

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT FROM HIGH INTENSITY OFFICE/ RESEARCH AND DEVELOPMENT TO LIGHT INDUSTRIAL TO ALLOW 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 General Plan designation of High Intensity Office/ Research and Development is intended for high-rise or campus-like developments or data centers that serve another primary use on the site, and a General Plan Amendment to Light Industrial is required to allow the construction of a standalone data center;

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 certified the EIR and adopted the MMRP at a publicly noticed meeting on November 8, 2023;

WHEREAS, the Planning Commission accepted the EIR as a responsible agency and adopted the MMRP at a duly noticed public meeting on March 6, 2024;

WHEREAS, Santa Clara City Charter Section 1007 requires that the Planning Commission provide input to the City Council on any proposed General Plan amendment;

WHEREAS, Government Code Section 65353 requires the Planning Commission to hold a public hearing prior to making a recommendation on the General Plan Amendment;

WHEREAS, on February 21, 2024, a notice of the public hearing on the proposed General Plan Amendment was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, for the Planning Commission Hearing to be conducted on March 6, 2024;

WHEREAS, on February 22, 2024, notices of 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;

WHEREAS, before considering the General Plan Amendment for the Project Site, the Planning Commission reviewed and considered the information contained in the EIR prepared for the project;

WHEREAS, the Planning Commission has reviewed the General Plan Amendment; and,

WHEREAS, on March 6, 2024, the Planning Commission held a duly noticed public hearing to consider the Project 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 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 finds and determines that the General Plan Amendment is in the interest of the public good for the following reasons:

A. The proposed amendment is deemed to be in the public interest, in that the project is located in an urbanized area served by existing municipal services and invests in public services and infrastructure with on- and off-site improvements like, repairing the existing curb, and gutter and providing complete streets along the project frontage;

B. The proposed General Plan amendment is consistent and compatible with the rest of the General Plan and any implementation programs that may be affected, in that the proposal utilizes and improves an underutilized property for use as a data center, strengthening the existing tax base;

C. The potential impacts of the proposed amendment have been assessed and have been determined not to be detrimental to the public health, safety, or welfare, in that as proposed,

it includes all feasible mitigation to reduce the potential adverse environmental effects of the project to less-than-significant levels; and

D. The proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA), in that an Environmental Impact Report has been prepared for the amendment has been certified and a Mitigation Monitoring and Reporting Program has been adopted.

3. That the Planning Commission hereby recommends that the City Council, pursuant to Government Code § 65353, amend the General Plan by changing the General Plan Land Use Designation from High Intensity Office/ Research and Development to Light Industrial to allow the construction of the standalone data center.

4. 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 6TH DAY OF MARCH 2024.

ATTEST:

REENA BRILLIOT
ACTING DIRECTOR OF COMMUNITY
DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference: None