

**ORDINANCE NO. 2951-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS OF CHAPTER 18.10 (PARKS AND OPEN SPACE DEDICATION) OF TITLE 18 (SUBDIVISIONS) AND CHAPTER 19.74 (PARK DEDICATION FEES FOR RENTAL HOUSING PROJECTS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE PERTAINING TO PARK DEDICATION**

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

SECTION 1. SECTIONS 18.10.030 AND 18.10.040 AMENDED. Sections 18.10.030 and 18.10.040 of Chapter 18.10 (“Parks and Open Space Dedication”) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code are hereby amended to read, as follows:

**18.10.030. Land requirement.**

In accordance with the open space and recreation subelement of the general plan, it is hereby found and determined that the public interest, convenience, health, welfare and safety require that ~~effective until June 30, 2010, 1.75 acres; effective July 1, 2010, 2.25 acres; and effective July 1, 2011, 3.00~~ acres of property, as prescribed below, for each one thousand persons residing within each neighborhood planning area within the city of Sunnyvale be devoted to public park and recreational facilities, with the exception that the Murphy planning area shall be divided by Fair Oaks Avenue into two sections to be designated Murphy West and Murphy East. The following table depicts the annual acreage requirements applicable for project application at the time the complete tentative map application is received:

<b>Effective Date</b>	<b>Acres of Property Per One Thousand Persons</b>
Until June 30, 2010	1.75 acres
July 1, 2010 – <del>June 30, 2011</del>	2.25 acres
July 1, 2011 <del>and thereafter</del> – June 30, 2012	3.00 acres
<u>July 1, 2012 – June 30, 2013</u>	<u>3.5 acres</u>
<u>July 1, 2013 – June 30, 2014</u>	<u>4.25 acres</u>
<u>July 1, 2014 and thereafter</u>	<u>5.00 acres</u>

**18.10.040. Density formula.**

In determining dedication or in lieu fee payment requirements under this chapter, the following table, derived from density assumptions of the general plan and prevailing household sizes shall apply:

Dwelling Category	Dwelling Units Per Net Acre	Acreage Requirement Per Dwelling Unit Within Subdivision					
		<u>Until 06/30/10 June 30, 2010</u>	<u>07/01/10 to 07/01/11 July 1, 2010 to June 30, 2011</u>	<u>07/01/11 and thereafter July 1, 2011 to June 30, 2012</u>	<u>July 1, 2012 to June 30, 2013</u>	<u>July 1, 2013 to June 30, 2014</u>	<u>July 1, 2014 and thereafter</u>
Low density residential	7 or fewer	0.0048125	0.0061875	0.0082500	<u>0.009625</u>	<u>0.0116875</u>	<u>0.01375</u>
Low-medium density residential	Over 7 to 14	0.0043750	0.0056250	0.0075000	<u>0.00875</u>	<u>0.010625</u>	<u>0.0125</u>
Medium density residential	Over 14 to 27	0.0031500	0.0040500	0.0054000	<u>0.0063</u>	<u>0.00765</u>	<u>0.009</u>
High density residential	Over 27 to 45	0.0031500	0.0040500	0.0054000	<u>0.0063</u>	<u>0.00765</u>	<u>0.009</u>

A deduction for the number of existing dwelling units will be allowed in calculating the land dedication or in-lieu fees required pursuant to this chapter as set forth in Section 18.10.070.

The value of any park and recreational improvements and equipment to the dedicated land shall be credited against the payment of fees or dedication of land required pursuant to this chapter.

**SECTION 2. SECTIONS 19.74.030 AND 19.74.030 AMENDED.** Sections 19.74.030 and 19.74.040 of Chapter 19.74 (“Park Dedication Fees for Rental Housing Projects”) of Title 19 (Zoning) of the Sunnyvale Municipal Code are hereby amended to read as follows:

**19.74.030. Land requirement.**

In accordance with the open space and recreation sub-element of the general plan, it is found and determined that the public interest, convenience, health, welfare and safety require that ~~until June 30, 2010, 1.75 acres; effective July 1, 2010, 2.25 acres; and effective July 1, 2011, 3.00 acres~~ of property, as prescribed below, for each one thousand persons residing within each neighborhood planning area within the city be devoted to public park and recreational facilities. The Murphy planning area shall be divided by Fair Oaks Avenue into two sections, to be designated Murphy West and Murphy East. The following table depicts the annual acreage requirements applicable for projects at the time:

<b>Effective Date</b>	<b>Acres of Property Per One Thousand Persons</b>
Until June 30, 2010	1.75 acres
July 1, 2010 – <u>June 30, 2011</u>	2.25 acres
July 1, 2011 <del>and thereafter</del> – <u>June 30, 2012</u>	3.00 acres
<u>July 1, 2012 – June 30, 2013</u>	<u>3.5 acres</u>
<u>July 1, 2013 – June 30, 2014</u>	<u>4.25 acres</u>
<u>July 1, 2014 and thereafter</u>	<u>5.00 acres</u>

**19.74.040. Density formula.**

In determining dedication or in-lieu fee payment requirements under this chapter, the following table, derived from density assumptions of the general plan and prevailing household sizes, shall apply:

Dwelling Category	Dwelling Units Per Net Acre	Acreage Requirement Per Dwelling Unit Within Subdivision					
		<u>Until 06/30/10 June 30, 2010</u>	<del>07/01/10 to 07/01/11</del> <u>July 1, 2010 to June 30, 2011</u>	<del>07/01/11 and thereafter</del> <u>July 1, 2011 to June 30, 2012</u>	<u>July 1, 2012 to June 30, 2013</u>	<u>July 1, 2013 to June 30, 2014</u>	<u>July 1, 2014 and thereafter</u>
Low density residential	7 or fewer	0.0048125	0.0061875	0.0082500	<u>0.009625</u>	<u>0.0116875</u>	<u>0.01375</u>
Low-medium density residential	Over 7 to 14	0.0043750	0.0056250	0.0075000	<u>0.00875</u>	<u>0.010625</u>	<u>0.0125</u>
Medium density residential	Over 14 to 27	0.0031500	0.0040500	0.0054000	<u>0.0063</u>	<u>0.00765</u>	<u>0.009</u>
High density residential	Over 27	0.0031500	0.0040500	0.0054000	<u>0.0063</u>	<u>0.00765</u>	<u>0.009</u>

A deduction for the number of existing dwelling units will be allowed in calculating the land dedication or in-lieu fees required pursuant to this chapter as set forth in Section 19.74.070.

**SECTION 3. CEQA - EXEMPTION.** The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378(b)(4), and that this ordinance is not a project and thus, not subject to the requirements of the California Environmental Quality Act (CEQA).

**SECTION 4. CONSTITUTIONALITY; SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, 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 passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

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

SECTION 6. 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 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 26, 2011, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, 2011, 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