

ORDINANCE NO. 2920-10

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO THE PRECISE PLAN FOR EL CAMINO REAL

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

SECTION 1. CHAPTER 19.26 AMENDED. Chapter 19.26 (Combining Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Chapter 19.26

COMBINING DISTRICTS

- 19.26.010. Combining districts—General purpose.**
- 19.26.020. Planned Development (PD) combining district created—Purpose.**
- 19.26.030. PD combining district—Permit required.**
- 19.26.040. Office (O) combining district created—Purpose.**
- 19.26.050. O combining district—Permit required.**
- 19.26.060. Heritage Housing (HH) combining district created—Purpose.**
- 19.26.070. Nomination of HH heritage district—Initiation of zoning change for HH heritage housing district—Adoption of neighborhood policy.**
- 19.26.080. HH combining district—Demolition and replacement construction.**
- 19.26.090. Industrial to Residential (ITR) district created—Purpose.**
- 19.26.100. ITR combining district—Boundaries.**
- 19.26.110. ITR combining district—Damage or destruction.**
- 19.26.120. ITR combining district—Residential uses.**
- 19.26.130. ITR combining district—Industrial, commercial and office uses.**
- 19.26.140. Precise Plan for El Camino Real (ECR) combining district created—Purpose.**
- 19.26.150. ECR combining district—Permit required.**
- 19.26.160. ECR combining district—General development standards for all properties.**
- 19.26.170. ECR combining district—General development standards for Node properties.**
- 19.26.180. ECR permit—Uses to comply.**
- 19.26.190. ECR permit—Conditions and findings.**
- 19.26.200. Residential single-story (S) combining district created—Purpose.**

**19.26.210. Places of assembly (POA) combining district (POA) created—
Purpose.**

19.26.220. Mixed use (MU) combining district.

19.26.230. Live/work units.

19.26.010. Combining districts—General purpose.

(a) The purpose of this chapter is to provide a mechanism whereby certain additional regulations can be combined with the basic regulations of a zoning district to permit the use and development of land which has unique and special development circumstances that cannot be addressed with the standards of the underlying zoning district.

(b) The addition of a combining district designated with any zoning district shall not operate to reduce or eliminate any requirements established by the basic district regulations or other requirements contained in this title applicable to any district with which the combining district is added unless expressly provided in this chapter.

**19.26.020. Planned Development (PD) combining district created—
Purpose.**

(a) There is hereby created a combining district to be known as Planned Development (PD) combining district which may be combined with any of the zoning districts designated in Chapter 19.16.

(b) The purpose of the PD combining district is to provide modifications, additions and limitations to other zoning districts to meet special conditions and situations concerning properties within such zoning districts that cannot otherwise be handled satisfactorily. This district is also intended to provide opportunities for creative development approaches and standards that will achieve superior community design, environmental preservation and public benefit, such as, but not limited to:

(1) Facilitating development or redevelopment of a site to improve the neighborhood;

(2) Allowing a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project;

(3) Facilitating desirable development of properties at significant intersections; or

(4) Allowing development and creation of lots that are less than the minimum size required in the base zoning district.

19.26.030. PD combining district—Permit required.

(a) Uses. Except for uses listed as permitted uses in the underlying zoning district, no use shall be established or changed upon property in any zoning district with which the PD combining district is combined unless either a miscellaneous plan permit or special development permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapters 19.82 and 19.90.

(b) Structures. No building or structure shall be constructed or altered, upon property in any zoning district with which the PD combining district is combined unless either a miscellaneous plan permit or special development

permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapters 19.82 and 19.90.

19.26.040. Office (O) combining district created—Purpose.

(a) There is hereby created a combining district to be known as Office (O) combining district which may be combined with any of the residential districts designated in Chapter 19.16.

(b) – (c) [Text unchanged.]

19.26.050. O combining district—Permit required.

[Text unchanged.]

19.26.060. Heritage Housing (HH) combining district created—Purpose.

(a) There is hereby created a combining district to be known as Heritage Housing (HH) combining district which may be combined with any residential zoning district designated as a heritage resource district in accordance with Chapter 19.96.

(b) [Text unchanged.]

19.26.070. Nomination of HH heritage district—Initiation of zoning change for HH heritage housing district—Adoption of neighborhood policy.

[Repealed.]

19.26.080. HH combining district—Demolition and replacement construction.

(a) No demolition of any residential structure in a HH combining district may be performed without approval by the heritage preservation commission pursuant to a public hearing as set forth in Chapter 19.96 subject to the following findings:

(1) – (3) [Text unchanged.]

(b) [Text unchanged.]

19.26.090. Industrial to Residential (ITR) district created—Purpose.

(a) There is hereby created a zoning district to be known as Industrial to Residential (ITR) combining district, which may be used in conjunction with certain industrial, commercial or office zoning districts as established Chapter 19.16.

(b) [Text unchanged.]

19.26.100. ITR combining district—Boundaries.

[Text unchanged.]

19.26.110. ITR combining district—Damage or destruction.

[Text unchanged.]

19.26.120. ITR combining district—Residential uses.

[Text unchanged.]

19.26.130. ITR combining district—Industrial, commercial and office uses.

[Text unchanged.]

19.26.140. Precise Plan for El Camino Real (ECR) combining—district created—Purpose.

(a) There is hereby created a combining district to be known as the Precise Plan for El Camino Real (ECR) combining district which may be combined with property along El Camino Real within any of the zoning districts designated in Chapter 19.16.

(b) The purpose of the ECR combining district is to implement the vision described in the precise plan for El Camino Real which calls for modifications, additions and limitations to zoning district regulations to implement the plan for and respond to the special conditions present along El Camino Real.

19.26.150. ECR combining district Permit required.

(a) Uses. Except for uses listed as permitted uses in the underlying zoning district, no use shall be established or changed upon property in any zoning district with which the ECR combining district is combined unless either a miscellaneous plan permit or special development permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapters 19.82 and 19.90.

(b) Structures. No building or structure shall be constructed or altered, upon property in any zoning district with which the ECR combining district is combined unless either a miscellaneous plan permit or special development permit is first issued by the director of community development, the planning commission or the city council in accordance with procedures set forth in Chapters 19.82 and 19.90.

(c) Applications. Permit applications may be subject to additional procedures and requirements set forth in the Precise Plan for El Camino Real.

19.26.160. ECR combining district—General development standards for all properties.

In addition to the provisions of the underlying zoning district, a use or development in any zoning district with which the ECR combining district is combined shall comply with the following development standards:

(a) Lot Size. Minimum lot size for nonresidential parcels shall be one acre.

(b) Setback. Properties within the ECR Combining District shall have a minimum front yard setback of fifteen (15) feet. There must be a minimum setback of twenty (20) feet from adjacent residential zoning districts not combined with the ECR combining district.

(c) Building Height. For any portion of a building that is within seventy-five (75) feet of a property line of a single-family residential zoning district the maximum building height shall be thirty (30) feet. In all other cases,

maximum building height shall not exceed fifty-five (55) feet unless the property is located in a Node area delineated in the Precise Plan for El Camino Real.

(d) Transitions Between Uses.

(1) Residential and Nonresidential. The following development standards apply to proposed nonresidential or mixed use development that is adjacent to a residential zoning district not combined with ECR:

(A) Buffer Walls and Landscaping. A twenty-foot (20) wide landscaped buffer area is required. The properties shall be separated by a masonry wall of a minimum height of eight (8) feet, as measured from the highest adjoining grade.

(B) Loading Areas and Trash Enclosures. All loading areas and trash enclosures shall be set back a minimum of twenty (20) feet from the property line.

(C) Lighting. Light standards located within a required landscaped buffer shall not exceed eight (8) feet in height, and shall not exceed fifteen (15) feet in height outside of the buffer.

(2) Residential and Residential. The development standards for transitions listed above may be required for proposed higher density residential development that is adjacent to a residential zoning district not combined with ECR.

(e) Additional Requirements. Additional or more restrictive requirements may be imposed through the issuance of a miscellaneous plan permit or special development permit to assure compliance with the Precise Plan for El Camino Real.

19.26.170. ECR combining district—General development standards for Node properties.

In addition to the provisions of the underlying zoning district, and the requirements set forth in section 19.26.160, a use or development within a Node area, as delineated in Precise Plan, shall comply with the following development standards:

(a) Lot Size. Minimum lot size for nonresidential or mixed use projects shall be two (2) acres.

(b) Uses. Mixed use development in a commercial zoning district within a Node area must have a minimum of 20% of the lot area (floor area ratio) as commercial use.

(c) Setback. Mixed use development within a Node area may have a zero front yard setback provided all applicable vision triangle requirements are met.

(d) Building Height. For any portion of a building that is within seventy-five (75) feet of a property line of a single-family residential zoning district, the maximum building height shall be thirty (30) feet. In all other cases, maximum building height shall not exceed seventy-five (75) feet.

(e) Additional Requirements. Additional or more restrictive requirements may be imposed through the issuance of a miscellaneous plan permit or special development permit to assure compliance with the Precise Plan for El Camino Real.

19.26.180. ECR permit—Uses to comply.
[Repealed.]

19.26.190. ECR permit—Conditions and findings.
[Repealed.]

**19.26.200. Residential single-story (S) combining district created—
Purpose.**
[Text unchanged.]

**19.26.210. Places of assembly (POA) combining district (POA) created—
Purpose.**
[Text unchanged.]

19.26.220. Mixed use (MU) combining district.
[Text unchanged.]

19.26.230. Live/work units.
[Text unchanged.]

SECTION 2. SECTION 19.82.050 AMENDED. Section 19.82.050 of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.82.050. Findings.

(a) The director or planning commission may approve any miscellaneous plan permit, with the exception of a determination of convenience or necessity, upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

(1) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or

(2) [Text unchanged.]

(b) [Text unchanged.]

SECTION 3. SECTION 19.88.050 AMENDED. Section 19.88.050 of Chapter 19.88 (Use Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.88.050. Findings.

The director, planning commission or city council may approve any use permit upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

(a) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or

(b) [Text unchanged.]

SECTION 4. SECTION 19.90.030 AMENDED. Section 19.90.030 of Chapter 19.90 (Special Development Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.90.030. Procedures.

- (a) [Text unchanged.]
- (b) Deviations from lot area per dwelling unit may not be approved though a special development permit.

SECTION 5. SECTION 19.90.050 AMENDED. Section 19.90.050 of Chapter 19.90 (Special Development Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.90.050. Findings.

The director, planning commission or city council may approve any special development permit upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will either:

- (a) Attain the objectives and purposes of the general plan, specific plan, precise plan, or other specialized plan of the city of Sunnyvale; or
- (b) [Text unchanged.]

SECTION 6. SECTION 19.98.015 ADDED. Section 19.98.015 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

19.98.015. Existing permits.

On property for which a use permit or special development permit has been issued prior to the adoption of regulations stated in this Title, the director of community development may determine the appropriate permit and procedure for an owner's application for a modification to an existing permit, such that it is in accordance with current permit requirements, procedures for similar proposals, and prior decisions.

SECTION 7. CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, that this ordinance and the Negative Declaration have been prepared and are in compliance with the requirements of CEQA and hereby adopts the Negative Declaration.

SECTION 8. 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 or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 10. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on May 25, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, 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