

RESOLUTION NO. 20-8883

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
TO APPROVE A TENTATIVE PARCEL MAP FOR THE
PROPERTY LOCATED AT 2305 MISSION COLLEGE
BOULEVARD, SANTA CLARA, CALIFORNIA

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

WHEREAS, on November 21, 2019, Oppidan Investment Corporation (“Applicant”) made an application for a Tentative Parcel Map to subdivide an existing 15.78 acre parcel (APN: 104-13-096), into two parcels located at 2305 Mission College Boulevard in the City of Santa Clara (“Project Site”) for the purposes of developing the property with a three-story data center buildings totaling 489,951 square feet; a substation with a generation capacity of up to 78.1 megawatts (MW); and associated parking, site access and landscaping on the project site (“Mission College Data Center Project”);

WHEREAS, the General Plan land use designation for the Project Site is Low Intensity Office/R & D and the zoning designation is Light Industrial (ML);

WHEREAS, consistent with the General Plan and zoning designation for the Project Site, the proposal involves the subdivision of the existing 15.78 acre parcel (APN: 104-13-096) into two parcels as shown on Exhibit “Tentative Parcel Map” attached hereto and incorporated herein by this reference;

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 divisions of land into four or fewer parcels;

WHEREAS, the California Energy Commission, acting as lead agency, prepared an Initial Study and adopted a Mitigated Negative Declaration (MND) and Mitigation Monitoring or Reporting Program (MMRP) for the Project on August 12, 2020;

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WHEREAS, on August 20, 2020, at a duly noticed public hearing, the Development Review Officer approved the Architectural Review application for the Mission College Data Center Project, reviewed and considered the information in the MND, and adopted the MND and MMRP as a responsible agency;

WHEREAS, on August 18, 2020, the Subdivision Committee determined that the application was complete and directed that the parcel map be reviewed by the City Council in conformance with Section 17.05.400 of the SCCC as a Tentative Parcel Map;

WHEREAS, Section 17.05.400 (d) of the SCCC requires that the City Council hold a public hearing before considering the approval of a Tentative Parcel Map for the division of land;

WHEREAS, Section 17.05.400(d) of the SCCC further requires that notice of the public hearing before the City Council be given by publishing notice in a newspaper of general circulation, by providing notice to all property owners within on thousand (1000) feet of the proposed Tentative Parcel Map area by mail, by providing mailed notice to each local agency expected to provide essential facilities to the project, and by posting a notice of public hearing in at least three places within the vicinity of the project site;

WHEREAS, notice of the public hearing on the proposed Tentative Parcel Map was published in the *Weekly*, a newspaper of general circulation for the City, on August 12, 2020;

WHEREAS, on August 14, 2020, the City posted notice of the public hearing at three conspicuous locations within three hundred (300) feet of the Project Site;

WHEREAS, on August 14, 2020, the City mailed notice of the public hearing to the San Francisco Public Utilities Commission, which will supply water to the site;

WHEREAS, on August 14, 2020, notices of the public hearing on the Tentative Parcel Map were mailed to all property owners within 300 feet of the Project Site, according to the most recent assessor's roll; and,

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WHEREAS, on August 25, 2020, the City Council reviewed the Tentative Parcel Map and conducted a public hearing, at which time all interested persons were given an opportunity to provide testimony and the City Council considered all verbal and written evidence.

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 hereof.

2. Tentative Map Findings. Pursuant to California Government Code Sections 66426 and 66428 and SCCC Section 17.05.400(e), and (f), City Council finds and determines that:

A. The proposed subdivision is substantially consistent with the objectives, policies, general land use and programs specified in the City's General Plan. The existing parcel, totaling 15.78 acre parcel (APN: 104-13-096), will be reconfigured to create two parcels- one of approximately 8.75 acres, and one of approximately 7.04 acres, located in Santa Clara. Both parcels will continue to maintain the General Plan designation Low Intensity Office/R & D and the zoning designation is Light Industrial (ML). The subdivision facilitates development of the site in a manner consistent with the General Plan and Zoning of the City of Santa Clara.

B. The design and improvements of the proposed subdivision are substantially consistent with the City's General Plan in that the Tentative Parcel Map facilitates development in accordance with the approved entitlements for the Project Site and is subject to conditions set forth in the Conditions of Approval, attached hereto and incorporated by this reference.

C. The site is physically suitable for the proposed type of development, in that the Project Site is planned for industrial development and is designed in a manner consistent with other industrial development within the area.

D. The site is physically suitable for the planned low intensity development in that the site is located in an urbanized area served by existing public infrastructure and facilities.

E. The design of the subdivision and type of improvements are not likely to cause serious public health problems in that the site is surrounded by similar industrial and office uses.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidably injure fish or wildlife or their habitat in that the Project is located in an urbanized setting, on a developed site.

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

H. The Tentative Parcel Map provides would subdivide a parcel to allow two new data center buildings to be constructed on separate parcels along with the construction of a substation and associated site improvements.

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3. 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 on file as shown in Exhibit "Tentative Parcel Map", subject to the conditions of approval, attached as Exhibit "Conditions of Tentative Parcel Map Approval".

4. 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 25TH DAY OF AUGUST, 2020, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Davis, Hardy, O'Neill, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST:



NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Conditions of Tentative Parcel Map Approval
2. Tentative Parcel Map

CONDITIONS OF TENTATIVE PARCEL MAP APPROVAL

In addition to complying with all applicable codes, regulations, ordinances and resolutions, the following **conditions of approval** are recommended:

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.
- G2. Comply with all applicable codes, regulations, ordinances and resolutions.

ATTORNEY'S OFFICE

- A1. The 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 by a third party against the City by reason of its approval of developer's project.

COMMUNITY DEVELOPMENT

- C1. Developer shall submit to the City Covenants, Conditions and Restrictions (CC&Rs) or equivalent instrument to the City and record the document prior to recordation of Final Map.
- C2. The project shall comply with the Conditions of Architectural Review approvals (PLN2019-14213) and mitigation measures specified in the Mitigated Negative Declaration adopted by the California Energy Commission for the project.

ENGINEERING

- E1. Obtain site clearance through Public Works Department prior to issuance of Building Permit. Site clearance will require payment of applicable development fees. Other requirements may be identified for compliance during the site clearance process. Contact Public Works Department at (408) 615-3000 for further information.
- 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 City Public Works Department. Issuance of the Encroachment Permit and payment of all appropriate fees shall be completed prior to commencement of work, and all work under the permit shall be completed prior to issuance of occupancy permit.
- E3. Submit public improvement plans prepared in accordance with City Public Works Department procedures which provide for the installation of public improvements. Plans shall be prepared by a Registered Civil Engineer and approved by the City Engineer prior to approval and recordation of parcel map and/or issuance of building permits.
- E4. Trees shall not be permitted within public easements.
- E5. Damaged curb, gutter, and sidewalk within the public right-of-way along property's frontage shall be repaired or replaced (to the nearest score mark) in a manner acceptable to the City Engineer or his designee. The extents of said repair or replacement within the property frontage shall be at the discretion of the City Engineer or his designee.
- E6. Dedicate, as required, on-site easements for new public utilities and/or sidewalk, and emergency vehicle access by means of a Subdivision Map or approved instrument at time of development.

- E7. After City Council approval of the Tentative Map, submit 10 copies of the Subdivision Map, prepared by a Licensed Land Surveyor or a Registered Civil Engineer with Land Surveyor privileges to the Public Works Department. The submittal shall include a title report, closure calculations, and all appropriate fees.
- E8. File and record Subdivision Map to create parcels and pay all appropriate fee(s) prior to issuance of a building permit.
- E9. All driveways shall be replaced with current City standard driveways.
- E10. Provide minimum 5' wide sidewalk with landscape strip along Agnew Road frontage.
- E11. Existing non-ADA compliant frontage shall be replaced with current City Standard frontage improvements.
- E12. All proposed walkway, sidewalk, driveways and curb ramps shall be ADA compliant.
- E13. Driveways should be CSC ST-8 and comply with Driveway's Triangle of Safety.
- E14. Reconstruct driveway adjacent to property on Mission College Boulevard and construct new driveway adjacent to property on Agnew Road for Santa Clara Valley Water District access.

ELECTRIC

- EL1. No cross parcel distribution of temporary, or permanent power can exist between the two parcels either before, during or after construction.
- EL2. SVP substation access from each parcel must be maintained at all times.
- EL3. Proposed Easement (2)
 - a. Shall extend to include ground grid
 - b. Shall apply to entire SVP switchyard across both parcels irrespective of Parcel 1 Owner or Parcel 2 Owner's developments.
- EL4. Proposed Easement (4)
 - a. All SVP equipment (manholes, vaults, pull boxes, conduit, etc.) pending completed and signed developers drawing shall be covered with an underground electric easement per SVP requirements.
- EL5. Proposed Easement (7)

