

EL CAMINO REAL SPECIFIC PLAN (ECRSP) COMMUNITY BENEFITS/INCENTIVES PROGRAM ADMINISTRATIVE REGULATIONS

I. Purpose

The El Camino Real Specific Plan (“ECRSP”) Community Benefits Program (“Program”) was established by Resolution No. 1132-22 upon adoption of the ECRSP in 2022. The ECRSP is an incentive-based plan. The Incentive Program allows property owners to develop their properties beyond the base maximum densities in residential mixed-use development in exchange for providing community benefits that advance the goals of the ECRSP. Property owners are not required to build with incentives. The Program is voluntary, and property owners have the option to propose which incentives best suit their business plans and economic goals.

The Program is a separate document from the ECRSP and is designed to be updated over time by resolution of the City Council as City priorities change.

II. Defined Incentives

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

III. Applicant Incentive Responsibilities

There are specific responsibilities for each defined benefit illustrated in the table in Attachment A: Defined Benefits Permit Responsibilities. Every residential mixed-use development project that participates in the Program must adhere to the requirements listed in the table if they wish to utilize any of the defined benefits.

IV. Residential Densities in Mixed-Use Zoning Districts

Table 1 below specifies the residential density structure by zoning district. Residential uses are permitted only in a mixed-use development or in residential-only zoning districts. All new residential development can build to the base maximum density. Additional voluntary tiers may be used to gain additional units – the City’s Green Building Program, the community benefit incentives in this Program (available only in mixed-use developments), and with the state’s Density Bonus for provision of affordable housing. If the density bonus through the City’s Green Building Program is utilized, the bonus is applied to the base maximum density. The incentives points in this program are added to the base maximum density (with green building bonus if proposed). Lastly, the state Density Bonus, if proposed, is applied on the highest density achieved with incentives. The Program incentives and State Density Bonus are further described in Sections V and VI, and calculation examples are in Section VII.

Table 1: Residential Density Structure by Zoning District

ECRSP Zoning District	Base Maximum Density ^{1, 2}	Total Density Incentive Points Available ¹	Highest Density with Incentive Points ¹	Additional Densities
ECR-MU24	24	6	30	Per City's Green Building Program and State Density Bonus Program ³
ECR-MU28	28	10	38	
ECR-MU33	33	12	45	
ECR-MU42	42	14	56	
ECR-MU54	54	20	74	

^{1.} Dwelling units per acre

^{2.} This table is primarily intended to show base maximum densities and the way the incentives are added to the base maximum densities. However, note that the City also has a minimum density requirement as outlined in the ECRSP. New residential development shall build at least 85 percent of the zoning district's base maximum density.

^{3.} Additional densities may be achieved above the base maximum density or density obtained through the City's Green Building Program (additional 5% as of 2022) and/or this Program by providing affordable housing consistent with State Density Bonus law. When calculating additional densities above the base maximum density, the following order of operations shall apply:

- 1) Apply the density bonus percentage through the City's Green Building Program.
- 2) Add the incentive points gained through this Program.
- 3) Apply the state Density Bonus percentage achieved by the project.

V. Highest Residential Densities with Incentive Points

Residential densities may be increased above the base maximum density by proposing any or all of the incentives that are defined in this Program. The incentives in this Program are separate from the additional density increase allowed through the City's Green Building Program. See Section VI for additional density increases allowed by the state Density Bonus.

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

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

VI. State Density Bonus for Residential Projects

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

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

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

VII. Example Residential Density Calculations

The examples outlined in Table 2 below illustrate how residential densities and allowable units are calculated. Each project scenario is different, and these are merely examples to illustrate how the various density increases are applied. The base maximum density is the starting point for where density bonuses are added, then increases are added in the lower rows depending on the green building bonus/ECRSP incentive/state Density Bonus achieved.

VIII. Residential Mixed-Use Development - Defined Incentives

Table 3 below shows the different categories of defined incentive categories for residential mixed-use development, which advance the goals of the ECRSP. In order to ensure that a project provides a more balanced program of incentives, there is a maximum cap on the number of residential density points (dwelling units per acre) that each incentive category can achieve. The descriptions and required criteria that apply to each incentive type are specified in the definitions in Section IX and Attachment A.

Table 2: Example Residential Density Calculations

			EXAMPLES		
			A	B	C
			ECR-MU24	ECR-MU42	ECR-MU54
Base Maximum Density (units per acre)			24	42	54
Lot Size (acres)			3	1.5	2
Scenarios of Density Bonus Program Participation ¹		How to Calculate Density/Bonus	Example Totals		
Base Maximum Density (Pre-Bonus)	Allowable Units	Base Maximum Density x Lot Size =	72	63	108
1) City's Green Building Program Participation	Applicable Density Bonus	As identified in the City's Green Building Program	5%	0 ²	5%
	Resultant Density	Base Maximum Density x (Green Building Bonus + 100%) ³ =	25	42	56
	Allowable Units	Resultant Density x Lot Size ³ =	75	63	112
2) ECRSP Incentive Program Participation	Applicable Density Bonus	As identified in Section VIII	4	0 ²	20
	Resultant Density	Green Building Program Resultant Density + ECRSP Bonus Points =	29	42	76
	Allowable Units ⁴	ECRSP Resultant Density x Lot Size ³ =	87	63	152
3) State Density Bonus Program Participation	Applicable Density Bonus	As permitted by the State Density Bonus program	20%	7%	50%
	Resultant Density	ECRSP Resultant Density x (State Density Bonus + 100%) ⁵ =	35	45	114
	Allowable Units	State Density Bonus Resultant Density x Lot Size ⁵ =	105	67.5	228

¹ Calculation of additional density bonus points resulting from participation in these programs is in the order as identified in this table.

² Opted out in this scenario

³ Rounded down

⁴ The City's affordable housing requirement is based on the number of units proposed under this provision.

⁵ Rounded up

Table 3: Residential Mixed-Use Development – Defined Incentives

Incentive Category	Provision		Potential Additional Density Points ¹	Maximum Permitted Points per Incentive Category	Zoning District Availability (ECR-MUXX)				
					24	28	33	42	54
Affordable Housing	Very Low Income (VLI) Percentages Exceeding State Density Bonus: ²	16%	2	10	◆	◆	◆	◆	◆
		17%	4		◆	◆	◆	◆	◆
		18%	6		◆	◆	◆	◆	◆
		19%	8		N/A	◆	◆	◆	◆
		≥20%	10		N/A	◆	◆	◆	◆
Commercial/ Retail	Commercial/Retail FAR in excess of minimum requirement	2.5%	3	12	◆	◆	◆	◆	◆
		5.0%	6		◆	◆	◆	◆	◆
		10.0%	12		N/A		◆	◆	◆
Landscaping and Open Space	Open Space, Privately Owned Publicly Accessible, beyond Park Dedication Requirement	0.5-0.75 acres	2	6	◆				
		>0.75-1 acres	4		◆				
		>1 acre	6		N/A	◆			
Parking	Bicycle Parking, Publicly Accessible: At least 20% more Class I spaces and 10 more Class II spaces beyond minimum requirement		1	7	◆				
	a. Parking, Below-Grade/Podium (1 level above grade) ³ : At least 85% of the project's auto parking supply is below-grade and may include up to 1 level of podium parking. The remaining surface parking spaces provided is:	≤10% of total supply	6		◆				
		11-15% of total supply	4						
	b. Parking, Structured/Podium (over 1 level above grade) ³ : At least 85% of the project's auto parking supply is provided: a) In a separate structure; b) In a podium with more than one level above grade; or, c) combination of separate structure and podium. The remaining surface parking spaces provided is:	≤10% of total supply	3						
		11-15% of total supply	2		◆				

Table 3: Residential Mixed-Use Development – Defined Incentives

Incentive Category	Provision	Potential Additional Density Points ¹	Maximum Permitted Points per Incentive Category	Zoning District Availability (ECR-MUXX)				
				24	28	33	42	54
Public Art	Provision of public art valued at 1% of the project construction valuation, or payment of public art in-lieu fee	1	1			♦		
Sustainability ⁴	Installation of Level 2 Electric Vehicle Charging Stations	2	6			♦		
	Zero Energy/Zero Carbon Buildings	4				♦		
Transportation	Public Bicycle/Pedestrian Pathways with Signage, Privately Owned Publicly Accessible		2	5		♦		
	Annual Transit Passes for Residents of Rental-Only Residential Projects	Caltrain	3			♦		
		VTA	3					

¹. Residential Density (dwelling units per acre) above the base maximum density permitted by the zoning district.

². As of 2022, the maximum eligibility level for a density bonus under State Density Bonus Law is 15% very low income units. The incentive points in this program are based on very low income unit percentages above 15% on a sliding scale starting at one percent above. If the State amends the tables in Government Code Section 65915(f), and the City has not updated this incentive program by that time, then incentive points are based on a sliding scale starting at one percent above the new State Density Bonus maximum eligibility level. The number of points would remain the same.

³. Incentive points are only applied for one of the parking podium incentive categories per development (either below grade/podium or structured/podium)

⁴. Refer to the City's Green Building program for an additional density bonus (separate from these incentives) that is added to the base maximum density.

IX. Incentive Definitions

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

Affordable Housing – Very Low-Income Percentages Exceeding State Density Bonus. Provision of very low-income housing unit (as defined in SMC Chapter 19.77) percentages in excess of the maximum eligibility level for a state density bonus (as specified in Section 65915 of the California Government Code). These additional units shall be included in the project's Affordable Housing Regulatory Agreement with the City.

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

Commercial/Retail. Provision of commercial/retail space is a required development standard for properties zoned ECR-MU; however additional commercial/retail space is encouraged through this incentive program. Points are only awarded if the proposed ground floor commercial/retail space (whether in the same building as the residential units or in separate buildings), exceeds the minimum requirement for the property per the standards for commercial/retail in SMC Chapter 19.36. The incentive table in Section VIII lists the percentage of retail floor area (exceeding the minimum requirement) with the points that can be achieved. More points are awarded for larger retail floor areas. The spaces shall meet all the following criteria:

- Accessible to the public.
- The proposed use is consistent with uses permitted by-right, with a Miscellaneous Plan Permit, or Special Development Permit in the following land use categories identified in SMC Chapter 19.36: Retail Commercial, Service Commercial, Personal Service, Eating/Drinking Establishments, Automotive, or Residential/Boarding/Lodging (only hotel or motel uses in this category).
- The project includes dedicated parking for the retail/personal service uses in accordance with the parking requirements in SMC Chapters 19.36 and 19.46 or in accordance with the shared parking allowances in the ECRSP Chapter 6 – Circulation and Streetscape.
- Tenant spaces must be a minimum of 2,000 square feet of floor area.
- Clear and unobstructed storefront windows.

- Public pedestrian-entrance facing a publicly accessible street or internal drive, or publicly accessible open space visible from the public street.
- Minimum floor-to-ceiling height of 18 feet.
- Minimum interior depth of 40 feet.
- Minimum interior width of 25 feet.
- Separate solid waste and recycling facilities from residential uses.

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

To minimize visual impacts from street view, vaulting of vehicle charging station utility equipment (e.g., transformers and cabinets) is required, however, above-ground utility equipment for the electric vehicle charging stations may be allowed if a waiver is approved. In order to approve a waiver, the above ground facilities should be minimized in size and shall meet all the following requirements:

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

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

The following additional requirements apply:

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

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

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

Provision of Public Art or Payment of Public Art In-Lieu Fee. Currently, the art in private development provisions described in SMC Chapter 19.52 (Art in Private Development) apply to only non-residential development. However, if art is provided, or the in-lieu fee is paid, at a value of at least 1% of the project's construction valuation for mixed use projects within the ECRSP under the same processed and procedures outlined in the Chapter listed earlier in this paragraph, an incentive point can be obtained.

Public Bicycle/Pedestrian Pathways with Signage, Privately Owned Publicly Accessible. Many properties within the ECRSP boundaries have frontages on more than one public street; therefore, public bicycle/pedestrian pathways with signage are encouraged on any property where the pathway would connect bicyclists and pedestrians to two public streets. This incentive is not available to properties that do not front on more than one public street. In order to receive incentive points, the bicycle/pedestrian pathway must be constructed in its entirety within the property to connect the two public streets, in addition to recording a public access easement (in a form approved by the City). The following additional requirements for the public access easement and paved pathway apply:

- Public Access Easement Requirements must meet the following requirements:
 - Minimum easement width: 10 feet, except when a building is within 5 feet of the pathway, in which case the minimum width of the easement shall be increased 5 feet for every story above two, up to 30 feet.
 - Contain signage on both public streets letting people know this is a public pathway.

- Allow for legal access for pedestrians and bicyclists.
- Be maintained by the property owner.
- For areas outside of the minimum required pathway width, landscaping shall consist of the planting and maintenance of trees, ground cover, shrubs, vines, flowers, lawns, or a combination thereof. The combination or design, in addition to natural plant materials, may include rock or stone and structural or decorative features including, but not limited to, fountains, benches, and outdoor eating areas.
- Install lighting that meets the following standards:
 - Provides a minimum average of 0.5 footcandles.
 - Poles do not exceed eight feet in height.
 - Ensures light is shielded to prevent any glare or direct illumination on adjacent properties.
- Paved Pathway Requirements:
 - Minimum width of paved pathway (in its entirety): 10 feet
 - Maximum width of paved pathway: 15 feet
 - Must be free and clear from any obstructions (trees, benches, etc.)
 - Must be made of a product that allows a smooth surface for bicyclists and pedestrians.

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

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

Attachment A: Defined Benefits Permit Responsibilities

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Affordable Housing - Very Low Income Percentages Exceeding State Density Bonus			
Provide a letter confirming: 1. The number of very low income units proposed. 2. How the number is consistent with the percentages in the incentive program.	X		
Record an Affordable Housing Developer Agreement (in a form approved by the City Attorney's Office) per Chapter 19.77 of the SMC.		X	
Record an Affordable Housing Regulatory Agreement (in a form approved by the City Attorney's Office) per Chapter 19.77 of the SMC.			X
Bicycle Parking			
Provide location and design details on the project plans.	X		
Provide final location and design details on the project plans.		X	
Record a covenant on the title of the affected property(ies), in a form approved by the City Attorney's Office, stating that the bicycle parking spaces are available for public use.		X	
Install the bicycle parking spaces with inspection by the City.			X
Commercial/Retail			
Indicate the type of commercial/retail use proposed. If no tenant has been secured, provide a narrative of the types of uses that are intended.	X		
Provide a site plan that shows/details the proposed commercial/retail use, including dimensioned floor plans, parking plans, exterior elevations, cross sections, and solid waste/recycling plans.	X		
Provide a final site plan, dimensioned floor plans (including parking), exterior elevations, cross sections, and solid waste/recycling plan of the commercial/retail uses.		X	
If a tenant has been secured, obtain a planning permit for the particular use if required by SMC Chapter 19.36.		X	
Completion of the commercial/retail tenant spaces and associated parking and solid waste/recycling facilities with inspection by the City.			X

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Installation of Level 2 Electric Vehicle Charging Stations			
Identify the locations and quantities of charging stations on the project plans.	X		
Identify the locations of any above-ground utility equipment and include details on screening.	X		
Identify the final location(s) on the project plans.		X	
Provide final design, dimensions, and quantities of the charging stations on the project plans.		X	
Identify the final location(s) of any above-ground utility equipment and include details on screening in addition to building code requirements.		X	
Installation of all charging stations and screening for any above-ground utility equipment, with inspection by the City.			X
Open Space, Privately Owned Publicly Accessible			
Identify the location, topography, dimensions, and acreage of the privately owned publicly accessible open space on the project plans.	X		
Provide a conceptual landscaping, irrigation, and amenities plan for the open space.	X		
Identify the final location, topography, dimensions, and acreages of the publicly-accessible open space on the project plans and if applicable, final map.		X	
Provide a final landscaping, irrigation, and amenities plan for the open space.		X	
Enter into an agreement with the City for public use of the space that will detail use rules, hours of operation, and maintenance schedule. The agreement will include obligation of the property owner to defend and indemnify the City against all claims arising out of use of the open space and provide liability insurance protecting the City on terms approved by the City's Risk Manager.		X	
Record a public access easement (in a form approved by the City Attorney's Office) that allows public use of the open space and states that the perpetual maintenance is the responsibility of the property owner.		X	
The project's final map shall show the location, dimensions, and acreage of the open space.		X	
Provide a final landscaping, irrigation, and amenities plan on a separate Building permit to construct the open space.			X
Completion of the open space with inspection by the City.			X

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Parking, Below-Grade and Structured			
Indicate the type of parking proposed, and include a breakdown of parking provided in surface lots and parking provided in below-grade and/or structured parking on the project plans.	X		
Provide a site plan, dimensioned floor plans, exterior elevations, color rendering, and cross sections of the below-grade and/or structured parking on the project plans.	X		
Include a final breakdown of parking provided in surface lots and parking provided in below-grade and/or structured parking on the project plans.		X	
Provide a final site plan, dimensioned floor plans, exterior elevations, and cross sections of the below-grade and/or structured parking on the project plans.		X	
Completion of the below-grade and/or structured parking with inspection by the City.			X
Provision of Public Art or Payment of Art In-Lieu Fee			
Identify the conceptual location and type (i.e., free-standing or on building) of proposed art installations on the project plans.	X		
Submit Art Permit application.		X	
Receive Art Permit approval from Arts Commission.		X	
Pay Art in Private Development bond, letter of credit, cash deposit, or other similar security instrument for 1% of the construction valuation of the entire development project.		X	
Record a document with the County containing a description of the art and noting the obligation of present and future property owners to maintain and repair the art.			X
Installation of public art or payment of art in-lieu fee.			X

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Public Bicycle/Pedestrian Pathways with Signage, Privately Owned Publicly Accessible			
Identify the location and dimensions of the pathway and public access easement on the project plans.	X		
Identify the final location and dimensions of the pathway and public access easement on the project plans.		X	
Record a public access easement (in a form approved by the City Attorney's Office) on the affected property(ies) stating that the pathway is available for public bicycle and pedestrian ingress and egress purposes and that the perpetual maintenance of improvements within the easement area shall be the sole responsibility of the property owner.		X	
Completion of the pathway and associated striping, landscaping, lighting, and amenities with inspection by the City.			X
Transit Passes for Residents of Rental-Only Residential Projects			
Provide a letter committing to participation in the Go Pass or Smart Pass program for the first ten years following project completion.	X		
Participation in the Go Pass or Smart Pass program shall be included in the project's transportation demand management (TDM) plan per the City's Multi-Family Residential TDM Program.	X		
Record a covenant on the title of the affected property(ies), in a form approved by the City Attorney's Office, stating that the property owner will participate in the Go Pass or Smart Pass program for the first ten years following project completion.		X	
Provide a copy of the written Go Pass or Smart Pass agreement with Caltrain or VTA and receipt of payment for the first participating year.			X
Provide contact information for the property owner's transit pass administrator.*			X
*Transit Pass Administrator must provide the Director of Community Development a copy of the written Go Pass agreement (or comparable program) with Caltrain and receipt of payment for each participating year			

Responsibilities below must be completed prior to:	Planning Permit Application Completeness	Building Permit issuance or final map, whichever occurs first	Occupancy
Zero Energy/Zero Carbon Buildings			
Provide preliminary documentation demonstrating how the project can obtain Zero Energy/Zero Carbon certification from ILFI.	X		
Provide documentation of registration for ILFI certification.		X	
Provide a letter from the project's mechanical engineer confirming that the project design meets all intents to achieve ILFI certification for Zero Energy/Zero Carbon.		X	
Provide a letter from the project's mechanical engineer confirming that the project has been constructed to achieve certification for Zero Energy/Zero Carbon, and that the certification audit process has been initiated with ILFI.^			X
^Property owner/applicant must provide documentation of certification following the final ILFI audit.			