



City of Santa Clara

Meeting Minutes

Planning Commission

05/25/2022

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

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 REGULAR MEETING**Call to Order**

Chair Biagini called the meeting to order at 6:04 p.m.

Pledge of Allegiance and Statement of Values**Roll Call**

Present 6 - Chair Nancy A. Biagini, Vice Chair Priya Cherukuru, Commissioner Ricci Herro, Commissioner Qian Huang, Commissioner Yuki Ikezi, and Commissioner Lance Saleme

Absent 1 - Commissioner Yashraj Bhatnagar

Chair Biagini announced that **Commissioner Bhatnagar** had informed the Commission of his absence in advance of the meeting.

A motion was made by Commissioner Ikezi, seconded by Commissioner Huang to excuse Commissioner Bhatnagar's absence.

Aye: 6 - Chair Biagini, Vice Chair Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, and Commissioner Saleme

Absent: 1 - Commissioner Bhatnagar

DECLARATION OF COMMISSION PROCEDURES

Secretary Herro read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

Commissioner Cherukuru recused herself from voting on Items 1.B and 1.C due to her absence at those meetings and commented that Item 1.D is a reflection of the economy.

A motion was made by Commissioner Ikezi, seconded by Commissioner Saleme to approve the consent calendar.

Aye: 6 - Chair Biagini, Vice Chair Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, and Commissioner Saleme

Absent: 1 - Commissioner Bhatnagar

1.A [22-730](#) Planning Commission Meeting Minutes of March 9, 2022 Meeting

Recommendation: Approve the Planning Commission Minutes of the March 9, 2022 Meeting

1.B [22-738](#) Planning Commission Meeting Minutes of April 13, 2022 Meeting

Recommendation: Approve the Planning Commission Minutes of the April 13, 2022 Meeting

Commissioner Cherukuru abstained from voting on Item 1.B since she did not attend this meeting.

1.C [22-694](#) Planning Commission Meeting Minutes of May 11, 2022 Special Meeting

Recommendation: Approve the Planning Commission Minutes of the May 11, 2022 Special Meeting

Commissioner Cherukuru abstained from voting on Item 1.C since she did not attend this meeting.

1.D [22-651](#) Action on a Two-Year Extension of the Use Permit for a 190-room Hotel at 2900 Lakeside Drive

Recommendation: Adopt a Resolution to Approve a Two-year Extension of the Use Permit to allow a new 190-room hotel located at 2900 Lakeside Drive with on-site sale of beer, wine, and distilled spirits (ABC license Type 47), subject to conditions of approval.

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

None.

2. [22-716](#) Amend Title 18 Zoning to Establish an SB 9 Implementing Ordinance Including Development Standards for SB 9 Residential Projects (Continued from May 11, 2022)

Recommendation: Alternative 1: Recommend that the City Council adopt an ordinance amending Title 18 Zoning to include Chapter 18.13 Two Unit Dwelling Residential Development and Urban Lot Splits.

As-Needed Planner John Baty provided the staff presentation.

Public Speaker: Vincent Condito

A motion was made by Commissioner Ikezi, seconded by Commissioner Cherukuru to close public hearing.

Aye: 6 - Chair Biagini, Vice Chair Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, and Commissioner Saleme

Absent: 1 - Commissioner Bhatnagar

A motion was made by Commissioner Cherukuru to approve staff's recommendation with the modifications to (1) consider lot size when establishing parking requirements; (2) establish a maximum height of 28 feet, potentially with a reduction to 25 feet depending on lot width and historic status; (3) incorporate the solar access language proposed by staff; and (4) establish an affordability requirement through Council adoption of a policy.

Assistant City Attorney Alexander Abbe explained that an affordability requirement would not be a part of this ordinance, but could be brought as a separate motion after the action on this ordinance was completed. Commissioner Cherukuru consented to remove the affordability language from her motion.

Planning Manager Leslie Xavier then clarified that the current zoning ordinance maximum height is 28 feet, not 25 feet. Based on that clarification, Commissioner Cherukuru modified her motion to approve staff's recommendation with the modifications to (1) consider lot size when establishing parking requirements, and (2) establish uniform a maximum height of 25 feet; and (3) incorporate the solar access language proposed by staff.

Commissioner Ikezi asked for clarification on the motion, as to whether the proposed height limit applied irrespective of the location of the house on the lot. Commissioner Ikezi pointed out that existing single-family residences must have a 20-foot setback, and ADUs can only be 16 feet tall, with a 5-foot setback. Allowing residences to go up to 25 feet, with only a 4-foot setback, would be a dramatic increase in massing, and raise privacy concerns. In response, Commissioner Cherukuru indicated that she would drop her modification related to height. Her motion became to approve staff's recommendation with the modifications to (1) consider lot size when establishing parking requirements, and (2) incorporate the solar access language proposed by staff.

Chair Biagini seconded the motion.

Commissioner Ikezi, seconded by Commissioner Huang, proposed an amendment to Commissioner Cherukuru's Motion to add the following modifications: that (1) the required parking be allowed to be uncovered; (2) the parking spaces within the 20 foot setback in the front yard count toward the required parking ratio of one space per dwelling; (3) that 50% of the front setback area be allowed to be

covered with hardscape; and (4) incorporate the solar access language proposed by staff.

Commissioner Cherukuru indicated that she would accept items (2) and (3) from Commissioner Ikezi's motion as a friendly amendment to her main motion. Commissioner Ikezi's item (4) was already a part of Commissioner Cherukuru's main motion. As a result, Commissioner Cherukuru's motion was modified to approve staff's recommendation with the modifications to (1) consider lot size when establishing parking requirements; (2) incorporate the solar access language proposed by staff; (3) the parking spaces within the 20 foot setback in the front yard count toward the required parking ratio of one space per dwelling; and (4) 50% of the front setback area be allowed to be covered with hardscape.

Commissioner Cherukuru did not accept Commissioner Ikezi's first proposal as a friendly amendment, however – that required parking be allowed to be uncovered. As a result, the Commission voted whether to amend Commissioner Cherukuru's motion to include an allowance for parking to be uncovered.

The motion for the proposed amendment failed.

Aye: 3 - Commissioner Herro, Commissioner Huang, and Commissioner Ikezi

Nay: 3 - Chair Biagini, Vice Chair Cherukuru, and Commissioner Saleme

Absent: 1 - Commissioner Bhatnagar

The Commission then proceeded to consider Commissioner Cherukuru's motion, seconded by Commissioner Biagini to approve staff recommendation 1 with the following modifications: consider lot size when establishing parking requirements, (2) incorporate the solar access language proposed by staff; (3) the parking spaces within the 20 foot setback in the front yard count toward the required parking ratio of one space per dwelling; and (4) that 50% of the front setback area be allowed to be covered with hardscape.

Aye: 5 - Chair Biagini, Vice Chair Cherukuru, Commissioner Herro, Commissioner Ikezi, and Commissioner Saleme

Nay: 1 - Commissioner Huang

Absent: 1 - Commissioner Bhatnagar

A motion was made by Commissioner Ikezi, seconded by Commissioner Huang to amend the motion to not incorporate affordability requirements for any SB9 projects.

The proposed amendment failed.

Aye: 3 - Commissioner Herro, Commissioner Huang, and Commissioner Ikezi

Nay: 3 - Chair Biagini, Vice Chair Cherukuru, and Commissioner Saleme

Absent: 1 - Commissioner Bhatnagar

The Commission then proceeded to consider Cherukuru's motion, seconded by Commissioner Biagini to recommend that the City adopt a policy of affordability that addresses SB9 properties with incentives to homeowners.

The motion passed.

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

Nay: 2 - Commissioner Huang, and Commissioner Ikezi

Absent: 1 - Commissioner Bhatnagar

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

Commissioner Cherukuru expressed support for the hybrid meetings allowing for in-person participation.

2. Commissioner Travel and Training Reports, Requests to attend Trainings

Commissioner Saleme, Commissioner Cherukuru and Chair Biagini reported on their attendance at the virtual American Planning Association National Conference that took place May 18-20, 2022.

A motion was made by Commissioner Ikezi, seconded by Commissioner Saleme to reimburse Chair Biagini for a \$180.00 payment for the APA Passport subscription.

Aye: 6 - Chair Biagini, Vice Chair Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, and Commissioner Saleme

Absent: 1 - Commissioner Bhatnagar

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Office Specialist IV Elizabeth Elliott provided updates.

2. Upcoming Agenda Items

Planning Manager Lesley Xavier provided updates.

3. City Council Actions

Planning Manager Lesley Xavier commented that there were no updates.

ADJOURNMENT:

A motion was made by Commissioner Ikezi, seconded by Commissioner Huang to commemorate the memory of the two most recent shooting incidents in Buffalo, New York and Uvalde, Texas with a moment of silence. Commissioner Herro requested to include a moment of silence in memory of the two-year anniversary of the George Floyd murder.

The meeting adjourned at 8:36 p.m.

The next regular scheduled meeting is on June 15, 2022.

Aye: 6 - Chair Biagini, Vice Chair Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, and Commissioner Saleme

Absent: 1 - Commissioner Bhatnagar

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."

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