

**DOCKETED**

<b>Docket Number:</b>	20-SPPE-02
<b>Project Title:</b>	Lafayette Backup Generating Facility
<b>TN #:</b>	243126
<b>Document Title:</b>	Email From City of Santa Clara - Nonconforming Residential Uses
<b>Description:</b>	N/A
<b>Filer:</b>	Scott Galati
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**From:** Jeff Schwilk <[JSchwilk@santaclaraca.gov](mailto:JSchwilk@santaclaraca.gov)>  
**Sent:** Friday, September 18, 2020 1:34 PM  
**To:** Maria Kisyova <[MKisyova@davidjpowers.com](mailto:MKisyova@davidjpowers.com)>  
**Cc:** Gloria Sciara <[GSciara@santaclaraca.gov](mailto:GSciara@santaclaraca.gov)>  
**Subject:** RE: Lafayette Data Center Noise Issue

Hi Maria,

The property at 810 Comstock Street (APN: 224-36-002) has been zoned as Heavy Industrial since the City adopted the current Basic Zoning Ordinance on March 19, 1969, and is also designated Heavy Industrial by the City's current General Plan. The existence of the four residential units toward the rear/south of this MH zoned property are evidenced in the City's permit records from 1966, though we do not have records of the building permits for their original construction. These buildings and the residential use are nonconforming, in that the [MH Zoning District](#) does not list residential use as a permitted use. As nonconforming uses they may continue subject to the restrictions listed in [Chapter 18.94](#) of the City's Ordinance for Nonconforming Uses.

The Lafayette Data Center Project at 2805 and 2825 Lafayette Street is also zoned MH, and is required to meet the Noise and Vibration Regulations of [Chapter 9.10](#) of the City Code, including specifically the Noise or Sound Regulations contained in Section 9.10.040 (as listed under Schedule A - Category 4), which regulate noise limits according to the zoning district of surrounding properties. As the property at 2805 and 2825 Lafayette Street is not adjacent to any properties zoned Residential, it does not have to comply with the residential noise limits applicable to Receiving Residential Zone Districts (as listed under Chapter 9.10, Section 9.10.040, Schedule A - Categories 1 or 2).

I am copying my supervisor, Development Review Officer Gloria Sciara in this reply. Please let us know if there are any additional questions.

Regards,

Jeff

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