

DRAFT 1/9/2020 *RLW*

URGENCY ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF SUNNYVALE EXTENDING UNTIL
FEBRUARY 6, 2020, THE ZONING REGULATIONS
ADOPTED BY URGENCY ORDINANCE NO. 3153-19 ON
DECEMBER 10, 2019, PERTAINING TO ACCESSORY
DWELLING UNITS.**

WHEREAS, on December 10, 2019, pursuant to Government Code 65858, the City Council of the City of Sunnyvale at a duly noticed public meeting took testimony and adopted Urgency Ordinance No. 3153-19, a copy of which is attached hereto as Exhibit "A" and incorporated by reference, that imposed, for a period of 45 days (until January 24, 2020), certain zoning regulations pertaining to accessory dwelling units; and

WHEREAS, on December 10, 2019, the City Council of the City of Sunnyvale also adopted the same regulations by regular ordinance; however, due to the intervening holidays, the ordinance will not be presented for a second reading until January 7, 2020, and will not go into effect until February 6, 2020; and

WHEREAS, the urgency created by the State of California's adoption of the legislation known as Assembly Bill 881, Assembly Bill 68, and Senate Bill 13, going into effect on January 1, 2020, will exist after the initial urgency ordinance expires on January 24, 2020; and

WHEREAS, if the urgency ordinance is not extended, then from the period of time between January 24, 2020, and February 6, 2020, the City will not have an ordinance in effect governing accessory dwelling units that complies with state law; and

WHEREAS, the City Council wishes to extend the urgency ordinance until the regular ordinance goes into effect on February 6, 2020;

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

SECTION 1. The regulations pertaining to accessory dwelling units adopted by Urgency Ordinance No. 3153-19, attached hereto as Exhibit "A", are extended and shall remain in full force and effect until February 6, 2020.

SECTION 2. The provisions of Urgency Ordinance No. 3153-19, attached hereto as Exhibit "A", previously identified as Chapter 19.77 of the Sunnyvale Municipal Code, are hereby renumbered Chapter 19.79 with no changes to the text.

SECTION 3. CEQA - EXEMPTION. The City Council finds that this ordinance is statutorily exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 21080.17 of the Public Resources Code, which provides that CEQA does not apply to the adoption of an Accessory Dwelling Unit ordinance to implement the provisions of Section 65852.2 of the Government Code. In addition, the action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA")

pursuant to CEQA Guidelines Section 15061(b)(3) as these changes have no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The Council therefore directs that the Planning Division may file a Notice of Exemption with the Santa Clara County Clerk in accordance with the Sunnyvale Guidelines for the implementation of CEQA adopted by Resolution No. 118-04.

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 and adopted as an Urgency Ordinance at a regular meeting of the City Council held on _____, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

RECUSAL:

ATTEST:

APPROVED:

DAVID CARNAHAN

City Clerk

Date of Attestation: _____

LARRY KLEIN

Mayor

(SEAL)

APPROVED AS TO FORM:

REBECCA L. MOON

Sr. Assistant City Attorney