



City of Santa Clara

Meeting Minutes

Planning Commission

08/03/2022

6:00 PM City Hall Council Chambers and Zoom (Hybrid Meeting)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 (“The Brown Act”) and Section 708 of the Santa Clara City Charter, the undersigned calls for a Special Meeting of the Planning Commission of the City of Santa Clara, to commence and convene on August 3, 2022, at 6:00 pm for a Special Meeting in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

The City of Santa Clara will be conducting Planning Commission meetings in a hybrid manner (in-person and virtual attendance). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution 22-9087, Commissioners may teleconference from remote locations. The City continues to provide methods for the public to participate remotely:

- Via Zoom:
 - o <https://santaclaraca.zoom.us/j/91729202898>
 - Webinar ID: 917 2920 2898 or
 - o Phone: 1(669) 900-6833
- Via the City’s eComment (available during the meeting)

The public may view the meetings on SantaClaraCA.gov, Santa Clara City Television (Comcast cable channel 15 or AT&T U-verse channel 99), or the livestream on the City’s YouTube channel or Facebook page.

Public Comments prior to meeting may be submitted via email to PlanningPublicComment@SantaClaraCA.gov no later than noon on the day of the meeting; and also before and during the meeting via eComment. Clearly indicate the project address, meeting body, and meeting date in the email.

PUBLIC PARTICIPATION IN ZOOM WEBINAR: Please follow the guidelines below when participating in a Zoom Webinar:

- The meeting will be recorded so you must choose 'continue' to accept and stay in the meeting.
- If there is an option to change the phone number to your name when you enter the meeting, please do so as your name will be visible online and will be used to notify you that it is your turn to speak.
- Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
- Use the raise your hand feature in Zoom when you would like to speak on an item and lower when finished speaking. Press *9 to raise your hand if you are calling in by phone only.
- Identify yourself by name before speaking on an item.
- Unmute when called on to speak and mute when done speaking. If there is background noise coming from a participant, they will be muted by the host. Press *6 if you are participating by phone to unmute.
- If you no longer wish to stay in the meeting once your item has been heard, please exit the meeting.

6:00 PM SPECIAL MEETING

Call to Order

Vice Chair Herro called the meeting to order at 6:03 p.m.

Pledge of Allegiance and Statement of Values

Roll Call

- Present** 5 - Commissioner Nancy A. Biagini, Vice Chair Ricci Herro, Commissioner Qian Huang, Commissioner Lance Saleme, and Commissioner Ron Patrick
- Absent** 2 - Commissioner Yashraj Bhatnagar, and Chair Priya Cherukuru

A motion was made by Commissioner Biagini, seconded by Commissioner Saleme to excuse Commissioner Bhatnagar and Chair Cherukuru from the meeting.

- Aye:** 5 - Commissioner Biagini, Vice Chair Herro, Commissioner Huang, Commissioner Saleme, and Commissioner Patrick

- Excused:** 2 - Commissioner Bhatnagar, and Chair Cherukuru

DECLARATION OF COMMISSION PROCEDURES

Commissioner Biagini read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

A motion was made by Commissioner Biagini, seconded by Commissioner Patrick to approve the Consent Calendar.

Commissioner Patrick abstained from voting on Item 1.A as he was not a Commissioner at the time of the June 15, 2022 meeting and did not attend the meeting.

Aye: 5 - Commissioner Biagini, Vice Chair Herro, Commissioner Huang, Commissioner Saleme, and Commissioner Patrick

Excused: 2 - Commissioner Bhatnagar, and Chair Cherukuru

1.A [22-955](#) Planning Commission Meeting Minutes of June 15, 2022 Meeting

Recommendation: Approve the Planning Commission Minutes of the June 15, 2022 Meeting

1.B [22-825](#) Action on a Use Permit to Allow On-site Sale and Consumption of Beer and Wine for a New Food-service Establishment, Tacomania, at 2855 Stevens Creek Blvd., Santa Clara, 95050

Recommendation: Adopt a resolution approving a Use Permit to allow the on-site sale and consumption of beer and wine (ABC License Type 41) for a 952 square foot, 21 seat restaurant, Tacomania, located at 2855 Stevens Creek Blvd, Santa Clara CA 95050, subject to conditions of approval.

1.C [22-892](#) Action on Use Permit to allow on-site sale and consumption of alcohol for a new restaurant (Tostada's) at 3149 Mission College Boulevard

Recommendation: Adopt a resolution approving a Use Permit to allow the on-site sale and consumption of alcohol (ABC License Type 47) for a new Tostada's restaurant located at 3149 Mission College Boulevard, subject to conditions of approval.

1.D [22-893](#) Action on Use Permit to allow on-site sale and consumption of beer and wine for a new Mountain Mike's Pizza located at 2510 Augustine Drive

Recommendation: Adopt a resolution approving a Use Permit to allow the on-site sale and consumption of alcohol (ABC License Type 41) for a new Mountain Mike's Pizza restaurant located at 2510 Augustine Drive, subject to conditions of approval.

- 1.E [22-894](#) Action on a Variance to Maintain a One-Car Garage with a 589 Square Foot Second-Story Addition to a Single-Family Residence at 2663 Sonoma Place

Recommendation: Adopt a resolution to approve the Variance to allow a 589 square foot second story addition to a single-family residence and maintain an attached one-car garage, subject to conditions of approval.

- 1.F [22-929](#) Action on Time Extension of Variance to Building Height and Architectural Review Approvals for the Office Project at 3625 Peterson Way

Recommendation: That the Planning Commission adopt Alternatives 1) and 2) for the 3625 Peterson Way Office Project:

- 1) Adopt a resolution to approve the Time Extension for a Variance to increase maximum building height from 70 feet to 129 feet to construct two eight-story office buildings on a Light Industrial (ML) zoned property and an EIR Addendum
- 2) Adopt a resolution to approve the Time Extension for Architectural Review approval of the Development Plan

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

2. [22-930](#) Action on Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment and Rezone for the Property Located at 1601 Civic Center Drive

Recommendation: Alternatives: 1, 2 and 3

1. Adopt a resolution to recommend the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Civic Center Family Housing Project.
2. Adopt a resolution to recommend the City Council approve a General Plan Amendment from Community Commercial to High Density Residential.
3. Adopt a resolution to recommend City Council approve a Rezone from General Office (OG) to Planned Development (PD) to allow a five-story affordable housing development with 108 rental units, on-site parking and amenities, landscaping, and off-site improvements.

Associate Planner Debby Fernandez provided the staff presentation.

Commissioners asked clarifying questions as to whether or not other sites had been considered for the development, as well as what rent amounts would be, given Area Median Income (AMI) limits for the project.

Applicant Charities Housing, Joe Head and Hai Nguyen provided a presentation and clarified the property location was very important and also provided an overview of AMI limits.

Commissioners asked questions regarding the applicable state and federal laws for residents; whether or not there would be a right of refusal for residents; whether Section 8 housing be allowed; how rental amounts are set; whether there would be flexibility in the architectural design due to shadowing concerns; sufficiency of parking and methods for parking spot allocation; and methods for residents to communicate with the developer as problems arise, and how the developer will respond to such problems.

Vice Chair Herro expressed concerns that the original management of the site was lacking in response time and actions; other concerns included outreach provided to neighboring residents on the project to date.

Commissioners expressed the desire to have housing as well as acknowledged concerns presented to them by the public. **Vice Chair Herro** stated that oversight was needed by the Applicant for timely resolution to concerns brought up by nearby residents now, during the construction phase, and on an ongoing basis.

The Applicant agreed to having a meeting with nearby residents to

discuss concerns before the item is heard by Council.

Commissioner Biagini asked about ensuring that the developer comply with all mitigation measures, and more specifically that adequate dust control measures be in place. In response, **Environmental Consultant Shannon George/David J. Powers and Associates** introduced herself and explained that best management practices for dust control are included as a mitigation measure in the MMRP. She also explained that there would be a visible sign on the project site during all periods of construction with contact information for the on-site superintendent and the air district, in the event complaints arose concerning dust or other issues.

Public Speakers:

Ken Rosenbarg
Venee
Ssatpathi
Kalisha Webster
Maria
Corey Smith
Ingrid Granados
Brent Stryko
Jeff Houston
Kathryn Hedges
Lalo Mendez
Jean S.
Sunil B.
Ctalyze SV
Events SVH
Igor
Morteza Sahfiei
Pkliza
Keyhan Sinai
Anna
Jamie
Deepa
Braydon Qian
William Huang
Gregory Kepferle
Sytnti Stryko
Noah McDonald
Betsy Jegas
Suanya Tu
Congyao Tang

Meeting went into recess at 8:41 p.m. and reconvened at 8:51 p.m.

Staff read ecomments received between 5 p.m. and before the close of the public hearing. Ecomments received before 5 p.m. were sent to Commissioners before the meeting and are posted on the City's website as Post Meeting Material.

A motion was made by Commissioner Biagini, seconded by Commissioner Saleme to close public hearing.

Aye: 4 - Commissioner Biagini, Vice Chair Herro, Commissioner Huang, and Commissioner Saleme

Nay: 1 - Commissioner Patrick

Excused: 2 - Commissioner Bhatnagar, and Chair Cherukuru

A motion was made by Commissioner Biagini, seconded by Commissioner Huang to approve staff recommendation 1.

Aye: 5 - Commissioner Biagini, Vice Chair Herro, Commissioner Huang, Commissioner Saleme, and Commissioner Patrick

Excused: 2 - Commissioner Bhatnagar, and Chair Cherukuru

A motion was made by Commissioner Biagini, seconded by Commissioner Huang to approve staff recommendation 2.

Aye: 5 - Commissioner Biagini, Vice Chair Herro, Commissioner Huang, Commissioner Saleme, and Commissioner Patrick

Excused: 2 - Commissioner Bhatnagar, and Chair Cherukuru

A motion was made by Commissioner Biagini, seconded by Commissioner Huang to approve staff recommendation 3 with seven additional recommendations:

1. Charities Housing to include transit pass upon request for each tenant.
2. Continue community outreach with neighbors with oversight program provided by Applicant to the satisfaction of Director of Community Development.
3. Designate a ride share area within the Project Site to the satisfaction of Director of Community Development.
4. Include Venue for Display of Public Art with consideration towards Native American artists.
5. Give serious consideration to establishing a shared parking arrangement with commercial and City buildings in area.
6. Failure by developer or any contractor to comply with mitigation measures or other conditions (including, but not limited to, emissions, noise, street cleaning, and dust control) will subject the developer to code enforcement under the City Code.
7. Charities shall install a security system approved by the Director of Community Development, with security to be recorded and monitored with approximately 50 cameras. At the Director's discretion, monitoring may be required to be conducted in real-time by security personnel.

Aye: 4 - Commissioner Biagini, Vice Chair Herro, Commissioner Huang, and Commissioner Saleme

Nay: 1 - Commissioner Patrick

Excused: 2 - Commissioner Bhatnagar, and Chair Cherukuru

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items
2. Commissioner Travel and Training Reports, Requests to attend Trainings

Staff Aide II Elizabeth Elliott provided updates on two trainings taking place in October in which Commissioners have been registered for.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Staff Aide II Elizabeth Elliott provided updates.

2. Upcoming Agenda Items

Planning Manager Lesley Xavier provided updates.

3. City Council Actions

Planning Manager Lesley Xavier provided updates.

ADJOURNMENT:

A motion was made by Commissioner Biagini, seconded by Commissioner Patrick to adjourn the meeting.

The meeting adjourned at 9:54 p.m.. The next regular scheduled meeting is on Wednesday, August 25, 2022 at 6 p.m.

Aye: 5 - Commissioner Biagini, Vice Chair Herro, Commissioner Huang, Commissioner Saleme, and Commissioner Patrick

Excused: 2 - Commissioner Bhatnagar, and Chair Cherukuru

The time limit within which to commence any lawsuit or legal challenge to any quasi-adjudicative decision made by the City is governed by Section 1094.6 of the Code of Civil Procedure, unless a shorter limitation period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred. If a person wishes to challenge the nature of the above section in court, they may be limited to raising only those issues they or someone else raised at the meeting described in this notice, or in written correspondence delivered to the City of Santa Clara, at or prior to the meeting. In addition, judicial challenge may be limited or barred where the interested party has not sought and exhausted all available administrative remedies.

If a member of the public submits a speaker card for any agenda items, their name will appear in the Minutes. If no speaker card is submitted, the Minutes will reflect "Public Speaker."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

Agendas and other written materials distributed during a public meeting that are public record will be made available by the City in an appropriate alternative format. Contact the City Clerk's Office at 1 408-615-2220 with your request for an alternative format copy of the agenda or other written materials.

Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.