



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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File #: 18-0380, Version: 1

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### REPORT TO THE ZONING ADMINISTRATOR

**File #:** 2018-7227

**Location:** 444 Toyama Drive (APN: 110-14-200)

**Applicant / Owner:** Bloomenergy (applicant) / Digital-Pr Toyama Llc (owner)

**Proposed Project:**

**VARIANCE** to allow an installation of mechanical equipment (four Bloom Energy Servers/cabinets) in between face of the building and the street.

**Reason for Permit:** A Variance from Sunnyvale Municipal Code Section (SMC 19.48.100) is required for mechanical equipment to be located between the face of the building and the street.

**Project Planner:** Shétal Divatia, Senior Planner, (408) 730-737, [sdivatia@sunnyvale.ca.gov](mailto:sdivatia@sunnyvale.ca.gov)

**Recommendation:** Approve with conditions

### PROJECT DESCRIPTION

The site is the location of Equinix Data Center which is a high energy consuming data center. The applicant (Bloomenergy) proposes to install four servers and ancillary equipment in an enclosure between the face of the existing office/industrial building and the street. According to the applicant, the proposed servers provide a reliable, cleaner and cheaper energy source to a high energy consuming data center such as the project site.

Each server is a series of modules which appear like steel cabinets. Each module is square in shape and is 7' tall, 4'3" wide and 4'3" deep. The proposal has four rows of modules (with the modules being placed back to back in rows of two). The proposal also includes a new landscaped strip which will include new plantings and undergrounding of utility lines to and from the servers.

The servers and the ancillary equipment will be enclosed by a 10-foot-tall wall on three sides. The enclosure wall is made of glass blocks and stucco and will be painted to match the building's exterior color. The interior of the enclosure includes sound deadening material (Acoustiblok) to help with noise absorption. See proposed plans in Attachment 5 and 6.

**Project Data Table**

	<b>Existing</b>	<b>Proposed</b>	<b>Required</b>
General Plan:	High Density Residential	Same	--
Zoning District:	MS/ITR/R-3 (Industrial Service /Industrial to Residential /High Density Residential)	Same	--
Lot Size:	2.2 acres	Same	0.51 acre
Building Size:	39,065 sq. ft.	Same	NA
Total Landscaping:	19,776 sq. ft.	19,795 sq. ft. (+ 19 sq. ft.)	19,689 sq. ft. min.
Front Setback (from Toyoma Ave)	Building: 95 ft.	New Enclosure: 56 ft.	25 ft.
Side Setback (West)	Ex. Enclosure: 48 ft.	New Enclosure: 118 ft. 6 in.	0-20 ft., Combined sideyards = 20 ft. min
Side Setback (East)	Building: 58 ft.'	New Enclosure: 118 ft.	0-20 ft., Combined sideyards = 20 ft. min
Parking	122	Remove 18 spaces Total of 104	79 (2/1000 sq. ft.) min. 158 (4/1000 sq. ft.) max.

<b>Previous Planning Projects related to Subject Application:</b> <ul style="list-style-type: none"> <li>• MPP - 2008-0042: Add two new exterior enclosure for generators and HVAC at the north and south corners of the existing building - Approved 1/17/2008</li> <li>• MPP - 2000-0218: Addition of 1,250 s.f. of warehouse to the existing building to result in 41% FAR - Approved 4/21/2000</li> <li>• UP - 1998-1193: Allow construction of new tilt-up office building - Approved 7/30/1997</li> </ul>	<b>Yes</b>
<b>Neighborhood Preservation Complaints:</b> <ul style="list-style-type: none"> <li>• Several complaints have been received regarding noise from the site (from water tank and generators) between 2008 and 2018.</li> <li>• Smoke from the generators</li> <li>• Garbage container (collection and flies)</li> <li>• Accessory storage containers at the site</li> </ul>	<b>Yes</b>
<b>Deviations from Standard Zoning Requirements:</b> The applicant is requesting a deviation from City of Sunnyvale Municipal Code Section 19.48.100, which prohibits mechanical equipment including renewable energy systems from being installed between the face of a building and the street. All setback requirements are met.	<b>Yes</b>

### **Background:**

The subject site is located on Toyama Drive and is surrounded by multi-family residential on three sides; and an industrial office building across Toyama Avenue. The subject property was developed as an industrial office building in 1997 and serves as a data center (for Equinix - a data center company). The site and neighboring parcels are part of the Industrial-to-Residential (ITR) neighborhood that allowed this former, predominately industrial neighborhood to transition to medium density residential use. Many of the ITR sites in this neighborhood have been redeveloped with residential uses, while some, including this site, still retain the original industrial use and industrial buildings.

The existing building is centered on the site with parking on four sides and has exterior unenclosed equipment on the west and south sides of the building. The applicant notes that the proposed servers cannot be located indoors or in a fully enclosed facility and therefore can only be enclosed on the sides. The applicant has examined options to locate their facility in other parts of the site and believe that the proposed location has the least impact to site circulation and adjacent residential neighbors.

The proposed enclosure in the front of the building meets all required setbacks for the zone, but its location between the face of the building and the street (Toyama Drive) requires a Variance from Sunnyvale Municipal Code (SMC 19.248.100).

### **Site Layout and Parking:**

The proposed servers and the related enclosure will be located in the front of the building, which is currently developed with landscaping, parking, a driveway, and paved areas. This area would be modified to accommodate the project. The building has other outdoor equipment enclosures along its south and west side, as well as a water tank near the west property line. The applicant for the servers, states that their equipment cannot be located indoors or within any of the existing enclosures at the site.

The site currently has 122 parking spaces. The proposal would remove 18 parking spaces (3 parking spaces adjacent to the building, 15 spaces across the driveway along the front property line). This modification will result in the site being served by 104 parking spaces where a minimum of 79 are required (2 spaces/1000 s.f). The parking spaces along the front property line are being removed to allow for a required fire access lane. The loss of 18 parking spaces does not adversely impact the data center site which has a low employee population and minimal parking needs.

### **Aesthetics:**

The proposed enclosure is 10-foot tall, 45 feet wide and 43 feet deep. It will be partially visible from the street and from the adjacent residential neighbors on the east and west sides. The enclosure is setback 56 feet from the front property line, and 118' from the side property lines. The site's frontage along Toyama Drive has a wall/metal fencing along with landscaping (ground cover and trees) that will partially screen the enclosure. The proposed enclosure wall also includes glass block and a trim/cap to match the building's architecture and will be painted to match the exterior color of the building.

Staff considers the aesthetic impact of the enclosure from the surrounding and adjacent neighborhood to be minimal.

### **Noise:**

Sunnyvale code (SMC 19.42.030) restricts operational noise for properties adjacent to residential uses to 60 dBA during daytime and 50 dBA during nighttime at any point on the property line of the premises upon which the noise or sound is generated or produced. The code defines operation noise as a continuous or frequent noise related to the basic use of a property which includes, but is not limited to, noise produced by: air conditioners, equipment for swimming pools or spas, industrial machinery, air compressors, or fork lifts. Powered equipment or deliveries shall not be considered operation noise.

The applicant has provided a noise study for the project prepared by an acoustic consultant (Attachment 4). The study provides existing ambient noise level measurements that range from 45 to 62 dBA through 2 days at various locations at the site (near the north, east and west property lines). These ambient noise levels include operational noise as well as other types of noise (traffic, people activity, etc). The consultant has communicated that it is not possible to measure just the existing operational noise and not the ambient noise.

The study determines the expected operational noise from the Bloomenergy servers with the proposed enclosure and sound deadening material at the property lines to be 41.3 to 44.5 dBA. This additional noise is expected to result in a net increase of the noise levels by 0.1 to 2.8 dBA at the property lines. The study notes that as the ambient noise level gets louder the impact of the server noise becomes negligible. This does not mean that the fuel cells will not be audible. The largest net increase of 2.8 dBA with the existing ambient level of 45 dBA would increase the noise level to 47.8 dBA, which is within the Sunnyvale Noise standard of 50 dBA. Staff has included a Condition of Approval (AT-2) to ensure that noise levels from the servers do not exceed Sunnyvale standards.

In the past year, there have been several complaints by neighbors about noise and other activities at the site. The tenant (Equinix) has worked with the City's Neighborhood Preservation Division to remedy these complaints. Staff is not aware of any unresolved complaints at this time.

### **Air Quality:**

The applicant has provided documentation from the State of California Air Resource Board certifying that the proposed servers meet the State's emission standards. Based on this information, staff has determined that no additional analysis or discussion is required.

**Public Contact:** 433 notices were sent to surrounding property owners and residents within a 300' radius of the subject site. The project hearing notice was posted in the Sunnyvale Sun Newspaper and on the project site. No letters or calls were received from the public by staff prior to publishing of the staff report.

**Environmental Determination:** A Categorical Exemption, Class 1 (includes minor alterations to existing structures), relieves this project from CEQA provisions.

### **FINDINGS**

In order to approve the Variance, the following findings must be made:

1. *Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application*

*of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district.*

The project is in keeping with the industrial use of the building in the base M-S (Industrial Service) zoning district for this site. The site is in the Industrial-to-Residential (ITR) combining district with the surrounding sites having redeveloped with residential uses. Siting options for the proposed servers are limited. The existing building is located in the center of the site and is adjacent to residential uses on all three sides except the front, with an industrial use across Toyama Drive. This project location is optimal as it is the furthest away from the residential neighbors. Locating the servers on the sides or the rear portions of the site would make them closer to the residential neighbor as compared to locating them in the front between the building and street. For industrial sites, placement of mechanical equipment in the front of this building in this case addresses the needs of the unique use while being sensitive to adjacent neighbors.

2. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district.*

The servers would be located 56 feet away from the street frontage, and more than 118 feet away from the residential neighbors on either side. The servers, as conditioned, are expected to be compatible with the industrial use of the site and the zoning district. The applicant's noise study indicates no potential impacts. City noise standards will be met. Therefore, staff finds that proposal has minimal impact on the surrounding neighborhood.

3. *Upon granting of the variance, the intent and purpose of the ordinance will still be served and the recipient of the variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district.*

Approval of the project with the proposed enclosure is compatible with the building architecture and allows the existing industrial use to continue. The project does not grant the applicant any special privilege not enjoyed by other property owners within the same industrial zoning district. Industrial properties are allowed to have equipment yards and exterior facilities in the M-S zoning district.

## **ALTERNATIVES**

1. Approve the Variance with recommended Conditions in Attachment 2.
2. Approve the Variance with modifications.
3. Deny the Variance.

## **RECOMMENDATION**

Alternative 1. Approve the Variance with recommended Conditions of Approval in Attachment 2.

Prepared by: Shétal Divatia, Project Planner

Approved by: Gerri Caruso, Principal Planner

## **ATTACHMENTS**

1. Vicinity and Noticing Map
2. Standard Requirements and Recommended Conditions of Approval
3. Applicant's Variance Justifications
4. Noise Study
5. Views of the Project
6. Proposed Site and Architectural Plans