
From: Patricia Fox <[REDACTED]>

Page 1 of 62

Sent: Monday, June 5, 2023 7:11 AM

To: Kelly Cha <KCha@sunnyvale.ca.gov>

Subject: Re: PC Report Available for Early Public Review

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Greetings,

Given the current and anticipated continuing vacancy rates for the recently constructed office buildings along Mathilda and Central Expressway, are more offices necessary? It seems that the large tenants are paying the landlords for empty space now. As the contracts expire and the work-from-home tendency remains, there will be more empty buildings.

Perhaps it is time to rethink the growth statistics for Sunnyvale. Fees have risen as the population has grown tremendously. Why is there no economy of scale?

And the lack of water and electricity and expensive but inefficient recycling programs exacerbate the problem. Traffic continues to be problematic along Mathilda and Mary. The so-called easing/calming actually creates conflict as people attempt to merge. These things degrade the quality of life here.

The question, "How will any of this improve the quality of life in Sunnyvale" should be asked.
Best Regards, Pat Fox

From: Kenneth Rosales <[REDACTED]>
Sent: Wednesday, June 7, 2023 6:51 PM
To: PlanningCommission AP; Richard Mehlinger; Alysa Cisneros; [REDACTED]; Larry Klein; Russ Melton; Linda Sell; Murali Srinivasan; Omar Din
Cc: Regina Celestin Williams; Mathew Reed; [REDACTED]; [REDACTED]; Trudi Ryan; Michelle King
Subject: Re: Moffett Park Specific Plan, May 8th Planning Commission and May 16th City Council Hearings
Attachments: [Final_SVH_HAC_MPSP Letter to PC and Council_5.8.2023.pdf](#)

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.
Hello City of Sunnyvale City Council and Planning Commissioners,

On behalf of SV@Home and the Housing Action Coalition, I would like to re-submit to you the attached joint letter on the Draft Moffett Park Specific Plan we sent back on May 8th, 2023. Our core concerns remain the same and we plan to meet with City Councilmembers to make more concrete recommendations, along with an additional letter with suggested Plan language. We will be unable to participate in tomorrow's Planning Commission meeting since SV@Home will be at an all-staff retreat, so we re-submit the attached as part of our testimony.

Please let me know if you have any questions! Thank you.

Best,

Kenneth Javier-Rosales (He/Him)
Program Manager | SV@Home

[REDACTED] | [REDACTED]
Silicon Valley Is Home. Join our Houser Movement.
[Become a member!](#)
350 W Julian St. #5, San José, CA 95110
[Website](#) [Facebook](#) [LinkedIn](#) [Twitter](#)

From: Kenneth Rosales
Sent: Monday, May 8, 2023 2:55 PM
To: PlanningCommission AP <PlanningCommission@sunnyvale.ca.gov>; Richard Mehlinger <[REDACTED]>; Alysa Cisneros <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; Linda Sell <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>
Cc: Regina Celestin Williams <[REDACTED]>; Mathew Reed <[REDACTED]>; [REDACTED] <[REDACTED]>; [REDACTED] <[REDACTED]>; Michelle King <MKing@sunnyvale.ca.gov>; Trudi Ryan <tryan@sunnyvale.ca.gov>
Subject: Moffett Park Specific Plan, May 8th Planning Commission and May 16th City Council Hearings

Hello City of Sunnyvale City Council and Planning Commissioners,

On behalf of SV@Home and the Housing Action Coalition, I would like to submit to you the attached joint letter on the Draft Moffett Park Specific Plan.

Please let me know if you have any questions! Thank you.

Best,

Kenneth Javier-Rosales (He/Him)
Program Manager | SV@Home



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TRANSMITTED VIA EMAIL

May 8, 2023

Mayor Klein, Vice Mayor Din, Sunnyvale City Council,
and Sunnyvale Planning Commission
456 West Olive Avenue
Sunnyvale CA 94088-3707

**Re: Moffett Park Specific Plan, May 8th Planning Commission and May 16th
City Council Hearings**

Dear Mayor Klein, Vice Mayor Din, Sunnyvale City Council, and Sunnyvale
Planning Commissioners,

On behalf of SV@Home, we write to you today regarding the Moffett Park Specific Plan (MPSP). We would like to commend your leadership and staff's efforts for envisioning a Moffett Park that will transform this underutilized part of the city into an exciting mixed-use, Eco-Innovation District accessible to the full diversity of people who live and work in Sunnyvale. This is the unifying vision we have seen the plan improve over time. SV@Home has been part of this process since the beginning roughly five years ago, and we are excited to reach the end of this long, complicated, and ultimately rewarding undertaking.

SV@Home is committed to the success of this Plan and that is why we are writing to share our remaining concerns. The plan recognizes that expanding access to the opportunities and resources of Moffett Park will require the inclusion of homes affordable to residents of all incomes. We have outlined our core concerns about what we see as limits to the feasibility and the strategies of meeting the Plan's affordable housing targets in multiple letters (please refer to our letters [here](#) and [here](#)), and meetings with Staff, and several City Councilmembers.

Our specific recommendations at this stage can be summarized in four points:

- **Make the 15% affordable target a requirement, with opportunities for deeper levels of affordability, rather than depending on the city's current Inclusionary BMR Rental Housing Program.**
- **Make MPSP the preferred investment area for any Commercial Linkage Fee collected within the MPSP area.**

Date: May 8, 2023

Re: Moffett Park Specific Plan, May 8th Planning Commission and May 16th
City Council Hearings

- **Prioritize affordable housing and clarify the metrics that will be used to calculate the allocation of the community benefits funded by the commercial density bonus fees.**
- **Reduce the City's development fees for affordable housing within the plan area.**

We would like to raise an additional concern we feel reinforces our earlier comments. The MPSP was developed around the assumption of the attractiveness of commercial office development in a vibrant Silicon Valley economy. In the wake of the COVID-19 pandemic, which actually began prior to the rise of remote work, the demand for office space has been significantly reduced. (See [CBRE 2023 outlook](#), and [here](#) on recent vacancy trends.) In addition, Sunnyvale has a very active pipeline of nine million square feet of office approved or under construction as of our most recent data from January, 2022. (For context — this is an estimated 30,000 new jobs approved, and 3,700 new homes. Roughly nine jobs for every new home).

In the MPSP, affordable housing development is dependent on the Housing Mitigation Fee and the bonus structure of the Community Benefits Program to fund affordable housing, both of which are directly tied to commercial office development.

We believe this makes our recommendations even more important. We have expressed significant concerns that the Plan's dependence on the City's relatively recently adopted 15% Inclusionary BMR Rental Housing Program, which by law must provide alternative ways of mitigating the 15% requirement. Of primary concern is that currently the requirements may be met by paying an in lieu fee, or building/funding affordable housing elsewhere in the city, which will not achieve the stated goal of the Plan. On the other hand, some of the alternative mitigations listed in the program, such as land dedications commensurate in value, would allow for the potential of both more affordable units and deeper levels of affordability in these units. This would allow a mix of inclusionary units integrated into market residential and stand-alone, 100% deed-restricted affordable housing that leverages additional public resources. Without this clear 15% requirement in the Plan, the area may develop without the desired integration of affordable homes.

Similarly the expected limits on commercial fees and the fees from bonus commercial development will mean that these fees will be scarce and of greater importance to the ability to build the desired affordable housing. Prioritizing both will be doing what we can to reach the shared goals. There are many priorities in the Plan, all of which are valuable, but if this is not an economically and racially integrated new community, a significant portion of the Sunnyvale community will be excluded from full enjoyment of the rich resources that are being planned.

Date: May 8, 2023

Re: Moffett Park Specific Plan, May 8th Planning Commission and May 16th
City Council Hearings

Another tool we have suggested is to reduce city development fees for affordable housing within the plan area. This tool can incentivize developers to build more affordable units by minimizing their permitting costs.

We are excited to reach the completion of this planning process and are hopeful we can be seen as a resource to reach the vision of an inclusive Moffett Park where all Sunnyvale residents have the opportunity to live and prosper in this future Eco-Innovation District. Moffett Park is going to be a magnificent place and it has a huge opportunity to serve as a regional model for inclusiveness and accessibility.

Please do not hesitate to contact us for any questions you may have.

Sincerely,

Regina Celestin Williams

Executive Director

SV@Home

Corey Smith

Executive Director

Housing Action Coalition

LMC Properties, Inc.
100 South Charles Street, Suite 1400 Baltimore, MD 21201
Telephone: [REDACTED] Facsimile: [REDACTED]



June 9, 2023

Mayor and Planning Commissioners
City of Sunnyvale, CA

RE: Moffett Park Specific Plan

Dear Mayor and Planning Commissioners:

Lockheed Martin supports the great work the Mayor, Council and staff have done creating the Moffett Park Strategic Plan (MPSP). The bold plans put together by staff and their consultants can truly make Moffett Park an example of a modern ecological innovation district with the 24-hour vibrance of a live / work / play community.

Lockheed Martin is unique in Moffett Park because we originally anchored the park over 60 years ago. Lockheed Martin is the company that first pioneered the partnership between industry and research universities that would later fuel the creation of Silicon Valley. We originally occupied 600 acres west of Matilda, and most of the infrastructure in this area was installed with Lockheed Martin capital. Lockheed Martin still owns 314 acres, which is over 20% of the total Moffett Park. We have over 4000 contractors and employees on site supporting cutting edge high-tech manufacturing of the U.S. government's most sophisticated programs that are critical to national security. Our investment at the site is immense and ongoing with an investment of \$156M between 2020 -2023. While we are heavily involved in the research, development and use of groundbreaking technology, we differ from the software/internet tech companies that now dominate Silicon Valley. As an aerospace and defense contractor and manufacturer, our very high security standards are dictated by the Pentagon and threats to the security of our site are considered threats to national security. As a defense contractor, every contract is **competitively won**. Cost is often the deciding factor, therefore we cannot add costs to the already high cost of manufacturing in the Silicon Valley. We are a long-term player having been in Sunnyvale for 60 years and plan to be here another 60 and beyond.

Lockheed Martin wholeheartedly supports the update to the MPSP. We welcome a more vibrant, connected Moffett Park and the opportunity for our employees to live in Moffett Park and enjoy a car less commute. While the overall plan is groundbreaking, Lockheed's unique position as a high tech manufacturer, leads us to request a few specific modifications:

- a. If LMC is to allow public access to our 87 acre bayfront green space, we must be assured that we would not have any responsibility for improvements or maintenance of this area.
- b. Lockheed Martin's core campus is fenced and subject to Department of Defense security requirements. We can not have third party tenants in this area. We therefore should be exempt from Creator Space requirements if we add buildings to our core campus.
- c. Because of our Department of Defense security requirements, the maintenance of green roofs above classified buildings is problematic. We should have an exemption to substitute maintenance free cool roofs.

Further, the historical inequitable City policy between East and West of Matilda should be ended:

LMC Properties, Inc.
100 South Charles Street, Suite 1400 Baltimore, MD 21201
Telephone: [REDACTED] Facsimile: [REDACTED]



Infrastructure West of Matilda has historically been treated differently than the infrastructure of Moffett Park East of Matilda. This goes back to West of Matilda originally all being owned by Lockheed Martin and the Navy in a secure campus with no public access. All the roads and infrastructure, including the stormwater system and pumps were private. A lot has changed over the last 60 years. Now Lockheed only owns half of the area west of Matilda. The other half is owned by multiple corporations and developers and is the largest employment center in Moffett Park. We think the MPSP is the appropriate time to update City policy to this new reality and treat West of Matilda equitably with East of Matilda. After all, property owners West of Matilda pay the same tax rates as East of Matilda. Of the three Stormwater pump stations in Moffett Park, the two East of Matilda are operated by the City, but the one West of Matilda, though located on City land, has been operated for 60 years by Lockheed Martin. Likewise all roads East of Matilda are dedicated to the City. Roads West of Matilda outside Lockheed's campus are open to the public, but have not been allowed to be dedicated to the City. This is both inequitable and creates public safety issues. We think this policy should be ended with the MPSP. The roads and stormwater pumps should be allowed to be dedicated to the City along with new roads created by the future redevelopment the MPSP allows.

Sincerely

Thomas M. Green
Director of Real Estate

CC: Michelle King, City of Sunnyvale Planning Department



Google LLC
1600 Amphitheatre
Parkway
Mountain View, CA 94043

main
Google.com

June 9, 2023

Planning Commission
City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94086

RE: Agenda Item #3: Moffett Park Specific Plan

Dear Chair Pyne, Vice Chair Iglesias, and Commissioners,

Google is excited by the City's vision for an Eco-Innovation District in Moffett Park, and would like to thank the community, city leadership, City Council and City Commissions for their continued efforts to create a vibrant, forward-looking plan for Sunnyvale. In particular, we thank city staff for their efforts in crafting the Moffett Park Specific Plan.

Google supports the goals of the Moffett Park Specific Plan to create an integrated, accessible, and climate resilient mixed-use neighborhood that serves Sunnyvale and the region, and we encourage the Planning Commission to support and approve the Plan.

As we share with the City and others the collective vision and goals of the Plan, we also recognize there are challenges that inevitably come with taking an exciting ambition across 1,200 acres and turning it into an executable reality. This includes balancing prescriptive detail and land use regulation in the Plan with flexibility, so that the Plan is responsive to future changes in the market, design and innovation, and people and business preferences.

In addition, there are moments in the Plan where the level of prescribed detail may detract from the character of the place, and can have an adverse impact on the total number of new homes. For example:

- Laneway widths: We agree that laneways are an important tool to encourage porosity and connection, and foster breaks in facade lengths and architecture

to enhance the character of the neighborhood. However, we believe that the 50' minimum is wider than necessary and could impact the Plan's goal to enable a more walkable, vibrant neighborhood, resulting in a sense of disconnection between the buildings. We recommend a 40' laneway width, to get that right balance of separation, connection, place and yield.

- Minimum setbacks: We applaud the City's focus on ecological priorities in the Plan, and agree that setbacks in various locations offer important opportunities for increased landscaping, tree canopy coverage, and reduced heat island effect. However, we also believe the 18-20' minimum setbacks everywhere, create potentially too much distance between the building and the streets, leading to reduced vibrancy and sense of walkability. We recommend a 10' setback where it makes sense.
- Tower separations: In a neighborhood looking for a fine grain pattern and smaller, walkable blocks while also offering opportunities for needed housing, we believe the current requirement on increased tower separations of 120' could have unintended consequences that lead to reduced residential yield. We recommend maintaining the current City code which requires a minimum of 41' between buildings of 90' in height, and increases as buildings get taller.

While some of these numbers may seem small, together they can add up to have an outsized impact on place, yield, and financial feasibility on a project moving forward.

Many of these topics can be more specifically addressed in the Site Master Plan design process to come. We also encourage flexibility in the Plan and the Site Master Plan process, to enable landowners to propose site-specific design responses in the Site Master Plan where appropriate, that recognize the need to balance our shared long-range goals:

- An Eco-Innovation District that is sustainable, ambitious, and an integral part of Sunnyvale
- New complete neighborhoods within the Eco-Innovation District that encourage connection, belonging, and community
- New housing that offers a significant number of much-needed residences near parks, neighborhood services, and employment opportunities
- New jobs that help create the innovations of tomorrow
- Financial viability so that interested landowners can move forward with projects that will help bring into fruition the Eco-Innovation District that the Specific Plan imagines.

While development today is more challenging than it may have been in recent years due to the current economic conditions, Google is committed to upholding the vision and long range principles of the Moffett Park Specific Plan.

If the Specific Plan Update is approved by the Planning Commission, it will be a big next step to getting closer to making the City's vision for Moffett Park a reality.

Sincerely,

A handwritten signature in black ink that reads "Jeff Holzman". The signature is written in a cursive, slightly slanted style.

Jeff Holzman
Director, Real Estate District Development
Real Estate & Workplace Services (REWS)

cc: Michelle King
Shaunn Mendrin
Trudi Ryan
Connie Verceles

From: Barbara Kelsey <[REDACTED]>
Sent: Friday, June 9, 2023 2:04 PM
To: PlanningCommission AP; CityClerk AP
Cc: James Eggers; [REDACTED]; Jennifer Hetterly; Gladwyn d'Souza; Eileen McLaughlin; Susan DesJardin; Naomi Goodman
Subject: Re: Monday June 12th, Agenda Item 3, Moffett Park Specific Plan and Final Environmental Impact Report
Attachments: [MPSP FEIR joint letter 5.25.23.pdf](#)

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June 9th, 2023

Planning Commission and City Council
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086
Via email to: PlanningCommission@sunnyvale.ca.gov
cityclerk@sunnyvale.ca.gov

The Sierra Club Loma Prieta Chapter, Bay Alive, Santa Clara Valley Audubon Society, and Citizens Committee to Complete the Refuge are pleased to share our letter of May 25th to Principal Planner King for your review and consideration at the Planning Commission's June 12th hearing on the Moffett Park Specific Plan and Final Environmental Impact Report.

Due to the Moffett Park Specific Plan (MPSP) area's proximity to San Francisco Bay, new development in the Plan area raises significant concern about impacts on wildlife, shoreline ecosystems and open space resources as well as community resilience to risks associated with sea level and groundwater rise. We therefore have participated in every opportunity to provide public comment on the Moffett Park Specific Plan as it developed.

Our full comment letter of May 25th highlights our specific areas of continued concern.

Thank you for your consideration of our comments and recommendations.

Sincerely,

James Eggers
Senior Director
Sierra Club Loma Prieta Chapter

Matthew Dodder
Executive Director
Santa Clara Valley Audubon Society

Eileen McLaughlin
Board Member

Citizens Committee to Complete the Refuge

cc:

Gladwyn d'Souza
Conservation Committee Chair
Sierra Club Loma Prieta Chapter

Jennifer Chang Hetterly
Bay Alive Campaign Coordinator
Sierra Club Loma Prieta Chapter

Sent by:

Barbara Kelsey

she/her/hers

Chapter Coordinator

Sierra Club, Loma Prieta Chapter office

3921 E. Bayshore Rd, Suite 204

Palo Alto, CA 94303





May 25, 2023

Michelle King
Principal Planner, Department of Community Development
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086

Re: Moffett Park Specific Plan and Final Environmental Impact Report, File No. 2021080338

Dear Ms. King,

Sierra Club Loma Prieta Chapter, Santa Clara Valley Audubon Society, and Citizens Committee to Complete the Refuge are environmental organizations with interest in the San Francisco Bay and the region's wildlife and natural resources. Due to the Moffett Park Specific Plan (MPSP) area's proximity to San Francisco Bay, new development in the Plan area raises significant concern about impacts on wildlife, shoreline ecosystems and open space resources as well as community resilience to risks associated with sea level and groundwater rise. We therefore have participated in every opportunity to provide public comment on the Moffett Park Specific Plan as it developed.

We commend the diligent work of City staff and its team of consultants to put forth a comprehensive and thoughtful plan for the future of Moffett Park. We acknowledge and appreciate the extensive research, refinement and public process that underlie the MPSP. Nevertheless, the responses to comments in the Final Environmental Impact Report (EIR) and associated updates to the MPSP did not allay several of our concerns. In particular, we find the lack of policies or mitigation to monitor or manage the ecological impacts of increased human activity in shoreline open spaces to be of dire concern and we lament the lost opportunity to protect nature and reverse the degradation of ecosystems as part of this immense plan.

Our comments below highlight specific areas of continued concern with regard to resilience of existing open space and recreation facilities, biological resources and wildlife protection, hazardous contamination, and unique impacts of development of life sciences laboratories. Our recommendations within each issue area separately identify gaps in the Final EIR that need to be addressed and proposed amendments to strengthen and clarify the MPSP's policies and

strategies. For your convenience, Appendix C, attached, provides a consolidated list of our recommendations.

We hope you will consider our comments and recommendations to strengthen the MPSP and better support its vision for an ecological innovation district. We look forward to meeting with you to discuss further.

EIR TECHNICAL CORRECTION

Please correct page 6 (pdf page 8) and page 60 (pdf page 62) of the Final EIR response file to specifically mention the Citizens Committee to Complete the Refuge and Santa Clara Valley Audubon Society as co-authors of the joint Draft EIR comment letter submitted with the Sierra Club.

PARKS, OPEN SPACE AND RECREATION

The EIR dismisses our concern, shared by multiple other commenters,¹ that adding 42,000 new residents and 60,000 employees to the area will have significant detrimental impacts on existing park, open space and recreation facilities and on wildlife along bayland wetlands and levees. However, without any evidence-based assessment of employee use, and with critical gaps in analysis of impacts, there is insufficient evidence to make the Impact REC-1 or Impact BIO-4 findings of less than significant impact.

The resulting failure to require monitoring and mitigation of the impacts from increased recreation use will have significant detrimental effects on existing park and recreation facilities, wildlife (including migratory and special-status species), community well-being, and the City's budget outlook.

1. *Impact REC-1 and Topic Response 3 fail to provide credible analysis of increased employee use of existing park and recreation facilities.*

The City's park dedication fee ordinance, Municipal Code Chapter 19.74, is at the core of the City's finding that the MPSP would have less than significant impact on existing park and recreation facilities. However, that ordinance does not purport to address non-resident impacts. By its terms, it is based on a finding that "multifamily rental housing projects have a significant effect on the use and availability of parks and recreation space and facilities." Furthermore, its stated intent is to ensure that *residential* development pays "its fair share toward improvements, and/or purchase and development of parks and recreational facilities."²

Any impact on the degradation of existing facilities attributable to the addition of 60,000 new employees in Moffett Park would be additive. Yet the only assessment of increased use by project

¹ Topic Response 3, FEIR p. 7, "Since many of the comments raised the same concerns and questions, topic responses have been prepared."

² Sunnyvale Municipal Code Chapter 19.74, section 19.74.010.

employees is a single sentence in Topic Response 3 indicating an unsubstantiated expectation that their use will be minimal.³

The California Environmental Quality Act (CEQA) Appendix G requires analysis of the **project's** impact on degradation of parks and recreation facilities, not just new resident impacts. The EIR reliance on a mere assumption that 60,000 new employees will make minimal use of existing facilities is grossly flawed, especially in an area designed for dense development and active transportation and in an era when employee access to nature is recognized as a core element of corporate wellness.^{4 5}

Additionally, we note that Park dedication fees collected pursuant to Municipal Code Chapter 19.74 can only be used to “purchase land, buy equipment or construct improvements.”⁶ The fees cannot be used for monitoring impacts, maintenance of trails and other facilities, or habitat protection and restoration. Furthermore, there is no current mechanism for non-residential development to pay a fair share toward the upkeep of park and recreation facilities or the protection of wildlife and restoration of habitat. Underestimating (and failing to mitigate) increased use, could have budget implications for the City that delay or prevent needed future maintenance and restoration investment for existing facilities.

2. *The EIR fails to evaluate or address impacts from increased demand for distinct uses only available in existing shoreline park and recreation facilities adjacent to the Plan area.*

The EIR acknowledges an expected increase in resident and employee use of existing facilities. Indeed, Specific Plan Policy OSE-1.2 seeks to affirmatively connect residents, employees and visitors to existing “adjacent facilities.” However, the MPSP and Final EIR fail to evaluate and address the cumulative demand for open space uses that are not served by new facilities envisioned within the Plan area.

The Draft EIR and Topic Response 3 assert that new park and open space acreage, in conjunction with Specific Plan Policies OSE-2.1 through OSE-2.8 requiring certain types of facilities, would “offset” the project’s demand for existing park and recreational facilities. However, the claim of offsetting facilities falls flat as applied to the Bay Trail’s distinct function as a regional commute route and recreation trail, or the unique character of existing shoreline trails and vistas (at Baylands Park, the landfill hills, and along many levees abutting Sunnyvale’s water treatment ponds, Guadalupe slough, Calabazas/San Tomas Aquino creek and marsh, and other levees in

³ “While employees in Moffett Park may use existing park and recreational facilities in the area, their use is expected to be minimal given their primary purpose in Moffett Park is to work (verses residents who live and recreate in Moffett Park) and would further be minimized with provision of on-site amenities that are typically provided with non-residential development.” Topic Response 3, FEIR p.10.

⁴ *The Benefits of Green Spaces: How Nature Can Improve Mental Health and Well-being*, Corporate Wellness Magazine <https://www.corporatewellnessmagazine.com/article/the-benefits-of-green-spaces-how-nature-can-improve-mental-health-and-well-being>

⁵ *Reducing Stress at Work is a Walk in the Park*, The Conversation, April 17, 2016 <https://theconversation.com/reducing-stress-at-work-is-a-walk-in-the-park-57634>

⁶ Sunnyvale Municipal Code Chapter 19.74.020(d).

the south end of the San Francisco Bay). Hunting is another recreation activity offered in the Sunnyvale Baylands that cannot be duplicated within the Plan area.

The introduction of a large number of residents and employees without alternative, like-kind facilities, and with ready access facilitated by Policy OSE-1.2, likely will lead to a sharp increase in use of Baylands Park, the Bay Trail and the above-mentioned shoreline trails, with inevitable impacts on wildlife (including migratory birds and special-status species) and degradation of existing facilities. Yet the MPSP relies only on existing protections, such as trail signage directing visitors away from sensitive habitats, and limitations on dogs at Sunnyvale Baylands Park.⁷ Those protections target some specific detrimental behaviors but do nothing to address increased volume of use. The lack of policies or mitigations to monitor or manage the impacts of increased human activity in shoreline open spaces is of dire concern.

3. The EIR fails to evaluate or address impacts of increased recreation use on wildlife.

Our comment letter expressed the concern that impacts to special-status species, migratory birds and other wildlife species are likely to result from the inevitable increase in human and pet activity on levees. This concern remains valid. Indeed, there is substantial scientific evidence to support a fair argument that an increase in human activities and encroachment in or adjacent to wildlife habitat will impact patterns of use and populations of species using these habitats.

Impacts on migratory and nesting birds behavior (including foraging, resting, roosting and nesting) from human activity on trails are well documented globally as well as specifically in the South Bay adjacent to the Sunnyvale Baylands (see Appendix A: Annotated Reference for summary of specific studies' findings). As shown in Appendix A, scientific studies and reviews reveal widespread effects of human presence and recreation on animals, with a large amount of evidence showing negative impacts to raptors and shorebirds. Studies also show consistent negative impacts to shorebird breeding.

In the Bay Area, and specifically in locations near or adjacent to Moffett Park, studies of the responses of migratory birds to human activity on shoreline trails and levees show that the numbers and species richness of migratory shorebirds decreased with an increase in human recreational activities. Migratory duck species seem especially sensitive: all duck species within 80 meters of a levee trail responded to trail use. When disturbed, ducks moved substantially farther from the trail than they were found before pedestrians' presence. Tolerance differed between species, with some more averse to human activity than others. But in a scientific literature review of human impacts on waterbirds in the San Francisco Bay Area, 86% of the studies found that human disturbance affected their study species. The review shows that boating and walking affect bird behavior, causing them to waste time and energy they could have used to feed. Birds flying away in response to human disturbance was noted in 57% of the 50 studies reviewed.

⁷ Topic Response 3, FEIR page 9.

The analysis associated with Impact BIO-4 did not fully address the impact of recreation on wintering migratory shorebirds and ducks. As we have highlighted above, use of trails and levees in the area will increase substantially as a result of the addition of 60,000 employees and 42,000 residents to Moffett Park since walking and biking on Bay levees are popular activities that cannot be fully, or even closely, replicated with the new recreation facilities in the Plan area.

Response R.8 to this concern directed us again to Topic Response 3 which includes no analysis or discussion of impacts from increased recreation activity on migratory birds and special status species, dismissing our concern by stating, "*Baylands Park and San Francisco Bay Trail direct visitors to designated trails (and not sensitive wildlife habitat).*" The missing analysis, discussion, monitoring and mitigation requirements are a fatal flaw of the EIR and must be corrected.

Needed Additions to the EIR

- Provide evidence substantiating the City's expectation that commuting employees will make minimal use of local park and recreation facilities (including trails). This should include an objective evaluation of the expected participation of Moffett Park employees in active transportation commute modes, including use of the Bay Trail.
- Substantiate the City's expectation that the cumulative increase in population - both residents and employees - will not expand trail use in ways that disrupt and harm populations of migratory birds, special status species, and other native resident or migratory wildlife species.

The following mitigation measures should be added to the EIR (*EIR Table 2.3-6: Summary of Key Specific Plan Requirements and Policies by Resource Area - Biological Resources and elsewhere*).

- Proposed new requirement 10.3.5-xx: Limit public access to some of the Sunnyvale Baylands Levees. Closing some levees to recreational activities (see Figure 1, below, levees proposed for closure to recreation are marked in Green). This mitigation measure reserves some levees for use by migratory birds while at the same time providing accessibility and connectivity for people. It reduces encroachment and disturbance of migratory birds.
- Proposed new requirement 10.3.5-xx: With the exception of commute trails (such as Bay Trail and the East and West Channels trails), limit access to human-powered-only, and prohibit electronic or motorized mobility devices except as required for Americans with Disabilities Act accommodation. This mitigation measure reduces encroachment pressure further from the Bay Trail.

PROPOSED SEASONAL LEVEE CLOSURES

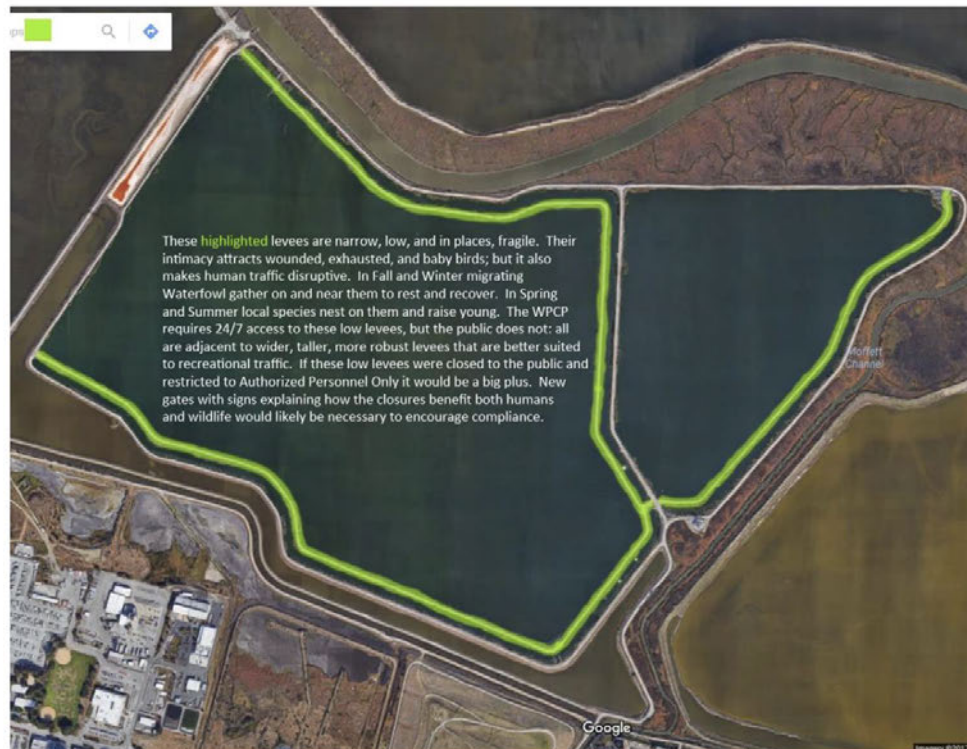


Figure 1

MPSP Recommendations re: Parks, Open Space, and Recreation

MPSP Section 6.2 Open Space and Urban Ecology Principles, Goals, and Policies, Goal OSE-1: INTERCONNECTED AND BIODIVERSE OPEN SPACE NETWORK. Moffett Park provides a high level of service with ample open space for residents, employees, and visitors through an interconnected network of open spaces that supports healthy ecosystems, improves air and water quality, improves public health, and adapts to a changing climate.

- Proposed new policy OSE-1.X: Protect and enhance habitat in open space and Bayland ecosystems to maintain and support biodiversity over time.
- Proposed new policy OSE-1.4.X: Monitor usage of open space in and near the Plan area as Moffett Park grows and densifies, and use dynamic strategies to regulate use as needed to reduce impacts to wildlife and maintain the quality of recreation facilities.
- Proposed new policy OSE-1.4.X: Identify financing strategies to ensure fair share contributions to facility maintenance and habitat restoration costs.

MPSP Section 6.2 Open Space and Urban Ecology Principles, Goals, and Policies, Goal OSE-3: ECOLOGICAL DEVELOPMENT. New developments' parks and open spaces enhance ecosystems and support biodiversity, benefiting both people and natural habitat.

- Proposed text change (in **bold**) to Policy OSE-3.1: Facilitate the removal of existing and transfer of future development away from the Lockheed Martin stormwater holding ponds, **other stormwater, emergent and potential wetlands, grasslands and other undeveloped lands north of 1st Street** through implementation of an Ecological Combining District to expand and enhance wetland habitat, ecosystem health, and climate resilience.

CONTAMINATION HAZARDS

We remain quite concerned about the potential for mobilization and spread of legacy hazardous chemical contamination in Moffett Park, with potentially significant site-specific and cumulative impacts that can be exacerbated by climate change effects, including sea level rise, shallow groundwater rise, and fluvial flooding. Because CEQA does not address impacts of the environment on a project, the EIR leaves significant gaps in public understanding of these threats to public and ecosystem health within the Plan area. We urge the City to include robust policies in the MPSP to ensure transparency and enable full assessment, management, and mitigation of future project-specific and cumulative contamination impacts as the MPSP unfolds over time.

Despite the Plan area's proximity to known or suspected sources of contamination, no testing has been done for chemicals likely to be present within the Plan area. An April 23, 2023 comment letter submitted by environmental scientist Naomi Goodman, indicated that "most of the 'site closures' listed on the various state and federal maps addressed only fuel tank leaks."⁸ As a result, site closures may not have considered the full range of likely contaminants currently present. Nevertheless, the Final EIR indicates that "closed" sites need not go through a Phase I Environmental Site Assessment.

Climate change also significantly complicates assessment and management of potential chemical hazards as sea level rise, shallow groundwater rise, and fluvial flooding threaten to spread contamination more widely. Contaminant disruption from development at one site may have wider ranging impacts than anticipated under current conditions, resulting in a greater cumulative impact. Unfortunately, CEQA is an inadequate tool for addressing that challenge and a programmatic EIR, by its nature, defers much analysis to future project-by-project environmental review, often with less public visibility and engagement. We hope the City will exercise its discretion to strengthen the MPSP with additional attention to hazardous contamination.

We recommend the following additions and amendments to the MPSP in order to build public confidence that legacy contamination is appropriately identified and remediated and to improve the City's capacity to monitor, evaluate and respond to potential cumulative impacts.

⁸ April 27, 2023 letter submitted by Naomi Goodman, an environmental scientist with over 40 years of experience in hazardous waste site characterization and remediation. [Goodman Comment on MPSP and final EIR 4-27-23.pdf](#)

MPSP Recommendations Regarding Contamination Hazards

MPSP Section 4.1 Land Use Goals and Policies, Goal LU-1 COMPLETE NEIGHBORHOODS. A series of neighborhoods with access to public amenities, quality housing, good jobs, and healthy and safe environments that weave together into a vibrant ecological innovation district.

- Proposed new Policy LU-1.7: Assure transparency and opportunity for public review and comment regarding hazardous materials analysis for all projects, including the decision basis and findings regarding additional site investigations, the scope of new site investigations, and planned remediation measures.

MPSP Chapter 10 Implementation, Section 10.2.1 Hazards and Hazardous Materials

- Proposed new submittal requirement: **Soil and Groundwater Study**. For any renovation, modification, or redevelopment of a property within Moffett Park, an assessment of existing soil and groundwater conditions shall be completed, including testing for hazardous contaminants and identifying site-specific vulnerability to shallow groundwater rise.

MPSP Chapter 10 Implementation, Section 10.4 Implementation Actions, Table 29

- Proposed text change (in **bold**) to Groundwater Data Collection description: Establish a monitoring plan of groundwater elevations, **hazardous soil-borne contaminants**, and salinity within Moffett Park that includes the development and publication of a three-dimensional map of subsurface geology **as well as a regularly updated map of chemical testing results**. [Note: the proposed 10.2.1 submittal requirement above would be a valuable data source for this Groundwater Data Collection effort.]

BIOLOGICAL RESOURCES

1. **Bird Safety**

The MPSP limits Bird Facade treatment requirements to the first 60 feet of building height. We ask that you expand this requirement to include all building heights on building facades that face parks, open space and water features. Increasingly, evidence shows⁹ that nocturnally migrating birds are attracted to light at night (such as from residential towers) and collide with towers and tall structures, sometimes in great numbers. Collision risk is especially visible in areas near bays and rivers. To reduce the risk of bird collision, we ask that the MPSP strengthen the requirements for safety treatment. Similar to the San Jose City Wide Design Standards and Guidelines, we ask that glazing achieves reflectivity of no more than 20%. Similar to the City of Cupertino, we ask for

⁹ <https://www.fws.gov/story/2022-04/dim-lights-birds-night>

facades taller than 60 feet to implement bird safety treatment when facing open space and water features.

MPSP Recommendations Regarding Bird Safety

MPSP Section 5.4 Ecological Development Standards

- Proposed MPSP text change (in **bold**) to section 5.4.2 BIRD SAFE DESIGN Section 2. Façade treatment: No more than 10% of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground. **Building facades that face open space or water features will have treated glazing at all heights.** Bird Friendly glazing treatments can include the use of opaque glass, the covering of clear glass surface with patterns, the use of paned glass with fenestration patterns, and the use of external screens over non-reflective glass. All façade glazing shall have reflectivity ratings no greater than **20%**.
- Proposed MPSP text change (in **bold**) to section 5.4.2 BIRD SAFE DESIGN Section 4. Façade treatment: No more than 10% of the surface area of a building's total exterior façade between the ground and 60 feet above ground or within 15 feet above a green roof shall have untreated glazing. **Building facades that face open space or water features will have treated glazing at all heights.** Bird Friendly glazing treatments can include the use of opaque glass, the covering of clear glass surface with patterns, the use of paned glass with fenestration patterns, and the use of external screens over non-reflective glass. All façade glazing shall have reflectivity ratings no greater than **20%**.

2. Oversight for Special Status Species

Final EIR Response R.5 to our comment asking for criteria to be provided for "qualified biologist" in regard to Special Status Species, modifies the following text in the MPSP (highlight added):

Requirement 10.3.5-1: Special Status Plants. At the time development is proposed, focused special status plant surveys shall be completed by a qualified biologist (**defined as a person with a minimum of a four-year degree in wildlife sciences, biology, environmental sciences, or equivalent experience in the biological sciences**) for alkali milk-vetch and Congdon's tarplant in the grasslands and vernal mesic areas (e.g., areas with a moderate supply of moisture) of Moffett Park's northwestern corner.

We have two concerns about this response. One is that the City only added this definition to the category of Special Status Plants but did not apply it to any of the seven other Special Status Species or Sensitive Habitat included in the Draft EIR nor in Section 10.3.5 of the MPSP. The second concern is that the definition added is inadequate when applied to Special Status Species and habitats on which those species depend.

Categorically, Special Status Species are subject to the oversight of responsible wildlife agencies, applying and ensuring species protection intended by one or more of the wildlife regulatory

authorities cited in the Draft EIR. Qualifications for performing these protective actions include *species-specific* training and experience with permitting, including survey protocols and construction requirements. These are qualifications that can only be acquired through post-undergraduate field work and study and *must be* species-specific. Further, as sensitive habitats are often associated with Special Status Species, biologists involved in surveys and permitting in those habitats discussed in 10.3.5 must have related advanced qualifications.

The 10.3.5 discussion of the salt marsh harvest mouse¹⁰ (SMHM) can serve as an example. It is identified¹¹ as endangered at both the Federal and State level and also Fully Protected by the State. Thereby the responsibility of protection of the SMHM and habitats on which it depends falls on the US Fish and Wildlife Service (USFWS) and the California Fish and Wildlife Service (CDFW). Actions potentially disturbing habitat or the SMHM itself, including surveys of its presence and permits for certain actions, fall under protocols established by the USFWS.

Unfortunately, the 10.3.5 SMHM discussion¹² describes certain survey requirements without any annotation that survey protocols need USFWS approval, nor that the “qualified biologist” must have “special status marsh species experience.”¹³

Broadly we note that the 10.3.5 discussion of Special Status Species and sensitive habitats omits any annotation that actions required thereunder are subject to confirmation as protocols and standards by the wildlife agencies responsible for Special Status Species and Habitats protection per Federal and State Law cited.¹⁴

MPSP Recommendations Regarding Oversight for Special Status Species

Chapter 10: Implementation, 10.3 General Submittals and Site Master Plans, Section 10.3.5 Special Species

- *Definition of Qualified Biologist.* We recommend that the following definition be prominently inserted at the beginning of Section 10.3.5 to be applied to actions related to all the species and habitats discussed.

For actions described below regarding Special Status Species and Sensitive habitats discussed, a qualified biologist will be a person with a minimum of a four-year degree in wildlife sciences, biology, environmental sciences having post-graduate species and/or habitat-specific experience and, when required by the US Fish and Wildlife Service, California Department of Fish and Wildlife, or National Marine Fisheries Service, appropriate permit or other authorization.

¹⁰ Moffett Park Specific Plan Update, Public Review Draft, December 2022, p.274.

¹¹ Moffett Park Specific Plan Update, Draft Environmental Review Report, Table 3.4-1, p.99

¹² Moffett Park Specific Plan Update, Public Review Draft, p.274

¹³ Personal email, Kim Squires, Section 7 Division Manager, SF Bay Delta USFWS Office.

¹⁴ Ibid MPSP Update DEIR, pp.85-86

- *Deferral to responsible agencies.* Section 10.3.5 could address this topic in one of two ways. Here we provide and recommend inclusion as a statement at the beginning of the section, before the Definition of Qualified Biologist. An alternative to that single statement is to modify each of the 11 species and habitat discussions to include deferral to the species/habitat-appropriate agency or agencies.

Discussion below includes actions related to biological surveys, reporting and construction mitigations. As each such discussion applies to either Special Status Species or Sensitive habitats, survey requirements commonly fall under protocols defined by responsible wildlife agencies. As such, persons or organizations subject to Section 10.3.5 Implementation are responsible minimally to seek informal consultation with the appropriate wildlife agency before proceeding with any 10.3.5 listed requirements.

LIFE SCIENCES LABORATORIES

1. *Biosafety*

There are four biosafety levels (BSLs) that define proper laboratory techniques, safety equipment, and design, depending on the types of agents being studied.¹⁵ We strongly recommend the addition of an MPSP policy limiting Life Sciences labs to Biosafety Levels 1 and Level 2 (BSL-1 and BSL-2) and prohibiting Biosafety Level 3 or Level 4 (BSL-3 and BSL-4) laboratories in Moffett Park.

The Sierra Club Loma Prieta Chapter recently organized a webinar, "[Planning for Life Sciences Development for Bay Area Cities.](#)" The event featured experts from the Boston/Cambridge area, a historic hub for life sciences in the US, and included biosafety experts. An important fact emerged: With decades of experience in the industry and the growing awareness of the increasingly lethal infectious agents used in high-containment BSL-3 and maximum containment BSL-4 labs, several cities in the greater Boston/Cambridge metropolitan area are reversing or have already reversed their biosafety policies to no longer allow BSL-3 or higher labs in their cities, and more are joining their ranks. Some do not even allow BSL-2 labs. Please see [here](#) a partial list of cities and links to their ordinances.

BSL-3 high-containment labs, as defined by the U.S. Department of Health & Human Services,¹⁶ work with indigenous or exotic infectious agents with known potential for airborne transmission of pathogens that may cause serious and potentially lethal infections.¹⁷ They require complete dependence on mechanical systems that can fail through human error, mechanical failure or

¹⁵ <https://www.niaid.nih.gov/research/biodefense-biosafety-labs>

¹⁶ <https://www.phe.gov/s3/BioriskManagement/biosafety/Pages/Biosafety-FAQ.aspx#biocont8>

¹⁷ *Gao-18-145, High-Containment Laboratories: Coordinated Actions Needed ...*
<https://www.gao.gov/assets/gao-18-145.pdf>.

disasters, as well as safety oversight issues.¹⁸ ¹⁹ They may work well in institutions that have rigorous scientific safety oversight, committees that ensure an understanding of risks, transparency, regular reporting and inspections, and biosafety procedures for worker, public and environmental safety. Sunnyvale does not have such mechanisms in place for this responsibility.

MPSP Recommendations Regarding Biosafety

Goal LU-3: A CENTER FOR INNOVATION. Moffett Park continues to be a center of innovation and the knowledge economy.

- Proposed new Policy LU-3.5: Encourage Life Sciences innovation by allowing facilities that commit to public health and safety by limiting Life Sciences Labs to only biosafety levels BSL-1 and BSL-2.

5.1 Development Standards Goals and Policies, Goal DS-4: HEALTHY, CLIMATE-READY SITE AND BUILDING DESIGN. Site and building design reduce energy use and water use, protect public health, and increase climate resilience.

- Proposed new Policy DS-4.10: For public health and safety, any life sciences development proposed in the R&D or Commercial Office zones will limit its labs to biosafety levels BSL-1 and BSL-2. No BSL-3 or BSL4 labs will be permitted. Further all life sciences labs shall abide by the guidelines of the National Institutes of Health.

9.1 Infrastructure Goals and Policies, Goal IU-2: SUSTAINABLE AND RESILIENT INFRASTRUCTURE. To achieve the vision of an ecological innovation district, Moffett Park invests in sustainable and resilient infrastructure and practices to illustrate leadership.

- Text correction to Policy IU-2.6: Ensure that infrastructure development considers and avoids impacts due to potential rising groundwater and overall ~~low~~ **high** water tables in the Plan area.

2. Additional Concerns and Recommendations Regarding Life Sciences Projects

Even as the local market for office space struggles with increasing vacancy rates and declining rents, the Bay Area life sciences industry continues to expand, with a 27% growth in employment

¹⁸ [Boston University](#), June 1, 2016: A typical example- “A malfunctioning network switch at BU’s [National Emerging Infectious Diseases Laboratories \(NEIDL\)](#) resulted in a shutdown of parts of the lab’s ventilation monitoring system ... The University has suspended BSL-3 research until the outside engineers review recommended remedial work to prevent future ventilation system malfunctions.” There are many such examples.

¹⁹ [You should be afraid of the next “lab leak,”](#) NY Times Nov 23, 2021. “.... *In fact, the most concerning aspect about high-containment biolabs is that, considered as a collective, they may only be as safe as the worst lab among them. A breach or a breakdown at one could imperil us all.*”

from 2019 to second quarter 2022 and a massive development pipeline going into this year.²⁰ We believe this trend will likely lead to significant developer interest in life sciences facilities within the MPSP's innovation district. In addition to the biosafety concerns raised above, life sciences facilities pose unique climate sustainability challenges by producing disproportionate energy and water demands, noise, and plastics waste as compared to typical office use.

Although life sciences facilities are not specifically addressed in the draft MPSP or EIR, we urge you to consider how the MPSP, in conjunction with Sunnyvale's Reach Code and Climate Action Plan, can best assure that life sciences development in Moffett Park will be consistent with the district's eco-innovation vision. Appendix B offers additional information and recommendations for improved clarity and attention to the particular challenges posed by life science facilities.

Thank you for your consideration of our comments. We welcome the opportunity to meet with you to discuss further once you have had an opportunity to review them.

Sincerely,

James Eggers
Senior Director
Sierra Club Loma Prieta Chapter

Matthew Dodder
Executive Director
Santa Clara Valley Audubon Society

Eileen Mclaughlin
Board Member
Citizens Committee to Complete the Refuge

cc:
Gladwyn D'Souza
Conservation Committee Chair
Sierra Club Loma Prieta Chapter

Jennifer Chang Hetterly
Bay Alive Campaign Coordinator
Sierra Club Loma Prieta Chapter

Appendix A - Consolidated list of Recommended Amendments to the EIR and MPSP
Appendix B - Annotated Reference of Studies: Human Impacts on Wildlife
Appendix C - Additional recommendations related to life science development

²⁰ Bucking Trends, Bay Area Life Science Market Shows Resilience, The Real Deal, April 18, 2023. https://therealdeal.com/sanfrancisco/2023/04/18/bucking-trends-bay-area-life-science-market-shows-resilience/?utm_medium=social&utm_campaign=single_content_share&utm_source=clipboard

APPENDIX A

Consolidated list of Recommended Amendments to the EIR and MPSP

EIR TECHNICAL CORRECTION

Please correct page 6 (pdf page 8) and page 60 (pdf page 62) of the FEIR response file to specifically mention the Citizens Committee to Complete the Refuge and Santa Clara Valley Audubon Society as co-authors of the joint DEIR comment letter submitted with the Sierra Club.

PARKS, OPEN SPACE AND RECREATION

Needed Additions to the EIR

- Provide evidence substantiating the City's expectation that commuting employees will make minimal use of local park and recreation facilities (including trails). This should include an objective evaluation of the expected participation of Moffett Park employees in active transportation commute modes, including use of the Bay Trail.
- Substantiate the City's expectation that the cumulative increase in population - both residents and employees - will not expand trail use in ways that disrupt and harm populations of migratory birds, special status species, and other native resident or migratory wildlife species.

The following mitigation measures should be added to the EIR (*EIR Table 2.3-6: Summary of Key Specific Plan Requirements and Policies by Resource Area - Biological Resources and elsewhere*):

- Proposed new requirement 10.3.5-xx: Limit public access to some of the Sunnyvale Baylands Levees. Closing some levees to recreational activities (see Figure 1, below, levees proposed for closure to recreation are marked in Green). This mitigation measure reserves some levees for use by migratory birds while at the same time providing accessibility and connectivity for people. It reduces encroachment and disturbance of migratory birds.
- Proposed new requirement 10.3.5-xx: With the exception of commute trails (such as Bay Trail and the East and West Channels trails), limit access to human-powered-only, and prohibit electronic or motorized mobility devices except as required for ADA accommodation. This mitigation measure reduces encroachment pressure further from the Bay Trail.

PROPOSED SEASONAL LEVEE CLOSURES

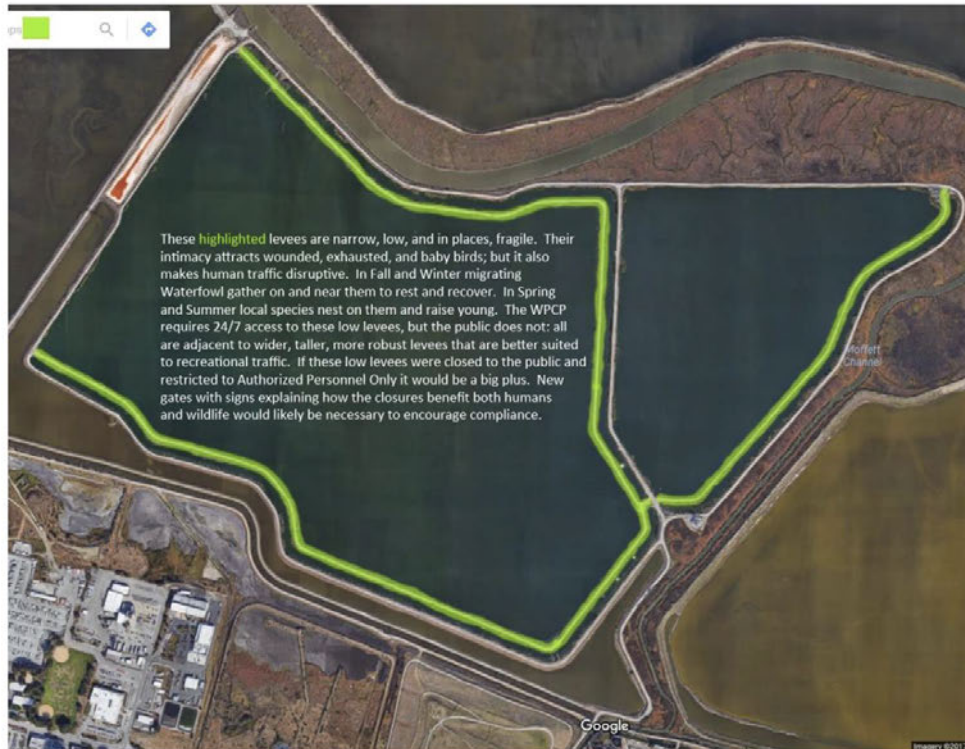


Figure 1

MPSP Recommendations re: Parks, Open Space, and Recreation

MPSP Section 6.2 Open Space and Urban Ecology Principles, Goals, and Policies, Goal OSE-1: INTERCONNECTED AND BIODIVERSE OPEN SPACE NETWORK. Moffett Park provides a high level of service with ample open space for residents, employees, and visitors through an interconnected network of open spaces that supports healthy ecosystems, improves air and water quality, improves public health, and adapts to a changing climate.

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CONTAMINATION HAZARDS

MPSP Recommendations re: Contamination Hazards

MPSP Section 4.1 Land Use Goals and Policies, Goal LU-1 COMPLETE NEIGHBORHOODS. A series of neighborhoods with access to public amenities, quality housing, good jobs, and healthy and safe environments that weave together into a vibrant ecological innovation district.

- Proposed new Policy LU-1.7DS-4.10: Assure transparency and opportunity for public review and comment regarding hazardous materials analysis for all projects, including the decision basis and findings regarding additional site investigations, the scope of new site investigations, and planned remediation measures.

MPSP Chapter 10 Implementation, Section 10.2.1 Hazards and Hazardous Materials

- Proposed new submittal requirement: **Soil and Groundwater Study**. For any renovation, modification, or redevelopment of a property within Moffett Park, an assessment of existing soil and groundwater conditions shall be completed, including testing for hazardous contaminants and identifying site-specific vulnerability to shallow groundwater rise.

MPSP Chapter 10 Implementation, Section 10.4 Implementation Actions, Table 29

- Proposed text change (in **bold**) to Groundwater Data Collection description: Establish a monitoring plan of groundwater elevations, **hazardous soil-borne contaminants**, and salinity within Moffett Park that includes the development and publication of a three-dimensional map of subsurface geology **as well as a regularly updated map of chemical testing results**. [Note: the proposed 10.2.1 submittal requirement above would be a valuable data source for this Groundwater Data Collection effort.]

BIOLOGICAL RESOURCES

MPSP Recommendations re: Bird Safety

MPSP Section 5.4 Ecological Development Standards

- Proposed MPSP text change (in **bold**) to section 5.4.2 BIRD SAFE DESIGN Section 2. Façade treatment: No more than 10% of the surface area of a building's total exterior façade shall have untreated glazing between the ground and 60 feet above ground. **Building facades that face open space or water features will have treated glazing at all heights.** Bird Friendly glazing treatments can include the use of opaque glass, the covering of clear glass surface with patterns, the use of paned glass with fenestration patterns, and the use of external screens over non-reflective glass. All façade glazing shall have reflectivity ratings no greater than **20%**.
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MPSP Recommendations re: Oversight for Special Status Species

Chapter 10: Implementation, 10.3 General Submittals and Site Master Plans, Section 10.3.5 Special Species

- *Definition of Qualified Biologist.* We recommend that the following definition be prominently inserted at the beginning of Section 10.3.5 to be applied to actions related to all the species and habitats discussed.

For actions described below regarding Special Status Species and Sensitive habitats discussed, a qualified biologist will be a person with a minimum of a four-year degree in wildlife sciences, biology, environmental sciences having post-graduate species and/or habitat-specific experience and, when required by the US Fish and Wildlife Service, California Department of Fish and Wildlife or National Marine Fisheries Service, appropriate permit or other authorization.

- *Deferral to responsible agencies.* Section 10.3.5 could address this topic in one of two ways. Here we provide and recommend inclusion as a statement at the beginning of the section, before the Definition of Qualified Biologist. An alternative to that single statement is to modify each of the 11 species and habitat discussions to include deferral to the species/habitat-appropriate agency or agencies.

Discussion below includes actions related to biological surveys, reporting and construction mitigations. As each such discussion applies to either Special Status Species or Sensitive habitats, survey requirements commonly fall under protocols

defined by responsible wildlife agencies. As such, persons or organizations subject to Section 10.3.5 Implementation are responsible minimally to seek informal consultation with the appropriate wildlife agency before proceeding with any 10.3.5 listed requirements.

BIOSAFETY

MPSP Recommendations re: Biosafety

Goal LU-3: A CENTER FOR INNOVATION. Moffett Park continues to be a center of innovation and the knowledge economy.

- Proposed new Policy LU-3.5: Encourage Life Sciences innovation by allowing facilities that commit to public health and safety by limiting Life Sciences Labs to only biosafety levels BSL-1 and BSL-2.

5.1 Development Standards Goals and Policies, Goal DS-4: HEALTHY, CLIMATE-READY SITE AND BUILDING DESIGN. Site and building design reduce energy use and water use, protect public health, and increase climate resilience.

- Proposed new Policy DS-4.10: For public health and safety, any life sciences development proposed in the R&D or Commercial Office zones will limit its labs to biosafety levels BSL-1 and BSL-2. No BSL-3 or BSL4 labs will be permitted. Further all life sciences labs shall abide by the guidelines of the National Institutes of Health.

9.1 Infrastructure Goals and Policies, Goal IU-2: SUSTAINABLE AND RESILIENT INFRASTRUCTURE. To achieve the vision of an ecological innovation district, Moffett Park invests in sustainable and resilient infrastructure and practices to illustrate leadership.

- Text correction to Policy IU-2.6: Ensure that infrastructure development considers and avoids impacts due to potential rising groundwater and overall ~~low~~ **high** water tables in the Plan area.

APPENDIX B

Annotated Reference of Studies: Human Impacts on Wildlife

Locally focused studies:

Trulio, L. & Sokale J. 2008. Foraging Shorebird Response to Trail Use around San Francisco Bay. *Journal of Wildlife Management* 72:1775-1780. <https://www.jstor.org/stable/40208460>
Two-year study of the effects of human trail use on foraging shorebirds around San Francisco Bay. The number of shorebirds decreased with the increase in human traffic. An average of 25% fewer birds were found on higher-use days.

Trulio et al. 2013. Experimental Study of Shorebird Response to New Trail Use in the South Bay Salt Pond Restoration Project. https://www.southbayrestoration.org/sites/default/files/documents/final_shorebird_report_trulio_etal.pdf
Experimental study of shorebird response to new trail walkers around the San Francisco Bay. The methods involved having two pedestrians walk back and forth on the levees/boardwalks for 10 minutes. After walkers were introduced, bird numbers decreased by 2.5% and species richness decreased by 18%.

White, H.R. 2009. Wintering Duck Response to Trail Use at Former San Francisco Bay Salt Ponds. <https://doi.org/10.31979/etd.hyvm-4ayk>
Seven-month study of wintering ducks' movement away from previously unused trails around San Francisco Bay salt ponds when used by pedestrians (two individuals). All duck species within 80 meters of the levee trail responded to trail use. When disturbed, ducks moved more than 106 meters on average, which is substantially farther from the trail than they were found before pedestrians were introduced.

Trulio et al. 2008. Study of Waterbird Response to Trail Use in the South Bay Salt Pond Restoration Project. https://www.google.com/url?sa=i&url=https%3A%2F%2Fwww.southbayrestoration.org%2Frfq-rfp%2F2008-rfp-awards%2FTrulio_4Final.pdf&uct=1669676011&usg=jqTQEAE-QVDWJit1teHKOR1Ce7A.&source=meet
Research proposal for four studies to be conducted in the South Bay Salt Pond Restoration project area. Justifications include evidence of seven species of dabbling ducks responding to all nearby trail use (especially walking and biking) and data collected by White in which species richness and the overall number of birds became considerably lower after trail use disturbance (at distances of up to 120 meters).

Trulio, L. & White, H.R. (2017). Wintering Waterfowl Avoidance and Tolerance of Recreational Trail Use. *Waterbirds: The International Journal of Waterbird Biology*, 40(3), 252–262. <http://www.jstor.org/stable/26428223>
Experimental study conducted in the south San Francisco Bay measuring the amount of trail users and the number of birds present before and after the introduction of trail use. Overall, comparison of before/after bird counts and number of trail users did not show any increase in habituation (increasing tolerance) to trail use. Tolerance differed between species; Northern Shovelers increased in number with increasing trail use, while significantly fewer Ruddy Ducks were found as trail use increased.

Borgmann, K. A Review of Human Disturbance Impacts on Waterbirds <https://ca.audubon.org/sites/default/files/documents/humandisturbanceimpactsreportfinal.pdf>
Scientific Literature review of human impacts on waterbirds in the San Francisco Bay area. Out of 50 studies, 86% found that human disturbance affected their study species. Boating and walking affect bird behavior, causing them to waste time and energy they could have used to feed. Birds flying away in response to human disturbance was noted in 57% of the 50 studies reviewed.

Studies from elsewhere:

Larson et al. 2016. Effects of Recreation on Animals Revealed as Widespread through a Global Systematic Review. <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0167259>
Review of scientific literature on the effects of human recreation on animals. Over 93% of articles reviewed noted at least one effect of recreation on animals. Approximately 55% of these effects were negative. Raptors and shorebirds had an especially large amount of evidence of negative effects from recreation.

Burger et al. 2009. Ecotourism and Birds in Coastal New Jersey: Contrasting Responses of Birds, Tourists, and Managers. <https://www.cambridge.org/core/journals/environmental-conservation/article/abs/ecotourism-and-birds-in-coastal-new-jersey-contrasting-responses-of-birds-tourists-and-managers/8F21C5F819C4B87C3DBA68317BBA49CB>
Collection of case studies focusing on the effects of ecotourism on the New Jersey coast. Human presence within heronries can lead to damage and death by scaring the young away from their nests too early. Least Tern colonies with many tourist visitors tend to have lower nesting rates and less successful breeding. Piping Plovers commit more time and energy to staying alert than feeding with increasing human presence, which can be especially harmful to chicks learning how to forage for the first time. Shorebirds and migratory gulls at Caven Point stay further away when more people are present, meaning that they lose access to foraging opportunities near paths. On the shore of Delaware Bay shorebirds fly away from humans and can even completely abandon beaches with high levels of human disturbance.

Tarr et al. 2008. An Experimental Assessment of Vehicle Disturbance Effects on Migratory Shorebirds. *Journal of Wildlife Management* 74:1776- 1783.
https://www.academia.edu/download/39770412/An_Experimental_Assessment_of_Vehicle_Di20151107-4773-186xg2s.pdf
Study of the effect of off-road (ATV) traffic on number and location of shorebirds at a “migratory stopover area” on the coast of North Carolina, with a particular focus on one species: Sanderlings. Motorized vehicle disturbance led to overall decreasing numbers of migrant shorebirds and reduced use of microhabitats above the tidal zone, as birds shifted to increased use of the tidal zone to get farther away from vehicle disturbance. Sanderlings were more active with the presence of motorized vehicles and fewer Sanderlings used the study area to rest in.

APPENDIX C

Additional recommendations to address sustainability concerns related to life science development

Even as the local market for office space struggles with increasing vacancy rates and declining rents, the Bay Area life sciences industry continues to expand, with 27 percent growth in employment from 2019 to the second quarter of 2022 and a massive development pipeline going into this year.²¹ We believe this trend will likely lead to significant developer interest in life sciences facilities within the MPSP's innovation district. In addition to biosafety concerns, life sciences facilities pose unique climate sustainability challenges by producing disproportionate energy and water demands, noise, and plastics waste as compared to typical office use.

Although life sciences facilities are not specifically addressed in the draft MPSP or EIR, we urge you to consider how the MPSP, in conjunction with Sunnyvale's Reach Code and Climate Action Plan, can best assure that life sciences development in Moffett Park will be consistent with the district's eco-innovation vision.

1. Applicability of all-electric exceptions for laboratory facilities.

Response M.1 of the Environmental Impact Report (EIR) for the Moffett Park Specific Plan refers to pages 133 and 134 of the Draft EIR which indicates that the City's Reach Code prohibits gas appliances with the exception of certain non-residential uses such as factories, hazardous materials manufacturing, and laboratory facilities, as well as emergency operation centers and commercial dryers in large hotels. However, those exceptions appear inconsistent with the MPSP Policy IU-5.1: Prohibit new natural gas services in **all** buildings and infrastructure to transition to all electric [emphasis added].

We support Policy IU-5.1 and encourage you to eliminate or narrowly tailor the Reach Code exception for laboratory facilities. All-electric new and remodeled biotech lab buildings, with the exception of gas allowed for lab experiments, are growing fast in the Bay Area and in many communities now.^{22 23 24}

²¹ Bucking Trends, Bay Area Life Science Market Shows Resilience, The Real Deal, April 18, 2023. https://therealdeal.com/sanfrancisco/2023/04/18/bucking-trends-bay-area-life-science-market-shows-resilience/?utm_medium=social&utm_campaign=single_content_share&utm_source=clipboard

²² <https://betterbuildingssolutioncenter.energy.gov/partners/genentech-inc>

Between 2015 and 2019, Genentech reduced GHG emissions from onsite energy use by 30% despite the expansion of its site operations. To achieve further reductions, Genentech is implementing energy conservation projects in its buildings, optimizing HVAC systems and converting to electric heat pumps, as well as transitioning sites to renewable energy.

Genentech's 60-building South San Francisco headquarters has transitioned 100% of its grid power to CO2-free

²³ Announcement of all-electric life science campus in Millbrae, CA <https://lfrep.com/longfellow-celebrates-groundbreaking-of-avia-labs-upcoming-state-of-the-art-all-electric-science-center/> (March 1, 2023)

²⁴ Laboratories require a great deal of energy-use and [finding sustainable solutions](#) to support it are critical for both the planet and for operational costs. Bakar BioEnginuity Hub (in Berkeley) is LEED Gold certified. Representative elements of mechanical, electrical and plumbing systems include [conversion to](#)

Recommendation

Please clarify that any exception, in the Reach Code or elsewhere, for use of gas in laboratory facilities applies only for use in the lab for experiments. The general HVAC systems and hot water heating for lab facilities should be required to be all-electric. This should also be clarified for factories and hazardous materials manufacturing.

2. Consumption of energy.

Life Science lab facilities have been shown to make disproportionate demands on the electrical grid.²⁵ Response R.17 on page 71 of the Final EIR indicates that energy use assumptions for the MPSP, “including R&D uses, were based on CalEEMod model defaults.”²⁶ We are concerned that CalEEMod model defaults may not reflect the intensity of current Bay Area demand for Life Sciences facilities (and their disproportionate energy demands), nor the likelihood that Moffett Park’s innovation district would attract and include substantial new life sciences development. Underestimation of the volume of high-energy-demand Life Sciences development in the Plan area could have significant cost and infrastructure implications.

Additionally, page 133 of the Draft EIR states that under the City’s green building standards for new construction, additions, and remodels of buildings, “[a]t minimum, new non-residential projects greater than 5,000 square feet are required to meet CALGreen Mandatory Measures and LEED Gold.” Because of the apparent inconsistency noted above regarding all-electric requirements, we urge greater clarity as to how the City’s standards and requirements will be applied to life sciences development projects.

Recommendation

Please confirm that laboratory facilities, like all other non-residential projects exceeding 5,000 square feet, will be required to meet the City’s LEED Gold certification and also include a policy in the Specific Plan clarifying that LEED Gold certification will be required in both new lab construction *and* major lab remodels.

3. Life Sciences water, sewer and plastic waste

all-electric building. <https://www.commercialsearch.com/news/mbh-architects-on-trends-in-bay-area-life-science-design/>

²⁵ **MassBio Talks Showcase That Massachusetts Needs Cooperation From Biology Labs To Achieve Sustainability.** “... Strikingly, the building firm ARUP showed data that buildings in Massachusetts are making huge demands on the electrical grid - especially lab facilities.” May 21, 2019

<https://www.labconscious.com/blog/massbio-talks-energy-massachusetts-biology-labs-sustainability>

²⁶ An incomplete sentence at the end of Response R.17 on page 71 makes oblique reference to “assumptions in the Draft EIR,” but offers no transparency into the details of those assumptions.

Life Sciences labs consume as much as five times more water than typical office buildings of the same size and generate waste water proportionately. In addition, life sciences labs generate an inordinate amount of plastic waste from single use plastics.²⁷

Recommendations

Require that anticipated water usage and waste water needs for lab buildings shall be specified early, subject to environmental review, and monitored, with corrective action taken as needed.²⁸

Include a goal in the Climate Action Playbook for the reduced use of water and single-use disposable plastics in life sciences lab facilities to acknowledge and address the disproportionate climate impacts of such facilities.

Review current strategies for plastic waste reduction and revise as needed to ensure effective application to life science facilities.

²⁷ Research scientists have largely gone unnoticed as major users of unrecyclable material. Now some universities are helping them kick the habit, The Guardian, November 10, 2019
<https://www.theguardian.com/environment/2019/nov/10/research-labs-plastic-waste>

²⁸ Menlo Park's Life Sciences ordinance, Municipal Code Chapter 16.44.130(3)(C), for example, requires project applicants to submit a water use budget and the City monitors water usage for compliance.
<https://www.codepublishing.com/CA/MenloPark/html/MenloPark16/MenloPark1644.html#16.44.130>

From: Haywood, Kerry E <[REDACTED]>
Sent: Monday, June 12, 2023 12:17 PM
To: PlanningCommission AP
Cc: Michelle King; Trudi Ryan; Aaron Kovach ([REDACTED]); Agustin Torres; Alex Lane; Ari Wallack; Borges, Jessy; Brian Cox; Christine Velasquez; Klug, Frank J; Gant Gonzales; James Hall; Janette D'Ella ([REDACTED]); Jeff Holzman; Kent-Hibbard, Benita; Keri Morales ([REDACTED]); Philip Goldworth ([REDACTED]); Ray Hung; Ren,Rena; Robert Bonderer ([REDACTED]); Tanner Flyckt; Teresa Ong; Terri Gangelhoff - Jay Paul Company ([REDACTED])
Subject: Moffett Park Business Group's MPSP Letter to Planning Commission
Attachments: [MPBG-MPSP Stff_Rcmmnd-PlanningCommission-final.pdf](#)

ATTN: Email is from an external source; Stop, Look, and Think before opening attachments or links.

Dear Planning Commission,

On behalf of the Moffett Park Business Group, I am submitting a letter addressing concerns and comments regarding the Moffett Park Specific Plan project. We ask that you consider the concerns raised and the solutions offered.

Regards,

Kerry Haywood

Executive Director
Moffett Park Business Group
408.742.6008
Mpbg.org



Planning Commissioners
City of Sunnyvale, Planning Commission
456 W. Olive Avenue
Sunnyvale, CA 94086

Re: Moffett Park Specific Plan Project

Dear Planning Commissioners,

Thank you for the work you have put into revising the Moffett Park Specific Plan (MPSP). The thoughtful collection of ideas has translated the MPSP into a visionary plan. While the Moffett Park Business Group is confident in the vision of an innovative, ecological district, we have additional recommendations for your consideration. We believe there are pragmatic solutions not yet in the MPSP which fulfill the vision set out for Moffett Park. Hence, we offer the following comments and suggestions as proposed revisions.

General

- The term “shall” is pervasive in the document and provides no flexibility or alternatives for compliance. Consider replacing “shall” with “encourage,” “other alternative” or “consider” to fulfill the intent of the policies.

Land Use: Innovation and Creation Space (Chapter 4.7)

- Developing Innovation and Creation Space (ICS) in appropriate areas of Moffett Park and/or preserving existing ICS should be considered a community benefit or a credit against city fees. Incentivizing rather than mandating the development of ICS, provides the opportunity to thoughtfully develop these unique spaces where they make sense in the reimagined Moffett Park.

Development Standards (Chapter 5)

- With the first draft, we felt the design standards discouraged architectural innovation and creativity. We thank staff for modifying standards associated with development outside the fine grain core. We encourage staff to take such an approach throughout the whole Moffett Park to avoid a cookie-cutter design environment and leave room to adjust to a changing world.



- Green roofs require special construction considerations, that may present challenges to a project’s feasibility. There are other effective ways to achieve the same benefits of a green roof, especially with stormwater retention and heat island reduction.

We appreciate that staff has considered our concerns and created an exception to the requirement of green roofs on mass timber buildings. We would like to see it taken a step further in the specific plan. There is an opportunity to incentivize (not mandate) new developments to construct green roofs or implement other stormwater retention and heat island reduction methods. Both approaches achieve the guiding principle to “Establish Moffett Park as a model community through its commitment to comprehensively addressing resilience, climate protection and equity in all activities.”

Mobility (Chapter 7) and Infrastructure & Utilities (Chapter 9)

- Upgrading all infrastructure, regardless of whether it’s necessary or not, is not an economically sustainable policy. Right-sizing would consider the development caps outline in the MPSP, if the infrastructure meets current zoning requirements or takes place when infrastructure is in disrepair or end of life.
- Upsizing beyond city standards should be a community benefit or credit against other city fees. We thank staff for modifying polices IU-1.2 & 2.5 to include impact fee credits and community benefit credits for off-site improvements serving multiple property owners or developments that provide an excess of required contributions that address the fair share of impacts to serve the development.
- Do not mandate a company/developer to operate and maintain land they dedicate or infrastructure they provide/upgrade for the public domain. Roads, stormwater pumps and parks should be dedicated to the City under current and new policies. In turn, if a company wishes to operate and maintain land or infrastructure, the cost could be capitalized and count as a credit towards parks fees for residential developments or capitalized as a community benefit for commercial projects not subject to park fees.

Transportation Demand Management and Parking (Chapter 8)

- We asked how the transportation management association (TMA) will be funded, what will be its governing principles and what activities or functions will it manage. We thank staff for clarifying our questions on the TMA and look forward to working with them through the implementation process.
- While we understand the decision to include trip reduction goals in the specific plan, we have serious reservations that companies will be able to achieve a 50% trip-reduction within 60



days of adoption. Setting such an aggressive target, raises concerns that we will be positioning most companies for failure. Pre-COVID, many Moffett Park-based companies, with active Transportation Demand Management (TDM) programs, achieved 30% to 35% trip reductions. Work from home provides little benefit if the City continues to measure only Tuesday, Wednesday, Thursday, while most companies require time in the office the same days. We recommend a realistic launch of the trip reduction goals. These goals can be re-evaluated over time as more support and programs come online.

- The parking maximums outlined are still of concern for the speculative market. We ask that the initial parking maximum ratio be more flexible. This will account for the lag time it takes TMA programs to reduce single occupant vehicle (SOV) trips. As a result, flexible parking ratios support vehicular trip reduction goals while positioning the TMA and employer-funded TDM programs for success.

Thank you for your consideration of these suggestions and comments. We look forward to continuing to work with the City on policy and guidelines to achieve the Moffett Park Specific Plan vision.

Regards,

Kerry Haywood

Executive Director,
Moffett Park Business Group

Cc: MPBG Members

Michelle King, City of Sunnyvale, Principal Planner of Community Development
Trudi Ryan, City of Sunnyvale, Director of Community Development

From: Kristen Brown <kbrown@svlg.org>
Sent: Monday, June 12, 2023 2:45 PM
To: PlanningCommission AP
Subject: SVLG Comments Re: Item 3 - Moffett Park Specific Plan
Attachments: [SVLG - MPSP Letter.pdf](#)

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Good Afternoon,

Attached, please find a letter from the Silicon Valley Leadership Group in regard to the Moffett Park Specific Plan (MPSP), being discussed as Item 3 on tonight's Planning Commission Agenda. Please feel free to reach out with any questions you may have.

Take Care,

Kristen Brown (She/Her)

Vice President, Local & Regional Government Relations
Co-Lead, Women's Leadership Series

M: [REDACTED]

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SILICON VALLEY LEADERSHIP GROUP

DATE

June 12, 2023

Ahmad Thomas, CEO
Silicon Valley Leadership Group

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College District

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svlg.org

Planning Commission
City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94086

RE: Moffett Park Specific Plan

Dear Chair Pyne, Vice Chair Iglesias, and Commissioners,

The Silicon Valley Leadership Group thanks the Planning Commission for the opportunity to comment on the Moffett Park Specific Plan.

The Silicon Valley Leadership Group (SVLG) is a dynamic business association that represents over 350 of Silicon Valley's most respected employers on issues that affect the economic health and quality of life in Silicon Valley. Matters of housing affordability and equity are of critical concern to the well-being of Bay Area communities and to the continued economic growth of the Bay Area and California as a whole.

California's housing crisis is well-documented. The state has set a goal to build 180,000 new units annually to meet demand—a number the state has not achieved in any year since 2005. Despite monumental efforts from local jurisdictions, developers, and housing advocates alike, production rates continue to stagnate.

This crisis has been particularly exacerbated in the San Francisco Bay Area, where a high cost of living contributes to already exorbitant housing costs. As a result, working households are pushed into housing further and further from job-rich areas, and made to commute sometimes hours each way, predominantly by car. This presents an environmental, social, and well-being problem of enormous scale for all communities in the Silicon Valley. Silicon Valley Leadership Group believes the solution to this problem is two-fold—we must encourage the development of additional housing stock, and likewise support a robust and thriving public transit system around which housing can concentrate.

In reviewing the Moffett Park Specific Plan, we ask that the Commission carefully consider that parts of the plan could have adverse impact on the of number of new housing units, such as the 50-foot minimum laneway widths, 18-to-20 foot minimum setbacks, and the 120-foot tower separation. With the severe housing crisis in our region, all efforts must be made to support the development of as many housing units as possible.

Additionally, SVLG is invested in seeing the innovation economy thrive in the City of Sunnyvale and asks that the Commission consider that public infrastructure should remain within public domain and not managed or maintained by private businesses, regardless of location on the East or West side of Matilda. This would promote public safety by ensuring that all public infrastructure is managed uniformly and that tax dollars are put to work fairly.



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There are few opportunities to support housing-centric projects of this size and scale in the Bay, and even fewer that boast the benefits of sustainably-designed infill development as MPSP does. SVLG is supportive of the goals of the Moffett Park Specific Plan and encourage the Planning Commission to approve it with amendments to further support the adoption of badly-needed housing units and to equitably maintain public infrastructure.

If any questions arise, please contact SVLG VP of Government Relations, Kristen Brown, at kbrown@svlg.org.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Brown".

Kristen Brown,
VP, Government Relations
Silicon Valley Leadership Group

From: Jennifer Renk <[REDACTED]>
Sent: Monday, June 12, 2023 3:09 PM
To: PlanningCommission AP
Cc: Michelle King; Michael Pelletier; Seth Bland; Chris Eldemir; Chris Eldemir
Subject: Staff Recommended Changes to Draft MPSP
Attachments: [DivcoWest Comments to Draft Moffett Park Specific Plan Update re 255 Caspian Drive \(02.10.23\).pdf](#)

Importance: High

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Dear Members of the Planning Commission,

We are writing on behalf of DivcoWest (Divco), who advises the ownership of 255 Caspian Drive, which is tenanted by Equinix, a data storage and digital infrastructure company.

We have been in touch with Planning staff about our concerns with respect to the MPSP's proposal to abandon Caspian Drive—our front door—in order to accommodate the Caspian Community Park and other open space amenities.

In response to our request (see attached letter), Planning staff has proposed that language be added to Section 6.5 in new standard 4.c—"Caspian Community Park improvements including changes to Caspian Drive shall be completed in tandem with or after improvements to ensure site access to all properties."

Divco respectfully requests that the following additional language be added to 4.c--"**... to ensure site access via a public road that is as wide or wider than what exists today.**"

This addition will help to further protect the property's access in the future.

Thank you for your consideration.

Jennifer Renk

Jennifer E. Renk | Partner
[REDACTED] | direct
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February 10, 2023

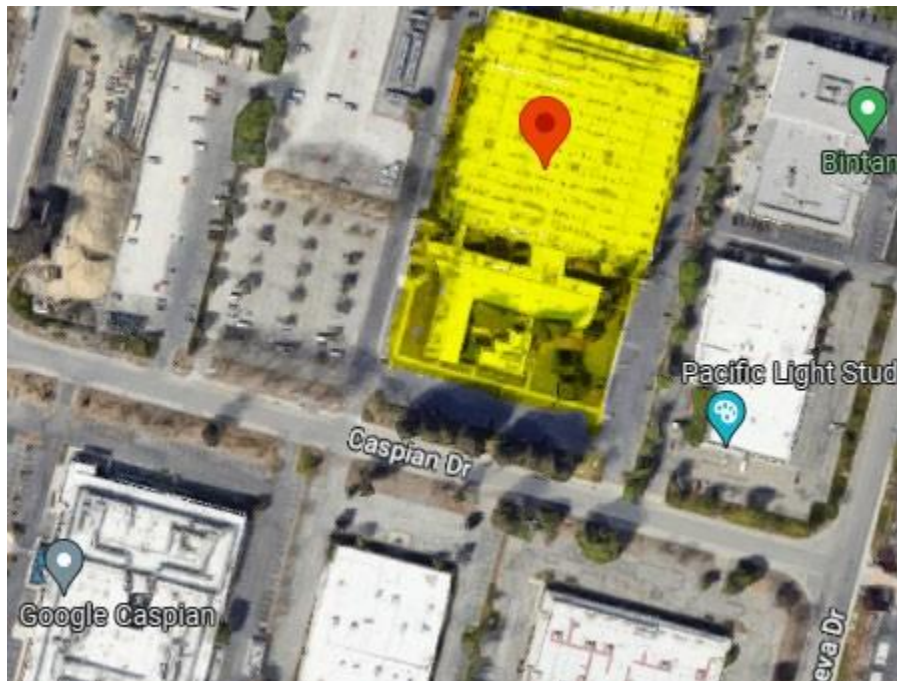
VIA Electronic Mail

Michelle King
Principal Planner
Community Development Department
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086

Re: Draft Moffett Park Specific Plan and 255 Caspian Drive

Dear Ms. King:

We are writing on behalf of DivcoWest (Divco), a Bay Area real estate developer and institutional capital advisor, who advises the ownership of 255 Caspian Drive (Property), which is included in the proposed Moffett Park Specific Plan (MPSP) area. The Property currently is zoned Moffett Park General Industrial (MP-I) and has been tenanted by Equinix, a data storage and digital infrastructure company, for many years, as shown in the graphic below.



Once adopted, the MPSP update will re-designate the Property from MP-I to Moffett Park Mixed-Use (MP-MU), which appears to offer future flexibility for the Property; however, given that we have no current intentions of redeveloping the Property, we are concerned that: 1) the updated MPSP contemplates the elimination of Caspian Drive in favor of future open space, such as the proposed Caspian Community Park, and 2) the new MP-MU designation does not expressly allow data storage providers as a permitted use. Divco, thus, respectfully requests that the clarifications specified below be included in the MPSP, per our discussions during the conference call on Wednesday, February 1, 2023.



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1. Caspian Drive

As noted above, the MPSP proposes to abandon Caspian Drive at an undetermined point in the future in order to accommodate a proposed Caspian Community Park and other open space amenities. The abandonment of Caspian Drive, as proposed, would completely eliminate the Property's primary vehicular site access—our literal front door (as highlighted in yellow in Figure 35, Illustrative Caspian Community Park Section and Figure 20, Illustrative North Java Neighborhood Diagram, respectively, below).



This potential elimination of Caspian Drive obviously is very troubling to the Property's ownership (and likely to other property owners along that corridor) because of the loss of critical vehicular access that the Property has relied on for decades, thus causing substantial negative impacts to the Property value. We recognize that, as the properties in the MPSP redevelop, there will be an expectation that applicants work with the City and adjacent property owners to solve for these significant impacts to neighboring properties; however, the MPSP does not explicitly define or outline any particular policy that formalizes such an expectation.



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Therefore, we respectfully request that specific policy language be added to the MPSP that provides necessary assurances to adjacent owners as part of any future Site Master Plan process or public infrastructure improvement projects. We recommend the following language be added to Chapter 10.3 General Submittals and Site Master Plans (and/or anywhere else in the MPSP that Planning staff sees fit):

All Site Master Plan development applicants, including any public infrastructure improvement projects, shall either facilitate the retention of existing site access or provide equivalent access to properties adjacent to future improvements.

2. Data Center Use

Given that the Property has been tenanted for years with Equinix, a data center use, Divco also requests that the MPSP clearly reflect a policy that expressly allows existing uses to continue indefinitely as the plan unfolds and evolves. To amplify this point, we ask that the data center-type use be called out in the MP-MU designation (below), as well as the subsequent Zoning Ordinance update that will be undertaken to bring the Zoning Ordinance into compliance with the adopted MPSP.

MIXED-USE (MP-MU)

Mixed-Use districts provide land use flexibility for property owners, allowing standalone residential, standalone office, or a mixed-use development. The Mixed-Use district allows dense residential or office development to provide flexibility in specific locations within the plan area. The Mixed-Use district does not require a minimum amount of residential uses. Non-residential FAR from 35% up to 100%.

Specifically, we ask that data centers be added to the Zoning Ordinance's MP-MU land use table as a permitted use and not be characterized as a conditional use or not permitted at all.

Conclusion

We believe that these modest additions to the MPSP will provide comfort and assurances to those stand-alone property owners whose ongoing operations could be significantly impacted by future redevelopments. We appreciate your receptivity to our situation and our collaborative dialogue with the City, and we look forward to continued conversations. Please feel free to reach out with any questions about the foregoing requests.

Thank you for your consideration.

Sincerely,

DocuSigned by:

C02729C14F6D41A...
Michael Pelletier
Managing Director



301 HOWARD STREET, SUITE
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SAN FRANCISCO, CA 94105



Clean Water • Healthy Environment • Flood Protection

File: 28370 Sunnyvale East Outfall
X-Fac: Sunnyvale West Outfall

June 14, 2023

Ms. Michelle King, Principal Planner
County of Sunnyvale
Community Development Department
456 West Olive Avenue
Sunnyvale, CA 95110

Subject: Moffet Park Specific Plan

Dear Ms. King:

The Santa Clara Valley Water District (Valley Water) has reviewed the Moffet Park Specific Plan (Plan), received on December 19, 2022.

Within the Plan area, Valley Water has fee title property and easement along both the Sunnyvale East and West Channels. Both channels were constructed in the 1960's by Valley Water to serve as storm drains in response to flooding caused by a combination of major storm events, land subsidence, and inadequate drainage into south San Francisco Bay. The channels should not be referred to as "creeks" or "rivers" as they are not located in the vicinity of a historic creek and have no historical upstream watershed. They were designed for an approximate 10-year storm event and were constructed with a combination of concrete culverts, concrete lining, sack concrete slope protection, rock slope protection, or earth lined trapezoidal shaped channels where most downstream sections included earthen levees.

Proposed development or other work or access within Valley Water right of way will require issuance of encroachment permits in accordance with Valley Water's Water Resources Protection Ordinance and all work proposed over or under each channel must follow Valley Water's Water Resources Protection Manual.

Based on our review, Valley Water has the following comments on the Plan in addition to those comments provided to the City on February 10, 2023, and April 19, 2023, regarding the Draft EIR for the Plan:

1. Figure 15, page 53, does not identify the two existing bridges over Sunnyvale West Channel, constructed by Google in 2022.
2. Figure 17, page 55, does not show the alignment of Sunnyvale East or West Channel within the Plan Area and Figure 29 only shows portions of the channels within the Plan Area. However, Figure 19 clearly shows the limits of both channels with the Plan Area. Please revise all figures as necessary to clearly show and identify Sunnyvale East and West Channels within the limits of the Plan Area.



Ms. Michelle King, Principal Planner
County of Sunnyvale
June 14, 2023
Page 2 of 4

3. Figure 18, page 57, needs to clearly identify and label all proposed bridges over Sunnyvale East and West Channels.
4. The text of the Neighborhood Descriptions, starting on page 66, should note if bridges over Sunnyvale East or West Channel are proposed. Accompanying figures should also show existing and proposed bridges, and trails.
5. The text in the “mobility” section of the Chesapeake Neighborhood on page 72 referencing coordination with Valley Water for bridges should be included in the mobility sections for each neighborhood description where bridges over Sunnyvale East or West Channel are proposed.
6. The Standards for All Development listed on page 84 should include setbacks to Sunnyvale East or West Channel, consistent with Policy LU 4.5 on page 63 and the [Guidelines and Standards for Land Use near Streams](#).
7. Policy DS-5.2 discussion on page 102 should also the reference [Guidelines and Standards for Land Use near Streams](#), Design Guide # 2, ‘Use of local native species’, as well as the newer pathogen protection guidance from CalPhytos.org which can be found here: <https://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/resources/#nursery>.
8. Table 5 on page 106 and Figure 29 specifies setbacks for Sunnyvale West Channel but not for Sunnyvale East Channel. Figure 29 should show the complete limits of both channels. Setbacks to Sunnyvale East Channel needs to be provided and noted in Table 5. Setbacks provided to Sunnyvale East or West Channel should also be consistent with the Guidelines and Standards for Land Use Near Streams.
9. Regarding Open Space and Ecology (OSE) Policy 1.8, page 135, Valley Water supports a combination of native, non-native, and non-invasive drought tolerant plants consistent with the in Chapter 4, Design Guide 3, ‘Use of Ornamental or Non-native Landscaping.’ For example, non-native trees may be better able to ameliorate the heat island effect in the Plan Area quicker and less expensively than native species which are intolerant of the presumed saline site soils.
10. OSE Goals and Policies stated on page 135 should also reference the Guidelines and Standards for Land Use Near Streams for areas adjacent to Sunnyvale East and West Channels.
11. Figure 32 on page 140 shows various open space areas along and directly adjacent to Sunnyvale East or West Channels and landscaping within these areas can impact Valley Water’s existing and future mitigation/plantings in and adjacent to Sunnyvale East or West Channels and on Valley Water property and easements. Permits from Valley Water are needed for landscaping on Valley Water property and easements and plantings along these corridors needs to be consistent with the Water Resources Protection Manual and Guidelines and Standards for Land Use Near Streams to protect existing and future plantings in the channels from hybridization and invasion by adjacent non-local natives or non-natives in the Plan area.

Ms. Michelle King, Principal Planner
County of Sunnyvale
June 14, 2023
Page 3 of 4

12. The discussion starting on page 161 regarding Sunnyvale East and West Channel encourages channel improvements for flood control that incorporate vegetation and lower floodwalls. The Plan should discuss the feasibility of these improvements holistically, rather than with each development at a later date. The Plan should be clearer about the intent regarding improvements that impact Sunnyvale East and West Channels.
13. Table 15, page 163, needs to note that improvements on Valley Water property and easements must comply with the Valley Water's [Water Resources Protection Manual](#) in addition to any City requirements.
14. It is unclear why Guideline 5 under 6.6.4 Stormwater Management on page 173 includes protecting open space along Sunnyvale East Channel, but not Sunnyvale West Channel. Open space along each channel should be protected and the Plan text revised accordingly.
15. Section 6.6.6 Landscape Design, page 175, should also include compliance with the [Guidelines and Standards](#) for Land Use Near Streams, Design Guides 1, 2, 3 and 4, which are related to vegetation and landscaping.
16. The Complete Bicycle Network improvements listed on page 204 should note if widening of any existing bridges is proposed on Sunnyvale East or West Channels.
17. The levees on Sunnyvale West Channel extend upstream to Mathilda Avenue. Figure 66 on page 253 should be revised to show the extent of the existing levees.
18. Section 10.4 Implementation Actions on page 276 states that a "medium-term" action is for the City of Sunnyvale (City), to "develop an updated City-wide storm drain master plan, including close coordination with the South Bay Salt Ponds Restoration Project." As the non-federal sponsor for the South San Francisco Bay Shoreline Phase III Feasibility Study to provide coastal flood and sea-level rise protection for the Santa Clara County shoreline, Valley Water would like to coordinate with the City of Sunnyvale on its storm drain master planning given the magnitude of potential changes that could occur at the Sunnyvale shoreline in relation to stormwater, coastal flood protection, and tidal marsh restoration.
19. Section 10.4 on page 276 states that storm drain master planning is scheduled to occur in 2028 to 2032. The City may benefit from conducting this planning effort sooner in order to coordinate desired stormwater system changes with the South San Francisco Bay Shoreline Phase III Feasibility Study.
20. Valley Water recommends that a professional soil scientist be engaged to provide a consultation, lab analysis and soil treatment recommendations before the Planting Palettes in Appendix B are finalized. In general, native foothill species may be incompatible with saline, lowland, compacted, poorly drained Bayland soil. Secondly, use of native foothill species may likely be incompatible with the dense fog common to this lowland site, so diseases may thwart success. For example, wild grape and black oak may get mildew and drop their leaves.

Ms. Michelle King, Principal Planner
County of Sunnyvale
June 14, 2023
Page 4 of 4

Valley Water recommends that a professional local botanist be provided the soil scientist's results and then edit the plant palettes to better match soil and location specifics. We urge consultation with the Calscape website which shows the natural range of native species. For example, wild grape and black oak are not shown growing anywhere near the Plan area (

[https://calscape.org/Vitis-californica-\(California-Grape\)](https://calscape.org/Vitis-californica-(California-Grape))

[https://calscape.org/Quercus-kelloggii-\(Black-Oak\)](https://calscape.org/Quercus-kelloggii-(Black-Oak))

21. Valley Water requests that any species on the Alkali Wet Meadow and Wet Meadow/Bioswale palettes listed in Table 32, Ecosystem Planting Palettes, page 298 be contract-grown per 'clean culture' techniques from propagules of local ecotypes only so that any 'escapes' which find a home on adjacent Valley Water properties will be ecologically compatible.

22. Valley Water requests the following specific changes in planting palettes shown in Appendix B:

- Please remove *Festuca rubra* since it is not common in Santa Clara County and replace with another meadow grass.
- Please remove *Prunus ilicifolia* in oak woodland palette since it can be invasive in creek and channels.
- Please replace *Salvia Sonomensis* with *Salvia spathacea* as it is more appropriate for a lower elevation site.
- We encourage that any native species included in the plant palette which are growing wild near/within the Plan area be contract-grown from locally collected seed and in accordance with clean culture techniques outlined by CalPhytos to ensure nearly pathogen-free production and that no genetic degradation occurs due to the inevitable 'escapees' from Plan area which will move downstream.

Please provide a copy of the final Plan when available. When new developments/projects are proposed within the Plan area, please forward project specific CEQA and project proposals for Valley Water review.

If you have any questions or need additional information regarding Valley Water's review, you may call me at (408) 630-3037, or email me at sdharasker@valleywater.org. Please reference File No. 28370 on future correspondences regarding this project.

Sincerely,

DocuSigned by:

Shree Dharasker

EF9F98B5CF486EB...
Shree Dharasker

Associate Civil Engineer

Community Projects Review Unit

cc: Y. Arroyo, S. Dharasker, V. De La Peidra, S. Ferranti, C. Haggerty, M. Martin, E. Zedler, R. Grillo, L. Spahr, L. Garrison, L. Bankosh, File



**SILICON VALLEY
LEADERSHIP GROUP**

DATE

June 22, 2023

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Silicon Valley Leadership Group

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🌐 svlg.org

City Council
City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94086

RE: Moffett Park Specific Plan

Dear Mayor Klein, Vice Mayor Din, and Councilmembers Melton, Cisneros, Mehlinger, Srinivasan, and Sell,

On behalf of the Silicon Valley Leadership Group, we express our strong support for the Moffett Park Specific Plan. The City and the region will benefit greatly from up to 20,000 homes, including 15% BMR affordable units, over 200 acres of public parks and open spaces, bicycle and pedestrian improvements, and up to 500,000 square feet of retail and other neighborhood amenities and services.

The Silicon Valley Leadership Group (SVLG) is a dynamic business association that represents over 350 of Silicon Valley's most respected employers on issues that affect the economic health and quality of life in Silicon Valley. Matters of housing affordability and equity are of critical concern to the well-being of Bay Area communities and to the continued economic growth of the Bay Area and California as a whole.

California's housing crisis is well-documented. The state has set a goal to build 180,000 new units annually to meet demand—a number the state has not achieved in any year since 2005. Despite monumental efforts from local jurisdictions, developers, and housing advocates alike, production rates continue to stagnate. Some of this is due to in-lieu park fees and inclusionary affordable housing requirements which impose excessive cost burdens that undermine the financial feasibility of multifamily development. In the case of Sunnyvale, housing fees can be as much as 40% higher than adjacent cities, which doesn't incentivize housing to be built.



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This crisis has been particularly exacerbated in the San Francisco Bay Area, where a high cost of living contributes to already exorbitant housing costs. As a result, working households are pushed into housing further and further from job-rich areas, and made to commute sometimes hours each way, predominantly by car. This presents an environmental, social, and well-being problem of enormous scale for all communities in the Silicon Valley. SVLG believes the solution to this problem is twofold—we must encourage the development of additional housing stock (not just zoning), and likewise support a robust and thriving public transit system around which housing can concentrate.

In support, we encourage the City Council to [1] adopt the Moffett Park Specific Plan, and [2] request that the City perform a housing feasibility study this year with policy recommendations that would further enable as much housing to be built in today's market and in alignment with your 6th Cycle Housing Element housing production goals.

Additionally, SVLG is invested in seeing the innovation economy thrive in the City of Sunnyvale and asks that the Council consider that public infrastructure should remain within public domain and not managed or maintained by private businesses, regardless of location on the East or West side of Matilda. This would promote public safety by ensuring that all public infrastructure is managed uniformly and that tax dollars are put to work fairly.

If any questions arise, please contact SVLG VP of Government Relations, Kristen Brown, at kbrown@svlg.org.

Sincerely,

A handwritten signature in cursive script that reads "Kristen Brown".

Kristen Brown
VP, Government Relations



Google LLC
1600 Amphitheatre
Parkway
Mountain View, CA 94043

650 253-0000 main
Google.com

June 30, 2023

Honorable Mayor Larry Klein and City Council
City of Sunnyvale
456 W. Olive Ave
Sunnyvale, CA 94086

RE: Moffett Park Specific Plan Update

Dear Mayor Klein and Councilmembers,

Google is excited by the City's vision for an Eco-Innovation District in Moffett Park. I'd like to thank the community, city leadership, city commissioners, and you, the City Council, for the continued efforts to create a vibrant, forward-looking plan for Sunnyvale. In particular, we thank city staff for their efforts in crafting the Moffett Park Specific Plan ("Plan").

Google supports the goals of the Plan to create an integrated, accessible, and climate resilient mixed-use neighborhood that serves Sunnyvale and the region, and we respectfully urge you to support and approve it.

While we share the City's collective vision and goals of the Plan, we also recognize there are challenges that inevitably come with taking an exciting ambition across 1,200 acres and turning it into an executable reality. This includes balancing prescriptive detail and land use regulation in the Plan with flexibility, so that it is responsive to future changes in the market, design and innovation, and people and business preferences.

In support, Google has submitted multiple comment letters with our feedback over the last several years, most recently in February and June. These two letters highlight the areas of prescribed detail in the Plan that we believe impact the character of place, overall yield, and financial feasibility of projects. We have attached a summary outlining some of those key impacts, with suggestions from the lens of balancing great placemaking with financial viability.

Further, these impacts are magnified in the context of citywide requirements. For example, Sunnyvale's open space requirements are significantly higher than some surrounding cities. It requires five (5) acres per 1,000 residents compared to three (3) acres per 1,000 residents in neighboring cities. As another example, Sunnyvale's additional requirements on land dedication compared to inclusionary, to meet the City's 15% affordable housing requirement,

penalizes landowners who could dedicate sites for affordable housing to help market rate housing feasibility (and, as you know, sites dedicated for 100% affordable housing can use beneficial financing to provide deeper levels of affordability and a broader range of unit mix such as studios and 3, 2 & 1 bedrooms). Both of these Sunnyvale citywide requirements challenge financial viability for residential development.

In response, we support recent requests from the Housing Action Coalition and Silicon Valley Leadership Group, urging the City Council to direct city staff to perform a financial feasibility study of residential projects before the end of this year. This study could highlight pathways to viability, and/or show what might be inhibiting feasibility (such as the two citywide items above, or perhaps others) and suggest alternative approaches or citywide policy updates, so that interested landowners and developers can move forward with residential development. It would be unfortunate to get to the end of the Plan Update process, only to discover later that it is economically infeasible to build.

Please note that while development today is more challenging than it may have been in recent years due to the current economic conditions, Google is committed to upholding the vision and long range principles of the Plan. We aim to work with the City to explore solutions to current and future challenges that impact bringing into fruition the creation of an Eco-Innovation District in Moffett Park.

If the Plan update is approved by the City Council, it will be a big next step towards the City's vision for Moffett Park. Let's then work together to ensure related projects are financially viable, to see this vision become reality.

Sincerely,



Jeff Holzman
Director, Real Estate District Development
Real Estate & Workplace Services (REWS)

cc: Michelle King
Shaunn Mendrin
Trudi Ryan
Connie Verceles

Attachment

Balancing great placemaking with financial viability

- Laneway widths:** We agree that laneways are an important tool to encourage porosity and connection, and foster breaks in facade lengths and architecture to enhance the character of the neighborhood. However, we believe that the 50' minimum is wider than necessary and could impact the Moffett Park Specific Plan's ("Plan") goal to enable a more walkable, vibrant neighborhood, resulting in a sense of disconnection between the buildings. We recommend a minimum 40' laneway width, to get that right balance of separation, connection, place and yield. A smaller width would also reduce heat island effect and stormwater runoff associated with hard surfaces. Laneway widths should be considered in the context of the Site Master Plan ("SMP") process.
- Minimum setbacks:** We applaud the City's focus on ecological priorities in the Plan, and agree that setbacks in various locations offer important opportunities for increased landscaping, tree canopy coverage, and reduced heat island effect. However, we also believe the 18-20' minimum setbacks create potentially too much distance between the building and the streets, leading to reduced vibrancy and sense of walkability. We recommend a 10' setback where it makes sense, as part of the SMP process when considering the vision, character and context of its neighborhood.
- Tower separations:** In a neighborhood looking for a fine grain pattern and smaller, walkable blocks while also offering opportunities for needed housing, we believe the current requirement on increased tower separations of 120' could have unintended consequences (e.g. retail adjacency distance, widened pedestrian street crossings, less housing units) that lead to reduced residential yield. We recommend maintaining the current City code which requires a minimum of 41' between buildings of 90' in height, and increases to 60' as buildings get taller.
- Facade Modulation:** We support the desire for high quality architecture in Moffett Park, and believe the over-prescription of form and design in the Plan will only stifle creativity in what is supposed to be an innovation district. The requirement for a major break (20' wide x 10' deep) for facades greater than 200 feet in length, and for two major breaks for facades greater than 250 feet in length will reduce building efficiency and limit the number of residential units that could be realized. There are other ways to meet the desired outcome (e.g. facade composition, uses of differing material textures and colors, uses of facade shadows via differing roof eaves and awnings, and living green walls) that could meet the Plan's intent without compromising feasibility. Additionally, if major breaks are required they should exempt the podium levels of all buildings (not just buildings with retail) to allow for more active ground levels (e.g. residential units, amenities, lobbies) and a cohesive street-facing ground floor plane.
- Neighborhood Serving Uses / Standards:** The Plan is overly prescriptive in the amount, location, and design of neighborhood serving commercial uses. The retail environment is drastically different today than it was at the start of the Plan effort, and continues to evolve in unknown ways. Active uses such as lobbies, residential amenities, and community spaces can help meet the intent of the Plan for active frontages while supporting financial viability, and should count towards meeting ground floor retail/activation requirements.
- Library / Community Center:** We support the principles of a library and community space within the District, and note that the Plan requires developers to identify locations, with required minimum

square footages, for a Library and/or Community Center within the North Java and Crossman Activity Centers. And, since Google owns most of the land in these Activity Centers, this is really an ask directly of Google. We believe that the Plan should allow greater flexibility in where these community assets could be located within those neighborhoods (perhaps also in the Fine Grain Core, not just in the Activity Centers). Additionally, we would encourage the Plan to describe how the City will fund, build out, and operate these locations.

7. **TIF:** On the one hand, based on our recent experience of building grade-separated bicycle and pedestrian crossings in the area, as well as publicly available information on other recent bike bridges across highways (Highway 101 overcrossing in Palo Alto, Clarke Avenue overcrossing at Highway 101 in East Palo Alto, University Avenue overcrossing at Highway 101 in East Palo Alto, and Montague Expressway overcrossing in Milpitas), it appears the TIF may be collecting more than needed for the two bike crossings (one elevated bike bridge across Highway 237, another at-grade crossing of Caribbean Drive). Our experience would suggest that the \$155M TIF estimate could be four to five times higher than needed. On the other hand, the TIF appears to be excluding key improvements planned for Caribbean and Java Drives, that are prioritized in the Plan as anchor streets and bring important multimodal mobility and safety benefits to the entire District, including the opportunity to accommodate a future bus rapid transit system. Both the bike crossings and the Caribbean and Java Drive improvements would help realize the Eco-Innovation vision of the Plan, and should be executed in a coordinated and holistic manner, not piecemeal by separate developers. We would encourage the new Transportation Management Authority, in one of its early activities, to revisit the likely cost forecasts of the bike crossings, and potentially update the TIF to repurpose those excess funds towards Caribbean and Java Drives.
8. **Street Locations:** The Plan proposes new replacement streets, within a short distance of existing streets (e.g. Caspian Drive). We believe that reusing existing infrastructure and minimizing new infrastructure expenditures will be fundamental to feasibility. Further, on Caspian Drive, adjacent property owners have voiced concerns around their future access. It might be that the Caspian Promenade needs to adjust part of its design intent to both still meet the ambitions of a wonderful central park space, while also respecting the current needs and concerns of local property owners.
9. **Open Space Locations:** The Plan is overly prescriptive on overall acreage, location, and dimension of open spaces (e.g. Caspian Promenade, South Java Park, the Diagonal). The City should allow for more flexibility around exact locations through detailed design of open spaces in the SMP process, so that these spaces can respond to their proposed built context. The Plan should note the drawings on these open spaces as “Illustrative”, to be refined through the SMP process.
10. **Storage requirements:** The Plan has prescriptive requirements for residential building storage that adds unnecessary costs to residential buildings with minimal benefit to tenants. Most South Bay cities do not have storage as a requirement. Developers should be allowed to determine appropriate storage solutions based on market demand. Underutilized storage impacts housing feasibility via additional costs, loss of unit yield and lower building efficiency.
11. **Parking structures:** The Plan requires that any structured parking that faces a publicly accessible street (or open space, or laneway) be lined with commercial or habitable uses. This requirement is too broad, and there will likely be proper locations for a garage (such as set back away from the street, but

along a laneway for access) that will not be viable or marketable for commercial or habitable uses. Sometimes, a garage needs to be just a garage.

12. **Canopy Coverage:** The 15% canopy coverage on building podiums has significant cost implications and should be considered a goal rather than a requirement. The currently prescribed generous setbacks and open space requirements should enable sufficient canopy coverage, without the additional burden of canopy requirements on structured podium levels. We would instead encourage the area on a podium to be part of the total area when calculating the 15% coverage, but enable projects through more detailed design to be able to satisfy this requirement off the podium through the SMP process.

And, as mentioned in the letter regarding citywide requirements that impact feasibility:

1. **Open Space:** The Plan has high open space dedication (5.0 acres per 1,000 residents) or in-lieu fee (\$72,527 per unit) requirements relative to other cities which will make residential infeasible.
2. **Affordable Housing:** The City's affordable housing requirements for land dedication are much higher compared to other cities in the region, which directly affects landowners' ability to attract investment capital and developers being competitive within the market.



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Staff
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Executive Director

TRANSMITTED VIA EMAIL

June 30, 2023

Mayor Klein, Vice Mayor Din, Sunnyvale City Council,
and Sunnyvale Planning Commission
456 West Olive Avenue
Sunnyvale CA 94088-3707

Re: Moffett Park Specific Plan — July 11th, 2023 City Council Meeting

Dear Mayor Klein, Vice Mayor Din, and Sunnyvale City Council,

On behalf of SV@Home, we write regarding the Moffett Park Specific Plan (MPSP; the Plan). We appreciate and commend your leadership and Staff's hard work for creating a comprehensive plan that is dedicated to achieving sustainability, equitable transportation, economic prosperity, and housing affordability. This process has established a shared consensus around the transformation of Moffett Park into a vibrant, mixed-use community that will be accessible to the full diversity of people who live, work, and play in Sunnyvale. SV@Home has been engaged throughout this multi-year planning process and is excited to finally see the MPSP adopted to create 20,000 new homes in Moffett Park, with 15% to 20% being affordable. We have coordinated with both Staff and City Council in recent weeks in an effort to see our comments outlined in this letter reflected in the final Plan.

The flexibility and multiple paths to realizing housing and affordable housing opportunities within the Plan demonstrates a commitment to moving housing forward with deliberate speed. Given that the MPSP has been central to housing goals included in the Housing Element, we expect the City will continue to collaboratively and creatively work with developers. As development proposals are submitted to support housing creation, the City needs to meet both immediate and long term needs for housing that is affordable for Sunnyvale residents.

SV@Home believes the recommendations discussed below support our shared intent of integrating affordable homes into Moffett Park, they include:

- Supporting a community benefits prioritization structure by establishing a process for City Council input before development agreements are finalized.
- Establishing the expectation that 50% of Housing Mitigation Fees collected within the plan area will be dedicated for more and deeper levels of affordable housing in Moffett Park.
- Removing in-lieu fees and off-site affordable development outside the plan area as alternative compliance options for meeting the Inclusionary Below Market Rate (BMR) Rental Housing Ordinance requirements.

City Council Guidance for Prioritizing Community Benefits

The MPSP's Community Benefits Program is the primary mechanism to have Moffett Park reach its 20% affordable housing target. This program provides the opportunity to build more affordable homes at deeper levels of affordability, increasing access for everyone to Moffett Park. The Community Benefits tiering system does not provide the City Council with enough clarity on how affordable housing will be prioritized and incentivized. To provide more clarity, City Staff should come to the City Council before the benefits are negotiated to receive guidance on how the different affordable housing pieces should be prioritized and incentivized.

Integrate the Community Benefits Framework tiering structure presented at the January 31st City Council Study Session into Table 3 of the MPSP. Include the following language under Policy LU-5.1, within the second standard for bonus FAR developments (page 86, Chapter 4), and in the administrative guidelines: "Staff to publicly consult the City Council before Community Benefits are negotiated in order to receive direction on how the affordable housing benefits should be prioritized and incentivized."

50% Housing Mitigation Fees from Moffett Park, for Moffett Park

We have heard concerns from a number of Councilmembers that strict restrictions on these funds may unintentionally constrain the Council's ability to seize opportunities in other parts of the city. In the first phases of the Plan's buildout, significant local affordable housing development funds from multiple sources around the city will be directed to Moffett Park.

However, supporting affordable housing at deeper levels of affordability within the plan area is going to be an on-going challenge. To address this obstacle, the City should include language in the MPSP indicating that there is an expectation that at least 50% of the Housing Mitigation Fee collected within Moffett Park be allocated to affordable housing developments within the Plan area. We believe this language will strengthen the goals of the Plan by ensuring resources are available to support affordable developments within the plan area, without limiting City Council discretion.

Include the Housing Mitigation Fee as an example strategy on page 39 under the "Encourage affordable housing" subheading. Add the following language in Chapter 4: "At least 50% of Housing Mitigation Fee collected from non-residential development within Moffett Park is expected to be allocated to affordable housing developments within the Moffett Park Specific Plan area."

Removing In-Lieu Fees and Off-Site Development Options Outside of Moffett Park

The primary mechanism for affordable housing development in the MPSP is the Inclusionary BMR Housing Rental Ordinance — the plan is very clear that the 15% requirement will be met within proposed developments or master plans. The plan refers directly to the existing ordinance, however, which includes a list of alternative compliance options that would explicitly undermine this requirement. To address this potential conflict, we would recommend that two alternative compliance options be explicitly removed from the Plan. These include the in-lieu fee option and the option to build affordable housing in some other part of the city as an alternative to building on-site.

Our recommendation would be limited to the plan area. Specific plans allow the City to create or adjust policies to meet priorities of the plan area along with the accompanying rezoning and other expanded opportunities. We need to ensure Moffett Park has all the guardrails so that affordable housing will be built within the Plan area through its Inclusionary BMR Rental Housing Program.

Add the following language under Policy LU-2.3 and the fifth residential development standard on page 85 in Chapter 4: “Alternative compliance option 19.77.100(b) shall not be an option within the Moffett Park Specific Plan Area. Off-site affordable housing development as part of alternative compliance options 19.77.100(e) and 19.77.100(f) shall be considered only if said development is within the Moffett Park Specific Plan area.”

SV@Home is thrilled to be reaching the end of this tremendous planning process. We appreciate the close coordination, attention to detail, and careful consideration of the Sunnyvale community’s concerns over the years, including our own. The Plan is conscious of sustainability — protecting the local ecology, capitalizing on infill development, building homes near transit, and more. We are thankful for the City’s dedication to ensuring everyone in Sunnyvale will have access to all these important qualities of the Plan. Moffett Park is going to serve as a regional model for inclusivity and accessibility.

For further background, [click here](#) to read SV@Home’s previous letter, including [here](#) and [here](#) for joint coalition letters we sent with our partner organizations to the City.

Sincerely,



Regina Celestin Williams
Executive Director