



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Approve the Extension of the Closing Deadline Agreement for the Purchase and Sales Agreement for Raynor Activity Center Located at 1500 Partridge Avenue and Amend the Joint Use Agreement for Raynor Park with Stratford School to Reflect Use Permit Conditions Approved by City Council

BACKGROUND

On March 15, 2016, Council considered two appeals of decisions by the Planning Commission related to the proposed use of Raynor Activity Center by Stratford School (RTC 16-0180). After conducting a public hearing, Council acted to certify the Environmental Impact Report for the project and approve a use permit with modified conditions.

EXISTING POLICY

General Plan Chapter 4, Community Character - Recreation

Policy CC-10.7 Encourage the use of recreational and open space facilities and services for educational activities of schools that serve Sunnyvale students first, and secondarily the schools that serve students of surrounding communities.

DISCUSSION

Council directed staff to modify certain use permit conditions affecting the Joint Use Agreement with Stratford School which was previously approved by Council in December 2013 (RTC 13-292). This Agreement was approved but never executed by the City since it would not become effective unless a use permit for the school was granted by the City. As directed by Council, two modifications have been made to the agreement (see Attachment 1):

Section 1.(c) has been amended to require that Stratford School notify the City by August 15th of each year whether it intends to use Raynor Park fields during all of the dates and times it is allowed to under the Joint Use Agreement. For any times Stratford does not plan to use the field, it would be made available to other field user groups and the general public.

Section 1.(e) has been added to require Stratford School to pay \$22,000 per year towards the maintenance costs of the Raynor Park fields.

At the March 15, 2016 Council meeting, some questions also arose regarding the Purchase and Sales Agreement (PSA) approved by the Council in November 2013 (RTC 13-275). These questions related to the two-year deadline for closing escrow in the PSA. The parties did not anticipate that more than two years would be needed to bring Stratford's use permit application to public hearing. However, the process took longer than anticipated in part due to litigation that was filed challenging the City's decision to sell the Raynor Activity Center. It should be noted that the City prevailed in this

lawsuit and appeal, confirming the City's right to sell the property as contemplated.

To avoid any potential ambiguity with interpretation of the PSA, staff has prepared an amendment (Attachment 2) to extend the close of escrow date. The proposed amendment extends the close of escrow date to 60 days after the City has satisfied conditions necessary for the close of escrow (such as recording the parcel map). If further litigation is filed on the project and a court order prevents the sale from closing, the close of escrow would be extended until 60 days after any stay were lifted by the court.

ENVIRONMENTAL REVIEW

On March 15, 2016, the City Council certified an Environmental Impact Report, made findings required by CEQA and adopted a Statement of Overriding Considerations for the project. The proposed amendments to the Purchase and Sale Agreement and Joint Use Agreement do not require further CEQA review because these changes do not create significant new environmental effects or increase the severity of previously identified significant effects associated with the project. (CEQA Guidelines, Section 15162.)

FISCAL IMPACT

Amending the Joint Use Agreement results in an additional \$22,000 of revenue to the City annually. Park maintenance costs are currently funded by the General Fund.

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.

ALTERNATIVES

1. Find that the proposed extension of the closing deadline in the Purchase and Sale Agreement and amendments to the Joint Use Agreement will not create significant new environmental effects or increase the severity of previously identified significant effects associated with the project that would require additional environmental review under CEQA.
2. Authorize the City Manager to execute the revised Joint Use Agreement for Raynor Park with Stratford School (Attachment 1).
3. Authorize the City Manager to execute the Extension of Closing Deadline Agreement for the Purchase and Sales Agreement for Raynor Activity Center Located at 1500 Partridge Avenue (Attachment 2).
4. Other action as directed by City Council.

STAFF RECOMMENDATION

Alternatives 1, 2 and 3: 1) Find that the proposed extension of the closing deadline in the Purchase and Sale Agreement and amendments to the Joint Use Agreement will not create significant new environmental effects or increase the severity of previously identified significant effects associated with the project that would require additional environmental review under CEQA; 2) Authorize the City Manager to execute the revised Joint Use Agreement for Raynor Park with Stratford School (Attachment 1 of the report); and 3) Authorize the City Manager to execute the Extension of Closing Deadline Agreement for the Purchase and Sales Agreement for Raynor Activity Center Located at

1500 Partridge Avenue (Attachment 2 of the report).

Approval of Alternatives 1, 2 and 3 is consistent with Council direction from its March 15, 2016 meeting.

Prepared by: Kent Steffens, Assistant City Manager

Reviewed by: Tim Kirby, Interim Director, Finance Department

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Revised Joint Use Agreement for Raynor Park with Stratford School
2. Extension of Closing Deadline Agreement for the Purchase and Sales Agreement for Raynor Activity Center Located at 1500 Partridge Avenue