



City of Santa Clara

Meeting Minutes

Planning Commission

04/14/2021

6:00 PM

Virtual Meeting

Pursuant to the provisions of California Governor's Executive Order N-29-20, issued on March 17, 2020, to prevent the spread of COVID-19, the City of Santa Clara has implemented 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 Saleme called the meeting to order at 6:05 p.m.

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

Commissioner Ikezi notified the Commission she would be joining the meeting late and joined the meeting at 6:28 p.m.

Present 5 - Vice Chair Nancy A. Biagini, Commissioner Priya Cherukuru, Commissioner Ricci Herro, Commissioner Qian Huang, and Chair Lance Saleme

Absent 1 - Commissioner Yuki Ikezi

DECLARATION OF COMMISSION PROCEDURES

Secretary Cherukuru read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

A motion was made by Vice Chair Biagini, seconded by Commissioner Cherukuru to approve the consent calendar.

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

Absent: 1 - Commissioner Ikezi

1.A [21-348](#) Planning Commission Meeting Minutes of August 26, 2020 Meeting

Recommendation: Approve the Planning Commission Minutes of the August 26, 2020 Meeting

Commissioner Huang and Commissioner Herro abstained from voting on Item 1.A, 1.B and 1.C

A motion was made by Vice Chair Biagini, seconded by Commissioner Cherukuru, that this item be Approved.

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

Absent: 1 - Commissioner Ikezi

Abstained: 2 - Commissioner Herro, and Commissioner Huang

1.B [21-32](#) Planning Commission Meeting Minutes of September 23, 2020 Meeting

Recommendation: Approve the Planning Commission Minutes of the September 23, 2020 Meeting

Commissioner Huang and Commissioner Herro abstained from voting on Items 1.A, 1.B and 1.C

A motion was made by Vice Chair Biagini, seconded by Commissioner Cherukuru, that this item be Approved.

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

Absent: 1 - Commissioner Ikezi

Abstained: 2 - Commissioner Herro, and Commissioner Huang

1.C [21-347](#) Planning Commission Meeting Minutes of February 24, 2021 Meeting

Recommendation: Approve the Planning Commission Minutes of the February 24, 2021 Meeting

Commissioner Huang and Commissioner Herro abstained from voting on Item 1.A, 1.B and 1.C

A motion was made by Vice Chair Biagini, seconded by Commissioner Cherukuru, that this item be Approved.

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

Absent: 1 - Commissioner Ikezi

Abstained: 2 - Commissioner Herro, and Commissioner Huang

1.D [21-355](#) Retroactive Vote to Expend Funds for Planning Commission Items

Recommendation: There is no staff recommendation.

A motion was made by Vice Chair Biagini, seconded by Commissioner Cherukuru, that this item be Approved.

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

Absent: 1 - Commissioner Ikezi

PUBLIC PRESENTATIONS

1. Announcements/Other Items

Reports of Commission/Board Liaison and Committee Item 1 was moved to be heard before Public Hearing Item 2.

Commissioner Biagini requested to know when the Council/Commission Dinner Meeting will take place. **Office Specialist IV Elizabeth Elliott** updated the Commission that we have been notified that the City Clerk's Office will update staff when this dinner will be scheduled and the Commission will be notified.

Commissioner Biagini requested to receive attachments that are large in advance of the meeting so there is ample time for review. **Development Review Officer/Staff Liaison Gloria Sciara** replied that staff will look at processes to allow for this.

PUBLIC HEARING

2. [21-112](#) Action on a Rezone from Planned Development (PD) to Planned Development (PD) of a property located at 2905 Stender Way to allow development of a four-story Data Center building (CoreSite SV9)

Recommendation: Alternatives 1), and 2): That the Planning Commission adopt resolutions for the 2905 Stender Way Project recommending that the City Council:

1. Approve a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 2905 Stender Way project.
2. Approve a rezoning from Planned Development (PD) to Planned Development (PD) to allow development of a 250,000 square-foot four-story data center, a new substation, equipment yards and onsite improvements (SV9).

Commissioner Herro abstained from voting on this item due to a conflict of interest having received income from Therma, Inc. in the past 12 months and removed himself from this portion of the meeting.

Commissioners Huang disclosed he met with the Applicant, CoreSite, at the project site, staff the day before the meeting.

Chair Saleme, Commissioners Biagini and Cherukuru noted they had been contacted by the Applicant but declined to meet with them.

Ela Kerachian, Associate Planner, provided a PowerPoint presentation.

Applicant provided a PowerPoint presentation.

Mike Durham, CoreSite

Gabe Clark, Architect

Addam Friedl, MEP Engineering Design

Matthew Morgan, Civil Engineering

Assistant City Attorney Alexander Abbe read comments that were received from Adams Broadwell Joseph & Cardozo and BAAQMD regarding Health Risk Assessment and the need for the Commission to have a finding if the item is approved. A revised Health Risk Assessment has been provided to Commissioners noting that the impact is not significant on health/air quality.

Brianna Bohonok, Circlepoint, Environmental Consultant, attended the meeting and provided input on cumulative analysis under CEQA.

David Blackwell, Land Use Counsel

Planning Manager, Reena Brilliot notified the Commission that due to complaints regarding night time noise issues from data centers the City has been investigating and the noise is from a non-determined source. The City has recently engaged an acoustical consultant to get information

as to where the source of the noise is coming from and how to move forward to address this noise.

Public Comment:

Sam Liu

Nicole Goehring - representative for ABC Norcal: Associated Builders and Contractors, Inc.

Commissioner Cherukuru expressed disappointment that staff was evaluating this project because of the large amount of data centers, 40 - 50, in the city already without cumulative analysis and concerns for possible power outages and the repercussions of utilizing diesel generators and how this will affect city resources along with the negative impact of the noise frequencies to humans and animals. **Commissioner Cherukuru** stated she would like a moratorium on data centers.

Commissioners discussed improving the aesthetics of the data center, the impact of CEQA and traffic concerns, the cumulative effect to air quality, and concerns of the effect of diesel generators being used during a power outage.

Brianna Bohonok, Circlepoint and Assistant City Attorney

Alexander Abbe replied that power outages are speculative and not included in the assessment.

Commissioner Biagini inquired if a Project Labor Agreement would be utilized, the Applicant concurred it would be. Commissioners expressed concerns regarding maintaining the health of the community and that such a large amount of data centers could be detrimental to the community. It was suggested that the Council find a different direction for this area going forward. Comments were made that CEQA does not appear to have been investigated thoroughly and due diligence has not taken place.

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

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

Recused: 1 - Commissioner Herro

A motion was made by Commissioner Huang, seconded by Chair Saleme to approve Staff Alternative 1 - Approve a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 2905 Stender Way project.

The motion failed.

Aye: 3 - Commissioner Huang, Commissioner Ikezi, and Chair Saleme

Nay: 2 - Vice Chair Biagini, and Commissioner Cherukuru

Recused: 1 - Commissioner Herro

A motion was made by Commissioner Cherukuru, seconded by Vice Chair Biagini to defer the application decision on the MND and MMRP directly to City Council noting the following concerns stated by the Planning Commission:

- 1. City long term policy driving data centers**
- 2. Addressing all noise concerns**
- 3. Generators diesel emissions concerns**

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

Nay: 1 - Commissioner Huang

Recused: 1 - Commissioner Herro

A motion was made by Commissioner Cherukuru, seconded by Vice Chair Biagini to defer the rezone application from Planned Development (PD) to Planned Development (PD), directly to City Council noting the following concerns stated by the Planning Commission:

- 1. City long term policy driving data centers**
- 2. Addressing noise concerns**
- 3. Generators diesel emissions**

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

Nay: 1 - Commissioner Huang

Recused: 1 - Commissioner Herro

The meeting went into recess at 9:07 p.m. and reconvened at 9:15 p.m.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

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

Commissioners Biagini, Herro, Huang and Chair Saleme provided updates on the League of California Cities Planning Commissioners Academy virtual training they attended in March.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Development Review Officer, Staff Liaison Gloria Sciara provided updates.

2. Upcoming Agenda Items

Planning Manager Reena Brilliot provided updates.

3. City Council Actions

Development Review Officer, Staff Liaison Gloria Sciara provided updates.

ADJOURNMENT:

A motion was made by Commissioner Cherukuru, seconded by Vice Chair Biagini to adjourn the meeting.

The meeting adjourned at 10:15 p.m. The next regular scheduled meeting is April 28, 2021.

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

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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