



City of Sunnyvale

Meeting Minutes

Planning Commission

Monday, June 12, 2023

7:00 PM

Online and Bay Conference Room
(Room 145), City Hall,
456 W. Olive Ave.,
Sunnyvale, CA 94086

Special Meeting: Study Session - Canceled | Public Hearing - 7:00 PM

STUDY SESSION CANCELED

7 P.M. PLANNING COMMISSION MEETING

CALL TO ORDER

Chair Pyne called the meeting to order at 7:10 PM.

SALUTE TO THE FLAG

Chair Pyne led the salute to the flag.

ROLL CALL

Present: 4 - Chair Martin Pyne
Commissioner John Howe
Commissioner Michael Serrone
Commissioner Neela Shukla

Absent: 3 - Vice Chair Nathan Iglesias
Commissioner Daniel Howard
Commissioner Carol Weiss

The absences of Vice Chair Iglesias, Commissioner Weiss, and Commissioner Howard are excused.

ORAL COMMUNICATIONS

None.

CONSENT CALENDAR

There were no public speakers for this agenda item.

MOTION: Commissioner Howe moved and Chair Pyne seconded the motion to

approve the Consent Calendar.

The motion carried by the following vote:

Yes: 3 - Chair Pyne
Commissioner Howe
Commissioner Shukla

No: 0

Absent: 3 - Vice Chair Iglesias
Commissioner Howard
Commissioner Weiss

Abstained: 1 - Commissioner Serrone

1. [23-0638](#) Approve Planning Commission Meeting Minutes of May 22, 2023
Approve Planning Commission Meeting Minutes of May 22, 2023 as submitted.

PUBLIC HEARINGS/GENERAL BUSINESS

2. [23-0520](#) **CONTINUED FROM MAY 22, 2023**
Forward a Recommendation to the City Council to take the following Actions:
 - a. Adopt a Resolution to establish Citywide Objective Design Standards for Multi-Family Residential and Mixed-Use Developments;
 - b. Repeal the Mixed-Use Development Tool Kit and the High Density Residential Design Guidelines;
 - c. Rename the Citywide Design Guidelines to Non-Residential Design Guidelines;
 - d. Direct the Director of Community Development to administratively update other adopted design guidelines to be aligned with the new Objective Design Standards;
 - e. Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 19.37.020; and,
 - f. Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3).

Associate Planner Kelly Cha and Bruce Brubaker (Principal at PlaceWorks) presented the staff report with a slide presentation.

Commissioner Serrone spoke in support of the flexibility that the points system will allow. He added that, at the same time, the standards will meet state requirements and will allow for the discretion of the Planning Commission and City Council. He confirmed with Principal Planner Michelle King that the objective standards will provide a clear expectation for projects and that developers may employ waivers

and exceptions through state law.

Commissioner Shukla received clarification on the points system from Associate Planner Cha, Mr. Brubaker, and Greg Goodfellow (Senior Associate II at PlaceWorks). They explained to Commissioner Shukla that while the points system exists, many of the standards do not include points systems. Associate Planner Cha added that after adoption, the objective design standards will be applied to multiple projects and likely undergo revisions for improvement.

Chair Pyne confirmed with Associate Planner Cha that, following the adoption of the objective standards, staff reports for proposed projects reviewed by the Planning Commission will include an Objective Design Standards Checklist as an attachment.

Chair Pyne opened the Public Hearing.

Dash Leeds, Conservation Organizer for the Sierra Club's Loma Prieta Chapter, noted that it would have been ideal for the upper limit of the correlated color temperature of outdoor light sources to be 2,700 Kelvin instead of 3,000 Kelvin. He also stated that an upper limit of 2,400 Kelvin should be enforced for areas near sensitive habitats and that he looks forward to providing additional input for the City's Dark Sky Ordinance.

Chair Pyne closed the Public Hearing.

MOTION: Commissioner Howe moved and Commissioner Shukla seconded the motion to approve Alternative 1 – Recommend that City Council take the following actions:

- a.) Adopt a Resolution to establish Citywide Objective Design Standards for Multi-Family Residential and Mixed-Use Developments;
- b.) Repeal the Mixed-Use Development Tool Kit and the High Density Residential Design Guidelines;
- c.) Rename the Citywide Design Guidelines to Non-Residential Design Guidelines;
- d.) Direct the Director of Community Development to administratively update other adopted design guidelines to be aligned with the new Object Design Standards;
- e.) Introduce an Ordinance to Amend Sunnyvale Municipal Code Section 19.37.020; and,
- f.) Find that the Action is Exempt from CEQA Pursuant to CEQA Guidelines Section 15061(b)(3).

Commissioner Howe shared that he is pleased to see some flexibility in the standards, commended staff on a job well-done, and urged the other Planning Commissioners to support the motion.

Commissioner Shukla spoke in appreciation of staff's hard work on the Objective Design Standards Checklist and the points system. It is for these reasons that she was in support of the motion.

Chair Pyne revealed his support of the motion and echoed comments made by Commissioner Howe and Commissioner Shukla. He added that the standards provide a greater degree of certainty for developers and simultaneously provides flexibility.

The motion carried by the following vote:

Yes: 4 - Chair Pyne
Commissioner Howe
Commissioner Serrone
Commissioner Shukla

No: 0

Absent: 3 - Vice Chair Iglesias
Commissioner Howard
Commissioner Weiss

This recommendation will be forwarded to the City Council for consideration at the June 27, 2023 meeting.

3. [23-0500](#)

CONTINUED FROM MAY 8, 2023

Proposed Project:

Forward recommendation to the City Council related to the Moffett Park Specific Plan (MPSP) to:

- A. Adopt a Resolution (Attachments 5 and 7) to
 1. Certify the Environmental Impact Report (EIR);
 2. Make the findings required by California Environmental Quality Act (CEQA);
 3. Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;
 4. Adopt the Water Supply Assessment;
 5. Adopt the Amended Moffett Park Specific Plan (with Staff recommended modifications to the draft MPSP detailed in Attachment 9);
 6. Amend the General Plan text and update the General Plan

- Map; and
7. Update the Green Building Program Table.
- B. Adopt a Resolution (Attachment 6) to:
1. Amend the Fiscal Year 2022/23 Master Fee Schedule to adjust the MPSP Planning Application Fees, including the addition of the MPSP Maintenance Fee, the MPSP Infrastructure Fee and the MPSP Transportation Impact Fee (TIF).
- C. Introduce a Draft Ordinance (Attachment 8) to:
1. Repeal and Re-Adopt Sunnyvale Municipal Code (SMC) Chapter 19.29 (Moffett Park Specific Plan) and make other amendments to Title 19 (Zoning) to implement the MPSP.
 2. Add SMC Chapter: 3.56 (MPSP Transportation Impact Fee) to Title 3 (Revenue and Finance); and
 3. Amend the Zoning Plan District Map and re-zone parcels currently within the new MPSP district.

Location: Existing Plan: Moffett Park Specific Plan
File number: 2018-7715 (Moffett Park Specific Plan)

General Plan Designation:
Existing: Moffett Park Specific Plan
Proposed: Moffett Park Specific Plan

Zoning:
Existing Zoning:
MP-I: Industrial
MP- TOD: Transit Oriented Development
MP-C: Commercial

Proposed MPSP Zoning Districts:
MP-AC: Activity Center
MP-R: Residential
MP-MU: Mixed Use
MP-O1: Office 1
MP-O2: Office 2
MP-E1: Mixed Employment 1
MP-E2: Mixed Employment 2
MP-E3: Mixed Employment 3
MP-H: Hospitality
MP-PF: Public Facilities

Proposed Combining District
ECD: Ecological Combining District

Applicant: City of Sunnyvale
Environmental Review: Environmental Impact Report (SCH # 20210880338)
Project Planner: Michelle King, 408-730-7463, mking@sunnyvale.ca.gov

Principal Planner Michelle King and Amber Sharpe (Project Manager at David J. Powers & Associates) presented the staff report with a slide presentation.

Commissioner Shukla and Principal Planner King discussed potential uses for spaces in the Plan Area that are designated for creation and innovation. Principal Planner King confirmed that commercial kitchens are permitted in these spaces. She also advised that the Planning Commission may recommend that these spaces also permit beauty schools and art galleries that showcase and produce art as requested by Commissioner Shukla.

Commissioner Serrone disclosed that he has met with representatives from both Google and Miramar Capital on several occasions to discuss the Moffett Park Specific Plan (MPSP). He also commended staff, the stakeholders, and community organizations for their amazing work on the MPSP.

Commissioner Serrone shared his concerns about whether the MPSP considered the effects of work-from-home practices, the price of real estate, and whether population growth will be steady. He also confirmed with Principal Planner King that the wastewater treatment plan is not considered part of the MPSP since it will follow a separate master planning process.

Commissioner Serrone proposed the expansion of the definition of “neighborhood-serving uses” to reserve space for retail development within the Plan Area in the future. He also provided examples of types of retail developments and discussed the importance of retail that will be accessible to those that will reside and work in the Plan Area.

Commissioner Serrone voiced his concerns about innovation and maker spaces within Class A office spaces. In response, Principal Planner King advised that staff may define a maker space with retail use as a space in which individuals collaborate or use shared spaces and equipment.

Commissioner Serrone confirmed with Principal Planner King that multiple developers may contribute to an aggregate innovation space.

Commissioner Serrone shared his observation that, due to market trends and our current economic climate, spaces that are not considered profitable (i.e., affordable housing, retail, and innovation and maker spaces) will need to be subsidized by more profitable developments. He voiced his concern about housing communities within the Plan Area that will lack accessible amenities or job availability.

Commissioner Serrone received clarification from Principal Planner King regarding the reduction in mass for building developments in the Plan Area as described on page 17 of Attachment 9.

Commissioner Serrone questioned why sensitive compartmented information facilities (SCIF) are exempt from green roof standards, and Principal Planner King explained that this exemption stems from a safety issue. She added that, in addition to SCIFs, other classified buildings with roof access are also exempt from green roof standards.

Commissioner Serrone commented that the inclusion of an open space category in the MPSP is a good idea.

Commissioner Serrone voiced his concerns regarding the MPSP's Diagonal, and Principal Planner King explained that it is included in the plan as an objective standard. She added that housing projects may rely upon state law to waive this requirement, however. Chris Sensenig (Senior Associate at Raimi + Associates) provided additional details on the Diagonal.

Commissioner Serrone stated that the MPSP's goals regarding trip reduction would be more attainable with the inclusion of protected bicycle lanes and bus and shuttle services in addition to restrictions on the number of parking spaces in the Plan Area. Principal Planner King later assured him that the MPSP Transportation Impact Fee (TIF) includes funding for overcrossings into the Plan Area for bicyclists and pedestrians.

Commissioner Serrone confirmed with Principal Planner King that the implementation of district systems is voluntary, but some property owners (including Google) have expressed interest in developing them. Principal Planner King added that the development of these systems will take time.

Commissioner Serrone noted that the absence of schools in the Plan Area is an issue that must be addressed. When he requested additional information on the Ecological Combining District, Principal Planner King advised that a representative of Lockheed Martin would be able to provide this information later during the meeting.

Commissioner Howe and Principal Planner King discussed the objective standards that the MPSP's Diagonal must adhere to. Principal Planner King reiterated that housing projects may follow a different process based on certain criteria in the state's housing laws.

Commissioner Howe confirmed with Principal Planner King that the Planning Commission may include a modification to the staff recommendation which will direct staff to create a broader list of uses for innovation and creation spaces.

Chair Pyne thanked staff for their hard work and effort on the MPSP. He also thanked staff for providing the Planning Commission meeting packet in advance.

Chair Pyne confirmed with Principal Planner King that the Environmental Impact Report (EIR) did not consider a project alternative that accounted for the greenhouse gas impacts that those commuting to the Plan Area would have.

At Chair Pyne's request, Director of Community Development Trudi Ryan provided an overview of how the MPSP aims to achieve its goal of providing 20 percent deed-restricted affordable units in the Plan Area.

Chair Pyne spoke in favor of broadening the definition of creation to expand the allowed uses for creation and innovation spaces.

Chair Pyne confirmed with Principal Planner King that the Diagonal is addressed in the EIR.

At Chair Pyne's request, Director of Community Development Ryan provided an explanation on the maintenance of public and private infrastructure in certain locations within the Plan Area.

Chair Pyne questioned whether the exceptions to standards that apply to new developments based on special site conditions and constraints (noted in Attachments 8 and 9) are compliant with state housing laws. Mr. Sensenig provided additional clarification on this topic.

At Chair Pyne's request, Principal Planner King and Mr. Sensenig explained why the revision to the MPSP included a one-foot reduction in sidewalk width.

Chair Pyne asked about why the tower separation requirements in the MPSP differ from those in the Sunnyvale Municipal Code (SMC). Principal Planner King stated that this is likely due to the taller buildings that will be developed in the Plan Area as opposed to the rest of City.

Commissioner Shukla confirmed with Principal Planner King that projects that deviate from standards pertaining to the Diagonal may opt for a discretionary

application that will be reviewed by the Planning Commission.

Chair Pyne opened the Public Hearing.

Rani Fischer, Sunnyvale resident and volunteer with the Santa Clara Valley Audubon Society, emphasized the importance of the Plan Area serving as a true Ecological Innovation District to protect and expand existing bird and wildlife habitats and open spaces within the Plan Area. She also proposed the addition of policies to maintain and support biodiversity over time, limit public access to some Baylands levees, prohibit Ebikes and motorized devices (except those that are compliant with the Americans with Disabilities Act (ADA)) on commute trails, and enforce glazing treatment for building facades that face open spaces or water features.

Ray Hashimoto, a Land Use Planner with HMM Engineers and representing Miramar Capital, thanked staff and the Planning Commission for their hard work on the MPSP. He also shared his concerns regarding requirements for the public right-of-way and the Diagonal that would affect the property located at 352 E. Java Drive in the Plan Area. Lastly, he questioned the mid-block crossings on Gibraltar Drive and Geneva Drive.

Perry Hariri, representing Miramar Capital, spoke of the impact that the Diagonal will have upon existing developments in the Plan Area such as his property located at 352 E. Java. He urged the Planning Commission to encourage staff to consider viable solutions for the Diagonal's workability.

Jeff Holzman, Director of Real Estate Development for Google and Sunnyvale, spoke in overall support of the MPSP and thanked those involved. At Chair Pyne's request, Mr. Holzman provided an explanation on the minimum setbacks he proposed in his letter to the Planning Commission dated June 9, 2023. When Chair Pyne inquired about the impact that Google's office space footprint reduction will have upon their planned developments in the Plan Area, Mr. Holzman responded that Google will ensure that their real estate investments match the future needs of their hybrid workforce.

Kevin Choy, representing Harvest Properties in the Plan Area, expressed his gratitude to staff and the Planning Commission for their work on the MPSP. He advised that the most recent iteration of the MPSP identifies a 75-foot setback on their property which will result in a reduction to the number of units they may build. He urged staff, the Planning Commission, and the City Council to reconsider this setback and propose a more reasonable alternative.

Janette D' Elia, COO of Jay Paul Company, thanked staff for their continued efforts to update the MPSP and stated that while Jay Paul Company is generally supportive of the MPSP, they also have concerns about the lack of public access easements to private roads, inequity between property owners to the east and west of Mathilda Avenue, and innovation and creation space requirements that infill building is subject to.

Gita Dev, member of the Loma Prieta Chapter of the Sierra Club, shared her concerns regarding the definition of privately owned, publicly accessible open space and the incorporation of biotech developments in the Plan Area since there are four different types of biotech laboratories, each with different safety levels.

Tom Green, Director of Real Estate at Lockheed Martin, spoke in support of the great work staff has done in creating the MPSP. He also provided an overview of Lockheed Martin's history within the Plan Area, and he shared his concerns regarding the creation and innovation space requirements and green roof standards that Lockheed Martin would be subject to. Lastly, he echoed comments made by Ms. D'Elia regarding the inequity between property owners to the east and west of Mathilda Avenue.

Naomi Goodman, environmental scientist with a background in hazardous chemicals, site investigation, risk assessment and remediation, expressed her concerns that the MPSP and Final Environmental Impact Report (FEIR) do not give enough consideration to the risks of legacy chemical contamination of soil and groundwater to future residents and workers in the Plan Area. She urged the City to err on the side of caution by screening for likely contaminants in all areas of the site slated for development.

Susan DesJardin, member of the Sierra Club's Loma Prieta Chapter and Bay Alive program, questioned the EIR for finding no significant impact on parks, open space, and wildlife in the Plan Area. She also stressed that since trail use will negatively impact wildlife in the Plan Area, public use should be limited on some of the secondary levee trails and Ebikes should be banned on most of the levee trails.

Kenneth Javier-Rosales, representing SV@Home, spoke in support of the MPSP since it is conscious of environmental issues, aims to protect local ecology, capitalizes on infill development, and includes the development of homes near transit. He added that certain areas of the MPSP still need attention, including the tiering system for how affordable housing will be prioritized and incentivized.

Gail Rubino thanked City staff and the Planning Commission for their efforts on the MPSP and commended the City for increasing its percentage of affordable housing units in the Plan Area from 15 percent to 20 percent. Ms. Rubino added that the Plan Area should include enough retail, including a large grocery store, and shuttles connecting it to the rest of the City to enhance the community and serve the large number of residents that is expected to be there.

Kerry Haywood, representing Moffett Park Business Group, expressed her gratitude for revisions to the MPSP and shared her confidence in the vision of an Ecological Innovation District. Additionally, Ms. Haywood proposed alternative ideas for the MPSP including incentivized development of innovation and creation spaces in appropriate areas throughout the Plan Area; preservation of existing spaces that could serve as a community benefit or credit against City fees; incentivized inclusion of green roofs on new developments; and reevaluation of trip reduction goals.

Chair Pyne closed the Public Hearing.

Chair Pyne confirmed with Principal Planner King that the prohibition of Ebikes or modifications of trails within the Plan Area are outside of the City's purview.

Chair Pyne confirmed with Principal Planner King that the Diagonal will connect to improvements in the public right-of-way to provide secure access through intersections for bicyclists and pedestrians.

Chair Pyne confirmed with Principal Planner King that although property owners in the Plan Area with restricted or secure campuses will not be expected to build innovation and creation spaces on those campuses, there are ways for these property owners to still meet the space requirements.

Commissioner Serrone deliberated upon open spaces as defined by the City with Principal Planner King and Director of Community Development Ryan. They also discussed requirements for open spaces and considered the conversion of existing open spaces to ecological features.

Commissioner Serrone commented that, in his opinion, it is counterintuitive to prohibit Ebikes on Plan Area trails since these bicycles are likely being used as a means for transportation instead of vehicles.

Commissioner Serrone confirmed with Principal Planner King that Ms. Goodman's concerns regarding soil contamination will be addressed since future developments

will be subject to requirements by regulatory agencies.

Commissioner Serrone confirmed with Principal Planner King that the site master plan allows for some flexibility in the requirements for new developments on the Diagonal.

Commissioner Shukla confirmed with Director of Community Development Ryan that there is expected to be a combination of park dedication and park fees in the Plan Area. These fees will both benefit parks in the Plan Area and the enhancement and renovations of other Citywide parks.

MOTION: Commissioner Howe moved and Commissioner Shukla seconded the motion to approve Alternative 2 – Alternative 1, with modifications.

The modifications are stated below:

- 1.) Staff must present to Council a list of additional uses that would be allowed in the required innovation and creation spaces, including but not limited to such things as artists' lofts with some percentage dedicated to a gallery, commercial kitchens, and other creative uses.
- 2.) Staff must include appropriate types of maker space in the spaces designated for retail use.

Commissioner Howe voiced his support of the MPSP and encouraged the Planning Commissioners to support the motion.

Commissioner Shukla described the MPSP as complex, flexible, and innovative. She added that its features and infrastructures will bring value to the properties in the Plan Area. Lastly, she shared her appreciation for the public comment letters on the MPSP and stated her belief that the MPSP addressed most of the concerns raised in those letters.

Commissioner Serrone spoke in support of the motion and stated that the MPSP is a huge step for the City due to its ability to provide housing opportunities and create an of Ecological Innovation District.

Chair Pyne stated that he is in favor of the motion and commended the MPSP for adding a large amount of housing and commercial space in the Plan Area in addition to a pedestrian- and bicycle-friendly Diagonal. Lastly, he thanked all those involved with making the MPSP possible.

The motion carried by the following vote:

Yes: 4 - Chair Pyne
Commissioner Howe
Commissioner Serrone
Commissioner Shukla

No: 0

Absent: 3 - Vice Chair Iglesias
Commissioner Howard
Commissioner Weiss

This recommendation will be forwarded to the City Council for consideration at the July 11, 2023 meeting.

STANDING ITEM: CONSIDERATION OF POTENTIAL STUDY ISSUES

None.

NON-AGENDA ITEMS AND COMMENTS

-Commissioner Comments

Commissioner Howe confirmed with Planning Officer Shaunn Mendrin that the absences of Vice Chair Iglesias, Commissioner Weiss, and Commissioner Howard are excused.

-Staff Comments

Planning Officer Mendrin advised the Planning Commissioners of a training that will be offered by the Department of Public Safety regarding the security of the Council Chambers and Bay Conference Room. This training is scheduled to take place on Tuesday, July 25, 2023 at 6 p.m.

ADJOURNMENT

Chair Pyne adjourned the meeting at 10:07 PM.