

ORDINANCE NO. 3212-23

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING VARIOUS SECTIONS OF TITLE 16 (BUILDINGS AND CONSTRUCTION) AND TITLE 19 (ZONING) OF THE SUNNYVALE MUNICIPAL CODE RELATED TO THE BOARD OF BUILDING CODE APPEALS AND THE CHIEF BUILDING OFFICIAL

THE CITY COUNCIL OF THE CITY OF SUNNYVALE FINDS AND DECLARES AS FOLLOWS:

SECTION 1. SECTION 16.16.040 AMENDED. Section 16.16.040 (Definitions) of Chapter 16.16 (Building Code) of Title 16 (Buildings and Construction) is hereby amended to read as follows:

16.16.040. Definitions.

California Building Code Chapter 2 is hereby amended to include:

For the purpose of the California Building Code, certain terms are defined as follows:

- (1) “Board of appeals” means the board created to hear and determine appeals from a decision or order of the chief building official. The city council shall serve as the board of appeals.
- (2) “Chief building official” means the officer or other person charged with the administration and enforcement of the following codes of the city:

(A) – (I) [Text unchanged]

(3) – (4) [Text unchanged]

SECTION 2. SECTION 16.17.040 AMENDED. Section 16.17.040 (Definitions) of Chapter 16.17 (Residential Code) of Title 16 (Buildings and Construction) is hereby amended to read as follows:

16.17.040. Definitions.

2019 California Residential Code Chapter 2 is hereby amended as follows:

For the purpose of the California Code, certain terms are defined as follows:

- (1) “Board of appeals” means the board created to hear and determine appeals from a decision or order of the chief building official. The city council shall serve as the board of appeals.
- (2) Chief building official” means the officer or other person charged with the administration and enforcement of the following codes of the city:

(A) – (I) [Text unchanged]

(3) – (5) [Text unchanged]

SECTION 3. SECTION 16.52.109 AMENDED. Section 16.52.109 (Board of Appeals) of Chapter 16.52 (Fire Code) of Title 16 (Buildings and Construction) is hereby amended to read as follows:

16.52.109. Board of appeals.

California Fire Code is hereby amended by adding Section 109.1.1 to read:

109.1.1 Appeals. The Office of the City Clerk maintains guidelines and procedures for the Board of Appeals. The city council shall serve as the Board of Appeals.

SECTION 4. SECTION 16.62.040 AMENDED. Section 16.62.040 (Variance procedure—Appeal board) of Chapter 16.62 (Prevention of Flood Damages) of Title 16 (Buildings and Construction) is hereby amended to read as follows:

16.62.040. Variance procedure—Appeal board.

(a) The building code board of appeals of the city of Sunnyvale shall hear and decide appeals and requests for variances from the requirements of this chapter. The city council shall serve as the board of appeals.

(b) – (f) [Text unchanged]

SECTION 5. SECTION 19.39.070 AMENDED. Section 19.39.070 (Appeal) of Chapter 19.39 (Green Building Regulations) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

19.39.070. Appeal.

(a) – (b) [Text unchanged]

(c) The appeal shall be processed and considered at a Building Code board of appeals hearing in accordance with the Building Code. The city council shall serve as the board of appeals.

SECTION 6. SECTION 19.54.060 AMENDED. Section 19.54.060 (Structural standards) of Chapter 19.54 (Wireless Telecommunications Facilities) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby added to read as follows:

19.54.060. Structural standards.

All wireless telecommunication facilities shall, at all times, comply with all applicable requirements of the Uniform Building Code in effect on the date the building permit is issued. Thereafter, upon renewal of the permit, the chief building official may, at his or her discretion, require the facility to be upgraded to meet then-current requirements if it is deemed necessary to protect the public health, safety and welfare.

SECTION 7. CEQA. The action being considered is not a project under the California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days after adoption.

SECTION 9. 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 newspaper for 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 March 21, 2023, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on April 4, 2023, 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:

JOHN A. NAGEL
City Attorney