



# City of Santa Clara

## Meeting Minutes

### Planning Commission

---

10/23/2019

6:00 PM

City Hall Council Chambers

---

#### **6:00 PM REGULAR MEETING**

##### **Call to Order**

**Chair Becker** called the meeting to order at 6:09 p.m.

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

##### **Roll Call**

**Present** 7 - Commissioner Steve Kelly, Commissioner Yuki Ikezi, Commissioner Sudhanshu Jain, Vice Chair Lance Saleme, Chair Anthony Becker, Commissioner Nancy A. Biagini, and Commissioner Priya Cherukuru

#### **DECLARATION OF COMMISSION PROCEDURES**

**Chair Becker** read the Declaration of Commission Procedures.

#### **CONTINUANCES/EXCEPTIONS**

None

#### **CONSENT CALENDAR**

**Chair Becker** announced that **City Attorney Brian Doyle** will need to leave the meeting at approximately 6:55 p.m. The City Attorney rejoined at approximately 7:45 p.m.

**Commissioner Jain** requested pull Items 1.A and 1.B.

**Commissioner Biagini** requested to pull Item 1.A.

**Commissioner Jain** noted that the September 25, 2019 meeting was very good and the presentation made by the TDM Consultant was excellent.

**Commissioner Jain** requested that the TDM presentation by Elizabeth Hughes and material be posted on the city's website.

**Commissioner Biagini** noted that her comments made at the September 25 Planning Commission meeting regarding further details on the Parade of Champions information was not noted in the minutes.

**1.A**     [19-884](#)     Planning Commission Meeting Minutes of September 25, 2019

**Recommendation:** Approve the Planning Commission Minutes of the September 25, 2019 Meeting.

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

**Aye:** 6 - Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

**Abstained:** 1 - Commissioner Kelly

**1.B**     [19-1090](#)     Action on Use Permit for ABC License Type 41 for Lupita's Taqueria Restaurant at 2341 El Camino Real

**Recommendation:** Adopt a resolution approving a Use Permit for the sale and consumption of beer and wine (ABC License Type 41) in the existing Lupita's Taqueria restaurant located at 2341 El Camino Real, subject to conditions of approval.

**Commissioner Jain** inquired as to why alcohol permits are coming to Planning Commission meetings and if they could be approved administratively. **Planning Manager Reena Brilliot** replied that as part of the Zoning Code Update it is being proposed to have a more streamlined process regarding these types of licenses. Commissioner Jain noted he did not see the hours of operation in the Conditions of Approval. The **Applicant, Maribel Hernandez**, spoke and confirmed the hours of operation would be 10 a.m. to 9 p.m. daily.

**Commissioner Biagini** asked if the public would still be able to comment on Use Permits if they were approved administratively. **Development Review Officer Gloria Sciara** noted that administrative approval does not require a hearing so public comment would not be part of the process. **Development Review Officer Gloria Sciara** noted **Commissioner Biagini's** concerns would be highlighted and shared with the team working on the Zoning Code Update.

**Commissioner Jain** inquired if the 6 and 12-month approval for Use Permits/ABC License by Police would still take place. **Development Review Officer Gloria Sciara** noted this may be reverted to a complaint basis. The administrative process could include review. **City Attorney Brian Doyle** voiced concerns that the subject is not part of the agenda item and could be a violation of the Brown Act.

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

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

**PUBLIC PRESENTATIONS**

**Planning Manager Reena Brilliot** clarified that Item 2 is not regarding the application for the 6,000 unit proposal. It is related to the same site but is not the same application.

**Public Speaker** - spoke regarding significant community concerns regarding a rezoning of the Yahoo property and commented that he has a list of 212 residents with concerns on this matter. A petition was submitted to the Commission regarding the 212 residents' concerns on the scope of the project.

**PUBLIC HEARING**

2. [19-821](#) Public Hearing: Action on Amendment No. 1 to Development Agreement with Innovation Commons Owner LLC (Previously Yahoo)

**Recommendation:** Alternative 1:  
Approve a Resolution recommending that the Council approve the First Amendment to Development Agreement between the City of Santa Clara and Innovation Commons Owner LLC.

**Associate Planner Rebecca Bustos** provided a presentation.

**Applicant Randy Garson, Vice President of Kylli** spoke.

**Public Speaker(s):**

Clare Dee - It was clarified that her comments were for Item 3.  
John Staudenraus - It was clarified that his comments were for Item 3.  
Brian Goldenberg  
Public Speaker  
Mark Goldberg  
Ruben Comacho  
Linda Lessa

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

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

**A motion was made by Commissioner Kelly, seconded by Commissioner Ikezi to reopen public hearing.**

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

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

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

**A motion was made by Commissioner Kelly, seconded by Commissioner Biagini to approve staff recommendation with a recommendation that Council require up to 35% of overall trip reduction from TDM measures.**

**A friendly amendment was made by Commissioner Ikezi that the project be required to reduce overall vehicle trips by 35%. The friendly amendment was not accepted by the maker of the motion Commissioner Kelly.**

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

**Nay:** 3 - Commissioner Ikezi, Commissioner Jain, and Chair Becker

3. [19-1010](#) Public Hearing: Action on 3035 El Camino Real Residential Project

**Recommendation:** Alternatives 1, 2 and 3:

1. Adopt a resolution to recommend the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 3035 El Camino Real Residential Project.
2. Adopt a resolution to recommend the City Council approve a rezoning from Thoroughfare Commercial (CT) to Planned Development (PD) to allow development of 48 condominium units, a private street, landscaped open space, surface parking and site improvements.
3. Adopt a resolution to recommend the City Council approve the Tentative Subdivision Map to subdivide the existing parcel into a single-lot subdivision with 48 condominium units.

Meeting went into Recess at 7:35 p.m. and reconvened at 7:40 p.m.

**Associate Planner Jeff Schwilk** provided a presentation.

**Applicant Eric Hayden with Hayden Land Company** provided a presentation.

**Public Speakers:**

John Standeras

Karen Hardy spoke and presented a petition signed by residents about drainage concerns on the back part of the property which abuts this Development

Clare Dee

Nick Kaspar, Silicon Valley Central Chamber of Commerce

**A motion was made by Commissioner Kelly, seconded by Commission Jain to close Public Hearing**

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

**A motion was made by Commissioner Jain, seconded by Commissioner Kelly to Approve Recommendation 1.**

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

**A motion was made by Commissioner Jain, seconded by Commission Ikezi to Approve recommendation 2 with the following conditions:**

- applicant provide 8' tall masonry wall along the north property line
- CC&R's limit each unit ownership to 2 cars unless occupant can purchase additional unbundled space from the HOA
- transit passes be provided for every occupant of units for 10 years

**A friendly amendment was made by Commissioner Ikezi that if the neighbors agree, the masonry wall may on their side be built at a height of 8' tall or otherwise an 8' wood fence will be built onsite along the north property line and throughout the development including along the rear, and to incorporate parking signage for rideshare and delivery services on designated parking spots.**

**A friendly amendment was made by Commissioner Cherukuru that a grocery stores be added to the list of allowed potential uses in the live/work units.**

**A friendly amendment was made by Chair Becker that lighting on**

**the outside of the building including along El Camino Real be signature/modern lighting, and to light all walkways.**

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

**A motion was made by Commissioner Ikezi, seconded by Commissioner Biagini to approve recommendation 3.**

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

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

##### 1. Announcements/Other Items

**Commissioner Biagini** commented that the Santa Clara Parade of Champions was an absolute success and that planning for 2020 parade is underway. **Commissioner Biagini** also announced the Santa Clara Historic Home Tour will be held on December 6 and December 7 and tickets can be purchased at the website [www.sc-hometour.com](http://www.sc-hometour.com).

**Chair Becker** announced his car was broken into and these break-ins are becoming a major problem and hopes that the Police Department will help curb occurrences and everyone will lock their vehicles. **Chair Becker** also wished a happy belated birthday to Commissioner Jain.

##### 2. Architectural Committee

**Chair Becker** announced that **Commissioner Biagini** is unable to attend upcoming Architectural Review Committee due to commitments on the Historical Home Tour.

**A motion was made by Commissioner Saleme, seconded by Commissioner Kelly to nominate Chair Becker as second alternate to Architectural Committee through the term ending June 30, 2019.**

**Chair Becker** also agreed to serve on the Architectural Committee until the end of 2019.

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

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

**Commissioner Jain** reported he attended the NetZero Conference in Oakland and noted that there is a metric EUI, Energy Utilization Index that should probably be put into the City's Climate Action Plan. He also noted the Noe Valley Whole Foods has used this metric as well as many other businesses.

**Commissioner Kelly** noted several sessions/topics he attended at the APA Conference in Santa Barbara. He also noted that in his recent trip to Europe, the transportation system was outstanding.

**Commissioner Cherukuru** requested staff distribute brochures on an upcoming CEQA conference.

**A motion was made by Commissioner Ikezi, seconded by Commisisoner Biagini to allocate funds up to \$3,000 for Commissioners Cherukuru and Biagini to attend the CEQA conference in San Francisco in December.**

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

**DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:**

1. Planning Commission Budget Updates

**Development Review Officer/Staff Liaison Gloria Sciara** provided budget updates.

**Planning Manager Reena Brilliot** requested that Commissioners brainstorm and provide a list of upcoming trainings and speakers that they would be interested in at the next meeting.

2. Upcoming Agenda Items

**Planning Manager Reena Brilliot** provided updates on upcoming Council items.

3. City Council Actions

**Development Review Officer/Staff Liaison Gloria Sciara** provided updates from the last two Council Meetings.

**Planning Manager Reena Brilliot** noted that Regional Housing Needs Assessment (RHNA) that the coordination for the County subregion Committee has been addressed by the City Council. It was also noted that the Related Company will be submitting an application for the Development Area Plan in the near future.

**ADJOURNMENT:**

**The meeting was adjourned at 9:54 p.m.**

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

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