



City of Santa Clara

Meeting Minutes

Planning Commission

01/27/2021**6:00 PM****Virtual Meeting**

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 (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 PlanningPublicComment@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 date.

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 REGULAR MEETING

Call to Order

Chair Saleme called the meeting to order at 6:20 p.m. (meeting started late due to technical difficulties).

Pledge of Allegiance and Statement of Values

Roll Call

Present 5 - Vice Chair Nancy A. Biagini, Commissioner Priya Cherukuru, Commissioner Qian Huang, Commissioner Yuki Ikezi, and Chair Lance Saleme

Absent 1 - Commissioner Ricci Herro

A motion was made by Commissioner Biagini, seconded by Commissioner Cherukuru to excuse Commissioner Herro.

Aye: 5 - Vice Chair Biagini, Commissioner Cherukuru, Commissioner Huang, Commissioner Ikezi, and Chair Saleme

Excused: 1 - Commissioner Herro

DECLARATION OF COMMISSION PROCEDURES

Secretary Cherukuru read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

A motion was made by Commissioner Biagini, seconded by Commissioner Ikezi to approve Items 1A and 1B.

Commissioner Huang abstained from voting as he was not a Commissioner at the time of these meetings.

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

Excused: 1 - Commissioner Herro

Abstained: 1 - Commissioner Huang

1.A [21-116](#) Planning Commission Meeting Minutes of October 14, 2020 Meeting

Recommendation: Approve the Planning Commission Minutes of the October 14, 2020 Meeting

1.B [21-30](#) Planning Commission Meeting Minutes of December 9, 2020 Meeting

Recommendation: Approve the Planning Commission Minutes of the December 9, 2020 Meeting

1.C [21-26](#) Action on a Use Permit for a new unmanned telecommunication facility with a 70-foot-tall monopine (Verizon Wireless) at 0 Richard Avenue

Recommendation: Adopt a Resolution to Approve a Use Permit to allow a new telecommunication facility at 0 Richard Avenue, subject to conditions of approval.

Commissioner Cherukuru pulled Item 1C and inquired if the City had a Tree Replacement Ordinance and requested that this be added to the conditions and also requested that the monopine be constructed to look as natural looking as possible.

Senior Planner Rebecca Bustos replied that if the site cannot accommodate additional trees they could be added as off site in-lieu fees.

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

Aye: 5 - Commissioner Ikezi, Chair Saleme, Vice Chair Biagini,
Commissioner Cherukuru, and Commissioner Huang

Absent: 1 - Commissioner Herro

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to approve this item with a change to the Conditions of Approval:

C5: The proposed three trees that are to be removed will be replaced at a 1:1 ratio by three 36-inch box trees on-site. Planning fee for proposed tree removal and tree replacement plan needs to be collected if project is approved.

Aye: 5 - Commissioner Ikezi, Chair Saleme, Vice Chair Biagini,
Commissioner Cherukuru, and Commissioner Huang

Excused: 1 - Commissioner Herro

PUBLIC PRESENTATIONS

Public Speaker:

Council Member Suds Jain spoke to welcome Commissioner Huang to the Planning Commission and thanked him for serving in this capacity.

PUBLIC HEARING

2. [21-1316](#) Public Hearing: Action on the Appeal of the Development Review Hearing Adoption of a Mitigated Negative Declaration and Architectural Approval of a Data Center Project Located at 1111 Comstock Street

Recommendation: Alternatives 1 and 2:

1. Adopt a resolution to deny the appeal and uphold the Development Review Hearing adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2. Adopt a resolution to deny the appeal and uphold the Development Review Hearing approval of the data center project located at 1111 Comstock Street, subject to conditions.

Rebecca Bustos, Senior Planner provided a PowerPoint presentation.

Applicant Ted Mahl provided a Powerpoint presentation and clarified that generators are located inside the facility.

Appellant Kendra Hartmann of the law firm Adams Broadwell Joseph & Cardozo spoke on behalf of Santa Clara Citizens for Sensible Industry (SCCSI) and raised concerns regarding greenhouse gas emissions and emergency emissions from diesel-fueled backup generators. Ms. Hartmann alleged that the Mitigated Negative Declaration (MND) fails to comply with CEQA because it does not accurately disclose health impacts due to air quality from backup generators as well as greenhouse gas emissions. Ms. Hartman also alleged that the appeal fee was improperly charged.

Chris Sumter, Applicant, spoke noting that due to the timeline of the project, it may be significantly costly and detrimental to the project to make major changes to the design at this stage.

Michael Lisenbee, David J. Powers, spoke and provided clarification on how greenhouse gas emissions effect cumulative analysis and impacts.

Assistant City Attorney Alexander Abbe spoke and went through each of the substantive issues raised by the Appellant concerning the MND in her verbal testimony and in a letter sent by the Appellant in the early afternoon on the day of this meeting, and noted that the comments received largely overlapped comments brought up previously. Mr. Abbe also stated that this was not the venue to contest the filing fees charged.

Commissioners expressed disappointment on aesthetics of the design of the data center and concerns regarding the amount of data centers approved in the city thus far and the cumulative effects of noise.

Public Speakers:

Council Member Suds Jain spoke regarding the noise impacts of data centers due to cooling fans on roof of buildings and requested that the applicant speak to this issue. Applicant Ted Mahl clarified there are noise monitors on the cooling fans and generators and that there is a standard noise requirement for roof top equipment.

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

Aye: 5 - Vice Chair Biagini, Commissioner Cherukuru, Commissioner Huang, Commissioner Ikezi, and Chair Saleme

Excused: 1 - Commissioner Herro

A motion was made by Commissioner Ikezi, seconded by Commissioner Cherukuru to approve Alternative 1.

Aye: 5 - Commissioner Ikezi, Chair Saleme, Vice Chair Biagini, Commissioner Cherukuru, and Commissioner Huang

Excused: 1 - Commissioner Herro

A motion was made by Commissioner Cherukuru, seconded by Commissioner Biagini to approve Alternative 2 with an additional condition regarding improved aesthetics to be approved by city staff with a friendly amendment made by Chair Saleme to incorporate more volumetric distinction and more change of color in upper floors to have a less massive data center.

Aye: 5 - Commissioner Ikezi, Chair Saleme, Vice Chair Biagini, Commissioner Cherukuru, and Commissioner Huang

Excused: 1 - Commissioner Herro

Meeting went into recess at 8:20 p.m. and reconvened at 8:25 p.m.

3. [21-115](#) Study Session: 2020 State Housing Legislation Update

Assistant City Attorney Alexander Abbe provided a PowerPoint presentation on Housing Legislation.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items
2. Commissioner Travel and Training Reports, Requests to attend Trainings

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Development Review Officer/Staff Liaison Gloria Sciara provided updates.

2. Upcoming Agenda Items

Planning Manager Reena Brilliot provided updates.

3. City Council Actions

Planning Manager Reena Brilliot provided updates.

ADJOURNMENT:

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

The meeting adjourned at 9:35 p.m.

The next regular scheduled meeting is Wednesday, February 24, 2021.

Aye: 5 - Vice Chair Biagini, Commissioner Cherukuru, Commissioner Huang, Commissioner Ikezi, and Chair Saleme

Excused: 1 - Commissioner Herro

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.