Recommended Modifications to the Peery Park Specific Plan for the August 24, 2016 ALUC Hearing

Reference Number*	Current PPSP Section	Current Language w/Changes^	Proposed PPSP Section	Notes to Describe Change(s)
1	1.3.A.e	District Policies – Create	Same	Clarification on
	Page 13	Development projects within the		what was meant
		Airport Influence Area (AIA)		and correction to
		should be consistentcy with the		include
		County of Santa Clara's		"comprehensive"
		<u>Comprehensive</u> Land Use Plan		-
		(CLUP) for Moffett Federal		
		Airfield and height guidelines to		
		ensure safety in airport protection		
		areas .		
2	2.1.2.A	FAR - The baseline FAR permitted	Same	Added clarification
	Page 49	and additional FAR available when		and correction to
		providing community benefits is		include
		shown in the chart within Fig.		"comprehensive"
		2.1.2.A Maximum Permitted FAR		
		Map. Development projects		
		within the AIA shall also be		
		consistent with See the Santa Clara		
		County <u>Comprehensive</u> Land Use		
		Plan (CLUP) for Moffett Federal		
		Airfield and may have potential		
		restrictions on maximum		
		occupancy/density (summarized in		
		see Section 4.8 .1).		
3	2.2.1.B.2.e	Certain parcels within the PPSP	Same	Added clarification
	Page 58	area are subject to height		
		limitations in accordance with		
		See the Santa Clara County		
		Comprehensive Land Use Plan		
		(CLUP) for Moffett Federal		
		Airfield as shown in Fig. 2.2.1		
		(also see Section 4.8). for potential		
		additional height limitations (as		
		summarized in Section 4.8).	0007	G1 10 11 1
4	New	New Section: Airport Influence	2.2.2.E	Clarifies that there
	Section in	Area (AIA) of the Comprehensive	Page 59	are some parcels

	2.2.2 Page 59	Land Use Plan (CLUP) for Moffett Federal Airfield New buildings within the AIA may be subject to height limitations to ensure consistency with the CLUP. See Figure 2.2.1. to determine which parcels this restriction may apply to (also see Section 4.8).		that may have height restrictions
5	Fig. 2.2 Page 60	Add * Under "Maximum Height" in Table * Maximum heights may be limited by Special Building Height Limits, See Section 2.2.2	Same	Asterisk clarifies that the maximum heights are not always allowed on every parcel, multiple height limits exist for the PPSP in Section 2.2.2 (including the new Section 2.2.2.E).
6	New Row in Fig. 2.2 Page 60	See modification below, reference number 5.	Row 2.2.2.E Page 60	Adds information to show that special building height limits exist within certain portions of the AIA.
7	Amend Fig. 2.2.1 Page 61	See Attachment 1, mark up of Fig. 2.2.1. Final map amendments will be made within the final version of the PPSP after adoption.	Same	Shows the parcels that may have height restrictions below the maximum allowed in the PPSP based on the CLUP.
8	4.1.2 Page 119- 120	4th Paragraph: Development projects that are in conformance with this plan may be reviewed for additional project-specific environmental impacts that were not considered as part of the approval of this plan. In addition to potential subsequent environmental review, the project proponent may be required to submit documentation substantiating said development is in conformance with	Same	Adding this language requires that the project shows compliance with the requirements for noise, air quality, etc. It would require testing on a project-specific basis if ambient noise did not meet

		the Specific Plan, EIR and its mitigation monitoring program, Sunnyvale General Plan, Sunnyvale Municipal Code and the County of Santa Clara Comprehensive Land Use Plan for Moffett Federal Airfield.		the levels in the Sunnyvale General Plan or the CLUP.
9	4.8 Page 144	Section rewritten, see modification below, reference number 9. Maps shown in 4.8 have been enlarged to full page size and are attached.	Same	Re-written to require consultation and consistency with the CLUP and separate the County from the FAA. Maps enlarged for clarification.

^{*} Reference Numbers match the numbers provided in the attached PPSP pages to show where the change occurs within the plan.

Reference No. 5 – New Row in Fig. 2.2 2.2.2.E

	Activity Center	Innovation Edge	<u>Mixed</u> <u>Industry</u> <u>Core</u>	<u>Mixed</u> <u>Commercial</u> <u>Edge</u>	Neighborhood Transition
E. Airport Influence Area (AIA) of the Comprehensive Land Use Plan for Moffett Federal Airfield	n/a	Height limitations may apply	Height limitations may apply	<u>n/a</u>	<u>n/a</u>

[^] New language is in **bold** and removed language has a strikethrough.

Reference No. 9 - Re-write of Section 4.8 (Page 144)

4.8 Santa Clara County Comprehensive Land Use Plan (CLUP) for Moffett Federal Airfield and Coordination with the Federal Aviation Administration (FAA)

4.8.1 Santa Clara County Comprehensive Land Use Plan for Moffett Federal Airfield

- a. Development projects within the AIA for the Moffett Federal Airport shall maintain consistency with the land use compatibility guidelines and policies in the Santa Clara County CLUP including, but not limited to, maximum permitted heights, minimum open space, and maximum estimated person density per acre.
- b. Development projects within the AIA may be subject to:
 - i. Airport Land Use Commission staff review for consistency with the CLUP.
 - ii. Avigation Easement requirements as conditions of project approval.
- c. For reference, the geographic location and extent of the CLUP's height limits and runway protection areas are illustrated and summarized in Fig.4.8.1.A Height Limits and Fig 4.8.1.B Airport Safety Zones.

4.8.2 Federal Aviation Administration (FAA)

a. Development projects within the AIA shall submit an application to the Federal Aviation Administration (FAA) and receive a no hazard determination prior to project approval.

Attachments

- 1. Pages 13, 49, 58, 59, 60, 61, 119-120 and 144 of the Peery Park Specific Plan with Corresponding Reference Numbers
- 2. Mark Up of Figure 2.2.1 Permitted Height Map
- 3. Fig. 4.8.1.A
- 4. Fig. 4.8.2.B

1.3 **DISTRICT POLICIES**

To ensure that growth and change in the Plan Area is consistent with the community's vision for the district, the City leadership intends to promote and guide new investment by employing municipal policies and resources strategically. Keeping in mind that strategy must always remain sufficiently nimble to respond to unexpected opportunities and to make best use of resources as they become available, the strategic goals of the City are as follows:

A. Land Use/ Development Plan & Policies

- 1. Align both public and private interests with workplace and market trends:
 - a. Realign Peery Park development policies and planned public investments to capitalize on market trends which are most likely to condition the types and formats of new investment in the Plan Area.
 - b. Permit market feasible development types which meet the needs of current and future Silicon Valley businesses.
 - c. Balance demand for new development with neighborhood preservation.
 - d. Plan streetscape/transportation improvements, restrict development, and require landscaping in ways that will buffer neighborhoods from potential traffic, noise, visual, and safety impacts caused by Peery Park development and uses.
 - e. Create consistency with the County of Santa Clara County Land Use Plan (CLUP) and height guidelines to ensure safety in airport protection areas.

- Make Peery Park a center of knowledge and innovation:
 - a. Physically transform the district to create the type of environment that attracts innovative businesses and employees.
 - b. Plan a network of signature streets and public spaces that establish the district's identity and mark it as a premier Silicon Valley workplace destination.
 - c. Avoid isolated developments that are cutoff from the surrounding district. Instead, create a campus-like feel for the entire district by requiring public space, streetscape improvements, and workplace-oriented retail.
 - d. Work with property owners, developers, and institutions to attract and integrate innovation anchors into the district (such as start-up schools, incubators/accelerators, coworking spaces, college/university branches, business development services, etc.).
 - e. Consider creating an online idea sharing portal or directory that promotes the district and creates a platform to facilitate connections, idea sharing, collaboration, networking, and discussion between businesses and workers.

2.1 LAND USE REGULATIONS

2.1.1 DISTRICTS ESTABLISHED

A. Districts Map

Six (6) Districts are established as the basic organizing principle for the Development Standards applied to all properties in the Specific Plan Λ rea.

The Districts are established in the specific locations and with the specific names indicated in the Fig.2.1.1 Districts Map.

B. How Districts Apply To Parcels

1. Typical

All development on parcels, assembled parcels, or portions of a parcel allocated a single District must conform to the development standards that apply to that District.

2. Neighborhood Transition

Properties in the Neighborhood transition district shall conform to the standards set forth in the Sunnyvale Municipal Code pertaining to the Medium Density Residential (R-3) zoning district with the following exceptions:

a. Density

Permitted density shall be 16-21 dwelling units per acre.

b. Height

Development shall conform to Section 2.2.2 Special Building Height Limits.

3. Public Facilities

Properties within the Public Facilities district shall conform to the standards set forth in the Sunnyvale Municipal Code for the Public Facilities (PF) zoning district.

2.1.2 FAR & ZONING INCENTIVES

A. FAR

The baseline FAR permitted and additional FAR available when providing community benefits is shown in the chart within Fig. 2.1.2.A Maximum Permitted FAR Map. See the Santa Clara County Land Use Plan (CLUP) for potential restrictions on maximum occupancy/density (summarized in Section 4.8.1).

B. Community Benefits

- 1. All projects must provide the City-specified impact fees for the baseline FAR (see Section 4.1.2.B Baseline Impact Fee Requirements).
- 2. Additional development capacity above the baseline will be permitted for projects that provide sufficient community benefits.
- 3. The amount of additional development capacity permitted will be tied to the type and amount of community benefits provided as outlined in Section 4.2 Community Benefits Program in Book 4.
- 4. Community benefits will be approved if they meet the intent of the Specific Plan as outlined in Sections 1.2 Starting Point Summary, 1.2 Peery Park Vision Statement, 1.3 Guiding Principles, and 1.4 District Policies.

2.2 Building Scale Regulations

2.2 BUILDING SCALE REGULATIONS

2.2.1 **BUILDING HEIGHT**

A. Definition

"Building height" means the vertical distance measured from the top of the curb on the public street closest to the main building, or if there is no curb, from the highest point of the public street adjacent to the main building, to the highest point of the main building.

B. Regulation

1. General

- a. Height for buildings is regulated by both the number of stories and the total number of feet permitted. New structures must conform to the minimum and maximum number of stories and the feet as specified in Fig 2.2.1. Building Height.
- Towers, spires, chimneys, b. Exclusions: machinery penthouses not exceeding twentyfive percent of the roof area on which the penthouse is located, scenery lofts, cupolas, water tanks, telecommunications facilities, wind turbines and towers, high bay test facilities, and similar architectural and utility structures, including equipment screening, and necessary mechanical appurtenances, may exceed the maximum building height in any zoning district by a maximum of twentyfive feet, unless otherwise permitted pursuant to Sunnyvale Municipal Code Chapter 19.54 (Wireless Telecommunication Facilities) or Sunnyvale Municipal Code Chapter 19.56 (Alternative Energy Systems). Provided, however, that no such architectural or utility structure, equipment screening, or necessary mechanical appurtenance shall be erected, maintained, or located between the face of the main building and any public street, nor in any required side or rear yard. (Sunnyvale Municipal Code Section 19.32.030a)
- c. The number of stories that count toward a building's height shall include:
 - i. All stories located entirely above the finished grade

- ii. Partially submerged basements that extend more than five (5) feet above finished grade
- d. Special Minimum Floor-to-Ceiling:
 - i. Ground floor retail shall be a minimum of fourteen (14) feet from floor to ceiling (conversions of use in existing buildings shall not be required to meet this requirement).
 - ii. Single story light industrial uses shall have a minimum of twenty-four (24) feet from floor to ceiling to enable potential future conversion to two stories (conversions of use in existing buildings shall not be required to meet this requirement).

2. Special Conditions

- a. Levels in parking podiums under buildings do not count toward the number of stories permitted but building height must still be below the maximum height in feet.
- b. Freestanding parking structures may exceed the number of stories permitted but shall not exceed:
 - i. The maximum height permitted in feet, or
 - ii. The height of the tallest building on the site
- c. Rooftop equipment must be set back a minimum of ten (10) feet from building walls, be screened on all sides, and be integrated into the overall building design.
- d. Height of accessory structures shall be regulated per Sunnyvale Municipal Code Chapter 19.40.
- e. See the Santa Clara County Comprehensive Land Use Plan (CLUP) for potential additional height limitations (as summarized in Section 4.8)

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2.2.2 SPECIAL BUILDING HEIGHT LIMITS

A. Street-Facing Upper Setback

The entirety of the upper portion of any building's mass that is taller than four (4) floors and sixty (60) feet along all streets except Mathilda Ave., Central Expwy., Ross Dr., and Hamlin Ct. shall be set back a minimum horizontal distance of sixty-five (65) feet as measured from the lower portion of that building's street-facing façade as shown in Fig.2.2.2. Special Building Height Limits – A. Street-Facing Upper Setback.

B. Across the Street from Housing

- 1. At locations across the street from existing, approved, or zoned residential areas building areas (excluding across Central Expressway), building height shall be limited to a maximum of three (3) stories and 36 feet.
- 2. The entirety of the upper portion of any building's mass that is taller than two (2) floors and 28 feet above the height of the lowest residential building directly across the street shall be set back a minimum horizontal distance of sixty-five (65) feet as measured from the lower portion of that building's residential-facing façade as shown in Fig.2.2.2. Special Building Height Limits B. Street-Facing Upper Setback Across from Housing.

C. Adjacent to Housing

- The height of new development on a parcel abutting another parcel with existing, approved, or zoned residential buildings shall be limited as follows and as shown in Fig. 2.2.2. Special Building Height Limits C. Adjacent to Housing:
 - a. Within seventy-five (75) feet of the abutting residential property line, the height of new development shall not exceed the number of stories and the number of feet as specified in Fig.2.2. Building Scale Regulations Chart.
 - b. Beyond seventy-five (75) feet from the abutting residential property line and on the same parcel, the upper portion of any building mass that exceeds this height in stories and feet shall be set back a minimum of thirty (30) foot from the lower portion of that building's

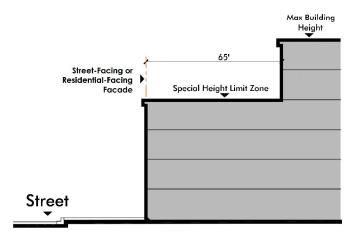


FIG.2.2.2. SPECIAL BUILDING HEIGHT LIMITS A. STREET-FACING UPPER SETBACK
B. STREET-FACING UPPER SETBACK ACROSS FROM HOUSING

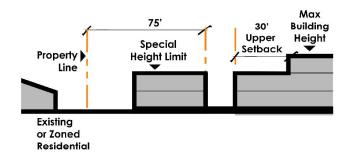


Fig. 2.2.2 Special Building Height Limits - C. Adjacent to housing

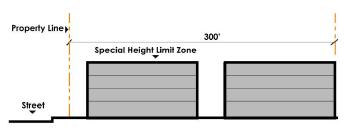


Fig. 2.2.2 Special Building Height Limits - D. Along Mathilda Ave.

residential-facing façade as shown in Fig. 2.2.2. Special Building Height Limits – C. Adjacent to Housing.

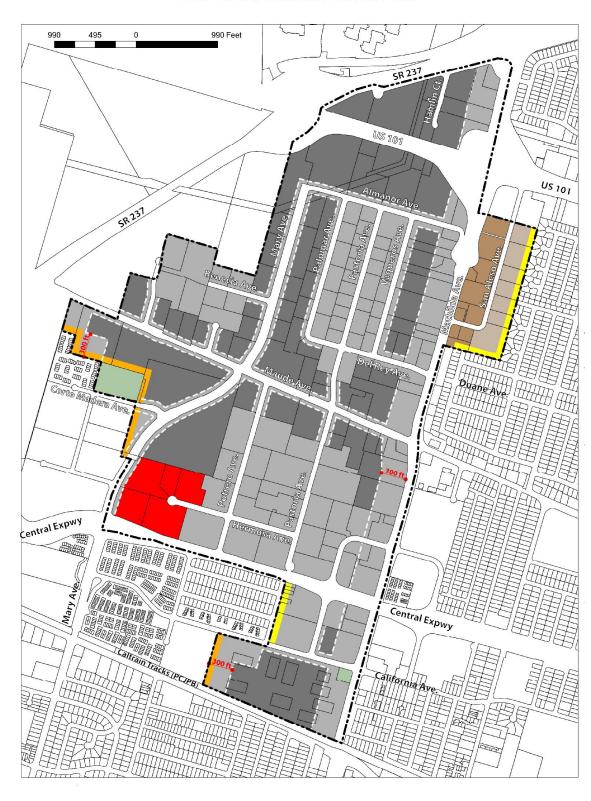
D. Along Mathilda Ave.

The height of development shall be limited along Mathilda Ave. for a distance of three hundred (300) feet from the property line as shown in Fig. 2.2.2. Special Building Height Limits – D. Along Mathilda Ave.

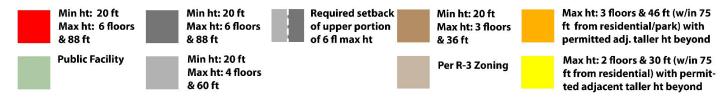
Fig. 2.2 Building Scale Regulations Chart

2.2 Building Scale Regulations	Activity Center	Innovation Edge	Mixed Industry Core	Mixed Commercial Edge	Neighbor- hood Transition
2.2.1 Building Height					
Minimum Height	2 stories & 28 ft.	1 story & 20 ft.	1 story & 20 ft.	1 story & 20 ft.	n/a
Maximum Height	6 stories & 88 ft.	6 stories & 88 ft.	4 stories & 60 ft.	3 stories & 36 ft.	per R-3 zoning
Special Condition - parking podiums and structures	See Section 2.2.1.B.2				
Special Condition - rooftop equiptment and accessory structures	See Section 2.2.1.B.2				
2.2.2 Special Buildin	g Height Limi	ts			
A. Street-facing upper setback	Any portion of bldg. above 4 stories/60 ft.: horizontal upper setback of 65 ft.	Any portion of bldg. above 4 stories/60 ft.: horizontal upper setback of 65 ft.	n/a	n/a	n/a
B. Across the Street from Housing (3 stories or less)		across street: horizontal upper	Any portion of bldg. 2 stories/28 ft. higher than lowest res. bldg. across street: horizontal upper setback of 65 ft.		n/a
C.1.a. Adjacent to Housing (across abutting parcel line) - within 75 ft. from parcel line	3 stories & 46 ft.	3 stories & 46 ft.	2 stories & 30 ft.	2 stories & 30 ft.	2 stories & 30 ft.
C.1.b. Adjacent to Housing (across abutting parcel line) - beyond 75 ft. from parcel line	Any portion of bldg. above 3 stories/46 ft.: horizontal upper setback of 30 ft.	Any portion of bldg. above 3 stories/46 ft.: horizontal upper setback of 30 ft.	Any portion of bldg. above 3 stories/46 ft.: horizontal upper setback of 30 ft.	Any portion of bldg. above 2 stories/30 ft.: horizontal upper setback of 30 ft.	Any portion of bldg. above 2 stories/30 ft.: horizontal upper setback of 30 ft.
D. Mathilda Ave.	n/a	4 stories/60 ft max w/in 300 ft. from Mathilda Ave.	n/a	n/a	n/a
2.2.3 Building Length	1				
maximum	300 ft.	300 ft.	200 ft.	300 ft.	n/a

FIG. 2.2.1. PERMITTED HEIGHT MAP



Permitted Heights



BOOK 4: PLAN IMPLEMENTATION

4.0 INTRODUCTION

The ongoing transformation of Peery Park will be supported by a program of community actions and investment. Given the overall scale of growth both in Peery Park and the surrounding region as well as the variety of improvements needed, this program will be implemented in phases. In some cases, the timing of improvements will be concurrent with private development and supported by private investment. In other cases, improvements will be initiated by the City based on the availability of City resources. The prioritization of public improvements will be guided by the goals and strategies of this Specific Plan. Complementing the regulations in Book 2: Development Code, the strategic investment of community resources planned in this section is intended to support the transformation process and add to the appeal and success of Peery Park as a cutting-edge workplace district. As opportunities arise that were unknown at the time of the Plan's adoption, the City may consider alternative investment strategies to more effectively realize the community's vision for Peery Park.

4.1 DEVELOPMENT CAPACITY AND ENVIRONMENTAL REVIEW REPORT

4.1.1 **DEVELOPMENT CAPACITY**

In order to ensure that the necessary infrastructure exists to support new development, and to allow the City to monitor impacts - such as traffic - generated by new development in Peery Park, the Specific Plan will allow a maximum of 2.2 million square feet of net-new workplace/ commercial development and 215 net-new housing units over a baseline of approximately 7.5 million square feet of existing or approved industrial/office development, commercial development and three housing units.

The City will monitor the Peery Park buildout as development occurs. When development is proposed that exceeds this development capacity, the proposing developer must:

- 1. Work with the city to estimate potential additional environmental impacts; and
- 2. Apply for a Specific Plan amendment to increase in the development capacity.

4.1.2 ENVIRONMENTAL REVIEW REPORT

The Peery Park Specific Plan has been prepared in conjunction with a Program-level Environmental Impact Report (EIR), which identifies potential impacts resulting from the proposed development intensities. The certification of the EIR includes a mitigation monitoring program with provisions to reduce the potentially significant impacts to a less than significant level, although some impacts will remain as significant unavoidable after mitigation. Statements of Overriding Consideration have been adopted in conjunction with the General Plan Amendment and the Specific Plan in acknowledgment of the presence of remaining significant and unavoidable impacts. As the lead agency, the City of Sunnyvale will implement a monitoring program that includes the approved mitigation measures of the EIR and shall be applicable to all future development pursuant to this Specific Plan.

The Peery Park Specific Plan Program EIR will serve as the primary environmental clearance document for the Peery Park District and all future development undertaken within the plan area. The EIR is to be the primary environmental document for project implementation within the Specific Plan area, including private development projects and as a Project EIR for purposes of infrastructure improvements. The adopted Statements of Overriding Consideration are deemed by the approval of this plan to be applicable to subsequent projects that are consistent with or that implement the Specific Plan's goals and objectives.

Future development and infrastructure projects may utilize the Program EIR for "Tiering" purposes of streamlining subsequent environmental review. This streamlined CEQA review may be used for projects ranging in scope from site-specific projects to projects that affect the whole of the Peery Park District.

Development projects that are in conformance with this plan may be reviewed for additional project-specific environmental impacts that were not considered as part of the approval of this plan. In addition to potential subsequent environmental review, the project proponent may be required to submit documentation substantiating said development is in conformance with the Specific Plan, EIR and its mitigation monitoring program.

4.2 **COMMUNITY BENEFITS PROGRAM**

Beginning in the 1960's, American cities have offered incentives for developers to incorporate desired features into their buildings and developments. In most cases, the builder is offered a "bonus" in terms of additional building height or building floor area (usually by increasing the floor area ratio or FAR) as well as requirements for fees and other elements, in order to impose project feasibility and meet city policies. The Community Benefits Program of the Peery Park Specific Plan establishes contribution of community facilities, services or impact fees by development applicants in exchange for added development capacity or intensity.

The contributions are defined by the Specific Plan's Community Benefit Goals:

- Provide settings that bring people together.
- Provide new district amenities and uses.
- Contribute to community sustainability.
- Place priority on TDM and alternative transportation.
- Enable feasible development and provide clear direction for investors.

The program establishes a base zoning below market potential, and tiers of additional development capacity above base zoning by choice – the latter in relation to degree and types of benefits proffered. The intent is to maximize public benefits while preserving project feasibility.

4.2.1 TIERS OF COMMUNITY BENEFITS

The Community Benefits program has a Base Tier of lowest maximum permitted FAR percentage and three successive tiers (1, 2 and 3) of increasing maximum permitted FAR percentage, each with additional levels of Community Benefits provision by applicants as well as specific Project Application processes and approval authority for each tier. Requirements are also differentiated for Futures Sites (Zone 2) and all other sites (Zone 1).

The baseline FAR permitted and additional FAR available when providing community benefits are shown in the chart within Fig. 2.1.2.A Maximum Permitted FAR Map in Book 2. See also the Moffett Field Airport Comprehensive Land Use Plan for potential restrictions on maximum occupancy/density (summarized in Section 4.8.1, Book 4).

4.2.2 CATEGORIES AND TYPES OF COMMUNITY BENEFITS

There are two types of Community Benefits - Defined and Flexible. Defined Community Benefits specify the maximum additional percentage of FAR per benefit provided, as well as the criteria and method for calculation of the percentage. Flexible Community Benefits are project-specific (i.e. are contingent on project circumstances and city priorities) and are determined through review of the project's Community Benefits Plan. Specific details of each of the individual Defined and Flexible benefits are provided in the "Peery Park Specific Plan Community Benefits Program" table that will be adopted by resolution of the City Council.

Fig 4.2 Application Review & Approval			
LEVEL	APPROVAL BODY		
BASELINE REQUIREMENTS (See Section 4.7.1)	COMMUNITY DEVELOPMENT DIRECTOR		
TIER 1 PROJECTS	COMMUNITY DEVELOPMENT DIRECTOR		
TIER 2 PROJECTS	PLANNING COMMISSION		
TIER 3 PROJECTS	CITY COUNCIL		

4.8 SANTA CLARA COUNTY LAND USE PLAN (CLUP) AND FAA COORDINATION

4.8.1 **AIRPORT PROTECTION AREA**

The Development Standards in Book 2 have been set to be as consistent as possible with the restrictions outlined in the Santa Clara County CLUP for airport protection areas surrounding Moffett Airfield. The intent is to streamline project review by the county and the Airport Land Use Commission of any project proposed in the Moffett Airfield airport protection areas.

In addition to meeting this Plan's requirements, projects must apply to the Federal Aviation Administration (FAA) for clearance as part of a complete application, and verify conformance with Moffett Airfield airport protection area restrictions including maximum permitted heights, minimum open space, and maximum estimated person density per acre.

The geographic location and extent of the Airport Land Use Commission's adopted height limits and runway protection areas are illustrated and summarized in Fig.4.8.1.A Height Limits and Fig 4.8.1.B Airport Safety Zones for reference.

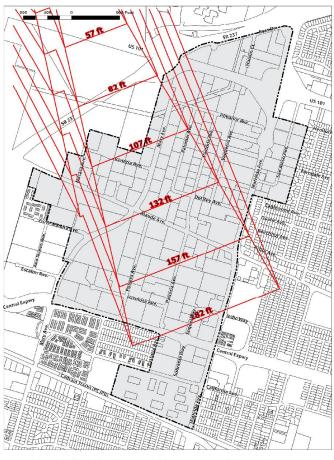


Fig. 4.8.1.A Airport Protection Height Limits (*Assuming finished grade approx 55 ft above mean sea level)

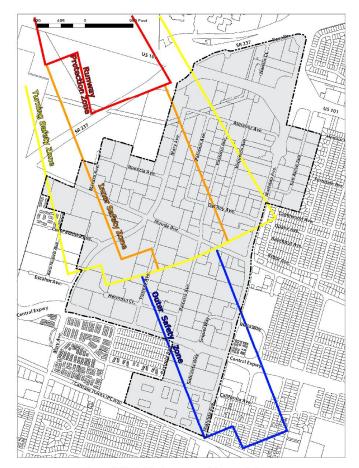
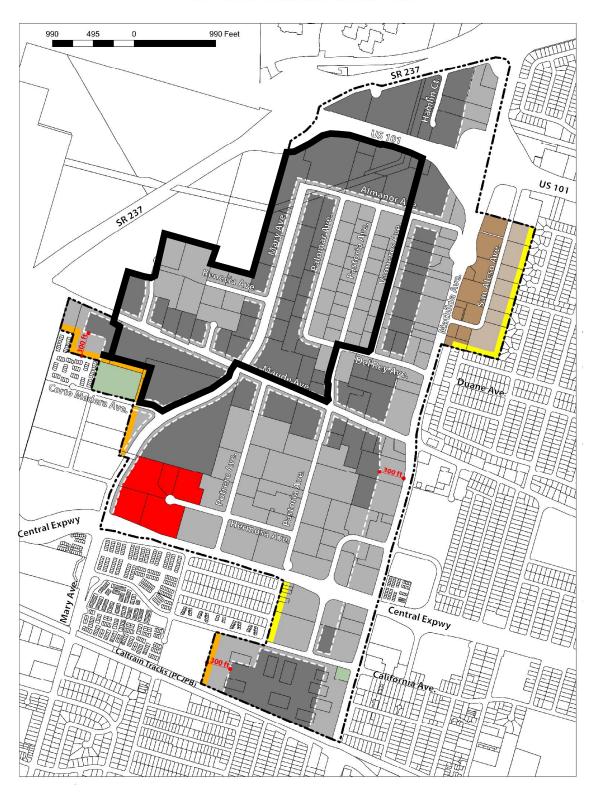


Fig. 4.8.1.B Airport Safety Zones

FIG. 2.2.1. PERMITTED HEIGHT MAP



Permitted Heights



Min ht: 20 ft Max ht: 6 floors & 88 ft



Required setback of upper portion of 6 fl max ht

Min ht: 20 ft Max ht: 3 floors & 36 ft



Max ht: 3 floors & 46 ft (w/in 75 ft from residential/park) with permitted adj. taller ht beyond





Per R-3 Zoning



Max ht: 2 floors & 30 ft (w/in 75 ft from residential) with permitted adjacent taller ht beyond

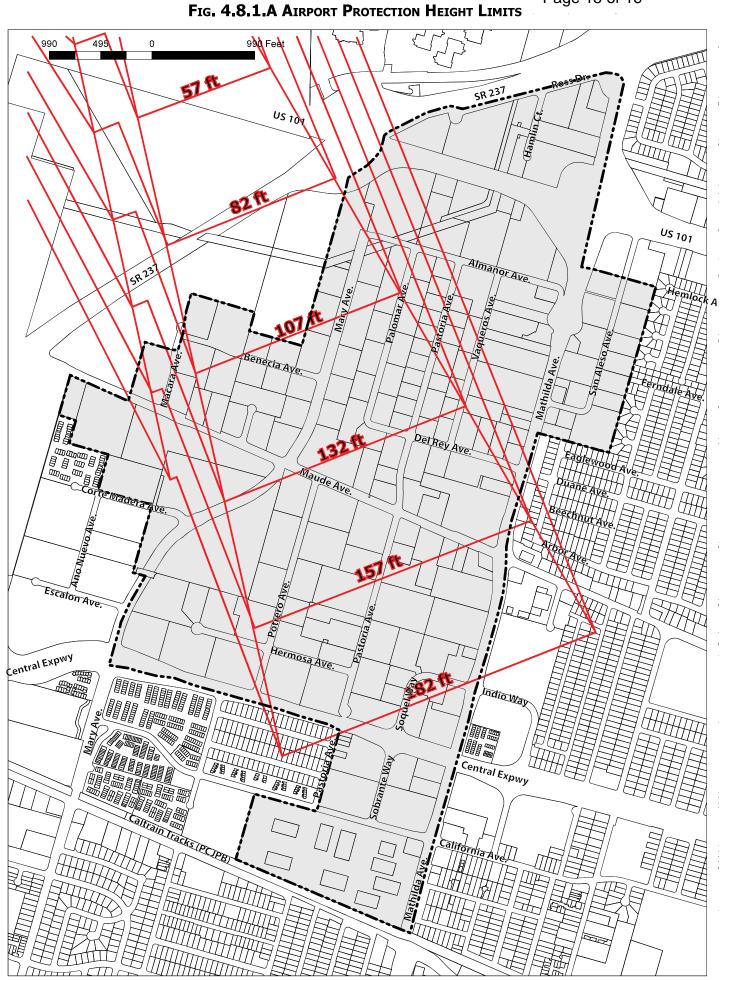


Fig. 4.8.1.B Airport Safety Zones

