

**ORDINANCE NO. 2895-09**

**AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF SUNNYVALE EXTENDING THE LIFE  
OF SPECIFIC PERMITS WHICH ARE CURRENTLY  
ACTIVE PURSUANT TO TITLE 19 (ZONING) OF THE  
SUNNYVALE MUNICIPAL CODE**

WHEREAS, Title 19 (Zoning) of the Sunnyvale Municipal Code establishes permit types, specific plan districts and general procedures including approval process, life of permit and extensions, and

WHEREAS, Section 19.98.110 of the Sunnyvale Municipal Code provides that permits shall become null and void if not exercised within two (2) years from the date of approval by the final review authority except that Miscellaneous Plan Permits and Tree Removal Permits shall become null and void if not exercised within one (1) year; and

WHEREAS, Section 19.98.120 of the Sunnyvale Municipal Code allows the director of community development to approve extensions of time up to one (1) year to exercise any permit initially considered at a public hearing if requests for an extension of time are received and approved prior to the expiration of the original permit; and

WHEREAS, Section 19.98.110 of the Sunnyvale Municipal Code provides that any use that requires a permit that is discontinued for more than a year shall expire and become null and void; and

WHEREAS, Chapter 19.29 the Sunnyvale Municipal Code includes provisions for the Moffett Park Specific Plan zoning district and the Moffett Park Specific Plan development reserve and provides that permits for entitlement to development reserve square footage shall be valid for two years from the date of final approval by the approval authority and that two separate one-year extensions may be requested through the filing of a miscellaneous plan permit prior to the permit's expiration. The extension may be granted at the discretion of the director of community development; and

WHEREAS, Chapter 19.29 of the Sunnyvale Municipal Code also includes provisions for the Moffett Park Specific Plan zoning district and the Moffett Park Specific Plan development reserve and provides that an applicant may obtain an extended, seven-year entitlement by a non-refundable prepayment of a portion of the transportation impact fee applicable to the project.

WHEREAS, the City of Sunnyvale has approved numerous permits of varying scale pursuant to Title 19 of the Municipal Code. Such permits have been reviewed and approved by the director of community development, planning commission or city council. Current timelines established by Title 19 will result in the expiration of such permits within the near future or they have expired in the recent past; and

WHEREAS, due to the current economy and state of funding needed to accommodate many permits the current timeline established for these permits is an undue hardship on applicants and property owners. The City Council finds that it is desirable to extend the life of such permits.

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

**Permit extensions - Uncodified Ordinance**

The current economic climate caused many construction projects to be deferred until adequate financing can be secured by applicants and property owners. The current timeline established for permits issued by the City of Sunnyvale is an undue hardship on these applicants and requires interim local government assistance.

(a) All permits, approved pursuant to the provisions of the City of Sunnyvale Municipal Code, Title 19, that are valid as of April 1, 2009 through March 31, 2011, are granted an additional one (1) year in which to exercise the permit.

(b) In addition to the provisions in (a) above and all other extensions of time that are available pursuant to Title 19 of the Sunnyvale Municipal Code, any permit that was initially considered at a public hearing (administrative hearing, planning commission, heritage preservation commission or city council) and is valid as of April 1, 2009 through March 31, 2011, may be granted up to an additional one (1) year extension by the Director of Community Development if approved before the pending expiration date of the permit.

(c) All uses which have been legally established by permit pursuant to Title 19 and that have been discontinued for a period of one (1) year, with any portion of that year occurring between April 1, 2009 and March 31, 2011, and that would otherwise expire and become null and void, are hereby authorized to re-establish within two (2) years from date of the discontinuance of the use to maintain the validity of the permit.

(d) Nothing in this ordinance shall affect other performance or time requirements imposed or associated with the subject permit (Conditions of Approval).

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 3. CEQA COMPLIANCE. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 4. 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 April 21, 2009, and adopted as an uncodified 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