date of issuance. The permit shall specify the dates of authorized use and the names of the companies or persons authorized to exercise it.

(d) **Revocation of Permit.** Any permit issued may be revoked pursuant to the procedures in Title 19 (Zoning).

5.26.070. Vending on Private Property.

(a) **Property Owner Permission.** No property owner shall allow any vendor to operate on private property except in compliance with all of the following requirements:

(1) **Written Permission.** Vendors shall have the property owner's written authorization to operate on the property in their possession at all times. The written authorization shall describe the approved location and operation schedule.

(2) **Location.**

(A) **Nonresidential Property.** Vending shall only be conducted on property used for nonresidential purposes, except as otherwise permitted by Chapter 5.28 (Peddlers), Chapter 19.42.010 (Home Occupations), or other provisions of this code.

(B) **Excess Parking.** Vendors shall only occupy parking spaces not required to meet the minimum requirements of the current permitted uses on the property per Chapter 19.46 (Parking), or of other off-site uses if those spaces are leased. This requirement does not apply if the hours of operation for the vendors and permitted uses do not coincide.

(C) **Access.** Vendors shall not occupy any paved area required for loading, circulation or fire access.

(D) **Furniture.** Tables, chairs and shade structures may be allowed in conjunction with food vendors if they occupy excess parking spaces or areas not required for loading, circulation or fire access, and removed daily after use. Tables and chairs may be on turf or mulched areas provided that precautions are taken or improvements are installed to protect and maintain landscaped areas.

(3) **Hours of Operation and Time Limit.** Vendors shall not operate before 7 a.m. or after 10 p.m. Up to three vendors may be on the property at a time, provided that the duration of vending on the property shall not exceed four hours per day. The total number of hours is not calculated per vendor. For example, if one vendor operates from 8 a.m. to 10 a.m., and another vendor operates from 9 a.m. to 11 a.m. on the same day, then the total duration from 8 a.m. to 11 a.m. of vending on the property is three hours.

(b) **Permit Required to Exceed Requirements.** Vending operations on private property beyond the requirements of this section may be allowed by permit pursuant to Title 19 (Zoning). In addition, the director of community development may require a permit whenever it appears that vending activities are having an adverse impact on the use of the property or neighboring properties, including traffic, circulation, parking availability, noise, trash, or other reasons of public health or safety.

(c) **Private Events.** This section does not apply to any private event where a vendor has obtained the property owner's written permission to cater for a private event that is held exclusively on the property and that is not open to the general public.

5.26.080. Violation.

(a) **Civil.** Any vending activity that is located, operated, or maintained in a manner that impedes vehicular and pedestrian circulation or that creates a hazard to life or property, or any condition or act in violation of this chapter or any provision of applicable state or federal law, is hereby declared a public nuisance. Such nuisance may be abated, removed or enjoined, and damages assessed therefor, in any manner provided by law.

(b) **Criminal.** In addition to any other remedies provided by law, violation of this Chapter is an infraction punishable as set forth in Chapter 1.04 of this code. Each day of violation constitutes a separate offense and may be separately punished.

SECTION 3. SECTION 9.45.030 AMENDED. Section 9.45.030 of Chapter 9.45 (Special Event Permits) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended in its entirety:

9.45.030. Definitions.

- (a) [Text unchanged.]
- (b) "Special event" means any of the following activities:
 - (1) [Text unchanged.]
 - (2) A temporary unenclosed use as defined in Subsection 19.61.050(a) of this code.
 - (3) [Text unchanged.]

SECTION 4. SECTION 10.16.180 AMENDED. Section 10.16.180 of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby deleted in its entirety:

SECTION 5. SECTION 19.12.040 AMENDED. Section 19.12.040 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.040. "C".

- (1) – (3) [Text unchanged.]
- (4) "Civic events" means community events or activities of general public interest, open to the public, and which may or may not be sponsored or co-sponsored by a governmental agency or department.
- (5) – (18) [Text unchanged.]

SECTION 6. CHAPTER 19.61 ADDED. Chapter 19.61 (Temporary Unenclosed Uses) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

**Chapter 19.61
Temporary Unenclosed Uses**

- 19.61.010. Purpose.**
- 19.61.020. Definitions.**
- 19.61.030. Applicability.**
- 19.61.040. Standards.**
- 19.61.050. Permit Requirements.**
- 19.61.060. Permit Decision and Conditions.**

19.61.010. Purpose.

This chapter establishes requirements for uses not conducted within an enclosed building, which are intended to be of limited duration of time and will

not permanently alter the character or physical facilities of the site where they occur.

19.61.020. Definitions.

“Temporary unenclosed use” means a use not conducted within an enclosed building, or that is not fully screened from off-site view, which is conducted for a fixed, limited period of time with the intent to discontinue such use upon the expiration of the time period. Temporary unenclosed uses include car washes, Christmas tree or pumpkin retail sales lots, civic events, amusement rides, arts or crafts exhibitions, flea markets, religious or cultural festivals, business promotional events, and other similar events.

19.61.030. Applicability.

Temporary unenclosed uses are permitted in all zoning districts subject to the requirements of this chapter.

19.61.040. Standards.

Temporary unenclosed uses shall comply with the following standards:

(a) Duration.

(1) **General Duration.** Except as otherwise specified in this section, a temporary unenclosed use is limited to:

(A) 30 consecutive days at the same location. Unused hours or days within the 30-day period are not stored or credited; and

(B) One occurrence (of up to 30 consecutive days) every 60 consecutive days from the last day of the authorized occurrence.

(2) Duration for Specified Uses.

(A) **Christmas Tree and Pumpkin Sales Duration.** Christmas tree or pumpkin sales lots may be operated for up to 90 consecutive days per calendar year.

(B) **Car Wash Duration.** Car washes are limited to 2 consecutive days and not more than 10 total days in a 30-day period.

(C) **Vendor Duration.** A permit issued for a vendor to conduct business on a property shall be valid for up to one calendar year from the date of permit issuance. Vendors shall comply with all applicable requirements of Chapter 5.26 (Vending).

(b) **Noise.** The temporary unenclosed use must comply with all applicable noise regulations in Chapter 19.42 (Operating Standards).

(c) **Obstructions.** The public right-of-way and vision triangles shall be free of all obstructions.

(d) **Limited Hours Adjacent to Residential.** If the temporary unenclosed use is within 100 feet of any residentially zoned property, the hours of operation shall be limited to 7 a.m. to 10 p.m.

(e) **Temporary Structures and Equipment.** Temporary structures, trash, signs, and other fixtures shall be dismantled and removed within 24 hours of the last day of operation.

(f) **Licenses and Permits.** A Sunnyvale business license and other applicable permits and licenses shall be obtained.

(g) **Signs.** Signs for temporary unenclosed uses are subject to the temporary sign regulations under Chapter 19.44 (Signs).

19.61.050. Permit Requirements.

(a) **Special Event Permit.** If the temporary unenclosed use requires closure of a public street or will likely have a significant impact on traffic, parking, public safety or other public services as a result of the number of vehicles and persons expected to attend, a Special Event Permit under Chapter 9.45 (Special Event Permits) is required. Examples include a charity walk-a-thon held on public school property or an annual cultural festival. If a Special Event Permit is required for a temporary unenclosed use, a Miscellaneous Plan Permit is not required.

(b) **Miscellaneous Plan Permit.**

(1) **Events Open and Advertised to the Public.** If the temporary unenclosed use is open and advertised to the general public and does not require a Special Event Permit, a Miscellaneous Plan Permit is required in accordance with Chapter 19.82 (Miscellaneous Plan Permit). Examples include Christmas tree and pumpkin sales lots, retail sales events, or car wash fundraiser events.

(2) **Not Accommodated by the Site.** If the temporary unenclosed use is unable to be entirely accommodated on the site, but does not require a Special Event Permit, a Miscellaneous Plan Permit is required.

(3) **Vending.** If a vendor exceeds the operational standards under Section 5.26.070 (Vending on Private Property), a Miscellaneous Plan Permit is required.

(c) **No Permit.** If the temporary unenclosed use does not require a Special Event Permit, is not open and advertised to the general public, and can be entirely accommodated on the site, then the use may be conducted without a permit. An example is an onsite, outdoor company picnic for employees only.

(d) **Permanent or Recurring Events.** If the use is conducted longer or more frequently than the duration allowed in this chapter, a Use Permit is required.

19.61.060. Permit Decision and Conditions.

(a) **Decision on Miscellaneous Plan Permit.** The director may approve a Miscellaneous Plan Permit for a temporary unenclosed use pursuant to the findings in Chapter 19.82 (Miscellaneous Plan Permit) and in addition, the following findings:

(1) The proposed use will not unreasonably interfere with pedestrian or vehicular traffic or circulation in the area surrounding the proposed use; and

(2) The proposed use will not unreasonably affect adjacent properties, or the surrounding neighborhood, and will not in any other way constitute a nuisance or be detrimental to the health, safety, peace, comfort, or general welfare of the City.

(b) **Decision on Use Permit.** A Use Permit application for a temporary unenclosed use shall be reviewed pursuant to the procedures and findings in Chapter 19.88 (Use Permits).

(c) **Conditions.** The director may impose conditions deemed necessary to achieve the findings for a miscellaneous plan permit including regulation of vehicular ingress and egress and traffic circulation; regulation of parking, regulation of lighting; regulation of hours and/or other characteristics of operation; improvements to site conditions; or such other conditions as the director may deem necessary and reasonable.

SECTION 7. CHAPTER 19.78 REPEALED. Chapter 19.78 (Mobile Vendor Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby repealed in its entirety.

SECTION 8. SECTION 19.82.020 AMENDED. Section 19.82.020 of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.82.020. When required.

(a)– (b) [Text unchanged.]

(c) Temporary unenclosed uses subject to Chapter 19.61(Temporary Unenclosed Uses) or appurtenant uses are permitted for:

(1) – (14) [Text unchanged.]

(d) – (k) [Text unchanged.]

SECTION 9. SECTION 19.82.030 AMENDED. Section 19.82.030 of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.82.030. Procedures.

(a) Upon a decision by the city council to approve or deny an application on appeal for a determination of a finding of convenience or necessity, the director of community development is authorized to prepare a letter addressed to the applicant on behalf of the city, declaring that the city has made a determination that the public convenience or necessity would or would not be served by issuance of a permit for the purposes of Business and Professions Code 23958.4(b)(2), and that such determination shall be final.

SECTION 10. SECTION 19.98.020 AMENDED. Section 19.98.020 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.98.020. Applications.

(a) – (b) [Text unchanged.]

(c) Variance, use permit and special development permit filings shall include:

(1) – (3) [Text unchanged.]

(e) – (k) [Text unchanged. Renumber, consecutively (d) – (j).]

SECTION 11. SECTION 19.98.040 AMENDED. Section 19.98.040 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.98.040. Notice requirements.

(a) – (d) [Text unchanged.]

(e) Major Permits. For use permits, special development permits, and variances determined not to be exempt from the California Environmental Quality Act (major permits), notice of the time and place of each public hearing required as a condition precedent to the consideration of the approving or revocation of a permit shall be given as prescribed by the California Environmental Quality Act prior to the day of the hearing in the following manner:

(1) – (3) [Text unchanged.]

(g) – (n) [Text unchanged. Renumber, consecutively (f) – (m).]

SECTION 12. SECTION 19.98.060 AMENDED. Section 19.98.060 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.98.060. Failure to act—Director of community development—
Planning commission—City council.**

(a) [Text unchanged.]

SECTION 13. SECTION 19.98.070 AMENDED. Section 19.98.070 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.98.070. Appeals.

(a) – (c) [Text unchanged.]

(1) Any decision by the director of community development may be appealed to the planning commission and city council, except:

(A) – (E) [Text unchanged.]

(F) A decision by the director that a mobile home park is undergoing a conversion due to reduced occupancy under Chapter 19.72 (Mobile Home Park Conversions) where the appeal is directed to the city council.

(G) A decision by the director regarding a heritage landmark, heritage resource or property located within a heritage landmark district or heritage resource district, where the appeal is directed to the heritage preservation commission, whose decision may be appealed to the city council.

(2) – (5) [Text unchanged.]

(d) [Text unchanged.]

SECTION 14. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. Any permits

issued after adoption of this ordinance are categorically exempt (Class 5) from CEQA pursuant to Title 14 of the California Code of Regulations, Section 15305 (Minor Alterations in Land Use Limitations).

SECTION 15. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 16. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 17. 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 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 December 18, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on January 8, 2013, by the following vote:

AYES: MEYERING, GRIFFITH, WHITTUM, SPITALERI, MOYLAN, MARTIN-MILIUS, DAVIS

NOES:

ABSTAIN:

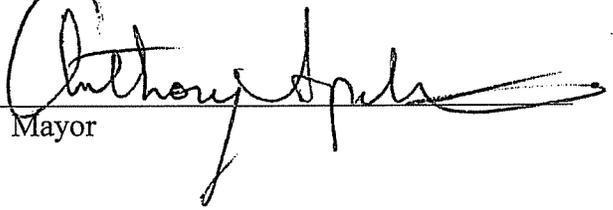
ABSENT:

ATTEST:

APPROVED:



City Clerk
Date of Attestation: 01/16/2013



Mayor

SEAL

APPROVED AS TO FORM:


Joan A. Borger, City Attorney