

RECOMMENDED FINDINGS

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS FOR PROJECTS CONSISTENT WITH THE LAND USE AND TRANSPORTATION ELEMENT (LUTE) ENVIRONMENTAL IMPACT REPORT (EIR)

The Planning Commission hereby makes the following findings:

1. The Planning Commission has independently reviewed the programmatic Draft and Final Environmental Impact Reports for the Land Use and Transportation Element (LUTE) of the Sunnyvale General Plan, State Clearinghouse #2012032003 (the “LUTE EIR”).
2. The LUTE EIR identified measures to mitigate, to the extent feasible, the significant adverse project and cumulative impacts associated with the buildout anticipated by the LUTE. In addition, the LUTE EIR identified significant and unavoidable impacts with regard to transportation, air quality, cultural resources, and noise.
3. On April 11, 2017, the City Council made Findings, adopted a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program, certified the LUTE EIR, and adopted the LUTE.
4. In addition to serving as the environmental document for the adoption of the LUTE, the LUTE 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 LUTE in accordance with Public Resources Code Section 21083.3 and Section 15183 of the CEQA Guidelines. These sections provide 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 LUTE designates the Project Site as “Moffett Park Specific Plan”. This designation authorizes a base density of 50% floor area ratio (FAR) with additional FAR available to projects that incorporate sustainable features (LUTE p.89). Specifically, the City “maintains a limited pool of available square footage that may be applied to projects/sites in industrial areas

that request higher floor area ratios and provide desired community benefits, including participation in the Green Building Program.” The City currently has sufficient square footage in the Citywide Development Pool to meet the Project’s request for additional FAR under the Green Building Program.

7. The LUTE contains a number of goals, policies, and implementing actions that affirm the General Plan’s vision for sustainable development, including Policy LT-2.1 (sustainable practices for the design, construction, maintenance, operation, and deconstruction of buildings), LT-2.1b (encourage green features), LT-2.1c (establish incentives that encourage green building practices beyond mandated requirements), and LT-3.4 (require large employers to develop and maintain transportation demand management programs to reduce employee vehicle trips).
8. The project is designed to achieve LEED Gold standards, as required by the City’s Green Building Program, and includes many green building features including all-electric appliances, solar panels, electric vehicle charging stations, use of daylighting, an advanced heating and cooling systems, and mass timber construction. The Project would also implement a transportation demand management program whereby the trips generated by the Project would not be more than a project built at 50% FAR.
9. Section 15183(f) of the CEQA Guidelines provides that an effect of the project on the environment shall not be considered “peculiar” to the project for purposes of Section 15183 if the effect can be substantially mitigated by the imposition of uniformly applied development standards or policies.
10. Based on the environmental checklist for the Project and other information in the record, and after duly noticed public hearing, the City finds as follows:
 - a. The Project is consistent with the Land Use and Transportation Element (LUTE) of the City’s General Plan.
 - b. The conditions of approval for the Project require the Project to undertake feasible mitigation measures required by the LUTE EIR and applicable to the Project.
 - c. 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 signification in the LUTE EIR;
 - iii. are potentially significant off-site impacts or cumulative impacts which were not discussed in the LUTE 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 LUTE EIR.
 - d. Accordingly, the City finds that no additional EIR needs to be prepared for the Project.
11. 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 Ave., Sunnyvale, CA 94086.

Major Moffett Park Design Review

The Planning Commission may approve any Major Moffett Park Design Review upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will both:

1. The proposed project attains the objectives and purposes of the Moffett Park Specific Plan. *(Finding met.)*
2. The proposed project substantially conforms with the Moffett Park Design Guidelines set forth in Chapter Six of the Moffett Park Specific Plan. *(Finding met.)*

Key guiding principles and objectives from the Moffett Park Specific Plan are listed below:

Guiding Principles

- *Guiding Principle 1.0: Positively influence the Sunnyvale business climate and enhance economic vitality by providing comprehensive land use policies and permitting processes that encourage development of additional needed Class A office space to diversify the industrial base 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 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-1: Establish development regulations that provide a framework to allow for higher intensity development*
- *Specific Plan Objective LU-2: Coordinate land use planning within Moffett Park with transportation planning.*

- *Specific Plan Objective LU-3: Allow for balance 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-6: Provide a development reserve of additional square footage for sites adjacent to public transit facilities as an incentive to developers and to provide flexibility of use for the future needs of the City's residents and businesses.*

Circulation and Transportation Objectives

- *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.*

Implementation and Administration Objectives

- *Specific Plan Objective IMP-4: Allow for flexibility with the Specific Plan so that it is responsive to changes in the marketplace.*

The following are specific policies the project achieved related to the Community Design in Chapter 6 of the MPSP:

Site Plan

1. Buildings should generally be placed at or near the front setback line without parking between.
2. Buildings located on corner parcels should be placed at or near the setback lines of each street. A strong pedestrian connection to the street should be established through the use of open plaza area and enhanced landscaping, lighting, artwork, and pedestrian amenities.
6. Service areas for trash bins, utility cabinets, transformers, etc. should be planned and designed as an integral part of the site.

Architecture

1. Large scaled elements of undifferentiated mass make buildings appear bulky and monotonous. Vary the planes of exterior walls and provide articulation through use of color, change of materials, and arrangement of façade elements.
3. Architectural design and detailing should be consistent on all elevations of the building and between different buildings within the same complex.

4. Throughout Moffett Park a diversity of building types, colors, and materials is encouraged to create a pleasing mixture of styles and forms. Diversity is intended to prevent a monotonous pattern of development that is identifiable with uniform project development or specific time periods that may appear dated as time passes.
5. The use of varied materials and colors is generally encouraged. Materials should be of high quality and should relate to each other in logical ways.
6. Roof forms shall be consistent with the design theme of the building and should continue all the way around the building to complete the design.
7. Parapet walls and equipment screen walls shall be treated as an integral part of the building design.
9. Art in private development requirement may allow for integration of art objects into building design, features, and materials.

Landscaping

1. Landscaping serves a variety of purposes and shall be designed to serve multiple needs.
3. Existing trees shall be incorporated to the extent feasible into the site designs of new buildings.
4. Site designs should provide a variety of amenities, including artwork, outdoor furniture, lighting, raised planters, seating areas, trellises, trash receptacles, etc. These items should be consistently designed to stay within the same overall theme.
5. Outdoor recreation and eating areas for employees are strongly encouraged.
6. Window design shall, in addition to considering such issues as energy efficiency and aesthetic appeal, strive to provide for high levels of day lighting for office type uses.
7. Exterior lighting for all types of uses shall be designed to shine downward to prevent light pollution affecting efforts to preserve a "dark sky" and to avoid light trespass and glare onto adjoining properties. Creative fixture design is encouraged as an accent to the site.

Sustainable Design and Green Building Techniques

1. Impervious surfaces, including parking areas, shall be kept to the minimum amount necessary to adequately serve the use.
2. Roof design shall consider the heat island effects of roof materials. Roofs should incorporate high albedo (reflective, light colored) or "green" roof designs into the building to address energy efficiency of building cooling and stormwater runoff requirements.
3. Impervious surface design shall incorporate methods to reduce impacts such as heat island effect and stormwater runoff. Use of light colored materials, vegetation, permeable pavement, tree shading, phasing of

parking, are examples of methods to address the negative impacts of impervious surfaces.

4. Parking lot design shall allow for phased implementation as necessitated by on-site demand. Overflow parking or underutilized periphery spaces shall emphasize ecological design techniques.
5. Window design shall, in addition to considering such issues as energy efficiency and aesthetic appeal, strive to provide for high levels of day lighting for office type uses.
6. Indoor and outdoor materials should contain a high percentage of recycled content or rapidly renewable resources and produced in the region, when available to satisfy the required utility or aesthetic.
7. Interior design is encouraged to provide for high levels of indoor environmental quality that provides for long term benefits to employees' health and productivity through the use of low-emitting materials and efficient ventilation methods.

The proposed office will redevelop existing industrial sites with a Class A, 5-story, 182,500-square foot office building, surface parking, and green space. The project proposes a floor area ratio (FAR) of 60.5% which can be achieved by implementing the Green Building Incentive Program which allows an increase of up to 20% FAR above the baseline of 50% in the MP-TOD – Moffett Park Transit Oriented Development zoning. The minimum requirement is Leadership in Energy and Environmental Design (LEED) Gold with U.S. Green Building Council (USGBC) certification. The project is designed to achieve LEED Platinum designation with an all-electric/photovoltaic (PV) strategy and a mass timber primary structure utilizing sustainable timber materials for structural posts and beams. The project's building features include window glazing and architectural treatments designed to address glare and bird safety, as well as an automated accoya wood blind system integrated into the glazing to minimize unwanted solar gain.

The site is within close proximity of the VTA light rail transit system, commercial, and employment areas. The project would provide street improvements, street trees, bicycle parking, and street lighting consistent with other recent developments in the vicinity. The high-quality design and materials of the project as well as the preservation of street trees will enhance the Moffett Park business district aesthetics and contribute positively to the streetscape. The development also includes substantial site landscaping with more native plant materials.

The project has attained the primary design objectives of the Specific Plan through site planning and architectural design, as well as green building design. The building architecture utilizes both building forms and materials to

distinguish the design while at the same time providing consistency with neighboring R&D facilities within Moffett Park. The proposed architectural design of the mass timber office building is contemporary with simple forms that highlights the natural materials both internal to and on the exterior of the building. The project design further enhances and upgrades the existing visual character of the street with variations in planes, projections, and materials, and by building closer to the Borregas Avenue frontage without parking in between the building and the street. Additional ancillary structures such as the solid waste and mechanical enclosures are proposed on the site and would be designed to be consistent with the main structure. The proposed architectural design of the building would be consistent with the developed conditions along Borregas Avenue.

Minor Moffett Park Special Development Permit

Moffett Park Specific Plan Goals and Policies:

The Planning Commission may approve any Minor Moffett Park Special Development permit upon such conditions, in addition to those expressly provided in other applicable provisions of this code, as it finds desirable in the public interest, upon finding that the permit will both:

1. The proposed project attains the objectives and purposes of the Moffett Park Specific Plan. *(Finding met.)*
2. The proposed project ensure that the site improvements, general appearance of proposed structures, and the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties. *(Finding met.)*

Key guiding principles and objectives from the Moffett Park Specific Plan are listed below:

Guiding Principles

- *Guiding Principle 1.0: Positively influence the Sunnyvale business climate and enhance economic vitality by providing comprehensive land use policies and permitting processes that encourage development of additional needed Class A office space to diversify the industrial base 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.*
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The following are specific policies the project achieved related to the Community Design in Chapter 6 of the MPSP:

Landscaping

1. Landscaping serves a variety of purposes and shall be designed to serve multiple needs.
3. Existing trees shall be incorporated to the extent feasible into the site designs of new buildings.
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5. Outdoor recreation and eating areas for employees are strongly encouraged.

Sustainable Design and Green Building Techniques

2. Impervious surfaces, including parking areas, shall be kept to the minimum amount necessary to adequately serve the use.
4. Impervious surface design shall incorporate methods to reduce impacts such as heat island effect and stormwater runoff. Use of light colored materials, vegetation, permeable pavement, tree shading, phasing of parking, are examples of methods to address the negative impacts of impervious surfaces.

The project site includes four parcels of approximately 12.1 acres. The proposed 5-story, 182,500-square foot office building is proposed on the merged parcels of 1265 Borregas Avenue and 160 Gibraltar Avenue. The other two parcels are 1190 and 1196 Borregas Avenue, across Borregas Avenue and approximately 150 feet southeast of the proposed office building. All of the existing buildings on the four parcels would be removed, and the required parking would be provided on surface parking over all parcels. 1190 and 1196 Borregas Avenue would provide 362 of the 424 parking spaces proposed. The other 62 parking spaces would be provided on the merged 1265 Borregas Avenue and 160 Gibraltar Court parcel. The 424 parking spaces is also reduced from the required 603 parking spaces per Sunnyvale Municipal Code Section 19.29.140.

The Minor Moffett Park Site Development Permit allows deviations from the parking standards established in the MPSP. In addition, the MPSP requires a Transportation Demand Management (TDM) Program to limit the number of total daily and peak hour trips due to limited access into Moffett Park. The applicant has provided a draft TDM, which provides measures to reduce the total daily trips by 25 percent and peak hour trips by 30 percent. The proposed reduction in the amount of parking can be supported considering Google's current shuttle services, proximity to light rail and other on-site amenities such as cafeteria, showers and secured bicycle (and other personal vehicle) parking. Providing required parking off-site has been applied in many recently approved projects, encouraging employees to walk further distances to parking, and promoting the use of corporate provided bicycles, shuttles, and public transit.

The western half of the merged parcel at 1265 Borregas Avenue and 160 Gibraltar Court, and 1196 Borregas Avenue will feature large green space areas. The green space west of the proposed office building will be landscaped. There is an additional courtyard space adjacent to the building that will be for the use of the employees. The open space at 1196 Borregas Avenue will be a raised planter garden and a communal space for the employees. The project decreases impervious surface by 30% overall and supports MPSP Community

Design policies to provide outdoor spaces for employees, reduce heat island effect by planting vegetation, and provide a variety of landscape options.