

DETERMINATION BY PLANNING COMMISSION

First Amendment to the Development Agreement between the City of Sunnyvale and Intuitive Surgical, Inc.
Planning File #: 2022-7369

Pursuant to City Council Resolution 371-81, the 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 will be:

1. Consistent with the objectives, policies, general land uses and programs specified in the general plan and any applicable specific plan;

The Lawrence Station Area Plan allows higher intensity development in the area with the use of incentives and community benefits. A guiding principle, that helps establish the vision for the Lawrence Station Area, is to, *“Promote a diversity of land uses and densities that will support transit usage and neighborhood services.”* The project will implement the vision and policies of the plan by providing allowing a successful Sunnyvale business to expand within the City, offering: office, research and development, and manufacturing facilities

This project assists in implementation of the plan Vision for Connectivity by providing a bicycle and pedestrian connection to enhance accessibility to the Caltrain Station. Additional streetscape features respond to the Vision 4 to, *“Ensure the area has a character that is unique to its location while being compatible with the overall character of Sunnyvale and sensitive to existing environmental assets.”*

This project includes an all-electric building with an extensive solar PV system, and electric vehicle (EV) infrastructure in excess of the Reach Codes which in turn implement the City’s Climate Action Playbook

- Strategy 2: Decarbonizing Buildings (Play 2.3 Achieve all-electric new construction)
- Strategy 1: Promoting Clean Electricity (Play 1.2 Increase local solar photovoltaics)
- Strategy 3: Decarbonizing Transportation & Sustainable Land Use (Play 3.3: Increase zero-emission vehicles).

Modifying the location of parking and corrections to the amount of photovoltaic wattage do not affect this determination of consistency with the General Plan and Lawrence Station Area Plan.

Specifically, the proposed development meets the Vision of the Lawrence Station Area Plan:

1 | LAND USE DIVERSITY: Promote a diversity of land uses and densities that will support transit usage and neighborhood services

2 | DENSE STATION AREA DEVELOPMENT: Locate highest intensity development closest to the Lawrence Station.

3 | CONNECTIVITY: Improve connectivity for all modes of travel.

4 | NEIGHBORHOOD CHARACTER: Ensure the area has a character that is unique to its location while being compatible with the overall character of Sunnyvale and sensitive to existing environmental assets.

5 | COMMUNITY IDENTITY: Create a strong sense of place and neighborhood identity with the development of a vibrant neighborhood center

6 | FLEXIBILITY: Allow the area to redevelop over time through a flexible system that is responsive to the goals, schedule and needs of individual business and property owners, developers, and residents.

7 | SUSTAINABILITY: Redevelop the area in a manner that is environmentally, economically, and socially sustainable

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

The project is located in an “*Office/Research and Development/Industrial*” section of the Lawrence Station Area Plan. Additional development of this nature is allowable through a combination of incentives and community benefits. This project includes the following community benefits: payment of a parking garage fee, sales tax revenue guarantee to the City, extension of recycled water from Wolfe Road to the project, high level climate action features, designation of City as point of sale for construction related sales tax and VTA Bus Stop and shelter (if desired by VTA).

The proposed office, research and development, and manufacturing uses are consistent with desired uses for the area. The project complies with the design guidelines and development standards for the Lawrence Station Area. The location of parking on an adjacent property within the City of Santa Clara must be approved by the City of Santa Clara as an allowed land use for Santa Clara.

3. In conformity with public convenience and good land use practice;

The proposed use is consistent with the Lawrence Station Area Plan MS/LSAP district. The project improves the pedestrian and bicycle connections to the

Caltrain station through a dedicated walkway that connects to another segment of walkway, upgraded streetscape features consistent with the Lawrence Station Sense of Place Plan. The project further implements the following LSAP policies by providing high quality facilities for office, research and development and manufacturing.

The four key goals of the Lawrence Station Area Plan are to:

- increase transit ridership
- improve circulation
- provide transit-oriented development and
- ensure quality development

LU-G3 Promote a mix of employment and residential uses.

LU-G10 Maximize development intensities in order to support transit usage.

OSG-2 Provide open space within a five-to-ten minute walk of all residents and employees.

D-G4 Ensure that new development and construction activities improve, rather than adversely impact, the natural environment.

CF-G5 Improve access to bus and rail transit by all modes of travel.

P-G1 Provide safe, inviting, and attractive pedestrian connections for residents, workers and visitors to Lawrence Station and other key destinations in the Plan area.

B-G1 Encourage the use of bicycles for local and inter-neighborhood access by residents, workers, and visitors of all ages and abilities.

TDM-G1 Reduce vehicle trips in the Lawrence Station Plan area through TDM programs.

The location of offsite parking has a minimal effect on circulation and does not decrease the project's ability to be supportive of a transit rich development.

4. 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. The DA will further implement the objectives of the LSAP.

Landowner will designate the City as the point of sale for California sales and use tax purposes during Project construction which will augment sales tax receipts to the City. The design and construction of off-site street improvements advance the Sense of Place vision. Project also implement policies on improving connections to the train station. While not required to, the project exceeds the Reach Code requirements for solar PV systems and electric vehicle infrastructure as well as including all electric building construction: all of which promotes sustainable design consistent with LSAP policies and the City's Climate Action Playbook to reduce carbon emissions.

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.

Parking Garage Fees will be paid as compensation for the loss in taxes and fees associated with the parking structure. The change to the total wattage for the photovoltaic system is still well in excess of the minimum requirements.

5. Of a beneficial effect on the orderly development of property and the preservation of property values;

The project concentrates growth in an existing urbanized area as infill development and thereby results in fewer impacts from the construction of new infrastructure. The provision of a mix of uses in the Lawrence Station Area, including higher intensity offices, is anticipated under the Land Use and Transportation Element. The employees working in the office will use existing and future commercial uses to help support a vibrant area with rail transit. The project would not have a negative effect on property values in and around the Lawrence Station and overtime will preserve and enhance those values.

6. 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.