

ORDINANCE NO. 3003-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, AND ZONING DISTRICTS MAP TO CREATE THE PEERY PARK DISTRICT

WHEREAS, on July 23, 2013, the City Council of the City of Sunnyvale considered the proposal to create the Peery Park District and directed staff to prepare an ordinance for the Peery Park District to require planning commission review and city council approval all use permits, all special development permits, design review applications for a Floor Area Ratio greater than 45%, with or without the Green Building incentive, in the entire District as shown on the attached Exhibit “A”, and, in addition, for design review applications that involve new construction (additions, new buildings, etc.) to the east of Mathilda (within the Peery Park District).

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

SECTION 1. CHAPTER 19.16. AMENDED. Section 19.26.020 of Chapter 19.16 Zoning Districts – Creation is hereby amended to add the Peery Park District, to read as follows:

In order to carry out the purposes and provisions of this title, the city of Sunnyvale and the Sunnyvale planning area are divided into zoning districts designated as follows:

Symbol	Zoning District
R-0	Low Density Residential Zoning District
R-1	Low Density Residential Zoning District
R-1.5	Low Medium Density Residential Zoning District
R-1.7/PD	Low Medium Density Residential Zoning District
R-2	Low Medium Density Residential Zoning District
R-3	Medium Density Residential Zoning District
R-4	High Density Residential Zoning District
R-5	High Density Residential and Office Zoning District
R-MH	Residential-Mobile Home Zoning District
O	Administrative-Professional Office Zoning District
P-F	Public Facilities Zoning District
DSP	Downtown Specific Plan District

C-1	Neighborhood Business Zoning District
C-2	Highway Business Zoning District
C-3	Regional Business Zoning District
C-4	Service Commercial Zoning District
M-S	Industrial and Service Zoning District
M-3	General Industrial Zoning District
MP	Moffett Park Specific Plan District Moffett Park Subdistricts
MP-I	General Industrial
MP-TOD	Transit Oriented Development
MP-C	Commercial
LSP	Lakeside Specific Plan District
<u>PPD</u>	<u>Peery Park District</u>

SECTION 2. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) is hereby amended to include certain property within the proposed Peery Park District, comprised of parcels as shown on the scale drawing attached as Exhibit “A”. The PPD zoning district implements the Peery Park District map, incorporated by reference, a copy of which is on file in the office of the city clerk.

SECTION 3. CHAPTER 19.16 AMENDED. Chapter 19.16 Zoning Districts – Boundaries is hereby amended by adding new section 19.16.070 to add the Peery Park District, to read in full as follows:

19.16.070. Peery Park District review process.

The Peery Park District (PPD) is created in anticipation of adoption of a Peery Park Specific Plan. During the development of the specific plan, a study of the goals, objectives and underlying standards that shall apply to the specific plan area will be conducted. In the meantime, while the plan is being developed, the underlying standards applicable to the currently existing zoning designations for the subject property shall apply, except that development applications filed within the PPD boundaries for the following actions shall be considered by the planning commission for a recommendation, and the city council shall be the final decision-making body:

- a. use permit;
- b. special development permit;
- c. design review request for floor area ratio (FAR) above 45% with or without a green building incentive; and
- d. design review applications that involve new construction (additions and new buildings) on parcels located to the east of Mathilda Avenue.

SECTION 4. CEQA. The City Council hereby determines that the action taken to create the Peery Park District is exempt from the California Environmental Quality Act (CEQA) (Guideline 15061(b)(3)) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Applications for development permits received by the City which describe the intensity of development, location of improvements and relationship to surrounding properties will be subject to CEQA for evaluation of environmental impacts as described in the application.

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. 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 days after adoption of this ordinance. Notice of hearings will also be mailed to all owners of property located within 300 feet of the PPD of the dates of both the Planning Commission meeting and the City Council meeting.

Introduced at a regular meeting of the City Council held on October 8, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on October 22, 2013 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney

Attachment: Map of Peery Park District Exhibit "A"