

ORDINANCE NO. 2877-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTIONS 19.12.070 (“F”), 19.12.140 (“M”), 19.12.170 (“P”) AND 19.12.200 (“S”) (DEFINITIONS), TABLE 19.46.045 PARKING MANAGEMENT PLANS, TABLE 19.46.050 (PARKING REQUIREMENTS) AND 19.82.020 (MISCELLANEOUS PLAN PERMITS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATED TO PARKING STANDARDS

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

SECTION 1. SECTION 19.12.070 AMENDED. Section 19.12.070 ("F") of Chapter 12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.12.070. “F”

- (1) – (6) [Text unchanged.]
- (7) "Fixed seating" means tables and chairs permanently affixed to the floor.
- (8) – (10) [Re-number (9)–(11), consecutively; text unchanged.]

SECTION 2. SECTION 19.12.140 AMENDED. Section 19.12.140 ("M") of Chapter 12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.12.140. “M”

- (1) "Major tenant" means a business or use occupying ten thousand or more square feet of floor area.
- (2) "Mixed use" means a development consisting of one or more lots developed as a cohesive project and designed with a blend of various compatible uses such as commercial, office, and residential.
 - (a)–(e) [Text unchanged.]
- (3)–(5) [Re-number (4)–(6), consecutively; text unchanged.]

SECTION 3. SECTION 19.12.170 AMENDED. Section 19.12.170 ("P") of Chapter 12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.12.170. “P”

- (1) "Parking Management Plan" means a plan designed to manage the use of parking on a property which may include the following items, as determined by the Director of Community Development:
 - (a) peak hour use;
 - (b) vehicular circulation;
 - (c) overall quantity of parking spaces;
 - (d) distribution of parking on-site;

(e) needs of specific users, including but not limited to employees, guests, residents and patrons; and

(f) other circumstances that arise when oversight and control of parking spaces is needed.

(1) – (13) [Re-number (2) – (14), consecutively; text unchanged.]

SECTION 4. SECTION 19.12.200 AMENDED. Section 19.12.200 ("S") of Chapter 12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.12.200. "S"

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

(6) "Shopping center" means a group of primarily retail uses that are planned, constructed and managed as a total entity. Other uses such as restaurants, personal services and recreational uses may be included.

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

SECTION 5. TABLE 19.20.030 AMENDED. Table 19.20.030 (Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zones) of Chapter 20 (Commercial Zoning Districts) 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

COMMERCIAL ZONES	C-1	C-2	C-3	C-4
1. Retail Commercial – 3. Personal Service [Table unchanged.]				
4. Eating/Drinking Establishments				
A. Drive-through restaurants	UP	UP	N	N
B. Nightclubs and cocktail lounges, where alcoholic beverages are sold and consumed	UP	UP	P	N
C. Restaurants and fast food restaurants not serving alcoholic beverages	MPP	UP	UP	UP
D. Restaurant and fast food restaurants which serve alcoholic beverages	UP	UP	UP	UP
E. Take-out restaurants	MPP	UP	MPP	MPP ¹
5. Automotive – 10. Other [Table unchanged]				

1 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.

SECTION 6. SECTION 19.46.005 ADDED. Section 19.46.005 ("Purpose") is added to Chapter 46 (Off-Street Parking and Loading) of Title 19 (Zoning) of the Sunnyvale Municipal Code to read, as follows:

19.46.005. Purpose.

The purpose of this chapter is to ensure that all uses of the property provide sufficient on-site parking to handle demand. No property is entitled to presume availability of street parking

SECTION 7. SECTION 19.46.045 ADDED. Section 19.46.045 (Parking management plans—when required) is added to Chapter 19.46 (Off-Street Parking and Loading) of Title 19 (Zoning) of the Sunnyvale Municipal Code to read as follows:

19.46.045. Parking management plans—when required.

Applicants shall provide to the director of community development a parking management plan for all new mixed uses, multi-family residential, new commercial or shopping center uses, and places of assembly uses, or as otherwise required by use permit or miscellaneous plan permit.

SECTION 8. TABLE 19.46.050 AMENDED. Table 19.46.050 ("Parking Requirements") of Section 19.46.050 (Parking standards) of Chapter 46 (Off-Street Parking and Loading) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.46.050. Parking standards.

The number of parking spaces and related standards required for various uses are set forth in Table 19.46.050. The table does not apply to parcels located within downtown specific plan.

**Table 19.46.050
Parking Requirements**

LAND USE	NUMBER OF PARKING SPACES REQUIRED			MAX. PERCENTAGE OF COMPACT SPACES ALLOWED
RESIDENTIAL USES				
Single-Family and Duplex:	2 covered spaces per unit, plus 2 uncovered spaces on driveway (minimum dimensions 17 ft. x 20 ft.). For projects located on streets with limited or no on-street parking, projects shall provide an additional 0.4 unassigned parking spaces per unit. The two driveway spaces shall not be counted as unassigned spaces.			N/A
Multifamily, Townhouses, Condos and Apartments:	Specific ratios based on the type of parking facilities provided are noted below. See also Notes 1 and 2.			
	Carpools, Underground and Open Parking Lot	One Fully- Enclosed Garage Space and Open Parking Lot	Two or More Fully-Enclosed Garage Spaces	

Studio, efficiency, or 1 bedroom units	1 covered space per unit, plus 0.5 unassigned space per unit.	1 covered space per unit, plus 0.8 unassigned space per unit.	2 covered spaces per unit, plus 0.25 unassigned and guest parking spaces per unit.	10% of uncovered and unassigned spaces in parking lots with more than 10 spaces.
2 bedroom units	1 covered space per unit, plus 1 unassigned space per unit.	1 covered space per unit, plus 1.33 unassigned spaces per unit.	2 covered spaces per unit, plus 0.4 unassigned and guest parking spaces per unit.	10% of uncovered and unassigned spaces in parking lots with more than 10 spaces.
3 bedroom units	1 covered space per unit, plus 1 unassigned space per unit.	1 covered space per unit, plus 1.4 unassigned spaces per unit.	2 covered spaces per unit, plus 0.5 unassigned and guest parking spaces per unit.	10% of uncovered and unassigned spaces in parking lots with more than 10 spaces.
4 or more bedroom units	Add 0.15 unassigned spaces per bedroom per unit to the 3 bedroom requirement.	Add 0.15 unassigned spaces per bedroom per unit to the 3 bedroom requirement.	Add 0.15 unassigned spaces per bedroom per unit to the 3 bedroom requirement.	10% of uncovered and unassigned spaces in parking lots with more than 10 spaces.
Single Room Occupancy and Residential Hotels with units:	Specific ratios based on the size of units noted below.			
Less than 200 sq. ft.	0.25 spaces per unit.			N/A
200 to 250 sq. ft.	0.5 spaces per unit.			N/A
Greater than 250 sq. ft.	1 space per unit.			N/A
Mobile Home Park:	2 spaces per unit, plus 1 space per employee living off-site, plus 1 space per special purpose vehicle. Tandem parking is permitted.			N/A
Mixed Use	Parking ratios shall be based on accepted guidelines such as ITE or ULI subject to the approval of the director of community development			

Note 1: Multifamily residential developments of five or more units shall have secured bicycle parking at a ratio of one secured bicycle parking space for every four units, but no fewer than four spaces.

Note 2: Projects with limited street parking may be required to provide on-site parking beyond minimum requirements adequate to satisfy all parking demands for the project.

LAND USE	NUMBER OF PARKING SPACES REQUIRED	MAX. PERCENTAGE OF COMPACT SPACES ALLOWED
NONRESIDENTIAL USES (cont.)	Parking Ratios reference Gross Floor Area Except as otherwise noted.	
Retail:	Specific ratios based on the type of retail noted below.	
General Retail and Personal Service Shops not in Shopping Centers	1 space per 180 sq. ft.	10% of required spaces. (50% along periphery and as employee parking. 50% interspersed)
Furniture and Appliances Stores	1 space per 400 sq. ft.	10% of required spaces (50% along periphery and as employee parking. 50% interspersed)
Shopping Centers with Retail less than 20,000 sq. ft. of gross floor area	1 space per 180 sq. ft.	10% of required spaces (50% along periphery and as employee parking. 50% interspersed)
Shopping Centers with Retail in 20,000 to 50,000 sq. ft. of gross floor area	1 space per 200 sq. ft.	10% of required spaces (50% along periphery and as employee parking. 50% interspersed)

LAND USE	NUMBER OF PARKING SPACES REQUIRED	MAX. PERCENTAGE OF COMPACT SPACES ALLOWED
Shopping Centers with Retail greater than 50,000 sq. ft. of gross floor area	1 space per 225 sq. ft.	10% of required spaces (50% along periphery and as employee parking. 50% interspersed)
Restaurants:	Specific ratios based on proposed seating/service noted below.	
Restaurants with 100% fixed seating and typically with 10 seats or less	1 space per every 2 fixed seats, plus 1 space per 400 sq. ft. of other area. In no case may restaurants provide less parking than would be required if the space was a retail use/shopping center use in which it is located.	10% of required spaces. (50% along periphery)
Restaurants with bars and Fast Food Restaurants	1 space per 75 sq. ft.	10% of required spaces. (50% along periphery)
Restaurants without fixed seating or bars	1 space per 110 sq. ft.	10% of required spaces. (50% along periphery)
Nightclubs and Bars not incorporated into Restaurants	1 space per 50 sq. ft.	10% of required spaces. (50% along periphery)
Office:	Specific ratios based on type and intensity of uses noted below.	
General Office Uses (free standing)	1 space per 225 sq. ft.	50% of required spaces.
General Office Uses (in a shopping center)	1 space per 180 sq. ft.	10% of required spaces. (50% along periphery)
Medical and Dental Office Uses	1 space per 200 sq. ft.	N/A
Research and Development, General Industrial, or Corporation Office Uses:	1 space per 500 sq. ft. minimum with a maximum of 1 space per 250 sq. ft. The maximum number of spaces allowed shall not be exceeded unless specifically allowed by use permit or special development permit.	50% of required spaces.
Industrial Warehouses:	1 space per 900 sq. ft. minimum with a maximum of 1 space per 600 sq. ft. The maximum number of spaces shall not be exceeded unless specifically allowed by use permit or special development permit.	50% of required spaces.
Commercial Storage and Self-Storage Uses:	1 space per 2,500 sq. ft. of floor area, plus 1 space per 225 sq. ft. of office space, plus 1 space per Live-in manager/employee, plus loading zone spaces as required in Note 2.	50% of required spaces.
Recycling Centers:	1 space per employee.	N/A
Vehicle Repair Garages:	1 space per 180 sq. ft. (including repair bays or covered stalls).	10% of required spaces. (50% along periphery)
Hospitals:	1 space per bed.	10% of required spaces. (50% along periphery)
Sanitariums and Rest Homes:	1 space per 2.25 beds.	10% of required spaces. (50% along periphery)
Financial Institutions:	1 space per 180 sq. ft.	10% of required spaces. (50% along periphery)
Lodging and Board Uses: Lodging and Boarding Houses, Motels, and Hotels	1 space per living or guest unit, plus 1 space per employee living off-site, plus additional parking required for other on-site uses.	30% of required spaces.

LAND USE	NUMBER OF PARKING SPACES REQUIRED	MAX. PERCENTAGE OF COMPACT SPACES ALLOWED
Fraternities and Sororities:	1 space per bed or 0.75 members, whichever is greater, plus 1 space per employee living off-site.	35% of the required spaces, if the spaces are uncovered, unassigned, and the parking lot exceeds 10 spaces.
Libraries:	1 space per every 4 seats, plus 1 space per employee.	10% of required spaces. (50% along periphery)
Places of Assembly: Business-Serving and Community Serving	1 space per every 3 fixed seats, plus 1 space per 21 sq. ft. of open area or seating space, plus 1 space per 400 sq. ft. of additional floor area, plus 1 space per employee, plus 1 space per special purpose vehicle. A parking management plan may be required for highly-attended events.	10% of required spaces, if the spaces are uncovered and unassigned.
Recreational and Athletic Facilities:	1 space per every 3 fixed seats, plus 1 space per 21 sq. ft. of open area useable for seating, plus 1 space per 400 sq. ft. of additional floor area.	10% of required spaces. (50% along periphery)
Bowling Alleys:	1 space per lane, plus 1 space per employee, plus additional parking required for other on-site uses.	10% of required spaces. (50% along periphery)
Education—Recreation and Enrichment	1 space per 4 students, plus 1 space per employee, or 1 space per 250 sq. ft. of gross floor area, whichever is most restrictive	10% of required spaces. (50% along periphery)
Education—Child Care Uses and Primary, High School and Institutions of Higher Learning	Specific ratios based on proposed facilities and activities noted below.	
Pre-Schools, Child Care or Day Care	1 space per employee during maximum shift, plus 1 space per every 14 children/students.	35% of require spaces, if the spaces are unassigned
Grades K-8	3 spaces per classroom.	35% of required spaces, if the spaces are unassigned
Grades 9-12	1 space per every 4 students.	35% of required spaces, if the spaces are unassigned
Grades over 12	1 space per every 3 fixed seats, plus 1 space per 21 sq. ft. of open area or seating space, plus 1 space per employee, plus 1 space per special purpose vehicle.	35% of required spaces, if the spaces are uncovered and unassigned
School Offices	1 space per 225 sq. ft.	50% of required spaces, if the spaces unassigned
School Gyms and Other Facilities	1 space per every 3 fixed seats, plus 1 space per 21 sq. ft. of open area useable for seating, plus 1 space per 400 sq. ft. of additional floor area.	35% of required spaces, if the spaces are unassigned
Mixed Use:	Parking ratios shall be based on accepted guidelines such as ITE or ULI, subject to the approval of the director of community development.	
Uses Not Enumerated	Parking ratios shall be based on accepted guidelines such as ITE or ULI, subject to the approval of the director of community development.	10% of required spaces

Note 3: Loading zone spaces (minimum 10 feet x 50 feet) are required for storage facilities. One (1) loading zone space is required for facilities with 10,000 to 39,999 sq. ft. of gross floor area. Two (2) loading zone spaces are required for facilities with 40,000 to 100,000 sq. ft. of gross floor area. Facilities in excess of 100,000 sq. ft. shall provide 2 loading zones plus one additional loading zone for each 100,000 sq. ft. or portion thereof.

SECTION 9. CHAPTER 19.82 AMENDED. Section 19.82.020 of Chapter 82 (Miscellaneous

Plan Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.82.020 When required.

(a) General Reviews:

(1-16) [text unchanged]

(17) Places of Assembly – special events. To ensure adequate temporary parking is available, a parking management plan may be required for highly-attended events.

(17) – (26) [Renumber (18) – (27), consecutively; text unchanged]

(b) – (k) [text unchanged]

SECTION 10. CEQA EXEMPTION. 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. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

SECTION 11. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 12. 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 for 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 September 30, 2008, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on October 7, 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