Agenda Item #: 5

Draft for Planning Commission review on November 25, 2013

Council Date: December 10, 2013

SUBJECT: 2013-7141 Discussion and Possible Action to Introduce an Ordinance to Amend Title 19 (Zoning) and a Resolution to Amend the Fee Schedule Regarding the General Plan Amendment Initiation Process (Study Issue)

REPORT IN BRIEF

Council directed staff to provide options for reviewing General Plan amendment initiation (GPI) requests (Attachment A, Study Issue Paper). Sunnyvale Municipal Code (SMC) Chapter 19.92 (General Plan Amendments and Change of Zone) authorizes only the City Council to initiate proceedings to consider amendments to the General Plan. In order for property owners and developers to propose a General Plan amendment (GPA), the Council must first determine if the proposed change is worthy of consideration. The review of a GPI request is a limited decision and is neither an approval nor denial of the proposed GPA or related development application. If the Council votes to approve the GPI, the applicant may file a GPA application. If the Council denies the GPI request, the applicant may not proceed with a GPA application.

Staff recommends introducing a proposed ordinance (Attachment D, Draft Proposed Ordinance) to clarify and provide early public awareness of the City's GPI process. The ordinance includes the following provisions:

- Requires mailed public notification of GPI requests to owners of property within a minimum of 300 feet of the affected site, or within a larger radius if it would be advisable or required for a related development project;
- Requires the Planning Commission to review and make a recommendation on the GPI request prior to the Council hearing.
- Provides for the expiration of approved GPIs if a GPA application is not filed and deemed complete within two years; and
- Prohibits the filing of a substantively similar GPI request for the same site (if applicable), as determined by the Director of Community Development, within two years of a denied GPI request. Additionally, include a similar two-year prohibition for denied rezoning applications.

The ordinance also incorporates principles of the "Retooling the Zoning Code" project (RTC 11-260 and 13-047) by reorganizing and rewriting Chapter 19.92 (General Plan Amendments and Change of Zone) for clarity and user-friendliness.

BACKGROUND

GPAs may include requests by a property owner/developer to modify the land use designation of a property, adoption of new or revised policies or entire elements of a General Plan, and adoption of area plans such as specific plans and precise plans. This study focuses on the owner/developer requests to modify land use designations.

SMC Title 19 (Zoning) does not specify procedures for the GPI process as it does for other permits and actions. However, SMC Chapter 19.92 (General Plan Amendments and Change of Zone) does specify that only Council has the authority to initiate a GPA, which prompts a two-step process for considering amendments to the General Plan. The first step, the GPI process, is to obtain City Council permission to file a formal application to amend the General Plan. During this phase staff prepares a brief report that discusses the appropriateness of a study for a subject property, and City Council can either approve or deny the filing of an application (typically stated as "initiating a study of a GPA"). The second step begins once a formal application is filed by the property owner (or developer authorized by the owner). After a GPI request is approved by the City Council, the GPA application is processed similarly to Zoning Code amendments. Attachment B describes the typical GPI and GPA process as it exists currently.

EXISTING POLICY

COUNCIL POLICY—LEGISLATIVE MANAGEMENT:

Goal 7.3A: Assess community conditions and make appropriate changes to long range, mid-range and short-range plans.

COMMUNITY VISION CHAPTER:

CV-1.2a: Identify residents, community organizations and businesses affected by significant City actions and decisions and ensure that they receive timely and appropriate information enabling participation in planning and decision-making processes.

CV-1.2b: Ensure that effective public notification and access, in accordance with relevant laws and City Council policies, are provided to enhance meaningful community participation in the policy making process.

CV1.2c: Publish and distribute timely and accurate information regarding City programs and services, City Council actions and policy issues.

ENVIRONMENTAL REVIEW

This action is not considered a "project" under the California Environmental Quality Act (CEQA) because initiation of a General Plan Amendment study has no potential to create a significant environmental impact (California Resources Code Section 21065).

DISCUSSION

State law specifies the procedures by which general law (non-charter) cities must review GPA applications (i.e. at a noticed public hearing), but gives cities the authority to specify how a GPA may be initiated. As a charter city, Sunnyvale can develop its own rules and procedures for amendments to the General Plan.

Sunnyvale is somewhat unique in its process for considering amendments to the General Plan in that there is a two-step process: the initiation (GPI) of a GPA and the processing of the actual GPA. Traditionally, the two-step process has worked to avoid the filing of project applications where the City Council cannot conceive of changing the General Plan. Councilmembers and other community members are concerned that the current process does not involve the general public early enough in the process. Concerns have also been expressed that too many GPI requests have recently been initiated.

The City of Mountain View is the only other city in Santa Clara County that requires a Council initiation process similar to Sunnyvale's GPI process. The Mountain View zoning code states that the primary purpose of the initiation process in Mountain View is to determine whether staff resources are adequate to work on an application to amend the general plan; however Mountain View staff indicates that the merits of a study are also discussed by the City Council. Some cities in the County require a preliminary review by practice, but most allow the GPA application to be filed without having the applicant go through a City Council initiation or pre-application process. The first time that the community learns about a GPA application varies by the city and the respective city's notification and outreach efforts during development application processing and review.

This study considers the following questions and whether such provisions should be formally incorporated into the City's GPI process:

- Should public notification of a GPI request be provided and to what extent?
- Should GPI requests be limited in number or scheduled for review at fixed intervals during the year?
- Should a Council decision to initiate a General Plan Amendment expire if a formal General Plan Amendment application is not submitted within a period of time?
- Should a Council decision to deny a GPI request prohibit the filing of a similar request on the same site for a period of time?

Although not specifically identified in the Study Issue summary paper, this report also provides comments on the timing of GPA and related development project public hearings (i.e. should they be considered at the same hearing or at different hearings).

Public Notification

Concerns have been raised that formal public notification of a GPI request is not provided during the GPI review process. Public notification, including site postings, newspaper ads and mailed notices to nearby owners or residents, is typically associated with a proposed formal action by a decision-making body, such as the Zoning Administrator, Planning Commission or City Council. Because there is no formal land use decision being made when Council reviews a GPI request, SMC Title 19 does not currently require public notification of the scheduled Council hearing. Public notice of a GPI request is only provided as part of the Council agenda that is posted on the City's website, in City Hall and other public locations.

Options for requiring public notification:

1. A minimum 300-foot noticing radius from the project site, the same minimum that is required for Planning Commission public hearings (excepting the recent requirement for expanded noticing for projects in the Peery Park Specific Plan study area). Require a larger noticing radius if advisable or required for the related development application (if any).
2. Public notice posting on the project site.
3. Require the Planning Commission to review and make a recommendation on the GPI request prior to the Council hearing.
4. Continue existing process of notification by the Council agenda only.

Public notification of a GPI request allows for early public awareness and involvement in the GPA process. However, it may also be construed by the public as notice of a formal action on a GPA and raise concerns that sufficient study (such as environmental studies) has not been done to justify the initiation. Any notice should be written in a manner that helps explain to the public that the purpose of the hearing is to "initiate the study of a GPA" and that because of this, no studies have been conducted on the request. Requiring public notice of the GPI hearing would also expand a process that may not result in a GPA application.

Number or Frequency of GPI Requests

California Government Code Section 65358 limits the frequency in which general law cities can amend the general plan to four times per calendar year, although there is no limit to the number of changes each amendment may include. Although this does not apply to charter cities, Gilroy and San Jose have established limits on the number of times GPA applications can be reviewed per year.

Options for limiting the number or frequency of GPIs:

1. Review GPI requests quarterly.
2. Accept only a certain number, as Council deems appropriate, of GPI requests per calendar year.
3. Continue the existing process of considering GPI requests when received, and not limiting the number or frequency of GPI reviews each year.

The City could limit the number of GPI requests accepted or the frequency that GPI requests are reviewed per year. This approach could allow for a more comprehensive overview of the proposed changes to the General Plan as opposed to a fragmented review. However, the average number of GPI requests the City processes per year may not necessitate such limits. Since 2000, the City has processed two to six GPI requests per year and an average of three GPI requests and two subsequent GPA applications per year (Attachment C, GPIs and GPAs Processed Since 2000). While the increase in requests in 2011-2012 may indicate a trend, this spike may be cyclical and reflect economic conditions. Similar increases in GPI requests in past years have subsequently decreased in the years following. Restricting the review of GPI requests to specific dates may affect the ability of Council to respond in a timely manner to requests that may have an economic development benefit or immediate community interest.

Expiration of Approved GPI Request

There is currently no limit on the length of time that an approved GPI remains valid. Two or three years may pass before a GPA and development application is filed. Site conditions, City policies and regulations may change over time, so having an indefinite or undefined period of time for an applicant to file a GPA application after Council initiation could be problematic. On the few occasions that more than two years have passed since a GPI, staff has informally advised interested parties that the initiation is stale and that staff finds it would be advisable to revisit the GPI with the City Council.

Options for the expiration of an approved GPI request:

1. Council can specify, with the approval of the GPI, a certain period of time in which a GPA application must be filed and is deemed complete before the GPI expires.
2. Require GPIs to expire if a GPA application is not deemed complete within two years of approval of the GPI. (Consistent with other land use entitlements in the Zoning Code.)
3. Require GPIs to expire if a GPA application is not deemed complete within one year of approval of the GPI.
4. Continue existing process of no expiration time frame for GPIs.

Reapplication After Denial of a GPI Request

SMC Title 19 (Zoning) does not specify if a similar request may be applied for after Council denies a GPI request. However, the Zoning Code does specify that when a Zoning Code amendment request or a proposed rezoning of property is denied, the City cannot accept a similar application within one year. As stated in the previous section, site conditions, City policies and regulations may change over time. If the Zoning Code contains a time restriction for reconsidering a Zoning Code amendment request that was previously denied, it may be appropriate to have a similar provision for denied GPI requests. Staff is not aware of any instance since 1990 where a denied request for a GPI was resubmitted within two years.

Options for reapplication after denial of GPI request:

1. Prohibit the filing of a substantially similar GPI request for the same site (if applicable), as determined by the Director of Community Development, within one year of a denied GPI request.
2. Prohibit the filing of a substantially similar GPI request for the same site (if applicable), as determined by the Director of Community Development, within two years of a denied GPI request.
3. Continue existing process and do not adopt a limit on resubmittals of a GPI request.

Review of GPA and Development Applications

After Council approves a GPI request, the applicant can submit the GPA application together with a related development application for concurrent review. Some of Sunnyvale's policy-makers have raised concerns about the concurrent review of the GPA application and the related development application, and find that it may be best to separate those decisions. Others find that it may be difficult to evaluate the potential effects of a GPA application without concurrently reviewing a related development application. There is also consideration for community members in terms of number of public hearings they would need to attend. Specific circumstances may warrant concurrent review versus sequential review of GPA and development applications. The current process allows the applicant to choose whether or not to incur the expense and associated risk of processing a development application before a decision has been made on the GPA application. The actual public hearing schedule has more frequently included all related applications, but has also included separate hearings for the GPA and related applications.

Options for review of GPA and development applications:

1. Determine if concurrent or sequential review of the GPA application and related development application will be allowed when a GPI request is considered by the Council.
2. Require sequential review or separate review of GPA and development applications.

3. Allow applicant to choose whether to have concurrent processing of GPA and other applications (current process)

FISCAL IMPACT

Requiring public notification of GPIs will result in increased costs. Staff recommends mailed public notification of GPI requests to owners of property within a minimum of 300 feet of the affected site. Mailed notices to property owners and tenants within 300 feet would require $136 for printing, postage and staff time to prepare notices and to respond to questions. As such, staff recommends amending the fee resolution to increase the current GPI fee of $1,090 by $136, for a total fee of $1,226.

In addition, staff also recommends adding expanded noticing fees for GPI applications and any planning application where a larger mailing radius would be appropriate or required. Larger mailings at 500, 1,000, and 2,000 feet within the affected site would cost an additional $287, $902 and $1,846 (Attachment E, Calculation of Costs for Increased Mailing of Public Notices).

The GPI fee and expanded noticing fees are staff cost recovery fees and would therefore take effect immediately upon adoption.

PUBLIC CONTACT

Public Contact was made through posting of the Planning Commission agenda on the City's official-notice bulletin board, on the City's Web site, and the availability of the agenda and report in the Office of the City Clerk. The Planning Commission and City Council public hearings were published in the *Sunnyvale Sun*, in accordance with City (SMC Title 19, Zoning) and state noticing requirements. Email notification of the hearing dates were sent to all Neighborhood Associations and interested parties (i.e. developers doing business in the City).

Staff held a study session with the Planning Commission on the study. The Planning Commissioners expressed interest in a process that is more inclusive of the public such as notification of the initiation proceedings and to explore more ways of notification of all applications types. There was sentiment to developing criteria for applicants to address what is prompting a request for a change. Commissioners were also interested in possible limits to the number of annual requests, or timelines for submittal of applications. A member of the public spoke and suggested that the experience of cities that limit GPA applications should be explored; that notices should be very clear about this being only an initiation for further study; and that conceptual plans can be very helpful in understanding the potential effect of an amendment to the general plan land use designation of property.

ALTERNATIVES

1. Introduce the proposed ordinance in Attachment D, which:
   - Requires mailed public notification of GPI requests to owners of property within a minimum of 300 feet of the affected site, or within a larger radius if it would be advisable or required for a related development project;
   - Requires the Planning Commission to review and make a recommendation on the GPI request prior to the Council hearing.
   - Provides for the expiration of approved GPIs if a GPA application is not filed and deemed complete within two years; and
   - Prohibits the filing of a substantively similar GPI request for the same site (if applicable), as determined by the Director of Community Development, within two years of a denied GPI request. Additionally, include a similar two-year prohibition for denied rezoning applications.
2. Introduce the proposed ordinance in Attachment D with modifications.
3. Adopt the resolution in Attachment F to increase the General Plan Amendment Initiation fee by $136 to account for the required 300-foot public noticing described in Alternative 1; and add expanded noticing fees at 500, 1,000 and 2,000 feet for projects requiring a larger radius of mailed notices.
4. Continue the existing process of considering GPI requests when received, and not limiting the number or frequency of GPI reviews each year.
5. Determine if concurrent or sequential review of the GPA application and related development application will be allowed when a GPI request is considered by the Council.

RECOMMENDATION

Staff recommends Alternatives 1, 3, 4 and 5:

1. Introduce the proposed ordinance in Attachment D, which:
   - Requires mailed public notification of GPI requests to owners of property within a minimum of 300 feet of the affected site, or within a larger radius if it would be advisable or required for a related development project;
   - Requires the Planning Commission to review and make a recommendation on the GPI request prior to the Council hearing.
   - Provides for the expiration of approved GPIs if a GPA application is not filed and deemed complete within two years; and
   - Prohibits the filing of a substantively similar GPI request for the same site (if applicable), as determined by the Director of Community Development, within two years of a denied GPI request. Additionally, include a similar two-year prohibition for denied rezoning applications.

3. Adopt the resolution in Attachment F to increase the General Plan Amendment Initiation fee by $136 to account for the required 300-foot public noticing described in Alternative 1; and add expanded noticing fees at 500, 1,000 and 2,000 feet for projects requiring a larger radius of mailed notices.
4. Continue the existing process of considering GPI requests when received, and not limiting the number or frequency of GPI reviews each year.
5. Determine if concurrent or sequential review of the GPA application and related development application will be allowed when a GPI request is considered by the Council.

Staff finds that these recommendations further the City's goals and policies regarding early public awareness and involvement. The attached ordinance also clarifies and specifies procedures for reviewing GPI requests as it does for other permits and actions.

Reviewed by:

Hanson Hom, Director, Community Development
Prepared by: Rosemarie Zulueta, Associate Planner
Reviewed by: Trudi Ryan, Planning Officer

Reviewed by:

Grace Leung, Director, Finance Department

Approved by:

Gary M. Luebbers
City Manager

Attachments

A. Study Issue Paper
B. GPI and GPA Process
C. GPIs and GPAs Processed Since 2000
D. Draft Proposed Ordinance
E. Calculation of Costs for Increased Mailing of Public Notices
F. Fee Resolution

Attachment A

2013 Council Study Issue

CDD 13-08 Review General Plan Amendment Initiation Process

Lead Department Community Development

History **1 year ago** None **2 years ago** None

1. **What are the key elements of the issue? What precipitated it?**

As a charter city, Sunnyvale can develop its own rules for managing changes to the General Plan. Accordingly, in order for property owners and developers to propose a change to the City's General Plan, the code requires that the City Council initiate the request. This initiation can be done any time of the year, and gives the Council a chance to review a request and let an applicant know whether they would consider a formal application to amend the Plan. If the Council has a majority vote to initiate the amendment, the applicant must then file a formal application, along with related applications (i.e. rezone and development plans). If the Council denies the initiation request, the amendment option dies. The initiation does not grant any approval, but merely grants an applicant the opportunity to file a formal application. Beyond the posting of the City Council agendas, initiation requests are not posted, published or sent to nearby owners or residents.

The information necessary to initiate a GP request consists of general information and preliminary project plans. Formal plans and documents would be required if the initiation is approved by Council.

This study would provide options for considering the review of requests to change the city's General Plan. Those options could include providing public notification of the request and other efforts to solicit public feedback. Additionally, there is currently no limit on the number of requests that can be considered by the Council each year. This study would consider option such as limiting or grouping these requests throughout the year, or consider requests at set intervals (e.g. quarterly). This could allow for a universal perspective as opposed to intermittent changes to one of the City's major planning documents.

2. **How does this relate to the General Plan or existing City Policy?**

Council Policy- Legislative Management:
Goal 7.3A Assess community conditions and make appropriate changes to long range, mid-range and short-range plans.

Policy 7.3A.1 Utilize the General Plan as the City's principal long-range planning tool; utilize the Resource Allocation Plan and Program Outcome Statements as the City's principal mid-range planning tool; and utilize the Council Study Calendar as the City's principal short-range planning tool.

3. **Origin of issue**

City Staff Staff

4. **Staff effort required to conduct study** Moderate

Briefly explain the level of staff effort required
Review State law concerns, review other city processes, and conduct outreach with the community.

5. **Multiple Year Project?** No **Planned Completion Year** 2013

6. **Expected participation involved in the study issue process?**

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? Yes
If so, which? Planning Commission
Is a Council Study Session anticipated? No

7. Briefly explain if a budget modification will be required to study this issue

Amount of budget modification required 0

Explanation

8. Briefly explain potential costs of implementing study results, note estimated capital and operating costs, as well as estimated revenue/savings, include dollar amounts

Are there costs of implementation? No

Explanation

9. Staff Recommendation

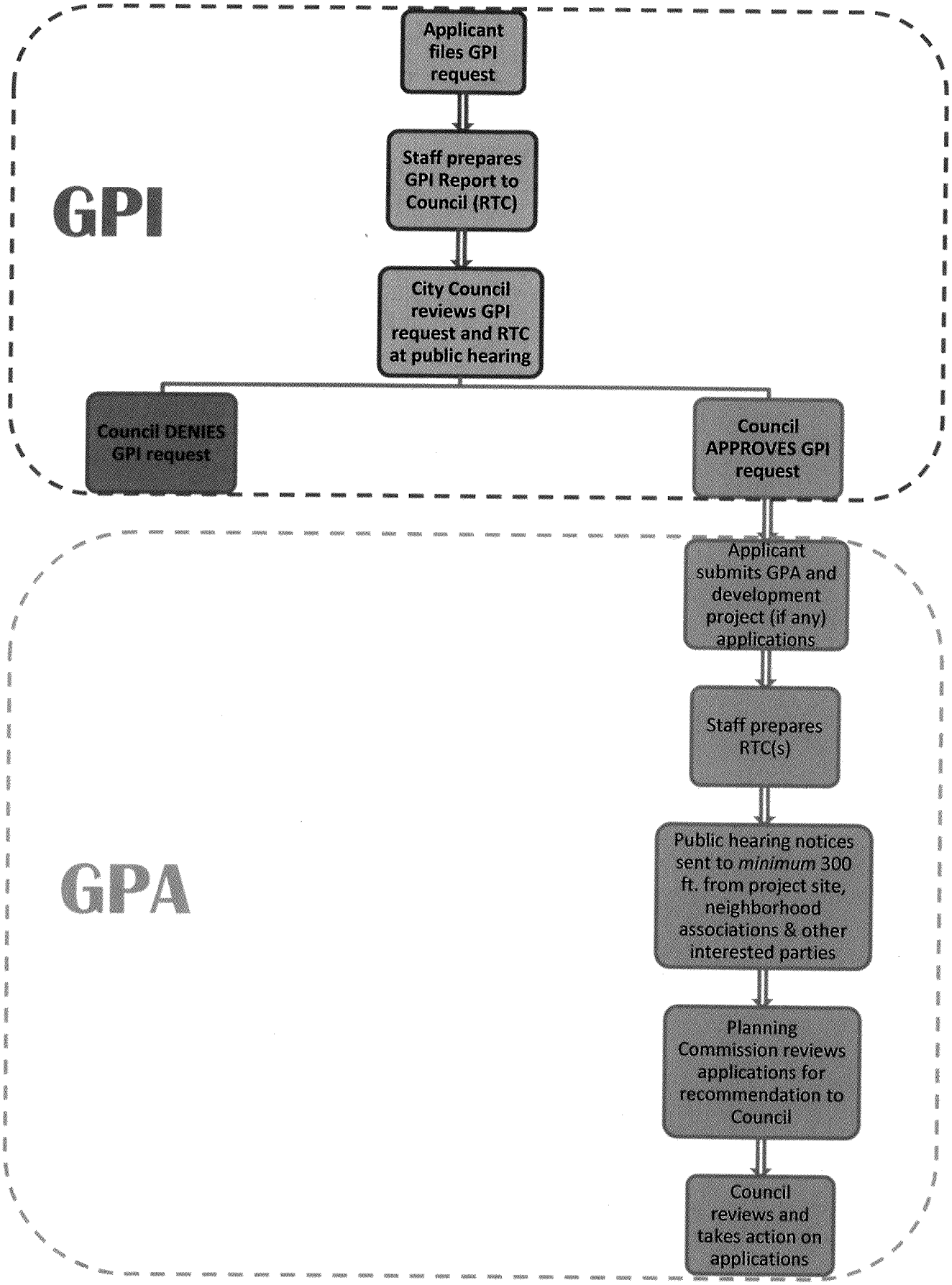
Staff Recommendation Support

If 'Support', 'Drop' or 'Defer', explain
The City has the authority to establish how to consider changes to the General Plan. The current method gives applicants an opportunity to appear before the Council with a proposal to change the General Plan without first preparing the large amount of information typical for a development application. Notification is not used because no project approval results from the initiation. Recently, concern has been raised about the level of public input into the initiation process. This study could resolve those concerns with clear, understandable direction from Council on how to proceed with these proposals in the future.

Reviewed by		Approved by	
Department Director	Date 10/12/12	City Manager	Date 10-15-12

Attachment B

GENERAL PLAN AMENDMENT INITIATION (GPI) AND GENERAL PLAN AMENDMENT (GPA) PROCESS



Attachment C

General Plan Amendment Initiation (GPI) Requests and General Plan Amendment (GPA) Applications Processed Since 2000

		Council Decision			Total per Year	Average per Year since 2000
		Approved	Denied	Withdrawn/ Canceled		
GPI	2000	2			2	3.0
	2001				0	
	2002	2			2	
	2003	2	1		3	
	2004	6			6	
	2005	2			2	
	2006	6			6	
	2007	2		1	3	
	2008	2			2	
	2009				0	
	2010	3			3	
	2011	4	1		5	
	2012	5			5	
	2013				0	
	Total	**36**	**2**	**1**	**39**	
GPA	2000				0	2.3
	2001	3			3	
	2002	3			3	
	2003	2			2	
	2004	4			4	
	2005	4			4	
	2006	1			1	
	2007	2	1	1	4	
	2008	2		1	3	
	2009				0	
	2010				0	
	2011	2			2	
	2012				0	
	2013	4			4	
	Total	**27**	**1**	**2**	**30**	

ProjectID	PermitType	APN	StreetNumber	StreetDirection	StreetName	StreetType	Description	FilingDate	DecisionDate	DecisionType
20000742	GPI	16137035	1002	W	WASHINGTON	AV	REQUEST TO INITIATE GENERAL PLAN STUDY TO CONSIDER CHANGING GENERAL PLAN DESIGNATION FOR 2.5 ACRES OF 4 ACRE SITE FROM NEIGHBORHOOD SHOPPING TO RESIDENTIAL	9/21/2000	9/21/2000	AP
20000764	GPI	30946051	718		LONDONDERRY	DR	Request to initiate a General Plan Amendment from RLO to RLM.	10/5/2000	11/28/2000	AP
20020019	GPI	21102005	604	S	FAIR OAKS	AV	A General Plan Amendment study to change the Land Use Designation from Neighborhood Shopping to High Density Residential	1/9/2002	1/29/2002	AP
20020820	GPI	16139022	397	S	MARY	AV	General Plan Amendment Study and rezone from R-0 to R-1.7/PD. Initiation Request	10/21/2002	11/26/2002	AP
20030480	GPI	11012078	940	W	WEDDELL	DR	INITIATE A STUDY TO CHANGE THE GENERAL PLAN DESIGNATION FROM GENERAL BUSINESS TO HIGH DENSITY RESIDENTIAL.	6/24/2003	7/22/2003	AP
20030568	GPI	20934001	2502		TOWNCENTER	LN	Request to intiate a GPA study to increase the dev. intensity for the entire DSP Block 18 with an additional 98,000 sq ft of general office and 100 additional housing units for a total development potential of 300,000 sq ft of general office, 1,007,876 sq	7/18/2003	8/12/2003	AP
20030813	GPI	11015044	1287		LAWRENCE	EX	REQUEST TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION OF INDUSTRIAL & SERVICE TO MEDIUM DENSITY RESIDENTIAL (CORRECT ADDRESS IS 1287 LAWRENCE STATION ROAD)	10/23/2003	12/2/2003	DE
20030933	GPI	20502007	612	E	AHWANEE	AV	General Plan Initiation Study to consider the Rezone from R-2/PD to R-3/PD to allow 18 Town Homes called Ahwanee Villas.	12/17/2003	1/6/2004	AP
20030941	GPI	21108030	635	E	EL CAMINO REAL		General Plan Amendment from C-2/PD to Medium Density Residential.	12/15/2003	1/27/2004	AP
20040397	GPI	21325010	926	S	WOLFE	RD	INTIATION TO CHANGE FROM LOW DENSITY RESIDENTIAL TO LOW MEDIUM DENSITY (R-0 TO R1.5). WOULD ALLOW DIVISION OF THE SITE INTO 4 LOTS WITH FRONTAGE ON PUBLIC STREETS.	5/10/2004	7/20/2004	AP
20040296	GPI	21643035	1250		LAKESIDE	DR	General Plan Amendment Initiation for Millenium Hotels and Resorts - Four Points Hotel	4/7/2004	10/26/2004	AP
20040759	GPI	21105008	775	S	WOLFE	RD	INITIATION TO CHANGE FROM MEDIUM DENSITY RESIDENTIAL TO LOW-MEDIUM DENSITY RESIDENTIAL	9/20/2004	11/9/2004	AP
20040869	GPI	20522021	1090	E	DUANE	AV	General Plan Amendment from Industrial to Medium Density Residential for two parcels at the corner of De Guigne and Duane, aka AMD's vacant land. see also AMD parcel map. ***Council intiated study of expanded 130 acre are for potential ITR zone.***	11/1/2004	12/14/2004	AP
20050005	GPI	32333062	610		ALBERTA	AV	TO REQUEST CONSIDERATION OF A CHANGE FROM THE GENERAL PLAN DESIGNATION OF MOBILE HOME PARK TO MEDIUM DENSITY RESIDENTIAL.	12/29/2004	2/15/2005	AP
20050911	GPI	20531005	690	E	ARQUES	AV	GPI to Rezone from M-S to M-S/ITR	9/15/2005	12/20/2005	AP
20051071	GPI	11014158	537	E	WEDDELL	DR	GENERAL PLAN AMENDMENT INITIATION FROM INDUSTRIAL TO COMMERCIAL OR PUBLIC FACILITIES (ALSO FOR 521 E. WEDDELL)	10/31/2005	1/10/2006	AP
20051233	GPI	11015044	1287		LAWRENCE STATION	RD	GPI - From Industrial to Residential High Density	12/21/2005	2/14/2006	AP
20051078	GPI	20923004	495		CENTRAL	AV	GPI for Low-Medium Density Residential	11/1/2005	3/21/2006	AP

ProjectID	PermitType	APN	StreetNumber	StreetDirection	StreetName	StreetType	Description	FilingDate	DecisionDate	DecisionType
20060280	GPI	20401007	740		SAN ALESO	AV	To allow residential uses (ITR) for 740, 750, and 760 San Aleso	3/13/2006	4/11/2006	AP
20060760	GPI	20448004	174	N	SUNNYVALE	AV	GPI REQUEST FOR GP AMENDMENT FROM LOW DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL (INTENT TO MOVE FROM R-2 TO R-3)	7/19/2006	8/22/2006	AP
20050947	GPI	11001025	1111		LOCKHEED MARTIN	WY	GPI to MPSP MOFFETT TOWERS JAY PAUL	9/26/2005	11/6/2006	AD
20070064	GPI	20934001	2502		TOWNCENTER	LN	General Plan initiation request to add 40,000 sf of office and a 150-170 room hotel to the previously approved SDP for the Town Center Mall Redevelopment project.	1/13/2007	2/6/2007	AP
20070013	GPI	20401007	740		SAN ALESO	AV	Reinitiate GPI for Taylor Woodrow	1/4/2007	4/24/2007	AP
20061254	GPI	20924073	460		CARROLL	ST	GENERAL PLAN INITITATION REQUEST TO ALLOW CHANGE FROM LOW DENSITY RESIDENTIAL TO LOW-MEDIUM DENSITY RESIDENTIAL (FROM R-0 TO R-2)	12/18/2006	7/23/2007	CA
20080667	GPI	-2112	2502		TOWNCENTER	LN	GENERAL PLAN INITIATION FOR MODIFICATIONS TO THE DOWNTOWN SPECIFIC PLAN FOR THE TOWN CENTER PROJECT. MODIFICATION INCLUDE ALLOWING 6 STORIES FOR THE HOTEL AND ADDITIONAL SIGN AREA.	6/20/2008	7/22/2008	AP
20081144	GPI	20934001	2502		TOWNCENTER	LN	GENERAL PLAN AMENDMENT INITIATION REQUEST FOR BLOCK 18 OF THE DOWNTOWN SPECIFIC PLAN AREA TO ALLOW AN INCREASE IN THE TOTAL SQUARE FOOTAGE OF OFFICE FROM 315,000 TO 425,000 SQUARE FEET.	10/7/2008	12/16/2008	AP
20107143	GPI	20523001	1044	E	DUANE	AV	INITIATION REQUEST FOR GP AMENDMENT FROM ITR HIGH DENSITY TO ITR MEDIUM DENSITY (INTEND TO CHANGE FROM M-S/ITR/R-4/PD TO M-S/ITR/R-3/PD).	3/4/2010	5/11/2010	AP
20107454	GPI	20521001	915		DE GUIGNE	DR	INITIATION REQUEST FOR GP AMENDMENT FROM INDUSTRY TO ITR-MEDIUM DENSITY (INTEND TO REZONE FROM M-S TO M-S/ITR/R-3/PD). [SPANSION FAB SITE] *Note: Council voted to reconsider their decision. Reconsideration was scheduled for 10/5 but continued to 10/26, a	6/25/2010	10/26/2010	AP
20107233	GPI	20522022	920		DE GUIGNE	DR	INITIATION REQUEST FOR GP AMENDMENT FROM INDUSTRY TO ITR LOW-MEDIUM DENSITY (INTEND TO CHANGE FROM M-S TO M-S/ITR/R-1.7/PD). *Note: See related project 2010-7454 with CC hearing on 8/10. Council voted to change timing of approved study at that time, then	3/31/2010	10/26/2010	AP
20107839	GPI	20401007	740		SAN ALESO	AV	General Plan Initiation Request for 740, 750, and 760 San Aleso Avenue to study a General Plan designation change from Industrial to Low Medium Density Residential (7-14 du/ac), with a Rezone to Low-Medium Density Residential Planned Development. (R-2/PD)	11/29/2010	2/15/2011	AP
20117285	GPI	20919020	603		OLD SAN FRANCISCO	RD	GENERAL PLAN AMENDMENT INITIATION REQUEST TO CONSIDER AMENDING THE DESIGNATION FROM COMMERCIAL NEIGHBORHOOD SHOPPING TO RESIDENTIAL HIGH DENSITY	4/29/2011	7/19/2011	DE
20117493	GPI	11032022	1345		CROSSMAN	AV	Request to initiate a Moffett Park Specific Plan amendment to expand the use of transfer of development rights	7/13/2011	8/23/2011	AP

ProjectID	PermitType	APN	StreetNumber	StreetDirection	StreetName	StreetType	Description	FilingDate	DecisionDate	DecisionType
20117552	GPI	20529014	620	E	MAUDE	AV	GPI TO CHANGE LAND USE AND ZONING FROM ITR-MED TO ITR-VERY HIGH AND ASSOCIATED ZONING FROM R3 TO R5.	8/2/2011	9/20/2011	AP
20117652	GPI	21108009	620		IRIS	AV	GENERAL PLAN AMENDMENT INITIATION REQUEST TO CONSIDER INCREASED DENSITY AT AN EXISTING APARTMENT COMPLEX	9/9/2011	10/18/2011	AP
20117906	GPI	20904053	457	E	EVELYN	AV	GENERAL PLAN AMENDMENT INITIATION TO CONSIDER AMENDING THE LAND USE FROM COMMERCIAL GENERAL BUSINESS TO RESIDENTIAL VERY HIGH DENSITY	12/20/2011	4/24/2012	AP
20127373	GPI	11014191	520	E	WEDDELL	DR	GENERAL PLAN AMENDMENT INITIATION REQUEST TO CONSIDER AMENDING THE DESIGNATION FROM INDUSTRIAL-TO-RESIDENTIAL MEDIUM HIGH DENSITY AND INDUSTRIAL TO RESIDENTIAL HIGH DENSITY	5/14/2012	7/17/2012	AP
20127570	GPI	16503004	455	S	MATHILDA	AV	GENERAL PLAN AMENDMENT INITIATION TO ELIMINATE THE REQUIREMENT FOR A FRONTAGE ROAD AND ALLOW DENSITY OF 69 DU/ACRE (CC Decision did not allow study of increased density)	7/26/2012	8/28/2012	AP
20127761	GPI	11025037	155		MOFFETT PARK	DR	GPI to Ammend the MPSP to to change MPI parcels to MPTOD (alllowing additional FAR).	10/4/2012	11/20/2012	AP
20127728	GPI	11028001	610	E	WEDDELL	DR	GENERAL PLAN AMENDMENT INITIATION REQUEST TO STUDY A CHANGE FROM INDUSTRIAL TO VERY HIGH DENSITY RESIDENTIAL	9/25/2012	11/20/2012	AP
20010110	GPA	20904039	414	E	EVELYN	AV	Plan Amendment to configure the Downtown Specific Plan - approved on 5/15/01	2/23/2001	5/15/2001	AP
20010392	GPA	16503007	456	W	OLIVE	AV	Modify GP Land Use Designation from Low to Low-Medium for consistency with existing R-2 Zoning for 19 properties on E. Homestead and 2 properties on Heron (generally between Heron and Langport Wy)	6/20/2001	8/7/2001	AP
20000877	GPA	30946051	718		LONDONDERRY	DR	GENERAL PLAN AMENDMENTMENT FROM LOW DENSITY TO LOW-MEDIUM DENSITY.	12/26/2000	8/7/2001	AP
20010116	GPA	16503007	456	W	OLIVE	AV	Reconsider Industrial Zoning in the Area Bounded by Lawrence/237 & 101 for Consideration of Changing Zoning to Residential or Commercial (ITR)	2/25/2001	7/16/2002	AP
20010354	GPA	16137035	1002	W	WASHINGTON	AV	GENERAL PLAN AMENDMENT TO CHANGE A PORTION OF THE SITE FROM COMMERCIAL TO RESIDENTIAL (See 2001-0356 for Fees, Documents, and Environmental)	6/7/2001	9/17/2002	AP
20020721	GPA	21102005	604	S	FAIR OAKS	AV	GPA FROM COMMERCIAL NEIGHBORHOOD SHOPPING TO RESIDENTIAL HIGH DENSITY, REZONE FROM C-1/PD TO R-4/PD AND SDP TO ALLOW CONSTRUCTION OF 23 APARTMENT UNITS.	9/25/2002	11/26/2002	AP
20030020	GPA	16139022	397	S	MARY	AV	· General Plan Amendment from RLO to RLM · Rezone from R-0 to R1.7/PD (BUT COUNCIL ONLY APPROVED R-2/PD) · Special Development Permit to allow 34 single family homes; and · Tentative Map to subdivide two lots into 34 lots and one common lot.	1/9/2003	6/3/2003	AP

ProjectID	PermitType	APN	StreetNumber	StreetDirection	StreetName	StreetType	Description	FilingDate	DecisionDate	DecisionType
20030508	GPA	20122009	707	S	MATHILDA	AV	Consideration of various land use scenarios & GPA for a portion of the site from CGB to Medium Density Residential and amendment of a portion of Opportunity Area 3 of the Precise Plan for ECR to a land use mix of 60% residential and 40% commercial; and R	7/1/2003	12/16/2003	AP
20040112	GPA	11012078	940	W	WEDDELL	DR	GPA: Change from Commercial General Business to High Density Residential; RZ: from C-2/PD to R-4/PD; SDP: Convert existing hotel building to a 42-unit affordable housing project	2/5/2004	4/6/2004	AP
20040258	GPA	20502007	612	E	AHWANEE	AV	General Plan Amendment from Low-Medium Density to Medium Density Residential Rezone from R-2-PD to R3-PD Special Development to allow 17 Townhouse Units and Tentative Map to subdivide two lots into 17 lots and one common lot	3/26/2004	6/15/2004	AP
20030613	GPA	20935007	2502		TOWNCENTER	LN	Amendment to the Gen. Plan, Spec.Plan, and zoning code for an increase of 100 housing units (300 total) and 98,000 square feet of office (300,000 total). (Approved 292 housing units, 282,000 office) Revisions to Block 4,6,9 and 13 of DSP in conjunction	5/14/2004	7/13/2004	AP
20040365	GPA	21108030	635	E	EL CAMINO REAL		SDP to allow re-configuration of an 88 room hotel into condominium ownership units GPA to change the land use designation from Highway Commerical to Medium Density Residential Pls. remind Joey to mail Tentative Maps once a Hearing date is confirmed TM	5/10/2004	8/10/2004	AP
20040955	GPA	21105008	775	S	WOLFE	RD	SPECIAL DEVELOPMENT PERMIT TO ALLOW CONSTRUCTION OF 8 SINGLE FAMILY HOMES TENTATIVE MAP TO ALLOW 8 INDIVIDUAL LOTS AND ONE COMMON LOT GENERAL PLAN AMENDMENT FROM MEDIUM TO LOW-MEDIUM DENSITY RESIDENTIAL REZONE FROM R-3/PD TO R-2/PD	12/9/2004	2/15/2005	AP
20050609	GPA	21325010	926	S	WOLFE	RD	GENERAL PLAN AMENDMENT FROM LOW TO LOW-MEDIUM DENSITY RESIDENTIAL REZONE FROM R-0 TO R-1.5 SPECIAL DEVELOPMENT PERMIT FOR CONSTRUCTION OF FOUR SINGLE FAMILY HOMES PARCEL MAP TO SUBDIVIDE 1 LOT INTO 4	6/21/2005	8/23/2005	AP
20040910	GPA	21643035	1250		LAKESIDE	DR	TO ALLOW 263 HOTEL UNITS AND APPROX 250 RESIDENTIAL UNITS WITH STRUCTURED PARKING LAKESIDE SPECIFIC PLAN	11/18/2004	9/13/2005	AP
20050622	GPA	32333062	610		ALBERTA	AV	GENERAL PLAN AMENDMENT FROM MOBILE HOME PARK TO LOW MEDIUM DENSITY RESIDENTIAL REZONE FROM MHP TO R-2/PD Project revised to 55 detached single family homes SPECIAL DEVELOPMENT PERMIT TO ALLOW 63 SINGLE FAMILY HOMES AND 12 ATTACHED BELOW MARKET RATE UNI	6/23/2005	10/25/2005	AP

ProjectID	PermitType	APN	StreetNumber	StreetDirection	StreetName	StreetType	Description	FilingDate	DecisionDate	DecisionType
20051198	GPA	11001025	1111		LOCKHEED MARTIN	WY	Development of Lot 1 and Lot 3 of the Lockheed Subdivision Map for development of 50 acres of land with 7 buildings plus an amenity building and four parking structures. EIR is required (MOFFETT TOWERS) Amend the Moffett Park Specific Plan to allow MPTO	12/8/2005	11/14/2006	AP
20060399	GPA	20401007	740		SAN ALESO	AV	General Plan Amendment from IND to RLM, Rezone to related zoning density, and Environmental Assessment.	4/13/2006	2/12/2007	WI
20050573	GPA	20522020	962	E	DUANE	AV	East Sunnyvale ITR Study 130 acre area intitated by AMD site	6/10/2005	2/27/2007	AP
20070227	GPA	20934001	2502		TOWNCENTER	LN	GENERAL PLAN AMENDMENT TO DOWNTOWN SPECIFIC PLAN TO ADD 200 ROOM HOTEL AND 40,000 SF OF OFFICE. ADDENDUM TO 2003 PEIR.	3/1/2007	5/1/2007	AP
20060418	GPA	20923004	495		CENTRAL	AV	GENERAL PLAN AMENDMENT FROM RLO TO RLM RZ FROM R-0 to R-1.5/PD SDP FOR ONE NEW RESIDENCE PM TO SPLIT ONE LOT INTO TWO	4/20/2006	10/30/2007	DE
20070235	GPA	21643035	1250		LAKESIDE	DR	GENERAL PLAN AMENDMENT TO MODIFY SPECIFIC PLAN TO ALLOW 18 HOTEL ROOMS IN ADDITION TO THE 263 PREVIOUSLY APPROVED (TOTAL OF 271) AND UP TO 85 FEET IN HEIGHT.	3/5/2007	7/14/2008	WI
20080637	GPA	20934001	2502		TOWNCENTER	LN	SPECIAL DEVELOPMENT PERMIT AND GENERAL PLAN AMENDMENT FOR REVIEW OF ARCHITECTURE OF BLOCK 6 FOR THE SUNNYVALE TOWN CENTER REDEVELOPMENT PROJECT.	6/12/2008	10/21/2008	AP
20060712	GPA	11015044	1287		LAWRENCE STATION	RD	GPA to change the land use designation from IND to Very High Density Residential, Rezone from M-S (Industrial & Service) to R-5/MU (High Density Residential and Office/Mixed Use), Statements of Overriding Consideration for air quality impacts associated	7/7/2006	11/18/2008	AP
20107456	GPA	20523001	1044	E	DUANE	AV	GENERAL PLAN AMENDMENT FROM ITR-HIGH DENSITY TO ITR-MEDIUM DENSITY AND REZONE FROM M-S/ITR/R-4/PD TO M-S/ITR/R-3/PD. ASSOCIATED WITH SDP/TM #2010-7738.	6/28/2010	3/29/2011	AP
20117118	GPA	20907014	311		CAPELLA	WY	STREET RENAMING OF CAPELLA WAY	2/23/2011	5/10/2011	AP
20127990	GPA	20904044	457	E	EVELYN	AV	MODIFICATION TO THE DOWNTOWN SPECIFIC PLAN TO CREATE ADDITIONAL BLOCKS, DEVELOPMENT AND STREETSCAPE STANDARDS FOR PROPERTIES ON NORTH SIDE OF E. EVELYN BETWEEN CALTRAIN STATION & MARSHALL. (RELATED TO AND FEES PAID UNDER PERMIT 2012-7462)	12/20/2012	3/19/2013	AP
20127460	GPA	20905019	388	E	EVELYN	AV	APPLICATION FOR A SDP AND PARCEL MAP TO ALLOW A 67 UNIT APARTMENT BUILDING IN DSP/4 ZONING DISTRICT UTILIZING STATE AND GREEN BUILDING DENSITY BONUSES	6/13/2012	3/19/2013	AP

ProjectID	PermitType	APN	StreetNumber	StreetDirection	StreetName	StreetType	Description	FilingDate	DecisionDate	DecisionType
20127462	GPA	20904053	457	E	EVELYN	AV	APPLICATION FOR A GENERAL PLAN AMENDMENT, SDP AND PARCEL MAP TO ALLOW A 158 UNIT APARTMENT BUILDING IN C4 ZONING DISTRICT. See 2012-7990. GPA and RZ approved but with modifications to Block 22 and Block 23.	6/13/2012	3/19/2013	MI
20137112	GPA	20529014	620	E	MAUDE	AV	GPA, Rezone, SDP and Vesting Tentative Map (for condo purposes) for a 121-unit affordable housing project at the former Armory site	2/12/2013	4/30/2013	AP

Attachment D

DRAFT 11/21/2013 KB.

ORDINANCE NO. _____-13

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

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

SECTION 1. REPEAL. CHAPTER 19.92 REPEALED. Chapter 19.92 (General Plan Amendments and Change of Zone) of Title 19 (ZONING) is hereby repealed as shown on Exhibit "A" attached and incorporated hereto.

SECTION 1. Chapter 19.92 of the Sunnyvale Municipal is hereby repealed.

~~**Chapter 19.92.**~~

~~**GENERAL PLAN AMENDMENTS AND CHANGE OF ZONE**~~

~~**19.92.010. Purpose.**~~

~~This chapter establishes the processes and procedures required for an amendment to the general plan and/or precise zoning plan. The provisions of this chapter identify and prescribe specific procedures and requirements for the filing, processing and consideration of an amendment to the general plan or precise zoning plan. 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.~~

~~**19.92.020. Authority.**~~

~~(a) Authority to initiate proceedings for the adoption of an amendment to the general plan shall be vested with the city council.~~

~~(b) Authority to initiate proceedings to amend a precise zoning plan shall be vested in the city council, planning commission, and the owner of property controlled by the precise zoning plan to be amended.~~

~~**19.92.030. Procedures.**~~

~~(a) Proceedings initiated by the city council shall be referred to the planning commission for a recommendation prior to adoption by the council. Failure of the planning commission to respond within forty-five calendar days after such referral, or within such period as the city council may designate, shall be deemed a response without recommendation.~~

~~(b) Proceedings to amend a precise zoning plan, initiated by the owner of any property, shall be filed with the director of community development for the attention of the planning commission. Failure of the planning commission to report to the city council within forty-five calendar days after such application, or within such period as may be consented to by the applicant, shall be deemed to be a response without recommendation.~~

~~(c) When a request to amend the precise zoning plan is denied by the city council, no similar amendment relating to the same property may be filed within one year except, however, the planning commission or city council, at their discretion, may allow the filing of a new application within the one year period.~~

~~**19.92.040. Decisions.**~~

~~(a) Following a public hearing on applications to amend the general plan or precise zoning plans, the planning commission or heritage preservation commission, by the affirmative vote of a majority of its members, shall make a recommendation to the council to either:~~

~~(1) Approve the amendment or rezone as requested or as changed or modified by the planning commission or heritage preservation commission, when the application as requested, changed or modified is deemed to meet the required finding; or~~

~~(2) Deny the amendment or rezone as requested when such denial is deemed to meet the required finding.~~

~~(b) The city council, after receiving a recommendation from the planning commission or heritage preservation commission on a proposed general plan amendment and holding at least one public hearing, may by the affirmative vote of a majority of its members:~~

~~(1) Adopt by resolution the general plan amendment, as proposed or as changed or modified by the council, when the plan or amendment as proposed, changed or modified is deemed to meet the required finding;~~

~~(2) Deny the amendment as requested when such denial is deemed to meet the required finding.~~

~~(c) The city council, after receiving a recommendation from the planning commission or heritage preservation commission on a proposed change to a precise zoning plan and holding at least one public hearing, may by the affirmative vote of a majority of its members:~~

~~(1) Adopt by ordinance the precise zoning plan amendment, as proposed or as changed or modified by the city council, when the amendment as proposed, changed or modified is deemed to meet the required finding: provided, however, any ordinance adopting any precise plan or amendment thereof, concerning land outside of the exterior boundaries of the city of Sunnyvale on the date on which such ordinance is adopted, shall not become effective until the date on~~

~~which the land affected becomes a part of the city of Sunnyvale pursuant to the laws of the state of California as they now exist, or hereafter may be amended;~~

~~(2) Deny the proposed change to the precise zoning plan when such denial is deemed to meet the required finding.~~

~~**19.92.050. Finding.**~~

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

SECTION 2. CHAPTER 19.92 added. Sunnyvale Municipoal Code Capter 19.92 (General Plan Amendments and Change of Zone) of the Sunnyvale Municipal Code is hereby added.

19.92.010. Purpose.

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

19.92.020. Applicability.

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

19.92.030. General Plan Amendment Initiation Authority.

An amendment to the general plan may only be initiated by a motion of the city council. Initiation of a general plan amendment is not a land use decision or approval of a project and therefore not subject to the requirements of the California Environmental Quality Act or Permit Streamlining Act. Any interested party residing in, owning property or doing business with the city may request council initiation of a general plan amendment in accordance with Section 19.92.020.

19.92.040. Requests for Council Initiation of General Plan Amendments.

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

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

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

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

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

19.92.050. General Plan Amendment Proceedings.

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

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

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

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

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

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

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

19.92.060. Zoning Amendment Proceedings.

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

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

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

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

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

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

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

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

19.92.070. Prezoning.

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

19.92.080. Finding.

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

19.92.090. Reapplication after denial.

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

application filed within those two years is substantially the same as the previously denied application.

SECTION 3. Chapter 19.98 (General Procedures) of the Sunnyvale Municipal Code is hereby amended in part and repealed, in part.

19.98.020. Applications.

(a) – (c) [Text unchanged.]

~~(d) General plan amendment and change of zoning district filings shall include:~~

~~(1) A detailed project description.~~

~~(2) Following denial of an application to amend the precise zoning plan, any owner who desires to file an application within the following year shall present a petition to the planning commission or city council containing a statement that there are changed circumstances in relation to the property which is the subject of the proposed precise zoning plan amendment, and shall set forth each of the changed circumstances which in the applicant's opinion justifies consideration of the reapplication for amendment by the planning commission and city council.~~

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

19.98.040. Notice requirements.

(a) – (g) [Text unchanged.]

~~(h) General Plan and Zoning Amendments. For amendments to the general plan and precise zoning plan, notice of the time and place of each public hearing by the planning commission and city council required as a condition precedent to the consideration of the approval or revocation shall be given at least ten calendar days prior to the day of the hearing in the following manner:~~

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

~~(2) Published notice of an amendment to the precise zoning plan shall include a map showing the subject property, surrounding properties and the nearest street intersection.~~

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

SECTION 4. SECTION 19.98.170 REPEALED. Section 19.98.170 of Chapter 19.98 (General Procedures) is hereby repealed in its entirety:

~~**19.98.170. Amendment of title.**~~

~~Amendments of this title may be initiated and adopted in the manner provided for the amendment of any precise zoning plan.~~

SECTION 5. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 6. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

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

SECTION 8. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

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

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

_____
City Clerk
Date of Attestation: _____

_____
Mayor

(SEAL)

APPROVED AS TO FORM:

_____
City Attorney

Attachment E

Calculation of Costs for Increased Mailing of Public Notices

Increased mailing radii for notices increases costs. Using the LinkedIn campus as a typical example, staff calculated the costs for mailing public notices at 300-, 500-, 1,000- and 2,000-foot radii. These are the noticing radii recently adopted by Council for development applications in the Peery Park District (RTC 13-238). The number of notices reflects the number of properties captured with each radii, and the number of notices that would have to be sent. The following table shows the increased cost of printing and mailing:

Noticing Distance	Number of Notices	Envelopes	Imprint Cost	Printshop Cost	Postage	Admin. Staff Hours	Admin Staff Costs for Mailing (Senior Office Asst. rate)	Total Printing/ Mailing Costs
300 ft.	37	$2.04	$2.28	$8.75	$17.02	0.5	$28.54	$58.63
500 ft.	67	$3.69	$4.02	$8.75	$30.82	0.8	$45.66	$92.94
1,000 ft.	318	$17.49	$20.67	$8.75	$127.20	2.2	$125.58	$318.77
2,000 ft.	820	$45	$49.20	$8.75	$377.72	3.5	$199.78	$679.93

Factoring in staff time to prepare notices and respond to questions, staff estimates the following total noticing costs:

Noticing Distance	Total Printing/ Mailing Costs	Planner Hours	Planner Costs (Blended Assistant, Associate, Senior & Principal Planner rate)	8% City Overhead	Total Noticing Costs with Staff Time
300 ft.	$58.63	0.8	$71.96	$5.76	$136.35
500 ft.	$92.94	2.0	$179.91	$14.39	$287.25
1,000 ft.	$318.77	6.0	$539.73	$43.18	$901.67
2,000 ft.	$679.93	12.0	$1,079.46	$86.36	$1,845.75

Attachment F

DRAFT _____

RESOLUTION NO. XXX-13

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING RESOLUTION NO. 598-13, THE CITY'S FEES, RATES AND CHARGES RESOLUTION, PERTAINING TO THE GENERAL PLAN AMENDMENT INITIATION FEE

WHEREAS, the City of Sunnyvale adopted Resolution No. 598-13, the Master Fee Schedule, on June 25, 2013; and

WHEREAS, there are increased costs related to processing general plan amendment initiations for printing, postage and staff time to prepare notices to be mailed to property owners and tenants within 300 feet of $136.00; and

WHEREAS, in addition, if a larger noticing distance is required an expanded noticing fee for 500 feet - $287.00, for 1,000 feet - $902.00, and for 2,000 feet - $1,846.00; and

WHEREAS, the City Council is empowered to impose reasonable fees, rates, and charges to offset the costs for municipal services;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. Section 4.01, "Planning Permit Fees" of the Master Fee Schedule, entitled "General Plan Amendment Initiation" is hereby amended as set forth in in Exhibit "A" attached hereto, to reflect the increased costs for printing, postage and staff time to prepare notices and respond to questions; and

2. Section 4.01, "Planning Permit Fees" of the Master Fee Schedule, entitled "Other Planning Items" is hereby amended to add a subsection, entitled "Expanded Noticing Fee" to reflect the increased costs for printing, postage and staff time to prepare notices and respond to questions of a larger noticing distance for up to 2,000 feet as set forth in Exhibit "A", attached hereto and incorporated herein; and

3. All other provisions of Resolution No. 598-13 shall remain in effect; and

4. This resolution shall take effect upon adoption.

Adopted by the City Council at a regular meeting held on December ____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

_____
City Clerk

_____
Mayor

(SEAL)
APPROVED AS TO FORM:

_____
City Attorney

Exhibit A

CITY OF SUNNYVALE
FISCAL YEAR 2013/14
FEE SCHEDULE

	Fiscal Year 2013/14	Charge Code	Object Level 3 & 4	Title (Obj. Lvl. 3)	Title (Obj. Lvl. 4)
PLANNING APPLICATIONS REQUIRING CITY COUNCIL HEARINGS					
Development Agreement	$5,105.00	799106	1655	Legislative Action Fees	
Development Agreement: Minor Modification	$2,553.00	799106	1655	Legislative Action Fees	
Development Agreement: Annual Review	$1,276.00	799106	1655	Legislative Action Fees	
General Plan Amendment Initiation	$1,226.00 ~~$1,090.00~~	799106	1655	Legislative Action Fees	
General Plan Amendment Application (after Council initiation)	$5,197.00	799106	1655	Legislative Action Fees	
Renaming of Public Streets	$5,197.00	799106	1655	Legislative Action Fees	
Rezoning: District Change or Zoning Code Amendment	$5,197.00	799106	1655	Legislative Action Fees	
Rezoning: Combining District Heritage Housing (HH)/ Single-Story (S) (per lot)	$133.00	799106	1655	Legislative Action Fees	
Rezoning: Combining District (except HH or S)	$2,601.00	799106	1655	Legislative Action Fees	
Specific Plans	$5,197.00	799106	1655	Legislative Action Fees	
ENVIRONMENTAL REVIEW					
CEQA: Environmental Assessment (Initial Study)	$715.00	799106	1654	Environ. Review Fees	
CEQA: Consultant Preparation of Environmental Study or EIR	As Needed	799000		Deposits and Passthroughs	
CEQA: Staff Review of Environmental Study (traffic, noise, etc.)	$1,346.00	799106	1654	Environ. Review Fees	
CEQA: Staff Review of EIR Preparation (% of consulting fee)	10%	799106	1654	Environ. Review Fees	

CITY OF SUNNYVALE
FISCAL YEAR 2013/14
FEE SCHEDULE

OTHER PLANNING ITEMS	Fiscal Year 2013/14	Charge Code	Object Level 3 & 4	Title (Obj. Lvl. 3)	Title (Obj. Lvl. 4)
Zoning Letters or Data Research (1/2 hour minimum)	$92.50	799106	4116 - 1	Photocopies	Community Development
Renoticing Fee (up to 300-foot radius)	$133.00	799106	1351 - 1	Mjr. Permit Applic. Fee	Other
Planner Attendance at meetings after hours ($75 per hour, 2 hour minimum)	$150.00	234222	4121	Misc. Reimbursements	
Tree Replacement In-Lieu Fee	$251.00	219200	2904 - 3	Street Tree Fees	Tree Replacement In Lieu
Art Permit Reviewed by Arts Commission	$2,921.00	626240	1369	Permit - Art	
Art in Private Development In-Lieu Fee	1.1% of construction valuation of eligible non-residential developments	890170	2349 - 1	In-Lieu Public Art Fees	Art Fee
		890180	2349 - 2	In-Lieu Public Art Fees	Art Maintenance Fee
General Plan Maintenance Fee - Applied to each building project issued (except residential remodels)	0.15% of total valuation	799106	1667 - 1	Plan Maintenance Fees	General Plan Maint.
Park Dedication In-Lieu Fee - Average Fair Market Value per square foot					
Ch. 18.10 - Residential subdivisions	pending	799928	1657 - 1	Park Dedication Fees	Subdivisions
Ch. 19.74 - Multi-family residential rental housing	pending	799930	1657 - 2	Park Dedication Fees	Apartments
Sense of Place Fee	$1,096.70	799059	1205 - 1	Sense of Place Fees	Tasman Crossing
Sense of Place Fee	$1,096.70	799059	1205 - 2	Sense of Place Fees	East Sunnyvale
Sense of Place Fee	$1,096.70	799059	1205 - 3	Sense of Place Fees	Fair Oaks Junction
Expanded Noticing Fee					
500-foot radius	$287.00	799106	1351-1		
1,000-foot radius	$902.00	799106	1351-1		
2,000-foot radius	$1,846.00	799106	1351-1		