

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA APPROVING A USE
PERMIT TO ALLOW THE DATA CENTER PROJECT LOCATED
AT 2805 BOWERS AVENUE, SANTA CLARA**

SCH# 2023020228

PLN21-15069 (General Plan Amendment, Use Permit, Architectural Review)

WHEREAS, on August 4, 2021, HMH Engineers (“Applicant”), on behalf of GI Partners (“Owner”) made an application for the development of a 5.12-acre site (Assessor’s Parcel Numbers: 216-28-063) located at 2805 Bowers Avenue in Santa Clara (“Project Site”);

WHEREAS, the Project Site has a General Plan designation of High Intensity Office / Research and Development and is zoned Light Industrial (ML);

WHEREAS, the Project Site is currently developed with a 104,000 square-foot two-story office building, surface parking lot and site landscaping;

WHEREAS, the Owner proposes to construct a 244,068 square foot, four-story data center building housing computer servers and administrative functions, rooftop mechanical equipment, and generator equipment yard with 32, three megawatt (MW) tier 4 compliant renewable diesel-fired emergency backup generators, with a maximum peak generating capacity of 72 MW, an electric substation, a surface parking lot and on- and off-site improvements; in conjunction with demolition of the existing structures and site improvements (“Project”);

WHEREAS, the Project requires a General Plan Amendment, a Use Permit, and Architectural Review by the City. The Owner has simultaneously applied for a Small Power Plant Exemption (“SPPE”) from the California Energy Commission (“CEC”), which granted the SPPE on November 8, 2023;

WHEREAS, pursuant to Santa Clara City Code (“SCCC”) Section 18.48.040, a Use Permit is required to allow a data center use in the ML zoning district, and pursuant to Section 18.60.050, a Use Permit is required to authorize backup generators for the data center;

WHEREAS, the CEC, as Lead Agency, prepared the Draft Environmental Impact Report (“DEIR”) for the Project in accordance with CEQA and circulated copies for 45-day review to public agencies which have jurisdiction by law with respect to the Project, as well as to other interested persons and agencies, and sought the comments of such persons and agencies beginning on August 10, 2023 and concluding on September 29, 2023 (“Comment Period”);

WHEREAS, the EIR identified certain potentially significant adverse impacts on the environment with Project development that with implementation of the mitigation measures specified in the Mitigation Monitoring and Reporting Program (“MMRP”) for the Project would reduce the potentially significant effects to less than significant;

WHEREAS, the CEC certified the EIR and adopted the MMRP at a publicly noticed meeting on November 8, 2023;

WHEREAS, the Planning Commission accepted the EIR as a responsible agency and adopted the MMRP at a duly noticed public meeting on March 6, 2024;

WHEREAS, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

WHEREAS, on February 22, 2024, notices of the public meeting for the Planning Commission Hearing of March 6, 2024, were mailed to all property owners within 2,000 feet of the Project Site boundaries and to the schools/daycares located within the vicinity, including Bracher Elementary School, Wilcox High School, Eliana’s Daycare, and Little Starfish Bilingual Daycare; and

WHEREAS, on March 6, 2024, Planning Commission held a duly noticed public hearing to consider the Project during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.

2. That the Planning Commission hereby approves the Use Permit, contingent on the approval of a General Plan Amendment by the Council, to allow the construction of a new four-story, 244,068 square foot data center with rooftop mechanical equipment, backup generators with a maximum peak capacity of 73 MW, a substation, and associated landscaping and site improvements, as depicted on Exhibit "Development Plans," attached hereto and incorporated herein by this reference.

3. That based upon substantial evidence in the record of the hearing, including the facts stated in this resolution, the Planning Commission hereby finds that:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare in that the Project would utilize the currently underutilized site as a data center; which requires significant investment in on- and off-site property improvements including connectivity to adjacent properties.

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the Project will incorporate mitigation measures specified in the MMRP with Project development and construct the Project in accordance with the California Building Code.

2) The property or improvements in the neighborhood of such proposed use, in that the Project improves the Project Site with investment in on- and off-site improvements with the construction of a new data center that includes a complete street frontage to link adjacent uses, and site landscaping.

3) The general welfare of the City, in that the Project maintains the industrial character of the property and integrity of the surrounding industrial sector as well as provides economic benefits to the City's General Fund through increased property tax with the proposed improvements associated with the data center use.

C. That said use will not impair the integrity and character of the zoning district, in that the Project is compatible with existing and planned uses in the project area in terms of proposed use, intensity and scale of development, and building and site design.

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that the project site is surrounded by industrial uses including the Silicon Valley Power (SVP) Uranium Substation and Vantage data center immediately south of the site and a data center use would not be objectionable or detrimental to the adjacent properties or surrounding industrial sector.

4. Effective date. This approval is contingent upon the approval of the General Plan Amendment (GPA) associated with this project by the City Council, and shall not go into effect until the Effective date of that GPA. In the event the Council does not approve the GPA or the GPA does not go into effect, this Resolution shall not take effect.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 6TH DAY OF MARCH 2024.

ATTEST: _____

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Project Conditions of Approval