

DRAFT 7/28/14 *K. Berry*

**ORDINANCE NO. \_\_\_\_-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING VARIOUS SECTIONS OF TITLE 19 (ZONING)**

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

SECTION 1. TABLE 19.20.030 AMENDED. Table 19.20.030 of Chapter 19.20 (Commercial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**TABLE 19.20.030**

**Permitted, Conditionally Permitted and Prohibited Uses in Commercial Zoning Districts**

In the table, the letters and symbols are defined as follows:

- P = Permitted use
- UP = Use permit required
- MPP = Miscellaneous plan permit
- N = Not permitted, prohibited

<b>COMMERCIAL ZONING DISTRICTS</b>	<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>
<b>1. Retail Commercial</b>				
<b>A. Bakeries</b>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>
<b>B. Drive-through retail sales businesses, except restaurants</b>	UP	UP	UP	N
<b>C. Retail sales businesses</b>	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	N
<b>D. Outside display of merchandise or products in connection with a retail sales business</b>	MPP	MPP	MPP	N
<b>E. Donation centers for used goods<sup>2</sup></b>	MPP	MPP	MPP	MPP
<b>F. Retail liquor stores within 200 feet of public schools</b>	N	P	P	P
<b>G. Retail liquor stores outside 200 feet of public schools</b>	P	P	P	P
<b>2. Service Commercial</b>				
<b>A. – D. [Text unchanged.]</b>				
<del><b>E. Donation centers for used goods<sup>2</sup></b></del>	<del>N</del>	<del>UP</del>	<del>UP</del>	<del>UP</del>
<b>F. – M. [Renumber E. – L., consecutively. Text unchanged.]</b>				
<b>3.-10. [Text unchanged.]</b>				

<sup>1</sup> Uses which are greater than ten thousand square feet, propose significant changes to the exterior of an existing building, or include construction of a new building require a use

- ~~permit. Construction of a new building greater than 10,000 square feet requires a Use Permit.~~
- 2 Donation centers in C-1 are only allowed on sites of four or more acres. Miscellaneous plan permits for donation centers shall be reviewed for compliance with council policy on operations, location and appearance following the procedures in Chapter 19.82 (Miscellaneous Plan Permit). ~~Within five days of approving an MPP for a donation center, the director shall post the subject property providing notice of the date of the approval action. In addition, written notice shall be sent to property owners and occupants of adjacent properties.~~
- 3-9 [Text unchanged.]

SECTION 2. SECTION 19.26.210 AMENDED. Section 19.26.210 of Chapter 19.26 (Combining Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.26.210. Places of assembly (POA) combining district (POA) created— Purpose.**

- (a) – (b) [Text unchanged.]
- (c) Expanded Noticing Required for Education, Recreation and Places of Assembly Uses.** For any use permit application for an educational, recreational or place of assembly use in a POA combining district, the notice mailing shall be expanded to 1,000 feet of the subject site, in addition to the requirements of Section 19.98.040 (Public Notice).

SECTION 3. SECTION 19.54.160 AMENDED. Section 19.54.160 of Chapter 19.54 (Wireless Telecommunication Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.54.160. Telecommunication facilities in the public right-of-way.**

- (a) [Text unchanged.]
- (b) **Design Review ~~without~~ Not Requiring a Public Hearing.** An application for a wireless telecommunication facility in the public right-of-way shall be considered by the director of community development following the procedures for design review with public notice and no public hearing in Chapter 19.98 (General Procedures) Section 19.80.040 (Procedures and decisions) if the facility:

- (1) – (2) [Text unchanged.]
- (c) Design Review Requiring a Public Hearing. An application for a wireless telecommunication facility in the public right-of-way shall be considered by the planning commission following the procedures for design review with public hearing in Section 19.80.040 (Decisions and procedures) Chapter 19.98 (General Procedures) if the facility:

- (1) – (3) [Text unchanged.]
- (d) – (f) [Text unchanged.]

SECTION 4. SECTION 19.80.020 AMENDED. Section 19.80.020 of Chapter 19.80 (Design Review) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.80.020. Design guidelines.**

The city council ~~has~~ shall established criteria and various guidelines for design review. These design guidelines shall be maintained in the department of

community development and shall be available to the public. Minor additions to or deletions from the guidelines may be made by the director of community development; major changes require approval of the planning commission. Properties located within a heritage district, a specific plan area or an area for which detailed design guidelines have been established by the planning commission or city council shall be subject to the requirements of the design criteria established for those districts or areas.

SECTION 5. SECTION 19.80.030 AMENDED. Section 19.80.030 of Chapter 19.80 (Design Review) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.80.030. Applicability.**

(a) [Text unchanged.]

(b) Permitted Uses. Any permitted use that includes new construction, changes to the exterior of a building or other site modification is subject to design review. If the project is not subject to the required review procedures in Section 19.80.040, ~~(Procedures and decisions)~~, or subject to a miscellaneous plan permit, as provided in Chapter 19.82, ~~(Miscellaneous Plan Permit)~~, design review shall be conducted through a-the building plan check process.

~~(c) — (1)~~ Single-Family Homes and Duplexes. Single-story additions or any single-story modifications to single-family detached dwellings or duplex residential dwellings which add or modify less than twenty percent of the floor area of the existing structure are generally exempt from the required procedures in Section 19.80.040, ~~(Procedures and decisions)~~, except that the director of community development shall have the authority to require design review for any significant modification which changes the exterior appearance of the home. Significant modifications may include, but are not limited to: exterior materials; the number, placement, or design of windows or doors; and the height, pitch, or material of the roof.

SECTION 6. SECTION 19.80.040 AMENDED. Section 19.80.040 of Chapter 19.80 (Design Review) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.80.040. Procedures and decisions.**

~~(a) — Residences Not Exceeding FAR Threshold. Applications for design review for single family and duplex residences in the R-0, R-1 and R-2 zoning districts which do not exceed either the FAR or gross floor area threshold established in Section 19.32.020 shall be considered by the director of community development without a public hearing. The director, in accordance with the noticing requirements in Section 19.98.040, Notice requirements, may:~~

~~————— (1) — Approve the design review as requested or as changed, modified or conditioned by the director if the director finds that the project as approved meets the required finding;~~

~~————— (2) — Deny the design review if the director finds that the project would not meet the required finding.~~

**(a) Design Review without Public Notice or Hearing by Director.**

For design review applications listed in this subsection, the director of community development may, without public notice or hearing, approve the application as requested or as changed, modified or conditioned by the director or deny the design review application based on Section 19.80.050 (Finding). The following design review applications shall require design review without public notice or hearing:

(1) New single-story single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section 19.32.020;

(2) Single-story exterior modification or addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section 19.32.020; and

(3) As otherwise required by this title.

**(b) Design Review with Public Notice and No Hearing by Director.**

For design review applications listed in this subsection, the director of community development may, after providing public notice as described in Section 19.98.040 (Public Notice) and a 14-day public comment period, approve the application as requested or as changed, modified or conditioned by the director, or deny the design review application based on Section 19.80.050 (Finding). Onsite postings for single-family or duplex projects shall include a streetscape elevation showing the proposed home and one adjacent home on each side. The following design review applications shall require design review with public notice and no hearing:

(1) New two-story single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section 19.32.020;

(2) Second-story exterior modification or addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning district which does not exceed either the FAR or gross floor area threshold established in Section 19.32.020;

(3) New nonresidential building adjacent to a residential zoning district and which is not subject to any other discretionary permit in this title;

(4) Exterior modification or addition to a nonresidential building adjacent to a residential zoning district and which is not subject to any other discretionary permit in this title; and

(5) As otherwise required by this title.

**(bc) Appeal of Decision by Director.**

After receiving an appeal from the decision of the director of community development on a requested design review, and following a public hearing, the planning commission by the affirmative vote of a majority of its voting members may:

(1) – (2) [Text unchanged.]

~~(c) Multiple Family Projects of Three to Fifty Units. Applications for design review for multiple family residential projects between three to fifty units in the R-2, R-3, R-4, R-5 and R-MH zoning districts shall be considered by the~~

~~planning commission at a public hearing. Notice of such hearing shall be given in accordance with Section 19.98.040, Notice requirements. The planning commission may:~~

~~\_\_\_\_\_ (1) Approve the design review as requested or as changed, modified or conditioned by the commission if the commission finds that the project as approved meets the required finding;~~

~~\_\_\_\_\_ (2) Deny the design review if the commission finds that the project would not meet the required finding.~~

~~\_\_\_\_\_ (d) Residences Exceeding FAR Threshold. Applications for design review for single-family and duplex residences in the R-0, R-1 and R-2 zoning districts which exceed either the FAR or gross floor area threshold established in Section 19.32.020, shall be considered by the planning commission at a public hearing. Notice of such hearing shall be given in accordance with Section 19.98.040(b). The planning commission may:~~

~~\_\_\_\_\_ (1) Approve the design review as requested or as changed, modified or conditioned by the commission if the commission finds that the project as approved meets the required finding;~~

~~\_\_\_\_\_ (2) Deny the design review if the commission finds that the project would not meet the required finding.~~

~~**(d) Design Review with Public Hearing by Planning Commission.**~~

~~For design review applications listed in this subsection, the planning commission may, after holding a public hearing, approve the application as requested or as changed, modified or conditioned by the commission, or deny the design review application based on Section 19.80.050 (Finding). Onsite postings for single-family or duplex projects shall include a streetscape elevation showing the proposed home and one adjacent home on each side. The following design review applications shall be require design review at a public hearing by the planning commission:~~

~~(1)- New single-family or duplex residence in the R-0, R-1 or R-2 zoning district which exceeds either the FAR or gross floor area threshold established in Section 19.32.020;~~

~~(2) Addition to a single-family or duplex residence in the R-0, R-1 or R-2 zoning districts which exceeds the FAR or gross floor area threshold established in Section 19.32.020;~~

~~(3) Multiple-family projects of 3 to 50 units, in the R-2, R-3, R-4, R-5 and R-MH zoning districts and which is not subject to any other discretionary permit or action by this title; and~~

~~(4) As otherwise required by this title.~~

~~(e) [Text unchanged.]~~

**SECTION 7. SECTION 19.80.050 AMENDED.** Section 19.80.050 of Chapter 19.80 (Design Review) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.80.050. Findings.**

The director or planning commission may approve any design review upon such conditions, in addition to those expressly provided in other applicable

provisions of this code, as it finds desirable in the public interest, upon finding that the project's design and architecture will conform with the ~~requirements of the "Citywide Design Guidelines" and/or "Industrial Design Guidelines."~~applicable criteria and various guidelines for design review established by the city council.

SECTION 8. SECTION 19.82.020 AMENDED. Section 19.82.020 of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.82.020. When required.**

- (a) General Reviews.
  - (1) [Text unchanged.]
  - (2) ~~Additions to residential property within residential zoning districts, including a~~accessory structures as regulated in Chapter 19.40, ~~but not including addition of units;~~
  - (3) – (5) [Text unchanged.]
  - ~~(6) Design review of single family residence;~~(7) – (26) [Renumber (6) – (25) consecutively. Text unchanged.]
  - (b) – (k) [Text unchanged.]

SECTION 9. SECTION 19.82.040 AMENDED. Section 19.82.040 of Chapter 19.82 (Miscellaneous Plan Permit) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.82.040. Decisions.**

(a) Review without Public Notice or Hearing by Director. Except for those applications listed in subsection (b), ~~T~~the director of community development, without notice or hearing, may:

- (1) Approve the miscellaneous plan permit as requested or as changed, modified or conditioned by the director, if the director finds that the use or project as approved meets at least one of the required findings.
- (2) Deny the miscellaneous plan permit if the director finds that the use or project would not meet either of the required findings.

(b) Review with Public Notice and No Hearing by Director. For miscellaneous plan permit applications listed in this subsection, the director of community development may, after providing public notice as described in Section 19.98.040 (Public Notice) and a 14-day public comment period, approve the application as requested or as changed, modified or conditioned by the director, or deny the application based on the required findings. The following miscellaneous plan permit applications shall require review with public notice and no hearing:

- (1) Accessory structures as regulated in Chapter 19.40;
- (2) Donation centers for used goods;
- (3) Medical clinics; and
- (4) As otherwise required by this title.

(c) Appeal of Decision by Director—General. After receiving an appeal from the decision of the director of community development on a

miscellaneous plan permit, and following a public hearing, the planning commission (whose decision is final) by the affirmative vote of a majority of its voting members may:

(1) – (2) [Text unchanged.]

(ed) Appeal of Decision by Director—Determination of Convenience and Necessity. After receiving an appeal from the decision of the director on a requested determination of convenience or necessity and following a public hearing, the city council by the affirmative vote of a majority of its voting members may:

(1) – (2) [Text unchanged.]

SECTION 10. SECTION 19.94.060 AMENDED. Section 19.94.060 of Chapter 19.94 (Tree Preservation) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.94.060. Standards and criteria.**

The director of community development may, without public notice or hearing, approve or deny a tree removal permit application in accordance with this chapter. One or more of the following standards must be met before a protected tree removal permit may be approved:

(a) – (c) [Text unchanged.]

SECTION 11. SECTION 19.96.060 AMENDED. Section 19.96.060 of Chapter 19.96 (Heritage Preservation) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.96.060. Heritage resources and heritage resource districts designation procedures.**

Heritage resources and heritage resource districts shall be designated by the city council in the following manner:

(a) [Text unchanged.]

(b) Each proposal shall be considered by the heritage preservation commission at a noticed public hearing. In addition to the requirements of Section 19.98.040 (Public Noticing), notice of the time and place of each public hearing by the heritage commission shall be provided by certified mail to the owners of property for which designation is requested.

(c) – (e) [Text unchanged.]

(f) After receiving a recommendation from the commission, the city council shall hold a public hearing. In addition to the requirements of Section 19.98.040 (Public Noticing), notice of the time and place of the city council hearing shall be provided by certified mail to the owners of property for which designation is requested. ~~The city clerk shall give notice of the time and place of the hearing by at least one publication in the official newspaper of the city and by registered mail at least ten calendar days prior to the hearing, to the owners of the property as shown on the most recent equalized assessment roll.~~

(g) – (h) [Text unchanged.]

SECTION 12. SECTION 19.96.090 AMENDED. Section 19.96.090 of Chapter 19.96 (Heritage Preservation) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.96.090. Construction, demolition, relocation, or material change to landmark or landmark district.**

(a) – (b) [Text unchanged.]

(c) The director of community development shall forward all applications to the heritage preservation commission. Upon receipt of an application for a landmark alteration permit, the commission shall hold a public hearing. Notice of the time and place of each public hearing by the heritage preservation commission shall be provided in accordance with Section 19.98.040 (Public Notice).

(d) – (i) [Text unchanged.]

SECTION 13. SECTION 19.98.040 AMENDED. Section 19.98.040 of Chapter 19.98 (General Procedures) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

~~19.98.040. Notice requirements.(a) Design Review Not Requiring a Public Hearing. The director of community development may take an action without public notice or hearing except as provided herein:~~

~~—————(1) Residential Design Review. Prior to any action being taken on a design review application for a single family home or duplex in an R-0, R-1, R-1.5, R-1.7PD, or R-2 zoning district that includes a two story component, notice of the pending application shall be given by mail to owners of properties located within two hundred feet of the subject property, stating that the application is available for review and comment for fourteen days following the date on the notice. A notice shall also be posted on the subject site, and such notice shall include a streetscape elevation showing the proposed home and one adjacent home on each side. Notice titles shall be visible from a passing car.~~

~~—————(2) Nonresidential Design Review Adjacent to Residential. Prior to any action being taken on a design review application for any nonresidential building which is adjacent to any residential zoning district, notice of the pending application shall be given by mail to owners of properties located within two hundred feet of the subject property, stating that the application is available for review and comment for fourteen days following the date on the notice.~~

~~—————(3) Wireless Telecommunication Facilities in the Public Right of Way. Prior to any action being taken on any design review application for wireless telecommunication facilities in the public right of way, notice of the pending application shall be given by mail to owners and tenants of properties located within three hundred feet of the subject property, stating that the application is available for review and comment for fourteen days following the date on the notice.~~



- ~~\_\_\_\_\_ (b) \_\_\_\_\_ Design Review Requiring a Public Hearing. For design reviews requiring a public hearing, the following notification is required:~~
- ~~\_\_\_\_\_ (1) \_\_\_\_\_ Residences Exceeding FAR Threshold. For design reviews requiring action by the planning commission in accordance with Section 19.80.040(d), notice of the time and place of the public hearing shall be given at least ten calendar days prior to the day of the hearing in the following manner:~~
- ~~\_\_\_\_\_ (A) \_\_\_\_\_ By posting a copy of the notice of hearing:~~
- ~~\_\_\_\_\_ (i) \_\_\_\_\_ At a conspicuous location on each frontage of the property which is the subject of the application. The posted notice shall include a streetscape elevation showing the proposed home and one adjacent home on each side;~~
- ~~\_\_\_\_\_ (ii) \_\_\_\_\_ On the public notice bulletin board at the Sunnyvale City Hall;~~
- ~~\_\_\_\_\_ (B) \_\_\_\_\_ By mailing a copy of the notice to:~~
- ~~\_\_\_\_\_ (i) \_\_\_\_\_ The owner and applicant, and~~
- ~~\_\_\_\_\_ (ii) \_\_\_\_\_ The owners of all properties within two hundred feet of the subject property;~~
- ~~\_\_\_\_\_ (C) \_\_\_\_\_ By publishing at least once in a newspaper of general circulation in the city, a copy of the notice.~~
- ~~\_\_\_\_\_ (2) \_\_\_\_\_ Multiple Family Projects of Three to Fifty Units. For any multiple family project between three to fifty units, notice of the time and place of the public hearing shall be given at least ten calendar days prior to the day of the hearing in the following manner:~~
- ~~\_\_\_\_\_ (A) \_\_\_\_\_ By posting a copy of the notice of hearing:~~
- ~~\_\_\_\_\_ (i) \_\_\_\_\_ At a conspicuous location on each frontage of the property which is the subject of the application;~~
- ~~\_\_\_\_\_ (ii) \_\_\_\_\_ On the public notice bulletin board at the Sunnyvale City Hall;~~
- ~~\_\_\_\_\_ (B) \_\_\_\_\_ By mailing a copy of the notice to:~~
- ~~\_\_\_\_\_ (i) \_\_\_\_\_ The owner and applicant, and~~
- ~~\_\_\_\_\_ (ii) \_\_\_\_\_ The owners of all properties within three hundred feet of the subject property;~~
- ~~\_\_\_\_\_ (C) \_\_\_\_\_ By publishing at least once in a newspaper of general circulation in the city, a copy of the notice.~~
- ~~\_\_\_\_\_ (3) \_\_\_\_\_ Wireless Telecommunication Facilities in the Public Right-of-Way. For design reviews requiring action by the planning commission in accordance with Section 19.54.160(b), notice of the time and place of the public hearing shall be given at least ten calendar days prior to the day of the hearing in the following manner:~~
- ~~\_\_\_\_\_ (A) \_\_\_\_\_ By posting a copy of the notice of hearing:~~

~~\_\_\_\_\_ (i) At a conspicuous location at the site location which is the subject of the application;~~

~~\_\_\_\_\_ (ii) On the public notice bulletin board at the Sunnyvale City Hall;~~

~~\_\_\_\_\_ (B) By mailing a copy of the notice to:~~

~~\_\_\_\_\_ (i) The owner and applicant, and~~

~~\_\_\_\_\_ (ii) The owners of all properties within three hundred feet of the subject property;~~

~~\_\_\_\_\_ (C) By publishing at least once in a newspaper of general circulation in the city, a copy of the notice.~~

~~\_\_\_\_\_ (e) Miscellaneous Plan Permits and Tree Removal Permits. The director of community development may take an action without public notice or hearing except as provided herein.~~

~~\_\_\_\_\_ (1) Donation Centers for Used Goods. Within five days of approving an MPP, the director shall post the subject property providing notice of the date of the approval action. In addition, written notice of approval shall be sent to property owners and occupants of adjacent properties.~~

~~\_\_\_\_\_ (2) Accessory Structures. Miscellaneous plan permits for accessory structures require that prior to any action being taken, notice of the pending application shall be given by mail to adjacent property owners, stating that the application is available for review and comment for fourteen calendar days following the date on the notice.~~

~~\_\_\_\_\_ (d) Minor Permits. For special development permits, use permits and variances determined to be exempt from the California Environmental Quality Act (minor permits), notice of the time and place of each public hearing required as a condition precedent to the consideration of the approving or revocation of a permit shall be given at least ten calendar days prior to the day of the hearing in the following manner:~~

~~\_\_\_\_\_ (1) By posting a copy of the notice of hearing:~~

~~\_\_\_\_\_ (A) At a conspicuous location on each frontage of the property which is the subject of the application;~~

~~\_\_\_\_\_ (B) On the public notice bulletin board at the Sunnyvale City Hall;~~

~~\_\_\_\_\_ (2) By mailing a copy of the notice to:~~

~~\_\_\_\_\_ (A) The owner and applicant, and~~

~~\_\_\_\_\_ (B) The owners of all adjacent properties;~~

~~\_\_\_\_\_ (3) By publishing at least once in a newspaper of general circulation in the city, a copy of the notice.~~

~~\_\_\_\_\_ (e) Major Permits. For use permits, special development permits, and variances determined not to be exempt from the California Environmental Quality~~

~~Act (major permits), notice of the time and place of each public hearing required as a condition precedent to the consideration of the approving or revocation of a permit shall be given as prescribed by the California Environmental Quality Act prior to the day of the hearing in the following manner:~~

- ~~\_\_\_\_\_ (1) — By posting a copy of the notice of hearing:
  - ~~\_\_\_\_\_ (A) — At a conspicuous location on each frontage of the property which is the subject of the application,~~
  - ~~\_\_\_\_\_ (B) — On the public notice bulletin board at the Sunnyvale City Hall;~~~~
- ~~\_\_\_\_\_ (2) — By mailing a copy of the notice to:
  - ~~\_\_\_\_\_ (A) — The owner and applicant, and~~
  - ~~\_\_\_\_\_ (B) — The owners of all property located within three hundred feet of the property under consideration;~~~~
- ~~\_\_\_\_\_ (3) — By publishing at least once in a newspaper of general circulation in the city, a copy of the notice.~~
- ~~\_\_\_\_\_ (f) — Education, Recreation and Places of Assembly. With regard to any application for an educational or recreational use or place of assembly in a POA combining district, notice of the time and place of any public hearing shall be sent to all property owners and tenants within one thousand feet of the subject site, in addition to any other notices that are otherwise required.~~
- ~~\_\_\_\_\_ (g) — Medical Clinics. With regard to any application for a medical clinic, notice of the pending application for a miscellaneous plan permit or notice of the time and place of any public hearing for a use permit or special development permit, shall be sent to all property owners and tenants within three hundred feet of the subject site.~~
- ~~\_\_\_\_\_ (h) — Heritage Resources. For heritage resource and heritage resource district designation, notice of the time and place of each public hearing by the heritage commission required as a condition precedent to the consideration of any action shall be given in the following manner:
  - ~~\_\_\_\_\_ (1) — By publishing at least once in a newspaper of general circulation, at least thirty calendar days prior to the hearing, a copy of the notice;~~
  - ~~\_\_\_\_\_ (2) — By certified mail to the owners of the property at least ten calendar days prior to the hearing.~~~~
- ~~\_\_\_\_\_ (i) — Landmark Alterations. For a landmark alteration permit, notice of the time and place of each public hearing by the heritage commission as a condition precedent to the consideration of the approval or revocation of a permit shall be given at least ten days prior to the day of the hearing by publication at least once in a newspaper of general circulation.~~

~~\_\_\_\_\_ (j) Appeals. Notice of an appeal of an action to the heritage commission, planning commission or city council shall be made ten calendar days prior to the appeal hearing as follows:~~

~~\_\_\_\_\_ (1) Minor permits:~~

~~\_\_\_\_\_ (A) By mailing a copy of the notice to the owner of the subject property;~~

~~\_\_\_\_\_ (B) By mailing a copy of the notice to the appellant;~~

~~\_\_\_\_\_ (C) By mailing a copy of the notice to the owner of adjacent properties;~~

~~\_\_\_\_\_ (2) Major permits:~~

~~\_\_\_\_\_ (A) By mailing a copy of the notice to the owner of the subject property;~~

~~\_\_\_\_\_ (B) By mailing a copy of the notice to the appellant;~~

~~\_\_\_\_\_ (C) By mailing a copy of the notice to all property owners within three hundred feet of the property under consideration.~~

~~\_\_\_\_\_ (k) Demolition Permits. For all demolition permits authorizing the complete demolition of a residential structure in the R-0, R-1 and R-2 zoning districts, which are issued separately and unconnected to any other type of discretionary permit, notice of such demolition shall be given at the time the permit is issued by mailing a copy of the notice to all occupants and owners of immediately adjacent properties.~~

~~\_\_\_\_\_ (l) General. All mailed notice shall be with postage prepaid. Failure to give or receive notice by mailing or by posting shall not affect the appropriateness of the person or body holding the public hearing to proceed with the hearing.~~

**19.98.040. Public Notice.**

(a) Minimum Requirements and Applicability. The requirements in this section are considered a minimum and may be expanded or modified by the specific requirements of an application pursuant to this title and by policies adopted by resolution by the city council or as determined by the director.

(b) Failure to Receive Notice. Failure to comply with procedures shall not affect the validity of the person or body holding the public hearing or making the decision to proceed with the hearing or decision.

(c) Notice Content. All public notices shall contain the location of the subject property or area, either by text or diagram, a general description of the proposed project or action, and the scheduled time, date and place of each public hearing required by this title, or the date when a decision will be made when a public hearing is not required. If the notice is for an application for which the director of community development is the decision maker and no public hearing is required, the notice shall state the application is available for review and comment for 14 days following the date on the notice.

(d) Public Notice Prior to Decision. Table 19.98.040 (Public Notice) establishes the methods of which public notice shall be provided before a decision is made on an application in accordance with this title, including appeals, and the

minimum number of days public notice shall be provided before the decision date. When required by Table 19.98.040, public notice shall be provided as follows:

(1) **Mailing.** The notice shall be delivered by mail to the following:

(A) **Applicant and Owner.** The applicant and owners of the subject property or area;

(B) **Owners within 300 feet.** Owners of property within 300 feet of the subject property or area. This distance shall be measured from all points along the lot lines of the site. If only a portion of a lot is located within the measured distance, the entire lot is considered to be within the required mailing distance;

(C) **Interested Parties.** Any person or group, including neighborhood associations, who has filed a written request for notice regarding the specific application or of projects in the area; and

(D) **Appellant.** The appellant for a public hearing for an appealed decision.

(E) **Alternative Method for Large Mailings.** If the number of owners to whom notice shall be mailed is greater than 1,000, the Director may provide notice by placing a display advertisement in at least one newspaper of general circulation in the City.

(2) **Onsite Posting.** The notice shall be posted at a conspicuous location on each frontage of the subject site. No person shall alter, deface, remove or affect the visibility of the posted notice. The applicant shall ensure the notice remains posted during the entire noticing period and remove the notice no later than 5 days after the hearing date or decision date referenced on the sign, or date the application has been withdrawn.

(3) **Bulletin.** The notice shall be posted on the public notice bulletin board.

(4) **Newspaper.** The notice shall be published at least once in a newspaper of general circulation in the City.

**Table 19.98.040**  
**Public Notice**

In the table, the words and symbols are defined as follows:

“Yes” = Required

“-“ = Not required

<u>Decision Procedure</u>	<u>Mailing</u>	<u>Onsite Posting</u>	<u>Bulletin</u>	<u>Newspaper</u>	<u>Minimum Days before Decision</u>
<u>Director Decision with Public Notice and No Hearing</u>	<u>Yes</u>	<u>Yes</u>	-	-	<u>14 days or as modified per CEQA</u>
<u>Public Hearing on Site-Specific Application</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>10 days or per CEQA</u>
<u>Public Hearing on Legislative Action (such as a Zoning text amendment)</u>	-	-	<u>Yes</u>	<u>Yes</u>	<u>10 days or per CEQA</u>
<u>Public Hearing for Appealed Decision</u>	<u>Yes</u>	-	<u>Yes</u>	-	<u>10 days</u>

**SECTION 14. 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 15. CONSTITUTIONALITY; SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, 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 adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

**SECTION 16. EFFECTIVE DATE.** This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

**SECTION 17. 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 of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 \_\_\_\_\_, 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:  
RECUSAL:

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

(SEAL)

APPROVED AS TO FORM:

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