

**Policy 1.1.2 Guidelines for Long-Term Outdoor Accessory
Commercial Uses**

POLICY PURPOSE:

The purpose of this policy is to regulate the type, location and appearance of long-term unenclosed retail accessory uses. Some businesses like to conduct part of their activities outside, usually coinciding with fair weather and special promotions. The policy guidelines apply only to those accessory uses listed in Sunnyvale Municipal Code Section 19.20.030 that have the potential to occur outdoors on an ongoing basis. Examples of such activities include outdoor eating areas and the display of merchandise in front of a store or service station.

The policy does not address mobile vendors, shopping center “sidewalk days,” festivals, or other temporary unenclosed uses listed in Sunnyvale Municipal Code Section 19.82.020, which require a Miscellaneous Plan Permit.

A Use Permit is required for these long-term outdoor activities. The policy guidelines establish criteria for the review of each application by the Director of Community Development. The policy is intended to: (1) ensure pedestrian and fire lane access; (2) prevent a cluttered appearance; and (3) promote an attractive commercial environment.

POLICY STATEMENT:

The following guidelines will be considered in the review of applications for long-term unenclosed retail accessory uses specified in Sunnyvale Municipal Code Section 19.20.030.

Uses

1. Proposed outdoor accessory uses shall be directly related to the main commercial use, and operated by the same personnel. Each use is subject to Use Permit approval at an administrative public hearing.
2. The outdoor display of wearing apparel, footwear, foodstuffs and furniture is prohibited.
3. The Use Permit, once activated through compliance with conditions imposed by the Director of Community Development, shall become null and void if the property is not used for such use for a period of one year or more.

Location

1. The accessory use is limited to private property, unless an Encroachment Permit is obtained by a separate process to allow the use in a public right-of-way. In such instances, approval of a Use Permit will be conditioned upon the applicant

COUNCIL POLICY MANUAL

- obtaining an Encroachment Permit from the Director of Public Works. The Director of Public Works may issue an Encroachment Permit if it is found to be in the public interest, and consistent with an approved use permit. In making such a decision, the Director of Public Works will consider public safety, interest and welfare factors, including but not limited to pedestrian movement, emergency vehicle access, traffic movement and visibility, interference with the public use of property, and access to public utilities and street furniture. Issuance of an Encroachment Permit may be conditioned as deemed necessary to protect the public interest. The approval of an Encroachment Permit may be revoked at any time with a ten day notice, except that revocation may be immediate in case of a threat to public safety or an immediate need for public use of the property. At such time as an Encroachment Permit is revoked, the related Use Permit approval will also be voided.
2. A finding shall be made by the Director of Community Development that the accessory use is primarily oriented to pedestrians, rather than to a street.
 3. The accessory use shall be adjacent to the building the business occupies, and is not allowed in any parking lot, landscaped area, loading or fire zone. The use shall not encroach upon the frontage of neighboring businesses.
 4. The accessory use and all accompanying equipment are allowed outside only during operating hours of the subject business. This provision does not apply to outdoor dining tables and seats.
 5. The accessory use shall not obstruct pedestrian movement or access from any doorway, as determined by the Fire Prevention Division. At least six (6) feet of pedestrian clearance shall be provided around the use. The six feet may include adjacent available public sidewalks.
 6. The accessory use shall not block access points to pedestrian crosswalks, and shall be located at least fifteen (15) feet from any driveway or fire hydrant. The 40 foot clear corner sight triangle shall be kept free of all obstructions.

Appearance

1. All merchandise shall be placed on a rack, table, cart or display case, the design of which must be approved by the Director of Community Development.
2. A maximum overall height of six (6) feet is permitted for the accessory use. A maximum display area of fifteen (15) square feet is allowed for a business with 50 feet of store frontage or less. An additional 15 square feet of area may be allowed for each additional 50 feet of store frontage occupied by the business. The total display area includes any combination of racks, tables, carts and/or cases. This area limitation does not apply to dining tables and chairs.

COUNCIL POLICY MANUAL

3. The Director of Community Development shall establish the maximum number of outdoor tables and chairs allowed for a restaurant. The appropriate number and size of these facilities shall be determined through application of location standards defined above.
4. Signs, as approved by the Director of Community Development, shall be limited to one per table, cart or display case and shall not exceed 6" x 18". Signs are prohibited in the public right-of-way.
5. Out-of-door loudspeakers and amplifiers are prohibited.
6. The Director of Community Development may attach any conditions that are necessary to protect the best interests of surrounding businesses, the neighborhood and community. Conditions may limit the numbers, size, location and design of unenclosed objects. The outdoor retail accessory use must comply with all applicable City codes.

(Adopted: RTC 82-131 (3/9/1982); (Clerical/clarity update, Policy Update Project 7/2005))

Lead Department: Community Development