

**Policy 1.1.13 Review Criteria for Projects Greater Than 35% Floor Area Ratio (FAR)**

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**POLICY PURPOSE:**

To provide City decision-makers a set of criteria to evaluate projects exceeding the allowed FAR (typically 35%) in Sunnyvale's industrial zoning districts (M-S and M-3 Zoning Districts).

**POLICY STATEMENT:**

The Review Criteria has four major categories: Community Character, Environmental-Traffic and Air Quality, Site Design and Architecture, and an optional category of Economic and Fiscal factors. See the detailed list "Review Criteria for Projects Greater Than 35% FAR."

(Approved: RTC 99-176 (5.4.1999))

Lead Department: Community Development

## COUNCIL POLICY MANUAL

### Review Criteria for Projects Greater Than 35% FAR

Certain developments in excess of 35% floor area ratio (FAR) in Industrial Zoning Districts (M-3 or M-S) require approval of a Use Permit. In order to approve a Use Permit at least one of the following findings must be made. In addition, to assist the decision makers in considering higher FAR developments, the following review criteria will be used. Please provide justifications for the Use Permit (findings) and responses to the Review Criteria.

#### FINDINGS

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale; OR
2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

Review Criteria	Discussion/Explanation
<b>CATEGORY I: COMMUNITY CHARACTER</b> addresses the issues of land use and transportation capacity and neighborhood compatibility within the context of an overall City image.	
<b>A.</b>	Is there sufficient current and future land use and transportation capacity to incorporate this project?
	One method of preserving “capacity” is through the development of non-employee (non-peak hour) generating uses, or through limited development of other sites (e.g. hotels or public utility sites). Staff maintains a database of “unused” floor area in a general development “pool” and subtracts from it approved projects >35% as they are approved. Adjustments are made as non-peak hour generating sites are built or removed.
<b>B.</b>	Does project use and design contribute positively to a City image and community character that reflects current and future “high-tech” Silicon Valley?
	Well-conceived and implemented architecture and design features contribute to community character, neighborhood compatibility, and the overall visual impact of the built community. The Sunnyvale General Plan supports a diversity of land uses and design while maintaining neighborhood integrity.
<b>C.</b>	Does the project include minor upgrading of the building for safety or special function purposes?
	Minor additions to the building and site plan may be necessary to address safety or special functions on a site. If these exceed 35% FAR, there may be specific circumstances, which warrant these additions.
<b>D.</b>	Have potential adverse impacts on nearby land uses been avoided, minimized or mitigated?
	If the project abuts, or is near, a dissimilar zoning district or land use (particularly residential or public facilities) note efforts taken to improve compatibility and positively affect the character of the area.

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Review Criteria	Discussion/Explanation
<p><b>CATEGORY II: ENVIRONMENTAL: TRAFFIC AND AIR QUALITY</b> focuses on the ability of a proposed project to avoid, minimize or mitigate City-wide and local traffic and air quality impacts.</p>	
<p><b>E.</b> Does the project avoid or mitigate significant effects on the regional or City-wide roadway system?  Is the project sited to avoid impacts on constrained intersections or roadway segments?</p>	<p>An environmental review, including a Traffic Impact Analysis (using a methodology adopted by the Congestion Management Agency), is currently required for most high FAR proposals. The findings may require the identification of specific transportation mitigations and/or the implementation of a traffic impact fee to address regional cumulative impacts.</p> <p>Transportation Mitigations: Identified as part of the traffic analysis and incorporated as parts of the condition of approval for project. Applicant makes or contributes toward transportation infrastructure improvements. One element of transportation mitigation is the traffic impact fee.</p>
<p><b>F.</b> Are potential air quality impacts mitigated?</p>	<p>Most air quality impacts are associated with traffic. The reduction in total trips as well as peak-hour trips reduces air quality impacts.</p>
<p><b>G.</b> Does the project provide opportunities for appropriate on-site retail/support services and amenities to minimize mid-day vehicle trips?</p>	<p>Provision of on-site services may reduce trip generation and adverse air quality impacts.</p>
<p><b>H.</b> Does the project provide mixed uses on the site to complement the primary use and adjacent land uses?</p>	<p>A mixed-use development can result in a reduction in the number of vehicle trips by provision of on-site services (especially in projects located some distance from convenient retail and service opportunities).</p>
<p><b>I.</b> Is the project located in close proximity to a light rail or Cal-Train station, and/or other convenient transit stops?</p>	<p>One component supporting transit usage and increasing ridership is the location of higher intensity uses within ¼ mile or of a light rail station or transit stop. This proximity promotes and encourages transit use. While ridership may be low compared to vehicle travel, there is a reduction in single-occupant vehicle trips.</p>
<p><b>J.</b> Can identifiable and measurable negative impacts on City infrastructure and services be mitigated?</p>	<p>Project impacts are determined through the environmental review process. Depending upon the size of a project and its location, the impacts will vary. One area of concern is the cumulative impact of development and the need to maintain and expand capital facilities and City services to support development.</p>
<p><b>K.</b> Is a Transportation Demand Management program planned for the site? Does it reduce traffic generally and promote transit use?</p>	<p>There are many techniques that comprise a successful Transportation Demand Management (TDM) program. A TDM program is often one element of traffic mitigation designed to minimize traffic impacts of a large project. TDM programs often include shuttles, van and car pools, flexible schedules, telecommunication policies, and other methods. The ability to sustain a successful TDM program has not been well documented.</p>

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Review Criteria	Discussion/Explanation
<p><b>CATEGORY III: SITE DESIGN AND ARCHITECTURE</b> addresses several components of site design and architecture focusing on the visual features and aesthetics, techniques to reduce the bulk and mass of the buildings, ways to reduce the amount of surface parking on the site.</p>	
<p><b>L.</b> Does the project demonstrate exemplary architecture and design through:</p> <ul style="list-style-type: none"> <li>• use of unique and/or high quality building materials, singly and in combination</li> <li>• state of the art design and materials</li> <li>• introduction of significant, innovative and noteworthy architectural forms and elements</li> <li>• special or unique features of the site plan design and implementation</li> </ul>	<p>Site design and architecture are key components contributing to both community character and the visual and aesthetic impacts of a project on the surrounding community. In earlier discussions, policy makers have rated design, architecture, and building bulk and scale as the second most important criteria, following traffic and air quality.</p> <p>A state-of-the-art design may directly influence subsequent building forms and design standards. Excellent design and architecture make a City both more competitive and a desirable location for business location and expansion. In addition, each industry has building designs and forms that best serve their functions and business needs.</p>
<p><b>M.</b> Does the project complement the City image and community character currently primarily low profile with a less intensive development density?</p>	<p>City’s image is a combination of functional elements and visual, aesthetic, scale, mass, building design and architecture. Several of these elements are also addressed in site design and architecture. City-wide Design Guidelines note the importance of implementing a variety of architectural forms and a diversity and range of land uses and architectural styles within the community. The City is currently at the “threshold” point regarding what the community character and image of the City will be over the next 20 years.</p>
<p><b>N.</b> Does the site plan reduce the bulk and mass of the buildings on the site? Are the following techniques and others used in a creative and resourceful way?</p> <ul style="list-style-type: none"> <li>• Façade and roofline variations</li> <li>• Reduction in the building footprint and significant increase of landscaping required by Zoning Code</li> </ul> <p>Substantially greater setbacks than required by the Zoning Code.</p>	<p>There are various methods available to help lessen the visual, bulk, and mass impact of a development. Multi-story buildings require site plan and design techniques in order to minimize the impact on the surrounding neighborhood. The importance of setting a high standard cannot be overstated since it will dictate and influence the standards for subsequent buildings with and without higher FARs.</p>
<p><b>O.</b> Does the site plan include techniques to reduce non-point source pollution?</p>	<p>Landscape plans should incorporate techniques to reduce non-point source pollution (i.e., stormwater management controls). These techniques lessen adverse environmental impacts, while enhancing the site design and potentially improving the overall visual impact of the site.</p>

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Review Criteria		Discussion/Explanation
<b>P.</b>	<p>Is a reduction in the amount of surface parking achieved?</p> <ul style="list-style-type: none"> <li>• Significant reduction in the number of surface parking spaces</li> <li>• Provision of structured parking and/ or underground parking</li> </ul> <p>Introduction of a landscape reserve that can be converted to parking on an as-needed basis, or as a permanent park.</p>	<p>Parking design can make a major contribution to a successful site plan. While some parking is necessary and must meet minimum Zoning Code requirements, staff proposes that the visibility of parking be minimized through the use of various techniques.</p> <p>Note: Reduction in the number parking spaces is a technique to reduce vehicle trips particularly when a project is located adjacent or close to a LRT or train station.</p>
<b>Q.</b>	<p>Is the site comprehensively planned through the creation of a Master Plan or Site Specific Plan? Has a long term development plan been prepared that allows phasing of the project based on implementation of improvements and mitigations?</p>	<p>This criteria could be accomplished through “campus plans” to promote lot consolidation, more efficient use of parcels and more compatible development. It promotes comprehensive planning of the City. With a larger scale project, it could be developed in stages to ensure that the infrastructure and services are monitored and developed in parallel. Phased projects can be linked to the implementation of improvements and related mitigations.</p>
<b>R.</b>	<p>How is the calculation of the “effective” FAR being conducted? Does the size of the project warrant a different method of calculating the FAR?</p>	<p>In some instances, the “effective” FAR may be determined by calculating the FAR using a gross lot square footage, if there is a requirement to dedicate land, which is not triggered by the higher FAR.</p> <p>“Effective” FAR is generally calculated by gross building area divided by the net lot area. In some cases, it may be appropriate to utilize the gross lot area for projects larger than 35% FAR.</p>

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Optional Information	Discussion/Explanation
<p><b>CATEGORY IV: ECONOMIC, FISCAL AND COMMUNITY BENEFIT</b> identifies the need to relate the project to the economic prosperity program of the City, potential impact on the City, the relationship to the local economy and employment in terms of the types and numbers of jobs likely to be generated by the project and other features of the development that will result in an overall positive community benefit. The following questions provide examples of how benefit can be described. Please respond to as many as apply.</p>	
<p><b>1.</b></p>	<p>Does the project implement the goals of the Economic Prosperity Program?</p> <ul style="list-style-type: none"> <li>• Relationship to the Sunnyvale General Plan.</li> <li>• Economic Development implications and business targeted for retention and attraction based on analysis of the Sunnyvale business profile.</li> <li>• Consistent with survey results, recommendations and the economic analysis.</li> <li>• Support “innovation” as defined in Joint Venture Silicon Valley 2010 report (<a href="http://www.jointventure.org">www.jointventure.org</a>).</li> </ul>
<p><b>2.</b></p>	<p>Does this project have a significant net positive fiscal impact over the next 5-20 years? (<i>Items in Category IV, #1-4 are prepared by the City's Finance Department.</i>)</p> <hr/> <p><i>Applicant can submit additional information (bulleted items)</i></p> <ol style="list-style-type: none"> <li>1. Potential net revenue generation (could be calculated by comparing the proposed business to revenue generated by existing and related businesses).</li> <li>2. Categories could include sales tax, property tax and construction tax.</li> <li>3. Property tax and sales tax 5 to 20 year impact (from finance).</li> <li>4. Revenues generated compared to additional cost of services.</li> </ol> <hr/> <ul style="list-style-type: none"> <li>• Multiplier (Source: Dept. of Commerce, Bureau of Economic Analysis- <a href="http://www.bea.doc.gov/bea/uguide.htm">www.bea.doc.gov/bea/uguide.htm</a>)</li> <li>• Local suppliers and related business</li> </ul>
<p><b>3.</b></p>	<p>Does the project include the provision of on-site corporate headquarters and/or a “point of sale” office?</p> <ul style="list-style-type: none"> <li>• Is the location the corporate headquarters?</li> <li>• Is location a “point of sale” office in Sunnyvale (significant because of the potential sales tax revenues)?</li> <li>• What kind of business activities would occur at the site?</li> </ul>
<p><b>4.</b></p>	<p>To what extent does this project provide resident and/or youth employment opportunities both now and in the future?</p> <ul style="list-style-type: none"> <li>• Resident and/or youth employment opportunities that would support both community and economic development goals (job training and potential employment).</li> <li>• Internships</li> <li>• Special training opportunities</li> <li>• Programs with schools</li> <li>• Identify current and planned programs.</li> </ul>

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Optional Information		Discussion/Explanation
5.	Do the anticipated types and numbers of jobs complement the current and desired future job profile in Sunnyvale?	<ul style="list-style-type: none"> <li>Does the job growth promote a vital economy consistent with ABAG projections and the Sunnyvale General Plan (Joint Venture Silicon Valley Network [<a href="http://www.jointventure.org">www.jointventure.org</a>] and ABAG [<a href="http://www.abag.ca.gov">www.abag.ca.gov</a>]) have 15 year projections regarding the type and number of jobs in Santa Clara County).</li> <li>To what degree does the proposed project complement the emerging industry “clusters” in Santa Clara Valley and the Economic Prosperity Economic Analysis: <a href="http://www.sunnyvale.ca.gov">www.sunnyvale.ca.gov</a></li> <li>Quality and quantity of jobs and to what extent jobs parallel those of emerging industry as identified by JVSV, City’s economic analysis.</li> </ul>
6.	To what degree do the proposed jobs generate related jobs and services in Sunnyvale?	<ul style="list-style-type: none"> <li>What is the multiplier effect on related jobs and services (Department of Commerce- <a href="http://www.bea.doc.gov/bea/uguide.htm">www.bea.doc.gov/bea/uguide.htm</a>)</li> </ul>
7.	The project is intended primarily for a single user or has common/shared management (Action Statement C4.2.2.)	<ul style="list-style-type: none"> <li>Identify potential user(s) - single or multiple, type of industry.</li> </ul>
8.	Can the applicant identify other community benefits that could be attributed to the proposed project.	<ul style="list-style-type: none"> <li>Impact on other development in the area.</li> <li>How it contributes to character of the area (artwork, other beautification).</li> <li>Community involvement.</li> <li>Past involvement with the community programs.</li> <li>Related capital improvements that also benefit others.</li> <li>Can the applicant identify other community benefits that could be attributed to the proposed project?</li> <li>The applicant should have an opportunity to address what additional community benefits may be associated with the proposed project. The development will result in an overall positive community benefit.</li> </ul>