



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

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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

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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

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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

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- 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

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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.

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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

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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:

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- 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

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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

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- 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

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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
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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