



**APPROVED MINUTES
SUNNYVALE PLANNING COMMISSION
March 25, 2013
456 W. Olive Avenue, Sunnyvale, CA 94086**

**Special Start Time 6:45 PM
Study Session – West Conference Room**

- 1. File #:** 2013-7112
Location: 620 E. Maude Ave.
Proposed Project: **General Plan Amendment** to change the General Plan Land Use Designation from Industrial to Residential Medium Density to Residential High Density
Rezone from M-S/ITR/R-3/PD (Industrial & Service/ Industrial to Residential/Medium Density Residential) to R-4/PD (High Density Residential/Planned Development)
Special Development Permit to allow the development of 121 affordable dwelling units.
Applicant/Owner: Mid-Pen Housing/Charities Housing
Environmental Review: Mitigated Negative Declaration
Staff Contact: Shaunn Mendrin, (408) 730-7429
smendrin@sunnyvale.ca.gov
Notes: (45 minutes)
- 2. File #:** 2012-7854
Location: 1152 Bordeaux Dr. (various addresses)
Proposed Project: **Specific Plan Amendment** to change the Moffett Park Specific Plan Land Use Designation from Moffett Park General Industrial to Moffett Park Transit Oriented Development and related text
Rezone from MP-I (Moffett Park Industrial) to MP-TOD (Moffett Park Transit Oriented Development)
Moffett Place Major Moffett Park Design Review Application for approximately 1.8 million square feet of office with parking structure and an amenities building.
Applicant/Owner: Jay Paul Company/ Bordeaux-Borregas Campus Llc
Environmental Review: Supplemental Environmental Impact Report (SEIR)
Staff Contact: Shaunn Mendrin, (408) 730-7429
smendrin@sunnyvale.ca.gov
Notes: (20 minutes)
- 3. Public Comment on Study Session Agenda Items** (5 minutes)

Any agenda related writings or documents distributed to members of the Planning Commission regarding any open session item on this agenda will be made available for public inspection in the Planning Division office located at 456 W. Olive Ave., Sunnyvale CA 94086 during normal business hours, and in the Council Chambers on the evening of the Planning Commission meeting pursuant to Government Code §54957.5.

4. **Comments from the Chair** (5 minutes)

5. **Adjourn Study Session**

8:00 PM - Public Hearing – Council Chambers

CALL TO ORDER

SALUTE TO THE FLAG

ROLL CALL

Members Present: Chair Gustav Larsson; Vice Chair Maria Dohadwala; Commissioner Bo Chang; Commissioner Glenn Hendricks; Commissioner Russell W. Melton; and Commissioner Ken Olevson.

Members Absent: Commissioner Arcadi Kolchak (excused).

Staff Present: Trudi Ryan, Planning Officer; Kathryn Berry, Senior Assistant City Attorney; Amber El-Hajj, Senior Planner; and Deborah Gorman, Recording Secretary.

SCHEDULED PRESENTATION - none.

PUBLIC ANNOUNCEMENTS/PUBLIC COMMENTS

Speakers are limited to three (3) minutes. If you wish to address the Planning Commission, please complete a speaker's card and give it to the Recording Secretary or you may orally make a request to speak. If your subject is not on the agenda, you will be recognized at this time; but the Brown Act (Open Meeting Law) does not allow action by Planning Commission Members. If you wish to speak to a subject listed on the agenda, you will be recognized at the time the item is being considered by the Planning Commission.

CONSENT CALENDAR

1.A. **Approval of Minutes: March 11, 2013**

ACTION: Comm. Melton moved to approve the Consent Calendar. Comm. Hendricks seconded. Motion carried, 6-0, with Comm. Kolchak absent.

PUBLIC HEARINGS/GENERAL BUSINESS

- 2. File #:** 2013-7211
Location: 239, 263 and 279 Jackson St.
Proposed Project: Determination of General Plan Consistency and CEQA Exemption for Proposal to Sell City-Owned Property to Habitat for Humanity East Bay/Silicon Valley for Rehabilitation and Resale to Lower Income First-Time Home Buyers
Staff Contact: Suzanne Ise, (408) 730-7698
sise@sunnyvale.ca.gov
Notes: *Removed as no action required.*

Trudi Ryan, Planning Officer, said this item requires no action by the Planning Commission. She explained the City is in consultation with Habitat for Humanity regarding the selling of three City-owned properties on Jackson Street for rehabilitation and resale to lower income first-time home buyers. She said after this item was advertised it was determined that Planning Commission review is not required since Sunnyvale is a Charter City and only City Council consideration is required. Ms. Ryan said this item is scheduled for City Council consideration on April 9, 2013.

Kathryn Berry, Senior Assistant City Attorney, commented that it would have been an unusual action to have had the Planning Commission consider the disposal of real property, confirming that a General Law City would require Planning Commission review however a Charter City does not.

Chair Larsson opened the public hearing.

Sara Espinoza, a Sunnyvale resident, said that the neighborhood has several issues, including homeless persons in the public bathrooms, and drug sales. She commented that a small play area was recently provided in the neighborhood for smaller children, however, it would be nice to have play space for the older children also. She said her main concern is who may live in the three houses if they are sold.

Chair Larsson closed the public hearing.

Ms. Ryan said that the speaker's concerns would be provided to the appropriate staff.

3. **File #:** 2013-7126
Location: 1201 Sycamore Terr., 900 and 954 Henderson Ave.
Proposed Project: Council initiated General Plan Amendment to consider a change to the land use designation of three mobile home parks (Ranchero, Rancho La Mesa and Thunderbird) from Residential Low Medium Density (R-LM) to Mobilehome Park (MHP). The three existing Mobilehome Parks are currently zoned Residential Mobile Home (RMH).
Environmental Review: Negative Declaration
Staff Contact: Amber El-Hajj, (408) 730-2723, ael-hajj@sunnyvale.ca.gov

Amber El-Hajj, Senior Planner, presented the staff report. She clarified Thunderbird and Ranchero Mobile Home Parks are not subject to the relocation requirements of the Mobile Home Park conversion regulations. She said these parks are rental-only parks.

Comm. Melton discussed with staff three smaller mobile home parks that are not part of this study, the allowed number of units allowed per acre depending on the General Plan (GP) designation, that the GP number of units are policy, and that the number of units is not part of the study at this time. **Trudi Ryan**, Planning Officer, provided some history of the number of units and the mobile home park designation in the GP.

Comm. Olevson discussed with staff background information for the sites and said he does not understand why the City is considering changing the zoning or designation. Ms. Ryan clarified that this is a request to look at the GP designation and not to change the zoning. Comm. Olevson asked about the owner of two of the parks not being subject to the conversion impact requirements. **Kathryn Berry**, Senior Assistant City Attorney, commented about the conversion ordinance and that these locations are not subject to the provisions. She said this is a classic land use decision. Ms. Ryan commented about affordable housing. Comm. Olevson asked if the City changes the GP designation whether it would be a “taking.” Ms. Berry said no, and that it would be more of a downzoning.

Comm. Hendricks confirmed with staff that the “conversion impact” piece for the two parks (Ranchero and Thunderbird) is not part of the study. Comm. Hendricks discussed with staff the City Housing Element policy that recommends maintaining at least 400 acres of mobile home park zoning, the effect of a change to the GP designation, and whether the subject properties could impact the number of acres. Comm. Hendricks discussed with staff the possible value of changing the GP designation, and whether apartments would be considered affordable housing. Ms. Ryan discussed various arguments to keep the current designation and keeping a certain number of mobile homes as a housing option in the community. Ms. Ryan discussed that if someone wants to redevelop the site in the future, if the sites have a Mobilehome Park (MHP) GP designation that one more step would be in place to make that change. She said if someone wants to redevelop the sites under the current GP designation, they can submit an application for rezoning and it would still need to be seen by Council.

Chair Larsson discussed with staff a letter from one of the property owners indicating a desire to increase the density of two of the sites beyond the current zoning. Staff confirmed that even if the GP designation is changed it would not preclude the property owners from proposing the increase in density. Staff said that Council could consider what the property owners propose. Staff said the owner’s letter would be included in the Council report of April 30, 2013. Chair Larsson discussed with staff possible recommendations to Council, density designation, and the possible unintended side effects of the study.

Comm. Olevson discussed with staff the current designation of the Rancho and Thunderbird parks. Staff discussed how the parks are regulated, that they are registered with the State, and that these are rental parks. Staff discussed the different types of GP designations and the City's long-term vision for the sites.

Comm. Hendricks discussed with staff land use designation versus zoning and different options or recommendations that could be made to Council including not making any changes at this time. In response to a question about Council motivation for this study, Ms. Ryan encouraged the Planning Commission to make a recommendation. Comm. Hendricks discussed the historical perspective for 400 acres of mobile home parks, with staff saying that the City policy is to keep mobile home parks in the community. Comm. Hendricks said the intent of the policy of the 400 acres is difficult to understand.

Vice Chair Dohadwala clarified with staff her understanding of the GP in regards to the 400 acres and that right now the City is consistent with the GP, however in the future if these sites rezone, the 400 acres may no longer be met. Vice Chair Dohadwala discussed with staff zoning versus the GP designation. Ms. Ryan said some Councilmembers may want to align the GP with the zoning and others may like it to be harder to change. Ms. Ryan said the Planning Commission is being asked to recommend whether we keep these sites as they are or change all or one or two of them.

Chair Larsson opened the public hearing.

Alex MacDonell, owner of the Thunderbird and Rancho properties, asked that the Planning Commission not recommend that these two properties be changed. He said it sounds like possibly a study should be done. Mr. MacDonell discussed the history of the properties and said that it has always been the long-term goal to change the properties to condominium developments. He discussed conflicts over the years including the transition to being rental parks. He said the economic climate has slowed redeveloping; however their goal is to redevelop.

Comm. Melton confirmed with Mr. MacDonell that they do not want to convert back to a typical mobile home park usage and that the rental use is viewed as an interim use. Mr. MacDonell encouraged the Commissioner's to say no to the proposed action.

Comm. Hendricks discussed with staff how this study came about, and that City Council initiated the study to focus on these three properties. Comm. Hendricks discussed with Mr. MacDonell a previous project denial with the properties.

Andrew Faber, representing the owners of Rancho and Thunderbird parks, urged the Planning Commission to recommend to Council to not change the GP designation for these two parks. He said the owners of the two parks have gone through a lengthy process to convert the properties to rentals. He said now the two properties are no different than an apartment complex in regards to tenant protection rights.

Comm. Melton discussed with Mr. Faber that this park is registered with the state as a mobile home park, and in theory could be converted back to a typical mobile home park to preserve the mobile home type housing. Mr. Faber said the owners do not want to go back to the typical type of mobile home park.

Comm. Hendricks discussed with staff the rights of the tenants.

Chair Larsson referred to Mr. Faber's letter which said the City "gratuitously" sent letters to tenants regarding the perspective GP designation change and said this communication is

important for transparent government. Chair Larsson commented that he found Mr. Faber's comments in the letter troubling. Mr. Faber said they felt it seemed inappropriate to stir up residents with the public notices.

Chair Larsson closed the public hearing.

Ms. Ryan commented that staff notifies tenants as this is what the Council has asked us to do. Staff discussed public noticing standard practices and the letter provided to the tenants.

Comm. Melton moved for Alternative 1 and Alternative 2 that the Planning Commission recommend to City Council to adopt the Negative Declaration and adopt the Resolution to change the General Plan designation from RLM to MHP for three mobile home parks (Thunderbird, Rancho La Mesa, and Rancho); and to initiate a General Plan amendment study to consider adjusting the density for the MHP land use designation. Comm. Hendricks offered a Friendly Amendment to recommend to City Council to defer making a decision regarding the Negative Declaration or resolution at this time and recommend to City Council Alternative 2. Comm. Melton did not accept the Friendly Amendment saying it turns the motion into a different motion. **Chair Larsson seconded the motion for the purposes of discussion.**

Comm. Melton said Policy HE-2.6 (Housing Element) is compelling and for the City to maintain a designated 400 acres of mobile home park zoning seems to be Council's historical intent, where we need to go in the future and should be included in both the zoning code and the GP. He said Alternative 1 is the long-term vision of where we want the City to go. He said he had asked Mr. MacDonell and Mr. Faber about the current use of the land and said he thinks the properties could go back to a mobile home park use so he would include the two properties in the change in GP designation. He said Alternative 2 is about studying the density, and said he would encourage those studying the density to look out for unintended consequences.

Chair Larsson said he thinks the policy of preserving at least 400 acres of land zoned for mobile homes parks is important and that the proposed change in the GP is a default step. He said he would support doing the study that the Mr. MacDonell is proposing. He said if the property is changed to medium density in the future he would like to make sure enough affordable housing is maintained. He said he thinks the affordability component is important. He said he supports the MHP designation as the next step.

Comm. Olevson said he would not be supporting the motion. He said he has not seen any justification to change the designation. He said the owners appear to have worked diligently over time to make sure their property conforms to requirements. He said to change the designation without a study would not be good policy.

Comm. Hendricks said he would not be supporting the motion. He said policy HE-2.6 is the key piece. He said leaving the current GP designation effects nothing and he would prefer to defer and study the other change before making a decision. He said he assumes the owners will do something right away. He said clarity and vision about the specific intent of the policy is needed and there is no harm in not changing the designation at this time.

Chair Larsson clarified that the study proposed by the Mr. MacDonell would not cover the third mobile home park mentioned in the report. Comm. Hendricks said the study should encompass all three of the mobile home parks so it does not look like spot zoning.

Vice Chair Dohadwala said she would not be supporting the motion. She said right now, making any changes does not do anything. She said if development is proposed for the properties, the City has the option of looking at the proposal and the affordable housing situation

can be addressed at that point. Vice Chair Dohadwala said having affordable homes does not equate to mobile homes.

Comm. Chang said he would be supporting the motion and that he could make the findings for the change of the GP.

Motion failed 3-3, with Comm. Hendricks, Comm. Olevson and Vice Chair Dohadwala dissenting.

Comm. Melton discussed with staff how this report came about.

Comm. Hendricks moved for **Alternative 5, to defer any decision on the resolution and to recommend to City Council to initiate a GP amendment study to consider studying the vision for the appropriate thing to do with the three parks and the implication to any City policies that changes might have. Comm. Olevson seconded the motion.**

Comm. Hendricks said he is not trying to ignore City policy and deferring a decision preserves the policy and allows the City to look at a policy direction. He said if a study done or a decision made to not do the study, then a recommendation could be made.

Comm. Olevson said decisions should be made on a well thought out study and plan, and he thinks the policy on these specific properties is a little vague. He said he would like to see a deferral on the decision as well as a study to better establish the policy as to why we have mobile home parks and why they ought to be changed.

Vice Chair Dohadwala said it would be difficult for her to make the findings to support this motion. She said she does not see a need to amend the GP right now and that three mobile home parks do not have the same situation. She said two of the parks may eventually provide development proposals and that the City can address issues then. She reiterated that for her mobile homes do not equate to affordable living units.

Chair Larsson, Vice Chair Dohadwala and Comm. Melton had **Comm. Hendricks** clarify the motion.

Comm. Melton said he would not be supporting the motion. He said he thinks this revolves around policy HE-2.6.

Comm. Chang said he would not be supporting the motion as he cannot make the findings. He said the question at hand is the GP.

Comm. Hendricks reminded the Commissioners that by deferring a decision that it does not change anything about how the City implements or supports anything about the policy in question. **Comm. Melton** responded that the question he has to ask himself is whether he has enough information to make the decision. **Comm. Hendricks** said he does not think the Commission has enough information to recommend Alternative 1. **Comm. Melton** says he has enough information.

Chair Larsson said he would not be supporting the motion. He said he has enough information to make a decision. He said changing the GP supports the spirit of preserving the 400 acres.

The motion failed, 2-4, with Chair Larsson, Vice Chair Dohadwala, Comm. Chang and Comm. Melton dissenting.

Vice Chair Dohadwala moved for Alternative 4 to recommend to City Council to not amend the General Plan. She said she does not see mobile homes as affordable housing. **Comm. Olevson seconded the motion.**

Comm. Hendricks said he would be supporting the motion in context of the discussion. He said he slightly disagrees with the statement that mobile homes are not affordable housing.

The motion failed 3-3, with Chair Larsson, Comm. Chang and Comm. Melton dissenting.

Chair Larsson said he thinks it is important to provide a recommendation to City Council as opposed to providing the discussion in the minutes. **Comm. Hendricks** asked staff if a specific motion is important. Ms. Ryan said there have been a variety of comments and there seems to be six different takes on the situation. Ms. Ryan said there are two other options, that the item could be continued until there are an odd number of commissioners present, or the variety of comments could be passed on to City Council. **Comm. Melton** and **Chair Larsson** discussed with staff if this item could be continued to the April 8, 2013 Planning Commission meeting and that the item would go to City Council on April 30, 2013.

Comm. Melton moved to continue project 2013-7126 to the April 8, 2013 Planning Commission meeting. Comm. Chang seconded the motion.

The motion carried unanimously, 6-0.

ACTION: Comm. Melton moved to continue project 2013-7126 to the April 8, 2013 Planning Commission meeting. Comm. Chang seconded. Motion carried 6-0, with Comm. Kolchak absent.

APPEAL OPTIONS: This action serves as the legal notification of the continuance of this item to the April 8, 2013 Planning Commission meeting.

4. **Subject: 2013 Planning Commission Master Work Plan**

Trudi Ryan, Planning Officer, discussed the proposed 2013 Planning Commission Master Work Plan.

Chair Larsson confirmed with staff the proposed Special Meeting on May 6, 2013 regarding the Comprehensive Sign Code Study Issue would be the only public hearing item to be considered that evening. Chair Larsson asked about the addition of LUTE (Land Use and Transportation Element) and CAP (Climate Action Plan) meetings to the schedule. Ms. Ryan said these items would be added under the "Additional items yet to be scheduled" section of the Work Plan.

Vice Chair Dohadwala said she would also like to recommend a Study Session be added for "Balanced Growth Profile" training.

Comm. Hendricks moved to adopt the proposed 2013 Planning Commission Master Work Plan with two modifications to the "Additional items yet to be scheduled" section: to add Land Use and Transportation Element (LUTE) and Climate Action Plan (CAP) meetings; and to add a training session regarding Balanced Growth Profile. **Comm. Melton** seconded the motion.

ACTION: Comm. Hendricks moved to adopt the 2013 Planning Commission Master Work Plan with modifications to the "Additional items yet to be scheduled" section: to add Land Use and Transportation Element (LUTE) and Climate Action Plan (CAP) meetings; and to add a training session regarding Balanced Growth Profile. **Comm. Melton** seconded. Motion carried 6-0, with **Comm. Kolchak** absent.

APPEAL OPTIONS: The Planning Commission Work Plan will be provided to the City Council.

7. **Standing Item Potential Study Issues**

Trudi Ryan, Planning Officer, said she is aware that several Study Issues were proposed at the last couple of meetings and said staff would provide Study Issue papers at a meeting in the near future.

Vice Chair Dohadwala suggested a Study Issue regarding crosswalks for connectivity related to traffic. Ms. Ryan suggested this information could be provided as training in a Study Session with Traffic Division staff. Vice Chair Dohadwala said training in a Study Session instead of a Study Issue would be fine.

NON-AGENDA ITEMS AND COMMENTS

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

Trudi Ryan, Planning Officer, discussed Planning-related items considered at the March 19, 2013 City Council meeting. **Comm. Hendricks** discussed with staff amenities on one of the projects that Council considered.

Kathryn Berry, Senior Assistant City Attorney, discussed public records requests and personal communication devices advising that if the Commissioners are receiving Planning Commission-related communications on their personal devices that the information or personal device, could be required to be turned in for public records request purposes. A local judge recently imposed this requirement on the City of San Jose. **Comm. Larsson** asked if there is a retention period with staff saying that, if the record exists, it would have to be turned over. **Comm. Hendricks** asked for something in writing on this issue. **Comm. Larsson** said if items were deleted they probably could still be obtained from the service provider.

City Council Meeting Report

INFORMATION ONLY ITEMS –

None.

ADJOURNMENT

With no further business, the Commission meeting adjourned 10:10 p.m.

Respectfully submitted,

Trudi Ryan
Planning Officer