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Item 9

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**Not admitted in California.
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March 15, 2021

Via U.S. Mail

Mayor Gillmor and City Council Members
Santa Clara City Council
c/o Planning Division
City Hall
City of Santa Clara
1500 Warburton Avenue
Santa Clara, CA 95050

**Re: Withdrawal of Appeal for 1111 Comstock Street Data Center
(Center (PLN2019-13941; CEQ2020-01079))**

Dear Mayor Gillmor and Council Members:

We are writing on behalf of Santa Clara Citizens for Sensible Industry ("Santa Clara Citizens") to withdraw our February 2, 2021 appeal of the Santa Clara Planning Commission's adoption of the Mitigated Negative Declaration ("MND") and Mitigated Monitoring and Reporting Program ("MMRP") and approval of the Architectural Review and Minor Modifications for the 1111 Comstock Street Data Center Project ("Project").

Santa Clara Citizens has reached a legally enforceable settlement agreement with 1111 Comstock Property, LLC ("Applicant") in which the Applicant has committed to implement the following measures to further reduce the Project's impacts to air quality and energy use:

A. Air Quality

- 1.1. Developer shall apply the best available control technology ("BACT"), as defined at the time the Project receives its final air permit from the Air District, for precursor organic compounds, non-precursor organic

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