

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA TO OVERRULE THE APPEAL AND UPHOLD
THE ARCHITECTURAL REVIEW OF A TWO-STORY DATA
CENTER FOR THE PROPERTY LOCATED AT 2305 MISSION
COLLEGE BOULEVARD, SANTA CLARA, CALIFORNIA**

PLN2017-12535 (Architectural Review)

BE IT RESOLVED BY 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, on April 18, 2018, at a duly noticed public meeting, the Architectural Committee (AC) adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MND/MMRP) for the Project and approved the Architectural Review of a two-story 495,610 square foot data center at the Project Site;

WHEREAS, on April 24 and April 25, 2018, respectively, the firm representing Laborers International Union of North America, Lozeau Drury LLP, and the firm representing the California Unions for Reliable Energy, Adams Broadwell Joseph & Cardozo (collectively, the “Appellants”), filed timely appeals of the Planning Commission’s actions. Only the second Appellant, Adams Broadwell, raised concerns relating to the architectural review; the first appellant focused only on issues related to the MND and MMRP;

WHEREAS, on June 13, 2018, the Planning Commission held a duly noticed public hearing to consider the appeal of the Architectural Committee approval of the MND, MMRP, and

Architectural Review, at the conclusion of which, the Planning Commission voted to overrule the appeals and uphold the Architectural Committee's actions;

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

WHEREAS, on June 20, 2018, the same Appellants filed timely appeals of the Planning Commission's action;

WHEREAS, the June 20 appeals raised the same issues that the Appellants raised with the Planning Commission: Lozeau Drury did not raise any issues related to the architectural review, and Adams Broadwell Joseph & Cardozo alleged that the City could not make the findings that the Project complies with the standards of design required for architectural approval set forth in Chapter 18.76 of the City Code.

WHEREAS, on July 6, 2018, the notice of public hearing for the July 17, 2018, City Council meeting for this item was posted in three conspicuous locations within 300 feet of the project site and was mailed to property owners within a 300 foot radius; and

WHEREAS, on July 17, 2018, the City Council held a duly noticed public hearing to consider the appeal of the Planning Commission's approval of the MND, MMRP, and Architectural Review, 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 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 overrules the Appellants' appeal and upholds the Planning Commission's June 13, 2018 decision, which in turn overruled the Appellants' previous appeal

and upheld the Architectural Committee's approval of the Architectural Review of the two-story 495,610 square foot data center at the Project Site.

3. That pursuant to SCCC Section 18.76.020, the City Council determines that the following findings exist to support architectural approval:

A. That any off-street parking area, screening strips and other facilities and improvements necessary to secure the purpose and intent of the Zoning Ordinance and the General Plan of the City are a part of the proposed development, in that the development provides adequate parking spaces on site for the proposed data center.

B. That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazards, in that (1) the design is a modern, pleasing architectural style that has been vetted by the Architectural Committee and subject to a public review process, and is consistent with the City's adopted Design Guidelines; (2) the proposed structure is comparable to the prior use on the site, a two-story, 358,000 sf office/R&D building and parking lot; and (3) there is no expansion of the parking or intensification of use that would cause increased traffic congestion or hazards; in fact, the proposed project will result in a significant reduction of vehicle trips compared to the prior development on the site.

C. That the design and location of the proposed development is such that it is in keeping with the character of the neighborhood and is such as not to be detrimental to the harmonious development contemplated by this title and the General Plan of the City, in that the development proposal is for a new data center, equipment yard, and substation that are consistent with the scale and general design characteristic of the surrounding industrial developments.

D. The granting of this approval will not materially affect adversely the health, comfort of general welfare of persons residing or working in the neighborhood of said development and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the design is not out of scale with the surrounding Office/R&D and industrial developments, and the MND determined that with mitigation, the project would not result in any significant environmental impacts.

E. That the proposed development, as set forth in the plans and drawings and as conditioned, are consistent with the set of more detailed policies and criteria for architectural review as approved and updated from time to time by the City Council, in that the development is a modern medium-scale data center facility that is allowed in the Light Industrial Zoning District.

4. That, based on the findings set forth in this Resolution and the evidence in the City Staff Report, the City Council hereby overrules the appeal and upholds the Planning Commission's approval of the Project as set forth herein, as detailed in the attached development plans and subject to the attached conditions of approval.

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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 CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE ____ DAY OF _____, 2018, BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
JENNIFER YAMAGUMA
ACTING CITY CLERK
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plan
2. Conditions of Architectural Approval

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