



Sunnyvale

LAWRENCE STATION AREA PLAN (LSAP) DEVELOPMENT INCENTIVES PROGRAM ADMINISTRATIVE REGULATIONS

I. Purpose

The Lawrence Station Area Plan (LSAP) Development Incentive Program (“Program”) was established by Resolution 794-16 upon original adoption of the LSAP in 2016. The LSAP is an incentive-based plan. Development incentives (in the form of density bonuses) allow property owners to develop their properties beyond the base maximum densities in residential development and base maximum floor area ratios in office/R&D/industrial development in exchange for providing community benefits that advance the goals of the Plan. Property owners are not required to build with incentives. The Program is voluntary, and property owners have the option to propose which incentives best suit their business plans and economic goals.

The Program was updated in 2021 by Resolution 1083-21 to include a new structure based on an increase to the number of residential units in the Plan area as well as a Development Agreement requirement for higher office/R&D/industrial development. The Program is a separate document from the Plan and is designed to be updated over time by resolution of the City Council as City priorities change.

II. Defined Incentives and Development Agreements

A. Defined Incentives

Defined incentives are intended for residential development, whether standalone or in a mixed-use format. There are specified density points for each defined incentive, as well as the defined criteria that must be satisfied to obtain the density points. Project applicants are required to identify each proposed incentive in their application submittal materials. Incentive points are awarded per the tables in Section X of this program after City staff verifies, as part of the project completeness review, the project is proposing incentives consistent with the incentive definitions in Section XI and Attachment A: Defined Benefits Permit Responsibilities.

B. Development Agreements

Development Agreements are required for office/R&D/industrial projects, whether standalone or in a mixed-use format, requesting access to higher floor area ratios (FAR) up to the specified maximum with incentives in the zoning district. Development Agreements are subject to adoption by the City Council. Development Agreements are not required for projects consistent with the additional FAR allowed through participation in the City’s Green Building Program, provided the project does not exceed the additional FAR allowance of the Green Building Program. Retail/personal service uses are exempt from the Development Agreement requirement as these uses are encouraged in the Plan area and required in certain zoning districts (MXD-IV and M-S/LSAP).

III. Applicant Incentive Responsibilities

There are specific responsibilities for each defined benefit illustrated in the table in Attachment A: Defined Benefits Permit Responsibilities. Every residential development project that

participates in the Program must adhere to the requirements listed in the table if they wish to utilize any of the defined benefits.

IV. Office/R&D/Industrial Floor Area Ratio (FAR) by Zoning District

The table below specifies the base maximum FAR/maximum FAR with incentives for office/R&D/industrial development. For retail development, refer to the LSAP or Chapter 19.35 of the Sunnyvale Municipal Code for minimum FAR required in certain zoning districts. There is no maximum FAR for retail development in the LSAP.

LSAP Zoning District	Office/R&D/Industrial	
	Base Maximum FAR	Maximum FAR with incentives
MXD-I	35%	150%
MXD-I/S	35%	150%
MXD-II	35%	150%
MXD-III	35%	100%
MXD-IV	35%	50%
R-5	N/A	N/A
M-S/LSAP	35%	150%
M-S/LSAP 60%	35%	60%
M-S/LSAP 120%	35%	120%

As noted in Section IIB, new office/R&D/industrial development above the base maximum FAR and above the additional green building incentive FAR (additional 10% as of 2021) requires a Development Agreement and provision of negotiated incentives subject to City Council approval.

The amount of new development is also subject to the amount of net new office/R&D/industrial square footage remaining in the LSAP development capacity, which is updated over time as projects are approved. Project applicants requesting net new square footage beyond what remains in the development capacity would be required to request an amendment to the LSAP through the City’s General Plan Initiation process.

V. Residential Densities by Zoning District

The table below specifies the residential density structure by zoning district. All new residential development can build to the base maximum density. Additional voluntary tiers may be used to gain additional units – the City’s Green Building Program, the incentives in this Program, and the other with the State’s Density Bonus for provision of affordable housing. If the density bonus through the City’s Green Building Program is utilized, the bonus is applied to the base maximum density. The incentives points in this program are added to the base maximum density (with green building bonus if proposed). Lastly, the State Density Bonus, if proposed, is applied on the highest density achieved with incentives. The Program incentives and State Density Bonus are further described in Sections VII and VIII, and calculation examples are in Section IX.

LSAP Zoning District	Base Maximum Density (du/ac) ^{1, 2}	Total Available Incentive Points	Highest Density with Incentive Points (du/ac)	Additional Densities with State Density Bonus
MXD-I	45	35	80	See Note 4
MXD-I/S	54	26	80	
MXD-II	36	32	68	
MXD-III	28	17	45	
MXD-IV	28	17	45	
R-5 ³	Depends on lot area, see SMC Table 19.30.040	N/A	N/A	

¹While this table is primarily intended to show base maximum densities and the way the incentives are added to the base maximum densities, the City also has a minimum density requirement as outlined in the LSAP. New residential development shall build at least 85 percent of the zoning district's base maximum density.

²The base maximum density does not include additional densities allowed through participation in the City's Green Building Program (additional 5% as of 2021). The green building density bonus is applied to the base maximum density, followed by any incentive points and State Density Bonus proposed by the project.

³Development in the R-5 district is not eligible for the incentive program, as densities are determined by lot area as specified in Sunnyvale Municipal Code 19.30.020

⁴Add State Density Bonus percentage achieved by project to base max. density (if no incentives proposed) or to highest density achieved with incentive points

VI. Mixed-Use Residential and Office/R&D/Industrial

In mixed-use residential and office/R&D/industrial projects, whether in one building or multiple buildings onsite, the allowable density is assessed by each land use component. The allowable density for the residential component starts at the base maximum and can increase depending on the green building density bonus, the number of incentive points achieved through this program, and/or State Density Bonus participation. A Development Agreement is required if the office/R&D/industrial component exceeds the base maximum FAR, beyond the allowable FAR increase via the City's Green Building Program.

The allowable density for mixed-use residential and retail projects is only dependent on the residential component, as there is no maximum FAR or development agreement requirement for retail.

VII. Highest Residential Densities with Incentive Points

Property owners may increase residential densities above the base maximum density by proposing defined incentives in this Program. The incentives in this Program are separate from the additional density increase allowed through the City's Green Building Program. As noted in Section V, the green building density bonus is applied to the base maximum density. Subsequently, incentive points and the State Density bonus (should they be proposed) are added to the density achieved with the green building bonus. See Section VIII for additional density increases allowed by the State Density Bonus.

Property owners may choose one or more defined incentives to include in their projects. Section XI of this program lists the defined criteria that must be met to be awarded points for each incentive and Attachment A contains the applicant responsibilities and timing requirements.

The density points obtained through this Program are added to the base maximum density in the project site's respective zoning district. The highest density with incentive points category in Section V's table limits the amount of achievable defined incentive points by zoning district. Defined incentives are organized by category, with maximums for each category (except for the Transportation category) to ensure a more balanced provision of incentives. See Section VIII for examples of how the density points are calculated.

VIII. State Density Bonus for Residential Projects

For projects with residential uses that include affordable units pursuant to State Density Bonus Law (Government Code Section 65915), the bonus percentage that must be provided under state law is added to the project's highest density obtained with the green building density bonus and incentive points in this Program, if proposed. If the project applicant does not propose to utilize incentive points through this Program, the state density bonus percentage is added to the base maximum density (and additional density obtained through the Green Building Program, if proposed). See Section IX for examples of how the density points are calculated.

Dwelling units designated to meet City affordable housing requirements in Sunnyvale Municipal Code Chapter 19.67 (ownership) and Chapter 19.77 (rental) may count toward qualifying the project for a state density bonus, provided all of the applicable requirements to qualify for a state density bonus are met.

City affordable housing requirements are based on the total number of units proposed in the project that are obtained by base maximum density plus the green building bonus and highest density achieved with incentive points, if proposed. Additional units obtained through the state density bonus are not counted towards the affordable housing requirement calculation. If no incentives are proposed, the affordable housing requirement is based on the total number of units proposed in the project, as allowed by the zoning district's base maximum density.

IX. Example Residential Density Calculations

The three examples below illustrate how residential densities and allowable units are calculated. Each project scenario is different, and these are merely examples to illustrate how the various density increases are applied. The base maximum density is the starting point for where density bonuses are added. The top row of each example's table starts at the base maximum density, then increases in each lower row depending on the green building bonus/LSAP incentive/State Density Bonus achieved.

Example A: Five-acre project site, MXD-I zoning district

Scenario	Calculation	Allowable Units
Base Maximum Density	5 (lot size in acres) X 45 (base max density)	225
Project achieves a 5% density bonus through the City's Green Building Program	DU/AC: 45 (base max) X .05 (green building bonus) = 47 du/ac (rounded down) UNITS: 5 (lot size in acres) X 47 (base max + green bldg. bonus)	235
Project achieves the total available 35 LSAP incentive points	DU/AC: 47 (density w/ green building bonus) + 35 (total incentive points) = 82 du/ac UNITS: 5 (lot size in acres) X 82 (density with incentives)	410 ¹
Project achieves a 50% State Density Bonus	DU/AC: 82 (density with incentives) X 0.5 (50% state density bonus, rounded up) = 41 + 82 = 123 du/ac UNITS: 5 (lot size in acres) X 123 (total density)	615

¹ The City's affordable housing requirement is based on the number of units proposed under this provision.

Example B: Three-acre project site, MXD-IV zoning district

Scenario	Calculation	Allowable Units
Base Maximum Density	3 (lot size in acres) X 28 (base max density)	84
Project achieves a 5% density bonus through the City's Green Building Program	DU/AC: 28 (base max) X .05 (green building bonus) = 29 du/ac (rounded down) UNITS: 3 (lot size in acres) X 29 (base max + green bldg. bonus)	87
Project achieves 10 LSAP incentive points	DU/AC: 29 (density w/ green building bonus) + 10 (total incentive points) = 39 du/ac UNITS: 3 (lot size in acres) X 39 (density with incentives)	117 ¹
Project achieves a 20% State Density Bonus	DU/AC: 39 (density with incentives) X 0.2 (20% state density bonus, rounded up) = 8 + 39 = 47 du/ac UNITS: 3 (lot size in acres) X 47 (total density)	141

¹ The City's affordable housing requirement is based on the number of units proposed under this provision.

Example C: Six-acre project site, MXD-II zoning district

Scenario	Calculation	Allowable Units
Base Maximum Density	6 (lot size in acres) X 36 (base max density)	216
Project does not propose voluntary increase through the City's Green Building Program or LSAP Incentives Program	No additional calculation	216 ¹
Project achieves a 7% State Density Bonus	DU/AC: 36 (base max density) X 0.07 (7% state density bonus, rounded up) = 3 + 36 = 39 du/ac UNITS: 6 (lot size in acres) X 39 (total density)	234

¹ The City's affordable housing requirement is based on the number of units proposed under this provision.

X. Residential - Defined Incentives

The tables in this section show the different categories of defined incentives for residential development, which are organized by type that advance the goals of the Plan. Each category lists a maximum number of du/ac points that can be achieved in that category to ensure a more balanced provision of incentives. There is no maximum number of points for the Transportation category (although there are maximum total incentive points by zoning district) because the City encourages provision of as many of these incentives as possible; this means an applicant could be eligible for the entirety of the total incentives available in the zoning district by only providing Transportation incentives. The descriptions and required criteria that must be met for each incentive are specified in the definitions in Section XI and in Attachment A.

Affordable Housing” Very Low Income (VLI) Percentages Exceeding State Density Bonus ¹ <i>Total of project units obtained without the state density bonus:</i>	RESIDENTIAL Additional du/ac points above base maximum density	Zoning District Availability				
		MXD-I	MXD-I/S	MXD-II	MXD-III	MXD-IV
16%	2					
17%	4					
18%	6	X	X	X	X	X
19%	8					
20% or more	10					
Maximum allowable points in category	10					

¹ As of 2021, the maximum eligibility level for a density bonus under State Density Bonus Law is 15% very low income units. The incentive points in this program are based on very low income unit percentages above 15% on a sliding scale starting at one percent above. If the State amends the tables in Government Code Section

65915(f), and the City has not updated this incentive program by that time, then incentive points are based on a sliding scale starting at one percent above the new State Density Bonus maximum eligibility level. The number of points would remain the same.

Landscaping and Open Space	RESIDENTIAL Additional du/ac points above base maximum density	Zoning District Availability				
		MXD-I	MXD-I/S	MXD-II	MXD-III	MXD-IV
Landscaped Area Exceeding minimum requirement		X	X	X	X	X
25-35% of site area	3					
>35% of site area	5					
Open Space, Privately Owned Publicly Accessible, beyond Park Dedication Requirement		X	X	X	X	X
0.5 acre and up to 0.75 acres	7					
Over 0.75 acres and up to 2 acres	10					
>2 acres	12					
Maximum allowable points in category	12					

Parcel Management	RESIDENTIAL Additional du/ac points above base maximum density	Zoning District Availability				
		MXD-I	MXD-I/S	MXD-II	MXD-III	MXD-IV
Sonora Court Parcel Consolidation	7		X			
Lawrence/Willow/Reed Parcel Consolidation	7					X
Maximum allowable points in category	7					

Parking	RESIDENTIAL Additional du/ac points above base maximum density	Zoning District Availability				
		MXD-I	MXD-I/S	MXD-II	MXD-III	MXD-IV
Bicycle parking, Publicly Accessible, at least 20%	2	X	X	X	X	X

more Class I spaces and 10 more Class II spaces beyond minimum requirement						
Parking, Below-Grade/Podium (1 level above grade) At least 85% of the project's auto parking supply is provided below-grade and may include up to 1 level of podium parking. The remaining surface parking spaces provided is:		X	X	X	X	X
10% or less of total supply	7					
11-15% of total supply	5					
Parking, Structured/Podium (over 1 level above grade) At least 85% of the project's auto parking supply is provided: in a separate structure; in a podium with more than one level above grade; or combination of separate structure and podium. The remaining surface parking spaces provided is:		X	X	X	X	X
10% or less of total supply	3					
11-15% of total supply	2					
Maximum allowable points in category	9*					
<ul style="list-style-type: none"> Maximum 7 points if the Bicycle Parking, Publicly Accessible Incentive is not selected. 						

Retail/Personal Service Uses	RESIDENTIAL Additional du/ac points above base maximum density	Zoning District Availability				
		MXD-I	MXD-I/S	MXD-II	MXD-III	MXD-IV
Retail/Personal Service Uses in Mixed-Use Projects		X	X	X	X	X
Project sites 2 acres or less: Floor Area						
2,000-3,499 sq. ft.	5					
3,500-5,000 sq. ft.	7					

>5,000 sq. ft.	10	
Project sites >2 acres: Floor Area		
2,000-3,499 sq. ft.	3	
3,500-4,999 sq. ft.	5	
5,000-8,000 sq. ft.	7	
≥10,000 sq. ft.	10	
Maximum allowable points in category	10	

Streetscape and Wayfinding	RESIDENTIAL Additional du/ac points above base maximum density	Zoning District Availability				
		MXD- I	MXD- I/S	MXD- II	MXD- III	MXD- IV
Gateway Signage	5	X		X		X
Street Furniture for Public Use	2	X	X	X	X	X
Wayfinding Signage	2	X	X	X	X	X
Maximum allowable points in category	7					

Sustainability ¹	RESIDENTIAL Additional du/ac points above base maximum density	Zoning District Availability				
		MXD- I	MXD- I/S	MXD- II	MXD- III	MXD- IV
Installation of Level 2 Electric Vehicle Charging Stations	4	X	X	X	X	X
Local Food Access	7	X	X	X	X	X
Zero Energy/Zero Carbon Buildings	5	X	X	X	X	X
Maximum allowable points in category	12					

¹ Refer to the City's Green Building program for an additional density bonus (separate from these incentives) that is added to the base maximum density.

Transportation	RESIDENTIAL Additional du/ac points above base maximum density	Zoning District Availability				
		MXD-I	MXD- I/S	MXD -II	MXD -III	MXD- IV
Bicycle Repair Station	2	X	X	X	X	X
Loop Road	15	X	X			
Primary Class I Shared-Use Path	12	X		X		

Rail Property Acquisition for Class I Shared-Use Path	12			X		
Secondary Bicycle/Pedestrian Pathways or Streets	10	X		X		X
Transit Passes for Residents of Rental-Only Residential Projects		X	X	X	X	X
Caltrain	5					
VTA	3					
Maximum allowable points in category	No max					

XI. Incentive Definitions

Below is a list of definitions for each defined incentive listed in Section X. Refer to Attachment A for required timing criteria. The criteria and intent of these definitions must be met to be awarded incentive points. Minor variations to the provision and timing of these incentives are subject to the review and approval of the Director of Community Development.

Affordable Housing – Very Low-Income Percentages Exceeding State Density Bonus.

Provision of very low-income housing unit (as defined in Chapter 19.77 of the Sunnyvale Municipal Code) percentages in excess of the maximum eligibility level for a state density bonus (as specified in Section 65915 of the California Government Code. These additional units shall be included in the project’s Affordable Housing Regulatory Agreement with the City.

Bicycle Parking. Provision of at least 20% more Class I spaces and 10 more Class II spaces beyond minimum requirement in the Sunnyvale Municipal Code on private property available for visitor/resident use. Class I spaces may be within the project in a secured area and are available to residents at no additional charge. Class II spaces should be available to the public/visitors of a development and conveniently located near a publicly accessible street. Bicycle parking placement dimensions and criteria shall be consistent with Section 10.4 of the Santa Clara Valley Transportation Authority (VTA) Bicycle Technical Guidelines. For example, a 100-unit development project would be required to provide 25 Class I spaces and 7 Class II spaces at a minimum. If the project provides 20% more Class 1 spaces and 10 additional Class II spaces that would result in a total of 30 Class I spaces and 17 Class II spaces.

Bicycle Repair Station. Provision of an onsite bicycle repair station within a dedicated, secure area within the building or parking structure available to all residents and employees where bicycle maintenance tools and supplies are readily available on a permanent basis and offered in good condition to encourage bicycling. Tools and supplies shall contain, at a minimum, those necessary for fixing a flat tire, adjusting a chain, and performing other basic bicycle maintenance. Available tools shall include, at a minimum, a bicycle pump, wrenches, a chain tool, lubricants, tire levers, hex keys/Allen wrenches, torx keys, screwdrivers, and spoke wrenches.

Gateway Signage. Installation of gateway signage, either on private property or public (as determined by the City) per the Sense of Place Plan’s design (Figure 3-20), dimensions (page 34), and locations (Figure 3-17).

Installation of Level 2 Electric Vehicle Charging Stations. Provision of Level 2 EV-ready circuits are required by the City’s Reach Codes. This incentive requires that the Level 2 Charging Stations are **installed** for each of the required Level 2 EV-ready circuits. For example, if the Level 2 EV-ready requirement is 30% of the total parking supply for a development, the same amount of Level 2 Charging Stations must be **installed** to be awarded incentive points.

To minimize visual impacts from street view, vaulting of utility equipment (e.g. transformers and cabinets) is preferred. However, if necessary, above-ground utility equipment for the electric vehicle charging stations should be minimized in size and shall meet all the following requirements:

- Shall not be located within 10 feet of any doorway.
- Shall be fully screened from any publicly accessible street or walkway. “Fully screened” means one, or a combination, of the following:
 - **Wall:** A wall constructed with a smooth stucco finish consistent with the building wall surface. Bare concrete block or faux (manufactured) sandstone are prohibited;
 - **Landscaping:** When using landscaping to screen equipment, plants should be arranged with a minimum of 50% opacity at the time of installation. Ideally, the installed plants/trees should grow to fully screen or shield the equipment and plant species should be selected that will succeed in any drought condition to ensure survival; or
 - **Alternate Material:** Other screening material (e.g., perforated metal) as approved by the Director of Community Development.
- The above-ground utility equipment must be screened to its highest point.
- Equipment located within the interior of a parking structure (below grade or above ground) does not require further screening.
- The screening requirement does not apply to the actual electric vehicle charging stations.
- Within a surface parking lot, the above-ground utility equipment shall not be located further than 15 feet from building façades that face a publicly accessible street. This requirement does not apply to the actual electric vehicle charging stations.

Landscaped Area, Exceeding Code Requirement. Provision of landscaped area (as defined in Chapter 19.12 of the Sunnyvale Municipal Code) intended for private use in excess of code minimums (specified in Section 19.35.090 of the Sunnyvale Municipal Code). For example, on a one-acre site, the minimum requirement would be 20% of the lot size or 8,712 sq. ft. If a project exceeds this minimum by 5% or provides a total of 10,890 sq. ft. of landscaped areas, they would be eligible to receive incentive points.

Lawrence/Willow/Reed Parcel Consolidation. Parcels in the Lawrence/Willow/Reed subarea of MXD-IV zoning district may be impacted by dedications required for the County of Santa

Clara's Lawrence Expressway Grade Separation project. Additionally, parcels in this zoning district are smaller than others located north of the tracks. Consolidating all four existing legal parcels (as of 2021) would result in one cohesive development at this location while accounting for the grade separation dedication. The Director of Public Works shall determine the appropriate map instrument for the parcel consolidation.

Local Food Access. Provision of one of the following options to promote the environmental and economic benefits of community-based food production and improve nutrition through better access to fresh produce.

- Community Garden for Tenants – Construct and manage permanent and viable growing space or related facilities (such as greenhouses) for a community garden within the project for a minimum community garden size of 30 square feet per unit. Ensure solar access and provide fencing, watering systems, raised garden beds, secure storage space for tools, and pedestrian access.
- Grocery Store – Minimum 15,000 square foot area for a full-service grocery store, including sales of fresh fruits, vegetables, whole grains, and other unprocessed, fresh products.

Loop Road. The new Loop Road is identified in the Sense of Place Plan, Figure 3-1. The provision of a public access easement for the Loop Road is the minimum plan requirement and its physical construction is the incentive that goes above and beyond the minimum plan requirement. In order to receive incentive points, the Loop Road must be constructed in its entirety on the project site to the specifications in the Sense of Place Plan (Figure 3-6 for east of Lawrence Expressway or Figure 3-7 for Santa Vittoria Terrace extension), in addition to recording a public access easement in a form approved by the City. All the following additional requirements apply:

- Construction of the Loop Road requires a minimum provision of specified width dimensions, roadway striping, street trees, sidewalks, and street lighting in accordance with the Sense of Place Plan (Figure 3-6 for east of Lawrence Expressway or Figure 3-7 for Santa Vittoria Terrace extension).
- The Loop Road must be constructed along the entire length/width of the property as shown in the Sense of Place Plan Figure 3-1, and positioned at property edges for future connections with adjoining properties.
- East of Lawrence Expressway, the Loop Road must align and connect with Corvin Drive. As shown in Figure 3-1 of the Sense of Place Plan, the Loop Road is extended southwards towards the tracks and extended west to Lawrence Station Road.
- West of Lawrence Expressway, the portion of the Loop Road known as Santa Vittoria Terrace must be extended to Sonora Court.
- The Loop Road must be designed for public bus transit per Figure 3-6 (east of Lawrence Expressway) or Figure 3-7 (Santa Vittoria Terrace extension) of the Sense of Place Plan.
- The public access easement must allow legal access for pedestrians, bicyclists, automobiles, service trucks, emergency vehicles, and bus transit as shown in Figure 3-6 (east of Lawrence Expressway) or Figure 3-7 (Santa Vittoria Terrace extension) of the Sense of Place Plan.
- Maintenance of the Loop Road is the responsibility of the property owner.

Open Space, Privately Owned Publicly Accessible. Public open space is an important element of the Plan. Projects that construct privately-owned active or passive open space that would allow the general public to congregate or recreate would achieve incentive points depending on the size of the open space in Section X's incentive table. This incentive is applicable for projects that provide public access to a privately constructed and maintained open space. There is no park dedication credit as required in Chapter 19.74 or 18.10 of the Sunnyvale Municipal Code for this open space.

The following additional requirements apply:

- The open space is legally accessible for use by the general public. If privately-owned, a public access easement and use agreement (in forms approved by the City) are required to be recorded on the property(ies).
- If dedicated to the City, the public open space shall be consistent with Chapter 18.10 of the Sunnyvale Municipal Code (ownership projects) or Chapter 19.74 of the Sunnyvale Municipal Code (rental projects).
- If dedicated to the City, the public open space shall meet the City's Standards for Acceptance of Land for Park Purposes.
- The open space, whether privately-owned or dedicated to the City, shall be designed, and constructed or fully funded for construction by the property owner.

Parking, Below-Grade and Structured. Below-grade, podium, and structured parking are encouraged in favor of surface parking lots, which can have visual and connectivity impacts. This incentive includes structures designed to accommodate auto parking spaces in below-grade/underground parking, under-building parking areas, and standalone or attached above-ground structures. It does not include individual garages for each dwelling unit, as what may be found in a townhome development.

As specified in the incentive table in Section X, incentive points are awarded when below-grade, podium, and structured parking is the predominant form of the total parking supply with a minimal percentage of surface parking spaces in the total parking supply. This incentive can be obtained only if the minimum parking standards set forth in the Sunnyvale Municipal Code are met. For example, a project provides 500 total parking spaces, with 450 spaces in a parking structure and 50 spaces in a surface parking lot. The surface parking spaces are 10% of the total parking supply, which is a percentage that would be awarded incentive points.

The design of parking structures shall be consistent with LSAP guidelines PK-UDG14 through PK-UDG22.

Primary Class I Shared-Use Path. New Primary Class I shared-use paths are identified in certain areas north of the tracks in the Sense of Place Plan, Figure 3-1. The provision of a public access easement is the minimum plan requirement, and its physical construction is the incentive that goes above and beyond the minimum plan requirement. In order to receive incentive points, the Primary Class I shared-use path must be constructed in its entirety on the project site to the specifications in the Sense of Place Plan (Figure 3-2), in addition to recording a public access easement (in a form approved by the City). All the following additional requirements apply:

- Construction of the shared-use path requires the minimum provision of specified width dimensions, pathway paving and striping, buffer landscaping and trees, seating/other amenities, and lighting in accordance with the Sense of Place Plan, Figure 3-2.
- The shared-use path must be constructed along the entire length/width of the property as shown in the Sense of Place Plan (Figure 3-1) and positioned at property edges for future connections with adjoining properties.
- As shown in Figure 3-1 of the Sense of Place Plan, east of Lawrence Expressway, the shared-use path begins at Uranium Drive, crosses Calabazas Creek and extends westward along the tracks to Lawrence Station Road.
- As shown in Figure 3-2 of the Sense of Place Plan, west of Lawrence Expressway, the shared-use path begins at Kifer Road, west of Commercial Street and extends south and eastward along the tracks to an existing shared-use path near Sonora Court.
- The public access easement must allow legal access for pedestrians and bicyclists per Figure 3-2 of the Sense of Place Plan.
- Maintenance of the Class I shared-use path is the responsibility of the property owner.

Rail Property Acquisition for Class I Shared-Use Path. There are two underutilized railroad parcels near Uranium Drive that provide an ideal opportunity to locate the Primary Class I shared-use path as shown in Figure 3-1 of the Sense of Place Plan. As of 2021, these two parcels are APN 216-27-033 and APN 216-27-035. Incentive points would be awarded if these parcels are acquired and constructed with shared-use path improvements (consistent with Figure 3-2 of the Sense of Place Plan) in their entirety along the span of the parcel along with an accompanying public access easement (in a form approved by the City).

Retail/Personal Service Uses in Mixed-Use Projects. Provision of building space intended for ground floor retail and personal service uses in mixed-use residential projects, whether in the same building as residential units or in separate buildings. The incentive table in Section X lists ranges of retail floor areas with different points for sites two acres or less and sites greater than two acres. More points are awarded for larger retail floor areas. The spaces shall meet all the following criteria:

- Open to the public.
- The proposed use is consistent with uses permitted by-right, with a Miscellaneous Plan Permit, or Special Development Permit in the Commercial, Retail, and Service or Restaurants categories in Table 19.35.050 of the Sunnyvale Municipal Code.
- The project includes dedicated parking for the retail/personal service uses in accordance with the parking requirements in Table 19.35.080A (automobile) and Table 19.35.080B (bicycle) of the Sunnyvale Municipal Code or in accordance with the shared parking allowances in the Circulation Chapter of the LSAP.
- Minimum 2,000 square feet of floor area.
- Clear and unobstructed storefront windows.
- Public pedestrian-entrance facing a publicly accessible street.
- Minimum floor-to-ceiling height of 18 feet.
- Minimum interior depth of 40 feet.
- Minimum interior width of 25 feet.
- Separate solid waste and recycling facilities from residential uses.

Secondary Bicycle/Pedestrian Pathways or Streets. New Secondary Pathways or Streets are identified in certain areas north and south of the tracks in the Sense of Place Plan, Figure 3-1. The provision of a public access easement is the minimum plan requirement and physical construction of the Secondary Pathways or Streets is the incentive that goes above and beyond the minimum plan requirement. In order to receive incentive points, the secondary pathways or streets must be constructed in their entirety along the project site to the specifications in the Sense of Place Plan (Figure 3-2 for pathways) or LSAP (Policies NI-P1 through NI-P4 and Guidelines NI-UDG1 through NI-UDG9 for streets), in addition to recording a public access easement (in a form approved by the City). The following additional requirements apply:

- Construction of secondary pathways requires the minimum provision of specified width dimensions, pathway/bikeway paving and striping, buffer landscaping and trees, seating/other amenities, and lighting in accordance with the Sense of Place Plan, Figure 3-2.
- Construction of secondary streets requires a minimum width of 50 feet inclusive of one vehicle travel lane in each direction with bicycle “sharrows”, on-street parking on one side of the street, and 10-foot pedestrian zones on either side (containing sidewalks, trees, and lighting), consistent with the guidelines in the New Internal Local Streets section of the LSAP (Policies NI-P1 through NI-P4 and Guidelines NI-UDG1 through NI-UDG9).
- The secondary pathways or streets must be constructed along the entire length/width of the property as shown in the Sense of Place Plan Figure 3-1 and positioned at property edges for future connections with adjoining properties.
- The public access easement must allow legal access for pedestrians and bicyclists (pathways) and pedestrians, bicycles, and automobiles (streets).
- Maintenance of the secondary pathways or streets is the responsibility of the property owner.

Sonora Court Parcel Consolidation. Sonora Court parcels in the MXD-I/S zoning district are generally smaller than others in the LSAP, particularly the parcels adjacent to and north of the railroad tracks. Per the LSAP, the highest densities should occur in this area given the close proximity to Lawrence Station. Consolidating two or more existing legal parcels on Sonora Court would increase opportunities for redevelopment projects to achieve superior community design, environmental preservation, and public benefit. The Director of Public Works shall determine the appropriate map instrument for the parcel consolidation.

Street Furniture for Public Use. Street furniture on private property available for public use, conveniently located near a publicly accessible street. Refer to Figure 3-19 of the Sense of Place Plan for the design theme. Street furniture may be located on any property, and it is encouraged in the plazas and seating locations as shown in the Streetlife and Wayfinding diagram in the Sense of Place Plan, Figure 3-17. All the following minimum criteria shall apply for award of points:

- The street furniture must be located within 10 feet of a public or publicly accessible sidewalk.
- A bench and solid waste/recycling receptacle shall be provided for every 200 feet of street frontage at a minimum. Other types of street furnishings in addition to these may be proposed.

- All street furniture must be maintained by the property owner and will be specified as such in the project's conditions of approval.
- A public access easement (in a form approved by the City) shall be recorded on the property for legal public access.

Transit Passes for Residents of Rental-Only Residential Projects. Provide Caltrain Go Pass or VTA Smart Pass membership to all residents five years and older for the first ten years following project completion. This incentive is only available for rental-only residential projects. If at any point, the Caltrain Go Pass or VTA Smart Pass Programs are discontinued, a comparable pass program by either entity may be proposed.

Wayfinding Signage. Installation of directional wayfinding signage per the Sense of Place Plan's design and dimensions in Figures 3-21 and 3-22, and locations in Figure 3-17.

Zero Energy/Zero Carbon Buildings. Energy-efficient buildings where 100% of the building energy needs/carbon emissions on a net annual basis are offset by onsite renewable energy, usually without any onsite combustion, demonstrating zero energy performance. Certification is required from the International Living Future Institute (ILFI) and requires 100% of the building energy offsets with the onsite renewable energy. The program requires 100% onsite energy generation and no combustion allowed on site, but some exceptions may be given for special circumstances for off-site renewable energy, onsite combustion, and other circumstances, with additional documentations required by ILFI.

Attachment A: Defined Benefits Permit Responsibilities

Defined Benefits Permit Responsibilities			Attachment A
	Prior to Planning Permit Application Completeness	Prior to Building Permit issuance or final map, whichever occurs first	Prior to Occupancy
Affordable Housing VLI Exceeding State Density Bonus			
Provide a letter confirming the number of very low income units proposed, and how it the number is consistent with the percentages in the incentive program.	X		
Record an Affordable Housing Developer Agreement (in a form approved by the City Attorney's Office) per Chapter 19.77 of the SMC.		X	
Record an Affordable Housing Regulatory Agreement (in a form approved by the City Attorney's Office) per Chapter 19.77 of the SMC.			X
Bicycle Parking			
Provide location and design details on the project plans.	X		
Provide final location and design details on the project plans.		X	
Record a covenant on the title of the affected property(ies), in a form approved by the City Attorney's Office, stating that the bicycle parking spaces are available for public use.		X	
Install the bicycle parking spaces with inspection by the City.			X
Bicycle Repair Station			
Identify the final location and size on the project plans.	X		
Identify the final location and size on the project plans.		X	
Provide a description of the tools and supplies to be provided, a means of providing access to all residents, and a plan for maintaining these tools and supplies.		X	
Completion of the bicycle repair station with inspection by the City.			X
Gateway Signage			
Include the location(s), design, and dimensions of the gateway sign(s) on the project plans.	X		
Include the final location(s), design, and dimensions of the gateway sign(s) on the project plans.		X	
Installations of the gateway sign(s), with inspection by the City.			X
Installation of Level 2 Electric Vehicle Charging Stations			
Identify the locations and quantities of charging stations on the project plans.	X		
Identify the locations of any above-ground utility equipment and include details on screening.	X		
Identify the final location(s) on the project plans.		X	
Provide final design, dimensions, and quantities of the charging stations on the project plans.		X	
Identify the final location(s) of any above-ground utility equipment and include details on screening in addition to building code requirements.		X	
Installation of all charging stations and screening for any above-ground utility equipment, with inspection by the City.			X
Landscaped Area, Exceeding Code Requirement			
Identify the location, dimensions, and square footages of landscaped areas on the project plans.	X		

Identify the final location, dimensions, and square footages of landscaped areas on the project plans.		X	
Completion of landscaped areas with inspection by the City.			X
Local Food Access			
Identify the intended use, location, and square footages of the local food option on the project plans.	X		
Identify the final location and square footages of the local food option on the project plans.		X	
Record a covenant on the title of the affected property(ies), in a form approved by the City Attorney's Office, stating that the local food option shall remain in operation or reserved for its exclusive use for the life of the project.		X	
Completion of the local food option with inspection by the City.			X
Provide information on the operator of the local food option including hours of operation, contact information, tenant information (if a grocery store), and maintenance responsibilities (if a community garden).			X
Loop Road			
Identify the location and dimensions of the Loop Road and public access easement on the project plans.	X		
Provide a cross section of the Loop Road on the project plans.	X		
Identify the final location and dimensions of the Loop Road on the project plans.		X	
Provide the final cross section of the Loop Road on the project plans.		X	
Record a public access easement (in a form approved by the City Attorney's Office) on the affected property(ies) stating that the Loop Road is available for public vehicle, bicycle, and pedestrian ingress and egress purposes and that the perpetual maintenance of improvements within the easement area shall be the sole responsibility of the property owner.		X	
Either on the final map, public access easement, or a separate legal instrument, include language to allow adjacent property owners to connect to the Loop Road when they redevelop their properties to form (over time) one continuous and uninterrupted thoroughfare.		X	
Completion of the Loop Road and associated roadway striping, street trees, sidewalks, and street lighting with inspection by the City.			X
Open Space, Privately Owned Publicly Accessible			
Identify the location, topography, dimensions, and acreage of the privately owned publicly accessible open space on the project plans.	X		
Provide a conceptual landscaping, irrigation, and amenities plan for the open space.	X		
Identify the final location, topography, dimensions, and acreages of the publicly-accessible open space on the project plans and if applicable, final map.		X	
Provide a final landscaping, irrigation, and amenities plan for the open space.		X	
Enter into an agreement with the City for public use of the space that will detail use rules, hours of operation, and a maintenance schedule. The agreement will include obligation of the property owner to defend and indemnify the City against all claims arising out of use of the open space and provide liability insurance protecting the City on terms approved by the City's Risk Manager.		X	

Record a public access easement (in a form approved by the City Attorney's Office) that allows public use of the open space and states that the perpetual maintenance is the responsibility of the property owner.		X	
The project's final map shall show the location, dimensions, and acreage of the public open space.		X	
Provide a final landscaping, irrigation, and amenities plan on a separate Building permit to construct the open space.			X
Completion of the open space with inspection by the City.			X
Parking, Below-Grade and Structured			
Indicate the type of parking proposed, and include a breakdown of parking provided in surface lots and parking provided in below-grade and/or structured parking on the project plans.	X		
Provide a site plan, dimensioned floor plans, exterior elevations, color rendering, and cross sections of the below-grade and/or structured parking on the project plans.	X		
Include a final breakdown of parking provided in surface lots and parking provided in below-grade and/or structured parking on the project plans.		X	
Provide a final site plan, dimensioned floor plans, exterior elevations, and cross sections of the below-grade and/or structured parking on the project plans.		X	
Completion of the below-grade and/or structured parking with inspection by the City.			X
Primary Class I Shared-Use Path			
Identify the location and dimensions of the Primary Class I Shared-Use Path and public access easement on the project plans.	X		
Provide a cross section of the shared-use path on the project plans.	X		
Identify the final location and dimensions of the shared-use path on the project plans.		X	
Provide the final cross section of the shared-use path on the project plans.		X	
Record a public access easement (in a form approved by the City Attorney's Office) on the affected property(ies) stating that the shared-use path is available for public bicycle and pedestrian ingress and egress purposes and that the perpetual maintenance of improvements within the easement area shall be the sole responsibility of the property owner.		X	
Either on the final map, public access easement, or a separate legal instrument, include language to allow adjacent property owners to connect to the shared-use path when they redevelop their properties to form one continuous and uninterrupted thoroughfare over time.		X	
Completion of the shared-use path and associated striping, landscaping, lighting, and amenities with inspection by the City.			X
Rail Property Acquisition for Class I Shared-Use Path			
Acquire the rail property or provide a written agreement to acquire from the current property owner.	X		
Identify the location and dimensions of the Primary Class I Shared-Use Path and public access easement on the project plans.	X		
Provide a cross section of the shared-use path on the project plans.	X		
Provide documentation of full property transfer from the current property owner.		X	
Identify the final location and dimensions of the shared-use path on the project plans.		X	
Provide the final cross section of the shared-use path on the project plans.		X	

Record a public access easement (in a form approved by the City Attorney's Office) on the affected property(ies) stating that the shared-use path is available for public bicycle and pedestrian ingress and egress purposes and that the perpetual maintenance of improvements within the easement area shall be the sole responsibility of the property owner.		X	
Either on the final map, public access easement, or a separate legal instrument, include language to allow adjacent property owners to connect to the shared-use path when they redevelop their properties to form one continuous and uninterrupted thoroughfare over time.		X	
Completion of the shared-use path and associated striping, landscaping, lighting, and amenities with inspection by the City.			X
Retail/Personal Service Uses in Mixed-Use Projects			
Indicate the type of retail/personal service use proposed. If no tenant has been secured, provide a narrative of the types of uses that are intended.	X		
Provide a site plan, dimensioned floor plans (including parking, exterior elevations, cross sections, and solid waste/recycling plan showing the retail/personal service uses.	X		
Provide a final site plan, dimensioned floor plans (including parking), exterior elevations, cross sections, and solid waste/recycling plan of the retail/personal service uses.		X	
If a tenant has been secured, obtain a planning permit for the particular use if required by Table 19.35.050 of the SMC.		X	
Completion of the retail/personal service tenant spaces and associated parking and solid waste/recycling facilities with inspection by the City.			X
Secondary Bicycle/Pedestrian Pathways or Streets			
Identify the location and dimensions of the secondary pathways or streets and public access easement on the project plans.	X		
Provide a cross section of the secondary pathways or streets on the project plans.	X		
Identify the final location and dimensions of the secondary pathways or streets on the project plans.		X	
Provide the final cross section of the secondary pathways or streets on the project plans.		X	
Record a public access easement (in a form approved by the City Attorney's Office) on the affected property(ies) stating that the secondary pathways are available for public bicycle and pedestrian ingress and egress; secondary streets are available for public vehicular, bicycle, and pedestrian ingress and egress; and that the perpetual maintenance of improvements within the easement area shall be the sole responsibility of the property owner.		X	
Either on the final map, public access easement, or a separate legal instrument, include language to allow adjacent property owners to connect to the secondary pathways or streets when they redevelop their properties to form one continuous and uninterrupted thoroughfare over time.		X	
Completion of the secondary pathway or street and associated striping, landscaping, lighting, and amenities with inspection by the City.			X
Sonora Court and Lawrence/Willow/Reed Parcel Consolidation			
Acquire the additional property or provide a written agreement to acquire from the current property owner.	X		
Include the additional property(ies) on the project plans.	X		

Provide documentation of full property transfer from the current property owner.		X	
Consolidation of parcels or lot line adjustments through final map.		X	
Include the additional Sonora Court property(ies) on the final plans.		X	
Completion of the approved improvements on the additional property(ies) with inspection by the City.			X
Street Furniture for Public Use			
Provide a site plan and exterior elevations showing the street furniture.	X		
Provide a final site plan and exterior elevations showing the street furniture.		X	
Record a public access easement (in a form approved by the City Attorney's Office) on the affected property(ies) stating that the street furniture is available for public use and that the perpetual maintenance of street furniture within the easement area shall be the sole responsibility of the property owner.		X	
Installation of the street furniture with inspection by the City.			X
Transit Passes for Residents of Rental-Only Residential Projects			
Provide a letter committing to participation in the Go Pass or Smart Pass program for the first ten years following project completion.	X		
Participation in the Go Pass or Smart Pass program shall be included in the project's transportation demand management (TDM) plan per the City's Multi-Family Residential TDM Program.	X		
Record a covenant on the title of the affected property(ies), in a form approved by the City Attorney's Office, stating that the property owner will participate in the Go Pass or Smart Pass program for the first ten years following project completion.		X	
Provide a copy of the written Go Pass or Smart Pass agreement with Caltrain or VTA and receipt of payment for the first participating year.			X
Provide contact information for the property owner's transit pass administrator.*			X
*Transit Pass Administrator must provide the Director of Community Development a copy of the written Go Pass agreement (or comparable program) with Caltrain and receipt of payment for each participating year			
Wayfinding Signage			
Include the location(s), design, and dimensions of the wayfinding sign(s) on the project plans.	X		
Include the final location(s), design, and dimensions of the wayfinding sign(s) on the project plans.		X	
Installations of the wayfinding sign(s) with inspection by the City.			X
Zero Energy/Zero Carbon Buildings			
Provide preliminary documentation demonstrating how the project can obtain Zero Energy/Zero Carbon certification from ILFI.	X		
Provide documentation of registration for ILFI certification.		X	
Provide a letter from the project's mechanical engineer confirming that the project design meets all intents to achieve ILFI certification for Zero Energy/Zero Carbon.		X	
Provide a letter from the project's mechanical engineer confirming that the project has been constructed to achieve certification for Zero Energy/Zero Carbon, and that the certification audit process has been initiated with ILFI.^			X

^Property owner/applicant must provide documentation of certification following the final ILFI audit.