

**ORDINANCE NO. 3033-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO REPEAL CHAPTER 19.92 (GENERAL PLAN AMENDMENTS AND CHANGE OF ZONE) AND TO ADD NEW CHAPTER 19.92 (GENERAL PLAN AND ZONING AMENDMENTS) AND TO AMEND AND TO REPEAL CERTAIN SECTIONS OF CHAPTER 19.98 (GENERAL PROCEDURES) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO THE GENERAL PLAN AMENDMENT INITIATION PROCESS**

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

**SECTION 1. REPEAL. CHAPTER 19.92 REPEALED.** Chapter 19.92 (General Plan Amendments and Change of Zone) of Title 19 (ZONING) is hereby repealed.

**SECTION 2. CHAPTER 19.92 ADDED.** Sunnyvale Municipal Code Chapter 19.92 (General Plan and Zoning Amendments) of the Sunnyvale Municipal Code is hereby added.

**19.92.010. Purpose.**

This chapter establishes requirements for processing applications for general plan or zoning amendments.

**19.92.020. Applicability.**

This chapter applies to any general plan amendment and any zoning amendment. For purposes of this chapter, references to the “general plan” include any amendments to any city-adopted precise plan or specific plan. Amendments may include revisions to text in the general plan or in this title, or changes to land use designations in the general plan land use map or zoning districts map. Except as otherwise modified by this chapter, the requirements and procedures identified in Chapter 19.98 (General Procedures) apply.

**19.92.030. General Plan Amendment Initiation Authority.**

An amendment to the general plan may only be initiated by a motion of the city council. Initiation of a general plan amendment is not a land use decision or approval of a project, and therefore, not subject to the requirements of the California Environmental Quality Act or Permit Streamlining Act. Any interested party residing in, owning property or doing business with the city may request council initiation of a general plan amendment in accordance with Section 19.92.040 (Requests for Council Initiation of General Plan Amendments).

**19.92.040. Requests for Council Initiation of General Plan Amendments.**

(a) **Applications.** Any application requesting council initiation of a general plan amendment shall be filed with the director of community

development on forms furnished for this purpose. The application shall be accompanied by the required fee, a letter requesting council authorization to proceed with the submittal and review of a general plan amendment application, and other supporting data determined necessary by the director. The letter shall contain the subject text of the general plan or description of the affected property, and any information pertaining to the request.

(b) **Public Hearings and Notice Required.** Requests for council initiation of a general plan amendment shall be referred to the planning commission for recommendation prior to a determination by the council. Notice of the time and place of each public hearing shall be given at least 10 calendar days prior to the day of the hearing. Notice shall be mailed to owners of the affected property and of properties within 300 feet, or greater as determined appropriate by the director.

(c) **Planning Commission Recommendation.** Following a public hearing, the planning commission shall, by the affirmative vote of a majority of its members, make a recommendation to the city council to approve or deny a request to initiate a general plan amendment.

(d) **City Council Determination.** After receiving a recommendation from the planning commission and holding at least one public hearing, the city council may, by the affirmative vote of a majority of its members, approve or deny the request for initiation of a general plan amendment.

(e) **Expiration.** Approved requests for initiation of a general plan amendment shall expire if a general plan amendment application is not filed and deemed complete within two years of the approval.

**19.92.050. General Plan Amendment Proceedings.**

(a) **Applications.** Following city council approval of a request for initiation, a general plan amendment application may be filed. The application shall be filed in accordance with Section 19.98.020(a) and shall include a detailed description of the proposed amendment and the reasons for the amendment.

(b) **Public Hearings and Notice Required.** General plan amendments shall be referred to the planning commission for a recommendation prior to adoption by the council. Notice of the time and place of each public hearing shall be given at least 10 calendar days prior to the day of the hearing. Notice shall be provided in the following manner:

(1) By publishing at least once in a newspaper of general circulation in the city a copy of the notice;

(2) If the amendment is to the general plan land use map, the published notice shall include a map showing the subject property, surrounding properties and the nearest street intersection; and

(3) As required by Section 19.98.040 (Notice requirements) for any associated permit applications.

(c) **Planning Commission Recommendation.** Following a public hearing, the planning commission shall, by the affirmative vote of a majority of its members and based on Section 19.92.080 (Finding), make a recommendation to the city council to approve or deny the general plan amendment.

(d) **City Council Decision.** After receiving a recommendation from the planning commission and holding at least one public hearing, the city council may, by the affirmative vote of a majority of its members and based on Section 19.92.080 (Finding), approve the general plan amendment by adopting a resolution or deny the general plan amendment.

**19.92.060. Zoning Amendment Proceedings.**

(a) **Initiation.** A zoning amendment may be initiated by a motion of the city council or planning commission, or by filing an application in accordance with subsection (b).

(b) **Applications.** Any zoning amendment application shall be filed in accordance with Section 19.98.020(a) and include a detailed description of the proposed amendment and the reasons for the amendment.

(c) **Public Hearings and Notice.** Zoning amendments shall be referred to the planning commission for a recommendation prior to adoption by the council. Notice of the time and place of each public hearing shall be given at least 10 calendar days prior to the day of the hearing. Notice shall be provided in the following manner:

(1) By publishing at least once in a newspaper of general circulation in the city a copy of the notice;

(2) If the amendment is to the zoning districts map, the published notice shall include a map showing the subject property, surrounding properties and the nearest street intersection; and

(3) As required by Section 19.98.040 (Notice requirements.) for any associated permit applications.

(d) **Planning Commission Recommendation.** Following a public hearing, the planning commission shall, by the affirmative vote of a majority of its members and based on Section 19.92.080 (Finding), make a recommendation to the city council to approve or deny the zoning amendment.

(e) **City Council Decision.** After receiving a recommendation from the planning commission and holding at least one public hearing, the city council may, by the affirmative vote of a majority of its members and based on Section 19.92.080 (Finding), approve the zoning amendment by adopting an ordinance or deny the zoning amendment.

**19.92.070. Prezoning.**

Adoption of a precise plan or amendment to a precise plan concerning land outside of the boundaries of the city of Sunnyvale shall be conducted in accordance with Section 19.92.060 (Zoning Amendment Proceedings). The adopted ordinance shall not take effect until the date on which the land affected becomes a part of the City of Sunnyvale pursuant to state law.

**19.92.080. Finding.**

The city council may approve a general plan or zoning amendment upon finding that the amendment, as proposed, changed or modified is deemed to be in the public interest.

**19.92.090. Reapplication after denial.**

When a general plan amendment initiation or general plan or zoning amendment application is denied by the city council, no application for the same request or amendment may be filed within two years of the council decision. The director shall determine whether any application filed within those two years is substantially the same as the previously denied application.

SECTION 3. Chapter 19.98.020 (General Procedures) of the Sunnyvale Municipal Code is hereby repealed in part.

**19.98.020. Applications.**

(a) – (c) [Text unchanged.]

(e) – (j) [Renumber (d) – (i) consecutively. Text unchanged.]

SECTION 4. Chapter 19.98.040 (General Procedures) of the Sunnyvale Municipal Code is hereby repealed in part.

**19.98.040. Notice requirements.**

(a) – (g) [Text unchanged.]

(i) – (m) [Renumber (h) – (l) consecutively. Text unchanged.]

SECTION 5. SECTION 19.98.170 REPEALED. Section 19.98.170 of Chapter 19.98 (General Procedures) is hereby repealed in its entirety:

SECTION 6. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 7. 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 8. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 9. 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 December 10, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on December \_\_\_\_, 2013, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
Kathy A. Berry, Senior Assistant City Attorney