



City of Sunnyvale

Agenda Item-No Attachments (PDF)

File #: 15-0507, Version: 1

REPORT TO COUNCIL

SUBJECT

Adopt a Resolution to Vacate Four Public Utility Easements at 520-592 East Weddell Drive and the Lands of the City and County of San Francisco

BACKGROUND

On April 28, 2014, the City Planning Commission conditionally approved a special development permit for a 465-unit residential apartment project (the "Project") at 520-592 East Weddell Drive. There are four existing Public Utility Easements (PUEs) within the Project site and the Lands of the City and County of San Francisco, a parcel in the middle of the Project (Attachment 1).

The PUEs as recorded with the Santa Clara County Recorder's Office include a 5-foot PUE on two parcels in Book 6545, Page 606; a 46-foot PUE on two parcels in Book D024, Page 211; a 10-foot PUE on one parcel in Book 348, Page 129; and a 51-foot PUE on three parcels in Book C933, Page 170 (Attachment 2). The vacation of the PUEs is one of the Project's Conditions of Approval to allow for construction of buildings within the Project site.

On June 23, 2015, the City Council adopted a resolution declaring its intention to vacate four PUEs and setting July 14, 2015 at 7:00 pm as the date and time for public hearing (RTC 15-0460).

EXISTING POLICY

General Plan, Chapter 3, Goal LT-4 - Quality Neighborhoods and Districts
Policy LT4-4: Preserve and enhance the high quality of residential neighborhoods

ENVIRONMENTAL REVIEW

The City Council certified the Environmental Impact Report (EIR) for the Project on March 25, 2014. Adoption of the subject resolution vacating four Public Utility Easements is consistent with the Project's Conditions of Approval. No further environmental analysis is required for the easement vacation.

DISCUSSION

As part of the Project, the existing public facilities within the PUEs will be removed and relocated. The PUEs are no longer needed for present or prospective public use. All concerned utility companies have been contacted in writing and have no objection to the proposed vacation (Attachment 3). The City and County of San Francisco has also been coordinated with in regards to the PUE vacation on their property. New easements will be established for all relocated public facilities.

Pursuant to California Streets and Highways Code Section 8316, one or more public easements, whether or not contiguous, may be included and vacated in the same proceeding. Pursuant to

Section 8320*et seq.*, the City Council may set a hearing to vacate public easements. If the City Council finds, from all the evidence submitted that the subject PUEs are unnecessary for present or prospective public use, the City Council may adopt the Resolution to Vacate the subject PUEs (Attachment 4). Upon recordation of the Resolution to Vacate, the vacation is complete.

FISCAL IMPACT

There is no fiscal impact as a result of this proposed vacation.

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.

Public contact was also made on June 23, 2015, when City Council adopted the Resolution of Intention to Vacate the subject PUEs, and set the date and time for public hearing. On June 26 and July 3, 2015, the Notice of Public Hearing was published in the *Sunnyvale Sun*. On June 26, 2015, three Notices of Public Hearing were posted along the subject PUEs to be vacated.

ALTERNATIVES

1. Adopt a Resolution to Vacate four Public Utility Easements at 520-592 East Weddell Drive and the Lands of the City and County of San Francisco and authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's Office.
2. Adopt a Resolution to Vacate four Public Utility Easements at 520-592 East Weddell Drive and the Lands of the City and County of San Francisco with conditions as deemed appropriate by City Council and authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's Office after the conditions have been satisfied.
3. Do not adopt a Resolution to Vacate four Public Utility Easements at 520-592 East Weddell Drive and the Lands of the City and County of San Francisco.

STAFF RECOMMENDATION

Alternative 1: Adopt a Resolution to Vacate four Public Utility Easements at 520-592 East Weddell Drive and the Lands of the City and County of San Francisco and authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's Office.

The subject PUEs are unnecessary for present or prospective public use. This alternative will satisfy one of the project conditions and allow for construction of buildings within the Project site.

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Reviewed by: Manuel Pineda, Director of Public Works
Reviewed by: Robert A. Walker, Assistant City Manager
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Project Site
2. Existing Public Utility Easements to be vacated
3. Utility Company Consent Letters
4. Resolution to Vacate