

RLM

RESOLUTION NO. ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE AMENDING CERTAIN PROVISIONS OF THE
LAND USE AND TRANSPORTATION ELEMENT OF THE
GENERAL PLAN**

WHEREAS, California law requires that every city prepare and adopt a long-term, comprehensive General Plan for its future development that sets forth an integrated and internally consistent statement of goals, objectives, policies and programs to guide decisions regarding the physical development of the City; and

WHEREAS, on April 11, 2017, the City Council adopted an updated Land Use and Transportation Element (LUTE) of the General Plan, which establishes the fundamental framework of how streets and buildings in the City of Sunnyvale will be laid out and how various land use, development, and transportation facilities will function together; and

WHEREAS, the LUTE works in conjunction with the City's Zoning Code (codified as Title 19 of the Sunnyvale Municipal Code), regulates the types of uses allowed in various areas of the City, including areas intended for residential, commercial, industrial, office, and public facilities uses; and

WHEREAS, the Zoning Code generally provides that various uses in a given area are either permitted, prohibited, or may be allowed only at the City's discretion through the issuance of a Use Permit or other discretionary permit; and

WHEREAS, the City has typically allowed only limited residential uses in certain commercial, industrial, and public facilities zones in conjunction with permitted use, such as a caretaker residence at a self-storage facility or a minister's residence at a church; and

WHEREAS, cities, especially charter cities, have historically had broad discretion to approve, deny, or condition the issuance of discretionary use permits, thus, the City's General Plan and Zoning Code have not specified in detail what limitations residential uses are allowed only with a use permit in commercial, industrial, and public facilities zones; and

WHEREAS, on October 9, 2019, the Governor of California signed SB 330, the Housing Crisis Act of 2019, which, after it goes into effect on January 1, 2020, will limits cities' discretion to "down zone" or place other limitations on residential development of parcels where residential uses were allowed by the City's General Plan or zoning designations as of January 1, 2018; and

WHEREAS, to ensure that the City will continue have the authority to preserve commercial, industrial, and public facilities uses, certain provisions in the Zoning Code and associated descriptions of uses allowed in those zones as stated in the LUTE need to be clarified; and

WHEREAS, this action does not affect the amount of housing that the City has planned for in the Housing Element to meet the City's Regional Housing Needs Allocation nor the sites identified as suitable for housing in the City's housing inventory;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sunnyvale as follows:

1. The City Council finds this action is not a "project" within the meaning of the California Environmental Quality Act because it can be seen with certainty that there is no possibility that the action will have a physical impact on the environment (CEQA Guidelines, Section 15061(b)(3)).

2. Page 3-89 of the Land Use and Transportation Element is amended to read:

"Commercial, Office, and Industrial Designations

"These designations preserve areas for retail, commercial services, offices, research and development, and manufacturing facilities. These areas should generally be preserved for appropriate nonresidential uses. ~~However, except in industrial areas, residential uses may be considered when the site is not isolated, is located within one-quarter mile of an existing residential neighborhood, and when adequate residential services are available in close proximity (e.g., retail, parks, and schools).~~

"Commercial

"This designation supports retail and retail service uses. Restaurants, entertainment, and small offices may be considered in this designation. Commercial designations are typically located at major intersections or along expressways, major arterials, or freeway frontage roads.

"Three zoning districts are consistent with this designation, and each provides for a distinct subset of commercial uses. The C-1 (Neighborhood Business) zoning district allows low-scale neighborhood-serving commercial uses such as grocery stores, retail, personal services, recreational studios, and tutoring. Residential uses may be considered through a General Plan Initiation, or in some cases a rezoning, but only if the site is not isolated and when adequate residential services (e.g., retail, parks, and schools) are available nearby. The C-2 (Highway Business) zoning district is typically located along regionally significant roads such as El Camino Real, Wolfe Road, or Fair Oaks Avenue. "Big-box" retailers, auto dealers, and hotels are permitted in this zoning district. In this zoning district, residential uses may be considered when found compatible with surrounding uses and when adequate residential services are available nearby. The C-4 zoning district provides for commercial service, including

auto repair, other service shops, and self-storage and is typically located near industrial neighborhoods.”

3. LUTE Page 3-90 of the Land Use and Transportation Element is amended to read:

“Industrial

“This designation provides for research and development, manufacturing, office, and heavy industrial uses and is found in the north half of the planning area (Evelyn Avenue and north). Retail uses that serve the industrial area or the entire community (e.g., restaurants, warehouse shopping, home improvement) may be considered appropriate. Places of assembly, ~~residential development~~, and other uses with sensitive receptors and uses that may restrict the industrial purpose of the area are limited or prohibited in these areas. Industrial areas generally allow 35% FAR with particular areas designated for more intensive development.

“Certain existing industrial areas have been planned to transition to residential uses. Those Industrial-to-Residential (ITR) areas now have a General Plan designation of Medium Density Residential or High Density Residential.

“The City also maintains a limited pool of available square footage that may be applied to projects/sites in industrial areas that request higher floor area ratios and provide desired community benefits, including participation in the Green Building Program.”

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

REBECCA L. MOON, Sr. Assistant City Attorney