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Item 9

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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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compounds, CO, NO_x, PM₁₀, and SO₂ emissions from the diesel backup generators.

- 1.2. Developer shall use EPA Tier 4 certified-compliant diesel backup generator engines equipped with selective catalytic reduction systems.

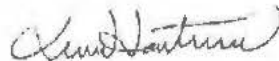
B. Energy

- 1.1. The Developer, in conjunction with its Tenant(s), shall devise an Energy Conservation Plan to address the increase in energy use at the Project site, which shall incorporate economically feasible measures designed to minimize energy use, including but not limited to: proposals for decreasing energy use during construction and operation, usage of alternative fuels for construction vehicles and backup generators, and proposed measures for reducing peak energy demands. The Plan should not rely solely on air quality mitigation or compliance with Title 24 and CalGreen to constitute the entirety of energy use conservation measures.

With the Applicant's agreement to implement these additional measures, the issues raised by Santa Clara Citizens in its comments on the MND have been addressed and resolved.

Thank you for your attention to this matter.

Sincerely,



Kendra Hartmann
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Counsel for Santa Clara Citizens for Sensible
Industry

KH:acp

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