



City of Santa Clara

Meeting Minutes

Planning Commission

07/12/2021

6:00 PM

Virtual Meeting

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 (“The Brown Act”) and Section 708 of the Santa Clara City Charter, the Chair calls for a Special Meeting of the Planning Commission of the City of Santa Clara, to commence and convene on July 12, 2021, at 6:00 pm for a Special Meeting to be held virtually via Zoom, to consider the following matter(s) and to potentially take action with respect to them.

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.

Public Comments prior to meeting may be submitted via email to PlanningPublicComment@SantaClaraCA.gov no later than noon on the day of 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 PLANNING COMMISSION SPECIAL MEETING

Call to Order

Chair Saleme called the meeting to order at 6:01 p.m.

Pledge of Allegiance and Statement of Values

Roll Call

Chair Saleme welcomed new Commissioner Bhatnagar to the Commission and Commissioner Bhatnagar spoke about his background and previous experience.

Present 7 - Vice Chair Nancy A. Biagini, Commissioner Priya Cherukuru, Commissioner Ricci Herro, Commissioner Qian Huang, Commissioner Yuki Ikezi, Chair Lance Saleme, and Commissioner Yashraj Bhatnagar

DECLARATION OF COMMISSION PROCEDURES

Secretary Cherukuru read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

1. **21-539** Planning Commission Meeting Minutes of May 10, 2021 Special Meeting

Recommendation: Approve the Planning Commission Minutes of the May 10, 2021 Special Meeting

Commissioner Cherukuru pulled Item 1 from the consent calendar to modify the verbiage of a motion listed on page 5 in the minutes.

Commissioner Huang asked for a correction to be made to another motion on page 5. **Commissioner Bhatnagar** abstained from voting as he was not a Commissioner at the time of the meeting.

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to approve Item 1 with the requested changes by the Commission.

Aye: 6 - Vice Chair Biagini, Commissioner Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, and Chair Saleme

Abstained: 1 - Commissioner Bhatnagar

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

2. **21-663** Election of Planning Commission Chair, Vice Chair and Secretary

Recommendation: There is no staff recommendation.

A motion was made by Commissioner Ikezi, seconded by Commissioner Cherukuru to elect Commissioner Biagini as Chair, Commissioner Cherukuru as Vice Chair, and Commissioner Herro as Secretary.

Aye: 7 - Vice Chair Biagini, Commissioner Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, Chair Saleme, and Commissioner Bhatnagar

3. **21-884** Consideration of Developer's Request to Rezone from Planned Development (PD) to Planned Development (PD) of a property located at 190 N. Winchester Boulevard to modify the previous City approval for a recently constructed senior housing project (Santana Terrace Apartments) to allow rental to residents of all ages.

Recommendation: There is no staff recommendation on the Developer's request to modify the project by removing the restricted occupancy requirement from senior households age 55 or older to allow occupancy for residents of all ages.

Associate Planner Debby Fernandez provided the staff presentation and also commented that one letter of opposition to the rezone had been received from a resident of the 190 N. Winchester complex. **Eric Morley, The Morley Bros., and Steven Gall and Tippy Lambert, USA Properties Fund**, provided the applicant presentation.

The Commission's discussion involved the impacts of COVID-19 on the rental economy. The Commission asked questions regarding ownership type, parking allotment per unit, differences in senior housing compared to mixed-age housing, pricing of the current units, leases signed per month, and affordable housing. The applicants and City staff answered Commission questions. Commissioners expressed concerns for existing residents who made the decision to move into this age group community and that a change could be made with the age restriction no longer in place; concerns were also voiced regarding needs for senior housing in the community.

Commissioners provided input that it appears COVID-19 recovery is taking place and along with other sectors that have suffered during this time there is a prospect that there will be recovery for the age 55 plus housing sector.

Assistant City Attorney Alexander Abbe explained that if mixed age use was approved, it could not be done on a temporary basis and then revert back to age 55 plus in the future. Under the fair housing laws, the development must be 55-plus or mixed-age; it cannot be a combination of the two, which would be the result for a period of time if the project were to phase back into senior housing. Commissioner Huang then asked whether it would be possible for just one building to convert to mixed-age, and leave the other building as a senior development, and Mr. Abbe said that this would be an legally acceptable alternative; the two buildings would essentially operate as two separate developments, one senior and one mixed-age.

Commissioners Huang and Bhatnagar disclosed that they had met with the applicants. **Chair Saleme and Commissioner Biagini** disclosed that

they had been contacted by the applicants to meet but declined.

Public Speaker(s): Public Speaker - Santana Terrace Resident
Bill Snyder
Kirk Vartan

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

Aye: 7 - Vice Chair Biagini, Commissioner Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, Chair Saleme, and Commissioner Bhatnagar

The Commission echoed their earlier sentiments to keep the property designated for senior housing.

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to approve Alternative 2 with the following two findings:

1. **The existing zoning is appropriate, in that the existing zoning serves the significant need for senior housing identified in the City's housing element.**
2. **The proposed zone change is not required by public necessity, public convenience, or the general welfare of the City, in that:**
 - **the state reopened less than a month ago, and there has not been sufficient time to evaluate the potential change in demand in the housing market that will result from reopening;**
 - **retaining the senior designation would benefit the current tenants, who leased units in reliance upon the belief that the units would continue to be age-restricted; and**
 - **the project does not meet the parking requirements for a standard mixed-age development.**

As part of this motion the following comment is being added, Commissioner Ikezi has requested that if Council were to entertain considering approval of the Developer's request the Council explore adding an affordable housing component to any changes that Council might approve

Aye: 6 - Vice Chair Biagini, Commissioner Cherukuru, Commissioner Herro, Commissioner Ikezi, Chair Saleme, and Commissioner Bhatnagar

Nay: 1 - Commissioner Huang

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

None.

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

None.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Office Specialist IV Elizabeth Elliott provided updates.

2. Upcoming Agenda Items

Staff Liaison Gloria Sciara provided updates. **Planning Manager Reena Brilliot** stated that the recently canceled joint Form Based Code Training would be scheduled for a new date.

3. City Council Actions

Staff Liaison Gloria Sciara provided updates.

ADJOURNMENT:

A motion was made by Commissioner Bhatnagar, seconded by Chair Saleme to adjourn the meeting.

The meeting adjourned at 8:50 p.m.

The next regular scheduled meeting is on Wednesday, August 25, 2021.

Aye: 7 - Vice Chair Biagini, Commissioner Cherukuru, Commissioner Herro, Commissioner Huang, Commissioner Ikezi, Chair Saleme, and Commissioner Bhatnagar

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."

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), the City of Santa Clara will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities, and will ensure that all existing facilities will be made accessible to the maximum extent feasible. The City of Santa Clara will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities including those with speech, hearing, or vision impairments so they can participate equally in the City's programs, services, and activities. The City of Santa Clara will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities.

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Individuals who require an auxiliary aid or service for effective communication, or any other disability-related modification of policies or procedures, or other accommodation, in order to participate in a program, service, or activity of the City of Santa Clara, should contact the City's ADA Coordinator at 408-615-3000 as soon as possible but no later than 48 hours before the scheduled event.