

DRAFT 10/31/2022 _____

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SUNNYVALE AMENDING VARIOUS
SECTIONS OF CHAPTER 19.46 (PARKING) AND MAKING
OTHER AMENDMENTS TO TITLE 19 (ZONING) OF THE
SUNNYVALE MUNICIPAL CODE RELATED TO
MINIMUM PARKING REQUIREMENTS NEAR MAJOR
TRANSIT STOPS**

WHEREAS, on September 22, 2022, the State of California enacted legislation known as Assembly Bill 2097 (“AB 2097”) which added Section 65863.2 of the Government Code pertaining to minimum parking requirements, which go into effect on January 1, 2023; and

WHEREAS, the City Council desires to amend relevant zoning regulations to ensure consistency with AB 2097;

WHEREAS, Government Code Section 65858 provides that a city may adopt an urgency interim ordinance by a four fifths vote where necessary to protect the public health, safety and welfare, in order to prohibit uses that may be in conflict with a contemplated zoning proposal of the legislative body, which ordinance shall expire 45 days after adoption unless extended by the legislative body; and

WHEREAS, if the City does not adopt an urgency ordinance to amend the Sunnyvale Municipal Code in order to make the City’s regulations consistent with AB 2097, there is a possibility that applications for development under AB 2097 could be filed after January 1, 2023, without City appropriate processes and objective standards in place, which would be detrimental to the public health, safety and welfare.

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

SECTION 1. SECTION 19.28.100 AMENDED. Section 19.28.100 (Parking requirements) of Chapter 19.28 (Downtown Specific Plan District) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.28.100. Parking requirements.

(a) Vehicle Parking Standards. Vehicle parking requirements are listed in Table 19.28.100(a) unless exempted by Section 19.46.030.

(1) – (2) [Text unchanged]

(3) Parking Management Plan. New developments where parking is required or voluntarily provided require a parking management plan in accordance with Section 19.46.160.

(b) – (f) [Text unchanged]

SECTION 2. 19.46.030 AMENDED. Section 19.46.030 (Applicability) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.030. Applicability.

(a) This chapter applies to all uses on a property where parking is required or voluntarily proposed. The following types of projects require upgrades or changes as specified:

(1) – (4) [Text unchanged]

(b) Exemption from Minimum Parking Requirements. A development project located within one-half mile of a major transit stop is not required to comply with minimum parking requirements.

(1) For purposes of this exemption, “major transit stop” means an existing rail transit station or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A major transit stop also includes transit stops that are included in an applicable regional transportation plan.

(2) This exemption does not apply to any of the following projects:

(A) Event centers. For purposes of this exemption, an event center means a community center, activity center, auditorium, convention center, stadium, amphitheater, fairgrounds, or other building, collection of buildings, or facility which is used exclusively or primarily for the holding of sporting events, athletic contests, contests of skill, conventions, meetings, concerts, or shows, or for providing public amusement or entertainment.

(B) A project where any portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging, except where a portion of a housing development project is designated for use as a residential hotel, as defined in Section 50519 of the Health and Safety Code.

(3) This section shall not reduce, eliminate, or preclude the enforcement of any requirement imposed on a new multifamily residential or nonresidential development that is located within one-half mile of a major transit stop to provide bicycle parking, electric vehicle supply equipment installed parking spaces, or parking spaces that are accessible to persons with disabilities that would have otherwise applied to the development if this section did not apply.

~~(b)(c)~~ Specific Plans. Minimum parking rates for specific plan properties, including the Downtown Specific Plan, and—Moffett Park Specific Plan, Peery Park Specific Plan,

Lawrence Station Area Plan, and El Camino Real Specific Plan are listed within Chapter 19.28 (Downtown Specific Plan District), ~~and~~ Chapter 19.29 (Moffett Park Specific Plan District), Book 2 of the Peery Park Specific Plan, Chapter 19.35 (Lawrence Station Area Plan), and Chapter 19.36 (El Camino Real Specific Plan), respectively. All other standards in this chapter apply to specific plan areas.

~~(e)~~(d) [Re-lettered; text unchanged].

SECTION 3. SECTION 19.46.040 AMENDED. Section 19.46.040 (General requirements for residential parking) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.040. General requirements for residential parking.

The following requirements apply to all residential developments, including single-family, two-family and multiple-family dwellings, single-room occupancy facilities, special housing developments and mobile home parks.

(a) [Text unchanged]

(b) Type. Residential developments are required to provide assigned and unassigned parking spaces in accordance with this chapter unless exempted by Section 19.46.030.

(1) Covered Assigned Parking Spaces. Required or voluntarily proposed assigned parking spaces shall be covered. A garage, carport or covered space in a parking structure counts as a covered parking space. Garages or carports shall meet the following dimensions:

(A) – (D) [Text unchanged]

(2) Unassigned Parking Spaces. Required or voluntarily proposed unassigned parking spaces may be covered or uncovered and shall meet the requirements of Section 19.46.120 (Parking lot design).

(c) Minimum Spaces. Residential uses must provide minimum spaces in accordance with the use types as described in this chapter unless exempted by Section 19.46.030. When any fraction of a parking space is required, the entire space shall be provided. Conversion of any garage or carport for any residential use shall meet the requirements in Section 19.46.050(f) (Garage or carport conversion).

(d) – (f) [Text unchanged.]

SECTION 4. SECTION 19.46.050 AMENDED. Section 19.46.050 (Parking for single-family and two-family dwellings) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.050. Parking for single-family and two-family dwellings.

(a) Minimum Spaces. Each single-family dwelling and two-family dwelling shall provide a minimum of four spaces total, two of which shall be covered and not in tandem unless exempted by Section 19.46.030. Covered spaces are required to meet the requirements in Section 19.46.040 (General requirements for residential parking) as shown in Figure 19.46.050 (Single-Family and Two-Family Dwelling Parking Dimensions). Uncovered parking spaces on a driveway with minimum dimensions of seventeen feet in width by twenty feet in depth and located in front of a garage or carport shall count as two of the four spaces required for single-family and two-family dwellings.

(b) – (e) [Text unchanged]

Figure 19.46.050 [Text unchanged]

SECTION 5. SECTION 19.46.060 AMENDED. Section 19.46.060 (Parking for multiple-family dwellings) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.060. Parking for multiple-family dwellings.

(a) [Text unchanged.]

(b) Minimum Spaces. Multiple-family dwellings are required to provide at least one covered assigned space per unit and additional unassigned spaces in accordance with Section 19.46.040 (General requirements for residential parking) and Table 19.46.060 (Parking for Multiple-Family Dwellings) unless exempted by Section 19.46.030.

(1) – (2) [Text unchanged]

(c) – (e) [Text unchanged]

(f) Parking Management Plan. If on-site parking is required or voluntarily proposed in conjunction with a new~~New~~ multiple-family development, ~~s-require~~ a parking management plan in accordance with Section 19.46.160 (Parking management plans and tools) is required.

Table 19.46.060 [Text unchanged]

SECTION 6. SECTION 19.46.070 AMENDED. Section 19.46.070 (Parking for single room occupancy facilities) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.070. Parking for single room occupancy facilities.

(a) Minimum Spaces. Single room occupancy facilities shall provide spaces in accordance with Table 19.46.070 (Parking for Single Room Occupancy Facilities) unless exempted by Section 19.46.030.

(b) [Text unchanged]

Table 19.46.070 [Text unchanged]

SECTION 7. SECTION 19.46.080 AMENDED. Section 19.46.080 (Parking for special housing developments) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.080. Parking for special housing developments.

(a) [Text unchanged]

(b) Minimum Spaces. Special housing developments shall provide spaces in accordance with Table 19.46.080 (Parking for Special Housing Developments) unless exempted by Section 19.46.030.

(c) [Text unchanged]

Table 19.46.080 [Text unchanged]

SECTION 8. SECTION 19.46.090 AMENDED. Section 19.46.090 (Parking for mobile home parks) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.090. Parking for mobile home parks.

(a) Minimum Spaces. Mobile home parks shall have two spaces per unit plus one space per employee living off-site plus one space per special purpose vehicle unless exempted by Section 19.46.030.

(b) – (c) [Text unchanged.]

SECTION 9. SECTION 19.46.100 AMENDED. Section 19.46.100 (General requirements for nonresidential and mixed-use parking) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.100. General requirements for nonresidential and mixed-use parking.

(a) Allowable Locations for Parking. Required or voluntarily proposed parking shall be located off-street. Parking is allowed in any required setback area except for required vision triangles described in Section 19.34.060 (Vision triangles). Parking shall be located on-site unless a parking management plan is approved with associated parking agreements.

(b) Type of Parking. Parking may be provided in the following forms: surface lots or within parking structures. Parking lifts, carousels or other types of mechanized parking shall be located within a building or parking structure and require approval of the planning commission through a use permit, special development permit, or a plan review permit. Any

proposal for mechanized parking shall be accompanied with a proposed parking management plan.

(c) Minimum Spaces. Nonresidential uses shall provide parking in accordance with Tables 19.46.100(a), (b) and (c) (Nonresidential Parking Requirements) unless exempted by Section 19.46.030. All square footage numbers refer to gross floor area of the use. For uses not listed, the director shall determine required parking ratios based on accepted guidelines such as ITE or ULI. When any fraction of a parking space is required, the entire space shall be provided. Uses that provide certain facilities may be allowed fewer parking spaces as described in subsection (d) (Incentives).

(d) [Text unchanged]

(e) Shared Parking. Shared parking between developments may be approved as part of a use permit, plan review permit, or special development permit and is not subject to the requirements for multiple uses on a property in subsection (f) of this section.

(f) Multiple Uses on a Property. For multi-tenant properties, the approving body may use a combination of appropriate requirements to determine the required parking. Shopping center uses are regulated separately in Section 19.46.110(i) (Shopping centers).

(1) Mixed Uses Including Residential. “Mixed use” means a development that includes nonresidential uses and residential uses on the same development site. Required or voluntarily proposed parking shall be based on accepted guidelines such as ITE or ULI. Parking management plans are required for mixed use development. Bicycle parking required by Chapter 19.36 (El Camino Real Specific Plan District) shall not be reduced.

(2) [Text unchanged]

(g) – (h) [Text unchanged]

Tables 19.46.100(a), 19.46.100(b), 19.46.100(c) [Text unchanged]

SECTION 10. SECTION 19.46.120 AMENDED. Section 19.46.120 (Parking lot design) of Chapter 19.46 (Parking) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

Section 19.46.120. Parking lot design.

(a) Access. Parking spaces shall have direct access to a public or private roadway or shall be served by an aisle or driveway leading to the roadway. All uses requiring or voluntarily proposing more than fifteen parking spaces shall be served by a single two-way driveway or two one-way driveways.

(b) – (h) [Text unchanged]

Table 19.46.120 [Text unchanged]

Figure 19.46.120 [Text unchanged]

SECTION 11. 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 12. 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 13. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 14. 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:

City Clerk
Date of Attestation: _____

Mayor

(SEAL)

APPROVED AS TO FORM:

City Attorney