

Meeting Date: 4-9-13

# AGENDA REPORT

Agenda Item # 7B

City of Santa Clara, California



**Date:** April 2, 2013

**To:** City Manager for Council Action

**From:** Director of Planning and Inspection

**Subject:** Public Hearing: Adopt Resolution to Approve the Tentative Parcel Map for 3105 and 3115 Alfred Street Subdividing the Project Site Into Two Parcels to Facilitate the Development of a New Free-Standing Data Center, Subject to Conditions; PLN2011-08958

## EXECUTIVE SUMMARY:

A Tentative Parcel Map is proposed for the 3105 and 3115 Alfred Street Project to subdivide an existing 4.20 acre parcel into two industrial parcels of 2.28 and 1.91 acres each. The proposed subdivision would facilitate the demolition of the existing building on site and development of the 1.91 acre parcel as a free-standing data center. This subdivision would result in two separate industrial parcels with two data center buildings. The Tentative Parcel Map is consistent with the City's Light Industrial General Plan land use designation and existing Light Industrial (ML) Zoning District.

The Tentative Parcel Map was reviewed by the City's Subdivision Committee and determined complete on March 5, 2013. Consideration and action on the Tentative Parcel Map is a function of the City Council and accompanies the project. The Tentative Parcel Map and proposed Conditions of Approval are attached.

Notices of public hearing have been posted within 300 feet of the site, published in the *Santa Clara Weekly*, and mailed to property owners within 300 feet of the project site. The full administrative record is available for review during normal business hours in the Planning Division office at City Hall, 1500 Warburton Avenue, Santa Clara.

## ADVANTAGES AND DISADVANTAGES OF ISSUE:

Approval of the proposed Tentative Parcel Map would facilitate construction of a new free-standing data center on the 1.91 acre lot separate from the currently existing free-standing data center on the 2.28 acre lot. The proposed subdivision would result in two separate light industrial buildings on corresponding individual light industrial lots. The proposed subdivision would facilitate the sale or lease of the buildings.

## ECONOMIC/FISCAL IMPACT:

There is no cost to the City other than administrative staff time and expense.

City Manager for Council Action  
Subject: 3105 and 3115 Alfred Street Two Lot Subdivision  
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**RECOMMENDATION:**

That the Council adopt the Resolution approving the Tentative Parcel Map, a two lot subdivision to facilitate the development of a new free-standing data center on the 1.91 acre lot, located at 3105 and 3115 Alfred Street, Santa Clara.



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Kevin L. Riley  
Director of Planning and Inspection

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APPROVED:



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Julio J. Fuentes  
City Manager

***Documents Related to this Report:***

- 1) ***City Council Resolution – Tentative Parcel Map (Exhibit “CC Reso-Map”)***
- 2) ***Tentative Parcel Map (Exhibit “Map”)***
- 3) ***Map Conditions of Approval (Exhibit “CoA-Map”)***

RESOLUTION NO. \_\_\_\_\_

**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**

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**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.

Exhibit "CC Reso-Map"

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.

H. 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

Exhibit "CC Reso-Map"

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 \_\_\_ DAY OF \_\_\_\_\_, 2013, BY THE FOLLOWING VOTE:

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

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")

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**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 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)).

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**PROOF OF PUBLICATION**

*Santa Clara Weekly*

**P.O. Box 580, Santa Clara, California 95052**

IN THE  
City of Santa Clara,  
State of California,  
County of Santa Clara

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**CITY OF SANTA CLARA**

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**NOTICE OF HEARING CITY COUNCIL HEARING TUESDAY, APRIL 9, 2013**

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**3105 AND 3115 ALFRED STREET TENTATIVE PARCEL MAP**

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State of California, }  
County of Santa Clara } SS.

The undersigned, being first duly sworn, deposes and says: That at all times hereinafter mentioned affiant was and still is a citizen of the United States, over the age of eighteen years, and not a party to nor interested in the above entitled proceeding; and was at and during all said times and still is publisher of the Santa Clara Weekly, a newspaper of general circulation printed and published weekly in the County of Santa Clara, State of California, and said Santa Clara Weekly is and was at all times hereinmentioned a newspaper of general circulation as that term is defined by sections 6000 and following, of the government code of the State of California, and, as provided by said sections, is published for the dissemination of local or telegraphic news and intelligence of a general character, having a bonafide subscription list of paying subscribers, and is not devoted to the interest or published for the entertainment or instruction of a particular class, profession, trade, calling, race or denomination, or for the entertainment and instruction of any number of such classes, professions, trades, callings, races or denominations; that at all times said newspaper has been established, printed and published in the said County of Santa Clara and State of California at regular intervals for more than one year proceeding the first publication of the notice herein mentioned; that said notice was set in type not smaller than non-parell, describing and expressing in general terms the purport and character of the notice intended to be given; that the clipping of which the annexed is a true printed copy, was published and printed in said newspaper on the following dates to wit:

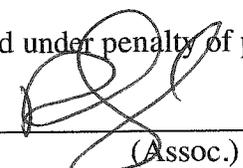
**Pub: 3/27/2013**

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Dated at Santa Clara, California

This \_\_\_\_\_ 28TH day of \_\_\_\_\_ MARCH \_\_\_\_\_, 2013

I declared under penalty of perjury that the foregoing is true and correct.

Signed:  \_\_\_\_\_  
(Assoc.) Publisher of the Santa Clara Weekly

The Santa Clara Weekly was adjudicated a newspaper of general circulation in and for the County of Santa Clara on September 3, 1974 (Case No. 314617). The Santa Clara Weekly was adjudicated a newspaper of general circulation within the City of Santa Clara on April 2, 1976 (Case No. 347776).

**CITY OF SANTA CLARA NOTICE OF HEARING**  
**CITY COUNCIL HEARING**  
**Tuesday, April 9, 2013**

**Project Name: 3105 and 3115 Alfred Street Tentative Parcel Map** You are hereby notified that on Tuesday, April 9, 2013 at the hour of 7:00 p.m. in the City Council Chambers of City Hall, 1500 Warburton Avenue, Santa Clara, CA, the City Council will consider the following proposal: **File Number: PLN2013-08958** (Tentative Parcel Map); **Location: 3105 and 3115 Alfred Street** (APN: 224-42-009), a 4.2 acre parcel fronting Alfred Street; Property is zoned Light Industrial (ML); **Request:** The project proposes a Tentative Parcel Map to subdivide the 4.2 acre project into two parcels and establish and record proposed easements for access and utilities on each lot; **Applicant/Owner: Amin Qasi/Digital Realty Trust.**

At this meeting you may be heard on this matter if you so desire. If you challenge this land use decision in court, you may be limited to raising only those issues you or someone else raised at these public hearings or in written correspondence delivered to the City at or prior to the close of the public hearings. The project files are available for public review in the Planning Division office. Written comments on this item are encouraged to be submitted to the Planning Division, City Hall, 1500 Warburton Avenue, Santa Clara 95050, by Wednesday afternoon of the week prior to the meeting so they can be included in the City Council packets. Should you have any questions, please call the Planning Division office at (408) 615-2450. **The above project was reviewed by the Subdivision Committee on Tuesday, March 5, 2013 where the Subdivision Committee deemed the Tentative Parcel Map complete.**

**AMERICANS WITH DISABILITIES ACT (ADA)** In accordance with the Americans with Disabilities Act of 1990, the City of Santa Clara will ensure that all existing facilities will be made accessible to the maximum extent feasible. Reasonable modifications in policies, procedures and/or practices will be made as necessary to ensure full and equal access and enjoyment of all programs and activities for all individuals with a disability. Individuals with severe allergies, environmental illness, multiple chemical sensitivity or related disabilities should contact the City's ADA office (408) 615-3000, to discuss meeting accessibility. In order to allow participation by such individuals, please do not wear scented products to meetings at City facilities.  
Pub.: 3/27/2013