

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE REZONING CERTAIN PROPERTY WITHIN THE LAWRENCE STATION AREA PLAN DISTRICT, AMENDING SUNNYVALE MUNICIPAL CODE SECTION 19.16.020 (ZONING DISTRICTS - CREATION), CHAPTER 19.35 (LAWRENCE STATION AREA SPECIFIC PLAN DISTRICT), AND MAKING OTHER RELATED CHANGES TO TITLE 19 (ZONING) TO IMPLEMENT THE LAWRENCE STATION AREA PLAN UPDATE PROJECT, AMENDING THE ZONING DISTRICTS MAP AND REZONING PROPERTY WITH THE LSAP DISTRICT, AND ADDING CHAPTER 3.52 (LAWRENCE STATION AREA PLAN TRANSPORTATION IMPACT FEE) TO TITLE 3 (REVENUE AND FINANCE)**

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. SECTION 19.16.020 AMENDED. Section 19.16.020 (Zoning Districts-Creation) of Chapter 19.16 (Zoning Districts, Uses and Related Development Regulations) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.16.020. Zoning districts—Creation.**

In order to carry out the purposes and provisions of this title, the city of Sunnyvale and the Sunnyvale planning area are divided into zoning districts designated as follows:

Symbol	Zoning District
R-0	Low Density Residential Zoning District
R-1	Low Density Residential Zoning District
R-1.5	Low Medium Density Residential Zoning District
R-1.7/PD	Low Medium Density Residential Zoning District
R-2	Low Medium Density Residential Zoning District
R-3	Medium Density Residential Zoning District
R-4	High Density Residential Zoning District
R-5	High Density Residential and Office Zoning District
R-MH	Residential-Mobile Home Zoning District
O	Administrative-Professional Office Zoning District
P-F	Public Facilities Zoning District
DSP	Downtown Specific Plan District
C-1	Neighborhood Business Zoning District
C-2	Highway Business Zoning District
C-3	Regional Business Zoning District
C-4	Service Commercial Zoning District

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M-S	Industrial and Service Zoning District
M-3	General Industrial Zoning District
MP	Moffett Park Specific Plan District Moffett Park Subdistricts
MP-I	General Industrial
MP-TOD	Transit Oriented Development
MP-C	Commercial
LSP	Lakeside Specific Plan District
PPSP	Peery Park Specific Plan District
<del>LSAP</del>	<del>Lawrence Station Area Specific Plan District</del>
<del>MDX</del> MXD-I	Flexible Mixed-Use I Zoning District
<del>MXD-I/S</del>	<u>Flexible Mixed-Use I, Sonora Court Zoning District</u>
<del>MDX</del> MXD-II	Flexible Mixed-Use II Zoning District
<del>MDX</del> MXD-III	Flexible Mixed-Use III Zoning District
<del>MXD-IV</del>	<u>Flexible Mixed-Use IV Zoning District</u>
M-S/LSAP	Lawrence Station <u>Area Plan</u> Industrial and Service Zoning District
<u>M-S/LSAP 60%</u>	<u>Lawrence Station Area Plan Industrial and Service Zoning District 60 Percent</u>
<u>M-S/LSAP 120%</u>	<u>Lawrence Station Area Plan Industrial and Service Zoning District 120 Percent</u>

SECTION 2. CHAPTER 19.35 AMENDED. Chapter 19.35 (Lawrence Station Area ~~Specific~~ Plan District) of Title 19 (Zoning) is hereby amended to read as follows:

### Chapter 19.35

#### LAWRENCE STATION AREA ~~SPECIFIC~~ PLAN DISTRICT

- 19.35.010. Lawrence Station Area ~~Specific~~ Plan District Established
- 19.35.020. Incorporation of Lawrence Station Area Plan, Purpose, and Findings.
- 19.35.030. LSAP Regulations Generally
- 19.35.040. LSAP ~~District Zones~~Zoning Designations
- 19.35.050. Permitted, conditionally permitted, and prohibited uses.
- 19.35.060. LSAP Density, Floor Area Ratio (FAR)~~and~~, Height, and Lot Coverage Requirements.
- 19.35.070. LSAP Setback and Parcel Size Requirements.
- 19.35.080. Parking Standards
- 19.35.090. Landscape and Open Space Standards
- 19.35.100. Conflicts.

19.35.010. Lawrence Station Area ~~Specific~~ Plan District Established  
~~The A zoning district entitled the “Lawrence Station Area Plan” (LSAP)~~  
 District with associated zoning districts contained in this chapter is established as shown on the official precise zoning plan, zoning district map, city of Sunnyvale, on file in the office of the city clerk and incorporated by reference.

**19.35.020. Incorporation of Lawrence Station Area Plan, Purpose, and Findings.**

(a) The zoning districts associated with the Lawrence Station Area Plan (LSAP District) ~~is are~~ established to implement the ~~Lawrence Station Area Specific~~ Plan, which is incorporated herein by reference. The Lawrence Station Area ~~Specific~~ Plan is a specific plan that serves as a comprehensive, long term planning document for the ~~LSAP~~ area, and includes architectural and design guidelines, ~~site development standards~~ goals and policies, ~~public facility~~ circulation improvement plans, and an environmental mitigation and monitoring program to be implemented through zoning and subdivision regulations, development standards, and public and private improvements.

(b) The purpose of the LSAP is to encourage high-quality, higher-intensity development adjacent to public transportation corridors as a means of reducing single-occupancy ~~vehicle commuting~~ vehicle miles traveled and associated traffic congestion and negative air quality and greenhouse gas impacts; to promote use of alternative means of transportation including public transit, walking and biking, carpooling/ride-sharing; and to create intensity incentives for developers who propose community benefits in line with the goals of the plan ~~utilize sustainable development techniques~~.

(c) The Council finds that the LSAP will:

(1) Protect and promote the public health, safety, peace, comfort and general welfare;

(2) Establish the procedure for adoption of the orderly physical development of the LSAP District by defining development procedures and requirements to obtain the objectives of the LSAP.

(3) Promote the City's goals of smart growth and sustainable development.

(4) Diversify and strengthen the residential and economic opportunities and fiscal health of the city.

**19.35.030. LSAP Regulations Generally**

(a) The regulations contained in this chapter shall apply in the LSAP district, in conjunction with the ~~standards~~ policies, guidelines, and plans contained in the LSAP document and Lawrence Station Sense of Place Plan.

(b) Whenever this chapter does not provide specific standards and/or procedures for the review, approval and/or administration of development projects within the LSAP district or for appeals concerning approvals or administration of development projects, the standards and procedures contained in this code shall apply.

(c) The owner or occupant of land or buildings used for any purpose in the LSAP district shall provide the facilities as required by and which conform with the regulations set forth in this chapter; provided however, that buildings and ~~structures or uses~~ lawfully constructed or established prior to the effective date of this chapter which do not comply with the provisions hereof shall be deemed legally nonconforming in accordance with the provisions of Chapter 19.50 (Nonconforming Buildings and Uses). Uses lawfully established prior to the effective date of this

chapter (January 13, 2017) which are no longer permitted uses shall remain as legal conforming uses with the ability to grow and expand per LSAP Policy LU-P2.

#### **19.35.040 LSAP District ~~Zones~~Zoning Designations**

The LSAP District contains a total of ~~six—nine~~ zoning designations, including ~~the four new~~eight zoning ~~subdistricts—designations~~ specific to the LSAP summarized below to further refine development requirements within the LSAP area:

(a) Flexible Mixed-Use I (MXD-I) District. This district is part of the Transit Core, appropriate for uses that are a—within walking distance of approximately five minutes or less from the station. The highest minimumHigher intensities of future development are allowed in this District. The highest priority for the area is mixed-use development including residential, office/research and development (R&D), and retail uses. Uses may be configured as vertical mixed-use, such as with retail under several floors of residential or office or as single-use buildings or parcels.

(a)(b) Flexible Mixed-Use I, Sonora Court (MXD-I/S) District. This district applies to Sonora Court, a cul-de-sac one block north of the railroad tracks, and just northwest of Lawrence Station. Parcels on Sonora Court are significantly smaller than other MXD-I parcels. Because of the closest proximity to the station and smaller parcel sizes, the highest base maximum residential densities are allowed in this District. The highest priority for the area is mixed-use development including residential, office/R&D, and retail uses. Uses may be configured as vertical mixed-use, such as with retail under several floors of residential or office or as single-use buildings or parcels.

(b)(c) Flexible Mixed-Use II (MXD-II) District. Required minimum—base maximum densities for future residential development in this district are slightly lower than in MXD-I, but maximum allowable office/R&D/industrial intensities are equal to MXD-I. A mix of land uses, including office, R&D, and residential uses, are allowed and encouraged in this land use classification. Stand-alone retailRetail uses are ~~not~~ allowed and encouraged.

(d) Flexible Mixed-Use III (MXD-III) District. The Flexible Mixed-Use III district applies to the existing Calstone/Peninsula Building Materials site on the south side of the railroad tracks and north of Aster Avenue. Guidelines were created in the LSAP to respect the scale and character of existing two- and three-story residential uses located south of the railroad tracks. New development must respect the scale and character of the existing residential uses. Allowable Base maximum densities are slightly lower than MXD-I and MXD-II, and the same as MXD-IV. A mix of land uses, including office and residential uses, are allowed and encouraged in this land use classification. Retail development, as part of mixed-use, is allowed and encouraged along the Willow Avenue frontage.

(e) Flexible Mixed-Use IV (MXD-IV) District. The Flexible Mixed-Use IV district applies to properties bounded by Willow Avenue, Reed Avenue, and Lawrence Expressway. A mix of land uses, including residential and local-serving retail uses, are allowed and encouraged in this land use classification. Redevelopment requires provision of a minimum retail floor area ratio (FAR) of

25 percent. Uses may be configured as mixed-use, such as with retail under several floors of residential or office or as single-use buildings or parcels.

(e)(f) Lawrence Station Area Plan Industrial and Service Zoning District (M-S/LSAP). The M-S/LSAP district applies to properties at the southeast corner of Kifer Road and Lawrence Expressway/Lawrence Station Road. This area has a strong retail presence that would remain onsite. Residential uses are prohibited and a minimum retail FAR requirement of 25 percent upon redevelopment. Office, R&D, and industrial uses are allowed with required retail.

~~(d) Office/Retail (O-R) District. Residential development is discouraged in the O-R district. Local serving retail services and office/R&D uses are appropriate here and encouraged.~~

(g) Lawrence Station Area Plan Industrial and Service Zoning District 60 Percent (M-S/LSAP 60%). The M-S/LSAP 60% district applies to the property on the north side of Kifer Road, adjacent to the western boundary of the City of Santa Clara. The allowable FAR with incentives is 60 percent. Existing open space and trees shall be maximized on the property. Only industrial, smaller-scale retail and service, office, and R&D uses are allowed in this district. Residential uses are prohibited.

(h) Lawrence Station Area Plan Industrial and Service Zoning District 120 Percent (M-S/LSAP 120%). The M-S/LSAP 120% district applies to properties on the south side of Kifer Road near Commercial Street, east of properties on San Lucar Court. The allowable FAR with incentives is 120 percent. Permitted, conditionally permitted, and prohibited uses in this district are the same as those in the M-S/LSAP 60% district.

#### **19.35.050 Permitted, conditionally permitted, and prohibited uses.**

(a) Use Table. Table 19.35.050A sets forth those uses which are permitted, conditionally permitted, or prohibited in each of the LSAP districts. ~~The symbols correspond to the use permit procedures described in Chapter 19.90 (Special Development Permits).~~

(1) Permitted (P). A use shown with “P” in the table is allowed subject to compliance with all applicable provisions of this title. If the proposed use includes minor new construction, changes to the exterior of a building or other site modification, ~~design review~~ a miscellaneous plan permit is required in accordance with the provisions of Chapter 19.82, ~~Design Review~~ Miscellaneous Plan Permit.

(2) Miscellaneous Plan Permit (MPP). A use shown with “MPP” in the table requires the approval of a miscellaneous plan permit, in accordance with the provisions of Chapter 19.82, Miscellaneous Plan Permit. If there is an existing valid miscellaneous plan permit for the use, and no new construction or expansion is proposed, then such use may be conducted without requiring another miscellaneous plan permit.

(3) ~~Use Permit and~~ Special Development Permit (~~UP and~~ SDP). A use shown with ~~“UP” or “SDP”~~ requires approval of a ~~use permit or~~ special development permit, in accordance with the provisions of ~~Chapter 19.88, Use Permit, or~~ Chapter 19.90, Special Development Permit;

~~whichever applies~~. If there is an existing valid use permit or special development permit for the use, and no new construction or expansion is proposed, then such use may be conducted without requiring another use permit or special development permit.

(4) Not Permitted. (N). A newly proposed use shown with “N” in the table is prohibited. Per LSAP Policy LU-P2, existing legal uses that are now shown with “N” in the table shall remain as legal conforming uses with the ability to grow and expand.

(b) Compliance. It is a violation of this chapter to:

(1) Engage in a use that is conditional without complying with the imposed conditions;

(2) Engage in a prohibited use;

(3) Engage in a use requiring a miscellaneous plan permit, ~~use permit~~ or special development permit without obtaining the required permit.

(c) Requirements for construction. All uses permitted under this section that require no new construction or additions or changes to the exterior of the building may be conducted within existing enclosed buildings. Major changes to the exterior of a building for either approved or permitted uses, new construction, site improvements, or additions to an existing building (other than a single-family home) shall require a ~~plan review~~ special development permit as set forth in Section 19.90.020. Minor changes to the exterior of a building for either approved or permitted uses may be approved by the director of community development through a Miscellaneous Plan Permit (MPP) as set forth in Chapter 19. ~~90.020~~ 82.

**TABLE 19.35.050**  
**Permitted, Conditionally Permitted, and Prohibited Uses**  
**In LSAP Districts**

Use	<del>Lawrence Station Area Plan Subdistrict</del> <u>LSAP Zoning District</u>					
	<u>MXD-I and MXD-I/S</u>	<u>MXD-II</u>	<u>MXD-III and MXD-IV</u>	<u>R-5</u>	<u>M-S/LSAP O-R</u>	<u>M-S/LSAP 60% and 120%</u>
<b><i>1. RESIDENTIAL</i></b>						
A. Single-family dwelling	N	N	N	<u>N</u>	N <sup>3</sup>	<u>N<sup>3</sup></u>
B. Two-family dwelling	N	N	N	<u>N</u>	N	<u>N</u>
C. Multi-family dwelling (3 or more units, or more than 1 main building) and accessory buildings and uses	<del>MPPP</del>	<del>MPPP</del>	<del>MPPP</del>	<u>P</u>	N	<u>N</u>
D. Mobile home park	N	N	N	<u>N</u>	N	<u>N</u>

E. Single-room occupancy facilities	SDP	SDP	SDP	<u>SDP</u>	N	<u>N</u>
F. Live/work unit	SDP	SDP	SDP	<u>SDP</u>	N <sup>3</sup>	<u>N<sup>3</sup></u>
G. Residential care facility, 6 or fewer residents	P	P	P	<u>P</u>	N	<u>N</u>
H. Emergency shelter	N	N	N	<u>N</u>	<del>N</del> SDP	<u>SDP</u>
I. <u>Accessory dwelling units</u>	<u>See 19.79</u>	<u>See 19.79</u>	<u>See 19.79</u>	<u>See 19.79</u>	<u>N</u>	<u>N</u>
<b>2. CHILD AND ADULT DAY CARE</b>						
A. <u>Commercial</u> child care center ( <del>when residential uses present on-site</del> )	SDP	SDP	SDP	<u>SDP</u>	SDP	<u>N</u>
B. Business-sponsored child care center	SDP	SDP	SDP	<u>SDP</u>	SDP	<u>SDP</u>
C. Adult day care center	SDP	SDP	SDP	<u>SDP</u>	SDP	<u>N</u>
<b>3. EDUCATION, RECREATION, AND PLACES OF ASSEMBLY</b>						
A. Education - primary middle and high school	N	N	<del>N</del> SDP	<u>SDP</u>	<del>SDP</del> N	<u>N</u>
B. Education - institution of higher learning	<del>N</del> SDP	<del>N</del> SDP	<del>N</del> SDP	<u>N</u>	SDP	<u>SDP</u>
C. Education - recreation and enrichment	<del>SDP</del> MPP	<del>SDP</del> MPP	<del>SDP</del> MPP	<u>MPP</u>	<del>SDP</del> MPP	<u>N</u>
D. Recreational and athletic facility	SDP	SDP	SDP	<u>SDP</u>	SDP	<u>SDP</u>
E. Place of assembly - business serving	SDP	SDP	SDP	<u>SDP</u>	SDP	<u>SDP</u>
F. Place of assembly - community serving	SDP	SDP	SDP	<u>SDP</u>	SDP	<u>N</u>
<b>4. COMMERCIAL, RETAIL, AND SERVICE</b>						
A. Retail sales (excluding uses listed individually below)	MPP	MPP	MPP	<u>N</u>	<del>MPPP</del>	<u>MPP</u>
B. <del>Incidental</del> <u>R</u> etail sales and retail service, <u>if incidental to other permitted</u>	<del>MPPP</del>	<del>MPPP</del>	<del>MPPP</del>	<u>MPP</u>	<del>MPPP</del>	<u>P</u>



<u>uses</u>						
C. Retail sales with drive-through	N	N	N	<u>N</u>	<del>MPP</del> SDP	<u>N</u>
D. Shopping center	<del>N</del> SDP	<del>N</del> SDP	<del>N</del> SDP	<u>N</u>	<del>SD</del> PP	<u>N</u>
E. Liquor store	MPP	MPP	MPP	<u>N</u>	MPP	<u>N</u>
F. Animal hospitals, clinics and boarding	SDP	SDP	SDP	<u>N</u>	SDP	<u>SDP</u>
G. <del>Retail</del> Personal service	<del>MPP</del> PP	<del>MPP</del> PP	<del>MPP</del> PP	<u>N</u>	<del>MPP</del> PP	<u>MPP</u>
H. Financial institution	P	P	P	<u>N</u>	P	<u>P</u>
I. Financial institution with drive-through	N	N	N	<u>N</u>	N	<u>N</u>
J. Hotel	SDP	SDP	SDP	<u>N</u>	SDP	<u>SDP</u>
K. Automobile service station	N	N	N	<u>N</u>	N	<u>N</u>
L. Automobile service station with retail sale of groceries at permitted stations	N	N	N	<u>N</u>	<del>N</del> MPP	<u>N</u>
M. <u>Automobile service station with retail sale of beer and wine at permitted stations<sup>1</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SDP-</u>	<u>N</u>
N. Vehicle sales or rental, retail	N	N	N	<u>N</u>	N	<u>N</u>
O. Auto broker or vehicle sales, wholesale	N	N	N	<u>N</u>	N	<u>N</u>
P. Sale or rental of heavy equipment or machinery	N	N	N	<u>N</u>	N	<u>N</u>
Q. Vehicle service and repair	N	N	N	<u>N</u>	N	<u>N</u>
R. Car wash	N	N	N	<u>N</u>	<del>MPP</del> N	<u>N</u>
S. Service commercial	<del>MPP</del> PP	<del>MPP</del> PP	<del>MPP</del> PP	<u>N</u>	<del>MPP</del> PP	<u>MPP</u>
T. Payday lending	N	N	N	<u>N</u>	<del>P</del> SDP	<u>N</u>
U. Card room	N	N	N	<u>N</u>	N	<u>N</u>
V. Massage establishment <sup>2</sup>	P	P	P	<u>N</u>	P	<u>P</u>
W. Adult business	N	N	N	<u>N</u>	N	<u>N</u>
<b>5. RESTAURANTS</b>						
A. Restaurant, with or	MPP	MPP	MPP	<u>N</u>	MPP	<u>N</u>



without beer and wine						
B. Restaurant with general liquor	MPP	MPP	MPP	<u>N</u>	MPP	<u>N</u>
C. Restaurant with drive-through	N	N	N	<u>N</u>	N	<u>N</u>
D. Restaurant with entertainment	MPP	MPP	<del>MPP</del> SDP	<u>N</u>	MPP	<u>N</u>
E. Take-out only restaurant	MPP	MPP	MPP	<u>N</u>	MPP	<u>N</u>
F. Nightclub, bar, or entertainment use	SDP	SDP	SDP	<u>N</u>	SDP	<u>N</u>
<b>6. INDUSTRIAL, MANUFACTURING, AND WAREHOUSING</b>						
A. Manufacture, repair, compounding, packaging, assembly, or facilities for equipment, materials or products	MPP	MPP	MPP	<u>N</u>	<del>N</del> P	<u>P</u>
B. Hazardous materials storage as defined in Titles 20 (above ground) and 21 (underground)- Ancillary to permitted use on site	N	N	N	<u>N</u>	<del>SDP</del> MPP	<u>P</u>
C. Hazardous wastes management facilities which meet the criteria outlined in Section 19.22.070	N	N	N	<u>N</u>	N	<u>MPP</u>
D. Auto wrecking, junk, salvage, scrap metal or waste material storage yards	N	N	N	<u>N</u>	<del>N</del>	<u>N</u>
E. <u>Wholesale or commercial storage or warehousing of merchandise or products within a building.</u>	SDP	SDP	<del>SDP</del> N	<u>N</u>	<del>SDP</del> MPP	<u>MPP</u>
F. Self-storage (mini-warehouse)	N	N	N	<u>N</u>	N	<u>N</u>

G. <u>Incidental and accessory storage, mechanical equipment which meet criteria in Chapter 19.82 (five percent net coverage and screened)</u>	<u>MPP</u>	<u>MPP</u>	<u>MPP</u>	<u>MPP</u>	<u>MPP</u>	<u>MPP</u>
<b>7. OFFICE AND MEDICAL</b>						
A. Professional or medical office	P	P	P	<u>SDP</u>	P	<u>P</u>
B. Corporate office or research and development office	P	P	P	<u>SDP</u>	P	<u>P</u>
C. Medical clinic	MPP	MPP	MPP	<u>SDP</u>	MPP	<u>MPP</u>
D. Convalescent hospital	SDP	SDP	SDP	<u>SDP</u>	SDP	<u>N</u>
E. Hospital	SDP	SDP	SDP	<u>N</u>	SDP	<u>N</u>
<b>8. AGRICULTURAL AND RESOURCE-RELATED</b>						
A. Agricultural use	N	N	N	<u>N</u>	N	<u>N</u>
B. Salt evaporation pond	N	N	N	<u>N</u>	N	<u>N</u>
C. <u>Neighborhood-serving community gardens and associated accessory structures for growing of fruits, vegetables, and whole grains</u>	<u>SDP</u>	<u>SDP</u>	<u>SDP</u>	<u>SDP</u>	<u>N</u>	<u>N</u>
<b>9. PUBLIC</b>						
A. Public use	P	P	P	<u>P</u>	P	<u>P</u>
B. <u>Public utility buildings and services, electric transportation and distribution substations and public utility service centers</u>	<u>SDP</u>	<u>SDP</u>	<u>N</u>	<u>N</u>	<u>SDP</u>	<u>SDP</u>
<b>10. OTHER</b>						
A. <del>Medical marijuana</del>	N	N	N	<u>N</u>	N	<u>N</u>

<del>distribution facility</del> <u>Commercial marijuana activities and outdoor cultivation</u>						
B. Stand-alone parking structures and surface lots	SDP	SDP	<del>SDP</del> <u>N</u>	<u>N</u>	SDP	<u>SDP</u>
C. Off-site stadium event parking	<del>MPP</del> <u>N</u>	<del>MPP</del> <u>N</u>	<del>MPP</del> <u>N</u>	<u>N</u>	<del>N</del> <u>MPP</u>	<u>MPP</u>
D. <u>Emergency containers (ARKs) meeting criteria described in Section 19.22.050</u>	<u>MPP</u>	<u>MPP</u>	<u>MPP</u>	<u>N</u>	<u>MPP</u>	<u>MPP</u>
E. <u>Emergency containers other than ARKs.</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>MPP</u>	<u>MPP</u>

<sup>1</sup> ~~R-5 and M-S/LSAP uses in the LSAP shall be the same as shown for R-5 in Table 19.18.030 and for M-S (M-S/LSAP) in Table 19.22.030.~~

<sup>1</sup> ~~Automobile service stations with sale of groceries, beer and wine, or both, require findings as set forth in Section 19.98.020 (i) and/or (j), as applicable.~~

<sup>2</sup> ~~Subject to provisions of Chapter 9.41.~~

<sup>3</sup> ~~Except caretaker residence ancillary to a permitted use.~~

### **19.35.060 LSAP Density, Floor Area Ratio (FAR), and Height, and Lot Coverage Requirements.**

(a) Allowable Residential Density. ~~Allowable Density~~ dwelling unit per acre (du/ac) densities ~~limits~~ for residential ~~units~~ development ~~and nonresidential FARs~~ are listed in Table 19.35.0670 for each LSAP zoning district.

(1) ~~The base maximum~~ Minimum density is the ~~minimum allowable density that is used as the base density for purposes of calculating density bonuses, including the green building bonus, incentive points gained through the LSAP Development Incentives Program, and State Density Bonus (Government Code 65914) and size a project can be in the zoning district. Per LSAP Policy D-P4, All all residential projects shall meet build to at least 85 percent of the base maximum densities.~~ the minimum density.

(2) ~~Maximum density is the maximum allowable density and size a project can be in the zoning districts without incorporating features that will qualify it for incentive density.~~ The Total Available Incentive Points are in reference to the total du/ac points obtained through voluntary participation in the City's LSAP Development Incentives Program. This point total is added to the base maximum density or density above the base maximum density achieved through participation in the City's Green Building Program. The State Density Bonus (Government Code 65915)

for provision of specified affordable housing percentages is applied to the highest density achieved with the green building bonus and/or incentive points.

(3) ~~Maximum density with incentives is the maximum density that can be achieved using the incentive-based program described in the Specific Plan. A list of activities eligible for this incentive program and calculation of such incentives shall be adopted and amended from time to time by resolution of the City Council.~~ City affordable housing requirements in Chapter 19.67 (ownership) and Chapter 19.77 (rental) are based on the total number of units proposed in the project that are obtained by the base maximum density plus the green building bonus and highest density achieved through the LSAP Development Incentives Program, 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.

(4) Development in the R-5 district is not eligible for the incentive program, as densities are determined by lot area as specified in SMC 19.30.020.

(b) Allowable Nonresidential Floor Area Ratio (FAR). Allowable FAR for nonresidential development is listed in Table 19.35.060 for each LSAP zoning district.

(1) The base maximum FAR is used as the base FAR for office, R&D, and industrial development. The additional FAR awarded for participation in the City's Green Building Program is added to the base maximum FAR. Per LSAP Policy D-P6, a Development Agreement is required for additional FAR above the base maximum FAR; however, no development agreement is required for FAR above the base maximum for development utilizing only the green building bonus. The additional FAR through a Development Agreement shall not exceed the Maximum FAR (with incentives) specified in applicable zoning districts.

(2) There is no maximum retail FAR, and standalone retail or mixed-use retail/residential is not subject to a Development Agreement. Base minimum retail FAR is required upon redevelopment in the MXD-IV and M-S/LSAP zoning districts.

(c) Growth Monitoring. The LSAP includes monitoring of net new residential units and net new office/R&D/industrial square footage, consistent with the certified LSAP Environmental Impact Report (EIR) to ensure that long-term development does not exceed the carrying capacity of infrastructure systems and the environment. If this development threshold is reached, subsequent development proposals are required to conduct additional environmental analysis per the California Environmental Quality Act (CEQA).

(d) Allowable Height. Height limits for residential ~~units~~ and nonresidential ~~development FARs~~ are listed in Table 19.35.060 for each LSAP zoning district. Height limits ~~may be~~ subject to applicable design ~~criteria~~

guidelines described in the LSA Plan, including but not limited to upper story stepback requirements.

(e) ~~Development cap. Development in the LSAP District shall be further subject to a total density limit on each use type in a zoning district, which shall be adopted, periodically reviewed, and amended from time to time by resolution of the City Council, to ensure a balance of use types as development occurs in the LSAP District.~~

(e) Lot Coverage. Accounting for the minimum site landscaped area in Table 19.35.090, the maximum lot coverage for all LSAP zoning districts is 80 percent.

**Table 19.35.060**  
**Allowable Density, FAR, and Height Limits**  
**In LSAP Districts<sup>1</sup>**

District	Name	Use	Density/FAR			Height (feet)	
			Min	Max (with no incentive)	Max (with Incentive)		Max
<b>MXD-I</b>	<b>Flexible</b>	<b>Residential (du/acre)</b>	36	45	68		85
	<b>Mixed-Use I</b>	<b>Office/R&amp;D/ Industrial (FAR)</b>	35%	45%	150%		
<b>MXD-II</b>	<b>Flexible</b>	<b>Residential</b>	24	36	68		85
	<b>Mixed-Use I</b>	<b>Office/R&amp;D/ Industrial (FAR)</b>	35%	45%	150%		
<b>MXD-III</b>	<b>Flexible</b>	<b>Residential</b>	24	36	54		55
	<b>Mixed-Use III</b>	<b>Office/R&amp;D/ Industrial (FAR)</b>	35%	45%	100%		

<b>O-R</b>	<b>Office/Retail</b>	<b>Residential</b>	N/A	N/A	N/A		<b>55</b>
		<b>Office/R&amp;D/ Industrial</b>	035%	45%	150%		
		<b>Retail-stand-alone</b>	N/A	N/A	25%		
<b>M-S/LSAP</b>	<b>Industrial and Service, LSAP</b>	<b>Office/R&amp;D/ Industrial</b>	N/A	35%	50%		<b>75</b>

<sup>4</sup>Density and height standards in the R-5 district within the LSAP shall be the same as those required pursuant to Chapter 19.18.

<u>District</u>	<u>Name</u>	<u>Use</u>	<u>Residential Density (du/ac)<sup>1,2</sup></u>		<u>Nonresidential FAR</u>		<u>Maximum Residential and Nonresidential Height (feet)</u>
			<u>Base Maximum Density</u>	<u>Total Available Incentive Points</u>	<u>Base Maximum (non-retail) or Minimum (retail)</u>	<u>Maximum (with incentives)<sup>3</sup></u>	
<u>MXD-I</u>	<u>Flexible Mixed-Use I</u>	<u>Residential</u>	<u>45</u>	<u>35</u>	<u>N/A</u>	<u>N/A</u>	<u>100</u>
		<u>Office, R&amp;D, Industrial</u>	<u>N/A</u>	<u>N/A</u>	<u>35%</u>	<u>150%</u>	
<u>MXD-I/S</u>	<u>Flexible Mixed-Use I/Sonora Court</u>	<u>Residential</u>	<u>54</u>	<u>26</u>	<u>N/A</u>	<u>N/A</u>	<u>100</u>
		<u>Office, R&amp;D, Industrial</u>	<u>N/A</u>	<u>N/A</u>	<u>35%</u>	<u>150%</u>	
<u>MXD-II</u>	<u>Flexible Mixed-Use II</u>	<u>Residential</u>	<u>36</u>	<u>32</u>	<u>N/A</u>	<u>N/A</u>	<u>100</u>
		<u>Office, R&amp;D, Industrial</u>	<u>N/A</u>	<u>N/A</u>	<u>35%</u>	<u>150%</u>	
<u>MXD-III</u>	<u>Flexible Mixed-Use III</u>	<u>Residential</u>	<u>28</u>	<u>17</u>	<u>N/A</u>	<u>N/A</u>	<u>55</u>
		<u>Office, R&amp;D, Industrial</u>	<u>N/A</u>	<u>N/A</u>	<u>35%</u>	<u>100%</u>	
<u>MXD-</u>	<u>Flexible</u>	<u>Residential</u>	<u>28</u>	<u>17</u>	<u>N/A</u>	<u>N/A</u>	<u>55</u>

<u>IV</u>	<u>Mixed-Use IV</u>	<u>Office, R&amp;D, Industrial</u>	<u>N/A</u>	<u>N/A</u>	<u>35%</u>	<u>50%</u>	
		<u>Retail</u>	<u>N/A</u>	<u>N/A</u>	<u>25%</u>	<u>None</u>	
<u>R-5</u>	<u>High Density Residential and Office</u>	<u>Residential and certain nonresidential uses per SMC Table 19.35.050</u>	<u>Based on lot area. See SMC Table 19.30.040</u>	<u>N/A</u>	<u>Per Special Development Permit (SDP)</u>	<u>Per SDP</u>	<u>55</u>
<u>M-S/LSAP</u>	<u>LSAP Industrial and Service</u>	<u>Office, R&amp;D, Industrial</u>	<u>N/A</u>	<u>N/A</u>	<u>35%</u>	<u>150%</u>	<u>85</u>
		<u>Retail</u>	<u>N/A</u>	<u>N/A</u>	<u>25%</u>	<u>None</u>	
<u>M-S/LSAP 60%</u>	<u>LSAP Industrial and Service 60%</u>	<u>Office, R&amp;D, Industrial</u>	<u>N/A</u>	<u>N/A</u>	<u>35%</u>	<u>60%</u>	<u>85</u>
<u>M-S/LSAP 120%</u>	<u>LSAP Industrial and Service 120%</u>	<u>Office, R&amp;D, Industrial</u>	<u>N/A</u>	<u>N/A</u>	<u>35%</u>	<u>120%</u>	<u>85</u>

<sup>1</sup> LSAP Policy D-P4 requires new residential development in the LSAP area to build to at least 85 percent of the zoning district's base maximum density.

<sup>2</sup> Additional densities may be achieved above the base maximum density or density obtained through the City's Green Building Program and/or LSAP Development Incentives Program by providing affordable housing consistent with the State Density Bonus Law (Government Code 65915). Additional densities above the base maximum density are calculated in the following order: apply the density bonus percentage from the City's Green Building Program, add the incentive points gained through the LSAP Development Incentives Program, then apply the State Density Bonus percentage achieved by the project.

<sup>3</sup> LSAP Policy D-P6 and the LSAP Development Incentives Program requires a development agreement for additional office, R&D, and industrial FAR above the base maximum. Development agreements are not required for office, R&D, and industrial projects consistent with the additional FAR allowed through participation in the City's Green Building Program. Development agreements are also not required for standalone retail or mixed-use residential/retail projects.



### 19.35.070. LSAP Setback and Parcel Size Requirements.

Development in the LSAP District shall conform to applicable minimum ~~and maximum~~ setbacks provisions set forth in Table 19.35.070-~~Setbacks~~. Front yard setback ~~R~~requirements are only applicable by adjacency to listed streets and therefore the allowable setback may vary within each zoning district ~~zone~~. Upper floor setbacks are subject to applicable design guidelines described in the LSAP.

**TABLE 19.35.070**  
**Setback and Parcel Size**  
**Requirements**  
**In LSAP Districts**

	<b>MXD-I</b>	<b><u>MXD-I/S</u></b>	<b>MXD-II</b>	<b>MXD-III</b>	<b><u>MXD-IV O-R</u></b>	<b><u>R-5</u></b>	<b>M-S/LSAP</b>	<b><u>M-S/LSA P 60 and 120%</u></b>
<b>Parcel Size</b>								
Minimum lot size (square feet)	22,500	<u>22,500</u>	22,500	22,500	<u>22,500</u> <del>None</del>	<u>20,000</u>	22,500	<u>22,500</u>
Minimum lot width	200'	<u>200'</u>	200'	200'	100'	<u>135'</u>	100'	<u>100'</u>
<b><u>Minimum Front Yard Setbacks</u></b>								
Kifer Road	15'	<u>N/A</u>	15'	N/A	N/A	<u>N/A</u>	15'	<u>15'</u>
Sonora Court <sup>1</sup> ✱	<del>35'</del> <u>N/A</u>	<u>25'</u>	<del>35'</del> <u>15'</u>	N/A	N/A	<u>N/A</u>	N/A	<u>N/A</u>
San Zeno Way	15'	<u>15'</u>	N/A	N/A	N/A	<u>N/A</u>	N/A	<u>N/A</u>
Aster <del>Drive</del> <u>Avenue</u>	N/A	<u>N/A</u>	N/A	15'	N/A	<u>N/A</u>	N/A	<u>N/A</u>
Willow <del>Street</del> <u>Avenue</u> <sup>3</sup>	N/A	<u>N/A</u>	N/A	10'	10'	<u>15'</u>	N/A	<u>N/A</u>
Reed Avenue	N/A	<u>N/A</u>	N/A	N/A	15'	<u>N/A</u>	N/A	<u>N/A</u>
Loop Road <sup>3</sup>	10'	<u>10'</u>	<del>10'</del> <u>N/A</u>	N/A	N/A	<u>N/A</u>	<del>N/A</del> <u>10'</u>	<u>N/A</u>
Internal streets	10'	<u>10'</u>	10'	10'	10'	<u>10'</u>	<del>45'</del> <u>10'</u>	<u>10'</u>
<u>Primary or secondary shared-use paths</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>N/A</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>	<u>10'</u>
Calabazas Creek <sup>2</sup>	<del>N/A</del> <u>25'</u>	<u>N/A</u>	<del>25'</del> <u>10'</u>	N/A	<u>N/A</u>	<u>N/A</u>	<del>45'</del> <u>N/A</u>	<u>N/A</u>
<u>Lawrence Station Road</u>	<u>15'</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>15'</u>	<u>N/A</u>
<u>Lawrence Expressway</u>	<u>15'</u>	<u>15'</u>	<u>N/A</u>	<u>N/A</u>	<u>15'</u>	<u>N/A</u>	<u>15'</u>	<u>N/A</u>
<u>Uranium Drive</u>	<u>N/A</u>	<u>N/A</u>	<u>15'</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<b><u>Side Yard Setback</u></b>								
Minimum	10'	<u>10'</u>	10'	10'	None	<u>10'</u>	10'	<u>10'</u>
Minimum adjacent to residential <u>uses</u>	20'	<u>10'</u>	20'	20'	None	<u>10'</u>	20'	<u>20'</u>
<b><u>Rear Yard Setback</u></b>								
Minimum	10'	<u>10'</u>	10'	10'	None	<u>10'</u>	None	<u>10'</u>
<b><u>Setback between Main Buildings on the same lot</u></b>								

<u>Minimum distance at ground level, regardless of stories</u>	<u>20'</u>	<u>10'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
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\*<sup>1</sup>Dependent on location of existing redwood trees

<sup>4</sup>~~Density and height standards in the R-5 and M-S/LSAP districts within the LSAP shall be the same as those required pursuant to Chapters 19.18 (R-5) and 19.22(M-S).~~

<sup>2</sup> Subject to streamside development review criteria pursuant to Chapter 19.81.

<sup>3</sup> Per LSAP Guideline SP-UDG3, retail uses may have a primary building façade at the street right-of-way/property line (zero foot setback), with up to a ten foot maximum setback from the property line.

### 19.35.080. Parking Standards

(a) **Vehicle Parking Standards.** Minimum and maximum Vehicle vehicle parking requirements are listed in Table 19.35.080 for each LSAP zoning district and use category. Parking locations, types, and criteria for parking reductions will be determined as part of the project review a case-by-case basis ~~in accordance with the LSAP plan and implementing regulations.~~

**Table 19.35.080A  
Off-Street Vehicle Parking Space Requirements**

Land Use Category	LSAP Parking Requirement	
Residential	Minimum -(per unit)	Maximum -(per unit)
Studio and one-bedroom	1	1.5
Two bedrooms	1.25	2
Three + bedrooms	1.7	2
Senior housing	Multiply bedroom requirement by 0.5	
Affordable housing (deed restriction)	Multiply bedroom requirement by 0.5	
Office, R&D, and Industrial	Minimum (per 1,000 SF)	Maximum (per 1,000 SF)
Office	2.75	4
R&D	2	3.2
Industrial	2	2.5
General Retail and Restaurants	Minimum (per 1,000 SF)	Maximum -(per 1,000 SF)
Retail- Freestanding	4	5
Retail- Part of Mixed use	2	4
Restaurants- Freestanding	9	13
Restaurants- Part of Mixed Use	4	7

(b) **Bicycle Parking.** Minimum Bbicycle parking requirements are listed in Table 19.35.080B for each LSAP zoning district and use category. Reductions or deviations from LSAP bicycle parking requirements may be determined as part of the project review a case-by-case basis ~~in accordance with the LSAP plan and implementing regulations.~~

**Table 19.35.080B**  
**LSAP Bicycle Parking Requirements**

Use	Required Number of Bicycle Parking Spaces
<b>Residential</b>	Minimum total 4 <u>Class II</u> spaces for all residential developments
1. General, multi-dwelling	1 Class I per 4 units + 1 Class II per 15 units
2. Low-income housing, multi-dwelling	1 Class I per 3 units + 1 Class II per 15 units
3. Senior housing, multi-dwelling	1 Class I per 20 units + 1 Class II per 15 units
Retail/ <u>Commercial</u>	1 Class I per 30 employees + 1 Class II per 6,000 sq. ft.
Office/Industrial/R&D	1 Class I per 75% of 6,000 sq. ft. + 1 Class II per 25% of 6,000 sq. ft.
Mixed-Use	Mixed uses shall provide bicycle parking for the residential and nonresidential uses in the proportions required by this section.

*Note: The minimum number of Class II ~~bike-bicycle~~ spaces in any location ~~should~~ shall be 2 (4-bicycle capacity).*

### **19.35.090. Landscape and Open Space Standards**

Landscape and open space standards apply whenever landscaping is installed on any unlandscaped lot or in connection with new construction, replacement, or expansion in floor area of any structure in the LSAP area. Refer to Table 19.35.090 for LSAP-specific standards ~~specific to LSAP~~ and Chapter 19.37 of the Municipal Code for additional landscaping, irrigation, and open space requirements not covered by this Section.

**TABLE 19.35.090**  
**LSAP Landscape and Open Space Standards<sup>3</sup>**

	<b>MXD-I, <u>MXD-I/S,</u></b> <b>MXD-II,</b> <b>MXD-III, <u>MXD-IV, R-5</u></b>	<b><del>Θ-R</del></b>	<b>M-S/ LSAP, <u>M-S/LSAP 60%,</u></b> <b><u>M-S/LSAP 120%</u></b>
Usable open Space- Residential <sup>1, 2</sup>	50 sf/unit	<del>N/A</del>	N/A
Landscaped Area	20%	<del>20%</del>	20%
Surface Parking Lot Landscaped Area	20%	<del>20%</del>	20%
Total Landscaped Area	No less than 20%		

<sup>1</sup> Usable open space may not be located in any required front yard area for projects with a front yard setback deviation. Otherwise, up to fifty percent of the required front yard area may be counted toward the useable open space requirement ~~be considered for front yard areas if appropriate to the street character.~~

<sup>2</sup> Balconies with a minimum of 6 feet in any dimension and a total of 50 square feet qualify as usable open space.

<sup>3</sup> ~~Landscape standards for R-5 and M-S/LSAP areas within the LSAP district shall be the same as otherwise required under Title 19 in R-5 and M-S zones.~~

**19.35.100. Conflicts.**

In the event of any conflict between the provisions of the ~~Lawrence Station Area Specific Plan~~ is Chapter and the provisions of the Sunnyvale Municipal Code, the provisions of this Chapter ~~Lawrence Station Area Specific Plan Downtown Code~~ shall prevail. However, with regard to topics that ~~the LSAP or~~ this Chapter does not address, the provisions of the Sunnyvale Municipal Code shall prevail.

SECTION 3. TABLE 19.54.080 AMENDED. Table 19.54.080 (Telecommunication facilities permits) of Chapter 19.54 (Wireless Telecommunication Facilities) of Title 19 (Zoning) is hereby amended to read as follows:

**Table 19.54.080  
Telecommunications Facilities Permits**

[Table on Next Page]

Zoning Districts	Exemptions	Miscellaneous Plan Permits	Minor Use Permits	Major Use Permits
<b>Residential, Public Facilities, Commercial and Office</b> R-0 R-1 R-1.5 R-1.7 R-2 R-3 R-4 R-5 RMH C-1 C-2 C-3 C-4 O PF DSP LSP PPSP MXD-I <u>MXD-I/S</u> MXD-II MXD-III <del>OR</del> <u>MXD-IV</u>	<b>For all properties:</b> (1) DBS, MMDS or TVBS antennas, provided that: (a) Antenna has diameter of 39" or less. (b) Antenna is mounted on mast less than 12' high. (c) Antenna is not located in a historic district or on a historic building. (d) To the extent feasible, the antenna location is not readily visible from public right-of-way. (e) Amateur radio antennas not exceeding maximum building height limits of zoning district by 25'.	<b>For properties with residential uses:</b> Receive-only parabolic dishes or antenna > 39" in diameter.  <b>For properties with nonresidential uses:</b> (1) Ground mounted antenna up to 15' high and 6" in diameter. (2) Façade mounted antenna not readily visible and no projection more than 18" from façade. (3) Roof mounted antenna or antennas mounted on an existing electrical transmission tower that are not readily visible and do not extend above the structure ridgeline.	<b>For properties with nonresidential uses:</b> (1) Façade mounted antennas extending above structure ridgeline or projecting more than 18" from building façade. (2) Roof mounted antennas or antennas mounted on an existing electrical transmission tower which extend up to 15' above the structure ridgeline. (3) Any facility or equipment which, when installed, would result in 2 or more telecommunications facilities at the same property.	<b>For properties with nonresidential uses:</b> (1) Satellite earth stations. (2) New freestanding facilities including monopoles, lattice towers and other towers up to a maximum of 65' in height. (3) Any facility located in the required side or front yard setbacks. Such facilities must meet design standards. (4) Facilities not otherwise enumerated.

<p><b>Industrial</b></p> <p>MS</p> <p>M3</p> <p>MP-TOD</p> <p>MP-C</p> <p>MP-I</p> <p><u>MXD-I</u></p> <p><u>MXD-I/S</u></p> <p><u>MXD-II</u></p> <p><u>MXD-III</u></p> <p><u>MXD-IV</u></p> <p>M-S/LSAP</p> <p><u>M-S/LSAP</u></p> <p><u>60 and 120%</u></p> <p><u>FAR</u></p>	<p>Same as for Residential and Public Facilities</p>	<p>(1) Receive-only parabolic dishes or antennas greater than 39" in diameter.</p> <p>(2) Ground mounted antennas not exceeding 15' in height and 6" in diameter.</p> <p>(3) Façade mounted antennas extending above the structure ridgeline or projecting more than 18" from the building façade.</p> <p>(4) Roof mounted antennas or antennas mounted on an existing electrical transmission tower extending up to 15' above the structure ridgeline.</p> <p>(5) Any facility or equipment which, when installed, would result in 2 or more telecommunication s facilities at the same property.</p> <p>(6) Monopoles, lattice towers or other towers up to 65', if located more than 1,000' from the right-of-way of a freeway, expressway or arterial street.</p> <p>(7) Antennas mounted on an existing electrical transmission tower.</p>	<p>(1) Roof mounted antennas or antennas mounted on an existing electrical transmission tower extending more than 15' above the structure ridgeline.</p> <p>(2) Monopoles, lattice towers or other towers &gt; 65' but &lt; 90' high, and located more than 1,000' from the right-of-way of a freeway, expressway or arterial street.</p>	<p>(1) Satellite earth stations.</p> <p>(2) Monopoles, lattice towers or other towers &gt; 65' but &lt; 90' high, which is located less than 1,000' from the right-of-way of a freeway, expressway or arterial street.</p> <p>(3) Monopoles, lattice towers or other towers &gt; 90' high.</p> <p>(4) Facilities or equipment located in the front or side yard setbacks of properties not in residential use.</p> <p>(5) Freestanding facilities include towers, lattice towers and monopoles which will be located within 1,000' of another freestanding facility.</p> <p>(6) Facilities not otherwise enumerated.</p>
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**SECTION 4. SECTION 19.56.020 AMENDED.** Section 19.56.020 (Solar Energy Systems - Impairment of Solar Access by Structures) of Chapter 19.56 (Alternative Energy Systems) of Title 19 (Zoning) of the Sunnyvale Municipal Code is hereby amended to read as follows:

**19.56.020. Solar Energy Systems – Impairment of Solar Access by Structures.**

(a) No building permit shall be issued for any construction, the effect of which when completed would be to interfere with solar access to the rooftops of the sum of all permitted structures on an adjacent property or to any preexisting active solar collector on an adjacent property. Solar access means the absence of shadows blocking or reducing exposure to the sun to an extent greater than ten percent daily during the hours between nine a.m. to three p.m., Pacific Time, throughout any solar cycle. Nothing contained herein shall require modification to any structure, the shade pattern of which would impair solar access to rooftops or active solar collectors established later in time.

(b) Applications for new construction above the first level of any structure shall include the following solar shading analysis by a qualified professional:

(1) The solar shading analysis shall show the extent to which the proposed construction will shade adjacent rooftops and solar collectors at nine a.m. and three p.m. Pacific Time on December 21st.

(2) If the above solar shading analysis shows a conflict with solar access greater than ten percent, the applicant shall provide an additional analysis which calculates the extent to which the proposed construction will shade adjacent rooftops and solar collectors between nine a.m. to three p.m. Pacific Time throughout the entire three hundred sixty-five-day solar cycle. If the analysis shows a cumulative shadowing effect of less than ten percent total over the course of the three hundred sixty-five-day solar cycle, the application shall be deemed to be in compliance with this section.

(c) The provisions of this chapter shall not apply to structures or uses within ~~the~~ DSP and LSAP zoning districts.

**SECTION 5. TABLE 19.56.090 AMENDED.** Table 19.56.090 (Permits Required for Wind Energy Systems) of Chapter 19.56 (Alternative Energy Systems) of Title 19 (Zoning) is hereby amended to read as follows:

Wind Energy Systems Zoning Districts	Exemptions	Miscellaneous Plan Permits	Minor Use Permits	Major Use Permits
Residential R-0, R-1, R1.5, R1.7, R-2, R-3, R-4, R-5, RMH, DSP	For all properties: (1) Wind turbine with a diameter of 39" or less;	(1) Building-mounted system with a height of up to 15' above the structure ridgeline,	For all properties: (1) Building-mounted system with a height of more	(1) Requests for height deviations pursuant to Section 19.56.110.



<p>(residential blocks), <u><a href="#">MXD-I,</a></u> <u><a href="#">MXD-I/S,</a></u> <u><a href="#">MXD-II,</a></u> <u><a href="#">MXD-III,</a></u> <u><a href="#">MXD-IV</a></u></p> <p>Commercial and Office C-1, C-2, C-3, C-4, O, DSP (office and mixed use blocks), <u><a href="#">MXD-I,</a></u> <u><a href="#">MXD-I/S,</a></u> <u><a href="#">MXD-II,</a></u> <u><a href="#">MXD-III,</a></u> <u><a href="#">MXD-IV,</a></u> <u><a href="#">M-S/LSAP,</a></u> <u><a href="#">M-S/LSAP 60%,</a></u> <u><a href="#">M-S/LSAP 120%</a></u></p>	<p>building-mounted system with a height of up to 15' above the structure ridgeline; and is not located in a heritage district or on a heritage building.</p>	<p>including otherwise exempted wind energy systems located in a heritage district or on a heritage building.</p>	<p>than 15' above the structure ridgeline but not more than 65', as measured from existing grade.</p> <p>For properties with nonresidential uses: (1) Freestanding system up to 65' in height.</p>	
<p>Industrial M-S, M-3, MP-I, MP-TOD, MP-C, <u><a href="#">MXD-I,</a></u> <u><a href="#">MXD-I/S,</a></u> <u><a href="#">MXD-II,</a></u> <u><a href="#">MXD-III,</a></u> <u><a href="#">MXD-IV,</a></u> <u><a href="#">M-S/LSAP,</a></u> <u><a href="#">M-S/LSAP 60%,</a></u> <u><a href="#">M-S/LSAP 120%</a></u></p> <p>Public Facilities PF, <u><a href="#">MXD-I,</a></u></p>	<p>Same as for residential and commercial zoning districts.</p>	<p>(1) Building-mounted system with a height of up to 15' above the structure ridgeline.</p> <p>(2) Freestanding system<sup>1</sup> up to 65' in height if located more than 1,000' from the right-of-way of a freeway, expressway or</p>	<p>(1) Building-mounted system with a height of more than 15' above the structure ridgeline.</p> <p>(2) Freestanding system<sup>1</sup> &gt; 65' but &lt; 90' high and located more than 1,000' from the right-of-way of a freeway,</p>	<p>(1) Freestanding system<sup>1</sup> of any height located less than 1,000' from the right-of-way of a freeway, expressway or arterial street.</p> <p>(2) Freestanding system<sup>1</sup> equal to or &gt; 90' high.</p> <p>(3) Requests for height deviations</p>

<u>MXD-I/S,</u> <u>MXD-II, MXD-</u> <u>III, MXD-IV,</u> <u>M-S/LSAP, M-</u> <u>S/LSAP 60%,</u> <u>M-S/LSAP</u> <u>120%</u>		arterial street.	expressway or arterial street.	pursuant to Section 19.56.1 10.
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**SECTION 6. AMENDMENT OF PRECISE ZONING PLAN- LAWRENCE STATION AREA SPECIFIC PLAN DISTRICT.** The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended to include and re-zone certain properties within the Lawrence Station Area Specific Plan District, which properties are currently zoned M-S, M-3, MXD-I, MXD-II, MXD-III, M-S/LSAP, and O-R. New zoning designations include MXD-I/S, MXD-IV, M-S/LSAP 60%, and M-S/LSAP 120%. The existing O-R zoning is eliminated. The location of the properties are shown on the scale drawing attached as Exhibit “A” and identified by parcel in Exhibit “B”.

**SECTION 7. CHAPTER 3.52 ADDED.** Chapter 3.52 (Lawrence Station Area Plan Transportation Impact Fee) is hereby added to read as follows:

**CHAPTER 3.52. LAWRENCE STATION AREA PLAN TRANSPORTATION IMPACT FEE.**

**3.52.010. Findings and Purpose**

**3.52.020. Definitions**

**3.52.030. Application**

**3.52.040. Transportation Impact Fee calculation and payment.**

**3.52.010. Findings and Purpose.**

On September 14, 2021, the city council adopted amendments to the 2016 Lawrence Station Area Plan in order to increase the residential development capacity of the Lawrence Station Area Plan District. As amended, the Lawrence Station Area Plan authorizes the potential construction of 3,612 residential units in addition to the 2,323 units allowed by the previously adopted plan. It is the intent and purpose of the city council in adopting this chapter to provide in part for the major traffic improvements that will be necessary as a result of the increased residential development within the Lawrence Station Area Plan District through the adoption of a fee to be charged to residential development in the manner specified by the Lawrence Station Area Plan Transportation Impact Fee Nexus Study that was accepted by the city council on September 14, 2021. Based on the Lawrence Station Area Plan Transportation Impact Fee Nexus Study, the city council finds that there is an essential nexus and reasonable relationship between the higher intensity residential development and the need for the specified transportation improvements.

### **3.52.020. Definitions.**

- a. “Dwelling unit” has the meaning specified in Title 19 of this code.
- b. “Lawrence Station Area Plan District” means the project area within the limits of the City of Sunnyvale as specified and depicted in the Lawrence Station Area Plan adopted by the city council on September 14, 2021.
- c. “LSAP” means the Lawrence Station Area Plan.
- d. “Phase 1 Residential Development” means the first 2,323 dwelling units within the Lawrence Station Area Plan District, including dwelling units that existed or were approved prior to September 14, 2021, and those approved after September 14, 2021, up to a total of 2,323 units with the Lawrence Station Area Plan District.
- e. “Phase 2 Residential Development” means all dwelling units approved within the Lawrence Station Area Plan district after there are a total of 2,323 existing and approved dwelling units within the Lawrence Station Area Plan District.

### **3.52.030. Application.**

This chapter establishes the requirements for the LSAP transportation impact fee for all Phase 2 Residential Development approved on or after November 27, 2021. The LSAP transportation impact fee is limited to providing funding in the amounts and for those improvements specified in the LSAP Transportation Impact Fee Nexus Study. Nothing in this chapter shall restrict the ability of the city to require dedication of land, payment of fees or construction of improvements for needs other than, or in addition to, the improvements specified in the LSAP Transportation Impact Fee Nexus Study.

### **5.23.040. Transportation impact fee calculation and payment.**

- a. Commencing November 27, 2021, the LSAP transportation impact fee is hereby imposed on Phase 2 Residential Development within the LSAP district.
- b. The amount of the fee shall be established by resolution of the city council and shall be increased by the Engineering News-Record (ENR) Construction Cost Index for San Francisco urban area, published by the McGraw Hill, on July 1 of every year. In addition, the amount of the fee may be periodically adjusted by the city council to reflect the current status and cost of improvements identified in the LSAP Transportation Impact Fee Nexus Study.
- c. The fee shall be calculated at the time of complete building permit application submittal and shall be paid in full to the city before any building permit is issued.

- d. The fee shall be deposited in a fund designated solely for the LSAP transportation improvements and shall be reviewed annually in order to make any findings required by state law.

SECTION 8. CEQA-ENVIRONMENTAL IMPACT REPORT. The environmental effects of the proposed amendment to the Precise Zoning Plan and Zoning District Map were analyzed in the Subsequent Environmental Impact Report for the Lawrence Station Area Plan (SCH# 2019012022) (Subsequent EIR). The City Council reviewed the Subsequent EIR and found that it reflects the independent judgment of the City Council and its staff, and is an adequate and extensive assessment of the environmental impacts of the proposed amendments. The City Council certified the Subsequent EIR as having been prepared in compliance with the requirements of the California Environmental Quality Act ("CEQA"), made necessary findings, adopted a statement of overriding considerations, and adopted a Mitigation Monitoring and Reporting Program (Resolution No. \_\_\_\_). The City Council incorporates by this reference the findings contained in the Subsequent EIR as to the environmental effects of the proposed amendment, together with the additional findings contained in the Resolution.

SECTION 9. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 10. PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on \_\_\_\_\_, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on \_\_\_\_\_, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:  
RECUSAL:

ATTEST:

APPROVED:

\_\_\_\_\_  
City Clerk  
Date of Attestation: \_\_\_\_\_

\_\_\_\_\_  
Mayor

(SEAL)

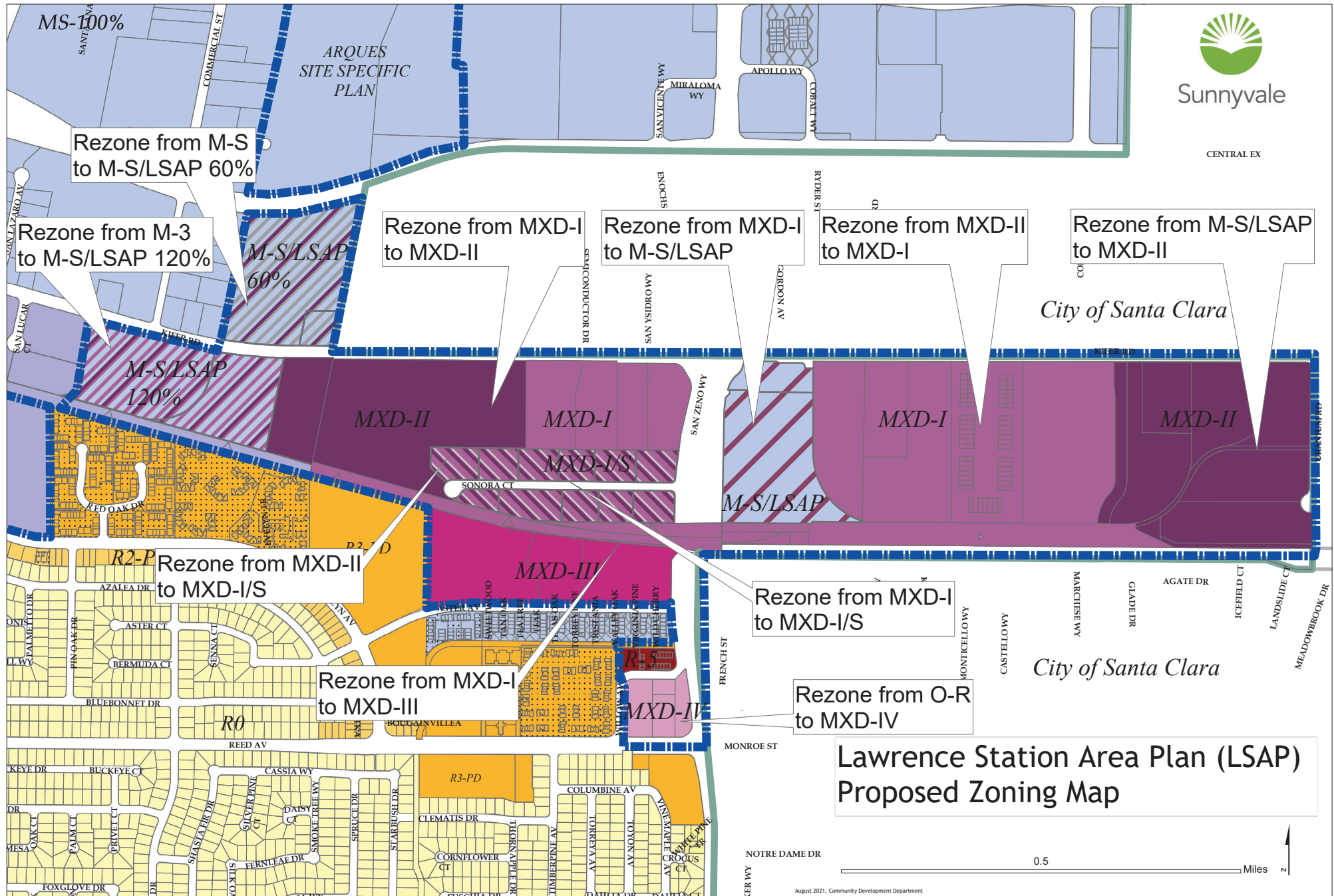
APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

Exhibits

- A – Zoning Districts Map
- B – List of Rezoned Parcels

EXHIBIT A



**Proposed Rezoning of LSAP Properties**

<b>Address</b>	<b>APN</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
945 Kifer Rd (North Site)	205-40-002	M-S	M-S/LSAP 60%
955 Kifer Rd (North Site)	205-40-001	M-S	M-S/LSAP 60%
932 Kifer Rd (South Site)	205-49-017	M-3	M-S/LSAP 120%
950 Kifer Rd (South Site)	205-49-018	M-3	M-S/LSAP 120%
960 Kifer Rd	205-49-008	MXD-II	No change
1016-1090 Kifer Rd; 1127 Sonora Ct	205-50-047	MXD-I/II	MXD-II
1120 Kifer Rd	205-50-045	MXD-I	No change
1130 Kifer Rd	205-50-046	MXD-I	No change
1150 Kifer Rd	205-50-034	MXD-I	No change
1170 Kifer Rd	205-50-035	MXD-I	No change
151 San Zeno Wy/1175 Sonora Ct	205-50-019	MXD-I	MXD-I/S
1171 Sonora Ct	205-50-024	MXD-I	MXD-I/S
1159 Sonora Ct	205-50-025	MXD-I	MXD-I/S
1151 Sonora Ct	205-50-022	MXD-I	MXD-I/S
1145 Sonora Ct	205-50-026	MXD-I	MXD-I/S
1133-1135 Sonora Ct	205-50-028	MXD-II	MXD-I/S
1146-1148 Sonora Ct	205-50-017	MXD-I	MXD-I/S
1154-1156 Sonora Ct	205-50-016	MXD-I	MXD-I/S
1162 Sonora Ct	205-50-015	MXD-I	MXD-I/S
1170 Sonora Ct	205-50-014	MXD-I	MXD-I/S
1174-1180 Sonora Ct	205-50-013	MXD-I	MXD-I/S
1202 Kifer Rd	216-27-018	MXD-I	M-S/LSAP
1210 Kifer Rd	216-27-053	MXD-I	M-S/LSAP
150 Lawrence Station Rd (Costco)	216-27-052	MXD-I	M-S/LSAP
106 Lawrence Station Rd	216-27-059	MXD-II	MXD-I
1242-1250 Kifer Rd	216-27-067	MXD-I	No change
1256 Kifer Rd	216-27-042	MXD-II	MXD-I
1266-1272 Kifer Rd	216-27-043	MXD-II	MXD-I
1286-1298 Kifer Rd	216-55-005 to 216-55-077	MXD-II	MXD-I
1310-1380 Kifer Rd	216-27-037	MXD-II	MXD-I
1382 Kifer Rd	216-27-069	M-S/LSAP	MXD-II
1388 Kifer Rd	216-27-068	M-S/LSAP	MXD-II
1450-1452 Kifer Rd	216-27-044	M-S/LSAP	MXD-II
1484 Kifer Rd	216-27-023	M-S/LSAP	MXD-II
123 Uranium Dr	216-27-045	M-S/LSAP	MXD-II
111 Uranium Dr	216-27-047	M-S/LSAP	MXD-II
1155-1175 Aster Ave	213-01-034	MXD-III	No change
No address	213-01-033	MXD-I	MXD-III
No address	213-01-032	MXD-I	MXD-III
1171-1193 Buttercup Ter	213-73-001 to 213-73-016	R-5	No change
1159 Willow Ave	213-01-023	R-5	No change
1155 Reed Ave	213-01-003	O-R	MXD-IV



<b>Address</b>	<b>APN</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
1164 Willow Ave	213-01-004	O-R	MXD-IV
1165 Reed Ave	213-01-002	O-R	MXD-IV
1170 Willow Ave	213-01-001	O-R	MXD-IV
No address	216-27-033	M-S/LSAP	MXD-II
No address	216-27-035	M-S/LSAP	MXD-II
No address	216-27-048	M-S/LSAP	MXD-II
No address	216-27-058	MXD-I	No change
No address	216-27-056	MXD-I	No change
No address	216-27-057	MXD-I	No change
No address	205-50-043, 205-50-038, 205-50-039, 205-50-040	MXD-I	No change
No address	205-50-032	MXD-I	No change