

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA ACCEPTING THE ENVIRONMENTAL IMPACT REPORT PREPARED BY THE CALIFORNIA ENERGY COMMISSION, MAKING RESPONSIBLE AGENCY FINDINGS, AND ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM FOR 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 simultaneously applied for a Small Power Plant Exemption (“SPPE”) from the California Energy Commission (“CEC”), which granted the SPPE on November 8, 2023;

**WHEREAS**, the CEC is the state agency authorized to approve or deny all thermal Power Plants and related facilities of 50 megawatts (MW) or greater, and pursuant to Public Resources Code Section 25519(c), the CEC is the Lead Agency under the California Environmental Quality Act (“CEQA”) for such thermal Power Plants;

**WHEREAS**, the City of Santa Clara is a Responsible Agency under CEQA, and must make a determination as to the adequacy of the environmental documentation prepared for the Project;

**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 prepared written responses to the comments received during the Comment Period and included these responses in a Final Environmental Impact Report (“FEIR”);

**WHEREAS**, the DEIR and FEIR constitute the EIR for the Project;

**WHEREAS**, the CEC certified the EIR and approved the Mitigation Monitoring and Reporting Program (“MMRP”) and a Small Power Plant Exemption for the Project at a duly noticed Business Meeting on November 8, 2023 (“Docket No: 22-SPPE-01”);

**WHEREAS**, the City is required whenever possible, pursuant to CEQA, to adopt all feasible mitigation measures that can substantially lessen or avoid any significant environmental effects of the Project;

**WHEREAS**, CEQA Guidelines § 15096(h) requires a Responsible Agency, before approving a project for which an EIR has been prepared and certified, to adopt findings specifying whether

mitigation measures and, in some instances, alternatives discussed in the EIR, have been adopted or rejected as infeasible;

**WHEREAS**, the significant and potentially significant environmental effects associated with the Project, as approved, can either be reduced to less than significant or be avoided through the inclusion of mitigation measures proposed in the EIR;

**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, EIR, MMRP and all pertinent information in the record 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 pursuant to CEQA Guidelines Section 15050(b), the Planning Commission as a Responsible Agency has reviewed and considered the information contained in the EIR for the Project.
2. That pursuant to CEQA Guidelines Section 15096(h), the Planning Commission hereby adopts the findings made by the California Energy Commission contained in the FEIR, and further finds that approval of the Project as mitigated will have no significant negative effects on the area's environmental resources, cumulative or otherwise, as the impacts as mitigated fall within the environmental thresholds identified by CEQA, and the Commission hereby accepts the EIR.
3. That the Planning Commission hereby adopts the MMRP, as adopted by the CEC, for implementation with Project Development as required by Section 15097(a) of the CEQA Guidelines.

4. That the Planning Commission hereby designates the Acting Director of Community Development as the Custodian of Records for the Project, and the Planning Division at City Hall, 1500 Warburton Avenue, Santa Clara, California, is the location of the documents and other material that constitute the record of proceedings upon which this decision is based.

5. 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 6<sup>TH</sup> DAY OF MARCH 2024.

ATTEST: \_\_\_\_\_

REENA BRILLIOT  
ACTING DIRECTOR OF COMMUNITY  
DEVELOPMENT  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Mitigation Monitoring and Reporting Program ("MMRP")
2. Project Conditions of Approval