

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA TO OVERRULE THE APPEAL AND UPHOLD THE ARCHITECTURAL REVIEW COMMITTEE APPROVAL 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, in conformance with CEQA, the Mitigated Negative Declaration (MND) and Mitigated, Monitoring, and Reporting Program (MMRP) were prepared and a Notice of Availability was circulated for a 30-day period from March 5, 2018 to April 5, 2018., with an approved extension of the review period to April 12, 2018;

WHEREAS, on April 18, 2018, the Architectural Review Committee (ARC) adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MND/MMRP) and approved a two-story 495,610 square foot data center on at the Project Site;

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

WHEREAS, on April 24, 2018, the firm representing Laborers International Union of North America, Lozeau Drury LLP filed a timely appeal on concerns relating to the MND;

WHEREAS, on April 25, 2018, the firm representing the California Unions for Reliable Energy, Adams Broadwell Joseph & Cardozo, filed a timely appeal on concerns related to the MND;

WHEREAS, on June 1, 2018, the notice of public hearing for the June 13, 2018, Planning Commission meeting for this item was posted at least three conspicuous locations within 300 feet of the project site and was mailed to property owners within 300 foot radius; and

WHEREAS, on June 13, 2018, the Planning Commission held a duly noticed public hearing to consider the appeal of the Architectural Review Committee's approval of the Project, 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 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 hereby overrules the appeal filed by the appellants of the Architectural Review Committee's action.

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

A. That any off-street parking area, screening strips and other facilitates 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 there is no

expansion of the parking or intensification of use that would cause increased traffic congestion or hazard.

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.

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 Planning Commission hereby overrules the appeal and upholds the Architectural Review Committee's approval of the Project as set forth herein, as detailed in the attached development plans and subject to the attached conditions of approval.

//

//

//

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 13th DAY OF JUNE, 2018, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: _____

ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

1. Development Plan
2. Conditions of Architectural Approval

I:\PLANNING\2017\Project Files Active\PLN2017-12535 2305 Mission College Blvd\PC\Attachments\Resolution Approving Architectural Review 2305 MCB.doc