



City of Santa Clara

Meeting Agenda

Planning Commission

Wednesday, November 13, 2019

6:00 PM

City Hall Council Chambers

6:00 PM REGULAR MEETING

Call to Order

Pledge of Allegiance and Statement of Values

Roll Call

DECLARATION OF COMMISSION PROCEDURES

CONTINUANCES/EXCEPTIONS

CONSENT CALENDAR

Consent Calendar items may be enacted, approved or adopted, based upon the findings prepared and provided in the written staff report, by one motion unless requested to be removed by anyone for discussion or explanation. If any member of the Planning Commission, staff, the applicant or a member of the public wishes to comment on a Consent Calendar item, or would like the item to be heard on the regular agenda, please notify Planning staff, or request this action at the Planning Commission meeting when the Chair calls for these requests during the Consent Calendar review. Items listed on the Consent Calendar with associated file numbers constitute Public Hearing items.

1.A 19-1135 Planning Commission Meeting Minutes of October 23, 2019

Recommendation: Approve the Planning Commission Minutes of the October 23, 2019 Meeting.

1.B 19-1198 [Action on Use Permit for ABC License Type 47, and to allow indoor live entertainment for Eureka! Restaurant Located at 2762 Augustine Drive, Suite 120 and 130](#)

Recommendation: Adopt a resolution approving a Use Permit for the sale and consumption of beer, wine and distilled spirit (ABC License Type 47), and incidental live entertainment in the new Eureka! Restaurant located at 2762 Augustine Drive, Suite 120 and 130, subject to conditions of approval.

PUBLIC PRESENTATIONS

Members of the public may briefly address the Commission on any item not on the agenda.

PUBLIC HEARING

Items listed above under Items for Council Action will be scheduled for Council review following the conclusion of hearings and recommendations by the Planning Commission. Due to timing of notices for Council hearings and the preparation of Council agenda reports, these items will not necessarily be heard on the date the minutes from this meeting are forwarded to the Council. Please contact the Planning Division office for information on the schedule of hearings for these items.

2. 19-753 Actions on a Proposed 65 Residential Unit Affordable Housing Project at 2330 Monroe Street

Recommendation: Alternatives 1, 2, and 3: That the Planning Commission adopt resolutions for the Affordable Housing Project located at 2330 Monroe Street recommending that the City Council:

1. Adopt a resolution to recommend the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Affordable Housing Project at 2330 Monroe Street.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment from Right of Way to Medium Density Residential to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements.
3. Adopt a resolution to recommend the City Council approve a rezoning from Single Family Residential (R1-6L) to Planned Development (PD) to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements.

3. 19-1130 Action on a Conditional Use Permit to allow a new Car/Truck Rental Facility at 2390 Lafayette Street

Recommendation: Adopt a Resolution to approve a Use Permit to allow a new car/truck rental facility at 2390 Lafayette Street, subject to conditions of approval.

4. **19-1136** Public Hearing: Action on Appeal of Architectural Committee Adoption of a Mitigated Negative Declaration and Approval of a Data Center Project Located at 2175 Martin Avenue

Recommendation: Alternatives 1 and 2:

1. Adopt a resolution to deny the appeal and uphold the Architectural Committee's adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2. Adopt a resolution to deny the appeal and uphold the Architectural Committee's approval of the data center project located at 2175 Martin Avenue, subject to conditions.

5. **19-1194** Public Hearing: Action on a Variance from the Sign Ordinance for the size and number of signs at 3975 Freedom Circle.

Recommendation: Adopt a Resolution approving the variance allowing the increased sign area for two wall signs placed at a height of over 35 feet on the western façade at 3975 Freedom Circle.

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items
2. Architectural Committee
3. Commissioner Travel and Training Reports, Requests to attend Trainings

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Update
2. Upcoming Agenda Items
3. City Council Actions

ADJOURNMENT:

The next regular scheduled meeting is on December 11, 2019 at 6:00 PM in the City Hall Council Chambers.



City of Santa Clara

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Santa Clara, CA 95050
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[@SantaClaraCity](https://twitter.com/SantaClaraCity)

Agenda Report

19-1135

Agenda Date: 11/13/2019

SUBJECT

Planning Commission Meeting Minutes of October 23, 2019

RECOMMENDATION

Approve the Planning Commission Minutes of the October 23, 2019 Meeting.



City of Santa Clara

Meeting Minutes

Planning Commission

10/23/2019

6:00 PM

City Hall Council Chambers

6:00 PM REGULAR MEETING

Call to Order

Chair Becker called the meeting to order at 6:09 p.m.

Pledge of Allegiance and Statement of Values

Roll Call

Present 7 - Commissioner Steve Kelly, Commissioner Yuki Ikezi, Commissioner Sudhanshu Jain, Vice Chair Lance Saleme, Chair Anthony Becker, Commissioner Nancy A. Biagini, and Commissioner Priya Cherukuru

DECLARATION OF COMMISSION PROCEDURES

Chair Becker read the Declaration of Commission Procedures.

CONTINUANCES/EXCEPTIONS

None

CONSENT CALENDAR

Chair Becker announced that **City Attorney Brian Doyle** will need to leave the meeting at approximately 6:55 p.m. The City Attorney rejoined at approximately 7:45 p.m.

Commissioner Jain requested pull Items 1.A and 1.B.

Commissioner Biagini requested to pull Item 1.A.

Commissioner Jain noted that the September 25, 2019 meeting was very good and the presentation made by the TDM Consultant was excellent.

Commissioner Jain requested that the TDM presentation by Elizabeth Hughes and material be posted on the city's website.

Commissioner Biagini noted that her comments made at the September 25 Planning Commission meeting regarding further details on the Parade of Champions information was not noted in the minutes.

1.A [19-884](#) Planning Commission Meeting Minutes of September 25, 2019

Recommendation: Approve the Planning Commission Minutes of the September 25, 2019 Meeting.

A motion was made by Commissioner Jain, seconded by Commissioner Biagini, to approve staff recommendation.

Aye: 6 - Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

Abstained: 1 - Commissioner Kelly

- 1.B [19-1090](#) Action on Use Permit for ABC License Type 41 for Lupita's Taqueria Restaurant at 2341 El Camino Real

Recommendation: Adopt a resolution approving a Use Permit for the sale and consumption of beer and wine (ABC License Type 41) in the existing Lupita's Taqueria restaurant located at 2341 El Camino Real, subject to conditions of approval.

Commissioner Jain inquired as to why alcohol permits are coming to Planning Commission meetings and if they could be approved administratively. **Planning Manager Reena Brilliot** replied that as part of the Zoning Code Update it is being proposed to have a more streamlined process regarding these types of licenses. Commissioner Jain noted he did not see the hours of operation in the Conditions of Approval. The **Applicant, Maribel Hernandez**, spoke and confirmed the hours of operation would be 10 a.m. to 9 p.m. daily.

Commissioner Biagini asked if the public would still be able to comment on Use Permits if they were approved administratively. **Development Review Officer Gloria Sciara** noted that administrative approval does not require a hearing so public comment would not be part of the process. **Development Review Officer Gloria Sciara** noted **Commissioner Biagini's** concerns would be highlighted and shared with the team working on the Zoning Code Update.

Commissioner Jain inquired if the 6 and 12-month approval for Use Permits/ABC License by Police would still take place. **Development Review Officer Gloria Sciara** noted this may be reverted to a complaint basis. The administrative process could include review. **City Attorney Brian Doyle** voiced concerns that the subject is not part of the agenda item and could be a violation of the Brown Act.

A motion was made by Commissioner Ikezi, seconded by Commissioner Jain to approve staff recommendation.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

PUBLIC PRESENTATIONS

Planning Manager Reena Brilliot clarified that Item 2 is not regarding the application for the 6,000 unit proposal. It is related to the same site but is not the same application.

Public Speaker - spoke regarding significant community concerns regarding a rezoning of the Yahoo property and commented that he has a list of 212 residents with concerns on this matter. A petition was submitted to the Commission regarding the 212 residents' concerns on the scope of the project.

PUBLIC HEARING

2. [19-821](#) Public Hearing: Action on Amendment No. 1 to Development Agreement with Innovation Commons Owner LLC (Previously Yahoo)

Recommendation: Alternative 1:
Approve a Resolution recommending that the Council approve the First Amendment to Development Agreement between the City of Santa Clara and Innovation Commons Owner LLC.

Associate Planner Rebecca Bustos provided a presentation.

Applicant Randy Garson, Vice President of Kylli spoke.

Public Speaker(s):

Clare Dee - It was clarified that her comments were for Item 3.
John Staudenraus - It was clarified that his comments were for Item 3.
Brian Goldenberg
Public Speaker
Mark Goldberg
Ruben Comacho
Linda Lessa

A motion was made by Commissioner Kelly, seconded by Commissioner Ikezi to close public hearing.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

A motion was made by Commissioner Kelly, seconded by Commissioner Ikezi to reopen public hearing.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

A motion was made by Commissioner Jain, seconded by Commissioner Biagini to close Public Hearing.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

A motion was made by Commissioner Kelly, seconded by Commissioner Biagini to approve staff recommendation with a recommendation that Council require up to 35% of overall trip reduction from TDM measures.

A friendly amendment was made by Commissioner Jain that the project be required to reduce overall vehicle trips by 35%. The friendly amendment was not accepted by the maker of the motion Commissioner Kelly.

Aye: 4 - Commissioner Kelly, Vice Chair Saleme, Commissioner Biagini, and Commissioner Cherukuru

Nay: 3 - Commissioner Ikezi, Commissioner Jain, and Chair Becker

3. [19-1010](#) Public Hearing: Action on 3035 El Camino Real Residential Project

Recommendation: Alternatives 1, 2 and 3:

1. Adopt a resolution to recommend the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the 3035 El Camino Real Residential Project.
2. Adopt a resolution to recommend the City Council approve a rezoning from Thoroughfare Commercial (CT) to Planned Development (PD) to allow development of 48 condominium units, a private street, landscaped open space, surface parking and site improvements.
3. Adopt a resolution to recommend the City Council approve the Tentative Subdivision Map to subdivide the existing parcel into a single-lot subdivision with 48 condominium units.

Meeting went into Recess at 7:35 p.m. and reconvened at 7:40 p.m.

Associate Planner Jeff Schwilk provided a presentation.

Applicant Eric Hayden with Hayden Land Company provided a presentation.

Public Speakers:

John Standeras

Karen Hardy spoke and presented a petition signed by residents about drainage concerns on the back part of the property which abuts this Development

Clare Dee

Nick Kaspar, Silicon Valley Central Chamber of Commerce

A motion was made by Commissioner Kelly, seconded by Commissioner Jain to close Public Hearing

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

A motion was made by Commissioner Jain, seconded by Commissioner Kelly to Approve Recommendation 1.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

A motion was made by Commissioner Jain, seconded by Commission Ikezi to Approve recommendation 2 with the following conditions:

- applicant provide 8' tall masonry wall along the north property line**
- CC&R's limit each unit ownership to 2 cars unless occupant can purchase additional unbundled space from the HOA**
- transit passes be provided for every occupant of units for 10 years**

A friendly amendment was made by Commissioner Ikezi that if the neighbors agree, the masonry wall may on their side be built at a height of 8' tall or otherwise an 8' wood fence will be built onsite along the north property line and throughout the development including along the rear, and to incorporate parking signage for rideshare and delivery services on designated parking spots.

A friendly amendment was made by Commissioner Cherukuru that a grocery stores be added to the list of allowed potential uses in the live/work units.

A friendly amendment was made by Chair Becker that lighting on the outside of the building including along El Camino Real be signature/modern lighting, and to light all walkways.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

A motion was made by Commissioner Ikezi, seconded by Commissioner Biagini to approve recommendation 3.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

REPORTS OF COMMISSION/BOARD LIAISON AND COMMITTEE:

1. Announcements/Other Items

Commissioner Biagini commented that the Santa Clara Parade of Champions was an absolute success and that planning for 2020 parade is underway. **Commissioner Biagini** also announced the Santa Clara Historic Home Tour will be held on December 6 and December 7 and tickets can be purchased at the website www.sc-hometour.com.

Chair Becker announced his car was broken into and these break-ins are becoming a major problem and hopes that the Police Department will help curb occurrences and everyone will lock their vehicles. **Chair Becker** also wished a happy belated birthday to Commissioner Jain.

2. Architectural Committee

Chair Becker announced that **Commissioner Biagini** is unable to attend upcoming Architectural Review Committee due to commitments on the Historical Home Tour.

A motion was made by Commissioner Saleme, seconded by Commission Kelly to nominate Chair Becker as second alternate to Architectural Committee through the term ending June 30, 2019.

Chair Becker also agreed to serve on the Architectural Committee until the end of 2019.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

3. Commissioner Travel and Training Reports, Requests to attend Trainings

Commissioner Jain reported he attended the NetZero Conference in Oakland and noted that there is a metric EUI, Energy Utilization Index that should probably be put into the City's Climate Action Plan. He also noted the Noe Valley Whole Foods has used this metric as well as many other businesses.

Commissioner Kelly noted several sessions/topics he attended at the APA Conference in Santa Barbara. He also noted that in his recent trip to Europe, the transportation system was outstanding.

Commissioner Cherukuru requested staff distribute brochures on an upcoming CEQA conference.

A motion was made by Commissioner Ikezi, seconded by Commisisoner Biagini to allocate funds up to \$3,000 for Commissioners Cherukuru and Biagini to attend the CEQA conference in San Francisco in December.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru

DIRECTOR OF COMMUNITY DEVELOPMENT REPORTS:

1. Planning Commission Budget Updates

Development Review Officer/Staff Liaison Gloria Sciara provided budget updates.

Planning Manager Reena Brilliot requested that Commissioners brainstorm and provide a list of upcoming trainings and speakers that they would be interested in at the next meeting.

2. Upcoming Agenda Items

Planning Manager Reena Brilliot provided updates on upcoming Council items.

3. City Council Actions

Development Review Officer/Staff Liaison Gloria Sciara provided updates from the last two Council Meetings.

Planning Manager Reena Brilliot noted that Regional Housing Needs Assessment (RHNA) that the coordination for the County subregion Committee has been addressed by the City Council. It was also noted that the Related Company will be submitting an application for the Development Area Plan in the near future.

ADJOURNMENT:

The meeting was adjourned at 9:54 p.m.

A motion was made by Commissioner Biagini, seconded by Commission Cherukuru to adjourn the meeting.

Aye: 7 - Commissioner Kelly, Commissioner Ikezi, Commissioner Jain, Vice Chair Saleme, Chair Becker, Commissioner Biagini, and Commissioner Cherukuru



Agenda Report

19-1198

Agenda Date: 11/13/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Action on Use Permit for ABC License Type 47, and to allow indoor live entertainment for Eureka! Restaurant Located at 2762 Augustine Drive, Suite 120 and 130

REPORT IN BRIEF

Project: Use Permit to allow on-site sale and consumption of beer, wine and distilled spirits (ABC Type 47 License) and to allow indoor live entertainment for the tenant space, Suites 120 and 130.

Applicant: Jared Taylor, Eureka!

Owner: The Irvine Company

General Plan: Community Commercial

Zoning: Planned Development (PD)

Site Area: 3,382 square foot interior tenant space and 653 square foot patio area

Existing Site Conditions: Existing tenant space within the Santa Clara Square Marketplace

Surrounding Land Uses:

North: Office complex

South: Industrial office and a UCSC Silicon Valley extension facility

East: Multi-family residential mixed-use development

West: Gas station, SVP substation, and office complex

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt the resolution approving the Use Permit, subject to conditions of approval

BACKGROUND

The applicant is requesting a Use Permit to allow on-site sale and consumption of beer, wine and distilled spirits (ABC License Type 47) and indoor live entertainment in the new Eureka Restaurant located within the Santa Clara Square Marketplace. The restaurant occupies a 3,382 square foot tenant space and a 653 square foot outdoor patio, Suites 120 and 130, with 98 interior dining seats, 16 interior bar seats, 46 exterior seats and 6 exterior bar seats in the patio area. The restaurant would provide indoor live entertainment as part of the regular operation inside the tenant space. The proposed live entertainment will include small local bands playing amplified music for dining ambiance. No DJ's, dance floor or stage are proposed. The proposed restaurant hours of operation, along with the sale and service of beer, wine and distilled spirits, are from 10:00 a.m. to 12:00 a.m. Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. Friday through Saturday.

DISCUSSION

Consistency with the General Plan:

The subject property has a General Plan designation of Community Commercial. This classification is intended for retail and commercial uses that meet local and neighborhood demands. It is intended for

commercial developments that include community shopping centers and supermarkets, local professional offices, medical facilities, banks, restaurants, and neighborhood-type services. The restaurant is consistent with the land use classification of the General Plan. The project is also consistent with the following General Plan policies:

5.3.3-P1 - Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region. The proposal is consistent with this policy in that the new restaurant will provide another eatery option within the larger retail complex.

5.3.3 P5 - Encourage public amenities and active uses in commercial centers and along commercial corridors. The proposal is consistent with this policy in that it will provide evening hours of operation until 1:00 a.m. that will allow for this public amenity to be available to Santa Clara Square Marketplace patrons and residents nearby.

Zoning Conformance:

The zoning designation is Planned Development (PD). Pursuant to Santa Clara City Codes for commercial zoning districts, restaurants that serve alcoholic beverages and incidental live entertainment are allowable uses subject to Planning Commission review and approval of Use Permit. Section 18.110.040 of the Zoning Code identifies the findings that the Planning Commission must make in order to approve the Conditional use Permit. The attached resolution includes those required findings, along with the justification of how those findings can be met. The attached conditions of approval support the Planning Commission's ability to make the required findings, including a requirement for the Planning Commission to review the Use permit within 12 months from the date the applicant obtains an ABC Type 47 License. After six months from obtaining the ABC license, City staff will conduct an administrative review of any ABC violations and police service calls and report any significant occurrences regarding either liquor sales or disturbances involving live entertainment to the Planning Commission.

The applicant has provided a letter of justification to support the Use Permit request. The lease space is located along the western edge of the Santa Clara Square Marketplace which is separated by retail buildings to the residential mixed-use buildings.

Circulation and Parking:

The proposed number of outdoor seats is consistent with the approved master outdoor seating and retail parking program (PLN2016-11668) for the Santa Clara Square development. The Planned Development was approved with a retail parking ratio of one parking space per 200 square feet of each tenant's floor area. A bicycle parking requirement was also approved under the Planned Development for Santa Clara Square. The proposed project would not expect to generate additional parking demand that has not already been accounted for in the commercial center.

Conclusion:

The proposal is consistent with the General Plan and Zoning designations for the existing Santa Clara Square Marketplace. The proposed on-site sale and consumption of beer, wine and distilled spirits and live entertainment is an ancillary use which would provide convenience to restaurant guests that would further enhance a quality commercial use, meet the needs of local customers, and draw patrons from the neighborhood. Due to distance and separation by retail buildings, the proposed use and live entertainment is not expected to have an impact on the nearby residents. No

detrimental effects or adverse impacts are anticipated to result in the area with approval of the requested Use Permit, and is therefore supported by staff.

ENVIRONMENTAL REVIEW

The action being considered is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class I Existing Facilities, in that the activity consists of the permitting of a proposed use that will occur inside and outside of an existing building involving negligible or no expansion of use.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense for the typically covered by processing fees paid by the applicant.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

A notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. Planning Staff has not received public comments for this application.

RECOMMENDATION

Adopt a resolution approving a Use Permit for the sale and consumption of beer, wine and distilled spirit (ABC License Type 47), and incidental live entertainment in the new Eureka! Restaurant located at 2762 Augustine Drive, Suite 120 and 130, subject to conditions of approval.

Prepared by: Yen Han Chen, Associate Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Resolution Approving a Use Permit
2. Conditions of Approval
3. Development Plan
4. Statement of Justification

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE PERMIT TO ALLOW ON-SITE SALE AND SERVICE OF BEER, WINE, AND DISTILLED SPIRITS (ABC LICENSE TYPE 47) AND TO ALLOW INDOOR LIVE ENTERTAINMENT AT THE EUREKA! RESTAURANT LOCATED AT 2762 AUGUSTINE DRIVE, SUITE 120 AND 130, SANTA CLARA, CA

PLN2019-14081 (Use Permit)

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

WHEREAS, on August 22, 2019, Jared Taylor for Eureka! (“Applicant”) applied for a Use Permit to allow on-site sale and service of beer, wine and distilled spirits (ABC License Type 47), and indoor live entertainment in a new 3,382 square foot restaurant with a 653 square foot outdoor patio area located at 2762 Augustine Drive, Suite 120 and 130, within the Santa Clara Square Marketplace. (“Site Location”);

WHEREAS, the Site Location is currently zoned Planned Development (PD) and has the General Plan land use designation of Community Commercial;

WHEREAS, in order to implement the proposed activity, the Site Location requires a Use Permit to allow sale and service of beer, wine and distilled spirits at a bona fide eating place (ABC License Type 47) and to allow indoor live entertainment for Eureka! Restaurant in the existing Santa Clara Square Marketplace, as shown on the Development Plans;

WHEREAS, the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15301, Class 1 existing facilities, in that the proposed use will occur at an existing location involving negligible or no expansion of an existing use;

WHEREAS, pursuant to Santa Clara City Code provisions for commercial zoning districts, restaurants that serve alcoholic beverages, and live entertainment are an allowable use subject to Planning Commission review and approval of Use Permit;

WHEREAS, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

WHEREAS, on November 1, 2019, the notice of public hearing for the November 13, 2019 meeting date for this item was posted in three conspicuous locations within 300 feet of the Site Location and mailed to all property owners located within 300 feet of the Site Location; and,

WHEREAS, on November 13, 2019, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

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 finds that approving a Use Permit to allow sale and service of beer, wine and distilled spirits at a bona fide eating place (ABC License Type 47), and to allow indoor live entertainment in the 3,382 square foot Eureka! Restaurant with 98 interior dining seats, 16 interior bar seats, 46 exterior seats and 6 exterior bar seats in the 653 square foot patio area, is consistent with the commercial uses contemplated in the development of the existing Santa Clara Square Marketplace.
3. That the Planning Commission hereby finds as follows:
 - A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare in that the proposal would serve to expand the options available to local and regional

customers by providing a neighborhood restaurant and live entertainment use within an existing shopping mall to meet the interests of local customers and residents from the greater region;

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the proposal provides a restaurant and live entertainment use that serves beer, wine and distilled spirits in conjunction with food in a new commercial tenant space within an existing shopping center which meets all City of Santa Clara codes and regulations; the restaurant and live entertainment will be routinely manned and maintained; and the business will comply with all City and state laws regarding the sale of alcoholic beverages;

2) The property or improvements in the neighborhood of such proposed use, in that the proposed use will occur in an existing retail tenant space, and on-site parking is sufficient and available to service the proposed use and the existing businesses;

3) The general welfare of the City, in that the proposed use expands the options available to the local and regional population by providing a restaurant and lounge use serving beer, wine and distilled spirits to support businesses and residents in the vicinity of the Site Location;

C. That said use will not impair the integrity and character of the zoning district, in that the proposal is designed and conditioned in a manner to be compatible with adjacent commercial and residential development, on a developed parcel, with adequate parking, and properly designed ingress and egress points; and,

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a restaurant and indoor live entertainment that serves beer, wine and distilled spirits in conjunction with food, may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in this commercially zoned district, zoned as Planned Development (PD).

4. That the Planning Commission hereby approves Use Permit PLN2019-14081 to allow on-site sale and service of beer, wine and distilled spirits (ABC License Type 47) for the tenant space and outdoor dining area and to allow live entertainment for Eureka! Restaurant located at 2762 Augustine Drive, Suite 120 and 130, subject to the Conditions of Approval and development plans, attached hereto and incorporated herein by this reference.

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 November 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

I:\PLANNING\2019\Project Files Active\PLN2019-14081 2762 Augustine Dr Suite 120\PC Resolution.doc

Conditions of Approval

2762 Augustine Drive, Suite 120 and 130 Boulevard - Eureka! Restaurant

GENERAL

- G1. Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of developer's project.
- G2. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with all building code requirements and conditions thereof.
- C2. The project shall comply with all California Department of Alcoholic Beverage Control licensing requirements.
- C3. The Director of Community Development may refer the Use Permit to the Planning Commission at any time to consider the initiation of revocation proceedings if the conditions of approval are violated or the operation is inconsistent with the approved project description. In addition, if complaints are received by the City with respect to this use, staff shall provide a review of the Use Permit to the Planning Commission within three months for consideration of revocation proceedings.
- C4. Full menu food service shall be available during all hours that the restaurant is open and alcoholic beverages are served.
- C5. On-site consumption of alcohol shall be limited to within the restaurant and the designated patio seating area.
- C6. Indoor live entertainment with amplified music is for dining ambiance. No DJ's, dance floor or stage are allowed. Sound shall not be substantially audible beyond the patio area and shall not create a disturbance to other retail uses in the shopping center.
- C7. The restaurant hours of operation, along with the sale and service of beer, wine and distilled spirits, and live entertainment is from 10:00 a.m. to 12:00 a.m. Sunday through Thursday, and 10:00 a.m. to 1:00 a.m. Friday through Saturday.
- C8. The Planning Commission shall review this Use Permit twelve (12) months from the date that applicant obtains an active Alcoholic Beverage Control (ABC) License Type 41. After six months from obtaining the ABC license, City staff will conduct an administrative review of any ABC violations and police service calls and report any significant occurrences regarding either alcoholic beverage sales or disturbances resulting from live entertainment to the Planning Commission.
- C9. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other

- requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.

WATER

- W1. All food service projects conducting commercial cooking operations including dishwashing activities and equipment cleaning that generate grease-laden wastewater are subject to review from the Water and Sewer Utilities Department, for FOG Control and grease interceptor installation requirements. All food service projects are required to have an approved stamp from the Santa Clara County Department of Environmental Health before plans can be accepted for review. Contact Compliance Division of the Water and Sewer Utilities at (408) 615-2002 for a Food Service Checklist to initiate the process.

I:\PLANNING\2019\Project Files Active\PLN2019-14081 2762 Augustine Dr Suite 120\Condition of Approval.doc

Eureka!

Eat · Drink · American

HEALTH DEPARTMENT SUBMITTAL EUREKA! SANTA CLARA SQUARE MARKET PLACE

SHEET INDEX

ARCHITECTURAL	
A000	COVERSHEET
A101	SITE PLAN
A101	NOTED FLOOR PLAN
A102	FURNITURE & MILLWORK FLOOR PLAN
A200	FINISH FLOOR PLAN
A201	FINISH, FURNITURE, & MILLWORK SCHEDULES
A300	REFLECTED CEILING PLAN & LIGHTING SCHEDULE
MECHANICAL	
K1	EQUIPMENT PLAN
K1.1	EQUIPMENT SCHEDULE
K1.2	EQUIPMENT SCHEDULE
K2	ELECTRICAL PLAN
K3	PLUMBING PLAN
K3.1	FLOOR SINK PLAN
K4	WALL BACKING DETAIL
K5	ELEVATIONS
K5.1	ELEVATIONS
K6	DETAILS
H1	HOOD DRAWING 1
H2	HOOD DRAWING 2
H3	HOOD DRAWING 3
H4	HOOD DRAWING 4
H5	HOOD DRAWING 5
H6	HOOD DRAWING 6
H7	HOOD DRAWING 7
H8	HOOD DRAWING 8
H9	HOOD DRAWING 9
H10	HOOD DRAWING 10
WI-1	WALKIN DRAWING 1

Eureka!
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ENGINEERS:

ARCHITECT:

NORR

300 N. LASALLE ST. SUITE 500 CHICAGO, IL 60654
TEL: 312.424.2400 FAX: 312.424.2401



PROJECT: EUREKA! - SANTA CLARA, CA
SANTA CLARA SQUARE MARKET PLACE

REVISIONS:		
#	DATE	DESCRIPTION
07.05.2019		SCHEMATIC DOCUMENTS
07.11.2019		HEALTH DEPT. SUBMITTAL

SHEET TITLE:

COVERSHEET

SHEET NO:

A000

SITE MAP



PROJECT DATA

APPLICABLE CODES & REGULATIONS:
BUILDING CODE: 2016 CALIFORNIA BUILDING CODE
FIRE CODE: 2016 CALIFORNIA FIRE CODE
PLUMBING CODE: 2016 CALIFORNIA PLUMBING CODE
ELECTRICAL CODE: 2016 CALIFORNIA ELECTRICAL CODE
MECHANICAL CODE: 2016 CALIFORNIA MECHANICAL CODE
ENERGY CODE: 2016 CALIFORNIA ENERGY CODE
OTHER: 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE
CALIFORNIA HEALTH AND SAFETY CODE: PART 7

CODE CLASSIFICATION:
A. OCCUPANCY GROUP: A-2 ASSEMBLY (RESTAURANT AND BAR)
B. CONSTRUCTION CLASSIFICATION: III-B
C. AUTOMATIC FIRE SUPPRESSION SYSTEM INSTALLED: YES

TOTAL AREA: 3,382 SQ. FT.

OUTDOOR PATIO AREA: 653 SQ. FT.

TRAVEL DISTANCE:
ALLOWED TRAVEL DISTANCE: (250'-0" MAX.)
ACTUAL TRAVEL DISTANCE:

OCCUPANT LOAD: (SEE A003 FOR CALCULATIONS)

PROJECT DESCRIPTION

THE SCOPE OF WORK INCLUDES A TENANT IMPROVEMENT FOR A NEW RESTAURANT AND BAR IN AN EXISTING BUILDING LOCATED IN SANTA CLARA, CA.

DEFERRED SUBMITTALS:

- A. SIGNAGE
- B. SPRINKLER SHOP DRAWINGS
- C. FIRE ALARM DRAWINGS

SEATING COUNT:

INTERIOR DINING:	98 SEATS
INTERIOR BAR:	16 SEATS
TOTAL INTERIOR:	114 SEATS
EXTERIOR BAR:	06 SEATS
EXTERIOR PATIO:	46 SEATS
TOTAL EXTERIOR:	52 SEATS
TOTAL SEATS:	166 SEATS

PROJECT CONTACTS

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(949) 929-0899 CELL
CONRAD@CROEG.COM

KITCHEN DESIGNER:
AVANTI RESTAURANT SOLUTIONS, INC.
620 COOLIDGE DRIVE #185
FOLSOM, CA 95630

DESIGN CONTACT:
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916.378.0272

PROJECT MANAGER:
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EXPERIMENTAL:
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VENDOR CONTACTS

VENDOR CONTACTS

IMPERIAL TILE & STONE
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818-299-7789
WWW.BMOSAICS.COM

DALTILE
WWW.DALTILE.COM

QUESTMARK
CONTACT: BRYCEN RIBORDY
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623-207-8903 DIRECT
BRYCEN.RIBORDY@CENTIMARK.COM
WWW.QUESTMARKFLOORING.COM

BENJAMIN MOORE
WWW.BENJAMINMOORE.COM

WILSON ART
WWW.WILSONART.COM

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CONTACT: KELLY CAMPISI
310-265-3489
KELLY.CAMPISI@CAMBRIAUSA.COM

JOHNSONITE
CONTACT: BUTLER JOHNSON OR JON JOHNSON
408-347-3241 OR 800-776-2167
WWW.PROFESSIONALPLASTICS.COM

JBI INTERIORS
CONTACT: ALEXANDER KLAUSER
310-561-5979

RESTORATION HARDWARE CONTRACT
626-375-0067

CISCO HOME
WWW.CISCOHOME.NET

HUBBARDTON FORGE
800-826-4766
WWW.HUBBARDTONFORGE.COM

VENDOR CONTACTS (CONT)

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805-684-2918 OFFICE
ANDREW@BROTHERSOFINDUSTRY.COM

E & K VINTAGE WOOD
310-306-6900
WWW.EANDKWOOD.COM

TORZO SUSTAINABLE SURFACES
WWW.TORZOSURFACES.COM

ACDO
ACDO.ES

HILITE MFG CO., INC.
800-465-1999
WWW.HILITEMFG.COM

CONTRACT FURNITURE COMPANY
CONTACT: CARRY OR GEORGE
800-507-1785
WWW.CONTRACTFURNITURE.COM

MAJILITE
CONTACT: SARI POLINGER
978-441-6800 OFFICE
310-383-0694 DIRECT
SARI@SARIPOLINGER.COM

TRANE
CONTACT: CHRIS ST. JOHN
407-325-7123 MOBILE
407-660-0303 FAX
CSSTJOHN@TRANE.COM

ARIZONA TILE
CONTACT: ED AHRENS
562-896-2832
EAHRENS@ARIZONATILE.COM

TILE BAR
888-541-3840
TILEBAR.COM

GENERAL NOTES:

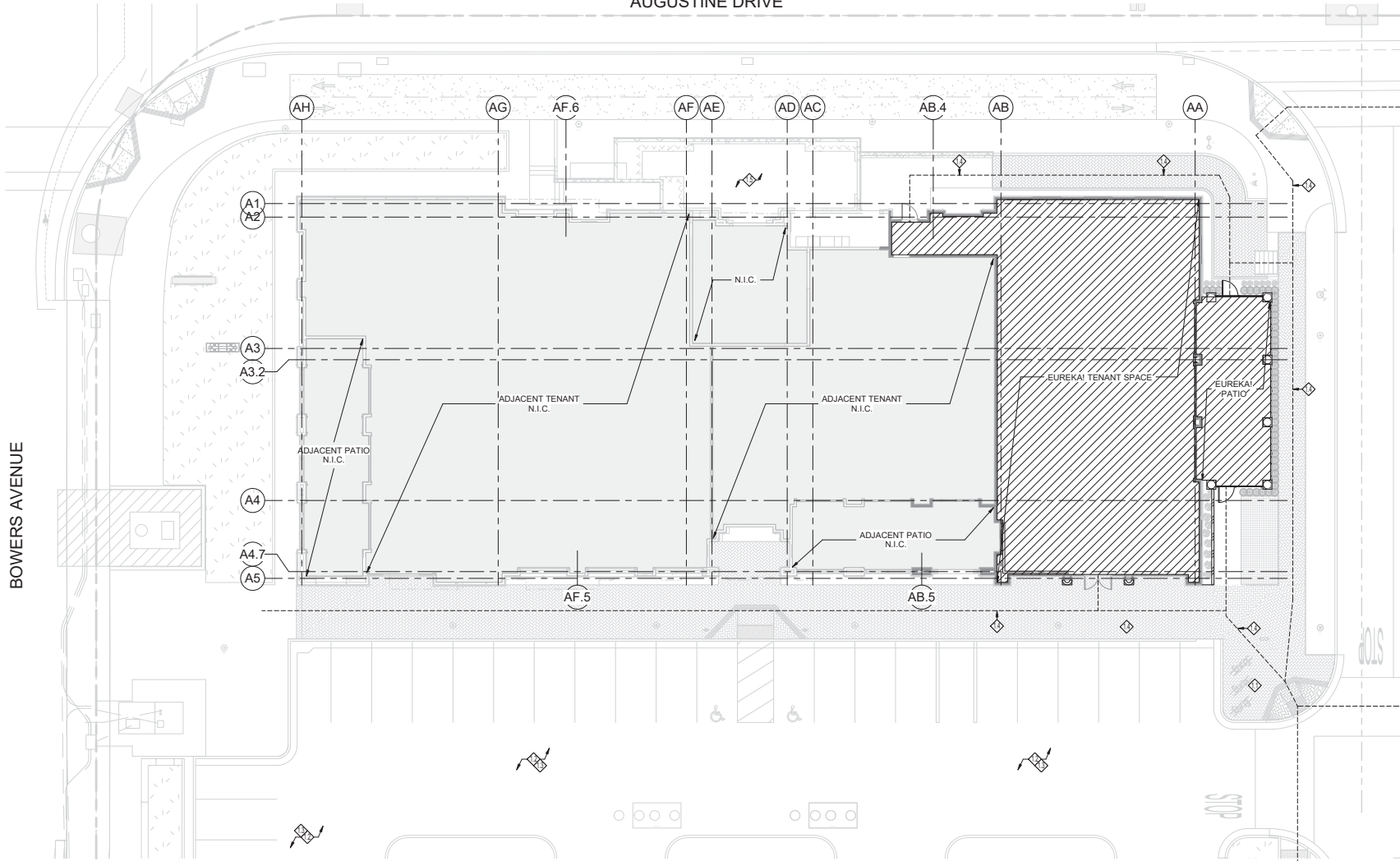
- PROVIDE APPROVED SIGNS OR OTHER APPROVED NOTICES OR MARKINGS THAT INCLUDE THE WORDS "NO PARKING, FIRE LANE". SIGNS SHALL HAVE A MINIMUM DIMENSION OF 12 INCHES WIDE BY 18 INCHES HIGH AND HAVE RED LETTERS ON A WHITE REFLECTIVE BACKGROUND. SIGNS SHALL BE PROVIDED FOR FIRE APPARATUS ACCESS ROADS, TO CLEARLY INDICATE THE ENTRANCE TO SUCH ROAD, OR PROHIBIT THE OBSTRUCTION THEREOF AND AT INTERVALS, AS REQUIRED BY THE FIRE INSPECTOR. FIRE CODE 503.3
- APPROVED BUILDING ADDRESS NUMBERS, BUILDING NUMBER, OR APPROVED BUILDING IDENTIFICATION SHALL BE PROVIDED AND MAINTAINED SO AS TO BE PLAINLY VISIBLE AND LEGIBLE FROM THE STREET FRONTING THE PROPERTY. THE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND, BE ARABIC NUMERALS OR ALPHABET LETTERS, AND BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF .3 INCH. FIRE CODE 505.1
- AN APPROVED KEY BOX, LISTED IN ACCORDANCE WITH UL 1037 SHALL BE PROVIDED AS REQUIRED BY FIRE CODE 506. THE LOCATION OF EACH KEY BOX SHALL BE DETERMINED BY THE FIRE INSPECTOR.
- EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. BUILDING CODE 1008.1.9
- EACH DOOR IN A MEANS OF EGRESS FROM A GROUP A OR ASSEMBLY AREA NOT CLASSIFIED AS AN ASSEMBLY OCCUPANCY, HAVING AN OCCUPANT LOAD OF 50 OR MORE SHALL NOT BE PROVIDED WITH A LATCH OR LOCK UNLESS IT IS PANIC HARDWARE OR FIRE EXIT HARDWARE. BUILDING CODE 1008.1.10; FIRE CODE 1008.1.10
- THE MAXIMUM SLOPE OF THE PARKING SURFACE AT THE ACCESSIBLE SPACE AND ADJACENT ACCESS AISLE, IN ANY DIRECTION, IS ≤ 1.48 PER SECTION 118.02.4
- ACCESSIBLE PARKING SPACES ARE TO BE IDENTIFIED BY A REFLECTORIZED SIGN, PERMANENTLY POSTED IMMEDIATELY ADJACENT TO AND VISIBLE FROM EACH SPACE, CONSISTING OF:
 - A PROFILE VIEW OF A WHEELCHAIR WITH OCCUPANT IN WHITE ON DARK BLUE BACKGROUND
 - THE SIGN SHALL > 70 IN 2 IN AREA.

- WHEN IN THE PATH OF TRAVEL THEY SHALL BE POSTED $\geq 80"$ FROM THE BOTTOM OF THE SIGN TO PARKING SPACE FINISHED GRADE
- SIGNS MAY ALSO BE CENTERED ON THE WALL OF THE INTERIOR END OF THE PARKING SPACE
- VAN ACCESSIBLE SPACES SHALL HAVE AN ADDITIONAL SIGN "VAN ACCESSIBLE" MOUNTED BELOW THE SYMBOL OF ACCESSIBILITY
- IN ADDITION, THE SURFACE OF EACH ACCESSIBLE SPACE IS REQUIRED TO BE MARKED WITH THE INTERNATIONAL SYMBOL OF ACCESSIBILITY
- AN ADDITIONAL SIGN SHALL ALSO BE POSTED IN A CONSPICUOUS PLACE AT EACH ENTRANCE TO OFF STREET PARKING FACILITIES, OR IMMEDIATELY ADJACENT TO AND VISIBLE FROM EACH STALL OR SPACE. SECTION 118.02.8.2. THE SIGN SHALL BE: 17" X 22" WITH LETTERING NOT $\leq 1"$ IN HEIGHT. PER SECTION 1129B.4 REQUIRED WORDING IS AS FOLLOWS: "UNAUTHORIZED VEHICLES PARKED IN DESIGNATED ACCESSIBLE SPACES NOT DISPLAYING DISTINGUISHING PLACARDS OR LICENSE PLATES ISSUED FOR PERSONS WITH DISABILITIES MAY BE TOWED AWAY AT OWNER'S EXPENSE. TOWED VEHICLES MAY BE RECLAIMED AT _____ OR BY TELEPHONING _____"
- ALL PROPERTY LINES, EASEMENTS, AND BUILDING, EXISTING AND PROPOSED ARE SHOWN ON THIS SITE PLAN. ALL SITE DESIGN & ELEMENTS ARE EXISTING. PLAN IS INCLUDED FOR REFERENCE ONLY.

KEYED NOTES:

1.1	EXISTING BIKE RACK TO REMAIN.
1.2	EXISTING PARKING TO REMAIN.
1.3	EXISTING LANDSCAPING IS TO REMAIN.
1.4	EXISTING ACCESSIBLE PATH OF TRAVEL FROM ROW TO ACCESSIBLE PARKING AND PRIMARY BUILDING ENTRANCES 14'-0" MIN. WIDTH (MIN. 0.4% MAX. SLOPE, 1.5% MAX. CROSS SLOPE)
1.5	EXISTING DUMPSTER TO REMAIN.

AUGUSTINE DRIVE



① SITE PLAN
3/32\" = 1'-0"

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PROJECT:
EUREKA! - SANTA CLARA, CA
SANTA CLARA SQUARE
MARKET PLACE

REVISIONS:

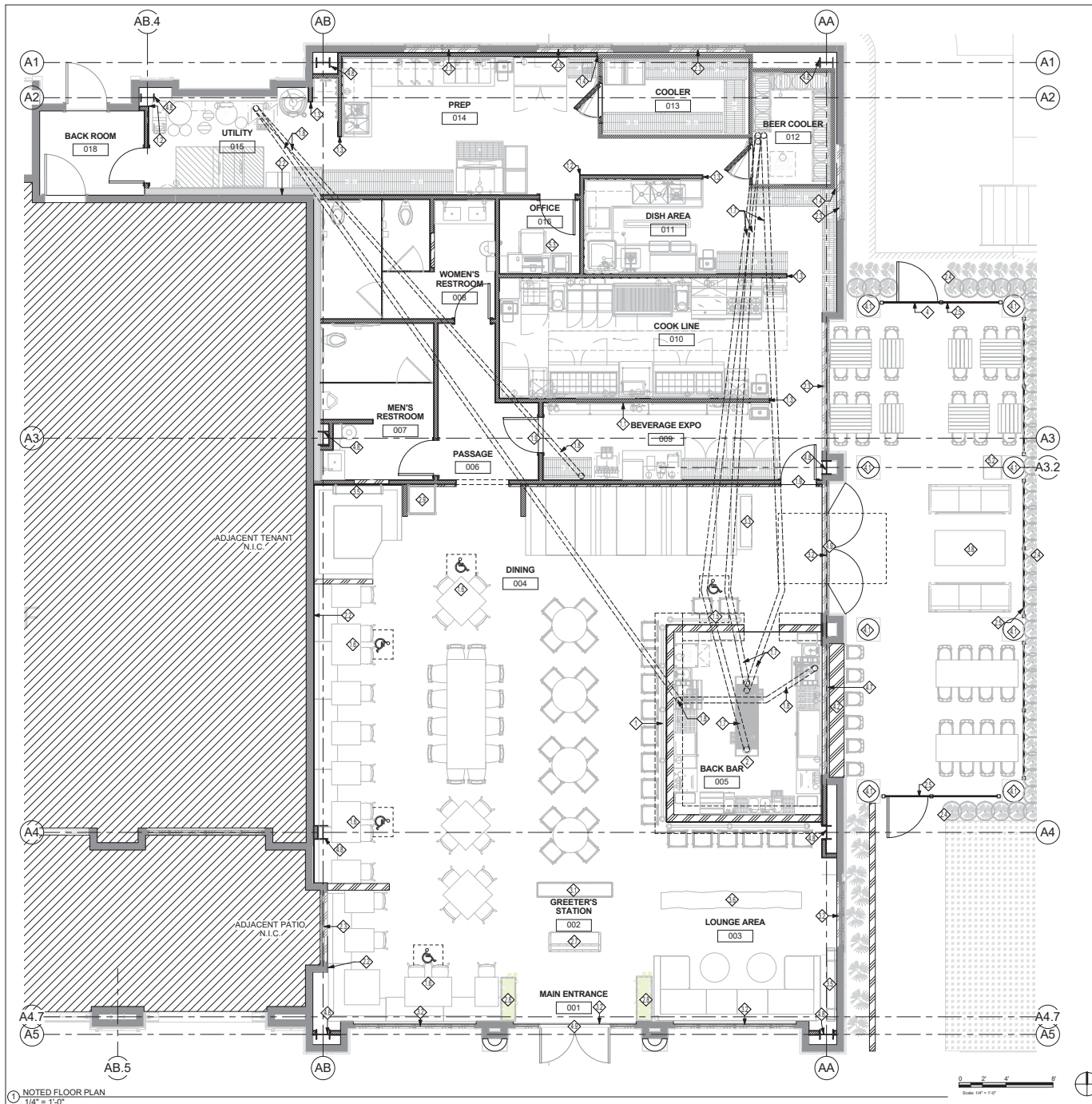
#	DATE	DESCRIPTION
07/03/2019	07/03/2019	SCHEMATIC DOCUMENTS
07/11/2019	07/11/2019	FINAL TH DEPT SUBMITTAL

SHEET TITLE:

SITE PLAN

SHEET NO:

A010



1. NOTED FLOOR PLAN
1/4" = 1'-0"

GENERAL NOTES:

- GC TO PROVIDE BLOCKING FOR SUPPORT OF RESTROOM AND CASEWORK ACCESSORIES AS RECOMMENDED BY MANUFACTURER. SEE ENLARGED RESTROOM AND CASEWORK ELEVATIONS.
- OCCUPANCY LOAD SIGN SUPPLIED & INSTALLED BY GC.
- GC SHALL SUPPLY & INSTALL RECESSED FIRE EXTINGUISHERS AS REQUIRED BY LOCAL CODES. LOCATION PER LOCAL CODES.
- REFERENCE THE FOLLOWING SHEETS: A001 GENERAL NOTES, ABBREVIATIONS, & SYMBOLS; A002 ACCESSIBILITY GUIDELINES.
- ALL DIMENSIONS ARE NOTED FROM FACE OF DRYWALL TO FACE OF DRYWALL, UNLESS OTHERWISE NOTED.
- ELECTRICAL EQUIPMENT BY GC. SEE ELECTRICAL DRAWINGS.
- PLUMBING EQUIPMENT BY GC. SEE PLUMBING DRAWINGS.
- ALL CONSTRUCTION MUST BE PERFORMED WITHOUT ANY PENETRATION OF STOREFRONT IN ANY WAY, INCLUDING, BUT NOT LIMITED TO, SCREWS, BOLTS, AND DRILLING.
- PROVIDE 2" AIR SPACE AT SIDES OF COOLER. VERIFY ALL DIMENSIONS AND SPECIFICATION WITH VENDOR'S SHOP DRAWINGS. NO FINISH ON BEER COOLER, TAP, AND PRIME ONLY.
- SOUND BATT INSULATION TO BE MINIMUM CLASS 2 WITH A FLAME SPREAD RATING OF 25 TO 75.
- IT IS THE RESPONSIBILITY OF THE GC AND TRADES TO FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID. COORDINATE, BURY WITH OWNER AND LANDLORD. THE OWNER WILL NOT BE RESPONSIBLE FOR CHANGE ORDERS THAT HAVE BEEN DETERMINED TO RESULT FROM CONDITIONS THAT COULD HAVE BEEN KNOWN PRIOR TO THE START OF CONSTRUCTION.
- CAULK ALL JOINTS BETWEEN MATERIALS.
- DEMISING WALL FRAMING TO BE COMPLETED BY GC, TYP.
- REQUIREMENTS AT DOORS:
 - 12" MAXIMUM HIGH THRESHOLD (ABOVE FLOOR AND LANDING ON BOTH SIDES) AT BUILDING MAIN ENTRY AND EGRESS DOORS.
 - MAXIMUM DOOR OPENING EFFORT OF 5 LBS. AT EXTERIOR AND INTERIOR DOORS.
 - ALL DOORS ARE TO BE EQUIPPED WITH SINGLE-EFFORT, NON-GRASP HARDWARE, CENTERED BETWEEN 34" AND 44" AFF.
 - 10" KICKPLATE AT BOTTOM OF GLAZED DOORS (MAIN ENTRY AND EGRESS DOORS).

KEYED NOTES:

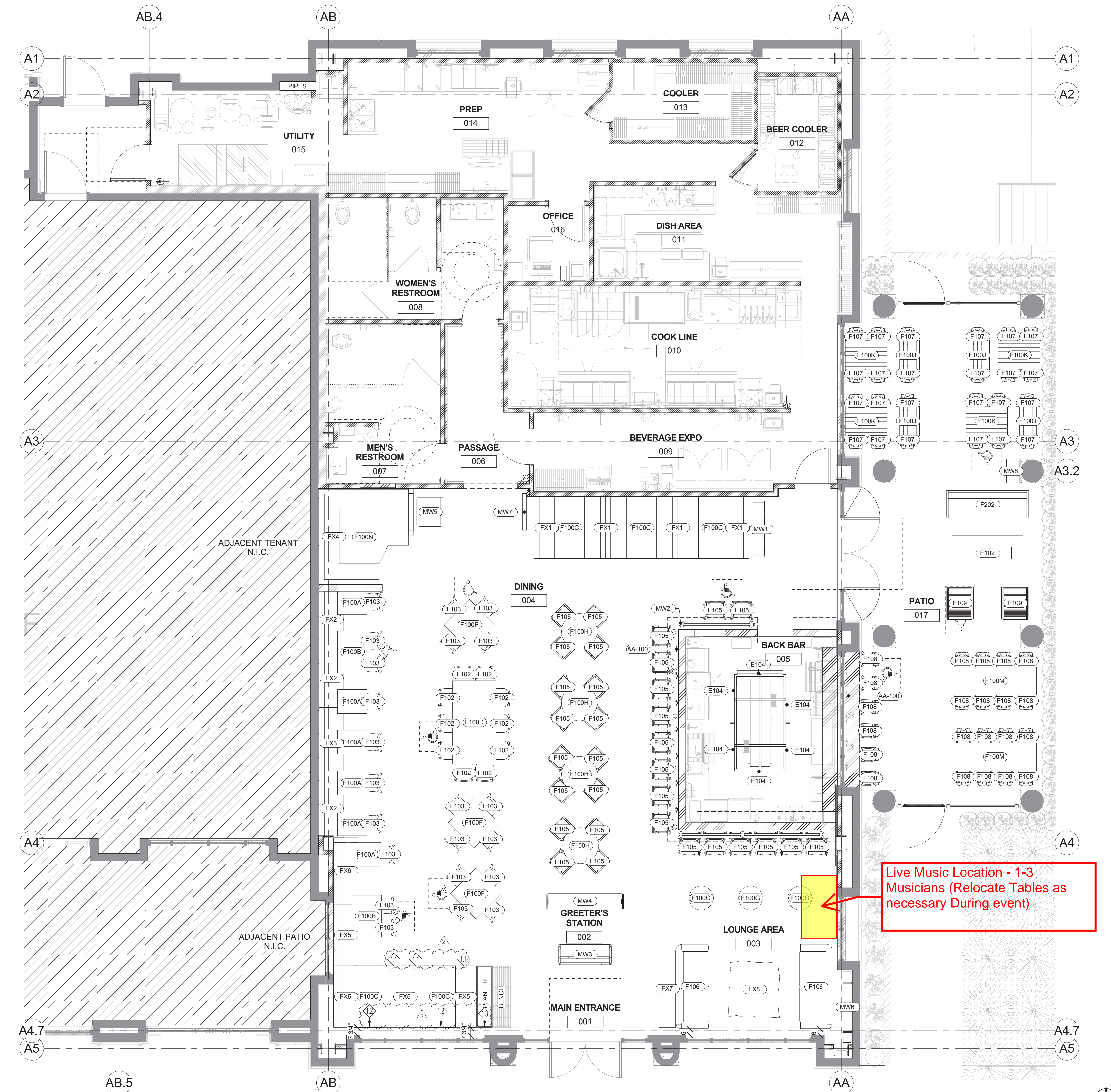
- NEW FOOTRAIL, FURNISHED AND INSTALLED BY JBI. REFER TO DETAILS.
- PASS THROUGH WINDOW. VERIFY DIMENSIONS AND REQUIREMENTS WITH REC DETAILS.
- STAINLESS STEEL CORNER GUARD (16 GA 1-1/2" RETURNS). INSTALL FROM TOP OF TILE TO CEILING. SEE DETAIL 03A700.
- STAINLESS STEEL END CAP (16 GA 1-1/2" RETURNS). INSTALL FROM TOP OF TILE TO CEILING. SEE DETAIL 03A700.
- STAINLESS STEEL CLOSURE, PLATE (16 GA) FROM FLOOR TO CEILING OR BOTTOM OF BULKHEAD.
- ADA BAR TOP.
- PROVIDE CUSTOM ADA TABLE BASE.
- GC TO RUN BEER LINE UNDERSLAB FROM BEER COOLER TO BEER TAPS. CONFIRM ROUTING WITH BEER VENDOR.
- GC TO RUN SODA LINES UNDERGROUND AND THROUGH BAR DIE WALL FROM BAG IN BOX TO SODA MACHINE. CONFIRM ROUTING WITH SODA VENDOR.
- KITCHEN DOORS MUST BE TIGHT-FITTING, SELF-CLOSING AND VERMIN PROOF. 1/4" MAX. GAP AT THE BASE.
- NEW BACK BAR CASEWORK, FURNISHED AND INSTALLED BY JBI. REFER TO DETAILS.
- EXISTING TENANT DEMISING WALL.
- CONTRACTOR IS TO CLEAN ALL WINDOWS, SHADES, CAVITY AREA FROM CONSTRUCTION DUST AND DEBRIS PRIOR TO ENCLOSING EXTERIOR WINDOWS. STANDARD BLACKOUT FILM TO BE APPLIED TO GLAZING.
- NEW PATIO PLANTER.
- NEW PATIO FENCE AND RAILING TO REMAIN.
- NEW GREETER'S STATION, FURNISHED AND INSTALLED BY JBI.
- NEW PLANTERS TO BE PROVIDED BY OWNER.
- NEW AV CABINET FURNISHED AND INSTALLED BY JBI. BLUE LED LIGHT PROVIDED BY OWNER, INSTALLED BY GC. REFER TO ELECTRICAL FOR CIRCUIT INFORMATION.
- NEW TOLGO PICKUP SHELVING WITH LIQUOR CABINET ABOVE DISPLAY FURNISHED AND INSTALLED BY JBI. REFER TO DETAILS.
- EXISTING STOREFRONT TO REMAIN.
- NEW HOST STATION FURNISHED AND INSTALLED BY JBI. REFER TO DETAILS.
- NEW WALL SHELVING FURNISHED AND INSTALLED BY JBI. REFER TO DETAILS.
- NEW DRINK RAIL FURNISHED AND INSTALLED BY JBI. REFER TO DETAILS.
- NEW PATIO FIRE FEATURE.
- NEW PATIO GATE. REFER TO DETAILS FOR MORE INFORMATION.
- EXISTING EXTERIOR COLUMNS TO REMAIN.
- NEW EXTERIOR BAR TOP.
- EXISTING MOVABLE STOREFRONT TO REMAIN.
- EXISTING COLUMNS TO REMAIN AND TO BE FINISHED IN MATTE BLACK.
- DOORS MUST BE TIGHT-FITTING, SELF-CLOSING AND VERMIN PROOF. 1/4" MAX. GAP AT THE BASE.
- NEW OUTDOOR STORAGE CART, PROVIDED BY JBI.
- OWNER PROVIDED SAFE AND PRINTER. PRINTER TO HAVE POWER AND DATA CONNECTION.

SYMBOLS LEGEND:

	NEW WALLS		LIGHT FIXTURE
	COUNTER TOP		SECTION MARK
	DIMENSION LINE		WALL TYPE
	ELEVATION MARK		WALL BEYOND
	EXISTING CONDITIONS		
	FINISH		
	FURNITURE		
	KEYED NOTE		
	PARTIAL HEIGHT WALL		

PARTITIONS LEGEND:

	INTERIOR PARTITIONS
	PARTIAL HEIGHT WALLS
	EXISTING CONDITIONS
	FREEZER/COOLER WALLS
	EXISTING 1-HOUR U419 RATED DEMISING WALL BY LANDLORD
	INTERIOR PARTITION WITH SOUND BATT INSULATION



1 FURNITURE & MILLWORK FLOOR PLAN
1/4" = 1'-0"

GENERAL NOTES:

- REFER TO A400 FOR RESTROOM FIXTURES AND ACCESSORIES.
- ALL WOOD BLOCING FOR WALL MOUNTED EQUIPMENT TO BE LOCATED WITHIN WALL CAVITY
- SEE KITCHEN DRAWINGS FOR EQUIPMENT PLAN AND SCHEDULE. REFERENCE DETAILS FOR MILLWORK PROVIDED ON SHEETS A600, A601, & A602
- GC TO CAULK ALL JOINTS BETWEEN MILLWORK & ADJACENT SURFACES.
- FILL ALL NAIL HOLES
- IT IS THE RESPONSIBILITY OF THE GC AND TRADES TO FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID. COORDINATE SURVEY WITH OWNER AND LANDLORD. THE OWNER WILL NOT BE RESPONSIBLE FOR CHANGE ORDERS THAT HAVE BEEN DETERMINED TO RESULT FROM CONDITIONS THAT COULD HAVE BEEN KNOWN PRIOR TO THE START OF CONSTRUCTION.

KEYED NOTES:

- BOOTH SEATS LOCATED AT THE STOREFRONT MUST HAVE END CAPS ON BOTH OPENING SIDE AND OUTSIDE BACKS MADE OF A DURABLE MATERIAL THAT WILL CREATE A FINISH LOOK AT THE WINDOW LINE. FINISH ALL TO MATCH FURNITURE FINISH.
- BOOTH TABLES MUST INCLUDE 6" BACKSLASH AT THE GLASS LINE TO SHIELD TABLE TOP CONDMENTS FROM EXTERIOR VIEW, AS WELL AS PROTECT THE WINDOW FROM POTENTIAL DEBRIS. FINISH ALL TO MATCH FURNITURE FINISH. PLEASE SEE DETAIL DRAWING ON SHEET A700.
- PLANTER LOCATED AT THE STOREFRONT TO HAVE END CAPS AND FINISH ALL TO MATCH.

SYMBOLS LEGEND:

- | | | | |
|--|---------------------|--|---------------------|
| | NEW WALLS | | KEYED NOTE |
| | COUNTER TOP | | PARTIAL HEIGHT WALL |
| | DIMENSION LINE | | LIGHT FIXTURE |
| | ELEVATION MARK | | SECTION MARK |
| | EXISTING CONDITIONS | | WALL TYPE |
| | FINISH | | WALL BEYOND |
| | FURNITURE | | |

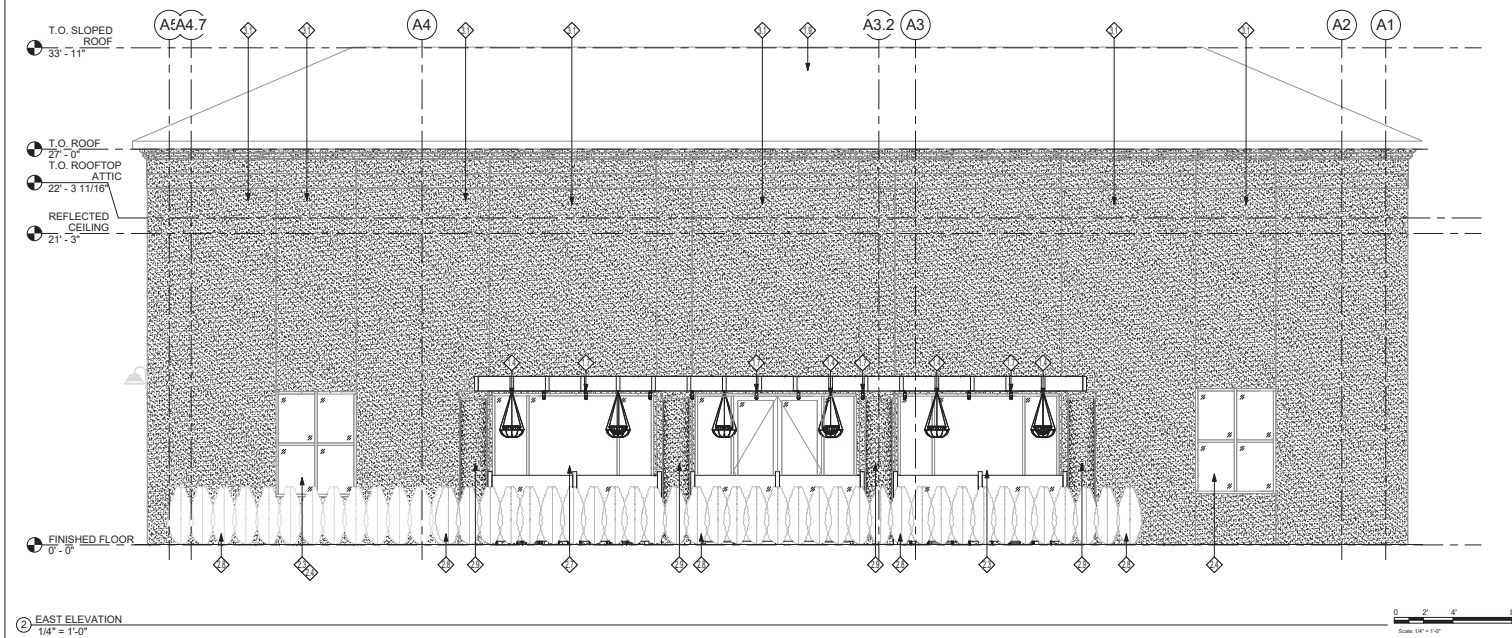
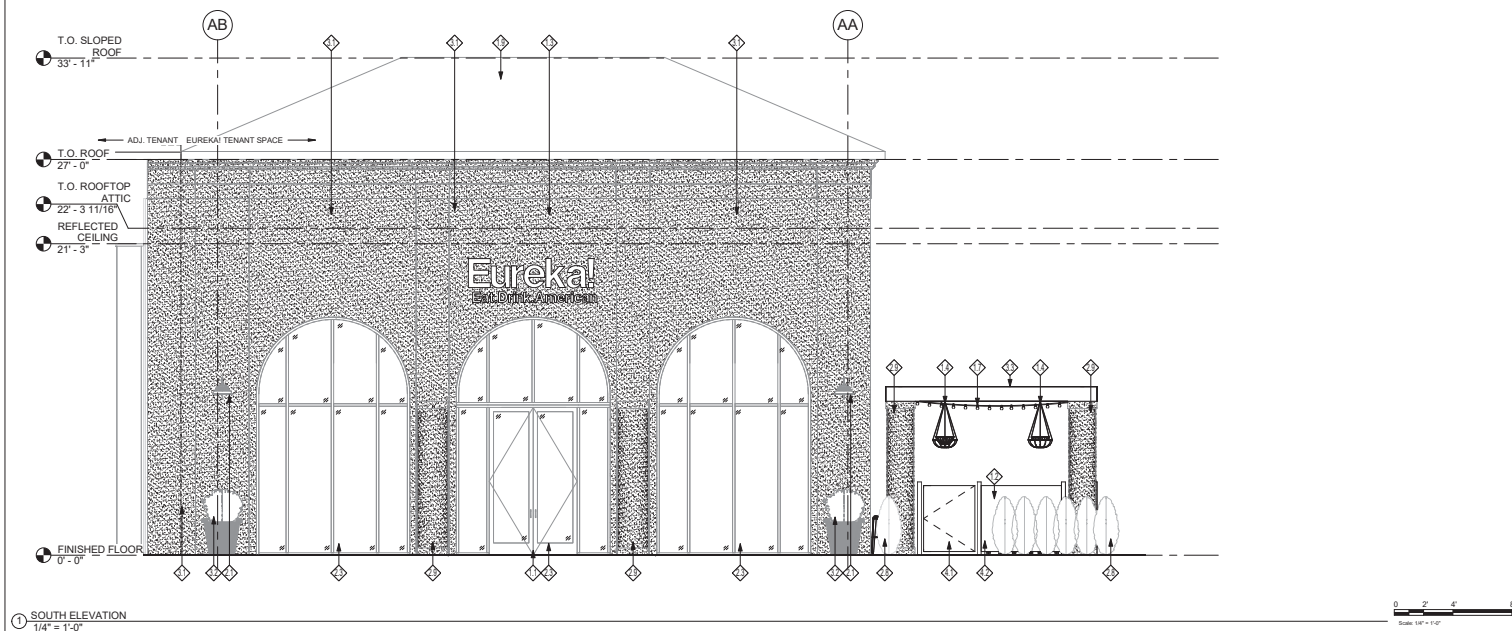
PARTITIONS LEGEND:

- | | |
|--|--|
| | INTERIOR PARTITIONS |
| | PARTIAL HEIGHT WALLS |
| | EXISTING CONDITIONS |
| | FREEZER/ COOLER WALLS |
| | EXISTING 1-HOUR U419 RATED DEMISING WALL BY LANDLORD |
| | INTERIOR PARTITION WITH SOUND BATT INSULATION |

REVISIONS:		
#	DATE	DESCRIPTION
	07.05.2019	SCHEMATIC DOCUMENTS
	07.11.2019	HEALTH DEPT. SUBMITTAL
	08.15.2019	DESIGN DEVELOPMENT
	08.30.2019	PERMIT DOCUMENTS
1	09.23.2019	HEALTH DEPT. RESUBMITTAL
2	10.17.2019	PERMIT RESUBMITTAL

SHEET TITLE:
FURNITURE & MILLWORK FLOOR PLAN

SHEET NO.:
A102



GENERAL NOTES:

- ALL SIGNAGE TO COMPLY WITH ALL TENANT DESIGN CRITERIA
- ALL NEW STOREFRONT GLASS TO HAVE DARK TINT, CONFORM SPECIFICATION WITH OWNER.
- IT IS THE RESPONSIBILITY OF THE GC AND TRADES TO FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID. COORDINATE SURVEY WITH THE OWNER AND LANDLORD. THE OWNER WILL NOT BE RESPONSIBLE FOR CHANGE ORDERS THAT HAVE BEEN DETERMINED TO RESULT FROM CONDITIONS THAT COULD HAVE BEEN KNOWN PRIOR TO THE START OF CONSTRUCTION.
- ANY NON-ILLUMINATED AND/OR ILLUMINATED SIGNAGE CANNOT BE PLACED AT THE INSIDE OF STOREFRONT SYSTEM WITHIN THE PREMISE. SIGNAGE MUST BE INSTALLED AT LEAST 3'-0" OFF THE INSIDE OF THE STOREFRONT SYSTEM.

KEYED NOTES:

- MAIN ENTRY: CUSTOM PULLS FURNISHED BY JBL, INSTALLED BY GC.
- NEW PATIO FURNITURE, TYP. REFER TO FURNITURE SCHEDULE.
- NEW BACKLIT ACRYLIC SIGN, FURNISHED AND INSTALLED BY SIGNAGE VENDOR. GC TO PROVIDE NECESSARY BLOCKING AND ACCESS PANELS. SIGNAGE UNDER SEPARATE PERMIT.
- NEW PATIO HANGING PLANTER, TYP. BY EUREKA!
- NEW PATIO STRING LIGHTING, TYP. REFER TO LIGHTING SCHEDULE.
- NEW PATIO FIRE FEATURE, REFER TO DETAILS.
- EXISTING CLAY TILE ROOF.
- EXISTING EXTERIOR LIGHTING.
- EXISTING STOREFRONT TO REMAIN. BLACK-OUT GLASS, TINTING, OR PAINTING OF STOREFRONT ARE NOT APPROVED OPTIONS. TENANT TO USE MICHOSHADE: EUROTWILL 6000 SERIES COLOR 80M SAND FOR SUN CONTROL.
- EXISTING GLAZING.
- OPERABLE STOREFRONT TO REMAIN.
- EXISTING DOOR.
- MOVABLE STOREFRONT.
- LANDLORD TO PROVIDE ALL NEW PATIO/EXTERIOR LANDSCAPING PER LANDLORD WORK PLANS.
- EXISTING EXTERIOR COLUMN TO REMAIN.
- EXISTING FACADE TO REMAIN.
- EXISTING PLANTER.
- NEW PATIO TRELLIS.
- PATIO GATE INSTALLED BY LANDLORD. REMAIN AS IS.
- PATIO RAILING INSTALLED BY LANDLORD. REMAIN AS IS.

Eureka!
Eat · Drink · American

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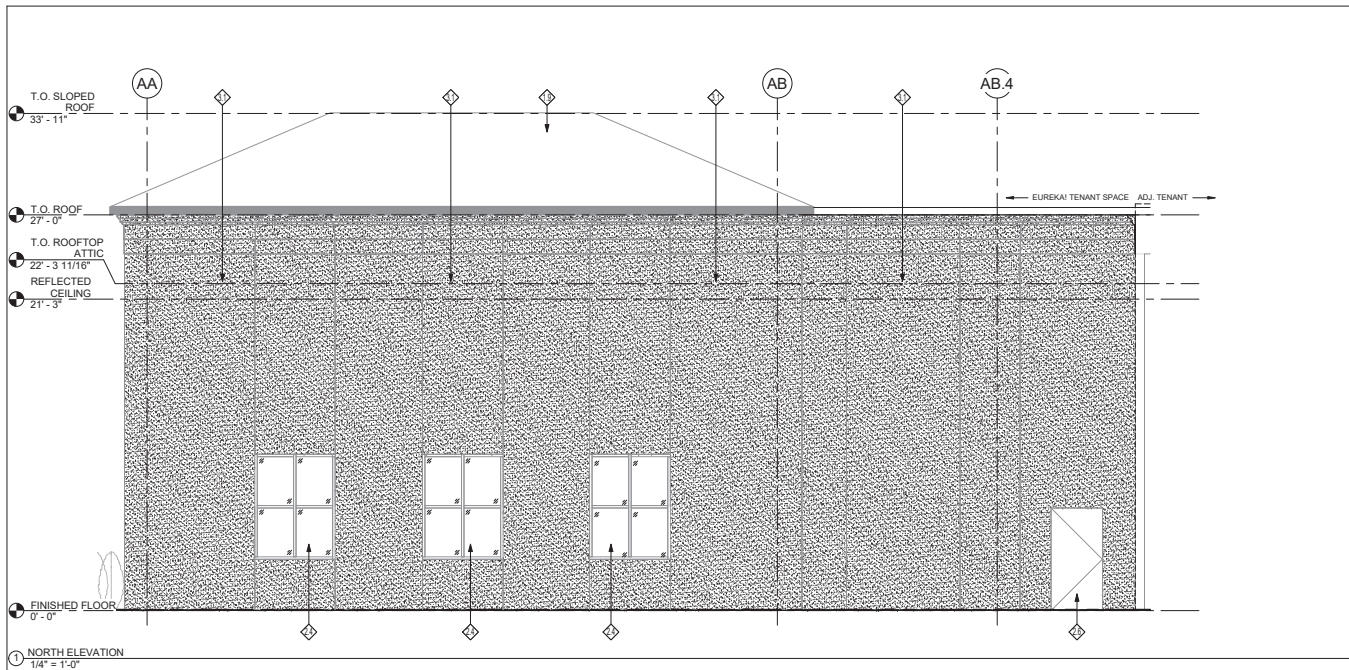
LICENSED ARCHITECT
NORR
NO. C-31078
SANTA CLARA COUNTY, CALIFORNIA
Jeffrey J. Norr

PROJECT:
EUREKA! - SANTA CLARA, CA
2782 AUGUSTINE DRIVE
SANTA CLARA, CA 95054

#	DATE	DESCRIPTION
07-05-2019	SCHEMATIC	
07-11-2019	DOCUMENTS	
	SUBMITTAL	

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NO:
A050



GENERAL NOTES:

- ALL SIGNAGE TO COMPLY WITH ALL TENANT DESIGN CRITERIA
- ALL NEW STOREFRONT GLASS TO HAVE DARK TINT; CONFIRM SPECIFICATION WITH OWNER
- IT IS THE RESPONSIBILITY OF THE GC AND TRADES TO FAMILIARIZE THEMSELVES WITH THE EXISTING CONDITIONS PRIOR TO SUBMITTING A BID. COORDINATE SURVEY WITH THE OWNER AND LANDLORD. THE OWNER WILL NOT BE RESPONSIBLE FOR CHANGE ORDERS THAT HAVE BEEN DETERMINED TO RESULT FROM CONDITIONS THAT COULD HAVE BEEN KNOWN PRIOR TO THE START OF CONSTRUCTION.
- ANY NON-ILLUMINATED AND/OR ILLUMINATED SIGNAGE CANNOT BE PLACED AT THE INSIDE OF STOREFRONT SYSTEM WITHIN THE PREMISE. SIGNAGE MUST BE INSTALLED AT LEAST 3'-0" OFF THE INSIDE OF THE STOREFRONT SYSTEM.

KEYED NOTES:

- MAIN ENTRY: CUSTOM PULLS FURNISHED BY JBL, INSTALLED BY GC.
- NEW PATIO FURNITURE: TYP. REFER TO FURNITURE SCHEDULE.
- NEW BACKLIT ACRYLIC SIGN: FURNISHED AND INSTALLED BY SIGNAGE VENDOR. GC TO PROVIDE NECESSARY BLOCKING AND ACCESS PANELS. SIGNAGE UNDER SEPARATE PERMIT.
- NEW PATIO HANGING PLANTER: TYP. BY EUREKA!
- NEW PATIO STRING LIGHTING: TYP. REFER TO LIGHTING SCHEDULE.
- NEW PATIO FIRE FEATURE: REFER TO DETAILS.
- EXISTING CLAY TILE ROOF.
- EXISTING EXTERIOR LIGHTING.
- EXISTING STOREFRONT TO REMAIN. BLACK-OUT GLASS, TINTING, OR PAINTING OF STOREFRONT ARE NOT APPROVED OPTIONS. TENANT TO USE MECHOSHADE: EUROTWILL 6000 SERIES COLOR 80M SAND FOR SUN CONTROL.
- EXISTING GLAZING.
- OPERABLE STOREFRONT TO REMAIN.
- EXISTING DOOR.
- MOVABLE STOREFRONT.
- LANDLORD TO PROVIDE ALL NEW PATIO/EXTERIOR LANDSCAPING PER LANDLORD WORK PLANS.
- EXISTING EXTERIOR COLUMN TO REMAIN.
- EXISTING FACADE TO REMAIN.
- EXISTING PLANTER.
- NEW PATIO TRELLIS.
- PATIO GATE: INSTALLED BY LANDLORD. REMAIN AS IS.
- PATIO RAILING: INSTALLED BY LANDLORD. REMAIN AS IS.

Eureka!
Eat • Drink • American

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STATE OF CALIFORNIA
George J. Norr

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SANTA CLARA, CA 95054

REVISIONS:

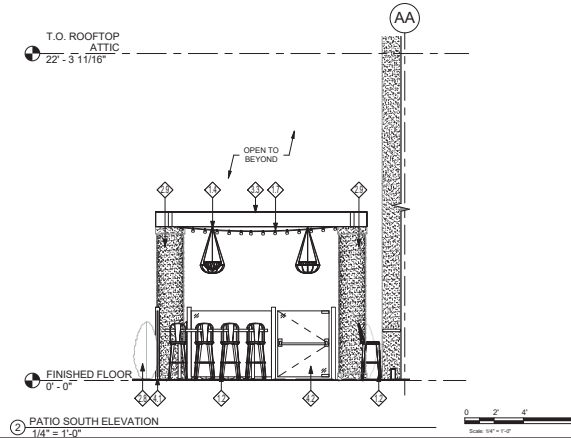
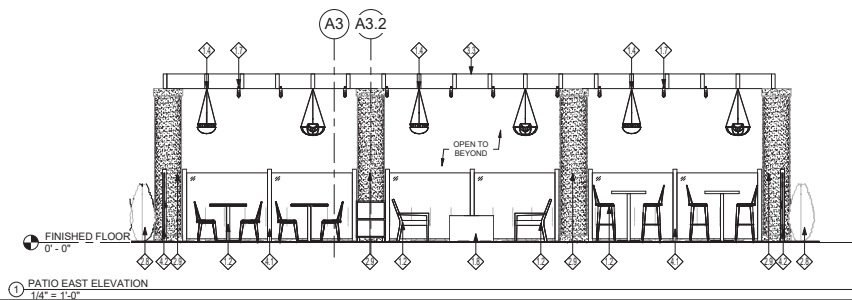
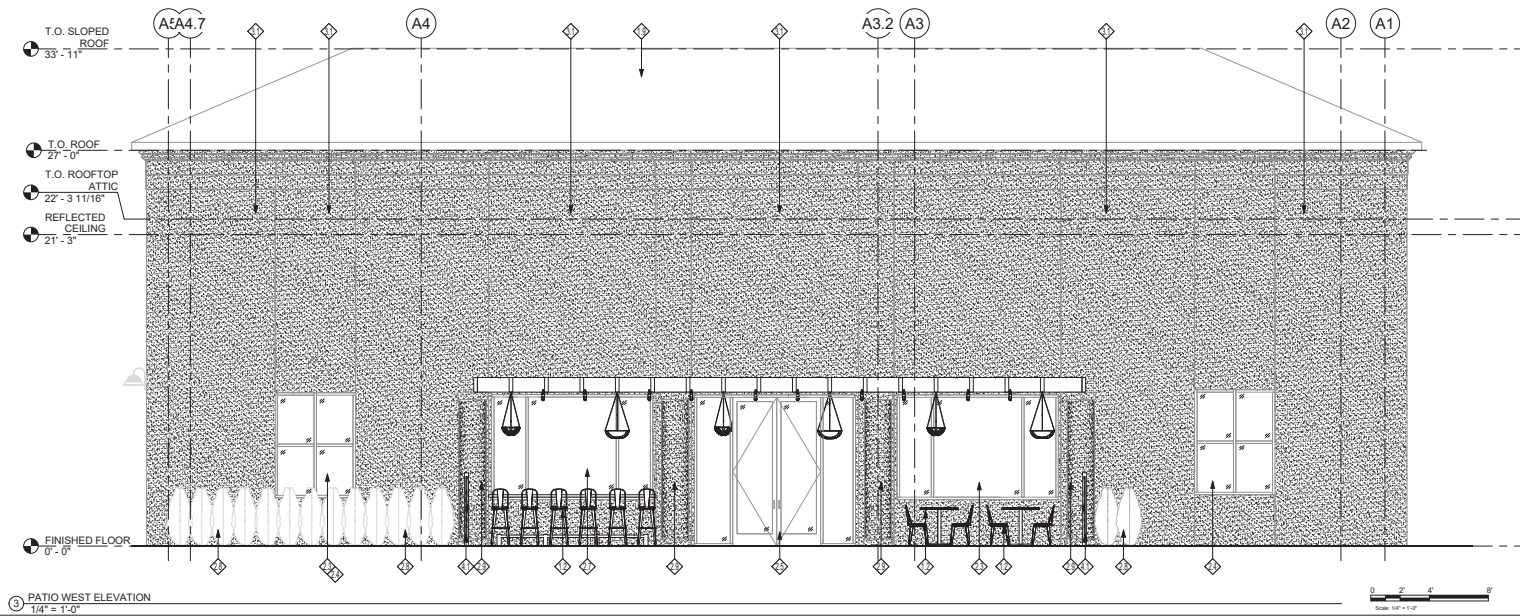
#	DATE	DESCRIPTION
07/05/2019		SCHEMATIC DOCUMENTS
07/11/2019		SUBMITTAL

SHEET TITLE:

EXTERIOR ELEVATIONS

SHEET NO.:

A050A



GENERAL NOTES:

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DUNAWAY LLC
ARCHITECTS

cro
CONSTRUCTION RISK MANAGEMENT

ENGINEERS:

NORR
ARCHITECTS

ARCHITECT:

LICENSED ARCHITECT
GEORGE J. NORR
NO. C-31078
STATE OF CALIFORNIA

PROJECT:
EUREKA! - SANTA CLARA, CA
2782 AUGUSTINE DRIVE
SANTA CLARA, CA 95054

#	DATE	DESCRIPTION
07/05/2019	SCHEMATIC	
07/11/2019	DOCUMENTS	
	SUBMITTAL	

SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NO:
A050B

August 13, 2019

City of Santa Clara Planning Department
1500 Warburton Avenue
Santa Clara, CA 95050

Re: Conditional Use Permit and Design Review Request
Eureka! Restaurant
2762 Augustine Dr, Suite 120
Santa Clara, CA 95054

Santa Clara Planning Department,

We are proposing the development of a Eureka! Restaurant tenant improvement with outdoor patio. The sale of a full line of alcoholic beverages for onsite consumption, beer and wine for offsite consumption, live entertainment and late hours are proposed in conjunction with the operation of a full-service sit-down restaurant.

Santa Clara will be the 27th Eureka! Restaurant location. Each location is not built as “Cookie Cutter” restaurant...each has its own identity based on the uniqueness of the local area in which we are building. We like to open up the front of our restaurants to bring the energy from inside to outside and vice-versa. We call our concept “Eater-tainment”. Our guests come for the food but end up staying and coming back often because it is a fun place to hang out with great food, great music, a fun vibe and just enough TV’s to entice the sports enthusiasts but not enough to deter those who aren’t interested! We are 100% family friendly but also get college students and professionals alike. Eureka is an upscale yet affordable concept with our average ticket around \$20 per guest. 65% of our sales are food with 35% in beer, wine and liquor. The food is locally sourced, fresh made and excellent. The bar program is progressive with 20 All American Craft Beers on Tap and 50 All American Craft Whiskeys and Bourbons.

The proposed Eureka! Restaurant at 2762 Augustine Dr, Suite 120 will occupy a 3,882 sq. ft. tenant space with adjacent 653 sq. ft. outdoor patio area. Eureka is proposed operate from 11:00AM to 12:00 Midnight Monday through Thursday, 11:00AM to 1:00AM on Friday, 10:00 AM to 1:00AM on Saturday and 10:00AM to 12:00 Midnight on Sunday. Eureka proposes to employ 25 to 30 employees per shift, and a total of 90 employees. Eureka proposes the sale of sandwiches, burgers, meats, fish, salads, and drinks. A full line of alcoholic beverages will be stored behind the service counter and in the storage area in the back of the restaurant, locations which are not publicly assessable. The proposed live entertainment will include small local bands (usually rock and roll) playing amplified music for dining ambiance. No DJ’s, dance floor or stage are proposed. The full kitchen and the sale of all menu items will be available for purchase at all times the restaurant is open. A natural gas fire pit/table is proposed on the patio. Refuse will be stored in refuse area to the East of the tenant suite and rolled to the centers main refuse area for refuse collection.

Eureka Restaurant has existing restaurant locations with similar and successful operations located in the following Cities; Bakersfield, CA, Berkley, CA, Claremont, CA, Dallas, TX, Fresno, CA, Hawthorne, CA, Huntington Beach, CA, Indian Wells, CA, Irvine, CA, Redlands, CA, San Diego, CA, San Luis Obispo, CA, Santa Barbara, CA, Seattle, WA.

A. The use would be consistent with the intent and purpose stated in the sections of this title which establish the applicable zoning classification.

The subject site is an existing commercial tenant space within the Commercial Park & Planned Development CP(PD) zoning area. The proposed Eureka! restaurant use with outdoor patio and the sale of beer, wine and liquor for onsite consumption and beer/wine for offsite consumption will be harmonious with surrounding uses. The proposed Eureka! use will continue to uphold the intent and purpose of the existing Planned Development Zoning.

B. The use would be consistent with the general plan.

The existing commercial restaurant tenant space is located within an existing fully developed shopping center which provides for neighborhood shopping needs. The proposed Eureka! restaurant will serve public convenience and necessity by providing high quality and reasonably priced meals within an inviting indoor and outdoor patio atmosphere together with the sale of beer, wine and liquor as an accessory to the restaurant use. Many local residents and customers have come to expect the availability of beer, wine and liquor for onsite consumption to be served in conjunction with such a quality restaurant environment.

C. The use will not be detrimental to the health, safety, morals, comfort, convenience or general welfare of persons residing or working in the neighborhood of such proposed use, nor be injurious to property or improvements in the neighborhood.

The approval of Eureka! restaurant with outdoor patio and the sale of beer, wine and liquor for onsite consumption will not detrimentally affect general welfare of persons residing or working in the neighborhood. The proposed restaurant location has been master planned and design to be harmonious with surrounding uses. The site is part of the commercial complex that is currently being upgraded by the property owner. Eureka! will serve the public convenience can necessity by providing high quality and reasonably priced meals within an inviting indoor and outdoor patio atmosphere together with the sale of beer, wine and liquor as an accessory to the restaurant use. Many local residents and guests have come to expect the availability of beer, wine and liquor for onsite consumption to be served in conjunction with such a quality restaurant environment. As a tenant improvement of an existing shell tenant space the Eureka! restaurant will not injure property or improvements in the neighborhood. In fact, Eureka! restaurant tenant improvement will add to the property improvements in the neighborhood by providing a


high-quality restaurant operation surrounded by an attractive new restaurant tenant improvement design.

D. The use will not be detrimental to the general welfare.

The approval of Eureka! restaurant with outdoor patio and the on-site consumption of beer, wine and liquor will not detrimental to the general welfare of the pertinent community. Rather the Project will positively benefit the economic welfare of the community and Community of Santa Clara. Eureka! will establish a first-class eating and drinking establishment within an existing tenant space and provide 90 new jobs. Such an establishment will support visitors and patrons to the surrounding area, and help create additional economic opportunity for the adjacent neighboring retail facilities.

Also, please check out the latest issue of "National Restaurant News", the largest restaurant publication in the country, which just named Eureka! as one of the United States' "Top 10 Emerging Restaurant Brands". This is very exciting for Eureka and is testament to everything we've done to grow this brand organically providing a unique restaurant experience that is not found everywhere. We look forward to bringing this concept to Santa Clara in early 2020 and hope to work closely with you and your team to create a restaurant we will all be proud of. I look forward to hearing back from you on the above and let me know when you would like to meet.

Sincerely,


Mark Fernandez
Golden Property Development



Agenda Report

19-753

Agenda Date: 11/13/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Actions on a Proposed 65 Residential Unit Affordable Housing Project at 2330 Monroe Street

EXECUTIVE SUMMARY

On February 21, 2019, Freebird Development Company, LLC (Freebird) filed a development application to amend the General Plan designation and rezone the parcel located at 2330 Monroe Street to develop the site with 65 affordable units in a mix of studios, one, two- and three-bedroom units. The subject site is a vacant City-owned property located at the southeast corner of Monroe Street and San Tomas Expressway.

All units within the project will be deed restricted for affordable housing. A unique aspect of the project reserves 25 percent of the units for intellectually and/or developmentally disabled persons. The proposed entitlements include a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; a General Plan Amendment from Right of Way to Medium Density Residential and a Rezone from Single Family Residential (R1-6L) to Planned Development (PD). These entitlements together would allow construction of a 65-unit rental affordable housing development. The proposal is consistent with the goals and policies set forth in the General Plan for the site as discussed below.

BACKGROUND

After redevelopment agencies (RDA) were dissolved on February 1, 2012, the City, as Housing Successor to the dissolved RDA, assumed all housing assets (including land) of the former redevelopment agency and these assets were placed into a Housing Successor Fund. The parcel is a remnant of a larger parcel that was initially acquired by the County as part of the construction of San Tomas Expressway and subsequently acquired by the City's RDA as an affordable housing site once it became surplus land from the expressway project. This site was confirmed as a housing asset by the California Department of Finance on July 13, 2013.

Following an extensive community outreach process in 2017 and 2018, the City issued a Request for Proposals (RFP) for the development of an affordable housing project on the subject property. At the September 11, 2018 meeting, the City Council selected Freebird as the developer for the project and subsequently approved the Exclusive Negotiation Agreement (ENA) to allow the project to proceed on December 12, 2018.

On June 4, 2019, the City Council reviewed the proposed project, pursuant to the City's Early Consideration Policy for General Plan Amendments, and indicated its support of a continued review of the proposal.

Existing Site Conditions

The project site is a single City-owned parcel that is currently vacant. It is located at the southeast corner of Monroe Street and San Tomas Expressway. San Tomas Aquino Creek and Trail are located adjacent to and west of San Tomas Expressway.

Surrounding land uses include single-family houses to the south, two-story multifamily residential uses across Monroe Street to the east, and San Tomas Expressway to the west and to the north. The site adjoins the rear yards of eleven (11) single family residential properties to the east and south on Sheraton Drive and El Capitan Avenue. A newly developed 2-acre City park is located across San Tomas Expressway to the west.

Project Description

The project would involve the development of an approximately 73,470 square-foot building ranging in height from two to three stories oriented towards the northern portion of the site along San Tomas Expressway and Monroe Street. The maximum height of the building would be 43 feet 4 inches. The project site will have a single point of ingress and egress from Monroe Street.

The 65 residential units consists of 7 studios, 23 one-bedroom units, 29 two-bedroom units and six three-bedroom units. All the units are designated as affordable allowing occupancy based on households at income tiers between 25-120 percent of area median income. The project utilizes one core floor plan for the studios, one- and three-bedrooms units, and two core floor plans for the two-bedroom units. There are few variations due to the design of the building shell, but generally studios range from 344 square feet to 390 square feet, one-bedroom units from 590 square feet to 629 square feet; two-bedroom units from 839 square feet to 900 square feet, and three-bedroom units from 1,180 square feet to 1,197 square feet. The Planned Development Rezoning includes conceptual architecture which may be further refined through subsequent architectural review, should the City Council approve the Planned Development Rezoning.

The project would include on-site amenities such as a fitness center located on the second floor, a game room on the third floor, a laundry room and a community room located on the ground floor that opens up to the outdoor community area. The project includes approximately 32,000 square feet of open space that will provide area for active recreational uses intended for use by building residents and guests.

The project would construct a 6-foot-high precast concrete sound wall along San Tomas Expressway and an 8-foot-high wooden privacy fence along the southern boundary, where the site abuts existing single-family homes. The privacy fence near the entrance to the site will be precast concrete to further attenuate the noise from the incoming vehicles.

DISCUSSION

The primary issues for the project are consistency with the City's General Plan, conformance with the Zoning Code criteria for a Planned Development Zoning and quality of the project architecture and site design.

General Plan Conformance

The General Plan Major Strategies identify the importance of maintaining a land use plan that supports, preserving the City's fiscal health, promoting quality of life, preserving and cultivating existing neighborhoods and promoting sustainability. Providing affordable housing is identified in the General Plan as an important element for the overall development of a healthy and sustainable

community.

The site is currently designated as Right of Way in the General Plan, reflecting the acquisition of the parcel and use of a portion of it for San Tomas Expressway. The project proposes to amend the General Plan designation to Medium Density residential which would support residential development at a density between 20 to 36 dwelling units per acre (du/ac). The proposed residential density of approximately 26 units/acre aligns with this General Plan land use designation.

By selling the land as surplus property, the County determined that additional right of way would not be needed at this location. The City as the housing successor assumed all former RDA housing assets (including land) with the intent to provide housing that is 100 percent affordable to persons and families of low and moderate income within five years after the Department of Finance confirmed the property as a housing asset.

The City has subsequently taken actions in support of residential use of the site consistent with the proposed General Plan Amendment, including actions by the Council on the Request for Proposals and Exclusive Negotiating Agreement. The City Council also determined that the application could proceed through the full entitlement process consistent with the City's Early Consideration policy for General Plan amendments.

The proposed project is also consistent with General Plan Policies as follows:

General Land Use Policies

- 5.3.1-P2: Encourage advance notification and neighborhood meetings to provide an opportunity for early community review of new development proposals.
- 5.3.1 P8 Work with property owners to improve or redevelop underutilized and vacant properties.
- 5.3.1-P9 Require that new development provide adequate public services and facilities, infrastructure, and amenities to serve the new employment or residential growth.

-

Considering the high degree of interest and sensitivity related to use the site for affordable housing, the City conducted a community engagement program prior to issuing the RFP and engagement with the developer. Thereafter, the developer conducted public outreach through mailings and conducting four community meetings to involve neighboring property owners in the design of the project. Notices were mailed by the applicant to property owners within 1,000 feet of the project boundaries and interested parties. The project would utilize the currently vacant city owned property for the construction of 65 affordable units with onsite amenities and infrastructure improvements that include private street and utilities, guest parking, and landscape recreation and open space to serve the development.

- 5.3.1-P10: Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum 2:1 on- or of-site replacement for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.
 - 5.3.1 P12 Encourage convenient pedestrian connections within new and existing developments.
-

The proposed development plan includes landscaping of the site and the project street frontages with a variety of plant and tree species and would replace the four trees removed with redevelopment at a higher ratio for a total of 125 trees. The project includes the replacement of the existing sidewalks along Monroe Street fronting the project site with a landscape park strip and sidewalk consistent with the Complete Streets design standards including a 10-foot-wide sidewalk with a 4-foot-wide planter strip with street trees. Street trees are proposed within the park strips.

- 5.3.1-P26: Support a community-initiated planning process so that existing neighborhoods can participate in developing more detailed plans for street, landscape and pedestrian facility improvements.
- 5.3.1 P29 Encourage design of new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies.

As mentioned previously, the community engagement process was initiated early on, in advance of the formal Planning application submittal. The single building ranging in height from 2-3 stories is oriented away from the existing single-family development to avoid any privacy concerns. The project would provide 94 surface parking spaces including six accessible spaces. In addition, there are three electric vehicle (EV) charging spaces and a paratransit loading stall, providing a ratio approaching 1.5 parking spaces per unit. Given that the 25 percent of the units are set aside for persons with developmental disabilities who mostly do not own cars, the ratio of available parking spaces to units is anticipated to be higher. The onsite parking provided addresses the public concerns about the parking spill over to the adjacent neighborhoods.

Residential Land Use Policies

- 5.3.2 G1 Equitable housing opportunities within the community for persons of all economic levels, regardless of religion, gender, sexual orientation, marital status, national origin, ancestry, familial status, race, color, age, source of income or mental or physical disability.
- 5.3.2 P6 Provide adequate choices for housing tenure, type and location, including higher density, and affordability for low and moderate income and special needs households.
- 5.3.2-P10 Create opportunities for affordable housing and housing to support special needs populations, including Extremely Low-Income households.
- 5.3.2-P13 Participate in local, regional, State and federal programs that support affordable, transitional and permanent housing.

The project proposes to build 65 affordable units. All units will be deed restricted for use by households at income tiers between 25 to 120 percent of area median income and 25 percent of the units will be reserved for intellectually and/or developmentally disabled persons.

Transition Policies

- 5.5.2-P1: Require that new development incorporate building articulation and architectural features, including front doors, windows, stoops, porches or bay windows along street frontages, to integrate new development into the existing neighborhoods.

The project incorporates offsets along the building planes and a mixture of exterior materials, finishes

and architectural features to create visual breaks and interest in the design for compatibility with the surrounding neighborhood.

- 5.5.2 P4 Provide adequate separation between incompatible land uses in order to minimize negative effects on surrounding existing and planned development.
- 5.5.2-P3: Implement site design solutions, such as landscaping and increased building setbacks, to provide buffers between nonresidential and residential uses.
- 5.5.2 P5 Require that new development provide an appropriate transition to surrounding neighborhoods.
- 5.5.2-P9 Improve pedestrian amenities, including sidewalks and bicycle paths, to promote neighborhood compatibility.

The proposed building is oriented towards the northern portion of site, away from the existing single-family development along the southern and eastern boundary, providing increased setbacks. The space south of the proposed building is developed as open community space, parking, internal private street and landscaping to provide adequate separation and transition from multifamily to single family development.

Zoning Conformance for a Planned Development Zoning

The site is currently zoned Single Family Residential (R1-6L). The proposal to rezone to Planned Development (PD) would allow the construction of 65-unit rental multi-family affordable housing project, consistent with the requested General Plan designation and the intent to develop an affordable housing project on this site. The City Code indicates that the intent of the PD Zoning district is to “accommodate development that is compatible with the existing community” and meet one of four possible objectives, including utilization of “imaginative planning and design concepts that would be restricted in other zone districts”.

The proposed zone change to PD meets this intent in that it would allow imaginative planning and design concepts that would be restricted in other zone districts and provide necessary flexibility in site design development standards to allow an efficient design and for the project to be situated on the site in a manner that minimizes impacts to the adjacent neighborhood and maximizes the open space area available to future residents. The PD Zoning is also necessary given the site shape and configuration which requires that the site take access from a single point on Monroe Street. The project includes additional beneficial design measures to address neighborhood compatibility as described below.

Project Architecture

The proposed building architecture would be reflective of a modern interpretation of farmhouse design. The proposed building would create the form of a L-shape with the longest length adjacent to, and set-back from, San Tomas Expressway, and shorter length along Monroe Street. Both ends of the L-shape building would be lower in height (two-stories), which would provide a step-up that would visually break up the bulk and height of the building. Overall, the building would contain a mix of exterior angles and materials, including cement panels with redwood finish, fiber cement lap siding with various color finishes, cementitious panels, decorative wall sconces, and perforated aluminum sunshades.

The mixture of material finishes applied to the exterior elevations, together with the offsets

incorporated into the building design provide varied textures and create visual interest. The use of divided light windows and alternating use of materials provides a rhythmic cohesion and symmetry in the design. Offsets in the building elevations, recessed windows, and simplified roof forms provide breaks in mass and scale of the buildings and roof structures. Metal canopies are incorporated in the design over the entrance of the building adding to the visual interest.

Circulation and Parking

The project is accessed by a single point of ingress and egress from Monroe Street as the site cannot take access from San Tomas Expressway. The proposed 26-foot wide driveway would lead to the surface parking lot with a two-way drive aisle, also 26 feet wide. The surface parking lot would provide 94 universal parking stalls, 6 of which would be designated for ADA compliant use. In addition, there would be three stalls designated for future EV charging stations and a loading/drop-off/paratransit stall. There is no gate or fencing proposed along Monroe Street.

The proposed project would provide 37 bicycle parking spaces; 33 Class I bicycle parking spaces would be located within the building to serve residents, and four Class II bicycle parking spaces would be outdoors and uncovered to serve visitors.

The existing sidewalk along the project frontage on Monroe Street would be replaced with a separated 10-foot-wide sidewalk with a 4-foot-wide landscape strip next to the curb and sidewalk behind, enhancing the pedestrian access and connectivity to the adjacent neighborhood. The private street would provide access to the surface parking spaces, the units within the building, and the community amenities. The private street would also serve as a utility corridor and emergency vehicle access easement. Due to its relatively small size, the project would generate fewer than 100 peak-hour vehicle trips.

The project provides the parking at about one and a half parking spaces for each unit with 10 percent of the total parking spaces dedicated for guest parking. The standard Santa Clara parking ratio for is two vehicle parking vehicle spaces per unit. However, the project would involve the approval of a zoning amendment as a Planned Development (PD), allowing for exceptions to the standard parking ratio. Additionally, the State density bonus law and the City's density bonus ordinance both provide for reduced parking ratios for affordable housing developments such as the proposed project. Based on survey results of recent projects similar in size and with similar levels of transit service as the project, Fehr & Peers identified peak-parking demands of between 1.40 and 1.52 spaces per unit in the late evening. Accounting for 25 percent of units to house individuals with developmental disabilities (and therefore, unlikely to have a vehicle), only 49 of the units would generate parking and the corresponding peak parking demand would be much lower than other comparably sized developments. The proposed on-site parking would therefore, accommodate this parking demand.

Landscaping and Open Space

The project would implement a landscape plan for the site and public right-of-way that includes a mixture of plant species and trees for planting the common areas and setbacks as well as the planter strips fronting the project site. The three trees removed with demolition of existing conditions on-site would be replaced in excess of the 2:1 requirement with a total of 125 trees which are to be planted around the entire perimeter of the site and within the common open space area. The replacement plan includes native and climate-adapted trees, many of which would serve to screen/line the project site perimeter. Of the nine species, six are proposed to be drought tolerant.

The project includes approximately 32,000 square feet of open space that will provide area for active recreational uses intended for use by building residents and guests. Included are a universal design (all abilities) outdoor play area, a landscaped and furnished park-like quiet area with half size bocce court, recreational community gardens, a family barbecue area, a fitness pathway with outdoor fitness equipment, and a putting green (artificial turf).

ENVIRONMENTAL REVIEW

A Mitigated Negative Declaration (MND) was prepared for the project in accordance with the California Environmental Quality Act (CEQA). The MND and Notice of Availability were posted on the City's website at www.santaclaraca.gov/ceqa and circulated for 30-day review on September 25, 2019 and closed on October 25, 2019, in accordance with CEQA requirements. The Planning Department received agency comments in response to the MND, which are attached to this staff report for review. Copies of the MND are available in the Planning Division office at City Hall.

The MND examined environmental impacts associated with project development and identified potential air quality, biological, cultural resources, geology and soils, hazardous materials, and noise impacts that with incorporation of mitigation measures into the project would reduce all potential impacts to less than significant. A detailed discussion of the potential impacts and mitigation measures to be applied to the project are specified in the MND and would be implemented through project conditions of approval and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project.

FISCAL IMPACT

There is no fiscal impact to the City for processing the requested application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

Public Notices and Comments

On November 1, 2019, the notice of public hearing for this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 1,000 feet of the project site. Newspaper notice of this item was published in *The Weekly* on October 30, 2019. At the time of this staff report, no public comment has been received.

Public Outreach Meetings

A total of four neighborhood community meetings were conducted to engage neighbors in the planning process of the proposed 65 affordable unit development. Two noticed community meeting were conducted to present the development proposal to neighbors and interested parties and engage public input. The meetings were held at the City Hall Cafeteria from 6:00 p.m. to 8:00 p.m. on

February 21, 2019 and July 30, 2019; each meeting was attended by approximately 20-25 community members each time. Public notice of the community meetings was mailed to property owners within 1000 feet of the project site and posted on the City's Community Meetings webpage.

Prior to submitting an application with the City, the developer conducted two additional noticed community meetings on October 17, 2018 and November 5, 2018 at the City Hall Cafeteria at 6:00 p.m. Both the meetings were well attended by community members, who expressed general interest in the proposal with concerns mostly regarding the impact of the project on the adjacent residential development.

ALTERNATIVES

1. Adopt a resolution to recommend the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Affordable Housing Project at 2330 Monroe Street.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment from Right of Way to Medium Density Residential to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements.
3. Adopt a resolution to recommend the City Council approve a rezoning from Single Family Residential (R1-6L) to Planned Development (PD) to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements.
4. Recommend the City Council deny the General Plan amendment from Right of Way to Medium Density Residential for the development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements.
5. Recommend the City Council deny the rezoning from Single Family Residential (R1-6L) to Planned Development (PD) for the development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements.

RECOMMENDATION

Alternatives 1, 2, and 3: That the Planning Commission adopt resolutions for the Affordable Housing Project located at 2330 Monroe Street recommending that the City Council:

1. Adopt a resolution to recommend the City Council adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Affordable Housing Project at 2330 Monroe Street.
2. Adopt a resolution to recommend the City Council approve a General Plan amendment from Right of Way to Medium Density Residential to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements.
3. Adopt a resolution to recommend the City Council approve a rezoning from Single Family Residential (R1-6L) to Planned Development (PD) to allow development of 65 rental affordable residential units, landscaped open space, surface parking and site improvements.

Reviewed by: Andrew Crabtree, Director of Community Development

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. 2330 Monroe St Affordable Housing Development Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
2. Responses to Comments Received on the Mitigated Negative Declaration

3. Project Data
4. Resolution Recommending Council Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program
5. Resolution Recommending Council Approve the General Plan Amendment
6. Resolution Recommending Council Approve the Rezoning
7. Conditions of General Plan and Rezoning Approval
8. Planned Development Plans

Attachment #1

Link to 2330 Monroe St Affordable Housing Development Mitigated Negative Declaration; and Mitigation Monitoring and Reporting Program

<http://santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/342/3649>

memorandum

date October 31, 2019

to Nimisha Agrawal
Assistant Planner I
Community Development Department
City of Santa Clara

cc Jennifer Carvalho
Office Specialist III
Housing & Community Services
City of Santa Clara

from Karl F. Heisler and Jennifer Brown
Environmental Science Associates

subject 2330 Monroe Street Affordable Housing Initial Study Response to Comments

CEQA Process following Release of the Initial Study and Proposed Mitigated Negative Declaration (IS/MND)

A Initial Study and proposed Mitigated Negative Declaration (IS/MND) was prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq by the City of Santa Clara (City) to disclose the potential environmental effects of the 2330 Monroe Street Affordable Housing Project (project). The IS/MND includes a description of the project, an assessment of its potential effects, and a description of mitigation measures to reduce significant effects that were identified. The IS/MND was released on September 25, 2019, for a 30-day review period, ending on October 24, 2019, and was made available to state, regional, and local agencies and members of the public. Comment letters on the IS/MND were received from two individuals listed below.

- Rachit Aggarwal (October 6, 2019)
- Unnamed Neighbor at 2250 Monroe Street (October 22, 2019)

In addition, an e-mail was received from an individual inquiring how to qualify for one of the residential units in the proposed project. The e-mail did not, however, contain any comments on the IS/MND.

In support of the City's review of the project, this memo provides a response to written comments on the IS/MND that were raised during the public review period. The responses in this document substantiate and confirm the analyses contained in the IS/MND. No new significant environmental impacts, no new significant information, and no substantial increase in the severity of an earlier identified impact have resulted from responding to

comments. Therefore, no revisions are required to the previously released IS/MND. As the lead agency, the City must adopt the Mitigated Negative Declaration before action can be taken on the project.

Responses to Comments on the Initial Study and Mitigated Negative Declaration (IS/MND)

Written comments on the IS/MND are included following the responses in this section (**Attachment A**). Written comments received were provided to the City of Santa Clara by email. Comments are addressed with respect to the letter from which they are sourced in order of the dates they were received.

Rachit Aggarwal – Comment Letter, October 6, 2019

The commenter suggests that the project could include a retail component.

With respect to the commenter's concern regarding the lack of retail space, City staff provided an email response to the commenter. As stated by staff, this parcel is a part of a larger parcel that was initially acquired by the County as part of the construction of San Tomas Expressway and subsequently acquired by the City as an affordable housing site. Therefore, it was never intended to have a retail component. Retail projects by the City can be anticipated in regions zoned for such uses, many existing retail uses already exist within 2,000 feet of the project site.

It is noted that the project site is within an area of the City designated for residential use in the Santa Clara General Plan. The El Camino Real corridor, about 0.75 miles south of the project site, is designated for retail uses, as are smaller areas at Monroe Street and Scott Boulevard (0.25 miles east of the site) and at Scott Boulevard and Warburton Avenue, about 0.65 miles southeast of the site.

Anonymous Neighbor at 2250 Monroe Street – Comment Letter, October 22, 2019

The commenter states that the Initial Study's analysis of traffic impacts is not supported by evidence, that there is heavy peak-hour traffic on both San Tomas Expressway and Monroe Street, and that the location is already prone to traffic accidents and that the project would exacerbate this condition. The commenter also states that the proposed project would provide insufficient parking and questions whether the project would provide services for the portion of project residents expected to have developmental disabilities.

With respect to the comment's concern regarding the IS/MND's lack of evaluation of traffic hazards at the intersection of Monroe Street and San Tomas Expressway, this analysis included under Section 5.17, *Transportation* of the IS/MND. Specifically, Impact c) addresses this topic, and included in its evaluation is a sight distance analysis (Appendix F), by Fehr & Peers and reviewed by the City transportation engineers. Based on this line of sight analysis, which factored in vehicle speed, and turning radius in proximity to the project site Driveway, Mitigation Measure TR-1: Roadway Safety Modification is presented to reduce the current rapid right turn movements from northbound San Tomas Expressway, which could result in vehicle related hazards along Monroe Street. Among other details, this measure requires that the project applicant prepare improvement plans for the intersection of San Tomas Expressway and Monroe Street and parking removal on Monroe Street to improve roadway safety.

Review of data from the California Highway Patrol's Statewide Integrated Traffic Records System indicates that, since January 21, 2016, there have been 21 motor vehicle collisions (5.6 per year over 3.75 years) at the intersection of Monroe Street and San Tomas Expressway and another 37 collisions (almost 10 per year) nearby—mostly on San Tomas Expressway north or south of the intersection, with six of these on Monroe Street. There have also been 11 collisions (almost 3 per year) on Monroe Street adjacent to or near the project site (i.e., at or near the intersection with Los Padres Boulevard). Although person(s) sustained injuries in 28 of these 69 total collisions (41 percent), there were no fatalities. The number of collisions at the San Tomas/Monroe intersection does not appear to be substantially greater, on average, than at other heavily trafficked intersections in Santa Clara.

With respect to the comment's concern that the project does not provide adequate parking, the IS/MND provides a parking analysis under Section 5.17, *Transportation* of the IS/MND. Specifically, Impact a), addresses the project's potential to conflict with plans, ordinances and policies. While parking is not a criterion under this list, the analysis considers projects of a similar nature and found that the project would generate a peak demand of 78 vehicles spaces in the evening time. Thus, the provision of 94 spaces would be adequate to meet demand.

With respect to the comment's request for clarification regarding the need for services and physicians at the project site, note that these services are not proposed with the project. As supported in the project applicant's Memorandum of Understanding with the Housing Choices Coalition, a provider of affordable housing for persons with developmental disabilities, and the San Andreas Regional Center, which provides services to such persons, the Housing Choices Coalition would provide the project sponsor with tenant referrals and resident coordination services in close collaboration with the San Andreas Regional Center, which maintains a waiting list of people and funds the supportive services. According to the project sponsor, residents who would be living in the 20-25 percent of units reserved for people with developmental and/or intellectual disabilities are people who are able to live independently. Most of these residents would have jobs and take public transportation. According to the sponsor, these residents would not necessarily be physically handicapped or have mental health issues such that they would require a facility with physicians to support daily living.

Attachment A

Comment Letters



Jennifer Ostner

From: Nimisha Agrawal <NAgrawal@SantaClaraCA.gov>
Sent: Tuesday, October 8, 2019 11:34 AM
To: Rachit Aggarwal
Subject: RE: 2330 Monroe St project

Hi Rachit,

Thank you for your email. The CEQA document with project details are available on the City's website at

<http://santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/291/2495>

This parcel is a part of a larger parcel that was initially acquired by the County as part of the construction of San Tomas Expressway and subsequently acquired by the City as an affordable housing site. Therefore, it was never intended to have a retail component. Hope that helps clarify, please let me know if you have any questions.

Thank you,

Nimisha

From: Rachit Aggarwal <rachit.nitk@gmail.com>
Sent: Sunday, October 6, 2019 7:00 PM
To: Nimisha Agrawal <NAgrawal@SantaClaraCA.gov>
Subject: 2330 Monroe St project

Hi Nimisha,

I am a resident of the area of Santa Clara around the site of planned project. Can you share some details of the project.

At one of the online forums, local residents are expressing their unhappiness around lack of retail space and was thinking if there is a constructive way to provide this feedback for the project.

RECEIVED

OCT 13 2019

PLANNING DIVISION

The proposal of building affordable house at 2330 Monroe streets has the following glaring issues.

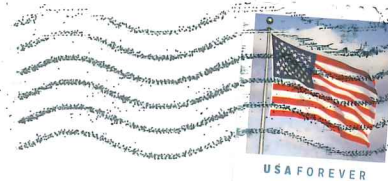
1. The proposal claims that the transportation impact can be mitigated without showing any convincing evidence. First, it does not consider the horrible rush hour traffic on both Monroe and San Tomas, which will make entering and exiting the plaza dangerous. This could easily cause accidents and exacerbate the already heavy traffic in both directions. Secondly, the location itself is already traffic accident prone. It would be dangerous to make it more crowded by adding a massive scale apartment at that corner. I myself witnessed one major traffic accidents when two cars were totally smashed with debriefs all over the place. One car eventually hit the island in the middle of Monroe street after being hit by the other car. The situation could have been worse if the car ran to the curbside, which was totally possible. Thus, given the potential danger of the location and the already super crowded reality, that tiny corner is not used as a residential area for good reasons. I still have the photo to show how terrible the accident was.
2. The project wants to build 65 units without carefully considering the parking limits. Assuming the ratio of units to parking space being 1: 1.8 (Coronado villa next to it has ratio of 1:1.8), it means it requires roughly 117 parking lots. However, the proposal only planned 94. This means that, likely more cars will have to park along the already crowded Monroe street, causing more both environmental trouble and safety problems.
3. 20% of the units are set aside for people with development disabilities, both mentally and physically. So, does the facility include the service these people need? For mentally disabled people, physicians are needed to make sure they are in stable condition. Who is going to pay for these facilities if they are needed?

2250 Monroe St, #332

Santa Clara, CA, 95050

SAN JOSE CA 950

17 OCT 2019 PM 4:1



city of Santa Clara - planning Division
Namisha Agrawal, Assistant planner II
1500 Warburton Avenue, Santa Clara,
CA, 95050
phone: 408-615-2950



Attachment B
Memorandum of Understanding
Among Freebird Development
Company, Housing Choices and
San Andreas Regional Center



**MEMORANDUM OF UNDERSTANDING
AMONG FREEBIRD DEVELOPMENT COMPANY, HOUSING CHOICES,
AND SAN ANDREAS REGIONAL CENTER
(2330 Monroe Street, Santa Clara, CA)**

Freebird Development Company LLC ("Freebird"), Housing Choices Coalition for Persons with Developmental Disabilities, Inc. (Housing Choices) and San Andreas Regional Center (SARC) hold a shared commitment to creating a supportive and sustainable living environment for individuals with developmental disabilities at the affordable housing property planned for development at 2330 Monroe Street, Santa Clara, CA. This tri-party Memorandum of Understanding is entered into by Freebird, Housing Choices and SARC effective on April 23, 2019 to set forth the mutually agreed upon roles and responsibilities of each party in achieving this common goal.

Freebird

Freebird is the developer of a planned 65-unit affordable housing development to be located at 2330 Monroe Street, Santa Clara, CA (the "Property"). Because of SARC's and Housing Choices' commitment to provide Housing Choices' program of housing services and other SARC-funded services to residents with developmental disabilities, Freebird agrees to set aside up to 25% of the rental units at the Property for rent to qualified low-income tenants with developmental disabilities, as referred by Housing Choices. Freebird will provide appropriate space on site for Housing Choices' provision of resident support services, including office or meeting space and use of a community room for tenant events organized by Housing Choices. Freebird will coordinate with Housing Choices, the property manager and other service providers as needed to facilitate the leasing process and maintain a healthy, supportive environment for Housing Choices' residents.

Housing Choices

Housing Choices has been working to create affordable housing opportunities for people with developmental disabilities since 1997. Housing Choices agrees to work with Freebird to provide Tenant Referral and Resident Coordination services for qualified households which include a person with developmental disabilities in the set-aside units at the Property. These services include but are not limited to the following:

Tenant Referral for Occupancy of Units Designated for SARC Clients

Housing Choices will work with SARC to refer SARC clients for units as they become available. This comprehensive referral process includes:

- Marketing units to appropriate households in the community, drawing from Housing Choices' registry of SARC clients seeking housing and other community marketing to people served by SARC, and also keeping SARC and other community partners educated and aware of the availability of designated units;
- Screening households to verify that they are clients of SARC and reviewing applicant's self-reports to help households determine whether they meet the other tenant selection criteria for the property, which will be verified by property management when the completed application for housing is submitted;

- Conducting a lottery to place applicants who are verified to be clients of SARC on a randomly generated wait list for designated units at the time of initial lease-up;
- Continuing to add SARC clients in date order to the wait list for designated units after the initial lottery is conducted;
- Interviewing the applicants and prospective roommates and helping them prepare for the application and move-in process;
- Referring clients to SARC Service Coordinators to ensure that appropriate Independent Living or Supported Living services are in place before a client signs a lease;
- Helping clients pursue all available sources of security deposit assistance and grants for basic household needs;
- Working with property management to ensure applicants fill out the formal housing application and other necessary paperwork;
- Providing support to the client in the property manager's initial interview when others are not available to provide this assistance;
- Assisting clients in following up on comments provided by property management on the applicant's application or supporting documentation;
- Making best efforts to ensure the designated units are occupied by clients of SARC but if Housing Choices is unable to provide qualified applicants to the property management in a timely manner, the property management may process the applications of other qualified applicants who are not clients of SARC.

Resident Coordination

In addition, Housing Choices will provide a Resident Coordinator whose job responsibilities will include:

- Providing a single point of contact for independent living services and supported living services (ILS/SLS) agencies, in home care providers, San Andreas Regional Center, conservators and property management with respect to the housing needs and issues of residents living in the units designated for occupancy by SARC clients;
- Assisting residents of the designated units in seeking reasonable accommodations for specific disabilities;
- Assisting residents of the designated units in preparing for unit inspections and annual re-certifications;
- Assisting residents of the designated units in understanding and complying with lease terms and property rules and regulations;
- Assisting residents in responding to adverse notices from property management resulting from unsatisfactory inspections, the annual re-certification process, or complaints about the residents' compliance with lease terms and property rules;
- Assisting in mediation of conflicts involving residents occupying units designated for SARC clients – between other residents, property management, service providers and other conflicts as necessary;
- Advocating on behalf of clients to ensure they are receiving all necessary services;
- Attending Circle of Support and Individual Program Plan meetings as invited with the client's individual service provider;

- Working to create a sense of community among Housing Choices' residents and encouraging a network of support among neighbors and friends. This includes:
 - Coordinating resident/community meetings;
 - Facilitating resident activities on a regular basis.

San Andreas Regional Center

San Andreas Regional Center (SARC) has been serving individuals with developmental disabilities since 1979. SARC is funded by the State of California to serve this population as required by the Lanterman Developmental Disabilities Act. The Lanterman Act is part of California law that sets out the rights and responsibilities of persons with developmental disabilities. SARC works with each of its clients to develop an individual service plan and contracts with qualified agencies to provide each client with the appropriate level of ILS/SLS or other services to meet his or her specific needs. SARC agrees to refer individuals with developmental disabilities to Housing Choices for assistance in applying for tenancy of the designated units at the Property and to provide funding to Housing Choices to provide the appropriate level of Tenant Referral and Resident Coordination services described above, pursuant to an approved Program Design and at an approved hourly rate. These services will be provided at no cost to tenants or property management on a regular and ongoing basis commencing at the time of initial lease-up for so long as SARC continues to contract with Housing Choices for the services. The minimum duration of services under this MOU shall be one year from the completion of initial lease-up.

Funding of Housing Choices' services at the Property is contingent upon SARC's receiving funding for such services through its contract with the California Department of Developmental Disabilities. In the event that SARC ceases to receive funding through the California Department of Developmental Services to pay for services, SARC may, as its option, give notice of termination of this MOU in accordance with the provisions below.

This MOU will automatically renew on an annual basis of July 1 of each year unless notice of termination for cause is provided in writing to all the parties by the party or parties seeking termination at least sixty days prior to the annual renewal date. Cause for termination consists of any of the following three reasons: (a) SARC's determination that DDS or other funding is no longer available for Housing Choices' services to the Property; or (b) Freebird and SARC agreeing that Housing Choices has materially failed to provide the services to the property that are described above; or (c) Housing Choices and SARC agreeing that the unit rents, qualifying income, property rules or other property conditions are no longer appropriate for people with developmental disabilities.

SIGNED:


 Robin Zimble, ~~CEO~~ Manager, Freebird Development Company, LLC


 Janette A. Stokley, Executive Director, Housing Choices Coalition


 Javier Zaldivar, Executive Director, San Andreas Regional Center

Project Data

File: PLN2019-13723; PLN2019-13763, PLN2019-13764, CEQA2019-01067

Location: 2330 Monroe Street, a 2.47 acre site located at the southeast corner of Monroe Street and San Tomas Expressway. The site is zoned R-1-6L Single-Family; APN: 224-37-068

Applicant/ Owner: Paul McElwee, HKIT Architect, Robin Zimblar, Freebird Development Company, LLC/ Housing Authority, City of Santa Clara

CEQA Determination: Mitigated Negative Declaration

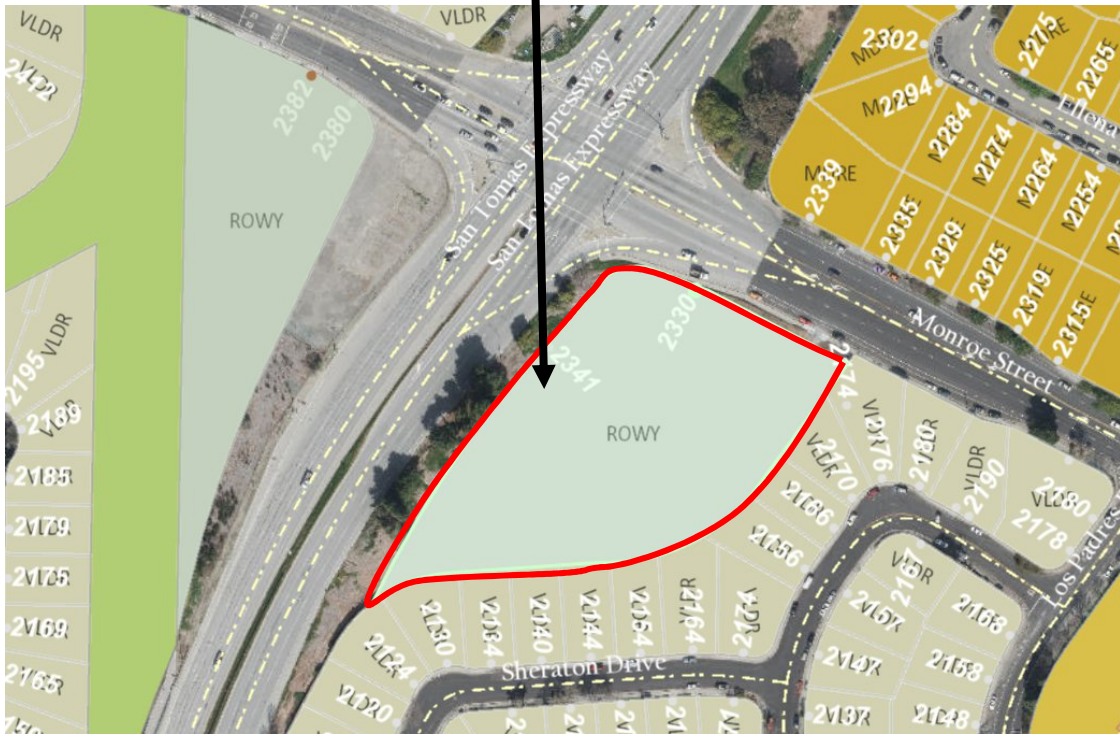
Project Planner: Nimisha Agrawal, Assistant Planner I

	Existing	Proposed
General Plan Designation	Right of Way	Medium Density Residential
Zoning District	Single Family Residential (R1-6L)	Planned Development (PD)
Lot Size	2.47 acres	Same
Land Use	vacant	Residential
Residential Units	-	65
Open Space	-	32,000 sq. ft.
Stories / Total Height	-	Two to Three-stories (up to 43 feet 4 inches)
Parking	-	88 universal stalls, 6 ADA, 3 EV Charging and 1 paratransit loading stall. 10 spaces will be dedicated as guest parking spaces.

Aerial Map

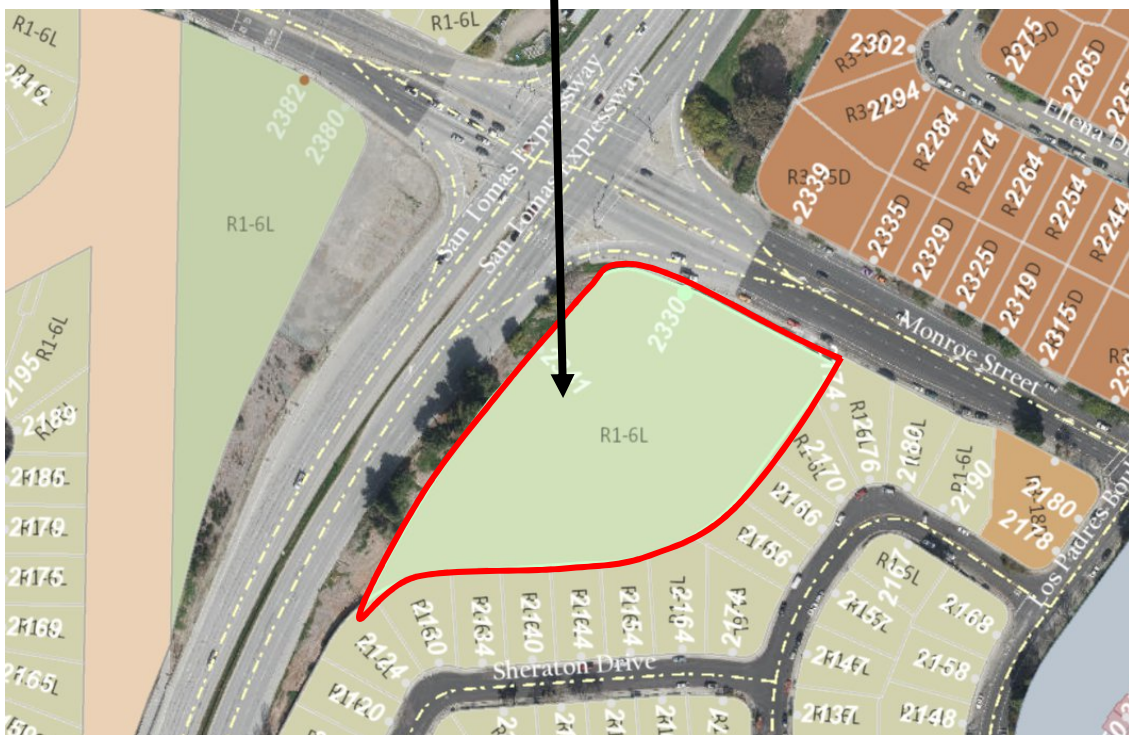
General Plan Map

Project Site – Right of Way



Zoning Map

Project Site – R1-6L



RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING
THAT THE CITY COUNCIL ADOPT THE MITIGATED
NEGATIVE DECLARATION AND THE MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE MULTI-
FAMILY AFFORDABLE HOUSING DEVELOPMENT LOCATED
AT 2330 MONROE STREET, SANTA CLARA**

PLN2019-13763 (General Plan Amendment)
PLN2019-13723 (Application of Rezoning)
CEQ2019-01067 (Mitigated Negative Declaration)

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

WHEREAS, on February 1, 2019, HKIT Architects and Freebird Development Company, LLC (“Applicant”) filed an application for the development of a 2.47 acre site at 2330 Monroe Street, a vacant city-owned property at the southeast corner of Monroe Street and San Tomas Expressway (“Project Site”);

WHEREAS, the application includes a proposed General Plan Amendment (GPA) to change the land use designation of the Project Site from Right of Way to Medium Density Residential;

WHEREAS, the Applicant applied to rezone the Project Site from Single Family Residential (R1-6L) to Planned Development (PD) to allow construction of a multi-family affordable housing development consisting of 65 units, onsite amenities, approximately 32,000 square foot of open space and surface parking (“Project”) as shown on the Development Plans, attached hereto as Exhibit “Development Plans” and incorporated herein by this reference;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to identify potentially significant effects on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, in conformance with CEQA, the MND was noticed and circulated for a 30-day public review period from September 25, 2019 and closed on October 25, 2019;

WHEREAS, on November 1, 2019, the notice of public hearing for the November 13, 2019 Planning Commission 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 1,000-foot radius of the project boundaries; and

WHEREAS, on November 13, 2019, the Planning Commission held a duly noticed public hearing to consider the Project, MND, MMRP, and all pertinent information in the record 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 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 finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less-than-significant level by the mitigation measures specified in the MND and MMRP.
3. That the Planning Commission hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the Planning Commission.
4. That the Planning Commission hereby recommends that the City Council find that the MND and MMRP completed for this Project has been completed in compliance with CEQA, and that approval of this project as mitigated will have no significant negative impacts on the area's environmental resources, cumulative or otherwise, as the impacts as mitigated would fall within the environmental thresholds identified by CEQA.

5. That the Planning Commission hereby recommends that the City Council adopt the MND and MMRP for the Project as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074).

6. 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 NOVEMBER 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. Mitigated Negative Declaration (MND)
2. Mitigation Monitoring and Reporting Program (MMRP)
3. Development Plans

\\SRVFSPROD01\inter-dept-data\Datafile\PLANNING\2019\Project Files Active\PLN2019-13723 2330 Monroe Street\PC\Resolution Recommending Council Adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.doc

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 RIGHT OF WAY TO MEDIUM DENSITY
RESIDENTIAL TO ALLOW A MULTIFAMILY AFFORDABLE
HOUSING DEVELOPMENT CONSISTING OF 65 RESIDENTIAL
UNITS LOCATED AT 2330 MONROE STREET, SANTA CLARA**

PLN2019-13763 (General Plan Amendment)
PLN2019-13723 (Application of Rezoning)
CEQ2019-01067 (Mitigated Negative Declaration)

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

WHEREAS, on February 1, 2019, HKIT Architects and Freebird Development Company, LLC (“Applicant”) filed an application for General Plan Amendment in connection with the development of a 2.47 acre site at 2330 Monroe Street, a vacant city-owned property at the southeast corner of Monroe Street and San Tomas Expressway (“Project Site”);

WHEREAS, the General Plan Amendment (GPA) proposes to change the land use designation of the Project Site from Right of Way to Medium Density Residential to allow residential densities ranging from 20 to 36 units per gross acre;

WHEREAS, the Applicant simultaneously applied to rezone the Project Site from Single Family Residential (R1-6L) to Planned Development (PD) to allow construction of a multi-family affordable housing development consisting of 65 units, onsite amenities, approximately 32,000 square foot of open space and surface parking (“Project”) as shown on the Development Plans, attached hereto as Exhibit “Development Plans” and incorporated herein by this reference;

WHEREAS, in conformance with CEQA, a Mitigated Negative Declaration (MND) prepared for the Project and was noticed and circulated for a 30-day public review period from September 25, 2019 to October 25, 2019;

WHEREAS, the MND prepared for the project 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 environmental impacts to less than significant levels and will be incorporated into the Project;

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, 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, on October 30, 2019;

WHEREAS, notices of the public hearing on the General Plan Amendment were mailed to all property owners within 1,000 feet of the Project Site, according to the most recent assessor’s roll, on November 1, 2019;

WHEREAS, on November 1, 2019, notices of the public hearing on the General Plan Amendment were mailed to each local agency expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the Project;

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

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

WHEREAS, on November 13, 2019, the Planning Commission conducted a public hearing, at which time all interested persons were given an opportunity to give testimony and provide evidence in support of and in opposition to the proposed General Plan Amendments.

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 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 implements smart growth principles by redeveloping underutilized properties with medium density housing projects and providing affordable housing units;

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 includes different sized affordable housing units ranging from studio units to three-bedroom units, increasing the City's housing stock, while providing adequate choices of housing tenure, type and location which will assist in meeting the housing needs of the City;

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 address the potential environmental effects of the project; 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 Mitigated Negative Declaration for the amendment has been prepared.

3. That the Planning Commission hereby recommends that the City Council, pursuant to Government Code § 65358, amend the General Plan by changing the General Plan Land Use Designation for the Project Site from Right of Way to Medium Density Residential to allow a medium density affordable housing development.

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 13th DAY OF NOVEMBER, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. Conditions of Rezoning Approval
2. Development Plans

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

\\SVRVFSPROD01\inter-dept-data\Datafile\PLANNING\2019\Project Files Active\PLN2019-13723 2330 Monroe
Street\PC\Resolution Recommending Council Approve Rezoning.doc

memorandum

date October 31, 2019

to Nimisha Agrawal
 Assistant Planner I
 Community Development Department
 City of Santa Clara

cc Jennifer Carvalho
 Office Specialist III
 Housing & Community Services
 City of Santa Clara

from Karl F. Heisler and Jennifer Brown
 Environmental Science Associates

subject 2330 Monroe Street Affordable Housing Initial Study Response to Comments

CEQA Process following Release of the Initial Study and Proposed Mitigated Negative Declaration (IS/MND)

A Initial Study and proposed Mitigated Negative Declaration (IS/MND) was prepared pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC], Section 21000 et seq by the City of Santa Clara (City) to disclose the potential environmental effects of the 2330 Monroe Street Affordable Housing Project (project). The IS/MND includes a description of the project, an assessment of its potential effects, and a description of mitigation measures to reduce significant effects that were identified. The IS/MND was released on September 25, 2019, for a 30-day review period, ending on October 24, 2019, and was made available to state, regional, and local agencies and members of the public. Comment letters on the IS/MND were received from two individuals listed below.

- Rachit Aggarwal (October 6, 2019)
- Unnamed Neighbor at 2250 Monroe Street (October 22, 2019)

In addition, an e-mail was received from an individual inquiring how to qualify for one of the residential units in the proposed project. The e-mail did not, however, contain any comments on the IS/MND.

In support of the City's review of the project, this memo provides a response to written comments on the IS/MND that were raised during the public review period. The responses in this document substantiate and confirm the analyses contained in the IS/MND. No new significant environmental impacts, no new significant information,

and no substantial increase in the severity of an earlier identified impact have resulted from responding to comments. Therefore, no revisions are required to the previously released IS/MND. As the lead agency, the City must adopt the Mitigated Negative Declaration before action can be taken on the project.

Responses to Comments on the Initial Study and Mitigated Negative Declaration (IS/MND)

Written comments on the IS/MND are included following the responses in this section (**Attachment A**). Written comments received were provided to the City of Santa Clara by email. Comments are addressed with respect to the letter from which they are sourced in order of the dates they were received.

Rachit Aggarwal – Comment Letter, October 6, 2019

The commenter suggests that the project could include a retail component.

With respect to the commenter's concern regarding the lack of retail space, City staff provided an email response to the commenter. As stated by staff, this parcel is a part of a larger parcel that was initially acquired by the County as part of the construction of San Tomas Expressway and subsequently acquired by the City as an affordable housing site. Therefore, it was never intended to have a retail component. Retail projects by the City can be anticipated in regions zoned for such uses, many existing retail uses already exist within 2,000 feet of the project site.

It is noted that the project site is within an area of the City designated for residential use in the Santa Clara General Plan. The El Camino Real corridor, about 0.75 miles south of the project site, is designated for retail uses, as are smaller areas at Monroe Street and Scott Boulevard (0.25 miles east of the site) and at Scott Boulevard and Warburton Avenue, about 0.65 miles southeast of the site.

Anonymous Neighbor at 2250 Monroe Street – Comment Letter, October 22, 2019

The commenter states that the Initial Study's analysis of traffic impacts is not supported by evidence, that there is heavy peak-hour traffic on both San Tomas Expressway and Monroe Street, and that the location is already prone to traffic accidents and that the project would exacerbate this condition. The commenter also states that the proposed project would provide insufficient parking and questions whether the project would provide services for the portion of project residents expected to have developmental disabilities.

With respect to the comment's concern regarding the IS/MND's lack of evaluation of traffic hazards at the intersection of Monroe Street and San Tomas Expressway, this analysis included under Section 5.17, *Transportation* of the IS/MND. Specifically, Impact c) addresses this topic, and included in its evaluation is a sight distance analysis (Appendix F), by Fehr & Peers and reviewed by the City transportation engineers. Based on this line of sight analysis, which factored in vehicle speed, and turning radius in proximity to the project site Driveway, Mitigation Measure TR-1: Roadway Safety Modification is presented to reduce the current rapid right turn movements from northbound San Tomas Expressway, which could result in vehicle related hazards along Monroe Street. Among other details, this measure requires that the project applicant prepare improvement plans for the intersection of San Tomas Expressway and Monroe Street and parking removal on Monroe Street to improve roadway safety. **(Note to Reviewer: Insert additional language from the Police Department if it is available.)**

Review of data from the California Highway Patrol's Statewide Integrated Traffic Records System indicates that, since January 21, 2016, there have been 21 motor vehicle collisions (5.6 per year over 3.75 years) at the intersection of Monroe Street and San Tomas Expressway and another 37 collisions (almost 10 per year) nearby—mostly on San Tomas Expressway north or south of the intersection, with six of these on Monroe Street. There have also been 11 collisions (almost 3 per year) on Monroe Street adjacent to or near the project site (i.e., at or near the intersection with Los Padres Boulevard). Although person(s) sustained injuries in 28 of these 69 total collisions (41 percent), there were no fatalities. The number of collisions at the San Tomas/Monroe intersection does not appear to be substantially greater, on average, than at other heavily trafficked intersections in Santa Clara.

With respect to the comment's concern that the project does not provide adequate parking, the IS/MND provides a parking analysis under Section 5.17, *Transportation* of the IS/MND. Specifically, Impact a), addresses the project's potential to conflict with plans, ordinances and policies. While parking is not a criterion under this list, the analysis considers projects of a similar nature and found that the project would generate a peak demand of 78 vehicles spaces in the evening time. Thus, the provision of 94 spaces would be adequate to meet demand.

With respect to the comment's request for clarification regarding the need for services and physicians at the project site, note that these services are not proposed with the project. As supported in the project applicant's Memorandum of Understanding with the Housing Choices Coalition, a provider of affordable housing for persons with developmental disabilities, and the San Andreas Regional Center, which provides services to such persons, the Housing Choices Coalition would provide the project sponsor with tenant referrals and resident coordination services in close collaboration with the San Andreas Regional Center, which maintains a waiting list of people and funds the supportive services. According to the project sponsor, residents who would be living in the 20-25 percent of units reserved for people with developmental and/or intellectual disabilities are people who are able to live independently. Most of these residents would have jobs and take public transportation. According to the sponsor, these residents would not necessarily be physically handicapped or have mental health issues such that they would require a facility with physicians to support daily living.

Attachment A

Comment Letters



Jennifer Ostner

From: Nimisha Agrawal <NAgrawal@SantaClaraCA.gov>
Sent: Tuesday, October 8, 2019 11:34 AM
To: Rachit Aggarwal
Subject: RE: 2330 Monroe St project

Hi Rachit,

Thank you for your email. The CEQA document with project details are available on the City's website at

<http://santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/291/2495>

This parcel is a part of a larger parcel that was initially acquired by the County as part of the construction of San Tomas Expressway and subsequently acquired by the City as an affordable housing site. Therefore, it was never intended to have a retail component. Hope that helps clarify, please let me know if you have any questions.

Thank you,

Nimisha

From: Rachit Aggarwal <rachit.nitk@gmail.com>
Sent: Sunday, October 6, 2019 7:00 PM
To: Nimisha Agrawal <NAgrawal@SantaClaraCA.gov>
Subject: 2330 Monroe St project

Hi Nimisha,

I am a resident of the area of Santa Clara around the site of planned project. Can you share some details of the project.

At one of the online forums, local residents are expressing their unhappiness around lack of retail space and was thinking if there is a constructive way to provide this feedback for the project.

RECEIVED

OCT 13 2019

PLANNING DIVISION

The proposal of building affordable house at 2330 Monroe streets has the following glaring issues.

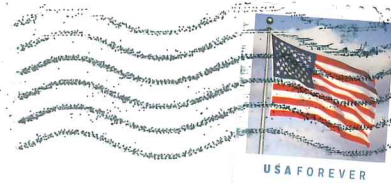
1. The proposal claims that the transportation impact can be mitigated without showing any convincing evidence. First, it does not consider the horrible rush hour traffic on both Monroe and San Tomas, which will make entering and exiting the plaza dangerous. This could easily cause accidents and exacerbate the already heavy traffic in both directions. Secondly, the location itself is already traffic accident prone. It would be dangerous to make it more crowded by adding a massive scale apartment at that corner. I myself witnessed one major traffic accidents when two cars were totally smashed with debriefs all over the place. One car eventually hit the island in the middle of Monroe street after being hit by the other car. The situation could have been worse if the car ran to the curbside, which was totally possible. Thus, given the potential danger of the location and the already super crowded reality, that tiny corner is not used as a residential area for good reasons. I still have the photo to show how terrible the accident was.
2. The project wants to build 65 units without carefully considering the parking limits. Assuming the ratio of units to parking space being 1: 1.8 (Coronado villa next to it has ratio of 1:1.8), it means it requires roughly 117 parking lots. However, the proposal only planned 94. This means that, likely more cars will have to park along the already crowded Monroe street, causing more both environmental trouble and safety problems.
3. 20% of the units are set aside for people with development disabilities, both mentally and physically. So, does the facility include the service these people need? For mentally disabled people, physicians are needed to make sure they are in stable condition. Who is going to pay for these facilities if they are needed?

2250 Monroe St, #332

Santa Clara, CA, 95050

SAN JOSE CA 950

17 OCT 2019 PM 4:1



city of Santa Clara - planning Division

Namisha Agrawal, Assistant planner II

1500 Warburton Avenue, Santa Clara,
CA, 95050

phone: 408-615-2950



Attachment B
Memorandum of Understanding
Among Freebird Development
Company, Housing Choices and
San Andreas Regional Center



**MEMORANDUM OF UNDERSTANDING
AMONG FREEBIRD DEVELOPMENT COMPANY, HOUSING CHOICES,
AND SAN ANDREAS REGIONAL CENTER
(2330 Monroe Street, Santa Clara, CA)**

Freebird Development Company LLC ("Freebird"), Housing Choices Coalition for Persons with Developmental Disabilities, Inc. (Housing Choices) and San Andreas Regional Center (SARC) hold a shared commitment to creating a supportive and sustainable living environment for individuals with developmental disabilities at the affordable housing property planned for development at 2330 Monroe Street, Santa Clara, CA. This tri-party Memorandum of Understanding is entered into by Freebird, Housing Choices and SARC effective on April 23, 2019 to set forth the mutually agreed upon roles and responsibilities of each party in achieving this common goal.

Freebird

Freebird is the developer of a planned 65-unit affordable housing development to be located at 2330 Monroe Street, Santa Clara, CA (the "Property"). Because of SARC's and Housing Choices' commitment to provide Housing Choices' program of housing services and other SARC-funded services to residents with developmental disabilities, Freebird agrees to set aside up to 25% of the rental units at the Property for rent to qualified low-income tenants with developmental disabilities, as referred by Housing Choices. Freebird will provide appropriate space on site for Housing Choices' provision of resident support services, including office or meeting space and use of a community room for tenant events organized by Housing Choices. Freebird will coordinate with Housing Choices, the property manager and other service providers as needed to facilitate the leasing process and maintain a healthy, supportive environment for Housing Choices' residents.

Housing Choices

Housing Choices has been working to create affordable housing opportunities for people with developmental disabilities since 1997. Housing Choices agrees to work with Freebird to provide Tenant Referral and Resident Coordination services for qualified households which include a person with developmental disabilities in the set-aside units at the Property. These services include but are not limited to the following:

Tenant Referral for Occupancy of Units Designated for SARC Clients

Housing Choices will work with SARC to refer SARC clients for units as they become available. This comprehensive referral process includes:

- Marketing units to appropriate households in the community, drawing from Housing Choices' registry of SARC clients seeking housing and other community marketing to people served by SARC, and also keeping SARC and other community partners educated and aware of the availability of designated units;
- Screening households to verify that they are clients of SARC and reviewing applicant's self-reports to help households determine whether they meet the other tenant selection criteria for the property, which will be verified by property management when the completed application for housing is submitted;

- Conducting a lottery to place applicants who are verified to be clients of SARC on a randomly generated wait list for designated units at the time of initial lease-up;
- Continuing to add SARC clients in date order to the wait list for designated units after the initial lottery is conducted;
- Interviewing the applicants and prospective roommates and helping them prepare for the application and move-in process;
- Referring clients to SARC Service Coordinators to ensure that appropriate Independent Living or Supported Living services are in place before a client signs a lease;
- Helping clients pursue all available sources of security deposit assistance and grants for basic household needs;
- Working with property management to ensure applicants fill out the formal housing application and other necessary paperwork;
- Providing support to the client in the property manager's initial interview when others are not available to provide this assistance;
- Assisting clients in following up on comments provided by property management on the applicant's application or supporting documentation;
- Making best efforts to ensure the designated units are occupied by clients of SARC but if Housing Choices is unable to provide qualified applicants to the property management in a timely manner, the property management may process the applications of other qualified applicants who are not clients of SARC.

Resident Coordination

In addition, Housing Choices will provide a Resident Coordinator whose job responsibilities will include:

- Providing a single point of contact for independent living services and supported living services (ILS/SLS) agencies, in home care providers, San Andreas Regional Center, conservators and property management with respect to the housing needs and issues of residents living in the units designated for occupancy by SARC clients;
- Assisting residents of the designated units in seeking reasonable accommodations for specific disabilities;
- Assisting residents of the designated units in preparing for unit inspections and annual re-certifications;
- Assisting residents of the designated units in understanding and complying with lease terms and property rules and regulations;
- Assisting residents in responding to adverse notices from property management resulting from unsatisfactory inspections, the annual re-certification process, or complaints about the residents' compliance with lease terms and property rules;
- Assisting in mediation of conflicts involving residents occupying units designated for SARC clients – between other residents, property management, service providers and other conflicts as necessary;
- Advocating on behalf of clients to ensure they are receiving all necessary services;
- Attending Circle of Support and Individual Program Plan meetings as invited with the client's individual service provider;

- Working to create a sense of community among Housing Choices' residents and encouraging a network of support among neighbors and friends. This includes:
 - Coordinating resident/community meetings;
 - Facilitating resident activities on a regular basis.

San Andreas Regional Center

San Andreas Regional Center (SARC) has been serving individuals with developmental disabilities since 1979. SARC is funded by the State of California to serve this population as required by the Lanterman Developmental Disabilities Act. The Lanterman Act is part of California law that sets out the rights and responsibilities of persons with developmental disabilities. SARC works with each of its clients to develop an individual service plan and contracts with qualified agencies to provide each client with the appropriate level of ILS/SLS or other services to meet his or her specific needs. SARC agrees to refer individuals with developmental disabilities to Housing Choices for assistance in applying for tenancy of the designated units at the Property and to provide funding to Housing Choices to provide the appropriate level of Tenant Referral and Resident Coordination services described above, pursuant to an approved Program Design and at an approved hourly rate. These services will be provided at no cost to tenants or property management on a regular and ongoing basis commencing at the time of initial lease-up for so long as SARC continues to contract with Housing Choices for the services. The minimum duration of services under this MOU shall be one year from the completion of initial lease-up.

Funding of Housing Choices' services at the Property is contingent upon SARC's receiving funding for such services through its contract with the California Department of Developmental Disabilities. In the event that SARC ceases to receive funding through the California Department of Developmental Services to pay for services, SARC may, as its option, give notice of termination of this MOU in accordance with the provisions below.

This MOU will automatically renew on an annual basis of July 1 of each year unless notice of termination for cause is provided in writing to all the parties by the party or parties seeking termination at least sixty days prior to the annual renewal date. Cause for termination consists of any of the following three reasons: (a) SARC's determination that DDS or other funding is no longer available for Housing Choices' services to the Property; or (b) Freebird and SARC agreeing that Housing Choices has materially failed to provide the services to the property that are described above; or (c) Housing Choices and SARC agreeing that the unit rents, qualifying income, property rules or other property conditions are no longer appropriate for people with developmental disabilities.

SIGNED:


 Robin Zimble, ~~CEO~~ Manager, Freebird Development Company, LLC


 Janette A. Stokley, Executive Director, Housing Choices Coalition


 Javier Zaldivar, Executive Director, San Andreas Regional Center

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE A REZONING FROM SINGLE FAMILY RESIDENTIAL (R1-6L) TO PLANNED DEVELOPMENT (PD) TO ALLOW A MULTIFAMILY AFFORDABLE HOUSING DEVELOPMENT CONSISTING OF 65 RESIDENTIAL UNITS LOCATED AT 2330 MONROE STREET, SANTA CLARA

PLN2019-13763 (General Plan Amendment)
PLN2019-13723 (Application of Rezoning)
CEQ2019-01067 (Mitigated Negative Declaration)

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

WHEREAS, on February 1, 2019, HKIT Architects and Freebird Development Company, LLC (“Applicant”) filed an application for the development of a 2.47 acre site at 2330 Monroe Street, a vacant city-owned property at the southeast corner of Monroe Street and San Tomas Expressway (“Project Site”);

WHEREAS, the application includes a proposed General Plan Amendment (GPA) to change the land use designation of the Project Site from Right of Way to Medium Density Residential;

WHEREAS, the Applicant applied to rezone the Project Site from Single Family Residential (R1-6L) to Planned Development to allow construction of a multi-family affordable housing development consisting of 65 units, onsite amenities, approximately 32,000 square foot of open space and surface parking (“Project”) as shown on the Development Plans, attached hereto as Exhibit “Development Plans” and incorporated herein by this reference;

WHEREAS, in conformance with CEQA, a Mitigated Negative Declaration (MND) prepared for the Project was noticed and circulated for a 30-day public review period from September 25, 2019 to October 25, 2019;

WHEREAS, the MND prepared for the project 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 environmental impacts to less than significant levels and will be incorporated into the Project;

WHEREAS, Santa Clara City Code (SCCC) Section 18.112.040 provides for the review and recommendation of the City’s Planning Commission of all rezoning requests before action is to be taken by the City Council;

WHEREAS, on November 1, 2019, the notice of public hearing for the November 13, 2019 Planning Commission 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 1,000-foot radius of the Project Site; and

WHEREAS, on November 13, 2019, the Planning Commission held a duly noticed public hearing to consider the Project, MND, MMRP, and all pertinent information in the record 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 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 recommends that the City Council rezone the Project Site from Single Family Residential (R1-6L) to Planned Development (PD) to allow construction of a multi-family affordable housing development consisting of 65 units, onsite amenities, approximately 32,000 square foot of open space and surface parking as shown on the attached Development Plans and conditioned as specified in the attached Conditions of Rezoning Approval, incorporated herein by this reference.
3. Pursuant to SCCC Code Section 18.112.010, the Planning Commission determines that the following findings exist in support of the rezoning:

A. The existing zoning is inappropriate or inequitable in that, the existing zoning for the Project Site does not allow residential development and creation of housing opportunities near the density range identified in the proposed General Plan land use designation for the Project Site. The Planned Development (PD) zoning would allow residential development to better implement the General Plan's vision for infill development than the existing Single Family zoning (R1-6L) for the Project Site.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area in that the project incorporates smart-growth elements such as redevelopment of underutilized properties and visually improves the Project Site and surrounding neighborhood with physical and financial investment in the construction of a modern and visually aesthetic development with on-site parking, site improvements, landscaping, and streetscape enhancements.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City in that the proposed zone change provides affordable housing units as contemplated by the General Plan and utilizes the currently vacant site to develop a residential development of scale and character that complements the surrounding uses and provides housing opportunities for persons of all economic levels, as well as for persons with mental or physical disabilities;

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would otherwise be restricted in other zoning districts in that the proposed zone change would allow flexibility in the development standards to construct for-rent affordable housing units that are compatible with existing surrounding developments.

4. That based on the findings set forth in this resolution and the evidence in the City Staff Report, MND and MMRP, the Planning Commission hereby recommends that the City Council rezone the Project Site as set forth herein.

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 NOVEMBER, 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. Conditions of Rezoning Approval
2. Development Plans

ATTEST: _____
ANDREW CRABTREE
DIRECTOR OF COMMUNITY DEVELOPMENT
CITY OF SANTA CLARA

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Street\PC\Resolution Recommending Council Approve Rezoning.doc

CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- C2. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
- C3. The Project shall comply with all mitigations identified in the Mitigation, Monitoring and Reporting Program for the project.
- C4. At least ten percent of the total parking spaces shall be conveniently arranged and assigned to visitors and the general use of the residents.
- C5. Identified existing mature trees to be maintained. Prepare a tree protection plan for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site. Provide 48-inch box trees for screening adjacent to the existing residential properties, type to be determined by City Arborist.
- C6. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
- C7. It shall be the developer's responsibility through his engineer to provide written certification that the drainage design for the subject property will prevent flood water intrusion in the event of a storm of 100-year return period. The developer's engineer shall verify that the site will be protected from off-site water intrusion by designing the on-site grading and storm water collection system using the 100-year hydraulic grade line elevation provided by the City's Engineering Department or the Federal Flood Insurance Rate Map, whichever is more

restrictive. Said certification shall be submitted to the City Building Inspection Division prior to issuance of building permits.

- C8. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- C9. An erosion control plan shall be prepared, and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
- C10. If there are site constraints present due to the easements on the site or the shape of the site, the required parking may be reduced to the satisfaction of the Community Development Director.
- C11. Applicant will be allowed to submit plans to the City for concurrent plan check review during the public review/comment period for CEQA review of the Initial Study/Mitigated Negative Declaration for the project. The applicant is aware and has acknowledged that submittal of plans for plan check is not an approval of the project or infers project approval. The applicant is also aware and has acknowledged that all fees are forfeited should the project require redesign and resubmittal for plan check review. Issuance of building permits is not to occur until: 1) after the public review period has closed; 2) the Director of Planning adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and 3) the Planning Department receives, conducts architectural review, and approves the project plans.

BUILDING DIVISION

- B1.** Informational: Prior to overall construction permit application, submit to the Santa Clara Building Division, 3 copies of an addressing diagram request, to be prepared by a licensed architect or engineer. The addressing diagram(s) shall include all proposed streets and all building floor plans. The addressing diagram(s) shall conform to Santa Clara City Manager Directive #5; Street Name and Building Number Changes, and Santa Clara Building Division Address Policy For Residential and Commercial Developments. The addressing diagram(s) shall indicate all unit numbers to be based off established streets, not alleys nor access-ways to garages. Allow a minimum of 10 working days for initial staff review. The City approved addresses must be incorporated into the final plans stamped/ approved by City plan checker prior to permit issuance. The permit will not be issued if the addressing process is not complete. Provide digital pdf printed from design software, not scanned from printed paper sheet. Please note city staff policy that existing site addresses typically are retired.
- B2.** Informational: The construction permit application drawings submitted to the Santa Clara Building Division shall include a copy of the latest Federal Emergency Management Agency (FEMA) Flood Zone Map: <https://msc.fema.gov/portal/home>. The project drawings shall indicate how the project complies with the Santa Clara Flood Damage Prevention Code: <http://santaclaraca.gov/government/departments/public-works/engineering/flood-protection> as applicable.
- B3.** Informational: The construction permit application drawings submitted to the Santa Clara Building Division shall include Santa Clara Valley Urban Runoff Pollution Prevention Program

Low Impact Development (LID) practices http://www.scvurpppw2k.com/nd_wp.shtml. All projects that disturb more than one acre, or projects that are part of a larger development that in total disturbs more than one acre, shall comply with the Santa Clara Valley Urban Runoff Pollution Prevention Program Best Management Practices (BMP): http://www.scvurpppw2k.com/construction_bmp.shtml, and shall provide a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD). All site drainage and grading permit applications submitted to the Santa Clara Building Division will be routed to a contract consultant for review.

- B4.** Informational: no California construction code review is being done at this time. The construction permit application drawings submitted to the Santa Clara Building Division shall include an overall California Building Code analysis, including; proposed use and occupancy of all spaces (16' CBC Ch. 3), all building heights and areas (16' CBC Ch. 5), all proposed types of construction (16' CBC Ch. 6), all proposed fire and smoke protection features, including all types of all fire rated penetrations proposed (16' CBC Ch. 7), all proposed interior finishes fire resistance (16' CBC Ch. 8), all fire protection systems proposed (16' CBC Ch. 9), and all means of egress proposed (16' CBC Ch. 10).
Noncombustible exterior wall, floor, and roof finishes are strongly encouraged.
- B5.** Informational: The overall project construction permit application shall include the geotechnical, architectural, structural, energy, electrical, mechanical, and plumbing drawings and calculations. Prior to the issuance of the overall project construction permit, a conditions of approval review meeting must be held in city hall, which meeting must be attended by the on-site field superintendent (s). The meeting will not be held without the attendance of the on-site field superintendent (s). The on-site grading permit shall be a separate permit application to the building division.
- B6.** Informational: The construction permit application drawings submitted to the Santa Clara Building Division shall include all accessibility requirements of the 16' CBC Ch. 11 as applicable.
- B7.** Informational: For any pile foundation construction; drilled piles are recommended over driven piles. Any noise and/ or vibration complaints from surrounding addresses may result in stop work notices.
- B8.** Informational: The construction permit application drawings submitted to the Santa Clara Building Division shall include checklist(s) indicating compliance with the applicable Mandatory Measures of the 16' Cal. Green Building Standards Code (CGBSC). Provide a Construction Waste Management (CWM) Plan per the 16' CGBSC guides on pp 59-63 of the CGBSC. Provide a Phase 1 and/ or Phase 2 Hazardous Materials site assessment, as applicable. Note: The Santa Clara Public Works Department Environmental Programs Division will require compliance with the Santa Clara Construction & Demolition Debris Recycling Program: <http://santaclaraca.gov/government/departments/public-works/environmental-programs/commercial-garbage-recycling/construction-demolition-debris-recycling-program>. Note: the Environmental Programs Division may require development projects to register with the Green Halo online waste tracking system: <https://www.greenhalosystems.com/>.

- B9.** Note: Temporary Certificates of Occupancy will not be routinely issued, and will be considered on a very limited basis only when there is a clear and compelling reason for city staff to consider a TCO. A TCO will be approved only after all applicable City staff have approved in writing; Planning, P.W./ Engineering, Fire Prev., Santa Clara Water, Silicon Valley Power, and any other applicable agencies such as the Santa Clara County Health Dept., with the Building Division being the final approval of all TCO.'s.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of parcel map and/or issuance of building permits.
- E4. Work within the County right-of-way shall require a Santa Clara County encroachment permit.
- E5. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E6. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E7. Proposed trees shall be 5' minimum clear of sidewalks, excluding the landscape strip. Provide root barrier if trees are planted such that the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E8. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E9. Dedicate, as required, on-site easements for new public utilities and/or sidewalk by means of a Subdivision Map or approved instrument at time of development.
- E10. File appropriate documentation with FEMA to remove project from the flood hazard area (Zone AO).
- E11. Privacy wall piers shall maintain the minimum offsets from public utilities. The wall and piers shall be structurally sound when utilities are excavated for replacement.
- E12. Obtain an Encroachment Agreement for precast concrete panel fence crossing easements.

- E13. Proposed monument sign and foundation shall be located outside of all easements.
- E14. Proposed trash enclosure shall include a roof.
- E15. No trees are allowed in easements and must maintain appropriate clearances from utility lines.
- E16. Entire width of Monroe Street along project frontage within City of Santa Clara right-of-way shall be treated with crack seal.
- E17. Project shall execute covenant to defer the construction of a sidewalk along the project frontage on San Tomas Expressway.
- E18. Show on the site plan and comply with City's driveway triangle of safety requirements at all driveways. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways order to allow an unobstructed view of oncoming traffic.
- E19. On-street parking shall not be counted toward on-site parking requirements.
- E20. All proposed driveways shall be per City Standard ST- 9.
- E21. Provide pedestrian ADA walkways from proposed buildings to public sidewalk and parking areas.
- E22. Provide 5' min. sidewalk along Monroe frontage.
- E23. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.
- E24. Provide loading/unloading zone on-site. No loading zone will be allowed on-street.
- E25. Provide ADA compliant curb ramp at southeast corner of San Tomas and Monroe.
- E26. Remove the existing three curb ramps at the pork-chop island at southeast corner of San Tomas and Monroe and install ADA compliant curb ramps.
- E27. The project shall maintain a minimum driveway throat depth of 25' for the driveway on Monroe. All throat lengths measured from back of walk to first parking space.
- E28. Replace "No Stopping Vehicles Over 20 feet in Length" signs with "No Parking" signs along Monroe Street frontage, beginning at the curb return of the Monroe Street and San Tomas Expressway intersection to the project driveway. The City Traffic Engineer shall ultimately give final approval of the amount of parking to be restricted along Monroe Street.
- E29. Development shall comply with and implement environmental document and TIA identified mitigation measures (TR-1), upon approval from County of Santa Clara, which can include, but not limited to the following:
- Modify existing island to reduce turning radius while maintaining at least an 11' wide right-turn lane
 - Adjust crosswalk location and install yield limit line, i.e., shark teeth
 - Reconstruct the existing ADA curb ramps
 - Preserve existing traffic signal equipment
 - Adjust the curb and sidewalk alignment and ADA curb ramps along Monroe Street
- E30. Provide a minimum of 33 Class I bicycle locker spaces and 4 Class II bicycle rack spaces at the main entrance and/or high visible areas.

ELECTRICAL

EL1. DWG C5

- a. 1.) 20' Utility Gate **Required** just North of MH installed on West side of Property. This is for Utility Truck Access for SVP.
- b. 2.) Stub Out duct bank into street.
- c. 3.) Run 1 conduit to riser pole, remaining three conduits stub out at property line.
- d. 4.) Tree to close to Vault, needs to be relocated to meet clearance requirement.

- EL2. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL3. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL4. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL5. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL6. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- EL7. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL8. If the "legal description" (not "marketing description") of the units is condominium or apartment, then all electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. If they are townhomes or single-family residences, then each unit shall have it's own meter, located on the structure. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL9. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL10. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL11. Any relocation of existing electric facilities shall be at Developer's expense.
- EL12. Electric Load Increase fees may be applicable.
- EL13. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street

lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).

- EL14. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
- EL15. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
- EL16. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
- EL17. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publicly-owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.
- EL18. Proper clearance must be maintained from all SVP facilities, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- EL19. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.
- EL20. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. *Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.*
- EL21. SVP does not utilize any sub-surface (below grade) devices in its system. This includes transformers, switches, etc.
- EL22. All interior meter rooms are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
- EL23. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka "real dirt") and cannot be supported on parking garage ceilings or placed on top of structures.

EL24. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-615-6620 to facilitate plan review.

WATER

- W1. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project.
- W2. The applicant shall submit a composite utility plan showing all utilities (including electrical) and landscaping (trees/shrubbery) so that the Water Department can verify conflicts for proposed water services. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
- W3. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).
- W4. Applicant shall submit plans showing proposed water, sanitary sewer, and fire service connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on existing fire service line(s) is prohibited.
- W5. Prior to issuance of Building Permits, the applicant shall submit design plans for construction of water utilities that comply with the latest edition of the Water & Sewer Utilities Water Service and Use Rules and Regulations, Water System Notes, and Water Standard Details and Specifications. In addition, prior to the City's issuance of Occupancy, the applicant shall construct all public water utilities per the approved plans. The Water & Sewer Utilities will inspect all public water utility installations and all other improvements encroaching public water utilities.
- W6. Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.
- W7. No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer and/or water utilities and easements. No overhang or building foundation shall encroach into water easements.
- W8. The applicant shall submit plans showing any onsite storm water treatment system. The plan shall include a section detail of the treatment system. No water, sewer, or recycled water facilities shall be located within 5-feet of any storm water treatment system.

- W9. Approved backflow prevention device(s) are required on all potable water services. The applicant shall submit plans showing the location of the approved backflow prevention device(s). Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
- W10. Approved reduced pressure detector assembly device(s) are required on all fire services. The applicant shall submit plans showing existing and proposed fire service upgraded with reduced pressure detector assembly device, as per city standard 17, to the satisfaction of the Director of Water & Sewer Utilities.
- W11. Applicant must clearly identify between public and private water mains, indicating which services and mains belong to public and private streets. No public mains should be shown on private property or streets.
- W12. The applicant shall bear the cost of any relocation or abandonment of existing Water Department facilities required for project construction to the satisfaction of the Director of Water and Sewer Utilities.
- W13. The applicant must indicate the pipe material and the size of existing water and sewer main(s) on the plans.
- W14. A dedicated fire service line, with an approved backflow prevention device, shall be used for on-site fire hydrants
- W15. It is recommended to have two fire services for a loop system and a dual-service for the domestic system.
- W16. Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the on-site public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities.
- W17. Prior to the issuance of Building Permits, the applicant shall provide documentation of water usage, so the Water Division can verify the appropriate size of all proposed water meters. Please note that if the existing water services are incapable of supplying the water needs to the site, the existing services shall be abandoned, and new separate dedicated water services shall be provided for each use (domestic and irrigation).
- W18. Prior to issuance of Building Permits, the applicant shall provide the profile section details for utilities crossing water, sewer, or reclaimed water mains to ensure a 12" minimum vertical clearance is maintained.

POLICE

- PD1. The developer shall meet with the Santa Clara Police Department to address the parking concerns of surrounding neighborhoods. Specifically, the neighborhoods on El Capitan, Sheraton and Los Padres. Please contact Community Services Unit - Sgt. Phan at CPhan@santaclaraca.gov.
- PD2. The property should be fenced off during demolition and construction as a safety barrier to the public and deterrent to theft and other crime. Consider not having any screening material on the fence so passing Police Patrol checks will be able to see into the site.
- PD3. Address numbers should be a minimum of twelve (12) inches in height for commercial or industrial buildings. Consider illuminated numbers during the hours of darkness, and in a color that is contrasting to the background material. They shall be clearly visible from the street. Where multiple units or buildings occupy the same property, each unit/building address shall be clearly visible. A monument sign, preferably at all entrances to the property, should be

prominently displayed showing all unit/building numbers, addresses, etc. A map is recommended for large complexes with multiple streets or walkways.

- PD4. In a development where there is an alley, driveway, etc. providing a rear entrance or access, the address shall be displayed to both the front and rear of the individual buildings. Where an alley, driveway, etc. provided vehicular access, address numbers shall be clearly visible from that access.
- PD5. Businesses with rear alley entrance doors shall be numbered with the same address numbers or suite numbers as the front doors. Numbers that are a minimum height of 4" are recommended.
- PD6. There shall be positioned near the entrance an illustrative diagram of the complex, which shows the location of the viewer and unit designations within the complex, including separate building designations. This diagram shall be illuminated and should be protected by vandal and weather resistant covers.
- PD7. Each distinct unit within the building shall have its address displayed on or directly above both front and rear doors.
- PD8. When there is an alley or driveway to the rear of the business or commercial establishment that provides pedestrian or vehicle access, that area should be fenced and locked after hours. A 'Knox Box' or key coded system shall be used for police and fire emergency access.
- PD9. Landscaping should follow the National Institute of Crime Prevention standards. That standard describes bushes/shrubs not exceeding 2' in height at maturity, or maintained at that height, and the canopies of trees should not be lower than 6' in height. Crime deterrent vegetation is encouraged along the fence and property lines and under vulnerable windows.
- PD10. Lighting for the project to be at the IES (Illuminating Engineering Society of North America) standards and include the features listed below: White light source, Pedestrian Scale, Full cut-off or shoebox design, Unbreakable exterior, Tamperproof Housings, Wall mounted lights/10' high. These features increase natural surveillance, support and/or enhance security camera capabilities, and increase Police Patrol effectiveness.
- PD11. Any required enclosure fencing (trash area, utility equipment, etc.) would preferably be see-thru. If for aesthetic reasons prohibit that, the fencing should have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.
- PD12. If the project includes any benches, these benches should not be longer than 5 feet in length, and should have arm rests at both ends. If the benches are longer than 5 feet in length, there should be a divider (arm rest or similar) in the middle of the bench in addition to the arm rests on both ends. This helps prevent unlawful lodging and/or skateboarding. Another option to benches could be cubes, knee walls, or other creative types of seating possibilities.
- PD13. The developer should install skate stoppers on any low clearance wall of 36 inches in height or lower to prevent vandalism/damage to the wall from skateboarding or similar activities. If there is outdoor seating associated with a restaurant or similar business which is near vehicle parking stalls, the outdoor space will be designed to ensure the safety of the public from possible vehicular related incidents.
- PD14. All exterior doors should be adequately illuminated at all hours with their own light source.
- PD15. All construction of dwelling units shall conform to the requirements of the Uniform Building Security Code as adopted by the City of Santa Clara City Council.
- PD16. All elevators should be well lit and equipped with a security mirror to provide interior and exterior visibility prior to entry or exit.

- PD17. Other line of sight obstructions (including recessed doorways, alcoves, etc.) should be avoided on building exterior walls and interior hallways.
- PD18. Exterior stairs shall be open style whenever structurally possible. The stairs should be well lit.
- PD19. "White" light meeting the IES standard should be considered. There should be no "dark" areas inside the structure.
- PD20. All entrances to the parking areas (structure, surface, subterranean, etc.) shall be posted with appropriate signage to discourage trespassing, unauthorized parking, etc. (See California Vehicle Code section 22658(a) for guidance)
- PD21. A Coded Entry System is required for police access to enclosed parking lots and gated communities. This can be accomplished with a coded key pad system or the Police Department Knox Box key system. We understand security is a prime concern for the tenants of the project, which necessitates some sort of secure building and admittance process. By having either of these secure access systems for law enforcement, it will allow us to better respond to emergency situations should they arise in the development. Examples of these systems can be reviewed at the following projects: 2585 El Camino Real (Coded key pad access) and 3555 Monroe Street (Knox box key access)
- PD22. When in the opinion of the fire code official, a new structure obstructs the line of sight of emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore communications capabilities. The equipment shall be located in an approved space or area within the new structure.

FIRE

NOTE: The Fire Department's review was limited to verifying compliance per the 2016 California Fire Code (CFC), Section 503 (Fire Apparatus Access Roads), Section 507 (Fire Protection Water Supplies), Appendix B (Fire-Flow Requirements for Buildings) and Appendix C (Fire Hydrant Locations and Distribution) and City of Santa Clara Requirements.

- F1. The location of the fire hydrants as shown on Sheet C-5, "Preliminary Utility Plan" **is approved** with (3) onsite fire hydrants and (2) offsite fire hydrants. The average spacing between fire hydrants shall not exceed 300 feet.
- F2. The sizing of the underground piping shall be such that a minimum fire flow of 1,500 gpm shall be made available at any of the (3) onsite fire hydrants for the prescribed duration of 4 hours.
- F3. The onsite fire department access roadway as shown on Sheet A1.1.1 "Site Plan" **is approved.**
- F4. The project site has deficiencies related to aerial fire apparatus access (does not comply with min. 15 feet and max. 30 feet from building exterior wall) and several portions of the exterior wall of the building are more than 150 feet from an approved fire apparatus access road. **Alternate mitigations shall be proposed and approved via an AMMR prior to issuance of the Building permit.**
- F5. Prior to the start of construction, fire protection water supplies shall be installed and made serviceable prior to the time of construction or prior to combustible materials being moved onsite
- F6. Prior to the issuance of the Building Permit, construction documents for the fire department apparatus access roads are required submitted to the Fire Prevention and Hazardous

Materials Division. Access roadways shall be provided to comply with all of the following requirements:

- a. Fire access roadways shall have a “minimum” unobstructed vertical clearance of not less than 13 feet 6 inches. Aerial apparatus access roads may require additional vertical clearance.
 - b. Fire access roadways shall All fire department access roadways shall be an all-weather surface designed to support the imposed load of fire apparatus with a gross vehicle weight of 75,000-pounds.
 - c. Fire apparatus access roadways shall have a “minimum” inside turning radius for fire department access roadways shall be 36 feet or greater.
 - d. The grade for emergency apparatus access roadways shall not exceed 10 percent to facilitate fire-ground operations.
 - e. Traffic calming devices are not permitted on any designated fire access roadway, unless approved by the Fire Prevention & Hazardous Materials Division.
- F7. Provisions shall be made for Emergency Responder Radio Coverage System (ERRCS) equipment, including but not limited to pathway survivability in accordance with Santa Clara Emergency Responder Radio Coverage System Standard. The infrastructure necessary for the installation of an emergency responder’s radio system is required to be incorporated into the design documents, including, but not limited to 2-hr rated rooms, shafts, etc.).
- F8. **Emergency Vehicle Access Easement.** The interior access roads located within the project’s property lines shall be recorded as an EVAE. No other instruments will be considered as substitutions (such as P.U.E, Ingress/Egress easements and/or City Right-of-Ways). The EVAE shall have a clear width of 26 feet.
- F9. Prior to the approval of construction related permits, project shall comply with Mitigation Measure M-HAZ-1 (outlined in the EIR).

STREETS

STORMWATER

- ST1. Prior to City’s issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan, update the SCVURPPP C.3 Data Form, prepare and submit for approval an Erosion and Sediment Control Plan. *Project’s contractor, sub-contractors and if applicable, Qualified SWPPP Practitioner (QSP) shall attend a pre-construction meeting prior to the start of construction, which will be coordinated through the Building Division.* Final C.3 Data Form is required.
- ST2. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter shall be submitted with the Plan. Third-party verification on the Final C.3 Data Form is required.
- ST3. For projects that disturb a land area of one acre or more, the applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State Construction General Permit (Order No. 2009-0009-DWQ) prior to issuance of any building permit for grading or construction. A copy of the NOI shall be submitted to the City Building Inspection Division, along with a stormwater pollution prevention plan (SWPPP). Active projects covered under the Construction General Permit will be inspected by the City once per month during the wet season (October – April).

- ST4. The applicant shall incorporate [Best Management Practices \(BMPs\)](#) into construction plans and incorporate post-construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of Building or Grading Permits. Proposed BMPs shall be submitted to and thereafter reviewed by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- ST5. During the construction phase, all stormwater control measures shall be inspected for conformance to approved plans by a qualified 3rd party consultant from the [SCVURPPP List of Qualified Consultants](#), and a 3rd party inspection letter (with the signed C.3 Construction Inspection checklist as an attachment) shall be submitted to the Public Works Department (Contact Rinta Perkins, Compliance Manager for a copy of the C.3 Construction Inspection checklist). As-Built drawing shall be submitted to the Public Works Department. Building occupancy will not be issued until all stormwater treatment measures have been adequately inspected and O&M Agreement is executed. For more information contact Rinta Perkins at (408) 615-3081 or rperkins@santaclaraca.gov
- ST6. Stormwater treatment facilities must be designed and installed to achieve the site design measures throughout their life in accordance to the SCVRUPPP C.3 Stormwater Handbook (Chapter 6 and Appendix C). Soils for bioretention facilities must meet the specifications accepted by the Water Board. If percolation rate test of the biotreatment soil mix is not performed on-site, a certification letter from the supplier verifying that the soil meets the specified mix.
- ST7. The property owner shall enter into an Operation and Maintenance (O&M) Agreement with the City for all installed stormwater treatment measures in perpetuity. Applicants should contact Karin Hickey at (408) 615-3097 or KaHickey@santaclaraca.gov for assistance completing the Agreement. For more information and to download the most recent version of the O&M Agreement, visit the City's stormwater resources website at <http://santaclaraca.gov/stormwater>.
- ST8. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST9. Floor drains within trash enclosures shall be plumbed to the sanitary sewer system and not connected to the City's storm drain system.
- ST10. Any site design measures used to reduce the size of stormwater treatment measures shall not be removed from the project without the corresponding resizing of the stormwater treatment measures and an amendment of the property's O&M Agreement.
- ST11. Decorative and recreational water features such as fountains, pools, and ponds shall be designed and constructed to drain to the sanitary sewer system only.
- ST12. Developer shall select appropriate plant materials to promote stormwater treatment measure while implementing integrated pest management and water conservation practices in accordance to the SCVRUPPP C.3 Stormwater Handbook (Appendix D).
- ST13. The use of architectural copper is discouraged. If such material is used, all wastewater generated by the installation, cleaning, treating, or washing of the surface of copper architectural features, including copper roofs, shall not be discharged to the City's storm drain system.

SOLID WASTE

- ST14. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a **Waste Management Plan** and submit, for approval, a Construction and Demolition Debris Recycling Report through the City's online tracking tool at <http://santaclara.wastetracking.com/>.
- ST15. Project applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City's exclusive franchise hauling area. If so, the applicant may be required to use the City's exclusive franchise hauler and rate structure for solid waste services. Project applicant shall submit to the Public Works Department a written approval (clearance) from the designated hauler on the project's Trash Management Plan.
- ST16. The applicant shall provide a site plan showing all proposed locations of solid waste containers, enclosure locations, and street/alley widths to the Public Works Department. All plans shall comply with the [City's Development Guidelines for Solid Waste Services](#) as specified by development type. Contact the Public Works Department at Environment@santaclaraca.gov or at (408) 615-3080 for more information.
- ST17. Pre-treatment devices and tallow bins shall be installed at all food establishments. Tallow bins shall be placed within a trash enclosure when possible. If enclosure is not sized to accommodate the tallow bin(s), a separate dedicated enclosure with drainage to the sanitary sewer system shall be provided.
- ST18. Building must have enclosures for garbage, recycling and organic waste containers. The size and shape of the enclosure(s) must be adequate to serve the estimated needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.
- ST19. All refuse from all residential, commercial, industrial and institutional properties within the city shall be collected at least once a week, unless otherwise approved in writing (SCCC 8.25.120). Garbage service level required for residential developments (single-family and multi-family) as well as motels and hotels shall be no less than twenty (20) gallons per unit. All project shall submit to the Public Works Department the preliminary refuse service level assessment for approval.

PARKS AND RECREATION

- PR1. This memo assumes the Project is not a subdivision and the Mitigation Fee Act provisions will apply. The amount of public parkland required for this Project to mitigate the impact of the new resident demand is approximately 0.3131 acres (0.3684 acres less a 15% credit for housing developments of which 100% of the units are affordable to low- and/or moderate-income households). Developer will not owe a fee or additional parkland based on the onsite recreational amenity space provided (see PR2).
- PR2. Application for Credit. Developer is providing private onsite recreational amenities including: children's play apparatus; family picnic area; lawn area with log benches, table & chairs, and

native plantings; recreational community garden; bocce ball half court; 8.5' radius putting green with artificial turf; fitness pathway with 3 fitness stations; community room with sitting area, dining area, kitchenette, entertainment center with tv and music equipment; fitness room with 4 treadmills, 2 TRX Pro 4 suspension training system, 4 spin bikes, and weight training equipment; game room with shared board games, seating, and a tv.

PR3. A dwelling unit tax (DUT) is also due based on the number of units and additional bedrooms per City Code Chapter 3.15. The Project mix includes 8 studio units, 22 one-bedroom units, 29 two-bedroom units, and 6 three-bedroom units: [\$15 x 65 bedrooms) + (\$5 x 41 additional bedrooms)] for a total DUT of \$1,180.

PR4. Calculations may change if the number of units change, if any areas do not conform to the Ordinance and City Code Chapter 17.35, if the fee schedule for new residential development fees due in lieu of parkland dedication changes before this Project is deemed complete by Planning, and/or if City Council makes any changes. Any in lieu fees imposed under Chapter 17.35 shall be due and payable to the City prior to issuance of a building permit for each dwelling unit. See details below:

Table 1. Computation of Parkland Dedication

Project Unit Type: Multi Fam Dwelling	Mitigation Fee Act
Persons/Dwelling Type	2.24
Multi Family Project Units	65
Total New Residents	146
Parkland Dedication Required (acres): R/1,000 x 2.53	0.3684
Equivalent In Lieu Fee	\$1,365,455
100% Affordable Development entitled to 15% credit:	0.3131 acres / \$1,160,637

Table 2. Public Parkland Dedications Proposed, Service Level

Parkland Proposed	Square Feet	Acres	Type of Dedication
	0	0	N/A
Total to be dedicated:	0	0	
Total Proposed Dedicated Public Parkland Value:		\$0	

Table 3. Credit for Proposed Private Onsite Park & Recreation "Active Rec Uses"

	Square Feet	Acres
Children's play apparatus	6331	0.1453
Lawn area w log benches, benches, table &	3562	0.0818
Recreational community garden	2370	0.0544
Family picnic area	3289	0.0755
Half court bocce ball	730	0.0168
Fitness pathway & 3 fitness stations	12354	0.2836
Community room: sitting area, dining area, kitchenette, entertainment center w tv & music equipment	1103	0.0253
Fitness room: 4 treadmill, 2 TRX Pro 4 suspension training systems, 4 spin bikes, & weight training equipment	655	0.0150
Game room: shared board games, seating & tv	655	0.0150
Putting green: artificial turf 8.5' radius	787	0.0181
Total:	31836	0.7309
Credit at 50% for Private Active Recreation & Equivalent Value:		0.3654 / \$1,211,390

***This project meets its parkland obligation through onsite, active recreational amenities.**

HKIT ARCHITECTS
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 **PAUL M. MCGOVERN**
Architect
No. 28734
State of California

2330 MONROE ST.
SANTA CLARA, CA

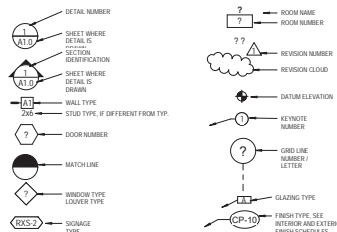
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ABBREVIATIONS

[illegible]

ARCHITECTURAL SYMBOLS



GENERAL NOTES

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 24 ENFORCEMENT THE FOLLOWING:
- A. 2016 CALIFORNIA BUILDING CODE WITH CURRENT SAN FRANCISCO BUILDING CODE AMENDMENTS
 - B. 2016 CALIFORNIA MECHANICAL CODE WITH CURRENT SAN FRANCISCO MECHANICAL CODE AMENDMENTS
 - C. 2016 CALIFORNIA PLUMBING CODE WITH CURRENT SAN FRANCISCO PLUMBING CODE AMENDMENTS
 - D. 2016 CALIFORNIA ELECTRICAL CODE WITH CURRENT SAN FRANCISCO ELECTRICAL CODE AMENDMENTS
 - E. 2016 CALIFORNIA CODE WITH CURRENT SAN FRANCISCO FIRE CODE AMENDMENTS
 - F. 2016 CALIFORNIA ENERGY CODE
 - G. 2016 CALIFORNIA GREEN BUILDING CODE WITH CURRENT SAN FRANCISCO GREEN BUILDING CODE AMENDMENTS
 - H. 2016 CALIFORNIA DISABILITY ACT ACCESSIBILITY GUIDELINES
 - I. BUILD IT GREEN RATED RATING SYSTEM FOR SENIOR HOUSING
1. BUILDING IS TO BE FULLY SPRINKLERED IN ACCORDANCE WITH MFA 13. ALL FIRE PROTECTION SYSTEMS (I.E. UNDERGROUND FIRE SERVICE, FIRE SPRINKLER, AND FIRE ALARM) REQUIRE SEPARATE FIRE PERMIT PRIOR TO INSTALLATION.
2. UNLESS OTHERWISE INDICATED, ALL PLAN DIMENSIONS ARE TO BE OF STUD (0.5") FACE OF MASONRY (C.M.U.) FACE OF CONCRETE, OR GRID
3. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS SHOWN ON THE DRAWINGS AND SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
4. FIGURE DIMENSIONS SHALL TAKE PRECEDENCE OF SCALE DIMENSIONS
5. PROVIDED AND VERIFY SIZE AND LOCATION OF THE FOLLOWING: ACCESS DOORS, OPENINGS, ELEVATORS, STAIRWELLS, RISERS AND STAIRS AS REQUIRED FOR ACCESSORIES AND VENTILATION AND ELECTRICAL EQUIPMENT.
6. VERIFY ALL ROUGH-IN DIMENSIONS FOR EQUIPMENT PROVIDED IN THE CONTRACT.
7. MAINTAIN FIRE-RATING BEHIND FLOORS OR EQUIPMENT RECESSED IN FIRE-RATED ASSEMBLIES.
8. WHERE INDICATED "I/C" OR "NOT IN CONTRACT" WILL BE PROVIDED BY THE OWNER OR OWNER-SEPARATE CONTRACT. COORDINATE CONTRACT WORK WITH ALL I/C WORK, OWNER-SUPPLIED EQUIPMENT, ETC.
9. WHERE DOORS ARE LOCATED NEAR THE CORNER OF A ROOM, AND IS NOT LOCATED BY PLAN DIMENSIONS OR DETAIL, DIMENSIONS SHALL BE 4-INCHES FROM 0.5" TO FINISHED DOOR OPENING.
10. REPEATIVES OR DETAILS ARE NOT DRAWN IN THEIR ENTIRETY AND SHALL BE COMPLETELY PROVIDED AS IF DRAWN IN FULL.
11. ALL ACCESS DOORS IN FIRE RATED CEILINGS AND WALLS TO BE RATED TO COMPLY WITH THE FIRE RATING OF THE CEILING OR WALL AS REQUIRED AND TO BE U-LABELLED.
12. SEAL ALL PENETRATIONS IN FIRE RATED ASSEMBLIES, OFF SET ITEMS ARE BACK-BACKED. PROVIDE FIRESTOPPING AT ALL THROUGH PENETRATIONS AND MEMBRANE PENETRATIONS OF FIRE RATED JOINTS. I.E. PARTY BALCONY CORRIDOR, AREA FIRST FLOOR MATERIALS SHALL BE U/L CLASSIFIED FOR THE TYPE AND SIZE OF VOID TO BE FIRESTOPPED AND SHALL NOT BE LESS THAN REQUIRED FIRE RESISTANCE RATING OF THE ASSEMBLY PENETRATED. IF PENETRATIONS IN NON-REARING WALLS WITHIN RESIDENTIAL UNITS NEED NOT BE FIRE STOPPED
13. ALL DEFERRED SUBMITTALS SHALL FIRST BE SUBMITTED TO THE ARCHITECT AND/OR ENGINEER FOR REVIEW AND COORDINATION. FOLLOWING THE COMPLETION OF ARCHITECT / ENGINEER REVIEW AND COORDINATION, THE SUBMITTAL TO THE CITY OF SAN FRANCISCO SHALL BE MADE (FOR CITY REVIEW AND APPROVAL), WHICH SHALL INCLUDE A LETTER STATING THAT THE REVIEW AND COORDINATION OF THE SUBMITTAL HAS BEEN COMPLETED AND PLAN AND CALCULATIONS FOR THE DEFERRED ITEMS ARE FOUND TO BE ACCEPTABLE (E.G. WITH REGARDS TO GEOMETRY, LOAD CONDITIONS, ETC.) WITH NO EXCEPTIONS.
14. PER CFC SECTION 501, ALL BUILDINGS SHALL HAVE APPROVED RATIO COVERAGE FOR EMERGENCY RESPONDERS WITHIN THE BUILDING. UPON COMPLETION OF THE BUILDING PERMITS, A RATIO COVERAGE TEST SHALL BE CONDUCTED PER THE APPLICABLE CODES AND STANDARDS, AND IF THE TEST FAILS, AN EMERGENCY RESPONDERS RATIO COVERAGE SYSTEM (ERCS) SHALL BE INSTALLED.
15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CFC CHAPTER 33 FIRE PROTECTION DURING CONSTRUCTION AND DEMOLITION AND CFC CHAPTER 34 WELDING AND OTHER HOT WORK.
16. PROVIDE TEMPORARY STANDPICES FOR FIRE PROTECTION DURING CONSTRUCTION PER CFC SECTION 900.2

PERIODS ARE NOT A NECESSARY CHARACTER IN ABBREVIATIONS AND MAY OR MAY NOT BE USED, WITH NO CHANGE TO THE MEANING.

MOBILITY/ADAPTABLE/ COMMUNICATION UNIT MATRIX

LEVEL 1	LEVEL 2	LEVEL 3
---------	---------	---------

BUILDING AREA (Gross)		UNIT SCHEDULE	
OCCUPANCY	AREA		
FIRST FLOOR		1 BR	23
FIRST FLOOR GROSS AREA	26,688 SF	2 BR	29
ST	367 SF	3 BR	6
SECOND FLOOR		Room	1
SECOND FLOOR AREA	25,341 SF	STUDIO	6
THIRD FLOOR		TOTAL UNITS	77
THIRD FLOOR	21,443 SF		
Gross Total	73,839 SF		

UNIT SCHEDULE		
1 BR		23
2 BR		29
3 BR		6
Room		1
STUDIO		7
TOTAL UNITS		66

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2330 MONROE

2330 MONROE ST.
SANTA CLARA, CA

JOB NO. 80340

CHECKED

JOB CAPT

1991E

☐ A[illegible]

DRAWING TITLE
GENERAL NOTES,
ABBREVIATIONS AND
SYMBOLS

SCALE 1/4" = 1'-0"

G1.1



JOB NO.	80340
DRAWN	Author
CHECKED	Checker
JOB CAPTAIN	Approver

[illegible]DRAWING TITLE
SITE PHOTOS

SCALE
G1.1.1
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VICINITY MAP
NOT TO SCALE

TITLE REPORT

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 1117019804-JM, EFFECTIVE DATE OCTOBER 26, 2018 AT 7:30 A.M., REFERRED TO HEREON AS THE "PIR".

TITLE OR INTEREST VESTED IN:

THE HOUSING AUTHORITY OF THE CITY OF SANTA CLARA, A PUBLIC BODY CORPORATE AND POLITICAL

THE ESTATE OR INTEREST IN THE LAND IS:

SEE

LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF SANTA CLARA, CITY OF SANTA CLARA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

REAL PROPERTY IN THE CITY OF SANTA CLARA, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL 3 DESCRIBED IN THE DEED TO THE COUNTY OF SANTA CLARA, RECORDED FEBRUARY 2, 1962, IN BOOK 5453 OF OFFICIAL RECORDS, PAGE 669, SANTA CLARA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 30 AS SHOWN ON THAT CERTAIN MAP OF TRACT 2886 FILED FOR RECORD ON MAY 11, 1961 IN BOOK 132 OF MAPS, PAGES 38 AND 39, SANTA CLARA COUNTY RECORDS;

THENCE ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 3, NORTH 28° 09' 22" EAST, 14.01 FEET; THENCE NORTH 44° 01' 08" WEST, 147.59 FEET; THENCE NORTH 73° 07' 44" WEST, 63.92 FEET; THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET; THROUGH A CENTRAL ANGLE OF 62° 52' 15" FOR AN ARC LENGTH OF 65.84 FEET; THENCE SOUTH 44° 00' 01" WEST, 274.40 FEET;

THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 862.00 FEET, THROUGH A CENTRAL ANGLE OF 16° 07' 44" FOR AN ARC LENGTH OF 270.81 FEET, TO THE NORTHEASTERLY LINE OF LOT 19 AS SHOWN ON THAT CERTAIN MAP OF TRACT 2992 FILED FOR RECORD ON JUNE 21, 1961, IN BOOK 134 OF MAPS, PAGES 26 AND 27, SANTA CLARA COUNTY RECORDS;

THENCE ALONG THE NORTHWESTERLY AND NORTHERLY LINES OF LOTS 19 THROUGH 25 OF SAID MAP OF TRACT 2992 AND ALONG THE NORTHWESTERLY LINE OF LOTS 27 THROUGH 30 OF SAID MAP OF TRACT 2886, THE FOLLOWING FIVE COURSES:

1. THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT, HAVING A RADIUS OF 1200.00 FEET, WHOSE CENTER BEARS SOUTH 59° 19' 45" EAST THROUGH A CENTRAL ANGLE OF 0° 10' 12" FOR AN ARC LENGTH OF 3.56 FEET;
2. THENCE ALONG A COMPOUND CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 53° 58' 00" FOR AN ARC LENGTH OF 141.28 FEET;
3. THENCE NORTH 84° 48' 27" EAST, 213.98 FEET;
4. THENCE ALONG A TANGENT CURVE TO THE LEFT, HAVING A RADIUS OF 225.00 FEET, THROUGH A CENTRAL ANGLE OF 49° 33' 01" FOR AN ARC LENGTH OF 194.58 FEET;
5. THENCE NORTH 35° 15' 26" EAST, 179.75 FEET, TO A POINT OF BEGINNING.

APN: 224-37-068

EXCEPTIONS

- [1] AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES GRANTED TO CITY OF SANTA CLARA, A MUNICIPAL CORPORATION, FOR SANITARY SEWER PURPOSES, RECORDED JUNE 26, 1961 IN BOOK 5210 OF OFFICIAL RECORDS, PAGE 674 UNDER RECORDER'S SERIAL NUMBER 2018642, AFFECTS AS DESCRIBED THEREIN (EXC. 3 - PLOTTED).
- [2] AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES GRANTED TO CITY OF SANTA CLARA, A MUNICIPAL CORPORATION, FOR STORM DRAIN PURPOSES, RECORDED JUNE 26, 1961 IN BOOK 5210 OF OFFICIAL RECORDS, PAGE 677 UNDER RECORDER'S SERIAL NUMBER 2018643, AFFECTS AS DESCRIBED THEREIN (EXC. 4 - PLOTTED).
- [3] AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES GRANTED TO CITY OF SANTA CLARA, A MUNICIPAL CORPORATION, FOR STORM DRAIN PURPOSES, RECORDED SEPTEMBER 14, 1961 IN BOOK 5296 OF OFFICIAL RECORDS, PAGE 608 UNDER RECORDER'S SERIAL NUMBER 2060294, AFFECTS AS DESCRIBED THEREIN (EXC. 5 - PLOTTED).
- [4] RELEASE AND RELINQUISHMENT OF ABUTTER'S OR ACCESS RIGHTS TO AND FROM SAN TOMAS EXPRESSWAY, UPON WHICH PREMISES ABUTS, INSTRUMENT GRANT DEED INDIVIDUAL TO COUNTY OF SANTA CLARA, RECORDED FEBRUARY 2, 1962 IN BOOK 5453 OF OFFICIAL RECORDS, PAGE 669 UNDER RECORDER'S SERIAL NUMBER 2135068 (EXC. 6 - PLOTTED).
- [5] TERMS AND PROVISIONS AS CONTAINED IN AN INSTRUMENT ENTITLED ASSIGNMENT AND ASSUMPTION AGREEMENT (COOPERATION AGREEMENT FOR PAYMENT OF COSTS ASSOCIATED WITH CERTAIN REDEVELOPMENT AGENCY FUNDED LOW AND MODERATE INCOME HOUSING PROJECTS), EXECUTED BY CITY OF SANTA CLARA, CITY OF SANTA CLARA HOUSING AUTHORITY AND REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA, RECORDED JUNE 23, 2011 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 21216118 (EXC. 7 - NOT PLOTTABLE).
- [6] TERMS AND PROVISIONS AS CONTAINED IN AN INSTRUMENT ENTITLED GRANT DEED, EXECUTED BY REDEVELOPMENT AGENCY OF THE CITY OF SANTA CLARA AND CITY OF SANTA CLARA HOUSING AUTHORITY, RECORDED JUNE 23, 2011 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 21216119 (EXC. 8 - NOT PLOTTABLE).

NOTES

1. EASEMENTS AND/OR RIGHTS OF WAY ARE SHOWN HEREON PER THE "PIR". OTHER EASEMENTS AND/OR RIGHTS OF WAY OF RECORD, IF ANY, ARE NOT SHOWN HEREON.
2. THE UTILITIES SHOWN HEREON ARE BY SURFACE OBSERVATION AND RECORD INFORMATION ONLY AND NO WARRANTY IS GIVEN HEREIN AS TO THEIR EXACT LOCATION. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR CONTRACTOR TO VERIFY THE EXACT LOCATION OF THE UTILITIES WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY.
3. UTILITY JURISDICTIONS / PROVIDERS ARE AS FOLLOWS:
STORM DRAINS: CITY OF SANTA CLARA
SANITARY SEWER: CITY OF SANTA CLARA
WATER: CITY OF SANTA CLARA
ELECTRICITY: PACIFIC GAS & ELECTRIC CO.
NATURAL GAS: PACIFIC GAS & ELECTRIC CO.
4. THE DATE OF THE FIELD SURVEY IS JANUARY 3 AND 4, 2019
5. THERE ARE NO CEMETERIES ON OR WITHIN 100 FEET OF THE SUBJECT PROPERTIES
6. THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL
7. THE SURVEYED PROPERTY IS THE SAME PROPERTY DESCRIBED IN THE TITLE REPORT

TABLE A NOTES

1. FOUND MONUMENTS ARE SHOWN ON SHEET 2.
 2. THE ADDRESS OF THE SUBJECT PROPERTY IS APN# 224-37-068, SANTA CLARA, CA 95050.
 3. FLOOD ZONE: THE PROPERTY IS LOCATED IN ZONE AD, DEFINED AS "SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD; FLOOD DEPTHS OF 1 TO 3 FEET (USUALLY SHEET FLOW ON SLOPING TERRAIN); AVERAGE DEPTHS DETERMINED. FOR AREAS OF ALLUVIAL FAN FLOODING, VELOCITIES ALSO DETERMINED.", PER FLOOD INSURANCE RATE MAP NUMBER 0605020227A, DATED MAY 16, 2009.
 4. THE GROSS LAND AREA OF THE SUBJECT PROPERTY IS 107,759 SQUARE FEET +/- OR 2.474 ACRES MORE OR LESS.
 6. (A/B) ZONING REQUIREMENTS: PER THE CITY SANTA CLARA ZONING MAP, THE PROPERTY IS ZONED "R1-6L", DEFINED AS "SINGLE FAMILY ZONING DISTRICT"
- REFERENCE IS MADE HERE TO THE CITY OF SANTA CLARA PLANNING CODE, CHAPTER 18.12 REGARDING PROPERTY DEVELOPMENT STANDARDS, MINIMUM YARDS, BUILDING HEIGHT LIMITATION, BUILDING SETBACK REQUIREMENTS ARE AS FOLLOWS:
- SETBACKS:
MINIMUM FRONT: 20 FEET
MINIMUM SIDE YARD: 5 FEET
MINIMUM REAR: 20 FEET
- MAXIMUM HEIGHT: 2 STORIES BUT NOT EXCEEDING 25 FEET
- PARKING REQUIREMENTS: TWO GARAGE OR CARPORT PARKING SPACES
7. (A/B1/C) THERE ARE NO BUILDINGS LOCATED ON THE SUBJECT PROPERTY.
 8. SUBSTANTIAL, VISIBLE IMPROVEMENTS ARE SHOWN ON SHEET 2.
 9. THERE ARE NO PARKING SPACES ON THE SUBJECT PROPERTY.
 10. (A) THERE ARE NO DIVISIONS OR PARTY WALLS WITH RESPECT TO ADJOINING PROPERTIES.
 11. LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE AND MAPS FROM UTILITY COMPANIES ARE SHOWN ON SHEET 2 OF THE SURVEY.
 13. NAMES OF ADJOINING OWNERS OF PLATTED LANDS ARE SHOWN ON SHEET 2 OF THE SURVEY.
 14. DISTANCE TO THE NEAREST INTERSECTING STREET IS SHOWN ON SHEET 2 OF THE SURVEY.
 16. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.
 17. THERE ARE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES. THERE ARE NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
 18. THERE ARE NO WETLAND AREAS ON THE SUBJECT PROPERTY.
 19. THERE ARE NO OFFSITE EASEMENTS.
 20. PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000 IS HELD BY THE SURVEYOR.

BASIS OF BEARINGS

BEARINGS BETWEEN FOUND MONUMENTS ON SERATION DRIVE, TAKEN AS NORTH 84°47'30" EAST, AS SHOWN ON THE MAP OF TRACT NO. 2992, RECORDED IN BOOK 134 OF MAPS, PAGES 26-27, SANTA CLARA COUNTY RECORDS, WAS USED AS THE BASIS OF BEARINGS FOR THIS SURVEY.

RECORD REFERENCES

- (R1) GRANT DEED, DOCUMENT NO. 21216119, SANTA CLARA COUNTY RECORDS.
- (R2) MAP OF TRACT NO. 2886, BOOK 132 OF MAPS, PAGES 38-39, SANTA CLARA COUNTY RECORDS.
- (R3) MAP OF TRACT NO. 2992, BOOK 134 OF MAPS, PAGES 26-27, SANTA CLARA COUNTY RECORDS.

BENCHMARK

BENCHMARK C-13, LOCATED AT THE INTERSECTION OF BOWERS AVENUE AND CABRILLO AVENUE, SOUTHEAST CORNER, TOP OF LETTER "C" IN WORD "CLARA" ON TOP OF CATCH BASIN HOOD (SET 1999). ELEVATION = 61.13 FEET, NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).

SURVEYOR'S CERTIFICATE

TO THE HOUSING AUTHORITY OF THE CITY OF SANTA CLARA, A PUBLIC BODY CORPORATE AND POLITICAL, AND OLD REPUBLIC TITLE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B), 7(C), 8, 9, 10(A), 11, 13, 14, 16, 17, 18, 19, AND 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON JANUARY 3 AND 4, 2019.

J. Luk
JACQUELINE LUK, P.L.S., RPS
FOR LUK & ASSOCIATES, INC.

DATE: JANUARY 25, 2019



ALTA/NSPS LAND TITLE SURVEY

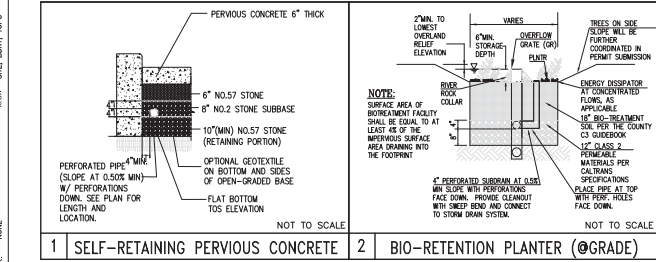
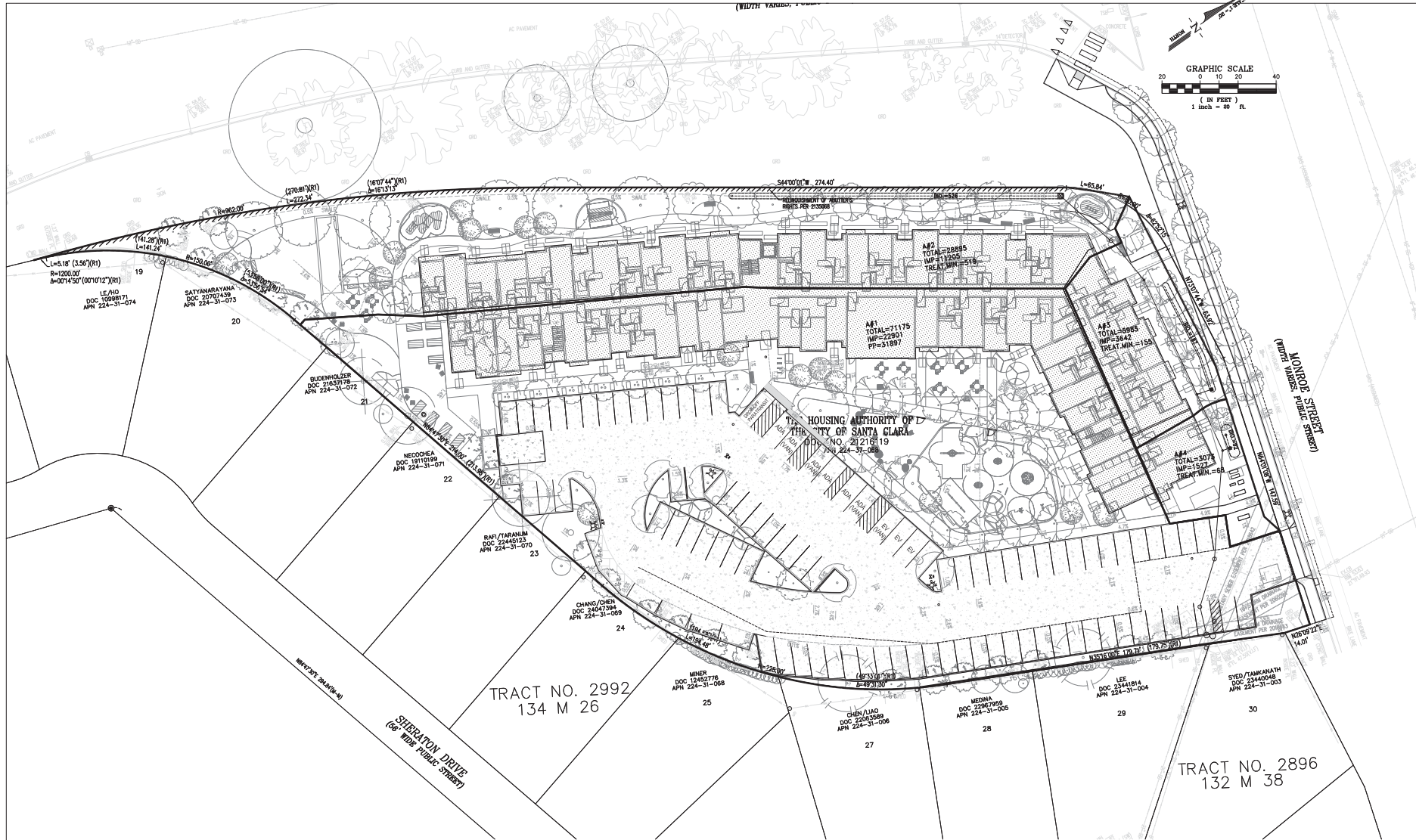
OF
2330 MONROE STREET
CITY OF SANTA CLARA
SANTA CLARA COUNTY, CALIFORNIA
AUGUST 2019
PREPARED BY
LUK AND ASSOCIATES
LAND PLANNERS - LAND SURVEYORS
CIVIL ENGINEER -
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(916) 724-3388



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138

ALTA/NSPS
LAND TITLE SURVEY
OF
2330 MONROE STREET
CITY OF SANTA CLARA
SANTA CLARA COUNTY, CALIFORNIA
AUGUST 2019
PREPARED BY
LUK AND ASSOCIATES
CIVIL ENGINEER — LAND PLANNERS — LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724-3388

JOB NO. 18026A
SHEET 1



STORM TREATMENT NOTES:

SOILS CLASS-D (CLAY) ASSUMED

PER SANTA CLARA COUNTYWIDE WATER POLLUTION PREVENTION PROGRAM PUBLICATION "C.3. STORMWATER TECHNICAL GUIDANCE" WITH LATEST UPDATES IN JUNE 2016.

1) THE TOTAL PROPOSED IMPERVIOUS AREA IS 1.58 ACRES. HYDROMODIFICATION MANAGEMENT DOES NOT APPLY DUE TO EXISTING HARDENED CHANNELS.

2) THE PROJECT SITE IS DEDICATED INTO THE DRAINAGE MANAGEMENT AREAS SHOWN ON THE DESIGN CHART ON THIS SHEET.

3) THE TREATMENT METHOD IS CHOSEN TO BE BIORETENTION FACILITY.

CRITERIA APPLY TO BIORETENTION FACILITY (FOR TREATMENT AND FLOW CONTROL):

- SIZING FACTOR (SF) (BIORETENTION FACILITY) = 0.04 * (IMPERVIOUS AREA + 10% OF PERVIOUS AREA)
- SURFACE RESERVOIR DEPTH = 6 INCHES
- SOIL DEPTH = 18 INCHES TYPICAL (5 INCH MINIMUM - 10 INCH MAXIMUM)
- UNDERDRAIN = 4 INCH DIA. (MIN) PVC PERFORATED PIPE (30R 35 OR EQUIVALENT)

4) FOR LANDSCAPE SELF-RETAINING AREAS, THE RATIO OF IMPERVIOUS TO PERVIOUS AREA SHALL BE LESS THAN OR EQUAL TO 2:1. SELF-RETAINING AREAS SHALL OPTIMIZE AND FLOW CONTROL A T PRECIPITATION DEPTH PER COUNTY DESIGN STANDARDS. PERVIOUS PAVEMENT DESIGNED TO BE SELF-RETAINING AREAS SHALL BE SIZED FOR VOLUME BASED TREATMENT MEASURES BASED ON THE ADAPTED CWSA STORMWATER BMP HANDBOOK APPROACH.

5) FOR SELF-TREATING AREAS, THE DRAINAGE AREA MAY INCLUDE CONCERNED NATURAL OPEN AREAS, LANDSCAPING, GREEN ROOFS AND PERVIOUS PAVEMENT PER COUNTY DESIGN STANDARDS. HARDCAPE WITHIN THE SELF-TREATING AREA CAN NOT EXCEED 35% OF THE TOTAL AREA.

6) FOR PERMEABLE CONCRETE AREAS, THE DEPTH OF THE SECTION WILL BE CALCULATED BASED ON A VOLUME CALCULATION USING 18."

LEGEND

- IMPERVIOUS SURFACE
- BIO-RETENTION AREA
- PERMEABLE CONCRETE PAVEMENT AREA
- DRAINAGE MANAGEMENT AREA LIMIT
- DRAINAGE MANAGEMENT AREA
- TOTAL= TOTAL DRAINAGE AREA
- IMP= IMPERVIOUS AREA
- TREAT MIN= MINIMUM TREATMENT AREA REQUIRED
- BIO= TREATMENT AREA PROVIDED
- PP= PERMEABLE PAVEMENT AREA

STORM TREATMENT DESIGN (PER SANTA CLARA COUNTY)

D.M.A. NAME	TYPE	A	PERVIOUS SURFACE AREA (S.F.)	IMPERVIOUS SURFACE AREA (S.F.)	TREATMENT MIN. SIZE (S.F.)	TREATMENT PROVIDED SIZE (S.F.)
A1	SELF-RETAINING	N/A	11200	11200	2200	2200
A2	BIORETENTION	0.04	11200	11200	519	519
A3	BIORETENTION	0.04	11200	11200	155	155
A4	BIORETENTION	0.04	11200	11200	68	68

* A1 - VOLUME SIZING PARAMETERS

30% - IMPERVIOUS

1.04 - MAP CORRECTION FACTOR

0.4 - UNIT BASIN STORAGE VOLUME FOR ROOF CAPTURE

10% - VOLS FOR NO.87 DRAIN ROCK

9.5' OF RETAINING ROCK SECTION REQUIRED, 10' PROVIDED



Luk and Associates
Civil Engineering
Land Planning
Land Surveying
738 Alfred Nobel Drive
Hercules, CA 94547
Phone (510) 724-3388
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email: jpoller@lukassociates.com
Sed:

2330 MONROE

2330 MONROE ST.
SANTA CLARA, CA

JOB NO. 18086A10
DRAWN: D.A.D.
CHECKED: M.D./J.L.
DESIGN: R.K.
ISSUE: 08/06/2019

Δ	DATE	DESCRIPTION
1	01/29/19	PLANNING SUBMITTAL
2	02/15/19	PCC COMMENTS
3	06/12/19	PCC RESUBMITTAL
4	06/28/19	SCHEMATIC DESIGN
5	08/06/19	PCC RESUBMITTAL
6	09/06/19	PCC RESUBMITTAL

DRAWING TITLE:

**PRELIMINARY
STORMWATER
TREATMENT PLAN**

SCALE: 1"=20'

C-6
CONSULTING ENGINEER
PLOT DATE: 8/09/2019

file no.: MASTER18086A10



2330 MONROE ST.
SANTA CLARA, CA

[illegible]

SCALE 3/16" = 1'-0"

L1.02



tree pallette

ACCENT TREES



LAGERSTROEMIA (CREPE MYRTLE)

LARGE SHADE TREE



CELTIS SINENSIS (JAPANESE HACKBERRY)

MEDIUM SIZED TREE



CERCIS CANADENSIS 'FOREST PANSY' (EASTERN REDBUD)



CERCIS OCCIDENTALIS (WESTERN REDBUD)



QUERCUS AGRIFOLIA (COAST LIVE OAK)



PISTACIA CHINENSIS (CHINESE PISTACHE)



TRISTANIA LAURENIA (WATER GUM)

PROPOSED TREE LIST						
QUANTITY	BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	SPACING	WATER USE	DROUGHT TOLERANCE
42	CELTIS SINENSIS	PRAIRIE SENTINEL HACKBERRY	24" BOX	18'-0"	LOW	Yes
19	CERCIS CANADENSIS FOREST PANSY	FOREST PANSY REDBUD MULTISTEM	24" BOX	12'-0"	MODERATE	No
8	GINKGO BILوبا PRINCETON SENTINEL	PRINCETON SENTINEL MAIDENHAIR TREE	24" BOX	15'-0"	MODERATE	No
11	LAGERSTROEMIA INDICA MULTISTEM	CRABE MYRTLE MULTISTEM	24" BOX	20'-0"		
22	LAURUS X SARATOGA	SARATOGA BAY LAUREL	48" BOX	15'-0"	LOW	Yes
2	OLEA EUROPAEA 'SWAN HILL'	SWAN HILL OLIVE	48" BOX	30'-0"	VERY LOW	No
7	PISTACIA CHINENSIS	CHINESE PISTACHE MALE ONLY	24" BOX	40'-0"		
9	QUERCUS AGRIFOLIA	COAST LIVE OAK	24" BOX	30'-0"	VERY LOW	Yes
3	TRISTANODIA LAURINA ELEGANT	WATER GUM	24" BOX	20'-0"	MODERATE	No
3	ULMUS PARVIFOLIA	CHINESE ELM DRUM	24" BOX	30'-0"	LOW	Yes

IRRIGATION DESIGN INTENT & MWELO CONFORMANCE

1. IRRIGATION SYSTEM IS DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH. THE SELECTED IRRIGATION SYSTEM SHALL BE OF THE GRADE SELECTED FOR DURABILITY, FUNDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT.
2. THE SYSTEM IS A COMBINATION OF OVERHEAD SPRINKLER AND SURFACE IRRIGATION SYSTEMS ADJUSTABLE TO PLANT TYPE, EXPOSURE AND SLOPE CONDITIONS.
3. CONTROL OF THE SYSTEM SHALL BE A WEATHER-ENABLED CONTROLLER CAPABLE OF DAILY RATE ADJUSTMENT BASED ON REAL-TIME WEATHER CONDITIONS AS MEASURED BY AN ON-SITE WEATHER SENSOR.
4. THE SYSTEM INCLUDES MASTER CONTROL VALVE AND FLOW SENSING CAPABILITY WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF ANY OF THE FOLLOWING ARE DETECTED:
 - a. THE LEAKAGE IS OVER 100 GALLONS PER FEET OF NEW LANDSCAPING AND WILL MEET THE REQUIREMENTS OF THE WATER EFFICIENCY LANDSCAPE ORDINANCE (WELO).
 - b. THE WATER CONSUMPTION RATES EXCEED WATER EFFICIENCY/DOCS/MWELO/09-10-09 PDF

MWELO CONFORMANCE

I HAVE COMPLIED WITH THE CRITERIA OF ARTICLE 19 OF THE ZONING CODE, INCLUDING ALL DESIGN STANDARDS OF SECTION 4-1908, AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

AS ATTESTED BY PROJECT LANDSCAPE ARCHITECT

SHRUB & GROUNDCOVER LIST						
BOTANICAL NAME	COMMON NAME	CONTAINER SIZE	SPACING	WATER USE	DROUGHT TOLERANT	
SHRUB						
ARCTOSTAPHYLOS DENSIFLORA HOWARD MCINNIN	HOWARD MCINNIN MANZANITA	5 GAL	6'-0"	LOW	Yes	
CARPENTERIA CALIFORNICA ELIZABETH	BUSH ANEMONE	1 GAL	4'-0"	MODERATE	No	
CEANOTHUS GLORIOSUS ANCHOR BAY	POINT REYES CEANOTHUS	5 GAL	4'-0"	LOW	Yes	
CHORONOPTALUM TENDRUM	CAPE RUSH	1 GAL	4'-0"	LOW	Yes	
CISTUS 'SUNSET'	ROCKROSE	1 GAL	6'-0"	LOW	Yes	
PHORIUM 'CREAM DELIGHT'	NEW ZEALAND FLAX	5 GAL	2'-0"	LOW	Yes	
PHORIUM 'JACK SPRATT'	NEW ZEALAND FLAX	5 GAL	1'-0"	LOW	Yes	
PITTOSPORUM TENUIFOLIUM SILVER SHED	SILVER SHEEN KOHUIHU	5 GAL	6'-0"	MODERATE	No	
RIHIANUS CALIFORNICA MOUND SAN BRUNO	COFFEEBERRY	5 GAL	6'-0"	LOW	Yes	
ROSMARINUS OFFICINALIS 'BENEDEN BLUE'	BENEDEN BLUE ROSEMARY	1 GAL	3'-0"	LOW	Yes	
WESTRINGIA FRUTICOSA WYNNABIE GEM	COAST ROSEMARY	1 GAL	5'-0"	LOW	Yes	
GROUNDCOVER						
ANGICANTHOS 'AMBER VELVET'	AMBER VELVET KANGAROO PAW	1 GAL	2'-0"	LOW	Yes	
BOETULOA GRACIEL BLONDE AMBITUS	MOSQUITO GRASS	1 GAL	1'-6"	LOW	Yes	
ECHVEYRIA ELEGANS	MEXICAN SNOWBALL	1 GAL	1'-0"	LOW	Yes	
FESTUCA CALIFORNICA	CALIFORNIA FESCUE	1 GAL	2'-6"	LOW	Yes	
HELLEBORUS ARGUTIFOLIUS	CORSICAN HELLEBORE	1 GAL	2'-0"	LOW	Yes	
LEONOTIS LEURUS	LOONS	1 GAL	1'-0"	LOW	Yes	
LEONATIA LONGIFOLIA 'NYALLA'	NYALLA MAT RUSH	1 GAL	3'-6"	LOW	Yes	
MULHLENBERGIA RIGENS	DEERGRASS	1 GAL	3'-0"	LOW	Yes	
POLYSTICHUM MUNIUM	WESTERN SWORD FERN	1 GAL	3'-0"	MODERATE	No	

2330 MONROE

2330 MONROE ST.
SANTA CLARA, CA

JOB NO. Monroe-HKIT

DRAWN XA

CHECKED KK

JOB CAPTAIN Approver

ISSUE		
Δ	DATE	DESCRIPTION

[illegible]

DRAWING TITLE
PLANT LIST & TREE
SELECTIONS

SCALE 1" = 10'-0"

L2.01

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PGAdesign
LANDSCAPE ARCHITECTS
tel 510.465.1284 url PGAdesign.com
444 17th Street Oakland CA 94612

EXISTING TREE LIST					TREE TO BE REMOVED
TREE NO.	BOTANIC NAME	COMMON NAME	DBH		
1	CARYA ILLINOENSIS	PECAN	18"		
2	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	18"		
3	QUERCUS ILEX	HOLLY CAK	14"		YES
4	LIGUSTRUM JAPONICUM	TEXAS RPVET	15"		
5	WASHINGTONIA ROBUSTA	MEXICAN FAN PALM	15"		
6	LIGUSTRUM JAPONICUM	TEXAS RPVET	10"		
7	QUERCUS ILEX	HOLLY CAK	15"		YES
8	PINUS HALEPENSIS	ALEPPO PINE	24"		
9	PINUS HALEPENSIS	ALEPPO PINE	25"		
10	PINUS HALEPENSIS	ALEPPO PINE	27"		
11	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
12	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	4"		
13	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	4"		
14	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	4"		
15	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	4"		
16	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	4"		
17	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	4"		
18	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	4"		
19	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	4"		
20	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
21	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
22	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
23	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
24	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
25	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
26	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
27	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
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31	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
32	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
33	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
34	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
35	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
36	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
37	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
38	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
39	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
40	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	9"		
41	CUPRESSUS X LEYLANDII	LEYLAND CYPRESS	10"		
42	CUPRESSUS X LEYLANDII	LEYLAND CYPRESS	11"		
43	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
44	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
45	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
46	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
47	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
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73	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
74	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
75	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
76	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
77	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	6"		
78	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	5"		
79	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	5"		
80	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	5"		
81	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	5"		
82	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	5"		
83	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	5"		
84	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	5"		
85	CUPRESSUS SEMPERVIRENS	ITALIAN CYPRESS	5"		

CITY OF SANTA CLARA ARBORIST NOTES FOR TREE PRESERVATION

I. GENERAL

1. NO CUTTING OF ANY PART OF CITY TREES, INCLUDING ROOTS, SHALL BE DONE WITHOUT SECURING A PERMIT AND DIRECT SUPERVISION FROM THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY (406-615-3080).
2. NO CUTTING OF ANY PART OF PRIVATE TREES, INCLUDING ROOTS, SHALL BE DONE WITHOUT DIRECT SUPERVISION OF AN INTERNATIONAL SOCIETY OF ARBORICULTURE (I.S.A.) CERTIFIED ARBORIST.
3. WHEN CONSTRUCTION OCCURS WITHIN THE DRIP LINE OF EXISTING TREES, CONTRACTOR SHALL PILE THE SOIL ON THE SIDE OF THE TREE TO PROTECT THE TRUNK AND BRANCHES FROM BACKFILL OF MACHINERY. IN CASE OF MALCOLM THIS SHALL BE DONE TO HELP PREVENT CUTTING INTO THE SOIL SURFACE WHEN THE BACKHOE OR TRACTOR BLADE REFLITS THE TRENCH.
4. REFILL OPEN TRENCHES QUICKLY WITH HOURS OF EXCAVATION WHEN THEY OCCUR WITHIN THE DRIP LINE OF EXISTING TREES. IF THERE IS A SIGNIFICANT RISK OF DAMAGE TO THE TREE, THE CONTRACTOR SHALL COVER THE TRENCH BY BURLAP, COVERING THEM WITH WET BURLAP. IF THE TEMPERATURE IS 80° OR GREATER, THE BURLAP MUST BE INSPECTED EVERY HOUR AND RE-WET AS NECESSARY TO MAINTAIN A CONSTANT COOL MOIST CONDITION. IF THE TEMPERATURE IS BELOW 80°, THE BURLAP MAY BE REMOVED AFTER TWO HOURS. IF THE BURLAP IS NOT REMOVED AT ALL, IT WILL CAUSE A DRY ROT CONDITION. SMALL ROOTS CAN DRY OUT AND DIE IN 10-15 MINUTES. LARGER ROOTS CAN SUFFOCATE IN AN HOUR OR LESS.
5. WHEN ROOTS 2" OR LARGER ARE REQUIRED TO BE CUT, SHOVEL HAND NEAR THE ROOTS AND PRUNE THE ROOTS WITH AN INDUSTRY-APPROVED PRUNING TOOL. ROOTS THAT ARE ACCIDENTALLY BROKEN SHOULD BE SHOWN CUTTED TWO INCHES FROM THE END OF THE ROOT. IF THE ROOTS ARE NOT BROKEN, THE CONTRACTOR SHOULD BEGIN SHARPENED CUT ROOTS. PRODUCE A FLUSH OF NEW ROOTS HELPING THE TREE TO RECOVER FROM ITS INJURY.
6. CONTRACTOR SHALL NOTIFY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY 72 HOURS IN ADVANCE OF ANY WORK WITHIN THE DRIP LINE OF EXISTING TREES.
7. A CLEAR SYSTEM OF FLAGGING MUST BE PROVIDED AROUND TREES WITHIN 20' OF THE PROPOSED GRADING. CONTRACTOR SHALL SECURE APPROVAL OF SUCH SYSTEM FROM THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY.
8. ALL TREES WITHIN THE DRIP LINE OF EXISTING TREES SHALL BE PROTECTED BY FENCING. FENCING SHALL NOT BE PLACED WITHIN THE DRIP LINE OF EXISTING TREES.
9. ALL TREES WITHIN THE DRIP LINE OF EXISTING TREES SHALL COMPLETELY ENCLOSE THE TREE PROTECTION ZONE PRIOR TO DEMOLITION, GRUBBING OR GRADING. FENCING SHALL BE PLACED AT THE DRIP LINE OF EXISTING TREES OR, IF POSSIBLE, 1.5 TIMES THE RADIIUS OF THE DRIP LINE OUT FROM THE TRUNK OF THE TREE. A WARNING SIGN SHALL BE PROMINENTLY DISPLAYED ON EACH CORNER OF THE FENCE. THE FENCING SHALL BE IDENTICAL TO THE FENCING USED FOR THE PROTECTION OF THE TREE. FENCING SHALL NOT BE REMOVED WITHOUT APPROVAL FROM THE CITY ARBORIST/PROJECT ARBORIST. FENCES SHALL BE 6-FOOT TALL CHAIN LINK OR EQUIVALENT, AS APPROVED BY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. FENCES SHALL REMAIN IN PLACE THROUGHOUT THE ENTIRE PROJECT. FENCING SHALL BE INSTALLED AT THE BASE OF THE FIRST MAIN BRANCH, THEN WRAP SNOW FENCING AROUND THE WADDLE ON ALL TREES IN THE CONSTRUCTION ZONE TO PROTECT THEM FROM BARK DAMAGE CAUSED BY THE WORK.
10. NO TRENCHING OR GRADING SHALL BE ALLOWED WITHIN THE DRIP LINE OF EXISTING TREES WITHOUT THE APPROVAL OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. UNIFORM TRENCHING IN THE ROOT ZONE OF A PUBLIC TREE IS PROHIBITED EXCEPT IN CASES WHERE THE TRENCHING IS NECESSARY TO REMOVE DEAD OR DAMAGED ROOTS. TRENCHING SHALL BE LIMITED TO THE OPINION OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. THE IMPACT OF TRENCHING ON THE TREE WILL BE NEGIGIBLE.
11. TRENCHING OF EXISTING ROOTS OF CITY TREES SHALL BE DONE WITH APPROVED LIGHT EQUIPMENT UNDER THE DIRECT SUPERVISION OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. ANY CUTTING OF EXISTING ROOTS OF PRIVATE TREES SHALL BE DONE WITH APPROVED EQUIPMENT UNDER THE DIRECT SUPERVISION OF AN I.S.A. CERTIFIED ARBORIST.
12. CONTRACTORS SHOULD NOT GRADE DRAINAGE DITCHES FOR TREE TO CHANGE WATER INTO THEIR OWN CREEKS OR SUNKEN AREAS.
13. ALL GRADING WITHIN THE DRIP LINE OF EXISTING TREES SHALL BE DONE WITH APPROVED LIGHT EQUIPMENT UNDER THE DIRECT SUPERVISION OF THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY. GRADING WITHIN THE DRIP LINE OF PRIVATE TREES SHALL BE DONE WITH APPROVED EQUIPMENT UNDER THE DIRECT SUPERVISION OF AN I.S.A. CERTIFIED ARBORIST.
14. CONTRACTORS SHALL NOT GRADE AT THE BASE OF EXISTING TREES SHALL NOT BE MODIFIED. IF A GRADE INCREASE IS NECESSARY, DIRT WELLS SHOULD BE USED.
15. WHEN TRENCHING IS ALLOWED, THE CONTRACTOR MUST FIRST CUT ROOTS WITH A VERMEER ROOT CUTTER PRIOR TO ANY OTHER TRENCHING.
16. TREES THAT ARE DETERMINED TO BE REMOVED BY THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY DUE TO AN UNFORESEEN CIRCUMSTANCE DURING CONSTRUCTION SHALL BE REPLACED BY THE CONTRACTOR. THE CITY ARBORIST OR ARBORIST EMPLOYED BY CITY SHALL DETERMINE THE SPECIES, SIZE, AGE, LOCATION, AND PLACEMENT OF THE REPLACEMENT TREES. 16 PLACE 4" X 4" THICK MULCH AROUND ALL EXISTING TREES (OUT TO THEIR DRIP LINE) THAT ARE TO BE RETAINED PRIOR TO ANY CONSTRUCTION. THIS WILL HELP MAINTAIN MOISTURE UNDER THE TREE WITHIN THE FENCING AREA.

II. BORING

WHERE THERE IS INSUFFICIENT SPACE TO BYPASS THE DRIP LINE BY TRENCHING ADJACENT TO ALL EXISTING TREES IN EXCESS OF 5" D.B.H., THE INSTALLATION MUST BE MADE BY BORING. THE BEGINNING AND ENDING DISTANCE OF THE BORE FROM THE FACE OF THE TREE IN ANY DIRECTION IS DETERMINED BY THE DIAMETER OF THE TREE AS SPECIFIED BY THE ACCOMPANYING TABLE:

WHEN THE TREE DIAMETER AT 4 1/2 FEET IS:	TRENCHING WILL BE REPLACED BY BORING AT THIS MINIMUM DISTANCE FROM THE FACE OF THE TREE IN AN DIRECTION
0-2 INCHES	1 FOOT
3-4 INCHES	2 FEET
4-6 INCHES	5 FEET
10-14 INCHES	10 FEET
15-19 INCHES	12 FEET
OVER 19 INCHES	15 FEET

TREE DIAMETER	(MINIMUM) DEPTH OF BORE
9 INCHES OR LESS	2.5 FEET
10-14 INCHES	3.0 FEET
15-19 INCHES	3.5 FEET
20 INCHES OR MORE	4.0 FEET

III. TREE PROTECTION

1. CONTRACTOR SHALL TAG AND IDENTIFY EXISTING TREES WHICH ARE TO REMAIN WITHIN THE PROJECT LIMITS AND ON THE ADJACENT PROPERTIES. TAGGING SHALL BE PERFORMED BY AN I.S.A. CERTIFIED ARBORIST OR OTHER QUALIFIED PERSONNEL. TAGS SHALL BE PLACED IN A VISIBLE LOCATION AND SHALL BE PROTECTED FROM BEING DISGUISED OR REPLACED AS A RESULT OF THE WORK. CONTRACTOR SHALL REMOVE THE TREE, INCLUDING ITS ROOTS, FROM THE SITE AND REPLACE EACH REMOVED TREE WITH AN EQUAL-SIZED TREE. IF SUCH REPLACEMENT IS NOT POSSIBLE, THE CONTRACTOR SHALL PROVIDE A REPLACEMENT OF A LARGER SIZE. THE CONTRACTOR SHALL PROVIDE A TAG FOR EACH TREE OR ARBORIST EMPLOYED BY CITY SHALL BE THE SOLE JUDGE OF THE CONDITION OF ANY TREE. CONTRACTOR SHALL PROVIDE A TAG FOR EACH TREE TO BE REMOVED. THE TAG SHALL BE PLACED IN A VISIBLE LOCATION AND SHALL BE PROTECTED FROM BEING DISGUISED OR REPLACED AS A RESULT OF THE WORK.
2. CONTRACTOR SHALL PAY THE TREE OWNER THE VALUE OF EXISTING TREES TO REMAIN THAT DIED OR WERE DAMAGED BECAUSE OF THE CONTRACTOR'S FAILURE TO PROVIDE ADEQUATE PROTECTION AND MAINTENANCE. THE PAYMENT AMOUNT SHALL BE BASED ON THE CURRENT MARKET VALUE OF THE TREE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE MOST RECENT ISSUE OF THE "GUIDE FOR ESTABLISHING VALUES OF TREES AND OTHER PLANTS," PREPARED BY THE COUNCIL

7 INCHES	\$ 2,400
8 INCHES	\$ 3,400
9 INCHES	\$ 4,400
10 INCHES	\$ 5,200
11 INCHES	\$ 6,200
12 INCHES	\$ 7,200
13 INCHES	\$ 8,200
14 INCHES	\$ 9,200
15 INCHES	\$ 10,000
16 INCHES	\$ 11,000
17 INCHES	\$ 12,000
18 INCHES AND OVER: ADD FOR EACH CALIPER INCH	\$ 1,200

2330 MONROE ST.
SANTA CLARA, CA

JOB NO.	Monroe-HKIT
DRAWN	Author
CHECKED	Checker
JOB CAPTAIN	Approver

[illegible]

DRAWING TITLE
TREE PRESERVATION &
PLANTING

SCALE 1" = 10'-0"

L2.02

A close-up photograph of a light-colored, textured surface, likely a wall or ceiling. The surface is marked by several parallel diagonal lines. A dark, possibly black, corner or edge is visible in the upper right portion of the frame. Some faint, thin, light-colored lines or fibers are visible in the bottom right corner.

A wooden bench with a metal frame, featuring a curved backrest and armrests. The bench is made of light-colored wood and has a modern, minimalist design. It is shown from a side profile against a plain white background.

A modern armchair with a wooden slatted seat and backrest, supported by a silver metal frame. The chair is positioned on a white surface against a white background.

A tall, dark brown wooden privacy fence with vertical slats and black metal posts, set against a backdrop of green trees and a house. The fence runs along a green lawn, with a concrete sidewalk visible in the foreground on the left.

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L3.01

play area components

6 KEY ELEMENTS: SWINGING, CLIMBING, BALANCING, SPINNNING & BRACHIATING- PROVIDE 6

SWINGING



MODEL: OODLE SWING HDG #228069, AGES 6 TO 12,
MANUFACTURER: LANDSCAPE STRUCTURES, www.playlsi.com,
TELEPHONE: 888-438-6574

BRACHIATING



MODEL: FITCORE EXTREME JUMP HANG #244193, AGES 6 TO 12, MANUFACTURER: LANDSCAPE STRUCTURES, www.playlsi.com, TELEPHONE: 888-438-6574

CLIMBING



MODEL: COZY DOME #168099, AGES 2 TO 5,
MANUFACTURER: LANDSCAPE STRUCTURES,
www.playlsi.com, TELEPHONE: 888-438-6574

BALANCING



MODEL: BOOGIE BOARD #193176
AGES 6 TO 12, MANUFACTURER:
LANDSCAPE STRUCTURES,
www.playlsi.com, TELEPHONE:
888-438-6574

SPINNING



MODEL: CURVA SPINNER #249553, AGES 6 TO 12, MANUFACTURER: LANDSCAPE STRUCTURES, www.playlsi.com, TELEPHONE: 888-438-6574

ROCKING



MODEL: SPRINGER #NRO115 & NRO118, AGES 2 TO 5, MANUFACTURER: KOMPAN INC,
www.kompan.us, TELEPHONE: 800-426-9788

+ 1 KEY ELEMENTS
running/ free play/imagination elements at
lawn area adjacent to formal play areas



PRECAST EGG SHAPED BENCHES WILL PROVIDE A UNIQUE ELEMENT TO THE PLAY AREA AS WELL AS FOSTERING IMAGINATIVE PLAY. MANUFACTURED BY QCR CONCRETE.



RECLAIMED URBAN STREET TREES WILL BE USED TO
CREATE WOODEN BENCHES IN THE PLAY AREA
FOSTERING SENSORY & IMAGINATIVE PLAY.



LAWN, NO MOW TURF AND NATIVE PLANTINGS WILL SURROUND THE PLAY AREA FOSTERING IMAGINATIVE AND SENSORY PLAY.

SENSORY/ IMAGINATIVE PLAY



MODEL: BONGO AND XYLOFUN PANEL #168666, AGES 2 TO 5,
MANUFACTURER: LANDSCAPE STRUCTURES, www.playlsi.com,
TELEPHONE: 888-438-6574

MODEL: IMAGINATION TABLE #168105, AGES 2 TO 5, MANUFACTURER: LANDSCAPE STRUCTURES, www.playlsi.com, TELEPHONE: 888-438-6574

HKIT ARCHITECTS
338 NINTH STREET SUITE 210 • OAKLAND, CA 94607
T 510 425 9800 • F 510 623 9801 • WWW.HKIT.COM

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ON-SITE PRIVATE RECREATION AMENITIES TABLE

THE FOLLOWING ARE THE FOUR OF EIGHT MINIMUM ON-SITE PRIVATE PARK ELEMENTS THIS PROJECT IS PURSUING

PRIVATE PARK-LIKE ELEMENTS	DESCRIPTION	AREA
1. CHILDREN'S PLAY APPARATUS AREA	CONFORMS TO CURRENT FEDERAL CONSUMER PRODUCT SAFETY COMMISSION GUIDELINES. SEPARATE PLAY AREAS FOR AGES 2-5 & 5-12 WITH THE INCLUSION OF FIVE OF THE 6 + 1 KEY ELEMENTS. SEE PLAY AREA PLAN ENLARGEMENT FOR FURTHER DESCRIPTION AND ITEMIZATION OF ELEMENTS.	6,331 SF
2. LANDSCAPED & FURNISHED PARK-LIKE QUIET AREA AT BOCCIE COURT NOTE THIS IS NOT AN OPEN NATURAL TURF AREA WHICH REQUIRES HALF ACRE MINIMUM	LAWN AREAS ADJACENT TO BOCCIE COURT IS PROVIDED AND INCLUDES LOG BENCHES, BENCHES, TABLE & CHAIRS, AND NATIVE PLANTINGS.	3,862 SF
3. RECREATIONAL COMMUNITY GARDENS	PLANS CALL FOR 9 RAISED BEDS SURROUNDED BY DECOMPOSED GRANITE PAVING. IN ADDITION DINING TABLES, BENCHES AND LOG SEATS ARE PROVIDED AT THIS AREA.	2,370 SF
4. FAMILY PICNIC AREA	PLANS CALL FOR 2 PICNIC AREAS OUTSIDE OF THE COMMUNITY ROOM. THESE AREAS INCLUDE TWO BBQ AND 7 DINING TABLES.	3,289 SF
5. GAME, FITNESS OR SPORT COURT AREA (PETANQUE COURT)	CONFORMS TO CURRENT FEDERAL CONSUMER PRODUCT SAFETY COMMISSION GUIDELINES. SEPARATE PLAY AREAS FOR AGES 2-5 & 5-12 WITH THE INCLUSION OF FIVE OF THE 6 + 1 KEY ELEMENTS. SEE PLAY AREA PLAN ENLARGEMENT FOR FURTHER DESCRIPTION AND ITEMIZATION OF ELEMENTS.	730 SF
6. GAME, FITNESS OR SPORT COURT AREA (FITNESS PATHWAY)	PLANS CALL FOR A 5' WIDE PERIMETER PATH AROUND THE DEVELOPMENT WHICH ALSO FUNCTIONS AS FIRE EGRESS PATH. ALONG THE SAN TOMAS EXPRESSWAY THERE WILL BE 3 BENCHES AND 3 FITNESS STATIONS. ALONG MONROE STREET THERE IS A BENCH AT THE ENTRYWAY. BUT THE REMAINDER OF THE 8' WIDE PATH REMAINS WITHOUT BENCHES DUE TO THE WIDTH NOT ACCOMMODATING BENCHES AND FITNESS STATIONS ALONG WITH BIOFILTRATION AND FIRE LADDER PADS.	12,354 SF
7. INTERIOR COMMUNITY ROOM	COMMUNITY ROOM WILL PROVIDE A SITTING AREA, DINING AREA, KITCHENETTE, ENTERTAINMENT CENTER WITH TV, MUSIC EQUIPMENT, ETC.	1,103 SF
8. INTERIOR FITNESS ROOM	FITNESS ROOM WILL INCLUDE (4) THREADMILLS, (2) TRX PRO 4 SUSPENSION TRAINING SYSTEM, (4) SPINN BIKE, WEIGHT TRAINING EQUIPMENT.	655 SF
9. INTERIOR GAME ROOM	GAME ROOM WILL INCLUDE SHARED BOARD GAMES, SEATING AND TV SCREEN	655 SF
10. PUTTING GREEN	ARTIFICIAL TURF 6.5' RADIUS PUTTING GREEN	787 SF

32.670 SF MINIMUM ACTIVE RECREATIONAL USES MUST BE PROVIDED

THIS PLAN PROVIDES TOTAL ACTIVE RECREATIONAL USES: 31,836 SF

EXTERIOR ACTIVE RECREATIONAL SPACES EXCLUDES:
4' SET BACK FROM BUILDING FACADE, SHRUB ONLY AREAS AT PARKING LOT,
UTILITY AREAS, AND BIOFILTRATION AREAS.

PLAY AREA: 3,500 SF MINIMUM

2330 MONROE

2330 MONROE ST.
SANTA CLARA, CA

JOB NO.	Monroe-HKIT
DRAWN	XA, KK
CHECKED	KK
JOB CAPTAIN	KK

[illegible]

DRAWING TITLE
ON-SITE RECREATION
AMENITIES

SCALE	As indicated
-------	--------------

L4.01

- 1 PROPERTY LINE
- 2 SE BACK LINE
- 3 ADJACENT COUNTY OWNED PARKING (BLU C.)
EXTENDING LOCUS TO PERMAN
- 4 WALL WALL FENCE (SAN TOMAS), S.I.D.
- 5 SOUNDFENCE, S.I.D.
- 6 FENCE AND GATE AT COMMUNITY/PLAY AREA
- 7 PEDESTRIAN PATH, S.I.D.
- 8 SURFACE PAID-MOUNTED TRUCK/UPPER
- 9 TRASH ENCLOSURE AND PICK-UP STAGING AREA.
REFER TO SANTA CLARA SOLID WASTE GUIDELINES
- 10 8' X 17'0" STANDARD PARKING STALL
- 11 9' X 10'0" ACCESSIBLE PARKING STALL
- 12 OUTDOOR BICYCLE PARKING CLASS 2
- 13 INDOOR BICYCLE PARKING CLASS 1
- 14 PRIMARY RESIDENT ENTRY
- 15 SECONDARY RESIDENT ENTRY
- 16 ALL UTILITIES RESIDENT PLAY AREA, S.I.D.
- 17 SITE FURNISHINGS, S.I.D.
- 18 FIRE TRUCK TURN-AROUND PATH, S.C.D.
- 19 RAISED RESIDENT GARDEN BEDS, S.I.D.
- 20 BIO-RETENTION PLANTING, S.C.D., S.I.D.
- 21 SANITARY SEWER EASEMENT, S.C.D.
- 22 BUILDING ID# MONUMENT SIGN
- 23 PGE GAS METER
- 24 FIRE LADDER PADS, S.I.D.
- 25 FIRE TRUCK TURNAROUND, S.C.D.
- 26 SITE FIRE HYDRANT, S.I.D.
- 27 8' WIDE X 20' LONG LOADING, DROP-OFF,
PARATRANSIT STALL. NO PARKING,
NO STORAGE
- 28 ACCESS ISLE FOR LOADING, DROP-OFF,
PARATRANSIT STALL
- 29 ADA (VAN) PARKING STALL FOR GUESTS,
PICK-UP/DROP-OFF RESERVED FOR GUESTS
- 30 TRASH ENCLOSURE SLIDING GATE
- 31 TRASH ENCLOSURE GATE/MANAGEMENT
- 32 3 CY BINS (TRASH/RECYCLING/COMPOST)

A. ARCHITECTURAL DATUM D.0' EQUALS +40.30' ABOVE SEE LEVEL. REFER TO CIVIL GRADING PLAN.

B. FOR PAVING LAYOUT, LANDSCAPING, IRRIGATION, SITE FURNISHINGS AND LANDSCAPE LIGHTING, S.L.D.

C. FOR ON-SITE AND OFF-SITE DEMOLITION, SITE UTILITIES, VEHICLE PAVING, AND STRIPING, PARKING AREA SIGNAGE, GRADING AND STREET IMPROVEMENTS S.C.D.

D. FOR SITE LIGHTING S.E.D. AND S.L.D.

E. COORDINATE ALL DIGGING WITH EXISTING UTILITIES

F. PAINT ALL EXPOSED UTILITIES, SUCH AS BACKFLOW PREVENTERS, METERS, TRANSFORMERS, ETC. TO EXTENT PERMISSIBLE BY LOCAL UTILITIES. COLOR TO BE SELECTED BY ARCHITECT.

G. FOR DEMOLITION PLAN, S.C.D. FOR TREE PROTECTION PLAN, S.L.D.

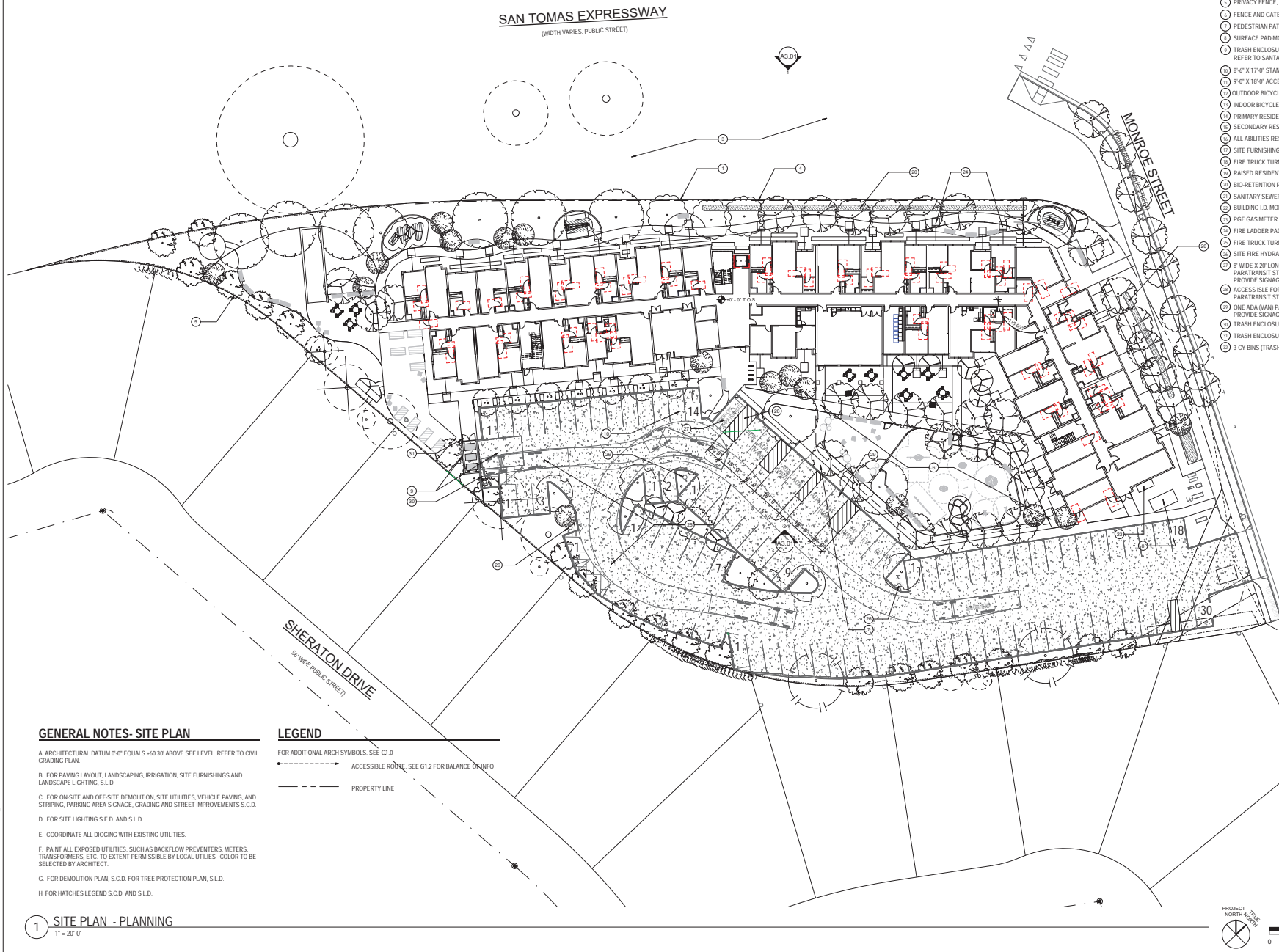
H. FOR HATCHES LEGEND S.C.D. AND S.L.D.

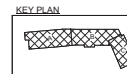
FOR ADDITIONAL ARCH SYMBOLS, SEE G1.0

----- ACCESSIBLE ROUTE, SEE G1.2 FOR BALANCE OF INFO

----- PROPERTY LINE

1" = 20'-0"





DRAWING TITLE
ROOF OVERALL PLAN

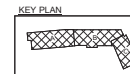
SCALE As indicated

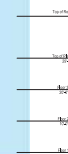
A2 5 1



E. SAFETY GLAZING MUST BE PROVIDED AT HAZARDOUS LOCATIONS PER CBC 2406.4, INCLUDING, BUT NOT LIMITED TO, GLAZING WITHIN 18 INCHES OF A WALKING SURFACE, GLAZING IN DOORS AND WINDOWS ADJACENT TO DOORS.

F.E. SURFACE MOUNTED FIRE EXTINGUISHER CABINET RATED 2A

[illegible]



0 8' 16'

SCALE: 1/16" = 1'



0 8' 16'

SCALE: 1/16" = 1'

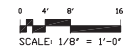


NOTES

- ① FIBER CEMENT PANELS
- ② FIBER CEMENT HORIZONTAL SIDING
- ③ FIBER CEMENT BOARD AND BATTEN
- ④ METAL CANOPY
- ⑤ VINYL WINDOWS
- ⑥ ASPHALT COMPOSITION ROOF SHINGLE
- ⑦ FENCE, S.I.D.
- ⑧ DECORATIVE WALL SCIENCE
- ⑨ PERFORATED ALUMINUM SUNSHADE
- ⑩ GUTTER

0 4' 8' 16'

SCALE: 1/8" = 1'-0"



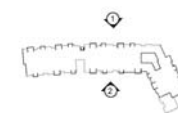
3 WING A SOUTH ELEVATION

JOB NO.	80340
DRAWN	-
CHECKED	-
JOB CAPTAIN	-

[illegible]

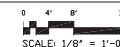
SCALE

A3.1.1



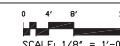
NOTES

- ① FIBER CEMENT PANELS
- ② FIBER CEMENT HORIZONTAL SIDING
- ③ FIBER CEMENT BOARD AND BATTEN
- ④ METAL CANOPY
- ⑤ VINYL WINDOWS
- ⑥ ASPHALT COMPOSITION ROOF SHINGLE
- ⑦ FENCE, S.L.D.
- ⑧ DECORATIVE WALL SCIENCE
- ⑨ PERFORATED ALUMINUM SUNSHADE
- ⑩ GUTTER

$$1/9^\circ = 11.0^\circ$$
$$1/9^\circ = 11.0^\circ$$


WING

WING



2330 MONROE ST.
SANTA CLARA, CA

JOB NO.	80340
DRAWN	-
CHECKED	-
JOB CAPTAIN	-

[illegible]

DRAWING TITLE
EXTERIOR
ELEVATIONS

SCALE

A3.1.2

LEGEND / ABBREVIATIONS

- | SYMBOL | ABBREVIATION | DESCRIPTION |
|---------|--|-------------|
| A | AIRLINE | |
| ARC | ARCURE INTERDISPERSED CAPACITY | |
| ART | ARTIST FRESHLY FLOOR | |
| AS | AUTHORITY HYPERING JUNCTION | |
| AWG | AMERICAN WIRE GAUGE | |
| C | CONDUIT | |
| CU | COPPER | |
| D | DISTANCE BETWEEN OF FEEDER OR BRANCH CIRCUIT | |
| GC | GENERAL CONTRACTOR | |
| GI | GROUND FAULT INTERRUPTER | |
| G. GND | GROUND | |
| HP | HORSEPOWER | |
| ISC | SHORT CIRCUIT CURRENT | |
| MB | MAIN CIRCUIT BREAKER | |
| MEO | MAIN LUG ONLY | |
| CC | CALIFORNIA ELECTRICAL CODE | |
| FINISH | FURNISH INSTALL. CONNECT | |
| INS | INSIDE MAIN. CONNECT | |
| PROV | UNLESS OTHERWISE NOTED | |
| V | VOLTS | |
| VA | VOLT AMPERE | |
| VO | VOLT DROPPAGE | |
| YFD | VARIAABLE FREQUENCY DRIVE | |
| W | WATERPROOF | |
| W | SUBCIRCUIT LOCATED NEXT TO THE DEVICE BEING KEPT TO CENTER OF DEVICE | |
| WSP | WALTON WELLY POWER | |
| ---P--- | PRIMARY POWER UNDERGROUND CONDUIT | |
| ---S--- | SECONDARY POWER UNDERGROUND CONDUIT | |
| ---T--- | TELEPHONE CABLE UNDERGROUND CONDUIT | |
| ---C--- | TV CABLE UNDERGROUND CONDUIT | |

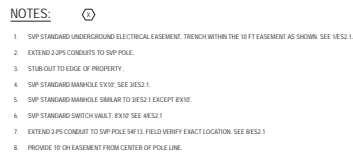
DWG NO.	DRAWING TITLE
ES0.0	ELECTRICAL GENERAL INFORMATION
ES1.0	ELECTRICAL UTILITY SITE PLAN
ES1.1	ENLARGED ELECTRICAL UTILITY PLAN
ES2.0	TRENCH DETAILS
ES2.1	SVP STANDARD DETAILS

[illegible]

JOB NO.	80340
DRAWN	FW
CHECKED	WL
JOB CAPTAIN	-
ISSUE	

[illegible]

SCALE As indicated





4	3
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1. IN PAD-MOUNTED UTILITY TRANSFORMER W/ 84" X20" PAD:
 PROVIDE TRANSFORMER GROUNDING PER UTILITY COMPANY REQUIREMENT.
4. PROVIDE 10' FT CLEAR WORKING SPACE IN FRONT OF THE TRANSFORMER, PER SVP REQUIREMENTS.
 (10' FT IN FRONT OF TRANSFORMER AND 5' FT FROM BOTH SIDES AND BACK.
 SEE SVP-STANDARD #52.1.)
10. PROVIDE 24"X36" PULL BOX, PER SVP REQUIREMENTS.
 SEE UTILITY DRAWINGS FOR SPECIFICATION AND EXACT LOCATION & REQUIREMENTS.
2. SERVICE MAIN SWITCHBOARD: 2000A, 3PH, 208/120V.
 PROVIDE 1' JCT CLEAR WORKING SPACE IN FRONT OF MAIN SWITCH BOARD, PER SVP REQUIREMENTS.
3. MINIMUM 18" WIDE ACCESS PATH SHALL BE PROVIDED NEXT TO THE PAD FOR USE OF EQUIPMENT PAD TO ALLOW FOR ELECTRIC DEPARTMENT LANE TRUCK TO DRIVE UP AND ONTO THE PAD FOR INSTALLATION AND MAINTENANCE OF EQUIPMENT.

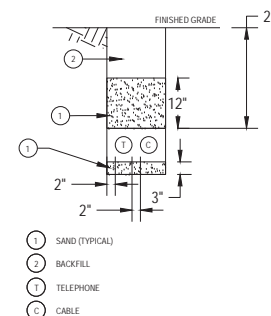
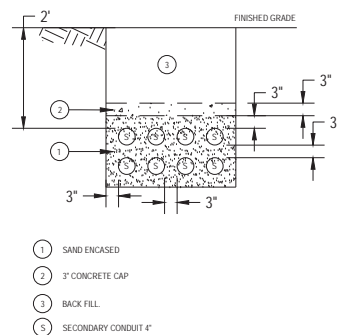
2

DRAWING TITLE
ENLARGED
ELECTRICAL UTILITY
PLAN

ES1.1

ES1.1

1. ALL CLEARANCE DIMENSIONS INDICATED ARE MINIMUM.
2. BACKFILL SHALL BE COMPACTED IN ACCORDANCE WITH GOVERNING AGENCY SPECIFICATIONS.

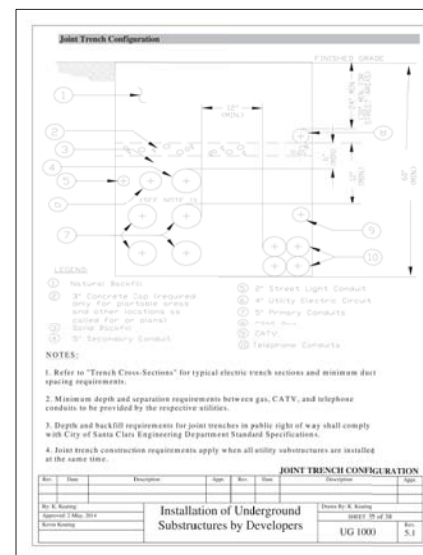


SCALE
NONE

5

SCALE
15-30

SCALE
15-15.00



SCALE
None

4

SCALE
100

2330 MONROE ST.
SANTA CLARA, CA

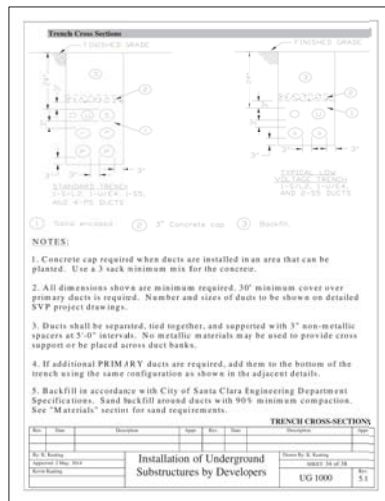
ISSUE

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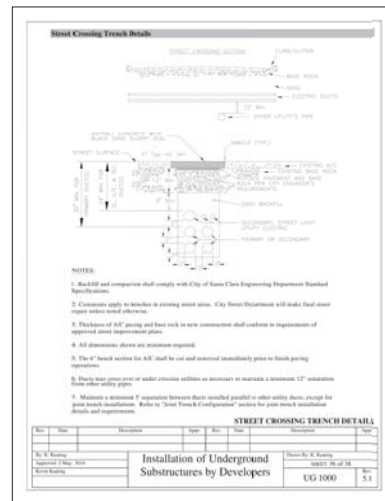
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TRENCH DETAILS

SCALE	As indicated
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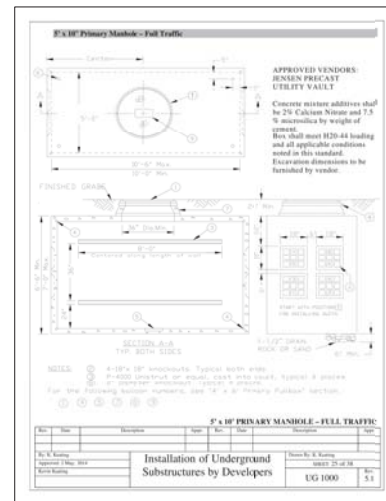
ES2.0



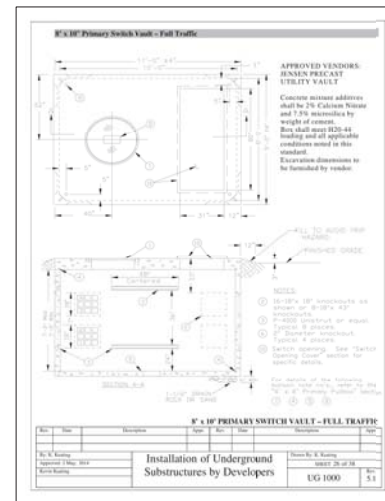
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	NTS	



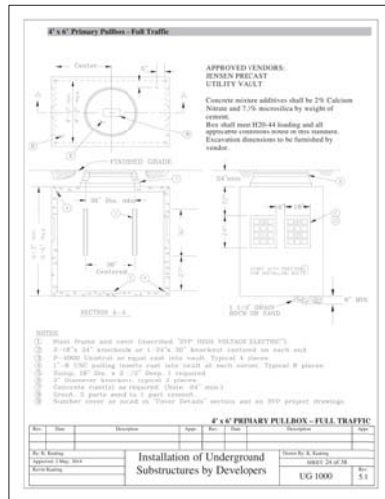
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	NTS	



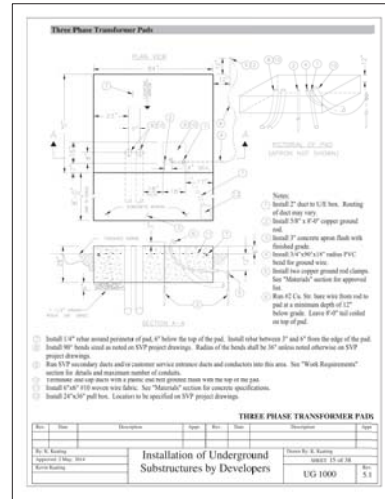
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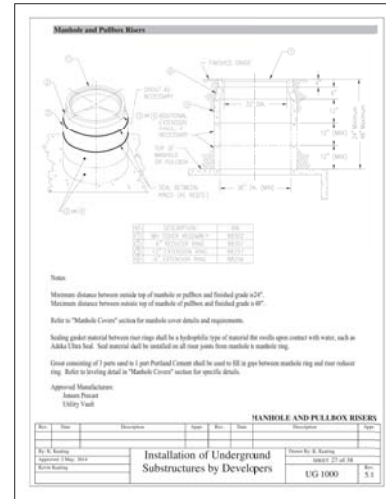
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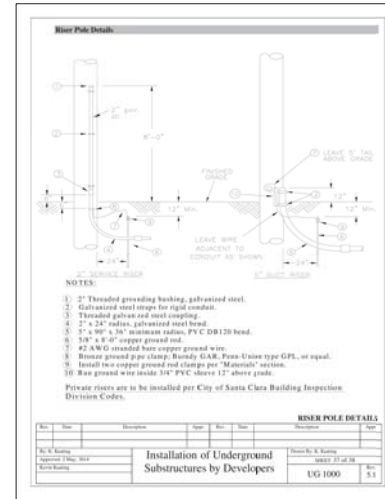
5/ES2.1	SCALE	5
	NTS	



6/ES2.1	SCALE	6
	NTS	



7/ES2.1	SCALE	7
	NTS	



8/ES2.1	SCALE	
	NTS	



Agenda Report

19-1130

Agenda Date: 11/13/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Action on a Conditional Use Permit to allow a new Car/Truck Rental Facility at 2390 Lafayette Street

REPORT IN BRIEF

Project: Use Permit to allow a New Car/Truck Rental Facility and on-site improvements.

Applicant: Francisco Valdes, KRJ Design Group

General Plan: Heavy Industrial

Zoning: Heavy Industrial (MH)

Site Area: .64 acre (27,812 sq. ft.)

Existing Site Conditions: Existing one-story 5,011 square foot commercial building.

Surrounding Land Uses

North: Auto oriented businesses across from Richard Avenue

South: Commercial uses.

East: Commercial Uses across from Lafayette Street

West: Commercial uses.

Issues: Consistency with the City's General Plan and Zoning Ordinance

Staff Recommendation: Adopt a resolution approving the Use Permit, subject to conditions of approval

BACKGROUND

The Applicant, Francisco Valdes from KRJ Design Group, filed an application on January 22, 2019 requesting a Use Permit to allow operation of a car and truck rental facility for Avis Budget Group. The project site is located on the south west corner of Richard Avenue and Lafayette Street, and is currently occupied by a one story 5,011 square foot vacant commercial building. The site was previously occupied by a packaging business that moved out in 2016. There is no record of any business license since that time. The surrounding land uses include a truck rental facility to the west and south, auto oriented businesses across from Richard Avenue, and Home Depot across from Lafayette Street.

The site is zoned Heavy Industrial (MH) and the General Plan land use designation is Heavy Industrial. Retail uses are not permitted by right in the Heavy Industrial (MH) zoning district. Pursuant to Section 18.50.040(e) of the Santa Clara City Code, uses that are not permitted by right but that are appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the MH zoning district, provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs.

The Applicant proposes tenant improvements to the existing one story building and site improvements to operate the car and truck rental facility. Proposed site improvements include restriping the existing parking to provide the required 14 parking spaces and landscape improvements including planting seven new trees. On an average, the business would store up to 41 cars and 13 trucks onsite with 2-3 employees present at a given time.

The facility proposes to operate Monday through Friday from 8:00 a.m. to 6:00 p.m., Saturday from 9:00 a.m. to 2 p.m., and Sunday from 9:00 a.m. to 12:00 p.m. The applicant has provided a business operation plan to support the Use Permit request and it is provided with this report as Attachment 2.

DISCUSSION

The primary issues for the project are consistency with the City's General Plan and Zoning Code and parking requirements.

Consistency with the General Plan:

The subject property has a General Plan designation of Heavy Industrial. This classification is intended primarily for manufacturing, refining, and similar activities. It also accommodates warehousing and distribution uses. The project is consistent with the following General Plan policies:

5.3.1 P8 Work with property owners to improve or redevelop underutilized and vacant properties. The project is consistent with this policy as it utilizes and refurbishes the property.

5.3.3 G4 New commercial uses that respect surrounding neighborhoods and are sited to reduce potential land use conflicts. The project would conform to this General Plan policy, in that it is compatible with the existing auto-oriented and commercial land uses surrounding the site.

5.3.3 P1 Provide a mix of retail and commercial uses to meet the needs of local customers and draw patrons from the greater region. The project is consistent with this policy in providing a car rental facility in proximity to the Norman Y. Mineta San Jose International Airport.

Zoning Conformance:

Retail uses are not permitted by right in the Heavy Industrial (MH) zoning district. Pursuant to Section 18.50.040(e) of the Santa Clara City Code, uses that are not permitted by right but that are appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the MH zoning district, provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs.

Per SCCC Chapter 18.110, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on the health, safety, peace, comfort and general welfare, based upon substantial evidence in the record. These findings are included in the attached resolution.

Circulation and Parking

Pursuant to Section 18.74.020 (a)(8) of the Santa Clara City Code, an auto service rental requires 1 parking space per 400 square foot and one space for every 2 employees. The project provides the required 14 parking spaces onsite, including an accessible parking space. Given that the existing

building is approximately 5,016 square feet and there are only 2-3 employees present at a given time, there is ample parking supporting the existing use. Additionally, the site serves as a storage site for rental vehicles with limited commercial activity by customers. Delivery of vehicles to customers off-site also occurs as part of the business operations.

The site will continue to be accessed from two existing driveways, one along Lafayette Street and the other along Richard Avenue.

Conclusion:

The proposal contributes to the service uses available in the industrial area of the City and is designed to be compatible with the surrounding commercial uses, with sufficient parking to support the proposed use. A non-industrial use, such as a car and truck rental facility, may only be conditionally permitted when the use is appropriate for an industrial area and would not be objectionable or detrimental to the industrial area or adjacent properties. Based on the operational description of the proposed use provided by the applicant, the use would be compatible with the adjacent land uses.

ENVIRONMENTAL REVIEW

The action being considered is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303(c), New Construction or Conversion of Small Structures, in that the project proposes conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The existing commercial building is less than 10,000 square feet and does not involve the use of significant amounts of hazardous substances.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

On November 5, 2019 the notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site in accordance with the City Code. Planning Staff has not received public comments for this application.

RECOMMENDATION

Adopt a Resolution to approve a Use Permit to allow a new car/truck rental facility at 2390 Lafayette Street, subject to conditions of approval.

Prepared by: Nimisha Agrawal, Assistant Planner

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Project Data Summary
2. Applicant's Business Operation Plan
3. Resolution Approving the Use Permit

4. Conditions of Approval
5. Development Plans

Project Data

Files: PLN2019-13707

Location: 2390 Lafayette Street, a 27,812 square foot parcel located at the southwest corner of Lafayette Street and Richard Avenue Monroe Street. The site is zoned Heavy Industrial (MH). APN: 2224-63-019

Owner/ Applicant: Annie Stout, Lack Properties/Francisco Valdes, KRJ Design Group

Subject: Use Permit to allow operation a New Car/Truck Rental Facility and on-site improvements.

CEQA Determination: Exempt per CEQA Guidelines Section 15303(c)– New Construction or Conversion of Small Structures)

Project Planner: Nimisha Agrawal, Assistant Planner

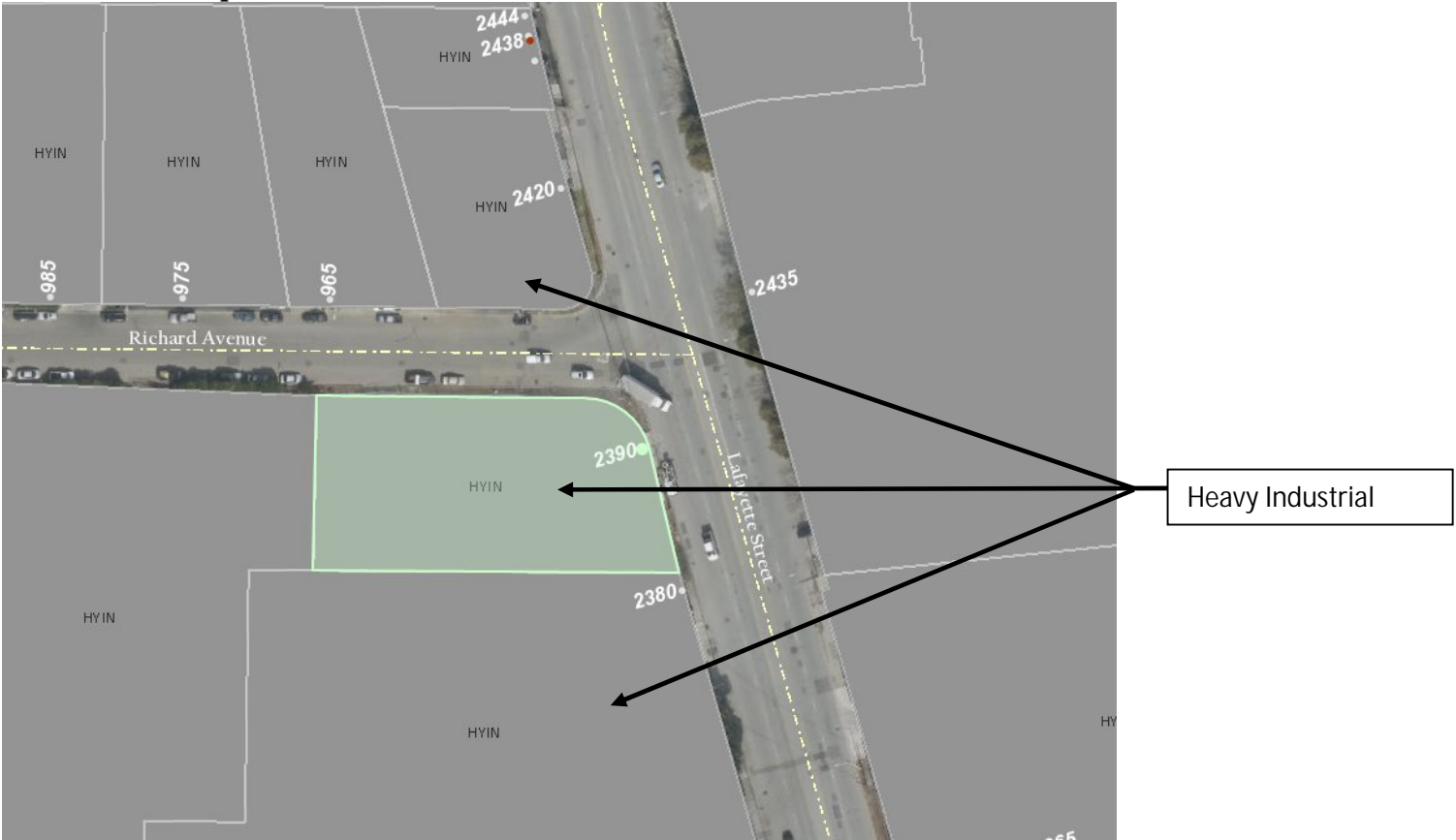
Staff Recommendation: Adopt a Resolution to approve a Use Permit to allow operation of a new car/truck rental facility at 2390 Lafayette Street, subject to conditions of approval.

	Existing	Proposed
General Plan Designation	Heavy Industrial	Same
Zoning District	Heavy Industrial (MH)	Same
Lot Size	27,812 square feet (.64 acre)	Same
Land Use	Vacant Commercial building	Car/Truck Rental Facility
Living Area	1,310 square feet	same
Stories/Total Height	One-Story building	same
Parking	Not stripped	14
Lot Coverage	5,011/27,812= 18%	same

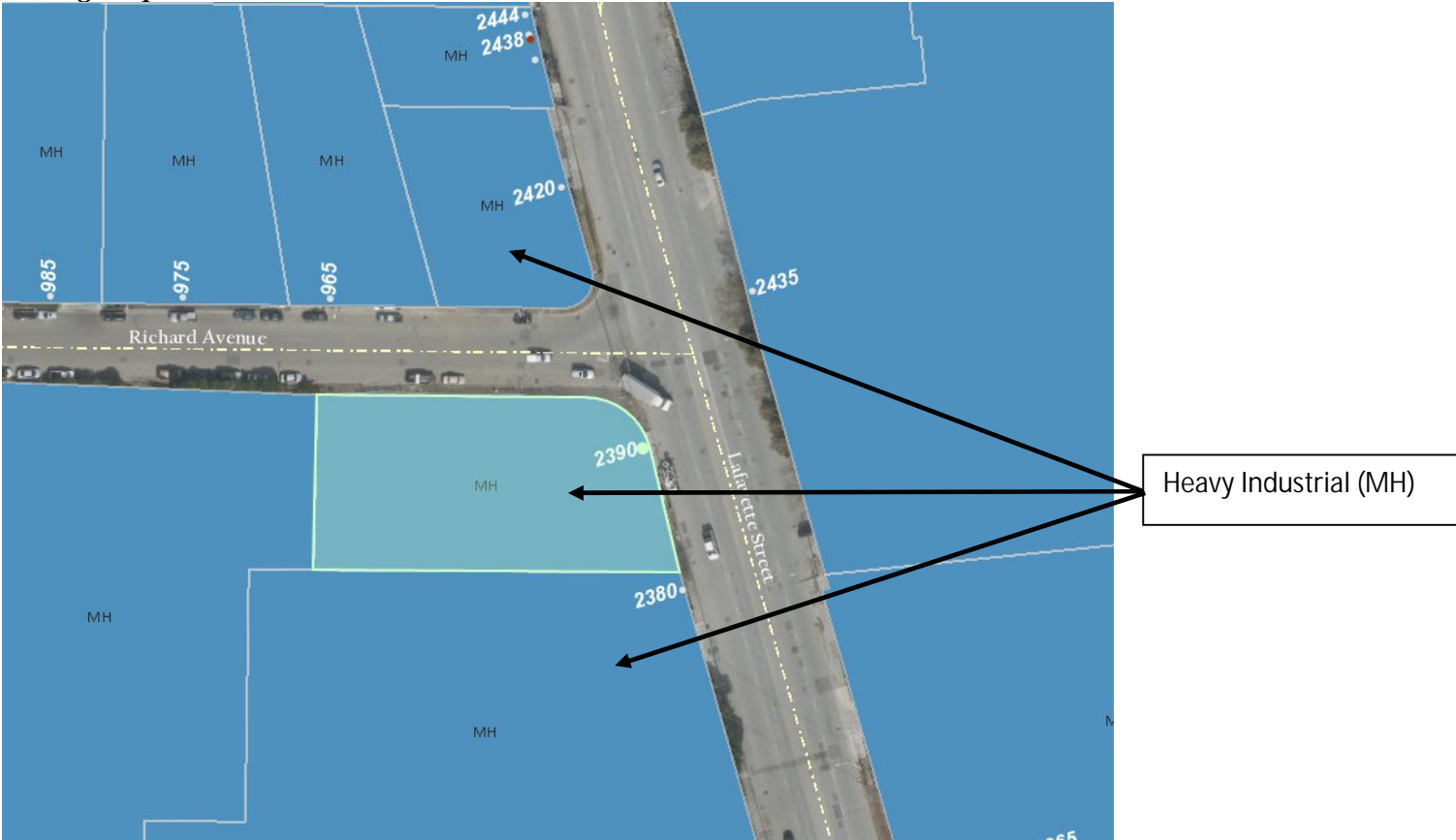
Aerial Map

Project Site

General Plan Map



Zoning Map



Project Description

Avis Budget Car Rental, LLC.

6 Sylvan Way

Parsippany, NJ 07054

CUP Request – 2390 Lafayette Street, Santa Clara, CA 95050

The Avis Budget Group proposes that it will operate a Car Rental office at 2390 Lafayette Street, Santa Clara, CA.

The office will be open 7 days a week, except for various Holiday closures. Office hours will be 8AM to 6PM Monday thru Friday. 9AM to 2PM on Saturday. 9AM to 12 Noon on Sunday. There will be no afterhours drop off allowed.

The location will handle both the Avis and Budget brands. The car rental fleet is the same.

The Location will have Budget Trucks available for Rent ranging from 10 ft. to 24 ft. in size.

The location has parking for 41 cars and 13 trucks on the average.

The location will carry small cars to larger SUV's for rent, depending on demand.

There will be cleaning done in the garage area of the space. Vacuuming of the interior and window cleaning. No washing of vehicles will take place.

Signage will be consistent with the City's current signage guidelines.

There will be no Maintenance work done on site on the rental vehicles. No hazardous Chemicals will be on site.

The location will staffed with 2 -3 employee's depending on business demand.

There will be no signage on any cars in the parking lot.

Avis Budget will install an 8 foot rental counter near the front entrance of the space. There will be no further build out inside the space.

No customer cars will be allowed to park overnight.

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA, APPROVING A USE
PERMIT TO ALLOW A NEW CAR/TRUCK RENTAL FACILITY
FOR THE PROPERTY LOCATED AT 2390 LAFAYETTE
STREET, SANTA CLARA, CA**

PLN2019-1707 (Use Permit)

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

WHEREAS, on January 22, 2019, Francisco Valdes for Avis Budget Group ("Applicant") applied for a Use Permit to allow a new car/truck rental facility located at 2390 Lafayette Street ("Site Location");

WHEREAS, the Site Location is currently zoned Heavy Industrial (MH) and has the General Plan land use designation of Heavy Industrial;

WHEREAS, pursuant to Santa Clara City Code ("SCCC") Section 18.50.040(e), uses that are not permitted by right but that are appropriate for an industrial area, such as lodges and bingo halls, can be conditionally permitted in the MH zoning district, provided that the proposed use and structure would not be objectionable or detrimental to adjacent properties or to the industrial area in general by reason of traffic, parking, noise, inappropriate design or signs, if the Planning Commission approves a Use Permit;

WHEREAS, the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.*, requires a public agency to evaluate the environmental impacts of a proposed project. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15303(c), New Construction or Conversion of Small Structures, in that the project proposes conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The existing commercial building is less than 10,000 square feet and does not involve the use of significant amounts of hazardous substances.

WHEREAS, pursuant to SCCC Section 18.110.040, the Planning Commission cannot grant a Use Permit without first making specific findings related to the effect of the project on health, safety, peace, comfort, and general welfare, based upon substantial evidence in the record;

WHEREAS, on November 5, 2019, the notice of public hearing for the November 13, 2019 meeting date for this item was posted in three conspicuous locations within 300 feet of the Site Location and mailed to all property owners located within 300 feet of the Site Location in accordance with the City Code; and,

WHEREAS, on November 13, 2019, the Planning Commission conducted a public hearing, at which all interested persons were given an opportunity to present evidence and give testimony, both in support of and in opposition to the proposed Use Permit.

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 finds that approving a Use Permit to allow a 5,011 square foot car/truck rental facility at the Site Location, as depicted on Exhibit "Development Plans", attached hereto and incorporated herein by reference, is consistent with the uses contemplated under the Heavy Industrial Zoning District.

3. That the Planning Commission hereby finds as follows:

A. The establishment or operation of the use or building applied for, under the circumstances of the particular case, are essential or desirable to the public convenience or welfare in that the proposal contributes to the variety of service uses available in the industrial area;

B. Said use will not be detrimental to any of the following:

1) The health, safety, peace, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, in that the use is compatible with

the surrounding auto-oriented and commercial properties and is unlikely to adversely impact the adjacent uses;

2) The property or improvements in the neighborhood of such proposed use, in that the proposal utilizes the currently vacant lot, there is no proposed expansion of the building, and the proposed project provides adequate on-site parking;

3) The general welfare of the City, in that the proposed use contributes to the variety of service uses available in the industrial area of the City, provides on-site improvements including new landscaping, and provides sufficient parking to support the proposed use;

C. That said use will not impair the integrity and character of the zoning district, in that no changes are proposed to the exterior of the existing one-story building and the proposed use is compatible with the surrounding land uses; and,

D. That said use is in keeping with the purposes and intent of the Zoning Code, in that a non-industrial use may be conditionally permitted when the use would not be objectionable or detrimental to the adjacent properties in the Heavy Industrial zoning district.

4. That the Planning Commission hereby approves Use Permit PLN2019-13707 to allow a new car/truck rental facility located at 2390 Lafayette Street, subject to the Conditions of Approval and development plans, attached hereto and incorporated herein by this reference.

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
NOVEMBER 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

\\\\SRVFSPROD01\\inter-dept-data\\Datafile\\PLANNING\\2019\\Project Files Active\\PLN2019-13707 2390 Lafayette
Street\\PC\\Resolution approving the Use Permit.doc

CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- C2. Submit plans for final architectural review to the Architectural Committee and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, trash enclosure details, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.
- C3. A complete landscape plan that includes, type, size and location of all plant species shall be required as part of architectural review of the project. Review and approval of the complete landscape plan, including water conservation calculations and irrigation plan shall be required prior to issuance of building permits. Installation of landscaping is required prior to occupancy permits.
- C4. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite, and should be designed and located on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.
- C5. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.

ENGINEERING

- E1. Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.

- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Submit public improvement plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of Subdivision Map and/or issuance of building permits.
- E4. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E5. A backflow preventive device shall be provided for on-site storm drain laterals when an on-site elevation of a pick-up point is more than 6 inches below the lowest top of curb on the fronting street(s). The backflow device shall be located in a private structure outside the street right-of-way and maintained by the property owner.
- E6. Existing non-standard or non-ADA compliant frontage improvements shall be replaced with current City standard frontage improvements as directed by the City Engineer or his designee.
- E7. Sanitary sewer and storm drain mains and laterals shall be outside the drip line of mature trees or ten (10) feet clear of the tree trunk, whichever is greater, to the satisfaction of the Public Works Director.
- E8. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E9. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, if any, through Public Works Department, and pay all appropriate fees, prior to start of construction.
- E10. Dedicate required on-site easements for any new public utilities by means of subdivision map or approved instrument at time of development.
- E11. Entire width of street along the project frontage shall be cape sealed with digouts.
- E12. All proposed sidewalk, walkway, and driveway(s), shall be per ADA compliant City standard.
- E13. Show and comply with City's driveway vision triangle requirements at proposed driveway. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and intersections in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
- E14. Provide a minimum 5' wide sidewalk and planting strip along property frontage.
- E15. Provide ADA walkway connecting the proposed buildings to public sidewalk.
- E16. Provide on-site crane staging area for loading of mechanical unit(s).
- E17. All traffic striping, messages, and symbols shall be thermoplastic.
- E18. For the required bicycle parking spaces, the following numbers are based on VTA Bicycle Technical Guidelines:

Building 1: 35 Class I and 12 Class II bike parking spaces

Building 2: 31 Class I and 11 Class II bike parking spaces

ELECTRICAL

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA

or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.

- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL4. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL5. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- EL6. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL7. If the "legal description" (not "marketing description") of the units is condominium or apartment, then all electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. If they are townhomes or single-family residences, then each unit shall have it's own meter, located on the structure. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL8. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL9. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL10. Any relocation of existing electric facilities shall be at Developer's expense.
- EL11. Electric Load Increase fees may be applicable.
- EL12. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- EL13. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
- EL14. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take

several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.

- EL15. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
- EL16. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publically-owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.
- EL17. Proper clearance must be maintained from all SVP facilities, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- EL18. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.
- EL19. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. *Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.*
- EL20. SVP does not utilize any sub-surface (below grade) devices in it's system. This includes transformers, switches, etc.
- EL21. All interior meter rooms are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space. \
- EL22. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka "real dirt"), and cannot be supported on parking garage ceilings or placed on top of structures.
- EL23. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-615-6620 to facilitate plan review.

WATER

- W1. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project.
- W2. The applicant shall submit a composite utility plan showing all utilities (including electrical) and landscaping (trees/shrubbery) so that the Water Department can verify conflicts for proposed water services. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
- W3. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer

utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).

- W4. Applicant shall submit plans showing proposed water, sanitary sewer, and fire service connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on existing fire service line(s) is prohibited.
- W5. Approved backflow prevention device(s) are required on all potable water services. The applicant shall submit plans showing the location of the approved backflow prevention device(s). Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
- W6. Prior to the issuance of Building Permits, the applicant shall provide documentation of water usage so the Water Division can verify the appropriate size of all proposed water meters. Please note that if the existing water services are incapable of supplying the water needs to the site, the existing services shall be abandoned and new separate dedicated water services shall be provided for each use (domestic and irrigation).
- W7. The applicant must indicate the pipe material and the size of existing water and sewer main(s) on the plans.
- W8. If fire flow information is needed, applicant shall coordinate with Water and Sewer Utilities Department, for fire flow information at (408)615-2000.
- W9. Fire hydrants should be located two feet behind monolithic sidewalk if sidewalk is present; two feet behind face of curb if no sidewalk is present, per City Standard Detail number 18.
- W10. Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.
- W11. Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the on-site public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities.

POLICE

- PD1. A Coded Entry System is required for police access to enclosed parking lots and gated communities. This can be accomplished with a coded key pad system or the Police Department Knox Box key system. We understand security is a prime concern for the tenants of the project, which necessitates some sort of secure building and admittance process. By having either of these secure access systems for law enforcement, it will allow us to better respond to emergency situations should they arise in the development. Examples of these systems can be reviewed at the following projects: 2585 El Camino Real (Coded key pad access) and 3555 Monroe Street (Knox box key access) ****KNOX Box/Coded key pad per building, gated parking garages, pool area etc...***
(Only if gated entrance into lot)

EXISTING BUILDING CONSTRUCTION:	TYPE II-B, 1-STORY BUILDING, NOT SPRINKLERED
OCCUPANCY OF BUILDING:	B (CAR/TRUCK RENTAL)
DESCRIPTION OF USE:	B (CAR/TRUCK RENTAL), NO CHANGE IN USE
LEGAL DESCRIPTION:	COMMERCIAL
DESCRIPTION OF WORK:	PAINT NEW PARKING STRIPS, ACCESSORY PARKING

ARCHITECTURAL
SHEET A1 - SITE PLAN, FLOOR PLANS AND ELEVATIONS

LANDSCAPE
SHEET L-1.0 - LANDSCAPE CONSTRUCTION PLAN
SHEET L-2.0 - LANDSCAPE IRRIGATION PLAN
SHEET L-2.1 - WELD WORKSHEET
SHEET L-3.0 - LANDSCAPE PLANTING PLAN
SHEET L-4.0 - SOIL ANALYSIS REPORT

PARKING REQUIRED:

1 SPACE FOR EVERY 400 S.F. OF FLOOR AREA, AND 1 FOR EVERY 2 EMPLOYEES

2 EMPLOYEES = 1 SPACE

TOTAL = 14 SPACES

50% MAX OF 2 COMPACT (8' x 16')

STANDARD 20' x 10'

PARKING PROVIDED:

REGULAR PARKING = 6 SPACES

COMPACT PARKING = 7 SPACES

VAN ACCESSIBLE PARKING = 1 SPACE

TOTAL PARKING = 14 SPACES

VEHICLE COUNT:

CARS (STD SIZE) = 12 SPACES

CARS (COMPACT) = 15 SPACES

TRUCKS (10' LONG) = 4 SPACES

TRUCKS (11' LONG) = 4 SPACES

TRUCKS (24' LONG) = 5 SPACES

<u>BUILDING / SITE INFORMATION:</u>	
LOT SQUARE FOOTAGE	= 0.64 ACRES (27,612 SQ. FT.)
PERCENTAGE OF LOT COVERAGE	10%
EXISTING BUILDING SQUARE FOOTAGE	= 55,011 SQ. FT.
EXISTING PROPOSED USE	COMMERCIAL (CAR/TRUCK RENTAL FACILITY)
EXISTING LOT VACANT FOR APPROXIMATELY 1 YEAR	
PARKING AREA SQUARE FOOTAGE	= 232,501 SQ. FT.
REQUIRED LANDSCAPING (10% OF PARKING AREA)	= 23,250 SQ. FT.
LANDSCAPING PROVIDED	= 23,319 SQ. FT.

(1) PAINTED STUCCO, COLOR: LIGHT GRAY, TYP.

(2) PAINTED STUCCO, COLOR: DARK GRAY, TYP.

(3) SIGNAGE

(4) EXTERIOR LIGHT FIXTURE

11' 6 3/4"

1' 0 1/2"

1' 0 1/2"

4' 0 1/2"

1' 0 1/2"

(5) EXTERIOR LIGHT FIXTURE

(6) LOCAL SIGNAGE

12" MINIMUM HEIGHT OF 12" COLOR: SMALL CONTRAST BACKGROUND MATERIAL

EXISTING EAST ELEVATION

3 EXISTING EAST ELEVATION
SCALE: 1/8" = 1'-0"

(E) EXTERIOR LIGHT FIXTURE
 (E) PLYWOOD INFILL AT ROLL-UP DOOR OPENING, PAINTED LIGHT GRAY TO MATCH ADJACENT STUCCO
 (E) PAINTED STUCCO, COLOR: LIGHT GRAY, TYP.
 (E) PAINTED STUCCO, COLOR: DARK GRAY, TYP.

12'-0" (Overall Height)
 6'-0" (Section Height)
 6'-0" (Section Height)

4 EXISTING SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

(E) EXTERIOR LIGHT FIXTURE
(E) METAL ROLL-UP DOOR, WHITE
(E) PAINTED STUCCO, COLOR: DARK GRAY, TYPE: TEXTURED
(E) PAINTED STUCCO, COLOR: LIGHT GRAY, TYPE: TEXTURED

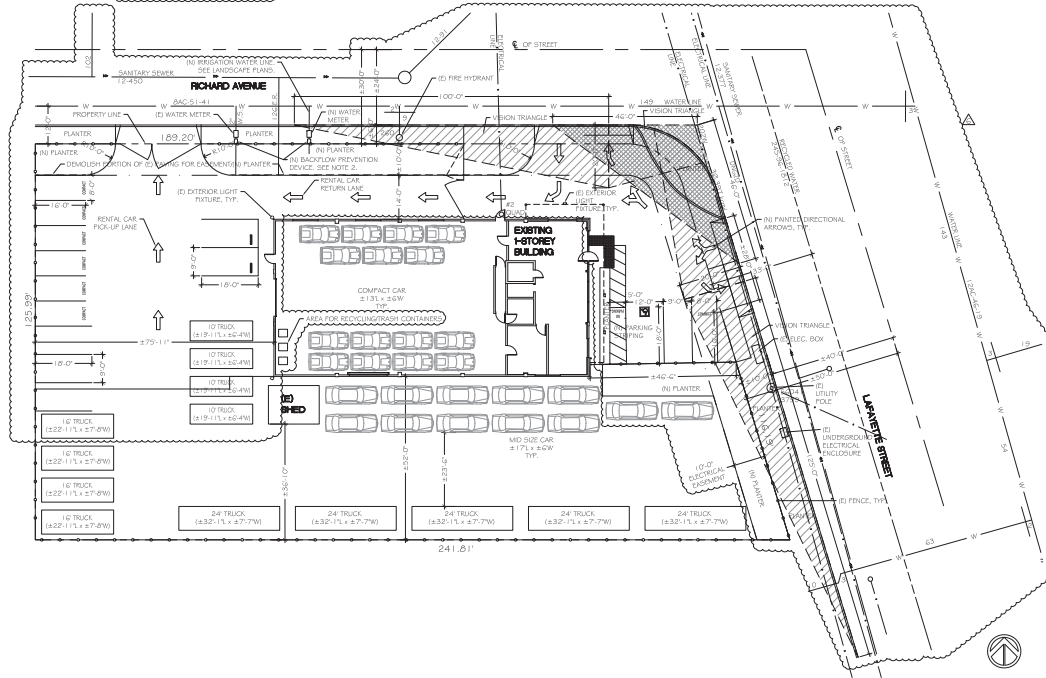
5 EXISTING WEST ELEVATION
SCALE: 1/8" = 1'-0"

Architectural elevation drawing of a building facade. The drawing includes the following callouts and dimensions:

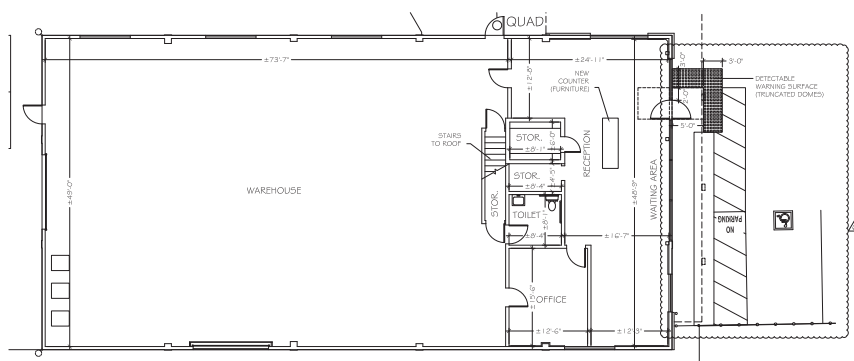
- Callouts:**
 - (2) EXTERIOR LIGHT FIXTURE
 - (1) SIGNAGE
 - (2) PAINTED STUCCO, COLOR: LIGHT GRAY, TYP.
 - (2) PAINTED STUCCO, COLOR: DARK GRAY, TYP.
 - (2) EXTERIOR LIGHT FIXTURE
 - (2) DECAL SIGNAGE
 - (2) STORE WINDOW SIGN
 - PROVIDE IN WALL-MOUNTED LIGHT FIXTURE FOR EXTERIOR DOOR ILLUMINATION.
- Dimensions:**
 - Overall height: 8' 10 1/2"
 - Section 1 height: 4' 2 1/2"
 - Section 2 height: 4' 2 1/2"
 - Section 3 height: 4' 2 1/2"
 - Section 4 height: 4' 2 1/2"
 - Section 5 height: 4' 2 1/2"
 - Section 6 height: 4' 2 1/2"
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6 EXISTING NORTH ELEVATION
SCALE: 1/8" = 1'-0"

1 SITE PLAN
SCALE: 1/16" = 1'-0"



2 FLOOR PLAN
SCALE: 1/8" = 1'-0"

[illegible]

KRJ
Design Group

650.525.3700
11 Twenty-fourth Ave.
San Mateo, CA 94403

AVIS BUDGET CAR/TRUCK RENTAL


2390 LAFAYETTE STREET
SANTA CLARA, CA
95050



PROPOSED PLAN REVIEWED & APPROVED

DATE	
SCALE AS NOTED	DRAWN BY IV
DATE 8/13/18	SD. PT. ± 4,862 USF
FLOOR FIRST	PROJ. NO. KR22390LS

REVISIONS

NO.	DATE/DESCRIPTION	BY
1	8/13/18 - ISSUE FOR REVIEW	FV
2	8/15/18 - UPDATED CLIENT	FV
3	8/16/18 - REDUCED CAR COUNT	FV
4	11/1/18 - ISSUE FOR REVIEW	FV
5	12/11/18 - ISSUE FOR PERMIT	FV
	8/28/19 - REVISIONS PER PCC REVIEW COMMENTS	FV

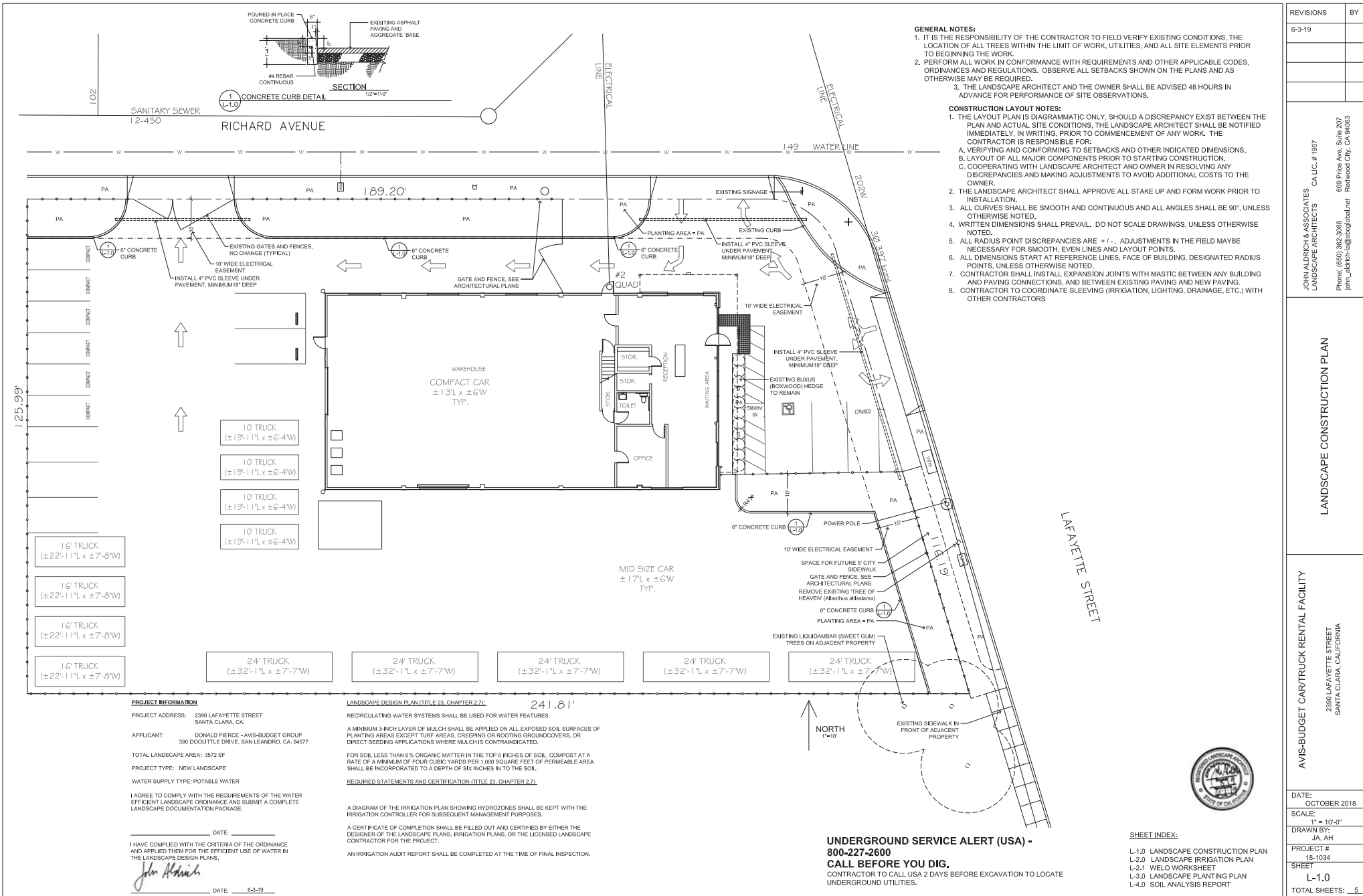
THIS CAD DOCUMENT IS PROPERTY OF JOU DESIGN GROUP, LOCATED AT 11 TWENTY-FOURTH AVE., SALT LAKE CITY, UT. THIS IS FOR JOU INTERNAL USE ONLY. REMOVAL AND/OR DELETION OF THIS NOTICE IS PROHIBITED AND UNLAWFUL. JOU REPRESENTS THAT THIS DOCUMENT IS FOR INTERNAL USE ONLY UNLESS OTHERWISE SPECIFIED. THE INFORMATION HEREIN GATHERED BY JOU STAFF OR REPRESENTED TO BE CORRECT BY ORDER AND/OR AGENT. THE USE OF THIS DOCUMENT IS INTENDED TO BE FOR INTERNAL USE ONLY. NO REFERENCE DOCUMENT. THIS DOCUMENT IS NOT TO BE MODIFIED IN ANY WAY WITHOUT WRITTEN AUTHORIZATION FROM JOU DESIGN GROUP OR ITS SUBSIDIARIES.

WE CANNOT ACCEPT RESPONSIBILITY FOR DIMENSIONS TAKEN FROM BLUEPRINTS SUPPLIED BY CLIENT/ARCHITECT.

ON SITE DIMENSIONS HAVE NOT BEEN TAKEN. VERIFICATION REQUIRED PRIOR TO BLUEPRINT OR ORDER BY.

SHEET NO. A1 1 OF 1 SHEETS

SITE PLAN, FLOOR PLANS AND ELEVATIONS



PROJECT INFORMATION

PROJECT ADDRESS: 2390 LAFAYETTE STREET
SANTA CLARA, CA.
APPLICANT: DONALD PIERCE - AVIS-BUDGET GROUP
390 DOOLITTLE DRIVE, SAN LEANDRO, CA. 94577
TOTAL LANDSCAPE AREA: 3572 SF
PROJECT TYPE: NEW LANDSCAPE
WATER SUPPLY TYPE: POTABLE WATER
I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE WATER
EFFICIENT LANDSCAPE ORDINANCE AND SUBMIT A COMPLETE
LANDSCAPE DOCUMENTATION PACKAGE.

I HAVE COMPLIED WITH THE CRITERIA OF THE ORDINANCE
AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN
THE LANDSCAPE DESIGN PLANS.

DATE: 6-3-19

LANDSCAPE DESIGN PLAN (TITLE 23, CHAPTER 2.7)

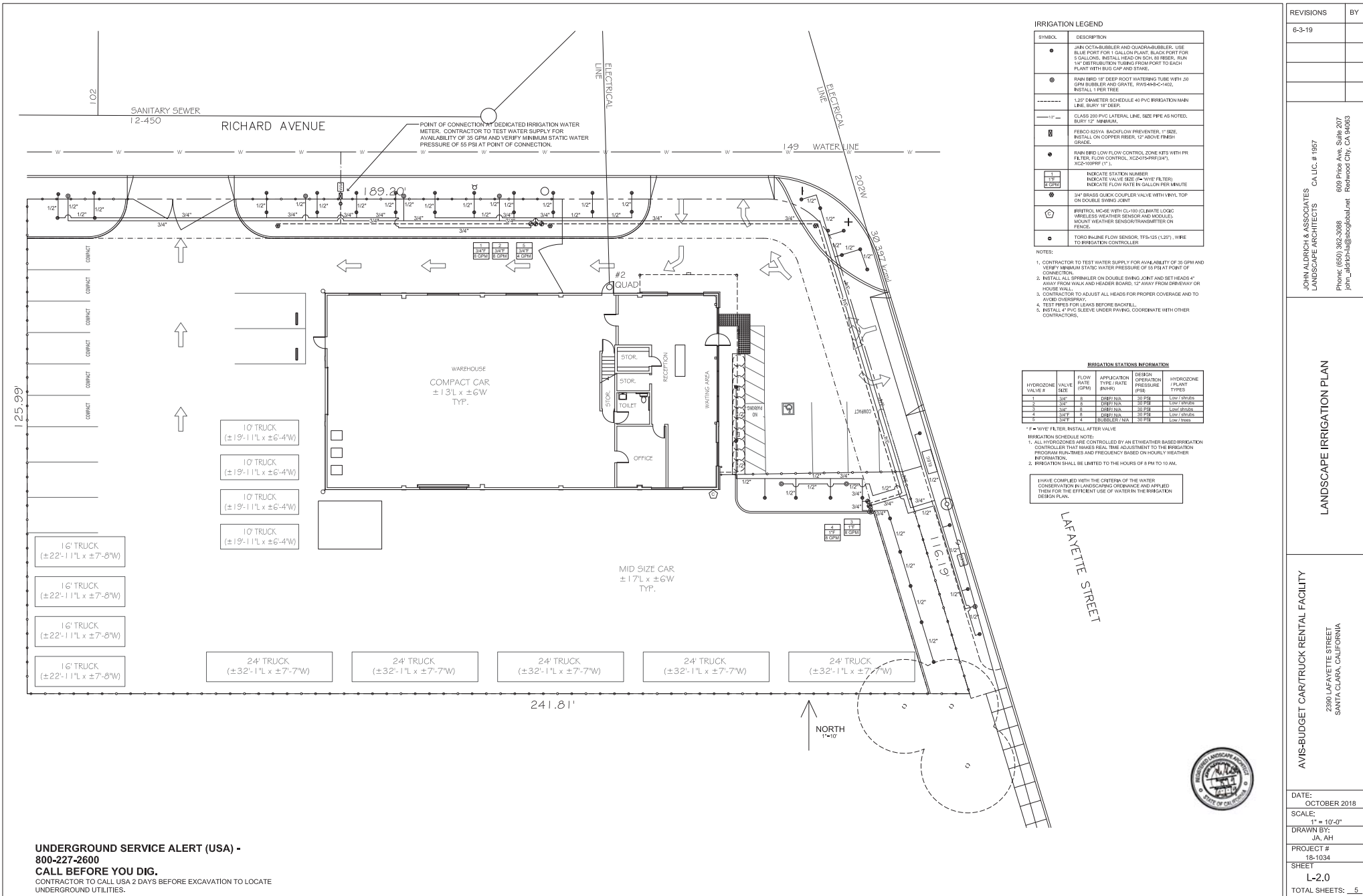
REGRULATING WATER SYSTEMS SHALL BE USED FOR WATER FEATURES
A MINIMUM 3-INCH LAYER OF MULCH SHALL BE APPLIED ON ALL EXPOSED SOIL SURFACES OF
PLANTING AREAS EXCEPT TURF AREAS, CREEPING OR ROOTING GROUNDCOVERS, OR
DIRECT SEEDING APPLICATIONS WHERE MULCH IS CONTRAINDICATED.
FOR SOIL LESS THAN 6% ORGANIC MATTER IN THE TOP 6 INCHES OF SOIL, COMPOST AT A
RATE OF A MINIMUM OF FOUR CUBIC YARDS PER 1,000 SQUARE FEET OF PERMEABLE AREA
SHALL BE INCORPORATED TO A DEPTH OF SIX INCHES IN THE SOIL.
REQUIRED STATEMENTS AND CERTIFICATION (TITLE 23, CHAPTER 2.7)
A DIAGRAM OF THE IRRIGATION PLAN SHOWING HYDROZONES SHALL BE KEPT WITH THE
IRRIGATION CONTROLLER FOR SUBSEQUENT MANAGEMENT PURPOSES.
A CERTIFICATE OF COMPLETION SHALL BE FILLED OUT AND CERTIFIED BY EITHER THE
DESIGNER OF THE LANDSCAPE PLANS, IRRIGATION PLANS, OR THE LICENSED LANDSCAPE
CONTRACTOR FOR THE PROJECT.
AN IRRIGATION AUDIT REPORT SHALL BE COMPLETED AT THE TIME OF FINAL INSPECTION.

**UNDERGROUND SERVICE ALERT (USA) -
800-227-2600
CALL BEFORE YOU DIG.**
CONTRACTOR TO CALL USA 2 DAYS BEFORE EXCAVATION TO LOCATE
UNDERGROUND UTILITIES.

SHEET INDEX:
L-1.0 LANDSCAPE CONSTRUCTION PLAN
L-2.0 LANDSCAPE IRRIGATION PLAN
L-2.1 WELD WORKSHEET
L-3.0 LANDSCAPE PLANTING PLAN
L-4.0 SOIL ANALYSIS REPORT

- GENERAL NOTES:**
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIELD VERIFY EXISTING CONDITIONS, THE LOCATION OF ALL TREES WITHIN THE LIMIT OF WORK, UTILITIES, AND ALL SITE ELEMENTS PRIOR TO BEGINNING THE WORK.
 - PERFORM ALL WORK IN CONFORMANCE WITH REQUIREMENTS AND OTHER APPLICABLE CODES, ORDINANCES AND REGULATIONS. OBSERVE ALL SETBACKS SHOWN ON THE PLANS AND AS OTHERWISE MAY BE REQUIRED.
 - THE LANDSCAPE ARCHITECT AND THE OWNER SHALL BE ADVISED 48 HOURS IN ADVANCE FOR PERFORMANCE OF SITE OBSERVATIONS.
- CONSTRUCTION LAYOUT NOTES:**
- THE LAYOUT PLAN IS DIAGRAMMATIC ONLY. SHOULD A DISCREPANCY EXIST BETWEEN THE PLAN AND ACTUAL SITE CONDITIONS, THE LANDSCAPE ARCHITECT SHALL BE NOTIFIED IMMEDIATELY, IN WRITING, PRIOR TO COMMENCEMENT OF ANY WORK. THE CONTRACTOR IS RESPONSIBLE FOR:
A. VERIFYING AND CONFORMING TO SETBACKS AND OTHER INDICATED DIMENSIONS.
B. LAYOUT OF ALL MAJOR COMPONENTS PRIOR TO STARTING CONSTRUCTION.
C. COOPERATING WITH LANDSCAPE ARCHITECT AND OWNER IN RESOLVING ANY DISCREPANCIES AND MAKING ADJUSTMENTS TO AVOID ADDITIONAL COSTS TO THE OWNER.
 - THE LANDSCAPE ARCHITECT SHALL APPROVE ALL STAKE UP AND FORM WORK PRIOR TO INSTALLATION.
 - ALL CURVES SHALL BE SMOOTH AND CONTINUOUS AND ALL ANGLES SHALL BE 90°, UNLESS OTHERWISE NOTED.
 - WRITTEN DIMENSIONS SHALL PREVAIL. DO NOT SCALE DRAWINGS, UNLESS OTHERWISE NOTED.
 - ALL RADIUS POINT DISCREPANCIES ARE +/- . ADJUSTMENTS IN THE FIELD MAYBE NECESSARY FOR SMOOTH, EVEN LINES AND LAYOUT POINTS.
 - ALL DIMENSIONS START AT REFERENCE LINES, FACE OF BUILDING, DESIGNATED RADIUS POINTS, UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL INSTALL EXPANSION JOINTS WITH MASTIC BETWEEN ANY BUILDING AND PAVING CONNECTIONS, AND BETWEEN EXISTING PAVING AND NEW PAVING.
 - CONTRACTOR TO COORDINATE SLEEVING (IRRIGATION, LIGHTING, DRAINAGE, ETC.) WITH OTHER CONTRACTORS

REVISIONS	BY
6-3-19	
LANDSCAPE CONSTRUCTION PLAN	
AVIS-BUDGET CAR/TRUCK RENTAL FACILITY	
2390 LAFAYETTE STREET SANTA CLARA, CALIFORNIA	
DATE: OCTOBER 2018	
SCALE: 1" = 10'-0"	
DRAWN BY: JA, AH	
PROJECT # 18-1034	
SHEET L-1.0	
TOTAL SHEETS: 5	



IRRIGATION LEGEND	
SYMBOL	DESCRIPTION
●	JANUARY-BUBBLER AND QUAD-BUBBLER. USE BLUE PORT FOR 1 GAL/PLANT. BLACK PORT FOR 5 GALLONS. INSTALL HEAD ON SCH. 40 RISER. RUN 1/2" DISTRIBUTION TUBING FROM PORT TO EACH PLANT WITH BUB CAP AND STAKE.
⊙	RAN BIRD 12" DEEP ROOT WATERING TUBE WITH 20 GPM BUBBLER AND GRATE. RWS-44-C-402. INSTALL 1 PER TREE.
-----	12" DIAMETER SCHEDULE 40 PVC IRRIGATION MAIN LINE. BURY 18" DEEP.
-----	CLASS 200 PVC LATERAL LINE. SIZE PIPE AS NOTED. BURY 12" MINIMUM.
⊞	PERCO 620VA BACKFLOW PREVENTER. 1" SIZE. INSTALL ON COPPER RISER. 12" ABOVE FINISH GRADE.
●	RAN BIRD LOW FLOW CONTROL ZONE KITS WITH PR FILTER FLOW CONTROL. K2000-PR-001V. K2Z-100PRF (1" L).
1 12 1.02PM	INDICATE STATION NUMBER INDICATE VALVE SIZE (W-WYE FILTER) INDICATE FLOW RATE IN GALLON PER MINUTE
⊞	3/4" BRASS QUICK COUPLER VALVE WITH VINYL TOP ON DOUBLE SWING JOINT.
⊞	IRRI-TRON. MC-6E WITH GL-180 CLIMATE LOGIC. WIRELESS WEATHER SENSOR AND MODULE. MOUNT WEATHER SENSOR/TRANSMITTER ON FENCE.
●	TORIO IN-LINE FLOW SENSOR. TFS-125 (1.25"). WIRE TO IRRIGATION CONTROLLER.

- NOTES:
- CONTRACTOR TO TEST WATER SUPPLY FOR AVAILABILITY OF 35 GPM AND VERIFY MINIMUM STATIC WATER PRESSURE OF 55 PSI AT POINT OF CONNECTION.
 - INSTALL ALL SPRINKLER OR DOUBLE SWING JOINT AND SET HEADS 4" AWAY FROM WALK AND HEADER BOARD, 12" AWAY FROM DRIVEWAY OR HOUSE WALL.
 - CONTRACTOR TO ADJUST ALL HEADS FOR PROPER COVERAGE AND TO AVOID OVERSPRAY.
 - TEST PIPES FOR LEAKS BEFORE BACKFILL.
 - INSTALL 4" PVC SLEEVE UNDER PAVING. COORDINATE WITH OTHER CONTRACTORS.

IRRIGATION STATIONS INFORMATION					
HYDROZONE VALVE #	VALVE SIZE	FLOW RATE (GPM)	APPLICATION TYPE / RATE (GPM)	DESIGN OPERATION PRESSURE (PSI)	HYDROZONE / PLANT TYPES
1	3/4"	5	DEPT. N/A	30 PSI	LOW / TREES
2	3/4"	5	DEPT. N/A	30 PSI	LOW / TREES
3	3/4"	5	DEPT. N/A	30 PSI	LOW / TREES
4	3/4"	5	DEPT. N/A	30 PSI	LOW / TREES
5	3/4"	5	DEPT. N/A	30 PSI	LOW / TREES

- 1" = WYE FILTER. INSTALL AFTER VALVE
- IRRIGATION SCHEDULE NOTE:
- ALL HYDROZONES ARE CONTROLLED BY AN ET/WEATHER BASED IRRIGATION CONTROLLER THAT MAKES REAL TIME ADJUSTMENT TO THE IRRIGATION PROGRAM RUNTIMES AND FREQUENCY BASED ON HOURLY WEATHER INFORMATION.
 - IRRIGATION SHALL BE LIMITED TO THE HOURS OF 8 PM TO 10 AM.
- HAVE COMPLIED WITH THE CRITERIA OF THE WATER CONSERVATION IN LANDSCAPING ORDINANCE AND APPLIED THEM FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION DESIGN PLAN.

UNDERGROUND SERVICE ALERT (USA) - 800-227-2600
CALL BEFORE YOU DIG.
CONTRACTOR TO CALL USA 2 DAYS BEFORE EXCAVATION TO LOCATE UNDERGROUND UTILITIES.

REVISIONS

BY

6-3-19

JOHN ALDRICH & ASSOCIATES
LANDSCAPE ARCHITECTS

CALIC. # 1857

600 Pico Ave. Suite 207
Redwood City, CA 94063
Phone: (650) 362-3088
jalm@aldrich-land.com

LANDSCAPE IRRIGATION PLAN

AVIS-BUDGET CAR/TRUCK RENTAL FACILITY

2380 LAFAYETTE STREET
SANTA CLARA, CALIFORNIA

DATED:

OCTOBER 2018

SCALE:

1" = 10'-0"

DRAWN BY:

JA, AH

PROJECT #

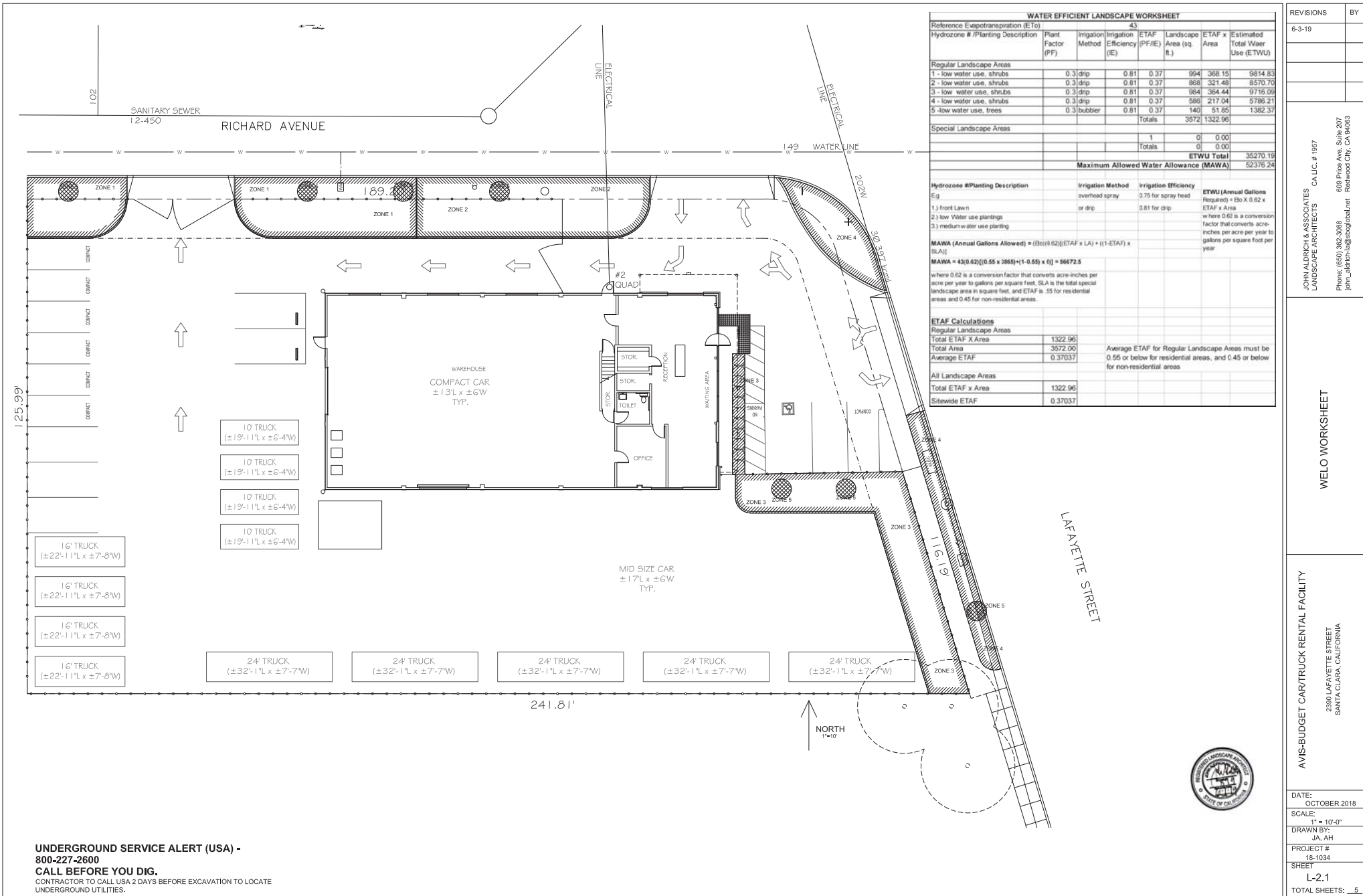
18-1034

SHEET

L-2.0

TOTAL SHEETS:

5



UNDERGROUND SERVICE ALERT (USA) - 800-227-2600
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CONTRACTOR TO CALL USA 2 DAYS BEFORE EXCAVATION TO LOCATE UNDERGROUND UTILITIES.

REVISIONS

BY

6-3-19

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jalm@aldrich-land.com

AVIS-BUDGET CAR/TRUCK RENTAL FACILITY

2380 LAFAYETTE STREET
SANTA CLARA, CALIFORNIA

DATE: OCTOBER 2018

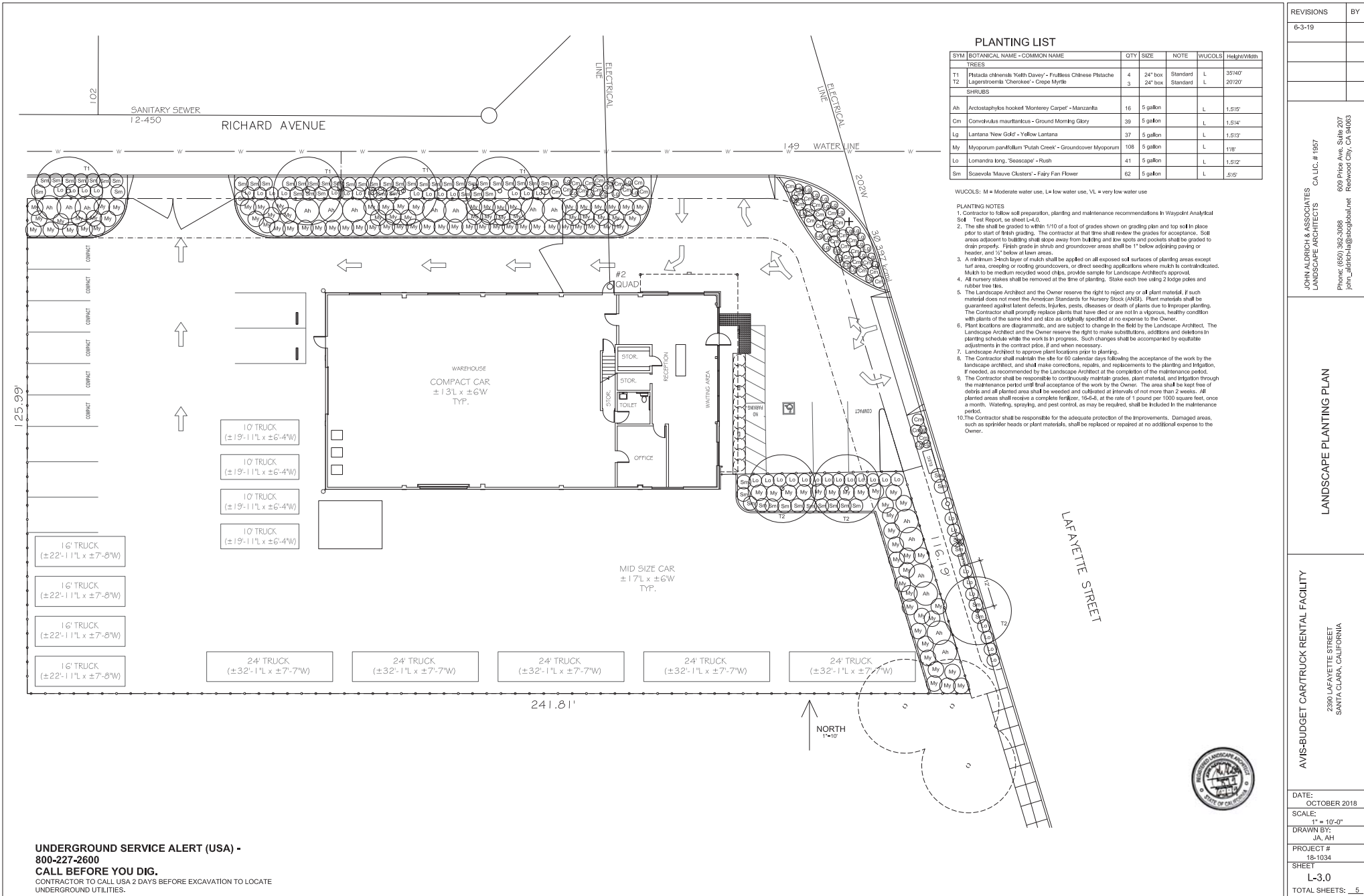
SCALE: 1" = 10'-0"

DRAWN BY: JA, AH

PROJECT # 18-1034

SHEET L-2.1

TOTAL SHEETS: 5



PLANTING LIST

SYM	BOTANICAL NAME - COMMON NAME	QTY	SIZE	NOTE	WUCOLS	Height/Width
TREES						
T1	Platanus chinensis 'Kath Dawey' - Fruitless Chinese Platanus	4	24" box	Standard	L	35/40'
T2	Lagerstroemia 'Charles' - Crape Myrtle	3	24" box	Standard	L	20/20'
SHRUBS						
Ah	Arctostaphylos hookeri 'Monterey Carpet' - Manzanita	16	5 gallon		L	1.5/1.5'
Cm	Convolvulus mauritanicus - Ground Morning Glory	39	5 gallon		L	1.5/1.4'
Lg	Lantana 'New Gold' - Yellow Lantana	37	5 gallon		L	1.5/1.3'
My	Mycosporum parvifolium 'Pulch Creek' - Groundcover Myosporum	108	5 gallon		L	1/8"
Lo	Lomandra long, 'Seascape' - Rush	41	5 gallon		L	1.5/1.2'
Sm	Scoevola 'Maui Clusters' - Fairy Fan Flower	62	5 gallon		L	1.5/1.5'

WUCOLS: M = Moderate water use, L = low water use, VL = very low water use

- PLANTING NOTES
- Contractor to follow soil preparation, planting and maintenance recommendations in Waypoint Analytical Soil Test Report, see sheet L-4.0.
 - The site shall be graded to within 1/10 of a foot of grades shown on grading plan and top soil in place prior to start of finish grading. The contractor at that time shall review the grades for acceptance. Soil areas adjacent to building shall slope away from building and low spots and pockets shall be graded to drain properly. Finish grade in shrub and groundcover areas shall be 1" below adjoining paving or header, and 1/2" below at lawn areas.
 - A minimum 3-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. Mulch to be medium recycled wood chips, provide sample for Landscape Architect's approval.
 - All nursery stakes shall be removed at the time of planting. Stake each tree using 2 lodge poles and rubber tree ties.
 - The Landscape Architect and the Owner reserve the right to reject any or all plant material, if such material does not meet the American Standards for Nursery Stock (ANSI). Plant materials shall be guaranteed against latent defects, injuries, pests, diseases or death of plants due to improper planting. The Contractor shall promptly replace plants that have died or are not in a vigorous, healthy condition with plants of the same kind and size as originally specified at no expense to the Owner.
 - Plant locations are diagrammatic, and are subject to change in the field by the Landscape Architect. The Landscape Architect and the Owner reserve the right to make substitutions, additions and deletions in planting schedule while the work is in progress. Such changes shall be accompanied by equitable adjustments in the contract price, if and when necessary.
 - Landscape Architect to approve plant locations prior to planting.
 - The Contractor shall maintain the site for 60 calendar days following the acceptance of the work by the landscape architect, and shall make corrections, repairs, and replacements to the planting and irrigation, if needed, as recommended by the Landscape Architect at the completion of the maintenance period.
 - The Contractor shall be responsible to continuously maintain grades, plant material, and irrigation through the maintenance period until final acceptance of the work by the Owner. The area shall be kept free of debris and all planted areas shall be weeded and cultivated at intervals of not more than 2 weeks. All planted areas shall receive a complete fertilizer, 16-4-8, at the rate of 1 pound per 1000 square feet, once a month. Weeding, spraying, and pest control, as may be required, shall be included in the maintenance period.
 - The Contractor shall be responsible for the adequate protection of the improvements. Damaged areas, such as sprinkler heads or plant materials, shall be replaced or repaired at no additional expense to the Owner.

REVISIONS

BY

6-3-19

JOHN ALDRICH & ASSOCIATES
LANDSCAPE ARCHITECTS

CALIC. # 1857

600 Pico Ave, Suite 207
Redwood City, CA 94063
Phone: (650) 362-3088
jalm@aldrich-associates.com

LANDSCAPE PLANTING PLAN

AVIS-BUDGET CAR/TRUCK RENTAL FACILITY

2380 LAFAYETTE STREET
SANTA CLARA, CALIFORNIA

DRAWN BY:

JA, AH

PROJECT #

18-1034

SHEET

L-3.0

TOTAL SHEETS:

5

DATE:

OCTOBER 2018

SCALE:

1" = 10'-0"

UNDERGROUND SERVICE ALERT (USA) -
800-227-2600
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CONTRACTOR TO CALL USA 2 DAYS BEFORE EXCAVATION TO LOCATE
UNDERGROUND UTILITIES.



San Jose Office
October 23, 2018
Report 18-283-0181

John Aldrich & Associates Landscape Architects
609 Price Ave. Suite 207
Redwood City CA 94063

Attn: John Aldrich

RE: 2380 Lafayette Ave, Santa Clara, Job # 2018-1034

Background

One sample was processed on October 10, 2018 identified as site soil from a depth of 6 inches from an area where new landscaping is scheduled for installation. Fertilizer and amendment recommendations were requested. The sample was analyzed for horticultural suitability, fertility, and physical characteristics. The results of the analyses are attached.

Analytical Results and Comments

The reaction of the sample is slightly alkaline at a pH of 7.1 with qualitative lime favorably low. This is within the range preferred for most plants.

Solubility (EC), sodium and boron are safely low. The sodium adsorption ratio (SAR) indicates that sodium is adequately balanced by soluble calcium and magnesium; this balance is important for soil structure quality, which relates to the rate at which water infiltrates the soil.

According to the USDA Soil Classification system, the texture of the less than 2mm fraction of the soil is classified as loam. Organic matter content is moderate at 4.0% dry weight. The 30.2% gravel present classifies this material as gravelly. Based on this information the estimated infiltration rate is moderate at 0.22 inch per hour. Infiltration rates may vary due to differences in compaction across the site.

In terms of soil fertility, all of the major nutrients are sufficient for proper plant nutrition at this time. Of the micronutrients, copper, zinc and magnesium are sufficient to abundant and iron is low. After planting, nitrogen is the first nutrient that will require supplementing and this should be applied as plant color and growth dictates as recommended under Maintenance.

Recommendations

Incorporation of a nitrogen stabilized organic amendment or composted greenwaste product is recommended in order to improve soil nutrient holding capacity and porosity. If a composted greenwaste amendment is chosen, that would provide additional phosphorus and potassium as well as supplemental micronutrients, product dependent.

The primary symptom of iron deficiencies is a general yellowing of leaves with veins remaining green. In severe cases, leaves may become pale yellow or whitish, but veins remain green. Brown spots may develop between veins and leaf margins may turn brown. Iron deficiency shows first and more severely on the newer growth at branch tips. If these symptoms are present after plant installation they may be treated with an application of a chelated micronutrient product at the manufacturer's recommended rate.

1101 S Winchester Blvd., Ste. G-173 San Jose, CA 95128
(408) 727-0330 • (408) 727-5125 fax
www.waypointanalytical.com

Page 1 of 4



John Aldrich & Associates Landscape Architects
Report 18-283-0181

Incorporation of a composted greenwaste amendment would also provide additional micronutrients and may be sufficient to negate any deficiency, product dependent.

To Prepare for Mass Planting:

Drainage of the root zone should be improved by first loosening the top 10 inches of any undisturbed or compacted soil. The following materials should then be evenly spread and thoroughly blended with the top 6 inches of soil to form a homogeneous layer:

Amount per 1000 Square Feet
3 cubic yards Nitrogen Stabilized Organic Amendment*

*The rate may change based on the analysis of the chosen organic amendment. This rate is based on 270 lbs of dry weight of organic matter per cubic yard of amendment.

For all turf areas the organic amendment should be decreased by half.

To Prepare Backfill For Trees and Shrubs:

- Excavate planting pits at least twice as wide as the diameter of the rootball.
- Soil immediately below the root ball should be left undisturbed to provide support but the sides and the bottom around the side should be cultivated to improve porosity.
- The top of the rootball should be at or slightly above final grade.
- The top 12 inches of backfill around the sides of the rootball if trees and shrubs may consist of the above amended soil or may be prepared as follows:

5 parts Site Soil
1 part Nitrogen Stabilized Organic Amendment*

- Backfill below 12 inches required for 24 inch box or larger material should not contain the organic amendment.
- Ideally a weed and turf free zone should be maintained just beyond the diameter of the planting hole. A 2-4 inch deep layer of coarse mulch can be placed around the tree or shrub. Mulch should be kept a minimum 4 inches from the trunk.
- Long-term or new plantings should take into consideration the differing texture of the rootball substrate and surrounding soil matrix to maintain adequate moisture during this critical period of establishment.

Maintenance

For turf areas, new soil should receive a light fertilization 2 weeks after planting with 11-6-8 applied at a rate of 4 pounds per 1000 square feet. For turf from seed this application should be after the first mowing. The area may then be maintained with primarily a nitrogen program of applying 5 pounds of ammonium sulfate (21-0-0) per 1000 square feet. Treatment should be at 45 to 60 day intervals until the turf becomes well established. Once the turf is well established, the frequency of fertilization should be decreased depending on color and rate of growth desired. In the spring and fall substitute a complete fertilizer such as 15-15-15 to help insure continuing adequate phosphorus and potassium.

Maintenance fertilization for other areas should rely primarily on a nitrogen only program supplemented with a complete fertilizer in the fall and spring. You may begin applying Ammonium Sulfate (21-0-0) at a

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Page 2 of 4



John Aldrich & Associates Landscape Architects
Report 18-283-0181

rate of 5 pounds per 1000 square feet beginning after planting as plant color and growth dictates with re-fertilization every 45-60 days. Alternatively, slow release Sulfur Coated Urea (43-0-0) may be applied at a 5 pound rate with re-fertilization scheduled at 3 month intervals. Once the landscape has become well established the frequency of fertilization should be decreased depending on color and rate of growth desired. In the spring and fall substitute a complete fertilizer such as 16-6-8 to help insure continuing adequate phosphorus and potassium.

Alternatively, Blood Meal (12-0-0) provides available nitrogen fairly rapidly while materials such as Feather Meal (12-0-0), Soybean or Cotton Seed Meal (7-1-1) are slower to provide available nitrogen, but they extend the length of time they make this contribution. In order to provide a good supply of nitrogen for a 3-4 month time frame a good combination would be 6 pounds Blood Meal and 14 pounds Feather Meal per 1000 square feet. In the fall and spring, substitute a complete organic fertilizer such as 5-5-5 applied at the manufacturer's label rate. Or, nutrient rich composted greenwaste may be spread in a 1 to 2 inch layer, which generally carries enough nutrient to boost complete nutrition though a source of nitrogen might also be added at a half rate to assure adequate nitrogen availability.

If we can be of any further assistance, please feel free to contact us.

Ammonia Luthfiel

Ammonia Luthfiel
aluthfiel@waypointanalytical.com

Emailled 4 Pages: john_aldrich@bahhobobal.net

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Page 3 of 4

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609 Price Ave Suite 207
Redwood City CA 94063



4081 East Hunter Ave, Suite A
Austin, CA 78707
Main 714-382-8777 Fax 714-382-8575
www.waypointanalytical.com

Project: 2380 Lafayette Ave
Santa Clara
Job #2018-1034

COMPREHENSIVE SOIL ANALYSIS

Report No: 18-283-0181
Purchase Order
Date Recd: 10/10/2018
Date Printed: 10/23/2018
Page: 1 of 1

Sample Description - Sample ID		Hard Soil %	pH	ECe	NO ₃ -N	NH ₄ -N	PO ₄ -P	K	Ca	Mg	Cu	Zn	Mn	Fe	Organic % dry wt.	Lab No.
TCC		Qual	Lime	dB/cm	ppm	ppm	ppm	ppm	ppm	ppm	ppm	ppm	ppm	ppm		
Site Soil 1"		18	7.1	2.2	38	28	24	177	2078	288	3.3	34.0	15	31		28729
130		None			1.5	1.1	1.1	1.1	5.9	2.1	2.2	1.0	0.2		4.9	28729

Sulfation Extract Values										Percent of Sample Passing 1 mm Screen							Lab No.
Ca	Mg	Na	K	B	SO ₄	SAR	Gravel %	Coarse	Fine	Very Coarse	Coarse	Med. to Very Fine	Silt	Clay	USDA Soil Classification		
mm/L	mm/L	mm/L	mm/L	mm/L	mm/L		5-12	2-5	1-2	0.5-1	0.05-0.5	0.005-0.05	0-0.005	0-0.005			
17.8	4.2	1.4	0.5	0.05	0.5	0.5	10.5	17.9	15.4	10.5	30.7	39.8	20.7		Gravelly Loam		28729

Sufficiency factor (f) = sufficient for average crop below each nutrient value. % factor based on 200 ppm constant base. SAR = Sodium adsorption ratio. Hard Sulfation % = organic field moisture capacity. Nitrogen (%), Phosphorus (%), Potassium (%), and Magnesium (%) by sodium chloride extraction. Phosphorus (ppm) by sodium chloride extraction. Calcium (%), Potassium (%), Magnesium (%) by sodium chloride extraction. All soil nutrient test results (ECe or dB/cm, pH, Sulfation (%), Sodium (ppm), Sulfation (ppm)) are percent by weight of oven-dried sample (passing a 10 mesh 1.4 mm) sieve. * Plastic Jars in red boxes. Organic percentage determined by Walkley Black or Loss on Ignition.

100% = sufficient 100% = sufficient Page 1 of 4

REVISIONS	BY
6-3-19	
JOHN ALDRICH & ASSOCIATES LANDSCAPE ARCHITECTS CALIC # 1857 609 Price Ave. Suite 207 Redwood City, CA 94063 Phone: (650) 392-3088 jalm_luthfiel@bahhobobal.net	
SOIL ANALYSIS REPORT	
AVIS-BUDGET CAR/TRUCK RENTAL FACILITY 2380 LAFAYETTE STREET SANTA CLARA, CALIFORNIA	
DATE: OCTOBER 2018 SCALE: 1" = 10'-0" DRAWN BY: JA, AH PROJECT # 18-1034 SHEET L-4.0 TOTAL SHEETS: 5	



Agenda Report

19-1136

Agenda Date: 11/13/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on Appeal of Architectural Committee Adoption of a Mitigated Negative Declaration and Approval of a Data Center Project Located at 2175 Martin Avenue

BACKGROUND

At a publicly noticed meeting on September 18, 2019, the Architectural Committee adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP) and approved architectural review of a data center at 2175 Martin Avenue (CEQ2019-01071 and PLN2019-13745) following public testimony and deliberation. The proposed project is for a new three-story, approximately 80,000 square foot data center building, with 6 back-up diesel generators, surface parking, landscaping and site improvements on a 1.68-acre project site. The project includes the demolition of the existing 31,500 square foot one-story industrial building and the removal of surface paving and existing landscaping prior to project construction.

Prior to the Architectural Committee hearing, the City distributed the MND for a twenty-day review period, as required by the California Environmental Quality Act (CEQA). During that review period, the City received four comment letters, two of which provided substantive comments. One of the two letters was from Andrew J. Graf, Esq., of the law firm Adams Broadwell Joseph & Cardozo, which represents an association of labor unions and individuals called "Santa Clara Citizens for Sensible Industry." The other letter was from Sudhanshu Jain. A response to comments was prepared and included in the Architectural review packet to the Architectural Committee. A response to all the comments received on the MND was provided and is included as *Attachment 1* for the Project's CEQA link to Responses to Comments (RTC) Received on the MND.

On September 25, 2019, Adams Broadwell Joseph & Cardozo filed an appeal of the Architectural Committee's approval of the data center (PLN2019-14132). The appeal form is provided as *Attachment 5*.

The Staff Report for the Architectural Committee meeting of September 18, 2019 is provided as *Attachment 2* and the Development Plan is included as *Attachment 10*.

DISCUSSION

During the September 18, 2019 Architectural Committee meeting, Aaron Messing of Adams Broadwell Joseph & Cardozo reiterated the comments previously submitted regarding the MND. In his comments, Mr. Messing requested the preparation of an Environmental Impact Report (EIR) and that the Architectural Committee disapprove the MND and deny the Architectural application. The comments included claims that the proposed project could result in potentially significant impacts to air quality, land use, energy and biological resources. Some of the major comments claimed there was insufficient analysis of special-status species in the vicinity, deficiencies in the cumulative

analysis of energy impacts, underestimation of the project's diesel particulate matter (DPM) emissions and potential health risks, and inadequate mitigations for impacts to biological resources, and inconsistency with the City's General Plan. The letter also asked the Architectural Committee to disapprove the project, asserting that the Committee could not make the necessary findings for architectural approval of the project based on the alleged General Plan inconsistency.

In response, City staff and the applicant, represented by Alexander Merritt from the law firm Sheppard Mullin, advised the Committee that Mr. Messing had not raised any new issues than those in the previously submitted comment letter, and that these comments were thoroughly addressed by the City in the Response to Comments (*Attachment 1* for the Project's CEQA link to Responses to Comments (RTC) Received on the MND).

The discussion and rebuttal of the comments are provided in the Excerpt Architectural Committee Meeting Minutes in *Attachment 3*. Following receipt of the testimony, the Committee deliberated and adopted the MND and MMRP and approved the Architectural review of the project with the added condition that the Applicant would work with the staff to further enhance the architecture of the proposed building and subject to conditions of approval established by the City's Project Clearance Committee (*Attachment 9*).

On September 25, 2019, Adams Broadwell Joseph & Cardozo, on behalf of SCCSI, filed an appeal within the seven-day appeal period of the Architectural Committee's action on the project. The Appeal includes largely the same comments that were expressed in both the comment letter submitted on August 26, 2019 during the MND 20-day comment period and comments made to the Architectural Committee on September 18, 2019, for which responses have been provided (*See Attachment 1 for the Project's CEQA link to Responses to Comments (RTC) Received on the MND*). The appeal repeats the claim that there is insufficient evidence to approve the project and asserts the need for further environmental analysis and the preparation of an EIR.

A Response to Comments received on the MND and RTC as part of Appeal has been prepared and is provided as *Attachment 6*.

The City's position is that the MND and MMRP conform to the requirements of CEQA and that no further environmental analysis is required. Denial of the appeal and action to uphold the Architectural Committee actions to adopt the MND and MMRP and approval of the architectural application for the project implement the purpose and intent of the City's General Plan and conform to the Zoning Ordinance. The proposed data center project is a permitted use under the Low-Intensity Office/ Research and Development (R&D) land use designation and Light Industrial (ML) zoning designation for the project site. The project involves investment in the development of a Class A building structure and site improvements that would enhance the streetscape and increase property values by replacing derelict buildings, asphalt surface parking areas, and minimal landscaping on the site. The project provides adequate on-site parking and would not appreciably increase traffic congestion or hazards as a data center use is a low employee density project and vehicle trip generating use. The project furthermore is in keeping with the scale and character of new development of data centers in the industrial sector.

ENVIRONMENTAL REVIEW

An MND was prepared for the project by the environmental consultant firm ICF, in accordance with the California Environmental Quality Act (CEQA). The MND and Notice of Availability were posted on

the City's website at

<http://santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/339/3649>, on August 5, 2019 and circulated for 20-day review from August 5, 2019 to August 26, 2019, in accordance with CEQA requirements. The Planning Department received agency comments in response to the MND from the Santa Clara Valley Water District, VTA, Adams Broadwell Joseph & Cardozo and Mr. Sudhanshu Jain. Responses to comments received on the MND during the 20-day review period were prepared and are provided as Attachment 1.

The MND examined environmental impacts associated with project development and identified potentially significant air quality, cultural resources, tribal resources, biological resources, geology and soils, hazardous materials, and noise impacts that with incorporation of mitigation measures identified in the MND and MMRP would reduce the potentially significant impacts to less than significant. A detailed discussion of the potential impacts and mitigation measures to be applied to the project are specified in the MND and would be implemented through project conditions of approval and the MMRP for the project. The MND, responses to comments received on the MND, and the MMRP are posted on the City's website at:

<http://santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/339/3649>

FISCAL IMPACT

There is no impact to the City for processing the appeal application other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

On November 1, 2019, the notice of the public hearing for this item was posted in three conspicuous locations within 300 feet of the project site. On November 5, 2019, the notice was mailed to property owners within 500 feet of the project site. At the time of this staff report, the Planning Division has not received any public comments for this appeal.

ALTERNATIVES

1. Adopt a resolution to deny the appeal and uphold the Architectural Committee's adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2. Adopt a resolution to deny the appeal and uphold the Architectural Committee's approval of the data center project located at 2175 Martin Avenue, subject to conditions.
3. Approve the appeal and overturn the Architectural Committee's adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
4. Approve the appeal and overturn the Architectural Committee's approval of the data center project located at 2175 Martin Avenue, subject to conditions.

RECOMMENDATION

Alternatives 1 and 2:

1. Adopt a resolution to deny the appeal and uphold the Architectural Committee's adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
2. Adopt a resolution to deny the appeal and uphold the Architectural Committee's approval of the data center project located at 2175 Martin Avenue, subject to conditions.

Reviewed by: Alexander Abbe, Assistant City Attorney

Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

1. Mitigated Negative Declaration (MND), Mitigation Monitoring and Reporting Program (MMRP), and Response to Comments (RTC) Received on the MND
2. Architectural Committee Staff Report of September 18, 2019
3. Excerpt Architectural Committee Meeting Minutes of September 18, 2019
4. Adams Broadwell Joseph & Cardozo Comment Letter of August 26, 2019
5. Appeal of the Architectural Committee's Action of September 18, 2019
6. Response to Comments on the Appeal
7. Resolution to Deny the Appeal and Uphold the Architectural Review Committee's Adoption of the MND and MMRP
8. Resolution to Deny the Appeal and Uphold the Architectural Committee's Approval of the Data Center Project
9. Conditions of Approval
10. Development Plan

ATTACHMENT #1

**Mitigated Negative Declaration,
Mitigation Monitoring and Reporting Program,
and
Response to Comments Received on the Mitigated Negative Declaration -
September 2019**

**[http://santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/
339/3649](http://santaclaraca.gov/Home/Components/BusinessDirectory/BusinessDirectory/339/3649)**



Meeting Date: September 18, 2019

File No.(s): PLN2019-13745

Location: **2175 Martin Avenue**, a 1.68 acre site located on the north and east of Martin Avenue, approximately 775 feet west of Scott Boulevard; APN: 224-10-115; property is zoned Light Industrial (ML).

Applicant: Scott Rynders, LVP Martin Avenue Associates

Owner: LVP Martin Avenue Associates

Request: Adoption of a **Mitigated Negative Declaration; Architectural Review** Architectural Review to allow construction of a new approximately 80,000 square foot 3-story (69'-9" high) data center building. The project includes demolition of the existing 31,500 square foot one-story office/warehouse building.

CEQA Determination: IS/MND

Project Planner: Nimisha Agrawal, Assistant Planner I

Staff Recommendation: **Approve**, subject to conditions

Project Data

Lot Size: 1.68 acre	73,386 sf			
	Existing Floor Area (sq.ft.)	Demolish (sq.ft.)	Addition (sq.ft.)	Proposed Floor Area (sq.ft.)
Gross Floor Area	31,500	31,500	79,356	79,356
Lot Coverage	31,500/73,386 = 42.9 %			26,452/73,386 = 36 %
F.A.R.	.4			1.08
Parking	80 spaces			20 spaces

Points for consideration for the Architectural Committee

Mitigated Negative Declaration

- The project proposes to demolish an existing one-story office/warehouse building and associated surface parking, and constructs a new three-story, approximately 80,000 square foot datacenter building and a paved surface parking lot.
- A Mitigated Negative Declaration (MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). The MND and Notice of Availability were posted on the City's website at www.santaclaraca.gov/ceqa and circulated for 20-day review on August 6, 2019 and closed on August 26, 2019, in accordance with CEQA requirements.
- The MND identified potentially significant quality, cultural resources, tribal resources, biological resources, geology and soils, hazards and hazardous material, and noise impacts with project development that with implementation of mitigation measures identified in the MND and Mitigation Monitoring and Reporting Program (MMRP) would reduce the potentially significant impacts to less than significant.
- The Planning Division received agency and public comment letters in response to the MND from the Valley Water, VTA, Adams Broadwell Joseph & Mr. Suds Jain. Responses to comments received on the MND are being prepared at the time of preparation of this report and will be posted on the City's website and available for the Committee's review before the meeting.
- The Architectural Committee will need to make the determination that the project will not have a significant effect on the environment, that mitigation measures will be made a condition of the

approval of the project and adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting proposed for this project.

Building Design

- The project site is currently designated Low Intensity Office/R&D in the City of Santa Clara 2010-2035 General Plan (General Plan) and is zoned Light Industrial (ML). The proposed use is consistent with the General Plan and zoning designations for the property.
- The proposed FAR for the project is 1.08, exceeding the base FAR of 1.0 set by the City of Santa Clara General Plan. However, it is within the 20 percent FAR increase allowance for data centers per the General Plan Discretionary Policy 5.5.1-P9.
- The height of the proposed building is approximately 70 feet, which is higher than the surrounding low to mid-rise structures. However, it is within the 70 foot maximum permissible height in the Light Industrial (ML) zone.
- The façades, the design, and materials for the proposed building consist primarily of articulated precast concrete panels with painted surfaces and includes use of decorative metal louvers.
- Screening of ground mounted and rooftop equipment with metal louvers from view along the public right-of-way are integrated into the site and building design. Rooftop structures would be concealed from view by an approximately 10-foot-high perforated metal screen along the rooftop perimeter.
- Three dumpsters for the collection of recyclable and waste material generated by the project is located within the proposed loading dock on the western portion of the site. The loading docks are screened from the public view by a precast concrete wall that is integrated into the building design.
- The project provides pedestrian connections to neighboring development with the construction of a complete street section (5' landscape strip and 5' sidewalk) along the project frontage.

Parking

- A total of 20 on-site parking spaces will be provided along the northern sides of the building, consistent with the 1:4,000 parking requirement for data center uses in the zoning code.
- 10 Class I bicycle spaces and 4 Class II bicycle spaces are provided onsite.

Trees and Landscaping

- Construction of the proposed data center and parking lot would require removal of 12 of the 20 non-protected species trees on-site;
- There are three Coastal redwood trees (*Sequoia sempervirens*) onsite and two on an adjacent parcel of the site that would remain in place.
- 15 new trees (evergreen magnolia trees) would be planted around the perimeter of the project site. In addition, shrubs and ground cover would be planted throughout the project site.
- Final tree removal and landscape plans, including potential off-site replacement, would be subject to review and approval by the Community Development Department with consultation with the City Arborist.

Community Outreach

- A notice of development was posted on the property at least 10 days prior to the scheduled public hearing.
- The notice of public hearing for this item was posted within 300 feet of the site and was mailed to property owners within 500 feet of the project site.
- Two comments were received from Laborers International Union of North America in response to the Initial Study/proposed MND. One comment requested notices of CEQA actions and public hearings. The second comment suggests that the project may have significant environmental impacts and

should require an Environment Impact Report. The City acknowledges the receipt of the comments and has provided responses (attached).

- The City had received a call from the business across the street – Fujifilm Open Innovative Hub expressing concern about the noise from the project that may impact the sensitive equipment they use for their business. Applicant met with them to address their concerns and these have been addressed through the noise study for the proposed project and through the mitigation measures in the Mitigated Negative Declaration.

Findings

- 1) *That any off-street parking area, screening strips and other facilitates and improvements necessary to secure the purpose and intent of this title and the general plan of the City are a part of the proposed development, in that;*
 - The development provides 20 on-site parking spaces consistent with the 1:4,000 parking requirement for data center uses SCCC 18.74.040 (d)(2) – Data Centers.
 - 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 five-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 ML 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 north. Roof mounted equipment would be screened from view along the public-right-way by high perforated metal screen along the rooftop perimeter.
- 2) *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 development is generally consistent with the City's Design Guidelines. Exterior building materials would include articulated precast concrete panels with painted surfaces with use of decorative metal louvers for screening. Mechanical screen and equipment screens will be provided at the rooftop perimeter.
 - The project invests in the 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 ML 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 ML zoning district.
 - Sufficient parking is provided to accommodate employee parking demands on-site and prevent spillover parking onto the public right-of-way. Vehicle ingress and egress would be provided by two new gated driveways along Martin Avenue, located along the western perimeter and the southern perimeter of the project site enable efficient traffic flow along the street and site circulation on the property.

- 3) *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 project site is developed with a single-story building that is currently vacant; it was previously used for industrial warehousing, manufacturing, and office purposes. The proposed development is a 2-3 stories higher than the surrounding low to mid-rise structures, but consistent to the adjacent industrial uses.
 - The proposal is to redevelop and improve the project site with construction of a three-story, approx. 80,000 square foot data center with a strong, contemporary urban design that would improve the visual character of the zone. The project would include ancillary equipment (backup generators and above ground fuel storage tanks), loading dock, circulation and parking, and landscape improvements in conformance with the ML zoning district development standards and consistent with the development of data centers throughout the City.
 - The project provides setback and landscaping along the street frontage consistent with surrounding properties.
- 4) *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 is generally consistent with adjacent industrial and commercial development in terms of visual character and quality.
 - The data center use and associated parking are self-contained within the limits of the property. There are no residential developments immediately adjacent that would be impacted with privacy concerns.
 - The project site is currently vacant 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.
- 5) *That the proposed development, as set forth in the plans and drawings, 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, which set shall be maintained in the planning division office. The policies and criteria so approved shall be fully effective and operative to the same extent as if written into and made a part of this title, in that;*
- The development is a modern data center facility that is allowed in the ML Zoning District. The proposed development provides for an aesthetically attractive building, and ample employee parking.
 - 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:
 - i. The building design avoids the orientation of equipment yard, service areas, and large expanses of blank walls facing toward the street.
 - ii. 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.
- The project provides pedestrian connections to neighboring development with the construction of a complete street section (5' 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 loading dock with screening so as not to be visible from the public right-of-way and is accessible for service pick up.

Attachments

1. Conditions of Approval
2. Development Plans
3. Response to comments (to be provided at the hearing)

EXCERPT ARCHITECTURAL COMMITTEE MEETING MINUTES OF JUNE 19, 2019

8.A File No.(s):	PLN2019-13745
Location:	2175 Martin Avenue , a 1.68 acre site located on the north and east of Martin Avenue, approximately 775 feet west of Scott Boulevard; APN: 224-10-115; property is zoned Light Industrial (ML).
Applicant:	Scott Rynders, LVP Martin Avenue Associates
Owner:	LVP Martin Avenue Associates
Request:	Adoption of a Mitigated Negative Declaration; Architectural Review Architectural Review to allow construction of a new approximately 80,000 square foot 3-story (69'-9" high) data center building. The project includes demolition of the existing 31,500 square foot one-story office/warehouse building.
CEQA Determination:	IS/MND
Project Planner:	Nimisha Agrawal, Assistant Planner I
Staff Recommendation:	Approve , subject to conditions

Assistant Planner Nimisha Agrawal presented the project with recommendations for approval.

Following the staff presentation, the applicant provided a brief overview of their organization and the proposed project. The Committee then opened the meeting to public comment at which time Andrew Messing of the law firm Adams Broadwell Joseph & Cardozo, on behalf of Santa Clara Citizens for Sensible Industry (SCCSI) spoke in opposition of the project.

Mr. Messing reiterated the comments previously submitted by the firm Adams Broadwell Joseph & Cardozo during the public review period of the MND. In his comments, Mr. Messing requested the preparation of an Environmental Impact Report (EIR) and that the Architectural Committee disapprove the MND and deny the Architectural application. The comments included claims of fair argument that the proposed project could result in potentially significant impacts to air quality, land use, energy and biological resources. Some of the major comments point to inadequacy in analyzing special-status species in the vicinity, deficiencies in cumulative analysis of energy impacts, underestimation of project's diesel particulate matter (DPM) emissions and potential health risks, inadequate mitigations for impacts to biological resources, inconsistency with the City's General Plan, and the assertion that there is not substantial evidence to make the findings for architectural approval of the project.

There were no other public comments on the project. The Committee then closed the public hearing. As a rebuttal, staff and Alex Merit representing the applicant commented that there were no new comments from the previously submitted comment letter and that these comments were thoroughly addressed by the City in the Response to Comments (*Attachment 1* for the Project's CEQA link to Responses to Comments (RTC) Received on the MND).

The Committee deliberated on the project. Development Review Officer Gloria Sciara explained that the environmental documents (MND and supportive documents) were reviewed by the CAO and that it was found to be legally adequate, sufficient to satisfy the requirements under CEQA. Commissioner Lance agreed that the City has professionals that have reviewed and evaluated the MND thoroughly and that it fulfills the CEQA requirements. Commissioner Lance further commented on the proposed architecture of the building, that while the efforts have been put in

with different materials, it still a concrete box with a dull color palate and lacks the character to have a positive influence or create interest in the neighborhood. Commissioner Anthony agreed that the Applicant needs to work on the aesthetics of the proposed building.

Applicant, Scott Rynders said he appreciates the feedback, and pointed out that the proposed building was in an industrial environment, and that they have worked hard to integrate on-site and off-site improvements to preserve the neighborhood. The Architect from Gensler, representing the Applicant pointed that the efficiency and security was their primary concerns while designing the building.

Both Commissioners advised the Applicant to work with the staff to further enhance the architecture of the proposed building.

and subject to conditions of approval established by the City's Project Clearance Committee

Motion/Action: Motion to approve the architecture of the project with the added condition that the Applicant shall work with the staff to further enhance the architecture of the proposed building and subject to conditions of approval established by the City's Project Clearance Committee was made by Planning Commissioner Lance Salem, seconded by Planning Commissioner Anthony Beker and unanimously approved by the Architectural Committee (2-0-0-0).

A second motion to approve and adopt the MND and MMRP of the project was made by Planning Commissioner Anthony Beker, seconded by Planning Commissioner Lance Salem and unanimously approved by the Architectural Committee (2-0-0-0).

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

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AARON M. MESSING
CAMILLE G. STOUGH

MARC D. JOSEPH
Of Counsel

August 26, 2019

Via Email and Overnight Delivery

Nimisha Agrawal, Assistant Planner I
Community Development Department
City of Santa Clara
1500 Warburton Ave.
Santa Clara, CA 95050
Email: nagrawal@santaclaraca.gov

**Re: Comments on the LS1 Data Center Project Proposed Mitigated
Negative Declaration (MND) (PLN2019-13745 and CEQ2019-
01071)**

Dear Ms. Agrawal:

We write on behalf of Santa Clara Citizens for Sensible Industry ("SCCSI") to provide comments on the proposed Mitigated Negative Declaration ("MND")¹ and Initial Study ("IS")² prepared by the City of Santa Clara ("the City"), pursuant to the California Environmental Quality Act ("CEQA"),³ for the LS1 Data Center Project (PLN2019-13745 and CEQ2019-01071) ("Project"). LVP Martin Avenue Associates LLC c/o Lightstone Group ("Applicant") proposes to demolish a single-story building previously used for industrial warehousing, manufacturing, and office purposes and construct a three-story, 79,300 square foot ("sf") data center.⁴ The Project site is 1.68 acres (73,386 sf) and is located at 2175 Martin Avenue in the City of Santa Clara, California.⁵

The Project would include approximately 47,800 sf of data hall space and approximately 31,500 sf of support space, consisting of office space, a loading dock,

¹ City of Santa Clara, LS1 Data Center Project: Proposed Mitigated Negative Declaration (MND) (Aug. 2019) (*hereinafter* "MND").

² City of Santa Clara, Initial Study: LS1 Data Center Project (Aug. 2019) (*hereinafter* "IS").

³ Pub. Resources Code ("PRC") § 21000 *et seq.*

⁴ MND at p. i.

⁵ IS at p. 7.

4690-007acp

storage, space, mechanical/electric/fiber rooms, and other ancillary uses.⁶ Each data hall would include a 4.25 MW data room with projected peak capacity of 13.5 megavolt amperes (“MVA”).⁷

An approximately 7,700 sf exterior equipment yard would house six 2.75 MW emergency generators to provide backup power to the data center in the event of an equipment failure or interruption in electrical service.⁸ The Project would also include uninterruptible power supplies and lithium ion batteries to cover the total projected electrical demand in the event of equipment failure.⁹ The proposed floor area ratio (“FAR”) for the Project is 1.08.¹⁰

Project construction would occur in one phase consisting of three main categories of construction activities.¹¹ Activity Category 1 (demolition) would include demolition of the existing building and grading.¹² Activity Category 2 (core and shell) would include buildout of the core and shell structure and installation of pavement, landscaping, and utility connections.¹³ Activity Category 3 (interiors) would include buildout of the interior data halls and tenant spaces.¹⁴

Based on our review of the MND, IS, and supporting documents, we conclude these documents fail to comply with CEQA. Specifically, the IS does not sufficiently describe the current environmental setting for biological resources and energy use. These deficiencies are fatal errors because all potentially significant environmental impacts which may result from the Project are not adequately analyzed and all feasible mitigation measures to reduce those impacts to a level of insignificance have not been proposed or adopted.

As described in these comments, there is more than a fair argument that the Project could result in potentially significant impacts to air quality, biological resources, energy, and land use. The City cannot undertake any further actions

⁶ *Ibid.*

⁷ *Ibid.*; see also appen 3.0-1.

⁸ *Id.* at p. 8.

⁹ *Ibid.*

¹⁰ *Id.* at p. 7 (the MND and IS assume the Project’s FAR is 1.09 for conservative purposes).

¹¹ MND at p. ii.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

4690-007acp

concerning the proposed Project until it prepares an Environmental Impact Report (“EIR”) that adequately analyzes the Project’s potentially significant direct, indirect, and cumulative impacts, and incorporates all feasible mitigation measures to minimize these impacts to less than significant.

We reviewed the MND, the IS and its technical appendices, and the available reference documents with the assistance of our expert consultant, James Clark, Ph.D., whose comments and qualifications are included as Attachment A.¹⁵ The City must respond to Dr. Clark’s comments separately and fully.

I. STATEMENT OF INTEREST

SCCSI is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential health, safety, public service, and environmental impacts of the Project. The association includes City of Santa Clara resident Mr. Long Vu, California Unions for Reliable Energy (“CURE”) and its organization members and the members’ families, and other individuals who live, work, recreate and raise their families in the City. They would be directly affected by the Project’s environmental and health and safety impacts. Individual members may also work on the Project itself. They would be the first in line to be exposed to any health and safety hazards which may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

SCCSI supports the development of data centers where properly analyzed and carefully planned to minimize impacts on the environment. Any proposed project should avoid impacts to public health, energy resources, sensitive species and habitats, and should take all feasible steps to ensure significant impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can development truly be sustainable.

SCCSI and its members are concerned with projects that can result in serious environmental harm without providing countervailing economic benefits such as decent wages and benefits. Environmentally determinantal projects can jeopardize

¹⁵ Letter from James J.J. Clark, Ph.D., Clark & Associates to Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: Comment Letter on LS1 Data Center Project Mitigated Negative Declaration (MND) Application PLN2019-13745 (Aug 22., 2019) (*hereinafter* Clark Comments).
4690-007acp

future jobs by making it more difficult and more expensive for industry to expand in the City and the surrounding region, and by making it less desirable for businesses to locate and people to live and recreate in the City, including in the vicinity of the Project. Continued degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities. The labor organization members of SCCSI therefore have a direct interest in enforcing environmental laws that minimize the adverse impacts of projects that would otherwise degrade the environment. CEQA provides a balancing process whereby economic benefits are weighted against significant impacts to the environment.¹⁶ It is for these purposes that we offer these comments.

II. THE IS FAILS TO ADEQUATELY DESCRIBE THE ENVIRONMENTAL SETTING

An initial study must include a description of the project's environmental setting.¹⁷ The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.¹⁸ "The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts."¹⁹

"An initial study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings."²⁰ Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."²¹ It includes "facts, reasonable assumption predicated upon facts, and expert opinion supported by facts,"²² but does not include "[a]rgument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate."²³

¹⁶ PRC § 21871(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.

¹⁷ CEQA Guidelines § 15063(d)(2).

¹⁸ *Id.* § 15125(a); see also *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 38 Cal. 4th 310, 320-21 (CEQA Guidelines § 15125(a) applies to an initial study).

¹⁹ CEQA Guidelines § 15125(a).

²⁰ *Id.* § 15063(a)(3).

²¹ *Id.* § 15384(a).

²² *Id.* § 15384(b).

²³ *Id.* § 15384(a).

A. The IS Fails to Adequately Describe the Potential for Special-Status Species to Occur in the Project Vicinity

The IS concludes “there are no wetlands or other sensitive habitats on or adjacent to the project site” based on a single site visit conducted exclusively for the purpose of completing a tree inventory.²⁴ Other than the Tree Inventory Report included as an Appendix 4.4-1,²⁵ “there is not a separate record for [the site visit] included in the administrative record.”²⁶ Not a single mention of the presence or absence of special-status species is made in the Tree Inventory Report. The IS cannot rely on unsubstantiated expert opinion to conclude that no wetlands or other sensitive habitats occur on or adjacent to the project site.

To the contrary, the IS recognizes special-status species have the potential to occur on the Project site despite the highly urbanized nature of the area because “the site may provide nesting habitat and food sources for native migratory birds and raptors.”²⁷ Moreover, 38 special-status species are listed in the California Natural Diversity Database for the quadrangle in which the Project is located including, but not limited to, the California Tiger Salamander, Swainson’s hawk, burrowing owl, coast horned lizard, northern California legless lizard and hairless popcorn flower.²⁸ The Project site contains numerous mature trees and is located less than 1,600 feet the San Thomas Aquino Creek riparian corridor, which supports a variety of aquatic and wetland-oriented species.

“[P]reparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, *an agency must use its best efforts to find out and disclose all that it reasonably can.*”²⁹ “If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate

²⁴ IS at p. 54, fn. 29.

²⁵ *Id.*, appen. 4.4.-1.

²⁶ City of Santa Clara, LS1 Data Center Administrative Record (July 31, 2019) (“This site visit was conducted as part of the Tree Inventory; there is not a separate record for it included in the administrative record.”).

²⁷ IS at p. 54.

²⁸ Cal. Department of Fish and Game, CNDBB Quad Species List (last accessed Aug. 19, 2019).

²⁹ CEQA Guidelines § 15144 (emphasis added).

4690-007acp

discussion of the impact.”³⁰ An agency may not hide behind its own failure to gather relevant data.³¹

The City failed to gather relevant data concerning the potential of special-status species to occur within the vicinity of the Project. As a result, the environmental impacts of the Project on special-status species are potentially significant and the adequacy of the proposed mitigation measures cannot be properly assessed. The City must prepare an EIR analyzing the impacts of the Project on special-status species and implement all feasible mitigation measures to reduce those impacts.

B. The IS Fails to Describe the Energy Consumption of Data Centers in the City

Data centers are high energy consumers.³² “The high density of equipment in data centers makes them extremely energy intensive, often requiring 10 to 100 times more electricity per floor space than other building types.”³³ “In 2014, U.S. data centers consumed an estimated 70 billion kWh, representing about 1.8% of total U.S. electricity consumption.”³⁴ The electricity consumed by data centers in the City is even more extreme than the national use.

Silicon Valley Power (“SVP”) provides electricity to data centers in the City, which would include the proposed Project.³⁵ Although 84% of the total number of customers in SVP’s service area are residential, 90% of utility retail sales were to commercial and industrial customers.³⁶ As of December 2017, over 46% of SVP’s commercial and industrial sales are attributable to data centers.³⁷ This number will only continue to increase because the City is a prime location for data centers due to power pricing from SVP, whose electricity rates average 25 to 40 percent

³⁰ *Id.* § 15145 (emphasis added).

³¹ *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 408.

³² Beth Whitehead, et al., *Assessing the Environmental Impact of Data Centers Part 1: Background, Energy Use, and Metrics*, Building and Environment 82 (2014) 151-159.

³³ Arman Shehabi, et al., *Data Center Growth in the United States: Decoupling the Demand for Services from Electricity Use*, Environ. Res. Lett. 13 (2018) p. ES-1, available at <https://iopscience.iop.org/article/10.1088/1748-9326/aaec9c/pdf>.

³⁴ *Id.*

³⁵ MND at p. i; IS at p. 8, appen. 3.0-1.

³⁶ Silicon Valley Power, 2018 Integrated Resource Plan (Dec. 2018) p. 3-1 (*hereinafter* 2018 IRP).

³⁷ *Ibid.*

4690-007acp

lower than the cost of power from Pacific Gas & Electric Company in the surrounding municipalities.³⁸ In fact, data centers are one of the primary drivers for SVP's need to increase its maximum energy capacity.³⁹

The IS fails to include any discussion regarding the presence of data centers in the City and their substantial electricity consumption. As a result, the potentially significant Project and cumulative impacts on energy cannot be properly evaluated. The City must prepare an EIR assessing the Project's significant energy impacts and identify all feasible mitigation measures to reduce those impacts to a level of insignificance.

III. THE CITY MUST PREPARE AN ENVIRONMENTAL IMPACT REPORT

CEQA requires that lead agencies analyze any project with potentially significant environmental impacts in an EIR.⁴⁰ "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR protects not only the environment, but also informed self-government."⁴¹ The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."⁴²

CEQA's purpose and goals must be met through the preparation of an EIR, except in certain limited circumstances.⁴³ CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in

³⁸ Rich Miller, *Why Santa Clara is the Focus for Silicon Valley Data Center Activity*, Data Center Frontier (Apr. 11, 2018), available at <https://datacenterfrontier.com/silicon-valley-data-centers-power-pricing/>; see also Michael Rareshide, *The Silicon Valley Data Center Remains Strong But Faces Challenges for Future Expansion to Meet Demand* (Mar. 26, 2019), available at <https://info.siteselectiongroup.com/blog/the-silicon-valley-data-center-market-remains-strong-but-faces-challenges-for-future-expansion-to-meet-demand>.

³⁹ 2018 IRP at p. 4-4 ("The near-term accelerated growth observed in the load forecast is due to the growth from data centers which are already in the City's planning development processes."), p. 4-6 ("The high density of data centers in SVP's territory and the planned addition of new data centers drive the higher energy demand and load factor for the utility.").

⁴⁰ See PRC § 21000; CEQA Guidelines § 15002.

⁴¹ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 (internal citations omitted).

⁴² *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

⁴³ See PRC § 21100.

4690-007acp

the “fair argument” standard. Under that standard, a lead agency “shall” prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.⁴⁴

In contrast, a mitigated negative declaration may be prepared only when, after preparing an initial study, a lead agency determines that a project may have a significant effect on the environment, but:

- (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.⁴⁵

Courts have held that if “no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.”⁴⁶ The fair argument standard creates a “low threshold” favoring environmental review through an EIR, rather than through issuance of a negative declaration.⁴⁷ An agency’s decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.⁴⁸

⁴⁴ *Id.* §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602.

⁴⁵ PRC § 21064.5.

⁴⁶ *See, e.g., Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.

⁴⁷ *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754.

⁴⁸ *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318; *see also Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002 (“If there was substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to

4690-007acp

As discussed previously, “substantial evidence” required to support a fair argument is “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”⁴⁹ “[I]n marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.”⁵⁰

Furthermore, CEQA documents, including EIRs and MNDs, must mitigate significant impacts through measures that are “fully enforceable through permit conditions, agreements, or other legally binding instruments.”⁵¹ Deferring formulation of mitigation measures to post-approval studies is generally impermissible.⁵²

As detailed below, there is more than a fair argument based substantial evidence that the Project may result in significant impacts to air quality, biological resources, energy, and land use. Therefore, the City must prepare an EIR evaluating the Project’s potentially significant impacts and adopt all feasible mitigation measures to reduce those impacts to a less than significant level.

A. Substantial Evidence Supports a Fair Argument the Project Could Result in Significant, Unmitigated Impacts to Air Quality and Public Health

1. MM AIR-1.1 Fails to Adequately Mitigate the Impacts from Construction NOx Emissions

The IS concludes that NOx emissions from construction are significant if left unmitigated because it exceeds the Bay Area Air Quality Management District’s

support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be ‘fairly argued’ that the project might have a significant environmental impact”).

⁴⁹ CEQA Guidelines § 15384(a).

⁵⁰ *Id.* § 15064(f).

⁵¹ *Id.* § 15126.4(a)(2).

⁵² *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; PRC § 21061.4690-007acp

daily thresholds.⁵³ To reduce this impact to less than significant, the City proposes to institute MM AIR-1.1.⁵⁴ This mitigation measure states: “The project applicant shall ensure that all off-road diesel powered equipment used during construction is equipped with engines that meet EPA Tier 4 final emissions standards.”⁵⁵ This mitigation measure is vague and contains no mechanism to verify compliance.

As identified by Dr. Clark, the measure does not *require* that the Applicant use Tier 4 equipment based on the plain language of the measure.⁵⁶ Because the measure, as written, allows the Applicant to avoid use of Tier 4 measures and does not include any type of mechanism for the City to verify that Tier 4 engines are being used during the construction phase, NOx emissions would remain significant and unmitigated.⁵⁷

2. The City’s Calculation of Construction DPM Emissions Remain Significant and Unmitigated

The City significantly underestimates the Project’s diesel particulate matter (“DPM”) emissions. As Dr. Clark describes, the modeling assumptions used in the Air Quality and GHG Technical Report were incorrectly analyzed.⁵⁸ The construction mitigated emissions modeling contains the same exact assumptions as the unmitigated analysis even though the City intends to implement MM AIR-1.1 to reduce the DPM emissions.⁵⁹ Under the assumptions made by the City, the Project’s mitigated DPM emissions would emit 970 pounds of DPM.⁶⁰ Therefore, the Project’s DPM emissions would remain significant even with mitigation. Furthermore, as discussed in the prior section, the proposed mitigation measure is vague and unverifiable, and therefore will not reduce the impacts to less than significant.⁶¹

⁵³ IS at p. 46-47.

⁵⁴ *Id.* at p. 47.

⁵⁵ *Ibid.*

⁵⁶ Clark Comments at p. 4.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Compare* IS, appen. 4.2-1, appen. 1B *with* appen. 1B.

⁶⁰ Clark Comments at p. 4-5.

⁶¹ *Id.* at p. 4.

3. The Health Risk Assessment Does Not Properly Evaluate the Potential Risk from Exposure to Diesel Exhaust

The method used by the City to calculate the potential risks from diesel exhaust fails to consider all the toxic components emitted by diesel engines.⁶² As Dr. Clark emphasizes, “diesel exhaust is a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases.”⁶³ The City’s risk assessment does not include an analysis of the vapor phase component.⁶⁴ Calculating the cumulative risk from all the components of diesel exhaust is a more precise representation of the risk posed from exposure to the air toxin.⁶⁵ Therefore, the City’s analysis presents an underestimation of the true risk to residents, the community, and workers from the release of DPM during construction and operation of the Project.⁶⁶

The City must prepare an EIR properly analyzing the Project’s air emissions and propose mitigation measures which reduce impacts to a level of insignificance.

B. Substantial Evidence Supports a Fair Argument MM BIO-2.1 Fails to Adequately Mitigate the Impacts to Protected Trees to Less than Significant

The IS recognizes that construction could result in a significant impact due to the removal or disturbance of trees that are protected under the General Plan.⁶⁷ To avoid conflicts with the local policy and reduce the potential impacts, the City proposes to implement MM BIO-2.1.⁶⁸ This mitigation measure requires that the Applicant submit a Tree Replacement Plan to the City Arborist and Community Development Director for review and approval.⁶⁹

⁶² *Id.* at p. 5.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ IS at pp. 57-58.

⁶⁸ *Id.* at pp. 58-59.

⁶⁹ *Id.* at p. 58.

4690-007acp

Consistent with Policy 5.3.1-P10 of the Santa Clara 2010-2035 General Plan (“General Plan”),⁷⁰ MM BIO-2.1 requires a tree replacement ratio of 2:1. However, if a 2:1 ratio within the project site is not feasible, the proposed measure allows for a 1:1 ratio upon approval by the Community Development Director. This reduced ratio is not based on any policies set forth in the General Plan; rather, it stems from the City’s “past practice and to have an onsite benefit rather than an off-site benefit.”⁷¹

An unwritten rule, which is inconsistent with the General Plan, cannot reduce the Project’s potentially significant impacts. If the City desires to change its General Plan policy, the City must propose an amendment to the General Plan and conduct environmental review, pursuant to CEQA, just as it did when the City adopted Policy 5.3.1-P10.⁷² Because MM BIO-2.1 permits a replacement rate lower than the rate allowed in the General Plan, the mitigation measure conflicts with local policies adopted to mitigate significant impacts to biological resources. Therefore, the Project’s impacts on protected trees remain significant, and the City must prepare an EIR.

C. Substantial Evidence Supports a Fair Argument the Project May Have Significant Impact on Energy Resources

To conclude that the Project’s impacts on energy resources during operation would be less than significant, the IS relies on the Project’s projected peak power usage effectiveness (“PUE”).⁷³ PUE is used to measure the ratio of power delivered to the site to be used by the IT equipment, and is analogous to the miles per gallon metric for the fuel consumption of a car.⁷⁴ But this metric does not always demonstrate success in minimizing energy consumption.⁷⁵ In fact, “there are concerns that the metric does not consider the actual productivity or efficiency of the equipment. As a result, a data center in which no infrastructure upgrades are made actually achieves an improved PUE as the IT equipment ages and uses more

⁷⁰ City of Santa Clara, 2010-2035 General Plan (2010) 5-28 (*hereinafter* General Plan).

⁷¹ IS at p. 57.

⁷² General Plan at 5-28.

⁷³ IS at pp. 11, 67.

⁷⁴ Whitehead at p. 157.

⁷⁵ The Green Grid, White Paper #63: Data Center Environmental Impacts – Main Impacts and Proposal for the Data Center Maturity Model (2014) p. 9.

4690-007acp

power.”⁷⁶ Therefore, the Project could result in inefficient, wasteful, or unnecessary consumption of energy resources during operation due to aging equipment despite a PUE consistent with the average of other data centers.

Moreover, the Project’s PUE may be incorrectly calculated. “To get a ‘correct’ value for IT equipment energy, measurements would need to be taken at the component level: CPU and other integrated circuits, memory, disks, etc.”⁷⁷ The variation of how the IT equipment is accounted for “means that PUE measures may not be directly comparable and provides opportunities for organizations to game the ratings.”⁷⁸ The IS and its supporting documents do not identify the assumptions used to calculate the Project’s PUE.⁷⁹ As a result, the public is unable to determine whether the PUE identified in the IS is an accurate assessment of the Project’s energy consumption.

Lastly, Appendix F of the CEQA Guidelines requires an examination of the “effects of the project on local and regional energy supplies and on requirements for additional capacity.”⁸⁰ In its will serve letter, SVP stated it would be able to provide 9 MVA of electric service to the Project upon completion of all development work requested by SVP.⁸¹ However, the Project’s peak projected load is 13.5 MVA.⁸² SVP could provide additional power beyond the 9 MVA if needed, but only up to 4.5 **KVA**.⁸³ The IS fails to disclose the fact that the Project’s total peak demand exceeds the amount of electricity SVP can provide to the site. Moreover, the IS fails to include mitigation measures for reducing peak energy demand.⁸⁴ Therefore, the Project’s impacts on energy are potentially significant and remain unmitigated.

⁷⁶ Whitehead at p. 157; *see also* Nathaniel Horner, et al., *Power Usage Effectiveness in Data Centers: Overloaded and Underachieving*, *The Electricity Journal* 29 (2016) p. 63 (“A low-overhead facility running older, less efficient servers could conceivably achieve a low PUE while still using more energy than it needs.”).

⁷⁷ Horner at p. 63.

⁷⁸ *Ibid.*

⁷⁹ *See* IS, appen. 3.0-1.

⁸⁰ CEQA Guidelines, appen. F.

⁸¹ IS, appen. 4.6-1.

⁸² *Id.*, appen. 3.0-1.

⁸³ *Id.*, appen. 4.5-1 (emphasis added).

⁸⁴ *See* CEQA Guidelines, appen. F.

4690-007acp

The City must prepare an EIR to properly assess the Project's energy impacts and propose feasible mitigation measures to reduce those impacts to less than significant.

D. Substantial Evidence Supports a Fair Argument the Project's Energy Impacts Are Cumulatively Considerable

The City's analysis of the Project's cumulative energy impacts is inadequate. Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or ... compound or increase other environmental impacts."⁸⁵ Stated another way, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts."⁸⁶

A cumulative impact analysis "assesses cumulative damage as a whole greater than the sum of its parts."⁸⁷ Such an analysis is necessary because "[t]he full environmental impact of a proposed ... action cannot be gauged in a vacuum."⁸⁸ "[A]n agency may not ... [treat] a project as an isolated 'single shot' venture in the face of persuasive evidence that is but one of several substantially similar operations.... To ignore the prospective cumulative harm under such circumstances could be to risk ecological disaster."⁸⁹

Not only is the City's analysis of the Project's cumulative energy impacts insufficient as a matter of law, but substantial evidence supports a fair argument that the Project's incremental effects on energy are cumulatively considerable.

1. The City Fails to Conduct a Legally Sufficient Analysis of the Project's Cumulative Energy Impacts

The City fails to conduct a proper inquiry of the Project's cumulative energy impacts. In considering a project's cumulative impacts, the lead agency should generally undertake a two-step analysis. First, the agency should determine

⁸⁵ *Id.* § 15355.

⁸⁶ *Id.* § 15130(a)(1).

⁸⁷ *Environmental Protection Information Center v. Johnson* (1985) Cal. App. 3d 604, 216.

⁸⁸ *Whitman v. Board of Supervisors* (1979) 88 Cal. App. 3d 397, 408 (quoting *Akers v. Resor* (W.D. Tenn. 1978) 443 F. Supp. 1355, 1360).

⁸⁹ *Whitman*, 88 Cal. App. 3d at 408.

4690-007acp

whether the combined effects from both the proposed project and other projects would be cumulatively significant.⁹⁰ If the agency answers this inquiry in the affirmative, the agency should then analyze whether “the proposed project’s *incremental* effects are cumulatively considerable.”⁹¹ “An EIR must be prepared if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable. ‘Cumulatively considerable’ means the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”⁹²

As a threshold matter, the IS fails to consider all relevant projects in its analysis. The IS identifies ten “recently approved and reasonably foreseeable land use projects in the vicinity of the project site” in Table 4.21-1.⁹³ None of these projects are data centers.⁹⁴ Although the MND claims to include all “recently approved and reasonably foreseeable projects within approximately 2 miles of the project site,”⁹⁵ **it omits five (5) proposed data centers within 2 miles of the Project**,⁹⁶ as well as six other proposed projects that are currently undergoing, or have recently completed, environmental review.⁹⁷

Project Name	Address	Project Summary
Laurelwood Data Center	2201 Laurelwood Road, Santa Clara, CA 95050	Laurelwood Data Center (LDC) will consist of two multi-storied data center buildings. The maximum electrical load of the LDC is 99 megawatts (MW), inclusive of tenant-installed information technology (IT) equipment in the LDC and cooling and ancillary electrical and telecommunications equipment operating to

⁹⁰ *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 120.

⁹¹ *Id.* (emphasis added).

⁹² CEQA Guidelines § 15064(h)(1).

⁹³ IS at p. 171, table 4.21-1.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ City of Santa Clara, Environmental Review/CEQA,

<http://santaclaraca.gov/government/departments/community-development/planning-division/ceqa-documents> (last accessed Aug. 26, 2019).

⁹⁷ See generally *ibid.*; see also California Energy Commission, Laurelwood Data Center, 19-SPPE-01, <https://ww2.energy.ca.gov/sitingcases/laurelwood/>; California Energy Commission, Walsh Data Center, 19-SPPE-02, <https://ww2.energy.ca.gov/sitingcases/walsh/>.

4690-007acp

		support IT equipment. The LDC consists of two buildings. Building 1 is an approximately 250,560-square-foot, three-story structure with supporting amenities including elevators, restrooms, lobby, staging, and storage. Building 2 is an approximately 283,392-square-foot, four-story structure with supporting amenities including elevators, restrooms, lobby, staging, and storage. Both buildings include loading docks, backup generator yards, stormwater bio-swales, paved surface parking lots, and landscaping features. The LDC also includes an onsite 60-kilovolt (kV) substation with an electrical supply line that will connect to an SVP distribution line located 0.1 miles west of the LDC. ⁹⁸
Walsh Data Center	651 Walsh Avenue, Santa Clara, CA 95050	The Walsh Data Center (WDC) would consist of thirty-two (32) 3-MW diesel fired generators that would be used exclusively to provide backup generation to support a data center to be located at 651 Walsh Avenue in Santa Clara, California. The project would also include one (1) 2-MW emergency generator that would provide backup electricity for an administrative building. The project has been designed with a 5-to-make-4 and a 6-to-make-5 design basis to ensure uninterrupted power up to 80 MW, which is the maximum building load of the WDC. The generators will be located in one generator yard in a two-level stacked configuration. The lower level generator package will integrate a dedicated fuel tank with a capacity of 12,800 gallons. The upper level generators will have a day tank with a capacity of 600 gallons. A new distribution substation would be constructed to support the WDC—this substation would ultimately be owned and operated by Silicon Valley Power (SVP) as part of its distribution network. While SVP has not yet designed the 60 kV transmission lines that interconnect the new substation, SVP has estimated that one transmission line will come in to the site from

⁹⁸ California Energy Commission, Laurelwood Data Center, 19-SPPE-01, <https://ww2.energy.ca.gov/sitingcases/laurelwood/>. 4690-007acp

		the north and one from the south, both routes paralleling the existing UPPR rail lines. There may be up to 6 new transmission poles. ⁹⁹
1150 Walsh Avenue SV1 Data Center Project	1150 Walsh Avenue, Santa Clara, CA 95050	Demolition of three, one-story industrial buildings totaling 37,443 square feet to construct a four-story, 160,450 square foot data center building, with back-up diesel generators and new 27-megawatt electrical substation, and site-improvements. ¹⁰⁰
2305 Mission College Boulevard Data Center Project	2305 Mission College Boulevard, Santa Clara, CA 95054	Demolition of an existing two-story 358,00 square foot office/R&D and construct a two-story 495,610 square foot data center building with equipment yards and onsite improvements. ¹⁰¹
McLaren Data Center Project	651, 725, 825 Mathew Street, Santa Clara, CA 95050	Development of two four-story data center buildings totaling 413,000 square feet, electric substation along Mathew Street, mechanical yard support areas, and surface parking lot. A lot line adjustment is proposed as part of the project combining three separate parcels. ¹⁰²
3005 Democracy Way Mixed-Use Development Project	3005 Democracy Way, Santa Clara, CA 95050	General Plan Amendment and Planned Development (PD) Rezoning of the 48.6-acre site to allow the development of up to approximately 6.15 million gross square feet (gsf) of residential uses (6,000 units), 3.65 million gsf of office buildings, 400,000 gsf of retail/community amenities, 300,000 gsf of hotel facilities, and 110,000 gsf of educational facilities. ¹⁰³
3035 El Camino Real Residential Project	3035 El Camino Real, Santa Clara, CA 95051	Approval of a Rezoning from Thoroughfare Commercial (CT) to Planned Development (PD); and Approval of a Tentative Subdivision Map to allow demolition of existing site improvements and the construction of a new 48-unit residential

⁹⁹ California Energy Commission, Walsh Data Center, 19-SPPE-02, <https://ww2.energy.ca.gov/sitingcases/walsh/>.

¹⁰⁰ City of Santa Clara, Mitigated Negative Declaration: 1150 Walsh Avenue SV1 Data Center (June 2019).

¹⁰¹ City of Santa Clara, Initial Study for the 2305 Mission College Boulevard Data Center Project (Mar. 2018).

¹⁰² City of Santa Clara, McLaren Data Center Project: Proposed Mitigated Negative Declaration (Feb. 2017); *see also* California Energy Commission, Application for a Small Power Plant Exemption for the McLaren Backup Generating Facility Project, 17-SPPE-01 (Nov. 2018).

¹⁰³ City of Santa Clara, Notice of Preparation of an Environmental Impact Report for the 3005 Democracy Way Mixed-Use Development Project (Oct. 2018).

		condominium development, including six live/work units. ¹⁰⁴
3625 Peterson Office Project	3625 Peterson Way, Santa Clara, CA 95054	Architectural Review of two, eight-story office buildings totaling 632,216 square feet connected by bridges at two levels; a 13,370 square foot, one-story amenity building that includes a roof deck; a four-level parking structure and surface parking providing a total of totaling 2,280 parking spaces on-site; and landscaping and site improvements. ¹⁰⁵
Catalina II Residential Development Project	433-1493 El Camino Real, Santa Clara, CA 95050	Approval of a Rezoning from Thoroughfare Commercial (CT) and General Office (OG) to Planned Development (PD); and Approval of a Vesting Tentative Subdivision Map to allow demolition of the existing improvements and construction of 39-unit townhome development, including seven live/work units. ¹⁰⁶
Corvin Supportive Housing Project	2904 Corvin Drive, Santa Clara, CA 95051	The project would involve demolishing the existing one-story office building onsite and constructing a five-story, 77,430 square foot residential development. Dwelling units would consist of 143 affordable studios, or micro-units, designed for single occupancy and a two-bedroom manager's unit. ¹⁰⁷
Mariani's Inn, Residences & Senior Living Project	2500 El Camino Real, Santa Clara, CA 95051	General Plan Amendment from Community Mixed-Use to Regional Mixed-Use, a Development Agreement, and Rezone of the 7.14-acre project site from CT (Thoroughfare Commercial) to PD (Planned Development) to allow construction of a new mixed-use development, including up to 392 multi-family and senior residential units, a 311-room hotel and restaurant. A one lane bridge over Saratoga Creek would potentially be included for construction as part of the project, extending Arroyo Drive through to Bowe Avenue to

¹⁰⁴ City of Santa Clara, Initial Study: 3035 El Camino Real Residential Project (July 2019).

¹⁰⁵ City of Santa Clara, Notice of Preparation of an Environmental Impact Report for the 3625 Peterson Office Project (Apr. 2018).

¹⁰⁶ City of Santa Clara, Initial Study for the Catalina II Residential Development Project (Mar. 2019).

¹⁰⁷ Department of Housing and Urban Development, 2094 Corvin Drive: Environmental Assessment for HUD-Assisted Projects (Jan. 2019).

		facilitate vehicular, pedestrian and bicycle connections. ¹⁰⁸
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Even ignoring the City's failure to include all relevant projects, the IS fails to analyze whether the combined effects from both the proposed Project and other projects would be cumulatively significant. The IS concludes "some of these projects could contribute to changes to the demand for energy or result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner, which would be considered a significant impact,"¹⁰⁹ but the Project would not result in a cumulative considerable impact on energy because it would include energy-efficiency components, would not conflict with any applicable plans for renewable energy or energy efficiency, and would not result in inefficient, wasteful, or unnecessary consumption of energy resources during construction or operation.¹¹⁰

The City's analysis improperly compares the incremental effects of the proposed Project with the collective impacts of all other relevant projects. When undertaking a cumulative impact analysis, an agency cannot simply compare the incremental effects of a proposed project *against* the collective impacts of all other relevant projects yielding the proposed project's relative impact vis-à-vis the impacts of other projects.¹¹¹ Rather, the lead agency must *add* the project's incremental impact to the anticipated impacts of other projects.¹¹² No such analysis has been completed.

At a minimum, the City must prepare an EIR analyzing the collective energy impacts of all past, present, and probable future data centers in the City. Then, the City must analyze whether the Project's incremental contribution to energy is cumulatively considerable. The answer to both these inquiries is a resounding yes – the Project's incremental contribution to energy impacts is cumulatively considerable.

¹⁰⁸ City of Santa Clara, Notice of Preparation of an Environmental Impact Report for the Mariani's Inn, Residences and Senior Living Project (Feb. 3, 2017).

¹⁰⁹ IS at p. 174.

¹¹⁰ *Ibid.*

¹¹¹ *Communities for a Better Environment*, 103 Cal. App. 4th at 117-121.

¹¹² *Ibid.*

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2. The Project's Incremental Effects on Energy Are Cumulatively Considerable

Despite the substantial energy use by data centers currently and the increasing trend of data center development within the City and the surrounding region, the IS fails to include any meaningful analysis of the cumulative energy impacts.¹¹³ The Project itself will have a significant incremental impact on energy consumption because the Project's projected electricity demand exceeds SVP's ability to meet the demand. The Project applicant estimates the projected peak load is 13.5 MVA.¹¹⁴ However, SVP is only able to provide up to 9.0045 MVA of electric service to the Project once operational.¹¹⁵

In combination with the significant energy use by all other data centers in the City, the Project's energy impacts are cumulatively considerable. Moreover, the MND does not include any mitigation measures which could reduce the cumulative energy impact to less than significant. The City must prepare an EIR examining the significant cumulative energy impacts and identify mitigation measures to reduce the incremental impacts of the Project to a level of insignificance.

IV. THE PROJECT IS INCONSISTENT WITH THE CITY'S GENERAL PLAN

The General Plan establishes goals and policies to guide land use development within the City and identifies land use classifications for areas throughout the City, which specify the allowed uses and the associated density and intensity standards.¹¹⁶ For non-residential and mixed-use classifications, "intensity" is measured as FAR.¹¹⁷ Discretionary density and intensity bonuses may be applied to a project if certain criteria are met.¹¹⁸

¹¹³ CEQA Guidelines § 15064(h)(1).

¹¹⁴ IS, appen. 3.0-1, p. 1.

¹¹⁵ *Id.*, appen. 4.6-1 ("Silicon Valley Power's ability to provide 9MVA of electric service to 2175 Martin Ave. in Santa Clara is conditional upon the applicant completing all electric utility development work by Santa Clara City Code. If additional capacity beyond 9MVA is demonstrated, SVP will provide an additional **4.5KVA** power feed to this site.") (emphasis added).

¹¹⁶ *Id.* at p. 5-10.

¹¹⁷ *Id.* at p. 5-11.

¹¹⁸ *Ibid.*

4690-007acp

The IS correctly finds that the Project is in an area designated by the General Plan as Low-Intensity Office/Research and Development (“R&D”) designation.¹¹⁹ The General Plan describes this land use classification as follows:

This classification is intended for campus-like office development that includes office and R&D, as well as medical facilities and free-standing data centers, with manufacturing uses limited to a maximum of 20 percent of the building area. It is typically located in areas that provide a transition between light industrial and higher-intensity office and R&D uses. It includes landscaped areas for employee activities and parking that may be surface, structured or below-grade. Accessory, or secondary, small scale supporting retail uses that serve local employees and visitors are also permitted. The maximum FAR is 1.00.¹²⁰

The IS acknowledges that the proposed FAR for the Project is 1.09,¹²¹ in excess of the maximum FAR for the applicable land use designation, but the City contends the Project is consistent with the General Plan Discretionary Use Policy 5.5.1-P9.¹²² The City erroneously applies this discretionary policy.

Policy 5.5.1-P9 states:

For ***Data Centers on Light or Heavy Industrial designated properties***, allow a 20 percent increase in the maximum allowed non-residential square-footage, provided that sufficient onsite land area is available to meet the parking requirements for other uses allowed under those designations, and provided that the increased intensity is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies.¹²³

This discretionary policy does not apply to areas designated as Low-Intensity Office/R&D. Instead, the policy only applies to projects located in areas designated by the General Plan as light industrial or heavy industrial areas. Consistent with General Plan Policy 5.3.5-P12, the discretionary FAR increase for light industrial or heavy industrial areas are intended to promote development of data centers “in

¹¹⁹ IS at pp. 8, 28, 114.

¹²⁰ General Plan at p. 5-13.

¹²¹ IS at pp. 8, 28, 116

¹²² *Ibid.*

¹²³ General Plan at p. 5-49 (emphasis added).

4690-007acp

Light and Heavy industrial areas to compliment employment areas and retail uses.”¹²⁴

Because the discretionary increase in FAR does not apply to the Project site, and the Project exceeds the applicable maximum FAR, the Project is inconsistent with the General Plan. Therefore, the Project could potentially cause a significant environmental impact due to a conflict with the General Plan. The City must prepare an EIR analyzing the Project’s significant impacts on land use, including inconsistency with the General Plan.

V. THE CITY CANNOT APPROVE THE PROJECT BECAUSE IT DOES NOT MEET THE REQUIRED FINDINGS FOR AN ARCHITECTURAL REVIEW APPROVAL

For the Architectural Committee to approve a proposed project, the Committee must find and determine, *inter alia*, “[t]hat the design and location of the proposed development ... is such as not to be determinantal to the harmonious development contemplated by ... the general plan of the City.”¹²⁵ If the Committee is unable to make the findings and determinations prerequisite to granting of architectural approval, the application must be denied.¹²⁶

As discussed above, the Project is inconsistent with the General Plan because the FAR for the Project exceeds the applicable maximum and no valid exception to this requirement exists.¹²⁷ Similarly, the proposed mitigation measure for potentially significant impacts to trees includes a provision which conflicts with the General Plan.¹²⁸ Therefore, the Architectural Committee cannot make the necessary findings to approve the Project. The Committee must deny the Project’s application as proposed.

///

¹²⁴ *Id.* at p. 5-27 (“5.3.5-P12 Promote development, such as manufacturing, auto services and data centers, in Light and Heavy Industrial classifications to compliment employment areas and retail uses.”).

¹²⁵ City of Santa Clara Zoning Ordinance § 18.76.020(c)(3).

¹²⁶ *Id.* § 18.76.020(e).

¹²⁷ *See supra* Section IV.

¹²⁸ *See supra* Section III.B.

4690-007acp

VI. CONCLUSION

The IS and MND are inadequate because the CEQA documents fail to set forth the existing environmental setting, and identify, analyze, and mitigate all potentially significant impacts to air quality, biological resources, energy, and land use. Due to these deficiencies, the City cannot conclude the Project's impacts are mitigated to a less than significant level.

The CEQA Guidelines require that an EIR be prepared if there is substantial evidence supporting a fair argument that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial.¹²⁹ As discussed in detail above, there is more than a fair argument based on substantial evidence that the Project would result in significant adverse impacts not identified in the IS and MND. Moreover, there is substantial evidence the proposed mitigation measures will not reduce potentially significant impacts to a level of insignificance.

Finally, the Project conflicts with Policy 5.3.1-P10 of the General Plan and the applicable FAR in the General Plan. Because the Project is inconsistent with the General Plan, it cannot be approved by the Architectural Committee.

We urge the City to fulfill its responsibilities under CEQA by withdrawing the MND and preparing an EIR to address the issues raised in this comment letter, the attached comments from Dr. Clark, and other public comments in the record. This is the only way the City, decisionmakers, and the public can ensure the Project's significant environmental, public health and safety impacts are mitigated to less than significant levels and that the Project complies with the City's General Plan.

Sincerely,

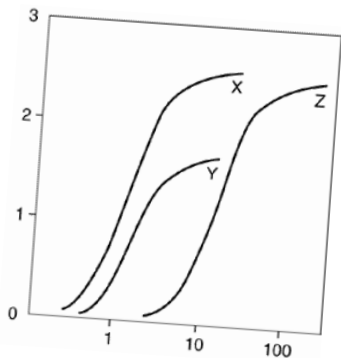


Andrew J. Graf
Associate

Attachments
AJG:acp

¹²⁹ CEQA Guidelines § 15063(b)(1).
4690-007acp

ATTACHMENT A



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August 22, 2019

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080

Attn: Mr. Andrew J. Graf

**Subject: Comment Letter on LS1 Data Center Project Mitigated
Negative Declaration (MND) Application PLN2019-13745**

Dear Mr. Graf:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the August, 2019 City of Santa Clara Mitigated Negative Declaration (MND) (File No. PLN2019-13745) for the LS1 Data Center Project, located at 2175 Martin Avenue, Santa Clara, California.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

The proposed project site is a 1.68 acres (73,386 square feet [sf]) and located at 2175 Martin Avenue in Santa Clara, California. The project Proponent proposes to demolish a vacant single-story, 31,088 sf industrial warehouse as well as associated surface parking. In its place, the project Proponent would construct a three-story, approximately 80,000 sf data center building and paved surface parking lot with 20 spaces.

The Proponent is proposing to construct a three-story, approximately 80,000 sf data center building. The building would include two data halls to store computer systems and servers and provide

support space. The proposed project would include approximately 47,800 sf of data hall space and approximately 31,500 sf of support space, consisting of office space, a loading dock, storage space, mechanical/ electric/fiber rooms, and other ancillary uses.

All heating, ventilation, and air-conditioning (HVAC) systems and equipment for the proposed project would be mounted on the roof, behind a 10-foot-high perforated metal screen along the roof perimeter. In addition, ground-mounted equipment would be screened by metal louvers. The height of the building would be approximately 70 feet above the ground surface (approximately 80 feet with the rooftop appurtenances, which are excluded from building height calculations for planning purposes). An approximately 7,700 sf exterior equipment yard would be located along the north side of the proposed building and encircled and screened by a perforated metal screen with a 3-foot concrete base. The yard would house six 2.75 MW emergency generators (likely Caterpillar model 3516E) that would provide backup power to the data center building in the event of an equipment failure or other conditions that would result in an interruption to the electric power service provided by Silicon Valley Power, the electricity provider that serves the project site. The emergency generators would have a total generation capacity of up to 13.75 MW. Each generator would be located within individual custom fit sound attenuated weather enclosure. In addition, each generator would be equipped with a hospital grade Continuously Regenerating Technology (CRT) particulate filter and a residential grade annular flow silencer (Maxim Silencer model AFS2-AFSE2). In addition, the project would include six 10,750-gallon aboveground tanks to store fuel for the proposed generators.

General Comments:

The mitigation method assumed by the City for reducing the air quality impacts from the construction phase of the project is subject to interpretation. Since there is not a verification/reporting component to the mitigation measure there is no way to ensure that the proposed emissions reductions are implemented. The reliance on mitigation measures, which may not actually be enforceable, make the conclusions of the MND suspect.

According to the Initial Study included in the MND, the Project construction would occur in one phase that would consist of three main categories of construction activities. Activity Category 1 (demolition) would include demolition of the building and grading. Activity Category 2 (core and shell) would include buildout of the core and shell structure and installation of pavement, landscaping, and utility connections. Activity Category 3 (interiors) would include buildout of the interior data hall and tenant spaces. Generators, uninterruptible power supply systems, and cooling equipment would also be installed as part of Activity Category 3. The estimated duration of each activity category would be approximately 7.5 weeks for Activity Category 1 (demolition), approximately 39 weeks for Activity Category 2 (core and shell), and approximately 28.5 weeks for Activity Category 3 (interiors), with the potential for Activity Category 2 and Activity Category 3 to overlap. Construction of the proposed project is expected to start in late 2019 and be completed by early 2021. Construction would occur Monday through Friday from 7:00 a.m. to 6:00 p.m. and on Saturday from 9:00 a.m. to 6:00 p.m., in accordance with Chapter 9.10 of the Santa Clara City Code (the City Noise Ordinance).

The City's analysis identifies the nearest sensitive receptors to the project site are the residences approximately 500 feet to the south and 750 feet to the southwest.



Figure 4.3-1
Air Quality Sensitive Receptors within 1,000 Feet of the Project Site

The findings of the HRA performed by the proponent on the project concluded that the unmitigated cancer risk from DPM for infants, children, and adult residential receptors were calculated to be less than 1 in one-million.

Specific Comments:

1. **The primary identified Air Mitigation Measure (MM AIR 1.1) for the project does not have an enforcement component to it that would prevent the proponent from avoiding the extra cost of the use of Tier 4 Equipment.** Since the unmitigated emission of oxides of nitrogen (NO_x) exceed the BAAQMD daily threshold of 54 pounds (lbs) per day (lbs/day), the City identifies mitigation measure MM AIR 1-1 as a way to reduce emissions by requiring the use of U.S. EPA Tier 4 engines in off-road equipment used during construction activities. MM AIR-1.1 states “The project applicant shall *ensure* (emphasis added) that all off-road diesel powered equipment used during construction is equipped with engines that meet EPA Tier 4 final emission standards.” The measure does not identify any consequence if MM AIR 1-1 is not implemented. The mitigation measure lacks any type of mechanism for the City to verify Tier 4 engines are being used during the project construction phase and as a result, NO_x and diesel particulate matter (DPM) emissions from construction would remain significant if they are unmitigated. The City should correct this flaw in a Draft Environmental Impact Report (DEIR).

2. **The City’s calculation of DPM emissions is flawed and misrepresents the actual emissions that will impact the community.** The City’s analysis assumes a reduction of up to 94% in DPM by the use of Tier 4 equipment during the construction phase (0.68 tons to 0.00273 tons of DPM emitted). Yet a review of the appendices associated with the Air Quality and GHG Technical Report shows a different story. For the Construction Mitigated Emissions Modeling (Appendix 1-B), the two phases of the construction phase (Demolition of existing structure(s) and Core & Shell grading) have the same emission rate of DPM as the unmitigated analysis. For the Earth Moving Section of the analysis, it is assumed that 6.6 lbs of DPM will be emitted each day of the project. This would mean that instead of emitting 8 lbs (0.004 tons listed on the first page of the HRA Calculations and Modeling Files of the Health Risk Assessment Memorandum (appendix 2-A) of the ICF analysis), the project would emit 356.4 lbs of DPM during 2019 (a value 45 times higher than that assumed by the City). During 2020, instead of emitting 46 lbs of DPM (0.023 tons), the project would emit 970 lbs of DPM (a value 21 times higher than that assumed by the City).

Since the potential health risk to receptors in the area is a function of the amount of DPM released during the construction phase of the project it is clear that the initial health risk assessment

significantly underestimates the potential risk to the community (by a factor of 21-45 depending on the phase of construction). The risk to the community (based on the values in Appendix 1-B) would exceed the 10 in 1,000,000 threshold outlined in the CEQA guidance by BAAQMD for new projects. The City should correct their analysis and present the results in a Draft Environmental Impact Report (DEIR).

3. **The HRA evaluation offered in the Initial Study underestimates the potential risk from exposure to diesel exhaust since it does not account for the toxicity associated with all phases of diesel exhaust and the relative impact they will have on the receptors.** While the method utilized is the current method proposed by regulatory agencies, the list of chemicals of concern still fails to consider all of the toxic components emitted by diesel engines. CARB¹ defined diesel exhaust as a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene. The inhalation unit risk factor identified by OEHHA for use in risk assessments is for the particulate matter (DPM) fraction of diesel exhaust and not the vapor phase components identified by CARB and U.S. EPA.

In the 2017 Air Quality Technical Report² submitted in support of the Draft EIR for the Turk Island Landfill Consolidation and Residential Subdivision³, proponents accounted for the gaseous phase of diesel emission and detailed the speciated diesel total organic gas (TOG) emissions along with the DPM emissions for all construction equipment. The speciated diesel TOG emissions and DPM emissions were utilized in dispersion modeling to identify the maximally exposed individual sensitive receptor (MEISR) of the project to determine the health risks associated with all sources of air toxins from the construction phase of the project.

It is clear that the calculation of the cumulative risk from all the component parts of diesel exhaust is not double counting the risk, rather it is actually a more precise representation of the risk

¹ CARB. 1998. Report to the Air Resources Board on the Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Part A, Public Exposure To, Sources and Emissions of Diesel Exhaust In California. April 22, 1998. Pg A-1.

² Ramboll Environ. 2017. Air Quality Technical Report Turk Island Landfill Consolidation And Residential Subdivision Project. Prepared For City of Union City, Union City, CA. Prepared by Ramboll Environ US Corporation, San Francisco, CA August, 2017.

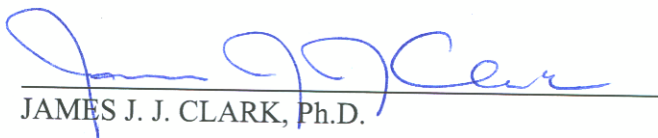
³ Union City. 2018. Draft Environmental Impact Report (DEIR) Turk Island Landfill Consolidation And Residential Subdivision Project. SCH Number 20008112107. Dated 3/15/2018.

posed from exposure to the air toxin. The City's analysis presents an underestimation of the true risk to the residents in the community from the release of DPM during the construction and operational phases of the project. This omission is a continuing flaw that must be addressed by the City and the results should be presented in a DEIR.

Conclusion

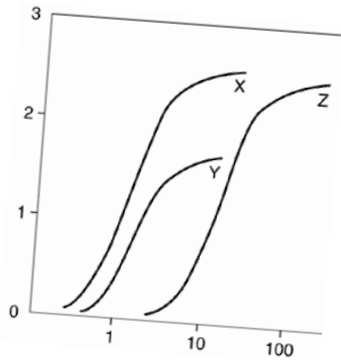
The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the conditions of approval are not binding.

Sincerely,



A handwritten signature in blue ink, appearing to read "James J. J. Clark", is written over a horizontal line. Below the line, the text "JAMES J. J. CLARK, Ph.D." is printed in a serif font.

JAMES J. J. CLARK, Ph.D.



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well-recognized toxicologist, air modeler, and health scientist. He has 25 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling, RESRAD, GENII); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: Scott D. McClurg, et al. v. Mallinckrodt Inc. and Cotter Corporation.

Lead Case No.: 4:12CV00361 AGF United States District Court Eastern District of Missouri Eastern Division

Client: Environmental Law Group, Birmingham, AL.

Dr. Clark performed a historical dose reconstruction for community members and workers exposed to radioactive waste released into the environment from the St. Louis Air Port Site (SLAPS) and the Hazelwood Interim Storage Site (HISS). The releases resulted in impacts to soils, sediments, surface waters, and groundwater in the vicinity of the SLAPS and HISS sites. The analysis included the incorporation of air dispersion modeling across the

community to determine ground-level air concentrations and deposition of thorium and uranium isotopes and their respective daughter products. The dose reconstruction considered all relevant pathways to determine total doses of radiation received across the community from 1946 through 2017.

Case Result: Settlement in favor of plaintiff.

Case: Mary Ann Piccolo V. Headwaters Incorporated, et al. Seventh Judicial Court In and For Carbon County, State of Utah. Case No. 130700053

Client: Law Offices of Roy L. Mason. Annapolis, MD

Dr. Clark performed a dose assessment of an individual occupationally exposed to metals and silica from fly ash who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding his exposure and later development of cancer.

Case Result: Settlement in favor of plaintiff.

Case: Tracey Coleman V. Headwaters Incorporated, et al. Seventh Judicial Court In and For Carbon County, State of Utah. Case No. 140902847

Client: Law Offices of Roy L. Mason. Annapolis, MD

Dr. Clark performed a dose assessment of an individual occupationally exposed to metals and silica from fly ash who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding his exposure and later development of cancer.

Case Result: Settlement in favor of plaintiff.

Case: David Dominguez and Amanda Dominguez V. Cytec Industries, Inc et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. BC533123

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to hexavalent chromium who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding her exposure and later development of cancer.

Case Result: Settlement in favor of plaintiff.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model were used to estimate acute and chronic exposure concentrations to multiple contaminants and were be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark managed the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark assisted the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research were presented

to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of MtBE, and is suspected to be the primary cause of MtBE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been were used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

International Society of Environmental Forensics (ISEF)

Publications and Presentations:

Books and Book Chapters

- Sullivan, P., **J.J. J. Clark**, F.J. Agardy, and P.E. Rosenfeld. (2007). *Synthetic Toxins In The Food, Water and Air of American Cities*. Elsevier, Inc. Burlington, MA.
- Sullivan, P. and **J.J. J. Clark**. 2006. *Choosing Safer Foods, A Guide To Minimizing Synthetic Chemicals In Your Diet*. Elsevier, Inc. Burlington, MA.
- Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.
- Sullivan, P.J., Agardy, F.J., **Clark, J.J.J.** 2002. *America's Threatened Drinking Water: Hazards and Solutions*. Trafford Publishing, Victoria B.C.
- Clark, J.J.J.** 2001. "TBA: Chemical Properties, Production & Use, Fate and Transport, Toxicology, Detection in Groundwater, and Regulatory Standards" in *Oxygenates in the Environment*. Art Diaz, Ed.. Oxford University Press: New York.
- Clark, J.J.J.** 2000. "Toxicology of Perchlorate" in *Perchlorate in the Environment*. Edward Urbansky, Ed. Kluwer/Plenum: New York.
- Clark, J.J.J.** 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.
- Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, Volume 70 (2008) page 002254.
- Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008) Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, Volume 70 (2008) page 000527
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.

- Rosenfeld, P.E., **Clark, J. J.**, Hensley, A.R., and Suffet, I.H. 2007. "The Use Of An Odor Wheel Classification For The Evaluation of Human Health Risk Criteria For Compost Facilities" *Water Science & Technology*. 55(5): 345-357.
- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2004. "The Value Of An Odor Quality Classification Scheme For Urban Odor" WEFTEC 2004. 77th Annual Technical Exhibition & Conference October 2 - 6, 2004, Ernest N. Morial Convention Center, New Orleans, Louisiana.
- Clark, J.J.J.** 2003. "Manufacturing, Use, Regulation, and Occurrence of a Known Endocrine Disrupting Chemical (EDC), 2,4-Dichlorophenoxyacetic Acid (2,4-D) in California Drinking Water Supplies." National Groundwater Association Southwest Focus Conference: Water Supply and Emerging Contaminants. Minneapolis, MN. March 20, 2003.
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- Browne, T., **Clark, J.J.J.** 1998. Treatment Options For Perchlorate In Drinking Water. Proceedings From the Groundwater Resource Association Seventh Annual Meeting, Walnut Creek, CA, October 23, 1998.
- Clark, J.J.J.**, Brown, A., Rodriguez, R. 1998. The Public Health Implications of MtBE and Perchlorate in Water: Risk Management Decisions for Water Purveyors. Proceedings of the National Ground Water Association, Anaheim, CA, June 3-4, 1998.

- Clark J.J.J.**, Brown, A., Ulrey, A. 1997. Impacts of Perchlorate On Drinking Water In The Western United States. U.S. EPA Symposium on Biological and Chemical Reduction of Chlorate and Perchlorate, Cincinnati, OH, December 5, 1997.
- Clark, J.J.J.**; Corbett, G.E.; Kerger, B.D.; Finley, B.L.; Paustenbach, D.J. 1996. Dermal Uptake of Hexavalent Chromium In Human Volunteers: Measures of Systemic Uptake From Immersion in Water At 22 PPM. *Toxicologist*. 30(1):14.
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- Tierney, D.F. and **J.J.J. Clark**. (1990). Lung Polyamine Content Can Be Increased By Spermidine Infusions Into Hyperoxic Rats. *American Review of Respiratory Disease*. 139(4):A41.



Planning and Inspection Department

Planning Division
1500 Warburton Avenue
Santa Clara, CA 95050
Ph: (408) 615-2450

Appeal Form

Instructions

Use this form to appeal a decision of the Architectural Review Committee or Planning Commission. **All appeals must be filed in the Planning Division within seven calendar days of the action being appealed.**

Appeals from the Architectural Review Committee are made to the Planning Commission and will be set for hearing on the next available Planning Commission agenda. Appeals from the Planning Commission are made to the City Council and will be placed on the subsequent City Council Agenda to set a hearing date. Please contact the Planning Division at the number listed above with any inquiries about the process.

Please print, complete, and sign this form before mailing or delivering to the City, along with the fee payment, and supporting documentation, letters, etc. (if any).

Appeal Fees

Appeal Fees are set by the Municipal Code of the City of Santa Clara and are subject to annual review. Please call the Planning Division for the current Appeal Fee. **Fee payment must be received by the City of Santa Clara before this form submittal can be certified as complete.**

Appeal fees may be paid by cash, check, or with VISA, MasterCard, or American Express, at the Permit Center at City Hall. Alternatively, checks or money orders made payable to City of Santa Clara can be mailed or delivered to Planning Division, City Hall, 1500 Warburton Avenue, Santa Clara, California 95050.

Appellant Declaration

Name: Adams Broadwell Joseph & Cardozo
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City, State, Zip Code: South San Francisco, CA 94080
Phone number: (650) 589-1660
E-mail address: agraf@adamsbroadwell.com

In accordance with the provisions of the Municipal Code of the City of Santa Clara, I hereby appeal the following action of the:

☒ Architectural Review Committee ☐ Planning Commission

at it's meeting of September 18, 2019
(date)

Agenda Item No.: 8.A

File No.(s): PLN2019-13745; CEQ2019-01071

Address:/APN(s): 2175 Martin Avenue, Santa Clara, CA ; APN 224-10-115

Appellant Statement

(If more space is required, attach a separate sheet of paper.)

Action being appealed:

Please see attached letter.

Reason for Appeal:

Please see attached letter.

Certification of Authenticity

Beware, you are subject to prosecution if you unlawfully submit this form. Under penalty of law, transmission of this form to the City of Santa Clara is your certification that you are authorized to submit it and that the information presented is authentic.



Signature of Appellant

9/25/2019

Date

ADAMS BROADWELL JOSEPH & CARDOZO

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MARC D. JOSEPH
Of Counsel

September 25, 2019

By Hand Delivery

Planning Division
Planning and Inspection Department
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

Re: **Appeal of the Architectural Committee's Approval of the LS1
Data Center Project and Adoption of the Mitigated Negative
Declaration (PLN2019-13745, CEQ2019-01071)**

Dear Planning Commission:

We write on behalf of Santa Clara Citizens for Sensible Industry ("SCCSI"), pursuant to the City of Santa Clara ("the City") Zoning Ordinance § 18.76.020(h), to request that the Planning Commission grant this appeal and reverse the September 18, 2019 decision of the City's Architectural Review Committee to approve the LS1 Data Center Project ("Project") located at 2175 Martin Avenue, Santa Clara, California 95050 and adopt the final Mitigated Negative Declaration¹ ("MND") for the proposed Project, prepared by the City's Community Development Department pursuant to the California Environmental Quality Act ("CEQA").²

I. ACTION BEING APPEALED

LVP Martin Avenue Associates LLC c/o Lightstone Group ("Applicant") proposes to demolish a single story building previously used for industrial warehousing, manufacturing, and office purposes and construct a three-story,

¹ City of Santa Clara, Mitigated Negative Declaration: LS1 Data Center Project (Sept. 2019) (*hereinafter* "Final MND").

² Pub. Resources Code § 21000 *et seq.*
4690-009acp

September 25, 2019

Page 2

79,300 square foot (“sf”) data center with a floor area ratio (“FAR”) of 1.08.³ On August 26, 2019, we submitted comments, with the assistance of our technical expert James Clark, Ph.D., on the draft Initial Study and MND for the proposed Project (“Comment Letter”).⁴ As detailed therein, the Project presents potentially significant, unmitigated impacts due the MND’s failure to sufficiently describe the current environmental setting for biological resources.⁵ In addition, we offered substantial evidence supporting a fair argument that the Project’s impacts to air quality, biological resources, energy, and land use are potentially significant and unmitigated.⁶ Finally, the City’s analysis of the Project’s cumulative energy impacts is inadequate as a matter of law and substantial evidence supports a fair argument that the Project’s energy impacts are cumulatively considerable.⁷ Based on the substantial evidence presented, the City must prepare an environmental impact report (“EIR”) for the Project.

Furthermore, the Architectural Committee violated Zoning Ordinance § 18.76.020 by finding that the design and location of the proposed Project 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 Santa Clara 2010-2035 General Plan (“General Plan”) despite evidence to the contrary. Specifically, the Project is inconsistent with the General Plan because the Project’s FAR exceeds the applicable maximum and no valid exception to this policy exists.⁸ In addition, a condition of approval allowing an alternative replacement rate for protected trees with approval from the Director of Community Development Department conflicts with the General Plan.⁹

On September 16, 2019, we received a copy of the Community Development Department’s staff report to the Architectural Committee,¹⁰ and were notified of the

³ Final MND, exhibit A at p. 7 (*hereinafter* “Initial Study”)

⁴ Letter from Andrew J. Graf, Adams Broadwell Joseph & Cardozo to Nimisha Agrawal, Community Development Department, City of Santa Clara re: Comments on the LS1 Data Center Project Proposed Mitigated Negative Declaration (MND) (PLN2019-13745 and CEQ2019-01071) (Aug. 26, 2019) (*hereinafter* “Comment Letter”).

⁵ *Id.* at pp. 4-7.

⁶ *Id.* at pp. 7-14, 21-22.

⁷ *Id.* at pp. 14-20.

⁸ *Id.* at pp. 20-23

⁹ *Id.* at pp. 11-12, 23.

¹⁰ City of Santa Clara, Architectural Committee Project Overview: Agenda Item #8.A (undated) (*hereinafter* “Staff Report”).

4690-009acp

September 25, 2019

Page 3

publication of the final MND, which included the City's responses to comments on the draft MND.¹¹ The Architectural Committee approved the Project and adopted the MND at a public hearing on September 18, 2019.¹² Minutes for the hearing were not available at the time of this submission.¹³

We respectfully request the Planning Commission grant our appeal and reverse the Architectural Committee's approval of the Project and adoption of the MND.

II. STATEMENT OF INTEREST

SCCSI is an unincorporated association of individuals and labor organizations who may be adversely affected by the potential health, safety, public service, and environmental impacts of the Project. The association includes City of Santa Clara resident Mr. Long Vu, California Unions for Reliable Energy and its organization members and the members' families, and other individuals who live, work, recreate and raise their families in the City. They would be directly affected by the Project's environmental and health and safety impacts.

Individual members may also work on the Project itself. They would be the first in line to be exposed to any health and safety hazards which may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

SCCSI supports the development of data centers where properly analyzed and carefully planned to minimize impacts on the environment. Any proposed project should avoid impacts to public health, energy resources, sensitive species and habitats, and should take all feasible steps to ensure significant impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can development truly be sustainable.

¹¹ Email from Nimisha Agrawal, Community Development Department, City of Santa Clara to Janet Laurain, Adams Broadwell Joseph & Cardozo re: LS1 Data Center September 18th Hearing (Sept. 16, 2019).

¹² Email from Nimisha Agrawal, Community Development Department, City of Santa Clara to Janet Laurain, Adams Broadwell Joseph & Cardozo re: LS1 Data Center Appeal Deadline and Architectural Committee Decision on the Project (Sept. 24, 2019).

¹³ *Ibid.*

4690-009acp

SCCSI and its members are concerned with projects that can result in serious environmental harm without providing countervailing economic benefits such as decent wages and benefits. Environmentally determinantal projects can jeopardize future jobs by making it more difficult and more expensive for industry to expand in the City and the surrounding region, and by making it less desirable for businesses to locate and people to live and recreate in the City, including in the vicinity of the Project. Continued degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities.

The labor organization members of SCCSI therefore have a direct interest in enforcing environmental laws that minimize the adverse impacts of projects that would otherwise degrade the environment. CEQA provides a balancing process whereby economic benefits are weighted against significant impacts to the environment.¹⁴ It is for these purposes that we offer these comments.

III. REASONS FOR APPEAL

The City's responses to the comments on the draft MND do not adequately address the issues raised by SCCSI and other members of the public. As outlined in our Comment Letter and below, substantial evidence supports a fair argument the Project may have significant environmental impacts. Therefore, the Architectural Committee's decision to adopt the final MND must be reversed, and an EIR must be prepared.

Moreover, the Architectural Committee cannot make the necessary findings and determinations required under Zoning Ordinance § 18.76.020 because the proposed Project conflicts with the harmonious development contemplated by the General Plan. Therefore, the Architectural Committee's decision to approve the Project must be reversed.

¹⁴ Pub. Resources Code § 21871(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.
4690-009acp

A. The Planning Commission Must Reverse the Architectural Committee's Decision to Adopt the MND Because Substantial Evidence Supports a Fair Argument the Project May Have Significant, Unmitigated Environmental Impacts

CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in the “fair argument” standard. Under this standard, a lead agency must prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.¹⁵

A mitigated negative declaration may only be prepared if the Project includes legally binding measures which, based on substantial evidence, avoid or mitigate potentially significant environmental impacts.¹⁶ “Substantial evidence” required to support a fair argument is “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”¹⁷ “[I]n marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.”¹⁸

As shown in our Comment Letter, substantial evidence supports a fair argument the Project may cause a significant environmental effect.¹⁹ As described below, the City's responses to comments fail to rebut this presumption.²⁰ Therefore, the Planning Commission must reverse the Architectural Committee's decision to

¹⁵ *Id.* §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602.

¹⁶ Pub. Resources Code § 21064.5.

¹⁷ CEQA Guidelines § 15384(a).

¹⁸ *Id.* § 15064(f).

¹⁹ See generally Comment Letter at pp. 4-22.

²⁰ Final MND, exhibit B (*hereinafter* “City's Responses to Comments”)

4690-009acp

adopt the MND and direct the Community Development Department to prepare an EIR for the Project.

1. The City Fails to Adequately Describe the Environmental Setting for Biological Resources

The City did not make any changes to the Initial Study's discussion of biological resources. In response to our Comment Letter,²¹ the City contends the MND correctly concludes the Project would not result in any impacts on any special-status species because no natural or sensitive habitats are present due to the developed nature of the project site and surrounding area.²² The City relies on the observations made by Torrey Edell during a site visit.²³

The City cannot conclude "no natural or sensitive habitats are present on the project site" simply because of the developed nature of the site and surrounding area. Such a conclusion inherently conflicts with the City's finding that the Project's construction could impact suitable nesting habitat for numerous bird species.²⁴ It also conflicts with the City's own admission that 22 special-status species have been documented within the U.S. Geological Survey 7.5-minute quadrangle for the Project site according to the California Natural Diversity Database ("CNDBB").²⁵ The City claims "nearly all of the [CNDBB] occurrences are unreliable because they are outdated and have poor accuracy." Even if true, this assertion acknowledges some of the occurrences are reliable and special-status species have the potential to occur on the Project site, such as special-status nesting birds.²⁶

Moreover, the City cannot rely on the observations of Ms. Edell. The record does not contain any evidence regarding Ms. Edell's qualifications. Nor does the record contain any evidence regarding Ms. Edell's "general observations about

²¹ Comment Letter at pp. 5-6.

²² City's Responses to Comments at p. 4.

²³ *Ibid.*

²⁴ Initial Study at pp. 56-57.

²⁵ City's Responses to Comments at p. 4.

²⁶ *Ibid.*

overall site conditions.”²⁷ To the contrary, the City states the only record available related to Ms. Edell’s site visit is the tree inventory report.²⁸ This report only documents the trees located on the property, and contains no other information which could support any conclusions regarding special-status wildlife species.²⁹

Because the City fails to properly investigate and disclose the potential for special-status species to occur on the Project, the MND fails to adequately mitigate potentially significant impacts to special-status wildlife. Therefore, substantial evidence supports a fair argument the Project may have significant, unmitigated impacts, which must be analyzed and mitigated in an EIR.

2. Substantial Evidence Supports a Fair Argument the Project Could Result in Significant, Unmitigated Environmental Impacts

a. The Project’s DPM Emissions Are Potentially Significant and Unmitigated

The City did not make any changes to its discussion regarding the potential impacts of diesel particulate matter (“DPM”) emissions. In response to our Comment Letter,³⁰ the City claims we incorrectly assumed “PM2.5 D” to mean DPM based on information included in Air Quality Technical Report (“AQTR”) Appendix 1-A and Appendix 1-B.³¹ The City states that DPM emissions were based PM2.5 exhaust emissions outlined AQTR Appendix 2-A.³² However, the City then fails to explain how the assumptions outlined in AQTR Appendix 2-A support its analysis. In fact, the City then relies on AQTR Appendix 1-A and Appendix 1-B to show its DPM emissions calculations is correct.³³ Given the inconsistency in the City’s explanation, and the City’s continued reliance on AQTR Appendix 1-A and Appendix 1-B to support its contention, substantial evidence, based on Dr. Clark’s

²⁷ City of Santa Clara, LS1 Data Center Administrative Record (July 31, 2019) (“This site visit was conducted as part of the Tree Inventory; there is not a separate record for it included in the administrative record.”).

²⁸ City’s Responses to Comments at p. 4.

²⁹ See generally Initial Study, appen. 4.4-1.

³⁰ Comment Letter at pp. 10, attachment A.

³¹ City’s Responses to Comments at p. 7.

³² *Ibid.*

³³ *Ibid.*

opinion,³⁴ continues to support a fair argument that the Project has potentially significant, unmitigated impacts. Therefore, an EIR must be prepared.

b. BIO-2.1 Fails to Adequately Mitigate the Potentially Significant Impacts to Protected Trees to Less than Significant

The City did not make any changes to mitigation measure BIO-2.1. In response to our Comment Letter,³⁵ the City concludes the mitigation measure is consistent with the General Plan and would not result in an environmental impact.³⁶ Although General Plan Policy 5.3.1-P10 requires a tree replacement plan at a 2:1 ratio,³⁷ the City a mitigation measure allowing a lower replacement rate for the Project.³⁸ The City does not rely on a General Plan policy for this assertion, but instead concludes it is permitted to have a lower replacement rate due to “past practice and to have an onsite benefit rather than an off-site benefit.”³⁹

An unwritten rule, which is inconsistent with the General Plan, cannot reduce the Project’s potentially significant impacts. If the City desires to change the General Plan policy, then it must propose an amendment to the General Plan and conduct environmental review. Under Policy 5.3.1-P10, the Project must add at least 24 new trees because it proposes to remove 12 trees. However, the Project will result in a replacement rate lower than 2:1 because it only requires 15 new trees.⁴⁰

As the City acknowledges, this policy is meant to increase the urban forest and minimize the heat island effect.⁴¹ The United States Environmental Protection Agency describes the heat island effect as follows:

As urban areas develop, changes occur in their landscape. Buildings, roads, and other infrastructure replace open land and vegetation. Surfaces that were once permeable and moist become impermeable and dry. These changes

³⁴ Comment Letter at pp. 10, attachment A.

³⁵ *Id.* at pp. 11-12.

³⁶ City’s Responses to Comments at p. 8.

³⁷ General Plan at p. 5-28.

³⁸ City’s Responses to Comments at p. 8.

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

cause urban regions to become warmer than their rural surroundings, forming an “island” of higher temperatures in their landscapes.⁴²

The heat island effect can cause (1) increased energy consumption, (2) elevated emissions of air pollutants and greenhouse gases, (3) compromised human health and comfort, and (4) impaired water quality.⁴³

The General Plan addresses the heat island effect by requiring a tree replacement rate of 2:1.⁴⁴ Since mitigation measure BIO-2.1 permits a replacement rate lower than what is allowed under Policy 5.3.1-P10, the Project presents potentially significant, unmitigated impacts to energy, air quality, public and worker health, and water quality. Therefore, an EIR must be prepared.

c. The Project May Have Significant, Unmitigated Impacts on Energy Resources

The City provides a supplemental analysis of the Project’s power use efficiency (“PUE”).⁴⁵ However, this supplemental analysis fails to address the contentions raised in our Comment Letter and raises more questions than answers. As discussed in the Comment Letter,⁴⁶ PUE is not an effective measure for demonstrating efficient energy consumption.⁴⁷ “[T]here are concerns that the metric does not consider the actual productivity or efficiency of the equipment. As a result, a data center in which no infrastructure upgrades are made actually achieves an improved PUE as the IT equipment ages and uses more power.”⁴⁸

⁴² United States Environmental Protection Agency, Heat Islands: Learn About Heat Islands, <https://www.epa.gov/heat-islands/learn-about-heat-islands> (last accessed Sept. 24, 2019).

⁴³ United States Environmental Protection Agency, Heat Islands: Heat Island Impacts, <https://www.epa.gov/heat-islands/heat-island-impacts> (last accessed Sept. 24, 2019).

⁴⁴ General Plan at p. 5-28.

⁴⁵ City’s Responses to Comments at pp. 9-10.

⁴⁶ Comment Letter at pp. 12-14.

⁴⁷ The Green Grid, White Paper #63: Data Center Environmental Impacts – Main Impacts and Proposal for the Data Center Maturity Model (2014) p. 9.

⁴⁸ Beth Whitehead, et al., *Assessing the Environmental Impact of Data Centers Part 1: Background, Energy Use, and Metrics*, Building and Environment 82 (2014) p. 157; see also Nathaniel Horner, et al., *Power Usage Effectiveness in Data Centers: Overloaded and Underachieving*, The Electricity Journal 29 (2016) p. 63 (“A low-overhead facility running older, less efficient servers could conceivably achieve a low PUE while still using more energy than it needs.”).

The City presents additional evidence of a worst case “mechanical PUE” of 1.19.⁴⁹ Notably, the City still does not identify all the equipment which will use electricity during operation. The only equipment identified is the “20 (N+2) DA250 and MCV440 systems,”⁵⁰ which are the thermal management systems. This equipment was not disclosed in the draft MND or the assumptions used by the mechanical equipment manufacturer.

Appendix F of the CEQA Guidelines identifies several items which should be disclosed when evaluating the energy consumption for a project, including disclosure of the “energy consuming equipment and processes which will be used during construction, operation and/or removal of the project. If appropriate, this discussion should consider the energy intensiveness of materials and equipment for the project.”⁵¹ The City does not include a description of all energy consuming equipment and processes. The assumptions and methods for how the City determines the Project’s energy use is critical to evaluating whether the Project’s operation may have a significant impact on energy. Without this information, decisionmakers and the public cannot properly evaluate the Project’s potential impacts on energy use.

Instead, the City relies on the an undisclosed analysis prepared by the mechanical equipment manufacturer and reviewed by the Project engineer⁵² The City fails to reconcile why the annual “mechanical PUE” of 1.19 discussed in its response to comments is substantially lower than the annual PUE of 1.37 described in the draft MND.⁵³ If anything, the City’s response shows PUE is not a reliable method of assessing the energy consumption of data centers given the significant discrepancies between the draft MND and the City’s responses to comments.

d. The Project’s FAR Conflicts with the General Plan Resulting in Potentially Significant, Unmitigated Environmental Impact

The City did not make any changes to its discussion and conclusions regarding the Project’s FAR. In response to our Comment Letter,⁵⁴ the City

⁴⁹ City’s Responses to Comments at pp. 9-10.

⁵⁰ *Id.* at p. 9.

⁵¹ CEQA Guidelines, appen. F.

⁵² City’s Responses to Comments at pp. 9-10.

⁵³ *Ibid.*

⁵⁴ Comment Letter at pp. 20-22.

4690-009acp

concludes the General Plan Discretionary Use Policy 5.5.1-P9 applies to the Project, which gives the City discretion to allow an increased FAR for qualifying projects.⁵⁵ The City explains the “FAR restrictions are intended to serve as a mechanism for regulating employment density, which can be correlated with environmental impacts.”⁵⁶ This City is incorrect in both its conclusion and explanation.

First, the City erroneously applies Policy 5.5.1-P9. The policy states:

For Data Centers *on Light or Heavy Industrial* designated properties, allow a 20 percent increase in the maximum allowed non-residential square-footage, provided that sufficient onsite land area is available to meet the parking requirements for other uses allowed under those designations, and provided that the increased intensity is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies.⁵⁷

The City incorrectly attempts to substitute the land use designations for the Zoning Ordinance (ML and MH) with the land use designations for the General Plan (Light Industrial and Heavy Industrial).⁵⁸ The General Plan contains four separate land use designations for office/industrial development: Low-Intensity Office/R&D, High-Intensity Office/R&D, Light Industrial, and Heavy Industrial.⁵⁹ Each of these designations contains a maximum FAR.⁶⁰

Policy 5.3.5-P12 does not apply to areas *designated by the General Plan* as Low-Intensity Office/R&D. Instead, the policy only applies to projects located in areas *designated by the General Plan* as Light Industrial or Heavy Industrial areas. Consistent with Policy 5.3.5-P12, the discretionary FAR increase for Light Industrial or Heavy Industrial areas is intended to promote development of data centers “in Light and Heavy industrial areas to compliment employment areas and

⁵⁵ City’s Responses to Comments at p. 13.

⁵⁶ *Ibid.*

⁵⁷ General Plan at p. 5-49 (emphasis added).

⁵⁸ City’s Responses to Comments at p. 13 (“Santa Clara General Plan Discretionary Use Policy 5.5.1-P9 allows a 20 percent FAR increase for data centers on designated ML or MH properties, provided that sufficient on-site land area is available to meet the parking requirements of other uses allowed under those designations and the increased intensity is compatible with planned uses on neighboring properties and consistent with other general plan policies.”)

⁵⁹ General Plan at pp. 5-14 to 5-15.

⁶⁰ *Ibid.*

retail uses.”⁶¹ Because the discretionary FAR increase does not apply to development on land designated by the General Plan as Low-Intensity Office/R&D, and the Project exceeds the applicable maximum FAR for that land use designation, the Project is inconsistent with the General Plan.

Second, FAR restrictions do not regulate employment density; rather, FAR measures land use intensity.⁶² “The standards for land use classifications establish range for density and intensity, but do not guarantee development at the maximum density or intensity specified for each classification.”⁶³ These policies address neighborhood compatibility.⁶⁴ Since the Project’s FAR exceeds the applicable maximum for Low-Intensity Office/R&D, an no applicable exception applies, the Project is incompatible with the surrounding area. Therefore, the Project has potentially significant, unmitigated impacts to land use, and an EIR must be prepared.

3. Substantial Evidence Supports a Fair Argument the Project’s Energy Impacts Are Cumulatively Considerable

The City contends its cumulative impacts analysis is not list based because it considers a broader cumulative setting.⁶⁵ However, this statement directly contradicts the language included in the Initial Study, which states: “The cumulative projects identified in Table 4.21-1 as well as other future development would result in a change in the demand for energy. Some of these projects could consider to the demand for energy or result in the large amounts of fuel, water, or energy, or use these in a wasteful manner, which would be considered a significant cumulative impact.”⁶⁶ Table 4.21-1 did not contain all development projects now included in the Final MND.⁶⁷ The City failed to recirculate the final MND for public review and comment.

⁶¹ *Id.* at p. 5-27 (“5.3.5-P12 Promote development, such as manufacturing, auto services and data centers, in Light and Heavy Industrial classifications to compliment employment areas and retail uses.”).

⁶² General Plan at p. 5-12.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ City’s Responses to Comments at p. 11.

⁶⁶ Initial Study at p. 174.

⁶⁷ See City’s Responses to Comments at pp. 11-13.

4690-009acp

Moreover, the City's analysis improperly compares the incremental effects of the proposed Project with the collective impacts of all other relevant projects. When undertaking a cumulative impact analysis, an agency cannot simply compare the incremental effects of a proposed project *against* the collective impacts of all other relevant projects yielding the proposed project's relative impact vis-à-vis the impacts of other projects.⁶⁸ Rather, the lead agency must *add* the project's incremental impact to the anticipated impacts of other projects.⁶⁹ Because the City revised Table 4.21-1, but then failed to conduct the proper analysis as required under CEQA, the Project has potentially significant, unmitigated cumulative impacts on energy. Therefore, an EIR must be prepared.

B. The Planning Commission Must Reverse the Architectural Committee's Decision to Approve the Project Because the Project Conflicts with the General Plan and Zoning Ordinance

Zoning Ordinance § 18.76 establishes the architectural review process for proposed development projects in the City. The purpose of architectural review is to (1) encourage orderly and harmonious appearance of structures and property, (2) maintain the public health, safety and welfare, (3) maintain the property and improvement values throughout the City, and (4) encourage the physical development of the City as intended by the General Plan.⁷⁰ In order to grant approval, the Architectural Committee must make certain findings and determinations on a proposed project.⁷¹ If the Committee is unable to make the findings and determinations prerequisite to the granting of architectural approval, the application must be denied.⁷²

The Committee must find 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 not to be determinantal to the harmonious development contemplated by the Zoning Ordinance and the General Plan.⁷³ However, the Architectural Committee had no evidence to make this finding. As detailed in our Comment Letter and

⁶⁸ *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 117-20.

⁶⁹ *Ibid.*

⁷⁰ Zoning Ordinance § 18.76.010.

⁷¹ *Id.* § 18.76.020(c).

⁷² *Id.* § 18.76.020(e).

⁷³ *Id.* § 18.76.020(c)(3).

4690-009acp

discussed herein, the Project conflicts with the General Plan because the Architectural Committee erroneously applied Discretionary Use Policy 5.5.1-P9 and a condition of approval conflicts with Policy 5.3.1-P10.⁷⁴ Due to these inconsistencies, the Project differs from the character of the neighborhood and is detrimental to the harmonious development of the City as contemplated by the General Plan. Therefore, the Architectural Committee's approval of the Project must be overturned for violating Zoning Ordinance § 18.76.020.

1. The Architectural Committee Erroneously Applied Discretionary Use Policy 5.3.5-P12

The Architectural Committee concludes the Project is in keeping with the character of the neighborhood and is not detrimental to the harmonious development contemplated by the Zoning Ordinance or General Plan because the "proposed development is 2-3 stories higher than the surrounding low to mid-rise structures, but is consistent to the adjacent industrial uses."⁷⁵ The Architectural Committee also found that the "project would include ancillary equipment (backup generators and above ground fuel storage tanks), loading dock, circulation and parking, and landscape improvements in conformance with the ML zoning district development standards and consistent with the development of data centers throughout the City."⁷⁶ However, these findings are erroneous because the Architectural Committee misinterpreted the discretionary use policy permitting a 20 percent increase for a Project's FAR.

The Architectural Committee confirmed that the project site is currently designated Low Intensity Office/R&D in the General Plan and is zoned light industrial (ML).⁷⁷ In addition, the Architectural Committee confirmed the FAR of 1.08 for the Project exceeds the base FAR of 1.0 set by the General Plan.⁷⁸ But the Architectural Committee concluded that the Project's FAR is within the 20 percent increase allowance for data centers pursuant to Discretionary Use Policy 5.5.1-P9.⁷⁹ The Architectural Committee relied on the City's interpretation of the Policy as

⁷⁴ Comment Letter at pp. 11-12, 20-24.

⁷⁵ Staff Report at p. 4.

⁷⁶ *Ibid.*

⁷⁷ *Id.* at p. 2.

⁷⁸ *Ibid.*

⁷⁹ *Ibid.*

allowing a 20 percent increase for data centers on “designated ML or MH properties.”⁸⁰ This, however, is a misreading of the policy.

Policy 5.5.1-P9 states:

*For Data Centers on Light or Heavy Industrial designated properties, allow a 20 percent increase in the maximum allowed non-residential square-footage, provided that sufficient onsite land area is available to meet the parking requirements for other uses allowed under those designations, and provided that the increased intensity is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies.*⁸¹

The Architectural Committee incorrectly attempted to substitute the land use designations for the Zoning Ordinance (ML and MH) with the land use designations for the General Plan (Light Industrial and Heavy Industrial) with the.⁸² Policy 5.5.1-P9 does not apply to areas designated as Low-Intensity Office/R&D. Instead, the policy only applies to projects located in areas *designated by the General Plan* as light industrial or heavy industrial areas.

Because the discretionary FAR increase does not apply to development on land designated by the General Plan as Low-Intensity Office/R&D, and the Project exceeds the applicable maximum FAR for that land use designation, the Project is inconsistent with the General Plan. Therefore, the Architectural Committee cannot find that the design and location of the Project is such that it is keeping with the character of the neighborhood and is not be detrimental to the harmonious development contemplated by the Zoning Ordinance and the General Plan.

2. Condition of Approval C6 Conflicts with General Plan Policy 5.3.1-P10

The Architectural Committee included a condition of approval that conflicts with the General Plan. Specifically, condition of approval C6 conflicts with Policy 5.3.1-P10 because it permits a replacement rate lower than what is required under the General Plan. Condition C6 states:

⁸⁰ City’s Responses to Comments at p. 13.

⁸¹ General Plan at p. 5-49 (emphasis added).

⁸² City’s Responses to Comments at p. 13.

Project site landscaping shall be maintained in good condition throughout the life of the Project and no trees shall be removed without City review and approval. Trees permitted by the City for removal shall be replaced at a 2:1 ratio with 24-inch box specimen tree, or equal alternative as approved by the Director of Community Development.⁸³

The clause permitting an “equal alternative as approved by the Director of Community Development”⁸⁴ conflicts with the Policy 5.3.1-P10, which requires “new development to provide street trees and a minimum 2:1 on- or off-site replacement rate for trees removed as part of the proposal to help increase the urban forest and minimize the heat island effect.”⁸⁵ The Project proposes to remove 12 protected trees from the Project site, but only anticipates adding 15 new trees. This conflicts with the 2:1 ratio required by Policy 5.3.1-P10, which would mandate the inclusion of at least 24 trees.

The General plan does not contain any exceptions to the 2:1 tree replacement ratio for protected trees. In fact, the City does not cite to any written authority supporting their contention that the Director of the Community Development Department has the discretion to approve a lower replacement rate. Instead, the City relies on an unwritten policy of “past practice.”⁸⁶

The City cannot rely on an unwritten rule, which facially conflicts with the General Plan. If the City desires to change the General Plan policies, then the City must propose an amendment to the General Plan and conduct environmental review pursuant to CEQA, just as it did when the City adopted Policy 5.3.1.-P10. Because the condition of approval conflicts with the General Plan, the Architectural Committee cannot find that the design and location of the Project is such that it is keeping with the character of the neighborhood and is not detrimental to the harmonious development contemplated by the Zoning Ordinance and the General Plan.

⁸³ Staff Report, attach. 1 at p. 2.

⁸⁴ *Ibid.*

⁸⁵ General Plan at p. 5-28.

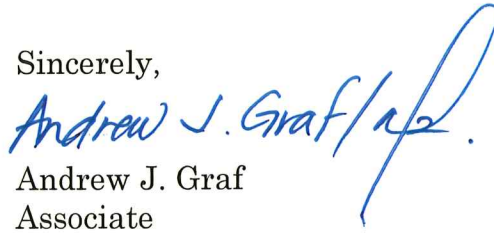
⁸⁶ Initial Study at p. 57.

4690-009acp

IV. REQUESTED RELIEF

We request that the Planning Commission grant this appeal and reverse the Architectural Committee's decision to adopt the MND and approve the Project. In addition, we request the City conduct further analysis of the Project's potentially significant environmental impacts in an environmental impact report. By doing so, the City and public can be sure all adverse environmental and public health impacts of the Project are adequately analyzed, disclosed, and mitigated.

Sincerely,

A handwritten signature in blue ink that reads "Andrew J. Graf" followed by a stylized flourish.

Andrew J. Graf
Associate

Attachment
AJG:acp

ATTACHMENT A

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August 26, 2019

Via Email and Overnight Delivery

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**Re: Comments on the LS1 Data Center Project Proposed Mitigated
Negative Declaration (MND) (PLN2019-13745 and CEQ2019-
01071)**

Dear Ms. Agrawal:

We write on behalf of Santa Clara Citizens for Sensible Industry ("SCCSI") to provide comments on the proposed Mitigated Negative Declaration ("MND")¹ and Initial Study ("IS")² prepared by the City of Santa Clara ("the City"), pursuant to the California Environmental Quality Act ("CEQA"),³ for the LS1 Data Center Project (PLN2019-13745 and CEQ2019-01071) ("Project"). LVP Martin Avenue Associates LLC c/o Lightstone Group ("Applicant") proposes to demolish a single-story building previously used for industrial warehousing, manufacturing, and office purposes and construct a three-story, 79,300 square foot ("sf") data center.⁴ The Project site is 1.68 acres (73,386 sf) and is located at 2175 Martin Avenue in the City of Santa Clara, California.⁵

The Project would include approximately 47,800 sf of data hall space and approximately 31,500 sf of support space, consisting of office space, a loading dock,

¹ City of Santa Clara, LS1 Data Center Project: Proposed Mitigated Negative Declaration (MND) (Aug. 2019) (*hereinafter* "MND").

² City of Santa Clara, Initial Study: LS1 Data Center Project (Aug. 2019) (*hereinafter* "IS").

³ Pub. Resources Code ("PRC") § 21000 *et seq.*

⁴ MND at p. i.

⁵ IS at p. 7.

4690-007acp

storage, space, mechanical/electric/fiber rooms, and other ancillary uses.⁶ Each data hall would include a 4.25 MW data room with projected peak capacity of 13.5 megavolt amperes (“MVA”).⁷

An approximately 7,700 sf exterior equipment yard would house six 2.75 MW emergency generators to provide backup power to the data center in the event of an equipment failure or interruption in electrical service.⁸ The Project would also include uninterruptible power supplies and lithium ion batteries to cover the total projected electrical demand in the event of equipment failure.⁹ The proposed floor area ratio (“FAR”) for the Project is 1.08.¹⁰

Project construction would occur in one phase consisting of three main categories of construction activities.¹¹ Activity Category 1 (demolition) would include demolition of the existing building and grading.¹² Activity Category 2 (core and shell) would include buildout of the core and shell structure and installation of pavement, landscaping, and utility connections.¹³ Activity Category 3 (interiors) would include buildout of the interior data halls and tenant spaces.¹⁴

Based on our review of the MND, IS, and supporting documents, we conclude these documents fail to comply with CEQA. Specifically, the IS does not sufficiently describe the current environmental setting for biological resources and energy use. These deficiencies are fatal errors because all potentially significant environmental impacts which may result from the Project are not adequately analyzed and all feasible mitigation measures to reduce those impacts to a level of insignificance have not been proposed or adopted.

As described in these comments, there is more than a fair argument that the Project could result in potentially significant impacts to air quality, biological resources, energy, and land use. The City cannot undertake any further actions

⁶ *Ibid.*

⁷ *Ibid.*; see also appen 3.0-1.

⁸ *Id.* at p. 8.

⁹ *Ibid.*

¹⁰ *Id.* at p. 7 (the MND and IS assume the Project’s FAR is 1.09 for conservative purposes).

¹¹ MND at p. ii.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

August 26, 2019

Page 3

concerning the proposed Project until it prepares an Environmental Impact Report (“EIR”) that adequately analyzes the Project’s potentially significant direct, indirect, and cumulative impacts, and incorporates all feasible mitigation measures to minimize these impacts to less than significant.

We reviewed the MND, the IS and its technical appendices, and the available reference documents with the assistance of our expert consultant, James Clark, Ph.D., whose comments and qualifications are included as Attachment A.¹⁵ The City must respond to Dr. Clark’s comments separately and fully.

I. STATEMENT OF INTEREST

SCCSI is an unincorporated association of individuals and labor organizations that may be adversely affected by the potential health, safety, public service, and environmental impacts of the Project. The association includes City of Santa Clara resident Mr. Long Vu, California Unions for Reliable Energy (“CURE”) and its organization members and the members’ families, and other individuals who live, work, recreate and raise their families in the City. They would be directly affected by the Project’s environmental and health and safety impacts. Individual members may also work on the Project itself. They would be the first in line to be exposed to any health and safety hazards which may be present on the Project site. They each have a personal interest in protecting the Project area from unnecessary, adverse environmental and public health impacts.

SCCSI supports the development of data centers where properly analyzed and carefully planned to minimize impacts on the environment. Any proposed project should avoid impacts to public health, energy resources, sensitive species and habitats, and should take all feasible steps to ensure significant impacts are mitigated to the maximum extent feasible. Only by maintaining the highest standards can development truly be sustainable.

SCCSI and its members are concerned with projects that can result in serious environmental harm without providing countervailing economic benefits such as decent wages and benefits. Environmentally determinantal projects can jeopardize

¹⁵ Letter from James J.J. Clark, Ph.D., Clark & Associates to Andrew J. Graf, Adams Broadwell Joseph & Cardozo re: Comment Letter on LS1 Data Center Project Mitigated Negative Declaration (MND) Application PLN2019-13745 (Aug 22., 2019) (*hereinafter* Clark Comments).
4690-007acp

future jobs by making it more difficult and more expensive for industry to expand in the City and the surrounding region, and by making it less desirable for businesses to locate and people to live and recreate in the City, including in the vicinity of the Project. Continued degradation can, and has, caused construction moratoriums and other restrictions on growth that, in turn, reduces future employment opportunities. The labor organization members of SCCSI therefore have a direct interest in enforcing environmental laws that minimize the adverse impacts of projects that would otherwise degrade the environment. CEQA provides a balancing process whereby economic benefits are weighted against significant impacts to the environment.¹⁶ It is for these purposes that we offer these comments.

II. THE IS FAILS TO ADEQUATELY DESCRIBE THE ENVIRONMENTAL SETTING

An initial study must include a description of the project's environmental setting.¹⁷ The description of the environmental setting constitutes the baseline physical conditions by which a lead agency may assess the significance of a project's impacts.¹⁸ "The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project's likely near-term and long-term impacts."¹⁹

"An initial study may rely upon expert opinion supported by facts, technical studies or other substantial evidence to document its findings."²⁰ Substantial evidence is defined as "enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached."²¹ It includes "facts, reasonable assumption predicated upon facts, and expert opinion supported by facts,"²² but does not include "[a]rgument, speculation, unsubstantiated opinion or narrative, [or] evidence which is clearly erroneous or inaccurate."²³

¹⁶ PRC § 21871(a)(3); *Citizens for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal.App.3d 151, 171.

¹⁷ CEQA Guidelines § 15063(d)(2).

¹⁸ *Id.* § 15125(a); see also *Communities for a Better Environment v. South Coast Air Quality Management District* (2010) 38 Cal. 4th 310, 320-21 (CEQA Guidelines § 15125(a) applies to an initial study).

¹⁹ CEQA Guidelines § 15125(a).

²⁰ *Id.* § 15063(a)(3).

²¹ *Id.* § 15384(a).

²² *Id.* § 15384(b).

²³ *Id.* § 15384(a).

4690-007acp

A. The IS Fails to Adequately Describe the Potential for Special-Status Species to Occur in the Project Vicinity

The IS concludes “there are no wetlands or other sensitive habitats on or adjacent to the project site” based on a single site visit conducted exclusively for the purpose of completing a tree inventory.²⁴ Other than the Tree Inventory Report included as an Appendix 4.4-1,²⁵ “there is not a separate record for [the site visit] included in the administrative record.”²⁶ Not a single mention of the presence or absence of special-status species is made in the Tree Inventory Report. The IS cannot rely on unsubstantiated expert opinion to conclude that no wetlands or other sensitive habitats occur on or adjacent to the project site.

To the contrary, the IS recognizes special-status species have the potential to occur on the Project site despite the highly urbanized nature of the area because “the site may provide nesting habitat and food sources for native migratory birds and raptors.”²⁷ Moreover, 38 special-status species are listed in the California Natural Diversity Database for the quadrangle in which the Project is located including, but not limited to, the California Tiger Salamander, Swainson’s hawk, burrowing owl, coast horned lizard, northern California legless lizard and hairless popcorn flower.²⁸ The Project site contains numerous mature trees and is located less than 1,600 feet the San Thomas Aquino Creek riparian corridor, which supports a variety of aquatic and wetland-oriented species.

“[P]reparing a Negative Declaration necessarily involves some degree of forecasting. While foreseeing the unforeseeable is not possible, *an agency must use its best efforts to find out and disclose all that it reasonably can.*”²⁹ “If, after thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate

²⁴ IS at p. 54, fn. 29.

²⁵ *Id.*, appen. 4.4.-1.

²⁶ City of Santa Clara, LS1 Data Center Administrative Record (July 31, 2019) (“This site visit was conducted as part of the Tree Inventory; there is not a separate record for it included in the administrative record.”).

²⁷ IS at p. 54.

²⁸ Cal. Department of Fish and Game, CNDBB Quad Species List (last accessed Aug. 19, 2019).

²⁹ CEQA Guidelines § 15144 (emphasis added).

4690-007acp

discussion of the impact.”³⁰ An agency may not hide behind its own failure to gather relevant data.³¹

The City failed to gather relevant data concerning the potential of special-status species to occur within the vicinity of the Project. As a result, the environmental impacts of the Project on special-status species are potentially significant and the adequacy of the proposed mitigation measures cannot be properly assessed. The City must prepare an EIR analyzing the impacts of the Project on special-status species and implement all feasible mitigation measures to reduce those impacts.

B. The IS Fails to Describe the Energy Consumption of Data Centers in the City

Data centers are high energy consumers.³² “The high density of equipment in data centers makes them extremely energy intensive, often requiring 10 to 100 times more electricity per floor space than other building types.”³³ “In 2014, U.S. data centers consumed an estimated 70 billion kWh, representing about 1.8% of total U.S. electricity consumption.”³⁴ The electricity consumed by data centers in the City is even more extreme than the national use.

Silicon Valley Power (“SVP”) provides electricity to data centers in the City, which would include the proposed Project.³⁵ Although 84% of the total number of customers in SVP’s service area are residential, 90% of utility retail sales were to commercial and industrial customers.³⁶ As of December 2017, over 46% of SVP’s commercial and industrial sales are attributable to data centers.³⁷ This number will only continue to increase because the City is a prime location for data centers due to power pricing from SVP, whose electricity rates average 25 to 40 percent

³⁰ *Id.* § 15145 (emphasis added).

³¹ *City of Redlands v. County of San Bernardino* (2002) 96 Cal.App.4th 398, 408.

³² Beth Whitehead, et al., *Assessing the Environmental Impact of Data Centers Part 1: Background, Energy Use, and Metrics*, Building and Environment 82 (2014) 151-159.

³³ Arman Shehabi, et al., *Data Center Growth in the United States: Decoupling the Demand for Services from Electricity Use*, Environ. Res. Lett. 13 (2018) p. ES-1, available at <https://iopscience.iop.org/article/10.1088/1748-9326/aaec9c/pdf>.

³⁴ *Id.*

³⁵ MND at p. i; IS at p. 8, appen. 3.0-1.

³⁶ Silicon Valley Power, 2018 Integrated Resource Plan (Dec. 2018) p. 3-1 (*hereinafter* 2018 IRP).

³⁷ *Ibid.*

4690-007acp

lower than the cost of power from Pacific Gas & Electric Company in the surrounding municipalities.³⁸ In fact, data centers are one of the primary drivers for SVP's need to increase its maximum energy capacity.³⁹

The IS fails to include any discussion regarding the presence of data centers in the City and their substantial electricity consumption. As a result, the potentially significant Project and cumulative impacts on energy cannot be properly evaluated. The City must prepare an EIR assessing the Project's significant energy impacts and identify all feasible mitigation measures to reduce those impacts to a level of insignificance.

III. THE CITY MUST PREPARE AN ENVIRONMENTAL IMPACT REPORT

CEQA requires that lead agencies analyze any project with potentially significant environmental impacts in an EIR.⁴⁰ "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR protects not only the environment, but also informed self-government."⁴¹ The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return."⁴²

CEQA's purpose and goals must be met through the preparation of an EIR, except in certain limited circumstances.⁴³ CEQA contains a strong presumption in favor of requiring a lead agency to prepare an EIR. This presumption is reflected in

³⁸ Rich Miller, *Why Santa Clara is the Focus for Silicon Valley Data Center Activity*, Data Center Frontier (Apr. 11, 2018), available at <https://datacenterfrontier.com/silicon-valley-data-centers-power-pricing/>; see also Michael Rareshide, *The Silicon Valley Data Center Remains Strong But Faces Challenges for Future Expansion to Meet Demand* (Mar. 26, 2019), available at <https://info.siteselectiongroup.com/blog/the-silicon-valley-data-center-market-remains-strong-but-faces-challenges-for-future-expansion-to-meet-demand>.

³⁹ 2018 IRP at p. 4-4 ("The near-term accelerated growth observed in the load forecast is due to the growth from data centers which are already in the City's planning development processes."), p. 4-6 ("The high density of data centers in SVP's territory and the planned addition of new data centers drive the higher energy demand and load factor for the utility.").

⁴⁰ See PRC § 21000; CEQA Guidelines § 15002.

⁴¹ *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 564 (internal citations omitted).

⁴² *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.

⁴³ See PRC § 21100.

4690-007acp

the “fair argument” standard. Under that standard, a lead agency “shall” prepare an EIR whenever substantial evidence in the whole record before the agency supports a fair argument that a project may have a significant effect on the environment.⁴⁴

In contrast, a mitigated negative declaration may be prepared only when, after preparing an initial study, a lead agency determines that a project may have a significant effect on the environment, but:

- (1) Revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, and
- (2) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.⁴⁵

Courts have held that if “no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR.”⁴⁶ The fair argument standard creates a “low threshold” favoring environmental review through an EIR, rather than through issuance of a negative declaration.⁴⁷ An agency’s decision not to require an EIR can be upheld only when there is no credible evidence to the contrary.⁴⁸

⁴⁴ *Id.* §§ 21080(d), 21082.2(d); CEQA Guidelines §§ 15002(k)(3), 15064(f)(1), (h)(1); *Laurel Heights Improvement Assn. v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 82; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-151; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1601-1602.

⁴⁵ PRC § 21064.5.

⁴⁶ *See, e.g., Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 319-320.

⁴⁷ *Citizens Action to Serve All Students v. Thornley* (1990) 222 Cal.App.3d 748, 754.

⁴⁸ *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th, 1307, 1318; *see also Friends of B Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002 (“If there was substantial evidence that the proposed project might have a significant environmental impact, evidence to the contrary is not sufficient to

4690-007acp

As discussed previously, “substantial evidence” required to support a fair argument is “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.”⁴⁹ “[I]n marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.”⁵⁰

Furthermore, CEQA documents, including EIRs and MNDs, must mitigate significant impacts through measures that are “fully enforceable through permit conditions, agreements, or other legally binding instruments.”⁵¹ Deferring formulation of mitigation measures to post-approval studies is generally impermissible.⁵²

As detailed below, there is more than a fair argument based substantial evidence that the Project may result in significant impacts to air quality, biological resources, energy, and land use. Therefore, the City must prepare an EIR evaluating the Project’s potentially significant impacts and adopt all feasible mitigation measures to reduce those impacts to a less than significant level.

A. Substantial Evidence Supports a Fair Argument the Project Could Result in Significant, Unmitigated Impacts to Air Quality and Public Health

1. MM AIR-1.1 Fails to Adequately Mitigate the Impacts from Construction NOx Emissions

The IS concludes that NOx emissions from construction are significant if left unmitigated because it exceeds the Bay Area Air Quality Management District’s

support a decision to dispense with preparation of an EIR and adopt a negative declaration, because it could be ‘fairly argued’ that the project might have a significant environmental impact”).

⁴⁹ CEQA Guidelines § 15384(a).

⁵⁰ *Id.* § 15064(f).

⁵¹ *Id.* § 15126.4(a)(2).

⁵² *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309; PRC § 21061.

4690-007acp

daily thresholds.⁵³ To reduce this impact to less than significant, the City proposes to institute MM AIR-1.1.⁵⁴ This mitigation measure states: “The project applicant shall ensure that all off-road diesel powered equipment used during construction is equipped with engines that meet EPA Tier 4 final emissions standards.”⁵⁵ This mitigation measure is vague and contains no mechanism to verify compliance.

As identified by Dr. Clark, the measure does not *require* that the Applicant use Tier 4 equipment based on the plain language of the measure.⁵⁶ Because the measure, as written, allows the Applicant to avoid use of Tier 4 measures and does not include any type of mechanism for the City to verify that Tier 4 engines are being used during the construction phase, NOx emissions would remain significant and unmitigated.⁵⁷

2. The City’s Calculation of Construction DPM Emissions Remain Significant and Unmitigated

The City significantly underestimates the Project’s diesel particulate matter (“DPM”) emissions. As Dr. Clark describes, the modeling assumptions used in the Air Quality and GHG Technical Report were incorrectly analyzed.⁵⁸ The construction mitigated emissions modeling contains the same exact assumptions as the unmitigated analysis even though the City intends to implement MM AIR-1.1 to reduce the DPM emissions.⁵⁹ Under the assumptions made by the City, the Project’s mitigated DPM emissions would emit 970 pounds of DPM.⁶⁰ Therefore, the Project’s DPM emissions would remain significant even with mitigation. Furthermore, as discussed in the prior section, the proposed mitigation measure is vague and unverifiable, and therefore will not reduce the impacts to less than significant.⁶¹

⁵³ IS at p. 46-47.

⁵⁴ *Id.* at p. 47.

⁵⁵ *Ibid.*

⁵⁶ Clark Comments at p. 4.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

⁵⁹ *Compare* IS, appen. 4.2-1, appen. 1B *with* appen. 1B.

⁶⁰ Clark Comments at p. 4-5.

⁶¹ *Id.* at p. 4.

4690-007acp

3. The Health Risk Assessment Does Not Properly Evaluate the Potential Risk from Exposure to Diesel Exhaust

The method used by the City to calculate the potential risks from diesel exhaust fails to consider all the toxic components emitted by diesel engines.⁶² As Dr. Clark emphasizes, “diesel exhaust is a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases.”⁶³ The City’s risk assessment does not include an analysis of the vapor phase component.⁶⁴ Calculating the cumulative risk from all the components of diesel exhaust is a more precise representation of the risk posed from exposure to the air toxin.⁶⁵ Therefore, the City’s analysis presents an underestimation of the true risk to residents, the community, and workers from the release of DPM during construction and operation of the Project.⁶⁶

The City must prepare an EIR properly analyzing the Project’s air emissions and propose mitigation measures which reduce impacts to a level of insignificance.

B. Substantial Evidence Supports a Fair Argument MM BIO-2.1 Fails to Adequately Mitigate the Impacts to Protected Trees to Less than Significant

The IS recognizes that construction could result in a significant impact due to the removal or disturbance of trees that are protected under the General Plan.⁶⁷ To avoid conflicts with the local policy and reduce the potential impacts, the City proposes to implement MM BIO-2.1.⁶⁸ This mitigation measure requires that the Applicant submit a Tree Replacement Plan to the City Arborist and Community Development Director for review and approval.⁶⁹

⁶² *Id.* at p. 5.

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ *Ibid.*

⁶⁷ IS at pp. 57-58.

⁶⁸ *Id.* at pp. 58-59.

⁶⁹ *Id.* at p. 58.

4690-007acp

Consistent with Policy 5.3.1-P10 of the Santa Clara 2010-2035 General Plan (“General Plan”),⁷⁰ MM BIO-2.1 requires a tree replacement ratio of 2:1. However, if a 2:1 ratio within the project site is not feasible, the proposed measure allows for a 1:1 ratio upon approval by the Community Development Director. This reduced ratio is not based on any policies set forth in the General Plan; rather, it stems from the City’s “past practice and to have an onsite benefit rather than an off-site benefit.”⁷¹

An unwritten rule, which is inconsistent with the General Plan, cannot reduce the Project’s potentially significant impacts. If the City desires to change its General Plan policy, the City must propose an amendment to the General Plan and conduct environmental review, pursuant to CEQA, just as it did when the City adopted Policy 5.3.1-P10.⁷² Because MM BIO-2.1 permits a replacement rate lower than the rate allowed in the General Plan, the mitigation measure conflicts with local policies adopted to mitigate significant impacts to biological resources. Therefore, the Project’s impacts on protected trees remain significant, and the City must prepare an EIR.

C. Substantial Evidence Supports a Fair Argument the Project May Have Significant Impact on Energy Resources

To conclude that the Project’s impacts on energy resources during operation would be less than significant, the IS relies on the Project’s projected peak power usage effectiveness (“PUE”).⁷³ PUE is used to measure the ratio of power delivered to the site to be used by the IT equipment, and is analogous to the miles per gallon metric for the fuel consumption of a car.⁷⁴ But this metric does not always demonstrate success in minimizing energy consumption.⁷⁵ In fact, “there are concerns that the metric does not consider the actual productivity or efficiency of the equipment. As a result, a data center in which no infrastructure upgrades are made actually achieves an improved PUE as the IT equipment ages and uses more

⁷⁰ City of Santa Clara, 2010-2035 General Plan (2010) 5-28 (*hereinafter* General Plan).

⁷¹ IS at p. 57.

⁷² General Plan at 5-28.

⁷³ IS at pp. 11, 67.

⁷⁴ Whitehead at p. 157.

⁷⁵ The Green Grid, White Paper #63: Data Center Environmental Impacts – Main Impacts and Proposal for the Data Center Maturity Model (2014) p. 9.

4690-007acp

power.”⁷⁶ Therefore, the Project could result in inefficient, wasteful, or unnecessary consumption of energy resources during operation due to aging equipment despite a PUE consistent with the average of other data centers.

Moreover, the Project’s PUE may be incorrectly calculated. “To get a ‘correct’ value for IT equipment energy, measurements would need to be taken at the component level: CPU and other integrated circuits, memory, disks, etc.”⁷⁷ The variation of how the IT equipment is accounted for “means that PUE measures may not be directly comparable and provides opportunities for organizations to game the ratings.”⁷⁸ The IS and its supporting documents do not identify the assumptions used to calculate the Project’s PUE.⁷⁹ As a result, the public is unable to determine whether the PUE identified in the IS is an accurate assessment of the Project’s energy consumption.

Lastly, Appendix F of the CEQA Guidelines requires an examination of the “effects of the project on local and regional energy supplies and on requirements for additional capacity.”⁸⁰ In its will serve letter, SVP stated it would be able to provide 9 MVA of electric service to the Project upon completion of all development work requested by SVP.⁸¹ However, the Project’s peak projected load is 13.5 MVA.⁸² SVP could provide additional power beyond the 9 MVA if needed, but only up to 4.5 **KVA**.⁸³ The IS fails to disclose the fact that the Project’s total peak demand exceeds the amount of electricity SVP can provide to the site. Moreover, the IS fails to include mitigation measures for reducing peak energy demand.⁸⁴ Therefore, the Project’s impacts on energy are potentially significant and remain unmitigated.

⁷⁶ Whitehead at p. 157; see also Nathaniel Horner, et al., *Power Usage Effectiveness in Data Centers: Overloaded and Underachieving*, The Electricity Journal 29 (2016) p. 63 (“A low-overhead facility running older, less efficient servers could conceivably achieve a low PUE while still using more energy than it needs.”).

⁷⁷ Horner at p. 63.

⁷⁸ *Ibid.*

⁷⁹ See IS, appen. 3.0-1.

⁸⁰ CEQA Guidelines, appen. F.

⁸¹ IS, appen. 4.6-1.

⁸² *Id.*, appen. 3.0-1.

⁸³ *Id.*, appen. 4.5-1 (emphasis added).

⁸⁴ See CEQA Guidelines, appen. F.

4690-007acp

The City must prepare an EIR to properly assess the Project's energy impacts and propose feasible mitigation measures to reduce those impacts to less than significant.

D. Substantial Evidence Supports a Fair Argument the Project's Energy Impacts Are Cumulatively Considerable

The City's analysis of the Project's cumulative energy impacts is inadequate. Cumulative impacts are defined as "two or more individual effects which, when considered together, are considerable or ... compound or increase other environmental impacts."⁸⁵ Stated another way, "a cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts."⁸⁶

A cumulative impact analysis "assesses cumulative damage as a whole greater than the sum of its parts."⁸⁷ Such an analysis is necessary because "[t]he full environmental impact of a proposed ... action cannot be gauged in a vacuum."⁸⁸ "[A]n agency may not ... [treat] a project as an isolated 'single shot' venture in the face of persuasive evidence that is but one of several substantially similar operations.... To ignore the prospective cumulative harm under such circumstances could be to risk ecological disaster."⁸⁹

Not only is the City's analysis of the Project's cumulative energy impacts insufficient as a matter of law, but substantial evidence supports a fair argument that the Project's incremental effects on energy are cumulatively considerable.

1. The City Fails to Conduct a Legally Sufficient Analysis of the Project's Cumulative Energy Impacts

The City fails to conduct a proper inquiry of the Project's cumulative energy impacts. In considering a project's cumulative impacts, the lead agency should generally undertake a two-step analysis. First, the agency should determine

⁸⁵ *Id.* § 15355.

⁸⁶ *Id.* § 15130(a)(1).

⁸⁷ *Environmental Protection Information Center v. Johnson* (1985) Cal. App. 3d 604, 216.

⁸⁸ *Whitman v. Board of Supervisors* (1979) 88 Cal. App. 3d 397, 408 (quoting *Akers v. Resor* (W.D. Tenn. 1978) 443 F. Supp. 1355, 1360).

⁸⁹ *Whitman*, 88 Cal. App. 3d at 408.

4690-007acp

whether the combined effects from both the proposed project and other projects would be cumulatively significant.⁹⁰ If the agency answers this inquiry in the affirmative, the agency should then analyze whether “the proposed project’s *incremental* effects are cumulatively considerable.”⁹¹ “An EIR must be prepared if the cumulative impact may be significant and the project’s incremental effect, though individually limited, is cumulatively considerable. ‘Cumulatively considerable’ means the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.”⁹²

As a threshold matter, the IS fails to consider all relevant projects in its analysis. The IS identifies ten “recently approved and reasonably foreseeable land use projects in the vicinity of the project site” in Table 4.21-1.⁹³ None of these projects are data centers.⁹⁴ Although the MND claims to include all “recently approved and reasonably foreseeable projects within approximately 2 miles of the project site,”⁹⁵ **it omits five (5) proposed data centers within 2 miles of the Project,**⁹⁶ as well as six other proposed projects that are currently undergoing, or have recently completed, environmental review:⁹⁷

Project Name	Address	Project Summary
Laurelwood Data Center	2201 Laurelwood Road, Santa Clara, CA 95050	Laurelwood Data Center (LDC) will consist of two multi-storied data center buildings. The maximum electrical load of the LDC is 99 megawatts (MW), inclusive of tenant-installed information technology (IT) equipment in the LDC and cooling and ancillary electrical and telecommunications equipment operating to

⁹⁰ *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal. App. 4th 98, 120.

⁹¹ *Id.* (emphasis added).

⁹² CEQA Guidelines § 15064(h)(1).

⁹³ IS at p. 171, table 4.21-1.

⁹⁴ *Ibid.*

⁹⁵ *Ibid.*

⁹⁶ City of Santa Clara, Environmental Review/CEQA, <http://santaclaraca.gov/government/departments/community-development/planning-division/ceqa-documents> (last accessed Aug. 26, 2019).

⁹⁷ See generally *ibid.*; see also California Energy Commission, Laurelwood Data Center, 19-SPPE-01, <https://ww2.energy.ca.gov/sitingcases/laurelwood/>; California Energy Commission, Walsh Data Center, 19-SPPE-02, <https://ww2.energy.ca.gov/sitingcases/walsh/>.

		support IT equipment. The LDC consists of two buildings. Building 1 is an approximately 250,560-square-foot, three-story structure with supporting amenities including elevators, restrooms, lobby, staging, and storage. Building 2 is an approximately 283,392-square-foot, four-story structure with supporting amenities including elevators, restrooms, lobby, staging, and storage. Both buildings include loading docks, backup generator yards, stormwater bio-swales, paved surface parking lots, and landscaping features. The LDC also includes an onsite 60-kilovolt (kV) substation with an electrical supply line that will connect to an SVP distribution line located 0.1 miles west of the LDC. ⁹⁸
Walsh Data Center	651 Walsh Avenue, Santa Clara, CA 95050	The Walsh Data Center (WDC) would consist of thirty-two (32) 3-MW diesel fired generators that would be used exclusively to provide backup generation to support a data center to be located at 651 Walsh Avenue in Santa Clara, California. The project would also include one (1) 2-MW emergency generator that would provide backup electricity for an administrative building. The project has been designed with a 5-to-make-4 and a 6-to-make-5 design basis to ensure uninterrupted power up to 80 MW, which is the maximum building load of the WDC. The generators will be located in one generator yard in a two-level stacked configuration. The lower level generator package will integrate a dedicated fuel tank with a capacity of 12,800 gallons. The upper level generators will have a day tank with a capacity of 600 gallons. A new distribution substation would be constructed to support the WDC—this substation would ultimately be owned and operated by Silicon Valley Power (SVP) as part of its distribution network. While SVP has not yet designed the 60 kV transmission lines that interconnect the new substation, SVP has estimated that one transmission line will come in to the site from

⁹⁸ California Energy Commission, Laurelwood Data Center, 19-SPPE-01, <https://www2.energy.ca.gov/sitingcases/laurelwood/>. 4690-007acp

August 26, 2019

Page 17

		the north and one from the south, both routes paralleling the existing UPPR rail lines. There may be up to 6 new transmission poles. ⁹⁹
1150 Walsh Avenue SV1 Data Center Project	1150 Walsh Avenue, Santa Clara, CA 95050	Demolition of three, one-story industrial buildings totaling 37,443 square feet to construct a four-story, 160,450 square foot data center building, with back-up diesel generators and new 27-megawatt electrical substation, and site-improvements. ¹⁰⁰
2305 Mission College Boulevard Data Center Project	2305 Mission College Boulevard, Santa Clara, CA 95054	Demolition of an existing two-story 358,00 square foot office/R&D and construct a two-story 495,610 square foot data center building with equipment yards and onsite improvements. ¹⁰¹
McLaren Data Center Project	651, 725, 825 Mathew Street, Santa Clara, CA 95050	Development of two four-story data center buildings totaling 413,000 square feet, electric substation along Mathew Street, mechanical yard support areas, and surface parking lot. A lot line adjustment is proposed as part of the project combining three separate parcels. ¹⁰²
3005 Democracy Way Mixed-Use Development Project	3005 Democracy Way, Santa Clara, CA 95050	General Plan Amendment and Planned Development (PD) Rezoning of the 48.6-acre site to allow the development of up to approximately 6.15 million gross square feet (gsf) of residential uses (6,000 units), 3.65 million gsf of office buildings, 400,000 gsf of retail/community amenities, 300,000 gsf of hotel facilities, and 110,000 gsf of educational facilities. ¹⁰³
3035 El Camino Real Residential Project	3035 El Camino Real, Santa Clara, CA 95051	Approval of a Rezoning from Thoroughfare Commercial (CT) to Planned Development (PD); and Approval of a Tentative Subdivision Map to allow demolition of existing site improvements and the construction of a new 48-unit residential

⁹⁹ California Energy Commission, Walsh Data Center, 19-SPPE-02, <https://ww2.energy.ca.gov/sitingcases/walsh/>.

¹⁰⁰ City of Santa Clara, Mitigated Negative Declaration: 1150 Walsh Avenue SV1 Data Center (June 2019).

¹⁰¹ City of Santa Clara, Initial Study for the 2305 Mission College Boulevard Data Center Project (Mar. 2018).

¹⁰² City of Santa Clara, McLaren Data Center Project: Proposed Mitigated Negative Declaration (Feb. 2017); *see also* California Energy Commission, Application for a Small Power Plant Exemption for the McLaren Backup Generating Facility Project, 17-SPPE-01 (Nov. 2018).

¹⁰³ City of Santa Clara, Notice of Preparation of an Environmental Impact Report for the 3005 Democracy Way Mixed-Use Development Project (Oct. 2018).

August 26, 2019

Page 18

		condominium development, including six live/work units. ¹⁰⁴
3625 Peterson Office Project	3625 Peterson Way, Santa Clara, CA 95054	Architectural Review of two, eight-story office buildings totaling 632,216 square feet connected by bridges at two levels; a 13,370 square foot, one-story amenity building that includes a roof deck; a four-level parking structure and surface parking providing a total of totaling 2,280 parking spaces on-site; and landscaping and site improvements. ¹⁰⁵
Catalina II Residential Development Project	433-1493 El Camino Real, Santa Clara, CA 95050	Approval of a Rezoning from Thoroughfare Commercial (CT) and General Office (OG) to Planned Development (PD); and Approval of a Vesting Tentative Subdivision Map to allow demolition of the existing improvements and construction of 39-unit townhome development, including seven live/work units. ¹⁰⁶
Corvin Supportive Housing Project	2904 Corvin Drive, Santa Clara, CA 95051	The project would involve demolishing the existing one-story office building onsite and constructing a five-story, 77,430 square foot residential development. Dwelling units would consist of 143 affordable studios, or micro-units, designed for single occupancy and a two-bedroom manager's unit. ¹⁰⁷
Mariani's Inn, Residences & Senior Living Project	2500 El Camino Real, Santa Clara, CA 95051	General Plan Amendment from Community Mixed-Use to Regional Mixed-Use, a Development Agreement, and Rezone of the 7.14-acre project site from CT (Thoroughfare Commercial) to PD (Planned Development) to allow construction of a new mixed-use development, including up to 392 multi-family and senior residential units, a 311-room hotel and restaurant. A one lane bridge over Saratoga Creek would potentially be included for construction as part of the project, extending Arroyo Drive through to Bowe Avenue to

¹⁰⁴ City of Santa Clara, Initial Study: 3035 El Camino Real Residential Project (July 2019).

¹⁰⁵ City of Santa Clara, Notice of Preparation of an Environmental Impact Report for the 3625 Peterson Office Project (Apr. 2018).

¹⁰⁶ City of Santa Clara, Initial Study for the Catalina II Residential Development Project (Mar. 2019).

¹⁰⁷ Department of Housing and Urban Development, 2094 Corvin Drive: Environmental Assessment for HUD-Assisted Projects (Jan. 2019).

		facilitate vehicular, pedestrian and bicycle connections. ¹⁰⁸
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Even ignoring the City’s failure to include all relevant projects, the IS fails to analyze whether the combined effects from both the proposed Project and other projects would be cumulatively significant. The IS concludes “some of these projects could contribute to changes to the demand for energy or result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner, which would be considered a significant impact,”¹⁰⁹ but the Project would not result in a cumulative considerable impact on energy because it would include energy-efficiency components, would not conflict with any applicable plans for renewable energy or energy efficiency, and would not result in inefficient, wasteful, or unnecessary consumption of energy resources during construction or operation.¹¹⁰

The City’s analysis improperly compares the incremental effects of the proposed Project with the collective impacts of all other relevant projects. When undertaking a cumulative impact analysis, an agency cannot simply compare the incremental effects of a proposed project *against* the collective impacts of all other relevant projects yielding the proposed project’s relative impact vis-à-vis the impacts of other projects.¹¹¹ Rather, the lead agency must *add* the project’s incremental impact to the anticipated impacts of other projects.¹¹² No such analysis has been completed.

At a minimum, the City must prepare an EIR analyzing the collective energy impacts of all past, present, and probable future data centers in the City. Then, the City must analyze whether the Project’s incremental contribution to energy is cumulatively considerable. The answer to both these inquiries is a resounding yes – the Project’s incremental contribution to energy impacts is cumulatively considerable.

¹⁰⁸ City of Santa Clara, Notice of Preparation of an Environmental Impact Report for the Mariani’s Inn, Residences and Senior Living Project (Feb. 3, 2017).

¹⁰⁹ IS at p. 174.

¹¹⁰ *Ibid.*

¹¹¹ *Communities for a Better Environment*, 103 Cal. App. 4th at 117-121.

¹¹² *Ibid.*

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2. The Project's Incremental Effects on Energy Are Cumulatively Considerable

Despite the substantial energy use by data centers currently and the increasing trend of data center development within the City and the surrounding region, the IS fails to include any meaningful analysis of the cumulative energy impacts.¹¹³ The Project itself will have a significant incremental impact on energy consumption because the Project's projected electricity demand exceeds SVP's ability to meet the demand. The Project applicant estimates the projected peak load is 13.5 MVA.¹¹⁴ However, SVP is only able to provide up to 9.0045 MVA of electric service to the Project once operational.¹¹⁵

In combination with the significant energy use by all other data centers in the City, the Project's energy impacts are cumulatively considerable. Moreover, the MND does not include any mitigation measures which could reduce the cumulative energy impact to less than significant. The City must prepare an EIR examining the significant cumulative energy impacts and identify mitigation measures to reduce the incremental impacts of the Project to a level of insignificance.

IV. THE PROJECT IS INCONSISTENT WITH THE CITY'S GENERAL PLAN

The General Plan establishes goals and policies to guide land use development within the City and identifies land use classifications for areas throughout the City, which specify the allowed uses and the associated density and intensity standards.¹¹⁶ For non-residential and mixed-use classifications, "intensity" is measured as FAR.¹¹⁷ Discretionary density and intensity bonuses may be applied to a project if certain criteria are met.¹¹⁸

¹¹³ CEQA Guidelines § 15064(h)(1).

¹¹⁴ IS, appen. 3.0-1, p. 1.

¹¹⁵ *Id.*, appen. 4.6-1 ("Silicon Valley Power's ability to provide 9MVA of electric service to 2175 Martin Ave. in Santa Clara is conditional upon the applicant completing all electric utility development work by Santa Clara City Code. If additional capacity beyond 9MVA is demonstrated, SVP will provide an additional **4.5KVA** power feed to this site.") (emphasis added).

¹¹⁶ *Id.* at p. 5-10.

¹¹⁷ *Id.* at p. 5-11.

¹¹⁸ *Ibid.*

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The IS correctly finds that the Project is in an area designated by the General Plan as Low-Intensity Office/Research and Development (“R&D”) designation.¹¹⁹ The General Plan describes this land use classification as follows:

This classification is intended for campus-like office development that includes office and R&D, as well as medical facilities and free-standing data centers, with manufacturing uses limited to a maximum of 20 percent of the building area. It is typically located in areas that provide a transition between light industrial and higher-intensity office and R&D uses. It includes landscaped areas for employee activities and parking that may be surface, structured or below-grade. Accessory, or secondary, small scale supporting retail uses that serve local employees and visitors are also permitted. The maximum FAR is 1.00.¹²⁰

The IS acknowledges that the proposed FAR for the Project is 1.09,¹²¹ in excess of the maximum FAR for the applicable land use designation, but the City contends the Project is consistent with the General Plan Discretionary Use Policy 5.5.1-P9.¹²² The City erroneously applies this discretionary policy.

Policy 5.5.1-P9 states:

For *Data Centers on Light or Heavy Industrial designated properties*, allow a 20 percent increase in the maximum allowed non-residential square-footage, provided that sufficient onsite land area is available to meet the parking requirements for other uses allowed under those designations, and provided that the increased intensity is compatible with planned uses on neighboring properties and consistent with other applicable General Plan policies.¹²³

This discretionary policy does not apply to areas designated as Low-Intensity Office/R&D. Instead, the policy only applies to projects located in areas designated by the General Plan as light industrial or heavy industrial areas. Consistent with General Plan Policy 5.3.5-P12, the discretionary FAR increase for light industrial or heavy industrial areas are intended to promote development of data centers “in

¹¹⁹ IS at pp. 8, 28, 114.

¹²⁰ General Plan at p. 5-13.

¹²¹ IS at pp. 8, 28, 116

¹²² *Ibid.*

¹²³ General Plan at p. 5-49 (emphasis added).

4690-007acp

Light and Heavy industrial areas to compliment employment areas and retail uses.”¹²⁴

Because the discretionary increase in FAR does not apply to the Project site, and the Project exceeds the applicable maximum FAR, the Project is inconsistent with the General Plan. Therefore, the Project could potentially cause a significant environmental impact due to a conflict with the General Plan. The City must prepare an EIR analyzing the Project’s significant impacts on land use, including inconsistency with the General Plan.

V. THE CITY CANNOT APPROVE THE PROJECT BECAUSE IT DOES NOT MEET THE REQUIRED FINDINGS FOR AN ARCHITECTURAL REVIEW APPROVAL

For the Architectural Committee to approve a proposed project, the Committee must find and determine, *inter alia*, “[t]hat the design and location of the proposed development ... is such as not to be determinantal to the harmonious development contemplated by ... the general plan of the City.”¹²⁵ If the Committee is unable to make the findings and determinations prerequisite to granting of architectural approval, the application must be denied.¹²⁶

As discussed above, the Project is inconsistent with the General Plan because the FAR for the Project exceeds the applicable maximum and no valid exception to this requirement exists.¹²⁷ Similarly, the proposed mitigation measure for potentially significant impacts to trees includes a provision which conflicts with the General Plan.¹²⁸ Therefore, the Architectural Committee cannot make the necessary findings to approve the Project. The Committee must deny the Project’s application as proposed.

///

¹²⁴ *Id.* at p. 5-27 (“5.3.5-P12 Promote development, such as manufacturing, auto services and data centers, in Light and Heavy Industrial classifications to compliment employment areas and retail uses.”).

¹²⁵ City of Santa Clara Zoning Ordinance § 18.76.020(c)(3).

¹²⁶ *Id.* § 18.76.020(e).

¹²⁷ *See supra* Section IV.

¹²⁸ *See supra* Section III.B.

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VI. CONCLUSION

The IS and MND are inadequate because the CEQA documents fail to set forth the existing environmental setting, and identify, analyze, and mitigate all potentially significant impacts to air quality, biological resources, energy, and land use. Due to these deficiencies, the City cannot conclude the Project's impacts are mitigated to a less than significant level.

The CEQA Guidelines require that an EIR be prepared if there is substantial evidence supporting a fair argument that any aspect of a project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial.¹²⁹ As discussed in detail above, there is more than a fair argument based on substantial evidence that the Project would result in significant adverse impacts not identified in the IS and MND. Moreover, there is substantial evidence the proposed mitigation measures will not reduce potentially significant impacts to a level of insignificance.

Finally, the Project conflicts with Policy 5.3.1-P10 of the General Plan and the applicable FAR in the General Plan. Because the Project is inconsistent with the General Plan, it cannot be approved by the Architectural Committee.

We urge the City to fulfill its responsibilities under CEQA by withdrawing the MND and preparing an EIR to address the issues raised in this comment letter, the attached comments from Dr. Clark, and other public comments in the record. This is the only way the City, decisionmakers, and the public can ensure the Project's significant environmental, public health and safety impacts are mitigated to less than significant levels and that the Project complies with the City's General Plan.

Sincerely,



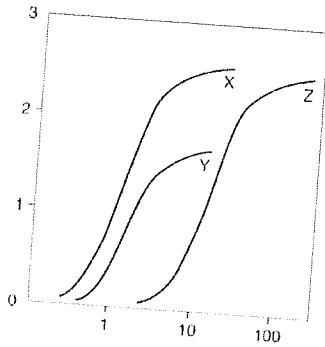
Andrew J. Graf
Associate

Attachments

AJG:acp

¹²⁹ CEQA Guidelines § 15063(b)(1).
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ATTACHMENT A



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August 22, 2019

Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
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Attn: Mr. Andrew J. Graf

**Subject: Comment Letter on LS1 Data Center Project Mitigated
Negative Declaration (MND) Application PLN2019-13745**

Dear Mr. Graf:

At the request of Adams Broadwell Joseph & Cardozo (ABJC), Clark and Associates (Clark) has reviewed materials related to the August, 2019 City of Santa Clara Mitigated Negative Declaration (MND) (File No. PLN2019-13745) for the LS1 Data Center Project, located at 2175 Martin Avenue, Santa Clara, California.

Clark's review of the materials in no way constitutes a validation of the conclusions or materials contained within the plan. If we do not comment on a specific item this does not constitute acceptance of the item.

Project Description:

The proposed project site is a 1.68 acres (73,386 square feet [sf]) and located at 2175 Martin Avenue in Santa Clara, California. The project Proponent proposes to demolish a vacant single-story, 31,088 sf industrial warehouse as well as associated surface parking. In its place, the project Proponent would construct a three-story, approximately 80,000 sf data center building and paved surface parking lot with 20 spaces.

The Proponent is proposing to construct a three-story, approximately 80,000 sf data center building. The building would include two data halls to store computer systems and servers and provide

support space. The proposed project would include approximately 47,800 sf of data hall space and approximately 31,500 sf of support space, consisting of office space, a loading dock, storage space, mechanical/ electric/fiber rooms, and other ancillary uses.

All heating, ventilation, and air-conditioning (HVAC) systems and equipment for the proposed project would be mounted on the roof, behind a 10-foot-high perforated metal screen along the roof perimeter. In addition, ground-mounted equipment would be screened by metal louvers. The height of the building would be approximately 70 feet above the ground surface (approximately 80 feet with the rooftop appurtenances, which are excluded from building height calculations for planning purposes). An approximately 7,700 sf exterior equipment yard would be located along the north side of the proposed building and encircled and screened by a perforated metal screen with a 3-foot concrete base. The yard would house six 2.75 MW emergency generators (likely Caterpillar model 3516E) that would provide backup power to the data center building in the event of an equipment failure or other conditions that would result in an interruption to the electric power service provided by Silicon Valley Power, the electricity provider that serves the project site. The emergency generators would have a total generation capacity of up to 13.75 MW. Each generator would be located within individual custom fit sound attenuated weather enclosure. In addition, each generator would be equipped with a hospital grade Continuously Regenerating Technology (CRT) particulate filter and a residential grade annular flow silencer (Maxim Silencer model AFS2-AFSE2). In addition, the project would include six 10,750-gallon aboveground tanks to store fuel for the proposed generators.

General Comments:

The mitigation method assumed by the City for reducing the air quality impacts from the construction phase of the project is subject to interpretation. Since there is not a verification/reporting component to the mitigation measure there is no way to ensure that the proposed emissions reductions are implemented. The reliance on mitigation measures, which may not actually be enforceable, make the conclusions of the MND suspect.

According to the Initial Study included in the MND, the Project construction would occur in one phase that would consist of three main categories of construction activities. Activity Category 1 (demolition) would include demolition of the building and grading. Activity Category 2 (core and shell) would include buildout of the core and shell structure and installation of pavement, landscaping, and utility connections. Activity Category 3 (interiors) would include buildout of the interior data hall and tenant spaces. Generators, uninterruptible power supply systems, and cooling equipment would also be installed as part of Activity Category 3. The estimated duration of each activity category would be approximately 7.5 weeks for Activity Category 1 (demolition), approximately 39 weeks for Activity Category 2 (core and shell), and approximately 28.5 weeks for Activity Category 3 (interiors), with the potential for Activity Category 2 and Activity Category 3 to overlap. Construction of the proposed project is expected to start in late 2019 and be completed by early 2021. Construction would occur Monday through Friday from 7:00 a.m. to 6:00 p.m. and on Saturday from 9:00 a.m. to 6:00 p.m., in accordance with Chapter 9.10 of the Santa Clara City Code (the City Noise Ordinance).

The City's analysis identifies the nearest sensitive receptors to the project site are the residences approximately 500 feet to the south and 750 feet to the southwest.

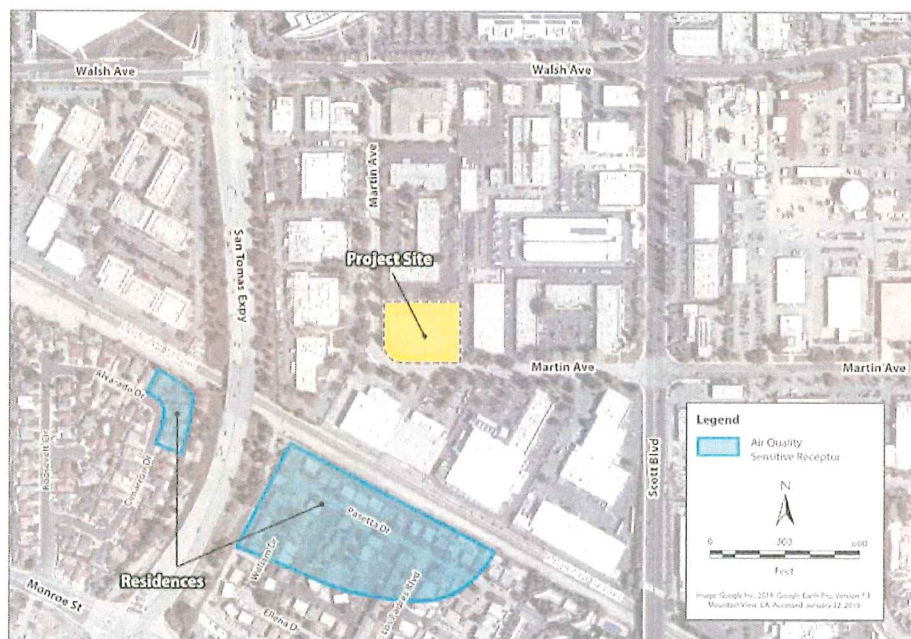


Figure 4.3-1
Air Quality Sensitive Receptors within 1,000 Feet of the Project Site

The findings of the HRA performed by the proponent on the project concluded that the unmitigated cancer risk from DPM for infants, children, and adult residential receptors were calculated to be less than 1 in one-million.

Specific Comments:

1. **The primary identified Air Mitigation Measure (MM AIR 1.1) for the project does not have an enforcement component to it that would prevent the proponent from avoiding the extra cost of the use of Tier 4 Equipment.** Since the unmitigated emission of oxides of nitrogen (NO_x) exceed the BAAQMD daily threshold of 54 pounds (lbs) per day (lbs/day), the City identifies mitigation measure MM AIR 1-1 as a way to reduce emissions by requiring the use of U.S. EPA Tier 4 engines in off-road equipment used during construction activities. MM AIR-1.1 states “The project applicant shall *ensure* (emphasis added) that all off-road diesel powered equipment used during construction is equipped with engines that meet EPA Tier 4 final emission standards.” The measure does not identify any consequence if MM AIR 1-1 is not implemented. The mitigation measure lacks any type of mechanism for the City to verify Tier 4 engines are being used during the project construction phase and as a result, NO_x and diesel particulate matter (DPM) emissions from construction would remain significant if they are unmitigated. The City should correct this flaw in a Draft Environmental Impact Report (DEIR).

2. **The City’s calculation of DPM emissions is flawed and misrepresents the actual emissions that will impact the community.** The City’s analysis assumes a reduction of up to 94% in DPM by the use of Tier 4 equipment during the construction phase (0.68 tons to 0.00273 tons of DPM emitted). Yet a review of the appendices associated with the Air Quality and GHG Technical Report shows a different story. For the Construction Mitigated Emissions Modeling (Appendix 1-B), the two phases of the construction phase (Demolition of existing structure(s) and Core & Shell grading) have the same emission rate of DPM as the unmitigated analysis. For the Earth Moving Section of the analysis, it is assumed that 6.6 lbs of DPM will be emitted each day of the project. This would mean that instead of emitting 8 lbs (0.004 tons listed on the first page of the HRA Calculations and Modeling Files of the Health Risk Assessment Memorandum (appendix 2-A) of the ICF analysis), the project would emit 356.4 lbs of DPM during 2019 (a value 45 times higher than that assumed by the City). During 2020, instead of emitting 46 lbs of DPM (0.023 tons), the project would emit 970 lbs of DPM (a value 21 times higher than that assumed by the City).

Since the potential health risk to receptors in the area is a function of the amount of DPM released during the construction phase of the project it is clear that the initial health risk assessment

significantly underestimates the potential risk to the community (by a factor of 21-45 depending on the phase of construction). The risk to the community (based on the values in Appendix 1-B) would exceed the 10 in 1,000,000 threshold outlined in the CEQA guidance by BAAQMD for new projects. The City should correct their analysis and present the results in a Draft Environmental Impact Report (DEIR).

3. **The HRA evaluation offered in the Initial Study underestimates the potential risk from exposure to diesel exhaust since it does not account for the toxicity associated with all phases of diesel exhaust and the relative impact they will have on the receptors.** While the method utilized is the current method proposed by regulatory agencies, the list of chemicals of concern still fails to consider all of the toxic components emitted by diesel engines. CARB¹ defined diesel exhaust as a complex mixture of inorganic and organic compounds that exists in gaseous, liquid, and solid phases. CARB and U.S. EPA identify 40 components of the exhaust as suspected human carcinogens, including formaldehyde, 1,3-butadiene, and benzo[a]pyrene. The inhalation unit risk factor identified by OEHHA for use in risk assessments is for the particulate matter (DPM) fraction of diesel exhaust and not the vapor phase components identified by CARB and U.S. EPA.

In the 2017 Air Quality Technical Report² submitted in support of the Draft EIR for the Turk Island Landfill Consolidation and Residential Subdivision³, proponents accounted for the gaseous phase of diesel emission and detailed the speciated diesel total organic gas (TOG) emissions along with the DPM emissions for all construction equipment. The speciated diesel TOG emissions and DPM emissions were utilized in dispersion modeling to identify the maximally exposed individual sensitive receptor (MEISR) of the project to determine the health risks associated with all sources of air¹ toxins from the construction phase of the project.

It is clear that the calculation of the cumulative risk from all the component parts of diesel exhaust is not double counting the risk, rather it is actually a more precise representation of the risk

¹ CARB. 1998. Report to the Air Resources Board on the Proposed Identification of Diesel Exhaust as a Toxic Air Contaminant, Part A, Public Exposure To, Sources and Emissions of Diesel Exhaust In California. April 22, 1998. Pg A-1.

² Ramboll Environ. 2017. Air Quality Technical Report Turk Island Landfill Consolidation And Residential Subdivision Project. Prepared For City of Union City, Union City, CA. Prepared by Ramboll Environ US Corporation, San Francisco, CA August, 2017.

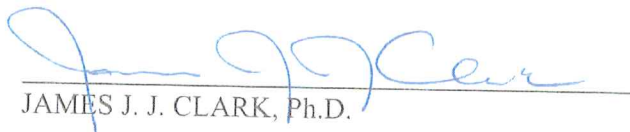
³ Union City. 2018. Draft Environmental Impact Report (DEIR) Turk Island Landfill Consolidation And Residential Subdivision Project. SCH Number 20008112107. Dated 3/15/2018.

posed from exposure to the air toxin. The City's analysis presents an underestimation of the true risk to the residents in the community from the release of DPM during the construction and operational phases of the project. This omission is a continuing flaw that must be addressed by the City and the results should be presented in a DEIR.

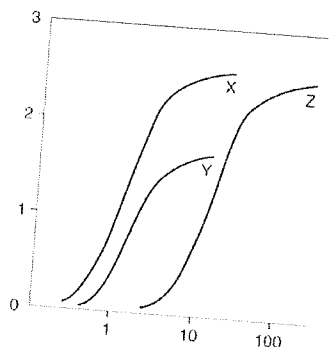
Conclusion

The facts identified and referenced in this comment letter lead me to reasonably conclude that the Project could result in significant unmitigated impacts if the conditions of approval are not binding.

Sincerely,



JAMES J. J. CLARK, Ph.D.



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James J. J. Clark, Ph.D.

Principal Toxicologist

Toxicology/Exposure Assessment Modeling

Risk Assessment/Analysis/Dispersion Modeling

Education:

Ph.D., Environmental Health Science, University of California, 1995

M.S., Environmental Health Science, University of California, 1993

B.S., Biophysical and Biochemical Sciences, University of Houston, 1987

Professional Experience:

Dr. Clark is a well-recognized toxicologist, air modeler, and health scientist. He has 25 years of experience in researching the effects of environmental contaminants on human health including environmental fate and transport modeling (SCREEN3, AEROMOD, ISCST3, Johnson-Ettinger Vapor Intrusion Modeling, RESRAD, GENII); exposure assessment modeling (partitioning of contaminants in the environment as well as PBPK modeling); conducting and managing human health risk assessments for regulatory compliance and risk-based clean-up levels; and toxicological and medical literature research.

Significant projects performed by Dr. Clark include the following:

LITIGATION SUPPORT

Case: Scott D. McClurg, et al. v. Mallinckrodt Inc. and Cotter Corporation.

Lead Case No.: 4:12CV00361 AGF United States District Court Eastern District of Missouri Eastern Division

Client: Environmental Law Group, Birmingham, AL.

Dr. Clark performed a historical dose reconstruction for community members and workers exposed to radioactive waste released into the environment from the St. Louis Air Port Site (SLAPS) and the Hazelwood Interim Storage Site (HISS). The releases resulted in impacts to soils, sediments, surface waters, and groundwater in the vicinity of the SLAPS and HISS sites. The analysis included the incorporation of air dispersion modeling across the

community to determine ground-level air concentrations and deposition of thorium and uranium isotopes and their respective daughter products. The dose reconstruction considered all relevant pathways to determine total doses of radiation received across the community from 1946 through 2017.

Case Result: Settlement in favor of plaintiff.

Case: Mary Ann Piccolo V. Headwaters Incorporated, et al. Seventh Judicial Court In and For Carbon County, State of Utah. Case No. 130700053

Client: Law Offices of Roy L. Mason. Annapolis, MD

Dr. Clark performed a dose assessment of an individual occupationally exposed to metals and silica from fly ash who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding his exposure and later development of cancer.

Case Result: Settlement in favor of plaintiff.

Case: Tracey Coleman V. Headwaters Incorporated, et al. Seventh Judicial Court In and For Carbon County, State of Utah. Case No. 140902847

Client: Law Offices of Roy L. Mason. Annapolis, MD

Dr. Clark performed a dose assessment of an individual occupationally exposed to metals and silica from fly ash who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding his exposure and later development of cancer.

Case Result: Settlement in favor of plaintiff.

Case: David Dominguez and Amanda Dominguez V. Cytec Industries, Inc et al. Superior Court of the State Of California for the County Of Los Angeles – Central Civil West. Civil Action. BC533123

Client: Rose, Klein, Marias, LLP, Long Beach, California

Dr. Clark performed a toxicological assessment of an individual occupationally exposed to hexavalent chromium who later developed cancer. A review of the individual's medical and occupational history was performed to prepare opinions regarding her exposure and later development of cancer.

Case Result: Settlement in favor of plaintiff.

SELECTED AIR MODELING RESEARCH/PROJECTS

Client – Confidential

Dr. Clark performed a comprehensive evaluation of criteria pollutants, air toxins, and particulate matter emissions from a carbon black production facility to determine the impacts on the surrounding communities. The results of the dispersion model were used to estimate acute and chronic exposure concentrations to multiple contaminants and were be incorporated into a comprehensive risk evaluation.

Client – Confidential

Dr. Clark performed a comprehensive evaluation of air toxins and particulate matter emissions from a railroad tie manufacturing facility to determine the impacts on the surrounding communities. The results of the dispersion model have been used to estimate acute and chronic exposure concentrations to multiple contaminants and have been incorporated into a comprehensive risk evaluation.

Client: Omnitrans, San Bernardino, California

Dr. Clark managed a public health survey of three communities near transit fueling facilities in San Bernardino and Montclair California in compliance with California Senate Bill 1927. The survey included an epidemiological survey of the effected communities, emission surveys of local businesses, dispersion modeling to determine potential emission concentrations within the communities, and a comprehensive risk assessment of each community. The results of the study were presented to the Governor as mandated by Senate Bill 1927.

Client: Confidential, San Francisco, California

Summarized cancer types associated with exposure to metals and smoking. Researched the specific types of cancers associated with exposure to metals and smoking. Provided causation analysis of the association between cancer types and exposure for use by non-public health professionals.

Client – United Kingdom Environmental Agency

Dr. Clark is part of team that performed comprehensive evaluation of soil vapor intrusion of VOCs from former landfill adjacent residences for the United Kingdom's Environment

Agency. The evaluation included collection of liquid and soil vapor samples at site, modeling of vapor migration using the Johnson Ettinger Vapor Intrusion model, and calculation of site-specific health based vapor thresholds for chlorinated solvents, aromatic hydrocarbons, and semi-volatile organic compounds. The evaluation also included a detailed evaluation of the use, chemical characteristics, fate and transport, and toxicology of chemicals of concern (COC). The results of the evaluation have been used as a briefing tool for public health professionals.

EMERGING/PERSISTENT CONTAMINANT RESEARCH/PROJECTS

Client: Ameren Services, St. Louis, Missouri

Managed the preparation of a comprehensive human health risk assessment of workers and residents at or near an NPL site in Missouri. The former operations at the Property included the servicing and repair of electrical transformers, which resulted in soils and groundwater beneath the Property and adjacent land becoming impacted with PCB and chlorinated solvent compounds. The results were submitted to U.S. EPA for evaluation and will be used in the final ROD.

Client: City of Santa Clarita, Santa Clarita, California

Dr. Clark managed the oversight of the characterization, remediation and development activities of a former 1,000 acre munitions manufacturing facility for the City of Santa Clarita. The site is impacted with a number of contaminants including perchlorate, unexploded ordinance, and volatile organic compounds (VOCs). The site is currently under a number of regulatory consent orders, including an Imminent and Substantial Endangerment Order. Dr. Clark assisted the impacted municipality with the development of remediation strategies, interaction with the responsible parties and stakeholders, as well as interfacing with the regulatory agency responsible for oversight of the site cleanup.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of perchlorate in environment. Dr. Clark evaluated the production, use, chemical characteristics, fate and transport, toxicology, and remediation of perchlorate. Perchlorates form the basis of solid rocket fuels and have recently been detected in water supplies in the United States. The results of this research were presented

to the USEPA, National GroundWater, and ultimately published in a recent book entitled *Perchlorate in the Environment*.

Client – Confidential, Los Angeles, California

Dr. Clark is performing a comprehensive review of the potential for pharmaceuticals and their by-products to impact groundwater and surface water supplies. This evaluation will include a review if available data on the history of pharmaceutical production in the United States; the chemical characteristics of various pharmaceuticals; environmental fate and transport; uptake by xenobiotics; the potential effects of pharmaceuticals on water treatment systems; and the potential threat to public health. The results of the evaluation may be used as a briefing tool for non-public health professionals.

PUBLIC HEALTH/TOXICOLOGY

Client: Brayton Purcell, Novato, California

Dr. Clark performed a toxicological assessment of residents exposed to methyl-tertiary butyl ether (MTBE) from leaking underground storage tanks (LUSTs) adjacent to the subject property. The symptomology of residents and guests of the subject property were evaluated against the known outcomes in published literature to exposure to MTBE. The study found that residents had been exposed to MTBE in their drinking water; that concentrations of MTBE detected at the site were above regulatory guidelines; and, that the symptoms and outcomes expressed by residents and guests were consistent with symptoms and outcomes documented in published literature.

Client: Covanta Energy, Westwood, California

Evaluated health risk from metals in biosolids applied as soil amendment on agricultural lands. The biosolids were created at a forest waste cogeneration facility using 96% whole tree wood chips and 4 percent green waste. Mass loading calculations were used to estimate Cr(VI) concentrations in agricultural soils based on a maximum loading rate of 40 tons of biomass per acre of agricultural soil. The results of the study were used by the Regulatory agency to determine that the application of biosolids did not constitute a health risk to workers applying the biosolids or to residences near the agricultural lands.

Client – United Kingdom Environmental Agency

Oversaw a comprehensive toxicological evaluation of methyl-*tertiary* butyl ether (MtBE) for the United Kingdom's Environment Agency. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MtBE. The results of the evaluation have been used as a briefing tool for public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of *tertiary* butyl alcohol (TBA) in municipal drinking water system. TBA is the primary breakdown product of MtBE, and is suspected to be the primary cause of MtBE toxicity. This evaluation will include available information on the production, use, chemical characteristics, fate and transport in the environment, absorption, distribution, routes of detoxification, metabolites, carcinogenic potential, and remediation of TBA. The results of the evaluation were used as a briefing tool for non-public health professionals.

Client – Confidential, Los Angeles, California

Prepared comprehensive evaluation of methyl *tertiary* butyl ether (MTBE) in municipal drinking water system. MTBE is a chemical added to gasoline to increase the octane rating and to meet Federally mandated emission criteria. The evaluation included available data on the production, use, chemical characteristics, fate and transport, toxicology, and remediation of MTBE. The results of the evaluation have been used as a briefing tool for non-public health professionals.

Client – Ministry of Environment, Lands & Parks, British Columbia

Dr. Clark assisted in the development of water quality guidelines for methyl tertiary-butyl ether (MTBE) to protect water uses in British Columbia (BC). The water uses to be considered includes freshwater and marine life, wildlife, industrial, and agricultural (e.g., irrigation and livestock watering) water uses. Guidelines from other jurisdictions for the protection of drinking water, recreation and aesthetics were to be identified.

Client: Confidential, Los Angeles, California

Prepared physiologically based pharmacokinetic (PBPK) assessment of lead risk of receptors at middle school built over former industrial facility. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client: Kaiser Venture Incorporated, Fontana, California

Prepared PBPK assessment of lead risk of receptors at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

RISK ASSESSMENTS/REMEDIAL INVESTIGATIONS

Client: Confidential, Atlanta, Georgia

Researched potential exposure and health risks to community members potentially exposed to creosote, polycyclic aromatic hydrocarbons, pentachlorophenol, and dioxin compounds used at a former wood treatment facility. Prepared a comprehensive toxicological summary of the chemicals of concern, including the chemical characteristics, absorption, distribution, and carcinogenic potential. Prepared risk characterization of the carcinogenic and non-carcinogenic chemicals based on the exposure assessment to quantify the potential risk to members of the surrounding community. This evaluation was used to help settle class-action tort.

Client: Confidential, Escondido, California

Prepared comprehensive Preliminary Endangerment Assessment (PEA) of dense non-aqueous liquid phase hydrocarbon (chlorinated solvents) contamination at a former printed circuit board manufacturing facility. This evaluation was used for litigation support and may be used as the basis for reaching closure of the site with the lead regulatory agency.

Client: Confidential, San Francisco, California

Summarized epidemiological evidence for connective tissue and autoimmune diseases for product liability litigation. Identified epidemiological research efforts on the health effects of medical prostheses. This research was used in a meta-analysis of the health effects and as a briefing tool for non-public health professionals.

Client: Confidential, Bogotá, Columbia

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of a 13.7 hectares plastic manufacturing facility in Bogotá, Colombia. The risk assessment was used as the basis for the remedial goals and closure of the site.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally cadmium) and VOCs from soil and soil vapor at 12-acre former crude oilfield and municipal landfill. The site is currently used as a middle school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and was used as the basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Managed remedial investigation (RI) of heavy metals and volatile organic chemicals (VOCs) for a 15-acre former manufacturing facility. The RI investigation of the site included over 800 different sampling locations and the collection of soil, soil gas, and groundwater samples. The site is currently used as a year round school housing approximately 3,000 children. The Remedial Investigation was performed in a manner that did not interrupt school activities and met the time restrictions placed on the project by the overseeing regulatory agency. The RI Report identified the off-site source of metals that impacted groundwater beneath the site and the sources of VOCs in soil gas and groundwater. The RI included a numerical model of vapor intrusion into the buildings at the site from the vadose zone to determine exposure concentrations and an air dispersion model of VOCs from the proposed soil vapor treatment system. The Feasibility Study for the Site is currently being drafted and may be used as the basis for granting closure of the site by DTSC.

Client: Confidential, Los Angeles, California

Prepared comprehensive human health risk assessment of students, staff, and residents potentially exposed to heavy metals (principally lead), VOCs, SVOCs, and PCBs from soil, soil vapor, and groundwater at 15-acre former manufacturing facility. The site is currently used as a year round school housing approximately 3,000 children. The evaluation determined that the site was safe for the current and future uses and will be basis for regulatory closure of site.

Client: Confidential, Los Angeles, California

Prepared comprehensive evaluation of VOC vapor intrusion into classrooms of middle school that was former 15-acre industrial facility. Using the Johnson-Ettinger Vapor Intrusion model, the evaluation determined acceptable soil gas concentrations at the site that did not pose health threat to students, staff, and residents. This evaluation is being used to determine cleanup goals and will be basis for regulatory closure of site.

Client –Dominguez Energy, Carson, California

Prepared comprehensive evaluation of the potential health risks associated with the redevelopment of 6-acre portion of a 500-acre oil and natural gas production facility in Carson, California. The risk assessment was used as the basis for closure of the site.

Kaiser Ventures Incorporated, Fontana, California

Prepared health risk assessment of semi-volatile organic chemicals and metals for a fifty-year old wastewater treatment facility used at a 1,100-acre former steel mill. This evaluation was used as the basis for granting closure of the site by lead regulatory agency.

ANR Freight - Los Angeles, California

Prepared a comprehensive Preliminary Endangerment Assessment (PEA) of petroleum hydrocarbon and metal contamination of a former freight depot. This evaluation was as the basis for reaching closure of the site with lead regulatory agency.

Kaiser Ventures Incorporated, Fontana, California

Prepared comprehensive health risk assessment of semi-volatile organic chemicals and metals for 23-acre parcel of a 1,100-acre former steel mill. The health risk assessment was used to determine clean up goals and as the basis for granting closure of the site by lead regulatory agency. Air dispersion modeling using ISCST3 was performed to determine downwind exposure point concentrations at sensitive receptors within a 1 kilometer radius of the site. The results of the health risk assessment were presented at a public meeting sponsored by the Department of Toxic Substances Control (DTSC) in the community potentially affected by the site.

Unocal Corporation - Los Angeles, California

Prepared comprehensive assessment of petroleum hydrocarbons and metals for a former petroleum service station located next to sensitive population center (elementary school). The assessment used a probabilistic approach to estimate risks to the community and was used as the basis for granting closure of the site by lead regulatory agency.

Client: Confidential, Los Angeles, California

Managed oversight of remedial investigation most contaminated heavy metal site in California. Lead concentrations in soil excess of 68,000,000 parts per billion (ppb) have been measured at the site. This State Superfund Site was a former hard chrome plating operation that operated for approximately 40-years.

Client: Confidential, San Francisco, California

Coordinator of regional monitoring program to determine background concentrations of metals in air. Acted as liaison with SCAQMD and CARB to perform co-location sampling and comparison of accepted regulatory method with ASTM methodology.

Client: Confidential, San Francisco, California

Analyzed historical air monitoring data for South Coast Air Basin in Southern California and potential health risks related to ambient concentrations of carcinogenic metals and volatile organic compounds. Identified and reviewed the available literature and calculated risks from toxins in South Coast Air Basin.

IT Corporation, North Carolina

Prepared comprehensive evaluation of potential exposure of workers to air-borne VOCs at hazardous waste storage facility under SUPERFUND cleanup decree. Assessment used in developing health based clean-up levels.

Professional Associations

American Public Health Association (APHA)

Association for Environmental Health and Sciences (AEHS)

American Chemical Society (ACS)

International Society of Environmental Forensics (ISEF)

Publications and Presentations:

Books and Book Chapters

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- Sullivan, P., Agardy, F.J., and **J.J.J. Clark**. 2005. *The Environmental Science of Drinking Water*. Elsevier, Inc. Burlington, MA.
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- Clark, J.J.J.** 1995. Probabilistic Forecasting of Volatile Organic Compound Concentrations At The Soil Surface From Contaminated Groundwater. UMI.
- Baker, J.; **Clark, J.J.J.**; Stanford, J.T. 1994. Ex Situ Remediation of Diesel Contaminated Railroad Sand by Soil Washing. Principles and Practices for Diesel Contaminated Soils, Volume III. P.T. Kostecki, E.J. Calabrese, and C.P.L. Barkan, eds. Amherst Scientific Publishers, Amherst, MA. pp 89-96.

Journal and Proceeding Articles

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- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** (2007). "Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." *Environmental Research*. 105:194-199.

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- Hensley A.R., Scott, A., Rosenfeld P.E., **Clark, J.J.J.** 2006. "Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility." The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006, August 21 – 25, 2006. Radisson SAS Scandinavia Hotel in Oslo Norway.
- Rosenfeld, P.E., **Clark, J. J.** and Suffet, I.H. 2005. "The Value Of An Odor Quality Classification Scheme For Compost Facility Evaluations" The U.S. Composting Council's 13th Annual Conference January 23 - 26, 2005, Crowne Plaza Riverwalk, San Antonio, TX.
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Memorandum

Prepared for: Nimisha Agrawal, City of Santa Clara Community Development Department
Prepared by: Jessica Viramontes and Heidi Mekkelson, ICF
Date: October 16, 2019
Project LS1 Data Center Project (PLN2019-13745)
Re: **LS1 Data Center Project—Response to Appeal from Adams Broadwell Joseph & Cardozo**

Introduction

This memorandum provides responses to the appeal filed by Adams Broadwell Joseph & Cardozo (hereafter, “Adams Broadwell letter”) dated September 25, 2019, which was attached to the letter, regarding the City of Santa Clara’s Architectural Review Committee’s September 18, 2019 decision to approve and adopt the CEQA findings for the LS1 Data Center Project (PLN2019-13745).

The responses to the Adams Broadwell letter are organized into the following topics, which correspond with the topics in the appeal letter:

- Environmental Setting Description for Biological Resources
- DPM Emissions
- Protected Trees
- Energy Impacts
- Project Floor Area Ratio (FAR) Impacts
- Cumulative Energy Impacts
- Discretionary Use Policy 5.3.5-P12
- General Plan Policy 5.3.1-P10

Response to Comment Regarding the Environmental Setting Description for Biological Resources

The Adams Broadwell letter asserts that the potential for special-status species to occur on the project site was not properly disclosed and adequate mitigation measures were not included in the Initial Study/proposed MND. See Response B-2 in the Response to Comments. ICF’s biologist reviewed the Adams Broadwell letter and prepared the attached memorandum that verifies the conclusions presented in the Biological Resources analysis in the Initial Study/proposed MND (see Attachment 1). The ICF biologist’s qualifications are also included in Attachment 1.

Response to Comment Regarding DPM Emissions

The Adams Broadwell letter asserts that Response B-6 in the Response to Comments fails to explain how the assumptions outlined in Appendices 1-A, 1-B, and 2-A of the Air Quality Technical Report (AQTR) support the conclusion presented in Section 4.3.3.10, Community Risk Impacts, of the Initial Study/proposed Mitigated Negative Declaration (MND). Therefore, the comment asserts that operation of the project could exceed the Bay Area Air Quality Management District's (BAAQMD) 10 in a million threshold for increased cancer risk; the proposed project could result in a potentially significant, unmitigated impact; and the City must prepare an environmental impact report. The assumptions outlined in Attachments 1-A, 1-B, and 2-A of the AQTR applicable to the conclusion in the Initial Study/proposed MND that construction of the project would not exceed BAAQMD's threshold for increased cancer risk are described below. The AQTR is included as Appendix 4.3-1 of the Initial Study.

As stated on page 44 of the Initial Study/proposed MND, BAAQMD has adopted an incremental cancer threshold to evaluate receptor exposure to sources of diesel particulate matter (DPM) and other toxic air contaminant emissions. The "substantial" increase defined by BAAQMD is exposure of a sensitive receptor to emissions sources resulting in an excess cancer risk level of more than 10 in 1 million. The proposed project was evaluated against this threshold. DPM emissions were calculated based on PM_{2.5} diesel exhaust emissions. This approach is consistent with the methodology required by BAAQMD, which is described in its CEQA Air Quality Guidelines as follows: "The analysis shall disclose the following about construction-related activities: ...7. Amount of on-site diesel-generated PM_{2.5} exhaust (assuming that all on-site diesel PM_{2.5} exhaust is diesel PM)."

Only the construction activities that emit PM_{2.5} diesel exhaust were factored into the health risk analysis prepared for the project. As shown in Attachments 1-A and 1-B of the AQTR, construction of the proposed project would result in criteria air pollutant emissions from many types of sources: off-road equipment, employee commute trips, on-site onroad vehicles, offsite onroad vehicles, earth moving, demolition, paving, and coating. As discussed in Response B-6 in the Response to Comments, in Attachments 1-A and 1-B the terms "PM₁₀ D" and PM_{2.5} D" refer to particulate matter from fugitive dust, not particulate matter from diesel exhaust. There would be sources of criteria pollutant emissions during project construction that would not generate diesel exhaust (e.g., gasoline-fueled employee commute trips, dust from earth moving and demolition activities, off-gassing emissions from paving and coating activities). As shown in Attachments 1-A and 1-B of the AQTR, activities that emit diesel PM_{2.5} exhaust only include off-road equipment and diesel-fueled vehicles driving on-site and offsite. This is made explicit in Attachment 2-A, which states that "the construction inventory [for the health risk analysis] used the same methodology as the mass emissions analysis [i.e., Attachment 1-B] to identify mass daily criteria pollutant emissions and is based on the total PM_{2.5} exhaust emission generated both on-site by equipment¹ and off-site by trucks."

To conduct the health risk analysis for the project, the total PM_{2.5} exhaust emissions under the mitigated scenario were calculated for on-site equipment (i.e., off-road equipment and on-site onroad vehicles) and offsite onroad vehicles. The daily PM_{2.5} exhaust emissions from diesel-fueled off-road equipment and onsite and offsite on-road vehicles is presented in Attachment 1-B. For additional clarification, total emissions over the entire construction period are shown in Tables 1

¹ In this case, equipment refers to both off-road equipment and diesel-fueled on-site onroad vehicles.

through 3. As described in the AQTR, the offroad and onroad equipment emissions are calculated based on the activity rates, horsepower bin, load factor, fuel type, and emission factors of each piece of equipment presented in Appendix 1-B (see pages 49, 51, and 52 of the AQTR). The total construction DPM emissions value for on-site equipment (0.0273 tons) includes offroad equipment (0.0191 tons of PM_{2.5} exhaust emissions, per Table 1) and onsite trucks (0.0082 tons of PM_{2.5} exhaust emissions, per Table 2). In addition, the PM_{2.5} exhaust emissions from offsite onroad vehicles (0.0026 tons, per Table 3) represent the construction emissions that would occur largely offsite.

Table 1. Mitigated Construction PM_{2.5} Exhaust Emissions from Onsite Off-road Equipment

Construction Year	Average Daily Emissions (pounds per day)	Annual Emissions (tons per year)
2019 (54 working days)	0.1198	0.0032
2020 (279 working days)	0.1111	0.0155
2021 (47 working days)	0.0163	0.0004
Construction Period Total	--	0.0191

Table 2. Mitigated Construction PM_{2.5} Exhaust Emissions from Onsite Onroad Vehicles

Construction Year	Average Daily Emissions (pounds per day)	Annual Emissions (tons per year)
2019 (54 working days)	0.0302	0.0008
2020 (279 working days)	0.0504	0.0070
2021 (47 working days)	0.0133	0.0003
Construction Period Total	--	0.0082

Table 3. Mitigated Construction PM_{2.5} Exhaust Emissions from Offsite Onroad Vehicles¹

Construction Year	Average Daily Emissions (pounds per day)	Annual Emissions (tons per year)
2019 (54 working days)	0.0750	0.0020
2020 (279 working days)	0.0038	0.0005
2021 (47 working days)	0.0022	0.0001
Construction Period Total	--	0.0026

¹For the health risk analysis, the analysis focuses on emissions that would occur on roadways that would affect receptors near the project site. It was estimated that trucks would emit 0.00004 tons of PM_{2.5} exhaust over the construction period along the truck path near the project site.

The PM_{2.5} emissions values presented in Appendices 2-A and 2-B (see page 85 of the AQTR) are derived from the mitigated mass emissions analysis in Appendix 1-B.² As shown on page 2 of Appendix 2-A, on-site equipment would emit 0.0273 tons of PM_{2.5} exhaust over the project construction period and trucks would emit 0.0026 tons of PM_{2.5} exhaust over the project construction period.³ These values of 0.0273 and 0.0026 are consistent with the daily emissions shown in Appendix 1-B, summed up over the total construction period, and Tables 1 through 3 above.

The PM_{2.5} exhaust emissions from on-site equipment and trucks were the inputs for the air pollution dispersion modeling conducted for the proposed project. The air pollution dispersion modeling results were used to conduct the health risk assessment, which indicated that the proposed project would not result in an increased cancer risk greater than BAAQMD's threshold of 10 in a million (see Table 4.3-8 of the Initial Study/proposed MND). As discussed in Response B-6 in the Response to Comments, the fugitive dust emission rate from earth moving activities that the Adams Broadwell letter asserted should be used (see Comment B-21 in the Response to Comments) as the emission rate for the air pollution dispersion modeling is inaccurate because it is the emission rate for fugitive dust emissions. Therefore, the corresponding conclusion from the Adams Broadwell letter that, if using the earth moving fugitive dust emission rate, (1) the proposed project would exceed the threshold for increased cancer risk, (2) the proposed project has a potentially significant, unmitigated impact, and (3) the City must prepare an EIR, is invalid. Based on the above, the proposed project would not exceed the threshold for increased cancer risk, the proposed project does not have a potentially significant, unmitigated impact, and the City does not need to prepare an EIR for the project.

Response to Comment Regarding Protected Trees

The Adams Broadwell letter asserts that Mitigation Measure BIO-2.1 fails to adequately mitigate the project's potentially significant impacts. As stated in the first bullet point of Mitigation Measure BIO-2.1, the intent of the mitigation measure is to provide for a 2:1 replacement of any tree removed from the project site. However, recognizing that, in this case, site constraints may not allow for a 2:1 replacement on-site, the mitigation measure includes options for achieving what the City would consider an equivalent replacement off-site. The City has reviewed Mitigation Measure BIO-2.1 in the context of this comment and determined that the language in Mitigation Measure BIO-2.1 is unclear as originally drafted. Accordingly, Mitigation Measure BIO-2.1 on page 61 of the Initial Study has been revised as follows:

MM BIO-2.1: Prior to issuance of building permits, the applicant shall submit a Tree Replacement Plan to the City Arborist and Community Development Department for review

² The mass emissions analysis in Appendix 1-A is for the unmitigated scenario and is irrelevant to the health risk analysis.

³ However, truck emissions estimates from the mass emissions inventory are based on the entire truck trip length, which was assumed to be 20 miles per trip. For the health risk analysis, the analysis focuses on emissions that would occur on roadways that would affect receptors near the project site. To account only for emissions near the project site, the total mass truck emissions were scaled down by the roadway length as represented in the dispersion model, which is assumed to be 0.33 miles. For purposes of the health risk analysis, it was estimated that trucks would emit 0.00004 tons of PM_{2.5} exhaust over the construction period along the truck path near the project site.

and approval. The Plan shall provide for equivalent replacement of any tree removed from the project site, as follows:

- The project sponsor shall replace removed trees at a 2:1 ratio within the project site. If 2:1 replacement is not feasible because of site constraints, the project sponsor shall in addition or instead implement one of the two following options, as determined by the Community Development Director. ~~may instead replace trees at a 1:1 ratio within the project site with approval from the Community Development Director if the tree is larger in size and an appropriate species. Tree species and sizes shall be reviewed and approved, as applicable, by the City arborist.~~
- ~~The 24-inch box of a replacement tree may be increased to either a 36-inch box or a 48-inch box to supplement the on-site tree planting plan. If trees are replaced at a 1:1 ratio, the replacement trees shall have a 36-inch box.~~
- If required by the Community Development Director, an alternative site, within a 2-mile radius of the project site, shall be identified for any additional tree planting necessary to satisfy the requirement to achieve a 2:1 replacement ratio. Alternative sites may include local parks, schools, and/or street frontages.
- If required by the Community Development Director, the sponsor shall pay an in-lieu fee for any additional tree planting necessary to satisfy the requirement to achieve a 2:1 replacement ratio. The fee shall be paid the City of Santa Clara for in-lieu off-site tree planting in the community and shall be determined by the City's adopted fee schedule at the time of approval for tree removal. These funds shall be used for tree planting and the maintenance of planted trees. A donation receipt for off-site tree planting shall be provided to the Director of Community Development prior to issuance of building permits.

As a result of this revision, the following revisions have also been made to the Initial Study.

Page 9 of the Initial Study has been revised as follows:

The project would remove approximately 12 trees (Canary Island pine, white birch, and black locust) of the 20 existing trees on the project site. As discussed in Section 4.4, Biological Resources, none of these trees are protected species, and no street trees would be removed. Ten of the trees that would be removed have a circumference of 36 inches or more. A tree replacement plan at 2:1 ratio would be required as a standard condition of approval for the project. However, by past practice ~~and to have an onsite benefit rather than an off-site benefit~~, the City has allowed for an alternative plan subject to the approval of the Community Development Director. The alternative plan could allow for off-site tree replacements or payment of in-lieu fees for off-site replacements ~~have a lower replacement ratio if the tree is larger in size and appropriate species.~~ As shown in the conceptual landscape plans, up to 15 new trees (including evergreen magnolia) would be planted on the perimeter of the project site (refer to Figure 3.0-6 at the end of this section). In addition, shrubs and ground cover would be planted throughout the project site. Tree protection measures would be employed to preserve the existing trees.

Page 29 of the Initial Study has been revised as follows:

The project would remove approximately 12 trees (Canary Island pine, white birch, and black locust) of the 20 existing trees on the project site. As discussed in Section 4.4, Biological Resources, a tree replacement plan at 2:1 ratio would be required as a standard condition of approval for the project. However, by past practice ~~and to have an onsite benefit rather than an off-site benefit~~, the City has allowed for an alternative plan subject to the approval of the Community Development Director. The alternative plan could allow for off-site tree replacements or payment of in-lieu fees for off-site replacements have a lower replacement ratio if the tree is larger in size and appropriate species. As shown in the conceptual landscape plans, up to 15 new trees (including evergreen magnolia) would be planted on the perimeter of the project site (refer to Figure 3.0-6 in Chapter 3, Project Description). With implementation of the project, the project site would include up to 23 trees, including both existing trees that would remain and new trees. In addition, shrubs and ground cover would be planted throughout the project site. Therefore, the project would not result in adverse aesthetic impacts related to tree or landscape removal because the number of trees would increase under the project. For a discussion of potential biological resource impacts associated with proposed tree removal and new landscaping, refer to Section 4.4, Biological Resources.

Page 60 of the Initial Study has been revised as follows:

The project would remove approximately 12 trees (Canary Island pine, white birch, and black locust) of the 20 existing trees on the project site. None of these trees are protected species, and no street trees would be removed. Ten of the trees that would be removed have a circumference of 36 inches or more. A tree replacement plan at 2:1 ratio would be required as a standard condition of approval for the project, consistent with General Plan Policy 5.3.1-P10. However, by past practice ~~and to have an onsite benefit rather than an off-site benefit~~, the City has allowed for an alternative plan subject to the approval of the Community Development Director. The alternative plan could allow for off-site tree replacements or payment of in-lieu fees for off-site replacements have a lower replacement ratio if the tree is larger in size and appropriate species. Refer to Mitigation Measure BIO-2.1 below for replacement requirements specific to the project.

The text in Table 4.11-1 on page 123 of the Initial Study has been revised as follows:

<p>5.3.1-P10: Provide opportunities for increased landscaping and trees in the community, including requirements for new development to provide street trees and a minimum ratio of 2:1 for on- or off-site replacement of trees removed as part of a proposal to help increase the urban forest and minimize the heat-island effect.</p>	<p>Consistent. The project would remove approximately 12 of the 20 trees on the project site. A tree replacement plan at 2:1 ratio would be required as a standard condition of approval for the project, consistent with General Plan Policy 5.3.1-P10. However, by past practice and to have an onsite benefit rather than an off-site benefit, the City has allowed for an alternative plan subject to the approval of the Community Development Director. Consistent with the intent of this policy, which is to increase the urban forest and minimize the heat island effect, the alternative plan could <u>allow for off-site tree replacements or payment of in-lieu</u></p>
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	<p><u>fees for off-site replacements have a lower replacement ratio if the tree is larger in size and appropriate species.</u> Refer to Mitigation Measure BIO-2.1 in Section 4.4, Biological Resources, for replacement requirements specific to the project. Up to 15 new trees, including evergreen magnolia, would be planted on the perimeter of the project site. With implementation of the project, the project site would have up to 23 trees, including both the existing trees that would remain and the new trees. Thus, the project would be consistent with the City's historical interpretation of its own tree replacement policies and standards, including the intent of this policy.</p>
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Pages 6 and 7 of the Tree Inventory (Appendix 4.4-1 of the Initial Study) has been revised as follows:

As stated above, a total of 27 trees were documented in this tree inventory, 20 of which are within the project site and seven of which are adjacent to the project site. Of these 27 trees, a total of 21 trees are protected, 14 of which are within the project site. The project would remove approximately 12 (Canary Island pine, white birch, and black locust) of the 20 existing trees on the project site. None of these trees are protected species, and no street trees would be removed. Ten of the trees that would be removed have a circumference of 36 inches or more. A tree replacement plan at 2:1 ratio would be required as a standard condition of approval for the project, consistent with General Plan Policy 5.3.1-P10. However, by past practice ~~and to have an onsite benefit rather than an off-site benefit~~, the City has allowed for an alternative plan subject to the approval of the Community Development Director. The alternative plan could allow for off-site tree replacements or payment of in-lieu fees for off-site replacements have a lower replacement ratio if the tree is larger in size and appropriate species. Provided below are the general mitigation measures and protection measures recommended by ICF related to tree removal.

Prior to issuance of building permits, the applicant shall submit a Tree Replacement Plan to the City Arborist and Community Development Department for review and approval. The Plan shall provide for equivalent replacement of any tree removed from the project site, as follows:

- The project sponsor shall replace removed trees at a 2:1 ratio within the project site. If 2:1 replacement is not feasible because of site constraints, the project sponsor shall in addition or instead implement one of the two following options, as determined by the Community Development Director. ~~may instead replace trees at a 1:1 ratio within the project site with approval from the Community Development Director if the tree is larger in size and an appropriate species. Tree species and sizes shall be reviewed and approved, as applicable, by the City arborist.~~
- ~~The 24-inch box of a replacement tree may be increased to either a 36-inch box or a 48-inch box to supplement the on-site tree planting plan. If trees are replaced at a 1:1 ratio, the replacement trees shall have a 36-inch box.~~

- If required by the Community Development Director, an alternative site, within a 2-mile radius of the project site, shall be identified for any additional tree planting necessary to satisfy the requirement to achieve a 2:1 replacement ratio. Alternative sites may include local parks, schools, and/or street frontages.
- If required by the Community Development Director, the sponsor shall pay an in-lieu fee for any additional tree planting necessary to satisfy the requirement to achieve a 2:1 replacement ratio. The fee shall be paid the City of Santa Clara for in-lieu off-site tree planting in the community and shall be determined by the City's adopted fee schedule at the time of approval for tree removal. These funds shall be used for tree planting and the maintenance of planted trees. A donation receipt for off-site tree planting shall be provided to the Director of Community Development prior to issuance of building permits.

As stated in Response B-8 in the Response to Comments, and as discussed in the staff report prepared by the City for the Planning Commission hearing, the City maintains discretion to interpret its own policies and plans provided a significant effect on the environment does not occur. The identified mitigation measure, which allows for the planting or funding of off-site trees to achieve an equivalent 2:1 replacement, is consistent with the City's historical interpretation of its own tree replacement policies and standards. By way of example, the City has applied this same interpretation of its tree replacement policy for the 2232-2240 El Camino Real project, the 2895 Northwestern Parkway (Building V6) Data Center Project, and the 3200 Scott Boulevard Office Redevelopment Project.

Response to Comment Regarding Energy Impacts

The Adams Broadwell letter asserts that the project may have significant, unmitigated impacts on energy resources because the Initial Study's estimate of the project's power use efficiency (PUE) is deficient. See Response A-1 and Response B-10 in the Response to Comments. In addition to what is already stated in Response A-1 and Response B-10, the estimated mechanical PUE of 1.19 is based on data generated by Vertiv, the cooling equipment manufacturer. These values are calculated for the operating conditions and IT load specific to the project, using the manufacturer's performance testing of the equipment as the basis for the calculations. The mechanical PUE presented in Response B-10 only accounts for the mechanical system energy consumption, not the overall building energy consumption. Estimates of mechanical PUE vary widely across data centers; accordingly, Response B-10 focusses on mechanical PUE and provides substantial evidence demonstrating the validity of the mechanical PUE estimate.

The table below depicts how the remaining components affecting PUE are included in the overall PUE value of 1.37 presented in the Initial Study/proposed MND. All electrical equipment losses represented have been verified by the respective manufacturers.

Preliminary Electrical System Loads (kW)	
IT load	8,500
UPS Loss (3.2%)	272
UPS Batt charge (5%)	425

PDU ineff. (1.56%)	132.6
MV xfmr ineff (1.36%)	204
Data room cooling (1.19PUE)	1,615
Infrastructure room cooling	450
Lights (.5 wsf)	43.5
Misc.	45
Total Support	3,187.1
PUE	1.37

As estimate of the energy consumed by the project is provided in Section 4.6, Energy, of the Initial Study, beginning on page 64. The energy analysis includes an estimate of the energy consumed during construction and demolition activities, as well as operational activities (e.g., data storage, heating, air-conditioning, lighting, refrigeration, employee vehicle usage, generator testing, and landscape maintenance). As stated on page 66, the estimated energy demand is based on estimations provided by the project engineer. If project-specific data were not available, the energy demand was estimated using the California Emissions Estimator Model (CalEEMod), version 2016.3.2. The CalEEMod worksheets included in Appendix 4.3-1 of the Initial Study provide detailed breakdowns of equipment and activities assumed in the energy analysis.

Response to Comment Regarding Project FAR Impacts

The Adams Broadwell letter asserts that the project's FAR would conflict with the Santa Clara General Plan, resulting in a potentially significant, unmitigated environmental impact. See Response B-16 in the Response to Comments. In addition to what is already stated in Response B-16, it is noted that the Low-Intensity Office/R&D land use designation is one of four land use designations in the General Plan's Office/Industrial land use category. As stated in Response B-16 in the Response to Comments, the City maintains discretion to interpret Santa Clara General Plan policies with respect to the General Plan's purposes. These FARs reflect intended employment intensities in industrial areas assumed in the Santa Clara General Plan rather than assumptions or requirements for open space around industrial buildings. The proposed FAR for the project is 1.09, which would exceed the maximum FAR allowable under the Santa Clara General Plan (1.0). However, the project as proposed is generally consistent with the General Plan, and the FAR standard in the General Plan is a guideline and not a definitive development standard, like a provision in the Zoning Ordinance would be. As stated above, the General Plan's FAR limitations are intended to control employment density, and the project's employment density would be low. Based on the above analysis, the project would not conflict with the allowed uses or assumed employment intensity for the Low Intensity Office and R&D. Moreover, the FAR limitations were not imposed to avoid or mitigate an environmental effect, and a land use impact under CEQA only occurs when a project would violate a General Plan land use policy imposed to avoid or mitigate an environmental effect. Consequently, even though the project does not achieve strict consistency with every General Plan land use policy, there would be no land use impact under CEQA, and there are numerous Santa Clara General Plan policies with which the project does achieve consistency. Therefore, the project would be consistent with the Santa Clara General Plan designation for the project site.

Response to Comment Regarding Cumulative Energy Impacts

The Adams Broadwell letter states that the project's energy impacts would be cumulatively considerable, that the City failed to properly conduct the cumulative impact analysis, and that the addition of new related projects to the cumulative analysis in the Response to Comments requires recirculation. See Response B-3 in the Response to Comments. Response B-3 includes revisions to page 174 of the Initial Study that provide additional background information regarding Silicon Valley Powers (SVP)'s 2018 Integrated Resources Plan (IRP). See also Response B-14. Response B-14 includes revisions that update the related projects table in the Initial Study (Table 4.21-1 on page 171) and the Initial Study's cumulative analysis.

The project would not have a cumulatively considerable impact on energy for the reasons already stated in Section 4.6, Energy, of the Initial Study, as revised in Response B-3. CEQA Guidelines Section 15130 establishes that when determining whether a cumulative impact must be analyzed, a lead agency must determine whether the combined impact of the project and other projects is significant, and whether the project's incremental effect is cumulatively considerable. The Initial Study's analysis of cumulative energy impacts evaluates SVP's estimated peak demand and future 20-year energy forecasts for its entire service area. Thus the analysis accounts for the combined impact of the project and other projects in the relevant cumulative context. The analysis also determines that the project's incremental effect on energy use would not be cumulatively considerable given the project's energy-conserving features.

As stated in Response B-14, the revisions to Table 4.21-1 clarify and amplify information provided in the Initial Study. Response B-14 notes that none of the related projects that were added to the table would be close enough to the project site to result in new cumulative construction impacts. The rest of the cumulative analyses in the Initial Study consider a broader cumulative setting, which captures additional recently approved and reasonably foreseeable projects that are not specifically identified in Table 4.21-1. Thus, the revisions do not provide new information that would result in any new significant impact or any substantial increase in the severity of an impact identified in the Initial Study/proposed MND. The commenter does not provide evidence or facts to substantiate how the revisions constitute substantial new information warranting recirculation. Therefore, recirculation of the Initial Study/proposed MND is not required.

Response to Comment Regarding Discretionary Use Policy 5.3.5-P12

The Adams Broadwell letter asserts that Discretionary Use Policy 5.3.5-P12 was erroneously applied to the proposed project, the project exceeds the maximum FAR for the site's land use designation, and is inconsistent with the Santa Clara General Plan. The comment also references Policy 5.5.1-P9. Therefore, the letter asserts that the Architectural Committee cannot find that the design and location of the project is consistent with the character of the neighborhood. See the discussion above regarding the project's FAR impacts and response B-16 in the Response to Comments. Furthermore, refer to the response above for the FAR impacts, which describes the City's broad discretion to interpret Santa Clara General Plan policies with respect to the General Plan's purposes.

Response to Comment Regarding General Plan Policy 5.3.1-P10

The Adams Broadwell letter asserts that Condition of Approval C6 conflicts with Santa Clara General Plan Policy 5.3.1-P10 because it permits a lower tree replacement rate than what is required under the General Plan. See the discussion above regarding the project's tree replacement impacts and revisions to Mitigation Measure BIO-2.1.



Memorandum

Prepared for: Nimisha Agrawal, City of Santa Clara Community Development Department
Prepared by: Travis Michalke, PE, CEM (ICF Resources)
Date: October 18, 2019
Project LS1 Data Center Project (PLN2019-13745)
Re: **LS1 Data Center Project—Energy Impacts**
Response to Appeal from Adams Broadwell Joseph & Cardozo

This memorandum supplements ICF's response, dated October 16, 2019, to the appeal filed by Adams Broadwell Joseph & Cardozo (hereafter, "Adams Broadwell letter") dated September 25, 2019, with third-party peer review of the Project's Power Usage Effectiveness ("PUE").

The Adams Broadwell letter asserts that the project may have significant, unmitigated impacts on energy resources because the Initial Study's estimate of the project's power use efficiency (PUE) is deficient. ICF's response to the Adams Broadwell letter provides a detailed breakdown of the PUE calculation. I provided an engineering peer review of this calculation and found the PUE to be reasonable when compared to newly constructed data centers of similar construction and location.

Firstly, data center energy end use as listed in the "Preliminary Electrical System Loads (kW)" table was determined to be within the range of what would be expected when compared to the requirements of California Title 24 and allocation of data center energy end use found in the Center for Expertise for Energy Efficiency for Data Centers, Data Center Profiler Tool. Secondly, the mechanical system performance was determined reasonable based on equipment manufacturer's performance data and the Vertiv report, Analysis of Pumped Refrigerant Systems report⁴, which compares the energy performance of the proposed mechanical system to other high-efficiency data center systems and indicates the equipment's compliance with Title 24 and approval by the California Energy Commission for use in California data centers.

I am a senior building energy analyst with ICF's Building Energy Analytics division. I have over 20 years of experience in building science, sustainable buildings, energy efficiency, modeling, analytics, and policy development. I have extensive experience in commercial buildings, including data centers, and in leading analysis, development, and design of energy projects. I have a B.S. in Mechanical Engineering from Virginia Tech, and am a registered professional engineer, Leadership in Energy and Environmental Design (LEED) accredited professional, certified energy manager, certified energy auditor, certified demand side manager, and green building engineer.

⁴ See: <https://www.vertiv.com/globalassets/shared/analysis-of-pumped-refrigerant-economizers.pdf>, accessed October 18, 2019.



Attachment 1

Memorandum

Prepared for: Nimisha Agrawal, City of Santa Clara Community Development Department

Prepared by: Torrey Edell, ICF

Date: October 16, 2019

Project LS1 Data Center Project (PLN2019-13745)

Re: **LS1 Data Center Project—Response to Adams Broadwell Joseph & Cardozo Comment Regarding the Environmental Setting Description for Biological Resources**

Introduction

The LS1 Data Center Project (project) proposes to demolish a vacant single-story 31,088 square-foot industrial warehouse, as well as associated surface parking. In its place, the project applicant would construct a three-story, approximately 80,000 sf data center building and paved surface parking lot with 20 spaces. The project site is 1.68 acres (73,386 square feet [sf]) and located at 2175 Martin Avenue in Santa Clara, California.

I conducted a biological investigation, including a desktop review and field survey, of the entire project site and surrounding vicinity in January 2019 to support the preparation of Section 4.4, Biological Resources, in the Initial Study/proposed Mitigated Negative Declaration (MND). The purpose of the biological investigation was to collect information on land cover types within and near the project site, presence/absence of natural⁵ and sensitive⁶ habitats within and near the project site, presence/absence of special-status species, potential for special-status species to occur within the project site, and type/location/size of existing trees within the project site. Prior to conducting the field survey, I conducted a desktop review. The desktop review included consulting state-and-federal databases to review records of special-status species occurrences and sensitive habitats within the project site and surrounding vicinity and cross-referencing those records with aerial photographs of the existing project site and regional conditions. In addition, I reviewed wetland inventory data prior to the field survey. During the field survey, I walked the entire project site to document the project site's existing conditions. I also walked the surrounding vicinity to document the existing conditions in the vicinity of the project site.

The project site is developed with a single-story building that is currently vacant. The project site also includes a paved L-shaped surface parking lot with approximately 80 parking spaces. There are 20 trees, along with limited landscaping (including ornamental shrubs and grassy lawn), on the project site. The project site is in a highly urbanized area, and as discussed on page 56 of the Initial Study, no natural or sensitive habitats are present on the project site based on the results of the

⁵ Natural habitat is defined as habitat that has not been planted/landscaped and is not dominated by non-native species.

⁶ Sensitive habitat is defined as habitat/communities identified by the California Department of Fish and Wildlife as of greater environmental concern in California based on their rarity and existing threats and stressors (California Department of Fish and Wildlife 2019).

biological investigation. The nearest waterway is San Tomas Aquino Creek, which is highly disturbed; separated from the project site by urban development, San Thomas Aquino Expressway, and Caltrain tracks; and is more than 0.5 mile from the project site. Therefore, San Tomas Aquino Creek (and any trees, aquatic species, and wetland-oriented species therein) would not be affected by project construction. In addition, it is extremely unlikely that any listed species could reach the project site given the man-made barriers between the creek and the project site. This analysis is based on the observations of the project site and the vicinity that I noted during the field survey. The biological investigation performed for the project resulted in a determination that the project site has no potential to support rare, threatened, and endangered species, or species of special concern listed by either/both the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife (CDFW), or any plants included on the California Native Plant Society's Inventory of Rare and Endangered Plants (hereafter collectively referred to as listed species).

In addition, no listed species were observed during the field survey. As discussed in Response B-2 in the Response to Comments, the California Natural Diversity Database indicates that 22 species have been documented in the U.S. Geological Survey 7.5-minute quadrangle in which the project site occurs (San Jose West).⁷ Of the 22 species, 8 species (including California tiger salamander, foothill yellow-legged frog, and northern California legless lizard) are considered to be extirpated or possibly extirpated. In addition, nearly all of the occurrences are unreliable because that they are outdated and have poor accuracy. Given the lack of accurate occurrence records as well as the lack of suitable habitat within and near the project site, the IS/proposed MND correctly concludes the project would not result in impacts on any species identified as a candidate, sensitive, or special-status species; riparian habitat; or other sensitive natural communities or wetlands.

The only biological resources within the project site that could be affected by the project are trees, shrubs, and nesting birds. Trees of a certain species and/or size are protected in both the Santa Clara General Plan and Santa Clara City Code. To avoid conflicts with any local policies or ordinances that protect biological resources, Mitigation Measure BIO-2.1 requires the project applicant to submit a Tree Replacement Plan and Mitigation Measure BIO-2.2 requires the project applicant to implement tree protection measures during construction for trees that are not identified for removal. Implementation of the identified mitigation measures, would reduce construction impacts on protected trees to a less-than-significant level. In addition, landscaped trees and shrubs provide habitat for nesting migratory birds, which are protected under the Migratory Bird Treaty Act. To avoid or reduce impacts on nesting birds during construction, Mitigation Measure BIO-1.1 requires the project applicant to conduct nesting bird surveys and ensure that nesting birds are not affected by construction. Implementation of the identified mitigation measure would reduce construction impacts on protected raptors and other migratory birds to a less-than-significant level.

I am a multi-disciplinary biologist with a background in botanical and wildlife resources and wetland ecology. I have a BS in Ecology and Systematic Biology from California Polytechnic State University, San Luis Obispo, and 15 years of experience in conducting biological site assessments for environmental impact analyses. My resume is included on the following page.

⁷ California Department of Fish and Wildlife. 2019. California Natural Diversity Database. RareFind 5. Available: <https://www.wildlife.ca.gov/Data/CNDDDB/Maps-and-Data>. Accessed August 29, 2019.

TORREY EDELL

Biologist

Torrey Edell has over 15 years of experience in botany and terrestrial vertebrate ecology. Her experience includes project management, staff coordination and training, botanical and wildlife surveys, agency coordination, wetland delineations, and preparation of environmental documents and permits. She is also skilled in the California Environmental Quality Act/National Environmental Policy Act (CEQA/NEPA) process and has worked with municipal and federal clients throughout California. Torrey regularly authors regulatory permitting applications for the U.S. Army Corps of Engineers, Regional Water Quality Control Board, and California Department of Fish and Wildlife.

Project Experience

Energy and Fuels

Access Road Maintenance Program—PG&E, Various Locations throughout PG&E's Service Territory, 01/2016 – 01/2017

Project Manager. Torrey conducted habitat assessments and monitoring throughout PG&E's service region for special-status species, wetlands, and nesting birds within 1.5 miles of access roads. She completes BCRs and desktop environmental reviews and determines if field surveys are necessary. Torrey prescribes AMMs to prevent to minimize and avoid impacts to plants and animals with potential to occur in each project area. She performs biological monitoring for special-status species including species in tidal marsh habitat when work occurs at or near a high sensitivity area. She attends bi-weekly check in calls with PG&E land planner and biologist, and coordinates staffing with ICF technical specialist and scheduling and provides quality assurance reviews. Torrey also prepared task order agreements and scheduled work with subconsultants for field verifications and construction monitoring.

70Y Wood Pole Replacement Program—PG&E, Northern and Central California, 02/2013 – 01/2016

Assistant Project Manager. Torrey coordinated staffing and scheduling. She conducted habitat assessments and monitoring throughout PG&E's service region for special-status species, wetlands, and nesting birds within 1.5 miles of a utility pole removal location. She completed Biological Constraints Reviews (BCRs) and desktop environmental review, and determined if field surveys were necessary. Torrey prescribed AMMs to minimize and avoid impacts to plants and animals with potential to occur in each project area. She performed biological monitoring for special-status species in a variety of habitats including tidal marsh habitat when work occurred at or near a high sensitivity area (e.g., documented occurrence of listed species directly adjacent to a work area). Torrey also attended bi-weekly check in calls with PG&E land planner and biologist and provided quality assurance reviews.



Years of Experience

- Professional start date: 06/2004
- ICF start date: 01/2013

Education

- BS, Ecology and Systematic Biology, California Polytechnic State University, San Luis Obispo, 2007

Highway 152 Road Widening Project—Caltrans , 2014-2016.

Biologist. Served as biological monitor. Performed nesting bird surveys and construction monitoring for California red-legged frog, California tiger salamander, and San Joaquin Kit Fox. Informs crews of special-status species issues and completes daily monitoring log and punch list.

Crosswinds Church—(also the name of the client), 2013-2015.

Biologist. Conduct weekly ESA fencing inspections and western burrowing owl surveys. Monitor for California red-legged frog during construction activities near Arroyo Los Positas.

Santa Clara Valley Habitat Conservation Plan Implementation—Santa Clara Valley Habitat Agency, 2013-Present.

Project Manager. Weekly coordination with the Santa Clara Habitat Agency. Responsible for managing staff and assuring that assigned tasks are completed. Authored the Coyote Ridge Management and Monitoring Plan, various clarification/interpretation memos, and technical guidance memos. Torrey also assist with annual report preparation and on-call permitting tasks.

East Contra Costa County HCP/NCCP Implementation—East Contra Costa County Habitat Conservancy. 2013 – Present.

Project Manager. Torrey develops preserve management plans, working closely with the Habitat Conservancy through multiple rounds of revisions. She assists with planning and design for wetland and stream restoration projects and permitting and environmental compliance for restoration projects.

Cathodic Protection Test Stations Project—PG&E, Northern and Central California, 2014–2015

Project Manager, Wildlife Biologist, and Botanist. Torrey completed environmental constraints analyses along gas lines 124a, 124b, and 172a with multiple study areas (dig sites) along each line. The analysis included a desktop review of potential sensitive resources at each location, and include field verification visits. She also performed preconstruction surveys and construction monitoring as determined necessary by the constraints analysis for species including but not limited to burrowing owl, California tiger salamander, and California red-legged frog. Torrey also coordinated staffing and scheduling, tracked budget, and held regular checks in with PG&E manager.

Snowy Plover Monitoring Program—California State Parks, Morro Bay, California, 2003-2010.

Biologist. Monitored western snowy plover populations with California State Parks seasonally for six years. Typically tracked populations at Villa Creek, Estero Bluffs, Morro Bay Strand, Montana De Oro, and San Simeon State Park five days a week during the breeding season. Constructed symbolic fencing around suitable nesting habitat and exclosures around active nests. Conducted monitoring on foot, using binoculars and scopes when possible. Located nests and chicks and determined success or failure of nests. If nests hatched, chicks were tracked to fledge. If nests failed, determined the cause. Also tracked unauthorized activities and predators on the beach. Maintained nest database and authored an annual report at the end of the breeding season.



Attachment 2

Memorandum

Prepared for: Nimisha Agrawal, City of Santa Clara Community Development Department

Prepared by: Travis Michalke, PE, CEM (ICF Resources)

Date: October 18, 2019

Project LS1 Data Center Project (PLN2019-13745)

Re: **LS1 Data Center Project—Energy Impacts**
Response to Appeal from Adams Broadwell Joseph & Cardozo

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The Adams Broadwell letter asserts that the project may have significant, unmitigated impacts on energy resources because the Initial Study's estimate of the project's power use efficiency (PUE) is deficient. ICF's response to the Adams Broadwell letter provides a detailed breakdown of the PUE calculation. I provided an engineering peer review of this calculation and found the PUE to be reasonable when compared to newly constructed data centers of similar construction and location.

Firstly, data center energy end use as listed in the "Preliminary Electrical System Loads (kW)" table was determined to be within the range of what would be expected when compared to the requirements of California Title 24 and allocation of data center energy end use found in the Center for Expertise for Energy Efficiency for Data Centers, Data Center Profiler Tool. Secondly, the mechanical system performance was determined reasonable based on equipment manufacturer's performance data and the Vertiv report, Analysis of Pumped Refrigerant Systems report⁸, which compares the energy performance of the proposed mechanical system to other high-efficiency data center systems and indicates the equipment's compliance with Title 24 and approval by the California Energy Commission for use in California data centers.

I am a senior building energy analyst with ICF's Building Energy Analytics division. I have over 20 years of experience in building science, sustainable buildings, energy efficiency, modeling, analytics, and policy development. I have extensive experience in commercial buildings, including data centers, and in leading analysis, development, and design of energy projects. I have a B.S. in Mechanical Engineering from Virginia Tech, and am a registered professional engineer, Leadership in Energy and Environmental Design (LEED) accredited professional, certified energy manager, certified energy auditor, certified demand side manager, and green building engineer.

⁸ See: <https://www.vertiv.com/globalassets/shared/analysis-of-pumped-refrigerant-economizers.pdf>, accessed October 18, 2019.

TRAVIS MICHALKE, PE, CEM

Senior Managing Consultant, Building Energy Analytics

Travis Michalke is a senior mechanical engineer and building energy analyst with more than 20-years of experience that includes engineering design and energy efficiency for data centers. He is the technical engineering lead for Maryland Energy Administration's Data Center Energy Efficiency Grant Program and a technical advisor for one of DOE's Better Buildings, Better Plants Program data center partners. Prior to joining ICF, Travis spent much of his 15-year engineering career designing data centers and mission critical facilities for commercial and federal customers. During that time, he designed new and renovation data centers throughout the US for large and small data center customers; designed the Pentagon's National Military Command Center, and co-directed his company's mission critical team. Travis has also supported development of prototypical data center engineering design standards and specifications, is an experienced and certified energy manager with working knowledge of relevant building energy codes and standards.

Project Experience

Energy Programs Technical Support Provider, Maryland Energy Administration, 2018-Present. Mr. Michalke provides engineering support to the Maryland Energy Administration (MEA) to serve the participants of its Business and State and Local Incentive Data Center Energy Efficiency Grant program. In this role, Travis assesses the potential energy benefits of proposed energy projects. This includes technical review of applicant energy efficiency measures and projects; verification of baseline energy performance and operational conditions; validation and development of energy savings estimates and project economics; and verification and documentation for installed energy efficiency projects.

Better Buildings, Better Plants Program, Department of Energy, 2017-Present. Mr. Michalke serves as a Technical Account Manager for DOE's Better Buildings, Better Plants Program. In this role, Travis works with closely with one of the program's data center partners to help establish and improve data collection and analysis methods; provide guidance on DOE tools; help access additional resources; and connect partners to one another for peer-to-peer learning.

Data Center Design Experience, Various Clients, 1997-2012. While employed at KTA, Mr. Michalke provided HVAC engineering design, project management, and technical support to various mission critical telecommunication customers. Immediately prior to joining ICF, Travis co-directed KTA's Mission Critical Studio. Travis's experience includes design of legacy and extreme density data centers; design for new construction builds; prototype assessment; and retrofit projects aimed at improving operational performance, energy efficiency, and infrastructure uptime and reliability.

Data Center Prototype Builds, Confidential Client, 2011-2012. While employed at KTA, Travis participated in the engineering system design and evaluation of two prototypical data centers. The design consisted of high efficiency air-cooled chillers piped in a variable-primary configuration with emergency chilled water storage tanks to support growth in four 1.1 MW increments. High efficiency chilled-water CRAC units incorporating VFDs and air-side economizers were designed for underflow

Years of Experience

- Professional start date: 1997
 - ICF start date: 2012
-

Education

- BS, Mechanical Engineering, Virginia Tech, 1997
-

Professional Certifications

- Licensed Professional Engineer
 - Certified Energy Manager (CEM)
 - LEED Accredited Professional
 - Certified Energy Auditor (CEA)
 - Certified Measurement and Verification Professional (CMVP)
 - ASHRAE Building Energy Modeling Professional (BEMP)
 - Certified Demand-Side Manager (CDSM)
 - Green Building Engineer (GBE)
-

air distribution in a hot aisle/cold aisle configuration. Recommendations were reviewed and provided for improving the buildings envelope for compliance with ASHRAE 90.1, incorporation of evaporative pre-cooling, and system wide energy performance improvements through incorporating higher ambient indoor environmental temperatures in accordance with TIA and ASHRAE.

Data Center Expansion, Time Warner Cable, 2011-2012. While employed at KTA, Travis led the design of an expansion to the TWC LEED certified data center. The design included the incorporation of high efficiency air-cooled chillers and water-side economizers piped in a variable-primary flow configuration. Travis led an evaluation that was commissioned to review the existing central plant system controls; aimed at increasing plant control and stability. Recommendations were provided to relocate control and monitoring points and modify the chilled-water bypass piping and control valve.

Employment History

ICF	Senior Managing Consultant, Building Energy Analytics	2012-present
KTA Group	Co-Director Mission Critical Studio	2010-2012
	Director of Energy Services	2010-2012
	Mechanical Engineer	1997-2010

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA TO DENY THE
APPEAL AND UPHOLD THE ADOPTION OF THE MITIGATED
NEGATIVE DECLARATION AND THE MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE 2175
MARTIN AVENUE LS1 DATA CENTER PROJECT LOCATED
AT 2175 MARTIN AVENUE, SANTA CLARA, CALIFORNIA**

PLN2019-14132 (Architectural Committee Appeal)

PLN 2018-13745 (Architectural Review)

CEQ2019-01071 (Mitigated Negative Declaration)

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

WHEREAS, on February 15, 2019, Scott Rynders (“Applicant”), on behalf of LVP Martin Avenue Associates (“Property Owner”), filed a development application for a 1.68-acre site located at 2175 Martin Avenue which is currently occupied by a one-story industrial building totaling 31,500 square feet, landscaping and surface paving (“Project Site”);

WHEREAS, the development application involves Architectural Review of the development proposal to construct a three-story, approximately 80,000 square foot data center building with back-up diesel generators, surface parking, landscaping 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, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this Project was determined after an Initial Study to potentially have a significant effect on the environment which would be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration (“MND”) and Mitigation Monitoring and Reporting Program (“MMRP”);

WHEREAS, in conformance with CEQA, the MND was noticed and circulated for a 20-day public review period to the Santa Clara County Clerk’s Office, interested parties and property

owners within 500 feet of the Project Site from August 5, 2019 to August 26, 2019, where during that period four comment letters were received;

WHEREAS, on September 18, 2019, the Architectural Committee held a duly noticed public hearing to review the Project, at which the firm representing Santa Clara Citizens for Sensible Industry (SCCSI), Adams Broadwell Joseph and Cardozo, expressed verbal concerns and comments on the MND, and following which, Applicant provided verbal responses to the comments;

WHEREAS, following review of the Staff Report, MND, MMRP and Response to Comments (RTC) prepared by the environmental consultant ICF 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, an appeal may be filed within seven days after such decision in writing to the Planning Commission;

WHEREAS, on September 25, 2019, Adams Broadwell Joseph and Cardozo, on behalf of Santa Clara Citizens for Sensible Industry (“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 September 25, 2019 appeal raised largely the same issues that the Appellants raised in their comment letter during the public review period of the MND and at the Architectural Committee meeting regarding the impacts of the proposed project in potentially significant impacts to air quality, land use, energy and biological resources, and a request that an Environmental Impact Report be prepared rather than an MND;

WHEREAS, the environmental consultant ICF prepared a “Response to Comments” on the MND and a “Supplemental Memo for the 2175 Martin Avenue LS1 Data Center Project” that responds to the Appellant’s September 25, 2019 comments;

WHEREAS, on November 1, 2019, the notice of public hearing for the November 13, 2019 Planning Commission meeting was posted in three conspicuous locations within 300 feet of the Project Site, and on November 5, 2019, notice was mailed to interested parties within 500 feet of the Project Site boundaries in accordance with the City Code; and

WHEREAS, November 13, 2019, the Planning Commission held a duly noticed public hearing to consider the appeal of the Architectural Committee's adoption of the MND 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 finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That based upon the MND, Responses to Comments Received on the MND, MMRP and Supplemental Memo for the 2175 Martin Avenue LS1 Data Center Project, the Planning Commission hereby finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less-than-significant level by the mitigation measures specified in the MND and MMRP.
3. That the Planning Commission hereby denies the Appellants' appeal and upholds the Architectural Committee's September 18, 2019 decision to adopt the MND and MMRP as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074) and approve the Project.
4. That the Planning Commission hereby finds that the MND completed for this Project has been completed in compliance with CEQA, and that approval of this Project as mitigated will have no significant negative impacts on the area's environmental resources, cumulative or otherwise, as the impacts as mitigated would fall within the environmental thresholds identified by CEQA, and the MND reflects the Planning Commission's independent judgement and analysis.

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

6. 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 NOVEMBER, 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. Mitigated Negative Declaration, including Responses to Comments Received on the Mitigated Negative Declaration
2. Response to Comments Received on the MND September 2019
3. Supplemental Memo for the LS1 Data Center Project October 2019
4. Mitigation Monitoring and Reporting Program
5. Development Plans

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 THREE-STORY DATA CENTER PROJECT
LOCATED AT 2175 MARTIN AVENUE, SANTA CLARA,
CALIFORNIA**

PLN2019-14132 (Architectural Committee Appeal)
PLN 2018-13745 (Architectural Review)
CEQ2019-01071 (Mitigated Negative Declaration)

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

WHEREAS, on February 15, 2019, Scott Rynders (“Applicant”), on behalf of LVP Martin Avenue Associates (“Property Owner”), filed a development application for a 1.68-acre site located at 2175 Martin Avenue which is currently occupied by a one-story industrial building totaling 31,500 square feet, landscaping and surface paving (“Project Site”);

WHEREAS, the development application involves Architectural Review of the development proposal to construct a three-story, approximately 80,000 square foot data center building with back-up diesel generators, surface parking, landscaping 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 August 5, 2019 for 20-day agency and public review and comment period in accordance with California Environmental Quality Act (CEQA) and closed on August 26, 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 September 18, 2019, the Architectural Committee held a duly noticed public hearing to review the Project, at which the firm representing Santa Clara Citizens for Sensible Industry (SCCSI), Adams Broadwell Joseph and Cardozo, expressed verbal concerns and comments on the MND, and following which, Applicant provided verbal responses to the comments;

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 September 25, 2019, Adams Broadwell Joseph and Cardozo, on behalf of Santa Clara Citizens for Sensible Industry (“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 September 25, 2019 appeal raised largely the same issues that the Appellants raised in their comment letter during the public review period of the MND and at the Architectural Committee meeting; with respect to the architectural review, the letter simply alleged that the Project would be inconsistent with the General Plan;

WHEREAS, the environmental consultant ICF prepared a “Response to Comments” on the MND and a “Supplemental Memo for the 2175 Martin Avenue LS1 Data Center Project” that responds to the Appellant’s September 25, 2019 comments, and explains that the project would be consistent with the General Plan;

WHEREAS, on November 1, 2019, the notice of public hearing for the November 13, 2019 Planning Commission meeting was posted in three conspicuous locations within 300 feet of the Project Site, and on November 5, 2019, notice was mailed to interested parties within 500 feet of the Project Site boundaries, in accordance with the City Code; and

WHEREAS, November 13, 2019, the Planning Commission held a duly noticed public hearing to consider the appeal of the Architectural Committee's adoption of the MND 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. 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 20 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 five-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 ML 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 hazards, 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 ML 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 ML 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 two existing driveways located on the south side and the west side of the property of the site that provide efficient 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 a one-story industrial building that is currently vacant and previously occupied for industrial warehousing, manufacturing, and office

purposes. The project site is bordered by one-story commercial office and industrial warehouse uses and neighboring one-story office and industrial buildings. Data centers are a permitted use in the ML zoning district.

- The proposal is to redevelop and improve the project site with construction of a three-story, 80,000 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 ancillary equipment (backup generators and above ground fuel storage tanks), loading dock, circulation and parking, and landscape improvements in conformance with the ML zoning district development standards and consistent with the development of data centers throughout the City.

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.
 - 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 (5' 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 loading dock 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, and cool roof system.

3. That based on the findings set forth in the Resolution and the evidence in the City Staff Report, the Planning Commission hereby denies 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.

4. 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 13th DAY OF NOVEMBER 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

\\\\SRVFSPROD01\\inter-dept-data\\Datafile\\PLANNING\\2019\\Project Files Active\\PLN2019-13745 2175 Martin Avenue\\PC\\Resolution to Deny the Appeal and Uphold the Architectural Committee's Approval of the Data Center Project.doc

VICINITY MAP



LOCATION MAP



PROJECT INFORMATION

PROJECT DESCRIPTION: THREE STORY DATA CENTER WITH EQUIPMENT YARD ON 1.67 ACRES. INCLUDES TRUCK DOCK WITH TWO OVERHEAD DOORS, SHIPPING AND RECEIVING AREA, SERVICE ELEVATOR, OFFICE AND STORAGE AREAS IN ADDITION TO DATA HALLS.

BUILDING ADDRESS: 2175 MARTIN AVE. SANTA CLARA, CA 95050

APN: 224-10-115

SEBMC ZONE: XXX

ZONING BUILDING CODE: ML - LIGHT INDUSTRIAL

OCCUPANCY TYPE: STORAGE (S-1) & BUSINESS (B)

CONSTRUCTION TYPE: I-B

PROJECT AREA: 79,386 SF TOTAL 26,422 SF PER FLOOR

APPLICABLE CONSTRUCTION CODES

BUILDING CODE: 2016 CALIFORNIA BUILDING CODE W/ CALIFORNIA GREEN BUILDING STANDARDS

PLUMBING CODE: 2016 CALIFORNIA PLUMBING CODE

Mechanical CODE: 2016 CALIFORNIA MECHANICAL CODE

ELECTRICAL CODE: 2016 CALIFORNIA ELECTRICAL CODE

FIRE/LIFE SAFETY CODE: 2016 CALIFORNIA FIRE CODE

ACCESSIBILITY CODE: CALIFORNIA ACCESSIBILITY GUIDELINES

ENERGY CODE: 2016 CALIFORNIA ENERGY CODE

FIRE PROTECTION: APPROVED AUTOMATIC SPRINKLER SYSTEM PER NFPA 13 WITH MULTIPURPOSE DRY-CHEMICAL PORTABLE FIRE EXTINGUISHERS AS SPECIFIED SPACED AT 7' ON FLOOR. DISTANCE AROUND THE FLOOR PREACTION IN RAISED FLOOR AREAS AND PROPOSED MECHANICAL ROOMS.

TRAFFIC

EXISTING BUILDING ON SITE HAS BEEN VACANT SINCE JANUARY 10, 2019

OCCUPANCY COUNTS FOR EGRESS

AREA OF WORK: ALL THREE FLOORS, TOTAL AREA 79,386 SF

BUSINESS/RETAIL

AREA: 12,146 SF

OCCUPANT LOAD: 140 / 1,000 = 1.571

STORAGE

AREA: 11,946 SF

OCCUPANT LOAD: 11,946 / 300 = 4.0

ELECTRICAL

AREA: 10,271 SF

OCCUPANT LOAD: 10,271 X 1 / 6 = 1.712

TOTAL AREA: 79,386 SF

OCCUPANT LOAD: 79,386 SF

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OCCUPANT LOAD: 79,386 SF

DRAWING INDEX

Drawing Number	Drawing Name	Current Revision	Current Revision Date	Current Revision Description
01 CIVIL				
C1.0	EXISTING CONDITIONS PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
C2.0	CONCEPTUAL SITE PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
C3.0	CONCEPTUAL GRADING PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
C4.0	CONCEPTUAL UTILITY PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
C5.0	CONCEPTUAL STORMWATER TREATMENT PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
101 ARCHITECTURE				
A0.0	PROJECT DESCRIPTION	04	08/29/2019	PCC UPDATE
A1.1	EXISTING SITE PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
A1.2	PROPOSED SITE PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
A2.1	LEVEL 01 FLOOR PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
A2.2	LEVEL 02 FLOOR PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
A2.3	LEVEL 03 FLOOR PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
A2.4	ROOF PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
A3.1	BUILDING ELEVATIONS - NORTH & WEST	04	08/29/2019	PCC UPDATE
A3.2	BUILDING ELEVATIONS - SOUTH & EAST	04	08/29/2019	PCC UPDATE
A3.3	RENDERED VIEWS	04	08/29/2019	PCC UPDATE
102 LANDSCAPE				
L1.1	ARBOR CARE PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
L2.1	LANDSCAPE SITE PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
103 ELECTRICAL				
E1.1	ELECTRICAL ONE-LINE DIAGRAM	03	05/17/2019	PCC REVIEW #2 COMMENTS
E2.1	ELECTRICAL SITE PLAN	03	05/17/2019	PCC REVIEW #2 COMMENTS
E4.1	ELECTRICAL SCHEDULES	03	05/17/2019	PCC REVIEW #2 COMMENTS



Gensler

5005 Greenville Ave., Tel: 214.273.1500
Dallas, TX 75206 Fax: 214.273.1505
USA

CFLA

74 Dudley Avenue
Piedmont, CA 94611
Phone: 510/601-8022



LIGHTSTONE

PROJECT: LSI
ADDRESS

2175 MARTIN AVE.
SANTA CLARA, CA 95050

ISSUES & REVISIONS

Issue #	Issue Date	Issue Description
01	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW
02	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
03	05/17/2019	PCC REVIEW #2 COMMENTS
04	08/29/2019	PCC UPDATE

SEAL/SIGNATURE

PRELIMINARY FOR DESIGN REVIEW

PROJECT DESCRIPTION

Scale: As Indicated

ISSUING
REVIEW
PROJECT NO.: 27.7287.011

SHEET NO.

A0.0

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5005 Greenville Avenue
Dallas, TX 75206
Phone: 214/273-1500

74 Dudley Avenue
Piedmont, CA 94611
Phone: 510/601-8022



SITE ID: LSI

ADDRESS

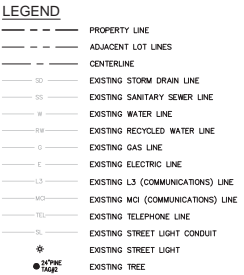
2175 MARTIN AVENUE

SANTA CLARA, CA 95050

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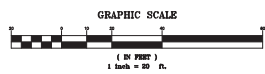
DRAWN: CU
 REVIEWED: CU
 PROJECT NO.: 20190047

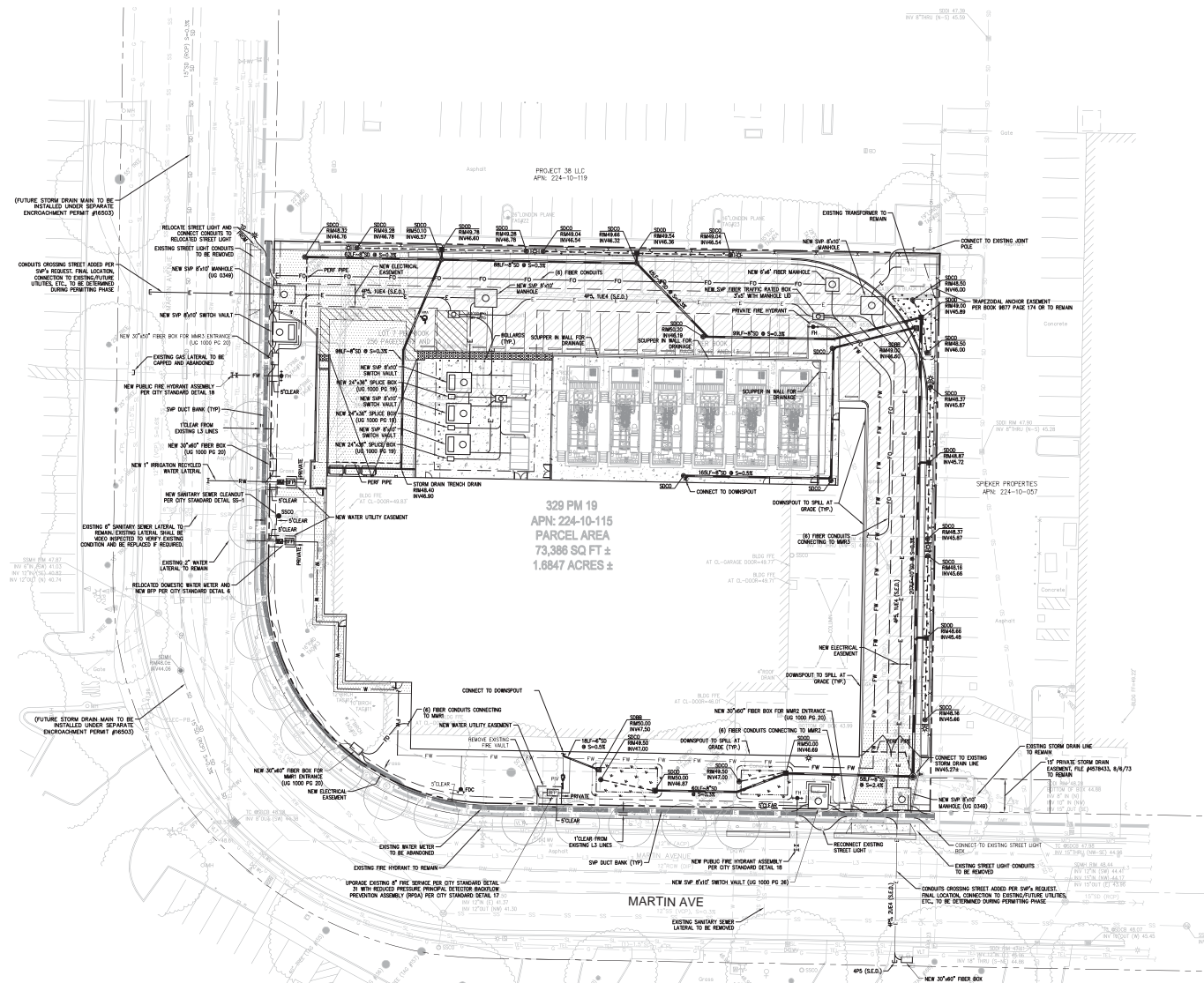
PROPRIETARY; NOT FOR DISCLOSURE OR USE WITHOUT THE WRITTEN
CONSENT OF BURR COMPUTER ENVIRONMENTS, INC.



NOTES

1. SEE UTILITY PLAN C4.0 FOR EXISTING LATERALS
TO BE ABANDONED AND FOR PROPOSED LATERALS





- LEGEND**
- PROPERTY LINE
 - PROPOSED STORM DRAIN LINE
 - PROPOSED DOMESTIC WATER LINE
 - FW — PROPOSED FIRE WATER LINE
 - PROPOSED SWP DUCT BANK
 - PROPOSED FIBER OPTIC LINE
 - FW — FIRE HYDRANT
 - FD — FIRE DEPARTMENT CONNECTION
 - WV — WATER VALVE
 - WM — WATER METER
 - BPV — BACKFLOW PREVENTER
 - PIV — POST INDICATOR VALVE
 - SDC — STORM DRAIN CLEANOUT
 - SDM — STORM DRAIN MANHOLE
 - SOB — STORM DRAIN BUBBLER BOX
 - SDO — STORM DRAIN OVERFLOW DRAIN
 - STO — STORM DRAIN TRENCH DRAIN
 - SSC — SANITARY SEWER CLEANOUT
 - SL — STREET LIGHT

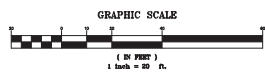
- UTILITY NOTES**
1. DRY UTILITIES SHOWN FOR REFERENCE ONLY (ATTN: CONTRACTOR, P&E, ETC.) FUTURE ELECTRICAL PLANS TO SHOW WORK INFORMATION.
 2. CONTRACTOR TO POT-HOLE ALL UTILITY CROSSINGS FOR GRAVITY LINES, AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
 3. WHERE UTILITY CROSSINGS DO NOT MEET ONE FOOT OF CLEARANCE, (COP) CONTROLLED IDENTITY FIL AND A NEOPRENE CUSHION WILL BE USED.
 4. THE CONTRACTOR SHALL VERIFY ELEVATIONS AND LOCATIONS OF EXISTING PIPES AND UTILITIES BY POT-HOLING BEFORE EXCAVATION WORK OR MAKING CONNECTIONS.
 5. DRY UTILITIES ARE SHOWN FOR REFERENCE ONLY. FINAL DESIGN WILL BE SHOWN ON CONSTRUCTION DRAWINGS.
 6. ALL UTILITIES SHALL MAINTAIN MINIMUM HORIZONTAL AND VERTICAL CLEARANCES FROM OTHER UTILITIES.
 7. THE APPLICANT SHALL MAINTAIN A MINIMUM 12\"/>

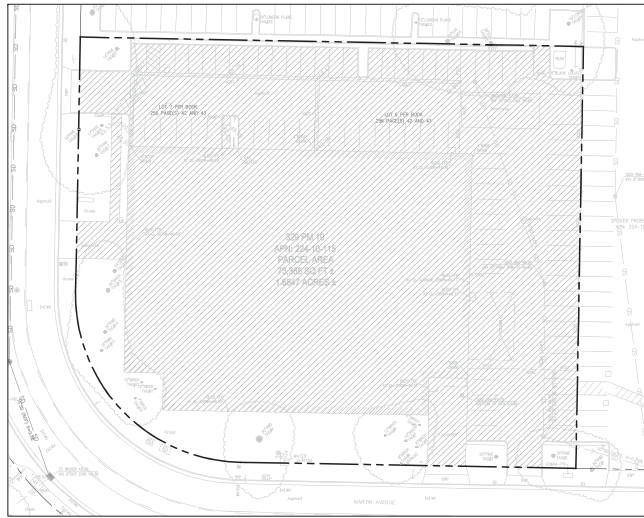
ISSUES & REVISIONS

No.	Date	Description
1	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW
2	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
3	05/17/2019	POC REVIEW #2 COMMENTS

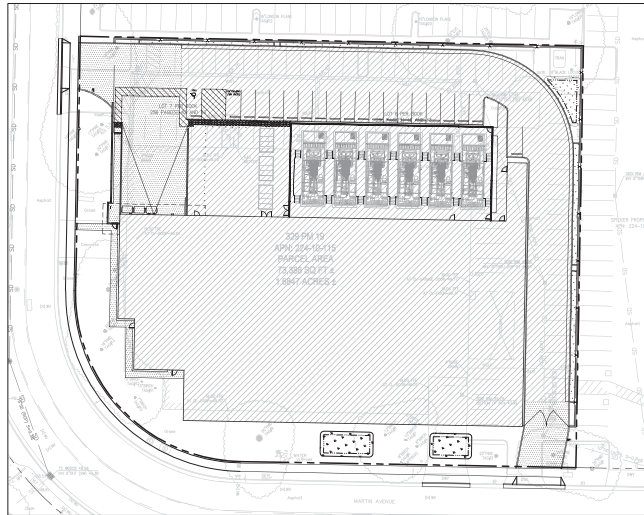


SHEET TITLE
CONCEPTUAL
UTILITY PLAN



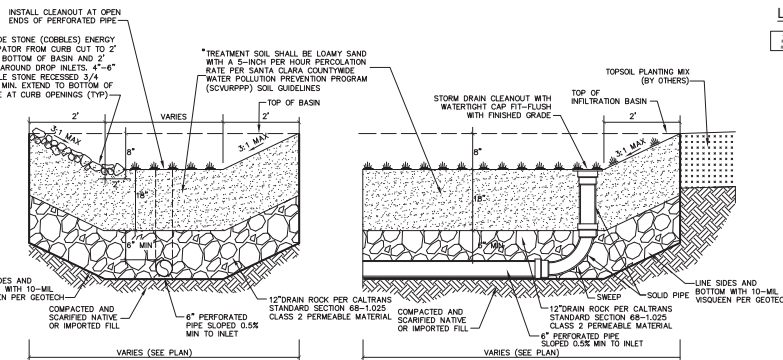
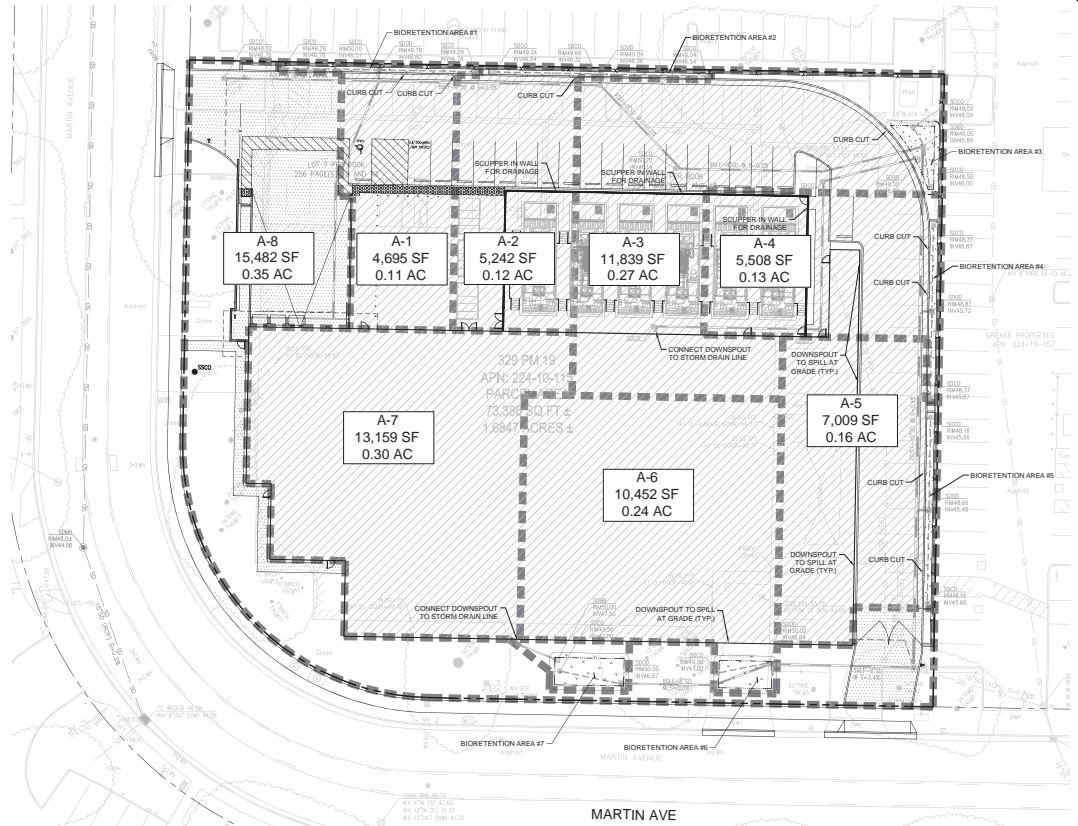


EXISTING CONDITIONS
 IMPERVIOUS AREA: 61,565 SF
 PERVIOUS AREA: 11,821 SF
 TOTAL AREA: 73,386 SF

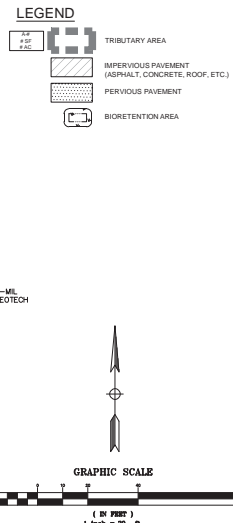


PROPOSED CONDITIONS
 IMPERVIOUS AREA: 53,075 SF
 PERVIOUS AREA (LANDSCAPE): 13,685 SF
 PERVIOUS AREA (PERVIOUS PAVEMENT): 6,626 SF
 TOTAL AREA: 73,386 SF

Area #	Area Size (sf)	Pervious Area (sf)	Impervious Area (sf)	Composite Runoff Coefficient	Impervious Area Requiring Treatment	Total Area Being Treated	Required Treatment Area (sf)	Proposed Treatment Method	Treatment Area #	Comforms to Size Standard?	
A-1	4,695	320	0	0.4375	0.85	4,375	4,695	180	Bioretention Basin	1	Yes
A-2	5,342	430	0	0.4812	0.83	4,912	5,342	175	Bioretention Basin	2	Yes
A-3	11,839	1,400	0	0.2028	0.79	10,439	11,839	375	Bioretention Basin	3	Yes
A-4	5,508	705	0	0.4802	0.80	4,803	5,508	175	Bioretention Basin	4	Yes
A-5	7,009	554	0	0.4455	0.84	6,455	7,009	235	Bioretention Basin	5	Yes
A-6	10,452	495	0	0.4957	0.86	9,957	10,452	360	Bioretention Basin	6	Yes
A-7	13,159	724	0	0.4245	0.86	12,435	13,159	451	Bioretention Basin	7	Yes
A-8	15,482	836	6,626	0	0	0	15,482	1,996	Self-Retaining	-	Yes
Total	73,386	13,685	6,626	0	53,075	53,075	73,386				



NOTE: SEE LANDSCAPE PLANS FOR PLANTING MATERIAL.
 *SEE SCVRPPP FOR ORGANIC COMPOST PERCENTAGE AND TOP DRESSING MULCH.
 BACKFILL INFILTRATION BASIN ONLY WITH PERMEABLE PLANTING MATERIAL AND DRAIN ROCK AS SPECIFIED IN THIS DETAIL. ABSOLUTELY NO NATIVE MATERIAL SHALL BE USED FOR BACKFILL.
 PLANTING: PLANTS SPECIES SHALL BE NATIVE OR "BAY FRIENDLY" AND DROUGHT TOLERANT PER SANTA CLARA VALLEY URBAN RUNOFF POLLUTION PREVENTION PROGRAM (SCVRPPP) PLANTING GUIDELINES.
GRADING NOTE: NO PART OF THE BASIN SHOULD HAVE LESS THAN 2-INCHES OF DEPTH BELOW THE OVERFLOW OUTLET. AT LEAST 6-INCHES OF DEPTH SHOULD BE PROVIDED AT THE DEEP END. IF THE BASIN IS SLOPED, A MINIMUM OF 2-INCHES OF DEPTH SHOULD BE PROVIDED AT THE SHALLOW END.
 1. INSPECT FOR DAMAGE OR EROSION ONCE PRIOR TO STORM SEASON; ONCE MID-STORM SEASON; FOLLOWING STORM EVENTS
 2. INSPECT FOR CONDITION OF PLANTING ONCE PRIOR TO STORM SEASON; ONCE MID-STORM SEASON; FOLLOWING STORM EVENTS.
 3. DEBRIS REMOVAL (IF ANY): AS NEEDED.



No.	Date	Description
1	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW
2	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
3	05/17/2019	PC REVIEW #2 COMMENTS



5005 Greenville Ave.
Dallas, TX 75206
USA

74 Dudley Avenue
Piedmont, CA 94611
Phone: 510/601-8022



PROJECT: LS1
ADDRESS
2175 MARTIN AVE.
SANTA CLARA, CA 95050

ISSUES & REVISIONS		
Issue #	Issue Date	Issue Description
01	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW
02	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
03	05/17/2019	PCC REVIEW #2 COMMENTS

SEAL/SIGNATURE

PRELIMINARY
FOR DESIGN REVIEW

PROPOSED SITE PLAN

Scale: 1/16" = 1'-0"

DRAWN:

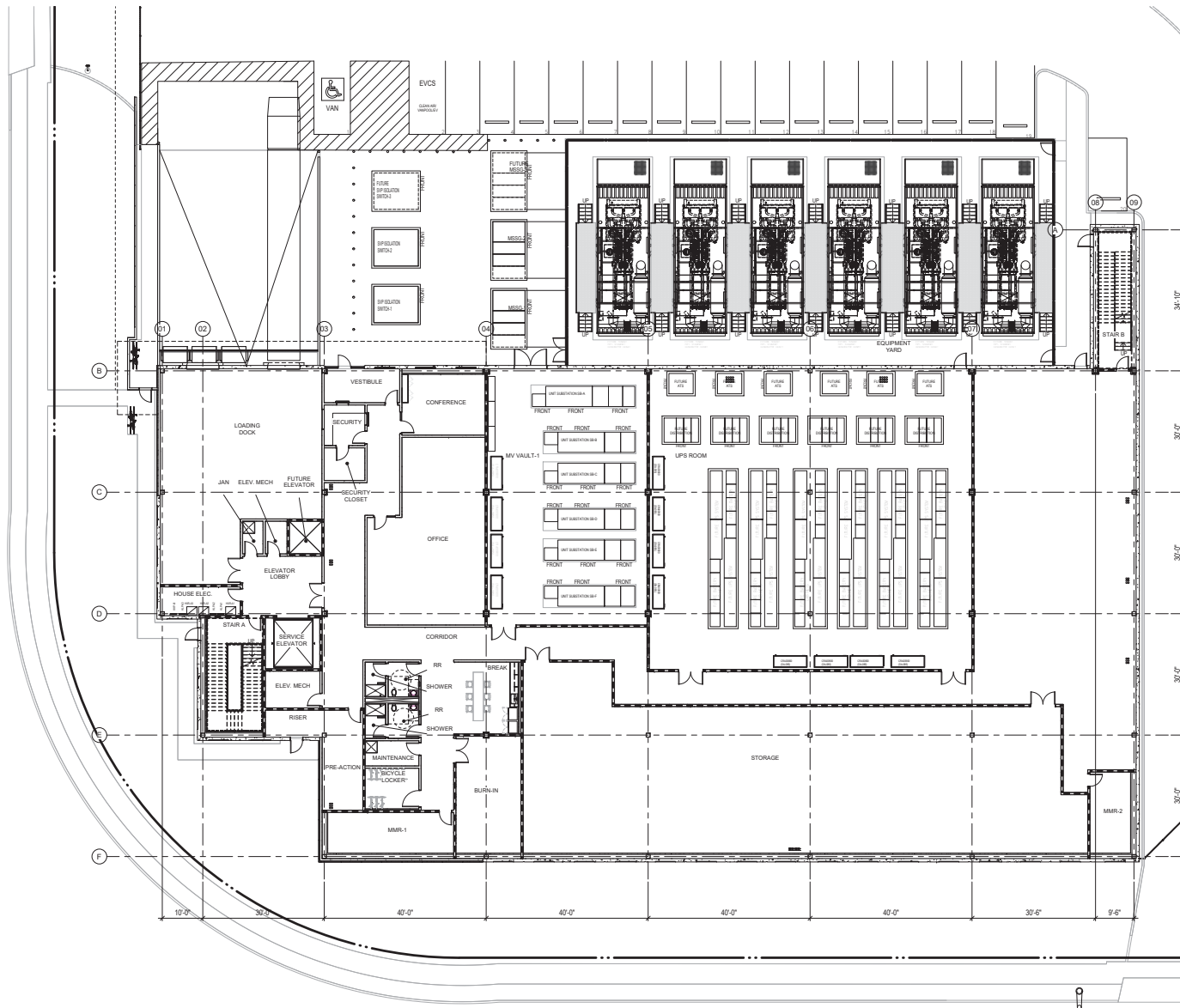
SHEET NO:

A1.2

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LEVEL 01 - CONSTRUCTION FLOOR PLAN
SCALE: 3/32" = 1'-0"

ISSUES & REVISIONS		
Issue #	Issue Date	Issue Description
01	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW
02	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
03	05/17/2019	RCC REVIEW #2 COMMENTS

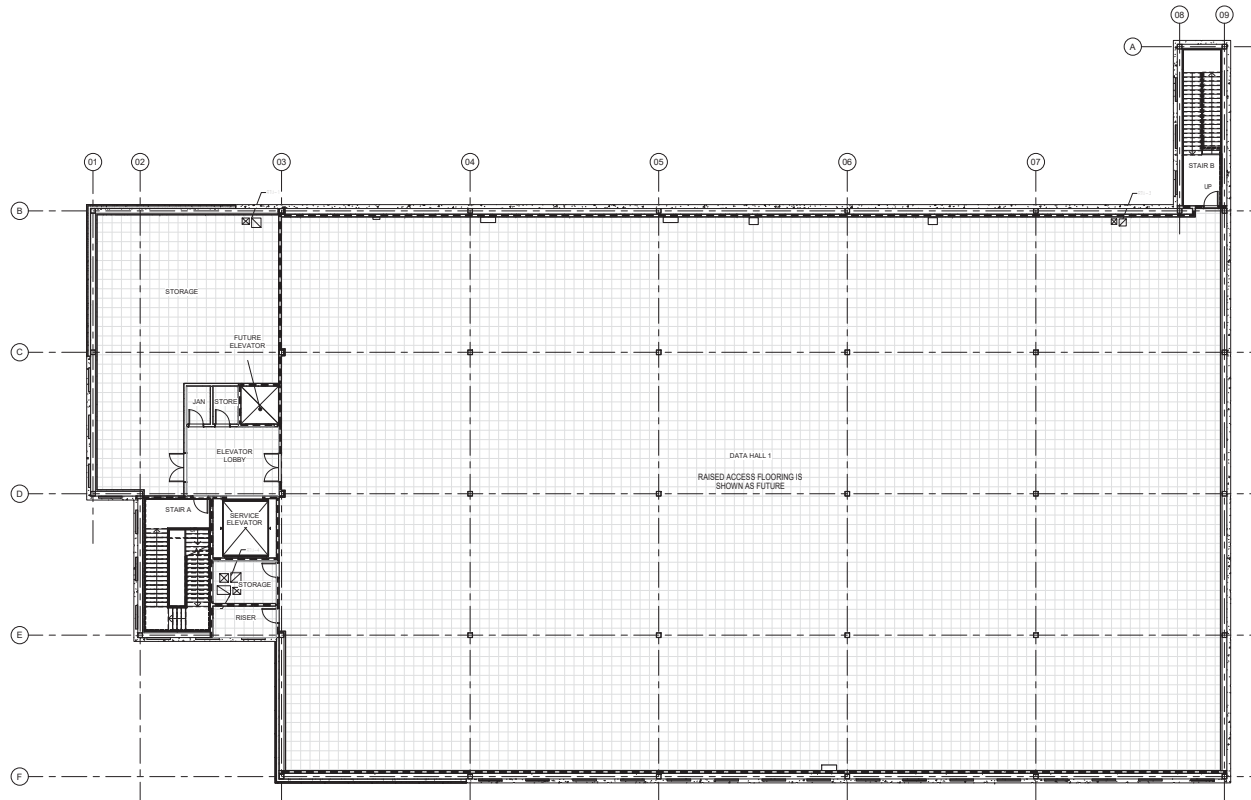
SEAL/SIGNATURE

PRELIMINARY
FOR DESIGN REVIEW

SHEET TITLE
LEVEL 01 FLOOR PLAN
Scale: 3/32" = 1'-0"

DESIGN REVIEW PROJECT NO: 27.7207.011
SHEET NO: **A2.1**
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\\gensler-ar\project\Revit\user\jason\206827\206827.dwg - Lightstone Santa Clara DC - Elevation 1 - R19 - Justin Hoffman.rvt



LEVEL 02 - CONSTRUCTION FLOOR PLAN
SCALE: 3/32" = 1'-0"



LIGHTSTONE

PROJECT: LS1
SERIES
2175 MARTIN AVE.
SANTA CLARA, CA 95050

ISSUES & REVISIONS		
Issue #	Issue Date	Issue Description
01	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW
02	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
03	05/17/2019	PCC REVIEW #2 COMMENTS

SEAL/SIGNATURE

PRELIMINARY
FOR DESIGN REVIEW

SHEET TITLE

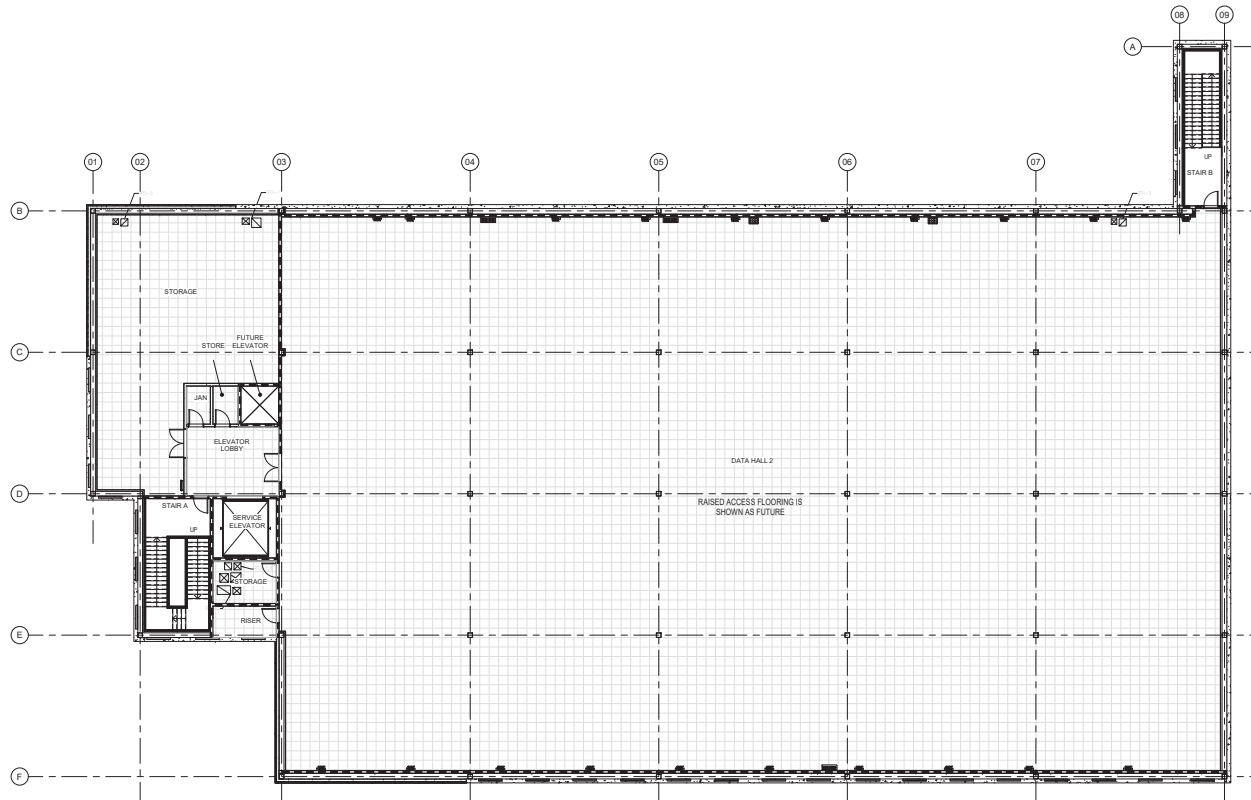
LEVEL 02 FLOOR PLAN
Scale: 3/32" = 1'-0"

DESIGN
REVIEW
PROJECT NO: 27.7267.011

SHEET NO:
A2.2

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LEVEL 03 - CONSTRUCTION FLOOR PLAN
SCALE: 3/32" = 1'-0"



LIGHTSTONE

PROJECT: LS1
2175 MARTIN AVE.
SANTA CLARA, CA 95050

ISSUES & REVISIONS		
Issue #	Issue Date	Issue Description
01	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW
02	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
03	05/17/2019	PCC REVIEW #2 COMMENTS

SEAL/SIGNATURE

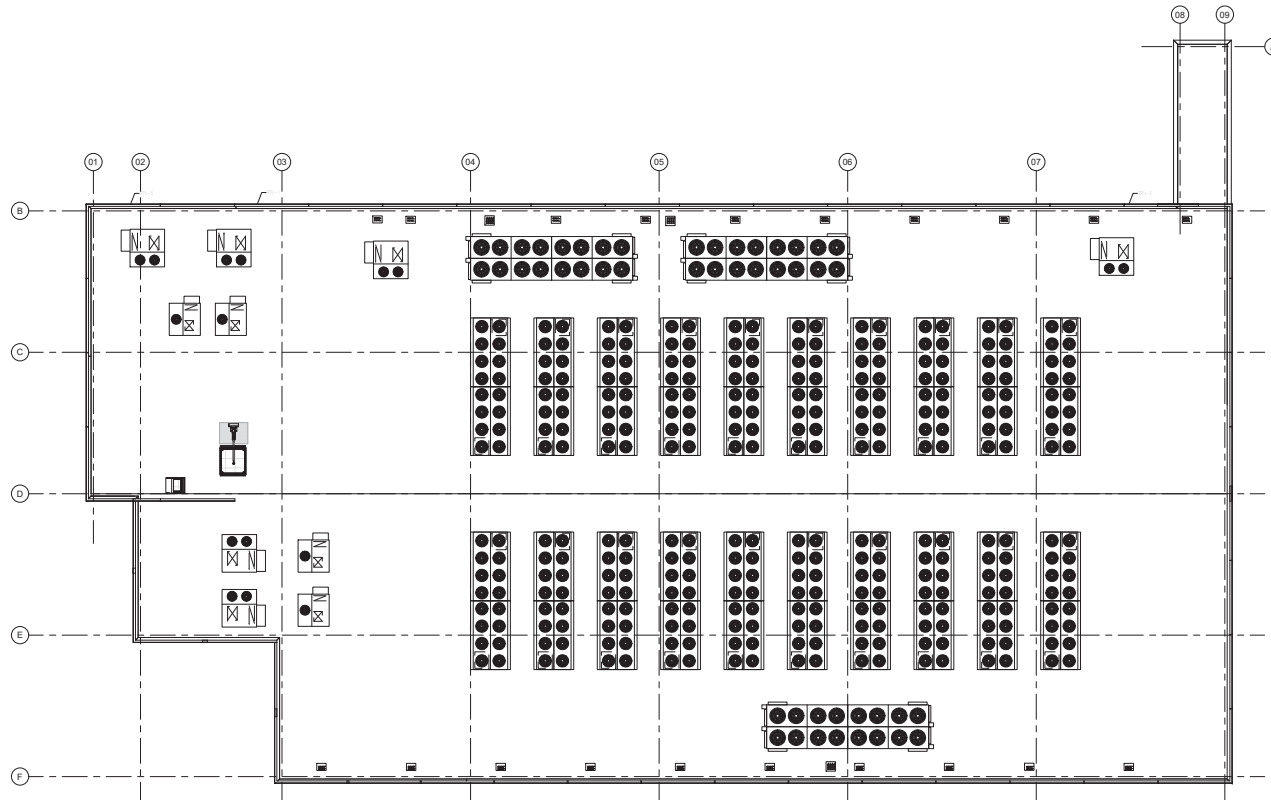
PRELIMINARY
FOR DESIGN REVIEW

SHEET TITLE
LEVEL 03 FLOOR PLAN
Scale: 3/32" = 1'-0"

DESIGN REVIEW PROJECT NO: 27.7267.011
SHEET NO: A2.3

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ROOF PLAN
SCALE: 3/32" = 1'-0"

01

BCEI
BENTLEY COMPUTER ENVIRONMENTS, INC.
19400 Rodgers Road
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Phone: 281-374-8644
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5005 Greenville Ave.
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Phone: 510/601-8022

Bkf
BENTLEY KIMBLE FARRER
1730 N. 1st Street
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Phone: 408/467-9100

LIGHTSTONE

PROJECT: LS1
ADDRESS
2175 MARTIN AVE.
SANTA CLARA, CA 95050

ISSUES & REVISIONS		
Issue #	Issue Date	Issue Description
03	05/17/2019	PCC REVIEW #2 COMMENTS

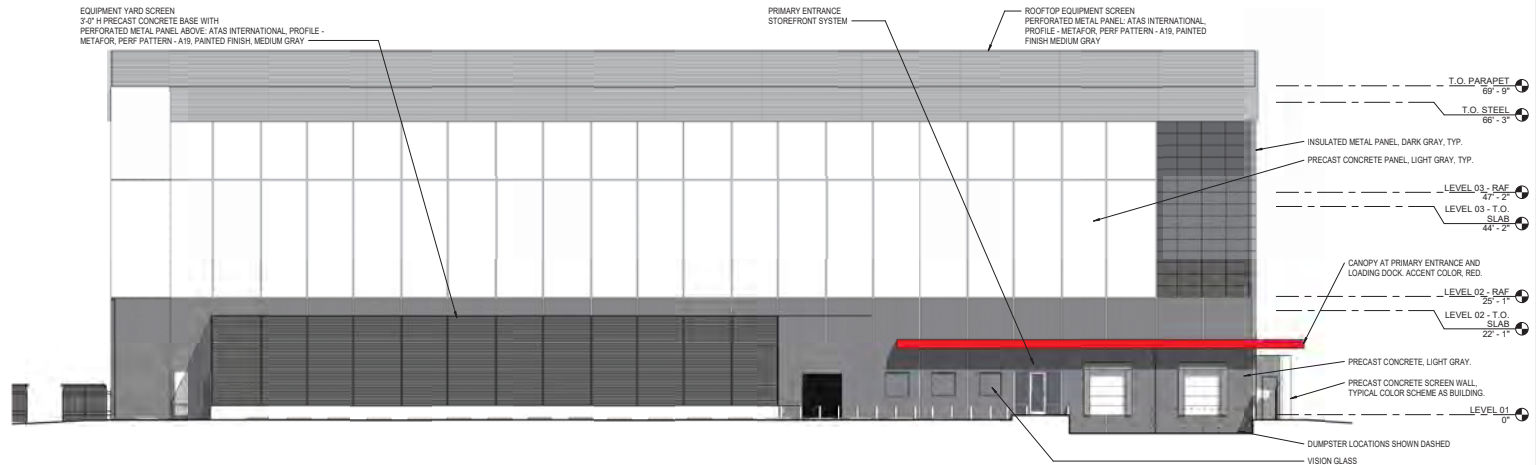
PRELIMINARY
FOR DESIGN REVIEW

ROOF PLAN
Scale: 3/32" = 1'-0"

ISSUAL
REVIEW
PROJECT NO.: 27.7267.011

SHEET NO.
A2.4

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BUILDING ELEVATION - NORTH
SCALE: 3/32" = 1'-0"

01



BUILDING ELEVATION - WEST
SCALE: 3/32" = 1'-0"

02

ISSUES & REVISIONS

Issue #	Issue Date	Issue Description
01	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW
02	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
03	05/17/2019	PCC REVIEW #2 COMMENTS
04	08/29/2019	PCC UPDATE

SEAL SIGNATURE

**PRELIMINARY
FOR DESIGN REVIEW**

SHEET TITLE

BUILDING ELEVATIONS - NORTH & WEST

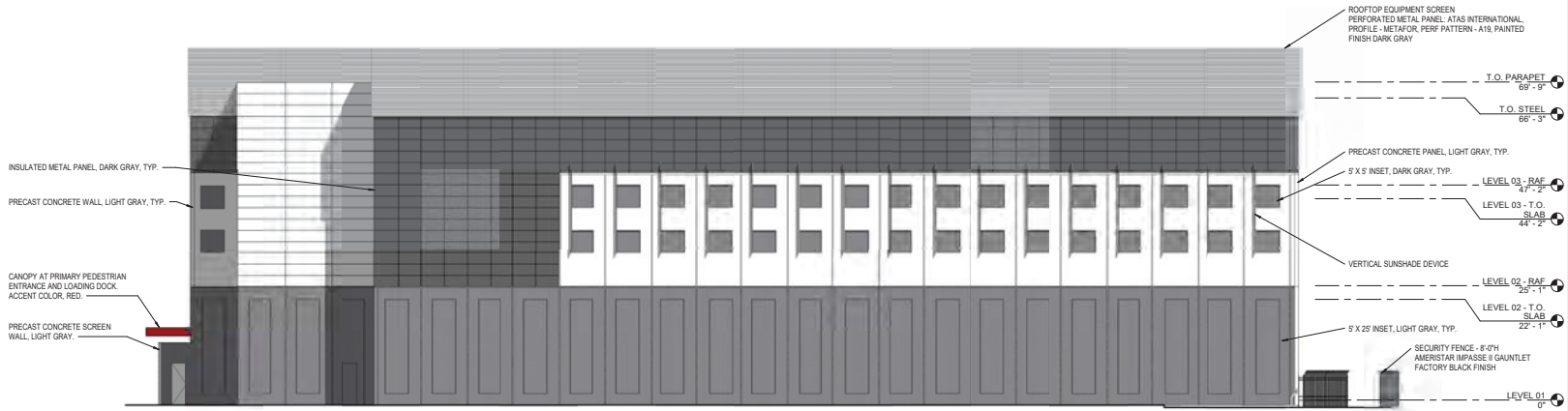
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DESIGN
REVIEW
PROJECT NO.: 27.7267.011

SHEET NO.

A3.1

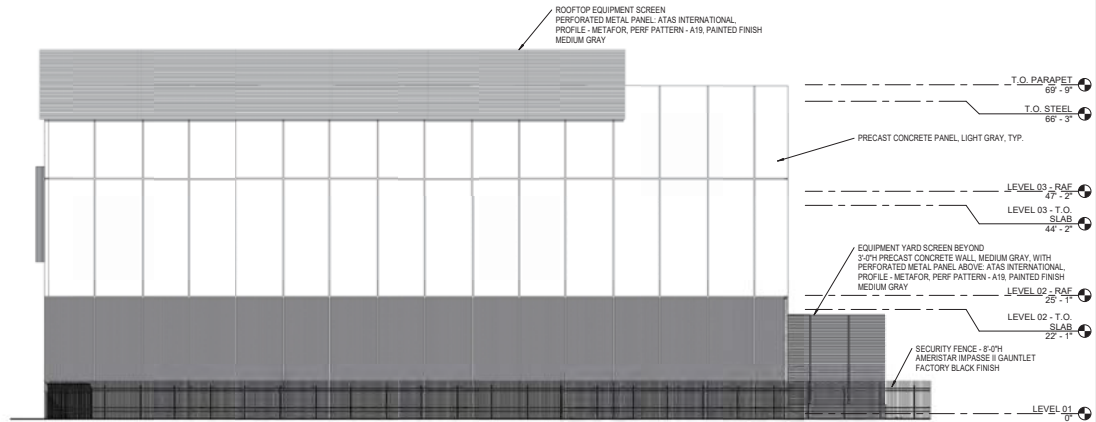
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BUILDING ELEVATION - SOUTH

SCALE: 3/32" = 1'-0"

01



BUILDING ELEVATION - EAST

SCALE: 3/32" = 1'-0"

02

ISSUES & REVISIONS

Issue #	Issue Date	Issue Description
02	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
04	08/29/2019	PCC UPDATE

SEAL SIGNATURE

**PRELIMINARY
FOR DESIGN REVIEW**

SHEET TITLE

BUILDING ELEVATIONS - SOUTH & EAST

Scale: 3/32" = 1'-0"

DRAWN
REVIEW
PROJECT NO.: 27.7207.011

SHEET NO.

A3.2

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1730 N. 1st Street
Suite 650
San Jose, CA 95112
Phone: 408/467-9100

LIGHTSTONE

PROJECT: 151

ADDRESS
2175 MARTIN AVE.
SANTA CLARA, CA 95050

ISSUES & REVISIONS		
Issue #	Issue Date	Issue Description
02	04/02/2019	PROJECT CLEARANCE COMMITTEE REVIEW #2
04	08/29/2019	PCC UPDATE

SEAL/SIGNATURE

PRELIMINARY
FOR DESIGN REVIEW

3D VIEWS

Scale:

DRAWN:
REVIEW:
PROJECT NO.: 27.7267.011

SHEET NO:
A3.3

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505 Greenville Avenue
Dallas, TX 75206
Phone: 214/273-1559

74 Dudley Avenue
Piedmont, CA 94611
Phone: 510/601-8022



2175 MARTIN AVENUE
SANTA CLARA, CA 95050

ISSUES & REVISIONS

[illegible]

REAL

PROPOSED LANDSCAPE PLAN

L2.1

PROPRIETARY: NOT FOR DISCLOSURE OR USE WITHOUT THE WRITTEN
CONSENT OF BURR COMPUTER ENVIRONMENTS, INC.

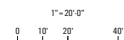


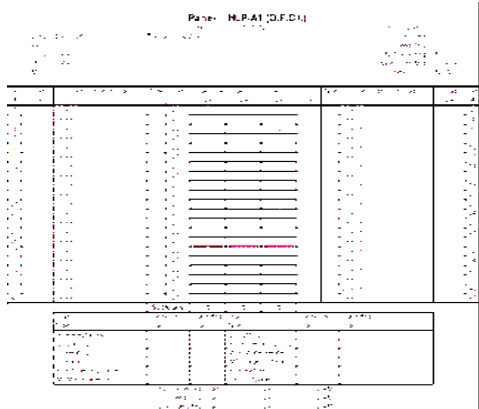
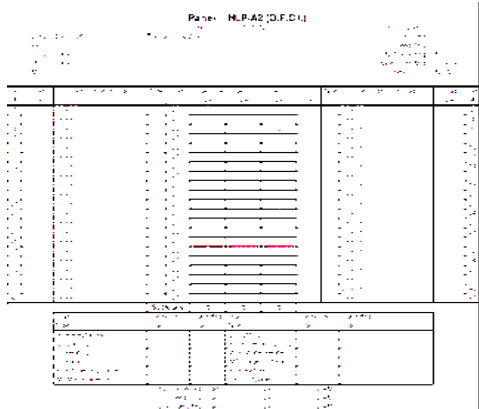
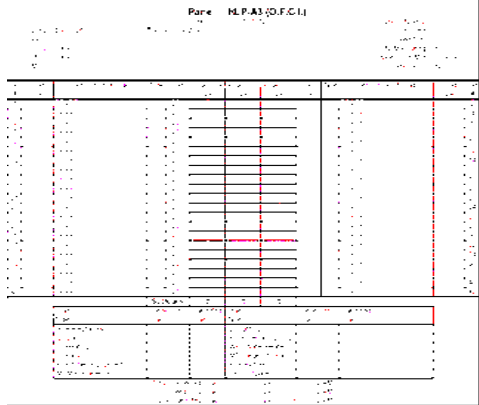
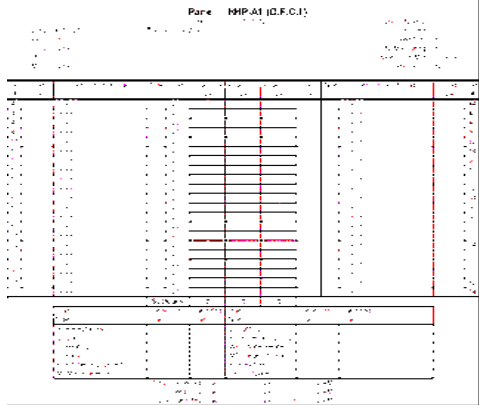
TREES		COMMON		SIZE	QTY	SPACING	WUCOLS
SYMBOL	ROTANICAL						
MAG LIT	MAGNOLIA GRANDIFLORA 'LITTLE GEM'	LITTLE GEM EVERGREEN MAGNOLIA		30" BOX	15	24" D.C.	M.O.S
SHRUBS							
SYMBOL	ROTANICAL	COMMON	SIZE	QTY	SPACING	WUCOLS	
BER AIR	BERBERIS ALBA	YELLOW LEAF JAPANESE BARBERRY	5 GAL	50	5' O.C.	L.O.3	
FRU LIT	FRAGRANCE 'LITTLE SUR'	LITTLE SUR CUFFEBERRY	5 GAL	50	4' O.C.	L.O.3	
MYR COM	MYRTES COMMUNIS 'COMPACTA'	COMPACT TREE MYRTLE	5 GAL	5	4' O.C.	L.O.3	
ROSA LIT	ROSA 'LITTLE LOU'	CLIMBING ROSE	5 GAL	0	0-0-0	L.O.3	
ROS MIX	ROSMARINUS GRINGALANS 'MOZART'	MOZART ROSEMARY	1 GAL	117	4' O.C.	M.O.S	
GRASSES							
SYMBOL	ROTANICAL	COMMON	SIZE	QTY	SPACING	WUCOLS	
CAR TOM	CAREX TOMILOIDA	HEWLEYS SEDGE	1 GAL	162	3' O.C.	L.O.3	
JUN PAT	JUNCEA PATENS	CALIFORNIA JAW SEDGE	1 GAL	12	5' O.C.	M.O.S	
LOM BRE	LOMONDRA LONGIFOLIA 'BREEZE'	DWARF MAT RUSH	1 GAL	101	4' O.C.	L.O.3	
GROUND COVERS							
SYMBOL	ROTANICAL	COMMON	SIZE	QTY	SPACING	WUCOLS	
ARC CAR	ARCTOSTAPHYLOS EDMONDS' GARNET CREEPER	CAMEL SUR MARCHANT	1 GAL	180	4' O.C.	L.O.3	
PRU LOW	PRUNELLA COCCINEA 'CARNEOL'	LOWBRY FRENCH	1 GAL	12	5' O.C.	L.O.3	

PLANTING NOTES

1. LANDSCAPING SHALL FOLLOW THE DOWAL INSTITUTIONALITY OF CRIME PREVENTION STANDARDS. ALL SHRUBS WILL NOT GROW TALLER THAN 7'6" IN HEIGHT AT MATURITY EXCEPT THE RED-LEAF JAPANESE BARBERSHIP (BERBERIS THUNBERGII) (ATROPURPUREA) WHICH IS INSIDE OF THE FENCED AREA. THE RED-LEAF JAPANESE BARBERSHIP WILL BE MAINTAINED TO A HEIGHT OF 5' MINIMUM. THE BERBERIS THUNBERGII (ATROPURPUREA) BARBERSHIP SHOWN ALONG THE FENCE HAS THORNES AND IS CONSIDERED A VERY HARDY SPECIES. ALL TREE LINES SHALL BE GRATED TO A HEIGHT OF 5' MINIMUM.
2. SITE LANDSCAPING SHALL BE MAINTAINED IN GOOD CONDITION THROUGHOUT THE LIFE OF THE DEVELOPMENT AND NO TREES SHALL BE REMOVED WITHOUT CITY REVIEW AND APPROVAL.
3. PROPOSED TREES SHALL BE 5" MINIMUM CALIPER OR SIDEWALKS. PROVIDE ROOT BARRIERS WHEN THE DRIP LINE OF THE MATURE TREES COVERS THE SIDEWALK. ROOT BARRIERS FOR SIDEWALK PROTECTION SHALL BE 18" LONG OR EXTEND TO DRIP LINE OF MATURE TREE, WHICHEVER IS GREATER, AND BE 1.5 DEEP; AND FOR DRIVEWAYS SHALL BE 24" LONG OR EXTEND TO DRIVEWAY CURB OR DRIVEWAY PROTECTION SHALL BE 18" LONG OR EXTEND TO DRIP LINE OF MATURE TREE, WHICHEVER IS GREATER, AND BE 3 DEEP. CENTER ON TREES.

01





FEEDER SCHEDULE - HOUSE											
MARK	FROM	TO	PHASE COND PER SET	PHASE COND. SIZE	NEUT. COND. PER SET	NEUT. COND. SIZE	GND COND. PER SET	GND COND. SIZE	COND. TYPE AL/CU	COND. 1 SIZE	NUMBER OF SETS
MV01	NEW SVP PAD MOUNTED SWITCH-1	MSGG-1	--	--	--	--	--	--	--	5"	2
MV02	MSGG-1	SUBSTATION SB-A	3	#30	0	--	1	#1	CU	4"	1
MV03	MSGG-1	SUBSTATION SB-B	--	PULLSTRING	--	--	--	--	--	4"	1
MV04	SUBSTATION SB-A	SUBSTATION SB-B	3	#30	0	--	1	#1	CU	4"	1
MV05	SUBSTATION SB-B	SUBSTATION SB-F	--	PULLSTRING	--	--	--	--	--	4"	1
MV06	SUBSTATION SB-B	SUBSTATION SB-F	3	#30	0	--	1	#1	CU	4"	1
MV08	NEW SVP PAD MOUNTED SWITCH-2	MSGG-2	--	--	--	--	--	--	--	5"	2
MV09	MSGG-2	SUBSTATION SB-C	3	#30	0	--	1	#1	CU	4"	1
MV10	MSGG-2	SUBSTATION SB-D	--	PULLSTRING	--	--	--	--	--	4"	1
MV11	SUBSTATION SB-C	SUBSTATION SB-D	3	#30	0	--	1	#1	CU	4"	1
MV12	SUBSTATION SB-D	SUBSTATION SB-E	--	PULLSTRING	--	--	--	--	--	4"	1
MV13	SUBSTATION SB-D	SUBSTATION SB-E	3	#30	0	--	1	#1	CU	4"	1
MV14	FUTURE SVP PAD MOUNTED SWITCH-3	MSGG-3	--	--	--	--	--	--	--	5"	2
MV15	FUTURE MSGG-3	SUBSTATION SB-E	--	PULLSTRING	--	--	--	--	--	4"	1
MV16	FUTURE MSGG-3	SUBSTATION SB-F	--	PULLSTRING	--	--	--	--	--	4"	1
MV17	FUTURE MSGG-3	SUBSTATION SB-F	--	PULLSTRING	--	--	--	--	--	4"	1
MV18	SUBSTATION SB-F	SUBSTATION SB-E	--	PULLSTRING	--	--	--	--	--	4"	1
MV19	SUBSTATION SB-F	SUBSTATION SB-E	3	35KCM	1	35KCM	1	#1	CU	2"	2
MV20	SUBSTATION SB-A	HOUSE PANEL HOP-A1	3	#4	0	--	1	#8	CU	1-1/2"	1
MV21	HOUSE PANEL HOP-A1	HOUSE PANEL HOP-A1	3	#10	1	#10	1	#8	CU	2"	1
MV22	HOUSE PANEL HOP-A1	HOUSE PANEL HOP-A2	3	#6	0	--	1	#10	CU	1"	1
MV23	HOUSE PANEL HOP-A2	HOUSE PANEL HOP-A2	3	#1	1	#1	1	#6	CU	1-1/2"	1
MV24	HOUSE PANEL HOP-A1	HOUSE PANEL HOP-A3	3	#6	0	--	1	#10	CU	1"	1
MV25	HOUSE PANEL HOP-A3	HOUSE PANEL HOP-A3	3	#1	1	#1	1	#6	CU	1-1/2"	1
MV26	HOUSE PANEL HOP-A1	HOUSE PANEL HOP-A1	3	#1	1	#1	1	#6	CU	1-1/2"	1
MV27	HOUSE PANEL HOP-A1	FREIGHT ELEVATOR	3	#1	0	--	1	#6	CU	1-1/2"	1
MV28	HOUSE PANEL HOP-A1	PASSENGER ELEVATOR	3	#1	0	--	1	#6	CU	1-1/2"	1
MV29	HOUSE PANEL HOP-A1	HOUSE LOADS	3	#1	0	--	1	#6	CU	1-1/2"	1

PRELIMINARY ELECTRICAL SYSTEM LOADS (kW)	
IT load	8500
UPS Load (3.2%)	272
UPS Batt charge (5%)	425
PDU ineff (1.56%)	132.6
MM xtrf ineff (1.36%)	204
Chiller room cooling (1.18PUE)	2805
Infrastructure room cooling	425
lights (1 watt)	37
misc	50
Total support	4425.6
PUE	1.5205885

LIGHT FIXTURE SCHEDULE							
MARK	LAMPS NO.	LAMPS TYPE	VOLTAGE /WATTS	DESCRIPTION	MANUFACTURERS	CATALOG NUMBER	REMARKS
A	1	LED	UNIVERSAL/70W	DSX1 LED P2 40K BLC MVOLT	LITHONIA LIGHTING	DSX1 LED P2 40K BLC MVOLT	POLE
B	1	LED	UNIVERSAL/100W	DSXW2 LED WITH 3 LIGHT ENGINES, 30 LEADS, 1000mA DRIVER, 4000K LED, TYPE 4 MEDIUM OPTIC	LITHONIA LIGHTING	DSXW2 LED 300 1000 40K T4M MVOLT	SURFACE
C	1	LED	UNIVERSAL/250W	WST LED, PERFORMANCE PACKAGE 2, 4000 K, VISUAL COMFORT FORWARD THROW, MVOLT	LITHONIA LIGHTING	WST LED P2 40K VP MVOLT	SURFACE

BCEI
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Piedmont, CA 94611
Phone: 510/601-8022

Bkf
1730 N. 1st Street
Suite 650
San Jose, CA 95112
Phone: 408/467-9100

LIGHTSTONE
PROJECT: LSI
275 MARTIN AVENUE
SANTA CLARA, CA 95050

ISSUES & REVISIONS		
No.	Date	Description
1	02/15/2019	PROJECT CLEARANCE COMMITTEE REVIEW

DESIGN DEVELOPEMENT SET - NOT FOR CONSTRUCTION

ELECTRICAL SCHEDULES
DRAWN: GSS
REVIEWED: BOC
PROJECT NO: 0177409
REVISION NO: **E4.1**
NOT FOR DISSEMINATION OF USE WITHOUT THE WRITTEN CONSENT OF BUREAU COMPUTER ENVIRONMENTS, INC.

CONDITIONS OF APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

- C1. Obtain required permits and inspections from the Building Official and comply with the conditions thereof. If this project involves land area of 1 acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- C2. Submit plans for final architectural review to the Architectural Committee and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, trash enclosure details, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Community Development.
- C3. The project would not qualify for exemption under CEQA guidelines and shall require an initial study /mitigated negative declaration.
- C4. Project shall provide a 5' wide sidewalk and at least 5' wide landscaping strip along Martin Avenue surrounding the project site.
- C5. A Landscape plan showing the tree protection plan and a replacement plan for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of the existing trees on the site. Landscape plan to include type and size of proposed trees. Coordinate with the City Arborist for the type, location, installation and maintenance of large canopy street trees fronting the project site along the public right-of-way. Type and size of tree replacement on project site shall be at the direction of the City Arborist and require Planning Division review and approval. Installation of root barriers and super-soil may be required with the installation of trees where electric, water, and sewer utilities are in proximity.
- C6. Project site landscaping shall be maintained in good condition throughout the life of the Project and no trees shall be removed without City review and approval. Trees permitted by the City for removal shall be replaced at a 2:1 ratio with 24-inch box specimen tree, or equal alternative as approved by the Director of Community Development.
- C7. A complete landscape plan that includes, type, size and location of all plant species shall be required as part of architectural review of the project. Review and approval of the complete landscape plan, including water conservation calculations and irrigation plan shall be required prior to issuance of building permits. Installation of landscaping is required prior to occupancy permits.
- C8. Commercial, industrial, and multi-family residential buildings must have enclosures for solid waste and recycling containers. The size and shape of the enclosure(s) must be adequate to serve the estimated solid waste and recycling needs and size of the building(s) onsite, and should be designed and located

on the property so as to allow ease of access by collection vehicles. As a general rule, the size of the enclosure(s) for the recycling containers should be similar to the size of the trash enclosure(s) provided onsite. Roofed enclosures with masonry walls and solid metal gates are the preferred design. Any required enclosure fencing (trash area, utility equipment, etc.) if not see-thru, shall have a six (6) inch opening along the bottom for clear visibility. Any gates or access doors to these enclosures shall be locked.

- C9. The noise levels from the proposed use shall be within the maximum permissible limits in the Light Industrial (ML) zone per the City's Noise Ordinance.
- C10. The Final Storm Water Management Plan (SWMP) must be certified by a third-party consultant from SCVURPP's current list of qualified consultants. Five copies of the approval letter from the certified third-party review (wet stamped and signed) must be submitted prior to the issuance of grading or building permit.
- C11. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.
- C12. Prior to the issuance final occupancy, the applicant shall enter into Operations and Maintenance (O&M) agreement with the City. The project operator is responsible for the operations and maintenance of the SWMP and storm water BMPs consistent with the O&M agreement throughout the life of the project.
- C13. The Developer shall comply with the Mitigations Monitoring and Reporting Program that will be identified in the Lightstone Data Center Initial Study / Mitigated Negative Declaration and shall be incorporated in the Conditions of Approval for this project.
- C14. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C15. As directed by the Architecture Committee at the publicly noticed meeting on September 18, 2019, the Applicant shall work with staff to enhance the architecture of the proposed building.

ENGINEERING

- E1. Obtain site clearance through Engineering Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Engineering Department at (408) 615-3000 for further information.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a Single Encroachment Permit issued by the City Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Submit public improvement plans prepared in accordance with City Engineering Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of final map and/or issuance of building permits.
- E4. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E5. Developer shall provide a complete storm drain study for the 10-year and 100-year storm events. The grading plans shall include the overland release for the 100-year storm event and any localized flooding areas. System improvements, if needed, will be at developer's expense.
- E6. Unused sanitary sewer laterals shall be removed.
- E7. Developer shall verify that existing sanitary sewer lateral to be used shall be in good condition and complies with City standards.

- E8. All storm drain mains and laterals, sanitary sewer mains and laterals shall be outside the drip line of mature trees or 10' clear of the tree trunk whichever is greater.
- E9. Provide root barriers when the drip line of the mature trees covers the sidewalk. Root barriers for sidewalk protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 1.5' deep, and centered on trees. Root barriers for curb and gutter protection shall be 16' long or extend to drip line of the mature tree, whichever is greater, and be 2' deep, and centered on trees.
- E10. Obtain Council approval of a resolution ordering vacation of existing public easement(s) proposed to be abandoned, if any, through Engineering Department, and pay all appropriate fees, prior to start of construction.
- E11. Dedicate required on-site easements for any new public utilities by means of subdivision map or approved instrument at time of development.
- E12. Entire width of Martin Avenue along the property frontage shall be cape sealed with digouts.
- E13. All proposed sidewalk, walkway, and driveway(s), shall be per ADA compliant City standard.
- E14. Show and comply with City's driveway vision triangle requirements at proposed driveway. Visual obstructions over three feet in height will not be allowed within the driver's sight triangle near driveways and intersections in order to allow an unobstructed view of oncoming traffic. Contact Traffic Engineering at (408) 615-3000 for further information.
- E15. Provide a minimum 5' wide sidewalk along the property frontage.
- E16. Provide ADA walkways connecting the proposed buildings to public sidewalk.
- E17. All proposed driveways shall be City standard ST-8.
- E18. Provide on-site crane staging area for loading of mechanical unit(s).
- E19. All traffic signing, messages, and symbols shall be thermoplastic.
- E20. Unused driveways in the public right-of-way shall be replaced with City standard curb, gutter, and sidewalk per City Standard Detail ST-12.
- E21. Protect in place all street signs along project frontage.
- E22. Sliding gate and swing gate at both entrances shall be at a minimum 25 feet from back of walk.
- E23. On-street parking shall not be counted towards on-site parking requirements.
- E24. Provide trash pickup on-site.
- E25. For the current proposed site development, provide the following minimum bicycle parking spaces at the main entrance and/or high visible area: 10 Class I bicycle spaces and 4 Class II bicycle spaces

ELECTRICAL

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL4. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL5. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- EL6. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).

- EL7. If the “legal description” (not “marketing description”) of the units is condominium or apartment, then all electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. If they are townhomes or single-family residences, then each unit shall have its own meter, located on the structure. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL8. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0 from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL9. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL10. Any relocation of existing electric facilities shall be at Developer's expense.
- EL11. Electric Load Increase fees may be applicable.
- EL12. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).
- EL13. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
- EL14. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be “Open-Transition-Mode”, unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
- EL15. Encroachment permits will not be signed off by Silicon Valley Power until Developers Work substructure construction drawing has been completed.
- EL16. All SVP-owned equipment is to be covered by an Underground Electric Easement (U.G.E.E.) This is different than a PUE. Only publically-owned dry utilities can be in a UGEE. Other facilities can be in a joint trench configuration with SVP, separated by a 1' clearance, providing that they are constructed simultaneously with SVP facilities. See UG 1000 for details.
- EL17. Proper clearance must be maintained from all SVP facilities, including a 5' clearance from the outer wall of all conduits. This is in addition to any UGEE specified for the facilities. Contact SVP before making assumptions on any clearances for electric facilities.
- EL18. Transformers and Switch devices can only be located outdoors. These devices MAY be placed 5' from an outside building wall, provided that the building wall in that area meets specific requirements. (See UG 1000 document for specifics) EXAMPLE: If there are any doors, windows, vents, overhangs or other wall openings within 5' of the transformer, on either side, then the transformer MUST be 10' or

more away from the building. These clearances are to be assumed to be clear horizontally 5' in either direction and vertically to the sky.

- EL19. All existing SVP facilities, onsite or offsite, are to remain unless specifically addressed by SVP personnel by separate document. It is the Developers responsibility to maintain all clearances from equipment and easements. Developer to contact SVP outside of the PCC process for clear definitions of these clearance requirements. Developer should not assume that SVP will be removing any existing facilities without detailed design drawings from SVP indicating potential removals. *Simply indicating that SVP facilities are to be removed or relocated on conceptual plans does not imply that this action has been approved by SVP.*
- EL20. SVP does not utilize any sub-surface (below grade) devices in it's system. This includes transformers, switches, etc.
- EL21. All interior meter rooms are to have direct, outside access through only ONE door. Interior electric rooms must be enclosed in a dedicated electric room and cannot be in an open warehouse or office space.
- EL22. In the case of podium-style construction, all SVP facilities and conduit systems must be located on solid ground (aka "real dirt"),and cannot be supported on parking garage ceilings or placed on top of structures.
- EL23. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-615-6620 to facilitate plan review.

WATER

- W1. The Water & Sewer Utilities Department highly recommends installing two fire services from different sides of the property separated by a main valve for a looped system.
- W2. The applicant shall coordinate with Mike Vasquez, Water Compliance Manager, regarding recycled water use for irrigation. Mike may be reached at (408)-615-2006.
- W3. The applicant must indicate the disposition of all existing water and sewer services and mains on the plans. If the existing services will not be used, then the applicant shall properly abandon these services to the main per Water & Sewer Utilities standards and install a new service to accommodate the water needs of the project.
- W4. The applicant shall submit a composite utility plan showing all utilities (including proposed fiber/electrical) and landscaping (trees/shrubbery) so that the Water Department can verify conflicts for proposed water services. Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area or in the landscape strip behind the curb.
- W5. Applicant shall adhere to and provide a note indicating all horizontal and vertical clearances. The applicant shall maintain a minimum 12" of vertical clearance at water service crossing with other utilities, and all required minimum horizontal clearances from water services: 10' from sanitary sewer utilities, 10' from recycled water utilities, 8' from storm drain utilities, 5' from fire and other water utilities, 3' from abandoned water services, 5' from gas utilities, and 5' from the edge of the propose or existing driveway. For sanitary sewer, water, and recycled water utilities, the applicant shall maintain a minimum horizontal clearance of 10' from existing and proposed trees. If applicant installs tree root barriers, clearance from tree reduces to 5' (clearance must be from the edge of tree root barrier to edge of water facilities).
- W6. Applicant shall submit plans showing proposed water, sanitary sewer, and fire service connected to a public main in the public right-of-way to the satisfaction of the Director of Water & Sewer Utilities. Different types of water use (domestic, irrigation, fire) shall be served by separate water services, each separately tapped at the water main. Tapping on existing fire service line(s) is prohibited.
- W7. No structures (fencing, foundation, biofiltration swales, etc.) allowed over sanitary sewer and/or water utilities and easements.

- W8. A dedicated fire service line, with an approved backflow prevention device, shall be used for on-site fire hydrants.
- W9. The applicant shall submit plans showing any onsite storm water treatment system. The plan shall include a section detail of the treatment system. No water, sewer, or recycled water facilities shall be located within 5-feet of any storm water treatment system.
- W10. Approved backflow prevention device(s) are required on all potable water services. The applicant shall submit plans showing the location of the approved backflow prevention device(s). Note that all new water meters and backflow prevention devices shall be located behind the sidewalk in a landscape area.
- W11. Approved reduced pressure detector assembly device(s) are required on all fire services. The applicant shall submit plans showing existing and proposed fire service upgraded with reduced pressure detector assembly device, as per city standard 17, to the satisfaction of the Director of Water & Sewer Utilities.
- W12. A fire service upgrade may be required if the existing fire service is below ground. Applicant's fire service upgrade shall adhere to the requirements in Water and Sewer Utilities Standard Detail No. 31.
- W13. The applicant shall bear the cost of any relocation or abandonment of existing Water Department facilities required for project construction to the satisfaction of the Director of Water and Sewer Utilities.
- W14. Applicant must clearly identify between public and private water mains, indicating which services and mains belong to public and private streets. No public mains should be shown on private property or streets.
- W15. There is an existing 12" potable water AC main along Martin Avenue. Any connection of new service and/or abandonment of existing service will require a new section of main at the point of connection.
- W16. Prior to the issuance of Building Permits, the applicant shall provide documentation of water usage so the Water Division can verify the appropriate size of all proposed water meters. Please note that if the existing water services are incapable of supplying the water needs to the site, the existing services shall be abandoned and new separate dedicated water services shall be provided for each use (domestic and irrigation).
- W17. Prior to issuance of Building Permits, the applicant shall provide the profile section details for utilities crossing water, sewer, or reclaimed water mains to ensure a 12" minimum vertical clearance is maintained.
- W18. The applicant must indicate the pipe material and the size of existing water and sewer main(s) on the plans.
- W19. If fire flow information is needed, applicant shall coordinate with Water and Sewer Utilities Department, for fire flow information at (408) 615-2000.
- W20. Fire hydrants should be located two feet behind monolithic sidewalk if sidewalk is present; two feet behind face of curb if no sidewalk is present, per City Std Detail 18.
- W21. Prior to issuance of Building Permits, the applicant shall submit design plans for construction of water utilities that comply with the latest edition of the Water & Sewer Utilities Water Service and Use Rules and Regulations, Water System Notes, and Water Standard Details and Specifications. In addition, prior to the City's issuance of Occupancy, the applicant shall construct all public water utilities per the approved plans. The Water & Sewer Utilities will inspect all public water utility installations and all other improvements encroaching public water utilities.
- W22. Prior to City's issuance of Building or Grading Permits, the applicant shall provide a dedicated water utility easement around the backflow prevention device onsite. The water utility easement for the water services and all other public water appurtenances shall be a minimum 15 feet wide and be adjacent to the public right-of-way without overlapping any public utility easement. Additionally, the applicant shall submit plans defining existing easements so Water Division can verify if there are any conflicts with proposed easements and water utilities.

- W23. Upon completion of construction and prior to the City's issuance of a Certificate of Occupancy, the applicant shall provide "as-built" drawings of the on-site public water utility infrastructure prepared by a registered civil engineer to the satisfaction of the Director of Water & Sewer Utilities.

POLICE

- PD1. A Coded Entry System is required for police access to enclosed parking lots and gated communities. This can be accomplished with a coded key pad system or the Police Department Knox Box key system.

We understand security is a prime concern for the tenants of the project, which necessitates some sort of secure building and admittance process. By having either of these secure access systems for law enforcement, it will allow us to better respond to emergency situations should they arise in the development. Examples of these systems can be reviewed at the following projects:

- 2585 El Camino Real (Coded key pad access)
- 3555 Monroe Street (Knox box key access)

This is for the sliding entry gate into the private parking lot.

- PD2. The developer shall meet the City of Santa Clara's guidelines established for radio signal penetration, detailed in the Communications Department's Public Safety Radio System Building Penetration Guidelines. The intended use of telecommunications sites shall be clearly and accurately stated in the use permit. The signal, of whatever nature, of any communications facility or system, shall in no way whatsoever interfere with or affect any police communication or police communication system.

FIRE

- F1. Traffic calming devices are not permitted on any designated fire access roadway, unless approved by the Fire Prevention & Hazardous Materials Division.
- F2. All Fire Department Access roadways shall be recorded as an Emergency Vehicle Access Easement (EVAE) on the final map. No other instruments will be considered as substitutions such as P.U.E, Ingress/Egress easements and/or City Right-of-Ways.
- F3. Provisions shall be made for Emergency Responder Radio Coverage System (ERRCS) equipment and two-way communications systems for elevator landings/areas of refuge, including but not limited to pathway survivability in accordance with Santa Clara Emergency Responder Radio Coverage System Standard.
- F4. Trees or other obstructions shall not interfere with aerial ladder access.
- F5. Prior to issuance of a Building Permit, Steps 1 through 3 summarized below must be addressed during the planning phase of the project. The development projects Phase I and/or Phase II environmental documents will be the project guiding documents:
- a. Step 1 – Hazardous Materials Closure (HMCP): This is a permit is issued by the Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division. Hazardous materials closure plans are required for businesses that used, handled or stored hazardous materials. While required prior to closing a business this is not always done by the business owner, and therefore should be part of the developer's due diligence. The hazardous materials closure plans demonstrate that hazardous materials which were stored, dispensed, handled or used in the facility/business are safely transported, disposed of or reused in a manner that eliminates any threat to public health and environment.
 - b. Step 2 – Site Mitigation: Site mitigation is the cleanup or management of chemical contaminants in soil, soil vapor or groundwater. The type and extent of contamination on site(s) governs which of the regulatory agencies noted below will supervise the cleanup.
 - Santa Clara Fire Department, Fire Prevention & Hazardous Materials Division (CUPA)
 - Department of Toxic Substances Control (DTSC)
 - State Water Resources Control Board
 - Santa Clara County, Department of Environmental Health.

- c. Step 3 – Community Development, Building Division Demolition Application: For the majority of projects within the City of Santa Clara, Steps 1 and/or 2 described above need to be completed prior to proceeding to demolition application in order to avoid permit approval delays. The purpose of a demolition permit is to ensure that the parcel is clear of debris and other health hazard material (lead, asbestos, etc.) and that the utility connections have been plugged and sealed.”

STREETS

Solid Waste

- ST1. For projects that involve construction, demolition or renovation of 5,000 square feet or more, the applicant shall comply with City Code Section 8.25.285 and recycle or divert at least sixty five percent (65%) of materials generated for discard by the project during demolition and construction activities. No building, demolition, or site development permit shall be issued unless and until applicant has submitted a construction and demolition debris materials check-off list. Applicant shall create a Waste Management Plan and submit a Construction and Demolition Debris Recycling Report through the City’s online tracking tool at <http://santaclarawastetracking.com/>.
- ST2. For projects that involve a Rezoning, the applicant shall contact the Public Works Department, Street Maintenance Division at (408) 615-3080 to verify if the property falls within the City’s exclusive franchise hauling area. If so, the applicant may be required to use the City’s exclusive franchise hauler and rate structure for solid waste services.
- ST3. The applicant shall review the a site plan showing all proposed locations of solid waste containers, enclosure locations, and street/alley widths to the Public Works Department, Street Maintenance Division. All plans shall comply with the City’s Development Guidelines for Solid Waste Services as specified by development type. Contact the Street Maintenance Division at Street@santaclaraca.gov or at (408) 615-3080 for more information.

Stormwater

- ST4. Prior to City’s issuance of Building or Grading Permits, the applicant shall develop a Final Stormwater Management Plan and update the [SCVURPPP C.3 Data Form](#).
- ST5. The Final Stormwater Management Plan and all associated calculations shall be reviewed and certified by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party review letter shall be submitted with the Plan.
- ST6. For projects that disturb a land area of one acre or more, the applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State Construction General Permit (Order No. 2009-0009-DWQ) prior to issuance of any building permit for grading or construction. A copy of the NOI shall be submitted to the City Building Inspection Division, along with a stormwater pollution prevention plan (SWPPP). Active projects covered under the Construction General Permit will be inspected by the City once per month during the wet season (October – April).
- ST7. The applicant shall incorporate Best Management Practices (BMPs) into construction plans and incorporate post-construction water runoff measures into project plans in accordance with the City’s Urban Runoff Pollution Prevention Program standards prior to the issuance of Building or Grading Permits. Proposed BMPs shall be submitted to and thereafter reviewed by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- ST8. During the construction phase, all stormwater control measures shall be inspected for conformance to approved plans by a qualified 3rd party consultant from the SCVURPPP List of Qualified Consultants, and a 3rd party inspection letter shall be submitted to the Public Works Department, Street Maintenance Division. Building occupancy will not be issued until all stormwater treatment measures have been adequately inspected. For more information contact Street Maintenance at (408) 615-3080.
- ST9. The property owner shall enter into an Inspection and Maintenance (I&M) Agreement with the City for all installed stormwater treatment measures in perpetuity. Applicants should contact Karin Hickey at (408) 615-3097 or KaHickey@santaclaraca.gov for assistance completing the Agreement. For more

information and to download the most recent version of the I&M Agreement, visit the City's stormwater resources website at <http://santaclaraca.gov/stormwater>.

- ST10. Any site design measures used to reduce the size of stormwater treatment measures shall not be removed from the project without the corresponding resizing of the stormwater treatment measures and an amendment of the property's I&M Agreement.
- ST11. Developer shall install an appropriate stormwater pollution prevention message such as "No Dumping – Flows to Bay" on any storm drains located on private property.
- ST12. All outdoor equipment and materials storage areas shall be covered and/or bermed, or otherwise designed to limit the potential for runoff to contact pollutants.
- ST13. Wastewater generated by the installation, cleaning, treating, or washing of the surface of copper architectural features, including copper roofs, shall not be discharged to the City's storm drain system.

HOUSING & COMMUNITY SERVICES

- H1. This Project is subject to the Affordable Housing requirements which may be met through payment of an impact fee of \$2.00 per square foot. The estimated fees are calculated as follow: 79,396 sq ft (proposed) minus 31,088 sq ft (existing) = \$96,616. Applicant shall pay impact fees prior to the issuance of the occupancy certificate of the building.

LOCATION MAP PLN2019-13745





Agenda Report

19-1194

Agenda Date: 11/13/2019

REPORT TO PLANNING COMMISSION

SUBJECT

Public Hearing: Action on a Variance from the Sign Ordinance for the size and number of signs at 3975 Freedom Circle.

REPORT IN BRIEF

Project: Variance to allow two wall signs on one side of a building at a height of over 35 feet where only one sign would typically be allowed and increased total sign area at 3975 Freedom Circle.

Applicant: Corporate Sign Systems

Owner: 3975 Freedom Circle, LLC

General Plan: High Intensity Office / R&D

Zoning: PD - Planned Development

Site Area: 10.12 acres

Existing Site Conditions: Developed with two twelve story towers and a parking garage

Surrounding Land Uses

North: Hotel

South: US 101 and Office

East: Office

West: Great America Parkway

Issues: Consistency with the City's General Plan and Zoning Ordinance

BACKGROUND

On September 24, 2019, the applicant, Corporate Sign Systems, on behalf of the property owner, 3975 Freedom Circle LLC, filed an application for a sign Variance. The purpose of the Variance is to allow two wall signs on one side of a building at a height of over 35 feet where only one sign would typically be allowed, and to increase the total sign area permitted. The property was developed with two twelve story towers and a parking garage through a Planned Development (PD) Zoning and Architectural Review in 1998. The most recent Master Sign Program was approved in 2015 for the site and allows 300 square-feet of signage on the top parapet of the west and south building elevations, for a total of 600 square feet of wall signage. The Master Sign Program also includes monument and directional signage for the entirety of the site.

DISCUSSION

The proposal is subject to the sign regulations of the Zoning Code unless a variance is granted by the Planning Commission. Pursuant to Chapter 18.108 of the City's Zoning Ordinance, where practical difficulties, unnecessary hardships and effects inconsistent with the general purposes of the Zoning Code may result from the strict application of certain provisions, variances may be granted. However, granting of a variance would require making the findings in SCCC Section 18.108.040,

including that there are unusual conditions applying to the land or building which do not apply generally in the same district.

The applicant proposes two wall signs on the top parapet on the west side of the existing building facing Great America Parkway. The purpose of the signs is to advertise two new building tenants, Tata Consultancy Services (TCS) and Ignio. The signs would be 297 square feet and 265 square feet in size, respectively. The existing 314 square foot KPMG sign on the south side of the building would remain in place, as well as the other property and wayfinding signage.

Consistency with General Plan

The project site has a General Plan land use designation of High Intensity Office/R&D. This designation is intended for high rise or campus like developments for corporate headquarters and R&D. The proposed variance is consistent with the following General Plan policies:

- 5.3.1 P24: Coordinate sign programs for commercial uses to promote continuity, improve streetscape design and reduce visual clutter. The proposal is consistent with this policy in that the new signage will allow two visually consistent signs to locate on one building façade. This will improve visibility of the business located within the building and the signs are designed and placed on opposite sides of the façade to avoid visual clutter. The signs are also proportionate in size to the 12-story office tower façade where they would be placed.
- 5.3.1 P25: Provide gateway signage at key entries into the City of Santa Clara, if feasible. The proposed signs are located at a key Santa Clara gateway, the intersection of Great America Parkway and US 101. This is an important entry to the north side of Santa Clara and represents the most concentrated area of business uses. While not a City gateway sign, the proposed signs are representative of the overall business district.

Zoning Conformance

Per Section 18.80.050 of the Sign Ordinance, signs cannot exceed a height of 35 feet above the ground level, except for building signs for buildings which are four stories or greater in height. On such taller buildings, not more than one sign may be placed on each side of the building above the ground floor level. In addition, the current master sign program only allows 300 square feet of signage on the west elevation and 300 square feet on the south elevation, where the existing KPMG sign is located.

As proposed, two new signs 297 square feet and 265 square feet in size would be located on the western façade. The western building façade is 265 feet in length, while the total street frontage on Great America Parkway for both towers and parking garage is approximately 986 feet. The building and overall site are substantial in size and the signs are in scale with the structure. By locating the signs on opposite sides of the façade, the visual impact is limited.

The building was built speculatively without specific tenants confirmed. As new tenants are occupying the building, they are seeking equal advertisement on the most prominent frontage. In addition, the parking garage location on the Great America Parkway site frontage requires that the signs are located at a higher elevation for visibility.

Conclusion

As a major entry to the business and industrial center of Santa Clara, the proposed signs work as an

entryway into the northern City limit and business hub. The size allows maximum readability for drivers along the street and allows two prominent businesses to advertise their Santa Clara locations on an important corridor, Great America Parkway. In addition, the signs are situated in such a way to minimize visual clutter on the building face.

ENVIRONMENTAL REVIEW

The proposed is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15311 (a) Class 11 "Accessory Structures," which exempts construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities, including on-premise signs.

FISCAL IMPACT

There is no cost to the City other than administrative staff time and expense typically covered by processing fees paid by the applicant.

COORDINATION

This report was coordinated with the City Attorney's Office.

PUBLIC CONTACT

On November 1, 2019, a notice of public hearing of this item was posted in three conspicuous locations within 300 feet of the project site and mailed to property owners within 300 feet of the project site. At the time of preparation of this report no comments related to this project were received from the public.

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

RECOMMENDATION

Adopt a Resolution approving the variance allowing the increased sign area for two wall signs placed at a height of over 35 feet on the western façade at 3975 Freedom Circle.

Prepared by: Rebecca Bustos, Associate Planner
Reviewed by: Alexander Abbe, Assistant City Attorney
Approved by: Reena Brilliot, Planning Manager

ATTACHMENTS

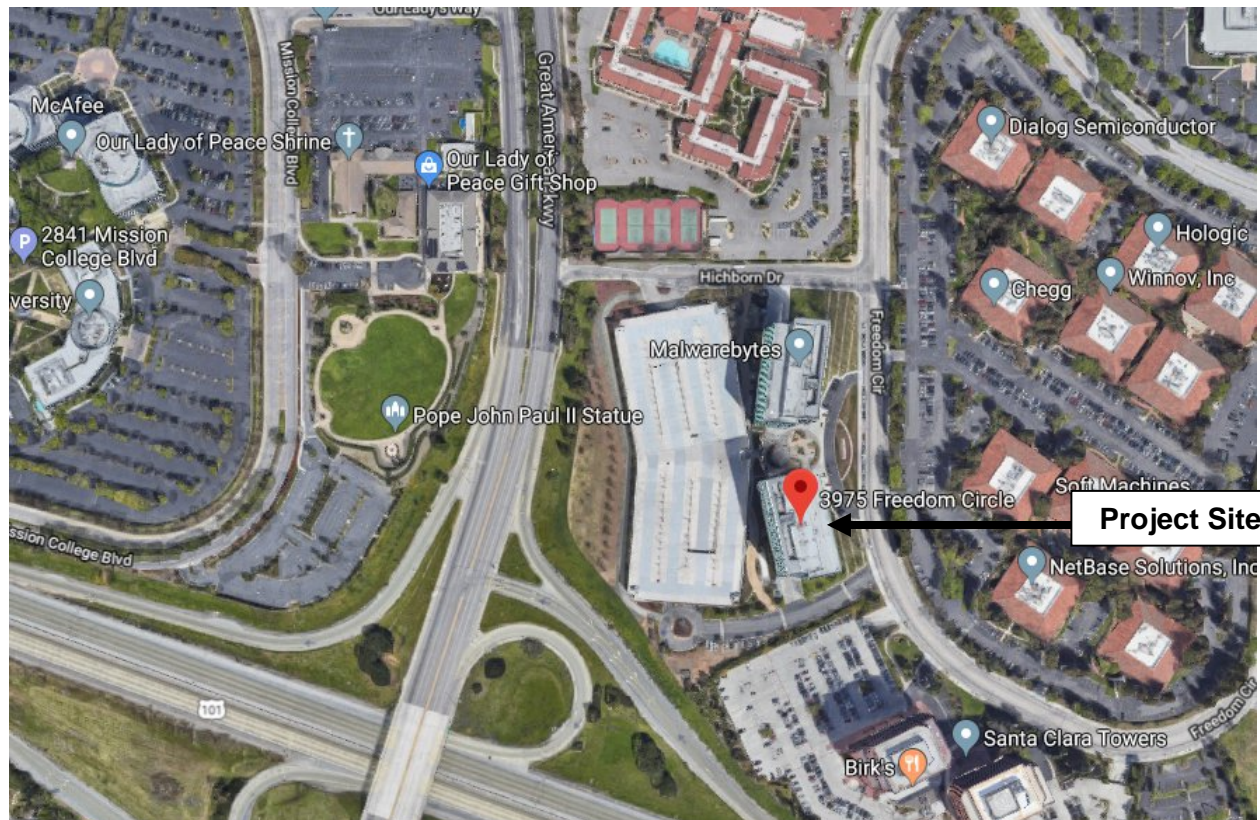
1. Project Data Summary Sheet
2. Applicant's Statement of Justification
3. Development Plans
4. Resolution Approving a Variance
5. Conditions of Approval

Project Data

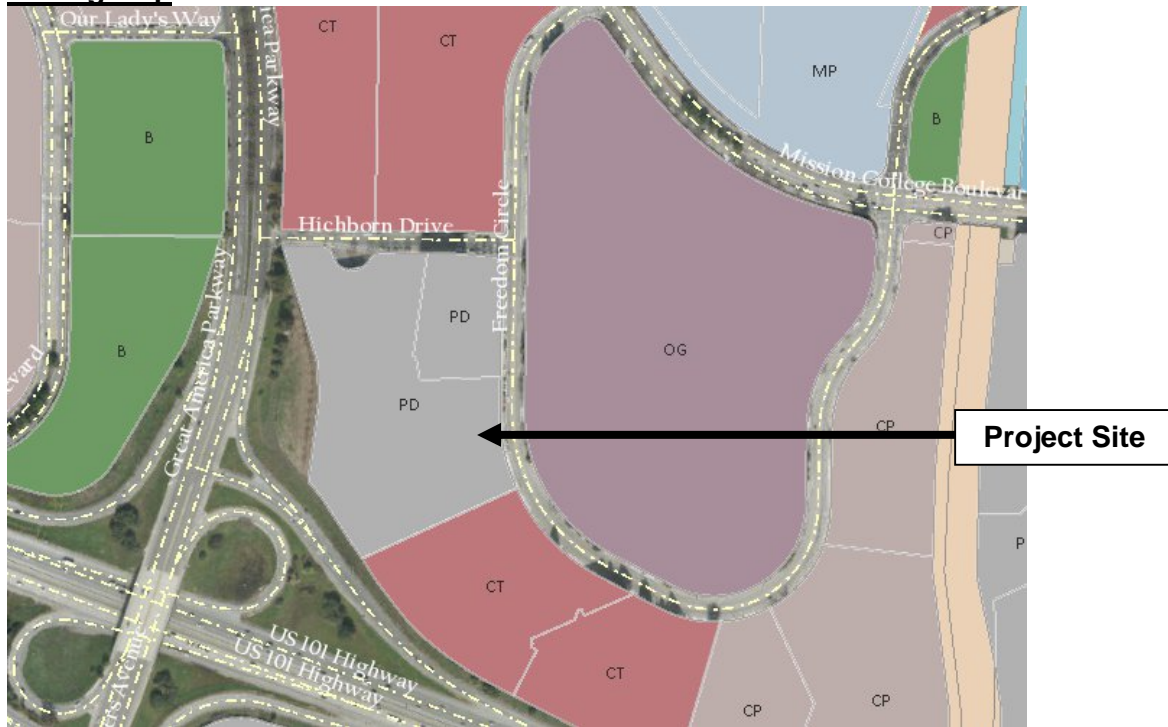
File: PLN2019-14129
Location: 3975 Freedom Circle, an approximately 12 acre property located on the northeast corner of Great America Parkway and US 101, APN: 104-40-034; property is zoned PD Planned Development
Applicant: Corporate Sign Systems
Owner: 3975 Freedom Circle, LLC
Request: **Variance** to allow two wall signs on one side of a building at a height of over 35 feet where only one sign would typically be allowed and increased sign area at 3975 Freedom Circle.
CEQA Determination: Categorically Exempt per CEQA Section 15311(a) Accessory Structures
Project Planner: Rebecca Bustos, Associate Planner
Recommendation: Approve, subject to conditions.

	Existing
General Plan Designation	High Intensity Office / R&D
Zoning District	PD Planned Development
Lot Size	10.12 acres
Land Use	Two industrial buildings and a parking garage
Stories / Total Height	12 stories

Aerial Map



Zoning Map



General Plan Map



October 16, 2019

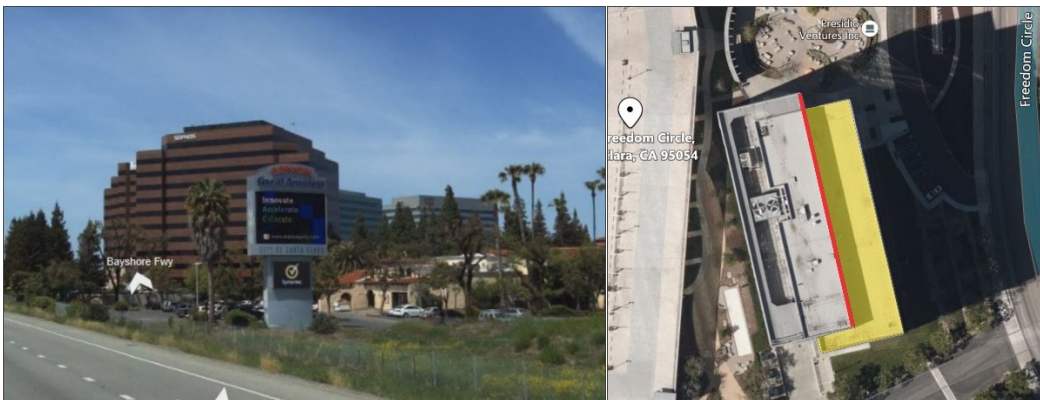
City of Santa Clara
1500 Warburton Ave.
Santa Clara, CA 95050

PLN2019-14129 – Variance Permit

Findings

- (a) That there are unusual conditions applying to the land or building which do not apply generally in the same district.*

There is limited visibility and usable space for potential will signage at 3975 Freedom circle due to adjacent buildings blocking view and the unique, offset roofline architecture as shown below:



- (b) That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner.*

This variance is necessary for the petitioner to enjoy the rewards and rights to visible business signage and identification.

(c) That the granting of such variance shall not, under the circumstances of the particular case, materially affect adversely the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood of the applicant's property, and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

Tenant, applicant and ownership see no adverse conditions or detriment to welfare by the granting of this variance.

(d) That the granting of the variance is in keeping with the purpose and intent of this title. (Zoning Ord. § 54-4).

This variance meets and promotes the purpose and intents of its title #(2) *by promoting orderly and beneficial development of such area.*

The granting of this variance and allowing one additional sign will assist in securing and retaining this commercial business tenant who is a substantial job creator in Santa Clara. This variance would establish and solidify this property as a premier gateway into the heart of the Santa Clara business zone, setting the groundwork for future business development and community growth.

Best regards,

Bryan Panian

Bryan Panian, Project Manager
ph. 408.292.1600 x319
bryan@corporatesigns.com



SCOPE OF WORK

Fabricate and install (x2) illuminated, attached, Face-Lit, channel letter wall signs:

A1 "TATA Consultancy Services" logo/letters
Overall size = 46.5"h x 917"w = 296 sq ft.

A2 "Ignio" logo/letters
Overall size = 130"h x 294"w = 265 sq ft.

SHEET INDEX

1. Cover Page
2. Materials & Style Sheet
3. Rendering
4. Sign A1 specifications
5. Sign A2 specifications
6. Day/Night renderings
7. Building Elevation
8. Location Plan
9. Parcel Map

PROJECT:

3975 Freedom Circle
Santa Clara, CA

VARIANCE PERMIT PACKAGE

9/23/19

Design + Build.

material schedule



M1 aluminum



M2 3/16" white acrylic



M3 3M perforated vinyl

color schedule



C1 3M Perforated Vinyl - painted satin BLACK



C2 Matthews Polyurethane Satin Paint - BLACK

brand artwork

TATA CONSULTANCY SERVICES

Ignio



408.292.1600
2464 De La Cruz Blvd., Santa Clara, CA 95050
www.corporatesigns.com

CLIENT
TATA Consultancy Services

PROJECT

PROJECT LOGO

3975 Freedom Circle

DRAWING / REVISION DATE
09/19/19 - BP

FILE NAME / LOCATION
FILE PATH

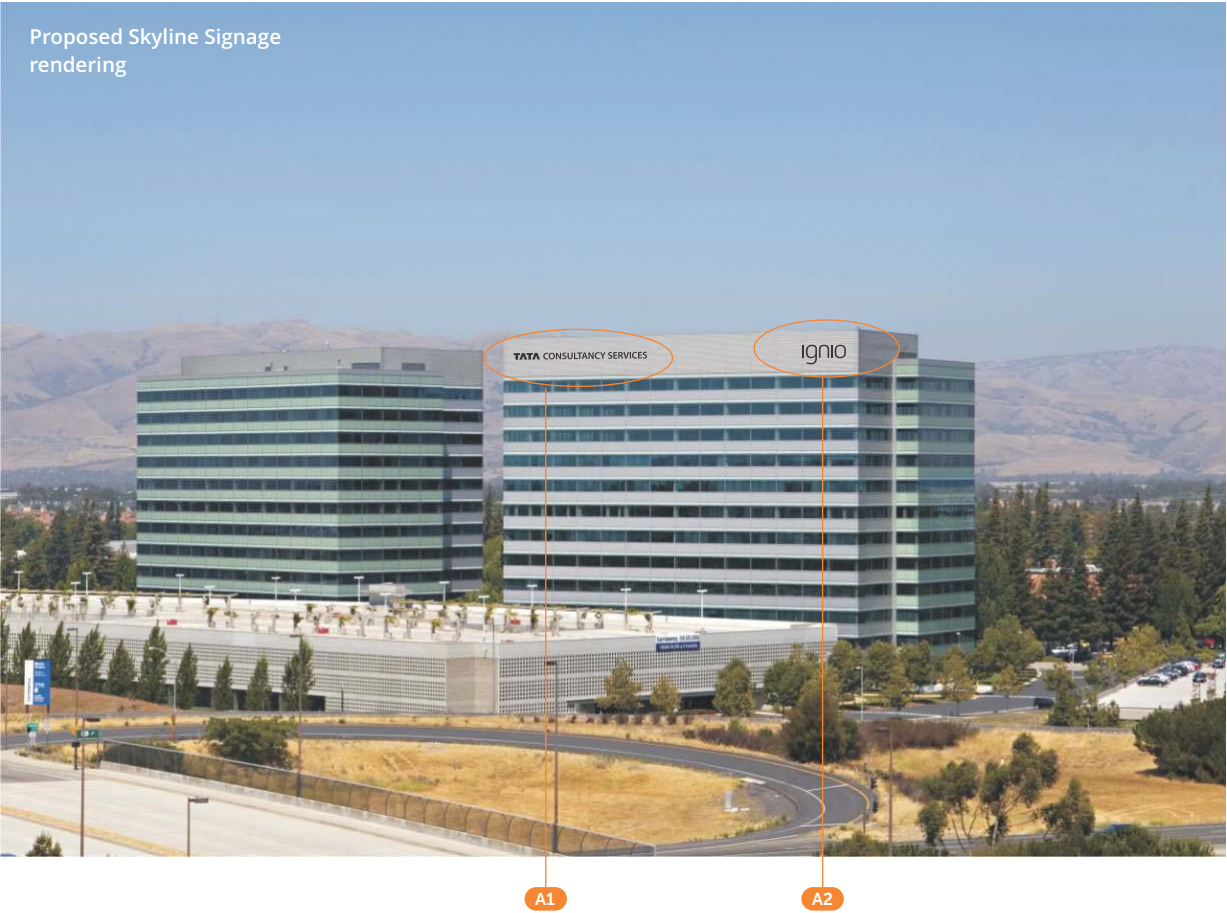
ORDER NUMBER
31364

SIGN TYPE

SHEET TITLE
SIGN ELEMENTS

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PAGE NUMBER
2



CLIENT
TATA Consultancy Services

PROJECT

PROJECT LOGO

3975 Freedom Circle

DRAWING / REVISION DATE
09/19/19 - BP

FILE NAME / LOCATION
FILE PATH

ORDER NUMBER
31364

SIGN TYPE

SHEET TITLE
Rendering

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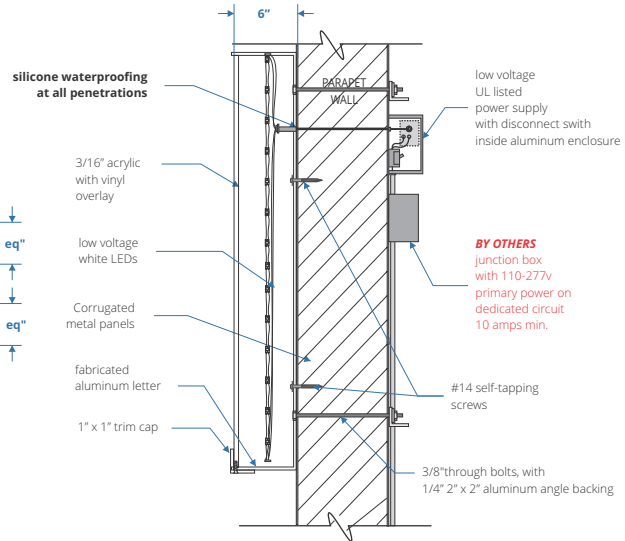
PAGE NUMBER
3



1 front view
scale: 1/4" = 1'-0"



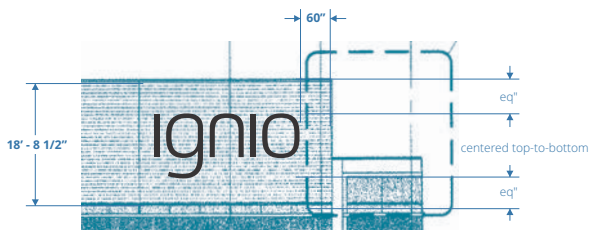
1.1 Elevation (enlarged) - installation location
scale: 1/16" = 1'



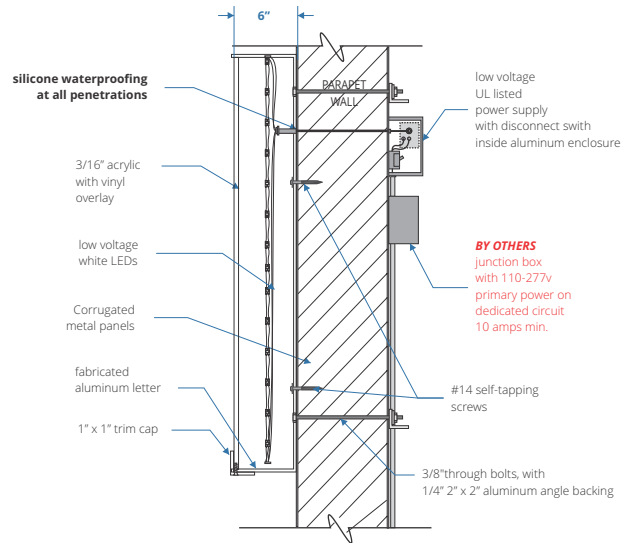
2 section view - electrical detail
scale: 3\"/>



3 front view
scale: 1/4" = 1'-0"



3.1 Elevation (enlarged) - installation location
scale: 1/16" = 1'



4 section view - electrical detail
scale: 3" = 1'-0"



5 Day View - Rendering
scale: N.T.S.



6 Night View - Rendering
scale: N.T.S.

CLIENT
TATA Consultancy Services

PROJECT

PROJECT LOGO

3975 Freedom Circle

DRAWING / REVISION DATE
09/19/19 - BP

FILE NAME / LOCATION
FILE PATH

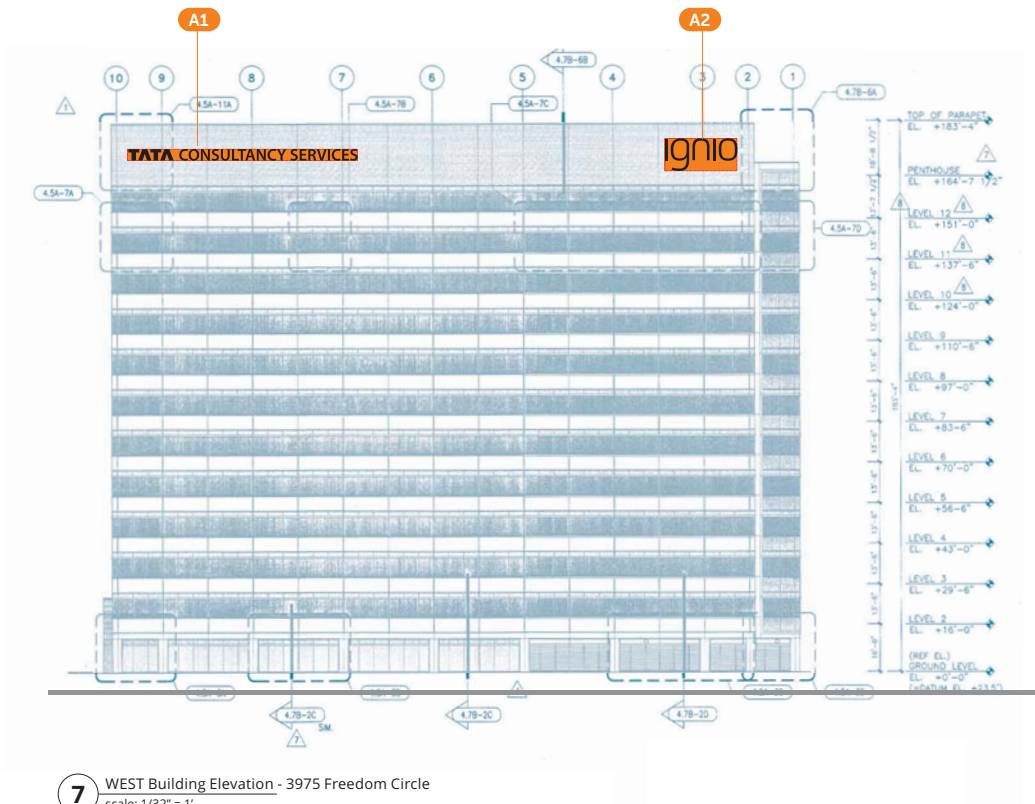
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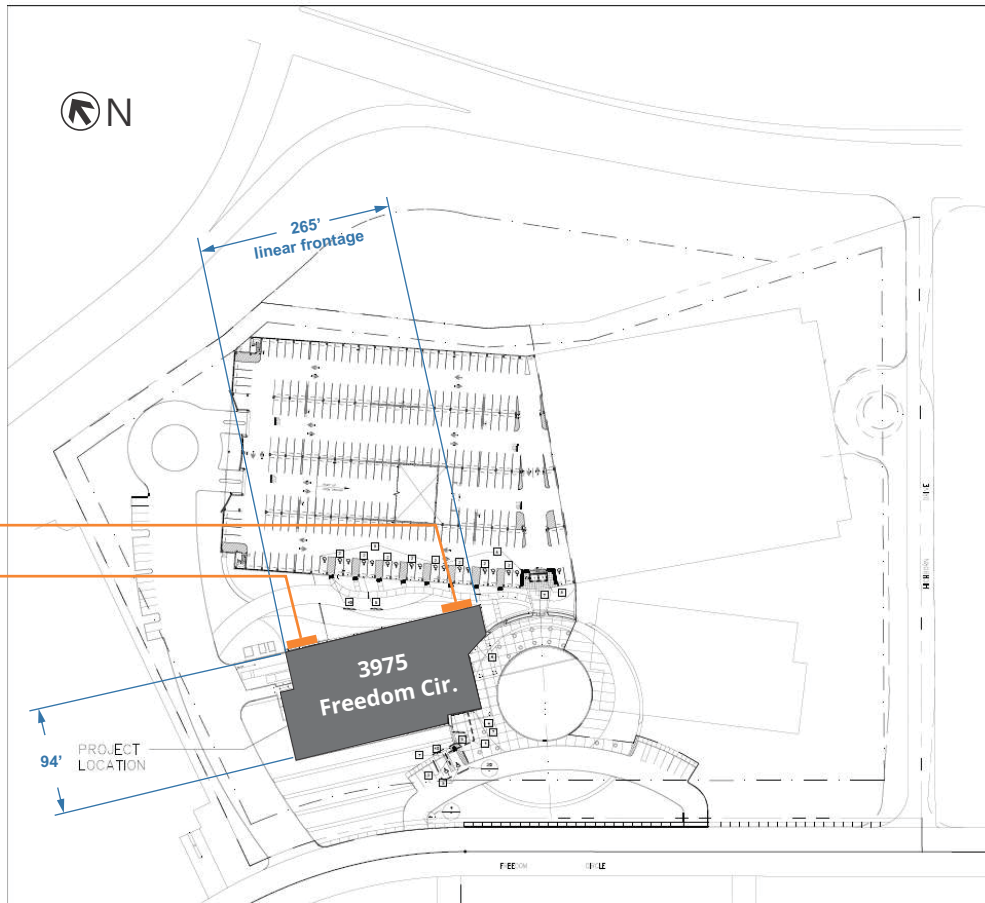
SIGN TYPE
[Redacted]

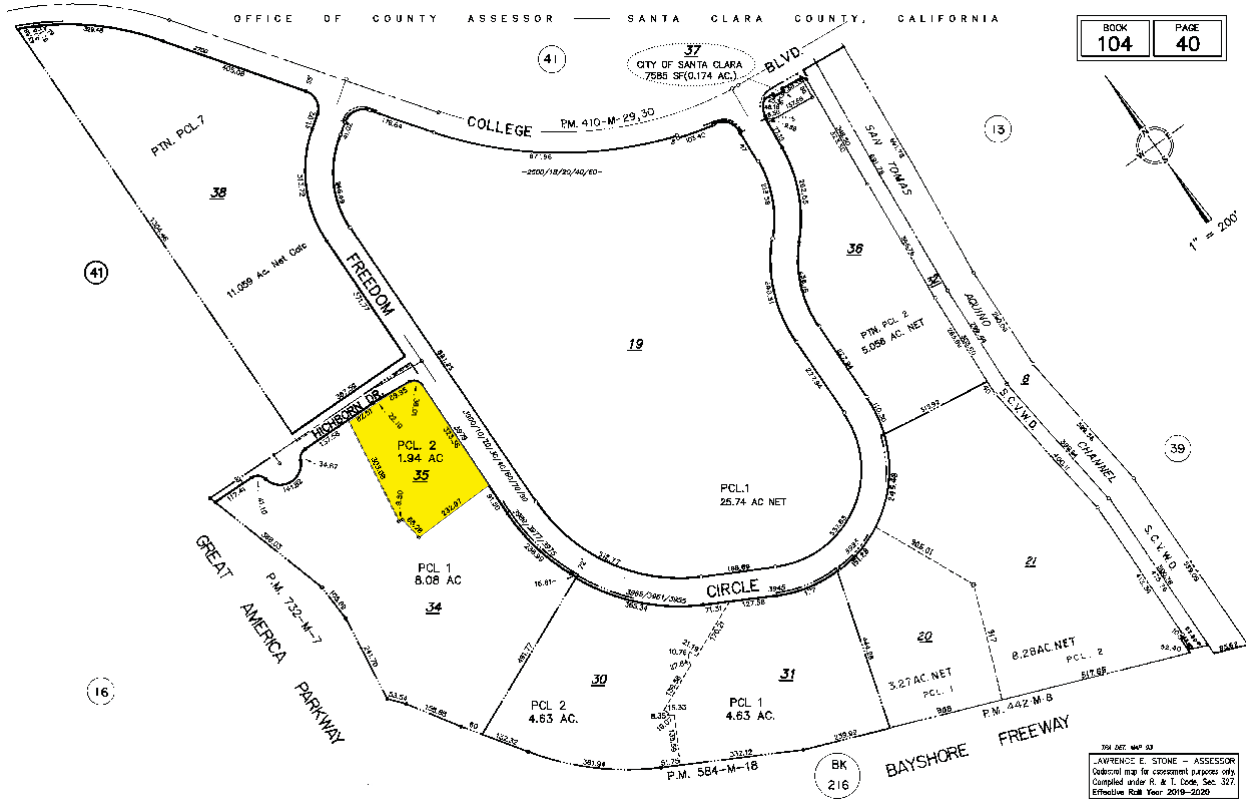
SHEET TITLE
DAY/NIGHT renderings

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PAGE NUMBER
6







9 PARCEL MAP
 scale: N.T.S.

0
corporate
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PROJECT

PROJECT LOGO

3975 Freedom Circle

DRAWING / REVISION DATE
 09/19/19 - BP

FILE NAME / LOCATION
 FILE PATH

ORDER NUMBER
31364

SIGN TYPE

SHEET TITLE
 LOCATION PLAN

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PAGE NUMBER

9

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, APPROVING A VARIANCE TO THE SIGN ORDINANCE TO ALLOW TWO WALL SIGNS ON ONE SIDE OF A BUILDING AT A HEIGHT OVER 35 FEET AND INCREASED SIGN AREA AT 3975 FREEDOM CIRCLE, SANTA CLARA (PLN2019-14129)

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

WHEREAS, on September 24, 2019, Corporate Sign Systems, on behalf of the property owner, 3975 Freedom Circle LLC ("Property Owner") filed a Planning Application (PLN2019-14129) requesting a Variance for the property located at 3975 Freedom Circle (APN: 104-40-034) ("Project Site") in the City of Santa Clara;

WHEREAS, the Project Site is zoned Planned Development (PD);

WHEREAS, the General Plan land use designation for the Project Site is High Intensity Office/R&D;

WHEREAS, the Property Owner has submitted an application for a Variance to the City's sign requirements in order to two wall signs, 297 and 265 square feet in size, on one side of a building at a height of over 35 feet where only one sign would typically be allowed and to increase the total sign area permitted;

WHEREAS, the Project is Categorically Exempt from formal environmental review per Section 15311(a), Class 11 "Accessory Structures," of the Guidelines of the California Environmental Quality Act ("CEQA"), which exempts on-premise signs;

WHEREAS, on November 1, 2019, the notice of meeting date for this item was posted in three conspicuous locations within 300 feet of the Project Site and mailed to property owners within a 300 foot radius of the Project Site for the Planning Commission hearing on November 13, 2019; and,

WHEREAS, on November 13, 2019, the Planning Commission held a duly noticed public hearing to consider the Variance application, 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 proposed Variance.

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 approves the Variance to the sign regulations to allow two wall signs on one side of a building at a height of over 35 feet where only one sign would typically be allowed and to increase the total sign area permitted, as depicted on the attached Development Plans and subject to the attached Conditions of Approval, all of which are incorporated herein by this reference.

3. That pursuant to SCCC Section 18.108.040, the Planning Commission hereby makes the following findings related to the Variance request:

A. That there are unusual conditions applying to the land or building which do not apply generally in the same district, in that property structure was built speculatively and does not provide equal signage to all tenants in terms of visibility and size. In addition, for the Great America Parkway frontage, the most prominent views to the structure are obscured by the parking garage, necessitating signage at higher elevations.

B. That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner, in that all of the building tenants will have equal opportunity to adequately and visibly advertise their location in the building.

C. That the granting of such Variance shall not, under the circumstances of the particular case, materially affect adversely the health, safety, peace, comfort or general welfare of persons residing or working in the neighborhood of the applicant's property, and will not be materially

detrimental to the public welfare or injurious to property or improvements in said neighborhood, in that the proposal would allow the development of as proposed, two new signs 297 square feet and 265 square feet in size on the western façade of the existing building. The western building façade is 265 feet in length, while the total street frontage on Great America Parkway for both towers and parking garage is approximately 986 feet. The building and overall site are substantial in size and the signs are in scale with the structure. By locating the signs on opposite sides of the façade, the visual impact is limited, and visual clutter is avoided.

D. That the granting of the variance is in keeping with the purpose and intent of the Zoning Ordinance, in that because of the unusual configuration of the building and parking garage, strict application of the sign regulations would cause unnecessary hardship..

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 ____ DAY OF _____, 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. Conditions of Approval
2. Development Plans

I:\PLANNING\2019\Project Files Active\PLN2019-14129 3975 Freedom Circle\Approval Resolution.docx

CONDITIONS OF APPROVAL
3975 Freedom Circle
(PLN2019-14129)

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** apply:

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

- C1. Obtain Building permit for all work subject to Building Permit per City Administrative code Chapter 15.05. Detailed review will be done at time of submittal for building and Building Inspection Division related permits such as Electrical, Mechanical and Plumbing.
- C2. Applicant agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of developer's project.
- C3. Submit sign plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, , elevations, and details regarding the signage.
- C4. Applicant is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- C5. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.