CITY OF SUNNYVALE
REPORT
Planning Commission

October 27, 2003

SUBJECT: **2000-0523- Moffett Park Specific Plan and Certification of Final EIR** The purpose of the Moffett Park Specific Plan is to provide a comprehensive, long-term plan that supports the development of up to 24.33 million square feet in the area located in the northern most portion of the City of Sunnyvale, generally located northeast of the Highway 237 and Highway 101 interchange. The 1,156 acre specific plan area is bounded by the SMaRT Station, and the City's Water Pollution Control Plant to the north; State Highway 237 to the south; and Sunnyvale Baylands Park to the east.

The Draft Environmental Impact Report (EIR) has been prepared to identify potential impacts to the environment and recommends mitigation measures. Significant impacts were identified on traffic, air quality and housing.

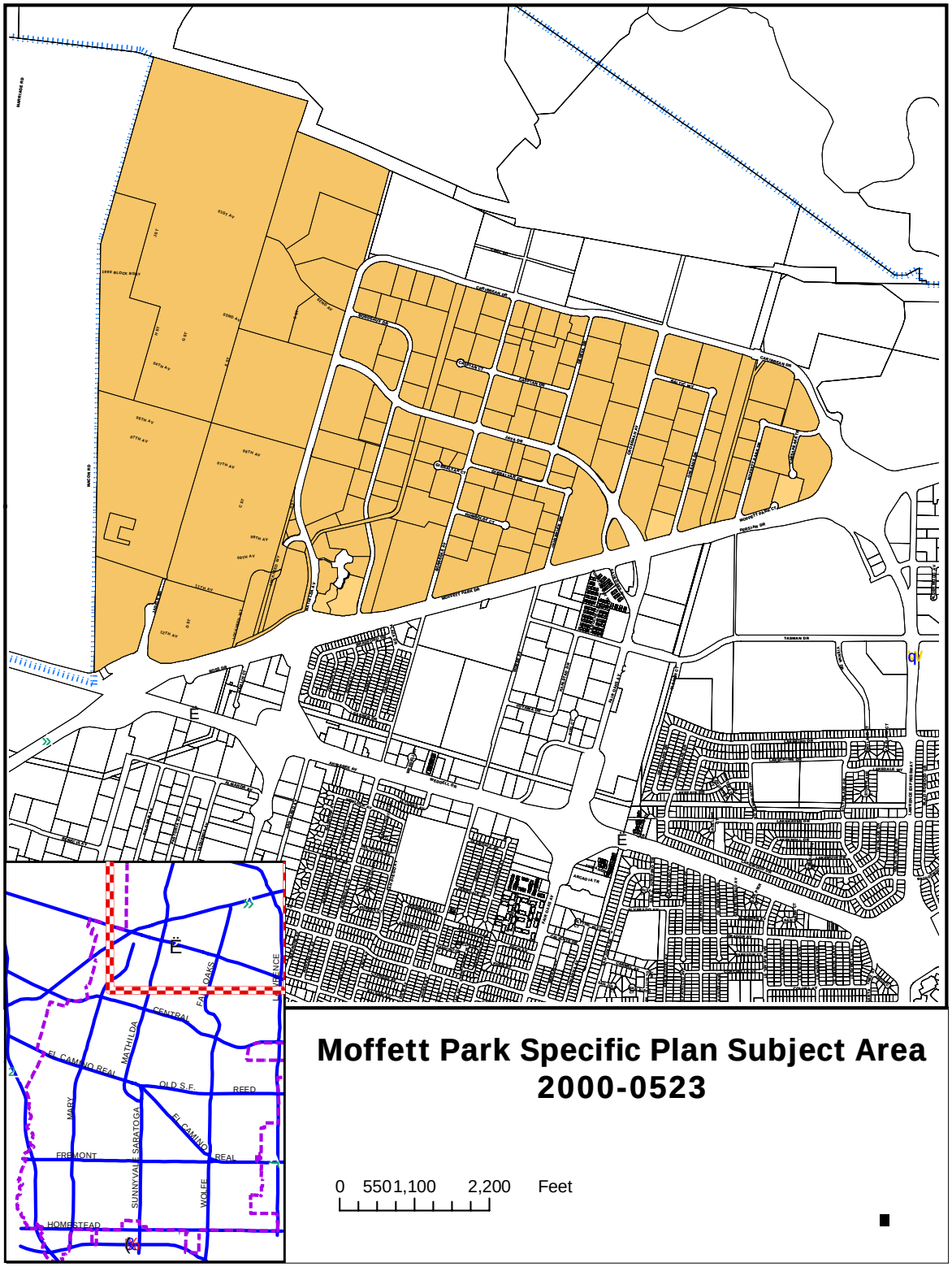
Resolution

1. Certify the Final Environmental Impact Report (FEIR).

2. Amend the General Plan for creation of a Moffett Park Specific Plan boundary, delineation of sub-districts, and development intensities.

Motion

Provide direction to Staff on the content for the Moffett Park Specific Plan, including implementation measures, development standards and associated zoning code amendments.


Moffett Park Specific Plan Subject Area
2000-0523
0 550 1,100 2,200 Feet
CENTRAL
EL CAMINO REAL
OLD S.F.
REED
MARY
MATHILDA
SUNNYVALE SARATOGA
FREMONT
HOMESTEAD
WOLFE
LAWRENCE

REPORT IN BRIEF

The Moffett Park Specific Plan (MPSP) and Final EIR are the fruits of 3 years of effort towards accommodating the economic development and land use needs of the Moffett Park property owners and the City. During the past two years, stakeholders and staff have met on more than 10 occasions to discuss the scoping of the EIR and Specific Plan options for Moffett Park. The City Staff has held a minimum of 10 study sessions with the City Council and Planning Commission over the life of the project.

The MPSP's primary goals are:

- Diversify City's Economic Base by Encouraging Corporate Headquarters and Research and Development (R&D) Uses
- Enhance the City's Regional Prominence and Local Image Through Application of High Quality Site Design and Architectural Guildelines and Standards
- Increase Development Potential/Floor Area Ratios
- Streamline Development Review
- Use Smart Growth Principles/Support LRT and Sustainability
- Address Current Transportation Deficiencies
- Mitigate Environmental Impacts of Increased Development

A Program Environmental Impact Report was prepared for this project to analyze its impacts and to streamline subsequent project environmental review within the MPSP area. The EIR analyzed ten areas of environmental concern, including provision of utilities and public services, traffic, biological resources, cumulative growth impacts, and air quality. The EIR also reviewed five alternatives of varying levels of intensity and land uses to that of the "Preferred Project." The EIR made determinations regarding levels of significance of potential environmental effects and has proposed mitigation measures to reduce significant environmental effects to a level of less than significant as required by the California Environmental Quality Act (CEQA). Upon application of mitigation measures, the following environmental effects were determined to have significant and unavoidable impacts:

- Air Quality
- Traffic and Circulation
- Population and Housing

Therefore, adoption of the MPSP as proposed or any other intensification of the subject area will require the adoption of a Statement of Overriding Consideration outlining the findings that support the approval of the project despite its detrimental effects on the environment.

The "Preferred Project" analyzed in the Draft EIR and Draft Specific Plan creates three new sub-districts (MP-I, MP-TOD, MP-C) and a development reserve to replace the existing industrial zoning (M-3, Futures E, M-S) for the subject 1156 acres. The "Preferred Project" from the EIR has the following development intensities:

- MP-C- Maximum FAR 40%, No Access to Development Reserve
- MP-I- Standard FAR 40%, Maximum FAR 50%, Access to Dev. Res.
- MP-TOD- Standard FAR 55%, Maximum FAR 70%, Access to Dev. Res.
- Development Reserve initial balance of 2 million square feet
- Provision of private Transfer of Development Rights (TDR) program

The new sub-districts allow the development intensity for the area to increase from approximately 15.6 million square feet of built and entitled development to a total buildout of approximately 24.33 million square feet. The General Plan currently supports a buildout of approximately 18.3 million square feet of development and the MPSP results in an increase of 6 million additional square feet of development. The Specific Plan also addresses goals and objectives for Moffett Park development, design guidelines, development standards, and accounting for the Development Reserve balance.

Staff Recommendation: Staff believes that a modified project from that of the EIR "Preferred Project" is most appropriate to address the concerns of the Moffett Park representatives and to meet the City's goal of buildout of the MPSP. The modified plan maintains the MPSP geographically delineated MP-TOD, MP-I, and MP-C as described, but alters the standard FAR limits of the proposed sub-districts and increases the size of the proposed Development Reserve as follows:

- MP-I Standard FAR 35%
- MP-TOD Standard FAR 50%
- Development Reserve initial balance of 3.9 million square feet.

The modified proposal is within the scope of development square footage analyzed *(24.33 million)* for the "Preferred Project" and its general development pattern.

Staff recommends that the Planning Commission recommend certification of the Final EIR, adoption of a mitigation monitoring program, approval of General Plan land use designations, adoption of A Statement of Overriding Consideration, and direction to prepare the final Specific Plan document and appropriate zoning code amendments.

BACKGROUND

The Planning Commission is asked to make recommendations to the City Council pertaining to the geographic extent of the Moffett Park Specific Plan, its land use subdistricts, its general land use intensity of development, and environmental review. Staff is also requesting the Planning Commission advise Staff on the implementing details of the Specific Plan and forthcoming zoning ordinance amendments. Precise development standards and guidelines are anticipated to return for Planning Commission review on November 24, 2003 and City Council adoption on December 16, 2003.

The MPSP was conceived as a Study Issue during 2000. In response to market demands and the City's desire to encourage economic development within environmental limits, staff was asked to review the land use policies in light of the high number of development applications seeking higher Floor Area Ratios (FAR) in the city. The City embarked on a plan with a vision for developing the Moffett Park area as Class "A" office space and Corporate Headquarters. Public outreach and initial scoping of the environmental review began in the Spring of 2001. The Draft EIR was circulated for public comment in October of 2002 and comments were received from 20 interested parties during the 45 day review period. A Final EIR that includes the comments and responses to the comments was prepared and distributed in January of 2003. The Specific Plan has been available for public review since October 2002 as well. Although the draft documents were published one year ago, the environmental situation for the subject area has not changed and the EIR remains relevant. Additional development has not occurred in the Moffett Park area and economic conditions are similar.

A key component to the MPSP and EIR review is their relationship to another project known as the Transportation Strategic Program (TSP). The TSP is a citywide program that includes the Moffett Park area. The program is the basis for traffic and circulation mitigation measures identified through the environmental review process of the 1997 Land Use and Transportation Element update, Fair Oaks/Tasman Rezone, Downtown Specific Plan Update, and the proposed MPSP. The TSP has been prepared on a parallel timeline with the recent MPSP. They are linked together through their land use assumptions and traffic circulation needs.

During the year 2003, two Planning Commission Study Sessions, one City Council Study Session and one joint City Council/Planning Commission Study Session have been held on the MPSP and EIR. An outcome of the April 8, 2003 City Council Study Session was to schedule additional public outreach meetings on the MPSP and TSP to address outstanding issues. The result of these discussions and the work over the past three years is the modified MPSP project recommended above and a TSP that incorporates a two-tier traffic impact fee as the mitigation program for traffic and circulation.

EXISTING POLICY

Modifying the planned intensity and character of land use in the Moffett Park area relates to many of the General Plan Elements. As a comprehensive long range plan it is important to understand the relationship of Land Use and Transportation to other city services and values. Attachment "C" is a more complete list of pertinent Goals, Policies and Action Statements.

Land Use and Transportation Element

GOAL C3 ATTAIN A TRANSPORTATION SYSTEM THAT IS EFFECTIVE, SAFE, PLEASANT, AND CONVENIENT.

GOAL C4 SUSTAIN A STRONG LOCAL ECONOMY THAT CONTRIBUTES FISCAL SUPPORT FOR DESIRED CITY SERVICES AND PROVIDES A MIX OF JOBS AND COMMERCIAL OPPORTUNITIES.

The Community Development Strategy is an administrative document used by staff to allocate resources to meet general plan goals and budget outcomes. This Strategy was finalized in February 2003 and identifies Moffett Park as a prime location for development of Class "A" office and R&D uses. Economic development resources are to be aimed at marketing the area's higher FAR and geographic positioning towards the expansion of current Sunnyvale industrial users and relocation of other high technology and corporate headquarter uses.

ENVIRONMENTAL REVIEW

As part of the MPSP, the City prepared a Program Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) to consider and analyze the environmental effects related to the Specific Plan Project. The EIR covers adoption of the Specific Plan's goals and objectives, land use patterns and intensities, design guidelines, and implementing development standards.

The EIR reviewed five alternatives in addition to the "Preferred Project."

EIR ALTERNATIVES	MP-I FAR	MP-TOD FAR	MP-C FAR	Housing Units	Dev. Res. (sq. ft.)	Building Potential (million square feet)
"Preferred Project"	40%	55%	40%	NA	2,000,000	24.33
Alt. A (No Project)	35%	50%	NA	NA	NA	18.30
Alt. B	70%	70%	50%	NA	NA	27.86
Alt. C	50%	NA	NA	NA	NA	24.50
Alt. D	40%	55%	40%	NA	NA	22.40
Alt. E	35%	50%	NA	3,685	NA	22.20*
Staff Recommendation	35%	50%	NA	NA	3,930,000	24.33

Footnote: Acreage of subdistricts varies for each Alternative
**18.6 million sq. ft. of Office plus 3.6 million sq. ft. of residential building*

The alternatives analysis concluded that Alternative D was the environmentally superior project. CEQA provides that when Alternative A "No Project" is

determined to be the environmentally superior project a different alternative must be selected as environmentally superior. Although Alternative D is the least intensive industrially oriented project and therefore has the lowest magnitude of significant impacts, significant and unavoidable impacts remain (Attachment J Alternative Comparison Matrix Table 6.7 of the EIR). Alternative D is therefore undesirable because it does not fully meet the objectives of the Project and still contains significant environmental effects that are only incrementally lower than those of the Preferred Project. In fact, with no development increases above existing conditions (15.6 million sq. ft.) there are operational and cumulative impacts to air quality, population and housing, and traffic and circulation that are significant and unavoidable.

Due to the presence of significant and unavoidable environmental impacts, a Statement of Overriding Consideration id needed with the adoption of the MPSP project. Specific findings are to be made under CEQA §21081 (b) that overriding economic, legal, social, technological factors, or the benefits of the project outweigh the significant effects on the environments. Staff finds that the following statement supports the MPSP despite the significant and unavoidable impacts of Population and Housing, Traffic and Circulation, Air Quality, and Cumulative growth impacts.

1. Alternatives to the Project considered in the FEIR are either infeasible or would not achieve the basic objectives of the Project.

2. Many of the Project's environmental impacts will be avoided or reduced to levels less than significant by the mitigation measures required by the Mitigation Monitoring and Reporting Program. Although significant impacts remain after mitigation, the incorporated mitigation does reduce the magnitude and extent of associated Project impacts to the extent feasible.

3. On balance, these unavoidable significant effects are deemed to be acceptable in view of the significant economic and social benefits which the approval of the Project will make possible. The principal benefits include, but are not limited to, the following:

   a. Approval and buildout of the long term Specific Plan Project will result in a significant contribution to the tax base of the City through sales and use tax revenue generated at the site, and property tax revenues that will occur with an increase in property value at the site.

   b. Approval of the Project is consistent with and supportive of both City and Regional policy to develop high quality, high density uses around public transportation corridors in support of regional smart growth policies.

   c. Approval of the Project is consistent with and promotes the City's commitment to provide its existing employers with opportunities to

expand employment locally and attract new high quality corporate headquarter users to diversify the City's economic base.

d. Implementation of the Project allows for more square footage to be developed, but the incentive to redevelop underutilized sites will allow for implementation of smart growth guidelines and sustainable design that benefit the region and the city over the 20-year planning horizon of the Project.

e. Requirements of sustainable design for high intensity projects provide societal and environmental benefits that would not be realized with current development standards and practices.

f. Buildout of the project will address traffic and circulation deficiencies identified in the current General Plan.

Subsequent environmental reviews will be tiered from the EIR and are subject to an adopted Mitigation Monitoring Program for the Project. Also, staff intends for the Statement of Overriding Consideration to be appended to subsequent environmental reviews in support of those projects. One change to the mitigation monitoring program would be to no longer collect a Regional Transportation Impact fee of 1 dollar per square foot of development. The TSP has accounted for the City's regional roadway share in its impact fee. The Housing Mitigation Fee for development above 1997 General Plan levels has recently been codified as well.

MPSP DISCUSSION

Specific Plan Overview

The intent of the proposed Moffett Park Specific Plan is to provide a comprehensive, long-term plan that supports the development of a mix of land uses and addresses the potential impacts of future development within the context of the Specific Plan area. The proposed Specific Plan also addresses the need to establish a comprehensive policy and regulatory framework that provides the necessary elements to guide future development in concert with and responsive to, the needs of the marketplace.

In recent years, the marketplace economy of the Silicon Valley has generated a demand for high technology, research and development (R&D), and corporate headquarters office space. In response to this market demand, the City of Sunnyvale has received several development applications for R&D and corporate headquarters uses in the Moffett Park Business Area. Many of the development applications have requested the approval of a Use Permit to exceed the 35% Floor Area Ratio (FAR) allowed by the current City of Sunnyvale General Plan and Zoning Code.

To respond to the market demand, the proposed Specific Plan would amend the land use development policies for the Specific Plan area, reduce the need for use permits and provide other methods for administrative relief, and provide a regulatory document that is directly linked to Citywide goals and policies for the area. The proposed Specific Plan would allow a mix of complementary land uses, including corporate office, manufacturing, warehouse, small-scale retail, hotel, restaurant, and other ancillary support uses. The proposed Specific Plan would also allow for an increase in development intensities by increasing the base and maximum Floor Area Ratios (FARs) of the zoning districts in the Moffett Park Specific Plan area.

The Land Use Plan for the Moffett Park Specific Plan provides for the development of three distinct planning/land use districts, which are described below. The Moffett Park Specific Plan Land Use Map depicts the boundaries for each land use district within the Specific Plan area and will supersede the City's official Zoning Map referenced in Title 19, Chapter 19.16 of the Sunnyvale Municipal Code (Attachment D).

The Specific Plan area encompasses approximately 1,156 acres incorporating three distinct land use districts, including: Moffett Park - Transit Oriented Development (MP-TOD), Moffett Park – Industry (MP-I), and Moffett Park – Commercial (MP-C). In addition to these districts, the Specific Plan permits an additional 2,000,000 square feet of floating development potential that can be applied to any parcel in the Specific Plan area, provided specific criteria have been met.

MP-TOD Centrally located subdistrict encompassing 462 acres that supports the highest level of FAR and is situated along the Light Rail Transit Line.

MP-C Isolated areas currently developed with commercial (Hotel) uses that are intended to remain as commercial uses and serve the business needs of Moffett Park.

MP-I The remainder of the Moffett Park Specific Plan Area (663 acres) is designated for general industrial and office development at moderate FAR levels.

Development Reserve Unallocated square footage intended to allow for maximized development intensities in response to the market demand for corporate headquarters and other high intensity industrial uses. Specific Plan prescribes the process for granting access to the Development Reserve.

Transfer of Development Rights (TDR) Private tool for transfer floor area potential from underutilized sites to larger receiver sites.

Staff has consistently reviewed the provisions of the MPSP against the intended objectives of the Plan. Staff has found through numerous public outreach efforts that there is support for increased development but there is not consensus on how best to achieve buildout, implementation of mitigation and protection of the City's general interests.

The two primary issues remaining for the MPSP are the allocation of the approximate 24.3 million square feet of development potential (floor area) analyzed for the "Preferred Project" in the EIR and the goal of streamlining review and its effect on the processing of development applications. The floor area issue relates to distribution of the floor area to each individual property versus holding square footage in a Development Reserve for future development. The issue of development review is centered on allowing for certainty in the development process and timelines (through up-front cost knowledge and an expectation of having an approval by meeting design standards) versus the community's desire for oversight of intensive projects to achieve high quality development.

Distribution of Floor Area Ratio

MP-I and MP-TOD

During analysis of development options for the Specific Plan, a range of FAR distribution was evaluated from one constant maximum FAR for all properties to intensification on selected core sites. The general result of this analysis was the creation of two distinct subdistricts for the Specific Plan. The area on the periphery of has the nomenclature of MP-I (Moffett Park General Industrial) and the internal core area along the light rail has been named MP-TOD (Moffett Park Transit Oriented Design). The MP-TOD is in fact an extension of the current higher intensity M-3 50%, rather than M-3 35%, land use pattern along the eastern core area of the light rail line (Attachment D). The general uses permitted within the two areas are the same, the basic difference is the standards and maximum level of FAR developable on an individual site and encouragement of mixed use in the MP-TOD area.

Considering the goals of the Specific Plan and the environmental consequences of the area's intensification it was believed that permitting a higher level of development in the MP-TOD area would meet smart growth goals and enable a development to more easily achieve TDM requirements (reduction of environmental effects) as well as near term redevelopment of existing sites (enhanced economic base). Staff recommends the delineation of the two subdistricts in support of the Specific Plan's goals and objectives and continuance of the current development pattern in Moffett Park business area.

Development Reserve

The Development Reserve as proposed by Staff would be roughly 3.9 million square feet rather than the 2 million shown in the EIR "Preferred Project." The benefit of a development reserve over outright distribution to each property is a greater assurance of full buildout and attaining the goals for Class "A" office type development. The City is able to meet the needs of developers that are seeking development in the near term rather than allocating the square footage to properties that may or may not redevelop to a higher intensity in the future.

Due to this relationship of FAR and redevelopment coupled with the need to fund traffic infrastructure improvements staff believes full utilization of the square footage is the best method to meet the objectives of the MPSP and address environmental concerns. Although the City would expend greater amount of its resources administering a development reserve rather than allocating the square footage, the value of supporting full buildout is of greater value to the City over the long term.

Development Review

In a competitive marketplace, a primary consideration for business development is certainty and timeliness in taking advantage of apparent opportunities. Recalling the year 2000, when an economic boom was occurring and Moffett Park was experiencing both a revival and an intensification of use, it was a comparatively arduous process to develop high intensity office and R&D space in a timely manner as the market required. At the time, individual environmental review (potentially Project EIRs) and significant traffic impact analysis was required for each permit prior to approval. There were public concerns pertaining to architectural design of contemporary multiple story buildings and overall sustainability. Property owners expressed a concern about the uncertainty of the City's development review process for projects greater than 35% FAR. The desire for Class "A" office development and certainty in development review process were the stimuli behind the City's decision to prepare a specific plan for Moffett Park.

Staff is recommending that most new Class "A" type development and redevelopment within the MPSP be reviewed by staff and for complex projects review occur in conjunction with a consulting architect as needed. Other uses would follow the standard permitting process of its allowable use classification found in Chapter 5 of the Specific Plan. Staff believes this process will expedite development review and can be achieved in a manner that protects the City's interests in oversight of intensive projects. Staff review shortens timelines and makes Sunnyvale more competitive compared to nearby neighboring cities' processes.

October Study Session Response

At the joint City Council/Planning Commission Study Session on October 21, 2003 two planning commissioners expressed some reservations at not requiring Planning Commission review of major development permits. Staff finds that Planning Commission and City Council review on prior projects has greatly contributed to the current site and architectural standards for high intensity site and building design. However, due to the expressed concern, Staff has identified a potential compromise approach. The review process may be able to include project review as an informational item at a Planning Commission study session during the staff review period. This approach would provide community advisory input in the form of the Planning Commission

comments while preserving an expedited project review and minimize City cost of review.

A council member expressed concern that the staff would be put in a potentially awkward position of deciding "who" merits entitlement to the development reserve. Staff believes that there would be no discretion of the "who" as square footage would be allocated on a first-come first-serve basis, providing that a proposed project attains the goals and objectives of the MPSP and its development standards. In support of an objective review with assurance of resulting high quality development, staff's recommendation includes an incentive for the expedited review by having an applicant for high intensity development meet the Leadership in Energy and Environmental Design (LEED) standards for Certified Building. LEED objectively evaluates up to 64 attributes of a project. An applicant that seeks alternate forms of compliance with sustainability goals would be required to pursue an SDP at the Planning Commission level. Meeting the minimum of 26 points for a Certified building incorporates sustainability features and objective analysis for a project. Staff noted at the study session that the City Council has approved higher FAR areas of 50%, 70%, and 100% where a public hearing is not required.

Staff supports the stakeholders' desires for expedited review and believes it is reasonable for the City's general interests on the following basis:

1. The City and Staff have gained experience reviewing the intended type of intensive development in Moffett Park.
2. A consulting architect is available to assist Staff in design review for complex projects.
3. Based on past Planning Commission and City Council review of high intensity projects staff has gained an understanding for appropriate types of buildings and community character in Moffett Park.
4. A Program EIR is complete for the subject area that identifies potential and significant environmental effects that require mitigation. A mitigation monitoring program is proposed for subsequent development.
5. Standards of development are (or are expected to be) codified for Housing and Traffic Mitigation.
6. New development above General Plan levels is required to implement a TDM with 20% trip reduction for the entire site.
7. Additional Transportation Demand Management requirements are prescribed for highest intensity levels of development.
8. Staff recommends LEED Certified Building requirements to address design and sustainability issues (Green Buildings).

9. Planning Commission review is required for unusual circumstances when a project requires an EIR.
10. Planning Commission review may be requested by the applicant for alternative forms of compliance with the standards.
11. Planning Commission would sit in judgment of appeals of Staff decisions.

Green Building

A subset of the Staff's recommended tiers of development review is the inclusion of a requirement that high-intensity new development meet the nationally recognized Green Building Council's Leadership in Energy and Environmental Design (LEED) standard of a Certified Building. A Certified Building is the first level of the four available levels of a green building (Certified, Silver, Gold, Platinum). On a 64 point scale, a Certified Building would need to achieve a minimum of 26 points from a variety of categories. (Attachment G Checklist)

Considering that Moffett Park is Sunnyvale's premiere location for new Class "A" office development, staff finds that sustainable design is more than a laudable goal but achievable and practicable over the 20-year planning horizon of the Specific Plan. Staff acknowledges that Sunnyvale would be at the forefront of the green building initiative by codifying requirements for high-intensity development to build "green." In the region, Palo Alto and San Jose have green building LEED initiatives that cover government buildings, and Pleasanton has implemented private development requirements for Green Buildings based upon LEED. Oakland, Alameda County, San Mateo County, and San Francisco have other Green Building initiatives and support based upon LEED. (Source: *A Report to California's Sustainable Building Task Force – October 2003)*

While registered LEED buildings are not commonplace in the Bay Area at this time, registration is gaining momentum nationwide and in California. In the year 2000 about eight million square feet of buildings were undergoing LEED certification nationally with a 1250% increase in square footage to 100 million in the year 2003. These numbers do not include buildings that used LEED as a guideline and did not seek formal certification from the Green Building Council. California itself has 140 registered LEED projects, the most of any state. (Source: *A Report to California's Sustainable Building Task Force – October 2003)* As stated by Darren Bouton of KEMA-Xenergy Green Building Consultant, Green Building is the next paradigm shift in the building industry that started with fire/life safety and progressed to the more recent Americans with Disabilities Act requirements.

The most strenuous objection to Green Building is the upfront design costs and certification documentation. Recent cost estimates on LEED buildings estimate that LEED Certified and Silver buildings have an additional average construction cost of 0.61 to 2.4%. The City of Seattle and the State of Pennsylvania have delivered recent projects at an estimated same cost as standard building practices due to their experience in the process. (Source: *A Report to California's Sustainable Building Task Force – October 2003)* These numbers are variable depending on the credits that are sought and the experience of the design team for the project. Experienced design teams do not have to "reinvent the wheel" and have knowledge of techniques and materials that create value in the process. While the upfront costs may be slightly higher, the payback for Green Buildings comes from operational savings of reduced resource (i.e. energy, water) consumption and increased productivity. It is estimated by the California's Sustainable Building Task Force that a 2% upfront construction costs increase would have a 20% payback over the life of a project. Speculative developers would not experience these saving unless the building was marketed as a green building to recoup initial development costs.

As established today, Green Building seems to be new and unfamiliar territory. Staff believes that Green Building standards are quickly becoming desirable and will be the norm. The thresholds will most likely be raised as standard practices and techniques are put into place that enable Green Building. In addition, costs will likely decrease as a percent of the project cost for two reasons. Availability of materials and experience in the marketplace will drive costs down as with all commodities. Second, many of the provisions with the LEED program are accomplished through normal building design for California and the South Bay Region. Examples would include California Title 24 Energy Requirements and recently instituted storm water management requirements. Mr. Bouton has expressed that normal practices can lead to attainment of 11 to18 credits with minimal effort.

PUBLIC CONTACT

Six noticed public workshops have been held with interested parties in the Moffett Park Area and at least four more information meetings have been held with Moffett Park property owners and business representatives. Numerous public meeting Study Sessions have been held with the Planning Commission and City Council.

FISCAL IMPACT

Staff time for preparation and review of the MPSP and the EIR have been accomplished through operating budgets. A special project was approved to pay for consultant assistance to prepare the EIR and Specific Plan. In addition to City expenditures, financial pledges of funding support from Moffett Park interested parties have been received and more support is expected. State law

allows a city to charge development for the costs associated with the preparation and administration of Specific Plans and related EIRs. Staff is not recommending that Council impose a fee for the preparation and administration of this Specific Plan. Individual development review proposals would be expected to pay a nominal planning application fee for processing of the project plans.

ALTERNATIVES

A. Final Environmental Impact Report

1. Recommend that City Council certify the FEIR for the MPSP and adopt a statement of overriding considerations as prepared by staff.

2. Recommend that City Council certify the FEIR for the MPSP and adopt a statement of overriding considerations with modifications.

3. Determine that the FEIR is not adequate, state those areas of discussion where the document is deficient and recommend that additional analysis be prepared prior to certification. The Planning Commission may proceed with recommendations on other actions even if the Commission recommends additional work on the FEIR. No project related actions shall be taken until the FEIR is certified. As noted earlier, certification does not approve or deny any element of the project.

B. Moffett Park Specific Plan and Zoning

1. Recommend that City Council adopt General Plan Amendments for the geographic creation of the Moffett Park Specific Plan boundary, land use subdistrict delineation, and developable square footage intensities as indicated in Attachment "D."

2. Direct Staff to provide an implementing ordinance based upon Staff review of development applications

3. Direct Staff to prepare an implementing ordinance based you Planning Commission review of development applications.

4. Direct Staff to prepare an implementing ordinance based upon Staff review of development applications with advisory comments from the Planning Commission through the Study Session process.

5. Direct Staff to prepare the Final Specific Plan and appropriate zoning ordinance amendments.

RECOMMENDATION

Alternative A1, B1, B2 and B5.

Prepared by:

Kelly Diekmann
Associate Planner

Reviewed by:

Trudi Ryan
Planning Officer
Reviewed by:

Robert Paternoster
Director, Community Development

Attachments

A. Draft MPSP October 2002 (distributed previously)
B. Draft Final EIR October 2002 (distributed previously)
C. Relevant General Plan Goals and Policies to the MPSP
D. Staff Recommended Subdistrict Delineation (Futures E overlaid for Reference) and Development Intensities
E. Revised Chapter 5 Standards of the Draft Specific Plan
F. Excerpt of Chapter 5 Standards from Original "Preferred Project" (Relevant methodology of public review for high intensity development as compared to Staff recommendation for incentive based LEED Certified Building).
G. LEED Building Checklist
H. Draft Tiers of Development Review (Staff Emphasis and Public Hearing Emphasis)
I. MPSP MP-TOD Selection Process and Light Rail Transit Station Buffer Map
J. EIR Alternatives Matrix

Land Use and Transportation Element

- *Policy R1.7 Contribute to efforts to minimize region-wide average trip length, and single-occupant vehicle trips.*
  - R1.7.1 Locate higher intensity land uses and developments so that they have easy access to transit services.

- *Policy R1.10 Support land use planning that complements the regional transportation system.*
  - R1.10.2 Support alternative transportation services, such as light rail, buses, and commuter rail, through appropriate land use planning.

GOAL C1 PRESERVE AND ENHANCE AN ATTRACTIVE COMMUNITY, WITH A POSITIVE IMAGE AND A SENSE OF PLACE, THAT CONSISTS OF DISTINCTIVE NEIGHBORHOODS, POCKETS OF INTEREST, AND HUMAN-SCALE DEVELOPMENT.

GOAL C2 ENSURE OWNERSHIP AND RENTAL HOUSING OPTIONS IN TERMS OF STYLE, SIZE, AND DENSITY THAT ARE APPROPRIATE AND CONTRIBUTE POSITIVELY TO THE SURROUNDING AREA.

- *Policy C2.4 Determine appropriate density for housing based on site planning opportunities and proximity to services.*
  - C2.4.1 Locate higher density housing with easy access to transportation corridors, rail transit stations, bus transit corridor stops, commercial services, and jobs.

GOAL C3 ATTAIN A TRANSPORTATION SYSTEM THAT IS EFFECTIVE, SAFE, PLEASANT, AND CONVENIENT.

- *Policy C3.1 Achieve an operating level-of-service (LOS) of "D" or better on the City-wide roadways and intersections, as defined by the functional classification of the street system.*
  - C3.1.3 Require roadway and signal improvements for development projects to minimize decline of existing levels of service.
  - C3.1.7 Minimize the total number of vehicle miles traveled by Sunnyvale residents and commuters.

- *Policy C3.5 Support a variety of transportation modes.*

- *Policy C4.2 Balance land use and transportation system carrying capacity necessary to support a vital and robust local economy.*
  - C4.2.1 Permit industrial FARs up to 35% (and allow warehouse FARs up to 50%), and permit higher FARs in the Futures intensification areas.

- C4.2.2 Study criteria to allow industrial FARs up to 45% by Use Permit in 35% zones, considering at a minimum including:
  - the effect of the project on the regional or City-wide roadway system (e.g. strategies for reducing travel demand, proximity to transit centers, peak hour traffic generation)
  - minimum development size
  - redevelopment and/or lot consolidation
  - that the project is intended primarily for a single user or has common/shared management
  - mitigation of housing impacts
  - the development will result in an overall positive community benefit

GOAL N1 PRESERVE AND ENHANCE THE QUALITY CHARACTER OF SUNNYVALE'S INDUSTRIAL, COMMERCIAL, AND RESIDENTIAL NEIGHBORHOODS BY PROMOTING LAND USE PATTERNS AND RELATED TRANSPORTATION OPPORTUNITIES THAT ARE SUPPORTIVE OF THE NEIGHBORHOOD CONCEPT.

- *Policy N1.1 Protect the integrity of the City's neighborhoods; whether residential, industrial or commercial.*
  - N1.1.1 Limit the intrusion of incompatible uses and inappropriate development into city neighborhoods.
  - N1.1.4 Anticipate and avoid whenever practical the incompatibility that can arise between dissimilar uses.

Industrial/Research and Development

- *Policy N1.6 Safeguard industry's ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.*
- *Policy N1.7 Support the location of convenient retail and commercial services (e.g., restaurants and hotels) in industrial areas to support businesses, their customers and their employees.*
- *Policy N1.8 Cluster high intensity industrial uses in areas with easy access to transportation corridors.*
  - N1.8.1 Require high quality site, landscaping, and building design for higher intensity industrial development.

Housing and Community Rehabilitation Element

C1.1 Continue efforts to balance the need for additional housing with other community values, such as preserving the character of established neighborhoods, high quality design, and promoting a sense of identity in each neighborhood.

Community Design Sub-element

City Image

Goal 2.5A Promote Sunnyvale's image by maintaining, enhancing and creating physical features which distinguish Sunnyvale from surrounding

communities and by preserving historic buildings, special districts and residential neighborhoods which make the City unique.

Goal 2.5C Ensure that buildings and related site improvements for private development are well designed and compatible with surrounding properties and districts.

- *Policy 2.5C.1 Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.*
  - 2.5C.1c. Continue to insure that projects have amenities which make them attractive and that these features are not sacrificed to maximize development potential.
- *Policy 2.5C.2 Review site plans to insure the design is compatible with the natural and surrounding built environment.*
- *Policy 2C.4 Encourage quality architectural design which improves the City's identity, inspires creativity and heightens individual as well cultural identity.*

Fiscal Management Sub-Element

GOAL 7.1A: REVENUE: MAINTAIN AND ENHANCE THE CITY'S REVENUE BASE.

- *Policy 7.1A.1. Revenue base: Maintain a diversified and stable revenue base for the City*
  - 7.1A.1a. Encourage a diversified and stable local economy.
  - 7.1A.1h. Maintain a diversified revenue base, not overly dependent on any land use or external funding source.

Socio-Economic Sub-Element

GOAL 5.1A PRESERVE AND ENHANCE THE PHYSICAL AND SOCIAL ENVIRONMENT AND FACILITATE POSITIVE RELATIONS AND A SENSE OF WELL-BEING AMONG ALL COMMUNITY MEMBERS, INCLUDING RESIDENTS, WORKERS AND BUSINESSES.

- *Policy 5.1A.3 Ensure an integrated planning approach that considers all elements of the City's General Plan in establishing long- or short-range plans, goals and objectives for the City.*

GOAL 5.1B MAINTAIN AND ESTABLISH POLICIES THAT PROMOTE A STRONG ECONOMY WHICH PROVIDES ECONOMIC OPPORTUNITIES FOR ALL SUNNYVALE RESIDENTS WITHIN EXISTING ENVIRONMENTAL, SOCIAL, FISCAL AND LAND USE CONSTRAINTS.

- *Policy 5.1B.1 Provide existing employers with opportunities to expand employment within land use constraints and in accordance with regional planning goals*

- *Policy 5.1B.3 Monitor the effect of City policies on business development and consider the effects on the overall health of business within the City.*

GOAL 5.1C ENDEAVOR TO MAINTAIN A BALANCED ECONOMIC BASE THAT CAN RESIST DOWNTURNS OF ANY ONE ECONOMIC SECTOR.

- *Policy 5.1C.4 Promote business opportunities and business retention in Sunnyvale.*
- *Policy 5.1C.5 Support land use policies that provide a diversified mix of commercial/industrial development.*

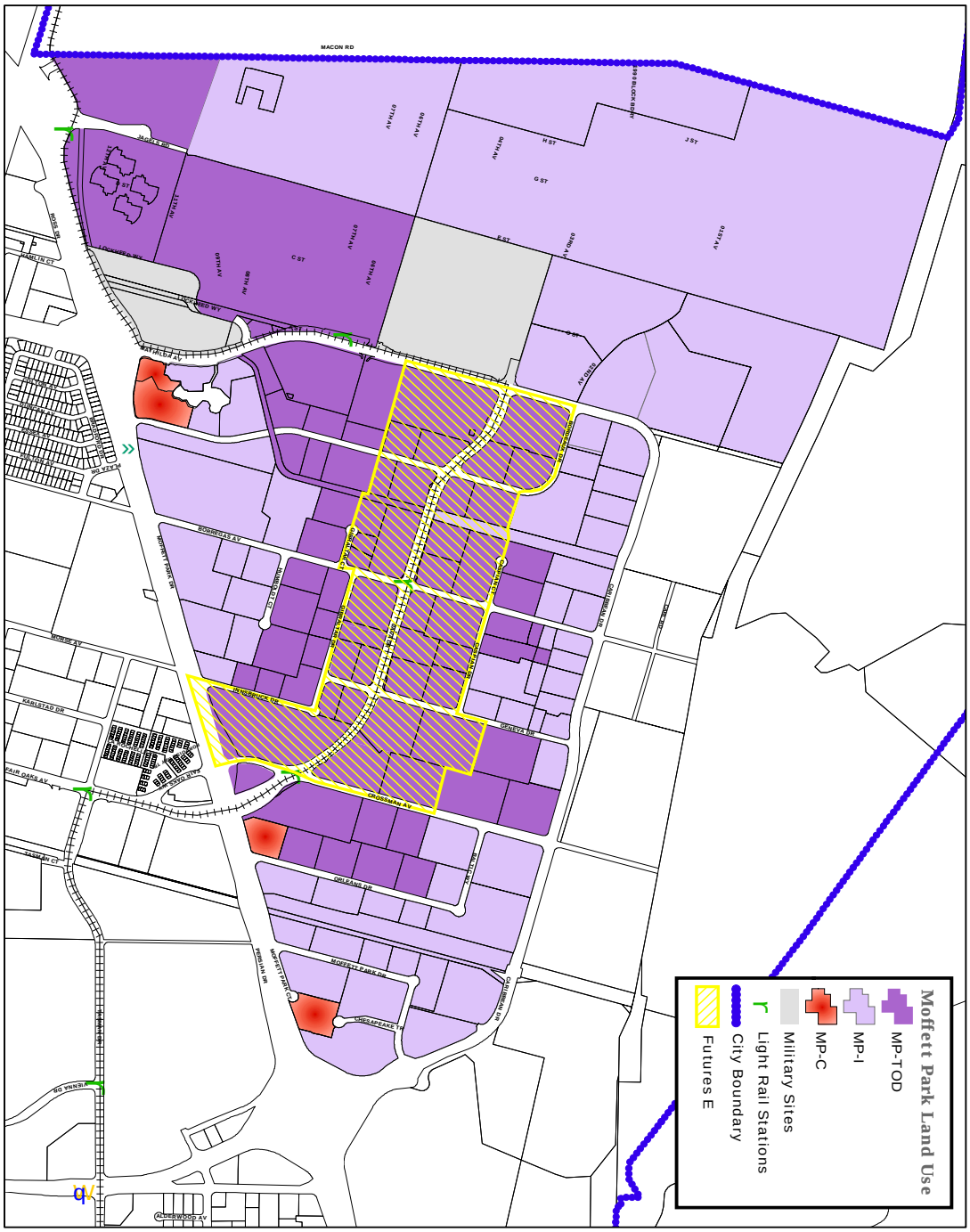
Air Quality Sub- Element

Goal 3.7B Reduce air pollution impacts from future development

- *Policy 3.7B.1 Utilize land use strategies to reduce air quality impact.*
  - 3.7B.1a. Promote extension of transit systems, and locate higher density development/redevelopment along transit corridors.

Goal 3.7C Make a contribution towards improving regional air quality.

- *Policy 3.7B.2 Improve opportunities for citizens to live and work in close proximity.*
  - 3.7C.2a In the Long term, the City should encourage a better balance between jobs and housing than currently exists in Sunnyvale to reduce long distance commuting.



Staff Recommended MPSP Intensities (Expand Futures E to MP-TOD 50%, MP-I 35%, plus Dev. Res.)				
	Acres	**Standard FAR %**	**Max FAR %**	**Total sq. ft. (million)**
Futures E (Replaced by MP-TOD)	*(150)*	*0.50*	*NA*	*0.00*
MP-TOD	462	0.50	0.70	10.06
MP-I	663	0.35	0.50	10.11
MP-C	13		0.40	0.23
Other	18			
Dev. Reserve				3.93
Total	**1,156**			**24.33**

MPSP CHAPTER 5.0 LAND USE AND DEVELOPMENT REGULATIONS

5.1 Purpose and Intent of the Chapter

This chapter establishes the zoning subdistricts for the Moffett Park Specific Plan area, the allowable uses (permitted and conditionally permitted) that apply within each zoning subdistrict, and the development and design standards that apply within each subdistrict. Together, the permitted and conditionally permitted use table and the development and design standards prescribe the allowed development for the Moffett Park Specific Plan area.

The intent of the development and land use standards, together with the design standards is to implement the goals and objectives of the Moffett Park Specific Plan.

The land use regulations, development standards and design standards are consistent with the goals and policies of the General Plan and, in most cases, with the requirements of the Planning and Zoning Code.

5.2 Organization of this Chapter

5.3 General Provisions
5.4 Establishment of Zoning Subdistricts
5.5 Permitted and Conditionally Permitted Uses
5.6 Zoning Subdistrict Development Standards
5.7 Development Reserve and Increased Development Intensity
5.8 Transportation Demand Management
5.9 Signs

5.3 General Provisions

A. Minimum Requirements

The land use and development standards contained herein are minimum requirements. In reviewing individual projects requiring discretionary approval, more restrictive standards or conditions may be applied if deemed necessary to accomplish the goals and objectives of this Specific Plan.

B. Applicability of Development Standards and Guidelines

The land use and development standards contained in this chapter shall apply to all new development, including additions to buildings, exterior changes to buildings, and changes in use, as provided for in Chapter 6 (Implementation and Administration). The design standards contained in Chapter 4.3, shall also apply to the same types of projects.

C. LAND USE

1. Overview

The land use plan for Moffett Park envisions the continued redevelopment of existing low intensity development into higher intensity projects within a high quality business park setting. It is expected that the predominant land use will be Class-A office space. Class A office space can be defined generally as development being built after 1985, providing at least 2 stories, with steel frame or other higher-end construction. Class A development also provides an aesthetically pleasing "high image" architecture with extensive window lines. Other supporting uses, such as research and development, light manufacturing, warehousing, convenience-retail, retail, personal services, lodging, and eating establishments are also encouraged.

The highest intensity development will be encouraged to locate in proximity to the Tasman Light Rail Corridor. In support of this higher intensity development, commuters using the light rail system, convenience, commercial, and personal service uses are also encouraged adjacent to Moffett Park's four light rail stations.

The primary land use types that are encouraged for the Moffett Park Specific Plan area are described below.

a. Office

i. Class A office. This is high-end, contemporary office space with a minimum total square footage of over 100,000 square feet and large floor plates. This type of office space is attractive to companies who are interested in a corporate headquarters or "flagship" office. Class A office space can be defined generally as development being built after 1985, providing at least 2 stories, with steel frame or other higher-end construction. Class A development also provides an aesthetically pleasing "high image" architecture with extensive window lines. It is the goal of the City to encourage this type of business anchor to diversify and generate economic activity.

ii. Class B office. This is usually space that has not been custom designed for the current tenant. It often exists in office buildings that are being reused, in buildings that were not originally intended for office use (such as converted warehouses), or in buildings that were designed for another primary use, such as retail, with office as a secondary use. Class B office space is generally built after 1980, one to two story with limited window lines. The City encourages the remodeling of this type of office space.

iii. Research and Development. This is primarily an office-type use with limited processing of materials or assembly of products. This category includes facilities for scientific research, investigation, testing or experimentation. A particular concern with these types of facilities could be use and storage of hazardous materials. Research and Development facilities are permitted in the Moffett Park Specific Plan to provide a mix of business options and to support the Class A office facilities.

b. Light Manufacturing and Warehousing.

i. Light Manufacturing. The uses in this category will include research, limited processing, compounding, assembly, packaging, and repairing of materials and products at a level of impact that is compatible with high quality corporate office-type development. The light manufacturing category does not include heavy industrial uses, such as foundries, stamping or rolling mills, manufacturing of heavy equipment, processing or bulk storage of feed, fertilizer, gravel, sand, asphalt, and similar materials, processing of animals and animal by-products, or the processing or bulk storage of petroleum products.

ii. Warehousing. This category includes the inside storage and distribution of products and materials. This category does not include truck terminal facilities for the handling of freight. Newer data centers and server farms would be grouped in this classification.

c. Retail and Service Commercial.

i. Local-serving retail and services: The term “local-serving” means that products and services are directed to Moffett Park businesses and employees for daily consumption. Examples are markets, banks, office supply, cleaners, and personal care. These types of uses are encouraged in close proximity to the light rail stations where employees of Moffett Park businesses can take advantage of the convenient goods and services offered. These types of use are typically comprised of individual tenant spaces of 10,000 square feet or less.

ii. ***Destination retail and services.*** "Destination" means that products and services are unique and marketed to a consumer base that extends beyond the Moffett Park area. Examples that are appropriate for Moffett Park include "big box" and warehouse-type retail, such as electronics, furniture, and appliances. The typical development of this type of use is comprised of an individual tenant greater than 10,000 square feet. These types of uses are suitable on parcels with visibility from SR 237 and generally within the MP-I zone do to the car centric tendencies of the development.

d. Lodging and Eating Establishments.

i. ***Hotels.*** Hotels are encouraged to locate in the Moffett Park area to serve business travelers. High quality hotels that provide hospitality services, and conference facilities and other amenities benefiting local businesses are encouraged. The most appropriate locations would be those in close proximity to the light rail stations and SR 237.

ii. ***Restaurants.*** Restaurants catering to local business, lodging establishments, and daytime population are encouraged within Moffett Park.

5.4 Zoning Subdistricts

A. Establishment of Zoning Subdistricts.

The Moffett Park Specific Plan area is comprised of three distinct subdistricts as indicated on the Specific Plan Land Use Map. The purpose and intent of each land use subdistrict is as follows:

- Moffett Park- Transit Oriented Development (MP-TOD)
- Moffett Park – General Industrial (MP-I)
- Moffett Park- Commercial (MP-C)

Each of these districts has varying levels of FAR intensities (Exhibit 2-5). In addition to the new subdistricts, a "floating" development reserve of an additional 3,900,000 square feet can be applied to most parcels in the MP-TOD and MP-I subdistricts, provided they meet precise criteria within the Specific Plan. A Transfer of Development Rights (TDR) program is also available for most parcels within the MP-TOD and MP-I subdistricts, provided they meet precise criteria. The Specific Plan has an ultimate development potential total of approximately 24.3 million square feet.

B. Moffett Park Transit Oriented Development MP-TOD

The purpose of the MP-TOD subdistrict is to encourage higher intensity uses that can best take advantage of locations in close proximity to the Tasman Light Rail Corridor. The MP-TOD subdistrict provides approximately 462 acres primarily for office, commercial, and industrial development at an allowable intensity of 50% FAR. The ultimate development potential within the MP-TOD subdistrict is a total of 10.06 million square feet. In addition, the allowable floor area ratio may be increased to 70% FAR by utilizing the Development Reserve and/or the TDR program as outlined in the Specific Plan.

The MP-TOD subdistrict is intended for the construction, use, and occupancy of buildings for office, corporate headquarters, research, and limited manufacturing; as well as ancillary uses that include hotels, restaurants, financial institutions, retail sales and services, professional services, and similar compatible uses. Accessory uses for the benefit of onsite employees (e.g., child care, recreational facilities, cafeterias) are also allowed and encouraged.

Military Parcels

There are two military sites that are located in the MP-TOD subdistrict and identified on Exhibit 2-4. These sites are considered stable uses within the proposed Specific Plan and the accompanying EIR. These sites are not intended to have increased development intensity beyond their current levels. Future development intensification on these sites has not been evaluated within the scope the Moffett Park Program EIR and would require subsequent environmental analysis prior to approval of a development permit. These sites are exempt from participating in the Development Reserve and the Transfer of Development Rights program.

C. Moffett Park General Industrial MP-I

The MP-I subdistrict is intended for general industrial development at moderate FAR due to its proximity to regional transportation facilities and transit services. The MP-I subdistrict provides approximately 663 acres and is intended for the construction, use, and occupancy of buildings for primarily office, warehouse, and general industrial development at an allowable intensity of 35% FAR. Warehouses have an allowable 50% FAR maximum. The ultimate development potential within the MP-I subdistrict is a total of 10.11 million square feet at the 35% FAR threshold. In addition, the allowable FAR may be increased to 50% for all development by utilizing the Development Reserve and/or TDR program as outlined in the Specific Plan.

Also allowed are ancillary uses that include hotels, restaurants, financial institutions, retail sales and services, professional services, and similar compatible uses. Accessory uses for the benefit of onsite employees (e.g., child care, recreational facilities, cafeterias) are also allowed and encouraged.

D. Moffett Park Commercial MP-C

The MP-C subdistrict purpose is to provide support services to the Moffett Park Plan area. The MP-C subdistrict provides for approximately 13 acres of limited commercial development at an allowable intensity of 40% FAR. The ultimate development potential within the MP-C subdistrict is a total of 250,000 square feet. The MP-C subdistrict is intended for the construction, use, and occupancy of building for hotels, restaurants, retail sales and services, and professional services, and other similar supportive commercial uses.

5.5 Permitted and Conditionally Permitted Uses

Table 5-1: Permitted and Conditionally Permitted Uses sets forth those uses that are permitted or conditionally permitted within the specific plan area and the type of permit that is required. It shall be a violation to:

- Engage in any use that is not specifically listed in Table 5-1.
- Engage in a use requiring discretionary approval without obtaining the required permit.
- Engage in a use that is a conditional use without complying with the imposed conditions;

A. Definitions

Refer to the City of Sunnyvale Municipal Code Title 19.

B. General requirements for allowable Uses.

Table 5-1 identifies the primary land uses for each subdistrict, whether the use is allowed or not allowed.

1. Permitted (P). Uses shown with a “P” are allowed subject to compliance with all applicable provisions of this Specific Plan and the Sunnyvale Municipal Code. Building Permits, Design Review, or other permits may also be required by the Municipal Code. Development exceeding the Standard FAR limit will be reviewed through a Moffett Park Miscellaneous Plan Permit.

2. Special Development Permit (SDP). Uses shown with an “SDP” are allowed subject to the approval of a Special Development Permit issued in compliance with Title 19 of the Municipal Code.

3 Miscellaneous Plan Permit (MPP). Uses shown with an “MPP” in the tables are allowed subject to the approval of a Miscellaneous Plan Permit issued in compliance with Title 19 of the Sunnyvale Municipal Code.

4. Not Permitted (N). Uses shown with an “N“ are not allowed.

TABLE 5.1
Permitted and Conditionally Permitted Uses

Use			Specific Plan Subdistrict		
			MP-TOD	MP-I	MP-C
1.		Office, Research and Development			
	A.	Administrative, professional, medical, research and development, and corporate offices (no manufacturing, processing or assembly.	P	P	N
	B.	Medical offices and clinics	SDP	P	SDP
	C.	Financial institutions (except drive-throughs)	P	P	P
	D.	Research and development related to the manufacture, processing, and assembly of products	SDP	SDP	N
2.		Manufacturing and Warehousing [1]			
	A.	Plants and facilities for the assembly, compounding, manufacturing, packaging, processing, repairing or treatment of equipment, materials, merchandise, or products. (Non hazardous materials only – refer to section 10 below)	SDP	P	N
	B.	Wholesale or commercial storage or warehousing of merchandise or products within a building, and no outdoor storage.	N	P	N
	C.	Electronic data storage and data server farms	N	P	N
3.		Retail Commercial			
	A.	Bakeries	P	P	P
	B.	Drive-through businesses, except restaurants	SDP	SDP	SDP

Use			Specific Plan Subdistrict		
			MP-TOD	MP-I	MP-C
	C.	Retail sales businesses (under 10,000 sq. ft.)	P	P	P
	D.	Destination retail (>10,000 sq. ft.)	N	SDP	N
4.		Service Commercial			
	A.	Custom fabricators	P	P	N
	B.	Printers, copiers, and engravers using chemical processes	SDP	SDP	N
	C.	Repair shops for household appliances and wearing apparel	P	P	P
	D.	Retail service uses, such as copiers, engravers, and locksmiths (less than 10,000 sq. ft.)	P	P	P
	E.	Self storage “mini warehousing”	N	N	N
5.		Personal Service			
	A.	Childcare centers small business sponsored (maximum 14 children)	MPP	MPP	N
	B.	Childcare centers, large business sponsored (maximum 30 children)	SDP	SDP	N
	C.	Educational uses, with or without dormitories (excluding children or childcare)	SDP	SDP	N
	D.	Laundry and cleaning business and self-operated laundries and cleaners	P	P	P
	E.	Personal service businesses (i.e, hair salon, barber, cosmetology)	MPP	MPP	MPP
6.		Eating/Drinking Establishments[2]			
	A.	Drive-through restaurants	N	SDP	SDP
	B.	Nightclubs and cocktail lounges, where alcoholic beverages are sold and consumed	SDP	SDP	SDP
	C.	Restaurants and fast food restaurants not serving alcoholic beverages, no drive-through	MPP	MPP	MPP
	D.	Restaurants and fast food restaurants which serve alcoholic beverages, no drive-through	SDP	SDP	MPP
	E.	Take-out restaurants, no drive-through	MPP	MPP	MPP

Use			Specific Plan Subdistrict		
			MP-TOD	MP-I	MP-C
7.		Automotive			
	A.	Automotive service stations. (retail sales not allowed)	SDP	SDP	SDP
	B.	Car wash facilities	N	SDP	SDP
8.		Public Facilities			
	A.	Public transportation facilities	SDP	SDP	SDP
	B.	Public utility buildings and service facilities	SDP	SDP	SDP
	C.	Public Parks	P	P	P
	D.	City Facilities (i.e., fire station, police station, etc)	P	P	P
9.		Boarding/Lodging			
	A.	Hotels or motels	SDP	SDP	MPP
	B.	Single Resident Occupancies	SDP	SDP	SDP
10.		Other			
	A.	Accessory structures, including emergency generators(non-hazardous materials)	SDP	SDP	SDP
	B.	Adult business establishment	N	N	N
	C.	Emergency shelter containers (ARKs) meeting criteria described in Section 19.22.05 of the Zoning Ordinance	P	P	P
	D.	Emergency shelter containers other than ARKs	SDP	SDP	N
	E.	Hazardous materials storage as defined in Titles 20 and 21 of the Municipal Code	P	P	N
	F.	Hazardous materials storage facilities which meet the criteria of Section 19.22.060 of the Zoning Code	MPP	MPP	N
	G.	Hazardous materials storage facilities which do not meet the criteria of Section 19.22.060 of the Zoning Code	SDP	SDP	N
	H.	Hazardous wastes management facilities which meet the criteria of Section 19.22.070 of the Zoning Code	SDP	SDP	N

Use			Specific Plan Subdistrict		
			MP-TOD	MP-I	MP-C
	I.	Incidental and accessory storage, mechanical equipment which meet criteria in Chapter 19.82 of the Zoning Code (5 percent net coverage and screened)	MPP	MPP	MPP
	J.	Incidental and accessory storage, mechanical equipment which meet criteria in Chapter 19.82 of the Zoning Code (greater than 5 percent net coverage and screened)	SDP	SDP	SDP
	K.	Recycling centers	SDP	SDP	N
	L.	Storage of vehicles incidental to the allowed use	MPP	MPP	MPP
	M.	Telecommunications facilities	Per Title 19 (Zoning Code)		
	N.	Recreational facilities – Accessory Facility (indoor/outdoor)	MPP	MPP	N
	O.	Athletic, cultural, or recreational enterprise	SDP	SDP	SDP
	P.	Places of assembly, Business Supporting	SDP	SDP	SDP
	Q.	Places of assembly, Non-Business Supporting	N	N	N

Notes: 1. Non-hazardous materials only.
2. Live entertainment requires an SDP.

5.6 Zoning district development standards.

New land uses and structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with the requirements identified in Table 5-2 (Zoning District Development Standards), in addition to the general development standards and the applicable standards for landscaping, off-street parking and loading, signs, etc.

TABLE 5.2
SPECIFIC PLAN SUBDISTRICT DEVELOPMENT STANDARDS

Development Feature	MP-TOD	MP-I	MP-C
Minimum Parcel Size	22,500 sq. ft.	22,500 sq. ft	22,500 sq. ft.
Minimum Parcel Width	100 feet	100 feet	100 feet
Minimum Parcel Depth	150 feet	150 feet	150 feet
Standard Limitation Floor Area Ratio (FAR)	50%	35%	40%
Maximum Floor Area Ratio (FAR)[2,5]	70%	50%	40%
Maximum lot coverage	45%	45%	45%
Setbacks Required (from property line)			
Front (Adjacent to Mathilda Ave. and Java Dr.)	25 feet (15 feet)	25 feet	25 feet
Side (each) [(1)]	20 feet	20 feet	20 feet
Street side (Adjacent to Mathilda Ave and Java Dr.)	25 feet (15 feet)	25 feet	25 feet
Rear	None	None	25 feet
Accessory buildings	See Section 5.9.		
Maximum Height Limit [(2)(3)]	75 feet or 8 stories		
Landscaping provisions	See Section 5.10.		
Off-street Parking and Loading provisions	See Section 5.11.		
Sign provisions	See Section 5.13.		

Notes:
1. Side yards may be increased in compliance with Title 19 of Sunnyvale Municipal Code.
2. Hotels may exceed 75 feet with approval of a SDP and are not subject to FAR requirements.
3. Access to Development Reserve or TDR may go up to max 125 ft.
4. Warehouse uses standard limitation and maximum of 0.50 FAR.
5. Any development above the standard FAR limitation shall be processed as a MP-MPP

A. Exceptions to height limits. Exceptions to the height limits shall apply in accordance with the provisions of Title 19.

B. Off-street Parking. Parking ratios and standards as listed in the Sunnyvale Municipal Code are applicable to the uses within MPSP except as otherwise specifically set forth below.

Vehicle Parking Standards

1. Off street parking ratios for all general office, general industrial, and corporate headquarter land uses within the MPSP shall be governed by a minimum parking standard of one space per 500 square feet and maximum of one space per 330 square feet.

2. Uses subject to a Transportation Demand Management (TDM) plan may reduce parking consistent with the provisions of the TDM plan.

C. Bicycle parking required. Bicycle parking shall be provided in compliance with Table 5-4 below.

Table 19.29.090

Bicycle Parking Requirements – Moffett Park

Land Use Type [(1)]	Required Spaces
Office Uses	1/6000 sq. ft. (75% Class I & 25% Class II.
Industrial Uses	Class I/30 employees or Class I/1500 sq. ft.
Hotels/Motels	Class I/30 rooms + Class I/30 employees
Commercial	Class I/30 employees + Class II/6,000 sq. ft.

Class I: facilities that protect the entire bicycle from theft, vandalism and inclement weather. Appropriate for long-term (2 or more hours). Examples include bike lockers, rooms with key access, guarded parking areas, and valet/check-in parking.

Class II: A bicycle rack to which the frame and at least one wheel can be secured with a user-provided U-lock or padlock and cable.

(1) Land use type shall be determined at the discretion of the Director of Community Development.

5.7 Increased Development Intensity (Development Reserve and Transfer of Development Rights)

A. Applicability.

An increase in development intensity over the standard floor area ratio (FAR) limitation may be granted for parcels in the MP-TOD and MP-I subdistricts through access to the Development Reserve or through Transfer of Development Rights, as described in Subsection B, below. When requesting an increase in development intensity, project applicants shall comply with supplementary development criteria established in this section.

Development intensity may be increased either by accessing the Moffett Park Specific Plan Development Reserve (see Section 5.7.C below) or by obtaining additional development intensity through a transfer of development rights by private agreements (see Section 5.7.D, below).

B. Allowed increases in development intensity. An increase in development intensity through use of the Development Reserve or Transfer of Development Rights may be allowed as follows:

Table 5-3

MP-TOD[1]	Up to 70% FAR
MP-I	Up to 50% FAR
MP-C	No increase allowed

1. Military parcels are not eligible.

C. Development Reserve

1. Applicability.

The Moffett Park Specific Plan has established a 3,930,000 square foot development reserve that may allow project applicants to increase their allowed development intensity as provided in ***Table 5-3***. The minimum parcel size to access the development reserve shall be 25,000 square feet.

2. Prior Development Reserve Accountability.

Development in the Moffett Park area prior to January 1, 2001, that exceed the 35% FAR threshold were established through a Use Permit from the City of Sunnyvale. Development occurring after January 1, 2001 that exceeds the proposed standard FAR limitations (MP-I 35%, MP-TOD

50%) shall be deducted from the Moffett Park Specific Plan development reserve immediately upon institution

3. Accessing and using the development reserve.

A project applicant may request access to the development reserve for a specific increase in the allowed floor area ratio for a specific parcel of land by filing an application for a Moffett Park Miscellaneous Planning Permit with the Department of Community Development. Access will be granted on a “first-come-first-serve” basis subject to approval of the Moffett Park Miscellaneous Planning Permit.

In order to promote the development of Class A offices and corporate headquarters in the Moffett Park Specific Plan area, a streamlined development review process has been developed. Projects shall be eligible for streamlined access to the development reserve if the project:

- complies with all zoning and development standards for the Moffett Park Specific Plan area,
- commits to designing and building to a LEED Certified standard
- commits to a TDM plan with 20% total and 30% peak hour trip reduction

Approved Moffett Park Miscellaneous Plan Permits that access the development reserve have a two-year entitlement. Two separate one-year extensions may be filed for by the applicant and may be granted at the discretion of the Director of Community Development. A seven-year entitlement to access the development reserve shall be allowed for projects with an approved Moffett Park Miscellaneous Plan Permit and pre-payment of a non-refundable 33% of required traffic mitigation.

Projects requesting an exemption for the development standards for streamlined permit shall be subject to review and approval of a SDP by the Planning Commission.

4. Required Design Features for Use of the Development Reserve

a. LEED. The U.S. Green Building Council (USGBC). has developed a green building rating system, called LEED (Leadership in Energy and Environmental Design), for rating new or existing commercial, institutional and high-rise residential buildings in any location. LEED is a self-assessing system designed for rating new and existing commercial, institutional, and high-rise residential buildings. It evaluates environmental performance from a "whole building" perspective over a building's life cycle, providing a definitive standard for what constitutes a green building. LEED is based on accepted energy and environmental principles and strikes a balance between known effective practices and emerging concepts. Examples and recommendations are included in Appendix A.

b. Dedicated Park and Ride Facilities required. All new development and redevelopment within the MP-TOD subdistrict requesting additional development square footage above the standard FAR limitation of this Chapter shall provide dedicated, publicly accessible park and ride parking spaces within private development. These facilities shall only be required for parcels within ¼ mile of a transit station or a major bus/transit facility, as determined by the review authority. Park and Ride facilities shall be installed at a rate of 2 percent of required carpool spaces, pursuant to Section 5.10.C.3.

c. Transportation Demand Management. All applicants granted use of the development reserve shall be required to submit a TDM Strategy Plan in compliance with Section 5.11of these regulations. In addition to a 20% overall trip reduction, projects shall include a plan to achieve a 30% peak hour trip reduction.

5. **Development Reserve Availability on Record.** The Community Development Director shall keep on record a listing of the available remaining square footage in the development reserve, including the cumulative square footage exhausted and square footage available for use. As of October 1, 2002, existing development square footage availability is approximately 3.3 million square feet.
A development application shall not be determined to be complete unless thebalance of the Development Reserve is greater than or equal to the request. Square footage will be temporarily removed from account upon an application being deemed complete.

6. **Development Reserve Exhausted.** If all available square footage in the development reserve is entitled, the Development Reserve shall be determined exhausted. Future development shall not be granted additional development square footage pursuant to this section upon exhaustion of the development reserve. If an entitlement is not exercised within the prescribed timeframe, the square footage shall return to the reserve for future consideration.

D. Transfer of Development Rights

1. **Definition.** A transfer of development rights means an entitlement to construct additional building square footage above that normally allowed on a predetermined parcel (receiver parcel) when an equal amount of potential building square footage is transferred by mutual agreement from another parcel (donor parcel) that does not intend to develop to the standard FAR allowed square footage.

2. **Applicability[1].** An allocation of square footage may be transferred from one or more parcels (donors) to another parcel (receiver) within the MP-TOD and MP-I subdistricts to the extent shown in Table 5-3. The amount of building square footage that may be transferred from a donor parcel shall be calculated using the difference between existing development on site plus approved but not built entitlements and the standard FAR limitation. The amount of building square footage that may be allocated to a receiver parcel shall be calculated using the "Maximum FAR".
[Example: On a 5 Acre site in the MP-I with 28% FAR (60,984 sq. ft.) of development on the ground and has an approval for and additional 5% FAR (10,890 square feet) to expand its facilities. The subject parcel then has 2% of its FAR or 4,356 square feet to donate to another parcel. (28% + 5%-35%=2%)]

   The receiver parcel shall have a minimum gross area of 10 acres. A receiver parcel may obtain allocations from one or more donor parcels.

   When development rights are transferred, all such rights are thereafter depleted with regard to the donor parcel.

3. **Approval process for Transfer of Development Rights.** A Moffett Park Miscellaneous Plan Permit shall be required to authorize a transfer of development rights and the City shall be a party to an agreement between the property owners transferring and receiving the development rights. The agreement(s) shall be recorded with the County Recorder's Office

   The transfer of development rights may be authorized through approval of an Moffett Park Miscellaneous Plan Permit with a finding that the receiver parcel has sufficient area to accommodate the increased intensity of development, that the impacts of the development will be mitigated to a satisfactory level, and that the total development meets all of the applicable requirements of the City's General Plan, provisions of this Specific Plan, and Zoning Code.

4. **Required Development Standards – Transfer of Development Rights**

   All development proposing to utilize Transfer of Development Rights shall comply with the standards for accessing the Development Reserve described above.

5.8 Transportation Demand Management

1. Military parcels and MP-C subdistrict parcels are not eligible.

A. Findings. The City of Sunnyvale finds that: (a) Growth and expansion experienced in the region has contributed to the increased demand on local transportation systems. The increased demand results in traffic congestion, greater traffic volumes, and declining air quality. (b) Transportation Demand Management is intended to promote more efficient utilization of existing transportation facilities and to ensure that new developments are designed to maximize the potential for alternative modes of transportation.

B. Definition. *"Transportation Demand Management (TDM)"* incorporates a variety incentives, services, actions, and physical improvements that influence the reduction of automobile trips in order to provide additional relief from congestion, parking and air quality impacts.

C. Transportation Demand Management Plan Required. A Transportation Demand Management Plan shall be required for any application for development, or use within the Specific Plan area with a development intensity in excess of 2001 General Plan permitted. The TDM plan shall provide a detailed description of the strategies to be employed to reduce work-related trips and vehicle miles traveled. Plans shall also address penalties for non-compliance with performance goals. Plans shall be in compliance with the provisions set forth in this Chapter.

Exception: Warehousing uses under 50% FAR are not be required to prepare a TDM plan, although all uses and development are encouraged to practice Transportation Demand Management to reduce vehicle trips into and out of the Moffett Park Specific Plan area.

D. Transportation Demand Management Performance Goal. All uses and legal businesses established within the Specific Plan area in excess of 2001 General Plan land use intensities shall comply with a total trip reduction goal of at least twenty percent. Once a project surpasses 2001 General Plan levels the TDM is applicable to all development on site, including existing development. The methods for achieving this adopted goal shall be reflected in TDM plans submitted to the City of Sunnyvale.

E. Review of TDM Plans. The City of Sunnyvale shall provide the applicant with a written notification, describing the TDM program An application

determined to be insufficient will include written reasons for the deficiency and provide suggestion for remedies. as being sufficient or insufficient. Any written notification that describes a TDM program as being insufficient must also provide specific reasons for the finding and suggested remedies

F. **Notice of Implementation of Transportation Demand Management Plan Required.** Within six months after Occupancy of a site subject to a TDM plan, the property owner or employer shall submit notification to the Director of Community Development that the approved TDM plan is being implemented.

G. **Annual Reporting Requirement.** The TDM program shall include an annual review of employee commuting patterns including but not limited to time and method. The progress and good faith efforts toward meeting stated goals shall be discussed. If deficiencies are evident, the report shall address proposed methods of compliance. Annual reports shall be submitted to the Director of Community Development. If the Director finds that there are deficiencies and the methods for compliance are found not to address those deficiencies, penalties may be imposed.

H. Minimum Standards of Performance- TDM Plans

1. **Purpose.** The purpose of the Minimum standards of performance requirements is to reduce the demand for automobile commute trips by ensuring that the design of major nonresidential development projects accommodates facilities for alternative modes of transportation.

2. **Applicability.** Development and redevelopment within the Moffett Park Specific Plan which exceeds 2001 General Plan development intensity levels, shall meet the following requirements. Refer to Table 6-1.

3. **Transportation Information Display.** A transportation information display, such as a bulletin board, display case or kiosk, shall be located on the development site, situated so as to be seen by the greatest number of employees. Information displayed shall include without limitation current maps, routes and schedules for public transit routes serving the development; telephone number of referrals for transportation information including the numbers for the regional ridesharing agency and local transit operators; ridesharing promotional materials; bicycle routes and facility information; and a listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders, and pedestrians at the development.

4. **Optional Requirements -** the following are examples of additional methods that may be included in a TDM plan to reduce vehicle trips.

   a. **TDM Coordinator.** The employer shall have the option to designate a TDM coordinator to administer the TDM program. The coordinator and/or designee's name, location, and contact information must be

displayed in a prominent location at each affected worksite of the employer. The TDM coordinator shall manage all elements of the employer's TDM program and serve as the principal contact between the employer and the City of Sunnyvale.

b. **TMA Participation.** Development projects shall have the option of participating in the Moffett Park Business and Transportation Management Association (or similar organization).

c. **Carpool and Vanpool Loading Area.** An optional passenger loading area for carpool and vanpool vehicles may be provided on site. At a minimum, the area shall be of sufficient size to accommodate the number of waiting vehicles equivalent to 10% of the required number of carpool and vanpool spaces.

d. **Bus Stop and Transit Stop Improvements.** Bus stop improvements, including bus pullouts, bus pads and right-of-way for bus shelters may be required as mitigation measures as determined by the Director of Community Development.

I. **TDM Plan Elements – Program and Service Measures.** In addition to the mandatory program elements describe in Section 5.8.A through 5.8.D above, the employer's TDM plan shall provide additional elements as necessary to meet stated TDM goals. These elements may include, but shall not be limited to the following:

(1) Carpool programs
(2) Vanpool Programs
(3) Public Transit Programs
(4) Parking Programs
(5) Pedestrian Programs
(6) Bicycle Incentives and Lending Programs
(7) Promotional Activity Programs
(8) Telecommuting
(9) Alternative Work Scheduling
(10) Paid parking permits
(11) Alternative fuel vehicles incentives

J. **Supplementary TDM Plan Elements – Planning and Design Measures.** In addition to the mandatory program elements described in Section 5.11.A through 5.8.D above, the employer's TDM plan shall provide additional elements as necessary to meet stated TDM goals. These planning and

design measures may include, but shall not be limited to, any or more of the following:

(1) Building design/layout (Direct Transit Access, Dedicated Pedestrian Access)
(2) Transit Design Elements (Bus Turnout/Shelters)
(3) Parking Design Measures (Shared Parking Carpool, Vanpool)
(4) Pedestrian Design Measures (Pedestrian Malls, On-Site Pedestrian Circulation)
(5) Bicycle Design Measures (Storage Facilities)
(6) On-site Amenities (Loading/Unloading, Daycare, Dining Facilities)

NON-COMPLIANCE PENALTIES

As part of the accepting the TDM as sufficient, a Non-Compliance Penalty section shall be included in the plan. At a minimum the penalty for non-compliance shall be greater than the estimated cost of providing for a per trip reduction. Final determination of the penalty structure shall be approved by Staff.

5.9 Signs.

All signage shall comply with the requirements as set forth in Chapter 19.44 of the Sunnyvale Municipal Code.

B. Exception. In addition to the requirements set forth in the Municipal Code, the Master Sign Agreement shall also allow flexibility in the location and number of wall signs and ground signs for large-scale corporate facilities and multiple tenant facilities. Such flexibility shall be at the discretion of the Director of Community Development.

5.6 Zoning district development standards New land uses and structures, and alterations to existing uses or structures shall be designed, constructed, and/or established in compliance with the requirements identified in Table 5-2 (Zoning District Development Standards), in addition to the general development standards and the applicable standards for landscaping, off-street parking and loading, signs, etc.

TABLE 5.2

Development Feature	MP-TOD	MP-I	MP-C
Minimum Parcel Size	22,500 sq. ft.	22,500 sq. ft	22,500 sq. ft.
Minimum Parcel Width	100 feet	100 feet	100 feet
Minimum Parcel Depth	150 feet	150 feet	150 feet
Standard Limitation Floor Area Ratio (FAR)	0.55	0.40	0.40
Maximum Floor Area Ratio (FAR)[2,5]	0.70	0.50	0.40
Maximum lot coverage	45%	45%	45%
Setbacks Required (from property line)			
Front (Adjacent to Mathilda Ave. and Java Dr.)	25 feet (15 feet)	25 feet	25 feet
Side (each) [(1)]	20 feet	20 feet	20 feet
Street side (Adjacent to Mathilda Ave and Java Dr.)	25 feet (15 feet)	25 feet	25 feet
Rear	None	None	25 feet
Accessory buildings	See Section 5.9.		
Maximum Height Limit [(2)(3)]	75 feet or 8 stories		
Landscaping provisions	See Section 5.10.		
Off-street Parking and Loading provisions	See Section 5.11.		
Sign provisions	See Section 5.13.		

Notes:

1. Side yards may be increased in compliance with Title 19 of Sunnyvale Municipal Code.
2. Hotels may exceed 75 feet with approval of a SDP and are not subject to FAR requirements.
3. Access to Development Reserve or TDR may go up to maximum 125 ft.
4. Warehouse uses standard limitation and maximum of 0.50 FAR.
5. Any development above the standard FAR limitation shall be processed as a SDP

5.7 Increased Development Intensity (Development Reserve and Transfer of Development Rights)

A. Applicability.

An increase in development intensity over the standard floor area ratio (FAR) limitation may be granted for parcels in the MP-TOD and MP-I subdistricts through access to the Development Reserve or through Transfer of Development Rights, as described in Subsection B, below. When requesting an increase in development intensity, project applicants shall comply with supplementary development criteria established in this section.

Development intensity may be increased either by accessing the Moffett Park Specific Plan Development Reserve (see Section 5.7.C below) or by obtaining additional development intensity through a transfer of development rights by private agreements (see Section 5.7.D, below).

C. Allowed increases in development intensity. An increase in development intensity through use of the Development Reserve or Transfer of Development Rights may be allowed as follows:

Table 5-3

MP-TOD[1]	Up to 70% FAR
MP-I	Up to 50% FAR
MP-C	No increase allowed

1 Military parcels are not eligible.

C. Development Reserve

3. Applicability.

The Moffett Park Specific Plan has established a 2,000,000 square foot development reserve that may allow project applicants to increase their allowed development intensity as provided in ***Table 5-3***. The minimum parcel size to access the development reserve shall be 25,000 square feet.

4. Prior Development Reserve Accountability.

Development in the Moffett Park area prior to January 1, 2001, that exceed the 35% FAR threshold were established through a Use Permit from the City of Sunnyvale. Development occurring after January 1, 2001 that exceeds the proposed standard FAR limitations (MP-I 40%, MP-TOD

55%) shall be deducted from the Moffett Park Specific Plan 2,000,000 square foot development reserve.

5. Accessing and using the Development Reserve.

A project applicant may request access to the development reserve for a specific increase in the allowed floor area ratio for a specific parcel of land by filing an application for a Special Development Permit with the Department of Community Development. Access will be granted on a "first-come-first-serve" basis at the discretion of the City.

Projects shall be eligible to apply for access to the development reserve if they include mitigation measures to significantly reduce or eliminate potential impacts of the project.

The decision making body may approve the SDP, conditionally approve the permit by requesting that the applicant provide additional mitigation measures, or deny the permit.

Approved SDP's that access the development reserve, without signing a development agreement to exercise their permit, have a two-year entitlement. Two one-year extensions may be granted at the discretion of the Director of Community Development.

6. Development criteria.

a. Provision of on-site amenities required. All new development and redevelopment within the Moffett Park Specific Plan project area requesting additional development square footage above the standard FAR limitation of this chapter shall provide on-site amenities. On-site amenities shall be defined as structures or other on-site features that provide a positive contribution to site design, utilization, and function. Site amenities may include seating areas, benches, publicly accessible plazas, enhanced paving, fountains, dedicated pedestrian areas, water features, plazas, internal trail systems, or others similar uses as deemed appropriate by the decision-making body.

b. Energy Conservation required. All new development and redevelopment requesting additional development square footage above the standard FAR limitation of this Chapter shall demonstrate the incorporation of resource-efficient methods of construction, renovation, operation, maintenance, and demolition. Appropriate techniques and methods for energy conservation shall include building and site design features, materials, equipment and practices that demonstrate tangible and measurable conservation benefits. Examples of energy conservation are included in Appendix A.

Examples in Appendix A of this Specific Plan are based upon guidelines and recommendations of the U.S. Green Building Council (USGBC). USGBC has developed a green building rating system, called LEED (Leadership in Energy and Environmental Design), for rating new or existing commercial, institutional and high-rise residential buildings in any location. LEED is a self-assessing system designed for rating new and existing commercial, institutional, and high-rise residential buildings. It evaluates environmental performance from a "whole building" perspective over a building's life cycle, providing a definitive standard for what constitutes a green building. LEED is based on accepted energy and environmental principles and strikes a balance between known effective practices and emerging concepts.

c. Dedicated Park and Ride Facilities required. All new development and redevelopment within the MP-TOD subdistrict requesting additional development square footage above the standard FAR limitation of this Chapter shall provide dedicated, publicly accessible park and ride parking spaces within private development. These facilities shall only be required for parcels within ¼ mile of a transit station or a major bus/transit facility, as determined by the decision-making body. Park and Ride facilities shall be installed at a rate of 2 percent of required carpool spaces, pursuant to Section 5.10.C.3.

d. Transportation Demand Management. All applicants granted use of the development reserve shall be required to submit a TDM Strategy Plan in compliance with Section 5.11of these regulations. All TDM plans shall provide peak hour thresholds, as determined during the SDP process.

e. Community benefit. At the discretion of the Community Development Director, a finding of community benefit may be substituted for required criteria, as established in this section. Eligible activities may include;

i. Fund or provide community facilities
ii. Fund or provide community programs
iii. Fund or provide streetscape improvements
iv. Fund or provide pedestrian circulation improvements

5. **Development Reserve Availability on Record.** The Community Development Director shall keep on record a listing of the available remaining square footage in the development reserve, including the cumulative square footage exhausted and square footage available for use. As of October 1, 2002, existing development square footage availability is approximately 1.4 million square feet.

Square footage will be temporarily removed from account upon an application being deemed complete. Must have available square footage for an application to be deemed complete.

6. **Development Reserve Exhausted.** If all available square footage in the development reserve is entitled, the Development Reserve shall be determined exhausted. If an entitlement is not excecised within the prescribed timeframe, the square footage shall return to the reserve for future consideration. Future development shall not be granted additional development square footage pursuant to this section.

D. Transfer of Development Rights

1. **Definition.** A transfer of development rights means an entitlement to construct additional building square footage above that normally allowed on a predetermined parcel (receiver parcel) when an equal amount of potential building square footage is transferred by mutual agreement from another parcel (donor parcel) that does not intend to develop to the maximum allowed square footage.

2. **Applicability[2].** An allocation of square footage may be transferred from one or more parcels (donors) to another parcel (receiver) within the MP-TOD and MP-I subdistricts to the extent shown in Table 5-3. The amount of building square footage that may be transferred from a donor parcel shall be calculated using the difference between current level of development and the standard FAR limitation. The amount of building square footage that may be allocated to a receiver parcel shall be calculated using the “Maximum FAR”.

   The receiver parcel shall have a minimum gross area of 10 acres. A receiver parcel may obtain allocations from one or more donor parcels.

   When development rights are transferred, all such rights are thereafter depleted with regard to the donor parcel.

3. **Approval process for Transfer of Development Rights.** A Special Development Permit shall be required to authorize a transfer of development rights and the City shall be a party to an agreement between the property owners transferring and receiving the development rights. The agreement(s) shall be recorded with the County Recorder’s Office.

2 Military parcels and MP-C subdistrict parcels are not eligible.

The transfer of development rights may be authorized through approval of an SDP with a finding that the receiver parcel has sufficient area to accommodate the increased intensity of development, that the impacts of the development will be mitigated to a satisfactory level, and that the total development meets all of the applicable requirements of the City's General Plan, provisions of this Specific Plan, and Zoning Code.

The City of Sunnyvale may approve the Special Development Permit, conditionally approve the permit by requesting that the applicant provide additional mitigation measures, or deny the permit in compliance with Title 19 of the Sunnyvale Municipal Code.

4. Required Development Standards – Transfer of Development Rights

a. Provision of on-site amenities required. All new development and redevelopment within the Moffett Park Specific Plan project area requesting additional development square footage above the standard FAR limitation of this chapter shall provide on-site amenities. On-site amenities shall be defined as structures, elements other on-site features that provide a positive contribution to site design, utilization and function. Site amenities may include seating areas, benches, publicly accessible plazas, enhanced paving, fountains, dedicated pedestrian areas, water features, plazas, internal trail systems, or others similar uses as deemed appropriate by the Director of Community Development.

b. Energy conservation required. All new development and redevelopment within the Moffett Park Specific Plan requesting additional development square footage above the standard FAR limitation of this Chapter shall demonstrate the incorporation of resource-efficient methods of construction, renovation, operation, maintenance, and demolition. Examples of the techniques are provided in Appendix A.

Appropriate techniques and methods for energy conservation shall include building and site design features, materials, equipment and practices that demonstrate tangible and measurable conservation benefits.

c. Dedicated Park and Ride Facilities required. All new development and redevelopment within the MP-TOD subdistrict requesting additional development square footage above the standard FAR limitation of this Chapter shall provide dedicated, publicly accessible park and ride parking spaces within private development. Park and Ride facilities shall be installed at a rate of 2 percent of required carpool spaces, pursuant to Section 5.10.C.3 of this Chapter.

d. **Transportation Demand Management.** All applicants granted use of the development reserve shall be required to submit a TDM Strategy Plan in compliance with Section 5.11of this Chapter. All TDM plans shall be required to reduce peak hour trips, as determined during the SDP process.

e. **Community benefit.** At the discretion of the Community Development Director, a finding of community benefit may be substituted for required criteria, as established in this section. Eligible activities may include;

i. Fund or provide for community facilities
ii. Fund or provide for community programs
iii. Fund or provide of streetscape improvements
iv. Fund or provide of pedestrian circulation improvements

Version 2.1 Registered Project Checklist

Project Name

City, State

Yes	?	No			
			Sustainable Sites		**14** Points
Y			Prereq 1	**Erosion & Sedimentation Control**	Required
			Credit 1	**Site Selection**	1
			Credit 2	**Urban Redevelopment**	1
			Credit 3	**Brownfield Redevelopment**	1
			Credit 4.1	**Alternative Transportation**, Public Transportation Access	1
			Credit 4.2	**Alternative Transportation**, Bicycle Storage & Changing Rooms	1
			Credit 4.3	**Alternative Transportation**, Alternative Fuel Vehicles	1
			Credit 4.4	**Alternative Transportation**, Parking Capacity and Carpooling	1
			Credit 5.1	**Reduced Site Disturbance**, Protect or Restore Open Space	1
			Credit 5.2	**Reduced Site Disturbance**, Development Footprint	1
			Credit 6.1	**Stormwater Management**, Rate and Quantity	1
			Credit 6.2	**Stormwater Management**, Treatment	1
			Credit 7.1	**Landscape & Exterior Design to Reduce Heat Islands**, Non-Roof	1
			Credit 7.2	**Landscape & Exterior Design to Reduce Heat Islands**, Roof	1
			Credit 8	**Light Pollution Reduction**	1

Yes	?	No			
			Water Efficiency		**5** Points
			Credit 1.1	**Water Efficient Landscaping**, Reduce by 50%	1
			Credit 1.2	**Water Efficient Landscaping**, No Potable Use or No Irrigation	1
			Credit 2	**Innovative Wastewater Technologies**	1
			Credit 3.1	**Water Use Reduction**, 20% Reduction	1
			Credit 3.2	**Water Use Reduction**, 30% Reduction	1

Yes	?	No			
			Energy & Atmosphere		**17** Points
Y			Prereq 1	**Fundamental Building Systems Commissioning**	Required
Y			Prereq 2	**Minimum Energy Performance**	Required
Y			Prereq 3	**CFC Reduction in HVAC&R Equipment**	Required
			Credit 1	**Optimize Energy Performance**	1 to 10
			Credit 2.1	**Renewable Energy**, 5%	1
			Credit 2.2	**Renewable Energy**, 10%	1
			Credit 2.3	**Renewable Energy**, 20%	1
			Credit 3	**Additional Commissioning**	1

Yes	?	No			
			Credit 4	**Ozone Depletion**	1
			Credit 5	**Measurement & Verification**	1
			Credit 6	**Green Power**	1

Materials & Resources — 13 Points

Yes	?	No			
Y			Prereq 1	**Storage & Collection of Recyclables**	Required
			Credit 1.1	**Building Reuse**, Maintain 75% of Existing Shell	1
			Credit 1.2	**Building Reuse**, Maintain 100% of Shell	1
			Credit 1.3	**Building Reuse**, Maintain 100% Shell & 50% Non-Shell	1
			Credit 2.1	**Construction Waste Management**, Divert 50%	1
			Credit 2.2	**Construction Waste Management**, Divert 75%	1
			Credit 3.1	**Resource Reuse**, Specify 5%	1
			Credit 3.2	**Resource Reuse**, Specify 10%	1
			Credit 4.1	**Recycled Content**, Specify 5% (post-consumer + ½ post-industrial)	1
			Credit 4.2	**Recycled Content**, Specify 10% (post-consumer + ½ post-industrial)	1
			Credit 5.1	**Local/Regional Materials**, 20% Manufactured Locally	1
			Credit 5.2	**Local/Regional Materials**, of 20% Above, 50% Harvested Locally	1
			Credit 6	**Rapidly Renewable Materials**	1
			Credit 7	**Certified Wood**	1

Indoor Environmental Quality — 15 Points

Yes	?	No			
Y			Prereq 1	**Minimum IAQ Performance**	Required
Y			Prereq 2	**Environmental Tobacco Smoke** (ETS) **Control**	Required
			Credit 1	**Carbon Dioxide** (CO_2) **Monitoring**	1
			Credit 2	**Ventilation Effectiveness**	1
			Credit 3.1	**Construction IAQ Management Plan**, During Construction	1
			Credit 3.2	**Construction IAQ Management Plan**, Before Occupancy	1
			Credit 4.1	**Low-Emitting Materials**, Adhesives & Sealants	1
			Credit 4.2	**Low-Emitting Materials**, Paints	1
			Credit 4.3	**Low-Emitting Materials**, Carpet	1
			Credit 4.4	**Low-Emitting Materials**, Composite Wood & Agrifiber	1
			Credit 5	**Indoor Chemical & Pollutant Source Control**	1
			Credit 6.1	**Controllability of Systems**, Perimeter	1
			Credit 6.2	**Controllability of Systems**, Non-Perimeter	1
			Credit 7.1	**Thermal Comfort**, Comply with ASHRAE 55-1992	1
			Credit 7.2	**Thermal Comfort**, Permanent Monitoring System	1
			Credit 8.1	**Daylight & Views**, Daylight 75% of Spaces	1
			Credit 8.2	**Daylight & Views**, Views for 90% of Spaces	1

Yes	?	No	Innovation & Design Process	5 Points
			Credit 1.1 **Innovation in Design**: Provide Specific Title	1
			Credit 1.2 **Innovation in Design**: Provide Specific Title	1
			Credit 1.3 **Innovation in Design**: Provide Specific Title	1
			Credit 1.4 **Innovation in Design**: Provide Specific Title	1
			Credit 2 **LEED™ Accredited Professional**	1

PROJECT TOTALS (Pre- certification Estimates)	**69 Points**

Certified 26-32 points **Silver** 33-38 points **Gold** 39-51 points **Platinum** 52-69 points

STAFF REVIEW FORMAT

EXAMPLE FOR CORPORATE HEADQUARTERS PROJECT

TIER ONE

Tenant Improvements

- **Staff level planning review and building permit**
- No traffic or housing fees unless change of use (such as warehouse to restaurant, due prior to obtaining Building Permit)
- Voluntary TDM program

TIER TWO

Additions and new buildings up to 2001 General Plan levels

- **Staff level planning review and determination:**
  - Negative Declarations, Mitigated Negative Declarations and restatement of Overriding Considerations (if applicable)
  - Compliance with Moffett Park Specific Plan and design standards
  - Moffett Park Planning Permit valid for 2 years
  - Traffic Improvement Fees on net new trips due prior to obtaining Building Permit
  - Voluntary TDM program
  - Property Owner only may appeal decision to Planning Commission

TIER THREE

Additions and new buildings up to standard FAR and/or utilizing Development Reserve and/or TDR (up to 70% MP-TOD or 50% MP-I)

- **Staff level planning review and determination:**
  - Tier Two Requirements Plus:
  - TDM Program with a minimum 20% total trip reduction and 30% Peak Hour reduction
  - LEED Certified Site/Building
- **Planning Commission review and determination if:**
  - EIR required
  - Alternatives to LEED Certified and/or 30% Peak Hour Trip reduction are requested
- **Square Footage from Reserve guaranteed for up to 7 years with prepayment of 33% of Traffic Impact Fee**

PLANNING COMMISSION PUBLIC HEARINGS

EXAMPLE FOR CORPORATE HEADQUARTERS PROJECT

TIER ONE

Tenant Improvements

- **Staff level planning review and building permit**
- No traffic or housing fees unless change of use (such as warehouse to restaurant, due prior to obtaining Building Permit)
- Voluntary TDM program

TIER TWO

Additions and new buildings up to 1997 General Plan levels

- **Staff level planning review and determination:**
  - Negative Declarations, Mitigated Negative Declarations and restatement of Overriding Considerations (if applicable)
  - Compliance with Moffett Park Specific Plan and design standards
  - Moffett Park Planning Permit valid for 2 years
  - Traffic Improvement Fees on net new trips due prior to obtaining Building Permit
  - Voluntary TDM program
  - Property Owner only may appeal decision to Planning Commission

TIER THREE

Additions and new buildings up to Specific Plan standard FAR (55% MP-TOD or 40%MP-I)

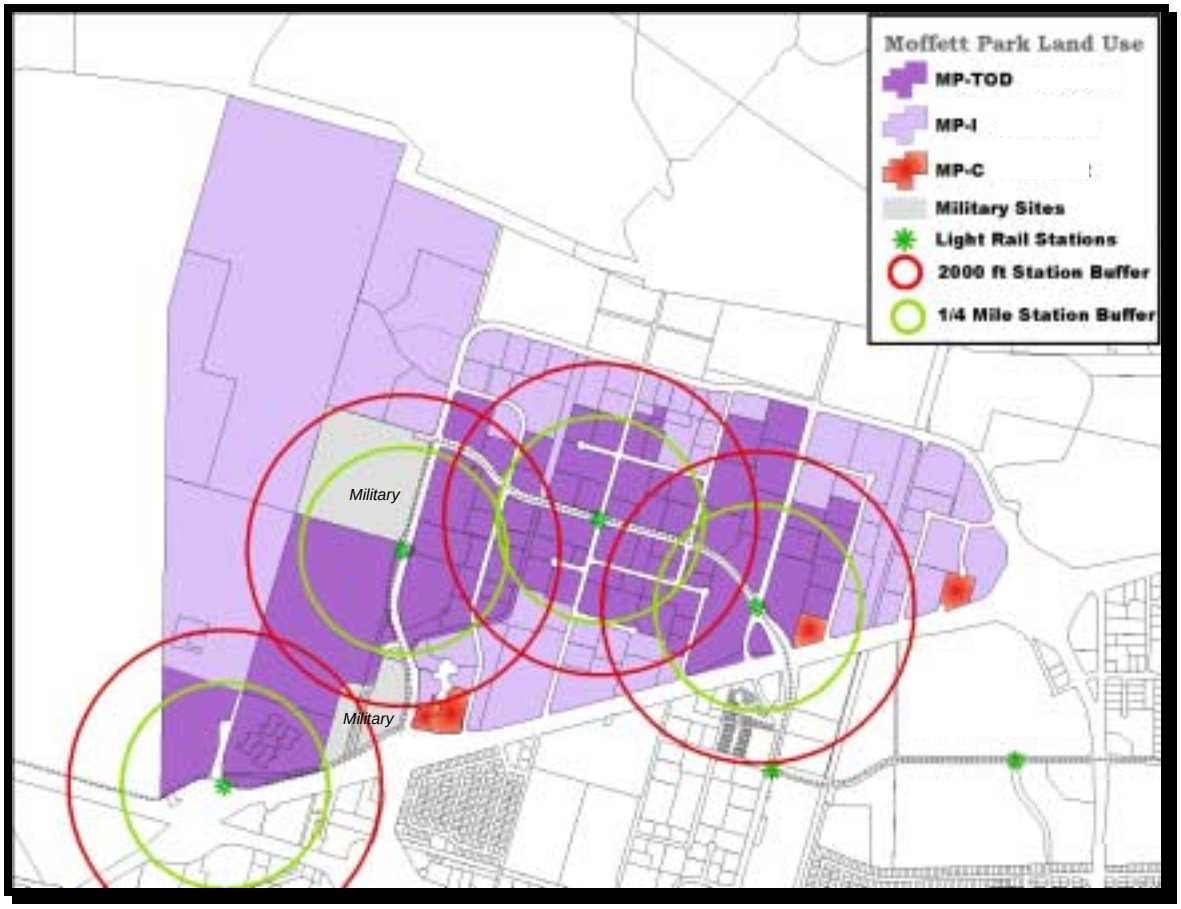
- **Staff level planning review and determination:**
  - Tier Two Requirements Plus:
  - TDM Plan with minimum 20% total trip reduction for entire site
  - Housing Mitigation Fees for that portion about 1997 GP levels
- **Planning Commission review and determination if EIR required** (all other provisions apply)

TIER FOUR

Additions and new buildings utilizing Development Reserve/TDR up to 70% MP-TOD or 50% MP-I

- **Staff level planning review and determination:**
  - Tier Three Requirements Plus:
  - TDM Program with a minimum 20% total trip reduction and 30% Peak Hour reduction
  - LEED Certified Site/Building

- **Planning Commission review and determination if:**
  - EIR required
  - Alternatives to LEED Certified and/or 30% Peak Hour Trip reduction are requested
- **Square Footage from Reserve guaranteed for up to 7 years with prepayment of 33% of Traffic Impact Fee**



The MP-TOD subdistrict was created by including the properties currently within the Futures E subarea (Attachment D) and additional properties that had greater than 50% of their land area within ¼ mile of a light rail station, split platform locations were averaged for station basis.

Parcel boundaries that are legally recorded or for which a lot line adjustment application has been submitted to the City of Sunnyvale for approval prior to the adoption of the Specific Plan are the basis for evaluating property inclusion within the MP-TOD subdistrict.

Table 6-7

Comparative Analysis of Environmental Impacts Associated

With the Project Alternatives

	Preferred Project	Alt A (No Project)	Alt B	Alt C	Alt D	Alt E
Aesthetics	M	M+	M+-	M+-	M+-	M+-
Air Quality*	S	S-	S+	S+	S-	S+-
Biological Resources	M	M+-	M+-	M+-	M+-	M+-
Geology and Soils	M	M-	M+	M+	M-	M-
Cultural Resources	M	M+-	M+-	M+-	M+-	M+-
Hazards	M	M-	M+	M+	M-	P+
Hydrology and Water Quality	M	M-	M+	M+	M-	M+-
Land Use	L	N+-	L+-	L+-	L+-	P+
Noise	M	M-	M+	M+	M-	P+
Population and Housing	S	S-	S+	S+	S-	L-
Public Services	M	M-	M+	M+	M-	M+
Traffic	S	S-	S+	S+	S-	S+-
Utilities	M	M-	M+	M+	M-	M+

N No Impact
L Less Than Significant Impact
M Less Than Significant Impact with Mitigation
P Potentially Significant Impact (level of significance would be based on location and design of future development)
S Significant and Unavoidable Impact
\+ Level of impact is considered greater than the proposed project
\- Level of impact is considered less than the proposed project
+- Level of impact is considered to be generally the same as the proposed project

**Draft EIR had not previously adjusted Air Quality Findings per Staff review. Previous version listed Air Quality as an M rather than S, magnitude indicators are the same.*