

ORDINANCE NO. 3074-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING CERTAIN SECTIONS IN CHAPTERS 18.04 (GENERAL PROVISIONS) AND 18.20 (MAPS) OF TITLE 18 (SUBDIVISIONS) OF THE SUNNYVALE MUNICIPAL CODE

WHEREAS, Government Code section 66458 allows the City Council to enact an ordinance for the approval or disapproval of final maps and the acceptance or rejection of dedications and offers of dedications on the map by the city engineer or other designated official; and

WHEREAS, the City would like to streamline the development review process in order to facilitate timely permit issuance for applicants; and

WHEREAS, Sunnyvale Municipal Code Title 18 sets forth the City’s review procedures for the review of subdivision maps in accordance with the Subdivision Map Act; and

WHEREAS, the City Council hereby adopts the amended Title 18 of the Sunnyvale Municipal Code to reflect the revised sections in Chapters 18.04 and 18.20.

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

SECTION 1. SECTION 18.04.030 AMENDED. Section 18.04.030 of Chapter 18.04 (General Provisions) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended and renumbered as follows:

**18.04.030. Advisory agency designation—Appeal board designation.**

(a) - (b) [Text unchanged]

(c) The city council is the advisory agency with respect to the following:

(1) Reversions to acreage.

(d) The director of public works is the advisory agency with respect to the following:

(1) Action on specific design detail pursuant to Chapter 18.12;

(2) Estimating the cost of improvements pursuant to Section

18.16.020;

(3) Action on final maps;

- (4) Acceptance or rejection of dedications made in conjunction with final maps;
  - (5) Action on parcel maps;
  - (6) Acceptance or rejection of dedications made in conjunction with parcel maps;
  - (7) Waiver of parcel maps;
  - (8) Control over grading operations in streets and public rights-of-way;
  - (9) Improvement security and all matters related thereto, except in relation to undergrounding of utilities;
  - (10) Lot line adjustments;
  - (11) Certificates of correction and amending maps;
  - (12) Requirements of soil testing in streets and public rights-of-way.
- (e) - (h) [Text unchanged]

SECTION 2. SECTION 18.04.040 AMENDED. Section 18.04.040 of Chapter 18.04 (General Provisions) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended and renumbered as follows:

**18.04.040. Definitions.**

For the purpose of this title the following terms, phrases, words and their derivations shall have the meaning ascribed to them by this section:

- (1) - (5) [Text unchanged]
- (6) “City engineer” means the city engineer of the city of Sunnyvale.
- (7) - (32) [Renumbered; text unchanged]

SECTION 3. SECTION 18.20.100 AMENDED. Section 18.20.100 of Chapter 18.20 (Maps) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended as follows:

**18.20.100. Final or parcel map—Action before filing.**

Subsequent to the approval or conditional approval of the tentative map, the subdivider shall furnish the following information to the city engineer and shall receive his or her authorization prior to the filing of the final map or parcel map:

- (a) – (d) [Text unchanged]

SECTION 4. SECTION 18.20.120 AMENDED. Section 18.20.120, of Chapter 18.20 (Maps) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended as follows:

**18.20.120. Final or parcel map—Preparation and filing.**

(a) - (b) [Text unchanged]

(c) The subdivider shall submit to the city engineer five copies of the final or parcel map containing such information and accompanied by such other data as required by this chapter.

(d) [Text unchanged]

(e) All construction plans for improvements required for compliance with the conditions of approval of the tentative map shall be prepared by a registered civil engineer and shall conform to the required design standards. Such plans shall be submitted to the city engineer prior to the expiration of the approved tentative map.

(f) - (g) [Text unchanged]

SECTION 5. SECTION 18.20.220 AMENDED. Section 18.20.220, of Chapter 18.20 (Maps) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended as follows:

**18.20.220. Final or parcel map—Examination and checking.**

(a) Except as provided in subsection (b), after issuance of a receipt for the final or parcel map, the city engineer, shall examine it as to the correctness of the surveying data, mathematical data computations and such other matters as require checking to ensure compliance with the “Subdivision Map Act” and this title.

(b) No checking of maps or plans shall be commenced until all required maps, plans, calculations and other supporting data have been filed with the city engineer.

SECTION 6. SECTION 18.20.240 AMENDED. Section 18.20.240, of Chapter 18.20 (Maps) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended as follows:

**18.20.240. Final map—Transmittal to director of public works.**

If the city engineer determines that the final map is technically correct and substantially conforms to the approved tentative map, he or she shall certify the final map and submit the same to the director of public works, together with plans and specifications. If the city engineer finds that full conformity has not been made, he or she shall return the final map to the subdivider, together with a statement setting forth the grounds for its return.

SECTION 7. SECTION 18.20.270 AMENDED. Section 18.20.270, of Chapter 18.20 (Maps) of Title 18 (Subdivisions) of the Sunnyvale Municipal Code is hereby amended as follows:

**18.20.270. Final map—Action by director of public works.**

(a) Upon receipt of the final map from the city engineer, the director of public works shall notify the city council at its next regular meeting that the director of public works is reviewing the map for final approval. The city clerk shall provide notice of any pending approval or disapproval by the director of public works which notice shall be attached and posted with the city council's regular agenda and shall be mailed to interested parties who request notice.

(b) The director of public works shall approve or disapprove the final map within ten days following the city council meeting that was preceded by the notice required by subsection (a). The director of public works shall, as required by section 18.20.250 and as part of the final map approval, enter into an improvement agreement with the subdivider for construction of all the improvements specified in this title.

(c) The director of public works shall accept, accept subject to improvements, or reject dedications and offers of dedications that are made by a statement on the map. If at the time the final map is approved any dedications are rejected by the director of public works, the offer of dedication shall be deemed to remain open. The director of public works may at any later date and without further action by the subdivider, rescind its previous action and accept and open said streets for public use, which acceptance shall be recorded in the office of the county recorder.

(d) The director of public works' action under this section to approve or disapprove the final map may be appealed to the city council by any aggrieved party. Any two councilmembers may request a call for review of the director's action under this section. Such appeal or call for review shall be in writing and filed with the city clerk within ten (10) days of the director's decision. The city clerk shall place the matter on the city council agenda as soon as is practicable.

(e) The city council on appeal shall approve said final map if it complies in all respects with the tentative map as approved, if the subdivider has fulfilled all the conditions imposed by the director in connection with the approval of the tentative map, and if the final map complies with all the requirements of the Subdivision Map Act and this title applicable at the time of approval or conditional approval of the tentative map.

(f) The city council on appeal shall accept, accept subject to improvements, or reject any and all offers of dedication that are made with a statement on the map that complies with the Subdivision Map Act.

(g) The city council shall review the delegation of authority to the director of public works every three years from the effective date of this chapter, or as soon thereafter as is practical.

(h) Except as specially authorized by this section, the processing of final maps shall conform to all procedural requirements of this chapter and Title 7, Division 2 ("Subdivisions") of the California Government Code.

(i) Subsequent to the approval of the final map by the director of public works and the execution of the required agreements the city clerk shall transmit the map directly to the county recorder.

SECTION 8. 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 9. 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 10. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 11. 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 February 23, 2016, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney