

**ORDINANCE NO. 2874-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TABLE 19.20.030 OF SECTION 19.20.030 (PERMITTED, CONDITIONALLY PERMITTED AND PROHIBITED USES IN COMMERCIAL ZONES) OF CHAPTER 20 (COMMERCIAL ZONING DISTRICTS) OF ARTICLE 3 (ZONING DISTRICTS, USES AND RELATED DEVELOPMENT REGULATIONS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO ALLOW DONATION CENTERS FOR USED GOODS IN THE NEIGHBORHOOD COMMERCIAL (C-1) ZONING DISTRICT AND TO ELIMINATE THE SEPARATION REQUIREMENT**

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

SECTION 1. TABLE 19.20.030 AMENDED. Table 19.20.030 of Section 19.20.030 (Permitted, conditionally permitted and prohibited uses in commercial zones) of Chapter 20 (Commercial Zoning Districts) of Article 3 (Zoning Districts, Uses and Related Development Regulations) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended as follows:

**TABLE 19.20.030**

**Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zones**

In the table, the letters and symbols are defined as follows:

- P = Permitted use
- UP = Use permit required
- MPP = Miscellaneous plan permit
- N = Not permitted, prohibited

<b>COMMERCIAL ZONES</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>
<b>1. Retail Commercial</b>				
<b>A. Bakeries</b>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
<b>B. Drive-through retail sales businesses, except restaurants</b>	UP	UP	UP	N
<b>C. Retail sales businesses</b>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	N
<b>D. Outside display of merchandise or products in connection with a retail sales business</b>	MPP	MPP	MPP	N
<b>E. Donation centers for used goods<sup>2</sup></b>	MPP	MPP	MPP	MPP
<i>[Remainder of Table – text unchanged]</i>				

<sup>1</sup> Uses which are greater than 10,000 square feet, propose significant changes to the exterior of an existing building, or include construction of a new building require a Use Permit.

<sup>2</sup> Donation centers in C-1 are only allowed on sites of 4 or more acres. Miscellaneous Plan Permits for donation centers shall be reviewed for compliance with Council Policy on operations, location and appearance. Within 5 days of approving an MPP for a donation center, the director shall post the subject property providing notice of the date of the approval action. In addition, written notice shall be sent to property owners and occupants of adjacent properties.

*[Remainder of Footnotes - text unchanged]*

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision 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 3. CEQA-NEGATIVE DECLARATION. The City Council hereby determines that the Negative Declaration prepared for this ordinance has been completed in compliance with the requirements of the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City, and finds that adoption of the ordinance will have no significant negative impact on the area's resources, cumulative or otherwise. The Director of Community Development may file a Notice of Determination with the County Clerk pursuant to CEQA guidelines. Any future project that may benefit from these changes will still need to undergo its own environmental review, if required by CEQA, and potential impacts may be determined at that time.

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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 July 15, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2008, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

Date of Attestation:  
(SEAL)

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
David E. Kahn, City Attorney