

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 1150
WALSH AVENUE SV1 DATA CENTER PROJECT LOCATED AT
1150 WALSH AVENUE, SANTA CLARA, CALIFORNIA**

PLN2019-13974 (Architectural Committee Appeal)

PLN 2018-13128 (Architectural Review)

CEQ2018-01049 (Mitigated Negative Declaration)

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

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

WHEREAS, the development application involves Architectural Review of the development proposal to construct a four-story, 160,450 square foot data center building with back-up diesel generators, electric substation, 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 30-day public review period to the State Office of Planning and Research, Santa Clara County Clerk’s

Office, interested parties and property owners within 500 feet of the Project Site from March 6, 2019 to April 5, 2019, where during that period five comment letters were received;

WHEREAS, on June 19, 2019, the Architectural Committee held a duly noticed public hearing to review the Project, at which the firm representing California Unions for Reliable Energy, Adams Broadwell Joseph and Cardozo, submitted additional comments on the MND, and following which, City staff provided 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, an appeal may be filed within seven days after such decision in writing to the Planning Commission;

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

WHEREAS, the June 26, 2019 appeal raised largely the same issues that the Appellants raised with the Architectural Committee regarding the formulation of mitigation measures, air quality analysis, greenhouse gas analysis, battery use impacts and energy impacts, and a request that an Environmental Impact Report be prepared rather than an MND;

WHEREAS, the environmental consultant Circlepoint prepared a “Response to Comments” on the MND and a “Supplemental Memo for the 1150 Walsh Avenue SV1 Data Center Project” that responds to the Appellant’s June 26, 2019 comments;

WHEREAS, on August 16, 2019, the notice of public hearing for the August 28, 2019 Planning Commission meeting was posted in three conspicuous locations within 300 feet of the Project Site and was mailed to interested parties within 500 feet of the Project Site boundaries;

and

WHEREAS, August 28, 2019, the Planning Commission held a duly noticed public hearing to consider the appeal of the Architectural Committee's adoption of the MMND and MMRP and approval of the Project, at which time all interested persons were given an opportunity to provide testimony and present evidence, both in support of and in opposition to the appeal.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the Planning Commission 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 1150 Walsh Avenue SV1 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 June 19, 2019 decision to adopt the MND and MMRP as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074(d)) 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 28th DAY OF AUGUST , 2019, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

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

Attachments Incorporated by Reference:

1. Mitigated Negative Declaration, including Responses to Comments Received on the Mitigated Negative Declaration
2. Response to Comments Received on the MND June 2019
3. Supplemental Memo for the SV1 Data Center Project August 2019
4. Mitigation Monitoring and Reporting Program
5. Development Plans

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