

PUBLIC AWARENESS/NOTICING STUDY ISSUE – TABLE OF PROPOSED CODE AMENDMENTS

(CDD 14-08 & CDD 14-13)

	CURRENT CODE SECTION	CURRENT PROVISION	PROPOSED CODE SECTION	PROPOSED SUBSTANTIVE CHANGES / NOTES
1	19.98.040 (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:	19.80.040 (a)	None
2	19.98.040 (a)(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.	19.80.040 (a)	Change to proposed minimum 300-foot noticing radius for all staff level with notice and public hearing projects
3	19.98.040 (a)(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.	19.80.040 (Design Review)	Change to proposed minimum 300-foot noticing radius for all staff level with notice and public hearing projects
4	19.98.040 (a)(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.	19.80.040 (Design Review)	None – same as proposed minimum 300-foot noticing radius for all public hearing projects

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5	19.98.040 (b)(1)	<p>Design Review Requiring a Public Hearing. For design reviews requiring a public hearing, the following notification is required:</p> <p>(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:</p> <p>(A) By posting a copy of the notice of hearing:</p> <p>(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,</p> <p>(ii) On the public notice bulletin board at the Sunnyvale City Hall;</p> <p>(B) By mailing a copy of the notice to:</p> <p>(i) The owner and applicant, and</p> <p>(ii) The owners of all properties within <u>two hundred feet</u> of the subject property;</p> <p>(C) By publishing at least once in a newspaper of general circulation in the city, a copy of the notice.</p>	19.98.040	Change to proposed minimum 300-foot noticing radius for all staff level with notice and public hearing projects
6	19.98.040 (b)(2)	<p>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:</p> <p>(A) By posting a copy of the notice of hearing:</p> <p>(i) At a conspicuous location on each frontage of the property which is the subject of the application,</p> <p>(ii) On the public notice bulletin board at the Sunnyvale City Hall;</p> <p>(B) By mailing a copy of the notice to:</p> <p>(i) The owner and applicant, and</p> <p>(ii) The owners of all properties within three hundred feet of the subject property;</p> <p>(C) By publishing at least once in a newspaper of general circulation in the city, a copy of the notice.</p>	19.98.040	None – same as proposed minimum 300-foot noticing radius for all public hearing projects

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7	19.98.040 (b)(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.	19.98.040	None – same as proposed minimum 300-foot noticing radius for all public hearing projects
8	19.98.040 (c)	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.	<i>MPP procedure already in 19.82.040 (Decisions) Tree Removal Permit procedure – 19.94.050</i>	None. Will clarify in Tree Preservation chapter under 19.94.050.
9	19.98.040 (c)(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.	19.82.040	Delete post-decision noticing requirement. No discussion of noticing in RTC 08-223 or Council motion at CC Hearing 7/15/08. Language was taken from previous Mobile Vendor Permit procedural requirements (repealed Ord. 2987-12). Method not effective. Change to require 300-foot noticing and two-week comment period prior to decision.
10	Table 19.20.030 Footnote 1	<i>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.</i>	<i>Same</i>	<i>See Ord. 2906-09. This should be “Construction of a new building greater than 10,000 square feet requires a Use Permit.” Ord. 2910-09 unintentionally reverted it back.</i>

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11	Table 19.20.030 (2)(E)	<table border="1"> <tr> <td>Donation centers for used goods²</td> <td>N</td> <td>UP</td> <td>UP</td> <td>UP</td> </tr> </table>	Donation centers for used goods ²	N	UP	UP	UP	Delete	Clean up. Supposed to be removed with Ord. 2874-08. See RTC 08-223 and CC minutes 7/15/08. Permit requirement for “donation centers for used goods” was changed to MPP from UP at 2 nd reading on 7/22/08.
Donation centers for used goods ²	N	UP	UP	UP					
12	Table 19.20.030 Footnote 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. 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.	Same; Move processing provision to 19.82.040	Delete post-decision noticing requirement. No discussion of noticing in RTC 08-223 or Council motion at CC Hearing 7/15/08. Language was taken from previous Mobile Vendor Permit procedural requirements (repealed Ord. 2987-12). Method not effective. Change to require 300-foot noticing and two-week comment period prior to decision.					
13	19.98.040 (c)(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.	19.82.040	Change to proposed minimum 300-foot noticing radius for all staff level with notice and public hearing projects					
14	19.98.040 (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.	19.98.040	Change to proposed minimum 300-foot noticing radius for all staff level with notice and public hearing projects					

	CURRENT CODE SECTION	CURRENT PROVISION	PROPOSED CODE SECTION	PROPOSED SUBSTANTIVE CHANGES / NOTES
15	19.98.040 (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 <u>three hundred feet</u> 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.	19.98.040	None – same as proposed minimum 300-foot noticing radius for all public hearing projects
16	19.98.040 (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 <u>one thousand feet</u> of the subject site, in addition to any other notices that are otherwise required.	19.26.210	None
17	19.98.040 (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 <u>three hundred feet</u> of the subject site.	19.82.040	None – <i>Although no issues raised since requirement adopted in 2008. Requiring the MPP alone to review use operations has proven effective in preventing parking issues.</i>

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18	19.98.040 (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.	19.96.060	Change the 30-day newspaper noticing requirement to 10 days or as modified by CEQA. <i>This provision has been in place since the ordinance was originally adopted in 1980. It is unclear in the staff report and public hearing minutes how this provision came about. Now that the Study Issues Process is in place, citywide and individual property owner notification will be given far in advance of any recommendation/decision or even scheduling a hearing.</i>
19	19.98.040 (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.	19.98.040	Change to proposed minimum 300-foot noticing radius for all staff level with notice and public hearing projects. (Zoning Code is currently silent, but by practice, staff has been sending notices within 300 feet of the subject property.)
20	19.98.040 (j)(1)	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 <u>adjacent properties</u> ;	19.98.040	Change to proposed minimum 300-foot noticing radius for all staff level with notice and public hearing projects
21	19.98.040 (j)(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 <u>three hundred feet</u> of the property under consideration.	19.98.040	None – same as proposed minimum 300-foot noticing radius for all public hearing projects

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22	19.98.040 (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.	Moved to proposed Council Policy	None
23	19.98.040 (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	None