



# City of Santa Clara

## Meeting Minutes

### Planning Commission

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**10/28/2020****5:00 PM****City Hall Council Chambers**

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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/961068578>
  - Meeting ID: 961 068 578 or
  - o Phone: 1(669) 900-6833
- Via the City's eComment (now 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 [planningcommission@santaclaraca.gov](mailto:planningcommission@santaclaraca.gov) no later than noon on the day of the meeting; and also before and during the meeting via eComment. To utilize eComment, please visit the following website: <https://santaclara.legistar.com/Calendar.aspx>, and select the "eComment" link next to the Planning Commission meeting for October 28.

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.

We highly encourage interested members of the public to stay at home and provide public comment remotely. Any members of the public wishing to come in person should first check-in at the City Council Chambers. City staff may direct you to wait in the City Hall cafeteria or outside the Council Chambers until your item of interest is discussed in order to maintain sufficient social distancing guidelines.

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.

### **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