



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Adopt a Resolution to Summarily Vacate a Slope Easement at 1235 Bordeaux Drive

#### **BACKGROUND**

In 1964, a 15-foot wide slope easement along the north edge of Java Drive, was dedicated to the City of Sunnyvale as described in that Certain Easement Deed, Document No. 2720717, recorded October 9, 1964 in Book 6695 at Page 437, Official Records with the Santa Clara County Recorder's Office (Attachment 1).

During the review of the proposed site redevelopment, staff identified that the existing slope easement is not needed for roadway purposes and is not consistent with the current streetscape configuration. On November 23, 2015, the City Planning Commission conditionally approved a special development permit (2015-7459) for the construction of two new hotels on the same site - 8-story, 200-room AC Hotel and 8-story, 150-room Courtyard Marriott Hotel with a detached three-and-a-half level, above grade parking structure (the "Project"). Per the Project Conditions of Approval (EP-3 in Attachment 2), implementation of this project requires partial abandonment of the subject slope easement along the project property by summary vacation in accordance with California Streets and Highways Code.

#### **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**

A Mitigated Negative Declaration has been prepared in compliance with California Environmental Quality Act (CEQA) provisions and City guidelines. An Initial Study has determined that the proposed project would not create any significant environmental impacts with implementation of mitigation measures pertaining to noise, biological resources, cultural resources, transportation, and hazardous materials.

#### **DISCUSSION**

Pursuant to California Streets and Highways Code Section 8331, the City may summarily vacate a slope easement by adopting a resolution of vacation if it finds that the slope easement has been impassable for vehicular traffic for a period of five consecutive years and no public money was expended for maintenance on the slope easement. (Attachment 3).

#### **FISCAL IMPACT**

There is no fiscal impact as a result of this slope easement 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.

### **RECOMMENDATION**

Adopt the resolution to summarily vacate a portion of the 15-foot wide slope easement at 1235 Bordeaux Drive; and to authorize the City Clerk to submit a certified copy of the resolution to the Santa Clara County Recorder's Office.

Prepared by: Jason Jung, Civil Engineer

Reviewed by: Chip Taylor, Director, Public Works

Reviewed by: Jaqui Guzmán, Deputy City Manager

Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. Original Slope Easement Deed Santa Clara County Doc. 2720717
2. Conditions of Approval EP-3
3. Resolution of Vacation