Draft

City of Santa Clara

Meeting Minutes

Planning Commission

04/08/2020 | **6:00 PM** | **City Hall Council Chambers**

Recission of Prior Cancellation Notice: The City previously issued a cancellation notice for this meeting on March 16, 2020. The cancellation notice is hereby rescinded.

COVID-19 NOTICE - Consistent with the California Governor's Executive Order No. N-29-20 and the Santa Clara County Health Officer's March 31, 2020 Shelter in Place Order which supersedes the March 16, 2020 Order, Planning Commissioners will be teleconferencing from remote locations.

Members of the public may view and listen to the meeting via City of Santa Clara Channel 15, City of Santa Clara Facebook, and City of Santa Clara Youtube Channel.

Public Comments prior to meeting: Comments may be submitted prior to the meeting via email to planning@santaclaraca.gov no later than noon on the day of the meeting; and also via Ecomment. Public Comments may also be made at the meeting during the Public Comment period in person as well as via eComment.

6:00 PM REGULAR MEETING

Call to Order

Chair Becker called the meeting to order at 6:03 p.m. and thanked the City and first responders for their assistance to residents during COVID-19 and asked for a moment of silence to acknowledge those that have lost their lives during this time.

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.

Assistant City Attorney Alexander Abbe explained, in response to a question from Commissioner Ikezi, that although the Brown Act ordinarily requires a majority of Commissioners to be physically present to conduct a meeting, Governor Newsom's Executive Order N-29-20 issued on March 17, 2020 suspended the physical appearance requirement during the COVID-19 pandemic. This allows Commissioners to maintain a quorum while participating remotely.

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CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

1. No Items

PUBLIC PRESENTATIONS

PUBLIC HEARING

Commissioner Jain disclosed he met previously with the Applicant. **Vice Chair Saleme** disclosed he attended a virtual meeting with the Applicant. **Commissioner Ikezi** also disclosed she had met with Applicant.

2. 20-111 Public Hearing: Action on a Rezone of the property located at 2200 Lawson Lane to allow for the construction of an additional 241,419 square foot, five-story office building on an existing office campus

Recommendation: Alternatives 1 and 2:
That the Planning Commission:
1. Adopt a resolution to recommend the City Council adopt the Addendum to the 2008 Final Environmental Impact Report and 2013 Initial Study/Mitigated Negative Declaration for the Lawson Lane West Campus Expansion Project.

2. Adopt a resolution to recommend the City Council approve a rezoning from Planned Development (PD) to Planned Development (PD) to construct a 241,419 square foot five-story office building and 670 square foot addition to a common building and expand a six-story parking garage to provide a total of 1,445 parking spaces on the West Lawson Lane Campus located at 2200 Lawson Lane.

Associate Planner Debby Fernandez provide the staff Powerpoint presentation.

Gary Black, Transportation Expert, Hexagon, spoke regarding TDM thresholds and significant impacts. For this project, the amount of traffic added is below the threshold and is not considered a significant impact.

Julie Wright, **David Powers & Associates,** provided clarification on CEQA addendum - no impacts are greater or more severe than original document.

Assistant City Attorney Alexander Abbe spoke and in response to a question from Commissioner Cherukuru about the appropriateness of utilizing an environmental addendum, clarified that CEQA Guidelines Section 15162 does not allow the City to prepare a new environmental document after an EIR is certified or an MND is finalized unless there are substantial changes to a project, and the modifications before the Commission did not meet the requirements for substantial changes. Mr. Abbe also explained that he had reviewed the CEQA addendum and was comfortable with proceeding with the addendum.

Applicant Michael You, Sobrato Organization provide a Powerpoint presentation.
Evan Sokolik, Arctech, **representing the Applicant** provided a Powerpont presentatiorn.

Commissioners asked questions regarding TDM measures.

Meeting went into Recess at 7:40 p.m. and reconvened at 7:45 p.m.

Staff read public comments form **Sam Liu, Newnext Technology,** expressing concerns regarding environmental issues and traffic impacts and recommended the project not be recommended at this time.

A motion was made by Commissioner Kelly, seconded by Commissioner 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 Ikezi to approve staff recommendation Alternative 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 Commissioner Biagini to approve staff recommendation Alternative 2 with the following changes to 4 conditions:

1. C21 - require that 6% of parking spaces be 40-amp L2 EV charging facilities, and an additional 9% of spaces be pre-wired for 40-amp L2 electrical vehicle charging facilities
2. C4 - modified to add 'Gold' after LEED
3. E18 - increased the total number of bicycle parking spaces to 74 Class I bicycle spaces and 25 Class II bicycle spaces, and to also require that electrical outlets be provided in the bicycle storage rooms.
4. C20 - the measured TDM reduction will be a minimum of 20%.

Commissioner Ikezi included an amendment to the motion recommending that the Council ask
the applicant to consider voluntarily implementing a reduction in VMT of 20 percent through TDM
measures across the entire campus, and not solely on Phase 2 (the East Campus) and that
the applicant to be ready to discuss their recommendation when the project is presented to the City Council.

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

3. 20-353 Action on an Amendment to Zoning Code Chapter 18.102 - Regulation of Marijuana (Cannabis)

Recommendation: Alternative 1:
Recommend that the City Council adopt the Ordinance amending Chapters 18.06 ("Definitions") and 18.102 ("Regulation of Marijuana") of Title 18 ("Zoning") of "The Code of the City of Santa Clara, California" to prohibit all commercial cannabis activity.

Development Review Officer Gloria Sciara provided the staff Powerpont presentation.

Following staff presentation, the Commission discussed possible modifications to the proposed ordinance and their concerns that the prohibition would result in a loss of potential revenue for the City. The Commission also discussed the implications of the State legalization, concern for youth access to cannabis, the conflict arising from the tacit promotion of drug use for recreational purposes (by creating a permit process) given the City's long standing DARE program, and questions on the estimated costs for enforcement.

The meeting went into recess at 9:28 p.m. and reconvened at 9:33 p.m.

Staff read a comment received from the public Rob Jerdonek in support of the ordinance to prohibit commercial cannabis activity.

Following their discussion, the Commission supported the proposed ordinance to prohibit commercial cannabis activity (6-1-0), but with the stipulation that the ordinance be revisited prior to February 28, 2021. They also noted that potential revenue or cost savings could be achieved while addressing other concerns by limiting the commercial activity to retail storefronts only.

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

Aye: 3 - Commissioner Ikezi, Commissioner Biagini, and Commissioner Cherukuru

Nay: 4 - Commissioner Kelly, Commissioner Jain, Vice Chair Saleme, and Chair Becker

A motion was made by Commissioner Jain, seconded by Commissioner Biagini to add a sunset clause to Section 18.102.010 of the proposed ordinance of February 28, 2021.

A friendly amendment was proposed by Commissioner Ikezi to extend the date to 2022, but the amendment was not accepted by the maker of the motion (Commissioner Jain).

The vote was then taken on Commissioner Jain's original motion:

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

Nay: 1 - Commissioner Ikezi

A motion was made by Commissioner Jain, seconded by Commissioner Biagini to recommend that the Council consider allowing cannabis sales upon expiration of the sunset clause, but limited to only retail dispensaries so as to reduce the burden on the Police Department.

Aye: 5 - Commissioner Kelly, Commissioner Jain, Vice Chair Saleme, Chair Becker, and Commissioner Biagini

Nay: 2 - Commissioner Ikezi, and Commissioner Cherukuru

A motion was made by Commissioner Jain, seconded by Vice Chair Saleme that the Council consider authorizing retail sales, but that such cannabis sales be limited to non-cash operations

Aye: 2 - Commissioner Jain, and Vice Chair Saleme

Nay: 5 - Commissioner Kelly, Commissioner Ikezi, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

2. Architectural Committee

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

Commissioner Biagini requested to report on APA attendance at next meeting.

Vice Chair Saleme asked if refunds were made for events that were canceled, staff confirmed there was a negligible amount refunded for a conference. Commissioner Kelly declined attendance at the upcoming National Planning Conference April 25 - 28, 2020.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Planning Manager Reena Brilliot updated Commissioners on possible upcoming trainings:

1. Watchery Design - parking design, parking structures of the future
2. ULI - cost of development
3. Form Based Code

A motion was made by Commissioner Jain, seconded by Commissioner Cherukuru to authorize up to $5.000 for one of these trainings

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

2. Upcoming Agenda Items

Development Review Officer Gloria Sciara provided updates.

3. City Council Actions

ADJOURNMENT:

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

The meeting adjourned at 10:37 p.m.

The next meeting is Wednesday, April 22, 2020 at 6 p.m.

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