

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO SUSTAIN AN APPEAL AND APPROVE A VARIANCE TO
HEIGHT, PARKING, AND FRONT SETBACK REQUIREMENTS IN
ORDER TO ALLOW A DATA CENTER PROJECT WITH BACK UP
GENERATORS LOCATED AT 1231 COMSTOCK STREET, SANTA
CLARA**

PLN22-00282 (Conditional Use Permit, Variance)

WHEREAS, on December 13, 2022, Prime Data Centers (“Applicant”), on behalf of 1231 Comstock Property LLC (“Owner”) made an application for the development of a 1.37-acre site (Assessor’s Parcel Numbers: 224-08-120) located at 1231 Comstock Street in Santa Clara (“Project Site”);

WHEREAS, the Project Site has a General Plan designation of Low Intensity Office / Research and Development and was zoned Light Industrial (ML) when the application was “deemed complete” under the prior Zoning Code, and is now zoned Low Intensity Office / Research and Development (LO-RD);

WHEREAS, the Project Site is currently developed with an approximately 25,000 square-foot single-story warehouse building, surface parking lot and site landscaping;

WHEREAS, the Applicant proposes to construct a 111,978 square foot four-story data center building with a total capacity of 13.5 Megawatts (MW) housing computer servers and administrative functions, rooftop mechanical equipment, and six 3,000-kilowatt (kW) diesel generators, with 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 Conditional Use Permit, Variances, and Architectural Review by the City for which the Applicant has simultaneously applied;

WHEREAS, the City, as Lead Agency, in tandem with Consultant ‘Circlepoint’ prepared an Initial Study and a Negative Mitigation Declaration (“IS/MND”) for the Project in accordance with CEQA and circulated copies for 30-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, 2024 and concluding on September 10, 2024 ("Comment Period");

WHEREAS, the IS/MND identified possible 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, pursuant to SCCC Section 18.124.050, the Planning Commission cannot grant a Variance without first making specific findings, based upon substantial evidence in the record;

WHEREAS, on October 23, 2024, Planning Commission held a duly noticed public hearing to consider the Project, at the conclusion of which, the Commission voted 4-3 to deny the variance;

WHEREAS, pursuant to SCCC Section 18.124.040 D., The Planning Commission's decision is appealable to the Council in compliance with SCCC Chapter 18.144;

WHEREAS, pursuant to SCCC Chapter 18.144, on November 22, 2024, notices of the public meeting for the City Council Hearing of December 3, 2024, were mailed to all property owners within a 1,000 foot radius, in accordance with SCCC Chapter 18.146;

WHEREAS, pursuant to SCCC Section 18.146.020, on November 27, 2024, notices of the public hearing of December 3, 2024 were posted at City Hall, the Central Park Library, the Mission Branch Library, the Northside Branch Library, and on the City's website;

WHEREAS, on December 3, 2024, City Council held a duly noticed public hearing to consider the Appeal during which the City Council 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 CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the City Council hereby Sustains the Appeal and approves the Variance for

maximum height allowed from 70-feet to the proposed 87-feet, required on-site parking spaces from 25 parking spaces to the proposed 21 parking spaces, and front setbacks from 15-feet to 10-feet for a proposed security fence, as depicted on Exhibit “Development Plans,” attached hereto and incorporated herein by this reference.

3. That pursuant to SCCC Section 18.124.050, the City Council makes the following findings in support of the variance:

1. There are special circumstances or conditions applicable to the subject property or existing buildings (e.g., location, shape, size, surroundings, topography, or other physical features) that do not apply generally to other properties in the vicinity under an identical zoning classification, in that the project would not require a height variance if submitted under the Updated City Code; the updated zoning Designation of LO-RD has a height maximum of 100-feet whereas the older codes Light Industrial (ML) had a maximum height of 70-feet. The applicant has provided alternative parking measures like bike racks, bike lockers, and improvements to street frontage for employees who bike or walk to work, which should reduce the amount of parking required on the lot. Lastly, the proposed structure itself will be 15-feet from the front setback line, however the applicant is proposing a security fence at 10-feet; moving the fence to meet the 15-foot setback line would be infeasible and would hinder security on the site;
2. Strict compliance with Zoning Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity and under an identical zoning classification, in that the immediate surrounding properties are zoned LO-RD which have a maximum height of 100-feet, the proposed project was deemed complete while the parcel was zoned ML which has a maximum height of 70-feet;
3. Approving the Variance would not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vicinity and zone in which the subject property is situated, allowing the proposed 87-foot height would be consistent with the site’s

current zoning, that the structure itself will be 15-feet from the setback while only the security fence would be at the 10-foot setback line, and that applicant has provided alternative means to comply with required parking spaces and that the Data Center use is usually limited in the amount of spaces needed on site; and

4. Granting the Variance will not adversely affect the interests of the public or the interests of residents and property owners in the vicinity of the subject property in question, in that approving the three variances would be in keeping with the Data Center uses that surround the project, the proposed project would revitalize the current parcel by removing the vacant warehouse and providing landscaping and frontage improvements.

3. 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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 3RD DAY OF DECEMBER, 2024, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Development Plans