



Draft for Planning Commission Review on November 11, 2013

City Council Hearing Date: December 3, 2013
File Number: 2013-7854

SUBJECT: Discussion and Possible Action on related applications for a 55.39 acre office complex with six new eight-story office buildings, a two-story amenities building, surface parking, two parking structures and associated landscape improvements at 1152 Bordeaux Avenue in a MP-I and MP-TOD Zoning District (APNs: 110-25-037, 038; 110-27-017, 023, 031, 032; 100-35-007, 008, 009)

CERTIFICATION OF FINAL SUBSEQUENT ENVIRONMENTAL IMPACT REPORT, ADOPTION OF MITIGATION MONITORING AND REPORTING PROGRAM AND STATEMENT OF OVERRIDING CONSIDERATIONS to consider development of an approximately 1.8 million square foot office development;

AMENDMENT TO THE MOFFETT PARK SPECIFIC PLAN for eight parcels from Moffett Park Industrial to Moffett Park Transit Oriented Development and associated text changes;

Introduction of an Ordinance to **REZONE EIGHT PARCELS FROM MP-I TO MP-TOD**;

MAJOR MOFFETT PARK DESIGN REVIEW to allow the development of an approximately 1.8 million square foot office development; and

Introduction of an Ordinance for a **DEVELOPMENT AGREEMENT** between City of Sunnyvale and Jay Paul Company (Moffett Place, LLC)

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|--------------------------------------|--|
| Applicant/ Property Owner | Jay Paul Company |
| Existing Site Conditions | Industrial Uses and School |
| Surrounding Land Uses | |
| North, South, East & West | Industrial/Office |
| Issues | Moffett Park Specific Plan amendment, Rezoning and Architecture |
| Environmental Status | An Environmental Impact Report (EIR) has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines. |
| Staff Recommendation | Recommend the City Council Certify the FEIR with Statement of Overriding Considerations and approve the following: Amendment to the Moffett Park Specific; Rezone; Major Moffett Park Design Review and Development Agreement. |

PROJECT DESCRIPTION

The proposed project spans ten parcels and is generally bordered by Moffett Park Drive and State Route (SR) 237 to the south, Sunnyvale West Channel to the north, Mathilda Avenue to the west, Borregas Avenue to the east. The sites are occupied by industrial/office uses and Cogswell Polytech College; these sites are developed with approximately 600,000 square feet of floor area. The proposed project includes the demolition of the existing structures and the construction of 1.78 million square feet of new Class A office space located in six eight-story buildings, a two story amenities building and two parking structures. A site plan has been included below for reference. The site plan has been divided into four sites for reference, which are based on the original timing of acquisition of the sites. For more project detail please refer to the Data Table in Attachment B and the Project Plans in Attachment H. The proposed buildings will result in a total Floor Area Ratio (FAR) of 78% spread over all sites (79% FAR excluding the public safety facility site), and is predicated on Council approval of the MPSP Amendment and Rezone to allow 70% FAR with an additional 10% FAR through the City's Green Building incentive.

The project also includes a Development Agreement, which would include a land swap of Fire Station #5 and the adjacent one acre parcel from Onizuka for a two acre parcel located at 1186 Bordeaux Drive (part of the project site), construction of a new public safety facility (including a fire ladder truck) on the site for a total of \$11.5 million. The applicant would relocate the proposed parking on the future public safety facility site to the adjacent parcel to the south with the construction of a new parking structure.



Previous Actions on the Site

On November 20, 2012, the City Council initiated a General Plan study to consider changing the Moffett Park Specific Plan Land Use Designation and Zoning from Moffett Park Industrial (MP-I) to Moffett Park Transit Oriented Development (MP-TOD) for sites within the project area (see RTC 12-275).

ANALYSIS & DISCUSSION:

Environmental Review

The California Environmental Quality Act (CEQA) requires that all state and local government agencies consider the environmental consequences of projects for which they have discretionary authority. The purpose of the Subsequent Environmental Impact Report (SEIR) is to assess the environmental impacts of the proposed Class A research and development office project pursuant to CEQA (Public Resources Code 21000) as amended and the State CEQA Guidelines (Title 14, California Code of Regulations, Section 15000) as amended. This SEIR is tiered off of the EIR prepared for the Moffett Park Specific Plan and certified in 2003. The SEIR is an informational document that describes the significant environmental effect of the project, identifies possible ways to minimize the significance of the effects and discusses reasonable alternatives to the project to avoid, reduce or minimize environmental impacts. The purpose of this review is to determine if the analysis in the SEIR is adequate. It is not the purpose of the SEIR to recommend either approval or denial of the project.

On November 11, 2003, the Sunnyvale City Council certified the program-level Moffett Park Specific Plan Environmental Impact Report (MPSP EIR). As part of the EIR, significant unavoidable environmental impacts were identified pertaining to air quality, traffic and circulation and housing and population. The Council made statements of overriding consideration for these unavoidable impacts, and deemed them to be acceptable in view of the significant economic and social benefits which the approval of the MPSP would make possible.

In October 2012, Jay Paul Company submitted an application to the City to redevelop a portion of the MPSP area. The proposed project includes increasing the development capacity for eight of the parcels (approximately 49 acres) through amendments to the MPSP and the zoning of the property. The proposed increase in development capacity has the potential to result in major revisions to the previously certified program-level MPSP EIR. In order to consider the Project as proposed, the City chose to prepare a Subsequent Environmental Impact Report (SEIR). The significant environmental effects of the Project that are described in the SEIR are effects that were not previously addressed in the program-level MPSP EIR. The City contracted the services of

RBF Consulting to prepare the Initial Study and SEIR. The following table indicates the key dates in the SEIR process.

| Milestone | Dates |
|---|---------------------------------------|
| Notice of Preparation | February 13 to March 25, 2013 |
| EIR Scoping Meeting | February 28, 2013 |
| Notice of Availability of DSEIR (Required 45-day public review period) | August 30, 2013 to October 15, 2013 |
| Planning Commission Public Hearing for Comments on DSEIR | October 14, 2013 |
| Final EIR minimum 10-day public review | November 1, 2013 to November 11, 2013 |
| Planning Commission Public Hearing | November 11, 2013 |
| City Council Public Hearing | December 3, 2013 |

Impacts and Mitigation

The SEIR identifies impacts that are expected to be significant and corresponding mitigation measures to eliminate or reduce those impacts to less than significant levels. Detailed discussion of these impacts and mitigation measures are located in the Mitigation Monitoring and Reporting Program (MMRP) (Attachment L). All other impacts have been determined to have either no impact or impacts that are less than significant with appropriate mitigation measures. Air Quality impacts resulting from project construction were identified as significant and unavoidable (see the Significant and Unavoidable Project Impacts discussion below).

Significant Impacts

The SEIR determined that the Project would or could potentially cause significant impacts in eight areas:

- Land Use
- Aesthetics
- Biological Resources
- Geology and Soils
- Traffic and Circulation
- Noise
- Air Quality
- Hazards and Hazardous Materials
- Cultural Resources
- Public Services and Utilities

Impacts are identified as either temporary due to construction and demolition related activities or long term. Most of these impacts can be mitigated to a less than significant level through common practices, payment of mitigation fees

toward physical improvements or fair share contributions. Traffic in the area was evaluated through a Traffic Impact Analysis (TIA) and identified impacts were also mitigated to a less than significant level. A discussion summarizing the traffic analysis has been provided below. Further detailed discussion of all impacts is found in Draft SEIR in Attachment J and Final SEIR in Attachment K.

Traffic Analysis

The Traffic Impact Analysis (TIA) evaluated the proposed project as it relates to current and future conditions, impacts on existing roadways and consistency with adopted congestion management programs. The TIA evaluated 42 intersections in the City including N. Mathilda Avenue south of the project site up to El Camino Real. The TIA also takes into consideration approved and pending projects and in this case a Sheraton Hotel expansion was also included in the analysis since it is immediately adjacent to the proposed project and the 237/Mathilda interchange. To project existing and future traffic flow, the TIA takes into account the proposed new Innovation Way extension from Mathilda Avenue to Bordeaux Drive (that is proposed by the applicant) and the 237 westbound off-ramp and Moffett Park Drive reconfiguration, and future capital improvement projects in the general vicinity of the project site. In order to provide a more conservative analysis, the future Mary Avenue Extension was not an assumed project in this analysis.

The TIA found that the proposed Moffett Place project would generate a net increase of 4,621 daily vehicle trips. The net trips include a 9.5% reduction for Transportation Demand Management and other transit sited development credits. Although the TIA may only assume a 9.5% trip reduction per VTA guidelines, the MPSP requires a minimum trip reduction of 25% of average daily trips and 30% reduction of peak hour trips. These trips would be distributed through the local transportation networks including the Mathilda Avenue corridor. The project would result in additional traffic on Mathilda Avenue, which already experiences congestion during peak hours. The TIA found that the proposed project would have several less than significant impacts with mitigation including the following:

- **Congestion Management Program Facilities**

1. The project would contribute additional traffic to the Mathilda Avenue/Moffett Park intersection which is currently operating at an unacceptable Level of Service (LOS F). As such, the project applicant would pay a Traffic Impact Fee (TIF) to the City. The payment would be based on the amount of development associated with each phase of development and be based on the current TIF rates at the time of payment. Currently the TIF is approximately \$5.4 million for this project. Payment of the TIF fee would constitute the project's fair share contribution to the improvements to reduce potential impacts at the Mathilda/Moffett Park intersection. Planned improvements are part of the City's Transportation Strategic Program which consists of

reconfiguration of the SR 237/Mathilda Avenue ramp intersections, construction of the Mary Avenue extension and grade separations on Lawrence Expressway at Arques, Kifer and Reed-Monroe.

2. The proposed project was found to contribute traffic to local freeway segments on US Highway 101, State Route (SR) 85 and SR 237. The Congestion Management Plan calls for future improvements to these local freeway segments with the conversion of the High Occupancy (HOV) Vehicle Lanes to express lanes on US 101 and SR 237 and to construct a new HOV/express lane on SR 237 between Mathilda and SR 85. The improvements are currently planned and in the design phase by Valley Transit Authority (VTA). The improvements are projected to relieve the traffic generated by the project. Mitigation of this impact requires the applicant to pay their fair share contribution toward these improvements. The payment would be based on the amount of development associated with each phase of development and the VTA project estimates at the time of payment.

- **Construction Impacts**

The proposed project would result in construction related impacts affecting local roadway operations. This has been identified since Mathilda Avenue is a designated truck route and construction could occur during peak commute hours. Typical mitigation for this type of impact is the requirement to develop a traffic control plan that identifies construction traffic travel routes to minimize traffic congestion during peak commute hours. The traffic control plan is included in the MMRP and requires review and approval by the Director of Public Works. The mitigation further limits truck traffic hours on N. Mathilda Avenue before 9 AM and after 4 PM.

Significant and Unavoidable Project Impacts

If a particular impact cannot be mitigated to a less-than-significant level, the EIR identifies that impact as “Unavoidable.” The significant and unavoidable adverse environmental effects identified in the original MPSP EIR remain valid and are not the subject of this SEIR. However, the environmental impact analysis conducted for the proposed project identified updated project-level significant and unavoidable adverse environmental impacts for air quality during construction. These updated project-level air quality impacts supplement the significant and unavoidable air quality impacts identified in the previously certified program level MPSP EIR. The updated project-level air quality impacts identified for the proposed project, in combination with the impacts identified in the previously certified program-level MPSP EIR, constitute the significant and unavoidable impacts for the MPSP area. The Air Quality impact results from project construction from demolition, grading and construction activities and are short-term as they would only exist during construction. The primary source is nitrogen oxides which are the result of construction during the first five years which anticipates development on site 1

during this time. Detailed discussion of these impacts and mitigation measures can be found in Draft SEIR in Attachment J and in the Final SEIR in Attachment K.

Mitigation Monitoring

A Mitigation Monitoring and Reporting Program (MMRP) for significant impacts is required by CEQA to ensure implementation of all mitigation measures. A monitoring program identifies the mitigation measure, who is responsible for implementation, monitoring schedule and who is responsible to do the monitoring. All of the monitoring responsibilities for the Moffett Place Project will be handled by the City of Sunnyvale Community Development Department and Public Works Department during the construction phases of the project. The MMRP is found in Chapter 4 of the Final SEIR (Attachment J).

Alternatives

CEQA requires that an EIR identify alternatives to the Project as proposed. The CEQA Guidelines specify that an EIR identify alternatives that “would feasibly attain the most basic objectives of the project but would avoid or substantially lessen many of the significant environmental effects of the project.” Chapter 5 of the DSEIR provides further analysis of the alternatives. This section of the DSEIR considers the following three alternatives:

- **Alternative 1: No Project/Existing Moffett Park Specific Plan (MPSP) and Zoning Alternative**

This alternative assumes that the proposed Project is not implemented and the site is maintained in its current configuration with no redevelopment of the site. The identified impacts would be reduced; however, this does not meet the basic project objectives.

- **Alternative 2: Existing Specific Plan (0.60 FAR) Alternative**

This alternative assumes that the project is developed, but that the intensity is limited to the existing FAR limited for the parcels that are zoned MP-I. Under Alternative 2, the identified impacts would be slightly reduced in some areas while other such as traffic, air quality and construction impacts would be similar to the proposed project.

- **Alternative 3: Fire Station Alternative**

This alternative design includes the construction of a new fire station in the northern portion of the Project Site (site 2), and the addition of a new parking garage structure on site located at 1180 Bordeaux (APN 110-25-037) to accommodate the displaced parking area. Under this alternative, the impacts would be similar to those resulting from the proposed project with improvements in public safety service for MPSP area due to a more optimal location.

Significant New Information

Testimony is sometimes received during the public review process relating to “significant new information.” For the purpose of an EIR, new information is considered “significant” when the following would apply:

- A substantial environmental impact resulting from the project is identified;
- A substantial increase in the severity of an environmental impact is identified;
- A new feasible project alternative or mitigation measure is identified which the project proponent refuses to adopt;
- The Draft EIR is so fundamentally and basically inadequate and conclusory in nature that the public comment of the draft was, in effect, meaningless.

To date, no significant new information has been received from the public or other public agencies.

The FSEIR includes a description of a Development Agreement that essentially is Alternative 3 and is now included in the proposed project. The Development Agreement is a contractual mechanism between the City and the applicant to memorialize agreements related to specific physical improvements, financial stipulations (e.g. monetary commitments and limits), and other agreements between the two parties. The Development Agreement was prepared after the Draft EIR was released for public review.

The Development Agreement does not authorize any additional entitlements or physical improvements that were not discussed in the Draft SEIR. The Development Agreement does not result in any changes that would result in new impacts or increase the severity of any identified impacts in the Draft SEIR. For these reasons the addition of the discussion of the Development Agreement in the FSEIR is not considered significant new information.

Determination of Adequacy

The “rule of reason standard” is applied to judicial review and EIR contents. This standard requires that an EIR show that an agency has made an objective, good-faith attempt at full disclosure. The scope of judicial review does not extend to correctness of an EIR’s conclusion, but only the EIR’s sufficiency as an informative document for decision-makers and the public. Legal adequacy is characterized by:

- All required contents must be included;
- Objective, good-faith effort at full disclosure;
- Absolute perfection is not required;
- Exhaustive treatment of issues is not required;
- Minor technical defects are not necessarily fatal;
- Disagreement among experts is acceptable.

Environmental Review Summary

Staff believes that the proposed Final SEIR, consisting of the Draft SEIR, comments received on the Draft SEIR, response to comments received on the Draft SEIR, a list of public agencies commenting on the Draft SEIR, and MMRP meets the requirements of CEQA both in content and format. Should it be determined that the Final SEIR is not adequate, the Planning Commission or City Council may identify those areas where the document is deficient and recommend that additional analysis be prepared prior to certification.

Any changes to the mitigation measures in the Final SEIR may affect the accompanying determination of significance. However, the Planning Commission may proceed with recommendations on the project subject to completing additional work on the Final SEIR. No project related actions may be taken (by the Council) until the Final SEIR is certified. Certification does not approve or deny any element of the Project.

Statement of Overriding Considerations

As noted above, the SEIR air quality section finds that the project, even with mitigation, will have temporary construction related air quality impacts that remain significant and unavoidable.

Section 15093 of the CEQA Guidelines defines the requirements that relate to overriding considerations.

- CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.”
- When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the FEIR but are not avoided or substantially lessened, it shall state in writing the specific reasons to support its action based on the FEIR and/or other information in the record. This statement of overriding considerations shall be supported by substantial evidence in the record.

A draft Resolution with a Statement of Overriding Considerations has been prepared and attached stating the evidence of project benefits over the project effects (Attachment I).

Moffett Park Specific Plan Amendment

The subject site is located within the Moffett Park Specific Plan (MPSP) area and eight of the ten project parcels currently have a land use designation of Moffett Park Industrial (Zoning of MP-I). The applicant is requesting to change the land use designation to Moffett Place Transit Oriented Development (Zoning

of MP-TOD). The requested change would increase the existing allowable FAR range of 35%-50% Floor Area Ratio (FAR) up to 50%-70% FAR. An additional 10% FAR may be achieved through the City's Green Building incentives. This incentive requires the entire project to be certified LEED Gold by the U.S. Green Building Council (USGBC).

Section 2.4 Land Use of the MPSP outlines criteria for the location of the MP-TOD land use designation. The criteria developed with the 2003 plan were based on a ¼ mile radius from light rail transit (LRT) stations to focus higher density development within walking distance of the light rail corridor. In 2006, this section was modified to include additional siting criteria that were used for the Moffett Towers project (indicated in italics below). Specifically, the MPSP section states the following:

The MP-TOD subdistrict boundaries were developed through the inclusion of property that complies with the following criteria:

- A minimum of fifty percent of the parcel is located within one-quarter mile of a current light rail station, as measured from an averaged center point of the station; *or a property that is designed as a cohesive office/R&D campus with a property that has direct access to the light rail station and provides on-site amenities that serve the entire campus proposal, including pedestrian features that overcome any physical barrier and help reduce the dependence on automobiles.*
- Parcel boundaries that are legally recorded, tentative map application has been received, or for which a lot line adjustment application has been submitted to the City of Sunnyvale.

The Santa Clara Valley Transportation Authority (VTA) adopted Transportation Impact Analysis (TIA) Guidelines in 2009 as part of the County Wide Congestion Management Program. The Guidelines contain trip reduction strategies and assumptions that are intended to encourage development that reduces system wide congestion and improves air quality. Specifically, it contains trip reduction strategies for proximity to light rail if the project is located within 2,000 feet of a light rail station (Section 8.2.4).

Three options for determining what sites could be designated as Transit Oriented Developments were evaluated. All three options assume that the total amount of development in Moffett Park would stay capped at 24.33M s.f. and that any change of designation requires specific City Council action (i.e. changing the siting criteria will not rezone all of the sites to MP-TOD; that would be done as separate applications based on the merits of the project). All three options also assume that the military sites and the Moffett Park Commercial (MP-C) sites would not be eligible for TOD designation or access to the Development Reserve. The preservation of MP-C is to encourage retention of these sites for hotels and commercial uses. Maps of the two new options are in Attachment U.

Option 1. No Change (50% of parcel within ¼ mile [1,320 ft] of LRT station)

No change to the current criterion would likely result in no further properties being eligible for rezoning to allow a higher FAR. If a site currently outside of the ¼ mile radius complies with the provision for being part of a cohesive development with access to the LRT, this parcel may be considered for TOD designation. This approach would result in a slightly longer time-frame for Moffett Park to build out. The distance and walking time to the perimeter of the ¼ miles radius as it currently exists is approximately .3 miles (1,580 feet) and about a 5 minute walk at the farthest point.

OPTION 1 SUMMARY

| | # of Parcels |
|--------|---------------------|
| MP-TOD | 68 |
| MP-I | 65 |
| MP-C | 3 |

Option 2. 50% of parcel within 2,000 feet of LRT station

This 2,000-foot criterion results in the addition of approximately 40 parcels that could be designated MP-TOD. If a site is outside of the 2,000-foot/50% standard and is adjacent to a property meeting the siting standard or is included with the adjacent property as part of an integrated development proposal, the two properties could be considered for inclusion as MP-TOD. This option would likely result in an acceleration of the buildout of Moffett Park. The distance and walking time to the perimeter of the 2,000 feet radius of parcels meeting this criterion is approximately .7 miles (3,695 feet) and is about a 13 minute walk at the farthest point.

OPTION 2 SUMMARY

| OPTION 2 | # of Parcels |
|-----------------|---------------------|
| MP-TOD | 108 |
| MP-I | 25 |
| MP-C | 3 |

(i.e. changing the siting criteria will not rezone all of the sites to MP-TOD, that would be done be separate applications) and

Option 3. Any portion of parcel within ¼ mile (1,320 ft) of LRT station

This option results in the addition of at least 23 parcels that could be designated MP-TOD. If a site is outside of the ¼ mile radius and it is adjacent to a property meeting the siting standard or is included with the adjacent property as part of an integrated development proposal, the two properties could be considered for inclusion as MP-TOD. This option would likely result in a slight acceleration of the buildout of Moffett Park (probably not as much as Option 2). Staff recommends Option 3 because it provides opportunity for growth in a manner that naturally expands the MP-TOD areas and encourages conglomeration of sites for larger Class A office. In addition, the distance and walking time to the perimeter of the ¼ miles radius of parcels that are touched

is approximately .5 miles (2,640 feet) and is about a 10 minute walk at the farthest point, which doubles the distance and walking time from Option 1, but is consistent with current trends and the Lawrence Station Area Plan.

OPTION 3 SUMMARY

| OPTION 3 | # of Parcels |
|-----------------|---------------------|
| MP-TOD | 91 |
| MP-I | 42 |
| MP-C | 3 |

Other MPSP Considerations

Amendments to the MPSP will include revisions in several areas and modification to the Land Use Map (Exhibit 2-5) and the Transit Core Radius Map (Exhibit 2-6). The complete text amendments and maps are included with Attachment M.

The proposed amendments are consistent with the goals and objectives of the MPSP in that they allow the opportunity for additional Class A campus development within easy walking and bicycling distance of a LRT station. Developments associated with an amendment will be required to provide connectivity to LRT stations, if segments are missing or deficient. On-site amenities will also be required to further reduce the number of vehicle trips to and from a site by providing a cafeteria, gym and other personal services for the tenants. The MPSP already requires higher levels of daily vehicle trip reductions for higher levels of FAR through a Transportation Demand Management (TDM) program. The MPSP evaluated the maximum development that the area could accommodate and it provided for a floating Development Reserve to further encourage redevelopment in the area (see discussion below). The proposed language requires that all floor area above the current standard floor area for the site be deducted from the Development Reserve, maintaining development of the area within the projected maximum. Therefore, no increase in the Development Reserve is proposed with this MPSP amendment. Detailed findings for the proposed amendment are included in Attachments C and M.

Development Reserve

The primary land use tool available for implementing the vision of the MPSP of redeveloping as a high technology office and R&D area with smart growth principles is the Development Reserve. The Development Reserve sets aside square footage that is available first come/first served for individual projects within the MP-I (except military parcels) and MP-TOD. Approved access to the reserve permits a project to exceed the base FAR for the site up to the maximum allowable zoning. For examples, a parcel with a base FAR of 50% (i.e. MP-TOD) may potentially build an additional 20% FAR for one level of green building and a further 10% for another level of green building, for a total of 80% FAR. The additional square footage above 50% FAR would be subtracted from the MPSP Development Reserve.

The MPSP was developed with a total build-out of 24.33 million square feet, with a base zoning square footage of 18.89 million square feet. This left approximately 5.44 million square feet to achieve maximum build out. The 5.44 million was defined as the MPSP Development Reserve and has been made available to applicants on a first-come first-serve basis. At this time, the remaining Development Reserve is approximately 2.99 million square feet. In addition to the subject project there is one other pending project: 178,000 square feet is requested from the Development Reserve for the NetApp Site 2 project. The Moffett Place project proposal is for the development of 1.78 million square feet of floor area with a project total of 78% FAR and with the fire station parcel removed from the total project area, the resulting FAR will be 79%. As noted above all floor area above the existing standard floor area ratio will be subtracted from the Development Reserve, which would include approximately 984,000 square feet. The balance of the Development Reserve would be approximately 1.82 million square feet. This balance differs (490,000 square feet) from the numbers presented at the City Council Study Session on September 24, 2013 due to a correction in the tabulations.

Rezoning

The requested rezoning of eight parcels within the proposed project area from MP-I to MP-TOD would be consistent with the requested MPSP amendment. The change in zoning would change the standard FAR to 50% and maximum FAR to 70%. Rezoning requests are required to be in the public interest (Zoning Code Section 19.92.050). Findings for the requested zone change have been included in Attachment D and the Draft Ordinance in Attachment K.

Major Moffett Park Design Review

The Moffett Park Specific Plan only requires design review for projects that commit to green building techniques and meet all of the applicable City Municipal Code requirements. In these cases, they are allowed access to the established Development Reserve to achieve an increased floor area ratio of 70% in MP-TOD areas. Applicants may also achieve an additional 10% FAR increase when they propose to achieve LEED Gold with certification through the USGBC. The proposed project includes the development of 1.78 million square feet of floor area located over ten parcels (four sites), with a project total of 78% FAR and without the fire station parcel the resulting FAR will be 79%.

Architecture

The building form combines two massing treatments: an articulated main building mass bisected by a taller element which forms the mechanical roof screen. These two massing elements create interest to the overall form and are differentiated and highlighted through variations in building façade, window, and roof parapet treatments. Visual interest is further provided through a large window wall pop-out, an outdoor corner terrace at the 8th floor, an angled glass wall with a glass rail edge, and articulated corner stair elements. These design elements break up the facade, add scale and enhance prominent building corners. The building entries are accented with architectural metal

fins with the main lobby entry highlighted by a large structural glass canopy and a pedestrian scale entry portal. This design approach creates visually interesting and varying building façades for the overall office campus. All roof top mechanical equipment are screened with opaque glass walls.

Landscape and Site Improvements

The site plan is designed with a strong north/south and east/west pedestrian circulation network that connects to the perimeter pedestrian and bicycle system. Along with perimeter sidewalks around the project sites, the developer will also install off-site sidewalk improvements along Borregas to provide a continuous sidewalk to the LRT station on Java. Site 1 would include a majority of the buildings, parking and amenities. Site 3 would include one building located near the intersection of N. Mathilda Avenue and the Innovation Way extension, acting as an anchor. The sites meet the City's landscape and shading requirements. The project is subject to the City's public art requirements and the applicant has indicated that they are contemplating an art and landscape concept, similar to Moffett Towers. The following discussion highlights the proposed site improvements:

- Sites 1 (1152 Bordeaux Drive) & 4 (1215 Borregas Drive)
This site would include five eight-story buildings, a two-story amenities building and two two-story parking structures. The site would include surface parking, landscape improvements with open space located around the amenities building. Although the applicant would be installing planter strips and sidewalks around the perimeter, staff has worked with applicant to include additional on-site pedestrian connections through the site to connect to the SCVWD trail. The applicant will be providing twelve dedicated on-site parking spaces for SCVWD trail access. Staff has worked with the applicant to enhance the Borregas Bridge connection by adding a double row of trees to guide pedestrians to the on-site paths. The applicant would be required to record a public access easement for the main pedestrian sidewalks through the sites. The applicant is also required to install directional signage indicating trail connections and light rail station locations. The applicant would also retain a grouping of poplar trees located on Borregas in front of the garage (Parking Structure B); remaining trees would be removed with a requirement for replacement trees. Open space provided on this site is centrally located around the amenities building and includes open field areas and a pool.
- Site 2 (1188 N Mathilda Avenue)
This site would accommodate surface parking, sidewalks, landscape improvements and connecting vehicular and pedestrian bridge over the Sunnyvale West Channel to site 1. As noted in the SEIR, site 2 includes the potential location of a public safety facility (fire station) on the northern parcel of the site. If the public safety facility is constructed, the applicant would construct a two-story parking structure on the southern

portion of site 2. The architecture of the structure is expected to be of a similar design to the other proposed garage structures and would be subject to review and approval by the Director of Community Development (included in the Conditions of Approval). All trees on the site will be removed with required replacement trees.

- Site 3 (1116 N Mathilda Avenue)

This site would include one eight-story building located near the northwest corner of the site with on-site parking located to the south and east of the building. The site can accommodate the required parking for the structure. Landscaping for the site would include passive open space at the center of the site (including a reduced lake size). The perimeter of the site would include new planter strips and sidewalks per City standards. Several large trees located near the north Bordeaux Drive driveway will be retained and will require the sidewalk to be modified in these areas. Site 3 would also include a new roadway which would extend Innovation Way from N Mathilda Avenue to Bordeaux Drive.

Parking

The Zoning requirements for parking were amended in late 2012 and went into effect on February 7, 2013. The approved zoning amendments eliminated the use of compact spaces due to research that indicates that they are rarely used by compact cars. The project application was deemed complete near the end of January 2013. The proposed project includes over 5,000 parking stalls located at grade or in parking structures, with 50% of the stalls proposed as compact (consistent with the code in effect at the time). Although the current code regulations eliminate the use of compact spaces, staff considered the project grandfathered under the previous code. The number of compact spaces is consistent with that found in other office development in the MPSP area and the project applicant will be monitoring parking through the required TDM program.

Project Visibility

The closest building in the project (B1) is located approximately 300 feet to the north of the Orchard Garden neighborhood (at its closest) and other residential homes along Persian Drive. Visibility of new buildings from existing residential neighborhoods has been a sensitive issue in recent months. In light of this issue, the applicant has prepared context studies and photo-simulations from multiple vantage points around the project site (see Attachment S). The studies indicate that the project will be visible from the residential neighborhoods across 237. However, the buildings will be over 300 feet from the nearest point for building B1, with the distance increasing for the other buildings. The buildings will be of a high quality design and exterior materials will be of a high quality. The height of the proposed buildings is within the height allowed under the Moffett Park Specific Plan for any site accessing the Development Reserve, which is 130 feet (inclusive of rooftop equipment and screening). Staff has

included a condition of approval requiring lighting above the third floor to be on automatic timers (Attachment G – COA BP-28)

Green Building Incentive

The project proposal utilizes the City's Green Building incentive program. Incentives are offered for projects that exceed the minimum green building threshold and the incentives are designed to encourage project applicants and developers to provide additional green building features. Non-residential projects are subject to LEED standards, which provide a complete framework for assessing building performance in energy and environmental design and meeting sustainability goals. LEED emphasizes state-of-the-art strategies for sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality. LEED is a performance-based program that provides the project design team the ability to select which credits they would achieve and how it would be designed.

The Green Building Program brings together the MPSP and Citywide green building requirements and incentives. Use of the MPSP Development reserve is allowed through a two tier incentive program. Under the City's Green Building program (as anticipated in the update), new construction of 5,000 sf. or greater in the MP-TOD district qualifies for a 20% FAR increase (above the base FAR) if the improvements meet the design intent of LEED Gold (LEED Checklist without requirement to submit to USGBC for certification). An additional 10% FAR (over the maximum FAR) would be allowed if the project is certified LEED Gold through the USGBC.

In order to meet the City's LEED incentive requirements, the applicant is proposing the following as part of the project:

New Buildings: The new buildings will be constructed to meet LEED Gold certification. The applicant will obtain LEED CS Gold (core/shell) certification for all buildings once warm shell improvements are complete.

New Tenant Improvements: All future tenant improvements will be required to meet LEED CI Gold (commercial interior) certification.

Development Agreement

The project applicant (developer) is proposing to enter into a Development Agreement (DA) with the City of Sunnyvale. The term of the DA would be 15 years with one possible 5-year extension. The DA identifies the terms and obligations of both parties, the general and vested entitlements, and identification of the mutual benefits to both parties as per City Council Resolution 371-81.

The DA details the provisions for a land swap between the City and Developer for the purpose of building a new expanded fire station that would be sited to

better serve the Moffett Park area. The Developer would be dedicating to the City an approximately two-acre parcel on their property in exchange for receiving the City's 1.75-acre fire station site at Innovation Way and Mathilda Avenue (consisting of existing Fire Station No. 5 site and recently received one-acre Onizuka site.) The DA also commits the Developer to construct for the City an approximately 18,600-square foot public safety facility on the dedicated 2.0-acre parcel that would include a four-bay fire station and adjoining indoor shooting range for public safety training. Further, the Developer will fund a new fire ladder truck capable of servicing high-rise buildings. The applicant and Public Safety staff have worked together to develop the project program and conceptual plans for the facility. These commitments without factoring in the land swap represent a total developer obligation of \$11.5 million.

The land swap requires the approval of the Federal Emergency Management Agency (FEMA) which involves transferring the current use restriction (emergency uses only) on the City's Onizuka site to the new parcel on Site 2. Staff has had initial discussions with FEMA about the land swap and the proposal has been positively received. If the project and DA are approved by the City Council, an application will be submitted to FEMA to formally transfer the use restriction. The DA includes a back-up provision that in the event FEMA does not approve the transfer, the developer will contribute \$11.5 for the same improvements on the City's existing property. The land swap would not be executed until after the City has fully accepted the new public safety facility. The Developer would then have the ability to develop the City's property in accordance with the MPSP and MP-I zoning. The zoning allows a maximum FAR of 35% with no access to the MPSP Development Reserve.

The DA involves granting benefits to both the City and developer, which are summarized below:

Benefit to the Developer: The developer benefits from the additional floor area permitted on sites 1, 3 and 4, not to exceed 80% FAR and a blending of FAR across sites 1, 3, and 4. The developer's entitlements would be vested for 15 years with one five-year extension available. The developer would also benefit from an enhanced fire station that would be equipped to respond to emergencies associated with high-rise buildings.

Benefit to the City: The City benefits by receiving a new larger fire station, an indoor shooting range and fire ladder truck with a Developer contribution of \$11.5 million. The DA also obligates the Developer to construct a new roadway that will extend Innovation Way east from Mathilda Avenue to Bordeaux Drive, which will be maintained by the applicant. In addition, the City will be receiving \$250,000 for a pedestrian/bicycle crossing signal at Caribbean for the West Channel Trail.

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 proposed ordinance to adopt the DA and the DA document are included in Attachment O.

Balanced Growth Profile (BGP)

The City has a Balanced Growth Profile (BGP) that tracks the changes to seven indicators; it is updated annually with interim updates to square footage of industrial/commercial and residential units when projects are reviewed by the City Council. Attachment P shows a tabulation of the change in commercial square footage associated with the proposed project. It also shows the BGP for December 2012 with approved, not built and pending projects (including subject application) through October 2013.

FISCAL IMPACT

A direct economic benefit from the proposed project will be the fees the developer will pay as part of its permitting process. This amount is expected to be close to \$29 million dollars in one-time revenue: housing mitigation fees (\$8.7 million), construction taxes (\$7.9 million), general plan maintenance (\$.6 million) and building permit fees (\$5.8 millions). School impact fees of approximately \$1 million will be paid directly to the Sunnyvale School District and the Fremont Union High School District.

A recurring benefit will be the annual \$1 million dollars in increased property tax assessment the City will receive from this project. The schools will benefit greatly from the property tax increase as the schools' share is expected to be about \$5.3 million per year. Another direct economic benefit will be the potential annual increase in Transient Occupancy Tax (TOT) generated from the future tenant(s), estimated to be \$35,000. This figure is based on the current 9.5% TOT rate. If, however, Measure B passes this November, the TOT rate would increase from 9.5% to 10.5%. The potential TOT assumes a conservative room rate of \$185 per night and 2000 nights per year.

If the site were to redevelop under current zoning, the city's share of property tax would be approximately \$730,000 increase over existing; schools would share an increase of \$3.8 million.

A significant direct community benefit the developer is contributing is the \$11.5 million dollars to fund a new public safety building and fire ladder truck. Without the developer's contribution, the City would not be able to build such a building without an allocation of General Funds. The building is needed to continue to serve the many businesses and residents located near the Fire Station #5.

The project is also expected to generate additional economic benefits through supporting business services and sales and sales taxes associated with local expenditures from future tenant employees.

PUBLIC CONTACT

In addition to the notification required during the environmental review process, the applicant also conducted an outreach meeting on October 30, 2013 with an expanded notice to owners and tenants within 2,000 feet of the site. The purpose of the meeting was another outreach effort to present the project to residents on the south side of 237. These neighborhoods had also received notification during the EIR process. The applicant presented the site plans, elevations and context studies and photo-simulations.

In addition to the outreach during the EIR process and neighborhood outreach, the applicant has also met with the Moffett Park Business Association. We have received one letter in support of the project as of the date the report was prepared (see Attachment R).

| Notice of Negative Declaration and Public Hearing | Staff Report | Agenda |
|---|--|--|
| <ul style="list-style-type: none"> • Published in the <i>Sun</i> newspaper • Posted on the site • 1,787 notices mailed to the property owners and tenants within 2,000 ft. of the project site and adjacent residential neighborhoods. | <ul style="list-style-type: none"> • Posted on the City of Sunnyvale's Website • Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none"> • Posted on the City's official notice bulletin board • City of Sunnyvale's Website |

Planning Commission Study Session

Staff presented the proposed project to the Planning Commission on March 25, 2013 and April 8, 2013. On March 25, 2013, the Planning Commission noted that they appreciated the architecture of the project but thought that the amount of paving for surface parking was excessive. In addition, the Planning Commission wanted further clarification of how traffic would work in the area. On April 8, 2013 the Planning Commission was presented with additional drawings to better illustrate the project. Data regarding the amount of open space was also provided to illustrate the percentage of open space in the project. The Planning Commission still noted concern regarding the amount of at grade parking and the need for additional open space. The Planning Commission also noted that the change in the radius for siting criteria for the MP-TOD areas was plausible, but would like to see more information.

The applicant has included a modified site plan option providing additional open space on top of the parking structure (B) adjacent to the amenities building. The proposed option would also add one additional level to the structure that would be built on site 2, adjacent to the fire station parcel. The proposed option has been included in Attachment T. Although the applicant has not specifically committed to this option, staff finds that the proposed option in Attachment T would address comments from the Planning Commission. Staff has added a condition requiring architectural review of the new parking structure on site 2 and the proposed changes to parking structure B prior to issuance of a building permit for these structures.

On October 28, 2013, staff presented the proposed MPSP siting criteria text amendments to the Planning Commission for review prior to the November 11, 2013 hearing date. The Planning Commission inquired about the siting criteria and indicated that option two and three should include additional rationale about the net change in walking distance.

City Council Study Session

Staff presented the proposed project and terms of the Development Agreement to the City Council on September 24, 2013. Staff provided a presentation that outlined the proposed project, Specific Plan and Zoning amendments and Development Agreement. The City Council inquired about traffic, proposed Development Agreement, proposed amendments and the Development Reserve and information on taxes if the zoning is not changed. The notes from the Study Session are included in Attachment Q.

ALTERNATIVES

EIR Actions:

1. Adopt a resolution certifying the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting Program as contained in the Attachment L
2. Do not certify the EIR and do not adopt the Statements of Overriding Consideration, and direct staff as to where additional environmental analysis is required.

Moffett Park Specific Plan Amendments:

3. Adopt a resolution to amend the Moffett Park Specific Plan to change the Land Use Designation from Moffett Park Industrial to Moffett Park Transit Oriented Development for eight parcels and associated text amendments including siting criteria for MP-TOD based on any portion of the parcel within $\frac{1}{4}$ mile of a LRT station, as contained in the Findings in Attachment C and Resolution in Attachment M.

4. Do not adopt a resolution recommending approval of the change of the Land Use Designation from Moffett Park Industrial to Moffett Park Transit Oriented Development and additional text amendments.

Rezoning Actions:

5. Introduce an ordinance to Rezone eight parcels within the Moffett Park Specific Plan Area from MP-I (Moffett Park Industrial) to MP-TOD (Moffett Park Transit Oriented Development) as contained in the Findings in Attachment D and Draft Ordinance in Attachment N.
6. Do not Rezone the eight parcels with the Moffett Park Specific Plan Area from MP-I (Moffett Park Industrial) to MP-TOD (Moffett Park Transit Oriented Development).

Major Moffett Park Design Review:

7. Approve the Major Moffett Park Design Review as indicated in the Site and Architectural Plans in Attachment H and T, Findings of Approval in Attachment E and Conditions of Approval in Attachment G.
8. Deny the Major Moffett Park Design Review and provide direction for additional changes for the applicant.

Development Agreement:

9. Introduce an ordinance to enter into a Development Agreement between the City of Sunnyvale and Jay Paul Company as contained in findings for approval in Attachment F and Draft Ordinance in Attachment O.
10. Do not introduce an ordinance to enter into a Development Agreement between the City of Sunnyvale and Jay Paul Company and provide additional direction to the applicant and staff.

RECOMMENDATION

Staff recommends approval of the project which includes the following alternatives:

1. Adopt a resolution certifying the EIR, adopting the Statements of Overriding Consideration, and adopting the Mitigation Monitoring and Reporting Program as contained in the Attachment L
3. Adopt a resolution to amend the Moffett Park Specific Plan to change the Land Use Designation from Moffett Park Industrial to Moffett Park Transit Oriented Development for eight parcels and associated text amendments including siting criteria for MP-TOD based on any portion of the parcel within ¼ mile of a LRT station, as contained in the Findings in Attachment C and Resolution in Attachment M.
5. Introduce an ordinance to Rezone eight parcels within the Moffett Park Specific Plan Area from MP-I (Moffett Park Industrial) to MP-TOD (Moffett Park Transit Oriented Development) as contained in the Findings in Attachment D and Draft Ordinance in Attachment N.
7. Approve the Major Moffett Park Design Review as indicated in the Site and Architectural Plans in Attachment H and T, Findings of Approval in Attachment E and Conditions of Approval in Attachment G.
9. Introduce an ordinance to enter into a Development Agreement between the City of Sunnyvale and Jay Paul Company as contained in findings for approval in Attachment F and Draft Ordinance in Attachment O.

Discussion: Recommended Alternatives 1, 3, 5, 7 and 9

Staff finds that the Moffett Place Subsequent EIR (SEIR) has evaluated the potential impacts associated with the proposed project based on the analysis and previous Program EIR for the Moffett Park Specific Plan. The SEIR found that most impacts could be mitigated to a less than significant level except for Air Quality resulting from construction and the finding for a Statement of Overriding Consideration can be made. The development will provide a Class A office campus within walking distance to light rail within the MPSP area. The proposed buildings will be of a high quality design with use of high quality materials. The site plan provides pedestrian connections through the site for tenants and it provides an amenities building and open space. The project will also provide an extension of Innovation Way through Site 3 which will improve traffic flow through the area. Additional site improvements include enhancements to the Borregas Bridge through an improved landing area on Site 1, perimeter sidewalks and public pedestrian paths through the site and complete sidewalks along Bordeaux between the project site and the LRT station. The project site will also provide improvements to the Sunnyvale West Channel Trail and provide 12 on-site public parking spaces for trail access. The Development Agreement will result in a land swap for a more central location for Fire Station #5, a developer-constructed public safety facility, and a new fire ladder truck with a maximum value of \$11.5 million. In return, the applicant will receive the current Fire Station #5 site and adjacent 1-acre parcel.

Reviewed by:

Hanson Hom, Director, Community Development
Prepared by: Shaunn Mendrin, Senior Planner
Reviewed by: Trudi Ryan, Planning Officer

Reviewed by:

Kent Steffens, Director, Public Works

Reviewed by:

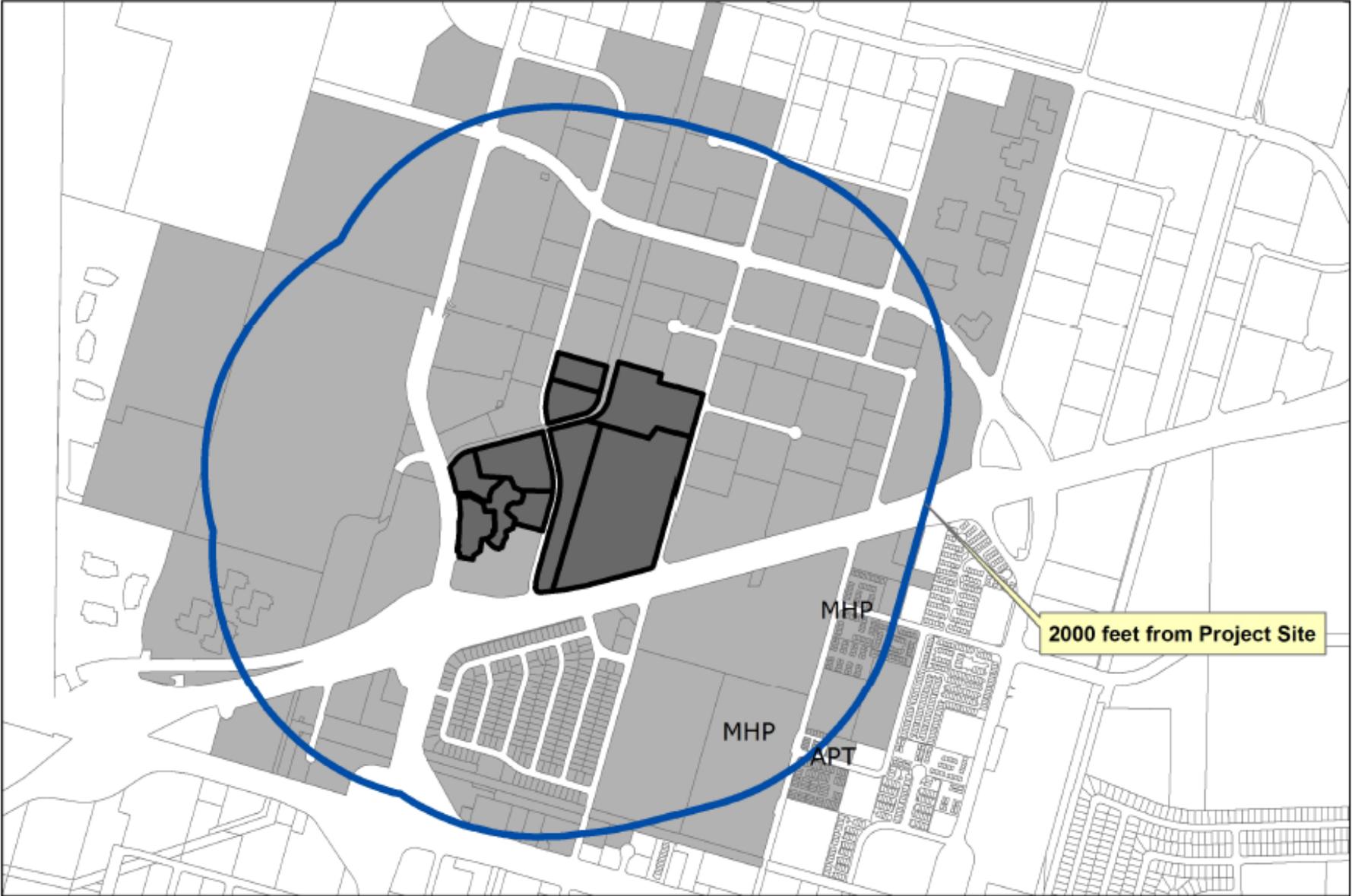
Frank Grgurina, Director, Public Safety

Approved by:

Gary M. Luebbbers
City Manager

Attachments

- A. Vicinity and Noticing Map
- B. Data Table
- C. Findings for Approval - Moffett Park Specific Plan Amendment
- D. Findings for Approval - Rezone
- E. Finding for Approval - Moffett Park Major Design Review
- F. Finding for Approval – Development Agreement
- G. Conditions of Approval
- H. Site and Architectural Plans
- I. Draft Resolution for the FEIR with Findings, and Statements of Overriding Consideration
- J. Draft Environmental Impact Report and Technical Appendix (transmitted separately and available at the Sunnyvale Public Library, One-Stop Permit Center and Senior Center)
- K. Final Environmental Impact Report and Response to Comments (transmitted separately and available at the Sunnyvale Public Library, One-Stop Permit Center and Senior Center)
- L. Mitigation, Monitoring, and Reporting Program
- M. Resolution Amending the Moffett Park Specific Plan changing the land use designation for eight sites including: 1152 Bordeaux Drive (APNs 110-35-008, 009); 1159 & 1173 Bordeaux Drive and 1116 & 1130 N Mathilda Avenue (APNs 110-27-017, 023, 031, 032); and 1215 Borregas Drive (APN 110-35-007) from Moffett Park Industrial to Moffett Park Transit Oriented Development and associated text amendments (with map and text amendments)
- N. Draft Ordinance rezoning sites 1152 Bordeaux Drive (APNs 110-35-008, 009), 1159 & 1173 Bordeaux Drive and 1116 & 1130 N Mathilda Avenue (APNs 110-27-017, 023, 031, 032) and 1215 Borregas Drive (APN 110-35-007) from MP-I to MP-TOD (with map)
- O. Draft Ordinance for a Development Agreement between the City of Sunnyvale and Jay Paul Company (Moffett Place LLCs) including the proposed Development Agreement.
- P. Balanced Growth Profile 2012 and with proposed project
- Q. September 24, 2013 City Council Study Session Minutes
- R. Letters of Support
- S. Context studies and Photosimulations
- T. Revised Site Plan Providing Additional Open Space.
- U. Maps indicating parcels touched by ¼ mile radius and 2,000 foot radius.



Planning Project #2012-7854
 Moffett Place
 -Vicinity and Public Noticing Map-2000 ft.

014290 580 Feet



PROJECT DATA TABLE

| | EXISTING | PROPOSED Combined Sites | REQUIRED/ PERMITTED |
|---|--|--|---|
| General Plan | Moffett Park Specific Plan | Moffett Park Specific Plan | Moffett Park Specific Plan |
| Specific Plan | MP-I (Sites 1, 3 & 4) MP-TOD (Site 2) | MP-TOD (All) | MP-TOD |
| Zoning District | MP-I (Sites 1, 3 & 4) MP-TOD (Site 2) | MP-TOD (All) | MP-TOD |
| Lot Size (s.f.) | Site 1 - 1,198,771 Site 2 - 106,286 Site 3 - 590,527 Site 4 - 330,185 | Site 1 - 1,198,771 Site 2 - 106,286 Site 3 - 590,527 Site 4 - 330,185 | 22,500 sf. min. |
| Gross Floor Area (s.f.) | 598,144 | 1,779,554 | 1,780,615 for MP-TOD <i>Includes 10% incentive</i> |
| Lot Coverage (%) | 24% | 17.8% | 45% max. |
| Floor Area Ratio (FAR) | 25% | 79% | 50% Standard 70% w/Development Reserve 10% (up to 80%) w/LEED |
| No. of Buildings On-Site | 15 | 7 Buildings & 2 Parking Structure | N/A |
| Distance Between Buildings (ft) | ≈ 20 | 60 | 26' min. |
| Building Height (ft.) | ≈ 30' | 129' | 130' (Including Mechanical) |
| No. of Stories | 2 | 8 | N/A |
| SETBACKS | | | |
| Site 1 & 4 Combined Front - Borregas - Bordeaux - Moffett Park Rear (Combined sides, N/A with three frontages) | N/A | 28' 25' 93' 276' | 15' min. 15' min. 15' min. None Required |

| | EXISTING | PROPOSED Combined Sites | REQUIRED/ PERMITTED |
|--|-----------------|---|---|
| Site 2 Front Combined Sides Rear | N/A | N/A Parking only at this point. New parking garage will need to comply with code requirements | 15' min. 20' min None Required |
| Site 3 Front - Mathilda - Bordeaux - New Street Rear <i>(Combined sides, N/A with three frontages)</i> | N/A | 34' 470' 21' 420' | 15' min. 15' min. 15' min. None Required |
| Total Landscaping (s.f.) | 514,557 sf | 550,834 | 20% min. |
| Parking Lot Landscaping (%) | 22% | 25% | 20% min. |
| Frontage Width (ft.) | 20% | 25% | 15 min. |
| Parking Lot Area Shading (%) | Less than 5% | 56% | 50% min. in 15 years |
| Water Conserving Plants | 10% | 80% | 80% + limit turf, or water budget |
| Total Spaces | 2,293 | 5,778 (1/300) | 1 per 300 min. up to 1 per 250 max. |
| Standard Spaces | N/A | 2,802 | 35 min. |
| Compact Spaces/ % of Total | N/A | 50% | 50% Max. |
| Accessible Spaces | N/A | 87 | Per ADA requirements |
| Aisle Width (ft.) | N/A | 26 | 24 min. 26 needed for fire line |

| | EXISTING | PROPOSED Combined Sites | REQUIRED/ PERMITTED |
|---|-----------------|------------------------------------|--|
| Bicycle Parking | N/A | 288 216 Secured 72 Racks | 288 (5% of total parking spaces) 75% Secured 25% Racks |
| Stormwater | | | |
| Impervious Surface Area (s.f.) | 1,806,273 | 1,173,084 | No max. |
| Impervious Surface (%) | 78% | 50% | No max. |

RECOMMENDED FINDINGS

Moffett Park Specific Plan Amendment

Finding:

The City Council may approve an amendment to the Moffett Park Specific Plan upon finding that the amendment:

1. Meets the intent of the Specific Plan's adopted goals and objectives; or
2. Enhances the Specific Plan's ability to accommodate development needs without compromising its original goals and objectives; or
3. Implements the goals and objectives of the Specific Plan or General Plan.
(*All Finding Met*)

The proposed amendments to the Moffett Park Specific Plan add intensity near the light rail corridor and will provide additional Class A office space in a new campus development. The proposed campus has been designed to accommodate the demands of corporate business in the area and is intended to attract or to accommodate existing industry. The development will provide enhanced pedestrian access on-site as well as the perimeter of the sites. In addition, the project will be constructing additional sidewalk linkages to ensure safe pedestrian access to light rail to and from the project site. The proposed project will be achieving LEED Gold with USGBC certification which will result in a sustainable design and one that will minimize health impacts to future tenants through the use of appropriate green materials. A Subsequent Environmental Impact Report has been prepared for the project with a majority of the identified impacts mitigated to a less than significant level. The traffic resulting from the project has been reviewed as it relates to existing congestion management plans and policies, with additional funding going towards improvements to the Mathilda/101/237 intersection. The SEIR does note that there is one significant and unavoidable impact in Air Quality resulting from project construction. The proposed Moffett Place project meets and implements the following 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.

RECOMMENDED FINDINGS

Rezone

Finding:

1. The amendment, as proposed, changed or modified is deemed to be in the public interest. (*Finding Met*)

The proposed development requires the Rezoning of eight parcels from MP-I to MP-TOD. The rezone would make the zoning of these parcels consistent with the requested land use designation amendment to the Moffett Park Specific Plan (as noted above). The rezone will allow for a high density development within acceptable walking and biking distance of light rail implements the intent of the Moffett Park Specific Plan. The proposed development will provide additional job opportunities for residents in the area. The potential environmental impacts resulting from the increase in floor area have been evaluated through a Subsequent Environmental Impact Report and mitigation measures have been incorporated into the project approval. The proposed development would implement the following General Plan and Council Policies including:

- **Policy LT-1.5** Maintain a functional classification of the street system that identifies Congestion Management Program roadways and intersections, as well as local roadways and intersections of regional significance.
- **Policy LT-2.1** Recognize that the City is composed of residential, industrial and commercial neighborhoods, each with its own individual character; and allow change consistent with reinforcing positive neighborhood values.
- **Policy LT-4.1** Protect the integrity of the City’s neighborhoods; whether residential, industrial or commercial.
- **Policy LT-4.6** Safeguard industry’s ability to operate effectively, by limiting the establishment of incompatible uses in industrial areas.
- **Policy LT-4.8** Cluster high intensity industrial uses in areas with easy access to transportation corridors.
- **Policy LT-5.2** Integrate the use of land and the transportation system.
- **Policy LT-5.5** Support a variety of transportation modes.
- **Policy LT-5.8** Provide a safe and comfortable system of pedestrian and bicycle pathways

- **Policy LT-6.1** Maintain a diversity of commercial enterprises and industrial uses to sustain and bolster the local economy.
- **Policy LT-7.4** Support land use policies that provide a diversified mix of commercial/industrial development.
- **Policy LT-8.10** Facilitate and encourage pedestrian traffic in public recreational open spaces and utilize the Santa Clara Valley Transportation Authority’s Pedestrian Technical Design guidelines whenever appropriate and feasible.
- **Policy LT-9.4** Support a regional trail system by coordinating with adjacent jurisdictions to facilitate trail connections wherever possible.
- **Policy CC-1.4** Support measures which enhance the identity of special districts and residential neighborhoods to create more variety in the physical environment.
- **Policy CC-3.1** Place a priority on quality architecture and site design, which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity
- **Policy HE-1.2** Facilitate the development of affordable housing through regulatory incentives and concessions, and/or financial assistance.
- **Policy SN-3.5** Facilitate the safe movement of pedestrians, bicyclists and vehicles.
- **Policy EM-8.2** Continue to support the identification and development of approaches to stormwater treatment and best management practices to control sources of pollutants through participation in local, regional, statewide and national associations and agencies (e.g. Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVRRP), Bay Area Stormwater Management Agencies Association, Stormwater Quality Association, and American Public Works Association and similar organizations).
- **Policy EM-8.3** Ensure that BMPs stormwater control measures and best management practices are implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable.
- **Policy EM-8.5** Prevent accelerated soil erosion. Continue implementation of a construction site inspection and control program to prevent discharges of sediment from erosion and discharges of other pollutants from new and redevelopment projects.

- **Policy EM-11.3** Require all new development to utilize site planning to protect citizens from unnecessary exposure to air pollutants.
- **Policy EM-11.8** Assist employers in meeting requirements of Transportation Demand Management (TDM) plans for existing and future large employers and participate in the development of TDM plans for reemployment centers in Sunnyvale.

RECOMMENDED FINDINGS

Major Moffett Park Design Review

Moffett Park Specific Plan Goals and Policies:

The City Council may approve any Major Moffett Park Design Review 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:

(A) Attain the objectives and purposes of the MPSP:

The proposed office campus will create additional Class A office space located within walking distance to the light rail corridor. The campus will provide amenities' which are in demand in the area and will attract new companies and provide additional office space for companies in the area. The proposed buildings will be LEED Gold certified implementing green building practices. A Traffic Impact Analysis has been prepared to evaluate how the project integrates into the area and identifies the potential impacts and appropriate mitigations. Other mitigation measures identified in the SEIR have also been incorporated into the project approval. The project attains the primary purpose of the MPSP objectives based on the following:

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.

(B) Substantially conform with the Moffett Park Design Guidelines set forth in Chapter Six of the MPSP:

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 project has coordinated the site layout to emphasize campus connectivity and the primary landscape promenade through the site. Connectivity is provided throughout the site and offers public pedestrian connectivity to the channel trail. The building architecture utilizes both building forms and materials to distinguish the design while at the same time providing consistency with contemporary neighboring R&D facilities within Moffett Park. 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.
4. When multiple buildings are proposed for a site, they should be grouped to provide functional open spaces, plazas, and courtyards. Strong pedestrian connections should link buildings and open spaces. Consider daylighting opportunities through building orientation and separation of buildings.
1. Loading areas and service yards should be located to the rear of the site and completely screened from view.
2. 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. Differentiate the three traditional parts of the building; base, mid-section, and top. Vary the planes of exterior walls and provide articulation through use of color, change of materials, and arrangement of façade elements. Create buildings of varying heights and roof lines.
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

2. Impervious surfaces, including parking areas, shall be kept to the minimum amount necessary to adequately serve the use.
3. 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.
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.
5. 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.
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. 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.
8. 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.

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 therefor 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 Gold 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 proposed Development Agreement will result in the construction of new fire station and accessory facilities in amore optimal location within the Moffett Park area. Specifically, the proposed development is 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% 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.

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. The development will provide pedestrian linkages from the Borregas Pedestrian Bridge to the light rail and open space trails. The proposed DA will result in the construction of a new fire station with enhanced facilities and optimal location for the area. The total value of the fire station construction will be \$11.5 million. In addition, the developer will contribute \$250,000.00 towards an enhance pedestrian/bicycle crossing at the West Channel Trail on Caribbean Drive. 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 and completing a connection on Borregas. The DA will result in the relocation of Fire Station #5 and reconstruction to an optimal location in the area.

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 1.78 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 55 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.

**RECOMMENDED
CONDITIONS OF APPROVAL AND
STANDARD DEVELOPMENT REQUIREMENTS**

**Planning Application 2012-7854
1152 Bordeaux (Various Addresses)
(APNs 110-35-008 & 009, 110-27-017, 023, 031 & 032; 110-37-007)**

Moffett Park Specific Plan Amendment to MP-TOD, Rezone to MP-TOD and Major Moffett Park Design Review for the development of 1.79 million square feet of office space with amenities building and Green Building Incentive of 10% FAR Bonus for LEED Gold with USGBC certification.

The following Conditions of Approval [COA] and Standard Development Requirements [SDR] 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. The Mitigation Monitoring and Reporting Program is included Exhibit 1 and reference Site Plan is included in Exhibit 2.

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:

If a Development Agreement (DA) is approved as part of the project, the Major Moffett Park Design Review (MMPDR) shall be subject to the terms and conditions of the approved Development Agreement. In the case of any conflicts between the MMPDR conditions of approval and the DA, the DA shall take precedence and the MMPDR conditions shall be modified to be consistent with the DA. [COA] [PLANNING/OCA]

GC-3. PERMIT EXPIRATION:

The permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date and is approved by the Director of Community Development or unless an alternative timeframe is approved in a development agreement. [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, including all actions taken to approve 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] [OCA]

GC-5. GREEN BUILDING REQUIREMENTS:

- a) New Buildings: All new buildings shall be constructed to meet LEED Gold level and shall be submitted to USGBC for formal certification.
- b) Tenant Improvements: The applicant shall require or facilitate all tenants to obtain LEED Gold certification for new tenant improvements. [COA] [PLANNING]

GC-6. ENVIRONMENTAL MITIGATION MEASURES:

The project shall comply with all mitigation measures required in the Moffett Place Subsequent Environmental Impact Report. The Mitigation Monitoring and Reporting Program (MMRP) has been included in the Conditions of Approval as Exhibit 1. The applicant shall be responsible for addressing all required mitigations for each

phase of the project. [COA] [PUBLIC WORKS/PLANNING]
MITIGATION MEASURE

- GC-7. **PARKING MANAGEMENT PLAN (TEMPORARY):**
The applicant shall prepare a temporary parking management plan for each phase of construction clearly indicating parking locations for the new buildings and existing buildings. The plan will need to clearly indicated the total parking provided and construction location. This will only be required in phase where new buildings are constructed adjacent to existing buildings on a site. [COA] [PLANNING]
- GC-8. **TEMPORARY TRAILERS:**
Temporary sales/rental/marketing trailer(s) on the site shall be subject to separate review and approval by the Director of Community Development through an MPP. Plans for temporary trailers (excluding construction trailers) shall include the following:
- a) Trailers shall be placed on the premises not sooner than the date of final project approval by the City and shall be removed no later than 30 days after the final building is finished;
 - b) Trailer entrances shall be oriented toward the nearest building;
 - c) Area lighting shall be provided in the vicinity of temporary trailers.
[COA] [PLANNING]
- GC-9. **STORMWATER MANAGEMENT PLAN:**
Project is subject to Provision C3, of the Municipal Regional Stormwater Permit Order No. R2-2009-0074, as determined by a completed “Stormwater Management Plan Data Form”, and therefore must submit a Stormwater Management Plan as per SMC 12.60.140 prior to issuance of the building permit. The SWMP shall clearly delineate the responsible parties. [SDR] [PLANNING]
- GC-10. **TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):**
The applicant shall submit a TDM Plan to include a Trip Reduction Program that results in a reduction of at least: 25% total average daily trips; and, 30% peak hour trips as calculated from the estimated total trip generation utilized in the Transportation Impact Analysis for the project (not including trip reduction credits or credits for previous uses). The TDM plan shall:
- a) Be approved by the Director of Community Development and Director of Public Works, or designees.
 - b) Include statements of the number of allowable average daily and peak hour trips;
 - c) Include an annual monitoring requirement based on actual driveway counts by a city administered consultant, funded by the property owner;

- d) Include a penalty for non-compliance with the targeted reductions. Said penalty shall be based on a documented calculation of the value per reduced trip of TDM measures proposed in the TDM Plan.
- e) Be adjusted, subject to the same approvals, if targeted reductions are not met.
- f) The developer shall explore the use of a private shuttle service for the project. [COA] [PLANNING/TRANSPORTATION]

GC-11. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM) COMPLIANCE:

If annual review indicates that the actual average daily trips counts exceed the allowable number of trips identified in the approved plan, the property owner shall cause additional TDM measures to be put into place to reduce project trips. After six months of being notified by the City that annual trips exceeded allowable trips, a recount will be taken per item PS-1 c) above.

- a) If the recount exceeds trips above the allowable trips, then a penalty for non-compliance will be collected.
- b) If the recount exceeds trips for which Traffic Impact Fees were collected, the property owner shall be required to pay the City's then current Traffic Impact Fee for all trips that exceed the number of trips used for the basis of the original Traffic Impact Fee paid for the project. The terms of collection of the additional traffic impact fee shall be finalized in the TDM and subject to review and approval by the City. [COA] [PLANNING/TRANSPORTATION]

GC-12. PEDESTRIAN ACCESS & PARKING EASEMENTS:

The project applicant shall dedicate public access easements through the site in the general locations as indicated on Sheet 9 of the Moffett Place plans. In addition, the applicant shall record public parking and access easements for the 12 West Channel Trail parking spaces as included in the plans. Public access to the West Channel Trail easement shall be unrestricted. Ppublic pedestrian access between Borregas and Mathilda (Sites 1 & 2) may be restricted to restricted to the hours of 7am to Sunset or 7pm (which occurs earlier) daily. [COA] [PUBLIC WORKS/PLANNING] **MITIGATION MEASURE (2002)**

GC-13. 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. [SDR] [PUBLIC WORKS]

GC-14. 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]

GC-15. PUBLIC IMPROVEMENTS:

Developer shall install public improvements as required by Sunnyvale Municipal Code Sections 18.08, including but not limited to, curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic signal/signs, striping, street lights, etc. This includes relocation of the existing City storm drain and sanitary sewer line from Bordeaux Drive to Borregas Avenue and the existing storm drain line adjacent to Mathilda Avenue.

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 developer is required to complete the installation all public improvements around the perimeter of each lot and other improvements as deemed necessary by the Director of Public Works, prior to occupancy of the first building located on that corresponding lot, or to the satisfaction of the Director of Public Works.

If the developer desires to phase the off-site improvement construction without completing the entire lot frontage improvements associated with the first building occupancy on that lot, a construction phasing plan for off-site improvements shall be submitted for review and approval by the Director of Public Works prior to first building permit issuance. [COA] [PUBLIC WORKS]

GC-16. OFFSITE CONSTRUCTION PHASING PLAN:

The developer shall prepare a detailed offsite construction phasing plan for the subject project. The plan shall be subject to review and approval by the Director of Public Works prior to issuance of the encroachment permit. The plan shall have both exhibits and narratives that include, but not limited to, construction truck route, public vehicle access, pedestrian access, construction staging, employee parking, limits of work and timeline for each of the phases. [COA] [PUBLIC WORKS]

GC-17. RECORDATION OF PARCEL MAPS:

This project is subject to, and contingent upon recordation of one or more parcel maps. The submittal, approval and recordation of the parcel map(s) shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 Subdivision requirements. Parcel map(s) shall be recorded prior to any grading or building permit issuance of any building located on that certain lot as shown on the corresponding parcel map. [COA] [PUBLIC WORKS]

GC-18. 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]

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

PS-1. REVIEW OF FINAL DESIGN:

Final architectural design, site design, exterior building materials, and color schemes are subject to review and approval by the Director of Community Development prior to submittal of a building permit. Architectural plans shall clearly demonstrate the level of architectural detail indicated on the plans and as communicated to staff. This includes architectural elements and quality exterior materials implied in the plans. [COA] [PLANNING]

PS-2. 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-3. REQUIRED REVISIONS TO THE PLANS:

The project plans shall be revised to address the following items and shall be subject to review and approval by the Community Development Director.

- a) Groupings of Accent Trees shall be added at the perimeter of the site and aligned in the parking areas to add a point of reference for pedestrians.
[COA] [PLANNING]

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:

The plans submitted for building permits 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 detailed 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. 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-5. GREEN BUILDING (LEED GOLD):

The building permit plans shall demonstrate the project is designed to achieve a minimum of LEED Gold with USGBC certification. In order to meet the City's LEED incentive requirements, the project shall meet the following requirements:

- a) New Buildings: The new buildings will be constructed to meet LEED Gold certified level. The applicant will obtain LEED CS Gold (core/shell) certification for all buildings once warm shell improvements are complete.
- b) New Tenant Improvements: All future tenants to obtain LEED CI Gold (commercial interior) certification for new tenant improvements. [SDR] [PLANNING/BUILDING]

BP-6. TRAIL PARKING SPACES:

The proposed project shall provide 12 parking spaces and pedestrian connection to the West Channel Trail. The plans shall also include a sample of the appropriate signage and locations.

Trail parking shall be resolved with developer's dedication of a trail parking and pedestrian access easement for the driveway, parking area and pedestrian connection area to the trail, prior to construction of the trail or construction of the parking lot for building B4, whichever occurs first unless otherwise approved by the Director of Community Development and the Director of Public Works.

The trail parking improvements shall be completed upon completion of the West Channel Trail or the building occupancy of Building B4, whichever occurs first unless otherwise approved by the Director of Community Development and the Director of Public Works. The subject easement shall be accepted by the City upon completion of the improvement within the easement area in accordance with City approved plans. Developer is responsible for perpetual maintenance of improvements within the subject easement area in accordance with the provisions stipulated in a recorded Maintenance Agreement. [COA] [PLANNING/PUBLIC WORKS]

BP-7. ON-SITE PEDESTRIAN ACCESS EASEMENTS:

Prior to the first building permit issuance located on that corresponding lot, the developer shall dedicate pedestrian access easement(s) through the site in the general locations as indicated on Sheet 9 of the Moffett Place plans dated 6/12/13 and consistent with General Condition (GC) Pedestrian Access and Parking Easements.

City will accept the dedication upon completion and acceptance of subject on-site improvements with recordation of Easement Deed(s)

prior to occupancy of the first building located on that corresponding lot, unless otherwise approved by the Director of Public Works and Director of Community Development.

The developer shall be responsible for perpetual maintenance of those on-site pedestrian access in accordance with the provisions stipulated in a recorded Maintenance Agreement.

[COA] [PUBLIC WORKS/PLANNING]

BP-8. CONSTRUCTION PHASING:

If the applicant chooses to construct the project in phases, then the applicant shall clearly demonstrate compliance with all zoning and required mitigation measures as per the MMRP in each phase of development (i.e., parking, landscaping and shading). The applicant shall provide all documentation prior to issuance of the first building permit of each phase. [COA] [PLANNING]

BP-9. DEMOLITION/CONSTRUCTION/RECYCLING WASTE REPORT FORM:

to mitigate the impacts of large projects on local waste disposal and recycling levels, demolition waste weights/volumes, construction weights/volumes, and recycling weights/volumes are to be reported to the city, per city's "waste & recycling reporting form" (electronic copy available) or a similar chart approved by the city. As part of the project's construction specifications, the developer shall track the type, quantity, and disposition of materials generated, and forward a complete report to the department of environmental services, solid waste division both periodically and at project completion [COA][ENVIRONMENTAL SERVICES]

BP-10. RECYCLING AND SOLID WASTE ENCLOSURE:

The building permit plans shall include details for the installation of recycling and solid waste enclosures that are consistent with SMC 19.38.030. The required solid waste and recycling enclosures shall:

- c) Match the design, materials and color of the main building;
- d) Be of masonry construction;
- e) Be screened from view;
- f) All gates, lids and doors shall be closed at all times;
- g) Shall not conflict with delivery/receiving areas;
- h) Shall be consistent with the approved Waste and Recycling Management Plan;
- i) Waste and recycling diversion systems shall be incorporated into the facilities and tenant improvements. [COA][ENVIRONMENTAL SERVICES/PLANNING]

BP-11. 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-12. ROOF EQUIPMENT:

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

BP-13. FEES AND BONDS:

The following fees shall be paid in full prior to issuance of building permit.

a) TIF – Pay Traffic Impact fee for the 882.56 net new trips trip resulting from the proposed project. The total number of trips has been divided between the proposed 6 buildings at 176.512 trips per building. The fees per building shall be calculated prior to issuance of a Building Permit. (SMC 3.50). [SDR] [PLANNING]

MITIGATION MEASURE

b) FREEWAY FAIR SHARE CONTRIBUTION – The applicant shall pay a onetime fair share contribution of \$577,062 to mitigate the project impacts to existing freeway segments. The fee shall be paid at the issuance of the first building permit for a structure. [COA] [PLANNING] **MITIGATION MEASURE**

c) CARIBBEAN DRIVE TRAFFIC SIGNAL – Developer shall contribute \$250,000 toward the construction of a new signal on Caribbean Drive to accommodate pedestrian and bicycle crossing as part of the East/West channel trail construction pursuant to the provisions stipulated in the Development Agreement. [PUBLIC WORKS] DEVELOPMENT AGREEMENT

d) HOUSING MITIGATION FEE – The applicant shall pay the housing mitigation fee on a per square foot basis for the square footage over the standard zoning, which total 951,246 square feet. The total has been divided between the proposed 6 buildings at 158,540.95 square feet. The fee shall be calculated at building permit issuance. **MITIGATION MEASURE**

e) SCHOOL FEES: The applicant shall pay the applicable schools fees for each building permit prior to issuance of the permit. The applicant shall provide proof of payment for each permit. **MITIGATION MEASURE (2002 EIR)**

f) ART IN PRIVATE DEVELOPMENT BOND – A bond, letter of credit, cash deposit or other similar security instrument for 1% of the

construction valuation of the entire development project will be required prior to issuance of a building permit. The bond will not be released until completion and installation of the artwork requirement including related landscaping, lighting, base work and commemorative plaque. If the project is developed in phases, upon completion of the artwork requirement including related landscaping, lighting, base work and commemorative plaque for a particular phase, the bond may be reduced by 1% of the construction value attributed to that particular phase [PLANNING] [SDR]

- BP-14. **ART IN PRIVATE DEVELOPMENT REVIEW:**
An Art in Private Development application shall be submitted to the Director of Community Development subject to review and approval by the Arts Commission, prior to issuance of a Building Permit, unless and Art Bond is posted for 1% of the valuation of the entire project. The application shall provide public visible artwork. [COA] [PLANNING]
- BP-15. **ENVIRONMENTAL MITIGATION MEASURES:**
The project applicant shall demonstrate compliance with the Mitigation and Monitoring Reporting Program (MMRP) for the Moffett Place SEIR as included in Exhibit 1. [COA] [ALL] **MITIGATION MEASURES (2013)**
- BP-16. **MECHANICAL EQUIPMENT (EXTERIOR):**
Detailed plans showing the locations of individual exterior mechanical equipment/air conditioning units shall be submitted for 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 and ensure adequate usable open space. Individual exterior mechanical equipment/air conditioning units shall be incorporated into the architecture or placed on the roof and screened. [COA] [PLANNING]
- BP-17. **TRANSPORTATION DEMAND MANAGEMENT:**
A Draft Transportation Demand Management (TDM) Program shall be submitted for review and preliminary approval by the Director of Community Development and the Director of Public Works Prior to issuance of a building permit for any structure within the approved project. [COA] [PLANNING]

- BP-18. COMPACT SPACES:
Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, in accordance with Title 19 of the Sunnyvale Municipal Code. [SDR] [PLANNING]
- BP-19. BICYCLE SUPPORT FACILITIES:
Indoor shower and locker facilities shall be provided for men and women to meet LEED Gold standards and be subject to review and approval by the Director of Community Development prior to issuance of building permit. In accordance with LEED Gold standards, showers and lockers should be based on FTE count e.g. building square footage/250 = FTE, # of showers = FTE X 0.5% = 6 showers per building. [COA] [PLANNING]
- BP-20. CARPOOL PARKING:
Provide a minimum of 5% of all parking spaces to be permanently reserved for the exclusive use of car pool vehicles. Car pool spaces will be reserved and located close to the buildings and marked appropriately. [COA] [PLANNING]
- BP-21. LANDSCAPE PLAN:
Landscape and irrigation plans shall be prepared by a certified professional, and shall comply with Sunnyvale Municipal Code Chapter 19.37 requirements. Landscape and irrigation plans are subject to review and approval by the Director of Community Development through the submittal of a Miscellaneous Plan Permit application. The applicant may submit one master plan or separate phases. The landscape plan shall include the following elements:
- a) All areas not required for parking, driveways, or structures shall be landscaped.
 - b) Provide trees at minimum 30-foot intervals along all property lines, except where mature trees are located immediately adjoining on neighboring property.
 - c) Deciduous trees shall be provided along southern and western building exposures where possible for passive solar heating purposes.
 - d) For new tree selection, preference shall be given to California native species, and sizes selected shall be as large as appropriate for the proposed locations. At least ten percent (10%) of trees shall be 24-inch box size or larger and no tree shall be less than 15-gallon size. Any “protected trees” (as defined in SMC 19.94) approved for removal shall be replaced with a specimen tree of at least 36-inch box size.
 - e) Tree Preservation: The Landscape Plan shall include the preservation of the existing trees as indicated on sheet 6 (existing tree plan). If retention is infeasible, then the applicant shall submit arborist letter indicating why the tree cannot be saved and this is subject to review and approval by the Director of Community Development.

- f) Provide a 15-foot wide landscaped buffer along the property's street frontages, except that the width may be reduced in limited locations as per the deviations granted and indicated on the approved project plans.
- g) Ground cover included in the landscape plans shall be planted so as to ensure full coverage eighteen months after installation.
- h) Decorative paving shall be provided as required by the Director of Community Development to distinguish entry driveways, pedestrian paths, pedestrian crossings, and common areas.
- i) The plans shall indicate compliance with the parking lot shading requirements.
- j) Design of all proposed fencing and walls shall be included in the landscape plans and shall comply with 19.37.080.
- k) Patio and landscape walls shall not be higher than three feet and stamped with a skateboard deterrent.
- l) The landscape plan shall include additional planting between the face of the garage and the street for garage A and B.
- m) A double row of trees shall be added at the corner of Moffett Park Drive and Boreggas Drive to enhance and direct pedestrians to the interior campus connections.
- n) The parking lots shall include rows of alternate tree species plantings (with different foliage) that provide rows to break up the parking and to act as visual markers. All plantings shall comply with the 50% shading requirement. [COA] [PLANNING]

BP-22. PLANTER DIAMONDS:

The landscape plans and building permit plans shall clearly indicate that all diamond shaped tree wells located within the parking lot are a minimum of 6 feet wide. [COA] [PLANNING]

BP-23. 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 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 updated 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). The inventory shall include trees proposed for removal as well as trees to remain.
- b) All existing trees on the plans, showing size and varieties, and clearly specify which are to be retained.
- c) The Director of Community Development has discretion over the final list of trees to be removed.

- d) 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.
- e) Provide a plan showing overlay of Civil plans including utility lines with existing trees and provide measures to protect tree root systems as needed during utility installation.
- f) The measures specified in 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-24. BEST MANAGEMENT PRACTICES (STORMWATER):

The project shall comply with the following source control measures as outlined in the BMP Guidance Manual and SMC 12.60.220. 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) Stormdrain stenciling. The stencil is available from the City's Environmental Division Public Outreach Program, which may be reached by calling (408) 730-7738.
- 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) Covered trash enclosures and/or receptacles.
- d) Plumbing of the following discharges to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards:
 - i) Swimming pool water, spa/hot tub, water feature and fountain discharges if discharge to on-site vegetated areas is not a feasible option.
 - ii) Fire sprinkler test water, if discharge to onsite vegetated areas is not a feasible option. [SDR] [PLANNING]

BP-25. EXTERIOR LIGHTING PLAN (ON-SITE):

Prior to issuance of a building permit submit an exterior lighting plan, including fixture and pole designs, for review and approval by the Director of Community Development. Driveway and parking area lights shall include the following:

- a) Sodium vapor, LED, or illumination with an equivalent energy savings. Lighting which provides true color representation is preferred.

- b) Pole heights to be uniform and compatible with the area. Light standards, other than parking lot lights, shall be of pedestrian scale and shall not exceed 12 feet in height on the periphery of the project.
- c) Provide photocells for on/off control of all security and area lights.
- d) All exterior security lights shall be equipped with vandal resistant covers.
- e) Lights shall have shields to prevent glare.
- f) Lighting plans shall be developed to provide coverage of all parking areas, driveways, and building entrances for safety and security purposes. [COA] [PLANNING]

BP-26. PHOTOMETRIC PLAN:

Prior to issuance of a building permit submit a contour photometric plan for review and approval by the Director of Community Development. [COA] [PLANNING]

BP-27. INTERIOR LIGHTING PLAN:

Prior to issuance of a building permit, submit a detailed lighting plan for review and approval by the Director of Community Development. The plan shall include light fixture design, materials, and colors as well as information on photocell control, shielding, vandal-resistant covers, lighting type, and energy efficiency.

- a) All lights in the upper floors of the office buildings (Levels 3 and higher) shall be on automatic timers so that lights turn off after workers leave each day.
- b) To the extent feasible, interior lighting design shall minimize spill-over of light to residential areas during evening hours. One possible feature is mechanized window coverings on timers. Alternative design measures can be implemented. Specifications are subject to review and approval of the Director of Community Development. [COA] [PLANNING]

BP-28. BICYCLE SPACES:

Provide a minimum of 5% of the total number of parking spaces for each site. A minimum of 75% of these spaces shall be secured spaces. The plans will need to clearly indicate the location and type for each phase of the project. Select high-quality decorative designs for bicycle racks. [COA] [PLANNING]

BP-29. SOLID WASTE DISPOSAL PLAN:

A detailed recycling and solid waste disposal plan shall be submitted for review and approval by the Director of Community Development prior to issuance of building permit. The solid waste disposal plan and building permit plans shall demonstrate compliance with current City

requirements and guidelines for non-residential projects. [COA]
[PLANNING/ENVIRONMENTAL SERVICES]

BP-30. STORMWATER MANAGEMENT PLAN:

Submit two copies of a Stormwater Management Plan subject to review and approval by Director of Community Development, pursuant to SMC 12.60, prior to issuance of building permit. The Stormwater Management Plan shall include an updated Stormwater Management Data Form. [COA] [PLANNING/ENVIRONMENTAL SERVICES]

BP-31. STORMWATER MANAGEMENT PLAN THIRD-PARTY CERTIFICATION:

Third-party certification of the Stormwater Management Plan is required per the following guidance: City of Sunnyvale – Stormwater Quality BMP Applicant Guidance Manual for New and Redevelopment Projects - Addendum: Section 3.1.2 Certification of Design Criteria Third-Party Certification of Stormwater Management Plan Requirements. The third-party certification shall be provided prior to building permit issuance. [SDR] [PLANNING/ENVIRONMENTAL SERVICES]

BP-32. FIRE PREVENTION REQUIREMENTS:

The following requirements and upgrades are required, for review and approval by the Department of Public Safety:

- a) As applicable, comply with the requirements contained in the 2010 Sunnyvale Municipal Code, California Fire Code, Title 19 California Code of Regulations, and Sunnyvale Fire Prevention procedures and requirements.
- b) Extend the fire access road, or provide an approved surface accessible to emergency vehicles, between Building B3 and the Amenities Building to provide access the hydrants on the NW side of the Amenities Building.
- c) Provide an approved fire access lane having a minimum width of 20 feet and a minimum inside turning radius of 30 feet around the NW parking lot.
- d) Provide an approved fire access lane having a minimum width of 20 feet and a minimum inside turning radius of 30 feet around the NE parking lot.
- e) Provide an approved fire access lane having a minimum width of 20 feet and a minimum inside turning radius of 30 feet around the parking lot located on the SW side of Bordeaux Drive.
- f) Provide approved onsite hydrant along the requested fire access lane in the SW corner of the parking lot located on the SW side of Bordeaux Drive.
- g) Onsite fire hydrants spaced approximately 300 feet apart along the fire access lanes in both the NW and NE parking lots.

- h) Ensure the public fire hydrant on South side of Building 1 along Moffett Park Drive is easily accessible from the fire access road (e.g. provide low level landscaping that allows for dragging hose).
- i) Hydrants shall comply with current City of Sunnyvale hydrant standards (i.e. Clow model 865 is required).
- j) Submit details with the building permit plans of the proposed chemical treatment system for the pool.
- k) A Sunnyvale Fire Protection Engineer is available for consultation at the One Stop Permit Counter, Monday through Friday, 8am - noon.
- e) Refer to our website, FirePrevention.inSunnyvale.com for additional information regarding items listed above and the specific requirements within the City of Sunnyvale. [COA] [PUBLIC SAFETY-FIRE PREVENTION]

BP-33. FIRE PROTECTION PLAN:

Provide a written construction Fire Protection Plan (Section 1408 CFC) (Refer to Unidocs.org, Fire Prevention documents). [COA] [PUBLIC SAFETY-FIRE PREVENTION]

BP-34. BUILDING PERMIT ISSUANCE:

No building permit issuance for Parking Structure A and Building B1 prior to quitclaim of existing PG&E easements, unless otherwise approved by the Director of Community Development and the Director of Public Works.

Prior to building permit issuance of either Building B3, B4, B6 or Parking Structure B, the existing sanitary sewer and storm drain easement between Bordeaux Drive and Borregas Avenue shall be abandoned in accordance with applicable CA Streets and Highways code. Prior to abandonment of the existing easement, the new the sanitary sewer and storm drain pipelines shall be installed at the final/ultimate location and accepted by the City with recordation of a new 20' public sanitary sewer and storm drain easement.

Prior to building permit issuance for the Amenity Building, the interim sanitary sewer and storm drain pipeline construction must be completed and accepted by the City with recordation of a new 20' interim easement.

Prior to building permit issuance for the Building B5, the existing public utility easement adjacent to Mathilda Avenue shall be abandoned in accordance with applicable CA Streets and Highways code, unless otherwise approved by the City. Prior to abandonment of

the existing easement, the new storm drain pipeline shall be installed at the final/ultimate location and accepted by the city with recordation of a new 15' public storm drain easement.
[COA] [PLANNING/PUBLIC WORKS]

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

- EP-1. COMPLETE OFF-SITE IMPROVEMENT PLAN SET:
A complete plan check set applicable to the project, including street improvement plans, streetlight plans, streetscape plans, traffic signing and striping plans, traffic signal plans, traffic control plans, shall be submitted as part of the first off-site improvement plans, including engineering cost estimates. Joint trench plans may be submitted at a later date. No partial sets are allowed unless otherwise approved by the Director of Public Works. [COA][PUBLIC WORKS]
- EP-2. 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 preventer and sign post, etc.), shall be upgraded to current City standards and as required by the Director of Public Works [COA] [PUBLIC WORKS]
- EP-3. 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-4. 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-5. UTILITY CONNECTION TO THE MAIN:
All sanitary sewer laterals connecting to the existing main line shall be with a new sanitary sewer manhole, except where the point of the connection is within close vicinity of an existing down-stream manhole where a "Y" connection is permitted as determined by the Director of Public Works. All storm drain lateral connecting to the main shall be with 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. [SDR] [PUBLIC WORKS]

EP-6. EXISTING UTILITY ABANDONMENT:

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 and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the Director of Public Works. Existing public facilities within the street right-of-way shall be abandoned per City's Abandonment Notes, including abandonment by other utility owners. [COA] [PUBLIC WORKS]

EP-7. 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-8. 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 and approval prior to issuance of any permits for utility work within public right-of-way or public utility easements. Separate encroachment permits shall be required for various dry utility construction. [SDR] [PUBLIC WORKS]

EP-9. WET UTILITIES:

All wet utilities (water, sanitary sewer, storm drain) on-site shall be privately owned and maintained. [COA] [PUBLIC WORKS]

EP-10. RE-USE OF EXISTING CITY UTILITY SERVICE LINES:

The re-use of any existing City utility service lines and appurtenances is subject to City's review and approval. Developer's contractor shall expose the existing facilities during construction for City's evaluation or provide video footage of the existing pipe condition. Developer's contractor shall replace any deficient facilities as deemed necessary by Public Works Department. [COA] [PUBLIC WORKS]

EP-11: SEPARATE AND INDEPENDENT UTILITY SERVICE LINES:

Each building shall have separate and independent utility service lines. [COA] [PUBLIC WORKS]

- EP-12. 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 double check detector assembly (DCDA) behind the street right-of-way. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PREVENTION]
- EP-13. PUBLIC FIRE HYDRANTS:
Remove and replace the existing fire hydrant barrel(s) along entire project frontage with current City standard Clow-Rich 865. New fire hydrant location shall be per current City standard detail 2B-2. Public fire hydrant shall be maintained free and clear of all vines, shrubs, bushes, ivy, etc. for a minimum of three feet. [COA] [PUBLIC WORKS/PUBLIC SAFETY-FIRE PROTECTION]
- EP-14. WATER METER:
Install new radio-read water meter(s) for each point of connection to the water main. 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. 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-15. 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 backflow prevention devices on the discharge side of irrigation line on private property. Install backflow preventer enclosure where applicable.
- 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-16. SANITARY SEWER ANALYSIS:
Submit a focused sanitary sewer analysis 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.
[COA] [PUBLIC WORKS]

EP-17. SEWER CLEANOUT:

Install new sewer cleanouts at the property lines for all existing and proposed sanitary sewer laterals to be used for the project. [SDR] [PUBLIC WORKS]

EP-18. SANITARY SEWER VIDEO:

The contractor shall make a video copy of the interior of the new sanitary sewer mainline installed prior to it is put into service. [COA] [PUBLIC WORKS]

EP-18. 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 Director 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-19. CATCH BASIN TRASH CAPTURE DEVICE AND BADGE/STENCILING:

Pursuant to SMC 12.60.130, install full trash capture devices on each of 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 and/or have a badge that read "NO DUMPING" as supplied by the Environmental Services Department. [COA] [PLANNING/ENVIRONMENTAL SERVICES/PUBLIC WORKS]

EP-20. UTILITY METER/VAULT:

No existing or new utility meters or vaults shall be located within the new driveway approach areas. All existing or new utility vaults serving the project site shall be located on-site and not within the public utility easement, if any. [COA] [PUBLIC WORKS]

EP-21. STREETLIGHTS:

Provide photometric analysis to confirm if the street lighting along the project frontage is in accordance with the City's Roadway Lighting Design Criteria. The minimum average illuminance shall be approximately 0.6 fc and the uniformity ratio shall be approximately 4.0.

Remove existing street light fixture and replace with new Cree BXSPA2 73W, Type II LED fixtures along both sides of the streets on Borregas Avenue, Moffett Part Drive and Bordeaux Drive.

Install one new streetlight at each of the mid-block crosswalks with appropriate spacing. Replace all existing streetlight conduits, wires and pull boxes with new ones along the entire project frontage per City's current standards.

Submit separate streetlight plans concurrently with the off-site improvement plan review to 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 Developer per latest City standard details and specifications and National Electrical Code. Obtain PG&E's approval for new service pedestal, if required, prior to Encroachment Permit issuance by Public Works Department. [SDR] [PUBLIC WORKS]

EP-22. DRIVEWAY APPROACHES:

Remove existing driveway approaches and install new driveway approaches along the project frontage to comply with Americans with Disabilities Act (ADA) requirements and per city standard details and specifications. All unused existing driveway approaches shall be replaced with new curb, gutter and sidewalk. [COA] [PUBLIC WORKS]

EP-23. CURB RAMPS:

Remove and replace all existing curb ramps and install new curb ramps at street corners fronting project site. Install new curb ramps at the two midblock crosswalks on Bordeaux Drive. [COA] [PUBLIC WORKS]

EP-24. STREETSCAPE IMPROVEMENTS:

Remove existing concrete curb and 2' gutter and install new concrete curb and 1' gutter per current City standards along the entire project frontage. Provide gutter transition to conform to existing 2' gutter at project limits. Install a 4-foot wide parkstrip and 6-foot wide detached sidewalk along the Bordeaux Drive, Moffett Park Drive and Borregas Avenue project frontage and a 4-foot wide parkstrip and 8-foot wide detached sidewalk along Mathilda Avenue.

- Install additional new sidewalk (6-foot to 10-foot wide) along Borregas Avenue from the northerly project limit to the southwest corner of the curb return at Gibraltar Court as part of the off-site improvements along Borregas Avenue. [COA] [PUBLIC WORKS]
- EP-25. STREET PAVEMENT:
Grind 2” of existing asphalt concrete from gutter to gutter on Bordeaux Drive, Moffett Park Drive, Borregas Avenue and Mathilda Avenue (from the easterly curb to the median island) along the project frontage and overlay with 2” of new asphalt concrete, unless otherwise approved by the Director of Public Works with alternatives. [SDR] [PUBLIC WORKS]
- EP-26. 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-27. TRAFFIC CONTROL PLAN:
Submit a traffic control plan with the off-site improvement plans for review and approval. 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-28. MID-BLOCK CROSS WALKS:
Install two mid-block crosswalks across Bordeaux Drive. The crosswalks shall be raised with concrete pavers with bi-direction in-roadway pavement warning lights and flashing pedestrian signs. The pavers shall be installed as per City standards and as approved by the Department of Public Works. Advance striped limit lines with shark teeth, and cross walk line stripe shall be installed per latest California MUTCD.
- The subject mid-block cross walks shall be maintained by the developer in accordance with the provisions stipulated in a recorded Maintenance Agreement. [COA] [PLANNING/PUBLIC WORKS]
- EP-29. CITY STREET TREES:
The developer shall install required street trees along the project frontage as follows: Borregas Avenue: pinus canariensis – Canary Island Pine; Moffett Park Drive: quercus agrifolia – California Coast Live Oak; Bordeaux Drive: brachychiton acerifolius – Flame Tree; Mathilda Avenue: fraxinus americana – Autumn Applause. 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. [SDR] [PUBLIC WORKS]

EP-30. 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-31. 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 Director of Public Works. [COA] [PUBLIC WORKS]

EP-32. MAINTENANCE AGREEMENT:

Prior to first encroachment permit issuance of any lot frontage improvements, developer shall execute a Maintenance Agreement for perpetual maintenance of certain public improvements located in the 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 for any lot.

EP-33. APPROVAL FROM OTHER AGENCIES:

This project requires approval letter from the Santa Clara Valley Water District for trail connection and private access bridge over the existing West Channel. [COA] [PUBLIC WORKS]

EP-34. RECORD DRAWINGS:

Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted to the City prior to encroachment permit sign-off. [COA] [PUBLIC WORKS]

PM: THE FOLLOWING CONDITIONS SHALL BE MET PRIOR TO THE APPROVAL OF THE FINAL MAP OR PARCEL MAP.

- PM-1. TITLE 18 AND SUBDIVISION MAP ACT:
The submittal, approval and recordation of the parce; map shall be in accordance with the provisions of the California Subdivision Map Act and Sunnyvale Municipal Code Title 18 subdivision requirements.
[COA] [PUBLIC WORKS]
- PM-2. 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 delineated on the map or recorded concurrently with the map with a separate instrument, unless otherwise approved by the Director of Public Works. Quitclaim deed is required for abandonment of private easements prior to map recordation. 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]
- PM-3. APPROVAL FROM OTHERS:
Prior to map recordation, obtain consent letter from property owner(s) of 1215 Borregas Avenue to terminate the existing reciprocal access and parking, including any binding agreement. [COA] [PUBLIC WORKS]
- PM-4. UTILITY COMPANY APPROVAL:
Obtain approval letters from various utility companies for each of the parcel map in regards to any existing or new easements associated with the project. [COA] [PUBLIC WORKS]
- PM-5. EMERGENCY VEHICLE ACCESS EASEMENT:
Developer shall dedicate a minimum 26'-wide emergency vehicle ingress-egress easement over the surface parking areas, excepting areas for parking stalls. [COA][PUBLIC SAFETY/PUBLIC WORKS]
- PM-6. PUBLIC UTILITY EASEMENT:
Developer shall dedicate a 15'-wide public utility easement to the City on the parcel map to accommodate public utilities along Moffett Park Drive. [COA][PUBLIC WORKS]

- PM-7. PUBLIC SIDEWALK EASEMENT:
Developer shall dedicate adequate public sidewalk easements to the City on the parcel map to accommodate the required sidewalk configuration as referenced herein. [COA] [PUBLIC WORKS]
- PM-8. PEDESTRIAN AND VEHICLE ACCESS EASEMENT:
Developer shall dedicate adequate pedestrian and vehicle access easement over a new private roadway, referred to as the “Innovation Way Extension” in the Development Agreement, for public use purpose. The developer is responsible for perpetual maintenance of improvements within the easement in accordance with the provisions stipulated in a recorded Maintenance Agreement. [COA] [PUBLIC WORKS]
- PM-9. 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]
- PM-10. SUBDIVISION AGREEMENT AND IMPROVEMENT SECURITIES:
Developer shall execute a Subdivision Agreement and provide improvement securities and/or cash deposit(s) for all proposed public improvements prior to final map recordation or any permit issuance, whichever occurs first. [COA] [PUBLIC WORKS]
- PM-11. OFF-SITE IMPROVEMENT COST ESTIMATE:
Provide an engineer's estimate for all off-site public improvements for the entire project with breakdowns corresponding to each lot or construction phases (in accordance with City approved phasing plan), including the temporary and permanent relocation of the storm drain and sanitary sewer main between Bordeaux Drive and Borregas Avenue and the storm drain line adjacent to Mathilda Avenue to the Sunnyvale West Channel. [COA] [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 measures shall be maintained, as indicated in the tree protection plan, including irrigation, until construction has been completed and the installation of landscaping has begun. [COA] [PLANNING]

DC-3. ENVIRONMENTAL MITIGATION MEASURES:

The project applicant and contractor shall maintain all construction equipment, debris and run-off prevention in compliance with the approved MMRP. [COA] [PLANNING] MITIGATION MEASURE

DC-4. FIRE ACCESS:

Prior to any combustible construction or materials on-site, provide fire access drives and operational on-site fire protection systems if applicable (Chapter 14 CFC). [SDR] [PUBLIC SAFETY-FIRE PREVENTION]

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. TRAIL PARKING AND PEDESTRIAN ACCESS EASEMENTS:

The project applicant shall provide proof of recordation of the trail parking and pedestrian access easement in accordance with the condition item BP-6. The applicant may propose an alternative timeframe, which will be subject to review and approval by the Director of Community Development and the Director of Public Works. [COA] [PUBLIC WORKS/PLANNING] **MITIGATION MEASURE (2002)**

PF-2. LANDSCAPING AND IRRIGATION:

All landscaping and irrigation as contained in the approved building permit plan shall be installed prior to occupancy. [COA] [PLANNING]

PF-3. LANDSCAPE MAINTENANCE PLAN:

Prepare a landscape maintenance plan subject to review and approval by the Director of Community Development prior to occupancy of the first building permit. The landscape maintenance plan shall be reviewed through MPP for the landscape and irrigation plan. [COA] [PLANNING]

- PF-4. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM):
The applicant shall submit a final TDM Plan prior to occupancy of the first building on any of the sites. [COA] [PLANNING]
- PF-5. NEW PUBLIC EASEMENTS LOCATED ON-SITE:
Any new easements required for public use purpose shall be either shown on the recorded parcel map or on a separate recorded Easement Deed deemed necessary by the Director of Public Works prior to any building occupancy.
[COA] [PUBLIC WORKS]
- PF-6. NEW ON-SITE ROADWAY:
The design of the new roadway connecting between Bordeaux Drive and Mathilda Avenue, including traffic signal modification at the intersection of Mathilda Avenue and Innovation Way, shall be in accordance with City's current standards and specifications. The design shall be completed prior to building permit issuance of Building B5, unless otherwise approved by the City. Improvements shall be completed pursuant to the provisions stipulated in the Development Agreement.
[COA] [PUBLIC WORKS]
- PF-7. LANDSCAPING INSTALLATION:
The applicant shall install all required landscaping prior to occupancy of each phase. If buildings or smaller portions of the site are developed at a time, then the applicant install the landscaping in accordance of the approved landscape plan. [COA] [PLANNING]
- PF-8. PUBLIC ART:
The applicant shall install the required public art as per the approved art application. A bond for the art work may satisfy this condition as long as the applicant submits a letter indicating the projected completion date, which will be subject to review by the Director of Community Development.[COA] [PLANNING]
- PF-9. PARKING LOT STRIPING:
All parking lot striping, guest spaces, and compact spaces shall be striped as per the approved building permit plans and Public Works standards prior to occupancy. [COA] [PLANNING/ENGINEERING]
- PF-10. PUBLIC STREET REPAIR:
Any changes to or deficiencies in the adjacent public streets as a result of project construction are to be rectified at the expense of the developer. [COA] [PUBLIC WORKS]

PF-11. COMPLETION OF PUBLIC IMPROVEMENTS:

Developer shall complete all required public improvements in accordance with City approved plans, prior to any building occupancy, unless otherwise approved by the City. [COA] [PUBLIC WORKS]

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

AT-1. PEDESTRIAN ACCESS EASEMENTS & TRAIL PARKING SIGNAGE:

The project applicant shall maintain approved directional signage for the pedestrian links through the site and all signage for the 12 dedicated parking West Channel Trail. [COA] [PUBLIC WORKS/PLANNING] **MITIGATION MEASURE (2002)**

AT-2. TRAIL PARKING SPACES:

12 parking spaces for the West Channel Trail access shall be maintained at all times. [COA] [PLANNING]

AT-3. AMENITIES BUILDING CAFE:

The amenities building and café may be open to the public until such time that project has achieved enough occupancy to support the café operation, subject to consideration by the Community Development Director. Thereafter, the café shall be available for the campus employees and tenants only. [COA] [PLANNING]

AT-4. TRANSPORTATION DEMAND MANAGEMENT PLAN (TDM) ANNUAL REVIEW:

The applicant shall comply with the Annual Review requirements set forth in the approved TDM program including applicable fees for the review. [COA] [PLANNING/TRANSPORTATION]

AT-5. RECYCLING AND SOLID WASTE:

All exterior recycling and solid waste shall be confined to approved receptacles and enclosures. [COA] [PLANNING]

AT-6. OFF-STREET PARKING:

Off-street parking for both residents and guests shall be maintained at all times in accordance with approved plans. [COA] [PLANNING]

- AT-7. EXTERIOR EQUIPMENT:
Exterior equipment shall be maintained within approved enclosure areas. Individual air conditioning units shall be screened with architecture or landscaping features. [COA] [PLANNING]
- AT-8. 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-9. PARKING LOT MAINTENANCE:
The parking lot shall be maintained in accordance with the approved plans and as follows:
- a) Clearly mark all assigned, guest, 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) Maintain parking lot lighting and exterior lighting to ensure that the parking lot is maintained in a safe and desirable manner for residents and guests. [COA] [PLANNING]
- AT-10. UNENCLOSED STORAGE PROHIBITED:
Unenclosed storage of any kind shall be prohibited on the premises. [COA] [PLANNING]
- AT-11. BMP MAINTENANCE:
The project applicant, owner, landlord, or homeowners association must properly maintain any structural or treatment control best management practices to be implemented in the project, as described in the approved Stormwater Management Plan and indicated on the approved building permit plans. [SDR] [PLANNING]
- AT-12. BMP RIGHT OF ENTRY:
The project applicant, owner, landlord, or homeowners association shall provide access to the extent allowable by law for representatives of City, the local vector control district, and the Regional Water Quality Control Board, strictly for the purposes of verification of proper operation and maintenance for the stormwater treatment best management practices contained in the approved Stormwater Management Plan. [SDR] [PLANNING]

AT-13. SOLID WASTE RECYCLING MANAGEMENT:

Waste and recycling services shall be maintained under one account for each of the public domestic water meter that serve an occupied building held by the applicant, owner or landlord, unless otherwise approved by the City. The account holder will be responsible for ensuring adequate services and that all locations, private sidewalks and streets are kept free of litter and stains. Requirements shall be specified in the approved documents and be submitted for approval by the City. [COA] [FINANCE]

AT-14. FIRE DEPARTMENT ACCESS:

A Knox system (key switch) shall be provided and maintained for all locked gates in accordance with Fire Prevention requirements. [COA] [PUBLIC SAFETY-FIRE PREVENTION]

Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 4.1 Land Use | | | |
| <p>Mitigation Measure 4.1-1a: Avigation Easement Dedication: As a condition of development approval, the Project applicant shall dedicate an avigation easement to the County of Santa Clara. The avigation easement shall be similar to that shown as Exhibit 1 in Appendix A of the Moffett Federal Airfield CLUP.</p> | <p>Project Applicant shall dedicate an avigation easement to County of Santa Clara.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |
| <p>Mitigation Measure 4.1-1b: Federal Aviation Administration (FAA) Notification: As a condition of development approval, the Project Applicant shall notify the Federal Aviation Administration (FAA) as required by FAR Part 77, Subpart B on FAA Form 7460-1, Notice of Proposed Construction or Alteration.</p> | <p>Project Applicant shall provide proof of notification to the FAA per FAR Part 77, Subpart B on FAA Form 7460-1, Notice of Proposed Construction or Alteration.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |
| 4.2 Aesthetics | | | |
| <p>Mitigation Measure 4.2-3a: Glare Reduction: All exterior windows and glass used on building surfaces shall be non-reflective or treated with a non-reflective coating.</p> | <p>Project Applicant shall submit building plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |
| <p>Mitigation Measure 4.2-3b: Exterior Lighting Location Requirements: All exterior lighting proposed as part of the Project's required exterior lighting plan shall be constructed and located in such a manner that it cannot be mistaken for airport approach or runway lights by pilots.</p> | <p>Project Applicant shall submit building plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 4.3 Biological Resources | | | |
| <p>Mitigation Measure 4.3-2: Channel Protection: The following measures extracted from the City’s adopted “Guidelines and Standards for Land Use Near Streams” would ensure that site construction and operation would not result in indirect adverse effects on the riparian and aquatic habitats or the Sunnyvale West Channel:</p> <p>Measures to be Implemented During Project Construction</p> <ul style="list-style-type: none"> a. Dust control must be practiced during demolition and grading. b. The City of Sunnyvale routinely requires implementation of protective measures for all projects adjacent to stream courses. For all work adjacent to stream channels, best management practices (BMPs) shall be implemented to prevent bank erosion, sedimentation, release of contaminants, accidental incursion by construction equipment below the tops of bank. Such measures may include installation of silt fencing, hay bales, straw wattles or other protective devices to prevent the downslope migration of silt or sediment from the construction site. <p>Measures to be Implemented During Project Operation</p> <ul style="list-style-type: none"> c. Post-construction BMPs incorporated into the project’s drainage plan shall comply with Provision C.3.c of the Municipal Regional Stormwater Permit (see Impact 4.5-5 in Section 4.3, Hydrology and Water Quality, for more discussion) to ensure that no significant adverse effects on water quality of the Sunnyvale West Channel or the adjacent riparian habitat would result. d. All storm water treatment facilities must be in accordance with local and regional water quality standards to ensure there is no release of contaminants into the aquatic environment. | <p>Project Applicant shall submit construction plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Mitigation Measure 4.3-4(a): Bird-Safe Building Design: Prior to the issuance of any building permits, the Project applicant shall demonstrate to the satisfaction of the Community Development Director, that the proposed building design incorporates design features for bird-safe buildings, so long as they do not conflict with the Project objective of constructing an energy efficient building designed to meet LEED Gold certification. Bird-safe design guidelines, such as the Standards for Bird-Safe Buildings adopted by the City of San Francisco Planning Department in July 2011 should be used to identify appropriate design features. Design features shall be directed towards the building facades that face large open areas. In addition, the applicant will be required to work the future tenants to implement a “Lights Out” program.</p> | <p>Project Applicant shall submit building plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |
| <p>Mitigation Measure 4.3-4(b): Non-Special Status-Species: Prior to the issuance of Grading Plans or improvement plans, the Project applicant shall demonstrate to the satisfaction of the Community Development Director that the following notes are shown on the grading and improvement plans: All tree and building removal and initial grading of the site shall occur outside of the migratory bird and raptor breeding season (August 16 through February 28) unless the following requirements are implemented:</p> <ul style="list-style-type: none"> • If construction activities are scheduled to occur during the breeding season for non-special-status species (generally between March 1 and August 15), a qualified wildlife biologist shall be retained to conduct the following focused nesting surveys, as follows: • Tree surveys shall be conducted within the Project site to look for nesting non-special-status migratory birds and raptors. • In addition, surveys of all buildings shall be conducted to look for nesting non-special-status | <p>Project Applicant shall submit construction plans for review and approval.</p> <p>Project Applicant retains qualified biologist to conduct surveys subject to City approval.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Building Safety Division), biologist</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> <p>Prior to commencement of grading or construction.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>migratory birds and raptors.</p> <ul style="list-style-type: none"> The surveys shall be conducted between March 1 and August 15 and within one week prior to initiation of construction activities. A summary report of the survey findings shall be submitted to the satisfaction of the Community Development Director. If no active nests are detected during surveys, then no additional mitigation is required. If construction activities are scheduled to occur during the breeding season (generally between March 1 and August 15), and if surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer shall be established around the site to avoid disturbance or destruction of the nest site until after the breeding season, or after a wildlife biologist determines that the young have fledged (usually late-June to mid-July). The extent of these buffers shall be determined by a qualified wildlife biologist and shall depend on the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors shall be analyzed in order to make an appropriate decision on buffer distances. A summary report of the survey findings with the location of the active nests and required buffer distances shall be submitted to the satisfaction of the Community Development Director. | | | |
| <p>Mitigation Measure 4.3-5: The applicant shall demonstrate to the satisfaction of the Director of Community Development that the removal of the protected trees as defined by the City Code has been mitigated through the planting of new trees at a 1:1 ratio, in conformance with the Landscape Plan.</p> | <p>Project Applicant shall submit landscape plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 4.4 Geology and Soils | | | |
| <p>Mitigation Measure 4.4-1a: Foundations: The proposed 8-story office buildings and parking structures should be supported on deep foundations consisting of driven, precast, prestressed concrete friction piles or augured cast-in-place piles. In order to reduce the potential for settlements due to liquefaction impacting pile foundations, it is recommended that each pile extend to a depth of at least 50 feet below grade. The amenities building and vehicular bridge may be supported on conventional shallow foundations consisting of continuous and/or isolated spread footings, as long as the estimated differential settlements are considered reasonable from a structural viewpoint.</p> | <p>Project Applicant shall submit building plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of building permits.</p> |
| <p>Mitigation Measure 4.4-1b: Implement Recommendations of Geotechnical Report: The project sponsor shall implement all of the recommendations of the project geotechnical report, and any associated updates or revisions, related to review of plans and specifications for proposed buildings; demolition observation and testing; construction observation and testing; site demolition, clearing, and preparation; subgrade preparation; subgrade stabilization; material for fill; compaction requirements; trench backfill; site drainage; foundations; concrete slabs and pedestrian pavements; vehicular pavements; and retaining walls.</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |
| <p>Mitigation Measure 4.4-1c: Geological Monitor: A representative from TRC should observe the geotechnical aspects of the grading and earthwork for general conformance with their recommendations including site preparation, selection of fill materials, and the placement and compaction of fill. The Project plans and specifications should incorporate all recommendations contained in the Geotechnical Report.</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Mitigation Measure 4.4-3a: Compaction: In accordance with the recommendations of the project geotechnical report, all fill and scarified surface soils should be uniformly compacted to at least 90 percent relative compaction at a moisture content near the laboratory optimum, except for the native expansive clays. The native expansive clays should be compacted to between 87 and 92 percent relative compaction at a moisture content at least 3 percent over optimum. Fill should be placed in lifts no greater than 8 inches in uncompacted thickness. Each successive lift should be firm and relatively non-yielding under the weight of construction equipment.</p> <p>In pavement areas, the upper 6 inches of subgrade and full depth of aggregate base should be compacted to at least 95 percent relative compaction, except for the native clays. Aggregate base and all import soils should be compacted at a moisture content near the laboratory optimum moisture content.</p> <p>If there are updates or revisions to the project geotechnical report, the above mitigation requirements shall be revised to match the updated recommendations as necessary.</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |
| <p>Mitigation Measure 4.4-3b: Abandonment of Existing Utilities: In accordance with the recommendations of the project geotechnical report, the project sponsor shall ensure that existing utilities are completely removed from all building areas. A utility may only be abandoned in place if it would not pose and unacceptable risk, and if approved by the geotechnical engineer. If abandoned in place, the utility must be completely backfilled with grout or sand-cement slurry and the ends outside of the building area must be capped with concrete. Trench fills must also be removed and replaced with engineered fill with the trench side slopes flattened to at least 1:1.</p> <p>If there are updates or revisions to the project</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>geotechnical report, the above mitigation requirements shall be revised to match the updated recommendations as necessary.</p> | | | |
| <p>Mitigation Measure 4.4-3c: Corrosion Protection Engineer: In accordance with the recommendations of the preliminary geotechnical report, a corrosion protection engineer shall be consulted about appropriate corrosion protection methods for buried metallic materials on the project site prior to site grading and construction.</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |
| <p>4.6 Transportation and Traffic</p> | | | |
| <p>Mitigation Measure 4.6-1a: Prior to occupancy of each phase, the project applicant shall, to the satisfaction of the Public Works Director, provide a Traffic Impact Fee payment to the City. The payment would be based on the amount of development associated with each phase of development and be based on the current TIF rates at the time of payment. Payment of the TIF fee would constitute the project’s fair share contribution to the required improvements to reduce potential impacts at the Mathilda/Moffett Park intersection. Required improvements consist of reconfiguration of the SR 237/Mathilda Avenue ramp intersections, as recommended by the 2006 Route 237 Corridor Study:</p> <ul style="list-style-type: none"> • Shifting the SR 237 Westbound Off-ramp 150 feet to the north to align with Moffett Park/Mathilda Avenue; • Removing SR 237 Westbound On-ramp; and, • Constructing a direct southbound right-turn on-ramp from Mathilda Avenue to US 101 north <p>Reconfiguration of the SR 237/Mathilda Avenue ramp intersections would reduce the impact to a less-than-significant level. These improvements are programmed in both the City’s Transportation Strategic Program and the Valley Transportation Plan (VTP) 2035 list of constrained projects, and the project is currently in the design/environmental</p> | <p>The Project Applicant shall make a Traffic Impact Fee payment to the City.</p> | <p>Public Works Department (Transportation and Traffic Division)</p> | <p>Confirm payment received prior to issuance of building permits.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| phase. The final design of the Mathilda/237 interchange will be determined in the design phase. | | | |
| Mitigation Measure 4.6-1b: This mitigation measure is the same as Mitigation Measure 4.6-1a. | The Project Applicant shall make a Traffic Impact Fee payment to the City. | Public Works Department (Transportation and Traffic Division) | Confirm payment received prior to issuance of building permits. |
| <p>Mitigation Measure 4.6-2: Prior to occupancy of each phase, the project applicant shall, to the satisfaction of the Public Works Director, provide a fair share contribution to freeway improvements were identified in the Valley Transportation Plan (VTP) 2035 to improve freeway operations on the affected segments:</p> <ul style="list-style-type: none"> • Convert HOV lanes to express lanes on US 101 from SR 85 in Mountain View to San Jose (VTP ID H5) • Convert HOV lanes to express lanes on SR 237 from I-880 to Mathilda Avenue (VTP ID H9) • Construct new HOV/express lanes on SR 237 between Mathilda Avenue and SR 85 (VTP H11). <p>The payment would be based on the amount of development associated with each phase of development and be based on the VTA project estimates at the time of payment. The freeway improvement projects listed in the VTP 2035 are financially constrained (financially constrained projects are planned project for which VTA anticipates full funding within the timeframe of the VTP 2035 and are currently under design). These improvements are anticipated to relieve traffic congestion added by the project. Therefore a fair share contribution to these regional projects, which VTA is actively designing, would constitute mitigation toward the following identified freeway impacts:</p> <ul style="list-style-type: none"> • US 101: Convert HOV lanes to express lanes from SR 85 in Mountain View to San Jose (VTP ID H5) <ul style="list-style-type: none"> o Northbound, Ellis Street to SR 237 o Northbound, Mathilda Avenue to Fair Oaks | Project Applicant makes fair share contribution. | Public Works Department (Transportation and Traffic Division) | Confirm payment received prior to issuance of building permits. |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Avenue</p> <ul style="list-style-type: none"> o Northbound Fair Oaks Avenue to Lawrence Expressway • SR 237: Convert HOV lanes to express lanes from I-880 to Mathilda Avenue (VTP H9) <ul style="list-style-type: none"> o Westbound, Fair Oaks Avenue to Mathilda Avenue o Eastbound/Westbound, Fair Oaks Avenue to Lawrence Expressway • SR 237 – Construct new HOV/express lanes between Mathilda Avenue and SR 85 (VTP H11) <ul style="list-style-type: none"> o Eastbound/Westbound, US 101 to Maude Avenue o Eastbound, Mathilda Avenue to US 101 | | | |
| <p>Mitigation Measure 4.6-8a:</p> <p>Prior to issuance of a grading permit, the applicant shall, to the satisfaction of the Public Works Director, receive approval of a traffic control plan that restricts directional access to the construction site. In-bound construction traffic from Mathilda Avenue shall be directed to access the construction site via Mathilda Avenue or Moffett Park Drive, while outbound construction traffic shall be restricted to Java Drive, eastbound Moffett Park Drive or as approved by the Public Works Director.</p> <p>The traffic control plan shall prohibit truck access to the site during peak commute times (7 AM to 9 AM and 4 PM to 6 PM) to limit potential impacts to the operations of Mathilda Avenue. Alternative times may be considered in specific cases as approved by the Public Works Director.</p> | <p>Project Applicant submits traffic control plans for review and approval.</p> | <p>Public Works Department (Transportation and Traffic Division)</p> | <p>Prior to construction.</p> |
| 4.7 Noise | | | |
| <p>Mitigation Measure 4.7-1:</p> <p>Prior to the issuance of demolition permits or ground disturbing activities (whichever occurs first), the Contractor shall demonstrate to the satisfaction of the City of Sunnyvale Community Development</p> | <p>Project Applicant follows appropriate protocols, as necessary.</p> <p>Construction contractor complies with procedures during construction.</p> | <p>Community Development Department (Building Safety Division)</p> <p>Community Development Department (Building Safety Division)</p> | <p>Prior to issuance of Grading Permits.</p> <p>Conduct periodic site visits during construction.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Department that the proposed project complies with the following:</p> <ul style="list-style-type: none"> • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices. • Property occupants located adjacent to the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Sunnyvale Community Development Department prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints. • The Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Department. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator. • During construction, stationary construction | | Division) | |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.</p> <ul style="list-style-type: none"> Pursuant to the Municipal Code Chapter 16.08, construction activities shall occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 7:00 a.m. and 5:00 p.m. on Saturdays, and shall be prohibited on Sundays and holidays or as approved by the Chief Building Official. | | | |
| 4.8 Air Quality | | | |
| <p>Mitigation Measure 4.8-1a: BAAQMD Basic and Additional Construction Mitigation Measures: Prior to issuance of any Grading or Demolition Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that the following basic and enhanced construction mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> Water all active construction areas to maintain 12 percent soil moisture. All grading shall be suspended when winds exceed 20 miles per hour. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power | <p>Project Applicant shall submit plans for review and approval. Construction contractor implements measures during construction.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of any grading or demolition permit.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>vacuum street sweepers at least once per day. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <ul style="list-style-type: none"> • Wind breaks and perimeter sand bags shall be used to minimize erosion. • The amount of simultaneously disturbed surface shall be minimized as much as possible. • Site access points from public roadways shall be paved or treated to prevent track-out. • Replace vegetation in disturbed areas as quickly as possible. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points. • 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 City 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. | | | |
| <p>Mitigation Measure 4.8-1b: BAAQMD Architectural Coatings Mitigation</p> | <p>Project Applicant shall submit plans for review and approval.</p> | <p>Community Development Department (Planning)</p> | <p>Prior to issuance of any building permit.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Measures: Prior to issuance of any Building Permit, the Chief Building Official and Project LEED Accredited Professional shall confirm that the Building Plans and specifications include the following BAAQMD additional construction mitigation measures:</p> <ul style="list-style-type: none"> • Use low volatile organic compounds (VOC) (i.e., reactive organic gases [ROG] coatings beyond the BAAQMD requirements [i.e., Regulation 8, Rule 3: Architectural Coatings]). • VOC content of architectural coatings shall not exceed the following for each construction phase: <ul style="list-style-type: none"> – Phases 1 and 2: VOC content of architectural coatings shall not exceed 23 grams per liter. – Phase 3: VOC content of architectural coatings shall not exceed 31 grams per liter. – Phase 4: VOC content of architectural coatings shall not exceed 25 grams per liter. | | Division) | |
| <p>Mitigation Measure 4.8-1c: NO_x Reduction Measures: The following measures shall be implemented during construction to reduce NO_x related emissions. They shall be included in the Grading Plan, Building Plans, and contract specifications. Contract specification language shall include the following:</p> <ul style="list-style-type: none"> • All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x.¹ • All contractors shall use equipment that meets the California Air Resources Board’s most recent certification standard for off-road heavy | Project Applicant shall submit plans for review and approval. | Community Development Department (Planning Division) | Prior to issuance of any building permit. |

¹ Best Available Control Technology (BACT) is defined as technology, verified by CARB, for an off-road vehicle that achieves reductions in emissions at the highest applicable classification level for diesel emission control strategies. A summary of CARB-verified diesel emission control strategies may be found at <http://www.arb.ca.gov/diesel/verdev/vt/cvt.Htm>. Where this policy requires BACT, this requirement can be satisfied by a factory installed equivalent device, such as a diesel particulate filter.

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>duty diesel engines.</p> <ul style="list-style-type: none"> The idling time of diesel powered construction equipment shall be minimized to two minutes. The Project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent California Air Resources Board fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. Utilize existing power sources (i.e., electrical power) when available. This measure would minimize the use of higher polluting gas or diesel generators. | | | |
| 4.10 Hazards and Hazardous Materials | | | |
| <p>Mitigation Measure 4.10-2: Hazardous Building Materials Surveys and Abatement: Prior to demolition of each building, the project applicant shall incorporate into contract specifications the requirement that the contractor(s) have a hazardous building materials survey completed by a Registered Environmental Assessor or a registered engineer. This survey shall be completed prior to any demolition activities associated with the project. If any friable asbestos-containing materials or lead-containing materials are identified, adequate abatement practices, such as containment and/or</p> | <p>Project Proponent follows appropriate protocols, as necessary.</p> | <p>Community Development Department (Building Safety Division)</p> | <p>Prior to demolition of any structures.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>removal, shall be implemented in accordance with applicable laws prior to demolition. Specifically, asbestos abatement shall be conducted in accordance with Section 19827.5 of the California Health and Safety Code, as implemented by the BAAQMD, and 8 CCR Section 1529 and Sections 341.6 through 341.14, as implemented by Cal/OSHA. Lead-based paint abatement shall be conducted in accordance with Cal/OSHA's Lead in Construction Standard.</p> <p>Any PCB-containing equipment, fluorescent light tubes containing mercury vapors, and fluorescent light ballasts containing DEHP shall also be removed and legally disposed of in accordance with applicable laws including 22 CCR Section 66261.24 for PCBs, 22 CCR Section 66273.8 for fluorescent lamp tubes, and 22 CCR Division 4.5, Chapter 11 for DEHP.</p> | | | |
| 4.11 Cultural Resources | | | |
| <p>Mitigation Measure 4.11-2a: Discovery of Archaeological Resources: If prehistoric or historic archaeological resources are encountered during project activities, all work within 25 feet of the discovery should be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 should be contacted to assess the resources and make recommendations. While prehistoric or historic archaeological resources should be avoided by project activities, if the resources cannot be avoided, they should be evaluated for their potential historic significance in consultation with the City of Sunnyvale. If the resources are recommended to be non-significant, avoidance is not necessary. If the resources are recommended as potentially significant or eligible to the CRHR, they should be avoided. If avoidance is not feasible, project impacts should be mitigated in accordance with the recommendations of the evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that would include recommendations for the treatment of the discovered archaeological materials. The data</p> | <p>Qualified cultural resources specialist conducts archaeological monitoring during grading activities to appropriate protocols.</p> <p>Qualified cultural resources specialist submits data recovery plan (if necessary) to the City of Sunnyvale and to the Regional Information Center at Sonoma State University.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Planning Division)</p> | <p>Confirm construction monitoring prior to issuance of grading permits.</p> <p>Confirm receipt of materials within approximately one year of completion of the field work.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>recovery plan should be submitted to the City of Sunnyvale for review and approval. Upon approval and completion of the data recovery program, project construction activity within the area of the find may resume, and the archaeologist will prepare a report documenting the methods of investigation and the findings. The report will be submitted to the City of Sunnyvale. Once the report is reviewed and approved by the City of Sunnyvale, a copy of the report will be submitted to the NWIC.</p> | | | |
| <p>Mitigation Measure 4.11-2b: Discovery of Human Remains: In the event that human remains are discovered, the County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the project. The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance as to the ultimate disposition of any Native American remains. The MLD shall make recommendations to the Community Development Director regarding the method for exposure and removal of human burials and associated grave goods, and shall advise the Community Development Director regarding the place and method of reburial of these materials.</p> | <p>Construction contractor stops work and notifies County Coroner, if human remains are encountered. If remains are of Native American origin, contact Native American Heritage Commission.</p> | <p>Community Development Department (Planning Division), County Coroner, Native American Heritage Commission</p> | <p>Field monitoring during grading.</p> |
| <p>Mitigation Measure 4.11-2c: Archaeological Monitor: A qualified archaeologist shall be retained to monitor the site clearing and grading operations in those areas where buildings will be removed and/or new construction will occur. The archaeologist shall be present on-site to observe site clearing at a representative sample of building removal areas until he/she is satisfied that there is no longer a potential for finding buried resources. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall stop work inside a zone designated</p> | <p>Qualified cultural resources specialist conducts archaeological monitoring during grading activities to appropriate protocols.</p> <p>Qualified cultural resources specialist submits data recovery plan (if necessary) to the City of Sunnyvale and to the Regional Information Center at Sonoma State University.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Planning Division)</p> | <p>Confirm construction monitoring prior to issuance of grading permits.</p> <p>Confirm receipt of materials within approximately one year of completion of the field work.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>by him/her where additional archaeological resources could be found. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources (CRHR).</p> | | | |
| <p>Mitigation Measure 4.11-3a: Halt Construction and Evaluate Resource: In the event that a paleontological resource (fossilized invertebrate, vertebrate, plan or micro-fossil) is found during construction, excavation within 50 feet of the find shall be temporarily halted or diverted until the discovery is evaluated. Upon discovery, the Community Development Director shall be notified immediately and a qualified paleontologist shall be retained to document and assess the discovery in accordance with Society of Vertebrate Paleontology's 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, and determine procedures to be followed before construction is allowed to resume at the location of the find. If the Community Development Director determines that avoidance is not feasible, the paleontologist will prepare an excavation plan for mitigating the project's impact on this resource, including preparation, identification, cataloging, and curation of any salvaged specimens.</p> | <p>Qualified paleontological resource specialist conducts monitoring during grading activities to appropriate protocols.</p> <p>Qualified paleontological resource specialist submits recovery plan (if necessary) to the City of Sunnyvale.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Planning Division)</p> | <p>Confirm construction monitoring prior to issuance of grading permits.</p> <p>Confirm receipt of materials within approximately one year of completion of the field work.</p> |
| <p>Mitigation Measure 4.11-3b: Paleontological Monitor: A qualified paleontologist shall be retained to monitor the site clearing and grading operations in those areas where buildings will be removed and/or new construction will occur. The paleontologist shall be present on-site to observe site clearing at a representative sample of building removal areas until he/she is satisfied that there is no longer a potential for finding buried resources. In the event that any potentially significant paleontological</p> | <p>Qualified paleontological resource specialist conducts monitoring during grading activities to appropriate protocols.</p> <p>Qualified paleontological resource specialist submits recovery plan (if necessary) to the City of Sunnyvale.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Planning Division)</p> | <p>Confirm construction monitoring prior to issuance of grading permits.</p> <p>Confirm receipt of materials within approximately one year of completion of the field work.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| resources are discovered, the project paleontologist shall stop work inside a zone designated by him/her where additional paleontological resources could be found. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. | | | |
| 4.12 Public Services and Utilities | | | |
| Mitigation Measure 4.12-1: Fire and Police Protection: Concurrent with project entitlements, the Project applicant will enter into a binding agreement with the City of Sunnyvale regarding the addition of adequate public safety facilities and equipment. | Project Applicant enters into binding agreement with City. | Community Development Department (Planning Division) | Prior to issuance of building permits. |
| 5. Cumulative Impacts | | | |
| Mitigation Measure 5.4-1 (Traffic and Circulation): Traffic Signal at Moffett Park Drive/Bordeaux Drive Intersection. Construct a traffic signal to the satisfaction of the Public Works Director at the Moffett Park Drive/Bordeaux Drive intersection prior to occupancy of the second phase of development. Impacts at this intersection would not occur with the first phase of development (Buildings B1, B2, and B5 and Parking Structure A). This intersection could potentially be removed when the future improvements to the SR237/Mathilda Avenue interchange are constructed. Temporary traffic signals or other interim traffic improvements may be considered by the Public Works Director and installed/ completed prior to occupancy of the second phase of development if the SR237/Mathilda Avenue interchange project has not been completed at that time. The final design of the SR237/Mathilda interchange will be determined in the operations study lead by VTA. | Project applicant constructs a traffic signal or other interim traffic improvements may be considered by the Public Works Director. | Public Works Department (Transportation and Traffic Division) | Prior to occupancy of the second phase of development. |

Appendix A:

**APPLICABLE MITIGATION MEASURES FROM THE MITIGATION
MONITORING AND REPORTING PROGRAM OF THE *MOFFETT PARK
SPECIFIC PLAN* EIR; DECEMBER 2002; SCH #: 2001052121**

A program-level EIR was prepared for the *Moffett Park Specific Plan MPSP* pursuant to *CEQA* (Public Resources Code § § 21000 et. seq.) as amended and the *CEQA Guidelines* (Title 14, California Code of Regulations, § § 15000 et. seq.) as amended. The Sunnyvale City Council certified the program-level *MPSP* Final EIR November 11, 2003.

The City of Sunnyvale will utilize the project-level Moffett Place Subsequent EIR in conjunction with the program-level *MPSP Final EIR* for the implementation of the proposed Moffett Place Project. Together, the program-level *MPSP Final EIR* and the project-level Moffett Place Subsequent EIR are intended to provide both program and project-level analysis of the potential environmental impacts resulting from implementation of the Moffett Place Project.

The project-level Moffett Place Subsequent EIR, where applicable, tiers off of, and incorporates by reference, the program-level *MPSP FEIR*. Under § 15152 of the *CEQA Guidelines*, tiering is appropriate when the sequence of analysis follows from an EIR prepared for a general plan, policy, or program to an EIR of lesser scope, or to a site-specific EIR. The *MPSP FEIR* is a policy level document for future development on the land contained within the *MPSP* area boundaries. The Moffett Place Project is a site-specific development project of a lesser scope than the program-level *MPSP FEIR*. Thus, where applicable and where potential impacts associated with the proposed Moffett Place Project were adequately analyzed in the program-level *MPSP FEIR*, this project-level Draft SEIR relies on and tiers off of and incorporates by reference the analysis and findings presented in the previously certified program-level *MPSP FEIR*. Therefore, the following mitigation measures from the *MPSP FEIR* shall be implemented with the mitigation measures identified in the Moffett Place Subsequent EIR.

Applicable Mitigation Measures from the Mitigation Monitoring And Reporting Program
 of the Moffett Park Specific Plan EIR; December 2002; SCH #: 2001052121

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | 3.3 Biological Resources | | | |
| Mitigation Measure 4.3-5 | Mitigation 3.3-D Trees Impacts: No existing street trees shall be removed from the Moffett Park Specific Plan area. Should future development within the Moffett Park Specific Plan area require or request removal of significantly sized trees as defined by Municipal Code 19.94, then the property owner/developer shall obtain tree removal permit. Tree removal will require replanting at a ratio of 2 to 1, of a tree size determined to be comparable in value by the Director of Community Development (Less Than Significant Impact with Mitigation). | Require as a condition of approval. If removal of significantly sized trees are proposed for future development, project applicant shall obtain tree removal permit. | Community Development Department (CDD) Project Applicant | Draft and incorporate condition as part of project approval. Prior to issuance of building permit. |
| | 3.5 Geology and Soils | | | |
| Mitigation Measure 4.4-1 | Mitigation 3.5-A Foundation and Settlement Impacts: All grading shall be in conformance with Title 16, “Buildings and Construction,” of the City of Sunnyvale Municipal Code. Prior to approval of each grading plan, the property owner/developer shall submit a soils and geological report in conformance with Title 16 of the Sunnyvale Municipal Code. | Require as a condition of approval. Project applicant to submit soils and geology report prepared by Geotechnical/ Structural Engineer. Review and approval of Geotechnical Report by City Engineer. Geotechnical Engineer shall submit letter to City Engineer stating that | CDD Project Applicant Public Works Department (DPW) DPW | Draft and incorporate condition as part of project approval. Prior to filing building permit. Prior to filing building permit. Prior to filing building permit. |
| Mitigation Measure 4.4-4 | Mitigation 3.5-B Expansive Soil: Incorporation of Mitigation Measure 3.5-A1, above, will reduce potentially significant impacts associated with Expansive Soils to less-than-significant levels. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. |
| Mitigation Measure 4.4-1 | Mitigation 3.5-C1 Liquefaction: Prior to issuance of each building permit, the proposer owner/developer shall | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure | Refer to Mitigation Measure |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | submit for review and approval, detailed foundation design information for the subject building(s), prepared by a civil engineer, based on recommendations by a geotechnical engineer. | | 3.5-A. | 3.5-A. |
| Mitigation Measure 4.4-1 | Mitigation 3.5-C2 Liquefaction: The final geotechnical report shall demonstrate compliance with, and adherence to, Public Resources Code Section 2690 and the Mountain View Quadrangle Seismic Hazards Map. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. |
| Mitigation Measure 4.4-1 | Mitigation 3.5-D Seismic Shaking: Prior to issuance of each foundation permit, the property owner/developer shall submit a report by a geotechnical engineer for review and approval that shall investigate the subject foundation excavations to determine whether soft layers are present immediately beneath the footing site and to ensure that compressibility does not underlie the footing. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. |
| Mitigation Measure 4.4-1 | Mitigation 3.5-F Seismic Densification: Prior to approval of each final grading plan, the property owner/developer shall consult with a qualified Geotechnical Engineer to confirm areas of fill that would require excavation and re-compaction prior to initiation of construction activities. These areas shall be identified on all final grading plans, and the contractor shall excavate and re-compact the loose fill during grading of the site. (Less Than Significant Impact With Mitigation.) | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. |
| 3.6 Hazards | | | | |
| Mitigation Measure 4.10-2 | Mitigation 3.6-C1 Hazardous Material Impacts: Prior to approval of the first grading plans or issuance of the first demolition permit, the property owner/developer shall retain the services of a qualified environmental professional or registered Environmental Assessor to conduct an investigation for the presence of underground storage tanks, agricultural pesticides | Require as a condition of approval. Project applicant shall | CDD Project Applicant CDD Department of Public Safety | Draft and incorporate condition as part of project approval. Prior to issuance of demolition and/or grading |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | and groundwater contamination. Soil sampling or a soil organic vapor survey may be required if soil sampling results are not available, or indicate contamination is present above regulatory guidelines or standards. If warranted, subsurface investigation and sampling shall be undertaken and appropriate remediation measures developed, if necessary, before demolition, excavation or grading takes place. | If warranted, subsurface investigation and sampling shall be undertaken and appropriate remediation measures implemented. | (DPS) CDD DPS | Prior to issuance of demolition and/or grading permit, whichever comes first. |
| Mitigation Measure 4.10-2, also addressed through Closure Permit required by City. | Mitigation 3.6-C2 Hazardous Materials Impacts: Prior to approval of the first grading plan or issuance of the first demolition permit, whichever occurs first, the property owner/developer shall submit a plan which details procedures that will be taken into account if a previously unknown USTs, or other unknown hazardous materials or waste, is discovered onsite. If the project applicant/developer or their contractor discovers unknown waste/materials or an underground tank or piping during grading or construction, which he/she believes may involve hazardous waste/materials, the contractor shall, at minimum: Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; Notify the Project Engineer of the implementing agency; Secure the area as directed by the Project Engineer; and, notify the implementing agency's Hazardous Waste/Materials Coordinator (Less Than Significant Impact With Mitigation). | Refer to Mitigation Measure 3.6-C1. In addition, complete the following: If unknown waste/materials or underground tank or piping is discovered, the contractor is to follow steps to mitigation measure 3.6-C2. | Refer to Mitigation Measure 3.6-C1. CDD DPS | Refer to Mitigation Measure 3.6-C1. During construction and/or grading activities. |
| Mitigation Measure 4.10-2 | Mitigation 3.6-E1 Asbestos Containing Materials: Prior to renovation/demolition activities, the property owner/developer shall retain a Certified Asbestos | Require as a condition of approval. | CDD | Draft and incorporate condition as part of project approval. |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | <p>Consultant to perform an asbestos survey(s) to verify the quantity of ACM's within on-site structures. Should the pre-demolition asbestos survey(s) identify the presence of ACM's, demolition activities shall comply with State law, which requires a contractor, where there is asbestos-related work involving 100 square feet or more of ACM's, to be certified and that certain procedures regarding the removal of asbestos be followed.</p> | <p>Certified Asbestos Consultant, hired by the project applicant, to conduct site inspection for asbestos.</p> <p>If asbestos is encountered, contractor to properly remove, transport and dispose of material.</p> | <p>DPW</p> <p>DPW</p> | <p>Pre-demolition asbestos survey to occur prior to renovation/demolition activities.</p> <p>Complete ACM survey prior to renovation or demolition activities.</p> |
| <p>Mitigation Measure 4.10-2</p> | <p>Mitigation 3.6-E2 Lead-Based Paints: Prior to renovation/demolition activities, the property owner/developer will determine whether paint must be separated from the building materials (e.g., chemically or physically). The paint waste shall be evaluated independently from the building material to determine its proper management. According to the California Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). The appropriate landfill operator shall be contacted in advance to determine any specific requirements they may have regarding the disposal of lead-based paint materials (Less Than Significant Impact With Mitigation).</p> | <p>Require as a condition of approval.</p> <p>Project applicant to conduct site inspection for lead- based paint.</p> <p>If paint is separated from building material during demolition, project contractor shall follow mitigation measure 3.6-E2.</p> | <p>CDD</p> <p>CDD</p> <p>CDD</p> | <p>Draft and incorporate condition as part of project approval.</p> <p>Pre-demolition lead-based paint survey to occur prior to renovation/demolition activities.</p> <p>During demolition activities.</p> |
| <p>N/A. This issue was addressed in Section 4.10.3 and the project was found to have no impact on the City's emergency</p> | <p>Mitigation 3.6-F1 Emergency Preparedness Impacts: Prior to the issuance of the first certificate of occupancy, the property owner/developer shall prepare an emergency preparedness plan for review and approval by the Community Development Department. The plan shall include, at a minimum the following elements:</p> <p>Location of on-site emergency exits.</p> | <p>Require as a condition of approval.</p> <p>Project applicant to prepare Emergency Preparedness Plan.</p> | <p>CDD</p> <p>CDD DPS</p> | <p>Draft and incorporate condition as part of project approval.</p> <p>Submit plan for review and approval by CDD and DPS.</p> |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| response plan or emergency evacuation plan. | Emergency contact information. Evacuation procedures in the event of disaster (Less Than Significant Impact With Mitigation). | | | |
| N/A. This issue was addressed in Section 4.10.3 and the project was found to have no impact on the City’s emergency response plan or emergency evacuation plan. | <p>Mitigation 3.6-F2 Emergency Preparedness Impacts: To reduce to the need for additional emergency services the following mitigation measure shall be implemented in addition to compliance and conformance to the above-mentioned policies and action statements. The consequences of implementing the mitigation policy will create a less than significant impact for emergency preparedness.</p> <p>The City shall encourage disaster service training for all businesses and employees in Moffett Park Specific Plan area.</p> <p>The City shall work with businesses and the American Red Cross to establish an ARK within the Specific Plan area.</p> <p>The City shall incorporate the policies and requirements established by the Governors Special Advisor on State Security for the purposes of Homeland Security (Less Than Significant Impact With Mitigation).</p> | Refer to Mitigation Measure 3.6-F1. In addition, project applicant shall follow mitigation measure 3.6-F2. | Refer to Mitigation Measure 3.6-F1. | Refer to Mitigation Measure 3.6-F1. |
| 3.7 Hydrology, Drainage, Flooding, and Water Quality | | | | |
| N/A –This issue was addressed in Section 4.5 of the EIR. Compliance with the provisions of | <p>Mitigation 3.7-B Impacts to Stormwater Drainage Infrastructure: Prior to the approval of new development applications, the City of Sunnyvale will incorporate the following measures into the conditions of approval for all new development, as applicable.</p> <p>The pproperty owner/developer shall maintain all drainage facilities on a quarterly basis, or as required</p> | Require as a condition of approval. Project applicant shall maintain all drainage facilities on a quarterly basis. | CDD Project Applicant CDD DPW | Draft and incorporate condition as part of project approval. Project applicant to submit copies of maintenance records to CDD and DPW on a quarterly basis following project development. |

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| <p>the Municipal Stormwater Permit, and the Construction General Stormwater Permit</p> | <p>by programs established by the City. This maintenance shall be recorded, and copies of applicable reports sent to the City of Sunnyvale.</p> <p>The City of Sunnyvale shall require all new development to label new storm drain inlets. (Less Than Significant With Mitigation).</p> | <p>Project contractor shall label new storm drain inlets.</p> | <p>DPW</p> | <p>Submit copies for review by CDD and DPW.</p> <p>Prior to issuance of first certificate of occupancy.</p> |
| <p>N/A –This issue was addressed in Section 4.5 of the EIR. Compliance with the provisions of the Municipal Stormwater Permit, and the Construction General Stormwater Permit</p> | <p>Mitigation 3.7-C Alteration of Drainage Patterns: The following mitigation measures shall be considered by the City of Sunnyvale and incorporated, to the extent feasible, in future development applications within the Moffett Park Specific Plan area. These measures would reduce the potential water quality impacts resulting from construction and site grading within the Specific Plan area:</p> <p>Future development design shall minimize the amount of onsite grading required to the extent feasible during construction activities</p> <p>Future development design shall maximize the amount of landscaping in the project design (a minimum of 20% of parking lot areas must be landscaped).</p> <p>All proposed development shall comply with the requirements of the NPDES Permit regarding construction practices, including filing of a Notice of Intent with the Regional Water Quality Control Board, and the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Construction Best Management Practices shall be outlined in the SWPPP prior to the commencement of grading on the site, and shall include elements regarding construction site planning, housekeeping practices and material storage, vehicle and equipment</p> | <p>Require as a condition of approval.</p> <p>Project applicant to minimize the amount of onsite grading during construction activities</p> <p>Project applicant to maximize the amount of landscaping in the project design.</p> <p>Project applicant shall prepare a SWPPP.</p> | <p>CDD</p> <p>CDD DPW</p> <p>CDD DPW</p> <p>CDD DPW</p> <p>Project Contractor</p> <p>DPW</p> <p>CDD (Building Inspectors)</p> | <p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of grading permit, submit plans for review by CDD and DPW.</p> <p>Prior to issuance of grading permit, submit plans for review by CDD and DPW</p> <p>Prior to issuance of grading permit, applicant to submit SWPPP for review and approval by CDD and DPW. Contractor to maintain copy of SWPPP on construction site during grading and construction activities.</p> |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | fueling and maintenance, erosion and sedimentation controls, slope stabilization, dust control, road and construction entrance stabilization, storm drain inlet protection, and temporary drainage systems. | | | |
| N/A – The project results in a net reduction of impervious surface which increases percolation. | Mitigation 3.7-D Groundwater Recharge: During the review of applications for new development, the City of Sunnyvale shall consider all opportunities to incorporate open space and other environmentally beneficial measures to enhance groundwater recharge to allow additional percolation of surface waters into the ground. (Less Than Significant With Mitigation). | Require as a condition of approval. Project applicant to incorporate open space opportunities into project design. | CDD CDD DPW | Draft and incorporate condition as part of project approval. Submit plans for review by CDD and DPW prior to approval of grading permit. |
| 3.9 Noise | | | | |
| N/A. This issue was evaluated in Section 4.7 of the EIR. The project is outside of the 65 dBA CNEL contour of Moffett Field. | Mitigation 3.9-A Noise Related to Moffett Airfield: Prior to issuance of building permits for future projects developed within the southwestern portion of the Specific Plan area (Exhibit 3.9-1 describes Noise contours in south and southwestern MPSP area), each property owner/developer shall be required to perform a final detailed analysis of interior noise reduction requirements and implement the required noise insulation features into the building design of the proposed buildings to ensure that noise levels are reduced to less than significant levels (Less Than Significant Impact With Mitigation). | Require as a condition of approval. Project applicant to conduct final detailed analysis of interior noise reduction requirements. Project applicant to construct required noise insulation features into building design. | CDD CDD DPW CDD DPW | Draft and incorporate condition as part of project approval. City staff to review analysis and revised building design plan prior to issuance of building permit. City staff to inspect construction site. |
| N/A –Traffic noise levels were evaluated in Table 4.7-12 of the EIR. No impacts from Freeway traffic noise were identified. | Mitigation 3.9-C: Freeway Traffic Noise: Prior to the issuance of building permits for future projects developed under the guidance of the proposed Specific Plan, the property owner/developer of such projects shall perform a final detailed analysis of interior noise reduction requirements and implement the required noise insulation features into the building design of the proposed buildings (in the southwestern portion of the proposed Specific Plan area) to ensure that noise levels are reduced to less than significant levels (Less Than Significant Impact With Mitigation). | Refer to Mitigation Measure 3.9-A | Refer to Mitigation Measure 3.9-A. | Refer to Mitigation Measure 3.9-A. |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 3.10 Population and Housing | | | | |
| Required as condition of approval. | <p>Mitigation 3.10-A Population and Housing Impacts: The property owners/developers of future development projects within the Moffett Park Specific Plan Area shall contribute to the City of Sunnyvale’s “Housing Mitigation Fund” as deemed for development in excess of current General Plan levels. The City shall in turn utilize and expend the monies collected in the Housing Mitigation Fund to reduce the City’s housing deficiency in relation to the number of jobs located in the City. (Significant and Unavoidable Impact).</p> | <p>Require as a condition of approval.</p> <p>Project applicant to contribute to Housing Mitigation Fund.</p> | <p>CDD</p> <p>CDD</p> | <p>Draft and incorporate condition as part of project approval.</p> <p>Receive payment prior to issuance of building permit.</p> |
| 3.11 Public Services | | | | |
| <p>N/A – The Project was reviewed by the City’s Department of Public Safety and no new additional security plans were required.</p> | <p>Mitigation 3.11-A Police Service: Prior to issuance of building permits, each future development project within the Specific Plan area shall incorporate a comprehensive on-site security system to assist the DPS in reducing the number of potential calls for police protection service. These shall include, at minimum, the following features:</p> <p>A lighting plan utilizing a variety of lighting types and features to illuminate the project area at night.</p> <p>Security lighting shall be provided in all areas that are not visually accessible to police patrols, as determined by the Sunnyvale Department of Public Safety (DPS). Nighttime illumination of buildings, pedestrian walkways and parking areas shall be used to highlight building design features, emphasize prominent entrances and create an atmosphere of security.</p> <p>In-progress robbery and burglar detection alarms installed in all project buildings to augment the private security force.</p> <p>A public address system for use by private security and the Sunnyvale DPS.</p> | <p>Require as a condition of project approval.</p> | <p>CDD</p> <p>DPS</p> | <p>Draft and incorporate condition prior to approval of project.</p> |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | <p>Prior to issuance of buildings permits for each future development project within the Specific Plan area, the Sunnyvale DPS shall review building and lighting plans for the purpose of ensuring that the lighting plan meets the minimum requirements needed by the DPS to provide for on-site safety, thereby reducing the potential increase in calls for police protection service (Less Than Significant Impact With Mitigation).</p> | | | |
| | <p>Mitigation 3.11-B1 Fire Service: Prior to approval of each grading plan for projects in the Specific Plan area, the property owner/developer shall submit an emergency fire access plan to the DPS for review and approval to ensure that service to the site is in accordance with the DPS service requirements.</p> | <p>Require as a condition of project approval. Project applicant submits an emergency fire access plan to DPS for review and approval</p> | <p>CDD PWD DPS CDD DPS</p> | <p>Draft and incorporate condition prior to approval of project. Prior to issuance of building permits.</p> |
| | <p>Mitigation 3.11-B2 Fire Service: Prior to issuance of each building permit in the Specific Plan area, plans shall indicate that all buildings, exclusive of parking structures, have sprinklers installed by the property owner/developer in accordance with the City of Sunnyvale Municipal Code. Said sprinklers shall be installed prior to each final building and zoning inspection.</p> | <p>Require as a condition of project approval.</p> | <p>CDD PWD DPS</p> | <p>Draft and incorporate condition prior to approval of project.</p> |
| | <p>Mitigation 3.11-B3 Fire Service: The City shall monitor its needs and allocate the appropriate funds for additional facilities, staff, and equipment.</p> | <p>City staff shall monitor fire service needs.</p> | <p>DPS</p> | <p>Ongoing</p> |
| | <p>Mitigation 3.11-B4 Fire Service: Prior to issuance of each building permit in the Specific Plan area, the property owner/developer shall submit a Construction Fire Protection Plan, which shall include</p> | <p>Require as a condition of project approval.</p> | <p>CDD PWD DPS</p> | <p>Draft and incorporate condition prior to approval of project.</p> |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | detailed design, plans for accessibility of emergency fire equipment, fire hydrant locations, and any other construction features required by the Fire Marshal. The property owner/developer shall be responsible for securing facilities acceptable to the DPS and hydrants shall be operational with required fire flow. | | | |
| | Mitigation 3.11-B5 Fire Service: Prior to approval of street improvements plans for Specific Plan area, the water supply system shall be designed by the property owner/developer to provide sufficient fire flow pressure and storage for the proposed land use and fire protection system in accordance with DPS requirements. (Less Than Significant Impact With Mitigation). | Require as a condition of project approval. | CDD PWD | Draft and incorporate condition prior to approval of project. |
| | Mitigation 3.11-C Schools: The property owner/ developer of each development project within the Specific Plan area would be required to pay school fees to Fremont Union High School District in the amount adopted by the district as mitigation for school facilities impacts. Pursuant to Section 65995 (3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or developed of real property, or any change in governmental organization or reorganization..." Therefore, subsequent to payment of statutory fees, school impacts would be considered less than significant (Less Than Significant Impact With Mitigation). | Require as a condition of project approval. | CDD PWD | Draft and incorporate condition prior to approval of project. |
| 3.12 Transportation And Circulation | | | | |
| Mitigation Measure 4.6-2 | Mitigation 3.12-B Freeway Operations: The City of Sunnyvale shall be responsible for the implementation of all intersection improvements identified in Table | City staff implements intersection improvements. | CDD DPW | As identified in the Transportation Strategic Program. |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | <p>3.12-14 commensurate with and pursuant to the City of Sunnyvale Transportation Strategic Program. Future property owners/ developers within Moffett Park shall be required to pay the City of Sunnyvale all applicable transportation fees in an amount determined by the City Council Resolution in effect at the time of issuance of the building permit. The Citywide Deficiency Plan shall be utilized to offset impacts at any intersection where providing additional capacity is determined to be infeasible or undesirable by the City. Funding of improvements will be linked to trip generation of new development, so improvements will be provided as the level of trip making from approved development necessitates.</p> | <p>Require as a condition of project approval.</p> | <p>CDD</p> | <p>Draft and incorporate condition prior to approval of project.</p> |
| <p>Mitigation Measure 4.6-2</p> | <p>Mitigation 3.12-C Freeway Operations: Refer to Mitigation 3.12-B. (Significant and Unavoidable Impact)</p> | <p>Refer to Mitigation Measure 3.12-B.</p> | <p>Refer to Mitigation Measure 3.12-B.</p> | <p>Refer to Mitigation Measure 3.12-B.</p> |
| <p>Mitigation Measure 4.6-2</p> | <p>Mitigation 3.12-D Freeway Operations: Refer to Mitigation Measures 3.12-A, 3.12-B, and 3.12-C (Significant and Unavoidable Impact).</p> | <p>Refer to Mitigation Measure 3.12-A, 3.12-B, and 3.12-C.</p> | <p>Refer to Mitigation Measure 3.12-A, 3.12-B, and 3.12-C.</p> | <p>Refer to Mitigation Measure 3.12-A, 3.12-B, and 3.12-C.</p> |
| <p>Mitigation Measure 4.6-2</p> | <p>Mitigation 3.12-G Freeway Operations: Emergency Access: Prior to final approval of all future site- specific development projects within the Specific Plan area, a final Circulation Plan and all applicable traffic mitigation measures(as identified in this section of the EIR) shall be submitted for review to the Department of Public Safety (DPS) to ensure that emergency vehicle response times within the Specific Plan not compromised by the decline in level of service operations at the freeway segments or intersections analyzed within the study area. If the DPS determines, following their review of the aforementioned final circulation plan and/or project mitigation measures, that the emergency response times would be compromised, then the developer/project applicant shall be required to submit an emergency access plan to the DPS for review and approval to ensure that service to the site and within the project study area is in accordance with the DPS requirements.</p> | <p>Require as a condition of project approval.</p> <p>Project applicant to submit a Final Circulation Plan for City staff review.</p> <p>Project applicant to submit an emergency access plan to DPS</p> | <p>CDD PWD</p> <p>CDD PWD DPS</p> <p>CDD DPS</p> | <p>Draft and incorporate condition prior to approval of project.</p> <p>Prior to issuance of first building permit.</p> <p>Prior to issuance of first building permit.</p> |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | Said plan shall include detailed design plans for emergency accessibility (Less Than Significant Impact With Mitigation). | | | |
| Mitigation Measure 4.6-8 | Mitigation 3.12-H Freeway Operations: Prior to issuance of each building permit, the project applicant/developer shall limit the time periods of construction to off peak hours. A construction routing and staging plan shall be prepared subject to the review and approval of the Community Development Department (Less Than Significant Impact With Mitigation). | Require as a condition of project approval. Project applicant to submit a construction routing/staging plan for City staff review. | CDD PWD CDD PWD | Draft and incorporate condition prior to approval of project. Prior to issuance of first building permit |
| 3.13 Utilities And Service Systems | | | | |
| N/A - The Project's potable water system has been reviewed and approved by the Department of Public Works. No further studies or mitigation is required. | Mitigation 3.13-B2 Potable Water Distribution System: Prior to the approval of any new developments in the Moffett Park Specific Plan area, the Public Works Department shall review plans to identify any projects which may generate the need for water distribution line improvements as identified in the Capital Improvement Plan. Prior to the approval of any new projects in the Moffett Park Specific Plan area identified by the Public Works Department as generating the need for capital improvements, the City of Sunnyvale shall require the project applicants to either pay fees for a "fair share" towards specified capital improvements, or to make the improvements (Less Than Significant Impact With Mitigation). | City staff reviews project plans and identifies necessary capital improvements. Require as a condition of project approval. | CDD PWD CDD | Prior to project approval. Draft and incorporate condition prior to project approval. |
| N/A – The Project Applicant | Mitigation 3.13-F2 Wastewater Collection and Conveyance: Prior to the approval of any new developments in the Moffett Park Specific Plan area, the Public Works | City staff reviews project plans and identifies necessary capital improvements. | DPW | Prior to approval of the project. |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>has prepared project specific Sanitary Sewer impact analysis which was reviewed and approved by the Department of Public Works. No further studies or mitigation is required.</p> | <p>Department shall review plans to identify any projects that may generate the need for wastewater collection and conveyance line improvements as identified in the Capital Improvement Plan.</p> <p>Prior to the approval of any new projects in the Moffett Park Specific Plan area identified by the Public Works Department as generating the need for capital improvements, the City of Sunnyvale shall require the project applicants to either pay fees for a “fair share” towards specified capital improvements, or to make the improvements (Less Than Significant Impact With Mitigation).</p> | <p>Require as a condition of project approval.</p> | <p>CDD</p> | <p>Draft and incorporate condition prior to approval of project.</p> |
| <p>N/A – This requirement is addressed through compliance with the City’s Zero Waste Policy and Council adopted Zero Waste Strategic Plan.</p> | <p>Mitigation 3.13-H Long Term Solid Waste: Prior to issuance of the first building permit, the applicant shall submit a Solid Waste/Recycling Management Plan for City staff review and approval. At minimum, this plan shall include bin sizes and locations for solid waste, and the allocation of separate bins for paper, glass, plastic, newspaper, cardboard or other recyclables.</p> | <p>Require as a condition of project approval.</p> <p>Project applicant to submit a Solid Waste/Recycling Management Plan for City Staff review.</p> | <p>CDD</p> <p>CDD DPW</p> | <p>Draft and incorporate condition prior to approval of project. Prior to issuance of first building permit.</p> |
| <p>N/A – The Project proposes to be developed to a LEED Gold rating which includes address energy efficient buildings design and appliances.</p> | <p>Mitigation 3.13-I Electricity and Natural Gas: In order to reduce escalating energy demands generated by implementation of future projects or the subsequent increase in building intensity FAR, all future development projects in the Moffett Park Specific Plan area shall be required to implement the following mitigation measures:</p> <p>Prior to issuance of all building permits, the City of Sunnyvale shall review project plans to ensure that the project is designed in accordance with the energy conservation measures under Title 24 of the California Administrative Code.</p> | <p>Require as a condition of project approval</p> <p>Project applicant to submit an energy conservation plan for City staff review.</p> | <p>CDD</p> <p>CDD</p> | <p>Draft and incorporate condition prior to approval of project.</p> <p>Prior to determining completeness of development application.</p> |

| Addressed in Moffett Place SFIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | <p>Prior to issuance of all building permits, the City of Sunnyvale shall require that new development within the Specific Plan area prepare an energy conservation plan. The plans shall include techniques to minimize the use of electricity. Techniques may include, but are not limited to, the following:</p> <p>Lighting: use of fluorescent light bulbs, motion detections systems for lights, and task lighting</p> <p>Heating and Cooling: use of energy efficient HVAC systems, evaporative condensers, PG&E equipment rebates, solar chimneys, roof wetting systems during summer months, automatic louvers, and high efficiency fans.</p> <p>Appliances: use of computers and appliances with energy star labels</p> <p>Building and site: Installation of spectrally-selective windows, perimeter blinds, energy efficient installation, skylights, tightly sealed duct connections, movable awnings, and landscaping and trees to provide shade.</p> <p>Policies: company policies that require employees to turn off computers, lights, printers, copy machines, etc. when operation is not necessary (Less Than Significant Impact With Mitigation).</p> | <p>Project applicant to submit an energy conservation plan for City staff review.</p> | <p>CDD</p> | <p>Prior to determining completeness of development application.</p> |



Please see
Planning Commission
web page for
Attachments H & I.

ATTACHMENT J

Draft Environmental Impact Report and Technical Appendix

Transmitted separately on August 30, 2013

**Hardcopies available at the Sunnyvale Public Library, One-Stop
Permit Center and Senior Center.**

Electronic Copies available online at

MoffettPlace.inSunnyvale.com

ATTACHMENT K

Final Environmental Impact Report and Response to Comments

Transmitted separately on November 1, 2013

**Hardcopies available at the Sunnyvale Public Library, One-Stop
Permit Center and Senior Center.**

Electronic Copies available online at

MoffettPlace.inSunnyvale.com

CHAPTER 4 MITIGATION MONITORING AND REPORTING PROGRAM

In compliance with *CEQA Guidelines* § 15097 (a), when significant effects are identified in an EIR, the Lead Agency is required to adopt a program for reporting or monitoring mitigation measures that were adopted or made conditions of approval for the proposed project. The monitoring program is designed to ensure that the mitigation measures and project revisions identified in the EIR are implemented. Moreover, the monitoring program is designed to ensure that mitigation measures to be monitored or the subject of reporting are fully enforceable through permit conditions or defined agreements.

Applicable mitigation measures of the certified, program-level *Moffett Park Specific Plan EIR* are included as Appendix A to this document.

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Mitigation Monitoring and Reporting Program

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 4.1 Land Use | | | |
| <p>Mitigation Measure 4.1-1a: Avigation Easement Dedication: As a condition of development approval, the Project applicant shall dedicate an avigation easement to the County of Santa Clara. The avigation easement shall be similar to that shown as Exhibit 1 in Appendix A of the Moffett Federal Airfield CLUP.</p> | <p>Project Applicant shall dedicate an avigation easement to County of Santa Clara.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |
| <p>Mitigation Measure 4.1-1b: Federal Aviation Administration (FAA) Notification: As a condition of development approval, the Project Applicant shall notify the Federal Aviation Administration (FAA) as required by FAR Part 77, Subpart B on FAA Form 7460-1, Notice of Proposed Construction or Alteration.</p> | <p>Project Applicant shall provide proof of notification to the FAA per FAR Part 77, Subpart B on FAA Form 7460-1, Notice of Proposed Construction or Alteration.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |
| 4.2 Aesthetics | | | |
| <p>Mitigation Measure 4.2-3a: Glare Reduction: All exterior windows and glass used on building surfaces shall be non-reflective or treated with a non-reflective coating.</p> | <p>Project Applicant shall submit building plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |
| <p>Mitigation Measure 4.2-3b: Exterior Lighting Location Requirements: All exterior lighting proposed as part of the Project's required exterior lighting plan shall be constructed and located in such a manner that it cannot be mistaken for airport approach or runway lights by pilots.</p> | <p>Project Applicant shall submit building plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 4.3 Biological Resources | | | |
| <p>Mitigation Measure 4.3-2: Channel Protection: The following measures extracted from the City’s adopted “Guidelines and Standards for Land Use Near Streams” would ensure that site construction and operation would not result in indirect adverse effects on the riparian and aquatic habitats or the Sunnyvale West Channel: Measures to be Implemented During Project Construction</p> <ul style="list-style-type: none"> a. Dust control must be practiced during demolition and grading. b. The City of Sunnyvale routinely requires implementation of protective measures for all projects adjacent to stream courses. For all work adjacent to stream channels, best management practices (BMPs) shall be implemented to prevent bank erosion, sedimentation, release of contaminants, accidental incursion by construction equipment below the tops of bank. Such measures may include installation of silt fencing, hay bales, straw wattles or other protective devices to prevent the downslope migration of silt or sediment from the construction site. <p>Measures to be Implemented During Project Operation</p> <ul style="list-style-type: none"> c. Post-construction BMPs incorporated into the project’s drainage plan shall comply with Provision C.3.c of the Municipal Regional Stormwater Permit (see Impact 4.5-5 in Section 4.3, Hydrology and Water Quality, for more discussion) to ensure that no significant adverse effects on water quality of the Sunnyvale West Channel or the adjacent riparian habitat would result. d. All storm water treatment facilities must be in accordance with local and regional water quality standards to ensure there is no release of contaminants into the aquatic environment. | <p>Project Applicant shall submit construction plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Mitigation Measure 4.3-4(a): Bird-Safe Building Design: Prior to the issuance of any building permits, the Project applicant shall demonstrate to the satisfaction of the Community Development Director, that the proposed building design incorporates design features for bird-safe buildings, so long as they do not conflict with the Project objective of constructing an energy efficient building designed to meet LEED Gold certification. Bird-safe design guidelines, such as the Standards for Bird-Safe Buildings adopted by the City of San Francisco Planning Department in July 2011 should be used to identify appropriate design features. Design features shall be directed towards the building facades that face large open areas. In addition, the applicant will be required to work the future tenants to implement a “Lights Out” program.</p> | <p>Project Applicant shall submit building plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |
| <p>Mitigation Measure 4.3-4(b): Non-Special Status-Species: Prior to the issuance of Grading Plans or improvement plans, the Project applicant shall demonstrate to the satisfaction of the Community Development Director that the following notes are shown on the grading and improvement plans: All tree and building removal and initial grading of the site shall occur outside of the migratory bird and raptor breeding season (August 16 through February 28) unless the following requirements are implemented:</p> <ul style="list-style-type: none"> • If construction activities are scheduled to occur during the breeding season for non-special-status species (generally between March 1 and August 15), a qualified wildlife biologist shall be retained to conduct the following focused nesting surveys, as follows: • Tree surveys shall be conducted within the Project site to look for nesting non-special-status migratory birds and raptors. • In addition, surveys of all buildings shall be conducted to look for nesting non-special-status | <p>Project Applicant shall submit construction plans for review and approval.</p> <p>Project Applicant retains qualified biologist to conduct surveys subject to City approval.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Building Safety Division), biologist</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> <p>Prior to commencement of grading or construction.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>migratory birds and raptors.</p> <ul style="list-style-type: none"> The surveys shall be conducted between March 1 and August 15 and within one week prior to initiation of construction activities. A summary report of the survey findings shall be submitted to the satisfaction of the Community Development Director. If no active nests are detected during surveys, then no additional mitigation is required. If construction activities are scheduled to occur during the breeding season (generally between March 1 and August 15), and if surveys indicate that migratory bird or raptor nests are found in any areas that would be directly affected by construction activities, a no-disturbance buffer shall be established around the site to avoid disturbance or destruction of the nest site until after the breeding season, or after a wildlife biologist determines that the young have fledged (usually late-June to mid-July). The extent of these buffers shall be determined by a qualified wildlife biologist and shall depend on the level of noise or construction disturbance, line of sight between the nest and the disturbance, ambient levels of noise and other disturbances, and other topographical or artificial barriers. These factors shall be analyzed in order to make an appropriate decision on buffer distances. A summary report of the survey findings with the location of the active nests and required buffer distances shall be submitted to the satisfaction of the Community Development Director. | | | |
| <p>Mitigation Measure 4.3-5: The applicant shall demonstrate to the satisfaction of the Director of Community Development that the removal of the protected trees as defined by the City Code has been mitigated through the planting of new trees at a 1:1 ratio, in conformance with the Landscape Plan.</p> | <p>Project Applicant shall submit landscape plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of building permits.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 4.4 Geology and Soils | | | |
| <p>Mitigation Measure 4.4-1a: Foundations: The proposed 8-story office buildings and parking structures should be supported on deep foundations consisting of driven, precast, prestressed concrete friction piles or augured cast-in-place piles. In order to reduce the potential for settlements due to liquefaction impacting pile foundations, it is recommended that each pile extend to a depth of at least 50 feet below grade. The amenities building and vehicular bridge may be supported on conventional shallow foundations consisting of continuous and/or isolated spread footings, as long as the estimated differential settlements are considered reasonable from a structural viewpoint.</p> | <p>Project Applicant shall submit building plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of building permits.</p> |
| <p>Mitigation Measure 4.4-1b: Implement Recommendations of Geotechnical Report: The project sponsor shall implement all of the recommendations of the project geotechnical report, and any associated updates or revisions, related to review of plans and specifications for proposed buildings; demolition observation and testing; construction observation and testing; site demolition, clearing, and preparation; subgrade preparation; subgrade stabilization; material for fill; compaction requirements; trench backfill; site drainage; foundations; concrete slabs and pedestrian pavements; vehicular pavements; and retaining walls.</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |
| <p>Mitigation Measure 4.4-1c: Geological Monitor: A representative from TRC should observe the geotechnical aspects of the grading and earthwork for general conformance with their recommendations including site preparation, selection of fill materials, and the placement and compaction of fill. The Project plans and specifications should incorporate all recommendations contained in the Geotechnical Report.</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Mitigation Measure 4.4-3a: Compaction: In accordance with the recommendations of the project geotechnical report, all fill and scarified surface soils should be uniformly compacted to at least 90 percent relative compaction at a moisture content near the laboratory optimum, except for the native expansive clays. The native expansive clays should be compacted to between 87 and 92 percent relative compaction at a moisture content at least 3 percent over optimum. Fill should be placed in lifts no greater than 8 inches in uncompacted thickness. Each successive lift should be firm and relatively non-yielding under the weight of construction equipment.</p> <p>In pavement areas, the upper 6 inches of subgrade and full depth of aggregate base should be compacted to at least 95 percent relative compaction, except for the native clays. Aggregate base and all import soils should be compacted at a moisture content near the laboratory optimum moisture content.</p> <p>If there are updates or revisions to the project geotechnical report, the above mitigation requirements shall be revised to match the updated recommendations as necessary.</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |
| <p>Mitigation Measure 4.4-3b: Abandonment of Existing Utilities: In accordance with the recommendations of the project geotechnical report, the project sponsor shall ensure that existing utilities are completely removed from all building areas. A utility may only be abandoned in place if it would not pose an unacceptable risk, and if approved by the geotechnical engineer. If abandoned in place, the utility must be completely backfilled with grout or sand-cement slurry and the ends outside of the building area must be capped with concrete. Trench fills must also be removed and replaced with engineered fill with the trench side slopes flattened to at least 1:1.</p> <p>If there are updates or revisions to the project</p> | <p>Project Applicant shall submit grading plans for review and approval.</p> | <p>Public Works Department (Engineering Services Division)</p> | <p>Prior to issuance of a grading permit or approval of improvement plans.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| geotechnical report, the above mitigation requirements shall be revised to match the updated recommendations as necessary. | | | |
| <p>Mitigation Measure 4.4-3c: Corrosion Protection Engineer: In accordance with the recommendations of the preliminary geotechnical report, a corrosion protection engineer shall be consulted about appropriate corrosion protection methods for buried metallic materials on the project site prior to site grading and construction.</p> | Project Applicant shall submit grading plans for review and approval. | Public Works Department (Engineering Services Division) | Prior to issuance of a grading permit or approval of improvement plans. |
| 4.6 Transportation and Traffic | | | |
| <p>Mitigation Measure 4.6-1a: Prior to occupancy of each phase, the project applicant shall, to the satisfaction of the Public Works Director, provide a Traffic Impact Fee payment to the City. The payment would be based on the amount of development associated with each phase of development and be based on the current TIF rates at the time of payment. Payment of the TIF fee would constitute the project's fair share contribution to the required improvements to reduce potential impacts at the Mathilda/Moffett Park intersection. Required improvements consist of reconfiguration of the SR 237/Mathilda Avenue ramp intersections, as recommended by the 2006 Route 237 Corridor Study:</p> <ul style="list-style-type: none"> • Shifting the SR 237 Westbound Off-ramp 150 feet to the north to align with Moffett Park/Mathilda Avenue; • Removing SR 237 Westbound On-ramp; and, • Constructing a direct southbound right-turn on-ramp from Mathilda Avenue to US 101 north <p>Reconfiguration of the SR 237/Mathilda Avenue ramp intersections would reduce the impact to a less-than-significant level. These improvements are programmed in both the City's Transportation Strategic Program and the Valley Transportation Plan (VTP) 2035 list of constrained projects, and the project is currently in the design/environmental</p> | The Project Applicant shall make a Traffic Impact Fee payment to the City. | Public Works Department (Transportation and Traffic Division) | Confirm payment received prior to issuance of building permits. |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| phase. The final design of the Mathilda/237 interchange will be determined in the design phase. | | | |
| Mitigation Measure 4.6-1b: This mitigation measure is the same as Mitigation Measure 4.6-1a. | The Project Applicant shall make a Traffic Impact Fee payment to the City. | Public Works Department (Transportation and Traffic Division) | Confirm payment received prior to issuance of building permits. |
| <p>Mitigation Measure 4.6-2:</p> <p>Prior to occupancy of each phase, the project applicant shall, to the satisfaction of the Public Works Director, provide a fair share contribution to freeway improvements were identified in the Valley Transportation Plan (VTP) 2035 to improve freeway operations on the affected segments:</p> <ul style="list-style-type: none"> • Convert HOV lanes to express lanes on US 101 from SR 85 in Mountain View to San Jose (VTP ID H5) • Convert HOV lanes to express lanes on SR 237 from I-880 to Mathilda Avenue (VTP ID H9) • Construct new HOV/express lanes on SR 237 between Mathilda Avenue and SR 85 (VTP H11). <p>The payment would be based on the amount of development associated with each phase of development and be based on the VTA project estimates at the time of payment. The freeway improvement projects listed in the VTP 2035 are financially constrained (financially constrained projects are planned project for which VTA anticipates full funding within the timeframe of the VTP 2035 and are currently under design). These improvements are anticipated to relieve traffic congestion added by the project. Therefore a fair share contribution to these regional projects, which VTA is actively designing, would constitute mitigation toward the following identified freeway impacts:</p> <ul style="list-style-type: none"> • US 101: Convert HOV lanes to express lanes from SR 85 in Mountain View to San Jose (VTP ID H5) <ul style="list-style-type: none"> o Northbound, Ellis Street to SR 237 o Northbound, Mathilda Avenue to Fair Oaks | Project Applicant makes fair share contribution. | Public Works Department (Transportation and Traffic Division) | Confirm payment received prior to issuance of building permits. |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Avenue</p> <ul style="list-style-type: none"> o Northbound Fair Oaks Avenue to Lawrence Expressway • SR 237: Convert HOV lanes to express lanes from I-880 to Mathilda Avenue (VTP H9) <ul style="list-style-type: none"> o Westbound, Fair Oaks Avenue to Mathilda Avenue o Eastbound/Westbound, Fair Oaks Avenue to Lawrence Expressway • SR 237 – Construct new HOV/express lanes between Mathilda Avenue and SR 85 (VTP H11) <ul style="list-style-type: none"> o Eastbound/Westbound, US 101 to Maude Avenue o Eastbound, Mathilda Avenue to US 101 | | | |
| <p>Mitigation Measure 4.6-8a: Prior to issuance of a grading permit, the applicant shall, to the satisfaction of the Public Works Director, receive approval of a traffic control plan that restricts directional access to the construction site. In-bound construction traffic from Mathilda Avenue shall be directed to access the construction site via Mathilda Avenue or Moffett Park Drive, while outbound construction traffic shall be restricted to Java Drive, eastbound Moffett Park Drive or as approved by the Public Works Director.</p> <p>The traffic control plan shall prohibit truck access to the site during peak commute times (7 AM to 9 AM and 4 PM to 6 PM) to limit potential impacts to the operations of Mathilda Avenue. Alternative times may be considered in specific cases as approved by the Public Works Director.</p> | <p>Project Applicant submits traffic control plans for review and approval.</p> | <p>Public Works Department (Transportation and Traffic Division)</p> | <p>Prior to construction.</p> |
| 4.7 Noise | | | |
| <p>Mitigation Measure 4.7-1: Prior to the issuance of demolition permits or ground disturbing activities (whichever occurs first), the Contractor shall demonstrate to the satisfaction of the City of Sunnyvale Community Development</p> | <p>Project Applicant follows appropriate protocols, as necessary. Construction contractor complies with procedures during construction.</p> | <p>Community Development Department (Building Safety Division) Community Development Department (Building Safety</p> | <p>Prior to issuance of Grading Permits. Conduct periodic site visits during construction.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>Department that the proposed project complies with the following:</p> <ul style="list-style-type: none"> • Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices. • Property occupants located adjacent to the project boundary shall be sent a notice, at least 15 days prior to commencement of construction of each phase, regarding the construction schedule of the proposed project. A sign, legible at a distance of 50 feet shall also be posted at the project construction site. All notices and signs shall be reviewed and approved by the City of Sunnyvale Community Development Department prior to mailing or posting and shall indicate the dates and duration of construction activities, as well as provide a contact name and a telephone number where residents can inquire about the construction process and register complaints. • The Contractor shall provide evidence that a construction staff member will be designated as a Noise Disturbance Coordinator and will be present on-site during construction activities. The Noise Disturbance Coordinator shall be responsible for responding to any local complaints about construction noise. When a complaint is received, the Noise Disturbance Coordinator shall notify the City within 24-hours of the complaint and determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and shall implement reasonable measures to resolve the complaint, as deemed acceptable by the Community Development Department. All notices that are sent to residential units immediately surrounding the construction site and all signs posted at the construction site shall include the contact name and the telephone number for the Noise Disturbance Coordinator. • During construction, stationary construction | | Division) | |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>equipment shall be placed such that emitted noise is directed away from sensitive noise receivers.</p> <ul style="list-style-type: none"> Pursuant to the Municipal Code Chapter 16.08, construction activities shall occur between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, 7:00 a.m. and 5:00 p.m. on Saturdays, and shall be prohibited on Sundays and holidays or as approved by the Chief Building Official. | | | |
| <p>4.8 Air Quality</p> | | | |
| <p>Mitigation Measure 4.8-1a: BAAQMD Basic and Additional Construction Mitigation Measures: Prior to issuance of any Grading or Demolition Permit, the City Engineer and the Chief Building Official shall confirm that the Grading Plan, Building Plans, and specifications stipulate that the following basic and enhanced construction mitigation measures shall be implemented:</p> <ul style="list-style-type: none"> Water all active construction areas to maintain 12 percent soil moisture. All grading shall be suspended when winds exceed 20 miles per hour. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more). Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.). 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. | <p>Project Applicant shall submit plans for review and approval. Construction contractor implements measures during construction.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of any grading or demolition permit.</p> |

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| <p>Install sandbags or other erosion control measures to prevent silt runoff to public roadways.</p> <ul style="list-style-type: none"> • Wind breaks and perimeter sand bags shall be used to minimize erosion. • The amount of simultaneously disturbed surface shall be minimized as much as possible. • Site access points from public roadways shall be paved or treated to prevent track-out. • Replace vegetation in disturbed areas as quickly as possible. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points. • 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 City 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. | | | |
| <p>Mitigation Measure 4.8-1b: BAAQMD Architectural Coatings Mitigation Measures: Prior to issuance of any Building Permit,</p> | <p>Project Applicant shall submit plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of any building permit.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>the Chief Building Official and Project LEED Accredited Professional shall confirm that the Building Plans and specifications include the following BAAQMD additional construction mitigation measures:</p> <ul style="list-style-type: none"> • Use low volatile organic compounds (VOC) (i.e., reactive organic gases [ROG] coatings beyond the BAAQMD requirements [i.e., Regulation 8, Rule 3: Architectural Coatings]). • VOC content of architectural coatings shall not exceed the following for each construction phase: <ul style="list-style-type: none"> – Phases 1 and 2: VOC content of architectural coatings shall not exceed 23 grams per liter. – Phase 3: VOC content of architectural coatings shall not exceed 31 grams per liter. – Phase 4: VOC content of architectural coatings shall not exceed 25 grams per liter. | | | |
| <p>Mitigation Measure 4.8-1c: NO_x Reduction Measures: The following measures shall be implemented during construction to reduce NO_x related emissions. They shall be included in the Grading Plan, Building Plans, and contract specifications. Contract specification language shall include the following:</p> <ul style="list-style-type: none"> • All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NO_x¹. • All contractors shall use equipment that meets the California Air Resources Board’s most recent certification standard for off-road heavy | <p>Project Applicant shall submit plans for review and approval.</p> | <p>Community Development Department (Planning Division)</p> | <p>Prior to issuance of any building permit.</p> |

¹ Best Available Control Technology (BACT) is defined as technology, verified by CARB, for an off-road vehicle that achieves reductions in emissions at the highest applicable classification level for diesel emission control strategies. A summary of CARB-verified diesel emission control strategies may be found at <http://www.arb.ca.gov/diesel/verdev/vt/cvt.Htm>. Where this policy requires BACT, this requirement can be satisfied by a factory installed equivalent device, such as a diesel particulate filter.

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| <p>duty diesel engines.</p> <ul style="list-style-type: none"> The idling time of diesel powered construction equipment shall be minimized to two minutes. The Project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent California Air Resources Board fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. Utilize existing power sources (i.e., electrical power) when available. This measure would minimize the use of higher polluting gas or diesel generators. | | | |
| 4.10 Hazards and Hazardous Materials | | | |
| <p>Mitigation Measure 4.10-2: Hazardous Building Materials Surveys and Abatement: Prior to demolition of each building, the project applicant shall incorporate into contract specifications the requirement that the contractor(s) have a hazardous building materials survey completed by a Registered Environmental Assessor or a registered engineer. This survey shall be completed prior to any demolition activities associated with the project. If any friable asbestos-containing materials or lead-containing materials are identified, adequate abatement practices, such as containment and/or</p> | <p>Project Proponent follows appropriate protocols, as necessary.</p> | <p>Community Development Department (Building Safety Division)</p> | <p>Prior to demolition of any structures.</p> |

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| <p>removal, shall be implemented in accordance with applicable laws prior to demolition. Specifically, asbestos abatement shall be conducted in accordance with Section 19827.5 of the California Health and Safety Code, as implemented by the BAAQMD, and 8 CCR Section 1529 and Sections 341.6 through 341.14, as implemented by Cal/OSHA. Lead-based paint abatement shall be conducted in accordance with Cal/OSHA's Lead in Construction Standard.</p> <p>Any PCB-containing equipment, fluorescent light tubes containing mercury vapors, and fluorescent light ballasts containing DEHP shall also be removed and legally disposed of in accordance with applicable laws including 22 CCR Section 66261.24 for PCBs, 22 CCR Section 66273.8 for fluorescent lamp tubes, and 22 CCR Division 4.5, Chapter 11 for DEHP.</p> | | | |
| <p>4.11 Cultural Resources</p> | | | |
| <p>Mitigation Measure 4.11-2a:</p> <p>Discovery of Archaeological Resources: If prehistoric or historic archaeological resources are encountered during project activities, all work within 25 feet of the discovery should be stopped and a qualified archeologist meeting federal criteria under 36 CFR 61 should be contacted to assess the resources and make recommendations. While prehistoric or historic archaeological resources should be avoided by project activities, if the resources cannot be avoided, they should be evaluated for their potential historic significance in consultation with the City of Sunnyvale. If the resources are recommended to be non-significant, avoidance is not necessary. If the resources are recommended as potentially significant or eligible to the CRHR, they should be avoided. If avoidance is not feasible, project impacts should be mitigated in accordance with the recommendations of the evaluating archaeologist and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that would include recommendations for the treatment of the discovered archaeological materials. The data</p> | <p>Qualified cultural resources specialist conducts archaeological monitoring during grading activities to appropriate protocols.</p> <p>Qualified cultural resources specialist submits data recovery plan (if necessary) to the City of Sunnyvale and to the Regional Information Center at Sonoma State University.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Planning Division)</p> | <p>Confirm construction monitoring prior to issuance of grading permits.</p> <p>Confirm receipt of materials within approximately one year of completion of the field work.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>recovery plan should be submitted to the City of Sunnyvale for review and approval. Upon approval and completion of the data recovery program, project construction activity within the area of the find may resume, and the archaeologist will prepare a report documenting the methods of investigation and the findings. The report will be submitted to the City of Sunnyvale. Once the report is reviewed and approved by the City of Sunnyvale, a copy of the report will be submitted to the NWIC.</p> | | | |
| <p>Mitigation Measure 4.11-2b: Discovery of Human Remains: In the event that human remains are discovered, the County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. The Commission has various powers and duties, including the appointment of a Most Likely Descendant (MLD) to the project. The MLD, or in lieu of the MLD, the NAHC, has the responsibility to provide guidance as to the ultimate disposition of any Native American remains. The MLD shall make recommendations to the Community Development Director regarding the method for exposure and removal of human burials and associated grave goods, and shall advise the Community Development Director regarding the place and method of reburial of these materials.</p> | <p>Construction contractor stops work and notifies County Coroner, if human remains are encountered. If remains are of Native American origin, contact Native American Heritage Commission.</p> | <p>Community Development Department (Planning Division), County Coroner, Native American Heritage Commission</p> | <p>Field monitoring during grading.</p> |
| <p>Mitigation Measure 4.11-2c: Archaeological Monitor: A qualified archaeologist shall be retained to monitor the site clearing and grading operations in those areas where buildings will be removed and/or new construction will occur. The archaeologist shall be present on-site to observe site clearing at a representative sample of building removal areas until he/she is satisfied that there is no longer a potential for finding buried resources. In the event that any potentially significant archaeological resources (i.e., potential historical resources or unique archaeological resources) are discovered, the project archaeologist shall stop work inside a zone designated</p> | <p>Qualified cultural resources specialist conducts archaeological monitoring during grading activities to appropriate protocols.</p> <p>Qualified cultural resources specialist submits data recovery plan (if necessary) to the City of Sunnyvale and to the Regional Information Center at Sonoma State University.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Planning Division)</p> | <p>Confirm construction monitoring prior to issuance of grading permits.</p> <p>Confirm receipt of materials within approximately one year of completion of the field work.</p> |

| Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>by him/her where additional archaeological resources could be found. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. Evaluation normally takes the form of limited hand excavation and analysis of materials and information removed to determine if the resource is eligible for inclusion on the California Register of Historic Resources (CRHR).</p> | | | |
| <p>Mitigation Measure 4.11-3a: Halt Construction and Evaluate Resource: In the event that a paleontological resource (fossilized invertebrate, vertebrate, plant or micro-fossil) is found during construction, excavation within 50 feet of the find shall be temporarily halted or diverted until the discovery is evaluated. Upon discovery, the Community Development Director shall be notified immediately and a qualified paleontologist shall be retained to document and assess the discovery in accordance with Society of Vertebrate Paleontology's 2010 Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources, and determine procedures to be followed before construction is allowed to resume at the location of the find. If the Community Development Director determines that avoidance is not feasible, the paleontologist will prepare an excavation plan for mitigating the project's impact on this resource, including preparation, identification, cataloging, and curation of any salvaged specimens.</p> | <p>Qualified paleontological resource specialist conducts monitoring during grading activities to appropriate protocols.</p> <p>Qualified paleontological resource specialist submits recovery plan (if necessary) to the City of Sunnyvale.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Planning Division)</p> | <p>Confirm construction monitoring prior to issuance of grading permits.</p> <p>Confirm receipt of materials within approximately one year of completion of the field work.</p> |
| <p>Mitigation Measure 4.11-3b: Paleontological Monitor: A qualified paleontologist shall be retained to monitor the site clearing and grading operations in those areas where buildings will be removed and/or new construction will occur. The paleontologist shall be present on-site to observe site clearing at a representative sample of building removal areas until he/she is satisfied that there is no longer a potential for finding buried resources. In the event that any potentially significant paleontological</p> | <p>Qualified paleontological resource specialist conducts monitoring during grading activities to appropriate protocols.</p> <p>Qualified paleontological resource specialist submits recovery plan (if necessary) to the City of Sunnyvale.</p> | <p>Community Development Department (Planning Division)</p> <p>Community Development Department (Planning Division)</p> | <p>Confirm construction monitoring prior to issuance of grading permits.</p> <p>Confirm receipt of materials within approximately one year of completion of the field work.</p> |

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| resources are discovered, the project paleontologist shall stop work inside a zone designated by him/her where additional paleontological resources could be found. A plan for the evaluation of the resource shall be submitted to the Community Development Director for approval. | | | |
| 4.12 Public Services and Utilities | | | |
| Mitigation Measure 4.12-1: Fire and Police Protection: Concurrent with project entitlements, the Project applicant will enter into a binding agreement with the City of Sunnyvale regarding the addition of adequate public safety facilities and equipment. | Project Applicant enters into binding agreement with City. | Community Development Department (Planning Division) | Prior to issuance of building permits. |
| 5. Cumulative Impacts | | | |
| Mitigation Measure 5.4-1 (Traffic and Circulation): Traffic Signal at Moffett Park Drive/Bordeaux Drive Intersection. Construct a traffic signal to the satisfaction of the Public Works Director at the Moffett Park Drive/Bordeaux Drive intersection prior to occupancy of the second phase of development. Impacts at this intersection would not occur with the first phase of development (Buildings B1, B2, and B5 and Parking Structure A). This intersection could potentially be removed when the future improvements to the SR237/Mathilda Avenue interchange are constructed. Temporary traffic signals or other interim traffic improvements may be considered by the Public Works Director and installed/ completed prior to occupancy of the second phase of development if the SR237/Mathilda Avenue interchange project has not been completed at that time. The final design of the SR237/Mathilda interchange will be determined in the operations study lead by VTA. | Project applicant constructs a traffic signal or other interim traffic improvements may be considered by the Public Works Director. | Public Works Department (Transportation and Traffic Division) | Prior to occupancy of the second phase of development. |

APPENDIX A:**APPLICABLE MITIGATION MEASURES FROM THE MITIGATION MONITORING AND REPORTING PROGRAM OF THE *MOFFETT PARK SPECIFIC PLAN* EIR; DECEMBER 2002; SCH #: 2001052121**

A program-level EIR was prepared for the *Moffett Park Specific Plan MPSP* pursuant to *CEQA* (Public Resources Code § § 21000 et. seq.) as amended and the *CEQA Guidelines* (Title 14, California Code of Regulations, § § 15000 et. seq.) as amended. The Sunnyvale City Council certified the program-level *MPSP* Final EIR November 11, 2003.

The City of Sunnyvale will utilize the project-level Moffett Place Subsequent EIR in conjunction with the program-level *MPSP Final EIR* for the implementation of the proposed Moffett Place Project. Together, the program-level *MPSP Final EIR* and the project-level Moffett Place Subsequent EIR are intended to provide both program and project-level analysis of the potential environmental impacts resulting from implementation of the Moffett Place Project.

The project-level Moffett Place Subsequent EIR, where applicable, tiers off of, and incorporates by reference, the program-level *MPSP FEIR*. Under § 15152 of the *CEQA Guidelines*, tiering is appropriate when the sequence of analysis follows from an EIR prepared for a general plan, policy, or program to an EIR of lesser scope, or to a site-specific EIR. The *MPSP FEIR* is a policy level document for future development on the land contained within the *MPSP* area boundaries. The Moffett Place Project is a site-specific development project of a lesser scope than the program-level *MPSP FEIR*. Thus, where applicable and where potential impacts associated with the proposed Moffett Place Project were adequately analyzed in the program-level *MPSP FEIR*, this project-level Draft SEIR relies on and tiers off of and incorporates by reference the analysis and findings presented in the previously certified program-level *MPSP FEIR*. Therefore, the following mitigation measures from the *MPSP FEIR* shall be implemented with the mitigation measures identified in the Moffett Place Subsequent EIR.

**Applicable Mitigation Measures from the Mitigation Monitoring And Reporting Program
of the Moffett Park Specific Plan EIR; December 2002; SCH #: 2001052121**

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 3.3 Biological Resources | | | | |
| Mitigation Measure 4.3-5 | Mitigation 3.3-D Trees Impacts: No existing street trees shall be removed from the Moffett Park Specific Plan area. Should future development within the Moffett Park Specific Plan area require or request removal of significantly sized trees as defined by Municipal Code 19.94, then the property owner/developer shall obtain tree removal permit. Tree removal will require replanting at a ratio of 2 to 1, of a tree size determined to be comparable in value by the Director of Community Development (Less Than Significant Impact with Mitigation). | Require as a condition of approval. If removal of significantly sized trees are proposed for future development, project applicant shall obtain tree removal permit. | Community Development Department (CDD) Project Applicant | Draft and incorporate condition as part of project approval. Prior to issuance of building permit. |
| 3.5 Geology and Soils | | | | |
| Mitigation Measure 4.4-1 | Mitigation 3.5-A Foundation and Settlement Impacts: All grading shall be in conformance with Title 16, "Buildings and Construction," of the City of Sunnyvale Municipal Code. Prior to approval of each grading plan, the property owner/developer shall submit a soils and geological report in conformance with Title 16 of the Sunnyvale Municipal Code. | Require as a condition of approval. Project applicant to submit soils and geology report prepared by Geotechnical/ Structural Engineer. Review and approval of Geotechnical Report by City Engineer. Geotechnical Engineer shall submit letter to City Engineer stating that | CDD Project Applicant Public Works Department (DPW) DPW | Draft and incorporate condition as part of project approval. Prior to filing building permit. Prior to filing building permit. Prior to filing building permit. |
| Mitigation Measure 4.4-4 | Mitigation 3.5-B Expansive Soil: Incorporation of Mitigation Measure 3.5-A1, above, will reduce potentially significant impacts associated with Expansive Soils to less-than-significant levels. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. |
| Mitigation Measure 4.4-1 | Mitigation 3.5-C1 Liquefaction: Prior to issuance of each building permit, the proposer owner/developer shall | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure | Refer to Mitigation Measure |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | submit for review and approval, detailed foundation design information for the subject building(s), prepared by a civil engineer, based on recommendations by a geotechnical engineer. | | 3.5-A. | 3.5-A. |
| Mitigation Measure 4.4-1 | Mitigation 3.5-C2 Liquefaction: The final geotechnical report shall demonstrate compliance with, and adherence to, Public Resources Code Section 2690 and the Mountain View Quadrangle Seismic Hazards Map. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. |
| Mitigation Measure 4.4-1 | Mitigation 3.5-D Seismic Shaking: Prior to issuance of each foundation permit, the property owner/developer shall submit a report by a geotechnical engineer for review and approval that shall investigate the subject foundation excavations to determine whether soft layers are present immediately beneath the footing site and to ensure that compressibility does not underlie the footing. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. |
| Mitigation Measure 4.4-1 | Mitigation 3.5-F Seismic Densification: Prior to approval of each final grading plan, the property owner/developer shall consult with a qualified Geotechnical Engineer to confirm areas of fill that would require excavation and re-compaction prior to initiation of construction activities. These areas shall be identified on all final grading plans, and the contractor shall excavate and re-compact the loose fill during grading of the site. (Less Than Significant Impact With Mitigation.) | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. | Refer to Mitigation Measure 3.5-A. |
| 3.6 Hazards | | | | |
| Mitigation Measure 4.10-2 | Mitigation 3.6-C1 Hazardous Material Impacts: Prior to approval of the first grading plans or issuance of the first demolition permit, the property owner/developer shall retain the services of a qualified environmental professional or registered Environmental Assessor to conduct an investigation for the presence of underground storage tanks, agricultural pesticides | Require as a condition of approval. Project applicant shall retain services of an Environmental Assessor | CDD Project Applicant CDD Department of Public | Draft and incorporate condition as part of project approval. Prior to issuance of demolition and/or grading permit, whichever comes first. |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | and groundwater contamination. Soil sampling or a soil organic vapor survey may be required if soil sampling results are not available, or indicate contamination is present above regulatory guidelines or standards. If warranted, subsurface investigation and sampling shall be undertaken and appropriate remediation measures developed, if necessary, before demolition, excavation or grading takes place. | If warranted, subsurface investigation and sampling shall be undertaken and appropriate remediation measures implemented. | (DPS) CDD DPS | Prior to issuance of demolition and/or grading permit, whichever comes first. |
| Mitigation Measure 4.10-2, also addressed through Closure Permit required by City. | Mitigation 3.6-C2 Hazardous Materials Impacts: Prior to approval of the first grading plan or issuance of the first demolition permit, whichever occurs first, the property owner/developer shall submit a plan which details procedures that will be taken into account if a previously unknown USTs, or other unknown hazardous materials or waste, is discovered onsite. If the project applicant/developer or their contractor discovers unknown waste/materials or an underground tank or piping during grading or construction, which he/she believes may involve hazardous waste/materials, the contractor shall, at minimum: Immediately stop work in the vicinity of the suspected contaminant, removing workers and the public from the area; Notify the Project Engineer of the implementing agency; Secure the area as directed by the Project Engineer; and, notify the implementing agency's Hazardous Waste/Materials Coordinator (Less Than Significant Impact With Mitigation). | Refer to Mitigation Measure 3.6-C1. In addition, complete the following: If unknown waste/ materials or underground tank or piping is discovered, the contractor is to follow steps to mitigation measure 3.6-C2. | Refer to Mitigation Measure 3.6-C1. CDD DPS | Refer to Mitigation Measure 3.6-C1. During construction and/or grading activities. |
| Mitigation Measure 4.10-2 | Mitigation 3.6-E1 Asbestos Containing Materials: Prior to renovation/demolition activities, the property owner/developer shall retain a Certified Asbestos | Require as a condition of approval. | CDD | Draft and incorporate condition as part of project approval. |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | <p>Consultant to perform an asbestos survey(s) to verify the quantity of ACM's within on-site structures. Should the pre-demolition asbestos survey(s) identify the presence of ACM's, demolition activities shall comply with State law, which requires a contractor, where there is asbestos-related work involving 100 square feet or more of ACM's, to be certified and that certain procedures regarding the removal of asbestos be followed.</p> | <p>Certified Asbestos Consultant, hired by the project applicant, to conduct site inspection for asbestos.</p> <p>If asbestos is encountered, contractor to properly remove,</p> | <p>DPW</p> <p>DPW</p> | <p>Pre-demolition asbestos survey to occur prior to renovation/demolition activities.</p> <p>Complete ACM survey prior to renovation or demolition activities.</p> |
| Mitigation Measure 4.10-2 | <p>Mitigation 3.6-E2 Lead-Based Paints: Prior to renovation/demolition activities, the property owner/developer will determine whether paint must be separated from the building materials (e.g., chemically or physically). The paint waste shall be evaluated independently from the building material to determine its proper management. According to the California Department of Toxic Substances Control, if paint is not removed from the building material during demolition (and is not chipping or peeling), the material could be disposed of as construction debris (a non-hazardous waste). The appropriate landfill operator shall be contacted in advance to determine any specific requirements they may have regarding the disposal of lead-based paint materials (Less Than Significant Impact With Mitigation).</p> | <p>Require as a condition of approval.</p> <p>Project applicant to conduct site inspection for lead-based paint.</p> <p>If paint is separated from building material during demolition, project contractor shall follow mitigation measure 3.6-E2.</p> | <p>CDD</p> <p>CDD</p> <p>CDD</p> | <p>Draft and incorporate condition as part of project approval.</p> <p>Pre-demolition lead-based paint survey to occur prior to renovation/demolition activities.</p> <p>During demolition activities.</p> |
| N/A. This issue was addressed in Section 4.10.3 and the project was found to have no impact on the City's emergency | <p>Mitigation 3.6-F1 Emergency Preparedness Impacts: Prior to the issuance of the first certificate of occupancy, the property owner/developer shall prepare an emergency preparedness plan for review and approval by the Community Development Department. The plan shall include, at a minimum the following elements:</p> <p>Location of on-site emergency exits.</p> | <p>Require as a condition of approval.</p> <p>Project applicant to prepare Emergency Preparedness Plan.</p> | <p>CDD</p> <p>CDD</p> <p>DPS</p> | <p>Draft and incorporate condition as part of project approval.</p> <p>Submit plan for review and approval by CDD and DPS.</p> |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| response plan or emergency evacuation plan. | <p>Emergency contact information.</p> <p>Evacuation procedures in the event of disaster (Less Than Significant Impact With Mitigation).</p> | | | |
| N/A. This issue was addressed in Section 4.10.3 and the project was found to have no impact on the City's emergency response plan or emergency evacuation plan. | <p>Mitigation 3.6-F2 Emergency Preparedness Impacts: To reduce to the need for additional emergency services the following mitigation measure shall be implemented in addition to compliance and conformance to the above-mentioned policies and action statements. The consequences of implementing the mitigation policy will create a less than significant impact for emergency preparedness.</p> <p>The City shall encourage disaster service training for all businesses and employees in Moffett Park Specific Plan area.</p> <p>The City shall work with businesses and the American Red Cross to establish an ARK within the Specific Plan area.</p> <p>The City shall incorporate the policies and requirements established by the Governors Special Advisor on State Security for the purposes of Homeland Security (Less Than Significant Impact With Mitigation).</p> | Refer to Mitigation Measure 3.6-F1. In addition, project applicant shall follow mitigation measure 3.6-F2. | Refer to Mitigation Measure 3.6-F1. | Refer to Mitigation Measure 3.6-F1. |
| 3.7 Hydrology, Drainage, Flooding, and Water Quality | | | | |
| N/A –This issue was addressed in Section 4.5 of the EIR. Compliance with the provisions of | <p>Mitigation 3.7-B Impacts to Stormwater Drainage Infrastructure: Prior to the approval of new development applications, the City of Sunnyvale will incorporate the following measures into the conditions of approval for all new development, as applicable.</p> <p>The pproperty owner/developer shall maintain all drainage facilities on a quarterly basis, or as required</p> | <p>Require as a condition of approval.</p> <p>Project applicant shall maintain all drainage facilities on a quarterly basis.</p> | <p>CDD</p> <p>Project Applicant</p> <p>CDD</p> <p>DPW</p> | Draft and incorporate condition as part of project approval. Project applicant to submit copies of maintenance records to CDD and DPW on a quarterly basis following project development. |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>the Municipal Stormwater Permit, and the Construction General Stormwater Permit</p> | <p>by programs established by the City. This maintenance shall be recorded, and copies of applicable reports sent to the City of Sunnyvale.</p> <p>The City of Sunnyvale shall require all new development to label new storm drain inlets. (Less Than Significant With Mitigation).</p> | <p>Project contractor shall label new storm drain inlets.</p> | <p>DPW</p> | <p>Submit copies for review by CDD and DPW.</p> <p>Prior to issuance of first certificate of occupancy.</p> |
| <p>N/A –This issue was addressed in Section 4.5 of the EIR. Compliance with the provisions of the Municipal Stormwater Permit, and the Construction General Stormwater Permit</p> | <p>Mitigation 3.7-C Alteration of Drainage Patterns: The following mitigation measures shall be considered by the City of Sunnyvale and incorporated, to the extent feasible, in future development applications within the Moffett Park Specific Plan area. These measures would reduce the potential water quality impacts resulting from construction and site grading within the Specific Plan area:</p> <p>Future development design shall minimize the amount of onsite grading required to the extent feasible during construction activities</p> <p>Future development design shall maximize the amount of landscaping in the project design (a minimum of 20% of parking lot areas must be landscaped).</p> <p>All proposed development shall comply with the requirements of the NPDES Permit regarding construction practices, including filing of a Notice of Intent with the Regional Water Quality Control Board, and the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Construction Best Management Practices shall be outlined in the SWPPP prior to the commencement of grading on the site, and shall include elements regarding construction site planning, housekeeping practices and material storage, vehicle and equipment</p> | <p>Require as a condition of approval.</p> <p>Project applicant to minimize the amount of onsite grading during construction activities</p> <p>Project applicant to maximize the amount of landscaping in the project design.</p> <p>Project applicant shall prepare a SWPPP.</p> | <p>CDD</p> <p>CDD DPW</p> <p>CDD DPW</p> <p>CDD DPW</p> <p>Project Contractor</p> <p>DPW</p> <p>CDD (Building Inspectors)</p> | <p>Draft and incorporate condition as part of project approval.</p> <p>Prior to issuance of grading permit, submit plans for review by CDD and DPW.</p> <p>Prior to issuance of grading permit, submit plans for review by CDD and DPW</p> <p>Prior to issuance of grading permit, applicant to submit SWPPP for review and approval by CDD and DPW. Contractor to maintain copy of SWPPP on construction site during grading and construction activities.</p> |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | fueling and maintenance, erosion and sedimentation controls, slope stabilization, dust control, road and construction entrance stabilization, storm drain inlet protection, and temporary drainage systems. | | | |
| N/A – The project results in a net reduction of impervious surface which increases percolation. | Mitigation 3.7-D Groundwater Recharge: During the review of applications for new development, the City of Sunnyvale shall consider all opportunities to incorporate open space and other environmentally beneficial measures to enhance groundwater recharge to allow additional percolation of surface waters into the ground. (Less Than Significant With Mitigation). | Require as a condition of approval. Project applicant to incorporate open space opportunities into project design. | CDD CDD DPW | Draft and incorporate condition as part of project approval. Submit plans for review by CDD and DPW prior to approval of grading permit. |
| 3.9 Noise | | | | |
| N/A. This issue was evaluated in Section 4.7 of the EIR. The project is outside of the 65 dBA CNEL contour of Moffett Field. | Mitigation 3.9-A Noise Related to Moffett Airfield: Prior to issuance of building permits for future projects developed within the southwestern portion of the Specific Plan area (Exhibit 3.9-1 describes Noise contours in south and southwestern MPSP area), each property owner/developer shall be required to perform a final detailed analysis of interior noise reduction requirements and implement the required noise insulation features into the building design of the proposed buildings to ensure that noise levels are reduced to less than significant levels (Less Than Significant Impact With Mitigation). | Require as a condition of approval. Project applicant to conduct final detailed analysis of interior noise reduction requirements. Project applicant to construct required noise insulation features into building design. | CDD CDD DPW CDD DPW | Draft and incorporate condition as part of project approval. City staff to review analysis and revised building design plan prior to issuance of building permit. City staff to inspect construction site. |
| N/A –Traffic noise levels were evaluated in Table 4.7-12 of the EIR. No impacts from Freeway traffic noise were identified. | Mitigation 3.9-C: Freeway Traffic Noise: Prior to the issuance of building permits for future projects developed under the guidance of the proposed Specific Plan, the property owner/developer of such projects shall perform a final detailed analysis of interior noise reduction requirements and implement the required noise insulation features into the building design of the proposed buildings (in the southwestern portion of the proposed Specific Plan area) to ensure that noise levels are reduced to less than significant levels (Less Than Significant Impact With Mitigation). | Refer to Mitigation Measure 3.9-A | Refer to Mitigation Measure 3.9-A. | Refer to Mitigation Measure 3.9-A. |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| 3.10 Population and Housing | | | | |
| Required as condition of approval. | <p>Mitigation 3.10-A Population and Housing Impacts: The property owners/developers of future development projects within the Moffett Park Specific Plan Area shall contribute to the City of Sunnyvale’s “Housing Mitigation Fund” as deemed for development in excess of current General Plan levels. The City shall in turn utilize and expend the monies collected in the Housing Mitigation Fund to reduce the City’s housing deficiency in relation to the number of jobs located in the City. (Significant and Unavoidable Impact).</p> | <p>Require as a condition of approval.</p> <p>Project applicant to contribute to Housing Mitigation Fund.</p> | <p>CDD</p> <p>CDD</p> | <p>Draft and incorporate condition as part of project approval.</p> <p>Receive payment prior to issuance of building permit.</p> |
| 3.11 Public Services | | | | |
| N/A – The Project was reviewed by the City’s Department of Public Safety and no new additional security plans were required. | <p>Mitigation 3.11-A Police Service: Prior to issuance of building permits, each future development project within the Specific Plan area shall incorporate a comprehensive on-site security system to assist the DPS in reducing the number of potential calls for police protection service. These shall include, at minimum, the following features:</p> <p>A lighting plan utilizing a variety of lighting types and features to illuminate the project area at night.</p> <p>Security lighting shall be provided in all areas that are not visually accessible to police patrols, as determined by the Sunnyvale Department of Public Safety (DPS). Nighttime illumination of buildings, pedestrian walkways and parking areas shall be used to highlight building design features, emphasize prominent entrances and create an atmosphere of security.</p> <p>In-progress robbery and burglar detection alarms installed in all project buildings to augment the private security force.</p> <p>A public address system for use by private security and the Sunnyvale DPS.</p> | <p>Require as a condition of project approval.</p> | <p>CDD</p> <p>DPS</p> | <p>Draft and incorporate condition prior to approval of project.</p> |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | <p>Prior to issuance of buildings permits for each future development project within the Specific Plan area, the Sunnyvale DPS shall review building and lighting plans for the purpose of ensuring that the lighting plan meets the minimum requirements needed by the DPS to provide for on-site safety, thereby reducing the potential increase in calls for police protection service (Less Than Significant Impact With Mitigation).</p> | | | |
| | <p>Mitigation 3.11-B1 Fire Service: Prior to approval of each grading plan for projects in the Specific Plan area, the property owner/developer shall submit an emergency fire access plan to the DPS for review and approval to ensure that service to the site is in accordance with the DPS service requirements.</p> | <p>Require as a condition of project approval. Project applicant submits an emergency fire access plan to DPS for review and approval</p> | <p>CDD PWD DPS CDD DPS</p> | <p>Draft and incorporate condition prior to approval of project. Prior to issuance of building permits.</p> |
| | <p>Mitigation 3.11-B2 Fire Service: Prior to issuance of each building permit in the Specific Plan area, plans shall indicate that all buildings, exclusive of parking structures, have sprinklers installed by the property owner/developer in accordance with the City of Sunnyvale Municipal Code. Said sprinklers shall be installed prior to each final building and zoning inspection.</p> | <p>Require as a condition of project approval.</p> | <p>CDD PWD DPS</p> | <p>Draft and incorporate condition prior to approval of project.</p> |
| | <p>Mitigation 3.11-B3 Fire Service: The City shall monitor its needs and allocate the appropriate funds for additional facilities, staff, and equipment.</p> | <p>City staff shall monitor fire service needs.</p> | <p>DPS</p> | <p>Ongoing</p> |
| | <p>Mitigation 3.11-B4 Fire Service: Prior to issuance of each building permit in the Specific Plan area, the property owner/developer shall submit a Construction Fire Protection Plan, which shall include</p> | <p>Require as a condition of project approval.</p> | <p>CDD PWD DPS</p> | <p>Draft and incorporate condition prior to approval of project.</p> |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | detailed design, plans for accessibility of emergency fire equipment, fire hydrant locations, and any other construction features required by the Fire Marshal. The property owner/developer shall be responsible for securing facilities acceptable to the DPS and hydrants shall be operational with required fire flow. | | | |
| | Mitigation 3.11-B5 Fire Service: Prior to approval of street improvements plans for Specific Plan area, the water supply system shall be designed by the property owner/developer to provide sufficient fire flow pressure and storage for the proposed land use and fire protection system in accordance with DPS requirements. (Less Than Significant Impact With Mitigation). | Require as a condition of project approval. | CDD PWD | Draft and incorporate condition prior to approval of project. |
| | Mitigation 3.11-C Schools: The property owner/ developer of each development project within the Specific Plan area would be required to pay school fees to Fremont Union High School District in the amount adopted by the district as mitigation for school facilities impacts. Pursuant to Section 65995 (3)(h) of the California Government Code (Senate Bill 50, chaptered August 27, 1998), the payment of statutory fees "...is deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or developed of real property, or any change in governmental organization or reorganization..." Therefore, subsequent to payment of statutory fees, school impacts would be considered less than significant (Less Than Significant Impact With Mitigation). | Require as a condition of project approval. | CDD PWD | Draft and incorporate condition prior to approval of project. |
| 3.12 Transportation And Circulation | | | | |
| Mitigation Measure 4.6-2 | Mitigation 3.12-B Freeway Operations: The City of Sunnyvale shall be responsible for the implementation of all intersection improvements identified in Table | City staff implements intersection improvements. | CDD DPW | As identified in the Transportation Strategic Program. |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | <p>3.12-14 commensurate with and pursuant to the City of Sunnyvale Transportation Strategic Program. Future property owners/ developers within Moffett Park shall be required to pay the City of Sunnyvale all applicable transportation fees in an amount determined by the City Council Resolution in effect at the time of issuance of the building permit. The Citywide Deficiency Plan shall be utilized to offset impacts at any intersection where providing additional capacity is determined to be infeasible or undesirable by the City. Funding of improvements will be linked to trip generation of new development, so improvements will be provided as the level of trip making from approved development necessitates.</p> | <p>Require as a condition of project approval.</p> | <p>CDD</p> | <p>Draft and incorporate condition prior to approval of project.</p> |
| <p>Mitigation Measure 4.6-2</p> | <p>Mitigation 3.12-C Freeway Operations: Refer to Mitigation 3.12-B. (Significant and Unavoidable Impact)</p> | <p>Refer to Mitigation Measure 3.12-B.</p> | <p>Refer to Mitigation Measure 3.12-B.</p> | <p>Refer to Mitigation Measure 3.12-B.</p> |
| <p>Mitigation Measure 4.6-2</p> | <p>Mitigation 3.12-D Freeway Operations: Refer to Mitigation Measures 3.12-A, 3.12-B, and 3.12-C (Significant and Unavoidable Impact).</p> | <p>Refer to Mitigation Measure 3.12-A, 3.12-B, and</p> | <p>Refer to Mitigation Measure 3.12-A, 3.12-B, and 3.12-C.</p> | <p>Refer to Mitigation Measure 3.12-A, 3.12-B, and 3.12-C.</p> |
| <p>Mitigation Measure 4.6-2</p> | <p>Mitigation 3.12-G Freeway Operations: Emergency Access: Prior to final approval of all future site- specific development projects within the Specific Plan area, a final Circulation Plan and all applicable traffic mitigation measures(as identified in this section of the EIR) shall be submitted for review to the Department of Public Safety (DPS) to ensure that emergency vehicle response times within the Specific Plan not compromised by the decline in level of service operations at the freeway segments or intersections analyzed within the study area. If the DPS determines, following their review of the aforementioned final circulation plan and/or project mitigation measures, that the emergency response times would be compromised, then the developer/project applicant shall be required to submit an emergency access plan to the DPS for review and approval to ensure that service to the site and within the project study area is in accordance with the DPS requirements.</p> | <p>Require as a condition of project approval.</p> <p>Project applicant to submit a Final Circulation Plan for City staff review.</p> <p>Project applicant to submit an emergency access plan to DPS</p> | <p>CDD PWD</p> <p>CDD PWD DPS</p> <p>CDD DPS</p> | <p>Draft and incorporate condition prior to approval of project.</p> <p>Prior to issuance of first building permit.</p> <p>Prior to issuance of first building permit.</p> |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | Said plan shall include detailed design plans for emergency accessibility (Less Than Significant Impact With Mitigation). | | | |
| Mitigation Measure 4.6-8 | Mitigation 3.12-H Freeway Operations: Prior to issuance of each building permit, the project applicant/developer shall limit the time periods of construction to off peak hours. A construction routing and staging plan shall be prepared subject to the review and approval of the Community Development Department (Less Than Significant Impact With Mitigation). | Require as a condition of project approval. Project applicant to submit a construction routing/staging plan for City staff review. | CDD PWD CDD PWD | Draft and incorporate condition prior to approval of project. Prior to issuance of first building permit |
| 3.13 Utilities And Service Systems | | | | |
| N/A - The Project's potable water system has been reviewed and approved by the Department of Public Works. No further studies or mitigation is required. | Mitigation 3.13-B2 Potable Water Distribution System: Prior to the approval of any new developments in the Moffett Park Specific Plan area, the Public Works Department shall review plans to identify any projects which may generate the need for water distribution line improvements as identified in the Capital Improvement Plan. Prior to the approval of any new projects in the Moffett Park Specific Plan area identified by the Public Works Department as generating the need for capital improvements, the City of Sunnyvale shall require the project applicants to either pay fees for a "fair share" towards specified capital improvements, or to make the improvements (Less Than Significant Impact With Mitigation). | City staff reviews project plans and identifies necessary capital improvements. Require as a condition of project approval. | CDD PWD CDD | Prior to project approval. Draft and incorporate condition prior to project approval. |
| N/A – The Project Applicant | Mitigation 3.13-F2 Wastewater Collection and Conveyance: Prior to the approval of any new developments in the Moffett Park Specific Plan area, the Public Works | City staff reviews project plans and identifies necessary | DPW | Prior to approval of the project. |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| <p>has prepared project specific Sanitary Sewer impact analysis which was reviewed and approved by the Department of Public Works. No further studies or mitigation is required.</p> | <p>Department shall review plans to identify any projects that may generate the need for wastewater collection and conveyance line improvements as identified in the Capital Improvement Plan.</p> <p>Prior to the approval of any new projects in the Moffett Park Specific Plan area identified by the Public Works Department as generating the need for capital improvements, the City of Sunnyvale shall require the project applicants to either pay fees for a “fair share” towards specified capital improvements, or to make the improvements (Less Than Significant Impact With Mitigation).</p> | <p>Require as a condition of project approval.</p> | <p>CDD</p> | <p>Draft and incorporate condition prior to approval of project.</p> |
| <p>N/A – This requirement is addressed through compliance with the City’s Zero Waste Policy and Council adopted Zero Waste Strategic Plan.</p> | <p>Mitigation 3.13-H Long Term Solid Waste: Prior to issuance of the first building permit, the applicant shall submit a Solid Waste/Recycling Management Plan for City staff review and approval. At minimum, this plan shall include bin sizes and locations for solid waste, and the allocation of separate bins for paper, glass, plastic, newspaper, cardboard or other recyclables.</p> | <p>Require as a condition of project approval.</p> <p>Project applicant to submit a Solid Waste/Recycling Management Plan for City Staff review.</p> | <p>CDD</p> <p>CDD</p> <p>DPW</p> | <p>Draft and incorporate condition prior to approval of project.</p> <p>Prior to issuance of first building permit.</p> |
| <p>N/A – The Project proposes to be developed to a LEED Gold rating which includes address energy efficient buildings design and appliances.</p> | <p>Mitigation 3.13-I Electricity and Natural Gas: In order to reduce escalating energy demands generated by implementation of future projects or the subsequent increase in building intensity FAR, all future development projects in the Moffett Park Specific Plan area shall be required to implement the following mitigation measures:</p> <p>Prior to issuance of all building permits, the City of Sunnyvale shall review project plans to ensure that the project is designed in accordance with the energy conservation measures under Title 24 of the California Administrative Code.</p> | <p>Require as a condition of project approval</p> <p>Project applicant to submit an energy conservation plan for City staff review.</p> | <p>CDD</p> <p>CDD</p> | <p>Draft and incorporate condition prior to approval of project.</p> <p>Prior to determining completeness of development application.</p> |

| Addressed in Moffett Place SEIR? | Mitigation Measure | Implementation Procedure | Monitoring/Reporting Responsibility | Monitoring/Reporting Schedule |
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| | <p>Prior to issuance of all building permits, the City of Sunnyvale shall require that new development within the Specific Plan area prepare an energy conservation plan. The plans shall include techniques to minimize the use of electricity. Techniques may include, but are not limited to, the following:</p> <p>Lighting: use of fluorescent light bulbs, motion detections systems for lights, and task lighting</p> <p>Heating and Cooling: use of energy efficient HVAC systems, evaporative condensers, PG&E equipment rebates, solar chimneys, roof wetting systems during summer months, automatic louvers, and high efficiency fans.</p> <p>Appliances: use of computers and appliances with energy star labels</p> <p>Building and site: Installation of spectrally-selective windows, perimeter blinds, energy efficient installation, skylights, tightly sealed duct connections, movable awnings, and landscaping and trees to provide shade.</p> <p>Policies: company policies that require employees to turn off computers, lights, printers, copy machines, etc. when operation is not necessary (Less Than Significant Impact With Mitigation).</p> | <p>Project applicant to submit an energy conservation plan for City staff review.</p> | <p>CDD</p> | <p>Prior to determining completeness of development application.</p> |

DRAFT JB 11-3-13

RESOLUTION NO. ____-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE MOFFETT PARK SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION OF CERTAIN PARCELS FROM MP-I (MOFFETT PARK-GENERAL INDUSTRIAL) TO MP-TOD (MOFFETT PARK-TRANSIT ORIENTED DEVELOPMENT) AND ASSOCIATED TEXT CHANGES

WHEREAS, the Moffett Park Specific Plan (“MPSP”) was established on May 18, 2004 by Resolution 111-04, and subsequently amended by Resolutions 244-06, 369-09, and 498-11, to serve as a land use policy document to regulate future development within the plan area; and

WHEREAS, the MPSP provides for certain land use designations and corresponding regulations, which are further implemented through the Moffett Park Specific Plan Zoning District, established by Ordinance No. 2750-04; and

WHEREAS, Moffett Place, LLC has proposed an amendment to the land use designation for certain parcels of land located in the MPSP area, located at the following addresses:

| Site Address | APN # |
|---------------------------|------------------|
| 115 E. Moffett Park Drive | (APN 110-35-008) |
| 1178 Bordeaux Avenue | (APN 110-35-009) |
| 1153 Bordeaux Drive | (APN 110-27-017) |
| 1175 Bordeaux Drive | (APN 110-27-023) |
| 1116 N. Mathilda Avenue | (APN 110-27-031) |
| 1130 N. Mathilda Avenue | (APN 110-27-032) |
| 1215 Borregas Avenue | (APN 110-37-007) |

from MP-I (Moffett Park-General Industrial) to MP-TOD (Moffett Park-Transit Oriented Development), which proposed amendment is set forth in Report to Council No. 13-____, dated December 3, 2013; and

WHEREAS, in addition to the changes to the land use designation for certain parcels, the City has considered changing criteria for the location of the “Moffett Park – Transit Oriented Development” Subdistrict (“MP-TOD”) related to its proximity to light rail transit stations; and

WHEREAS, a Subsequent Environmental Impact Report was prepared to assess the potential environmental impacts of the proposed amendment; and

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed amendments to the MPSP on November 11, 2013, after which the Commission recommended that the City Council adopt the amendments as set forth in the minutes of the meeting; and

WHEREAS, the City Council held a duly noticed public hearing on December 3, 2013, to consider the amendments to the MPSP.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1. The City Council has considered the amendments to the MPSP as set forth in Exhibit "A", "Moffett Park Specific Plan Amendments" attached hereto and incorporated herein by reference, and the accompanying report and testimony presented at the December 3, 2013, council meeting.

2. The environmental effects of the proposed MPSP amendments were analyzed in the Moffett Place Subsequent Environmental Impact Report (the "SEIR"), SCH #2013022025. The City Council reviewed the SEIR and found that it reflects the independent judgment of the City Council and its staff, and is an adequate and extensive assessment of the environmental impacts of the MPSP amendments. The City Council certified the SEIR 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 air quality, and adopted a Mitigation Monitoring and Reporting Program (Resolution No. ___-13). The City Council incorporates by this reference the findings contained in the SEIR as to the environmental effects of the MPSP amendments, together with the additional findings contained in this Resolution.

3. The City Council finds and determines, pursuant to the MPSP amendment process (MPSP Section 7.6), that the proposed amendments meet the intent of the Specific Plan's adopted goals and objectives, enhance its ability to accommodate development needs without compromising its original goals and objectives, that they are consistent with the general plan and are in the public interest, as described in the report to council dated December 3, 2013, relating to these amendments.

4. The Moffett Park Specific Plan is hereby amended as set forth in Exhibit A to this Resolution.

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Adopted by the City Council at a regular meeting held on December 3, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit 1 – Moffett Park Specific Plan Amendments

Exhibit A Moffett Park Specific Plan Amendments

For the purposes of clarity, those amendments approved by the City Council for the Moffett Towers project (Resolution 244-06) have been noted in *italics* since they were not folded into the actual bound document text. The changes proposed as part of the Moffett Place Specific Plan amendments have been noted with a ~~strikeout~~ or underline as noted below.

1. The amendment would amend section 2.3 Land Use Description of the Specific Plan to modify the following map:

[Page 9]

Exhibit 2-5 Land Use Map to note the parcels included with the Moffett Place project as MP-TOD.

2. The amendment would amend section 2.4 Land Use Plan of the Specific Plan to add and modify the following text and maps:

[Pages 10-11]

**Table 2.1
Summary of Land Use Plan Intensities**

| | Acres | <u>Developable Acreage</u> | Standard FAR | Max FAR | <u>Development Potential at Total sq. ft. Standard FAR level (million)</u> |
|-----------------|------------------------------|--------------------------------|-----------------|---------|--|
| MP-TOD | 462- <u>539</u> | <u>469</u> | 50% | 70% | 8.55 <u>9.73</u> |
| MP-I | 663 <u>604</u> | <u>586</u> | 35% | 50% | 10.11 <u>8.93</u> |
| MP-C | 13 | <u>13</u> | 40% | 40% | 0.23 |
| Other | 48 | | | | |
| Dev. Reserve | | | | | 5.44 |
| Total | 1,156 | <u>1,068</u> | | | 24.33 |

Moffett Park – Transit Oriented Development Subdistrict (MP-TOD)

The purpose of the MP-TOD subdistrict is to encourage higher intensity uses that can best take advantage of locations in close proximity to the Tasman Light Rail Corridor, such as Class A office, R&D, and Corporate Headquarters. This district is approximately 462 539 gross acres and includes the former Futures E intensification area (zoned M-3 with FAR up to 50%). The standard FAR for the primary uses is set at the highest level within the MPSP

area at 50% FAR. Approved access to the Development Reserve or use of transfer of development rights (TDR) permits a maximum FAR of 70% for specific sites.

Ancillary uses that include hotels, restaurants, financial institutions, retail sales and services intended for the Moffett Park employees, professional services, and similar compatible uses are allowed and encouraged. Accessory uses for the benefit of on-site employees (e.g. recreational facilities, cafeterias) are also allowed and encouraged.

The MP-TOD subdistrict boundaries have been originally developed through the inclusion of property that complies with the following criteria:

- ~~A minimum of fifty percent of the P~~parcels zoned MP-I and is located within one-quarter mile of a current light rail station, as measured from an averaged center point of the station; *or a property that is designed as a cohesive office/R&D campus with a property that has direct access to the light rail station and provides on-site amenities that serve the entire campus proposal, including pedestrian features that overcome any physical barrier and help reduce the dependence on automobiles.*
- Parcel boundaries that are legally recorded, tentative map application has been received, or for which a lot line adjustment application has been submitted to the City of Sunnyvale. The City may consider separate parcels if they are part of a comprehensive campus development. The City may impose additional conditions to ensure the campus development remains enact through the life of the project.

The one-quarter mile radius map used as the basis for the MP-TOD subdistrict and adjacent MP-I parcels is illustrated in *Exhibit 2-6: Transit Core Radius Map*.

3. The amendment would amend Exhibit 2-6 Transit Core Radius Map of the Specific Plan to modify the following map:

[Page 13]

Exhibit 2-6: Transit Core Radius Map to include MP-I parcels within a ¼ mile radius from light rail stations.

4. The amendment would amend section 5.2 Zoning Subdistricts and Intensities of the Specific Plan to add and modify the following text:

[Page 63]

Moffett Park Transit Oriented Development MP-TOD

The purpose of the MP-TOD subdistrict is to encourage higher intensity uses that can best take advantage of locations in close proximity to the Tasman Light Rail Corridor. The MP-TOD subdistrict provides approximately ~~462~~ 539 gross acres primarily for office, commercial, and industrial development at a standard intensity of 50% FAR. In addition, the allowable floor area ratio may be increased to 70% FAR by utilizing the Development Reserve and/or the TDR program as outlined in the Specific Plan.

5. The amendment would amend Appendix C Resolution with the following text:

[Page C-1]

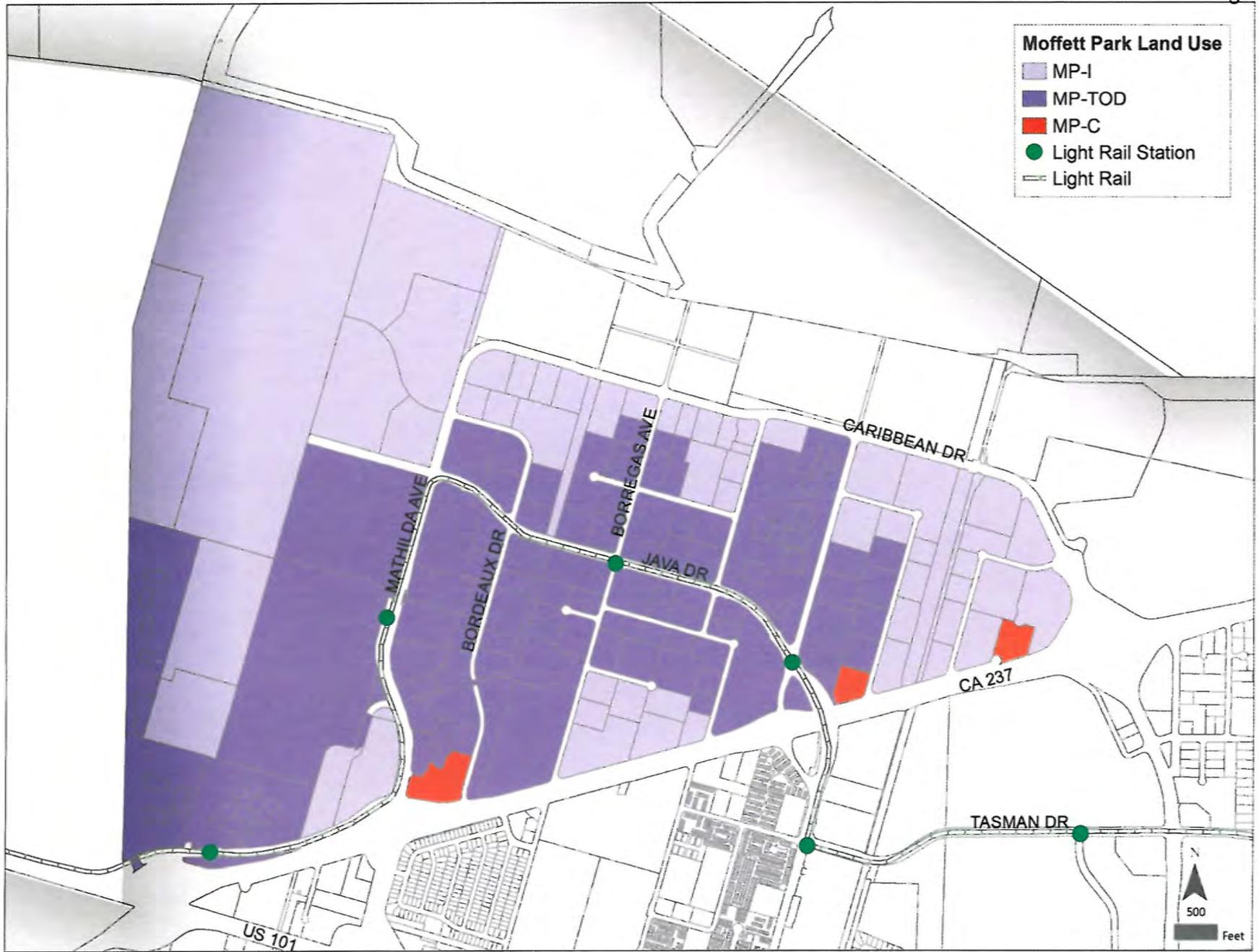
Insert Cover Page Titled

Appendix C
Resolutions

On April 24, 2004 the Moffett Park Specific Plan Environment Impact Report was Certified with a Statement of Overriding Considerations by the City Council with Resolution No. 158-03 and the Moffett Park Specific Plan was adopted with Resolution 111-04

The Moffett Park Specific Plan has been amended with the following resolutions:

| <u>RESOLUTION</u> | <u>ACTION SUMMARY</u> |
|--|---|
| <u>November 14, 2006, Resolution No. 244-06</u> | <u>Approval of Lot 3 of Lockheed to change to MP-TOD and text amendment for MP-TOD siting criteria for designation for Jay Paul Moffett Towers.</u> |
| <u>September 13, 2011, Resolution No. 498-11</u> | <u>Adoption of Green Building 10% Incentive to allow 80% FAR in MP-TOD</u> |
| <u>December 3, 2013, Resolution No. XXX-13</u> | <u>Change land use designation of 8 parcels from MP-I to MP-TOD, text amendment to MP-TOD siting criteria and associated text amendments for the Moffett Place project.</u> |



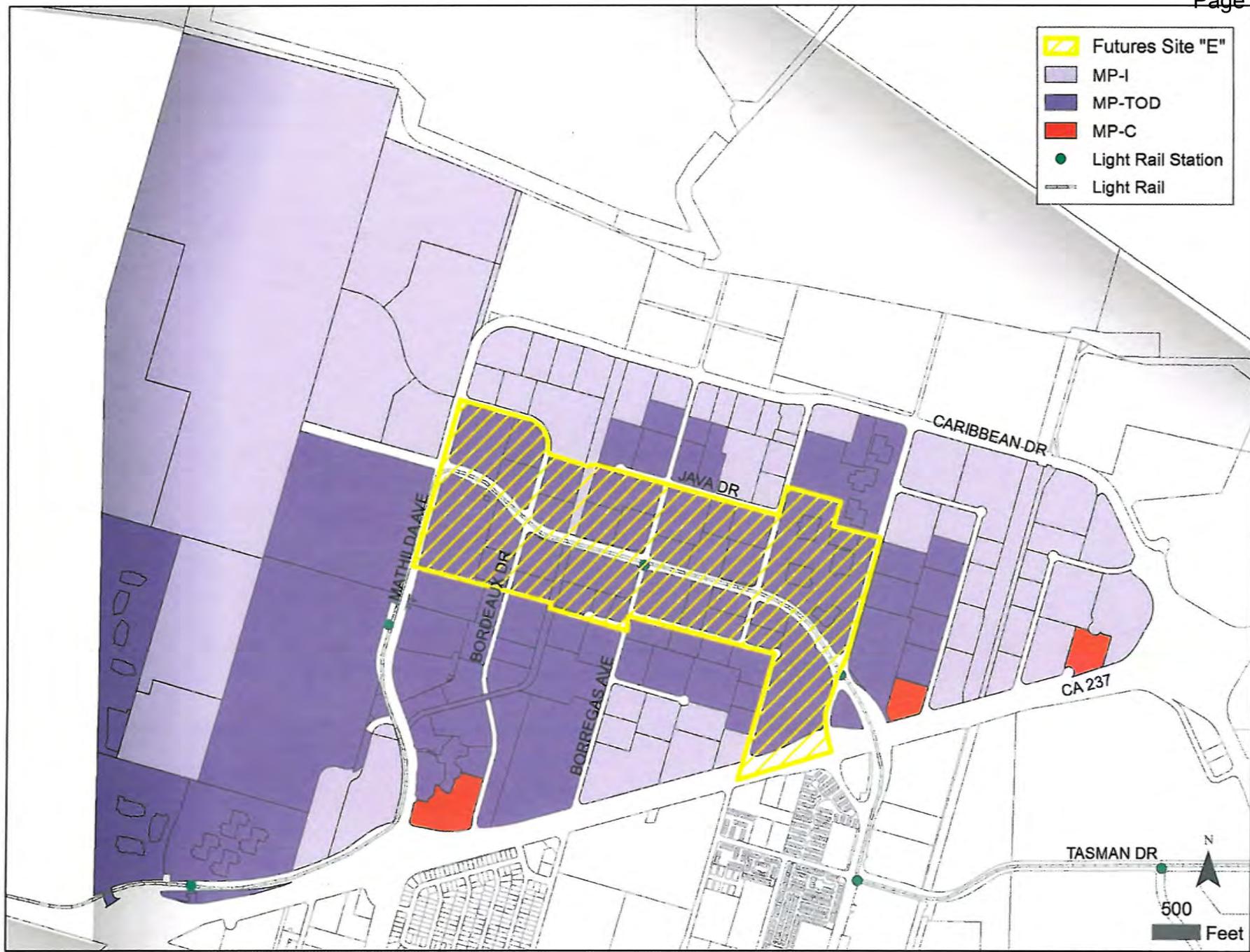
Revised November 2013

Moffett Park Land Use Map



Revised November 2013

Transit Core Radius Map



Revised November 2013

Moffett Park Specific Plan Sub-Districts and Former Futures Site 'E'

DRAFT JB 11-3-13

ORDINANCE NO. ____-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING THE PRECISE ZONING PLAN, ZONING DISTRICTS MAP, TO REZONE CERTAIN PROPERTIES LOCATED IN THE MOFFETT PARK SPECIFIC AREA FROM MP-I (MOFFETT PARK-GENERAL INDUSTRIAL) TO MP-TOD (MOFFETT PARK-TRANSIT ORIENTED DEVELOPMENT) ZONING DISTRICT

THE CITY COUNCIL OF THE CITY OF SUNNYVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. AMENDMENT OF PRECISE ZONING PLAN. The Precise Zoning Plan, Zoning Districts Map, City of Sunnyvale (Section 19.16.050 of the Sunnyvale Municipal Code) hereby is amended to re-zone certain properties located in the Moffett Park Specific Plan area, generally bordered by Moffett Park Drive, West Channel, Mathilda and Borregas Avenues, with Bordeaux Drive bisecting the site including certain properties located north of State Highway 237 and east of North Mathilda, more particularly located at the following addresses in Sunnyvale, California:

| Site Address | APN # |
|---------------------------|------------------|
| 115 E. Moffett Park Drive | (APN 110-35-008) |
| 1178 Bordeaux Avenue | (APN 110-35-009) |
| 1153 Bordeaux Drive | (APN 110-27-017) |
| 1175 Bordeaux Drive | (APN 110-27-023) |
| 1116 N. Mathilda Avenue | (APN 110-27-031) |
| 1130 N. Mathilda Avenue | (APN 110-27-032) |
| 1215 Borregas Avenue | (APN 110-37-007) |

from MP-I (Moffett Park-General Industrial) Zoning District to MP-TOD (Moffett Park-Transit Oriented Development) Zoning District. The location of the properties is set forth on the scale drawing attached as Exhibit "A."

SECTION 2. CEQA. The environmental effects of the proposed amendment to the Precise Zoning Plan and Zoning District Map were analyzed in the Moffett Place Subsequent Environmental Impact Report (the "SEIR"), SCH #2013022025. The City Council reviewed the SEIR and found that it reflects the independent judgment of the City Council and its staff, and is an adequate and extensive assessment of the environmental impacts of the proposed amendment. The City Council certified the SEIR 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 air quality, and adopted a Mitigation Monitoring and Reporting Program (Resolution No. ____-13). The City Council incorporates by this reference the findings contained in the SEIR as to the environmental effects of the proposed amendment, together with the additional findings contained in this Resolution.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. 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 once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, of a notice 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 ____, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on December __, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT: None

ATTEST:

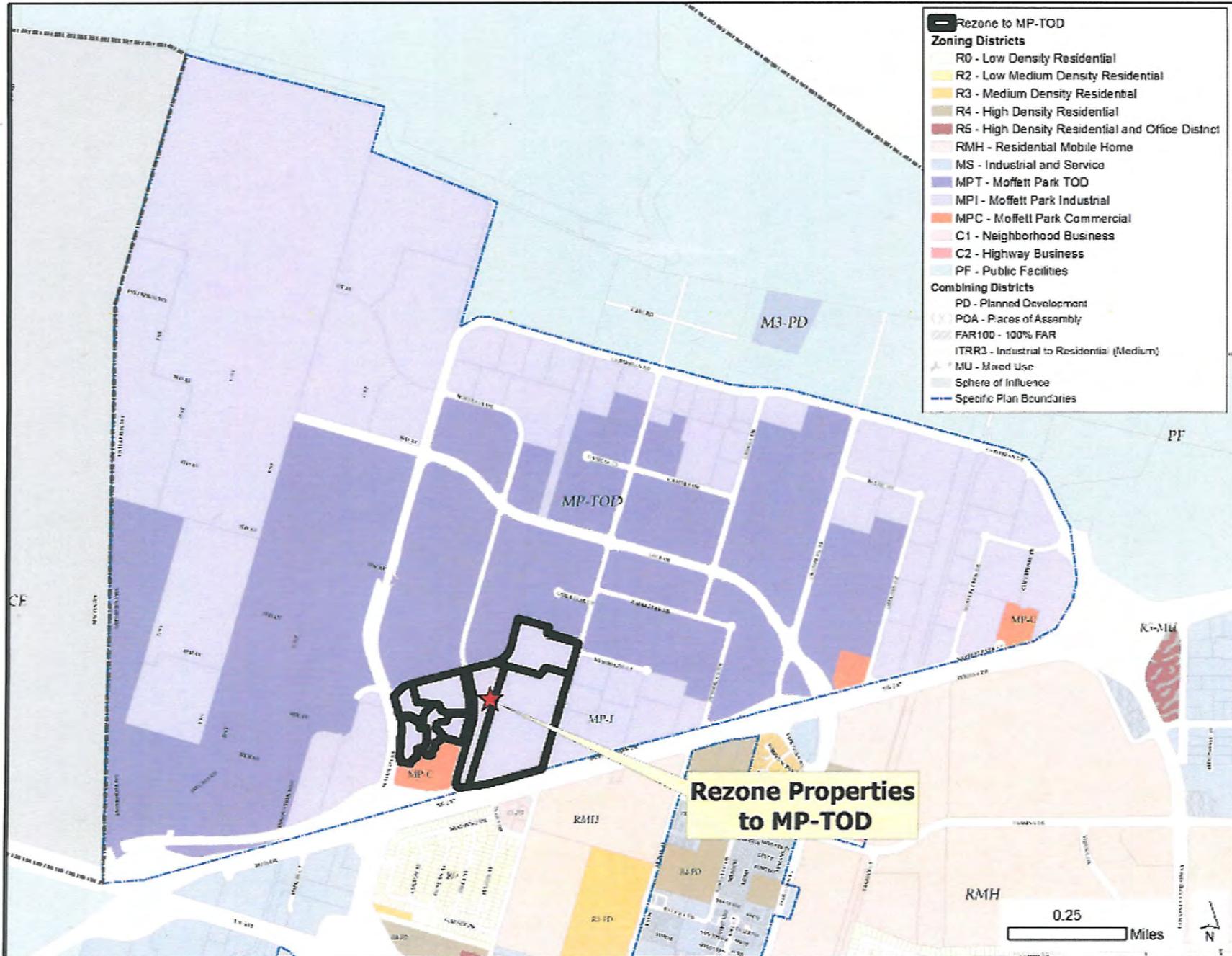
APPROVED:

City Clerk
SEAL

Mayor

APPROVED AS TO FORM:

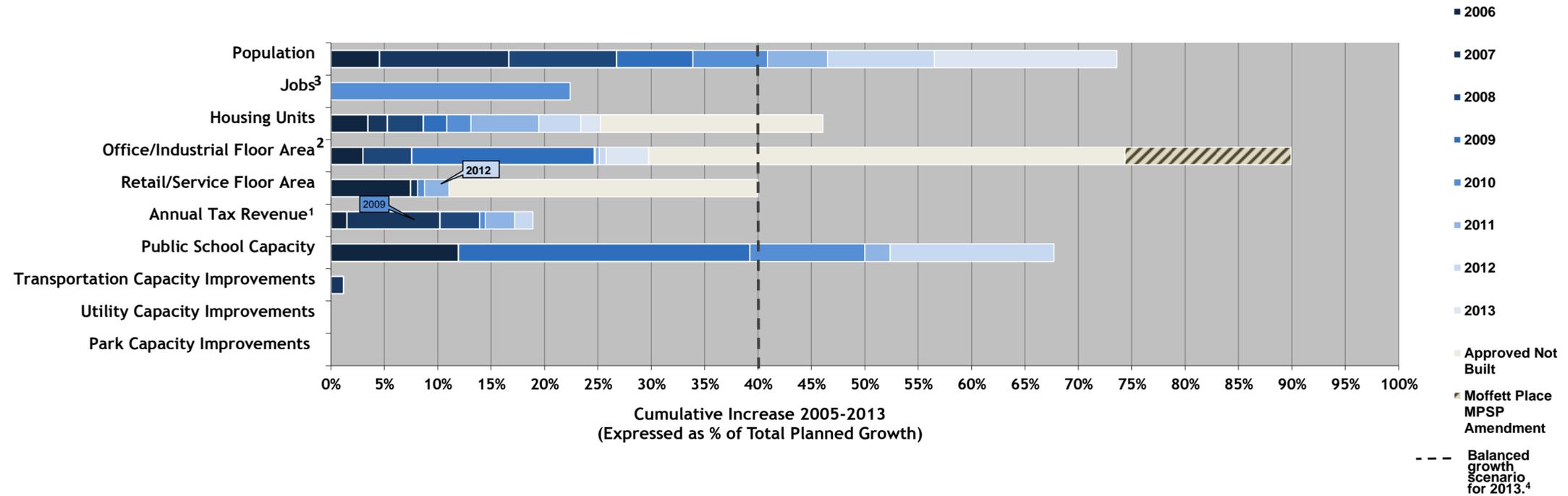
City Attorney



Please see
Planning Commission
web page for
Attachment O.

AS OF OCTOBER 2013: BALANCED GROWTH PROFILE INCLUDING NONRESIDENTIAL FLOOR AREA AND HOUSING UNITS APPROVED BUT NOT YET BUILT

| Balanced Growth Indices | Base Year 2005 | GOAL FOR 2025 | Total Planned Growth Net Increase 2005 to 2025 | 2007 Actual | 2008 Actual | 2009 Actual | 2010 Actual | 2011 Actual | 2012 Actual | 2013 Actual | 2013 | | Approved Not Built as of October 2013 | Moffett Place MPSP Amendment |
|---|----------------|---------------|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--|---------------------------------------|---------------------------------------|------------------------------|
| | | | | | | | | | | | Increment Increase (actual since 2012) | Increment (% of Total Planned Growth) | | |
| Park Capacity Improvements | | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | pending | pending | pending | n/a | n/a |
| Utility Capacity Improvements | | n/a | n/a | n/a | n/a | n/a | n/a | n/a | n/a | pending | pending | pending | n/a | n/a |
| Transportation Capacity Improvements | | 46,884,000 | 46,884,000 | 547,970 | 547,970 | 0 | 0 | 0 | 0 | pending | pending | pending | n/a | n/a |
| Public School Capacity | 5,373 | 6,729 | 1,356 | 5,535 | 5,535 | 5,905 | 6,051 | 6,083 | 6,291 | pending | pending | pending | n/a | n/a |
| Annual Tax Revenue ¹ | 72,271,030 | 174,748,212 | 102,477,182 | 82,731,078 | 86,536,989 | 80,080,423 | 80,640,616 | 83,447,216 | 85,189,946 | pending | pending | pending | n/a | n/a |
| Retail/Service Floor Area | 5,784,000 | 7,500,000 | 2,200,000 | 5,962,662 | 5,962,662 | 5,962,662 | 5,976,840 | 6,027,052 | 6,005,338 | 6,005,338 | 0 | 0% | 636,359 | n/a |
| Office/Industrial Floor Area ² | 30,100,000 | 37,700,000 | 7,600,000 | 30,327,927 | 30,673,881 | 31,973,881 | 31,979,928 | 32,009,556 | 32,058,721 | 32,361,497 | 302,776 | 4% | 3,390,366 | 1,779,554 |
| Housing Units | 54,800 | 61,900 | 7,100 | 55,174 | 55,414 | 55,570 | 55,730 | 56,183 | 56,462 | 56,593 | 131 | 2% | 1,477 | n/a |
| Jobs ³ | 73,630 | 92,650 | 19,020 | n/a | n/a | n/a | 77,890 | n/a | n/a | pending | pending | pending | n/a | n/a |
| Population | 132,725 | 150,725 | 18,000 | 135,721 | 137,538 | 138,826 | 140,081 | 141,099 | 142,896 | 145,973 | 1,797 | 17% | n/a | n/a |



Notes

1. FY 2004/2005 is the base year for the Balanced Growth Index. All revenues are converted to FY 2004/2005 dollars for comparison purposes.
2. This index only represents net new floor area, and does not reflect tenant improvements to existing floor area.
3. Data has been modified resulting in a decrease in base year, projections, and current year estimates. There is a significant challenge in finding reliable estimates of Sunnyvale jobs. This version of the Balanced Growth Profile provides Association of Bay Area Governments (ABAG) data from most recent publications while staff explores a more reliable annual estimate of jobs. Data for 2011 or 2012 is not yet available.
4. In a "balanced growth scenario" each profiled item would increase 5% each year. Cumulative "balanced growth" to the end of 2013 would be 40%.

CITY OF SUNNYVALE
City Council Study Session Summary

Study Session on September 24, 2013

**Overview of Proposed Amendments to
Moffett Park Specific Plan and Development Agreement for the Proposed
Moffett Place Office Campus**

The City Council met in the Council Chambers at City Hall, 456 W. Olive Avenue in Sunnyvale, California, on September 24, 2013 at 5:45 p.m., with Mayor Anthony Spitaleri presiding.

City Councilmembers Present:

Mayor Anthony Spitaleri
Vice Mayor Jim Griffith
David Whittum
Chris Moylan
Patrick Meyering
Tara Martin-Milius
Jim Davis (via phone)

City Councilmembers Absent:

None

City Staff Present:

Gary Luebbers, City Manager
Robert Walker, Assistant City Manager
Hanson Hom, Director of Community Development
Kent Steffens, Director of Public Works
Frank Grgurina, Director of Public Safety
Grace Leung, Director of Finance
Manuel Pineda, Assistant Director of Public Works
James Bouziane, Deputy Chief, Public Safety
Joan Borger, City Attorney
Jennifer Garnett, Communications Officer
Trudi Ryan, Planning Officer
Kathleen Franco Simmons, City Clerk
Shaunn Mendrin, Senior Planner
Jack Witthaus, Transportation and Traffic Manager
Connie Verceles, Economic Development Manager

Call to Order: 5:45 p.m.

Study Session Summary:

Directors Hanson Hom and Kent Steffens provided a PowerPoint presentation on the subject, including an overview of the project, environmental impact report, development agreement, project taxes and fees, and next steps.

Questions and comments were provided by Councilmembers.

- Inquired if the TIA will look at the traffic impacts of existing and proposed in regards to the Monster Intersection? Staff stated that the TIA does provide that analysis.
- Inquired if the project was considering a shuttle? Staff clarified that the applicant is considering a shuttle when the project reaches a critical mass and has contacted other companies in Moffett Park to explore opportunities for economies of scale.
- Inquired if the project will provide additional visual information as it relates to the existing neighborhood across 237? Staff indicated that the applicant will provide those illustrations.
- Inquired about the TIF fees and if there are projects that will improve the traffic in the area? Staff stated that the funds will cover some of the larger scale projects such as grade separations on Lawrence Expressway and the Mary Avenue Extension.
- Expressed concern that the TIF doesn't really mitigate the traffic in the area in the short term.
- Stated that they are glad to see a Development Agreement for the project.
- Clarified that the intent of the MP-TOD is to cluster development around the light rail stations.
- Stated that the applicant could consider merging all the parcels together to get the project into MP-TOD without the amendment. Also, rather than adjusting the radius standard, consider maintaining the existing ¼-mile standard and allowing parcels with any portion within the radius to be designated MP-TOD.
- States that requiring additional pedestrian and bicycle improvements is good.
- Stated that they didn't like the way the Moffett Towers MPSP Amendments were handled as they were pieced together.
- Inquired if the land swap would be problematic with the FEMA parcel? Staff clarified that there has been initial discussions with FEMA and they have indicated that the land swap proposal is possible and did not have any objections.
- Inquired what the current Zoning is for the existing fire station site? Staff clarified that it is MP-I and that it does not have access to the development reserve.
- Inquired about what would be required to increase the development reserve if that came up in the future? Staff clarified at the MPSP was developed with a maximum development capacity of 24.3 Million. An increase in the Development Reserve would be above the limit established by the MPSP and

any increase would take additional environmental review (most likely an EIR).

- Inquired if this project would result in an increase in housing? Staff clarified that the project will pay housing mitigation fees, and that the build-out square footage for Moffett Park is already factored into the City's regional housing needs allocation (RHNA). Further, the housing demand generated by the new jobs will affect the regional need rather than Sunnyvale only.
- Inquired about the how the development affects the Balanced Growth Profile and that it will most likely put us way beyond the 20 year projection. Staff indicated that we will include that information with the future staff report.
- Inquired how will the HOV lanes help traffic? Staff indicated that they will provide additional movement on the freeway.
- Inquired who will own the Innovation Way Extension? Staff clarified that the applicant will own and maintain the property.
- Inquired about the Air Quality Impacts on the adjacent neighborhood? Staff clarified that they would be temporary impacts primarily related to emissions from construction vehicles.
- Stated that the SNAIL neighborhood was impacted by construction from the LinkedIn project. The addition of HVAC systems for the impacted residents in Orchard Gardens could be a possible mitigation.
- Stated that the City Council should see the DEIR after the Planning Commission public comment hearing.
- Inquired if the West Channel trail will be extended? Staff clarified that it will be extended to the bay in the future.
- Inquired about what type of pedestrian/bicycle trail crossing is anticipated at Java and will it be a grade separated crossing? Staff indicated that they will look into it.
- Stated that they were glad to see a discussion about the bird safe building requirements.
- Inquired what are the benefits of aligning the TOD radius standard with VTA guidelines? Staff stated that it allows for reduced traffic generation assumptions and will explore if there are other benefits.
- Stated that the property tax information was indicating a tripling in revenues and that it really is not the case since the information should include the revenue from what is allowed under the current code.
- Stated that this should be brought forward for a second study session.
- Stated that Mathilda Avenue is in gridlock and there is great concern.
- Stated that the costs to the City have not been included in the information.
- Stated that we should look at a subway under Mathilda, which currently costs \$1 billion per mile.
- Stated that this is a deeply flawed plan.
- Stated that the project seems like it will provide many benefits to the community, including tax revenues and a new fire station.

Adjournment: 6:59 p.m.

Respectfully submitted,

Shaunn Mendrin, Senior Planner

Shaunn Mendrin

From: Trudi Ryan
Sent: Tuesday, September 24, 2013 3:39 PM
To: Shaunn Mendrin; Hanson Hom
Subject: Fwd: Web Request - Reassign 28614 from: Heidi Kirk to: TRyan, subject: Moffett Park Specific Plan

Shaunn, please add to the community comments to be added to the Staff report on this project.

Trudi Ryan, AICP
Planning Officer
City of Sunnyvale



----- Forwarded message -----

From: Heidi Kirk [Redacted]
Date: Tue, Sep 24, 2013 at 9:02 AM
Subject: Web Request - Reassign 28614 from: Heidi Kirk to: TRyan, subject: Moffett Park Specific Plan
To: Planning <planning@ci.sunnyvale.ca.us>, Trudi Ryan [Redacted]
Cc: Council <council@ci.sunnyvale.ca.us>, Heidi Kirk [Redacted]

Dear **Trudi Ryan**,
Below is message [28614](#), no reply is needed.

| | |
|---------------------|--|
| From | Jason Buberel <[Redacted]> |
| Reply Needed | No |
| Priority | Regular |
| Subject | Moffett Park Specific Plan |
| Message | ATTN: Trudi Ryan I am writing to voice my support for the adoption of the proposed amendments to the Moffett Park Specific Plan for the proposed 1.8M square feet of new development. While I do understand the traffic concerns of some of my neighbors - [Redacted] - I strongly support efforts to increase the density of commercial activity in the area. Our communities thrive on the economic activity of the businesses within our city borders. As an entrepreneur and now Google employee, I believe that economic development is a force for |

good in the world. While I do urge caution regarding the study of traffic and increases in pollution, I am confident that the benefits will outweigh them. Regards, Jason L. Buberel [REDACTED]
[REDACTED]
[REDACTED]

For remaining
attachments, please
see Planning
Commission web page