



ORDINANCE NO. _____-14

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE TO ADD CHAPTER 19.47 TO TITLE 19
(ZONING) OF THE SUNNYVALE MUNICIPAL CODE
RELATING TO OFF-SITE STADIUM EVENT PARKING.**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES
ORDAIN AS FOLLOWS:

SECTION 1. Chapter 19.47 ADDED. Chapter 19.47 (Off-site Stadium Event Parking)
is hereby added to Title 19 (Zoning) of the Sunnyvale Municipal Code to read as follows:

**Chapter 19.47
Off-Site Stadium Event Parking**

- 19.47.010. Purpose.**
- 19.47.020. Applicability.**
- 19.47.030. Off-site Stadium Parking Location and Operational Standards.**
- 19.47.040. Miscellaneous Plan Permit Required.**
- 19.47.050. Revocation.**

19.47.010. Purpose

This chapter establishes requirements to allow parking on certain properties in the city for events held at stadiums in neighboring jurisdictions. These requirements provide additional parking opportunities on private property while minimizing the potential impact of stadium overflow parking on city streets and neighborhoods.

19.47.020. Applicability

This chapter applies to the operation of private property parking lots for off-site stadium event parking in conjunction with events held at stadiums in neighboring jurisdictions (referred to as "off-site stadium parking" in this chapter). This chapter does not apply to parking on private property for any purpose other than off-site stadium parking. Except as otherwise modified in this chapter, the requirements and procedures identified in Chapter 19.98 (General Procedures) apply.

19.47.030. Off-site Stadium Parking Location and Operational Standards.

(a) **MP and M-S Zoning Districts Only.** Off-site stadium parking may be permitted on properties located in the MP (Moffett Park Specific Plan) and M-S (industrial and service) zoning districts. Off-site stadium parking is prohibited in all other zoning districts.

(1) **Operations and Property Owner Responsibility.** The owner of the property for which off-site stadium parking has been permitted shall

be responsible for ensuring compliance with the requirements of this chapter and any permit conditions of approval during operations. Off-site stadium parking operations shall comply with the following:

(2) **Hours of Operation.** Stadium parking operations shall not coincide with the hours of operation of other permitted uses onsite. Parking lots shall not open earlier than three hours before any event time and shall close within three hours after the event.

(3) **Operations Adjacent to Residential.** In addition to the requirements of this section, off-site stadium parking operations on a property that abuts a residentially zoned property shall comply with the following:

(A) **Limited to Daytime Hours of Operation.** The hours of operation shall be limited from 7 a.m. to 10 p.m.; and

(B) **Buffer Walls and Landscaping.** A landscaped buffer and wall shall be provided and maintained in accordance with Chapter 19.37 (Landscaping, Irrigation and Useable Open Space), or as may be required by the director.

(4) **Unobstructed Access.** There shall be an unobstructed exit available to every vehicle parked on the lot. No vehicle is to be blocked in for any reason. Valet parking is prohibited.

(5) **Pedestrian Pathways or Shuttle.** The property shall have a direct pedestrian path of travel, such as on public sidewalks and marked crosswalks, between the parking lot and the destination stadium or a nearby public transit stop. If no direct pedestrian path of travel exists, the property owner shall provide a shuttle to transport all patrons from the parking lot to a nearby public transit stop, to the destination stadium, or to an appropriate location where there is a direct pedestrian path of travel to the stadium.

(6) **Parking Management Attendants.** At least one on-site attendant shall be onsite to manage parking operations at all times the lot is open for off-site stadium event parking. The director may require additional attendants for larger operations. Parking lot attendants shall display or keep upon their person a copy of the miscellaneous plan permit issued in accordance with Section 19.47.040 (Miscellaneous Plan Permit Required).

(7) **Waste Management.** Adequate waste and recycling receptacles shall be provided on-site during operations. The property shall be clean and litter-free immediately after operations. Generated waste shall be collected and disposed of, consistent with applicable state and local standards.

(8) **Lighting.** Adequate lighting shall be provided on the parking lot for pedestrians and maintained, subject to Section 19.42.050 (Lights—Restrictions).

(9) **Parking Lot Maintenance.** All vehicular and pedestrian access ways shall be appropriately surfaced per Section 19.46.120 (Parking Lot Design), and all existing landscaping, art and other site features shall be maintained.

(10) **Signs.** Signs for off-site stadium parking shall be temporary and subject to the temporary sign regulations and other applicable provisions

under Chapter 19.44 (Sign Code). Signs shall not be displayed when the off-site parking is not in operation.

(11) **Vendors Prohibited.** Vendors are prohibited on the property during parking operations.

(12) **Tailgating Prohibited.** Tailgating is prohibited at all times. Tailgating includes loitering or any outdoor gathering on or around a vehicle prior to, during or after a scheduled stadium event, and may include food or drink or the use of items such as chairs, tables, free-standing canopies or umbrellas, awnings attached to vehicles, coolers, barbeques, grills or other food or drink preparation or serving equipment, games, generators, televisions or sound systems.

19.47.040. Miscellaneous Plan Permit Required.

~~Except as otherwise modified in this chapter, the requirements and procedures identified in Chapter 19.98 (General Procedures) apply.~~

(a) **Permit Required Annually.** No person may operate a parking lot for off-site stadium parking without first obtaining a miscellaneous plan permit (MPP) from the director, in accordance with Chapter 19.82 (Miscellaneous Plan Permit). A MPP issued shall be valid for up to one calendar year from the date of permit issuance. The director may issue subsequent MPPs for the same property to continue operations annually.

(b) **Applications.** MPP applications for off-site stadium parking shall include the following:

(1) **Vicinity Map.** Aerial photo showing the location of the stadium in relation to the site proposed for off-site stadium parking. This vicinity map shall clearly indicate the distance between the two locations and the pedestrian path of travel or shuttle route required in Section 19.47.030 (Off-site Stadium Parking Location and Operational Standards).

(2) **Site Plan.** A clearly dimensioned site plan including the proposed location where stadium parking will be provided, the number of parking spaces to be provided and any spaces reserved for other permitted uses onsite. The site plan shall show the proposed locations for waste and recycling receptacles, signs, any shuttle stops, and lighting;

(3) **Written Description.** A written description of the proposal, a description and the hours of operation of other permitted uses onsite, property owner name and 24-hour contact information, and a written statement that operations will comply with the requirements of Section 19.47.030 (Off-site Stadium Parking Location and Operation Standards);

(4) **Parking Management Plan.** A parking management plan that includes a description or plan showing vehicular circulation and how vehicles will be directed when the lot is at capacity, the number of attendants present for any given event and other applicable information deemed necessary by the director;

(5) **Signs.** A site plan depicting the location of all temporary signs and an illustration of each sign proposed to be displayed;

(6) **Additional Information.** Any additional information or supporting materials to describe existing property conditions and the proposed operations as required by the director.

19.47.050. Revocation or Modification.

A miscellaneous plan permit for off-site stadium parking may be revoked or modified by the director upon refusal or failure of the permittee to comply with provisions of the permit or the requirements of this chapter as follows:

(a) **Revocation Notice and Hearing.** Notice of revocation shall be mailed to the permittee at the address specified in the permit. The notice shall specify the time and place of an administrative revocation hearing with the director of community development no sooner than the sixth business day following the mailing date of the notice of revocation. The permittee shall be given the opportunity to present written and oral evidence on the issues of noncompliance of the permit conditions at the hearing. Failure to appear at the hearing shall constitute a waiver of any objections to the revocation or other appropriate remedy imposed by the director and shall result in revocation or modification of the permit.

(b) **Revocation or Modification Findings and Decision.** Following the hearing, the director may revoke or modify the permit if the director makes one or more of the following findings:

- (1) The permit was obtained by fraud;
- (2) The permit conditions have been or are being violated;
- (3) A public health or safety nuisance has been created by the exercise of the permit, or by changed circumstances from when the permit was approved; or
- (4) An error or omission made in establishing the original conditions requires modification or additions to the permit conditions.

(c) **Reaffirmation.** If the director does not make any of the findings in subsection (b), the director shall reaffirm the permit.

(d) **Notice of Decision.** Upon revocation, modification or reaffirmation of the permit, a written notice of the decision shall be prepared and mailed to the permittee at the address specified in the permit. If the permit is revoked, the notice shall contain a statement directing the permittee to immediately cease the permitted use, and that failure to cease such use shall be subject to enforcement and penalties as set forth in Chapter 1.04.

(e) **Appeal of Revocation.** A decision by the director to revoke for non-compliance a miscellaneous plan permit for off-site stadium parking ~~is~~ **appealable** may be appealed by the permittee to the City Council. The permit shall be suspended pending a determination on the merit of the appeal.

SECTION 2. 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 3. 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 4. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 5. 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 May 6, 2014, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2014, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney