

RESOLUTION NO. _____

**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;

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,

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.

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 ___ DAY OF _____, 2020, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:
NOES:	COUNCILORS:
ABSENT:	COUNCILORS:
ABSTAINED:	COUNCILORS:

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