



Agenda Item

25-1128

Agenda Date: 12/9/2025

REPORT TO COUNCIL

SUBJECT

Proposed Project: Related applications on a 4.99-acre site:

DEVELOPMENT AGREEMENT (DA): Introduce an Ordinance Approving a DA between the City of Sunnyvale and BEP Moffett Park LLC.

MOFFETT PARK SITE MASTER PLAN (MPSMP): To establish horizontal site planning and vertical floor area allocations.

MOFFETT PARK SPECIAL DEVELOPMENT PERMIT (MPSPD): To demolish two existing office/R&D buildings and all site work and construct three (3) level office/R&D building over a three (3)-level above-grade podium with podium-level private roof deck.

Location: 333-385 Moffett Park Drive (APN:110-34-005)

File #: PLNG-2025-0137 (DA & MPSMP) & PLNG-2025-0072 (MPSPD)

Zoning: Moffett Park (MP-02)

Applicant: Ellis Partners

Owners: BEP Moffett Park LLC

Environmental Review: No additional review required per California Environmental Quality Act (CEQA) Guidelines Section 15183 as the environmental impacts of the project are addressed in the Moffett Park Specific Plan (MPSP) Environmental Impact Report (EIR).

Project Planner: Margaret Netto, (408) 730-7628, mnetto@sunnyvale.ca.gov

SUMMARY OF COMMISSION ACTION

The Planning Commission considered this item on November 24, 2025, after being continued from the Planning Commission hearing of November 10, 2025.

One member of the public spoke in support of the proposed project and development agreement noting compliance with the Moffett Park Specific Plan.

The Planning Commission voted 4-0 (with Commissioners Davis, Iglesias and Sigura absent) to make the findings required by Resolution No. 371-81 related to development agreements (Attachment 3 to the Report) and recommend that the City Council:

- Make the required Findings to approve the CEQA determination that the project is consistent with the Moffett Park Specific Plan’s Program Environmental Impact Report and no additional environmental review is required under Section 15183 of the California Environmental Quality Act (CEQA) Guidelines; and,
- Introduce an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and BEP Moffett Park LLC. (Attachments 2); and
- Approve the Moffett Park Site Master Plan (MPSMP) and Moffett Park Special Development Permit (MPSPD) based on the Recommended Findings in Attachment 4 and Modified

Recommended Conditions of Approval (COAs) in Attachment 5.

At the Planning Commission public hearing, staff recommended certain modifications to the COAs, based on the applicant's request to clarify some language in several COAs. The Planning Commission agreed with the recommended changes to the Conditions of Approval. These changes are shown in red text in Attachment 5. Following the Planning Commission meeting, the applicant requested clarification on a few other COAs. These revisions, that staff recommends, have been incorporated into Attachment 5 and are shown in tracked changes with ~~strikethrough~~ and underlined text.

Public Comment letters received prior to date of publication of the agenda and report are provided in Attachment 10 to the report.

Excerpt draft minutes of the November 24, 2025 Planning Commission hearing can be found in Attachment 12.

Two errors have been corrected in the Planning Commission Findings (Attachment 3) by replacing DSP and Downtown Specific Plan with MPSP and Moffett Park Specific Plan, respectively.

PUBLIC CONTACT

Public contact was made by posting the Council meeting agenda on the City's official-notice bulletin board at City Hall, at the Sunnyvale Public Library and in the Department of Public Safety Lobby. In addition, the agenda and this report are available at the City Hall reception desk located on the first floor of City Hall at 456 W. Olive Avenue (during normal business hours), and on the City's website.

ALTERNATIVES

1. Approve the Development Agreement, Site Master Plan and Special Development Permit
 - a. Find that the project is consistent with the Moffett Park Specific Plan's Program Environmental Impact Report and no additional environmental review is required under Section 15183 of the Guidelines to the California Environmental Quality Act (CEQA); and
 - b. Make the findings required by Resolution No. 371-81 related to development agreements (Attachment 3 to the Report); and
 - c. Introduce an Ordinance Approving a Development Agreement between the City of Sunnyvale and BEP Moffett Park LLC (Attachment 2 to the Report); and
 - d. Approve the Moffett Park Site Master Plan (MPSMP) and Moffett Park Special Development Permit (MPSDP) based on the Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5.
2. Approve the Development Agreement, Site Master Plan and Special Development Permit (with modifications)
 - a. Find that the project is consistent with the Moffett Park Specific Plan's Program Environmental Impact Report and no additional environmental review is required under Section 15183 of the Guidelines to the California Environmental Quality Act (CEQA); and
 - b. Make the findings required by Resolution No. 371-81 related to development agreements (Attachment 3 to the Report); and
 - c. Introduce an Ordinance Approving a Development Agreement between the City of Sunnyvale and BEP Moffett Park LLC (Attachment 2 to the Report) with modifications; and

- d. Approve the Moffett Park Site Master Plan (MPSMP) and Moffett Park Special Development Permit (MPSDP) based on Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5, subject to modifications.
3. Deny the Development Agreement, Site Master Plan and Special Development Permit
 - a. Do not introduce the Development Agreement Ordinance and provide direction to staff and the developer on desired modifications; and
 - b. Deny the Moffett Park Site Master Plan (MPSMP) and Moffett Park Special Development Permit (MPSDP); and provide direction to staff and the applicant on where changes should be made.

STAFF RECOMMENDATION

Alternative 1:

Approve the Development Agreement, Site Master Plan and Special Development Permit

- a. Find that the project is consistent with the Moffett Park Specific Plan's Program Environmental Impact Report and no additional environmental review is required under Section 15183 of the Guidelines to the California Environmental Quality Act (CEQA); and
- b. Make the findings required by Resolution No. 371-81 related to development agreements (Attachment 3 to the Report); and
- c. Introduce an Ordinance Approving a Development Agreement between the City of Sunnyvale and BEP Moffett Park LLC (Attachment 2 to the Report); and
- d. Approve the Moffett Park Site Master Plan (MPSMP) and Moffett Park Special Development Permit (MPSDP) based on the Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5.

Staff recommends approval of the Development Agreement, Moffett Park Specific Plan Site Master Plan and Moffett Park Special Development Permit. The project would support community expectations for greenhouse gas reduction and an enhanced pedestrian environment in the Moffett Park Specific Plan area. The project represents a modern and efficient reuse of an underutilized office site and supports the MPSP's vision of transforming Moffett Park into a diverse, innovation-focused district with high-performance buildings and enhanced public spaces.

The Development Agreement provides mutual benefits to both the City and the applicant. The project contributes \$3.1 million to the Community Benefit Fund, enhances public amenities such as POPAs, creates a hillside pollinator park garden along Moffett Park Drive, and commits to LEED Platinum, all-electric construction, advancing the City's Climate Action Plan objectives.

Through allocation of floor area from the MPSP Development Reserve, the project is able to intensify the site while maintaining conformance with the adopted environmental thresholds evaluated in the MPSP EIR.

LEVINE ACT

The Levine Act (Gov. Code Section 84308) prohibits city officials from participating in certain decisions regarding licenses, permits, and other entitlements for use if the official has received a campaign contribution of more than \$500 from a party, participant, or agent of a party or participant in the previous 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

An "X" in the checklist below indicates that the action being considered falls under a Levine Act

category or exemption:

SUBJECT TO THE LEVINE ACT

- ☒ Land development entitlements
- ☐ Other permit, license, or entitlement for use
- ☐ Contract or franchise

EXEMPT FROM THE LEVINE ACT

- ☐ Competitively bid contract*
- ☐ Labor or personal employment contract
- ☐ Contract under \$50,000 or non-fiscal
- ☐ Contract between public agencies
- ☐ General policy and legislative actions

* "Competitively bid" means a contract that must be awarded to the lowest responsive and responsible bidder.

Prepared by: Margaret Netto, Senior Planner

Reviewed by: Julia Klein, Principal Planner

Reviewed by: Trudi Ryan, Director, Community Development

Reviewed by: Connie Verceles, Deputy City Manager

Approved by: Tim Kirby, City Manager

ATTACHMENTS

1. Report to Planning Commission [25-0965, November 24, 2025] (without attachments)
2. Draft Ordinance and Development Agreement
3. Findings for the Development Agreement (revised)
4. Recommended SDP Findings
5. Recommended SDP Conditions of Approval (with track changes)
6. Site and Vicinity Map
7. Project Data Table
8. Proposed Site and Architectural Plans
9. CEQA Checklist
10. Public Comments

Additional Attachments for Report to Council

11. Applicant's Email to Planning Commission, October 15, 2025
12. Excerpt of Draft Planning Commission Meeting Minutes of November 24, 2025



City of Sunnyvale

Agenda Item

25-0965

Agenda Date: 11/24/2025

REPORT TO PLANNING COMMISSION

SUBJECT

Proposed Project: Related applications on a 4.99-acre site:

DEVELOPMENT AGREEMENT (DA): Introduce an Ordinance Approving a DA between the City of Sunnyvale and BEP Moffett Park LLC.

MOFFETT PARK SITE MASTER PLAN (MPSMP): To establish horizontal site planning and vertical floor area allocations.

MOFFETT PARK SPECIAL DEVELOPMENT PERMIT (MPSDP): to demolish two existing office/R&D buildings and all site work and construct three (3) level office/R&D building over a three (3)-level above-grade podium with podium-level private roof deck.

Location: 333-385 Moffett Park Drive (APN:110-34-005)

File #: PLNG-2025-0137 (DA& MPSMP) & PLNG-2025-0072 (MPSDP)

Zoning: Moffett Park (MP-02)

Applicant: Ellis Partners

Owners: BEP Moffett Park LLC

Environmental Review: No additional review required per California Environmental Quality Act (CEQA) Guidelines Section 15183 as the environmental impacts of the project are addressed in the Moffett Park Specific Plan (MPSP) Environmental Impact Report (EIR).

Project Planner: Margaret Netto, (408) 730-7628, mnetto@sunnyvale.ca.gov

REPORT IN BRIEF

General Plan: Moffett Park Specific Plan (MPSP)

Existing Site Condition: Office/R&D

Surrounding Land Uses

North: Office/R&D

South: Highway 237

East: Office/R&D

West: Office/R&D

Issues: Consistency with the Moffett Park Specific Plan

Staff Recommendation: Recommend to the City Council: Introduce an Ordinance to Approve a Development Agreement between the City of Sunnyvale and BEP Moffett Park LLC and Adopt Associated Findings (Attachments 2 and 3); Find that the Project is Consistent with the Moffett Park Specific Plan Environment Impact Report; and Approve the Moffett Park Site Master Plan and Moffett Park Special Development Permit based on the Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5.

BACKGROUND

In July 2023, the Sunnyvale City Council adopted an update to the Moffett Park Specific Plan (MPSP). Moffett Park is an integral part of Sunnyvale, consisting of approximately 1,270 acres in

25-0965

Agenda Date: 11/24/2025

the northernmost portion of the City. Moffett Park is generally bounded by State Route (SR) 237 to the south; North Mathilda Avenue, Moffett Federal Airfield and a golf course to the west; to the north generally is Caribbean Drive along with the San Francisco Bay (Bay), the former/closed Sunnyvale landfill, Sunnyvale Materials Recovery and Transfer (SMaRT) Station®, Donald M. Somers Water Pollution Control Plant (WPCP), WPCP former salt ponds for wastewater treatment, and open-water pond; and Caribbean Drive, Twin Creeks Sports Complex, and Baylands Park to the east. Page 6 of Attachment 9 is a map showing the MPSP boundaries.

The approximately five-acre project site is comprised of one parcel (Assessor's Parcel Number (APN) 110-34-005) located at 333, 375, and 385 Moffett Park Drive, and is to the west of the intersection of Moffett Park Drive and Innsbruck Drive. The site is bordered by Moffett Park Drive to the south, a private drive (which includes an easement allowing access to the project site) to the west, and office and light industrial uses to the north, west, and east. Residential uses are located south of the project site, across SR 237 and Persian Drive.

Description of Proposed Project

The property owner is requesting to access bonus FAR (additional floor area above the base allowable floor area) available under the MPSP for the project site together with a Development Agreement as required for bonus FAR developments. The subject site is currently permitted to be developed with 76,299 square feet of floor area (35% FAR) of office space/research and development (R&D). The applicant is requesting an additional 217,697 square feet of floor area under the bonus FAR program for non-residential developments in the MPSP, with the provision of Community Benefits as described below.

The proposed project includes the demolition of the existing structures and on-site improvements to construct a three-story building totaling 293,996 square feet. The building will be situated above a three-story podium that provides three levels of above-grade parking. Below grade structured parking is difficult in Moffett Park due to the high-water table.

As described above, the building would be constructed on top of a shared podium. The podium would provide three levels of above-grade parking and have a maximum height of 32 feet. The building located above the podium would be three stories and comprised of two office building components and have a height of 53 feet to the roof, or 63 feet to the penthouses on either building. Together, the building would be six stories tall and have a maximum building height of 85 feet. One building component would be located on the west and the other would be located on the east. A central podium-level outdoor terrace would be located between the two components. The creation space would be located on the ground floor of the west side of the building.

The architectural design features a modern exterior composed of sculpted glass façades with a combination of clear and opaque glazing with blue tinted spandrel glass on all four sides. The podium level is clad in solid and perforated metal panels with a matte finish, offering both visual texture and functional ventilation. The ground-level includes glazed entrances framed in black metal with a sleek profile finish. The two building components incorporate geometric folds in the façades along the west and east sides, creating a "bow-tie" effect that introduces articulation and breaks in the massing. Along the Moffett Park Drive frontage, a break is provided by the hillside pollinator garden and the landscaped podium level terrace.

Vehicular access to the project site would be provided via three driveways. The first driveway would be 20 feet wide and would be located in the southeast corner of the site, accessible via Moffett Park

25-0965

Agenda Date: 11/24/2025

Drive, and would lead into a private drive that connects to a surface parking area north of the building along with an entry to the parking garage and the publicly accessible bicycle repair station. The second driveway would be 26 feet wide and would be located along the west side of the podium, accessible via the shared Laneway (a joint easement with the adjacent property to the west of the project site), and would provide access into the parking garage and to the northside surface parking lot. Metal mesh and green wall screen the podium level parking on Laneway. The third driveway would be 24 feet wide and would be located in the northwest corner of the site, accessible via the Laneway, and would lead into the private drive at the rear of the site.

The podium-level outdoor amenity area would include an approximately 24,270 square foot outdoor fitness space and 18,400 square foot amenity terrace. The terrace would include an outdoor kitchen, dining table, several benches and seats, gaming table, amphitheater with seating, and landscaping. Additionally, the amenity area would include an approximately 6,379 square foot pollinator garden. The pollinator garden would be visible from Moffett Park Drive, separated from the amenity terrace by a slatted wood fence.

The site would be landscaped and would include new sidewalks, driveway access, and other plantings. The project would include drainage and biotreatment areas throughout the site. Stormwater runoff from the site would be treated in bioretention areas on the ground level and flow through planters on the roof before being directed to the City's stormwater system. (See Attachment 8 - Proposed Site and Architectural Plans).

Previous Actions on the Site

The parcel is currently developed with a one-story, approximately 10,583 square foot research and development (R&D) building in the southwest corner of the site; a two-story, approximately 79,029 square foot office building in the northern portion of the site; and associated surface parking.

EXISTING POLICY

Moffett Park Specific Plan (MPSP) Goals and Policies: The vision, key goals and policies from the MPSP which pertain to the proposed project have been included in the Recommended SDP Findings in Attachment 4.

Applicable Design Guidelines: The MPSP includes a Chapter for Development Standards, which includes development standards goals and policies, site design, building design. The project is consistent with the MPSP and Recommended SDP Findings for the project are in Attachment 4.

ENVIRONMENTAL REVIEW

No additional review is required per CEQA Guidelines Section 15183 as the environmental impacts of the project are addressed in the MPSP Environmental Impact Report (EIR). A consistency checklist has been prepared supporting the determination of consistency with the previously certified EIR. (See Attachment 5 - CEQA Checklist)

DISCUSSION

Development Agreement (DA)

A DA is a tool authorized by state law and used by some cities to assist in providing certain assurances for a developer and a city. A DA is a contract between the City and the developer that the City Council approves through adoption of an ordinance, that allows for early vesting of development rights and greater certainty for projects, to strengthen the public planning process and encourage

25-0965

Agenda Date: 11/24/2025

private participation in comprehensive planning. A DA sets forth the rights and obligations of the developer and describes the benefit to both the developer and the City. The City has previously entered into DAs with other project sponsors, including, since 2015, DAs with Landbank Investments (2015), Jay Paul (2014, 2016), STC Venture (Cityline - 2020), Kasik (Minkoff 100 Altair - 2020) and Intuitive Surgical (2021).

A DA is commonly used to extend the life of development approvals and to allow the project developer more time to implement projects without being subject to new or changes in local laws that might interfere with the approved project and to provide additional benefits to both the City and the developer that could not otherwise be obtained through standard land use approvals. The City has primarily used DAs for major development projects that may take longer to complete construction or for projects utilizing bonus FAR with the provision of community benefits.

The Moffett Park Specific Plan, adopted in 2023, enables non-residential projects to request additional square footage in the development reserve (above the permitted non-residential square footage), by meeting specified standards, providing community benefits, and entering into a DA. Some increases in land use intensity would be possible without utilizing bonus FAR; however, the total project proposed for this site would not be possible without bonus FAR and a DA.

The property owners are identified as "Landowners" in the DA". The term of the DA would be eight years with a possible extension for up to five years for good cause. The DA identifies the rights and obligations of both parties, the vested entitlements, and the benefits to both parties. The full draft of the DA is found in Attachment 2 as an exhibit to the ordinance. Below are summaries of the respective benefits outlined in the DA.

City Benefits

The DA includes the following benefits to the City:

Community Benefits.

- Community Benefit Fund Contribution - Payment of \$3,100,000
- Design and construction of a LEED Platinum, all electric building with no natural gas infrastructure and with USGBC Certification
- Developer to designate the City as the point of sale for California sales and use tax purposes during Project construction
- Benefits included in the Site Master Plan:
 - Moffett Park Drive Privately Owned and Publicly Accessible ("POPA") areas- approximately 12,119 square feet
 - Hillside Pollinator Garden "Mini Park" - approximately 6,379 square feet
 - Bike Repair Station POPA - approximately 964 square feet
 - Connector Shuttle drop off area along Moffett Park Drive

Developer Benefits

Benefits to the developer contained in the DA:

- Density Bonus. Bonus of 204,888 net-new square feet from the MPSP Development Reserve
- Parking adjustment. The Project may provide shared public parking in excess of two (2) parking spaces per 1,000 square feet and up to a maximum of three (3) parking spaces per 1,000 square feet, as allowed under the MPSP

25-0965

Agenda Date: 11/24/2025

- Deferred completion of Laneway improvements. The Laneway straddles two properties, comprising the western portion of the project site and the eastern portion of the adjacent property. The full buildout of the Laneway will be phased with a portion of the laneway improvements made with the proposed project, and the second phase of the laneway improvements to be deferred to the future when the adjacent site is redeveloped. Refer to Laneway exhibit in the DA.
- Additional time to exercise the planning permit (obtain a building permit and build the project)

Other Provisions

- The term of the DA is for eight years with the possibility of an additional five years if the developer has made the Community Benefit Fund payment and the City Manager determines good cause for the extension has been shown.
- Protections against future changes in City laws including those by initiatives, referenda and moratoriums.
- The project would not be subject to any new taxes or impact fees for eight years, except for citywide general and special taxes or certain area-wide assessment districts.
- Impact fees would be subject to annual increases if the adopted fee includes an automatic annual escalator, i.e., CPI; however, fees that were adopted without such a prescribed benchmark for increases would be frozen for eight years (see Exhibit C of the Draft DA in Attachment 2)
- General provisions regarding review, responsibilities of each party, procedures for default, etc.

As part of a recommendation to the City Council to adopt the Development Agreement, the Planning Commission must make findings. Draft findings are provided in Attachment 2 and outlined later in this report under Required Planning Commission Findings.

Present Site Conditions

The project site consists of one parcel containing a one-story, approximately 10,583 square foot research and development (R&D) building in the southwest corner of the site; a two-story, approximately 79,029 square foot office building in the northern portion of the site; and associated surface parking. There have only been minor permits issued for either site and/or building maintenance.

Moffett Park Site Master Plan (MPSMP)

The project applicant is seeking approval of SMP to establish horizontal site planning and vertical floor area allocations. The project site sits within the MPO2 (Moffett Park Office 2) zoning district. The MPSP requires that development is consistent with an approved Site Master Plan which addresses horizontal site planning, vertical allocations, and integration of uses. By delivering a new state-of-the-art building with associated site improvements and landscaping, the project supports the MPSP objective to maintain and strengthen Moffett Park as “a diverse economic engine that supports economic prosperity for all.”

Land Use & Intensification

The MPSP supports the evolution of Moffett Park from largely single use industrial/office R&D to a more dynamic, mixed use innovation district, featuring high quality office/R&D, enhanced open space, stronger connectivity, and in some areas, residential uses. As stated above, the project proposes to demolish two existing office/R&D buildings and construct a new three-level office/R&D building over a three-level above-grade parking podium. This modernization and intensification of the site is in line with the Specific Plan goal of refreshing and upgrading the existing building stock.

Creation Space

The MPSP requires a minimum of 7.5% of all net new office/R+D space be provided as either

25-0965

Agenda Date: 11/24/2025

innovation or creation space for projects with more than 150,000 square feet of net new floor area; and allows creation space square footage to count at 150% toward meeting the requirement. The project proposes 10,376 square feet of ground-floor Creation Space and when calculated at 150%, the project meets the minimum requirement of 15,329 square feet (or 7.5% of the 204,384 square feet of net new office area). The provided Creation Space includes a mix of 21-foot floor-to-floor height areas, mezzanine levels, and a proportional share of the building's mechanical space. Located on the west side of the ground floor, the Creation Space faces a new laneway and shared-use path. It also features a small, publicly accessible paved area designed to foster community connection. The space includes multiple points of entry to allow for internal partitioning and flexible use.

Site Design, Open Space & Urban Ecology

The MPSP emphasizes ecological design, biodiversity enhancement, integrated open space, and the reduction of urban heat island effects through sustainable landscaping and infrastructure. This project aligns closely with these goals through a comprehensive landscape plan that includes:

- Replacement of removed trees;
- New plantings around the building perimeter;
- Podium and rooftop plantings;
- Pollinator garden; and
- Native and drought-tolerant species between the roadway and the shared pedestrian/bike pathway.

These measures contribute to a resilient urban ecology and reinforce the MPSP's vision of a greener, more sustainable neighborhood.

The project also promotes a pedestrian-oriented environment. It provides a shared-use pathway connecting Moffett Park Drive to the future Laneway, activated by multiple types of open spaces—including, habitat areas, publicly accessible landscape areas that are privately maintained, and ground-floor activity zones. A central drop-off area is proposed to support private shuttles or the MPSP-envisioned connector shuttle, enhancing sustainable transit options.

Approximately 13,083 square feet of Privately Owned Publicly Accessible Space (POPAS) will be provided along Moffett Park Drive and near the bike repair station. The design incorporates the Crosstown Connector Design Standards, offering a 12-foot-wide shared pedestrian and bicycle pathway to accommodate micro-mobility and cycling infrastructure. A landscaped buffer strip with native and drought-tolerant plants separates this path from vehicular traffic, enhancing safety and comfort.

The centrally located loading/drop-off zone sits directly in front of the Moffett Park Drive POPAS. This area is part of a larger mini park that features a hillside pollinator garden. The "mini park" supports community use and ecological value by offering seating areas set within a colorful, fragrant landscape that promotes biodiversity and provides critical habitat for a variety of pollinators.

Mobility and Pedestrian/Bicycle Connectivity

A key guiding principle of the MPSP is the creation of a "connected, accessible district that prioritizes the movement of people over vehicles, to reduce climate pollution and support a healthy community." The project includes a shared pedestrian and bicycle pathway along the landscape strip, with native planting and visual screening. This amenity supports the MPSP's mobility goals by enhancing non automobile circulation and user experience in the public realm.

The integration of parking podium design helps locate vehicle access appropriately, while perimeter tree and pedestrian/bike path landscaping supports the Plan's objective of prioritizing human scaled movement and walkability.

25-0965

Agenda Date: 11/24/2025

Moffett Park Special Development Permit (MPSDP)

The project applicant is seeking approval of a SDP to allow the construction of the new office/R&D building.

Development Standards

Floor Area Ratio (FAR)

The MPSP provides density standards by land use. Additional FAR for non-residential developments, up to the bonus maximum, may be granted to developments that meet certain standards and contribute to community benefits and/or district-level improvements. The base FAR for the site is 35% or 76,299 square feet. The proposed project's square footage would result in a 135% FAR for the site. As established in the MPSP, developers may request additional floor area from the MPSP Development Reserve. The Development Reserve for the SOJA neighborhood is 6 to 8 million square feet. The developer is requesting 217,697 square feet of the reserve. The Development Reserve includes allowed new office, R&D, and industrial floor area studied and covered under the EIR.

Building Mass Coverage

The project is located outside of the "Fine Grain Core" of the MPSP; this area is allowed up to 70% or 152,458 square feet building mass coverage (lot coverage). The project proposes 95,831 square feet (44%) which does not include the podium. The MPSP does allow exclusion of the podium. The project meets the requirement.

Architecture and Site Layout

As stated above, the architectural design features a modern exterior composed of sculpted glass façades with a combination of clear and opaque glazing with blue tinted spandrel glass on all four sides. The podium level is clad in solid and perforated metal panels with a matte finish, offering both visual texture and functional ventilation. The ground-level storefront includes glazed entrances framed in black metal with a sleek profile finish. Several design elements help to create a visual interest, such as the geometric breaks in each building, exterior staircase on the northwest corner that leads to the podium, the landscaped podium, the sloped soffit above the level 3 parking, the solid and perforated metal panel on the ground floor. The landscaped podium provides for native species and pollinator plants. The color palette would include a wood toned soffit above the third level of parking, with clear and opaque glazing with metal flashing above and a recess from the curtain wall and solid and perforated metal with painted metal finish.

The buildings are sited facing Moffett Park Drive. The building is designed with multiple lobbies and cores to each component, which provide flexibility for a single tenant, single tenant per building, or up to 4 tenants per floor. The increased ceiling heights, especially at the podium level (20' floor to floor) will offer a great space for a multitude of users. The podium-level courtyard provides an outdoor green space for the building campus, while also offering the opportunity for additional amenity programmed space if the tenants desire more extensive common area program.

As stated above, vehicular access to the project site would be provided via three 24-foot driveways. The project provides separate service/mechanical, loading and trash for each building. For the western building, loading access is provided off the new Laneway. These are combined into a single driveway apron and connect to the northwestern core of the project. The loading dock is sized to

25-0965

Agenda Date: 11/24/2025

serve both buildings when large truck deliveries are required. Trash access is provided at the northern edge of the building, off the northern perimeter drive aisle. For the eastern building, trash access and a shipping/ receiving room (for non-semi-truck deliveries) on the northeastern corner. These rooms are co-located with a secondary eastern building lobby and bike storage/shower rooms. The project provides adjacent exterior space for loading that will not impede the service drive vehicular circulation or fire department access.

Setbacks

The required setbacks for the site are 10-foot minimum and 40-foot maximum for building frontages along streets. The required setback on Moffett Park Drive is a minimum of ten feet and a maximum of 40 feet measured from the developable parcel lines or back of sidewalk or sidewalk easements. The proposed building provides a 24-32-foot setback on Moffett Park Drive from the Public Service Walkway Easement (PSWE), and a 10-14-foot from the PSWE (left) and a 43-47-foot setback on the side (right) property line and a 58-foot from the rear property line. The project meets the setback requirement for the building frontage and laneway.

Building Height

The maximum building height allowed is 145 feet. The proposed project is 85 feet tall at the top of the third floor and 95 feet to the top of the mechanical screening.

Parking

The MPSP has parking maximum requirements. Parking maximums specify the maximum number of off-street parking spaces permitted by land use, ensuring that parking is not overbuilt. The project proposes to provide 218 spaces for public parking (less than 50% of total above 2/1000) and approximately 582 spaces reserved for employee parking, or a ratio of 2.0/1,000sf, meeting the City's 2 spaces/1,000 SF maximum code requirement. The garage will operate as a traditional parking garage with a total of approximately 800 total parking spaces, utilizing a self-parking operation. Aisle widths are a minimum of 24 feet for double-loaded aisles with two-way traffic for general self-parking drivers. The applicant is proposing to exceed the parking maximum. However, A project may exceed that maximum by up to 50% of the maximum ratio, provided that all additional spaces over the maximum shall be shared with the public, a private entity, a public agency, or other users. A parking management plan must be submitted to the City demonstrating reasonable access to shared parking on a daily basis. The shared parking is addressed in the DA.

The project would also include 190 bicycle parking spaces, 152 of which would be Class I (long-term) bicycle parking spaces and 38 of which would be Class II (short-term) parking spaces. The Class I bicycle storage room would be provided in the southwestern corner of the garage under Building A and the Class II spaces would be provided in the northeastern corner of the garage under Building B. Two shower/locker rooms would be provided, one in the garage under Building A and one in the garage under Building B, with a total of 120 lockers and 14 showers for cyclists.

The project would provide a shared pedestrian and cyclist path along Moffett Park Drive and a sidewalk detached from the shared street for vehicles and cyclists along the laneway. The path would also provide access to the ground level POPAs, which include internal pedestrian pathways and the bike repair station.

Traffic

The applicant has indicated draft TDM measures for the proposed project which include the following noted below:

25-0965

Agenda Date: 11/24/2025

- On-site Transportation Coordinator
- Annual monitoring and reporting program
- Enrollment in the Moffett Park TMA
- TDM marketing materials for employees
- Unbundled parking
- Priority parking for carpools and vanpools
- Bicycle parking and shower and changing facilities
- Bicycle repair station
- Pre-tax transit/vanpool benefits

Many of the measures are already implemented in the design of the building, such as secure bike lockers, showers, and gym. Other TDM measures would be implemented upon tenant improvements and occupancy. In addition, staff has included a recommended condition of approval (AT-6) requiring the project to participate in an MPSP Transportation Management Agency (TMA) when one is formed. Lastly, a Final TDM plan is required in the Recommended Conditions of Approval in Attachment 5.

Landscaping and Tree Preservation

The site currently contains a total of 151 trees, of which 70 qualify as “protected trees” based on their trunk circumference measuring at least 38 inches at 4.5 feet above the ground. The overall condition of the trees varies from poor to good, with the majority exhibiting less than optimal health. Of the 151 trees, 128 are proposed for removal to accommodate the construction of buildings, a parking podium, and other site improvements. This includes 59 protected trees and 69 non-protected trees. The remaining 23 trees are proposed to be preserved, consisting of 11 protected and 12 non-protected trees.

To mitigate the loss of trees due to development, the project proposes a comprehensive replacement planting plan. This includes the installation of 87 new trees around the perimeter of the building to provide effective screening. Additional landscaping improvements will feature native and drought-tolerant plantings within the landscape strip between the road and the shared pedestrian and bicycle pathway, as well as podium-level plantings, and planter beds at grade adjacent to the building.

Green Building Requirements:

The proposed project will meet the California Building Standards Code (CALGreen) Mandatory Measures and GreenPoint Rated Checklist. The project would also be an all-electric LEED BD+C Platinum building. The project applicant would incorporate green building measures including, but not limited to, the following:

- **Renewable Energy:** The project would install approximately 34,500 square feet of solar access roof area on the roofs of Buildings A and B.
- **Electric Vehicle (EV) Charging:** The project would include 506 EV and EV-ready parking spaces.
- **Resource Efficient Landscaping:** The project would plant drought tolerant and native species for landscaping.
- **Green Roof:** The project would provide approximately 18,600 square feet of vegetation on the roof of the podium.

Bird Safe Design

The project incorporates Bird Safe Design standards as required by the MPSP, Chapter 5.4.2. The glass façades of the proposed building incorporate opaque materials including metal panels and

25-0965

Agenda Date: 11/24/2025

window mullions. These features are expected to reduce bird collisions with the building and help birds to interpret the building as solid structures from a distance (rather than as reflected sky or vegetation). In addition, the glazing will have relatively low visible reflectance (11-20%), which will help to reduce the clarity of reflections in this glazing. Glazing types will be used on the upper three stories of Buildings A and B, and will incorporate opaque layers beneath the surface that will illuminate the potential for collisions due to transparency.

REQUIRED PLANNING COMMISSION FINDINGS

Findings for the Special Development Permit have been included in Attachment 4.

Separate Findings for the Development Agreement are required under the City's procedures for review of DAs (Resolution No. 371-81) (Attachment 3), in order for the Planning Commission to recommend adoption of the DA, the Planning Commission must find that the DA is:

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.

Per Attachments 3 and 4, staff is able to make the required findings.

FISCAL IMPACT

In addition to the specific benefits outlined in the DA, the project would be expected to pay normal fees and taxes including increased property taxes, retail sales tax indirectly from employee and business purchases from other Sunnyvale businesses.

A direct economic benefit for the proposed project would be the fees the developer would pay as part of the permitting process which are required development impact fees (even without a DA). The amount is expected to be slightly more than \$7.2 million dollars in one-time revenue: housing mitigation fees (\$4,707,408.00 million), traffic impact fees (\$2,016,656.93), construction taxes (\$433,009.77), and general plan maintenance fees (\$120,280.50). School impact fees would be paid directly to the Sunnyvale School District and the Fremont Union High School District. The fees would be based on a fixed cost per net new square footage. Lastly, the project will also register all construction sales tax for the project with the State which will direct that revenue back to the City of Sunnyvale.

PUBLIC CONTACT

Notice of Public Hearing

- Published in the Sun newspaper
- Posted on the site
- 1,720 notices mailed to property owners and residents within 2,000 feet of the project site

Staff Report

- Posted on the City's website

Agenda

25-0965

Agenda Date: 11/24/2025

- Posted on the City's official notice bulletin board
- Posted on the City's website

Public Contact. No public comment letters have been received.

Planning Commission Study Session

On October 13, 2025, staff presented the proposed project to the Planning Commission for comments. Site, architectural, and landscape plans were provided for discussion. The Commission noted the following:

- Building's horizontal wall articulation through the "bow tie" design,
- Overall architectural design,
- Location/availability of ADA parking,
- Inclusion of hillside pollinator garden,
- Existing and proposed plantings and trees,
- Interim solution for dead-end sidewalk on east side of property.

One member of the public spoke regarding interest in utilizing union labor for this project.

ALTERNATIVES

Recommend to the City Council:

1. Approve the Development Agreement, Site Master Plan and Special Development Permit
 - a. Make the findings required by Resolution No. 371-81 (Attachment 3 to the Report).
 - b. Recommend to City Council the Introduction of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and BEP Moffett Park LLC (Attachment 2 to the Report).
 - c. Recommend to City Council to Find that the Project is consistent with the Moffett Park Specific Plan Program Environmental Impact Report and no additional environmental review is required under Section 15183 of the Guidelines to the California Environmental Quality Act (CEQA); and
 - d. Recommend to City Council to Approve the Moffett Park Site Master Plan (MPSMP) and Moffett Park Special Development Permit (MPSDP) based on the Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5.
2. Approve the Development Agreement and Modify the Site Master Plan Special Development Permit (with modifications)
 - a. Make the findings required by Resolution No. 371-81 (Attachment 3 to the Report), with modifications.
 - b. Recommend to City Council the Introduction of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and BEP Moffett Park (Attachment 2 to the Report, with modifications).
 - c. Recommend to City Council to Make the required Findings to approve the CEQA determination that the project is consistent with the Downtown Specific Plan's Program Environmental Impact Report and no additional environmental review is required; and
 - d. Recommend to City Council to approve the Moffett Park Site Master Plan (MP SMP) and Moffett Park Special Development Permit based on Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5 subject to modifications

25-0965

Agenda Date: 11/24/2025

3. Deny the Development Agreement, Site Master Plan and Special Development Permit
 - a. Do not make the findings required by Resolution No. 371-81.
 - b. Recommend that City Council do not introduce the Development Agreement Ordinance and provide direction to the staff and developer on desired modifications.
 - c. Deny the Moffett Park Site Master Plan (MP SMP) and Moffett Park Site Master Plan and Special Development Permit; and provide direction to staff and applicant on where changes should be made.

STAFF RECOMMENDATION

Recommend to the City Council Alternative 1:

1. Approve the Development Agreement, Site Master Plan and Special Development Permit
 - a. Make the findings required by Resolution No. 371-81 (Attachment 3 to the Report).
 - b. Recommend to City Council the Introduction of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and BEP Moffett Park LLC (Attachment 2 to the Report).
 - c. Find that the Project is consistent with the Moffett Park Specific Plan Program Environmental Impact Report and no additional environmental review is required under Section 15183 of the Guidelines to the California Environmental Quality Act (CEQA);
 - d. Approve the Moffett Park Site Master Plan (MPSMP) and Moffett Park Special Development Permit (MPSDP) based on the Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5.

Staff recommends approval of the Development Agreement, Moffett Park Specific Plan and Special Development Permit. The project would support community expectations for greenhouse gas reduction and an enhanced pedestrian environment in the Moffett Park Specific Plan area. The project represents a modern and efficient reuse of an underutilized office site and supports the MPSP's vision of transforming Moffett Park into a diverse, innovation-focused district with high-performance buildings and enhanced public spaces.

The Development Agreement provides mutual benefits to both the City and the applicant. The project contributes \$3.1 million to the Community Benefit Fund, enhances public amenities such as POPAs, creates a hillside pollinator park garden along Moffett Park Drive, and commits to LEED Platinum, all-electric construction, advancing the City's Climate Action Plan objectives.

Through allocation of floor area from the MPSP Development Reserve, the project is able to intensify the site while maintaining conformance with the adopted environmental thresholds evaluated in the MPSP EIR.

LEVINE ACT

The Levine Act (Gov. Code Section 84308) prohibits city officials from participating in certain decisions regarding licenses, permits, and other entitlements for use if the official has received a campaign contribution of more than \$500 from a party, participant, or agent of a party or participant in the previous 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

An "X" in the checklist below indicates that the action being considered falls under a Levine Act category or exemption:

25-0965

Agenda Date: 11/24/2025

SUBJECT TO THE LEVINE ACT

- ☒ Land development entitlements
☐ Other permit, license, or entitlement for use
☐ Contract or franchise

EXEMPT FROM THE LEVINE ACT

- ☐ Competitively bid contract*
☐ Labor or personal employment contract
☐ Contract under \$50,000 or non-fiscal
☐ Contract between public agencies
☐ General policy and legislative actions

* "Competitively bid" means a contract that must be awarded to the lowest responsive and responsible bidder.

Prepared by: Margaret Netto, Senior Planner
Reviewed by: Julia Klein, Principal Planner
Reviewed by: Shaunn Mendrin, Planning Officer
Reviewed by: Trudi Ryan, Director, Community Development
Reviewed by: Connie Verceles, Deputy City Manager
Approved by: Tim Kirby, City Manager

ATTACHMENTS

1. Reserved for Report to Council
2. Draft Ordinance and Development Agreement
3. Draft Planning Commission Findings for the Development Agreement
4. Recommended SDP Findings
5. Recommended SDP Conditions of Approval
6. Site and Vicinity Map
7. Project Data Table
8. Proposed Site and Architectural Plans
9. CEQA Checklist
10. Public Comments

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SUNNYVALE
APPROVING A DEVELOPMENT AGREEMENT BETWEEN
THE CITY OF SUNNYVALE AND BEP MOFFETT PARK
LLC FOR THE DEVELOPMENT OF PROPERTY AT 333-
385 MOFFETT PARK DRIVE**

WHEREAS, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Government Code Sections 65864 *et seq.* (the “Development Agreement Statute”) which authorizes cities to enter into agreements in connection with the development of real property within their jurisdiction by qualified applicants with a requisite legal or equitable interest in the real property which is the subject of such development agreement; and

WHEREAS, pursuant to Government Code Section 65865, the City has adopted rules and regulations establishing procedures and requirements for consideration of development agreements as set forth in Resolution No. 371-81 (the “Development Agreement Resolution”; and

WHEREAS, BEP Moffett Park LLC, a Delaware limited liability company (“Applicant”), has a legal interest in that certain real property located in Sunnyvale, California consisting of approximately 4.99 acres to the west of the intersection of Moffett Park Drive and Innsbruck Drive, and commonly known as 333, 375 and 385 Moffett Park Drive, Assessor Parcel Number 110-34-005 (the “Property”); and

WHEREAS, Applicant desires to redevelop the Property by demolishing the existing structures and onsite improvements and constructing a three-story building of 293,996 square feet, above a three-level above-ground podium parking garage, with outdoor podium-level amenities and landscaping; and

WHEREAS, the Project is a significant development, among the first to implement the vision of the Moffett Park Specific Plan, that will incorporate 217,697 square feet of bonus floor area (above the base allowed 76,299 square feet of floor area) and provide public facilities and community benefits under the Specific Plan; and

WHEREAS, a primary purpose of this Development Agreement is to assure the Project can proceed without disruption caused by a change in the City’s planning policies and requirements after the date of Project approval, to provide the Applicant with flexibility to develop the Project in response to market conditions, and to ensure the required community benefits and public benefits the Applicant is committing to provide in connection with the development of the Project are timely delivered; and

WHEREAS, a copy of the proposed Development Agreement is attached hereto and incorporated herein as Exhibit "A" to this ordinance; and

WHEREAS, as part of its consideration of the updated Moffett Park Specific Plan, the City

prepared an Environmental Impact Report (collectively, "EIR") (State Clearinghouse #SCH #20210803) pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq., "CEQA"), the Guidelines for Implementation of the California Environmental Quality Act (14 California Code of Regulations, Sections 15000 et seq., the "State EIR Guidelines") and the City's Local Guidelines for Implementing CEQA (the "Local Guidelines"); and

WHEREAS, the EIR provided a program-level review of the environmental impacts of the Moffett Park Specific Plan amendments, identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the Moffett Park Specific Plan, and identified some impacts that would remain significant and unavoidable after mitigation; and

WHEREAS, on July 11, 2023, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and certified the EIR for the Moffett Park Specific Plan amendments; and

WHEREAS, pursuant to the Development Agreement Statute and City regulations, the Planning Commission held a duly noticed public hearing on November 24, 2025, on the proposed Project and found that the proposed Development Agreement is consistent with the objectives of the general plan, compatible with the uses authorized for the Project Area, in conformity with public convenience and beneficial to the public welfare, and will not adversely impact the orderly development of property; and

WHEREAS, the City Council, after published notice, held a public hearing on December 9, 2025 concerning the proposed Project, and has considered the reports and documents presented by City staff, the Planning Commission's recommendation, and the written and oral comments presented at the public hearing.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The City Council hereby finds and declares that the above recitals are true and correct and are hereby incorporated as findings. The City Council finds that the provisions of the Development Agreement are consistent with the City's General Plan and the Moffett Park Specific Plan as they will exist on the effective date of this ordinance, and the City Council hereby incorporates the findings regarding General Plan and Specific Plan conformity contained in the Planning Commission findings dated November 24, 2025. The City Council finds that the provisions of the Development Agreement are compatible with the uses authorized in the regulations prescribed for the land use district in which the real property is located; are in conformity with public convenience and good land use practice; are not detrimental to the public health, safety and general welfare; are of a beneficial effect on the order development of property and the preservation of property values; and are consistent with the requirement of Resolution 371-81. The City Council finds that the Developer is providing a public benefit to the City by, among other things, making a substantial monetary contribution to the City, design and construction of public improvements and amenities including a privately owned publicly accessible (POPA) area,

construction of an all-electric building (LEED Platinum certified) in furtherance of the City's Climate Action goals, and designating the City as point of sale for sales tax purposes during construction, and other community benefits described in the Development Agreement. The City Council further finds that development of the Project will require several years to complete, and a development agreement is appropriate for the Property to ensure that the Project will be completed.

SECTION 2. DEVELOPMENT AGREEMENT ADOPTED. The Development Agreement, as set forth in Exhibit "A", is hereby adopted, subject to such minor, conforming and clarifying changes consistent with the terms thereof as may be approved by the City Manager, in consultation with the City Attorney prior to execution thereof, including completion of references and status of planning approvals, and completion and conformity of all exhibits thereto. The City Manager and the City Clerk of the City of Sunnyvale are hereby authorized and directed to execute and attest, respectively, the Development Agreement on behalf of the City of Sunnyvale.

SECTION 3. CEQA. The environmental effects of the Project subject to the proposed Development Agreement were analyzed in the Moffett Park Specific Plan Environmental Impact Report (the "EIR"), certified and adopted by City Council Resolution No. 1199-23 on July 11, 2023. The City Council adopts the analysis set forth in the CEQA checklist prepared for the Project and finds that in accordance with Public Resources Code Section 21094(b) and Section 15168(c)(2) of the CEQA Guidelines, none of the conditions or circumstances that would require preparation of subsequent or supplemental environmental review pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 exists in connection with the Project. The City Council certified the 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 related to certain impacts on cultural and historic resources, traffic, noise, and utilities, and adopted a Mitigation Monitoring and Reporting Program. The City Council incorporates by this reference the findings, Mitigation Monitoring and Reporting Program ("MMRP") and Statement of Overriding Considerations contained in Resolution No. 1199-23 as to the environmental effects of the Moffett Park Specific Plan update and makes those same findings, and adopts the same MMRP and Statement of Overriding Considerations for the Project subject to the Development Agreement, together with the additional findings contained in this ordinance. The Director of Community Development shall file a Notice of Determination with the County Clerk under Title 14, California Code of Regulations Section 15075.

SECTION 4. RECORDATION. The City Clerk is hereby directed to record the Development Agreement with the county recorder in compliance with the provisions of Government Code Section 65868.5.

SECTION 5. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty

(30) days from and after the date of its adoption.

SECTION 7. POSTING AND 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 of a notice once in The Sunnyvale Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, 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 December 9, 2025, 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:

DAVID CARNAHAN
City Clerk
Date of Attestation: _____

LARRY KLEIN
Mayor

(SEAL)

APPROVED AS TO FORM:

REBECCA L. MOON
City Attorney

RECORDING REQUESTED BY

CITY OF SUNNYVALE
City Attorney's Office
P.O. Box 3707
Sunnyvale, CA 94088

WHEN RECORDED MAIL TO

CITY OF SUNNYVALE
City Attorney's Office
P.O. Box 3707
Sunnyvale, CA 94088

Record at No Fee per Government Code section 6103 [Space above this line for Recorder's use only]

DEVELOPMENT AGREEMENT

by and between

BEP MOFFETT PARK LLC and CITY OF SUNNYVALE

Project name: 333-385 Moffett Park Drive

THIS DEVELOPMENT AGREEMENT, dated for convenience _____, 202_, at Sunnyvale, California ("Agreement") is entered into by and between BEP Moffett Park LLC, a Delaware limited liability company (referred to herein as "Landowners") and the CITY OF SUNNYVALE, a charter city, created and existing under the laws of the State of California (the "City"), pursuant to the authority of Sections 65864-65869.5 of the Government Code of the State of California, and City of Sunnyvale Resolution No. 371-81. The Agreement creates legal obligations pertaining to the Project as more particularly described below.

RECITALS

A. State Authorization. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864 *et seq.* of the Government Code (the "Development Agreement Statute"), which authorizes the City to enter into a binding property development agreement with any person having a legal or equitable interest in real property for the development associated with such property in order to establish certain development rights in the property which is the subject of the development project application.

B. City Procedure and Requirements. The City has implemented the provisions of Government Code Section 65864 *et seq.* and adopted certain development agreement procedures and requirements through the enactment of Resolution No. 371-81, adopted on December 15, 1981 (hereinafter referred to as the "Development Agreement Resolution").

C. Landowners. The Landowners are BEP Moffett Park LLC

D. Developers. The Developers are BEP Moffett Park LLC (“Developers”).

E. Property. The subject of this Agreement is the development of that certain property located at 333-385 Moffett Park Drive in the city of Sunnyvale, California, County of Santa Clara, Accessor’s Parcel Number 110-34-005, as described in Exhibit A (hereinafter referred to as the “Property”), attached hereto and incorporated herein by reference. The Landowners either own, or are the sole members of each of the entities that own the Property in fee. Subject to the terms of Section 8.5 and Section 11.2 hereof, all persons holding legal or equitable interests in the Property shall be bound by this Agreement.

F. Moffett Park Specific Plan. The subject Property is located within the area subject to the Moffett Park Specific Plan (or “MPSP”). The MPSP was originally adopted in 2004, updated in 2006, 2009, 2011, 2013, and 2016, and then comprehensively updated and adopted by the City Council on July 11, 2023.

G. Project. Developers propose to construct a new office complex measuring approximately 294,500 square feet (135% FAR) with structured parking of approximately 800 parking spaces, 589 of which will be exclusively for private use and the remainder of which will be available for public use (the “Project”). The Project would also include a private landscaped roof deck, sidewalk and street improvements, drive and loading access from Moffett Park Drive and a private shared easement for bicycle and pedestrian use (the “Laneway”).

H. Office Use. The City supports the inclusion of Research and Development and certain laboratory uses within the Moffett Park Specific Plan area, consistent with the vision of the MPSP. The SOJA neighborhood, where this Project is located, is designated to accommodate a variety of uses, including R&D Office (R&D). R&D may include a form of laboratory as well as incidental industrial uses, where appropriate, but any proposed laboratory use would require additional CEQA review as laboratories were not evaluated in the MPSP EIR. These R&D uses are encouraged and supported provided they are consistent with the vision of Moffett Park Specific Plan as 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” and are compatible with planned adjacent land uses”. Consistency and compatibility are determined through the Miscellaneous Plan Permit (“MPP”) or Special Development Permit (“SDP”) processes

I. Environmental Review. The City examined the environmental effects of the MPSP in an Environmental Impact Report (the “EIR”) prepared pursuant to the California Environmental Quality Act (Public Resource Code Section 21000 *et seq.*; “CEQA”) (State Clearinghouse No. 2021080338). On July 11, 2023, the City Council reviewed and certified as adequate and complete the EIR by Resolution No. 1199-23, and adopted written findings and approved a Mitigation Monitoring and Reporting Program. The City Council adopted a Statement of Overriding Considerations in connection with its approval of the MPSP pursuant to Section 15093 of Title 14 of the CEQA Guidelines. The City prepared a CEQA Checklist to examine the environmental effects of this Agreement and the Development Approvals (as defined in Recital O below) which concluded that the Project is consistent with and within the scope of the previously

certified EIR (the “CEQA Checklist”). The City Council considered and approved the CEQA Checklist on [REDACTED].

J. Purposes. The Landowners and City desire to enter into an agreement for the purpose of implementing the plan for development of the Project as set forth herein, and in the MPSP and Development Approvals. The City has an expressed interest in ensuring the adequacy of public facilities and infrastructure improvements to support well-planned growth, and entering into development agreements is a method whereby a level of assurance can be achieved to meet that interest. The City has determined that the development of the Project pursuant to the MPSP is a development for which a development agreement is appropriate. A development agreement will provide certain benefits to the City, as described in Article 2, will eliminate uncertainty in the City's land use planning, will provide orderly development of the Property in accordance with the policies and goals set forth in the City's General Plan and MPSP, and will otherwise achieve the goals and purposes of Resolution No. 371-81, which was adopted by the City on December 15, 1981. The Landowners have incurred and will incur substantial costs in order to comply with the conditions of approval and to assure development of the Property in accordance with this Agreement. In exchange for these benefits to the City and the public, the Landowners desire to receive assurance that the City shall grant permits and approvals required for the development of the Property in accordance with existing city laws, subject to the terms and conditions contained in this Agreement. In order to effectuate these purposes, the Parties desire to enter into this Agreement.

K. Relationship of City and Landowners. It is understood that this Agreement is a contract that has been negotiated and voluntarily entered into by City and Landowners and that the Landowners are an independent entity and not an agent or partner of City. City and Landowners hereby renounce the existence of any form of joint venture or partnership between them, and agree that nothing contained in this Agreement or in any document executed in connection with this Agreement shall be construed as making City and Landowners joint ventures or partners.

L. Planning Commission Recommendations of Approval. The application for approval of this Agreement and the appropriate CEQA documentation required for approval of this Agreement, including the CEQA Checklist, were considered by the Planning Commission, on [REDACTED]. After conducting a duly noticed public hearing, the Commission recommended the adoption of this Agreement to the City Council.

M. Development Agreement Adoption. After conducting a duly noticed public hearing and making the requisite findings, the City Council approved and introduced this Agreement by the first reading of Ordinance No. [REDACTED] on [REDACTED]. On [REDACTED], the City Council adopted this Agreement by the second reading of Ordinance No. [REDACTED] (the “Adoption Date”), and authorized its execution.

N. Consistency with Sunnyvale General Plan and MPSP. Development of the Property in accordance with this Agreement will provide for orderly growth and development in accordance with the policies set forth in the City General Plan, the MPSP, and the Development Approvals as further described in Recital O, below. Having duly examined and considered this Agreement and having held properly noticed public hearings hereon, the City Council finds and declares that this Agreement is consistent with the MPSP, General Plan of the City and with the

Development Approvals. This Agreement satisfies the requirements of Government Code Section 65867.5

O. Development Approvals. The following approvals, entitlements, and findings have been adopted by the City with respect to the Property, and constitute the Development Approvals:

1. The Environmental Impact Report for the MPSP (SCH# 2021080338) (comprised of the Draft Environmental Impact Report and the Final Environmental Impact Reports, collectively the “FEIR”), the written findings and a Mitigation Monitoring and Reporting Program adopted on July 11, 2023.
2. The MPSP adopted by Resolution No. 1199-23, on July 11, 2023.
3. This Agreement as more fully set forth in Recital M above.
4. The Site Master Plan Permit (Number PLNG-2025-0137) and Special Development Permit (Number PLNG-2025-0072) authorizing development of the Project on the Property. The Site Master Plan and Special Development Permit will be considered concurrently with this Agreement.
5. CEQA Checklist

P. Development Agreement Resolution. City and Landowners have taken all actions mandated by and fulfilled all requirements set forth in the Development Agreement Resolution.

NOW THEREFORE, pursuant to the authority contained in Government Code Sections 65864-65869.5 and City of Sunnyvale Resolution No. 371-81, and in consideration of the mutual covenants and promises contained herein, the adequacy and sufficiency of which is hereby acknowledged, the Landowners and the City, each individually referred to as a Party and collectively referred to as the Parties, agree as follows.

ARTICLE 1

RECITALS, DEFINITIONS AND DATES

1.1 Incorporation of Recitals. The Preamble, the Recitals and all the defined terms set forth in both, are hereby incorporated into this Agreement as if set forth herein in full.

1.2 Definitions. In addition to the defined terms in the Preamble and the Recitals, each reference in this Agreement to any of the following terms shall have the meaning set forth below for each such term. Certain other terms shall have the meaning set forth for such term in this Agreement.

1.2.1 Applicable Laws. The laws and Constitution of the State of California, excluding its conflict of laws provisions, the laws and Constitution of the United States and any codes, statutes or executive mandates in any court decision, state or federal, thereunder.

1.2.2 Assignee. Any person, business entity, association, organization or other similar entity succeeding to some or all of Landowners' rights and obligations under this Agreement by sale, transfer, or otherwise, including, but not limited to, purchasers, mortgagees, or long term ground lessees of individual lots, parcels, or of any of the buildings located within the Property.

1.2.3 City Laws. The ordinances, resolutions, codes, rules, regulations and official policies of the City, governing the permitted uses of land, density, design, improvements and construction standards and specifications applicable to the development of the Property and property upon which required off-site public improvements (if any) will be constructed. Specifically, but without limiting the generality of the foregoing, City Laws shall include the City's General Plan, the MPSP, the City's Zoning Code (Title 19 of the Sunnyvale Municipal Code), the City's Subdivision Code (Title 18 of the Sunnyvale Municipal Code).

1.2.4 Conditions. All conditions, exactions, fees or payments, dedication or reservation requirements, obligations for on or off-site improvements, services or other conditions of approval called for in connection with the development of or construction of the Project pursuant to the Development Approvals and Vested Entitlements (including Subsequent Approvals) and under City Laws, whether such conditions of approval constitute public improvements, or mitigation measures in connection with environmental review of any aspect of the Project.

1.2.5 Director. The Director of the Community Development Department of the City of Sunnyvale or the Director's designee.

1.2.6 Enacting Ordinance. Ordinance No. [REDACTED], introduced by the City Council on [REDACTED], and adopted by the City Council on [REDACTED], approving this Agreement.

1.2.7 City Manager. The City Manager of the City of Sunnyvale or the City Manager's designee.

1.2.8 Party. A signatory to this Agreement, or a successor or assign of a signatory to this Agreement.

1.2.9 Property. That property described on Exhibits A.

1.2.10 Development Agreement Resolution. Resolution No. 371-81 entitled "Resolution of the City of Sunnyvale Establishing Procedures and Setting a Fee for Processing Development Agreements" adopted by the City Council of the City of Sunnyvale on December 15, 1981.

1.2.11 Reach Codes. The subset of Applicable Rules (as defined in Section 3.2) establishing energy efficiency requirements for building design and construction that are only applicable in the City and exceed the minimum energy efficiency requirements for building design and construction established by California state laws, including, but not limited to, the California Building Code and California Energy Code, as those terms are defined in Title 16 of the Sunnyvale Municipal Code.

1.2.12 Subsequent Approvals. Any and all Development Approvals applied for by Landowners and approved by City following the Effective Date of this Agreement, including, but not limited to, site master plans, special development permits, variances, miscellaneous plan permits, subdivision approvals, street abandonments, design review approvals, demolition permits, improvement agreements, infrastructure agreements, grading permits, building permits, right-of-way permits, lot line adjustments, site plans, sewer and water connection permits, parcel maps, lot splits, landscaping plans, master sign programs, transportation demand management programs, encroachment permits, and amendments to the Development Approvals. At such time as any Subsequent Approval applicable to the Property is approved by the City, then such Subsequent Approval shall become subject to all the terms and conditions of this Agreement applicable to Development Approvals and shall be treated as a “Development Approval” under this Agreement.

1.3 Effective Date; Recordation. The Enacting Ordinance became effective thirty days after the Adoption Date on [REDACTED]. The obligations of the Parties under this Agreement shall be effective as of the effective date of the Enacting Ordinance (the “Effective Date”), pursuant to Government Code Section 36937. Not later than ten (10) days after the Effective Date, the Parties shall cause this Agreement to be recorded in the Official Records of the County of Santa Clara, State of California, as provided for in Government Code Section 65868.5 and the Development Agreement Resolution. However, failure to record this Agreement within ten (10) days shall not affect its validity or enforceability by and between the Parties.

1.4 Term. Except as provided herein, the term of this Agreement shall commence on the Effective Date and terminate eight (8) years thereafter (“Term”); provided however, that if the Parties have not completed their obligations pursuant to Section 4 hereto by the expiration of such term but the Landowners have made the Community Benefit Fund Payment to City as described in Section 4.2.1, the Term of this Agreement may be extended upon written modification executed by both Parties. The extended term may not exceed five (5) years and must be for good cause as determined by the City Manager, supported by substantial evidence. Good cause shall include but not be limited to, economic factors or market conditions impacting the Project's feasibility, costs of materials and labor, and other factors beyond Landowners' control. Landowners may submit documentation to the City Manager to demonstrate Project infeasibility constituting substantial evidence of good cause. Following the expiration of the Term, this Agreement shall be deemed terminated and of no further force and effect; provided, however, said termination of the Agreement shall not affect any right or duty emanating from the Development Approvals, including Subsequent Approvals, on the Property approved concurrently with or subsequent to the approval of this Agreement and/or any development rights conferred by Applicable Law, and as provided in Section 5.3.

1.4.1 If a building permit (partial or complete, including permits for grading and/or foundation construction) is issued by the City prior to expiration of the Term, including any extensions, then pursuant to that building permit, the Landowners may continue to pursue permitting, construction and occupancy of the Project as contemplated under the Development Approvals, including the rights vested under this Agreement as provided in Section 3.

1.5 Capitalized Terms. If any capitalized terms contained in this Agreement are not defined above, then any such terms shall have the meaning otherwise ascribed to them in this Agreement.

ARTICLE 2

BENEFITS TO THE CITY AND LANDOWNERS

2.1 Community Benefits. Landowners shall provide the following community benefits to the City, as more particularly described in Section 4.2 below, and which community benefits are over and above those dedications, conditions, and exactions required by laws or regulations:

2.1.1 Payment of \$3,100,000 for additional square footage and related site improvements for the Project (the “Community Benefit Fund Payment”);

2.1.2 In addition to the Building Code requirements the Project will include the design and construction of a LEED Platinum, all electric building with no natural gas infrastructure and with USGBC Certification, based on LEED requirements in effect as of the Effective Date (“Existing LEED Requirements”), in furtherance of the City’s Climate Action Plan goals; and

2.1.3 Designation by Landowners that the City is the point of sale for California sales and use tax purposes during Project construction. Landowner shall require all contractors and subcontractors to apply for a jobsite sub-permit with the California Department of Tax and Fee Administration prior to the purchase of any materials, fixtures, furniture, machinery, equipment and supplies for any construction work to be performed on the Project (a “Jobsite Sub-Permit”). Landowner shall furnish a copy of contractors’ and subcontractors’ Jobsite Sub-Permit prior to the issuance of any building permit.

2.1.4 Other benefits as included in the Site Master Plan and depicted in Exhibits B-1 and B-2 hereto:

- Moffett Park Drive Privately Owned and Publicly Accessible (“POPA”) areas
 - approximately 12,119 square feet
- Hillside Pollinator Garden "Mini Park"
- Bike Repair Station POPA
 - approximately 964 square feet
- Connector Shuttle drop off area along Moffett Park Drive

2.2 Landowners’ Benefits. City shall provide the following benefits to the Landowners as more particularly described in this Agreement.

2.2.1 Development Reserve Allocation. City shall provide Landowners with 204,888 net new square feet from the MPSP Development Reserve for the Project.

2.2.2 Parking adjustment. The Project may provide shared public parking in excess of two (2) parking spaces per 1,000 square feet and up to a maximum of three (3) parking spaces per 1,000 square feet, as allowed under the MPSP. The provision and location of public parking spaces in excess of two parking spaces per 1,000 square feet shall be at the Landowners' discretion and may be adjusted at Landowners' discretion, subject to concurrence of the Director, and Landowners' on-site posting of public notice at a conspicuous location on each frontage of the Project's parking structure at least five (5) calendar days in advance of the public parking adjustment. Landowners agree to review and adjust shared parking operating hours with the future MPSP Transportation Management Association ("TMA") on an annual basis to reflect utilization and to accommodate tenant security requirements and reimbursement of operating costs. Prior to the establishment of a TMA, adjustments will be subject to City approval.

2.2.3 Laneway. Landowners agree to provide the Laneway as shown in the Site Master Plan PLNG-2025-0137 and Special Development Permit PLNG-2025-0072 and Exhibits B-1 and B-2 hereto, subject to the City's agreement that the City shall: (i) not require any modifications to existing private easements in the Laneway area, (ii) not require Landowners to perform any work or install any improvements on private property outside of the Property, and (iii) only require the Landowners to perform the "Phase 2" improvements (shifting the curb 2 feet), as described in the Development Approvals, if and when (a) one of the neighboring properties is redeveloped and (b) the neighboring property owner is required to shift the curb on their property.

(a) The City shall make good faith efforts to resolve any third party opposition to the Laneway, including authorizing alterations to the Laneway to enable its timely implementation. The City shall allow permitting, construction, inspection, occupancy, and all other aspects of Project development to proceed notwithstanding any third party opposition, challenges or delays pertaining to the Laneway.

ARTICLE 3

GENERAL DEVELOPMENT

3.1 Project Development. Landowners shall have a vested right to develop the Project on the Property in accordance with the Vested Entitlements (defined in Section 3.2) in effect as of the Effective Date and pursuant to all the terms of this Agreement.

3.2 Vested Entitlements. The Landowners have certain vested entitlements including the CEQA Checklist, the Site Master Plan PLNG-2025-0137, Special Development Permit PLNG-2025-0072, and this Agreement (collectively, "Vested Entitlements"). Upon approval, all Subsequent Approvals shall be considered Vested Entitlements. Any other conditions of development applicable to the Property are as set forth in the General Plan, the MPSP, the Zoning Code, the Subdivision Code and other City Laws, applicable on the Effective Date of the Agreement ("Applicable Rules"). The Landowners shall have the vested right to develop the

Project on the Property in accordance with the Applicable Rules and the terms and conditions of the Vested Entitlements, as the same may be amended from time to time upon application by the Landowners. Except as otherwise specified herein, the Vested Entitlements shall control the overall design, development, construction, use and occupancy of the Project, and all improvements and appurtenances in connection therewith, including without limitation, the permitted uses on the Property, density and intensity of uses, the maximum height and sizes of buildings, the allowable floor area ratios, the number of required or allowable parking spaces, and the taxes, assessments, impact fees of any type, or other monetary and non-monetary exactions imposed by the City (as set forth in Section 3.5.2), consistent with the requirements of California Government Code Section 65865.2 and the Development Agreement Resolution.

3.2.1 Except as provided herein, development of the Property shall be governed by the Vested Entitlements and Applicable Rules. The vested rights established in this Agreement, including Sections 3.5.2 and 5.3, shall not be considered to conflict with the MPSP, but to the extent the provisions of this Agreement conflict with the applicable zoning provisions of the MPSP, the MPSP shall take precedence.

3.2.2 This Agreement does not impose affirmative obligations on the Landowners to commence development of the Project, or any phase thereof, in advance of their decision to do so.

3.2.3 City agrees that it will accept, in good faith, for processing, review and action all applications for use and development of the Property in accordance with the Vested Entitlements, and shall act upon such applications in a diligent and timely manner as set forth in this Agreement.

3.2.4 As set forth in Recitals G, H, and I, above, the environmental effects of the Project, Site Master Plan and Special Development Permit (including, but not limited to, the land use and development standards, the design guidelines and the infrastructure requirements contained therein) and this Agreement (including, but not limited to, the development rights and obligations vested hereby) have been thoroughly and fully examined in the CEQA Checklist. The Development Approvals as of the Effective Date do not include laboratory uses, and as stated in Recital H, if laboratory uses are later proposed as part of a Subsequent Approval, the environmental effects would require additional review under CEQA.

3.3 Timing of Development. The Parties acknowledge and agree that presently the Landowners cannot predict the timing of the Project. Therefore, the Landowners have no obligation to develop or construct all or any component of the Project. The timing, sequencing, and phasing of the Project are solely the right and responsibility of Landowners in the exercise of their business judgment so long as it is consistent with the Vested Entitlements and Applicable Rules. Because the California Supreme Court held in *Pardee Construction Co. v. City of Camarillo* (1984) 37 Cal.3d 465 that failure of the parties therein to provide for the timing of development resulted in a later-adopted initiative restricting the timing of development to prevail over the parties' agreement, it is the Parties' intent to cure that deficiency by acknowledging and providing that the Landowners shall have the right to develop the Property in such order, at such rate, and at such times as Landowners deem appropriate within the exercise of its subjective business judgment and the provisions of this Agreement.

3.4 Compliance with Requirements of Other Government Entities.

3.4.1 During the term of this Agreement, Landowners, at no cost to City, shall comply with lawful requirements of, and obtain all permits and approvals required by other local, regional, State and Federal agencies having jurisdiction over Landowners' activities in furtherance of this Agreement. Landowners shall pay all required fees when due to Federal, State, regional, or other local governmental agencies and acknowledge that City does not control the amount of any such fees.

3.4.2 As provided in California Government Code Section 65869.5, this Agreement shall not preclude the application to the Property of changes in laws, regulations, plans, or policies, to the extent that such changes are specifically mandated and required by changes in State or Federal laws or regulations ("State or Federal Law"). In the event changes in State or Federal Law prevent or preclude compliance with one or more provisions of this Agreement, this Agreement shall be modified or suspended as may be necessary to comply with such State or Federal Law. The Parties shall meet and confer in good faith in order to determine whether such provisions of this Agreement shall be modified or suspended as may be necessary to comply with changes in the law and City and Landowners shall agree to such action as may be reasonably required. It is the intent of the Parties that any such modification or suspension be limited to that which is necessary and to preserve to the extent possible the original intent of the Parties in entering into this Agreement. This Agreement, as modified or suspended upon mutual consent of the Parties, shall remain in full force and effect to the extent it is not inconsistent with such State or Federal Law. Nothing in this Agreement shall preclude the City or Landowners from contesting by any available means (including administrative or judicial proceedings) the applicability to the Property of any such State or Federal Law.

3.5 Reservations of Authority. Notwithstanding any other provision of this Agreement, at the time Subsequent Approvals are applied for, the following regulations and provisions shall apply only to those Subsequent Approvals:

3.5.1 Processing fees and, subject to the terms of Section 3.6 of this Agreement, charges of every kind and nature imposed by the City, including application, inspection, and monitoring fees, which are in force and effect within the jurisdiction of the City for the class of Subsequent Approvals being applied for on an area-wide basis, which shall be paid at the rate then in effect.

3.5.2 All taxes, assessments, impact fees of any type, including housing impact fees and transportation impact fees, or other monetary and non-monetary exactions imposed by the City, which are in force and effect within the jurisdiction of the City for other similarly situated projects in the City on a City-wide or area-wide basis, discretionary or ministerial approvals, or taxpayers, as applicable, on which they are imposed, existing as of the Effective Date. For an eight (8) year period commencing on the Effective Date and ending on the 8th anniversary thereof, the City shall not impose any new taxes, assessments, impact fees, or other monetary and non-monetary exactions, which were not in effect within the jurisdiction and applicable to the Project and Subsequent Approvals on the Effective Date (this provision on new fees does not include annual Consumer Price Index ("CPI") (or equivalent index) increases or adjustments to

the taxes, assessments, impact fees of any type, and/or other monetary or non-monetary exactions imposed by the City as shown in Exhibit C—Fee Schedule). Nothing herein shall prevent the City from imposing on the Project new City-wide general and City-wide special taxes adopted in accordance with California Const. Art. XIII C and D et seq., otherwise known as Proposition 218. “City-wide” refers to City Laws, including Proposition 218, generally applicable to a category of development or use of one or more kinds in the City; City Laws that only apply to or impact the Project shall not be considered “City-wide”. After the eight (8) year period has run, the City may impose all taxes, assessments, impact fees of any type, or other monetary and non-monetary exactions, which are in force and effect within the jurisdiction of the City for a broadly based class of land, projects, discretionary or ministerial approvals, or taxpayers, as applicable, on which they are imposed, regardless of when they were first adopted. Any new taxes, assessments, impact fees of any type, or other monetary and non-monetary exactions applied to the Project following the eight (8) year period shall comply with all applicable legal requirements, including Government Code Section 66000 et seq. Landowners retain all applicable legal rights to challenge such new taxes, assessments, impact fees of any type, or other monetary and non-monetary exactions not listed in Exhibit C.

3.5.3 Notwithstanding subsection 3.5.2, above, if the City forms an assessment district including the Property and the assessment district is City-wide or area-wide, as defined in Section 3.5.6, the Property may be legally assessed through such district based on the benefit to the Property, which assessment shall be consistent with the assessment of other property in the district similarly situated. Any subsequently created assessment district is subject to collection solely based on the special assessment statute and shall not affect the development rights for the Project.

3.5.4 Procedural regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure, which are in force and effect within the jurisdiction of the City for the class of Subsequent Approvals being applied for, subject to the provisions of Section 3.6 of this Agreement.

3.5.5 With the exception of the Reach Codes and the Existing LEED Requirements, regulations governing construction standards and specifications including, without limitation, the City's building code, plumbing code, mechanical code, electrical code, fire code and grading code, and all provisions of the Sunnyvale Municipal Code, and all other uniform construction codes, which are in force and effect within the jurisdiction of the City for the class of Subsequent Approvals being applied at the time the building permit in question is applied for.

3.5.6 For purposes of this Agreement, “area-wide” shall cover not only the Property, but also at least all parcels zoned and/or developed in a manner similar to the Property and located in the combined area of the MPSP. The Parties acknowledge that the provisions contained in this Section are intended to implement the intent of the Parties that the Landowners have the right to develop the Project pursuant to specified and known criteria and rules, and that the City receives the benefits which will be conferred as a result of such development without abridging the right of the City to act in accordance with its powers, duties and obligations.

3.6 Subsequently Enacted Rules and Regulations. The City may, during the term of this Agreement, apply such newer City Laws that are in force and effect within the jurisdiction of the City for the class of Subsequent Approvals being applied for and which are not inconsistent or in conflict with the intent or purposes or any terms, standards or conditions of this Agreement or that preclude development of the Project pursuant to the Vested Entitlements, or that exceed or modify the requirements in the Reach Codes or Existing LEED Requirements. To the extent any changed City Law is in conflict with the terms of this Agreement, the terms of this Agreement shall prevail.

3.7 Moratorium, Quotas, Restrictions or Other Limitations. Without limiting the generality of any of the foregoing, no moratorium or other limitation (whether relating to the rate, timing, phasing, sequencing or permission of development or construction of all or any part of the Property, whether imposed by ordinance, resolution, policy, order or otherwise, and whether enacted by the City Council, an agency of City, or otherwise) affecting parcel or subdivision maps (tentative, vesting tentative or final), building permits or any other Approvals (including entitlements to use or service, such as water, sewer and/or storm drains) shall apply to the Property. Landowners agree and understand that the City does not have authority or jurisdiction over another public agency's authority to grant a moratorium or impose any other limitation that may affect the Property.

3.8 Construction Agreements. In connection with the development and construction of the Project, Landowners may request that the City approve shoring agreements, tie-back agreements, crane and staging easements, and encroachment permits (collectively, "Construction Agreements") in the street right of way. City consideration of such Construction Agreements will be consistent with City Laws and standard City practices and procedures.

3.9 Initiatives and Referenda. If any City Laws are enacted or imposed by a citizen-sponsored initiative or referendum, or by the City Council directly or indirectly in connection with any proposed initiative or referendum, which City Laws would conflict with this Agreement, such City Laws shall not apply to the Property. The Parties, however, acknowledge that the City's approval of this Agreement and the MPSP are legislative actions subject to referendum.

3.10 Mutual Obligations of the Parties. City has agreed to provide Landowners with the long term assurances, Vested Entitlements, and other City obligations described in this Agreement in consideration for the Landowners' obligations contained in this Agreement. Landowners have agreed to provide City with the Landowners' obligations contained in this Agreement. To ensure that the understanding of the Parties and mutual consideration remain effective, should either Party bring any administrative, legal, or equitable action or other proceeding to set aside or otherwise make ineffective any of the City or Landowners' obligations described in this Agreement, this Agreement may be terminated by the Party against whom the proceeding is brought at that Party's sole discretion.

3.11 Landowners' Right to Rebuild. Landowners may rebuild the Project or element of the Project should it become necessary due to damage from any event, natural disaster or changes in seismic requirements during the Term of this Agreement, notwithstanding the provisions of the City of Sunnyvale Municipal Code Section 19.50.030. Landowners may

renovate the Project at any time within the Term of this Agreement as long as such renovation does not cause a change of use to a use not allowed by this Agreement or the MPSP. Any such rebuilding or renovation shall be subject to the Vested Entitlements, shall comply with the Development Approvals, including any Subsequent Approvals, and the building regulations existing at the time of such rebuilding or reconstruction, as well as the requirements of CEQA.

3.12 Infrastructure Capacity. Subject to Landowner's installation of improvements for City-operated water and sewer utilities required for the Project and imposed as conditions of approval in the Subsequent Approvals, if applicable, City hereby acknowledges that the City-operated water and sewer infrastructure and utility systems have the capacity necessary to serve the Project.

ARTICLE 4

SPECIFIC CRITERIA OF THE PROJECT

4.1 Permitted Square Footage and Height. Notwithstanding anything to the contrary herein or in the Development Approvals, the Landowners are hereby allowed to develop the Project, including up to a total development of approximately 294,500 square feet, as more particularly described in Special Development Permit Number PLNG-2025-0072, Site Master Plan Number PLNG-2025-0137, and Exhibits B-1 and B-2, conditioned upon Landowners meeting the requirements of the MPSP and the provisions of this Agreement. The Project's authorized 294,500 square feet has a Floor Area Ratio ("FAR") of 135%, and is comprised of 89,612 existing square feet (41% FAR) and 204,888 net new square feet (94% FAR) allocated from the MPSP Development Reserve.

4.2 Landowners' Obligations. As a material consideration for the long term assurances, Vested Entitlements, and other City obligations provided by this Agreement, and as a material inducement to City to enter into this Agreement, Landowners have offered and agreed to provide the public benefits to the City listed in this Section 4.2, and has further agreed to comply with all of its obligations under this Agreement, including in particular the obligations set forth in this Section 4.2.

4.2.1 Community Benefit Fund Payment. Landowners shall pay to the City \$3,100,000.00. Landowners intend this Community Benefit Fund Payment shall be in addition to any other fee that is in force and effect within the jurisdiction for a broadly based class of land, projects, discretionary or ministerial approvals, or taxpayers as applicable, on which it is imposed, as set forth in Section 3.5.2 of this Agreement. The Community Benefit Fund Payment shall be made in full at the time of and prior to issuance of the building permit for Core and Shell construction.

4.2.2. All Electric LEED Platinum Building. In furtherance of the City's Climate Action Plan goals, the Project shall be an all electric, LEED Platinum building with no natural gas infrastructure and with USGBC Certification based on Existing LEED Requirements.

4.2.3 Point of Sale. Landowners shall designate the City as point of sale for California sales and use tax purposes during construction of the Project. Landowners

shall require all contractors and subcontractors to apply for a Jobsite Sub-Permit with the California Department of Tax and Fee Administration prior to the purchase of any materials, fixtures, furniture, machinery, equipment and supplies for any construction work to be performed on the Project. Landowners shall furnish a copy of contractors' and subcontractors' Jobsite Sub-Permit prior to issuance of any building permit.

4.2.4 Other benefits as included in the Site Master Plan and depicted in Exhibits B-1 and B-2 hereto:

- Moffett Park Drive Privately Owned and Publicly Accessible ("POPA") areas
- Hillside Pollinator Garden "Mini Park"
- Bike Repair Station open to the public
- Connector Shuttle drop off area along Moffett Park Drive

4.3 Timing of Fee and Community Benefit Payments. Payment of all development impact fees, monetary and non-monetary exactions, and the Community Benefits Fund Payment, shall be due no later than the issuance of the building permit for Core and Shell construction, and shall not be a prerequisite for issuance of demolition or grading permits. If multiple building permits for Core and Shell construction are required, the Community Benefits Fund Payment shall be due no later than issuance of the first building permit for Core and Shell construction, and development impact fees and any other monetary exactions shall be based on the square footage to be constructed in a given building permit for Core and Shell construction.

ARTICLE 5

CONCURRENT AND SUBSEQUENT APPROVALS

5.1 Concurrent Approvals. The Project will be subject to site and architectural development review through a Site Master Plan (PLNG 2025-0137) and Special Development Permit (PLNG-2025-0072) for approval by the Planning Commission.

5.2 Subsequent Approvals. The development of the Project will require additional future discretionary and ministerial approvals from the City, potentially including, but not limited to, Special Development Permit(s), Miscellaneous Plan Permit(s), easement vacations, encroachment permits, demolition permits, grading permits, building permits and certificates of occupancy, sign permits, and other permits necessary to facilitate the construction of the Project.

5.2.1 Applications for Subsequent Approvals are anticipated to be submitted to the City by the Landowners. Applications for Subsequent Approvals shall be accepted, reviewed for completeness, and processed to completion diligently and expeditiously in good faith by the City and considered in a manner consistent with the rights granted by this Agreement and the Applicable Laws.

5.2.2 With the Vested Entitlements, the City has made a final policy decision that the development of the Project on the Property, consistent with the MPSP and

the Applicable Laws, is in the best interests of the public health, safety, and general welfare. Accordingly, the City shall not use its authority in considering any application for a Subsequent Approval that is consistent with the Vested Entitlements and Applicable Laws to change the policy decisions reflected by this Agreement. In reviewing and approving Subsequent Approvals, City shall exercise City's discretion in a manner which will not prevent the development and completion of the Project as provided in this Agreement pursuant to the Vested Entitlements. Nothing herein shall limit the ability of the City to require the necessary reports, analysis, or studies to assist in determining whether the requested Subsequent Approval is consistent with the Applicable Laws and this Agreement. City's review of the Subsequent Approvals shall be consistent with City Laws and this Agreement, including without limitation Section 3.5 of this Agreement.

5.2.3 The Project has been subject to review under CEQA. To the extent that it is consistent with CEQA, as determined by the City in its reasonable discretion, City shall utilize the MPSP EIR certified on July 11, 2023 and the CEQA Checklist to review the environmental effects of any Subsequent Approvals. In the event that any additional CEQA documentation is legally required for any discretionary Subsequent Approval for the Project, then the scope of such documentation shall be focused, to the extent possible consistent with CEQA, on the specific subject matter of the Subsequent Approval, and the City shall conduct such CEQA review as expeditiously as possible. Landowners shall defend, indemnify and hold the City harmless from or in connection with any litigation seeking to compel the City to perform additional environmental review of any Subsequent Approvals.

5.2.4 Any Conditions, terms, restrictions, procedures or requirements imposed by the City on Subsequent Approvals shall not be inconsistent with the Development Approvals, this Agreement, or the Applicable Laws, and shall not prevent development of the Property for the uses and the density of development, and at the rate, timing and sequencing, contemplated by this Agreement, except as and to the extent required by state or federal law. In connection with approval of any Subsequent Approvals that implement and are consistent with the Development Approvals in effect on the Effective Date (including without limitation any minor modifications thereto), the City shall not impose conditions of approval that require dedications or reservations for, or construction or funding of, public infrastructure or public improvements beyond those already included in the Development Approvals, except to the extent required by CEQA review conducted in accordance with Section 5.1.2 of this Agreement. Landowners may protest any Conditions imposed on Subsequent Approvals while continuing to develop the Project, such protest by Developer shall not delay or stop the issuance of building permits or certificates of occupancy.

5.3 Life of Development Approvals. The terms of the Development Approvals shall automatically be extended for the duration of this Agreement (including any extension to this Agreement as permitted by Section 1.4) if the term otherwise applicable to such Approval is shorter than the duration of this Agreement (including any extension). Upon expiration or termination of this Agreement, if any Development Approvals have terms that extend beyond the expiration or termination of this Agreement, said Development Approvals shall revert to their vested rights and respective remaining terms, if any, to allow for completion of the Project as allowed under the Applicable Rules, Applicable Laws, and as set forth in Section 1.4.1 of this Agreement.

ARTICLE 6

AMENDMENT OF AGREEMENT AND DEVELOPMENT APPROVALS

6.1 Amendment or Cancellation. Either Party may propose an amendment to or cancellation of this Agreement in whole or in part, in the manner provided for in Government Code Section 65868 and Resolution No. 371-81. No amendment to or cancellation of this Agreement or any provision hereof shall be effective for any purpose unless adopted pursuant to the procedures included in Resolution No. 371-81 and specifically set forth in a writing, which refers expressly to this Agreement and is signed by duly authorized representatives of the Parties.

6.2 Recordation. Any amendment, termination or cancellation of this Agreement shall be recorded by the City Clerk not later than ten (10) days after the effective date of the action effecting such amendment, termination or cancellation; however, a failure to record shall not affect the validity of the amendment, termination or cancellation.

6.3 Amendments to Development Agreement Statute. This Agreement has been entered into in reliance upon the provisions of California Government Code Section 65864 et seq. relating to development agreements, as those provisions existed at the date of execution of this Agreement. No amendment or addition to those provisions which would materially affect the interpretation or enforceability of this Agreement shall be applicable to this Agreement unless such amendment or addition is specifically required by the California State Legislature, or is mandated by a court of competent jurisdiction. If such amendment or change is permissive (as opposed to mandatory), this Agreement shall not be affected unless the Parties mutually agree in writing, after following the procedures in Section 6.1, to amend this Agreement to permit such applicability

6.4 Amendment of Development Approvals. To the extent permitted by local, state, and federal law, any Development Approval may, from time to time, be amended or modified by submittal of an application from the Landowners and following the procedures for such amendment or modification contained in the Sunnyvale Municipal Code. Upon any approval of such an amendment or modification, the amendment or modification shall automatically be deemed to be incorporated into the Development Approvals without any further procedure to amend this Agreement.

ARTICLE 7

ANNUAL REPORT

7.1 Time of Review. To determine Landowner's good faith compliance with this Agreement, in accordance with Government Code Section 65865.1, and in compliance with the Development Agreement Resolution, Landowners shall submit a report approximately every twelve (12) months from the Effective Date, commencing on the first anniversary of the Effective Date, detailing all actions taken with respect to the development of this Property. Upon receipt of the report, the Community Development Director shall schedule an annual review of the report to be heard by the Planning Commission. This obligation for annual reporting shall expire upon Project occupancy.

Consistent with Development Agreement Resolution No. 371-81, or its successor provision, the Community Development Director or designee shall give notice to the Landowners that the City intends to schedule an annual review of the Agreement at least thirty (30) days in advance of the time at which the matter will be considered by the Planning Commission and shall include the statement that review may result in an election to terminate this Agreement as provided herein.

7.2 Determination of Good Faith Compliance. Such annual report shall be limited in scope to compliance with the terms of this Agreement pursuant to Government Code Section 65865.1. The Planning Commission shall conduct a public hearing. If the Planning Commission determines that, based upon substantial evidence in the record, Landowners have substantially complied in good faith with the terms and conditions of this Agreement during the period under review, the review for that period shall be concluded. If the Planning Commission determines that, in good faith and based upon substantial evidence in the record, Landowners have not complied in good faith with the terms and conditions of this Agreement during the period under review, the Planning Commission shall forward its report and recommendation to the City Council.

If the City Council determines, in good faith and based upon substantial evidence in the record, that Landowners have not complied in good faith with the terms and conditions of this Agreement during the period under review, the City Council may issue a Notice of Breach (as defined in Section 8.2) and the Parties shall be entitled to exercise their respective rights and remedies set forth in Section 8.1.

7.3 No Waiver. Failure of Landowners to provide an annual report or failure of City to conduct an annual review hearing shall not constitute a default under this Agreement or a waiver by City of its rights to otherwise enforce the provisions of this Agreement nor shall Landowners have or assert any defense to such enforcement by reason of any failure to conduct an annual review. City does not waive any claim of defect or breach by Landowners if, following periodic review pursuant to this Article 7, City does not propose to modify or terminate this Agreement.

ARTICLE 8

DEFAULT, REMEDIES AND TERMINATION

8.1 Remedies for Breach. City and Landowners acknowledge that the purpose of this Agreement is to carry out the Parties' objectives as set forth in the recitals. City and Landowners agree that to determine a sum of money which would adequately compensate either Party for choices they have made which would be foreclosed should the Property not be developed as contemplated by this Agreement is not possible and that damages would not be an adequate remedy. Therefore, City and Landowners agree that in the event of a breach of this Agreement, the only remedies available to either Party shall be: (1) suits for specific performance to remedy a specific breach, (2) suits for declaratory or injunctive relief, (3) suits for mandamus under Code of Civil Procedure Section 1085, and/or 1094.5, and (4) termination or cancellation of this Agreement or, at the option of City in the event of breach by Landowners, termination of the rights of Landowners under this Agreement. Except for attorney's fees and associated costs as set forth herein, monetary damages shall not be awarded to either Party. This exclusion on damages is limited to a breach of this Agreement and shall not preclude actions by a Party to enforce payments

of monies due or the performance of obligations requiring the expenditures of money under the terms of this Agreement or Applicable Laws. All of these remedies shall be cumulative and not exclusive of one another, and the exercise of any one or more of these remedies shall not constitute a waiver or election with respect to any other available remedy.

8.2 Notice of Breach. Prior to the initiation of any action for relief specified in Section 8.1 above because of an alleged breach of this Agreement, the Party claiming breach (the "Complaining Party") shall deliver to the other Party (the "Defaulting Party") a written notice of breach (the "Notice of Breach"). The Notice of Breach shall specify the reasons for the allegation of breach with reasonable particularity. The Defaulting Party shall have thirty (30) days to either: (a) use good faith efforts to cure the breach or, if such cure is of the nature to take longer than 30 days, to take reasonable actions to commence curing the breach during the thirty (30) day period and diligently complete such cure; or (b) if in the determination of the Defaulting Party, the event does not constitute a breach of this Agreement, the Defaulting Party, within thirty (30) days of receipt of the Notice of Breach, shall deliver to the Complaining Party a "Notice of Non-Breach," which sets forth with reasonable particularity the reasons that a breach has not occurred. Failure to respond within the thirty (30) days shall not be deemed an admission of the breach, but the Complaining Party may proceed to pursue its remedies under this Article 8.

8.2.1 Mutual Agreement for Cure of Certain Defaults. If the Defaulting Party believes that the breach cannot practically be cured within the thirty (30)-day period, the Defaulting Party shall not be deemed in breach provided that: (a) the cure shall be commenced during the thirty (30)-day period after receipt of the Notice of Breach; (b) within the thirty (30)-day period, the Defaulting Party provides a schedule to the Complaining Party for cure of the breach, subject to the reasonable approval of the Complaining Party; and (c) the cure is completed in accordance with the schedule agreed to by the Parties, or such additional time as may be agreed to by the Complaining Party. If the Parties cannot mutually agree on a schedule for cure of the breach, at the conclusion of the initial thirty (30)-day period, the Complaining Party may issue a Notice of Breach and proceed to pursue its remedies under this Article 8.

8.3 Failure to Assert; No Waiver. Any failures or delays by a Complaining Party in asserting any of its rights and remedies as to any breach shall not operate as a waiver of any breach or of any such rights or remedies. Delays by a Complaining Party in asserting any of its rights and remedies, irrespective of the length of the delay, shall not deprive the Complaining Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any such rights or remedies, nor constitute a waiver of such party's right to demand strict compliance by such other Party in the future. No waiver by a Party of a breach shall be effective or binding upon such Party unless made in writing by such Party, and no such waiver shall be implied from any omission by a party to take any action with respect to such breach.

8.4 Termination by Mutual Consent. This Agreement may be voluntarily terminated in whole or in part by the mutual consent of the Parties or their successors in interest, in the sole and absolute discretion of each as to its consent, in accordance with the provisions of Resolution No. 371-81 and the Development Agreement Statute.

8.5 Effect of Termination on Landowners' Obligations.

8.5.1 Notwithstanding any other provision to the contrary, termination or cancellation of this Agreement or termination of the rights of Landowners as to the entire Property, or any part the Property, shall not affect any requirement to comply with the Vested Entitlements the terms and conditions of any other Subsequent Approval, nor any payments then due and owing to City, nor shall it affect the covenants of Landowners specified in Section 8.5.2 below, to continue after the termination or cancellation of this Agreement, nor shall termination of this Agreement as to all or any portion of the Property result in termination of Subsequent Approvals that would not otherwise have expired pursuant to the Applicable Rules.

8.5.2 Notwithstanding anything in this Agreement to the contrary, the following provisions of this Agreement shall survive and remain in effect following termination or cancellation of this Agreement for so long as necessary to give them full force and effect with respect to claims or rights of City arising prior to termination or cancellation:

- (a) Section 8.1 (Remedies; limitation on damages and exceptions thereto; accrued obligations);
- (b) Section 8.5.1 (Landowners' obligations upon termination or cancellation);
- (c) Section 12.2 (Indemnification); and
- (d) Section 14.1 and 14.1.1 (Third Party Challenges; Indemnification).

ARTICLE 9

ESTOPPEL CERTIFICATE

Either Party may, at any time, and from time to time, deliver written notice to the other Party requesting such Party to certify in writing that, to the knowledge of the certifying Party, (a) this Agreement is in full force and effect and is a binding obligation of the Parties, (b) this Agreement has not been amended or modified or, if so amended or modified, identifying the amendments or modifications, and (c) the requesting Party is not in default in the performance of its obligations under this Agreement, or if in default, to describe the nature of any defaults, and (d) such other information as the other Party may reasonably request. The Party receiving a request under Article 9 shall execute and return the certificate within thirty (30) days following receipt of the request. The City Manager shall be authorized to execute any certificate requested by Landowners. Landowners and City acknowledge that a certificate hereunder may be relied upon by transferees, tenants, investors, partners, bond counsel, underwriters, and Mortgagees. The request shall clearly indicate that failure of the receiving Party to respond within the thirty (30) day period will lead to a second and final request. Failure to respond to the second and final request within fifteen (15) days following receipt of the second request shall be deemed approval of the estoppel certificate.

ARTICLE 10

TRANSEERS. ASSIGNMENTS

10.1 Agreement Runs with the Land.

10.1.1 This Agreement and all of its provisions, agreements, rights, powers, standards, terms, covenants and obligations, shall be binding upon the Parties and their respective

heirs, successors (by merger, consolidation, or otherwise) and assigns, devisees, administrators, representatives, lessees, and all other persons or entities acquiring the Property or any portion thereof, or any interest therein, whether by sale, operation of law, or in any manner whatsoever, and shall inure to the benefit of the Parties and their respective heirs, successors (by merger, consolidation or otherwise) and assigns.

10.1.2 All of the provisions of this Agreement shall be enforceable during the Term as equitable servitudes and constitute covenants running with the land pursuant to applicable law, including, but not limited to Section 1468 of the California Civil Code. Each covenant to do or refrain from doing some act on the Property hereunder, (a) is for the benefit of the Property and is a burden upon the Property, (b) runs with the Property, and (c) is binding upon Landowners and each successive owner during its ownership of the Property or any portion thereof (subject to the terms of Section 11.2 below), and each person or entity having any interest in the Property. Every person who now or hereafter owns or acquires any right, title or interest in or to any portion of the Property is and shall be conclusively deemed to have consented and agreed to every provision contained herein, whether or not any reference to this Agreement is contained in the instrument by which such person acquired an interest in the Property.

10.2 Right to Assign. Landowners shall have the right to assign (by sale, transfer, or otherwise) its rights and obligations under this Agreement as to any portion of the Project to any person, business entity, association, organization, or other similar entity ("Assignee"). Landowners' right to assign shall not be subject to City's approval.

10.3 Release Upon Assignment. Upon the express written assumption by the Assignee of any or all of Landowners' rights and interests under this Agreement (the "Assignment Agreement"), and Landowners' delivery of a conformed copy of the recorded Assignment Agreement to City, Landowners shall be free from any and all liabilities accruing on or after the date of assignment with respect to those obligations assumed by the Assignee pursuant to the Assignment Agreement.

ARTICLE 11

MORTGAGEE PROTECTION

11.1 Mortgage Protection. This Agreement shall be superior and senior to any lien placed upon the Property or any portion of the Property after the date of recording of this Agreement, including the lien of any deed of trust or mortgage ("Mortgage"). Notwithstanding the foregoing, no breach of this Agreement shall defeat, render invalid, diminish, or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Agreement (including but not limited to City's remedies to terminate the rights of Landowners (and their successors and assigns) under this Agreement, to terminate this Agreement, and to seek other relief as provided in this Agreement) shall be binding upon and effective against any person or entity, including any deed of trust beneficiary or mortgagee ("Mortgagee") who acquires title to the Property, or any portion thereof, by foreclosure, trustee's sale, deed in lieu of foreclosure, or otherwise.

11.2 Mortgagee Not Obligated. Notwithstanding the provisions of Section 11.1 above, no Mortgagee shall have any obligation or duty under this Agreement to construct or complete the construction of improvements on the Property, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to any uses or to construct any improvements on the Property other than those uses or improvements provided for or authorized by this Agreement, or under Applicable Law.

11.3 Notice of Default to Mortgagee. If City receives a written notice from a Mortgagee, Landowners or any approved assignee requesting a copy of any notice of default given Landowners or any approved or permitted assignee and specifying the address for service, then City shall deliver to the Mortgagee at Mortgagee's cost (or Landowner's cost), concurrently with service to Landowners, any notice given to Landowners with respect to any claim by City the Landowners are in default under this Agreement, and if City makes a determination of default, City shall if so requested by the Mortgagee likewise serve at Mortgagee's cost (or Landowners' cost) notice of noncompliance on the Mortgagee concurrently with service on Landowners. Each Mortgagee shall have the right during the same period available to Landowners to cure or remedy, or to commence to cure or remedy, the event of default claimed or the areas of noncompliance set forth in City's notice.

11.4 No Supersedure. Nothing in Article 11 shall be deemed to supersede or release a Mortgagee or modify a Mortgagee's obligations under any subdivision improvement agreement or other obligation incurred with respect to the Property outside this Agreement, nor shall any provision of Article 11 constitute an obligation of City to the Mortgagee, except as to the notice requirements of Section 11.3.

ARTICLE 12

INDEMNIFICATION

12.1 No Duty of City; Hold Harmless. It is specifically understood and agreed by the Parties that the development contemplated by this Agreement is a private development, that City has no interest in or responsibility for or duty to third persons concerning any of said improvements, and that Landowners shall have full power over and exclusive control of the Property subject only to the limitations and obligations of Landowners under this Agreement.

12.2 Indemnification and Duty to Defend.

(a) To the fullest extent permitted by law, Landowners hereby agree to and shall immediately defend, indemnify, and hold City and its elected and appointed representatives, officers, agents, and employees harmless from any liability for damage or claims for damage for personal injury, including death, as well as from claims for property damage which may arise from Landowners' operations under this Agreement, excepting suits and actions brought by Landowners for default of the Agreement or to the extent arising from the intentional acts, sole negligence, or willful misconduct of City, its elected and appointed representatives, officers, agents, employees, contractors or subcontractors, or of a third party ("Indemnified Party").

(b) This indemnification and hold harmless agreement apply to all damages and claims for damages suffered or alleged to have been suffered by reason of Landowners'

performance of its obligations under this Agreement, regardless of whether or not City prepared, supplied, or approved plans or specifications for the Property, but does not apply to damages and claims for damages caused by City with respect to public improvements and facilities after City has accepted responsibility for them.

(c) The duty to defend is a separate and distinct obligation from Landowners' duty to indemnify. Subject to the limitations or requirements stated in this Agreement, Landowners shall be obligated to defend, in all legal, equitable, administrative, or special proceedings, with counsel reasonably approved by the Indemnified Party immediately upon tender to Landowners, which shall be made to Landowners promptly upon it becoming known to the Indemnified Party. An allegation or determination of the sole negligence or willful misconduct by the Indemnified Party shall not relieve Landowners from its separate and distinct obligation to defend the Indemnified Party. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes the obligation to provide independent defense counsel of Landowners' sole choosing if Landowners assert that liability is caused in whole or in part by the sole negligence or willful misconduct of the Indemnified Party. If it is finally adjudicated that liability was caused by the sole negligence or willful misconduct of the Indemnified Party, Landowners may submit a claim to City for reimbursement of its reasonable attorneys' fees and defense costs.

ARTICLE 13

NOTICES

13.1 Notices. Any notice to either Party shall be in writing and given by delivering the notice in person or by sending the notice by registered or certified mail, or Express Mail, return receipt requested, with postage prepaid, to the Party's mailing address.

13.2 Mailing Addresses. The respective mailing addresses of the Parties are, until changed as hereinafter provided, the following:

City:	Director of Community Development City of Sunnyvale 456 W. Olive Avenue Sunnyvale, CA 94088
-------	--

With a copy to:	City Attorney City of Sunnyvale 456 W. Olive Avenue Sunnyvale, CA 94088
-----------------	--

Landowners:

With a copy to:

Either Party may change its mailing address at any time by giving ten (10) days' notice of such change in the manner provided for in this section. All notices under this Agreement shall be deemed given, received, made or communicated on the date personal delivery is effectuated or, if mailed, on the delivery date or attempted delivery date shown on the return receipt. Nothing in this provision shall be construed to prohibit communication by facsimile transmission or email, so long as an original is sent by first class mail, commercial carrier or is hand-delivered.

ARTICLE 14

MISCELLANEOUS

14.1 Third-Party Legal Challenge. In the event of any legal action, claim, or proceeding instituted by a third party or other governmental entity or official challenging the validity of any provision of this Agreement, the CEQA Checklist, or the Vested Entitlements ("Third Party Challenge"), the responsibilities of the Parties shall be as follows.

14.1.1 Indemnification

(a) The Landowners shall defend, indemnify, and hold harmless the City or its agents, officers, and employees from any Third Party Challenge against the City or its agents, officers, and employees to attack, set aside, void, or annul this Agreement, or the Vested Entitlements and shall indemnify and hold harmless City against any and all third-party attorneys' fees, court costs and other liabilities determined by a court to be arising out of such Third Party Challenge.

(b) The City shall promptly notify the Landowners of the Third Party Challenge and shall cooperate fully in the defense of the Third Party Challenge, including but not limited to decisions about selection of counsel, settlement, preparation of the administrative record (if any) and litigation strategies.

(c) Under no circumstances shall subsections (a) – (b) above require Landowners to pay or perform any settlement arising out of a Third Party Challenge unless the settlement is expressly approved by Landowners.

14.1.2 Invalidity. If any part of this Agreement is held by a court of competent jurisdiction to be invalid or unlawful as the result of a Third Party Challenge or otherwise, the Parties shall use their best efforts to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Agreement, and then to adopt or re-enact such part of this Agreement as necessary or desirable to permit implementation of this Agreement.

14.2 Applicable Law/Venue/Attorneys' Fees and Costs. This Agreement shall be construed and enforced in accordance with the laws of the State of California, excluding its conflict of laws provisions. Any legal actions under this Agreement shall be brought only in the Superior Court of the County of Santa Clara, State of California. Should any legal action or arbitration be brought by either Party because of breach of this Agreement or to enforce any provision of this Agreement, the prevailing Party shall be entitled to reasonable attorney's fees and such other costs as may be found by the court.

14.3 Severability. Invalidation of any of the provisions contained in this Agreement, or of the application thereof to any person, by judgment or court order, shall in no way affect any of the other provisions hereof or the application thereof to any other person or circumstance and the same shall remain in full force and effect, unless enforcement of this Agreement as so invalidated would be unreasonable or grossly inequitable under all the circumstances or would frustrate the purposes of this Agreement.

14.4 Nondiscrimination Clause. Landowners covenant by and for itself and any successors in interest that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, ancestry, or national origin in the development of the Property in furtherance of this Agreement. The foregoing shall run with the land.

14.5 Construction of Agreement. The provisions of this Agreement and the Exhibits shall be construed as a whole according to their common meaning and not strictly for or against any Party in order to achieve the objectives and purpose of the Parties. The captions preceding the text of each Article, Section, Subsection and the Table of Contents are included only for convenience of reference and shall be disregarded in the construction and interpretation of this Agreement. Wherever required by the context, the singular shall include the plural and vice versa, and the masculine gender shall include the feminine or neuter genders, or vice versa. All references to "person" shall include, without limitation, any and all corporations, partnerships or other legal entities.

14.6 Other Necessary Acts. Each Party covenants, on behalf of itself and its successors, heirs and assigns, to take all actions and do all things, and to execute, with acknowledgment or affidavit if required, any and all further instruments, documents and writings as may be reasonably necessary or proper to achieve the purposes and objectives of this Agreement and to secure the other party the full and complete enjoyment of its rights and privileges hereunder.

14.7 Applicable Law. This Agreement, and the rights and obligations of the Parties, shall be construed by and enforced in accordance with the laws of the State of California, excluding its conflict of laws provisions.

14.8 Equal Authorship. This Agreement has been reviewed by legal counsel for both the Landowners and City, and no presumption or rule that ambiguities shall be construed against the drafting Party shall apply to the interpretation or enforcement of this Agreement.

14.9 Time. Time is of the essence of this Agreement and of each and every term and condition hereof.

14.10 Subsequent Projects. After the Effective Date of this Agreement, the City may approve other projects that place a burden on the City's infrastructure; however, it is the intent and agreement of the Parties that the Landowners' right to build and occupy the Project, as described in this Agreement, shall not be diminished despite the increased burden of future approved development on public facilities.

14.11 Entire Agreement. This written Agreement and the Exhibits contain all the representations and the entire agreement between the Parties with respect to the subject matter hereof. Except as otherwise specified in this Agreement, any prior correspondence, memoranda, agreements, warranties or representations are superseded in total by this Agreement and Exhibits.

14.12 Form of Agreement; Exhibits. This Agreement is executed in three duplicate originals, each of which is deemed to be an original. This Agreement, including its exhibits constitutes the entire understanding and agreement of the parties. Said exhibits are identified as follows:

Exhibit A: Property Descriptions

Exhibit B-1: Landscape and Open Space

Exhibit B-2: Laneway

Exhibit C: Fee Schedule

14.13 No Third Party Beneficiary. This Agreement and all of its terms, conditions, and provisions are entered into only for the benefit of the Parties executing this Agreement (and any successor in interest) and not for the benefit of any other individual or entity.

14.14 Authority. The Parties hereby represent that the person hereby signing this Agreement on behalf of each respective Party has the authority to bind the Party to the Agreement.

14.15 Extensions of Time for Performance. Times for performance under this Agreement may be extended by mutual written agreement of the City Manager and Landowner, which upon full execution shall become a part of this Agreement.

14.16 Counterpart Signatures. This Agreement may be executed in counterparts, each of which shall be an original, but all of which shall constitute one and the same Agreement.

(SIGNATURES ARE ON THE FOLLOWING PAGE)

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

"City"

CITY OF SUNNYVALE,
a charter city

By: _____
Tim Kirby
City Manager

Date: _____

Attest:

David Carnahan, City Clerk

Approved as to Form:

Rebecca L. Moon, City Attorney

"Landowners"

BEP MOFFETT PARK LLC,
a Delaware limited liability company

By _____
Name:
Title:

Date: _____

By _____
Name:
Title:

Date: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____ before me, _____
(insert name and title of the officer)

personally appeared _____,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

EXHIBIT "A"

Property Description

LEGAL DESCRIPTION

Real property in the City of Sunnyvale, County of Santa Clara, State of California, described as follows:

PARCEL ONE:

ALL OF PARCEL B, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARCEL MAP BEING A RESUBDIVISION OF PARCEL 5 AS SHOWN UPON THAT CERTAIN PARCEL MAP RECORDED IN BOOK 383 OF MAPS, AT PAGE 19, SANTA CLARA COUNTY RECORDS," WHICH MAP WAS FILED FOR RECORD IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SANTA CLARA, STATE OF CALIFORNIA ON FEBRUARY 13, 1979 IN BOOK 435 OF MAPS, AT PAGE 28.

PARCEL TWO:

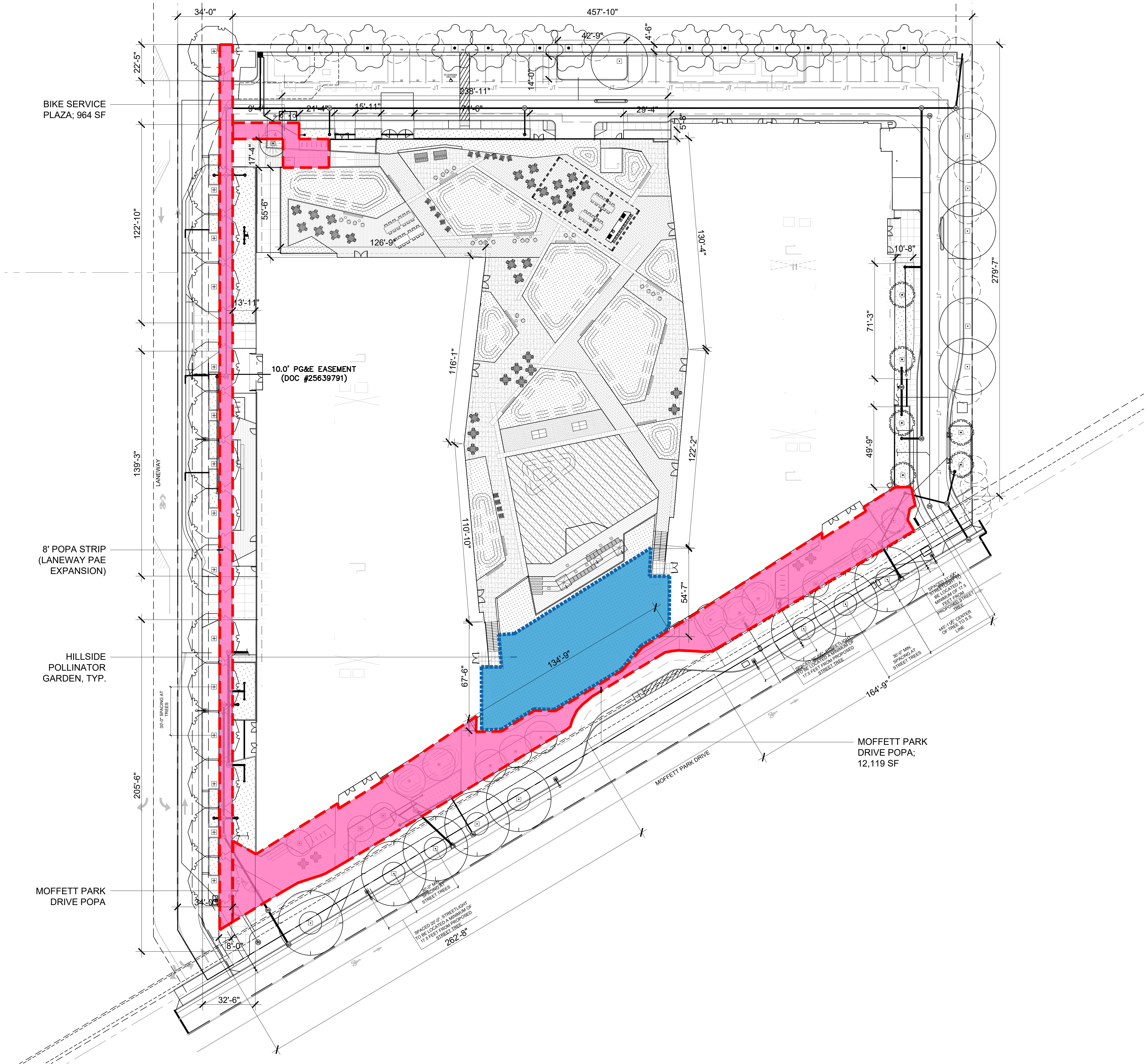
AN EASEMENT FOR UTILITIES OVER THE EASTERLY 10 FEET OF PARCEL A, AS SAID PARCEL IS SHOWN ON THE MAP ABOVE REFERRED TO, AS RESERVED IN THE DEED FROM CONTROL DATA CORPORATION TO HUMBOLDT COURT ASSOCIATES SIX, RECORDED FEBRUARY 21, 1979 IN BOOK E295 OF OFFICIAL RECORDS, PAGE 284.

PARCEL THREE:

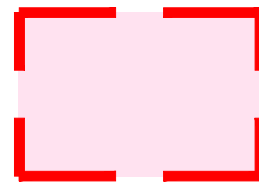
COMMON 15' INGRESS/EGRESS EASEMENT, FOR THE BENEFIT OF PARCEL ONE, AS CREATED BY PARCEL MAP RECORDED NOVEMBER 9, 1976 IN BOOK 383 OF MAPS, PAGE 19, AND DESCRIBED IN EXHIBIT E OF THAT CERTAIN "EASEMENT AGREEMENT" RECORDED SEPTEMBER 14, 2017 AS INSTRUMENT NO. 23752741, SANTA CLARA COUNTY RECORDS.

APN: 110-34-005

EXHIBIT "B-1"
Landscape and Open Space



LANDSCAPE OPEN SPACE TYPES AND
APPROXIMATE SQUARE FOOTAGES



LIMIT OF PRIVATE OWNERSHIP PUBLIC
OCCUPANCY (POPA)

MOFFETT PARK DRIVE POPA = 12,119 SF

8' POPA STRIP (LANEWAY PAE EXPANSION
= 4,549 SF.

BIKE SERVICE POPA= 964 SF.



MINI PARK:
HILLSIDE POLLINATOR GARDEN, TYP.

NOT FOR CONSTRUCTION; FOR
ILLUSTRATIVE PURPOSES

SCALE: 1"=30'-0"



HGA

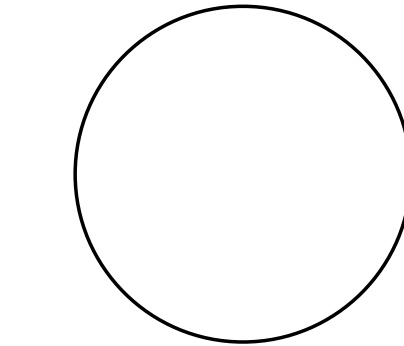
CLIENT
Ellis Partners
Owner - Line 1
Client - Line 3
Client - Line 4
Client - Line 5

ARCHITECT
HGA
485 14th Street, Suite 500
Oakland, CA 94612
510.516.0167
www.hga.com

CONSULTANT
creo
landscape architecture
t: 415.688.2505
www.aucorelandarch.com

2025.07.17 SMP/ MSPD SUBMITTAL
2025.04.23 SMP/ MSPD SUBMITTAL
2024.12.20 SMP SUBMITTAL
2024.06.14 100% SCHEMATIC DESIGN
2023.11.03 90% SCHEMATIC DESIGN
2023.10.12 SITE MASTER PLAN SUBMITTAL

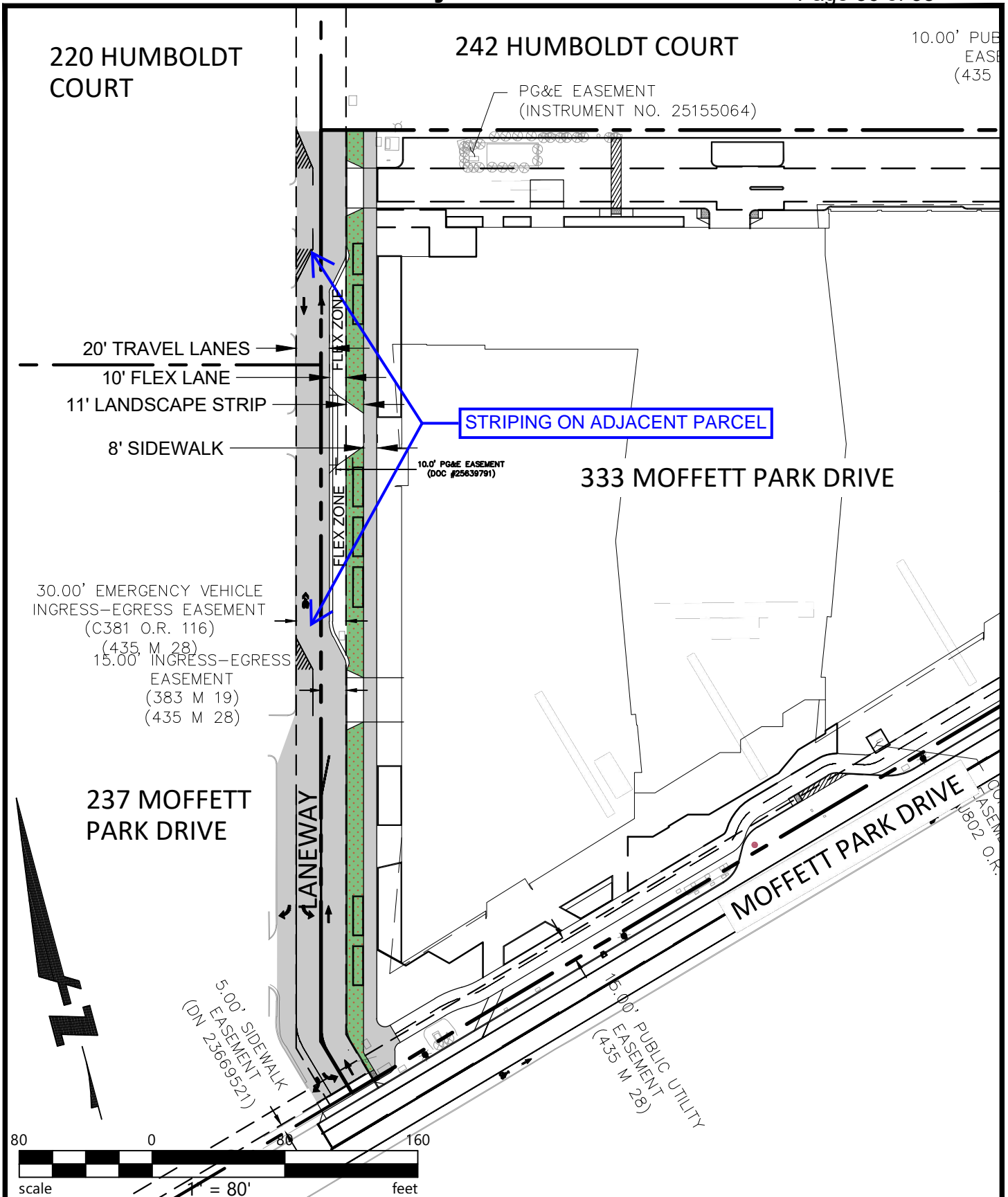
date issue description



**333-385 MOFFETT
PARK DRIVE**
SUNNYVALE, CA 94089

project number: 22-387
date: 2024.12.20

**LANDSCAPE OPEN
SPACE FRAMEWORK**

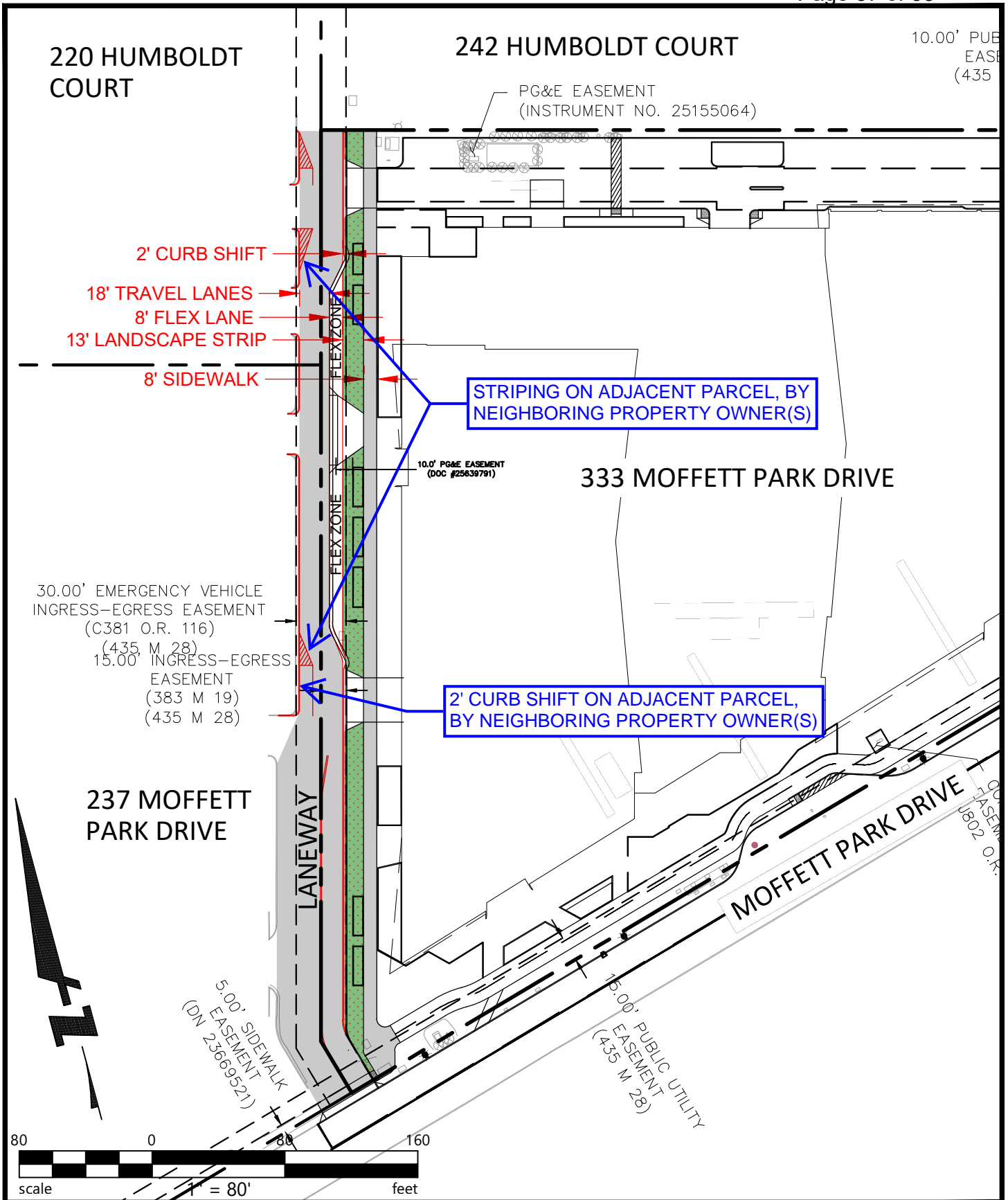


Plot Sep 02, 2025 at 1:47pm



BKF ENGINEERS
255 SHORELINE DRIVE
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

Subject 333 MOFFETT PARK DRIVE
PHASE 1 CURB SHIFT
Job No. 20221116
By ABS Date 9/2/2025 Chkd. PCC
SHEET 1 OF 2



Plot Sep 02, 2025 at 1:58pm



BKF ENGINEERS
255 SHORELINE DRIVE
SUITE 200
REDWOOD CITY, CA 94065
(650) 482-6300
www.bkf.com

Subject 333 MOFFETT PARK DRIVE
PHASE 2 CURB SHIFT
Job No. 20221116
By ABS Date 9/2/2025 Chkd. PCC
SHEET 2 OF 2

EXHIBIT “C”

Fee Schedule

Development Impact Fee	Ordinance/Resolution	Rate (fiscal year 2025-2026)	Escalation Methodology
Housing Mitigation*	Ord. 3079-16 § 2; Ord. 3057-15 § 2 Resolution 1303-25 Link: 1303-25	\$12.50/net new s.f. for the first 25,000 s.f.; \$24.50/net new s.f. for all remaining s.f.	Consumer Price Index for all urban consumers for the San Francisco-Oakland-San Jose area
Transportation Impact Fee (TIF) Industrial Area North of Route 237	Ord. 2737-03 § 1 Resolution 1303-25 Link: 1303-25	\$9,687.00 per net new 1,000 s.f.	No escalator in ordinance
Moffett Park Specific Plan Transportation Impact Fee (Office/R&D)*	MPSP Adoption Resolution: 1200-23 Resolution 1303-25 Link: 1303-25	\$7,969.00 (Office) \$4,339.00 (R&D) Per 1,000 net new sq. ft	Engineering News-Record (ENR) Construction Cost Index for San Francisco urban area
MPSP Plan Maintenance Fee	Resolution 1303-25 Link: 1303-25	0.17% of construction valuation	per construction valuation
MPSP Utility Infrastructure Costs – Water (Office/R+D)	Resolution 1303-25 Link: 1303-25	\$1.35 Per Sq. Ft.	No escalator in resolution
MPSP Utility Infrastructure Costs – Sewer	Resolution 1303-25 Link: 1303-25	\$1.35 Per Sq. Ft.	No escalator in resolution

**escalating fees*

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.

RECOMMENDED FINDINGS

CEQA FINDINGS FOR PROJECTS CONSISTENT WITH CEQA GUIDELINES SECTION 15183

The Planning Commission hereby makes the following findings based on the Environmental Checklist for the 333-385 Moffett Park Drive project (the “Project”) prepared by David J. Powers and Associates, dated September 2025 (“Environmental Checklist”):

A. CEQA Guidelines Section 15183

1. The Planning Commission has independently reviewed the programmatic Draft and Final Environmental Impact Reports for the Moffett Park Specific Plan, State Clearinghouse #202108033 (the “MPSP EIR”).
2. The MPSP EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the MPSP. In addition, the MPSP EIR identified significant and unavoidable impacts with regard to air quality, greenhouse gas emissions, and utilities
3. On June 12, 2023, the City Council certified the MPSP EIR as prepared in accordance with the California Environmental Quality Act, made Findings required by CEQA, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, and adopted the MPSP.
4. In addition to serving as the environmental document for the adoption of the MPSP, the MPSP EIR was intended by the City to serve as the basis for compliance with CEQA for projects that are consistent with the development density established by the MPSP in accordance with Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. CEQA Guidelines Section 15183 provides that where a project is consistent with the use and density established for a property under existing zoning, community plan or general plan policies for which a city has previously certified an EIR, additional environmental review is not required “except as might be necessary to examine whether there are project-specific significant effects which are peculiar to the project or its site.” CEQA Guidelines Section 15183 further provides that if an environmental effect of a project is not peculiar to the parcel or the project, has been addressed as a significant impact in the EIR, or can be substantially mitigated by the imposition of uniformly applied development standards or policies, then an additional EIR need not be prepared on the basis of that effect.
5. The City has analyzed the proposed Project to determine if the Project meets the criteria for streamlined environmental review under Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines.

6. The MPSP contains a number of goals, policies, and implementing actions that affirm the General Plan's vision for sustainable development, including its vision statement (which refers to advancing sustainability), Guiding Principle 1 (Maintain Moffett Park as an integral part of Sunnyvale), Guiding Principle 4 (Maintain and strengthen Moffett Park as a diverse economic engine that supports economic prosperity for all) Policy LT-12.4 (Attract and retain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy and provide a range of job opportunities) Policy LT-14.8 (Ensure that development projects provide appropriate improvements or resources to meet the city's future infrastructure and facility needs, and provide development incentives that result in community benefits and enhance the quality of life for residents and workers) and P-2 (TDM program compliance).
7. The Project would meet the California Building Standards Code (CALGreen) Mandatory Measures and GreenPoint Rated Checklist and achieve at least 90 points and a Build It Green Certification. The Project applicant would incorporate green building measures including, but not limited to, the following:
 - **Renewable Energy:** The Project would install approximately 34,500 square feet of solar access roof area on the roofs of Buildings A and B.
 - **Electric Vehicle (EV) Charging:** The Project would include 565 EV and EV-ready parking spaces.
 - **Resource Efficient Landscaping:** The Project would plant drought tolerant and native species for landscaping.
 - **Green Roof:** The Project would provide approximately 18,600 square feet of vegetation on the roof of the podium.

The Project would also implement a transportation demand management program consistent with the MPSP. Additionally, the project would comply with the State's Building Energy Efficiency Standards, which set standards for heating, cooling, solar, battery storage, water savings, lighting, and building envelopes that would ensure that the building energy consumption would not be wasteful, inefficient, or unnecessary.

8. The Environmental Checklist prepared for the Project concludes that the Project would not result in significant impacts peculiar to the Project or Project site, any significant impacts that were not analyzed or discussed in the MPSP EIR, and/or are any significant impacts that would not be substantially mitigated by the imposition of uniformly applied development policies or standards. Additionally, the Project would not result in any potentially significant off-site or cumulative impacts that were not discussed in the MPSP EIR. Also, there are no significant effects that substantial new information shows would be more severe than discussed in the MPSP EIR. Thus, the City may rely upon the analysis in the certified MPSP EIR, and no further CEQA review is required.

9. Based on the Environmental Checklist prepared for the Project and other information in the record, and after a duly noticed public hearing, the City finds as follows:
- a. The Project is consistent with the Moffett Park Specific Plan (MPSP).
 - b. The conditions of approval for the Project require the Project to undertake feasible mitigation measures required by the MPSP EIR and applicable to the Project.
 - c. With application of mitigation measures and/or uniformly applied development standards and policies, the Project will have no environmental effects that:
 - i. are peculiar to the Project or the parcel on which the Project is located;
 - ii. were not analyzed as significant effects in the MPSP EIR;
 - iii. are potentially significant off-site impacts or cumulative impacts which were not discussed in the MPSP EIR; or
 - iv. are previously identified significant effects which, as a result of substantially new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the MPSP EIR.
 - d. Accordingly, the City finds that no additional EIR or other CEQA document needs to be prepared for the Project. The Project is determined to be consistent with the MPSP EIR.
10. The Department of Community Development, Planning Division, is the custodian of the records of the proceedings on which this decision is based. The records are located at Sunnyvale City Hall, 456 West Olive Avenue, Sunnyvale, CA 94086.

Special Development Permit

General Plan Goals and Policies that relate to this Project are:

A. **GENERAL PLAN LAND USE AND TRANSPORTATION (LUTE)**

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.
- **Policy LT-1.3:** Contribute to a healthy jobs-to-housing ratio in the region by considering jobs, housing, transportation, and quality of life as inseparable when making planning decisions that affect any of these components.
- **Policy LT-1.7** Emphasize efforts to reduce regional vehicle miles traveled by supporting active modes of transportation including walking, biking, and public transit.
- **Policy LT-1.10** Participate in federal, state, and regional programs and processes in order to protect the natural and human environment in Sunnyvale and the region.
 - **LT-1.10e:** Continue to evaluate and ensure mitigation of potential biological impacts of future development and redevelopment projects in a manner consistent with applicable local, state, and federal laws and regulations.
 - **LT-1.10f:** Continue to condition projects to halt all ground-disturbing activities when unusual amounts of shell or bone, isolated artifacts, or other similar features are discovered. Retain an archaeologist to determine the significance of the discovery. Mitigation of discovered significant cultural resources shall be consistent with Public Resources Code Section 21083.2 to ensure protection of the resource.
- **Policy LT-1.11** Prepare for risks and hazards related to climate change prior to their occurrence.

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.
- **Policy LT-2.2** Reduce greenhouse gas emissions that affect climate and the environment through land use and transportation planning and development.
- **Policy LT-2.3** Accelerate the planting of large canopy trees to increase tree coverage in Sunnyvale in order to add to the scenic beauty and walkability of the community; provide environmental benefits such as air quality improvements, wildlife habitat, and reduction of heat islands; and enhance the health, safety, and welfare of residents.
 - **LT-2.3d:** Require tree replacement for any project that results in tree removal, or in cases of constrained space, require payment of an in-lieu fee. Fee revenues shall support urban forestry programs.

- **Policy LT-2.6** Address sea level rise, increased rainfall, and other impacts of climate change when reviewing new development near creeks, and consider the projected flood levels over the economic lifespan of the project. • **Policy LT-2.7** Provide Sunnyvale residents and businesses with opportunities to develop private, renewable energy facilities.

GOAL LT-3: An Effective Multimodal Transportation System - Offer the community a variety of transportation modes for local travel that are also integrated with the regional transportation system and land use pattern. Favor accommodation of alternative modes to the automobile as a means to enhance efficient transit use, bicycling, and walking and corresponding benefits to the environment, person throughput, and qualitative improvements to the transportation system environment.

- **Policy LT-3.1** Use land use planning, including mixed and higher-intensity uses, to support alternatives to the single-occupant automobile such as walking and bicycling and to attract and support high investment transit such as light rail, buses, and commuter rail.
- **Policy LT-3.2** Refine land use patterns and the transportation network so they work together to protect sensitive uses and provide convenient transportation options throughout the planning area.
 - **LT-3.2b:** Require needed street right-of-way dedications and improvements as development occurs. Any additional right-of-way beyond that required by the roadway classification should be used for alternative mode amenities, such as bus pullouts or medians, wider bike lanes, or walkways.
- **Policy LT-3.4** Require large employers to develop and maintain transportation demand management programs to reduce the number of vehicle trips generated by their employees.
- **Policy LT-3.5** Follow California Environmental Quality Act requirements, Congestion Management Program requirements, and additional City requirements when analyzing the transportation impacts of proposed projects and assessing the need for offsetting transportation system improvements or limiting transportation demand.
- **Policy LT-3.6** Promote modes of travel and actions that provide safe access to city streets and reduce single-occupant vehicle trips and trip lengths locally and regionally. The order of consideration of transportation users shall be: (1) Pedestrians, (2) Non-automotive (bikes, three-wheeled bikes, scooters, etc.), (3) Mass transit vehicles, (4) Delivery vehicles, and (5) Single-occupant automobiles.
- **Policy LT-3.7** Provide parking and lane priority to environmentally friendly motorized vehicles (e.g. carpools, low emission, zero emission).
- **Policy LT-3.8** Prioritize safe accommodation for all transportation users over non-transport uses. As City streets are public spaces dedicated to the movement of vehicles, bicycles, and pedestrians, facilities that meet minimum appropriate safety standards for transport uses shall be considered before non-transport uses are considered.
- **Policy LT-3.9** As parking is the temporary storage of transportation vehicles, do not consider parking a transport use of public streets.
- **Policy LT-3.10** Prioritize street space allocated for transportation uses over parking when determining the appropriate future use of street space.

- **Policy LT-3.11** As they become available, use multimodal measures of effectiveness to assess the transportation system in order to minimize the adverse effect of congestion. Continue to use level of service (LOS) to describe congestion levels. Use vehicle miles traveled (VMT) analysis to describe potential environmental effects and impacts to the regional transportation system.
- **Policy LT-3.12** Maintain a funding mechanism where new and existing land uses equitably participate in transportation system improvements.
- **Policy LT-3.13** Move progressively toward eliminating direct and hidden subsidies of motor vehicle parking and driving, making the true costs of parking and driving visible to motorists.
- **Policy LT-3.14** Require roadway and signal improvements for development projects to improve multimodal transportation system efficiency.
- **Policy LT-3.15** Prioritize transportation subsidies and project financing over time to the most environmentally friendly modes and services. Support bicycling through planning, engineering, education, encouragement, and enforcement.
 - **LT-3.15a:** Maintain and implement a citywide bicycle plan to maximize the provision of safe and efficient bicycle and pedestrian facilities throughout Sunnyvale.
- **Policy LT-3.17** Set speed limits at the lowest practicable levels consistent with state law.
- **Policy LT-3.18** Facilitate safe and orderly traffic flow and promote school pedestrian and bicycle safety.
- **Policy LT-3.19** Utilize intelligent transportation systems and other technological applications to improve travel efficiency and safety.
- **Policy LT-3.20** Optimize the city's multimodal traffic signal system and respond quickly to signal breakdowns.
- **Policy LT-3.21** Implement best practices, innovative facilities, and technology to enhance complete streets.
- **Policy LT-3.22** Provide safe access to city streets for all modes of transportation. Safety considerations of all transport modes shall take priority over capacity considerations of any one transport mode.
 - **LT-3.22c:** Minimize driveway curb cuts and require coordinated access.
- **Policy LT-3.23** Ensure that the movement of cars, trucks and transit vehicles, bicycles, and pedestrians of all ages and abilities does not divide the community. City streets are public spaces and an integral part of the community fabric.
 - **LT-3.23a:** Provide clear, safe, and convenient links between all modes of travel, including access to transit stations/stops and connections between work, home, commercial uses, and public/quasi-public uses.
 - **LT-3.23b:** Encourage the incorporation of features that enhance street public spaces, such as street trees, public socialization spaces, and sidewalks separated from the curb.
- **Policy LT-3.24** Ensure effective and safe traffic flows for all modes of transport through physical and operational transportation improvements.
- **Policy LT-3.25** Maintain a functional classification of the street system that identifies local roadways, Congestion Management Program roadways and intersections, and intersections of regional significance.
- **Policy LT-3.26** Support the proliferation of multiuse trails within Sunnyvale and their connection to regional trails in order to provide enhanced access to open space,

promote alternative transportation options, and increase recreational opportunities while balancing those needs with the preservation of natural habitat, public safety, and quality of life in residential neighborhoods.

- **Policy LT-3.27** Require appropriate roadway design practice for private development consistent with City standards and the intended use of the roadway.
- **Policy LT-3.28** Support statewide, regional, and subregional efforts that provide for a safe, effective transportation system that serves all travel modes consistent with established service standards.
- **Policy LT-3.30** Support regional and cross-regional transportation improvements and corridors while minimizing impacts to community form and intracity travel.

GOAL LT-4 An Attractive Community for Residents and Businesses – In combination with the City’s Community Design Sub-Element, ensure that all areas of the city are attractive and that the city’s image is enhanced by following policies and principles of good urban design while valued elements of the community fabric are preserved.

- **Policy LT-4.1** Preserve and enhance an attractive community, with a positive image, a sense of place, landscaping, and a human scale.
- **Policy LT-4.2** Encourage nodes of interest and activity, public open spaces, well planned development, mixed-use projects, signature commercial uses, and buildings and other desirable uses, locations, and physical attractions.
- **Policy LT-4.4** Avoid monotony and maintain visual interest in newly developing neighborhoods, and promote appropriate architectural diversity and variety. Encourage appropriate variations in lot sizes, setbacks, orientation of homes, and other site features.

GOAL LT-6 Protected, Maintained, and Enhanced Residential Neighborhoods - Ensure that all residential areas of the city are maintained and that neighborhoods are protected and enhanced through urban design which strengthens and retains residential character.

- **Policy LT-6.2** Limit the intrusion of incompatible uses and inappropriate development in and near residential neighborhoods, but allow transition areas at the edges of neighborhoods.
- **Policy LT-6.4** Allow compatible and supporting uses such as group homes, places of assembly, community centers, recreational centers, and child-care centers in residential neighborhoods (including single-family neighborhoods) subject to review and consideration of operations, traffic, parking, and architecture.

GOAL LT-7 (Diverse Housing Opportunities): Ensure the availability of ownership and rental housing options with a variety of dwelling types, sizes, and densities that contribute positively to the surrounding area and the health of the community.

- **Policy LT-7.2:** Determine the appropriate residential density for a site by evaluating the site planning opportunities and proximity of services (such as transportation, open space, jobs, and supporting commercial and public uses).
- **Policy LT-7.3:** Encourage the development of housing options with the goal that the majority of housing is owner-occupied.
- **Policy LT-8.5:** Promote walking and bicycling through street design.

- **LT-8.5a:** Develop complete streets principles to accommodate all users, including pedestrians, bicyclists, skaters, and wheelchair users, along with motor vehicles in transportation corridors.
- **LT-8.5b:** Enhance connectivity by removing barriers and improving travel times between streets, trails, transit stops, and other pedestrian thoroughfares.
- **LT-8.5d:** Promote separation of streets and sidewalks with planter strips and widened sidewalks, especially on streets with no parking lane.
- **LT-8.5f:** Support streetscape standards for vegetation, trees, and art installations to enhance the aesthetics of walking and biking.

GOAL LT-9 (Adequate and Balanced Open Space): Provide and maintain adequate and balanced open space and recreation facilities for the benefit of maintaining a healthy community based on community needs and the ability of the City to finance, construct, maintain and operate these facilities now and in the future.

GOAL LT-11 Supportive Economic Development Environment - Facilitate an economic development environment that supports a wide variety of businesses and promotes a strong economy within existing environmental, social, fiscal, and land use constraints.

- **Policy LT-11.1** Provide existing businesses with opportunities to grow in Sunnyvale and provide opportunities to expand into new technologies.
- **Policy LT-11.2** Support a full spectrum of conveniently located commercial, mixed-use, public, and quasi-public uses that add to the positive image of the community.
- **Policy LT-11.3** Promote business opportunities and business retention in Sunnyvale.
- **Policy LT-11.4** Participate in regional efforts to respond to transportation and housing problems caused by economic growth in order to improve the quality of life and create a better environment for businesses to flourish.

GOAL LT-12 A Balanced Economic Base - Develop a balanced economic base that can resist downturns of any one industry and provides revenue for City services.

- **Policy LT-12.1** Encourage green technology industries.
- **Policy LT-12.4** Attract and retain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy and provide a range of job opportunities.
- **Policy LT-12.5** Encourage land uses that generate revenue while preserving a balance with other community needs, such as housing.
- **Policy LT-12.7** Maintain an adequate supply of land zoned for office, industrial, and retail development to meet projected needs.
- **Policy LT-12.8** Provide quality neighborhood, community, and regional retail centers/uses to meet the needs of residents.
- **Policy LT-12.9** Consider the importance of tax generation

GOAL LT-14 (Special and Unique Land Uses to Create a Diverse and Complete Community): Provide land use and design guidance so that special unique areas and

land uses can fulfill their distinctive purposes and provide a diverse and complete community fabric.

- **Policy LT-14.8:** Ensure that development projects provide appropriate improvements or resources to meet the city's future infrastructure and facility needs; and provide development incentives that result in community benefits and enhance the quality of life for residents and workers.

B. GENERAL PLAN ENVIRONMENTAL MANAGEMENT ELEMENT

Policy EM-8.6: Minimize the impacts from stormwater and urban runoff on the biological integrity of natural drainage systems and water bodies.

GOAL EM-10 (Reduced Runoff and Pollutant Discharge): Minimize the quantity of runoff and discharge of pollutants to the maximum extent practicable by integrating surface runoff controls into new development and redevelopment land use decisions.

- **Policy EM-10.1:** Consider the impacts of surface runoff as part of land use and development decisions and implement BMPs to minimize the total volume and rate of runoff of waste quality and quantity (hydro modification) of surface runoff as part of land use and development decisions.

Goal EM-11 (Improved Air Quality): Improve Sunnyvale's air quality and reduce the exposure of its citizens to air pollutants.

- **Policy EM-11.2:** Utilize land use strategies to reduce air quality impacts, including opportunities for citizens to live and work in close proximity.
- **Policy EM-11.3:** Require all new development to utilize site planning to protect citizens from unnecessary exposure to air pollutants.
- **Policy EM-11.10:** Require development projects to comply with construction best management practices, such as those in BAAQMD's basic construction mitigation measures.
- **Policy EM-11.15:** Reduce vehicle miles traveled per capita or per employee, consistent with Climate Action Playbook and Land Use and Transportation Council policy.

MOFFETT PARK SPECIFIC PLAN

The Project is in the Moffett Park Specific Plan (MPSP) area. The MPSP includes the following relevant provisions:

Vision Statement: Moffett Park is 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.

Guiding Principle 1: Maintain Moffett Park as an integral part of Sunnyvale

Guiding Principle 2: Establish Moffett Park as a model community through its commitment to comprehensively addressing resilience, climate protection, and equity in all activities

Guiding Principle 4: Maintain and strengthen Moffett Park as a diverse economic engine that supports economic prosperity for all

Guiding 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

Guiding Principle 7: Create a healthy, resilient, and biodiverse environment

- **Land Use Policy LU-1.1:** Establish a series of neighborhoods to guide an orderly and flexible transition over time. Neighborhoods provide “targets” for non-residential uses, parks and open space, and residential uses.
- **Land Use Policy LU-3.1:** Continue transforming the district into a high-density district to maintain and attract innovative businesses.
- **Land Use Policy LU-3.3:** Retain or create space for light industrial, creation/maker, production/ distribution/repair, and research and development uses through development incentives and requirements.
- **Land Use Policy LU-4.2:** Prioritize walking and biking by breaking up large blocks into a fine-grained network and through complete streets improvements as defined in the Development Standards and Mobility Chapters.
- **Land Use 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.
- **Land Use Policy LU-5.4:** Support small, local, and startup businesses through Innovation and Creation Space requirements to create diverse employment opportunities.
- **Development Standards Policy DS-2.3:** Prioritize the creation of publicly accessible open spaces, streets, and laneways over private common open spaces.
- **Development Standards Policy DS-3.2:** Restrict block lengths, building size, and increase pedestrian detailing and scale with the fine grain core
- **Development Standards Policy DS-5.1:** Integrate bird-safe designs into all new developments.

Design Goal SD-G1: Provide a balanced circulation system that is accessible to all modes of travel and consistent with the hierarchy established in the Land Use and Circulation Element Policy LT-3.6.

- **TDM and Parking Policy TDMP-1.3:** Promote biking by establishing standards for bicycle parking facilities and infrastructure.
- **TDM and Parking Policy TDMP-1.6:** Promote and support flexible approaches to parking supply and management by coordinating parking infrastructure and prioritizing shared facilities.
- **TDM and Parking Policy TDMP-2.1:** Establish a Moffett Park Transportation Management Association (TMA) to support the City in efforts to oversee mobility improvements, coordinate efforts, and manage a district-wide TDM strategy.

- **TDM and Parking Policy** TDMP-2.2: Ensure new development reduces vehicle trips through a required TDM Plan and TMA membership.

FINDINGS

The Planning Commission hereby makes the following findings to approve a Site Master Plan and Special Development Permit.

1. The proposed project is consistent with the goals and policies of the Sunnyvale General Plan and the Moffett Park Specific Plan (MPSP) by redeveloping an underutilized office site into a high-performing, all-electric, LEED Platinum-certified office/R&D campus that supports the City's long-term vision for Moffett Park as a sustainable innovation district. **[Finding Met]**

The project promotes economic vitality by providing approximately 293,996 square feet of modern office and research space in a location served by multiple modes of transportation, including proximity to Light rail, and VTA bus lines. This intensification of an existing employment site supports the General Plan's Economic Prosperity and Sustainability policies by fostering a strong local employment base and reducing regional vehicle miles traveled.

The proposed project advances the City's Climate Action Playbook goals through its commitment to all-electric design, renewable energy generation, and significant solar installation (approximately 34,500 square feet of panels). Additionally, the project integrates on-site stormwater biotreatment areas, native landscaping, and pollinator habitat consistent with the MPSP's ecological design framework.

The project supports community objectives by providing Privately Owned Publicly Accessible (POPA) open spaces, and creating new public amenities such as a bike repair station, pollinator mini park, and shared-use pedestrian/bike pathway along Moffett Park Drive.

Through these measures, the project contributes to the City's goals of maintaining a balanced, innovative, and environmentally responsible employment district, while reinforcing Moffett Park's identity as a connected, green, and people-focused place.

The environmental impacts of the project were analyzed under the Moffett Park Specific Plan Environmental Impact Report (EIR), and the project has been determined to be consistent with that EIR pursuant to CEQA Guidelines Section 15183. No new or more severe environmental effects are anticipated as a result of the project.

2. The proposed use ensures that the general appearance of the proposed structures, and the uses to be made of the property, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. **[Finding Met]**

The project has been designed to complement the surrounding development within Moffett Park and will enhance the district's visual and functional quality. The architectural design features two three-story office/R&D buildings above a three-level podium, incorporating sculpted glass façades, metal panel cladding, and recessed glazing to achieve a high-quality, contemporary appearance.

The podium-level terrace and outdoor amenity spaces—including a 24,270-square-foot fitness area and 18,400-square-foot landscaped terrace—create active, visually engaging spaces while breaking up the building massing and providing pedestrian connectivity across the site. The design incorporates geometric articulation and a distinctive “bow-tie” façade composition that introduces rhythm and lightness to the building's form.

The high-quality architectural treatment, attention to pedestrian scale, and integration of ecological landscape design ensure that the project will not impair the orderly development of adjacent properties and will instead contribute positively to the evolving character of the Moffett Park innovation district.

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS
DECEMBER 9, 2025**

**Planning Applications:
PLNG 2025-0072 and PLNG 2025-0137**

333-385 Moffett Park Drive

Construct a new 293,996 square foot, three (3) level office/R&D building over a three (3)-level above-grade podium with podium-level private roof deck. The project will result in 135% FAR subject to a Development Agreement with the City for access to the Development Reserve.

The following Conditions of Approval [COAs] and Standard Development Requirements [SDRs] apply to the project referenced above. The COAs are specific conditions applicable to the proposed project. The SDRs are items which are codified or adopted by resolution and have been included for ease of reference, they may not be appealed or changed. The COAs and SDRs are grouped under specific headings that relate to the timing of required compliance. Additional language within a condition may further define the timing of required compliance. Applicable mitigation measures are noted with “Mitigation Measure” and placed in the applicable phase of the project.

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following Conditions of Approval and Standard Development Requirements of this Permit:

GC: THE FOLLOWING GENERAL CONDITIONS AND STANDARD DEVELOPMENT REQUIREMENTS SHALL APPLY TO THE APPROVED PROJECT.

GC-1. CONFORMANCE WITH APPROVED PLANNING APPLICATION:

All building permit drawings and subsequent construction and operation shall substantially conform with the approved planning application, including: drawings/plans, materials samples, building colors, and other items submitted as part of the approved application. Any proposed amendments to the approved plans or Conditions of Approval are subject to review and approval by the City. The Director of Community Development shall determine whether revisions are considered major or minor. Minor changes are subject to review and approval by the Director of Community Development. Major changes are subject to review at a public hearing. [COA] [PLANNING]

GC-2. DEVELOPMENT AGREEMENT:

The proposed project is subject to the terms and conditions of the Development Agreement (DA) as contained in the separate adopting ordinance and DA (Planning Application 2025-0137). [COA][PLANNING/CITY ATTORNEY/CITY MANAGER]

GC-3. ENTITLEMENTS—EXERCISE AND EXPIRATION:

The approved entitlements shall be null and void two years from the date of approval by the final review authority if the approval is not exercised, unless a written request for an extension is received prior to the expiration date and is approved by the Director of Community Development. However, to the extent a Development Agreement (DA) provides for a longer duration for the approved entitlements, the duration set forth in the DA shall control during the term of the DA. [SDR] (PLANNING)

GC-4. INDEMNITY:

The applicant/developer shall defend, indemnify, and hold harmless the City, or any of its boards, commissions, agents, officers, and employees (collectively, "City") from any claim, action, or proceeding against the City to attack, set aside, void, or annul, the approval of the project when such claim, action, or proceeding is brought within the time period provided for in applicable state and/or local statutes. The City shall promptly notify the developer of any such claim, action or proceeding. The City shall have the option of coordinating the defense. Nothing contained in this condition shall prohibit the City from participating in a defense of any claim, action, or proceeding if the City bears its own attorney's fees and costs, and the City defends the action in good faith. [COA] [OFFICE OF THE CITY ATTORNEY]

GC-5. NOTICE OF FEES PROTEST:

As required by California Government Code Section 66020, the project applicant is hereby notified that the 90-day period has begun as of the date of the approval of this application, in which the applicant may protest any fees, dedications, reservations, or other exactions imposed by the city as part of the approval or as a condition of approval of this development. The fees, dedications, reservations, or other exactions are described in the approved plans, conditions of approval, and/or adopted city impact fee schedule. [SDR] [PLANNING / OCA]

GC-6. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by the City, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signage, striping, street lights, etc.

All public improvements shall be designed and constructed in accordance with current City design standards, standard details and specifications, and Americans with Disabilities Act (ADA) requirements where applicable, unless otherwise approved by the Department of Public Works. The site development plan with sheet C1.0 to C9.0 dated 07/28/25 is subject to change during the plan check process.

The developer is required to complete the installation of all public improvements and other improvements deemed necessary by the Public Works Department, prior to occupancy of the first building, or to the satisfaction of the Public Works Department. Developer shall only be required to provide upgrades to existing public improvements as needed to serve the project's incremental needs and in the immediate vicinity of the project. [COA] [PUBLIC WORKS]

GC-7. OFF-SITE IMPROVEMENT PLANS:

Submit off-site improvement plans separate from the Building on-site improvement plans as the off-site improvement plans are approved through a Public Works Encroachment Permit process. Sheets C1.0 to C9.0 dated 07/28/25 is subject to change during the plan check process. [SDR] [PUBLIC WORKS]

GC-8. ENCROACHMENT PERMIT:

Prior to any work in the public right-of-way, obtain an encroachment permit with insurance requirements for all public improvements including a traffic control plan per the latest California Manual on Uniform Traffic Control Devices (MUTCD) standards to be reviewed and approved by the Department of Public Works. [COA] [PUBLIC WORKS]

PS: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO SUBMITTAL OF BUILDING PERMIT, AND/OR GRADING PERMIT.

PS-1. EXTERIOR MATERIALS REVIEW:

Final exterior building materials and color scheme are subject to review and approval by the Director of Community Development prior to submittal of a building permit. [COA] [PLANNING]

PS-2 BIRD SAFE DESIGN:

The final building permit plans shall include glazing information to demonstrate that the project complies with the MPSP design standards. [COA] [PLANNING]

PS-3. SANITARY SEWER ANALYSIS:

Prior to first off-site plan check submittal, submit a focused sanitary sewer analysis, to be reviewed and approved by the City, identifying the overall project impact to the City's existing sanitary sewer main(s). This includes,

but is not limited to, the following:

- a) A detailed estimate of water consumption in gallons per day or estimate of sanitary sewer discharge in gallons per day; and
- b) Any incremental impact that will result from the new project in comparison to the existing sewer capacity of the immediate downstream mainline as needed, and allocation of wastewater discharge from the project site to each of the proposed laterals. Any deficiencies in the existing system in the immediate vicinity of the project will need to be addressed and resolved at the expense of the developer as part of the off-site improvement plans. Sewer flow data may be required as needed. Any mitigation improvements needed shall be incorporated into the first plan check submittal. [COA] [PUBLIC WORKS]

BP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS SUBMITTED FOR ANY DEMOLITION PERMIT, BUILDING PERMIT, GRADING PERMIT, AND/OR ENCROACHMENT PERMIT AND SHALL BE MET PRIOR TO THE ISSUANCE OF SAID PERMIT(S).

BP-1. CONDITIONS OF APPROVAL:

Final plans shall include all Conditions of Approval included as part of the approved application starting on sheet 2 of the plans. [COA] [PLANNING]

BP-2. RESPONSE TO CONDITIONS OF APPROVAL:

A written response indicating how each condition has or will be addressed shall accompany the building permit set of plans. [COA] [PLANNING]

BP-3. NOTICE OF CONDITIONS OF APPROVAL:

A Notice of Conditions of Approval shall be filed in the official records of the County of Santa Clara and provide proof of such recordation to the City prior to issuance of any City permit, allowed use of the property, or Final Map, as applicable. The Notice of Conditions of Approval shall be prepared by the Planning Division and shall include a description of the subject property, the Planning Application number, attached conditions of approval and any accompanying subdivision or parcel map, including book and page and recorded document number, if any, and be signed and notarized by each property owner of record.

For purposes of determining the record owner of the property, the applicant shall provide the City with evidence in the form of a report from a title insurance company indicating that the record owner(s) are the person(s) who have signed the Notice of Conditions of Approval. [COA] [PLANNING]

BP-4. RESERVED

BP-5. BLUEPRINT FOR A CLEAN BAY:

The building permit plans shall include a “Blueprint for a Clean Bay” on one full sized sheet of the plans. [SDR] [PLANNING]

BP-6. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:

To mitigate the impacts of large projects on local waste disposal, recycling levels and the migration of PCBs, demolition waste weights/volumes including hazardous waste manifests for applicable structures with PCB concentrations greater than 50 ppm, construction weights/volumes, and recycling weights/volumes are to be reported to the City using Sunnyvale.wastetracking.com hosted by Green Halo. As part of the project’s construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and submit these records through the website both periodically and at project completion. [COA] [ENVIRONMENTAL SERVICES]

BP-7. RECYCLING AND SOLID WASTE ENCLOSURE:

The building permit plans shall include details for the installation of a recycling and solid waste enclosure. The required solid waste and recycling enclosure shall:

- a) Match the design, materials and color of the main building.
- b) Be of masonry construction. [COA] [PLANNING]

BP-8. RECYCLING AND SOLID WASTE CONTAINER:

All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic. The building permit plans shall provide details illustrating compliance with this condition. [COA] [PLANNING]

BP-9. SOLID WASTE AND RECYCLING DISPOSAL PLAN:

A detailed solid waste and recycling disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste and recycling disposal plan and building permit plans shall demonstrate compliance with current City requirements and guidelines for **non-residential** projects. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-10. ROOF EQUIPMENT:

Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view as per Title 19 of the Sunnyvale Municipal Code and shall be painted to match the roof. [COA] [PLANNING]

BP-11. FEES AND BONDS:

The following fees and bonds shall be paid in full prior to issuance of the first building permit or as specified in the Development Agreement for the project. (The estimates below are based on the FY 2025/2026 rates and are subject to annual escalation; the

amount to be paid shall be based on the rates in effect at the time of payment.)

- a) TRANSPORTATION IMPACT FEE - Pay Traffic Impact fee for the net new trips resulting from the proposed project, estimated at \$2,016,656.93, prior to issuance of final occupancy. (SMC 3.50). [SDR] [PLANNING]
- b) HOUSING MITIGATION FEE - Pay Housing Mitigation fee estimated at \$4,707,408.00 million, prior to issuance of final occupancy. (SMC 19.22). [SDR] [PLANNING]
- c) MOFFETT PARK TRANSPORTATION IMPACT FEE – Pay Moffett Transportation Impact Fee estimated at \$1,628,736.10. [COA] [PLANNING]
- d) MOFFETT PARK INFRASTRUCTURE FEES - Pay Moffett Park Infrastructure Fees for water (estimated at \$396,894.60) and sewer (estimated at \$396,894.60) totaling \$793,789.20. [COA] [PLANNING]
- e) MOFFETT PARK PLAN MAINTENANCE FEE – Pay Moffett Park Plan Maintenance Fee which is calculated at 0.17% of total construction valuation. [COA] [PLANNING]
- f) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 2% of the construction valuation of the entire project is required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including, but not limited to, related landscaping, lighting, base work and commemorative plaque as specified by the Arts Commission. This requirement does not apply if the alternative in-lieu fee is paid prior to building permit issuance in accordance with SMC 19.52.030. [\[SDR\]](#) [PLANNING] [\[SDR\]](#)

BP-12. DEVELOPMENT AGREEMENT: CONSTRUCTION SALES TAX REGISTRAION:

Provide documentation that the landowner has designated the city of Sunnyvale as the point of sale for California sales and use tax purposes during project construction. [SDR] [PLANNING/ECONOMIC DEVELOPMENT/DA]

BP-13. COMMUNITY BENEFIT FUND CONTRIBUTION:

The landowner shall contribute \$3,100-0,000 towards the City's community benefit fund prior to issuance of building permit or as specified in the Development Agreement. ~~This-This~~ is required in the development agreement, based on the proposed square feet of bonus office square footage as defined in the development agreement. [SDR] [PLANNING/ECONOMIC DEVELOPMENT/DA]

BP-14. MECHANICAL EQUIPMENT (EXTERIOR):

Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted and subject to

review and approval by the Director of Community Development prior to issuance of building permits. Proposed locations shall have minimal visual and minimal noise impacts to neighbors/neighboring properties and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be screened with architectural or landscaping features. [\[COA\]](#) [PLANNING] ~~[\[COA\]](#)~~

BP-15. ART IN PRIVATE DEVELOPMENT REVIEW:

The project is subject to SMC 19.52.030 which requires publicly-visible art onsite that is equal in value to 2% of the project construction valuation. An Art in Private Development application shall be submitted to the Director of Community Development prior to issuance of a Building Permit, and is subject to review and approval by the Arts Commission. The application shall provide public visible artworks along Moffett Park Drive, or as determined by the Arts Commission.

As an alternative to provision of art, and in coordination with the Public Art Coordinator, the permittee may choose to make a contribution to the public arts fund in-lieu of placing art on the project site. The permittee shall allocate an in-lieu amount equal to 1.1% of the building valuation. The in-lieu fee shall be paid prior to issuance of building permit. [COA] [PLANNING]

BP-16. DEAD-END SIDEWALK:

The project proposes new sidewalk along Moffett Park Drive; however, no sidewalk exists on the adjacent property to the east. As it would be unusual to have a partial sidewalk, the developer shall landscape the area as an interim measure until such time that a sidewalk is proposed for the adjacent property. The developer shall submit an interim design as part of the plans submitted for building permit. [COA] [PLANNING]

BP-17. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to issuance of building permit. [COA] [PLANNING]

BP-18. LANDSCAPE BUFFER:

Install and maintain an 8-foot solid (wood fence/decorative masonry wall), along the rear property lines, measured from the highest adjoining grade, of a design subject to review by the Director of Community Development. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed. [SDR] [PLANNING]

BP-19. TREE PROTECTION PLAN:

Prior to issuance of a Demolition Permit, a Grading Permit or a Building Permit, whichever occurs first, obtain approval of a tree protection plan

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- from the Director of Community Development. Two copies are required to be submitted for review. The tree protection plan shall include measures noted in Title 19 of the Sunnyvale Municipal Code and at a minimum:
- a) An inventory shall be taken of all existing trees on the plan including the valuation of all 'protected trees' by a certified arborist, using the latest version of the "Guide for Plant Appraisal" published by the International Society of Arboriculture (ISA).
 - b) All existing (non-orchard) trees on the plans, showing size and varieties, and clearly specify which are to be retained.
 - c) Provide fencing around the drip line of the trees that are to be saved and ensure that no construction debris or equipment is stored within the fenced area during the course of demolition and construction.
 - d) The tree protection plan shall be installed prior to issuance of any Building or Grading Permits, subject to the on-site inspection and approval by the City Arborist and shall be maintained in place during the duration of construction and shall be added to any subsequent building permit plans. [COA] [PLANNING/CITY ARBORIST]
- BP-20. STORMWATER MANAGEMENT C.3 DATA FORM:
Submit the completed City of Sunnyvale and Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Data Form to the Planning Division prior to issuance of a Building Permit. [COA] [PLANNING]
- BP-21. STORMWATER MANAGEMENT PLAN:
Submit the Stormwater Management Plan subject to review and approval by Director of Community Development and third-party certification, pursuant to SMC 12.60, prior to issuance of building permit. [COA] [PLANNING/PUBLIC WORKS]
- BP-22. STORM WATER MANAGEMENT PLAN THIRD PARTY CERTIFICATION:
Third party certification of the Storm Water Management Plan is required per the following guidance: City of Sunnyvale – Storm Water Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Storm Water Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/PUBLIC WORKS]
- BP-23. BEST MANAGEMENT PRACTICES - STORMWATER:
The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.230. Best management practices shall be identified on the building permit set of

plans and shall be subject to review and approval by the Director of Public Works:

- a) Storm drain stenciling. The stencil is available from the City's Environmental Services Department, which may be reached by calling (408) 730-7717.
- b) Landscaping that minimizes irrigation and runoff, promotes surface infiltration where possible, minimizes the use of pesticides and fertilizers, and incorporates appropriate sustainable landscaping practices and programs such as Bay-Friendly Landscaping.
- c) Appropriate covers, drains, and storage precautions for outdoor material storage areas, loading docks, repair/maintenance bays, and fueling areas.
- d) Covered trash, food waste, and compactor enclosures.
- e) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i. Discharges from indoor floor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants.
 - ii. Dumpster drips from covered trash and food compactor enclosures.
 - iii. Discharges from outdoor covered wash areas for vehicles, equipment, and accessories.
 - iv. Swimming pool water, spa/hot tub, water feature and fountain discharges if discharged to onsite vegetated areas is not a feasible option.
 - v. Fire sprinkler test water, if discharged to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-24. CITY STREET TREES:

The landscape plan shall include street trees and shall be submitted for review and approval by the City Arborist prior to issuance of building permit. [COA] [ENGINEERING/CITY ARBORIST]

BP-25. PARKING MANAGEMENT PLAN (NONRESIDENTIAL):

A Parking Management Plan shall be submitted for review and approval by the Director of Community Development prior to issuance of a building permit. The Parking Management Plan shall include the following:

- a) The terms to share 218 public parking spaces.
- b) Specify the location and term of short-term parking.
- c) Specify the location of the required carpool/car share spaces.
- d) Allow the use of valet parking when appropriate on sites with limited parking.
- e) Employees shall be required to park on the site.

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- f) Provide adequate signage to direct traffic and pedestrians [COA]
[PLANNING]
- BP-26. **PARKING LOT STRIPING:**
Parking spaces should be marked in the following manner to encourage careful parking and increase usability of spaces.
- a) Double lines, one foot apart (as measured from the center) and four inches wide should mark the sides of each space.
 - b) Lines should be 16 feet long, with a rounded radius end.
- [COA] [PLANNING]
- BP-27. **GREEN BUILDING:**
The project shall meet the following green building requirements: Green building standards. All new nonresidential 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.
[COA] [PLANNING] [BUILDING]
- BP-28. **CONSTRUCTION MANAGEMENT PLAN:**
The project applicant shall implement a Construction Management Plan (CMP) to minimize impacts of construction on surrounding residential uses to the extent possible. The CMP shall be subject to review and approval by the Director of Community Development and Director of Public Works with a separate Miscellaneous Plan Permit (MPP) prior to issuance of a demolition permit, grading permit, or building permit. The CMP shall identify measures to minimize the impacts of construction including the following:
- a) Measures to control noise by limiting construction hours to those allowed by the SMC, avoiding sensitive early morning and evening hours, notifying residents prior to major construction activities, and appropriately scheduling use of noise-generating equipment.
 - b) Use 'quiet' models of air compressors and other stationary noise sources where such technology exists.
 - c) Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - d) Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or other noise-sensitive land uses.
 - e) Locate staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses.
 - f) Route all construction traffic to and from the project site via designated truck routes where possible. Prohibit construction-related heavy truck traffic in residential areas where feasible. Obtain

approval of proposed construction vehicle truck routes from the Department of Public Works.

- g) Manage construction parking so that neighbors are not impacted by construction vehicles. When the site permits, all construction parking shall be on-site and not on the public streets.
- h) Prohibit unnecessary idling of internal combustion engine-driven equipment and vehicles.
- i) Notify all adjacent business, residents, and noise-sensitive land uses of the construction schedule in writing. Notify nearby residences of significant upcoming construction activities at appropriate stages in the project using mailing or door hangers.
- j) Designate a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint and will require that reasonable measures warranted to correct the problem be implemented. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule. [COA] [PLANNING] [PUBLIC WORKS]

BP-29. CONSTRUCTION AIR QUALITY MITIGATION MEASURES:

Prior to the issuance of grading or building permits, the Bay Area Air Quality Management District’s (BAAQMD) basic construction mitigation measures from Table 8-1 of the BAAQMD 2011 CEQA Air Quality Guidelines (or subsequent updates) shall be noted on the construction documents, including the following:

- a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- b) All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour (mph).
- e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- f) All construction equipment shall be maintained and properly tuned in accordance with manufacturers’ specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- g) A publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48

hours. The BAAQMD's phone number shall also be visible to ensure compliance with applicable regulations. [COA] [PLANNING]

BP-30. CONSTRUCTION POLLUTANT MITIGATION PLAN:

Since the project's construction span is greater than five acres and/or is scheduled to last more than two years, the project applicant shall prepare a site-specific construction pollutant mitigation plan in consultation with Bay Area Air Quality Management District (BAAQMD) staff prior to issuance of grading permits. A project-specific construction-related dispersion modeling acceptable to the BAAQMD shall be used to identify potential toxic air contaminant impacts, including diesel particulate matter. If BAAQMD risk thresholds (i.e. probability of contracting cancer is greater than 10 in one million) would be exceeded, mitigation measures shall be identified in the construction pollutant mitigation plan to address potential impacts and shall be based on site-specific information such as the distance to the nearest sensitive receptors, project site plan details, and construction schedule. Documentation shall be provided to the Director of Community Development confirming that construction contracts include all identified measures and that the measures reduce the health risk below BAAQMD risk thresholds. Construction pollutant mitigation plan measures shall include but not be limited to:

- a) Limiting the amount of acreage to be graded in a single day.
- b) Restricting intensive equipment usage and intensive ground disturbance to hours outside of normal school hours.

Notifying affected sensitive receptors one week prior to commencing onsite construction so that any necessary precautions (such as rescheduling or relocation of outdoor activities) can be implemented. The written notification shall include the name and telephone number of the individual empowered to manage construction of the project. In the event that complaints are received, the individual empowered to manage construction shall respond to the complaint within 24 hours. The response shall include identification of measures being taken by the project construction contractor to reduce construction-related air pollutants. Such a measure may include the relocation of equipment. [COA] [PLANNING]

BP-31. CONSTRUCTION NOISE MITIGATION MEASURES:

The project shall employ site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a noise control plan that shall be submitted for review and approval by the Director of Community Development. Measures specified in the noise control plan and implemented during construction shall include, at a minimum, the following noise control strategies:

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- a) Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds);
 - b) Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools; and
 - c) Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other measures.
 - d) Pile-driving is prohibited unless authorized by the Director of Community Development. If authorized, noise and vibration reducing pile-driving techniques shall be employed during construction and will be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocity (PPVs) of 0.25 inches per second at nearby structures). These techniques shall include:
 - Installing intake and exhaust mufflers on pile-driving equipment;
 - Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible as determined by the Director of Community Development;
 - Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;
 - Using cushion blocks to dampen impact noise, if feasible based on soil conditions as determined by the Director of Community Development. Cushion blocks are blocks of material that are used with impact hammer pile drivers. They consist of blocks of material placed atop a piling during installation to minimize noise generated when driving the pile. Materials typically used for cushion blocks include wood, nylon and micarta (a composite material); and
 - At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities. [COA][PLANNING]

BP-32.

NESTING BIRDS:

All construction and clearing activities shall be conducted outside of the avian nesting season (January 15-August 31), when feasible. If clearing and/or construction activities occur during the nesting

season, preconstruction surveys for nesting raptors, special-status resident birds, and other migratory birds protected by the Migratory Bird Treaty Act shall be conducted by a qualified biologist, up to three days before initiation of construction activities, including tree removal and/or site preparation involving removal of vegetation.

The qualified biologist shall survey the construction zone to determine whether the activities taking place have the potential to disturb or otherwise harm nesting birds. If an active nest is located within 100 feet (250 feet for raptors) of construction activities, the project applicant shall establish an exclusion zone (no ingress of personnel or equipment at a minimum radius of 100 feet or 250 feet, as appropriate, around the nest). Alternative exclusion zones may be established through consultation with the CDFW and USFWS, as necessary. The City shall be notified if altered exclusion zone widths are authorized by these agencies prior to the initiation of work. The exclusion zones shall remain in force until all young have fledged.

A final report of nesting birds, including any protection measures, shall be submitted to the Director of Community Development prior to initiation of construction activities, including tree removal and/or site preparation involving removal of vegetation. [COA] [PLANNING]

BP- 33. ARCHAEOLOGICAL RESOURCES:

Prior to the issuance of grading or building permits, the project applicant is required to include information on the improvement plans that if, during the course of grading or construction, cultural resources (i.e. prehistoric or historic sites) are discovered, work will stop in that area and within 100 feet of the find until a qualified archeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures as part of a treatment plan in consultation with the City and all other appropriate agencies. The treatment plan shall include measures to document and protect the discovered resource. Consistent with CEQA Guidelines Section 15126.4(b)(3), preservation in place will be the preferred method of mitigating impacts to the discovered resource. Pursuant to Government Code Section 6254.10, information on the discovered resource shall be confidential. [COA] [PLANNING]

BP-34. CULTURAL RESOURCES:

In the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site within a 50-foot radius of the remains or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, the Coroner shall

notify the Native American Heritage Commission who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to State law, then the land owner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

All measures shall be printed on all construction documents, contracts, and project plans, and reviewed by the Community Development Director prior to issuance of grading and building permits. During construction, the project applicant and contractor shall be responsible for, implementing these measures. [COA] [PLANNING]

BP-35. PALEONTOLOGICAL RESOURCES:

Prior to the issuance of grading or building permits, the project is required to include information on the improvement plans that if, during the course of grading or construction, fossils are discovered, work shall be halted immediately within 50 feet of the discovery, the City of Sunnyvale Community Development Department shall be notified, and the significance of the find and recommended actions must be determined by a qualified paleontologist. In addition, prior to the commencement of a project site preparation, all construction personnel shall be informed of the potential to discover fossils and the procedures to follow. [COA] [PLANNING]

BP-36. EMERGENCY VEHICLE ACCESS EASEMENT:

Developer shall dedicate a minimum 20'-wide emergency vehicle ingress-egress easement along the drive aisle and over the surface parking areas, excepting areas for parking stalls for fire apparatus access. City will accept the dedication upon completion and acceptance of subject on-site improvements with recordation of Easement Deed(s) prior to building occupancy, unless otherwise approved by the Department of Public Works. [COA] [PUBLIC SAFETY/PUBLIC WORKS]

BP-37. CONSTRUCTION MATERIAL AND STAGING:

All construction related materials, equipment, and construction workers parking need to be managed on-site and not located in any public right-of-ways or public easements. [COA] [PUBLIC WORKS]

BP-38. ~~LANDSCAPING AND PHASED SIDEWALK CONNECTION: RESERVED~~
~~The final plans submitted for Building Permit shall show the extension of the landscape area at the south-eastern corner of the project site to the east of the Moffett Park Dr driveway. The extensions shall encompass the triangular section of the sidewalk~~

~~area because construction of the sidewalk would result in dead-
ending at the adjacent property which does not have a sidewalk.
[COA] [PLANNING, PUBLIC WORKS]~~

- BP-39. LANEWAY PHASED IMPLEMENTATION:
Moffett Park Specific Plan requires redesign of the Laneway, which is a shared driveway and access easement, located along the western side of the project site. However, the western portion of the Laneway is owned by the adjacent property owner at 217 - 277 Moffett Park Dr (APN 110-34-006). The final plans submitted for Building Permit shall include Phase I implementation of Laneway improvements as generally illustrated in the Laneway exhibit in the Development Agreement and shown in the plans for PLNG-2025-0072 and PLNG-2025-0137. Phase II implementation of the Laneway shall be triggered with the development of the adjacent property at 217 - 277 Moffett Park Dr. [COA] [PLANNING] [PUBLIC WORKS] [TRANSPORTATION]

EP: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED AS PART OF AN ENCROACHMENT PERMIT APPLICATION.

- EP-1. MOFFETT PARK SPECIFIC PLAN:
This project is in the Moffett Park Specific Plan (MPSP) area, therefore, the developer shall comply with any applicable design requirements as identified in the MPSP or as amended and approved by the City. [COA] [PUBLIC WORKS]
- EP-2 COMPLETE OFF-SITE IMPROVEMENT PLAN SET:
A complete plan check set applicable to the project, which may include street improvement plans, streetscape plans, streetlight plans, photometric analysis, signing/stripping plans, erosion control plans, traffic signal plans and traffic control plans shall be submitted as part of the first off-site improvement plans, including on-site and off-site engineering cost estimate and the initial Engineer and Inspection plan review fee. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Department of Public Works. Sheet C4.0 and C5.0 of Preliminary Improvement Plan – Grading and Utility Plan dated 07/28/25 is subject to change during plan check process. See Improvement Plan Checklist and Improvement Plan Submittal Checklist at the following 2 links:
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1654/637820856582800000>
<https://www.sunnyvale.ca.gov/home/showpublisheddocument/1656/638097347304330000>
[COA] [PUBLIC WORKS]

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- EP-3. UPGRADE OF EXISTING PUBLIC IMPROVEMENTS:
As part of the off-site improvement plan review and approval, any existing public improvements to be re-used by the project, which are not in accordance with current City standards and are not specifically identified in the herein project conditions (such as backflow preventers, sign posts, etc.), shall be upgraded to current City standards and as required by the Department of Public Works. Developer shall only be required to provide upgrades to existing public improvements as needed to serve the project's incremental needs and in the immediate vicinity of the project. [COA] [PUBLIC WORKS]
- EP-4. BENCHMARKS:
The improvement plans shall be prepared by using City's latest benchmarks (NAVD88) available on City's website sunnyvale.ca.gov/home/showpublisheddocument/1590/637997914061100000. Plans based on NGVD29 will not be accepted. [COA] [PUBLIC WORKS]
- EP-5. EASEMENT DEEDS:
This project requires a public access easement for the new shared use path along Moffett Park Drive and public access easement for the laneway. Sheet C3.0 of Preliminary Site Plan dated 07/28/25 is subject to change during plan check process. Developer shall provide additional public access easements as needed to encompass the entire shared use path. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. Developer shall execute the easement deeds prior to ~~encroachment permit~~ issuance of Certificate of Occupancy. [COA] [PUBLIC WORKS, BUILDING]
- EP-6. EASEMENT ABANDONMENT:
The existing 15-ft slope easement, 7-ft public utility easement, and the 14-ft communications easement shall be abandoned prior to encroachment permit sign off. [COA] [PUBLIC WORKS]
- EP-7. UTILITY COMPANY APPROVAL:
Obtain map approval letters from the utility companies in regards to any existing or new easements associated with their facilities. [COA] [PUBLIC WORKS]
- EP-8. UTILITY CONNECTION:
This project requires connection to all City utilities or private utilities operating under a City or State franchise which provide adequate levels of service. [COA] [PUBLIC WORKS]

EP-9. UTILITY CONNECTION TO THE MAIN:

All sanitary sewer laterals connecting to the existing main line shall be at a new sanitary sewer manhole. All storm drain laterals connecting to the main shall be at a new storm drain manhole, except where a pipe to pipe connection is permitted if the mainline is 36" or larger, or a junction structure is permitted where the point of connection is within close vicinity of an existing down-stream manhole. Pursuant to City design standards, any new and retrofitted manholes require Sewpercoat, Mainstay or Sancon calcium aluminate cementitious mortar coating of the interior. [SDR] [PUBLIC WORKS]

EP-10. POTHOLING OF EXISTING UTILITIES:

Concurrent with the initial submittal of off-site improvement plans, obtain an encroachment permit for potholing purposes to locate existing utilities. Use pothole information to identify possible conflicts between existing utilities and proposed new dry utilities, sewer and storm drain laterals, and water laterals 4" and larger. Potholing shall be performed during design after proposed locations of new laterals are not likely to change. Accurate elevations and locations of existing crossings shall be shown in profiles along gravity or pressure laterals 4" and larger. It is strongly recommended that both the top and bottom elevations of fiber and electrical duct banks are potholed. [COA] [PUBLIC WORKS]

EP-11. EXISTING UTILITY ABANDONMENT/RELOCATION:

Developer is responsible for research on all existing utility lines to ensure that there are no conflicts with the project. All existing utility lines (public or private) and/or their appurtenances not serving the project, that once served the project but are no longer in use or planned to be in use, and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed of to the satisfaction of the City. ~~Existing public facilities within the street right-of-way~~ All required caps, abandonments, removals, relocations, and disposals within the public right-of-way shall be abandoned per City's Abandonment Notes and procedures, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-12. MODIFICATIONS TO EXISTING PUBLIC UTILITIES:

Developer is required to pay for all changes or modifications to existing City utilities, streets and other public utilities within or adjacent to the project site, including but not limited to utility facilities/conduits/vaults relocation due to grade change in the sidewalk area, caused by the development. [COA] [PUBLIC WORKS]

EP-13. DRY UTILITIES:

Submit dry utility plans and/or joint trench plans (PG&E, telephone, cable TV, fiber optic, etc.) to the Public Works Department for review

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- and approval prior to issuance of any permits for utility work within any public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]
- EP-14. WET UTILITIES:
All wet utilities (water, sanitary sewer, storm drain) on private property shall be privately owned and maintained. The fire and domestic water systems shall be privately owned and maintained beyond the meter. [COA] [PUBLIC WORKS]
- EP-15. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:
The re-use of existing City water service laterals is not allowed. Existing sewer laterals must be abandoned or replaced unless the City allows them to be re-used. To propose re-use, the applicant shall submit CCTV video of the lateral to the City. The beginning of the video must show the front of the property to confirm its location before insertion into the pipe. Video must extend from the cleanout to the main. Camera may not be submerged at any time, and must include a footage counter. If the City feels that the lateral is in acceptable condition, and has no significant sags, damage, or root intrusion, the City may allow it to be re-used. The City may also require CCTV for proposed re-use of an existing storm drain lateral, on a case by case basis. Sheet C4.0 and C5.0 of Preliminary Grading and Utility Plan dated 07/28/25 is subject to change during plan check process. [COA] [PUBLIC WORKS]
- EP-16. SEPARATE DOMESTIC/FIRE PROTECTION SERVICE LINE:
Provide separate fire and domestic service lines to each building. Provide separate fire service tap(s) to the street main for on-site fire hydrants. Install reduced pressure backflow prevention devices (RPBP) behind the street right-of-way for the domestic service line and a reduced pressure detector assembly (RPDA) and 5/8" water meter behind the street right-of-way for the fire service line. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-17. FIRE PROTECTION SYSTEM DESIGN:
Private fire hydrants shall not be located downstream of any fire department connection (FDC). This requirement shall supersede the fire water line and FDC shown on Sheet C5.0 of Preliminary Utility Plan dated 07/28/2025. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-18. PUBLIC FIRE HYDRANTS AND FIRE HYDRANT LATERALS:
Remove and replace existing fire hydrant (FH) barrels and existing fire hydrant lateral(s) along the entire project frontage with Clow 865 for

mains 10" and larger. New fire hydrant laterals and barrels must be located outside of existing and proposed tree driplines, or as determined by Department of Public Works. Hydrants shall be located per City standard detail 2B and 2B-2. Public fire hydrants shall be maintained a minimum of 3 horizontal feet from trees, vines, shrubs, bushes, and other obstacles. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]

EP-19. WATER METER:

~~Each~~—The building shall have its own domestic water service connection to the water main with domestic radio-read water meter and reduced pressure backflow prevention devices per current City standards. For water meter sizes three (3) inches or larger, provide meter sizing calculations to Public Works Department for approval of meter size, as part of the off-site improvement plan submittal. Provide separate fire service taps with separate reduced pressure detector assembly in accordance with current City standards. Install new radio-read water meter(s) ~~for each~~ for the point of connection to the water main. Install new backflow prevention devices on the discharge side of water service line on private property. Install backflow preventer enclosure where applicable. [SDR] [PUBLIC WORKS]

EP-20. IRRIGATION SERVICE LINE AND BACKFLOW PREVENTORS:

This project requires connection to city's existing reclaimed water system for irrigation purpose. Install a separate irrigation water service line (separate from the domestic water service line) with a meter and backflow prevention device.

All landscape and irrigation systems, located in the public park strip areas shall be connected to the water system metered to the property owner. Install new reduced pressure backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable. Backflows must adhere to City's Cross-Connection Program. Backflow inspection permit and tags are required for all backflow devices.

Developer shall follow and implement the requirements for reclaimed water usage/identification to comply with California Department of Environmental Health: Title 22 - Division 4 of the Administrative Code. [SDR] [PUBLIC WORKS]

EP-21. SANITARY SEWER AND STORMDRAIN MANHOLES:

Install new sanitary sewer and storm drain manholes at the street right-of-way lines for all existing and proposed sanitary sewer laterals to be used for the project. Existing sewer and storm drain manholes to be reused shall be updated per current City Standard Details. [SDR] [PUBLIC WORKS]

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- EP-22. NEW SEWER LATERAL CCTV VIDEO:
The contractor shall provide a CCTV video of new sewer laterals. Video must clearly show the front of the property before camera is inserted into the pipe. [COA] [PUBLIC WORKS]
- EP-23. SANITARY SEWER AND STORM DRAIN TRIBUTARY PATTERN:
This project is required to follow the existing sanitary sewer and storm drain tributary pattern. Any deviations would require additional analysis and be subject to approval by the Department of Public Works as part of the off-site improvement plan review process. This project shall not cause any negative impact on the drainage pattern for adjacent properties. [COA] [PUBLIC WORKS]
- EP-24. STORM DRAIN DESIGN
Provide storm drain hydrology and hydraulic calculations based upon a 10-year storm event to justify the size of the storm drain lateral flowing full. The project impact to the existing storm drain main shall retain 1' below the lowest public street gutter flow elevation. The new storm drain main line shall be minimum 15 inches diameter. [COA] [PUBLIC WORKS]
- EP-25. PUBLIC RIGHT-OF-WAY STORMWATER TREATMENT:
Per the Municipal Regional Stormwater Permit 3.0 Provision C.3, all impervious area created or replaced in the public right-of-way must be treated. Treatment measures for public stormwater must be located on-site, on private property. Treatment measures shall be identified and included in the Stormwater Management Plan, required per BP COAs above. All stormwater treatment and infrastructure constructed for conveyance of stormwater to the stormwater treatment shall be privately maintained. [SDR] [PUBLIC WORKS]
- EP-26. CATCH BASIN TRASH CAPTURE DEVICES AND STENCILING:
Pursuant to SMC 12.60.130, install full trash capture devices on the project site, prior to connecting to the City's storm drain collection system. The developer shall be responsible for perpetual maintenance of those trash capture devices. All storm drain inlet facilities located in the public right-of-way shall be stenciled that read "NO DUMPING". Stencils may be borrowed and returned by coordinating with the Environmental Services Department by calling 408-730-7738. [COA] [PLANNING/ENVIRONMENTAL SERVICES]
- EP-27. UTILITY METER/VAULT:
No existing or new utility meters or vaults shall be located within the driveway approach areas. All existing or new utility vaults serving that only serve the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

EP-28. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install a total of five (5) new City Standard Detail 6C-2 driveway approaches along the project frontage; (two (2) on Moffett Park Drive and three (3) on the Laneway) to comply with ADA requirements and per City standard details and specifications. [COA] [PUBLIC WORKS]

EP-29. DRIVEWAY VISION TRIANGLE:

Comply with the driveway extended vision triangle requirements at all driveway approaches on Moffett Park Drive and on the Laneway per SMC 19.34.060. Show location of sidewalk relative to the driveway vision triangle. [COA] [PUBLIC WORKS]

EP-30. ADA LOADING RAMP:

Install new ramp at the passenger loading zone, or as deemed necessary by the Department of Public Works. Additional re-grading of asphalt may be required to ensure there are no localized low points and positive surface runoff occurs along the flow line. [COA] [PUBLIC WORKS]

EP-31. STREETSCAPE IMPROVEMENTS:

Remove existing concrete curb and gutter and install new concrete curb, 2-foot gutter, and 12-foot-wide shared use path along the Moffett Park Drive frontage, or as approved by the Director of Public Works. The perpetual maintenance of sidewalk and shared use path improvements along the project frontages shall be the sole responsibility of the property owner [COA] [PUBLIC WORKS]

EP-32. STREET PAVEMENT:

Apply Type III slurry seal, from lip of gutter to lip of gutter, fronting 333 Moffett Park Drive frontage, or as directed by the Department of Public Works. [SDR] [PUBLIC WORKS]

EP-33. LANEWAY CONFIGURATION:

The driveway aisle that borders the western portion of the project frontage shall follow a modified version of the Moffett Park Specific Plan (MPSP) Figure 59. The cross section shall chicane twice along the Laneway that includes 20 feet shared street, 10 feet flex zone (no loading allowed) with grasscrete, 10.5 feet landscape strip, and 8 feet sidewalks. This interim condition will remain until the neighboring property redevelops their site. When the neighboring property redevelops, the curb on the neighboring property shall be shifted 2' inward towards the centerline, reducing the shared street to 18 feet; at which point, the 333 Moffett Park Drive site shall shift the curb on their side of the Laneway 2' inward towards the centerline, reducing the flex space to 8 feet, thus, complying with Figure 59 per MPSP and as shown in Exhibit _B-2 to the Development Agreement. This condition shall apply until the neighboring site is redeveloped, including after the

expiration of the DA. [COA] [PUBLIC WORKS]

EP-34. PASSENGER LOADING ZONE:

Loading zone on Moffett Park Drive shall be 24/7 for passengers only and comply with Americans with Disabilities Act (ADA) requirements. Show design of striping and signage in the off-site plans. [COA] [PUBLIC WORKS]

EP-35. CLASS I SHARED-USE PATH:

Remove existing Class II bike lane along the project frontage on Moffett Park Drive and provide a Class I shared-use path to conform with City of Sunnyvale Active Transportation Plan and MPSP. The path shall be asphalt paving, a minimum of 12 feet wide, and be ADA compliant. Provide bike ramps to transition bicyclists onto/off of the shared-use path from the existing bike lanes going westbound. The shared-use path shall be correctly labelled as a shared-use path for pedestrians and bicyclists to use on the plans submitted for Building Permit. [COA] [PLANNING][PUBLIC WORKS][TRAFFIC]

EP-36. STREETLIGHTS:

The developer shall remove 5 existing streetlights on Moffett Park Drive and install 3 new Moffett Park Specific Plan Type 1,2, and/or 3 streetlights to illuminate the roadway and the shared-use path with a 135-foot spacing along the project frontage only on the north side of Moffett Park Drive in accordance with the MPSP. All LED fixtures and streetlight pole types shall be of the same make and model (current approved manufacturer is Philips Lumec).

The developer shall remove 1 existing streetlight on project frontage side of the Laneway, and install 2 new Moffett Park Specific Plan Type 1 streetlights to illuminate the roadway and the sidewalk with 160-foot staggered spacing on project frontage side of the Laneway. All LED fixtures and streetlight pole types shall be of the same make and model (current approved manufacturer is Philips Lumec).

The developer shall provide a separate streetlight plan identifying existing streetlights to be removed and new streetlights to be installed along the entire project frontage based on the streetlight spacing provided by the City. The streetlight plans shall include installation of new conduits, existing and/or new locations of power source connection and new service pedestal, conductors, pull boxes, voltage drop and load calculations, and any other streetlight equipment as required to be installed by the Developer per latest City standard details and specifications and National Electric Code. The streetlight plans shall be submitted concurrently with the off-site improvement plan review.

The developer shall be responsible to replace all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards. The developer may be required to connect the new streetlight to the existing unmetered service pedestal or have them install a new one. All LED fixtures shall have a 10-year warranty.

Developer shall comply with City streetlight design guidelines and plan check submittal requirements as provided by the City upon request.

Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department.

Upon Completion of the streetlight improvements, developer shall provide as-built streetlight plan in pdf and .dwg formats.
[COA] [PUBLIC WORKS]

EP-37. SIGNING AND STRIPING PLANS:

Submit a signing and striping plan in accordance with the latest edition of the CA MUTCD to City for review and approval by the Public Works Department. [SDR] [PUBLIC WORKS]

EP-38. TRAFFIC CONTROL PLAN:

Submit a traffic control plan with the off-site improvement plans for review and approval. Per the City's Temporary Traffic Control Checklist, the traffic control plan shall include a summary of the traffic control types, dates, times and blocks affected. All construction related materials, equipment, and construction workers parking need to be stored on-site and the public streets need to be kept free and clear of construction debris. [COA] [PUBLIC WORKS]

EP-39. CITY STREET TREES:

The developer shall install required street trees along the project frontage as follows: Moffett Park Drive - Platanus Racemosa, California Sycamore. Street trees and frontage landscaping shall be included in the detailed landscape and irrigation plan subject to review and approval by the Department of Public Works prior to issuance of encroachment permit. New street trees shall be 24-inch box size or 15 gallon size. The city tree spacing should be approximately 35 feet apart. A continuous root barrier shall be installed along the parkstrip area. No trees are to be planted within 10' of a sanitary sewer lateral and within any existing or proposed Public Utility Easement. [SDR] [PUBLIC WORKS]

EP-40. PROTECTION OF EXISTING TREES:

No utility trench shall be allowed within 15' radius of an existing mature tree. Boring, air spade or other excavation method as approved

by the City Arborist shall be considered to protect existing mature tree. Consult with the City Arborist prior to adjusting locations of utility lines. [SDR] [PUBLIC WORKS]

EP-41. DAMAGE TO EXISTING PUBLIC IMPROVEMENTS:

Developer shall be responsible to rectify any damage to the existing public improvements fronting and adjacent to the project site as a result of project construction, to City's satisfaction by the Public Works Department. All existing streetlight conduits, streetlight wires, and streetlight pull boxes shall be protected in place during construction. Any damaged streetlight conduits, streetlight wires, and streetlight pull boxes shall be replaced within 7 days at the expense of the developer. [COA] [PUBLIC WORKS]

EP-42. MAINTENANCE AGREEMENT:

Prior to encroachment permit issuance, developer shall execute a Maintenance Agreement for perpetual maintenance of the passenger loading area concrete located in any public right-of-way or within an easement for public use purpose as referenced herein. The subject Maintenance Agreement shall be recorded prior to first building occupancy. [COA] [PUBLIC WORKS]

EP-43. RESERVATION/ABANDONMENT OF EASEMENTS:

Reservation of new and/or abandonment of existing public/private utility easement(s), ingress/egress easement(s) necessary for the project site shall be recorded with a separate instrument, unless otherwise approved by the Department of Public Works. Quitclaim deed is required for abandonment of private easements. All easements shall be kept open and free from buildings and structures of any kind except those appurtenances associated with the defined easements. [COA] [PUBLIC WORKS]

EP-44. RECORD DRAWINGS:

Stamped and signed hard copy record drawings of the off-site improvements (including off-site street, sewer, water, storm drain and landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. In addition, streetlight record drawings shall be in AutoCAD format & GIS format. Developer shall pay the record drawing fee. [COA] [PUBLIC WORKS]

EP-45. PUBLIC WORKS DEVELOPMENT FEES:

Developer shall pay all applicable Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees, off-site improvement plan check and inspection fees, prior to map recordation or any permit issuance, whichever occurs first. The exact fee amount shall be determined based upon the fee rate at the time of fee payment. [COA] [PUBLIC WORKS]

- EP-46. IMPROVEMENT AGREEMENT AND IMPROVEMENT SECURITIES:
Developer shall execute an Improvement Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to any permit issuance. [COA] [PUBLIC WORKS]
- EP-47. OFF-SITE IMPROVEMENT COST ESTIMATE:
Provide an itemized engineer's estimate for all off-site public improvements for the entire project. [COA] [PUBLIC WORKS]

PF: THE FOLLOWING CONDITIONS SHALL BE ADDRESSED ON THE CONSTRUCTION PLANS AND/OR SHALL BE MET PRIOR TO RELEASE OF UTILITIES OR ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

- PF-1. LANDSCAPING AND IRRIGATION:
All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]
- PF-2. PARKING LOT STRIPING:
All parking lot striping, carpool and compact spaces shall be striped as per the approved plans and Public Works standards. [COA] [PLANNING/ENGINEERING]
- PF-3. VERIFICATION OF GREEN BUILDING MEASURES:
Prior to any nonresidential building occupancy, the applicant shall provide documentation from the project's LEED AP confirming the project has been built to achieve the minimum points required and that the project should be eligible to be certified by the U.S. Green Building Council (USGBC) at the approved LEED level. [COA] [PLANNING] [BUILDING]
- PF-4. COMPLETION OF PUBLIC IMPROVEMENTS:
Developer shall complete all required public improvements in accordance with City approved plans, prior to any building occupancy. [COA] [PUBLIC WORKS]
- PF-25. RECLAIMED WATER:
The use of reclaimed water requires a Recycled Water Permit from the City. Contact Environmental Services Department/Water Operations at 408-730-7561 for further information. [SDR] [PUBLIC WORKS]

DC: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES DURING THE CONSTRUCTION PHASE OF THE PROJECT.

- DC-1. BLUEPRINT FOR A CLEAN BAY:
The project shall be in compliance with stormwater best management practices for general construction activity until the project is completed and either final occupancy has been granted. [SDR] [PLANNING]
- DC-2. TREE PROTECTION:
All tree protection shall be maintained, as indicated in the tree protection plan, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]
- DC-3. CLIMATE ACTION PLAN – OFF ROAD EQUIPMENT REQUIREMENT:
OR 2.1: Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]), or less. Clear signage will be provided at all access points to remind construction workers of idling restrictions.
OR 2.2: Construction equipment must be maintained per manufacturer’s specifications.
OR 2.3: Planning and Building staff will work with project applicants to limit GHG emissions from construction equipment by selecting one of the following measures, at a minimum, as appropriate to the construction project:
- a) Substitute electrified or hybrid equipment for diesel- and gasoline-powered equipment where practical.
 - b) Use alternatively fueled construction equipment on-site, where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane, or biodiesel.
 - c) Avoid the use of on-site generators by connecting to grid electricity or utilizing solar-powered equipment.
 - d) Limit heavy-duty equipment idling time to a period of 3 minutes or less, exceeding CARB regulation minimum requirements of 5 minutes. [COA] [PLANNING]
- DC-4. DUST CONTROL:
At all times, the Bay Area Air Quality Management District’s CEQA Guidelines and “Basic Construction Mitigation Measures Recommended for All Proposed Projects”, shall be implemented. [COA] [PLANNING]

AT: THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH AT ALL TIMES THAT THE USE PERMITTED BY THIS PLANNING APPLICATION OCCUPIES THE PREMISES.

- AT-1. RECYCLING AND SOLID WASTE:
All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]
- AT-2. EXTERIOR EQUIPMENT:
All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-3. SIDEWALK CONNECTION TO ADJACENT PROPERTY:
The project proposes new sidewalk along Moffett Park Drive; however, no sidewalk exists on the adjacent property located to the east at 1213 Innsbruck Drive. As it would be unusual to have a partial sidewalk, the property owner shall landscape the area as an interim measure until such time that a sidewalk is proposed for the adjacent property. At such time, the property owner shall work with the adjacent property owner to ensure sidewalk connection between the two properties is designed and constructed to meet applicable requirements and ensure public safety. [COA] [PLANNING]
- AT-4. LANDSCAPE MAINTENANCE:
All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices. [COA] [PLANNING]
- AT-5. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all employee, customer, and compact spaces. This shall be specified on the Building Permit plans and completed prior to occupancy.
 - b) Maintain all parking lot striping and marking.
 - c) Assure that adequate lighting is available in parking lots to keep them safe and desirable for the use.
 - d) Require signs to direct vehicles to additional parking spaces on-site, as needed.
 - e) Clearly mark all compact spaces as per approved plans.
- [COA] [PLANNING]

AT-6. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):

The property owner shall create and implement a TDM Plan to include an interim, initial and long-term Trip Reduction Program. The goal of the TDM program is for the project to meet the trip reduction goals set for in GC-6 and the TDM plan shall:

- a) Be approved by the Director or Community Development and Director of Public Works, or their designees.
- b) Include statements of the number of allowable average daily and peak hour trips for the appropriate scenario (i.e. interim, initial or long-term);
- c) Include a completed TDM Form for each of the scenarios (i.e. interim, initial and long-term).
- d) Include an annual monitoring requirement based on actual driveway counts by a city administered consultant, funded by the property owner;
- e) Include a penalty for non-compliance with the targeted reductions. Said penalty shall comply with SMC 10.60.030, Administrative Penalties, the City's TDM Program Guidelines, and based on the latest adopted Master Fee Schedule.
- f) Revise the TDM Plan to include additional or modified TDM measures, subject to the same approvals, if targeted reductions are not met.
- g) The developer shall explore the use of a private shuttle service for the project or participate in a similar program as administered by the Transportation Management Association (TMA).

[COA] [PLANNING/TRANSPORTATION]

AT-7. TRANSPORTATION DEMAND MANAGEMENT (TDM) ANNUAL MONITORING

The project shall be subject to requirements set per SMC 10.60 Transportation Demand Management, and the City's TDM Program Guidelines. The property owner shall notify the City when the site has reached 75% occupancy, at that point, the City will start the monitoring process. If the project does not meet the trip reduction goals, the project shall be pay a non-compliance penalty per SMC 10.60.030 Administrative Penalties, the City's TDM Program Guidelines, and based on the latest adopted Master Fee Schedule.

The project is expected to generate 3,187 daily trips, 447 AM and 423 PM peak hour trips based on the estimated Institute of Transportation Engineers (ITE) Trip Generation Handbook [11th] Edition, Land Use Code 710 General Office Building. The interim Trip Reduction Program shall result in a reduction of at least: 25% total average daily trips and 30% for both AM and PM peak hour trips. Following the formation of the Transportation Management Association (TMA), the

initial Trip Reduction Program shall result in a reduction of at least 50% peak hour trips and the long-term Trip Reduction Program shall result in a reduction of at least 65% peak hour trips as required in the 2023 Moffett Park Specific Plan.

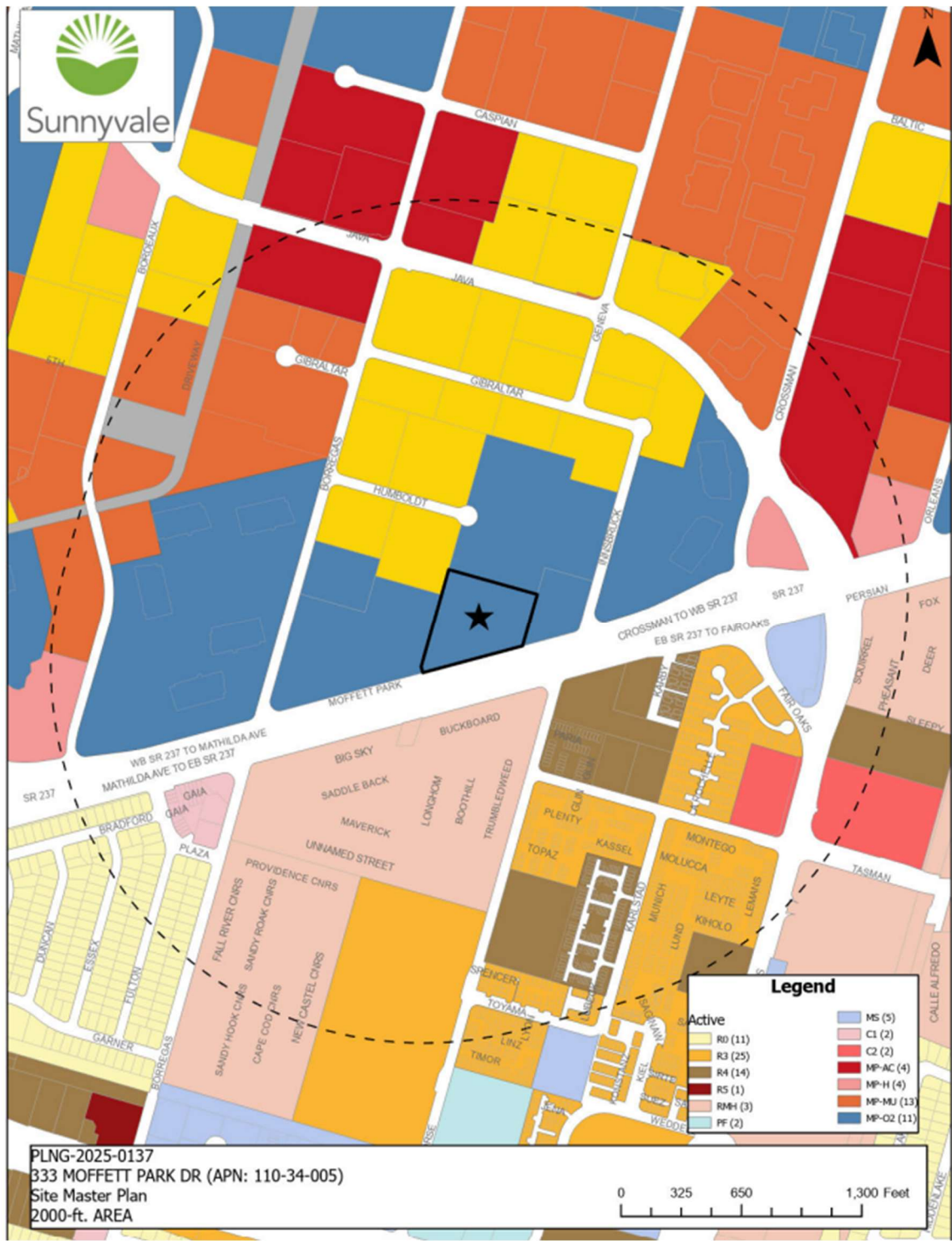
This project shall not generate more than 2,390 daily trips, 313 AM and 296 PM peak hour trips during the interim trip reduction period; 224 AM and 212 PM peak hour trips during the initial trip reduction period; 157 AM and 149 PM peak hour trips during the long-term trip reduction period. These trips are calculated from the estimated total trips based on the ITE Trip Generation Handbook (not including trip reduction credits or credits for previous uses).(COA) [PUBLIC WORKS]

AT-8. TENANT LEASE AGREEMENTS:

Any new lease agreements shall include the following provisions:

- a) Tenants shall be notified of their responsibility and shall agree to implement and manage the approved Transportation Demand Management Program.
 - b) Tenants shall be notified of their responsibility and shall agree to construct all tenant improvements to meet a minimum of LEED Gold standard (with efforts to achieve LEED Platinum standards) and maintain facilities consistent with LEED Gold standards (or LEED Platinum if feasible) and USGBC certification. [COA] [PLANNING]
-

SITE AND VICINITY MAP



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Moffett Park Specific Plan (So Ja Neighborhood)	Moffett Park Specific Plan (So Ja Neighborhood)	Moffett Park Specific Plan (So Ja Neighborhood)
Zoning District	MP-O2	MP-O2	MP-O2
Lot Size (s.f.)	217,798 SF	217,798 SF	N/A
Gross Floor Area (s.f.)	89,142 SF	294,027 SF	435,596 SF
Lot Coverage	29,650 SF or 13.61%	95,831 SF or 43.9%	152,458 SF or 70% max.
Floor Area Ratio (FAR%)	41%	1.35%	2.0 max
No. of Buildings On-Site	2	2	NA
Distance Between Buildings	97.5'	98' between buildings on podium	N/A.
Building Height	30'	85'	145' max.
No. of Stories	2	6	N/A max.
Setbacks			
Front	93'	24'-32' (from PSWE)	10' min. 40' max
Side (left facing property)	38'	10-14' (from PSWE)	10' min. 40' max
Side (right facing property)	80'	43'-47"	N/A
Rear	73'	58'	N/A
Total Landscaping (s.f.)	N/A	43,559 SF	43,559 SF
% Based on Parking Lot	N/A	20%	20%
Parking Lot Area Shading	NA	podium	50% min. in 15 years
Water Conserving plants	NA	80%	70%
Parking			
Total Spaces	338	Public 218/ Private 582	Public 294/ Private 588
Standard Spaces	327	Public 36/ Private 120	Public 44 /Private 120
Covered Spaces	0	Public 208/ Private 568	N/A
Accessible Spaces	11	Public 5/Private 8	Public 4/Private 6
Carpool Spaces	0	Public 18/Private 47	5%
Aisle Width (ft)	20-26' varies	24'	24'
Bicycle Parking (Class 1/Class 2)	N/A	Class 1-152/ Class 2-38	Class 1-147/ Class 2-37
Impervious (sq.ft)	168,618	168,189	N/A
Impervious (%)	77.4%	77.2%	N/A

★ Starred items indicate deviations from Sunnyvale Municipal Code requirement



Environmental Checklist for Streamlined Review

This environmental checklist document has been prepared for streamlined review of the proposed project, pursuant to California Public Resources Code Sections 21083 and California Environmental Quality Act (CEQA) Guidelines Sections 15162, 15168, 15182, and 15183.

Project Name:	333-385 Moffett Park Drive Project
File Number:	PLNG-2025-0137
Assessor's Parcel Number(s):	110-34-005
Site Address/Location:	333-385 Moffett Park Drive
Applicant/Property Owner:	Ellis Partners

Determination: The proposed uses and density on the project site are consistent with the adopted 2023 Moffett Park Specific Plan and included as part of the analysis in the certified 2023 Moffett Park Specific Plan Final Environmental Impact Report (FEIR) (SCH# 2021080338). The analysis in this Environmental Checklist concludes that the proposed project would not trigger any of the criteria in CEQA Guidelines Sections 15162, 15168, 15182, and 15183 requiring preparation of a subsequent Negative Declaration or Environmental Impact Report and no additional environmental review is required.

Lead Agency Contact: Margaret Netto, Principal Planner, mnetto@sunnyvale.ca.gov

Date: October 2025



City of Sunnyvale

Table of Contents

Section 1.0 Introduction	5
1.1 Moffett Park Specific Plan and Environmental Review	5
1.2 Streamlined Environmental Review	7
Section 2.0 Project Information	8
2.1 Project Location and Existing Setting	8
2.2 Specific Plan Zoning Designation and Consistency.....	8
2.3 Project-Related Approvals, Agreements, and Permits	12
Section 3.0 Project Description	13
3.1 Podium and Buildings	13
3.2 Amenity Space and Landscaping.....	17
3.3 Site Access and Parking	17
3.4 Utility and Stormwater Improvements.....	18
3.5 Mechanical Equipment.....	18
3.6 Green Building Measures	19
3.7 Transportation Demand Management Measures.....	19
3.8 Construction Activities.....	19
Section 4.0 Environmental Checklist	21
4.1 Aesthetics.....	24
4.2 Air Quality	31
4.3 Biological Resources.....	45
4.4 Cultural Resources	52
4.5 Energy	56
4.6 Geology and Soils.....	62
4.7 Greenhouse Gas Emissions	69
4.8 Hazards and Hazardous Materials.....	73
4.9 Hydrology and Water Quality.....	83
4.10 Land Use and Planning.....	89
4.11 Noise.....	92
4.12 Population and Housing.....	101
4.13 Public Services.....	103
4.14 Recreation	107

4.15 Transportation	109
4.16 Tribal Cultural Resources	115
4.17 Utilities and Service Systems	118
Section 5.0 References	122
Section 6.0 Lead Agency and Consultants	124
6.1 Lead Agency	124
6.2 Consultants	124
Section 7.0 Acronyms and Abbreviations	125

Figures

Figure 1.1-1: Specific Plan Boundaries	6
Figure 2.1-1: Regional Map	9
Figure 2.1-2: Vicinity Map	10
Figure 2.1-3: Aerial Photograph with Surrounding Uses	11
Figure 3.1-1: Site Plan	14
Figure 3.1-2: Building Elevations (North and South)	15
Figure 3.1-3: Building Elevations (East and West)	16

Photos

Photo 1: View of 333 Moffett Park Drive building frontage from southwest corner of project site, facing north.	25
Photo 2: View of back of 333 Moffett Park Drive building from center of parking lot, facing southeast.	25
Photo 3: View of 375-385 Moffett Park Drive building frontage from center of parking lot, facing north.	26
Photo 4: View of back of 375-385 Moffett Park Drive building from northern end of project site, facing south.	26
Photo 5: View of existing parking lot and Moffett Park Drive ingress/egress driveways, facing south.	27
Photo 7: View of adjacent office building from the northeast corner of the project site, facing north.	28
Photo 8: View of adjacent parking garage from private drive, facing northwest.	28

Tables

Table 4.3-1: Construction Period Emissions.....	35
Table 4.4-1. Project Health Risk Impacts at the Off-Site MEI	40
Table 4.4-2. Health Risk Impacts from Combined Sources at Off-Site MEI	41
Table 4.5-1: Trees on the Project Site	45
Table 4.8-1: Active Faults Near Project Site	62
Table 4.17-1: Transit Routes.....	109
Table 4.17-2: Bicycle Facilities	110

Appendices

Appendix A: Transportation Demand Management Plan
Appendix B: Air Quality and Health Risk Assessment
Appendix C: Arborist Report
Appendix D: Geotechnical Engineering Investigation
Appendix E: Phase I Environmental Site Assessment

All appendices are incorporated herein by reference.

Section 1.0 Introduction

1.1 Moffett Park Specific Plan and Environmental Review

In July 2023, the Sunnyvale City Council adopted an update to the Moffett Park Specific Plan (Specific Plan). Moffett Park is an integral part of Sunnyvale, consisting of approximately 1,270 acres in the northernmost portion of the City. Moffett Park is generally bounded by State Route (SR) 237 to the south; Moffett Federal Airfield and a golf course to the west; San Francisco Bay (Bay), the former/closed Sunnyvale landfill, Sunnyvale Materials Recovery and Transfer (SMaRT) Station®, Donald M. Somers Water Pollution Control Plant (WPCP), WPCP former salt ponds for wastewater treatment, and open-water pond, and Caribbean Drive to the north; and Caribbean Drive, Twin Creeks Sports Complex, and Baylands Park to the east. The boundaries of the Specific Plan are shown on Figure 1.1-1.

Through collaborative input from City Council, Planning Commission, local stakeholders, and the wider Sunnyvale community, a shared vision was created for Moffett Park to be 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 through the implementation of the Specific Plan.

As part of the Specific Plan's approval, the City Council certified the Moffett Park Specific Plan Final Environmental Impact Report (FEIR) (SCH# 202108033), which evaluated the environmental impacts of the comprehensive Specific Plan update. The Specific Plan allows for a net increase of 20,000 residential units, 650,000 square feet of commercial uses,¹ 10.0 million square feet of office/industrial/R&D uses, and 200,000 square feet of institutional uses² beyond what was existing and approved at the time the Notice of Preparation was published on August 18, 2021. Ultimately, the buildout of the Specific Plan would result in a total of 20,000 residential units and approximately 33.5 million square feet of commercial, office/industrial/R&D, and institutional uses in Moffett Park.

¹ The 650,000 square feet of commercial uses include 500,000 square feet of retail uses and 150,000 square feet of hospitality uses.

² Institutional uses could include facilities such as schools, government facilities, and public/community facilities.



SPECIFIC PLAN BOUNDARIES

FIGURE 1.1-1

1.2 Streamlined Environmental Review

The FEIR allows for streamlined environmental review of subsequent development projects consistent with the Specific Plan and analysis in the FEIR. As documented in the analysis in this Environmental Checklist, development of the project site, as proposed, is consistent with the development assumptions for the site in the Specific Plan and evaluated in the FEIR.

CEQA encourages streamlining and tiering of environmental review for subsequent projects consistent with a plan for which environmental review has been completed for, pursuant to California Public Resources Code Section 21083 and CEQA Guidelines Sections 15168, 15182, and 15183. When individual projects or activities under the Specific Plan are proposed, the City examines the projects or activities to determine whether their effects were adequately analyzed in the FEIR, as provided under the aforementioned CEQA Guidelines sections, and confirms whether any of the conditions for subsequent environmental review pursuant to CEQA Guidelines Sections 15162 and/or 15183 have been met.

The analysis in this environmental checklist provides information for the decision-makers and the public regarding the City's evidence and reasoning for determining the project's consistency with the assumptions (including conformance with uniformly applied development policies and standards) in the FEIR and whether there are project-specific significant effects which are peculiar to the project or its site. This Environmental Checklist hereby incorporates, by reference, the FEIR analysis of potential environmental topics, including background information regarding the environmental setting of the project and technical analyses. The FEIR is available for review at the City of Sunnyvale Community Development Department located at 456 West Olive Avenue during normal business hours.

The FEIR is also available for review on the City's website at the following link:

<https://www.sunnyvale.ca.gov/business-and-development/planning-and-building/permit-center/specific-plans>.

Section 2.0 Project Information

2.1 Project Location and Existing Setting

Moffett Park consists of the Posolmi, Onizuka, NoJa, SoJa, Crossman, and Sunrise neighborhoods and the project site is located within the SoJa neighborhood. The SoJa Neighborhood is the largest neighborhood east of Mathilda Avenue and includes the area located south of Java Drive between Mathilda Avenue and Highway 237.

The five-acre project site is comprised of one parcel (Assessor's Parcel Number [APN] 110-34-005) located at 333, 375, and 385 Moffett Park Drive, to the west of Moffett Park Drive and Innsbruck Drive. The site is bordered by Moffett Park Drive to the south, a private drive (which includes an easement allowing access to the project site) to the west, and light industrial uses to the north, west, and east. Residential uses are located south of the project site, across SR 237 and Persian Drive.

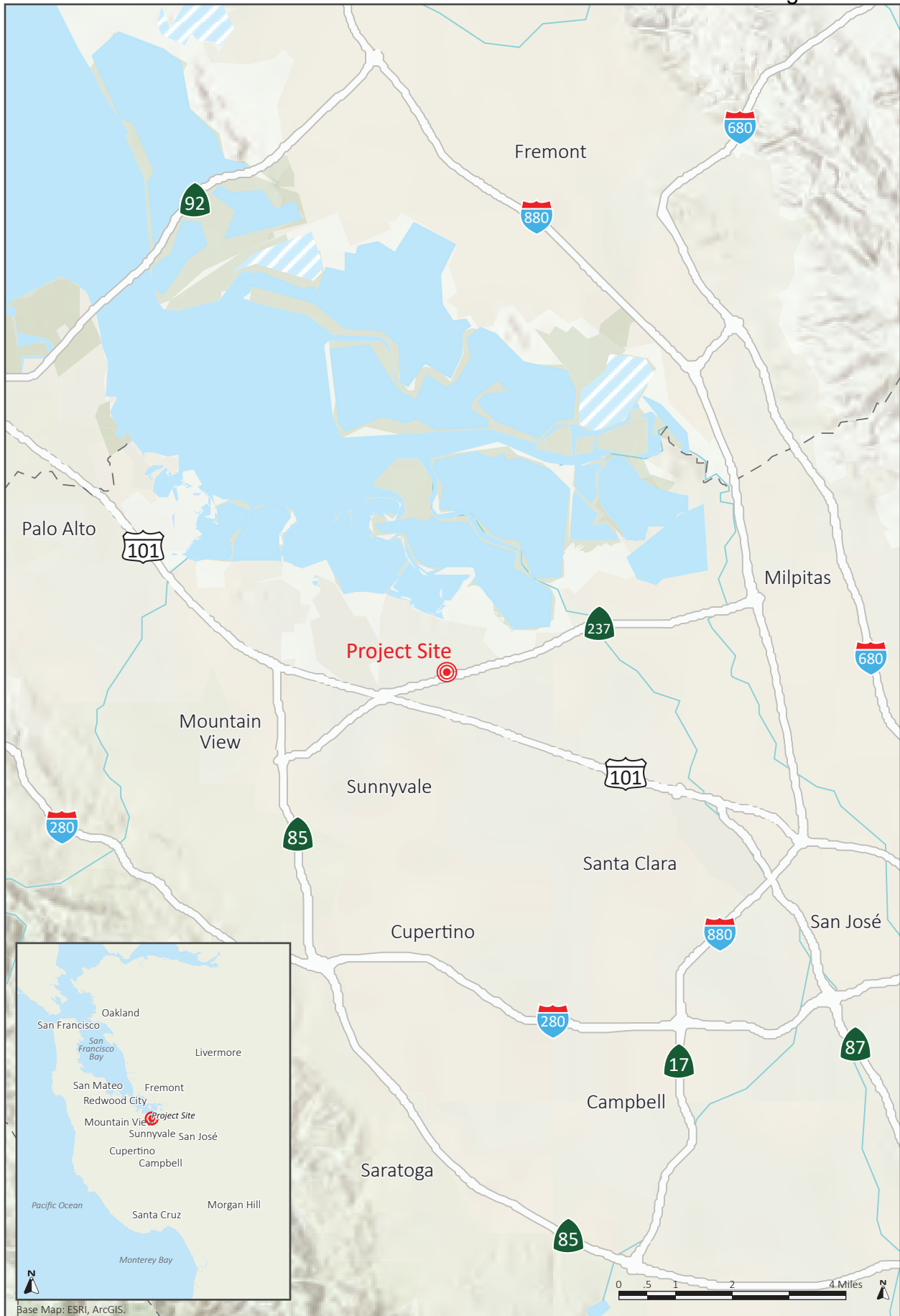
The site is currently developed with a one-story, approximately 10,583 square foot research and development (R&D) building in the southwest corner of the site; a two-story, approximately 79,029 square foot office building in the northern portion of the site; and associated surface parking. Vehicular access to the site is provided from Moffett Park Drive via three driveways and from the private drive via two driveways. The site contains landscaping consisting primarily of trees along the site boundary, building parameters, and parking lot.

A regional and vicinity map are shown on Figure 2.1-1 and Figure 2.1-2, respectively. An aerial photograph with surrounding land uses is shown on Figure 2.1-3.

2.2 Specific Plan Zoning Designation and Consistency

The project site is located within the Moffett Park Specific Plan in the City's General Plan. As noted above, the site is located within the SoJa neighborhood of the Specific Plan area. The site is zoned as MP-O2, which is intended for higher-intensity corporate and professional uses. The MP-O2 district allows for a variety of uses including office, R&D/flex, light industrial, manufacturing, retail, general commercial, restaurants, hospitality, healthcare, and parks and open space.³ The MP-O2 district allows for a floor-area-ratio (FAR) of up to 2.0 and high-quality transit. The project proposes to comply with all applicable Specific Plan requirements and standards.

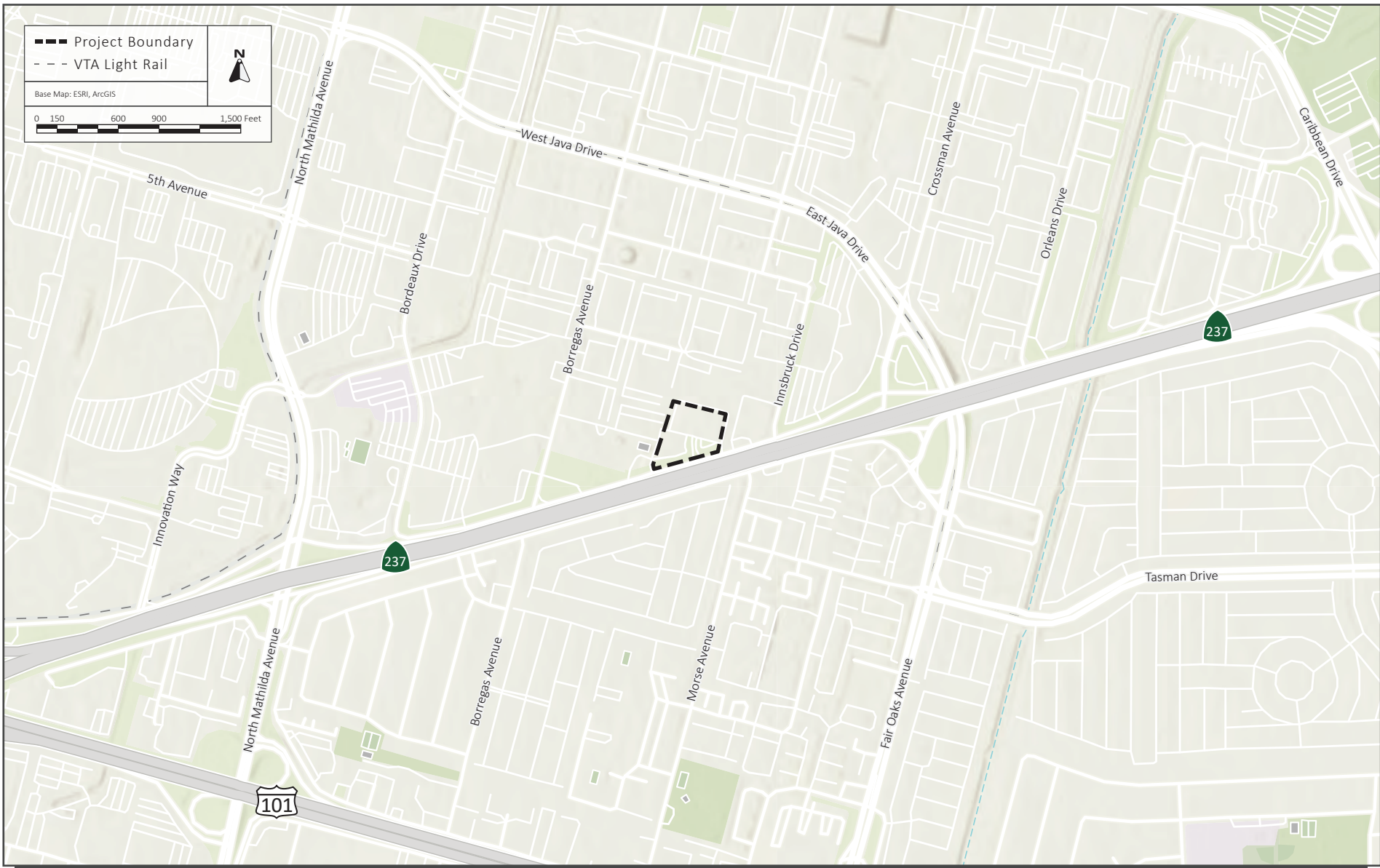
³ City of Sunnyvale. "Code of Ordinances: Chapter 19.29 Moffett Park Specific Plan District." Accessed August 26, 2025. <https://ecode360.com/42730203>.



REGIONAL MAP

FIGURE 2.1-1

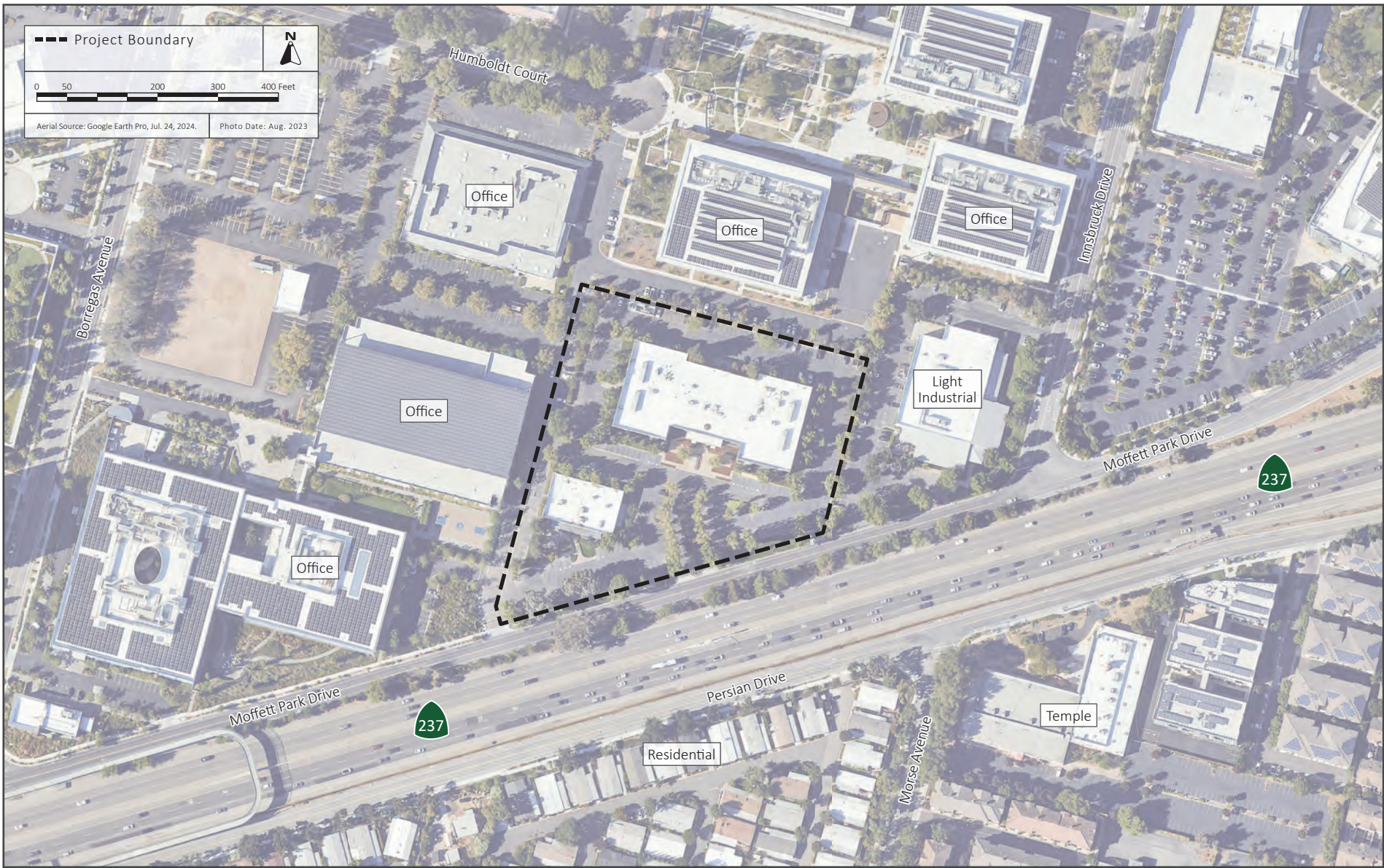
333-385 Moffett Park Drive Project
City of Sunnyvale
10
Compliance Checklist
October 2025



VICINITY MAP

FIGURE 2.1-2

333-385 Moffett Park Drive Project
City of Sunnyvale
11
Compliance Checklist
October 2025



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES

FIGURE 2.1-3

2.3 Project-Related Approvals, Agreements, and Permits

The project would require approval from the Sunnyvale Planning Commission. The project is subject to the City's site-specific design review process and would require the following discretionary actions, in addition to ministerial permits for construction activities:

- Development Agreement
- Site Master Plan
- Moffett Park Specific Plan Development Permit

Section 3.0 Project Description

The project proposes to demolish the existing improvements on-site to construct two, three-story buildings totaling 293,996 square feet on top of a shared, three-story podium. The podium would provide three levels of above-grade parking. The buildings would be for office, R&D, medical clinic⁴ uses with 10,370 square feet reserved as “creation space,” defined in the Specific Plan as “space for production, distribution, repair businesses, art or crafting, clean manufacturing, construction industries, start-up spaces, or spaces for similar uses.” No laboratory uses (including medical clinic laboratories) are proposed as part of the project. The project would result in a FAR of 1.35.

A description of the primary project components (podium and buildings, site access and parking, landscaping and amenity spaces, utility and stormwater improvements, mechanical equipment, green building measures, and construction) is provided below.

3.1 Podium and Buildings

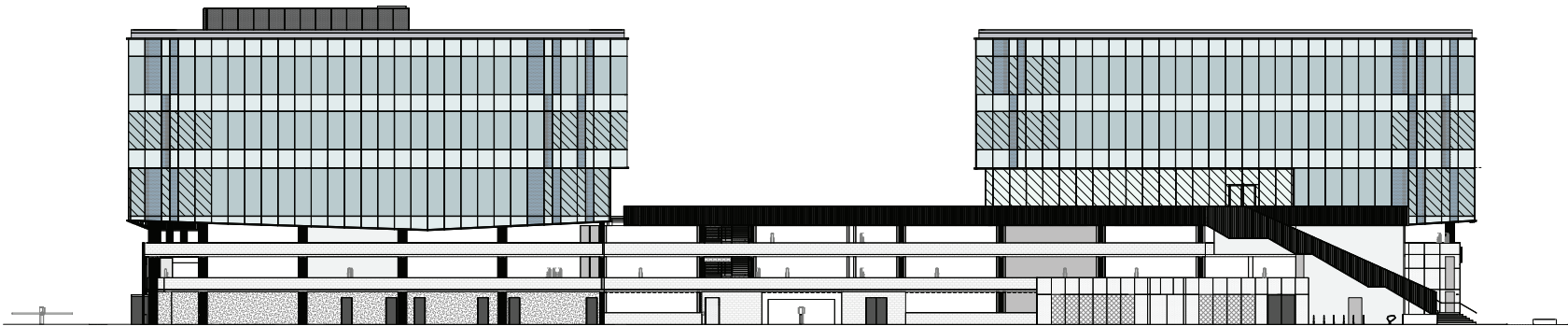
As described above, two buildings would be constructed on top of a shared podium. The podium would provide three levels of above-grade parking and have a maximum height of 32 feet. Each building located above the podium would be three stories tall and have a height of 53 feet to the roof, or 63 feet to the penthouses on either building. Together, the podium and buildings would be six stories tall and have a maximum building height of 85 feet. One building would be located on the west (Building A) and the other would be located on the east (Building B). The buildings would be connected by a podium-level outdoor terrace.

As mentioned above, the buildings would be occupied with office, R&D, and medical clinic uses. The creation space would be located on the ground floor of Building A. The buildings would bracket an approximately 42,296 square foot, outdoor amenity area at the podium level as described in Section 3.1.2 Amenity Space and Landscaping below. A site plan and building elevations are shown on Figures 3.1-1 through 3.1-3.

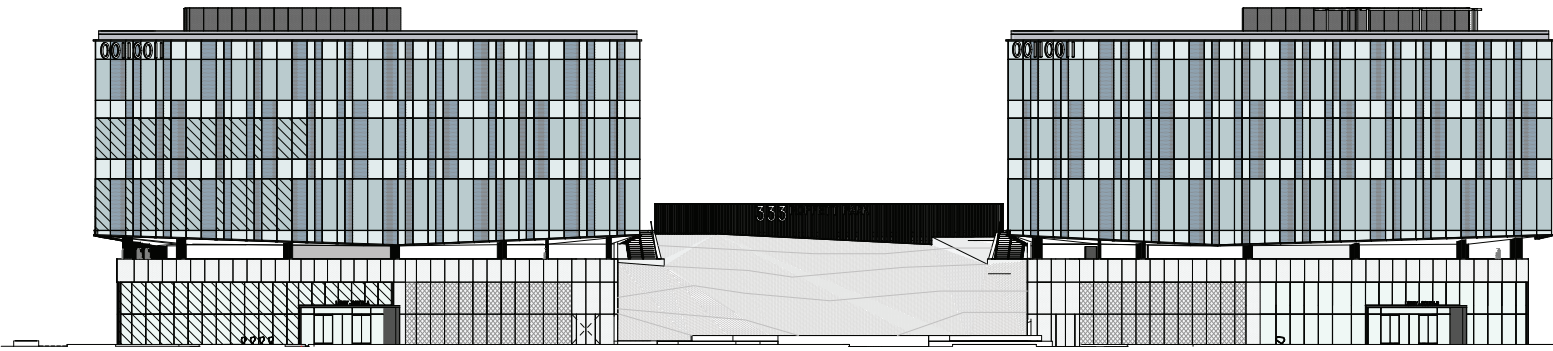
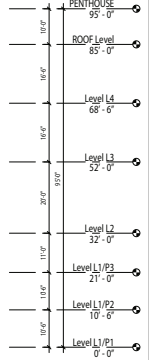
⁴ Per the Sunnyvale Municipal Code (SMC), a medical clinic is allowed in the MP-O2 zoning district through a miscellaneous plan permit. Per the SMC, “‘medical clinic’ is a medical office with ancillary uses, such as laboratories, pharmacies, medical retail or education” and “‘medical office’ means offices of doctors, dentists, chiropractors, physical therapists, athletic trainers, acupuncturists, optometrists and other similar health related occupations, where patients visit on a daily basis.” The project does not propose to include laboratory uses within the medical clinic and would be limited to pharmacies, retail, or education uses.



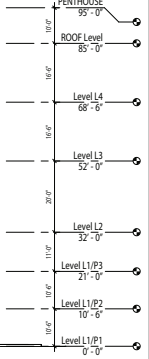
FIGURE 3.1-1



NORTH ELEVATION



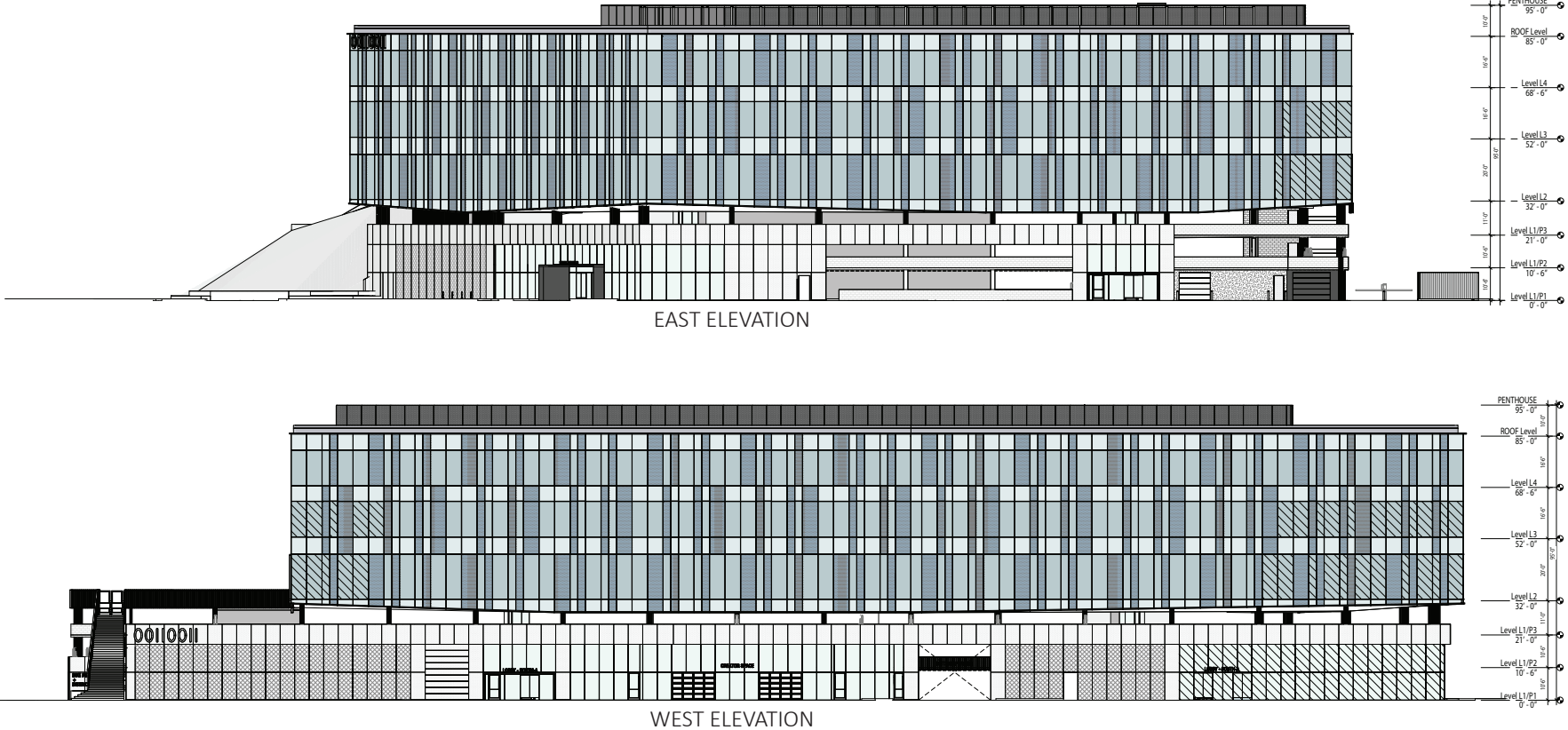
SOUTH ELEVATION



Source: HGA, January 15, 2025.

BUILDING ELEVATIONS (NORTH AND SOUTH)

FIGURE 3.1-2



Source: HGA, January 15, 2025.

BUILDING ELEVATIONS (EAST AND WEST)

FIGURE 3.1-3

3.2 Amenity Space and Landscaping

The above-referenced podium-level outdoor amenity area would include an approximately 24,270 square foot outdoor fitness space and 18,400 square foot amenity terrace. The terrace would include an outdoor kitchen, dining table, several benches and seats, gaming table, amphitheater with seating, and landscaping. Additionally, the amenity area would include an approximately 6,500 square foot pollinator garden. The pollinator garden would be visible from Moffett Park Drive, separated from the amenity space by a slatted wood fence.

The project would include three privately owned and publicly accessible (POPA) spaces totaling approximately 12,119 square feet. The POPAs would be located along Moffett Park Drive and the private drive on the west side of the project site. The POPAs are intended to support the bicycle, pedestrian, and public transit goals of the Specific Plan, and would include amenities such as bike service areas, pedestrian paving, benches, and boulder seating. The project would include a plaza with public art at the southwest corner of the project site, where Moffett Park Drive and the private drive intersect.

The project site contains 151 trees, 63 of which are City-protected trees.⁵ The project applicant would remove 128 trees (including 52 protected trees) and plant 87 new trees, resulting in a total of 110 trees on site with a net loss of 41 trees. New landscaping and trees would be planted around the perimeter of the site.

3.3 Site Access and Parking

Vehicular access to the project site would be provided via three 24-foot driveways. The first driveway would be located in the southeast corner of the site, accessible via Moffett Park Drive, and would lead into a private drive. The second driveway would be located along the west side of the podium, accessible via the private drive, and would provide garage access. The third driveway would be located in the northwest corner of the site, accessible via the private access easement, and would lead into the private drive.

The proposed project would include a total of 800 parking spaces. There would be 218 parking spaces on the ground floor and 582 parking spaces on levels one through three of the podium. The project would provide 565 electric vehicle (EV) spaces and 66 carpool/vanpool spaces.

⁵ The City of Sunnyvale's Municipal Code Section 19.94.050 includes the City's Tree Preservation Ordinance, which requires tree removal permits, and planting of replacement trees at the discretion of the Director of Community Development for any removal of protected trees. SMC Section 19.94.050 defines a protected tree as any tree of significant size. A significant size single-trunk tree is any tree measuring 38 inches or more in circumference when measured at four and one-half feet above the ground surface, or any tree more than 12 inches in diameter.

The project would also include 190 bicycle parking spaces, 152 of which would be Class I (long-term) bicycle parking spaces and 38 of which would be Class II (short-term) parking spaces. The Class I bicycle storage room would be provided in the southwestern corner of the garage under Building A and the Class II spaces would be provided in the northeastern corner of the garage under Building B. Two shower/locker rooms would be provided, one in the garage under Building A and one in the garage under Building B, with a total of 120 lockers and 14 showers for cyclists.

The project would provide a shared pedestrian and cyclist path along Moffett Park Drive and a sidewalk detached from the shared street for vehicles and cyclists along the laneway. The path would also provide access into the ground level POPAs, which include internal pedestrian pathways.

3.4 Utility and Stormwater Improvements

The project would include lateral connections to an existing 12-inch water main in Moffett Park Drive to provide domestic water service and fire water service. In addition, the project would connect irrigation lines to an existing eight-inch recycled water main in Moffett Park Drive. The project would also connect to two existing sanitary sewer manholes in Moffett Park Drive. The project would install two new six-inch sewer laterals that would tie into separate, existing 10-inch sewer mains, one flowing east and the other flowing west in Moffett Park Drive. The project would install two public fire hydrants on Moffett Park Drive and two public hydrants along the laneway.

The project would include drainage and biotreatment areas throughout the site, i.e., in the amenity park space area, around the perimeter of the site, and along sidewalks. Stormwater runoff from the site would be treated in bioretention areas on the ground level and flow through planters on the roof before being directed to the City's stormwater system. The project would also include 15,151 square feet of off-site stormwater.

3.5 Mechanical Equipment

Heating, ventilation, and air conditioning (HVAC) equipment, including condenser units, and approximately 34,500 square feet of solar photovoltaic (PV) arrays (i.e., a solar access roof area as defined by Title 24) would be located on the roofs of Buildings A and B. A fire pump room would be located on the ground floor of the parking garage and would contain one 150-horsepower (hp) fire pump. A transformer/generator enclosure would be located in the northeastern corner of the project site on the ground floor and would contain a 500-kilowatt (kW) generator to serve as emergency backup. The 500-kW generator would be consistent with U.S. EPA Tier 4 standards.

3.6 Green Building Measures

The project applicant proposes to meet the California Building Standards Code (CALGreen) Mandatory Measures and GreenPoint Rated Checklist and achieve at least 90 points and a Build It Green Certification. The project applicant would incorporate green building measures including, but not limited to, the following:

- **Renewable Energy:** The project would install approximately 34,500 square feet of solar access roof area on the roofs of Buildings A and B.
- **Electric Vehicle (EV) Charging:** The project would include 565 EV and EV-ready parking spaces.
- **Resource Efficient Landscaping:** The project would plant drought tolerant and native species for landscaping.
- **Green Roof:** The project would provide approximately 18,600 square feet of vegetation on the roof of the podium.

3.7 Transportation Demand Management Measures

The project applicant proposes to include the following Transportation Demand Management (TDM) measures:

- On-site Transportation Coordinator
- Annual monitoring and reporting program
- Enrollment in the Moffett Park TMA
- TDM marketing materials for employees
- Unbundled parking
- Priority parking for carpools and vanpools
- Bicycle parking and shower and changing facilities
- Bicycle repair station
- Pre-tax transit/vanpool benefits

For details about the proposed TDM measures, refer to Appendix A.

3.8 Construction Activities

Project construction activities would include demolition, site preparation, grading and excavation, building construction, architectural coatings, and paving. The proposed project would be constructed over approximately 26 months in two phases. The podium and Building A would be constructed during phase one, and Building B would be constructed during phase two. Excavation and removal of approximately 15,000 cubic yards of soil would be necessary to accommodate the proposed building foundations,

footings, and utilities. Construction would require excavation at a maximum depth of 10 feet below the ground surface (bgs) at the elevator pits and seven feet bgs elsewhere throughout the site.

Section 4.0 Environmental Checklist

The purpose of the checklist is to evaluate the categories in terms of any “changes” or “new information” that may result in a changed environmental impact evaluation. This Environmental Checklist compares the environmental impacts that would result from the implementation of the proposed project to the impacts previously identified for the site in the FEIR to determine whether the proposed project’s environmental impacts were adequately addressed in the FEIR per CEQA Guidelines Sections 15168, 15182, and 15183.

The FEIR concluded the implementation of the Specific Plan would result in no impacts to agriculture and forestry, mineral resources, or wildfire impacts because:

- No sites in Moffett Park are zoned or used for agricultural use, forest land, or timberland,
- Moffett Park is not in the vicinity of any mineral extraction sites and no known mineral resources are present within Moffett Park, and
- Moffett Park is located in an urbanized location and is not in or adjacent to a fire hazard severity zone or state responsibility areas.

The above conditions have not changed since the certification of the FEIR. Therefore, the project (which is consistent with the Specific Plan and located within Moffett Park) would result in the same impact (i.e., no impact) on agriculture and forestry, mineral resources, or wildfire as disclosed in the FEIR and these resources are not evaluated further.

This section presents a discussion of impacts related to the following environmental resource areas:

3.1 Aesthetics	3.10 Land Use and Planning
3.2 Air Quality	3.11 Noise
3.3 Biological Resources	3.12 Population and Housing
3.4 Cultural Resources	3.13 Public Services
3.5 Energy	3.14 Recreation
3.6 Geology and Soils	3.15 Transportation
3.7 Greenhouse Gas Emissions	3.16 Tribal Cultural Resources
3.8 Hazards and Hazardous Materials	3.17 Utilities and Service Systems
3.9 Hydrology and Water Quality	

The discussion for each environmental resource area listed above includes the following subsections:

- **Environmental Setting** - This subsection 1) provides a brief overview of relevant plans, policies, and regulations that comprise the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** - This subsection provides an analysis of the potential environmental effects of the proposed project. Following the format of CEQA Guidelines Appendix G, the project has been analyzed to determine whether the project would result in the following factors:
 - Pursuant to CEQA Guidelines Section 15162:
 - One or more significant effects not discussed in the previous FEIR;
 - Significant effects previously examined will be substantially more severe than shown in the previous FEIR;
 - Mitigation measures or alternatives previously found no to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - Mitigation measures or alternatives which are considerably different from those analyzed in the previous FEIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
 - Pursuant to CEQA Guidelines Section 15183:
 - A significant impact that is peculiar to the project or the parcel on which the project would be located;
 - A new significant impact that was not previously analyzed as a significant effect in the prior FEIR, with which the project is consistent;
 - A significant off-site impact and cumulative impact which was not discussed in the prior FEIR; or
 - A previously identified significant effect which, as a result of substantial new information which was not known at the time the EIR was certified, is determined to have a more severe adverse impact than discussed in the EIR.

A discussion for each of the checklist questions is provided following the table included for each environmental resource area. The discussion provides information about the environmental issue and what the analysis in the FEIR concluded about the issue, how the project relates to the issue, and the project's compliance with applicable Specific Plan

requirements and policies, other uniformly applied development policies and standards, and/or project-specific mitigation to reduce significant impacts. Pursuant to CEQA Guidelines Section 15162, no subsequent EIR or negative declaration shall be prepared for a project unless the lead agency determines, based on substantial evidence in light of the whole record, one or more of the above listed factors are met Pursuant to CEQA Guidelines Section 15183, where an impact is not peculiar to the project or the parcel, has been addressed as a significant effect in the prior EIRs, or can be substantially mitigated by the imposition of uniformly applied development policies or standards, an additional EIR need not be prepared for the impact. As set forth in more detail below, none of the factors laid out in CEQA Guidelines Sections 15162 or 15183 have been triggered, and no further analysis is required.

As noted in the Section 3.0 Project Description, no laboratory uses (including medical clinic laboratories) are proposed as part of the project. Therefore, laboratory uses are not analyzed in this Environmental Checklist document. If proposed in the future, either as part of the medical clinic or R&D uses, subsequent review for laboratory uses would be required.

4.1 Aesthetics

4.1.1 Environmental Setting

The existing aesthetic setting, including regulatory framework, has not substantially changed since the certification of the Specific Plan FEIR.

The project site is accessed through a driveway via Moffett Park Drive. The ingress and egress routes of the driveway are separated by a planter strip. The larger office building, with the addresses of 375 and 385 Moffett Park Drive, is a rectangular one-story flat-roofed building. The building is beige, with grey accent at the frontage, containing windows all around. The buildings on the project site are surrounded by a ring of surface parking. The 333 Moffett Park Drive building is a smaller, square building with the same architectural style.

Photos of the existing buildings and parking lot are shown on Photos 1 through 4. Photos of surrounding uses are shown on Photos 5 through 8.



Photo 1: View of 333 Moffett Park Drive building frontage from southwest corner of project site, facing north.



Photo 2: View of back of 333 Moffett Park Drive building from center of parking lot, facing southeast.

PHOTOS 1 & 2



Photo 3: View of 375-385 Moffett Park Drive building frontage from center of parking lot, facing north.



Photo 4: View of back of 375-385 Moffett Park Drive building from northern end of project site, facing south.

PHOTOS 3 & 4



Photo 5: View of existing parking lot and Moffett Park Drive ingress/egress driveways, facing south.



Photo 6: View of Moffett Park Drive and State Route 237 from the project site, facing south.

PHOTOS 5 & 6



Photo 7: View of adjacent office building from the northeast corner of the project site, facing north.



Photo 8: View of adjacent parking garage from private drive, facing northwest.

PHOTOS 7 & 8

4.1.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Except as provided in Public Resources Code Section 21099, would the project:					
a) Have a substantial adverse effect on a scenic vista?	LTS	No	No	No	No
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	LTS	No	No	No	No
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? ⁶ If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	LTS	No	No	No	No
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	LTS	No	No	No	No

Note: LTS = less than significant

Pursuant to SB 743, "aesthetic and parking impacts of a residential, mixed-use residential, or employment center on an infill site within a transit priority area (TPA) shall not be considered significant impacts on the environment." The Specific Plan is a mixed-use residential and employment center project in an infill location. The FEIR determined that most of Moffett Park is within a TPA, and that future development projects located within a TPA would have a less than significant impact to aesthetics, whereas future development projects located in the northwestern and eastern portions of Moffett Park (outside of a TPA) would be required to comply with Specific Plan Policy OSE-3.4 and Specific Plan Section 6.6.9 standards pertaining to exterior lighting.

⁶ Public views are those that are experienced from publicly accessible vantage points.

The project site is located within a TPA⁷ and, therefore, pursuant to the FEIR and SB 743, the project would result in a less than significant aesthetics impact. The project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁷ Metropolitan Transportation Commission/Associated of Bay Area Governments. "Transit Priority Areas (2021)." Accessed July 25, 2024. <https://opendata.mtc.ca.gov/datasets/MTC::transit-priority-areas-2021-1/explore?location=37.406385%2C-122.016106%2C15.00>

4.2 Air Quality

This section is based, in part, on a TDM Plan completed by W-Trans in June 2024, and an Air Quality and Health Risk Assessment completed for the project by Illingworth & Rodkin, Inc., in August 2024. The reports are attached as Appendices A and B, respectively.

4.2.1 Environmental Setting

The existing air quality setting, including regulatory framework, has not substantially changed since certification of the FEIR. Since the certification of the FEIR, the Bay Area Air Quality Management District (BAAQMD) changed their name to Bay Area Air District (Air District). References to BAAQMD and the Air District below refer to the same entity.

The closest sensitive receptors to the project site are the worker receptors in the office buildings surrounding the project site, and the single-family residences approximately 300 feet to the south opposite U.S. 101.

4.2.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	SU	No	No	No	No
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	SU	No	No	No	No
c) Expose sensitive receptors to substantial pollutant concentrations?	LTS	No	No	No	No
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	LTS	No	No	No	No

Notes:

LTS = less than significant.

SU = significant unavoidable.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the determinations.

a. The FEIR analyzed the consistency of the Specific Plan and future development under the Specific Plan with the 2017 Clean Air Plan (2017 CAP) using both plan- and project-level thresholds established by the Air District. A project is considered generally consistent with the CAP if it: (1) supports the primary goals of the 2017 CAP; (2) includes relevant control measures; and (3) does not interfere with implementation of CAP control measures. The goals of the 2017 CAP are: 1) protecting public health and 2) protecting the climate. An analysis of the project's consistency with the 2017 CAP goal of protecting the climate is discussed separately in Section 4.7 Greenhouse Gas Emissions.

Plan-Level Consistency

As discussed in the FEIR, the Air District thresholds of significance for protecting public health for land use plans such as the proposed Specific Plan are:

- Consistency with Current Air Quality Plan control measures, and
- Projected VMT or vehicle trip increase is less than or equal to projected population increase.

The FEIR concluded the Specific Plan would be consistent (i.e., result in a less than significant plan-level impact) with the 2017 CAP because the Specific Plan would support and be consistent with 2017 CAP control measures and would increase traffic at a rate less than the increase in service population.⁸

The project is consistent with the findings in the FEIR because, as discussed below, the project would not generate substantial amounts of criteria air pollutant emissions or result in significant health risks. The project is consistent with the findings in the FEIR because the project is considered urban infill and located near bike paths and transit with regional connections. As such, implementation of the project would not inhibit the Air District or partner agencies from continuing progress toward attaining federal and state air quality standards and eliminating health-risk disparities from exposure to air pollution among Bay Area communities, as described within the 2017 Clean Air Plan. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁸ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 65-69.

Project-Level Consistency

The Air District's project-level thresholds of significance for protecting public health pertain to construction and operational criteria air pollutant emissions, fugitive dust, and health risk.

Construction Criteria Pollutant Emissions

The FEIR concluded future development projects would implement Specific Plan Project Requirements 10.3.3-1 and 10.3.3-2, listed below, to reduce construction emissions to less than significant levels:

Requirement	Description
10.3.3-1	<p>BAAQMD Construction Management Practices. All future construction projects under the Specific Plan shall implement the following BAAQMD basic best management practices (BMPs) to reduce diesel particulate matter (DPM) and particulate matter (PM_{2.5} and PM₁₀) emissions during construction:</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples of moisture probe. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour and visible dust extends beyond site boundaries. • Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity. • Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. • The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities in the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. • Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) site accesses to a distance of 100 feet from

Requirement	Description
	<p>public paved roads shall be treated with a six to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site.</p> <ul style="list-style-type: none"> Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
10.3.3-2	<p>Construction and Operations Modeling. If future construction projects do not meet the screening level size identified by the BAAQMD for less than significant construction criteria air pollutant emissions, future construction projects shall estimate construction and operation period emissions using modeling methodologies recommended BAAQMD and approved by the City. Average daily emissions predicted for construction projects shall be estimated and compared against project level thresholds identified in Table 3.3-4 (in the FEIR). Projects that have emissions exceeding the thresholds shall implement appropriate measures to achieve emissions that are below the thresholds, such as the following:</p> <ul style="list-style-type: none"> Use construction equipment that has zero or low diesel particulate matter exhaust and NO_x emissions. Exhaust emission (NO_x and PM) control measures include: <ul style="list-style-type: none"> All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for NO_x and PM (PM₁₀ and PM_{2.5}), if feasible, otherwise, <ul style="list-style-type: none"> If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 2 or 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85-percent reduction in particulate matter exhaust in comparison to uncontrolled equipment; alternatively (or in combination). Use of alternatively fueled equipment with lower NO_x emissions that meet the NO_x and PM reduction requirements above. Special equipment that cannot meet the above requirements must be approved as exempt by the City after considering reasons for requesting an exemption. Use electric equipment such as aerial lifts, air compressors, cement mortar mixers, concrete/industrial saws, cranes, and welders. Diesel engines, whether for off road equipment or on road vehicles, shall not be left idling for more than two minutes, except as provided in exceptions to the applicable state regulations (e.g., traffic conditions, safe operating conditions). The construction sites shall have posted legible and visible signs in designated queuing areas and at the construction site to clearly notify operators of idling limit. Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment. Use of zero emission construction equipment. Use low volatile organic compound or VOC (i.e., reactive organic compounds) coatings, that are below current BAAQMD requirements (i.e., Regulation 8, Rule 3: Architectural Coatings), for at least 80 percent of all residential and non-residential interior paints and 80 percent of exterior paints. This includes all architectural coatings applied during both construction and reapplications throughout the project's operational lifetime. At least 80 percent of coatings applied must meet a "super-compliant" VOC standard of less than 10 grams of VOC per liter of paint. For reapplication of coatings during the project's operational lifetime, the Declaration of Covenants, Conditions, and Restrictions

Requirement	Description
	shall contain a stipulation for low VOC coatings to be used. Examples of “super-compliant” coatings are contained on the South Coast Air Quality Management District’s website.

Because the project includes demolition activities, the project does not meet all the screening criteria outlined by the Air District for less than significant construction criteria air pollutant emissions. In compliance with Specific Plan Requirement 10.3.3-2, the project’s construction criteria air pollutant emissions were modeled and the results are summarized in Table 4.2-1 below (refer to Appendix B for details about the modeling).

Table 4.2-1: Construction Period Emissions

Year	ROG	NOx	PM ₁₀ Exhaust	PM _{2.5} Exhaust
Construction Emissions Per Year (tons)				
2025	0.24	2.19	0.07	0.06
2027 + 2027*	1.89	3.03	0.08	0.07
Average Daily Construction Emissions Per Year (pounds/day)				
2025 (197 construction workdays)	2.45	22.20	0.70	0.63
2026 + 2027* (301 construction workdays)	12.59	20.12	0.52	0.48
Air District thresholds (pounds per day)	54	54	82	54
Exceed Threshold?	No	No	No	No

* Only two months in 2027.

Source: Illingworth & Rodkin, Inc. 333-385 Moffett Park Drive Construction Emissions and Health Risk Assessment. August 23, 2024.

As shown in Table 4.2-1 above, construction activities would temporarily generate fugitive dust in the form of PM₁₀ and PM_{2.5} and would not result in criteria air pollutant emissions above the Air District thresholds of significance. Consistent with guidance from the Air District and the FEIR, the project would comply with Specific Plan Requirement 10.3.3-1 by implementing the Air District’s BMPs to reduce fugitive dust effects to a less than significant level. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Operational Criteria Pollutant Emissions

The FEIR concluded the buildout of the Specific Plan would result in significant and unavoidable operational criteria air pollutant emissions and future development would be required to implement Specific Plan Project Requirement 10.3.3-2 listed above, along with Specific Plan Requirement 10.3.3, Specific Plan Standard 8.2.4.c, and Specific Plan

Policies TDMP-2.1 through -2.5, listed below, to reduce operational emissions to the maximum extent feasible.⁹

Requirement	Description															
10.3.3-3	<p>Generator Emissions. All diesel standby emergency generators powered by diesel fuel shall meet U.S. EPA Tier 4 engine standards.</p> <ul style="list-style-type: none">Future development projects in Moffett Park that include installation of permanent stationary emergency generators shall ensure generators have engines that meet or exceed U.S. EPA Tier 4 standards for particulate matter emissions.															
Standard	Description															
8.2.4.c	<p>New development must meet the following peak hour trip reduction rates through efforts defined in a submitted TDM and through participation in progress of the Moffett Park Transportation Management Association (TMA).</p> <table><tr><th>Land Use</th><th>Initial TDM Peak Hour Reduction Rate</th><th>Long Term TDM Peak Hour Reduction Rate</th></tr><tr><td>Office/R&D</td><td>50%</td><td>65%</td></tr><tr><td>Commercial/Retail</td><td>0%</td><td>10%</td></tr><tr><td>Residential</td><td>15%</td><td>30%</td></tr><tr><td>Other Uses</td><td>50%</td><td>65%</td></tr></table>	Land Use	Initial TDM Peak Hour Reduction Rate	Long Term TDM Peak Hour Reduction Rate	Office/R&D	50%	65%	Commercial/Retail	0%	10%	Residential	15%	30%	Other Uses	50%	65%
Land Use	Initial TDM Peak Hour Reduction Rate	Long Term TDM Peak Hour Reduction Rate														
Office/R&D	50%	65%														
Commercial/Retail	0%	10%														
Residential	15%	30%														
Other Uses	50%	65%														
Policy	Description															
TDMP-2.1	Establish a TMA to oversee mobility improvements, coordinate efforts, and manage a district-wide TDM strategy.															
TDMP-2.2	Ensure new development reduces vehicle trips through a required TDM Plan and TMA membership.															
TDMP-2.3	Establish clear metrics, data points, and processes for applying TDM measures at the site level across Moffett Park.															
TDMP-2.4	Continue to collaborate with Santa Clara Valley Transportation Authority (VTA) to align local development with transit infrastructure improvements.															
TDMP-2.5	Work with TMA to achieve a 50 percent single-occupancy vehicle rate at full buildout.															

The proposed project is consistent with the Specific Plan's land use assumptions/allowed uses for the project site and is, therefore, accounted for in the FEIR analysis. Consistent with Specific Plan Requirement 10.3.3-3, the proposed 500-kW generator would meet U.S. EPA Tier 4 standards.

The Specific Plan established minimum TDM requirements for both residential and non-residential projects. Non-residential projects over 5,000 square feet are required to provide TDM program elements at a minimum, with additional measures included if the

⁹ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 73-78.

minimum elements do not meet the 50 percent single-occupancy vehicle (SOV) goal. Consistent with Specific Plan Standard 8.2.4.c, a TDM plan was prepared for the proposed project. As mentioned in Section 3.0 Project Description, the plan includes the following minimum required and project-specific TDM measures:

- On-site Transportation Coordinator (minimum required)
- Annual monitoring and reporting program (minimum required)
- Enrollment in the Moffett Park TMA (minimum required)
- TDM marketing materials for employees (project-specific)
- Unbundled parking (minimum required)
- Priority parking for carpools and vanpools (minimum required)
- Bicycle parking and shower and changing facilities (minimum required)
- Bicycle repair station (project-specific)
- Pre-tax transit/vanpool benefits (project-specific)

Implementation of the TDM measures would result in a trip reduction consistent with the requirements of Specific Plan Standard 8.2.4.c. Refer to Appendix A for more details about the trip reduction calculations.

The City (rather than specific development projects) is responsible for complying with Specific Plan Policies TDMP-2.1 through TDMP-2.5. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Health Effects Associated with Significant Operational Emissions

The FEIR disclosed that buildout of the Specific Plan would result in a reduction in operational NO_x emissions, resulting in a less than significant impact from NO_x to public health, but would increase ROG emissions to levels above the Air District's threshold of 10 tons per day. Through a comparison of project emissions to Bay Area air basin emissions, the FEIR concluded the Specific Plan's operational emissions would only constitute 0.25 percent of the regional inventory for ROG. The FEIR, therefore, concluded buildout of the Specific Plan would result in a less than significant impact with regards to health effects from NO_x and ROG.¹⁰

The proposed project is consistent with the Specific Plan and included in the FEIR analysis. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

¹⁰ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 77-78.

Construction and Operational Health Risks

The FEIR concluded that future development under the Specific Plan would result in less than significant impacts to construction and operational health risk. The project's consistency with the FEIR analysis and conclusion is discussed in detail under checklist question c below).

Incorporation and Implementation of Relevant Control Measures

The FEIR concluded that future development under the Specific Plan would support and be consistent with the 2017 CAP control measures to reduce automobile trips, conserve energy, and conserve water.¹¹

As discussed in Section 2.0 Project , the proposed project would include EV infrastructure, solar panels, drought tolerant landscaping, and a green roof. The project would meet the CALGreen Mandatory Measures and GreenPoint Rated Checklist and achieve at least 90 points and a BIG Certification. For these reasons, the project would be consistent with the 2017 CAP control measures, consistent with the findings of the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. A discussion of the project's cumulatively considerable net increase in criteria pollutants for which the project region is non-attainment under is discussed above under a) and concluded to not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. Buildout of the Specific Plan would introduce new sources of toxic air contaminants (TACs) during construction (i.e., on-site construction activity and truck hauling emissions) and operation (i.e., mobile sources and stationary sources). Construction and operational health risk impacts are discussed below.

Construction Health Risks

The FEIR concluded buildout of the Specific Plan would not expose sensitive receptors to substantial pollutant concentrations (i.e., result in a less than significant impact) because future development projects located within 1,000 feet of existing or planned sensitive receptors would be required to implement Specific Plan Project Requirement 10.3.3-4 below to reduce construction TACs and particulate matter (PM_{2.5}) emissions during construction below Air District thresholds of significance.¹²

¹¹ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 66-68.

¹² Ibid., pages 79-81.

Requirement	Description
10.3.3-4	<p>Health Risk Assessment. Future development proposed within 1,000 feet of existing or planned sensitive receptors as defined by the BAAQMD (e.g., residences, schools) shall prepare a site-specific construction and operational health risk assessment (HRA) pursuant to the BAAQMD CEQA Air Quality Guidelines. If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for adjacent receptors would be less than the BAAQMD project-level and cumulative thresholds, then no further study or measures are required. If the HRA demonstrates the health risks would exceed BAAQMD project-level thresholds or the project results in a considerable contribution to a significant cumulative health risk impact, additional feasible on- and off-site mitigation shall be analyzed to reduce risks to a less than significant level. Measures to avoid and/or reduce significant construction health risk impacts, could include the following:</p> <ul style="list-style-type: none"> • Use Tier 4 engines for all off-road equipment greater than 25 horsepower (hp) and operating for more than 20 total hours over the entire duration of construction activities. • Use diesel trucks with 2010 or later compliant model year engines during construction. • Use renewable diesel during construction. • Use low-VOC coatings during construction. • Implement fugitive dust best management practices and if necessary, enhanced measures recommended by BAAQMD. • Use portable electrical equipment where commercially available and practicable to complete construction. Construction contractors shall utilize electrical grid power instead of diesel generators when (1) grid power is available at the construction site; (2) when construction of temporary power lines are not necessary in order to provide power to portions of the site distant from existing utility lines; (3) when use of portable extension lines is practicable given construction safety and operational limitations; and (4) when use of electrical grid power does not compromise construction schedules. • Phase construction appropriate to lower the intensity of emissions at any one location with sensitive receptors. • Provide enhanced air filtration for sensitive receptors adversely affected by project emissions.

Consistent with Specific Plan Project Requirement 10.3.3-4, the project's construction risk impacts were assessed by predicting increased lifetime cancer risk, increased annual PM_{2.5} concentrations, and computing the Hazard Index (HI) for non-cancer health risks. The modeled maximum annual DPM and PM_{2.5} concentrations were identified at nearby sensitive receptors to find the maximally exposed individual (MEI). The MEI was identified as a single-family residence south of the construction site opposite U.S. 101. Project risk impacts to the MEI are summarized in Table 4.2-2 below. Refer to Appendix B for details about the health risk modeling.

Table 4.2-2. Project Health Risk Impacts at the Off-Site MEI

Source	Cancer Risk (per million)	Annual PM_{2.5} (ug/m³)	Hazard Index
Project Construction (Years 0-2)			
Uncontrolled	30.20	0.15	0.02
With controls*	2.21	0.07	<0.02
Project Operation (Years 2-30)			
Generator	0.55	-	<0.01
Total Maximum Project Impact (Years 0-30)			
Uncontrolled	30.75	0.15	0.02
With controls*	2.76	0.07	<0.01
Air District Single-Source Threshold	>10.0	>0.3	>1.0
Exceed Threshold?	No	No	No
* Controls refer to measures to control dust and exhaust during construction (i.e., Specific Plan Requirement 10.3.3-1).			
Source: Illingworth & Rodkin, Inc. 333-385 Moffett Park Drive Construction Emissions and Health Risk Assessment. August 23, 2024. Page 21.			

As shown in Table 4.2-2, project construction would exceed Air District thresholds for cancer risk if dust and exhaust controls are not implemented. With implementation of Specific Plan Requirement 10.3.3-1, the cancer risk would be reduced to below the Air District threshold by minimizing dust and exhaust during construction.

Consistent with Specific Plan Project Requirement 10.3.3-4, the project's cumulative health risks were also assessed by analyzing the substantial sources of TACs, located within 1,000 feet of the project site, that could affect sensitive receptors. Sources typically include rail lines, highways, busy surface streets, and stationary sources identified by the Air District. Three stationary sources of TACs were identified with the potential to affect the project MEI. Cumulative impacts are summarized in Table 4.2-3 below. Refer to Appendix B for details about the cumulative screening and health risk calculations.

Table 4.2-3. Health Risk Impacts from Combined Sources at Off-Site MEI

Source	Cancer Risk (per million)	Annual PM _{2.5} (ug/m ³)	Hazard Index
Project Impacts			
Uncontrolled	30.75	0.15	0.02
With controls*	2.76	0.07	<0.01
<i>Air District Single-Source Threshold</i>	<i>>10.0</i>	<i>>0.3</i>	<i>>1.0</i>
Exceed Threshold?	No	No	No
Cumulative Impacts			
SR 237	2.07	0.11	<0.01
Google LLC, MEI at 620 feet	0.32	<0.01	-
220 Humboldt Court, MEI at 790 feet	0.73	<0.01	-
Google, MEI at 1,000 feet	0.34	-	-
Cumulative Totals			
Uncontrolled	34.21	<0.28	<0.03
With controls*	6.22	<0.20	<0.02
<i>Air District Cumulative Sources Threshold</i>	<i>>100</i>	<i>>0.8</i>	<i>>10.0</i>
Exceed Threshold?	No	No	No
<p>* Controls refer to measures to control dust and exhaust during construction, and use of construction equipment with Tier 4 Final engines plus electric cranes as controls (i.e., Specific Plan Requirements 10.3.3-1 and 10.3.3-4).</p> <p>Source: Illingworth & Rodkin, Inc. 333-385 Moffett Park Drive Construction Emissions and Health Risk Assessment. August 23, 2024. Page 24.</p>			

As shown in Table 4.2-3, project construction would exceed Air District single-source thresholds for cancer risk if controls are not implemented. To reduce levels below the thresholds, the following specific measures contained in Specific Plan Requirements 10.3.3-1 and 10.3.3-4 would be implemented:

- All construction equipment larger than 25 hp used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 final emission standards for PM₁₀ and PM_{2.5}, if feasible, and
- Electric powered building cranes.
- Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel PM emissions by 70 percent or greater. Elements of the plan could include a combination of the following measures:

- Installation of electric power lines during early construction phases to avoid use of diesel portable equipment,
- Use of electrically-powered equipment,
- Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
- Change in construction build-out plans to lengthen phases, and
- Implementation of different building techniques that result in less diesel equipment usage.

Such a construction operations plan would be subject to review by an air quality expert and approved by the City prior to construction.

With the above requirements implemented, the project's construction cancer risk levels would be reduced below Air District single-source or cumulative thresholds. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Operational Health Risks

Traffic Emissions

The FEIR concluded buildout of the Specific Plan would have a less than significant operational health risk impact from traffic emissions because the operational traffic sources would not result in exceedances to the Air District single-source or cumulative source significance thresholds for cancer risk, annual PM_{2.5}, or hazard index.¹³

Since the proposed project is consistent with the assumptions of the FEIR, traffic emissions associated with project trips were analyzed and accounted for in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Emergency Generators

The FEIR concluded buildout of the Specific Plan would have a less than significant operational health risk impact from stationary equipment, i.e., emergency generators, because future development would comply with Specific Plan Requirements 10.3.3-3, which would ensure future generators have engines that meet or exceed U.S. EPA Tier 4 standards for PM emissions. Additionally, any proposed diesel engines would be subject to CARB's Stationary Diesel Airborne Toxic Controls Measure (ATCM) and require permits from the Air District, which would ensure Best Available Control Technology for Toxics requirements are implemented to limit DPM emissions.

¹³ Ibid., pages 81-82.

The project includes one emergency generator that would be located in its own enclosure in the northeast corner of the project site. The generator would provide up to 500-kW powered by a 670 hp diesel-powered engine. The generator would comply with CARB's ATCM and Air District permits. Sources of air pollutant emissions complying with applicable Air District regulations are not considered to have a significant air quality health risk impact. Consistent with Specific Plan Project Requirement 10.3.3-4, the project's operational health risk impacts from the proposed generator were assessed due to the project's proximity to sensitive receptors. As shown in Table 4.2-1, the generator would not exceed Air District thresholds. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

d. The FEIR concluded buildout of the Specific Plan would have a less than significant odor impact because construction-related odorous emissions would be temporary and the future residential, office, retail, hotel, and institutional uses would not generate substantial operational odors.¹⁴ The FEIR concluded that future industrial and R&D projects could generate substantial odors that would be reduced to less than significant levels through implementation of Specific Plan Project Requirement 10.3.3-5 below.

Requirement	Description
10.3.3-5	<p>Odor Control Plan. Future projects that would generate odors shall develop an odor control plan that addresses plant design to control odors, operating and maintenance procedures to prevent odors, and an action plan to respond to upset conditions that could cause odors and measures to respond to odor complaints. The odor control plan shall describe the design elements and BMPs built into the facility that include:</p> <ul style="list-style-type: none"> • Ventilation of the system using carbon absorption, biofiltration, ammonia scrubbers, or other effective means to treat exhausted air from the enclosed facility; • Odor proofing of refuse containers used to store and transport any odorous materials (e.g., biosolids); and • Injection of chemicals to control odorous compounds (e.g., hydrogen sulfide). • The plan shall describe procedures to address upset conditions caused by equipment failures, power outages, flow control, or treatment issues. A publicly visible sign with the telephone number and person to contact regarding odor complaints shall be posted. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. A log of odor complaints and procedures implemented to respond to complaints shall be maintained and provided to the City upon request.

Construction of the proposed project would not result in significant construction-related odorous emissions because the emissions would be temporary and diffusive. The proposed project includes R&D uses which, as discussed in the FEIR, have the potential

¹⁴ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 82-85.

to generate substantial operational odors. Consistent with Specific Plan Requirement 10.3.3-5, the project applicant would develop an odor control plan that contains maintenance procedures for adequate ventilation and odor-proofing, as well as an action plan to quickly and efficiently address any odor complaints. The tenant of the proposed creation space is unknown at this time; if it is a user that would generate odors, it would also comply with Specific Plan Requirement 10.3.3-5. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

4.3 Biological Resources

This section is based, in part, on an Arborist Report prepared by the project by HortScience | Bartlett Consulting in June 2024. The report is attached as Appendix C.

4.3.1 Environmental Setting

The existing biological resources setting, including regulatory framework, has not substantially changed since certification of the FEIR. However, since the certification of the FEIR, on October 10, 2024, the California Fish and Game Commission accepted a petition to list western burrowing owl under the California Endangered Species Act and designated the species as a candidate species. A decision by the California Department of Fish and Wildlife (CDFW) on whether to list this species is expected in 2026.

The project site is within an urban area and provides habitat and foraging opportunities for urban-adapted birds. No rare, threatened, endangered, or special-status species are known to inhabit the site. The primary biological resources on-site are trees, which are summarized in Table 4.3-1. The nearest waterways to the site are the Sunnyvale West Channel (1,600 feet northwest) and Sunnyvale East Channel (2,800 feet northeast).

Table 4.3-1: Trees on the Project Site

Species (Common Name)	Number of Protected Trees	Total Number of Trees
European white birch	0	21
Camphor	0	4
Silver dollar gum	3	3
Raywood ash	9	11
Evergreen ash	5	5
Crape myrtle	0	1
Sweetgum	29	71
Olive	1	2
Canary Island pine	1	3
Aleppo pine	1	1
Chinese pistache	1	5
London plane	2	4
Fremont cottonwood	0	2
Lombardy poplar	2	2
Purpleleaf plum	0	7
Coast redwood	9	9
Total	63	151

4.3.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	LTS	No	No	No	No
a) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	LTS	No	No	No	No
b) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	LTS	No	No	No	No
c) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	LTS	No	No	No	No

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
d) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	LTS	No	No	No	No
e) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded buildout of the Specific Plan would have a less than significant impact on special-status species because Moffett Park is mostly developed, and future development projects located in the undeveloped, northwestern corner of Moffett Park would comply with Specific Plan Project Requirements 10.3.5-1 through 10.3.5-9 to reduce impacts to special status plants (i.e., alkali milk-vetch and Congdon's tarplant), special status animals (i.e., burrowing owls, bumble bees, steelhead, western pond turtle, roosting bats, salt-marsh harvest mouse, San Francisco Dusky-Footed woodrat, and migratory nesting birds and raptors).¹⁵

Due to the project site's existing, developed condition (i.e., lack of on-site ruderal and riparian habitats) and location in the southern, developed portion of Moffet Park, the project is not subject to Specific Plan Requirements 10.3.5-1, 10.3.5-2, 10.3.5-3, 10.3.5-4, 10.3.5-5, 10.3.5-7, or 10.3.5-8 (which are required for development in the northwestern corner of Moffett Park or for development proximate to wetlands).

The following Specific Plan Requirements are applicable to the project.

Requirement	Description
10.3.5-6	Roosting Bat Assessment. A bat assessment shall be completed by a qualified biologist and submitted to the City for approval, no more than 30 days prior to removal of trees or buildings. If a non-breeding bat colony is found, or if the tree

¹⁵ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 109-118.

Requirement	Description
10.3.5-9	<p>supports suitable roosting habitat that cannot be fully visibly surveyed (such as peeling bark or cavities in trees, especially high up in trees), the individuals shall be humanely evicted via two-step removal as directed by a qualified biologist to ensure no harm or “take” would occur to any bats as a result of demolition activities. Two-step removal shall occur during the volant seasons in fair weather and outside of the maternity season for bats (March 1 to April 15 or September 1 to October 15). Two-step removal consists of one day of disturbance and removing portions of buildings or trees, as directed by a qualified biologist, followed by the removal of that building or tree the following day; the goal is to disturb the bats and render the trees and structures unsuitable for them. This passive effort allows bats using these structures or trees to nocturnally relocate to a suitable nearby roost. Measures would not be required for the loss of roosting or foraging habitat for bats, as such habitat is abundantly available regionally.</p>
	<p>If a breeding colony is observed, two-step removal shall not occur until breeding season is over (September 1) or until all young are independent of their parents. An appropriate buffer, as determined by a qualified biologist, based on the site conditions and location of the maternity colony would be established. This buffer may be up to 350 feet, depending on site-specific conditions, and shall remain until breeding season is over (September 1) or until all young are independent of their parents.</p>
	<p>A report shall be submitted to the City summarizing the results of the survey, any buffer zones, and measures to prevent impacts to roosting bats.</p>
	<p>Construction During Migratory Bird and Raptor Nesting Season. To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code shall be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.</p>
	<p>If initial site disturbance activities, including tree, shrub, or vegetation removal, are to occur during the bird breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting migratory birds and raptors. The survey for nesting migratory birds shall cover the project site itself and the immediate vicinity of the site, with the survey for nesting raptors encompassing the site and surrounding lands within 250 feet, where accessible. The survey shall occur within seven days prior to the onset of ground disturbance.</p>
	<p>If active nests are detected, appropriate construction-free buffers shall be established. The buffer sizes shall be determined by the project biologist based on species, topography, and type of activity occurring in the vicinity of the nest. Typical buffers are 25 to 50 feet for passerines and up to 250 feet for raptors. The project buffer shall be monitored periodically by the project biologist to ensure compliance. After the nesting is completed, as determined by the biologist, the buffer shall no longer be required.</p>
	<p>A report shall be submitted to the City summarizing the results of the survey, identifies any buffer zones, and outlines measures implemented to prevent impacts to nesting birds.</p>

As mentioned above, the project site is developed and does not contain any sensitive habitat. The project site contains two buildings, 151 trees, and vegetation that could provide foraging and nesting opportunities for a variety of bird species. The proposed project would remove 128 trees, including 52 protected trees. As discussed in the FEIR, given the lack of sensitive habitat on the project site, impacts to roosting bats and migratory nesting birds and raptors would be less than significant.

Consistent with the FEIR, the project would comply with Specific Plan Requirements 10.3.5-6 and 10.3.5-9 requiring preconstruction surveys for roosting bat assessments, and migratory bird and raptor. For these reasons, the project would result in the same impact as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would have a less than significant impact on riparian habitat and other sensitive natural communities because future development projects would comply with Specific Plan Project Requirement 10.3.5-10 and design standards in Chapter 6 of the Specific Plan to protect sensitive habitat (including riparian and wetland habitats) within the Ecological Combining District (ECD).^{16,17}

In addition, the FEIR disclosed that future development adjacent to riparian habitat or waterways would also be subject to the Guidelines and Standards for Land Use Near Streams, Sunnyvale Municipal Code (SMC) Chapter 19.81 Streamside Development Review, and Water Resources Protection Ordinance, as applicable.

The project site is developed and does not contain sensitive habitat, nor is it located within 250 feet of riparian areas or within (or near) the ECD. Therefore, Specific Plan Requirement 10.3.5-10, Chapter 6 design standards to protect sensitive habitat within the ECD, and the other aforementioned regulations are not applicable to the project and the project would not have an impact on sensitive habitat (including riparian habitat). The project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. The FEIR concluded buildout of the Specific Plan would have a less than significant impact on wetlands because future development containing a wetland or potential wetland would comply with Specific Plan Project Requirement 10.3.5-10 and 10.3.5-11 , and the statewide National Pollutant Discharge Elimination System (NPDES) Construction General Permit to reduce runoff and pollution in runoff from construction activities (which

¹⁶ The Specific Plan established an ECD in the northwest corner of Moffett Park for the purpose of expanding and enhancing the ecological value of existing and potential wetlands.

¹⁷ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 118-119.

includes preparation of a NOI and Stormwater Pollution Prevention Plan [SWPPP], and implementation of stormwater control BMPs).¹⁸

The project is developed and does not contain any wetlands, nor is it within 250 feet of a riparian area. For these reasons, Specific Plan Requirements 10.3.5-10 and 10.3.5-11 are not applicable to the project site and the project would not have an impact on wetlands. As discussed further in Section 4.9 Hydrology and Water Quality, the project would comply with the NPDES General Construction Permit, SWPPP, Provision C.3 of the MRP, and SMC requirements pertaining to water quality and would implement stormwater control BMPs. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

d. The FEIR disclosed how Moffett Park does not support a major terrestrial or aquatic wildlife movement corridor and how the compliance of future development with Specific Plan Project Requirements 10.3.5-2 through 10.3.5-8 mentioned under checklist question a) above would reduce impacts to the movement of special status species (i.e., Crotch bumble bee, western bumble bee, steelhead, western pond turtle, burrowing owl, saltmarsh common yellowthroat, salt-marsh harvest mouse, Townsend's big-eared bat, pallid bat, and San Francisco dusky-footed woodrat) to a less than significant level. The FEIR concluded buildout of the Specific Plan would have a less than significant impact on avian movement because future development projects would comply with Specific Plan Chapter 5 standards and guidelines pertaining to the movement of resident and migratory birds through Moffett Park; Specific Plan Policy OSE-3.4 regarding integrating dark sky policies into site lighting; and Specific Plan Section 6.6.9 standards requiring compliance with the International Dark-Sky Association's Backlight-Uplight-Glare rating system, automatic shutoffs for unnecessary lighting from 10 PM to sunrise, and other requirements.¹⁹

As discussed in the discussion under checklist question a) above, the project would not impact the Crotch bumble bee, western bumble bee, steelhead, western pond turtle, burrowing owl, saltmarsh common yellowthroat, salt-marsh harvest mouse, Townsend's big-eared bat, pallid bat, or San Francisco dusky-footed woodrat. Therefore, Specific Plan Requirements 10.3.5-2 through 10.3.5-8 are not applicable. Further, the project would comply with Specific Plan Policy OSE-3.4 and Specific Plan Section 6.6.9 standards by installing lights that are backlit or uplit and have automatic dimmers and shutoffs in order. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

e. The FEIR concluded buildout of the Specific Plan would comply (i.e., have a less than significant impact) with local policies or ordinances protecting biological resources.

¹⁸ Ibid., pages 119-121.

¹⁹ Ibid., pages 121-123.

Future development adjacent to waterways would comply with the Water Resources Protective Collaborative's Guidelines, Standards for Land Use Near Streams and SMC Chapter 19.81 Streamside Development Review, and Valley Water's Water Resources Protection Ordinance. Future development would also comply with SMC Section 19.94 to protect trees.²⁰

The project is not adjacent to waterways. As such, the project would comply with SMC Section 19.94 pertaining to tree removal and protection. As discussed in Section 2.0 Project , the project would remove 128 trees (including 52 protected trees) of the 151 existing trees. The project would obtain tree removal permits and plant 87 replacement trees on-site (primarily around the perimeter of the proposed buildings) consistent with SMC Section 19.94. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

f. The FEIR disclosed how Moffett Park is not located within a local, regional, or state habitat conservation plan and, while Moffett Park is not within the main Santa Clara Valley Habitat Plan (Habitat Plan) boundary, future development impacting burrowing owls would comply with Specific Plan Project Requirement 10.3.5-2 requiring collaboration with the Habitat Plan because the Habitat Plan mitigates for burrowing owls within an extended burrowing owl conservation boundary outside of the main Habitat Plan boundary.²¹ For this reason, the FEIR concluded the Specific Plan would not conflict with the Habitat Plan and result in a less than significant impact.²²

As discussed under checklist question a), the project site does not contain ruderal habitat and would not impact burrowing owls. For this reason, Specific Plan Requirement 10.3.5-2 is not applicable to the project. The project would not be inconsistent with the Habitat Plan or any other habitat conservation plan. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

²⁰ Ibid., page 123.

²¹ Ibid., pages 123-124.

²² Ibid.

4.4 Cultural Resources

The following discussion is based, in part, on an Archaeological Sensitivity Assessment prepared for the project by Archaeological/Historical Consultants in August 2024. This report is confidential and is on file with the Sunnyvale Community Development Department.

4.4.1 Environmental Setting

The existing cultural resources setting, including regulatory framework, has not substantially changed since certification of the FEIR.

Historic Resources

The types of cultural resources that meet the definition of historical resources under CEQA generally consist of districts, sites, buildings, structures, and objects that are significant for their traditional, cultural, and/or historical associations. The project site was historically a meadow, then used as agricultural land from the 1920s through 1980s. The existing buildings were constructed in 1985. The existing buildings are 40 years old. They are not listed in the City's Heritage Resources Inventory (HRI) as properties with architectural or historic significance, nor are they eligible for the National Register of Historic Properties (NRHP) or listed in the Office of Historic Preservation's (OHP's) Built Environmental Resources Directory (BERD).²³

Archaeological Resources

Native American Sensitivity

The project site is located on a Holocene-era alluvial fan deposit within one mile of a tidal marsh. However, the nearest source of fresh water (e.g., Campbell Creek) is over two miles away. There are two known archaeological sites within a quarter mile of the project site. The project site has a moderate sensitivity for buried Native American archaeological deposits.

Historic-Period Sensitivity

The project site was used for agricultural purposes throughout its history and is unlikely to contain buried archaeological deposits. Additionally, the site was not developed with structures until the current buildings were constructed in the mid-1980s. Thus, the project site has a low sensitivity for buried historic-era cultural resources and for historic-era archaeological deposits.

²³ City of Sunnyvale. "Heritage Resources Inventory Update." Accessed August 22, 2024. <https://www.sunnyvale.ca.gov/business-and-development/projects-in-sunnyvale/long-range-planning-initiatives/heritage-resources-inventory-update>.

4.4.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	LTS	No	No	No	No
b) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	LTS	No	No	No	No
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded buildout of the Specific Plan would have a less than significant impact on historic resources because future development would comply with General Plan Policies (including CC-5.1 and CC-5.3) and Specific Plan Project Requirements 10.3.2-1 and 10.3.2-2, which require evaluation of buildings 45 years of age or older, preservation of historic resources, and appropriate treatments to retain the historic integrity (including compliance with the Secretary of Interior's Standards and other regulations).²⁴ If a future project could adversely affect historic resources, supplemental analysis would be required to identify mitigation measures necessary to reduce the impact to a less than significant level.

As discussed in Section 4.4.1 Environmental Setting, the existing buildings on-site are less than 45 years of age (and therefore not subject to evaluation per Specific Plan Requirement 10.3.5-10) and are not listed in the City's HRI. The project site is also not adjacent to a historic resource or historic district. As such, the project does not need to comply with Specific Plan Requirements 10.3.2-1 and 10.3.2-2 and the project would have no impact on historic resources. Therefore, the project would not meet any of the

²⁴ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 133-134.

factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would result in a less than significant impact to archaeological resources because future development would comply with General Plan Policies CC-5.5 and LT-1.10f and Specific Plan Project Requirements 10.3.2-3 through 10.3.2-5, all of which require protection of archaeological resources, monitoring for potential unknown resources during construction, halting construction if a resources is encountered, and implementing appropriate treatment of resources if found.²⁵ The Specific Plan Requirements are listed below.

Requirement	Description
10.3.2-3	Archaeological Literature Review. For any new proposed development or improvements within Moffett Park, an archaeological literature review shall be completed at the Northwest Information Center of the California Historical Resources Information System. If the site, prior to development, contains any visible soils, a field inspection shall also be conducted. Recommendations for additional archaeological efforts beyond these initial studies shall be commensurate with the scale of the project and range of proposed impacts. Development shall include subsurface exploration and monitoring as warranted by a qualified archaeologist.
10.3.2-4	Finding of Archaeological Deposits or Materials. If buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any monitoring work, work within 50 feet of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Construction and potential impacts to the area(s) within a radius determined by the archaeological shall not recommence until the assessment is complete.
10.3.2-5	Finding of Human Remains During Excavation. In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the NAHC immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

Consistent with Specific Plan Requirement 10.3.2-3, an Archaeological Sensitivity Assessment was prepared for the project. As discussed in Section 4.4.1 Environmental Setting, the proposed project is located in an area of moderate sensitivity for Native American archaeological resources and an area of low sensitivity for historic-era archaeological resources. Consistent with Specific Plan Requirement 10.3.2-3, the site-specific Archaeological Sensitivity Assessment identifies the following measure due to the site's sensitivity, which shall be implemented by the project as condition of approval:

²⁵ Ibid., page135.

Condition of Approval:

- Cultural Resources Awareness Training. Prior to issuance of any grading permit, the project applicant shall be responsible for conducting a Cultural Awareness training for construction personnel. The training shall be facilitated by a qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of Sunnyvale and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. Documentation verifying that Cultural Awareness Training has been conducted shall be submitted to the City prior to issuance of any grading permit.

Implementation of the above condition of approval ensures construction crews receive cultural resources training to allow them to better recognize any cultural resources they may encounter. Further, consistent with the FEIR, the proposed project would comply with Specific Plan Requirements 10.2.3-4 and 10.3.2-5 in the event archaeological resources are discovered on-site to protect the resources. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. The FEIR concluded buildout of the Specific Plan would result in a less than significant impact to human remains (if discovered) because future development would comply with Specific Plan Project Requirement 10.3.2-5 above, which requires protection of human remains and proper reinterment.²⁶

Consistent with the FEIR, the proposed project would comply with Specific Plan Requirement 10.3.2-5 in the event human remains are discovered. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

²⁶ Ibid., page 136.

4.5 Energy

4.5.1 Environmental Setting

The existing energy setting, including regulatory framework, has not substantially changed since certification of the FEIR, with the exception of one aspect of the City's Reach Code.

The City's Reach Code contains language prohibiting gas appliances (e.g., cooking range, water heater, space heater, fireplace, etc.) in new construction. However, the enforcement of that requirement is currently suspended due to a recent federal court decision. In addition, the City's Climate Action Playbook was updated in June 2024 to outline strategies to further reduce emissions in the City.

The updated playbook, titled Game Plan 2028, was adopted as a qualified greenhouse gas reduction strategy pursuant to CEQA Guidelines. The updated playbook includes six strategies with "plays" that identify areas for action to reduce GHG emissions (including air pollutant emissions). The following plays are applicable to the proposed project.

Play	Description
Strategy 1: Promoting Clean Electricity	
1.1	Promote 100 percent clean electricity
1.2	Increase local solar photovoltaics
Strategy 2: Decarbonizing Buildings	
2.3	Achieve all-electric new construction
Strategy 4: Managing Resources Sustainably	
4.1	Achieve Zero Waste goals for solid waste
4.3	Enhance natural carbon sequestration capacity

The project site is currently developed with one office building and one R&D building that use energy in the form of electricity and natural gas to operate the buildings, and gasoline as fuel for vehicles traveling to and from the site.

4.5.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	LTS	No	No	No	No
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	LTS	No	No	No	No
c) Result in a substantial increase in demand upon energy resources in relation to projected supplies?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded the implementation of the Specific Plan would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy resources. Separate discussions were provided regarding the construction and operational impacts of the Specific Plan.

Construction

The FEIR concluded that construction of future development allowed under the Specific Plan would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources because:

- Construction processes are generally designed to be efficient,
- Moffett Park is located in an urbanized area proximate to roadways, construction supplies and workers (compared to outlying, undeveloped areas),
- Future development projects would implement Specific Plan Project Requirements 10.3.3-1 and 10.3.3-2 (which are listed in Section 4.2 Air Quality) to reduce the potential for energy waste by unnecessary idling of construction equipment, and

- Future development would comply with CALGreen and City requirements to recycle and/or salvage for reuse a minimum of 65 percent of nonhazardous construction and demolition waste.²⁷

The project is consistent with the FEIR assumptions listed above. There is nothing atypical about the project's construction. The project would implement Specific Plan Project Requirements 10.3.3-1 and 10.3.3-2 and comply with the CALGreen and City construction and demolition waste diversion requirements by diverting 65 percent of nonhazardous waste from landfills. For these reasons, the proposed project would be consistent with the findings of the FEIR and would not result wasteful, inefficient, or unnecessary energy consumption during construction. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

Operation

The FEIR concluded that operation of future development allowed under the Specific Plan would not result in a significant impact due to wasteful, inefficient, or unnecessary consumption of energy or wasteful use of energy resources because:

- The Specific Plan would result in a more efficient operation of uses because it would result in a greater mix of complementary land uses at a higher density,
- At buildout, the Specific Plan would include a robust multi-modal transportation network,
- Future development would implement Specific Plan policies TDMP-2.1 through 2.5 (which are listed in Section 4.2 Air Quality) to reduce gasoline consumption,
- Future development would comply with the City's Green Building Program, Reach Code, Title 24 of the California Building Standards Code (Title 24), and CALGreen requirements to increase energy efficiency, and
- Future development would implement the Specific Plan policies listed below to facilitate energy efficiency.²⁸

Policy	Description
DS-4.1	Decarbonize new developments with low embodied carbon materials, renewable energy generation, and resource efficient design (energy, water, and waste) through development standards and incentives for higher performing new developments.
DS-4.8	Encourage the productive use of roof space for PV, solar thermal, and vegetation.
DS-5.4	Provide the use of vegetation at the site and building level to provide natural shade, reduce energy consumption, reduce reliance on indoor climate control systems, and address urban heat island effects.

²⁷ Ibid., page 144.

²⁸ Ibid., pages 145-146.

Policy	Description
IU-5.1	Prohibit new natural gas services in all buildings and infrastructure to transition to all electric.
IU-5.2	Encourage the installation of solar arrays on roofs, parking lots, and as shade structures paired with battery storage.
IU-5.3	Plan energy systems collaboratively with SVCE, PG&E, property owners, and the City to ensure that Moffett Park maintains affordable, resilient, reliable, and 100 percent renewable energy.
IU-5.4	Increase energy infrastructure to build capacity for Moffett Park, with a clear phasing program.

The proposed project is consistent with the Specific Plan and is, therefore, accounted for in the FEIR analysis. Consistent with the FEIR, the project would comply with the City's Green Building Program; Reach Code; Title 24; CALGreen; and Specific Plan policies TDMP-2.1 through TDMP-2.5, DS-4.1, DS-4.8, DS-5.4, and IU-5.1 through IU-5.4 (listed above) to increase energy efficiency. Specifically, the project proposes to install higher efficiency appliances, lighting, and HVAC systems to reduce energy consumption; solar panels; a green roof; vegetation and landscaping; and EV charging infrastructure. In addition, the project would voluntarily be 100 percent electric.

For these reasons, the proposed project would be consistent with the findings of the FEIR and would not result in wasteful, inefficient, or unnecessary energy consumption during operation. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency because future development would obtain 100 percent GHG-emission free electricity from Silicon Valley Clean Energy (SVCE); meet or exceed state mandated Title 24 energy efficiency, CALGreen, and City Green Building standards by complying with Specific Plan policies DS-4.1, DS-4.8, DS-5.4, and IU-5.1 through IU-5.4 (listed above); and comply with the City's Reach Code requirements and Climate Action Playbook.²⁹

The proposed project would obtain energy from SVCE and comply with Title 24, CALGreen, and City Green Building Standards. As explained in more detail under checklist question a), the project would comply with Specific Plan policies DS-4.1, DS-4.8, DS-5.4, and IU-5.1 through IU-5.4. The project would comply with the Reach Code and voluntarily be 100 percent electric. As mentioned in Section 4.5.1 Environmental Setting, since the certification of the FEIR, the City updated the Climate Action Playbook and adopted the Game Plan 2028. The project would comply with the Game Plan 2028 by providing clean energy through SVCE, installing solar panels, being 100 percent electric, and complying with the City's construction and demolition waste diversion program. For

²⁹ Ibid., page 145.

these reasons, the proposed project would be consistent with the findings of the FEIR and would not conflict with a state or local plan. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

c. The FEIR concluded the Specific Plan's demand on energy resources in relation to projected supplies was less than significant. Separate discussions were provided for electricity, natural gas, and fuel for motor vehicles.

Electricity

The FEIR disclosed how the energy demand from buildout of the Specific Plan would not impact the state's annual energy usage in relation to supply, and how efficiency and production capabilities (such as improving energy efficiency in existing and future buildings, establishing energy efficient targets, inclusion of microgrids and zero-net energy buildings, and integrating renewable technologies) would help meet overall increased electricity demand in the state in the future. For these reasons and the reasons discussed under checklist question a), the FEIR concluded the Specific Plan's electricity usage would not have a substantial effect on the state's electricity supply.³⁰

As discussed under checklist a), the proposed project would be consistent with all the energy efficient regulations and Specific Plan requirements and policies for energy efficiency. The project, therefore, would result in the same impact as disclosed in the FEIR and the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Natural Gas

The FEIR disclosed how natural gas demand in the state is expected to decline due to policies such as SB 100 and local reach code ordinances, which prohibit the use of natural gas infrastructure in new construction. The analysis in the FEIR conservatively assumed all non-residential uses in the Specific Plan would use natural gas, which is only permitted by the Reach Code as exceptions. The FEIR concluded that, compared to the growth trends in natural gas supply and the existing available supply in the state and the conservative amount of natural gas projected to be used at buildout, the Specific Plan would not result in a significant increase in natural gas demand relative to projected supply.³¹

Since the certification of the FEIR, enforcement of the Reach Code's natural gas prohibition is suspended due to a federal court decision. Nevertheless, the project voluntarily proposes to be 100 percent electric and not use natural gas. For this reason, the project is consistent with the findings of the FEIR and would not meet any of the

³⁰ Ibid., page 146.

³¹ Ibid., page 147.

factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Fuel for Motor Vehicles

The FEIR concluded that buildout of the Specific Plan would not result in a significant increase in gasoline demand relative to projected supply given the context of gasoline supply and demand for the State of California, new automobile fuel economy and efficiency standards, the location of Moffett Park in proximity to existing transit services (i.e., Caltrain and VTA bus service), and Specific Plan Policies TDMP-2.1 through -2.5 (which are listed in Section 4.2 Air Quality) that require future development to implement a TDM program.³²

The City (rather than specific development projects) is responsible for complying with Specific Plan Policies TDMP-2.1 through -2.5. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

³² Ibid.

4.6 Geology and Soils

The following discussion is based, in part, on a Geotechnical Investigation prepared for the project by Rockridge Geotechnical in October 2023. A copy of the Geotechnical Investigation is attached as Appendix D.

4.6.1 Environmental Setting

The existing geology and soils setting, including regulatory framework, has not substantially changed since certification of the FEIR.

On-site Geologic Conditions

Topography and Soils

The soils on-site consist of medium stiff to very stiff clay and silty clay with layers of medium dense to very dense sand and silty sand.³³ The soils on-site are highly expansive.³⁴ Expansive soils can change due to seasonal fluctuations in moisture content.

Groundwater

Groundwater at the site ranges between six and 11 feet bgs.³⁵ Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Seismic Hazards

The project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known active faults exist on the project site.³⁶ Active faults near the project site are listed in Table 4.6-1. The nearest active fault to the site is the Monte Vista - Shannon fault.

Table 4.6-1: Active Faults Near Project Site

Fault Segment	Approximate Distance from Site
Monte Vista - Shannon	6.1 miles southwest
Hayward	7.4 northeast
San Andreas	9.9 southwest
Calaveras	11.8 east

³³ Rockridge Geotechnical. *Geotechnical Investigation Proposed Office Development 385 Moffett Park Drive*. October 9, 2023. Page 3.

³⁴ Ibid.

³⁵ Ibid., page 4.

³⁶ Ibid., page 5.

Liquefaction

Liquefaction occurs when water saturated soil loses integrity due to seismic activity. Soils that are most susceptible to liquefaction are loose to moderately dense, saturated granular soils with poor drainage. The project site is located within a liquefaction zone.³⁷ Based on site investigation, several layers of potentially liquefiable material were encountered between depths of five and 18 feet bgs.³⁸ However, the non-liquefiable soil overlying the liquefiable soil layers is sufficiently thick such that the potential for liquefaction-induced ground failure at the ground surface is very low.³⁹

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel. Since the liquefiable soils on-site are not continuous, the potential for lateral spreading is very low.⁴⁰

Landslide

Landslides are natural geologic phenomena that range from slow moving, deep-seated slumps to rapid, shallow debris flows. The project site is not located within a landslide zone.⁴¹ Landslide risk can be exacerbated by development. Since the project area is relatively flat, the probability of landslides occurring at the site during a seismic event is low.

³⁷ California Department of Conservation. "CGS Seismic Hazards Program: Liquefaction Zones." Accessed August 1, 2024. <https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-liquefaction-zones/explore?location=37.534114%2C-122.226939%2C13.33>.

³⁸ Rockridge Geotechnical. *Geotechnical Investigation Proposed Office Development 385 Moffett Park Drive*. October 9, 2023. Page 9.

³⁹ Ibid.

⁴⁰ Ibid.

⁴¹ California Department of Conservation. "CGS Seismic Hazards Program: Landslide Zones." Accessed August 1, 2024. <https://maps-cnra-cadoc.opendata.arcgis.com/maps/08d18656a0194881a7e0f95fde19f08c/explore?location=37.395669%2C-121.928605%2C11.00>.

4.6.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:					
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	LTS	No	No	No	No
– Strong seismic ground shaking?	LTS	No	No	No	No
– Seismic-related ground failure, including liquefaction?	LTS	No	No	No	No
– Landslides?	LTS	No	No	No	No
b) Result in substantial soil erosion or the loss of topsoil?	LTS	No	No	No	No
c) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	LTS	No	No	No	No

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
d) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	LTS	No	No	No	No
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	LTS	No	No	No	No
f) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded buildout of the Specific Plan would result in less than significant impacts with respect to fault ruptures and landslides because there are no mapped faults through Moffett Park, and the risk of seismically induced landsliding is low due to the flat topography of Moffett Park. Further, the FEIR concluded buildout of the Specific Plan would result in a less than significant impact from seismic and seismic-related hazards because future development would comply with the CBC and prepare site-specific geotechnical investigation reports to evaluate seismic and geologic conditions and implement any identified recommendations to avoid/minimize risk due to seismic and seismic-related hazards (including ground shaking and liquefaction) to acceptable levels.⁴²

In conformance with the CBC and consistent with the FEIR, a site-specific Geotechnical Investigation was prepared for the site (which is included in Appendix D) which analyzed subsurface conditions and identified specific recommendations for site preparation and grading, mat foundations, retaining walls, pavement design, pavers, and seismic design. The primary geotechnical issues for the site included relatively high groundwater and presence of highly expansive near-surface soil. Accordingly, the Geotechnical

⁴² City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 156.

Investigation recommendations for the project include dewatering for excavations deeper than five feet bgs; waterproofing elevator pit walls and foundations that would extend below the groundwater table; and minimizing the effects of expansive soil by moisture-conditioning the soil, providing non-expansive fill or lime-treated soil below interior and exterior slabs behind retaining walls, and supporting foundations below the zone of severe moisture change or providing a stiff, shallow foundation that can limit deformation.⁴³ In addition, to minimize risks associated with the potentially liquefiable soils, the Geotechnical Investigation recommended seismic design parameters to account for liquefaction-induced settlement following a major earthquake. For additional details regarding the Geotechnical Investigation recommendations, refer to Appendix D.

Consistent with the Specific Plan FEIR, the project would comply with the CBC and be built in conformance with the recommendations of the Geotechnical Investigation to avoid exposing people or structures to substantial adverse effects due to ground shaking or exacerbate existing geological hazards such that it would impact off-site geological and soil conditions. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would result in a less than significant soil erosion impact because future development would comply with the NPDES General Construction Permit (which includes the implementation of SWPPP and City grading and excavation requirements).⁴⁴

The project site would be excavated to a maximum of 10 feet bgs for the elevator pits and seven feet bgs elsewhere on-site. Any ground disturbance would expose soils and increase the potential for wind- or water-related erosion and sedimentation until project construction is complete. As discussed in Section 4.9 Hydrology and Water Quality, the proposed project would comply with the NPDES General Construction Permit and adhere to the City's grading and excavation requirements by implementing measures during and after construction to ensure that impacts from soil erosion or loss of topsoil are reduced to a less than significant level. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. The FEIR concluded buildout of the Specific Plan would result in less than significant impacts related to liquefaction, lateral spreading, subsidence from groundwater pumping, and collapse because future development would comply with CBC requirements, recommendations in site-specific geotechnical reports, Cal/OSHA Title 8 of the California Code of Regulations and Excavation Rules.⁴⁵

⁴³ Rockridge Geotechnical. *Geotechnical Investigation Proposed Office Development 385 Moffett Park Drive*. October 9, 2023.

⁴⁴ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 157.

⁴⁵ *Ibid.*, pages 157-158.

As discussed under checklist question a), the project would comply with existing regulations (CBC and Cal/OSHA Title 8 of the California Code of Regulations and Excavation Rules) and be built in conformance with the site-specific Geotechnical Investigation prepared for the project. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

d. The FEIR concluded future development would comply with the CBC, prepare site-specific geotechnical reports, and implement identified recommendations for building design and engineering practices to reduce impacts from expansive soils to a less than significant level.⁴⁶

As discussed under checklist question a), the soils on-site are highly expansive. The effects of expansion potential of near-surface soil can be minimized by moisture-conditioning the soils below slabs, providing non-expansive soil below slabs, and by either providing supporting foundations below the area of severe moisture change or providing a stiff, shallow foundation (as recommended in the Geotechnical Investigation, Appendix D). The project would be built in conformance with the recommendations of the Geotechnical Investigation and would comply with the CBC. The project, therefore, would result in the same impact as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

e. The FEIR analysis assumed future development under the Specific Plan would connect to the existing sanitary sewer system and, therefore, septic tanks or alternative wastewater disposal systems would not be required.⁴⁷ The FEIR acknowledged that, in the event private district utilities systems were proposed, a design-level geotechnical report would be required, pursuant to the CBC to ensure on-site soil conditions are adequate.⁴⁸

The proposed project is located in an urbanized area of the City and would connect to the existing sanitary sewer system, and does not require septic tanks or alternative wastewater disposal systems. Therefore, the project would result in the same impact as disclosed in the FEIR and not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

f. The FEIR concluded buildout of the Specific Plan would not impact geological features because there are none located within Moffett Park. As discussed in the FEIR, paleontological resources (if present within Moffett Park) would be found at depths of

⁴⁶ Ibid., page 161.

⁴⁷ Ibid.

⁴⁸ Ibid.

eight feet or greater. The FEIR concluded buildout of the Specific Plan would result in a less than significant impact to paleontological resources through implementation of Specific Plan Project Requirement 10.3.2-6 below, which requires monitoring construction work at depths where paleontological resources could be present (eight feet or greater) and properly protecting, recovering, and documenting resources (if found).⁴⁹

Requirement	Description
10.3.2-6	Fossil Review. Future development projects involving excavation at depths of eight feet or greater, shall retain a qualified paleontologist to inspect cuts more than eight feet deep for fossils at all times during original grading. In the event paleontological resources are discovered, all work within 25 feet of the find shall be halted and a Principal Paleontologist (M.S. or PhD in paleontology or geology familiar with paleontological procedures and techniques) shall evaluate the find and prepare a Paleontological Resource Mitigation (PRM) plan. As part of the PRM plan, discovered fossil(s), along with copies of all pertinent field notes, photos, and maps, shall be deposited in a scientific institution with paleontological collections. A final report documenting any found resources, their recovery, and disposition shall be prepared and filed with the local repository and the City.

The project would excavate at depths below eight feet and, consistent with the FEIR, comply with Specific Plan Requirement 10.3.2-6 to reduce impacts to paleontological resources to a less than significant level. The project, therefore, would result in the same impact as disclosed in the FEIR. The project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁴⁹ Ibid., page 161-162.

4.7 Greenhouse Gas Emissions

4.7.1 Environmental Setting

The existing greenhouse gas (GHG) emissions setting, including regulatory framework, has not substantially changed since certification of the FEIR, with the exception of one aspect of the City’s Reach Code. The City’s Reach Code contains language prohibiting gas appliances (e.g., cooking range, water heater, space heater, fireplace, etc.) in new construction. However, the enforcement of that requirement is currently suspended due to a recent federal court decision. In addition, the City’s Climate Action Playbook was updated in June 2024 to outline strategies to further reduce emissions in the City. The updated playbook, titled Game Plan 2028, was adopted as a qualified greenhouse gas reduction strategy pursuant to CEQA Guidelines. The updated playbook includes six strategies with “plays” that identify areas for action to reduce GHG emissions (including air pollutant emissions). Refer to Section 4.5 Energy for applicable plays.

The existing office and R&D uses on-site generates GHG emissions as a result of energy consumption, vehicle trips to and from the site, solid waste generation, and water usage.

4.7.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	SU	No	No	No	No
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	SU	No	No	No	No
Note: SU = significant unavoidable					

a. The FEIR evaluated the Specific Plan’s impact regarding generation of GHG emissions during construction and operation.

Construction GHG Emissions

The FEIR concluded buildout of the Specific Plan would result in a less than significant impact from construction-related GHG emissions because future development would comply with Specific Plan Project Requirement 10.3.3-2 (which restricts idling of construction equipment and utilize energy-efficient equipment and is described fully in Section 4.2 Air Quality), CALGreen, and the City's construction and demolition waste diversion regulations.⁵⁰

There is nothing atypical about the project's construction. The project would comply with Specific Plan Requirement 10.3.3-2, CALGreen, and the City's construction and demolition waste diversion regulations, to reduce its impacts from construction-related GHG emissions. Therefore, the project would result in the same impact as disclosed in the FEIR and not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Operational GHG Emissions

Plan-Level Impact

Per the Air District, for plans to have a less than significant GHG impact, the plan would need to 1) meet the state's goals to reduce emission 40 percent below 1990 levels by 2030 and carbon neutrality by 2045, or 2) be consistent with a local GHG reduction strategy that meets the criteria under CEQA Guidelines Section 15183.5(b). The FEIR disclosed that, while the buildout of the Specific Plan would result in an increase in GHG emissions compared to existing conditions, the implementation of the Specific Plan would decrease the amount of GHG emissions per capita compared to existing conditions.

Future development projects would implement Specific Plan General Plan Project Requirements 8.3.3-4, 10.4-20, and 10.6 below, comply with Specific Plan Policies TDMP 2.1 through 2.5 (listed in Section 4.2 Air Quality), and comply with the City's Reach Code (which, at the time the FEIR was certified, prohibited the construction of new natural gas infrastructure with exceptions for certain uses) and CALGreen Tier 2 requirements to reduce operational GHG emissions.

Requirement	Description
8.3.3-4	The number, design, and infrastructure for electric vehicle parking shall be provided per Table 15 of the Specific Plan or CALGreen Tier 2, whichever is more stringent.
10.4-20	Develop solid waste minimization programs that include increased rates of recycling, composting of food, and reuse of construction materials.

⁵⁰ Ibid., page 172-175.

Requirement	Description
10.6	Update Specific Plan policies and implementing measures on a regular basis (e.g., every five years) to measure progress and incorporate new measures to progress toward achieving carbon neutrality. Future updates to the Specific Plan would address the goals of new local and state plans (e.g., state's upcoming scoping plan) to achieve GHG emissions reductions as well as new methods to more accurately model GHG emissions and implement innovative measures or project designs.

Because achieving carbon neutrality would require state regulations and solutions that were not known or available at the time of preparation of the FEIR, there was no clear pathway toward achieving carbon neutrality for the Specific Plan. As such, the FEIR conservatively concluded buildout of the Specific Plan would result in a significant and unavoidable plan-level operational GHG impact.⁵¹

The project is consistent with the Specific Plan and would comply with Specific Plan Greenhouse Gas Emission Project Requirement 8.3.3-4. Because Specific Plan Greenhouse Gas Emission Project Requirements 10.4-20 and 10.6 and Specific Plan Policies TDMP 2.1 through 2.5 are to be implemented by the City (rather than a private development project), implementation of those requirements are not applicable to the project. The project would, however, comply with the City's Reach Code and CALGreen Tier 2 requirements and voluntarily be 100 percent electric, the project would result in the same impact as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Project-Level Impact

The FEIR outlined the Air District criteria used to determine whether land use projects would result in significant operational GHG emissions. As discussed in the FEIR, future development projects that: 1) do not include natural gas; 2) are consistent with the VMT impact of the Specific Plan (which would result in VMT 15 percent below the existing, countywide average and/or meet the City's VMT Policy); 3) do not result in wasteful, inefficient or unnecessary energy usage; and provide off-street EV requirements in the most recently adopted version of CALGreen Tier 2 would not result in significant, project-level, operational GHG emissions. The FEIR disclosed, however, that some future non-residential buildings may include natural gas appliances and plumbing in accordance with exceptions in the Reach Code. For this reason, the FEIR conservatively concluded buildout of the Specific Plan would result in a significant and unavoidable project-level operational GHG impact. Mitigation for future development that results in significant, project-level, operational GHG emissions could include purchase of carbon offset credits or compliance with a qualified GHG reduction strategy.⁵²

⁵¹ Ibid., page 175.

⁵² Ibid.

The proposed project would not result in a significant, project-level operational GHG emissions impact because it: 1) would be 100 percent electric and does not propose the use of natural gas; 2) is consistent with the land use and density for the site in Specific Plan and, therefore, would be consistent with the less than significant VMT impact disclosed in the FEIR (as discussed in more detail under checklist question b) in Section 4.15 Transportation); 3) would not result in wasteful, inefficient or unnecessary energy usage (as discussed in more detail under checklist question a) in Section 4.5 Energy); and 4) would provide off-street EV requirements (as discussed in Section 2.0 Project). Therefore, the project would not result in a new or substantially more severe significant impact than disclosed in the FEIR. The project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. As discussed in detail in the FEIR, the buildout of the Specific Plan was concluded to be consistent with Plan Bay Area 2050, CALGreen, Title 24, and the City's Climate Action Playbook. However, the FEIR concluded the Specific Plan would not be consistent with AB 1279 (which codified the statewide goal of carbon neutrality by 2045) or the 2017 CAP. The Specific Plan would conflict with AB 1279 because the Specific Plan did not have a clear path toward achieving carbon neutrality and the Specific Plan would conflict with the 2017 CAP due to a conservative analysis that resulted in significant and unavoidable operational criteria air pollutant emissions.⁵³

As mentioned in Section 4.7.1 Environmental Setting, since the certification of the FEIR, the City updated the Climate Action Playbook and adopted the Game Plan 2028 (refer to Section 4.5 Energy for more details). The proposed project would be consistent with Plan Bay Area 2050, CALGreen, Title 24, the City's Climate Action Playbook, and the City's Game Plan for the same reasons as documented in the FEIR of installing higher efficiency appliances, lighting, and HVAC systems; solar panels; and a green roof. In addition, the project would provide clean energy through SVCE, be 100 percent electric, and comply with the City's construction and demolition waste diversion program. There continues to be no clear pathway to achieve carbon neutrality pursuant to AB 1279 and, as discussed in Section 4.2 Air Quality, the project would result in the same conservative significant and unavoidable operational criteria air pollutant emissions impact as disclosed in the FEIR. For these reasons, the project would result in the same impact as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁵³ Ibid., page 176.

4.8 Hazards and Hazardous Materials

The following discussion is based, in part, on a Phase I Environmental Site Assessment (ESA) prepared for the project by Roux Associates, Inc. in August 2022. A copy of the Phase I ESA is attached as Appendix E.

4.8.1 Environmental Setting

The existing hazards and hazardous materials setting, including regulatory framework, has not substantially changed since certification of the FEIR.

History of the Project Site

A land use history of the project site was compiled based on a review of historical sources including Sanborn fire insurance maps, aerial photographs, City directory listings, and topographic maps. Prior to 1897, the project site was occupied with a residential dwelling in the southwestern corner. By 1939, the dwelling was demolished and replaced by a group of buildings on the eastern portion of the site. The site was used for agriculture/farming beginning in 1939. The group of buildings was demolished by 1968. By the late 1970s, the majority of land in the vicinity of the project site had been developed. By 1994, the site was developed with the existing office and R&D buildings.

On-Site Sources of Contamination

A database records search and site reconnaissance were completed in order to identify recognized environmental conditions (RECs), controlled RECs, and/or historical recognized RECs. RECs are defined as conditions that present past or current threats of the release of hazardous materials or petroleum hydrocarbons to the site's soil, groundwater, or surface water. Based on the site's historic agricultural use, there is potential for pesticides to be found in shallow soils. While the project site has been previously listed on databases, it is not currently listed on any. Further, the project site is not listed on any sites compiled pursuant to Government Code Section 65962.⁵⁴ Refer to Appendix E for additional information (including the results) of the database records search.

Off-Site Sources of Contamination

A database records search was also completed for several nearby off-site properties that could affect the project site. Based on a review of the database search results, no nearby sites would have an effect on the project site given the listing details, remediation, and/or case status (e.g., oversight agency requiring no further action) (refer to Appendix E for additional detail).

⁵⁴ California Environmental Protection Agency. "Cortese List Data Resources." Accessed August 1, 2024. <https://calepa.ca.gov/sitecleanup/corteselist/>

Other Hazards

Airport

The project site is within the AIA for the Moffett Federal Airfield.⁵⁵ However, as shown on Figures 3.9-2 and 3.9-3 of the FEIR, the project site is outside of the 65 CNEL noise contour and CLUP turning safety zone.⁵⁶ Additionally, as shown on Figure 3.9-4 of the FEIR, the project's maximum allowable height is 182 feet above mean sea level (amsl), per Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77).⁵⁷

Wildfire Hazards

The project site is not in or adjacent to a moderate, high, or very high fire hazard severity zone.⁵⁸

4.8.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	LTS	No	No	No	No
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	LTS	No	No	No	No

⁵⁵ Windus, Walter B. *Comprehensive Land Use Plan for Moffett Federal Airfield*. December 2018. Figure 5: 2022 Aircraft Noise Contours with AIA.

⁵⁶ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 185-186.

⁵⁷ Ibid., page 187.

⁵⁸ Cal Fire. Fire Hazard Severity Zone Viewer. Accessed March 26, 2025.
<https://experience.arcgis.com/experience/6a9cb66bb1824cd98756812af41292a0>.

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	LTS	No	No	No	No
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	LTS	No	No	No	No
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	LTS	No	No	No	No
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	LTS	No	No	No	No
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded future development under the Specific Plan would not create a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials by adhering to all federal, state, and local regulations including the Resource Conservation and Recovery Act (RCRA), Toxic Substances Control Act (TSCR), California Code of Federal Regulations (CFR) 49, Title 26 of the CCR, the

City's Hazard Mitigation Plan, City Certified Unified Program Agency (CUPA) programs, and SMC requirements to ensure safe storage, management, and disposal of hazardous materials.⁵⁹

The proposed project would use small amounts of commercially available hazardous materials for cleaning and landscaping maintenance. These small quantities of commercially available hazardous materials would be used, stored, and disposed of in compliance with existing state, local, and federal regulations and would not pose a risk to adjacent land uses. Consistent with the Specific Plan FEIR, hazardous materials removed from the project site during construction would be properly disposed of (refer to the discussion under checklist question b). Therefore, the project would not result in new or substantially more severe significant impacts than disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded the implementation of the Specific Plan would not create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. This conclusion was based on several discussions regarding contaminated groundwater, soil, and soil vapor; asbestos-containing materials, lead-based paints, and polychlorinated biphenyls; and contaminated imported soils.

Contaminated Groundwater, Soil, and Soil Vapor

The FEIR concluded buildout of the Specific Plan would result in a less than significant impact from release of contaminated groundwater, soil, and soil vapor because future development would comply with Specific Plan Hazards and Hazardous Materials Project Requirements 10.3.1-1 through 10.3.1-5 listed below, which require sampling for contaminants, proper handling of hazardous materials contamination, and remediation of contamination under regulatory oversight.^{60, 61} The FEIR analysis assumed sites under regulatory oversight would comply with oversight agency requirements.

Requirement	Description
10.3.1-1	Environmental Site Assessment. For any renovation, modification, or redevelopment of a property within Moffett Park that includes subsurface disturbance and requires City review, a property-specific Phase I Environmental Site Assessment (ESA) shall be completed in accordance with American Society for Testing and Materials (ASTM) Standard Designation E 1527-13 (or the standard that

⁵⁹ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 197.

⁶⁰ Ibid., page 202-203.

⁶¹ The FEIR acknowledges that, if project sites proposed for development have met the Specific Plan requirements through previous environmental work, additional work may not be required unless previously unknown conditions are encountered.

Requirement	Description
	is effective at the time the Phase I ESA is completed) to identify Recognized Environmental Conditions, evaluate the property history, and establish if the property has been or is likely to have environmental impacts. The City or its designated environmental professional shall review the Phase I ESA to determine if additional investigation is required based on currently available information, which may supersede the designated property's risk value.
10.3.1-2	<p>Site Management Plan. At properties with known or suspected minor environmental impacts that can be addressed safely and effectively during subsurface disturbance activities, a Site Management Plan (SMP) shall be prepared prior to development activities to establish management practices for handling contaminated soil, soil vapor, groundwater, or other materials during construction activities. Subsurface sampling shall be compared to then-current DTSC, Water Board, or U.S. EPA screening levels for the proposed land use and background levels to determine if risk is present. The SMP shall also address management of site risks and previously unknown conditions during earthwork activities in areas where impacted soil, soil vapor, and/or groundwater are present or suspected. Recommendations for elements to be included in site-specific Health and Safety Plans (HSPs), to be prepared by individual contractors for their employees' safety based on their work scope, may also be included in the SMP. Worker training requirements and health and safety shall be described in the SMP. The SMP shall be reviewed and approved by a qualified environmental regulatory agency such as California Department of Toxic Substances Control (DTSC), San Francisco Bay Regional Water Quality Control Board (RWQCB), or Santa Clara County Department of Environmental Health (SCCDEH).</p>
10.3.1-3	<p>Phase II Environmental Site Assessment. At properties with known or suspected environmental impacts that require additional investigation prior to subsurface disturbance activities, a Phase II ESA shall be prepared and implemented prior to development activities to determine the nature and extent of impacts. The Phase II ESA shall be reviewed and approved by a qualified environmental regulatory agency such as DTSC, RWQCB, or SCCDEH. Consideration should be given to obtaining approval for an investigation plan from the oversight agency prior to completing the Phase II investigation. The scope of work shall include soil, groundwater, and/or soil vapor sampling in areas of potential concern to evaluate if site-specific measures are needed to protect the health and safety of property occupants and construction workers. For example, for projects located on land historically used for agricultural, weed abatement, or related activities, the potential for elevated levels of organochlorinated pesticides shall be addressed. For projects located within proximity to SR 237, the potential for ADL contamination shall be addressed. Field techniques that may be employed under include but are not limited to:</p> <ul style="list-style-type: none"> • Collecting samples of soil, soil vapor, groundwater, sediment, indoor air, outdoor air, and other media of interest for laboratory analysis; • Drilling using methods such as direct-push, hollow-stem auger, vibrocore, air rotary, and mud rotary; • Trenching, potholing, and excavating; • Constructing temporary or permanent soil vapor or groundwater wells or sampling points; and • Profiling geologic, hydrologic, geophysical, and chemical parameters of the subsurface using invasive and noninvasive tools.
10.3.1-4	<p>Remediation and/or Management Measures. At properties with known environmental impacts that must be addressed to make the property compatible with its future use, appropriate remediation and/or management measures must be</p>

Requirement	Description
	<p>implemented under the oversight and to the satisfaction of a qualified environmental regulatory agency such as DTSC, RWQCB, or SCCDEH. Contaminants are considered adequately remediated if levels are at or below the current DTSC, Water Board, or U.S. EPA cleanup levels or background levels. Remediation techniques may include but are not limited to excavation, extraction, bioremediation, oxidation, reduction, phytoremediation, and thermal treatment. Management measures may include engineering and administrative controls such as but not limited to impermeable surface caps, vapor intrusion mitigation systems, permeable reactive barriers, land use covenants, and deed restrictions. Field techniques that may be employed under include but are not limited to:</p> <ul style="list-style-type: none"> • Excavation, extraction, or removal of impacted material for off-site disposal or temporary on-site storage or treatment; • Ex-situ (i.e., above-ground) treatment of impacted material via physical and/or chemical processing; and • In-situ (i.e., below-ground) treatment of impacted material via intrusive physical and/or chemical processing. <p>These field techniques include those currently known and used (e.g., dig-and-haul, landfarming, groundwater and soil vapor extraction and treatment, subsurface injection, etc.) and those that will become state of the art in the future. Prior to the issuance of building permits, the applicant shall demonstrate that hazardous materials do not exist on the site or that the proposed construction and use of the site are approved by the environmental oversight agency with jurisdiction that meets the requirements of Health and Safety Code Section 101480.</p>
10.3.1-5	<p>Dewatering Management Plan. For future development projects that require dewatering, a Dewatering Management Plan shall be prepared to determine how the dewatering activities will affect local groundwater quality, especially regarding movement of known or interpolated contaminated groundwater plumes. The Dewatering Management Plan also shall include protocols to evaluate extracted water quality and perform proper disposal of the water. Compliance with permitting requirements shall be described if required by the disposal method. The Dewatering Management Plan shall be prepared by a California Certified Hydrogeologist and approved by a qualified environmental regulatory agency such as DTSC, RWQCB, or SCCDEH.</p>

Consistent with Specific Plan Requirement 10.3.1-1, a Phase I ESA was prepared for the site. As discussed in Section 4.8.1 Environmental Setting, there is a potential for pesticides to be found in shallow soils on-site. Thus, consistent with Specific Plan Requirement 10.3.1-3, the project shall prepare a Phase II ESA prior to the start of any construction activities. If the Phase II ESA reveals contamination on-site, the project applicant would comply with Specific Plan Requirement 10.3.1-4 ensuring proper remediation of contaminated soils, soil vapor, or groundwater.

Consistent with Specific Plan Requirement 10.3.1-2, the project shall prepare a SMP identifying management options to reduce impacts to a less than significant level if contaminated soil and/or groundwater are encountered during construction activities. Further, as discussed in Section 4.6 Geology and Soils, since groundwater at the site ranges from six to 11 feet bgs and the project proposes excavation to a maximum depth of 10 feet bgs, dewatering would likely be required during construction. As such, the

project would prepare a dewatering management plan in compliance with Specific Plan Requirement 10.3.1-5.

Through compliance with all applicable Specific Plan Requirements above, the project would not expose construction workers or the environment to significant hazards. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

Asbestos-Containing Materials, Lead-Based Paint, and Polychlorinated Biphenyls

The FEIR concluded buildout of the Specific Plan involving the demolition of buildings constructed prior to 1978 would result in a less than significant impact from release of asbestos-containing materials (ACMs), lead-based paint (LBP), and polychlorinated biphenyls (PCBs) by complying with Specific Plan Project Requirements 10.3.1-6 and 10.3.1-7 (which pertain to ACMs and LBP, respectively) and the Municipal Regional Permit (MRP) Provision C.12.f (which pertains to PCBs). The aforementioned requirements and provision require a survey and proper removal of these hazardous materials.⁶²

The existing buildings on-site were constructed in 1985 and, therefore, do not contain ACMs or LBPs. For this reason, the above Specific Plan Requirements are not applicable to the project. As discussed in more detail under checklist question a) in Section 3.10 Hydrology and Water Quality, given the construction date of the buildings (i.e., post 1980), PCBs are not present on-site and compliance with MRP Provision C.12.f is not applicable to the project. For these reasons, the project would not result in new or substantially more severe significant impacts than disclosed in the FEIR, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Imported Soils

The FEIR concluded buildout of the Specific Plan would result in a less than significant impact from potentially contaminated imported soils because future development projects requiring importation of soil would comply with Specific Plan Project Requirement 10.3.1-8 listed below.⁶³

Requirement	Description
10.3.1-8	Imported Soil Testing. Prior to issuance of building permits, any development project within Moffett Park that includes the importation of soil shall conduct proper sampling to ensure that the imported soil is free of contamination. Imported

⁶² Ibid., page 203-204.

⁶³ Ibid., page 204.

Requirement	Description
	materials shall be characterized according to the DTSC's 2001 Information Advisory Clean Imported Fill Material.

As discussed in Section 2.0 Project , the project would import approximately 15,000 cubic yards of soil on-site. All imported soil would be tested in compliance with Specific Plan Requirement 10.3.1-8. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. At the time the FEIR was certified, no schools with children under the age of 16 were located in or within 0.25 miles of Moffett Park. If a future school is developed within or adjacent to Moffett Park, future development would comply with existing regulations and Specific Plan Project Requirements identified under checklist question b) to reduce hazardous materials impacts, including those to schools, to a less than significant level.⁶⁴

The closest school to the project site is Bishop Elementary School, located approximately 2.5 miles south at 450 North Sunnyvale Avenue.⁶⁵ Similar to other existing residential uses in the area, the proposed project would utilize small quantities of cleaning and maintenance chemicals and would not use or store hazardous materials in sufficient quantities to pose a health risk to nearby schools. Thus, the proposed project would not present a significant risk to nearby schools. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

d. The FEIR concluded that buildout of the Specific Plan involving development of sites included on lists of hazardous materials sites compiled pursuant to Government Code Section 65962 would not create a significant hazard to the public or the environment with the implementation of Specific Plan Project Requirements 10.3.1-1 through 10.3.1-5 identified above under checklist question b).⁶⁶

As discussed in Section 4.8.1 Environmental Setting, the project site is not listed on any sites compiled pursuant to Government Code Section 65962. Therefore, the project would not result in new or substantially more severe significant impacts than disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁶⁴ Ibid.

⁶⁵ Google Maps. "333 Moffett Park Drive to Bishop Elementary School." Accessed August 2, 2024. <https://maps.app.goo.gl/CmsSVGzX4KnYWrs9>.

⁶⁶ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 205.

e. The FEIR disclosed that all of Moffett Park is located within the Moffett Airfield Airport Influence Area (AIA), therefore, all future development is required to be reviewed by the ALUC for compatibility with applicable Moffett Federal Airfield Comprehensive Land Use Plan (CLUP) policies. The FEIR concluded that future development would comply with all applicable CLUP policies (including those pertaining to aircraft noise, the safety of persons on the ground and in aircraft, and the control of objects in navigable airspace) and, therefore, would not result in airport-related safety hazards or excessive noise for people residing or working in the project area.⁶⁷

As discussed in Section 4.8.1 Environmental Setting, the project site is outside of the 65 CNEL noise contour and turning safety zone, and is allowed a maximum height of 182 feet amsl per FAR Part 77. As discussed in more detail in Section 4.11 Noise, the project does not conflict with CLUP Noise Compatibility Policies. Since the project site is outside of the CLUP's turning safety zone, the proposed project is not subject to the CLUP's land use restrictions for projects within turning safety zones. Further, because the proposed project proposes a maximum height of 85 feet, it would comply with FAR Part 77 requirements. Consistent with the FEIR, the proposed project would comply with all applicable CLUP policies. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

f. The FEIR concluded buildout of the Specific Plan would not impair implementation of or physically interfere with City's Local Hazard Mitigation Plan because future development would be reviewed by the City's Department of Public Safety (DPS) to ensure adequate design and infrastructure for fire protection, comply with City Building and Fire Code standards to ensure building design protection features are incorporated, and not modify any major evacuation routes designated in the City's Hazard Mitigation Plan.⁶⁸

Consistent with the FEIR, the proposed project has been reviewed by DPS and DPS has confirmed the proposed design and project infrastructure is adequate for fire protection. The project would comply with City Building and Fire Code standards and would not modify evacuation routes. As such, the project would result in the same impact as disclosed in the FEIR and not impair implementation or physically interfere with the City's Local Hazard Mitigation Plan. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

g. The FEIR concluded that buildout of the Specific Plan would not expose people or structures to significant risk of loss, injury, or death involving wildland fires because Moffet Park is an urbanized area that is not adjacent to a very high fire hazard severity

⁶⁷ Ibid., pages 205-206.

⁶⁸ Ibid., pages 203-204.

zone.⁶⁹

As discussed in Section 4.8.1 Environmental Setting, the project site is not within or adjacent to a moderate, high, or very high fire hazard severity zone. The proposed project would not expose any people or structures to risk from wildland fires. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁶⁹ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 207.

4.9 Hydrology and Water Quality

4.9.1 Environmental Setting

The existing hydrology and water quality setting, including regulatory framework, has not substantially changed since certification of the FEIR.

Water Quality

The nearest waterways to the project site are the Sunnyvale West Channel (approximately 1,600 feet northwest) and Sunnyvale East Channel (approximately 2,800 feet northeast). The project site is located within the Sunnyvale West Channel and Sunnyvale East Channel watersheds, which, together, drain a watershed of approximately 15 square miles, encompassing most of Sunnyvale, as well as parts of Mountain View, Cupertino, and unincorporated Santa Clara County.

Currently, approximately 77 percent (or 168,189 square feet) of the project site is impervious and 23 percent (or 49,180 square feet) is pervious.

Groundwater

As mentioned in Section 4.6 Geology and Soils, groundwater at the site ranges between six and 11 feet bgs. Fluctuations in the groundwater level may occur due to seasonal changes, variations in rainfall and underground drainage patterns, and other factors.

Flooding

According to the FEMA Flood Map, the project site is within Zone X, an area with reduced flood risk due to a levee. Zone X is defined as areas of reduced risk due to levees.⁷⁰

Seiches and Tsunamis

A seiche is the oscillation of water in an enclosed body of water such as a lake or the Bay. The Bay is located over 5,000 feet away from the project site and would not affect the site in the event of a seiche.

A tsunami is a sea wave generated by an earthquake, landslide, or other large displacement of water in the ocean. The project site is not located in a tsunami inundation zone.⁷¹

⁷⁰ Federal Emergency Management Association. "FEMA's National Flood Hazard Layer (NFHL) Viewer." Accessed August 2, 2024. <https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd>.

⁷¹ California Department of Conservation. "Santa Clara County Tsunami Hazard Areas." Accessed August 2, 2024. <https://www.conservation.ca.gov/cgs/tsunami/maps/santa-clara>.

4.9.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	LTS	No	No	No	No
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	LTS	No	No	No	No
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	LTS	No	No	No	No
– result in substantial erosion or siltation on- or off-site;	LTS	No	No	No	No
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	LTS	No	No	No	No

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	LTS	No	No	No	No
– impede or redirect flood flows?	LTS	No	No	No	No
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	LTS	No	No	No	No
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	LTS	No	No	No	No

Note: LTS = less than significant

a. The FEIR concluded buildout of the Specific Plan would result in a less than significant impact regarding violation of any water quality standards, waste discharge requirements, or surface or ground water quality degradation because compliance with MRP requirements (including MRP Provision C.12.f) and the City's PCB screening process would ensure buildings with the potential to include PCBs are identified and abated, the NPDES General Construction Permit would reduce runoff and pollution in runoff from construction activities, and Specific Plan Project Requirement 10.3.1-5 (which is described in Section 4.8 Hazards and Hazardous Materials) for projects requiring dewatering would ensure proper disposal of contaminated groundwater, and SMC would ensure that future project construction and post-construction runoff would not result in substantial sources of polluted runoff, resulting in less than significant water quality impacts.⁷²

⁷² City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 219.

Buildings that are constructed or remodeled between January 1, 1950 and December 31, 1980 are subject to the City's PCB Screening Assessment. The City's PCB Screening Assessment was adopted to comply with MRP Provision C.12.f, as explained in the FEIR. Since the buildings on-site were constructed in 1984, the buildings on-site do not contain PCBs and are not subject to the City's PCB Screening Assessment (nor MRP Provision C.12.f). The project would obtain an NPDES General Construction Permit (which would include preparing a SWPPP) and implement the following stormwater control BMPs during construction:

- Installing inlet protection at open inlets to prevent sediment from entering the storm drainage system
- Providing concrete washout
- Providing silt fence or straw rolls around the perimeter of site slopes
- Monitoring erosion and sediment control measures prior to, during, and after storm events
- Keeping all paved areas clear of earth material and debris during the rainy season (October 15 through April 15)

As discussed in Section 4.6 Geology and Soils, the project requires dewatering during construction and would comply with Specific Plan Requirement 10.3.1-5.

To reduce water quality impacts post-construction, the project would comply with the MRP (including Provision C.3) and SMC Section 12.60.155 regarding low impact development (LID) site design. The project would implement the following LID features during operations:

- Directing runoff onto vegetated areas
- Treating stormwater runoff with bioretention planters

The project would comply with the same regulations identified in the FEIR and would result in the same less than significant impact to water quality as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would not substantially decrease of groundwater supply or interference with groundwater recharge because future developments' compliance with Specific Plan Hazards and Hazardous Materials Project Requirement 10.3.1-5 (which is described in Section 4.8 Hazards and Hazardous Materials) would reduce the impacts of future development on groundwater supplies from dewatering activities or direct pumping by implementing a dewatering management plan to safely remove groundwater, Valley Water's Well Ordinance 90-1 would ensure potential groundwater wells on a future project site are properly destroyed

so they do not impact groundwater supplies, and NPDES General Construction Permit and MRP would ensure future projects implement LID site design measures to minimize the discharge of pollutants into waterways.⁷³

As discussed under checklist question a) above, the project requires dewatering and would comply with Specific Plan Hazards and Hazardous Materials Project Requirement 10.3.1-5. There are no wells on-site, therefore, compliance with Valley Water's Well Ordinance 90-1 is not applicable to the project.

With construction of the project, the pervious surfaces on site would increase by less than one percent (i.e., 429 square feet) compared to existing conditions. As discussed under checklist question a) above, the project would be subject to the requirements under Provision C.3 of the MRP and implement LID-based stormwater treatment controls, which, coupled with the project's (small) increase in pervious surfaces, would increase the potential for groundwater recharge. For these reasons, implementation of the project would not substantially decrease groundwater supplies or interfere with groundwater recharge and not result in new or substantially more severe significant impacts. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. The FEIR concluded buildout of the Specific Plan would not substantially alter the existing drainage pattern of the site or the area in a manner that would cause significant erosion, siltation, flooding, polluted runoff, or changes to flood flows because the buildout of the Specific Plan (including planned park and open space areas and future development compliance with Specific Plan Development Standard 5.2.3, Standard 2, which requires development to comply with paving area maximums in Table 6 of the Specific Plan) would increase pervious surfaces, would not modify the existing primary drainage system, and future development projects would comply with the MRP, City's PCB screening process, Construction General Permit, and SMC requirements to reduce water quality, siltation, and soil erosion impacts.⁷⁴

As discussed under checklist question b) above, implementation of the project would result in an increase of pervious surfaces. Based on Table 6 of the Specific Plan, non-residential development along the perimeter of Moffett Park would have a maximum of 25 percent paved area. According to the project plans, the project would have a total of 14 percent paved area, consistent with Specific Plan Development Standard 5.2.3, Standard 2. With the increase in impervious surfaces on-site compared to existing conditions, the existing storm drain system would continue to accommodate flows from the project site. In addition, there are no waterways on-site and the project does not include modifications to any waterways. Further, the project would comply with the MRP,

⁷³ Ibid., page 220.

⁷⁴ Ibid., pages 221-222.

City's PCB screening process, Construction General Permit, and SMC by implementing construction-phase BMPs as well as post-construction site design measures, source control measures, and stormwater treatment measures, which would increase the potential for groundwater recharge, reduce the amount of surface runoff leaving the site, and improve the water quality of the runoff. For these reasons, the project would not result in new or substantially more severe significant impacts than disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

d. The FEIR concluded buildout of the Specific Plan would not risk release of pollutants due to inundation in flood hazard, tsunami, or seiche zones due to compliance by future development with the RCRA, TSCA, CFR 49, CCR Title 26, CUPA programs, City's Hazard Mitigation Plan, and SMC requirements for proper storage and handling of hazardous materials.⁷⁵

As discussed in Section 4.9.1 Environmental Setting, the project site is in Zone X (a zone with reduced risk due to a levee), not located in a tsunami inundation zone, and would not be affected by a seiche. In addition, the proposed office uses would not use, store, or generate substantial quantities of hazardous materials. Any substantial hazardous materials used by the proposed R&D use, medical clinic, or creation space shall be contained and stored properly pursuant to existing regulations (including the ones identified above). For this reason, the project would result in the same impact as disclosed in the FEIR and the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

e. The FEIR concluded buildout of the Specific Plan would not conflict with or obstruct implementation of a water quality control plant or sustainable groundwater management plan because a) there are no Valley Water Groundwater Management Plan for the Santa Clara Llagas Subbasins recharge facilities, pump plants, or drinking water treatment plants in the Specific Plan area and b) future development would be consistent with the Basin Plan by complying with existing water quality control regulations (i.e., the MRP, City adopted PCB screening process, Construction General Permit, and SMC regulations).⁷⁶

As discussed previously under checklist questions a) through c), there are no PCBs on-site and the project would comply with the MRP, NPDES General Construction Permit, and SMC requirements pertaining to water quality and stormwater control BMPs. Therefore, the project would not result in new or substantially more severe significant impacts than disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁷⁵ Ibid., page 222.

⁷⁶ Ibid., page 223.

4.10 Land Use and Planning

4.10.1 Environmental Setting

The existing land use and planning setting, including regulatory framework, has not substantially changed since certification of the FEIR, with the exception of the City's 2023 to 2031 Housing Element being certified in March 2024.

As described in Section 2.0 Project, the project site is located within the Moffett Park Specific Plan in the City's General Plan. The site is zoned as MP-O2, which is intended for higher-intensity corporate and professional uses. The MP-O2 district allows for a variety of uses including office, R&D/flex, light industrial, manufacturing, retail, general commercial, restaurants, hospitality, healthcare, and parks and open space. The MP-O2 district allows for a FAR of up to 2.0, the highest intensity of office uses in proximity to the MP-AC, MP-R, and MP-MU districts, and high-quality transit.

As shown on Figure 2.1-3, the project site is currently developed with one office building, one R&D building, and associated surface parking. The site is bordered by Moffett Park Drive to the south, a private drive to the west, and light industrial uses to the north, west, and east. Residential uses are located south of the project site, south of SR 237 and Persian Drive.

4.10.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Physically divide an established community?	LTS	No	No	No	No
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded buildout of the Specific Plan would not physically divide a community because Moffett Park is separated from adjacent communities by roadways,

the Specific Plan would not introduce divisive infrastructure (such as a highway or railway), and the Specific Plan would result in a new street network that would improve connectivity between Moffett Park and adjacent communities.⁷⁷

The project proposes development consistent with the Specific Plan. The project would not construct any new barriers or roadways that would physically divide the community. The project would improve connectivity by constructing a multi-use path that would support bicycle, pedestrian, and public transit use. For these reasons, consistent with the findings of the Specific Plan FEIR, implementation of the project would not physically divide an established community. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect because a) future development would comply with FAA notification requirements and CLUP policies to prevent aviation-related hazards and b) the Specific Plan is consistent with General Plan Policies LT-1.2 and LT-1.3 for providing mixed-use development in proximity to transit and incorporating open space, and LT-3.23 by proposing a multi-modal transportation network that would facilitate and improve connectivity within Moffett Park and to adjacent areas.⁷⁸

As discussed in more detail in Section 4.8 Hazards and Hazardous Materials, the project is located outside of the AIA's 65 CNEL noise contour and CLUP turning safety zones, and is consistent with FAR Part 77 height requirements.

The proposed land uses are consistent with the General Plan and Specific Plan land use designations for the site. The project's density and FAR of 1.35 are consistent with what was assumed for the project site in the Specific Plan. The project would be consistent with General Plan Policies LT-1.2, LT-1.3, and LT-3.23 because it would introduce office and R&D uses within proximity to transit and include 12,119 square feet of POPAs that would support bicycle, pedestrian, and public transit use.

In addition, the proposed office and R&D uses are consistent with the allowable uses in the MP-O2 zoning district. In addition, innovation and/or creation spaces are required for new office, R&D, and industrial development within the Specific Plan area. Section 19.29.090 of the SMC requires that innovation space be equal to a minimum of 7.5 percent of all net new office and R&D uses, or five percent for creation space. Per the SMC, space can be provided as innovation, creation, or a combination of both. The

⁷⁷ Ibid., pages 228-229.

⁷⁸ Ibid., page 229.

project applicant proposes to provide only creation space. The project's provision of 10,370 square feet of creation space would be consistent with the requirement to include five percent of net new space as creation space.⁷⁹

The proposed medical clinic use is also consistent with the allowable uses in the MP-O2 zoning district. Per the SMC, a medical clinic is allowed in the MP-O2 zoning district through a miscellaneous plan permit. Per the SMC, "'medical clinic' is a medical office with ancillary uses, such as laboratories, pharmacies, medical retail or education" and "'medical office'" means offices of doctors, dentists, chiropractors, physical therapists, athletic trainers, acupuncturists, optometrists and other similar health related occupations, where patients visit on a daily basis."⁸⁰ The project does not propose to include laboratory uses within the medical clinic and would be limited to pharmacies, retail, or education uses. If laboratory use is proposed in the future, subsequent review would be required.

As discussed throughout this document (including Sections 4.2 Air Quality, 4.4 Cultural Resources, and 4.8 Hazards and Hazardous Materials), the project is consistent with applicable Specific Plan requirements and policies adopted for the purpose of avoiding or mitigating environmental effects. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁷⁹ Project = 293,996 square feet. Existing uses = 89,612 square feet. Net increase = project - existing = 204,384 square feet. Creation space required = 204,384 square feet x 0.05 = 10,219 square feet.

⁸⁰ City of Sunnyvale. "Code of Ordinances: Sections 19.12.140 and 19.12.160." Accessed September 3, 2025. <https://ecode360.com/42730203>. <https://ecode360.com/42729520>.

4.11 Noise

4.11.1 Environmental Setting

The existing noise setting, including regulatory framework, has not substantially changed since certification of the FEIR.

Per Figure 3.13-2 of the FEIR, the noise level at the project site varies between 65 to 70 dBA L_{dn}.^{81,82} Based on General Plan Policy SN-8.5 pertaining to noise and land use compatibility, this is considered normally acceptable for an office use.

4.11.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project result in:					
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	LTS	No	No	No	No
b) Generation of excessive groundborne vibration or groundborne noise levels?	LTS	No	No	No	No
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	LTS	No	No	No	No

⁸¹ L_{dn} is the average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 PM and 7:00 AM.

⁸² City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 244.

Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project result in:				
Note: LTS = less than significant				

- a.** Buildout of the Specific Plan would generate noise during construction (i.e., from construction equipment) and operation (i.e., through change in land use, traffic noise, and mechanical equipment).

Construction Noise Impacts

The FEIR concluded buildout of the Specific Plan would have less than significant construction noise impacts because future development would comply with SMC Section 16.08.30 pertaining to permissible construction hours and use of environmentally disruptive equipment (e.g., air compressors without mufflers or continuously running motors or generators) and implement Specific Plan Requirement 10.3.4-1, listed below, requiring noise control strategies and construction BMPs.⁸³

Requirement	Description
10.3.4-1	<p>Construction Noise Measures. Future development projects shall implement site-specific noise attenuation measures during construction to reduce the generation of construction noise and vibration. These measures shall be included in a Noise Control Plan that shall be submitted for review and approval by the City prior to issuance of demolition, grading, and/or building permits. Measures specific in the Noise Control Plan and implemented during construction shall include the following noise control strategies:</p> <ul style="list-style-type: none"> • Equipment and trucks used for construction shall use the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds). • Impact tools (e.g., jackhammers, pavement breakers, and rock drills) used for construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. • Stationary noise sources shall be located as far from adjacent receptors as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or include other similar measures. • Noise and vibration reducing pile-driving techniques shall be implemented during construction and shall be monitored to ensure no damage to nearby structures occurs (i.e., vibrations above peak particle velocities [PPVs] of 0.25 in/sec at nearby structures). These techniques shall include: <ul style="list-style-type: none"> – Installing intake and exhaust mufflers on pile-driving equipment.

⁸³ Ibid., pages 245-248.

Requirement	Description
	<ul style="list-style-type: none"> – Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible. – Implementing “quiet” pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions. – Using cushion blocks to dampen impact noise, if feasible based on soil conditions. – At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities. <ul style="list-style-type: none"> • Prohibit unnecessary idling of internal combustion engines. • Construction staging areas shall be established at locations that create the greatest distance between the construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction. Material stockpiles, as well as maintenance/equipment staging and parking areas, shall be located as far as feasible from residential receptors. • Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site. • Where feasible, temporary power service from local utility companies shall be used instead of portable generators. • Locate cranes as far from adjoining noise-sensitive receptors as possible. • During final grading, substitute graders for bulldozers, where feasible. Wheeled heavy equipment are quieter than track equipment and should be used where feasible. • Maintain smooth vehicle pathways for trucks and equipment accessing the site, and avoid local residential neighborhoods as much as possible. • During interior construction, the exterior windows facing noise-sensitive receptors should be closed. • During interior construction, locate noise-generating equipment within the building to break the line-of-sight to the adjoining receptors. • The contractor shall prepare a detailed construction schedule for major noise-generating construction activities (including pile driving, removal of existing structures; site grading and excavation; installation of utilities; construction of building foundations, cores, and shells; paving; and landscaping). The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance. • Designate a “disturbance coordinator” who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

The project is consistent with the Specific Plan and does not include atypical construction activities not considered in the FEIR analysis. Consistent with the FEIR, the proposed project would comply with SMC Section 16.08.30 and prepare a Noise Control Plan and implement the noise control strategies pursuant to Specific Plan Requirement 10.3.4-1. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Operational Noise Impacts

The FEIR analyzed operational noise impacts resulting from land uses, traffic noise, and mechanical equipment.

Land Use

The FEIR concluded the Specific Plan would have a less than significant impact with regard to land use because future development would comply with General Plan Policies (including SN-8.4, SN-8.5, SN-8.6, SN-8.9, SN-9.1, and SN-9.3) and SMC Section 19.42.030 to reduce operational noise impacts to a less than significant by requiring new development to meet the City's noise standards established to avoid operational noise impacts on existing land uses.⁸⁴

Consistent with the FEIR, the proposed project would comply with the aforementioned General Plan Policies. As discussed in Section 4.11.1 Environmental Setting, the existing noise level at the project site varies between 65 to 70 dBA L_{dn} . The project would comply with General Plan Policy SN-8.4 by complying with state noise guidelines and SMC noise regulations, as follows. The project would comply with General Plan Policies SN-8.5 and SN-8.6 because noise levels of 65 to 70 dBA L_{dn} are considered normally acceptable for office uses per the State's Noise Guidelines for Land Use Planning, and because buildout of the Specific Plan would not result in an increase of more than three dBA L_{dn} in the project vicinity.⁸⁵ The project would comply with General Plan Policy SN-8.9 by designing the proposed buildings in a way that insulates people from noise (e.g., in compliance with the state's interior noise standard of 50 dBA $L_{eq(1-hr)}$ or less). The City (rather than specific development projects) is responsible for complying with General Plan Policies SN-9.1 and -9.3.

SMC Section 19.42.030(a) sets residential noise limits, which would not apply to the proposed project. SMC Section 19.42.030(b) requires that noise levels do not exceed 60 dBA during nighttime or 70 dBA during daytime hours on the property line of adjacent nonresidential uses. The project does not include substantial operating noise sources except for standard mechanical equipment, which (as discussed below) would be controlled to meet property line noise standards, and an emergency backup generator that would be tested for short periods of time and used only in an emergency, therefore, the project would comply with SMC Section 19.42.030(b). The project, therefore, would not result in significant operational noise impacts, nor would it meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁸⁴ Ibid., pages 248-249.

⁸⁵ Ibid., pages 249-254, 257.

Traffic

The FEIR concluded that, while buildout of the Specific Plan would result in a significant increase in Specific Plan traffic generated noise of more than three dBA L_{dn} at two roadway segments (Bordeaux Drive from North Mathilda Avenue to Java Drive and Geneva Drive north of East Java Drive), there are no existing noise-sensitive receptors located along those roadway segments that would be affected.⁸⁶

The proposed development is consistent with the Specific Plan and its traffic is accounted for in the FEIR analysis. Therefore, the project would not result in new or substantially more severe significant impacts than disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Mechanical Equipment

The FEIR concluded future development would not result in mechanical equipment noise exceeding City property line noise standards by implementing Specific Plan Noise and Vibration Project Requirement 10.3.4-2 below, which requires review of proposed mechanical equipment systems and implementation of controls as necessary.⁸⁷

Requirement	Description
10.3.4-2	<p>Operational Noise. Prior to the issuance of building permits, a qualified acoustical consultant shall be retained to review mechanical equipment systems during final design of future projects. The consultant shall review selected equipment and determine specific noise reduction measures necessary to reduce noise to comply with the City's noise level requirements (including SMC Section 19.42.030 requires that operational noise not exceed 75 dBA along the property line, and that the noise levels not exceed 60 dBA during daytime hours or 50 dBA during nighttime hours at any point on adjacent residential properties). Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers, such as enclosures and parapet walls, to block the line-of-sight between the noise source and the nearest receptors. Additionally, enclosures and interior wall treatments shall be considered to reduce noise exposure within the on-site units. Alternate measures may include locating equipment in less noise-sensitive areas, where feasible. The specific equipment shall be included on the approved building permit plan set.</p>

As discussed in Section 3.1.5 Mechanical Equipment, HVAC would be located on the roofs of proposed Buildings A and B. A fire pump room would be located on the ground floor of the parking garage and would contain one 150 HP fire pump. A transformer/generator enclosure, containing a 500-kW emergency backup generator, would be located in the northeastern corner of the project site on the ground floor. As proposed, the equipment would be in less noise-sensitive areas (i.e., on rooftops and in parking garages) and/or enclosed to minimize noise. The project would comply with Specific Plan

⁸⁶ Ibid., pages 249-256.

⁸⁷ Ibid., page 257.

Requirement 10.3.4-2 to ensure the proposed mechanical equipment would implement any necessary noise controls to meet City property line noise standards. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would result in less than significant vibration impacts because future development projects would comply with Caltrans vibration standards/limits identified for the purpose of avoiding impacts to adjacent buildings from construction vibration and prohibiting the use of heavy vibration-generating construction equipment within 25 feet of residences and hotels/motels, and would implement Specific Plan Requirements 10.3.4-3 through 10.3.4-7 below to reduce construction-related vibration by prohibiting the use of heavy vibration-generating construction equipment near residences and hotels/motels, requiring vibration reducing techniques during construction, and implementing a Construction Vibration Monitoring, Treatment, and Reporting Plan (as appropriate).⁸⁸

Requirement	Description
10.3.4-3	Heavy Vibration-Generating Construction Equipment. Prohibit the use of heavy vibration-generating construction equipment within 25 feet of residences and hotels/motels. Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 25 feet of residences and hotels/motels adjoining the site.
10.3.4-4	Dropping Heavy Equipment. Avoid dropping heavy equipment within 25 feet of residences and hotels/motels. Use alternative methods for breaking up existing pavement, such as a pavement grinder, instead of dropping heavy objects within 25 feet of residences and hotels/motels adjoining the site.
10.3.4-5	Pile-Driving Techniques. Noise and vibration reducing pile-driving techniques shall be employed during construction and monitored to ensure no damage to nearby structures occurs (i.e., vibrations above PPVs of 0.25 in/sec at nearby structures). These techniques shall include: <ul style="list-style-type: none"> • Installing intake and exhaust mufflers on pile-driving equipment. • Vibrating piles into place when feasible, and installing shrouds around the pile-driving hammer where feasible. • Implementing "quiet" pile-driving technology (such as pre-drilling of piles and the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions. • Using cushion blocks to dampen impact noise, if feasible based on soil conditions. • At least 48 hours prior to pile-driving activities, notifying building owners and occupants within 600 feet of the project area of the dates, hours, and expected duration of such activities.
10.3.4-6	Heavy Equipment Communications. The contractor shall alert heavy equipment operators to the proximity of the adjacent structures so they can exercise extra care.

⁸⁸ Ibid., pages 257-261.

Requirement	Description
10.3.4-7	<p>Construction Vibration Monitoring, Treatment, and Reporting Plan. For projects requiring impact or vibratory pile driving, a Construction Vibration Monitoring, Treatment, and Reporting Plan shall be implemented to document conditions prior to, during, and after vibration-generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. The construction vibration monitoring plan shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> • Document conditions that all structures located within 100 feet of pile driving activities and at historic structures located within 275 feet of pile driving activities prior to, during, and after vibration-generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically: <ul style="list-style-type: none"> ◦ Vibration limits shall be applied to vibration-sensitive structures located within 100 feet of any high impact construction activities, such as pile driving, and 275 feet of historic buildings. ◦ Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 100 feet of any high impact construction activities and each historic structure within 275 feet of pile driving activities. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures. • Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approached the limits. • At a minimum, vibration monitoring shall be conducted during all pile driving activities. • If vibration levels approach limits, suspend construction, and implement contingency measures to either lower vibration levels or secure the affected structures. • Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site. • Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

The project is adjacent to structurally sound and designed buildings (i.e., not historical buildings or buildings documented to be structurally weakened) and, therefore, would need to keep vibration levels at those buildings at or below the 0.5 in/sec PPV Caltrans limit to avoid vibration impacts. The project does not propose pile driving during construction and would not need to comply with Specific Plan Requirements 10.3.4-5 and 10.3.4-7. Consistent with the FEIR, the proposed project would comply with Specific Plan

Project Requirements 10.3.4-3, 10.3.4-4, and 10.3.4-6 during construction. Therefore, the project would not result in new or substantially more severe significant impact than disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. The FEIR concluded buildout of the Specific Plan would not expose people residing or working into the project area to excessive noise levels from Moffett Federal Airfield through compliance with CLUP Noise Compatibility Policies N-1, N-2, N-3, and N-6 and Specific Plan Noise and Vibration Project Requirement 10.3.4-8, which requires a noise analysis for projects exposed to aircraft noise levels ranging from 65 to 75 dBA CNEL and incorporation of any necessary noise insulation features to meet noise standards.⁸⁹

CLUP Noise Compatibility Policies N-1, N-2, N-3, and N-6 require land use projects to be compared against the CLUP's aircraft noise contours to determine consistency with the CLUP. While the project site is within the AIA for the Moffett Federal Airfield, it is outside of its 65 CNEL noise contour. As such, the proposed project is considered generally acceptable per the ALUC Noise Compatibility Policies shown in Table 3.13-2 in the FEIR.⁹⁰ The project is not subject to Specific Plan Requirement 10.3.4-8. Therefore, the project would not result in new or substantially more severe significant impacts than disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

4.11.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on the project are not considered CEQA impacts. However, the City of Sunnyvale has policies (including General Plan Policies SN-8.1, SN-8.3, SN-8.5, SN-8.7, SN-8.8, and SN-10.4) that address existing noise conditions affecting a proposed project.

The FEIR concluded buildout of the Specific Plan could result in an exceedance of normally acceptable exterior noise levels at future residential, school, and hotel/motel outdoor areas, and/or an exceedance of CALGreen interior noise standards in residential or nonresidential projects. In addition, buildout of the Specific Plan could result in vibration impacts to buildings proposed within 35 feet of light rail lines.⁹¹ The FEIR concluded that future projects would comply with the Specific Plan Noise and Vibration Project Requirements 10.3.4-9 through 10.3.4-11 requiring residential, hotel/motel, and school projects to be designed in a way that locates noise-sensitive outdoor uses away from significant sources of noise; project-specific acoustical analysis to reduce interior noise levels; and project-specific vibration analyses for projects proximate to VTA light

⁸⁹Ibid., page 261.

⁹⁰Ibid., page 236.

⁹¹Ibid., pages 264-265.

rail lines reduce effects of the noise and vibration environment on future development projects to acceptable levels.

Requirement	Description
10.3.4-10	<p>Acoustical Analysis. A project-specific acoustical analysis shall be prepared, in compliance with State Building Codes and City noise standards, to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA L_{dn} or lower within the residential units and to 50 dBA $L_{eq(1-hr)}$ or lower within nonresidential interiors. Additionally for residential units located adjacent to the VTA light-rail tracks, maximum instantaneous noise levels shall be at or below 50 dBA L_{max} within bedrooms and at or below 55 dBA L_{max} within all other residential rooms. The project applicant shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.</p> <p>If future projects do not meet the 45 dBA L_{dn} (for residential interiors) or 50 dBA $L_{eq(1-hr)}$ (for nonresidential interiors) standards, other site-specific measures, such as increasing setbacks of the buildings from the adjacent roadways, using shielding by other buildings or noise barriers to reduce noise levels, implementing additional sound treatments to the building design shall be considered to reduce interior noise levels to meet the State and City standards.</p>

Specific Plan Policies 10.3.4-9 and 10.3.4-11 are not applicable to the proposed project because it does not include residential, hotel/motel, or school uses, nor is it located within 20 feet of a VTA light rail line. Consistent with Specific Plan Requirement 10.3.4-10, the project would prepare an acoustical analysis prior to issuance of building permits and implement any necessary design controls to ensure interior noise levels are at 50 dBA $L_{eq(1-hr)}$ or lower. Therefore, the project would not exceed interior noise standards and would be consistent with the FEIR.

4.12 Population and Housing

4.12.1 Environmental Setting

The existing population and housing setting, including regulatory framework, has not substantially changed since certification of the FEIR, with the exception of the City's 2023 to 2031 Housing Element being certified in March 2024. With the adoption of the Housing Element, the buildout of the General Plan (which includes the Specific Plan) would result in 102,122 dwelling units and 239,785 residents in the City by 2040.⁹²

As of January 2024, the population of Sunnyvale was estimated to be 157,566 with an average of 2.5 persons per household, with approximately 63,608 housing units.⁹³

There are no existing residences on the project site.

4.12.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	LTS	No	No	No	No
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded buildout of the Specific Plan would not induce substantial unplanned population growth because it would be consistent with growth projected in

⁹² Ibid., page 271.

⁹³ California Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State 2020-2024." Accessed August 5, 2024.
<https://dof.ca.gov/Forecasting/Demographics/Estimates/>.

the North Santa Clara County. Further, buildout of the Specific Plan would be consistent with Plan Bay Area 2050 goals and General Plan Policies by planning mixed-use residential development in proximity to transit, maximizing opportunities for higher-density housing, providing affordable housing options, creating employment opportunities, conserving natural resources and contributing additional parks/open space/recreation areas, and increasing connectivity by improving transportation infrastructure.⁹⁴

The project would not construct residences. The proposed development is consistent with the Specific Plan and, therefore, consistent with the growth analyzed in the FEIR. The project would result in the same impact as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would not displace substantial numbers of existing people or housing because Moffett Park did not contain residential units.⁹⁵

As there are no existing residences on-site, implementation of the proposed project would not displace substantial numbers of existing people or housing and would result in the same impact as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

⁹⁴ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Pages 270-272.

⁹⁵ *Ibid.*, page 272.

4.13 Public Services

4.13.1 Environmental Setting

The existing public services setting, including regulatory framework, has not substantially changed since certification of the FEIR, with the exception of approval of the Lakewood Branch Library and Learning Center Project Initial Study. The project is currently under construction and anticipated to be completed by the end of 2025.⁹⁶

Fire and police protection services for the project site are provided by the Sunnyvale DPS. DPS is staffed by Public Safety Officers who are cross-trained as police officers, firefighters, and emergency medical technicians. DPS is divided into three Bureaus: Bureau of Fire Services, Bureau of Police Services, and Bureau of Special Operations. The nearest fire station is Station #5, located at 1210 Bordeaux Drive, approximately 0.4 miles north of the project site. The Police Services program is based out of the Sunnyvale DPS headquarters at 700 All America Way, located approximately three miles south of the project site.

The project site is located within the Sunnyvale School District (SSD) and Fremont Union High School District (FUHSD) boundaries.⁹⁷ The closest schools to the project site are Columbia Middle School, located approximately 2.4 miles south at 739 Morse Avenue; Bishop Elementary School, located approximately three miles south at 450 North Sunnyvale Avenue; and Lakewood Elementary School, located three miles southeast at 750 Lakechime Drive.

The closest park to the project site is Baylands Park, located 1.2 miles northeast at 999 East Caribbean Drive. The Sunnyvale Public Library is located at 665 West Olive Avenue, 3.2 miles south of the project site.

⁹⁶ City of Sunnyvale. "Lakewood Branch Library and Learning Center." Accessed March 25, 2025. <https://www.sunnyvale.ca.gov/business-and-development/projects-in-sunnyvale/infrastructure-projects/lakewood-branch-library>.

⁹⁷ County of Santa Clara. "Property Information - Assessor's Parcel Number (APN): 110-34-005." Accessed March 25, 2025. <https://www.sccassessor.org/index.php/all-situs-search?SFrom=all&SType=all&STab=address&addValue=333%20moffett%20park%20drive&guid=d1ba3a83-fc2c-4afa-8660-cada8701aa1c>.

4.13.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:					
a) Fire Protection?	LTS	No	No	No	No
b) Police Protection?	LTS	No	No	No	No
c) Schools?	LTS	No	No	No	No
d) Parks?	LTS	No	No	No	No
e) Other Public Facilities?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded buildout of the Specific Plan would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities because the construction of new or expanded fire facilities (when/if needed) would undergo separate environmental review and implement measures to reduce construction-related impacts to a less than significant level. Future development under the Specific Plan would pay an in-lieu public facilities fee that could be used for any necessary upgrades and associated services, be reviewed by DPS to ensure adequate design and infrastructure for fire protection, and comply with Building and Fire Code standards to reduce impacts to fire protection facilities and services to a less than significant level.⁹⁸

⁹⁸ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 283.

Consistent with the findings in the FEIR, the project would pay the in-lieu public facilities fee and be built in accordance with Building and Fire Code standards. The proposed site plan was reviewed by DPS and found to include adequate design and infrastructure for fire protection. The project, therefore, would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would not result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities because the construction of new or expanded police facilities (when/if needed) would undergo separate environmental review and implement measures to reduce construction-related impacts to a less than significant level. Future development under the Specific Plan would pay an in-lieu public facilities fee that could be used for any necessary upgrades to reduce impacts to police protection facilities and services to a less than significant level.⁹⁹

Consistent with the findings of the FEIR, the project would pay the in-lieu public facilities fee. The project, therefore, would not require the construction of new police protection facilities to maintain adequate service. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. As described in the FEIR, buildout of the Specific Plan would generate students above the existing capacities at local public schools. It is possible new or expanded school facilities would be required. If/when new or expanded school facilities are proposed, they would undergo separate environmental review and implement measures to reduce construction-related impacts to a less than significant level. Future development would pay school impact fees to reduce impacts associated with increased demands on school facilities to a less than significant level.¹⁰⁰

The proposed project is consistent with the development and growth assumed in the Specific Plan and analyzed in the FEIR. The project does not include housing that would result in new residents and students. Therefore, the project would not increase demands on existing school facilities. As discussed in Section 4.13.1 Environmental Setting, the project site is located within the SSD and FUHSD boundaries. Both school districts have impact fees for new residential and non-residential projects constructed within their boundaries.^{101,102} The proposed project would pay applicable school impact fees. The project would result in the same impact as disclosed in the FEIR and would not meet any

⁹⁹ Ibid., page 284.

¹⁰⁰ Ibid., page 284-286.

¹⁰¹ Sunnyvale School District. "Developer Fee Compliance." Accessed March 26, 2025. <https://www.sesd.org/Page/662>.

¹⁰² Fremont Union High School District. "Business Services." Accessed March 26, 2025. <https://www.fuhsd.org/departments/business-services>.

of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

d. The FEIR concluded buildout of the Specific Plan would not result in substantial adverse physical impacts associated with the provision of parks facilities because implementation of the Specific Plan would include adequate open space to serve the increased demand from future residents via compliance with SMC Chapter 19.74, Specific Plan Policies OSE-2.1 through -2.8, and payment of in-lieu fees as needed by future multi-family development.¹⁰³

The proposed project is consistent with the development and growth assumed in the Specific Plan and analyzed in the FEIR. The project does not include multi-family residential development and, therefore, is not subject to SMC Chapter 19.74 and the Specific Plan policies listed above are not applicable. The project would result in the same impact as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183 and no further analysis is required.

e. The FEIR concluded buildout of the Specific Plan would not result in substantial adverse physical impacts associated with the provision of new or expanded libraries because of planned Library Modernization project and with the payment of in-lieu public services fees by future development that could be used for necessary upgrades to libraries. The FEIR also concluded if new library facilities were constructed in Moffett Park, they would result in less than significant impacts through compliance with existing regulations.¹⁰⁴

The proposed project is consistent with the development and growth assumed in the Specific Plan and analyzed in the FEIR. Consistent with the conclusions of the FEIR, the project would pay the in-lieu public facilities fee. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

¹⁰³ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 257.

¹⁰⁴ Ibid.

4.14 Recreation

4.14.1 Environmental Setting

The existing recreation setting, including regulatory framework, has not substantially changed since certification of the FEIR.

As mentioned in Section 4.13 Public Services, the closest park to the project site is Baylands Park, located 1.2 miles northeast at 999 East Caribbean Drive. Another nearby recreational facility is the Twin Creeks Sports Complex, located one mile northeast at 969 East Caribbean Drive.

4.14.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	LTS	No	No	No	No
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	LTS	No	No	No	No

Note: LTS = less than significant

a. The FEIR concluded buildout of the Specific Plan would not result in substantial physical deterioration of existing recreational facilities because future multi-family developments would comply with the SMC Chapter 19.74 (which requires payment of in-lieu fees or land dedications for multi-family rental housing projects) and Specific Plan Policies OSE-2.1 through -2.8 (which requires provision of open space and recreational facilities associated with residential projects).¹⁰⁵

¹⁰⁵ Ibid., page 297.

As described in Section 3.0 Project Description, the project includes an outdoor fitness space and amenity terrace and POPAs, which would offset the use of nearby recreational facilities by project employees. The proposed project does not include multi-family residential uses and, therefore, is not subject to SMC Chapter 19.74 and is not required to comply with Specific Plan Policies OSE-2.1 through -2.8. The proposed project is consistent with the development and growth assumed in the Specific Plan and analyzed in the FEIR. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded physical impacts of constructing the park and open space included in the Specific Plan would be reduced to less than significant levels through compliance with existing regulations including General Plan and Specific Plan Policies pertaining to air quality, biological resources, cultural resources, energy, geology and soils, GHGs, hazards and hazardous materials, hydrology and water quality, noise, and tribal cultural resources.¹⁰⁶

As discussed under checklist question a), the project includes an outdoor fitness space and amenity terrace, as well as 12,119 square feet of POPAs (which would contribute towards the amount of open space in the Specific Plan. These amenity spaces would offset the use of nearby, existing facilities. The environmental impacts associated with these amenity spaces are analyzed throughout this document. Through compliance with existing regulations, these amenities would not result in significant construction impacts. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

¹⁰⁶ Ibid.

4.15 Transportation

The following discussion is based, in part, on a TDM Plan prepared for the project by W-Trans in June 2024. A copy of the TDM Plan is attached as Appendix A.

4.15.1 Environmental Setting

The existing transportation setting, including regulatory framework, has not substantially changed since certification of the FEIR.

Transit Facilities

The project vicinity is served by four Santa Clara Valley Transportation Authority (VTA) bus routes and one, Altamont Corridor Express (ACE) shuttle. These services and distance from the project site are summarized in Table 4.15-1 below.

Table 4.15-1: Transit Routes

Transit Agency Route	Distance to Stop from Project Site	Service		
		Days of Operation	Time of Operation	Frequency
VTA Orange Line Light Rail	0.5 mile	Monday to Friday	5:00 AM to 12:45 AM	1 to 30 min
		Saturday to Sunday	6:00 AM to 12:45 AM	30 min
VTA Route 56	0.5 mile	Monday to Friday	5:30 AM to 10:40 PM	30 to 60 min
		Saturday	7:20 AM to 9:25 PM	
		Sunday	7:25 AM to 8:25 PM	
VTA Route 121 Express	0.5 mile	Monday to Friday	4:25 AM to 9:00 AM	1 to 2 hours
			2:50 PM to 7:00 PM	60 to 90 min
VTA Route 523 Rapid Bus	0.7 mile	Monday to Friday	6:15 AM to 10:30 PM	20 to 30 min
		Saturday	7:10 AM to 8:40 PM	30 min
		Sunday	7:40 AM to 7:40 PM	30 min
ACE Red Shuttle	0.5 mile	Monday to Friday	6:00 AM to 10:00 AM	50 to 90 min
			3:15 PM to 6:40 PM	50 to 70 min
Source: W-Trans. <i>Transportation Demand Management Plan for 333 Moffett Park Drive</i> . June 12, 2024. Page 4.				

Roadway Network

Regional access to Moffett Park is provided via U.S. 101, SR 85, and SR 237, as described in the FEIR. The project site can be accessed from U.S. 101 via an interchange at Moffett Park Drive.

Local access to the project site is provided via Moffett Park Drive, Borregas Avenue, and Innsbruck Drive. Moffett Park Drive is an east-west, two- to four-lane roadway that begins

at Manila Avenue in the west and extends east until Baylands Park. Moffett Park Drive provides direct access to the project site via a driveway. Borregas Avenue is a north-south street west of the project site. Borregas Drive begins at Moffett Park Drive in the south and extends north until it transitions into Carl Drive. Innsbruck Drive is a north-south street east of the project site. Innsbruck Drive begins at Moffett Park Drive in the south and extends north until it transitions into Gibraltar Drive.

Bicycle Facilities

There are Class I and II facilities in the vicinity of the project site. Class I facilities are defined as shared-use paths and Class II facilities are defined as on-street bicycle lanes. The types, locations, and lengths of existing bicycle facilities in the vicinity are summarized in Table 4.15-2 below.

Table 4.15-2: Bicycle Facilities

Facility	Class	Length (miles)	Begin Point	End Point
Moffett Park Drive	I	0.4	Innovation Way	Bordeaux Drive
Caribbean Drive (westbound)	I	0.4	Mathilda Avenue	Borregas Avenue
Caribbean Drive (eastbound)	II	0.4	Mathilda Avenue	Borregas Avenue
Caribbean Drive	II	1.0	Borregas Avenue	Moffett Park Drive
Innovation Way	II	0.2	Mathilda Avenue	Bordeaux Drive
Moffett Park Drive	II	0.4	Enterprise Way	Innovation Way
Moffett Park Drive	II	1.5	Bordeaux Drive	Caribbean Drive
Mathilda Avenue	II	3.2	Caribbean Drive	Iowa Avenue
1 st Avenue / Bordeaux Drive	II	1.3	East Street	Moffett Park Drive
Borregas Avenue	II	2.5	Caribbean Drive	Maude Avenue
Fair Oaks Avenue / Java Drive / Crossman Avenue	II	1.2	Caribbean Drive	Weddell Drive
Tasman Drive	II	0.3	Morse Avenue	Fair Oaks Avenue
Persian Drive	II	1.0	Ross Drive	Fair Oaks Way
Morse Avenue / Weddell Drive	II	1.1	Persian Drive	Fair Oaks Avenue

Source: W-Trans. *Transportation Demand Management Plan for 333 Moffett Park Drive*. June 12, 2024. Pages 4-5.

Pedestrian Facilities

The project site is served by sidewalks and crosswalks within the project vicinity, such as along Borregas Avenue and Innsbruck Drive. There is no sidewalk along the frontage of the project site or along the south side of Moffett Park Drive between Bordeaux Drive and Chesapeake Terrace near Caribbean Drive.

4.15.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	LTS	No	No	No	No
b) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	LTS	No	No	No	No
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	LTS	No	No	No	No
d) Result in inadequate emergency access?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded buildout of the Specific Plan would not conflict with a program, plan, ordinance, or policy addressing the circulation system because it would implement Specific Plan Policies M-3.1 through M-3.5, M-4.1, and M-4.2 that would improve public transit by improving convenience, connectivity, and capacity; improve the roadway network by building a complete streets network that prioritizes pedestrians and bicycles; require new development implement TDM plans; and improve bicycle and pedestrian facilities by incorporating design standards and guidelines that promote bicyclist and pedestrian safety and connectivity.¹⁰⁷

Through its proposed improvements to multimodality, the Specific Plan was determined to be consistent with Plan Bay Area 2050, the City's General Plan, City Council Policy 1.2.8, City Transportation Analysis Guidelines, Congestion Management Plan (CMP) Guidelines. In addition, the FEIR assumed future projects would comply with the

¹⁰⁷ Ibid., pages 309-321.

following policies to support multimodality (i.e., public transit, bikeability, and walkability):

Policy	Description
LU-4.2	Prioritize walking and biking by breaking up large blocks into a finer-grained network and through complete streets improvements.
M-1.3	Plan for and provide a transportation system that is flexible and appropriately accommodates all modes of traffic.
M-2.1	Prioritize implementing improved bicycle and pedestrian access within the complete streets typology as illustrated on the Street Typology and Modal Networks maps.
M-2.2	Designate street space for people who walk and bike.
M-2.3	Prioritize mobility and safety for non-motorized modes when considering intersection capacity increases.
M-2.4	Keep the street network dense with short blocks to support connections for people who walk and bike.
M-2.5	Minimize pedestrian crossing distances and maximize pedestrian connections.
M-3.1	Work with the Santa Clara Valley Transportation Authority (VTA) to maintain high frequency, high-capacity transit services.
M-3.2	Prioritize public transit networks within the complete streets typology as illustrated on the attached Street Typology and Modal Networks maps.
M-3.3	Work towards obtaining and providing right-of-way for public transit and priority lanes.
M-3.4	Make public transit a convenient and reliable option for daily trip making.
M-3.5	Prioritize investments that reduce first/last-mile barriers to transit stops.
M-4.1	Prioritize and implement transportation investments and strategies that reduce vehicle miles traveled (VMT) per capita and per employee.
M-4.2	Strategically and opportunistically increase person capacity at the district gateways.
OSE-1.1	Establish a network of greenbelt, parks, and trails that are an integral part of the active non-vehicular transportation network and promote safe pedestrian and bicycle use throughout the district.
OSE-1.3	Provide open spaces that are well distributed and located adjacent to transit, and activity and community centers.
OSE-1.5	Locate open spaces to provide a universally accessible route from all residential buildings to a neighborhood-serving park within a half-mile or 10-minute average walking distance.
TDMP-1.3	Promote biking by establishing standards for bicycle parking facilities and infrastructure.
TDM-1.6	Promote and support flexible approaches to parking supply and management by coordinating parking infrastructure and prioritizing shared facilities.

Transit Facilities

As discussed in Section 4.15.1 Environmental Setting, the project site is within one mile of several VTA routes and one ACE shuttle. As discussed in Section 2.0 Project , the project

would provide pre-tax transit benefits. The proposed project would comply with Specific Plan policies M-1.3, M-3.2, M-3.4, and M-4.1 pertaining to transit because employees and visitors of the proposed buildings could conveniently commute to the site via transit. The City (i.e., not private development such as the proposed project) is responsible for implementing Specific Plan policies M-3.1, M-3.3, M-3.5, and M-4.1. As such, the proposed project would be consistent with the impacts identified in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

Pedestrian and Bicycle Facilities

As discussed in Section 4.15.1 Environmental Setting, the project site is served by sidewalks and crosswalks within the project vicinity, but does not contain a sidewalk along the site frontage. The proposed project would comply with Specific Plan policies LU-4.2, M-1.3, M-2.1 through M-2.5, M-4.1, and TDMP-1.3 by improving access and connectivity for pedestrians and cyclists; providing a multi-use path along the project frontage which would be accessed by existing facilities in the vicinity; and providing bike parking, showers, and lockers. Also, implementation of the proposed project would not interfere with the implementation of planned Class I, II, IIB, or IV facilities in the vicinity.¹⁰⁸ As such, the proposed project would be consistent with the impacts identified in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR estimated that residential and office VMT associated with buildout of the Specific Plan would be below 15 percent of the countywide averages, and concluded that future development would be reviewed on a project-by-project basis to ensure consistency with local and state VMT policies, resulting in a less than significant impact.¹⁰⁹

The proposed project is consistent with the development and growth assumed in the Specific Plan and analyzed in the FEIR. The project, therefore, would result in the same VMT impact as disclosed in the FEIR. Since local and state VMT policies have not changed since the certification of the FEIR, no additional VMT analysis is required. In addition, as discussed in Section 4.2 Air Quality, implementation of the proposed TDM measures would result in trip reductions consistent with Specific Plan Standard 8.2.4.c. The proposed project would not result in new or substantially more severe significant impacts than disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

¹⁰⁸ Class IIB facilities are defined as buffered bicycle lanes and Class IV facilities are defined as separated bikeways. The City's Active Transportation Plan Update includes 13 planned bicycle facilities (varying from Classes I, II, IIB, and IV) within the vicinity of the project site. Source: W-Trans. *Transportation Demand Management Plan for 333 Moffett Park Drive*. June 12, 2024. Pages 4-5.

¹⁰⁹ Ibid., pages 321-322.

c. The FEIR concluded buildout of the Specific Plan would not result in increased hazards due to geometric design features or incompatible uses because the Specific Plan transportation network improvements would be designed according to City standards and no incompatible uses (e.g., farm equipment) would be included.¹¹⁰

Consistent with the FEIR, the proposed project would be designed to meet City standards to prevent circulation hazards, and does not propose any incompatible uses. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

d. The FEIR concluded buildout of the Specific Plan would result in adequate emergency access because future development would increase mobility and access and be designed to meet City Building and Fire code standards.¹¹¹

Consistent with the findings in the FEIR, the proposed project would be designed to meet City Building and Fire code standards, including those for adequate access and design for emergency vehicles. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

¹¹⁰ Ibid., page 323.

¹¹¹ Ibid.

4.16 Tribal Cultural Resources

The following discussion is based, in part, on an Archaeological Sensitivity Assessment prepared for the project by Archaeological/Historical Consultants in August 2024. This report is confidential and is on file with the Sunnyvale Community Development Department.

4.16.1 Environmental Setting

The existing tribal cultural resources setting, including regulatory framework, has not substantially changed since certification of the FEIR.

As discussed in Section 4.4 Cultural Resources, there are two known archaeological sites within a quarter mile of the project site and the project site has a moderate sensitivity for buried Native American archaeological deposits.

4.16.2 Impact Discussion

Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	LTS	No	No	No

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	LTS	No	No	No	No

Note: LTS = less than significant

a. The FEIR concluded buildout of the Specific Plan would not result in impacts to a tribal cultural resource (TCR) listed or eligible for listing in the CRHR or City's HRI because no TCRs are located within Moffett Park. The FEIR concluded future development would comply with existing regulations (i.e., AB 52 as applicable) and Specific Plan Project Requirements 10.3.2-3 through 10.3.2-5 (refer to Section 4.4 Cultural Resources) to protect TCRs.¹¹²

There are no known TCRs on-site. As discussed in Section 4.4 Cultural Resources, an Archaeological Sensitivity Assessment was prepared for the project, and a Condition of Approval would be implemented to ensure construction crews receive cultural resources training. Further, consistent with the FEIR, the proposed project would comply with Specific Plan Requirements 10.2.3-4 and 10.2.3-5 in the event archaeological resources (such as TCRs) are discovered on-site. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded buildout of the Specific Plan would not result in impacts to a TCR considered significant by Public Resources Code Section 5024.1 because no TCRs are identified within Moffett Park. The FEIR concluded future development would comply

¹¹² Ibid., page 327-328.

with existing regulations and Specific Plan policies to protect TCRs.¹¹³

As discussed in Section 4.4 Cultural Resources and under checklist question a) above, there are no known TCRs on-site and the project would implement a Condition of Approval to ensure construction crews receive cultural resources training, and would comply with Specific Plan Requirements 10.2.3-4 and 10.2.3-5 in the event archaeological resources (such as TCRs) are discovered on-site. The project would result in the same impact as disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183.

¹¹³ Ibid.

4.17 Utilities and Service Systems

4.17.1 Environmental Setting

The existing utilities and service systems setting, including regulatory framework, has not substantially changed since certification of the FEIR. Since the certification of the FEIR, the WPCP processing capacity was updated to 19.5 million gallons per day (mgd), which was mentioned and analyzed in the FEIR under cumulative conditions.

There are an existing 12-inch water main, an eight-inch recycled water main, two sanitary sewer manholes, and two 10-inch sewer mains in Moffett Park Drive that serve the site.

4.17.2 Impact Discussion

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	LTS	No	No	No	No
b) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	LTS	No	No	No	No
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	LTS	No	No	No	No

	Specific Plan FEIR Determination	Significant Effect Peculiar to the Project or Parcel?	Significant Effect Not Previously Analyzed?	Significant Off-site or Cumulative Impact Not Previously Analyzed?	New Information Showing More Severe Adverse Impact than Previously Discussed?
Would the project:					
d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	LTS	No	No	No	No
e) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	LTS	No	No	No	No
Note: LTS = less than significant					

a. The FEIR concluded buildout of the Specific Plan would require new or expanded water and sewer infrastructure. Future development would pay water and sewer connection impact fees to fund the improvement projects and separate environmental review (which would identify measures to reduce construction-related impacts to a less than significant level) would be completed at the time the improvements are designed. The FEIR also concluded buildout of the Specific Plan would not worsen existing deficiencies in the storm drain system because buildout of the Specific Plan would decrease impervious surfaces in Moffett Park, thereby decreasing runoff and flows to the storm drain system. Further, the FEIR concluded buildout of the Specific Plan would not result in significant construction-related impacts from the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities because improvements to those facilities (if/when proposed) would undergo separate environmental review and comply with existing regulations to reduce construction-related impacts to a less than significant level.¹¹⁴

As described in more detail in Section 2.0 Project , the proposed project includes lateral connections to existing water and sewer mains in Moffett Park Drive. The project would also connect to two existing sanitary sewer manholes in Moffett Park Drive. The proposed development is consistent with the Specific Plan and the analysis in the FEIR. For this reason, no new improvements or CIPs beyond those identified in the FEIR would be required. Consistent with the FEIR, the project would pay water and sewer connection fees. As discussed in Section 4.9 Hydrology and Water Quality, the project would

¹¹⁴ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 343-350.

decrease impervious surfaces on-site, which would result in a decrease in runoff compared to existing conditions. The project also voluntarily proposes to be 100 percent electric and would not use natural gas. Therefore, the project would result in the same impacts as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

b. The FEIR concluded that, while buildout of the Specific Plan would result in an increased water demand, the City's water supply would meet the projected water demand of both the city and the Specific Plan under normal years.¹¹⁵ Under dry and multiple-dry years, the City would likely need to impose water conservation measures, through execution of existing water contingency shortage plans, to reduce demand. In addition, the FEIR determined future development projects would comply with SMC requirements, General Plan Policies, and the following Specific Plan Policies pertaining to water conservation.

Policy	Description
IU-3.2	Prioritize water conservation and the use of recycled water for all outdoor, non-drinkable uses, including in street, open spaces, and landscaped areas.
IU-3.3	Encourage sustainable development practices for development projects to reduce the demands on the water supply and sanitary sewer systems, including use of recycled water indoors, installation of localized blackwater systems, regenerative and high efficiency landscape practices that reduce water and energy use, development of private district utility systems, and increased building efficiency to beyond City standards.
IU-3.5	Require new development to provide recycled water infrastructure in new streets, connect to the recycled water system, and use recycled water for outdoor water use at a minimum.

The project is consistent with the development assumptions and analysis in the FEIR. The project would comply with SMC Chapter 19.37 that includes water-efficient landscape design, planting, and irrigation requirements; General Plan Policies related to water conservation; and Specific Plan Policies IU-3.2, -3.3, and -3.5 by planting native landscaping, installing recycled water irrigation piping, and using recycled water for outdoor uses. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

c. The FEIR concluded that buildout of the Specific Plan would not exceed the treatment capacity at the WPCP, resulting in a less than significant impact.¹¹⁶

¹¹⁵ Ibid., page 351.

¹¹⁶ Ibid., page 352.

Given the WPCP's treatment capacity of 19.5 mgd, current flows to the WPCP (12.9 mgd ADWF)¹¹⁷, and the project's estimated sewage generation (0.02 mgd ADWF)¹¹⁸, there is sufficient capacity at the WPCP to serve the project. The project would not result in new or substantially more severe significant impacts than disclosed in the FEIR. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

d. The FEIR concluded the Specific Plan would not generate solid waste in excess of state or local standards because future development would comply with existing waste reduction regulations and be served by local landfills (e.g., Kirby Canyon Landfill) with sufficient capacity; therefore, impacts would be less than significant.¹¹⁹

The proposed project is consistent with the development assumptions and analysis in the FEIR. Specialty would provide recycling, organics, and solid waste collection services to the site. The project would also comply with the CALGreen and City construction and demolition waste diversion requirements by diverting 65 percent of nonhazardous waste from landfills. Therefore, the project would result in the same impact as disclosed in the FEIR and would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

e. The FEIR concluded that the Specific Plan would comply with existing statutes and regulations governing solid waste including AB 341, SB 1383, CALGreen construction waste and debris diversion, and General Plan Policy EM-14.3 by requiring recycling consistent with federal, state, and local requirements.¹²⁰

The proposed project would comply with the existing regulations listed above by providing recycling and organic waste collection and disposal services and diverting 65 percent of nonhazardous waste from landfills. Therefore, the project would not meet any of the factors laid out in CEQA Guidelines Sections 15162 and 15183. No further analysis is required.

¹¹⁷ Ibid.

¹¹⁸ Illingworth & Rodkin, Inc. *333-385 Moffett Park Drive Construction Emissions and Health Risk Assessment*. August 23, 2024.

¹¹⁹ City of Sunnyvale. *Moffett Park Specific Plan Integrated Final EIR*. SCH# 2021080338. July 2023. Page 352.

¹²⁰ Ibid., page 353.

Section 5.0 References

The analysis in this Compliance Checklist is based on the professional judgement and expertise of the environmental specialists preparing this document, based upon review of the site, surrounding conditions, site plans, and the following references:

California Department of Conservation. "CGS Seismic Hazards Program: Liquefaction Zones." Accessed August 1, 2024. <https://maps-cnra-cadoc.opendata.arcgis.com/datasets/cadoc::cgs-seismic-hazards-program-liquefaction-zones/explore?location=37.534114%2C-122.226939%2C13.33>

---. "CGS Seismic Hazards Program: Landslide Zones." Accessed August 1, 2024. <https://maps-cnra-cadoc.opendata.arcgis.com/maps/08d18656a0194881a7e0f95fde19f08c/explore?location=37.395669%2C-121.928605%2C11.00>.

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Roux Associates, Inc. *Phase I Environmental Site Assessment 333-385 Moffett Park Drive*. August 26, 2022.

Stanley, R. G., R. C. Jachens, P. G. Lillis, R. J. McLaughlin, K. A. Kvenvolden, F. D. Hostettler, K. A. McDougall, and L. B. Magoon. 2002. *Subsurface and petroleum geology of the southwestern Santa Clara Valley ("Silicon Valley"), California*. (Professional Paper 1663) Washington, DC: U. S. Government Printing Office.

Sunnyvale School District. "Developer Fee Compliance." Accessed March 26, 2025.
<https://www.sesd.org/Page/662>.

Windus, Walter B. *Comprehensive Land Use Plan for Moffett Federal Airfield*. December 2018. Figure 5: 2022 Aircraft Noise Contours with AIA.

Section 6.0 Lead Agency and Consultants

6.1 Lead Agency

City of Sunnyvale
Community Development Department
Trudi Ryan, Director
Shaunn Mendrin, Planning Officer
Julia Klein, Principal Planner
Margaret Netto, Senior Planner

6.2 Consultants

David J. Powers & Associates, Inc.
Environmental Consultants
Kristy Weis, Principal Project Manager
Maria Kisyova, Project Manager
Ryan Osako, Graphic Artist

Archaeological/Historical Consultants
Historical & Cultural Consultants
Daniel Shoup, Principal
Archaeologist
Molly Fierer-Donaldson, Senior
Archaeologist

Rockridge Geotechnical
Geotechnical Consultants
Craig S. Shields, Principal Engineer

HortScience | Bartlett Consulting
Arborist
Brenda Wong, Consulting Arborist
and Urban Forester

Roux Associates, Inc.
Environmental Engineering Consultants
Angela Liang Cutting, Principal
Engineer
Shivani Ananth, Staff Engineer

Illingworth & Rodkin, Inc.
Air Quality & Acoustics Consultants
James Reyff, Principal
Casey Divine, Consultant
Jordyn Bauer, Consultant
Zachary Palm, Consultant

W-Trans
Transportation & Engineering Consultants
Mark Spencer, Senior Principal
Brian Canepa, Principal

Section 7.0 Acronyms and Abbreviations

AB	Assembly Bill
ACM	Asbestos-Containing Material
ADWF	Average Dry Weather Flow
amsl	above mean sea level
Air District	Bay Area Air District
APN	Assessor's Parcel Number
ASTM	American Society for Testing and Materials
ATCM	Airborne Toxics Control Measure
BAAQMD	Bay Area Air Quality Management District
Bay	San Francisco Bay
Bay Area	San Francisco Bay Area
BERD	Built Environmental Resources Directory
bgs	below the ground surface
BMP	best management practices
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalEPA	California Environmental Protection Agency
CALGreen	California Green Building Standards
Caltrans	California Department of Transportation
CAP	Clean Air Plan
CARB	California Air Resources Board
CBC	California Building Standards Code
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CGS	California Geological Survey
CIWQS	California Integrated Water Quality System
CLUP	Comprehensive Land Use Plan
CMP	Congestion Management Plan
CNEL	Community Noise Equivalent Level

CRHR	California Register of Historical Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel
DNL	Day/Night Average Sound Level
DPM	Diesel Particulate Matter
DPS	Department of Public Safety
DTSC	Department of Toxic Substances Control
ECD	Ecological Combining District
EIR	Environmental Impact Report
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Environmental Site Assessment
ESL	environmental screening level
EV	electric vehicle
FAA	Federal Aviation Administration
FAR	floor-area-ratio
FAR Part 77	Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace
FEIR	Final Environmental Impact Report
FHSZ	Fire Hazard Severity Zone
GHG	greenhouse gas
Habitat Plan	Santa Clara Valley Habitat Plan
HI	Hazard Index
HP	horsepower
HRA	health risk assessment
HRI	Heritage Resources Inventory
HSP	Health and Safety Plan
HVAC	heating, ventilation, and air conditioning
IFEIR	Integrated Final Environmental Impact Report
kW	kilowatt
LBP	lead-based paint
L _{eq}	Energy-Equivalent Sound/Noise Descriptor
LID	low impact development

L _{max}	Maximum A-weighted noise level during a measurement period
MBTA	Migratory Bird Treaty Act
mph	miles per hour
MRP	Municipal Regional Stormwater NPDES Permit
MSL	mean sea level
NAHC	Native American Heritage Commission
NO ₂	Nitrogen Dioxide
NO _x	Nitrogen Oxides
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
OHP	Office of Historic Preservation
PRM	Paleontological Resource Mitigation
PCB	Polychlorinated Biphenyls
PG&E	Pacific Gas and Electric Company
PM	particulate matter
PM ₁₀	particulate matter with a diameter of 10 microns or less
PM _{2.5}	particulate matter with a diameter of 2.5 microns or less
POPA	privately owned and publicly accessible
PPV	peak particle velocity
PV	photovoltaic
R&D	Research and Development
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental conditions
RWQCB	Regional Water Quality Control Board
SB	State Bill
SCCDEH	Santa Clara County Department of Environmental Health
SCH	State Clearinghouse
SMaRT	Sunnyvale Materials Recovery and Transfer
SMC	Sunnyvale Municipal Code
SMP	Site Management Plan
Specific Plan	Moffett Park Specific Plan

SR	State Route
SRA	State Responsibility Area
SVCE	Silicon Valley Clean Energy
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAC	Toxic Air Contaminants
TCR	tribal cultural resource
Title 24	Title 24, Part 6 of the California Code of Regulations
TMA	Transportation Management Association
TPA	Transit Priority Area
TSCA	Toxic Substances Control Act
USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
VMT	Vehicle Miles Traveled
VOC	volatile organic compounds
VTa	Santa Clara Valley Transportation Authority
Williamson Act	California Land Conservation Act
WPCP	Wastewater Pollution Control Plant



November 5, 2025

City of Sunnyvale Planning Commission
456 W. Olive Avenue
Sunnyvale, CA 94086

Subject: Letter of Support – Platform Moffett Park Project

Dear Commissioners,

On behalf of the Moffett Park Business Group (MPBG), a membership-driven organization committed to supporting the social, environmental, and economic health of our community, I am writing to express our support for the Platform Moffett Park Project, proposed by Ellis Partners. With our focus on development, sustainability, community engagement, and improved mobility, MPBG is pleased to show its support for this project as it moves through the City's review process.

The Platform project demonstrates strong alignment with the goals and design principles established in the Moffett Park Specific Plan, including sustainability, innovation, and the creation of a vibrant mixed-use environment. The proposal advances the vision of a modern eco-district that integrates transit access, open space, and community-oriented amenities.

MPBG views this project as a meaningful contribution to the continued transformation of Moffett Park into a forward-looking district that supports both economic growth and quality of life. We appreciate the Planning Commission's thoughtful consideration and leadership in advancing projects that reflect these shared values.

Sincerely,

Kerry Haywood

Kerry Haywood
Executive Director
Moffett Park Business Group

Cc: MPBG Board

From: [Guia Sharma](#)
Cc: [Shaunn Mendrin](#); [Julia Klein](#); [Margaret Netto](#); [REDACTED]
Bcc: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
Subject: OPERATIONAL - FW: PC study session debrief
Date: Friday, October 17, 2025 9:13:00 AM
Attachments: [image004.png](#)
[image005.png](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image006.png](#)

Good morning, Commissioners,

At the Planning Commission study session on Monday, October 13, 2025, we committed to providing answers to questions and concerns that were raised about the proposed project at 333-385 Moffett Park Drive. The applicant's email below and the linked plan sheets address these questions and concerns.

Please note that this email is being forwarded as Information Only and to ensure discussions relating to this topic occur during a Commission meeting, you should not respond to the applicant.

Best,



Follow us on:



Guia Sharma
Administrative Aide
Community Development Department
Email: gsharma@sunnyvale.ca.gov
Phone: 408-730-7432
Pronouns: she, her, hers
Sunnyvale.ca.gov

* The Sunnyvale Planning Division continues to provide virtual services, such as [electronic permit submittals](#) and virtual meetings. In-person services are also available at the [One Stop Permit Center](#), located on the second floor of the new City Hall building at 456 W. Olive Avenue. Underground parking is available and can be accessed on W. Olive Avenue. Masks and appointments (pcappointment@sunnyvale.ca.gov) are strongly encouraged.

General zoning information is also available on the [Planning Division webpage](#).

From: Dave Harty <[REDACTED]>
Sent: Wednesday, October 15, 2025 2:13 PM
To: Julia Klein <JKlein@sunnyvale.ca.gov>
Cc: Margaret Netto <MNetto@sunnyvale.ca.gov>; Shaunn Mendrin <SMendrin@sunnyvale.ca.gov>; Mitchell Serrato <[REDACTED]>
Subject: RE: PC study session debrief

WARNING - This email came from an EXTERNAL source. Confirm the sender and its contents are safe before responding, opening attachment or links.

Julia, here is the draft PC email for your review:

Hello Sunnyvale Planning Commissioners,

Thank you again for your time on Monday evening and for a productive study session. We wanted to follow up on some of the questions you raised and provide more detail. It was also apparent during the meeting that there were some legibility issues on the plans due to the file size limitations of the submission portal. Links to the high-res version of select drawing sheets are provided below, and we will also print new paper sets with higher resolution before the public hearing in November.

Please let us know if you have any additional questions or would like to meet directly with our team. We look forward to the public hearing in November.

1. Landscaping Questions: High Res Landscaping Sheets:

<https://ellispartners.egnyte.com/dl/Xv7TTPXMRwbJ>

a. Protected Tree Disposition and Mitigation (Comm. Sigura) - Further clarification on heritage trees planned for removal requested

- i. The Tree Disposition Plan is on Sheet L0.03 and is more legible on the high res plans.
- ii. All protected tree removals are mitigated in accordance with Sunnyvale Municipal Code §19.94.020 and the Moffett Park Specific Plan (MPSP) Section 6.6.3 Urban Forest.
- iii. The removal and replacement list from the Arborist Report shows exactly how each protected tree removal is mitigated with new trees. That list is linked here:

<https://ellispartners.egnyte.com/dl/hvgPFc6YrVmY>

b. At-Grade Trees (Comm. Shukla) – Question about the size of trees for the planting areas at ground level and in front of the Creator Space

- i. At-grade landscape zones will receive the largest feasible tree sizes given space and utility constraints. All at-grade trees will be installed at 36-inch box minimum with adequate rooting volume and continuous soil trenches where possible. Species such as Platanus racemosa, Quercus lobata, and Ulmus parvifolia ‘Drake’ provide substantial canopy coverage consistent with MPSP Urban Forest standards.

c. Podium Plantings (Comm. Shukla) – Question concerning the suitability of

plans for the podium to confirm the plants will do well there and be maintained.

- i. Podium planters will utilize a lightweight engineered soil mix composed of expanded shale or pumice aggregate blended with compost and organic matter to promote drainage, aeration, and root health while minimizing structural load. Tree selections are limited to compact, non-invasive species appropriate for podium conditions, with mature heights generally capped at 25–30 feet.
- ii. Representative species include Arbutus ‘Marina’, Lagerstroemia ‘Natchez’, Olea ‘Swan Hill’, and Ulmus ‘Drake’.

d. **Native Plantings (Comm. Pyne)** – Question concerning our planting schedule, and the use of City approved non-native species.

- i. The MPSP plant list provides an excellent foundation emphasizing native, drought-tolerant species that support habitat value and water efficiency. However, applying the list too rigidly can limit both design flexibility and horticultural performance. Many MPSP-listed species are best suited to open or at-grade landscapes, whereas this project features diverse microclimates including shaded courtyards, wind-exposed terraces, and podium-level planters with limited soil depth where select Sunnyvale approved alternates may perform better.
- ii. Allowing such flexibility ensures long-term plant health, seasonal interest, and visual diversity while fully maintaining compliance with City intent and the sustainability objectives of the MPSP.

2. **Shared Use Path Terminus (Comm. Pyne)** – This question asked about how the shared use path will terminate at the eastern property line along Moffett Park Drive

- a. This was a very helpful comment that we have discussed with Planning Staff. Staff’s recommendation is to require a phased approach that is documented in the Conditions of Approval:

- i. Phase 1 – Applicant to install the multi-use path up to the driveway.
- ii. Phase 2 – When the neighboring property is redeveloped, applicant will be responsible to extend the multi-use path from the eastern edge of the driveway to the property line.

3. **Bird Safety (Comm. Shukla)** – Question concerning adequate bird safe design for the façade glazing.

- a. High res building elevations showing the bird safing details more clearly are linked here: <https://ellispartners.egnyte.com/dl/vVY7rjFWqDyY>
- b. Bird safing strategies were guided by the Avian Collision Risk Assessment by the project’s Ecologic Consultant, HT Harvey, and comply with the Moffett Park Specific Plan’s Bird-Safe Building Design Guidelines.

4. **Accessible Parking Questions:** High res versions of the Accessibility Plans are linked

here: <https://ellispartners.egnyte.com/dl/998QgwkWkQWj>

- a. **Accessible Parking Locations (Comm. Figone):** Question concerning proximity of ADA stalls to building entrances
- i. It should now be easier to see the ADA locations on the high res plans.
 - ii. ADA stalls are concentrated near the Main Lobbies and Elevator Lobbies on parking levels P1 and P2.
 - iii. There is 1 ADA EV Van space on the exterior of the building, but all other ADA spaces are located on the garage interior. The ADA spaces are concentrated on the garage interior because that is the shortest path of travel to the entrances to all occupied areas of the buildings, including the Creation Space.
- b. **Creation Space Parking (Comm. Shukla) –** Question about parking, including accessible parking, that will be made available to the planned Creator Space.
- i. Per parking code, the 10,370SF Creation Space requires 21 standards stalls, 1 accessible stall and 1 van accessible stall. The Creation Space will have direct access to the P1 parking level which has 218 public stalls and 10 accessible spaces, many of which are in close proximity to the Creation Space.

Dave Harty
Senior Vice President

ELLIS PARTNERS

[One Sansome Street, Suite 1550](#)
[San Francisco, CA 94104](#)

o: [REDACTED]

m: [REDACTED]

[REDACTED]

www.ellispartners.com



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City of Sunnyvale

Excerpt Meeting Minutes - Draft

Planning Commission

Monday, November 24, 2025

5:30 PM

Online and Council Chambers, City Hall,
456 W. Olive Ave., Sunnyvale, CA 94086

Special Meeting: Study Session - 5:30 PM | Public Hearing - 7:00 PM

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Vice Chair Shukla called the meeting to order at 7:45 PM.

ROLL CALL

Present: 4 - Vice Chair Neela Shukla
Commissioner Chris Figone
Commissioner Martin Pyne
Commissioner Michael Serrone

Absent: 3 - Chair Nathan Iglesias
Commissioner Galen Kim Davis
Commissioner Ilan Sigura

The absences of Chair Iglesias and Commissioner Davis are excused.

Commissioner Sigura's absence is unexcused.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [25-0965](#)

Proposed Project: Related applications on a 4.99-acre site:

DEVELOPMENT AGREEMENT (DA): Introduce an Ordinance Approving a DA between the City of Sunnyvale and BEP Moffett Park LLC.

MOFFETT PARK SITE MASTER PLAN (MPSMP): To establish horizontal site planning and vertical floor area allocations.

MOFFETT PARK SPECIAL DEVELOPMENT PERMIT (MPSDP): to demolish two existing office/R&D buildings and all site work and construct three (3) level office/R&D building over a three (3)-level above-grade podium with podium-level private roof deck.

Location: 333-385 Moffett Park Drive (APN:110-34-005)
File #: PLNG-2025-0137 (DA& MPSMP) & PLNG-2025-0072 (MPSDP)
Zoning: Moffett Park (MP-02)
Applicant: Ellis Partners
Owners: BEP Moffett Park LLC
Environmental Review: No additional review required per California Environmental Quality Act (CEQA) Guidelines Section 15183 as the environmental impacts of the project are addressed in the Moffett Park Specific Plan (MPSP) Environmental Impact Report (EIR).
Project Planner: Margaret Netto, (408) 730-7628, mnetto@sunnyvale.ca.gov

Senior Planner Margaret Netto presented the staff report with a slide presentation. She also read into the record the modifications that staff made to the Moffett Park Special Development Permit (MPSDP) Recommended Conditions of Approval for the proposed project.

Commissioner Pyne confirmed with Senior Planner Netto that MPSDP Recommended Condition of Approval BP- 38 (in Attachment 5 to the report) is being removed since it is a duplicate of an earlier condition (Recommended MPSDP Condition of Approval BP-16).

Commissioner Pyne noted a few typos in the agenda package:

1. Attachment 5, Recommended MPSDP Condition of Approval EP-28 – The condition refers to five driveways, but there appears to be three. Principal Planner Klein stated staff would investigate it and fix it prior to City Council meeting.
2. Attachment 3, Draft Planning Commission Findings for the Development Agreement, Section 5 on page 5 – It references “downtown.” Principal Planner Klein stated staff will fix the typo prior to City Council meeting.
3. Attachment 3, Draft Planning Commission Findings for the Development Agreement, Section 3 on page 4 – The last bullet appears to be an incomplete sentence. Principal Planner Klein stated staff will investigate it and fix it prior to City Council meeting.
4. Attachment 2, Draft Ordinance and Development Agreement, page 2 – In two places, the Planning Commission public hearing date is shown as November 10, 2025. This should be changed to November 24, 2025. Principal Planner Klein stated staff will fix the two typos prior to City Council meeting.

Commissioner Serrone expressed his support for the additional public parking included in the proposed project. He questioned whether available parking is currently an issue in that area of Moffett Park. Planning Officer Shaunn Mendrin

explained that an analysis of the proposed uses in the MPSP area was conducted to determine parking ratios suitable for that area. Commissioner Pyne shared that in his experience working within that area ten years ago, he did not notice any parking issues.

David Harty (Senior Vice President at Ellis Partners) presented additional information on the proposed project.

Commissioner Serrone confirmed the following with Mr. Harty: the proposed project will include infrastructure to support an on-site, full-service café; the proposed project's parking podium will be made of steel and the two buildings on top of it may be made of either steel or timber; the proposed project's creation space will be leased separately, and its rental price will be dictated by the market.

Commissioner Pyne and Mr. Harty discussed the anticipated development timeline for the proposed project.

At Commissioner Pyne's request, Casey Crawmer (Principal at HGA) provided details on the proposed project's coded patterning of glazing panels that is a reference to binary computer code.

Commissioner Figone commented on the beauty of the proposed project's architecture.

Commissioner Figone asked whether the proposed project's solar panels will provide an adequate supply of energy for the research and development (R&D) buildings or whether other sources of power will be available. Mr. Harty explained that tenants of the R&D buildings may rely on energy provided by the proposed project's solar system and that consideration may be given to replacing the existing solar panels later, if necessary.

Vice Chair Shukla discussed the proposed project's creation space with Mr. Harty and Planning Officer Mendrin. She and Mr. Harty also discussed the intended vision for the proposed project's pollinator garden and Privately Owned and Publicly Accessible (POPA) areas.

Vice Chair Shukla opened the Public Hearing.

Kerry Haywood, speaking on behalf of the Moffett Park Business Group, spoke in support of the proposed project and explained that it is in alignment with the goals and design principles established in the MPSP. She urged the Planning

Commissioners to approve the proposed project.

Mr. Harty provided closing comments.

Vice Chair Shukla closed the Public Hearing.

MOTION: Commissioner Pyne moved, and Commissioner Serrone seconded the motion to recommend Alternative 2 to the City Council:

Approve the Development Agreement and Modify the Site Master Plan and Special Development Permit (with modifications)

- a. Make the findings required by Resolution No. 371-81 (Attachment 3 to the Report), with modifications to Findings 3 and 5 to correct incomplete sentences and replace all references to Downtown Specific Plan with the Moffett Park Specific Plan area.
- b. Recommend to City Council the Introduction of an Ordinance Approving and Adopting a Development Agreement between the City of Sunnyvale and BEP Moffett Park (Attachment 2 to the Report, with modifications to page 2 to state that the Planning Commission held a public hearing and recommended Development Agreement findings for the proposed project on November 24, 2025, instead of November 10, 2025).
- c. Recommend to City Council to Find that the Project is consistent with the Moffett Park Specific Plan Program Environmental Impact Report and no additional environmental review is required under Section 15183 of the Guidelines to the California Environmental Quality Act (CEQA) (removing the reference to the Downtown Specific Plan and its EIR as noted by Planning Officer Shaunn Mendrin); and
- d. Recommend to City Council to approve the Moffett Park Site Master Plan (MPSMP) and Moffett Park Special Development Permit based on Recommended Findings in Attachment 4 and Recommended Conditions of Approval in Attachment 5 subject to modifications reported by staff during the staff presentation and a modification to MPSDP Recommended Condition of Approval EP-28 reducing the driveway approaches to 3.

Principal Planner Klein confirmed with Commissioner Pyne that the motion included reference to fixing the typos raised earlier in the discussion.

Commissioner Pyne spoke in support of the proposed project and highlighted the ways it meets goals of the MPSP and City policies. He confirmed his ability to make the findings to support approval of the proposed project.

Commissioner Serrone shared his thoughts on the proposed project's visually appealing design and the benefits the proposed project will offer to the community and the City. He spoke in support of the proposed project and offered his thoughts on the impacts of offering in-house subsidized food service on the proposed project site.

Vice Chair Shukla confirmed her support for the proposed project and commended its features and the amenities it will provide.

The motion carried by the following vote:

Yes: 4 - Vice Chair Shukla
Commissioner Figone
Commissioner Pyne
Commissioner Serrone

No: 0

Absent: 3 - Chair Iglesias
Commissioner Davis
Commissioner Sigura

This recommendation will be forwarded to the City Council for consideration at the December 9, 2025, meeting.