



City of Santa Clara

Meeting Minutes

Planning Commission

03/08/2023

6:00 PM

City Hall Council Chambers and via Zoom

The City of Santa Clara is conducting Planning Commission meetings in a hybrid manner (in-person and continues to have 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; (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.

Agendas, Staff Reports and associated documents for Planning Commission items may be viewed on the City's website at <https://santaclaraca.legistar.com/Calendar.aspx>

6:00 PM REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

Present 6 - Commissioner Yashraj Bhatnagar, Commissioner Nancy A. Biagini, Chair Priya Cherukuru, Commissioner Qian Huang, Commissioner Mario Bouza, and Commissioner Lance Saleme

DECLARATION OF COMMISSION PROCEDURES

Secretary Bhatnagar read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

Planning Manager Lesley Xavier announced the Applicant for Item 1.A has requested this item be moved from the Consent Calendar to Public Hearing.

- 1.B [23-297](#) Action on a Major Significant Property Alteration and Architectural Review for a Second-Story Addition at 1540 Homestead Road (CEQA: Exempt-Class 1 Existing Facilities and Class 31 Historical Resource Restoration/Rehabilitation)

Recommendation: Adopt a Categorical Exemption Under CEQA Guidelines Sections 15301 and 15331; adopt a resolution to approve the Architectural Review; and adopt a resolution to approve a Major Significant Property Alteration (SPA) permit, subject to conditions of approval.

A motion was made by Commissioner Biagini, seconded by Commissioner Bhatnagar to approve Item 1.B

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

- 1.A [23-245](#) Action on a Significant Property Alteration Permit and Variance for a first and second story alteration to the historic main house and the removal of a nonconforming garage and construction of a new nonconforming garage at 1516 Homestead Road (CEQA: Exempt per Section 15301(a), (e)(1), and (l)(4) - Existing Facilities and Section 15303 (e) New Construction of Small Structures)

Recommendation:

1. Adopt a Class 1 (l)(4) Demolition of Small Structures, Class 3 (e) New Construction of Small Structures, and Class 1 (a) and (e)(1) Existing Facilities Categorical Exemptions under CEQA Guidelines Section 15301 (l)(4), 15303 (e), 15301(a), and 15301 (e)(1).
2. Approve a Significant Property Alteration (SPA) Permit for alterations to the main historic resource, subject to the procedures outlined in the Preservation Treatment Plan attached to the Development Plans be approved.
3. Approve a Variance for the detached garage for an increase of the building height to 16 feet and an increase in accessory building square footage to 591 square feet; and require a redesign of the garage to increase the rear setback to 5 feet, reduce the rear yard coverage to 40%, and modify the materials to be more consistent with the main house.

Assistant Planner Daniel Sobczak provided the staff presentation.

A motion was made by Commissioner Cherukuru, seconded by Commissioner Saleme to close Public Hearing.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

A motion was made by Commissioner Biagini, seconded by Commissioner Huang to Approve Staff Recommendation 1, to determine that the project is categorically exempt from CEQA under Class 1(l)(4), Class 3(e), Class 1(a) and Class 1(e)(1).

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

A motion was made by Commissioner Bouza, seconded by Commissioner Saleme to approve a Significant Property Alteration (SPA) Permit for alterations to the main historic resource, subject to the procedures outlined in the Preservation Treatment Plan attached to the Development Plans, based upon the following findings:

- a. The alterations are designed to preserve the essential character, features, and defining elements that make the HRI property significant, in that the alterations do not modify the historic aspects of the property;**
- b. The project proposals will not have a significant adverse effect on the integrity of the HRI property, in that the modifications preserve the defining features of the historic structure;**
- c. The alterations will be compatible with the existing structure or district, in that the proposed alterations would be compatible with the historic materials, features, size, scale, proportion, and massing of the property; and**
- d. The alterations are consistent with the Secretary of the Interior's Treatment Standards, in that the exterior alterations will not destroy historic materials, features, and spatial relationships that characterize the property.**

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

A motion was made by Commissioner Bouza, seconded by Commissioner Saleme, to approve the variance, with the following modifications:

- The maximum height shall be 17 feet.
- The rear setback shall be 1.5 feet.
- The rear yard coverage shall be increased from 40% to 57%.

Based upon the following findings:

1. That there are unusual conditions applying to the land or building which do not apply generally in the same district, in that the property is a corner lot, which has more significant setback requirements than other lots, and also the existing structures (with their pre-1969 layout) limit the available area to locate the proposed expansions;
2. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner, in that granting the variance would allow the petitioner to enhance a pre-1969 residential layout without impairing any of the significant historic features of the house, and many of the surrounding properties already contained taller accessory structures than allowed by Code.
3. That the approval of such Variance, under the circumstances of the particular case, will not materially affect adversely the health, safety, peace, comfort, or general welfare of persons residing or working in the neighborhood of the Property Owner's property, and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the existing conditions included a garage that is legal nonconforming with regard to setbacks and height with no adverse effects reported.
4. That the approval of the Variance is in keeping with the purpose and intent of the Zoning Ordinance, in that the Zoning Ordinance recognizes that practical difficulties may result in the strict application of certain provisions, and the existing layout of the site predates the adopted Zoning Ordinance, and strict application would lead to practical difficulties with the modification and enhancement of the site.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

A motion was made by Commissioner Bhatnagar, seconded by Commissioner Bouza to propose modification materials of garage to be more compatible with the materials of the main house.

The motion did not pass.

Aye: 3 - Chair Cherukuru, Commissioner Bouza, and Commissioner Saleme

Nay: 3 - Commissioner Bhatnagar, Commissioner Biagini, and Commissioner Huang

A motion was made by Commissioner Biagini, seconded by Commissioner Bouza to prohibit use of corrugated metal siding modifying variance approval with materials

The motion did not pass.

Aye: 2 - Chair Cherukuru, and Commissioner Bouza

Nay: 4 - Commissioner Bhatnagar, Commissioner Biagini, Commissioner Huang, and Commissioner Saleme

2. [22-1556](#) Action on a Vesting Tentative Subdivision Map for 15 Condominium Units at 3575 De La Cruz Boulevard (CEQA: Use of the 2010-2035 General Plan Environmental Impact Report (EIR) per Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3, Streamlining for Infill Projects)

Recommendation:

1. Recommend that the City Council find that the proposed subdivision is within the scope of the 2010-2035 General Plan Environmental Impact Report (EIR) per Public Resources Code Section 21094.5 and State CEQA Guidelines Section 15183.3, Streamlining for Infill Projects as detailed in an Appendix N checklist.
2. Adopt a resolution to recommend the City Council approve the Vesting Tentative Subdivision Map to develop the parcel (101-15-049) with 15 condominiums at the property located at 3575 De La Cruz Boulevard.

Assistant Planner Nimisha Agrawal provided the staff presentation.

Applicant Rob Simonds, Habitat for Humanity spoke

Staff confirmed that community meetings took place before the formal application was submitted, and another meeting in November 2022. Staff confirmed that title will be transferred to Habitat for Humanity upon acquiring land from the City.

The applicant confirmed that Deed protection and restrictions will be placed on the sale of the property by those who purchase the units.

A motion was made by Commissioner Biagini, seconded by Commissioner Bhatnagar to close Public Hearing.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

A motion was made by Commissioner Biagini, seconded by Commissioner Bhatnagar to Approve Staff Recommendation 1.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

A motion was made by Commissioner Bouza, seconded by Commissioner Biagini to Adopt Staff Recommendation 2.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

Meeting went into recess at 8:16 pm and reconvened at 8:26 pm.

3. [23-214](#) Study Session: Institute for Local Government (ILG): Public Outreach and Engagement Best Practices

Recommendation: There is no staff recommendation.

Robert Carlos Torres, ILG Senior Program Manager and Hanna Stelmakhovych, Program Manager provide the ILG presentation.

Commissioners participated in an interactive discussion and had a robust discussion of best practices on how to engage all sectors of the public in engagement with the City. Examples were provided of best practices and current policies of neighboring cities.

ILG also provided information on how to provide outreach to marginalized communities.

Commissioners were notified that the City is in the process of updating the Outreach Policy.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

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

Commissioners Biagini, Cherukuru and Saleme provided updates regarding their attendance at the State of the Valley Conference.

1. [23-312](#) American Planning Association (APA) National Planning Conference will take place in Philadelphia April 1-4, 2023 and online April 26-28, 2023.

Recommendation: There is no staff recommendation.

Commissioners did not express interest attending the conference and a vote did not take place.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Staff Aide II Elizabeth Elliott provided budget updates.

A motion was made by Commissioner Biagini, seconded by Commissioner Bhatnagar to retroactively expend funds for the ILG Study Session in the amount of \$3800.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

2. Upcoming Agenda Items

None.

3. City Council Actions

None.

ADJOURNMENT:

The meeting adjourned at 10:36 pm

The next regular scheduled meeting is April 12, 2023.

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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