

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA APPROVING A TWO-
YEAR TIME EXTENSION OF THE ARCHITECTURAL REVIEW
APPROVAL OF A NEW OFFICE CAMPUS DEVELOPMENT
LOCATED AT 3625 PETERSON WAY, SANTA CLARA,
CALIFORNIA**

PLN22-00223 (Variance and Architectural Review)

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

WHEREAS, on September 16, 2020, at a duly noticed Development Review Hearing, the Development Hearing Officer approved the architectural review application filed by Arc Tec, Inc. ("Applicant") on behalf of Boston Properties ("Owner") for site and building design of a new office campus with redevelopment of a 14.5 acre parcel occupied by a 218,275 square foot two-story office building, surface parking lot with 2,281 spaces and site landscaping ("Project Site");

WHEREAS, the Architectural approval was granted following review and approval by the Planning Commission, at public noticed meeting on July 15, 2020, of a Variance to allow an increase in the maximum building height from 70 feet to 129 feet for construction of the new office structures on the Project Site;

WHEREAS, the Variance and Architectural approvals together allow for development of an office campus consisting of two 338,155 square foot eight-story office buildings totaling 676,310 square feet, a four level parking structure and surface parking lot with a total of 2,281 parking spaces, a 13,370 square foot common amenity building, site landscaping, and the option to construct above-grade pedestrian walkways to link the office buildings ("Project"), following demolition of existing on-site improvements on the Project Site;

WHEREAS, the Architectural approval is set to expire on September 16, 2022 per Santa Clara City Code (SCCC) 18.76.020(m) if not used within two years of the original grant or within the period of any authorized extensions thereof;

WHEREAS, the Owner was unable to commence construction of the Project due to the COVID Pandemic;

WHEREAS, on April 20, 2022, the Owner filed an application for a time extension of the Variance approval allowing an increase in office building height from 70 feet to 129 feet and Architectural review approval of the Project Development Plan for up to 24 months; in order to effectuate development of the Project, as shown on the Development Plan attached hereto by this reference;

WHEREAS, an Environmental Impact Report (EIR) was prepared, circulated and reviewed for the Project in accordance with the California Environmental Quality Act (CEQA) and certified; and a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP) were adopted by the Planning Commission at the duly noticed public meeting of July 15, 2020;

WHEREAS, an Addendum to the EIR was prepared in accordance with CEQA to analyze potential impacts which may result from a time extension of the Project development entitlements:

WHEREAS, the Addendum concluded there have been no changes in the Project or circumstances in the project area that would result in new significant environmental impacts or more severe impacts; and no new information has come to light that would indicate the potential for new significant impacts or more severe impacts than were analyzed in the EIR, and therefore no further analysis is required per CEQA Guidelines Section 15162;

WHEREAS, on July 21, 2022, the notice of public hearing for the August 3, 2022 Planning Commission meeting for this item was posted at least three conspicuous locations within 300 feet of the Project Site and was mailed to property owners within a 1000 foot radius of the Project Site boundaries; and

WHEREAS, on August 3, 2022, the Planning Commission held a duly noticed public hearing to consider the time extension application 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 approves a time extension of the Architectural approval of the Development Plan for the Project Site and Conditions of Variance and Architectural Approval, attached hereto and consistent with the original entitlements for the office campus development.

3. Pursuant to SCCC Code Section 18.108.080, the Planning Commission hereby makes the following findings related a time extension of the 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 this title and the general plan of the City are a part of the proposed development, in that:

- The Project incorporates site and perimeter landscaping for screening of mechanical equipment, surface parking and loading areas from view along the public right-of-way.
- Roof screens are incorporated into the design to obscure roof mounted mechanical equipment from view along the adjacent public rights-of-way.

B. That the design and location of the proposed development and its relation to neighboring developments and traffic is such that it will not impair the desirability of investment or occupation in the neighborhood, will not unreasonably interfere with the use and enjoyment of neighboring developments, and will not create traffic congestion or hazard, in that:

- The Project limits the number of driveways on-site for vehicle ingress/egress to improve traffic flow along Peterson Way and Tannery Way and includes retention of the existing meandering sidewalk along the project frontage and ADA improvements for accessibility

to neighboring properties. The Project would also implement a Transportation Demand Management Program to reduce vehicle trips by 30 percent

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 is designed as an integrated office campus with sufficient off-site parking, on-site outdoor recreational and amenity spaces, alternate modes of transportation options, and properly located points of ingress and egress.
- The Project design is consistent with the existing multi-story office buildings and hotel located in the vicinity of the Project Site.

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 injurious to property or improvements in said neighborhood, in that:

- The Project shall comply with the mitigation measures identified in the EIR and MMRP for the 3625 Peterson Way Office Project; the Conditions of Variance and Architectural Approval; and City Code and Building Code requirements to avoid and lessen potential impacts associated with Project development.

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 the City's General Plan goals and policies that promote higher intensity development and on-site expansion of existing uses in various configurations to retain and expand employment opportunities.
- The Project is compatible in scale and character with existing and planned office development surrounding the Project Site.

4. The duration of the time extension shall be two years from the originally scheduled expiration date (September 16, 2022). The Architectural Approval shall be automatically revoked and terminated if not used by September 16, 2024.

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 SPECIAL MEETING THEREOF HELD ON THE 3rd DAY OF AUGUST, 2022, 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