



MINUTES

Wednesday, June 19, 2019 – 6:00 P.M.

Please refer to the Architectural Committee Procedural Items coversheet for information on all procedural matters.

ITEMS FOR COUNCIL ACTION

The following items from this Architectural Committee agenda will be scheduled for Council review following the conclusion of hearing and recommendations by the Architectural Committee. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items:

- None

1. CALL TO ORDER

- The meeting was called to order at 6:10 p.m.

2. ROLL CALL

The following Committee Members responded to roll call: Planning Commissioner Steve Kelly and Planning Commissioner Anthony Becker.

Staff present: Staff Liaison: Gloria Sciara, AICP, Development Review Officer, Rebecca Bustos, Associate Planner, Debby Fernandez, Associate Planner, Steve Le, Assistant Planner I, Tiffany Vien, Assistant Planner I.

Applicants, Owners and Public present:

Item 7.A PLN2019-13888

3532 Elmhurst Avenue: Yuan Lin, Designer

Item 7.B PLN2019-13882

3548 Homestead Road: N/A

**Item 7.C PLN2017-12489,
PLN2017-12574,
PLN2017-12575,
PLN2017-12837**

575 Benton Street: N/A

Item 8.A PLN2018-13128

1150 Walsh Avenue: Ryan Cook, Michael Downey, William Launikitis, Josh Pirkel, Ryan Cartwright, Mirron Feldman, Steve Rossetts, Brianna Bohonok, Chris Ford, Esma Rahman, Paul Martin, Owners

Item 8.B PLN2019-13841

970 Teal Drive: Prateek Khanna, Owner, Kirk Leoodere,

Designer

Item 8.C PLN2019-13782

1654 Scott Boulevard: Snehanshu Ashar, Shital Ashar, Owners, Shweta Singh, Designer, Khiem Moi, Tran Tran, Liam Tran, Neighbors

Item 8.D PLN2019-13808

2892 Sycamore Way: Mike Saleh, Jerie Zumpi, Matt Zumpi, Adreen D'Amico, Koger Watkins, Adolfo Garcia, Nancy Fales, Mike Fales, Linda Wingo, Neighbors, Joe Garcia, Donna Garcia, Forest Park

3. DISTRIBUTION OF AGENDA

Copies of the current agenda are available from the Planning Division office on the Friday afternoon preceding the meeting and are also available at the Committee meeting.

4. DECLARATION OF COMMITTEE PROCEDURES: Planning Commissioner Anthony Becker read the meeting procedures into the record.

5. REQUESTS FOR EXCEPTIONS, WITHDRAWALS AND CONTINUANCES

A. Withdrawals

- None

B. Continuances without a hearing

- None

C. Exceptions (requests for agenda items to be taken out of order)

- Items 8.B, PLN2019-13841, 970 Teal Drive and 8.C, PLN2019-13782, 1654 Scott Boulevard to be heard ahead of Item 8.A, PLN2018-13128, 1150 Walsh Avenue

6. ORAL PETITIONS/ ANNOUNCEMENTS AND COMMUNICATIONS

Members of the Public may briefly address the Committee on any item not on the agenda.

- None

7. CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Architectural Committee, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Architectural Committee meeting during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

Development Review Officer Gloria Sciara stated staff recommends consent calendar items for approval. There were no public comments. Public Hearing was closed.

Motion/Action: Motion to approve all consent items was made by Planning Commissioner Steve Kelly and seconded by Planning Commissioner Anthony Becker and unanimously approved by the Architectural Committee (2-0-0).

7.A File No.(s): **PLN2019-13888**
Location: **3532 Elmhurst Avenue**, a 6,893 square foot lot on the south side of Elmhurst Avenue, approximately 415 feet west of Claremont Avenue, APN: 296-19-020.
Applicant: LNX Architecture
Owner: Zhenggang Cheng
Request: **Architectural Review** of the proposed remodel and 452 square foot addition to an existing 1,401 square foot three bedroom and two bathroom single family residence, resulting in an 1,853 square foot, four bedroom and three bathroom home with an attached 426 square foot two car garage to remain.
CEQA Determination: Categorical Exemption per CEQA 15301 (e)(1), Existing Facilities
Project Planner: Jeff Schwilk, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

7.B File No.(s): **PLN2019-13882**
Location: **3548 Homestead Road**, a 1,340 square foot tenant space within an existing retail shopping center located on the southeast corner of Homestead Road and Lawrence Expressway, APN: 293-02-034; property is zoned Community Commercial (CC).
Applicant: Ogiku Corporation
Owner: Marchese Properties
Request: **Architectural Review** for a new 182 square foot outdoor seating area with 12 seats for an existing restaurant (Sumika).
CEQA Determination: Categorical Exemption per CEQA 15301(a), Existing Facilities
Project Planner: Rebecca Bustos, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

7.C File No.(s): **PLN2017-12489, PLN2017-12574, PLN2017-12575, PLN2017-12837, SCH#2015032076, CEQ2015-01188**
Location: **575 Benton Street**, a 5.75-acre project site located at the corner of Benton Street and El Camino Real and consists of 12 parcels which include APNs: 230-07-002, -004, -009, -010, -013, -029, -031, -034, -038, -053, -059, -060 and a public right of way area, all together totaling 5.75 acres.
Applicant/Owner: Prometheus Real Estate Group
Request: **Architectural Review** of a Master Sign Program for a previously approved residential/mixed use development. The proposed sign program allows for "The Benton" project canopy, projection, and vertical wall mounted building signs, and retail sign program that includes blade, canopy, wall, awning and window graphics signs. Signage graphics shall not exceed 25% coverage of windows.
CEQA Determination: Categorical Exemption per CEQA 15301(g), Existing Facilities
Project Planner: Yen Han Chen, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

8. PUBLIC HEARING ITEMS

8.A File No.(s): **PLN2018-13128 and CEQ2018-01049**
Location: **1150 Walsh Avenue**, a 3.32-acre parcel on the south side of Walsh Avenue approximately 1,055 feet east of Scott Boulevard, APN: 224-58-003; property is zoned Heavy Industrial (MH).
Applicant: Michael Downey, Gensler

Owner: Raging Wire Data Centers, Inc.
Request: **Adoption of a Mitigated Negative Declaration (MND); and Architectural Review** for the demolition of three, one-story industrial buildings totaling 37,443 square feet to construct a four-story, 160,450 square foot data center building, with back-up diesel generators, electrical substation, and site-improvements. *Project includes a Zoning Administrator Modification to increase maximum building height.*
CEQA Determination: Mitigated Negative Declaration (MND)
Project Planner: Debby Fernandez, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

Associate Planner Debby Fernandez presented the project with recommendations for approval.

Following the staff presentation, Assistant City Attorney Alexander Abbe advised the Committee that immediately preceding the meeting, the City had received a late set of comments on the proposed Initial Study/ Mitigated Negative Declaration (IS/MND) from the law firm Adams Broadwell Joseph & Cardozo dated June 19, 2019 on behalf of their client, a group of labor unions using the acronym CURE ("California Unions for Reliable Energy"). Mr. Abbe indicated that he and environmental consultant Brianna Bohonok from Circlepoint had spent the first hour of the meeting reviewing the CURE letter, and had several responses to the comments.

First, CURE argued that the IS/MND failed to describe the entire project, because it did not analyze the possible future decommissioning of the data center, which CURE asserted would take place in 30 years. Mr. Abbe explained that the project before the Committee is the construction of the data center, not the demolition of it, and that the date of decommissioning or possible demolition of the data center is too speculative to analyze. CEQA does not require an analysis of speculative future events.

Next, CURE argued that the project improperly deferred mitigation, because it utilized plans to mitigate certain impacts, including a construction noise control plan and an emergency response evacuation plan. Mr. Abbe explained that under a 2011 case, Oakland Heritage Alliance v. City of Oakland, the City had the authority to devise specific measures later in the planning process. Mr. Abbe went on to explain that where impacts are of a type for which mitigation is known to be feasible, but practical considerations prohibit devising such measures early in the planning process, the lead agency can permissibly articulate specific performance criteria, and commit to devising mitigation measures that will satisfy those criteria. That is what the City did for all of the plans cited by CURE. Ms. Bohonok added that the plans take into consideration best practices, the site itself, the project itself, the surrounding context. In response to the allegation that the plans did not contain performance criteria, Ms. Bohonok provided several examples of performance criteria contained in the plans, including the following: temporary noise barriers must provide a minimum 5 dBA noise reduction; if pile driving is necessary, use acoustical blankets for sensitive receptors in the vicinity of the site; for vibration, there is an extensive list requiring identification of nearby sensitive structures located within 100 feet of any pile-driving activities and within 25 feet of any other construction activities, and various requirements to monitor such buildings.

Third, CURE asserted that the IS/MND underestimated emissions of nitrous oxides (NOx). Mr. Abbe explained that the NOx emissions were calculated using the widely utilized California Emissions Estimator Model (CalEEMod), which projected that workers would travel an average of eight miles for round trips. CURE asserted that the round trip projection was low, and that a more realistic projection would be 80 miles. Mr. Abbe pointed out to the Committee that this would mean that the average worker in Santa Clara would live further away than Gilroy. Although the CURE letter claimed that there was "evidence" to support an 80-mile round trip, the "evidence" they provided was a 2013 article in the Palo Alto Weekly newspaper, citing 2011 U.S. Census data; moreover, according to that article, only two percent of commuters in the Bay Area had "mega commutes" of the sort indicated by the CURE letter. The average travel time in 2011 in Santa Clara County was actually 24.7 minutes, making the 80-mile estimate in the CURE letter simply untenable.

The CURE letter also asserted that the IS/MND understated NOx emissions because it did not account for emergency operations during power outages. Mr. Abbe pointed out that CEQA does not require an analysis of unexpected, emergency conditions. Nevertheless, he went on to explain that even if the additional emissions were included, the total NOx emissions would still be below the threshold of significance. If all generators were operated for the maximum of 50 hours per year, the daily emissions would be approximately 50.1 pounds of NOx per day. If, as the CURE letter suggests, the City took into account emergency operations of approximately one hour per year, the emissions would be approximately 51 pounds of NOx per day. Either way, the impact is less than the threshold of significance, which is 54 pounds per day.

The CURE letter next argued that NOx emissions were understated because the City should have used historical information from 2013-2017 about the emissions from a natural gas-fired plant. Mr. Abbe clarified that the City was relying upon current data, rather than historical data. Ms. Bohonok added that the City's electric utility, Silicon Valley Power (SVP) is required to reduce its emissions over time, and is in the progress of moving toward a larger mix of renewable sources such as wind and solar. As a result, the more-current 2017 data utilized by the IS/MND reflected lower emissions than what the historical data in the CURE letter. Offsite indirect emissions are too speculative for a CEQA document to evaluate.

The CURE letter then cited to the fact that the IS/MND indicated that future SVP facilities would be subject to separate CEQA review and permitting, but that the IS/MND did not provide evidence to support that. Mr. Abbe explained that the construction of a power plant would constitute a project under CEQA, and that there was no need to recite the basic tenets of CEQA in the IS/MND. Ms. Bohonok added that existing SVP facilities have already gone through CEQA review, and future facilities would be subject to a robust environmental review process from the California Energy Commission.

The CURE letter also argued that the IS/MND's analysis of air quality impacts was incomplete, given the previously-stated concerns about underestimating NOx emissions. Mr. Abbe again explained that because NOx emissions were accurately calculated, no further analysis was required.

The CURE letter next criticized the City's use of Bay Area Air Quality Management District (BAAQMD) Guidelines in its evaluation of particulate matter and fugitive dust. Mr. Abbe explained that the City uses the BAAQMD Guidelines in its evaluation of particulate matter and fugitive dust, and that under those Guidelines, a project that follows Best Management Practices (BMPs) in the CEQA Guidelines is presumed to have a less-than-significant impact. CURE argued that the project would have a significant impact related to fugitive dust if the City employed "quantitative levels of significance used by other air districts." Mr. Abbe explained that as the lead agency on the Project, the City sets its own thresholds of significance, and the City has consistently utilized the BAAQMD Guidelines for analysis of particulate matter and fugitive dust. Ms. Bohonok then explained several of the BAAQMD BMPs, and how they were effective.

The CURE letter argued that hazards from the data center's use of batteries would be significant and unevaluated, and that should there be a facility fire, the materials used in batteries would be difficult to extinguish. Ms. Bohonok explained that there are many data centers in Santa Clara, and that as with those other data centers, the Santa Clara Fire Department evaluated this project, and indicated that it would have adequate resources to serve the project in the event of a fire. Later in the meeting, the applicant also added that the project complies with current Fire Code requirements to provide "2-hour" rooms for batteries, and the Santa Clara Fire Department verified that the design complied with current fire code requirements.

The last CEQA argument in the CURE letter was that the City improperly relied upon statewide emissions targets when it concluded that greenhouse gas emissions would be less than significant. Mr. Abbe explained that the City was not relying upon the statewide targets; instead, the calculated Citywide emissions would be substantially lower than the statewide targets.

The applicant then gave a detailed presentation on the project design and responded to questions from the Committee regarding fire access and fire prevention features in the design of the facility.

The Committee then opened the meeting to public comment at which time Esmail Rahimian, adjacent property owner of 1180 Walsh Avenue raised questions regarding the project boundaries and proposal for treatment of an existing tree that straddles the properties, potential for batteries to leak, and location of SVP facilities from his property. The applicant confirmed that the project site had been surveyed and that the tree is located on the project site and would be replaced at a 2:1 on-site; the batteries are enclosed and include fail safe measures in the design; and spoke to the distance of the SVP facilities serving the development in relation to the 1180 Walsh Avenue property. Mr. Yair Chaver, of Adams Broadwell Joseph & Cardoza, followed with the assertion that the MND is insufficient and that there are significant impacts associated with the project that require the preparation of Environmental Impact Report. The Committee then closed the public hearing.

Motion/Action: Motion to approve was made by Planning Commissioner Steve Kelly, seconded by Planning Commissioner Anthony Becker to adopt the MND and architectural applications and unanimously approved by the Architectural Committee (2-0-0-0).

8.B File No.(s): **PLN2019-13841**
Location: **970 Teal Drive**, a 6,098 square foot acre parcel on the west side of Teal Drive, south of Dunford Way, APN: 313-22-030; property is zoned Single-Family Residential (R1-6L).
Applicant: Prateek Khanna
Owner: Prateek Khanna
Request: **Architectural Review** of a 115 square-foot first floor addition and 1,163 square-foot second-story addition to an existing 1,415 square-foot one-story residence, resulting in a six bedroom, four bathroom two-story residence, with an attached two-car garage to remain.
CEQA Determination: Categorical Exemption per CEQA 15301(e)(1), Existing Facilities
Project Planner: Rebecca Bustos, Associate Planner
Staff Recommendation: **Approve**, subject to conditions

Associate Planner Rebecca Bustos presented the project with recommendations for approval. Staff recommended wood or MDF mouldings around windows. There were no public comments. The Committee supported the project with staff recommendation.

Motion/Action: Motion to approve was made by Planning Commissioner Steve Kelly, seconded by Planning Commissioner Anthony Becker and unanimously approved by the Architectural Committee (2-0-0-0).

8.C File No.(s): **PLN2019-13782**
Location: **1654 Scott Boulevard**, a 7,501 square foot lot located on the northwest side of the intersection of Scott Boulevard and Bray Avenue, APN: 224-16-022; property is zoned Single Family Residential (R1-6L).
Applicant: Ashish Kumar / Open Remodel
Owner: Snehanshu Ashar
Request: **Architectural Review** to demolish the existing 1,021 square feet single-family residence with an attached two-car garage and construct a new 3,931 square feet two-story single-family residence with five bedrooms and five bathrooms with a 510 square feet attached two-car garage.
CEQA Determination: Categorical Exemption per Section 15303(a), New Construction or Conversion of Small Structures
Project Planner: Tiffany Vien, Assistant Planner I
Staff Recommendation: **Approve**, subject to conditions

Assistant Planner I Tiffany Vien presented the project with recommendations for approval. There were revisions made to reflect staff and Committee recommendations for redesign. There were public comments. Neighbor Adolfo Marcia-Healy requested tree planting along new property line. The Committee supported the project subject to tree planting along the rear property line.

Motion/Action: Motion to approve was made by Planning Commissioner Steve Kelly, seconded by Planning Commissioner Anthony Becker and unanimously approved by the Architectural Committee (2-0-0-0), subject to tree planting along rear property line.

8.D File: **PLN2019-13808**
Location: **2892 Sycamore Way**, a 11,589 square foot lot at the southwest side of Sycamore Way before it turns into Bancroft Street; APN: 293-21-010; property is zoned Single-Family Residential (R1-6L).
Applicant: Masoud Bashi
Owner: Lei Xu
Request: **Continued Architectural Review** of the proposed demolition of a 2,197 square foot four bedrooms and two bathrooms residence with an attached two-car garage, and proposed construction of a new 3,450 square foot two-story residence with five bedrooms, three and a half bathrooms with an attached two-car garage.
CEQA Determination: Categorical Exemption per CEQA Section 15303(a), New Construction or Conversion of Small Structures
Project Planner: Steve Le, Assistant Planner I
Staff Recommendation: **Approve**, subject to conditions

Assistant Planner I Steve Le presented the project with recommendations for approval. Steve Le reviewed all Architectural Committee recommendations for changes to project. He noted that the project is consistent with all City of Santa Clara Design Guidelines. Staff recommendation to approve. Steve Le explained short/long term rental regulation update.

There were several public comments. Multiple neighbors expressed concerns regarding the behavior of Airbnb guests and tenants. The Committee also expressed areas of concern. There are six exits and entrances on the ground floor. Planning Commissioners Steve Kelly and Anthony Becker recommended reduced entrances. The applicant requested one extra bathroom.

Motion/Action: Motion to approve the current proposal, a new two-story residence with five bedrooms, three and a half bathrooms, and closed off entrances from the dining room and two ground floor bedrooms, was made by Planning Commissioner Steve Kelly, seconded by Planning Commissioner Anthony Becker and unanimously approved by the Architectural Committee (2-0-0-0).

9. OTHER BUSINESS

9.A. Committee Procedures and Staff Communications

- i. Announcements/Other Items
- ii. Report of the Liaison from the Community Development Department
- iii. Upcoming Agenda Items


10. ADJOURNMENT

The meeting adjourned at 8:00 p.m. The next regular Architectural Committee meeting will be held on Wednesday, July 17, 2019, at 6:00 p.m.

Prepared by:


Gloria Sciarra, AICP
Development Review Officer

Approved:


Reena Brilliot
Planning Manager