

ADAMS BROADWELL JOSEPH & CARDOZO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

601 GATEWAY BOULEVARD, SUITE 1000
SOUTH SAN FRANCISCO, CA 94080-7037

TEL: (650) 589-1660
FAX: (650) 589-5062

khartmann@adamsbroadwell.com

SACRAMENTO OFFICE

520 CAPITOL MALL, SUITE 350
SACRAMENTO, CA 95814-4721

TEL: (916) 444-6201
FAX: (916) 444-6209

DANIEL L. CARDOZO
CHRISTINA M. CARO
THOMAS A. ENSLOW
ANDREW J. GRAF
TANYA A. GULESSERIAN
KENDRA D. HARTMANN*
KYLE C. JONES
RACHAEL E. KOSS
AIDAN P. MARSHALL
WILLIAM C. MUMBY

MARC D. JOSEPH
Of Counsel

**Not admitted in California.
Licensed in Colorado.*

February 2, 2021

By Hand-Delivery

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: Appeal of Planning Commission Denial of Appeal of
Development Review Adoption of the Mitigated Negative
Declaration and Mitigation Monitoring and Reporting Program
for the 1111 Comstock Data Center (PLN2019-13941; CEQ2020-
01079)**

Dear Mayor Gillmor and Councilmembers:

We are writing on behalf of **Santa Clara Citizens for Sensible Industry** (“Santa Clara Citizens”) to appeal the January 27, 2021 decision of the Santa Clara Planning Commission (“Commission”) denying Santa Clara Citizens’ appeal of the Santa Clara Development Review Officer’s November 4, 2020 adoption of the Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program (collectively, with the Initial Study, “IS/MND”) and approval of the Architectural Review and Minor Modifications to increase the building height to 87 feet and reduce the parking space requirements (collectively, “Permits”) for the 1111 Comstock Data Center (“Project”) (collectively, “Appeal”).

Appellants Santa Clara Citizens is an unincorporated association of individuals and labor organizations directly affected by the Project. The association includes Santa Clara resident Mr. Long Vu, and other individuals and organization whose affiliates’ members and their families live, work, recreate and raise their families in the City of Santa Clara and Santa Clara County. Santa Clara Citizens includes residents of the City of Santa Clara. Accordingly, pursuant to the City’s

4938-013acp

February 2, 2021
Page 2

Planning Application Fee Schedule, effective July 1, 2020, the applicable Appeal fee to file this Appeal should be “Non-Applicant, Resident \$469.”¹

Enclosed is the following:

- Required Appeal form
- Appeal application fee for \$469 and any applicable associated charges for Santa Clara residents;
- Supporting evidence, including:
 - Exhibit A: Comments filed with the Planning Commission ahead of its January 27, 2021 hearing regarding our appeal, along with accompanying exhibits and expert comments in rebuttal to the City’s Responses to Comments;
 - Exhibit B: Santa Clara Citizens’ comments on the IS/MND, including expert comments;
 - Exhibit C: Santa Clara Citizens’ November 11, 2020 appeal of the Development Review Officer’s November 4, 2020 decision²;
 - Appellants’ oral testimony from the January 27, 2021 Planning Commission hearing.

As all architectural review approvals are heard de novo, we reserve the right to supplement this appeal with additional written comments and supporting evidence prior to consideration by the City Council.

Sincerely,


Kendra Hartmann

KH:acp
Attachments

¹ See <https://www.santaclaraca.gov/home/showdocument?id=56997>.

² This appeal was originally addressed to the City Council. Per Santa Clara City Code Section 18.76.020(j), “For a project other than a single-family residential project, in the event the applicant or any interested party are not satisfied with the decision of the Director, they may, within seven days after such decision, appeal in writing to the City Council, in accordance with the procedures set forth in SCCC 18.108.060(b).”