



Council Meeting: November 29, 2011

SUBJECT: 2010-7148 Retooling the Zoning Code – Title 19 (Information Only)

BACKGROUND

In October 2009, staff informed Council that work was underway on three major sets of amendments to the Zoning code to correct errors, clarify ambiguous or conflicting regulations and rewrite whole sections so that they are easier to understand and communicate to the general public. Council adopted the first set of these amendments at that time, which included minor corrections and word changes, and streamlining certain permit processes (RTC [09-263](#) and RTC [09-266](#)).

DISCUSSION

RETOOLING THE ZONING CODE

As work continued on the remaining sets of amendments, it was found that several sections of the Zoning Code would have to be amended to make regulations clearer under its current structure. After further consideration, it was decided to reorganize and rewrite the entire Zoning Code. The decision to “retool” the Zoning Code included the following considerations.

Time to Revisit

Since 1963, the Zoning Code has been reviewed in its entirety only once when it was restructured in 1999-2001 (RTC 99-411, 00-199, 00-374, and 01-346). Clarity and structure were significantly improved at that time, but subsequent piecemeal amendments have resulted in inconsistencies and increasingly complex regulations and processes. The Zoning Code contains multiple permit types with varying processes, obscurely located or scattered regulations and dated definitions; all add to difficulties in public understanding and staff administration.

Public Accessibility

Zoning ordinances have traditionally been written by attorneys and planning professionals but are commonly used by members of the public. Recent amendments to the Sunnyvale Zoning Code were written to be more easily understood, but legal jargon still exists throughout those sections that have remained untouched. The public has repeatedly expressed difficulty finding information or understanding the Zoning Code. As a remedy, staff has taken a

lot of time creating and maintaining more user-friendly brochures and handouts. It is important for the Zoning Code to be easily accessible to everyone; the public should be able to understand the City's regulations and processes without having to rely on separate brochures.

Major Planned Updates

There are several potential Zoning Code amendments in the pipeline. Since these potential amendments will involve whole chapters and almost all sections, there is an opportunity to ensure overall clarity and consistency in regulations, processes, and format. These major planned updates include:

- Housing & Community Revitalization Sub-Element Implementation Programs
 - Update of the Mobile Home Park Conversion Ordinance (February 2012)
 - Update of the Affordable Housing Ordinance (March 2012)
 - Other Zoning Code amendments: provisions for special needs housing/emergency shelters, review of multi-family housing developments, modified parking standards special housing; and Reasonable Accommodations procedures (December 2011)
- Staff initiated study to determine appropriate locations for child care centers (April 2012)
- 2011 Study Issue for a comprehensive update of the Sign Code, Ch. 19.44 of Title 19 (October 2012)

In addition to the items above, major Zoning Code amendments (including the possible adjustments to Zoning District definitions and categories) may be required as part of the implementation of the goals and policies of the Land Use and Transportation Element, following its planned adoption in the summer of 2012. Implementation of the Lawrence Station Area Plan, following its planned adoption in spring of 2013, will also likely involve Zoning Code changes.

GOALS AND OBJECTIVES OF ZONING CODE RETOOLING

This effort will employ many of the methods used in consolidating the General Plan (RTC [11-157](#)). Staff will clarify, reorganize and rewrite. Except for Council directed studies, General Plan implementation efforts, and streamlining procedures as described below, substantive policy changes are not expected. The following goals and actions have been identified for the reorganization and rewrite of the Zoning Code:

- **Clear and User-Friendly**
 - Rewrite to use simple, concise sentences;
 - Rewrite regulations to capture the “intent” of their creation as much as possible to reduce errors in interpretations and dependency on explanations in the staff report;

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- Create new tables and sections or consolidate tables and sections to present information more clearly;
 - Fill “holes” where regulations are unclear, while not changing or creating new policy;
 - Ensure consistency between the terms used throughout Code, which may involve the creation of new definitions and modification of existing terms; and
 - Include numerous illustrations to clarify regulations.
- **Easy to Navigate and Update**
 - Establish a structure that is organized more intuitively and include cross-references (e.g., contain all applicable development standards for a zoning district in one chapter, instead of having a separate chapter for setbacks, a separate chapter for lot size, etc.);
 - Ensure consistency by creating a standard format for each chapter (i.e. each chapter should have a Purpose, Applicability, Definitions specific to the chapter, etc.); and
 - Create a web-based document that is easy to navigate using web features (i.e. hyperlinks to referenced sections, definitions of terms, and external sources such as applicable state laws, etc.).
 - **Streamlined Procedures**
 - Continue the streamlining efforts from October 2009, which include simplifying review levels for minor and routine applications;
 - Minimize variations in permitting and administrative procedures (i.e. noticing requirements, comment periods, appeals, expiration of permits, etc.) without changing the original intent of their creation; and
 - Clarify the intent of each permit type and create new permit types as necessary so that it is clear whether the permit is considering appropriateness of use or site development standards and architecture.

Except for streamlined procedures, staff does not intend to propose material changes to the regulations. For example, there will not be a change to any required development standards such as setbacks, height, density, floor area ratio, water-efficient landscaping requirements, or trash enclosure standards. Also, there will not be changes to uses or densities allowed in zoning districts. Planning staff will work closely with the City Attorney to ensure that any proposed changes to the Zoning Code meet this goal, as outlined in this report. If during the retooling process, some minor changes to standards may be suggested to clarify the Code or to eliminate inconsistencies, these will be clearly highlighted to the public, Planning Commission and Council.

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Staff is consulting a number of publications by the American Planning Association on good Zoning Code writing practices, such as *A Better Way to Zone* by Donald L. Elliott, *21st Century Land Development Code* by Robert H. Freilich *et al*, and *Preparing a Conventional Zoning Ordinance* by Charles Lerable. Staff has studied other California cities' codes for best practices, especially those that have more recently updated their Zoning Codes such as Stockton, West Hollywood and Pasadena, as well as award-winning zoning codes throughout the country.

ADVISORY COMMITTEE AND PUBLIC OUTREACH

Staff will be relying on the Planning Commission to act as the advisory committee to select a new desirable structure and format, and to ensure that any proposal to streamline permitting or administrative procedures will not compromise community standards. Staff plans to hold several study sessions with the Planning Commission at various stages of the project to receive feedback on options and preliminary proposals. The public will be invited to attend these meetings.

Staff will also hold a general community meeting to outline the potential changes at the later stage of the project. Staff is creating a web page to update the community on the progress of the project, and to post public surveys to help guide the project (*ZoningCode.inSunnyvale.com*). Council will also be kept informed throughout the process with regular staff updates through the City Manager's Bi-Weekly Report (CMBWR).

IMPLEMENTATION

Staff anticipates this project to be completed by December 2012 (Attachment A). To manage the large amount of content, this project will go to Planning Commission and Council in three phases. Phase I will tackle the reorganization of the Zoning Code, clarification of definitions, simplification of use tables, and streamlining of permitting procedures. Together, these topics form the heart of the Zoning Code, and it is essential that they are all addressed first. Phase II will tackle the chapters on site planning standards and use-specific standards so that they are easier to read and understand. Phase III will include any remaining sections that were not covered in the first two phases.

During Phase I and Phase II, Council will be asked to decide on the proposed changes and any alternatives recommended by staff and the Planning Commission. For ease of implementation, Council will not be asked to formally adopt any ordinances until the third and final phase. Phase III will include an ordinance to repeal the current Zoning Code and adopt the new Zoning Code.

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FISCAL IMPACT

No fiscal impact is expected. This project is being completed with City staff using the operating budgets for Planning and the Office of the City Attorney. It is anticipated that the long-term benefit of this project is less time spent in interpreting and administering zoning regulations and processing permits for residents and businesses.

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. Copies of the report were provided to the Planning Commission.

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Attachments

A. Timeline of Projects and Study Issues Affecting Zoning Code (Title 19)

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Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	Jun-12	Jul-12	Aug-12	Sep-12	Oct-12	Nov-12	Dec-12	Jan-13	Feb-13	Mar-13							
Housing Sub-Element Implementation Items Reasonable Accommodation, MFH, Emergency Shelters, Parking Exceptions											PC Hearing	CC Hearing																					
			Mobile Home Park Conversion Ordinance									HHSC/ PC Hearing	CC Hearing																				
			Affordable Housing Ordinance (estimated)											HHSC/ PC Hearing	CC Hearing																		
			Appropriate Locations for Child Care Centers											PC Hearing	CC Hearing																		
		Zoning Code Reorg/Update Phase 1: Structure; Definitions, Use Tables and General Procedures; Zoning District Chapters														PC Hearing	CC Hearing																
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																				PC Hearing	CC Hearing												
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																						PC Hearing	CC Hearing										
																							PC Hearing	CC Hearing									
Land Use and Transportation Element (LUTE) Update (estimated)																			LUTE Implementation →→														
																					Lawrence Station Area Plan and Implementation Toolkit for Mixed Use (estimated)												

PC = Planning Commission

CC = City Council