



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance to Amend Section 9.26.030 (Nuisances Described - Authority to Abate) of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Maintain Prohibitions Related to Parking on Unpaved Surfaces; Finding of CEQA Exemption Pursuant to Guideline Section 15061(b)(3)

BACKGROUND

On December 18, 2012, the Planning Division presented the City Council with a comprehensive study issue pertaining to non-residential parking requirements. As part of the study, Sunnyvale Municipal Code (SMC) Chapter 19.46 (Parking) was amended. The section expressly requiring vehicles to be parked on paved surfaces was inadvertently deleted. Upon discovery, Neighborhood Preservation (NP) worked with the Planning Division and determined that SMC section 19.46.120(c) (Surfaces and Markings) could be used in enforcement to continue to prohibit vehicles parked on unpaved surfaces; however, the code section and specific language was not as clear as the previous language that had been inadvertently deleted.

EXISTING POLICY

General Plan, Chapter 3, Land Use and Transportation - Land Use, Policy LT-4.4

Preserve and enhance the high quality character of residential neighborhoods.

General Plan, Chapter 4, Community Character - Design, Policy CC-1.6

Maintain city neighborhoods as safe, healthy places to live.

ENVIRONMENTAL REVIEW

Amendments to the City's ordinance related to parking on unpaved surfaces are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061(b)(3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

DISCUSSION

Blighted, nuisance, and neglected properties have significant adverse effects on neighborhoods including reduced property values and criminal activity, which may deter nearby property owners from reinvesting in their properties.

NP staff works on a complaint basis and proactively looks to reduce blight and nuisance conditions by resolving municipal code violations related to property maintenance. The City has historically considered the existence of vehicles parked on unpaved surfaces a nuisance condition as it can have

negative impacts on neighborhoods and the environment. NP staff opens approximately 40 to 50 cases annually for vehicles parked on unpaved surfaces.

Amending SMC section 9.26.030(v) is a clean-up action that will correct the outdated reference to SMC section 19.48.260 and the inadvertent deletion of the detailed rules related to parking on unpaved surfaces. Maintaining explicit rules related to parking on unpaved surfaces will also provide NP staff with clearer authority to enforce such actions that is easier for residents to understand.

FISCAL IMPACT

If the ordinance amendments are adopted, staff anticipates no fiscal impact.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Find that the ordinance is exempt from environmental review pursuant to CEQA Guideline 15061(b)(3), and Introduce an Ordinance to Amend Section 9.26.030 (Nuisances Described - Authority to Abate) of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Maintain Prohibitions Related to Parking on Unpaved Surfaces
2. Do not introduce any of the proposed amendments.

STAFF RECOMMENDATION

Alternative 1: Find that the ordinance is exempt from environmental review pursuant to CEQA Guideline 15061(b)(3), and Introduce an Ordinance to Amend Section 9.26.030 (Nuisances Described - Authority to Abate) of Chapter 9.26 (Abatement of Nuisances) of Title 9 (Public Peace, Safety or Welfare) of the Sunnyvale Municipal Code to Maintain Prohibitions Related to Parking on Unpaved Surfaces.

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Reviewed by: Frank J. Grgurina, Director, Public Safety

Reviewed by: Kent Steffens, Assistant City Manager

Approved by: Deanna J. Santana, City Manager

ATTACHMENT

1. Draft Ordinance Chapter 9.26.030 (Nuisances Described - Authority to Abate)