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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TO AMEND SECTION 19.26.120 OF CHAPTER 19.26 (COMBINING DISTRICTS) OF TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATING TO THE INDUSTRIAL TO RESIDENTIAL (ITR) COMBINING DISTRICT AFTER TRANSITION OF ITR-ZONED SITES TO RESIDENTIAL USE

WHEREAS, the City of Sunnyvale General Plan Land Use and Transportation Element includes a policy to “[u]pdate the Zoning Code to indicate that once a site zoned ITR [Industrial-to-Residential] has transitioned to residential use (or other use only allowed in a residential zoning district), it cannot be returned to industrial use.” (LT-14.5a, see p. 3-77.)

WHEREAS, the City of Sunnyvale desires to amend certain sections of Chapter 19.26 (Combining Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code related to the Industrial-to-Residential Combining District to implement Policy LT-14.5a of the General Plan Land Use and Transportation Element.

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

SECTION 1. Section 19.26.120 AMENDED. Section 19.26.120 of Chapter 19.26 (Combining Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.26.120. ITR combining district – Residential uses.

Residential uses shall be allowed in the ITR district in accordance with residential zoning districts as defined in and regulated by Chapter 19.18, and as approved by the city council and shown on the city’s precise zoning plan, zoning district map. Once a site in the ITR district has transitioned to residential use, the site shall not be reverted to a use that is not allowed in a residential zoning district, notwithstanding Section 19.26.130, and the city’s precise zoning plan, zoning district map, as approved by the city council, will be modified to remove the site from the ITR district and reflect the site’s residential zoning district. “Transitioned to residential use” as used in this section means the completion of construction of the foundation or walls of a residential building or actual commencement of residential use, whichever occurs first.

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 _____, 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:

DAVID CARNAHAN
City Clerk
Date of Attestation: _____

LARRY KLEIN
Mayor

(SEAL)

APPROVED AS TO FORM:

REBECCA L. MOON
City Attorney