

Meeting Date: 4-9-13

# AGENDA REPORT

Agenda Item # 7D

City of Santa Clara, California



**Date:** April 2, 2013

**To:** City Manager for Council Action

**From:** Director of Planning and Inspection

**Subject:** Public Hearing for the 2805 and 2807 Mission College Boulevard Project, Adopt Resolutions to:

1. Adopt the Mitigated Negative Declaration (MND) and Adopt a Mitigation Monitoring and Reporting Program (MMRP); and,
2. Approve the Rezoning from PD (ML) (Planned Development) to PD (Planned Development)

[CEQ2012-01148 and PLN2012-09203]

## EXECUTIVE SUMMARY:

The 2805 and 2807 Mission College Boulevard Project proposes a rezoning from PD (ML) (Planned Development) to PD (Planned Development) to facilitate the development of approximately 132,300 square feet of existing light industrial buildings as free standing data centers, in addition to the uses permitted under the existing PD zoning. The current zoning of the property allows the uses of the existing development which is primarily used as office space with a minor amount of square footage allowed as light industrial/electronic assembly/R&D "F-1" occupancy. The proposed rezoning would allow the use of both buildings as free standing data centers and also allow accessory, secondary or small scale supporting retail uses that serve local employees and visitors.

The project was reviewed by the Planning Commission on March 13, 2013, where following public testimony, the Planning Commission adopted Resolutions recommending that the City Council adopt the Mitigated Negative Declaration (MND), and the Mitigation Monitoring and Reporting Program (MMRP), and approve the request to rezone the properties from PD (ML) (Planned Development) to PD (Planned Development).

The MND was issued on December 4, 2012 for a 30-day review period for public comments, in accordance with the California Environmental Quality Act (CEQA) requirements. The City received no comments on the MND for the project.

Notices of public hearings have been posted within 300 feet of the site as well as mailed to property owners within 300 feet of the project site. The full administrative record is available to 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 this project provides an opportunity to provide free standing data center space in the northern part of the City, in proximity to existing high-tech businesses. The proposal will also expand the options

available to local and regional businesses leasable data center space in an industrial building that is accessible from major transit hub and is located on a major arterial street.

**ECONOMIC/FISCAL IMPACT:**

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

**RECOMMENDATION:**

That the Council adopt Resolutions for the 2805 and 2807 Mission College Boulevard Project to:  
1) Adopt the Mitigated Negative Declaration (MND) and the Mitigation Monitoring and Reporting Program (MMRP) for the project, and  
2) Approve a rezoning of the property from PD (ML) (Planned Development) to PD (Planned Development) to allow the use of existing industrial buildings as free standing data centers, subject to conditions.



Kevin L. Riley  
Director of Planning and Inspection

APPROVED:



Julio J. Fuentes  
City Manager

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

- 1) *City Council Resolution – MND (Exhibit “CC Reso-MND”)*
- 2) *City Council Resolution – Rezoning (Exhibit “CC Reso-Z”)*
- 3) *Conditions of Approval (Exhibit “CoA-Rez”)*
- 4) *Mitigated Negative Declaration (Previously Distributed) (Exhibit “MND”)*
- 5) *Mitigation Monitoring and Reporting Program (Exhibit “MMRP”)*
- 6) *Correspondence as of April 2, 2013 (Exhibit “Corr-4/2/2013”)*
- 7) *Development Plans (Exhibit “Plans”)*
- 8) *Planning Commission Draft Excerpt Minutes of March 13, 2013 (Exhibit “PCMin-3/13/13”)*
- 9) *Planning Commission Staff Report of March 13, 2013 (Exhibit “PCStfRpt”)*
- 10) *Planning Commission Resolution – Mitigated Negative Declaration (PC Reso-MND”)*
- 11) *Planning Commission Resolution – Rezoning (PC Reso-ReZ”)*

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

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, ADOPTING THE MITIGATED NEGATIVE  
DECLARATION (MND) AND THE MITIGATION  
MONITORING AND REPORTING PROGRAM (MMRP)  
FOR THE PROJECT LOCATED AT 2805 AND 2807  
MISSION COLLEGE BOULEVARD, SANTA CLARA**

CEQ2012-01148 (MND)

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

**WHEREAS**, Matt Tyndall, Quality Investment Properties, Santa Clara LLC ("Applicant") applied for a Rezoning of a 6.5 acre site located at 2805 and 2807 Mission College Boulevard, Santa Clara ("Project Site");

**WHEREAS**, the Project Site is currently zoned as PD (ML) (Planned Development);

**WHEREAS**, in order to implement the proposed development, the Project Site needs to be rezoned to PD (Planned Development) to facilitate the development of the existing building on both properties into free standing data centers ("Project") as shown on the Development Plans, attached as Exhibit "Plans";

**WHEREAS**, pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this project was determined after an initial study to potentially have a significant effect on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration ("MND");

**WHEREAS**, in conformance with CEQA, the MND was circulated for public review (for a 30-day comment period) from December 4, 2012, to January 3, 2013, where during that period no comment letters were received;

WHEREAS, the Planning Commission held a duly noticed public hearing on March 13, 2013 to consider the MND and MMRP and rezoning application;

WHEREAS, the Planning Commission recommended that the City Council approve the MND and adopt the mitigated negative declaration and mitigation monitoring and reporting program;

WHEREAS, pursuant to section 18.112.060 of the City of Santa Clara City Code, a notice of public hearing was posted in at least three conspicuous places within three hundred (300) feet of the affected property, and mailed to property owners within three hundred (300) feet of the Project Site ten days prior to the hearing; and,

WHEREAS, the City Council conducted a duly noticed public hearing on April 9, 2013, during which the Council invited and considered any and all verbal and written testimony offered in favor of and in opposition to the Project.

**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. That the City Council hereby finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less-than-significant level by the mitigation measures specified in the MND.
3. That the City Council hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the City Council.
4. That the City Council finds that the MND completed for this project, has been completed in compliance with CEQA, and that approval of this project as mitigated will have no significant negative impacts on the area's environmental resources, cumulative or otherwise, as the impacts

as mitigated would fall within the environmental thresholds identified by CEQA, and hereby adopts the MND.

5. That the City Council adopts the Mitigation Monitoring and Reporting Program as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074(d)).

6. 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.

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7. 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. Mitigated Negative Declaration (Previously Distributed)
- 2. Mitigation Monitoring and Reporting Program (Exhibit "MMRP")
- 3. Development Plans (Exhibit "Plans")

I:\PLANNING\2012\Project Files Active\PLN2012-09203 2805 and 2807 Mission College Blvd (PD Amendment-Rezoning)\CC\CC Reso MND for 2805-2807 Mission College.doc

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

**A RESOLUTION OF THE CITY OF SANTA CLARA,  
CALIFORNIA, APPROVING THE REQUESTED  
REZONING OF THE PROPERTY LOCATED AT 2805 AND  
2807 MISSION COLLEGE BOULEVARD FROM PD (ML)  
(PLANNED DEVELOPMENT) TO PD (PLANNED  
DEVELOPMENT) TO ALLOW THE USE OF EXISTING  
INDUSTRIAL BUILDINGS AS FREE STANDING DATA  
CENTERS**

PLN2012-09203 (Rezoning)

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

**WHEREAS**, Matt Tyndall, Quality Investment Properties, Santa Clara LLC ("Applicant") applied for a Rezoning of a 6.5 acre site located at 2805 and 2807 Mission College Boulevard, Santa Clara ("Project Site");

**WHEREAS**, in order to implement the proposed development, the Project Site needs to be rezoned to PD (Planned Development) to facilitate the development of the existing building on both properties into free standing data centers ("Project") as shown on the Development Plans, attached as Exhibit "Plans";

**WHEREAS**, the Project proposes to convert the existing industrial buildings into free standing data centers. The project involves improvements such as installation of backup generators, chillers, and cooling towers to support the data center use;

**WHEREAS**, pursuant to section 18.112.060 of the City of Santa Clara, a notice of public hearing was posted in at least three conspicuous places within three hundred (300) feet of the affected property, and mailed to property owners within three hundred (300) feet of the Project Site ten days prior to the hearing; and,

**WHEREAS**, the City Council conducted a duly noticed public hearing on April 9, 2013, during which the Council invited and considered any and all verbal and written testimony offered in favor of and in opposition to the Project.

**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 by this reference makes them a part hereof.
2. That the City Council hereby rezones the Project Site, as shown on Exhibit "Plans" and conditioned in Exhibit "CoA-ReZ", attached hereto and incorporated by this reference, to facilitate the conversion of the existing industrial building into free standing data centers.
3. That the City Council determines that a rezoning is appropriate here and that the following findings exist in support of the rezoning:
  - A. The existing zoning is inappropriate or inequitable in that the current zoning of the property is very restrictive and does not allow the use of the project site as a free standing data center.
  - B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area in that the proposal is designed in a manner that is consistent with the adjacent industrial and commercial uses around the site and the proposed improvements include, maintaining most of the mature landscaping on site, providing security fencing and appropriate site lighting.
  - C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that the proposal will allow the use of the existing industrial

buildings as free standing data centers. The proposal would serve to expand the options available to local and regional businesses by providing additional leasable data center space in an industrial building that is accessible from a major transit hub and is located on a major arterial street.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized that would be restricted in other zoning districts, in that the current proposal does not involve significant changes to the existing buildings, but provides flexibility in the range of uses allowed to operate within an existing industrial buildings.

4. 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.

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Exhibit "CC Reso-Z"

5. 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. Development Plans (Exhibit "Plans")  
2. Exhibit "CoA-ReZ" (Conditions of Approval)

I:\PLANNING\2012\Project Files Active\PLN2012-09203 2805 and 2807 Mission College Blvd (PD Amendment-Rezoning)\CC\CC Reso REZ for 2805-2807 Mission College.doc

**Exhibit "CoA-ReZ"**  
**Conditions of Approval**

**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 AND 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. Submit plans for final architectural review to the Planning Division and obtain architectural approval prior to issuance of building permits. Said plans to include, but not be limited to: site plans, floor plans, elevations, landscaping, lighting and signage. Landscaping installation shall meet City water conservation criteria in a manner acceptable to the Director of Planning and Inspection.
- P3. Developer is responsible for collection and pick-up of all trash and debris on-site and adjacent public right-of-way.
- P4. Provide trash enclosure, the location and design of which shall be approved by the Director of Planning and In Identified existing mature trees to be maintained. Prepare a tree protection plan for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site. Inspection prior to issuance of any building permits.
- P5. 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.
- P6. Prior to issuance of a demolition permit, Developer/Owner shall have an asbestos survey of the proposed site performed by a certified individual. Survey results and notice of the proposed demolition are to be sent to the Bay Area Air Quality Management District (BAAQMD). No demolition shall be performed without a demolition permit and BAAQMD approval and, if necessary, proper asbestos removal.
- P7. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
- P8. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- P9. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- P10. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- P11. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

- P12. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- P13. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.
- P14. In the event that prehistoric or historic resources are encountered during construction on the site, all activity within a 50-foot radius of the find will be stopped, the Director of Planning and Inspection will be notified, and a qualified archaeologist or paleontologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning and Inspection.
- P15. In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the site shall be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.
- P16. Native soil excavated from the upper two to four feet of the site and proposed for off-site disposal shall be appropriately tested for chemicals related to agricultural activities (e.g., persistent pesticides and metals). If contamination is detected, soil materials will be disposed of in accordance with State regulations for hazardous waste. The following measures provide guidelines for contractors to follow during construction activities where they may encounter contaminated soil and groundwater. The project and its contractors will adhere to the measures outlined below:
- All excavations must be coordinated with on-site superintendents. All excavation will be completed in accordance with CAL/OSHA regulations and subcontractor policies and procedures.
  - In the event groundwater is encountered during excavation, the groundwater must be tested to determine if groundwater is contaminated and if so the level of contamination. Any water that is determined to be contaminated must be pumped, transported and disposed of properly by an approved and certified waste disposal company. Proper safety equipment/methods shall be employed by workers involved in the evacuation of contaminated water.
  - Soils from excavations should be used for backfilling trenches. In the event soils are to be off-hauled, they must be tested prior to leaving the site.
  - Prior to the start of any construction activity that involves below ground work (e.g. utility trenching), each contractor shall prepare a Health and Safety Plan (HSP) and Injury and Illness Prevention Plan (IIPP). The purpose of these documents is to provide general guidance to the work hazards that may be encountered during each phase of site construction activities.

- If excavation de-watering is required, the ponded water will be sampled and analyzed prior to pumping to evaluate discharge alternatives. Pursuant to RWQCB Resolution 88-160, the preferred use of the ponded water is recycling or on-site reuse. If the pumped water is to be used for on-site dust control, concentrations of contaminants of potential concern (COPC) will be compared to the lower of the RWQCB's Environmental Screening Levels (ESLs) for fresh or estuarine surface water. If the concentrations detected exceed the ESLs, then RWQCB's staff will be consulted prior to using pumped water for on-site dust control. Discharge to the sanitary sewer or storm sewer, if any, will be performed under an approved permit from the City of Santa Clara or RWQCB, respectively. If required, water will be treated prior to discharge.
- P17. Prior to issuance of a grading permit, the applicant shall be required to submit copies of an Erosion Control Plan to the City's Department of Public Works.
- P18. The development shall comply with City of Santa Clara ordinances, including erosion- and dust-control during site preparation and grading, and maintaining adjacent streets free of dirt and mud during construction.
- P19. The proposed development shall comply with the municipal National Pollutant Discharge Elimination System permit issued to the City of Santa Clara.
- P20. Every tree that is removed shall be replaced with two 24 inch box trees.
- P21. Uses on the site shall be limited to office, free-standing data centers, and minor manufacturing/assembly activities contained wholly within the building and which involve strictly limited use of storage of hazardous materials and wastes. Accessory, secondary or small scale supporting retail uses that serve local employees and visitors are also permitted within this development.
- P22. At such time as the existing buildings are no longer used as data centers, the applicant shall restore the parking to comply with the following minimum requirements:

	Area	Parking Ratio	Number of Spaces
2805 Mission College Blvd	71,661 sq.ft.	1:301	238
2807 Mission College Blvd	65,353 sq.ft.	1:350	187
Aggregate Requirements	137,014 sq.ft.	1:322	425

The minimum parking ratio for any portions of the existing buildings converted to light industrial uses shall be one space per 750 feet. The above parking standards apply to the existing buildings on the project site. Redevelopment of the project site with substantially new structures will require compliance with the then applicable development and parking standards as well as code requirements applicable at the time of the filing of that application.

- P23. Parking requirements shall be deemed satisfied if the site containing the existing buildings at 2805 and 2807 Mission College Boulevard provides, in the aggregate, the total number of spaces required under the parking ratios stated in Conditions P22; provided, however, that the properties must either (a) remain under common ownership; or (b) be made subject to a binding reciprocal parking easement.

## ENGINEERING

- E1. Obtain site clearance through Engineering 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 Engineering 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 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. The sanitary sewer (SS) discharge information (i.e., building use and square footage, and average and peak sanitary sewer flows) submitted by the developer was added to the City's Sanitary Sewer Hydraulic Model (SSHM). The SSHM output indicates that there should be enough SS conveyance capacity to accommodate the proposed development. The SSHM output may change based on pending development applications and future projects. The SSHM output does not guarantee or in any way reserve or hold SS conveyance capacity until developer has Final Approval for the project. For purposes of this condition, "Final Approval" shall mean the final vote of the City Council necessary for all entitlements to be approved, unless a legal challenge is brought to the Council decisions, in which case the Final Approval shall mean the final disposition of the legal challenge.
- E4. Provide 9 class I bicycle lockers and 3 class II bicycle rack spaces for 2805 Mission College Blvd.
- E5. Replace curb ramp at Mission College Blvd./Perimeter Road with current City standard ST-9 ramp.
- E6. Driveways shall be City standard ST-5 driveway.

## ELECTRICAL

- EL1. Prior to submitting any project for Electric Department review, applicant shall provide a site plan showing all existing utilities, structures, easements and trees. Applicant shall also include a "Load Survey" form showing all current and proposed electric loads. A new customer with a load of 500KVA or greater or 100 residential units will have to fill out a "Service Investigation Form" and submit this form to the Electric Planning Department for review by the Electric Planning Engineer. Silicon Valley Power will do exact design of required substructures after plans are submitted for building permits.
- EL2. The Developer shall provide and install electric facilities per Santa Clara City Code chapter 17.15.210.
- EL3. Electric service shall be underground. See Electric Department Rules and Regulations for available services.
- EL4. Installation of underground facilities shall be in accordance with City of Santa Clara Electric Department standard UG-1000, latest version, and Santa Clara City Code chapter 17.15.050.
- EL5. Underground service entrance conduits and conductors shall be "privately" owned, maintained, and installed per City Building Inspection Division Codes. Electric meters and main disconnects shall be installed per Silicon Valley Power Standard MS-G7, Rev. 2.
- EL6. 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).

- EL7. All electric meters and services disconnects shall be grouped at one location, outside of the building or in a utility room accessible directly from the outside. A double hasp locking arrangement shall be provided on the main switchboard door(s). Utility room door(s) shall have a double hasp locking arrangement or a lock box shall be provided. Utility room door(s) shall not be alarmed.
- EL8. If transformer pads are required, City Electric Department requires an area of 17' x 16'-2", which is clear of all utilities, trees, walls, etc. This area includes a 5'-0" area away from the actual transformer pad. This area in front of the transformer may be reduced from a 8'-0" apron to a 3'-0", providing the apron is back of a 5'-0" min. wide sidewalk. Transformer pad must be a minimum of 10'-0" from all doors and windows, and shall be located next to a level, drivable area that will support a large crane or truck.
- EL9. All trees, existing and proposed, shall be a minimum of five (5) feet from any existing or proposed Electric Department facilities. Existing trees in conflict will have to be removed. Trees shall not be planted in PUE's or electric easements.
- EL10. Any relocation of existing electric facilities shall be at Developer's expense.
- EL11. Electric Load Increase fees may be applicable.
- EL12. 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)).
- EL13. Electrical improvements (including underground electrical conduits along frontage of properties) may be required if any single non-residential private improvement valued at \$200,000 or more or any series of non-residential private improvements made within a three-year period valued at \$200,000 or more (Santa Clara City Code Title 17 Appendix A (Table III)).
- EL14. Non-Utility Generator equipment shall not operate in parallel with the electric utility, unless approved and reviewed by the Electric Engineering Division. All switching operations shall be "Open-Transition-Mode", unless specifically authorized by SVP Electric Engineering Division. A Generating Facility Interconnection Application must be submitted with building permit plans. Review process may take several months depending on size and type of generator. No interconnection of a generation facility with SVP is allowed without written authorization from SVP Electric Engineering Division.
- EL15. Applicant is advised to contact SVP (CSC Electric Department) to obtain specific design and utility requirements that are required for building permit review/approval submittal. Please provide a site plan to Leonard Buttitta at 408-261-5469 to facilitate plan review.

**WATER**

- W1. Since the water facilities need a 24 hour access, the applicant provide two Knox Box keys to the Water Department. One set of keys will remain with the Operations and Maintenance division, while the second set of keys will be with Electric Control.
- W2. This property is presently served by the City of Santa Clara water system.

- W3. Public water mains, services, and hydrants are situated within easements along the eastern portion of the property. These water facilities and their easements are to remain and shall be protected.
- W4. The two public fire hydrants along the eastern portion of the property are to be painted white to indicate they are being maintained by City of Santa Clara forces.
- W5. Since the restricted-access gate for the building at 2805 Mission College Boulevard is built across the public utility easement, the property owner shall enter into an "Agreement and Covenant Running with the Land (private construction over public easement)" with the City to address issues such as liability, access to facilities behind the restricted-access gate, responsibility for removal is necessary, etc. Such an agreement shall be recorded against the property prior to issuance of the final occupancy permit.

## FIRE

### Occupancy Classifications:

- F1. State the occupancy classification in accordance with the 2010 California Building Code for each building or areas.

### Fire Department Emergency Access:

- F2. Approved fire apparatus access roads shall have a minimum 20-foot width, have a minimum 13 ½-foot vertical clearances and have a minimum 36-foot inside turning radius.
- F3. Adjacent private emergency access roads from lands adjoining a property required to have access shall not be considered unless such access is designated as a "shared Emergency Access Easement" (E.A.E.). **Note: When parcels are subdivided, E.A.E. will most likely be required.**
- F4. In new buildings, or buildings expanded by more than 20%, or buildings in which a change in occupancy classification occurs where adequate interior emergency radio communication is not possible, a system or equipment that will provide emergency radio coverage acceptable to the Fire Code Official shall be installed (SCMFEC 511.1)

### Water Supply:

- F5. Private fire hydrants and mains capable of supplying the required fire flow shall be installed when any portion of the building protected is in excess of 150 feet from a water supply, as measured by an approved route around the exterior of the facility or building. On-site fire hydrants and mains capable of supplying the required fire flow shall be provided. Fire flow for hydrants shall be in accordance with Appendix B and C of the 2010 CFC. **Show all existing and proposed on-site and city fire hydrants on the site plan at time of Building Permit application.**
- F6. New raised floor areas: Either an automatic sprinkler system, carbon dioxide extinguishing system, or inert agent fire extinguishing system for the protection of the area below the raised floor in an information technology equipment room or information technology equipment area shall be provided (2010 NFPA 13, 21.14.2.3).
- F7. Data centers: A sprinkler design hazard of Ordinary Group 1 is recommend for above ceiling spaces in the data center areas. In rooms where batteries are to be stored, an Ordinary Group 1 design is required.
- F8. When underground fire service mains are required, submit separate plans, fees and fire flow calculations to the Fire Department for separate review and permit. Each parcel or building may require separate fire service. (NOTE: Stamped and wet signed Civil drawings shall be submitted in conjunction with shop quality drawings by the installing "A" or "C-16" licensed contractor).

- F9. Any development providing any combination of six (6) or more fire hydrants, fire sprinkler or standpipe services, shall not be served by a dead end water main, but rather served by a looped service with two separate feeds containing fire department connections (FDCs), post indicator valves (PIVs) and private fire hydrants. When a FDC pressurizes fire service mains including private hydrants, the hydrant intended to be used by the fire department must be a hydrant directly connected to the public water main (i.e., a city hydrant). Each fire sprinkler system shall be provided with an independent FDC when the fire service main includes fire hydrants and sprinkler systems. The FDC and PIV shall be located on the street fronting each building. The FDC shall be located within 50 feet of a city (public) fire hydrant, plus on the same side of the road as the fire hydrant(s).
- F10. In private underground piping systems, any dead end pipe, which supplies both sprinkler and hydrants, shall be not less than eight (8) inches in diameter.

Required Fire Protections/ Detection Systems and Equipment:

- F11. Modifications to the existing sprinkler system will require a separate permit to be applied for directly to the Fire Department.
- F12. An "Above Ground Tank" permit shall be applied to directly to the Fire Department for the installation of the diesel generators.
- F13. Modification or installation of a fire alarm system will require a separate permit directly with SCFD.

Battery Systems:

- F14. Battery systems with more than 50 gallons electrolyte capacity (or 1,000 pounds for lithium ion and lithium metal polymer) will require Fire Department permit(s).

Dumpster Storage:

- F15. Rubbish containers: Containers that are 1.5 cubic yards (40.5 cubic feet) or more shall not be stored in buildings or placed within 5 feet of combustible walls, openings, property lines or combustible roof eave lines unless protected by approved fire sprinklers (CFC 304.3.3). Exceptions may apply. If a roof over the trash enclosure is to be provided, then it shall be of non-combustible construction.

Spill Prevention Control and Countermeasure Plan

- F16. Businesses that store more than 1,320 gallons (accumulative for 55 gallons and larger in drums and/or tanks on a contiguous property) of petroleum products aboveground must prepare a Spill Prevention Control and Countermeasure (SPCC) plan. If the business has over 10,000 gallons of petroleum products, the SPCC must be signed by a professional engineer. If the business has between 1,320 and 10,000 gallons the owner/operator can self-certify the SPCC plan (additional requirements apply for self-certification).

For businesses that currently do not have a SPCC plan, the SPCC plan must be signed and a copy kept on-site prior to using/filling the tank/equipment. Have the SPCC plan available to the Fire Department at time of inspection.

SPCC Plan requirements are found in Title 40, Code of Federal Regulations, Part 112. Information regarding SPCC plan preparation and submittal requirements is available on the Internet at <http://www.calepa.ca.gov/CUPA/Aboveground/FactSheetSPCC.pdf> (H&SC §2527005(c)).

Fire Safety During Construction:

- F17. **At the time of permit application, submit a construction "Fire Safety Plan"** to the Fire Department for review and approval. The "Fire Safety Plan" shall address fire protection (i.e., access roads, water mains, on-site fire hydrants, fire extinguishers and standpipes) be installed and made serviceable prior to the time of construction. Include in the safety plan the location of fire extinguishers, fire hydrants (public and private), storage of combustible construction materials, propane tanks, and "NO

SMOKING” signs. Plus the Safety plan shall address the how the following items will be used: temporary heating devices, temporary electrical wiring, cutting/welding and other open-flame devices. See “Standards for Construction site fire Safety” handout or website at [www.unidocs.org/fire](http://www.unidocs.org/fire)

Fire Department (Required on plans/ drawings at the time of application)

- F18. **At the time of Building Permit application**, submit Civil Drawings that denote existing and proposed locations of fire hydrants, underground sectional valves, fire department connections and post indicator valves for fire department review and approval.
- F19. Prior to combustible materials being brought onto the site, approved fire apparatus access roads shall be constructed. These shall be capable of supporting the imposed fire apparatus load (**75,000 lbs.**) and have a FD approved all-weather driving surface.
- F20. Construction materials shall not obstruct access roads, access to buildings, hydrants or fire appliances.
- F21. Combustible construction in excess of 100 feet from the street shall not commence until emergency access roads; underground fire service lines and permanent on-site hydrants are in service and have been tested, flushed and approved by the Fire Department.
- F22. During construction of a building and until permanent fire-extinguishers have been installed, portable fire extinguishers are required within 50 feet travel distance to any part of the building in accordance with California Fire Code and the Santa Clara Municipal Fire and Environmental Code.
- F23. General Permit Storm Water Discharges Associated with Construction Activity-Water Quality through the State (order 99-08-DWQ) shall be adhered to regarding non-point source issues on construction sites. (i.e., prevention of paints, debris, etc. from going down storm drains). The Permit is issued by the State Water Resources Control Board. Information regarding the permit can be found at [www.waterboards.ca.gov/stormwtr/index.html](http://www.waterboards.ca.gov/stormwtr/index.html).  
Internal-combustion-powered construction equipment shall be used as follows; (a) Equipment shall not be refueled while in operation, (b) Exhausts shall be piped to the outside of the building.

POLICE

- PD1. Provide a minimum illumination of one-foot candle in carport, parking areas and in all common pedestrian or landscaped areas of the development. The illumination should be deployed in fixtures that are both weather and vandal resistant.
- PD2. Address numbers of the individual units shall be clearly visible from the street and shall be a minimum of six (6) inches in height and of a color contrasting with the background material. Numbers shall be illuminated during the hours of darkness.
- PD3. A Knox Box or Coded Entry System is required for Police access to enclosed parking lots and gated communities.
- PD4. PD4. Any required enclosure fencing (trash area, utility equipment, etc.) if not see through, should have a six (6) inches opening along the bottom for clear visibility. Any gates or access doors to these enclosures should be locked.

STREET

Landscape:

- ST1. No cutting of any part of City trees, including roots, shall be done without following city tree preservation specifications and securing approval and direct supervision from the City Arborist at 408-615-3080
- ST2. No cutting of any part of private trees, including roots, shall be done without direct supervision of a certified arborist (Certification of International Society of Arboriculture).

- ST3. Identified existing mature trees to be maintained. Prepare a tree protection plan for review and approval by the City prior to any demolition, grading or other earthwork in the vicinity of existing trees on the site.
- ST4. All landscaping and irrigation systems shall meet City standard specifications.

Stormwater:

- ST5. Since this project involves disturbing a land area of one acre or more, the developer shall file a Notice of Intent (NOI) with the State Water Resources Control Board for coverage under the State Construction General Permit (Order No. 2009-0009-DWQ) prior to issuance of any building permit for grading, or construction; a copy of the NOI shall be sent to the City Building Inspection Division. A storm water pollution prevention plan is also required with the NOI.
- ST6. Incorporate Best Management Practices (BMPs) into construction plans and incorporate post construction water runoff measures into project plans in accordance with the City's Urban Runoff Pollution Prevention Program standards prior to the issuance of permits. Proposed BMPs shall be submitted to and thereafter reviewed and approved by the Planning Division and the Building Inspection Division for incorporation into construction drawings and specifications.
- ST7. An erosion control plan shall be prepared and copies provided to the Planning Division and to the Building Inspection Division for review and approval prior to the issuance of grading permits or building permits that involve substantial disturbance of substantial ground area.
- ST8. It is recommended that the applicant consider a pretreatment unit to remove sediment, trash and/or gross pollutants upstream of any proposed media filters.
- ST9. All post construction structural controls shall require property owner to execute with City a Stormwater Treatment Measures Inspection and Maintenance Agreement.
- ST10. Special Urban Runoff Stormwater Pollution Prevention requirements apply. Set up meeting with the Street Department to discuss requirements. Contact Dave Staub at 408-615-3080.

Solid waste:

- ST11. Applicant to comply with City Development Guidelines for Solid Waste Services as specified by development type.

I:\PLANNING\2012\Project Files Active\PLN2012-09203 2805 and 2807 Mission College Blvd (PD Amendment-Rezoning)\PC\PC 3-13-2013\Conditions of Approval.doc

**MITIGATION MONITORING OR REPORTING PROGRAM**

**QTS DATA CENTER REZONING PROJECT**

**CITY OF SANTA CLARA**

**December 2012**

## P R E F A C E

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The Initial Study/Mitigated Negative Declaration (IS/MND) concluded that the implementation of the QTS Data Center Rezoning project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This Mitigation Monitoring or Reporting Program addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the IS/MND concluded that the impacts from implementation of the project would be less-than-significant.

**MITIGATION MONITORING OR REPORTING PROGRAM  
QTS DATA CENTER REZONING PROJECT**

Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p><b>AIR QUALITY</b></p> <p>Construction-generated dust, if uncontrolled, could result in a significant air quality impact.</p> <p><b>Significant Impact</b></p>	<ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five (5) minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Bay Area Air Quality Management District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>	<p>During all phases of construction and specifically during utility infrastructure installation.</p>	<p>Project applicant and contractors.</p>	<p>Director of Planning and Inspection</p>

**MITIGATION MONITORING OR REPORTING PROGRAM  
QTS DATA CENTER REZONING PROJECT**

Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	Less Than Significant with Mitigation			
<b>CULTURAL RESOURCES</b>				
<p>Although there are no known prehistoric or historic archaeological deposits on or directly adjacent to the site, future development under the proposed project could result in the exposure or destruction of as yet undiscovered subsurface prehistoric archaeological resources. If the exposure or destruction of subsurface prehistoric resources were to occur, it would be considered a significant impact.</p> <p><b>Significant Impact</b></p>	<ul style="list-style-type: none"> <li>In the event that prehistoric or historic resources are encountered during construction on the site, all activity within a 50-foot radius of the find will be stopped, the Director of Planning and Inspection will be notified, and a qualified archaeologist or paleontologist will examine the find and make appropriate recommendations. Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring would be submitted to the Director of Planning and Inspection.</li> <li>In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the site shall be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.</li> </ul> <p style="text-align: center;"><b>Less Than Significant with Mitigation</b></p>	During all phases of construction with ground disturbing activities.	Project applicant and contractors.	Director of Planning and Inspection

**MITIGATION MONITORING OR REPORTING PROGRAM  
QTS DATA CENTER REZONING PROJECT**

Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p>Utility trenching could expose construction workers or the public to contaminated soils or groundwater if contaminated soil and groundwater encountered under the site are not handled properly.</p> <p><b>Significant Impact</b></p>	<p><b>HAZARDS AND HAZARDOUS MATERIALS</b></p> <ul style="list-style-type: none"> <li>• Native soil excavated from the upper two to four feet of the site and proposed for off-site disposal shall be appropriately tested for chemicals related to agricultural activities (e.g., persistent pesticides and metals). If contamination is detected, soil materials will be disposed of in accordance with State regulations for hazardous waste.</li> <li>• The following measures provide guidelines for contractors to follow during construction activities where they may encounter contaminated soil and groundwater. The project and its contractors will adhere to the measures outlined below: <ul style="list-style-type: none"> <li>– All excavations must be coordinated with on-site superintendents. All excavation will be completed in accordance with CAL/OSHA regulations and subcontractor policies and procedures.</li> <li>– In the event groundwater is encountered during excavation, the groundwater must be tested to determine if groundwater is contaminated and if so the level of contamination. Any water that is determined to be contaminated must be pumped, transported and disposed of properly by an approved and certified waste disposal company. Proper safety equipment/methods shall be employed by workers involved in the evacuation of contaminated water.</li> </ul> </li> </ul>	<p>During all phases of construction and specifically during underground utility infrastructure installation.</p>	<p>Project applicant and contractors.</p>	<p>Director of Planning and Inspection</p>

**MITIGATION MONITORING OR REPORTING PROGRAM  
QTS DATA CENTER REZONING PROJECT**

Impact	Mitigation.	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
	<ul style="list-style-type: none"> <li>- Soils from excavations should be used for backfilling trenches. In the event soils are to be off-hauled, they must be tested prior to leaving the site.</li> <li>- Prior to the start of any construction activity that involves below ground work (e.g. utility trenching), each contractor shall prepare a Health and Safety Plan (HSP) and Injury and Illness Prevention Plan (IIPP). The purpose of these documents is to provide general guidance to the work hazards that may be encountered during each phase of site construction activities.</li> <li>- If excavation de-watering is required, the ponded water will be sampled and analyzed prior to pumping to evaluate discharge alternatives. Pursuant to RWQCB Resolution 88-160, the preferred use of the ponded water is recycling or on-site reuse. If the pumped water is to be used for on-site dust control, concentrations of contaminants of potential concern (COPC) will be compared to the lower of the RWQCB's Environmental Screening Levels (ESLs) for fresh or estuarine surface water. If the concentrations detected exceed the ESLs, then RWQCB's staff will be consulted prior to using pumped water for on-site dust control. Discharge to the sanitary sewer or storm sewer, if any, will be performed under an approved permit from the City of Santa Clara or RWQCB, respectively. If required, water will be treated prior to discharge.</li> </ul> <p style="text-align: center;"><b>Less Than Significant Impact with Mitigation</b></p>			

**MITIGATION MONITORING OR REPORTING PROGRAM  
QTS DATA CENTER REZONING PROJECT**

Impact	Mitigation	Timeframe for Implementation	Responsibility for Implementation	Oversight of Implementation
<p><i>Although not a significant impact the following mitigation and avoidance measures are included in the project to reduce water quality impacts during construction and post construction periods to a less than significant level.</i></p>	<p><b>HYDROLOGY AND WATER QUALITY</b></p> <ul style="list-style-type: none"> <li>• Prior to issuance of a grading permit, the applicant shall be required to submit copies of an Erosion Control Plan to the City's Department of Public Works.</li> <li>• The development shall comply with City of Santa Clara ordinances, including erosion- and dust-control during site preparation and grading, and maintaining adjacent streets free of dirt and mud during construction.</li> <li>• The proposed development shall comply with the municipal National Pollutant Discharge Elimination System permit issued to the City of Santa Clara.</li> </ul> <p style="text-align: center;"><b>Less Than Significant Impact</b></p>	<p>During all phases of design, construction, and operation.</p>	<p>Project applicant and contractors.</p>	<p>Director of Planning and Inspection and Director of Public Works</p>

**SOURCE:** City of Santa Clara, *QTS Data Center Rezoning Project Initial Study and Mitigated Negative Declaration*, December 2012.

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MEMORANDUM

10-1-2012

To: Payal Bhagat

From: Matt Tyndall – Quality Investment Properties Santa Clara, LLC

Re: Planned Development Zone Amendment - PLN2012 - 09203

Attachment #1: Revised Project Statement

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The following are proposed revisions to the Project Statement that was submitted with the original application. See revisions in bold.

**Project Statement – PD/ML (2805-2807 Mission College Blvd):**

**Uses:** Uses on the site shall be limited to offices, **free-standing data centers**, minor assembly activities contained wholly within the building and which involve strictly limited use and storage of hazardous materials and wastes. Permitted chemicals shall be those and on file on the list presented by Don L. Beck Associates, Inc., dated August 20, 1997 and approved by the City Hazardous Materials Administrator. Other chemicals proposed for use on this site will be allowed only if they are on a future regulatory listing of permitted chemicals and quantities or if they are individually approved by the Hazardous Materials Administrator as having no off-site consequences for the nearby uses. Use or storage of hazardous materials beyond these may require further environmental and use permit review. Property owner shall enter into a covenant with the City of this effect prior to issuance of building permits which shall run with the land. Accessory, secondary or small scale supporting retail uses that serve local employees and visitors are also permitted within this development. The maximum FAR is 1.00.

**Parking ratios:** On-site parking for each property shall be provided based on use of building space, as listed below:

**2805 Mission College Blvd.**

- **Office use:** 1 space per 301 s.f. of gross floor area
- **Light Industrial/R&D/Data Center:** 1 space per 750 s.f. of gross floor area
- **Compact spaces:** 50% max.

**2807 Mission College Blvd.**

- **Office use:** 1 space per 350 s.f. of gross floor area
- **Light Industrial/R&D/Data Center:** 1 space per 750 s.f. of gross floor area
- **Compact spaces:** 50% max.

Note: Parking requirements shall be deemed satisfied if the parcels, in aggregate, provide the total number of spaces required under the parking ratios stated above.

Reason/Justification:

The property was developed with two office/R&D buildings under the provisions of the PD/ML zone, within a campus like environment. The buildings have historically housed office/R& D uses, including data centers as ancillary uses. QTS has established this campus as its West Coast headquarters and wants to house both office and free standing data center uses in either or both buildings. The 2010-2035 General Plan Office and Industrial Land Use Policy 5.3.5-P4 states the City shall *"Allow Office/Research and Development uses existing as of January 1, 2010, to conform to the General Plan intensity provisions of either the Low Intensity classification or High Intensity Office/Research and Development classification, regardless of the designation of the property."* Accordingly, the existing and proposed data center uses proposed by this PDZ amendment, and the campus-like setting of the existing development are in keeping with the General Plan definition of Low Intensity Office/Research and Development category and are in keeping with this Policy.

**In 2008, the City of Santa Clara approved a 4,350 sq. ft. addition in Building 2807. This expansion resulted in the loss of 28 parking spaces in the area of the addition. Should the building revert to 100% office use, 15 spaces can be reclaimed through re-striping and use of compact spaces with a deficiency of 13 spaces. The proposed ratio for 2807 reflects the building addition and allows for the maximum attainable parking spaces.**



# HEXAGON TRANSPORTATION CONSULTANTS, INC.

## Memorandum

Date: January 12, 2012  
To: Mr. Matt Tyndall, Quality Technology Services  
From: Gary Black, Ling Jin  
Subject: Trip Generation Comparison for Mission College Data Center

Hexagon Transportation Consultants, Inc. has completed a traffic study for the proposed data center on Mission College Boulevard in Santa Clara, CA. The project proposes to occupy two existing buildings formerly used as office buildings. In order to approve the data center use, the City of Santa Clara requires a traffic study for a General Plan amendment to compare the trip generation rate when the site is changed from a Regional Commercial designation to a Low Intensity Office/Research & Development designation.

### Scope of Study

This memorandum discusses the trip generation comparison for the land use change in General Plan designation from Regional Commercial to Low Intensity Office/Research & Development (R&D). This memo also shows a comparison of trip generation for the data center versus the offices it would replace.

### Trip Generation Comparison for Change in General Plan Designation

Based on the current Santa Clara General Plan, the project site is designated as Regional Commercial. This designation has a maximum floor area ratio (FAR) of 0.60. The General Plan EIR traffic analysis was based on an average FAR of 0.50 for this designation. The proposed data center and the current office buildings on site would be categorized as Low Intensity Office/R&D, which has a maximum floor area ratio (FAR) of 1.00 in the General Plan. The General Plan EIR used an average FAR of 0.85 for the Low Intensity Office/R&D category. The total land area of the project site is 283,575 square feet. The total building space that was analyzed in the General Plan EIR for Regional Commercial use on the project site was 141,788 square feet (283,575 x 0.50). The building space that would be analyzed with the designation changed to Low Intensity Office/R&D use would be 241,039 square feet (283,575 x 0.85).

The general plan traffic analysis is based on daily traffic volume. Trips generated by these two different designated uses were estimated based on the Institute of Transportation Engineers (ITE) manual *ITE Trip Generation*, 8<sup>th</sup> Edition (see Table 1). Daily trip rates for "General Office" (land use: 710) were used to estimate the trips generated by Low Intensity Office/R&D use. The ITE standard trip rate for "Shopping Center" (land use: 820) was used to estimate the daily trips generated by Regional Commercial use at the project site. As shown in Table 1, the office use would generate 2,626 daily trips. Trips generated by a shopping center would be 8,521 per day. Changing the General Plan designation from Regional Commercial to Low Intensity Office/R&D use would result in 5,895 fewer daily trips.

### Trip Generation Comparison for Data Center versus Office

Hexagon also compared the trip generation for the proposed data center versus the offices it would replace at the project site. There are two office buildings currently on site with a total space of 132,256 square feet. The project proposes to occupy the existing buildings with a new data center. Trips generated by the current office buildings on site were estimated based on the Institute of Transportation Engineers (ITE) manual *ITE Trip Generation*, 8<sup>th</sup> Edition for the "General Office" (land use: 710) category. For the proposed data center, there are no standard rates listed in the ITE Trip Generation Manual. The trip generation rates for the data center are based on a survey conducted by Hexagon and Keith and Schnars, P.A.. As shown in Table 2, the proposed data center would generate 1,274 fewer trips compared to the existing office buildings.

**Conclusion**

Based on the trip generation comparison presented in this memo, the net change in trips would be negative when changing the General Plan designation from Regional Commercial to Low Intensity Office/R&D. Also, the proposed data center would generate fewer trips than the existing office buildings.

**Table 1  
Daily Trip Generation Comparison for Changes in Designation**

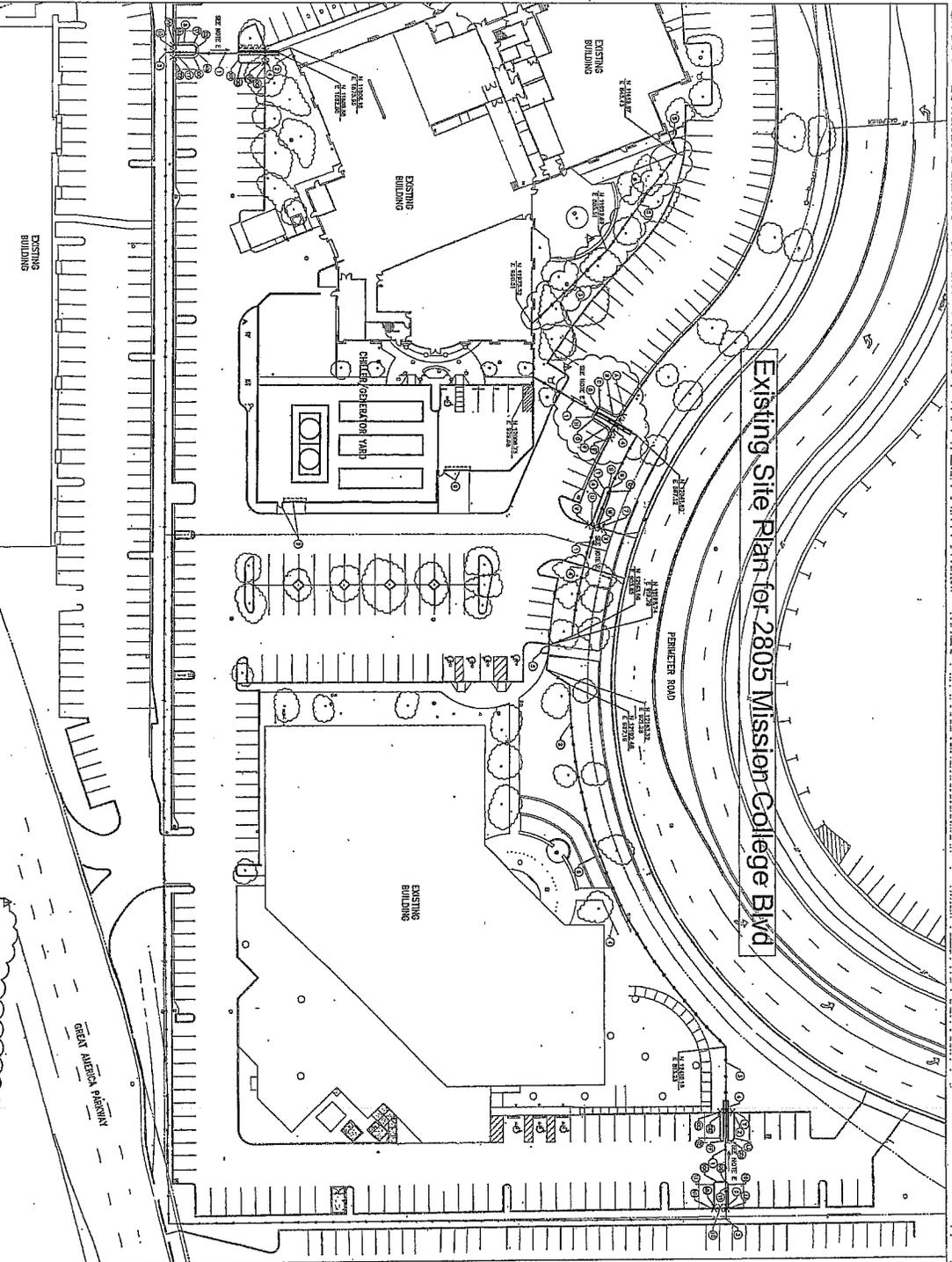
Land Use	Size	Units	Daily Trips
<b>Proposed Use</b>			
Low Intensity office/Research and Development Center <sup>/a/</sup>	241.0	ksf	2,627
<b>Designated Use</b>			
Regional Commercial <sup>/b/</sup>	141.8	ksf	8,521
<b>Net new trips</b>			<b>-5,895</b>
<b>Notes:</b>			
/a/ Institute of Transportation Engineers, Trip Generation, 8th Edition. General Office (710).			
/b/ Institute of Transportation Engineers, Trip Generation, 8th Edition. Shopping Center (820).			

**Table 2  
Daily Trips Generation Comparison between Data Center vs. Office**

Land Use	Size	Units	Daily Rate	Daily Trips
<b>Proposed Use</b>				
Data Center <sup>/a/</sup>	132.3	ksf	2.88	381
<b>Existing Use</b>				
General Office <sup>/b/</sup>	132.3	ksf	12.51	1,654
<b>Net new trips</b>				<b>-1,274</b>
<b>Notes:</b>				
/a/ Based on trip generation Study for telecommunication facilities conducted by Hexagon and Keith & Schnaar, P. A. on March 15, 2011 (Trip Generation Study for Telecommunication Facilities).				
/b/ Institute of Transportation Engineers, Trip Generation, 8th Edition. General Office (710).				

EXHIBIT "PLANS"

Existing Site Plan for 2805 Mission College Blvd



KEY NOTES

1. SHOW EXISTING CURB AND GUTTER
2. SHOW EXISTING DRIVE, DRIVEWAY AND SIDEWALK
3. SHOW EXISTING DRIVE, DRIVEWAY AND SIDEWALK
4. SHOW EXISTING DRIVE, DRIVEWAY AND SIDEWALK
5. SHOW EXISTING DRIVE, DRIVEWAY AND SIDEWALK
6. SHOW EXISTING DRIVE, DRIVEWAY AND SIDEWALK
7. SHOW EXISTING DRIVE, DRIVEWAY AND SIDEWALK
8. SHOW EXISTING DRIVE, DRIVEWAY AND SIDEWALK

GENERAL NOTE

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.
4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.
5. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.
7. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.

NEW CURB, NORTHINGS AND EASTINGS

STATION	NORTHING	EASTING
1+00	1000.00	1000.00
1+10	1000.00	1000.00
1+20	1000.00	1000.00
1+30	1000.00	1000.00
1+40	1000.00	1000.00
1+50	1000.00	1000.00
1+60	1000.00	1000.00
1+70	1000.00	1000.00
1+80	1000.00	1000.00
1+90	1000.00	1000.00
2+00	1000.00	1000.00
2+10	1000.00	1000.00
2+20	1000.00	1000.00
2+30	1000.00	1000.00
2+40	1000.00	1000.00
2+50	1000.00	1000.00
2+60	1000.00	1000.00
2+70	1000.00	1000.00
2+80	1000.00	1000.00
2+90	1000.00	1000.00
3+00	1000.00	1000.00
3+10	1000.00	1000.00
3+20	1000.00	1000.00
3+30	1000.00	1000.00
3+40	1000.00	1000.00
3+50	1000.00	1000.00
3+60	1000.00	1000.00
3+70	1000.00	1000.00
3+80	1000.00	1000.00
3+90	1000.00	1000.00
4+00	1000.00	1000.00
4+10	1000.00	1000.00
4+20	1000.00	1000.00
4+30	1000.00	1000.00
4+40	1000.00	1000.00
4+50	1000.00	1000.00
4+60	1000.00	1000.00
4+70	1000.00	1000.00
4+80	1000.00	1000.00
4+90	1000.00	1000.00
5+00	1000.00	1000.00
5+10	1000.00	1000.00
5+20	1000.00	1000.00
5+30	1000.00	1000.00
5+40	1000.00	1000.00
5+50	1000.00	1000.00
5+60	1000.00	1000.00
5+70	1000.00	1000.00
5+80	1000.00	1000.00
5+90	1000.00	1000.00
6+00	1000.00	1000.00
6+10	1000.00	1000.00
6+20	1000.00	1000.00
6+30	1000.00	1000.00
6+40	1000.00	1000.00
6+50	1000.00	1000.00
6+60	1000.00	1000.00
6+70	1000.00	1000.00
6+80	1000.00	1000.00
6+90	1000.00	1000.00
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7+60	1000.00	1000.00
7+70	1000.00	1000.00
7+80	1000.00	1000.00
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9+80	1000.00	1000.00
9+90	1000.00	1000.00
10+00	1000.00	1000.00

GRAPHIC SCALE  
1" = 20' 0"

GRAPHIC SCALE  
1" = 20' 0"

CH2M HILL  
QUALITY  
SERVICES

CH2M HILL  
QUALITY  
SERVICES

# FUTURE / RESTORATION OFFICE USE PARKING REQUIREMENTS:

## CODE REFERENCE PARKING REQUIREMENTS:

PURSUANT TO THE PROPOSED PD ZONING AMENDMENT, THE FOLLOWING RATIOS WILL APPLY FOR OFFICE USE:

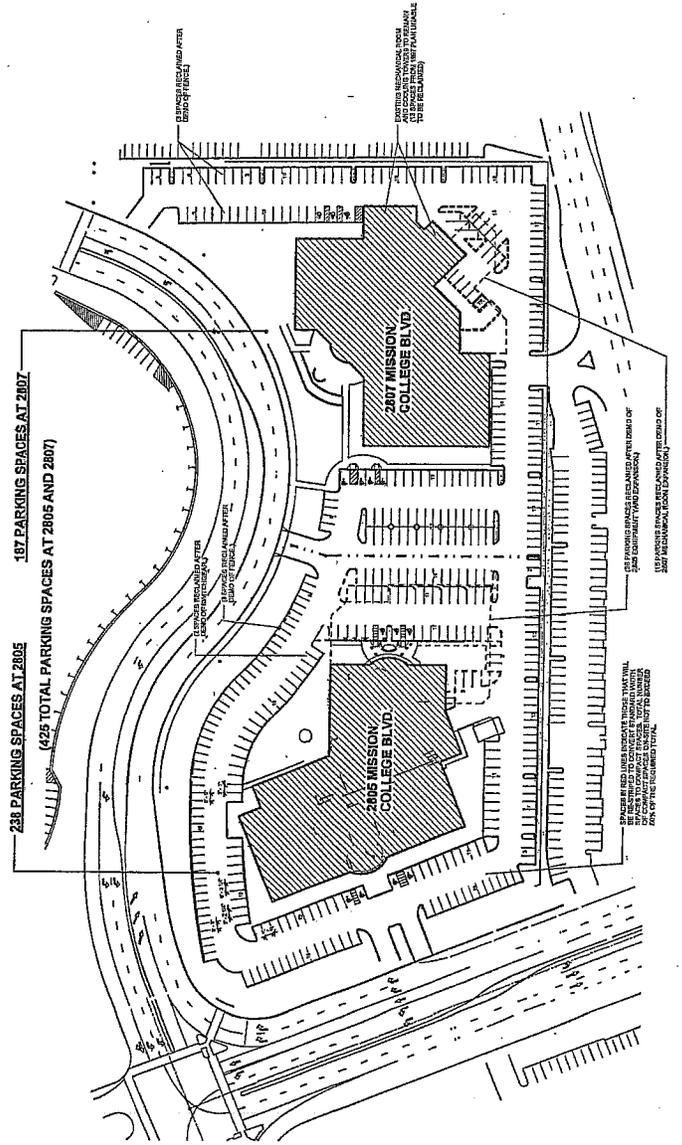
- 2805 MISSION COLLEGE BOULEVARD
  - OFFICE USE: 1 SPACE PER 307 SF OF GROSS FLOOR AREA.
  - MAXIMUM CENTER: 1 SPACE PER 150 SF OF GROSS FLOOR AREA.
  - COMPACT SPACES: 40% MAX.

- 2807 MISSION COLLEGE BOULEVARD
  - OFFICE USE: 1 SPACE PER 307 SF OF GROSS FLOOR AREA.
  - LIGHT INDUSTRIAL/RETAIL CENTER: 1 SPACE PER 150 SF OF GROSS FLOOR AREA.
  - COMPACT SPACES: 40% MAX.

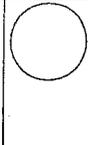
TOTAL GROSS S.F. AT 2805 MISSION COLLEGE BLVD. = 71,661 SF  
 OFFICE PARKING RATIO - 1 / 307  
 TOTAL MAXIMUM SPACES REQUIRED = 238

TOTAL GROSS S.F. AT 2807 MISSION COLLEGE BLVD. = 65,353 SF  
 OFFICE PARKING RATIO - 1 / 307  
 TOTAL MAXIMUM SPACES REQUIRED = 187

Parking requirements shall be identified, satisfied if the parcels, in the aggregate, provide the total number of spaces required under the parking ratios stated above.

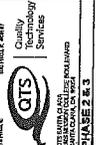
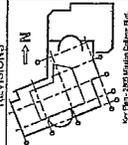


PRELIMINARY  
 AND CONCEPTUAL  
 ONLY  
 NOT FOR  
 CONSTRUCTION



CH2M HILL  
 PROFESSIONAL CORP.  
 1400 WEST 10TH AVENUE  
 DENVER, COLORADO 80202

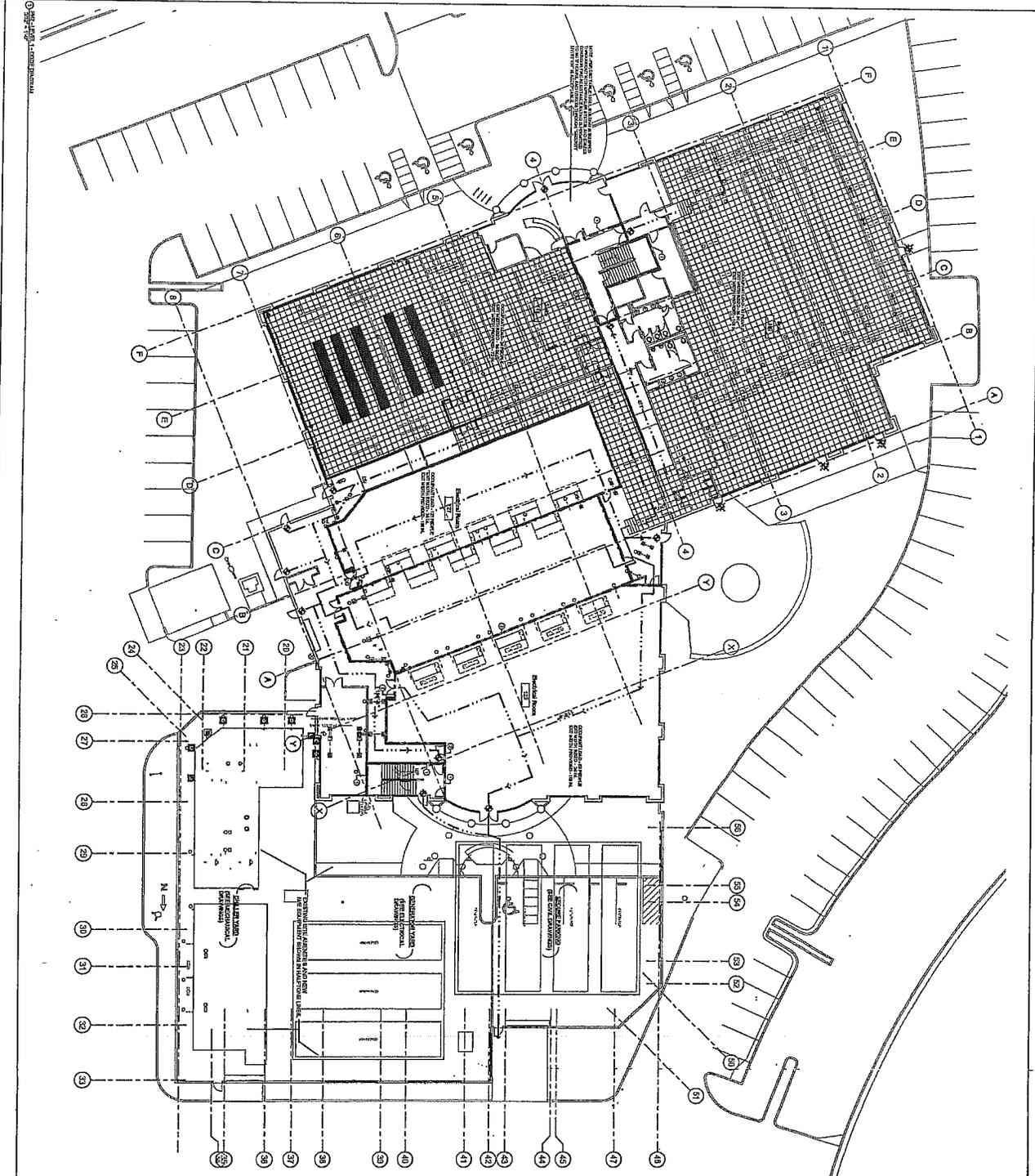
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PHASE 2 & 3  
 OFFICE USE RESTORATION  
 ZONING PARKING DIAGRAM

NO.	DATE	BY	REVISIONS
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SCALE: 1/8" = 1'-0"



B-1

CHAMHILL  
 ARCHITECTURAL  
 10000 CHAMHILL DRIVE  
 SUITE 100  
 DALLAS, TEXAS 75243  
 TEL: 972-412-1111  
 FAX: 972-412-1112

PROJECT: **ADDC**  
 DRAWING: **522-0000-012**  
 DATE: **07/12/02**

CHAMHILL ARCHITECTURAL  
 10000 CHAMHILL DRIVE  
 SUITE 100  
 DALLAS, TEXAS 75243  
 TEL: 972-412-1111  
 FAX: 972-412-1112

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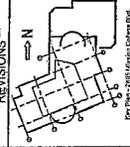
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PROGRESS PRINT  
NOT FOR  
CONSTRUCTION  
07 JUN 2011



**CH2MHILL**  
AECOM

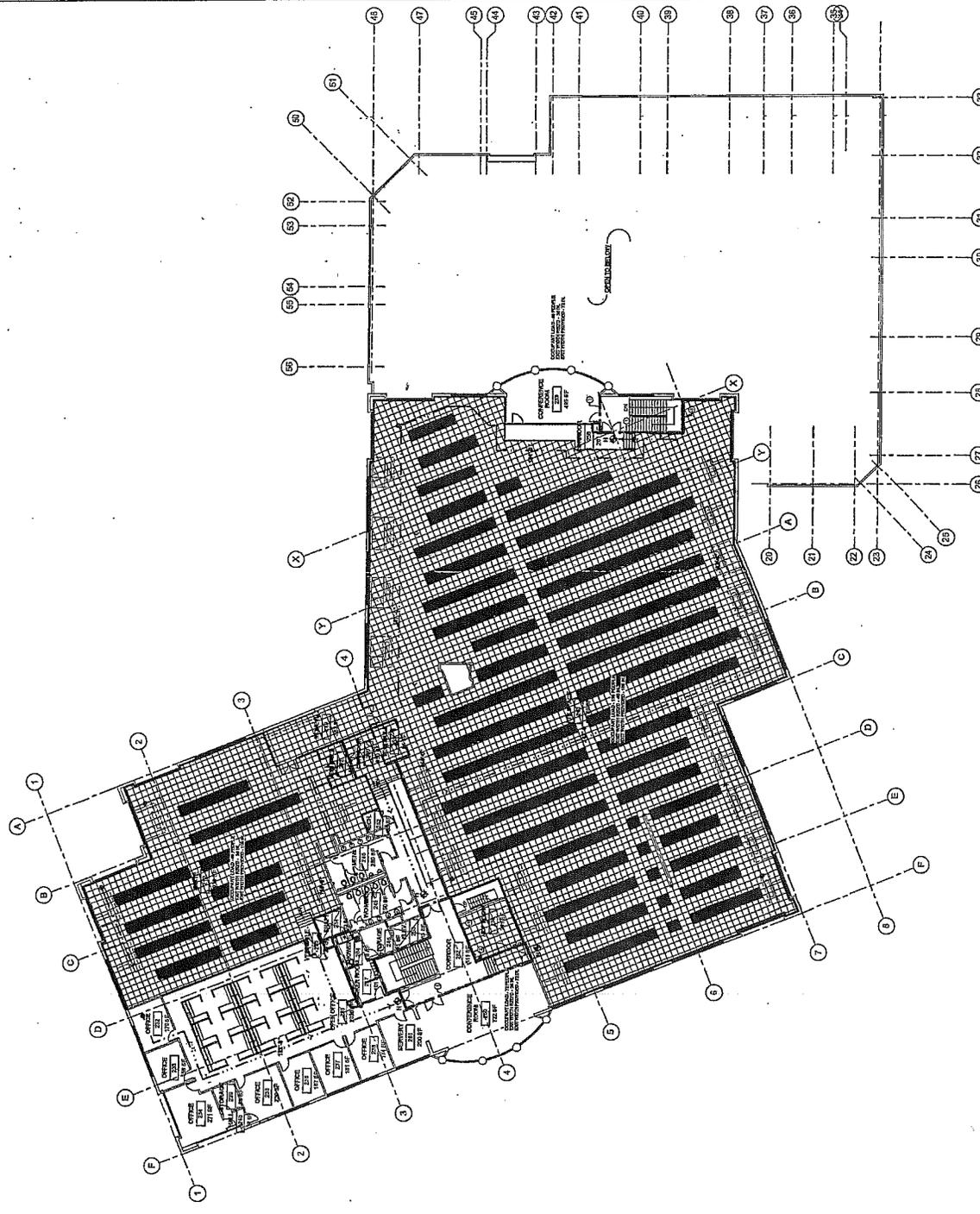
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**GIS**  
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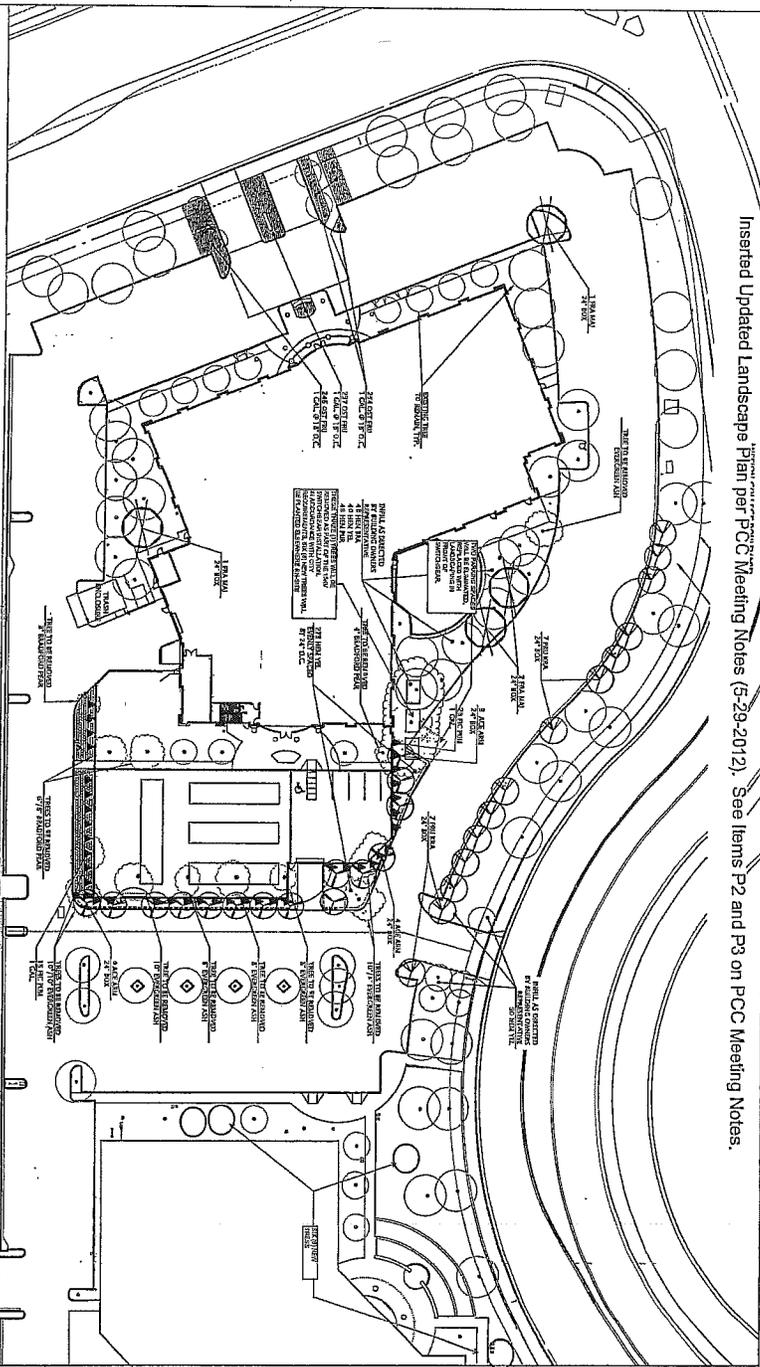
SC2 ARCHITECTURAL  
LEVEL 2  
CODE DIAGRAM

DATE: 05/27/11  
SCALE: AS SHOWN



© 2011 CH2MHILL  
AECOM

Inserted Updated Landscape Plan per PCC Meeting Notes (5-29-2012). See Items P2 and P3 on PCC Meeting Notes.



**GENERAL NOTES**

1. REFER TO ARCHITECTURAL SPECIFICATIONS FOR MATERIALS AND FINISHES.
2. REFER TO MECHANICAL, ELECTRICAL AND PLUMBING (MEP) DRAWINGS FOR SYSTEMS AND EQUIPMENT.
3. REFER TO STRUCTURAL DRAWINGS FOR COLUMN AND BEAM LOCATIONS.
4. REFER TO INTERIOR FINISHES SCHEDULE FOR MATERIALS AND FINISHES.
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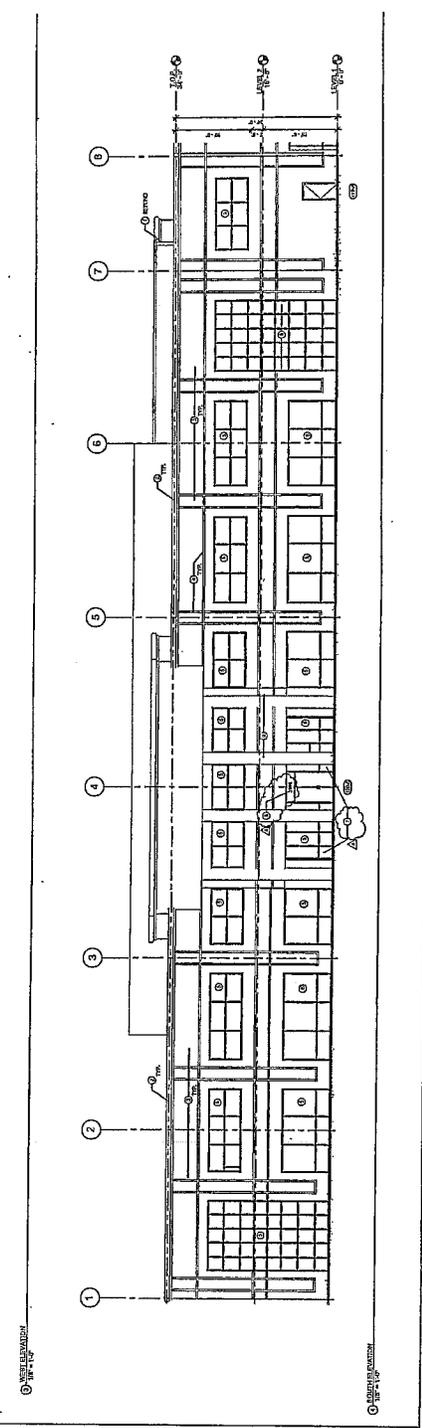
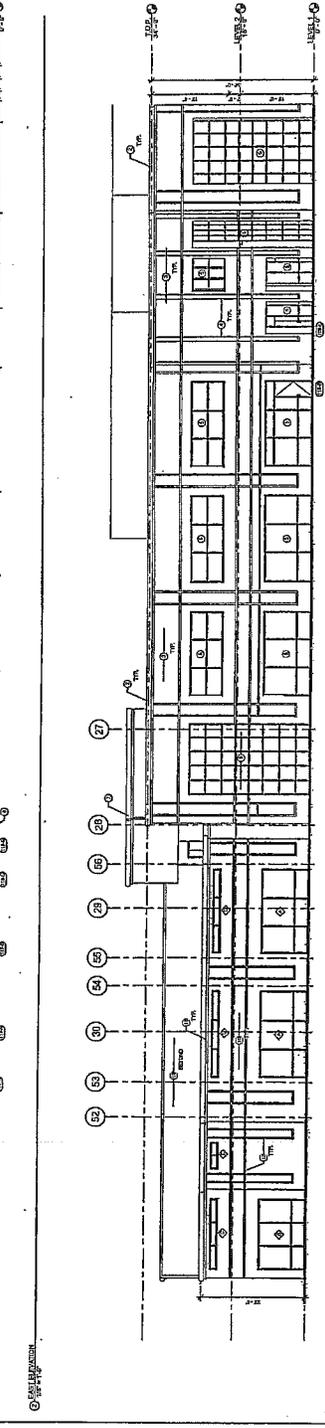
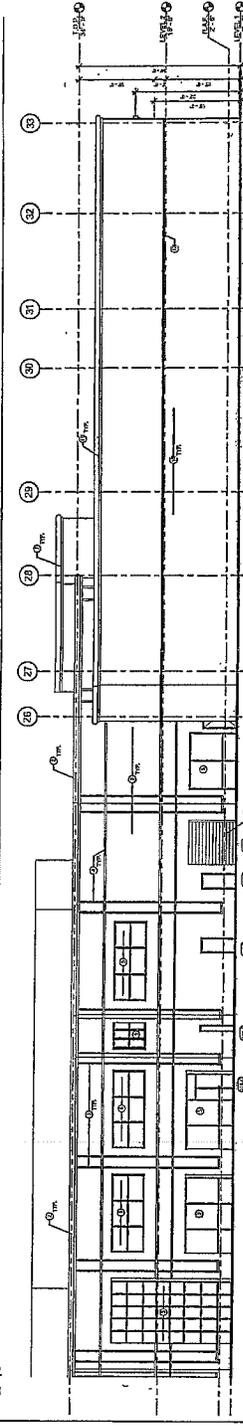
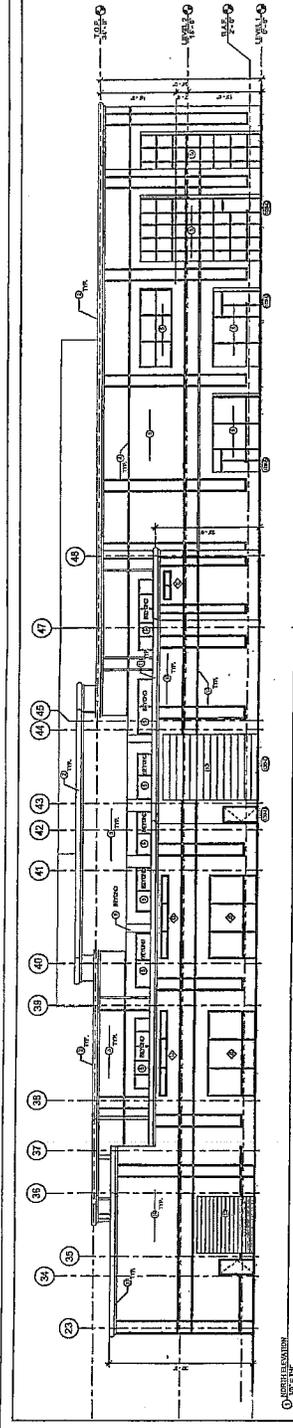
**CH2M HILL**  
 CONSULTING ENGINEERS  
 1000 17th Street, Suite 1000  
 Denver, CO 80202  
 PHONE: 303.733.1000  
 FAX: 303.733.1001  
 WWW.CH2MHILL.COM

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**QTS**  
 Quality Technology Services  
 1000 17th Street, Suite 1000  
 Denver, CO 80202  
 PHONE: 303.733.1000  
 FAX: 303.733.1001  
 WWW.QTS.COM

**812 ARCHITECTURAL**  
 EXTERIOR ELEVATIONS

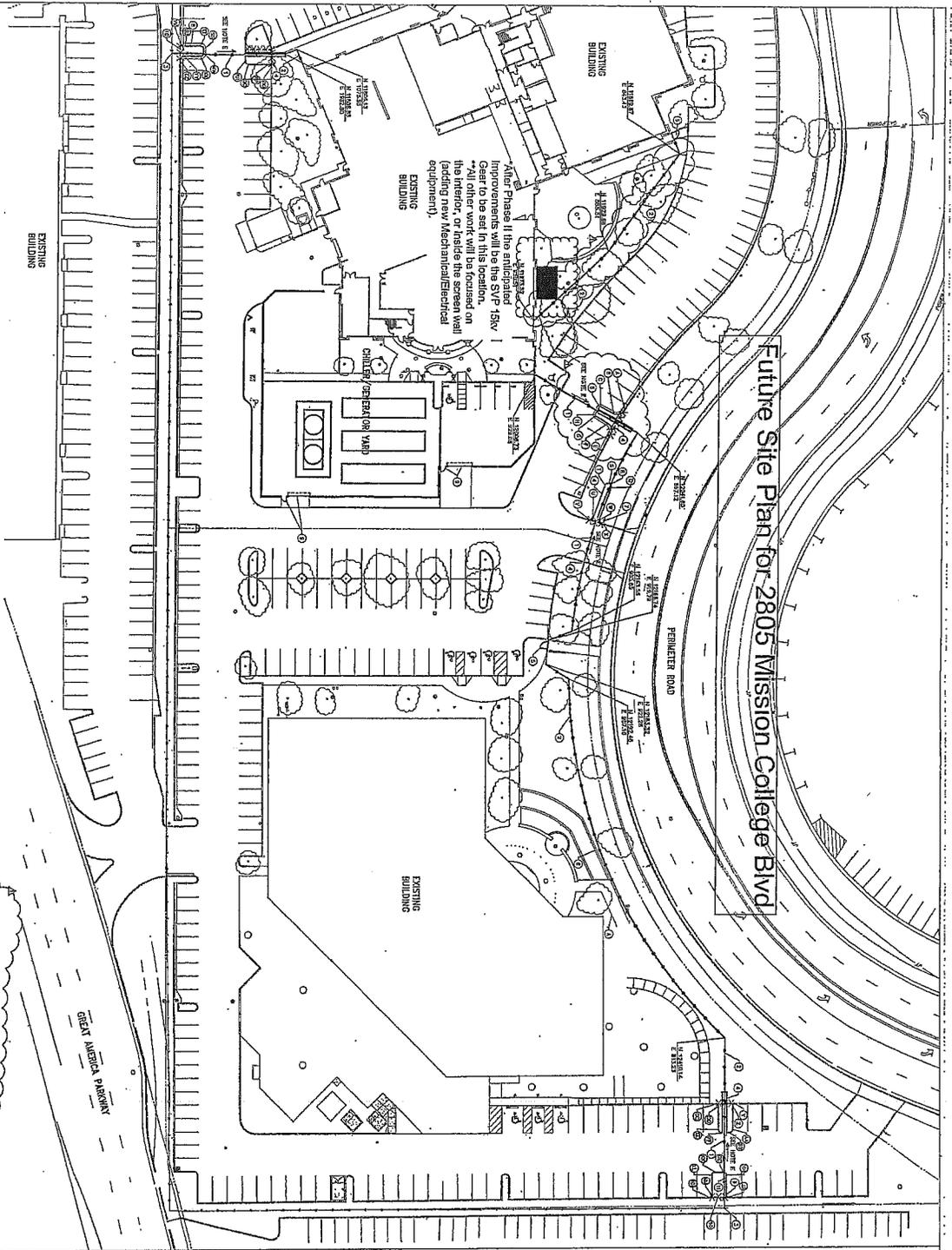
DATE: 08/14/2013  
 DRAWN BY: J. HARRIS  
 CHECKED BY: J. HARRIS  
 PROJECT NO: 812A-1400







# Future Site Plan for 2805 Mission College Blvd



Phase II of the anticipated future Phase I building is to be set in this location. All other work will be focused on the interior or outside the screen wall (adding new Mechanical/Electrical equipment).

### KEY NOTES

1. SHOW EXISTING AND NEW CONSTRUCTION
2. EXISTING BUILDINGS, AS SHOWN SMALL, NOT TO SCALE
3. EXISTING AND NEW CONSTRUCTION
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### GENERAL NOTE

1. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, AND THE CALIFORNIA BUILDING CODE, AS APPLICABLE. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, AND THE CALIFORNIA BUILDING CODE, AS APPLICABLE. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF SAN JOSE, CALIFORNIA, AND THE CALIFORNIA BUILDING CODE, AS APPLICABLE.

### NEW CURB BORDERS AND EXISTING

NO.	DESCRIPTION	DATE
1	EXISTING CURB BORDERS	1/15/10
2	NEW CURB BORDERS	1/15/10
3	EXISTING CURB BORDERS	1/15/10
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5	EXISTING CURB BORDERS	1/15/10
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8	NEW CURB BORDERS	1/15/10
9	EXISTING CURB BORDERS	1/15/10
10	NEW CURB BORDERS	1/15/10

GRAPHIC SCALE  
1" = 10' 0" (1:120)  
NORTH

**GTS** Quality Technology Services  
2805 MISSION COLLEGE BLVD  
SAN JOSE, CA 95128  
TEL: 408.253.1234  
WWW.GTS-CV.COM

SC02-CVIL  
FENCE PLAN  
1/15/10  
SC02ST800





Exhibit "PCMin-3/13/13"  
Planning Commission Draft Excerpt Minutes of March 13, 2013

**8.B. File No.(s):** **PLN2012-09203/CEQ2012-01148**  
**Address/APN:** 2805 and 2807 Mission College Boulevard, two parcels totaling 6.5 acres; APNs: 104-16-118, 119  
**Applicant:** Matt Tyndall, Quality Investment Properties Santa Clara LLC  
**Owner:** Mission West Valley Community College District  
**Request:** **Rezone** from Planned Development (PD/ML) to Planned Development (PD) to allow free standing data center use in addition to other permitted uses under the current PD permit  
**CEQA Determination:** Mitigated Negative Declaration  
**Project Planner:** Payal Bhagat, Assistant Planner II  
**Staff Recommendation:** **Recommend City Council Approval, subject to conditions**

**Notice:** The notice of public hearing for Item 8.B. was posted within 300 feet of the site and mailed to property owners within 300 feet.

**Discussion:** Steve Lynch gave a brief presentation on the project.

The Commission discussed the potential reversion of the project site from data center use back to office use and the resulting parking requirements. Concern was expressed with regard to implementing current parking standards on unknown circumstances the future may bring at such time of reversion of the project site use to office space.

Paul Oberle, representative for applicant, presented the project, detailing the application and needs for the data center.

The Commission confirmed that the project site currently uses 15 percent of the space as data center and the remaining 85 percent of space is empty shell. It was also clarified that the primary expansion is planned for the 2805 building and no expansion is currently planned for the 2807 building as it was recently modernized and meets the needs of the applicant.

The Commission inquired about existing lease agreements for the office space and the applicant confirmed that there is a minimal amount of existing office leases.

The Commission discussed the emergency generators on site and confirmed the availability of electricity available from Silicon Valley Power and the corresponding maximum load capacities.

Jolie Houston, representative for applicant, clarified that conditions 22 and 23 address parking concerns previously mentioned.

The Public Hearing was opened and closed with no comments received.

**Motion/Action:** The Commission motioned to adopt a resolution recommending that the City Council adopt the Mitigated Negative Declaration for the project located at 2805 and 2807 Mission College Boulevard (6-0-1-0, Costa absent ).

**Motion/Action:** The Commission motioned to adopt a resolution recommending that the City Council approving the rezone from Planned Development (PD/ML) to Planned Development (PD) for the project located at 2805 and 2807 Mission College Boulevard (6-0-1-0, Costa absent).



**CITY OF SANTA CLARA  
PLANNING COMMISSION  
STAFF REPORT**



**Agenda Item No: 8.B.**  
**File No: PLN2012-09203, CEQ2012-01148**  
**Date: March 13, 2013**

**PROJECT NAME:** 2805 and 2807 Mission College Boulevard Rezoning

**PROPOSAL:** The applicant is requesting a Rezoning from PD (ML) (Planned Development) to PD (Planned Development) to allow the use of existing industrial buildings as free standing data centers.

**RECOMMENDATION:** That the Planning Commission:

1. Recommend that the City Council find that the Mitigated Negative Declaration (MND) prepared for this project has been completed in compliance with the requirements of CEQA, and that approval of this project, as mitigated, will have no significant negative impacts on the area's environmental resources, cumulative or otherwise, and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP); and,
2. Recommend that the City Council approve the requested Rezoning from PD (ML) (Planned Development) to PD (Planned Development).

**EXECUTIVE SUMMARY:** The applicant is requesting a Rezoning from PD (ML) (Planned Development) to PD (Planned Development) to allow the development of approximately 132,300 square feet of existing light industrial buildings as free standing data centers, in addition to the uses permitted under the existing PD zoning.

At the January 30, 2013 Planning Commission meeting, the applicant requested that the project be continued to the regular Planning Commission meeting of March 13, 2013.

The complete administrative record for the project can be viewed during normal business hours at the Planning Division office located at 1500 Warburton Avenue, Santa Clara, CA 95050.

**PROJECT SUMMARY:**

**Project Applicant/Property Owner:** Matt Tyndall, Quality Investment Properties Santa Clara, LLC / Mission West Valley Community College District

**Project Application(s):** PLN2012-09203 (Rezoning) and CEQ2012-01148 (MND)

**Project Location:** 2805 and 2807 Mission College Boulevard, two parcels totaling 6.5 acres located on Mission College Boulevard

**Assessors Parcel Number(s):** 104-16-118 and 104-16-119

**Existing General Plan Designation:** Regional Commercial

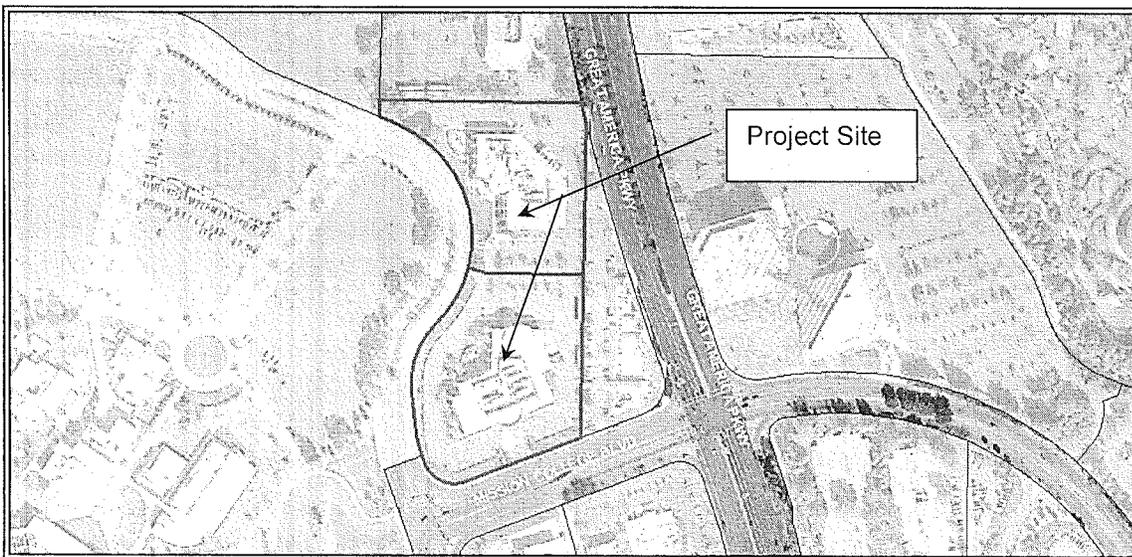
**Existing Zoning:** PD (ML) (Planned Development)

**Existing Use:** Office and free standing data center as an accessory use

**Environmental Determination:** Mitigated Negative Declaration

**Notification Radius:** The notice of public hearing for this item was posted within 300 feet of the site and was mailed to property owners within a 300 foot radius of the project site

**Project Planner:** Payal Bhagat, (408) 615-2450; PBhagat@santaclaraca.gov



#### **BACKGROUND AND PREVIOUS ACTIONS:**

Both properties were developed with office buildings in 1979 after the City Council approved a rezoning of the property from CP (Commercial Park) to PD (ML) (Planned Development). The rezoning allowed the properties to be used primarily as office buildings, but also authorized the use of a minor amount of square footage as light manufacturing/electronic assembly/R&D "F-1" occupancy. In 2008, a 4,350 square foot addition to the building was approved at 2807 Mission College Boulevard. This addition was allowed with a new modified parking ratio of 1:350 for that site. In 2010, approximately 10,700 square feet (15%) of the building located at 2805 Mission College Boulevard was converted into a free standing data center.

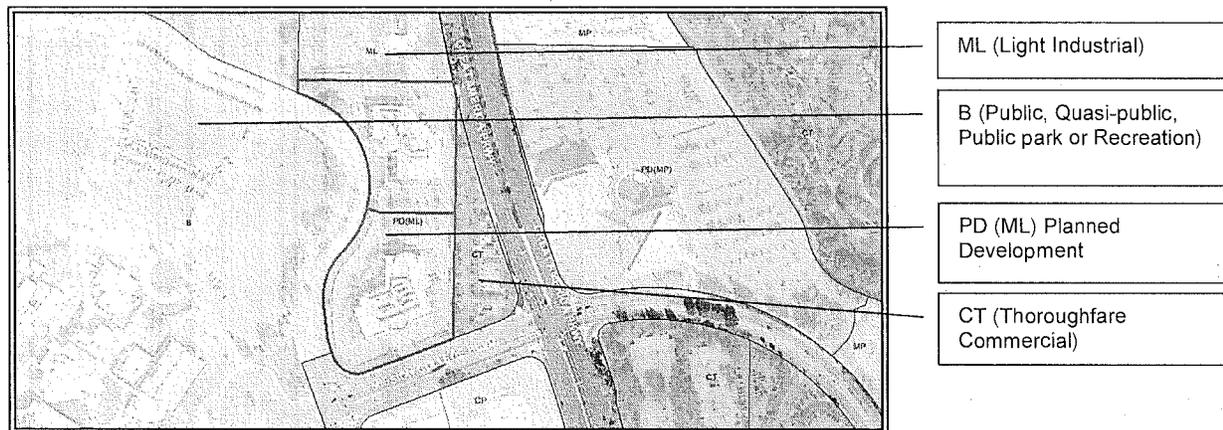
**SITE LOCATION AND CONTEXT:**

Surrounding Land Uses

The project site is bounded by Mission College Boulevard to the south, an office building to the north, Perimeter Street (private street) to the west, and commercial to the east.



**General Plan Map**



**Zoning Map**

Surrounding General Plan and Zoning

The properties to the north and east of the project site are designated as Regional Commercial and the properties to the west are designated as Public/Quasi-Public. The property to the north of the project site is zoned ML (Light Industrial) which allows uses such as commercial storage, warehouses, plants and facilities for the assembly, compounding, manufacturing, packaging, processing, repairing, or treatment of equipment, materials, merchandise, or products, incidental and accessory buildings, storage buildings, outdoor storage, warehouses, exposed mechanical appurtenances, and the like. The property to the west of the project site is zoned B (Public, Quasi-public, Public Park or Recreation) which allows landscaped public facilities, city-owned pumping stations, public utility substations, telephone company switching stations, operations, and public parks. The property to the east of the project site is zoned CT (Thoroughfare Commercial), which allows auto sales and service buildings, garages – public and private,

ambulance services, auto repairs, motorcycle sales and service, motels, hotels, rental businesses, and vehicle accessory centers.

## PROJECT DESCRIPTION:

The applicant is requesting a Rezoning from PD (ML) (Planned Development) to PD (Planned Development) to allow the use of existing industrial buildings as free standing data centers, in addition to the uses permitted under the existing PD zoning. The current zoning of the property allows the use of existing development primarily as offices with a minor amount of square footage allowed as light manufacturing/electronic assembly/R&D "F-1" occupancy. The proposed rezoning would allow the use of both buildings as free standing data centers and also allow accessory, secondary or small scale supporting retail uses that serve local employees and visitors. Other improvements such as backup generators, chillers, equipment yards or enclosures, landscaping, and security fences are proposed as part of the project. Aside from the installation of equipment yards, there are no changes or additions proposed to the existing office buildings. The applicant holds a long term ground lease for the subject project site.

### Circulation and Parking

In 2008, subsequent to the prior PD rezoning, the City approved an approximately 4,350 square foot addition to the 2807 Mission College Boulevard building. This addition increased the building square footage approved under the PD, while decreasing the area on the site available for parking.

Data centers typically require installation of equipment yards, therefore, implementation of the proposed project further reduce the parking at 2805 and 2807 Mission College Boulevard by 56 and 13 spaces respectively, resulting in the following parking ratios at the project site after the buildings are fully converted to data center uses:

#### **Parking standard during data center use:**

	<b>Area</b>	<b>Parking Ratio</b>	<b>Number of Spaces</b>
2805 Mission College Blvd	71,661 sq.ft.	1:394	182
2807 Mission College Blvd	65,353 sq.ft.	1:376	174

Since the required equipment yard is specifically needed only for the data center use, the project is conditioned to restore the parking at such time as the subject buildings are to be used as something other than data centers. City staff has determined appropriate parking standards for this site, should the data center use cease and the existing buildings be restored to other uses permitted under the PD zoning. These parking standards are based on restoration of the buildings to their existing conditions, and account for the fact that the 4,350 square foot addition to the 2807 Mission College Boulevard building would remain in place if the existing buildings were converted from data centers to other uses in the future. In order to provide flexibility regarding the design of the restored parking lot at such future time, the PD rezoning would also provide that the parking requirements for the individual buildings would be considered satisfied if the aggregate requirements shown below are met:

**Parking standard after restoration to other permitted use:**

	<b>Area</b>	<b>Parking Ratio</b>	<b>Number of Spaces</b>
2805 Mission College Blvd	71,661 sq.ft.	1:301	238
2807 Mission College Blvd	65,353 sq.ft.	1:350	187
Aggregate Requirements	137,014 sq.ft.	1:322	425

The conditions of approval also provide that the minimum parking ration for any portions of the existing buildings converted to light industrial use will be one space per 750 feet.

The Santa Clara City Code currently does not have parking requirements for a data center. Since a data center typically stores racks of computers and other equipment, the parking requirement for such a facility is comparable to that of a warehousing and wholesaling establishment. Per SCCC section 18.74.020(w)(1), the properties at 2805 and 2807 Mission College Boulevard would require 36 and 33 parking spaces respectively. Therefore, the project site currently provides sufficient parking to support the proposed use of the site.

General Plan and Zoning Conformance

The subject property has a General Plan land use designation of Regional Commercial. This classification is intended for commercial developments that serve both Santa Clara residents and the surrounding region. A broad range of retail uses is allowed, including regional shopping centers, local-serving offices, home improvement/durable goods sales and services, warehouse membership clubs, new and used auto sales and services, and travel-related services such as hotels, gas stations, restaurants, convention centers, amusement parks and sport venues. The proposal is consistent with the following General Land Use Policies of the General Plan:

- Policy 5.3.1-P6 allows planned development that is consistent with General Plan land use density and intensity requirements to address unique situations to achieve high community design standards that would otherwise not be feasible. This proposal expands the use of existing two office buildings to include free-standing data centers and secondary or small scale supporting retail that would serve local employees and visitors.
- Policy 5.3.1-P29 encourages new development to be compatible with, and sensitive to, nearby existing and planned development, consistent with other applicable General Plan policies. This proposal is designed in a manner to provide adequate screening and noise mitigation.

**ENVIRONMENTAL REVIEW**

Environmental Consultant, David J Powers & Associates, Inc., prepared an Initial Study and Mitigated Negative Declaration (MND). The MND (SCN#2012122003) was circulated for 30-days (December 4, 2012 to January 3, 2013) in accordance with California Environmental Quality Act (CEQA) requirements. The City has not received any comments related to the circulated document. Copies of the Initial Study and MND are available in the Planning Division office at City Hall. A Mitigation Monitoring and Reporting Program was prepared and is attached to this report.

The MND identified potential impacts pertaining to air quality, cultural resources, hazards and hazardous materials, and hydrology and water quality. A detailed discussion of the potential impacts and proposed mitigation measures to be applied to the project are specified in the environmental document. A copy of the MND has been provided to the applicant and the applicant has agreed to comply with all the mitigation measures identified in the environmental document, rendering all of the potential impacts insignificant.

## PUBLIC NOTICES AND COMMENTS

The notice of public hearing for the Planning Commission meeting on January 30, 2013 for this item was posted within 300 feet of the site and was mailed to property owners within 300 feet of the project site. At the January 30, 2013 Planning Commission meeting, the applicant requested that the project be continued to the regular Planning Commission meeting of March 13, 2013. No additional public noticing was required for this project. Staff did not receive any comments from the public on this project at the time of preparation of this staff report.

## FINDINGS

*Findings provide a means to link the available evidence with the decision to approve or deny the application. If this request is favorably considered, the preponderance of evidence should support the following or similar findings to approve the **Rezoning** request. The following evidence and facts provide a basis for the recommendation/action on this request:*

- (a) *The existing zoning is inappropriate or inequitable, in that:*
  - The current zoning of the property is very restrictive and does not allow the use of the project site as a free standing data center.
- (b) *The proposed zone change will conserve property values; protect or improve the existing character and stability of the area in question; and will promote the orderly and beneficial development of such area, in that:*
  - The proposal is designed in a manner that is consistent with the adjacent industrial and commercial uses around the site; and
  - The proposed improvements include, maintaining most of the mature landscaping on site, providing security fencing, and appropriate site lighting.
- (c) *The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that:*
  - The proposal will allow the use of the existing industrial buildings as free standing data centers. The proposal will also expand the options available to local and regional businesses by providing additional leasable data center space in an industrial building that is accessible from a major transit hub and is located on a major arterial street.
- (d) *The proposed zone change would allow imaginative planning and design concepts to be utilized for that would otherwise be restricted in other zoning districts, in that:*
  - The current proposal does not involve significant exterior changes to the existing buildings, but provides flexibility in the range of uses allowed to operate within existing industrial buildings.

## ATTACHMENTS RELATED TO THIS REPORT

Planning Commission Resolution – Mitigated Negative Declaration (Exhibit “PC Reso-MND”)

Planning Commission Resolution – Rezoning (Exhibit “PC Reso-ReZ”)

Conditions of Approval (Exhibit “CoA-ReZ”)

Mitigated Negative Declaration (Previously Distributed) (Exhibit “MND”)

Mitigation Monitoring and Reporting Program (Exhibit “MMRP”)

Correspondence as of March 6, 2013 (Exhibit “Corr – 3/6/13”)

Development Plans (Exhibit “Plans”)

I:\PLANNING\2012\Project Files Active\PLN2012-09203 2805 and 2807 Mission College Blvd (PD Amendment-Rezoning)\PC\PC 3-13-2013\PC Staff Report 2805 and 2807 Mission College Blvd.doc

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT THE MITIGATED NEGATIVE DECLARATION (MND) AND THE MITIGATION MONITORING AND REPORTING PROGRAM (MMRP) FOR THE PROJECT LOCATED AT 2805 AND 2807 MISSION COLLEGE BOULEVARD, SANTA CLARA**

CEQ2012-01148 (MND)

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

**WHEREAS,** Matt Tyndall, Quality Investment Properties, Santa Clara LLC ("Applicant") applied for a Rezoning of a 6.5 acre site located at 2805 and 2807 Mission College Boulevard, Santa Clara ("Project Site");

**WHEREAS,** the Project Site is currently zoned as PD (ML) (Planned Development);

**WHEREAS,** in order to implement the proposed development, the Project Site needs to be rezoned to PD (Planned Development) to facilitate the development of the existing building on both properties into free standing data centers ("Project") as shown on the Development Plans, attached as Exhibit "Plans";

**WHEREAS,** pursuant to the California Environmental Quality Act (CEQA), and the regulations implementing the Act, specifically 14 Cal. Code of Regs § 15070, this project was determined after an initial study to potentially have a significant effect on the environment which could be avoided with the implementation of mitigation measures, resulting in the drafting of a Mitigated Negative Declaration ("MND");

Exhibit "PC Reso-MND"

**WHEREAS**, in conformance with CEQA, the MND was circulated for public review (for a 30-day comment period) from December 4, 2012, to January 3, 2013, where during that period no comment letters were received;

**WHEREAS**, on January 17, 2013, the notice of public hearing for the January 30, 2013, Planning Commission meeting for this item was posted and mailed within 300 feet of the Project Site;

**WHEREAS**, at the January 30, 2013 Planning Commission meeting, the applicant requested that the project be continued to the following regular Planning Commission meeting of March 13, 2013;

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 13, 2013, to consider the rezoning application, MND, and MMRP during which the Planning Commission invited and considered any and all verbal and written testimony and evidence offered in favor of and in opposition to the Project; and,

**WHEREAS**, the Planning Commission reviewed the proposed MND and all pertinent information in the record.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby finds that all potentially significant environmental impacts that may directly or indirectly result from the Project would be reduced to a less-than-significant level by the mitigation measures specified in the MND.

Exhibit "PC Reso-MND"

3. That the Planning Commission hereby finds that the MND is complete, prepared in compliance with CEQA, and represents the independent judgment of the Planning Commission.

4. That the Planning Commission hereby recommends that the City Council finds that the MND completed for this project, has been completed in compliance with CEQA, and that approval of this project as mitigated will have no significant negative impacts on the area's environmental resources, cumulative or otherwise, as the impacts as mitigated would fall within the environmental thresholds identified by CEQA, and hereby adopts the MND.

5. That the Planning Commission hereby recommends that the City Council adopts the Mitigation Monitoring and Reporting Program as required by the CEQA Guidelines (14 Cal. Code of Regs. § 15074(d)).

6. 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.

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Exhibit "PC Reso-MND"

7. 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_ DAY OF \_\_\_\_\_, 2013, BY THE FOLLOWING VOTE:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

ABSTAINED: COMMISSIONERS:

ATTEST: \_\_\_\_\_  
KEVIN L. RILEY  
DIRECTOR OF PLANNING & INSPECTION  
CITY OF SANTA CLARA

Attachments Incorporated by Reference:

- 1. Mitigated Negative Declaration (Previously Distributed)
- 2. Mitigation Monitoring and Reporting Program (Exhibit "MMRP")
- 3. Development Plans (Exhibit "Plans")

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE THE REQUESTED REZONING OF THE PROPERTY LOCATED AT 2805 AND 2807 MISSION COLLEGE BOULEVARD FROM PD (ML) (PLANNED DEVELOPMENT) TO PD (PLANNED DEVELOPMENT) TO ALLOW THE USE OF EXISTING INDUSTRIAL BUILDINGS AS FREE STANDING DATA CENTERS

PLN2012-09203 (Rezoning)

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

WHEREAS, Matt Tyndall, Quality Investment Properties, Santa Clara LLC ("Applicant") applied for a Rezoning of a 6.5 acre site located at 2805 and 2807 Mission College Boulevard, Santa Clara ("Project Site");

WHEREAS, the Project Site is currently zoned as PD (ML) (Planned Development);

WHEREAS, in order to implement the proposed development, the Project Site needs to be rezoned to PD (Planned Development) to facilitate the development of the existing building on both properties into free standing data centers ("Project") as shown on the Development Plans, attached as Exhibit "Plans";

WHEREAS, the Project provides to convert the existing industrial buildings into free standing data centers. The project involves improvements such as installation of backup generators, chillers, and cooling towers to support the data center use;

WHEREAS, pursuant to section 18.112.060 of the Santa Clara City Code (SCCC), on January 17, 2013, a notice of public hearing was posted in at least six conspicuous places within three

Exhibit "PC Reso-ReZ"

hundred (300) feet of the affected property, and mailed to property owners within three hundred (300) feet of the Project Site;

**WHEREAS**, at the January 30, 2013 Planning Commission meeting, the applicant requested that the project be continued to the following regular Planning Commission meeting of March 13, 2013;

**WHEREAS**, the Planning Commission held a duly noticed public hearing on March 13, 2013, during which the Planning Commission invited and considered any and all verbal and written testimony offered in favor of and in opposition of the Project; and,

**WHEREAS**, pursuant to Section 18.112.040 of SCCC the review and recommendation of the City's Planning Commission of all rezoning requests is required before action is to be taken by the City Council.

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

1. That the Planning Commission hereby finds that the above Recitals are true and correct and by this reference makes them a part hereof.
2. That the Planning Commission hereby recommends that the City Council rezone the Project Site, as shown on Exhibit "Plans" and conditioned in Exhibit "CoA-ReZ", attached hereto and incorporated by this reference to facilitate the conversion of the existing industrial buildings into free standing data centers.
3. That pursuant to SCCC Section 18.112.010, the Planning Commission determines that the following findings exist in support of the rezoning:

Exhibit "PC Reso-ReZ"

A. The existing zoning is inappropriate or inequitable in that the current zoning of the property is very restrictive and does not allow the use of the project site as a free standing data center.

B. The proposed zone change will conserve property values, protect or improve the existing character and stability of the area in question, and will promote the orderly and beneficial development of such area in that the proposal is designed in a manner that is consistent with the adjacent industrial and commercial uses around the site and the proposed improvements include, maintaining most of the mature landscaping on site, providing security fencing and appropriate site lighting.

C. The proposed zone change is required by public necessity, public convenience, or the general welfare of the City, in that, the proposal will allow the use of the existing industrial buildings as free standing data centers. The proposal would serve to expand the options available to local and regional businesses by providing additional leasable data center space in an industrial building that is accessible from a major transit hub and is located on a major arterial street.

D. The proposed zone change would allow imaginative planning and design concepts to be utilized for that would otherwise be restricted in other zoning district, in that the current proposal does not involve significant changes to the existing buildings, but provides flexibility in the range of uses allowed to operate within an existing industrial buildings.

4. 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

Exhibit "PC Reso-ReZ"

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.

5. 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 PLANNING COMMISSION OF THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_ DAY OF \_\_\_\_\_, 2013, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:
ABSTAINED:	COMMISSIONERS:

ATTEST: \_\_\_\_\_  
 KEVIN L. RILEY  
 DIRECTOR OF PLANNING & INSPECTION  
 CITY OF SANTA CLARA

- Attachments Incorporated by Reference:  
 1. Development Plans (Exhibit "Plans")  
 2. Exhibit "CoA-ReZ" (Conditions of Approval)

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