



City of Santa Clara

Meeting Minutes

Planning Commission

11/09/2022**6:00 PM****City Hall Council Chambers and via Zoom**

The City of Santa Clara will be conducting Planning Commission meetings in a hybrid manner (in-person and virtual attendance). Pursuant to Government Code Section 54953(e) and City of Santa Clara Resolution 22-9150, Commissioners may teleconference from remote locations. The City continues to provide 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; (Comments received after 12:00 PM on the day of the meeting will be made part of the public record but will not be read out loud during 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 REGULAR MEETING

Call to Order

Chair Cherukuru called the meeting to order at 6 p.m.

Pledge of Allegiance and Statement of Values

Secretary Bhatnagar read the Statement of Values

Roll Call

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

DECLARATION OF COMMISSION PROCEDURES

Secretary Bhatnagar read the Declaration of Procedures

CONTINUANCES/EXCEPTIONS

None.

CONSENT CALENDAR

1.A [22-505](#) Planning Commission Meeting Minutes of October 26, 2022 Meeting

Recommendation: Approve the Planning Commission Minutes of the October 26, 2022 Meeting

Commissioner Biagini announced she was absent from the previous meeting but had reviewed the meeting video and would be voting on the consent item.

Commissioner Herro abstained from voting because he was not at the previous meeting and also announced that he was attending the meeting via his phone since he was having problems with Zoom.

Chair Cherukuru thanked staff for a thorough job on the meeting minutes.

A motion was made by Commissioner Bouza, seconded by Commissioner Biagini to approve the consent calendar.

Aye: 6 - Commissioner Bhatnagar, Commissioner Biagini, Chair Cherukuru, Commissioner Huang, Commissioner Bouza, and Commissioner Saleme

Abstained: 1 - Vice Chair Herro

PUBLIC PRESENTATIONS

None.

PUBLIC HEARING

2. [22-1114](#) Action on an Architectural Review, Significant Property Alteration (SPA) Permit, and a Variance request and a Class 3 CEQA Categorical Exemption to convert an existing detached two-story structure into an Accessory Dwelling Unit (ADU) and garage at 1184 Washington Street

Recommendation: Adopt a Class 3 Categorical Exemption Under CEQA Guidelines Section 15303; adopt a resolution to approve the Architectural Review; approve a Significant Property Alteration (SPA) permit; and adopt a resolution approving the variance to allow a 22'-6" building height for a detached accessory dwelling unit (ADU) where 16 feet is the maximum height allowed for the detached ADU's in R1-6L, Single-family Residential Zoning District for the property located at 1184 Washington Street, subject to Conditions of approval.

Associate Planner Nimisha Agrawal provided the staff PowerPoint presentation.

Commissioners asked question regarding varying heights throughout the neighborhood and about the historic significance of the property and preservation of specific features. Staff clarified that the plans would maintain the historical integrity of the property.

Applicant Rob Mayer provided information on the project.

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

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

A motion was made by Commissioner Saleme, seconded by Commissioner Biagini to approve the Architectural Review.

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

A motion was made by Commissioner Biagini, seconded by Commissioner Saleme to approve the SPA Permit.

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

A motion was made by Commissioner Biagini, seconded by Commissioner Bhatnagar to adopt a resolution to approve the variance.

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

3. [22-1313](#) Action on a Variance to the Rear Accessory Building Setback and the Accessory Building Setback from the Main Building, in Order to Allow a 68 square foot accessory building in the rear of a Single-Family Residence at 2121 Sheraton Drive; and Action on a Class 1(e) CEQA Categorical Exemption

Recommendation: Decline to utilize a Class 1 CEQA Categorical Exemption under CEQA Guidelines Section 15301(e)(2) and adopt a resolution to deny the Variance to the Rear Accessory Building Setback and the Accessory Building Setback from the Main Building for a 68 square foot hobby hut

Associate Planner Daniel Sobzak provided the staff PowerPoint.

Commissioners inquired as to why this item was being presented to the Planning Commission and staff clarified this was a inquiry from the public that prompted a code violation. **Commissioners** noted that the there is no safety hazard for this project as noted by staff in the PCC meeting minutes.

Applicant/Homeowner Jim Horner provided a presentation and clarified the structure was originally a dilapidated shed and also showed a slide with similar rear units throughout the neighborhood that also violate city code.

Public Speaker:

Anndeathrin Chatterjee spoke in opposition of the project

Grace Duran spoke in favor of the project

Assistant City Attorney Alexander Abbe clarified that land use decisions are largely non-precedential and that approval of the variance for this property would not obligate the City to approve a variance for a different lot.

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

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

A motion was made by Commissioner Biagini, seconded by Commissioner Bouza, to approve the variance with the following four findings and to bring the approval resolution to the December 7, 2022 meeting as a consent item.

1. That unusual conditions apply to the land or building, in that the project site is trapezoidal and the existing landscaping and building configuration limit options for the location of the storage shed
2. That the granting of the variance is necessary for the preservation and enjoyment of the substantial property rights of the owner, in that relocating the storage shed would be infeasible, given the shape and configuration of the lot, without adverse impacts such as blocking windows and disturbing the homeowner's considerable investment in the existing landscaping
3. That granting a variance shall not materially affect the health, safety, peace, comfort or general welfare of the persons or property in the neighborhood of the owner's property, given that the project site has been occupied by a shed in the same location in prior years with no adverse effects, and the neighborhood is full of similar structures.
4. That granting a variance is in keeping with the intent and purpose of the zoning ordinance, in that the zoning ordinance recognizes that practical difficulties that could result from strict application of the Code's standards justify departure from those standards

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

4. [22-1049](#) Study Session: Discussion of Land Use Topics to Recommend to the City Council for Council Consideration

Meeting went into Recess 8:00 p.m. and reconvened at 8:08 p.m.

Planning Manager Lesley Xavier provided a staff PowerPoint of Land Use topics that Commissioners previously brought forward for discussion in February 2022 and outlined new the topics submitted by Commissioners recently for this meeting. The list of Land Use Topics are to be presented to City Council for their consideration.

Commissioners had a robust discussion on the different topics and asked staff to streamline the list of topics for future discussion. Staff will provide an updated list at a future Planning Commission meeting for further review and finalization of the list.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

Chair Cherukuru congratulated the incumbents who won their Council seats in the recent election, Councilmembers Hardy and Chahal.

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

Planning Manager Lesley Xavier outlined the City Travel Policy and clarified there is a process to request an exception to the overnight accommodation policy should the Commission wish to make a request on this policy for local travel.

Commissioners spoke regarding the difference between mileage and time and the effect this has on serious commute issues and that the City's Travel Policy which stipulates 50 miles as the threshold to determine 'local' travel which determines whether or not overnight accommodations are allowed. **Commissioners** also spoke about the fact that they are volunteers seeking training to better serve the City and believe the Travel Policy should be reviewed and recommendations made on the specific issue of 'local travel' requirements/threshold for overnight accommodations.

Commissioners requested that staff take the steps to initiate an exception to the Travel Policy for overnight accommodations for this conference.

1. [22-1372](#) CLE CEQA Conference- December 15-16, 2022 in San Francisco, CA

Recommendation: Determine Commissioner attendance at upcoming Conference and vote to expend funds for registration and associated costs

A motion was made by Commissioner Saleme, seconded by Commissioner Bhatnagar to expend funds for Commissioners to attend the CLE CEQA Conference and that staff request an exception to the City's Travel Policy for Local travel to allow for overnight hotel accommodations. Commissioner requesting to attend are:

Saleme

Biagini

Bouza

Cherukuru

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

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update

Staff Aide II Elizabeth Elliott provided budget updates.

2. Upcoming Agenda Items

Planning Manager Lesley Xavier provided updates.

3. City Council Actions

ADJOURNMENT:

The meeting adjourned at 9:09 p.m. The next regular scheduled meeting is December 7, 2022.

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."

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