



City of Santa Clara

Meeting Agenda

Planning Commission

Wednesday, February 24, 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.

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6:00 PM REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values**Roll Call****DECLARATION OF COMMISSION PROCEDURES****CONTINUANCES/EXCEPTIONS****CONSENT CALENDAR**

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

1.A 21-333 [Planning Commission Meeting Minutes of October 28, 2020 Meeting](#)

Recommendation: Approve the Planning Commission Minutes of the October 28, 2020 Meeting

1.B 21-31 [Planning Commission Meeting Minutes of January 27, 2021 Meeting](#)

Recommendation: Approve the Planning Commission Minutes of the January 27, 2021 Meeting

PUBLIC PRESENTATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

PUBLIC HEARING

Items listed above under Items for Council Action will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.

2. 21-236 [Study Session on the Draft El Camino Real Specific Plan](#)

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

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

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

2. Upcoming Agenda Items
3. City Council Actions

ADJOURNMENT:

The next regular scheduled meeting is on Wednesday, March 10, 2021 at 6:00 PM

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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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City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
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Agenda Report

21-333

Agenda Date: 2/24/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Planning Commission Meeting Minutes of October 28, 2020 Meeting

RECOMMENDATION

Approve the Planning Commission Minutes of the October 28, 2020 Meeting



City of Santa Clara

Meeting Minutes

Planning Commission

10/28/2020

5:00 PM

City Hall Council Chambers

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 - o <https://santaclaraca.zoom.us/j/961068578>
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 - o Phone: 1(669) 900-6833
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The meeting set-up is in line with the recommendations of the COVID-19 White House Task Force, which notes no more than 10 people gatherings. Planning Commissioners will be participating remotely. A limited number of staff will also be present.

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5:00 PM REGULAR MEETING

Call to Order

Chair Saleme called the meeting to order at 5:03 p.m.

Pledge of Allegiance and Statement of Values

Roll Call

Present 7 - Commissioner Yuki Ikezi, Commissioner Suds Jain, Chair Lance Saleme, Commissioner Anthony Becker, Vice Chair Nancy A. Biagini, Commissioner Priya Cherukuru, and Commissioner Ricci Herro

DECLARATION OF COMMISSION PROCEDURES

Chair Saleme read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

1.A [20-1015](#) Planning Commission Meeting Minutes of June 10, 2020 Meeting

Recommendation: Approve the Planning Commission Minutes of the June 10, 2020 Meeting.

A motion was made by Commissioner Jain, seconded by Commissioner Cherukuru to approve staff recommendation.

Aye: 7 - Commissioner Ikezi, Commissioner Jain, Chair Saleme, Commissioner Becker, Vice Chair Biagini, Commissioner Cherukuru, and Commissioner Herro

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

2. [20-1047](#) STUDY SESSION: Assembly Bill 992 (2020), an amendment to the Brown Act concerning social media

Assistant City Attorney Alexander Abbe provided a PowerPoint presentation regarding Assembly Bill 992 (2020), which amends the Brown Act to provide new guidelines for public officials when posting on social media. Commissioners asked clarifying questions as to what platforms are considered social media, specific items the bill applies to, and how to remedy accidental violations.

Assistant City Attorney Alexander Abbe clarified that this bill applies to all items that are in the Commissioners' subject matter jurisdiction, and not just what is agendized. The bill authorizes officials to post on social media about matters within their subject matter jurisdiction, but prohibits officials from making direct responses (including comments, "likes" and "emojis") to each others' posts. For violations of the new law, Mr. Abbe explained that as this is a part of the Brown Act, the traditional "cure" process for Brown Act violations would apply.

Mr. Abbe also cautioned the Commissioners to avoid posting about quasi-judicial matters (CUPs, variances, and subdivision maps), as this could constitute a due process violation. Posts regarding legislative acts, such as rezonings and General Plan Amendments, would not present due process concerns.

Public Speaker:

Jeff Houston, resident, expressed that the bill seemed similar to the existing prohibition on serial meetings contained in the Brown Act. **Mr. Abbe** responded that Mr. Houston was correct, that bill was similar; the main difference is that existing law requires a majority to participate before an illegal "serial meeting" is created. Under AB 992, it only takes two public officials to violate the Brown Act, with one posting on social media and the other responding to that post.

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

Aye: 7 - Commissioner Ikezi, Commissioner Jain, Chair Saleme, Commissioner Becker, Vice Chair Biagini, Commissioner Cherukuru, and Commissioner Herro

3. [20-1058](#) STUDY SESSION: Patrick Henry Drive Specific Plan

Senior Planner Rebecca Bustos provided a Powerpoint presentation. **Ellie Fiore, MIG consultant**, was also present to answer questions.

Commissioners asked questions regarding the building heights, density, public transportation within the project area, geological analysis, and if a school was being built. **Chair Saleme** stated that he was glad to see a project in the early stages of development.

Senior Planner Rebecca Bustos explained that 22% of the project was dedicated parkland, that there is a bus line right outside of the project, the amount of retail space, and that VTA has been working closely with staff.

Planning Manager Reena Brilliot clarified that the project is still in the early development phase, that there are regular meetings held with the property owners regarding the plan of the neighborhood, and the purpose of in-lieu fees. She also expressed willingness to continue to explore incorporating a school into the plan by working in coordination with Santa Clara Unified School District.

Public Speakers (4):

Jeff Houston, resident, expressed support for the high-density development, for there to be a park space, and a school to be included in the plan.

Atisha Varshney, Rivermark resident, inquired if the City has a parks plan and expressed concern for the transit and parking in the proposed project.

Michal Healy, Director, Facility Development and Planning, Santa Clara Unified School District, stated that the district would have to check with each developer to buy land from and that there would not be enough space for a school given the retail space.

Harbir Bhatia, Cultural Commissioner, expressed concerns for the traffic measures, school, and integration to the rest of the City's assets.

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

Aye: 7 - Commissioner Ikezi, Commissioner Jain, Chair Saleme, Commissioner Becker, Vice Chair Biagini, Commissioner Cherukuru, and Commissioner Herro

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

Commissioner Jain announced that his research project would be featured on the television show NOVA which airs tonight.

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

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

None.

2. Upcoming Agenda Items

Planning Manager Reena Brilliot provided updates.

3. City Council Actions

Development Review Officer Gloria Sciara provided updates on recent City Council actions.

ADJOURNMENT:

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

The meeting adjourned at 6:57 p.m.

The next regular scheduled meeting is on Wednesday, November 18, 2020.

Aye: 7 - Commissioner Ikezi, Commissioner Jain, Chair Saleme, Commissioner Becker, Vice Chair Biagini, Commissioner Cherukuru, and Commissioner Herro



City of Santa Clara

1500 Warburton Avenue
Santa Clara, CA 95050
santaclaraca.gov
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Agenda Report

21-31

Agenda Date: 2/24/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Planning Commission Meeting Minutes of January 27, 2021 Meeting

RECOMMENDATION

Approve the Planning Commission Minutes of the January 27, 2021 Meeting



City of Santa Clara

Meeting Minutes

Planning Commission

01/27/2021

6:00 PM

Virtual Meeting

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6:00 PM REGULAR MEETING

Call to Order

Chair Saleme called the meeting to order at 6:20 p.m. (meeting started late due to technical difficulties).

Pledge of Allegiance and Statement of Values

Roll Call

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

Absent 1 - Commissioner Ricci Herro

A motion was made by Commissioner Biagini, seconded by Commissioner Cherukuru to excuse Commissioner Herro.

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

Excused: 1 - Commissioner Herro

DECLARATION OF COMMISSION PROCEDURES

Secretary Cherukuru read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

A motion was made by Commissioner Biagini, seconded by Commissioner Ikezi to approve Items 1A and 1B.

Commissioner Huang abstained from voting as he was not a Commissioner at the time of these meetings.

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

Excused: 1 - Commissioner Herro

Abstained: 1 - Commissioner Huang

1.A [21-116](#) Planning Commission Meeting Minutes of October 14, 2020 Meeting

Recommendation: Approve the Planning Commission Minutes of the October 14, 2020 Meeting

1.B [21-30](#) Planning Commission Meeting Minutes of December 9, 2020 Meeting

Recommendation: Approve the Planning Commission Minutes of the December 9, 2020 Meeting

1.C [21-26](#) Action on a Use Permit for a new unmanned telecommunication facility with a 70-foot-tall monopine (Verizon Wireless) at 0 Richard Avenue

Recommendation: Adopt a Resolution to Approve a Use Permit to allow a new telecommunication facility at 0 Richard Avenue, subject to conditions of approval.

Commissioner Cherukuru pulled Item 1C and inquired if the City had a Tree Replacement Ordinance and requested that this be added to the conditions and also requested that the monopine be constructed to look as natural looking as possible.

Senior Planner Rebecca Bustos replied that if the site cannot accommodate additional trees they could be added as off site in-lieu fees.

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

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

Absent: 1 - Commissioner Herro

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to approve this item with a change to the Conditions of Approval:

C5: The proposed three trees that are to be removed will be replaced at a 1:1 ratio by three 36-inch box trees on-site. Planning fee for proposed tree removal and tree replacement plan needs to be collected if project is approved.

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

Excused: 1 - Commissioner Herro

PUBLIC PRESENTATIONS

Public Speaker:

Council Member Suds Jain spoke to welcome Commissioner Huang to the Planning Commission and thanked him for serving in this capacity.

PUBLIC HEARING

2. [21-1316](#) Public Hearing: Action on the Appeal of the Development Review Hearing Adoption of a Mitigated Negative Declaration and Architectural Approval of a Data Center Project Located at 1111 Comstock Street

Recommendation: Alternatives 1 and 2:

1. Adopt a resolution to deny the appeal and uphold the Development Review Hearing adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

2. Adopt a resolution to deny the appeal and uphold the Development Review Hearing approval of the data center project located at 1111 Comstock Street, subject to conditions.

Rebecca Bustos, Senior Planner provided a PowerPoint presentation.

Applicant Ted Mahl provided a Powerpoint presentation and clarified that generators are located inside the facility.

Appellant Kendra Hartmann of the law firm Adams Broadwell Joseph & Cardozo spoke on behalf of Santa Clara Citizens for Sensible Industry (SCCSI) and raised concerns regarding greenhouse gas emissions and emergency emissions from diesel-fueled backup generators. Ms. Hartmann alleged that the Mitigated Negative Declaration (MND) fails to comply with CEQA because it does not accurately disclose health impacts due to air quality from backup generators as well as greenhouse gas emissions. Ms. Hartman also alleged that the appeal fee was improperly charged.

Chris Sumter, Applicant, spoke noting that due to the timeline of the project, it may be significantly costly and detrimental to the project to make major changes to the design at this stage.

Michael Lisenbee, David J. Powers, spoke and provided clarification on how greenhouse gas emissions effect cumulative analysis and impacts.

Assistant City Attorney Alexander Abbe spoke and went through each of the substantive issues raised by the Appellant concerning the MND in her verbal testimony and in a letter sent by the Appellant in the early afternoon on the day of this meeting, and noted that the comments received largely overlapped comments brought up previously. Mr. Abbe also stated that this was not the venue to contest the filing fees charged.

Commissioners expressed disappointment on aesthetics of the design of the data center and concerns regarding the amount of data centers approved in the city thus far and the cumulative effects of noise.

Public Speakers:

Council Member Suds Jain spoke regarding the noise impacts of data centers due to cooling fans on roof of buildings and requested that the applicant speak to this issue. Applicant Ted Mahl clarified there are noise monitors on the cooling fans and generators and that there is a standard noise requirement for roof top equipment.

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

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

Excused: 1 - Commissioner Herro

A motion was made by Commissioner Ikezi, seconded by Commissioner Cherukuru to approve Alternative 1.

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

Excused: 1 - Commissioner Herro

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to approve Alternative 2 with an additional condition regarding improved aesthetics to be approved by city staff with a friendly amendment made by Chair Saleme to incorporate more volumetric distinction and more change of color in upper floors to have a less massive data center.

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

Excused: 1 - Commissioner Herro

Meeting went into recess at 8:20 p.m. and reconvened at 8:25 p.m.

3. [21-115](#) Study Session: 2020 State Housing Legislation Update

Assistant City Attorney Alexander Abbe provided a PowerPoint presentation on Housing Legislation.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

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

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

Planning Manager Reena Brilliot provided updates.

ADJOURNMENT:

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

The meeting adjourned at 9:35 p.m.

The next regular scheduled meeting is Wednesday, February 24, 2021.

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

Excused: 1 - Commissioner Herro

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Agenda Report

21-236

Agenda Date: 2/24/2021

REPORT TO PLANNING COMMISSION

SUBJECT

Study Session on the Draft El Camino Real Specific Plan

BACKGROUND

Over the past few years, the City has been developing a Specific Plan to implement the City's General Plan goals and policies for the El Camino Real corridor. The Specific Plan will provide detailed guidance for the development of future land uses including urban design elements to implement the City's General Plan vision for the transformation of the corridor from low intensity, automobile-oriented uses to a more urban, mixed-use environment supporting a significant residential population. This vision was established in 2010 with the adoption of the current General Plan, and several residential or mixed-use projects were subsequently developed along the corridor, but without a Specific Plan, they did not follow a cohesive set of design principles and the community was frustrated by their lack of input into the City's policies for the corridor. The City Council directed staff to initiate the preparation of the Specific Plan with a focus on community engagement in order to address these concerns.

Following a two-year community engagement process, a full draft of the Specific Plan was made available for review and comment on the City's El Camino Real website in May 2020. On September 30, 2020, a community open house was held via Zoom to review the Draft Plan with the Community and receive feedback. The Draft Environmental Impact Report (EIR) for the El Camino Real Specific Plan was made available for a 45 - day public comment period beginning on December 10, 2020, and which ended on Monday, January 25, 2021.

DISCUSSION

The planning frameworks are the impetus of the Specific Plan, are reflected throughout the elements of the Specific Plan, and include:

- Focus development at key activity nodes
- Respect the character of adjacent neighborhoods
- Create memorable public open spaces
- Enhance connectivity along and across the corridor
- Improve multimodal access and safety for all travel modes
- Promote a range of housing options

Land Use Plan

The Land Use Plan will guide future development and redevelopment activities within the area toward multi-modal supportive uses and improvements, including: an increase in housing density, new development that appropriately transitions to existing adjacent residential neighborhoods, and more intensive development and public improvements focused at key nodes, which will include a

concentration of retail, services, housing, and new public gathering areas.

The strategy of the land use framework is to focus more intensive development and public improvements at key nodes or “Activity Centers.” These Activity Centers are, in most cases, based on existing centers of commercial and pedestrian activity and are aligned with the major intersections along the corridor. The density of uses at Activity Centers, and regional traffic and visibility, will provide ideal conditions for vibrant regional-serving shopping destinations. Between the Activity Centers, the “in-between” areas are a less intensive mix of commercial and residential uses.

The Specific Plan build out projection represents an estimate of build out associated with the proposed land use plan through the horizon year of 2040, and would include the development of 6,200 housing units, compared with existing conditions, and a reduction of approximately 395,000 square feet of commercial space, when compared with the existing General Plan land use designations.

El Camino Real Right-of-Way

Currently El Camino Real largely functions as a major vehicular thoroughfare. The proposed Specific Plan outlines implementation strategies to transform the corridor into a true “Complete Street” with quality pedestrian, bicycle, and transit facilities.

To achieve a Complete Street, the design of the El Camino Real right-of-way would include narrower travel lanes and enhanced pedestrian facilities, including wider sidewalks, street trees, landscaped medians, and enhanced signage and lighting, as well as a continuous cycle track (separated/protected bikeway) and bus boarding islands without increasing overall right-of-way requirements. To achieve this right-of-way vision, at a minimum, the removal of on-street parking on El Camino Real is required as parcels redevelop.

Design Standards

The Specific Plan provides standards and guidelines to achieve the future vision for El Camino Real. These standards and guidelines will apply to all new development in the El Camino Real Specific Plan Area, as well as public improvements and extensive renovations to existing structures.

The standards, as drafted in the Plan, provide specific requirements for elements such as; height, intensity, and setbacks, and are organized by character area/land use designation. A key standard of the Specific Plan is providing new development that appropriately transitions in height and scale to existing neighborhoods. New development adjacent to residential neighborhoods would incorporate a range of transition strategies including a 45-Degree Daylight Plane for building volumes, increased building setbacks, and upper-story step backs.

Additionally, there have been recent changes to state law that affect the City’s authority to regulate housing projects. First, the “Housing Crisis Act” prohibits the City from reducing the residential density of a parcel below the density that existed on January 1, 2018, unless the City simultaneously upzones another parcel to accommodate the lost development potential. The draft Specific Plan will almost universally increase the maximum density along the corridor, with just a few exceptions. The few parcels that will decrease in density will be more than offset by this overall increase.

Next, the “Housing Accountability Act” (HAA) prohibits the City from imposing development standards and criteria on certain housing projects if those criteria do not qualify as “objective standards.” An

“objective standard” under the HAA involves no personal or subjective judgment by a public official and is uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant and public official prior to submittal. This requirement applies to 100% residential developments, as well as mixed-use developments where at least 2/3 of the square footage is residential. (Mixed-use developments with commercial space taking up more than 1/3 square footage could still be subject to subjective criteria.) Therefore, the Specific Plan standards are currently being modified to include objective standards that align with the new state laws. The intent and purpose of the standards will remain the same, but will be reworked in order to remove subjectivity from the approval process for applicable housing developments.

Finally, a number of other laws provide expedited processing for qualifying affordable projects. Since 2018, Chapter 17.40 of the City Code has required all housing developments of 10 or more units to provide at least 15% of the units at affordable prices or rents. For housing developments with 20% of the units affordable to lower income households, or 100% of the units affordable to moderate income households, the HAA requires the City to approve the development irrespective of any design considerations, whether objective or not. For housing developments with 50% of the units affordable to lower income households, SB 35 (2017) requires that such projects be approved administratively without any public hearing.

Next Steps

The remaining tasks in the Specific Plan work program include updating the Draft Plan to include objective standards, incorporate comments from the public, as well as, from other City departments and outside agencies as appropriate, responding to comments on the DEIR, and then presenting the Final EIR and Final Draft Plan to the Planning Commission (PC) for their recommendation and to the City Council (CC) for adoption.

ENVIRONMENTAL REVIEW

The action being considered is a study session only and does not constitute a “project” within the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines section 15378(a), as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

An Draft Environmental Impact Report (EIR) has been prepared for the Specific Plan, and circulated for a 45-day review period beginning December 10, 2020 and concluding January 25, 2021. The EIR will be brought to the Planning Commission for consideration when the Specific Plan is brought forward for a recommendation on adoption.

COORDINATION

This report has been coordinated with the City Attorney’s Office.

PUBLIC CONTACT

Public contact was made by posting the Planning Commission agenda on the City’s official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City’s website and in the City Clerk’s Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk’s Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>>.

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