

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP TO REZONE THOSE CERTAIN PROPERTIES WITHIN THE SEVEN GENERAL PLAN VILLAGE CENTERS THROUGHOUT THE CITY FROM NEIGHBORHOOD BUSINESS (C-1), NEIGHBORHOOD BUSINESS/PLANNED DEVELOPMENT (C-1/PD), HIGHWAY BUSINESS/PLANNED DEVELOPMENT (C-2/PD), OFFICE (O), OR OFFICE/PLANNED DEVELOPMENT (O/PD) ALL TO VILLAGE CENTER MASTER PLAN (VCMP), AND MORE SPECIFICALLY, TO VILLAGE CENTER MIXED USE (VCMU), VILLAGE CENTER COMMERCIAL (VCC) OR VILLAGE CENTER OFFICE (VCO) AS IDENTIFIED IN THE VCMP; TO REZONE THE PROPERTY AT 1388-1390 BREMERTON DRIVE FROM C-1 TO LOW MEDIUM DENSITY RESIDENTIAL/PLANNED DEVELOPMENT (R-2/PD), THE PROPERTIES AT 206 AND 216 EAST ARBOR AVENUE FROM C-1/PD TO MEDIUM DENSITY RESIDENTIAL/PLANNED DEVELOPMENT (R-3/PD), AND THE PROPERTY AT APN 110-23-104 FROM C-1/PD TO PUBLIC FACILITIES (P-F); AND AMENDING TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE TO IMPLEMENT THE VILLAGE CENTER MASTER PLAN

THE CITY COUNCIL OF THE CITY OF SUNNYVALE FINDS AND DECLARES AS FOLLOWS:

WHEREAS, in 2017, the City Council certified the Land Use and Transportation Element Environmental Impact Report (EIR), made required findings under the California Environmental Quality Act (CEQA), and adopted the Land Use and Transportation Element of the General Plan;

WHEREAS, the adopted Land Use and Transportation Element identified seven areas throughout the city as future Village Centers; and

WHEREAS, most Village Center areas had existing commercial, and all Village Center sites were planned to be residential/commercial mixed-use under the new Village Mixed Use land use designation, with new residential density averaging 18 dwelling units per acre across all Village Centers; and

WHEREAS, soon after the City amended its General Plan to create Village Centers, the State legislature passed and the Governor signed a series of laws that limited local planning discretion and decision making over land use involving housing projects, and developers have

utilized these laws to advance all-residential projects on sites with existing neighborhood retail that the City had planned as mixed-use sites in order to preserve existing and promote new retail and other commercial uses alongside substantial new housing development, for a balanced community with amenities and conveniences; and

WHEREAS, following State law, the City has had to waive retail preservation and mixed-use requirements in the General Plan and Zoning in considering applications for housing projects, and has lost a significant amount of pre-existing commercial uses, undermining the City's vision and plan for Village Centers; and

WHEREAS, the City prepared the proposed Village Center Master Plan to establish zoning standards for the new zoning districts that conform to the General Plan land use designation for Village Centers (originally called "Village Mixed Use," now proposed as "Village Center Master Plan" or "VCMP") and to implement Village Centers as contemplated by the General Plan; and

WHEREAS, to assure that Village Centers will be able to develop as mixed-use neighborhoods, the City intends, through the Village Center Master Plan, to plan and zone some sites as commercial/retail or office only and other sites as residential/commercial mixed-use with increased residential density so that the planned residential density across all Village Centers remains an average of 18 dwelling units per acre, with no net loss in planned and allowed residential units, while enhancing the likelihood of commercial and retail uses; and

WHEREAS, the modifications to Village Center sites, including the proposed rezoning actions, is consistent with Government Code Section 66300(h)(1) which allows "changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity"; and

WHEREAS, the City Council made findings that the proposed modifications to Village Center sites, which include the proposed rezoning actions and code amendments through this ordinance, will result in no net loss of residential capacity (SB 330) and no net loss of residential capacity to accommodate the City's Regional Housing Needs Allocation (RHNA) by income category; and

WHEREAS, an addendum to the previously certified Land Use and Transportation Element EIR was prepared to evaluate the proposed changes to Village Centers and document that none of the conditions requiring preparation of a subsequent EIR or negative declaration have occurred; and

WHEREAS, the Planning Commission considered the proposed ordinance, together with the related General Plan amendments and Village Center Master Plan, at a duly noticed hearing held on date , and has recommended approval; and

WHEREAS, the City Council held a public hearing on _____ date _____, and considered the reports and documents on the proposed amendments presented by City staff, the Planning Commission's recommendation, and the written and oral comments presented at the public hearing.

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

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN – VILLAGE CENTER MASTER PLAN DISTRICT. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) is hereby amended to re-zone certain properties within the Village Center Master Plan District, which properties are currently zoned Neighborhood Business (C-1), Neighborhood Business/Planned Development (C-1/PD), Highway Business/Planned Development (C-2/PD), Office (O) or Office/Planned Development (O/PD), to Village Center Master Plan (VCMP), and more specifically, one of the VCMP implementing districts, Village Center Mixed Use (VCMU), Village Center Commercial (VCC) or Village Center Office (VCO) as identified in the VCMP. The locations of the properties and the VCMP implementing zoning district applicable to each property are shown on the scale drawings and tables attached as Exhibit A attached hereto and incorporated by reference.

SECTION 2. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) is hereby amended to re-zone those certain properties as follows:

- a. The property located at 1388-1390 Bremerton Drive is re-zoned from Neighborhood Business (C-1) to Low Medium Density Residential/Planned Development (R-2/PD).
- b. The properties located at 206 and 216 East Arbor Avenue are re-zoned from Neighborhood Business/Planned Development (C-1/PD) to Medium Density Residential/Planned Development (R-3/PD).
- c. The property identified as Assessor Parcel No. (APN) 110-23-104 (no address) is re-zoned from Neighborhood Business/Planned Development (C-1/PD) to Public Facilities (P-F).

The re-zoned properties are more particularly described in and depicted on the scale drawings attached as Exhibit B attached hereto and incorporated herein.

SECTION 3. SECTION 19.12.020 AMENDED. Section 19.12.020 ("A") of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.020. "A"

(1) – (3) [Text unchanged]

(4) “Active use” or “active building frontage space” means either the standalone land use, or a component, activity, or space within the same land use, which maintains visual transparency between the street and the building’s interior on the ground floor and which provides and encourages foot traffic at the street frontage.

~~(4)(5) – (7)(8)~~ [Renumbered, text unchanged]

~~(8)(9) “Affordable housing development”. For definition, see Section 19.12.050(8)(a). means a development on a site where all dwelling units meet the definition for affordable housing.~~

~~(9)(10) – (27)(28)~~ [Renumbered, text unchanged]

SECTION 4. SECTION 19.12.030 AMENDED. Section 19.12.030 (“B”) of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.030. “B”

(1) – (2) [Text unchanged]

(3) “Base maximum density” means the greatest number of units allowed on all aggregated parcels comprising a development site, as permitted by the applicable zoning ordinance, specific plan, area plan, or general plan.

~~(3)(4) – (8)(9)~~ [Renumbered, text unchanged]

~~(9)(10) "Build-to lines" are the same as is a front yard setback lines, along which a specified portion of building frontage shall be located except that a minimum of seventy-five percent of the building façade base must be constructed at the street frontage setback line. Applicable build-to lines for the El Camino Real Specific Plan district are identified in Chapter 19.36.~~

~~(10)(11) – (17)(18)~~ [Renumbered, text unchanged]

SECTION 5. SECTION 19.12.050 AMENDED. Section 19.12.050 (“D”) of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.050. “D”

(1) “Daylight plane” means a vertical angle measured from the property line (rear or

side yard) that establishes part of the building envelope.

~~(4)(2)~~ – ~~(6)(7)~~ [Renumbered, text unchanged]

(8) “Development” means the construction of a new building or buildings.

- (a) “Affordable housing development” means a development where all dwelling units on site (except designated managers’ units) meet the state’s definition for affordable housing.
- (b) “Commercial development” means a development that is comprised of commercial land uses providing retail commercial shopping, restaurants, hotels and motels, and personal services, and that does not include any residential land uses.
- (c) “Industrial development” means a development that is comprised of buildings and facilities for office, research and development, manufacturing, hotels and motels, restaurants, financial uses, retail sales and services, professional services, and other similar types of uses, and that does not include any residential land uses.
- (d) “Public facilities development” means a development that is comprised of buildings and facilities for governmental, public utility, and educational services, as well as recreation, places of assembly, and other similar types of uses, which does not include any residential uses.
- (e) “Residential development” means detached single-family dwellings, multiple-dwelling structures, groups of dwellings, condominium or townhouse developments, condominium conversions, cooperative developments, and land subdivisions intended to be sold to the general public, which does not include non-residential land uses.
- (f) “Residential mixed-use development” means a development that is comprised of residential and nonresidential land uses on the same development site (in the same or in separate buildings).
- (g) “Office development” means a development that is comprised of office land uses that may also include commercial uses and that does not include any residential uses.

~~(7)(9)~~ – ~~(14)(16)~~ [Renumbered, text unchanged]

SECTION 6. SECTION 19.12.080 AMENDED. Section 19.12.080 (“G”) of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to

read as follows:

19.12.080. “G”

(1) – (2) [Text unchanged]

(3) “Gathering space” means a publicly accessible outdoor area used for passive recreational activities and relaxation. Gathering spaces are typically paved areas that include amenities such as seating, ornamental fountains, art, trees, and landscaping for use by pedestrians and may contain areas to support outdoor dining.

~~(3)(4)~~ – ~~(12)~~(13) [Renumbered, text unchanged]

SECTION 7. SECTION 19.12.130 AMENDED. Section 19.12.130 (“L”) of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.130. “L”

(1) – (2) [Text unchanged]

(3) “Landscaped area, parking lot” means the landscaped area bordering, along, or within the surface parking lot area, including parking stalls, driveway aisles, loading areas, sidewalks, and other pedestrian paths serving the parking lot area.

~~(3)(4)~~ [Renumbered, text unchanged]

~~(4)(5)~~ “Laundry and cleaning business” means an establishment providing laundry or dry cleaning services (except for self-service laundromats) to the public for a fee.

~~(5)(6)~~ – ~~(17)~~(18) [Renumbered, text unchanged]

SECTION 8. SECTION 19.12.160 AMENDED. Section 19.12.160 (“O”) of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.160. “O”

(1) – (4) [Text unchanged]

(5) "Open space" means an area of open land essentially unimproved or in its natural state or designed for open land, which is set aside, designated or reserved for public or private use or enjoyment.

- (6) "Open space, useable" means an outdoor or unenclosed area on the ground, or on a roof, balcony, deck, porch, pool area, patio or terrace or recreation building, when designed and accessible for outdoor living, recreation, pedestrian access or landscaping, but excluding parking facilities, driveways, loading areas, utility service or storage areas.
- (7) – (10) [Text unchanged]

SECTION 9. SECTION 19.12.170 AMENDED. Section 19.12.170 ("P") of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.170. "P"

- (1) – (3) [Text unchanged]

- (4) "Pedestrian realm" means the area along a property frontage and public right-of-way that includes urban streetscape design improvements that are intended to enhance the safety and experience for pedestrians, cyclists, and other users (residents, employees, visitors, as well as other patrons), which includes a furniture zone, through zone, and frontage zone and may result from the relocation of the right-of-way line via a street dedication.
- (a) "Furniture zone" means the portion of the pedestrian realm located between the curb and the through zone, which serves to buffer foot traffic from the adjacent roadway.
- (b) "Through zone" means the sidewalk portion of the pedestrian realm, intended for pedestrian movement along public streets, with a clear and continuous path that is free of furnishings, landscaping, and other obstructions, and compliant with the Americans with Disabilities Act (ADA) regulations.
- (c) "Frontage zone" means the portion of the pedestrian realm on private property of a development site between the through zone and the front façade of the building(s) that serves as a front yard area.
- ~~(4)~~(5) "Personal service business" means a business ~~which~~ that provides services of a personal convenience nature, and cleaning, repair or sales incidental thereto, including, but not limited to, beauty and barbershops, shoe repair, self-service laundry and cleaning services (except for dry cleaning businesses), copying and quick printing services and film processing.

~~(5)(6) – (19)(20)~~ [Renumbered, text unchanged]

SECTION 10. SECTION 19.12.200 AMENDED. Section 19.12.200 (“S”) of Chapter 19.12 (Definitions) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.12.200. “S”

(1) – (21) [Text unchanged]

(22) “Stepback” means a change in the vertical plane of a multi-story building created by setting the building elevation of the upper story or stories away from the street at the build-to line.

~~(22)(23) – (31)(32)~~ [Renumbered, text unchanged]

SECTION 11. Section 19.16.020 AMENDED. Section 19.16.020 of Chapter 19.16 (Precise Zoning Plans) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.16.020 Zoning districts – Creation.

In order to carry out the purposes and provisions of this title, the City of Sunnyvale and the Sunnyvale planning area are divided into zoning districts designated as follows:

Symbol	Zoning District
R-0	Low Density Residential Zoning District
R-1	Low Density Residential Zoning District
R-1.5	Low Medium Density Residential Zoning District
R-1.7/PD	Low Medium Density Residential Zoning District
R-2	Low Medium Density Residential Zoning District
R-3	Medium Density Residential Zoning District
R-4	High Density Residential Zoning District
R-5	High Density Residential and Office Zoning District
R-MH	Residential-Mobile Home Zoning District
O	Administrative-Professional Office Zoning District
P-F	Public Facilities Zoning District
DSP	Downtown Specific Plan District
C-1	Neighborhood Business Zoning District

Symbol	Zoning District
C-2	Highway Business Zoning District
C-3	Regional Business Zoning District
C-4	Service Commercial Zoning District
M-S	Industrial and Service Zoning District
M-3	General Industrial Zoning District
MP-AC	Activity Center
MP-R	Residential
MP-MU	Mixed Use
MP-O1	Office 1
MP-O2	Office 2
MP-E1	Mixed Employment 1
MP-E2	Mixed Employment 2
MP-E3	Mixed Employment 3
MP-H	Hospitality
MP-PF	Public Facilities
ECD	Ecological Combining District
LSP	Lakeside Specific Plan District
PPSP	Peery Park Specific Plan District
LSAP	Lawrence Station Area Specific Plan District
M <u>DXD</u> -I	Flexible Mixed Use I Zoning District
M <u>DXD</u> -II	Flexible Mixed Use II Zoning District
M <u>DXD</u> -III	Flexible Mixed Use III Zoning District
M-S/LSAP	Lawrence Station Area Plan Industrial and Service Zoning District
MS/LSAP 60%	Lawrence Station Area Plan Industrial and Service Zoning District Sixty Percent
MS/LSAP 120%	Lawrence Station Area Plan Industrial and Service Zoning District One Hundred Twenty Percent
ECR-C	El Camino Real – Commercial
ECR-MU	El Camino Real – Residential Mixed Use
ECR-O	El Camino Real – Office
ECR-PF	El Camino Real – Public Facilities
ECR-R3	El Camino Real – Medium Density Residential
ECR-R4	El Camino Real – High Density Residential

Symbol	Zoning District
<u>VCC</u>	<u>Village Center Commercial</u>
<u>VCMU</u>	<u>Village Center Mixed-Use</u>
<u>VCO</u>	<u>Village Center Office</u>

SECTION 12: Section 19.27.050 NEW. New Section 19.27.050 of Chapter 19.27 (Site and Project-Based Specific Plan Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

19.27.050 Village Center Master Plan District

- (a) A zoning district entitled the “Village Center Master Plan” (VCMP) is established as shown on the official precise zoning plan, zoning district map, City of Sunnyvale, on file in the office of the city clerk and incorporated by reference.
- (b) The VCMP zoning district implements the Village Center Master Plan, incorporated by reference, a copy of which is on file in the office of the city clerk.
- (c) The Village Center Master Plan includes the following three implementing zoning districts:
 - (1) Village Center Commercial (VCC)
 - (2) Village Center Office (VCO)
 - (3) Village Center Mixed Use (VCMU)

SECTION 13. Section 19.34.060 AMENDED. Section 19.34.060 of Chapter 19.34 (Front, Side, and Rear Yards) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.34.060 Vision triangles.

- (a) [No text change]
- (b) Applicability
 - (1) Any structure, vegetation or parking space is subject to corner and driveway vision triangle requirements unless specifically stated otherwise in this section.

(2) New structures, including signs, are subject to extended vision triangle requirements when located on lots with more than one hundred parking spaces.

(3) The following locations are exempt from vision triangle requirements:

(A) Downtown Specific Plan District. Properties within the DSP Blocks 1, 1a, 2, 3, 7, 18, 21 and 22 ~~are exempt from vision triangle requirements.~~

~~(B)~~ El Camino Real Specific Plan District. Intersections and driveways controlled with a traffic light or four-way stop in the El Camino Real Specific Plan district ~~are exempt from vision triangle requirements.~~

(C) Village Center Master Plan. Intersections and driveways controlled with a traffic light or four-way stop in the Village Center Master Plan area.

(D) Public Parking District. Properties within the public parking district ~~are exempt from vision triangle requirements.~~

(c) - (e) [Text unchanged]

SECTION 14. Section 19.44.040 AMENDED. Section 19.44.040 of Chapter 19.44 (Sign Code) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.44.040 Definitions.

[First five terms] [Text unchanged]

Commercial and office districts. Commercial and office zoning districts are P-F, C-1, C-2, C-3, C-4, ~~VCC~~, O, commercial tenant spaces in VCMU, ECR-O, ~~VCO~~, and DSP Blocks 1, 2, 3, 20, and 21.

[Intervening terms] [Text unchanged]

Residential districts. Residential districts are R-0, R-1, R-1.5, R-1.7/PD, R-2, R-3, ECR-R3, R-4, ECR-R4, R-5, R-MH, residential uses in ECR-MU or VCMU; residential uses in MXD-I, MXD-I/S, MXD-II, MXD-III, MXD- IV; residential uses in MP-AC, MP-R, MP-MU;,-and DSP blocks 4, 5, 6, 7, 8, 8a, 8b, 9, 9a, 10, 11, 12, 13, 14, 15, 16, 17 and 23.

[Remaining terms] [Text unchanged]

SECTION 15. Section 19.54.080 AMENDED. Section 19.54.080 of Chapter 19.54 (Wireless Communications Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

19.54.080 Telecommunication facilities permits.

Table 19.54.080 Telecommunications Facilities Permits				
Zoning Districts	Exemptions	Miscellaneous Plan Permits	Minor Use Permits	Major Use Permits
Residential, Public Facilities, Commercial and Office R-0, R-1, R-1.5, R-1.7, R-2, R-3, R-4, R-5, RMH, C-1, C-2, C-3, C-4, O, PF, DSP, LSP, PPSP, MXD-I, MXD-I/S, MXD-II, MXD-III, MXD-IV, O-R, ECR-C, ECR-MU, ECR-O, ECR-PF, ECR-R3, ECR-R4, <u>VCC, VCO, VCMU</u>	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' 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-	For properties with residential uses: Receive-only parabolic dishes or antenna > 39" in diameter. For properties with nonresidential uses: (1) Ground mounted antenna up to 15' high and 6" in diameter. (2) Façade mounted antenna not readily visible and no projection more than 18" from façade. (3) Roof mounted antenna or antennas mounted on an existing electrical transmission tower that are not readily visible and do not extend above the structure ridgeline	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 or antennas mounted on an existing electrical transmission tower which extend up to 15' above the structure ridgeline. (3) Any facility or equipment which, when installed, would result in 2 or more telecommunications facilities at the same property.	For properties with nonresidential uses: (1) Satellite earth stations. (2) New freestanding facilities including monopoles, lattice towers and other towers up to a maximum of 65' in height. (3) Any facility located in the required side or front yard setbacks. Such facilities must meet design standards. (4) Facilities not otherwise enumerated

Table 19.54.080 Telecommunications Facilities Permits

Zoning Districts	Exemptions	Miscellaneous Plan Permits	Minor Use Permits	Major Use Permits
	of-way. (e) Amateur radio antennas not exceeding maximum building height limits of zoning district by 25'.			
Industrial MS, M3, MP-TOD, MP-C, MP-I, MXD-I, MXD-I/S, MXD-II, MXD-III, MXD-IV, M-S/LSAP, M-S/LSAP 60%, M-S/LSAP 120%	Same as for Residential and Public Facilities	(1) Receive-only parabolic dishes or antennas greater than 39" in diameter. (2) Ground mounted antennas not exceeding 15' in height and 6" in diameter. (3) Façade mounted antennas extending above the structure ridgeline or projecting more than 18" from the building façade. (4) Roof mounted antennas or antennas mounted on an existing electrical transmission tower extending up to 15' above the structure ridgeline. (5) Any facility or equipment which,	(1) Roof mounted antennas or antennas mounted on an existing electrical transmission tower extending more than 15' above the structure ridgeline. (2) Monopoles, lattice towers or other towers > 65' but < 90' high, and located more than 1,000' from the right-of-way of a freeway, expressway or arterial street.	(1) Satellite earth stations. (2) Monopoles, lattice towers or other towers > 65' but < 90' high, which is located less than 1,000' from the right-of-way of a freeway, expressway or arterial street. (3) Monopoles, lattice towers or other towers > 90' high. (4) Facilities or equipment located in the front or side yard setbacks of properties not in residential use. (5) Freestanding facilities include towers, lattice towers and monopoles which will be located

Table 19.54.080 Telecommunications Facilities Permits

Zoning Districts	Exemptions	Miscellaneous Plan Permits	Minor Use Permits	Major Use Permits
		<p>when installed, would result in 2 or more telecommunications facilities at the same property.</p> <p>(6) Monopoles, lattice towers or other towers up to 65', if located more than 1,000' from the right-of-way of a freeway, expressway or arterial street.</p> <p>(7) Antennas mounted on an existing electrical transmission tower</p>		<p>within 1,000' of another freestanding facility.</p> <p>(6) Facilities not otherwise enumerated</p>

SECTION 16. Findings of No Net Loss of Residential Capacity (SB 330). Under the preexisting General Plan Village Mixed Use land use designation, sites within the Village Centers were contemplated and planned to allow for residential and commercial mixed use, with an average density across Village Centers of 18 dwelling units per acre (du/ac). The land use designation of all sites that will remain in the Village Centers are being changed through the accompanying resolution to the new designation of Village Center Master Plan, with the allowed uses and densities of each site determined in the Village Center Master Plan and this rezoning ordinance, with some sites to be zoned commercial only and other sites to be zoned residential mixed use but with increased allowed residential density (up to 56 du/ac). The combination of these concurrent changes results in the overall residential density within Village Centers to remain at an average of 18 du/ac, with no net loss in residential capacity in the Village Centers and among all affected sites. Therefore, as shown in Exhibit C attached hereto and incorporated herein, the modifications to the General Plan land use designation and rezoning of sites within the Village Centers and all affected sites will result in no net loss and are allowed pursuant to Government Code Section 66300(h)(1).

SECTION 17. Findings of No Net Loss of Residential Capacity to Accommodate the RHNA by Income Category (Government Code section 65863; Housing Element Site Inventory). In the City's certified Housing Element, all Village Center sites in the Housing Element Site Inventory are indicated as having a maximum residential capacity of 18 du/ac and a realistic

residential development potential of 80% of 18 du/ac (or 14.4 du/ac). All Village Center sites in the Site Inventory are categorized as moderate income. Some sites will be changed through the General Plan amendments, Village Center Master Plan and rezoning ordinance to be non-residential, but the other sites that will remain mixed use will be modified to increase residential density up to 56 du/ac. Further, the Village Center Master Plan will increase the minimum required density to 85% of the maximum density for sites designated Village Center Master Plan or VCMP. These mixed-use sites will remain in the moderate-income category in the Site Inventory. Through these concurrent changes to sites in the Site Inventory, the residential capacity in the moderate-income will be increased by 173 units, which continues to meet the Regional Housing Needs Assessment (RHNA) for the moderate-income category, and there are no changes to Site Inventory sites at the other income categories. In sum, these modifications (including the General Plan Amendments and related zoning actions) do not decrease RHNA capacity at any income level and therefore do not impact RHNA compliance, as shown in further detail in Exhibit D, attached hereto and incorporated herein.

SECTION 18. CEQA—ADDENDUM TO PREVIOUSLY CERTIFIED EIR. An addendum to the previously certified Land Use and Transportation Element EIR (the “Addendum”) was prepared for the proposed project. The Addendum, together with the EIR, was presented to, independently reviewed and considered by the City Council at its regularly scheduled meeting of _____ date _____, 2025. The Addendum was prepared in compliance with the requirements of CEQA and the CEQA Guidelines (collectively, “CEQA”) and is adequate for the City’s use as the lead agency under CEQA. Based on the evidence submitted and demonstrated by the analysis included in the Addendum, incorporated herein by reference, none of the conditions in Section 15162 or 15163 of the CEQA Guidelines calling for preparation of a subsequent or supplemental EIR have occurred. The City Council incorporates by this reference the findings contained in the Addendum as to the environmental effects of the proposed amendments.

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

SECTION 20. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 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

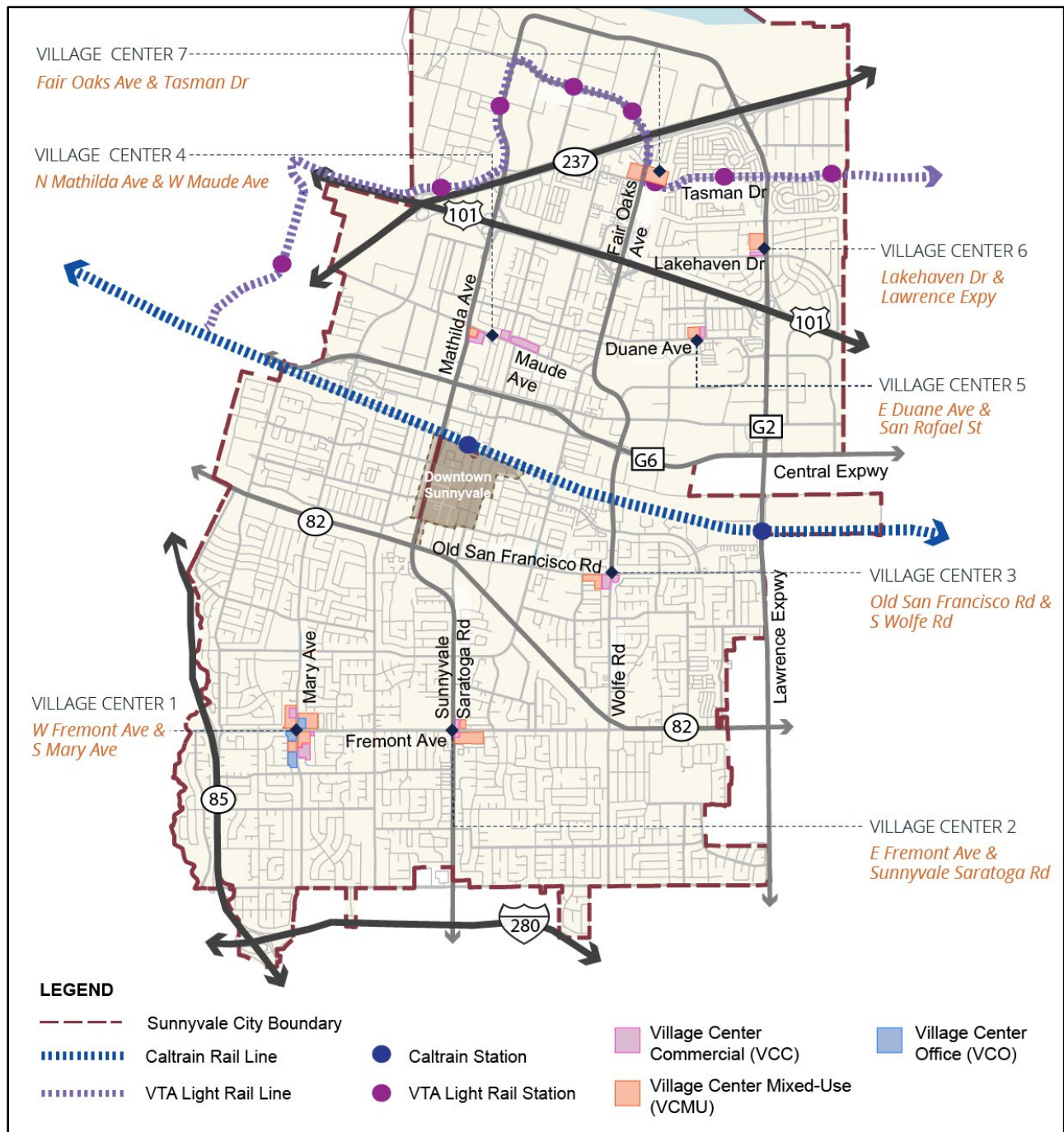
(SEAL)

APPROVED AS TO FORM:

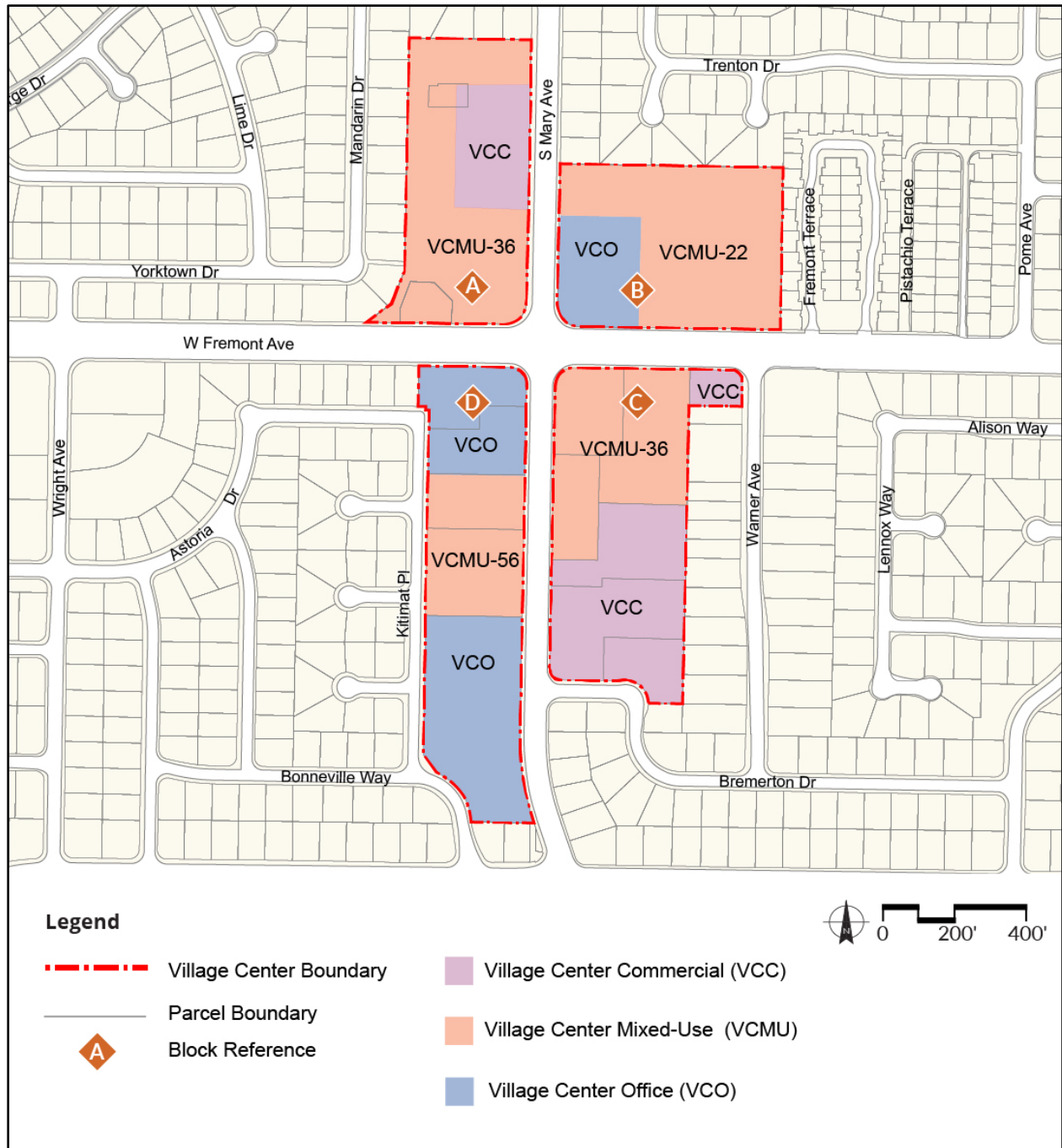
City Attorney

EXHIBIT A

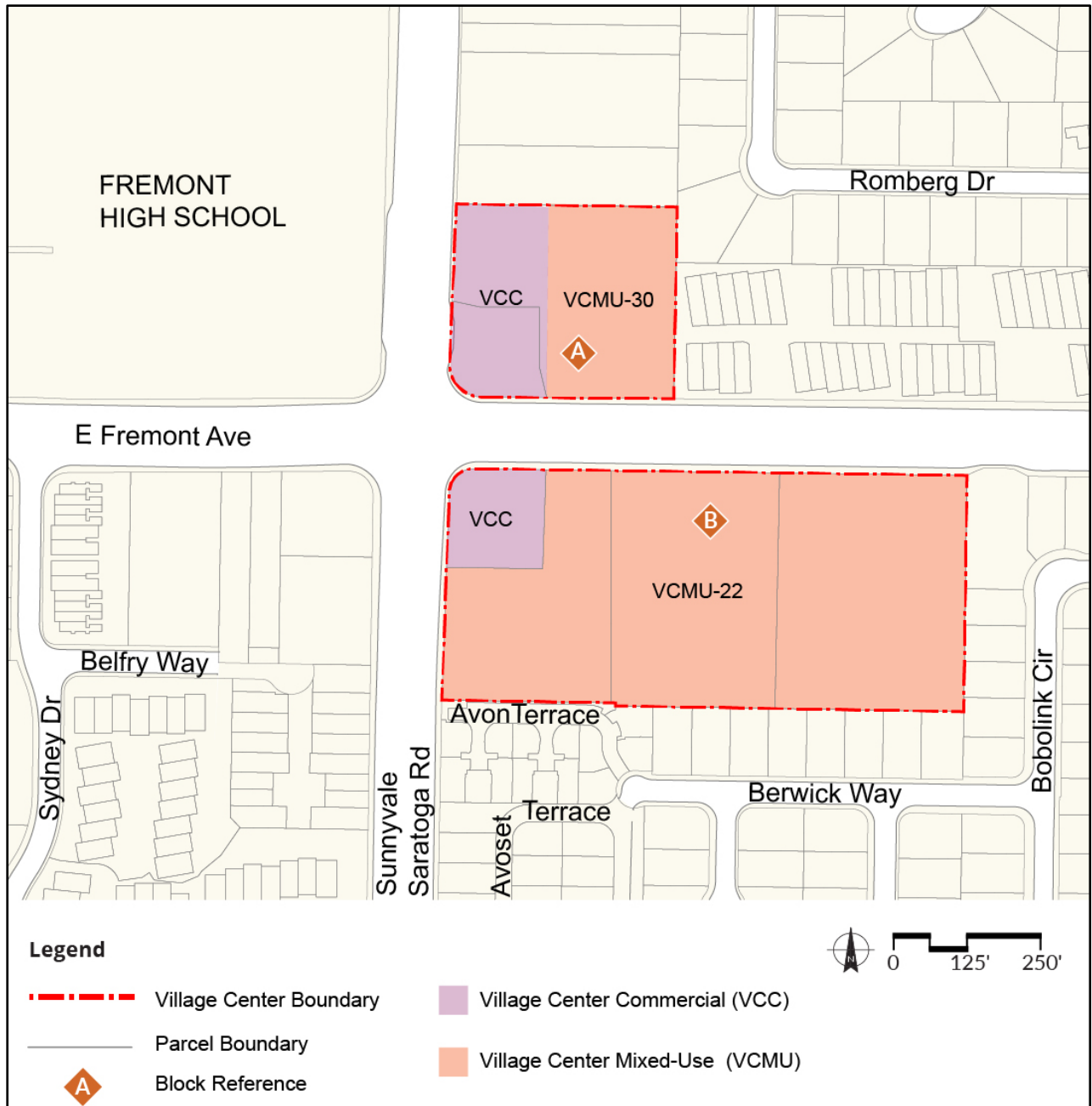
Village Center Zoning District Map



Village Center 1 Zoning District Map



Village Center 2 Zoning District Map



Village Center 3 Zoning District Map



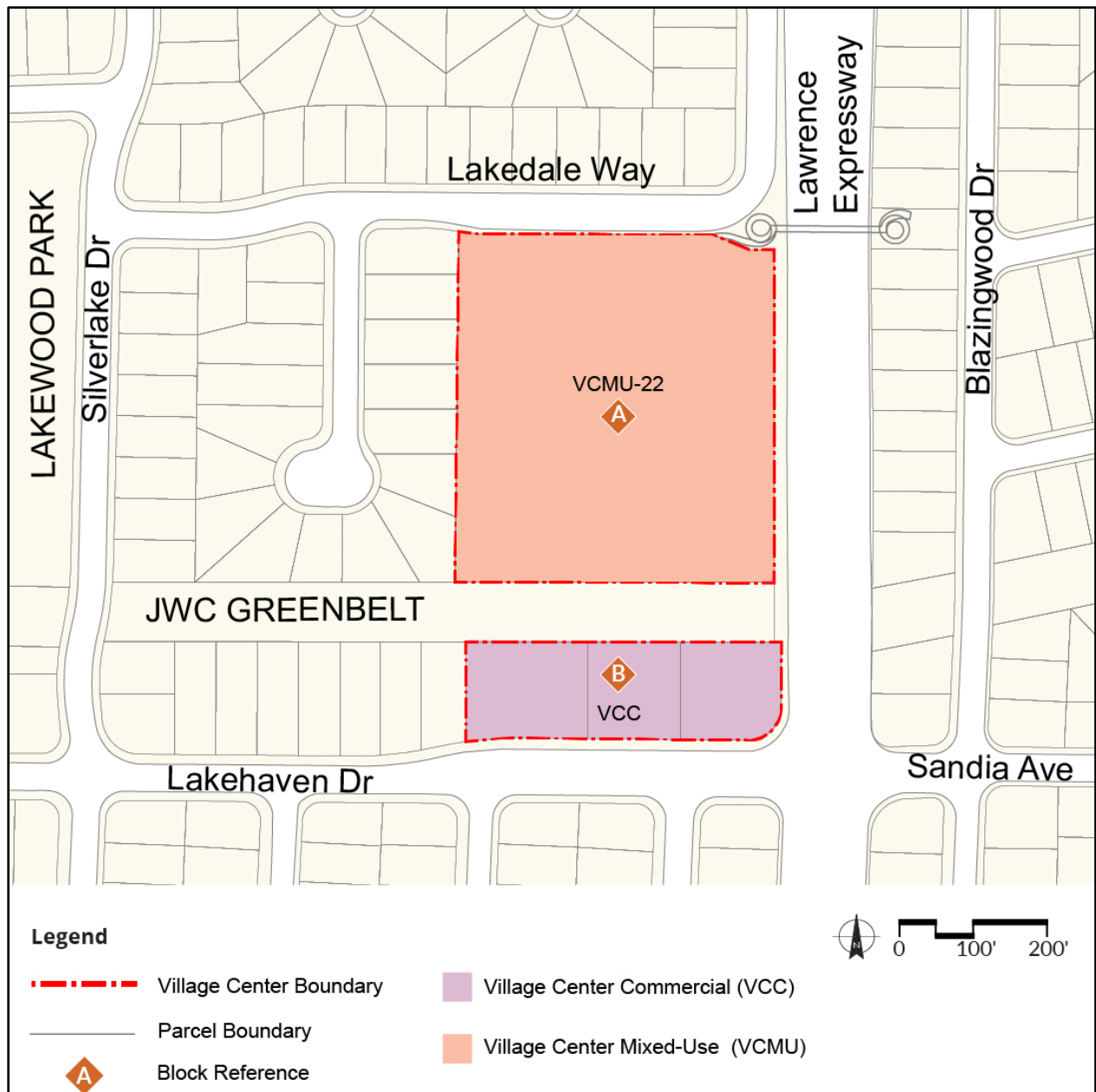
Village Center 4 Zoning District Map



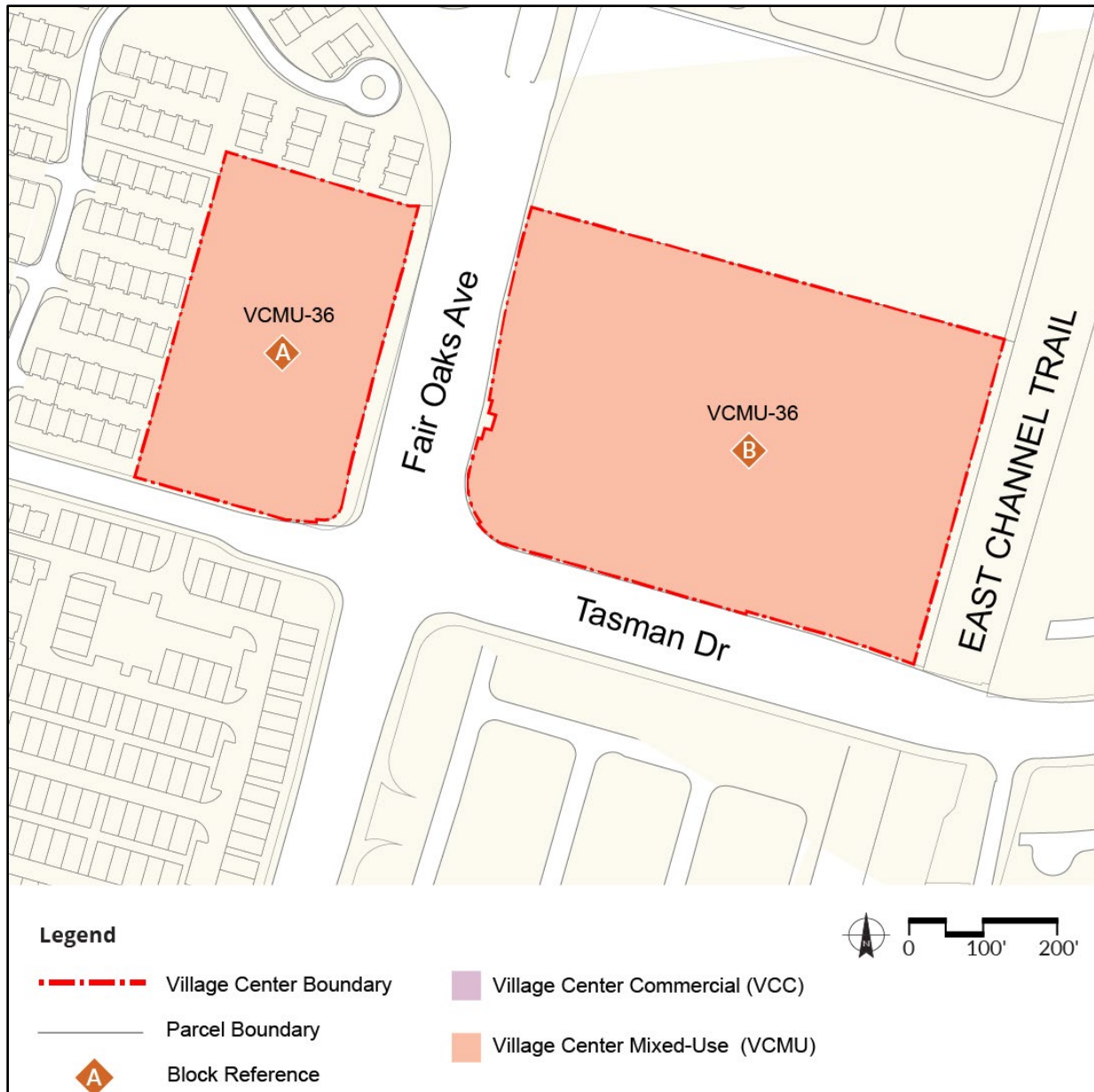
Village Center 5 Zoning District Map



Village Center 6 Zoning District Map



Village Center 7 Zoning District Map



Village Center Site	APN	Address	Zoning District	
			Existing	Proposed
1A	20224031	1241 S Mary Ave	C-1	VCMU
1A	20224031	1241 S Mary Ave	C-1	VCC
1A	20224032	1211-1291 S Mary Ave	C-1	VCMU
1A	20224032	1211-1291 S Mary Ave	C-1	VCC
1A	20224033	925 W Fremont Ave	C-1	VCMU
1B	20223007	877 W Fremont Ave	O	VCMU
1B	20223007	877 W Fremont Ave	O	VCO
1C	32301001	860 W Fremont Ave	C-1	VCC
1C	32301018	1358 S Mary Ave	C-1	VCC
1C	32301019	1350 S Mary Ave	C-1	VCC
1C	32301020	1334-1366 S Mary Ave	C-1	VCC
1C	32301021	1310 S Mary Ave	C-1	VCMU
1C	32301025	1306 S Mary Ave	C-1	VCMU
1C	32301026	1314-1332 S Mary Ave	C-1	VCMU
1D	32025057	1309 S Mary Ave	O/PD	VCO
1D	32025058	920-924 W Fremont Ave	O/PD	VCO
1D	32025059	1303 S Mary Ave	O/PD	VCO
1D	32025060	1305 S Mary Ave	O/PD	VCMU
1D	32025061	1307 S Mary Ave	O/PD	VCMU
2A	21134001	103-167 E Fremont Ave	C-1/PD	VCMU
2A	21134001	103-167 E Fremont Ave	C-1/PD	VCC
2A	21134013	1296 Sunnyvale Saratoga Rd	C-1/PD	VCC
2B	30901002	1310 Sunnyvale Saratoga Rd	C-1/PD	VCMU
2B	30901007	1300 Sunnyvale Saratoga Rd	C-1/PD	VCC
2B	30901009	150 E Fremont Ave	C-1/PD	VCMU
2B	30901010	1301 Barbet Cir	C-1/PD	VCMU
2B	30901011	1303 Barbet Cir	C-1/PD	VCMU
2B	30901012	1304 Barbet Cir	C-1/PD	VCMU
2B	30901013	1303 Besra Ter	C-1/PD	VCMU
2B	30901014	176 E Fremont Ave	C-1/PD	VCMU
3A	21105006	703 S Wolfe Rd	C-1	VCC
3A	21105027	747 Old San Francisco Rd	C-1	VCC
3A	21105027	747 Old San Francisco Rd	C-1	VCMU
3A	21105030	731 Old San Francisco Rd	C-1	VCMU
3A	21105031	888 Old San Francisco Rd	C-1	VCMU
3A	21105032	733 Old San Francisco Rd	C-1	VCMU
3A	21105033	743 Old San Francisco Rd	C-1	VCMU
3A	21105034	727 S Wolfe Rd	C-1	VCC
3A	21105034	727 S Wolfe Rd	C-1	VCMU
3B	21320027	704-744 S Wolfe Rd	C-1/PD	VCC

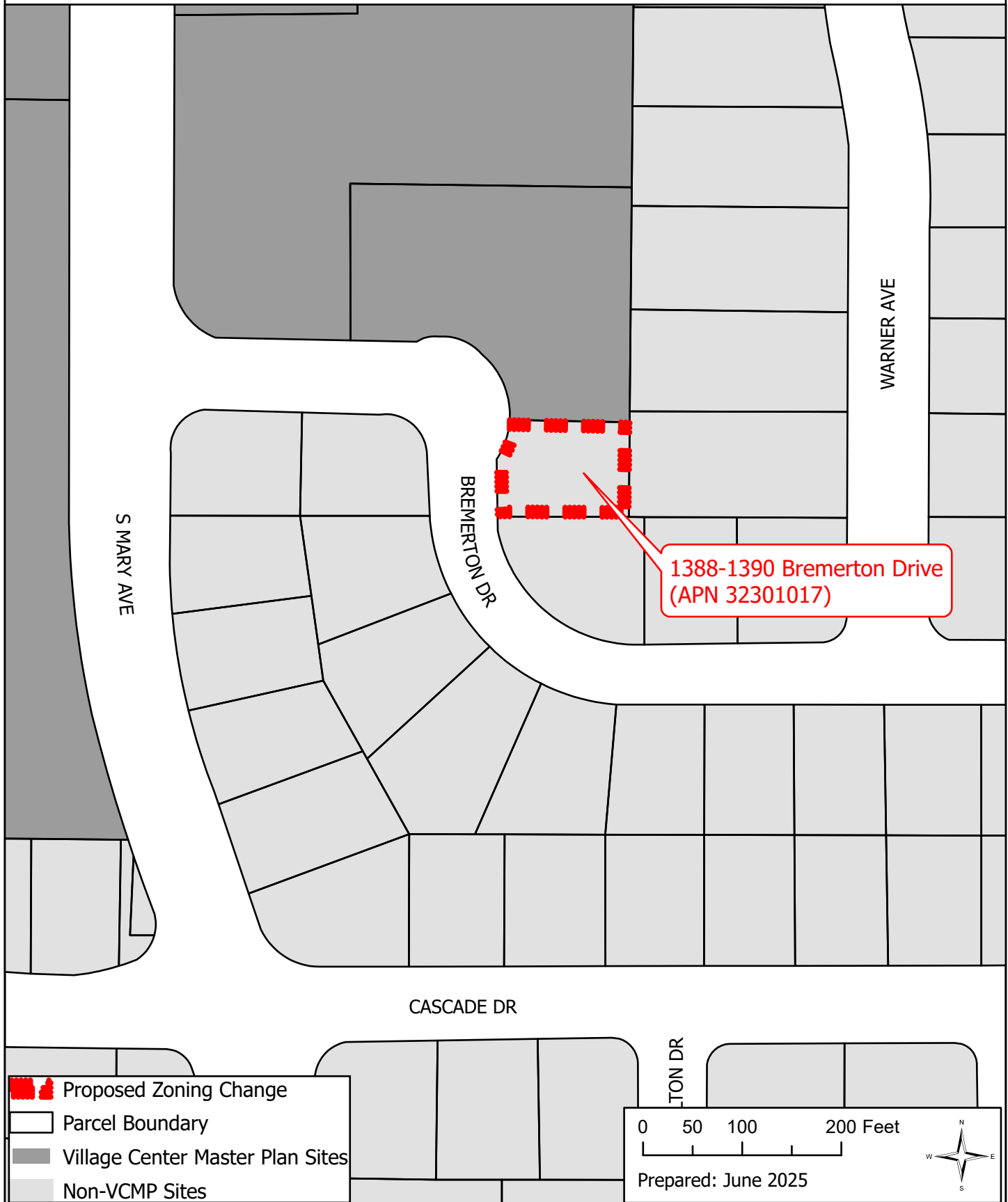
Village Center Site	APN	Address	Zoning District	
			Existing	Proposed
4A	20432001	498 N Mathilda Ave	C-1/PD	VCMU
4A	20432002	240-350 W Maude Ave	C-1/PD	VCC
4A	20432002	240-350 W Maude Ave	C-1/PD	VCMU
4A	20432003	490-494 N Mathilda Ave	C-1/PD	VCC
4A	20432004	484 N Mathilda Ave	C-1/PD	VCC
4A	20432005	480 N Mathilda Ave	C-1/PD	VCC
4A	20432006	470-478 N Mathilda Ave	C-1/PD	VCC
4A	20432007	460-464 N Mathilda Ave	C-1/PD	VCC
4B	20429030	501-509 Borregas Ave	C-1	VCC
4B	20429031	107 W Maude Ave	C-1	VCC
4B	20429032	117 W Maude Ave	C-1	VCC
4C	20422007	325-347 E Maude Ave	C-1	VCC
4C	20422009	225 E Maude Ave	C-1	VCC
4C	20422010	217-223 E Maude Ave	C-1	VCC
4C	20422011	211-213 E Maude Ave	C-1	VCC
4C	20422050	195 E Maude Ave	C-1	VCC
4C	20422054	253-259 E Maude Ave	C-1	VCC
4C	20422055	155 E Maude Ave	C-1	VCC
4C	20422056	105 E Maude Ave	C-1	VCC
5	20512001	929 E Duane Ave	C-1/PD	VCC
5	20512002	933 E Duane Ave	C-1/PD	VCC
5	20512003	917-927 E Duane Ave	C-1/PD	VCMU
5	20512004	901-911 E Duane Ave	C-1/PD	VCMU
6A	11023110	1119-1163 Lawrence Expwy	C-1/PD	VCMU
6B	11023053	1101 Lawrence Expwy	C-1/PD	VCC
6B	11023108	1051 Lakehaven Dr	C-1/PD	VCC
6B	11023109	1037 Lakehaven Dr	C-1/PD	VCC
7A	11029039	N/A	C-2/PD	VCMU
7A	11029040	1161-1167 N Fair Oaks Ave	C-2/PD	VCMU
7B	11029038	1180 N Fair Oaks Ave; 605-695 Tasman Dr	C-2/PD	VCMU

Proposed Zoning Changes to Implement the Village Center Master Plan (VCMP)

1388-1390 Bremerton Drive (APN 32301017)

Pre-VCMP Adoption: C-1 (Neighborhood Business)

Proposed: R-2/PD (Low Medium Density Residential/Planned Development)

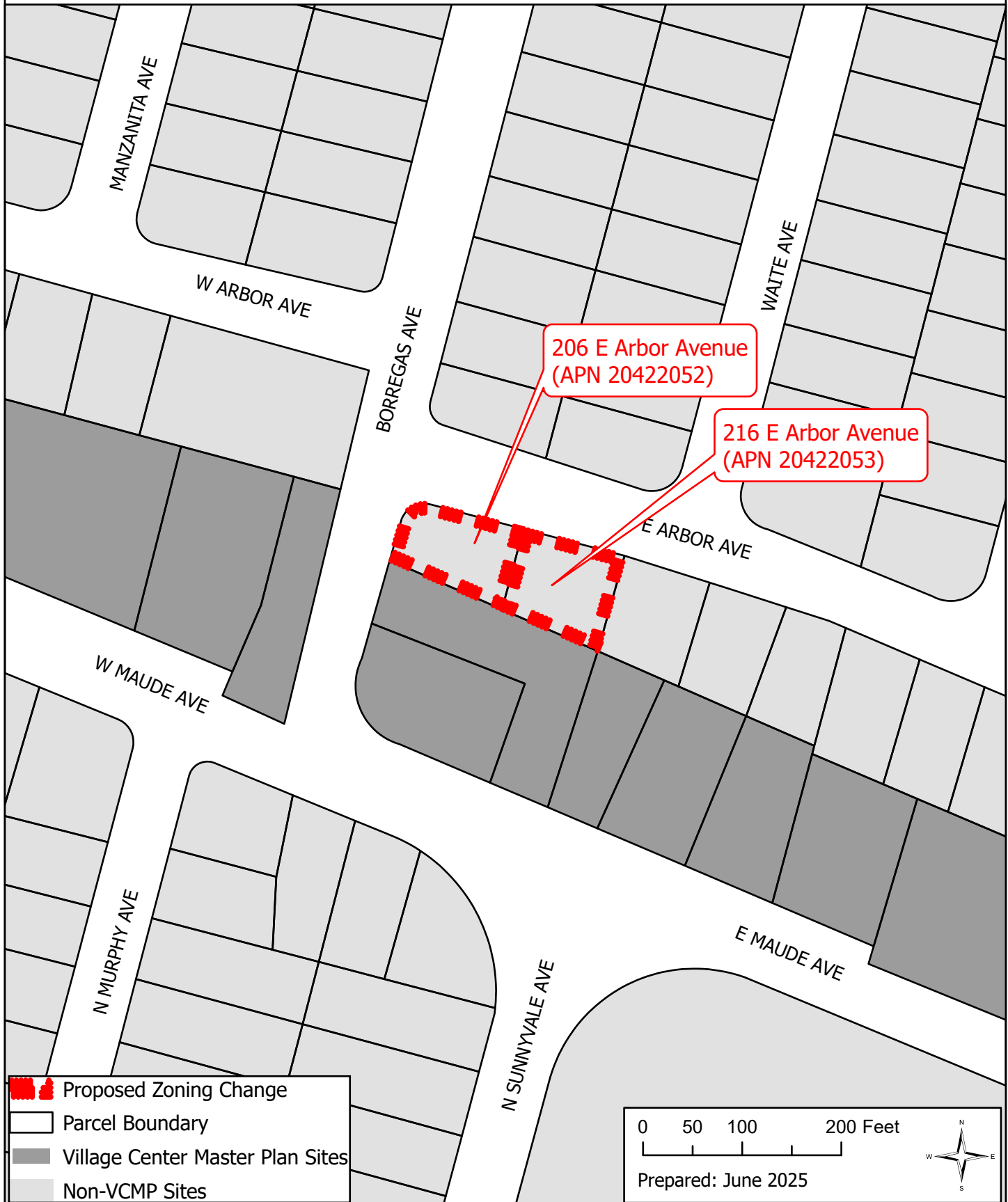


Proposed Zoning Changes to Implement the Village Center Master Plan (VCMP)

206 and 216 E Arbor Avenue (APNs 20422052, 20422053)

Pre-VCMP Adoption: C-1/PD (Neighborhood Business/Planned Development)

Proposed: R-3/PD (Medium Density Residential/Planned Development)



Proposed Zoning Changes to Implement the Village Center Master Plan (VCMP)

APN 11023104 (SFPUC Lot; No Address)

Pre-VCMP Adoption: C-1/PD (Neighborhood Business/Planned Development)

Proposed: PF (Public Facilities)

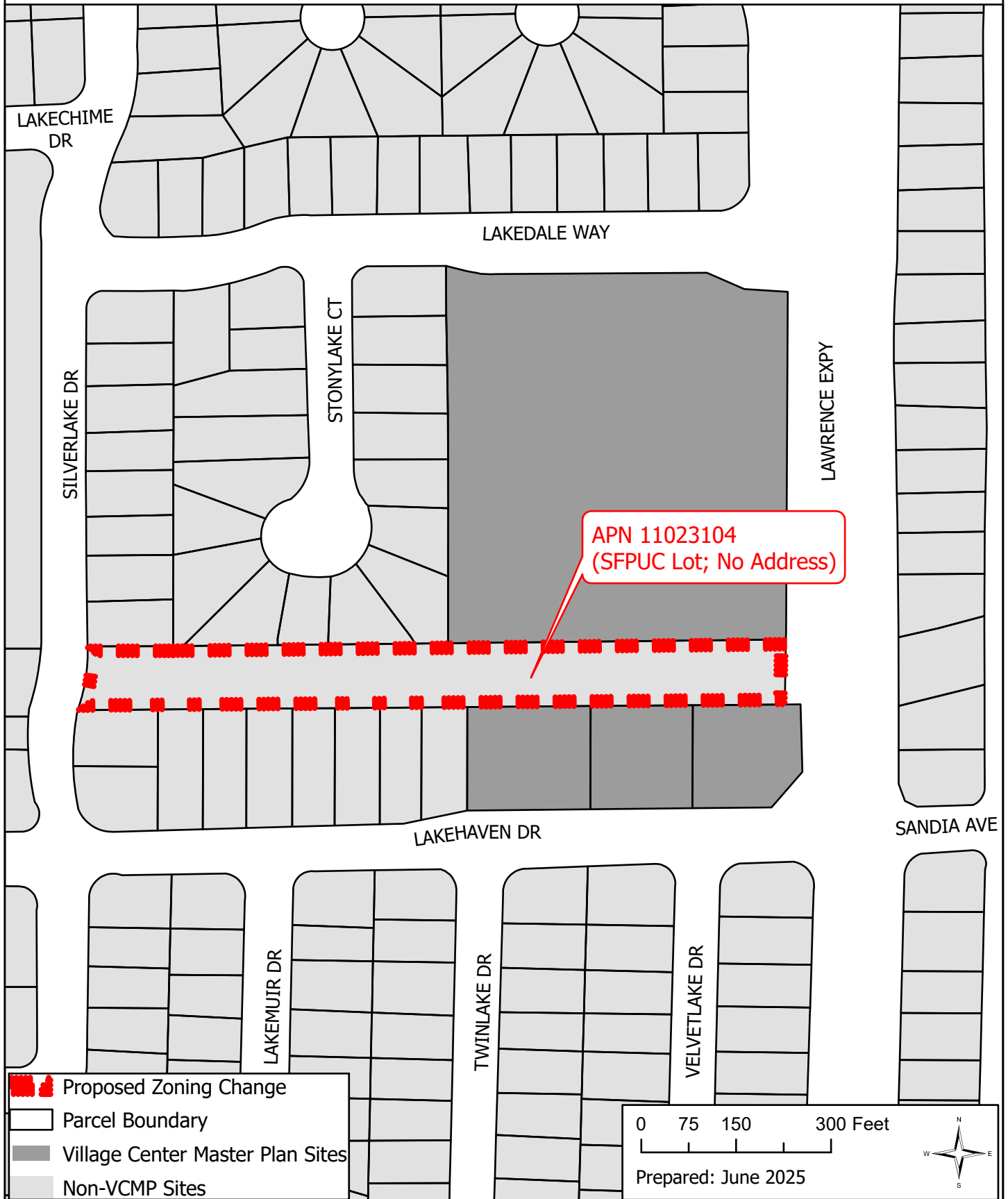


EXHIBIT C

No Net Loss Findings Analysis (SB 330)

Location				Lot Size (Acreage)			General Plan Residential Buildout Unit Count (Assumed Density of 18 du/acre)		VCMP Residential Buildout							
Village Center Neighborhood #	Village Center Site	APN	Address	Per APN	Per Village Center Site	Per Village Center Neighborhood #	Per APN/Village Center Site	Per Village Center Neighborhood #	Assumed Density (Base Maximum Density)			Unit Count				
									Per APN	Per Village Center Site	Per Village Center Neighborhood #	Per APN	Per Village Center Site	Per Village Center Neighborhood #		
1	1A - Westmoor Village Shopping Center	20224031;	1241 S Mary Ave;	4.03	6.2	27.8	112	500	36	23.4	18.9	145	145	523		
		20224032;	1211-1291 S Mary Ave;	2.17					0			0				
	1B - Foothill Medical-Dental Center	20223007	877 W Fremont Ave*	5.04	6.3		114		22	18.1		114	114			
				1.26					0			0				
	1C - Zanotto's Market Shopping Center	32301001	860 W Fremont Ave	0.33	7.8		6		16.8	0		130	0			
				0.74			0			0						
				1.71			0			0						
				1.38			0			0						
				0.84			36			30						
				1.03			36			37						
				1.74			36			63						
	1D - De Anza Office center	32025057	1309 S Mary Ave	3.20	7.5		58		17.9	0		134	0			
		32025058	920-924 W Fremont Ave	0.94			17			0			0			
		32025059	1303 S Mary Ave	0.95			17			56			52			
		32025060	1305 S Mary Ave	0.92			26			56			82			
		32025061	1307 S Mary Ave	1.47												
2	2A - 153 East Fremont Avenue	21134001;	103-167 E Fremont Ave;	1.75	2.7	10.4	32	189	30	19.4	18.5	53	53	192		
		21134013	1296 Sunnyvale Saratoga Rd	0.95			17		0			0				
	2B - Fremont Corners Center	30901002	1310 Sunnyvale Saratoga Rd*	1.82	7.7		35		50	22		18.1	35		139	
		30901007	1300 Sunnyvale Saratoga Rd	0.59			11			0			0			
		30901009	150 E Fremont Ave	2.47			44			22			54			
		30901010	1301 Barbet Cir*	0.28			22			18.1			50			139
		30901011	1303 Barbet Cir*	0.24												
		30901012	1304 Barbet Cir*	0.24												
		30901013	1303 Besra Ter*	0.32												
		30901014	176 E Fremont Ave*	0.35												
			Common Lot*	1.38												
3	3A - UFC Gym Shopping Center	21105006;	703 S Wolfe Rd;	3.45	6.9	7.8	124	140	42	21.0	18.6	145	145	145		
		21105027;	747 Old San Francisco Rd;						3.45			0			0	
	21105030;	731 Old San Francisco Rd;	0.89	0.9								16			0	0.0

Location				Lot Size (Acreage)			General Plan Residential Buildout Unit Count (Assumed Density of 18 du/acre)		VCMP Residential Buildout					
Village Center Neighborhood #	Village Center Site	APN	Address	Per APN	Per Village Center Site	Per Village Center Neighborhood #	Per APN/Village Center Site	Per Village Center Neighborhood #	Assumed Density (Base Maximum Density)			Unit Count		
									Per APN	Per Village Center Site	Per Village Center Neighborhood #	Per APN	Per Village Center Site	Per Village Center Neighborhood #
4	4A - Sunnyvale Square Shopping Center	20432001; 20432002; 20432003; 20432004; 20432005; 20432006; 20432007	498 N Mathilda Ave; 240-350 W Maude Ave; 490-494 N Mathilda Ave; 484 N Mathilda Ave; 480 N Mathilda Ave; 470-478 N Mathilda Ave; 460-464 N Mathilda Ave	2.30	4.6	7.6	83	137	56	28.0	16.9	129	129	129
		0	0	0										
		0	0	0										
		0	0	0										
		0	0	0										
		0	0	0										
	4B - West Maude Avenue Center	20429030	501-509 Borregas Ave	0.14	1.0		2		0	0.0		0	0	
		20429031	107 W Maude Ave	0.34			6		0			0		
		20429032	117 W Maude Ave	0.47			9		0			0		
	4C - East Maude Avenue Shopping Center	20422007	325-347 E Maude Ave	0.32	2.1		6		0	0.0		0	0	
		20422009	225 E Maude Ave	0.24			4		0			0		
		20422010	217-223 E Maude Ave	0.21			4		0			0		
		20422011	211-213 E Maude Ave	0.23			4		0			0		
		20422050	195 E Maude Ave	0.17			3		0			0		
		20422054	253-259 E Maude Ave	0.41			7		0			0		
		20422055	155 E Maude Ave	0.29			5		0			0		
		20422056	105 E Maude Ave	0.20			4		0			0		
	5	5 - Fair Oaks Plaza	20512001	929 E Duane Ave	0.29		4.2		4.2	5		76	0	
20512002			933 E Duane Ave	1.25	22	0		0						
20512003			917-927 E Duane Ave	1.21	22	30		36						
20512004			901-911 E Duane Ave	1.49	27	30		45						
6	6A - Lakewood Shopping Center	11023110	1119-1163 Lawrence Expwy	4.50	4.5	5.7	81	103	22	22.0	17.2	99	99	99
	6B - Lakehaven Drive Commecial	11023053	1101 Lawrence Expwy	0.40			7		0	0.0		0	0	
		11023108	1051 Lakehaven Dr	0.37			7		0			0		
		11023109	1037 Lakehaven Dr	0.48			9		0			0		
7	7A - Industrial/Office Flex Site	11029039		0.23	3.0	9.5	54	344	36	36.0	41.7	8	108	398
		11029040	1161-1167 N Fair Oaks Ave	2.78			36		100					
	7B - Via Apartments and Grocery Outlet	11029038	1180 N Fair Oaks Ave; 605-695 Tasman Dr	6.54	6.5		290		36	44.3		290	290	
N/A	N/A	32301017	1388-1390 Bremerton Dr	0.18	N/A	N/A	3	12	2					
		21304048	901 Reed Ave	0.69			12	0	0					
		20429029	519 Borregas Ave	0.38			7	24	9					
		20922052	206 East Arbor Ave	0.13			2	24	3					
		20422053	216 East Arbor Ave	0.14			3	24	3					
		11023104	No Address (SFPUC Lot)	0.77			14	0	0					
75.4							1,531	21.0			1,585			

* Buildout unit count is the same as the unit count in the Planning permit approval for this site.

Location				Lot Size (Acreage)			Housing Element Residential Sites Inventory (Moderate Income Unit Count)		VCMP Residential Buildout (Housing Element Sites Only)									
Village Center Neighborhood #	Village Center Site	APN	Address	Per APN	Per Village Center Site	Per Village Center Neighborhood #	Per Housing Element Site # (Approved Projects or Assumed Buildout)	Per Village Center Neighborhood #	Assumed Density (85% of Base Maximum Density)		Unit Count (Moderate Income Category)							
									Per APN	Per Village Center Neighborhood #	Per APN	Per Village Center Site	Per Village Center Neighborhood #					
1	1A - Westmoor Village Shopping Center*	20224031; 20224032	1241 S Mary Ave; 1211-1291 S Mary Ave	3.74 2.17	5.9	20.8	84	300	30.6	16.3	114	114	339					
	1C - Zanotto's Market Shopping Center	32301018	1358 S Mary Ave**	0.74			15		0.0		0							
		32301019	1350 S Mary Ave**	1.71	12		0.0		0									
		32301020	1334-1366 S Mary Ave**	1.38	25		0.0		0									
		32301021	1310 S Mary Ave	0.84	20		30.6		26									
		32301025	1306 S Mary Ave	1.03	25		30.6		32									
		32301026	1314-1332 S Mary Ave	1.74	11		30.6		53									
		1D - De Anza Office center	32025057	1309 S Mary Ave**	3.20		14		0.0		0							
	32025058		920-924 W Fremont Ave**	0.94	13		0.0		0									
	32025059		1303 S Mary Ave**	0.95	21		0.0		0									
	32025060		1305 S Mary Ave	0.92	46		47.6		44									
	32025061		1307 S Mary Ave	1.47	14		47.6		70									
	2	2A - 153 East Fremont Avenue	21134001	103-167 E Fremont Ave	1.75 0.45		2.2		4.7		32 0	68		25.5 0.0	19.4	45 0	45	91
		2B - Fremont Corners Center	30901009	150 E Fremont Ave	2.47						2.5			36		18.7	46	
		3	3A - UFC Gym Shopping Center	21105027; 21105030; 21105031; 21105032; 21105033; 21105034	747 Old San Francisco Rd; 731 Old San Francisco Rd; 888 Old San Francisco Rd; 733 Old San Francisco Rd; 743 Old San Francisco Rd; 727 S Wolfe Rd		3.45 2.94				6.4			7.3		92	105	
3B - Wolfe Road Shopping Center	21320027			704-744 S Wolfe Rd**	0.89	0.9	13	0.0	0	0								
4	4A - Sunnyvale Square Shopping Center*		20432002; 20432003; 20432004; 20432005; 20432006; 20432007	240-350 W Maude Ave; 490-494 N Mathilda Ave; 484 N Mathilda Ave; 480 N Mathilda Ave; 470-478 N Mathilda Ave; 460-464 N Mathilda Ave	1.85 2.30	4.2	4.2	60	60	47.6 0.0	21.2	88 0	88		88			
5		5 - Fair Oaks Plaza	20512002	933 E Duane Ave**	1.25	4.0		18	56	0.0	17.4	0	69	69				
			20512003	917-927 E Duane Ave	1.21			17		25.5		31						
			20512004	901-911 E Duane Ave	1.49			21		25.5		38						
6	6A - Lakewood Shopping Center	11023110	1119-1163 Lawrence Expwy	4.50	4.5	5.4	65	77	18.7	15.7	84	84	84					
	6B - Lakehaven Drive Commecial	11023108	1051 Lakehaven Dr**	0.37	0.9		5		0.0		0	0						
		11023109	1037 Lakehaven Dr**	0.48			7		0.0		0							
7	7A - Industrial/Office Flex Site	11029040	1161-1167 N Fair Oaks Ave	2.78	2.8	2.8	40	40	30.6	30.6	85	85	85					
TOTALS					45.1		706		19.5			879						

* = Shopping center with a proposed VCMP zoning boundary line that results in split-zoned properties and where one parcel in the shopping center:

1) Was identified as a "Future Opportunity Site" (assumed no net increase in housing units) in the Housing Element Residential Sites Inventory; and,

2) Now has a proposed zoning district of VCMU (assumed net increase in housing units) under the VCMP.

The acreage for the shopping center does not include the acreage of the future opporutnity site.

** = Sites being removed from the Housing Element Residential Sites Inventory; residential capacity is accounted for on other parcels in the same Village Center site or neighborhood.