

RESOLUTION NO. \_\_\_ - \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA TO OVERRULE THE APPEAL AND UPHOLD THE ARCHITECTURAL REVIEW COMMITTEE'S ADOPTION OF THE MITIGATED NEGATIVE DECLARATION AND THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE TWO-STORY DATA CENTER PROJECT LOCATED AT 2305 MISSION COLLEGE BOULEVARD, SANTA CLARA, CALIFORNIA**

PLN2017-12535 (Architectural Review)  
CEQ2017-01034 (Mitigated Negative Declaration)

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:**

**WHEREAS**, on March 7, 2017, Clarke Michalak, ("Applicant") filed an application for a development proposal to allow the development of a two-story 495,610 square foot data center on a 15.7 acre site at 2305 Mission College Boulevard ("Project Site");

**WHEREAS**, the Applicant applied for the demolition of an existing two-story 358,000 square foot office/R&D and construction of a two-story 495,610 square foot data center building with equipment yards and onsite improvements ("Project") as shown on the Development Plans, attached hereto and incorporated herein by this reference;

**WHEREAS**, in conformance with CEQA, the Mitigated Negative Declaration (MND) and Mitigated, Monitoring, and Reporting Program (MMRP) were prepared and a Notice of Availability was circulated for a 30-day period from March 5, 2018 to April 5, 2018., with an approved extension of the review period to April 12, 2018;

**WHEREAS**, on April 18, 2018, the Architectural Review Committee (ARC) adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MND/MMRP) and approved a two-story 495,610 square foot data center at the Project Site;

**WHEREAS**, in the event the Applicant or others affected are not satisfied with the decision of the ARC, he or she may within seven days after such decision appeal in writing to the Planning Commission;

**WHEREAS**, on April 24, 2018, the firm representing Laborers International Union of North America, Lozeau Drury LLP filed a timely appeal on concerns relating to the MND;

**WHEREAS**, on April 25, 2018, the firm representing the California Unions for Reliable Energy, Adams Broadwell Joseph & Cardozo, filed a timely appeal on concerns related to the MND;

**WHEREAS**, on June 1, 2018, the notice of public hearing for the June 13, 2018, Planning Commission meeting for this item was posted at least three conspicuous locations within 300feet of the project site and was mailed to property owners within 300 foot radius; and

**WHEREAS**, on June 13, 2018, the Planning Commission held a duly noticed public hearing to consider the appeal of the Architectural Review Committee approval of the Project, MND, and MMRP, at which time all interested persons were given an opportunity to provide testimony and present evidence, both in support of and in opposition to the appeal.

**NOW THEREFORE, BE IT FURTHER 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 overrules the appeal filed by the appellants of the Architectural Review Committee's action.
2. That the Planning Commission hereby finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less-than-significant level by the mitigation measures specified in the MND and MMRP.
3. That the Planning Commission hereby denies the appeal and upholds the adoption of the MND and MMRP for the Project as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074).
4. That the Planning Commission hereby find that the MND and MMRP completed for this Project has been completed in compliance with CEQA, and that approval of this project as mitigated will have no significant negative impacts on the area's environmental resources,

cumulative or otherwise, as the impacts as mitigated would fall within the environmental thresholds identified by CEQA.

6. Effective date. This resolution shall become effective immediately.

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 13<sup>th</sup> DAY OF JUNE, 2018, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:

ATTEST: \_\_\_\_\_  
ANDREW CRABTREE  
DIRECTOR OF COMMUNITY DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Mitigated Negative Declaration (Previously Distributed)
2. Mitigation Monitoring and Reporting Program (MMRP)
3. Development Plans

I:\PLANNING\2017\Project Files Active\PLN2017-12535 2305 Mission College Blvd\PC\Attachments\Resolution to Adopt MND and MMRP 2305 MCB.doc