

ORDINANCE NO. 2953-11

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 TO CLARIFY PHASING OF PARKLAND DEDICATION REQUIREMENTS FOR HOUSING PROJECTS

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

SECTION 1. SECTION 18.10.030 AMENDED. Section 18.10.030 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 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. The Murphy planning area shall be divided by Fair Oaks Avenue into two sections to be designated Murphy West and Murphy East. The table below prescribes the acreage requirements and their effective dates. Subdivisions are subject to the acreage requirement in effect at the time the tentative map application is deemed complete.

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

SECTION 2. SECTION 18.10.060 AMENDED. Section 18.10.060 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:

18.10.060. Calculation of fair market value and payment of in-lieu fees.

Annually, on a fiscal year basis, the director of community development shall determine the fair market value for an acre of land in the city. The fair market value amount shall be included in the fee resolution adopted by the city council. The fair market value applicable to the calculation of all park in-lieu fees shall be based on the fee in effect at the time the final map is complete. The calculation of all park in-lieu fees shall be applied and payable upon approval of the final map.

SECTION 3. SECTION 19.74.030 AMENDED. Section 19.74.030 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 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 table below prescribes the acreage requirements and their effective dates. Multifamily residential housing projects are subject to the acreage requirement in effect at the time the planning permit application is deemed complete.

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

SECTION 4. SECTION 19.74.060 AMENDED. Section 19.74.060 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:

19.74.060. Calculation of fair market value and payment of in-lieu fees.

Annually, on a fiscal year basis, the director of community development shall determine the fair market value for an acre of land in the city. The fair market value amount shall be included in the fee resolution adopted by the city council. The fair market value applicable to the calculation of all park in-lieu fees shall be based on the fee in effect at the time of complete building permit application submittal. The calculation of all park in-lieu fees shall be applied at building permit application submittal and payable prior to building permit issuance.

SECTION 5. CEQA - EXEMPTION. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15378, and that this ordinance is not a project and thus, not subject to the requirements of the California Environmental Quality Act (CEQA).

SECTION 6. 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 7. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 8. 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 May 24, 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