

**Council Meeting: October 27, 2009****SUBJECT: 2009-0666 Updates to the Sunnyvale Municipal Code Title 19 (Zoning) to Streamline Processes****BACKGROUND**

Planning staff is engaged in a comprehensive effort to streamline some requirements and processes. This effort includes exploring techniques to enhance operational efficiency and streamline requirements for homeowners and businesses. As one step in this process, staff has identified zoning code changes that could be implemented to ease restrictions on homeowners and businesses, and improve the efficiency of the Planning Division permitting process. This process improvement would benefit citizens and businesses by less stringent and more efficient processing for a variety of permits and projects while maintaining the community's ability to be notified of important applications, while also not compromising community standards. It would also allow Planning staff to focus on more fundamental land use issues. The attached ordinance is a possible step that could be made to simplify the process.

The Planning Commission considered this item at their meeting of September 28, 2009. Planning staff received one email regarding this item (Attachment D). Planning Commission recommended the following modifications to the ordinance:

1. Modify the times and days in 19.44.120 (c)5 to read "between the hours of 12:01 a.m. and 12:00 midnight on Saturday, Sunday and federal holidays";
2. Add the language "RF emissions requirements to 19.54.120(a); and
3. Modify 19.48.025 that the maximum front yard fence height allowed is 3 ft. at the property line and 4 ft. permitted with a 2 ft. setback.

Staff concurs with recommendations 1 and 2 and has made the edits to the ordinance in Attachment B. However, staff does not concur with the recommendation regarding front yard fences. Many existing 4 ft. fences in the City are located at the property line. Four-foot high fences are a standard fence height that is generally accepted in the community and creating an additional setback requirement for a 4 ft. fence will make the regulations more complex. For these reasons, staff recommends adopting the regulations for 4 ft. high fences in the front yard.

DISCUSSION

In order to streamline the planning processes, staff looked at several different strategies:

1. Simplify and streamline certain permit review levels for minor and routine applications (for example, change from a Planning Commission hearing to an Administrative Hearing).
2. Codify zoning requirements to make regulations more clear and less open to discretion. This approach would allow certain minor projects to occur “by right” as opposed to requiring a discretionary planning permit.
3. Identify common, non-controversial projects and permits needed by homeowners and businesses and look for ways to streamline requirements or eliminate the need for a permit. For example, because many property owners want to put fences 7 feet and higher in the side yard, Planning staff took a look at how to allow that by right, as opposed to requiring a discretionary permit.

The table in Attachment A is a detailed summary of each code section that is proposed to be modified in the order they appear in the code, with the associated correction. The ordinance is located in Attachment B.

FISCAL IMPACT

It is expected that slightly streamlining the process will reduce the staff time required for processing planning applications. This cost savings will offset the additional time needed to implement the new green building and single family development regulations.

ENVIRONMENTAL IMPACT

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined that the proposed project would not create any significant environmental impacts (see Attachment B, Initial Study)

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's Web site.

In addition, neighborhood associations, business associations and the Chamber of Commerce were notified.

ALTERNATIVES

1. Adopt the Negative Declaration (Attachment C) and the ordinance in Attachment A.
2. Adopt the Negative Declaration (Attachment C) and make modifications to the ordinance for front yard fence heights and setbacks to concur with Planning Commission recommendation.
3. Adopt the Negative Declaration (Attachment C) and make further modifications to the ordinance in Attachment B.
4. Do not adopt the ordinance.

RECOMMENDATION

Alternative 1. Adopt Negative Declaration (Attachment C) and the ordinance in Attachment B.

Reviewed by:

Hanson Hom Director, Community Development
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Diana O'Dell, Senior Planner

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Summary Table of Proposed Ordinance Changes
- B. Proposed Streamlining Ordinance
- C. Initial Study for Negative Declaration
- D. Emails from the Public
- E. Draft Minutes from the Planning Commission Meeting of September 28, 2009

Summary Table of Proposed Changes to Streamline Planning Processes

	Section	Topic	Existing	Proposed
1	Commercial Uses 19.20.030	Crafts Shops And Custom Fabricators in the C-4 Zoning District.	UP	MPP
2	Commercial Uses 19.20.030	Household Repair Shops in the C-2 Zoning District.	UP	MPP
3	Commercial Uses 19.20.030 Industrial Uses 19.22.030 Downtown SP 19.28.070 Moffett Park SP 19.29.050	Restaurants with On Sale Beer and Wine Alcohol Beverage Service in the C-1, C-2 and C-3, C-4, M-S, M-S/POA, and M-3 Zoning Districts.	UP	MPP
4	Commercial Uses 19.20.030 Industrial Uses 19.22.030 Downtown SP 19.28.070 Moffett Park SP 19.29.050	Restaurants with On Sale General Alcohol Beverage Service: Create a use type in the commercial and industrial use tables and require a UP in all zoning districts.	UP	UP
5	Commercial Uses 19.20.030 Industrial Uses 19.22.030 Office Uses 19.24.030	Financial Institutions in the C-2, M-S, M-S/POA and O Zoning Districts.	UP	MPP
6	Commercial Uses 19.20.030	Recreation And Enrichment Uses: in the C-1, C-2 and C-3 Zoning Districts. .	UP	MPP
7	Flags 19.44.020 (20)	Allow commercial flags for multi-family residential developments. Add regulations limiting number of flags, size and height.	Not Permitted	Permitted
8	Fences 19.48.030	Front Yard Fences Up to 4 ft.	MPP	No permit
9	Fences 19.48.030	Fences in the Required Reducible Front Yard	MPP over 6 ft. UP over 7 ft.	No permit up to 8 ft. with setback. UP over 8 ft.
10	Fences 19.48.030	Side and Rear Yard Fences:	MPP over 6 ft. UP over 7	No permit up to 8 ft. UP over 8

MPP = Staff level permit with approximately 14 day turnaround for comments.

UP = Requires a public hearing with noticing and can take approximately 4-6 weeks to complete.

Summary Table of Proposed Changes to Streamline Planning Processes

	Section	Topic	Existing ft.	Proposed ft.
11	Fences 19.48.020	Prohibit chain link fences in residential zones	In Design Guidelines	In Design Guidelines and Code

	Section	Topic and Solution
12	Temporary Commercial Signs 19.44.020 19.44.120	Reorganize Regulations: Take regulations out of the definitions section and consolidate in the Temporary Sign Regulations sections.
13	Temporary Commercial Signs 19.44.120	New Business Promotion: Extend allowable grand opening days to 30 (from 16).. Clarify height limit for large inflatable objects. Allow businesses to install temporary ground sign “sleeves” (banners printed with the new business name that fit over ground signs) for new businesses.
14	Temporary Commercial Signs 19.44.120	Existing Business Promotion: Extend allowable days for temporary signs to 90 (from 60) for enclosed uses and 120 (from 80) for unenclosed uses (e.g. auto dealers and outdoor nurseries). Allow banners on fences, walls or ground signs.
15	Temporary Commercial Signs 19.44.120	Real Estate Signs (for Multifamily Residential Leasing): Increase allowable sign areas for leasing signs while permitting temporary ground signs to advertise leasing or sale.
16	Temporary Commercial Signs 19.44.120	Open House Directional Signs: Simplify the ordinance and allow signs to be placed in the right of way and on weekends provided they do not block vehicular or pedestrian path of travel.
17	Telecomm Facilities Table 19.54.080	Combine the Residential and Commercial Regulation Tables. Colocation of two or more facilities can be considered at an Administrative Hearing level instead of by Planning Commission. All other regulations remain the same as they are currently for residential zoning districts additional clarifications about transmission towers. with

MPP = Staff level permit with approximately 14 day turnaround for comments.

UP = Requires a public hearing with noticing and can take approximately 4-6 weeks to complete.

Summary Table of Proposed Changes to Streamline Planning Processes

	Section	Topic and Solution
18	Telecomm Facilities Table 19.54.080	Allow Facilities in Industrial Zones to be Considered with a Lower Level of Review. A variety of different types of facilities have been streamlined from Planning Commission to Administrative Hearing, and from Administrative Hearing to MPP.
19	Telecomm Facilities Section 19.54.120 (a) and (b)	Extend permit review from 5 to 10 years to comply with federal law. Require carriers to provide "certification" every other year that all of their facilities are in compliance with federal law and approved permits and are in use.
20	Telecomm Facilities Section 19.54.120	Amend "pollution" language so electromagnetic waves are not defined as "pollution." Electromagnetic waves are not considered pollution, but are the effective aspect of cellular telephone technology. Also, electromagnetic waves in excess of Federal standards are not controlled or enforced by the City, but are the purview of the Federal government, per the Telecommunications Act of 1996.
21	Use Permits and Special Development Permits 19.88.020 19.90.020	<ul style="list-style-type: none"> • Allow projects that can use CEQA exemptions for in-fill development (Class 32) to be reviewed at an Administrative Hearing. Projects may be referred to Planning Commission at the discretion of the director of community development for projects that could generate substantial public interest or if action is required for other portions of the application (e.g. rezoning). For uses permitted by MPPs that require environmental review, the project will be upgraded to a public hearing. • Industrial projects that exceed FAR limitations may be decided by the Planning Commission, not City Council. These projects may be appealed to City Council.

MPP = Staff level permit with approximately 14 day turnaround for comments.

UP = Requires a public hearing with noticing and can take approximately 4-6 weeks to complete.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF CHAPTERS 19.20 (COMMERCIAL ZONING DISTRICTS), 19.22 (INDUSTRIAL ZONING DISTRICTS), 19.24 (OFFICE AND PUBLIC FACILITIES ZONING DISTRICTS), 19.28 (DOWNTOWN SPECIFIC PLAN), 19.29 (MOFFETT PARK SPECIFIC PLAN), 19.44 (SIGNS), 19.48 (FENCES, DISTANCES BETWEEN BUILDINGS AND EXTENSIONS INTO YARDS), 19.54 (WIRELESS TELECOMMUNICATION FACILITIES), 19.88 (USE PERMITS), AND 19.90 (SPECIAL DEVELOPMENT PERMITS), OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO STREAMLINING PROCESSES

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

SECTION 1. TABLE 19.20.030 AMENDED. Table 19.20.030 of Chapter 19.20 (Commercial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.20.030

Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts

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 ZONING DISTRICTS	C-1	C-2	C-3	C-4
1. [Text unchanged.]				
2. Service Commercial				
A. Bulk sale of building and construction materials, feed, fertilizers, soil conditioners and fuel (except motor vehicle fuel)	N	N	N	UP
B. Commercial storage	N	N	N	MPP ¹
C. Crafts shops such as cabinetmakers, upholsterers, taxidermists, etc.	N	N	N	MPPUP
D. Custom fabricators	N	N	N	MPPUP
E. Donation centers for used goods ²	N	UP	UP	UP
F. Livestock or poultry housing or sales	N	N	N	N
G. Open or unenclosed storage ancillary to a permitted use (screened from public view)	P	P	P	P

H. Outdoor storage of materials or supplies ancillary to a permitted use, not screened from public right-of-way	N	N	N	MPP ¹
I. Printers, copiers, and engravers using chemical processes	N	N	N	MPP ¹
J. Repair shops for household appliances and apparel	P ¹	<u>P¹UP</u>	P ¹	P ¹
K. Retail service uses such as copiers, locksmiths, and engravers not using chemical processes	P ¹	P ¹	P ¹	P ¹
L. Self storage “mini warehousing”	N	UP	UP	MPP ¹
M. Trailer, automobile, boat, motorcycle and truck services and repairs	N	UP	UP	MPP ¹
3. [Text 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 that may have on sale beer and wine alcohol beverage service.	MPP	<u>MPPUP</u>	<u>MPPUP</u>	<u>MPPUP</u>
D. Restaurants and fast food restaurants which serve alcoholic beverages that have on sale general alcohol beverage service.	UP	UP	UP	UP
E. Take-out restaurants	MPP	UP	MPP	MPP ¹
5. [Text unchanged.]				
6. Education, Recreation, and Places of Assembly				
A. Education—Recreation and enrichment	<u>MPPUP⁵</u>	<u>MPPUP⁵</u>	<u>MPPUP⁵</u>	N
B. – H. [Text unchanged.]				
7. Office				
A. Ground floor dependent office less than 1,000 square feet	P	P	P	MPP
B. Ground floor dependent office greater than 1,000 square feet	MPP	MPP	MPP	UP
C. Office not located on the ground floor	P	P	P	P
D. Financial institutions	MPP	<u>MPPUP</u>	MPP	UP
E. Research and development office	N	N	N	N
F. Medical clinics	MPP	MPP	MPP	UP
8. – 10. [Text unchanged.]				

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

² 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.

- ³ Subject to provisions of Chapter 9.41.
- ⁴ Except that daytime and overnight parking of up to five commercial motor vehicles (of a type that are less than 10,000 pounds in gross vehicle weight with not more than two axles) that are owned or operated by the person(s), company or business which conducts the primary use is permitted, provided the vehicles are used for purposes of delivery, pick up or service to patrons of the primary use only, do not utilize on-site required parking and are not utilized for purposes of advertising.
- ⁵ Educational and recreational uses and places of assembly shall not be located in retail centers in a manner that disrupts the flow of pedestrians between retail establishments.
- ⁶ Except caretaker residence ancillary to a permitted use.
- ⁷ Automobile service stations with sale of groceries, beer and wine, or both, require findings as set forth in 19.98.020(i) and/or (j), as applicable.
- ⁸ In the C-4 zoning district, wholesale storage or warehousing is permitted up to 35% FAR, and requires a use permit for >35% FAR.

SECTION 2. TABLE 19.22.030 AMENDED. Table 19.22.030 of Chapter 19.22 (Industrial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.22.030
Permitted, Conditional Permitted and Prohibited Uses in Industrial Zoning Districts

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

- P = Permitted use
- MPP = Miscellaneous plan permit required
- UP = Use permit required
- N = Not permitted, prohibited
- FAR = Floor area ratio restrictions
- > = Greater than
- N/A = FAR does not apply

Use Regulations by Zoning District USE	M-S Zoning Districts FAR ³	M-S Zoning Districts	M-S/POA Zoning Districts	M-3 Zoning Districts FAR ³	M-3 Zoning Districts
1. [Text unchanged.]					
2. Office, Research and Development					
A. Administrative, professional, medical and research and development offices	To 35% > 35%	P UP	P UP	To 35% > 35%	P UP
B. Medical clinics	To 35% > 35%	MPP UP	MPP UP	To 35% > 35%	MPP UP
C. Financial institutions, banks, and savings and loan associations without drive-through facilities	To 35% > 35%	<u>MPPUP</u> UP	<u>MPPUP</u> UP	To 35% > 35%	UP UP
D. Explosive or propellant research and development related manufacturing, processing, assembly and storage	N/A	UP	UP	N/A	UP
3. Commercial					
A. – I. [Text unchanged.]					

Use Regulations by Zoning District USE	M-S Zoning Districts FAR ³	M-S Zoning Districts	M-S/POA Zoning Districts	M-3 Zoning Districts FAR ³	M-3 Zoning Districts
<u>J.</u> Restaurants and fast food restaurants that may have on sale beer and wine alcohol beverage service. Restaurants and fast food restaurants	N/A	MPPUP	MPPUP	N/A	MPPUP
<u>K.</u> Restaurants and fast food restaurants that have on sale general alcohol beverage service.	N/A	UP	UP	N/A	UP
<u>KL.</u> Self storage (mini warehouse)	N/A	UP	UP	N/A	UP
4. – 6. [Text unchanged.]					

- ¹ Subject to provisions of Chapter 19.60.
- ² Subject to provisions of Chapter 9.41.
- ³ 5% FAR bonus for green buildings may apply. See Resolution No. 368-09 for green building tables adopted.
- ⁴ Automobile service stations with sale of groceries, beer and wine, or both, require findings as set forth in 19.98.020(i) and/or (j), as applicable.

SECTION 3. TABLE 19.24.030 AMENDED. Table 19.24.030 of Chapter 19.24 (Office and Public Facilities Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.24.030
Permitted, Conditionally Permitted and
Prohibited Uses in Office and Public Facilities Zoning Districts**

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

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

OFFICE AND PUBLIC FACILITIES ZONING DISTRICTS	O	P-F
1. Office/Care Facilities		
A. Administrative, professional, medical, and research and development offices	P	UP
B. Medical clinics	MPP	UP
C. Financial institutions such as banks and savings and loan associations	MPPUP	N
D. Hospitals	N	UP
E. Rest homes and convalescent hospitals	UP	UP
2. – 6. [Text unchanged.]		

Footnotes

- ¹ Subject to provisions of Chapter 9.41.
- ² Recycling centers must be located in convenience zones, (the area within a one-half mile radius of a supermarket) as defined in Public Resources Code Section 14509.4.

SECTION 4. TABLE 19.28.070 AMENDED. Table 19.28.070 of Chapter 19.28 (Downtown Specific Plan) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

TABLE 19.28.070

Permitted, Conditionally Permitted and Prohibited Uses in Mixed Use, Commercial and Office DSP Blocks

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

- P = Permitted use
- SDP = Use permitted required
- MPP = Special development permit required
- N = Not permitted, prohibited

DSP MIXED USE, COMMERCIAL AND OFFICE BLOCKS	1	1a	2	3	7	13	18	20
1. – 2. [Text unchanged.]								
3. Commercial Uses								
A. – R. [Text unchanged.]								
S. Restaurants and fast food restaurants with no alcohol sales or on sale beer and wine alcohol beverage service.	P	P	P	SDP	SDP	SDP	P	SDP
T. Restaurants and fast food restaurants that have on sale general alcohol beverage service.	<u>SDP</u>							
4. – 6. [Text unchanged.]								

Footnotes:

1. Any lease for office use entered into prior to June 1, 2001 and any subsequent renewals of such existing leases, shall not be subject to the permit requirements set forth in this section. New office leases entered into with new or different tenants on or after June 1, 2001 shall be subject to the provisions of this section.
2. Subject to provisions of Chapter 9.41.
3. Except that daytime and overnight parking of up to five commercial motor vehicles (of a type that are less than 10,000 pounds in gross vehicle weight with not more than two axles) that are owned or operated by the person(s), company or business which conducts the primary use is permitted, provided the vehicles are used for purposes of delivery, pick up or service to patrons of the primary use only, do not utilize on-site required parking and are not utilized for purposes of advertising.

SECTION 5. TABLE 19.29.050 AMENDED. Section 19.29.050 of Chapter 19.29 (Moffett Park Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Table 19.29.050

**Permitted, Conditionally Permitted and Prohibited Uses
in MPSP Subdistricts**

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

P = Permitted use. A Moffett Park Design Review Permit is required pursuant to Section 19.29.050(c). Development exceeding the standard FAR limit must be reviewed through a major permit.

SDP = Special development permit. A Moffett Park Special Development Permit is required.

MPP = Miscellaneous Plan Permit. A Miscellaneous Plan Permit is required.

N = Not permitted. Prohibited.

Use		Specific Plan Subdistrict		
		MP-TOD	MP-I	MP-C
1. – 3. [Text unchanged.]				
4.	Eating/Drinking Establishments			
A.	Nightclubs and cocktail lounges, where alcoholic beverages are sold and consumed	SDP	SDP	SDP
B.	Outdoor seating areas	MPP	MPP	MPP
C.	Restaurants with drive-through service	N	SDP	SDP
D.	Restaurants and fast food restaurants not serving alcoholic beverages, <u>or on sale beer and wine alcohol beverage service, no drive-through</u>	MPP	MPP	MPP
E.	Restaurants and fast food restaurants that serve <u>on sale general</u> alcoholic beverages	SDP	SDP	SDP
F.	Take-out restaurants, no drive-through	MPP	MPP	MPP
5. – 8. [Text unchanged.]				

SECTION 6. SECTION 19.44.020 AMENDED. Section 19.44.020 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.020. Types of signs and related regulations.

(1) – (7) [Text unchanged.]

~~(8) — **Balloons.**~~

~~(a) —~~

~~(i) — The size of any balloon does not exceed fourteen (14) inches in diameter;~~

~~(ii) — There are no more than five (5) balloons shall be aggregated in a cluster;~~

~~(iii) — The maximum height is no more than ten feet above ground level (i.e., finished grade of the lot); and~~

~~(iv) — They are displayed only between the hours of 12:01 a.m. and twelve p.m. on Saturday and/or Sunday or federal holidays. Displays of balloons on weekdays requires a permit for a temporary commercial sign.~~

~~(b) — Balloons shall not be permitted on property zoned exclusively for residential use.~~

(9) – (13) [Text unchanged; Renumber (8) – (12).]

~~(14)~~(13) Civic Event Sign. A temporary sign promoting a community, patriotic or other event of general public interest taking place within the city. Civic event signs are exempt from regulation provided that such sign is located:

~~(a) — On property owned by the city, provided that the event is sponsored or co-sponsored by the city;~~

~~(b) — On private property, on the site of the event advertised, with the consent of the owner or operator; or~~

~~(c) — On private property other than the site of the event being advertised, provided that the event is sponsored or co-sponsored by the city, and provided that there is no more than one such sign per event per property.~~

(15) – (16) [Text unchanged; Renumber (14) – (15).]

~~(17)~~(16) Construction Project Sign. A temporary sign identifying the persons, firms or businesses associated with any construction work on property where the sign is located, or announcing the type or availability of the building, use or function for which the construction is intended. Construction project signs are exempt, provided that such signs:

~~(a) — Do not exceed two in number per street frontage;~~

~~(b) — Do not exceed forty square feet in area per face, or if only one sign, does not exceed eighty square feet in area per face;~~

~~(c) — Do not exceed ten feet in height;~~

~~(d) — Shall not be displayed until either necessary land use permits have been obtained, or building permit applications have been filed with the city; and~~

~~(e) — Shall not be displayed longer than three months after completion of the last building within a project.~~

(18) – (19) [Text unchanged; Renumber (17) – (18).]

~~(20)~~(19) Flags.

(a) Commercial Flags. A flag which advertises or directs attention to a residence, business or commodity, service, entertainment or attraction. The flag may include wording or consist of only colors and/or designs. The director of community development may authorize eCommercial flags may be reviewed through a miscellaneous plan permit provided that:

(i) Location. The flag is located in an industrial zoning district or in conjunction with a multifamily residential use;

(ii) Materials. The ~~parcel the flag is displayed on is greater than seven acres in size;~~ The flag is constructed of durable materials that are intended for outdoor use such as altra fab, pryatone, sunbrella or similar quality fabric. Non-fade inks shall be used.

(iii) Number of Flags. There is no more than one commercial flag on an industrial parcel, and no more than four ~~per on a parcel with a multifamily residential use;~~

(iv) The flag is displayed at least seventy feet from any public right-of-way; Size. The maximum flag size in an industrial area is thirty (30) sq. ft. A maximum of fifteen (15) sq. ft. is permitted in association with a multifamily residential use.

(v) Height. The maximum height from ground level of each flag shall be thirty (30) feet in industrial zones and twenty (20) feet in association with multifamily residential uses, including any pole or structure to which it is affixed; and

(vi) Lateral Dimension. The maximum lateral dimension of each flag shall be twenty-five percent of the height of the pole or other structure to which it is affixed.

(b) Noncommercial Flags. Every flag except a "commercial flag" (examples: American flag, state of California flag, not corporate flags). Noncommercial flags are exempt from regulation provided that:

(i) Number of flags. The flags do not exceed three in number per parcel;

(ii) Height. Each flag does not exceed twenty feet in height in residential zoning districts; Each flag does not exceed thirty feet in height in nonresidential zoning districts;

~~(iii) Each flag does not exceed thirty feet in height in nonresidential zoning districts;~~ Lateral dimension. The maximum lateral dimension of such flags does not exceed twenty-five percent of the height of the pole or other structure to which it is affixed; and

~~(iv) The maximum lateral dimension of such flags does not exceed twenty-five percent of the height of the pole or other structure to which it is affixed; and~~ Flag poles. The height measurement shall include any pole or structure to which such flags are affixed.

~~(v) The height measurement shall include any pole or structure to which such flags are affixed.~~

(21) – (25) [Text unchanged; Renumber (20) – (24).]

~~(26)~~(25) Grand Opening Sign. A temporary sign commemorating the opening of a business, a change in business name, or a change in local ownership, as determined by the issuance of a business license, and including the reopening of a business which closed for remodeling for at least two weeks. The director of community development may authorize ~~the display of one or more grand opening signs must occur within six months of a qualifying event. Display of any such grand opening sign(s) can occur only once per business, except as otherwise permitted for remodeling, and shall not exceed sixteen days in duration, shall be conducted exclusively upon the affected premises, and shall conform in all other respects with the terms of sign approval. Signs permitted by this section may include banners, flags, balloons, and similar devices, but shall not include portable signs, animated signs, or lights that flash, move, or appear to move.~~

(27) – (44) [Text unchanged; Renumber (26) – (43).]

~~(45) Open House Directional Sign. A sign providing directions to residential real property on public display for purposes of resale or lease.~~

~~(a) Temporary signs indicating the location of real property for sale or rent, including but not limited to the words "open house," may be placed upon privately owned property regardless of whether that property is being so advertised, provided that the following conditions are met:~~

~~(i) The written consent of the owner or person in lawful possession of the property upon which the sign is placed is first obtained;~~

~~_____ (ii) The sign shall not exceed three square feet in area, and may be of portable or "A frame" construction;~~

~~_____ (iii) The sign shall not be displayed except between the hours of nine a.m. and seven p.m. of the same day;~~

~~_____ (iv) No more than one such sign shall be permitted on the same property at the same time.~~

~~_____ (b) As used herein, the term "privately owned property" includes that portion of publicly owned right of way which meets all of the following conditions:~~

~~_____ (i) The portion of the public right of way is contiguous and immediately adjacent to property in private ownership and is not separated from the adjacent property by a sidewalk, curb or any other public improvement;~~

~~_____ (ii) The portion of the public right of way is not improved or used for pedestrian or vehicular traffic or movement, or for any other public purpose requiring physical use of the right of way;~~

~~_____ (iii) The portion of the public right of way of the contiguous property is maintained by the owners or occupants or their agent;~~

~~_____ (iv) The portion of the public right of way is physically related to the contiguous private property by reason of its integration in a uniform landscaping theme, architectural treatment, or other factors causing the portion of the public right of way to resemble the physical aspects of the contiguous privately owned property;~~

~~_____ (v) Permission for the placement of signs in the portion of the public right of way shall have been obtained from the owner or person in lawful possession of the contiguous and adjacent private property in the manner provided for consent to the placement of such signs on privately owned property.~~

~~(46) – (49) [Text unchanged; Renumber (44) – (47).]~~

~~(50)(48) Produce Stand Sign. A sign indicating the sale of farm or orchard products at a location open to the public on a seasonal basis only, or which is open to the public on a year-round basis but is not part of a multiple tenant building or use. Produce stand signs are exempt from regulation provided that each such sign:~~

~~_____ (a) Does not exceed forty square feet in area per sign face in nonresidential zoning districts; or~~

~~_____ (b) Does not exceed twenty square feet in area per sign face in residential zoning districts.~~

~~(51) – (54) [Text unchanged; Renumber (49) – (52).]~~

~~(55)(53) Real Estate Sign. An on-site sign pertaining to the sale, exchange, lease or rental of buildings or real property. A sign advertising the initial sale or rental of new buildings is considered a construction project sign and not a real estate sign.~~

~~(a) Real estate signs advertising developed residential property are exempt from regulation provided that:~~

~~_____ (i) Each sign face does not exceed six square feet in area per sign face or twelve square feet in total sign area;~~

~~_____ (ii) There is a maximum of one such sign per street frontage; and~~

~~_____ (iii) Such signs are removed within ten days after the advertised property has been sold (defined as close of escrow), rented or leased.~~

~~_____ (b) Real estate signs advertising developed nonresidential property or vacant, undeveloped real property are exempt from regulation provided that:~~

~~_____ (i) Each sign face does not exceed forty square feet in area or eighty square feet of total sign area;~~

~~_____ (ii) There is a maximum of one sign face per street frontage; and~~

~~_____ (iii) Such signs are removed within ten days after the property has been sold (defined as close of escrow), rented or leased.~~

(56) – (72) [Text unchanged; Renumber (54) – (70).]

SECTION 7. SECTION 19.44.120 AMENDED. Section 19.44.120 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.120. Temporary commercial signs.

~~_____ A temporary commercial sign is not permitted on property zoned exclusively for residential use. On any commercially zoned lot or any lot in any nonresidential zoning district for which a discretionary zoning permit has been issued for a commercial use, a temporary commercial sign may be permitted subject to the following:~~

~~_____ (a) Permit. Permits for temporary commercial signs shall be required and shall be issued only to the owners of the property upon which the temporary sign is to be displayed. The applicant shall provide a description of each proposed display and must obtain approval by the director of community development of each display. The director shall be guided by the regulations set forth herein but may impose such other reasonable conditions as may be deemed in the public interest.~~

~~_____ (b) Frequency. No more than nine temporary sign permits shall be issued per calendar year for any business.~~

~~_____ (c) Duration. A temporary sign permit is valid for nine consecutive days, or in the event of a grand opening, for sixteen consecutive days. More than one temporary sign permit may be issued simultaneously, provided that signs are not displayed for more than thirty consecutive days or more than sixty days per calendar year. Permanent unenclosed uses may display temporary signage for not more than eighty days per calendar year.~~

~~_____ (d) Location. No temporary sign display shall be permitted to extend beyond the property line of the applicant or into any public right of way. No temporary sign shall be displayed in the corner vision triangle.~~

~~_____ (e) Number of Signs. No more than two temporary signs may be displayed per business. In centers with more than one business, the maximum number of temporary signs which may be displayed at any one time shall be in accordance with the following schedule:~~

2 to 5 tenants	one tenant display
6 to 15 tenants	two tenant displays
16 to 25 tenants	three tenant displays

~~more than 25
tenants~~

~~four tenant
displays~~

~~For the purposes of announcing events which are sponsored by or are conducted by a shopping center as a whole, one additional temporary banner or sign may be displayed for the duration of the event.~~

~~(f) Specific Regulations According to Type.~~

~~(1) Banners. Banners may be displayed provided that:~~

~~(A) The banner is stretched taut or secured against the building;~~

~~(B) No banner exceeds sixty square feet in size;~~

~~(C) No more than two banners shall be displayed on the lot at any one time;~~

~~(D) No banner shall be attached to any trees, permanent ground or wall sign.~~

~~(2) Balloons. Balloons may be displayed provided that:~~

~~(A) The size of any balloon does not exceed fourteen inches in diameter;~~

~~(B) There are no more than five balloons shall be aggregated in a cluster;~~

~~(C) The maximum height is no more than ten feet above ground level (i.e., finished grade of the lot); and~~

~~(D) The permit and frequency restrictions shall not apply to balloons displayed between the hours of 12:01 a.m. and twelve p.m. on Saturday and/or Sunday or federal holidays. All other requirements of this chapter shall apply to balloons displayed on weekends.~~

~~(3) Pennants, Ribbons, Streamers and Other Objects that Move with the Wind. Such items may be displayed in any manner approved by the director of community development.~~

~~(4) Large Inflatable Objects. Large inflatable objects are allowed only for grand openings for a maximum of sixteen consecutive days.~~

~~(5) Bounce Houses. In commercial zoning districts or with permitted commercial uses in nonresidential zoning districts, a bounce house may be displayed without a permit provided that:~~

~~(A) The height of the bounce house does not exceed the height of the building in front of which it is displayed;~~

~~(B) There is only one bounce house displayed per business entity; and~~

~~(C) The bounce house is displayed only between the hours of 12:01 a.m. and 11:59 p.m. on Saturday and/or Sunday or federal holidays or is allowed for a grand opening for a maximum of sixteen consecutive days. Display of a bounce house on weekdays requires a temporary commercial sign permit.~~

~~(g) Denial of Permit. A permit shall be denied, if, within the twelve-month period immediately preceding the date of the application for temporary signs, three or more complaints have been received by the city and resulted in written notices of violation being sent for violations of provisions of this section or Section 19.44.020 or 19.44.040, and the director of community development~~

~~has determined that at least three such violations existed at the same location and were not corrected in a timely manner.~~

~~(h) Appeal. Any interested party may appeal the issuance or denial of a permit hereunder within fifteen days of the decision of the director of community development to the planning commission. The decision of the commission shall be final.~~

~~(i) All temporary commercial signs displayed without a permit are prohibited, except for civic event signs, grand opening signs, construction project signs, garage sale signs, produce stand signs, window signs, real estate signs, open house directional signs, temporary unenclosed or appurtenant use signs and unenclosed accessory use signs.~~

19.44.120. Regulations for specific types of temporary signs.

The following lists the specific regulations related to types of temporary signs.

(a) **Banners.** Banners may be displayed provided that:

1) The banner is stretched taut and secured against the building, fence or wall and not attached to landscaping;

2) No banner exceeds sixty (60) square feet in size;

(b) **Ground Sign Sleeve**

1) The ground sign sleeve is made of durable fabric or material and is stretched taut around the ground sign.

2) They may not increase the size of the ground sign

3) They may not obscure the address numbers on the ground sign.

(c) **Balloons**

1) The size of any balloon does not exceed fourteen (14) inches in diameter;

2) There are no more than five (5) balloons shall be aggregated in a cluster;

3) There are no more than twenty (20) clusters on a property.

4) The maximum height is no more than ten (10) feet above ground level (i.e., finished grade of the lot); and

5) The permit and frequency restrictions shall not apply to balloons displayed between the hours of 12:01 a.m. and 12:00 midnight on Saturday, Sunday or federal holidays. All other requirements of this chapter shall apply to balloons displayed on weekdays.

(d) **Pennants, Ribbons, Streamers and Other Objects that Move with the Wind.** All pennants, ribbons and streamers displayed on a property are considered one temporary sign.

(e) **Large Inflatable Objects.** Large Inflatable objects may be located on top of the building but the total height of the displayed object may not exceed the height of the building. (i.e. a 25 ft. tall large inflatable object may not be placed on a 15 ft. tall building.) Large inflatable objects may not be located within required parking, landscaping or walkway areas.

(f) **Bounce Houses.** Bounce houses may be displayed without a temporary sign permit provided they meet the following requirements:

1) Bounce houses are only allowed in commercial zoning districts or with commercial uses in nonresidential zoning districts.

2) The bounce house is displayed only on weekends between the hours of 12:01 a.m. and 11:59 p.m. on Saturday and/or Sunday or federal holidays
Display of a bounce house on weekdays requires a temporary sign permit.

3) The height of the bounce house does not exceed the height of the building in front of which it is displayed;

4) There is only one (1) bounce house displayed per business entity.

(g) **Temporary Ground Signs.** Temporary ground signs may be constructed of metal, wood or other durable material with posts.

SECTION 8. CHAPTER 19.44 AMENDED. Section 19.44.125 is added to Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code to read as follows:

19.44.125 Type and duration allowed for temporary signs.

(a) **Allowable Zoning Districts.** A temporary sign is allowed in all zoning districts except for property zoned R-0, R-1, R-1.7/PD, R-1.5, R-2 or DSP Blocks 8 through 12 unless otherwise permitted herein.

(b) **Location.** No temporary sign display shall be permitted to extend beyond the property line of the applicant or into any public right-of-way. No temporary sign shall be displayed in the corner vision triangle unless less than three (3) ft. in height.

(c) **Permit Required.** Permits are required for all temporary signs except for civic event signs, grand opening signs, construction project signs, garage sale signs, produce stand signs, window signs, real estate signs, open house directional signs, temporary unenclosed or appurtenant use signs and unenclosed accessory use signs. Ground sign sleeves in association with a grand opening may be approved for longer than thirty (30) days with approval of a temporary sign permit.

(d) **Permit Application Requirements.** Temporary sign permits may be required according to the provisions below and shall be issued to either the property owner or the business representative. The applicant for the permit shall provided a description of each proposed display and must obtain approval by the director of community development. The director may impose other reasonable conditions beyond what is described in applicable sections as may be deemed in the public interest.

(e) **Denial of Permit.** A permit shall be denied at the discretion of the director of community development if there is a history of temporary sign code violations on the site.

(f) **Duration of Display, Number of Signs and Permit Requirements Based on Use.**

1) **Business Promotion (Enclosed Uses).** A maximum of two (2) of any of the following may be displayed for ninety (90) days in a calendar year with a temporary sign permit: banner, balloons, bounce house or pennants/ribbons/streamers. For shopping centers with more than six (6) tenants, a total of four (4) temporary signs may be permitted at a given time. These regulations are only for events that do not qualify as another type of temporary sign described in this section.

2) **Business Promotion (Permanent Unenclosed Uses such as Autodealers, Plant Nurseries, etc).** A maximum of two (2) of any of the

following may be displayed for one hundred and twenty (120) days in a calendar year with a temporary sign permit: banner, balloons, bounce house or pennants/ribbons/streamers. These regulations are only for events that do not qualify as another type of temporary sign described in this section.

3) **Civic Event Sign.** A civic event sign may consist of a banner, balloon, or pennants/ribbons/streamers. No permit is required provided that the following provisions are met:

i) If the event is sponsored or co-sponsored by the city, one (1) sign per lot may be displayed on property owned by the city and on individual private properties, including properties other than the site of the event being advertised with the consent of the owner or operator; or,

ii) For events not sponsored or co-sponsored by the city, one (1) sign may be located on the site of the event advertised, with the consent of the owner or operator.

4) **Construction Project.** A construction project sign may consist of a banner or temporary ground sign. A maximum of two (2) construction project signs may be displayed per street frontage without a permit provided that the following provisions are met:

i) They do not exceed forty (40) square feet in area per face, or, if only one sign, does not exceed eighty square feet in area per face.

ii) Does not exceed ten (10) feet in height as measured from the ground and does not extend into a required corner of driveway vision triangle.

iii) Shall not be displayed until either the necessary land use permits have been obtained, or building permit applications have been filed with the city.

iv) Shall not be displayed longer than ninety (90) days after completion of the last building within a development.

v) A construction project sign that exceeds these requirements is prohibited.

5) **Grand Opening.** A maximum of three (3) of any of the following may be displayed for thirty consecutive days in association with a grand opening: ground sign sleeve, banner, balloons, large inflatable object, bounce house or pennants/ribbons/streamers. No permit is required for grand openings.

6) **Open House Directional Sign.** An open house directional sign may consist of a portable sign (a-frame). A open house directional sign may be placed upon privately owned property without a permit, provided the following conditions are met:

i) The sign shall not exceed three square feet in area or be taller than three feet in height.

ii) The sign shall not be displayed except between the hours of nine a.m. and seven p.m. of the same day

(a) The sign may not be displayed on the portion of the public right-of-way that is used for pedestrian or vehicular traffic or movement, or for any other public purpose requiring physical use of the right-of-way;

iii) An open house directional sign that does not meet these requirements is prohibited.

7) **Produce Stand Sign.** Produce stand signs may consist of a banner or temporary ground sign without a permit provided the following provisions are met:

i) Does not exceed forty (40) square feet in area per sign face in nonresidential zoning districts; or

ii) Does not exceed twenty (20) square feet in area per sign face in residential zoning districts.

iii) A produce stand sign that does not meet these requirements is prohibited.

8) **Real Estate Sign.** A real estate sign shall consist of a banner or temporary ground sign. Any real estate sign that does not meet the following requirements is prohibited.

i) Real estate signs advertising developed residential property for sale or lease do not require a permit provided the following provisions are met:

(a) Each sign face does not exceed twenty (20) square feet in area per sign face or forty (40) square feet in total sign area;

(b) There is a maximum of one (1) such sign per street frontage; and

(c) For a temporary ground sign, it must not exceed three (3) feet in height and may not extend into a required corner of driveway vision triangle.

(d) Such signs are removed within ten (10) days after the advertised property has been sold (defined as close of escrow), rented or leased.

(ii) Real estate signs advertising developed nonresidential property or vacant, undeveloped real property for sale or lease do not require a permit provided that the following provisions are met:

(a) Each sign face does not exceed forty (40) square feet in area or eighty (80) square feet of total sign area;

(b) There is a maximum of one (1) sign face per street frontage; and

(c) Such signs are removed within ten (10) days after the property has been sold (defined as close of escrow), rented or leased.

(iii) A real estate sign that does not meet these requirements is prohibited.

SECTION 9. SECTION 19.48.010 AMENDED. Section 19.48.010 of Chapter 19.48 (Fences, Distances Between Buildings and Extensions Into Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.48.010 Purpose. This chapter establishes setback standards and processing requirements for fences in all zoning districts, distances between buildings and extensions into yards.

SECTION 10. SECTION 19.48.020 AMENDED. Section 19.48.020 of Chapter 19.48 (Fences, Distances Between Buildings and Extensions Into Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.48.020. — Fences or hedges or other objects in yards.

— (a) General Requirements:

~~—— (1) Legal nonconforming fences may be maintained, however, whenever fifty percent or more of the length of such fence is replaced, the entire length shall be made to conform to the requirements of this section.~~

~~—— (2) Fences in existence as of April 1, 1991, on residential lots that front on two public streets that do not intersect at the boundary of the lot (“through lots”) may be reconstructed at their existing heights and locations where such fences front on a major public street.~~

~~—— (3) Fence heights within front yards, reducible front yards, or any vision triangle shall be measured from the top of the nearest public curb. Fence height within rear or side yards shall be measured from the highest finished grade.~~

~~—— (4) Single stem plants and trees that do not have foliage between a height of three feet and eight feet may be located within any vision triangle.~~

~~—— (5) Fences or walls may be built to the existing sidewalk, or if there is a monolithic sidewalk or if there are no sidewalks, to the existing property line; however, nothing in this section shall prohibit the city from exercising its rights pursuant to existing public rights-of-way or easements, and nothing in this section shall be construed as a waiver by the city of its rights thereto. Further, nothing in this section shall be construed as establishing any responsibility on the part of the city for any fence or wall, or portion thereof, which is constructed within the public right-of-way or easement.~~

~~—— (b) Prohibitions.~~

~~—— (1) It is unlawful to erect any electrically charged fence or any fence composed of barbed wire or other material which is designed to cause injury upon contact on or adjacent to any residential use regardless of the underlying zoning.~~

~~—— (2) Except as permitted by use permit or miscellaneous plan permit, it is unlawful for fences, hedges, or other natural or structural objects, except trees, to exceed three feet in height within the required front yard.~~

~~(c) Permits required for fence installations are as set forth in Table 19.48.020.~~

**TABLE 19.48.020
Fence Permitting Requirements**

Fence Location	Fence Height	Permit Required
Required front yard and reducible front yard	Up to 3'	Miscellaneous plan permit (no fee)
	>3'—6'	Miscellaneous plan permit
	>6'—7'	Miscellaneous plan permit ¹ and building permit
	>7'	Use permit and building permit
Side or rear yard	Up to 6'	No permit required
	>6'—7'	Miscellaneous plan permit ² and building permit
	>7'	Use permit and building permit
Corner or driveway vision triangle	Up to 3'	Miscellaneous plan permit (no fee)
	>3'	Variance and building permit
Area between required front yard and house	Up to 6'	No permit required
	>6'—7'	Miscellaneous plan permit ² and building permit
	>7'	Use permit and building permit

¹ ~~Within five days of approving an MPP, the director shall post the subject property providing notice of the date of the approval action. In addition, written notice of approval shall be sent to property owners and occupants of adjacent properties.~~

² ~~A written fence agreement is required from property owners sharing the common property line.~~

19.48.020 General fence requirements.

1) Prohibited Materials. It is unlawful to erect any electrically charged fence or any fence composed of barbed wire, razor wire or other material which is designed to cause injury upon contact on or adjacent to any residential use regardless of the underlying zoning. Chain link fences are prohibited for residential uses and residential zoning districts.

2) Measurement of Fence Height. Fence height in the rear and sideyard (not located on a street) is measured from the highest adjoining grade to the highest point of the fence. Fence height in the front and reducible front yard is measured from the top of curb, or street if there is no curb to the highest point of the fence.

3) Vision Triangles. All fences must meet driveway vision triangle and corner vision triangle requirements.

4) Fences in the Public Right of Way. Fences or walls may be built to the existing sidewalk, or if there is a monolithic sidewalk or if there are no sidewalks, to the existing property line; however, nothing in this section shall prohibit the city from exercising its rights pursuant to existing public rights-of-way or easements, and nothing in this section shall be construed as a waiver by the city of its rights thereto. Further, nothing in this section shall be construed as establishing any responsibility on the part of the city for any fence or wall, or portion thereof, which is constructed within the public right-of-way or easement.

5) Property Owner Responsibility. It is the responsibility of the affected property owners to determine the desired height for any fence built along a property line.

6) For fences in the required reducible front yards, fences greater than six (6) feet up to eight (8) feet may be allowed as a matter of right provided they are set back two (2) feet from the property line for every foot in height above six (6) feet. For example, a seven foot high fence must be set back two feet from the property line. Fences that do not meet this setback must obtain approval through a Miscellaneous Plan Permit.

SECTION 11. CHAPTER 19.48 AMENDED. Section 19.48.025 is added to Chapter 19.48 (Fences, Distances Between Buildings and Extensions Into Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code to read as follows:

19.48.025 Fence requirements by location

Table 19.48.025 stipulates the permitting and height requirements for fences.

TABLE 19.48.025

<u>Location</u>	<u>4 ft. or less in Height.</u>	<u>Greater than 4 ft. up to 6 ft. in height.</u>	<u>Greater than 6 ft. up to 8 ft. in height.</u>	<u>Greater than 8 ft. in height.</u>
<u>Front Yard¹</u>	<u>Permitted</u>	<u>MPP</u>	<u>UP</u>	<u>UP</u>

<u>Reducible Front Yard</u>	<u>Permitted</u>	<u>Permitted</u>	<u>See 19.48.020 (6)</u>	<u>UP</u>
<u>Side or Rear Yard</u>	<u>Permitted</u>	<u>Permitted</u>	<u>Permitted</u>	<u>UP</u>

¹Includes the area between the face of the building and the street.

SECTION 12. CHAPTER 19.54 AMENDED. Section 19.54.080 of Chapter 19.54 (Wireless Telecommunication Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.54.080. Telecommunication facilities permits.

The type of permit required for telecommunication facilities, and any applicable exemptions, are set forth in Table 19.54.080.

**Table 19.54.080
Telecommunications Facilities Permits**

Zoning Districts	Exemptions	Miscellaneous Plan Permits	Minor Use Permits	Major Use Permits
Residential, and Public Facilities, Commercial and Office R-0 R-1 R-1.5 R-1.7 R-2 R-3 R-4 R-5 RMH C-1 C-2 C-3 C-4 O PF DSP (residential blocks) LSP	For all properties: 1) DBS, MMDS or TVBS antennas, provided that: a) Antenna has diameter of 39" or less. b) Antenna is mounted on mast less than 12 ft. high. c) Antenna is not located in a historic district or on a historic building. d) To the extent feasible, the antenna location is not readily visible from public right-of-way. e) Amateur radio antennas not exceeding maximum building height limits of zoning district by 25 feet.	For properties with residential uses: Receive-only parabolic dishes or antenna > 39" in diameter. For properties with nonresidential uses: 1) Ground mounted antenna < up to 15 ft. high and 6" in diameter. 2) Façade mounted antenna not readily visible and no projection more than 18" from façade. 3) Roof mounted antenna or antennas mounted on an existing electrical transmission tower that are not readily visible and do not extending above the structure ridgeline. 4) Antennas mounted on an existing electrical transmission tower.	For properties with nonresidential uses: 1) Façade mounted antennas extending above structure ridgeline or projecting more than 18" from building façade. 2) Roof mounted antennas, or antennas mounted on an existing electrical transmission tower which extend up to 15 ft. above the structure ridgeline. 3) Any facility or equipment which, when installed, would result in 2 or more telecommunications facilities at the same property. Co-location of not more than two facilities or users on an existing monopole or tower.	For properties with nonresidential uses: 1) Satellite earth stations. 2) Two or more multi-user and co-located facilities not on an existing monopole or tower. 3) New freestanding facilities including monopoles, lattice towers and other towers up to a maximum of 65 ft. in height. 4) Any facilities located in the required side or front yard setbacks. Such facilities must meet design standards. 5) Freestanding facilities including towers, lattice towers and monopoles which will be located within 1,000 feet of another freestanding facility. 6) Facilities not otherwise enumerated.

<p>Commercial and Office C-1 C-2 C-3 C-4 O DSP (office and mixed-use blocks)</p>	<p>Same as for residential and public facilities.</p>	<p>1) Receive-only parabolic dishes or antennas > 39" in diameter. 2) Ground antennas up to 15 ft. in height and 6" in diameter. 3) Façade mounted antennas not readily visible and not projecting more than 18" from the façade. 4) Roof mounted antennas not readily visible and not projecting above structure ridgeline. 5) Antennas mounted on an existing electrical transmission tower.</p>	<p>1) Façade-mounted antennas extending above the structure ridgeline or projecting more than 18" from building façade. 2) Roof-mounted antennas, which extend no more than 15 ft. above the structure ridgeline. 3) Co-location of not more than two facilities or users on an existing monopole or tower.</p>	<p>1) Satellite-earth stations. 2) Roof-mounted antennas extending more than 15 ft. above the structure ridgeline. 3) Monopoles, lattice towers or other towers up to 65 ft. high which are not readily visible from the nearest right-of-way of a freeway, expressway or arterial street. 4) Any facility or equipment which when installed, would result in 3 or more telecommunications facilities at the same location. 5) Facilities or equipment located in the front or side yard setbacks of properties not in residential use. 6) Freestanding facilities include towers, lattice towers and monopoles which will be located within 1,000 feet of another freestanding facility. 7) Facilities not otherwise enumerated.</p>
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<p>Industrial MS M3 <u>MP-TOD</u> <u>MP-C</u> <u>MP-I</u></p>	<p>Same as for Residential and Public Facilities</p>	<p>1) Receive-only parabolic dishes or antennas greater than 39" in diameter. 2) Ground mounted antennas not exceeding 15 ft. in height and 6" in diameter. 3) Façade mounted antennas extending above the structure <u>ridgeline or projecting more not readily visible and not projecting more than 18" from the building façade.</u> 4) Roof mounted antennas <u>or antennas mounted on an existing electrical transmission tower extending up to 15 ft. not readily visible and not extending above the structure ridgeline.</u> 4) <u>Any facility or equipment which, when installed, would result in 2 or more telecommunications facilities at the same property.</u> 5) Monopoles, lattice towers or other towers up to 65 ft., if located more than 1,000 ft. from the right-of-way of a freeway, expressway or arterial street. 6) Antennas mounted on an existing electrical transmission tower.</p>	<p>1) Façade mounted antennas extending above the structure ridgeline or projecting more than 18" from the building façade. 2) Roof mounted antennas <u>or antennas mounted on an existing electrical transmission tower extending up to 15 ft. above a structure's ridgeline more than 15 ft. above the structure ridgeline.</u> 3) Monopoles, lattice towers or other towers > 65 ft. but < 90 ft. high, and located more than 1,000 ft. from the right-of-way of a freeway, expressway or arterial street. 4) <u>Co-location of not more than two facilities or users on an existing monopole or tower.</u></p>	<p>1) Satellite earth stations. 2) Roof mounted antennas extending more than 15 ft. from the structure's ridgeline. 3) Monopoles, lattice towers or other towers > 65 ft. but < 90 ft. high, which is located less than 1,000 ft. from the right-of-way of a freeway, expressway or arterial street. 4) Monopoles, lattice towers or other towers > 90 ft. high. 5) Any facility or equipment which, when installed, would result in 3 or more telecommunication facilities at the same location. 6) Facilities or equipment located in the front or side yard setbacks of properties not in residential use. 7) Freestanding facilities include towers, lattice towers and monopoles which will be located within 1,000 feet of another freestanding facility. 8) Facilities not otherwise enumerated.</p>
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SECTION 13. SECTION 19.54.120 AMENDED. Section 19.54.120 of Chapter 19.54 (Wireless Telecommunication Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.54.120. Permit review, renewal and revocation procedures.

(a) The city finds that the technology associated with telecommunication equipment is subject to rapid changes and upgrades as a result of industry competition and customer demands, and anticipates the telecommunication antennas and related equipment with reduced visual impacts will be available from time to time with comparable or improved coverage and capacity capabilities. The city further finds that it is in the interest of the public health, safety and welfare that telecommunication providers be required to replace older facilities with newer equipment of equal or greater capacity and reduced visual impacts as technological improvements become available. Before January 31 of each even numbered year following the issuance of any permit~~Therefore, any permit issued pursuant to this chapter~~ authorizing establishment of a wireless telecommunication facility, an authorized representative for each wireless carrier providing service in the City of Sunnyvale shall provide written certification to the City executed under penalty of perjury that (i) each facility is being operated in accordance with the approved local and federal permits and includes test results that confirm the facility meets city noise requirements and RF emissions requirements; (ii) each shall be reviewed by the director of community development at a minimum of once every five years. The purpose of the review is to determine whether or not the facility complies with the then-current general and design standards and is in compliance with the approved plans; (iii) whether or not the facility is currently being used by the owner or operator; and (iv) whether or not the basic contact and site information supplied by the owner or operator is current.

(b) Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least every ~~five-ten~~ (10) years from the date of initial approval. If a permit or other entitlement for use is not renewed, it shall automatically become null and void without notice or hearing ~~five-ten~~ (10) years after it is issued, or upon cessation of use for more than a year and a day, whichever comes first. Unless a new use permit or entitlement of use is issued, within one hundred twenty (120) days after a permit becomes null and void all improvements, including foundations and appurtenant ground wires, shall be removed from the property and the site restored to its original pre-installation condition within one hundred eighty (180) days of nonrenewal or abandonment.

(c) At any time, the director of community development may initiate proceedings to revoke a permit issued pursuant to this chapter. Grounds for revocation shall be limited to a finding that the owner or operator has abandoned the facility, the facility is no longer in compliance with either the general requirements or design standards of this chapter and the owner or operator has failed to bring the facility into compliance within one hundred eighty (180) days after a notice has been sent by the director of community development requiring the facility to be brought into compliance, the facility is no longer in compliance with applicable FCC or FAA regulations, the use is no longer permitted in the zoning district in which it is located, the facility has not been upgraded to reduce or minimize its impact to the extent reasonably permitted by the technology

available at the time of renewal, or if the director determines that revocation would be in the best interests of the public health, safety or welfare. Upon making a determination that the permit should be revoked, the director may, at his or her discretion, issue a compliance order pursuant to Chapter 1.06 or initiate a nuisance abatement action pursuant to Chapter 9.26 of this code.

SECTION 14. SECTION 19.54.130 AMENDED. Section 19.54.130 of Chapter 19.54 (Wireless Telecommunication Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.54.130. Indemnity and liability for damages..

(a) Text unchanged.

(b) Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release of pollutants from their operations. "Pollutants" means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, acids, alkalis, chemicals; electromagnetic waves and waste. "Waste" includes materials to be recycled, reconditioned or reclaimed.

(c) Text unchanged.

SECTION 15. SECTION 19.88.020 AMENDED. Section 19.88.020 of Chapter 19.88 (Use Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.88.020. Authority and types of permits.

Authority for action on a use permit shall be vested as follows:

(a) Minor use permit determined by the director of community development for:

(1) Projects, structures or activities determined to pose no significant land use consequences;

(2) Those uses determined to be categorically exempt pursuant to the terms of the California Environmental Quality Act, ~~except exemptions based on Categorical Exemption Classification 32;~~

(3) Unenclosed accessory uses when otherwise required under Title 19, connected with a permitted use. Such accessory uses are:

~~_____ (A) Auto repair,~~

~~_____ (B) Car washing and waxing,~~

~~_____ (C) Commercial displays or sales,~~

~~_____ (D) Fences over seven feet in height,~~

~~_____ (E) Liquid or gas storage tanks,~~

~~_____ (F) Storage areas not within industrial zoning districts;~~

~~_____ (4) Large family day care homes not requesting a waiver that the facility is located closer than three hundred feet to a similar use;~~

~~_____ (5) Waiver of utility undergrounding requirements.~~

~~(6) Automobile service stations that add or include the sale of groceries and/or beer and wine upon making the additional findings in 19.98.020 (j) and (k).~~

(b) Major use permit determined by the planning commission for:

(1) All applications for a use permit other than those determined to be minor permits or for minor permits that are determined by the director of community development to require more extensive community participation. Those uses for which a use permit is required which will not be determined by the director of community development;

(2) Floor area ratio which would otherwise meet the maximum of thirty-five percent except that floor area occupied by showers and/or dressing rooms provided for use by bicycle commuters increases the total floor area ratio over forty percent. This FAR bonus over thirty-five percent shall only be allowed for bicycle related facilities;

(3) Large family day care homes requesting a waiver that the facility is located closer than three hundred feet to a similar use.

~~(e) Major use permit determined by the city council for any new industrial development in the M-S and M-3 zoning districts proposing a floor area ratio that exceeds the FAR limitations set forth in Chapter 19.32. Prior to the city council public hearing, the planning commission shall consider the application at a public hearing and make a recommendation regarding such to the city council.~~

SECTION 16. SECTION 19.90.020 AMENDED. SECTION 19.90.020 OF CHAPTER 19.90 (Special Development Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code, is hereby amended to read as follows:

19.90.020. Authority and types of permits.

Authority for approval of a special development permit shall be vested as follows:

(a) Minor special development permit, determined by the director of community development for:

(1) Projects, structures or activities determined to pose no significant land use consequences;

(2) Those uses determined to be categorically exempt pursuant to the terms of the California Environmental Quality Act, ~~except exemptions based on Categorical Exemption Classification 32;~~

(3) Waiver of utility undergrounding requirements in combining district zones;

(4) Change in use of any landmark or landmark district;

(5) Multiple residential use of a landmark or in a landmark district;

(6) Automobile service stations that add or include the sale of groceries and/or beer and wine upon making the additional findings in Sections 19.98.020 (j) and (k).

(b) Major special development permit, determined by the planning commission for all applications for a special development permit other than those determined to be minor permits or for minor permits that are determined by the director of community development to require more extensive community participation.

SECTION 17. 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 18. CEQA EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b) that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is an action that can be seen with certainty that there is no possibility that there will be a significant effect on the environment.

SECTION 19. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 20. 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 _____, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2009, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

David E. Kahn, City Attorney

Negative Declaration for Title 19 Update – Streamlining

Project Title	Title 19 Update – Streamlining
Lead Agency Name and Address	City of Sunnyvale P.O. Box 3707, Sunnyvale, CA 94088-3707
Contact Person	Diana O'Dell
Phone Number	408-730-7257
Project Location	City-wide
Project Sponsor's Name	City of Sunnyvale
Address	456 W. Olive Avenue Sunnyvale, CA 94088
Zoning	City-wide (all zoning districts)
General Plan	City-wide (all general plan districts)
Other Public Agencies whose approval is required	None

Description of the Project: Planning staff is engaged in a comprehensive effort to streamline some requirements and processes. As one step in this process, staff has identified zoning code changes that could be implemented to ease restrictions on homeowners and businesses and focus the Planning Division's efforts more strictly on land use issues.

The following table is a summary of each code section that is proposed to be modified with the associated problem and correction. The ordinance is located in Attachment A.

Section	Suggested Revisions
Commercial Uses 19.20.030	<ul style="list-style-type: none"> • C-4 Zoning District: Allow crafts shops and custom fabricators with a MPP instead of a UP. • Repair shops: Allow with a MPP instead of a UP in the C-2 Zoning District. • Restaurants serving only beer and wine: Allow with a MPP in C-1, C-2 and C-3 Zoning Districts instead of a UP. • Restaurants serving all types of alcoholic beverages: Create a use type in the table and require a UP. • Recreation and Enrichment uses: Allow with a MPP in C-1, C-2 and C-3 Zoning Districts instead of a UP.
Industrial Uses 19.22.030	<ul style="list-style-type: none"> • Restaurants serving beer and wine: Allow with a MPP in C-1, C-2 and C-3 Zoning Districts instead of a UP. • Restaurants serving all types of alcoholic beverages: Create a

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Section	Suggested Revisions
	<p>use type in the table and require a UP.</p> <ul style="list-style-type: none"> • Recreation and Enrichment, and other places of assembly allowed with a MPP instead of a UP. • Financial institutions allowed in M-S/POA with a MPP instead of UP.
Office and Public Facility Uses 19.24.030	<ul style="list-style-type: none"> • Financial institutions allowed in O with a MPP instead of UP.
Flags 19.44.020 (20)	<ul style="list-style-type: none"> • Allow commercial flags for multifamily developments.
Temporary Commercial Signs 19.44.120	<ul style="list-style-type: none"> • For new businesses: allow grand openings with large inflatable objects for 30 days instead of 16. Clarify height limit for large inflatable objects. Allow ground sign “sleeves” for new businesses. • For existing businesses: Extend allowable days for temporary signs to 90 (from 60) for enclosed uses and 120 (from 80) for unenclosed uses. Allow banners in medium and high-density residential zones and against fences, walls or ground signs. • Reorganize temporary signs section to make it easier to use.
Fences Section 19.48.020	<ul style="list-style-type: none"> • Codify permitted fence materials in residential zones and allow front yard fences up to 4 ft. without a permit. • Codify reducible front yard setback and ease permit process • Increase allowable side and rear yard fence height and ease permit process, removing need for neighbor agreement.
Telecommunications Facilities Table 19.54.080 and Section 19.54.120 19.54.130(b)	<ul style="list-style-type: none"> • Allow some types of telecommunication facilities to be reviewed at a lower level than Planning Commission and/or Administrative Hearing. • Extend permit review from 5 to 10 years to comply with state law. • Amend language regarding electromagnetic waves so it is not defined as “pollution.”
Use Permits and Special Development Permits Section 19.88.020 19.90.020	<ul style="list-style-type: none"> • Allow projects that can use Class 32 Cat Exempt to be reviewed by Admin Hearing. Projects may be referred to Planning Commission at the discretion of the director of community development. • Industrial projects that exceed FAR limitations may be decided by the Planning Commission, not City Council. These projects may be appealed to City Council.
Appeals Section 19.98.070	<ul style="list-style-type: none"> • Limit number of appeals to one. Section was restructured for clarity.

Surrounding Uses and Setting: This project is city-wide.

EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
3. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
4. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
5. “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, “Earlier Analysis,” may be cross-referenced).
6. Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
7. *Earlier Analysis Used.* Identify and state where they are available for review.
8. *Impacts Adequately Addressed.* Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
9. *Mitigation Measures.* For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project
10. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a

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previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology/Soils
- Hazards & Hazardous Materials
- Hydrology/Water Quality
- Land Use/Planning
- Mineral Resources
- Noise
- Population/Housing
- Public Services
- Recreation
- Transportation/Traffic
- Utilities/Service Systems
- Mandatory Findings of Significance

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

August 20, 2009

Signature

Date

Diana O'Dell

City of Sunnyvale

Printed Name

For (Lead Agency)

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 17
b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 17
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 17
d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 17
2. AIR QUALITY: Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3, 111
3. BIOLOGICAL RESOURCES:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
b. Have a substantially adverse impact on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
4. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
5. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
b. Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of <i>avoiding or mitigating an environmental effect</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	17
6. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	19
7. NOISE. Would the project result in:					
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of <i>other agencies</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16
d. A substantially temporary or periodic increase in ambient noise levels in the <i>project vicinity above levels existing without the project</i> ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	16
8. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Displace substantial numbers of existing housing, necessitating the construction of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
replacement housing elsewhere?					
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
9. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
c. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Other services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
10. MANDATORY FINDINGS OF SIGNIFICANCE					
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

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	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
11. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
d. Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UBC, UPC, UMC, NEC

Negative Declaration for Title 19 Update – Streamlining

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
12. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
b. Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
e. Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	20, 111
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	22
13. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111

Negative Declaration for Title 19 Update – Streamlining

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
d. Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
g. Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12
14. HAZARDS AND HAZARDOUS MATERIALS. Would the project?					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC

Negative Declaration for Title 19 Update – Streamlining

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
project area?					
g. Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UFC, UBC, SVMC
15. RECREATION					
a. Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	13
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	13
16. AGRICULTURE RESOURCES: In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2, 111

Negative Declaration for Title 19 Update – Streamlining

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
17. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24, 87
b. Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	25
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or surface runoff in a manner which would result in flooding on- or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24
e. Create or contribute runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24
g. Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	111
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	56
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	56

Negative Declaration for Title 19 Update – Streamlining

	Potentially Significant Impact	Less than Sig. With Mitigation	Less Than Significant	No Impact	Source
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	24

Diana O'Dell

8/20/09

Completed By

Date

Negative Declaration for Title 19 Update – Streamlining

City of Sunnyvale General Plan:

2. Map
3. Air Quality Sub-Element
4. Community Design Sub-Element
5. Community Participation Sub-Element
6. Cultural Arts Sub-Element
7. Executive Summary
8. Fire Services Sub-Element
9. Fiscal Sub-Element
10. Heritage Preservation Sub-Element
11. Housing & Community Revitalization Sub-Element
12. Land Use & Transportation Sub-Element
13. Law Enforcement Sub-Element
14. Legislative Management Sub-Element
15. Library Sub-Element
16. Noise Sub-Element
17. Open Space Sub-Element.
18. Recreation Sub-Element
19. Safety & Seismic Safety Sub-Element
20. Sanitary Sewer System Sub-Element
21. Socio-Economic Sub-Element
22. Solid Waste Management Sub-Element
23. Support Services Sub-Element
24. Surface Run-off Sub-Element
25. Water Resources Sub-Element
26. **City of Sunnyvale Municipal Code:**
27. Chapter 10
28. Zoning Map
29. Chapter 19.42. Operating Standards
30. Chapter 19.28. Downtown Specific Plan District
31. Chapter 19.18. Residential Zoning Districts
32. Chapter 19.20. Commercial Zoning Districts
33. Chapter 19.22. Industrial Zoning Districts
34. Chapter 19.24. Office Zoning Districts
35. Chapter 19.26. Combining Zoning Districts
36. Chapter 19.28. Downtown Specific Plan
37. Chapter 19.46. Off-Street Parking & Loading
38. Chapter 19.56. Solar Access
39. Chapter 19.66. Affordable Housing
40. Chapter 19.72. Conversion of Mobile Home Parks to Other Uses
41. Chapter 19.94. Tree Preservation
42. Chapter 19.96. Heritage Preservation
- Specific Plans**
43. El Camino Real Precise Plan
44. Lockheed Site Master Use Permit
45. Moffett Field Comprehensive Use Plan
46. 101 & Lawrence Site Specific Plan
47. Southern Pacific Corridor Plan
- Environmental Impact Reports**
48. Futures Study Environmental Impact Report
49. Lockheed Site Master Use Permit Environmental Impact Report
50. Tasman Corridor LRT Environmental Impact Study (supplemental)
51. Kaiser Permanente Medical Center Replacement

- Center Environmental Impact Report (City of Santa Clara)
52. Downtown Development Program Environmental Impact Report
53. Caribbean-Moffett Park Environmental Impact Report
54. Southern Pacific Corridor Plan Environmental Impact Report

Maps

55. City of Sunnyvale Aerial Maps
56. Flood Insurance Rate Maps (FEMA)
57. Santa Clara County Assessors Parcel
58. Utility Maps (50 scale)

Lists/Inventories

59. Sunnyvale Cultural Resources Inventory List
60. Heritage Landmark Designation List
61. Santa Clara County Heritage Resource Inventory
62. Hazardous Waste & Substances Sites List (State of California)
63. List of Known Contaminants in Sunnyvale

Legislation/Acts/Bills/Codes

64. Subdivision Map Act
65. Uniform Fire Code, including amendments per SMC adoption
66. National Fire Code (National Fire Protection Association)
67. Title 19 California Administrative Code
68. California Assembly Bill 2185/2187 (Waters Bill)
69. California Assembly Bill 3777 (La Follette Bill)
70. Superfund Amendments & Reauthorization Act (SARA) Title III

Transportation

71. California Department of Transportation Highway Design Manual
72. California Department of Transportation Traffic Manual
73. California Department of Transportation Standard Plan
74. California Department of Transportation Standard Specification
75. Institute of Transportation Engineers - Trip Generation
76. Institute of Transportation Engineers Transportation and Traffic Engineering Handbook
77. U.S. Dept. of Transportation Federal Highway Admin. Manual on Uniform Traffic Control Devices for Street and Highways
78. California Vehicle Code
79. Traffic Engineering Theory & Practice by L. J. Pegnataro
80. Santa Clara County Congestion Management Program and Technical Guidelines
81. Santa Clara County Transportation Agency Short Range Transit Plan

Negative Declaration for Title 19 Update – Streamlining

- 82. Santa Clara County Transportation Plan
- 83. Traffic Volume Studies, City of Sunnyvale Public works Department of Traffic Engineering Division
- 84. Santa Clara County Sub-Regional Deficiency Plan
- 85. Bicycle Plan

Public Works

- 86. Standard Specifications and Details of the Department of Public Works
- 87. Storm Drain Master Plan
- 88. Sanitary Sewer Master Plan
- 89. Water Master Plan
- 90. Solid Waste Management Plan of Santa Clara County
- 91. Geotechnical Investigation Reports
- 92. Engineering Division Project Files
- 93. Subdivision and Parcel Map Files

Miscellaneous

- 94. Field Inspection
- 95. Environmental Information Form
- 96. Annual Summary of Containment Excesses (BAAQMD)
- 97. Current Air Quality Data
- 98. Chemical Emergency Preparedness Program (EPA) Interim Document in 1985?)

- 99. Association of Bay Area Governments (ABAG) Population Projections
- 100. Bay Area Clean Air Plan
- 101. City-wide Design Guidelines
- 102. Industrial Design Guidelines

Building Safety

- 103. Uniform Building Code, Volume 1, (Including the California Building Code, Volume 1)
- 104. Uniform Building Code, Volume 2, (Including the California Building Code, Volume 2)
- 105. Uniform Plumbing Code, (Including the California Plumbing Code)
- 106. Uniform Mechanical Code, (Including the California Mechanical Code)
- 107. National Electrical Code (Including California Electrical Code)
- 108. Title 16 of the Sunnyvale Municipal Code

Additional References

- 109. USFWS/CA Dept. F&G Special Status Lists
- 110. Project Traffic Impact Analysis
- 111. Project Description
- 112. Project Development Plans
- 113. Santa Clara County Airport Land Use Plan
- 114. Federal Aviation Administration

Diana O'Dell - POLICY--Fwd: [BULK] PNFS] Re: Updates to the Sunnyvale Municipal Code Title 19 (Zoning) to Streamline Processes

From: Anne Lee
To: Ryan, Trudi
Date: 9/29/2009 2:26 PM
Subject: POLICY--Fwd: [BULK] PNFS] Re: Updates to the Sunnyvale Municipal Code Title 19 (Zoning) to Streamline Processes
CC: O'Dell, Diana

Trudi and Diana:
FYI

>>> Heidi Kirk 9/28/2009 3:22 PM >>>
Meant to copy you on this one also. -H

>>> On 9/28/2009 at 2:49 PM, Heidi Kirk <Heidi Kirk@ci.sunnyvale.ca.us> wrote:
Forwarding from Council AnswerPoint. -H

>>> On 9/28/2009 at 2:48 PM, Heidi Kirk <Heidi Kirk@ci.sunnyvale.ca.us> wrote:
Ms. Gabali:

Thank you for your email. Your message deals with City policy and is being forwarded to the entire City Council and copied to key staff members. You may or may not receive a response from one or more Councilmembers.

If this policy issue is already on the Council's agenda for a public hearing, Council will accept any information you wish to provide in advance of that date (materials can be mailed to City Council at P.O. Box 3707, Sunnyvale, CA 94088-3707). However, individual Councilmembers will often refrain from meeting with community members on specific issues prior to a scheduled public hearing. This ensures that all Councilmembers hear the same information and all sides of an issue prior to taking a position or making a decision. For this reason, you are encouraged to attend the public hearing and share your thoughts with all Councilmembers.

If the policy issue you are addressing is not already on the City Council's agenda, you may wish to suggest this as a possible "Study Issue." The Study Issue process allows Council to prioritize the limited number of policy issues it can study and address each year. To learn more about the City's Study Issue process, please visit the City's website at www.sunnyvale.ca.gov or contact the City's Intergovernmental Relations Officer at 730-7536.

If you are unsure as to whether or not your issue is already on the City Council's agenda, you can access Council's Tentative Meeting Agenda Calendar via the website above, or contact the Office of the City Clerk at 730-7483.

Ms. Heidi Kirk

Executive Assistant
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Save the environment. Please don't print this email unless you really need to.

>>> On 9/28/2009 at 2:44 PM, Magda <gabbielou89@yahoo.com> wrote:
To City Council and Planning Commission

The proposal to alter or "streamline" the "processes" for bending the municipal code will accomplish only TWO things:

- 1) Increase the bureaucracy by which sunnyvale residents petition the city by adding yet another "process" and another "city or staff group" to petition so to accomplish any change to residential or commercial properties
- 2) Marginalize the authority of the boards and commissions who are the processes and filters used by the city to review requests of residents and businesses.

According to The City Charter, citizen boards and commissions are established so as to advise the City Council and provide ongoing citizen input into policies and issues affecting the Sunnyvale community, residents and business

This "update" will just add another layer of processes, and the unintended consequence will be to increase the layers of bureaucracy in the management of the city, and increase resident confusion about the processes by which they can petition the city while it will only benefit businesses who want to avoid the investigative eye of the planning commission and the city council.

In addition, it is unclear who will be conducting this additional process. Will it be a volunteer staff to the planning commission? How will they be assigned this role? Will the citizens of Sunnyvale have to incur an additional financial burden as "planning staff" will be conducting these reviews and aren't they paid staff members?

PLEASE LET THE PLANNING COMMISSION CONDUCT BUSINESS ACCORDING

TO CITY CHARTER

STOP THIS BUREAUCRATIC MESS AND STOP THESE BUREAUCRATIC
AMENDMENTS.

thanks,
Magda Gabali
42 yr-resident of Sunnyvale

Planning Commission Minutes of September 28, 2009**2009-0666 Updates to the Sunnyvale Municipal Code Title 19 (Zoning) to Streamline Processes – DO**

Diana O'Dell, Senior Planner, presented the staff report. She said that a version of the ordinance was provided on the dais this evening that should be easier to read with less strikethroughs and includes further clarification in the language. She said there were no policy modifications made to the streamlining changes originally proposed. She said that staff is proposing requiring that as part of the streamlining of telecommunications that certain enhancements be made to reviewing telecommunication permits. She said part of the requirement is that every two years a telecommunications provider provides reports to the City certifying that it meets the requirements for noise and RF (Radio Frequency) emissions. Staff said there are extra document copies of this change available tonight for the public.

Comm. Klein discussed proposed changes to the sign regulations with staff including that the sign regulations would be moved out of the definitions section, and discussed the reasoning for the number of commercial flags allowed. Comm. Klein discussed with staff fences in front yards and changing the height allowance, not requiring a permit, from three feet to four feet. **Trudi Ryan**, Planning Officer, said the fences would still have to meet the vision triangle requirements and no changes are being proposed to the vision triangle. Ms. Ryan said that the requiring open fences could be considered. Comm. McKenna confirmed with Comm. Klein that at a previous Study Session he wanted to see a greater setback requirement if the fence was taller. Comm. Klein asked staff about removal of the language "electromagnetic waves" in section 19.54.130. **Kathryn Berry**, Senior Assistant City Attorney, said there is controversy regarding electromagnetic waves, whether they are harmful, and the Federal government has done studies confirming that the waves are not harmful, resulting in local governments not being allowed to regulate this concern. Ms. Berry said that adding the requirement for RF emission testing will reveal what is being emitted.

Comm. Rowe discussed with staff banners on fences including the size and how long they can be displayed. Staff is proposing to allow a cumulative total of 90 days per year from the current 60 days. Comm. Rowe discussed with staff commercial flags and real estate signs. Comm. Rowe discussed with staff why a six foot fence would be allowed in a front yard and the type of permit that would be required for various height fences.

Comm. Klein asked staff about the frequency restrictions and times for various time restrictions. Ms. Ryan said that the hours in the ordinance would be

corrected to say "between the hours of 12:01 a.m. and 12:00 midnight on Saturday, Sunday and federal holidays. Comm. Klein asked if there is anywhere in the code that talks about the nuisance affect of electromagnetic interference. Ms. Ryan said there is not a specific place that addresses this issue. Comm. Klein asked about signs in the public right-of-way with staff saying that issue would be included in the Title 10 section.

Comm. Rowe asked about fences and whether they would need to be see through or solid, with staff saying that they are not suggesting one or the other.

Comm. McKenna asked if the City, Council, or the law have a priority order for energy systems. **Andrew Miner**, Principal Planner said emergency communication devices would be the highest priority. Comm. McKenna suggested that the City might want to take a look at energy systems and determine what the City would like to promote or what the City's priority should be.

Chair Chang opened the public hearing.

Michael Flores, a Sunnyvale resident, commented that he thinks it is preferable to allow up to four foot fences with an open fence of consistent height in the vision triangle, especially if a resident has dogs. He discussed EMF (Electromagnetic Frequency) and said that electromagnetic interference from windmills, solar, etc. should be covered under the FCC (Federal Communications Commission) rules.

Chair Chang closed the public hearing.

Comm. Klein moved for **Alternative 2** to recommend to **City Council** to adopt the **Negative Declaration (Attachment C)** and make modifications to the ordinance in **Attachment B**: to modify the times and days in **19.44.120 (c) 5** to read "between the hours of 12:01 a.m. and 12:00 midnight on Saturday, Sunday and federal holidays"; to modify **19.48.025** that the maximum front yard fence height allowed be 3-foot at the property line, and 4-foot permitted with a 2-foot setback from the property line; to direct staff to further study electromagnetic interference to possibly add the subject in the code. **Comm. McKenna** seconded the motion.

Ms. Berry asked **Comm. Klein** if the motion includes the addition of the language "and RF emissions" to **19.54.120** paragraph (a) numeral (i) and the changes provided on the dais by staff. **Comm. Klein** and the seconder agreed that these changes are included in the motion.

Comm. Klein said these changes should make things simpler for staff and the Planning Commission, codifying some of the common variations or deviations requested. He said that this is mostly code clean up, sign issues, and fence issues. He thanked the citizens for their input.

Comm. McKenna said that these changes relax the code where it is appropriate and adds flexibility for residents, and cleans up areas that need cleaning up.

Chair Chang said he would be supporting the motion and that the changes would make it easier for citizens to get projects done in these challenging economic times.

Chair Rowe thanked Comm. Klein for including the two foot setback on the four foot fences. She said the only issue she has with the document is the higher front fence in the front yard, however she will be supporting the motion as she supports all the other changes.

ACTION: Comm. Klein made a motion on 2009-0666 to recommend to City Council to adopt the Negative Declaration (Attachment C) and make modifications to the ordinance in Attachment B: to modify the times and days in 19.44.120 (c) 5 to read "between the hours of 12:01 a.m. and 12:00 midnight on Saturday, Sunday and federal holidays"; to modify 19.48.025 that the maximum front yard fence height allowed be 3-foot at the property line, and 4-foot permitted with a 2-foot setback from the property line; to add the language "and RF emissions" to 19.54.120 (a) (i); to include the changes provided on the dais by staff in Attachment B. Comm. McKenna seconded. Motion carried, 6-0, with Vice Chair Travis absent.

APPEAL OPTIONS: This recommendation will be forwarded to City Council and is scheduled to be considered at the October 27, 2009 Council meeting.