



# City of Santa Clara

## Meeting Minutes

### Planning Commission

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10/26/2022

6:00 PM

Hybrid Meeting

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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 22-9145, 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](mailto:PlanningPublicComment@SantaClaraCA.gov) no later than noon on the day of the meeting; (Comments received after 12:00 PM on the day of the meeting will be made part of the public record but will not be read out loud during 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 Cherukuru** called the meeting to order at 6:02 p.m.

#### **Pledge of Allegiance and Statement of Values**

#### **Roll Call**

**Present** 5 - Commissioner Yashraj Bhatnagar, Chair Priya Cherukuru, Commissioner Qian Huang, Commissioner Mario Bouza, and Commissioner Lance Saleme

**Absent** 2 - Commissioner Nancy A. Biagini, and Vice Chair Ricci Herro

**A motion was made by Commissioner Bouza, seconded by Commissioner Saleme to excuse Commissioner Biagini and Commissioner Herro from the meeting.**

**Aye:** 5 - Commissioner Bhatnagar, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

**Absent:** 2 - Commissioner Biagini, and Vice Chair Herro

### **DECLARATION OF COMMISSION PROCEDURES**

**Secretary Bhatnagar** read the Declaration of Commission Procedures.

### **CONTINUANCES/EXCEPTIONS**

None.

**CONSENT CALENDAR**

**Chair Cherukuru pulled Item 1.B from the Consent Calendar.**

**A motion was made by Commissioner Bouza, seconded by Commissioner Bhatnagar, to approve Consent Calendar Items 1.A and 1.C**

**Aye:** 5 - Commissioner Bhatnagar, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

**Absent:** 2 - Commissioner Biagini, and Vice Chair Herro

**1.A**     [22-1301](#)     Planning Commission Meeting Minutes of September 21, 2022 Special Meeting

**Recommendation:** Approve the Planning Commission Minutes of the September 21, 2022 Special Meeting

**1.C**     [22-1264](#)     Action to Approve a Use Permit to Allow On-Site Sale and Consumption of Beer and Wine for an Existing Food-Service Establishment, Swaraj India, at 1855 El Camino Real, Santa Clara, 95050 - continued from the September 21, 2022 Planning Commission meeting

**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 3200 square foot food-service establishment, Swaraj India, located at 1855 El Camino Real, Santa Clara CA 95050, subject to conditions of approval

**1.B**     [22-1255](#)     Action on Use Permit to Allow an Outdoor Play Area for an Expanding Pre-School Facility at 1041 and 1075 El Camino Real

**Recommendation:** Adopt a Resolution approving the Use Permit to allow outdoor play area for an expanding pre-school facility at 1041 and 1075 El Camino Real.

**Chair Cherukuru** inquired about the Conditions of Approval and the private parking agreement. Commissioners asked additional questions concerning limited parking spaces and traffic control.

**Associate Planner Daniel Sobczak** provided the staff PowerPoint and notified the Commission that the parking meets code requirements.

**Applicant Kyungmi Gu** spoke.

**A motion was made by Commissioner Saleme, seconded by Commissioner Huang to approve staff recommendation with a condition that the outdoor play area be free from dust, vibrations, sound, or foreign materials that may be harmful to any person or persons using the outdoor play area. Contractor to monitor the conditions for compliance.**

**Aye:** 4 - Commissioner Bhatnagar, Chair Cherukuru, Commissioner Huang, and Commissioner Saleme

**Nay:** 1 - Commissioner Bouza

**Absent:** 2 - Commissioner Biagini, and Vice Chair Herro

### **PUBLIC PRESENTATIONS**

### **PUBLIC HEARING**

**Public Speaker: Timi Okah** spoke regarding short term rentals and inquired as to when the item will appear on an upcoming agenda.

2. [22-686](#) Action on a Development Area Plan (DAP) 1 Vesting Tentative Subdivision Map for the Related Santa Clara Project at 5155 Stars and Stripes Drive

**Recommendation:** Adopt a resolution recommending the City Council to approve the DAP I Vesting Tentative Subdivision Map Phase 1 for the Related development for the property located at 5155 Stars and Stripes Drive.

**Associate Planner Nimisha Agrawal** provided the staff PowerPoint.

**Commissioners** inquired about the vertical subdivision and if it was the first of this kind in the City. Staff confirmed that there have been no prior three-dimensional subdivision applications and the City has brought in a third-party consultant to assist with this process. There were further questions if the garage parcel could function on its own and be sold unconnectedly. **Outside Counsel Anna Shimko** clarified that the DAP I is a City-owned property, and the City would be ground leasing the property to Related ('Applicant'). **Principal Engineer/Division Manager Allie Jackman** clarified that there will be a single ground lease for the office and the entire garage. Additionally, there will be separate ground leases for the Hotel and Service Apartments to the entities that develop those parcels.

There were further questions about why the ground lease would only include the office parcel and the garage, and if it would impact the future parking needs for the Hotel and service apartments parcel. **Outside Counsel Anna Shimko** clarified that the City controls the ground leases and any transfer to new lessees will be carefully reviewed by the City. Further, there will be covenants, and restrictions in place. The project also has a condition of approval to have agreements between all entities within the parcels in DAP 1 to ensure access and availability of garage remains in place.

**Commissioners** stated that the project will be an iconic project for the City that enables a much needed mixed-use development and communal feel. The Commission further inquired if the architectural drawings for the proposal were submitted and under staff review. Staff explained that the DAP I plans have been submitted to obtain the Building permit and the approval of the building permit was dependent on the approval of the Tentative Map before the Commission. **Anna Shimko** further clarified that the broader proposal was approved by the Council previously (March 24, 2020) and the more detailed plans were approved administratively by the Community Development Director per the Master Community Plan (MCP) (on February 26, 2021).

**A motion was made by Commissioner Saleme, seconded by**

**Commissioner Huang to approve staff recommendation**

**Aye:** 5 - Commissioner Bhatnagar, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

**Absent:** 2 - Commissioner Biagini, and Vice Chair Herro

3. [22-1067](#) Study Session: Silicon Valley Power

**Kevin Kolnowski, Electric Utility Chief Operating Officer, Silicon Valley Power** provided the staff PowerPoint presentation.

The presentation included an overview of Silicon Valley Power (SVP) including:

Historic Load Growth

New Transmission Projects

Project Highlights

Future Growth

Transportation Electrification

**Commissioners** inquired on the various aspects of the presentation and thanked SVP for the very informative presentation.

**REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:**

1. Announcements/Other Items

**Chair Cherukuru** announced the Diwali celebration and wished the Community a Happy Diwali at this time.

**Staff Aide II, Elizabeth Elliott** announced all Commissioners will need to complete an upcoming Cybersecurity Training and details would be sent via email.

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

**Commissioner Saleme and Chair Cherukuru** provided updates regarding their remote attendance at the October California APA Conference and several glitches in the virtual attendance .

**Commissioners** provided updates regarding a very positive experience at the in-person October 7, 2022 ILG Planning Commissioners Academy in Cupertino.

**Staff Aide II Elizabeth Elliott** provided information on an upcoming CEQA Conference taking place in San Francisco in December 2022.

**DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:**

1. Planning Commission Budget Update

**Staff Aide II Elizabeth Elliott** provided budget updates.

2. Upcoming Agenda Items

**Planning Manager Lesley Xavier** provided updates.

**Commissioner Bhatnagar** requested a presentation for an upcoming Study Session on Public Outreach.

3. City Council Actions

**ADJOURNMENT:**

**A motion was made by Chair Cherukuru, seconded by Commissioner Bouza to adjourn the meeting.**

**The meeting adjourned at 8:32 p.m. The next meeting is November 9, 2022 at 6 p.m.**

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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