REPORT TO MAYOR AND COUNCIL NO: _____

Draft Report for Planning Commission Review on August 27, 2012 and for Bicycle and Pedestrian Advisory Commission Review on August 30, 2012

Council Meeting: October 2, 2012

SUBJECT: INTRODUCTION OF AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF TITLES 9, 10, 13, 18 AND 19 OF THE SUNNYVALE MUNICIPAL CODE RELATING TO CORNER, DRIVEWAY AND ALLEYWAY VISION TRIANGLES

BACKGROUND

On December 6, 2011 the City Council heard a study issue (RTC 11-264) to consider modifications to Sunnyvale Municipal Code (SMC) provisions relating to corner and driveway vision triangles. The City Council directed staff to amend the SMC to incorporate various provisions relating to how corner and driveway vision triangles are defined and where they apply. Amendment of Titles 9, 10, 13, 18 and 19 is necessary to address the Council direction. The proposed changes will modify the City's legal authority under Titles 9, 10, 13, 18 and 19 to address issues raised by the Bicycle and Pedestrian Advisory Commission (BPAC) and improve vehicle sight distance at controlled intersections. The changes include definition of the height of vision triangles, more stringent requirements for driveway vision triangles at land uses that generate a greater number of trips, allowable exceptions to vision triangle standards, parking restrictions at controlled intersections, and clarifying language for driveway sight triangles to address locations without sidewalks. The draft Ordinance (Attachment A) includes only those sections that have changed. Where the section does not change, it is not duplicated in the proposed Ordinance draft. Titles 9, 10, 13, 18 and 19 are available in their entirety by request, or on the City's website at: http://qcode.us/codes/sunnyvale/.

EXISTING POLICY

Charter of the City of Sunnyvale, Article VII, Ordinances and Legal Notices, Section 707. Ordinances. Municipal Code. Amendment.

The amendment of any section or sections of an ordinance, or of any section or sections of the Municipal Code, may be accomplished by adoption of an ordinance setting forth the proposed amendments, and referencing or setting forth those relevant portions of the section or sections of the ordinance or Municipal Code necessary to express the intent of the amendment. Such amending ordinance shall not be required to set forth at length the amended section or sections. (Amended effective December 21, 1976 and December 23, 1982: previously Section 815)

DISCUSSION

The BPAC requested review of the adequacy of vision triangle provisions to address visibility at street intersections and driveways for the safety of pedestrians and bicyclists. In 2008, City Council decided to broaden the BPAC-initiated study issue to examine the benefits of modifying the SMC by taking into account the openness or transparency of the fence in conjunction with the height of the fence.

Staff considered those situations that might warrant a more stringent application or other revision of vision triangle standards and concluded that five areas could be addressed to improve the current regulations:

- Improved standard for higher trip generation and traffic volume locations.
- Application of Caltrans parking restriction standards at signalized intersections.
- Restoration of SMC definition of vision triangle obstruction.
- Exceptions to vision triangle code requirements.
- Clarify driveway triangle standard.

After review of staff findings, Council directed staff to modify the existing code in the following manner to enhance regulation of corner and driveway sight triangles:

a. New land developments with 100 or more parking spaces shall be required to adhere to the 40-foot vision triangle standard at primary entries and exits.
b. Controlled intersections shall provide no parking zones of 20 feet from curb returns, consistent with the parking restriction standards of the California Manual of Uniform Traffic Control Devices (Ca - MUTCD).
c. Fences, hedges, or any other obstructions more than 3.5 feet in height shall be prohibited in vision triangles.
d. Provide exceptions to vision triangle requirements for see through fences with fence posts spaced 8 feet apart and not higher than 4.5 feet, one tree with a typical trunk circumference of no more than thirty eight inches and canopy higher than 10 feet at maturity, and buildings at all-way stop controlled or signalized intersections located in the El Camino Precise Plan area.
e. The driveway vision triangle shall be measured from the back of sidewalk or from the property line where no sidewalk exists.
f. Alleyways shall be subject to the same vision triangle requirements as driveways.

The attached ordinance (Attachment A) amends the SMC to address the Council direction, with one recommended update. Staff originally

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recommended a 40 foot by 40 foot vision triangle for the primary entries and exits for new land developments with 100 or more parking spaces. This was approved by Council. Staff is now recommending a modified design for entries and exits of large developments of a 15 foot by 40 foot expanded vision triangle. This design was developed to address conflicts between allowable building and sign siting and application of a 40 foot triangle at driveways. The recommended revised design provides improved sight distances along the roadway and sidewalk and allows signs and buildings to be sited closer to front property lines to meet urban design guidelines. Staff believes this recommendation still provides a substantial increase in vision triangle area over the current 10 foot by 10 foot driveway triangle and will have effectively the same benefits as a 40 foot by 40 foot vision triangle by providing a 40 foot clear zone for vehicles queuing to enter the roadway or approaching a driveway. The 15 foot by 40 foot triangle can be adopted without modification of current allowable building and sign siting, and will balance sight distance and urban form benefits. Figure 19.34.060 in Attachment A illustrates the proposed 15 foot by 40 foot vision triangle.

The 15 foot by 40 foot triangle is recommended as Alternative 2 in this Report. Alternative 1 would provide for adoption of the ordinance as originally directed by Council, should Council wish to stay with a 40 foot by 40 foot driveway vision triangle for large land developments, as shown in Attachment B.

FISCAL IMPACT

Approval of the ordinance changes will increase modifications to roadway features by implementing increased parking restrictions. There will also be an increased level of effort in studying and making sight distance recommendations. Staff believes these operational procedural changes can be accommodated within existing operating budgets.

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.

ALTERNATIVES

1. Introduce the proposed ordinance (Attachment B) amending Titles 9, 10, 13, 18 and 19 of the Sunnyvale Municipal Code to address corner, driveway and vision triangles as originally directed by Council at its December 6, 2011 meeting.

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2. Introduce an updated ordinance (Attachment A) amending Titles 9, 10, 13, 18 and 19 of the Sunnyvale Municipal Code to address corner, driveway and vision triangles including provision of 15 foot by 40 foot vision triangle requirements at primary entry and exit driveways for new development with 100 or more parking spaces.
3. Do not introduce an ordinance amending Titles 9, 10, 13, 18 and 19 of the Sunnyvale Municipal Code to address corner, driveway and vision triangles.

RECOMMENDATION

Staff recommends Alternative No. 2: Introduce an updated ordinance (Attachment A) amending Titles 9, 10, 13, 18 and 19 of the Sunnyvale Municipal Code to address corner, driveway and vision triangles including provision of 15 foot by 40 foot vision triangle requirements at primary entry and exit driveways for new development with 100 or more parking spaces.

Reviewed by:

Kent Steffens

Kent Steffens, Director of Public Works
Prepared by: Jack Witthaus, Transportation and Traffic Manager
Diana O'Dell, Senior Planner

Reviewed by:

Hanson Hom, Director of Community Development

Approved by:

Gary M. Luebbers
City Manager

Attachments

A. Proposed ordinance amending certain sections of Titles 9, 10, 13, 18 and 19 of the Sunnyvale Municipal Code, relating to corner, driveway, and alleyway vision triangle regulations.
B. Proposed ordinance amending certain sections of Titles 9, 10, 13, 18 and 19 of the Sunnyvale Municipal Code, relating to corner, driveway, and alleyway vision triangle regulations with original recommendation of a 40 foot by 40 foot extended vision triangle.

ATTACHMENT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF THE SUNNYVALE MUNICIPAL CODE RELATING TO VISION TRIANGLES

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

SECTION 1. SECTION AMENDED. Section 9.26.030 of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.26.030. Nuisances described—Authority to abate.

Each of the following conditions constitutes a nuisance, and whenever an enforcement officer determines that any of such conditions exist upon any premises, he or she may require or provide for the abatement thereof pursuant to this chapter and make the costs of abatement a lien upon the property.

(a) – (f) [Text unchanged.]

(g) The existence of any branches or foliage on private property which interferes with the vision triangle as described in Section 19.34.060 or visibility on, or free use of, or access to, any portion of any street improved for vehicular or pedestrian travel contrary to the provisions of Section 13.16.100(e) or (h).

(h) – (x) [Text unchanged.]

SECTION 2. SECTION AMENDED. Section 10.16.020 of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.16.020. Signs or markings indicating restricted stopping, standing or parking.

(a) – (c) [Text unchanged.]

(d) The city traffic engineer is authorized, consistent with the latest standards or guidelines established by CalTrans, to install appropriate markings or signage creating "no parking" zones extending 20 feet from curb returns at all intersections controlled by yield signs, stop signs, or traffic signals.

SECTION 3. SECTION AMENDED. Section 13.16.100 of Chapter 13.16 (City Trees) of Title 13 (Streets and Sidewalks) of the Sunnyvale Municipal Code is hereby amended to read as follows:

13.16.100. Public nuisance.

The following are hereby declared public nuisances:

(a) – (g) [Text unchanged.]

(h) Any tree, shrub or other plant on private property which dangerously obstructs the view in a vision triangle ~~the triangular area~~ as described in ~~Chapter~~

Section 19.34.060 (Vision Triangles) ~~19.44, commonly known as the "visibility triangle."~~.

(i) – (l) [Text unchanged.]

SECTION 4. SECTION AMENDED. Section 18.12.070 of Chapter 18.12 (Design Standards) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended to read as follows:

18.12.070. Driveway approaches.

Standard width driveway approaches shall be limited as set forth in Table 18.12.070 and shall be subject to the additional regulations set forth therein.

~~For all of the said uses on corner lots, no driveway approach shall be constructed within the~~ A driveway approach must not be constructed within a corner vision triangle as described in Section 19.34.060 (Vision Triangles). ~~forty foot special front and side yard corner triangle. For purposes of this section, the "forty foot special front and side yard corner triangle" on a corner lot is the triangular area created by a line connecting points along the front lot lines which are established forty feet in distance from the intersection of such front lot lines within the street right-of-way~~.

Table 18.12.070

Purpose for which lot is intended to be developed	**Width of lot at property line adjacent to public right-of-way**	**Type of lot**	**Number of standard width driveway approaches permitted**
(a) Single dwelling unit	Less than 82 feet	All but corner lots	Not more than 1
(b) Single dwelling unit	82 feet or more	All but corner lots	Not more than 2
(c) Single dwelling unit	All	Corner lot	Not more than 2
(1) Two driveway approaches may be installed on the same street only if the width of the corner lot between the lot line and the beginning of the ~~40 foot~~ corner vision triangle is at least 78 feet.			
(d) Two dwelling units	All	All	Not more than 2
(e) Three or more dwelling units	All	All	As approved by the director of public works
(1) Approaches shall not exceed standard city width as established by standard detail.			
(2) Approaches shall not occupy more than 24% of the property line adjacent to a public right-of-way, except that one minimum width single or double driveway may be approved by the director of public works, regardless of the percentage of frontage occupied.			

SECTION 5. SECTION AMENDED. Section 19.12.040 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.040. "C"

(1) – (16) [Text unchanged.]

(17) "Corner vision triangle." For definition, see Section 19.34.060 (Vision Triangles). ~~means the triangular area created by a line connecting points along the two front lot lines which points are established forty feet in distance from the intersection of the extension of such front lot lines within the street right-of-way.~~

(18) [Text unchanged.]

SECTION 6. SECTION AMENDED. Section 19.12.050 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.050. "D"

(1) – (12) [Text unchanged.]

(13) "Driveway vision triangle." For definition, see Section 19.34.060 (Vision Triangles). ~~means the triangle area created by a line connecting points along the back edge of a public sidewalk and the outer edge of a driveway, which points are established ten feet distant from the intersection of the back edge of the sidewalk and the outer edge of the driveway. Where a driveway has been widened without a corresponding widening of the curb approach, the driveway vision triangle shall be based on the original driveway edge.~~

(14) – (15) [Text unchanged.]

SECTION 7. SECTION AMENDED. Section 19.26.170 of Chapter 19.26 (Combining Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.26.170. ECR combining district—General development standards for Node properties.

In addition to the provisions of the underlying zoning district, and the requirements set forth in Section 19.26.160, a use or development within a Node area, as delineated in the precise plan, shall comply with the following development standards:

(a) Lot Size. Minimum lot size for nonresidential or mixed use projects shall be two acres.

(b) Uses. Mixed use development in a commercial zoning district within a Node area must have a minimum of twenty percent of the lot area (floor area ratio) as commercial use.

(c) Setback. Mixed use development within a Node area may have a zero front yard setback provided all applicable vision triangle requirements described in Section 19.34.060 (Vision Triangles) are met.

(d) Building Height. For any portion of a building that is within seventy-five feet of a property line of a single-family residential zoning district,

the maximum building height shall be thirty feet. In all other cases, maximum building height shall not exceed seventy-five feet.

(e) Additional Requirements. Additional or more restrictive requirements may be imposed through the issuance of a miscellaneous plan permit or special development permit to assure compliance with the precise plan for El Camino Real.

SECTION 8. SECTION AMENDED. Section 19.34.060 of Chapter 19.34 (Front, Side and Rear Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.34.060~~.~~ ~~Front yards—Corner triangle required~~Vision Triangles~~.~~

~~a) The minimum front yards of each corner lot in every zoning district shall include the triangular area created by a line connecting points along the front lot lines which are established forty feet in distance from the intersection of such front lot lines within the street right-of-way. Provided, however, that a canopy may project into the triangular area for a distance of five feet if the height of the canopy is at least ten feet above the established curb grade, and none of the supporting members of the canopy are affixed in the ground within the triangular area.~~

~~b)~~a) **Definitions.**

1) "Corner vision triangle" means a triangular area on corner lots with specific height limitations for structures and vegetation, including fences, buildings and hedges. The triangle is formed by following three steps (see Figure 19.34.060 Vision Triangles for illustration):
   A) Draw imaginary straight lines that extend the front property lines until they intersect at a single point (Point X);
   B) Locate 2 points along each property line that are 40 feet from the intersection point (Points A and B); and
   C) Connect all 3 points to form a triangle.
2) "Driveway vision triangle" means a triangular area next to a driveway, alleyway or multi-use path with specific height limitations for structures and vegetation, including fences, buildings and hedges. The triangle is formed by the following three steps (see Figure 19.34.060 Vision Triangles for illustration):
   A) Use the point where the inside edge of the sidewalk and the edge of the driveway intersect (Point X);
   B) Locate two points along the edge of the driveway and sidewalk that are 10 feet from the intersection point (Points A and B). If there is no sidewalk, the vision triangle is measured along the property line. If a driveway has been widened without a corresponding widening of the curb approach, the driveway vision triangle is measured from the original driveway edge.
   ~~A)~~C) Connect all 3 points to form a triangle.
3) "Extended driveway vision triangle" means a triangular area measured in a similar manner as a driveway vision triangle but with a the following dimensions (see Figure 19.34.060 Vision Triangles for illustration):

A) The point along the edge of the sidewalk (Point A) is 40 feet from the intersection point (Point X); and

B) The point along the edge of the driveway (Point B) is 15 feet from Point X.

b) **Applicability**. Any structure, vegetation or parking space is subject to corner and driveway vision triangle requirements unless specifically stated otherwise in this section. New structures, including signs, are subject to extended vision triangle requirements when located on lots with more than 100 parking spaces.

1) **Downtown Specific Plan District.** Properties within the DSP Blocks 1, 1a, 2, 3, 7 and 18 are exempt from vision triangle requirements.

2) **Precise Plan for El Camino Real Combining District.** Intersections and driveways controlled with a traffic light or 4-way stop in the Precise Plan for El Camino Real are exempt from vision triangle requirements.

c) **Parking Spaces.** Parking areas are prohibited in all vision triangles.

d) **Structures and Vegetation in Vision Triangles**. Structures and vegetation are limited to 3.5 feet in height within any vision triangle. A structure may include buildings, fences, accessory structures, signs or any other physical object. Vegetation may include plants, shrubs and trees. The following structures and vegetation are exempt from vision triangle requirements:

1) **Trees with Circumferences Less than 38 Inches**. A tree of 38 inches in circumference as measured 4.5 feet from the ground may be located within a vision triangle if the lowest tree branches and foliage are at least 10 feet from the ground at maturity.

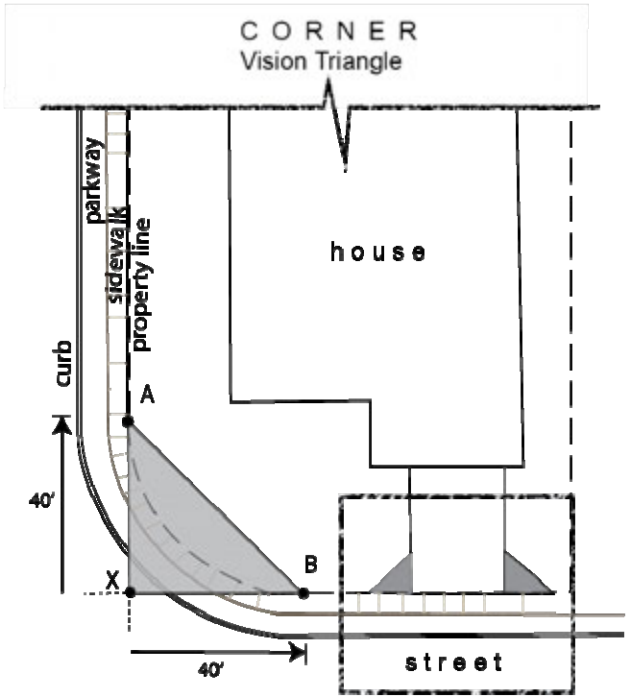
2) **Building Canopies**. A building canopy may project 5 feet into a vision triangle if the canopy is at least 10 feet high as measured from the top of curb closest to the canopy. Ground-mounted support posts are prohibited within any vision triangle.

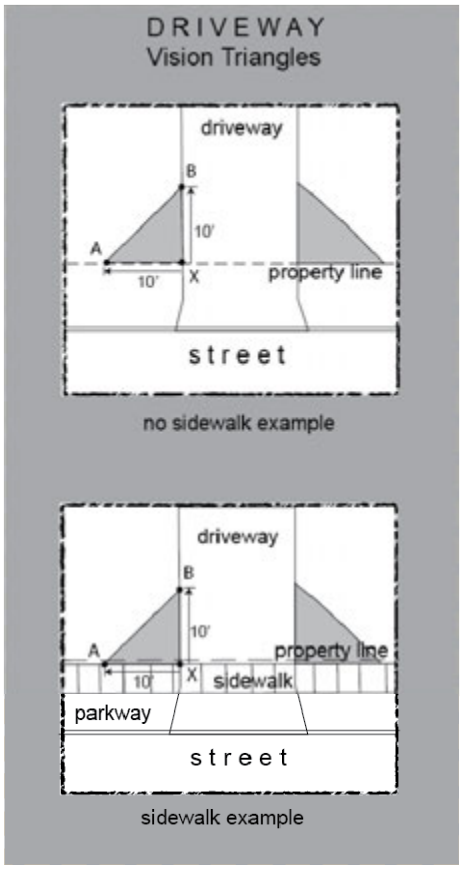
3) **Open Fences**. "Open fences" as defined in Section 19.48.020 (General Fence Requirements) may be located in a vision triangle.

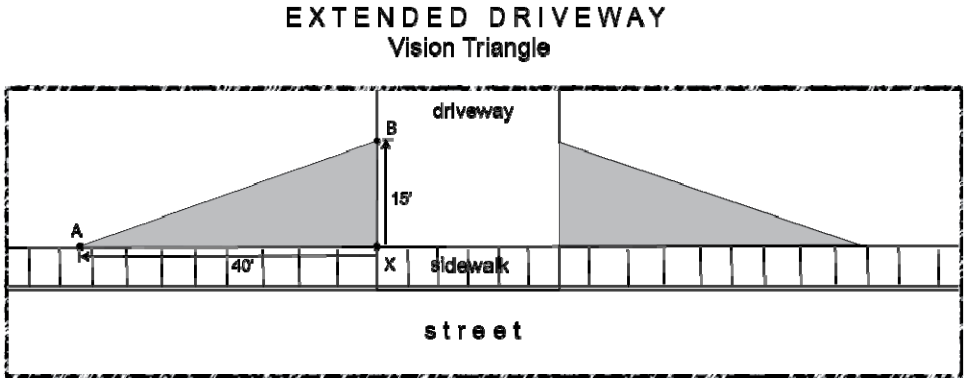
4) **Public Parking District**. Properties within the public parking district are exempt from vision triangle requirements.

e) **Special Requirements for Safety.** The Director may require additional setbacks if needed for pedestrian, motorist, or bicyclist safety.

Figure 19.34.060 Vision Triangles







SECTION 9. SECTION AMENDED. Section 19.44.020 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.020. Types of signs and related regulations.

(1) – (16) [Text unchanged.]

~~(17) Corner Vision Triangle or Driveway Vision Triangle Sign. Any sign displayed within the corner vision triangle as defined in Section 19.12.040 or the driveway vision triangle as defined within Section 19.12.050. A sign within a vision triangle is prohibited if the sign is:~~

~~(a) Greater than three feet in height; or~~

~~(b) A temporary commercial sign.~~

(18) – (70) [Text unchanged; Renumber (17) – (69), consecutively.]

SECTION 10. SECTION AMENDED. Section 19.44.011 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.110. General requirements for signs.

(a) – (e) [Text unchanged.]

(f) Location of Signs~~ On-Site~~. The following regulations shall govern placement of signs on the affected site:

(1) Projecting Signs. If mounted on a wall, fascia, awning, canopy or fence, no sign shall project above the highest point of the surface to which it is attached, nor shall any sign project in perpendicular fashion from the surface to which it is attached, nor shall a sign exceed twelve inches in depth, except as may be permitted by sign approval or landmark alteration permit for theater marquees and heritage landmark properties.

(2) Roof Signs. No sign shall be mounted on a roof, unless the roof has a pitch of at least three vertical to twelve horizontal feet. Each sign so mounted shall not exceed two feet in vertical height, and shall be located parallel to and not more than three feet from the lower edge of the roof.

(3) Parapet Signs. No sign shall be mounted on a parapet, roof equipment screen or penthouse, unless reasonable alternatives to such a location cannot be found, and unless the parapet, roof equipment screen or penthouse is consistent in materials and appearance to the roof or main building wall, and the sign does not project above the surface to which it is attached.

(4) Signs on Towers. No sign shall be mounted on an architectural appendage such as a tower, chimney or spire, unless the sign is placed below the roofline of the main building, except as may be permitted for freeway business signs. No sign shall be affixed to a water tower or similar feature, unless the tower is a heritage landmark so designated pursuant to Chapter 19.96. In no instance shall a sign be mounted on a communications tower, antenna or similar feature.

(5) Property Lines. No sign shall extend across any property line, except as may be permitted by landmark alteration permit on heritage landmark properties.

(6) Vision Triangles. ~~No s~~Sign structures ~~shall~~must comply with vision triangle requirements as described in Section 19.34.060 (Vision Triangles). ~~exceed three feet in height within a corner vision triangle or driveway vision triangle~~.

(7) Walkway Signs. No sign which extends over a walkway shall be nearer than eight vertical feet from the walkway.

(8) Proximity to Fire Hydrants and Hoses. No sign shall be located within fifteen feet of the front or side of a fire hydrant or fire hose connection, or within three feet of the rear of such a hydrant or hose connection.

(9) Impair Access. No sign shall be established or maintained in any location that prevents or impairs free access from any door, window, fire escape, driveway, parking space, aisle, sidewalk or bicycle path. No sign shall be located so as to substantially impair the visibility of other signs.

(10) Interfere with Utilities. No sign shall be established or maintained in a location interfering materially with the establishment, maintenance, repair or use of any overhead or underground utility wires, conduits, cables, or appurtenant supporting structures.

(g) [Text unchanged.]

SECTION 11. SECTION AMENDED. Section 19.44.125 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.125. Type and duration allowed for temporary signs.

(a) [Text unchanged.]

(b) Location. No temporary sign display shall be permitted to extend beyond the property line of the applicant or into any public right-of-way. ~~No temporary sign shall be displayed in the corner vision triangle unless less than three feet in height~~.

(c) – (e) [Text unchanged.]

(f) Duration of Display, Number of Signs and Permit Requirements Based on Use.

(1) – (3) [Text unchanged.]

(4) Construction Project. A construction project sign may consist of a banner or temporary ground sign. A maximum of two construction project signs may be displayed per street frontage without a permit provided that the following provisions are met:

(i) They do not exceed forty square feet in area per face, or, if only one sign, does not exceed eighty square feet in area per face;

(ii) Does not exceed ~~ten~~ 10 feet in height as measured from the ground ~~and does not extend into a required corner of driveway vision triangle~~;

(iii) Shall not be displayed until either the necessary land use permits have been obtained, or building permit applications have been filed with the city;

(iv) Shall not be displayed longer than ninety days after completion of the last building within a development;

(v) A construction project sign that exceeds these requirements is prohibited.

(5) – (7) [Text unchanged.]

(8) Real Estate Sign. A real estate sign shall consist of a banner or temporary ground sign and may be located in any zoning district. Any real estate sign that does not meet the following requirements is prohibited.

(i) Real estate signs advertising developed residential property for sale or lease do not require a permit provided the following provisions are met:

(A) Each sign face does not exceed twenty square feet in area per sign face or forty square feet in total sign area;

(B) There is a maximum of one such sign per street frontage;

(C) For a temporary ground sign, it must not exceed six feet in height~~ and may not extend into a required corner of driveway vision triangle~~; and

(D) Such signs are removed within ten days after the advertised property has been sold (defined as close of escrow), rented, leased or removed for market.

(ii) Real estate signs advertising developed nonresidential property or vacant, undeveloped real property for sale or lease do not require a permit provided that the following provisions are met:

(A) Each sign face does not exceed forty square feet in area or eighty square feet of total sign area;

(B) There is a maximum of one sign face per street frontage; and

(C) Such signs are removed within ten days after the property has been sold (defined as close of escrow), rented or leased.

(iii) A real estate sign that does not meet these requirements is prohibited.

SECTION 12. SECTION AMENDED. Section 19.44.145 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.145. Automobile retail establishment decorative banner program.

(a) – (d) [Text unchanged.]

(e) Decorative Banner Program Permit and Requirements. The director of community development may approve a decorative banner program permit in accordance with the regulations and criteria set forth in this section and may impose such other reasonable conditions as may be deemed necessary in the public interest. The director of community development may deny an application for a permit if the proposed program does not comply with the regulations or if the director finds that the public interest will not be served by issuance of the permit. The following regulatory standards are required conditions for any decorative banner program:

(1) Location. The entire decorative banner shall be located on private property, outside of vision triangles ~~of motorists~~ and shall not extend into or be allowed to move into the public right-of-way.

(2) – (8) [Text unchanged.]

(f) – (h) [Text unchanged.]

SECTION 13. SECTION AMENDED. Section 19.46.140 of Chapter 19.46 (Off-Street Parking and Loading) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.46.140. Parking in front and side yards—When allowed.

(a) Parking is allowed in the required front and side yards in all residential zoning districts with the exception of corner vision triangles. ~~Except in a corner vision triangle on corner lots, parking is allowed in the required front and side yards in all residential zoning districts.~~ Such parking shall be limited to currently registered operable vehicles, trailers and boats, shall be on a stabilized permanent surface approved by the director of community development and installed in accordance with Section 19.46.120, and such parking area shall not cover more than fifty percent of any required front yard. An operable vehicle is a vehicle that can move under its own power and which can operate legally and safely on the highways of the state.

(b) [Text unchanged.]

SECTION 14. SECTION AMENDED. Section 19.46.160 of Chapter 19.46 (Off-Street Parking and Loading) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.46.160. Public parking districts—Regulations not applicable.

Side yard, rear yard and ~~forty-foot corner~~ vision triangle regulations are not applicable within the boundaries of any off-street public parking district heretofore formed, and which hereafter may be formed, pursuant to the Sunnyvale Municipal Code, or as amended, or any statute of the state of California.

SECTION 15. SECTION AMENDED. Section 19.48.020 of Chapter 19.48 (Fences, Distances between Buildings and Extensions into Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.48.020. General fence requirements.

(a) **Definitions**

(1) "Fence" means a barrier of wood, masonry, stone, wire, metal or other material erected to enclose, screen, or separate areas. See subsection 19.48.020(c) for prohibited materials.

(2) "Open fence" means a fence up to 4.5 feet tall with posts spaced at least 8 feet apart. The fence structure above 3.5 feet in height must be no more than 50% solid, similar to the illustration. Posts or other decorations cannot exceed 12 inches in width or thickness. (See Figure 19.48.020, Open Fences).

(b) **Applicability**. Fences are permitted in all zoning districts with permitting requirements as described in Table 19.48.025. Vegetation may be considered a fence and is subject to the requirements of this section.

(~~1~~c) **Prohibited Materials**. It is unlawful to erect any electrically charged fence or any fence composed of barbed wire, razor wire or other material which is designed to cause injury upon contact on or adjacent to any residential use regardless of the underlying zoning. Chain link fences may not be constructed after January 1, 2010 in the front or reducible front yard of residential uses and residential zoning districts.

(~~2~~d) **Measurement of Fence Height**. Fence height in the rear and side yard (not located on a street) is measured from the highest adjoining grade to the highest point of the fence. Fence height in the front and reducible front yard is

measured from the top of curb, or street if there is no curb to the highest point of the fence.

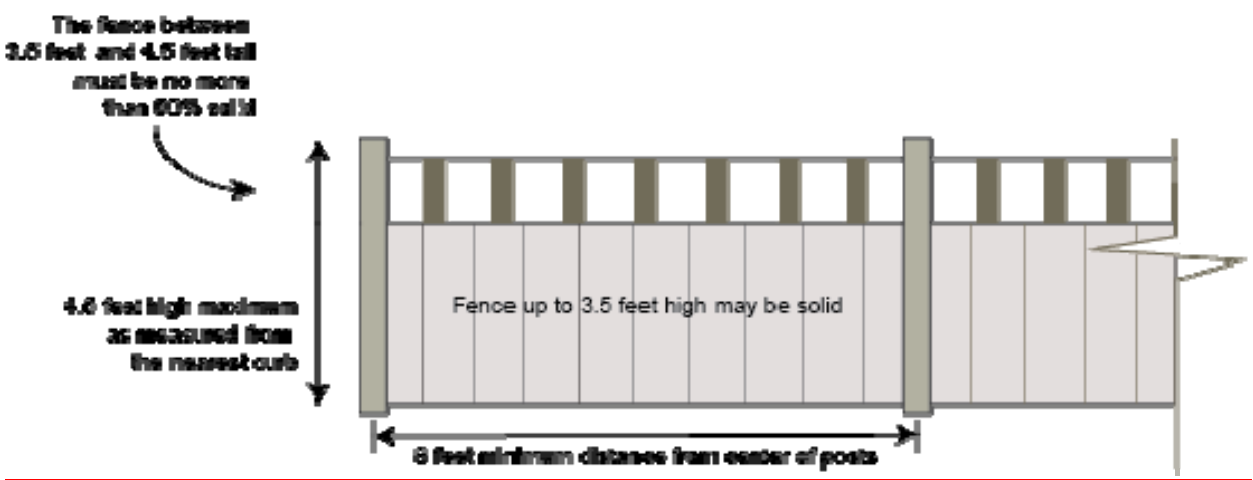
(~~3~~e) **Vision Triangles.** All fences, except open fences –must meet ~~driveway vision triangle and corner~~ vision triangle requirements described in 19.34.060 (Vision Triangles).

(~~4~~f) **Fences in the Public Right-of-Way.** Fences or walls may be built to the existing sidewalk, or if there is a monolithic sidewalk or if there are no sidewalks, to the existing property line; however, nothing in this section shall prohibit the city from exercising its rights pursuant to existing public rights-of-way or easements, and nothing in this section shall be construed as a waiver by the city of its rights thereto. Further, nothing in this section shall be construed as establishing any responsibility on the part of the city for any fence or wall, or portion thereof, which is constructed within the public right-of-way or easement.

(~~5~~g) Property Owner Responsibility. It is the responsibility of the affected property owners to determine the desired height for any fence built along a property line.

(~~6~~h) Reducible Front Yard Fences. For fences in the required reducible front yards, fences greater than ~~six~~ 6 feet up to ~~eight~~ 8 feet tall may be allowed as a matter of right provided they are set back ~~two~~ 2 feet from the property line for every foot in height above ~~six~~ 6 feet. For example, a ~~seven~~7-foot ~~high~~ tall fence must be set back ~~two~~ 2 feet from the property line. Fences that do not meet this setback must obtain approval through a miscellaneous plan permit.

Figure 19.34.020 Open Fences



SECTION 16. SECTION AMENDED. Section 19.78.030 of Chapter 19.78 (Mobile Vendor Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.78.030. Procedures.

(a) – (b) [Text unchanged.]

(c) Prohibited Locations. Notwithstanding the terms of any mobile vendor permit, no person shall place, maintain, conduct, park or allow to stand or remain any portable container, vehicle, pushcart, eating stand, wagon or car used in selling, vending, peddling, bartering or exchanging any goods, flowers or foodstuffs in any of the following places within the city:

(1) – (8) [Text unchanged.]

(9) Within any ~~forty-foot corner~~ vision triangle defined by Section ~~19.46.040~~ 19.34.060 (Vision Triangles);

(10) [Text unchanged.]

SECTION 17. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15307, 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 and is a regulatory action as authorized by state law.

SECTION 18. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 19. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 20. 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 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 (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2012, 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

ATTACHMENT B

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND CERTAIN SECTIONS OF THE SUNNYVALE MUNICIPAL CODE RELATING TO VISION TRIANGLES

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

SECTION 1. SECTION AMENDED. Section 9.26.030 of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.26.030. Nuisances described—Authority to abate.

Each of the following conditions constitutes a nuisance, and whenever an enforcement officer determines that any of such conditions exist upon any premises, he or she may require or provide for the abatement thereof pursuant to this chapter and make the costs of abatement a lien upon the property.

(a) – (f) [Text unchanged.]

(g) The existence of any branches or foliage on private property which interferes with the vision triangle as described in Section 19.34.060 or visibility on, or free use of, or access to, any portion of any street improved for vehicular or pedestrian travel contrary to the provisions of Section 13.16.100(e) or (h).

(h) – (x) [Text unchanged.]

SECTION 2. SECTION AMENDED. Section 10.16.020 of Chapter 10.16 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby amended to read as follows:

10.16.020. Signs or markings indicating restricted stopping, standing or parking.

(a) – (c) [Text unchanged.]

(d) The city traffic engineer is authorized, consistent with the latest standards or guidelines established by CalTrans, to install appropriate markings or signage creating "no parking" zones extending 20 feet from curb returns at all intersections controlled by yield signs, stop signs, or traffic signals.

SECTION 3. SECTION AMENDED. Section 13.16.100 of Chapter 13.16 (City Trees) of Title 13 (Streets and Sidewalks) of the Sunnyvale Municipal Code is hereby amended to read as follows:

13.16.100. Public nuisance.

The following are hereby declared public nuisances:

(a) – (g) [Text unchanged.]

(h) Any tree, shrub or other plant on private property which dangerously obstructs the view in a vision triangle ~~the triangular area~~ as described in ~~Chapter~~

Section 19.34.060 (Vision Triangles) ~~19.44, commonly known as the "visibility triangle."~~.

(i) – (l) [Text unchanged.]

SECTION 4. SECTION AMENDED. Section 18.12.070 of Chapter 18.12 (Design Standards) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended to read as follows:

18.12.070. Driveway approaches.

Standard width driveway approaches shall be limited as set forth in Table 18.12.070 and shall be subject to the additional regulations set forth therein.

~~For all of the said uses on corner lots, no driveway approach shall be constructed within the~~ A driveway approach must not be constructed within a corner vision triangle as described in Section 19.34.060 (Vision Triangles). ~~forty foot special front and side yard corner triangle. For purposes of this section, the "forty foot special front and side yard corner triangle" on a corner lot is the triangular area created by a line connecting points along the front lot lines which are established forty feet in distance from the intersection of such front lot lines within the street right-of-way~~.

Table 18.12.070

Purpose for which lot is intended to be developed	**Width of lot at property line adjacent to public right-of-way**	**Type of lot**	**Number of standard width driveway approaches permitted**
(a) Single dwelling unit	Less than 82 feet	All but corner lots	Not more than 1
(b) Single dwelling unit	82 feet or more	All but corner lots	Not more than 2
(c) Single dwelling unit	All	Corner lot	Not more than 2
(1) Two driveway approaches may be installed on the same street only if the width of the corner lot between the lot line and the beginning of the ~~40 foot~~ corner vision triangle is at least 78 feet.			
(d) Two dwelling units	All	All	Not more than 2
(e) Three or more dwelling units	All	All	As approved by the director of public works
(1) Approaches shall not exceed standard city width as established by standard detail.			
(2) Approaches shall not occupy more than 24% of the property line adjacent to a public right-of-way, except that one minimum width single or double driveway may be approved by the director of public works, regardless of the percentage of frontage occupied.			

SECTION 5. SECTION AMENDED. Section 19.12.040 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.040. "C"

(1) – (16) [Text unchanged.]

(17) "Corner vision triangle." For definition, see Section 19.34.060 (Vision Triangles). ~~means the triangular area created by a line connecting points along the two front lot lines which points are established forty feet in distance from the intersection of the extension of such front lot lines within the street right-of-way.~~

(18) [Text unchanged.]

SECTION 6. SECTION AMENDED. Section 19.12.050 of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.050. "D"

(1) – (12) [Text unchanged.]

(13) "Driveway vision triangle." For definition, see Section 19.34.060 (Vision Triangles). ~~means the triangle area created by a line connecting points along the back edge of a public sidewalk and the outer edge of a driveway, which points are established ten feet distant from the intersection of the back edge of the sidewalk and the outer edge of the driveway. Where a driveway has been widened without a corresponding widening of the curb approach, the driveway vision triangle shall be based on the original driveway edge.~~

(14) – (15) [Text unchanged.]

SECTION 7. SECTION AMENDED. Section 19.26.170 of Chapter 19.26 (Combining Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.26.170. ECR combining district—General development standards for Node properties.

In addition to the provisions of the underlying zoning district, and the requirements set forth in Section 19.26.160, a use or development within a Node area, as delineated in the precise plan, shall comply with the following development standards:

(a) Lot Size. Minimum lot size for nonresidential or mixed use projects shall be two acres.

(b) Uses. Mixed use development in a commercial zoning district within a Node area must have a minimum of twenty percent of the lot area (floor area ratio) as commercial use.

(c) Setback. Mixed use development within a Node area may have a zero front yard setback provided all applicable vision triangle requirements described in Section 19.34.060 (Vision Triangles) are met.

(d) Building Height. For any portion of a building that is within seventy-five feet of a property line of a single-family residential zoning district,

the maximum building height shall be thirty feet. In all other cases, maximum building height shall not exceed seventy-five feet.

(e) Additional Requirements. Additional or more restrictive requirements may be imposed through the issuance of a miscellaneous plan permit or special development permit to assure compliance with the precise plan for El Camino Real.

SECTION 8. SECTION AMENDED. Section 19.34.060 of Chapter 19.34 (Front, Side and Rear Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.34.060~~.~~ ~~Front yards—Corner triangle required~~Vision Triangles~~.~~

~~a) The minimum front yards of each corner lot in every zoning district shall include the triangular area created by a line connecting points along the front lot lines which are established forty feet in distance from the intersection of such front lot lines within the street right-of-way. Provided, however, that a canopy may project into the triangular area for a distance of five feet if the height of the canopy is at least ten feet above the established curb grade, and none of the supporting members of the canopy are affixed in the ground within the triangular area.~~

~~b)~~a) **Definitions.**

1) "Corner vision triangle" means a triangular area on corner lots with specific height limitations for structures and vegetation, including fences, buildings and hedges. The triangle is formed by following three steps (see Figure 19.34.060 Vision Triangles for illustration):
   A) Draw imaginary straight lines that extend the front property lines until they intersect at a single point (Point X);
   B) Locate 2 points along each property line that are 40 feet from the intersection point (Points A and B); and
   C) Connect all 3 points to form a triangle.
2) "Driveway vision triangle" means a triangular area next to a driveway, alleyway or multi-use path with specific height limitations for structures and vegetation, including fences, buildings and hedges. The triangle is formed by the following three steps (see Figure 19.34.060 Vision Triangles for illustration):
   A) Use the point where the inside edge of the sidewalk and the edge of the driveway intersect (Point X);
   B) Locate two points along the edge of the driveway and sidewalk that are 10 feet from the intersection point (Points A and B). If there is no sidewalk, the vision triangle is measured along the property line. If a driveway has been widened without a corresponding widening of the curb approach, the driveway vision triangle is measured from the original driveway edge.
   ~~A)~~C) Connect all 3 points to form a triangle.
3) "Extended driveway vision triangle" means a triangular area measured in a similar manner as a driveway vision triangle but where:

A) The point along the edge of the sidewalk is 40 feet from the intersection point; and

B) The point along the edge of the driveway is 40 feet from the intersection point.

b) **Applicability**. Any structure, vegetation or parking space is subject to corner and driveway vision triangle requirements unless specifically stated otherwise in this section. New structures, including signs, are subject to extended vision triangle requirements when located on lots with more than 100 parking spaces.

1) **Downtown Specific Plan District.** Properties within the DSP Blocks 1, 1a, 2, 3, 7 and 18 are exempt from vision triangle requirements.

2) **Precise Plan for El Camino Real Combining District.** Intersections and driveways controlled with a traffic light or 4-way stop in the Precise Plan for El Camino Real are exempt from vision triangle requirements.

c) **Parking Spaces.** Parking areas are prohibited in all vision triangles.

d) **Structures and Vegetation in Vision Triangles**. Structures and vegetation are limited to 3.5 feet in height within any vision triangle. A structure may include buildings, fences, accessory structures, signs or any other physical object. Vegetation may include plants, shrubs and trees. The following structures and vegetation are exempt from vision triangle requirements:

1) **Trees with Circumferences Less than 38 Inches**. A tree of 38 inches in circumference as measured 4.5 feet from the ground may be located within a vision triangle if the lowest tree branches and foliage are at least 10 feet from the ground at maturity.

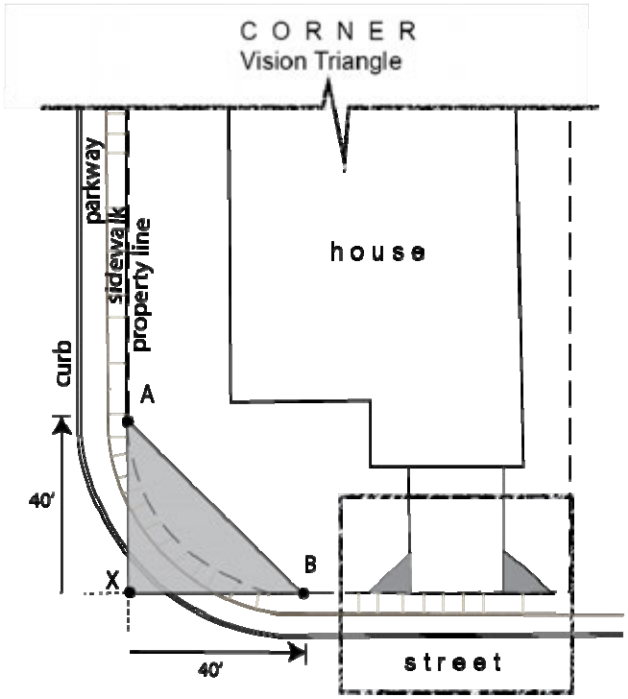
2) **Building Canopies**. A building canopy may project 5 feet into a vision triangle if the canopy is at least 10 feet high as measured from the top of curb closest to the canopy. Ground-mounted support posts are prohibited within any vision triangle.

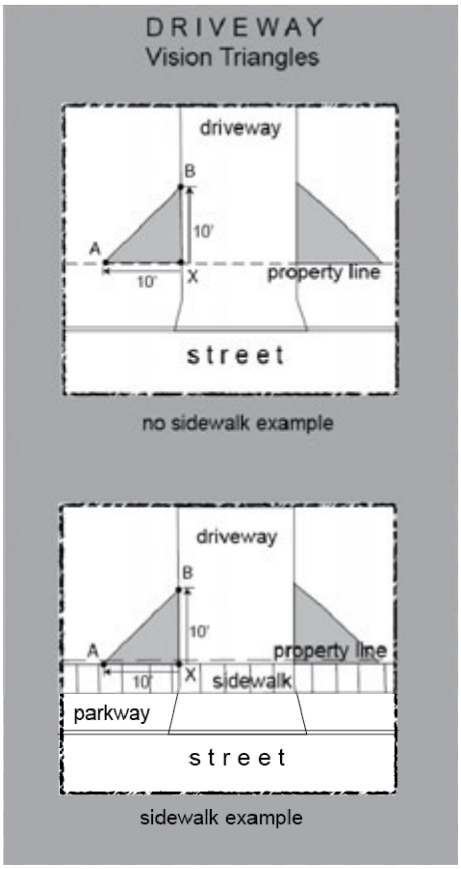
3) **Open Fences**. "Open fences" as defined in Section 19.48.020 (General Fence Requirements) may be located in a vision triangle.

4) **Public Parking District**. Properties within the public parking district are exempt from vision triangle requirements.

e) **Special Requirements for Safety.** The Director may require additional setbacks if needed for pedestrian, motorist, or bicyclist safety.

Figure 19.34.060 Vision Triangles





SECTION 9. SECTION AMENDED. Section 19.44.020 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.020. Types of signs and related regulations.

(1) – (16) [Text unchanged.]

~~(17) Corner Vision Triangle or Driveway Vision Triangle Sign. Any sign displayed within the corner vision triangle as defined in Section 19.12.040 or the driveway vision triangle as defined within Section 19.12.050. A sign within a vision triangle is prohibited if the sign is:~~

~~(a) Greater than three feet in height; or~~

~~(b) A temporary commercial sign.~~

(18) – (70) [Text unchanged; Renumber (17) – (69), consecutively.]

SECTION 10. SECTION AMENDED. Section 19.44.011 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.110. General requirements for signs.

(a) – (e) [Text unchanged.]

(f) Location of Signs~~ On-Site~~. The following regulations shall govern placement of signs on the affected site:

(1) Projecting Signs. If mounted on a wall, fascia, awning, canopy or fence, no sign shall project above the highest point of the surface to which it is attached, nor shall any sign project in perpendicular fashion from the surface to which it is attached, nor shall a sign exceed twelve inches in depth, except as may be permitted by sign approval or landmark alteration permit for theater marquees and heritage landmark properties.

(2) Roof Signs. No sign shall be mounted on a roof, unless the roof has a pitch of at least three vertical to twelve horizontal feet. Each sign so mounted shall not exceed two feet in vertical height, and shall be located parallel to and not more than three feet from the lower edge of the roof.

(3) Parapet Signs. No sign shall be mounted on a parapet, roof equipment screen or penthouse, unless reasonable alternatives to such a location cannot be found, and unless the parapet, roof equipment screen or penthouse is consistent in materials and appearance to the roof or main building wall, and the sign does not project above the surface to which it is attached.

(4) Signs on Towers. No sign shall be mounted on an architectural appendage such as a tower, chimney or spire, unless the sign is placed below the roofline of the main building, except as may be permitted for freeway business signs. No sign shall be affixed to a water tower or similar feature, unless the tower is a heritage landmark so designated pursuant to Chapter 19.96. In no instance shall a sign be mounted on a communications tower, antenna or similar feature.

(5) Property Lines. No sign shall extend across any property line, except as may be permitted by landmark alteration permit on heritage landmark properties.

(6) Vision Triangles. ~~No s~~Sign structures ~~shall~~must comply with vision triangle requirements as described in Section 19.34.060 (Vision Triangles). ~~exceed three feet in height within a corner vision triangle or driveway vision triangle~~.

(7) Walkway Signs. No sign which extends over a walkway shall be nearer than eight vertical feet from the walkway.

(8) Proximity to Fire Hydrants and Hoses. No sign shall be located within fifteen feet of the front or side of a fire hydrant or fire hose connection, or within three feet of the rear of such a hydrant or hose connection.

(9) Impair Access. No sign shall be established or maintained in any location that prevents or impairs free access from any door, window, fire escape, driveway, parking space, aisle, sidewalk or bicycle path. No sign shall be located so as to substantially impair the visibility of other signs.

(10) Interfere with Utilities. No sign shall be established or maintained in a location interfering materially with the establishment, maintenance, repair or use of any overhead or underground utility wires, conduits, cables, or appurtenant supporting structures.

(g) [Text unchanged.]

SECTION 11. SECTION AMENDED. Section 19.44.125 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.125. Type and duration allowed for temporary signs.

(a) [Text unchanged.]

(b) Location. No temporary sign display shall be permitted to extend beyond the property line of the applicant or into any public right-of-way. ~~No temporary sign shall be displayed in the corner vision triangle unless less than three feet in height~~.

(c) – (e) [Text unchanged.]

(f) Duration of Display, Number of Signs and Permit Requirements Based on Use.

(1) – (3) [Text unchanged.]

(4) Construction Project. A construction project sign may consist of a banner or temporary ground sign. A maximum of two construction project signs may be displayed per street frontage without a permit provided that the following provisions are met:

(i) They do not exceed forty square feet in area per face, or, if only one sign, does not exceed eighty square feet in area per face;

(ii) Does not exceed ~~ten~~ 10 feet in height as measured from the ground ~~and does not extend into a required corner of driveway vision triangle~~;

(iii) Shall not be displayed until either the necessary land use permits have been obtained, or building permit applications have been filed with the city;

(iv) Shall not be displayed longer than ninety days after completion of the last building within a development;

(v) A construction project sign that exceeds these requirements is prohibited.

(5) – (7) [Text unchanged.]

(8) Real Estate Sign. A real estate sign shall consist of a banner or temporary ground sign and may be located in any zoning district. Any real estate sign that does not meet the following requirements is prohibited.

(i) Real estate signs advertising developed residential property for sale or lease do not require a permit provided the following provisions are met:

(A) Each sign face does not exceed twenty square feet in area per sign face or forty square feet in total sign area;

(B) There is a maximum of one such sign per street frontage;

(C) For a temporary ground sign, it must not exceed six feet in height~~ and may not extend into a required corner of driveway vision triangle~~; and

(D) Such signs are removed within ten days after the advertised property has been sold (defined as close of escrow), rented, leased or removed for market.

(ii) Real estate signs advertising developed nonresidential property or vacant, undeveloped real property for sale or lease do not require a permit provided that the following provisions are met:

(A) Each sign face does not exceed forty square feet in area or eighty square feet of total sign area;

(B) There is a maximum of one sign face per street frontage; and

(C) Such signs are removed within ten days after the property has been sold (defined as close of escrow), rented or leased.

(iii) A real estate sign that does not meet these requirements is prohibited.

SECTION 12. SECTION AMENDED. Section 19.44.145 of Chapter 19.44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.145. Automobile retail establishment decorative banner program.

(a) – (d) [Text unchanged.]

(e) Decorative Banner Program Permit and Requirements. The director of community development may approve a decorative banner program permit in accordance with the regulations and criteria set forth in this section and may impose such other reasonable conditions as may be deemed necessary in the public interest. The director of community development may deny an application for a permit if the proposed program does not comply with the regulations or if the director finds that the public interest will not be served by issuance of the permit. The following regulatory standards are required conditions for any decorative banner program:

(1) Location. The entire decorative banner shall be located on private property, outside of vision triangles ~~of motorists~~ and shall not extend into or be allowed to move into the public right-of-way.

(2) – (8) [Text unchanged.]

(f) – (h) [Text unchanged.]

SECTION 13. SECTION AMENDED. Section 19.46.140 of Chapter 19.46 (Off-Street Parking and Loading) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.46.140. Parking in front and side yards—When allowed.

(a) Parking is allowed in the required front and side yards in all residential zoning districts with the exception of corner vision triangles. ~~Except in a corner vision triangle on corner lots, parking is allowed in the required front and side yards in all residential zoning districts.~~ Such parking shall be limited to currently registered operable vehicles, trailers and boats, shall be on a stabilized permanent surface approved by the director of community development and installed in accordance with Section 19.46.120, and such parking area shall not cover more than fifty percent of any required front yard. An operable vehicle is a vehicle that can move under its own power and which can operate legally and safely on the highways of the state.

(b) [Text unchanged.]

SECTION 14. SECTION AMENDED. Section 19.46.160 of Chapter 19.46 (Off-Street Parking and Loading) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.46.160. Public parking districts—Regulations not applicable.

Side yard, rear yard and ~~forty-foot corner~~ vision triangle regulations are not applicable within the boundaries of any off-street public parking district heretofore formed, and which hereafter may be formed, pursuant to the Sunnyvale Municipal Code, or as amended, or any statute of the state of California.

SECTION 15. SECTION AMENDED. Section 19.48.020 of Chapter 19.48 (Fences, Distances between Buildings and Extensions into Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.48.020. General fence requirements.

(a) **Definitions**

(1) "Fence" means a barrier of wood, masonry, stone, wire, metal or other material erected to enclose, screen, or separate areas. See subsection 19.48.020(c) for prohibited materials.

(2) "Open fence" means a fence up to 4.5 feet tall with posts spaced at least 8 feet apart. The fence structure above 3.5 feet in height must be no more than 50% solid, similar to the illustration. Posts or other decorations cannot exceed 12 inches in width or thickness. (See Figure 19.48.020, Open Fences).

(b) **Applicability**. Fences are permitted in all zoning districts with permitting requirements as described in Table 19.48.025. Vegetation may be considered a fence and is subject to the requirements of this section.

(~~1~~c) **Prohibited Materials**. It is unlawful to erect any electrically charged fence or any fence composed of barbed wire, razor wire or other material which is designed to cause injury upon contact on or adjacent to any residential use regardless of the underlying zoning. Chain link fences may not be constructed after January 1, 2010 in the front or reducible front yard of residential uses and residential zoning districts.

(~~2~~d) **Measurement of Fence Height**. Fence height in the rear and side yard (not located on a street) is measured from the highest adjoining grade to the highest point of the fence. Fence height in the front and reducible front yard is

measured from the top of curb, or street if there is no curb to the highest point of the fence.

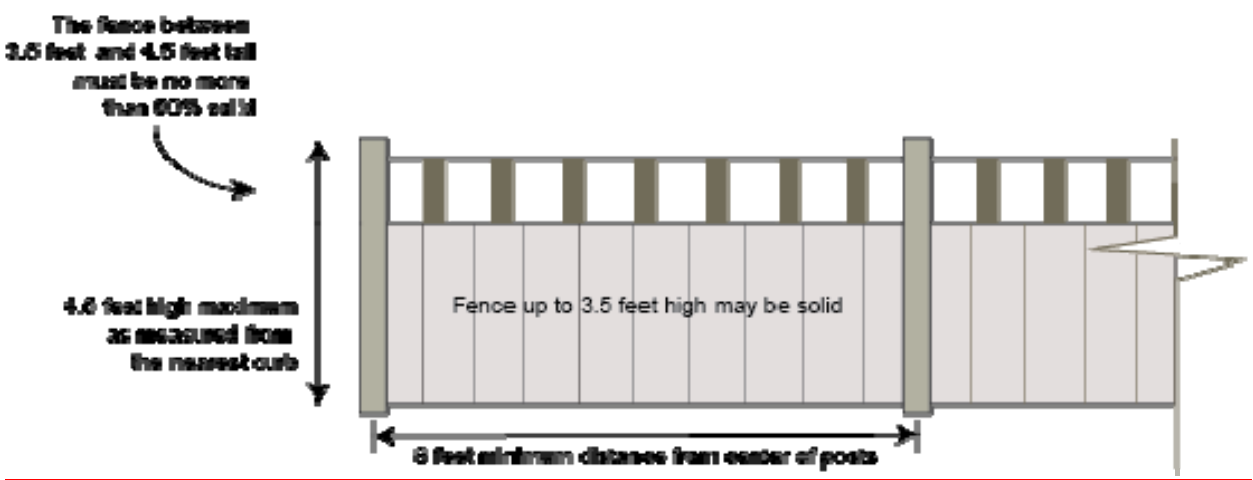
(~~3~~e) **Vision Triangles.** All fences, except open fences –must meet ~~driveway vision triangle and corner~~ vision triangle requirements described in 19.34.060 (Vision Triangles).

(~~4~~f) **Fences in the Public Right-of-Way.** Fences or walls may be built to the existing sidewalk, or if there is a monolithic sidewalk or if there are no sidewalks, to the existing property line; however, nothing in this section shall prohibit the city from exercising its rights pursuant to existing public rights-of-way or easements, and nothing in this section shall be construed as a waiver by the city of its rights thereto. Further, nothing in this section shall be construed as establishing any responsibility on the part of the city for any fence or wall, or portion thereof, which is constructed within the public right-of-way or easement.

(~~5~~g) Property Owner Responsibility. It is the responsibility of the affected property owners to determine the desired height for any fence built along a property line.

(~~6~~h) Reducible Front Yard Fences. For fences in the required reducible front yards, fences greater than ~~six~~ 6 feet up to ~~eight~~ 8 feet tall may be allowed as a matter of right provided they are set back ~~two~~ 2 feet from the property line for every foot in height above ~~six~~ 6 feet. For example, a ~~seven~~7-foot ~~high~~ tall fence must be set back ~~two~~ 2 feet from the property line. Fences that do not meet this setback must obtain approval through a miscellaneous plan permit.

Figure 19.34.020 Open Fences



SECTION 16. SECTION AMENDED. Section 19.78.030 of Chapter 19.78 (Mobile Vendor Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.78.030. Procedures.

(a) – (b) [Text unchanged.]

(c) Prohibited Locations. Notwithstanding the terms of any mobile vendor permit, no person shall place, maintain, conduct, park or allow to stand or remain any portable container, vehicle, pushcart, eating stand, wagon or car used in selling, vending, peddling, bartering or exchanging any goods, flowers or foodstuffs in any of the following places within the city:

(1) – (8) [Text unchanged.]

(9) Within any ~~forty-foot corner~~ vision triangle defined by Section ~~19.46.040~~ 19.34.060 (Vision Triangles);

(10) [Text unchanged.]

SECTION 17. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15307, 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 and is a regulatory action as authorized by state law.

SECTION 18. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 19. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 20. 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 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 (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2012, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2012, 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