

RESOLUTION NO. 24-9409

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, ADOPTING AN INITIAL STUDY, MITIGATED
NEGATIVE DECLARATION AND A MITIGATION MONITORING
AND REPORTING PROGRAM FOR 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. As a reference, under the new Zoning Code, the project is 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;

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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, the City prepared written responses to the comments received during the Comment Period and included these responses in a Final Mitigated Negative Declaration (“MND”);

WHEREAS, with implementation of mitigation measures for any identified environmental effects impacts would be reduced to less than significant through the inclusion of mitigation measures proposed in the MND;

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 and Use Permit;

WHEREAS, pursuant to CEQA guidelines 15270 (“Projects Which Are Disapproved”), the Planning Commission was not required to take any action on the environmental document;

WHEREAS, on October 24, 2024, the Applicant filed a timely appeal of the Planning Commission’s decision to the City Council;

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; and

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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 pursuant to CEQA Guidelines Section 15074, the decision-making body for the Lead Agency, the City Council, has reviewed and considered the information contained in the MND for the Project.
3. That the City Council hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment and analysis of the City Council.
4. That pursuant to CEQA Guidelines Section 15074(b), the City Council hereby adopts the findings made in the MND, 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 Council hereby adopts the MND.
5. That the City Council hereby adopts the MMRP, Exhibit C in the MND, for implementation with Project Development as required by Section 15097(a) of the CEQA Guidelines.

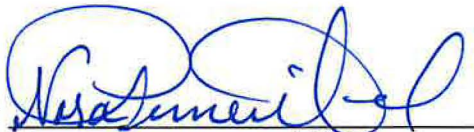
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6. That the City Council hereby designates the Planning Division of the Community Development Department as the location for the documents and other material that constitute the record of proceedings upon which this decision is based and designates the Director of Community Development as the custodian of records.

7. 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:	Becker, Hardy, Jain, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	Park
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	Chahal

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

Attachments incorporated by reference: None