RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA TO DENY THE APPEAL AND UPHOLD THE ARCHITECTURAL REVIEW APPROVAL OF A FOUR-STORY DATA CENTER PROJECT LOCATED AT 1150 WALSH AVENUE, SANTA CLARA, CALIFORNIA

PLN2019-13974 (Architectural Committee Appeal)
PLN 2018-13128 (Architectural Review)
CEQ2018-01049 (Mitigated Negative Declaration)

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on March 1, 2018, Michael Downey ("Applicant") on behalf of Raging Wire Data Centers, Inc. ("Property Owner") filed a development application for a 3.32-acre site located at 1150 Walsh Avenue which is currently occupied by three, one-story industrial buildings totaling 37,443 square feet, landscaping and surface paving ("Project Site")

WHEREAS, the development application involves Architectural Review of the development proposal to construct a four-story, 160,450 square foot data center building with back-up diesel generators, electric substation, and site improvements ("Project"), as shown on the Development Plans attached hereto and incorporated by this reference;

WHEREAS, the Project includes the demolition of the existing buildings, surface paving and site landscaping;

WHEREAS, a Mitigated Negative Declaration ("MND") was prepared for the Project and a Notice of Availability was issued on March 6, 2019 for 30-day agency and public review and comment period in accordance with California Environmental Quality Act (CEQA) and closed on April 5, 2019;

WHEREAS, the MND identified potential significant impacts of Project development that with implementation of the mitigation measures identified in the Mitigation Monitoring and Reporting

Program (“MMRP”) will reduce potential mitigation measures to less than significant and will be incorporated into the Project;

WHEREAS, on June 19, 2019, the Architectural Committee held a duly noticed public hearing to review the Project at which time the firm representing California Unions for Reliable Energy, Adams Broadwell Joseph and Cardozo, submitted additional comments on the MND, and following which City staff responded to the comments received;

WHEREAS, following review of the Staff Report, MND, MMRP and all verbal and written evidence, the Architectural Committee adopted the MND and MMRP and approved Architectural Review of the Project;

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

WHEREAS, on June 26, 2019, Adams Broadwell Joseph and Cardozo, on behalf of California Unions for Reliable Energy (“Appellants”), filed an appeal of the Architectural Committee’s action to adopt the MND and MMRP and approve Architectural Review of the Project;

WHEREAS, the June 26, 2019 appeal conveyed many of the same issues that the Appellants raised with the Architectural Committee pertaining to the formulation of mitigation measures and the analysis of air quality, greenhouse gas, battery use and energy impacts in the MND; architectural findings to grant architectural approval; and a request that an Environmental Impact Report be prepared rather than an MND;

WHEREAS, the environmental consultant Circlepoint prepared a “Response to Comments” on the MND and a “Supplemental Memo for the 1150 Walsh Avenue SV1 Data Center Project” that responds to the Appellant’s comments;

WHEREAS, on August 16, 2019, the notice of public hearing for the August 28, 2019 Planning Commission meeting was posted in at least three conspicuous locations within 500 feet of the Project Site and was mailed to interested parties within 500 feet of the Project Site boundaries; and

WHEREAS, August 28, 2019, the Planning Commission held a duly noticed public hearing to consider the appeal of the Architectural Committee's adoption of the MMND and MMRP and 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 part hereof.
2. That the Planning Commission hereby denies the Appellant's appeal and upholds the Architectural Committee's June 19, 2019 Architectural review approval of the Project.
3. Pursuant to SCCC Section 18.76.020, the Planning Commission determines that the following findings exist to support architectural approval of the Project:

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 project provides 40 on-site parking spaces consistent with the 1:4,000 parking requirement for data center uses. The project includes off-site public improvements along the public right of-way fronting the project site and on-site landscape improvements in the parking areas. A four-foot clear landscape strip adjacent to the curb with a five-foot sidewalk behind are proposed to link adjacent properties and provide pedestrian access to the site consistent with complete streets design. The project also includes landscaping within the front building setback and parking areas

in conformance with the development standards for the MH zoning district. At grade outdoor equipment would be screened from the public right-of-way behind the proposed building and adjacent building on the property to the west. Roof mounted equipment would be screened from view along the public-right-way by roof panels atop the new building.

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 hazard, in that:

- The project invests in the development of a Class A building structure and site improvements that will enhance the streetscape and increase property values by replacing derelict buildings, asphalt surface parking areas, and minimal landscaping on-the site and provide a catalyst for future investment for enhancement and development opportunities in the project area.
- The project site is located within the MH zoning district. Data centers generate few employees and relatively infrequent delivery of materials; consequently, the Project is not anticipated to produce many vehicle trips. Moreover, a data center is a permitted use within the MH zoning district. Sufficient parking is provided to accommodate employee parking demands on-site and prevent spillover parking onto the public right-of-way. Ingress and egress are provided with the replacement of an existing driveway at the southeast corner of the site and construction of a new driveway at the southwest corner of the site to improve traffic flow along the street and site circulation on the property.

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 the Zoning Ordinance and the General Plan of the City, in that:

- The project site is developed with three industrial buildings that are currently vacant and previously occupied by an auto body shop and warehouse uses. The project site is bordered by one-story commercial office and industrial warehouse uses and neighboring two-story office and industrial buildings. Data centers are a permitted use in the MH zoning district.
- The proposal is to redevelop and improve the project site with construction of a four-story, 160,450 square foot data center in a Class A structure with a strong, contemporary urban design that would improve the visual character of the zone. The project would include an electrical substation to serve the project and ancillary equipment (backup generators and above ground fuel storage tanks), loading dock, circulation and parking, and landscape improvements in conformance with the MH zoning district development standards and consistent with the development of data centers throughout the City. The project includes Zoning Administrator approval of a Modification to increase maximum building height from 70 feet to 71'4" to achieve the interior ceiling heights necessary to accommodate server operations within the building.

D. That the granting of such approval will not, under the circumstances of the particular case, materially affect adversely the health, comfort or general welfare of persons residing or working in the neighborhood of said development, and will not be materially detrimental to the public welfare or injuries to property or improvements in said neighborhood, in that:

- The project site is currently in poor condition and is an attractive nuisance for graffiti, trespassing, and dumping of materials. The proposal is to invest in the redevelopment of the site and improve the property with construction of a data center

and associated improvements, that includes on-site security and gated entries. The project includes conditions of approval and would be subject to the City Code and the mitigation measures set forth in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program with project development to minimize impacts of development on neighboring properties.

E. That the proposed development, as set forth in the plans and drawings, is 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, which set shall be maintained in the planning division office, in that:

- The project supports high quality design in keeping with adopted design guidelines for industrial development and the City's architectural review process consistent with General Land Use Plan Policy 5.3.1-P3 as follows:
  - The building design avoids the orientation of loading, service areas, and large expanses of blank walls facing toward the street.
  - The bulk, scale and height of the building is appropriate for the industrial sector and approved data centers within the City.
  - Façade elements and treatments are incorporated in the exterior building design to enrich the building appearance.
  - Driveway entrances are appropriate in number and location and are emphasized by landscaping to provide a suitable focus and identification.
  - A landscape planting plan for the site and public-right-way is proposed that includes a minimum 2:1 tree replacement ratio.
  - The parking layout is designed for maximum efficiency and incorporates landscaping to minimize hardscape, provide shading to minimize heat absorption and reflection, and enhance the visual attraction of the property.

- The project provides pedestrian connections to neighboring development with the construction of a complete street section (4' landscape strip and 5' sidewalk) along the project frontage.
- Screening of ground mounted and rooftop equipment from view along the public right-of-way are integrated into the site and building design.
- The trash enclosure is incorporated within the building footprint so as not to be visible from the public right-of-way and is accessible for service pick up.
- Overhead utilities along the project frontage will be undergrounded in a public utility easement.
- Lighting of parking areas and building entrances are incorporated into the site and building design and will be directed downward so as not to reflect into the night sky, adjacent properties nor the public right-of-way.
- The site is design incorporates water conservation features that include permeable pavers, recycled water for landscape irrigation, LED lighting, cool roof system, and louvered curtain wall system to reduce solar heat gain.

4. That based on the findings set forth in the Resolution and the evidence in the City Staff Report, the Planning Commission hereby overrules the appeal and upholds the Architectural 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.

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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 28th DAY OF AUGUST, 2019, 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 Plans
2. Conditions of Approval

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