

FINDINGS AND DETERMINATION BY PLANNING COMMISSION

Development Agreement between the City of Sunnyvale and BEP Moffett Park LLC

Planning File: Site Master Plan Number PLNG-2025-0137 and Special Development Permit Number PLNG-2025-0072

Pursuant to City Council Resolution No. 371-81 (Resolution of the City of Sunnyvale Establishing Procedures and Setting a Fee for Processing Development Agreements), the Planning Commission shall make a recommendation to the City Council including the Commission's reasons therefore and its determination of whether the development as described in the development agreement (referred to herein as the "Project") will be:

1. Consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;
2. Compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located;
3. In conformity with public convenience and good land use practice;
4. Not detrimental to the public health, safety and general welfare;
5. Of a beneficial effect on the orderly development of property and the preservation of property values; and
6. Consistent with the requirements of the resolution.

The Planning Commission makes the required findings as follows:

- 1. The Project is consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan.**

The vision of the Moffett Park Specific Plan (MPSP) is that the MPSP area be an integral part of Sunnyvale, and a well-connected ecological innovation district with a diverse mix of uses that serves as a model of resilience, climate protection, equity, and economic opportunity. The MPSP includes the following principles, goals and policies:

- Principle 4. Maintain and strengthen Moffett Park as a diverse economic engine that supports economic prosperity for all.
- Principle 5. Create a connected, accessible district that prioritizes the movement of people over vehicles to reduce climate pollution and to support a healthy community

- Principle 7. Create a healthy, resilient, and biodiverse environment

GOAL LU-3: A CENTER FOR INNOVATION. Moffett Park continues to be a center of innovation and the knowledge economy.

GOAL LU-4: A GREEN MOFFETT PARK. Moffett Park is designed to promote greenhouse gas emission reduction and adapt to a changing climate.

Policy LU-4.2: Prioritize walking and biking by breaking up large blocks into a finergrained network and through complete streets improvements as defined in the Development Standards and Mobility Chapters.

GOAL LU-5: DEVELOPMENT CONTRIBUTES COMMUNITY BENEFITS.

Collaboration between the City, property owners, and private development ensures collective action to achieve plan goals.

Policy LU-5.1: *Maintain a community benefits framework that requires developers to contribute to community goals and amenities, including parks and public spaces, affordable housing, and other community-serving amenities. Continually update and adjust the community benefits framework over time to meet changing needs.*

Policy LU-5.5: *Construction contracts with a value of \$5 million or more must register the job site with the State Department of Tax and Fee Administration (CDTFA) to ensure the 1% percent of the local sales tax is allocated to the City.*

The Project furthers these principles, goals and policies.

This Project builds on the success of other office developments in Moffett Park and contributes to the MPSP vision through the provision of a pollinator garden, public bicycle repair station, drop-off area at the main entry point, and starts the internal laneway to help connect properties within the area bound by Moffett Park Drive, Borregas Avenue, Java Drive to promote comfortable, inviting spaces for biking and walking and convenient access to transit service.

The Moffett Park Specific Plan (MPSP) allows higher intensity development in the MPSP area with the use of incentives and community benefits.

- *MPSP page 82:* Non-residential development. Floor area ratio (FAR) is used to regulate non-residential developments and/or the non-residential component of a mixed-use development. Additional FAR for non-residential developments, up to the bonus maximum, may be granted to developments that contribute to community benefits and/or district-level improvements. Developments may also exceed the Bonus FAR Maximum for the district through the Transfer of Development Rights (TDR) Program up to the Total FAR Maximum.
- *MPSP page 86:* Green building standards. All new non-residential projects developments shall meet City's green building Program requirements and achieve LEED BD+C Platinum. New development shall conduct a whole-

building life-cycle assessment per the Building LifeCycle Impact Reduction Credit.

The MPSP requires that non-residential Bonus FAR development shall contribute to community benefits. The MPSP outlines the types of community benefits eligible for bonus FAR, including: shared parking facilities, ecological or environmental enhancements, contribution to the City's Community Benefit Fund, as well as "other benefits proposed by applicants and approved by the City Council that further the Guiding Principles."

The Project will implement the objectives of the MPSP by providing higher quality office space for existing Sunnyvale businesses or that will attract new Sunnyvale businesses. The size of the floorplates provides flexibility and can support multiple tenants or a single tenant. Businesses and their employees located in this building will help support other Moffett Park commercial businesses and destinations.

This Project site is located in the SoJa Neighborhood of the Moffett Park Specific Plan in a MP-O2: Office 2 Zoning District. This district supports higher-intensity corporate and professional office uses. Office districts include high-quality public spaces organized into a larger block structure. The MP-O2 district allows for up to 135% FAR under the bonus FAR program for projects meeting eligibility requirements including community benefits.

This all-electric and LEED Platinum building project will implement the City's Climate Action Playbook Strategy 2: Decarbonizing Buildings (Play 2.3 Achieve all-electric new construction).

This Project is also consistent with these General Plan Goals and Policies:

COMMUNITY VISION

GOAL IV. Safe and Healthy Community - To maintain Sunnyvale's traditional high level of public health and safety, so all residents, employees and visitors feel safe at all times and in all places in the City.

LAND USE AND TRANSPORTATION ELEMENT

GOAL LT-1: COORDINATED REGIONAL AND LOCAL PLANNING - Protect the quality of life, the natural environment, and property investment, preserve home rule, secure fair share of funding, and provide leadership in the region.

Policy LT-1.2 Minimize regional sprawl by endorsing strategically placed development density in Sunnyvale and by utilizing a regional approach to providing and preserving open space for the broader community

- *LT-1.2c Allow increased office, commercial, and industrial densities along the light rail line in accordance with the Moffett Park Specific Plan.*

GOAL LT-2: ENVIRONMENTALLY SUSTAINABLE LAND USE AND TRANSPORTATION PLANNING AND DEVELOPMENT - Support the sustainable vision by incorporating sustainable features into land use and transportation decisions and practices.

Policy LT-2.1 Enhance the public's health and welfare by promoting the City's environmental and economic health through sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings, including measures in the Climate Action Plan.

The project includes street and sidewalk improvements with additional width in a portion of the frontage to support passenger pick-up and drop-off

2. The Project is compatible with the uses authorized in, and the regulations prescribed for, the land use district in which the real property is located.

The MP-O2 zoning district is specifically designated for office development. The Moffett Park Specific Plan anticipates and evaluated new office development with higher Floor Area Ratios than the base FAR through the provision of a development reserve. This Project is the first in the SoJa neighborhood to utilize the reserve. Additional office development above the base FAR is allowable under the MPSP bonus FAR program through a combination of incentives and community benefits including contribution to a community benefit fund.

3. The Project is in conformity with public convenience and good land use practice.

The Project is consistent with the Moffett Park Specific vision for a well-connected ecological innovation district with a diverse mix of uses that serves as a model of resilience, climate protection, equity, and economic opportunity as it provides:

- office space for innovative business
- creation space to support a wider range of business types
- a pollinator garden consistent with the ecological tenets of the plan
- the first phase of a laneway to support connections throughout the plan area
- a LEED Platinum all electric building to further the City's

4. The Project is not detrimental to the public health, safety and general welfare.

The Project will be consistent with all development codes to assure the site is safe. All electric, LEED Platinum building promotes sustainable design consistent with the MPSP policy and the City's Climate Action Playbook to reduce carbon emissions and promote a healthy environment.

Once redevelopment occurs, the City will receive additional General Fund monies through construction permitting and the long-term increased property tax. The project will also contribute housing impact fees and transportation impact fees which will benefit current and future residents and businesses. The revenue will contribute to expansion and upkeep of city infrastructure and services. Mitigation fees will help implement city programs, such as affordable housing, to benefit community welfare and to address transportation improvements to improve transportation safety.

5. The Project is of a beneficial effect on the orderly development of property and the preservation of property values.

The Project provides growth in an existing urbanized area as infill development and thereby results in fewer impacts from the construction of new infrastructure. The provision of higher intensity office uses along Moffett Park Drive in the MPSP area is supported in the MPSP and under the General Plan Land Use and Transportation Element. The employees working in the office will use existing and future Moffett Park commercial and entertainment uses to help support a vibrant area. The Project would not have a negative effect on property values in and around Moffett Park, may incentivize other development consistent with the MPSP and over time will preserve and enhance those values.

6. The Project is consistent with the requirements of the resolution. The DA has been reviewed by City staff and has been found to be consistent with the requirements of Resolution 371-81.