



Sunnyvale

City Hall
456 West Olive Avenue
Sunnyvale, CA 94088-3707
TDD/TYY 408-730-7501
sunnyvale.ca.gov

March 3, 2023

Re: Public Comment Letters on MPSP and MPSP DEIR

Please see the attached comment letters regarding the Draft Moffett Park Specific Plan and its associated Draft Environmental Impact Report. The following letters represent the written public comments received up until February 28, 2023. For future comments on the plan please me directly at mking@sunnyvale.ca.gov or mail letters to City Hall attn: Michelle King.

Sincerely,

Michelle King

Michelle King
Principal Planner

January 11, 2023

Ms. Trudi Ryan, Community Development Director
City of Sunnyvale
456 West Olive Ave
Sunnyvale, CA 98088-37

Re: Moffett Park Area Specific Plan Draft
Miramar Residential Project
352 E. Java Drive

Dear Ms. Ryan:

As you know, Miramar Capital has submitted to the City a development concept design for a 300+ unit residential project on a +/- 2.0-acre site located at 352 E. Java Drive, situated at the SE corner of Java Drive and Geneva Drive. This letter is intended to provide our comments to the policies and standards in the Draft Moffett Park Specific Plan (MPSP). The recently released Draft MPSP appears to have changed dramatically since the last public presentation. We are concerned that certain new policies and development standards of the draft MPSP will make it infeasible and impractical to accomplish the goals of the MPSP to develop high-density residential in the South Java Area -which is critical to achieve the jobs and housing balance and support the CEQA studies for the MPSP. Below is a synopsis of our concerns:

1. **Most critically, the proposed 50-foot diagonal bike/ped (The Diagonal) path would bisect our site and many other parcels in the area** and drastically reduce our developable site and render development of any building on the parcel infeasible by dramatically increasing costs and causing design inefficiencies. A 50-ft wide path through the middle of the site would create 2 small and irregular shape parcels that could not be developed practically and feasibly. The approximately 330 units shown on our concept plan is possible only if we utilized our parcel fully and optimally as shown on our submitted concept plan. We are aware that the City would need us to maximize density on our site in order to make Moffett Park walkable and dense and make the jobs/housing ratio work for the CEQA analysis. However, the changes to the MPSP render our parcel, and other residential land use designated parcels, incapable of supporting any development and density above their current uses. We believe that there are viable alternatives to provide bike and pedestrian access on the perimeter of our site, as proposed on our concept plan, to ultimately link to the Java Drive LRT station.
2. We have studied and optimized our design for the highest residential density possible that is viable and feasible on our site. The design would include parking above grade at 0.82 spaces/unit. Soil conditions in that area of Moffett Park are poor, mostly due to a high groundwater table, and subterranean parking and deep foundations for Type I (concrete) high-rise construction at that location are not viable. The maximum density we can achieve for a marketable and feasible product on that 2 acre site is a Type III (5-story wood over 2 story concrete) building with approximately 330 units. Type I (concrete) high-rise construction, even with ideal soil conditions, is not viable due to construction costs and interest rates. We are not aware of many, if any, Type I high-rise residential projects under development in the market.

3. Limiting lot coverage to 70% (+15% for additional hardscape elements) and excluding publicly accessible open space from the net site area, further impedes the ability to develop sites utilizing podium courtyards and/or Type V or Type III construction which is the only construction type viable for residential construction in this market. No type of residential construction will be possible on that site with these lot coverage development standards.
4. “Floor Plate Reduction” and “Façade Step-Back” above the 7th story are not compatible with high density mid-rise residential apartment design. Efficient multi-family residential projects rely on stacked floor plates for continuity of building systems and acoustical relationships of adjoining uses. These development standards will further reduce density and feasibility and increase costs of residential construction.
5. The “Major Break” requirement as part of the building modulation within the Fine Grain Core Area currently requires a 20 ft. deep recess into the building massing. This requirement will further reduce the potential residential density of the project. Alternatively, a 5 ft. deep recess would allow for substantial and meaningful massing break while still accommodating a reduced depth unit design and maintaining the project’s density goals.
6. The requirement for 4” offset from glazing to the exterior building finish will require the use of more complicated framing and waterproofing and will cause the project to incur significant cost above and beyond what is seen elsewhere in the market.
7. Requiring transformers to be located inside of buildings or underground is another development standard which make construction of residential projects impractical and infeasible. As PG&E and other utilities have routinely prohibited the installation of underground transformers with their jurisdiction, this language will force transformers inside of buildings into areas that are already scarce and in high demand in high-density buildings for accommodating other uses and programs such as storage and trash and parking access. Given that these transformer rooms have strict exterior access requirements, the addition of these rooms will add larger areas of solid walls and doors to project facades at the street level where activation and glazing is the most desired and will make it difficult to provide storage, parking access or trash areas.
8. The use of terms like “shall” in the MPSP provides no flexibility or alternatives compliance for projects. We suggest that alternative terms such as “encouraged” or “considered” be used to meet the intent of a design requirement and provide flexibility to staff and applicants to achieve the goals of the MPSP.

The objections stated above are not exhaustive and highlight many of the critically concerning features, conditions and standards which render development of a residential project on our site infeasible. Our property, 352 East Java Drive, comprises 2 acres of the 22 acres (10%) of the South Java District in the MPSP. In order for the city to achieve the desired goals of 7,500 dwelling units in the South Java District, we would need development standards that accommodate and support the maximum and optimally feasible development of the residentially designated parcels. We look forward to scheduling a meeting with you and staff to discuss our concerns and propose alternative standards.

Very truly yours,

Miramar Capital, LLC



Perry Hariri
Partner

MPSP Questions

PG. 46: What does the city anticipate for maintenance of parks on private property? What is the role for property owners? Will easement agreements be put in place to protect property owners from liability from public access to the property?

PG 74: What does, “expansion and restoration of LM Stormwater Detention Area” mean?

PG 74: Plan calls for extension of Discovery Way across Navy site. Would this be dedicated public road to City?

PG 79: Navy Site MP-E1 zoning – Allows mix of uses, but only mentions corporate office. Please confirm that light industrial including warehouse and distribution is allowed.

PG. 84: How does District Parking work? District parking is excluded from FAR. Is structured non-district parking included in FAR?

PG 86: Since not requesting Bonus FAR, is north parcel exempt from development agreement requirement?

PG 89: Need to prepare and submit a Habitat Enhancement and Management Plan and a maintenance and management plan. Clarify 1) FAR can be transferred anywhere in Moffett Park? 2) is preparation of plans only requirement or is implementation, maintenance and management required? 3) Can we transfer FAR to other owned sites in West Matilda neighborhood to be “banked” for future use, without a development plan? 4) If so, if we sell site with banked FAR in future to a developer, can they use “banked” FAR without incurring Community Benefit obligations for the banked FAR?

PG 93: What is definition of creative space not adjacent to Residential? How is creative space going to work in our secure core campus?

PG 96: Can new public streets West of Matilda be dedicated?

PG 97: Existing private utilities shall be improved to City standards. Is this continuation of current policy in which streets fronting redevelopment need to be improved OR an expansion of this policy? Who determines dedication City or Developer?

PG 187: Why showing so many new vehicular streets on Navy site? Exempted on Page 103 from small blocks.

PG 226: Project can exceed parking maximum by 50% if all excess shared with public. So this means the excess could not be leased by tenants but available for first come, first serve?

PG 227: How does “At Adoption” “Mid Term” and “At Full Build Out” work? Is this by project or over the years for all of Moffett Park? Office numbers too low, especially “Mid term” and “Full Build Out”. Residential should not go below 1.0 – Near impossible to sell / lease unit without parking.

PG 228: Can office tenant or resident have renewal options for parking lease?

PG 287: Objective to cap parking at 57K spaces for all of Moffett Park. Why this number? Never cited in EIR.

EIR Questions

PG 138: New natural gas services to be prohibited in Moffett Park? Is this an issue for our continuing industrial operations! Can exemption for industrial uses be incorporated?

PG 296: District Parking Strategy: Mostly centralized in series of shared parking garages. Additional detail on how this would work?

From: Mitch Price <[REDACTED]>
Sent: Tuesday, January 17, 2023 11:48:32 PM
To: Michelle King <MKing@sunnyvale.ca.gov>
Subject: Questions about Table 3.17-2 in the Draft EIR for the MPSP

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

Hi! I have a few silly questions about table 3.17-2 on page 297 of the draft EIR:

1. I checked the referenced table (page 9 of "Moffett Park Specific Plan CEQA Transportation Analysis" in Appendix I), and it shows a different mode share for non-driving external trips. It looks like the "Total" mode split on Table 4 of the Transportation Analysis has accidentally been transposed into the draft EIR as "External" mode split at build out, resulting in the "Bike-Walk" percentage being over-inflated.
2. Additionally, I am confused as to where the 587,222 average daily trips being generated comes from and was unable to find it in the Transportation Analysis report - is there an explanation of where this is calculated somewhere? Thanks!

Board of Directors

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Staff
Regina Celestin Williams
Executive Director

TRANSMITTED VIA EMAIL

January 23rd, 2023

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

Re: January 17th, 2023 Public Workshop on the Draft Moffett Park Specific Plan

Dear Michelle King,

On behalf of SV@Home, we write to you today regarding Sunnyvale's Moffett Park Specific Plan (MPSP), for the January 17, 2023 Public Workshop. We would like to thank the Community Development Department Staff for their diligent work to ensure that the Moffett Park Eco-Innovation District is a community where everyone can live affordably. We appreciate the clear performance metric/objective of producing 20,000 housing units with at least 3,000 affordable housing units included in the Draft MPSP (Draft Plan). Staff has demonstrated their determination to work with the community and stakeholders to make our dreams for this northern pocket of Sunnyvale come true.

However, we believe that the Plan requires some minor amendments, and additional detail, to ensure that we fully realize the shared vision of Moffett Park as a vibrant, thriving, and inclusive community. We believe this starts with ensuring that everyone in Sunnyvale has the opportunity to access a home in Moffett Park. We are excited to continue our partnership to strengthen the affordable housing components of the Moffett Park Specific Plan and with that said, SV@Home submits the following recommendations.

Committing to a 15 Percent Affordable Homes Mandate with a Goal of 20 Percent Affordable Housing

As it currently reads under Guiding Principle 3, the Draft MPSP aspires to reach a minimum of 15 percent housing affordability with a cap of up to 20 percent with incentives. As we have discussed, the primary mechanism for achieving this goal is the City's Inclusionary Housing Ordinance, which, as you have noted, can be met through a variety of alternatives, as outlined in Sunnyvale Municipal Code Title 19 (Zoning). We think that this planning process affords the City an opportunity to mandate feasible affordability requirements that will ensure that deed restricted affordable homes are integrated throughout Moffett Park as intended. We also believe that the 20 percent affordability goal can be a target rather than a cap. The MPSP (the Plan) can explicitly state the expectation that this target will be met

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Re: January 17th, 2023 Public Workshop on the Draft MPSP

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through a combination of deed restricted units integrated into market-rate development and stand-alone 100 percent affordable developments, which allow deeper levels of affordability than is feasible through the Inclusionary Ordinance alone.

To facilitate the development of more deeply affordable homes, we recommend that Affordable Housing Mitigation Fees (Commercial Linkage Fees) collected from commercial development within the master planned areas, should be made available exclusively in these areas to support additional affordable housing.

The MPSP is a tremendously comprehensive and forward-thinking document that will clearly be transformative and open up opportunities for current and future residents of Sunnyvale. We do not question the City's commitment to an economically and racially integrated Moffett Park, but we do know that commitments are best met when clear direction is included in the Plan itself.

SV@Home recommends the MPSP include clear mandates for a minimum of 15 percent affordable housing, or 3,000 units, with a goal that 20 percent of all new residential units be deed-restricted affordable homes. SV@Home also recommends using the Affordable Housing Mitigation Fees collected from commercial developments within master planned areas to support affordable housing development within these areas.

Creating a Clear Incentive Structure for Community Benefits that Supports the Development of Additional Affordable Housing at Deeper Levels of Affordability

The Draft MPSP currently includes standards for bonus commercial floor area ratio (FAR) developments and a list of potential district community benefits under Table 3 that includes additional affordable housing. We understand that the details of the Community Benefits Program structure will be coming back to council for consideration. The current Draft Plan does not clearly weigh the different community benefits on the list to ensure the success of incentivizing affordable housing production.

There are many opportunities and interests that can be realized through the community benefits component of the plan. These benefits promise to make Moffett Park a remarkable place to live, work, and play. It will be up to the City, in working with the developers, to determine who has access to these benefits and who does not—due to their inability to afford living in the area. To realize the goals of optimizing equitable community access to enjoy these benefits, the production of housing affordable to Sunnyvale residents of all incomes must be appropriately incentivized by the community benefit structure.

We believe it is essential that Staff's presentation to City Council scheduled for January 31st on the Plan's Community Benefits Program highlight the City's Inclusionary Housing Program's limits to providing housing opportunities for many lower-income households. Without additional incentives for deeper housing affordability in the Plan, the area will be largely out of reach for a significant

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portion of the city's current residents, many of the new office and manufacturing employees, and most of the new retail commercial employees—all with average household incomes below 50 percent of the current Area Median Income. If Moffett Park is to truly become a place of opportunity for all, the Community Benefits Program will be instrumental in leveraging the resources to make this happen.

SV@Home recommends that the Community Benefits Program successfully incentivizes affordable housing production by clearly weighing the Plan's list of community benefits. SV@Home also recommends the Community Benefits Program include a clear intent to expand housing opportunities for very-low and extremely-low income households, which may not benefit from the below market units required by the current Inclusionary Housing Program.

Tracking, Measuring Progress, and Adaptability

We believe the Plan can set clearer actions to monitor and resolve barriers to achieving the Plan's affordable housing requirements and goals. We would like to see:

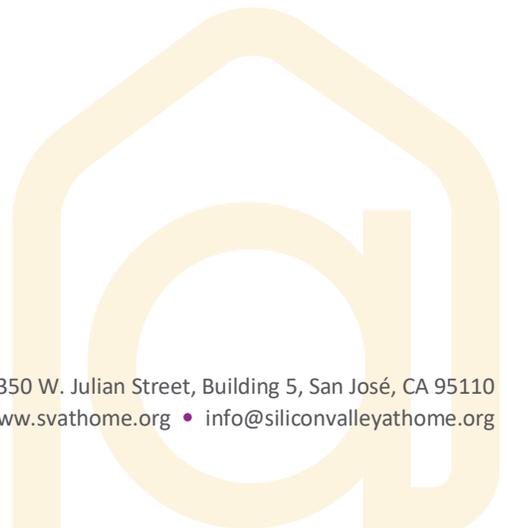
- A program to track or measure progress towards meeting the Plan's affordable housing production goals throughout the 20-year buildout period and the five-year review/updates.
- An adaptive policy that allows the City to change its strategies if affordable housing targets are not met throughout the life the plan, including the five-year review/updates.

We appreciate Staff's dedicated and tireless work in drafting the MPSP, for meeting with us before its release, and answering all our questions. Our ongoing partnership with the City is important to us, and we look forward to continuing this work together through the MPSP's adoption. Through this partnership and further discussion of our recommendations with City Staff, we hope to reach our shared goal of ensuring any Sunnyvale resident can afford to live in Moffett Park, the Eco-Innovative District.

Sincerely,



Regina Celestin Williams
Executive Director



Fwd: Feedback on Moffett Park Specific Plan

Michelle King <MKing@sunnyvale.ca.gov>

Tue 1/31/2023 9:12 AM

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

Fyi

Get [Outlook for Android](#)**From:** Charles Fraleigh <cfraleigh@sunnyvale.ca.gov>**Sent:** Monday, January 30, 2023 11:01 AM**To:** Michelle King <MKing@sunnyvale.ca.gov>**Cc:** Council AnswerPoint <CouncilAnswerPoint@sunnyvale.ca.gov>**Subject:** Feedback on Moffett Park Specific Plan

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

Hi Michelle,

Thanks for all your work and the work staff has put into the Moffett Park Specific Plan. I strongly support developing Moffett Park into a vibrant community and the goals of the Moffett Park Specific Plan, but I have several concerns and questions about the plan and EIR.

Jobs/Housing balance

The EIR states that the Moffett Park plan will create housing for 42,000 new Sunnyvale residents. This new housing is great and is desperately needed in Sunnyvale. However, the EIR also states that the plan will create 60,414 new jobs. Even though Moffett Park will create a large number of housing units, a complete build out according to this plan will actually make the housing shortage worse.

In order to address this, the plan could either increase the number of housing units or decrease the amount of office space so that the number of new jobs is less than or equal to the amount of new housing created.

The plan is adding 10 million sq. ft. of office space to Moffett Park. This number could be reduced to prevent Moffett Park from making the housing shortage worse.

Schools

The EIR estimates there will be about 2,000 school children living in Moffett Park. It also states on p. 273, that "No school is proposed as part of the project at this time." If there is no school in Moffett Park, where will these kids go to school?

The elementary, middle, and high schools pose different challenges and may require different solutions. For the high schools, the best outcome may be to ensure there is fast, reliable transportation to the existing high schools. The Moffett Park plan should specifically comment on this, propose how this will be achieved, and address who will fund it.

The elementary and middle schools will likely need new schools or expansion of schools. The plan should propose locations for these new school facilities (possibly in nearby neighborhoods). It should also address who will fund the development of the new facilities, and present proposals for safe routes between the housing and school facilities.

Retail

The plan does not provide a location for a large grocery store like a Safeway or Lucky. The largest retail facility it proposes is a single 30,000 sq. ft. location. This is similar in size to the Zanotto's grocery near my house. Zanotto's is a fantastic store, but I don't think a grocery store of that scale has the capacity to serve the 42,000 new residents of Moffett Park, not to mention all the current Sunnyvale residents North of 101 who need more local grocery store options.

The plan should propose at least one additional retail location over 50,000 sq. ft. where a larger grocery store could be developed. We were able to get a 52,000 sq. ft. Whole Foods in the new downtown development. Why can we not get something similar in the much larger Moffett Park development?

Open Space

Youth sports are important to get our kids outside and away from their screens. The Moffett Park plan proposes a large amount of open space, which is great, but most of it is unusable for youth sports. The plan proposes only a single field the size of a high-school soccer field and three fields the size of a U10 youth soccer field.

One full size and three youth size fields for 42,000 new residents. Where will the children living in Moffett Park participate in youth sports? There is not much excess capacity in the fields that already exist in Sunnyvale.

The plan should significantly expand the number of fields provided as well as address the open space needed to support any new schools which are needed.

It is important to get the Moffett Park Specific Plan adopted as soon as possible. However, the plan needs to address the jobs/housing imbalance and provide the school, grocery, and playing field needs of its new residents.

Chuck Fraleigh

Michelle King
Principal Planner
456 West Olive Ave.
Sunnyvale, CA 94086
mking@sunnyvale.ca.gov

Re. Comments on Draft Moffett Park Specific Plan

Dear Ms. King,

Ellis Partners would like to express our support for the Moffett Park Specific Plan's goals of creating a more connected, inclusive and, above all, sustainable built environment. We would also like to express our gratitude to the City staff and the team of consultants who have put forth a comprehensive and thoughtful plan for the future of Moffett Park. As a commercial developer, we appreciate the opportunity to contribute to the success of the Moffett Park Specific Plan and to the future of the City of Sunnyvale.

The Draft Plan is ambitious and has many facets that merit careful consideration. Therefore, out of a desire to see the Draft Plan come to fruition, we would like to share our concerns about certain elements that threaten its feasibility. Several community members have publicly stated their reservations about the restrictive parking maximums, and we concur that this alone threatens the marketability, finance-ability and therefore feasibility of commercial projects in Moffett Park. Other development requirements in the Draft Plan that will substantially increase construction costs and reduce the revenue potential of new office projects which will, in turn, further threaten their economic feasibility. We outline several of these development requirements below and look forward to discussing these in more detail with planning staff and other landowners to find alternative solutions that achieve the goals of the Draft Plan.

Our common goal to develop Moffett Park into a series of "15-minute neighborhoods" cannot be realized without the fees and infrastructure investment that will be created by office development. In the recent past a preponderance of development activity in Silicon Valley has been sponsored by a small handful of large corporate users that have built customized structures designed solely for their long-term use, allowing them to ignore the historic economic metrics that would typically justify development. However, with recent news of major layoffs at many of the largest employers in and around the Sunnyvale area, we believe that this trend is now going to shift back to the historic norm of market-driven office development, which has been the mainstay of economic development throughout Silicon Valley's history. Therefore, a plan that provides for feasible speculative office development is critical to attracting and supporting Sunnyvale's next generation of emerging businesses that cannot afford, nor have the scale, to build and own their facilities. We believe Sunnyvale should adopt a Plan that is not exclusively influenced by the unprecedented large corporate owner/user growth of the last 10 years. Rather it should consider a plan that acknowledges the technology and real estate cycles that have defined the growth, disruption and rebirth cycles of Silicon Valley since its inception.

Below we provide several other recommendations.

Parking: We request that you consider some level of flexibility in terms of parking maximums to allow office development sites to be more broadly marketable, and therefore more feasible for development.

- The contemplated maximum parking ratios of 2.0/1,000 (and less) do not meet market demand from office users, particularly relative to neighboring municipalities. While we share the goal of reducing single occupancy vehicle trips in our communities, the limited pattern of public transit use in this location means that prospective office tenants will likely only lease properties with parking ratios of at least 3.0/1,000. The large tech users that have shuttle systems are an exception, but our understanding is that the Draft Plan is not intended to limit office users to that subset. It is important that parking standards be determined by market conditions instead of mandatory maximums.

Creation/Innovation Space: We recommend that the City eliminate the requirement for Creation and Innovation space outside of Activity Centers. If the City wants to promote the construction of Creation and Innovation space, we instead recommend that these spaces become optional and that the City incentivize their creation by excluding them from FAR calculations and granting Community Benefit credit for constructing them.

- The Draft Plan requires 7.5% of all net new office and R&D space be allocated to Creation or Innovation space that is leased separately from the main office area. This requirement applies in all zoning districts, including O-2 zoning which is intended for “large campuses.” The tenant market for these types of small spaces is limited, which will result in many empty spaces. Additionally, many large corporate tenants cannot share their campuses with other tenants due to security concerns. Lastly, the design requirements for the Creation and Innovation spaces (e.g., 20’ high ceilings for creation space and divisible down to 3,600 sf for innovation space), make these spaces very expensive to construct. For these reasons, the Creation and Innovation spaces will significantly impact the feasibility of office developments if these spaces are required outside of Activity Centers.

Transportation: We recommend expanding the Internal Circulator Shuttle route to serve the Draft Plan’s perimeter parcels and connect it to the Sunnyvale Caltrain Station and Milpitas BART Station.

- The Circulator Shuttle is only shown to serve the Activity Centers in the Draft Plan. A substantial amount of daily commuters into Moffett Park will work in the large office campuses on the perimeter of the Draft Plan; therefore, the Circulator Shuttle route should also serve those perimeter areas.
- The Circulator Shuttle is currently limited to serve the Draft Plan area. However, many daily commuters to Moffett Park will come from locations around the Bay Area that are not served by the VTA. Therefore, the Circulator Shuttle should extend to the Sunnyvale Caltrain Station (less than a 10-minute drive) and the Milpitas BART Station (less than a 20-minute drive).

Street & Infrastructure Improvements: We recommend that developers be credited for upgrading and replacing public infrastructure; that the City limit required replacements of streets and sidewalks to areas that are in disrepair; and specify that utility upgrades will only be required to accommodate new development or in predetermined areas.

- The Draft Plan includes a substantial number of street network and public utility improvements that are indicated to be base requirements for development. Due to the high cost of performing these types of upgrades, and because these improvements lack a nexus to the impacts of a proposed project, we believe that developers should receive Community Benefit or impact fee credit for any upgrades to or replacements of public serving infrastructure.
- Many of the streets and sidewalks within the Draft Plan area have recently been installed but the Draft Plan appears to require that they be replaced to comply with the new Draft Plan’s

standards. This places a great cost burden on developers and it is not a sustainable policy to demolish and replace infrastructure that is otherwise performing adequately. The City should only require replacement of streets and sidewalks that are in disrepair or near the end of their useful life.

- The Draft Plan requires code upgrade of existing utility infrastructure under all street improvements, regardless of whether that infrastructure is necessary to serve the new development. This places an undue cost burden on developers and is not a sustainable policy, nor is it specifically related to the impacts of the development. Utility upgrades should only be required if shown on Figures 62 and 63 of the Draft Plan or if necessitated as a direct result of new development. In the scenario where the city would like to replace existing infrastructure primarily because it is out of code or in disrepair, the developer should receive Community Benefit or impact fee credit for performing the upgrades.

Community Benefits Clarity and Predictability: We recommend that the City employ a defined Community Benefit program similar to the Community Benefit programs in the Peery Park Specific Plan and Lawrence Station Area Plan.

- The Draft Plan indicates that Community Benefits will be entirely negotiated on a project-by-project basis. This approach creates cost uncertainty for developers which threatens project feasibility, and it will also increase the City's time and cost to negotiate complex Development Agreements.

Green Roofs: We recommend eliminating the green roof requirement because there are more cost-effective ways to achieve sustainable benefits in the built environment.

- The Draft Plan includes a requirement for green roofs, which will substantially increase construction costs and therefore threaten project feasibility. Green roofs also have questionable sustainable benefits because they are very heavy and require additional structural support, which increases the carbon footprint of the project. The sustainable benefits of a green roof, namely stormwater retention and heat island reduction, can be achieved in other ways that do not require increasing the structural capacity of the building.

LEED Platinum is a Base Requirement to Obtain Development Reserve: We recommend that the City make LEED Gold Certification the base requirement to obtain Development Reserve and grant Community Benefit in exchange for achieving LEED Platinum, similar to the Community Benefit programs in the Peery Park Specific Plan and Lawrence Station Area Plan.

- Achieving LEED Platinum certification is very expensive to design and construct and will impact the feasibility of office developments.

Thank you for your careful consideration of our concerns. The Ellis Partners team looks forward to collaborating with the City on creative solutions that promote economically and ecologically sustainable development in Moffett Park.

Kind regards,



David Harty
Vice President of Development
Ellis Partners, LLC



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

February 7, 2023

Ms. Michelle King
Principal Planner
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94086
MKing@sunnyvale.ca.gov

DRAFT ENVIRONMENTAL IMPACT REPORT FOR MOFFETT PARK SPECIFIC PLAN
– DATED DECEMBER 2022 (STATE CLEARINGHOUSE NUMBER: 2021080338)

Dear Ms. King:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the Moffett Park Specific Plan (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that any Project sites, including those for which Phase I Environmental Site Assessments have been performed, are safe for construction and the proposed use.
2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline

contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.

3. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material](#).
4. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\)](#).

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,



Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (see next page)

Ms. Michelle King
February 7, 2023
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cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
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February 9, 2023

[VIA EMAIL AND U.S. MAIL]

Michelle King, Principal Planner
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94086
mking@sunnyvale.ca.gov

Re: Comments on Draft Moffett Park Specific Plan

Dear Ms. King:

Thank you for taking the time to meet with us along with your consultants on Feb. 1, 2023, to discuss our concerns and questions on the Draft Moffett Park Specific Plan (MPSP) with respect to the potential redevelopment of the property at 1225 Bordeaux Drive (the "Property"). Our client is currently in the due diligence stage related to the planned acquisition of this Property for future development as a multi-family residential project. Accordingly, we welcome the opportunity to submit comments on the Draft MPSP. Our comments focus on certain components of the MPSP that are critical to determine the development potential for this Property. We also hope the City finds our feedback helpful in finalizing the MPSP. Thank you for considering our comments. We are eager to be part of the future of Moffett Park.

Our client is a 60-year old real estate company and a developer of apartments nationwide including in the Bay Area. They have made a commitment to developing innovative and efficient housing solutions that help fill the growing essential housing gap across the United States. Taking a long-term view, the development program focuses on urban locations that are transit-oriented and close to major employers. As part of the commitment to housing affordability, to the extent possible the program focuses on providing apartments at a price point

Michelle King
February 9, 2023

with target rents affordable to residents earning 80-140% of the area median income. We believe that this Property within the MPSP offers a perfect location for this development program, with a planned project that would be in keeping with Sunnyvale's innovative and sustainable goals of the MPSP.

The Property at 1225 Bordeaux Drive is a 2.5-acre (net) parcel, which is currently developed with a single-story research and development building and is surrounded by research and development buildings to the south, east and west, and an eight-story hotel building to the north. The proposed land use designation for this Property in the MPSP is MP/R: Residential (70-350 du/acre). My client envisions redeveloping this Property with a 300-unit multi-family building (120 du/acre), which can be designed to meet most of the standards included in the MPSP under this designation. It is their intention to begin the entitlement process as soon as the MPSP is approved, with construction to follow upon approval of entitlements.

The Draft MPSP currently includes some language which raises questions/concerns regarding the realistic ability to redevelop this Property with multi-family residential as envisioned in the Land Use map. Our major concerns relate to the depiction of the Property in the Plan and also to the uncertainty as to the City's parkland dedication or in-lieu fee requirement that would be imposed on such a development. Accordingly, we are offering the following comments and suggestions:

Neighborhood Park Designation Bubble

The Open Space and Urban Ecology Standards section (page 139) states that parks and open spaces shall be provide in locations identified in Figure 32. That Figure (page 143) shows a Neighborhood Park – Habitat Patch as Bubble #18, which is listed in Table 9 on page 145 with a Minimum Target Area of 5 acres. Habitat Patches, however, are described in this section as able to be a minimum of 2 acres (page 148 and Table 12, page 149). Figures 32 seems to locate this bubble such that it includes a large portion of the Property.

During our discussion, your consultant indicated that the Plan anticipates that a neighborhood park is to be located within Bubble #18 with dedication of land for a park at a ratio of 1/3 of the requirement from properties east of Bordeaux Dr. and 2/3 for properties west of Bordeaux Dr. However, the Plan does not explicitly contain this allocation, nor does it identify precisely which properties would be affected by this requirement. To add to the uncertainty, the illustrative South Java Neighborhood Diagram on page 69 shows a neighborhood park in this area which seems to encompass over 50 percent of this Property. While only an "Artist Rendering," this type of illustration makes it very difficult to determine what can be built on this Property and how to make it happen in accordance with the housing goals of the MPSP.

And, of course, it is a basic principle of land use law that dedications or fees can only be required of a developer if there is a reasonable nexus between the exaction and the development and a rough proportionality to the impact caused by the development. In other words, while a project can be required to mitigate its parkland impact through dedication or payment of fees, there is no additional such requirement caused by the depiction of the property on a specific plan with a parkland designation.

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February 9, 2023

Accordingly, we have the following comments and suggestions:

1. The requirements for parkland type and amount of dedication required for properties within this Bubble are inconsistent and not clearly stated in the MPSP, which makes it difficult to plan and finance a project where there is so much uncertainty over what can realistically be developed on the Property. We recommend that the Bubble #18, which shows a Neighborhood Park be removed from this Property. If left, should be identified a floating designation with potential properties that would be affected listed in a table.

2. The park dedication assumptions discussed at our meeting are unrealistic for smaller properties such as 1225 Bordeaux Dr., which under the scenario you have indicated would be required to dedicate up to 2/3 of the property for park dedication.

3. Language should be added to the Land Use and Open Space and Ecology Chapters to clearly state the intent and requirements for dedication of park properties within this bubble so that the reader can clearly and objectively understand the constraints on development regarding parkland dedication to determine if residential development is feasible on this Property.

4. While informing neighboring owners of development proposals is understandable, it is not realistic to expect that all potentially affected property owners will collaborate in the development and dedication of a potential park, as not all owners have the same interest in redeveloping their properties within any particular timeframe. Such a requirement could make it infeasible for the owner of a single parcel to realistically develop that property.

Parkland Dedication and In-lieu Fees

At our meeting, you said that because there are no City-owned properties in the MPSP area, actual land dedication will be required for properties that redevelop where a park designation is shown, and that in-lieu fees would not be available as an option to meet parkland requirements.

We are not sure we understand this reasoning, since in-lieu fees are normally used for a city to buy parkland. In fact your ordinance for rental projects describes an in-lieu fee and states that it is based on the cost of parkland (SMC sec. 19.74.020, 19.74.060). In addition, there seems to be language in the Draft MPSP and the Sunnyvale Municipal Code that would provide options for both dedication and in-lieu fees, where appropriate.

In order to proceed with a development of this Property, it will be necessary to obtain a clear understanding of the actual requirements for dedication or payment of fees. These requirements are not clearly stated in the MPSP. Accordingly, we offer the following comments and suggestions:

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1. Under Standards for Residential Development or the Residential Component of Mixed-Use Development (page 85), the first paragraph states that the residential development or component may exceed the minimum density up to the Total FAR Maximum if they meet all of five listed requirements. This is a confusing and incorrect statement as all projects are required to meet the *minimum* density of the applicable district. We suggest the application of these requirements be clarified.

2. Requirement number two states that all development shall comply with the Sunnyvale Municipal Code Title 19 (Zoning). As noted above, Chapter 19.74 (Park Dedication Fees for Rental Housing Projects) provides for the requirement of any multi-family, residential housing project to dedicate land, pay a fee, or both, *at the option of the City*.

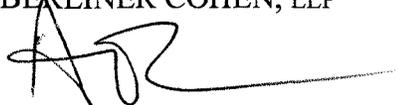
In short, while the concept of park development to serve the south Java area is an understandable goal, placing onerous park dedication requirements on a parcel of this size can make it very difficult to redevelop as a multi-family development project, as envisioned in the Land Use Chapter for the South Java District. Allowing an in-lieu fee only at the discretion of the City Council injects uncertainty into the process. To proceed with a development, a developer needs to be able to ascertain in advance what the parkland dedication or in-lieu fee requirement will be and how much it will cost.

Our client commends the City of Sunnyvale for embarking on a visionary Plan for the Moffett Park area and looks forward to the opportunity to redevelop this property as described herein. In order to make an informed decision to proceed with the planned project on this Property, we are asking for more clarity in the MFSP regarding what the parkland obligations will be and for options to meet those obligations.

We would be pleased to provide any further information or suggestions that would be helpful.

Very truly yours,

BERLINER COHEN, LLP



ANDREW L. FABER

E-Mail: andrew.faber@berliner.com

ALF:jl

cc:Trudi Ryan, City of Sunnyvale
Fortuna Realty Co NV as current owner of the Property

California Department of Transportation

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February 8, 2023

SCH #: 2021080338
GTS #: 04-SCL-2021-01158
GTS ID: 23974
Co/Rt/Pm: SCL/ 237/ 3.29

Michelle King, Principal Planner
City of Sunnyvale
456 West Olive Avenue
Sunnyvale, CA 94087

Re: Moffett Park Specific Plan Project + Draft Environmental Impact Report (DEIR)

Dear Michelle King:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Moffett Park Specific Plan Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the December 2022 DEIR.

Project Understanding

The proposed project would allow for the addition of residential uses and an increase in the allowable office/industrial/R&D, commercial, and institutional uses within Moffett Park. The Specific Plan would allow for a net increase of 20,000 residential units (where there are no residential units existing today), 650,000 square feet of commercial uses, 110.0 million square feet of office/industrial/R&D uses, and 200,000 square feet of institutional uses beyond what is currently existing and recently approved. As a result, the buildout of the Specific Plan (which would include existing, recently approved, and proposed uses) would result in a total of 20,000 residential units and approximately 33.5 million square feet of commercial, office/industrial/R&D, and institutional uses.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the DEIR, this project is found to have *less than significant VMT impact*. Caltrans supports the TDM measures and mitigation strategies proposed to minimize impacts to operations from the proposed project. Caltrans also supports the mitigation measures to increase active transportation mode-share in the project area by creating an accessible network to all transportation users.

Lead Agency

As the Lead Agency, the City of Sunnyvale is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' right of way (ROW) requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2023. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Michelle King, Principal Planner
February 8, 2023
Page 3

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style.

MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse



Via email

February 9, 2023

City of Sunnyvale
465 West Olive Ave.
Sunnyvale, CA 94086

Attn: City Council

RE: Moffett Park Specific Plan Draft

Dear Mayor Klein and Councilmembers,

We would like to thank Council for your continued focus on updating the Moffett Park Specific Plan. We would also like to thank Trudi Ryan and her staff for their substantial effort in producing the draft Plan.

We are writing to you today, however, to express our concerns about the certain aspects of the draft Plan released for public review on December 19, 2022.

As you may know, Jay Paul has developed and leased nearly 7.4 million square feet in Moffett Park over the last thirty years. We are the largest landlord in Moffett Park. Our expertise in attracting the highest quality tech tenants to our developments (Google, Meta, HP and Amazon, among others) helped establish Moffett Park as a major tech hub in Silicon Valley and a significant economic engine for the City. We mention all of this only to demonstrate that we understand how to design and develop projects that satisfy the unique needs of tech tenants and what makes suburban projects desirable to them.

We are concerned, however, that many aspects of the proposed plan are inconsistent with tech tenant requirements in suburban locations and could in fact discourage future development while jeopardizing the continued success of existing large scale campuses in Moffett Park.

Developers who are not owner-users must evaluate their investments based purely on real estate market fundamentals and the requirements of tenants, project lenders and investors. Many aspects of the draft Plan, however, conflict with tenant and lender requirements and impose obligations that will make projects hard to pencil-out, finance and lease. Instead of a new vision for Moffett Park being fulfilled, developers will satisfy the demand for office space in other nearby cities with development requirements more consistent with the needs of suburban tenants and project lenders. This will have a negative impact on the diversity of companies in Moffett Park and the mix of landowners (eg landlords vs owner users).

The following is a description of major issues we see with the draft Plan:

Infill vs New Project Development

Historically, development of Moffett Park under the existing Moffett Park Specific Plan successfully encouraged large campus style redevelopment and provided a workable framework that was both flexible

and adaptable to the needs of large tech tenants. It allowed the market to guide development while successfully embracing City goals and policies, including environmental stewardship and the development of infrastructure. We believe this same success can still be achieved with the update of the Plan through inclusion of standards and requirements that more appropriately address the differences between infill development at previously redeveloped campuses and ground up development of underdeveloped sites in Moffett Park.

Tech tenants lease space in suburban campuses because they can provide secure environments for their most sensitive projects. They have significant parking requirements due to employee density within their buildings, including those employers that operate private transportation systems. These campuses have been carefully designed to provide a cohesive environment to encourage employees to “park once” and stay on campus throughout the work day. They are highly amenitized with significant usable open space, high quality wellness/fitness centers, restaurant quality food service, and other amenities. Infill buildings should be permitted to be developed in a manner that will not erode the unique characteristics of existing campus environments or they will no longer be desirable to large tenants. Several aspects of the draft Plan are in conflict with this concept, specifically:

- **Innovation & Creation Space (Chapter 4.7):** While we agree its important to maintain a diversity of businesses in Moffett Park, the Innovation and Creation Space requirement should not be imposed on existing campuses adding infill buildings as it is detrimental to the secure environment these campuses have been carefully designed to achieve and the single tenant nature of campus buildings in addition to creating the potential for permanent vacancies.
 - **Security:** As mentioned previously, tech tenants lease space in suburban campuses because they can create highly secure environments for their most sensitive projects. Requiring the inclusion of Innovation and Creation Space in new infill buildings will create significant security issues for tech tenants as they typically lease an entire building to control access and security within.

The option to consolidate all Innovation and Creation Space into a single facility on a campus still poses security issues as campuses are sometimes leased in their entirety by a single tenant. Further, its just not practical to say, build a 40,000 sf building to satisfy the maker space requirement for a single infill building.
 - **Permanent Vacancies:** Innovation and Creation space is typically located in older first and second generation space in Moffett Park because these buildings are affordable. The high rental rates infill developers must charge to offset Innovation and Creation space development costs, however, will be unaffordable to these types of tenants, creating the potential for permanent vacancies.
 - **Higher Rental Rates:** Rental rates for non Innovation and Creation space tenants would need to increase to offset increased project development costs so that projects pencil out and can be financed. This will make Moffett Park less competitive with other nearby cities.
 - **Incompatible Uses:** Co-locating Creation space uses in Class A office buildings is just not practical. These uses are more industrial in nature (eg production, distribution, construction industries) have very different space an access requirements that may not be consistent or compatible with Class A office. Further, the site plans of existing campuses cannot be re-designed to properly mitigate the impacts of these uses.

The demand for this type of space is being created by the demolition of existing maker space type buildings in Moffett Park, not the addition of infill buildings on existing campuses. Infill buildings should be exempt from the Innovation and Creation Space requirement. Alternatively, the development of Innovation and Creation Space could be encouraged through community benefits.

- **Development Standards (Chapter 5) :** Infill buildings should be permitted to be similar in form and function to other existing buildings within the same campus in order maintain a cohesive campus environment. The proposed building design standards do not differentiate between infill buildings in existing campuses and buildings for completely new sites and as a consequence, infill buildings may look and function differently from existing campus buildings. While this might be desirable in some cases, it may also prove detrimental to existing campus design in others. Tenants leasing space in suburban campus environments appreciate the cost effectiveness of similar floor plates across multiple buildings. Similarity between floors and buildings allow these tenants to rapidly design and construct their improvements and makes City permit review cycles much more efficient. We suggest that design standards for infill buildings should be adjusted to permit the design of infill buildings to be similar to existing buildings on the same campus (updating for changes in code etc).
- **Existing Streets & Infrastructure (Chapters 7 & 9):** The draft Plan includes requirements to reconstruct existing private streets and infrastructure previously redeveloped to City standards as part of prior redevelopment projects. Further, the plan does not differentiate between infill projects in existing redeveloped campuses and new projects where an entire site will be redeveloped. Requiring infill projects to reconstruct streets and infrastructure previously redeveloped to City standards creates a disproportionate cost burden and will discourage future development. For example:
 - **The draft Plan suggests that 11th Avenue and Innovation Way West of Mathilda would be redeveloped to a new standard. (Figure 52).** These streets were previously reconstructed to City standards as “complete streets” during the initial redevelopment of the adjacent campuses and should not be required to be rebuilt with infill building development simply because, for example, the provided bike lane is not “protected”. While this requirement may be appropriate for new development with older road way frontage that is not considered a “complete street”, it is a significant cost burden for existing campuses simply adding one or two buildings. Any redevelopment of complete streets previously built to City standards should be considered a community benefit.
 - **The plan suggests that existing water mains previously constructed to City standards would need to be upsized (Figure 62).** Water mains and other utility infrastructure constructed to City standards as part of initial campus development should not be required to be “upsized” unless the need for additional capacity is generated solely by the new infill building. Any upsizing beyond this could be considered a community benefit or the cost credited against other City fees.
- **Private Streets & Infrastructure (Chapters 7 & 9):** From a functional standpoint, the draft Plan treats private roads and infrastructure as if they were public improvements. From an operational and cost perspective, developers are expected to build and maintain these improvements as if they were private. In other words, private developers will be responsible for bearing the cost of maintaining roadways and infrastructure that function as public while developers in other parts of the Plan area enjoy use of similar infrastructure without bearing any operational costs. Its also not equitable to require private developers to pay to upsize and maintain infrastructure that will benefit other developments outside of the private infrastructure

areas. Further, the City does not provide traffic enforcement on private roads which has been problematic for existing campuses served by these roads. More analysis of this issue should be undertaken to assure equitable provision of services and costs for all developments in Moffett Park.

- **Vehicle Parking Maximums (Chapter 8.3.1):** The parking ratios being proposed by the Plan, e.g. 2.0/1000 at plan implementation ratcheting down to .75/1000 at plan buildout are not realistic, not market and will make infill buildings difficult to lease. Tenant demand will go to other cities with more traditional suburban parking ratios e.g. 3.0/1000. Further, within a single campus, there will be significant differences in the parking ratios among various buildings. This will impact marketability and achievable rental rates. Infill buildings should be allowed to maintain parking ratios similar to existing ratios within the same campus. Given traffic into and out of Moffett Park must function, it might be better to instead reduce the amount of potential commercial development anticipated by the Plan in order to maintain parking competitiveness with other cities.
- **Unbundled Parking (Chapter 8.3.2):** Unbundled parking should not be required for infill buildings on existing redeveloped campuses. The concept of unbundled parking is meant to discourage driving by allowing the end user to understand the cost of parking. While this sounds like a good strategy, in reality, suburban tech tenants are competing for talent and will ultimately bear the burden of this cost in order to attract and retain talent. These tenants provide free parking to their employees because they are competing with other employers in nearby locations where unbundled parking does not exist. Sunnyvale cannot ignore that it is competing for “business” with other nearby cities that have not adopted this policy.

In summary, the carefully curated environment of existing large tech campuses needs to be maintained; infill buildings should not be required to adhere to new standards that will erode the desirability of this important economic engine for the City.

In addition to the above concerns regarding infill building standards, we have the following comments to the draft Plan:

Neighborhood Serving Uses (Chapter 4.6) – Discovery Neighborhood

- The draft plan includes a mandatory “Activity Center” in the Discovery Neighborhood with a requirement for retail on the ground floor of any building adjacent to the corner of 11th and Discovery Way. Activity Centers in other parts of the plan area make sense because there are a variety of uses and the critical mass of adjacent retail to assure successful attraction and retention of retail tenants. This is not the case in this particular location because:
 - **Stand-alone Retail is Difficult to Lease:** Based on our direct experience, we know retail in this location is very difficult to lease. Our Moffett Towers and Moffett Towers 2 campuses both have standalone retail spaces that are currently vacant and have been problematic to fill over the life of both projects. The Discovery Neighborhood is comprised of large campuses that are leased on a single tenant building basis to tenants that provide significant onsite amenities and subsidized high quality food service to their employees. It’s very difficult for either subsidized or unsubsidized retail to compete; attracting small retail tenants has been nearly impossible.
 - **Security Issues for Tenants:** Co-locating retail space within buildings typically leased on a single tenant basis will pose significant security concerns to potential tenants making buildings challenging to lease. These tenants lease entire buildings so they can control

what happens in and around their buildings. This is an infill site; retail in this location will be a security issue to tenants.

Retail is best located in larger concentrations e.g. the high density, mixed use neighborhoods east of Mathilda or close to the planned residential in the West Mathilda Neighborhood. It's not appropriate in infill buildings located in existing secure campuses.

Development Reserve (Chapter 4.8)

The Development Reserve should be allocated more equitably between the various neighborhoods. The draft Plan currently allocates 60% of the Development Reserve excluding the Base FAR and Small Project Reserves to the South Java and Crossman neighborhoods which represent only 32% of the plan area. In contrast, the Discovery Neighborhood, which represents 19% of the plan area is only allocated 11% of the net reserve. While we understand one of the goals of the draft plan is to encourage higher density development in the neighborhoods east of Mathilda, this disproportionate allocation means sites in the Discovery Neighborhood must acquire expensive TDRs in a disproportionate amount when compared to other neighborhoods. Further, the bulk of the Base FAR TDRs will primarily be owned by one landowner which will make the market for TDRs not very competitive. As the plan is currently drafted, FAR achieved through the purchase of Base Reserve TDRs would also be subject to community benefit requirements, making development in the Discovery Neighborhood much more expensive than other neighborhoods in Moffett Park.

For your reference, we have attached a spreadsheet describing development reserve allocation between neighborhoods. We would like to point out that the Estimated Office R+D and total FAR at Plan buildout in the draft Plan understates what is currently planned in the Discovery Neighborhood by at least 400,000 sf based just on Jay Paul projects without consideration of other landowners.

Development Standards (Chapter 5)

While we previously mentioned the impact of the proposed building design standards on infill buildings, we also have concerns about the proposed standards in the context of new campus development. The building design standards currently proposed by the draft Plan are quite prescriptive and will discourage architectural innovation and creativity resulting in redundant looking buildings. While we agree that certain design standards should be encouraged and mandated by code, the proposed plan is overreaching in this regard and does not allow for flexibility over time as architectural styles and tenant needs change and as technological innovation continues to unfold and influence building design. Moffett Park is currently home to a very diverse architectural landscape which creates visual interest and creative placemaking. City Planners and the Planning Commission have done a terrific job throughout the implementation of the existing MPSP working with developers and their architects to push design and create a vibrant architectural landscape. Mandating overly prescriptive design standards attempts to fix a process that is not broken and will stifle creative design in Moffett Park. DES Architects and Engineers, who have designed over 8 million square feet in Moffett Park will submit more detailed comments to the design standards under separate cover.

Open Space (Chapter 6.3) - Discovery Neighborhood:

- **Neighborhood Park:** The draft Plan proposes a three acre Neighborhood Park at the corner of 5th Avenue and Discovery Way (Figure 32). While we understand the City's desire for open space, a park in this location does not make sense given the surrounding area is comprised of high

density office campuses which already provide significant landscaped open space for use by project occupants. There is no residential or mixed use space in the immediate area and realistically, the only potential users of the proposed park will be the existing employee population which already enjoys a highly amenitized campus environment with over 42% usable, landscaped open space. The addition of a neighborhood park in this location would require the removal and relocation of existing landscaped open space, including a significant art installation, on a campus that seeks only to add infill buildings. Further, the Navy site is slated to include a nine acre Neighborhood Park which will serve the residential planned north of 1st Avenue which is more than 1.1 miles away from this planned Neighborhood Park.

- **Plaza:** The draft Plan anticipates the inclusion of a plaza at the corner of 11th and Discovery Way (Figure 32). A plaza in this location does not make sense in the context of the population in the immediate area and planned traffic improvements. This plaza would be located on a high traffic corner where the Mary Avenue overpass initially drops into Moffett Park. It seems contrary to safety to encourage pedestrian traffic in this area. Further, we believe the plaza will be underutilized as it is surrounded by highly amenitized, tech office campuses that already provide significant open space and outdoor gathering opportunities for employees. With respect to park access for residential projects, the closest potential residential development (at Innovation and Mathilda) is ½ mile away from this corner and there is park planned immediately across Innovation on the Juniper Campus. We believe this requirement will not be used for its intended purpose, creates pedestrian safety issues, and should therefore be eliminated.

Mobility (Chapter 7)

Public transportation in and out of Moffett Park is currently not robust enough to be a meaningful alternative for most employees and the draft Plan does not adequately address how public transportation will be increased to address additional demand. Further, the draft Plan and DEIR assumes that 27% of non vehicle trips will be provided by private transportation networks (i.e. Google buses) which may or may not be the case in the future. If this is not the case, the TMA will need to “pick up the slack” but the TMA will not have the financial resources to make up for this lack of infrastructure – simply running shuttles to Cal Train and within Moffett Park will not provide the regional transportation network necessary to support mobility in a suburban location. Large employers like Google are able to spread their regional transportation costs over many sites throughout the Bay Area and are providing this service as an employee amenity. This will not be the case for the TMA. Further, since all tenants and projects must be members of the TMA, membership costs will further increase the cost of occupancy for Innovation and Creation Space tenants, making this space even more unaffordable; the City needs to carefully evaluate this strategy to see if it will realistically achieve its goals in the context of the potential development contemplated by the draft Plan.

Transportation Demand Management and Parking (Chapter 8)

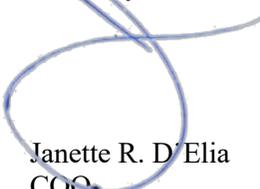
- **Transportation Management Association (Chapter 8.2):** In addition to our comments about the TMA above, we are also concerned that the success of the Plan’s transportation/mobility strategy is contingent on the effectiveness of the transportation management association (TMA) which will be tasked with managing how shared parking facilities will be run, approving TDM plans, determining trip reduction targets for individual projects and TDM plan compliance. It will also determine when parking ratios should be reduced as the Plan area is built out. It’s not clear in the Plan, however, how the TMA will be operated or managed or how plan compliance will be monitored and how much control City officials will have over this process. We understand the

TMA will be implemented separately from the Plan. Given the success of the Plan's implementation hinges on the TMA and how much oversight it will have over the operations of individual property owners, careful thought must be given to TMA formation and guiding principles so that the City will continue to have appropriate oversight and the TMA can achieve its important mandate.

- **Vehicular Parking Maximums (Chapter 8.3.1):** We mentioned earlier that the Plan proposes to limit parking ratios in Moffett Park to 2/1000 at Plan adoption, and eventually reduce the ratio to .75/1000 as Plan buildout is achieved. We want to emphasize that these parking ratios are not market and not consistent with the needs of suburban tenants in Silicon Valley. The existing and assumed alternative modes of transportation into Moffett Park are insufficient to offset this extreme reduction in parking ratios and reliance on private transportation networks or the TMA is not realistic for reasons previously described. Moffett Park is not an urban location like San Francisco that benefits from multiple modes of robust public transportation to provide regional access. Even downtown San Jose does not impose such restrictive parking maximums. While we understand the need for strategies to maintain proper traffic flows in and out of Moffett Park, when making leasing decisions tenants will instead look for space in other communities with more typical parking ratios, e.g. a minimum of 3/1000. It might be more prudent to reduce the amount of potential commercial development in Moffett Park to a level that could support more traditional suburban parking ratios or the Plan goals may never be fully achieved.

We want to thank you for taking the time to read and consider our comments. We believe the City's vision for a new, vibrant Moffett Park is a good one that just needs a bit more refining to make it a workable plan for all and assure its success.

Sincerely,



Janette R. D'Elia
COO

Cc: Trudi Ryan, Director of Community Development
Kent Steffens, City Manager

Draft MPSP Development Reserve Allocation

MPSP - Development Reserve Allocation
 Draft Plan Table 4 pg 95

Neighborhood	Land Area (Gross)	% of Plan Area	Development Reserve (Net New Floor Area)	share	Existing + Approved R&D	share	Office, R+D, and Industrial Total Floor Area at Plan Buildout	share	Increase in FAR at Plan Buildout	share
West Mathilda	399	31%	800,199	12%	4,700,000	21.5%	5,500,000	19%	800,000	12%
Discovery	246	19%	715,344	11%	6,900,000	31.5%	7,700,000	27%	800,000	12%
North Java	149	12%	990,775	15%	2,700,000	12.3%	3,500,000	12%	800,000	12%
South Java	261	20%	2,479,729	36%	4,600,000	21.0%	7,100,000	25%	2,500,000	36%
Crossman	150	12%	1,600,948	24%	2,200,000	10.0%	4,000,000	14%	1,800,000	26%
Chesapeake	70	5%	222,602	3%	800,000	3.7%	1,000,000	3%	200,000	3%
Totals	1275	100%	6,809,597	100%	21,900,000	100%	28,800,000	100%	6,900,000	100%

(1). excludes Base FAR Reserve (2 million sf) and Small Projects Reserve (1.2 million) as these are not allocated amongst neighborhoods. Base FAR may be purchased through TDR program but would be subject to Community Benefits in addition to cost of TDRs

(2) Office, R&D and Industrial Total Floor Area at Plan Buildout is understated for the Discovery Neighborhood. Based on just Jay Paul planned infill projects, Plan Buildout SF would be around 8 million sf. This does not take into consideration other major landowners in the neighborhood eg Juniper.

Moffett Park Specific Plan Comments

Jay Paul & DES

2.9.23

Chapter	Plan Section	Page Number	Comment
4	4.2	77	There is an unidentified green area shown on the southwest corner of 11th Avenue and Discovery Way which should be deleted. This area is currently a parking lot and it is not on the Plan's list of planned open space.
4	4.3	81	With respect to Moffett Place (Moffett Park Drive between Borregas & Mathilda) a portion of the site is zoned MP-O2 and a portion zoned MP-MU. Both parcels should be zoned MP-O2 in order to achieve the additional density we have planned for the site without the need to acquire TDRs; the split seems rather arbitrary as it is not along any existing property lines
4	4.3	81	Moffett Gateway Site at Crossman & Moffett Park Drive - there is an artificial zoning split that should be resolved - a portion of the site is zoned residential and the balance MP-O2. In order to justify redevelopment of the site, we need the ability count FAR over the entire site at 135% FAR without the need to acquire TDRs. (Based on current split, we would only have 195k sf of additional density in the area of the site zoned MP-O2. Our planned commercial development at this site is 372k - meaning we would need to acquire 177k sf of TDRs which would make the redevelopment, including the residential unfeasible)
4	4.4	84	Consolidated density (paragraph 6). Please confirm if this is meant to provide a path for Bonus FAR transfer between parcels with common ownership?
4	4.6	92	Figure 27 - Neighborhood Serving Use Locations. The planned Activity Center at the corner of 11th and Discovery Way and the retail requirement in this location should be eliminated. Activity Centers in other parts of the plan area make sense because there are a variety of uses and the critical mass of adjacent retail to assure successful attraction and retention of retail tenants. This is not the case in this particular location because stand-alone Retail is difficult to Lease and co-locating retail in a building that would typically be leased on a single tenant basis will create security issues for the tenant and will make the building extremely difficult to lease. Our Moffett Towers and Moffett Towers 2 campuses both have stand alone retail spaces that are currently vacant and have been problematic to fill over the life of both projects. The Discovery Neighborhood is comprised of large campuses that are leased on a single tenant building basis to tenants that provide significant onsite amenities and subsidized high quality food service to their employees. Its very difficult for either subsidized or unsubsidized retail to compete; attracting small retail tenants has been nearly impossible. Co-locating retail space within buildings typically leased on a single tenant basis will pose significant security concerns to potential tenants making buildings challenging to lease. These tenants lease entire buildings so they can control what happens in and around their buildings. This is an infill site; retail in this location will be a security issue to tenants. Retail is best located in larger concentrations eg the high density, mixed use neighborhoods east of Mathilda or close to the planned residential in the West Mathilda Neighborhood. Its not appropriate in infill buildings located in existing secure campuses.
4	4.7	93	While we agree its important to maintain a diversity of businesses in Moffett Park, the Innovation and Maker Space requirement should not be imposed on existing campuses adding infill buildings as it is detrimental to the secure environment these campuses have been carefully designed to achieve and the single tenant nature of campus buildings. Tech tenants lease space in suburban campuses because they can create highly secure environments for their most sensitive projects. Requiring the inclusion of Innovation and Creation Space in new infill buildings, will create significant security issues for tech tenants as they typically lease an entire building to control access and security in and around their buildings. The option to consolidate all Innovation and Creation Space into a single facility on a campus still poses security issues as campuses are sometimes leased in their entirety by a single tenant. Further, its just not practical to say, build a 40,000 sf building to satisfy the maker space requirement for a single infill building. Innovation and Creation space is typically located in older first and second generation space in Moffett Park because these buildings are affordable. The high rental rates infill developers must charge to offset Innovation and Creation space development costs, however will be unaffordable to these types of tenants, creating the potential for permanent vacancies. Finally, The demand for this type of space is being created by the demolition of existing maker space type buildings in Moffett Park, not the addition of infill buildings on existing campuses. Infill buildings should be exempt from the Innovation and Creation Space requirement. Alternatively, the Innovation and Creation Space requirement could be encouraged through community benefits at the option of the developer.
4	4.8	95	Table 4 - Estimated Office R&D and Industrial Total FAR at Plan Buildout. The estimate of 7.7 million sf of total development in the Discovery Neighborhood is understated. We previously submitted information to the City indicating we intend to develop an additional 1.1 million SF in this neighborhood. This would bring the potential total development closer to 8 million sf.

4	4.8	95	The Development Reserve should be allocated more equitably between the various neighborhoods. The draft Plan currently allocates 60% of the Development Reserve excluding the Base FAR and Small Project Reserves to the South Java and Crossman neighborhoods which represent only 32% of the plan area. In contrast, the Discovery Neighborhood, which represents nearly 20% of the plan area is only allocated 10% of the net reserve. While we understand one of the goals of the draft plan is to encourage higher density development in the neighborhoods east of Mathilda, this disproportionate allocation means sites in the Discovery Neighborhood must acquire expensive TDR's, if available from private parties, in a disproportionate amount when compared to other neighborhoods. Further, FAR achieved through the purchase of Base Reserve TDR's would also be subject to community benefits requirements, making development in the Discovery Neighborhood much more expensive than other neighborhoods in Moffett Park. Allocating just 714k to the entire Discovery Neighborhood is not equitable.
4	4.9	96	Private streets previously developed to City standards with redevelopment projects should not be required to be upgraded again unless the street is not "complete". This obligation is overburdensome in the context of infill development of existing campus sites. Further, from a functional standpoint, the draft Plan treats private roads as if they were public improvements. From an operational and cost perspective, developers are expected to build and maintain these improvements as if they were private. In other words, private developers will be responsible for bearing the cost of maintaining roadways that function as public roads while developers in other parts of the Plan area enjoy use of public roads without bearing any operational costs. Further, the City does not provide traffic enforcement on private roads which has been problematic for existing campuses served by these roads. More analysis of this issue should be undertaken to assure equitable provision of services and costs for all developments in Moffett Park. In addition, the plan assumes that these private streets will somehow have public access even if no additional development takes place prompting a public access easement. Its unfair to expect existing landowners who have not granted public access easements to bear the additional cost and liability of providing public access across currently private roads and streets. This is especially true in the Discovery neighborhood where the Mary Avenue overpass is planned to land. The only public access easement is currently in the section of Discovery between 11th and 5th. Access to the rest of Moffett Park will require travel over private roads with no traffic enforcement support by the City and at considerable maintenance costs to the private landowner.
5	5.1	100	In some infill situations, the parking facilities may require flexibility on location relative to the street. There could be an issue relative to efficient ingress/egress
5	5.2.2	106	No surface parking allowed in setback, building setback for Moffett Place 15' max and MT1 and MT2 25' max. This standard should not apply to existing parking lots of infill projects; existing setbacks should be allowed.
5	5.2.3	109	The requirement for bldg area coverage of 70% maximum, paving 25% max, landscape are 20% max should be weighed against the goal of providing the maximum amount of housing units.
5	5.3	111	Building heights- We don't see the additional 10% in this section. We assume that the mechanical penthouse/roof screen heights are additional to this table, based on the mechanical requirements for tech office tenants. Please not that tech office Penthouse/roof screens typically take up 70-80% of roof area. MPSP proposal. JPC project proposal a.150' at MT2 (B7) – proposed 160' b.130' at MT2 (B6) - proposed 145' c.130' at MT1 - okay d.130' at MPL (B8) – proposed 160' e.160' at MPL (B7) – proposed 170' f.130' at MG office – proposed 170' g.160' at MG residential – proposed 170' h.160' at Innovation – okay Building heights need to be max. to FAA limit, as was suggested by several City Council members previously and also by Andy Minor at the very start of the MPSP update process. Alternatively, building heights for infill buildings should be allowed to be the max FAA height limit to encourage a variety of building heights and more efficient use of the ground plane by reducing the footprint of buildings.
5	5.3.2	112-113	The suggested bldg. massing requirements are invasive on bldg. design creativity / functionality - especially in the context of infill buildings in previously redeveloped campuses. Infill buildings in previously redeveloped campuses should be permitted to be similar in form and function to other existing buildings within the same campus in order maintain a cohesive campus environment. The proposed building design standards do not differentiate between infill buildings in existing campuses and buildings for completely new sites and as a consequence, infill buildings may look and function differently from existing campus buildings. While this might be undesirable in some cases, it may also prove detrimental to existing campus design in others. Tenants leasing space in suburban campus environments appreciate the cost effectiveness of similar floor plates across multiple buildings. Similarity between floors and buildings allow these tenants to rapidly design and construct their improvements and makes City permit review cycles much more efficient. We suggest that design standards for infill buildings should be adjusted to permit the design of infill buildings to be similar to existing buildings on the same campus (updating for changes in code etc).
			a. Step backs at 8 th floor, bldg. length, required massing entry locations, are too prescriptive to architectural creativity and on many cases to functional needs of large
			b. Overall, the guidelines are much too prescriptive in building façade design.

			c. There needs to be more flexibility in bldg. and façade design so all projects do not have the same massing design character, design needs to respond to context and not be arbitrary as these guidelines suggest.
			d. Gateway resi building max. 160' in length, above 90' height only 16,000 sf footprint allowed and min. 60' separation between buildings - this will reduce number of potential units. This should not be a requirement for basic massing design.
			e. For example our proposed MPL B7 has max. length of 300' (currently designed at 360' long) and MT2, MT1, MPL B8 and MG, Innovation requires 75% floorplate above 110' height (8th floor onwards) This is too prescriptive, need design flexibility.
			f. Moffett Gateway and Moffett Place sites should not be exempted from the requirements of the fine grain core, this line has been arbitrarily drawn as cutting through the site. the actual context should be taken into account, preserving the ability to design a cohesive campus with buildings that are compatible for an existing campus.
5	5.3.2	114	Proposed periodic breaks in façades for entire height of building are much too prescriptive. This does not allow for creative architecture, nor accommodate the ability to design buildings that can remain compatible with an established architectural vocabulary for various infill buildings on tech office campuses.
5	5.3.3	116	Building entries need to be responsive to the needs of the interior planning of a building.bldg. the location and number of entries need to be of that same requirement. This would compromise the proposed entries for MPL B7 and MG Residential building. The location and number of entries can only be determined due to campus layout and tenant requirements. The following examples are not always appropriate, based on context:
			a. Primary entry needs to face a laneway or publicly accessible open space
			b. Laneway ROW 52' min. (publicly accessible) , laneway sections on Page 201
			c . Requires 2 entries, 1 entry for every 150' length of bldg.
5	5.3.4	118	These requirements much too prescriptive on opens space relative to building placement and connection to the ground plane.
			This is not always appropriate, and flexibility is required: Residential common open space width needs to be 80% of height of building, i.e. 160' height requires open space 135' wide.
5	5.3.5	120	Parking: a.Surface parking lots at 20 spaces max is not viable within the development of the park. There may be many cases where ADA stall demands require surface parking spaces in excess of this arbitrary number. b.Stand-alone garages not allowed fronting the diagonal, MPL garage E is planned facing diagonal- the site layout of infill buildings on an existing campus may need additional flexibility to achieve the best site plan and architectural layout. c.Above grade parking levels facing a street will have 20' min. / 16' for resi. habitable/commercial space, applies to all parking garages. MG, Innovation, proposed garages are street facing. This is not viable in office projects. (need exemption for small sites and infill development, exemption if garage facade looks similar to building facade)
5	5.3.5	121	The concept of parking garage heights at 9' clear is not viable economically. The conversion of parking garage to resi. or commercial is not not viable due to vibration criteria, column spacing, MEP systems, sloped floors, as well as due to additional cost by increasing facade heights by 20%. Eg. Parking garage at MT2 adds additional complexity in terms of achieving the proposed design.
5	5.4.3	124	There should be more flexibility on the approach on bird safe glass design approach. As is noted in the <i>San Francisco Standards for Bird-Safe Buildings</i> , there are numerous methods to achieve successful solutions. SF's guidelines were thoroughly researched and are widely noted and used as a standard - perhaps instead refer to this set of standards instead?
5	5.4.3	126	Regarding required green roof over 5000 sf, this may or may not be viable, depending on HVAC location. T24 should dictate this, not the MPSP. Accessibility is typically not viable because of functional and OSHA safety requirements.
6	6.1	132	Please show the major existing open spaces in the JPC projects more accurately. These are extensive areas and are in each of our campuses which typically provide approx 40% landscaped open space.
6	6.3	143	The mini park/plaza at 11th and Discovery Way (Figure 34) is not practicle or viable. A plaza in this location does not make sense in the context of the population in the immediate area and planned traffic improvements. This plaza would be located on a high traffic corner where the Mary Avenue overpass initially drops into Moffett Park. It seems contrary to safety to encourage pedestrian traffic in this area. Further, we believe the plaza will be underutilized as it is surrounded by highly amenitized, tech office campuses that already provide significant open space and outdoor gathering opportunities for employees. With respect to park access for residential projects, the closest potential residential development (at Innovation and Mathilda) is ½ mile away from this corner and there is park planned immediately across Innovation on the Juniper Campus. We therefore believe this requirement will not be used for its intended purpose, creates pedestrian safety issues and should therefore be eliminated.

6	6.3	143	The three acre Neighborhood Park at the corner of 5th Avenue and Discovery Way (Figure 34) is not practical or viable. While we understand the City's desire for open space, a park in this location does not make sense given the surrounding area is comprised of high density office campuses which already provide significant landscaped open space for use by project occupants. There is no residential or mixed use space in the immediate area and realistically, the only potential users of the proposed park will be the existing employee population which already enjoys a highly amenitized campus environment with over 42% usable, landscaped open space. The addition of a neighborhood park in this location would require the removal and relocation of existing landscaped open space, including a significant art installation, on a campus that seeks only to add infill buildings. Further, there are multiple parks and open spaces being planned for the planned residential north of 1st Avenue including a 9 acre Community Park on the Navy Site, a Greenway and a Natural Area/Bio Diversity Hub immediately adjace to that site.
6	6.5	158	The suggested Moffett Place B7 diagonal cannot be 50' wide; The existing condition and current design are shown at 25' wide. The need of vehicle access for the building would conflict with the existing current driveway.
6	6.5	165	The west channel cross section suggests 70' wide public open space on Moffett Place B7 site; this is not viable since we have existing surface parking lot in this location.
7	7.3	199	There should be no requirement to rebuild existing neighborhood street when infill building is being proposed. In all of the JPC campuses the adjacent streets were designed and built to City standards with the initial development and are "complete streets". In most cases, these streets ar approx.. 12 years old and in some cases, less that 10 years old. The requirement for rebuilding City streets is more appropriately associated with the 30 and 40 year old streets in other areas of the mark- mostly in the eastern areas - especially if the streets are not "complete". If the City desires reconstruction of newer "complete streets", the cost should be considered a community benefit or credited against other fees.
8	8.2	222	Public transportation in and out of Moffett Park is currently not robust enough to be a meaningful alternative for most employees and the draft Plan does not adequately address how public transportation will be increased to address additional demand. Further, the draft Plan/DEIR assumes that 27% of non vehicle trips will be provided by private transportation networks (i.e. Google buses) which may or may not be the case in the future. If this is not the case, the TMA will need to "pick up the slack" but the TMA will not have the financial resources to make up for this lack of infrastructure – simply running shuttles to Cal Train and within Moffett Park will not provide the regional transportation network necessary to support mobility in a suburban location. Large employers like Google are able to spread their regional transportation costs over many sites throughout the Bay Area and are providing this service as an employee amenity. This will not be the case for the TMA; the City needs to carefully evaluate this strategy to see if it will realistically achieve its goals in the context of the potential development contemplated by the draft Plan.
8	8.2	223	Requiring residential tenants to joing the TMA is not practical. Given all applicable fees etc are the obligation of the building owner, the building owner should also have the obligation to assure compliance of its renters through lease document provisions.. This should be an obligation of the building owner who can then impose TDM obligations through lease documents. Residential unit owners should be required to join, but not renters.
8	8.2	224	Trip reduction goals need to be better defined for both Residential and non-residential development. The "baseline" needs to be clearly defined as well as target trip reductions which should be equally applied to all new development.
8	8.3	225	Park Once - it should be noted that the existing large scale campuses in Moffett Park redeveloped by Jay Paul have been carefully designed to provide a cohesive environment to encourage employees to "park once" and stay on campus throughout the work day. They are highly amenitized with significant usable open space, high quality wellness/fitness centers, restaurant quality food service, and other amenities. Employees working at these facilities do not create additional trips throughout the day and tpycially alter their commuting patterns to arrive early or stay late to take advantage of the free amenities provided in a campus environment.
8	8.3.1	226-227	The parking ratios being proposed by the Plan, eg 2.0/1000 at plan implementation ratching down to .75/1000 at plan buildout are not realist, not market and will make infill buildings difficult to lease. Tenant demand will go to other cities with more traditional suburban parking ratios eg 3.3/1000. Further, within a single campus, there will be significant differences in the parking ratios among various buildings. This will impact marketability and achievable rental rates as some tenants with existing long term leases will have the benefit of higher ratios while others will be subject to the new maximums. Infill buildings should be allowed to maintain parking ratios similar to existing ratios within the same campus. Given traffic into and out of Moffett Park must function, it might be better to instead reduce the amount of potential commercial development anticipated by the Plan in order to maintain parking competiveness with other cities
8	8.5	237	Bike parking standards should be per T24 and LEED requirements, not necessarily the MPSP.
9	9.2 & 9.3	245-247	Utilities - there are a number of requirements to upsize utilities the need of which may not be attributed to serving the additional capacity requirements of infill buildings. For example, the requirements for new 18" water line along 11 th would not necessarily be triggered by an infill building. If upsizing these utilites to support other development is a plan goal, developers installing oversized improvements should be given credit for the cost against other fees or should be entitled to credit as a community benefit, especially in the context of private infrastructure that is being overly upsized to provide additional capacity to support development throughout the Plan area. See our comment in Section 4.9 above regarding the City's assumption that private infrastructure will somehow become public even if no additional development takes place to prompt public easements.
10	10.2	259	Exception to Standards - 10% plus or minus deviation does not include building height (section 5.3.1) as previously mentioned.
10	10.5	282	The various infrastructure programs should be City funded infrastructure projects when the benefits are more widely shared with other parts of the community.

REUBEN, JUNIUS & ROSE, LLP

Melinda Anne Sarjapur
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February 9, 2023

Delivered Via E-Mail and Mail

Michelle King, Principal Planner
Sunnyvale Planning Department
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**Re: Moffett Park Specific Plan - Draft Plan and Draft EIR Comments
Our File No.: 6414.08**

Dear Michelle:

Our office represents the owner (“**Owner**”) of real property located at 250 East Java Drive in Sunnyvale, California (the “**Property**”). The Property is located within the Moffett Park Specific Plan (“**MPSP**”) area.

This letter provides the Owner’s comments on the Draft MPSP and Draft MPSP EIR, which were released for public review on December 22, 2022.

On February 1, 2023, the Owners architects - DLR Group - met with members of the Sunnyvale Planning Department to discuss the potential impact of MPSP re-zoning on the Property and to relay initial comments regarding MPSP policies and design controls that have the potential to impact maximum residential development capacity at the Property.

We appreciate this opportunity to provide written feedback on the Draft MPSP and Draft MPSP EIR, and look forward to continued engagement with the Department and key community stakeholders as these materials are refined leading up to final approval.

As discussed, the Owner supports the Draft Plan’s vision for creation of an ecological innovation district that will become an integral part of Sunnyvale, with active, unique and sustainable neighborhoods creating the potential for up to 20,000 new homes. The comments below are intended to facilitate this vision by ensuring feasibility of anticipated new residential development necessary to transform the plan area.

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A. Draft MPSP Comments

Draft MPSP Section	Discussion	Request
Chapter 4.4, pg. 82 (General Land Use)	<p><i>Land Use Controls for MP-R District.</i></p> <p>The Draft Plan states that allowable land uses in the future MP-R District are listed in the Sunnyvale Zoning Code. However, there is no existing MP-R District to draw from in the Sunnyvale Zoning Code.</p>	<p>Please provide proposed allowable land uses the future MP-R district within or as an attachment to the Draft MPSP.</p>
Chapter 4.4 Chapter 10	<p><i>Plan Area Permitting Requirements.</i></p> <p>The Draft Plan states that all development will be required to submit a Site Master Plan for review, and that neighborhood-serving commercial uses will be subject to permitting requirements in the City’s Zoning Code.</p> <p>However, the current zoning code does not identify commercial permitting requirements for the future MP-R District, and the Draft Plan does not provides little additional detail on entitlement process for Plan area redevelopment. Draft Plan Section 10.3 states that Site Master Plan requirements are established in a separate set of guidelines.</p>	<p>Please provide commercial use permitting requirements for the future MP-R district within or as an attachment to the Draft MPSP.</p> <p>Please provide additional detail regarding the proposed Site Master Plan review and approval process, and if additional entitlements are anticipated to be required for residential development within the MPSP area. Please also provide a reference to the Site Master Plan requirement guidelines.</p>
Chapter 4.4, pg. 82-83 (General Land Use)	<p><i>Residential FAR in the MP-R District.</i></p> <p>The Draft Plan states that residential development in the MP-R District will be subject to a Total Maximum FAR of 350%, but indicates that no Base or Bonus FAR applies to residential development in this area. The Draft Plan also states that residential development is not subject to maximum density controls, and that instead maximum density is limited through detailed form-based design standards.</p>	<p>Application of a Total Maximum FAR functions as a de-facto residential density control by capping total allowable residential floor area within a given property.</p> <p>Please confirm that above grade parking levels would not count towards Total Maximum FAR.</p> <p>Please also confirm that community service Retail/Commercial space (not required on the Property would not count towards Total Maximum FAR.</p>

		<p>As the Plan aims to encourage high-density residential development and already incorporates detailed form-based density design controls (height/bulk/setback/open space), we suggest potentially eliminating the additional Total Maximum FAR limit in this district.</p> <p>Alternately, we suggest the following:</p> <ul style="list-style-type: none">• For purposes of calculating Total Maximum FAR, please clarify that Total Maximum FAR is to be based upon total, <u>current</u> gross parcel areas.• Allowing development that proposes a high-rise development of 85' in height or greater to achieve an additional FAR bonus (potentially 0.5:1) for areas above the 8th floor of buildings, with no associated requirement to obtain transfer of development rights from the Development Reserve; increased entitlement process (i.e. Development Agreement) associated with this bonus; or requirement for additional community benefits. This would incentivize development of the high-rise typology encouraged by form-based design controls within the district by allowing for additional residential area to offset increased development costs.
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<p>Section 5.2 (Site Design)</p> <p>Figure 32 (Parks and Open Space Framework)</p>	<p><i>Certainty of Laneway Location.</i></p> <p>The Draft Plan states that block breaks will be accomplished via creation of laneways equivalent to with a minimum width of 50’ which may or may not be open to vehicular access. The Draft Plan states that the location of these laneways on Draft Plan figures are diagrammatic, flexible and will be determined through the Site Master Plan review process for proposed redevelopments. However, location of laneways is also to be determined to some extent through maximum lot size and dimensional restrictions.</p> <p>As properties within the plan area are anticipated to be redeveloped over time, there is a potential that the first site design to be approved will result in precedential laneway placement that negatively impacts the potential for future residential development on adjacent sites, or that the first site to be developed would be required to absorb a disproportionate burden of full laneway area dedication within their own parcel.</p>	<p>In order to ensure equitable division of existing land parcels, increase certainty in the future redevelopment process, and ensure a well-coordinated transportation network consistent with the Draft Plan’s vision, the Owner requests that the Draft Plan provide a fixed location for future laneways and their operation.</p> <p>On the Property’s block, the Owner suggests the following guiding principles:</p> <ul style="list-style-type: none"> • A single east-west laneway be required at approximately the centerline of the block with vehicular access. • Laneways straddle existing property lines (e.g. a 52-ft wide laneway encroach no more than 26-ft inward from each existing property lines. • Laneways not be required in a manner that splits exiting parcels.
<p>Section 4.9 (Dedication and Easement Requirements)</p>	<p><i>Indeterminate Encroachment through Existing ROW Widening.</i></p> <p>The Draft Plan requires redeveloped properties to make substantial public area dedications through easements or other means, including the area required to widen certain Plan area streets adjacent to private parcels. However, little information is provided on the existing width of public ROW and improvements within the Plan area, which is necessary for owners to confirm the extent of public land dedication that will be required on their frontages.</p>	<p>Please indicate the existing street and right of way widths throughout the plan area to enable existing owners to confirm the extent of additional public land dedication required along their frontages.</p> <p>For Java and Geneva (amongst other streets) the Owner suggests having the suggested ROW be overlaid relative to existing street surveys, to understand the encroachment/easement being required.</p>

<p>Section 5.2.3 (Lot Coverage)</p>	<p><i>Lot Coverage.</i></p> <p>The Draft Plan states that development in the MP-R District will be subject to a maximum lot coverage area of 70%. However, the term “lot coverage” is not clearly defined, and is controlled through other detailed form-based density restrictions such a public area dedication and minimum building setback requirements along public streets and future laneways.</p> <p>From the team’s preliminary discussion with Planning staff on 2/1/23, it is our understanding that the intent is for this lot coverage restriction to apply above a building base of up to two levels (or 25 feet) high.</p>	<p>Please clarify that this 70% lot coverage requirement would begin Lot coverage be measured above a ‘podium’, at least two levels (or 25-foot) high.</p> <p>We further request either that:</p> <ul style="list-style-type: none"> • the lot coverage requirement be increased to 80% of Net Parcel Area; or • for purposes of Total Maximum FAR and maximum lot coverage, the Net Parcel Area be based upon existing parcel dimensions (prior to open space dedications).
<p>Section 5.3.4 (Usable Open Space)</p> <p>Section 5.4.3 (Green Roofs)</p>	<p><i>Open Space – Amount and Credit</i></p> <p>Under the Draft Plan, public open space dedication reduces Net Parcel Area, but despite the practical function of providing usable open space for both building residents and the community at large these areas are not credited against project usable open space requirements.</p> <p>Under the Draft Plan, building setback areas in addition to public open space dedication areas may not count toward project usable open space requirements.</p> <p>Under the Draft Plan, certain minimum green roof requirements apply.</p>	<p>We suggest allowing development to credit the area of public open space provided through required easements to be credited toward private usable open space requirements.</p> <p>We suggest allowing the area of required ground-level setbacks on a property to be credited toward private usable open space requirements of development on that property, regardless of minimum width dimensions.</p> <p>We suggest allowing development to provide additional publicly-accessible-private-open-space (“POPOS”) areas beyond the public easement areas required by the Plan, and to credit the area of POPOS toward private open space requirements of the development at a reduced ratio (i.e. every square foot of voluntary POPOS provided</p>

		<p>credited as 2 square feet of common usable open space).</p> <p>Please clarify that the area of Green Roof provided may count toward usable open space requirements.</p>
<p>Chapter 4, pg. 85.</p> <p>Section 5.3.4</p>	<p><i>Potential Usable Open Space Conflict Language.</i></p> <p>The Draft Plan states that “all development must comply with the SMC Title 19 with regard to usable open space and landscaping.” However, the Draft Plan provides usable open space and landscaping requirements under Section 5.3.4, and the existing zoning code does not have usable open space requirements specific to MP-R Districts.</p>	<p>Please clarify the specific usable open space and landscaping requirements applicable to development in the MP-R District under both the Draft Plan and Sunnyvale Municipal Code.</p>
<p>Section 5.3 (Building Design)</p> <p>Figure 30</p>	<p><i>Clarification of Maximum Building Height.</i></p> <p>Figure 30 shows maximum building heights throughout the Draft Plan area. This figure indicates that the Property is largely within a 160’ height district, with a portion along the west edge shown as 170’.</p>	<p>Please clarify the map is accurately reflecting the proposed height limits on this Property, and clarify the proposed dimensions of split height district intended for the Property.</p>
<p>Section 8.3.1 (Vehicle Parking Maximums)</p> <p>Table 24</p>	<p><i>Parking Ratio – Phasing.</i></p> <p>The Draft Plan indicates that maximum parking amounts will be phased.</p>	<p>Please provide more information regarding the proposed phasing methodology. Would this be determined by set time periods within the overall Plan period or triggered by percentage of Plan area build-out?</p>
<p>Section 8.2.1 (Vehicle Parking Maximums)</p>	<p><i>Parking Ratio – Shared Parking Bonus.</i></p> <p>The Draft Plan allows development to exceed otherwise permitted maximum parking limits by up to 50%, provided that all of the additional spaces over the maximum “shall be shared with the public at all times.”</p>	<p>Please clarify that this 50% bonus is tied to the per-unit maximum parking ratio in effect at the time the development is approved. (ex: At plan adoption, the residential maximum of 1 space per unit would increase to 1.5 spaces per unit).</p>

		We request that the Draft Plan language be amended to allow shared public parking spaces to be made available to the public only during daylight hours or fixed hours (ex: from 7 a.m.-10 p.m.) rather than “at all times.” This is to address security concerns that arise with public access to private residential development 24/7.
Global	<p><i>Economic Feasibility.</i></p> <p>Creation of the Plan’s vibrant new communities and ecological innovation district would be accomplished through the establishment of public easements, creation of ROW widening, open space and landscape improvements undertaken through redevelopment of individual parcels within the Plan Area.</p> <p>Accordingly, it is critical that the zoning and design controls adopted in connection with the Plan facilitate future residential redevelopment of existing sites under current and reasonably anticipated future market conditions.</p> <p>If development of these sites does not “pencil” for property owners, they will not proceed with redevelopment and the associated community benefits and exactions necessary to finance public improvements within the Plan Area would not be achieved.</p>	<p>We request that the Department evaluate the economic feasibility of residential development within the Plan area based upon typical building typologies incorporating the Draft Plan’s detailed form-based density design requirements, horizontal site area restrictions, public opens space obligations, and proposed increases to development impact fee exactions for plan-area development.</p> <p>We further suggest that the Department conduct a workshop to coordinate and share comments specifically amongst potential residential developers within the Draft Plan area and to explore current incentives and barriers to the form of high-density residential development proposed by the Draft Plan.</p>

B. MPSP Draft Environmental Impact Report Comments

DEIR Section	Discussion	Requested Modification
Project and Alternatives Selected	This section discusses the scope of development under the proposed project analyzed by the EIR and describes various alternative projects	The Owner strongly urges City adoption of the proposed project and rejection of all other alternatives discussed in this section, as the full

Section 7.0	considered by the City during review.	project scope is most closely aligned with the goals and policies evaluated under the MPSP.
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Thank you for your consideration of these comments.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Melinda A. Sarjapur

Enclosures:

cc:



Superintendent
Michael Gallagher, Ed.D.

Board of Education
Isabel Jubes-Flamerich
Eileen Le
Michelle Maginot
Nancy Newkirk
Bridget Watson

February 10, 2023

Michelle King, Principal Planner
Department of Community Development
City of Sunnyvale
456 West Olive Avenue
Sunnyvale CA 94086
mking@sunnyvale.ca.gov

RE: Draft EIR/Moffett Park Specific Plan; File No. 2021080338

Dear Ms. King:

On behalf of the Sunnyvale School District (“District”), we are responding to the City of Sunnyvale’s recent release of the Draft Moffett Park Specific Plan (“Specific Plan”) and related Draft Environment Impact Report (“DEIR”). As the primary provider of public preschool and elementary school education within the Specific Plan area, the impacts of the Specific Plan on public education in the region is of considerable concern to our District and Board of Education. The District shares many of the community values expressed in the Specific Plan; however, unless we find effective ways to partner with the City and hold developers accountable for ensuring that we have sufficient resources to provide school capacity as residential development occurs, families may begin to look for residential communities outside of the region due to school overcrowding. In addition, as further described in this letter, we believe that some impacts have not been fully or accurately characterized in the DEIR.

The District appreciates the time that City staff has taken to meet and discuss issues of concern, and this letter formalizes and summarizes the items we hope to identify, address and resolve through the Specific Plan EIR process. Enclosed with this comment letter you will also find Resolution #R23-19 adopted by the District Board of Education expressing its concerns with the Specific Plan and DEIR and requesting that the City take more affirmative steps in the Specific Plan to ensure that school facility capacity keeps pace with development.

We offer the following comments on the Specific Plan and the DEIR:

1. School Capacity and Development

- About 85% of projected buildout of the Specific Plan area will occur within the boundaries of our District. Based on student generation data and the number and types of anticipated residential and commercial development within the Specific Plan, our District agrees that a realistic estimate of total new students is 1,200 but could be significantly higher depending on type and density of dwelling units approved.
- Currently, the District does not own land or operate any schools within the Specific Plan area. The two schools located closest to that area are Lakewood Elementary School, serving grades TK-5, and Columbia Middle School, serving grades 6-8. As noted in the DEIR, both schools are slightly below capacity at present. Please note that the District recently learned of the likely closure of a local charter school (Summit Denali Charter School) that derives significant enrollment from families in the attendance area of Columbia Middle School. Students returning to Columbia Middle School starting in the 2023-24 school year are likely to absorb and exceed all current capacity at that site, which should be noted in the DEIR.
- The DEIR is clear that neither of the two schools have anywhere near sufficient capacity to house anticipated student generation, and we agree. In the short term and on a temporary basis, existing sites will require significant expansion to house students beginning within the next five (5) years. However, over the longer term, a school site of up to 10 acres will have to be acquired and a new school developed to serve the Moffett Park area. Costs to acquire land and build a new TK-8 school are estimated to be in the range of \$160-200 million in today's dollars. School fees are likely to generate about 50% of the total construction cost for a new campus; however, school fees collected by the time the District must start planning a new campus will be far below the amount needed. In addition, this fee collection does not account for funds that will be needed in the short term for existing campus expansion.¹ Early planning is essential, as school financing, site development and construction can easily take ten years to accomplish.
- With regard to the District's ultimate need for a TK-8 school site, we appreciate that some thought has been given to school locations in the Specific Plan area. It appears that a potential school site of approximately four acres is identified on page 71 of the Specific Plan in the artist rendering of the Crossman neighborhood, but this site is not reflected or studied in the DEIR. We note that neither the Crossman parcel nor the parcels identified in the DEIR designated for institutional/school uses (on Bordeaux Drive and Innovation Way) may be approvable by the California Department of Education ("CDE") due to proximity to the Moffett Field airport facility, VTA rail lines and freeways. Because school

¹/ Estimates of residential fee collection are based on an assumption of 20,000 residential dwelling units at 1200 square feet each. More precise square footage information is needed to estimate available resources.

sites must meet very high safety thresholds, it is critical that the City work with the District directly to locate, reserve and designate in the Specific Plan at least one potential future school site that has a reasonable likelihood of being approved by CDE.

We recognize that high density neighborhoods may require some new approaches to school facility planning, and we are open to considering alternatives that call for less acreage than the state standard of 9-16 acres for an elementary school and 17-22 acres for a middle school.² However, the needs created by a TK-8 grade span will necessitate significantly more than four acres of land.

While laying out a myriad of facts about the insufficiency of existing schools to meet capacity needs from anticipated development, the DEIR nevertheless concludes that the implementation of the Specific Plan would not result in significant impacts to schools, based on the conclusion that in accordance with Government Code Section 65995, payment of school impact fees is considered adequate mitigation of impacts associated with the increased demands on school facilities resulting from development; further, the DEIR states that it is the District's responsibility to implement the specific methods for mitigating school impacts.

These conclusions should be re-evaluated. In March 2020, upon the failure of Proposition 13, the last attempted statewide school bond measure, Government Code Section 65996 (quoted in the DEIR) became inoperative and was replaced by Government Code Section 65997 to cover the period of time between approved state bond programs. Government Code Section 65997 expands the power of local agencies to condition environmental approvals of development projects on certain forms of school facility mitigation, such as use of community facility districts under the Mello-Roos Community Facility Act of 1982 (see Gov. Code, § 65997, operative upon failure of Proposition 13 in March, 2020, and replacing Gov. Code, § 65996, which became inoperative upon failure of Proposition 13.) Government Code Section 65997 is operative for as long as state bond funds for school facilities remain unavailable.

Notwithstanding this legal authority, we encourage and request that the City consider all possible avenues available to set conditions on development for school facility mitigation purposes, and that at a minimum the City consider some additional methods to incentivize developers to voluntarily agree to provide funding or assistance in excess of statutory fee amounts. Developer contributions to costs in excess of school impact fees or agreement to place projects within community facilities districts are the most common and reliable ways we can assure the availability of funding for a new school when the school is needed to serve the future residents of the Moffett Park area. The District's current general obligation bond authority is dedicated solely to improvement of existing facilities serving current residents. The State of California School Facility Program is out of funding, and even if funds are replenished through a state bond measure in the future, the program requires a local match to be provided by the District.

² / Source: California Department of Education, *Guide to School Site Analysis and Development* (2000).

2. School Service and Safety

Aside from the impact of the Specific Plan on school facility capacity, we note the following additional concerns with the DEIR:

- **Transportation Services** – The District provides home-to-school transportation to students living in areas of the District that we identify as safety-zones, which are those areas in which travel to school on foot has been determined to pose a safety hazard to students. Under our safety-zone criteria, the entirety of the Moffett Park Specific Plan area would qualify for such transportation services. To accommodate 1,200+ students with busing support would require an additional 22 buses and drivers on the road daily. For context, the District currently operates only 4 buses. It is not evident that the transportation and traffic impact created by more than 5 times the current environmental baseline for school bus traffic in Sunnyvale was taken into consideration and these impacts must be acknowledged and addressed.
- **Safe Routes to School (TR7 Table 3.3-2)** – The DEIR does not appear to show or address the Safe Routes to School Program that General Plan policies reference.
- **Traffic/Circulation Impact Analysis** – In the short term, students in the project area will be attending school at Lakewood and Columbia. However, there is no evidence that the traffic or air quality analyses take into consideration the increase in traffic to those sites from the Specific Plan area and the accompanying release of pollutants in the region. These impacts must be characterized, addressed and mitigated.

All of the foregoing factors should be considered in the DEIR and squarely acknowledge these problems for decision makers and the public, and, in light of the significant impact of planned growth or increasing residential density on our District, the DEIR should propose mitigation measures to lessen or avoid those impacts.

3. **Specific Plan Strategies/CEQA Mitigation Measures**

In order to address the above-described impacts, the District requests that additional strategies be included within the Specific Plan in support of public education, as well as included in the DEIR as mitigation measures to address and reduce the environmental impacts of the City's growth plans.

First, please establish an overall Specific Plan goal that is supportive of our District but is more focused and specific than the City's General Plan goals. The General Plan currently states only its vision "to support and work cooperatively with the educational institutions which serve Sunnyvale so as to provide the opportunity for a quality education for all youth, and lifelong learning for all residents."

A goal statement in the Specific Plan that the District would support could be very straightforward, such as:

“The City seeks to ensure that youth in the Moffett Park Specific Plan area have access to a quality school system with safe, adequate facilities and funding available as homes are built and additional school capacity is needed. Requiring, encouraging and/or incentivizing landowners and developers through development incentives or otherwise, to provide land, funding or participation in community facilities districts that provide funding in excess of minimum development impact fees, are the primary methods to sustain quality educational services and will be supported by the City as development moves forward.”

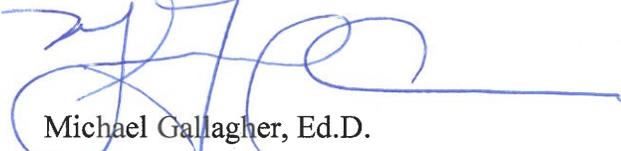
Second, plan strategies for the Specific Plan and mitigation measures for the impact of the Specific Plan on school facilities, capacity and funding that should be included are the following:

- Provide information to school districts when considering Specific Plan amendments, zone changes, or other legislative land use policy decisions and ensure that information about school capacity contained in development and environmental analysis incorporates current information on school capacity and the cumulative impacts of individual projects on school capacity.
- Review proposed legislative land use decisions in the context of the adequacy of present and future school facilities and require all developers to confirm, prior to receiving any project entitlements from the City, that they have met with affected school districts to discuss the impact of the project on school capacity and consider forms of mitigation, including placing the project into a community facilities district.
- In addition to the Bonus Floor Area Ratio incentives, grant additional density, more flexible setbacks and building heights, and/or reduced parking requirements or other development incentives for projects that voluntarily provide additional financial support for school facility funding; when and as possible, impose conditions on projects requiring school facility mitigation in excess of statutory school fees.
- In conjunction with affected school districts, reserve or provide for the identification and dedication of school sites within the Specific Plan area.
- Support lobbying efforts to expand State funding of the public school system.
- Support school construction bond measures or other financing options, such as the use of community facilities districts, for the construction of new schools in the Specific Plan area.

Thank you for the opportunity to comment on the DEIR for the Moffett Park Specific Plan update. Again, we thank the City staff for meeting with us and for being willing to consider the solutions we have identified. We appreciate the continued partnership working towards providing our community with the best education achievable for our residents.

We look forward to consulting further with the City regarding the problems we face and the active inclusion of our needs as the City moves forward to implement the Moffett Park Specific Plan over the next 20+ years.

Very Truly Yours,



Michael Gallagher, Ed.D.
Superintendent

CC: Larry Klein, City of Sunnyvale Mayor
City of Sunnyvale City Council Members

- Omar Din
- Alysa Cisneros
- Russ Melton
- Richard Mehlinger
- Murali Srinivasan
- Linda Sell

Enclosure

- Resolution #R23-19 In the Matter of Resolution of the Board of Education of the Sunnyvale School District Regarding Moffett Park Specific Plan and Future Development Within the City of Sunnyvale

RESOLUTION #R23-19

RESOLUTION OF THE BOARD OF EDUCATION OF THE SUNNYVALE SCHOOL DISTRICT REGARDING MOFFETT PARK SPECIFIC PLAN AND FUTURE DEVELOPMENT WITHIN THE CITY OF SUNNYVALE

WHEREAS, the Sunnyvale School District ("District") has a long history of providing high quality preschool, elementary and middle school education to students in the local community, consistent with its mission to provide every student with a strong foundation of academic, behavioral, and social-emotional skills to prepare them for success in a diverse, challenging, and changing world; and

WHEREAS, our District has a history of working successfully with the City of Sunnyvale ("City") through partnership arrangements to deliver on that mission by providing enhanced services and benefits to the community, including shared use of fields, sports facilities, libraries and community centers, consistent with the values expressed in the City's General Plan; and

WHEREAS, the City has recently released a proposed updated Specific Plan for the Moffett Park region of the community, articulating its vision and set of guiding principles, development standards, and design guidelines for future development within Moffett Park; and

WHEREAS, as documented in the Draft Environmental Impact Report ("DEIR") prepared for the Specific Plan update and released for public review and comment, the Specific Plan would allow for a net increase of 20,000 residential units, 650,000 square feet of commercial uses, 10 million square feet of office/industrial/R&D uses, and 200,000 square feet of institutional uses beyond what is currently existing or approved and most of which (85%) would be located within the boundaries of our District; and

WHEREAS, the District has determined based on current student generation rates that full buildout of the area will bring over 1,200 new students to the District, overwhelming and far exceeding the capacity of existing sites located closest to the Moffett Park area (Columbia Middle School and Lakewood Elementary School), creating transportation, traffic and other impacts and ultimately requiring at least one new school site to be acquired and developed; and

WHEREAS, the Specific Plan relies on development impact fees to fund the need for expanded and new school facilities to house students from Moffett Park, but such fees will fund only a fraction of the need for new or expanded schools to serve the region; and

WHEREAS, while this District is fortunate to have been supported by the community in the passage of general obligation bond measures, such funds are needed for and already allocated to the improvement, repair and upgrade of existing schools and sites to meet current needs; bond funds are not available for, nor should current taxpayers bear the burden of, paying for the development of new sites to serve future residents and for the benefit of home developers; and

WHEREAS, the District believes that developers, with the encouragement of local land use agencies, commonly contribute and should contribute additional funds for school construction in California and should be incentivized to the maximum extent possible to do so for development with the Specific Plan area.

NOW, THEREFORE, be it resolved, determined, and ordered by the Board of Education of the Sunnyvale School District as follows:

Section 1. Recitals. That the foregoing recitals are true and correct.

Section 2. Development of Mitigation Strategies. That the Board of Education authorizes and directs the Superintendent to provide a copy of this Resolution to the City for submission into the record of proceedings related to the adoption of the updated Specific Plan and certification of the related Environment Impact Report, registering the concerns expressed herein and requesting that, in light of the inadequacy of school impact fees and other available resources to cover the true cost of developing new or expanded school facilities caused by development, the City should take aggressive steps, and include stronger measures in the Specific Plan to encourage, motivate and incentivize developers to fully mitigate the impacts of development on the District as land use approvals are made.

It is the position of this Board that our community expects and deserves excellent, safe schools; that high quality schools enhance civic life in our communities consistent with the views and goals of the City's General Plan and Moffett Park Specific Plan; and that good schools help create a market for new homes and bring residents to, and sustain families in, our community. As such, home developers should be prepared to, expected to, and incentivized by the City to, fully mitigate the impact of their development on schools.

PASSED AND ADOPTED this day, February 2, 2023, by the following vote:

AYES: 4
NAYS: 0
ABSTAIN: 0
ABSENT: 1

APPROVED:



President of the Board of Education of the
Sunnyvale School District

Attest:



Clerk of the Board of Education of the
Sunnyvale School District



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND WASHINGTON
1314 HARWOOD STREET SE
WASHINGTON NAVY YARD DC 20374-5018

11011
Ser/RE (KLN) – 5643
February 9, 2023

Ms. Michelle King
Principal Planner
Department of Community Development
456 W. Olive Ave.
Sunnyvale, CA 94086
mking@sunnyvale.ca.gov

Subj: DRAFT EIR MOFFETT PARK SPECIFIC PLAN, FILE NO. 2021080338

Dear Michelle,

The U.S. Department of the Navy (Navy) is the owner of the real property located at 1235 N. Mathilda Avenue, Sunnyvale, CA, 94089, which is included within the boundary of the Moffett Park Specific Plan district. As the current landowner of this parcel, the Navy has prepared comments and suggested edits regarding the Draft EIR Moffett Park Specific Plan File No. 2021080338 attached as Enclosure (1) for the City's review and consideration.

Please contact me at (202) 685-0553 or (615) 300-7808, or at eric.w.crafton3.civ@us.navy.mil, with any questions regarding this matter.

Very Respectfully,

Eric W. Crafton
Director of Real Estate
By Direction

Encl: (1) Navy Comments Regarding the Draft EIR Moffett Park Specific Plan, File No. 2021080338

Navy comments regarding Draft EIR Moffett Park Specific Plan, File No. 2021080338

Section	Section Name	Draft Plan	Navy comment
3.9.1.2	Regulatory Database Search	<p>4. Sunnyvale Naval Industrial Reserve Ordnance Plant (see APN 110-02-015 on Figure 3.9-5.) (GeoTracker database listing number T0608576849), case open – remediation as of June 12, 2018. Groundwater contamination has been identified in the area and is undergoing remediation by Lockheed Missiles and Space Company under the oversight of the San Francisco Bay RQWCB. This facility is located in the same area as the Lockheed Sunnyvale – Plant One Facility. In January 2020, the Water Board issued concurrence with the Final Proposed Plan for groundwater remediation. The purpose of the plan is to conduct remedial action consisting of in-situ bioremediation and chemical reduction, in addition to groundwater monitoring and land use controls.</p>	<p>The EIR should note that the cleanup of the Sunnyvale Naval Industrial Reserve Ordnance Plant (NIROP) is also being overseen by the United States Department of the Navy as the lead agency under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (CERCLA), with regulatory agency oversight provided by the San Francisco Bay Regional Water Quality Control Board. The description mentions the proposed plan to remediate groundwater; however, we have progressed to the review of the Record of Decision. The groundwater remediation includes the use of land use controls with the land until the groundwater cleanup goals are achieved. It should also mention that a cleanup plan is being developed to remediate soil and soil vapor at the NIROP site. Once the final plan is approved, the Navy envisions a remedy of land use controls that would run with the land, with the potential for additional cleanup measures such as soil removal and soil vapor mitigations in the event the site is redeveloped.</p>
3.9.2.1	Project Impacts	Impact HAZ-2	<p>The Specific Plan Project Requirements noted as 10.3.1-1 through 10.3.1-5 do not acknowledge that many of the contaminated sites within the planning area have already been thoroughly investigated. Remedies already have been, or will be, approved by the appropriate regulatory authorities prior to any redevelopment under the plan. Thus, in many cases the types of investigations called for in the Requirements would not be necessary and would be superfluous. In the specific case of the NIROP</p>

			<p>facility, approved CERCLA remedial action remedies for groundwater, soil, and soil vapor will be in place prior to any redevelopment of the property. Remedies will be documented in formal records of decision, and any ongoing land use controls and requirements will be recorded in the chain of title for the property. The text of the EIR should acknowledge that where remedies are already in place and approved by appropriate regulatory authorities, the additional studies and investigations should not be required.</p>
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10 February 2023
Michelle King
Principal Planner
456 West Olive Ave.
Sunnyvale, CA 94086
mking@sunnyvale.ca.gov

Re: Comments on Draft Moffett Park Specific Plan

Dear Ms. King:

I hope this letter finds you well. Brick. would like to express its support for the Moffett Park Specific Plan's goals of creating a more connected, inclusive and sustainable built environment. Our thanks goes out to the City staff and the team of consultants who have put together a very thoughtful plan for the future of Moffett Park. As architects currently working in the City, we appreciate the opportunity to contribute to the success of the Moffett Park Specific Plan and to the future of the City of Sunnyvale.

As an architectural firm with a strong interest in sustainable design and urban planning, we are writing to express some of our points of concern regarding the Draft Moffett Park Specific Plan. We believe it is important to provide constructive feedback on proposals that will shape the future of the city, and we believe the Draft Moffett Park Specific Plan could benefit from some revisions.

Firstly, we would like to address the issue of street and infrastructure improvements. While we support the goal of creating a sustainable community, we do not believe that upgrading all infrastructure, regardless of whether it is necessary or not, is an economically sustainable policy. This approach will certainly lead to a significant increase in costs for developers and may jeopardize the feasibility of many projects. Instead, we believe that the city should focus on upgrading infrastructure only when it is necessary and where it will have the greatest impact on sustainability and livability.

Another area of concern is the requirement for green roofs. As architects, we believe that green roofs are an important tool for reducing the urban heat island effect, improving air quality, and providing additional outdoor space. However, we also believe that the requirement for green roofs may limit the feasibility of mass timber projects given the weight requirements and the additional structural support necessary. The sustainable benefits of a green roof, namely stormwater retention and heat island reduction, can be achieved in other ways that do not require increasing the structural capacity of the building.

Finally, we would like to highlight the requirement for Creation/Innovation spaces in the O-1 and O-2 zones. While we believe that these spaces have the potential to be an important asset to the new district, we have concerns about the specific requirements outlined in the Draft Moffett Park Specific Plan. The tenant market for these types of small spaces is limited, which will result in many empty spaces. Many large corporate tenants cannot share their campuses with other tenants due to security concerns. Additionally,

—

the requirement for redundant infrastructure, such as electrical services and generators, will increase the carbon footprint of the project and place additional demands on the city's infrastructure.

We believe that the Draft Moffett Park Specific Plan has the potential to be a positive step forward for the city of Sunnyvale, but also believe that some revisions are necessary to ensure that it is sustainable, livable, and economically viable. We would be happy to engage further in this important conversation and provide any additional feedback that may be of assistance.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Combrink", followed by a period.

Mathew Combrink
Design Partner



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WWW.DIVCOWEST.COM

February 10, 2023

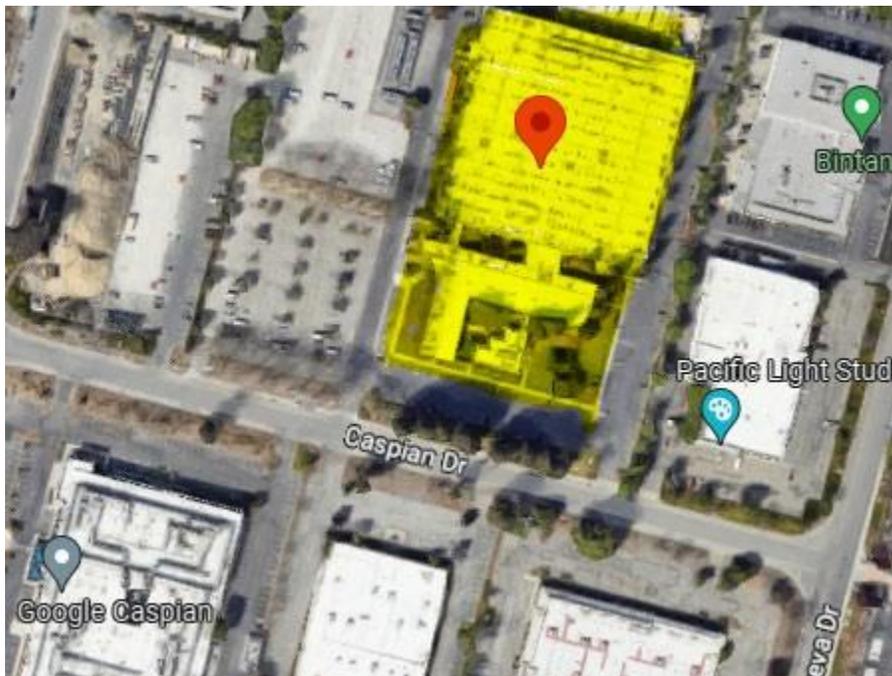
VIA Electronic Mail

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.



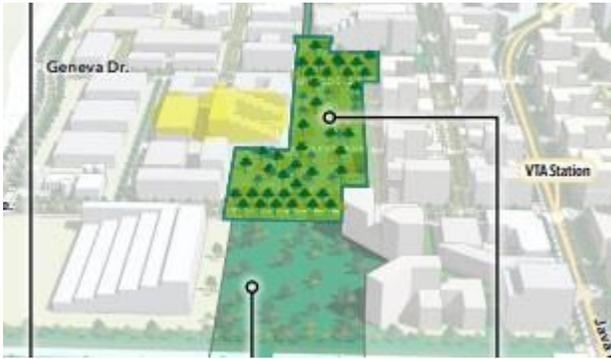
Once adopted, the MPSP update will re-designate the Property from MP-I to Moffett Park Mixed-Use (MP-MU), which appears to offer future flexibility for the Property; however, given that we have no current intentions of redeveloping the Property, we are concerned that: 1) the updated MPSP contemplates 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.



301 HOWARD STREET, SUITE
2100
SAN FRANCISCO, CA 94105

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
2100

SAN FRANCISCO, CA 94105

From: Gladwyn D'Souza <godsouza@me.com>
Sent: Friday, February 10, 2023 12:17:41 PM
To: Michelle King <MKing@sunnyvale.ca.gov>
Subject: SCH #2021080338 Moffett Park Specific Plan

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

Because of out of attainment NOX, Ozone and VMT in Appendix D- Air Quality- the project should add feasible measures for AQ public health impact reduction.

1. Charge incoming vehicles via Fastrak or video; and rebate automatically with cashout, those that are electric, including e and other micromobility, and who would participate in the program via rfid, or face recognition.
2. The TDM, set a goal of 50% SOV, is excellent but is still out of attainment of PM2.5. Increase mitigation via increased vegetative barriers, indoor air filters, and a stronger target like 25% SOV. CARB in 2005 recommended that housing be located 500' away from pollution sources. Recent recommendations in the European Union say the barrier should be 1000' to avoid significant epigenetic effects. Highway Vegetative Barriers are on way to reduce impacts.
3. The recommendations in 2 will also reduce GHG. Reduce GHG further feasibly by designing the project as a microgrids for 24/7 renewables similar to the google project in San Jose at Diridon station and use geothermal for fixed power.

Regards,
Gladwyn



Google LLC
1600 Amphitheatre
Parkway
Mountain View, CA 94043

650 253-0000 main
Google.com

February 10, 2023

City of Sunnyvale
Community Development Department, Planning Division
Attn: Michelle King, Principal Planner
456 West Olive Avenue
Sunnyvale, CA 94086
Sent via email mking@sunnyvale.ca.gov

Dear Michelle,

Google LLC appreciates the opportunity to provide public comment on the Draft Environmental Impact Report (DEIR) for the Moffett Park Specific Plan (MPSP), State Clearinghouse No. 2021080338.

As set forth in Section 2.3 of the DEIR, the City's vision for Moffett Park is as follows: "Moffett Park is an integral part of Sunnyvale, and a well-connected ecological innovation district with a diverse mix of uses that serves as a model of resilience, climate protection, equity, and economic opportunity." The City's guiding principles for the MPSP include creating a healthy, resilient, and biodiverse environment and integrating innovative and emerging technologies in the district to support the community wide goals. (DEIR, Section 2.3.)

Consistent with this vision and guiding principles, the MPSP and DEIR contain implementing policies such as IU-3.3, which is specific to utilities and service systems, and provides: "Encourage sustainable development practices for development projects to reduce the demands on the water supply and sanitary sewer systems, including use of recycled water indoors, installation of localized blackwater systems, regenerative and high efficiency landscape practices that reduce water and energy use, development of private district utility systems, and increased building efficiency beyond City standards."

Google LLC supports the City's vision for Moffett Park as an ecological innovation district, and specifically supports any future proposals for private district utility systems (District Systems) consistent with the MPSP and DEIR's policies and analysis. This letter describes District

Systems, including the components necessary to enable District Systems and the service options; the benefits of District Systems compared to business-as-usual; and the most accurate way for District Systems to be studied and assessed in a future project context.

Projects within Moffett Park could construct and operate private District Systems that could serve certain buildings within the Master Plan with wastewater, recycled water, thermal energy (heating and cooling), centralized waste management and local renewable energy generation. The District Systems would include two primary components: (1) one or more Central Plants (CP), and (2) a network of underground pipe connections that connect multiple buildings to the CP.

The particular District Systems that could be implemented in Moffett Park could include:

- Local renewable energy generation and battery storage.
- District Thermal with all-electric heating and cooling systems.
- Water Reuse Facility that treats wastewater to create recycled water for non potable reuse. This could include the use of pyrolysis or anaerobic digestion (including best management practices for odor control) for onsite solids management.
- Centralized Waste Management opportunities to manage waste at the source to become a resource.

Associated with a District Thermal System, there are a number of integrated technology opportunities to increase energy efficiency and reliability, such as:

- Thermal Storage tanks or materials with high thermal capacity.
- Waste Heat Recovery Systems including heat recovery from sewer lines (related to Water Reuse and District Thermal).
- Ground-Source Heat Exchange Field (i.e., geofield): where possible, geofields would be implemented to leverage renewable, seasonal thermal energy storage. Geofields could consist of energy piles either integrated with a structural pile foundation or as drilled bores underneath a mat slab foundation. Energy bores could also be implemented in open space (i.e., not as part of a building's foundation system). The energy bores could have a maximum depth of 500 feet.

District Systems provide significant benefits compared to business-as-usual utility connections. For example, District Systems can provide the following:

- **Increased environmental performance** through energy efficiency, reduced carbon footprint, reduced potable water use, increased reliability,
- **Reduced burden on city infrastructure,**
- **Improved urban outcomes** through significantly reduced building equipment footprints, resultant noise and pollutants, and

- **Circular economy and innovation** by providing local opportunities to innovate through reusing resources and addressing the City's targets of carbon neutrality and climate action goals.

Any environmental review of future projects with proposed District Systems (or with the option for District Systems) should not consider District Systems as additive to business-as-usual (i.e., additive to a baseline project with conventional utility connections). Rather, any future environmental review of projects with District Systems should analyze the impacts of District Systems, which is anticipated to be below the impacts of business-as-usual.

Thank you for the opportunity to provide these comments, and we look forward to the future growth of Moffett Park.

Sincerely,

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

Jeff Holzman

Director of Real Estate Development – Sunnyvale



February 9, 2023

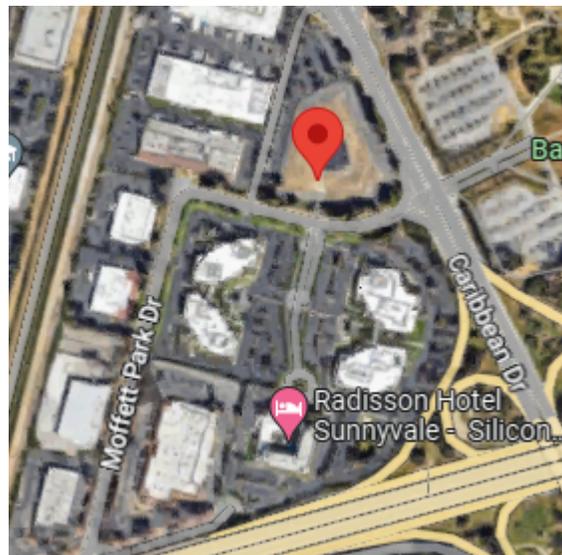
Michelle King, Principal Planner
Department of Community Development
City of Sunnyvale
456 W. Olive Avenue
Sunnyvale, CA 94086

Via Electronic Mail

RE: 1389 Moffett Park Drive – Moffett Park Specific Plan – Rezone Request & Parking Feedback

Dear Michelle:

We are writing on behalf of Harvest Properties, Inc. (Harvest), the developer for 1389 Moffett Park Drive (APN 110-37-002) (Property, Subject Site), a six-acre parcel located within the Moffett Park Specific Plan (MPSP) area in Sunnyvale, CA (City), as shown below.



Per the Draft MPSP released in December of 2022, the Subject Site is proposed to be zoned with a mix of Activity Center, MP-AC, and Office 2, MP-O2. See Figure 1 below.

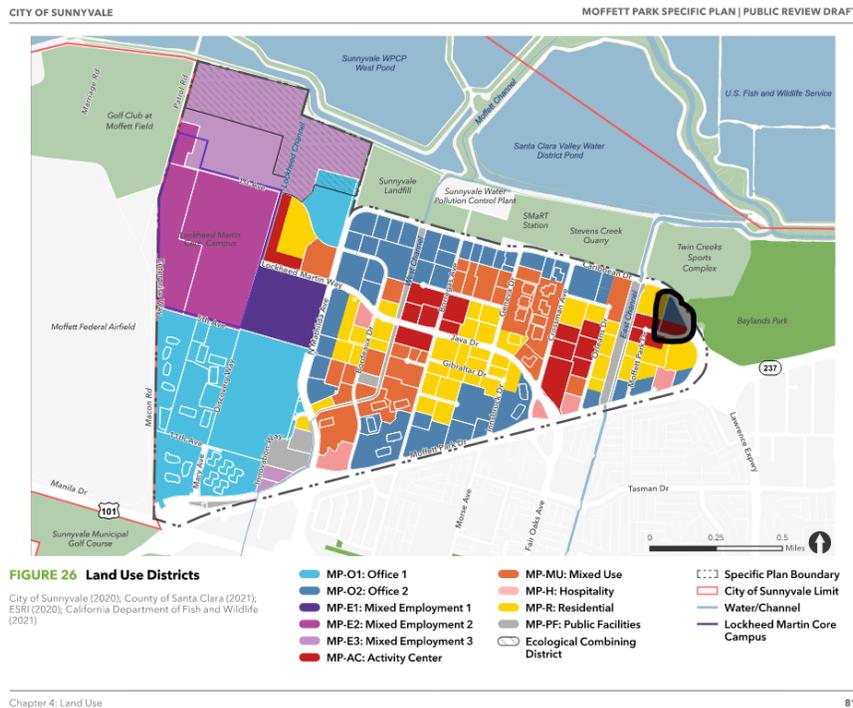


Figure 1: Zoning Map, page 81 from the Draft Moffett Park Specific Plan dated December 2022

Based on our discussions with you and your colleagues, we understand that the split zoning was approximately measured by lining up the property line between the adjacent properties, APN 110-37-003 and 110-37-001, ~254.5’ from our southern property line. This results in ~123,000sf being zoned as MP-AC and ~140,000sf being zoned as MP-O2.

To ensure the future viability of the Property and its ability to redevelop in the future, our team requests that, in lieu of the MP-O2 designation on the northern portion of the Subject Site, this northern portion be designated MP-MU: Mixed-Use instead. This modest change will provide the necessary flexibility to maximize the housing potential on the Property, while still providing opportunity for a mixed-use development.

Additionally, per the Draft MPSP, we note that the parking ratios for Office Development are proposed to start at 2.0/1000 sf of office and transition to 1.0/1000 sf at “Mid-Term Build-Out and 0.75/1000 sf at “Full Build Out”, as shown on Figure 2. This proposed parking ratio falls far short of typical parking ratios in today’s local environment, 3.0/1000 sf to 3.3/1000 sf, and would make commercial office development infeasible due to market demands. Accordingly, we



request that the City adjust its proposed parking ratio to a more appropriate market standard of 3.0/1000 sf.

TABLE 24 Off-street Maximum Vehicle Parking Standards for New Development

Land Use	Future Maximums		
	At Plan Adoption	Mid-Term	At Full Build Out
Office/R&D (per 1,000 sf)	2.0	1.0	0.75
Residential (per unit)	1.0		0.75
Hotel (per room)	0.75		0.75
Retail / Commercial / Restaurant (per 1,000 sf)	1.25		1.25
Industrial (per 1,000 sf)	0.75		0.75
Elementary School (per 1,000 sf)		0.10	
Recreational Fields		9.5 per acre	
Other Open Space Types		Parking study required	
All other uses		As determined by the Zoning Administrator	

Figure 2: Proposed Parking Ratios from the Draft Moffett Park Specific Plan dated December 2022

We appreciate the City’s efforts to transform the MPSP area into a vibrant, innovative Sunnyvale neighborhood. We ask that the City recognize our future plans for the Property by adjusting our Property’s split zoning and reassessing the allowable parking ratios for commercial development.

Thank you for your consideration.

Sincerely,

Preston O’Connell
Partner

cc: Kelly Cha (City of Sunnyvale), Chris Sensinig (Raimi Associates, consultant to City of Sunnyvale)



TRANSMITTED VIA EMAIL

February 10, 2023

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

Re: Draft Moffett Park Specific Plan, Coalition Letter

Dear Michelle King,

We write to you today regarding the Draft Moffett Park Specific Plan (MPSP). As organizations that have been actively engaged in this multi-year process, we commend City Staff for their impassioned and diligent work. This plan has come a very long way and we appreciate the City's continued dedication to community input and building consensus around a vision for an accessible, equitable, and inclusive Eco-Innovation District.

The MPSP (the Plan) lays out an innovative blueprint to cultivate new and complete neighborhoods, new housing, new jobs, and new opportunities for dynamic urbanism that leverages transit resources and commits to environmental stewardship, sustainability, and climate resilience. The Plan recognizes that success will be measured in part by the opportunities it promises to current and future residents of Sunnyvale across all incomes — a vibrant and inclusive community where all people can thrive.

Our organizations, representing expertise in topics ranging from housing to environmental issues and economic development to transit and community participation, all recognize that realizing this vision will be transformational for Sunnyvale and the Silicon Valley. The recommendations below are intended to support this shared vision by providing additional tools we believe will help ensure it is manifested.

Affordable Housing

- Because the City's Inclusionary Housing Program does not guarantee that affordable units will be built on site or within Moffett Park, include an explicit requirement that a minimum of 15 percent of the residential units in the plan area be income-restricted housing affordable to moderate, low, very-low and extremely-low income households, with a 20 percent goal.
- Include explicit language acknowledging that expanding access to people of all incomes will require deed-restricted units integrated into both market-rate development and stand-alone 100 percent affordable developments. This will require additional public and private resources to achieve deeper levels of affordability.
- Consider other tools that would generate additional resources, reduce costs, and incentivize affordable housing development.
- One potential tool to consider could be to allow all or some of the Housing Mitigation Fees collected from commercial development within Moffett Park be dedicated to affordable housing development within each master plan area. Another tool could be to reduce city development fees for affordable housing within the plan area.
- Incorporate concrete language in the Community Benefits Program that affordable housing be prioritized to expand opportunities for very-low and extremely-low income households.
- Include details in the Community Benefits Program on how affordable housing is valued, relative to other benefits.

Environmental Resilience and Equitable Open Space

- Pursue more extensive efforts to stave off urban heat island effects and predicted flooding issues by specifying and incorporating additional nature based solutions and green infrastructure (bioswales, wetland restoration and creation, urban greening requirements, etc.) into the MPSP.
- Ensure spatial equity by committing to going above and beyond the minimum 44 acres of high habitat value eco patches recommended in the San Francisco Estuary Institute Technical Report, with emphasis in areas and neighborhoods slated for affordable housing development.
- Consider the establishment of a climate resilience task force focused on guidance of longer term resilience planning efforts.

Shared Economic Opportunity

- The establishment of a small business advocate office that serves as a single point of contact for existing Sunnyvale small business owners and non-profits, or through a small business alliance, to support the proposed retention/expansion policy currently included in the Community Benefits Program list.

Equitable Transit Commitments

- Require increased investment in Transportation Demand Management measures that seek to attain the goals before assessing penalties for non-attainment.
- Include an explicit commitment to engage in regional transit integration plans to expand equitable access to Moffett Park including: Metropolitan Transportation Commission (MTC) Connected Network Plan, Valley Transportation Authority's Visionary Network, and an MTC-convened regional initiative laying the groundwork for a regional funding measures for public transportation.
- Adjust the MPSP to be consistent with MTC's recently adopted Transit Oriented Communities Policy, wherever relevant.

Community Participation

- Include public participation in developing and implementing the administrative guidelines and expected value of contributions for the Community Benefits Program.
- Provide the Sunnyvale community an ongoing role as equity stakeholders in the Collaborative Entity for Infrastructure, the Transportation Management Authority, and the Community Benefits Program's community benefits guidelines and contributions.

We are excited to reach the end-stage of the planning process and are hopeful that these recommendations will be seen as supporting the vision of an inclusive Moffett Park, and ensure that all Sunnyvale residents have the opportunity to live, prosper, and move freely in the Eco-Innovation District. This is going to be a great place that will serve as a regional model and the details in this plan will determine who will be able to be a part of it.

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

Sincerely,

Regina Celestin Williams
Executive Director
SV@Home

Jordan Grimes
Resilience Manager
Greenbelt Alliance

Corey Smith
Executive Director
Housing Action Coalition

Adina Levin
Executive Director
Friends of Caltrain

Ian Griffiths
Policy Director
Seamless Bay Area

Erika Pinto
Planning Policy Manager
SPUR

Louis Mirante
Vice President of Public Policy, Housing
Bay Area Council

Amy Thompson
Policy and Programs Manager
TransForm

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

Michelle,

Two suggested items:

1) add something to the plan that would somewhat synchronize the building of housing with other uses like office. Since the plan will cover multiple decades the office space could get built much faster than housing without safeguards.

2) with significant and unavoidable GHG impacts and construction over decades it would be good to address/encourage low carbon construction materials and use of zero emission construction equipment. Although these are not yet mandated, the requirement for 85% GHG reduction by 2045 will necessitate many changes such as these. Meanwhile, cost and availability of these materials and methods will continue to improve.

Kristel Wickham

Sunnyvale Resident since 2004

From: Perry Hariri <phariri@miramarcapital.com>

Sent: Friday, February 10, 2023 4:56:42 PM

To: Michelle King <MKing@sunnyvale.ca.gov>; Trudi Ryan <tryan@sunnyvale.ca.gov>; Ray Hashimoto <rhashimoto@HMHca.com>; Ian Murphy <imurphy@bdearch.com>; Nathan Simpson <nsimpson@bdearch.com>; Laird Bennion <LBennion@miramarcapital.com>; Jennifer Renk <JRenk@sheppardmullin.com>

Subject: Comments on Moffet Park Specific Plan Draft EIR

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

Michelle,

Below please find the comments from our team on the Draft EIR

Perry Hariri

Managing Partner

MIRAMAR CAPITAL

4300 Stevens Creek Blvd | Suite 180 | San Jose, CA 95129

email phariri@miramarcapital.com

mobile 925.580.1438

website www.miramarcapital.com

From: Ray Hashimoto <rhashimoto@HMHca.com>

Sent: Friday, February 10, 2023 10:20 AM

To: Perry Hariri <phariri@miramarcapital.com>; Laird Bennion <lbennion@miramarcapital.com>

Cc: Ian Murphy <imurphy@bdearch.com>; Jennifer Renk <JRenk@sheppardmullin.com>

Subject: Comments on Moffet Park Specific Plan Draft EIR

Below are our comments to the EIR focused on the infrastructure/utility items and the appendices that support their findings:

In the BKF Waste Water Master Plan Report (October 2022) Section 6.0- Existing System Evaluation (BKF Report), it indicates that there was an evaluation of the "Cumulative Impact Evaluation and Cumulative Impact Improvements. If this evaluation includes off site flows + the flows created by the Moffett Park Specific Plan (MPSP) full build out, the proposed new sanitary sewer system is overbuilt to accommodate sanitary sewage for the **entire** City of Sunnyvale (City). The builders and developers in the MPSP should not be held entirely responsible for the cost of this City-wide system upgrade. Accordingly, a careful nexus study must be completed to determine the level of incremental responsibility the **new** MPSP development should contribute to the new City-wide system. Under the total cost estimates in the BKF Report, there is only a \$ 600,000 difference (\$17.9 million vs. \$18.5 million) between the total cost for the MPSP improvements versus the cost to remedy existing deficiencies. This indicates that the MPSP projects are responsible for a the lion's share of the City-wide upgrade. These significant improvement costs not only add to the cost of housing, but appear to be disproportionate to the actual MPSP impacts to the sanitary sewer system.

Moreover, the BKF Report calls for upping the size of the primarily 12" water main system to 16" and 18' mains. This upsizing seems very conservative and may be setting up an the overbuilding of the water system to a level that is not needed or necessary. Again, we are concerned about the significant cost of providing new infrastructure that seems to be over engineered for the actual needs in the MPSP, which will result in higher costs for the much-needed housing in the City that the MPSP seeks to unlock.

Ray Hashimoto, AICP

Principal, Land Development Manager

o. 669-295-2342

c. 408-205-2775 | rhashimoto@hnhca.com

1570 Oakland Road | San Jose | CA | 95131

www.hnhca.com

Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

Michelle King
Principal Planner
456 West Olive Ave.
Sunnyvale, CA 94086
mking@sunnyvale.ca.gov

Re. Comments on Draft Moffett Park Specific Plan

Dear Ms. King,
Newmark would like to express our support for the Moffett Park Specific Plan's goals of creating a more connected, inclusive and, above all, sustainable built environment. Thank you to you and the City staff for putting forth a thoughtful plan for the future development of Moffett Park. As a leading brokerage and commercial real estate services company, we appreciate the opportunity to contribute to the success of the Moffett Park Specific Plan and to the future of the City of Sunnyvale.

We would like to share our concerns about the practicality of elements of the Draft Plan – specifically **Parking** and **Creation/Innovation** space requirements.

Parking

The contemplated maximum parking ratios of 2.0/1,000 (and less) do not meet market demand from office users, particularly relative to neighboring municipalities. While we share the goal of reducing single occupancy vehicle trips in our communities, the limited pattern of public transit use in this location means that prospective office tenants will likely only lease properties with parking ratios of at least 3.0/1,000. The only successful 2.0/1000 parking office buildings are located on Caltrain or BART depots and, even with increased ridership, there is still inadequate parking for employees at these locations. Given Moffett Park is suburban office park and not in a downtown area, a sub-3/1000 parking ratio would be a competitive disadvantage versus the competitive set in other cities.

Creation/Innovation Space

In our tenant rep practice, we have represented tenants who would be interested in Creation/Innovation space, including the former market leader, TechShop. The struggle for all occupiers of this type of space is rental costs. The capital for creators is typically invested in machinery, which leaves very little for rent. The market's response is membership driven creator space companies like TechShop, where creators can rent the equipment. Companies, like TechShop, cannot afford the rents needed by developers, which will lead to the space sitting vacant. Secondly, there simply is not demand for this space in the market. Third, many large corporate tenants cannot share their campuses with other tenants due to security concerns. Lastly, the design requirements for the Creation and Innovation spaces (e.g., 20' high ceilings for creation space and divisible down to 3,600 sf for innovation space), make these spaces very expensive to construct. We recommend the City eliminate the requirement for Creation and Innovation space outside of Activity Centers. The feasibility of these spaces is better accommodated in second/third generation buildings that may be functionally obsolete and would provide a lower cost option. If the City wants to promote the construction of Creation and Innovation space, we instead recommend that these spaces become optional and that the City incentivize their creation by excluding them from FAR calculations and granting Community Benefit credit for constructing them.

Thank you for your careful consideration of our concerns. The Newmark team looks forward to collaborating with the City on creative solutions for this important plan.

Kind regards,

Jon Mackey
Executive Managing Director, Market Leader
Newmark
jon.mackey@nrmk.com



February 10, 2023

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

mking@sunnyvale.ca.gov

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

Dear Ms. King,

Sierra Club Loma Prieta Chapter, Santa Clara Valley Audubon Society and the Citizens Committee to Complete the Refuge are environmental organizations with interest in the San Francisco Bay and our region's wildlife and natural resources. Due to the Moffett Park Specific Plan area's proximity to San Francisco Bay, new development in the Plan area raises significant concern. We therefore participated in every opportunity to provide public comment on the Moffett Park Specific Plan (MPSP) as it developed. We appreciate the efforts to address our wishes and concerns and thank the City for including "Non-CEQA effects" since the analysis of climate change and sea level rise on the project is important for planning where regulatory statutes come short. We submit the following comments on the MPSP and the associated Draft Environmental Impact Report (DEIR).

3.3 Air Quality

Please discuss the health effects of air pollution, such as gaseous emissions and particulate matter, and analyze cumulative impacts on air quality. Please include large projects in Sunnyvale and in nearby jurisdictions (Santa Clara, North Bayshore and East Whisman in Mountain View, Peery Park in Sunnyvale, Development in Moffett Field and the Salt Pond Restoration Project).

3.4 Biological Resources

Consultations with Wildlife Agencies

The Biological Resources analysis identifies a number of special-status species (Burrowing owls, bees, western pond turtles, roosting bats, salt marsh harvest mouse, dusky-footed woodrat) with the potential or likelihood to be present in the MPSP area and its vicinity. Standards for analysis of impacts and for

avoidance and mitigation measures should be specified, and permitting and reporting requirements for these species should be clear.

- The DEIR should identify and describe the regulatory responsibility of both wildlife permitting agencies, including the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW). For each special-status species or biological resource, please identify which wildlife agency(s) should be consulted.
- The DEIR requires surveys and/or special-status Species Plans to be prepared for subsequent developments. However, the DEIR erroneously assigns City staff to review and approve such Species Plans, reports, and outcomes from surveys. Sunnyvale is not a qualified agency to approve avoidance and/or mitigation measures and special-status Species Plans for endangered, threatened or Species of Special Concern. Consultation with the responsible wildlife agencies is the appropriate level of protective action. The EIR should describe the consultation process and responsible agencies for each special-status species.
- For all subsequent projects that are planned on undeveloped parcels, or on any parcels located near open space or water features (wetlands, creeks) and other habitat areas, for each special-status species that has the potential to occur, additional environmental review should require consultation with CDFW and include:
 - a. Criteria for the selection of qualified biologists,
 - b. Criteria for evaluating potential disturbance or “take”,
 - c. Criteria clarifying and directing survey protocols,
 - d. Avoidance periods and buffer distances,
 - e. Criteria for requiring Biologist supervision of construction activities,
 - f. Reporting requirements,
 - g. Reporting of incidents that impact the habitat and/or special status species in question.

Recovery Plans

The DEIR and Appendix F should include reference to USFWS plans that guide recovery of the following federally listed species: the salt marsh harvest mouse, the Ridgway’s rail (formerly California clapper rail) and the western snowy plover.

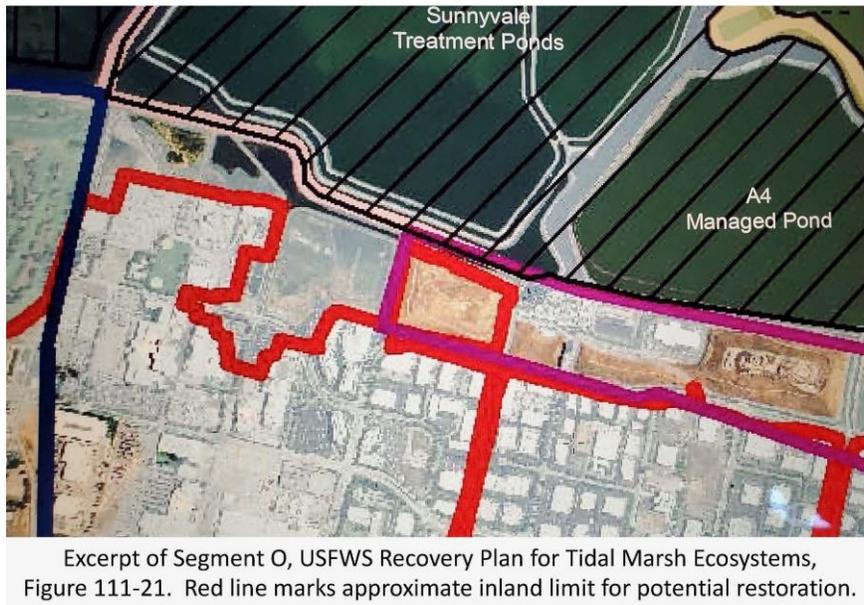
- Salt marsh harvest mouse (SMHM), Ridgway’s rail (RIRA): The 2013 USFWS Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California¹ was prepared and approved to guide the habitat recovery of five federally endangered species, inclusive of the salt marsh harvest mouse and Ridgway’s rail and certain other species of concern. The plan was largely constructed around the biology of the target species. It includes maps that broadly identify areas of sensitive habitat and lands of potential restoration to habitat for the target species. The entirety of the ECD and other lowland portions of the MPSP are within the boundary for consideration of actions aiding recovery (Figure 1).²
- Western Snowy Plover (SNPL): The DEIR’s Special Status Animals map (p.104, Figure 3.4-4) should include the closest nesting location of SNPL on the Stevens Creek Shoreline Nature Study

¹ USFWS, Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California, 2013, <https://www.fws.gov/project/california-tidal-marsh-ecosystem-recovery>

² USFWS, Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California, 2013, Figure 111-21, Segment O, p. 273.

Area of the Midpeninsula Regional Open Space District (Midpen).³ The DEIR should refer to the USFWS 2007 Recovery Plan for the Western Snowy Plover⁴ for guidance for potential recovery actions in the MPSP Area.

Figure 1



Excerpt of Segment O, USFWS Recovery Plan for Tidal Marsh Ecosystems, Figure 111-21. Red line marks approximate inland limit for potential restoration.

Western Burrowing owl

The Burrowing owl population in the south Bay Area has suffered a significant decline and the breeding population is at a risk of extirpation. In the past four years, the Burrowing owl population of the South Bay Area has been sustained by deliberate conservation actions implemented primarily by the Santa Clara Valley Habitat Agency in an effort to accomplish the conservation goals of this adopted Valley Habitat Plan.⁵ Burrowing owls have not bred in Sunnyvale in recent years, but wintering migratory owls use ground squirrel burrows at the landfill and along the levees (including observations by SCVAS staff and volunteers in January 2023), and may use undeveloped parcels within the MPSP area as well as marginal habitat areas along roads and in parking lots.⁶

³ Midpeninsula Regional Open Space District, Stevens Creek Shoreline Nature Study Area Restoration Project, <https://www.openspace.org/what-we-do/projects/stevens-creek-shoreline-nature-study-area-restoration-project>

⁴ USFWS, Recovery Plan for the Western Snowy Plover, 2007, https://westernsnowyplover.org/recovery_plan.html

⁵ Sullivan, Edmund (2022) Western Burrowing Owl Program Update, Santa Clara Habitat Agency, <https://scv-habitatagency.org/DocumentCenter/View/1691/06>

⁶ In "Studies of Western Birds 1:218–226, 2008, Species Accounts (pages 218-226), the description of this California Species of Special Status includes, "developed environments pose a substantial risk to Burrowing owls from mortality caused by traffic (Klute et al. 2003, D. K. Rosenberg et al. unpubl. data). Owls nesting along roadsides or parking lots are at greatest risk, although owls foraged along roads over 1 km from the nest burrow (Gervais et al. 2003)." The document is available here: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=10405>

Sunnyvale's 2019 "Burrowing Owl Habitat Suitability and Opportunities Report"⁷ should be consulted in mitigating impacts to this species. The MPSP should also consider Burrowing owl conservation actions as part of public benefits allocation.

For Requirement 10.3.5-2:

- Please specify in Requirement 10.3.5-2: Qualified Biologist must have at least 2 years experience conducting surveys for burrowing owls
- A pre-construction survey 14 days prior to construction is too long an interval for both migratory and nesting Burrowing owls. Migratory owls may stay at a burrow for only a few days. Breeding burrowing owls may select a burrow, start a nest and lay eggs within 10-days. Surveys must take place no longer than a week before ground disturbance, and repeat if construction activities are halted or paused for more than a week.

Impacts of increased human presence and activities in natural areas

We remain concerned with potential impacts to special-status species, migratory birds and other wildlife species that is likely to result from the inevitable increase in human and pet activity on trails and levees, wetlands, and stormwater features, as well as at Baylands Park and the landfill hills. Science shows unequivocally that increased human presence and activity in wildlife habitat impacts wildlife. Human activity can flush birds, or deter birds and special-status species from using important resources along the bay,⁸ and disrupt basking behavior that is critical to the survival of the Western pond turtle.⁹ Even low impact human recreation can change the timing and spatial use of habitat by mammals.¹⁰

The DEIR implies the expectation - which we find difficult to comprehend - that residents and new employees will not substantially increase the use of trails, levees and other recreational facilities outside the MPSP (see discussion in section 3.16 Recreation). To the contrary, with 42,000 additional residents and 60,000 new employees, and the tremendous public interest in development at MPSP because of its proximity to the Bay, it is reasonable to expect here will be a significant surge in use of trails and levees adjacent to migratory birds habitat (including Burrowing owls) and wildlife habitat all along the Bay - a surge that will significantly exacerbate conditions stemming from existing encroachment and disturbance.

⁷ Biological Constraints and Opportunities Analysis for the Sunnyvale Landfill and Baylands Park and Protecting Burrowing Owl Habitat on City Facilities (2015) Report to City of Sunnyvale Sustainability Commission <https://sunnyvaleca.legistar.com/LegislationDetail.aspx?ID=2242556&GUID=A82784EA-D7EC-4F7E-9A4C-78799FD2BAE6&FullText=1>

⁸ Trulio, L. A., & Sokale, J. (2008). Foraging Shorebird Response to Trail Use around San Francisco Bay. *The Journal of Wildlife Management*, 72(8), 1775–1780. <http://www.jstor.org/stable/40208460> and Lynne A. Trulio and Heather R. White "Wintering Waterfowl Avoidance and Tolerance of Recreational Trail Use," *Waterbirds* 40(3), 252-262, (1 September 2017). <https://doi.org/10.1675/063.040.0306> and Phil Higgins, Balancing Public Access and Habitat Enhancement in the Baylands, 11/16/21, webinar @~1:50:02; <https://www.sfestuary.org/truw-pahlp/>

⁹ Basking Western Pond Turtle Response to Trail Use in Mountain View, California. Paul Eric Nyhof San Jose State University 2013 https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=7849&context=etd_theses

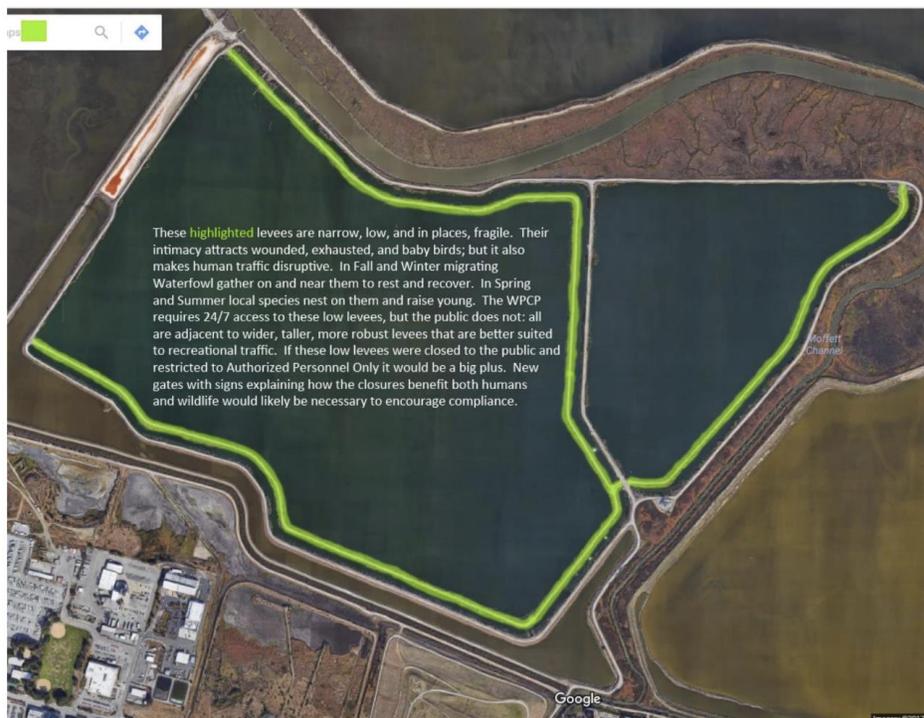
¹⁰ <https://news.wsu.edu/press-release/2023/01/19/low-impact-human-recreation-changes-wildlife-behavior/>

A 2020 book published by the California Fish and Wildlife Journal¹¹ and the scientific resources cited in footnotes 8-19, show that even low human use can have impacts, but seem to indicate that level of disturbance is directly associated with faster speed of movement. In addition, lighting interferes with wildlife movement and migratory behavior, and must be avoided in natural areas.

The impact of increased population to wildlife in the natural areas in and around the MPSP should be recognized and mitigation measures should be developed. We propose the following mitigation measures:

- Ensure that night lighting is avoided, and not added to trails on levees, near wetlands, or on and around the landfill hills,
- 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,
- Limit public access to some of the Baylands Levees. Sunnyvale resident and naturalist Kira Od provided the attached report¹² in which she identifies parallel levees that can be closed to public access with no impact to mobility and circulation (Figure 2). Ms. Od’s comments and recommendations can be integrated into the EIR to mitigate some of the impacts of human encroachment and disturbance of wildlife and habitat,

Figure 2 **PROPOSED SEASONAL LEVEL CLOSURES**



¹¹ California Fish and Wildlife SPECIAL ISSUE Effects of Non-consumptive Recreation on Wildlife in California

¹² The Last Wild Place in Sunnyvale: Twenty-three Years of Experience, Observation, and Effort, Kira Od, 2019

Environmental Impacts Caused by Shading

The setbacks from the East channel are missing in Table 5 Building Setback Requirements.

The MPSP places the tallest buildings (Chesapeake) with allowable heights of 250', 275' and 250' near the East Channel and Baylands park. We believe this placement may have significant impacts including shading during the day and introducing Artificial Light at Night. Tall buildings adjacent to open space should be required to step-back¹³ in height to reduce visual impact on valuable open space, to reduce shadows cast by the building and reduce impacts of light at night on the environment.

Height of buildings can also have a significant impact on riparian corridors, wetlands, open space, and recreation. Light is necessary for photosynthesis by riparian and aquatic vegetation. Water temperature in creeks is also affected and in turn, it influences pH and dissolved oxygen concentration, which affects the species composition and abundance of invertebrates and fish. The effect of shading on the structure and function of wetland ecosystems is greatest in small wetlands¹⁴. Sunlight is important in parks and open space, and in the urban landscape.

Chapter 6 Open Space and Urban Ecology, Table 15 defines the setbacks required along the East and West Channels. Section 5.3.2 defines the “step-backs.” However the building step-backs are not clear for all facades and may not be adequate for reducing shading of open space and waterways.

- Please clarify the step-backs of building facades along the East Channel and West Channel and fronting on Baylands Park.

3.6 Energy

Life Sciences Energy Use

- Has the DEIR analyzed projected energy use for different projects and facilities that are likely to be constructed as R&D uses? Our concern is that Life Science labs have unique requirements. and use significantly more resources than office buildings (in the order of two to ten times more energy.)¹⁵

¹³ What is a Building Step-Back? A building step-back is an architectural design element that is typically applied to the upper-story of a development. Typically, a step back requires that any portion of a building above a certain height is further pushed-in towards the center of the property

¹⁴ Bunn, SE, Mosisch, T & Davies, PM (2002), 'Chapter 3: Temperature and light', *Riparian Land Management Guidelines, Volume One. Part A: Principles of Sound Management*, Land and Water Resources Research and Development Corporation (LWRRDC), Canberra, eds. S Lovett & P Price.

¹⁵ [A Deep Dive into Sustainable Life Science Buildings With SGA's Matthew Fickett](#): A typical existing laboratory building uses close to 500 kBTU/sf/year, while most new ones are below 200, and really exceptional ones might be closer to 45 or 50. That is obviously a tremendous improvement, but it only brings the lab building into the neighborhood of an ordinary office building's usage, which is almost always below 100 and often closer to 25. From that comparison, you can see that most lab buildings are using on the order of ten times as much energy per square foot as office buildings.

3.9 Hazards and Hazardous Materials

The DEIR has not adequately mitigated for the potentially significant adverse impacts posed by hazards and hazardous materials within the Plan area. We disagree with the findings and maintain that Impacts HAZ-2, HAZ-4 and HAZ-C remain significant, and there is substantial concern that the proposed mitigation is not feasible, therefore the impacts will remain significant, unmitigated, reasonably expected to occur.

The MPSP addresses hazards through the following seven requirements for future projects:

1. Environmental Site Assessment (ESA)
2. Site Management Plan
3. Phase II Environmental Site Assessment (ESA)
4. Remediation and/or Management Measures
5. Dewatering Management Plan
6. Asbestos Survey
7. Lead-based Paint Survey

These requirements are vague. The MPSP bases the determination whether or not an ESA should be prepared on “evaluation of the property history to determine if the property has been or is likely to have environmental impacts.” However, considering only historical data, which in many cases may not be up-to-date and in some cases, quite old, is not sufficient to determine if contaminants remain on the surface or underground at a particular site. Project-specific sampling must be performed by independent qualified personnel in order to determine if a Site Management Plan should be required. In addition, thresholds for what is deemed “minor environmental impact” must be made by independent qualified personnel to determine if a Site Management Plan will be required. The conclusions made in the original ESA for a site are critical to determining if a Site Management Plan, a Phase II ESA, Remediation and/or Management Measures, and a Dewatering Management Plan are required. For this reason, the ESA must be based on current, project specific data as to what toxins and at what levels exist on each property in the Specific Plan area and what cleanup standards must be used.

The following aspects of the MPSP and the DEIR are of concern:

Hazard Assessment

A groundwater solvent plume is present at the Lockheed Plant One/Naval Industrial Reserve Ordnance Plant (NIROP) site,¹⁶ which is identified as a Cortese List site by the California Environmental Protection Agency. Soil gas samples above the plume have concentrations greater than USEPA Regional Screening Levels (SLs) for the carcinogens TCE, vinyl chloride (VC), benzene, and chloroform, contributing to an estimated lifetime excess cancer risk for residential use of greater than one in one million. The Record of Decision (ROD) for the site has not been finalized; thus, it is unknown whether the yet-to-be-selected remedy will reduce hazard levels for specific populations. The finding of no significance for Impact HAZ-4 is premature and cannot be supported at this time.

¹⁶ Naval Facilities Engineering Systems Command (NAVFAC). 2022. Revised Draft Soil and Soil Vapor Feasibility Study, Sites 1, 2, 3, 9, 10, 11, 19, and 21, Naval Industrial Reserve Ordnance Plant, Sunnyvale, CA, April 2022.

Environmental Screening Levels (ESLs) from the SF Bay RWQCB¹⁷ are much more stringent and address more exposure routes and human and ecological receptors than the USEPA SLs used in the NIROP report. We request that the EIR and Specific Plan incorporate the requirement to use the latest California methodology in assessing hazards at proposed project developments.

We request that the DEIR accept the recommendation in Appendix G¹⁸ to expand the existing network of monitoring wells into the eastern part of the project area, to better characterize historical contamination. Figure 15 of Appendix G shows existing well locations listed in the Santa Clara County (Valley Water) Well Database that could possibly be used to extend the network. There is no indication that any chemical measurements from these wells are publicly available, as the wells are not shown on the California Water Board's Groundwater Information System (GAMA) interactive map.¹⁹ New wells should also be placed along the southern boundary of the project area to detect upgradient sources of groundwater contamination that could migrate onsite and impact future developments.

As previously stated, site investigations conducted under IMPACT HAZ-2 should not rely solely on historical records such as are typically used in Phase I/Phase II investigations to determine the need for sampling and analysis. Due to the extensive military and industrial use of the project area, it is likely that contaminants are present that have not been tested for in the past. In particular, the EIR should include provisions to require proposed developments to sample for the following.

- **Per-and-polyfluorinated alkyl substances (PFAS)** are ubiquitous in the environment, but significant contamination is often associated with municipal waste landfills, biosolids operations, and firefighting or fire training on military bases. Soil and shallow groundwater should be tested along the northern border of the project area across from the former Sunnyvale Landfill, and along the western boundary of the project area where the Navy has identified releases at the former Hanger 4 on Moffett Field Air Base²⁰.
- **Polychlorinated biphenyls (PCBs)** have multiple historical uses and may be present in soil or groundwater from electrical equipment dielectric fluid spills, weathering of PCB-containing paints or building materials, and many other sources. Testing should be conducted on soils in any areas of the site with past industrial or military use. The City of Sunnyvale requirements to test building materials during demolition will not detect this environmental contamination.

¹⁷ San Francisco Bay Regional Water Quality Control Board. 2019a. Update to Environmental Screening Levels, January 24, 2019.

¹⁸ SFEI, ESA, and Pathways Climate Institute. 2021. Sea-level rise impacts on shallow groundwater in Moffett Park: A technical addendum to the Moffett Park Specific Plan. Funded by the City of Sunnyvale. SFEI Publication #1062. San Francisco Estuary Institute, Richmond, CA. Appendix G to Moffett Park Specific Plan Draft EIR Appendices, Notice of Preparation (NOP) and NOP Comment Letters. August 2021.

¹⁹ California Water Boards, Groundwater Information System (GAMA). <https://gamagroundwater.waterboards.ca.gov/gama/gamamap/public/#> Accessed 1/24/2023.

²⁰ Final Site Inspection Report. Air National Guard Phase II Regional Inspections for Per- and Poly- Fluorinated Alkyl Substances. Moffett Field National Air Base. June 2019.

- **Polycyclic aromatic hydrocarbons (PAHs)** are common soil contaminants due to releases from petroleum spills and vehicle exhaust. Testing for those chemicals was recommended in Appendix G of the DEIR.

Cumulative Impact of Hazardous Materials (Impact HAZ-C)

The cumulative impacts of hazardous materials on residents and workers within the Plan area have not been adequately identified, assessed or mitigated to levels that are less than significant. Existing contamination identified on the site exceeds USEPA SLs for both residential and commercial exposures. More of the Project Area is likely to exceed SF Bay RWQCB ESLs, which are more health-protective than USEPAs ESLs. Because the identified and potential contamination sites have not been fully investigated, and a ROD has not been finalized for the extensive Plant One/NIROP solvent plume, there is no factual basis to state that the cumulative impact after mitigation will be less than significant.

DEIR Appendix F (5), Impact Haz-C concludes there will be no significant cumulative impact of existing site contamination because “*Existing regulations are in place to reduce hazardous materials impacts to acceptable levels, preventing cumulative impacts.... Projects resulting in hazardous materials impacts would be mitigated to a less than significant level through compliance with existing regulations and implementation of project-specific measures (such as those identified in the Specific Plan Project Requirements identified under Impact HAZ-2).*” This statement ignores features of the site and the planned development.

The project requirements for Impact HAZ-2 through HAZ-4 apply to individual development proposals, but residents and workers in the commercial and industrial facilities may be exposed to contamination from multiple sources within the project area. Since many of the residents are expected to also work and recreate in the project area, the cumulative impact should be evaluated on a project area-wide basis.

Mitigation of Hazardous Conditions

The DEIR conclusion of no significant impact from future resident or worker exposure to VOCs in groundwater and soil gas is based on unrealistic assumptions as to the efficacy and timeframe of the mitigation actions. To this point, guidance from both the SF Bay RWQCB²¹ and Santa Clara County²² indicate that the use of a VIMS to reduce hazards cannot be allowed until active mitigation is complete.

Santa Clara County: “*SMP [Site Mitigation Program] typically requires cleanup (i.e., remediation) of the source of contamination, instead of mitigation (ex. VIMS). VIMS are considered short-term solutions to provide protection while active cleanup is ongoing.*”

²¹ San Francisco Bay Regional Water Quality Control Board (2022) Fact Sheet: Development on Properties with a Vapor Intrusion Threat

https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanup/2020_Fact_Sheet_Final.pdf

²² Vapor Intrusion Mitigation Systems Guidance Document (2018) Santa Clara County Department of Environmental Health, Hazardous Materials Compliance Division

<https://hazmat.sccgov.org/sites/g/files/exjcpb471/files/report/Vapor-Intrusion-Mitigation-Systems-VIMS-Guidance-Documents-Rev%2011.pdf>
<https://hazmat.sccgov.org/sites/g/files/exjcpb471/files/report/Vapor-Intrusion-Mitigation-Systems-VIMS-Guidance-Documents-Rev%2011.pdf>

SF Bay RWQCB: *“In most cases, for new construction where a VIMS is needed to protect building occupants, we will not approve the VIMS until remediation to the extent feasible has been implemented. This could affect the local agency’s permitting decision for occupancy.”*

The timeframe for remediation of halogenated solvent plumes is typically many decades. The required monitoring and treatment infrastructure may preclude future development in project areas above VOC plumes.

We request that the DEIR and Specific Plan add the SF Bay RWQCB²³ and Santa Clara County VIMS guidance²⁴ as project requirements for all future developments in the project area.

Impacts of Sea Level Rise on Subsurface Contamination

The SFEI et al. report of groundwater conditions at the project area²⁵ concluded that SLR could lead to groundwater reaching the surface in portions of the site by the end of the century, which could mobilize subsurface contamination. The report also states that “Changes to remediation strategies at individual sites may be required to ensure public safety if groundwater levels rise and cause contaminants to spread to new locations.” We worry that the contamination could potentially spread to areas outside of the MPSP boundary and to the Bay.

The DEIR does not address the potential increase in transport of contaminants in soil vapors as groundwater elevations increase over time, which may occur earlier than the end of the century. Mobilization of contaminated groundwater plumes is also not analyzed. And the DEIR does not address recommendations A through D from the SFEI report for measures designed to adapt to groundwater rise, or the steps that were identified to fill data gaps that prevent adequate evaluation of site hydrology and contaminant migration. We recommend that the final EIR incorporate the proposed mitigation measures into the project’s design.

3.10 Hydrology and Water Quality

The DEIR discussion of Existing Conditions, Groundwater, pp.201-202, inadequately informs the reader and decision-makers about the existing groundwater status in the Plan area. We recommend that you improve that discussion with the following.

1. Differentiate between shallow groundwater and deep groundwater.
2. Replace Figure 3.10-2 “Groundwater Depth in Moffett Park” with Figure 10 “Estimated depth to water in Moffett Park, based on an interpolation between measured values in the Geotracker database”.²⁶ The latter, in the City’s Groundwater and Sea Level Rise Addendum, provides the

²³ San Francisco Bay Regional Water Quality Control Board. San Francisco Bay Regional Water Quality Control Board. 2022. Vapor Intrusion Mitigation Guidance, Technical Resource Document. San Francisco Bay Regional Water Quality Control Board.

²⁴ County of Santa Clara Department of Environmental Health. 2018. Vapor Intrusion Mitigation Systems Guidance Document.

²⁵ SFEI, ESA, and Pathways Climate Institute. 2021. See also, May CL, Mohan A, Plane E, Ramirez-Lopez D, Mak M, Luchinsky L, Hale T, Hill K. 2022. Shallow Groundwater Response to Sea-Level Rise: Alameda, Marin, San Francisco, and San Mateo Counties. Prepared by Pathways Climate Institute and San Francisco Estuary Institute. doi.org/10.13140/RG.2.2.16973.72164. While Santa Clara County was not studied in this report, the underlying environmental conditions are similar.

²⁶ Appendix G, Groundwater, Sea Level Rise Addendum.

reader with a more site-specific overview of the shallow groundwater landscape relative to the proposed plan and includes references to sources and dates of data used.

The DEIR discussion of Existing Conditions, Flood Hazards on p. 206 makes the following statement: “There are several projects in the process that would reduce the risk of flooding within Moffett Park, including: South San Francisco Bay Shoreline Phase III Feasibility Study – undertaken by the USACE, Valley Water, and the California Coastal Conservancy that is evaluating the feasibility of implementing levee improvements and habitat restoration that would benefit Moffett Park. The design and construction of improvements is unknown at this time.”

This statement about the Shoreline Phase 3 Feasibility Study is inaccurate and thereby misleading.

1. Before a Feasibility Study can begin, Valley Water and the USACE must sign a cost-share agreement. That action has not occurred nor is there any agreement that it will at any time soon.²⁷ No Feasibility Study is underway. There is no Phase 3 Project.
2. Unlike nearby cities (Palo Alto and Mountain View), Sunnyvale has not prepared a technical shoreline vulnerability study. While the City has had multiple reports prepared on sea level strategy and resilience, none provide the technical analysis that assesses vulnerability as a starting point for a Phase 3 project.
3. The USACE has now reassessed Phase 2 (Palo Alto, part of Mountain View) to target the year 2060 for completion.²⁸ Phase 2 is prioritized ahead of Phase 3.
 - Please correct the Existing Condition discussion in the EIR
 - Discussion and impact analysis in the DEIR that refers to the Shoreline Phase 3 Project as an existing condition should be re-evaluated.
 - Since the timing for design and construction of Phase 3 levee improvements has not been ascertained, and funding is not reasonably foreseeable, the MPSP and the DEIR should rely upon the levee in considerations of flood risk reduction.

3.11 Land Use and Planning

Residential Use

Residential use is not advisable for project parcels that have volatile organic compounds (VOCs) in groundwater or soil vapor far in excess of California Environmental Screening Levels (ESLs). The Proposed Land Use Map (MPSP DEIR Figure 2.3.1) shows a residential area between Lockheed Martin Way, 1st Avenue and Bordeaux Drive. A portion of this parcel is located above a groundwater solvent plume from the Lockheed Plant One/Naval Industrial Reserve Ordnance Plant (NIROP) military cleanup site.²⁹ Figure 1 shows the trichloroethene (TCE) groundwater plume from the Figure 2-15 of the NIROP report, overlaid on the Project Land Use Map. Soil gas samples within the proposed residential area have concentrations greater than USEPA ESLs for the carcinogens TCE, vinyl chloride (VC), benzene, and chloroform, contributing to an estimated lifetime excess cancer risk for residential use of greater than one in one million.

²⁷ Phone meeting E. McLaughlin with Rechelle Blank, Chief Operating Officer, Valley Water, 2/7/23

²⁸ Ibid. Rechelle Blank, Valley Water. 2/7/23

²⁹ Naval Facilities Engineering Systems Command (NAVFAC). 2022.

Commercial Use

Subslab soil gas and indoor air sampling has found VOC concentrations in excess of USEPA commercial use SLs at multiple vacuum degreaser facilities within the Lockheed Plant One site and within the boundaries of the NIROP solvent plume,³⁰ and in the vicinity of the Google Caribbean Campus.³¹ This is not a complete list of sites in the project area that could potentially have soil gas contamination. Other potential areas with known or suspected hazardous chemical releases were identified in the Farallon Consulting report, Appendix F to the Draft EIR.³² Subsequent projects should perform soil gas sampling at potential contamination sites.

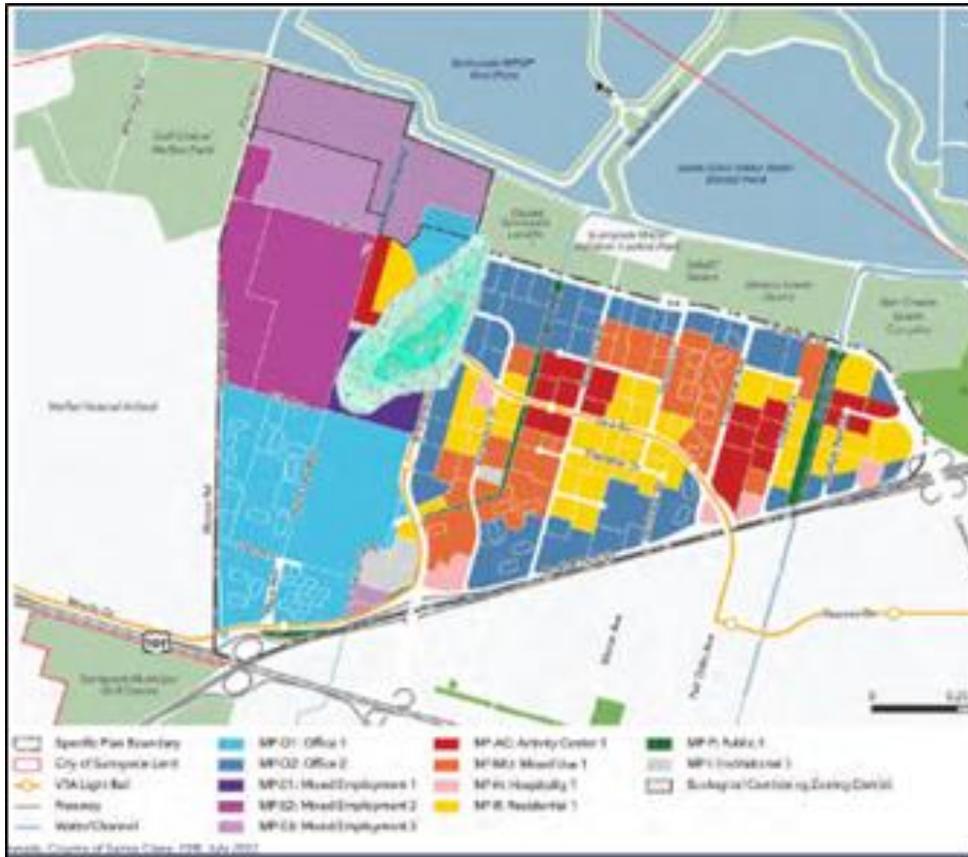


Figure 3. TCE shallow groundwater plume overlaid on DEIR Proposed Land Use Map

Landscape Area and Open Space

We have consistently expressed the importance of open space in the “Ecological Innovation District,” so we are pleased that the MPSP proposes 200-plus new acres of parks and open space. However, it is not

³⁰Lockheed Martin Corporation. 2022. Interim Vapor Intrusion Assessment Report, Lockheed Martin Space Plant One Site, Sunnyvale, California. Prepared by Cameron-Cole. April 2022.

³¹ Cornerstone Earth Group. 2019. Site Management Plan. 100 and 200 Caribbean Campus Project. Prepared for Google. February 14, 2019.

³² Farallon Consulting, LLC. 2021. Land Use and General Plan Review, Moffett Park Specific Plan Area. Sunnyvale, California. Appendix F to Moffett Park Specific Plan Draft EIR Appendices, Notice of Preparation (NOP) and NOP Comment Letters. August 2021.

clear to us that the MPSP provides adequate mechanisms for acquisition or dedication of public open space. Even the Bonus FAR mechanism, which requires community benefits, does not assure that any new open space would be produced. Therefore, we are concerned that the DEIR makes findings of significance based on the presumed addition and availability to the public of these parks and open space. If 200 acres of open space are not acquired or deeded for public use, project impacts on existing environmental resources (for example, recreation and biological impacts) may prove significant and unavoidable.

We are also concerned about the minimal landscape areas delineated in the proposed Plan and also that the MPSP's Lot Coverage and Paving Area requirements will severely constrain the greenscape benefits of landscape areas. The MPSP does not require ANY landscape area in the Activity Core MP-AC. In the Residential area MP-R, only 15% of the site is a landscape area. In Non-Residential areas only 5% landscape area (in the Fine Grain Core). Figure 28, pg 104 shows that the "fine grain core" area (referenced in Table 6) covers approximately 50% of the MPSP (excluding the Lockheed campus). We note that there is no requirement for any "landscape area" in this zone though there are guidelines for planting areas located in sidewalk and paved areas for this zone. Outside the "fine grain core" there is a requirement for 20% minimum lot area for landscape area. However, it is not clear whether surface parking and driveways (Paving Area) are allowed in this "landscape area."

Please consider the following Plan amendments to ensure that open space will be a required part of the ecological innovation district.

- Require that 50% of all community benefits for bonus FAR be for open space, with priority for ecologically beneficial open space. This is also important because as buildings get taller, the open spaces between them need to be larger in proportion.
- Please reduce the 25% of lot area for "paving area" allowed for non-residential development outside the "fine grain core" so that paved area and surface parking are minimized and landscape area is increased in the "eco-innovation district."

Life Science Land Use

Permitting of Life Sciences Land Use in R&D requires additional discussion and clarification in the EIR. Life Sciences lab buildings are categorized into four Biosafety Levels.³³ These reflect levels of bio-containment of infectious diseases and pathogens.

³³ U.S. Department of Health and Human Services Centers for Disease Control and Prevention (CDC) describes four Biosafety Levels:

- *BSL-1 labs are used to study agents not known to consistently cause disease in healthy adults. They follow basic safety procedures and require no special equipment or design features.*
- *BSL-2 labs are used to study moderate-risk agents that pose a danger if accidentally inhaled, swallowed, or exposed to the skin.*
- *BSL-3 labs are used to study high-risk agents that can be transmitted through the air and cause potentially lethal infection. Researchers perform lab manipulations in gas-tight enclosures.*
- *BSL-4 labs have the most stringent safety and security requirements. There are currently only four operational BSL-4 laboratory suites in the United States*

Moffett Park is located on a fill area with a high groundwater table and flooding risk, as well as liquefaction potential in major earthquake events.³⁴ In the event of a major earthquake, soils are predicted to liquefy resulting in rupturing and damage to underground utilities as well as potential major structural damage to the buildings. In the event of a major disaster, back-up systems may not be operable and containment may not be possible for biohazards.

Proposed mitigation: Require that emergency equipment and back-up systems be located higher than the 100-year flood level and preferably on the second floor or the roof so as to be safe from flooding.

- Please clarify which districts will be available for biotech labs.
- Will BSL-3 labs be allowed in the MPSP?
- Will there be separation requirements for BSL labs from housing in the MPSP? Cities have instituted separation requirements ranging from 250 feet to 500 feet for public health and safety.
- Will there be special setback requirements for BSL labs from the East and West Channels which are connected by tidal flows to San Francisco Bay and ecologically sensitive wetlands?

Suggested mitigations.

- Limit Life Sciences labs to BSL-1 and BSL-2. Consider allowing BSL-1 and BSL-2 labs with minimum setbacks of 500' from any parks and open space as well as residential, school or day-care sites.^{35 36}
- Site lab buildings out of low lying ground levels to avoid flooding.

We disagree that implementation of the Plan would not include any new or uniquely hazardous uses. See Section 3.11 Land Use and Planning for a discussion about the NEW potential for environmental accidents from biohazards. These are uniquely hazardous uses with the potential to affect the public and are not addressed in the MPSP or in the Sunnyvale General Plan.

Maximum Height Limits

Clarify that maximum heights are to the top of the tallest structures on a building. Usually, heights are set to the top of the roof parapet, or the top of the roof level, or the top of the mechanical equipment structure on the rooftop. However, exhaust stacks may be even taller than the intake and exhaust air from single-pass HVAC equipment. Therefore TOTAL height needs to be specified as the maximum allowable height, to the top of all equipment including exhaust stacks.

³⁴ DEIR pg 147: Soil liquefaction can be defined as ground failure or loss of strength that causes otherwise solid soil to take on the characteristics of a liquid...Moffett Park is located within a State of California Seismic Hazard Zone for liquefaction and Santa Clara County liquefaction hazard zone.

³⁵ Robinson, Rigel, Sept, 13, 2022, Memo to Mayor and City Council, City of Berkeley Consent Calendar, <https://berkeleyca.gov/sites/default/files/documents/2022-09-13%20Item%2030%20Referral%20Keep%20Innovation%20in%20Berkeley.pdf>

³⁶ Klearman, Sarah (2022) Berkeley, targeting R&D users, takes second look at local zoning codes, San Francisco Business Times, <https://www.bizjournals.com/sanfrancisco/news/2022/09/29/berkeley-launches-initiative-to-grow-r-d-industry.html>

3.14 Population and Housing

The CEQA Appendix G Guidelines do not include analysis of jobs/housing balance in the checklist of environmental factors that must be evaluated for all projects in California. Nevertheless, the intensity of the housing crisis in California and the Bay Area³⁷ has made jobs/housing balance an issue of critical public concern. Rapid jobs growth that outpaces housing production is seen as a significant contributor to housing disruption and inequality in the region.³⁸ The failure to analyze, describe, and mitigate the direct and indirect impacts of the proposed MPSP on the city-wide or regional jobs/housing balance is a significant omission.

New state laws,³⁹ and a doubling of Sunnyvale’s RHNA allocation from the 5th to the 6th Cycle, strive to spur housing production. However, recent studies suggest that housing production alone may be insufficient to reverse the trends pushing workers and jobs farther apart.⁴⁰ In order to reduce housing inequity and displacement, better alignment between jobs and housing and also between jobs and workers are important parts of the puzzle.^{41 42}

The MPSP’s Guiding Principle 2 envisions “improving the local as well as regional jobs-housing ratio.” Objective 2 in the DEIR uses similar language, but focuses only on “improving the **regional** jobs-housing balance.” Neither document makes *any* further mention of jobs-housing balance or ratio and the limited data provided appears inconsistent. Table 3.14.2: Projected Growth Citywide on DEIR page 259 indicates that General Plan Buildout will produce 43,865 jobs/employees, 203,985 residents and 82,122 households whereas the narrative above that table states that buildout of the General Plan is estimated to result in 121,689 jobs/employees and 197,785 residents (with no number of households specified). That inconsistency makes it impossible for the public to estimate the city-wide jobs-housing balance likely to result from the MPSP. Additionally, there is no data provided regarding the *current* city wide or regional jobs/housing balance, making it difficult to evaluate any improvement consistent with Objective 2 or Guiding Principle 2.

We ask that the DEIR provide accurate data about the current local and regional jobs/housing balance and the projected delta resulting from the proposed MPSP, analyze the city-wide job/housing fit with and without the proposed MPSP, and reduce or mitigate any significant impacts on job/housing balance and fit.

³⁷ Bay Area Housing Crisis: Poll Finds 67% Saying It’s Harder to Find A Home (2022) CBS News Bay Area, CBS San Francisco, <https://www.cbsnews.com/sanfrancisco/news/bay-area-council-poll-housing-crisis-harder-to-find-home/>

³⁸ Majid, Aisha, (2021) The downsides of being a tech hub: Housing disruption and inequality, <https://citymonitor.ai/economy/the-downsides-of-being-a-tech-hub-housing-disruption-and-inequality>, visited 2/7/23

³⁹ Karlamangia, Soumya, (2022) California Doubles Down on It’s Housing Laws, New York Times <https://www.nytimes.com/2022/09/12/us/california-housing-laws.html>, visited 2/7/23

⁴⁰ Blumenberg, E., & King, H. (2021). Jobs-Housing Balance in California Cities. *UCLA: Institute of Transportation Studies*. <http://dx.doi.org/10.17610/T62K5F> Retrieved from <https://escholarship.org/uc/item/1g47j2vx>.

⁴¹ Evelyn Blumenberg & Hannah King (2021) Jobs–Housing Balance Re-Re-Visited, *Journal of the American Planning Association*, 87:4, 484-496, DOI: [10.1080/01944363.2021.1880961](https://doi.org/10.1080/01944363.2021.1880961)

⁴² Non-Profit Housing Association of Northern California, (2015) Fact Sheet: Jobs/Housing Fit and the Effects on Bay Area Health, Equity and the Environment, <https://nonprofnhousing.org/wp-content/uploads/JH-Fit-Fact-Sheet-FINAL-9.15.pdf>, visited 2/7/23

3.16 Recreation

We dispute the contention in Impact REC-1 that the eventual addition of 200 new acres of park and open space in the Plan area would offset the project's demand on nearby park and recreational facilities and thereby avoid contributing to or accelerating substantial physical deterioration of nearby park and recreation facilities. The DEIR specifies that a determination of the project's impact on recreation depends on whether the project would "increase the use of existing ... parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated."⁴³ By conflating "demand" with "use" in its conclusory recreation impact assessment, the DEIR provides inadequate analysis, fails to substantiate the conclusion that there will be less than significant impact regarding physical deterioration of existing regional parks and other recreation facilities, and fails to propose appropriate mitigation of impacts.

Significant park and recreation facilities currently located on the Bay shoreline (just outside of the Plan area), including Baylands Park and the Bay Trail, are of a character and function distinct from the parks and recreation facilities planned within the Plan area. As a result, any increase in their *use* due to proposed net population and employee growth is *unlikely* to be offset by the eventual addition of parks and facilities proposed in the MPSP.

- The recreational facilities along the Bay include commute trails that provide access to destinations outside the Plan area, primarily the Bay Trail.⁴⁴ The Bay Trail⁴⁵ transverses the Don Edwards National Wildlife Refuge. The acknowledged⁴⁶ and intended⁴⁷ increase in use of the Bay Trail by residents and employees originating in the MPSP area, both for commute and recreation, will very likely increase degradation and increase maintenance requirements for the Bay Trail. The cost of maintenance would thus fall on the refuge, a federal jurisdiction.
- Sunnyvale Baylands Park also provides recreation opportunities that are different in character from the parks and open space proposed within the plan area, including seasonal wetlands, reservable picnic and event areas for large groups, a ropes course, an area for flying drones and model airplanes, and a petting zoo open to the public for limited hours.

The City has repeatedly emphasized the benefits of connections to the Bay and nearby open space, trails, parkland, and recreation facilities to the new Moffett Park community.⁴⁸ Additionally, in the 2020

⁴³ DEIR section 3.16.2 Impact Discussion, page 280.

⁴⁴ Page 3 in San Francisco Bay Trail Design Guidelines and Toolkit <https://www.sanjoseca.gov/home/showpublisheddocument/9817/636656973233730000> shows that Transportation is a primary public benefit, "Transportation: As a transportation facility, the Bay Trail serves as an important commute alternative for cyclists and pedestrians, and connects to numerous public transportation features, including ferry terminals, airports, light-rail lines, bus stops, Caltrain, Amtrak, and BART"

⁴⁵ US Fish and Wildlife Service, Moffett Bay Trail Facility Map, <https://www.fws.gov/refuge/don-edwards-san-francisco-bay>

⁴⁶ DEIR section 3.16.2 Project Impacts: "Future residents (as well as employees) in Moffett Park would increase the use and demand on existing park and recreational facilities," page 281.

⁴⁷ MPSP draft pg 206 demonstrates that the City views the Bay Trail as a major destination: "Wayfinding for bicyclists should be improved. This could include signage identifying bicycle routes and connections as well as directions to major destinations such as the Bay Trail."

⁴⁸ March 7, 2022 MPSP Open Space and Urban Ecology Workshop presentation, slides 27 and 28, highlighted proximity of nearby open space and facilities as well as proposed active transportation connections to reach them.

Community Visioning Survey, the highest-ranked key priority was “Connect people to nature and the Bay.”⁴⁹ Thus it is likely and anticipated that the proposed 42,000 new residents and 60,414 new employees will use the Bay Trail or other existing recreation facilities *in addition* to new facilities within the Plan Area. The DEIR’s narrow and conclusory approach, focused on a generalized demand for parks and open space rather than likely usage, has resulted in an inadequate analysis that is inconsistent with both expectations and intentions.

Further analysis is needed to identify existing conditions in these nearby facilities, evaluate the impacts (including physical degradation of facilities, overcrowding and excessive noise) of additional use by the net new residents and employees proposed in the MPSP as well as cumulative impacts with other developments along the bay, such as the North Bayshore Precise Plan and the Bayview Campus, and identify mitigations to minimize degradation of the facilities.

The existing conditions description should include such factors as daily use (including, for Baylands Park, the number of visitors, picnic and event space reservations, and drone operators) as well as maintenance conditions and requirements, and the adequacy of parking facilities. Mitigations could include such things as limiting open hours, daily capacity limits, a reservation system to regulate the volume of drone activity, and signage and fencing to limit off-trail intrusion, especially into sensitive habitat areas.

3.17 Transportation

Moffett Park is isolated from the rest of Sunnyvale by Highway 237. There are three overpasses that serve the area and these “gateways” are already at a Level of Service (LOS) of E or F during commute periods (DEIR Table 3.17-3 Intersection Level of Service Summary). Several other intersections within the MPSP are also impacted according to this summary. The Mary Avenue Overpass is currently not planned for auto traffic and there is no clear path to its being built in the near future.

We dispute the assumptions of Table 3.17-2: Project Trips and Mode Split at Buildout. While we are supportive of reducing driving within the plan area, it is not practical to assume that there would be ZERO internal trips using automobiles. Please revise this assumption to a more realistic scenario where a certain percentage of trips within the plan area will be made using an automobile.

We maintain that *Impact TRN-4: The project would not result in inadequate emergency access* remains significant. The MPSP has limited roadway access points for emergency vehicles and personnel. The existing “gateway” access roads are already impacted and additional development will further impact these points and severely limit emergency access. The planned Mary Crossing overpass may allow emergency vehicles, however, there is no clear path ahead to realizing this project.

Suggested mitigation: In section 10.6 Performance metrics, in the MPSP, add Item 8: Gateway Capacity: A traffic analysis should be conducted annually, with reporting to the City Council, on the traffic at each gateway, in both directions (incoming and outgoing) during commute hours. Future development should be

See also, June 2020 presentation: Moffett Park Specific Plan Understanding the Future: Open Space, slides 10, 11, 30.

⁴⁹ pdf page 6 in the October 2020 Moffett Park Specific Plan Community Visioning Survey Results https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/5f8a157bbd7d5f4df5048d74/1602885003640/MPSP_CommunitySurvey_Summary_20_1016.pdf

made conditional to the gateways being able to accept the additional traffic. This should be used to make an informed decision on permitting additional development, guide future decisions on development and emphasize the importance of emergency access to the plan area.

Parking

The MPSP parking policies may not achieve the required reduction in driving that is needed to support the anticipated intensification of land use. We have the following suggested changes to the MPSP.

Parking structures should accommodate change of use in the future, from parking cars to housing people. This flexibility of re-purpose should be the model for all parking structures.

- New parking structures should be built to allow future re-purposing such as housing. In addition, new parking structures should be built so as to be able to respond immediately to crisis needs (shelter during major weather events, shelter post earthquake).
- Please consider using feasible strategies like parking cash-out⁵⁰ which Stanford, Lockheed, and Genentech⁵¹ used to avoid building additional parking lots and to reduce automobile use. Please require paid parking by all employees. Please install a traffic cap.⁵² Traffic caps work if enforced (for example, using pavement sensors that count vehicles throughput) and controlled (via pricing⁵³) and feedback systems, such as increasing pricing and fines for exceeding the cap).
- Include the use of electronic toll payment, like FasTrak transponders for all parking and in garages in MPSP.
- Allow or encourage parking in-lieu fees to help pay for shared parking structures. The cost of the structures can be partially covered by revenue generated by parking fees.
- Add a requirement to include car-sharing spaces in residential buildings and require bike-sharing and micromobility-sharing in mobility hubs.
- Prior to building each parking structure, please study overall parking demand to evaluate how multi-modal behaviors evolve, and ensure that the added parking is indeed needed.

3.19 Utilities and Service Systems

Water Supply Assessment

In Appendix J, water supply was assessed through 2040 and “The City is projected to experience supply shortfalls under single dry-year conditions and multiple dry-year conditions due to the anticipated water supply shortfalls from the SFPUC due to the Bay Delta Plan.” Please analyze the cumulative impacts of increased water usage from the MPSP and other large master planning efforts in Sunnyvale such as Peery Park past the year 2040. Also include water use estimates for anticipated Life Sciences Lab facilities (since Life Sciences Lab buildings require large quantities of water.)⁵⁴

⁵⁰http://www.aqmd.gov/docs/default-source/transportation/supplemental-documents/ca_parking_cash-out_program_an_informational_guide_for_employers_2021.pdf?sfvrsn=6

⁵¹<https://www.greenbiz.com/article/how-genentech-used-parking-lot-fund-its-employee-commuter-shuttle>

⁵²<https://transportation.stanford.edu/about/stanford-and-general-use-permit-faq>

⁵³<https://mtc.ca.gov/planning/transportation/driving-congestion-environment/parking-curb-management>

⁵⁴<https://www.a3p.org/en/a-new-water-management-strategy-for-the-pharmaceutical-industry/>

Respectfully,

Susan DesJardin
Bay Alive Committee Chair
Sierra Club Loma Prieta Chapter

Gita Dev, Co-Chair
Peninsula Regional Group
Sierra Club Loma Prieta Chapter

Matthew Dodder
Executive Director
Santa Clara Valley Audubon Society

Eileen McLaughlin
Board Member
Citizens Committee to Complete the Refuge



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING SYSTEMS COMMAND WASHINGTON
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11011
Ser/RE (KLN) – 5644
February 9, 2023

Ms. Michelle King
Principal Planner
Department of Community Development
456 W. Olive Ave.
Sunnyvale, CA 94086
mking@sunnyvale.ca.gov

Subj: PUBLIC REVIEW DRAFT - MOFFETT PARK SPECIFIC PLAN, DECEMBER 2022

Dear Michelle,

The U.S. Department of the Navy (Navy) is the owner of the real property located at 1235 N. Mathilda Avenue, Sunnyvale, CA, 94089, which is included within the boundary of the Moffett Park Specific Plan district. As the current landowner of this parcel which is referenced several times in the Draft Moffett Park Specific Plan (Draft MPSP) as the “Navy Parcel” or the Naval Industrial Reserve Ordnance Plant (NIROP), the Navy has prepared comments and requested adjustments regarding the Draft MPSP attached as Enclosure (1) for the City’s review and consideration.

Please contact me at (202) 685-0553 or (615) 300-7808, or at eric.w.crafton3.civ@us.navy.mil, with any questions regarding this matter. Thanks again to you and your team for meeting with us on February 6th!

Very Respectfully,

Eric W. Crafton
Director of Real Estate
By Direction

Encl: (1) Navy Comments Regarding the Public Review Draft Moffett Park Specific Plan
(2) Navy Parcel Alternative Conceptual Layout Figure

ENCL (1) Navy Comments Regarding the Public Review Draft Moffett Park Specific Plan

Navy comments regarding Moffett Park Specific Plan - Public Review Draft

Chapter	Plan Section	Page Number	Draft Plan	Navy comment
3	3.8	Pg. 55	<u>Prioritizing Active Mobility</u> Figure 17 – Complete Conceptual Street Framework;	The Figure depicts 3 Neighborhood Streets, and 2 Laneways bisecting the Navy parcel. The Navy requests flexibility in placement of these roadways and laneways to accommodate Navy cleanup activities and maximize size of future developable areas while maintaining the goal of “walkable neighborhoods” as mentioned in Section 3.7 (pg.51) Please refer to the Navy supplied “Navy Parcel Alternative Conceptual Layout Figure.”
3	3.8	Pg. 57	<u>Prioritizing Active Mobility</u> Figure 18 – Complete Bicycle Network	Figure depicts Bicycle Lane near western border of Navy parcel. Navy requests the consideration to move this Bicycle Lane to the Eastern border of the parcel that would be parallel to the VTA railway. This move would coincide with the cleanup efforts currently underway by Navy. Please refer to the Navy supplied “Navy Parcel Alternative Conceptual Layout Figure.”
4	4.3	Pg. 79	<u>Land Use Districts</u> – “The MP-E1 district is the former US Navy property. It allows for a mix of uses, including corporate and professional office in an urban pattern with integrated open space. Non-residential FAR from 35% up to 75% with community benefits and up to 150% with transfer of development rights. Future development and allowed uses on the site are contingent on the on-site cleanup and remediation.	The Navy requests for the “Navy parcel,” that the FAR with community benefits (Bonus Maximum FAR) be increased to 100% from 75% to align with the density allowed to properties across 5 th Avenue zoned MP-01, and better complement the 135% Bonus FAR Maximum allowed on the properties immediately east across Mathilda Avenue zoned MP-02.
4	4.4	Pg. 83	<u>General Land Use</u> Table 2 – Office and Residential Intensity and Density Standards by Land use District	For the “Navy” parcel, Navy requests the FAR with community benefits (Bonus Maximum FAR) be increased to 100% from 75% to align with the density allowed to

ENCL (1) Navy Comments Regarding the Public Review Draft Moffett Park Specific Plan

				properties across 5 th Avenue zoned MP-01, and better complement the 135% Bonus FAR Maximum allowed on the properties immediately east across Mathilda Avenue zoned MP-02.
4	4.7	Pg. 93	<p><u>Innovation and Creation Space</u> Definitions: • Innovation space. Innovation space is intended to provide floor area for small businesses, start-ups, and accelerators. • Creation space. Creation space provides floor area designed for and leased to production, distribution, repair businesses, art or crafting, clean manufacturing, construction industries, start-up spaces, or spaces for other similar creation space. The permit requirements for those uses in Zoning Code Title 19, Article 3 apply.</p>	<p>The definition supplied in the Draft MPSP implies Innovation & Creation Space would be below market rental rate space because the space is reserved for “start-up” and “accelerators” which typically are viewed as below market rate rent customers. After clarification from the Sunnyvale Department of Community Development, it is now known that Innovation and Creation space do not require below market rate rental rates. The Navy suggests that the Draft MPSP denote this in the definitions of Innovation and Creation spaces.</p>
4	4.7	Pg. 93	<p><u>Innovation and Creation Space</u> Standards: 1. A minimum of 7.5% of all net new office and R+D space shall be provided as innovation or creation space. Creation space floor area may be counted at 1.5 times innovation space to meet minimum amount (i.e., 10,000 square feet of creation space = 15,000 square feet of innovation space).</p>	<p>The Navy requests the MPSP review this level of Innovation and Creation space and reduce to a minimum requirement of 5%.</p>
4	4.8	Pg. 95	<p><u>Development Reserve</u> Table 4 – Development Reserve</p>	<p>Development Reserve for the West Mathilda neighborhood is listed as 800,199 sf. If the Navy parcel were redeveloped with a 75% FAR, the net new sf would be 860,049 sf. This would completely deplete the Development Reserve for the West Mathilda neighborhood (800,199 sf)</p>

ENCL (1) Navy Comments Regarding the Public Review Draft Moffett Park Specific Plan

				and would not allow for any future redevelopment a FAR greater than 72% to not exceed the Development Reserve maximum. The Navy requests either this Development Reserve for West Mathilda be raised considerably or please clarify if our understanding of the Table is incorrect.
5	5.2.1	Pg. 103	<u>Block Structure</u> 5. Special location alternative. The former US Navy site, bounded by 5th Avenue, Mathilda Avenue, Lockheed Martin Way, and the future continuation of Discovery Way, provides a unique opportunity for a large office campus. As an alternative to meeting the fine grain core block structure standards, an applicant may choose to increase publicly accessible open space and limit development of the campus to one mega block with a maximum 1,000 feet by 1,000 feet dimension located at southeastern edge of the site.	The Navy appreciates the Draft MPSP allowing an exception to the “fine grain core block standards” by allowing for a “mega block” concept. The Navy however asks for the flexibility to move the location to the western portion of the parcel and also be flexible to accommodate a 1,000,000 sf block that is not restrained by the limit of 1,000 sf x 1,000 sf dimensions. This alternative would allow the “mega block” to not interfere with ongoing groundwater cleanup activities if it was required to be located in the southeastern edge of the site as suggested in the Draft MPSP. Please refer to the Navy supplied “Navy Parcel Alternative Conceptual Layout Figure.”
6	6.3	Pg. 140	<u>Open Space and Urban Ecology Framework</u> Figure 32 – Parks and Open Space Framework	Figure depicts an “oval” or “kidney” shaped park along the northern border of the Navy parcel. The Navy requests flexibility regarding placement of the park area to align with the current cleanup efforts. Please refer to the Navy supplied “Navy Parcel Alternative Conceptual Layout Figure.”
6	6.3	Pg. 143	<u>Open Space and Urban Ecology Framework</u> Figure 34 – Park and Open Space Location and Size	Figure depicts an “oval” or “kidney” shaped park labeled #19, along the northern border of the Navy parcel. The Navy requests flexibility regarding placement of the park area to align with the current cleanup efforts. Please refer to the Navy supplied “Navy Parcel Alternative Conceptual Layout Figure.”

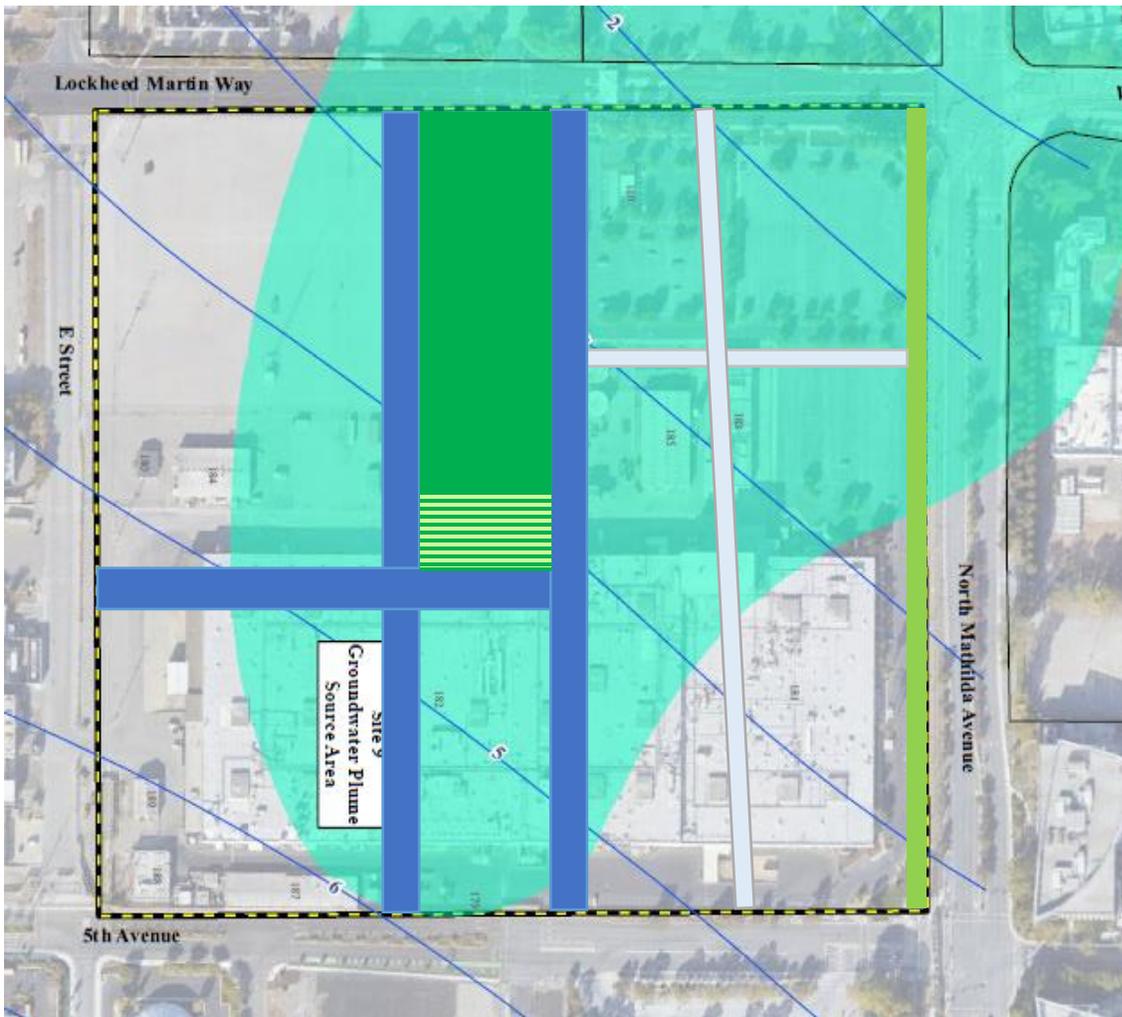
ENCL (1) Navy Comments Regarding the Public Review Draft Moffett Park Specific Plan

6	6.6.8	Pg. 177	<p><u>Site Furnishings</u> 2. Public Restrooms. Restrooms shall have a minimum of one public bathroom including separate spaces for individuals identifying as men, women, and a non-gender/family bathroom, or a minimum of three separate non-gender bathrooms.</p> <ul style="list-style-type: none"> a. Caspian Community Park b. “Navey” (Navy sp.?) Park c. Crossman Square d. South Java Park 	<p>Since most of the Navy parcel will have Land Use Controls incorporated in the deed regarding future occupied building requirements for Soil Vapor mitigation, the placement of the public restrooms within the designated “Navy Park” should be discussed and agreed upon by the City and Navy environmental specialists and/or consultants.</p>
6	6.6.10	Pg. 179	<p><u>Multi-Use Flex Fields</u> Figure 40 – Potential Flex Field Locations</p>	<p>Figure depicts the park area as a potential flex field location on the Navy parcel and is an “oval” or “kidney” shaped park located along the northern border of the Navy parcel. The Navy requests flexibility regarding placement of the park area to align with the current cleanup efforts. Please refer to the Navy supplied “Navy Parcel Alternative Conceptual Layout Figure.”</p>
7	7.2	Pg. 187	<p><u>Complete Streets Typology and Network</u> Figure 43 – Conceptual Vehicular Street Network</p>	<p>The Navy requests flexibility in placement of these roadways and laneways to accommodate Navy cleanup activities and maximize size of future developable areas while maintaining the goal of “walkable neighborhoods” as mentioned in Section 3.7 (pg.51)</p>
7	7.2	Pg. 188	<p><u>Complete Streets Typology and Network</u> Figure 44 – Complete Conceptual Street Framework</p>	<p>The Navy requests flexibility in placement of these roadways and laneways to accommodate Navy cleanup activities and maximize size of future developable areas while maintaining the goal of “walkable neighborhoods” as mentioned in Section 3.7 (pg.51)</p>
7	7.4	Pg. 205	<p><u>Bicycle Network</u> Figure 57 – Complete Bicycle Network</p>	<p>The Figure depicts a Bicycle Lane along/near the western border of the Navy parcel. Navy requests flexibility to move this Bicycle Lane to the Eastern border of the parcel that would be parallel to the VTA railway. This move would</p>

ENCL (1) Navy Comments Regarding the Public Review Draft Moffett Park Specific Plan

				coincide with the cleanup efforts currently underway by Navy. Please refer to the Navy supplied “Navy Parcel Alternative Conceptual Layout Figure.”
8	8.3.1	Pg. 226	<p><u>Vehicle Parking Maximums Standards</u></p> <p>1. Parking maximums. All new development shall adhere to the maximum parking requirements in Table 24. A project may exceed that maximum by up to 50% of the maximum ratio, provided that all of the additional spaces over the maximum shall be shared with the public at all times.</p>	<p>The Navy requests the statement “A project may exceed that maximum by up to 50% of the maximum ratio, provided that all of the additional spaces over the maximum shall be shared with the public at all times,” be revised to “A project may exceed that maximum by up to 50% of the maximum ratio, provided that all of the additional spaces over the maximum shall be shared with the public at <i>specified times agreed upon by the City Council and landowner through the Development Agreement.</i>” This would allow for shared parking during evenings, weekends and holidays and other times as negotiated, but still maintain a higher than 2/1,000 sf parking ratio in the early adoptive years of the plan.</p>
8	8.3.1	Pg. 227	<p><u>Vehicle Parking Maximums Table 24 – Off-street Maximum Vehicle Parking Standards for New Development</u></p>	<p>The Table sets the maximum parking ratios at Plan Adoption, Mid-term and At Full Buildout. The Navy requests the Office/R&D ratio of 2/1,000 sf parking ratio maximum At Pan Adoption, be adjusted upwardly to 3/1,000 sf for Office/R&D due to the lack of other transportation means, At Plan Adoption, which is slated for early mid-2023.</p>

ENCL (2) – Navy Parcel Alternative Conceptual Layout Figure



****Conceptual only. For Discussion purposes. Not to scale****





File: 28370
Sunnyvale East Outfall

X-Fac:
Sunnyvale West Outfall

February 10, 2022

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

Subject: Moffett Park Specific Plan Draft Environmental Impact Report (DEIR)

Dear Michelle King:

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (DEIR) for the proposed Moffett Park Specific 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 to the 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 box culverts, concrete lining, sack concrete slope protection, rock slope protection, or earth lined trapezoidal shaped channels where the 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 must be in compliance with Valley Water's Water Resources Protection Manual. Issuance of a Valley Water encroachment permits is a discretionary act and requires Valley Water to be considered a responsible agency under CEQA.

Based on our review Valley Water has the following comments:

1. Page 28 and page 112 state that mitigation will be provided for impacts to riparian habitat. Please note that no mitigation is allowed on Valley Water property for non-Valley Water projects.



Name: Michelle King

Page 2

February 10, 2023

2. The DEIR does not include any discussion in the Biological Resources or Hydrology and Water Quality sections regarding impacts on the Sunnyvale East or West Channels due to the proposed the pedestrian bridge crossings. The DEIR should include discussion of how any proposed bridge crossings may impact Sunnyvale East and West Channels. To minimize impacts to these facilities, including operational impacts, the number of new crossings should be minimized and where possible pedestrian crossings should be incorporated into existing road crossings.
3. The discussion on page 86 under Regional and Local Regulatory Framework, should include the Water Resources Protection Collaborative's Guidelines and Standards for Land Use near Streams (Guidelines and Standards), which was adopted by the City, and Valley Water's Water Resources Protection Ordinance and Manual.
4. Page 92 states that Sunnyvale East *appears* to be tidally influenced. The document should state that the channel *is* tidally influenced to approximately Highway 101.
5. Page 93 states Sunnyvale West channel is tidally influenced. The document should state that the channel is tidally influenced to approximately Mathilda Avenue.
6. The discussion of riparian impacts in the Biological Resources section, including pages 111 (Impact BIO-2) and page 116 (Impact BIO-5) should discuss compliance with the Guidelines and Standards and the Valley Water's Water Resources Protection Manual, including lighting and setbacks to waterways and riparian areas.
7. The Groundwater and Subsidence section on page 145 notes that local groundwater provides 40 percent of the Bay Area's water supply. While this is accurate for Santa Clara County, California's Groundwater Bulletin 118 (Department of Water Resources, 2020) notes groundwater provides 20% of the water supply for the San Francisco Bay Hydrologic Region. Also, this paragraph uses meters instead of feet as the unit of measure. Meters are not used anywhere else in the DEIR; therefore, for consistency, the document should use feet instead of meters in this paragraph
8. The discussion regarding Valley Water on page 198, should be replaced with the following text:

"Valley Water operates as the flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water's Water Resources Protection Ordinance, any work within Valley Water's fee title right of way or easement or work that impacts Valley Water facilities requires the issuance of a Valley Water permit. Under Valley Water's Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects the groundwater aquifers of Santa Clara County."

Name: Michelle King

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9. The discussion on page 199 regarding the City's regulatory framework related to water resources should include reference to the Guidelines and Standards.
10. The discussion on page 201, Groundwater, should note that due to the long agricultural history of the Santa Clara Subbasin and subsequent land development, there are likely many abandoned wells in the Subbasin. While some of these abandoned wells may have been sealed prior to well permitting requirements, many have open casings and may be discovered during construction. If abandoned wells are encountered during construction, they must be properly destroyed with related work permitted by Valley Water as per Valley Water's Ordinance 90-1 discussed above.
11. The discussion under Groundwater on page 202, needs to include a reference(s) supporting the statements made in the paragraph starting with the sentence "Studies completed to assess the influence of tides on groundwater elevations at the shallowest aquifers generally concludes that tidal influence was not measurable at the locations monitored."
12. Page 204, Figure 3.10-2, is titled "Groundwater Depth in Moffett Park" (note – 'depth to groundwater' is the commonly used term) but the figure legend uses the phrase "water table elevation (NAVD)". Depth to groundwater and water table elevation mean two different things. The figure legend and title need to be corrected as noted for accuracy and consistency.
13. The discussion on page 206 regarding flooding should note that the Specific Plan area includes areas in a Special Flood Hazard Area(SFHA) AE to the north and east and areas to the south and west are generally located in Zone X, protected by levees. Areas currently designated as Zone X, which is not a SFHA, may in the future be subject to increased flooding due to sea level rise or other changes that impact the levees that currently protect those areas.
14. The discussion of flooding of Sunnyvale East and West Channels on page 206 needs to be revised for accuracy. Please replace the sentence regarding flooding on these channels with the following:

"The cause of high-water levels on Sunnyvale East and West Channels could stem from multiple factors, including backwater flows from San Tomas Aquino and Calabazas Creeks, coastal flood events, high flows on the creeks themselves and higher roughness in the channel. Flooding could potentially occur from a combination of one or more of these factors."
15. The discussion on page 206 under "Flooding and Other Inundation Hazards" states, "The Shoreline Project, a joint effort between Valley Water, Coastal Conservancy, and the United States Army Corps of Engineers (USACE), is planning, designing, and constructing a shoreline levee to replace the protection provided by the salt pond berms." The DEIR should also note that the Shoreline Phase III Feasibility Study will determine the feasibility of implementing various options to protect the low-lying areas along the Santa Clara County shoreline at risk to coastal flooding and sea-level rise as well as identify opportunities for environmental restoration and expanded public access to San Francisco Bay. The outcome

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of the Shoreline Phase III Feasibility Study must determine that there is a positive benefit to cost ratio of building coastal flood protection in the study area in order for the project to move forward with design and construction. After the completion of the feasibility study, the project must compete nationally for congressional funding. The project partners, including the City of Sunnyvale, must work together throughout the feasibility study and beyond in order to build appropriate shoreline protection. It should also be noted that at this time the feasibility study has not commenced.

16. The discussion of impacts related to flooding on pages 210 (Impact HDY-3), 211 (Impact HYD-4) and 212 (Impact HYD-C) do not discuss how new development will be protected from existing flooding or comply with the National Flood Insurance Program requirements and City floodplain policies and requirements. Nor do the discussions address the additional fill proposed to raise the finished floors of non-residential buildings (page 214) as may be required for residential buildings to meet federal and City floodplain ordinances would impact both the extent and depth of existing flooding. While Valley Water is working to make flood protection improvements on both Sunnyvale East and West Channels as part of our capital improvement program, until these projects are completed and the Flood Insurance Rate Maps (FIRM) are revised, development within existing Special Flood Hazard Areas (SFHA) will need to comply with federal and City flood ordinance requirements. Additionally, Valley Water's projects may not remove all properties currently located within the SFHAs for various reasons including flooding from other sources such as tidal flooding.
17. In the second paragraph on page 322 under "Groundwater", please either delete the term "safe yield" regarding groundwater extraction of 8,000 AFY because that term is not used in Valley Water's 2021 Groundwater Management Plan or provide a proper citation if that term is used in a City of Sunnyvale planning document. Additionally, the word "received" should be replaced by "pumped" in the sentence "In fiscal year 2021 to 2022, the City of Sunnyvale received 135 AF of groundwater."
18. The discussion on page 335 regarding water supply and the Water Supply Assessment in Appendix J conclude that the project could increase water demands up to 7,400 acre-feet per year beyond the estimated use in the City's 2020 Urban Water Management Plan. Even before these additional demands the Urban Water Management Plan already assumes a substantial increase in water conservation to allow supplies to meet future demands. Valley Water encourages the City to help meet this water conservation goal by requiring all available water conservation measures in the master plan. Valley Water has been working with jurisdictions throughout the county on a Model Water Efficient New Development Ordinance that the City may consider ensuring that there are sufficient water supplies into the future. Measures from the Model Water Efficient New Development Ordinance include:
 - Hot water recirculation systems;
 - Alternate water sources collection (like cisterns) and recycled water connections as feasible;
 - Encourage non-potable reuse of water like recycled water, graywater and rainwater/stormwater in new development and remodels through installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable water uses;

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- Require dedicated landscape meters where applicable;
- Require installation of separate submeters to each unit in multi-family developments and individual spaces within commercial buildings to encourage efficient water use (Studies have shown that adding submeters can reduce water use 15 to 30 percent); and
- Use of weather- or soil-based irrigation controllers.

19. Appendix G, Technical Memorandum: Stormwater Management, the first sentence on page 14 states, "...including the reasons for increased groundwater discharge in recent years". It is not clear from the report what, if any data or technical analysis is used to support that statement. The DEIR should specify what specific years does "recent years" represent in this sentence.

20. Appendix G, Sunnyvale Sea-Level Rise Adaptation Strategy: Background, Groundwater Vulnerability Assessment, page 37, as the Groundwater Sustainability Agency for the Santa Clara Subbasin, Valley Water would be interested in coordinating efforts to supplement the initial assessment of increasing groundwater hazard due to sea-level rise by the Plane et al. (2019) study.

Please provide a copy of the Final EIR when available. As proposed developments/projects are proposed please forward project specific CEQA and project proposals for Valley Water review. For any questions you may contact me at sdharasker@valleywater.org

Sincerely,

DocuSigned by:

Colleen Haggerty

7BA292496623483...

for

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. Bankosh, R. Blank, J. Bourgeois, B. Yerrapotu, File



February 10, 2023

City of Sunnyvale
Department of Community Development
City of Sunnyvale
465 West Olive Avenue, Sunnyvale, CA 94086

Re: Draft EIR Moffett Park Specific Plan

Dear Michelle,

Thank you for the opportunity to comment on the Moffett Park Specific Plan Draft Environmental Impact Report (DEIR). VTA also plans to submit a separate letter with comments on the Moffett Park Specific Plan. VTA has the following comments on the DEIR.

Air Quality and Greenhouse Gas Impacts – TDM Mitigation Measures

The DEIR notes that the buildout of the Moffett Park Specific Plan (MPSP) would result in Significant and Unavoidable Impacts in the areas of Air Quality and Greenhouse Gas Emissions (Impact AIR-2, p. 74, and Impact GHG-1, p. 162). The DEIR states that mobile emissions, from project-generated motor vehicle trips, “account for 89 percent of emissions from Specific Plan buildout” and notes that the Specific Plan includes TDM policies to reduce vehicle trips, which would reduce mobile emissions (p. 70).

VTA supports the inclusion of extensive TDM policies in the draft Specific Plan, including establishing a Transportation Management Association (TMA), requiring a TDM plan and TMA membership of new developments, and working with the TMA to achieve a 50 percent single-occupancy vehicle (SOV) rate at full buildout of the Specific Plan. However, VTA believes that these TDM requirements – which translate into mitigation measures in the DEIR – can be strengthened. In particular, VTA recommends that the City establish an SOV rate target for an intermediate year (for instance 2030 or 2035), and consider establishing a more aggressive SOV rate target for buildout. For comparison, the North Bayshore Precise Plan in Mountain View identifies a 45 percent SOV target for office trips, and the Google North Bayshore Master Plan includes an objective to achieve a 35 percent SOV rate at full buildout.

Transportation Analysis - Assumptions about Project Trips and Mode Splits

In Table 3.17-2 and accompanying text, the DEIR analysis assumes that 100 percent of internal trips (within Moffett Park) would be accomplished by non-driving modes at project buildout. A footnote states that “With district parking, people coming into Moffett Park would need to park once and use other modes of transport (e.g., walking or biking) to complete their activities within Moffett Park” (p. 297). VTA staff does not completely agree with this assumption. The DEIR

does not provide any mitigation measure nor does the MPSP include a policy to incentivize or enforce this “park-once” approach. Given that the MPSP area is more than two miles long (Caribbean Drive/SR 237 to Enterprise Way), it is certainly possible that travelers will chose to drive or take transit for internal trips. The district parking and “park-once” approach in the MPSP will certainly encourage fewer trips to be made by car, but VTA encourages the City to consider adding a policy to establish parking pricing, to further encourage “park-once” and non-single-occupancy vehicle travel.

It appears to VTA staff that Table 3.17-2 in the DEIR incorrectly translates the percentages of non-driving external trips from Table 4 in the Hexagon memorandum in Appendix I. Table 3.17-2 suggests that just under 2% (10,981) of all project trips would be made by public transit, whereas the Hexagon memo states that “approximately 24% of all external non-driving trips (or 4% of all trips) generated by Moffett Park would use public transit” (Hexagon memo p. 8). While this difference is unlikely to affect the DEIR’s conclusions about Transportation impacts, clarifying this will help the City and VTA plan for future transit service to Moffett Park.

Transit Priority Areas Map

The location of the Borregas light rail station is incorrectly shown on the Transit Priority Areas map in the DEIR (Figure 3.1-1, p. 48). However, this does not appear to affect the DEIR’s general characterization of which MPSP development areas fall within Transit Priority Areas and which do not.

Transit Facilities

Transit facilities information is out of date, p. 292. Precise times are used in the DEIR description which are only accurate at a specific period and then become quickly outdated. VTA recommends updating the Final DEIR to reference more general time intervals to account for future schedule changes. The Orange Line currently runs every 15 minutes on weekdays.

- LR Orange Line, 5a-12a weekdays, every 15 minutes.
- LR Orange Line, 6a-12a weekends, every 30 minutes.
- Express Line 122 does not exist and was discontinued in 2020. It is incorrectly shown on in the DEIR (Figure 3.17-4, p. 305).

VTA recommends that Voluntary Contributions also be identified for transit improvements to support the proposed MPSP Policies M-3.2, M-3.3, M-3.4. The Mathilda and Java Drive corridors will require significant changes and enhancement to support transit. When the Voluntary Contribution program was established, its intent was to provide local jurisdictions with a pathway for developers to contribute funding towards regional transportation facilities. While the early focus of contributions under this program was often to direct funding towards freeway and express lanes projects, VTA encourages local jurisdictions to take a similar contribution approach towards transit expansions and enhancements which can also address travel demand along regional transportation corridors. To achieve the travel mode share splits and goals

outlined in the MPSP and DEIR, funding and contributions from private sources will be required to achieve the recommended outcomes. For instance, voluntary contributions should also be identified for transit facilities including the planned reconstruction of the Borregas Light Rail station.

Analysis of Congestion Management Program Facilities

VTA staff appreciates that the DEIR and Appendix I include analysis of the project's effects on Congestion Management Program (CMP) facilities including CMP intersections and freeway segments, recognizing that this analysis was performed for City and CMP purposes and the findings to not constitute CEQA impacts. VTA supports the City's statement in the DEIR that "Express lane projects... would improve freeway traffic flow" and that "these express lane projects would be included in the citywide nexus study. Future development under the Specific Plan would participate in VTA's Voluntary Freeway Contribution Program and contribute their fair share towards the identified express lane projects via the nexus study" (p. 306). Before identifying specific projects to fund, Sunnyvale staff should first consult with both the current VTA Planning and Programming Officer and Engineering Program Delivery Officer at the time to best coordinate efforts.

The DEIR states that the "The results of the TIA showed that the buildout of the Specific Plan would result in LOS operational deficiencies at a total of 16 study intersections under background plus project and/or cumulative plus project conditions" (p. 299). The DEIR also notes that "No feasible improvements were identified at seven of the 16 deficient intersections... due to right of way constraints" and summarizes feasible improvements for the other 11 intersections (p. 302). VTA notes that several of the intersections where LOS operational deficiencies were found are CMP intersections, and that two of these CMP intersections are along the County's Expressway system (Intersections #40 and #45) and one crosses the VTA light rail Orange Line. The City should work with the County and VTA to monitor the Project's effect on these intersections as buildout occurs, to determine whether the potential improvements in the DEIR (such as depressing light rail tracks at Lawrence Expressway and Tasman Drive) is warranted, and to contribute funds through the citywide nexus study/fee.

Please do not hesitate to contact me (408) 550-4559 or brent.pearse@vta.org to discuss any questions you may have on this letter.

Sincerely,

Brent Pearse

Brent Pearse
Transportation Planner

Sent: Tuesday, February 14, 2023 4:28:42 AM
To: Michelle King <MKing@sunnyvale.ca.gov>
Subject: urban ecology

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

Please consider including California native forest using [Miyawaki](#) planting methods that speed up whole forest formation. Ideally they would not have paths through them that increases water loss, damage through trampling and ingress of invasive species.

Thank you,

--gs

Department of Community Development
Attention: Michelle King & Kelly Cha
City of Sunnyvale
456 W. Olive Ave.
Sunnyvale, CA 94086

Re: Zoning of Surface Parking Lots Serving 1184, 1194, and 1224 N Mathilda Ave (Sunnyvale Office Park)

Dear Ms. King and Ms Cha:

Thank you again for taking the time to discuss the Draft Specific Plan as it applies to Sunnyvale Office Park (“SVOP”). We are excited to continue and expand our already significant commitment to Moffett Park over the coming years, within the guidelines of this impressive, forward-thinking Specific Plan Update.

Following our discussion on February 1 regarding the draft zoning of SVOP’s surface parking lots, below is a written summary of our request.

The Draft Plan released on December 19, 2022 designates SVOP’s three surface lots, from north to south, as Residential (R), Mixed-Use (MU), and Office (O2).

We propose designating all three surface lots as Mixed-Use (MU) to provide the flexibility needed to meet the needs of the city and its residents & businesses in the future.

In a rapidly changing world, flexibility will be essential to facilitate the ideal mix of residential and commercial uses that best serve Moffett Park’s long-term goal of being a vibrant, diverse, and resilient economic engine to the City and region.

Finally, we would like to request confirmation that, whatever zoning is finally agreed to, the Specific Plan will provide the right to allocate (a) our existing entitlements¹ and/or (b) any additional as-of-right zoned density across any portion of SVOP’s site.

Thank you for your time and consideration of this request and please do not hesitate to reach out in the meantime if you have any follow up questions or feedback.

Sincerely,

Tanner Flyckt
CommonWealth Partners LLC

(1) Please see attached extension application & approval for SDP 2015-7400

Lockheed Martin Comments to MPSP

Green, Tom <tom.green@lmco.com>

Thu 2/23/2023 12:44 PM

To: Michelle King <MKing@sunnyvale.ca.gov>

Cc: Kelly Cha <KCha@sunnyvale.ca.gov>;Borges, Jessy <jessy.borges@lmco.com>;Klug, Frank J <frank.j.klug@lmco.com>;Ken Rodrigues <kenr@krparchitects.com>;Markley, Jonathan D <jonathan.d.markley@lmco.com>;Kent-Hibbard, Benita <benita.kent-hibbard@lmco.com>;Prossner, Jed B <jed.b.prossner@lmco.com>

 1 attachments (13 KB)

MPSP Comments Lockheed Martin 02232023.xlsx;

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

Hi Michelle:

Please see our comments attached.

Also want to schedule meeting to further discuss DA.

Tom

Tom Green CCIM / Director of Real Estate
LMC Properties Inc. / 100 South Charles Street, Suite 1400
Baltimore, MD 21201 / 410-468-1047 / 410-271-7814 (cell)
tom.green@lmco.com



Chapter	Section	Page	Comment
3	3.4	46	Parks and public spaces greater than a half acre should not be maintained by property owners. The City or a non-profit organization should be responsible for maintenance
3	3.8	55	First Avenue west of Mathilda should remain the major street providing access to the redevelopment of the LM's North parcel. Any new street along the LM chanel should be a laneway. North Parcel will be redeveloped before LM's East parcel.
4	4.2	74	"the expansion and restoration of the Lockheed Martin stormwater detention area" should be removed. No change the the stormwater ponds is planned or needed.
4	4.2	75	The City should accept dedication of all new public roads West of Mathilda such as the proposed extension of Discovery Way
4	4.2	75	The critical work LM performs in Sunnyvale requires a security setback of 100 meters from classified areas. This is a non-negotiable requirement and must be met
4	4.2	75	The map does not seem to reflect accurately the core campus boundry - specifically the buffer/setback north of Bldg. 076
4	4.3	79	Language should be added to the MP-E1 district clarifying that R&D, industrial and warehouse uses are permitted
4	4.5	84	Should clarify that Property owner shall submit a Habitat Enhancement and Management Plan, but City or Non-profit shall be responsible for implementing the plan and maintaining the Ecological Combining District.
4	4.7	93	Clarify that Creation Space not being adjacent to residential means "not opposite the front entrance of residential buildings"
4	4.7	94	Add language to end of 1. "unless otherwise permitted pursuant to pursuant to a development agreement approved by City Council"
4	4.9	96	Add language to end of 2. "including new streets west of Mathilda"
4	4.9	97	Open spaces over a certain size, (0.5 acres?) should be operated and maintained by the City or a non-profit
4	4.9	97	Section 3a. Should clarify that only sections of provate utilites adjacent to the development site need to be upgraded
5	5.35	120	A straight 20 spaces surface park limit is too low for larger developments recommend 1 surface spot per 2,500 SF
5	5.4.3	126	The proposed green roof requirements are too expensive for speculative development. We suggest under 10K SF be exempt; 10K Sf to 30K sf be 20%; 30k Sf to 50K Sf be 35% and above 50K Sf be 50%
6	6.3	143 & 180	The map does not seem to reflect accurately the core campus boundry - specifically the buffer/setback north of Bldg. 076 is included as a Greenway - Ecological Corridor
6	6.5	167	The dimension of ECD from the northern boundary should be 1,000 feet not 1,040 feet.

8	8.3	227	<p>The parking maximums are too restrictive and may lead to no new speculative office development, which is needed to fund public benefits. The parking requirements will decrease over time as residential development adds substantially to employees of Moffett Park that can commute to work on foot, bike or shuttle. Initially however, Moffett Park is a suburban business park with limited public transportation. Therefore we think that during the first 5 years after adoption the office parking max should be 2.75 spaces / 1,000 SF. After 5 years the office parking maximum should be 2.25 / 1,000 SF and after 10 years 1.75 per 1,000 SF. Residential should be consistent at 1.2 spaces per unit. Industrial should be 1 space per 1,000 SF for first 5 years and drop to .75 spaces / 1,000 SF thereafter. Please note that 1) you are going to need slightly more spaces than cars 2) with hybrid work different sites will need varying amounts of parking on different days ("all hands meetings")</p>
9	9.6	254	<p>There should be an exception noted for gas use in manufacturing/industrial processes</p>



February 27, 2023

Ms. Trudi Ryan, Community Development Director
Ms. Michelle King
City of Sunnyvale
456 West Olive Ave
Sunnyvale, CA 98088-37

Re: Moffett Park Area Specific Plan Draft
Java Drive Project Site

Dear Ms. King:

In advance of our call today, please allow this letter to serve as an outline of the elements of the MPSP which we wish to address today.

1. Ch 6 The Diagonal

a. Issue:

i. As proposed, the Diagonal is not feasible. The Diagonal bisects many parcels creating irregular or triangular “leftover” parcels that are not developable. Triangular shaped buildings are not practical for residential development. The bisected parcels also create a 2-building condition which adds excessive cost to any development by doubling all building elevations and systems (ie: elevators, Trash Chutes, Stairs, Fire and Life Safety systems, water heating). Doubled Construction Costs & reduced efficiency in building layouts via triangular sites will make a project infeasible to build.

b. Proposal: A Bike/Ped path along the perimeter of sites, shared with adjacent properties, with no property encumbered w more than 25” of ROW, would serve the purpose of Ped/Bike connectivity envisioned by the Diagonal without unduly encumbering the development on the parcels.

2. Ch 7 Figure Java Drive Ultimate 138’ ROW Width

a. Issue: The proposed increase in the Java Drive R.O.W width is excessive and without precedent in already developed areas and will require substantial portions of a buildings’ frontage and building setback to be dedicated to the City. The increased ROW (plus the required setbacks) substantially reduce a parcel’s developable area.

i. Added ROW includes separate HOV lanes, Two (2) 10-foot wide median islands and increased sidewalk width.

ii. The 10-foot landscaped medians are excessively sized. The medians are a buffer between light rail trains and vehicles while not enhance pedestrian or cyclist safety and will not provide usable public open space. Furthermore, these landscape medians will create increased maintenance burden to the City.

b. Proposal: HOV & Lightrail lines should be combined to allow for common infrastructure passenger loading zones. Remove 10’-0” medians from street sections. This allows for

less ROW dedication on parcels while still providing dedicated public transit lines and usable and accessible public landscape buffer between pedestrians and moving vehicles. The decreased ROW would take planted space on streetscape and add the planting to usable and enjoyable public pedestrian realm and will not unduly burden the parcels.

- c. Clarify that any added ROW can be accommodated in an easement and not a fee dedication and as an acceptable option, not at the discretion of the City Council.

3. Ch 6, Table 14.2 Laneway

- a. Issue: 50' Spacing between buildings on adjacent lots is common as each site needs EVA access and/or Building setbacks from the property line to provide building glazing. The proposed Laneway design is too restrictive to provide for shared EVA lanes between properties.
- b. Proposal: Laneway language should be revised to allow design flexibility to serve multiple planning goals and require coordination between properties for a cohesive Laneway design. Allowed design flexibility will work for fire and life safety. The shared Laneway should also serve as a ped/bike connection in-lieu of the Diagonal. The Laneway should also count toward the public open space requirement to optimize the usability of the parcels.

4. Ch5 5.2.3 Lot Coverage & Paving Area – Table 6

a. MP-R 70% Maximum Lot Coverage

- i. Issue: Typical Podium Style Buildings (Type III over Type I) cover 70-90% of a site to provide efficiency of design and constructability and more housing and better residential amenities to the property residents (ie: bigger common courtyards on podium for resident open space). Restricting sites to 70% lot coverage limits viable construction types, reduces resident open space and limits ability to provide adequate parking.
 - 1. The excessive ROW standards & generous building setbacks and 70% coverage will severely encumber development; that could reduce housing density and open space widths.
- ii. Proposal: Increase Lot Coverage to 85% to allow design functionality and feasibility and permit more housing yield.

b. MP-R 15% Paving Area

- i. Issue: Larger Buildings require fire and life safety access to the building that are often provided as an "EVA" Emergency Vehicle Access road around the project. Fire Engines require load bearing pavement or cost prohibitive drivable grates infilled with water intensive grasses to access the sites. Additionally, the Proposed increased ROW would also shift more sidewalk (paved area) onto the site.
- ii. Proposal: Eliminate Maximum Paving Area Requirement to allow fire and life safety access. Allow State and local Stormwater Control regulations to limit and control hardscape paving. Paved EVA's often have decorative pavement,

basketball and other sport overlays along with planting buffers to create a pleasant pedestrian experience.

1. Allow flexibility in design to allow the EVA area to serve as a Laneway, and bed/bike connectivity, and public open space requirements.

5. Ch 5 5.3.2 Building Massing – Standard 2 Upper Floor Massing

- a. Issue: Podium-Typology buildings have a maximum height of 85 feet (ie: 8 Stories). Poor soil load bearing capacity and high groundwater table in the area render taller Type I construction buildings infeasible. In most of the Bay Area and especially the MP area, 8-story buildings of 5 stories wood over 3 stories concrete are the most viable residential product type. Requiring 8th floor reductions of 75% and/or 10'-0" setbacks would reduce housing density and economic viability of a project.
- b. Proposal: Upper floor massing setback should occur ABOVE the 8th floor. Additionally, buildings should have a roofline articulation requirement that does not reduce housing. This creates a similar street wall effect as the 8th floor setback but allows for more housing=economic viability. Proposed design standards include vertical & horizontal massing controls, color and materiality differentiation and window fenestration that enhance the design of buildings and rooflines.
 - i. Alternatively, Podium-Style Buildings with Courtyards opening onto the street could count towards the setback requirement.

6. Ch 5 5.3.1 & 3 Ground Floor Finish Level & Entries - Storefront

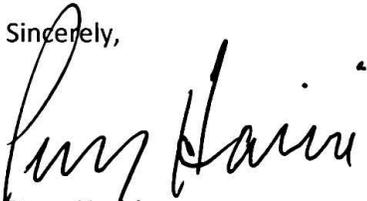
- a. Issue: Flood Planes and existing elevations vary across Moffett Park. The language is very restrictive assuming elevations across MP are consistent and buildings will all be set at the same level. Many lenders and insurers require buildings to be above the minimum flood plane. By restricting glazing requirements to the sidewalk level this limits design flexibility for existing grades and project specific floor 1 elevation requirements. Project financing will be impacted by restricting floor 1 to elevation 12'-0" *only*.
- b. Proposal:
 - i. Remove language measuring glazing from sidewalk and measure glazing from building's floor 1 elevation.
 - ii. Language establishing buildings' floor 1 at 12 feet above sea level to be revised to "Building's floor 1 to be a *minimum* of 12' feet above sea level" to allow for project specific insurance and owner desired future-proofing to sea-level rise. Additional language could be added "finish floors of buildings below 12'-0" sea level will have flood-proofing as required per FEMA"

7. Ch 5 5.3.6 – 1 Fenestration

- a. Issue: A 4" Minimum window recess creates multiple issues for wood frame construction.
 - i. All Windows on a project being recessed or curtain wall is cost prohibitive. As worded, this requirement would require non-street facing windows, like courtyards and rear yards, to be recessed windows too.

- ii. The 4" minimum will create many ledge conditions on a project creating excessive potential water-intrusion points; the waterproofing risks for project design team and insurance companies is substantially impacted by this requirement.
 - iii. The specific 4" minimum recess limits window materiality and detailing.
 - 1. Energy-Efficient, Commercial Vinyl-Windows commonly used in residential development are not readily available with a recess. Less Energy efficient metal frame windows would need to be used to achieve this affect.
 - 2. A 4" Recess is substantial, atypical and require custom-order windows or detailing per project that will extend construction timelines and ultimately cost.
- b. Proposal:
- i. Revise Recess Fenestration requirement to street-facing elevations only
 - ii. Revise requirement to allow for some non-recessed windows on street-facing elevations – allowing for architectural variation and textural interest.
 - iii. Revise requirement to eliminate 4" language and replace with "projects will submit window recess details for approval as part of the planning approval process"

Sincerely,



Perry Harri
Miramar Capital