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### **REPORT TO COUNCIL**

#### **SUBJECT**

Authorize the City Manager to Execute a Quitclaim Deed to Extinguish Parking Easements and Accept and Grant a New Ingress/Egress Easement at a Location on Pastoria Avenue to Benefit the Properties of the City and the Adjoining Landowner

#### **BACKGROUND**

On April 29, 2014 the City Council heard an appeal on the Special Development Permit for a project located at 420 South Pastoria Avenue owned by Distel Limited Partnership and Happy Life Limited Partnership (RTC 14-0444). The project site is adjacent to the Sunnyvale Office Center and Sunnyvale Public Library (Attachment 1) and consists of a child care center for up to 188 students and 18 employees in an existing office building. As part of the project review process staff discovered that the 420 S. Pastoria Avenue property and adjacent City properties were both encumbered with reciprocal parking easements (Attachment 2). The project includes a proposal to use sections of the parking easements for school uses (outdoor play area), which requires City approval. Staff determined that it would be beneficial to remove any unnecessary encumbrances burdening both properties to allow for maximum property management flexibility. If the project is approved it will be required to execute reciprocal quitclaim deeds for the parking easements as conditions of approval.

#### **EXISTING POLICY**

General Plan Goal CC-4 *Accessible and Attractive Public Facilities* - Provide facilities which are accessible, attractive, and add to the enjoyment of the physical environment.

#### **ENVIRONMENTAL REVIEW**

This action is not a project for purposes of CEQA because it will not result in a direct physical change in the environment (Guideline 15378). A Negative Declaration was prepared for the childcare project, including analysis of traffic and parking, which was adopted by the Planning Commission and was heard on appeal by the City Council on April 29, 2014 (RTC 14-0444).

#### **DISCUSSION**

As part of the project submittal staff analyzed the reciprocal parking easements (recorded in 1978) between the City of Sunnyvale and Distel Limited Partnership/ Happy Life Limited Partnership. Staff determined that under the proposed and current uses the parking needs for both sites did not require parking easements. However, a new reciprocal ingress/egress easement (Attachment 3) would be required by both property owners to ensure access at one driveway located on Pastoria Avenue.

This proposed action benefits both property owners. The removal of the parking easements removes burdens from the easement areas located on properties owned by the city and the adjoining landowner and will provide the City greater flexibility to manage its property. Under existing conditions, the City would be required to get approvals from Distel/Happy Life to make any changes

to the City property affected by the easements. Once the quitclaim deeds have been recorded, the City will have full control over its property outside of the new ingress/egress easement.

### **FISCAL IMPACT**

There is no fiscal impact. Distel/Happy Life has agreed to maintain the ingress/egress easement at no cost to the City.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

### **RECOMMENDATION**

Authorize the City Manager to execute a Quitclaim Deed to extinguish Parking Easements and accept and grant a new Ingress/Egress Easement at a location on Pastoria Avenue to benefit the properties of the City and the adjoining landowner.

Prepared by: Manuel Pineda, Assistant Director of Public Works

Reviewed by: Kent Steffens, Director, Public Works

Approved by: Robert A. Walker, Interim City Manager

### **ATTACHMENTS**

1. Location Map
2. Parking Easements
3. Ingress/Egress Easements