

PLANNING COMMISSION MINUTES OF AUGUST 22, 2011

5. **Related Applications** **2011-7119; 2011-7170; and 2011-7507**
- A. **FILE #:** 2011-7119
Location: **803-809 Eleventh Ave.** (APN: 110-45-001 through 008)
Proposed Project: **Major Moffett Park Design Review** for the addition of about 200,000 s.f. Building 5 at the Ariba/Moffett Towers campuses. Project includes Green Building LEED Gold incentive resulting in 80% Floor Area Ratio, and requires modification to the existing development agreement (Planning Application 2011-7507).
Applicant / Owner: Jay Paul Company / Moffett Park Dr. LLC & Moffett Towers LLC
Environmental Review: Mitigated Negative Declaration
Staff Contact: Steve Lynch, 408-730-2723
slynch@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 13, 2011.*
- B. **FILE #:** 2011-7170
Location: **1100-1180 Enterprise Way** (APN: 110-57-001 through 006)
Proposed Project: **Major Moffett Park Design Review** for modification of Building 'D' at the Moffett Towers campus (net increase of about 125,000 s.f.). Project includes Green Building LEED Gold incentive resulting in 80% Floor Area Ratio, and requires modification to the existing development agreement (Planning Application 2011-7507).
Applicant / Owner: Jay Paul Company / Moffett Towers Lot 3 LLC.
Environmental Review: Mitigated Negative Declaration
Staff Contact: Steve Lynch, 408-730-2723
slynch@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 13, 2011.*
- C. **FILE #:** 2011-7507
Locations: **1) 990-1080 Enterprise Way and 803-809 Eleventh Ave.; 2) 1100-1180 Enterprise Way**
Proposed Project: Modification to two Development Agreements between the City of Sunnyvale and: 1) Moffett Park Dr. LLC and Moffett Towers LLC; and 2) Moffett Towers Lot 3 LLC and Performance Review of said Development Agreements
Applicant / Owner: Jay Paul Company
Environmental Review: Mitigated Negative Declaration
Staff Contact: Trudi Ryan, 408-730-7440
tryan@ci.sunnyvale.ca.us
Notes: *This item is scheduled to be considered by City Council on September 13, 2011.*

Steve Lynch, Senior Planner, presented the staff reports for Agenda Items 5.A. and 5.B. as one report with separate motions for each agenda item. **Trudi Ryan**, Planning Officer, presented the staff report for agenda item 5.C. regarding the Development Agreements.

Comm. Chang asked staff about the various environmental review documents including the 2003 Moffett Park Specific Plan (MPSP) Environmental Impact Report (EIR), the subsequent 2006 Moffett Towers EIR, and the current Mitigated Negative Declaration (MND). Mr. Lynch discussed how the Development Reserve was evaluated in the environmental documents. He noted that a Major Moffett Park Design Review would not typically require a new EIR. **Kathryn Berry**, Senior Assistant City Attorney, summarized that there was a Program EIR for the Specific Plan, and noted that EIRs do not really go out of date, however there is sometimes a need to study further details, disclosing what is new.

Comm. Sulser asked staff about the traffic study, and what a load factor is relative to transit access. Mr. Lynch noted that Fehr and Peers, author of study, was present and could better answer the question. Mr. Lynch noted that **Jack Witthaus**, the Transportation and Traffic Manager was present to answer questions. Comm. Sulser asked about the pedestrian walkway that is to be eliminated on the Ariba campus. Mr. Lynch explained that the Traffic Impact Analysis (TIA) also reviewed on-site access and noted that there are still efficient pathways and there is not a significant impact due to the removal. Ms. Ryan said walkway went across where the building is going to be located and a new path will go around the building.

Vice Chair Larsson asked about the loss of parking if and when the Mary Avenue extension is built, how the site could increase garage capacity and what is the approval process. Mr. Lynch said it would be a staff level approval.

Chair Hendricks asked about page 14 of the environmental review section asking for clarification on the findings that have already been certified. Mr. Lynch said this is purely a disclosure and these are the statements made in 2003. Ms. Berry confirmed what Mr. Lynch said noting that the EIR studied the entire MPSP, and disclosed what all the impacts would be if the entire plan were built, adding that this is appropriate for a programmatic EIR. Ms. Berry stated that Mr. Lynch provided a good analysis in the MND. Ms. Ryan clarified data about Moffett Park, that it is 1,100 acres, build out is at about 24.33 million sf., and that the development reserve started out in the 5 million sf. range. Chair Hendricks suggested a map be provided to go with the traffic intersection conditions of approval. He asked how Mary Avenue would affect these developments. Ms. Ryan stated that the Mary Avenue extension is a planned project and is part of the City's General Plan. She said should there be a decision in the future to not pursue the Mary Avenue extension that the City Council would have make other plans, however the current plan is to build the Mary Avenue extension. She clarified that the 2035 date and budget, with the Valley Transportation Authority (VTA) plan reflecting projects for which

there is budget, include the Mary Avenue extension. Ms. Ryan confirmed Chair Hendricks' observation that buildings will be built before the Mary Avenue extension. Ms. Berry stated that it was not untypical that interim improvements occur while other larger projects are on their way.

Chair Hendricks opened public hearing.

Janette Sammartino, Jay Paul Company, said they were excited to contribute to Sunnyvale's vision to bring large quantities of green development and attract high quality tenants, including Hewlett Packard, Microsoft, Motorola Mobile and most recently Google. She said they desire to develop high quality office space and are requesting the additional 10% FAR (Floor Area Ratio) for a higher level of green. She said the existing entitlements were LEED (Leadership in Energy and Environmental Design) Silver—by granting additional square footage, and all of the existing improvements will be brought up to LEED Gold. Ms. Sammartino said they will tap into the development reserve right next to the transit. She introduced **Tom Gilman** with DES Architects. Mr. Gilman provided a PowerPoint presentation noting the additional building area and showing the site plans and architectural renderings, discussing the details of the project. He addressed the question of the diagonal walkway with direct pedestrian connectivity. He highlighted the one level of underground parking noting that after the Mary Avenue extension goes in there will be the underground parking level, surface parking, and two and a half additional parking levels. He explained that the Ariba campus has the same architecture as the proposed building, and the identical footprint with one additional level. He said one difference is that they have added some changes for passive cooling. Mr. Gilman mentioned the adjustments made since the study session to the landscaping, the color of the buildings, and the additional horizontal metal architectural accents. Mr. Gilman discussed Building D on parcel 3 (Agenda item 5.B), the additional parking structure, and that the architecture is the same for the building, just a little wider. **Franziska Church**, with Fehr and Peers Transportation Consultants, discussed what bus load factor is.

Comm. Chang asked if the glass for the proposed building would be the same as the existing building. Mr. Gilman explained the glass would be a more energy efficient glass, but would be about the same color. Comm. Chang asked what trees could be used near the parking structure. Mr. Gilman said they are looking at something more columnar. Comm. Chang asked about the Conditions of Approval regarding traffic and the effects if there is a delay on the Mary Avenue project. Ms. Church said Fehr and Peers discussed impacted intersections in the study and that there are alternate plans to be implemented in the meantime.

Chair Hendricks said he thinks the buildings are nice and the project is working within the City's framework. He asked for more information about the three intersections along Mathilda which Mr. Witthaus explained. Mr. Witthaus said there is a two-pronged part of the

transportation plan for the area: improvements for Mathilda and 237 in the shorter term, and then the Mary Avenue extension for the longer term. Chair Hendricks asked for a ball park schedule for the short term mitigation. Mr. Witthaus explained that the first project was on hold pending the outcome of Mary Avenue extension project, but possibly three to five years. Chair Hendricks asked for clarification on some of the different intersection measures. Ms. Sammartino described the current flashing signal that could be activated for the intersection. Ms. Church explained the mitigation to traffic and signal operations.

Chair Hendricks opened and closed the public hearing.

Vice Chair Larsson made a motion on item 5.A., project 2011-7119 moving for Alternative 1, to recommend to City Council to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review with attached conditions. Comm. Chang seconded the motion.

Vice Chair Larsson said he thinks this is a good and much needed project to build more Class A office space in the City. He said he is glad about the green building LEED Gold level for both the new building and the entire campus. He said he was concerned about the many parking garages; however the benefits of the project outweigh the concern. He said, overall this is a great project for the City and he looks forward to seeing it built.

Comm. Chang said he likes seeing the LEED Gold certification. He said this is a great project, and though there are concerns with transportation that staff seems to be working on the concerns.

Chair Hendricks said he would be supporting the motion. He said he likes the project and that he appreciates that the applicant has tried to do something with the parking structure. He said he does have some concerns regarding traffic. He said he thinks they are bringing in high quality businesses.

ACTION: Vice Chair Larsson made a motion on 2011-7119 to recommend to City Council to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review with attached conditions. Comm. Chang seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This item is scheduled to be considered by City Council at the September 13, 2011 City Council meeting.

Comm. Sulser made a motion on 5.B., project 2011-7170 moving for Alternative 1, to recommend to City Council to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review with attached conditions. Vice Chair Larsson seconded the motion.

Comm. Sulser said this motion is similar to the 5.A. motion. He said the applicant said it well, that this is the place to use the development pool, near transit. He said he thinks adding the new building will make the existing project a better campus.

Vice Chair Larsson said that he thinks it is great to cluster these buildings together as there are some synergies that come with that.

Chair Hendricks said he concurs with Comm. Sulser that it is good to put the development by the light rail, near a transit piece that is available there.

ACTION: Comm. Sulser made a motion on 2011-7170 to recommend to City Council to adopt the Mitigated Negative Declaration and approve the Major Moffett Park Design Review with attached conditions. Vice Chair Larsson seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This recommendation will be forward to City Council to be considered at the September 13, 2011 City Council meeting.

Vice Chair Larsson made a motion on 5.C., project 2011-7507, moving for Alternatives 1, 2 and 5 to recommend to City Council to: 1) confirm the findings in Attachment D and introduce an ordinance to amend the Development Agreement between Moffett Towers LLC/ Moffett Park Dr. LLC and the City of Sunnyvale (Attachment B); 2) confirm the findings in Attachment D and introduce an ordinance to amend the Development Agreement between Moffett Towers Lot 3 LLC and the City of Sunnyvale (Attachment C); 5) find that the developer is in compliance with the terms of the development agreements. Comm. Sulser seconded the motion.

Vice Chair Larsson said that the development agreements are completing what the City has set out to do.

Comm. Sulser said that the development agreements are fairly non-controversial and modify the agreements to be consistent with the green building program and our code.

ACTION: Vice Chair Larsson made a motion on 2011-7507 to recommend to City Council to: 1) confirm the findings in Attachment D and introduce an ordinance to amend the Development Agreement between Moffett Towers LLC/ Moffett Park Dr. LLC and the City of Sunnyvale (Attachment B); 2) confirm the findings in Attachment D and introduce an ordinance to amend the Development Agreement between Moffett Towers Lot 3 LLC and the City of Sunnyvale (Attachment C); 5) find that the developer is in compliance with the terms of the development agreements. Comm. Sulser seconded. Motion carried 6-0, with Comm. Dohadwala absent.

APPEAL OPTIONS: This recommendation will be forward to City Council for consideration at the September 13, 2011 City Council meeting.