

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY OF SANTA CLARA,
CALIFORNIA, APPROVING THE VESTING TENTATIVE
PARCEL MAP FOR THE PROPERTY LOCATED AT 651, 725
AND 825 MATHEW STREET, SANTA CLARA**

PLN2018-13564 (Architectural Review)
PLN2018-13565 (Tentative Parcel Map)

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

WHEREAS, on September 18, 2018, Michael Donaldson (“Applicant”) filed an application for a Vesting Tentative Parcel Map for 3 commercial condominium units, to allow the development of three four-story data center buildings totaling 541,000 square feet, an electric substation along Mathew Street, mechanical yard support areas, and surface parking lot on a 8.97 acre site, APN(s) 224-40-011, 224-40-002, 224-40-011, located at 651, 725 and 825 Mathew Street, Santa Clara, California (“Project Site”);

WHEREAS, on June 25, 2019, the Subdivision Committee determined that the application is complete and that the parcel map be reviewed by the City Council in conformance with Section 17.05.400 of the SCCC as a Vesting Tentative Parcel Map;

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

WHEREAS, Section 17.05.400 (d) of the SCCC further requires that notice of the public hearing before the City Council be given by providing notice to all property owners within three hundred (300) feet of the proposed Tentative Parcel Map area by mail and by posting a notice of public hearing in at least three places within vicinity of the project site;

WHEREAS, notice of the public hearing on the Vesting Tentative Parcel Map was published in the *Weekly*, a newspaper of general circulation for the City, on August 14, 2019;

WHEREAS, notices of the public hearing on the Vesting Tentative Parcel Map were posted in three conspicuous locations within three hundred (300) feet of the Project Site and were mailed

to all property owners within five hundred (500) feet of the Project Site, according to the most recent assessor's roll, on August 16, 2019;

WHEREAS, in conformance with CEQA, at the February 6, 2019 Architectural Committee meeting, the City relied on a Mitigated Negative Declaration (MND) prepared by the California Energy Commission, adopted a Mitigation Monitoring and Reporting Program, and imposed mitigation measures as conditions of approval;

WHEREAS, on February 6, 2019, the Architectural Committee held a duly noticed public hearing to consider the architectural review application, at the conclusion of which the Architectural Committee approved the revised project to accommodate three four-story data center buildings totaling 541,000 square feet, electric substation, support areas and parking;

WHEREAS, before considering the Vesting Tentative Parcel Map, the City Council reviewed and considered the information contained in the Mitigated Negative Declaration (MND) for the Project and the Mitigation Monitoring and Reporting Program, attached hereto as Exhibit "MMRP", and found that mitigation measures identified for the Project have been imposed and incorporated into the Project and this Vesting Tentative Parcel Map, which mitigate or avoid the significant environmental effects; and

WHEREAS, on August 27, 2019, the City Council reviewed the Vesting Tentative Parcel Map and conducted a public hearing, at which time all interested persons were given an opportunity to provide testimony and present evidence, both in support of and in opposition to the proposed Vesting Tentative Parcel Map.

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

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

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

A. The Vesting Tentative Parcel Map is consistent with the objectives, policies, general land use and programs specified in the City's General Plan in that the proposed Vesting Tentative Parcel Map would allow for 3 commercial condominium units that closely implements the General Plan's vision for industrial development.

B. The design and improvements of the proposed subdivision are consistent with the City's General Plan in that the Vesting Tentative Parcel Map would allow a construction of three data center buildings on a site that is designated as Heavy Industrial under the General Plan. The Vesting Tentative Parcel Map is subject to the conditions set forth in Exhibit "Conditions of Approval - Map", attached hereto and incorporated by this reference.

C. The site is physically suitable for the proposed type of development in that the project is designed with exterior building materials that include plaster, cement, metal and glass typical of the industrial area. The design of the buildings is visually similar and incorporates the use of varied surface materials and colors consistent with adjacent industrial and commercial development.

D. This site is physically suitable for the proposed intensity of development in that the Project Site allows a redevelopment of an existing industrial property that is comprised of vacant industrial space and surface parking. The project is consistent with the MH Zoning District, which accommodates data center uses, and is served by existing municipal facilities.

E. The design of the subdivision and type of improvements are not likely to cause serious health problems in that the site is surrounded by industrial and commercial development and does not propose the use of hazardous chemicals or materials. There are no residential developments immediately adjacent that would be impacted with privacy concerns.

F. The design of the subdivision and type of improvements are not likely to cause substantial environmental damage and will not substantially or unavoidably injure fish or wildlife or their habitat in that the project is located in an urbanized setting, on a previously developed site, and includes mitigation measures, as identified in the Mitigated Negative Declaration, that reduce impacts to wildlife habitat to less-than-significant levels.

G. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large or use of property within the proposed subdivision in that, the project is designed to avoid encroachments and conflicts with public easements in the site design. The proposed data center use and associated parking are self-contained within the limits of the property.

H. The Vesting Tentative Parcel Map provides, to the extent feasible, for future passive or natural heating or cooling opportunities, in that it would allow flexibility in the development standards to maximize the benefits of green building standards for site and building design. The development is for a modern data center facility.

3. Based on the findings set forth in this Resolution and the evidence in the Staff Report and such other evidence as received at the public hearings on this matter, the City Council hereby approves the Vesting Tentative Parcel Map, substantially in the form on file as shown in the "Tentative Parcel Map" attached hereto, subject to conditions of approval attached as "Conditions of Tentative Parcel Map Approval" and hereby incorporated by this reference.

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

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED
AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING
THEREOF HELD ON THE ____ DAY OF _____, 2019 BY THE FOLLOWING VOTE:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____
NORA PIMENTEL, MMC
ASSISTANT CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

1. Tentative Parcel Map
2. Conditions of Approval Tentative Parcel Map
3. Mitigation Monitoring and Reporting Program

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