

DRAFT 8/2/16 RM

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY
OF SUNNYVALE TO REPEAL SECTION 19.22.035
(REQUIREMENTS FOR HIGH-INTENSITY INDUSTRIAL
DEVELOPMENT) OF CHAPTER 19.22 (INDUSTRIAL
ZONING DISTRICTS) OF TITLE 19 (ZONING) AND TO
ADD CHAPTER 19.45 (TRANSPORTATION DEMAND
MANAGEMENT) TO TITLE 19 (ZONING) RELATED TO
TRANSPORTATION DEMAND MANAGEMENT
PROGRAMS IN HIGH-INTENSITY INDUSTRIAL AND
OFFICE DEVELOPMENTS AND MULTI-FAMILY
RESIDENTIAL DEVELOPMENTS**

WHEREAS, increased numbers of single-occupancy vehicle trips contribute to congestion, transit delays, public health and safety concerns, air pollution, greenhouse gas (GHG) emissions, and noise, which negatively impact the quality of life of residents, workers and visitors in the City of Sunnyvale; and

WHEREAS, the Congestion Management Law, California Government Code Section 65088 et seq., has established that in order to reduce the state's traffic congestion, it is important to build transportation-oriented developments, revitalize the state's cities, and promote all forms of transportation; and

WHEREAS, various policies to reduce GHG emissions have been adopted at the state level that set GHG reduction targets including the California Global Warming Solutions Act of 2006 (Assembly Bill 32), Executive Orders B-30-15, S-3-05 and B-16-12, and the Sustainable Communities and Climate Protection Act of 2008 (Senate Bill 375); and

WHEREAS, transportation contributes significantly to GHG emissions and, as a result, transportation demand management (TDM) measures designed to reduce vehicle miles traveled are important to meeting GHG emissions reduction targets; and

WHEREAS, the Sunnyvale Climate Action Plan calls for the use of TDM plans to reduce single-occupant vehicle trips for major employers (100 employees or more) located in Sunnyvale; and

WHEREAS, residential development also contributes to GHG emissions as a result of daily commuting and other transportation needs of residents; and

WHEREAS, the proposed ordinance seeks to promote sustainable travel modes by requiring new development projects to incorporate design features, incentives and tools that support transit, ride-sharing, walking and bicycle riding for residents, tenants, employees and visitors of those new developments; and

WHEREAS, the goals of the proposed ordinance are to promote better environmental, health and safety outcomes consistent with state, regional, and local policies;

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

SECTION 1. SECTION 19.22.035 REPEALED. Section 19.22.035 (Requirements for High-Intensity Industrial Development) of Chapter 19.22 (Industrial Zoning Districts) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby repealed in its entirety.

SECTION 2. CHAPTER 19.45 ADDED. Chapter 19.45 (Transportation Demand Management) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

Chapter 19.45
TRANSPORTATION DEMAND MANAGEMENT

- 19.45.010. Purpose.**
- 19.45.020. Applicability.**
- 19.45.030. High-Intensity Industrial and Office Development.**
- 19.45.040. Multi-family Residential Transportation Demand Management Program**

19.45.010. Purpose.

The purpose of this chapter is to further the transportation goals of the Sunnyvale General Plan and the Sunnyvale Climate Action Plan by promoting the adoption of Transportation Demand Management (TDM) programs in industrial, office, and multi-family residential developments; promoting and increasing work-related transit use, ridesharing, walking and bicycling to minimize the number of employees traveling in single-occupant vehicles to and from work at the same time and during peak-hour periods; and improving the mobility and general efficiency of circulation and transportation systems by reducing single-occupant vehicle trips and total vehicle miles traveled within the community and the region.

19.45.020. Applicability.

TDM programs shall be required in all new developments and redevelopment meeting the criteria set forth in this chapter. Developments in an area subject to a Specific Plan shall comply with any additional or different TDM requirements imposed by that Specific Plan.

19.45.030. High-Intensity Industrial and Office Development.

(a) **Applicability.** A TDM program shall be required for the following developments:

(1) High-intensity industrial development in the M-S or M-3 zoning district. High-intensity industrial development means any project that creates new floor area exceeding floor area ratio (FAR) thresholds defined in Table 19.32.020 (Building Height, Lot Coverage and Floor Area Ratio) or exceeding 70 percent FAR in industrial intensification sites defined in Section 19.32.070 (Floor area ratio (FAR)); and

(2) Industrial and office developments utilizing green building incentives, as described in Chapter 19.39 (Green Building Regulations) and the Green Building Tables adopted by resolution.

(b) Goals for Peak-Hour Trip Reduction. TDM programs must meet the following goals in peak-hour trip reduction for the entire project site:

(1) Industrial-Intensification Sites. High-intensity industrial and office development that exceeds 70 percent FAR in an industrial intensification area must demonstrate that peak-hour vehicle-trip rates for the project do not exceed the projected peak-hour trip generation of a 70 percent FAR project.

(2) Green Building Incentives. Industrial and office development that use the voluntary incentives in the Green Building Tables must demonstrate that peak-hour vehicle-trip rates are not greater than the number that would be generated by development of the site at the floor area ratio thresholds defined in Table 19.32.020 (Building Height, Lot Coverage and Floor Area Ratio).

(c) Standard M-S and M-3 FAR Zoned Sites. The approving body may require a TDM program for projects requiring a use permit for floor area ratio exceeding those thresholds defined in Table 19.32.020 (Building Height, Lot Coverage and Floor Area Ratio).

(d) TDM programs required by this section shall be administered and enforced by the Director of Public Works pursuant to Chapter 10.60 of this code.

19.45.040. Multi-family Residential Transportation Demand Management Program

(a) Applicability. A TDM program is required of all new developments and redevelopments of ten or more residential units, including residential components of mixed-use developments.

(b) Standards. The City Council shall adopt standards for the Multi-family Residential Transportation Demand Management (TDM) Program which shall contain specific requirements necessary for compliance. These standards shall be updated from time to time to reflect best practices in the field of transportation demand management.

(c) Administrative Procedures.

(1) The director of community development shall adopt administrative procedures containing any rules and guidelines necessary or appropriate to achieve compliance with the requirements of this section.

(2) The procedures for compliance documentation shall include, but not be limited to, the following:

(i) Upon submittal of an application for any discretionary planning entitlement for (if required) for any covered project, application materials shall include a TDM plan that documents how the development will comply with the requirements of the Multi-family TDM Program.

(ii) Upon submittal of an application for a building permit, building plans shall show any physical improvement measures required by the approved TDM plan for the project.

(iii) Prior to final building inspection and occupancy, evidence shall be provided to the director of community development to confirm that all required physical improvements and programmatic measures in the approved TDM plan for the project have been installed or implemented.

(d) Noncompliance. The director of community development shall enforce the provisions of this section. In addition to any other remedies authorized by law, if the director determines that the project during construction does not or is unlikely to comply with the approved TDM plan, a stop work order may be issued. The stop work order shall remain in effect and final certificate of occupancy withheld until the director determines that the project will be brought into compliance with the approved TDM plan.

(e) Hardship or infeasibility exemption. If a project applicant believes that circumstances exist presenting an unreasonable hardship to meet the requirements of this section, the applicant may apply for an exemption in their development application. In applying for an exemption, the burden is on the applicant to show significant hardship. The exemption request shall be decided by the approval authority for the development permit. Hardship exemptions shall only be granted in unusual circumstances based upon a showing of good cause and a determination that the public interest is not served by compliance or other compelling circumstances. An unreasonable hardship shall be defined as practical infeasibility, difficulties, or results inconsistent with the general purposes of this chapter.

(f) Modifications of TDM plan. Any modification of an approved TDM plan requires a miscellaneous plan permit under Chapter 19.82 of this code. A request to modify a TDM plan may only be granted if it is designed to be at least as effective as the original TDM plan in meeting the objectives and purposes of this chapter.

(g) Appeal. Any person aggrieved by a final decision of the director of community development may appeal the decision to the planning commission pursuant to section 19.98.070.

SECTION 3. 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. In addition, the ordinance is categorically exempt pursuant to California Code of Regulations, Section 15308 because it is an action taken for the protection of the environment.

SECTION 4. 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 5. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 6. 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