



Draft Reviewed by the Planning Commission
on September 28, 2009

Council Meeting: October 27, 2009

SUBJECT: 2009-0469 Updates to the Sunnyvale Municipal Code for Minor Corrections and Word Changes Associated Primarily with Title 19 (Zoning).

REPORT IN BRIEF

Planning staff is engaged in a comprehensive effort to update Title 19 of the Sunnyvale Municipal Code in order to clarify policy questions, fix errors, or streamline and improve permit processes. These updates will be conducted periodically. Planning staff is currently working on three major sets of updates:

1. Minor Corrections and Word Changes
2. Minor Policy Changes and Clarifications
3. Major Rewrites to improve the organization of the code. Several of these major rewrites will also include minor policy changes or clarifications.

The proposed set of updates included in this report is "Minor Corrections and Word Changes." Staff recommends adoption of the enclosed ordinance detailing those changes. There are no changes to City policy as a result of the proposed corrections.

BACKGROUND

In the past year, staff has been collecting a comprehensive list of changes that could be made to Title 19 to reduce error, clarify policy questions, or make regulations easier to understand and communicate to the public.

DISCUSSION

The following table is a summary of each code section that is proposed to be modified with the associated problem and correction. The ordinance is located in Attachment A.

| Section | Problem and Correction |
|---|--|
| Throughout the Sunnyvale Municipal Code | Outdated references to a Design Permit, a type of permit that was eliminated in the late 1990s and replaced with Use Permits or Special Development Permits. |
| 10.16.130 and 19.78.030 | Parking regulations for vending vehicles should be in Title 10, not this section |

| Section | Problem and Correction |
|------------------|---|
| 19.28.090 | Note #1 in table states that lot coverage is per SDP but it should be 100% to be consistent with the Downtown Specific Plan. Also clarify individual lot size versus minimum development size. |
| 19.28.100 (d) | The labels for DSP blocks 9, 9a, 8b, 8 and 8a got mixed up. Also make parking requirement consistent with the specific plan. |
| 19.30.020 | In the Lot Area Per Dwelling Unit table, the R-3, R-4 and R-5 zoning districts are not cross referenced with the sliding-scale density table in 19.30.040. Clarify note on Office Zoning District minimum lot size versus minimum development size. |
| 19.32.020 | This section is missing changes that were made to allowable lot coverages in 2002 for single-family zoning districts. |
| 19.32.020 | C-2 footnote should be 4 (not 5) |
| 19.32.020 | Notes on P-F Zoning District building height and lot coverage are missing or incorrectly stated. |
| 19.32.020 | Footnote 5 for Futures E refers to an outdated zoning area and has been struck. Footnote 8 on exemptions for underground parking should not apply to the R-3 Zoning District. See section 19.46.040. |
| 19.32.070 | Remove reference to Futures E as it is a zoning area that has been superseded by the Moffett Park Specific Plan. |
| 19.44.140(c) | Says the "minimum" sign area for residential signs. Should be "maximum" area. |
| 19.46.100 | Need to add sentence explaining how stall depth is measured for angled spaces. |
| 19.54.040 | The tables in 19.54 have different requirements for "co-location of not more than two facilities", and "two or more facilities." This should be clarified in that Major Permits are required for three or more facilities. |
| 19.82.020 (a)(7) | Miscellaneous Plan Permits are required for fences 7 ft. or less, not "less than 7 ft." |
| 19.98.040(h)(2) | Currently requires "registered" mail which is very expensive for notification of potential Heritage Resource nominations. Change to "certified" mail. |

FISCAL IMPACT

No fiscal impact is expected.

ENVIRONMENTAL IMPACT

This action does not require environmental review as it does not meet the definition of a "project", or action that has no possibility of resulting in significant environmental impact.

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. Adopt the ordinance in Attachment A.
2. Make modifications to the ordinance in Attachment A.
3. Do not adopt the ordinance.

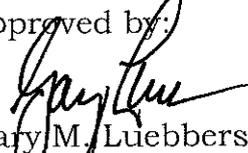
RECOMMENDATION

Alternative 1. Adopt the ordinance in Attachment A.

Reviewed by:


Hanson Hom Director, Community Development
Reviewed by: Trudi Ryan, Planning Officer
Prepared by: Diana O'Dell, Senior Planner

Approved by:


Gary M. Luebbers
City Manager

Attachments

- A. Proposed Ordinance for Minor Corrections and Word Changes

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS AND/OR TABLES OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO MAKE MINOR CORRECTIONS OR MODIFICATIONS FOR ACCURACY AND/OR CLARITY; AND AMENDING CERTAIN SECTIONS OF TITLE 9 (PUBLIC PEACE, SAFETY OR WELFARE), TITLE 10 (VEHICLES AND TRAFFIC) AND TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO DELETE THE OUTDATED WORDS "DESIGN PERMIT"

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

SECTION 1. SECTION 9.37.105 AMENDED. Section 9.37.105 of Chapter 37 (Bingo Games) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code is hereby amended to read as follows:

9.37.105. Location of Category B bingo games.

(a) Category B bingo games shall be conducted only:

(1) Within the M-S zoning district, in accordance with the terms of a ~~design-use~~ permit issued pursuant to the procedures set forth in Chapter 19.54 98 of this code; or

(2) [Text unchanged.]

(b) Each location of Category B bingo games shall meet each of the following criteria:

(1)-(2) [Text unchanged.]

(3) Each location must have adequate lighting in its parking area.

A minimum of 0.5 footcandles per square foot of parking lot area shall be required unless this requirement is waived or modified by the city council upon a finding of special circumstances rendering the requirement unnecessary or that security and other needs are being met by alternative means.

~~Any design permit or use permit~~ authorizing conduct of a Category B bingo game shall be effective only in conjunction with a Category B bingo license, issued by the city council. The city council shall consider applications for ~~design permits or use permits~~ for the location of Category B bingo games in accordance with that procedure set forth in ~~Section 19.60.025(b)~~ Title 19, along with applications for Category B bingo licenses.

SECTION 2. SECTION 10.16.130 ADDED. Section 10.16.130 is added to Chapter 10 (Parking Regulations) of Title 10 (Vehicles and Traffic) of the Sunnyvale Municipal Code is hereby added to read as follows:

10.16.130 Unlawful Parking

Except as may be permitted expressly by the terms of a mobile vendor permit, as permitted in 19.78, 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 within the city.

(a) This section shall not apply to any person engaged in delivering merchandise from or to any store, fixed place of business or residence.

(b) A person may stand or park a vehicle used in the display, sale or offering for sale of foodstuffs in or upon any street at the request of a bona fide purchaser for a reasonable period of time, not to exceed ten minutes, provided that when such person thereafter moves any such vehicle, it shall be moved a minimum distance of two hundred fifty consecutive feet before again being stopped.

(c) This section shall not apply to vehicles or trucks used for catering or vending prepared foodstuffs and located upon private property at the invitation of the property owner, solely for the use of the owner or owner's tenants or employees.

SECTION 3. SECTION 19.22.030 AMENDED. Section 19.22.030 of Chapter 22 (Industrial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.22.030. Permitted, conditionally permitted and prohibited uses in industrial zones.

(a) [Text unchanged.]

(b) It is a violation of this chapter to:

(1)-(2) [Text unchanged.]

(3) Engage in a use requiring a miscellaneous plan permit, design permit, use permit or special development permit without obtaining the required permit.

(c) [Text unchanged.]

SECTION 4. TABLE 19.28.090 AMENDED. Table 19.28.090 of Chapter 28 (Downtown Specific Plan District) of Title 19 of the Sunnyvale Municipal Code is hereby amended to read as follows:

**Table 19.28.090
Lot Area, Building Height and Lot Coverage**

| Block | Min. Lot Development Size (acre) | Max. Height | Max. Stories | Max. Lot Coverage |
|--------------|---|------------------------|---------------------|--------------------------|
| 1 | 0.60 | 100 ft. | 6 | Per SDP100% ¹ |
| 1a | 0.30 | 85 ft. ² | 6 | Per SDP100% ¹ |
| 2 | No min. ³ | 36 ft. | 2 | Per SDP100% ¹ |
| 3 | No min. | 50 ft. | 4 | Per SDP100% ¹ |
| 4 | 0.50 | 30-40 ft. ⁴ | 2-3 ⁴ | 45% |
| 5 | 0.25 | 40 ft. | 4 | 45% |
| 6 | 0.25 | 30-40 ft. ⁴ | 2-3 ⁴ | 60% |
| 7 | N/A | 50 ft. | 4 | 60% |
| 8 | 0.14 | 30 ft. | 2 | 60% |

| Block | Min. Lot Development Size (acre) | Max. Height | Max. Stories | Max. Lot Coverage |
|--------------|---|------------------------|---------------------|---------------------------|
| 8a | 0.25 ⁵ | 30 ft. | 2 | 60% |
| 8b | 0.30 | 30 ft. | 2 | 40% |
| 9 | 0.25 ⁵ | 30 ft. | 2 | 60% |
| 9a | 0.14 | 30 ft. | 2 | 40% |
| 10 | 0.25 ⁵ | 30 ft. | 2 | 60% |
| 11 | 0.25 ⁵ | 30 ft. | 2 | 60% |
| 12 | 0.25 ⁵ | 30 ft. | 2 | 60% |
| 13 | 0.40 | 30-50 ft. ⁶ | 2-4 ⁶ | Per SDP 100% ¹ |
| 14 | 0.75 | 30-50 ft. ⁷ | 2-4 ⁷ | Per SDP 100% ¹ |
| 15 | 0.75 | 30-50 ft. ⁷ | 2-4 ⁷ | Per SDP 100% ¹ |
| 16 | 0.75 | 30-50 ft. ⁷ | 2-4 ⁷ | Per SDP 100% ¹ |
| 17 | 0.16 ⁵ | 30 ft. | 2 | 40% |
| 18 | 0.30 | 75 ft. ⁸ | 5 | Per SDP |
| 20 | No min. | 30-40 ft. ⁹ | 3 | 60% |

¹ Per SDP (Special Development Permit) means that lot coverage shall be evaluated on a project by project basis.

² Maximum height includes any rooftop equipment or elevator shafts.

³ Minimum lot size is 2,800 sq. ft. for individual developments.

⁴ Maximum height along Washington and McKinley Avenues is 30 ft. (2 stories).

⁵ Minimum lot size is 2,600 sq. ft. for individual developments.

⁶ Maximum height along Taaffe Street is 30 ft. (2 stories).

⁷ Maximum height along Charles Street is 30 ft. (2 stories); along Mathilda Avenue is 50 ft. (4 stories).

⁸ Exception of 80 ft. for mid-block movie theaters.

⁹ 40 ft. for the northern half of the block and 30 ft. for the southern half.

SECTION 5. TABLE 19.28.100(d) AMENDED. Table 19.28.100(d) of Chapter 28 (Downtown Specific Plan District) of Title 19 of the Sunnyvale Municipal Code is hereby amended to read as follows:

**Table 19.28.100(d)
Development Standards for South of Iowa
District Blocks 8, 8a, 8b, 9, 9a, 10, 11 and 12**

| Blocks 8, 8a, 8b, 9, 9a, 10, 11 and 12 | |
|---|--|
| Primary Uses Allowed | Blocks 8b and 9a—Low Density Residential Blocks 8a, 9a, 10, 11 and 12—Low-Medium Density Residential Block 8a—Medium Density Residential |
| Min. Development Size | Blocks 8b and 9a - 0.14 ac. Blocks 8b, 9a, 10, 11 and 12 - 0.25 ac. |
| Approximate Maximum Density | Blocks 8b and 9a - 7 du/acre Blocks 8, 8a, 9a, 10, 11 and 12 - 14 du/acre Block 8ba - 24 du/acre |
| Max. Lot Coverage | Blocks 8a, 8b, 9a, 10, 11 and 12 - 60% Blocks 8b and 9a - 40% |
| Max. Height | 30 ft. (2 stories) |
| Required Right-of-Way Dedications | None |

| | |
|---|---|
| Blocks 8, 8a, 8b, 9, 9a, 10, 11 and 12 | |
| Min. Setbacks/Build-to Requirements (see diagram) | |
| McKinley Ave. | 13 ft. |
| Carroll Ave. | 20 ft. |
| Iowa Ave. | 13 ft. |
| Sunnyvale Ave. | 18 ft. |
| Taaffe Street | 18 ft. |
| Frances Street | 18 ft. |
| Murphy Avenue | 18 ft. |
| Olive Ave. | 13 ft. |
| Min. Interior Setbacks | |
| Side | 4 ft. |
| Rear | 20 ft. |
| Min. Landscaped Area | 20% of lot area |
| Min. Useable Open Space | 500 sq. ft./unit |
| Parking | 2/2-bdrm units and above larger 1.75/1.5/1-bdrm and studio 4/single family home (2 covered and 2 uncovered) (see Chapter 19.28) |
| Type of Parking | Surface |
| Special Design Features | Res. Gateway elements at intersection of Sunnyvale/Iowa, Murphy/Iowa, Frances/Iowa and Taaffe/Iowa |

SECTION 6. TABLE 19.30.020 AMENDED. Table 19.30.020 of Chapter 30 (Lot Area and Lot Width) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.30.020
Required Net Lot Area and Width**

| Zoning District | Lot Area Minimum (Square feet) | Lot Area Per Dwelling Unit (Square Feet) | Lot Width at Minimum Front Yard Setback Corner (Feet) | Lot Width at Minimum Front Yard Setback Interior (Feet) | Lot Width at Minimum Front Yard Setback Cul-de-sac ¹ (Feet) |
|--------------------|--------------------------------|--|---|---|--|
| R-0 | 6,000 | 6,000 | 62 | 57 | 45 |
| R-1 | 8,000 | 8,000 | 82 | 76 | 45 |
| R-1.5 | 4,200 | 4,200 | 45 | 42 | 40 |
| R-1.7/PD | 2,600 2 Acres ² | 2,600 ² | 3 | 3 | 3 |
| R-2 ⁷ | 8,000 | 3,600 | 82 | 76 | 60 |
| R-3 ^{7,8} | 8,000 | 1,800 | 82 | 120 | 60 |

| | | | | | |
|--------------------|---------|-----------------------|------|------|------|
| R-4 ^{7,8} | 8,000 | 1,200 | 82 | 120 | 60 |
| R-5 ⁸ | 8,000 | 950 | 82 | 76 | 60 |
| R-MH | 9 Acres | 1,500 ⁴ | None | None | None |
| R-MH | 9 Acres | 1,800 ⁵ | None | None | None |
| O ⁶ | 8,000 | 3,600 None | 82 | 76 | 60 |
| P-F | None | None | None | None | None |
| C-1 | None | None | None | None | None |
| C-2 | None | None | None | None | None |
| C-3 | None | None | None | None | None |
| C-4 | None | None | None | None | None |
| M-S | 22,500 | None | 100 | 100 | 80 |
| M-3 | 22,500 | None | 100 | 100 | 80 |

- ¹ Also applicable to lots on the exterior side of a street with a centerline radius of four hundred feet or less.
- ² Maximum lot area shall not exceed four thousand square feet. ~~A minimum site area of two acres is also required.~~
- ³ As determined by planned development requirements. A minimum site area of 2.0 acres also required.
- ⁴ 1,500 square feet nonexpandable mobile home.
- ⁵ 1,800 square feet expandable mobile home.
- ⁶ ~~A minimum site area of 40,000 square feet (net) also required.~~ Must be contiguous with similarly zoned land of at least 40,000 sq. feet (net).
- ⁷ Lot area and lot width less than the minimum required may be allowed through approval of a use permit or special development permit provided that overall density is consistent with the zoning district.
- ⁸ Number of dwelling units allowed for R-3, R-4 and R-5 is pursuant to Table 19.30.040.

SECTION 7. TABLE 19.32.020 AMENDED. Table 19.32.020 of Chapter 19.32 (Building Heights, Lot Coverages and Floor Area Ratios) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.32.020. Building height and lot coverages.

Building height and lot coverages shall be according to the provisions set forth in Table 19.32.020, except that ~~all lots located within the DSP district shall conform to provisions set forth in Chapter 19.28~~ lots located within a specific plan shall conform to provisions of the specific plan.

**TABLE 19.32.020
Building Height, Lot Coverage and Floor Area Ratio**

| Zoning District | Building Stories | Building Height (ft.) ^{8,9} | Lot Coverage (%) ⁹ | Floor Area Ratio (FAR) (%) ⁹ |
|-----------------|------------------|--------------------------------------|---|--|
| R-0 | 2 | 30 | 45 (single-story dwellings) 40 (two-story dwellings) | 45% FAR or 4,050 sq. ft. of gross floor area, whichever is less ⁶ |

| | | | | |
|---|---------------------|-------------------------------|---|--|
| R-1 | 2 | 30 | 45 (single-story dwellings) 40 (two-story dwellings) | 45% FAR or 4,050 sq. ft. of gross floor area, whichever is less ⁶ |
| R-1.5 | 2 | 30 ¹ | 40 | 50 |
| R-1.7/PD | 2 | 30 | 40 | 50 |
| R-2 (single-family dwellings) | 2 | 30 | 40 ⁴ 45 (single-story dwellings) 40 (two-story dwellings) | 45% FAR or 4,050 sq. ft. of gross floor area, whichever is less ⁶ |
| R-2 (all uses other than single-family dwellings) | 2 | 30 | 45 (single-story dwellings) 40 (two-story dwellings) | 55 ⁶ |
| R-3 Townhomes | 3 | 35 | 40 | |
| R-3 (all other uses) | 2 | 30 | 40 | |
| R-4 | 4 | 55 ⁸ | 40 | |
| R-5 | 4 | 55 ⁸ | 40 | |
| R-MH | 2 | 30 | None | |
| O | 2 | 30 | 40 | |
| P-F | <u>2N/A</u> | <u>Pursuant to Footnote 2</u> | <u>Pursuant to Footnote 3</u> | <u>N/A</u> |
| DSP | See Table 19.28.170 | See Table 19.28.170 | See Table 19.28.170 | See Table 19.28.170 |
| C-1 | 2 | 40 | 35 | |
| C-2 | 8 | 75 ^{5,4} | 35 | 55 (Future Site D) as described in Section 19.32.070(c)(3) |
| C-3 | 8 | 75 ⁴ | 35 | |
| C-4 | 2 | 40 | 35 | |
| M-S | 8 | 75 | 45 | 35 ^{5,7} |
| M-3 | 8 | 75 | 45 | 35 ^{5,7} |

¹ Walls facing the side yards cannot exceed twelve feet in height within twelve feet of the side property lines. Second story wall height is limited to twenty-one feet, exclusive of pitched roof structure.

² One half foot shall be added to the front, side and rear yard setbacks for each foot that the building exceeds the maximum height allowed in the most restrictive abutting district. If the proposed height exceeds the maximum height allowed in the most restrictive abutting district, additional setbacks are required. See Table 19.34.030.

³ Coverage shall not exceed the maximum structural lot coverage in the most restrictive zoning district abutting this district.

⁴ Hotels and motels may exceed seventy-five feet if allowed by use permit.

⁵ Fifty percent FAR for commercial storage or warehousing, Section 19.32.070(d).
One hundred percent FAR for Future Site B, as described in Section 19.32.070(c)(1).
Seventy percent FAR for Future Site C, as described in Section 19.32.070(c)(2).
Fifty percent FAR for Future Site E, as described in Section 19.32.070(c)(4).

⁶ Applications for residences which exceed the FAR set forth in this table shall be considered pursuant to Section 19.80.040(c).

⁷ 5% FAR bonus for green buildings may apply. See Section 19.32.075.

⁸ A five-foot height bonus is allowed when underground parking is included in the design. See Section 19.46.040.

⁹ Refer to Chapter 19.56 for deviations to height, lot coverage, and floor area ratio to accommodate and/or provide incentives for installation of solar energy systems.

SECTION 8. SECTION 19.32.070 AMENDED. Section 19.32.070 of Chapter 19.32 (Building Heights, Lot Coverages and Floor Area Ratios) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.32.070. Floor area ratio (FAR).

(a) – (b) [Text unchanged.]

(c) The floor area ratios for futures sites and the Downtown Specific Plan District are as follows:

(1) – (3) [Text unchanged.]

~~(4) — Parcels within the area bounded on the north by Caspian Drive, on the west by Mathilda Avenue, on the east by Crossman Avenue, and on the south by Gibraltar Drive, commonly known as futures industrial/commercial intensification site E, as further delineated on the zoning district map, which shall be allowed a maximum fifty percent floor area ratio;~~

~~(5) — The floor area ratio of buildings located within the DSP District shall conform to floor area ratio provisions set forth in Chapter 19.28.~~

(d) Except as may be permitted by use permit, no building, buildings or portions of buildings constructed for or devoted to use as commercial storage or warehousing shall have a floor area ratio of more than fifty percent.

SECTION 9. SECTIONS 19.38.080 and 19.38.095 AMENDED. Sections 19.38.080 and 19.44.120 of Chapter 38 (Required Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code are hereby amended to read as follows:

19.38.080. Sidewalks—Industrial districts.

(a) Except as may be permitted by use permit ~~or design permit~~, all uses within the M-S (industrial and service) and M-3 (general industrial) districts shall provide sidewalks along public street frontage. Such sidewalks shall comply with all applicable specifications and other requirements of Title 13 of this code, with the exception that alternate surface materials, colors and design thereof may be authorized by use permit ~~or design permit~~; provided that durability, safety and compatibility with adjoining improvements is at least equivalent to the minimum specifications contained in Title 13. Such sidewalks shall be required at the time of any of the following and may be made a condition of issuance of any building permit, certificate of occupancy or other permit required for any of the following:

(1)-(3) [Text unchanged.]

(4) Change in use requiring a tentative map, special development permit, ~~use permit or design~~ or use permit having the potential to cause a significant increase in pedestrian traffic.

(b)–(c) [Text unchanged.]

19.38.095. General requirements.

(a) Required undergrounding may be accomplished on a time schedule approved by the planning commission or director of community development.

(b) As conditions of approval for any use permit, ~~design permit~~ or special development permit the planning commission or city council may impose undergrounding requirements other than those contained in this section.

(c)–(g) [Text unchanged.]

SECTION 10. TABLE 19.44.140(c) AMENDED. Table 19.44.140(c) of Chapter 44 (Signs) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

**TABLE 19.44.140(c)
Ground Sign Regulations**

| | |
|---|---|
| <i>I. NONRESIDENTIAL USE IN A NONRESIDENTIAL ZONING DISTRICT</i> [Text unchanged.] | |
| <i>II. NONRESIDENTIAL USE IN A RESIDENTIAL ZONING DISTRICT (including R-2(O) and R-4(O))</i> | |
| (A) Sign Area¹: | The minimum maximum area can be one-half the area permitted above. |
| (B) Sign Height: | The maximum ground sign height is 5 ft. |
| (C) Setback Distance: | The same as permitted above. |
| (D) Copy: | Maximum copy height is 20 inches. |
| <i>III. RESIDENTIAL USE</i> [Text unchanged.] | |

¹ Logo height and length dimensions are counted in the ground sign area. Logo height and length dimensions are not regulated on ground signs but logos are counted in the ground sign area.

SECTION 11. SECTION 19.46.030 AMENDED. Section 19.46.030 of Chapter 46 (Off-Street Parking and Loading) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.46.030. Preferential parking for car pool vehicles; bicycles.

(a) Where a car pool or similar program designed to promote the sharing of rides and joint use of motor vehicles is required as a mitigating measure in connection with an environmental review or as a condition of a use permit, special development or design permit, specially marked spaces for use by participants in such program shall be provided in a location convenient to building entrances and such spaces shall be set forth on the approved plans.

(b)-(c) [Text unchanged.]

SECTION 12. SECTION 19.46.100 AMENDED. Section 19.46.100 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:

19.46.100. Parking area standards—Angle and parallel parking.

Parking areas other than perpendicular shall be in accordance with the provisions set forth in Table 19.46.100. Stall depth is measured perpendicularly from the top of the diagonal parking space to the drive aisle. In no case shall the length of the diagonal parking space, as measured along the diagonal, be less than the minimum stall length standards in 19.46.090.

SECTION 13. SECTION 19.52.060 AMENDED. Section 19.52.060 of Chapter 52 (Required Artwork in Private Developments) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.52.060. Permit required.

(a)-(e) [Text unchanged.]

(f) An application for a permit required pursuant to this section need not be filed prior to issuance of a use permit, special development permit, ~~design permit~~ or other required entitlements to proceed with the development project. Application for a required permit under this section shall be made prior to issuance of a building permit, and the permit obtained and the artwork installed prior to issuance of approval or certificate of occupancy for the new construction unless the posting of security in lieu thereof has been approved and made. In phased projects, the director of community development retains discretion as to which building permit triggers the need for the artwork application. However, in any application made for a use permit, special development permit, ~~design permit~~ or other entitlement required for a development project subject to the requirements of this chapter, the applicant shall include in the application for such permits or entitlements, a preliminary designation of the type and media of artwork proposed and a designation of the general location in which the artwork is to be located including a general description of the size of the area available for the location of artwork and the type of landscaping proposed to integrate the artwork with the project. The general location for such artwork shall be indicated on site plans submitted in connection with the application for such permits or entitlements.

(g) The arts commission shall review the proposed location for the artwork in order to determine whether the proposed location is in an appropriate location on the site and is of adequate size to allow the siting of artwork thereon of a nature which will satisfy the criteria set forth in ~~Section 19.52.080~~ Chapter 19.52. In the case of a development project for which no use permit, special development permit, ~~design permit~~ or other discretionary permit is required, the review shall be conducted by the director of community development prior to issuance of a building permit.

(h) If the arts commission determines that the proposed site is inadequate in size or location to permit the siting of artwork thereon which would satisfy the criteria contained in ~~Section 19.52.080~~ Chapter 19.52, the use permit, special development permit, ~~design permit~~ or other entitlement shall not be issued until a designated location for the proposed artwork is identified meeting the required criteria.

(i) [Text unchanged.]

SECTION 14. SECTION 19.54.080 AMENDED. Section 19.54.080 of Chapter 19.54 (Wireless Telecommunication Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read, as follows:

19.54.080. Telecommunication facilities permits.

The type of permit required for telecommunication facilities, and any applicable exemptions, are set forth in Table 19.54.080.

**Table 19.54.080
Telecommunications Facilities Permits**

| Zoning Districts | Exemptions | Miscellaneous Plan Permits | Minor Use Permits | Major Use Permits |
|--|--|--|--|---|
| Residential and Public Facilities R-0 R-1 R-1.5 R-1.7 R-2 R-3 R-4 R-5 RMH PF DSP (residential blocks) | For all properties: 1) DBS, MMDS or TVBS antennas, provided that: a) Antenna has diameter of 39" or less. b) Antenna is mounted on mast less than 12 ft. high. c) Antenna is not located in a historic district or on a historic building. d) To the extent feasible, the antenna location is not readily visible from public right-of-way. e) Amateur radio antennas not exceeding maximum building height limits of zoning district by 25 feet. | For properties with residential uses: Receive-only parabolic dishes or antenna > 39" in diameter. For properties with nonresidential uses: 1) Ground mounted antenna < 15 ft. high and 6" in diameter. 2) Façade mounted antenna not readily visible and no projection more than 18" from façade. 3) Roof mounted antenna not readily visible and not extending above the structure ridgeline. 4) Antennas mounted on an existing electrical transmission tower. | For properties with nonresidential uses: 1) Façade mounted antennas extending above structure ridgeline or projecting more than 18" from building façade. 2) Roof mounted antennas, which extend up to 15 ft. above the structure ridgeline. 3) Co-location of not more than two facilities or users on an existing monopole or tower. | For properties with nonresidential uses: 1) Satellite earth stations. 2) Two Three or more multi-user and co-located facilities not on an existing monopole or tower. 3) Monopoles, lattice towers and other towers up to 65 ft. 4) Facilities located in the required side or front yard setbacks. Such facilities must meet design standards. 5) Freestanding facilities including towers, lattice towers and monopoles which will be located within 1,000 feet of another freestanding facility. 6) Facilities not otherwise enumerated. |

[Remainder of Table – Text unchanged.]

SECTION 15. SECTION 19.78.030 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) – (c) [Text unchanged].

~~(d) — Unlawful Parking. Except as may be permitted expressly by the terms of a 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 within the city.~~

~~(1) — This section shall not apply to any person engaged in delivering merchandise from or to any store, fixed place of business or residence.~~

~~(2) — A person may stand or park a vehicle used in the display, sale or offering for sale of foodstuffs in or upon any street at the request of a bona fide purchaser for a reasonable period of time, not to exceed ten minutes, provided that when such person thereafter moves any such vehicle, it shall be moved a minimum distance of two hundred fifty consecutive feet before again being stopped.~~

~~(3) — This section shall not apply to vehicles or trucks used for catering or vending prepared foodstuffs and located upon private property at the~~

~~invitation of the property owner, solely for the use of the owner or owner's tenants or employees.~~

(e) **Parking Limited to Location in Permit—Revocation.** Whenever any mobile vendor permit is approved and a particular location to park or stand any portable container, vehicle, pushcart, eating stand, wagon or car is specified, such device may stand or park only in the location designated in the permit. In the event that the holder of a permit is convicted in any court of competent jurisdiction for violating any of the provisions of this section, the permit shall be revoked by the director of community development upon the filing of the record of such conviction with the department, and no permit shall be issued to that person pursuant to this chapter until six months have elapsed from the date of such revocation.

SECTION 16. SECTIONS 19.82.010 & 19.82.020 AMENDED. Sections 19.82.010 and 19.82.020 of Chapter 82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code are hereby amended to read as follows:

19.82.010. Purpose.

A miscellaneous plan permit is an administrative process to allow the determination of the dimensions, colors, materials, architectural elevations, design and placement of the physical characteristics of a project. A miscellaneous plan permit may be used to review the activities noted in this chapter or may be used to review a minor change to a use previously authorized by a use permit, special development permit, ~~variance or design permit or variance.~~ Evaluation shall be in accordance with the regulations of this code and with whatever limitations may be specified by the original permit. The provisions of this chapter identify and prescribe specific procedures and requirements for the filing, processing and consideration of a miscellaneous plan permit. These provisions shall be used in conjunction with the general requirements and procedures identified in Chapter 19.98 including requirements and procedures for applications, fees, notification, appeals, conditions of approval, modifications, expiration, extensions, revocation and infractions.

19.82.020. When required.

(a) General Reviews:

(1) – (6) [Text unchanged]

(7) Fences in front yards and fences over six feet ~~but less than~~ and up to seven feet in height along other property boundaries in residential zones;

(8) – (25) [Text unchanged]

(b) Extensions of time for ~~design permits,~~ landmark alteration permits, special development permits, use permits and variances.

(c)-(k) [Text unchanged.]

SECTION 17. SECTION 19.88.030 REPEALED. Section 19.88.030 of Chapter 88 (Use Permits) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby repealed as follows:

19.88.030. — Procedures.

~~For those uses for which both a design permit and use permit are required, the use permit shall serve as both. In such situations the director of community~~

~~development and planning commission shall consider design permit related issues as part of the use permit process.~~

SECTION 18. SECTION 19.98.040 AMENDED. Section 19.98.040 of Chapter 98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.98.040. Notice requirements.

(a) – (g) [Text unchanged]

(h) For heritage resource and heritage resource district designation, notice of the time and place of each public hearing by the heritage commission required as a condition precedent to the consideration of any action shall be given in the following manner:

(1) By publishing at least once in a newspaper of general circulation, at least thirty calendar days prior to the hearing, a copy of the notice;

(2) By ~~registered~~certified mail to the owners of the property at least ten calendar days prior to the hearing.

(i) – (j) [Text unchanged]

SECTION 19. CEQA EXEMPTION. 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 20. 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 or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby 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 21. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 22. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 _____, 2009, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2009, 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