

RESOLUTION NO. 13-8023

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING THE TENTATIVE PARCEL
MAP, A TWO LOT SUBDIVISION TO FACILITATE THE
DEVELOPMENT OF A FREE-STANDING DATA CENTER
ON THE 1.91 ACRE PARCEL, LOCATED AT 3105 AND
3115 ALFRED STREET, SANTA CLARA**

PLN2011-08958 (Tentative Parcel Map)

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on November 3, 2011, Amin Qazi (“Applicant”) made an application for a Tentative Parcel Map on a 4.20 acre lot located at 3105 and 3115 Alfred Street, Santa Clara, California (“Project”);

WHEREAS, pursuant to Section 17.05.220 of the Code of the City of Santa Clara (“SCCC”), a tentative parcel map shall be required for all division of land into four or fewer parcels;

WHEREAS, on March 5, 2013, the Subdivision Committee determined that the application was complete and that the tentative parcel map be reviewed by the City Council in conformance with Section 17.05.400 as a Tentative Parcel Map, a two lot subdivision to facilitate the development of a free-standing data center on the 1.91 acre parcel;

WHEREAS, SCCC Section 17.05.110(h) requires that the Subdivision Committee make recommendations of denial, approval or conditional approval to the City Council on the Tentative Map;

WHEREAS, on March 5, 2013, the Subdivision Committee recommended that the City Council approve the map, subject to conditions;

WHEREAS, the proposal is to subdivide the existing parcel into two lots to facilitate the development of a free-standing data center, all as shown as Exhibit “Map”;

WHEREAS, notice of the public hearing on the Tentative Parcel Map was published in the *Santa Clara Weekly*, a newspaper of general circulation for the City, on March 27, 2013;

WHEREAS, notices of the public hearing on the Tentative Parcel Map were mailed to all property owners within three hundred (300) feet of the proposed Tentative Parcel Map; and,

WHEREAS, the City Council has reviewed the Tentative Parcel Map and conducted a public hearing.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That the City Council hereby finds that the above Recitals are true and correct and by this reference makes them a part thereof.

2. That this Resolution incorporate, and by this reference makes a part hereof, that certain Tentative Parcel Map attached hereto as Exhibit "Map."

3. The City Council hereby finds and determines that:

A. The Tentative Parcel Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan, in that the Tentative Parcel Map will allow a two lot subdivision to facilitate the development of a free-standing data center on the 1.91 acre parcel in a manner that is consistent with the Light Industrial General Plan land use designation and existing zoning for Light Industrial (ML).

B. The existing site design of the proposed subdivision is consistent with the City's General Plan and Zoning District, in that the proposed subdivisions is designed in a manner compatible with the surrounding land uses.

C. The existing site design is physically suitable for the proposed subdivision, in that the proposed subdivision meets all the requirements of the existing Light Industrial (ML) zoning district with points of ingress-egress properly located.

D. The existing intensity is physically suitable for the proposed subdivision, in that the 1.91 acre parcel is proposed to be developed as a free-standing data center appropriately designed to be consistent with the surrounding light industrial land uses.

E. The existing site design is not likely to cause serious health problems, in that the proposed subdivision is designed in a manner consistent with the objectives, policies, zoning code regulations, and surrounding land uses.

F. The existing site design is not likely to cause substantial environmental damage and will not substantially or unavoidably injure fish or wildlife or their habitat, in that the proposed subdivision is located in an urbanized setting on an already developed lot.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of the property within the proposed subdivision in that the Project is designed to avoid encroachments and conflicts with public easements in the site design.

4. That based on the findings set forth in this Resolution, and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter before the City Council, the City Council hereby approves the Tentative Parcel Map, substantially in the form of file as shown in Exhibit "Map", subject to the conditions of approval, attached as Exhibit "CoA-Map".

5. Constitutionality, severability. If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held by a court of competent jurisdiction to be

unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the resolution. The City of Santa Clara, California, hereby declares that it would have passed this resolution and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

6. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 9TH DAY OF APRIL, 2013, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Gillmor, Mahan, Marsalli and O'Neill and Mayor Matthews
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Kolstad
ABSTAINED:	COUNCILORS:	None

ATTEST:



ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Tentative Parcel Map (Exhibit "Map")
2. Conditions of Approval – Map (Exhibit "CoA-Map")

Exhibit "CoA-Map"
Conditions of Approval - Map

GENERAL

- G1. If relocation of an existing public facility becomes necessary due to a conflict with the developer's new improvements, then the cost of said relocation shall be borne by the developer.

PLANNING & BUILDING INSPECTION

- P1. Developer agrees to defend and indemnify and hold City, its officers, agents, employees, officials and representatives free and harmless from and against any and all claims, losses, damages, attorneys' fees, injuries, costs, and liabilities arising from any suit for damages or for equitable or injunctive relief which is filed against the City by reason of its approval of developer's project.
- P2. Building maximum allowable areas shall be per the Building Code (CBC).
- P3. Applicant shall comply with fire protection requirements of exterior walls and openings due to proximity of property lines.
- P4. Connector structures between buildings such as pedestrian walkways and tunnels shall comply with all provisions of the Building Code current at the time of submittal for Building Permit.
- P5. All parcels shall be independently served with their own utilities (water, sewer, storm, drainage, electricity, etc.). Utility lines shall not cross property lines except through recorded non revocable easements.
- P6. All parcels shall be independently served with their own ingress and egress including fire access, parking and site handicap accessibilities. Provide recorded non revocable easements or joint use agreement.
- P7. Obtain required permits and inspections from the Building Official and comply with the conditions thereof.
- P8. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits.
- P9. Construction activity shall be limited to the hours of 7:00 a.m. to 6:00 p.m. weekdays and 9:00 a.m. to 6:00 p.m. Saturdays for projects within 300 feet of a residential use and shall not be allowed on recognized State and Federal holidays.

ENGINEERING

- E1. After City Council approval of Tentative Parcel Map, submit 10 copies of Parcel Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Engineering Department. The submittal shall include a title report, closure calculations, and all appropriate fees. Parcel Map must be approved by staff and recorded by developer prior to building permit issuance.
- E2. All work within the public right-of-way and/or public easement, which is to be performed by the Developer/Owner, the general contractor, and all subcontractors shall be included within a **Single Encroachment Permit** issued by the Civil Engineering Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. If required, the applicant shall obtain Council approval of a resolution ordering vacation of existing underground electric easements proposed to be abandoned, through Engineering Department, and pay all appropriate fees, prior to building permit issuance.

WATER

- W1. Water and sewer service shall be independent, that is, said property shall not be connected to lines from the adjacent properties unless appropriate easements are executed prior to final inspection. Each property shall have its own domestics, irrigation, and fire service.
- W2. Existing fire services located at the proposed property line between parcels one & two, and serving both existing buildings, shall be separated so that each parcel will be served by its own fire service. Currently, the fire service is situated on parcel one's side of the proposed property line, but is part of a looped fire line to the building on parcel two. Fire service to parcel one shall be separated from fire service to parcel two.
- W3. Proposed building on parcel one is shown to be built on top of portion of existing fire service line. Fire line shall be relocated as needed to accommodate building foundation.

ELECTRIC

- EL1. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL2. The developer shall grant to the City, without cost, all easements and/or right of way necessary for serving the property of the developer and for the installation of utilities (Santa Clara City Code chapter 17.15.110).
- EL3. Any relocation of existing electric facilities shall be at Developer's expense.
- EL4. The developer shall provide the City, in accordance with current City standards and specifications, all trenching, backfill, resurfacing, landscaping, conduit, junction boxes, vaults, street light foundations, equipment pads and subsurface housings required for power distribution, street lighting, and signal communication systems, as required by the City in the development of frontage and on-site property. Upon completion of improvements satisfactory to the City, the City shall accept the work. Developer shall further install at his cost the service facilities, consisting of service wires, cables, conductors, and associated equipment necessary to connect a customer to the electrical supply system of and by the City. After completion of the facilities installed by developer, the City shall furnish and install all cable, switches, street lighting poles, luminaries, transformers, meters, and other equipment that it deems necessary for the betterment of the system (Santa Clara City Code chapter 17.15.210 (2)).

I:\RESOLUTIONS\2013 (PENDING)\Resolution No. 13-8023 Exhibit 2-CoA Map.doc