



**APPROVED MINUTES  
SUNNYVALE PLANNING COMMISSION  
April 8, 2013  
456 W. Olive Avenue, Sunnyvale, CA 94086**

**7:00 PM - Study Session – West Conference Room**

1. **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](mailto:smendrin@sunnyvale.ca.gov)  
**Notes:** (45 minutes)
2. **Public Comment** on Study Session Agenda Items (5 minutes)
3. **Comments** from the Chair (5 minutes)
4. **Adjourn Study Session**

**8:00 PM - Public Hearing – Council Chambers**

**CALL TO ORDER**

**SALUTE TO THE FLAG**

*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.*

**ROLL CALL**

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

Members Absent: none.

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 25, 2013

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

**PUBLIC HEARINGS/GENERAL BUSINESS**

- 2. File #:** 2013-7119  
**Location:** 792 Henderson Ave. (APN: 213-13-006)  
**Proposed Project:** Design Review for a first and second-story addition of 1,744 square feet, resulting in 3,788 square foot home and 57.9% floor area ratio.  
**Applicant/Owner:** Shafer Architecture / Kathryn and John Gibb  
**Environmental Review:** Categorically Exempt Class 1  
**Staff Contact:** Noren Caliva-Lepe, (408) 730-7637,  
[ncaliva-lepe@sunnyvale.ca.gov](mailto:ncaliva-lepe@sunnyvale.ca.gov)

**Vice Chair Dohadwala recused herself from project 2013-7119 and left the Council Chambers.**

Trudi Ryan, Planning Officer, presented the staff report.

**Comm. Melton** discussed with staff the second story windows and condition PS.1 in Attachment B requiring the window design to be revised. Comm. Melton asked staff about a condition from a recent project regarding the exterior materials and colors being required to match the existing structure. Ms. Ryan said this requirement was not included in the conditions of this project as staff felt it was clear that the applicant intended to stay with similar exterior materials.

**Comm. Hendricks** asked about two trees on Lily Avenue and whether they will remain and discussed the overhead power lines and their distance from the second story. Ms. Ryan said the two trees on Lily are street trees and would remain and not be affected by the addition and that the power lines location in regards to the second story was reviewed by staff and is acceptable.

**Chair Larsson opened the public hearing.**

**John Gibb**, applicant, explained the reasons for the proposed remodel including increased safety for the residents. He explained that he and his wife worked with architect Dennis Shafer, to design a remodel that fits into the neighborhood in regards to size and appearance. He discussed the second story windows and said he thinks they can work with staff to come up with a mutually acceptable design. He asked the Planning Commission to approve the project.

**Comm. Melton** confirmed with the applicant that they would continue to work with staff to redesign the second story windows and asked about the applicant's comment that it increases the safety of the residents. Mr. Gibb said in the remodel they have moved their children's bedrooms upstairs as a safety precaution discussing a past incident when a car hit one of the street trees on Lily Avenue instead of the side of the house where a bedroom is currently located.

**Chair Larsson** confirmed with Mr. Gibb that there is a public utility easement for the power lines with Mr. Gibb explaining how the easements integrate with the proposed plans.

**Chair Larsson closed the public hearing.**

**Comm. Melton** moved for **Alternative 2** to approve the Design Review with modified conditions: to add a condition that "All exterior materials and colors of the additions shall match that of the existing structure." **Comm. Hendricks** seconded the motion.

**Comm. Melton** said this is a beautiful property and that this neighborhood has many examples of good second story additions. He thanked the applicant for the presentation and said he is looking forward to seeing the proposed project come to fruition.

**Comm. Hendricks** said he supports the motion, that this home is in a good location across from the park, and that he can make the findings. He said staff commented in the report that the Toll Brothers development down the street has homes with high floor area ratios (FARs). Comm. Hendricks said he does not think the Toll Brothers project is relevant in making a decision about this project. He said there are other good reasons to support this project.

**Comm. Kolchak** said he would be supporting the motion. He said this is a lovely project and that he can make the findings.

**Comm. Olevson** said the architectural design fits in with the neighbors' homes and he thinks this will be a nice addition to the neighborhood.

**Chair Larsson** said he would be supporting the motion. He said he is cautious anytime he sees a project with over 50% FAR, however in this case there are many other homes in this neighborhood with similar FARs and second stories. He said he appreciates that the applicant has worked closely with staff.

**ACTION: Comm. Melton made a motion on 2013-7119 to approve the Design Review with modified conditions: to add a condition that "All exterior materials and colors of the additions shall match that of the existing structure." Comm. Hendricks seconded. Motion carried 6-0, with Vice Chair Dohadwala recusing herself.**

**APPEAL OPTIONS: This action is final unless appealed to City Council no later than April 23, 2013.**

**Vice Chair Dohadwala returned to the Council Chambers for the remaining of the meeting.**

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](mailto:ael-hajj@sunnyvale.ca.gov)

**Amber El-Hajj**, Senior Planner, recapped the failed votes on this project from the March 25, 2013 Planning Commission meeting which led to a vote to continue this item to tonight's meeting when all seven commissioners would be present. She reminded the Planning Commission that the City Council is the applicant on the project. She said staff received one additional letter from the owner of Ranchero and Thunderbird parks which has been provided on the dais.

**Comm. Hendricks** commented that this item is a policy level question and confirmed that as these parks are zoned today that the City policy of maintaining 400 acres of Mobile Home Park (MHP) is met.

**Chair Larsson** opened the public hearing.

**David Spangenberg**, an Attorney that specializes in mobile home park issues said he reviewed the Planning Commission meeting video from March 25, 2013 and the City Council meeting of November 20, 2012 related to this project. He said that the City Council indicated that mobile homes are a hybrid type of housing with a landowner different from the homeowner who owns the mobile home. He said the ordinance is designed to make it difficult for the mobile home parks to go out of business and that he thinks that changing the land designation for Ranchero and Thunderbird parks could have unintended consequences leading to a possible degradation of the property since these parks do not have homeowners. In response to questions from **Comm. Melton**, Mr. Spangenberg confirmed that he has represented the owners of Thunderbird and Ranchero parks since about 1986 and that he recommends that the Planning Commission keep the zoning the same. Mr. Spangenberg said the owners of Thunderbird and Ranchero are in a long-term process to convert to another use and he does not think they would convert back to a traditional mobile home park.

**Comm. Olevson** asked Mr. Spangenberg about the multi-decade process that the owners have gone through to convert to the long-term plan. Comm. Olevson said that it almost sounded like a threat that if the City changes the land designation of Thunderbird and Ranchero that the owners would let the parks degrade and waste their investment. Mr. Spangenberg said he did not intend his comments to sound like a threat and that both parks are well-maintained; however what the City is considering seems like a permanent change. He said he is concerned about unintended consequences, as these two parks are uniquely different from other parks. Comm. Olevson said he agrees that this does not meet the standard definition of a mobile home park. Mr. Spangenberg said if there are problems with the appearance and upkeep of a mobile home park that the HCD (Housing and Community Development) would oversee the efforts to clean it up which could take a long time.

**Alex MacDonell** said that his father built these parks. He clarified several statements that he made at the March 25, 2013 meeting. He said they had a self-imposed rent control for about 15 years for their tenants to help change to a rental-only park so they could eventually develop the property. He confirmed that they would like the General Plan (GP) designation to stay as it is. He said they are never going back to the traditional mobile home park use. He said the intent of the City Council was to protect the homeowner, however there are no homeowners in Thunderbird and Rancho so there are no adverse effect if they were to redevelop. He said changing the GP in regards to two parks provides no benefit to City, the homeowner, or the mobile home park. He said they want to do the right thing and have followed the rules, and would like be a successful part of Sunnyvale for the next 50 years.

**Comm. Melton** discussed with the Mr. MacDonell and staff what a new residential development might be. **Trudi Ryan**, Planning Officer, helped clarify that the speaker is indicating that they would like to redevelop the property with residential development that is not mobile homes.

**Comm. Kolchak** discussed with Mr. MacDonell the history of the parks, including several law suits and the self-imposed rent control for 15 years. Comm. Kolchak discussed with Mr. MacDonell the life span of a mobile home. Mr. MacDonell reiterated that their plan is to develop the properties into a different residential use.

**Chair Larsson** confirmed with Mr. MacDonell that their current thinking is that they could redevelop the two properties under the existing Residential Low Medium Density which allows 7 to 14 units per acre; however they would like to explore higher densities.

**Chair Larsson closed the public hearing.**

**Comm. Hendricks** confirmed with staff that the Planning Commission's action tonight is a recommendation to City Council.

**Comm. Chang** confirmed with staff that Mr. MacDonell could still submit an application to explore higher densities as this item will not be considered by City Council until April 30, 2013.

**Comm. Olevson moved for Alternative 4 to recommend to City Council to not amend the General Plan. Comm. Kolchak seconded the motion.**

**Comm. Olevson** said it seems inappropriate to change GP to fit an existing zoning issue and that the GP should not be changed frivolously. However, he thinks the City should be sensitive to an owner that has for several decades tried to fit the current zoning. Comm. Olevson said he recommends the City Council leaves the GP as is.

**Comm. Kolchak** said this recommendation does not affect the 400 acres number in Policy HE-2.6 and the owner of the Rancho and Thunderbird properties have worked hard to prepare for redevelopment. He said there does not seem to be any negative implications with the recommendation and he would like to see the MacDonells move forward and explore a study.

**Vice Chair Dohadwala** said she would be supporting the motion. She said she does not equate mobile homes with affordable living units, and said that she thinks this is a unique situation. She said she is concerned about the condition of the mobile homes in the future.

**Chair Larsson** confirmed with Comm. Olevson that the motion applies to all three mobile home parks; Rancho, Rancho La Mesa and Thunderbird.

**Comm. Hendricks** confirmed with Comm. Olevson that he intentionally omitted from the motion an amendment study to consider adjusting the density. Comm. Hendricks said that he would be supporting the motion. He said this is a straight policy question, and this will allow Council to have the discussion to clarify what they want the 400 acres of mobile home park zoning policy to be. He said recommending leaving the zoning the way it is even though there might be an inconsistency would not be violating City policy.

**Comm. Melton** said he would not be supporting the motion as he finds Alternative 1 the most compelling. He said that this decision is going to revolve around Policy HE-2.6 and the intent behind it and that Policy HE-2.6 is about mobile home parks and not affordable housing. He said the zoning code and GP are intertwined and that the current owner may have an intent today however there may be another owner in the future.

**Comm. Chang** said he would not be supporting the motion. He said he agrees with the staff recommendation so he cannot support the motion.

**Chair Larsson** said he would not be supporting motion. He said he acknowledges that these two parks are different from traditional mobile home parks. He said there is a third property being considered and it is not like the first two. He said for the third property, Rancho La Mesa that he would like to see the GP amendment change.

**Vice Chair Dohadwala** said her earlier comments were regarding the Rancho and Thunderbird properties. She said she would like to see the third property's land use designation change so she will not be supporting the motion.

**Comm. Hendricks** asked if there could be a separate motion for the Rancho La Mesa property. Ms. Ryan said the Commission can consider the properties individually or combined. Comm. Hendricks said he was not offering a Friendly Amendment

**Vice Chair Dohadwala** offered a Friendly Amendment to consider the two properties owned by the MacDonells only, for the original motion. The maker and the seconder of the motion accepted the Friendly Amendment. Chair Larsson confirmed that the two properties included in the motion are Rancho and Thunderbird.

**Comm. Melton** confirmed with the maker of the motion that the motion is silent regarding the Rancho La Mesa property.

**Action was taken as two motions for the three mobile home parks under consideration.**

**Motion one.**

**ACTION:** Comm. Olevson moved on project 2013-7126 to recommend to City Council to not amend the General Plan for the Rancho and Thunderbird mobile home parks. Comm. Kolchak seconded. Motion carried 5-2, with Comm. Chang and Comm. Melton dissenting.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council for consideration at the April 30, 2013 meeting.

Comm. Hendricks moved for Alternative 1, to recommend to City Council to adopt the Negative Declaration and adopt the Resolution to change the General Plan designation from RLM to MHP for the Rancho La Mesa mobile home park. Comm. Melton seconded the motion.

Comm. Kolchak said he would be supporting the motion.

Chair Larsson said he would be supporting the motion.

Vice Chair Dohadwala said she would be supporting the motion as she is not worried about degradation of this mobile home park.

Comm. Olevson said he would be supporting the motion as the property owner of Rancho La Mesa has not expressed an objection and therefore the change does not appear to have a negative impact.

Comm. Hendricks said he agrees with Comm. Olevson and that the difference with Rancho La Mesa from the other two parks is that the coaches are owned by the residents.

Chair Larsson said he would be supporting the motion for the same reason as Comm. Hendricks.

**Motion two.**

**ACTION:** Comm. Hendricks moved on project 2013-7126 to recommend to City Council to adopt the Negative Declaration and adopt the Resolution to change the General Plan designation from RLM to MHP for the Rancho La Mesa mobile home park. Comm. Melton seconded. Motion carried 7-0.

**APPEAL OPTIONS:** This recommendation will be forwarded to City Council for consideration at the April 30, 2013 meeting.

**4. Standing Item Potential Study Issues**

**Trudi Ryan**, Planning Officer, said that several Study Issues have been proposed at recent meetings and that staff would prepare the papers for review for the next meeting.

**NON-AGENDA ITEMS AND COMMENTS**

- COMMISSIONERS ORAL COMMENTS
- STAFF ORAL COMMENTS

**City Council Meeting Report**

**Trudi Ryan**, Planning Officer, said there have been no Council meetings since the last Planning Commission meeting and discussed Planning-related items on the City Council agenda for the April 9, 2013 meeting.

**INFORMATION ONLY ITEMS**

**Comm. Hendricks** said, related to the reduction of plastic bags, that anyone interested in reducing their dry cleaning plastic bags should ask their Dry Cleaner about obtaining reusable dry cleaning bags as they are available.

**ADJOURNMENT**

With no further business, the Commission meeting adjourned 9:10 p.m.

Respectfully submitted,

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Trudi Ryan  
Planning Officer