

DETERMINATION BY PLANNING COMMISSION

Development Agreement

Pursuant to City Council Resolution 371-81, the Commission shall make a recommendation to the City Council including the Commission's reasons therefore and its determination of whether the development as described in the development agreement will be:

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

The amendments to the Specific Plan will allow higher intensity development within walking distance of the light rail corridor. The new Class A office campus will implement the objectives by providing higher quality office space for existing Sunnyvale businesses or attract new businesses to the City. The proposed buildings will be LEED Platinum with USGBC certification. The project will provide perimeter sidewalks and additional on-site public pedestrian pathways.

An additional sidewalk connection will be installed to ensure safe pedestrian access from nearby light rail. The City will also receive funding for three additional public safety personnel for a seven year period. The additional staff at Fire Station No. 5 will help the City provide adequate emergency response in the Moffett Park Specific Plan area as well as the northern areas of the City. Specifically, the proposed development meets the following Moffett Park Specific Plan guiding principles and objectives:

Guiding Principles

- *Guiding Principle 3.0:* Foster cooperative partnerships with businesses, property owners, and the City of Sunnyvale.
- *Guiding Principle 4.0:* Provide opportunity for strategic retention and attraction of business and private investment.
- *Guiding Principle 5.0:* Focus areas of higher intensity development in areas adjacent to public transportation facilities.
- *Guiding Principle 6.0:* Streamline the land use permit and environmental review approval process
- *Guiding Principle 7.0:* Enhance pedestrian accessibility.
- *Guiding Principle 8.0:* Increase utilization of public transit through coordinated land use, transportation, and infrastructure planning.
- *Guiding Principle 9.0:* Incorporate the principles of “smart growth” into all planning decisions.
- *Guiding Principle 10.0:* Incorporate sustainable design and green building concepts into private and public projects.

Land Use Objectives

- *Specific Plan Objective LU-2:* Coordinate land use planning within Moffett Park with transportation planning.

- *Specific Plan Objective LU-3:* Allow for balanced development that minimizes environmental and fiscal impacts to the City.
- *Specific Plan Objective LU-4:* Establish land use districts that encourage high quality corporate headquarter and Class A office development.
- *Specific Plan Objective LU-5:* Provide for higher intensity development along transportation corridors and within close proximity to rail and transit stations.
- *Specific Plan Objective LU-8:* Provide specific requirements to enhance public amenities of new development.

Circulation & Transportation Objectives

- *Specific Plan Objective CIR-1:* Strive for a net Transportation Demand Management trip reduction of 20% on all new development within the Specific Plan area. Encourage peak hour trip reduction options when feasible.
- *Specific Plan Objective CIR-2:* Provide for improved pedestrian and bicyclist mobility within the Specific Plan area.
- *Specific Plan Objective CIR-3:* Require that all future transportation impacts are mitigated to the greatest extent feasible.
- *Specific Plan Objective CIR-5:* Require a correlation between higher intensity land uses in the Specific Plan project area and direct access to alternative modes of transportation.
- *Specific Plan Objective CIR-6:* Provide consistency with the citywide Transportation Strategic Program.

General Environmental Objectives

- *Specific Plan Objectives ENV-4:* Encourage future development to incorporate green building techniques into site design, building construction, and occupancy and operation of the building.
- *Specific Plan Objective ENV-5:* Encourage high intensity developments to incorporate sustainable design features as a whole building concept.
- *Specific Plan Objectives ENV-7:* Strive to provide for indoor environmental quality measures in support of employee health and productivity.

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

The Moffett Place project is allowed up to an 80 percent floor area ratio and the use of the space for research and development or office uses are allowed under the MP-TOD zoning district. The site layout and architecture are consistent with the Moffett Park Specific Plan design guidelines and all Zoning Code requirements. Specifically, the building entries are accented with architectural metal fins with the main lobby entry highlighted by a large structural glass windows and a pedestrian scale entry portal. This design approach creates visually interesting and varying building facades for the overall office campus. The project is designed to meet the City's Bird Safe Design Guidelines by incorporating sunshades, metal canopies to the building design to reduce massing.

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

The proposed use is consistent with those land uses allowed in the Moffett Park Specific Plan area. Benefit to the City: The DA will further implement the objectives of the MPSP by providing a more optimal location for public safety services, redevelopment of a new Class A office campus with walking distance of light rail and pedestrian and transportation improvements to improve circulation in the area. The City will benefit from additional \$11 million dollar payment towards the 101/237/Mathilda Interchange improvements that will benefit City residents and visitors. The City will also receive funding for three additional public safety personnel for a seven year period. The additional staff at Fire Station No. 5 will help the City provide adequate emergency response in the Moffett Park Specific Plan area as well as the northern areas of the City. Residents and visitors to the City will benefit from improved circulation within the Moffett Park Specific Plan area with the opening of E Street to provide connection between 5th and 11th Avenues. Once redevelopment occurs, the City will receive additional General Fund monies through construction permitting and over the long-term increased property tax.

4. Not detrimental to the public health, safety and general welfare;

As noted above, the project will enhance public access to light rail by installing perimeter sidewalks around the site. The project would be located within 1,200 feet from the Moffett Park Drive light rail station and 1,600 feet from the Mathilda Avenue light rail station. Additionally, there is an existing pedestrian bridge over SR 237 with a ramp located at the southeast corner of the Borregas Avenue/Moffett Park Drive intersection that would facilitate bicycle and pedestrian access to the project site and the MPSP area in general.

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

The development will result in the development of 1.65 million square feet of office space within the Moffett Park Specific Plan area, which is consistent with guiding principles and objectives of the plan. The project will result in reinvestment in over 47 acres of land in the area, resulting in increased property taxes, City revenue and property values in the area.

6. Consistent with the requirements of this resolution.

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