

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF SANTA CLARA, CALIFORNIA APPROVING A TWO-
YEAR TIME EXTENSION OF A HEIGHT VARIANCE AND AN
EIR ADDENDUM FOR TWO NEW OFFICE BUILDINGS AT THE
PROPERTY 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 July 15, 2020, at a duly noticed public meeting, the Planning Commission reviewed and approved the application by Arc Tec, Inc. ("Applicant") on behalf of Boston Properties ("Owner") of a Variance to increase maximum office building height with redevelopment of a 14.5 acre parcel developed with a 218,275 square foot two-story office building, surface parking lot with 2,281 spaces and site landscaping ("Project Site");

WHEREAS, the approval allowed for demolition of the on-site improvements to construct 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");

WHEREAS, the Variance approval was set to expire on July 15, 2022 per Santa Clara City Code (SCCC) 18.108.080(a) and may be granted an extension by the Planning Commission not to exceed 24 months succeeding the original two-year approval per Section 18.108.080(b) for good cause when filed prior to expiration of the original approval;

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 concurrently applied for an extension of a related architectural review approval;

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 were adopted by the Planning Commission at the duly noticed public meeting of July 15, 2020;

WHEREAS, an Addendum to the EIR, attached hereto and incorporated herein by this reference, 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 the EIR Addendum;
3. That the Planning Commission hereby approves a time extension of the Variance to increase maximum office building height from 70 feet to 129 feet with redevelopment of the Project Site as an office campus consistent with the attached Development Plan and subject to Conditions of Variance Approval, which are both incorporated herein by this reference.
4. Pursuant to SCCC Code Section 18.108.080, the Planning Commission hereby makes the following findings related to time extension of 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 in order to develop a project that would meet the Office and Industrial Land Use Policies of the General Plan; market demand for class A office space with associated parking; landscaping and other improvements, the new office buildings would require an increase in height beyond the required 70 feet. The Variance would preserve the underlying zoning for the Project Site.

B. That granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the Property Owner, in that allowing the increase in building height up to 129 feet would further the Office and Industrial Land Use Policies of the General Plan, which allows for varied configurations and intensities of development to meet the needs of existing and new businesses, and which encourages innovative design while providing the parking and amenities to support the development.

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 on the applicant's property, and will not be

determinantal to the public welfare or injurious to property or improvements in said neighborhood, in that the Project is designed as an integrated office campus with sufficient off-site parking; accessibility to outdoor recreational and amenity spaces; alternate modes of transportation options; and properly located points of ingress and egress. The Project is designed consistent with the existing office buildings and hotel located in the vicinity of the Project Site.

D. That granting of the Variance is in keeping with the purpose and intent of the Zoning Ordinance, in that allowing an increase in height of the new office buildings up to 129 feet would allow orderly redevelopment of the Project Site in a manner that is not detrimental to adjacent properties. The Variance would allow redevelopment of the Project Site at an intensity contemplated by the Low-Intensity Office Research and Development designation; incorporate high quality design and materials in the site and building design; construct public and private infrastructure to serve the site; provide on-site amenities to serve the new employment growth; create pedestrian connections on-site and to adjacent land uses; and implement transportation demand management measures to reduce employee vehicle miles traveled in support of the goals and policies of the General Plan.

5. The duration of the time extension shall be two years from the originally scheduled expiration date (July 15, 2022). The Variance shall be automatically revoked and terminated if not used by July 15, 2024. ///

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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 SPECIAL MEETING THEREOF HELD ON THE 3rd DAY OF AUGUST, 2022, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

Attachments Incorporated by Reference:

1. EIR Addendum
2. Development Plan
3. Conditions of Variance Approval

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