



City of Santa Clara

Meeting Minutes

Planning Commission

06/15/2020

6:00 PM

Special Meeting -City Hall Council Chambers

CALL AND NOTICE OF SPECIAL MEETING

JUNE 15, 2020

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of California Government Code §54956 ("The Brown Act") and Section 1003 of the Santa Clara City Charter, the undersigned calls for a Special Meeting of the Planning Commission of the City of Santa Clara to commence and convene on June 15, 2020, at 6:00 pm in the City Hall Council Chambers located in the East Wing of City Hall at 1500 Warburton Avenue, Santa Clara, California, to consider the following matter(s) and to potentially take action with respect to them.

Anthony Becker
Chair

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> 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 planning@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://santaclaraca.legistar.com/Calendar.aspx> , and select the "eComment" link next to the Planning Commission meeting for June 15.

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.

6:00 PM SPECIAL MEETING

Call to Order

Chair Becker called the meeting to order at 6:17 p.m.

Pledge of Allegiance and Statement of Values

Roll Call

Present 6 - Commissioner Steve Kelly, Commissioner Yuki Ikezi, Commissioner Sudhanshu Jain, Vice Chair Lance Saleme, Chair Anthony Becker, and Commissioner Priya Cherukuru

Absent 1 - Commissioner Nancy A. Biagini

A motion was made by Commissioner Saleme, seconded by Commissioner Jain to excuse Commissioner Biagini from the meeting.

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

Absent: 1 - Commissioner Biagini

DECLARATION OF COMMISSION PROCEDURES

Chair Becker read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

There are no consent items.

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

1. [20-636](#)

Study Session: Presentation by Assistant City Attorney on recent court of appeal case on bias, Petrovich Development Co. v. City of Sacramento.

Assistant City Attorney Alexander Abbe provided a PowerPoint presentation regarding legislative matters and due process.

Commissioner Jain had questions about whether Development Agreement Extensions would fall into the category of quasi-judicial and what kinds of discussions Commissioners are allowed to have before the meeting. **Assistant City Attorney Alexander Abbe** clarified the purpose of Development Agreements is to set policies.

Commissioner Cherukuru inquired about how a Development Agreements are entered into and what the transparency is. **Assistant City Attorney Alexander Abbe** clarified that the Development Agreement is a public document.

Commissioner Ikezi inquired about how the impact of the Planning Commission's decisions are in court cases and if Commissioners can speak to the other Commissioner after the meeting. **Assistant City Attorney Alexander Abbe** responded that the Planning Commission is the final decision-maker for quasi-judicial matters unless there is an appeal to City Council and that Commissioners with bias are required to abstain. He also clarified that Commissioners can discuss what was relayed at the meetings.

Commissioner Kelly asked what the restrictions are that affect the Councilmembers or Commissioners when they speak on an item as a member of the public. **Assistant City Attorney Alexander Abbe** clarified that anyone has bias must abstain but they are allowed to speak as a member of the public for circumstances listed under the Personal Interest Exception. He noted that there was a special circumstance regarding comments for environmental documents.

A motion was made by Commissioner Ikezi, seconded by Commissioner Jain to continue Item 1 after Item 2 is heard.

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

Excused: 1 - Commissioner Biagini

2. [20-627](#) Study Session: Training on the Cost of Development provided by the Urban Land Institute

Drew Hudacek, Libby Seifel, and Jan Lindenthal from Urban Land Institute provided a Powerpoint presentation and discussed the following topics:

- Key Development Concepts & Case Study
- Affordable Housing
- Focus on Fees

Commissioners asked clarifying questions on the topic including questions regarding the impact due to the current economic condition due to COVID crisis. Commissioners thanked City staff for having this presentation. There was a question from a member of the public, **Alex Shoor**, requesting that the **ULI members** talk about the cost of offering transportation demand management initiatives to offset the cost of building parking. ULI responded that they are looking into the impact of reduced transit prices and providing information about the transit times and routes in the lobbies of buildings.

Public Speakers:

Harbir Bhatia, Cultural Commissioner - inquired on how developers can assist with arts and culture in the community and also asked best ways for Developers working with City's how they are preparing for the changing economic times.

Kevin Park - asked if the City has a process for change requests regarding current plans for projects and if time limits be considered for extensions on projects.

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

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

Excused: 1 - Commissioner Biagini

1. [20-636](#) Study Session: Presentation by Assistant City Attorney on recent court of appeal case on bias, Petrovich Development Co. v. City of Sacramento.

Item Continued from earlier discussion in the meeting

Commissioners asked questions on land uses and legislative acts, and quasi-judicial matters.

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

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

Excused: 1 - Commissioner Biagini

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

Commissioner Jain requested for Planning Commission Chair to be at the Planning Commission meeting at the dais during remote COVID meetings. **Planning Manager Reena Brilliot** stated that due to restrictions of no more than 10 people in the Chambers and best practice is if they do not have to be present, they should not be present in relation to spread of the COVID virus and for safety.

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

None.

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

None.

2. Upcoming Agenda Items

Planning Manager Reena Brilliot clarified that the agenda for the next meeting is still being determined.

3. City Council Actions

None.

ADJOURNMENT:

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

The meeting adjourned at 10:19 p.m.

The next regular scheduled meeting is on July 15, 2020.

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

Excused: 1 - Commissioner Biagini