

**ORDINANCE NO. 2881-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING SECTION 19.28.090 OF CHAPTER 19.28 (DOWNTOWN SPECIFIC PLAN DISTRICT), TABLE 19.28.090 (LOT AREA, BUILDING HEIGHT AND LOT COVERAGE) AND SECTION 19.28.130 (SIGNS) OF CHAPTER 28 (DOWNTOWN SPECIFIC PLAN DISTRICT) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATED TO HEIGHT AND SIGNS**

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

SECTION 1. SECTION 19.28.090 AMENDED. Section 19.28.090 of Chapter 19.28 (Downtown Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.28.090. Lot area, building height and lot coverage.**

(a) Each lot in each block shall conform to the provisions for minimum lot size as set forth in Table 19.28.090. All new development must meet the minimum lot size to proceed with development approval, with the exception of legal nonconforming single-family residential lots.

(b) Building heights and lot coverages for every property in every block of the DSP district shall be in accordance with the provisions set forth in Table 19.28.090.

SECTION 2. TABLE 19.28.090 AMENDED. Table 19.28.090 (Lot Area, Building Height and Lot Coverage) of Chapter 28 (Downtown Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended as follows:

**Table 19.28.090  
Lot Area, Building Height and Lot Coverage**

<b>Block</b>	<b>Min. Lot Size (acre)</b>	<b>Max. Height</b>	<b>Max. Stories</b>	<b>Max. Lot Coverage</b>
1	0.60	100 ft.	6	Per SDP <sup>1</sup>
1a	0.30	85 ft. <sup>2</sup>	6	Per SDP <sup>1</sup>
2	No min. <sup>3</sup>	36 ft.	2	Per SDP <sup>1</sup>
3	No min.	50 ft.	4	Per SDP <sup>1</sup>
4	0.50	30-40 ft. <sup>4</sup>	2-3 <sup>4</sup>	45%
5	0.25	40 ft.	4	45%
6	0.25	30-40 ft. <sup>4</sup>	2-3 <sup>4</sup>	60%
7	N/A	50 ft.	4	60%
8	0.14	30 ft.	2	60%
8a	0.25 <sup>5</sup>	30 ft.	2	60%
8b	0.30	30 ft.	2	40%
9	0.25 <sup>5</sup>	30 ft.	2	60%
9a	0.14	30 ft.	2	40%

Block	Min. Lot Size (acre)	Max. Height	Max. Stories	Max. Lot Coverage
10	0.25 <sup>5</sup>	30 ft.	2	60%
11	0.25 <sup>5</sup>	30 ft.	2	60%
12	0.25 <sup>5</sup>	30 ft.	2	60%
13	0.40	30-50 ft. <sup>6</sup>	2-4 <sup>6</sup>	Per SDP <sup>1</sup>
14	0.75	30-50 ft. <sup>7</sup>	2-4 <sup>7</sup>	Per SDP <sup>1</sup>
15	0.75	30-50 ft. <sup>7</sup>	2-4 <sup>7</sup>	Per SDP <sup>1</sup>
16	0.75	30-50 ft. <sup>7</sup>	2-4 <sup>7</sup>	Per SDP <sup>1</sup>
17	0.16 <sup>5</sup>	30 ft.	2	40%
18	0.30	75 ft. <sup>8</sup>	6	Per SDP
20	No min.	30-40 ft. <sup>9</sup>	3	60%

- <sup>1</sup> Per SDP (Special Development Permit) means that lot coverage shall be evaluated on a project by project basis.
- <sup>2</sup> Maximum height includes any rooftop equipment or elevator shafts.
- <sup>3</sup> Minimum lot size is 2,800 sq. ft. for individual developments.
- <sup>4</sup> Maximum height along Washington/McKinley Avenues is 30 ft. (2 stories).
- <sup>5</sup> Minimum lot size is 2,600 sq. ft. for individual developments.
- <sup>6</sup> Maximum height along Taaffe Street is 30 ft. (2 stories)
- <sup>7</sup> Maximum height along Charles Street is 30 ft. (2 stories); along Mathilda Avenue is 50 ft. (4 stories)
- <sup>8</sup> Exception of 80 ft. for mid-block movie theaters.
- <sup>9</sup> 40 ft. for the northern half of the block and 30 ft. for the southern half.

**SECTION 3. SECTION 19.28.130 AMENDED.** Section 19.28.130 (Signs) of Chapter 28 (Downtown Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**19.28.130. Signs.**

(a) Each sign shall comply with the requirements of Chapter 19.44 and shall incorporate design elements and features recommended by the downtown specific plan, and, where applicable, the Murphy Avenue design guidelines.

(b) Any sign proposed for Block 2, the Murphy Station heritage landmark district, shall require a landmark alteration permit, in accordance with Chapter 19.96.

(c) Projecting signs are allowed for all nonresidential uses. Signs must meet the following specifications:

- (1) A maximum of one projecting sign per public entrance.
- (2) A maximum sign size of six square feet per side or two-thirds of the sidewalk width, whichever is larger.
- (3) The sign shall not project farther than six feet from the building facade.
- (4) The bottom of the sign shall not be lower than eight feet from the ground.
- (5) Signs shall be placed no higher than the lowest cornice line, or the lowest second floor opening.

(d) Block 18 shall be subject to the same sign criteria as listed in the Murphy Avenue Design Guidelines. In addition:

- (1) Projecting signs in Block 18 are allowed to exceed the maximum area regulations listed in the Murphy Avenue Design Guidelines but are to be counted towards the total square footage of sign area allowed.

(2) Electronic changeable copy signs are allowed in Block 18. The general location, number, design, and operational details of all electronic changeable copy signs must be approved as part of the Master Sign Program for Block 18. The signs are intended for use as general downtown or project information signs, directional signs, seasonal events, Redwood Square events, etc, that are used on a limited basis. ~~The signs are not intended to be uses~~ may not be used by retailers as off-site signage or for advertising any products or stores.

SECTION 4. 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 5. 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 6. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 7. 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 October 21, 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  
SEAL

\_\_\_\_\_  
Mayor

APPROVED AS TO FORM AND LEGALITY:

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David E. Kahn, City Attorney